Memo to the Planning Commission

HEARING DATE: MAY 12, 2016 Continued from the February 11, 2016 Hearing

Reception: **415.558.6378**

CA 94103-2479

1650 Mission St.

Suite 400 San Francisco.

Date: February 4, 2016
Case No.: 2013.0915E, DRP, V
Project Address: 1469 PACFIC AVENUE

Fax: **415.558.6409**

Permit Application: 2012.1031.3210

Planning

Pacific Avenue Neighborhood Commercial District (NCD)

Information: 415.558.6377

40-X Height and Bulk District

Block/Lot: 0185/029

Zoning:

Project Sponsor: Tuija Catalano

Reuben, Junius & Rose

One Bush Street

San Francisco, CA 94104

Staff Contact: Carly Grob – (415) 575-9138

carly.grob@sfgov.org

Recommendation: Take DR and approve modifications

BACKGROUND

The original proposal included in building permit application no. 2012.1031.3210 was to convert a 12,270 square foot, two-story warehouse building into a mixed-use building with nine residential units, ten off-street parking spaces, ten bicycle parking spaces, and 1,962 square feet of commercial space at the ground floor and basement level. The project proposed the alteration of the existing structure, including a two-story vertical addition within the existing buildable area of the lot, resulting in a building which would be 40 foot tall and 75 feet, 8 inches deep, and would allow the construction of seven dwelling units. The remaining two dwelling units would be constructed within the existing building envelope at the rear. The proposed nine residential units would consist of two one-bedroom units, two two-bedroom units, and five three-bedroom units. Also included is the removal of the second story at the center of the property while retaining the existing side walls to create an interior court, serving as private open space for four of the units. Additional common and private open space would be located on a roof deck, which is proposed on top of the 40 foot portion of the structure. The majority of the noncomplying structure would be retained, as the east, south, and west walls of the existing building would be retained and the front façade would be replaced.

According to an interpretation of Section 188(a), a noncomplying rear yard building could not be converted to residential use without seeking and justifying a variance from the rear yard requirements. The project required a Rear Yard Variance (Section 134), as it added residential uses to a noncomplying structure located within the rear yard.

The Pacific Avenue Neighborhood Association (PANA) filed for Discretionary Review (DR) of building permit application 2012.1031.3210 on September 28, 2015. The DR requestor was concerned that the

proposed project was out of scale with the neighborhood, that the project would deprive a significant number of neighbors from light and air, and that the project is inconsistent with the Pacific Avenue Neighborhood Commercial District controls. The DR requestor proposed that the project sponsor reduce the height of the building from four stories to three stories, and that a 45% rear yard be provided at grade.

The Planning Commission heard the Discretionary Review on February 11, 2016. Following presentations and public comment, the Commissioners commented on the massing of the project, proposed ground floor, and the setback along Larkin Street. Although there were no specific recommendations, individual Commissioners made the following suggestions to modify the project:

- Remove some of the existing structure at the rear;
- Incorporate subgrade parking;
- Setback from Larkin along 75' of buildable area;
- Move back to units to the front to adjoin with the other units;
- Come to grade at the proposed court or comply with the 45% rear yard (review as if it's vacant);
- Provide a shorter, more distinct massing at the ground floor which incorporates ground floor open space;
- Provide a five foot setback at sides;
- Reconsider the ground floor add the garage entry along the west side and setback so it's a
- Modify the ground floor plane and relocate the stair in the retail; or
- Revise the unit design.

The Commissioners continued the project to the regularly scheduled hearing on May 12, 2016.

CURRENT PROPOSAL

The project sponsor presented a revised proposal to the Department in early April, 2016 which incorporated modifications to the ground floor, unit design, and the setback along the adjacent properties along Larkin. However, the first draft of the revisions did not incorporate any changes the overall massing of the project. Department staff held a Policy Coordination Lite meeting to discuss the modifications to the project on April 18, 2016. The Department made the following recommendations:

- Reduce the amount of massing in the required rear yard by removing two units at the rear and incorporating these units into the massing at the front of the lot;
- Provide at least 25% of open space at grade within the rear yard; and
- Remove stair penthouses serving private rooftop open space, and only retain those which are required for access to and egress from common usable open space.

The current proposal has incorporated the following changes:

- The building massing has been reduced at the rear 34 feet, four inches of lot depth. The project currently proposes a common usable open space raised five feet from grade within this area;
- The ground floor has been reconfigured to locate the parking entry along the western property line, and to create a more prominent residential lobby and commercial unit;
- Setbacks along the west property line have been increased beginning at 32 feet of lot depth;
- The dwelling units have been reconfigured. The current proposal includes three one-bedroom units, three two-bedroom, and three three-bedroom units;

SAN FRANCISCO
PLANNING DEPARTMENT 2

- One parking space has been removed, resulting in nine spaces instead of ten;
- The private stair penthouses at the roof have been removed; and
- A 15 foot portion of the noncomplying structure at the second floor has been retained at the second floor to create a stepping terrace feature and break up the perceived massing at the rear.

RECOMMENDED MODIFICATIONS

In response to comments from the Department, the project sponsor has removed the majority of the building massing within the last 25% of lot depth. However, the project proposes filling in above the existing slab to provide the 25% requested setback five feet above the existing grade. The Planning Code allows for decks three feet above grade within the required rear yard. Therefore, the Department recommends that the proposed five-foot raised open area be reduced to three feet in height.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission may not take discretionary review and approve the project as revised, or take discretionary review to modify the project and approve with modifications.

BASIS FOR RECOMMENDATION

- The project adds nine dwelling units to the City's housing stock. Six of the nine proposed dwelling units have two or more bedrooms and would be considered suitable for families.
- The project replaces an underutilized industrial space with residential and commercial uses more appropriate for the Neighborhood Commercial District,
- The project activates the ground floor and enhances the pedestrian realm;
- The project does not contain or create any exceptional or extraordinary circumstances; and
- The proposed Project, on balance, meets all applicable requirements of the Planning Code.

RECOMMENDATION: Take DR and approve with modifications

Attachments:

Project Sponsor submittal, including:

- -Introduction
- -Revised plans
- -Revised 3D renderings

Public Comment

REUBEN, JUNIUS & ROSE, LLP

May 2, 2016

President Rodney Fong San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

Re: 1469 Pacific Avenue (0185/029) - Brief in Opposition of a DR Request

Planning Department Case no. 2013.0915DRP/V

Hearing Date: May 12, 2016 Our File No.: 5194.02

Dear President Fong and Commissioners:

Our office represents Paul Bogatsky, the owner of a property at 1469 Pacific Avenue, Assessor's Block 0185, Lot 029. The Property consists of a large 8,765-sf, approx. 64' x 137.5' lot which is improved with a two-story warehouse building. The project was heard by the Commission on February 11, 2016, and continued in order to allow the project sponsor to evaluate potential revisions based on the feedback received from the Commissioners.

In the last few months since the February hearing, the project sponsor has expanded the project team with Warner Schmalz of ForumDesign Architects, and has essentially reconfigured the entire building in order to address the Commission comments. There have been multiple reiterations as the project has progressed, the project team has met with the neighbors and has engaged in discussions with the Planning Department staff. We are pleased to present the revised project to the Commission and believe that the revisions address the key concerns raised by the Commission. The key objective for the project is to eliminate the existing warehouse use and create family-sized housing, an objective that the revised project still accomplishes with the proposed nine (9) units.

The comments provided by the Commissioners were varied but generally speaking involved the following categories:

1) Ground floor configuration and pedestrian level design

The ground floor at the Pacific Street façade has been reconfigured as follows:

- Commercial visibility has been increased by providing two prominent openings and by eliminating of the prior egress stairs at one of the street-facing openings;
- Residential and garage entries have been relocated in order to provide for a more centrally located residential entry and by de-emphasizing the garage entry;
- Pedestrian experience has been enhanced by increasing the appearance of the ground floor height with use of materials and colors; and
- The front façade has been redesigned to provide for an overall improvement in colors, materials and scale.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben¹ | Tuija I. Catalano | Thomas Tunny David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Stephanie L. Haughey Chloe V. Angelis | Louis J. Sarmiento | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

One Bush Street, Suite 600 San Francisco, CA 94104

2) Proposed setbacks and treatment at the Larkin side

Many of the Commissioners spoke about the Larkin side setbacks, and Ms. Tucker herself acknowledged that to be her objective instead of the side facing her own property at the McGormick side. The project now includes several revisions that address the "Larkin side", including the following:

- New and increased setbacks have been provided for up to 10' from the property line in addition to the setbacks provided by the adjacent properties themselves, which have been measured and included in the plans;
- Side parapets facing the Larkin side of the building have been lowered to 4' for the full length of the Larkin side after the first 32' depth from front of the property at Pacific Avenue; and
- Appropriate landscaping and privacy features have been added along the Larkin side.

3) **Building massing at the rear**

The property is located adjacent to a number of other properties, most of which are highly non-compliant with respect to rear yard setback requirements. One of the objectives of the Pacific NCD rezoning from 2007 was to preserve the residential character. The overall intent of the rear yard requirement under Section 134 of the Planning Code is "...the protection and continuation of established midblock open spaces". By converting the existing industrial building into residential use, the project is entirely consistent with the intent of the underlying zoning, however, the project should not be penalized for existing conditions and noncompliant rear yards provided by the neighboring properties. Neither the Pacific Avenue NCD nor the rear yard requirements require projects to create new midblock open space where one does not currently exist. Other projects and properties have been allowed to average the rear yard requirement based on neighboring conditions. For example, across the subject block, at 1424-26 Pacific Avenue, a recent horizontal and vertical addition project was allowed to average the rear yard requirement.

The project revisions in terms of massing and the rear portion of the project include the following:

- Rear yard has now been provided at grade, with a slight adjustment to match the existing grade of the adjacent east side neighbor on McGormick side;
- 2-story cottages at the rear yard property line have been removed in order to provide for the rear yard;
- The rear yard is provided with a common area which is easily accessible to all residents providing landscaping at the perimeter in order to provide privacy to neighbors as well as building residents.

¹ The 1424-26 Pacific project, located in the Pacific Avenue NCD district, consisted of a 2,403 sf addition to an existing 1,762-sf building, with an 11'2" vertical addition to an existing 28'10" building (under Planning Department Case No. 2012.1101). While a 312 notice was sent out on October 15, 2013, and due to the proximity would have been received by Ms. Tucker, no DR was filed by Ms. Tucker and/or PANA due to the rear yard setback or the addition of a fourth floor up to 40-foot height. The project at 1424-26 Pacific provided a rear yard setback of approx. 30%, short of the 45% requirement. One Bush Street, Suite 600

San Francisco, CA 94104

tel: 415-567-9000 fax: 415-399-9480 President Fong May 2, 2016 Page 3

Beyond the rear portion of the building, massing through-out the building has been reduced and thus the building will be perceived better by the neighbors. For example, the roof top level has been pulled back 3-4 feet on all sides (except for the front) with a lower 4' parapet at the building wall and the rooftop stair penthouses have been reduced.

Conclusion

The project has been significantly revised to address the comments and concerns that the Commission had at the February 2016 hearing. As a project that is before the Commission due to the Discretionary Review request, the Commission needs to find that there are exceptional or extraordinary circumstances relating to the project in order to exercise the DR power – circumstances which do not exist in this case. We respectfully ask the Commission to consider the significant revisions to the project that have been made, and to deny the DR and approve the project as now proposed.

The project provides an opportunity to eliminate a large industrial building and use that no longer fits in with the primarily residential neighborhood and character. The project is an excellent opportunity for the creation of family-sized housing at an appropriate location and should be approved.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

Iwa J. Carn

Tuija I. Catalano

cc: Vice President Dennis Richards
Commissioner Michael Antonini
Commissioner Rich Hillis
Commissioner Christine Johnson
Commissioner Kathrin Moore
Commissioner Cindy Wu
John Rahaim – Planning Director
Scott Sanchez – Zoning Administrator
Jonas Ionin – Commission Secretary
Carly Grob – Project Planner
Paul Bogatsky - Project Sponsor
Jim Cline and Caroline Leites – Project Architects

Warner Schmalz - Project Architects

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Pacific Avenue Neighborhood Association (PANA)

Pacific Avenue Neighborhood Association (PANA)
PANA DR 1469 021116 1
San Francisco Planning Commission
Discretionary Review & Variance Re-Hearing

Date: May 12, 2016

Case No.: 2013.0915DRP

Project Add.: 1469 Pacific Avenue BP App No.: 2012.1031.3210

The revised plans for the proposed project at 1469 Pacific address many of the concerns raised in The Pacific Avenue Neighborhood Association's (PANA) Discretionary Review request.

However, there are two significant issues the revised plans do not sufficiently address and, in fact, the revised plans exacerbate the problems identified in the Discretionary Review and subsequent filings:

- 1) The <u>loss of light and air</u> for residents on Larkin and McCormick Streets and to some properties on Pacific Avenue.
- 2) The <u>massing</u> of the front building that remains out of scale for the neighborhood.

Light and Air:

The homes to the east and west of the proposed project were built before the "Just Desserts" building at 1469 Pacific. Records indicate the project building was constructed in 1921. It was a pre-Planning Code environment during that time. Today, however, the San Francisco Planning Code and Residential and Urban Design Guidelines provide some protections for neighbors and neighborhoods.

The accommodation that the Project Sponsor offered to Larkin neighbors in the first revision of design plans was insufficient on its face. With the second revised plans and the movement of the rear units to the front at least three more buildings are affected by reduced light on Larkin and McCormick (Alley) Street bringing the total to five. In addition, the movement of the two rear units to the front building causes further loss of light on McCormick Street (Alley) and Larkin Street residences.

Recommendation:

It is critically important that additional modifications be made to the proposed plans to minimize the loss of light and air on Larkin and McCormick (Alley) Street neighbors. [Attachment A] Mitigation might consist of removing the two one-bedroom unit

Pacific Avenue Neighborhood Association (PANA)

decks and providing open space at the grade level with the proposed rear yard, removing the two one bedroom units, or providing significantly more space between the project and its adjacent neighbors. The current wall between the project and 3, 7, and 9 McCormick needs to be removed and replaced with a neighbor friendly fence.

Mass:

The Zoning Code was amended in 2007 to change the former zoning controls and code for Pacific Avenue to the Pacific Avenue Neighborhood Commercial District (NCD) designation. The amendment conformed the Code to the existing neighborhood with its predominately two and three story buildings and mixed use character so that light, air and open space would be preserved and additive where appropriate in the most densely populated district in the City.

There is no question that the proposed project is massive – at 69 feet wide it is twice if not three times the width of existing buildings on the block. {Attachment B} Excluding the garage on Pacific Avenue and two other corner buildings, this is a neighborhood where buildings are between 22 and 32 feet wide with an average of 25 feet.

Recommendation:

A mid-block building of this mass is contrary to the Residential Guidelines. The mass can be reduced by removing one story from the front building or setting back the top story on the east and west side to provide a more equitable balance of light and air to neighbors while providing some visual relief on Pacific Avenue.

Summary

Once a land use decision is made and executed, it cannot be reversed. The neighbors and neighborhood will live with the result for more than two or more generations. More likely a century.

Therefore, in an ideal world, we would ask that the building permit be denied or specific modifications directed to address the light, air and massing set forth above. The proposed project is not the right building for this area.

At the last Planning Commission meeting, the proposed project was defined as "too aggressive" not giving "very much consideration to Larkin or others," and "should be demolished." In response the Project Sponsor made some modifications. However, more needs to be done.

We respectfully request that:

1) the Project Sponsor address the reduction of light and air on Larkin and

Pacific Avenue Neighborhood Association (PANA)

McCormick Streets caused by the move of the two one-bedrooms and t
the Project Sponsor take appropriate steps to reduce the mass of the building in keeping with San Francisco's Residential Guidelines and the San Francisco Planning Code Sec 732.







From: <u>Betsy Brill</u>

To: Fong Rodney; Dennis Richards; Antonini Michael; Kathrin Moore; Wu Cindy; Johnson, Christine (CPC); Hillis

Rich; Secretary, Commissions (CPC)

Cc: Grob, Carly (CPC); Sanchez, Scott (CPC); Rahaim, John (CPC); Tuija Catalano; Peskin Aaron; Hepner, Lee

(BOS); thepanacommunity@gmail.com

Subject:Objection: 1469 Pacific Avenue ProjectDate:Monday, May 02, 2016 1:55:37 PM

May 2, 2016

Rodney Fong, President

SF Planning Commissioner

1650 Mission Street, Suite 400

San Francisco, CA 94103

Re: 1469 Pacific Avenue Design Revisions

Dear President Fong, Planning Commissioners, and Commission Secretary,

We were disappointed to see that the proposed design revisions to 1469 Pacific Avenue continue to fall short not only of adjacent neighbors' wants and needs, but the neighborhood's overall plan. The Pacific Avenue NCD's legislative intent was to open up inner block space to maintain light and air for all and preserve the small scale, charming nature and character of Pacific Avenue--a narrower-than-typical section of Pacific, at that--and its historic alleys.

Re: Design revisions

The design revisions make the building somewhat more attractive looking — but only if looking from the aerial view presented to us by the new architect. The new design:

- --[if !supportLists]-->
 does not address the 45% rear setback at the ground level or provide any rear yard.
- --[if !supportLists]-->• <!--[endif]-->continues to impose on and blocks light and air to neighbors on Larkin Street, and will continue to block light for backyard gardens on McCormick Street.

--[if !supportLists]-->• is an inappropriate design, massing and height in relation to the narrowest section of Pacific Avenue and to 20+ properties located around the perimeter of this building.

Re: Open space

What is being called open space remains <u>ON the existing structure</u>. <u>This is not open space</u>. It is a roof deck. It will be nice for the planned residents of 1469 Pacific Avenue, but will diminish the quality of life of the current surrounding residents.

While the proposed walls of the rear building <u>may be</u> slightly lower than the existing wall, and are a slight improvement for homes that border it at the end of McCormick, those bordering it on Larkin at the front of the building are still encroached on, even with the new setbacks. There is no improvement for 7 McCormick Street nor 1451-61 Pacific, at the corner of McCormick and Pacific Avenue. The windows on the back of the latter building will receive no afternoon sun at all, nor will the backyard gardens on McCormick Street.

We understand and sympathize with the challenge of having made an investment and the frustration of being unable to exploit it fully. But the quality of life of neighbors on all sides of the proposed development and along Pacific Avenue is in the balance here, not the personal investment choices of one individual.

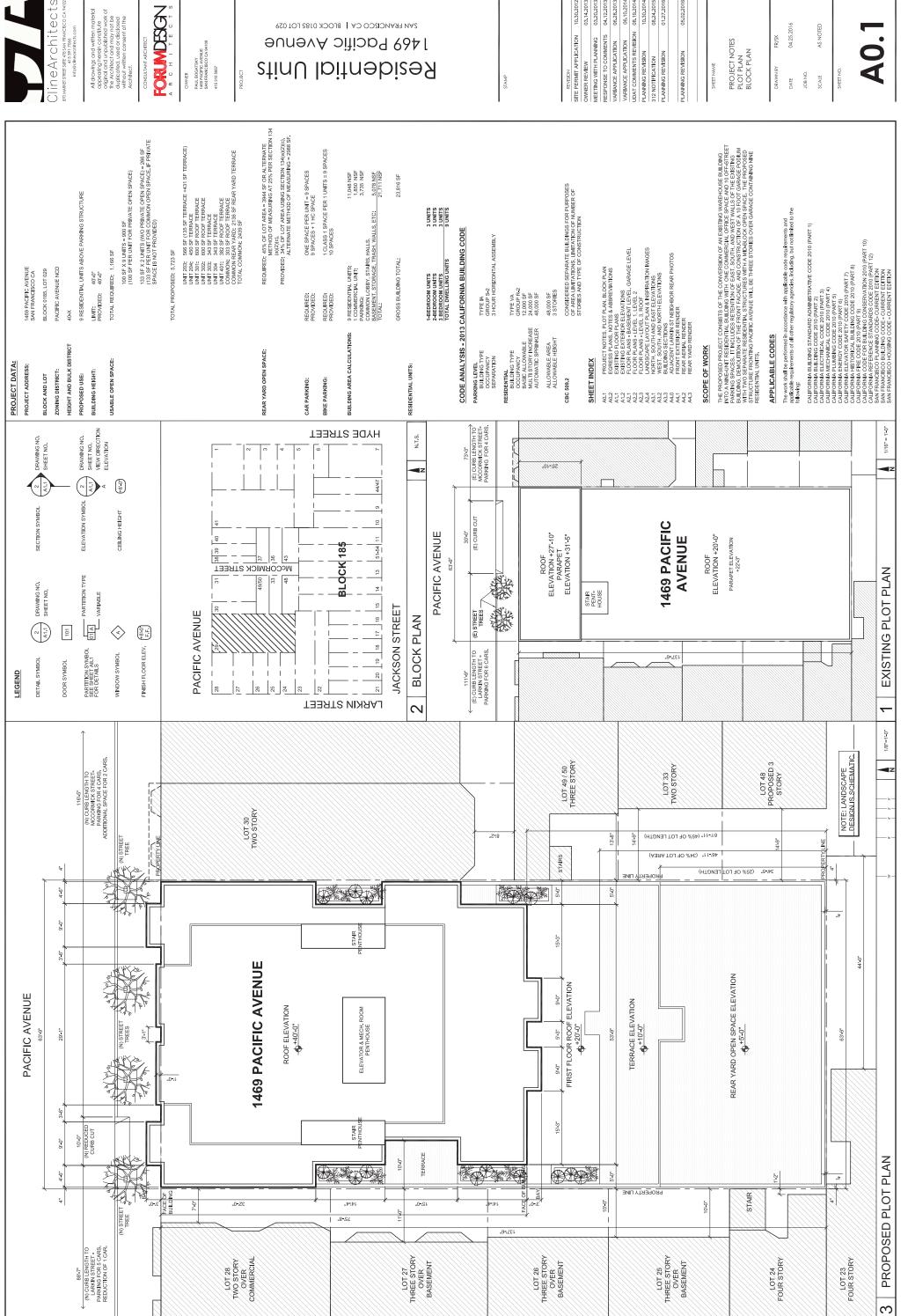
We support a design that excavates the entire lot to provide underground parking, which would create <u>actual open space--not roof decks</u>. This approach would <u>lower the overall height of the entire structure from front to back and is imperative to maintaining livability and quality of life to the long time residents of Pacific Avenue, McCormick Street, Larkin Street and Jackson Street.</u>

Please deny the variance requests and the design revisions as proposed and ask the project sponsor for a design that relates to the neighborhood character and provides light and air for all of the current long-term residents and their families. T

Respectfully,

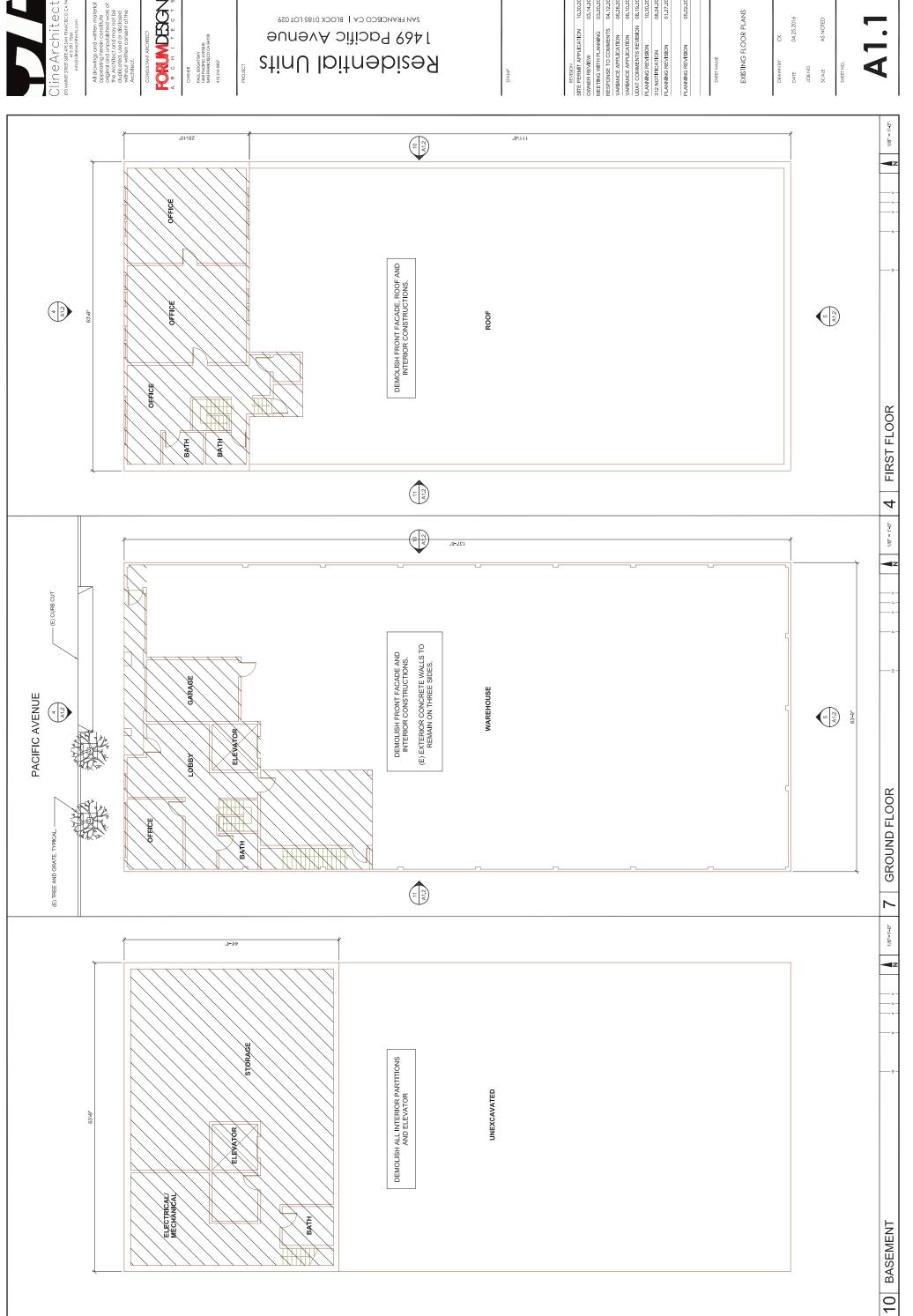
Betsy Brill and Ken Kobre

4 McCormick Street



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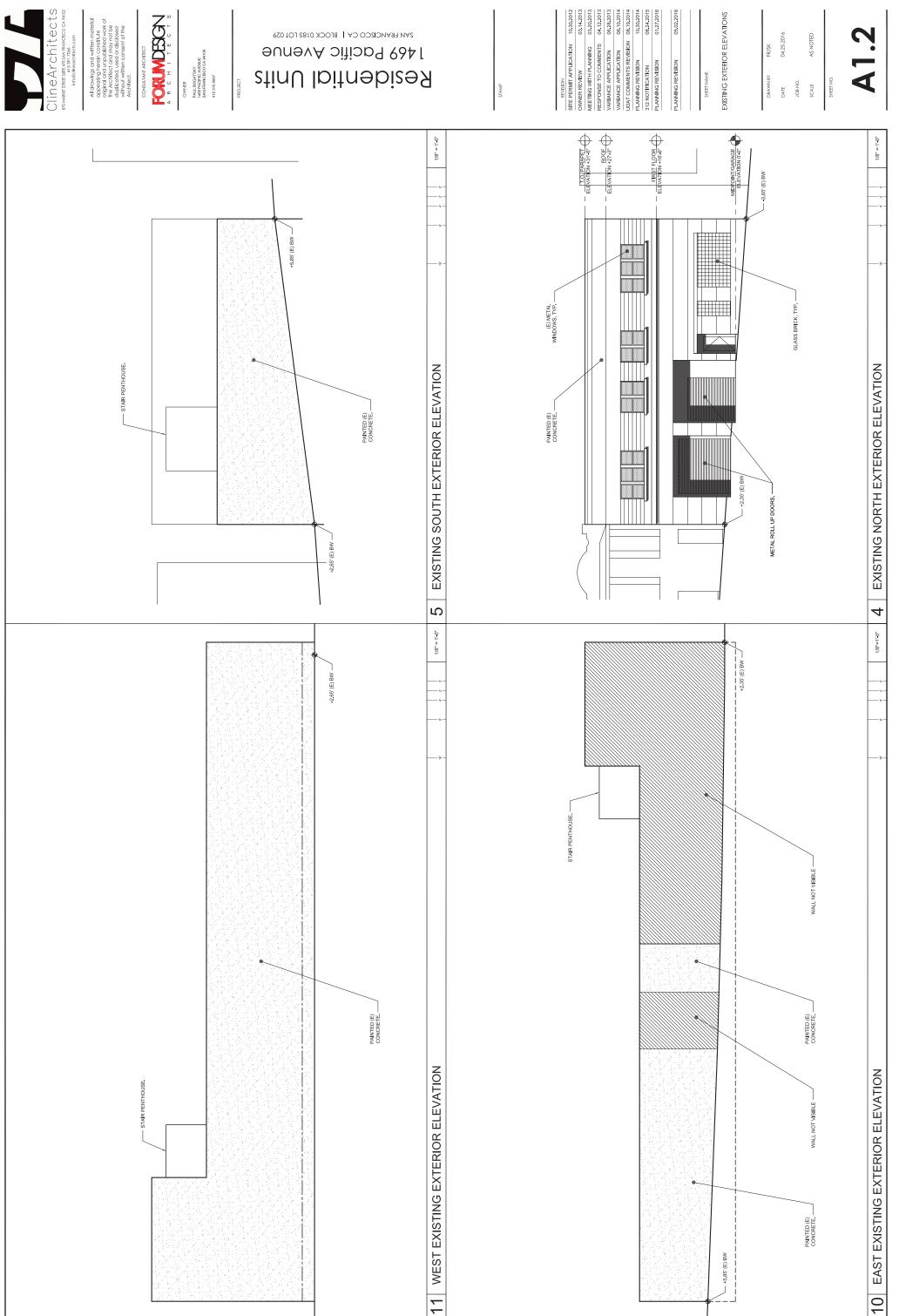


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OWNER REVIEW 03.14.2013

MEETING WITH PLANNING 03.20.2013

RESPONSE TO COMMENTS O4.12.2013

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VARANCE APPLICATION 06.10.2014

PLANNING REVISION 10.30.2014

PLANNING REVISION 08.24.2015

PLANNING REVISION 06.224.2015

PLANNING REVISION 10.20.2014

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PLANNING REVISION

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GREEN WALL AT UNIT 203

ZINC PLANTERS

NEW STREET TREES



1 | SECOND FLOOR PARTIAL PLAN

FR/SK 04.25.2016

3 FIRST FLOOR PARTIAL PLAN

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COMMERCIAL UNIT 744 SF UPPER +1106 SF LOWER = 1850 N.S.F.

2.65' (E) BW

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SITE PERMIT APPLICATION
OWNER REVIEW
MEETING WITH PLANNING

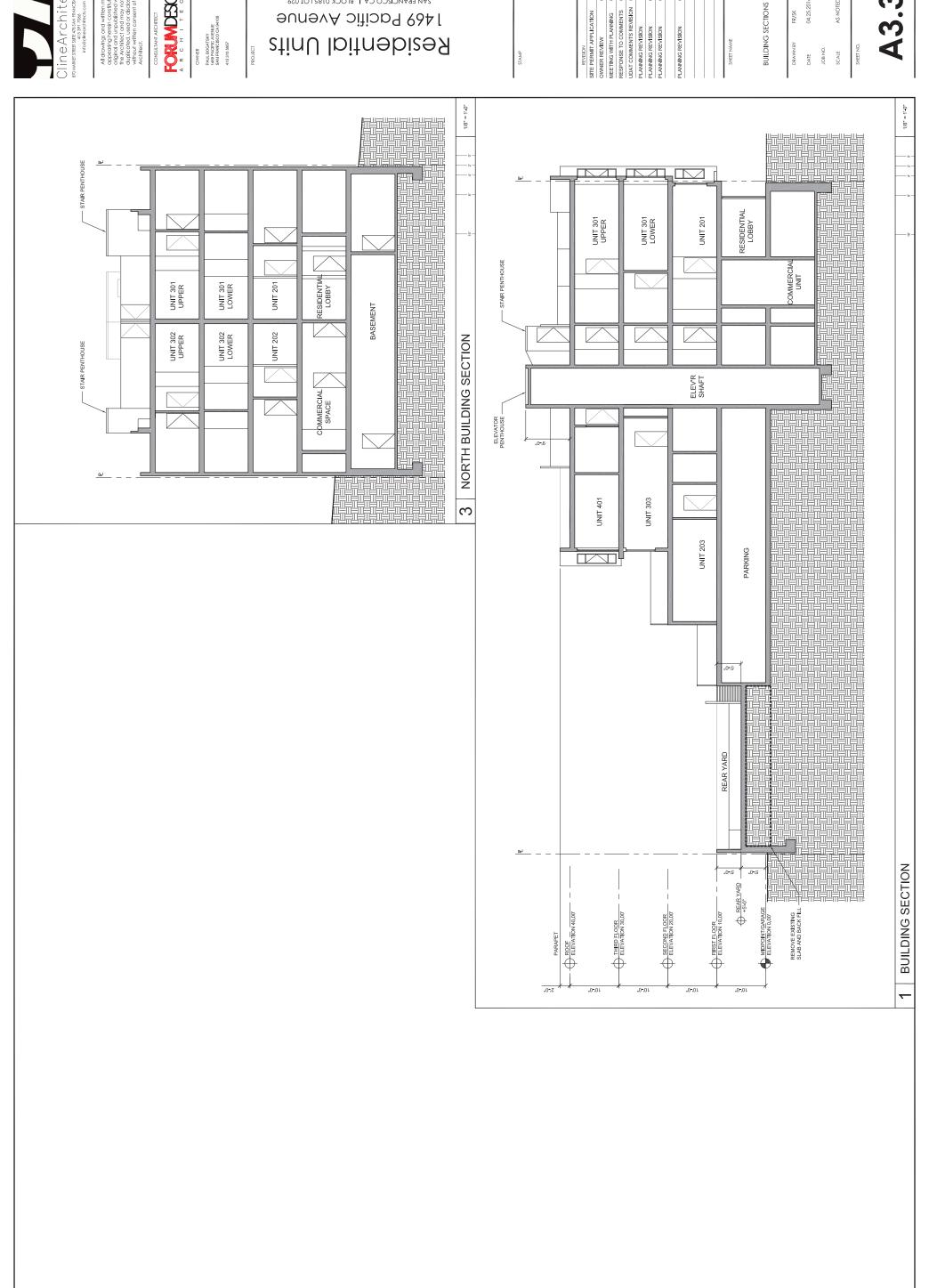
VARIANCE APPLICATION 0
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PLANNING REVISION

LANDSCAPE LAYOUT PLAN & INSPIRATION IMAGES







1469 Pacific Avenue



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1469 Pacific Avenue

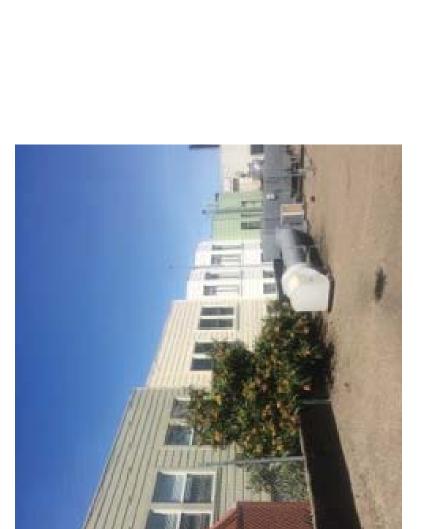
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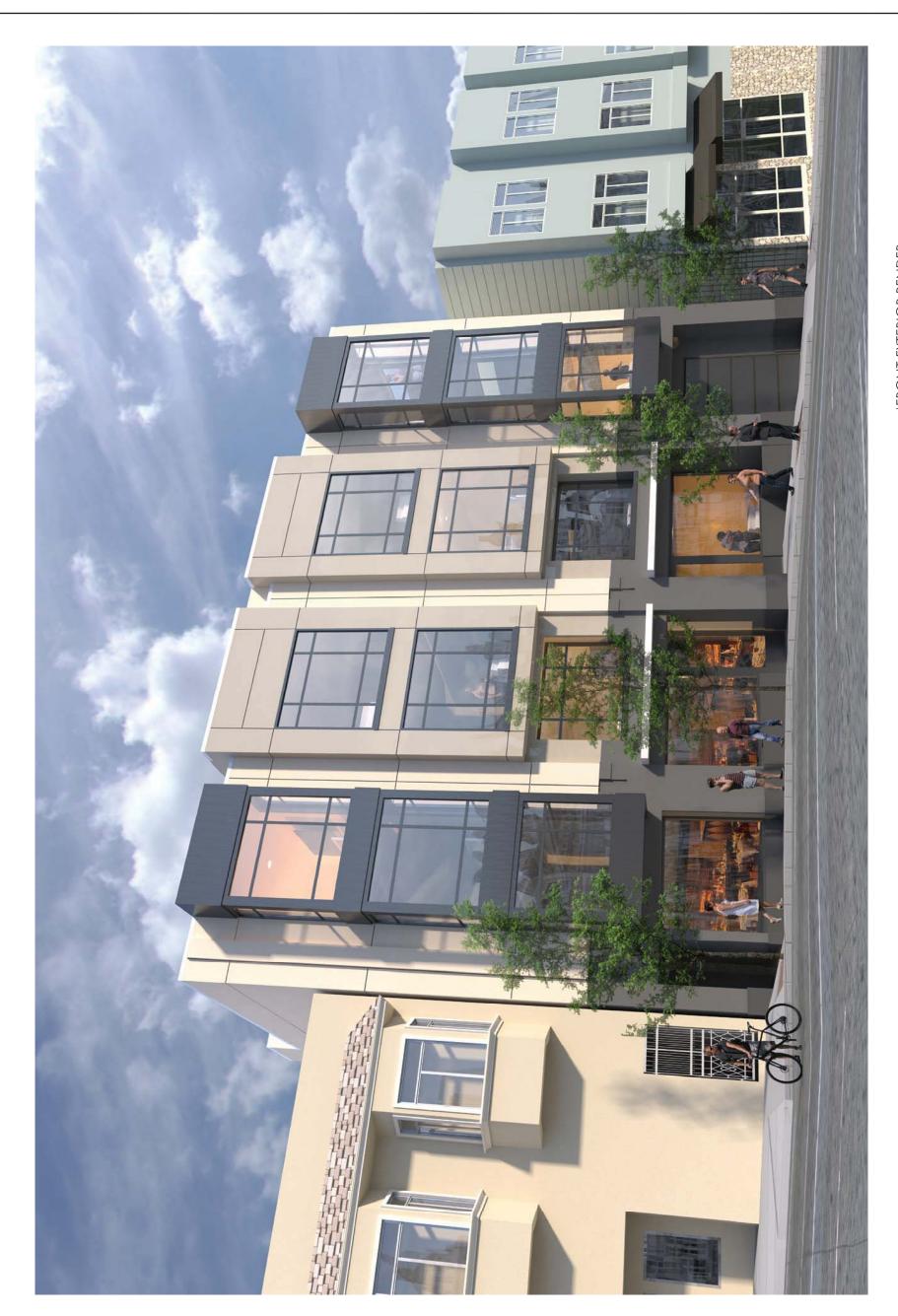
PLANNING REVISION

4 | 1840, 1846, 1850, 1864 LARKIN ST - REAR NO SCALE



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ADJACENT LARKIN ST NEIGHBOR REAR PHOTOS



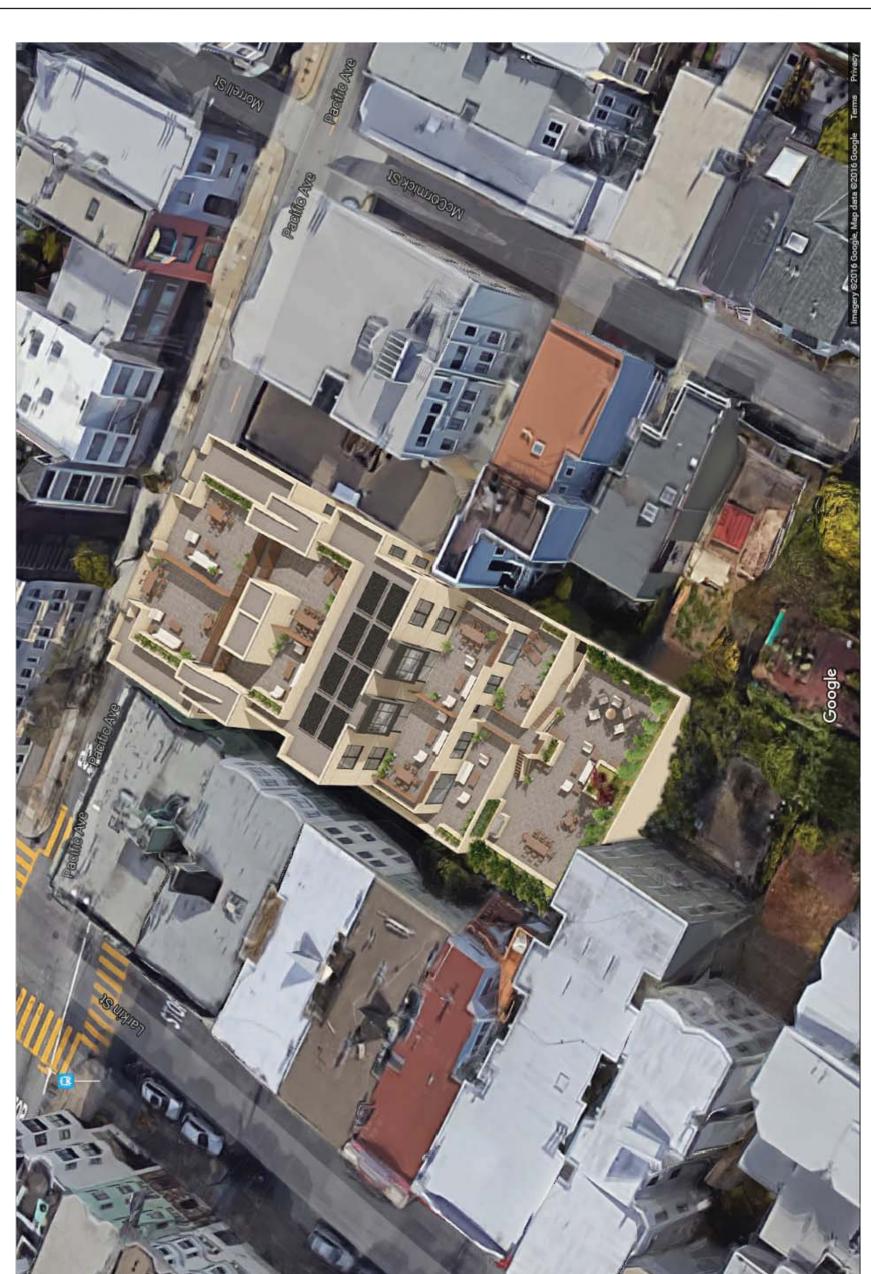
1469 Pacific Avenue Residential Units

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REVISION	
SITE PERMIT APPLICATION	10.30.2012
OWNER REVIEW	03.14.2013
MEETING WITH PLANNING	03.20.2013
RESPONSE TO COMMENTS	04.12.2013
VARIANCE APPLICATION	06.28.2013
VARIANCE APPLICATION	06.10.2014
UDAT COMMENTS REVISION	08 19 2014
PLANNING REVISION	10.30.2014
312 NOTIFICATION	08.24.2015
PLANNING REVISION	01.27.2016

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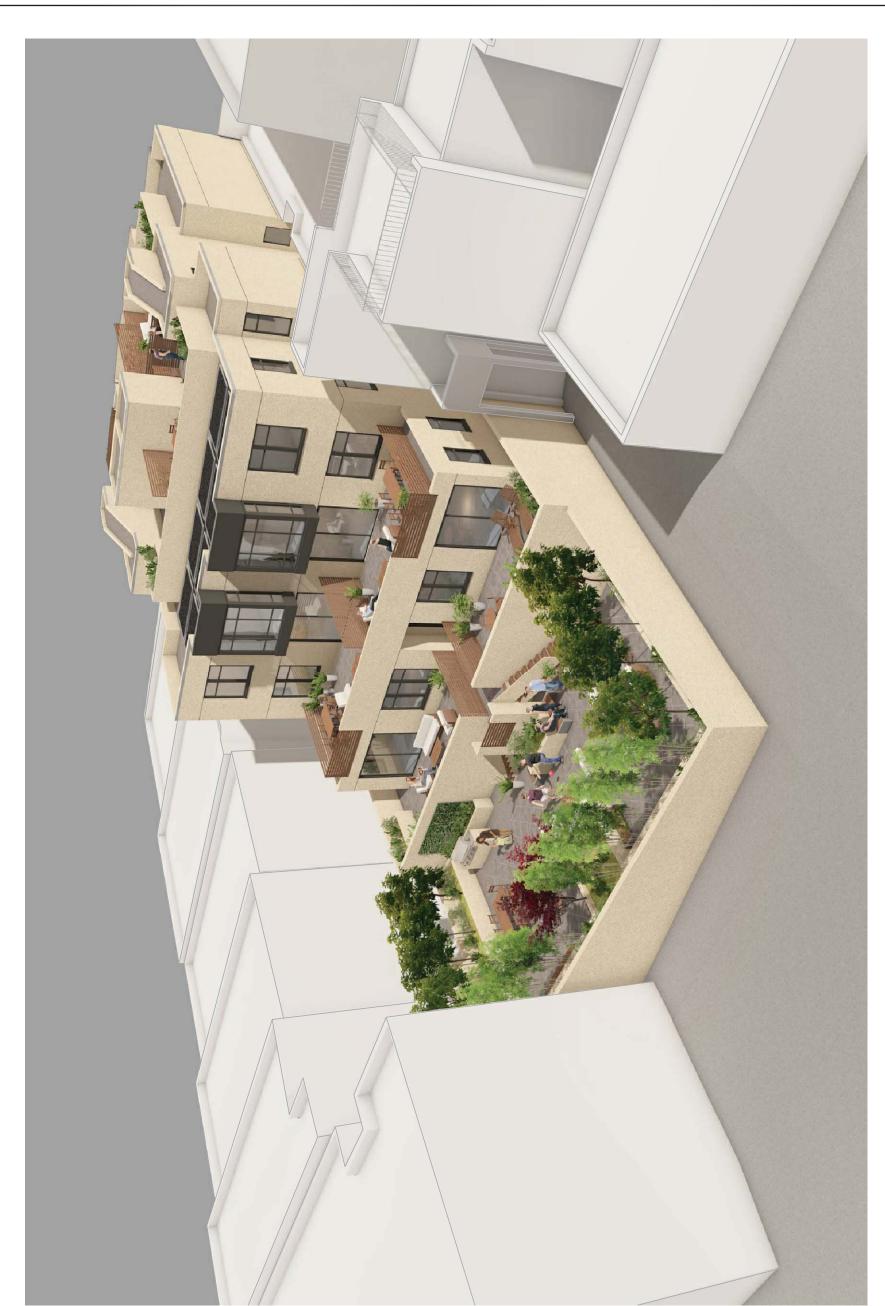
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SITE PERMIT APPLICATION	10.30.2012
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REVISION	
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OWNER REVIEW	03.14.2013
MEETING WITH PLANNING	03.20.2013
RESPONSE TO COMMENTS	04.12.2013
VARIANCE APPLICATION	06.28.2013
VARIANCE APPLICATION	06.10.2014
UDAT COMMENTS REVISION	08 19 2014
PLANNING REVISION	10.30.2014
312 NOTIFICATION	08.24.2015
PLANNING REVISION	01.27.2016

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