

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
OTTORINO PASIAN,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
PLANNING DEPARTMENT APPROVAL Respondent)

Appeal No. **25-022**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on May 20, 2025, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on May 19, 2025 to Jeffrey Drimmer, of an Alteration Permit. (New one-hour rated fire protection wall at roof to a 3-story, two-unit building to comply with NOV No. 202304057 and Planning Code Case No. 2023011348ENF; legalize roof deck and stair layout and remove flue) at 1934 Jefferson Street.

APPLICATION NO. 2025/02/11/0120

FOR HEARING ON July 9, 2025

Address of Appellant(s):

Address of Other Parties:

Ottorino Pasian, Appellant(s) c/o Laura Strazzo, Attorney for Appellant(s) Patterson & O'Neill, PC 235 Montgomery Street, Suite 950, San Francisco, CA 94104	Jeffrey Drimmer, Permit Holder(s) 1934 Jefferson Street San Francisco, CA 94123
--	---



Date Filed: May 20, 2025

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 25-022

I / We, **Ottorino Pasian**, hereby appeal the following departmental action: **ISSUANCE** of **Alteration Permit No. 2025/02/11/0120** by the **Department of Building Inspection** which was issued or became effective on: **May 19, 2025**, to: **Jeffrey Drimmer**, for the property located at: **1934 Jefferson Street**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **June 18, 2025, (this is one day earlier than the Board's regular briefing schedule due to the Juneteenth holiday)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, corey.teague@sfgov.org, Natalia.fossi@sfgov.org, and joseph.ospital@sfgov.org.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **July 3, 2025, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, corey.teague@sfgov.org, Natalia.fossi@sfgov.org, joseph.ospital@sfgov.org and laura@pattersononeill.com

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, July 9, 2025, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

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 changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. 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 on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant or Agent:

Signature: Via Email

Print Name: Laura Strazzo, attorney for appellant

The grounds for the appeal is that the permit was not properly issued because the project stairs, landing, and deck are not code-compliant and do not comply with the Residential Design Guidelines. Furthermore, the Permit Holder misrepresented the existing condition of the property in the plans. We reserve the right to raise additional issues in our briefing.

Please confirm receipt of this email.

Permit Details Report

Report Date: 5/20/2025 10:06:53 AM

Application Number: 202502110120
 Form Number: 8
 Address(es): 0911 / 031 / 0 1934 JEFFERSON ST
 Description: (N) 1 HOUR RATED FIRE PROTECTION WALL AT ROOF TO A 3 STORY TWO UNIT BUILDING TO COMPLY WITH NOV 202304057 AND PLANNING CODE 2023011348ENF AND LEGALIZE ROOF DECK and stair layout. remove flue
 Cost: \$10,000.00
 Occupancy Code: R-3
 Building Use: 28 - 2 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
2/11/2025	TRIAGE	
2/11/2025	FILING	
2/11/2025	FILED	
5/19/2025	APPROVED	
5/19/2025	ISSUED	

Contact Details:

Contractor Details:

License Number: 1125334
 Name: DENISSON BARRETO
 Company Name: MODULE CONSTRUCTION
 Address: 1419 47TH AVE * SAN FRANCISCO CA 94122-0000
 Phone:

Addenda Details:

Description:

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
HIS		2/11/25	2/11/25			2/11/25	LAWRIE JAMES	Approved	
INTAKE		2/11/25	2/11/25			2/11/25	MASOUD HAMIDI	Administrative	
CP-ZOC		2/11/25	2/11/25			2/11/25	PANTOJA GABRIELA	Approved	Approved the construction of new one-hour fire protected wall to comply with NOV #202304057 and Code Enforcement Case No. 2023-011348ENF. GP 2/11/2025
BLDG		2/12/25	2/12/25			2/12/25	HUANG VIVIAN	Issued Comments	struct not match arch. winder stair detail, deck dim
BLDG	1	2/26/25	2/26/25			2/26/25	HUANG VIVIAN	Approved	
CPB		5/19/25	5/19/25			5/19/25	SANCHEZ-CARRANZA SOLEDAD	Administrative	

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
------------------	-------------------	------------------	------------------	-------------	------------

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
---------------	-----------	------------------------	-------------------

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
-------------	----------------	--------------	-----------------	-------------	---------

For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

[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 © 2025

BRIEF SUBMITTED BY THE APPELLANT(S)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LAURA F. STRAZZO (SBN 312593)
PATTERSON & O'NEILL, PC
235 Montgomery Street, Suite 950
San Francisco, CA 94104
Tel: (415) 907-9110
Fax: (415) 907-7704
laura@pattersononeill.com

Attorneys for Appellant
Ottorino Pasian

SAN FRANCISCO BOARD OF APPEALS

OTTORINO PASIAN,

Appellant,

vs.

SAN FRANCISCO DEPARTMENT OF
BUILDING INSPECTION,

Respondents

JEFFREY DRIMMER AND VIVIENNE
DRIMMER,

Permit Holders.

APPEAL NO: 25-022

APPELLANT'S BRIEF

Permit No.: 202502110120
NOVs: 202200001; 202304057; 2023-011348ENF
Subject Address: 1934 Jefferson Street
Hearing Date: July 9, 2025

I. INTRODUCTION

1
2 Appellant filed this appeal because Permit Holders' permit was improperly issued and
3 violates the 2009 agreement between Appellant and the prior owner of Permit Holders' property.
4 That agreement was that the deck and landing be set back an appropriate distance from the
5 property line, which was memorialized in the approved plans for the roof deck and stairs under
6 BPA No. 200910058228. Later, it was uncovered that the roof deck, exterior access stairs and
7 upper landing were not built according to the approved plans and that the permit should never
8 have been finalized by DBI. As a result, DBI and Planning issued multiple notices of violation to
9 Permit Holders.
10

11 Instead of working with Appellant to honor the original agreement, Permit Holders
12 submitted BPA No. 202502110120 (the "Permit") to legalize the as-built deck and stairs, and
13 install a solid 42" parapet wall at the property line with Appellant's property. The as-built stairs
14 and deck do not comply with the Building Code or Planning Department Guidelines and facilitate
15 Permit Holders repeated trespassing onto Appellant's property. The combustible stairs and upper
16 landing are built within 1'7" of the property line where the code requires that they be set back at
17 least 5' from it. The deck exceeds the allowable size of 300 square feet under the Building Code.
18 The plans fail to document the existing conditions at the property by failing to note the existing
19 unpermitted spiral stairs giving access to the roof deck to the lower condominium unit.
20

21
22 For the reasons outlined further below, Appellant respectfully requests that the Board
23 grant this appeal and require that the deck and upper stair landing be setback 5' from the property
24 line as required, and previously agreed to, and that the plans address all outstanding fire safety
25 issues with the deck and egress stairs, including the existing sheet metal flues underneath the
26 wooden stairs and the existing unpermitted spiral stair.
27
28

II. FACTUAL BACKGROUND

1
2 Appellant Ottorino Pasian owns 1926-1928 Jefferson Street (“Appellant’s property”),
3 which is the property immediately next to 1932-1934 Jefferson Street, a two-unit condominium
4 building. Permit Holders live in the upper unit located at 1934 Jefferson Street (“Permit Holders’
5 property”).
6



21 (Permit Holders’ property (left) and Appellant’s property (right))

22 In 2009, the prior owner of Permit Holders’ property applied for BPA No. 200910058228
23 to build a new roof deck and exterior access stairs for that unit. (Strazzo Decl., **Exhibit 1.**) This
24 permit went through Planning Department review and was finalized by DBI on March 8, 2013. (*Id.*
25 at **Exhibit 2.**) However, DBI should have *never* finalized the permit because the deck and stairs
26 that were built did not match the approved plans. Importantly, the 2009 plans called for the
27 exterior stairs and landing to be set back 5’ from the property line. The 2009 plans also required
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

a 30” parapet with a 12” open railing, which was not built. Instead, the stairs and landing were constructed almost at the property line with Appellant, an exhaust pipe was rerouted to the property line, the railing was constructed out of wood, and no firewall was built.



(Permit Holders' property (left) and Appellant's property (right))

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



(Appellant's property (left) and Permit Holders' property (right))

In December 2022, DBI confirmed that the built roof deck and stairs did not match the approved plans and issued NOV 202200001. (Strazzo Decl., **Exhibit 3**.) After further permit research, the DBI inspector issued updated NOV 202304057. (Strazzo Decl., **Exhibit 4**.)

The description of NOV 202304057 states, in part:

A roof deck on the third floor with descending stairs was reported as not conforming to approved building plans submitted in permit application number 2009 1005 8228. This was confirmed by site inspection and permit research. The drawings call for a one-hour fire rated parapet wall, not built. The guard was originally specified as ¾" tempered glass. It is currently built with redwood 2 x 4s and 2 x 2s. These stairs and deck have no fire wall at the property line. The deck and guard (combustible materials) themselves are immediately adjacent to a furnace flu. (*Id.*)

DBI also revoked the final approval of the 2009 permit. (Strazzo Decl., **Exhibit 5**.)

Appellant has owned his property for over 20 years and plans to leave it to his family. (Strazzo Decl., **Exhibit 10**, (Pasian Declaration), ¶ 2.) It is very concerning that the city approved

1 work that clearly deviated from the approved plans and has then allowed this long history of
2 violations and fire safety issues to remain unabated at the neighboring property. As a result,
3 Appellant has lost a lot of faith in DBI and its inspection system. (*Id.* at ¶ 3.)

4 With no consideration for Appellant, Permit Holders then filed Planning Application
5 2023-011348PRJ to abate the violations by proposing to legalize the as-built condition of the deck
6 and stairs; and install a solid 42” fire wall along the roof deck and on the upper cantilevered
7 landing. The application was ultimately approved by the Planning Department and Permit Holders
8 filed this Permit application. Beyond the code issues discussed below, the proposed configuration
9 of the upper landing allows Permit Holders to regularly trespass on Appellant’s property to gain
10 access to portions of their roof that are otherwise inaccessible. (*Id.* at ¶ 2.) Permit Holders have
11 shown no respect for Appellant’s property rights and setting the upper landing back 5’ would
12 make it much more difficult for Permit Holders to trespass in the future.
13

14
15 As he was unable to negotiate a resolution with Permit Holders, Appellant filed this timely
16 appeal. After the appeal was filed, and Permit Holders were notified of the suspension of their
17 permit pending the appeal, Permit Holders continued to conduct work resulting in a complaint to
18 DBI. (Strazzo Decl., **Exhibit 6.**)
19

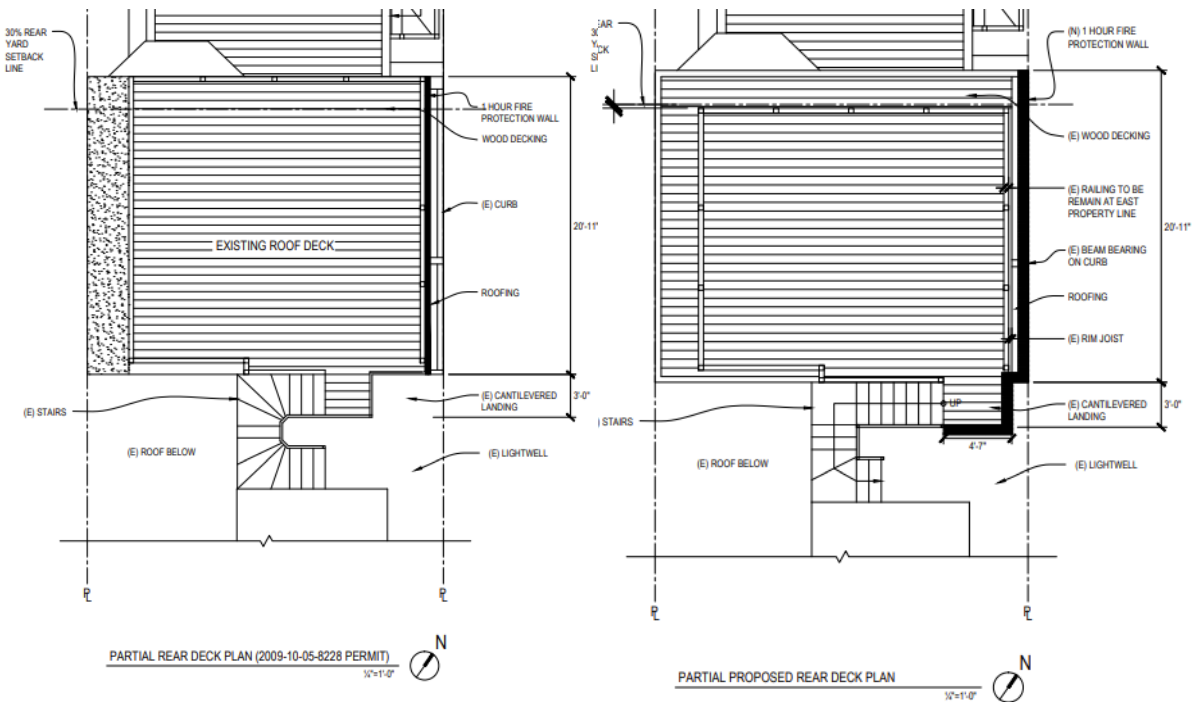
20 III. LEGAL ARGUMENTS

21 A. The Proposed Stair Landing Does not Comply with the Required Minimum Fire 22 Separate Distance under the Building Code

23 The California Building Code (“CBC”), adopted by San Francisco, requires that a
24 minimum fire separation distance be maintained from an adjoining property line unless a one-
25 hour fire-resistive wall is provided extending from the ground to 30 inches above the walking
26 surface of the deck and deck stairway. (Strazzo Decl., **Exhibit 7**, DBI Information Sheet No. FS-
27 06.) For R3 buildings, the required fire separation distance is 3 feet or more. When the deck or
28

1 deck stairway serves as a required egress component, as is the case here, the required minimum
2 distance between the property line and the egress component shall be in accordance with CBC
3 Section 1027.5, which requires a fire separation distance of not less than five feet. (CBC §
4 1027.5.)

5 The only means of egress from the roof deck is by the existing upper landing and stairs.
6 The upper landing is cantilevered and the proposed firewall for the landing does not extend from
7 the ground to 30 inches above the deck stairway. Therefore, the Building Code requires proper
8 fire separation distance from Appellant's property of 5'. The 2009 approved permit plans
9 complied with this requirement by calling for the landing to be setback 5' from the property line.
10 However, the approved plans show that the proposed upper landing has a fire separation distance
11 of less than 2' from the property line, far short of what is required.



26 Importantly, Permit Holders were made aware of the required fire separation last year
27 during the Planning Approval process. Inexplicably, they failed to revise their plans as required
28 and those plans were improperly approved. The lack of appropriate fire separation between the

1 properties poses a significant risk to Appellant's property. Moreover, Permit Holders use this
2 landing to regularly trespass on Appellant's roof to access portions of their roof that are otherwise
3 inaccessible. Setting the landing back 5' would make it much more difficult for them to trespass.
4 Therefore, the plans must be revised to meet this important fire separation and safety requirement
5 by setting the upper landing back the required 5'.
6

7 **B. Under the Building Code, the Roof Deck Must be Limited to 300 Square Feet**
8 **Because it Proposes Only One Means of Egress**

9 Per San Francisco Building Code 1021.1, occupied roofs are required to comply with the
10 exit requirements for stories. Permit Holder's property has an R-3 occupancy class and is four
11 stories. In a four-story building, a second means of egress is required unless certain exceptions
12 are met. (Strazzo Decl., **Exhibit 8**, DBI Info. Sheet EG-01) Those exceptions are:

- 13 1. Roof deck is within and from an individual dwelling unit,
- 14 2. That unit is sprinklered, and
- 15 3. The occupancy load per unit is less than or equal to 20

16
17 Occupancy load is calculated by a load factor of 15 square feet per person, which in this case,
18 provides a maximum deck area of 300 square feet per 20 people. The proposed deck has only one
19 means of egress, and therefore to meet the occupancy load requirements, it must be limited in size
20 to less than 300 square feet. The as-built deck exceeds this size. However, the deck can be
21 appropriately shrunk to the correct size by setting it back further from Appellant's property by 5',
22 which would also remove the firewall requirement for the deck.
23

24 Notably, DBI has recently informed Appellant that his proposed roof deck would have to
25 meet these requirements. Enforcing these requirements on Appellant while not enforcing them on
26 Permit Holder would amount to selective enforcement of the code, which would be blatantly
27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

unfair if allowed to stand. These requirements must be applied equally among all permit applications to protect occupants of both properties.

Moreover, the approved plans fail to document an existing unpermitted spiral staircase that gives the lower condominium unit access to the roof deck. As a result, the plan check review failed to account for this existing condition to ensure the proposed plan's sole means of egress is allowable under code.



The exit to the spiral stairs is currently blocked by trash and recycling cans. It is critical that the permit holistically address all outstanding issues with the roof deck, particularly where the permit is to abate code violations at Permit Holder's property that stretch back decades.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



C. The Proposed Roof Deck is Inconsistent with the Planning Department’s Guidance for Roof Decks

As the guidance notes, “[e]levated decks can potentially have adverse effects on neighboring properties with respect to noise, privacy, and light reduction.” (Strazzo Decl., **Exhibit 9**, Planning Dept., “Residential Decks Public Informational Handout,” p. 16.) Therefore, “Planning recommends at least a 3 foot setback and encourages a 5 foot setback when a deck proposal starts encroaching on a neighboring property’s existing enjoyment of light and privacy.” (*Id.*) “Planning encourages roof decks to be setback at least 5 feet on all sides.” (*Id.* at p. 13.) The guidance further requires that the deck’s design “be sensitive to the other yards and outdoor spaces nearby, the size and character of adjacent buildings, and your neighbors’ privacy.” (*Id.* at p. 16.)

This project does not comply with any of the above requirements. It proposes locating the roof deck within 1-foot of the property line while building a separate 1-hour fire rated wall on the

1 property line. Additionally, the exit stairs and upper landing are proposed to be less than two feet
2 from the property line. The project fails to consider the character of Mr. Pasian's neighboring
3 property. Project Sponsor and Mr. Pasian's roofs are at the same height and Project Sponsor's
4 roof is flashed up to Mr. Pasian's roof. Given the close proximity of the roofs, there are significant
5 impacts to Mr. Pasian's property by locating the roof deck, firewall, and exit stairs in their
6 proposed location, particularly where Permit Holders' use their landing to trespass onto
7 Appellant's property.
8

9 The close condition of the properties poses the classic case for why the Planning
10 Department's roof deck policy advises setting back roof decks from neighboring properties. If
11 approved, the project will cause significant noise and privacy impacts to Appellant by allowing a
12 roof deck so close to the property line. Appellant has recently submitted his own roof deck permit
13 and was required to locate it 5' from Permit Holder's property because of the Roof Deck
14 Guidelines. Approving this permit while requiring setbacks for Appellant's permit would be
15 fundamentally unfair and further demonstrates why this permit was not properly reviewed.
16
17

18 Furthermore, allowing exiting stairs and landing to be legalized over a light well will block
19 light to Mr. Pasian's property (and the property's lower condo unit), which undermines the
20 functionality of the light well. It also poses an unacceptable privacy impact by creating a line of
21 sight into Mr. Pasian's property. Although, the project makes some attempts to respect noise and
22 privacy concerns for the western neighbor by setting back the roof deck three feet from their
23 property line), no similar modifications are proposed for Appellant's property. Notably, the
24 neighboring roof to the west is lower than the Project Sponsor's roof, so the noise and privacy
25 impacts to that property are likely less than the impacts to Mr. Pasian. The Planning Department
26 deck policy requires the same setbacks to be taken from the eastern property line. It is
27
28

1 extraordinary that the Planning Department did not already require the Permit Holders to do this
2 and this Board should require the deck and upper landing be appropriately setback 5'.

3 **D. The Permit Fails to Address the Existing Functioning Sheet Metal Flues Below the**
4 **Wooden Stairs**

5 Although the approved plans state that the flue adjacent to the upper landing will be
6 removed (which apparently was removed while the permit was suspended), the plans do not
7 address or identify the existing functional sheet metal flues located directly under the wooden
8 egress stairs from the deck. The Building Code requires that combustible framing be located at
9



10
11
12
13
14
15
16
17
18
19
20
21
22 least six inches away from flue openings. (CBC § 2304.5.)

23 Since the flues are not depicted in the plans, the precise distance of the flues from the
24 wooden stairs is unknown, but at least one of them appears to be within six inches of the
25 combustible stairs. This condition poses a significant fire risk to both properties. These flues
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

should be rerouted to vent to the roof, and if they cannot be, the stairs must be reconfigured to meet the code-required distance.

IV. CONCLUSION

Appellant respectfully request that the Board of Appeals impose conditions on the permit to require that the deck and upper landing be setback 5' from the property line. Furthermore, the approved plans must properly document the existing conditions of the metal sheet flues under the wooden egress stairs and unpermitted spiral stairs to ensure that these conditions, and the proposed deck and stairs, properly meet the code requirements.

Date: June 18, 2025

Respectfully submitted,
PATTERSON & O'NEILL, PC



Laura F. Strazzo
Attorneys for Appellant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LAURA F. STRAZZO (SBN 312593)
PATTERSON & O'NEILL, PC
235 Montgomery Street, Suite 950
San Francisco, CA 94104
Tel: (415) 907-9110
Fax: (415) 907-7704
laura@pattersononeill.com

Attorneys for Appellant
Ottorino Pasian

SAN FRANCISCO BOARD OF APPEALS

OTTORINO PASIAN,

Appellant,

vs.

SAN FRANCISCO DEPARTMENT OF
BUILDING INSPECTION,

Respondents

JEFFREY DRIMMER AND VIVIENNE
DRIMMER,

Permit Holders.

APPEAL NO: 25-022

**DECLARATION OF LAURA STRAZZO
IN SUPPORT OF APPELLANT'S BRIEF**

Permit No.: 202502110120
NOVs: 202200001; 202304057; 2023-
011348ENF
Subject Address: 1934 Jefferson Street
Hearing Date: July 9, 2025

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Laura Strazzo, declare as follows:


1. I am an attorney for Ottorino Pasian in this matter. Unless otherwise stated, I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently thereto.
2. Attached as **Exhibit 1** is a true and correct copy of BPA No. 200910058228, which I requested from DBI pursuant to a Public Records Act request.
3. Attached as **Exhibit 2** is a true and correct copy of the permit tracking system for BPA No. 200910058228, which I downloaded from DBI’s website on December 19, 2023.
4. Attached as **Exhibit 3** is a true and correct copy of NOV 202200001, which I downloaded from DBI’s website on December 19, 2023.
5. Attached as **Exhibit 4** is a true and correct copy of NOV 202304057, which I downloaded from DBI’s website on December 19, 2023.
6. Attached as **Exhibit 5** is a true and correct copy of the complaint data system for NOV 202304057, which I downloaded from DBI’s website on December 19, 2023.
7. Attached as **Exhibit 6** is a true and correct copy of the complaint data system for complaint number 202538203, which I downloaded from DBI’s website on June 18, 2025.
8. Attached as **Exhibit 7** is a true and correct copy of DBI Information Sheet No. FS-06, which I downloaded from DBI’s website on June 18, 2025.
9. Attached as **Exhibit 8** is a true and correct copy of DBI Information Sheet No EG-01, which I downloaded from DBI’s website on June 18, 2025.
10. Attached as **Exhibit 9** is a true and correct excerpt of the Planning Department’s Public Information Handout for Residential Decks last updated November 9, 2022. I downloaded this from the Planning Department’s website on June 18, 2025.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

11. Attached as **Exhibit 10** is a true and correct copy of the Declaration of Ottorino Pasion submitted in support of a prior permit appeal, which was dismissed because the prior permit was improperly routed and not reviewed by the Planning Department.

Date: June 18, 2025

Respectfully submitted,
PATTERSON & O'NEILL, PC



Laura F. Strazzo
Attorneys for Appellant

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

OFFICIAL COPY



APPROVED

Dept. of Building Insp.

FEB 15 2012

BUILDING ENLARGEMENT DESCRIPTION
[] VERTICAL
[] HORIZONTAL

DEC 2 9 2011
APPROVED FOR ISSUANCE

BLDG. FORM 3/8

APPLICATION NUMBER
125078-2009

OSHA APPROVAL REQ'D
[]

Vivian L. Day
VIVIAN L. DAY
DIRECTOR/CHIEF BUILDING OFFICIAL
DEPT. OF BUILDING INSPECTION

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

FORM 3 [X] OTHER AGENCIES REVIEW REQUIRED

FORM 8 [] OVER-THE COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

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.

DO NOT WRITE ABOVE THIS LINE

DATE FILED: OCT. 5 2009
PLING FEE: 9112518
(1) STREET ADDRESS OF JOB: 1934 JEFFERSON
BLOCK & LOT: 911/31
(2A) ESTIMATED COST OF JOB: \$35,000
(2B) REVISED COST: \$35,000
DATE: 7/8/11

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. V-1HR
(5A) NO. OF STORIES OF OCCUPANCY: 3
(6A) NO. OF BASEMENTS AND CELLARS: 0
(7A) PRESENT USE: TWO SINGLE FAMILY DWELLING
(8A) OCCUP. CLASS: R-3
(9A) NO. OF DWELLING UNITS: 2

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. V-1HR
(5) NO. OF STORIES OF OCCUPANCY: 3
(6) NO. OF BASEMENTS AND CELLARS: 0
(7) PROPOSED USE (LEGAL USE): TWO SINGLE FAMILY DWELLING
(8) OCCUP. CLASS: R-3
(9) NO. OF DWELLING UNITS: 2

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

(14) GENERAL CONTRACTOR: HAMMER HOUSE CONSTRUCTION SE, 94122
ADDRESS: 1250 KIRKHAM
PHONE: 415 516 7399
CALIF. LIC. NO.: 804459
EXPIRATION DATE: 7/31/11

(18) OWNER - LESSEE (CROSS OUT ONE): DAVID BELD
ADDRESS: 1934 JEFFERSON ST. SAN FRAN. 94123
PHONE FOR CONTACT BY DEPT.: 415 563 1716

(19) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)
NEW WD ROOF DECK AND STAIR FOR UNIT # 1934 EXCLUSIVELY ON THE SECOND/THIRD FLOOR

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES [X] NO []
(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT: +7E FT.
(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? YES [] NO [X]
(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA: SQ. FT.

(21) WILL SIDEWALK OVER SLAB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES [] NO [X]
(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES [] NO [X]
(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON LOT/FLOOR PLAN) YES [] NO [X]
(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES [] NO [X]

(25) ARCHITECT OR ENGINEER (DESIGNER) CONSTRUCTION (C): EDWARD WRIGHT ARCHITECTS
ADDRESS: 935 SOLANO AVE, ALBANY CA 94706
CALIF. CERTIFICATE NO.: C-29755

(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER 'UNKNOWN') UNKNOWN
ADDRESS:

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, to be closer than 6' to any wire containing more than 750 volts See Sec 305, 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 together with complete details of retaining walls and wall footings required 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
[X] AGENT
[] ENGINEER

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.

9009-09 (REV. 1/02)

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 claim, 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 coverage under (i), or (ii) designated below or shall indicate item (iii), or (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.
[X] II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
Carrier: State Fed
Policy Number: 1788101
() 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 workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
[X] 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 workers' 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.

Signature of Applicant or Agent: E. Wright
Date: 5 OCT 2009

OFFICE COPY

OFFICIAL COPY

SAN FRANCISCO



CONDITIONS AND STIPULATIONS

REFER PART 9C (E)

Call 415-58-6570, to schedule inspections for electrical and / or plumbing. This is approved without site inspection, plumbing or electrical plan review and does not constitute an approval of the building. Work authorized must be done in strict accordance with all applicable codes. Any electrical or plumbing work shall require appropriate separate permits.

RONALD K. TOM, DBI

JUL - 8 2011

Ron Tom

BUILDING INSPECTOR, DEPT. OF BLDG. INF.

APPROVED: approved for plans and applications no other work. SV 10/27/11
40X
S. Velme 9/14/11
DEPARTMENT OF CITY PLANNING

APPROVED: NA
BUREAU OF FIRE PREVENTION & PUBLIC SAFETY

APPROVED: NA
MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION

APPROVED: By RLC
ROBERT CHUN, DBI
DEC 27 2011
CIVIL ENGINEER, DEPT. OF BLDG INSPECTION

APPROVED: NA
BUREAU OF ENGINEERING

APPROVED: NA
DEPARTMENT OF PUBLIC HEALTH

APPROVED: NA
REDEVELOPMENT AGENCY

APPROVED: NA
HOUSING INSPECTION DIVISION

DATE: _____
REASON: _____
NOTIFIED MR. _____
DATE: 1/25/11
REASON: Dejected abandoned project.
NOTIFIED MR. SV
DATE: _____
REASON: _____
NOTIFIED MR. _____
DATE: _____
REASON: _____
NOTIFIED MR. _____
DATE: _____
REASON: _____
NOTIFIED MR. _____
DATE: _____
REASON: _____
NOTIFIED MR. _____
DATE: _____
REASON: _____
NOTIFIED MR. _____

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 department noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments

OWNERS AUTHORIZED AGENT

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 2

Permit Details Report

Report Date: 12/20/2023 11:42:00 AM

Application Number: 200910058228
 Form Number: 3
 Address(es): 0911 / 031 / 0 1934 JEFFERSON ST
 Description: NEW WOOD ROOF DECK & STAIRS FOR UNIT #1934 EXCLUSIVELY ON THE 2ND/3RD FLOORS
 Cost: \$35,000.00
 Occupancy Code: R-3
 Building Use: 28 - 2 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
10/5/2009	TRIAGE	
10/5/2009	FILING	
10/5/2009	FILED	
12/29/2011	PLANCHECK	
12/29/2011	APPROVED	
2/15/2012	ISSUED	
3/18/2013	COMPLETE	Final Inspection/Approved

Contact Details:

Contractor Details:

License Number: 804459
 Name: THOMAS BUCHANAN
 Company Name: HAMMERHOUSE CONSTRUCTION
 Address: 19 CERRITOS AVENUE * SAN FRANCISCO CA 94127-0000
 Phone: 4157530744

Addenda Details:

Description:

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
INTAKE		10/5/09	10/5/09			10/5/09	SETYADIPUTRA MAX		
CPB		11/12/09	11/12/09			11/12/09	GALIZA DELIA		RTE TO CP-ZOC
CP-ZOC		11/13/09	7/27/10		1/25/11	4/14/11	VELLVE SARA		APPROVED PER PLANS AND APPLICATION FOR ROOF DECK W/IN THE BUILDABLE LOT AREA AND STAIRS THAT DO NOT REQUIRE 311 AS THERE IS NO FIREWALL.
PPC		11/13/09	11/13/09			12/27/11	SAMARASINGHE GILES		12/27/11: to CPB.grs 10/28/11: to BLDG.grs 10/24/11: to CP ZOC.grs 7-14-11: Per Bldg. place on hold pending revisions & route lastly to DCP. sjf 4/21/11: Plans in HOLD BIN. 3/16/11: recd rev #3 to route plns only to DCP/SVellve. gs 2/24/11: Return application and plans to Planning, Sara Vellve. 2-11-11: Applicant submit Revision 2 to CP-Zoc/Sara Vellve. sjf 2/2/11: Disapproval letter sent; Cancel date 2/23/11. 11-13-09: Route to CP-Zoc. sjf 8-19-10: Applicant submit Revision 1 to CP-Zoc/Sara Velle. sjf
BLDG		4/15/11	7/14/11	7/14/11		10/24/11	TOM RON		Approvable subject to submittal of revised arch and signed structural by J Brown. Placed in hold cubicle-R Tom 7/14/11 Route to DCP to sign

								revised sets. Upon return to PPC, route to PAD-STR for structural review-R Tom 10/24/11
CP-ZOC		10/24/11	10/27/11			10/27/11	VELLVE SARA	restamped
PAD-STR		11/29/11	12/27/11			12/27/11	CHUN ROBERT	
CPB		12/27/11	12/29/11			2/15/12	CHEUNG WAI FONG	12/29/11: approved. gs

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
------------------	-------------------	------------------	------------------	-------------	------------

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
3/18/2013	Leopoldo Rafael Jr.	FINAL INSPECT/APPRVD	FINAL INSPECT/APPRVD
2/13/2013	Leopoldo Rafael Jr.	FINAL INSPECT/APPRVD	ROUGH FRAME
6/13/2012	Leopoldo Rafael Jr.	ROUGH FRAME, PARTIAL	START WORK

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
-------------	----------------	--------------	-----------------	-------------	---------

For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

[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.

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 3



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION
City and County of San Francisco
49 South Van Ness Ave, Suite 400 San Francisco,
CA

Notice: 1 COMPLAINT NUMBER:
202200001

DATE:
12/09/2022

ADDRESS : 1934 JEFFERSON ST

BLOCK : 0911 LOT : 031

OCCUPANCY/USE : |

- If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

ON SITE CONTACT :

VIOLATION DESCRIPTION:

<input checked="" type="checkbox"/> WORK WITHOUT PERMIT	103A
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106A.4.7
<input checked="" type="checkbox"/> EXPIRED PERMIT	106A.4.4
<input type="checkbox"/> CANCELLED PERMIT PA#:	106A.3.7
<input checked="" type="checkbox"/> UNSAFE BUILDING	102A
<input type="checkbox"/> SEE ATTACHMENTS	

CODE VIOLATION DESC : This building is an R-3, two unit condominium building. Field inspections confirm that this is a 3 story building above grade plane with 2 condominium units. 1932 Jefferson Street exists on the first and second floor. 1934 Jefferson exists on the third floor of occupancy. An illegal roof deck on the third floor with descending stairs was reported and confirmed by site inspection and permit research. Architectural drawings were provided for a horizontal extension at 1934 Jefferson on December 13, 2017 that did not represent the roof deck or attached stair. No subsequent permits were found for the addition of a roof deck or the accompanying stairs. These stairs have no fire wall at the property line. The deck itself is immediately adjacent to the furnace flu. These stairs have no fire wall at the property line. The deck itself is immediately adjacent to the furnace flu. Omitting the permit process for this deck also eliminated neighborhood review and approval.

CORRECTIVE ACTION::

- STOP ALL WORK SFBC 104.2.4
- FILE BUILDING PERMIT WITHIN **30 DAYS**
- (WITH PLANS) A copy of this notice must accompany the permit application
- OBTAIN PERMIT WITHIN **60 DAYS** AND COMPLETE ALL WORK WITHIN **90 DAYS**, INCLUDING FINAL INSPECTION SIGNOFF.
- CORRECT VIOLATIONS WITHIN DAYS.
- NO PERMIT REQUIRED
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

FAILURE COMMENT DESCRIPTION : Legalize or remove the improvements. Work Without Permit 301 SFHC, 108.4.1 SFBC PROVIDE BUILDING PERMITS 106A.1 SFBC, 301 SFHC You are required to obtain a building permit to correct this violation. When applying for a Building Permit, reference the complaint number from this Notice of Violation. Attach 2 sets of calculations and engineering reports (if necessary) along with 2 sets of architectural drawings for the reconstruction of this area. The Building Inspector must perform periodic and final inspections and sign the Job Card before the Housing Division can abate this violation. To abate this Notice of Violation you must contact the Housing Inspection Division and produce all approved plans, permits and appropriate signatures by the respective Building, Plumbing and Electrical Inspectors.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- 9x Permit Fee (Work w/o Permit after 9/1/60)
- Other
- 2x Permit Fee (Work Exceeding Scope of Permit)

170 Reinspection Fee \$ NO penalty (Work w/o permit prior to 9/1/60)
 approx. date of work w/o permit **8/1/2017 12:00:00 AM**
 value of work performed without permits **15000**

CONTACT INSPECTOR : Christopher M Grady HIS / 5 628-652-3381



NOTICE OF VIOLATION
of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or
Occupancy

Pursuant to SFBC 107.5 and 106.4.7 investigation fees are charged for work begun or performed without permits or for Work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 49 South Van Ness Ave., Suite 1475 (14th Floor). (628) 652-1150

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed or the property will be liened for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid, SFBC 102.2 & 110.

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of \$100 for each instance of initial non-compliance, followed by \$200 fines per violation for the second instance of non-compliance, up to a maximum of \$7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than \$1,000 per day or six months' imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after six (6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17264(6) of the Revenue and Taxation Code.

WARNING: Section 103 of the San Francisco Building Code provides for civil fines of up to \$500 per day for any person who violates, disobeys, omits, neglects or refuses to comply with or opposes the execution of any provisions of this code. This section also provides for misdemeanor fines, if convicted, of up to \$500 and/or imprisonment up to six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 107.5 y 106.4.7 de el Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el limite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Peimisos (Board of Permit Appeals) dentro de los primeros quince dias de haberse obtenido el permiso. Las apelaciones se hacen en el 49 South Van Ness Ave., Suite 1475 (14th Floor), telefono (628) 652-1150.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendra el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos esten pagados, se le cobrarán al dueño del edificio o la propiedad sera embargada para recuperar dichos gastos. Referencia a la Sección 102.2 y 110 de el Código de Construcción de Edificios.

ADVERTENCIA: La Sección 204 de el Código de Vivienda de San Francisco permite que se multe inmediatamente \$100 por cada primer caso de inconformidad, seguida por una multa de \$200 por cada segunda infracción de inconformidad, aumentando hasta un maximo de \$7,500 por cada edificio. Esta Sección tambien permite obtener cargos criminales como delito menor, resultando en multas de no menos de \$1,000 diarios ó 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o esta diligentemente, rapidamente y continua mente acusado despues de seis(c) meses de la fecha de este aviso, se le enviara una notificación a la Junta de Concesión de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: La Sección 103 de el Código de Edificios de San Francisco impone multas civiles hasta de \$500 porcada día a cualquier persona que infrinja, desobedezca, omita, descuide, rehusa cumplir, resiste o se opone a la ejecución de las provisiones de este código. Esta sección tambien impone multas por delito menor, si es declarado culpable, de hasta \$500 o encarcelamiento de hasta 6 meses, o ambas sanciones, por cada una de las ofensas y por cada día que dicha ofensa ocurra.

根據《三藩市建築法規》(即 SFBC) 第 107.5 項和第 106.4.7 項條款的規定，對沒有許可證便已開始的工程和或正在進行的工程，將收取調查費。當承人可以在此許可證發出日起 15 天之內，向委員會以內向工上訴委員會提出上訴。該委員會地址在 South Van Ness 街 49 號 14 樓。電話：(628) 652-1150。

警告：任何人通過出租房屋獲得收入，而該房屋已被建築檢查局定為低於規定標準者，不能從加州個人所得稅、銀行和公司所得稅利息、以及與該低於規定標準的建築有關的折舊或稅收中扣除稅款。如果在此廣告公布六個月後，改正工程沒有完成，或者沒有積極、迅速有效地進行，我們將向加州稅務委員會 (The Franchise Tax Board) 第 1264 (c) 項條款，通知加州稅務委員會 (The Franchise Tax Board)。

警告：如不按照要求立即採取行動，以糾正上述違章行為，將導致建築檢查局付諸強制糾正程序的執行。針對此房地產頒發的強制糾正程序令一般在市內備案，則自通告通知張貼日期的各項與此糾正程序令有關的費用，將向房地產主索取，或將房地產扣押，直至付清各項費用。請參閱《三藩市建築法規》第 102.2 項和第 110 項條款。

警告：《三藩市建築法規》第 103 項條款規定：對於任何違反、不聽從、疏忽、忽視、或拒絕遵照此法規者，或者抵制、反對實施此法規中的任何條款的人，將付最高 500 元的民事罰款。此法規還規定對違法者，如果被判罪，對每天所發生的、每一單獨的犯法行為，將付下高達 500 元的罰款，和/或監禁六個月。

警告：《三藩市房屋法規》(即 SFHC) 第 204(b) 項條款規定：對每一違章初犯者立即將被罰款 100 元，二次違章者罰款 200 元，每級標準的最高罰款可達 7,500 元。此項法規還規定對每一違章罪者可提出刑事控查，每日最高罰款可達 1,000 元，或/或監禁六個月。

[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.

Contact SFGov Accessibility Policies
City and County of San Francisco © 2023

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 4



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION
City and County of San Francisco
49 South Van Ness Ave, Suite 400 San Francisco,
CA

Notice: 1 COMPLAINT NUMBER:
202304057
DATE:
02/24/2023

ADDRESS : 1934 JEFFERSON ST

BLOCK : 0911 LOT : 031

OCCUPANCY/USE : |

- If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

ON SITE CONTACT :

VIOLATION DESCRIPTION:

<input type="checkbox"/> WORK WITHOUT PERMIT	103A
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106A.4.7
<input checked="" type="checkbox"/> EXPIRED PERMIT	106A.4.4
<input type="checkbox"/> CANCELLED PERMIT PA#:	106A.3.7
<input type="checkbox"/> UNSAFE BUILDING	102A
<input type="checkbox"/> SEE ATTACHMENTS	

CODE VIOLATION DESC : This structure is an R-3 two-unit condominium building. Field inspections confirm that this is a 3 story building above grade plane with 2 condominiums. 1932 Jefferson Street is second floor flat with adjunct space at grade plane. 1934 Jefferson Street exists on the third floor of occupancy. A roof deck on the third floor with descending stairs was reported as not conforming to approved building plans submitted in permit application number 2009 1005 8228. This was confirmed by site inspection and permit research. The drawings call for a one-hour fire rated parapet wall, not built. The guard was originally specified as 3/4" tempered glass. It is currently built with redwood 2 x 4s and 2 x 2s. These stairs and deck have no fire wall at the property line. The deck and guard (combustible materials) themselves are immediately adjacent to a furnace flu.

CORRECTIVE ACTION::

- STOP ALL WORK SFBC 104.2.4
- FILE BUILDING PERMIT WITHIN 30 DAYS
- (WITH PLANS) A copy of this notice must accompany the permit application
- OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION SIGNOFF.
- CORRECT VIOLATIONS WITHIN DAYS.
- NO PERMIT REQUIRED
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

FAILURE COMMENT DESCRIPTION : Legalize or remove the improvements. Work Without Permit (work beyond scope of permit) 301 SFHC, 108.4.1 SFBC PROVIDE BUILDING PERMITS 106A.1 SFBC, 301 SFHC You are required to obtain a building permit to correct this violation. When applying for a Building Permit, reference the complaint number from this Notice of Violation. Attach 2 sets of calculations and engineering reports (if necessary) along with 2 sets of architectural drawings for the reconstruction of this area. The Building Inspector must perform periodic and final inspections and sign the Job Card before the Housing Division can abate this violation. To abate this Notice of Violation you must contact the Housing Inspection Division and produce all approved plans, permits and appropriate signatures by the respective Building, Plumbing and Electrical Inspectors.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- 9x Permit Fee (Work w/o Permit after 9/1/60)
- 2x Permit Fee (Work Exceeding Scope of Permit)
- Other

170 Reinspection Fee \$ **NO penalty (Work w/o permit prior to 9/1/60)**
 approx. date of work w/o permit **1/1/2010 12:00:00 AM**
 value of work performed without permits **2500**

CONTACT INSPECTOR : Christopher M Grady HIS / 4 628-652-3381



NOTICE OF VIOLATION
of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or
Occupancy

Pursuant to SFBC 107.5 and 106.4.7 investigation fees are charged for work begun or performed without permits or for Work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 49 South Van Ness Ave., Suite 1475 (14th Floor). (628) 652-1150

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed or the property will be liened for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid, SFBC 102.2 & 110.

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of \$100 for each instance of initial non-compliance, followed by \$200 fines per violation for the second instance of non-compliance, up to a maximum of \$7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than \$1,000 per day or six months' imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after six (6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17264(6) of the Revenue and Taxation Code.

WARNING: Section 103 of the San Francisco Building Code provides for civil fines of up to \$500 per day for any person who violates, disobeys, omits, neglects or refuses to comply with or opposes the execution of any provisions of this code. This section also provides for misdemeanor fines, if convicted, of up to \$500 and/or imprisonment up to six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 107.5 y 106.4.7 de el Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el limite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Peimisos (Board of Permit Appeals) dentro de los primeros quince dias de haberse obtenido el permiso. Las apelaciones se hacen en el 49 South Van Ness Ave., Suite 1475 (14th Floor), telefono (628) 652-1150.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendra el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos esten pagados, se le cobrarán al dueño del edificio o la propiedad sera embargada para recuperar dichos gastos. Referencia a la Sección 102.2 y 110 de el Código de Construcción de Edificios.

ADVERTENCIA: La Sección 204 de el Código de Vivienda de San Francisco permite que se multe inmediatamente \$100 por cada primer caso de inconformidad, seguida por una multa de \$200 por cada segunda infracción de inconformidad, aumentando hasta un maximo de \$7,500 por cada edificio. Esta Sección tambien permite obtener cargos criminales como delito menor, resultando en multas de no menos de \$1,000 diarios ó 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o esta diligentemente, rapidamente y continua mente acusado despues de seis(c) meses de la fecha de este aviso, se le enviara una notificación a la Junta de Concesión de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: La Sección 103 de el Código de Edificios de San Francisco impone multas civiles hasta de \$500 por cada día a cualquier persona que infrinja, desobedezca, omita, descuide, rehusa cumplir, resiste o se opone a la ejecución de las provisiones de este código. Esta sección tambien impone multas por delito menor, si es declarado culpable, de hasta \$500 o encarcelamiento de hasta 6 meses, o ambas sanciones, por cada una de las ofensas y por cada día que dicha ofensa ocurra.

根據《三藩市建築法規》(即 SFBC) 第 107.5 項和第 106.4.7 項條款的規定，對沒有許可證便已開始的工程和或正在進行的工程，將收取調查費。當承人可以在此許可證發出日起 15 天之內，向委員會以內向工上訴委員會提出上訴。該委員會地址在 South Van Ness 街 49 號 14 樓。電話：(628) 652-1150。

警告：任何人通過出租房屋獲得收入，而該房屋已被建築檢查局定為低於規定標準者，不能從加州個人所得稅、銀行和公司所得稅利息、以及與該低於規定標準的建築有關的折舊或撥款中扣除稅款。如果在此廣告公布六個月後，改正工程沒有完成，或者沒有積極、迅速有效地進行，我們將向加州稅務委員會 (The Franchise Tax Board) 第 1264 (c) 項條款，通知加州稅務委員會 (The Franchise Tax Board)。

警告：如不按照要求立即採取行動，以糾正上述違章行為，將導致建築檢查局付諸強制糾正程序的執行。針對此房地產頒發的強制糾正程序令一般在市府備案，則自這通知張貼日起的各項與此糾正程序令有關的費用，將向房地產主索取，或將房地產扣押，直至付清各項費用。請參閱《三藩市建築法規》第 102.2 項和第 110 項條款。

警告：《三藩市建築法規》第 103 項條款規定：對於任何違反、不聽從、疏忽、忽視、或拒絕遵照此法規者，或者抵制、反對實施此法規中的任何條款的人，將付最高 500 元的民事罰款。此法規還規定對違法者，如果被判罪，對每天所發生的、每一單獨的犯法行為，將付下高達 500 元的罰款，和/或監禁六個月。

警告：《三藩市房屋法規》(即 SFHC) 第 204(b) 項條款規定：對每一違章初犯者立即將被罰款 100 元，二次違章者罰款 200 元，每級標準的最高罰款可達 7,500 元。此項法規還規定對每一違章初犯者可提出刑事控告，每日最高罰款可達 1,000 元，或/或監禁六個月。

[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.

Contact SFGov Accessibility Policies
City and County of San Francisco © 2023

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 5

COMPLAINT DATA SHEET

Complaint Number: 202304057

Owner/Agent: OWNER DATA
SUPPRESSED

Owner's Phone: --

Contact Name:

Contact Phone: --

Complainant: COMPLAINANT DATA
SUPPRESSED

Date Filed:

Location: 1934 JEFFERSON ST

Block: 0911

Lot: 031

Site:

Rating:

Occupancy Code: R-3

Received By: Christopher Grady

Division: HIS

Complainant's

Phone:

Complaint Source: TELEPHONE

Assigned to

Division: HIS

Description: Neighbor's roof deck does not conform to plans submitted to DBI.

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
HIS	GRADY	6302	4	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
02/24/23	CASE OPENED	HIS	Grady	CASE RECEIVED	
02/24/23	UNSAFE DECKS	HIS	Grady	FIRST NOV SENT	NOV prepared and sent to owner and complainant.
02/24/23	UNSAFE DECKS	HIS	Grady	CASE UPDATE	This is an updated NOV created to reflect the most current permit research. All entries for complaint tracking number NOV 202200001 from the dates 12.08.2022 to 01.12.2023 are accurate and valid to this NOV and shall remain active for this case. Initial permit research did not provide permit number 2009 1005 8228 or the accompanying drawings that changed the acknowledged violations of the original complaint. Any further reference to these violations should be tracked through this alternate number, 202304057.
03/03/23	UNSAFE DECKS	HIS	Grady	BLDG POSTED & TENANTS NOTIFIED AS PER NOTIFICATION REQMNTS	
03/13/23	UNSAFE DECKS	HIS	Grady	TELEPHONE CALLS	Received a call from the owner.
04/05/23	UNSAFE DECKS	HIS	Grady	REINSPECTION 1	Inspector Grady performed a re-inspection on April 5, 2023, at 10:30am, at the subject property and found that the items identified on the Notice of Violation issued on February 24, 2023 were in progress and the required bid solicitations are in place. Plans have been developed. Contractor has been secured. The permit application is about to be submitted to plan review with the Planning Department.

COMPLAINT ACTION BY DIVISION

NOV (HIS): 02/24/23

NOV (BID): 2/24/2023

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.

[Contact SFGov](#) [Accessibility](#) [Policies](#)
City and County of San Francisco © 2023

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 6

COMPLAINT DATA SHEET

Complaint Number: 202538203

Owner/Agent: OWNER DATA SUPPRESSED

Owner's Phone: --

Contact Name:

Contact Phone: --

Complainant: COMPLAINANT DATA SUPPRESSED

Date Filed:

Location: 1934 JEFFERSON ST

Block: 0911

Lot: 031

Site:

Rating:

Occupancy Code: R-3

Received By: Kasanita Faagau

Division: HIS

Complainant's Phone:

Complaint Source: OFFICE VISIT

Assigned to Division: HIS

Description: on-going construction work being done on the neighbor's roof. Building permit is suspended and construction work should have stopped.

Instructions:

INSPECTOR CURRENTLY ASSIGNED

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
HIS	MAR	6323	4	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIV
05/28/25	CASE OPENED	Mar	CASE RECEIVED		Kasanita Faagau 28-MAY-25	HIS
06/05/25	CONST WORK NO PERMIT	Mar	TELEPHONE CALLS	Cl complainant (neighbor), state work still on-going after approved/issued permit application was suspended after he challenged approval.	Wai Mar 05-JUN-25	HIS
06/02/25	CONST WORK NO PERMIT	Mar	PERMIT RESEARCH	Review indicates open current permits... PA202502110120 "(N) 1 HOUR RATED FIRE PROTECTION WALL AT ROOF TO A 3 STORY TWO UNIT BUILDING TO COMPLY WITH ***NOV 202304057*** AND PLANNING CODE 2023011348ENF AND LEGALIZE ROOF DECK and stair layout. remove flue" 05/19/2025 ISSUED; 05/20/2025 SUSPEND Per BOA Appeal No 25-022. 202406144566 "TO OBTAIN FINAL INSPECTION FOR WORK APPROVED UNDER PA# 8603587. ALL WORK IS COMPLETE" 06/20/2024 ISSUED LAST Activity Date 06/26/2024; Inspector Juan Calderon; Inspection Description: FINAL INSPECT/APPRVD; Inspection Status: Require SITE VERIFICATION	Wai Mar 05-JUN-25	HIS
06/05/25	CONST WORK NO PERMIT	Mar	INSPECTION OF PREMISES MADE	Complaint is duplicate of open NoV202304057, close and refer to open NoV.	Wai Mar 05-JUN-25	HIS
06/05/25	CONST WORK NO PERMIT	Mar	CASE CLOSED		Wai Mar 05-JUN-25	HIS

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.

City and County of San Francisco © 2025

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 7



INFORMATION SHEET

NO. FS-06

DATE : November 2023

CATEGORY : Fire Safety

SUBJECT : **Fire Protection for Residential Decks and Deck Stairways in Rear or Side Yard**

PURPOSE : The purpose of this Information Sheet is to clarify the requirements for residential deck and deck stairway protection at the property lines located at the rear or side yards in alterations to existing buildings.

REFERENCE : San Francisco Building Code, Current Edition
California Building Code (CBC), Current Edition
CBC Section 705.2 Exterior Walls, Projections
CBC Section 705.8 Exterior Walls, Openings
CBC Section 705.11 Exterior Walls, Parapets
CBC Section 1015 Guards
CBC Section 1027.5 Exterior Exit Stairways and Ramps, Location

DISCUSSION : Residential decks and deck stairways in the rear or side yards represent an opening in exterior wall lines.

The fire separation distance (FSD) measured from property line for such openings are governed by CBC Table 705.8, unless a one-hour fire-resistive wall is provided extending from the ground to 30 inches above the walking surface of the deck and deck stairway. Note that guard requirements per CBC Section 1015 apply.

Without a fire-resistive wall, the minimum fire separation distance (FSD) of the deck and deck stairway from the property line shall be as follows:

1. For R3 buildings, FSD = 3 feet or more.
2. For R2 buildings, FSD = 5 feet or more, with the exception of egress components.

The discussion on "decks" in this information sheet is in reference to residential decks, which are exterior platforms built above the ground and connected to the main building. It is delineated from "balconies" or pool "decks" as defined by CBC Section 202.

Where the deck or deck stairway serves as a required egress component, the required minimum distance between the property line and the egress component shall be in accordance with CBC Section 1027.5.

Overhang and projections are outside the scope of this information sheet and shall comply with SFBC Section 705.2.



11/2/23

Patrick O'Riordan, C.B.O.
Director
Department of Building Inspection

Date

This Information Sheet is subject to modification at any time. For the most current version, visit our website at sfdbi.org.

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 8



INFORMATION SHEET

No. EG-01 : (Previously numbered E-01)
DATE : October 10, 2017
CATEGORY : Egress
SUBJECT : **Exiting and Fire Sprinklers requirements for Roof Decks**

PURPOSE : The purpose of this information sheet is to establish criteria for exiting and fire sprinklers requirements for Roof Decks

REFERENCE : 2013 San Francisco Building Code
Section 504.2, Automatic sprinkler system increase
Section 903.3.1.1, NFPA 13 sprinkler system
Section 903.3.1.2, NFPA 13R sprinkler system
Section 903.2.8.2, Exception
Section 1015.1 Exits or exit access doorways from spaces
Section 1021.1, Exits from stories
Section 1021.2, Single exits
Section 1509.6, Roof decks
AB-019 Local Equivalency for Approval of Fire Escapes as a Required Means of Egress
AB-028 Pre-application and Pre-addendum Plan Review Procedures

DISCUSSION :

Per SFBC Section 1021.1, occupied roofs shall be provided with exits as required for stories.

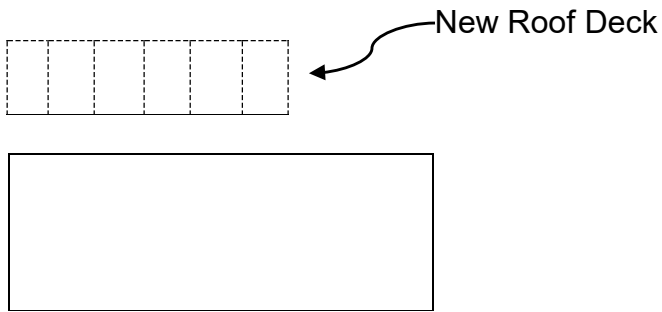
SFBC Section 1509.6 allows roof deck to be constructed of wood when "the deck is less than 500 square feet." Hence, the total area of all wood roof decks at the same story shall not exceed 500 square feet. This information sheet shall apply to roof decks not exceeding 500 square feet.

Per SFBC Section 903.2.8.2 Exception#5, applicable to R-3 occupancy not more than 3 stories only, an automatic residential fire sprinkler system shall not be required for additions or

alterations to existing buildings that are not already provided with an automatic residential fire sprinkler system installed.

For R-3 Occupancy:

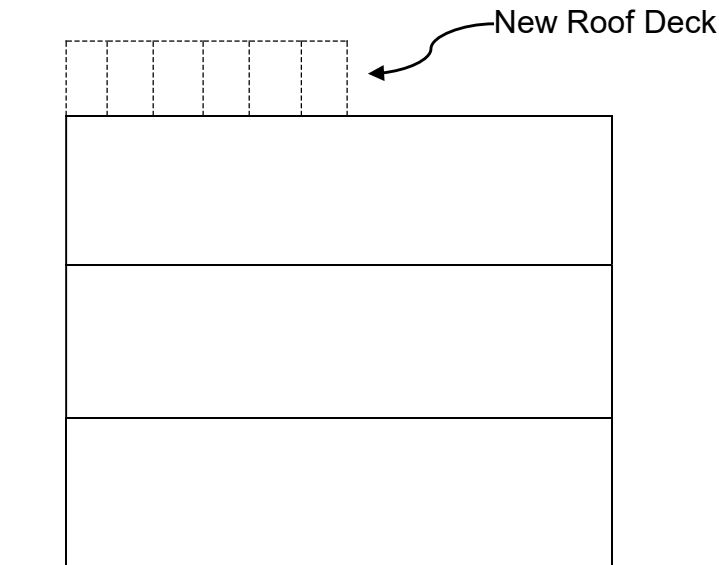
(I.) Addition of roof deck to existing one-story or two-story building



- No sprinkler system required
- No second means of egress required

For R-3 Occupancy:

(II.) Addition of roof deck to existing building up to 3-story building or 4-story building



(A) 3-story building

- No 2nd means of egress if occupant load per unit ≤ 10 (CBC Section 1015.1 & 1021.2 Exception 6)
- No sprinkler system required

(B) 4-story building

- Provide sprinkler system to the entire building (CBC Section 504.2)
Exception: For roof deck within and from individual dwelling unit; sprinkler individual dwelling unit only (CBC Section 1015.1 & 1021.2 Exception 6)
- No 2nd means of egress if sprinklered as above and occupant load per unit ≤ 20

For further clarification of these code issues, pre-application or pre-addendum plan review meeting is recommended.

For projects involving R1 or R2 occupancy, participation of SFFD in the pre-application or pre-addendum plan review meeting is required.

Tom C. Hui

11/14/2013

Tom C. Hui, S.E., C.B.O.
Director
Department of Building Inspection

Date

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 9



PUBLIC INFORMATION HANDOUT

RESIDENTIAL DECKS



San Francisco
Planning



Mayor

London Breed

Board of Supervisors

Shamann Walton, *President*

Connie Chan

Catherine Stefani

Aaron Peskin

Gordon Mar

Dean Preston

Matt Haney

Myrna Melgar

Rafael Mandelman

Hillary Ronen

Asha Safai

Planning Commission

Rachael Tanner, *President*

Kathrin Moore, *Vice President*

Deland Chan

Sue Diamond

Frank Fung

Theresa Imperial

Joel Koppel

San Francisco Planning Department

Rich Hillis, *Director of Planning*

Elizabeth Watty, *Director of Current Planning*

Rich Sucre, *Deputy Director of Current Planning*

Claire Feeney, *Planner, Southeast Team*

Monica Giacomucci, *Senior Planner, Southeast Team*

Xinyu Liang, *Senior Planner, Southeast Team*

Eugene Lau, *Planning Intern, Southeast Team*

Updated November 2022

Diagram renderings by Eugene Lau

Cover photo by Jenn Vargas (Flickr)

All photos are Creative Commons designation



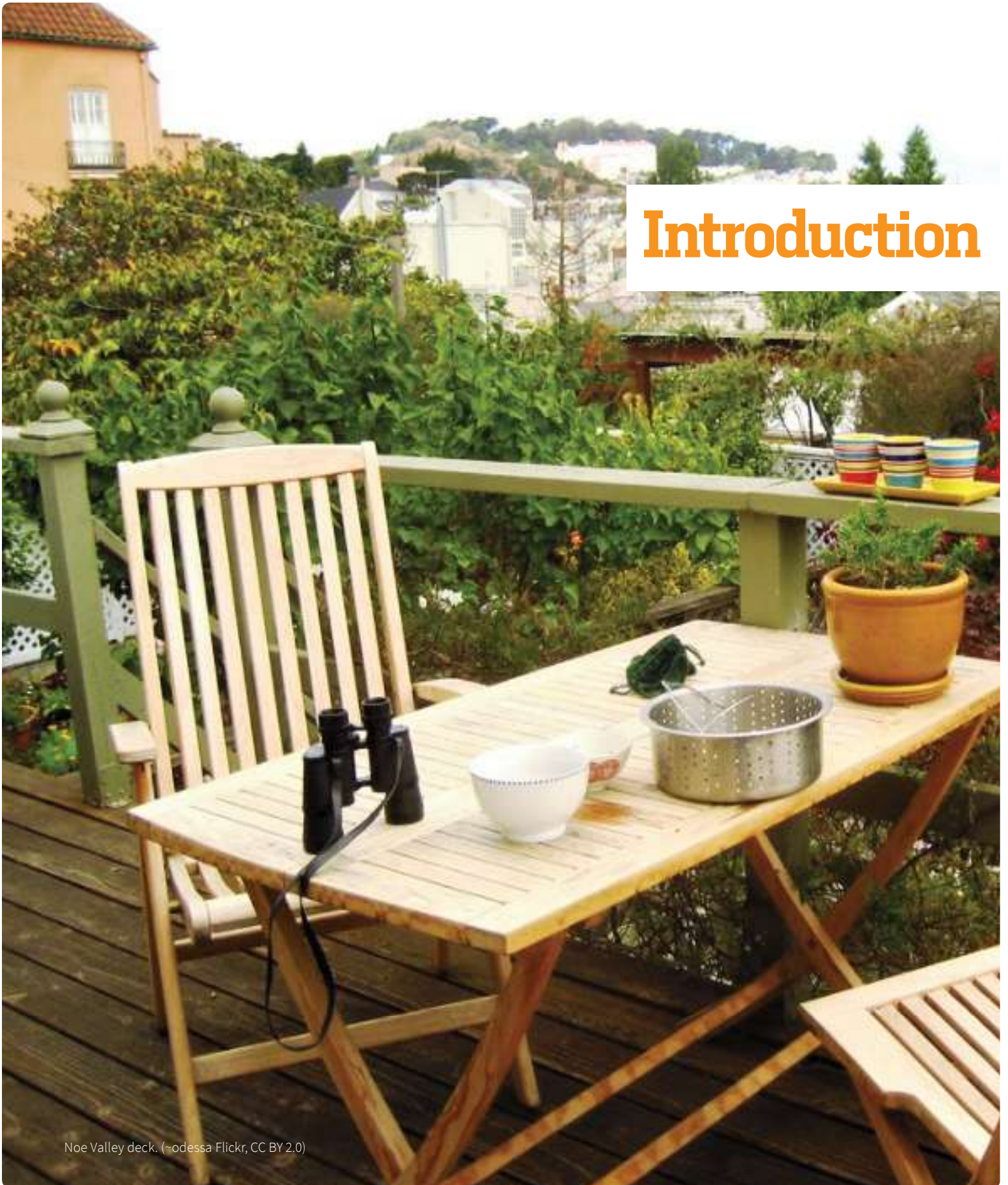
San Francisco Planning Department
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

www.sfplanning.org

Residential Decks

Introduction	4
Overview	5
Deck Types	6
Deck Less than 3 Feet Above Grade	7
Deck on Posts / Cantilevered Deck	9
Deck on Existing Structure	11
Roof Deck	13
FAQs and Resources	15
Frequently Asked Questions	16
Resources	19

Introduction



Residential decks are a popular component of building design to provide access to air and outdoor space, especially in dense urban environments.

While decks are allowable as an addition to many residential homes, the Planning Code and Residential Design Guidelines outline certain regulations for decks to minimize potential adverse effects on building design, privacy, light, noise, and safety.

Note that all decks over 30 inches require a Building Permit and all decks over 3 feet also require Planning Department review.

TIP: Visit the Permit Center in person or email PIC@sfgov.org for a Planning consultation and TechQ@sfgov.org for Department of Building Inspection (DBI) information before starting a project.

Please review this document for more information about commonly allowed residential decks and expected procedures before construction.

Types of Decks

A. Deck Less than 3 Feet Above Grade *Page 7*

Decking is commonly used to create patio spaces. This type of deck generally requires no review from the Planning Department if it is less than 3 feet above grade.

B. Deck on Posts/ Cantilevered Deck *Page 9*

This typically includes a deck that is attached to the home either in the front or rear and is structurally elevated on posts or beams. Cantilevered decks, such as balconies, are also attached to the side of homes but they are only supported by beams.

C. Deck on Existing Structure *Page 11*

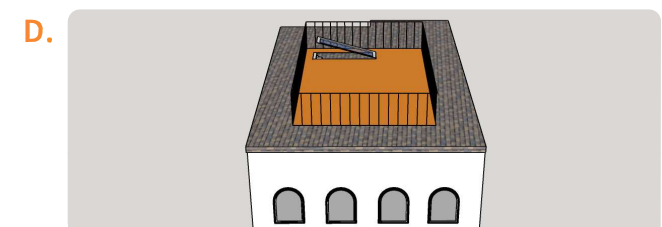
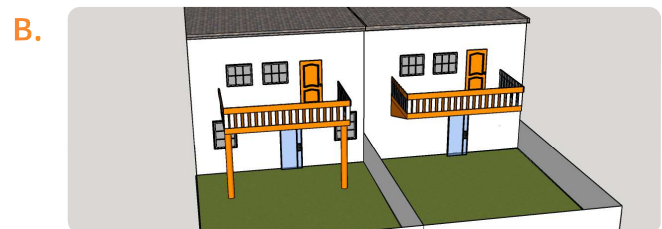
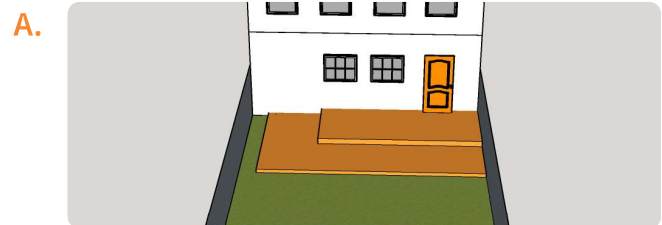
This is generally a deck above an existing portion of a home or a part of an existing mid-story addition.

D. Roof Deck *Page 13*

Usually roof decks are decks at the highest roof surface.



Roof deck with view of Coit Tower. (Brad Coy, Flickr, CC BY 2.0)

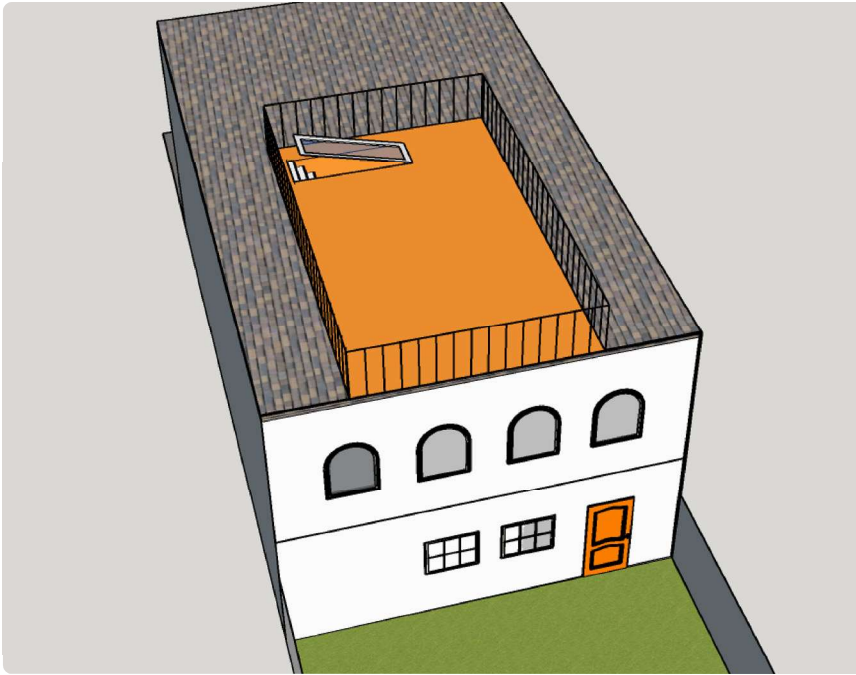


Deck Types



Furnished roof deck. (Zillow)

Roof Deck



Definition: Typically, an open walkable flat surface on top of a home with an internal access point (e.g. staircase or roof hatch) or an external access point, like a spiral staircase, outside the house.

TIP: Planning encourages roof decks to be setback at least 5 feet on all sides.



A roof deck with setbacks and an external staircase in Dolores Heights. (Zillow)



A roof hatch that would not require public notice. (iStock)

Roof Deck

Permit Process

Review Process			
	Over the Counter	Intake Permit	
		Pre-Application Meeting	Section 311 Neighborhood Notice
Features such as railings, parapets, landscaping, and roof hatches	✓		
3-5 foot setback from building edges and lightwells and within Buildable Area	✓		
Expansion past Buildable Area on existing legal noncomplying structure		✓	10 Day Notice
Stair Penthouse		✓	30 Day Notice

FAQs and Resources



Balconies on Sanchez Street. (Google Maps, 2021)

Frequently Asked Questions

Why are setbacks encouraged for most decks?

- » Elevated decks can potentially have adverse effects on neighboring properties with respect to noise, privacy, and light reduction. Planning recommends at least a 3 foot setback and encourages a 5 feet setback when a deck proposal starts encroaching on a neighboring property's existing enjoyment of light and privacy.
- » In addition, the Building Code requires firewalls if new construction, including a deck, is built close to or against shared property lines. Firewalls are protective barriers that slow the spread of fire from one building to another. Generally, if you build a deck within 3 to 5 feet of a neighboring property line, then it may trigger a firewall. Please check with the [Department of Building Inspection for more information](#).

What can my deck look like? Are there any design rules?

- » All decks above 3 feet are subject to the [Residential Design Guidelines](#). These Guidelines regulate where decks can be built, how they look, and what materials can be used.
- » Deck design needs to fit the size and character of your own home and should be minimally visible from the street. Deck design also needs to be sensitive to the other yards and outdoor spaces nearby, the size and character of adjacent buildings, and your neighbors' privacy.

Don't decks require railings?

- » Yes, many decks require hand railings for the safety of occupants. Open railings are allowed without public notice if they are no more than 42 inches tall.



Typical trellis as deck covering. (Jeremy Levine, Flickr, CC BY 2.0)

I want to have a wind screen or shade structure on my deck. Are there additional rules?

- » If your deck proposal includes roofing or another type of covering, like a pergola, then it may trigger Neighborhood Notification.
- » If your deck is at grade, a roofing or a shade structure does not need public notice if it is less than 8 feet tall, enclosed by walls on no more than 50% of its perimeter, and is less than 60 square feet. If all of these conditions are met, then the deck can be approved over the counter.
- » If your deck and shade covering are on the roof, on top of an addition, or on posts, then it will usually require public notice due to the height. Most residential properties have height limits of 35 or 40 feet.
- » Wind screens on roof decks are typically allowed to be up to 6 feet tall, even if that is above the height limit, but they may require 30-day public notice.
- » At grade, wind screens are typically allowed to be up to 10 feet tall without requiring public notice.

What if my deck doesn't meet the Planning Code?

- » If your deck design falls outside of a property's Buildable Area, it may not be allowed or may need a Variance.
- » There may be unique conditions on a property that make it difficult for a project to meet all of the Planning Code requirements, otherwise known as property hardships. In those instances, someone may request that the Zoning Administrator grant a Variance from Code provisions. Variance requests are not guaranteed and may be denied.

Read More | » [Refer to the Variance Supplemental Application for more information.](#)

My deck needs notice. What process do I need to follow?

- » If a project requires neighborhood notice, it cannot be approved over the counter. The design must be submitted as an "intake permit" to the Planning Department. There, a Planner will work with you on the design of the project and will help with the neighborhood notice.
- » Please note that projects that only include a Code-compliant deck are often eligible for over the counter review. If your project proposal includes decks or firewalls over 10 feet tall or building expansions, it will usually require a Pre-Application meeting and 30-day public notice.
- » During public notice, a concerned neighbor, property owner, or community group may file a Request for Discretionary Review (DR) of the permit. This may require a public hearing and review by the Planning Commission which can take months.
- » [Read more about neighborhood notice requirements and processes in ZA Bulletin No. 4 - Public Notification for Building Permits in Residential and Neighborhood Commercial Districts.](#)

Read More

I think my home may be a historic resource. Does this affect my plans to add a deck?

- » If your home is 45 years old or more, it may be considered a potential historic resource. The Planning Department recommends that decks on potential or designated historic resources be designed so that they are minimally visible from any public right-of-way. If your deck will be visible from a public right-of-way, further review by a historic preservation planner may be required.
- » You can look up your home on the San Francisco Property Information Map and review the Historic Preservation tab for more information. You may also request feedback from a preservation planner on your proposed deck by emailing PIC@sfgov.org.

I need to repair or replace my deck. What do I need to know?

- » Decks may be repaired and/or replaced in full as long as they are still compliant with the Planning Code. If the existing deck does not meet current rules, then it may be repaired up to 50% of the building materials. If someone proposes to repair or replace a non-compliant deck beyond 50% of building materials, it may require a Variance.

What is Buildable Area and how do I determine it for my property?

- » Depending on your property and the zoning and height districts, you may have requirements for a front setback, side yard, rear yard, and/or a height limit. The "Buildable Area" is the space inside the required setbacks, yards, and height limit.
- » Proposals to build into these required setbacks and yards will generally need additional review by Planning. Decks located outside the Buildable Area may require a Variance unless they qualify for exemptions known as "permitted obstructions" within Planning Code Section 136.

Read
More

- » [You can find out more about Buildable Area and exemptions in ZA Bulletin No. 5 - Buildable Area for Lots.](#)

How do I determine how high my deck is? Where should I measure grade?

- » Deck height is measured from grade at the actual location of the deck up to the walkable surface of the deck. Grade is the natural ground surface itself and cannot be altered.

Read
More

- » [Sloping properties and hilly terrain can have additional height measurement requirements. You can find out more in Planning Code Section 136.](#)

Which Planning Code sections are most relevant to residential decks?

The following Code sections have detailed regulations about what is and is not allowed.

- » [Sec 132 - Front Yard Requirements](#)
- » [Sec 133 - Side Yard Requirements](#)
- » [Sec 134 - Rear Yard Requirements](#)
- » [Sec 135 - Open Space and Exposure Requirements](#)
- » [Sec 136 - Permitted Obstructions \(e.g. "Pop Outs" and at-grade decks\)](#)
- » [Sec 260 - Height Limits](#)



Furnished roof deck. (Open Homes Photography)

Resources

Planning Department

- » Planning Counter at the Permit Center
49 South Van Ness Ave, 2nd Floor
San Francisco, CA 94103
- » Phone: 628-652-7300
- » Email: pic@sfgov.org
- » Permit Center Website:
<https://sfplanning.org/planning-counter>

Department of Building Inspection

- » Email: dbicustomerservice@sfgov.org
- » Phone: 628-652-3200
- » Technical Questions Email: TechQ@sfgov.org
- » Department of Building Inspection:
<https://sfdbi.org/permit-services>

Resources

- » [Find My Zoning on the Property Information Map \(PIM\)](#)
- » [Residential Design Guidelines](#)
- » [Neighborhood Notice Information Packet](#)
- » [Intake Project Application](#)
- » [Variance From the Planning Code Supplemental](#)
- » [Project Review Meeting Application](#)
- » [Resources for Homeowners Seeking a Permit](#)
- » [Better Roof Policy](#)
- » [Zoning Administrator \(ZA\) Bulletin 5: Buildable Area for Lots in RH, RM, RC, AND RTO Districts](#)



Rear elevated deck on slope. (Fabrice Florin, Flickr, CC BY 2.0)



San Francisco
Planning

**FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department**

Central Reception
49 South Van Ness Avenue, Suite 1400
San Francisco CA 94103

TEL: **628.652.7600**
WEB: <https://www.sfplanning.org>

Planning counter at the Permit Center
49 South Van Ness Avenue, 2nd Floor
San Francisco CA 94103

TEL: **628.652.7300**
Planning staff are available by phone and at the Planning counter. No appointment is necessary.

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 10

1 RYAN J. PATTERSON (SBN 277971)
2 LAURA F. STRAZZO (SBN 312593)
3 PATTERSON & O'NEILL, PC
4 235 Montgomery Street, Suite 950
5 San Francisco, CA 94104
6 Tel: (415) 907-9110
7 Fax: (415) 907-7704
8 ryan@pattersononeill.com
9 laura@pattersononeill.com

10 Attorneys for Appellant
11 Ottorino Pasian

SAN FRANCISCO BOARD OF APPEALS

12 OTTORINO PASIAN,

APPEAL NO: 23-055

13 Appellant,

**DECLARATION OF OTTORINO
PASIAN IN SUPPORT OF
APPELLANT'S BRIEF**

14 vs.

15 SAN FRANCISCO DEPARTMENT OF
16 BUILDING INSPECTION,

Permit No.: 202308013405
NOVs: 202200001; 202304057
Subject Address: 1934 Jefferson Street
Hearing Date: January 10, 2024

17 Respondents

18 JEFFREY DRIMMER AND VIVIENNE
19 DRIMMER,

20 Permit Holders.
21
22
23
24
25
26
27
28

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Ottorino Pasian, declare as follows:

1. I am an Appellant in this matter. Unless otherwise stated, I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently here to.

2. I have owned the neighboring property at 1926-1928 Jefferson Street for over 20 years. I plan to leave my property to my family and do not want them to be in a situation where they are dealing with unpermitted work or other difficulties with neighboring properties. My concerns are heightened because the current owners of 1934 Jefferson Street regularly trespass onto my property to access portions of their property without my permission.

3. Before the current owners of 1934 Jefferson Street purchased the property in 2013, the prior owners constructed a roof top deck, exterior stairs, and landing. Since the deck and stairs were permitted and signed off on by the building department, I trusted that everything was built according to the plans.

4. However, I later learned that this was not the case. Earlier this year, I went to DBI to review the submitted plans and noticed that the stairs connecting to the roof deck were supposed to be set back five feet from my property line. The stairs that were built are much closer to my property line. I also talked to the DBI Inspector who issued notices of violation for the property, and he confirmed to me that the deck and stairs were not built to the approved plans. It is deeply concerning that DBI Inspectors would sign off on permits that deviate so dramatically from the plans that were approved.

5. There is also an exterior exhaust pipe that appears to have been altered so that it is now at the property line, which creates a fire risk to my property. I want to ensure that this is addressed as part of the permit.

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6. Attached as **Exhibit A** are true and correct photos I took in 2023 that show the deck, stairs, and exhaust pipe at 1934 Jefferson Street.

7. I recently learned that the owners of 1934 Jefferson Street applied for a permit to abate the violation that was issued. While I want the neighbors to fix the violations at their property, the permit that was issued does not address all the code violations concerning the deck, stairs, and exhaust pipe, and was not routed through the Planning Department. I believe that all the code violations should be addressed to abate the violation.

8. I also would like the parapet wall that is installed to match the previous plans. My understanding is that would be a 30” solid parapet wall with a 12” open railing. This configuration will allow more westerly light to my property.

I declare under the penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: December 20, 2023

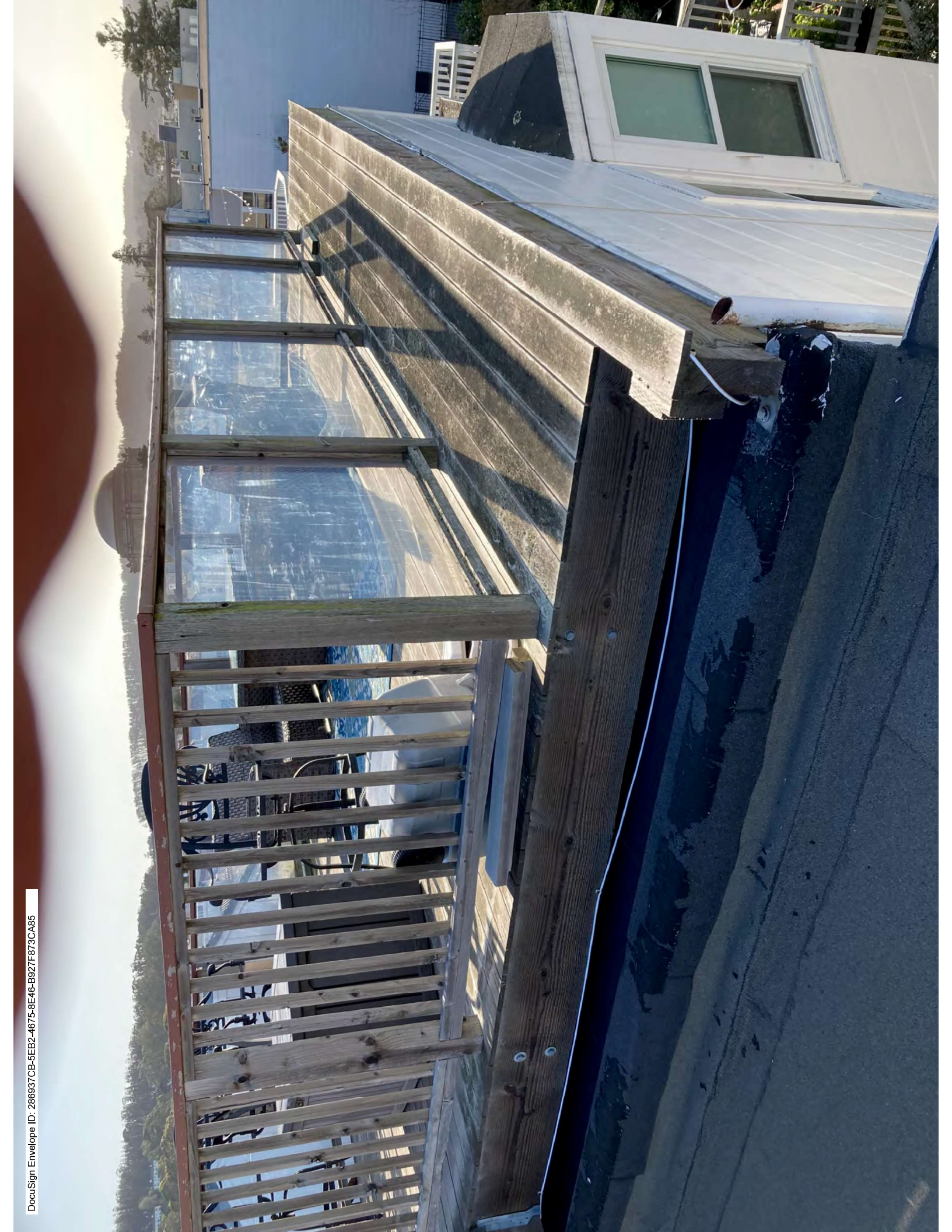
DocuSigned by:
Otto Pasian
FF613EB5D684DE...
Ottorino Pasian

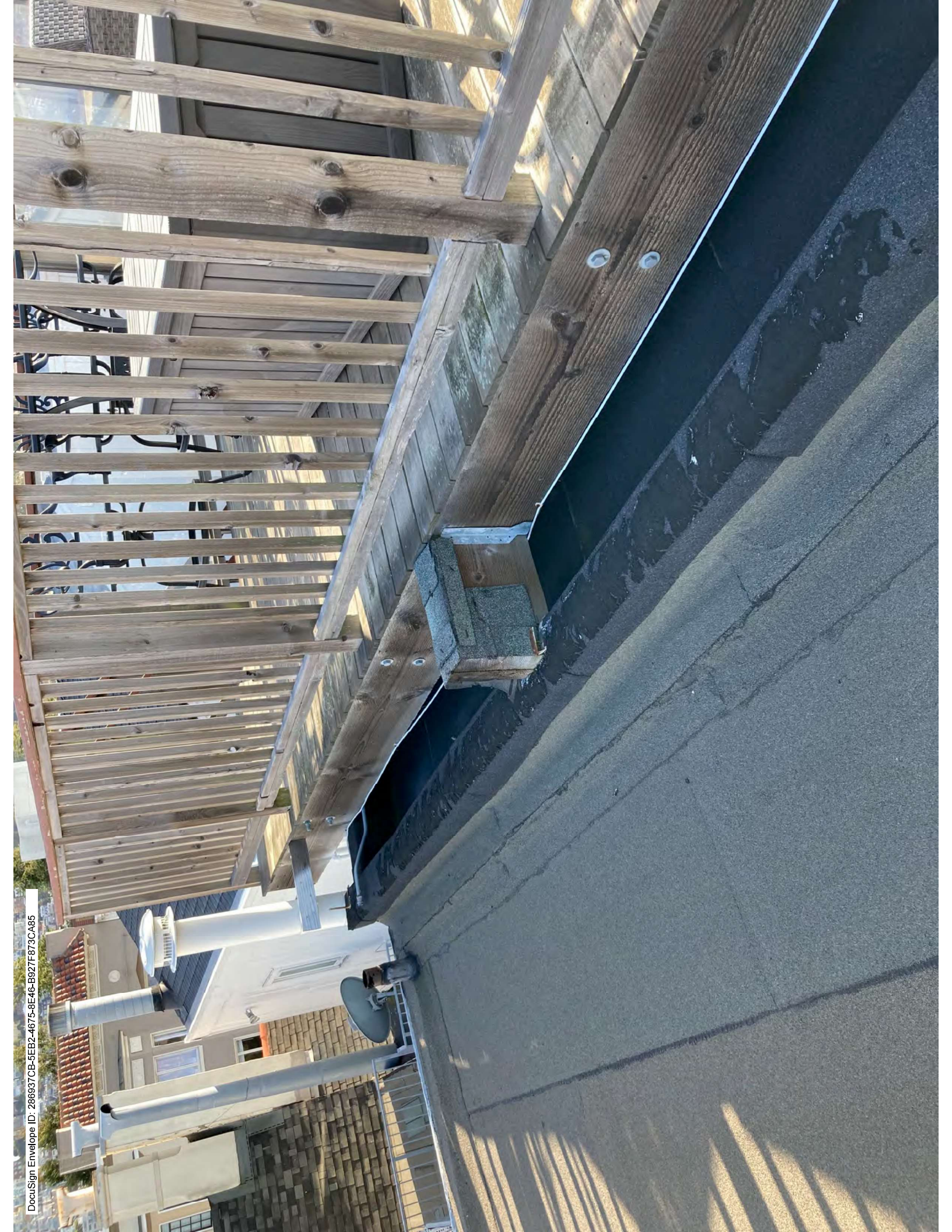
PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

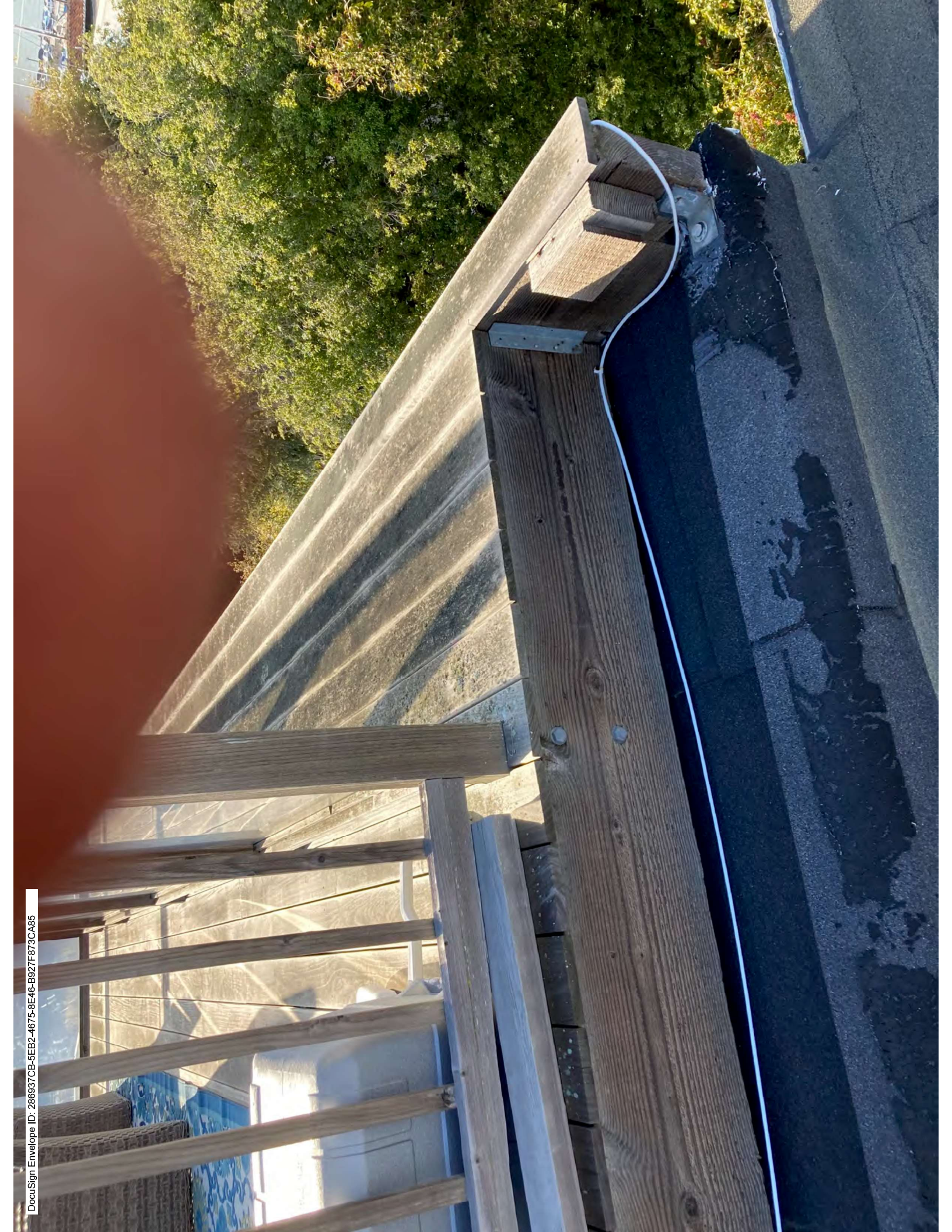
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

DECLARATION OF OTTORINO PASIAN IN SUPPORT OF APPELLANT'S BRIEF









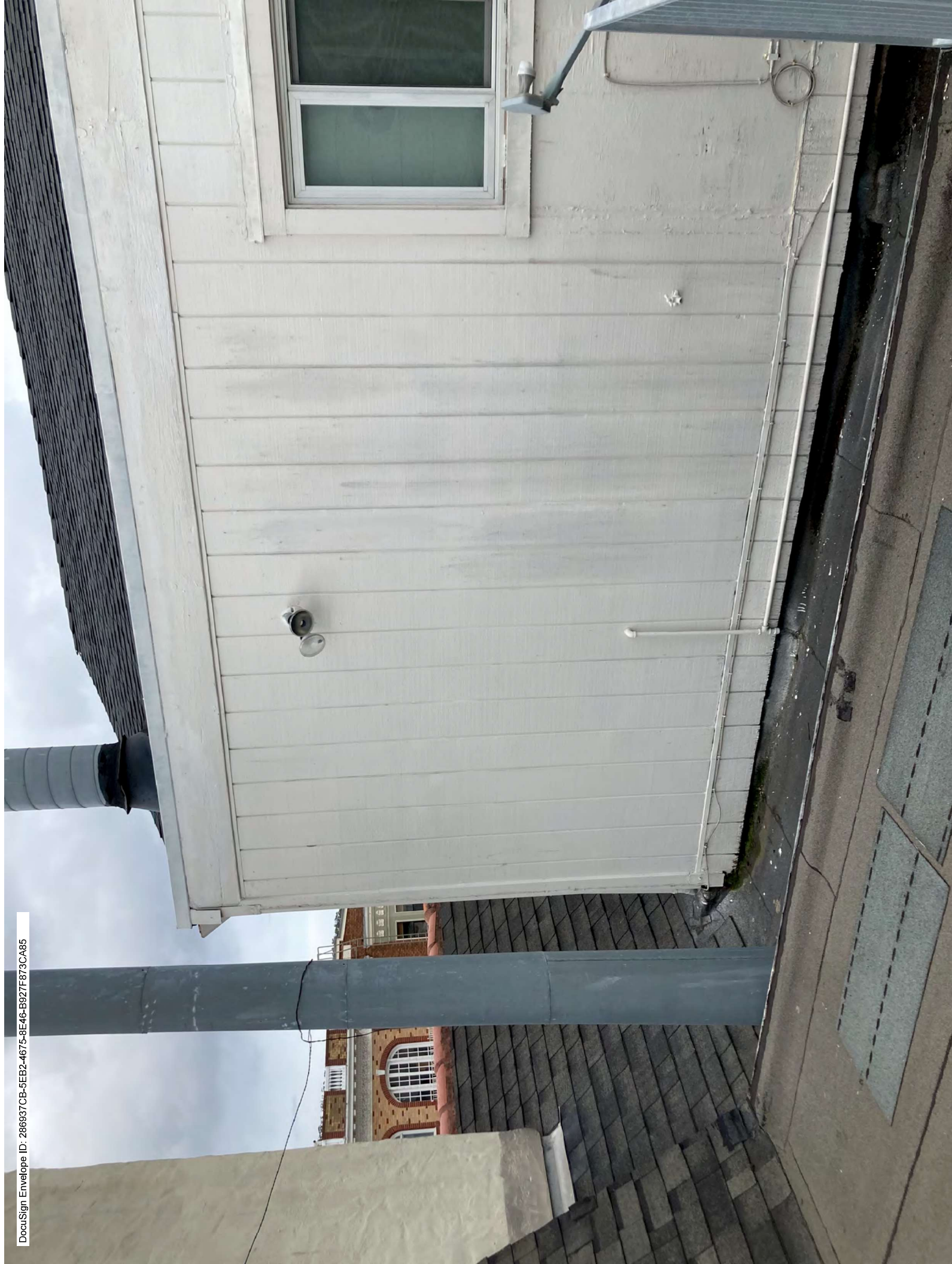












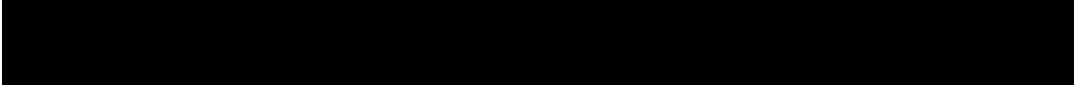








BRIEF SUBMITTED BY THE PERMIT HOLDER



My name is Jeff Drimmer and along with my wife Vivienne, we are the owners of 1934 Jefferson St. From the time we purchased our home in April, 2014, until we received a notice of violation for this issue, there was never any issue brought to our attention with regard to our roof deck and stairs. The neighbor who has filed this DR actually agreed to the existing roof deck configuration in writing, please refer to Photos 1 and 2.

After the NOV was initially presented to us, and subsequently updated, we met with Planning and Building department staff several times and submitted a permit at their direction to address the violation. Both departments have approved the permit for the firewall. We met with the DR requestor and his attorney to try and address his concerns, but we do not see any extraordinary circumstances and we have already incurred significant costs for an issue that took place prior to us purchasing this property.

We would like to review some of the information submitted in the DR as, in our opinion, there are several inaccuracies to what has been stated.

1 We had no knowledge of the circumstances since we purchased the home after the roof deck was completed sometime in 2013.

2 - We first came to realize the roof deck was not built to the approved plan in December 2022 when we were served with a NOV. This notice was subsequently updated in Feb 2023. From that point on we spent a significant amount of time speaking to and meeting with the DBI and Planning departments to try and understand what happened during construction. Representatives from both departments told us the same thing: in order to meet the requirements set forth in the NOV, we needed to build a firewall between our two properties. From that point on, we pursued this by hiring a structural engineer for design and a contractor to build. Upon approval by DBI, the DR requestor appealed our permit. We then withdrew the permit and submitted a second set of fire wall plans. These plans were then also approved by Planning.

3 - The DR states that the proposed project, if approved, will cause significant noise and privacy impacts to the DR requestor by allowing a roof deck so close to the property line. With regard to noise and privacy concerns, Photos #3-4 show a view of the neighbor's property from the landing of our roof deck. This is really the only place on our roof deck where you can stand and get a clear view of the neighbor's deck. Photos #5-7 show the view from the landing onto our roof deck. This is where we spend our time. We don't spend time looking over our neighbor's deck.

In addition, Photos #8-9 show the existing railing where we currently are able to see through to our neighbor's deck. The proposed firewall is a solid wall to be built behind the railing, which removes our ability to look through our railing onto the neighbor's deck. The proposed wall will be approximately 14-16" above the existing railing, removing sight of the neighbor's roof deck and significantly reducing any sound coming from our roof deck.

4 - The DR further states that allowing existing stairs and landing to be legalized over a light well will block light to Mr. Pasian's property (and the property's lower condo unit) and undermines

the functionality of the light well. It also poses an unacceptable privacy impact by creating a line of sight into Mr. Pasian's property. This project does not call for any modification to the existing stairs and landing so we are unclear of what is being referenced here.

5 - The DR states that the plans also omit the illegally re-routed exhaust pipe that was installed at the property line and poses a fire risk to Mr. Pasian's property. We are willing to remove the exhaust pipe.

We are also including Photo #10 which shows the roof deck on the east side of our neighbor's property. There are other similar decks on our block, and throughout the Marina, and it just shows that most, if not all of these decks are all built on property lines.

Upon suggestion by David Winslow to try and come up with an alternate solution, we looked at 2 options. The first was to move the roof deck 3-5 feet from the property line. We'd rather not do that because it takes away too much of the deck area. Its location has no impact on the DR requester because the roofs are side by side and at the same level. The lack of impact is presumably why the DR requester agreed in writing to it being located where it is. Only now is he changing his mind. The 5-foot setback is not required by the Planning Code, the Residential Design Guidelines, or Planning Department policy.

The second option considered was to adjust the landing 5 feet back from the property line as shown in the original plan from 2009. But the stairs could not be modified in accordance with current code to achieve this. To completely move the stair is prohibitively expensive and far outweighs the minimal impact to our neighbor.

To date, DBI and Planning Department staff have approved these plans twice formally, and informally reviewed and approved the project a number of additional times. The two departments collaborated in the first place in determining what should be proposed for this project. We did exactly what they recommended. We had a discretionary review hearing at the Planning Commission, requested by this same appellant and attorney, where staff recommended approval as proposed and the Commission followed staff's recommendation – approved with no changes. We see no reason why any changes or modifications to these plans are warranted now nor why the Board of Appeals would see the project any differently than everyone else at the City.

Pg. 1

September 22, 2010

Property Address: 1928 JEFFERSON ST
Assessor's Parcel #: Bk 0911 Lot 031
Zoning District: RH-2
Building Permit No.: 2009.10.05.8228

Dear Owner of 1928 and 1926 Jefferson

As you know we are in the process of building a roof top deck and stairwell on our property at 1934 Jefferson.

We have submitted revised drawings to the city that will adhere to the Residential Design Guidelines (RDGs) for the San Francisco building and planning department.

Attached are the drawings showing the stair set back from the original plan.

The city has asked that you sign off on this revised plan.

Thank you.

Beth and David Beld

Beth and David Beld
Owner of 1928 and 1926 Jefferson

COMMENT + REQUEST -

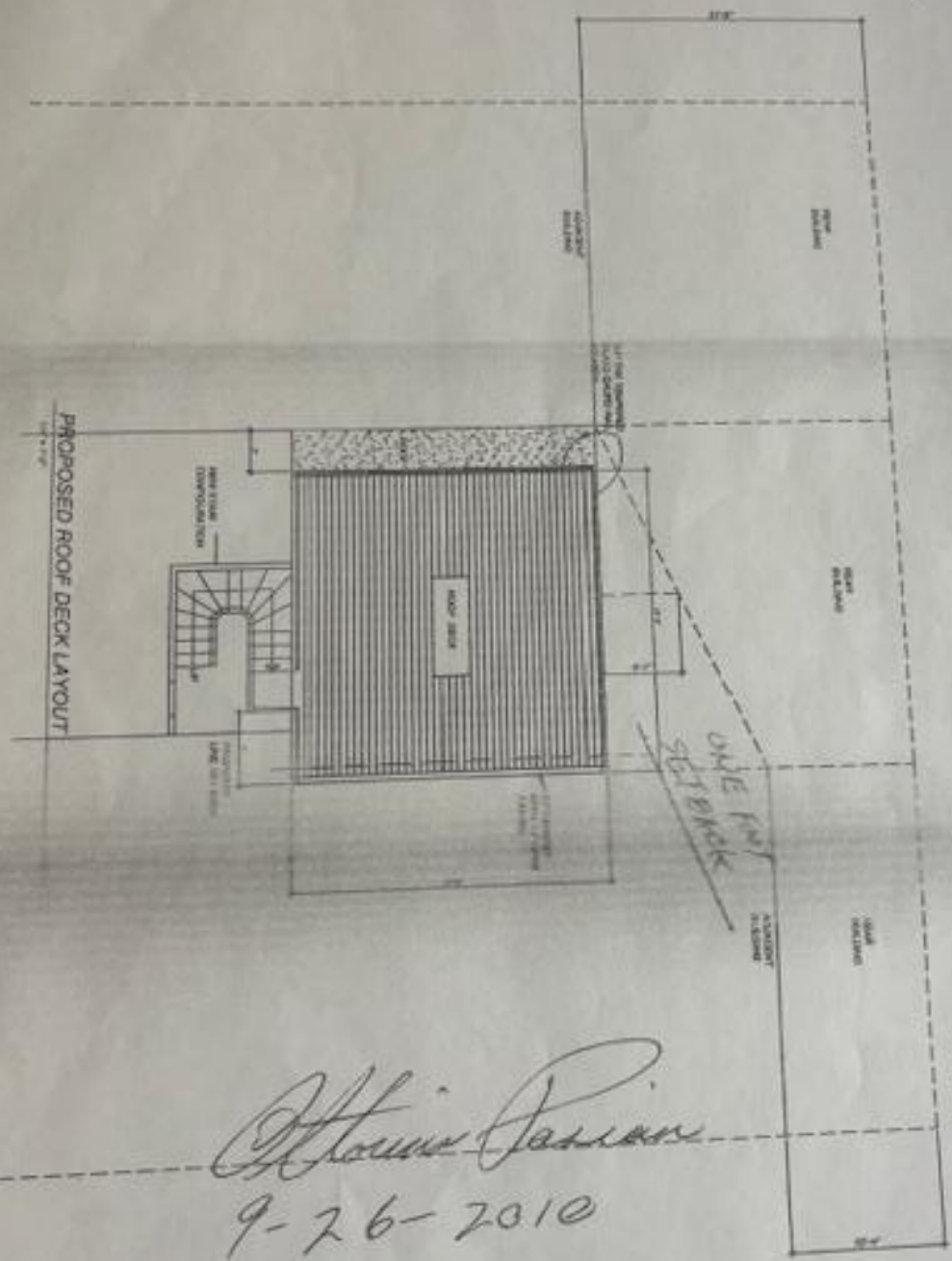
1) PLEASE KEEP ONE FOOT AWAY FROM THE PROPERTY LINE!

Beth and David Beld

9-26-2010

Figure 1 Photo #1

Fig. 2



Alvin Pasian
9-26-2010

Figure 2 Photo #2



Figure 3 Photo #3



Figure 4 Photo #4

Figure 5 Photo 2

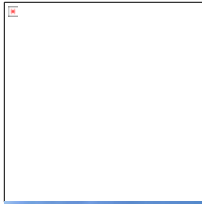


Figure 6 Photo #5



Figure 7 Photo #6



Figure 8 Photo #7



Figure 9 Photo #8



Figure 10 Photo #9



Figure 11 Photo #10



GENERAL NOTES

- THE GENERAL NOTES ARE COMPLEMENTARY TO THE GENERAL CONDITIONS AND SPECIFICATIONS. DO NOT SCALE DRAWINGS. USE WRITTEN DIMENSIONS. CONFLICTS SHOULD BE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE ENGINEER BEFORE WORK PROCEEDS. DIMENSIONS ARE TO THE FACE OF STUD, UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL CONFORM TO ALL CITY, COUNTY, STATE, AND FEDERAL CONSTRUCTION AND SANITARY LAWS, CODES AND ORDINANCES. IF THE DRAWINGS AND/OR SPECIFICATIONS ARE AT VARIANCE THEREWITH, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY.
- THE CONTRACTOR SHALL FURNISH AND INSTALL ALL MATERIALS AND LABOR REQUIRED TO COMPLETE THE WORK. EXCLUSION OF AN ITEM OR ITEMS DOES NOT IMPLY OMISSION. THE CONTRACTOR'S RESPONSIBILITY IS TO NOTIFY THE OWNER OF THESE OMISSION PRIOR TO THE SUBMISSION OF BIDS. THE CONTRACTOR SHALL COMPLY WITH THE SPIRIT AND INTENT OF THESE DOCUMENTS AND SHALL COMPLETE THE WORK SATISFACTORILY AND IN A MANNER ACCEPTABLE TO THE OWNER AND THE ENGINEER. THESE DOCUMENTS ILLUSTRATE THE MINIMUM STANDARDS OF CONSTRUCTION TECHNIQUES AND STANDARDS FOR A BUILDING OF THIS TYPE.
- ADJACENT PROPERTIES SHALL BE PROTECTED FROM ALL DISTURBANCES AND DAMAGES. DO NOT TRESPASS ON NEIGHBORING PROPERTY. IF REQUIRED, SUBMIT A WRITTEN REQUEST TO ADJACENT PROPERTY OWNERS 10 DAYS PRIOR TO NEEDED DATE OF TRESPASS. ANY DAMAGE OR DISTURBANCE WHICH OCCURS TO NEIGHBORING PROPERTIES SHALL BE RESTORED TO THE PREVIOUS EXISTING CONDITION AT NO ADDITIONAL COST TO THE OWNER.
- WHERE WORK REQUIRES CUTTING INTO OR DISRUPTION OF EXISTING CONSTRUCTION THE CONTRACTOR IS RESPONSIBLE FOR PATCHING AND REPAIRING BOTH THE AREA OF WORK AND ITS ADJACENT SURFACES TO MATCH ADJACENT EXISTING SURFACES. PATCHING INCLUDES FINISH PAINTING OF AREA DISRUPTED.
- THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL REQUIRED CITY AGENCY INSPECTIONS. IN ADDITION, THE CONTRACTOR IS TO COORDINATE WORK WITH ALL UTILITY COMPANIES (GAS, ELECTRIC, WATER, PHONE, ETC.) SUCH THAT SERVICE TO THE SITE IS EITHER MAINTAINED OR PROVIDED IN A TIMELY MANNER TO THE COMPLETION OF THE WORK. COORDINATE NEW SERVICE LOCATIONS AND CONFIGURATIONS WITH THE APPROPRIATE PROVIDER AND THE OWNER.
- IF REQUIRED BY THE GOVERNING AGENCIES, THE OWNER IS TO PROVIDE REQUIRED SPECIAL INSPECTIONS AND TESTING VIA EITHER THE STRUCTURAL ENGINEER OR A LICENSED THIRD-PARTY TESTING AGENCY. THE GENERAL CONTRACTOR IS TO COORDINATE ALL WORK AND GIVE THE ENGINEER AND OWNER A MINIMUM FIVE DAY NOTIFICATION ONCE THE WORK IS READY FOR INSPECTION. KEEP ALL REPORTS FOR SUBMITTAL TO THE AUTHORITIES AT FINAL INSPECTION.
- NO WORK DEFECTIVE IN CONSTRUCTION OR QUALITY OR DEFICIENT IN ANY REQUIREMENTS OF THE DRAWINGS OR NOTES WILL BE ACCEPTABLE IN CONSEQUENCE OF THE OWNER'S FAILURE TO DISCOVER OR POINT OUT DEFECTS OR DEFICIENCIES DURING CONSTRUCTION. DEFECTIVE WORK REVEALED WITHIN THE TIME REQUIRED BY GUARANTEES SHALL BE REPLACED BY WORK CONFORMING WITH THE INTENT OF THE CONTRACT.
- THE CONTRACTOR SHALL SUBMIT ALL SHOP DRAWINGS REQUIRED FOR VARIOUS TRADES OR SPECIFICALLY REQUESTED IN THE WORKING DRAWINGS TO THE ENGINEER FOR HIS APPROVAL.
- DIMENSIONS NOTED "CLEAR" OR "CLR." ARE MINIMUM REQUIRED DIMENSIONS AND MUST BE MAINTAINED.
- ALL WORK AND MATERIAL SHALL BE NEW AND UNUSED AND OF THE HIGHEST QUALITY IN EVERY RESPECT.
- ALL WORK AND MATERIAL SHALL BE GUARANTEED AGAINST DEFECTS IN DESIGN AND WORKMANSHIP FOR AT LEAST ONE YEAR FROM FINAL PAYMENT, UNLESS OTHERWISE NOTED.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE BEST PRACTICES OF THE VARIOUS TRADES INVOLVED. ALL WORK SHALL BE ERECTED AND INSTALLED PLUMB, LEVEL, SQUARE AND TRUE IN PROPER ALIGNMENT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISTRIBUTION OF DRAWINGS TO ALL TRADES UNDER HIS JURISDICTION.
- THE PROJECT SHALL BE LEFT COMPLETELY CLEAN AND CLEAR TO THE SATISFACTION OF THE OWNER AND THE ENGINEER.
- MANUFACTURED MATERIALS, EQUIPMENT, ETC., SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS AND INSTRUCTIONS UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WATERPROOFING, DRAINAGE, FIREPROOFING, ETC. WHERE REQUIRED.
- SUBSTITUTIONS, REVISIONS OR CHANGES MUST HAVE PRIOR WRITTEN APPROVAL BY THE ENGINEER.
- THE CONTRACTOR AND SUBCONTRACTORS SHALL PURCHASE AND MAINTAIN CERTIFICATES OF INSURANCE WITH RESPECT TO WORKMAN'S COMPENSATION, PUBLIC LIABILITY AND PROPERTY DAMAGE FOR THE LIMITS AS REQUIRED BY LAW. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING AND SUPERVISING ALL SAFETY PRECAUTIONS IN CONNECTION WITH THE WORK. THE CONTRACTOR SHALL COMPLY WITH ALL OSHA REQUIREMENTS.

- THE CONTRACTOR IS RESPONSIBLE FOR REROUTING (AND MAINTAINING ITS CONTINUOUS OPERATION) ANY EXISTING PLUMBING, ELECTRICAL, MECHANICAL LINES AND COMMUNICATION/ AUDIO/ VISUAL CABLES THAT ARE INTERFERING WITH THE WORK AT NO ADDITIONAL COST TO THE CONTRACT.
- AFTER INSTALLATION OF THE WORK, THE CONTRACTOR IS RESPONSIBLE FOR REPAIRS (PATCH AND MATCH THE EXISTING SURFACE) OF STRUCTURE/ SURFACE FINISHES CAUSED BY DEMOLITION OR DAMAGE(S) DURING CONSTRUCTION AT NO ADDITIONAL COST TO THE CONTRACT.
- ANY OF THE WORK THAT EXTENDS BEYOND THE EXTERIOR WALLS OF THE BUILDING SHALL BE FRAMED, ENCLOSED, AND WEATHER PROTECTED, AND MATCH THE EXISTING SURFACE MATERIALS OR APPROVED NEW SURFACE MATERIALS AND FINISHES TO MATCH EXISTING COLORS AT NO ADDITIONAL COST TO THE CONTRACT.
- THE EXISTING GARAGE DOOR AND SYSTEM SHALL BE REUSED. THE CONTRACTOR SHALL STORE IT IN A PROTECTED AREA AND REINSTALL THE GARAGE DOOR.
- THE CONTRACTOR IS RESPONSIBLE TO SECURE THE PREMISES FROM INTRUDERS AT ALL TIMES.
- ANY CONSTRUCTION THAT ASSOCIATES WITH EXISTING ASBESTOS ON THE PROPERTY SHALL BE REMOVED BY THE CONTRACTOR

CITY OF SAN FRANCISCO FIRE DEPARTMENT REQUIREMENTS:

- MAINTAIN ALL REQUIRED AREAS OF EGRESS AT ALL TIMES
- MAINTAIN FIRE RATED CONSTRUCTION IN AREA OF WORK
- SEAL ALL PENETRATIONS WITH AN APPROVED METHOD AND MATERIAL
- MUST MAINTAIN EXISTING FIRE LIFE SAFETY SYSTEMS DURING CONSTRUCTION

PROJECT INFORMATION

OWNER: JEFF DRIMMER
1934 JEFFERSON STREET
SAN FRANCISCO, CA

BLOCK/LOT: 0911 / 31

OCCUPANCY: R-3

CONSTRUCTION TYPE: VB

ZONING: RH-2

STORIES / HEIGHT: 3 / 40'-0"

PROJECT SCOPE

NEW 1 HOUR FIRE PROTECTED WALL AT ROOF TO A THREE-STORY, TWO-UNIT BUILDING TO COMPLY WITH NOV 202304057 AND PLANNING CODE COMPLAINT # 2023-011348 ENF
RECONFIGURE STAIR, REMOVE FLUE

CODE SUMMARY

APPLICABLE CODE: 2022 SAN FRANCISCO BUILDING CODE
2022 INTERNATIONAL EXISTING BUILDING CODE

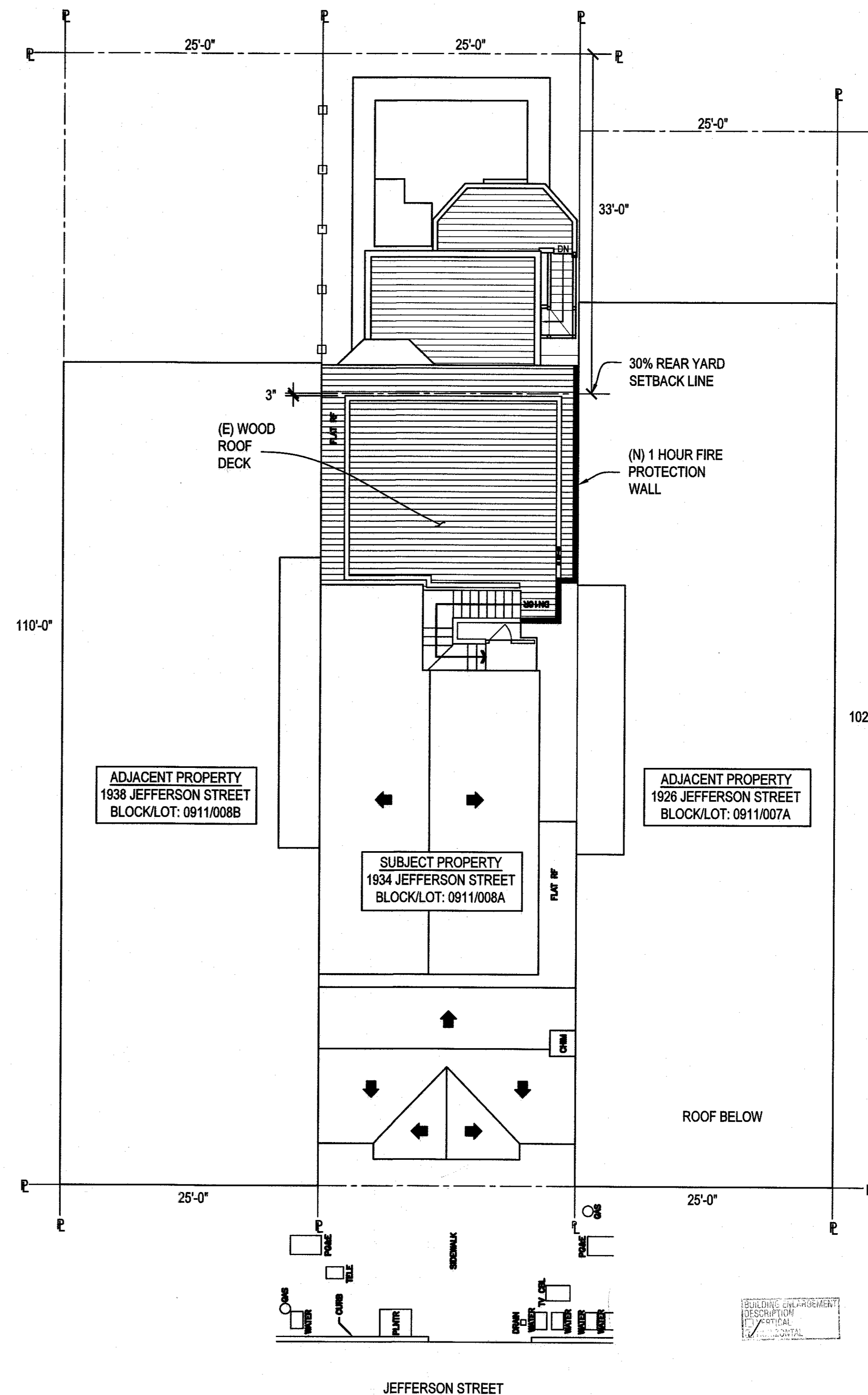
SHEET INDEX

ARCHITECTURAL:	A1	GENERAL NOTES
	A2	PARTIAL SITE PLANS
	A3	PARTIAL REAR DECK PLANS
	A4	NORTH AND SOUTH ELEVATIONS
	A5	EAST ELEVATIONS
	A6	WEST ELEVATIONS
STRUCTURAL:	S1	REAR DECK PLAN
	S2	STRUCTURAL DETAILS

NEW PARAPET

1934 JEFFERSON STREET

SAN FRANCISCO, CA



[Signature]
FEB 11 2025
PLANNING DEPARTMENT

RECEIVED
FEB 11 2025
DEPT. OF BUILDING INSPECTION
THIS PLAN MEETS THE QUALITY
STANDARD FOR DIGITIZING
ACCEPTED

Vivian Huang, DBI
FEB 26 2025
APPROVED BY STEVEN GONZALEZ
FEB 26 2025
PLANNING DEPARTMENT

SITE PLAN

1/8"=1'-0"

REVISIONS	BY

72 Otis Street
San Francisco, CA 94103
P: 415-551-5150
F: 415-551-5151
W: doubledengineering.com

DOUBLED
ENGINEERING

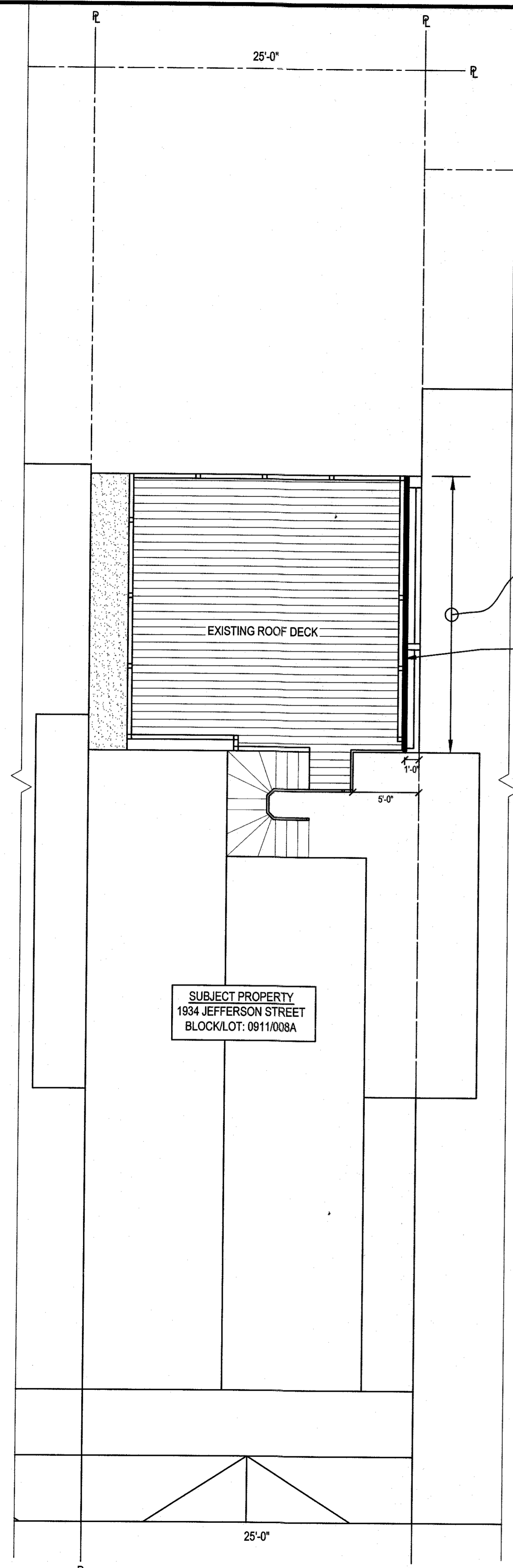
REGISTERED PROFESSIONAL ENGINEER
STATE OF CALIFORNIA
NO. 52238
EXPIRES 12/31/2025

SITE PLAN

NEW PARAPET
1934 JEFFERSON STREET
SAN FRANCISCO, CA

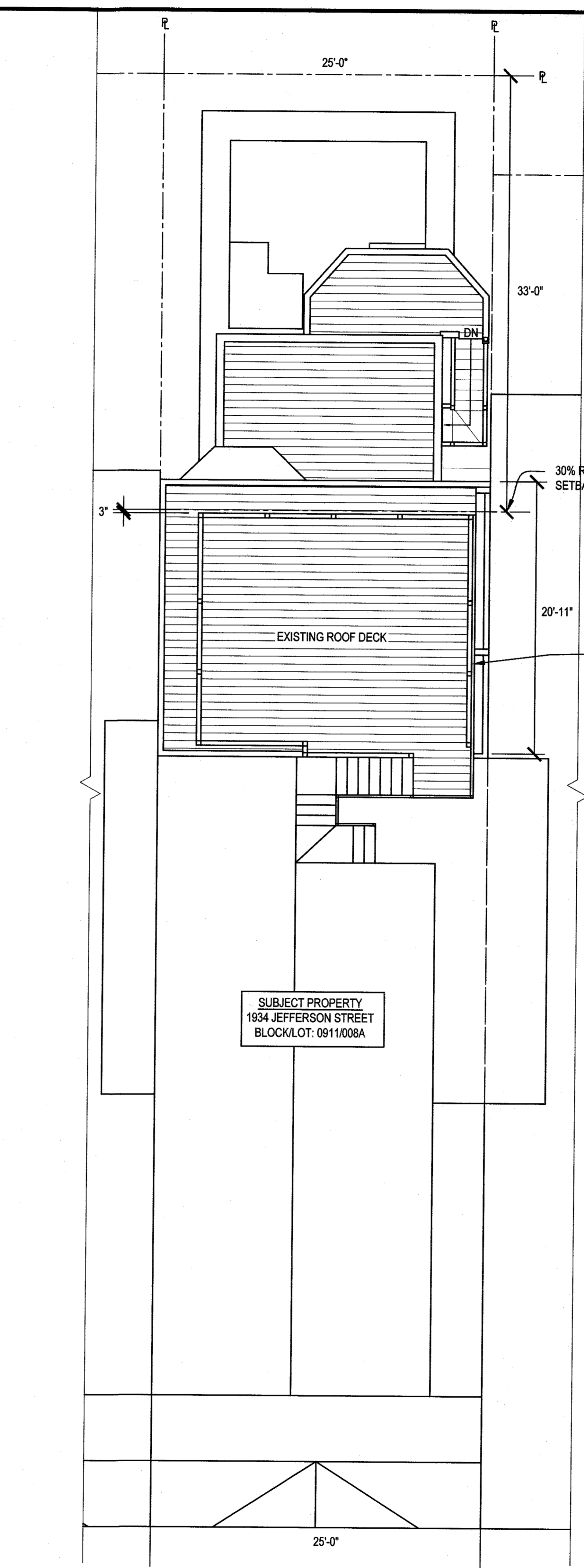
Date: 02/13/24
Scale: AS NOTED
Drawn By: DD
Job No: 9577
Sheet
A1
Of 8 Sheets

2025 0211 0120



2009-10-05-8228 PERMIT

3/16"=1'-0"

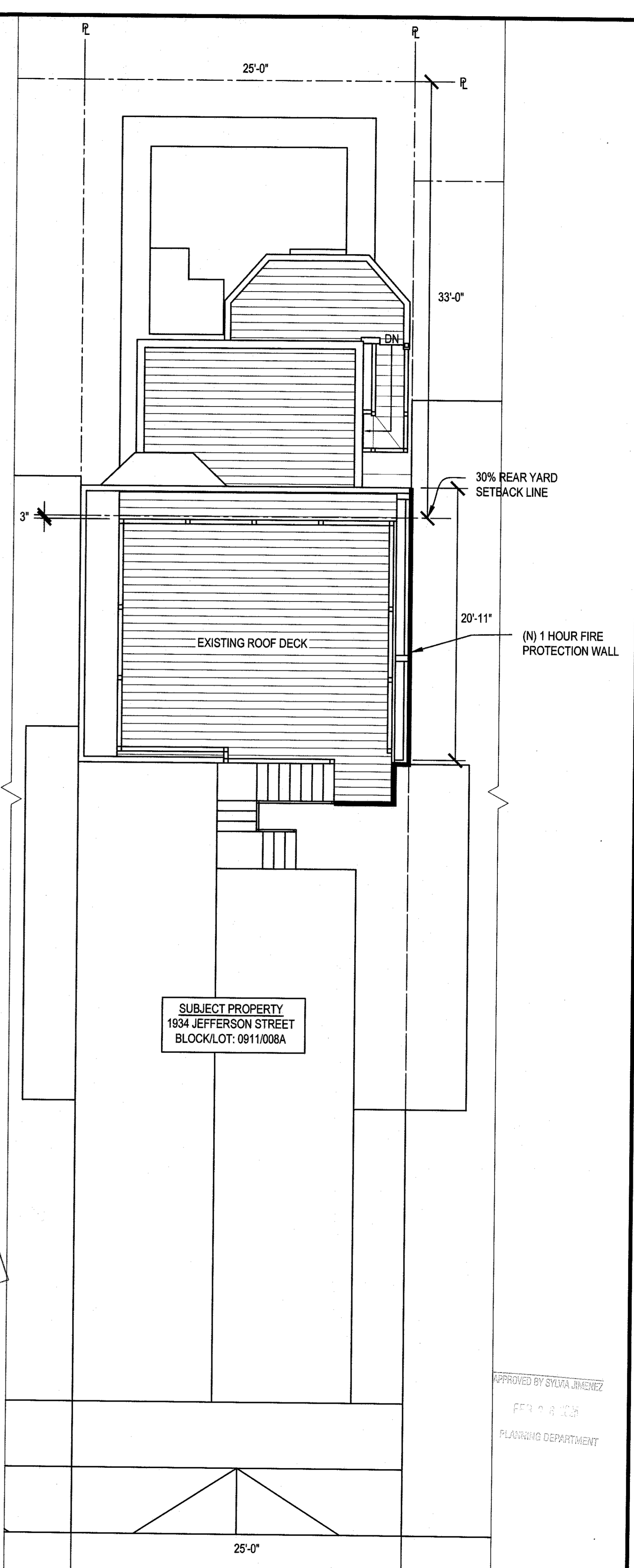


AS-BUILT

3/16"=1'-0"

Vivian Huang, DBI
FEB 26 2025

RECEIVED
FEB 26 2025
DEPT. OF BUILDING INSPECTION
THIS PLAN MEETS THE QUALITY
STANDARDS FOR BUILDING

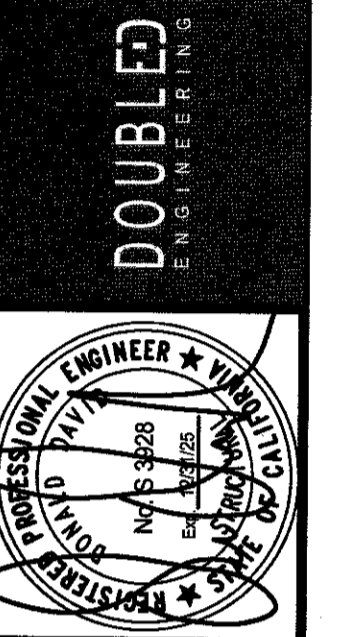


PROPOSED

3/16"=1'-0"

REVISIONS	BY

72 Otis Street
San Francisco, CA 94103
P: 415-551-5150
F: 415-551-5151
W: doubleengineering.com



PARTIAL SITE PLANS

NEW PARAPET
1934 JEFFERSON STREET
SAN FRANCISCO, CA

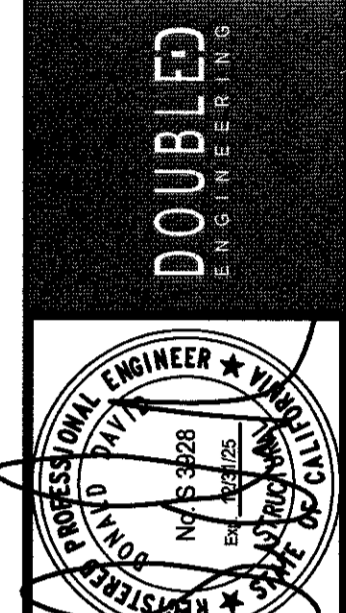
Date: 02/18/24
Scale: AS NOTED
Drawn By: DD
Job No: 9577

Sheet
A2
Of 8 Sheets

APPROVED BY SYLVIA JIMENEZ
FEB 26 2025
PLANNING DEPARTMENT

REVISIONS	BY

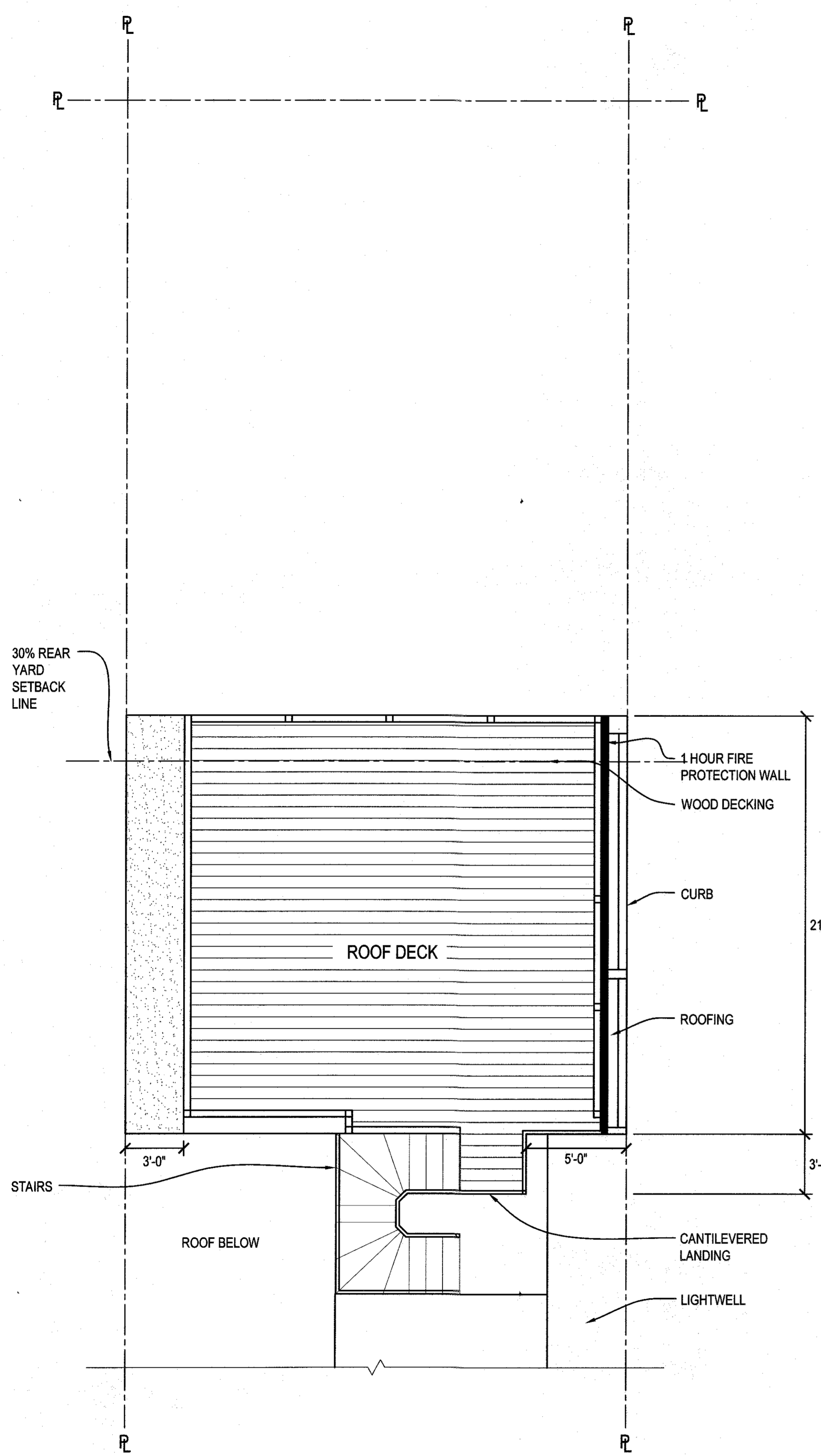
72 Otis Street
 San Francisco, CA 94103
 P: 415-551-5150
 F: 415-551-5151
 W: doubleengineering.com



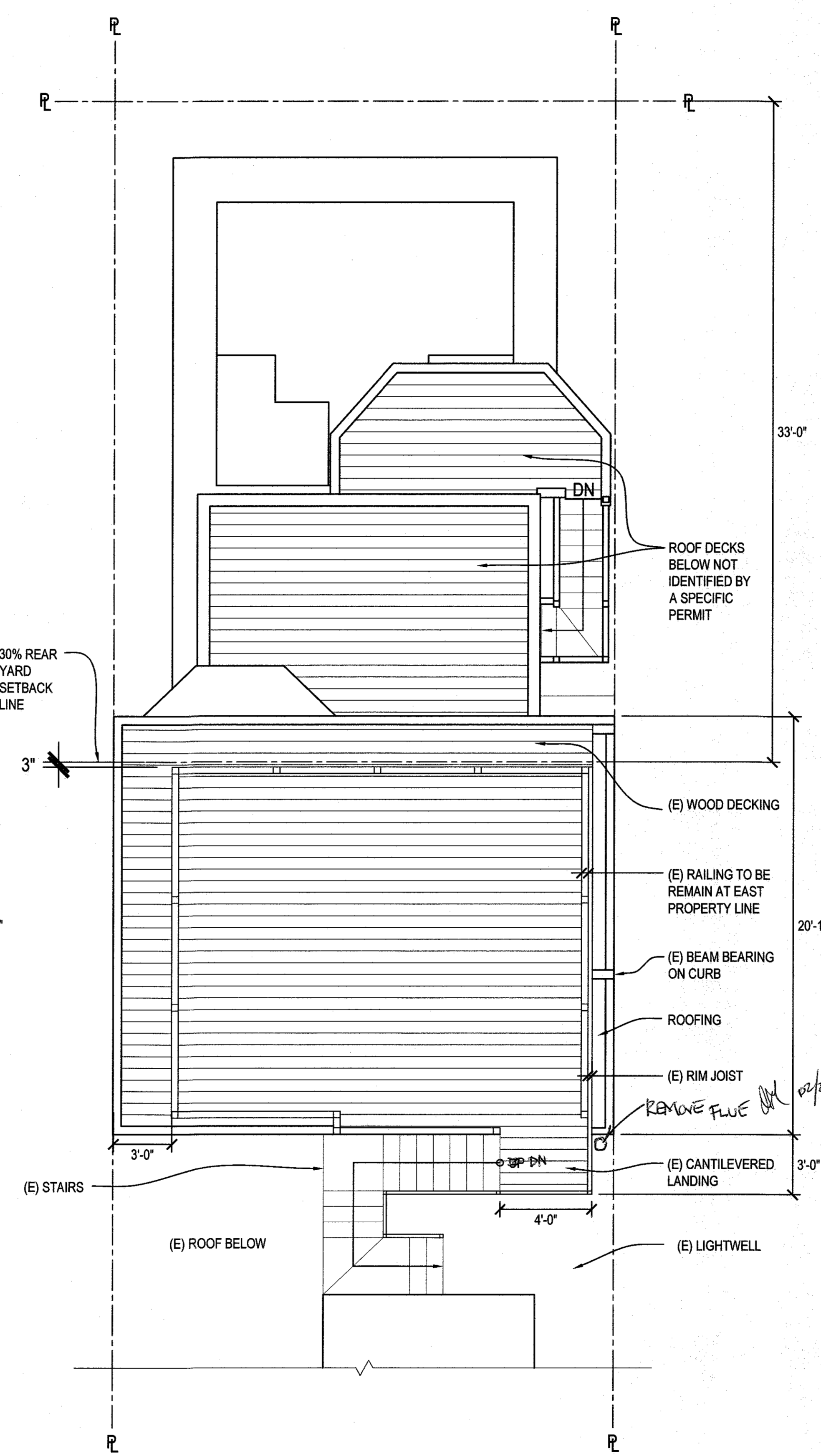
PARTIAL REAR DECK PLANS

NEW PARAPET
 1934 JEFFERSON STREET
 SAN FRANCISCO, CA

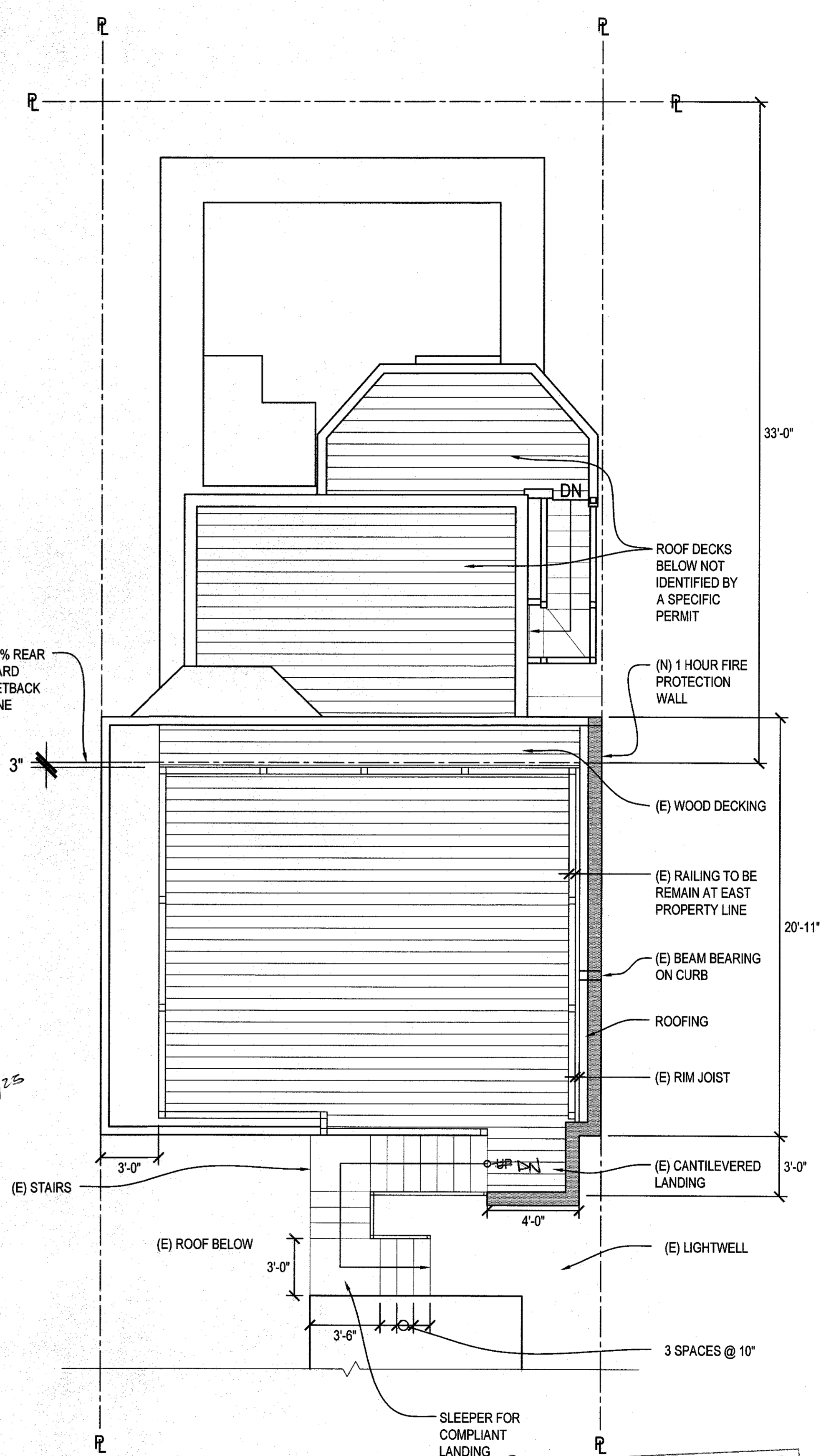
Date:	02/18/24
Scale:	AS NOTED
Drawn By:	DD
Job No.:	9577
Sheet	A3
Of	8 Sheets



PARTIAL REAR DECK PLAN (2009-10-05-8228 PERMIT)
 1/4"=1'-0"



PARTIAL AS-BUILT REAR DECK PLAN
 1/4"=1'-0"

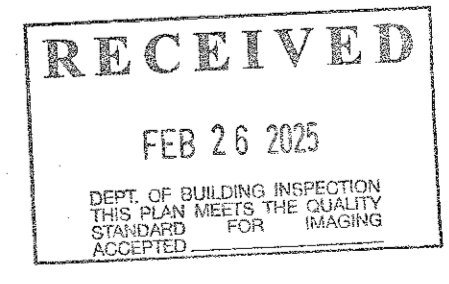


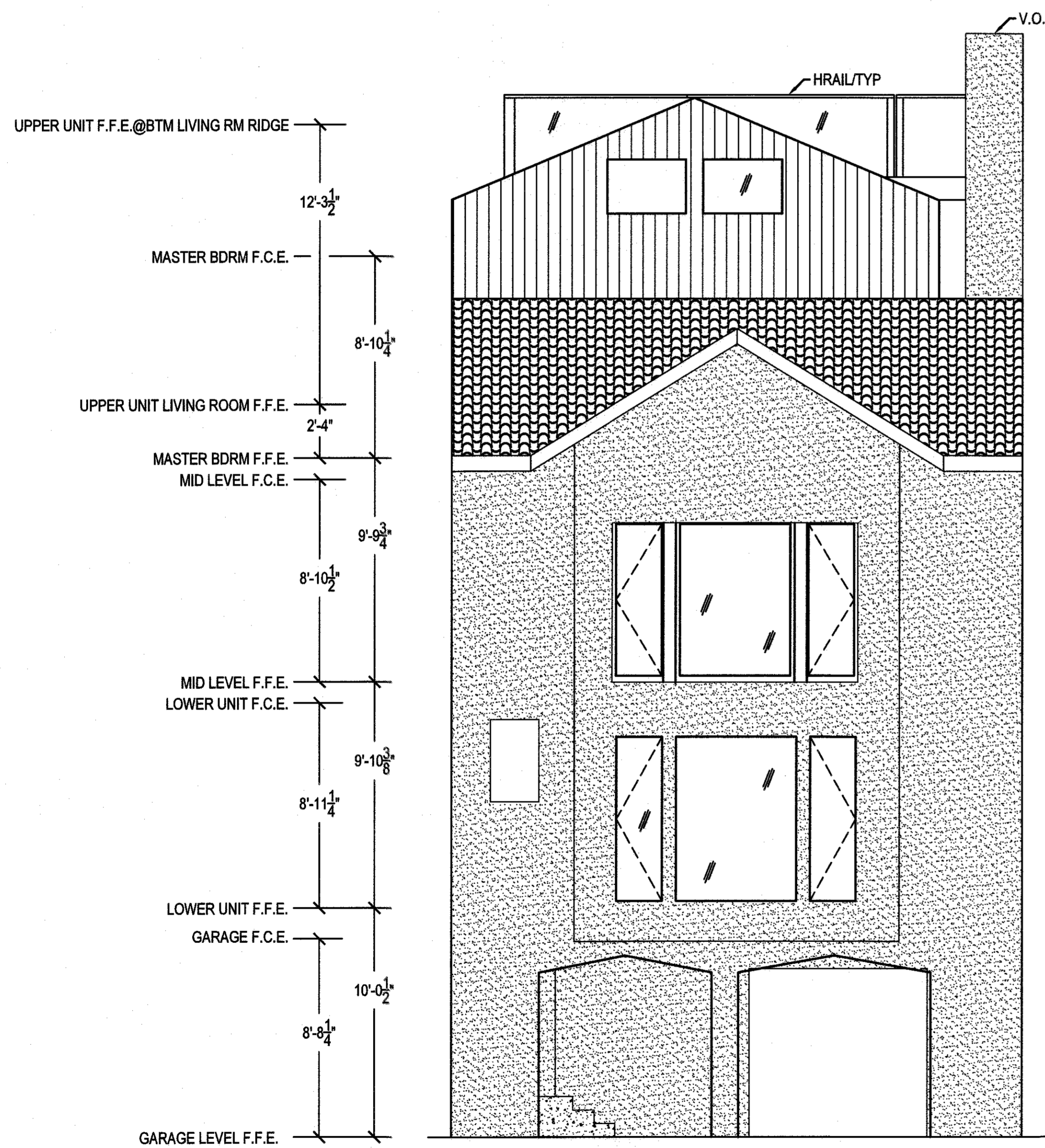
PARTIAL PROPOSED REAR DECK PLAN
 1/4"=1'-0"



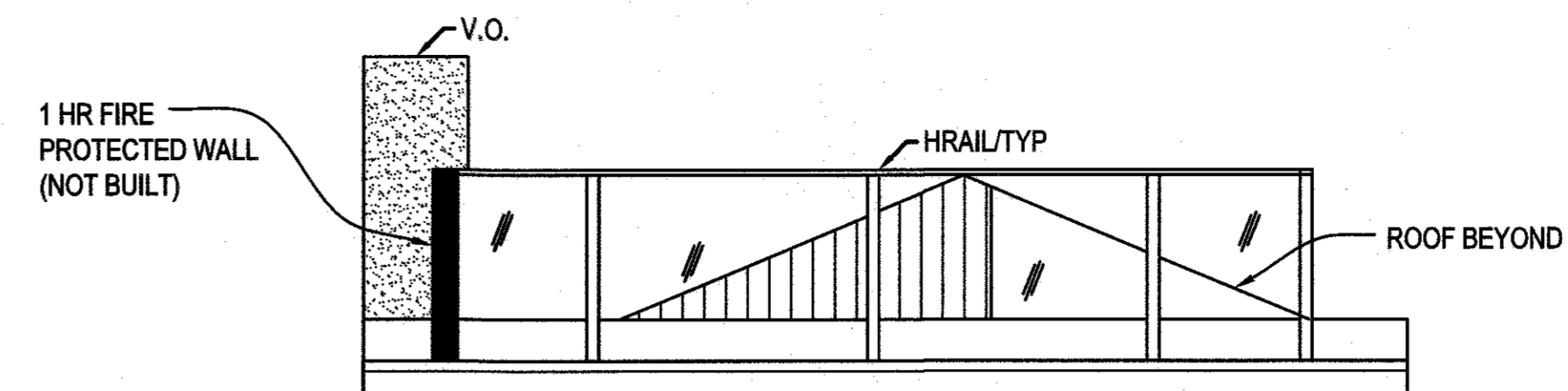
APPROVED BY SYLVIA JIMENEZ
 FEB 28 2025
 PLANNING DEPARTMENT

Vivian Huang, DBI
 FEB 26 2025

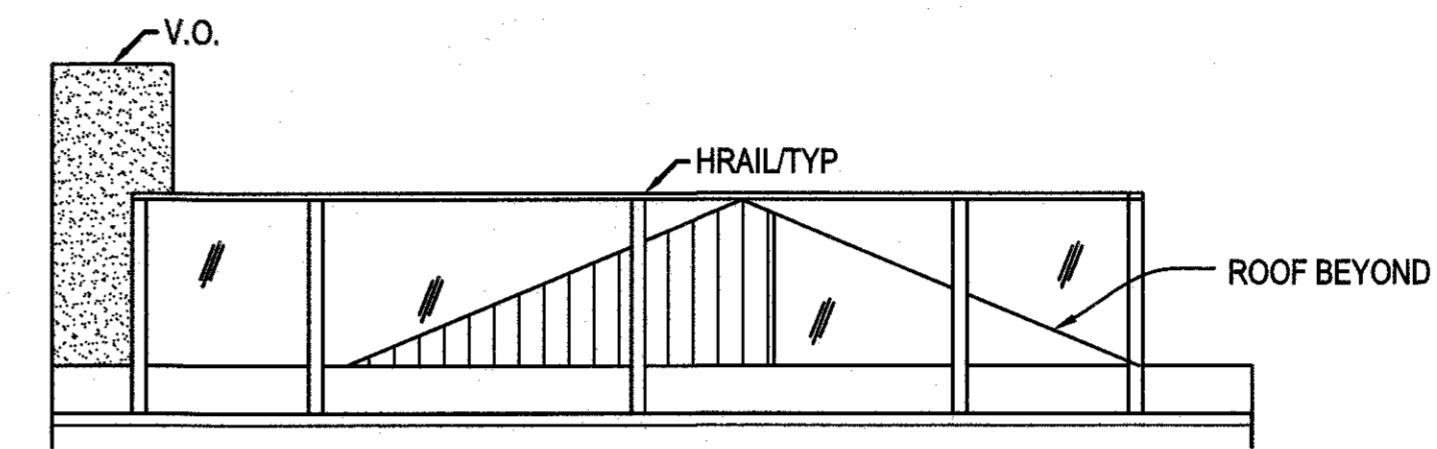




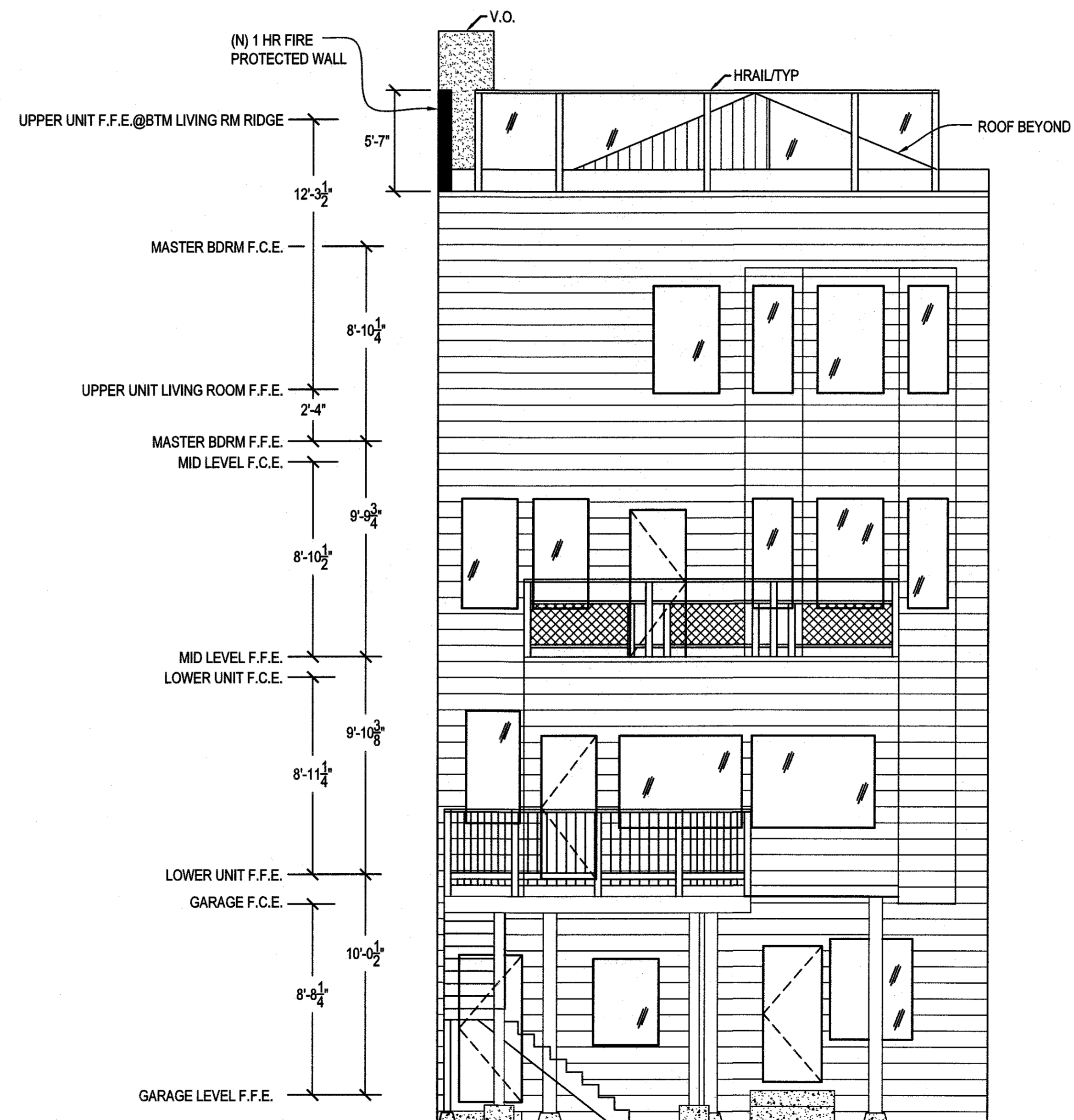
1 PROPOSED SOUTH ELEVATION (NO CHANGE)



2 PARTIAL NORTH ELEVATION PERMIT 2009-10-05-8228



3 PARTIAL NORTH ELEVATION AS-BUILT



4 PROPOSED NORTH ELEVATION

Vivian Huang, DBI
FEB 26 2025

APPROVED BY GABRIELA PASTOLLA
FEB 11 2025
PLANNING DEPARTMENT

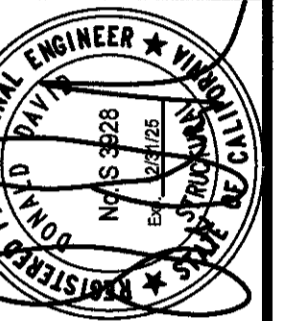
APPROVED BY SYLVIA BAÑEZ
FEB 26 2025
PLANNING DEPARTMENT

RECEIVED
FEB 11 2025
DEPT. OF BUILDING INSPECTION
THIS PLAN MEETS THE QUALITY
STANDARD FOR DIGITIZING
ACCEPTED

REVISIONS BY

72 Otis Street
San Francisco, CA 94103
P: 415-551-5150
F: 415-551-5151
W: doubleengineering.com

DOUBLE
ENGINEERING



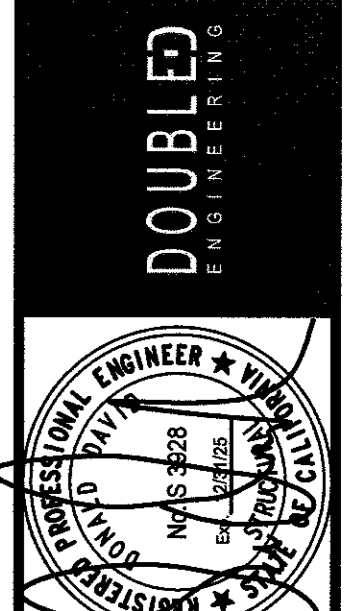
NORTH AND SOUTH
ELEVATIONS

NEW PARAPET
1934 JEFFERSON STREET
SAN FRANCISCO, CA

Date: 02/13/24
Scale: AS NOTED
Drawn By: DD
Job No: 9577
Sheet
A4
Of 8 Sheets

REVISIONS	BY

72 Otis Street
 San Francisco, CA 94103
 P: 415-551-5150
 F: 415-551-5151
 W: doubleengineering.com



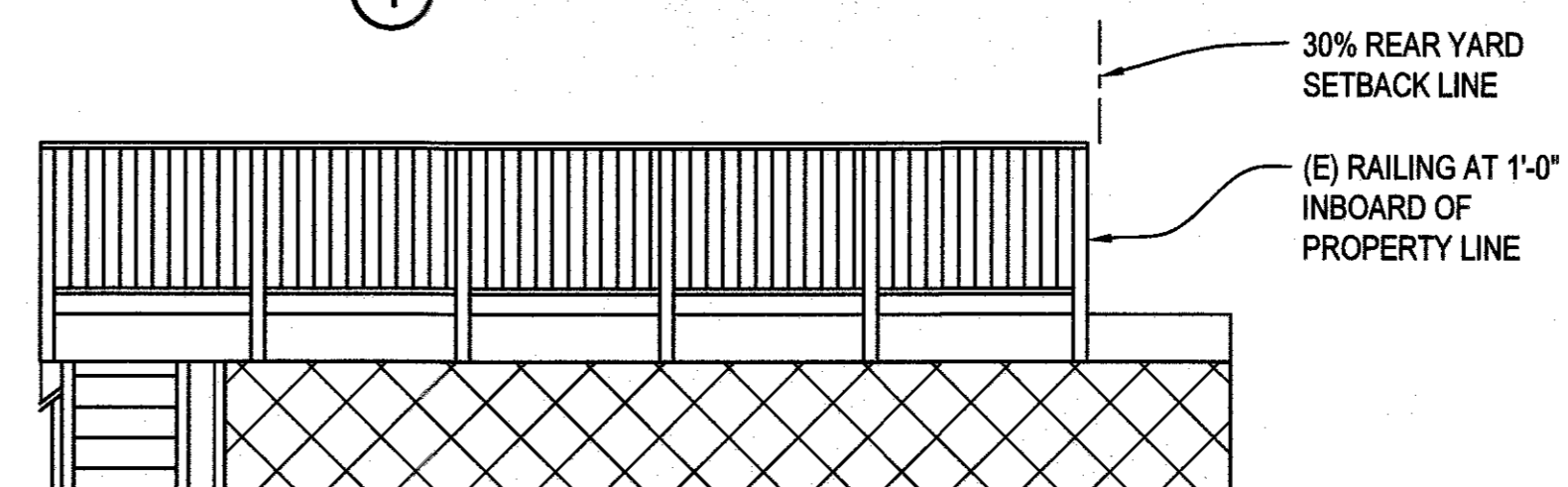
EAST ELEVATIONS

NEW PARAPET
 1934 JEFFERSON STREET
 SAN FRANCISCO, CA

Date: 02/13/24
 Scale: AS NOTED
 Drawn By: DD
 Job No: 9577
 Sheet
A5
 Of 8 Sheets



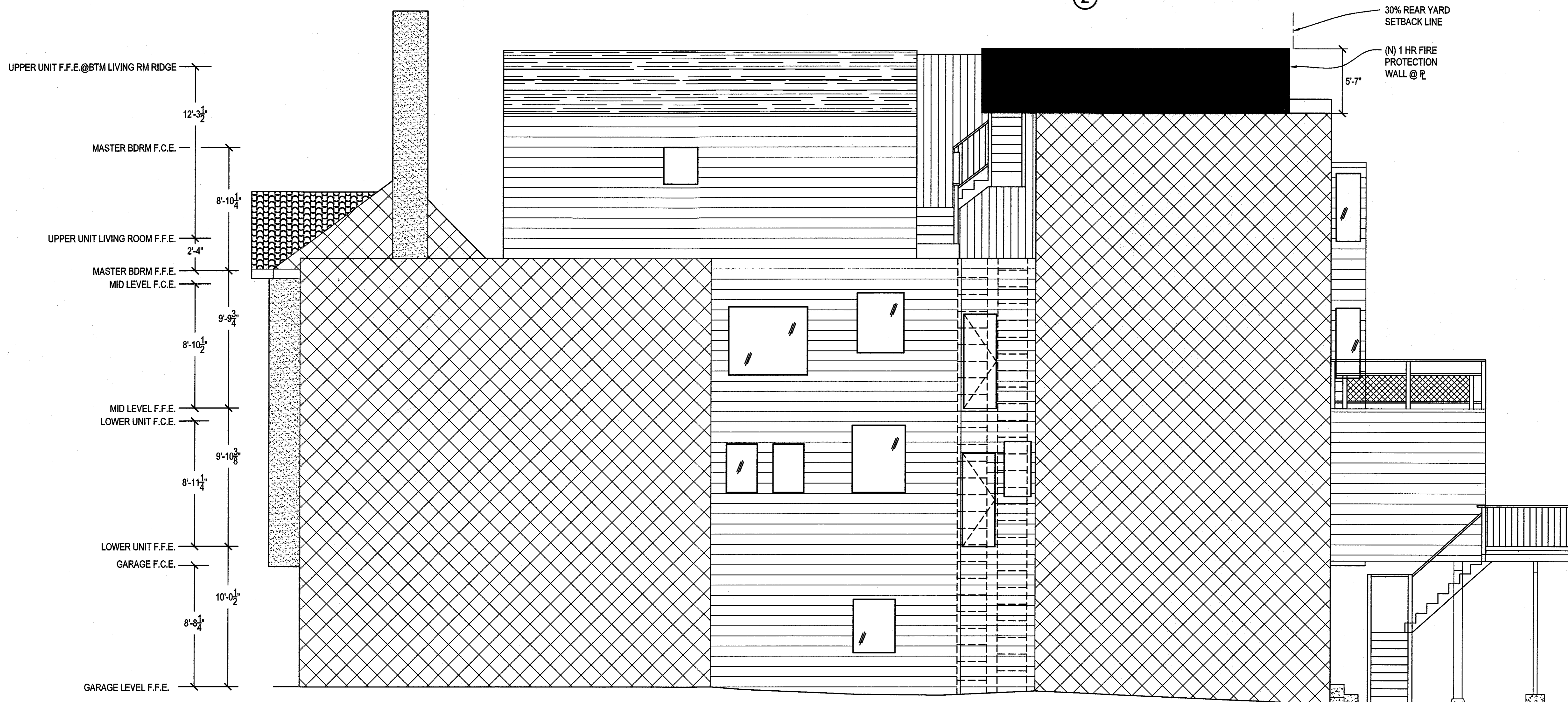
1 PARTIAL EAST ELEVATION PERMIT 2009-10-05-8228



2 PARTIAL EAST ELEVATION AS-BUILT



3 PROPOSED EAST ELEVATION



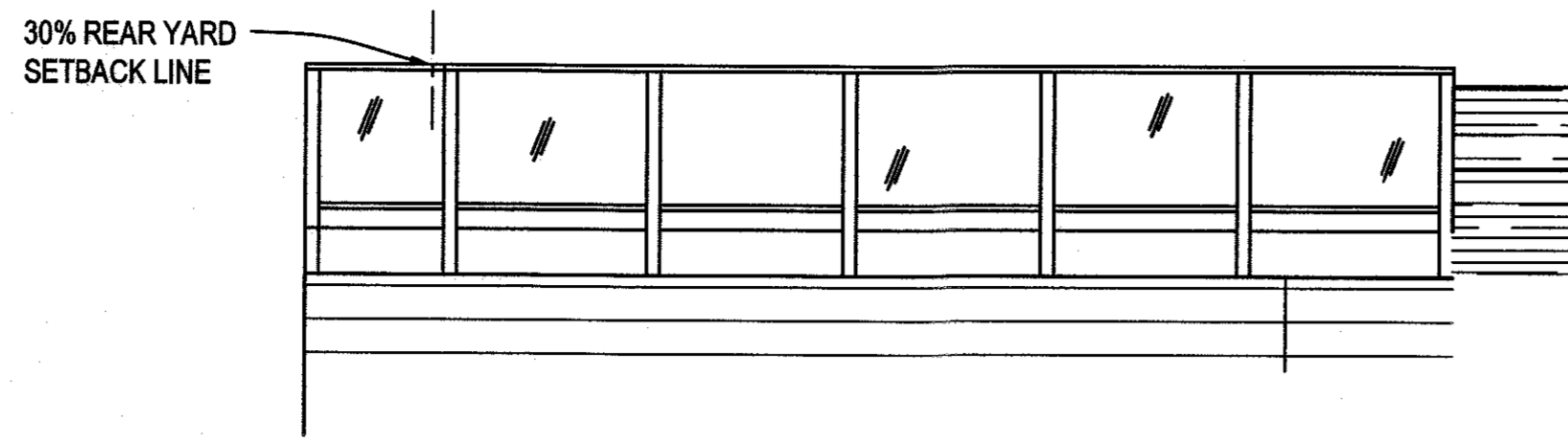
UPPER UNIT F.F.E. @ BTM LIVING RM RIDGE
 12'-3 1/2"
 MASTER BDRM F.F.E.
 8'-10 1/4"
 UPPER UNIT LIVING ROOM F.F.E.
 2'-4"
 MASTER BDRM F.F.E.
 MID LEVEL F.F.E.
 9'-9 3/4"
 8'-10 1/2"
 MID LEVEL F.F.E.
 LOWER UNIT F.F.E.
 9'-10 3/8"
 8'-11 1/4"
 LOWER UNIT F.F.E.
 GARAGE F.F.E.
 10'-0 1/2"
 8'-8 1/4"
 GARAGE LEVEL F.F.E.

Vivian Huang, DBI
 FEB 26 2025

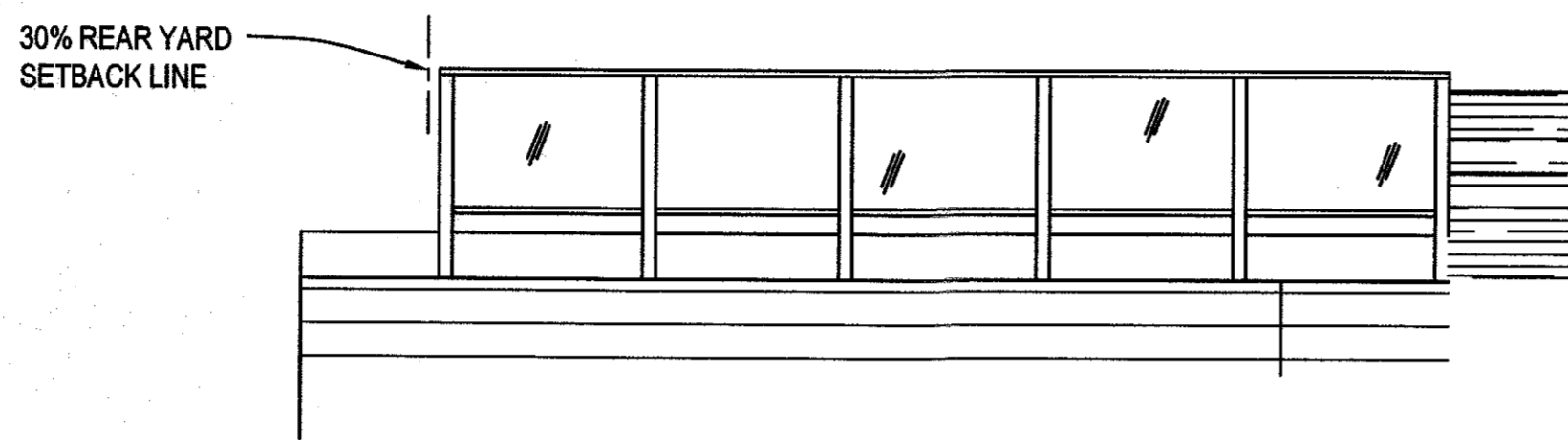
APPROVED BY
 FEB 11 2025
 PLANNING DEPARTMENT

RECEIVED
 FEB 11 2025
 DEPT. OF BUILDING INSPECTION
 THIS PLAN MEETS THE QUALITY
 STANDARD FOR DIGITIZING
 ACCEPTED

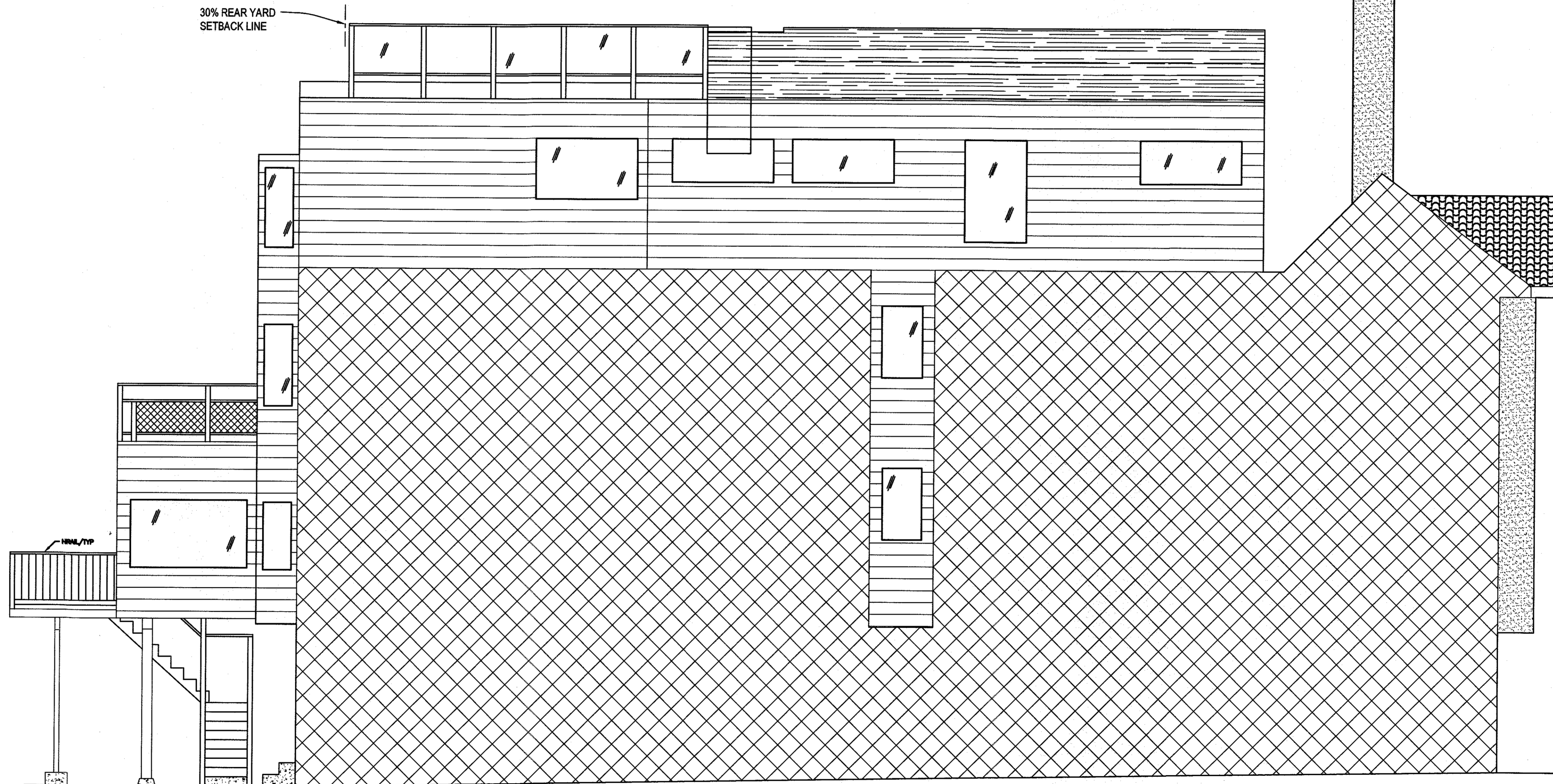
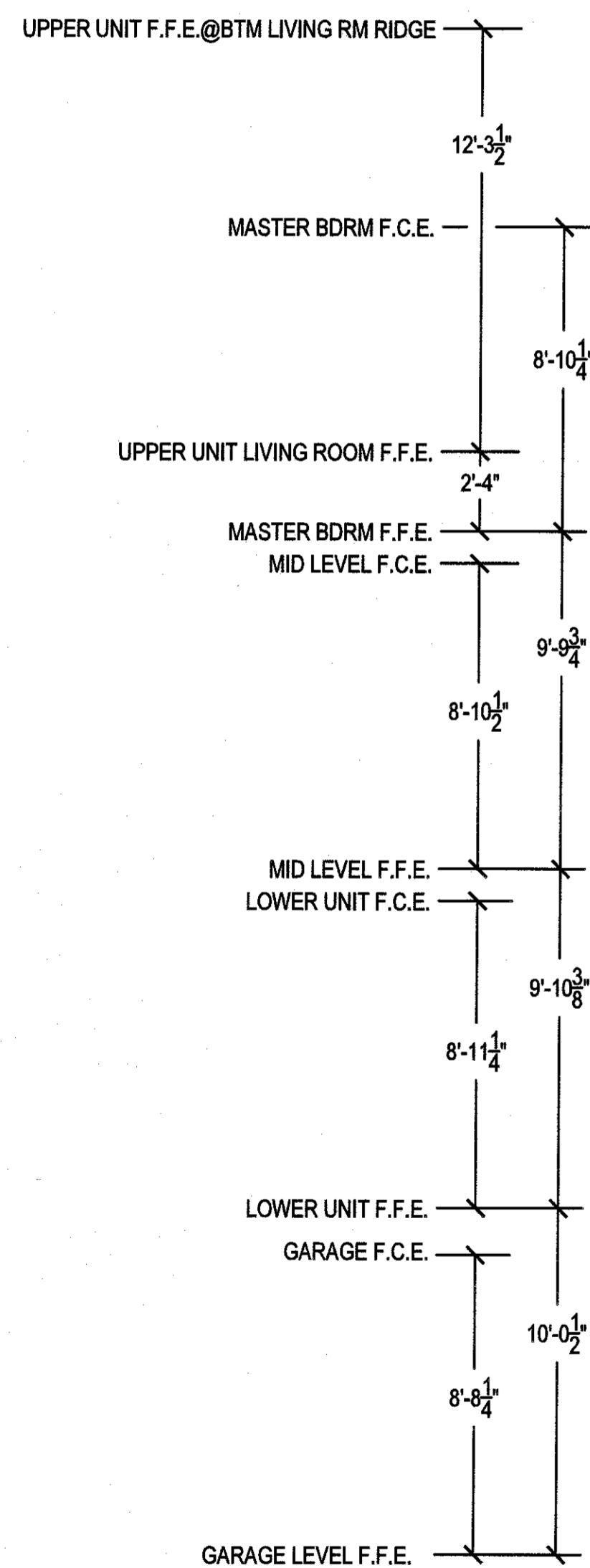
APPROVED BY VIVIAN HUANG, DBI



1 PARTIAL WEST ELEVATION PERMIT 2009-10-05-8228



2 PARTIAL WEST ELEVATION AS-BUILT



3 PROPOSED WEST ELEVATION

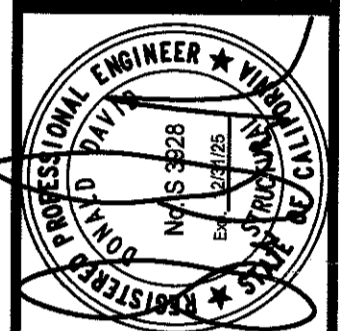
Vivian Huang, DBI
FEB 26 2025

RECEIVED
FEB 11 2025
DEPT. OF BUILDING INSPECTION
THIS PLAN MEETS THE QUALITY
STANDARD FOR DIGITIZING
NOT TO SCALE

REVISIONS	BY

72 Otis Street
San Francisco, CA 94103
P: 415-551-5150
F: 415-551-5151
W: doubleengineering.com

DOUBLED
ENGINEERING



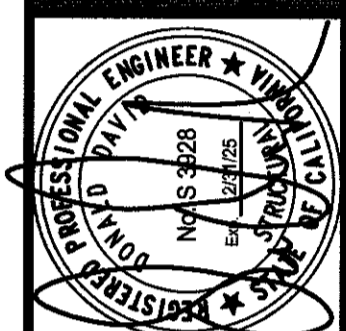
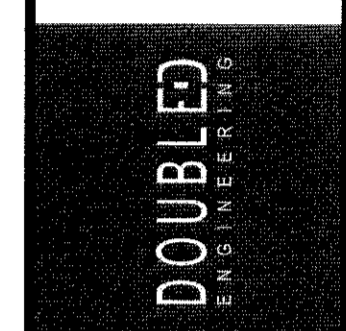
WEST ELEVATIONS

NEW PARAPET
1934 JEFFERSON STREET
SAN FRANCISCO, CA

Date: 02/13/24
Scale: AS NOTED
Drawn By: DD
Job No: 9577
Sheet
A6
Of 8 Sheets

REVISIONS	BY

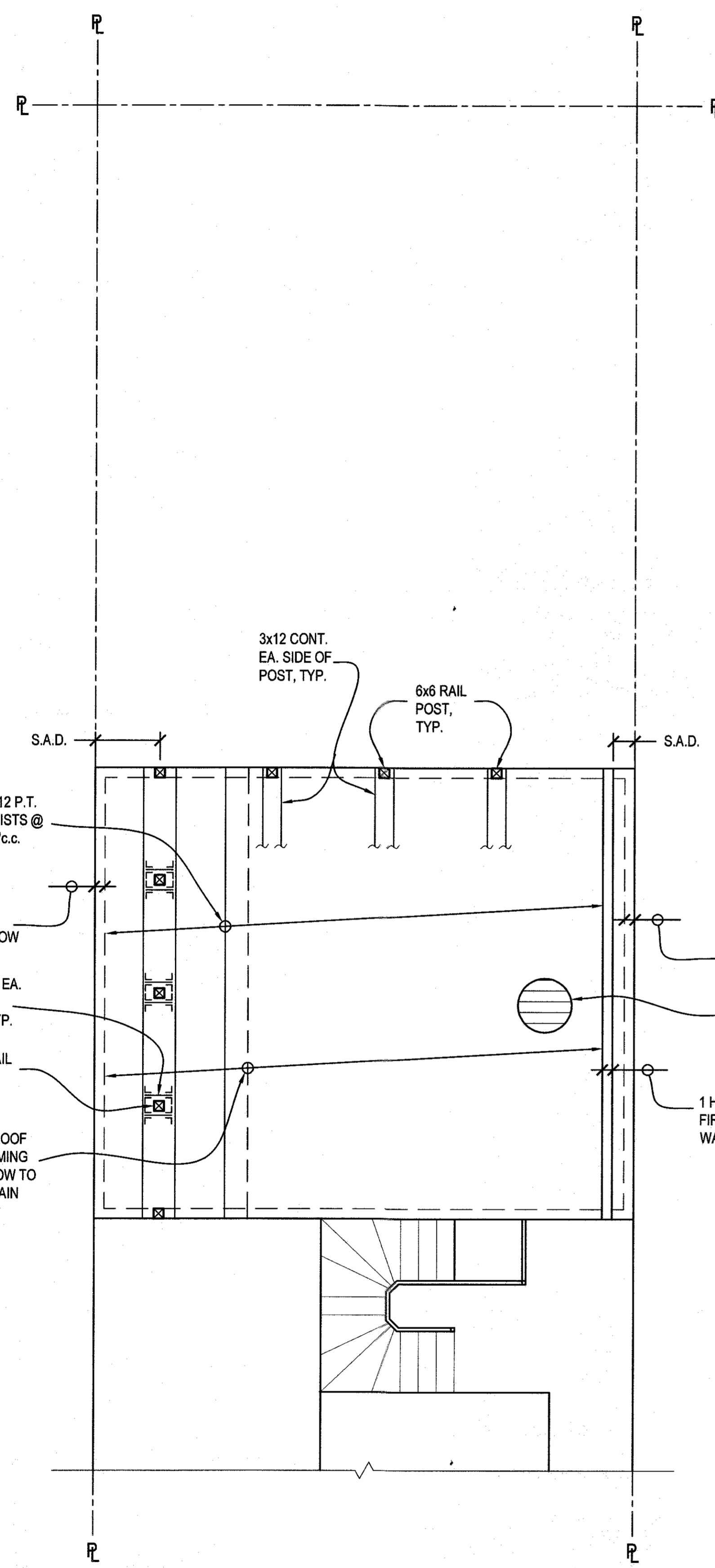
72 Onis Street
 San Francisco, CA 94103
 P: 415-551-5150
 F: 415-551-5151
 W: doubledengineering.com



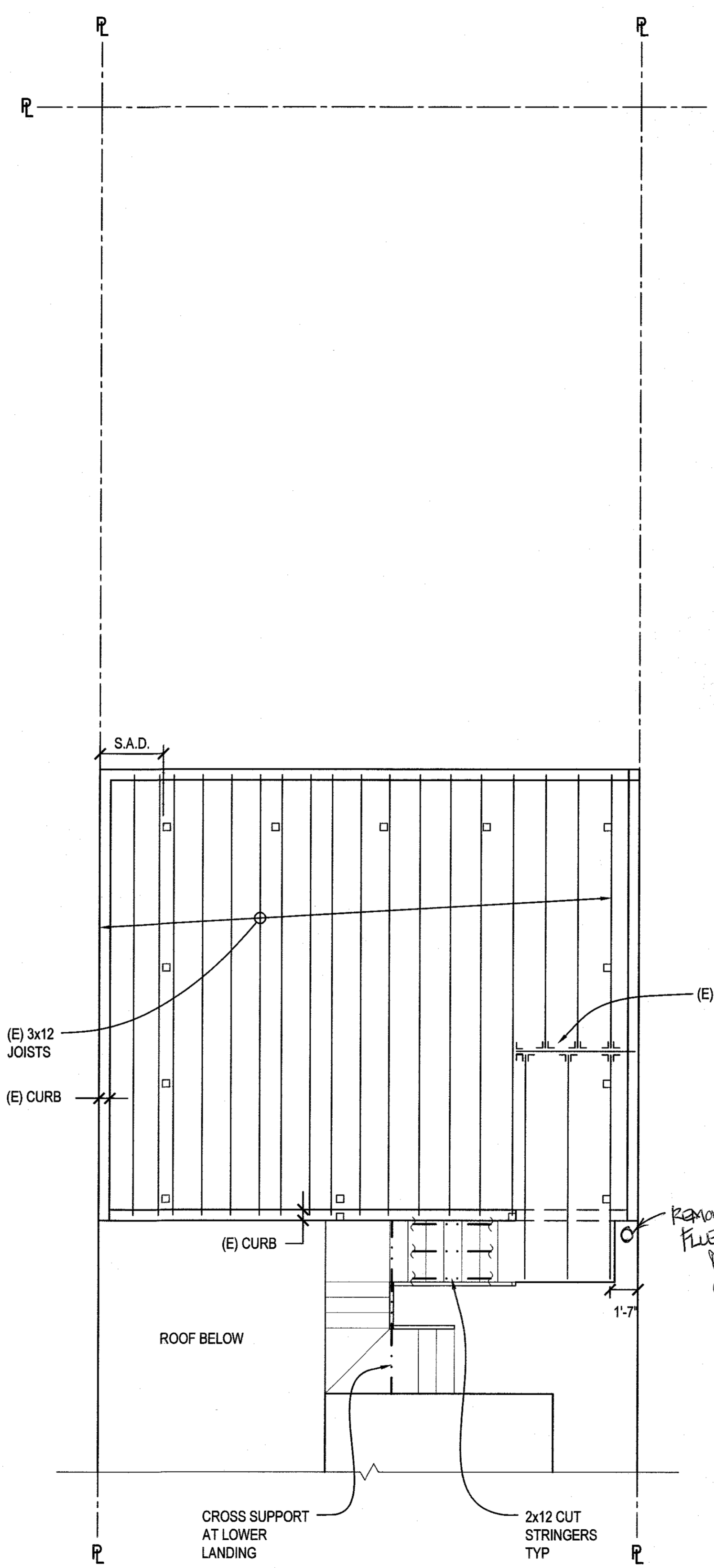
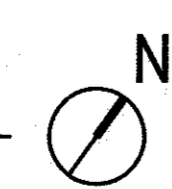
REAR DECK PLAN

NEW PARAPET
 1934 JEFFERSON STREET
 SAN FRANCISCO, CA

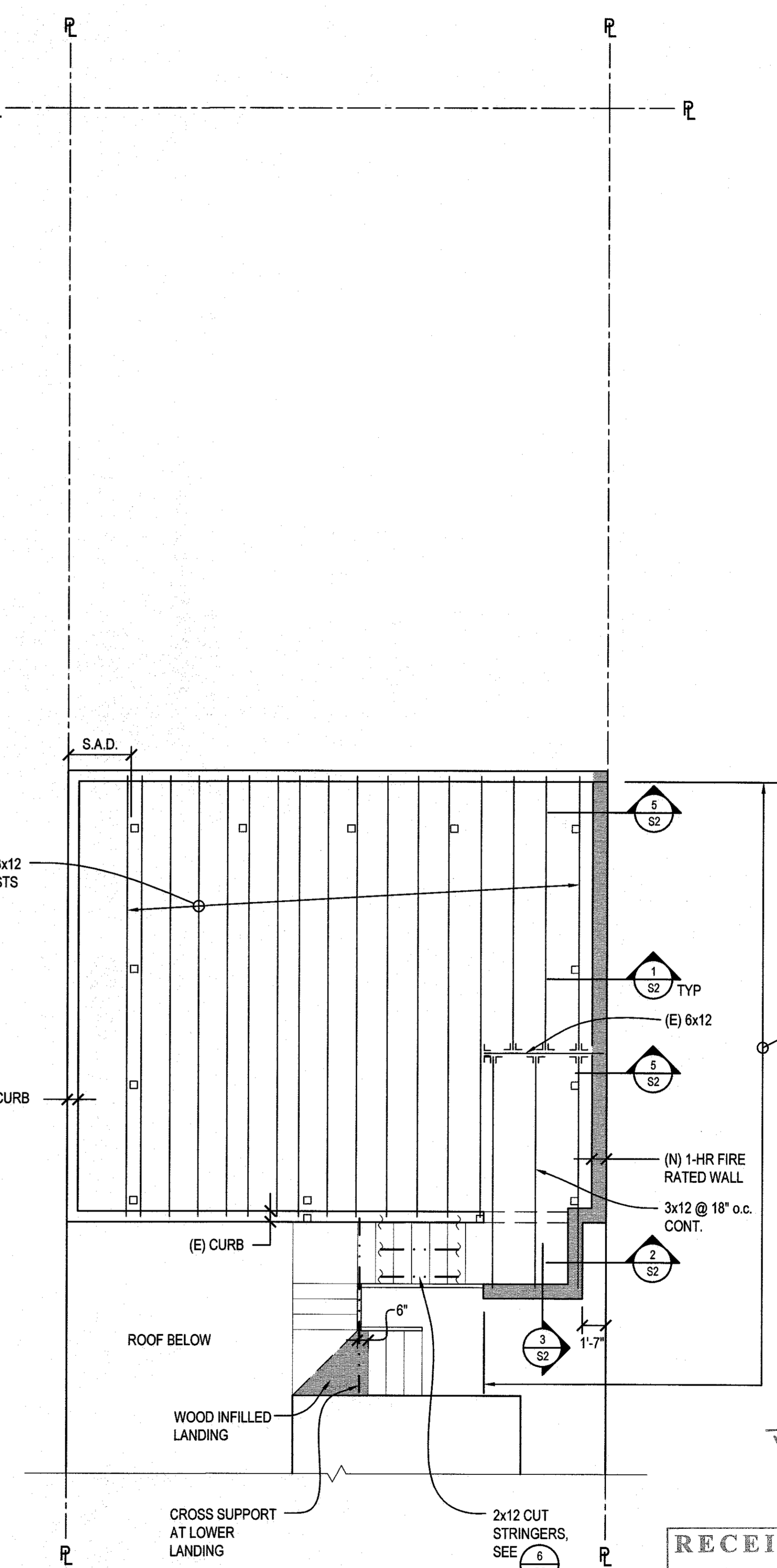
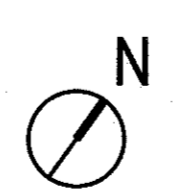
Date: 02/18/24
 Scale: AS NOTED
 Drawn By: DD
 Job No: 9577
 Sheet
S1
 Of 8 Sheets



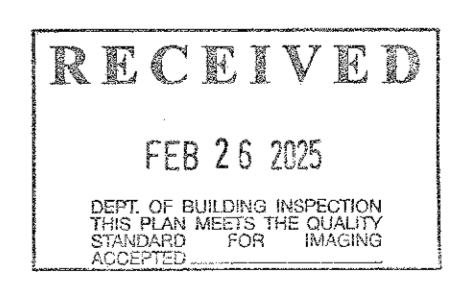
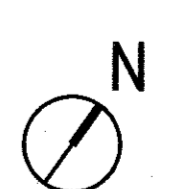
APPROVED DECK FRAMING PLAN PERMIT 2009-10-05-8228
 1/4"=1'-0"



AS-BUILT REAR DECK FRAMING PLAN
 1/4"=1'-0"

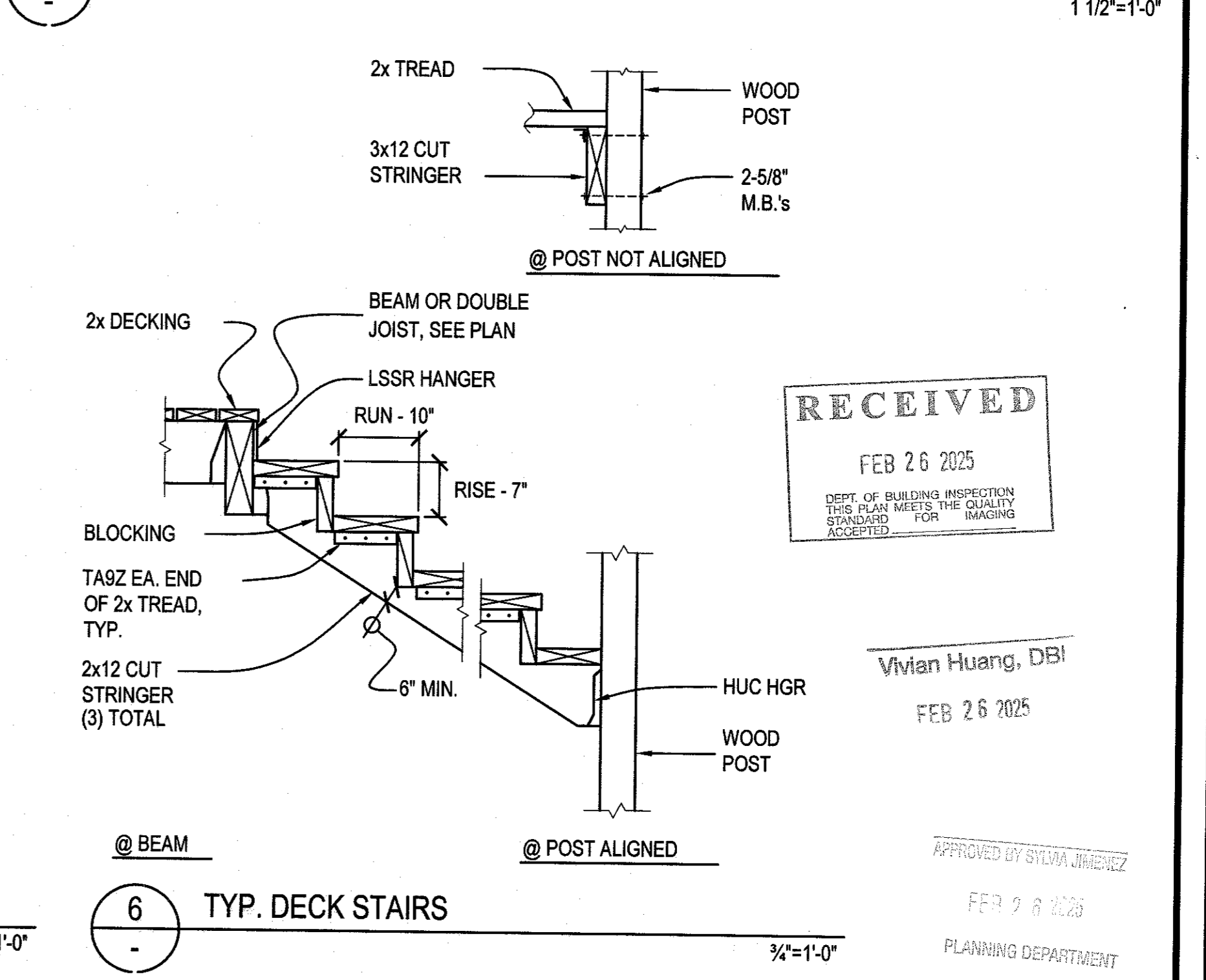
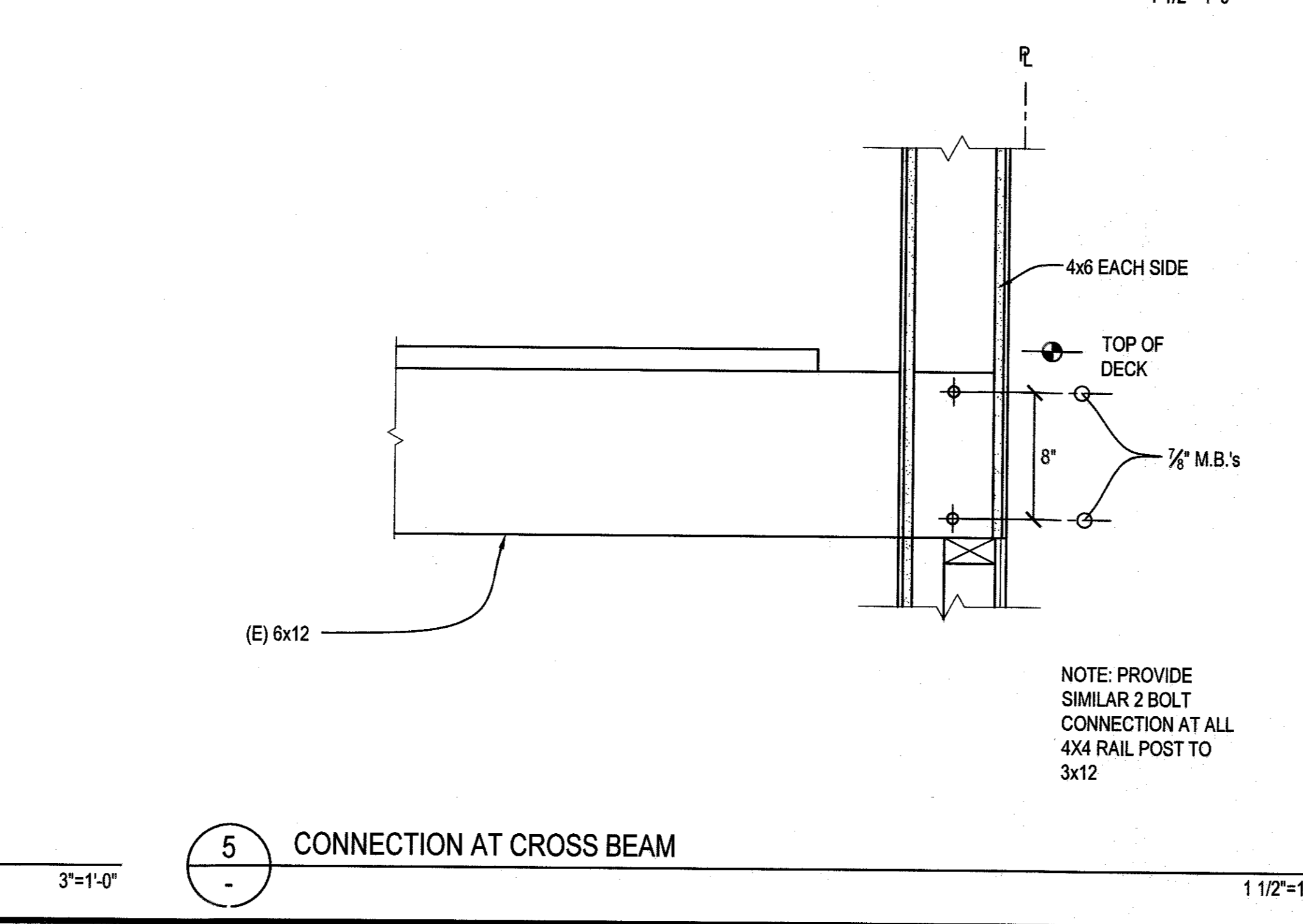
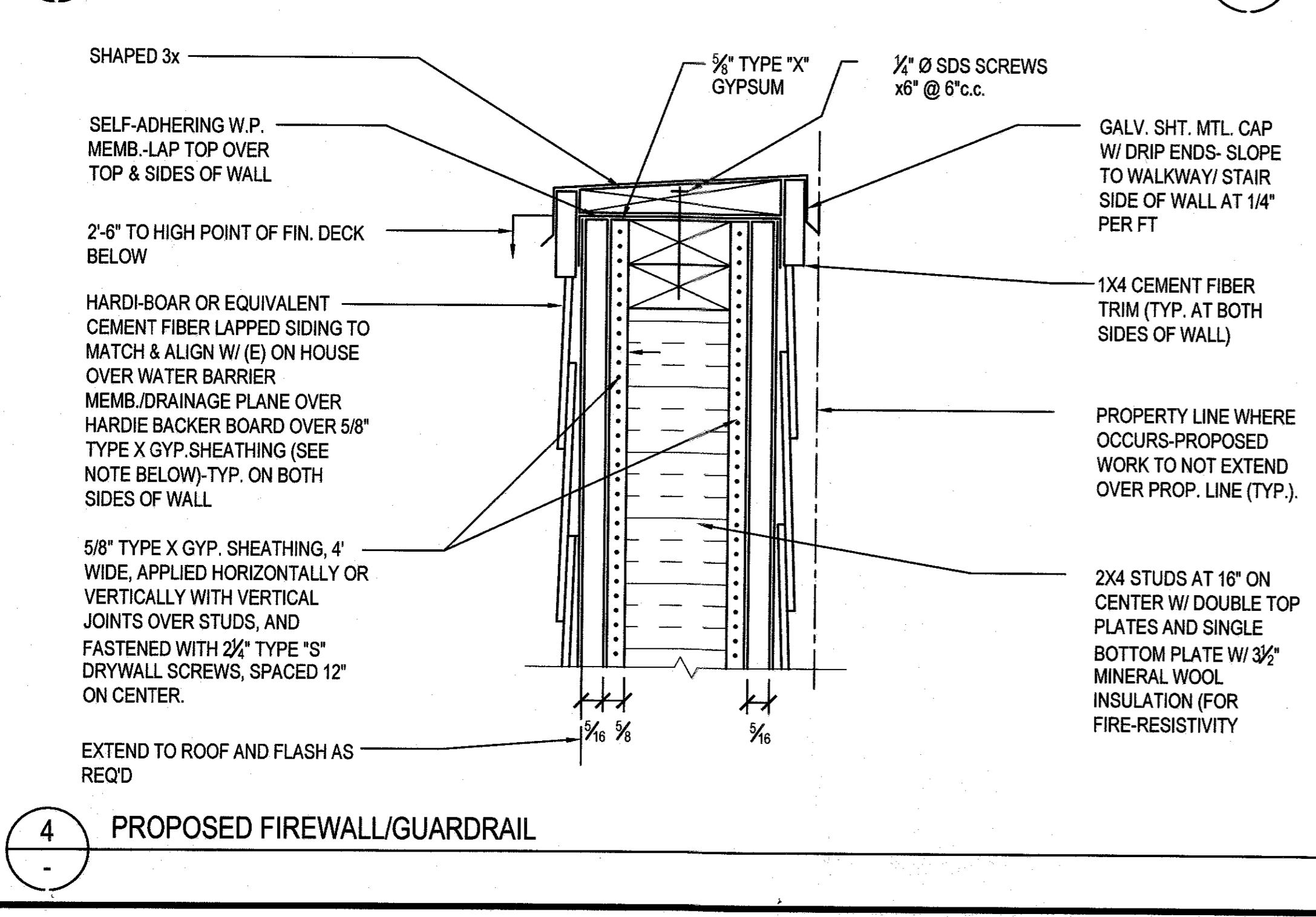
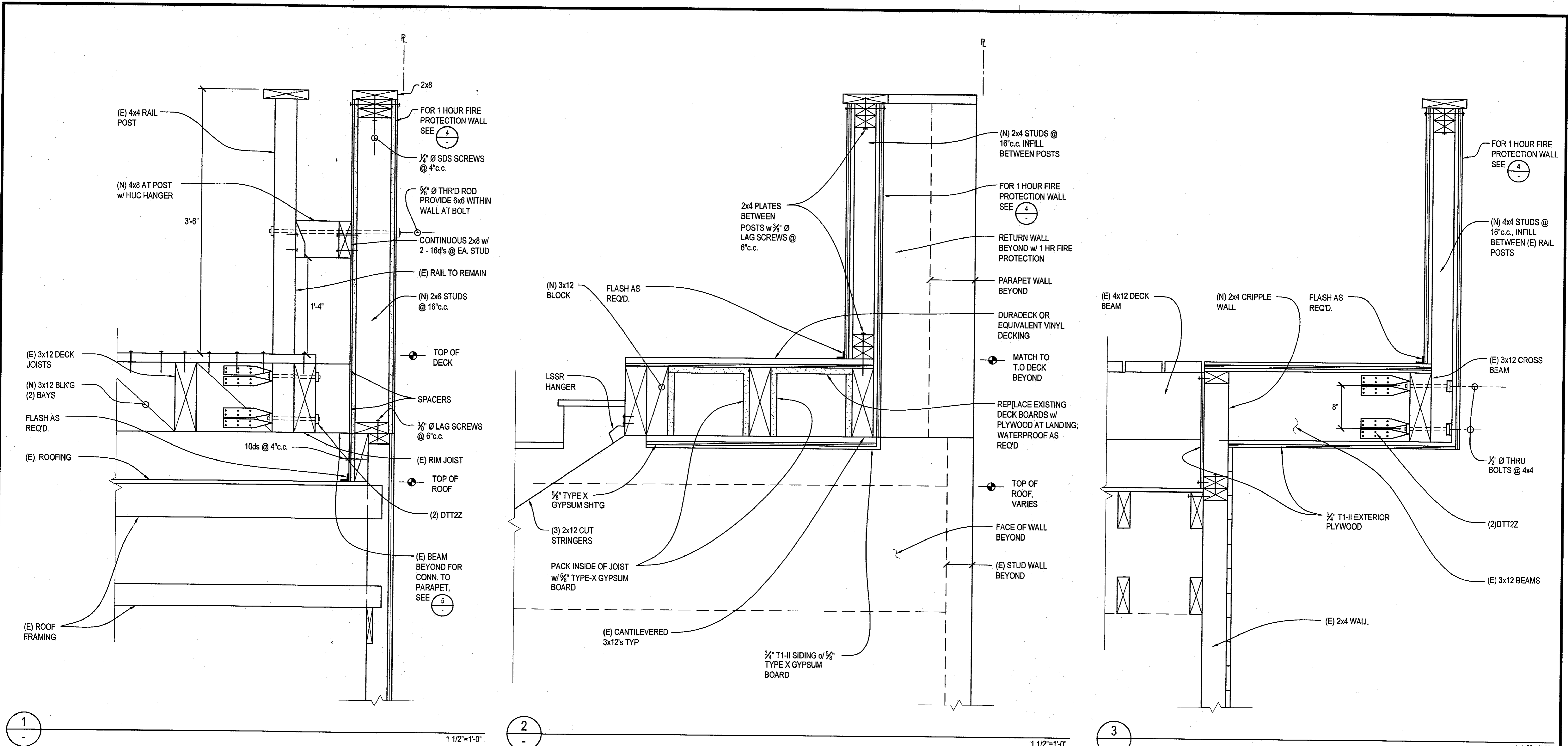


REAR DECK FRAMING PLAN
 1/4"=1'-0"



Vivian Huang, DEB
 FEB 26 2025

APPROVED BY SYLVIA JIMENEZ
 FEB 28 2025
 BUILDING DEPARTMENT



REVISIONS	BY

72 Otis Street
San Francisco, CA 94103
P: 415-551-6150
F: 415-551-6151
W: doubledengineering.com

DOUBLED
ENGINEERING

REGISTERED CIVIL ENGINEER - CALIFORNIA
NO. 52828
EXPIRES 12/31/2025

STRUCTURAL DETAILS

**NEW PARAPET
1934 JEFFERSON STREET
SAN FRANCISCO, CA**

Date: 02/18/24
Scale: AS NOTED
Drawn By: DD
Job No: 9577
Sheet **S2**
Of 8 Sheets

BRIEF SUBMITTED BY DBI

Board of Appeals

July 09, 2025

Good evening President Trasvina, and members of the board

Joseph Ospital Senior Building Inspector Plan checker representing DBI,

The Permit before the Board this evening is Permit Application 2025-0211-0120. This permit application was submitted for the Legalization of unpermitted work cited in SFDBI Nov# 202304057, 1934 Jefferson Street. The unauthorized work consists of the following:

1. Not adhering to the approved PA# 2009-1005-8228 Drawings. Stairs were built at property line without the benefit of required fire protection, and not provided the 5'-0" setback that was approved. A parapet wall for fire separation from the neighboring property at the deck was never provided, and the railing shown on the plans was not provided.
2. The proposed 2025-0211-0120 permit that was suspended resolves the lack of building code compliance issues and the permit was issued properly as it meets all applicable building code requirements.

This project was reviewed and signed off by SFDBI and all other required City agencies, and the Department of Building Inspection believes that this project was properly reviewed and approved.

The primary purpose of the Building Code and in turn the Building Department is safety. That means making sure the building being constructed are safe for the people who live or work in them, the neighbors around the project and the public who walk past them.

I am available to answer any questions

BRIEF SUBMITTED BY THE PLANNING DEPT



BOARD OF APPEALS BRIEF

HEARING DATE: July 9, 2025

July 3, 2025

Appeal Nos.: 25-002
Project Address: 1934 Jefferson Street
Subject: Building Permit No. 202502110120
Zoning/Height: RH-2 / 40-X
Staff Contact: Corey Teague, Zoning Administrator – (628) 652-7328
corey.teague@sfgov.org

Background

The subject Building Permit (BP) is the culmination of an unfortunate series of events. The following timeline provides an outline leading up to the current permit.

- 2012: BP No. 200910058228 issued for a new roof deck and stairs. The plans show that a 30-inch parapet (i.e., firewall) with 12-inch open railings would be provided along the eastern property line. The plans also show that the remainder of the roof deck would be surrounded by a 42-inch tall glass guard rail.
- 2013: Construction and permit are completed. However, the construction did not include the required

firewall and the glass guard rail was built taller.

- 2014: The Permit Holder purchased the upper unit (1934), which included the completed roof deck.
- 2022: Complaint filed to DBI by adjacent neighbor (Appellant) and DBI issued a Notice of Violation.
- 2023: Enforcement case opened by the Planning Department (subsequent NoV issued in 2025).
- 2023: Project Application filed with Planning Department to add the firewall and correct the violation.
- 2024: Request for Discretionary Review filed. Planning Commission voted 5-2 on November 21, 2024, to NOT take Discretionary Review and approve the project as proposed. The Discretionary Review Action Memo for this case is attached as Exhibit A, and the associated case report is attached as Exhibit B.
- 2025: BP No. 202502110120 issued on May 19, 2025, and then appealed.

Key Points

The Appellants raise various points as to why they believe the building permit should be denied or modified. The following responses are provided to address those points.

1. The existing roof deck was built pursuant to a building permit issued in 2012. While the final work to implement that permit did not include the required firewall and railing, the roof deck itself was consistent in its size and location. It's important to note that there was no specific guidance from the Planning Department or Planning Commission at that time regarding setbacks for decks. Additionally, the Planning Commission reviewed this case in 2024 and determined that no changes were necessary. This included

comments from some Commissioners that requiring such a setback at this time, considering the circumstances, would be unfair to the current property owners.

2. The associated stairs are not immediately adjacent to the property line and are not part of a matching lightwell. As such, there is nothing related to the proposal that is inconsistent with the Residential Design Guidelines related to light or privacy.
3. The Permit Holders have worked in good faith with the Planning Department to address this issue. This included a meeting hosted by Planning Department staff during the Discretionary Review process between the Permit Holder and Appellant to talk through the issues and attempt to find a compromise.

Conclusion

To conclude, the subject permit is necessary to address the lack of a firewall along the eastern property line and the reconfiguration of the associated stairs. The proposal achieves that need in a manner that is consistent with the Planning Code and the Residential Design Guidelines. The project had a thorough process and review by the Planning Commission and was approved as proposed. As such, the Department respectfully requests that the Board deny the appeal so that the project may move forward as proposed.

cc: Ottorino Pasian (Appellant)
Laura Strazzo (Agent for Appellant)
Jeffrey Drimmer (Permit Holder)
Joe Ospitale (Department of Building Inspection)

Enclosures: Exhibit A – Planning Commission DRA-864 and 2023-011348DRP Case Report
Exhibit B – 2023-011348DRP Case Report

Board of Appeals Brief
Appeal Nos. 25-002
1934 Jefferson Street
Hearing Date: July 9, 2025

EXHIBIT A



DISCRETIONARY REVIEW ACTION DRA-864

HEARING DATE: JANUARY 9, 2025

Record No.: **2023-011348DRP**
Project Address: **1934 Jefferson Street**
Planning Application: **2023-011348PRJ**
Zoning: RH-2 (Residential House- Two Family) Zoning District
40-X Height and Bulk District
Block/Lot: 0911 / 031
Project Sponsor: Jeff Drimmer
1934 Jefferson Street
San Francisco, CA 94123
DR Requestor: Ottorino Pasian
1926-1928 Jefferson Street
San Francisco, CA 94123
Staff Contact: David Winslow – (628) 652-7335
David.Winslow@sfgov.org

ADOPTING FINDINGS RELATED TO NOT TAKING DISCRETIONARY REVIEW OF RECORD NO. 2023-011348DRP AND THE APPROVAL OF PLANNING APPLICATION NO. 2023-011348PRJ PROPOSING CONSTRUCTION OF A NEW 1-HOUR FIRE PROTECTED WALL TO COMPLY WITH NOV 202304057 AND PLANNING ENFORCEMENT CASE # 2023-011348 ENF TO A 3-STORY, 2- UNIT BUILDING WITHIN THE RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

Preamble

On March 4, 2024, Jeff Drimmer filed for Planning Application No. 2023-011348PRJ proposing construction of a new 1-hour fire protected wall to comply with NOV 202304057 and Planning Enforcement case # 2023-011348 ENF to a 3-story, 2- unit building within the RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

On July 1, 2024, Ottorino Pasian (hereinafter “Discretionary Review (DR) Requestor”) filed an application with the Planning Department (hereinafter “Department”) for Discretionary Review (2023-011348DRP) of Planning Application No. 2023-011348PRJ.

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).

On January 9, 2025, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2023-011348DRP.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

Action

The Commission hereby does not take Discretionary Review requested in Record No. 2023-011348DRP and approves Planning Application 2023-011348PRJ.

The reasons that the Commission took the action described above include:

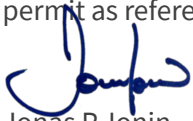
1. There are no extraordinary or exceptional circumstances in the case. The proposal complies with the Planning Code, the General Plan, and conforms with the Residential Design Guidelines.
2. The Commission determined that no modifications to the project were necessary, and they instructed staff to approve the Project per plans, dated February 13, 2024, on file with the Planning Department.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals only after the Department of Building Inspection (DBI) takes action (issuing or disapproving) the permit. Such appeal must be made within fifteen (15) days of DBI's action on the permit. For further information, please contact the Board of Appeals at (628) 652-1150, 49 South Van Ness Ave, Suite 1475, San Francisco, CA 94103.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission did not take Discretionary Review and approved the building permit as reference in this action memo on January 9, 2025.



Jonas P. Ionin
Commission Secretary

AYES: Campbell, McGarry, Imperial, Moore, So
NOES: Williams, Braun
ABSENT: None
ADOPTED: January 9, 2025

GENERAL NOTES

- THE GENERAL NOTES ARE COMPLEMENTARY TO THE GENERAL CONDITIONS AND SPECIFICATIONS. DO NOT SCALE DRAWINGS. USE WRITTEN DIMENSIONS. CONFLICTS SHOULD BE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE ENGINEER BEFORE WORK PROCEEDS. DIMENSIONS ARE TO THE FACE OF STUD, UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL CONFORM TO ALL CITY, COUNTY, STATE, AND FEDERAL CONSTRUCTION AND SANITARY LAWS, CODES AND ORDINANCES. IF THE DRAWINGS AND/OR SPECIFICATIONS ARE AT VARIANCE THEREWITH, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY.
- THE CONTRACTOR SHALL FURNISH AND INSTALL ALL MATERIALS AND LABOR REQUIRED TO COMPLETE THE WORK. EXCLUSION OF AN ITEM OR ITEMS DOES NOT IMPLY OMISSION. THE CONTRACTOR'S RESPONSIBILITY IS TO NOTIFY THE OWNER OF THESE OMISSION PRIOR TO THE SUBMISSION OF BIDS. THE CONTRACTOR SHALL COMPLY WITH THE SPIRIT AND INTENT OF THESE DOCUMENTS AND SHALL COMPLETE THE WORK SATISFACTORILY AND IN A MANNER ACCEPTABLE TO THE OWNER AND THE ENGINEER. THESE DOCUMENTS ILLUSTRATE THE MINIMUM STANDARDS OF CONSTRUCTION TECHNIQUES AND STANDARDS FOR A BUILDING OF THIS TYPE.
- ADJACENT PROPERTIES SHALL BE PROTECTED FROM ALL DISTURBANCES AND DAMAGES. DO NOT TRESPASS ON NEIGHBORING PROPERTY. IF REQUIRED, SUBMIT A WRITTEN REQUEST TO ADJACENT PROPERTY OWNERS 10 DAYS PRIOR TO NEEDED DATE OF TRESPASS. ANY DAMAGE OR DISTURBANCE WHICH OCCURS TO NEIGHBORING PROPERTIES SHALL BE RESTORED TO THE PREVIOUS EXISTING CONDITION AT NO ADDITIONAL COST TO THE OWNER.
- WHERE WORK REQUIRES CUTTING INTO OR DISRUPTION OF EXISTING CONSTRUCTION THE CONTRACTOR IS RESPONSIBLE FOR PATCHING AND REPAIRING BOTH THE AREA OF WORK AND ITS ADJACENT SURFACES TO MATCH ADJACENT EXISTING SURFACES. PATCHING INCLUDES FINISH PAINTING OF AREA DISRUPTED.
- THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL REQUIRED CITY AGENCY INSPECTIONS. IN ADDITION, THE CONTRACTOR IS TO COORDINATE WORK WITH ALL UTILITY COMPANIES (GAS, ELECTRIC, WATER, PHONE, ETC.) SUCH THAT SERVICE TO THE SITE IS EITHER MAINTAINED OR PROVIDED IN A TIMELY MANNER TO THE COMPLETION OF THE WORK. COORDINATE NEW SERVICE LOCATIONS AND CONFIGURATIONS WITH THE APPROPRIATE PROVIDER AND THE OWNER.
- IF REQUIRED BY THE GOVERNING AGENCIES, THE OWNER IS TO PROVIDE REQUIRED SPECIAL INSPECTIONS AND TESTING VIA EITHER THE STRUCTURAL ENGINEER OR A LICENSED THIRD-PARTY TESTING AGENCY. THE GENERAL CONTRACTOR IS TO COORDINATE ALL WORK AND GIVE THE ENGINEER AND OWNER A MINIMUM FIVE DAY NOTIFICATION ONCE THE WORK IS READY FOR INSPECTION. KEEP ALL REPORTS FOR SUBMITTAL TO THE AUTHORITIES AT FINAL INSPECTION.
- NO WORK DEFECTIVE IN CONSTRUCTION OR QUALITY OR DEFICIENT IN ANY REQUIREMENTS OF THE DRAWINGS OR NOTES WILL BE ACCEPTABLE IN CONSEQUENCE OF THE OWNER'S FAILURE TO DISCOVER OR POINT OUT DEFECTS OR DEFICIENCIES DURING CONSTRUCTION. DEFECTIVE WORK REVEALED WITHIN THE TIME REQUIRED BY GUARANTEES SHALL BE REPLACED BY WORK CONFORMING WITH THE INTENT OF THE CONTRACT.
- THE CONTRACTOR SHALL SUBMIT ALL SHOP DRAWINGS REQUIRED FOR VARIOUS TRADES OR SPECIFICALLY REQUESTED IN THE WORKING DRAWINGS TO THE ENGINEER FOR HIS APPROVAL.
- DIMENSIONS NOTED "CLEAR" OR "CLR." ARE MINIMUM REQUIRED DIMENSIONS AND MUST BE MAINTAINED.
- ALL WORK AND MATERIAL SHALL BE NEW AND UNUSED AND OF THE HIGHEST QUALITY IN EVERY RESPECT.
- ALL WORK AND MATERIAL SHALL BE GUARANTEED AGAINST DEFECTS IN DESIGN AND WORKMANSHIP FOR AT LEAST ONE YEAR FROM FINAL PAYMENT, UNLESS OTHERWISE NOTED.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE BEST PRACTICES OF THE VARIOUS TRADES INVOLVED. ALL WORK SHALL BE ERECTED AND INSTALLED PLUMB, LEVEL, SQUARE AND TRUE IN PROPER ALIGNMENT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISTRIBUTION OF DRAWINGS TO ALL TRADES UNDER HIS JURISDICTION.
- THE PROJECT SHALL BE LEFT COMPLETELY CLEAN AND CLEAR TO THE SATISFACTION OF THE OWNER AND THE ENGINEER.
- MANUFACTURED MATERIALS, EQUIPMENT, ETC., SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS AND INSTRUCTIONS UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WATERPROOFING, DRAINAGE, FIREPROOFING, ETC. WHERE REQUIRED.
- SUBSTITUTIONS, REVISIONS OR CHANGES MUST HAVE PRIOR WRITTEN APPROVAL BY THE ENGINEER.
- THE CONTRACTOR AND SUBCONTRACTORS SHALL PURCHASE AND MAINTAIN CERTIFICATES OF INSURANCE WITH RESPECT TO WORKMAN'S COMPENSATION, PUBLIC LIABILITY AND PROPERTY DAMAGE FOR THE LIMITS AS REQUIRED BY LAW. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING AND SUPERVISING ALL SAFETY PRECAUTIONS IN CONNECTION WITH THE WORK. THE CONTRACTOR SHALL COMPLY WITH ALL OSHA REQUIREMENTS.

- THE CONTRACTOR IS RESPONSIBLE FOR REROUTING (AND MAINTAINING ITS CONTINUOUS OPERATION) ANY EXISTING PLUMBING, ELECTRICAL, MECHANICAL LINES AND COMMUNICATION/ AUDIO/ VISUAL CABLES THAT ARE INTERFERING WITH THE WORK AT NO ADDITIONAL COST TO THE CONTRACT.
- AFTER INSTALLATION OF THE WORK, THE CONTRACTOR IS RESPONSIBLE FOR REPAIRS (PATCH AND MATCH THE EXISTING SURFACE) OF STRUCTURE/ SURFACE FINISHES CAUSED BY DEMOLITION OR DAMAGE(S) DURING CONSTRUCTION AT NO ADDITIONAL COST TO THE CONTRACT.
- ANY OF THE WORK THAT EXTENDS BEYOND THE EXTERIOR WALLS OF THE BUILDING SHALL BE FRAMED, ENCLOSED, AND WEATHER PROTECTED, AND MATCH THE EXISTING SURFACE MATERIALS OR APPROVED NEW SURFACE MATERIALS AND FINISHES TO MATCH EXISTING COLORS AT NO ADDITIONAL COST TO THE CONTRACT.
- THE EXISTING GARAGE DOOR AND SYSTEM SHALL BE REUSED. THE CONTRACTOR SHALL STORE IT IN A PROTECTED AREA AND REINSTALL THE GARAGE DOOR.
- THE CONTRACTOR IS RESPONSIBLE TO SECURE THE PREMISES FROM INTRUDERS AT ALL TIMES.
- ANY CONSTRUCTION THAT ASSOCIATES WITH EXISTING ASBESTOS ON THE PROPERTY SHALL BE REMOVED BY THE CONTRACTOR

CITY OF SAN FRANCISCO FIRE DEPARTMENT REQUIREMENTS:

- MAINTAIN ALL REQUIRED AREAS OF EGRESS AT ALL TIMES
- MAINTAIN FIRE RATED CONSTRUCTION IN AREA OF WORK
- SEAL ALL PENETRATIONS WITH AN APPROVED METHOD AND MATERIAL
- MUST MAINTAIN EXISTING FIRE LIFE SAFETY SYSTEMS DURING CONSTRUCTION

PROJECT INFORMATION

OWNER: JEFF DRIMMER
1934 JEFFERSON STREET
SAN FRANCISCO, CA

BLOCK/LOT: 0911 / 008A

OCCUPANCY: R-2

CONSTRUCTION TYPE: VB

ZONING: RH-2

STORIES / HEIGHT: 3 / 40'-0"

PROJECT SCOPE

NEW 1 HOUR FIRE PROTECTED WALL TO COMPLY WITH NOV 202304057
AND PLANNING CODE COMPLAINT # 2023-011348 ENF

CODE SUMMARY

APPLICABLE CODE: 2022 SAN FRANCISCO BUILDING CODE SEC 34B
2022 INTERNATIONAL EXISTING BUILDING CODE APPX. A4

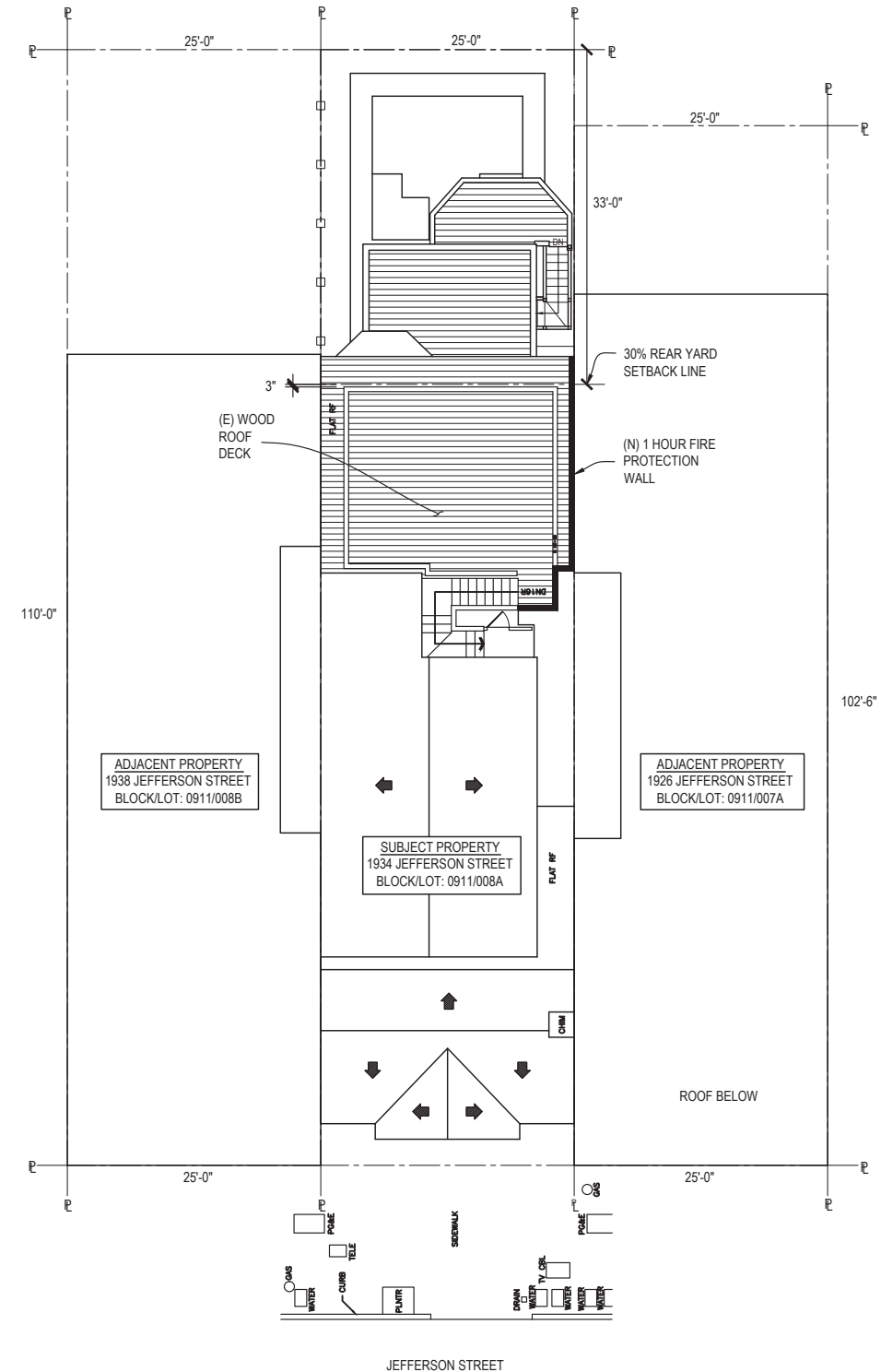
SHEET INDEX

ARCHITECTURAL:	A1	GENERAL NOTES
	A2	PARTIAL SITE PLANS
	A3	PARTIAL REAR DECK PLANS
	A4	NORTH AND SOUTH ELEVATIONS
	A5	EAST ELEVATIONS
	A6	WEST ELEVATIONS
STRUCTURAL:	S1	REAR DECK PLAN
	S2	STRUCTURAL DETAILS

NEW PARAPET

1934 JEFFERSON STREET

SAN FRANCISCO, CA

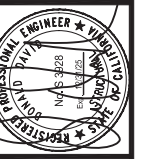


SITE PLAN

1/8"=1'-0"

REVISIONS	BY

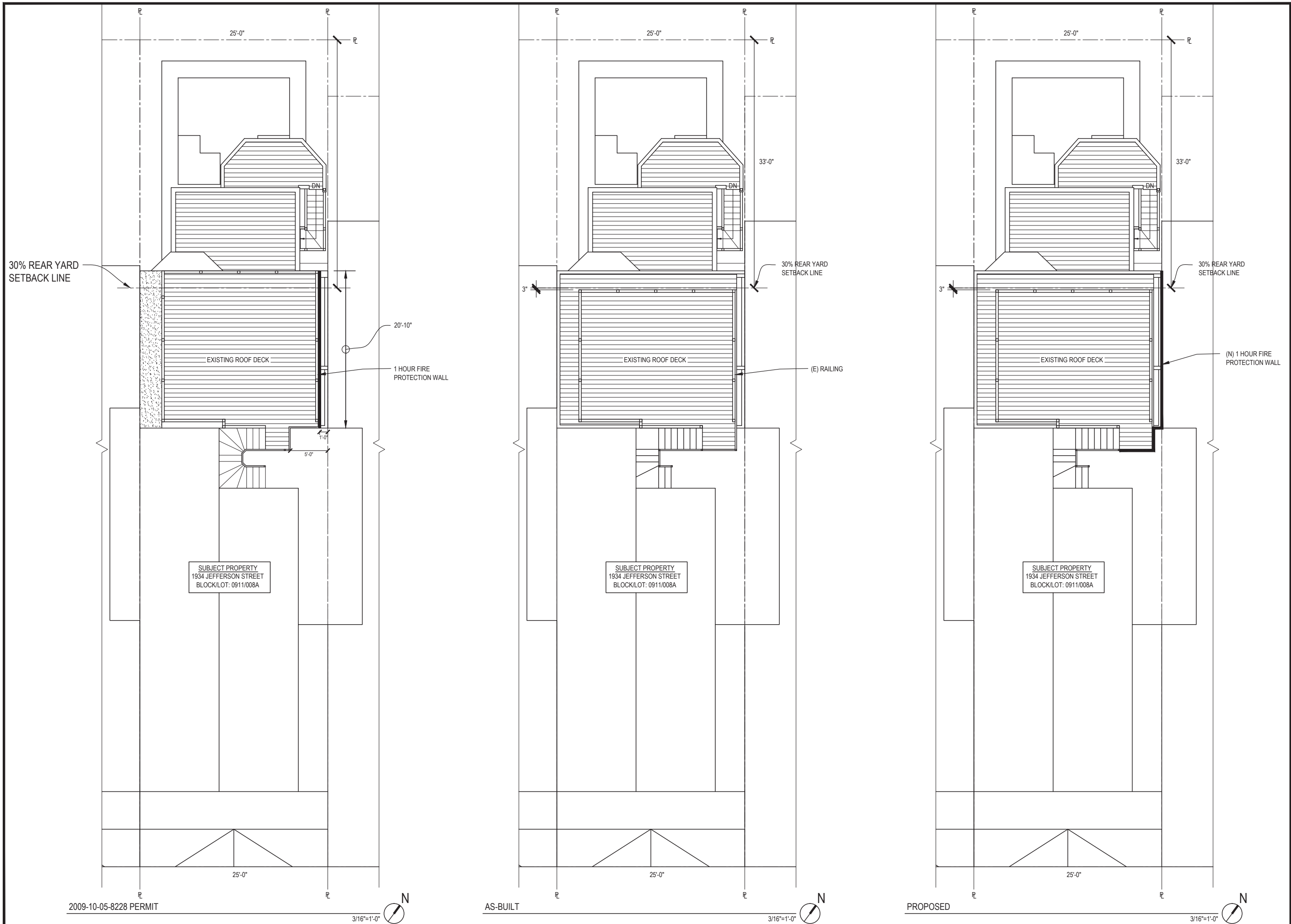
72 Ollis Street
San Francisco, CA 94103
P: 415-551-4550
F: 415-551-4511
W: doubledengineering.com



SITE PLAN

NEW PARAPET
1934 JEFFERSON STREET
SAN FRANCISCO, CA

Date: 02/13/24
Scale: AS NOTED
Drawn By: DD
Job No: 9577
Sheet



REVISIONS	BY

72 Ollis Street
 San Francisco, CA 94103
 P: 415-551-5150
 F: 415-551-5151
 W: doubleengineering.com



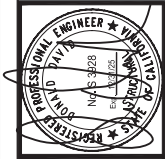
PARTIAL SITE PLANS

NEW PARAPET
 1934 JEFFERSON STREET
 SAN FRANCISCO, CA

Date: 02/13/24
 Scale: AS NOTED
 Drawn By: DD
 Job No: 9577
 Sheet

REVISIONS	BY

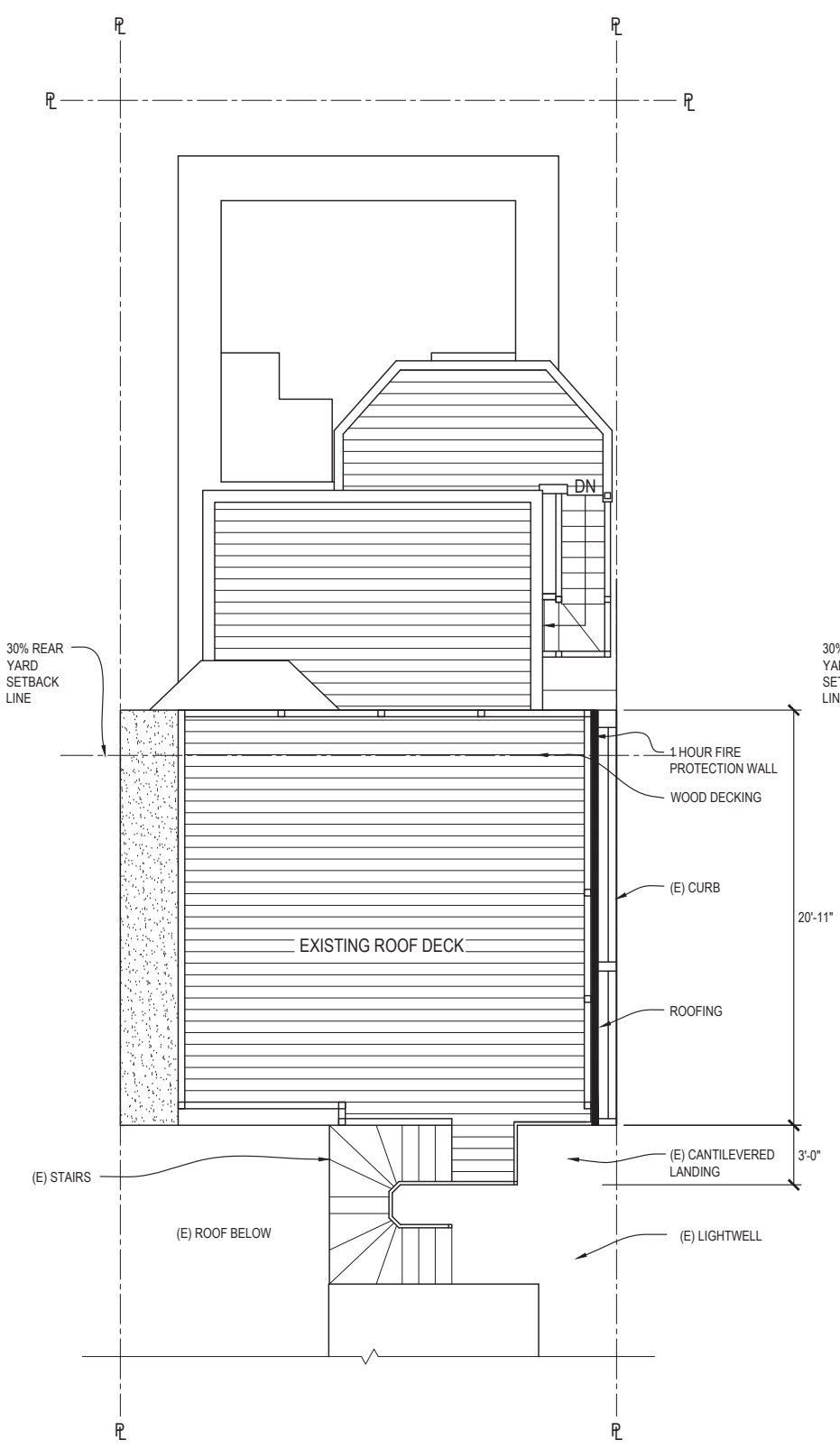
72 Oils Street
 San Francisco, CA 94103
 P: 415-551-5150
 F: 415-551-5151
 W: doubleengineering.com



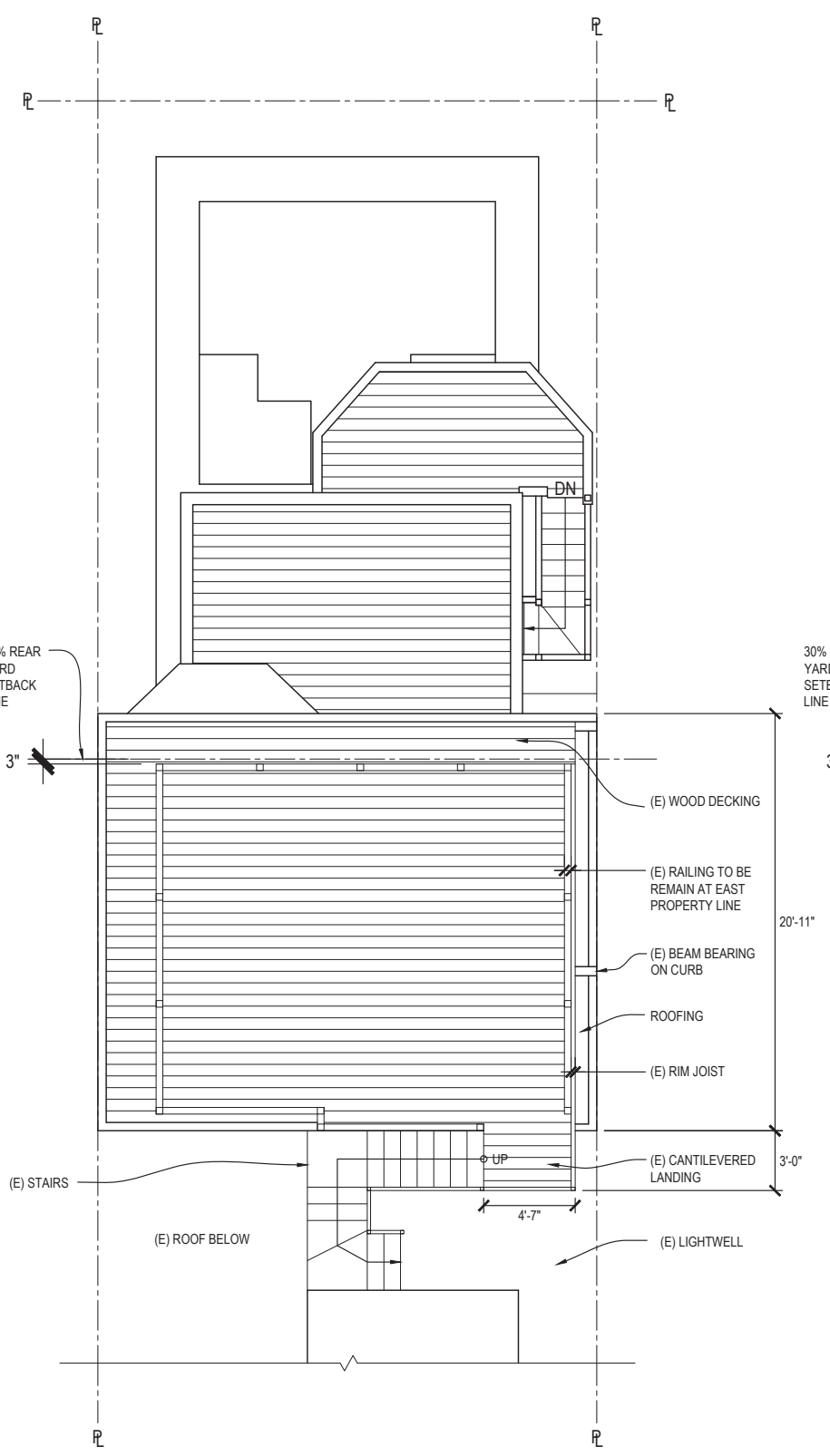
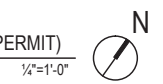
PARTIAL REAR DECK PLANS

NEW PARAPET
 1934 JEFFERSON STREET
 SAN FRANCISCO, CA

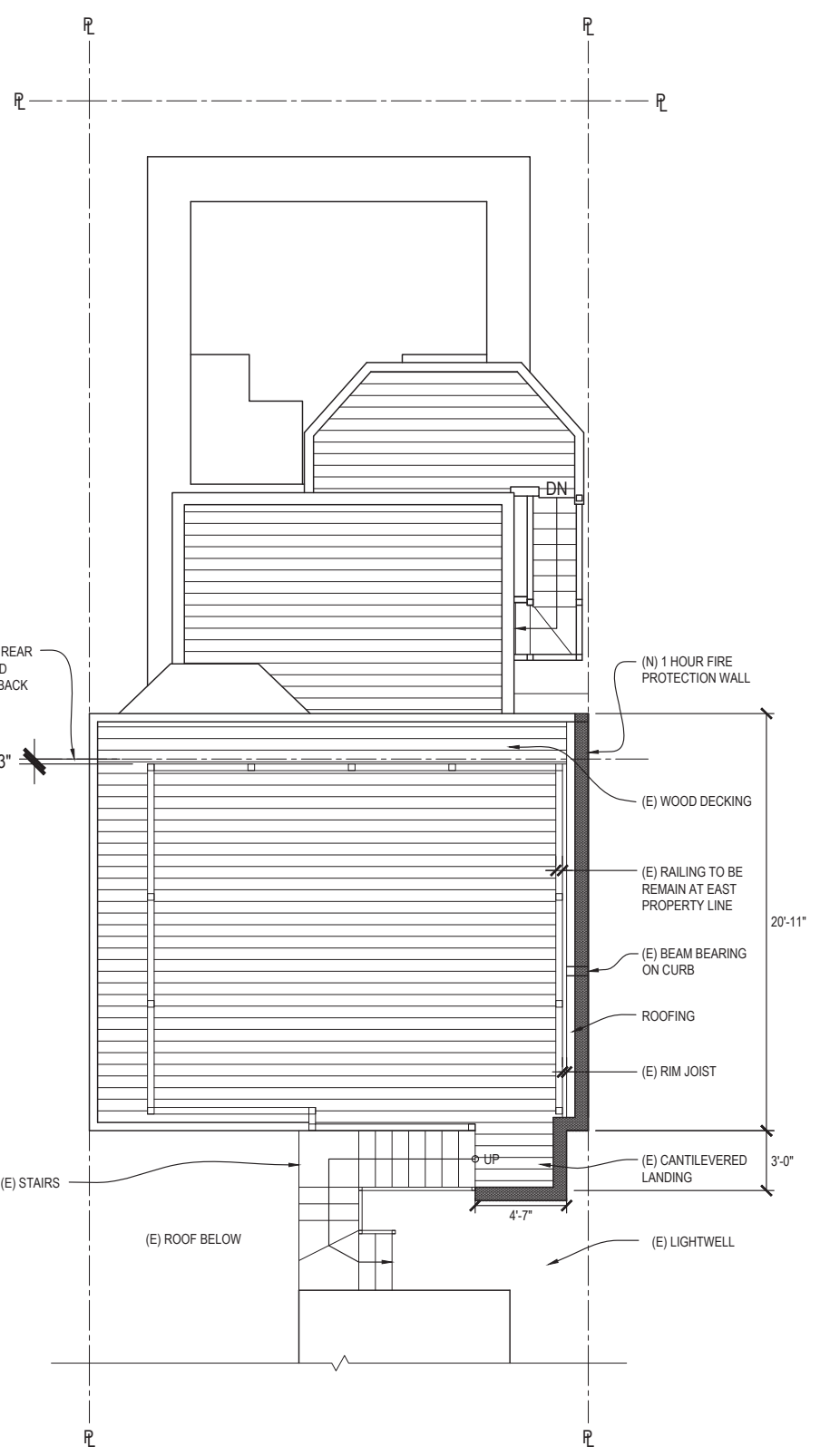
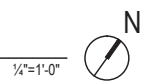
Date:	02/13/24
Scale:	AS NOTED
Drawn By:	DD
Job No:	9577
Sheet	A3
Of	8 Sheets



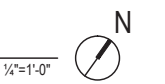
PARTIAL REAR DECK PLAN (2009-10-05-8228 PERMIT)



PARTIAL AS-BUILT REAR DECK PLAN

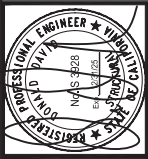


PARTIAL PROPOSED REAR DECK PLAN



REVISIONS	BY

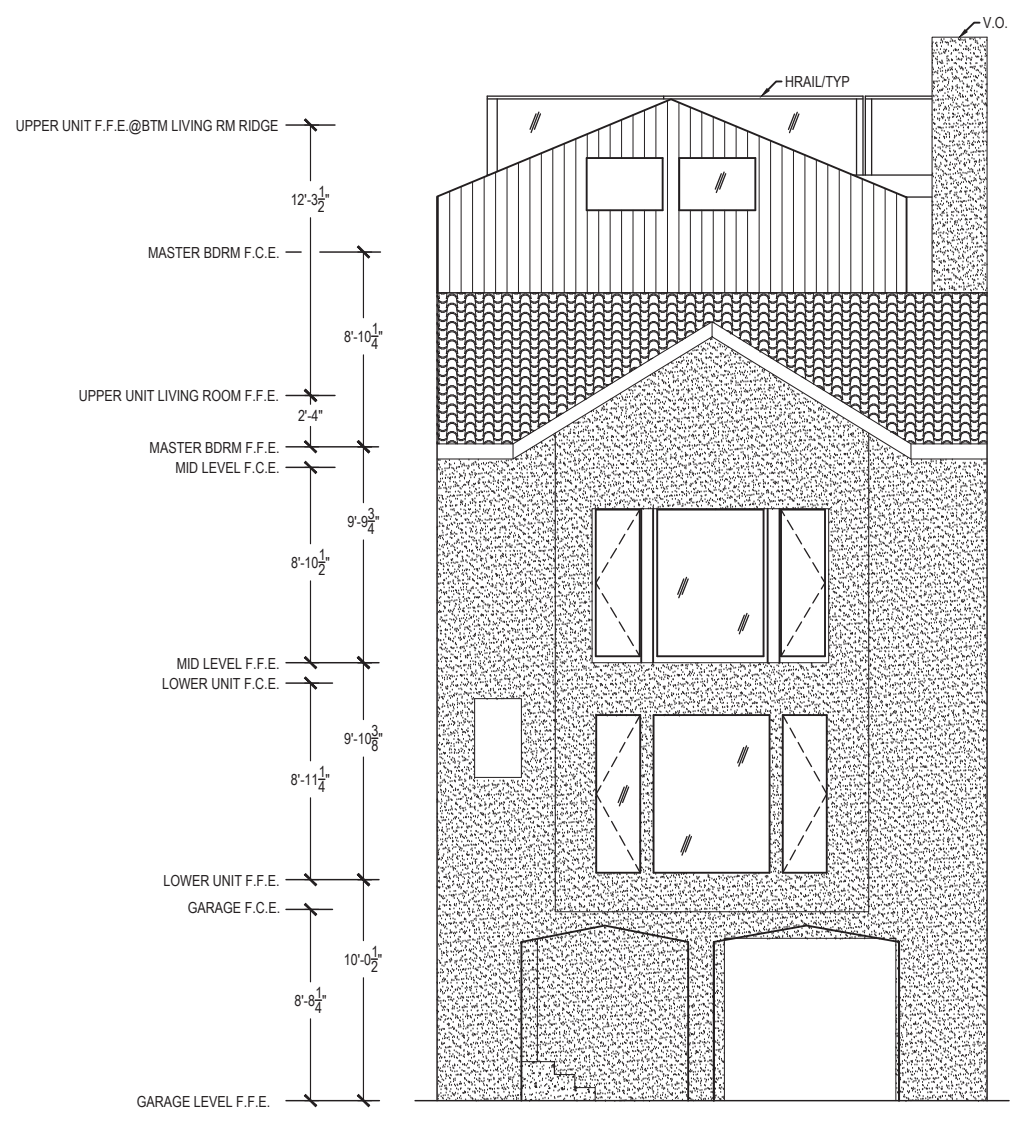
72 Ollis Street
 San Francisco, CA 94103
 P: 415-551-4550
 F: 415-551-5151
 W: doubleengineering.com



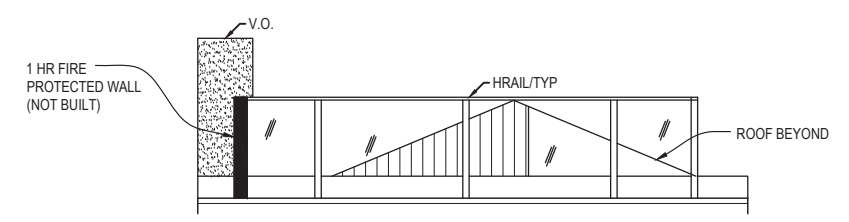
NORTH AND SOUTH
 ELEVATIONS

NEW PARAPET
 1934 JEFFERSON STREET
 SAN FRANCISCO, CA

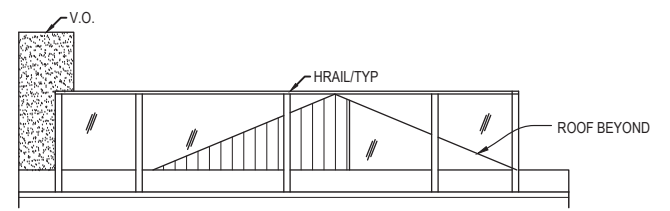
Date: 02/13/24
 Scale: AS NOTED
 Drawn By: DD
 Job No: 9577
 Sheet
A4
 Of 8 Sheets



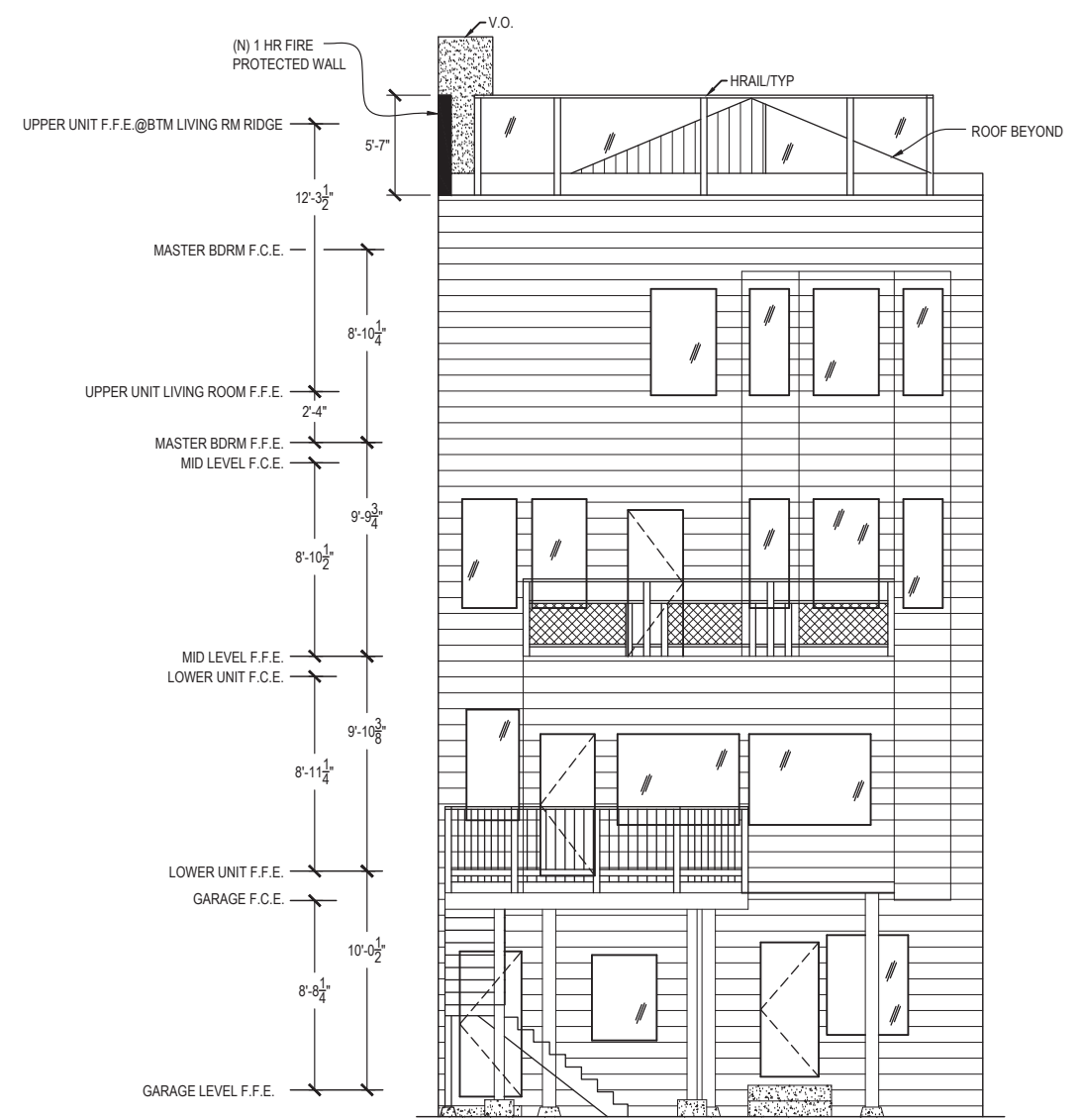
1 PROPOSED SOUTH ELEVATION (NO CHANGE)



2 PARTIAL NORTH ELEVATION PERMIT 2009-10-05-8228



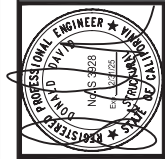
3 PARTIAL NORTH ELEVATION AS-BUILT



4 PROPOSED NORTH ELEVATION

REVISIONS	BY

72 Ollis Street
 San Francisco, CA 94103
 P: 415-551-4550
 F: 415-551-5151
 W: doubleengineering.com



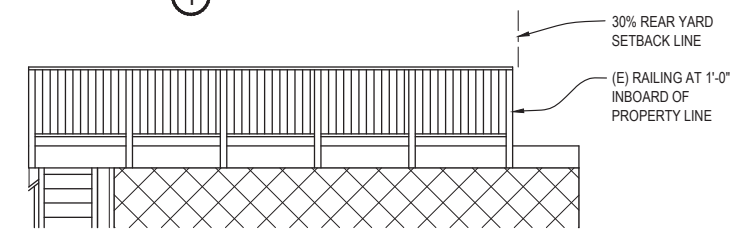
EAST ELEVATIONS

NEW PARAPET
 1934 JEFFERSON STREET
 SAN FRANCISCO, CA

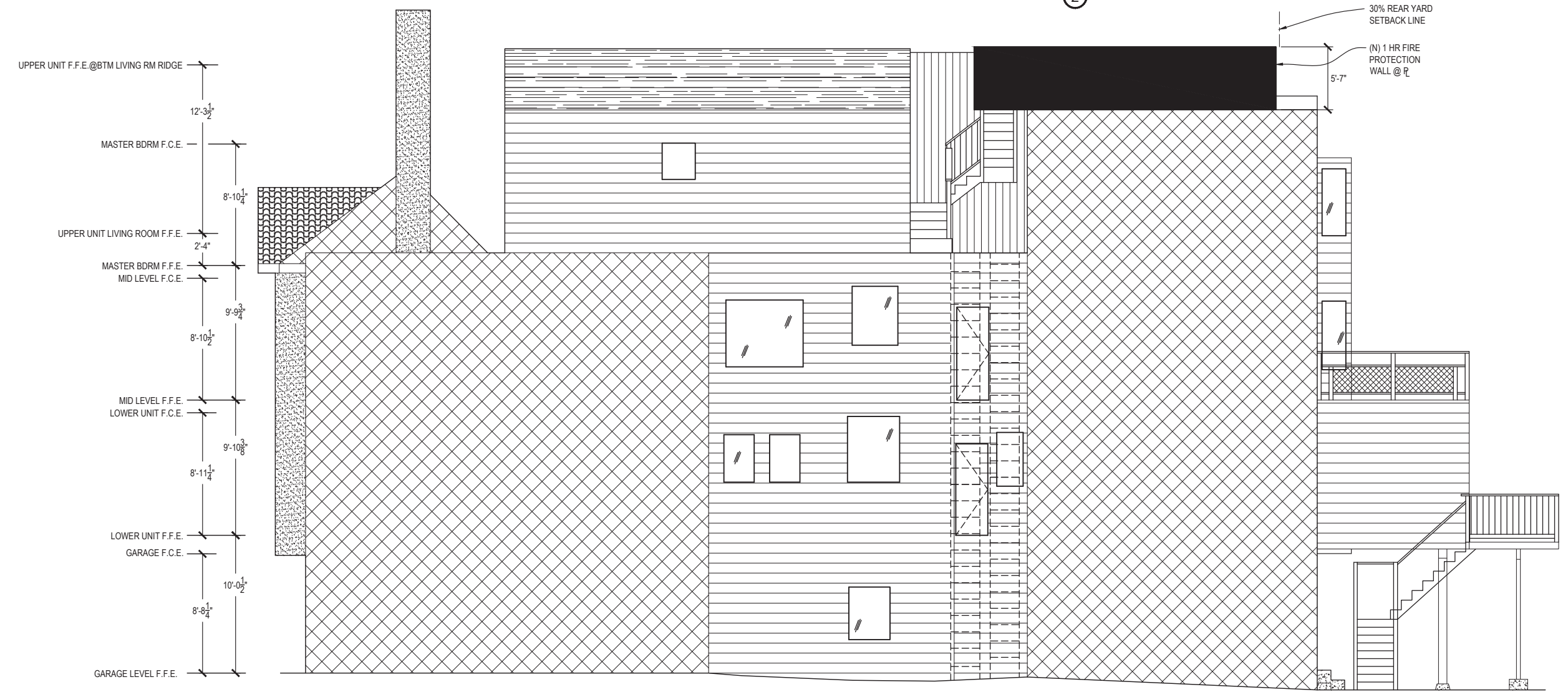
Date:	02/13/24
Scale:	AS NOTED
Drawn By:	DD
Job No:	9577
Sheet	A5
Of	8 Sheets



① PARTIAL EAST ELEVATION PERMIT 2009-10-05-8228

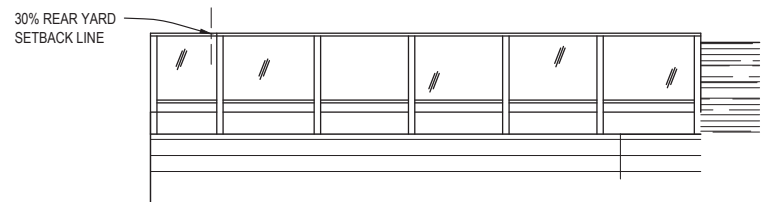


② PARTIAL EAST ELEVATION AS-BUILT

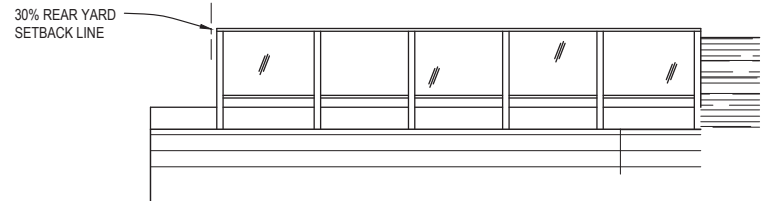


③ PROPOSED EAST ELEVATION

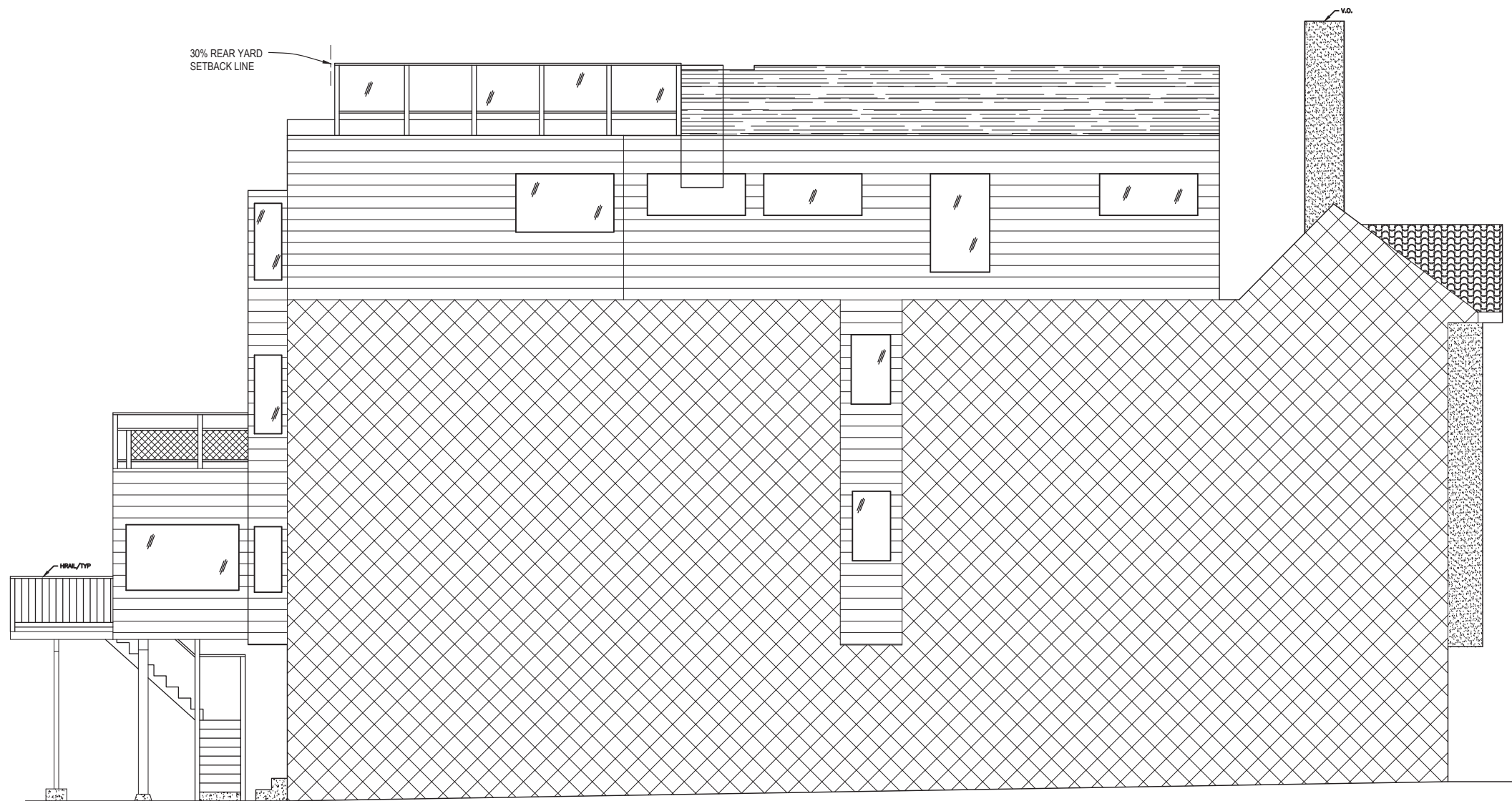
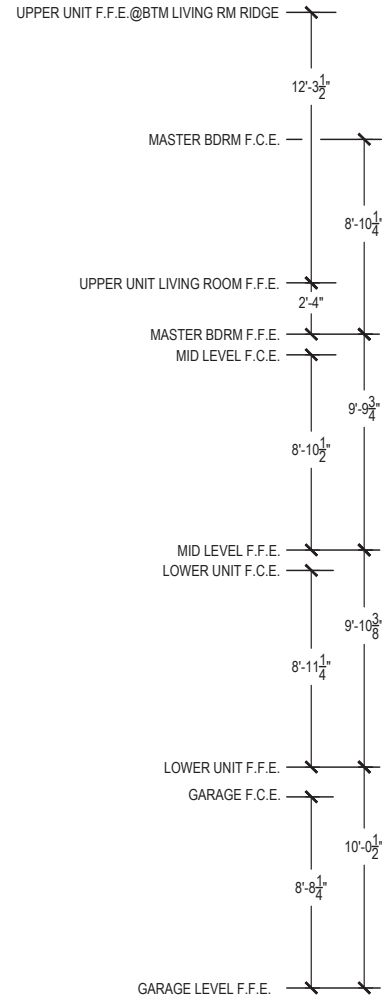
UPPER UNIT F.F.E. @ BTM LIVING RM RIDGE	12'-3 $\frac{1}{2}$ "
MASTER BDRM F.F.E.	8'-10 $\frac{1}{4}$ "
UPPER UNIT LIVING ROOM F.F.E.	2'-4"
MASTER BDRM F.F.E.	9'-9 $\frac{3}{4}$ "
MID LEVEL F.F.E.	8'-10 $\frac{1}{2}$ "
MID LEVEL F.F.E.	9'-10 $\frac{3}{8}$ "
LOWER UNIT F.F.E.	8'-11 $\frac{1}{4}$ "
LOWER UNIT F.F.E.	10'-0 $\frac{1}{2}$ "
GARAGE F.F.E.	8'-8 $\frac{1}{4}$ "
GARAGE LEVEL F.F.E.	



① PARTIAL WEST ELEVATION PERMIT 2009-10-05-8228



② PARTIAL WEST ELEVATION AS-BUILT



③ PROPOSED WEST ELEVATION

REVISIONS	BY

72 Ollis Street
 San Francisco, CA 94103
 P: 415-551-4150
 F: 415-551-5151
 W: doubleengineering.com



WEST ELEVATIONS

NEW PARAPET
 1934 JEFFERSON STREET
 SAN FRANCISCO, CA

Date: 02/13/24
 Scale: AS NOTED
 Drawn By: DD
 Job No: 9577
 Sheet

REVISIONS	BY

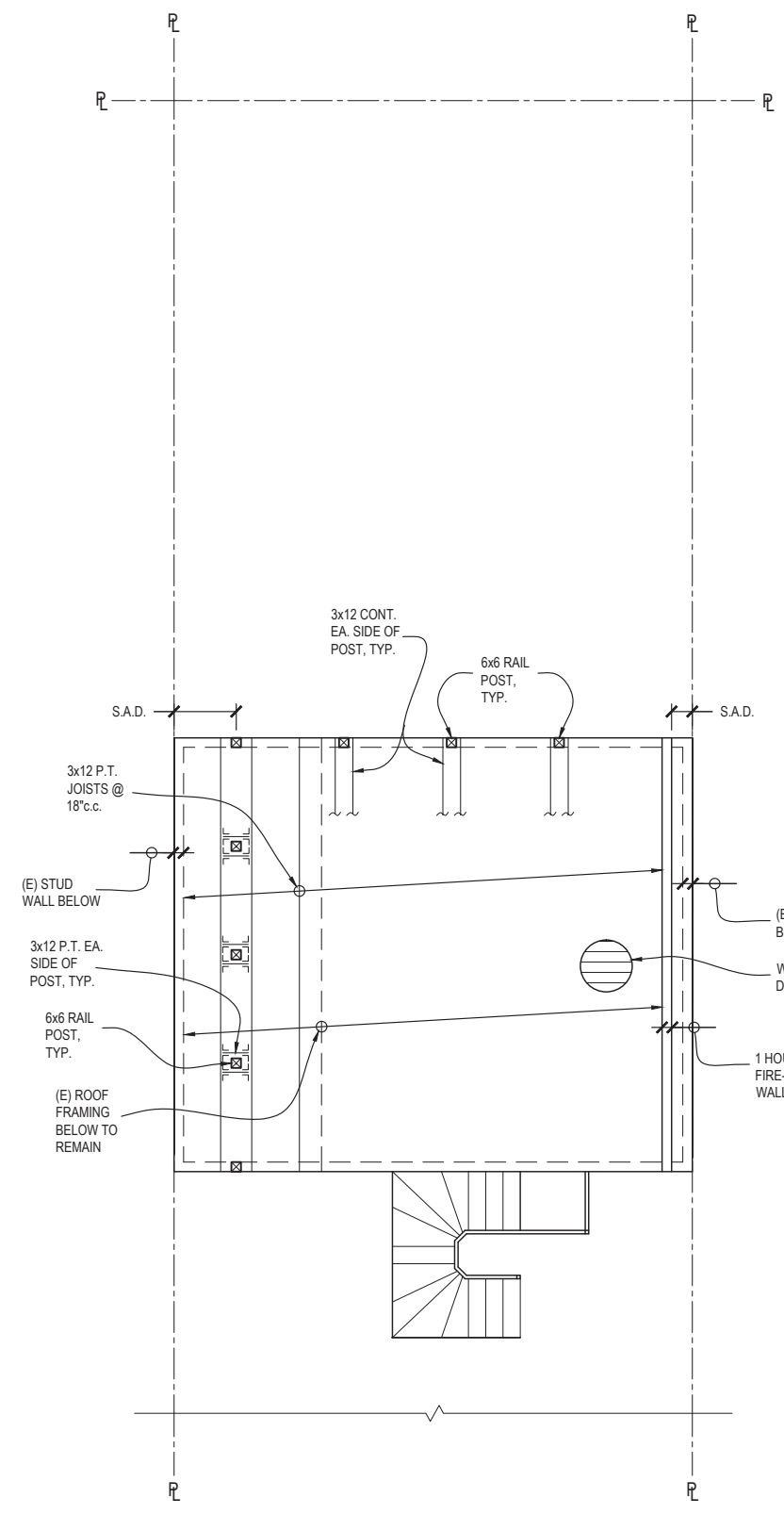
72 Oils Street
 San Francisco, CA 94103
 P: 415-551-4150
 F: 415-551-5151
 W: doubleengineering.com



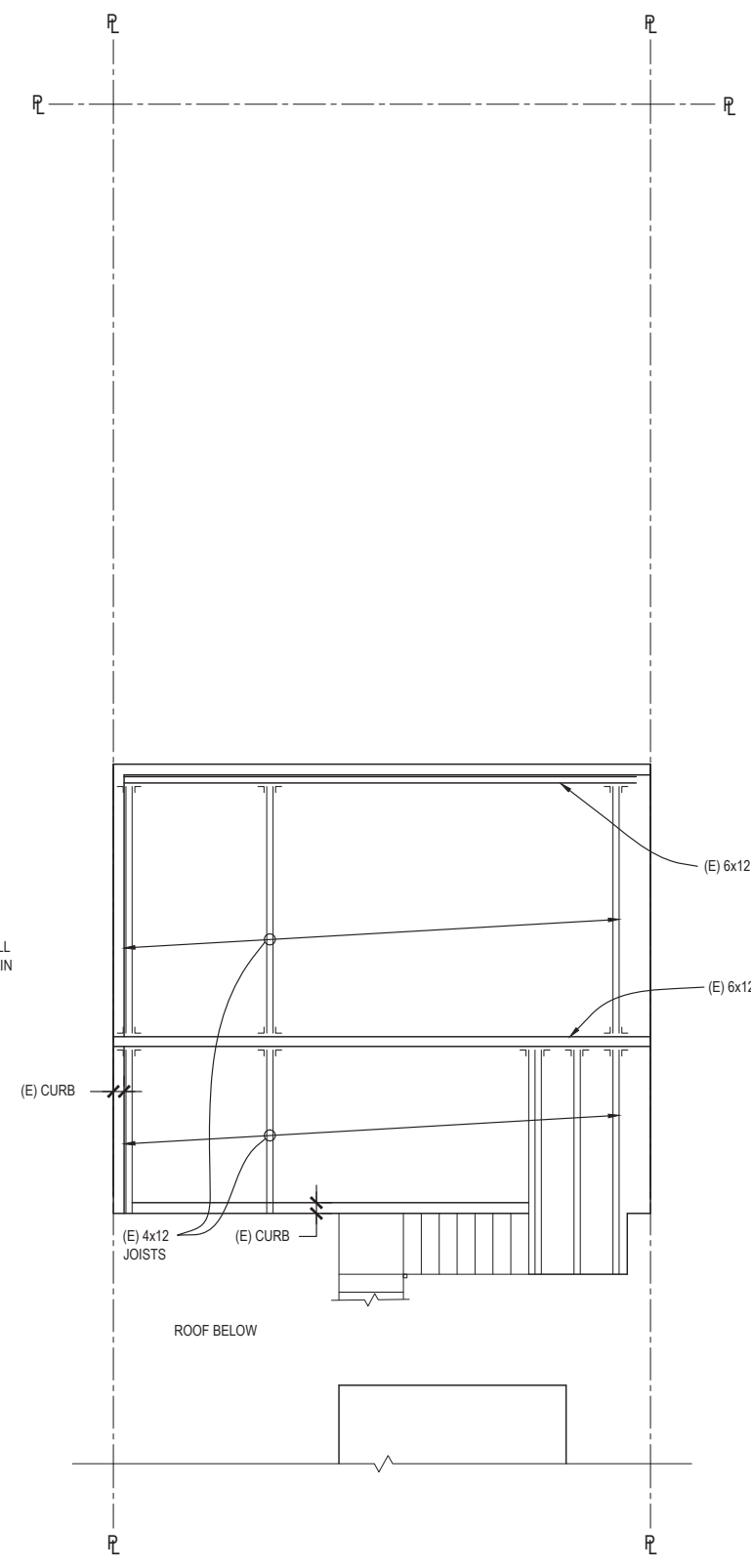
REAR DECK PLAN

NEW PARAPET
 1934 JEFFERSON STREET
 SAN FRANCISCO, CA

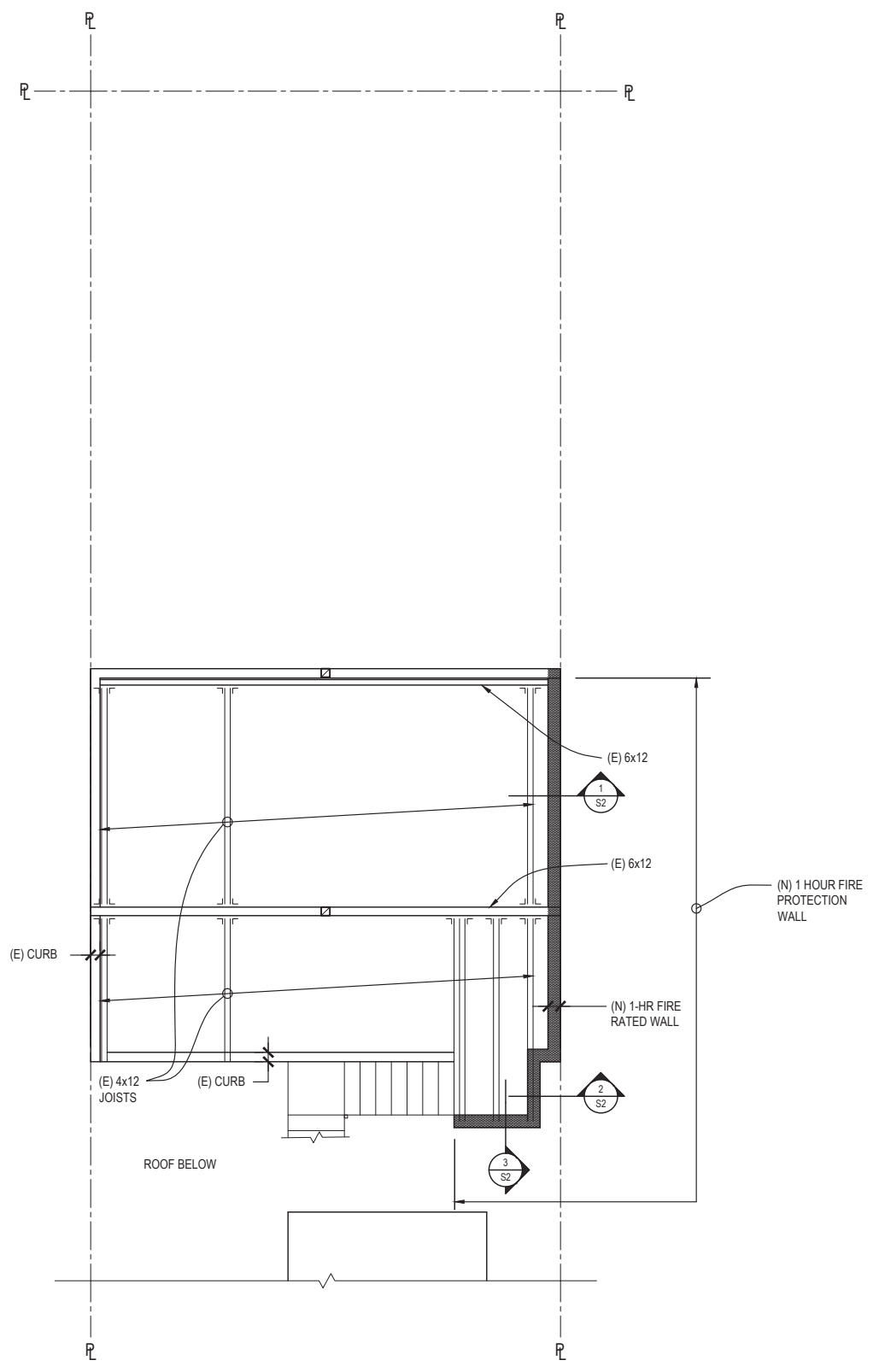
Date:	02/13/24
Scale:	AS NOTED
Drawn By:	DD
Job No.:	9577
Sheet:	S1
Of 8 Sheets	



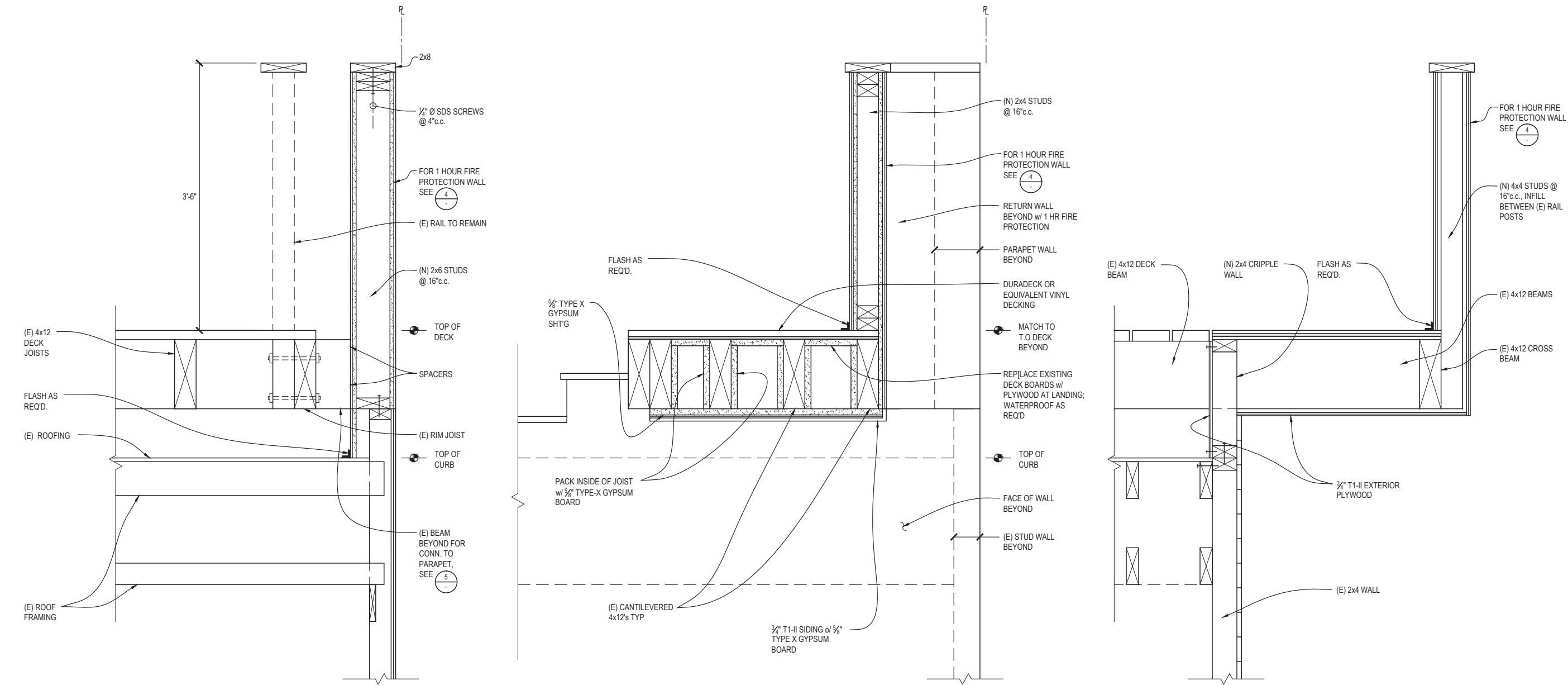
APPROVED DECK FRAMING PLAN PERMIT 2009-10-05-8228
 1/4"=1'-0" N



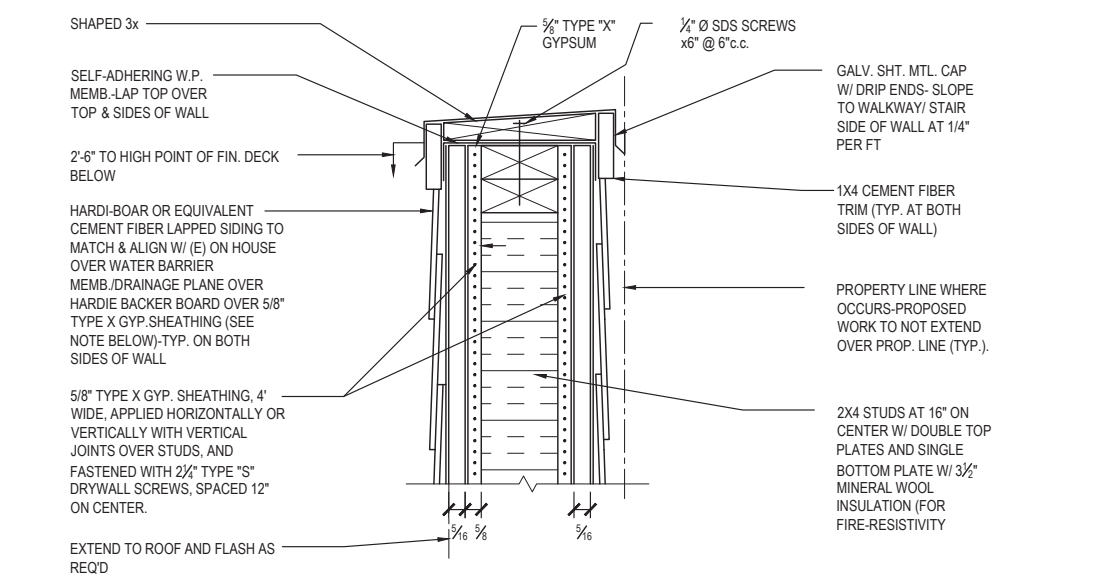
AS-BUILT REAR DECK FRAMING PLAN
 1/4"=1'-0" N



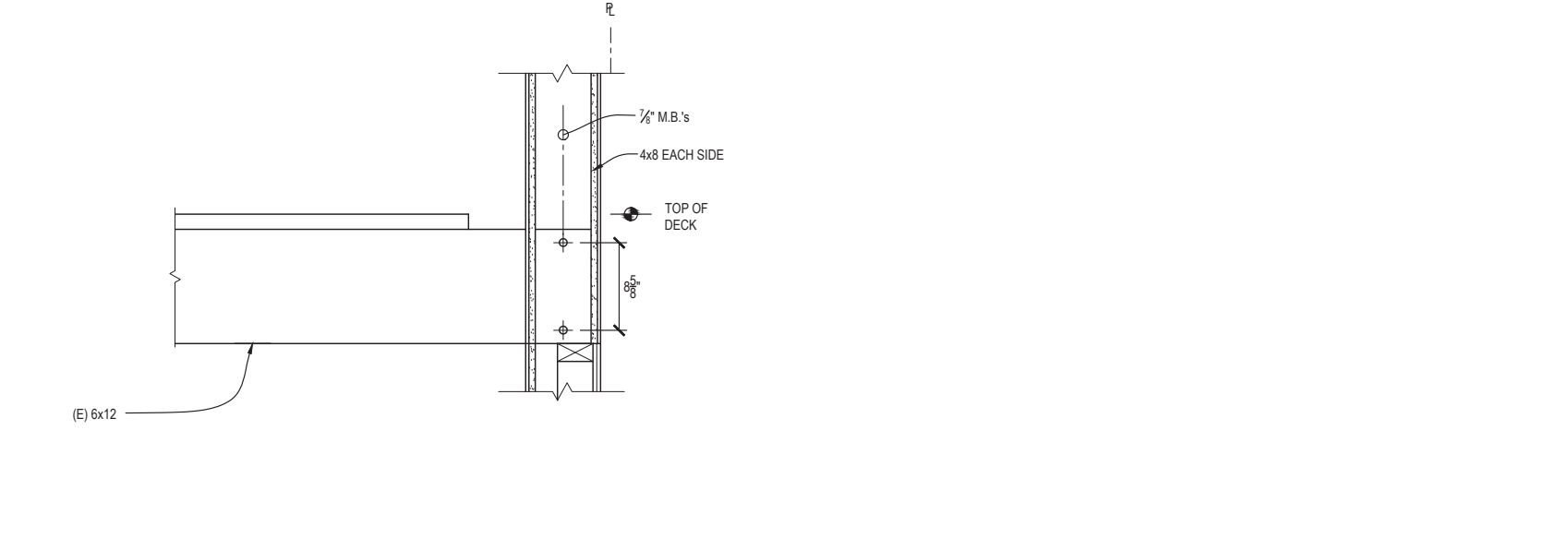
REAR DECK FRAMING PLAN
 1/4"=1'-0" N



1 - 1 1/2"=1'-0" 2 - 1 1/2"=1'-0" 3 - 1 1/2"=1'-0"



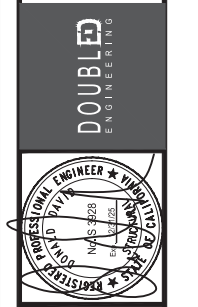
4 PROPOSED FIREWALL/GUARDRAIL 3"=1'-0"



5 CONNECTION AT CROSS BEAM 1 1/2"=1'-0"

REVISIONS	BY

72 Oils Street
San Francisco, CA 94103
P: 415-551-4550
F: 415-551-5151
W: doubleengineering.com



STRUCTURAL DETAILS

NEW PARAPET
1934 JEFFERSON STREET
SAN FRANCISCO, CA

Date: 02/13/24
Scale: AS NOTED
Drawn By: DD
Job No: 9577
Sheet
S2
Of 8 Sheets

Board of Appeals Brief
Appeal Nos. 25-002
1934 Jefferson Street
Hearing Date: July 9, 2025

EXHIBIT B



DISCRETIONARY REVIEW ANALYSIS

HEARING DATE: November 21, 2024

Continued from November 7, 2024

Record No.: 2023-011348DRP
Project Address: 1934 Jefferson Street
Planning Application: 2023-011348PRJ
Zoning: RH-2 [Residential House- Two Family]
 40-X Height and Bulk District
Cultural District: NA
Block/Lot: 0911 / 031
Project Sponsor: Jeff Drimmer
 1934 Jefferson Street
 San Francisco CA 94123
Staff Contact: David Winslow – (628) 652-7335
david.winslow@sfgov.org
Environmental Review: Categorical Exemption

Recommendation: Do Not Take DR and Approve

Project Description

The project proposes to construct a new 1-hour fire protected wall to comply with NOV 202304057 and Planning code complaint # 2023-011348 ENF to a 3-story, 2- unit building.

Site Description and Present Use

The site is an approximately 25'-0" wide x 110'-0" deep lot. The existing building is a category B– Age eligible Historic Resource present - built in 1935.

Surrounding Properties and Neighborhood

NA

Public Notification

Type	Required Period	Notification Dates	DR File Date	DR Hearing Date	Filing to Hearing Date
NA	NA	NA	July 1, 2024	November 21, 2024	144 days

Hearing Notification

Type	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	20 days	October 19, 2024	October 19, 2024	20 days
Mailed Notice	20 days	October 19, 2024	October 19, 2024	20 days
Online Notice	20 days	October 19, 2024	October 19, 2024	20 days

Public Comment

	Support	Opposed	No Position
Adjacent neighbor(s)	0	0	0
Other neighbors on the block or directly across the street	0	0	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

DR requestor: Ottorino Pasion of 1926-1928 Jefferson Street, the immediate neighbor to the east.

DR Requestor’s Concerns and Proposed Alternatives

DR requestor is concerned that the proposed project does not comply with the Residential Design Guidelines related to privacy light and air

Proposed alternatives:

1. Setback roof deck and stairs and landing a minimum of 5' from DR requestor's property.

See attached *Discretionary Review Application*, dated August 29, 2024

Project Sponsor's Response to DR Applications

The goal is to resolve an outstanding NOV which requires a fire wall to be built. We have explored two alternatives. One is to move the deck 3-5' away from the property line. We prefer not to do this because it would remove too much of the deck and would have no impact on the DR requestor as the roofs are side by side and at the same level. The second alternative is to adjust the landing to the original location away from the property line as shown on the 2009 plans. The stairs could not be reconfigured to meet code requirements, and the adverse impact would be negligible to light or privacy.

Department Review

The current owners bought the property in April of 2014 with the stair and roof deck in its current configuration. It became known that the as-built condition deviated from the original permitted configuration (permit # 2009.1005.8228) in that the stair extended closer to the adjacent property to the east and the fire wall was not built. This work was signed off as complete by DBI in March 2013.

When this was discovered the NOV to correct was issued and the owners pursued a permit to correct by proposing a 1-hour fire-rated wall at the edge of the stair landing which is within 3' of the adjacent property line and a property line fire wall at the roof deck that abuts the neighbor's roof to the east. All work is within the allowable building area of the Planning Code.

The stair is tucked almost entirely within an existing lightwell. The landing abuts the neighbor's lightwell at the north (which also includes a stair) but retains ample space for the continued functionality of the neighbor's lightwell. Although the stair and deck deviated from original plans This condition of the stair and deck has existed for the past 10 years. The existing deck and landing and the proposed guardrail height fire-wall do not pose a condition that rises to exceptional or extraordinary with respect to privacy or light.

Therefore, staff deems there are no exceptional or extraordinary circumstances and recommends not taking Discretionary Review to and approving.

Recommendation: Do Not Take DR and Approve

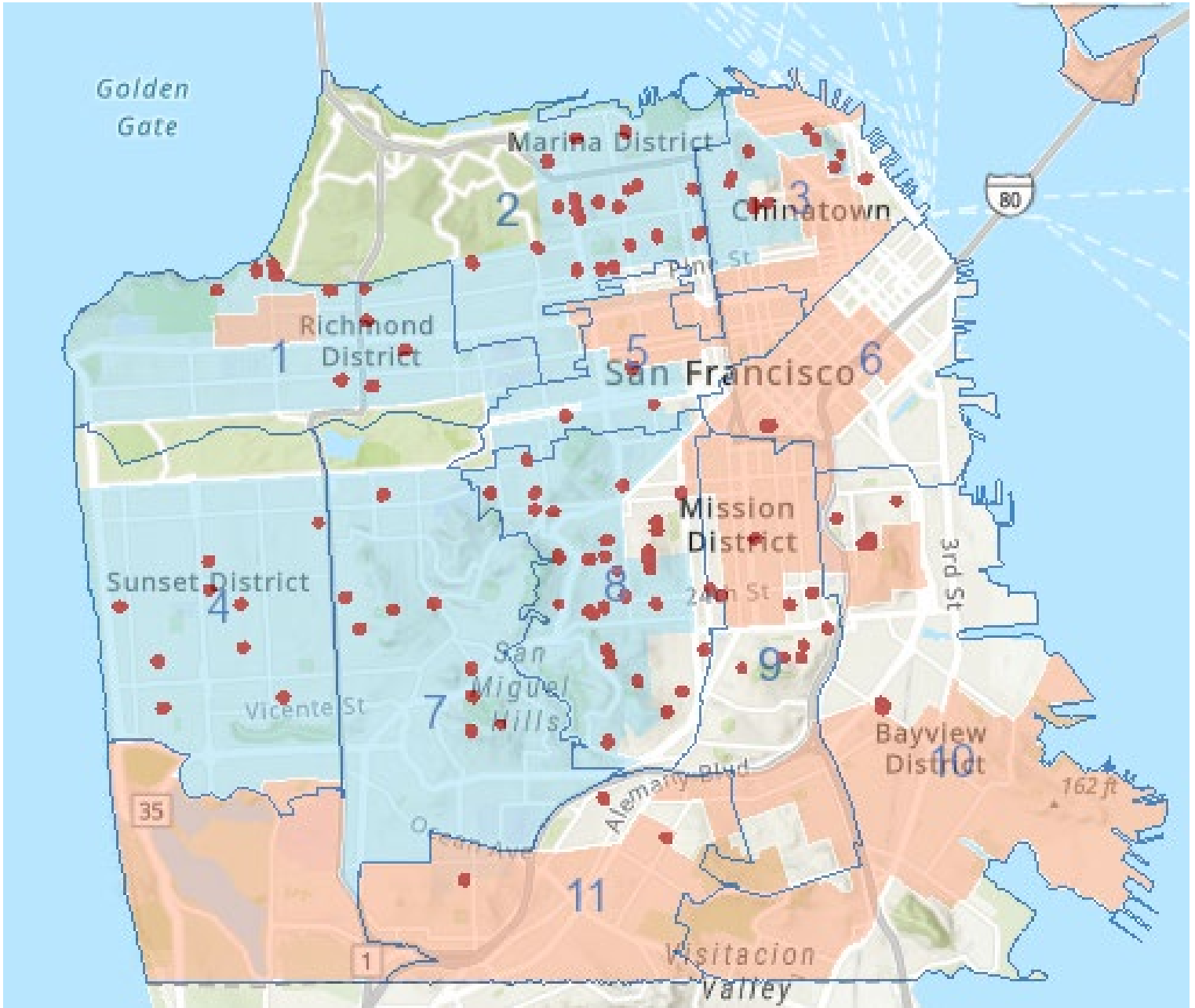
Attachments:

Map of DRs filed in the past 2 years
Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
CEQA Determination
DR Application
DR Response
Original permit 2009.1005.8228 plans
Plans

Exhibits

Discretionary Review Hearing
Case Number 2023-011348DRP
1932-1934 Jefferson Street

Location of DRs the last 2 years



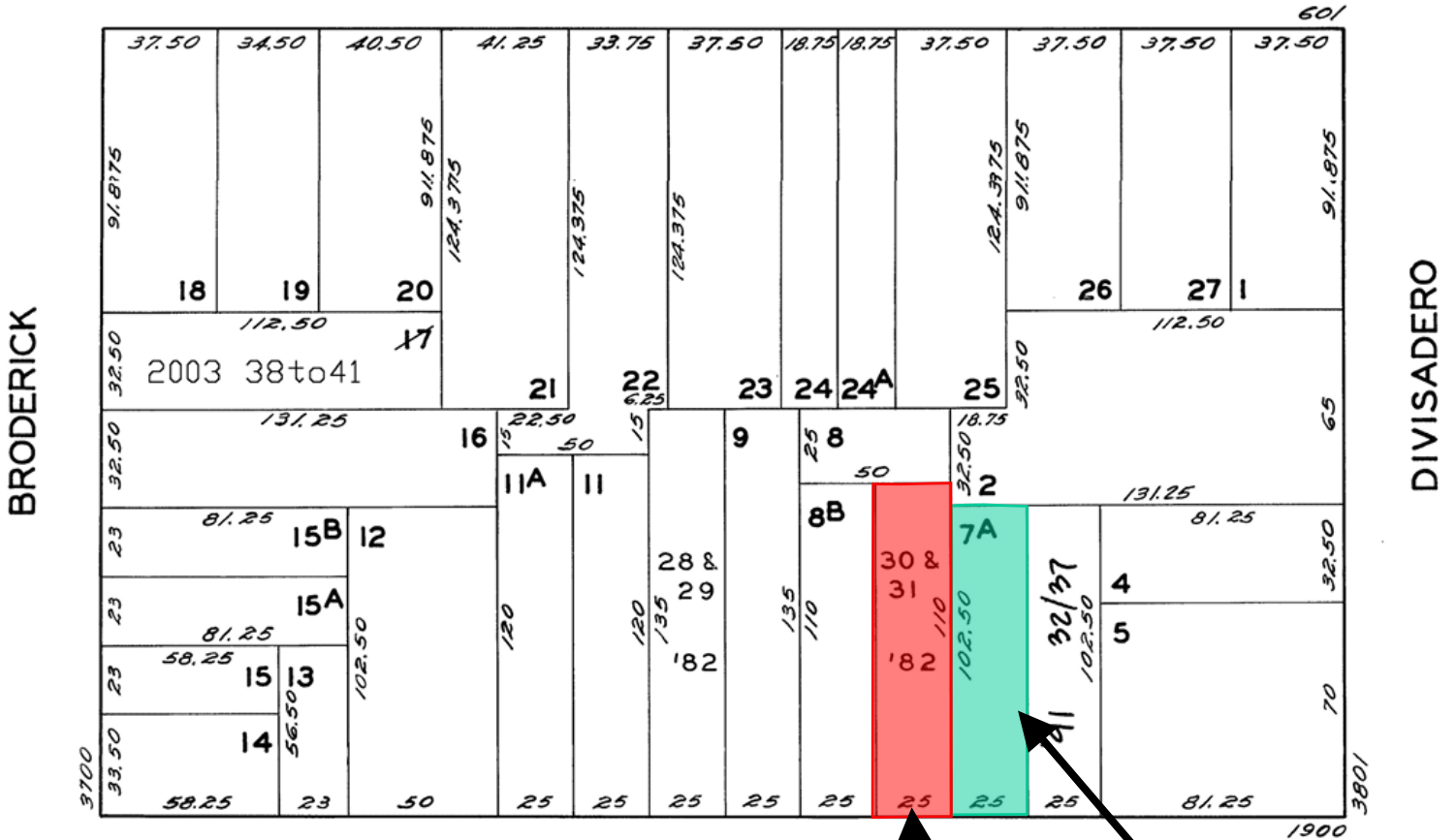
Well Resourced Neighborhoods

Priority Equity Geographies

Discretionary Review Hearing
Case Number 2023-011348DRP
1932-1934 Jefferson Street

Parcel Map

MARINA BLVD.



JEFFERSON

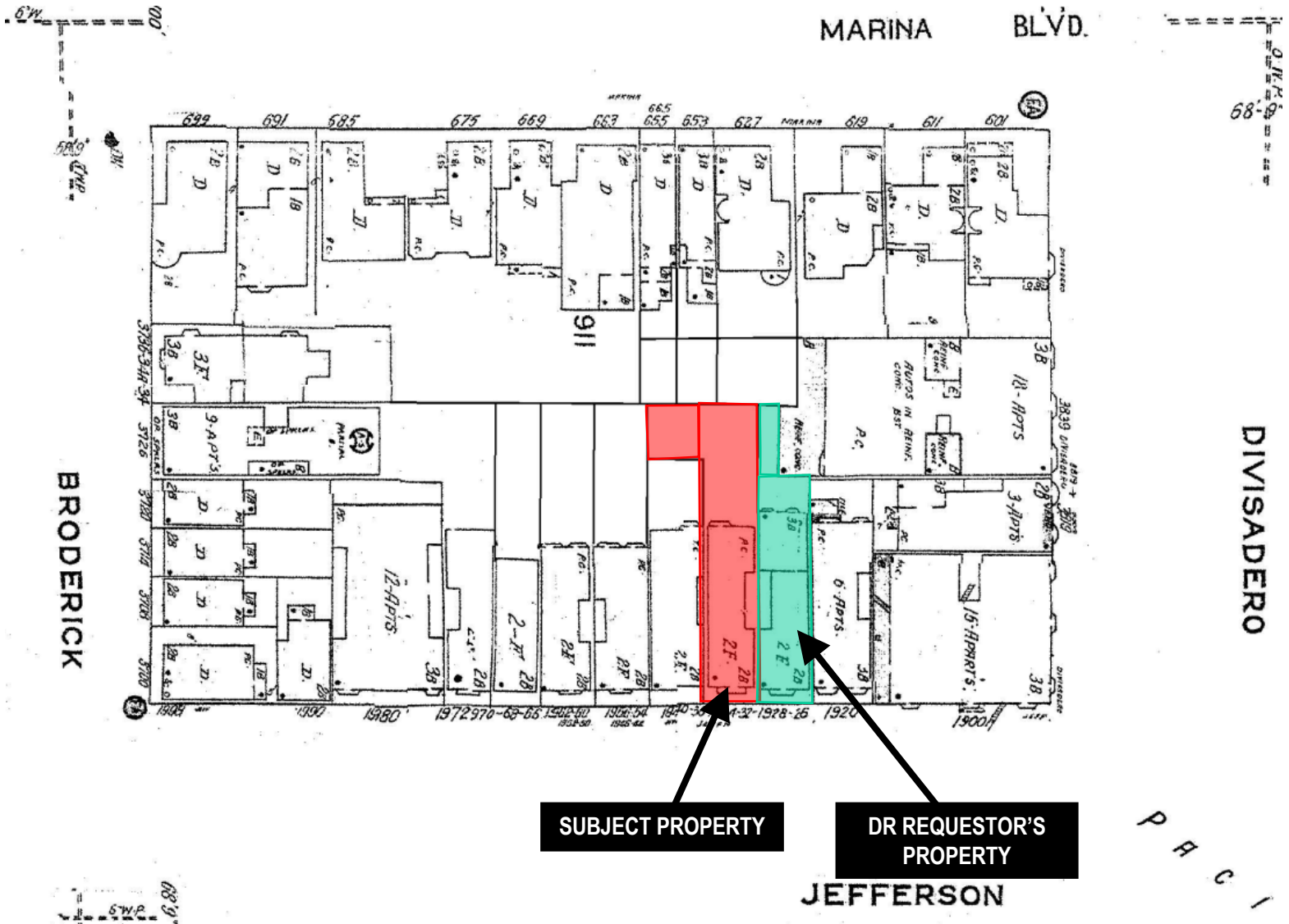
SUBJECT PROPERTY

DR REQUESTOR'S PROPERTY



Discretionary Review Hearing
Case Number 2023-011348DRP
1932-1934 Jefferson Street

Sanborn Map*

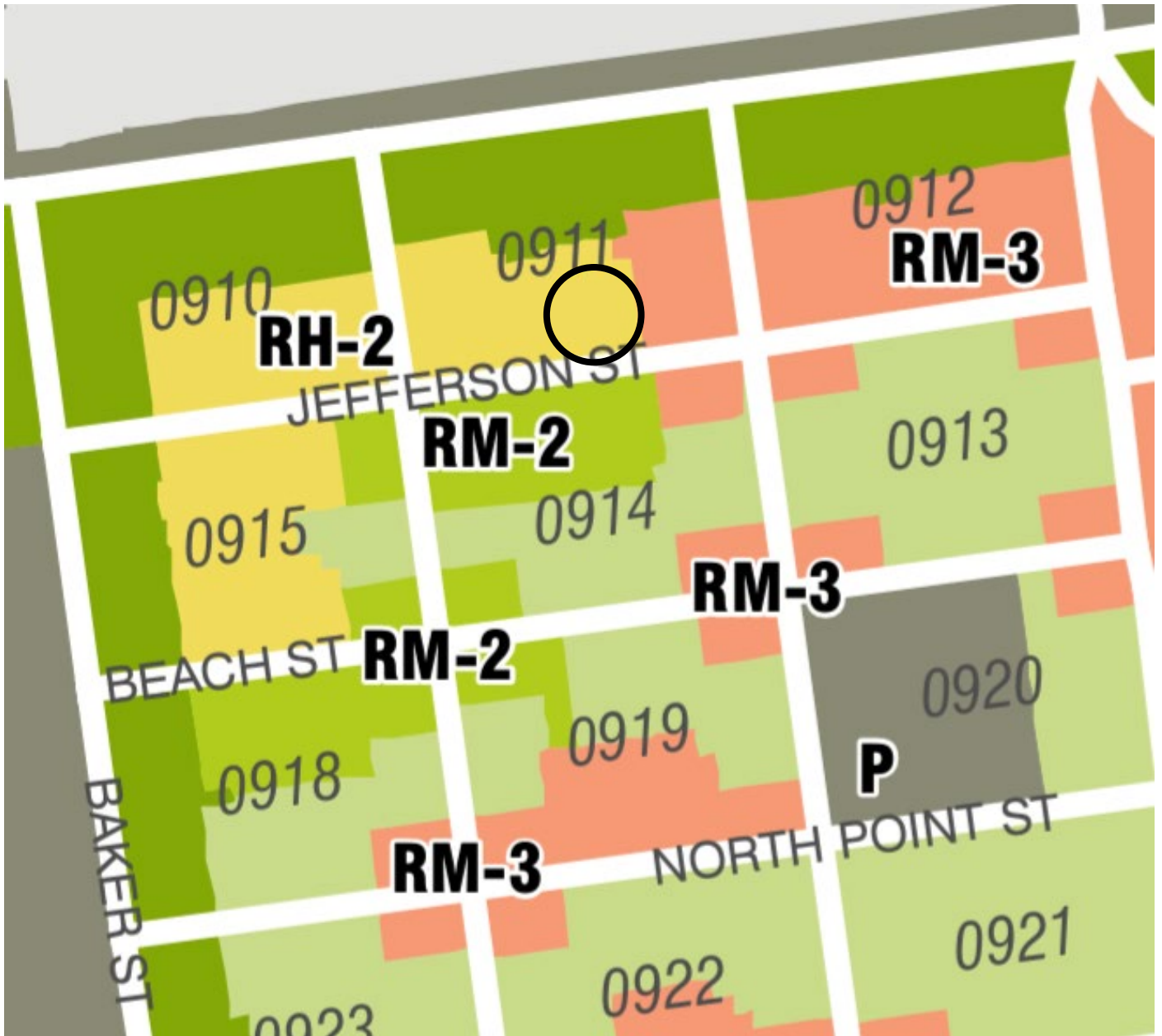


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Discretionary Review Hearing
Case Number 2023-011348DRP
1932-1934 Jefferson Street

Zoning Map



Aerial Photo



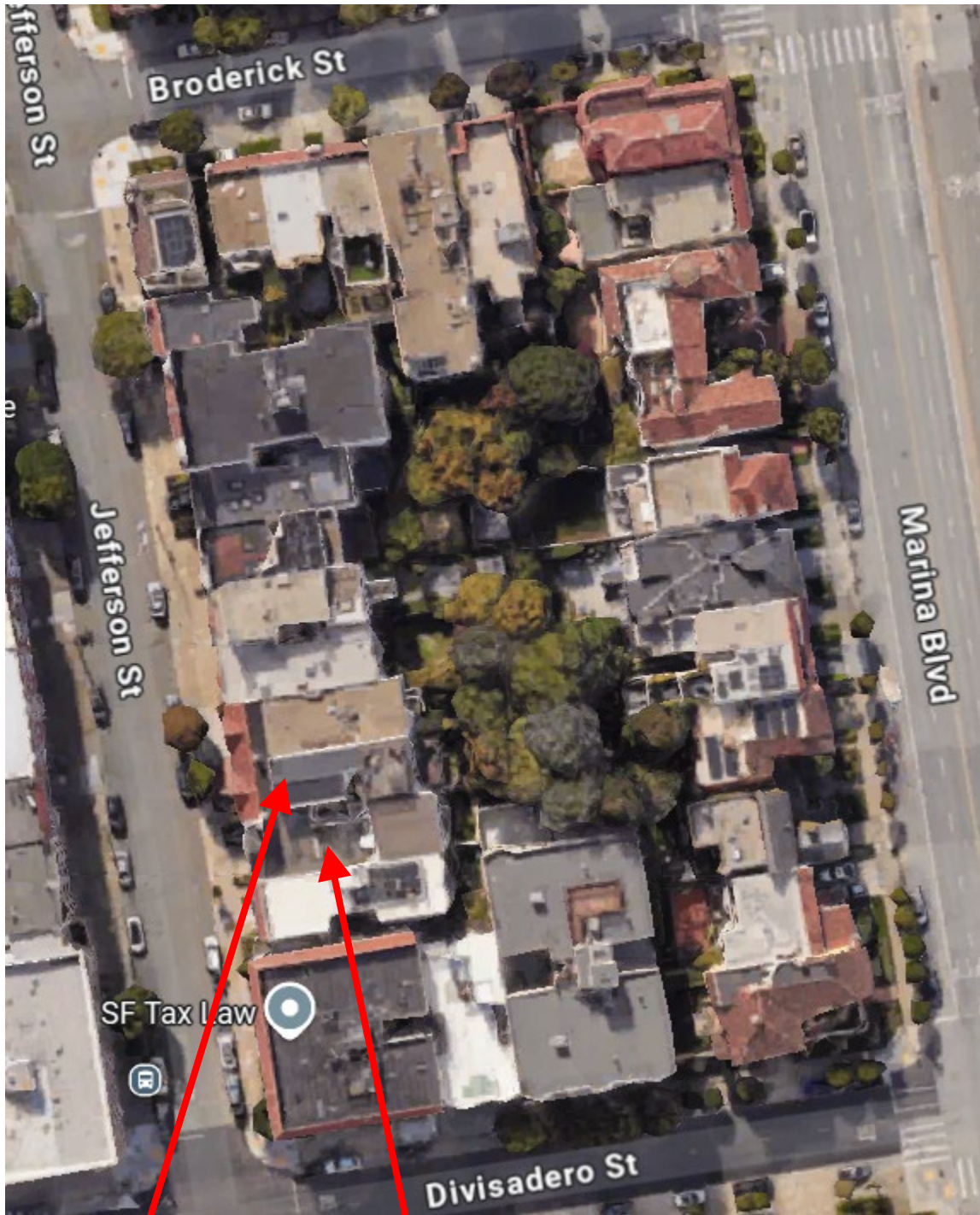
SUBJECT PROPERTY

DR REQUESTOR'S
PROPERTY



Discretionary Review Hearing
Case Number 2023-011348DRP
1932-1934 Jefferson Street

Aerial Photo



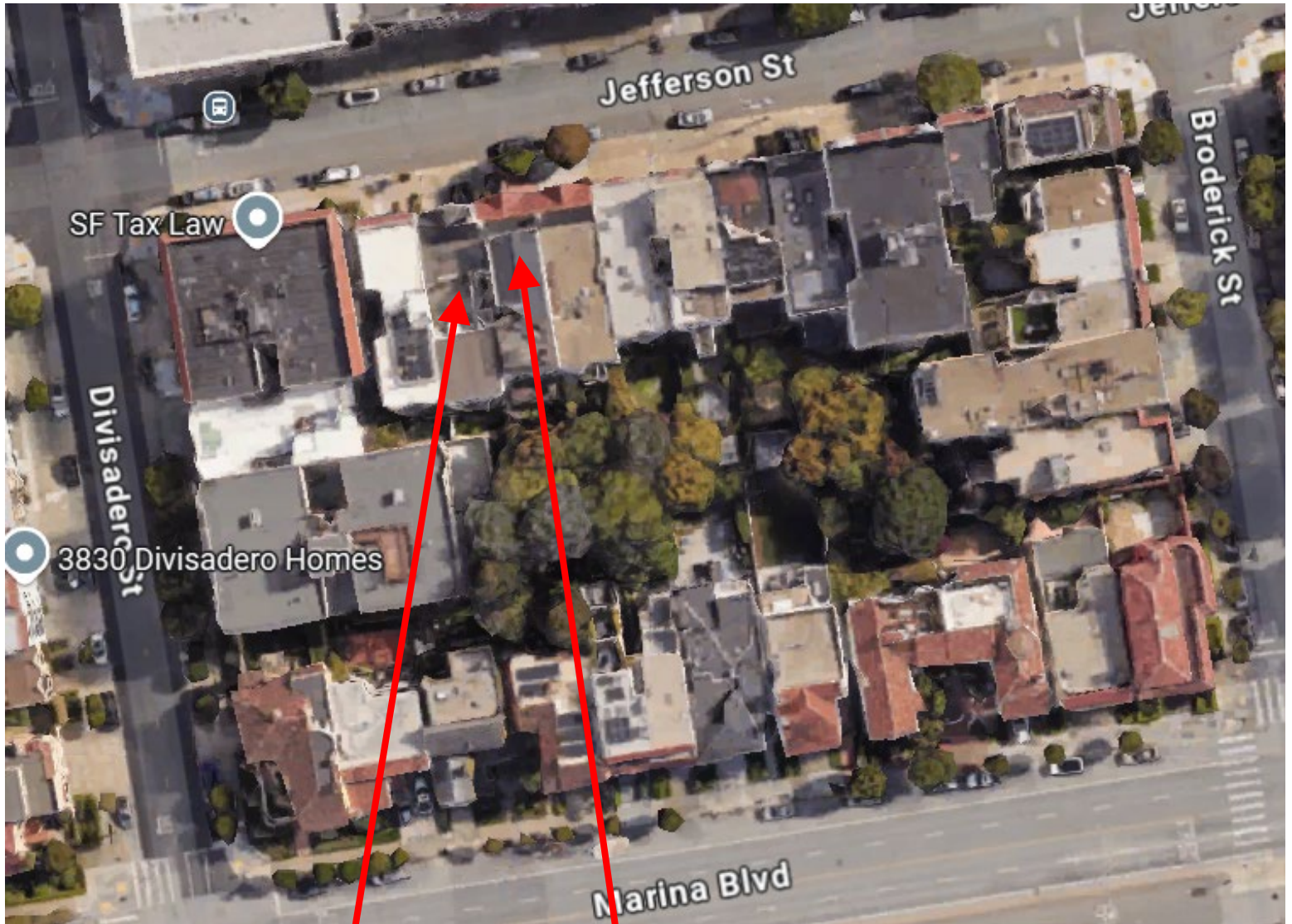
SUBJECT PROPERTY

**DR REQUESTOR'S
PROPERTY**



Discretionary Review Hearing
Case Number 2023-011348DRP
1932-1934 Jefferson Street

Aerial Photo



**DR REQUESTOR'S
PROPERTY**

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2023-011348DRP
1932-1934 Jefferson Street

Aerial Photo



DR REQUESTOR'S
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2023-011348DRP
1932-1934 Jefferson Street

Site Photo



SUBJECT PROPERTY

Discretionary Review Hearing
Case Number 2023-011348DRP
1932-1934 Jefferson Street

PATTERSON & O'NEILL, PC

235 Montgomery Street, Suite 950
San Francisco, CA 94104
Telephone: (415) 907-9110
Facsimile: (415) 907-7704
www.pattersononeill.com

June 28, 2024

VIA EMAIL

President Sue Diamond and Commissioners
San Francisco Planning Commission
49 South Van Ness Ave, Suite 1400
San Francisco, CA 94103

Re: 1934 Jefferson Street
Planning Case No. 2023-011348PRJ / 2023-011348ENF
Discretionary Review Request Application

Dear President Diamond and Commissioners:

Our office represents Ottorino Pasian. For more than 30 years, Mr. Pasian has owned the property located at 1926-1928 Jefferson Street, which is directly adjacent to 1934 Jefferson Street from the east.



In 2009, the prior owner of 1934 Jefferson applied for BPA No. 200910058228 to build a new roof deck and exterior access stairs for that unit. Although the permit was finalized by DBI on March 8, 2013, it never should have been because the deck and stairs that were built did not match the approved plans and were not properly inspected. The exterior stairs and landing were not set back 5' from the property line and the 30" fire-rated parapet with a 12" open railing setback one foot from the property line on the eastern side and a fire-rated glass railing setback three feet from the western property line were not built. Instead, the stairs and landing adjacent to Mr. Pasian's property were built within one foot of the property line, an exhaust pipe was rerouted to the property line, and the railings were constructed out of flammable wood.

In December 2022, DBI issued NOV 202200001 (and then later updated NOV 202304057) and revoked its earlier approval of BPA No. 200910058228. On August 1, 2023, Project Sponsor submitted BPA No. 202308013405 to build a new 1-hour fire wall over ten feet in height at the eastern property line. This BPA was issued on September 27, 2023, without Planning review and approval. After an appeal of the permit was filed, the Project Sponsor canceled the permit once it was made clear to him that it had been improperly issued and would be revoked. On June 21, 2024, the Planning Department issued a Notice of Enforcement finding that the existing roof deck violated Planning Code sections 172, 175, and 311.

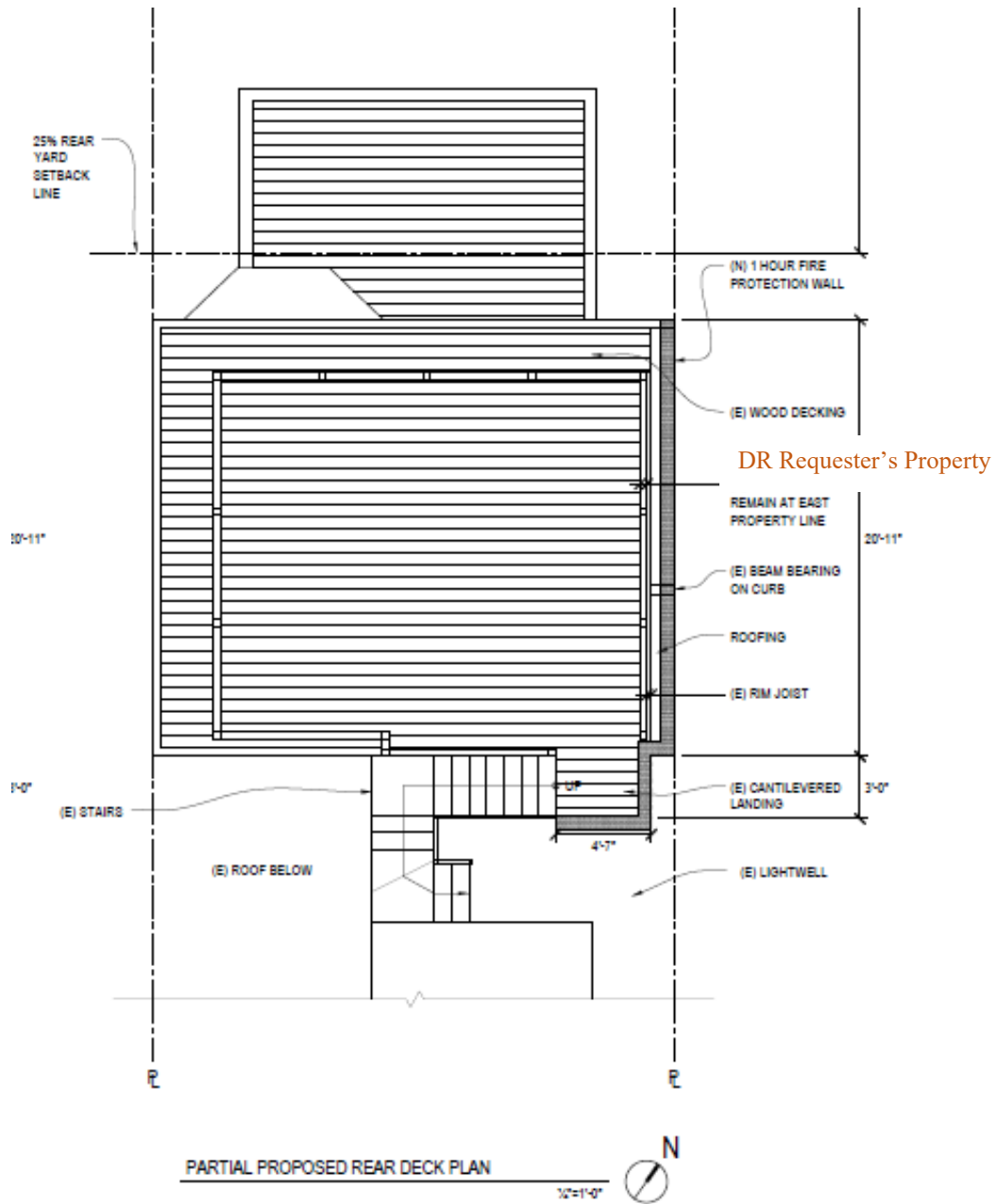
Throughout this process, Mr. Pasian has expressed to the Project Sponsor that the roof deck and stairs should be legalized under current Planning and Building Code requirements with the proper setbacks from the neighboring property lines. Mr. Pasian has also expressed his concerns that the deck, exhaust pipe, and stairs pose a safety risk to his property and his tenants. The Project Sponsor has refused to respond to these requests and instead seeks to legalize the roof deck and stairs in their as-built condition, and proposing to build a firewall that appears to extend over the eastern property line (*see* Sheet A2 of the Plan Set). Mr. Pasian has significant concerns about the impact of the project on his home, the safety of the neighborhood, and the precedent of allowing a deck to be legalized that does not comply with the current Planning or Building Code requirements. Mr. Pasian respectfully writes to request that the Planning Commission grant Discretionary Review to ensure consistency with the Planning Code, Deck, and Residential Design Guidelines, and to make sure that the proper fire safety measures are required.

The proposed project imposes exceptional and extraordinary impacts because:

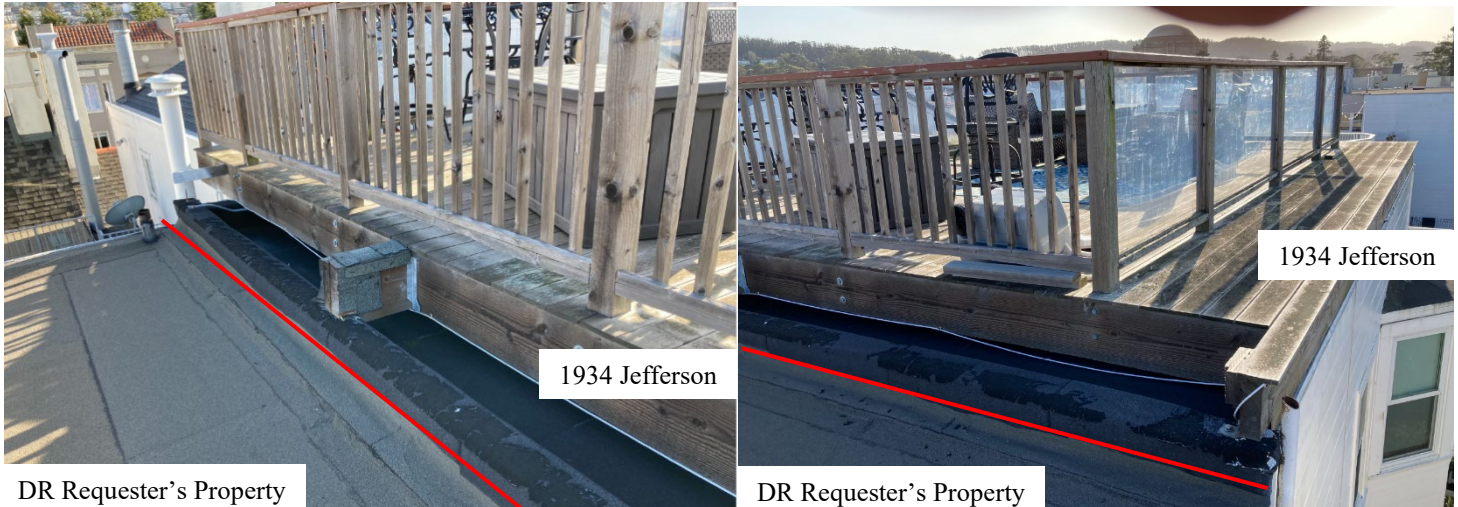
1) The project is inconsistent with the Planning Department's Guidance for Roof Deck.

As the guidance notes, "[e]levated decks can potentially have adverse effects on neighboring properties with respect to noise, privacy, and light reduction." (Planning Dept., "Residential Decks Public Informational Handout," p. 16.) Therefore, "Planning recommends at least a 3 foot setback and encourages a 5 feet setback when a deck proposal starts encroaching on a neighboring property's existing enjoyment of light and privacy." (*Id.*) "Planning encourages roof decks to be setback at least 5 feet on all sides." (*Id.* at p. 13.) The guidance further requires that the deck's design "be sensitive to the other yards and outdoor spaces nearby, the size and character of adjacent buildings, and your neighbors' privacy." (*Id.* at p. 16.)

This project does not comply with any of the above requirements. It proposes locating the roof deck within 1-foot of the property line with Mr. Pasian while building a separate 1-hour fire rated wall on or slightly over the property line. (See Sheet A2 of the Plan Set.) Additionally, the exit stairs and landing are proposed to be within one foot of the property line with an additional fire wall, which covers the existing light well.



Moreover, the project fails to consider the character of Mr. Pasian’s neighboring property. Project Sponsor and Mr. Pasian’s roofs are at the same height and Project Sponsor’s roof is flashed up to Mr. Pasian’s roof. Given the close proximity of the roofs, there are significant impacts to Mr. Pasian’s property by locating the roof deck, firewall, and exit stairs in their proposed location.



The close condition of the properties poses the classic case for why the Planning Department’s roof deck policy advises setting back roof decks from neighboring properties. If approved, the project will cause significant noise and privacy impacts to DR requester by allowing a roof deck so close to the property line. Furthermore, allowing exiting stairs and landing to be legalized over a light well will block light to Mr. Pasian’s property (and the property’s lower condo unit) and undermines the functionality of the light well. It also poses an unacceptable privacy impact by creating a line of sight into Mr. Pasian’s property.

Although, the project makes some attempts to respect noise and privacy concerns for the western neighbor by setting back the roof deck three feet from their property line (though without a proper fire-restive wall), no similar modifications are proposed for DR Requester’s property. Notably, the neighboring roof to the west is lower than the Project Sponsor’s roof, so the noise and privacy impacts to that property are likely less than the impacts to Mr. Pasian. The Planning Department deck policy requires the same setbacks to be taken from the eastern property line. It is extraordinary that the Planning Department has not already required the Project Sponsor to do this.

2) The Proposed Project is Inconsistent with the Residential Design Guidelines

Planning Code § 101 states that a principal purpose of the code is to “provide adequate light, air, privacy and convenience of access to property, and to secure safety from fire and other dangers.” In addition, the Residential Design Guidelines go beyond mere numerical requirements and articulate expectations regarding the character of the built environment. The Guidelines are intended to protect neighborhood character and ensure that the specific context of adjacent properties is taken into consideration. All decks above 3 feet are subject to the Residential Design Guidelines. These Guidelines include:

GUIDELINE: When considering the immediate context of a project, the concern is how the proposed project relates to the adjacent buildings.

GUIDELINE: Articulate the building to minimize impacts on light and privacy to adjacent properties.

GUIDELINE: Design the height and depth of the building to be compatible with the existing building scale at the street.

In modifying the height and depth of the building, consider the following measures; other measures may also be appropriate depending on the circumstances of a particular project:

Eliminate the building parapet by using a fire-rated roof with a 6-inch curb.

GUIDELINE: Design parapets to be compatible with overall building proportions and other building elements.

Design parapets to be compatible with other building elements and overall building proportions. Using a fire-rated roof can eliminate the need for a parapet wall, reducing the height of a building as viewed from the street or mid-block open space.

The project is inconsistent with the Residential Design Guidelines. The design of the proposed parapet wall fails to account for the close proximity of Mr. Pasian's roof. The guidelines counsel removing parapets in lieu of other types of fire mitigation measures like fire rated roofs (or setting back the decks so that no fire-restive materials are required). The project does not make any attempt to minimize impacts on light, noise, and privacy on Mr. Pasian and fails to take into consideration the context of his adjacent home.

In fact, the legalization proposal will increase the impacts to Mr. Pasian beyond what was previously authorized under BPA No. 200910058228 because the parapet wall will be built on or slightly over the property line, and the exiting stairs and landing block the light well and create a line of sight into his property. The original approved permit called for a 30" solid parapet wall with a railing setback one-foot from the property line with DR Requester, which is already not compliant with the current setback requirements. It is unclear why the prior permit was approved so close to the eastern property line, however, since that approval was revoked because the built deck did not match the plans, the permit must meet the current Residential Design Guidelines, which it does not.

3) The Proposed Project Does Provide Fire Protection to 1938-1940 Jefferson Street

BPA No. 200910058228 was approved with a three-foot setback from 1938-1940 Jefferson Street. Although the setback was maintained in the deck that was built, the railing was built out of wood and not the fire-rated glass guard called for in the approved plans. 1934 Jefferson Street is an R3 Building. DBI Information Sheet No. FS-06 requires a one-hour fire-resistive wall if the minimum fire separate of the deck and deck stairway from the property line is less than three feet.

The project does not propose including any fire-restive glass guard on the western side, which appears to violate the Building Code requirements and the DBI notice of violation.



The plans also omit the illegally re-routed exhaust pipe that was installed at the property line and poses a fire risk to Mr. Pasion’s property. The as-built deck deviated from the structural plans submitted under the prior permit and it is unclear if the deck can handle the structural load. If the deck were to fail, it could damage the neighboring property. For these reasons, DR Requester is concerned that this project is not being reviewed properly to ensure that the Project Sponsor abates all the violations associated with the deck to ensure that it is safe.

4) Proposed Alternatives.

The roof deck should be set back at least five feet from DR Requester’s property in line with the Planning Department’s guidelines for roof decks, which would also negate the need for a firewall. The exterior stairs and landing should also be set back five feet from the property line as approved under BPA No. 200910058228 to allow light to enter the lightwell and to mitigate privacy impact to Mr. Pasion’s property by removing the line of sight into his property.

5) Conclusion

The Residential Guidelines state that “all residential permit applications must comply with both the Planning Code and the Residential Design Guidelines.” The proposed project complies with neither and would never be approved as proposed if it were a new deck. The project will substantially impact the light, air, and privacy of DR Requester, and does not comply with the Building Code. The Commission should grant this DR request and require the project to comply with these requirements.

Very truly yours,

PATTERSON & O'NEILL, PC


Laura Strazzo

CC:

Max Setyadiputra (max.setyadiputra@sfgov.org)

Jia Situ (jiahong.situ@sfgov.org)

Encls.

- Department of Building Inspection Notice of Violation
- Planning Department Notice of Enforcement
- Planning Department Code Enforcement Site Inspection Photos
- Project Sponsor Plan Set Dated June 18, 2024



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION
City and County of San Francisco
49 South Van Ness Ave, Suite 400 San Francisco,
CA

Notice: 1 COMPLAINT NUMBER:
202304057
DATE:
02/24/2023

ADDRESS : 1934 JEFFERSON ST

BLOCK : 0911 LOT : 031

OCCUPANCY/USE : |

- If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

ON SITE CONTACT :

VIOLATION DESCRIPTION:

<input type="checkbox"/> WORK WITHOUT PERMIT	103A
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106A.4.7
<input checked="" type="checkbox"/> EXPIRED PERMIT	106A.4.4
<input type="checkbox"/> CANCELLED PERMIT PA#:	106A.3.7
<input type="checkbox"/> UNSAFE BUILDING	102A
<input type="checkbox"/> SEE ATTACHMENTS	

CODE VIOLATION DESC : This structure is an R-3 two-unit condominium building. Field inspections confirm that this is a 3 story building above grade plane with 2 condominiums. 1932 Jefferson Street is second floor flat with adjunct space at grade plane. 1934 Jefferson Street exists on the third floor of occupancy. A roof deck on the third floor with descending stairs was reported as not conforming to approved building plans submitted in permit application number 2009 1005 8228. This was confirmed by site inspection and permit research. The drawings call for a one-hour fire rated parapet wall, not built. The guard was originally specified as 3/4" tempered glass. It is currently built with redwood 2 x 4s and 2 x 2s. These stairs and deck have no fire wall at the property line. The deck and guard (combustible materials) themselves are immediately adjacent to a furnace flu.

CORRECTIVE ACTION::

- STOP ALL WORK SFBC 104.2.4
- FILE BUILDING PERMIT WITHIN 30 DAYS
- (WITH PLANS) A copy of this notice must accompany the permit application
- OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION SIGNOFF.
- CORRECT VIOLATIONS WITHIN DAYS.
- NO PERMIT REQUIRED
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

FAILURE COMMENT DESCRIPTION : Legalize or remove the improvements. Work Without Permit (work beyond scope of permit) 301 SFHC, 108.4.1 SFBC PROVIDE BUILDING PERMITS 106A.1 SFBC, 301 SFHC You are required to obtain a building permit to correct this violation. When applying for a Building Permit, reference the complaint number from this Notice of Violation. Attach 2 sets of calculations and engineering reports (if necessary) along with 2 sets of architectural drawings for the reconstruction of this area. The Building Inspector must perform periodic and final inspections and sign the Job Card before the Housing Division can abate this violation. To abate this Notice of Violation you must contact the Housing Inspection Division and produce all approved plans, permits and appropriate signatures by the respective Building, Plumbing and Electrical Inspectors.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- 9x Permit Fee (Work w/o Permit after 9/1/60)
- 2x Permit Fee (Work Exceeding Scope of Permit)
- Other

170 Reinspection Fee \$ **NO penalty (Work w/o permit prior to 9/1/60)**
 approx. date of work w/o permit **1/1/2010 12:00:00 AM**
 value of work performed without permits **2500**

CONTACT INSPECTOR : Christopher M Grady HIS / 4 628-652-3381



NOTICE OF VIOLATION of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

Pursuant to SFBC 107.5 and 106.4.7 investigation fees are charged for work begun or performed without permits or for Work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 49 South Van Ness Ave., Suite 1475 (14th Floor). (628) 652-1150

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. **If an Order of Abatement is recorded against this property, the owner will be billed or the property will be liened for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid, SFBC 102.2 & 110.**

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of \$100 for each instance of initial non-compliance, followed by \$200 fines per violation for the second instance of non-compliance, up to a maximum of \$7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than \$1,000 per day or six months' imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after six (6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17264(6) of the Revenue and Taxation Code.

WARNING: Section 103 of the San Francisco Building Code provides for civil fines of up to \$500 per day for any person who violates, disobeys, omits, neglects or refuses to comply with or opposes the execution of any provisions of this code. This section also provides for misdemeanor fines, if convicted, of up to \$500 and/or imprisonment up to six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 107.5 y 106.4.7 de el Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el limite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Peimisos (Board of Permit Appeals) dentro de los primeros quince dias de haberse obtenido el permiso. Las apelaciones se hacen en el 49 South Van Ness Ave., Suite 1475 (14th Floor), telefono (628) 652-1150.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendra el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos esten pagados, se le cobrarán al dueño del edificio o la propiedad sera embargada para recuperar dichos gastos. Referencia a la Sección 102.2 y 110 de el Código de Construcción de Edificios.

ADVERTENCIA: La Sección 204 de el Código de Vivienda de San Francisco permite que se multe inmediatamente \$100 por cada primer caso de inconformidad, seguida por una multa de \$200 por cada segunda infracción de inconformidad, aumentando hasta un maximo de \$7,500 por cada edificio. Esta Sección tambien permite obtener cargos criminales como delito menor, resultando en multas de no menos de \$1,000 diarios ó 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o esta diligentemente, rapidamente y contiuamente acusado despues de seis(c) meses de la fecha de este aviso, se le enviara una notificación a la Junta de Concesión de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: La Sección 103 de el Código de Edificios de San Francisco impone multas civiles hasta de \$500 porcada día a cualquier persona que infrinja, desobedezca, omite, descuide, rehusa cumplir, resiste o se opone a la ejecución de las provisiones de este código. Esta sección tambien impone multas por delito menor, si es declarado culpable, de hasta \$500 o encarcelamiento de hasta 6 meses, o ambas sanciones, por cada una de las ofensas y por cada día que dicha ofensa ocurra.

根據《三藩市建築法規》(即 SFBC) 第 107.5 項和第 106.4.7 項條款的規定，對沒有許可證便已開始的工程和或正在進行的工程，或者如許可證過期的工程，將收取調查費用。若每人可以在許可證發出日起 15 天之內，向委員會可以內訴可上訴委員會提出上訴。該委員會地址在 South Van Ness 街 49 號 14 樓。電話：(628) 652-1150。

警告：任何人通過出租房屋獲得收入，而該房屋已被建築檢查局判定為低於規定標準者，不能從加州個人所得稅、銀行和公司所得稅利息、以及與發給低分標準的建築有關的折舊或稅款中扣除稅款。如果在此通告公布六個月後，改正工程沒有完成，或者沒有積極、迅速有效地進行，我們將根據《國家稅收法規》(即 Revenue & Taxation Code) 第 1264 (c) 項條款，通知加州稅務委員會 (The Franchise Tax Board)。

警告：如不按照要求立即採取行動，以糾正上述違章行為，將導致建築檢查局付諸強制糾正程序的執行。針對此類地產糾紛的強制糾正程序令一般在市府備案，則自通知單知張貼日起的各項與此糾正程序令有關的費用，將向房地產主索取，或將房地產扣押，直至付清各項費用。請參閱《三藩市建築法規》第 102.2 項和第 110 項條款。

警告：《三藩市建築法規》第 103 項條款規定：對於任何違反、不聽從、疏忽、忽視、或拒絕照此法規者，或者抵制、反對實施此法規中的任何條款的個人，將付最高 500 元的民事罰款。此法規還規定對違法者，如果被判罪，對每天所發生的、每一單獨的犯法行為，將付下高達 500 元的罰款，和/或監禁六個月。

警告：《三藩市房屋法規》(即 SFHC) 第 204(b) 項條款規定：對每一違章初犯者立即將被罰款 100 元，二次違犯者罰款 200 元，每種違章的最高罰款可達 7,500 元。此項法規還規定對每一違章罪者可提出刑事控告，每日最高罰款可達 1,000 元，或/或監禁六個月。

[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.

Contact SFGov Accessibility Policies
City and County of San Francisco © 2023



NOTICE OF ENFORCEMENT

June 21, 2024

Property Owner

Jeffrey C & Vivienne M Drimmer Rev Lv Tr
1934 Jefferson St
San Francisco, CA 94123

- Site Address:** 1934 Jefferson St
- Assessor’s Block/Lot:** 0911/031
- Zoning District:** RH-2, Residential- House, Two Family
- Complaint Number:** 2023-011348ENF
- Code Violation:** Section 311: Neighborhood Notification
Section 172: Deck Constructed without Planning Approval
Section 175: Deck Constructed without Building Permit
- Administrative Penalty:** Up to \$1,000 per Day for Each Violation
- Enforcement T & M Fee:** \$2,766.00 (Current Fee for confirmed violations, Additional charges may apply)
- Response Due:** Within 15 days from the date of this Notice
- Staff Contact:** Jia Hong Situ, (628) 652-7384, jiahong.situ@sfgov.org

The Planning Department received a complaint that a Planning Code violation exists on the above referenced property that must be resolved. As the owner of the subject property, you are a responsible party. The purpose of this notice is to inform you about the Planning Code Enforcement process so you can take appropriate action to bring your property into compliance with the Planning Code. Details of the violation are discussed below:

Description of Violation

Our records indicate that the subject property is currently authorized for condominium use. The violation pertains to the construction of an unpermitted roof deck and associated stairs into a lightwell, at the above subject property (1934 Jefferson Street) without benefit of permit and approval from the Planning Department.

On March 18, 2013, Building Permit Application No. 200910058228 was completed for the following scope of work: “New wood roof deck & stairs for unit #1934 exclusively on the 2nd/3rd floors”. Approved permit drawings show a square shared deck with dimensions 21’-8” by 21’-26”, set back respectively 1 foot from the east and 3 feet from the west side property lines. No portion of the stairs including the landing are within 5 feet of the side property line.

On February 24, 2023, the Department of Inspection (DBI) Housing Inspector Grady issued Notice of Violation (NOV) No. 202304057 with the following description, "This structure is an R-3 two-unit condominium building. Field inspections confirm that this is a 3 story building above grade plane with 2 condominiums. 1932 Jefferson Street is a second floor flat with adjunct space at grade plane. 1934 Jefferson Street exists on the third floor of occupancy. A roof deck on the third floor with descending stairs was reported as not conforming to approved building plans submitted in permit application number 2009 1005 8228. This was confirmed by site inspection and permit research. The drawings call for a one-hour fire rated parapet wall, not built. The guard was originally specified as ¾" tempered glass. It is currently built with redwood 2 x 4s and 2 x 2s. These stairs and deck have no fire wall at the property line. The deck and guard (combustible materials) themselves are immediately adjacent to a furnace flu."

On August 1, 2023, Building Permit Application (BPA) No. 202308013405 was filed for the following scope of work: "TO COMPLY WITH HIS NOV#202304057 DATED 2/24/2023, NEW 1-HOUR FIRE PROTECTION WALL @ REAR ROOF DECK." A new 1-hour fire wall over ten feet in height above existing grade was proposed on the roof, at the side lot line adjacent to the east neighboring property, which requires Planning review and approval. This BPA was issued on September 27, 2023, without Planning review and approval.

On November 10, 2023, Appeal No. 23-055 was filed for BPA No. 202308013405 and the subject permit was suspended. On January 2, 2024, the permit was reinstated for the purpose of cancellation and was cancelled on that same day.

On January 11, 2024, Planning Department staff (Jia Hong Situ) conducted a site visit of the subject property and met with you, your engineer (Don David), and Department of Building Inspection (DBI) staff Inspector Grady. Staff observed the roof deck not built according to Planning approval and advised the filing of a Project Application with drawings if you wished to legalize the roof deck. Between January 11 and March 7, Planning Department staff (Jia Hong Situ) assisted you in the project submittal process.

On March 7, 2024, you filed Project Application No. 2023-011348PRJ for "New 1 hour fire protected wall to comply with nov 202304057 and planning code complaint # 2023-011348 enf." This application aims to legalize a deck not built to what was permitted, legalize the associated stairs in the lightwell, and add a firewall over ten feet from existing grade. The application remains open.

Pursuant to Planning Code Section 311, vertical alterations, except those features listed in Section 136(c)(1) through 136(c)(26), regardless of whether the feature is located in a required setback, without adding a new dwelling unit, requires Neighborhood Notification.

Pursuant to Planning Code Section 172, no structure shall be constructed, reconstructed, enlarged, altered, or relocated in a manner that is not permissible under the limitations set forth in the Planning Code for the district in which such structure is located.

Pursuant to Planning Code Section 175, a Building Permit is required for the construction, reconstruction, enlargement, alteration, relocation, or occupancy of any structure in compliance with the Planning Code.

Failure to comply with any Planning Code provisions constitutes a violation of the Planning Code and is subject to an enforcement process under Planning Code Section 176.

How to Correct the Violation

The Planning Department requires that you immediately proceed to abate the violation as follows:

1. **Last Legal Condition.** You have the option to remove all unauthorized work and restore the property back to its last legal condition by removing the roof deck and associated lightwell stairs.
OR
Obtain Issuance of a Planning Approval Letter (PAL) from completing Project Application (PRJ) No. 2023-011348PRJ by addressing all comments issued by the Development Review planner, Max Putra. Continue the plan revision process until the project is code-compliant and meets all pertinent Planning Department standards including design.
 - a. **Drawings.** Submit a full set of drawings as required by the PRJ form for all enforcement cases where legalization and/or removal of unauthorized work is required. The drawings must include all scopes of work to address all Planning Code violations. The drawings shall also include the following:
 - i. **Three (3) Conditions** for all site plans, floor plans, roof plans, exterior elevations, and building sections including:
 1. Existing (Last legal condition, as found on prior permits approved by the Planning Department);
 2. As-Built (As the property exists today); and
 3. Proposed (Any new work required to bring this property back into compliance)
 - ii. Cover sheet must include a revised scope of work statement to include, "Comply with Planning Enforcement case No. 2023-011348ENF."
 - iii. Sheet with photos showing as-built conditions labeled with dates.
 - iv. Include details of the deck, railing, and firewall proposed including material, height measurements, dimensions, and square footage.
2. **Building Permit Application.** After you receive a Planning Approval Letter, you must submit an electronic Building Permit Application to vest the Planning Approval Letter and to abate all violations at the subject property. The submittal should include a full set of architectural drawings and include all scopes of work undertaken without authorization and meet the Plan Submittal Guidelines. This permit set must also include the above three (3) required conditions including: 1) Existing, 2) As-Built, and 3) Proposed. All scopes of work proposed will be reviewed for compliance with the Planning Approval Letter. Any additional scope of work proposed may require a new Planning Approval Letter. Apply for a Building Permit on DBI's website at: <https://www.sf.gov/apply-building-permit/form>

Please be advised that upon review of the above applications and plan submittals, if it is determined that additional planning applications and processes are required, the Planning Department will notify you to make such submittals.

The responsible party will need to provide adequate evidence to demonstrate that either no violation exists or that the violation has been abated. Please provide evidence including plans and permits. A site visit may also be required to verify compliance. You may also need to obtain a building permit for any other alterations made to

the property. The work approved under any permits to abate violation must commence promptly and be continued diligently to completion with a final inspection and/or issuance of certificate of final completion.

For questions regarding the building permit process, please contact the **Department of Building Inspection (DBI)** at:

49 South Van Ness Avenue, 2nd/5th Floor
San Francisco, CA 94103
Phone: 628.652.3200
Email: dbicustomerservice@sfgov.org
Website: www.sfdbi.org

For questions regarding the planning permit review process, please contact the **Planning Department** at:

49 South Van Ness Avenue, 2nd Floor
San Francisco, CA 94103
Phone: 628.652.7300
Email: pic@sfgov.org
Website: www.sfplanning.org

For questions about this enforcement case, please email the assigned enforcement planner as noted above. For questions about the Building Code or building permit process, please email DBI at the email address noted above.

Timeline to Respond

The timeline to respond to this Notice of Enforcement is **fifteen (15) days from the date of this notice**. The corrective actions shall be taken as early as possible. Any unreasonable delays in abatement of the violation will result in assessment of administrative penalties at **\$1,000 per day for each violation**. The Department may also report any licensed professional responsible for the violation(s) to the appropriate local, state, or federal licensing boards.

Please contact the assigned Enforcement Planner with any questions, to submit evidence of correction, and discuss the corrective steps to abate the violation. Should you need additional time to respond to and/or abate the violation, please discuss this with the assigned Enforcement Planner, who will assist you in developing a reasonable timeline.

Penalties and Appeal Rights

Failure to respond to this notice by abating the violation or demonstrating compliance with the Planning Code **within fifteen (15) days from the date of this notice** will result in the issuance of a **Notice of Violation (NOV)** by the Zoning Administrator. Administrative penalties of up to **\$1,000 per day for each violation, along with any applicable additional penalties referenced above**, will also be assessed to the Responsible Party for each day beyond the timeline to respond provided for the NOV if the violation is not abated. The NOV provides the following appeal options.

- (1) Request for Zoning Administrator Hearing. The Zoning Administrator’s final decision is then appealable to the Board of Appeals.
- (2) Appeal of the Notice of Violation to the Board of Appeals. The Board of Appeals may not reduce the amount of penalty below \$200 per day for each day the violation exists, excluding the period the matter was pending either before the Zoning Administrator or before the Board of Appeals.

Upon the expiration of 90 days after the finality of the NOV, an Order of Abatement may be recorded against the property's records in the Office of the Recorder of the City and County of San Francisco. Any fees associated with recordation of an Order of Abatement will be assessed to the Responsible Party and added to the “Time and Materials” fee discussed below.

Enforcement Time and Materials Fee

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for ‘Time and Materials’ to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department’s Conditions of Approval. Accordingly, the responsible party is subject to an amount of **\$2,766.00** or more for “Time and Materials” cost associated with the Code Enforcement investigation. **This fee is separate from the administrative penalties described above and is not appealable.**

Other Applications Under Consideration

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any separate applications for work proposed on the same property. Therefore, any applications not related to abatement of the violation on the subject property will be placed on hold until a corrective action is taken to abate the violation. We want to assist you in bringing the subject property into full compliance with the Planning Code. You may contact the enforcement planner noted above for any questions on the enforcement and appeal process.

cc: Property Owner
Jeff Drimmer, jeffdrimmer@yahoo.com
Vivienne Drimmer, vdrimmer@gmail.com

Don David, Engineer, DoubleD Engineering, don@doubledengineering.com
Christopher Grady, Housing Inspector, Department of Building Inspection, christopher.grady@sfgov.org
Max Putra, Planner, Planning Department, max.setyadiputra@sfgov.org
Laura Strazzo, Legal Representative of a Neighbor, laura@pattersononeill.com



Front facade

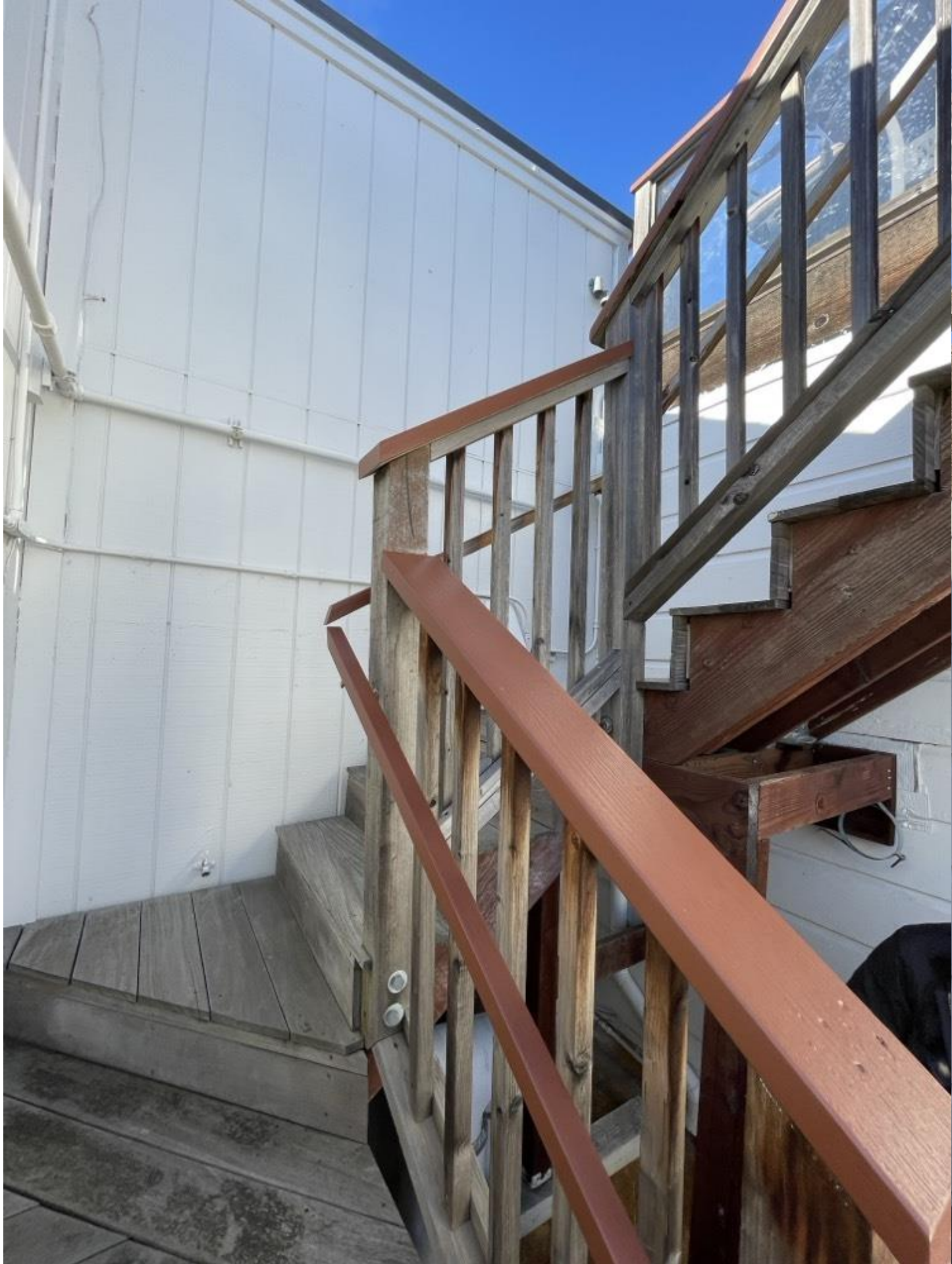




Spiral staircase to lightwell



Wood stairs to roof deck







Deck side, West



Deck side, Rear





Deck side, East



Response to Discretionary Review

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved?

The goal of this project is to address the NOV which directed us to provide the appropriate fire protection that was not built when the roof was originally constructed. We proceeded to address this concern by speaking with DBI and Planning on multiple occasions, and were advised by both departments that to correct the violation, a firewall needed be built. We submitted such plans on two occasions and the plans were first approved by DBI and then also approved by Planning.

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.

We have explored two alternatives. One alternative was to move the roof deck 3-5 feet off the property line. We rather not do that because it takes away too much of the deck area. Furthermore, its location has no impact on the DR requester because the roofs are side by side and at the same level. Lastly, and the lack of impact is presumably why he did so, the DR requestor agreed in writing to it being where it is. Only now is he changing his mind. The 3-5 foot setback is not required by the Planning Code, the Residential Design Guidelines, or Planning Department policy.

The second alternative was to adjust the landing back from the property line as shown in the original plan from 2009. In both scenarios, the stairs could not be modified in accordance with current code. Further, each alternative is prohibitively expensive and the change in impact is negligible.

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.

We believe this project would not have any adverse effect for the following reasons:

1 - The statement claiming the project poses an unacceptable privacy impact by creating a line of sight onto the neighbor's property is not accurate as the current railing will be bordered by a solid fire wall and will increase the amount of privacy and on their property

2 - Changing the existing landing and stairs, as claimed in the DR, are not part of this project so there is no issue to address here.

3 - DBI has confirmed the fire wall is adequate fire protection as that was the basis of the NOV

4 - The exhaust pipe will be removed to address the concern as stated in the DR.

Detailed Discretionary Review Response

My name is Jeff Drimmer and along with my wife Vivienne, we are the owners of 1934 Jefferson St. From the time we purchased our home in April, 2014, until we received a notice of violation for this issue, there was never any issue brought to our attention with regard to our roof deck and stairs. The neighbor who has filed this DR actually agreed to the existing roof deck configuration in writing, please refer to Photos 1 and 2.

After the NOV was initially presented to us, and subsequently updated, we met with Planning and Building department staff several times and submitted a permit at their direction to address the violation. Both departments have approved the permit for the firewall. We met with the DR requestor and his attorney to try and address his concerns, but we do not see any extraordinary circumstances and we have already incurred significant costs for an issue that took place prior to us purchasing this property.

We would like to review some of the information submitted in the DR as, in our opinion, there are several inaccuracies to what has been stated.

1 We had no knowledge of the circumstances since we purchased the home after the roof deck was completed sometime in 2013.

2 - We first came to realize the roof deck was not built to the approved plan in December 2022 when we were served with a NOV. This notice was subsequently updated in Feb 2023. From that point on we spent a significant amount of time speaking to and meeting with the DBI and Planning departments to try and understand what happened during construction. Representatives from both departments told us the same thing: in order to meet the requirements set forth in the NOV, we needed to build a firewall between our two properties. From that point on, we pursued this by hiring a structural engineer for design and a contractor to build. Upon approval by DBI, the DR requestor appealed our permit. We then withdrew the permit and submitted a second set of fire wall plans. These plans were then also approved by Planning.

3 - The DR states that the proposed project, if approved, will cause significant noise and privacy impacts to the DR requestor by allowing a roof deck so close to the property line. With regard to noise and privacy concerns, Photos #3-4 show a view of the neighbor's property from the landing of our roof deck. This is really the only place on our roof deck where you can stand and get a clear view of the neighbor's deck. Photos #5-7 show the view from the landing onto our roof deck. This is where we spend our time. We don't spend time looking over our neighbor's deck.

In addition, Photos #8-9 show the existing railing where we currently are able to see through to our neighbor's deck. The proposed firewall is a solid wall to be built behind the railing, which removes our ability to look through our railing onto the neighbor's deck. The proposed wall will be approximately 14-16" above the existing railing, removing sight of the neighbor's roof deck and significantly reducing any sound coming from our roof deck.

4 - The DR further states that allowing existing stairs and landing to be legalized over a light well will block light to Mr. Pasian's property (and the property's lower condo unit) and undermines

the functionality of the light well. It also poses an unacceptable privacy impact by creating a line of sight into Mr. Pasian's property. This project does not call for any modification to the existing stairs and landing so we are unclear of what is being referenced here.

5 - The DR states that the plans also omit the illegally re-routed exhaust pipe that was installed at the property line and poses a fire risk to Mr. Pasian's property. We are willing to remove the exhaust pipe.

We are also including Photo #10 which shows the roof deck on the east side of our neighbor's property. There are other similar decks on our block, and throughout the Marina, and it just shows that most, if not all of these decks are all built on property lines.

Upon suggestion by David Winslow to try and come up with an alternate solution, we looked at 2 options. The first was to move the roof deck 3-5 feet from the property line. We'd rather not do that because it takes away too much of the deck area. Its location has no impact on the DR requester because the roofs are side by side and at the same level. The lack of impact is presumably why the DR requester agreed in writing to it being located where it is. Only now is he changing his mind. The 5-foot setback is not required by the Planning Code, the Residential Design Guidelines, or Planning Department policy.

The second option considered was to adjust the landing 5 feet back from the property line as shown in the original plan from 2009. But the stairs could not be modified in accordance with current code to achieve this. To completely move the stair is prohibitively expensive and far outweighs the minimal impact to our neighbor.

For these reasons we see no exceptional or extraordinary impacts and ask that the Commission approve the permit as proposed and as recommended by staff.

Pg. 1

September 22, 2010

Property Address: 1928 JEFFERSON ST
Assessor's Parcel #: Bk 0911 Lot 031
Zoning District: RH-2
Building Permit No.: 2009.10.05.8228

Dear Owner of 1928 and 1926 Jefferson

As you know we are in the process of building a roof top deck and stairwell on our property at 1934 Jefferson.

We have submitted revised drawings to the city that will adhere to the Residential Design Guidelines (RDGs) for the San Francisco building and planning department.

Attached are the drawings showing the stair set back from the original plan.

The city has asked that you sign off on this revised plan.

Thank you.

Beth and David Beld

Beth and David Beld
Owner of 1928 and 1926 Jefferson

COMMENT + REQUEST -

1) PLEASE KEEP ONE FOOT AWAY FROM THE PROPERTY LINE!

Beth and David Beld

9-26-2010

Figure 1 Photo #1



Figure 3 Photo #3



Figure 4 Photo #4

Figure 5 Photo 2



Figure 6 Photo #5



Figure 7 Photo #6



Figure 8 Photo #7



Figure 9 Photo #8

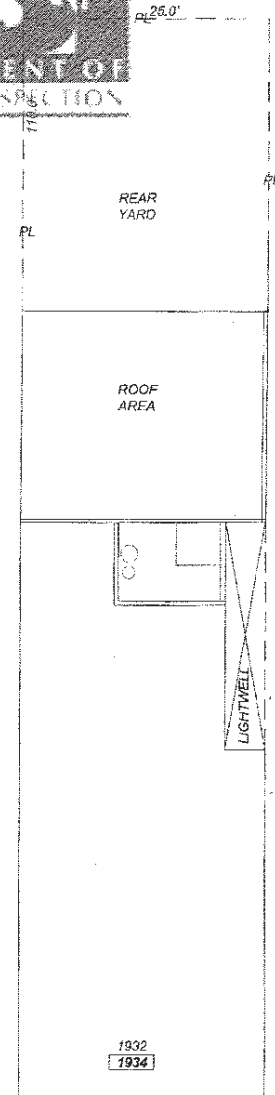
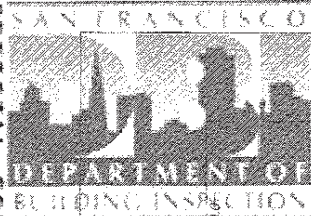


Figure 10 Photo #9



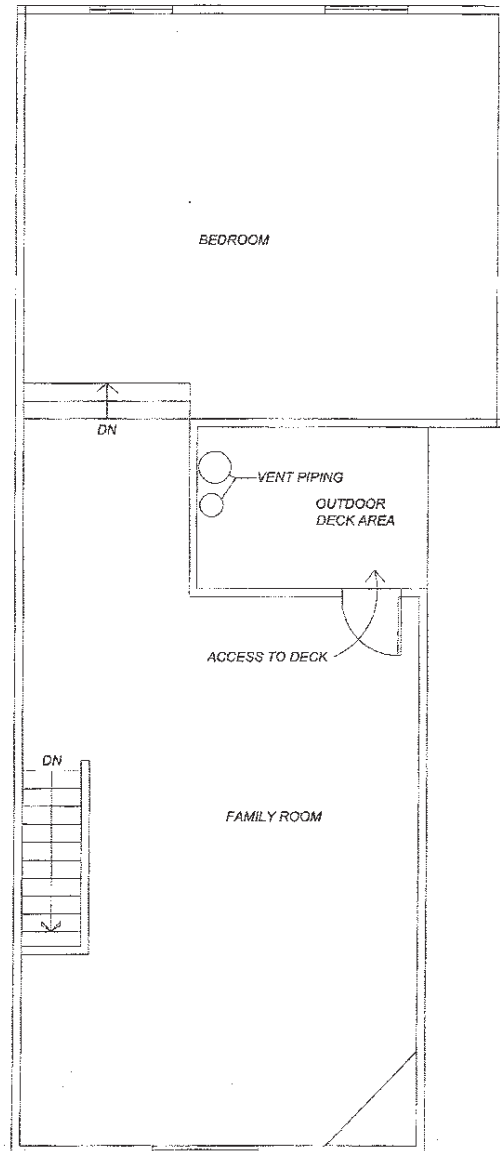
Figure 11 Photo #10

OFFICIAL COPY



EXISTING ROOF PLAN

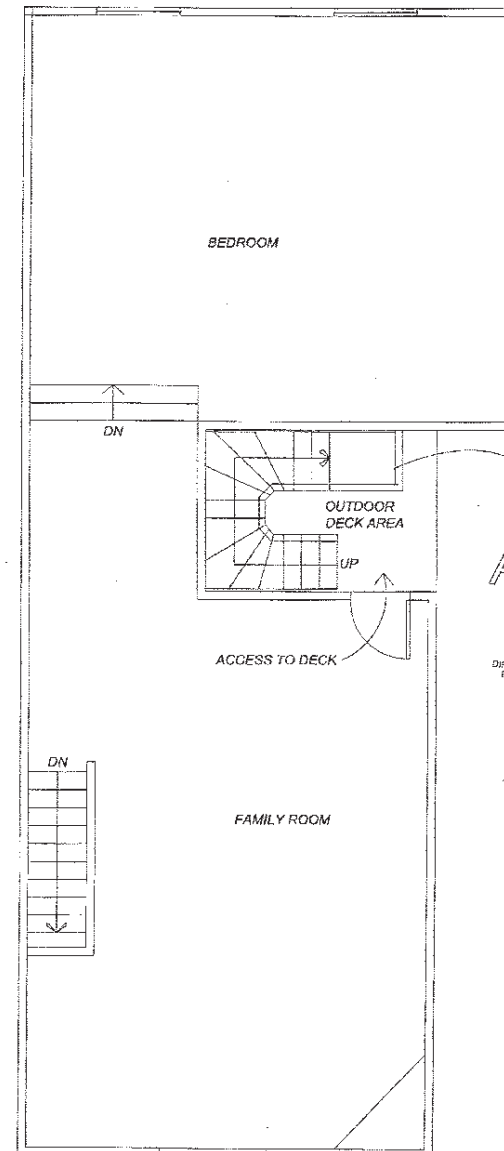
1/8" = 1'-0"



EXISTING PROPOSED 3RD FLOOR PLAN

1/4" = 1'-0"

JB 7/9/2011

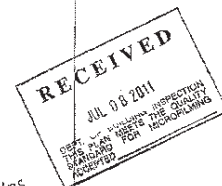


PROPOSED 3RD FLOOR PLAN

1/4" = 1'-0"

REVISION

Jerry Brown Design
 619 27th # A Street
 Oakland, CA.
 94612
 tel.: 415-810-3703
 email:
 JBDSGN326@gmail.com



FEB 15 2012
Ronald K. Tom, DBI
 DIRECTOR/CHIEF BUILDING OFFICIAL
 DEPT. OF BUILDING INSPECTION

RONALD K. TOM, DBI
 JUL - 8 2011

PROJECT:

1934 JEFFERSON DECK
 LEGALIZE
 CONSTRUCTION

SHEET TITLE:

FLOOR PLAN

Date: 06.29.11

Drawn By: J.B.

SHEET No. 2

of

