Discretionary Review Analysis

Dwelling Unit Conversion

HEARING DATE OCTOBER 6, 2011

Date: September 29, 2011
Case No.: 2011.0254D
Project Address: 4205 24th Street
Permit Application: 2011.03.17.2284
Zoning: 24th Street – Noe Valley Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 6505/001
Project Sponsor: Lisa Wong
1213 Folsom Street
San Francisco, CA 94103
Staff Contact: Michael Smith – (415) 558.6322
michael.e.smith@sfgov.org
Recommendation: Do not take discretionary review and approve

PROJECT DESCRIPTION

The proposal is to convert the vacant ground floor dwelling into commercial space and merge the space with the adjacent commercial space that was formerly occupied by a laundromat. The new commercial space would be approximately 1,000 square-feet and occupied by a new indoor children’s play facility d.b.a. “The Little Lounge”. Pursuant to Section 317 of the Code, the project is subject to mandatory staff initiated discretionary review for the conversion of a legal dwelling unit to commercial space.

SITE DESCRIPTION AND PRESENT USE

4205 24th Street is located on the southwest corner at Diamond Street at the western boundary of the 24th Street – Noe Valley Neighborhood Commercial District. The property is improved with a three-story, mixed-use building that contains six dwellings and two commercial spaces. The primary commercial space is accessed from the corner entry and was formerly occupied by a Laundromat but is currently vacant. A second commercial space and two off-street parking spaces are located at the property’s 24th Street frontage. There are five smaller dwellings ranging in size from 423 square-feet to 525 square-feet and a 900 square-foot, 2 bedroom, penthouse unit. The subject dwelling is located at the ground floor southeast corner of the building. The unit is approximately 500 square-feet and comprised of two rooms. The second room is likely used as a bedroom though it does not have a closet or meet DBI light and ventilation requirements.
SURROUNDING PROPERTIES AND NEIGHBORHOOD

The property is located at the western boundary of the 24th Street - Noe Valley Neighborhood Commercial District. The property abuts residential uses within a RH-2 District to the west. To the south are three small-scale mixed-use buildings with ground floor commercial space including a day care type facility and a hair salon. Across the street to the east are a group of infill apartment buildings. And across the street to the north and northeast are mixed-use buildings with ground floor commercial spaces including a café.

HEARING NOTIFICATION

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PUBLIC COMMENT

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<td>Neighborhood groups</td>
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The Department has not received any comments from the neighborhood regarding this project.

PROJECT ANALYSIS

DWELLING UNIT MERGER CRITERIA

Below are the five criteria to be considered by the Planning Commission in evaluating dwelling unit conversions, per Planning Code Section 317:

1. Whether conversion of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed were owner occupied;

   Project Does Not Meet Criteria
   The existing unit is currently vacant but was previously tenant occupied. The unit has been vacant prior to the current owner purchasing the property in 2010.

2. Whether conversion of the unit(s) would provide desirable new non-residential use(s) appropriate for the neighborhood and adjoining district(s);

   Project Meets Criteria
The proposed children's indoor play area is a compatible use for the neighborhood. It is designed to provide an indoor play alternative for families within a neighborhood that has many families.

3. Whether conversion of the unit(s) will bring the building closer into conformance with the prevailing character of its immediate area and in the same zoning district;

**Project Meets Criteria**

In general, the commercial district is defined by mixed-use buildings with ground floor retail. The more immediate neighborhood is within a commercial zoning district and a residential zoning district. The adjacent properties within the commercial zoning district have ground floor commercial uses with storefronts similar to the project. The adjacent building to the south also has a ground floor garage that interrupts the commercial frontage. Beyond the three adjacent properties to the south are low-density residential properties. Across the street to the east are also low density residential properties. And across the street to the north and northeast are mixed-use buildings with ground floor commercial spaces including a café. Within this context the project is consistent with the prevailing character of the neighborhood and the district. Furthermore, the added commercial frontage helps to strengthen the overall district because the property is located on a corner within a commercial district.

The removal of the dwelling unit will bring the property into closer conformance with the Code. The property is a nonconforming use because it contains six dwellings where the Code would only permit four dwellings.

4. Whether conversion of the unit(s) will be detrimental to the City's housing stock;

**Project Does Not Meet Criteria**

The project would result in the loss of one legal dwelling unit from the City's housing stock.

5. Whether conversion of the unit(s) is necessary to eliminate design, functional, or habitability deficiencies that cannot otherwise be corrected.

**Project Partially Meets Criteria**

The dwelling in question is approximately 500 square-feet and comprised of two rooms. The second room is likely used as a bedroom though it does not have a closet or meet DBI light and ventilation requirements. This deficiency does not affect the dwellings habitability because it could be categorized as a studio instead of a one-bedroom.

**GENERAL PLAN COMPLIANCE:**

The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

**COMMERCE AND INDUSTRY ELEMENT**

Objectives and Policies
OBJECTIVE 1:
MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:
Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

The project would eliminate a vacant ground floor dwelling in a district that is defined by ground floor commercial uses. The proposed family oriented use is appropriate within a neighborhood that contains many families.

OBJECTIVE 3:
PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:
Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

The proposal would provide employment opportunities for three semi-skilled workers.

SECTION 101.1 PRIORITY POLICIES
Planning Code Section 101.1 establishes eight priority policies and requires review of permits for consistency, on balance, with these policies. The Project complies with these policies as follows:

1. Existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The project would retain and strengthen an existing neighborhood-serving commercial space. The proposed use would be owned and operated by a neighborhood resident.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The project would result in the loss of an existing rent-controlled dwelling but the property contains three other dwellings of similar size that help preserve the cultural and economic diversity of the neighborhood.

3. That the City's supply of affordable housing be preserved and enhanced.

The project would result in the loss of an existing rent-controlled dwelling.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.
There is a bus stop adjacent to the property’s 24th Street frontage which provides a transit option for patrons and employees alike. The potential increase in transit usage is not expected to overburden transit service or neighborhood parking. The use does not have quick turnover so patrons aren’t expected to impede transit service by temporarily parking in the bus stop.

5. A diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The project will add to the City’s service sector employment opportunities.

6. The City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The project will be constructed according to Building Code seismic requirements.

7. Landmarks and historic buildings be preserved.

The existing building was determined not to be historic through previous historic evaluation.

8. Parks and open space and their access to sunlight and vistas be protected from development.

There are no parks or open spaces that would be affected by the project.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Sections 15301.

BASIS FOR RECOMMENDATION

- The Code encourages ground floor commercial uses within the District and the property is located adjacent to ground floor commercial uses to the south.
- The project would be owned and operated by a neighborhood resident.
- The project would provide an innovative neighborhood serving use that is not currently available within the district.
- The project would provide semi-skilled service sector employment opportunities for five individuals.
- The project would bring the property into closer conformance with the Code.
- The project would eliminate a vacant dwelling that is not particularly desirable due to its lack of light and ventilation and its ground floor location amongst commercial uses.

RECOMMENDATION: Do not take discretionary review and approve
Attachments:
Parcel Map
Sanborn Map
Zoning Map
Photographs
Section 312 Notice
Reduced Plans
There is a bus stop adjacent to the property’s 24th Street frontage which provides a transit option for patrons and employees alike. The potential increase in transit usage is not expected to overburden transit service or neighborhood parking. The use does not have quick turnover so patrons aren’t expected to impede transit service by temporarily parking in the bus stop.

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RECOMMENDATION: Do not take discretionary review and approve
Discretionary Review Analysis Summary
October 6, 2011

Attachments:
Parcel Map
Sanborn Map
Zoning Map
Aerial Photographs
Photographs
Sponsor’s Submittal
Section 312 Notice
Reduced Plans
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.
Aerial Photo

Discretionary Review Hearing
Case Number 2011.0254D
4205 24th Street
Up: 24th St frontage of subject property.

Looking south down Diamond St.

Up: Properties to the south of the subject property.

Looking east down 24th St. Subject at right
WHO WE SERVE

The Little Lounge is an indoor play space designed for children and toddlers aged 6 and under. Our facility is on 24th and Diamond Streets. Our guests include children from nearby Noe Valley, Bernal Heights, The Mission, Glen Park, Castro and other San Francisco neighborhoods. Locally owned/operated, not a franchise, Little Lounge provides a family-friendly play environment that is convenient, secure, safe, and clean.

PLAY ACTIVITIES

Our mission is to give the gift of play to young children: indoor play structure, pretend play with dress up costumes, kitchen, doll houses, train tables, ride-on cars, blocks, soft play area for smaller children (infants and babies), and more. We do birthday parties. For parents, complimentary coffee and tea station; free Wi-Fi wireless internet access.

ADMISSION

Each child must be accompanied and supervised by an adult. We are not a daycare center and do not allow unaccompanied children in our facility. We are open seven days a week. Admission is $18 per child; additional siblings who enter at the same time are $12. Babies under one year of age are free when accompanied by a paid sibling; there must be at least one paid child per family. Parents/caregivers are free and must accompany and supervise their children. Admission fees are good for the whole day. A $3 discount per child is available if you arrive 90 minutes before closing – perfect for working parents! We offer gift certificates in any denominations. Multi-visit Cards 10-visit prepaid card at a discount rate of $150. There is no expiration date on the prepaid cards. The sibling rate drops to $11 per child for holders of prepaid cards.

Similar children's play space in the bay area:

Peekadoodle Kidsclub - Fisherman's Warf, San Francisco
Recess Urban Recreation - Potrero Hill, San Francisco
Habitot - Berkeley
Studio Grow - Berkeley
On March 17, 2011, the Applicant named below filed Building Permit Application No. 2011.03.17.2284 (Alteration) with the City and County of San Francisco.

**CONTACT INFORMATION**

- **Applicant:** Lisa Wong
- **Address:** 1213 Folsom Street
- **City, State:** San Francisco, CA 94103
- **Telephone:** (415) 621.1280

**PROJECT SITE INFORMATION**

- **Project Address:** 4205 24th Street
- **Cross Streets:** SW corner at Diamond Street
- **Assessor's Block /Lot No.:** 650/001
- **Zoning Districts:** 24th/Noe NCD /40-X

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

**PROJECT SCOPE**

- [ ] DEMOLITION and/or [ ] NEW CONSTRUCTION or [X] ALTERATION
- [ ] VERTICAL EXTENSION [X] CHANGE # OF DWELLING UNITS [X] FACADE ALTERATION(S)
- [ ] HORIZ. EXTENSION (FRONT) [ ] HORIZ. EXTENSION (SIDE) [ ] HORIZ. EXTENSION (REAR)

**PROJECT FEATURES**

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<th>PROPOSED CONDITION</th>
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<td>Diamond Suds</td>
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<td>COMMERCIAL SQUARE-FOOTAGE</td>
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<td>NUMBER OF DWELLING UNITS</td>
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<tr>
<td>NUMBER OF OFF-STREET PARKING SPACES</td>
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**PROJECT DESCRIPTION**

The proposal is to remove the vacant ground floor dwelling, convert the space into commercial use, and merge the space with the existing commercial space that was formerly occupied by a laundromat. The proposed personal service use is an indoor play area that caters to children, d.b.a. “The Little Lounge”. Pursuant to Section 317 of the Code, the project is subject to mandatory staff initiated discretionary review for the elimination of a legal dwelling unit. If the Department determines that a discretionary review hearing is necessary it will be noticed to the public at a later date.

**PLANNER’S NAME:** Michael Smith

**PHONE NUMBER:** (415) 558-6322

**EMAIL:** michael.e.smith@sfgov.org

**DATE OF THIS NOTICE:** 6/1/11

**EXPIRATION DATE:** 7/1/11
NOTICE OF BUILDING PERMIT APPLICATION

GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the site plan and elevations (exterior walls), and floor plans (where applicable) of the proposed project, including the position of any adjacent buildings, exterior dimensions, and finishes, and a graphic reference scale, have been included in this mailing for your information. Please discuss any questions with the project Applicant listed on the reverse. You may wish to discuss the plans with your neighbors and neighborhood association or improvement club, as they may already be aware of the project. Immediate neighbors to the project, in particular, are likely to be familiar with it.

Any general questions concerning this application review process may be answered by the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00 a.m. - 5:00 p.m. Please phone the Planner listed on the reverse of this sheet with questions specific to this project.

If you determine that the impact on you from this proposed development is significant and you wish to seek to change the proposed project, there are several procedures you may use. We strongly urge that steps 1 and 2 be taken.

1. Seek a meeting with the project sponsor and the architect to get more information, and to explain the project's impact on you and to seek changes in the plans.

2. Call the nonprofit organization Community Boards at (415) 920-3820. They are specialists in conflict resolution through mediation and can often help resolve substantial disagreement in the permitting process so that no further action is necessary.

3. Where you have attempted, through the use of the above steps, or other means, to address potential problems without success, call the assigned project planner whose name and phone number are shown at the lower left corner on the reverse side of this notice, to review your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects, which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission over the permit application, you must make such request within 30 days of this notice, prior to the Expiration Date shown on the reverse side of this notice, by completing an application (available at the Planning Department, 1660 Mission Street, 1st Floor, or on-line at www.sfplanning.org). You must submit the application to the Planning Information Center (PIC) during the hours between 8:00 a.m. and 5:00 p.m., with all required materials, and a check, for each Discretionary Review request payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at www.sfplanning.org or at the PIC located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at (415) 558-6377. If the project includes multi building permits, i.e. demolition and new construction, a separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

BOARD OF APPEALS

An appeal of the approval (or denial) of the permit application by the Planning Department or Planning Commission may be made to the Board of Appeals within 15 days after the permit is issued (or denied) by the Superintendent of the Department of Building Inspection. Submit an application form in person at the Board’s office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including their current fees, contact the Board of Appeals at (415) 575-6880.
NOTE: DIMENSIONS OF NEIGHBORS' BUILDINGS ARE NOT EXACT. NEIGHBOR'S IMAGES ARE DIAGRAMATIC ONLY AND BASED ON ARCHITECT'S QUICK MEASUREMENTS AND PHOTOS. ALL DIMENSIONS SHOULD BE VERIFIED AT SITE.

EXISTING PLOT PLAN – ROOF PLAN

1/16" = 1' = 0"
GROUND FLOOR DEMOLITION PLAN

1/8" = 1' = 0"
NOTE: DIMENSIONS OF NEIGHBORS' BUILDINGS ARE NOT EXACT. NEIGHBOR'S IMAGES ARE DIAGRAMATIC ONLY AND BASED ON ARCHITECT'S QUICK MEASUREMENTS AND PHOTOS. ALL DIMENSIONS SHOULD BE VERIFIED AT SITE.

EXISTING EAST ELEV. 1/8"=1'-0"

EXISTING

24TH ST. (7.85% SLOPE)

EXISTING

NEIGHBOR

DIAMOND ST. (3.15% SLOPE)

EXISTING

24TH & DIAMOND REMODEL

EC2
PROPOSED GROUND FLOOR PLAN -- 2,542 SF
### PARTITION LEGEND

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EXPANSION

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EXISTING SECOND FLOOR - ~2,308 SF (E)V.A.S.
SCENARIO OF WORK FOR THIS PROJECT
RELATES TO (E) GROUND FLOOR LEVEL. DIMENSIONS
AND LAYOUTS OF EXISTING UPPER FLOORS
OF PROPERTY BUILDING & INTERIORS ARE APPROXIMATE,
AND DEEMED ACCURATE FOR REFERENCE PURPOSE ONLY.
FOR MORE ACCURATE DIMENSIONS AND LAYOUTS, CONTRACTOR IS
TO VERIFY ALL DIMENSIONS AT SITE.

EXISTING THIRD FLOOR - ~1,095 SF (E)V.A.S.
BUILDINGS ARE NOT EXACT. NEIGHBOR'S IMAGES ARE DIAGRAMATIC ONLY AND BASED ON ARCHITECT'S QUICK MEASUREMENTS AND PHOTOS. ALL DIMENSIONS SHOULD BE VERIFIED AT SITE.

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+24'-0" (E)V.A.S.

PAINT TYP.
PAINT (E) MARQUIS

+14'-6" (E)V.A.S.

ENLARGE (E) WIN.

REPLACE (E) DOOR & SIDELTS.
ADD WINDOW

+0'-0" (E)V.A.S.

DOOR TO: GARBAGE 24TH ST. (7.85% SLOPE)

ENLARGE (E) WIN. AS NEEDED

PAINT TYP.
PAINT (E) MARQUIS

ENLARGE (E) WIN.

NEW ENTRY DOOR SLOPE (E) FLUSH OUT OF STOREFRONT

+0'-0" (E)V.A.S.

DIAMOND ST. (3.15% SLOPE)

PROPOSED
EAST ELEV. 1/8"=1'-0"

PROPOSED
NORTH ELEV. 1/8"=1'-0"

REPLACE (E) DOOR & SIDELTS.
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±k

±14'-6" (E)V.A.S.

+0'-0" (E)V.A.S.

SECTION

1/8"=1'-0"

DIAMOND ST. (3.15% SLOPE)

AREA OF WINS. <25% OF WALL

24TH STREET

NEW H/C BATH

FIRE PROOF WINS. TYP.

+0'-0" (E)V.A.S.