SAN FRANCISCO
PLANNING DEPARTMENT

Discretionary Review
Abbreviated Analysis
HEARING DATE: AUGUST 22, 2019

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date:	August 9, 2019
Case No.:	**2018-016955DRP**
Project Address:	**220 San Jose Avenue**
Permit Application:	2018.1214.8349
Zoning:	RH-3 [Residential House, Three-Family] 40-X Height and Bulk District
Block/Lot:	6513/004
Project Sponsor:	Joe Armin JZA Architecture 152 Lundys Lane San Francisco, CA 94110
Staff Contact:	David Winslow – (415) 575-9159 David.Winslow@sfgov.org
Recommendation:	**Take DR and Approve with Modifications**

PROJECT DESCRIPTION

The project consists of a 2-story, rear horizontal addition to an existing 2-story over basement one-family residence.

SITE DESCRIPTION AND PRESENT USE

The site is an approximately 29′-1″ wide x 158′ deep up sloping lot with an existing 2-story at street, one-family house built in 1900. The building is a category 'A' historical resource.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The buildings on this block of San Jose Avenue property are generally 2- 3-stories and define a rather consistent mid-block open space. This property is a deep lot immediately adjacent to a short lot (216 San Jose) to the north which abuts perpendicular lots on 24th Street. The condition of the northern neighbor's lot size in conjunction with the existing building pattern on the 24th street lot leaves the property at 216 San Jose constrained with respect to access to the mid-block open space.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	April 3, 2019 – May 3, 2019	5.3. 2019	8.22. 2019	111 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	August 2, 2019	August 2, 2019	20 days
Mailed Notice	20 days	August 2, 2019	August 2, 2019	20 days
Online Notice	20 days	August 2, 2019	August 2, 2019	20 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	1	0
Other neighbors on the block or directly across the street	1	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 REQUESTORS

DR requestors:
Vanessa and Matt Ginzton of 228 San Jose Avenue, adjacent neighbors to the South of the proposed project.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

The proposed rear addition is not compatible with the following Residential Design Guidelines:

1. Articulate Building to Minimize Impacts to Light and Privacy to Adjacent properties;
2. Design the Height and Depth of the Building to be Compatible with the Existing Building Scale at the Mid-block Open Space.

See attached *Discretionary Review Application*, dated May 3, 2019.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The project sponsor has modified plans to meet all pre-application demands from the neighbors to the South and complied with Planning Code and Residential Design Guidelines. The proposed addition will be built over the existing footprint of the existing building.
See attached *Response to Discretionary Review,* dated May 30, 2019.

RESIDENTIAL DESIGN TEAM REVIEW

The Department's Residential Design Advisory Team (RDAT) re-reviewed this and confirmed that this addition does present an exceptional or extraordinary circumstance with respect to building scale at the rear, access to mid-block open space, and light to the adjacent neighbor to the North (216 San Jose), which was acknowledged in the original RDAT review and was accompanied by the request to provide a 5′ side setback from the north neighbor's property line at the second floor addition. However, the sponsor opted to not comply with the request. As such staff finds that the project does comply with the Residential Design Guidelines (RDGs) in relation with the DR requestor's issues related to access to mid-block open space and light.

With respect to impacts to the DR requestor's property, since the subject property is North of the DR requestor, extends less than the depth of the DR requestors building, and is set back by a 3′-2″ side yard RDAT did not see any exceptional or extraordinary circumstance and deemed the proposal met the Residential Design Guidelines with respect to the property at 228-230 San Jose to the South.

The Department recommends the second story addition be set back 5′ from the northern property line to ameliorate the project from further boxing in the property to the North.

RECOMMENDATION:	**Take DR and Approve Project with Modifications**

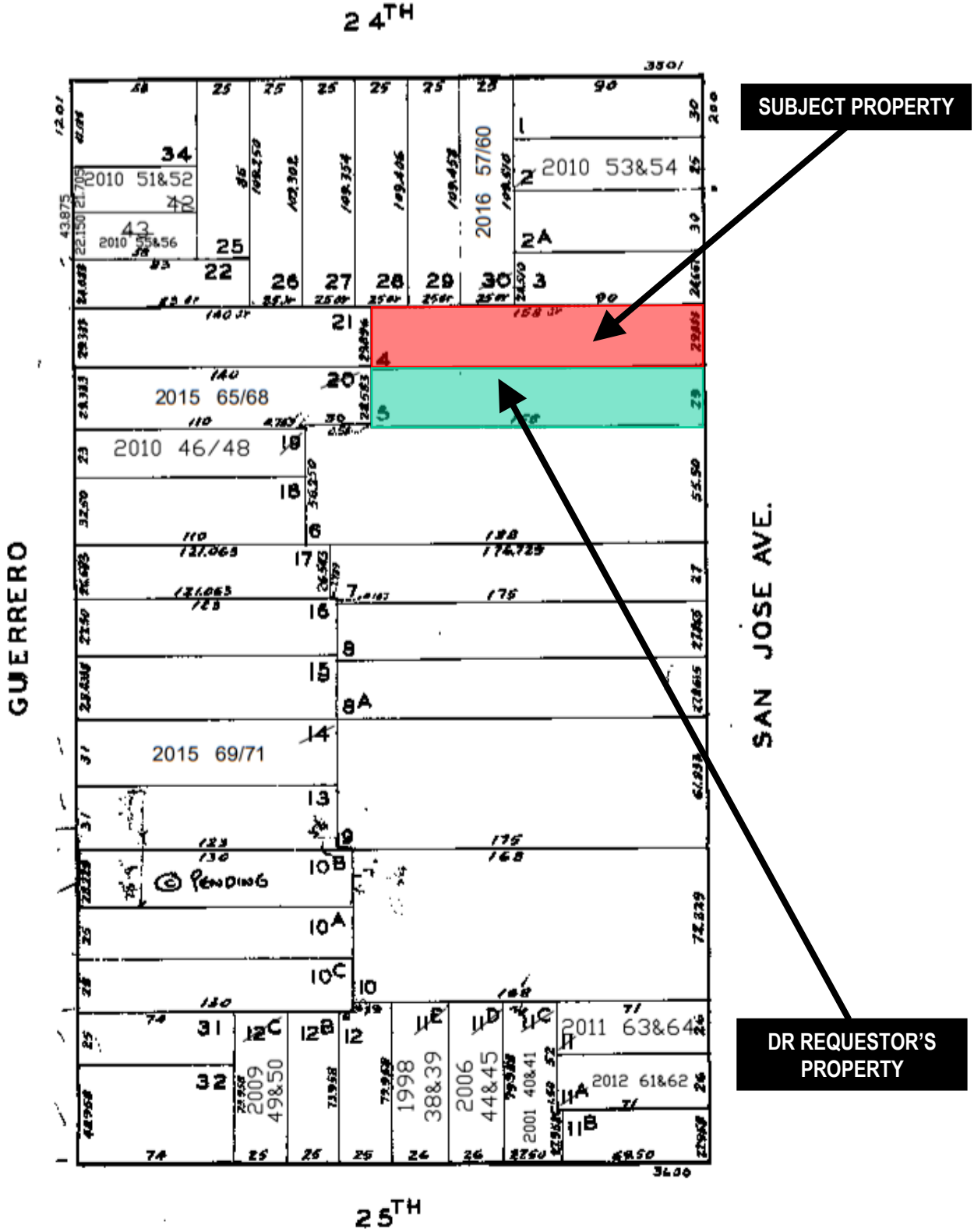
Attachments:
Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
CEQA Determination
DR Application
Response to DR Application, drawings dated May 30, 2019
Reduced Plans

Exhibits

Discretionary Review Hearing
Case Number 2018-016955DRP
220 San Jose Avenue

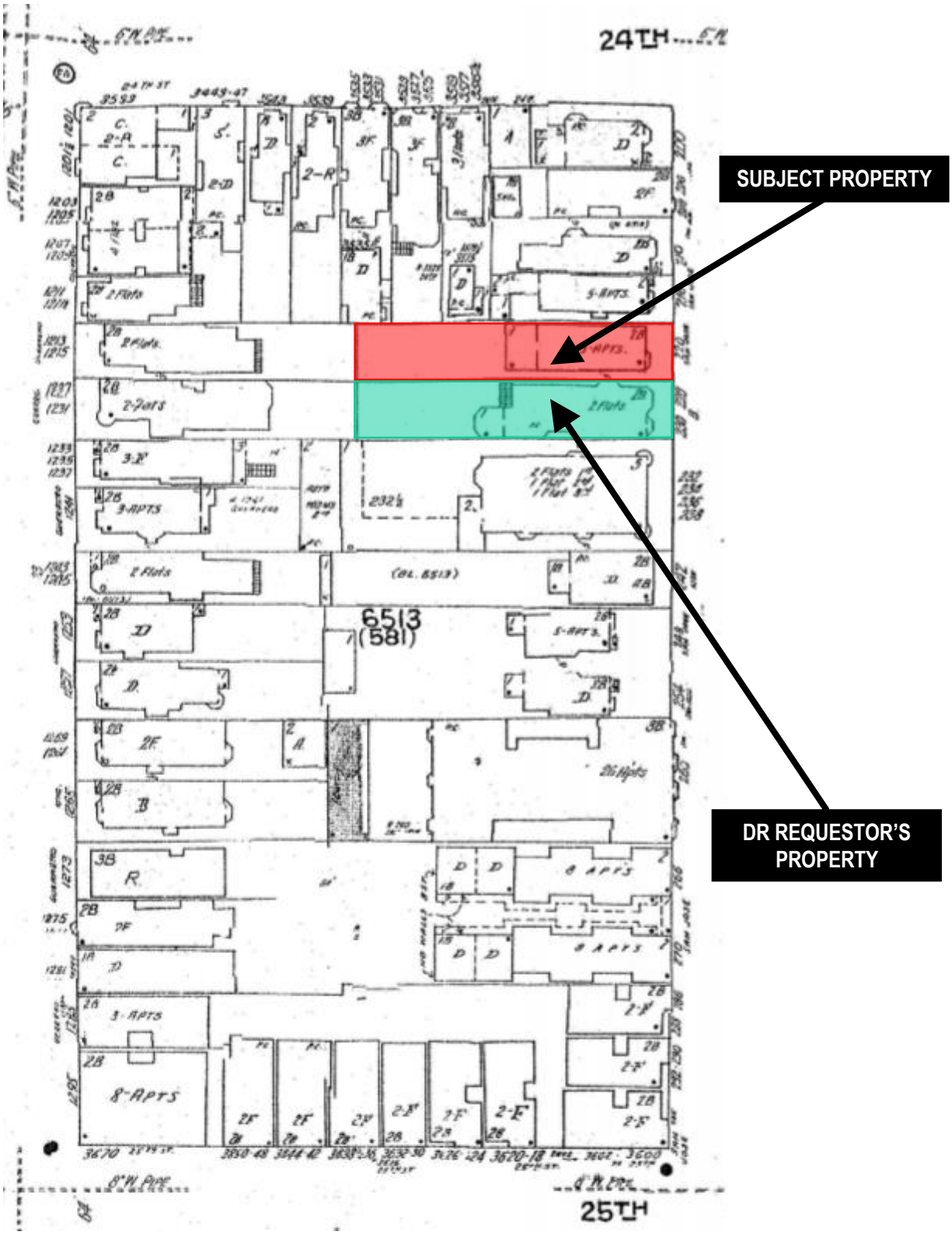
SAN FRANCISCO
PLANNING DEPARTMENT

Parcel Map



Discretionary Review Hearing
Case Number 2018-016955DRP
220 San Jose Avenue

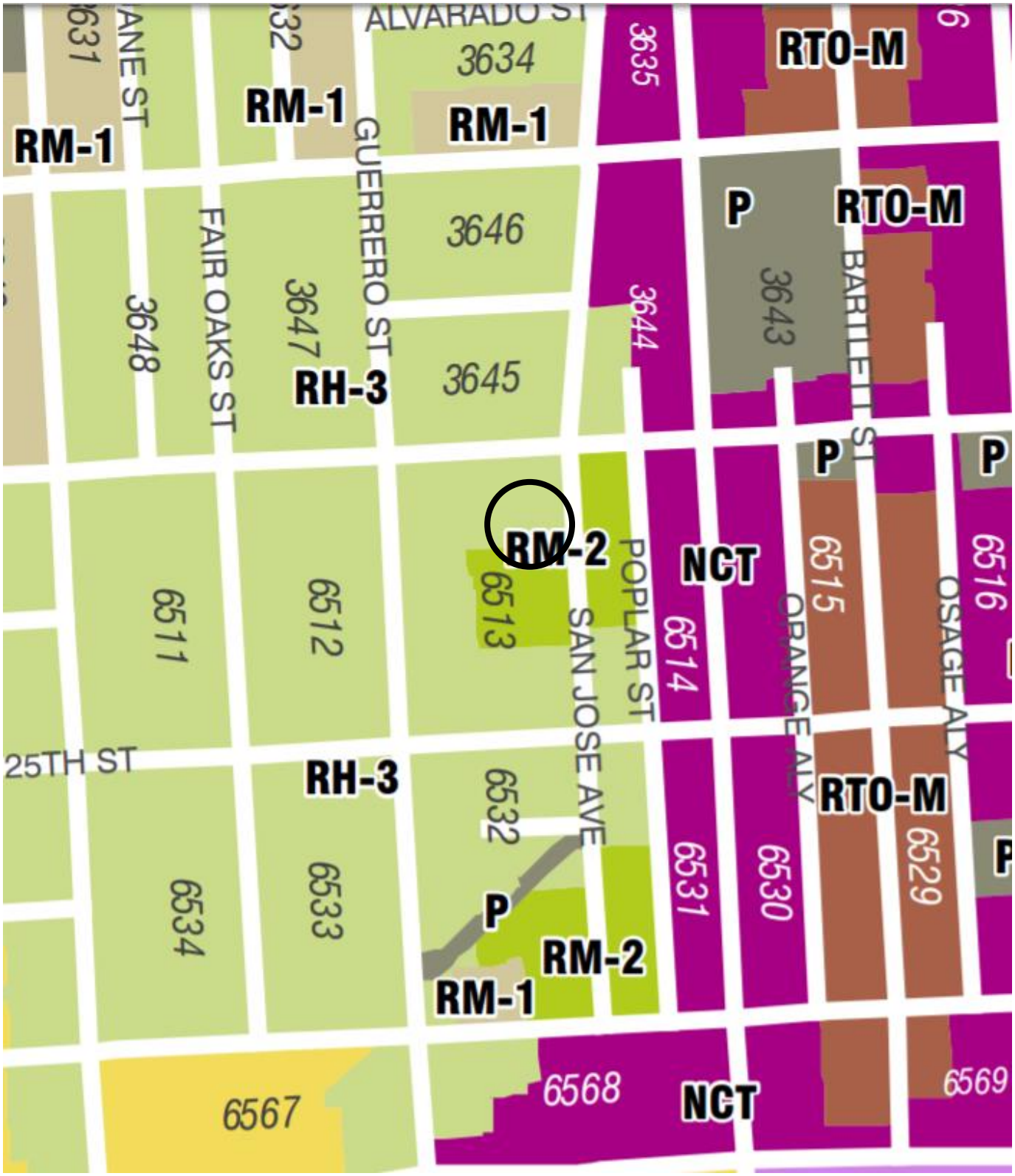
Sanborn Map*



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 2018-016955DRP
220 San Jose Avenue

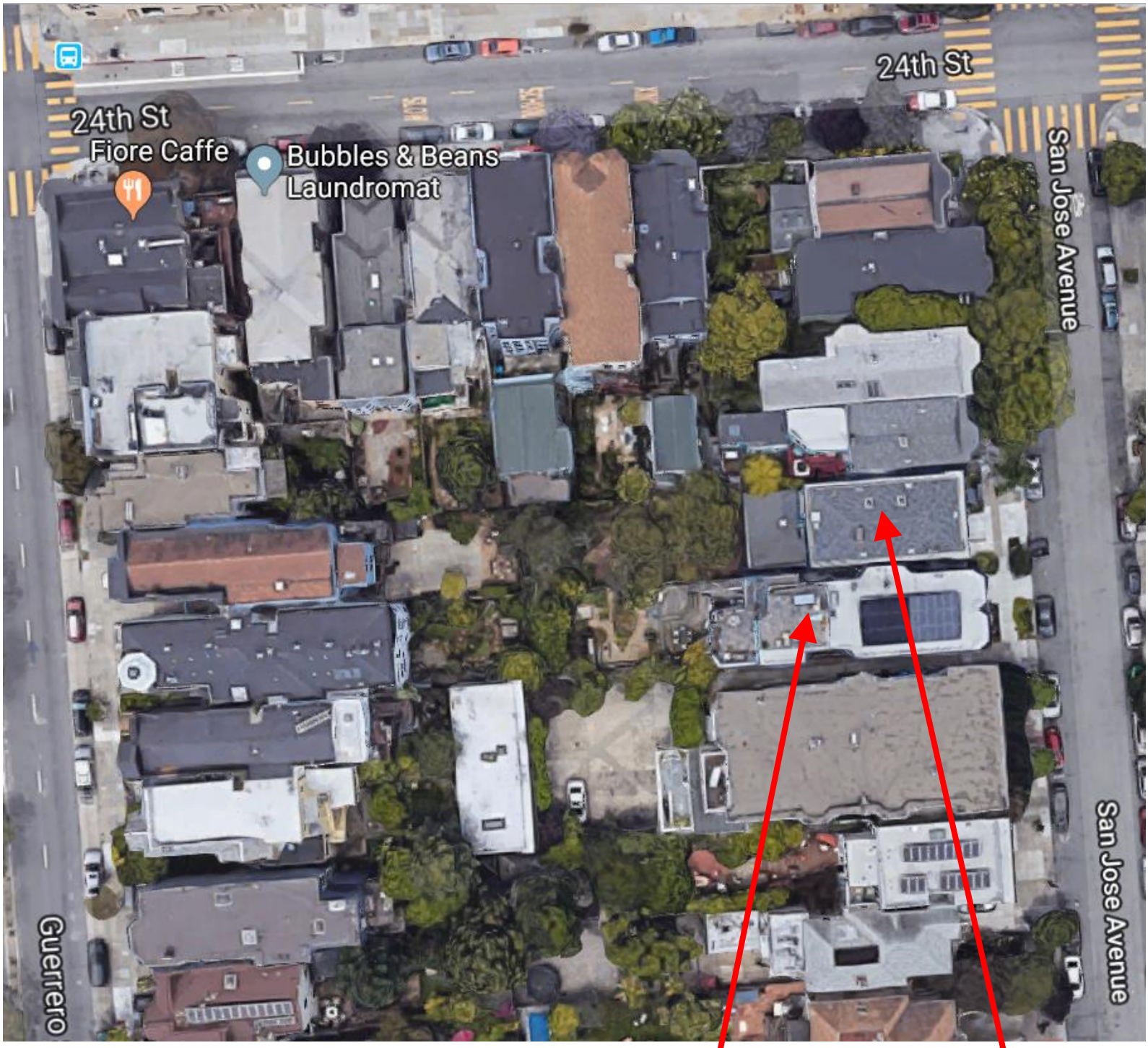
Zoning Map



Discretionary Review Hearing
Case Number 2018-016955DRP
220 San Jose Avenue

SAN FRANCISCO
PLANNING DEPARTMENT

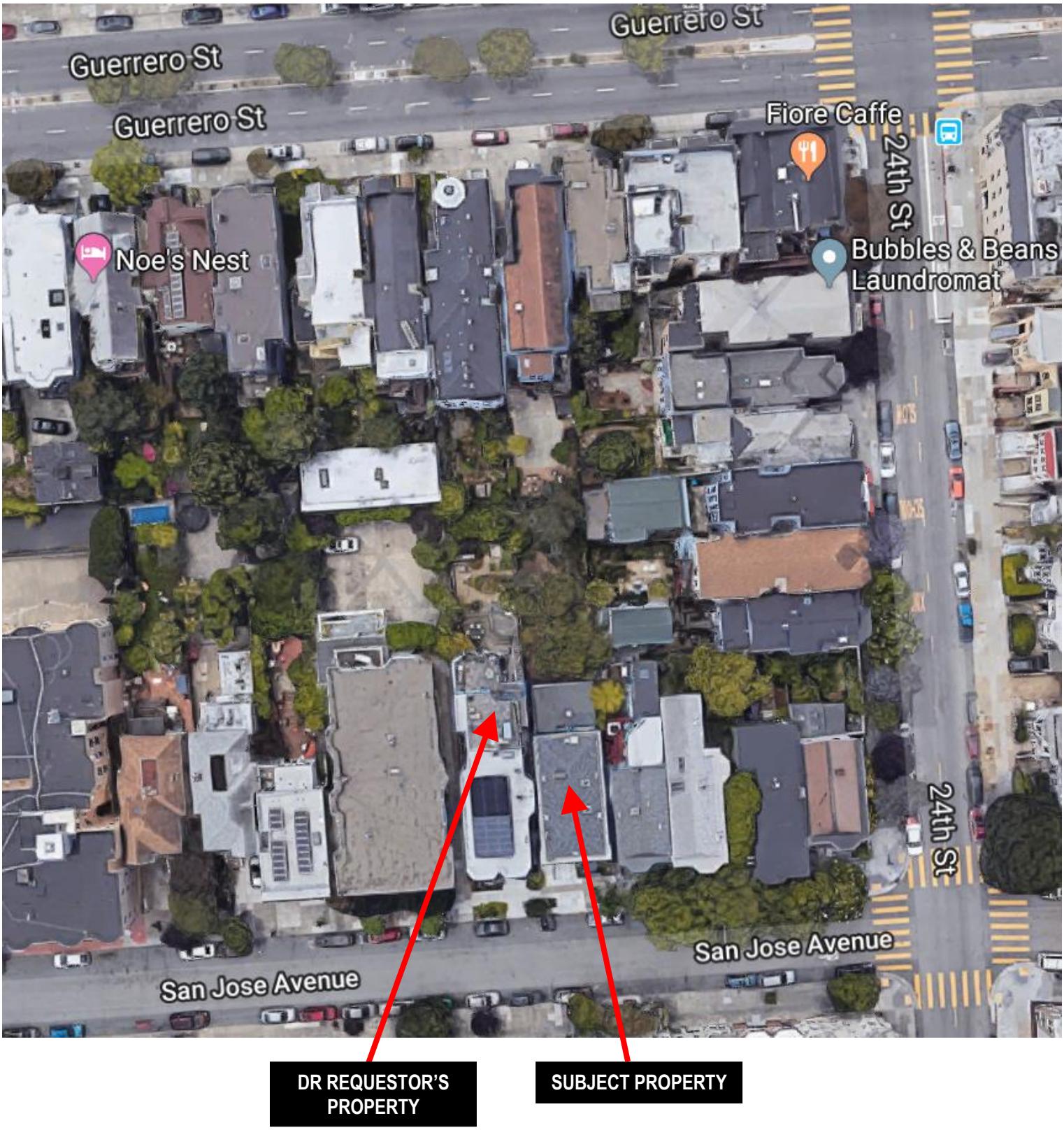
Aerial Photo



Discretionary Review Hearing
Case Number 2018-016955DRP
220 San Jose Avenue

SAN FRANCISCO
PLANNING DEPARTMENT

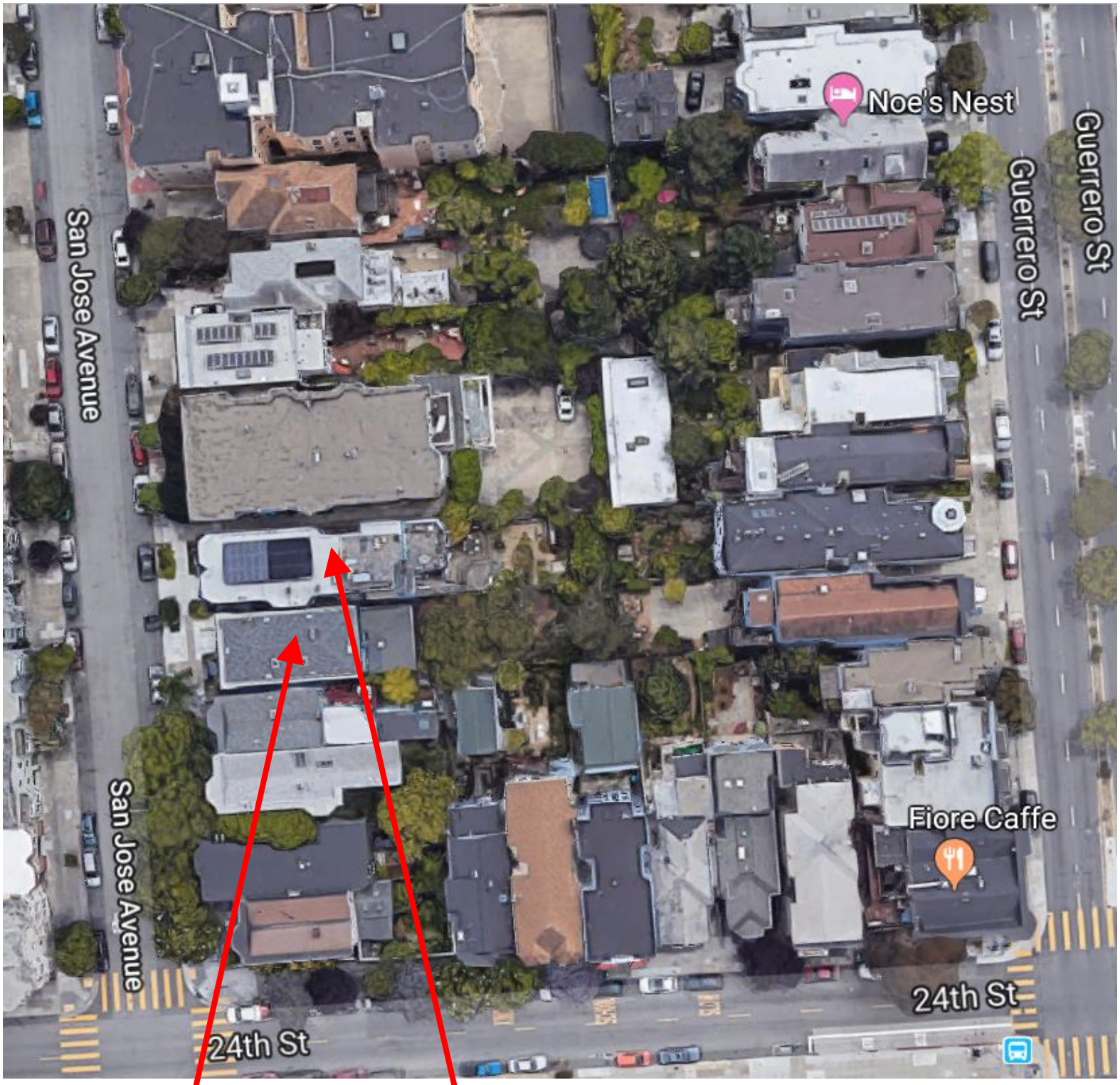
Aerial Photo



Discretionary Review Hearing
Case Number 2018-016955DRP
220 San Jose Avenue

SAN FRANCISCO
PLANNING DEPARTMENT

Aerial Photo



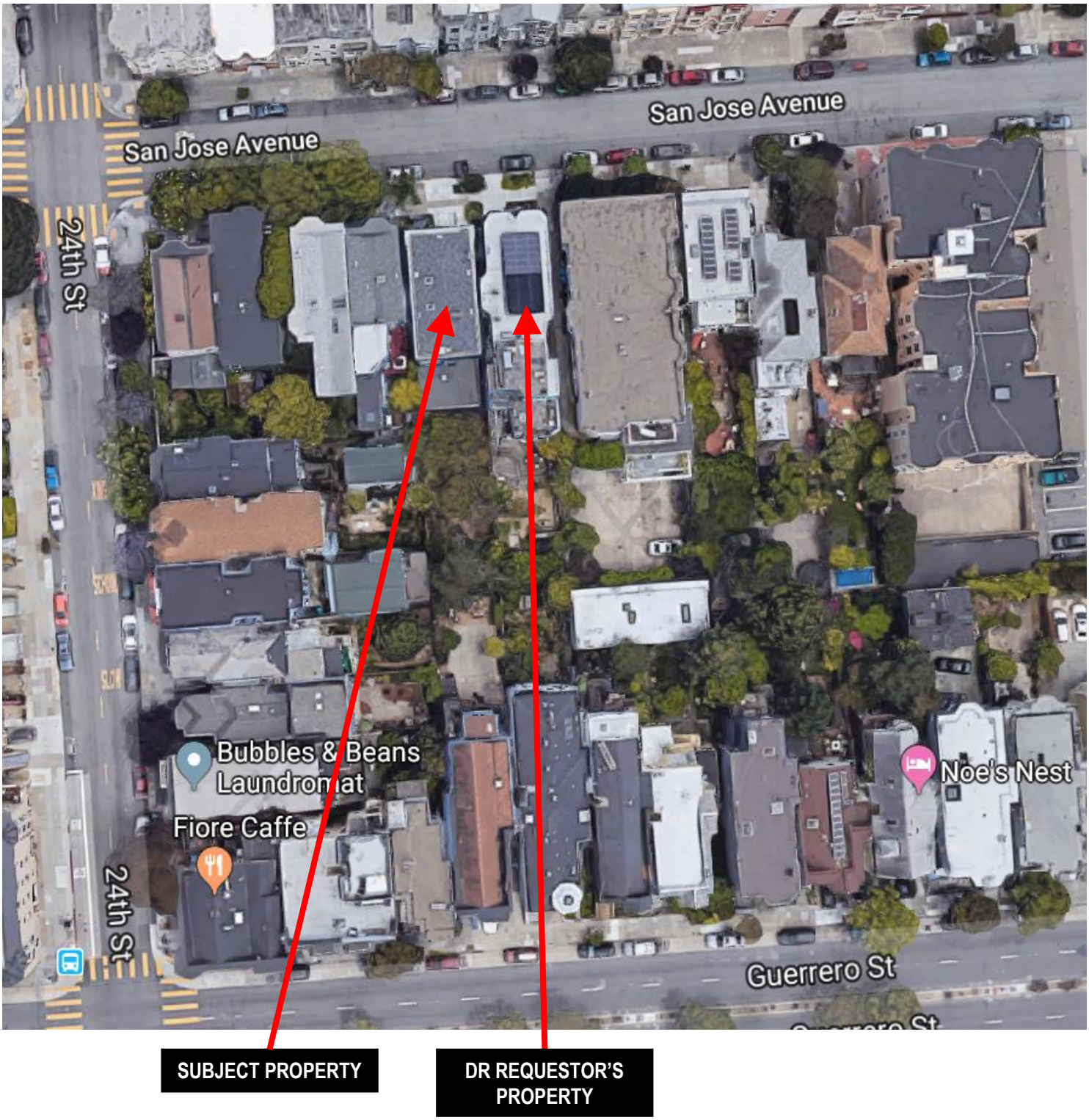
SUBJECT PROPERTY

DR REQUESTOR'S PROPERTY

Discretionary Review Hearing
Case Number 2018-016955DRP
220 San Jose Avenue

SAN FRANCISCO
PLANNING DEPARTMENT

Aerial Photo



Discretionary Review Hearing
Case Number 2018-016955DRP
220 San Jose Avenue

Site Photo

SUBJECT PROPERTY

Discretionary Review Hearing
Case Number 2018-016955DRP
220 San Jose Avenue

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **December 14, 2018**, Building Permit Application No. **201812148349** was filed for work at the Project Address below.

Notice Date: **April 3, 2019** **Expiration Date:** **May 3, 2019**

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	**220 San Jose Avenue**	Applicant:	**Joe Armin, JZA Architecture**
Cross Street(s):	**24th and 25th Streets**	Address:	**152 Lundys Lane**
Block/Lot No.:	**6513/004**	City, State:	**San Francisco, CA 94110**
Zoning District(s):	**RH-3 / 40-X**	Telephone:	**415-550-1028**
Record Number:	**2018-016955PRJ**	Email:	**jzarmin@sonic.net**

You are receiving this notice as an owner or occupant of property within 150 feet of the proposed project. **You are not required to take any action.** For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request that the Planning Commission review this application at a public hearing for Discretionary Review. Requests for a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown above, 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.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE

☐ Demolition	☐ New Construction	☐ Alteration
☐ Change of Use	☐ Façade Alteration(s)	☐ Front Addition
☑ Rear Addition	☐ Side Addition	☐ Vertical Addition

PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Front Setback	15 feet	No Change
Side Setbacks	2 feet (north), 3 feet (south)	No Change
Building Depth	69 feet	72 feet
Rear Yard	74 feet	71 feet
Building Height	37 feet	No Change
Number of Stories	2 over basement	No Change
Number of Dwelling Units	1	No Change
Number of Parking Spaces	2	No Change

PROJECT DESCRIPTION

The project is a two story, 500-square feet, 26'-6" tall, rear addition to a single family dwelling. It also includes interior remodeling and replacement of the existing roofing materials.

The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code

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To view plans or related documents, visit sf-planning.org/notices and search the Project Address listed above. Once the property is located, click on the dot(s) to view details of the record number above, its related documents and/or plans.

For more information, please contact Planning Department staff:
Ella Samonsky, 415-575-9112, ella.samonsky@sfgov.org

GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, contact the Planning Information Center (PIC) at 1660 Mission Street, 1st Floor (415) 558-6377 or pic@sfgov.org. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

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

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at www.communityboards.org for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss 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, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at www.sfplanning.org). **You must submit the application in person** at the Planning Information Center (PIC), with all required materials and a check 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. If the project includes multiple 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 Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted 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 current fees, contact the Board of Appeals at (415) 575-6880.

ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map at www.sfplanning.org. An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

SAN FRANCISCO
PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
220 SAN JOSE AVE		6513004
Case No.		**Permit No.**
2018-016955PRJ		201812148349
■ **Addition/ Alteration**	☐ **Demolition (requires HRE for Category B Building)**	☐ **New Construction**

Project description for Planning Department approval.

TWO STORY REAR ADDITION TO EXISTING SFD. INTERIOR REMODEL AT MAIN & UPPER STORIES INCLUDING REBUILDING KITCHEN & RELOCATING BATHROOMS,NET INCRESE OF 1 BED & 1 BATH @ GARAGE REAR, EXCAVATE EARTH.EXPANDING STORY INSTALL NEW INTERIOR STIARS BETWEEN GARAGE & MAIN STORIES, REDO ROOF, UPGRADE MECH, ELEC

STEP 1: EXEMPTION CLASS

Note: If neither class applies, an *Environmental Evaluation Application* is required.

■	**Class 1 - Existing Facilities.** Interior and exterior alterations; additions under 10,000 sq. ft.
☐	**Class 3 - New Construction.** Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
☐	**Class 32 - In-Fill Development.** New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. **FOR ENVIRONMENTAL PLANNING USE ONLY**
☐	**Class ____**

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.	
☐	**Air Quality:** Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (*refer to EP _ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)*
☐	**Hazardous Materials:** If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. *Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).*
☐	**Transportation:** Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
☐	**Archeological Resources:** Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (*refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)*
☐	**Subdivision/Lot Line Adjustment:** Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (*refer to EP_ArcMap > CEQA Catex Determination Layers > Topography*)
☐	**Slope = or > 20%:** Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (*refer to EP_ArcMap > CEQA Catex Determination Layers > Topography*) **If box is checked, a geotechnical report is required.**
☐	**Seismic: Landslide Zone:** Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report is required.**
☐	**Seismic: Liquefaction Zone:** Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report will likely be required.**
If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an *Environmental Evaluation Application* is required, unless reviewed by an Environmental Planner.	
Comments and Planner Signature (*optional*): Ella Samonsky	

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE

TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: *(refer to Parcel Information Map)*	
■	**Category A:** Known Historical Resource. **GO TO STEP 5.**
☐	**Category B:** Potential Historical Resource (over 45 years of age). **GO TO STEP 4.**
☐	**Category C:** Not a Historical Resource or Not Age Eligible (under 45 years of age). **GO TO STEP 6.**

STEP 4: PROPOSED WORK CHECKLIST

TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
☐	1. **Change of use and new construction.** Tenant improvements not included.
☐	2. **Regular maintenance or repair** to correct or repair deterioration, decay, or damage to building.
☐	3. **Window replacement** that meets the Department's *Window Replacement Standards*. Does not include storefront window alterations.
☐	4. **Garage work.** A new opening that meets the *Guidelines for Adding Garages and Curb Cuts*, and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
☐	5. **Deck, terrace construction, or fences** not visible from any immediately adjacent public right-of-way.
☐	6. **Mechanical equipment installation** that is not visible from any immediately adjacent public right-of-way.
☐	7. **Dormer installation** that meets the requirements for exemption from public notification under *Zoning Administrator Bulletin No. 3: Dormer Windows*.
■	8. **Addition(s)** that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
☐	Project is not listed. **GO TO STEP 5.**
☐	Project **does not conform** to the scopes of work. **GO TO STEP 5**.
☐	Project involves **four or more** work descriptions. **GO TO STEP 5.**
■	Project involves **less than four** work descriptions. **GO TO STEP 6.**

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW

TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
☐	1. Project involves a **known historical resource (CEQA Category A)** as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
☐	2. **Interior alterations to publicly accessible spaces**.
☐	3. **Window replacement** of original/historic windows that are not "in-kind" but are consistent with existing historic character.
☐	4. **Façade/storefront alterations** that do not remove, alter, or obscure character-defining features.
☐	5. **Raising the building** in a manner that does not remove, alter, or obscure character-defining features.
☐	6. **Restoration** based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

☐	7. **Addition(s)**, including mechanical equipment that are minimally visible from a public right-of-way and meet the *Secretary of the Interior's Standards for Rehabilitation*.
☐	8. **Other work consistent** with the *Secretary of the Interior Standards for the Treatment of Historic Properties* (*specify or add comments*):
☐	9. **Other work** that would not materially impair a historic district (specify or add comments): *(Requires approval by Senior Preservation Planner/Preservation Coordinator)*
☐	10. **Reclassification of property status**. *(Requires approval by Senior Preservation Planner/Preservation* ☐ Reclassify to Category A ☐ Reclassify to Category C a. Per HRER dated *(attach HRER)* b. Other *(specify)*:
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
☐	**Further environmental review required.** Based on the information provided, the project requires an *Environmental Evaluation Application* to be submitted. **GO TO STEP 6.**
☐	**Project can proceed with categorical exemption review**. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. **GO TO STEP 6.**
Comments (*optional*):	
Preservation Planner Signature:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

☐	**Further environmental review required.** Proposed project does not meet scopes of work in either *(check all that apply)*: ☐ Step 2 - CEQA Impacts ☐ Step 5 - Advanced Historical Review **STOP! Must file an *Environmental Evaluation Application.***	
■	**No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.**	
	Project Approval Action: Building Permit If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	**Signature:** Ella Samonsky 02/21/2019
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
220 SAN JOSE AVE		6513/004
Case No.	Previous Building Permit No.	New Building Permit No.
2018-016955PRJ	201812148349	
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
☐	Result in expansion of the building envelope, as defined in the Planning Code;
☐	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
☐	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
☐	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

☐	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	

Planner Name:	**Date:**

PROJECT APPLICATION RECORD NUMBER (PRJ)

San Francisco Planning

DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION

Discretionary Review Requestor's Information

Name: Vanessa and Matt Ginzton

Address: 228 San Jose Avenue
San Francisco, CA 94110

Email Address: vanessa.ozuna@gmail.com

Telephone: 620-446-9866

Information on the Owner of the Property Being Developed

Name: Meghna Subramanian and Kareem Ghanem

Company/Organization:

Address: 220 San Jose Avenue
San Francisco, CA 94110

Email Address: meghna.subramanian@gmail.cc

Telephone: 415-412-4018

Property Information and Related Applications

Project Address: 220 San Jose Avenue

Block/Lot(s): 6513/004

Building Permit Application No(s): 201812148349

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?	✔	
Did you discuss the project with the Planning Department permit review planner?	✔	
Did you participate in outside mediation on this case? (including Community Boards)		✔

Changes Made to the Project as a Result of Mediation.
If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes that were made to the proposed project.

No changes were made to the project as a result of our discussion with the applicant.

DISCRETIONARY REVIEW REQUEST

In the space below and on seperate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the standards of the Planning Code and the Residential Design Guidelines. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

Please see attached answer on following page.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be unreasonably affected, please state who would be affected, and how.

Please see attached answer on following page.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

Please see attached answer on following page.

1. **What are the reasons for requesting Discretionary Review? The project meets the standards of the Planning Code and the Residential Design Guidelines. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.**

The 3 properties at 216, 220 and 228-230 San Jose are built very close together with a careful and longstanding interplay and balance of light, space, and windows, dating back over 100 years. This project significantly harms the balance of space between these properties without respecting this longstanding relationship. Relevant principles from the Residential Design Guidelines include

- "Maintain light to adjacent properties by providing adequate setbacks": the proposed addition is too close to preexisting structures
- "Ensure that the building respects the mid-block open space": the back yard at 216 San Jose is currently part of this open space, and would be walled off from it
- Section III, "Site design": "GUIDELINE: Articulate the building to minimize impacts on light and privacy to adjacent properties." The proposed addition is not articulated and does not minimize impacts to light or privacy.
- Section IV, "Building scale and form": "An out-of-scale rear yard addition can leave surrounding residents feeling "boxed-in" and cut-off from the mid-block open space." Nearly all of the properties on the west side of San Jose Ave between 24th and 25th streets -- including the subject property before this proposal -- are stepped as they go up, with a larger lower floor and successively smaller upper floors.

2. **The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be unreasonably affected, please state who would be affected, and how.**

The large upstairs bedroom addition will block light and view of sky from kitchen areas of 2 apartments in the building to the south (228 and 230B), and block in the courtyard and windows of the building to the north (216).

The addition with these impacts feels unnecessarily large and the applicants could find multiple other ways to maintain a bedroom for the future needs of elderly family members, as the application materials suggest. The existing first floor room labeled "office" is already a bedroom; the proposal removes a 1st floor bedroom in order to add a 2nd floor bedroom while adding a 3rd sitting room on a floor that already has 2 (living room and family room) and a dining room. The proposed new bedroom suite is 600 square feet. Surely a more efficient use of space could meet the applicants' needs without undue impact on neighboring properties.

3. **What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?**

Applicants could build the rooms they desire in the ample space in the existing first floor or attic, without expanding the 2nd floor impacting neighboring properties. We suggest that for the proposed use by a retired elderly family member, a ground level room could actually work better. If expanding the 2nd floor, a smaller expansion would be preferable; the Residential Design Guidelines recommends several approaches ("provide side setbacks at the rear of the building", "set back upper floors to provide larger rear yard setbacks", "notch the building at the rear or provide setbacks from side property lines", and "reduce the footprint of the proposed addition") which each would be welcome approaches to mitigating the adverse effects of the current proposal.

DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

a) The undersigned is the DR requestor or their authorized representation.

Vanessa Gmz

Signature

Vanessa Ginzton

Name (Printed)

Relationship to Requestor
(i.e. Attorney, Architect, etc.)

620 - 446 - 7866

Phone

vanessa.ozuna@gmail.com

Email

For Department Use Only

Application received by Planning Department:

By: _____ Date: _____

Dear San Francisco Planning Department,

I Victoria Kardum, live at 216 San Jose Ave, next door to the proposed renovation property of 220 San Jose Ave, SF, CA 94110.

I have lived in the building, and this apartment for 30+ years and my family has owned the Property for 50+ years.

The proposed enlargement of 220 San Jose Avenue, would greatly affect my property. My backyard would become a cave, it would be boxed in by the upper level addition, also taking warmth from the property itself as much heat is from sun load.

We are concerned about losing the light, heat, sun, and that our property value will be greatly affected.

We kindly requested the owners of 220 San Jose Ave, reconsider the second story addition, as we are opposed to it. I personally am intimately familiar with the subject property as the woman living there for many years was very close to my family. That property has a very large stand up attic that could be made into another entire floor of whatever the occupants chose, without adversely affecting their neighbors on both sides.

We are in agreement with Matt Ginzton and Vanessa Ozuna Ginzton and are in support of their request for a Discretionary Review of the remodel of 220 San Jose Ave. We very much would appreciate the removal of the second level addition. We suggest using the attic in its stead, since there are alternatives within the footprint of the property, we believe they should use the alternative rather than changing what for me has been my entire lifetime in this neighborhood and depriving me, my family and tenants sunlight and putting us in shadow, as well as the light of the neighbors Vanessa and Matt and their tenants on the other side of the subject property.

Respectfully yours,

Victoria Kardum
George A. Kardum
216 San Jose Ave #3
San Francisco, CA 94110

27
EL CORAZÓN

EL CORAZÓN
BOSCH

San Jose Ave
San Jose Ave
216
220
228-230
Most houses on block step upper floors back, smaller than lower floors

RESPONSE TO

DISCRETIONARY REVIEW (DRP)

San Francisco Planning

SAN FRANCISCO PLANNING DEPARTMENT
1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103-2479
MAIN: (415) 558-6378 SFPLANNING.ORG

Project Information

Property Address: 220 San Jose Avenue Zip Code: 94110

Building Permit Application(s): 201812148349

Record Number: 2018-016955PRJ Assigned Planner: Ella Samonsky & David Winslow

Project Sponsor

Name: Joseph Armin Phone: 415-550-1028

Email: jzarmin@sonic.net

Required Questions

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.)

Please See Attached

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.

Please See Attached

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 explaination of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

Please See Attached

Project Features

Please provide the following information about the project for both the existing and proposed features. **Please attach an additional sheet with project features that are not included in this table.**

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)	1	1
Occupied Stories (all levels with habitable rooms)	2	2
Basement Levels (may include garage or windowless storage rooms)	1	1
Parking Spaces (Off-Street)	2	2
Bedrooms	4	4
Height	39’-5”	39’5”
Building Depth	68’-8”	72’-2”
Rental Value (monthly)		
Property Value		

I attest that the above information is true to the best of my knowledge.

Signature: **Date:** May 30, 2019

Printed Name: Meghna Subramanian

☑ Property Owner
☐ Authorized Agent

If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.

220 San Jose Ave. Property Owners' Response to DR Application

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1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.)

We have proposed a modest addition over the existing footprint of our house to accommodate our multigenerational family (2+ children, 2 adults, and 2 grandparents) in the coming years. We've modified our plans to meet all pre-application demands made of us by our South Neighbors (228 and 230 San Jose Ave), and the Planning Department and RDAT reviewed our plans and concluded that, with the modifications, they comply with the Planning Code and Residential Design Guidelines.

In now opposing our proposed addition, the South Neighbors complain about the flow of light to two sets of north-facing windows at the property line without explaining that, in 2012, they erected a 3-story tall wall at the property line that shades the area facing these windows. They have also expressed some privacy concerns, even though our windows will not overlap or face theirs and even though we've promised to install privacy screens on our windows.

We believe the South Neighbors identify no exceptional or extraordinary circumstances, and for reasons that we hope will become clear over the course of our response, we are very concerned with the circumstances surrounding this DR application. We respectfully urge the Planning Commission to decline to take DR.

Our proposal is modest in relation to other buildings on our block, and especially in relation to the South Neighbors' home

Our proposed addition will be built almost entirely on our home's existing footprint, and will continue to be set back by 3 feet from the South Neighbors' property line down the entire length of our home. Our home will also fit conservatively within the building patterns on both sides of the mid-block area because even with the addition, the second floor of our home will not reach as deeply into the yard as many of the upper floors of other buildings on the block (including the South Neighbors' own second floor). We worked hard to preserve the existing mid-block open space and the neighboring properties' connection to it, in addition to our home's existing setbacks.

With specific reference to the South Neighbors, even after our addition is complete, it will be more than 5 feet shorter in height and our house will be 10 feet shorter in length than their home, a 5,000+ square foot, 3-unit building with internal access to all units that they use as a family residence for themselves, their 2 children, and 2 grandparents, and in which an entire unit of the building functions as a children's play area and guest room. *See* **Exhibit 1.**

The South Neighbors' property-line windows aren't an exceptional or extraordinary circumstance because the areas of concern receive light and air from other sources

The Planning Department has repeatedly concluded that windows built at the property line are non-conforming conditions that are not protected by the Planning Code, and do not present exceptional or extraordinary circumstances, especially if there are other sources of light and air to the area of concern. *See* **Exhibit 2.**

The South Neighbors' property-line windows face north and receive almost no direct light today. Instead, these areas of their home receive light and air through numerous other sources, including glass doors and windows that face west towards the rear of the South Neighbors' building into their yard and that will be unaffected by our addition. *See* **Exhibit 3.** And because the South Neighbors' building will still be taller than ours, the indirect or ambient light to the property-line windows on the third floor will be largely unaffected by our addition. *See* **Exhibit 1.**

The impact to the South Neighbors' property line windows is the direct result of their decision to build an unnecessary 3-story tall, 7-foot wide wall at the property line

Seven years ago, before we bought our home, the South Neighbors completed an extensive renovation that, among other things, added multiple roof decks onto their property and external stairs connecting those roof decks. *See* **Exhibit 4.** The South Neighbors chose to place these stairs near the property line, which necessitated a 3-story tall, 7-foot wide fire-rated wall at the property line.

Because of these choices, the South Neighbors' wall shades the area facing the property-line windows that are the focus of this DR application. Even when light is abundant, such as during late spring/early summer, the area in question is shaded until the early evening. *See* **Exhibit 5.** Had they not erected this wall, the South Neighbors

would receive significantly more light to their areas of concern. Yet they complain about our addition, which will impact their home significantly less by comparison.

Neither the Planning Code nor the Residential Design Guidelines allow the South Neighbors to use their own poor planning and design choices to curtail our rights to build a modest addition that is well within the rules and is needed to support our own multigenerational family.

We satisfied all of the South Neighbors' pre-application demands

We extensively modified our plans well before this DR application was filed to completely flatten the roof over our addition, reducing the height of the addition by 7 feet, and improve light flow by removing the eaves at the perimeter of the roof, meeting the South Neighbors' demands as they laid them out at the pre-application meeting. *See* **Exhibits 6 (Declaration of Joe Armin) and 7 (Declaration of Zarin Gollogly).**

To address any privacy concerns, our design staggers the placement of our windows so that in the area of concern, none of our windows will overlap the South Neighbors' windows. *See* **Exhibit 1.** We also promised to add privacy screens to our windows to obscure any activity within our home.

By meeting the South Neighbors' demands, we believe we followed the letter and spirit of the Planning Department's pre-application process, identifying possible issues of contention early and making reasonable tradeoffs to accommodate our neighbors. And we were heartened when the Planning Department and RDAT reviewed our project and expressed no concerns about the impact of our addition on the South Neighbors' property.

Against that backdrop, this DR application truly surprised us. We were confused about why it was filed, and to see that it proposes no specific alternative other than for us to scrap plans for an addition and instead make do with the existing space within our home.

We also didn't understand why the South Neighbors waited until the final day of the 311 notification period to file, without first reaching out to us as the Planning Department urges, or why the DR application says that "no changes were made to the project as a result of our discussions with the applicant" when that isn't true.

After the DR application was filed, we continued trying to negotiate, but now believe the Planning Commission needs to intervene

Over the course of three meetings with the South Neighbors since the DR application was filed, we've grown concerned that the integrity of the Planning Department process hasn't been respected here.

First, the South Neighbors falsely state that we did not change our project following our discussions with them.

In reality, we modified our project to meet all of the South Neighbors' pre-application demands, as described in our response to question 2. But when we met with the South Neighbors after the DR application was filed, they said they had now decided to firmly oppose any addition to our home that was visible from or in any way impacted the light to their windows, and that our earlier modifications were insufficient. The South Neighbors went through 311 notification for their own renovation several years ago and surely understand the importance of the pre-application process in surfacing and resolving neighbors' concerns early in order to avoid unnecessary or meritless DRs. We never received a satisfactory explanation for why the South Neighbors raised their new concerns only at the eleventh hour, and why they didn't tell the truth on their application.

Second, we believe the South Neighbors elicited and included the North Neighbor's opposition solely to distract from the shortcomings of their objections.

Because the DR application focuses heavily on concerns that are specific only to the North Neighbor, we wanted to understand whether we should speak directly with her in addition to the South Neighbors. We learned from the South Neighbors that they had actually encouraged the North Neighbor to file her own DR application and that she didn't want to do so. Although they highlight issues specific to the North Neighbor, the South Neighbors said they filed this DR application on their own behalf, and not on behalf of the North Neighbor. Soon after the DR application was filed, the South Neighbors told us that they would withdraw it if we modified our plans to their satisfaction. *See* **Exhibit 8.**

As our meetings with the South Neighbors centered exclusively on their concerns and not on impacts to the North Neighbor, it became clear to us that the North Neighbor's issues are not especially pertinent to this DR application. For this and other reasons, we concluded that the South Neighbors seem to have invoked the North Neighbor to make the DR application seem more sympathetic than it is, and perhaps to mask that they extensively renovated their own home and are now seeking to prevent us from completing a comparatively modest renovation of a smaller house.

Third, the South Neighbors have rejected every reasonable compromise we've proposed. Despite our discomfort with the circumstances surrounding this DR application, we offered additional concessions to encourage them to withdraw this application (these are described in our answer to question 2) but the South Neighbors rejected every reasonable offer.

At this point, we've grown uncomfortable with what appears to be disregard for the integrity of the Planning Department pre-application process and misuse of the DR process, and we hope the Planning Commission will reject this DR application.

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 change and indicate whether they were made before of after filing your application with the City.

We have proposed 7 substantial modifications to the project to address our neighbors' concerns. This is in addition to considerations we took into account prior to presenting our plans to the South Neighbors before and during the pre-application meeting (which are described in response to question 3).

Changes to our plans after the pre-application meeting

At the pre-application meeting, the South Neighbors requested that we either flatten the roof over our second story addition, or alternatively move the addition further away from their property by 1-2 feet. After the pre-application meeting, we made the following changes:

- To improve the flow of light and air to the South Neighbors' property, we removed a proposed eave that was 1.5 feet deep at the roof of our house.

- We promised to install privacy film on our windows to mitigate any privacy concerns, even though the South Neighbors' windows generally look down and into our home and even though they have never installed privacy filters of their own

We made two additional offers that the South Neighbors rejected.

- We offered to paint our home a light color to increase the reflective light available to their home in the area of concern.

- We offered to install lighting at our expense to brighten the affected area during the day when it is shaded by the South Neighbors' wall at the property line.

220 San Jose Ave. Property Owners' Response to DR Application

Changes to our plans after submission to the Planning Department and before the DR application was filed

- During extensive back and forth discussions with the Planning Department and RDAT to address their concerns about the connection between the North Neighbor's courtyard and the mid-block open space, we completely flattened the roof over the proposed addition, voluntarily reducing the overall height of the addition by 7 feet and satisfying the Planning Department and RDAT, while also meeting the South Neighbors' pre-application demand that we either flatten the roof, or alternatively move the addition 1-2 feet further away from their property. *See* **Exhibits 6 and 7.**

Proposals we made after the DR application was filed

- We offered to expand from 6 feet to 8 feet the distance between our proposed bathroom and the South Neighbors' property in an area that faces and overlaps with their property-line windows. *See* **Exhibit 9.**

- We offered to angle the walls at the rear of the addition to cut the corners off of both floors of our building and facilitate increased light and air flow to both neighbors. *See* **Exhibit 9.**

The South Neighbors rejected both of these offers.

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 have proposed a modest addition over the existing footprint of our home, and we modified our plans extensively to meet all of the South Neighbors' pre-application demands, and to successfully incorporate RDAT's feedback during their review. We also considered numerous other alternatives to the proposal we submitted to the City, such as expanding into our attic or deeper on our first floor, but each came with unacceptable drawbacks, as explained below.

We believe our proposal correctly balances competing interests and that additional changes would be unfair and unwarranted at this juncture — after we've expended considerable time and money developing and refining plans that clearly comply with the Planning Code and Residential Design Guidelines — especially because our neighbors have rebuffed each of our multiple reasonable compromise proposals.

We are remodeling our home so that we can raise our children and care for our parents here

Our overarching goal for this project is a common one — we seek to modestly alter our home to meet our family needs in the coming years. We will soon have 6+ family members living in our home (2+ young children, 2 parents (us), and 2 grandparents). For safety and so we can effectively care for our family, we need all of our bedrooms to be on the same floor of the house. Our master bedroom must also serve as a home office because Meghna runs her business from home.

We considered but decided not to build in our attic because it would alter our home's historic facade and would not meet our family's needs

Soon after retaining an architect, we explored expanding above our second floor into our attic. Our hope was that this might help us meet our needs while avoiding impacts on our neighbors, but it became clear that this would not work for a number of reasons:

- Our attic does not meet the minimum ceiling height requirements of the California Building Code and would need to be significantly overhauled to make it truly habitable.

- Making the attic space habitable would cause it to be visible from the front of the house, which is impermissible and would mar the exterior appearance of a historic resource home like ours.

- As we considered our family's needs, we concluded that adding a third-floor addition would frustrate our ability to care both for our young children and our aging parents. Shortly after our architect prepared preliminary drawings for a first floor expansion, one of our parents came to stay with us following cataract surgery and lived for several days in our first floor office. She was uncomfortable and felt unsafe sleeping so far from the rest of the family on a different floor of the house, and it made it difficult to care for her at a time when she felt vulnerable.

We decided to minimize our expansion into the rear yard so that we could maximize the light available to our North Neighbor, maximize the available mid-block open space, avoid threatening the vitality of a 40-60 year old pine tree in our yard, and effectively serve our family's needs

In a further effort to avoid unnecessary impact to our neighbors, we also asked our architect to explore expanding our first floor deeper into our rear yard instead of building above it. This too proved impossible for the following reasons:

- Adding a bedroom and bathroom on the first floor would have required cutting down a beautiful pine tree in our rear yard that an arborist estimated to be between 40 and 60 years old. *See* **Exhibit 10.**

- Additionally, for the same reason that a third-floor addition wouldn't serve our family's needs (explained above), a first-floor addition wouldn't serve our family because it would require placing one bedroom far from the others.

When a second floor addition appeared inescapable, we also explored whether we could narrow it (to move it further away from the neighbors' respective properties) while pushing a bit more deeply into the rear yard to capture the lost square footage. This too proved problematic for the following reasons:

- Expanding the second floor deeper into the yard by even a few feet would erode the North and South Neighbors' access to light and air. For example, narrowing the second floor addition by 4 feet on both sides would require building 10 feet deeper into the yard than we currently plan, and narrowing it by 3 feet on both sides would require building 7 feet deeper into the yard.

- Expanding the first floor deeper into the yard (a necessary corollary to expanding the second floor deeper into the yard) would introduce substantial unusable, unwanted space on the first floor.

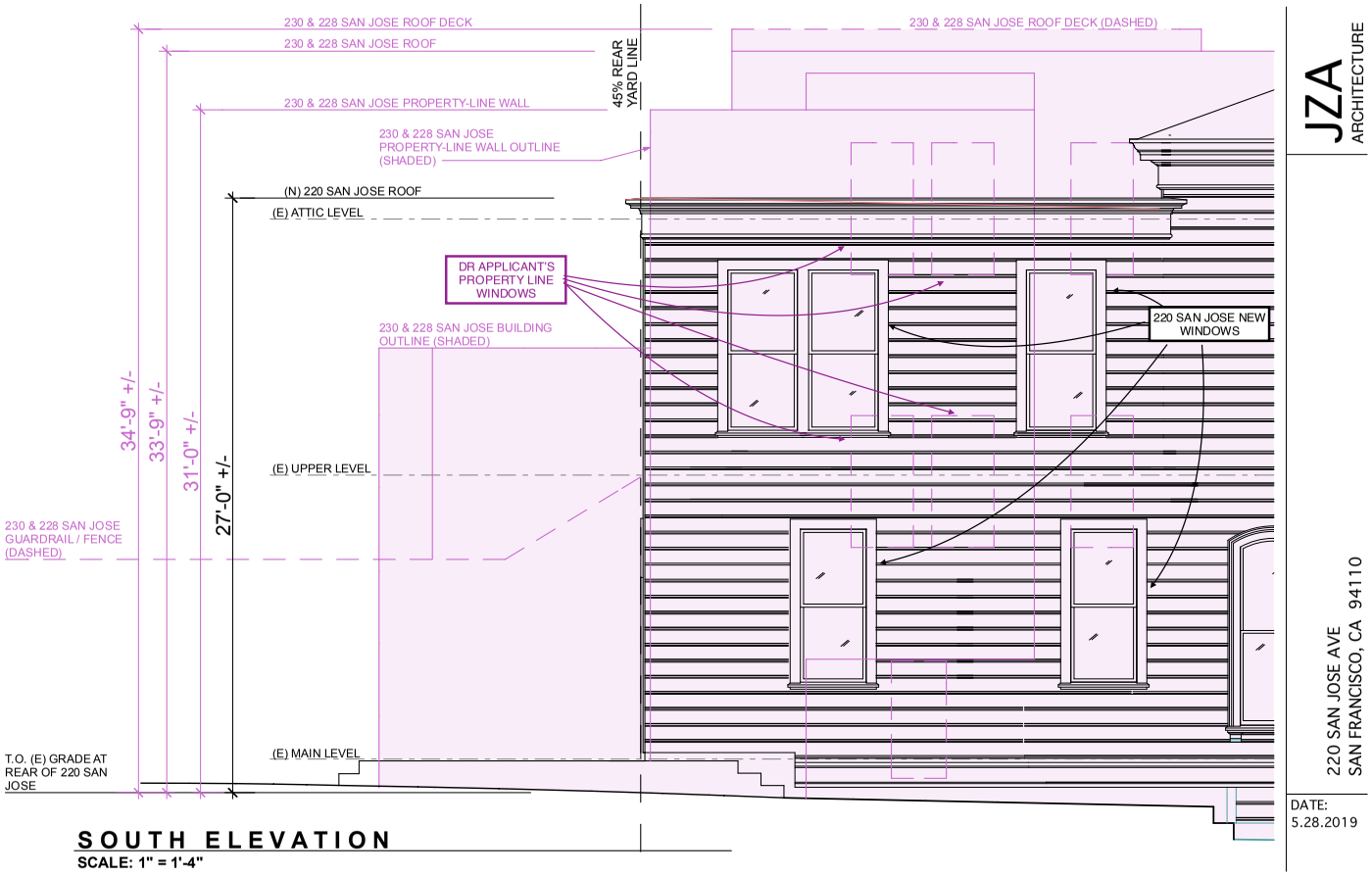
- Additionally, expanding the second floor deeper into the yard than we currently plan to even by a few feet would risk endangering the pine tree.

Additional changes would unfairly burden us given that our plans already comply with the Planning Code and Residential Design Guidelines

We have diligently followed the Planning Department process, exhaustively considered alternative proposals, and repeatedly revised our plans to incorporate feedback from our neighbors and guidance from the Planning Department and RDAT. We've invested significant time and money getting to a point where our plans unambiguously comply with the Planning Code and the Residential Design Guidelines. To further amend our plans, particularly given that our South Neighbors propose no reasonable alternatives and have repeatedly rejected every compromise we've offered, would unfairly burden us and unnecessarily strain what we have always intended to be a modest renovation project.

Exhibit 1

Our Proposed Addition in Relation to DR Applicant's Building



SOUTH ELEVATION

SCALE: 1" = 1'-4"

Exhibit 1

Our Proposed Addition in Relation to DR Applicant's Building

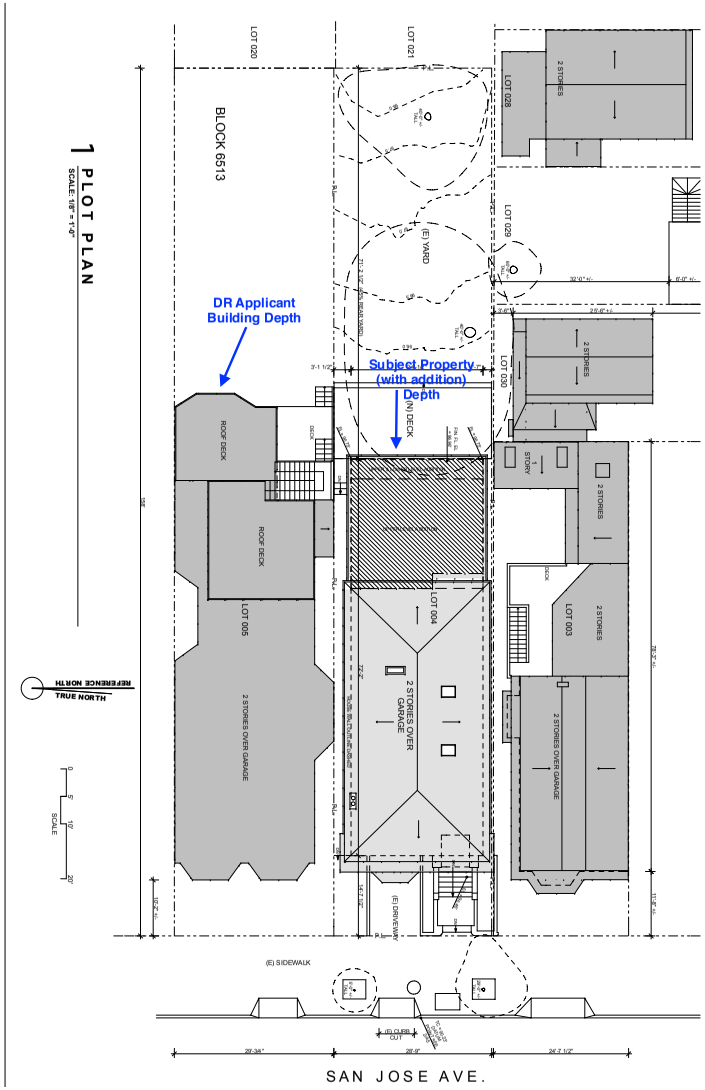


Exhibit 2

Recent DR Cases Involving Property-Line Windows

1) DR Case #: 2016-002865DRP

Hearing Date: March 15, 2018
Project Address: 1889-1891 Green Street

In the Discretionary Review Abbreviated Analysis, the Residential Design Team noted, **"Nothing in the Planning Code or the Residential Design Guidelines protects non-required property line windows."**

At the DR Hearing, the Planning Commission determined that there were no "exceptional or extraordinary circumstances" with regards to the property line windows.

2) DR Case #: 2017-009924DRP

Hearing Date: November 29, 2018
Project Address: 2601 Diamond

In the Discretionary Review Abbreviated Analysis, the Residential Design Team noted, **"Property line windows, a non-complying condition, are not protected by Planning Code or guidelines."**

At the DR Hearing, the Planning Commission declined to take DR, seeing nothing "exceptional or extraordinary."

3) DR Case #: 2017-015997DRP

Hearing Date: October 4, 2018
Project Address: 1871 Green Street

In the Discretionary Review Abbreviated Analysis, the Residential Design Team noted, **"The Planning Department does not make any provisions about maintaining or protecting property line windows, as they are typically non-complying features. By the description of the DR applicant they are not required for light and air to habitable rooms, therefore this is not an exceptional or extraordinary condition."**

At the DR Hearing, the planning commission declined to take DR, seeing nothing "exceptional or extraordinary" about the windows at the property line being closed off.

4) DR Case #: 2017-003986DRP-02

Hearing Date: May 3, 2018
Project Address: 739 De Haro Street

In situation where, among other complaints, property-line windows were being covered by a proposed addition, the Residential Design Team noted in the Discretionary

Exhibit 2

Recent DR Cases Involving Property-Line Windows

Review Abbreviated Analysis, **"The Residential Design Advisory Team (RDAT) reviewed the Project . . . and found that the Project does not demonstrate exceptional or extraordinary circumstances and meets the standards of the Residential Design Guidelines (RDGs)."**

At the hearing, the Commission found no exceptional or extraordinary circumstances and rejected DR, noting while "there's going to be an impact to [the DR Applicant] from the covering . . . of lot line windows[, w]e see that often. It's unfortunate, but they're kind of there, and not protected under the rule."

Exhibit 3

South Neighbors Have At Least Three Other Sources of Light and Air in Room with Property-Line Windows

Note: Red windows are non-property line windows that will be unaffected by our addition. Blue windows are north-facing property-line windows, from which our addition will be set back from the property line by 3 feet.

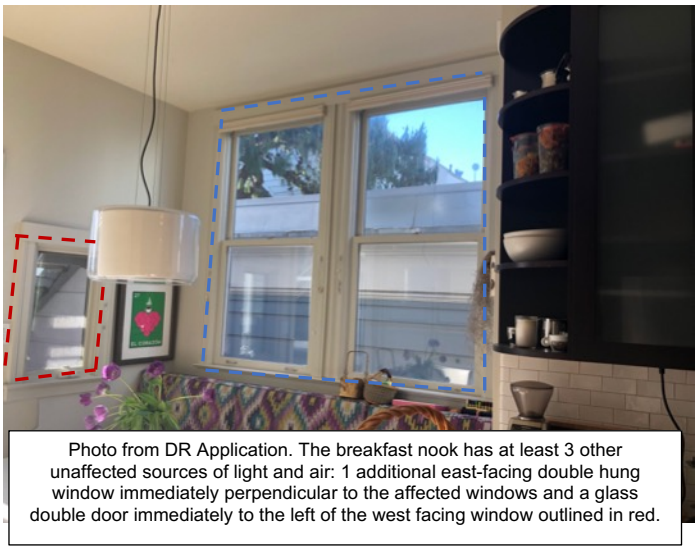


Photo from DR Application. The breakfast nook has at least 3 other unaffected sources of light and air: 1 additional east-facing double hung window immediately perpendicular to the affected windows and a glass double door immediately to the left of the west facing window outlined in red.

Photo taken from our back yard looking east at the rear of both properties – shows glass back door that goes from breakfast nook into back yard

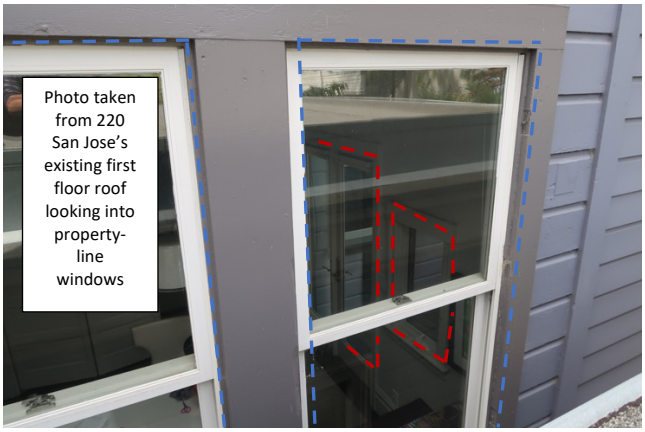


Photo taken from 220 San Jose's existing first floor roof looking into property-line windows

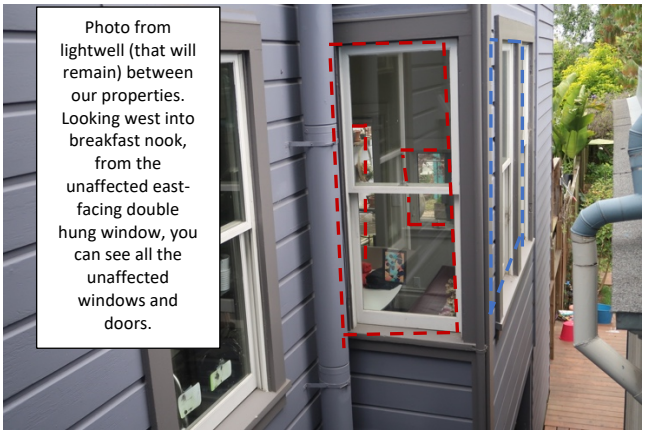


Photo from lightwell (that will remain) between our properties. Looking west into breakfast nook, from the unaffected east-facing double hung window, you can see all the unaffected windows and doors.

Exhibit 4

DR Applicant's Property

Exhibit 4

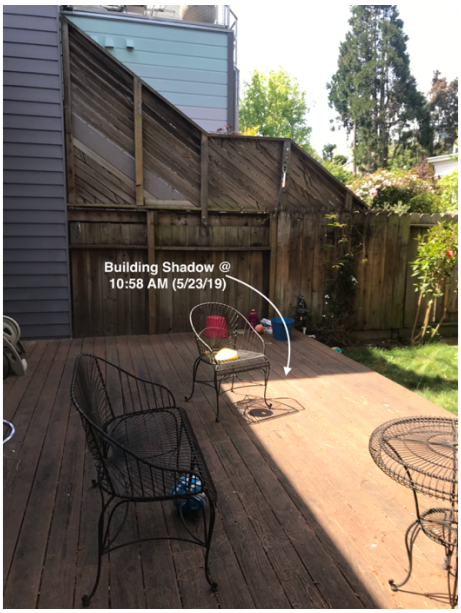
DR Applicant's Property

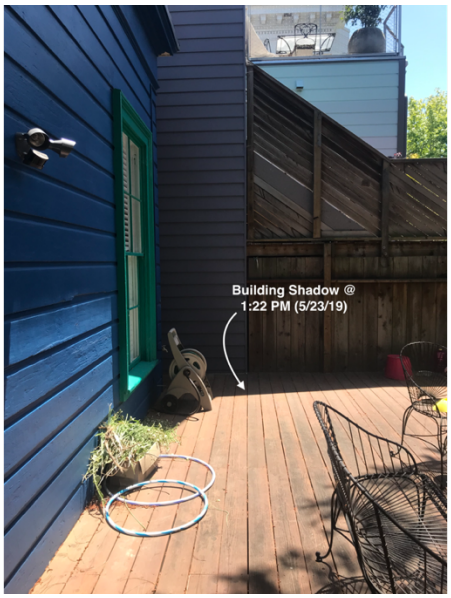
Exhibit 4

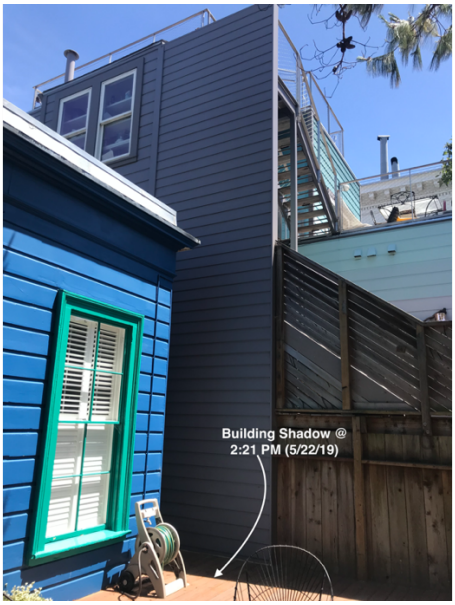
DR Applicant's Property

Exhibit 5

Photos that Demonstrate DR Applicant's Building Shadows at Various Times of Day







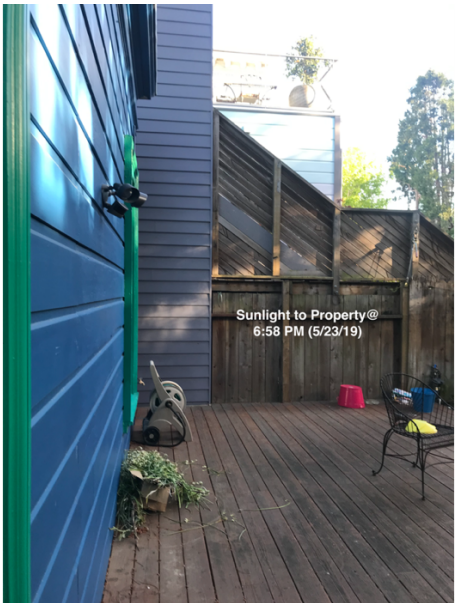
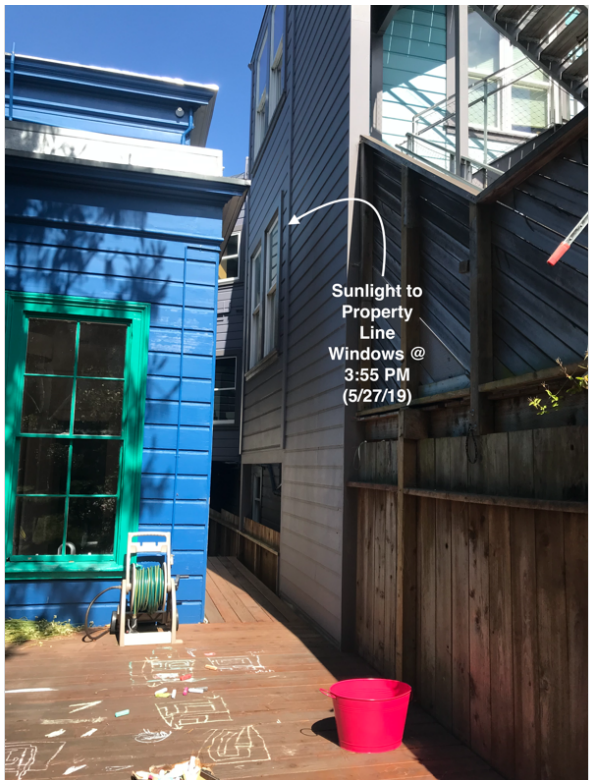


Exhibit 5

Photos that Demonstrate the Light to DR Applicant's Property Line Windows at Various Times of Day



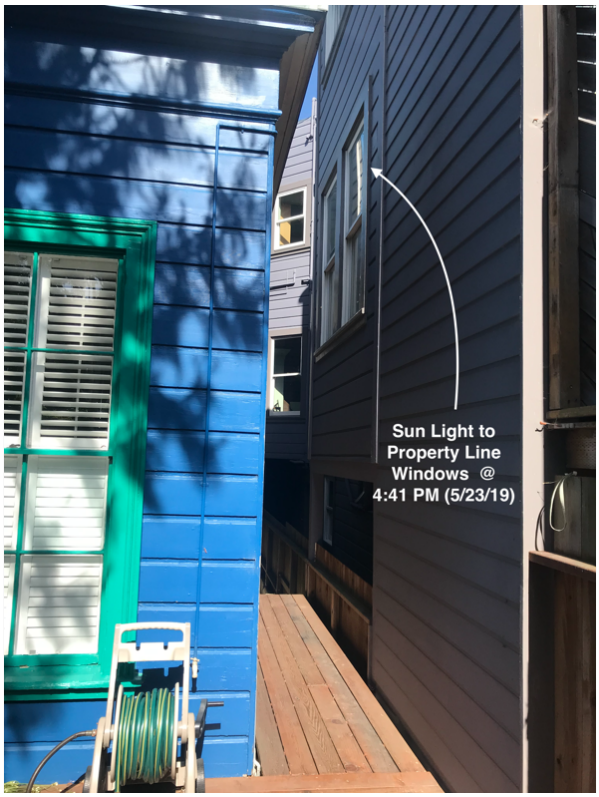


Exhibit 5

Photos that Demonstrate the Light to DR Applicant's Property Line Windows at Various Times of Day

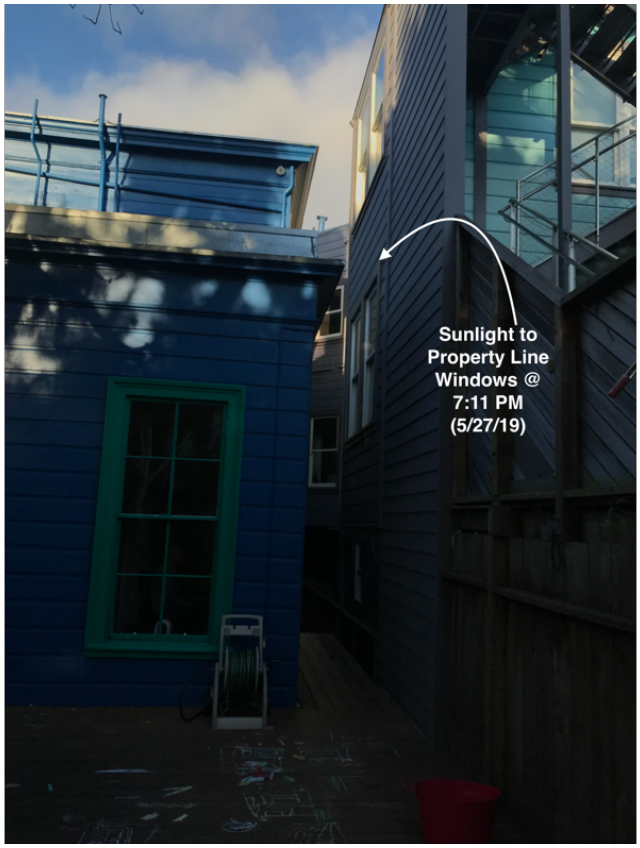


Exhibit 6

Declaration of Joseph Armin

I, Joseph Armin, do hereby declare as follows:

1. I am the architect and project sponsor of the development proposal at 220 San Jose Avenue, San Francisco, CA 94110.

2. On November 28, 2018, I attended a neighborhood pre-application meeting from 6:00 p.m. to 7:30 p.m., at 220 San Jose Ave, to present architectural plans for the proposed project, answer neighbors' questions about the proposal, and receive any feedback about the architectural plans.

3. I took contemporaneous meeting notes summarizing the meeting.

4. The only neighbors that attended the pre-application meeting were Matt and Vanessa Ginzton, owners of 228-230 San Jose Avenue (the South Neighbors). The owners of 220 San Jose Ave (Meghna Subramanian and Kareem Ghanem) and the project contractor (Zarin Gollogly) also attended.

5. At the meeting, the South Neighbors stated:

    a. That they had concerns about the impact the second story addition would have on light to their second and third story kitchens, which will be set back from the proposed addition by over 6 feet;

    b. That they had earlier shared the proposed architectural plans with an architect, and spoken with their architect about ways to mitigate this impact; and

    c. That after consulting an architect, they requested that the architectural plans be modified to eliminate the proposed gabled roof in favor of a flat roof, or, alternatively, to move the addition further north by 1-2 feet.

6. My notes confirm that this is the only request the South Neighbors made at the pre-application meeting. At no point during the pre-application meeting did the South Neighbors request that the architectural plans be modified to remove the second story addition.

Exhibit 6

Declaration of Joseph Armin

7. During the pre-application meeting, Matt Ginzton further encouraged the owners of 220 San Jose Ave to eliminate the proposed gabled roof in favor of a flat roof by suggesting that doing so would allow them to build a roof deck like those that the South Neighbors added to their own property.

8. After the pre-application meeting, the architectural plans for the project were revised to address the South Neighbors' light concerns and were submitted to the San Francisco Planning Department on December 14, 2018.

9. On February 21, 2019, I received a Plan Check Letter from the Planning Department recommending modifications to the architectural plans to address impact to the courtyard of 216 San Jose Avenue (the North Neighbor).

10. To address the Plan Check Letter recommendations, the architectural plans were modified to eliminate the proposed gabled roof in favor of a flat roof, reducing the height of the proposed addition by 7 feet. The Planning Department did not require this modification but the owners of 220 San Jose Ave believed it would satisfy the Planning Department's concerns about the North Neighbor's courtyard while also definitively satisfying the South Neighbors' exact request at the pre-application meeting.

11. On March 26, 2019, I submitted the revised architectural plans to the Planning Department and on March 27, the Planning Department deemed them ready for public notification. The Planning department set the 311 Notification Period from April 3, 2019, through May 3, 2019.

12. At no point during the 311 Notification Period did Matt or Vanessa Ginzton contact me.

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

Executed on May 29, 2019, in San Francisco.

Joseph Armin

Exhibit 7

Declaration of Zarin Gollogly

I, Zarin Gollogly, do hereby declare as follows:

1. I am the building contractor for the development proposal at 220 San Jose Avenue, San Francisco, CA 94110.

2. On November 28, 2018, I attended a neighborhood pre-application meeting from 6:00 p.m. to 7:30 p.m., at 220 San Jose Ave.

3. The other individuals present were Matt and Vanessa Ginzton, owners of 228-230 San Jose Avenue (the South Neighbors), the owners of 220 San Jose Ave (Meghna Subramanian and Kareem Ghanem), and the project architect (Joe Armin).

4. At the meeting, the South Neighbors stated:

    a. That they had concerns about the impact the second story addition would have on light to their kitchen;

    b. That they had earlier shared the proposed architectural plans with an architect, and spoken with their architect about ways to mitigate this impact; and

    c. That after consulting an architect, they requested that the architectural plans be modified to eliminate the proposed gabled roof in favor of a flat roof, or, alternatively, to move the addition further north by 1-2 feet.

5. At no point during the pre-application meeting did the South Neighbors request that the architectural plans be modified to remove the second story addition.

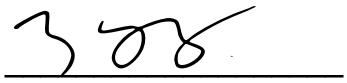
Exhibit 7

Declaration of Zarin Gollogly

6. During the pre-application meeting, Matt Ginzton further encouraged the owners of 220 San Jose Ave to eliminate the proposed gabled roof in favor of a flat roof by suggesting that doing so would allow them to build a roof deck like those that the South Neighbors added to their own property.

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

Executed on May _30_, 2019, in San Francisco.



Zarin Gollogly

Exhibit 8

Emails from DR Applicant

Gmail

Meghna Subramanian <meghna.subramanian@gmail.com>

220 San Jose addition plans

Matt Ginzton <matt@ginzton.net> Thu, May 2, 2019 at 5:51 PM
To: Kareem Ghanem <kareem.ghanem@gmail.com>
Cc: Meghna Subramanian <meghna.subramanian@gmail.com>, Vanessa Ozuna Ginzton <vanessa.ozuna@gmail.com>

Hi Kareem, and Meghna, sorry to hear that we have nothing to discuss tonight, and please let us know when you think will be productive to meet.

We are, in fact, willing to engage, and it'll be better for all of us if we can reach an amicable agreement, you propose modified plans we can agree to, we withdraw the DR, and you can get on with your project.

I'll note that email/text is known as a medium where subtleties get lost, so I don't think we'll be well served by a bunch of email debate; we will want to meet and make a genuine effort to negotiate which will require understanding and concessions on both sides, and until that happens, I suggest we stay away from language indicating anyone here is acting in bad faith or less than genuine.

[Quoted text hidden]

Gmail

Meghna Subramanian <meghna.subramanian@gmail.com>

220 San Jose addition plans

Matt Ginzton <matt@ginzton.net> Sat, May 4, 2019 at 9:24 AM
To: Kareem Ghanem <kareem.ghanem@gmail.com>
Cc: Meghna Subramanian <meghna.subramanian@gmail.com>, Vanessa Ozuna <vanessa.ozuna@gmail.com>

Hi Kareem and Meghna, I think we should meet sooner and without Victoria for a couple reasons

- Victoria isn't actually a signatory on the DR request, I think you'll note. We have been in contact with her and encouraged her to file her own and she didn't want to do that but did want to support ours. I don't think it's accurate that we filed it on her behalf.
- Victoria is out of the country now, until something like May 12
- I imagine that by now, we've built up some amount of frustration with the process (for example, to state one assumption, I assume that you're wondering why this didn't all get resolved months ago) that are making this discussion harder, as well as the actual substance of the matter we need to resolve. I also imagine we won't get all the way through everything in one meeting. I suggest we meet sooner to clear the air on any mistaken assumptions we've made on either side, try to work through what I'm characterizing as process frustrations and hopefully put those to bed, re-establish a tone of mutual respect and if possible mutual understanding, and move on to the substance of the disagreement.

I do think it will be good for the 5 of us including Victoria to meet later, but I don't think that should stop the 4 of us from talking first.

[Quoted text hidden]

Exhibit 9

Proposals We Made After the DR Application was Filed.
DR Applicants Rejected Both.

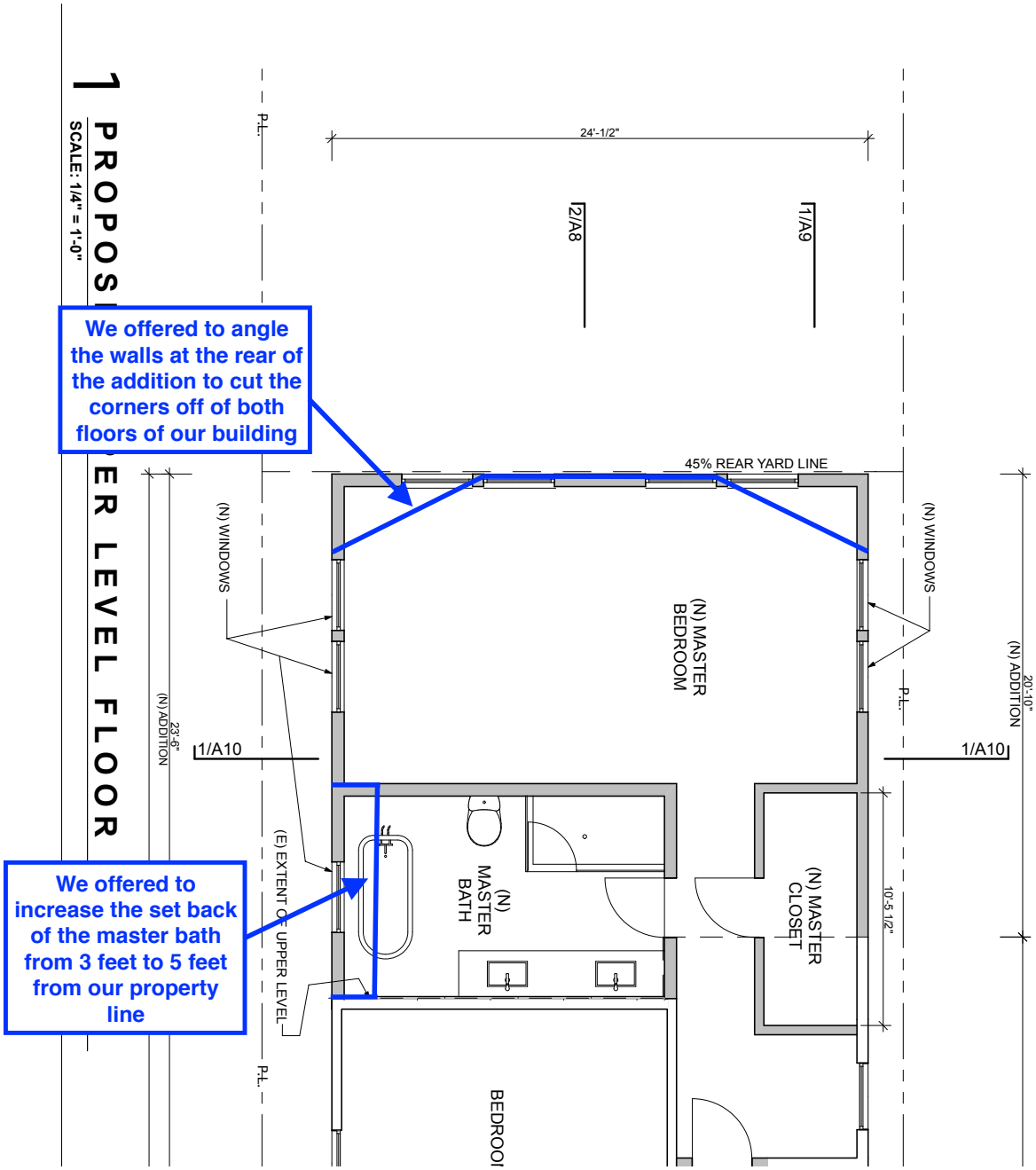


Exhibit 10

Our Pine Tree

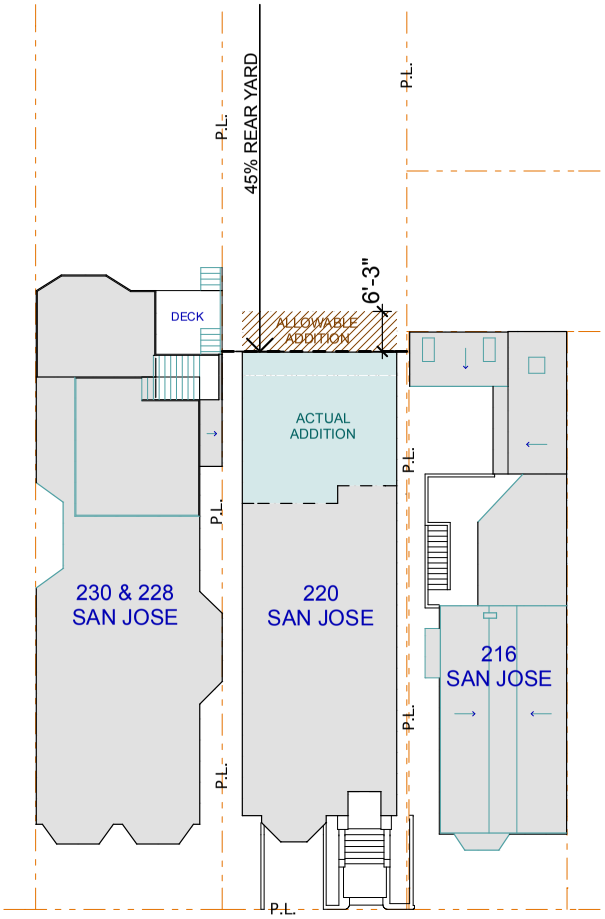
View of the tree from our existing first story roof (our proposed project extends back only 3’6” from the edge of the roof in the rear, which requires us to only prune the tree back)

View of tree from our attic’s gabled roof)

Views from the ground (side profile shows the proximity of the tree to what will be our second story addition and demonstrates why extending further back will jeopardize the tree’s survival)

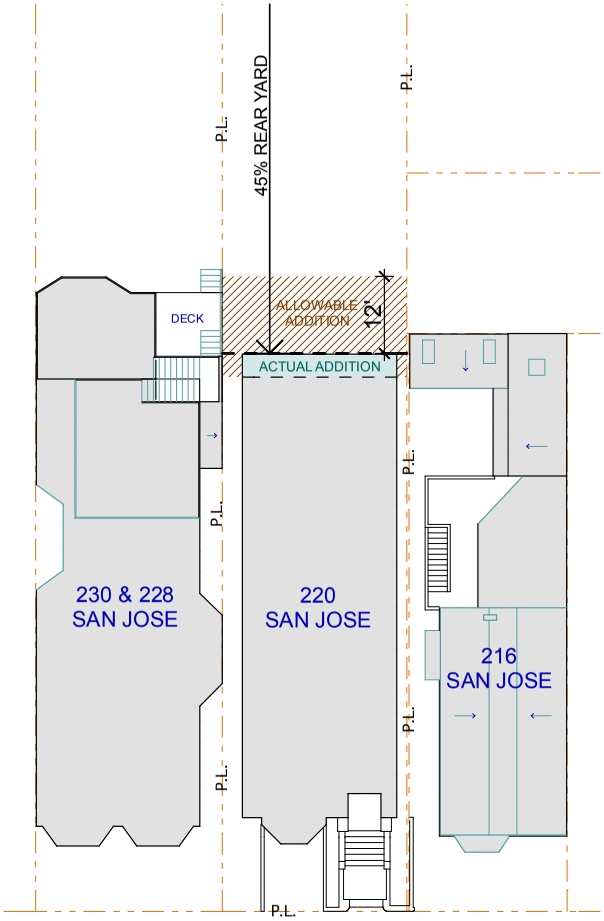
Exhibit 11

Illustration of Allowable Addition vs. Proposed Addition



UPPER LEVEL

SCALE: 1" = 16'-0"



MAIN LEVEL

SCALE: 1" = 16'-0"

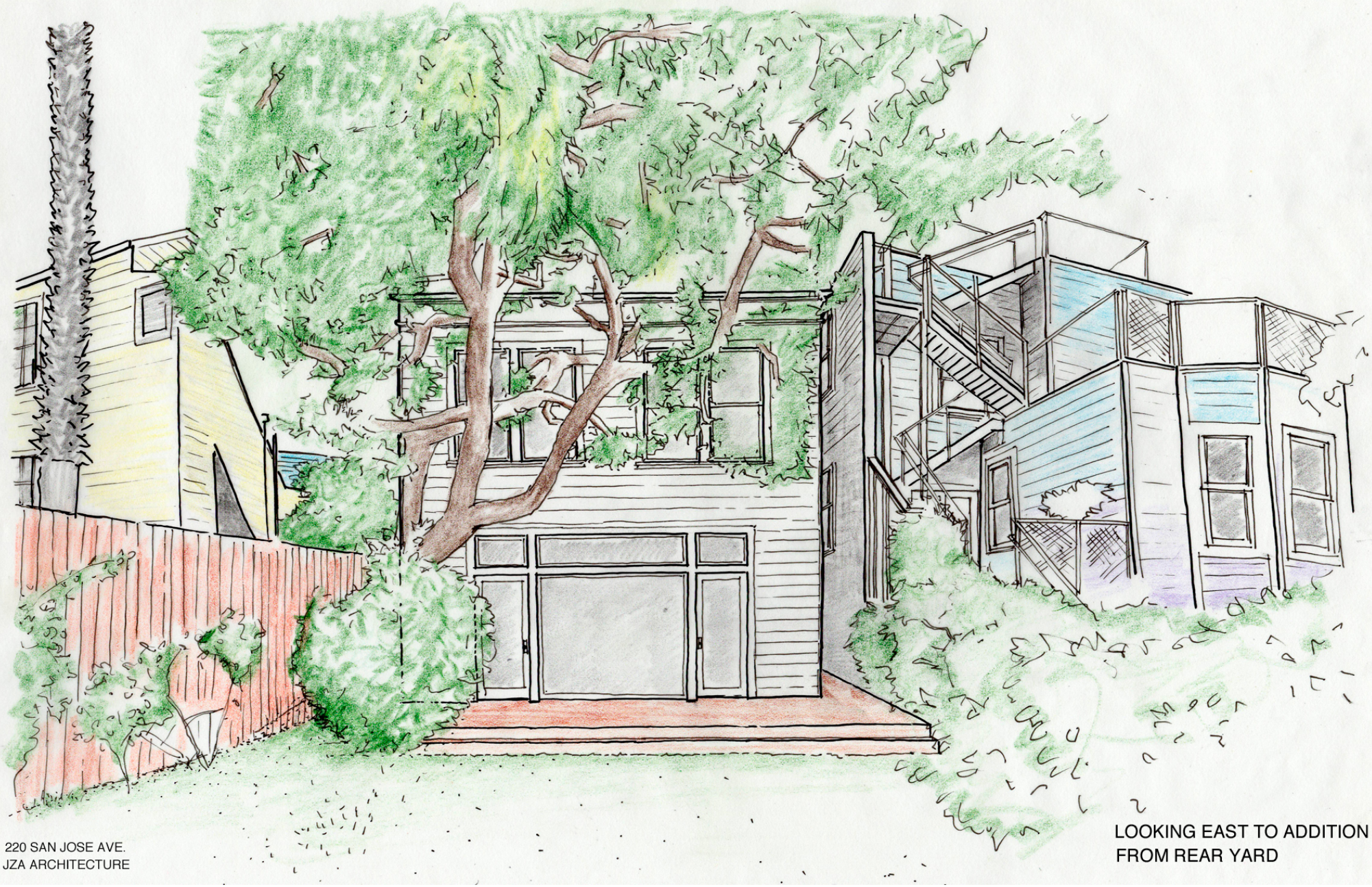
JZA
ARCHITECTURE

220 SAN JOSE AVE
SAN FRANCISCO, CA 94110

DATE:
5.28.2019

SUBJECT PROPERTY
220 SAN JOSE AVE.

ACROSS FROM SUBJECT PROPERTY
SAN JOSE AVE.



220 SAN JOSE AVE.
JZA ARCHITECTURE

LOOKING EAST TO ADDITION
FROM REAR YARD

Gmail

Meghna Subramanian <meghna.subramanian@gmail.com>

offering support for my neighbor's project (220 San Jose Ave)

Christopher Elmendorf <christopher_elmendorf@yahoo.com> Wed, Feb 13, 2019 at 10:08 PM
To: "Ella.Samonsky@sfgov.org" <Ella.Samonsky@sfgov.org>
Cc: Christine Van Aken <cbvanaken@gmail.com>

Dear Ella,

I understand that you are the planner who has been assigned to my neighbors' Meghna and Kareem's project. My family and I live catty-corner from Meghna and Kareem on Guerrero St. I want to let you know that we support their project, and I hope you will make it easy for them to get it approved!

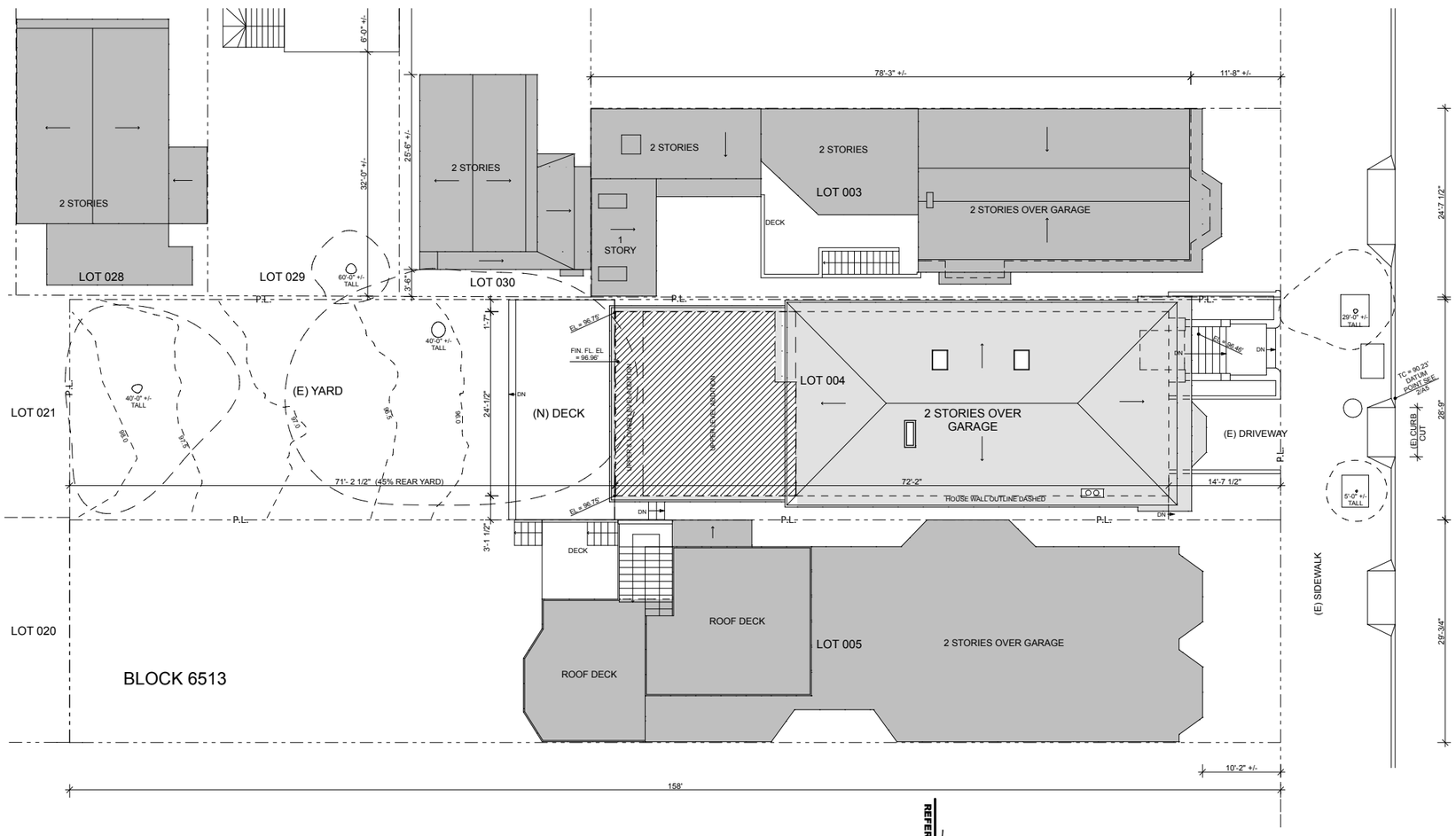
All best,

Chris

NOTES

GRADES & ELEVATION POINTS SHOWN ARE TAKEN FROM 8.27.2018 SURVEY BY DANIEL J. WESTOVER

FOR OTHER ADJACENT PROPERTY INFORMATION (INCLUDING HEIGHTS) SEE SITE PLAN, 1/A1.1.



1 **PLOT PLAN**

SCALE: 1/8" = 1'-0"

REFERENCE NORTH

TRUE NORTH

0 5' 10' 20'

SCALE

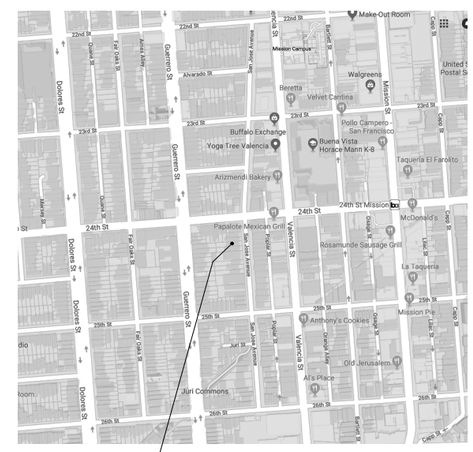
PROJECT DESCRIPTION

TWO STORY REAR ADDITION TO EXISTING SINGLE-FAMILY HOUSE. INTERIOR REMODEL AT MAIN & UPPER STORIES, INCLUDING REBUILDING KITCHEN & RELOCATING BATHROOMS RESULTING IN NET INCREASE OF 1 BEDROOM AND 1 BATHROOM . AT REAR OF GARAGE LEVEL EXCAVATE EARTH (6'-6" MAX. HEIGHT, 49 CUBIC YARDS) AND EXPAND STORY, INSTALL NEW INTERIOR STAIRWAY BETWEEN GARAGE LEVEL AND MAIN STORY. REDO ROOF FRAMING AND ROOFING. UPGRADE ELECTRICAL, MECHANICAL & REPAIR WINDOWS THROUGHOUT HOUSE. REPLACE EXISTING REAR DECK WITH NEW WOOD DECK.

BLOCK / LOT:	6513 / 004
ZONING:	RH3
OCCUPANCY:	R3
STORIES:	TWO OVER GARAGE
LOT AREA:	4591
EXISTING HOUSE SQUARE FOOTAGE	2952
PROPOSED HOUSE SQUARE FOOTAGE	3452
HEIGHT DISTRICT:	40'-0"
EXISTING & PROPOSED BUILDING HEIGHT	39'-7" (UNCHANGED)
CONSTRUCTION TYPE:	TYPE V
EXISTING CAR PARKING S.F / # OF SPACES	615 / 2
PROPOSED CAR PARKING S.F / # OF SPACES	541 / 2
PROPOSED BIKE PARKING # OF SPACES	2

DRAWING INDEX

A1 PLOT PLAN, VICINITY MAP AND PROJECT DESCRIPTION
A1.1 SITE PLAN
A2 EXISTING / DEMOLITION FLOOR PLANS
A3 EXISTING / DEMOLITION FLOOR PLANS
A4 EXISTING / DEMOLITION ROOF PLAN
A5 EXISTING EXTERIOR ELEVATIONS
A6 PROPOSED FLOOR PLANS
A7 PROPOSED FLOOR PLANS
A8 PROPOSED ROOF PLAN & BUILDING SECTION
A9 PROPOSED BUILDING SECTION
A10 PROPOSED BUILDING SECTION & EXTERIOR ELEVATION
A11 PROPOSED EXTERIOR ELEVATIONS



VICINITY MAP

JZA ARCHITECTURE

152 LUNDYS LANE
SAN FRANCISCO CA, 94110
415-550-1028
JZARMIN@SONIC.NET

OWNERS:
MEGHNA SUBRAMANIAN,
KAREEM GHANEM

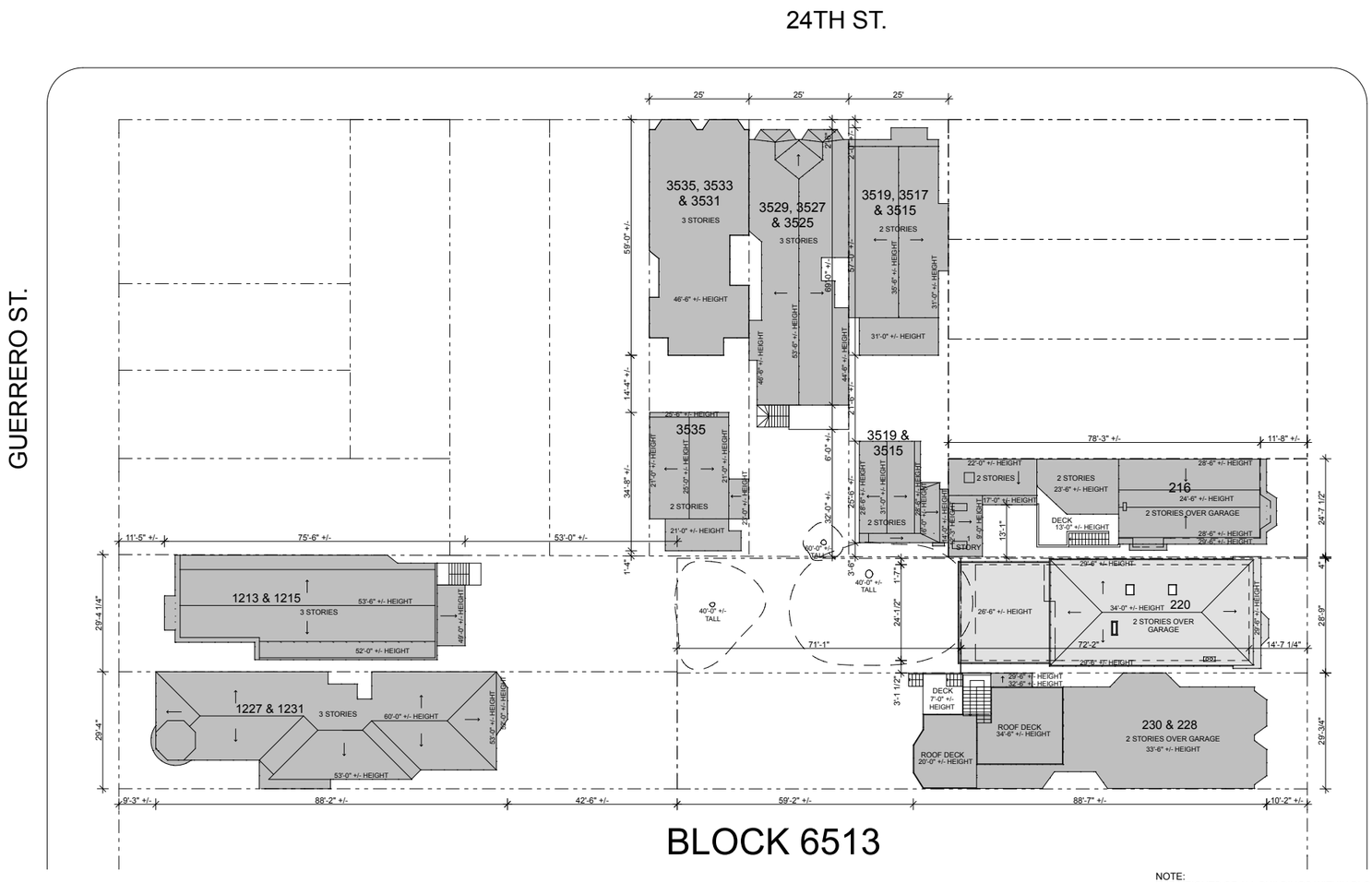
HOUSE ADDITION

220 SAN JOSE AVE
SAN FRANCISCO, CA
94110

SUBMITTAL:	DATE:
PERMIT SET	2.6.2019
REVISION #1, PLANNING DEPT. COMMENTS	3.26.2019

SHEET TITLE:
PLOT PLAN, VICINITY MAP AND PROJECT DESCRIPTION

A1



NOTE:
THE HEIGHTS OF ALL BUILDINGS WITHIN BLOCK #6513 ARE GIVEN IN RELATION TO HEIGHT OF EXISTING GRADE IMMEDIATELY TO WEST OF SUBJECT PROPERTY BUILDING.

HEIGHTS OF BUILDINGS ON BLOCK #6514 ARE GIVEN IN RELATION TO EXISTING GRADE AT IMMEDIATE FRONT OF SUCH BUILDINGS.

1 SITE PLAN

SCALE: 1/16" = 1'-0"

0 10' 20' 40'
SCALE

N

JZA
ARCHITECTURE
152 LUNDYS LANE
SAN FRANCISCO CA, 94110
415-550-1028
JZARMIN@SONIC.NET

OWNERS:
MEGHNA SUBRAMANIAN,
KAREEM GHANEM

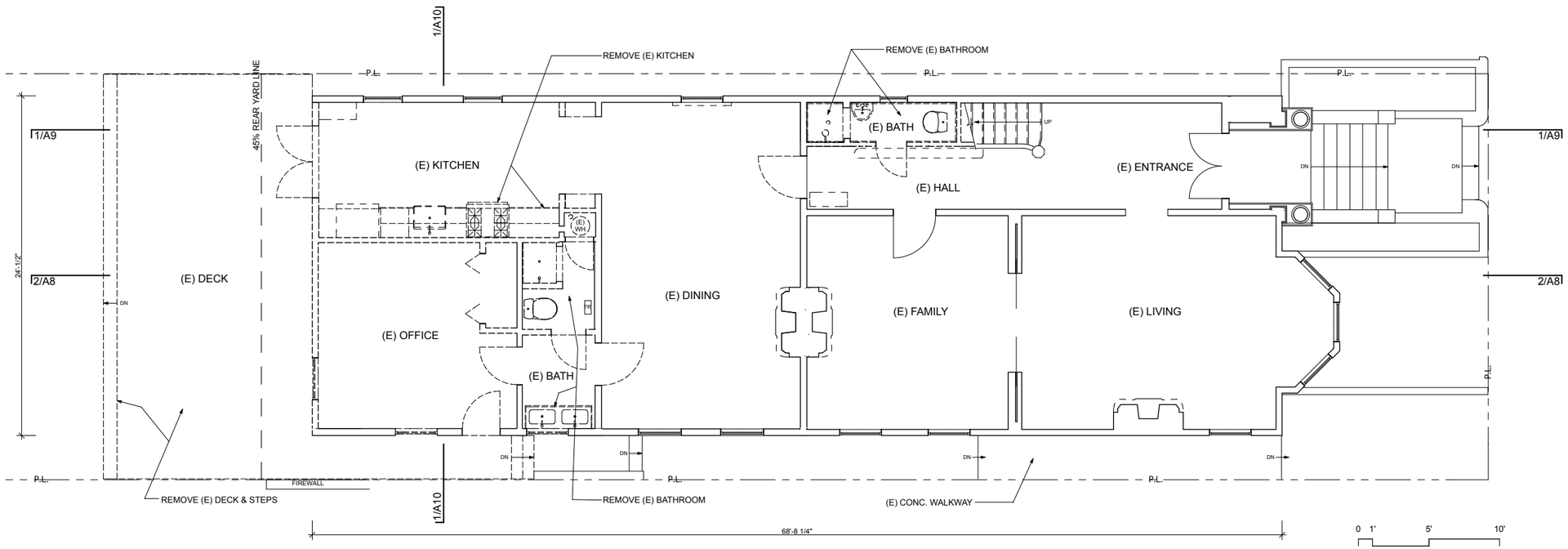
HOUSE ADDITION

220 SAN JOSE AVE
SAN FRANCISCO, CA
94110

SUBMITTAL:	DATE:
PERMIT SET	2.6.2019
REVISION #1, PLANNING DEPT. COMMENTS	3.26.2019

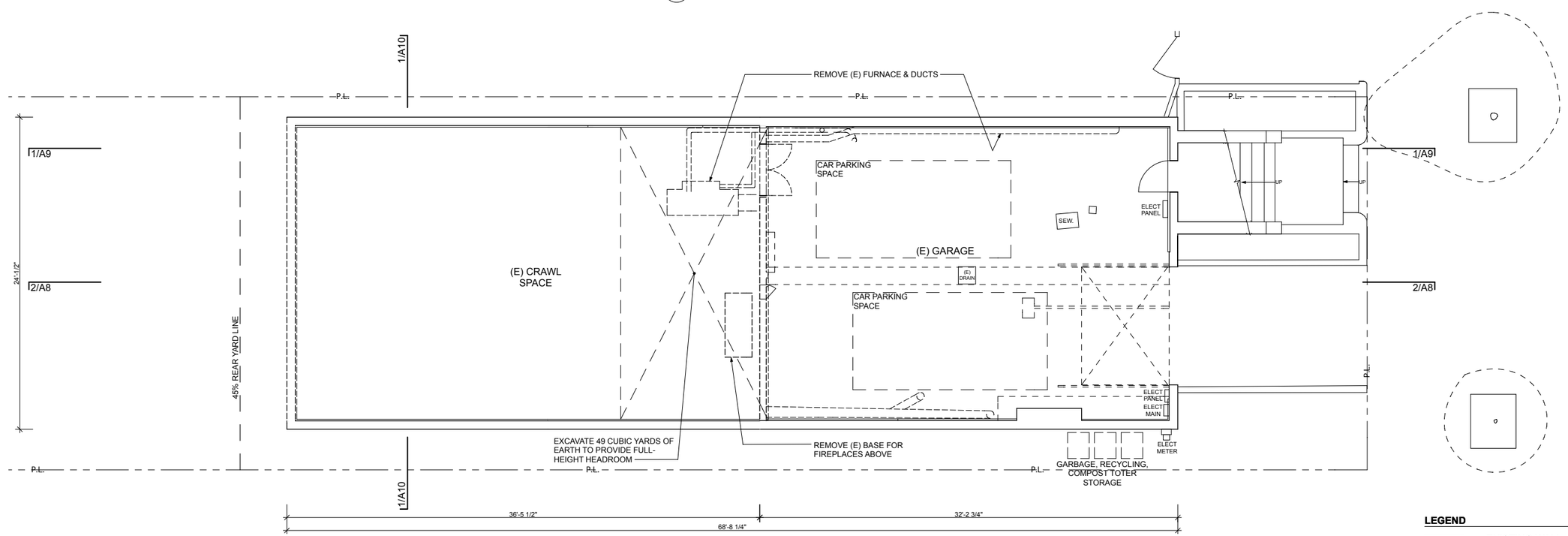
SHEET TITLE:
SITE PLAN

A1.1



2 EXISTING/DEMO MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"



1 EXISTING/DEMO GARAGE LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"

LEGEND

- EXISTING WALL
- NEW WALL
- WALL TO BE REMOVED

JZA
ARCHITECTURE
152 LUNDYS LANE
SAN FRANCISCO CA, 94110
415-550-1028
JZARMIN@SONIC.NET

OWNERS:
MEGHNA SUBRAMANIAN,
KAREEM GHANEM

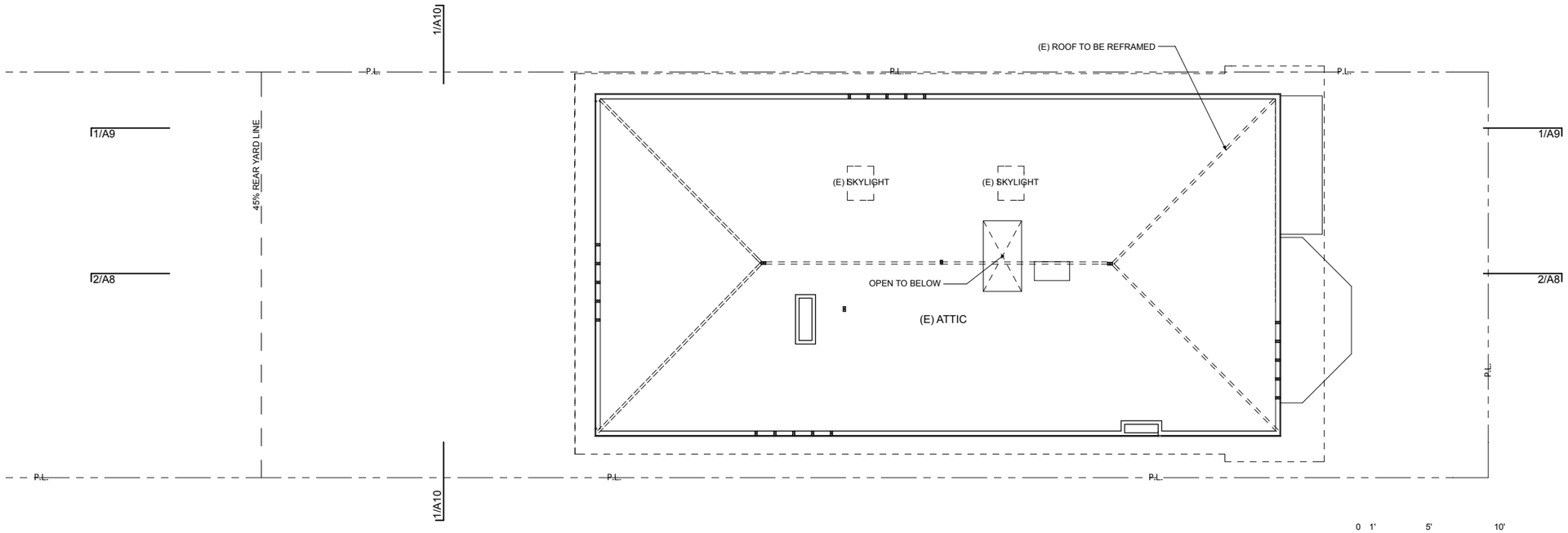
HOUSE ADDITION

220 SAN JOSE AVE
SAN FRANCISCO, CA
94110

SUBMITTAL:	DATE:
PERMIT SET	2.6.2019
REVISION #1, PLANNING DEPT. COMMENTS	3.26.2019

SHEET TITLE:
EXISTING / DEMOLITION FLOOR PLANS

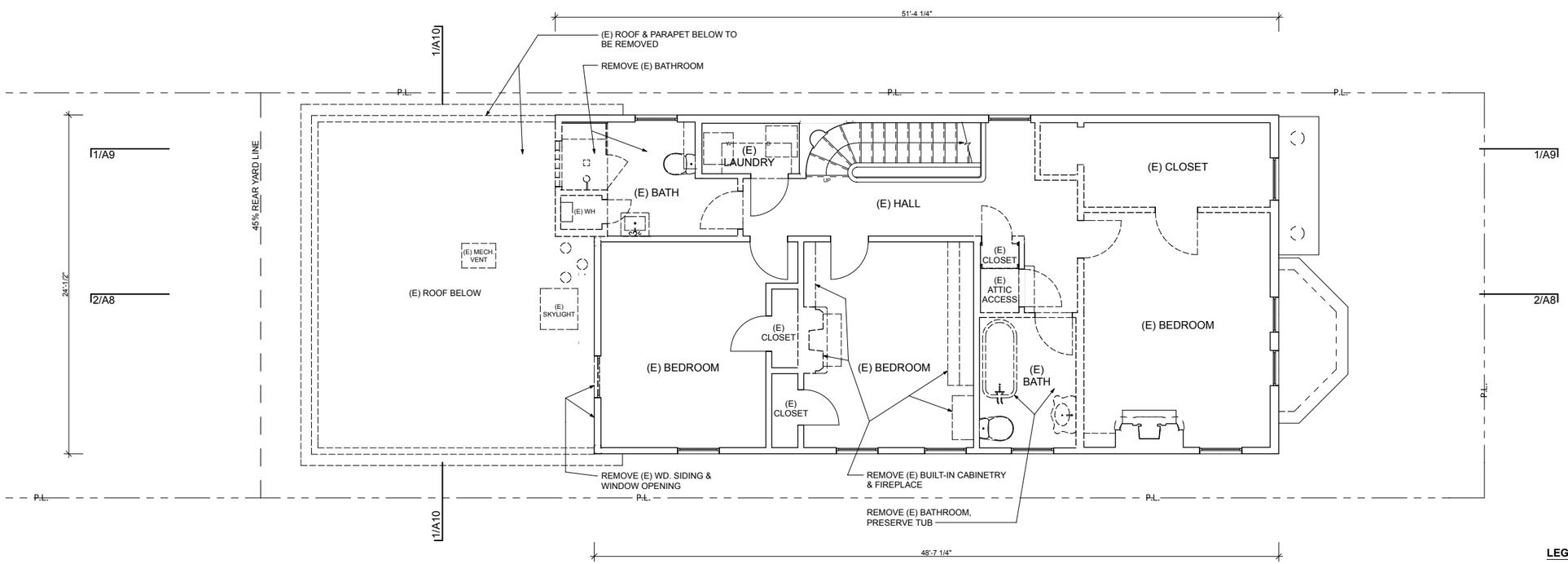
A2



2 EXISTING/DEMO ATTIC LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"

0 1' 5' 10'
SCALE



1 EXISTING/DEMO UPPER LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"

0 1' 5' 10'
SCALE

LEGEND

- EXISTING WALL
- NEW WALL
- WALL TO BE REMOVED

JZA
ARCHITECTURE

152 LUNDYS LANE
SAN FRANCISCO CA, 94110
415-550-1028
JZARMIN@SONIC.NET

OWNERS:
MEGHNA SUBRAMANIAN,
KAREEM GHANEM

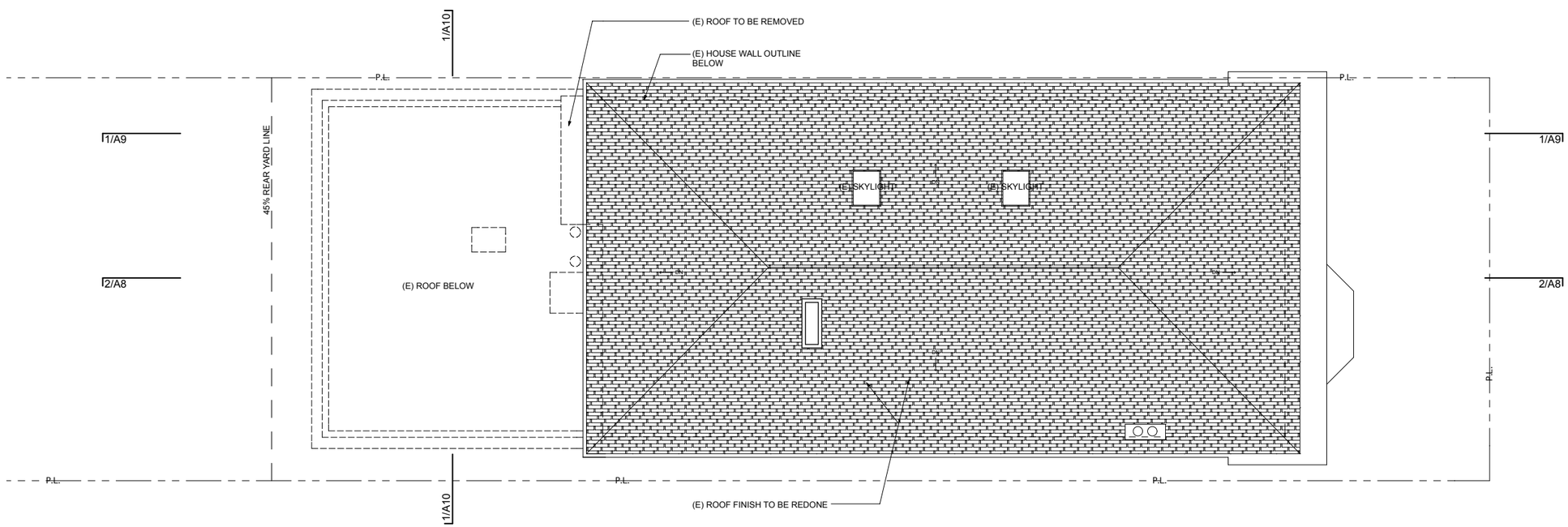
HOUSE ADDITION

220 SAN JOSE AVE
SAN FRANCISCO, CA
94110

SUBMITTAL:	DATE:
PERMIT SET	2.6.2019
REVISION #1, PLANNING DEPT. COMMENTS	3.26.2019

SHEET TITLE:
EXISTING / DEMOLITION FLOOR PLANS

A3



1 **EXISTING/DEMO ROOF PLAN**

SCALE: 1/4" = 1'-0"

N

0 1' 5' 10'
SCALE

LEGEND

- EXISTING WALL
- NEW WALL
- WALL TO BE REMOVED

JZA
ARCHITECTURE

152 LUNDYS LANE
SAN FRANCISCO CA, 94110
415-550-1028
JZARMIN@SONIC.NET

OWNERS:
MEGHNA SUBRAMANIAN,
KAREEM GHANEM

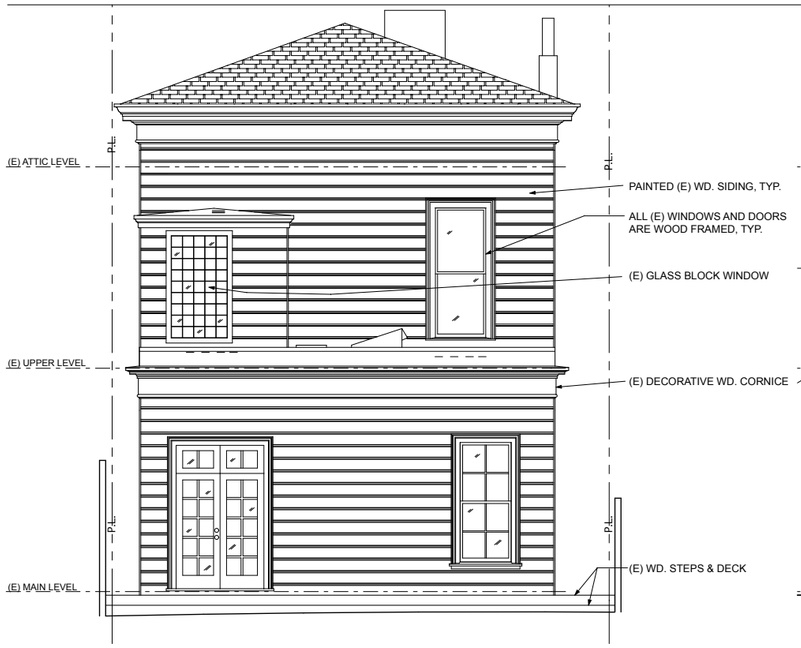
HOUSE ADDITION

220 SAN JOSE AVE
SAN FRANCISCO, CA
94110

SUBMITTAL:	DATE:
PERMIT SET	2.6.2019
REVISION #1, PLANNING DEPT. COMMENTS	3.26.2019

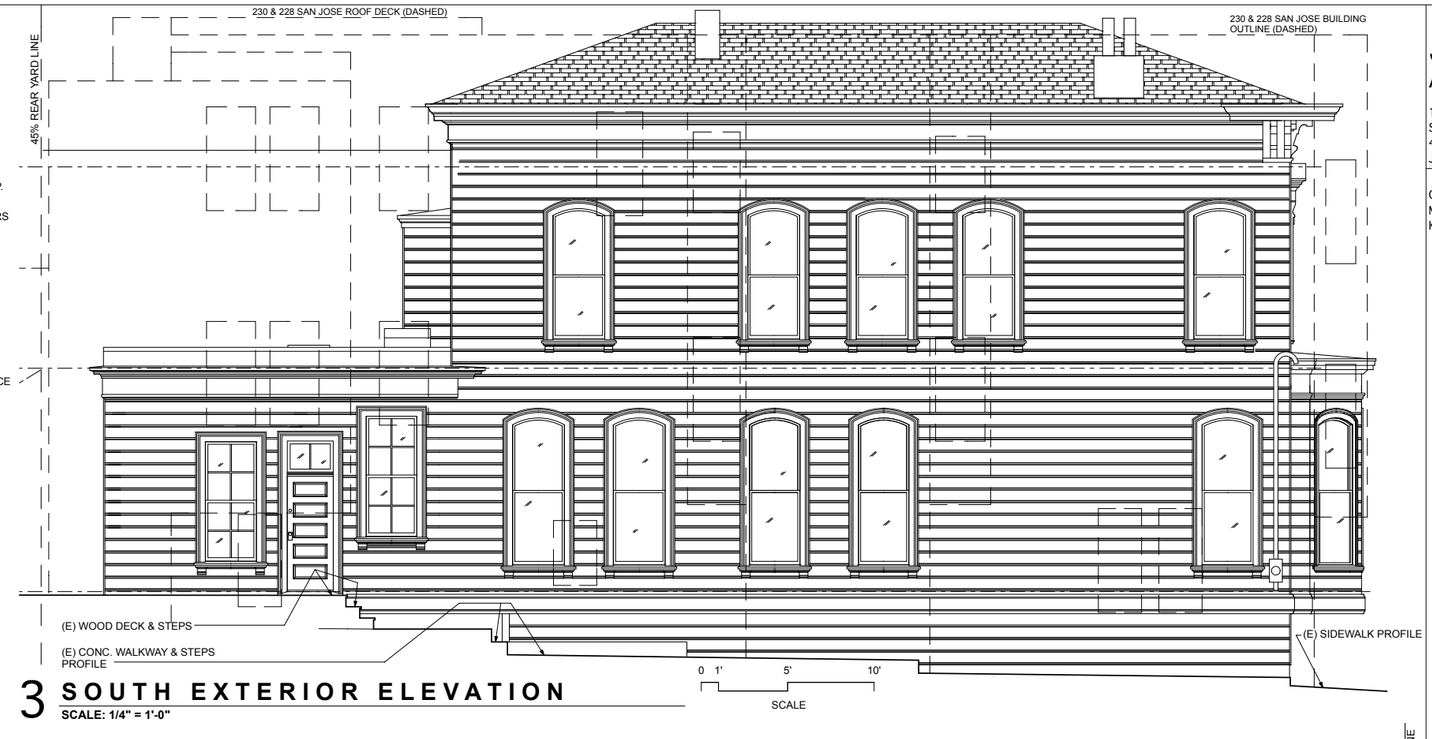
SHEET TITLE:
EXISTING / DEMOLITION ROOF PLAN

A4



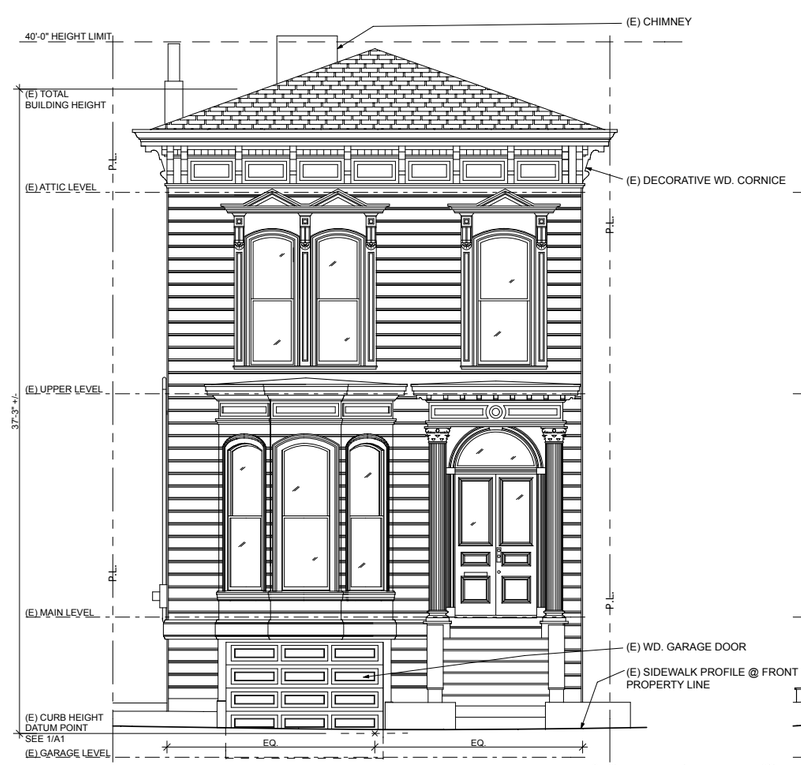
4 **WEST EXTERIOR ELEVATION**
SCALE: 1/4" = 1'-0"

0 1' 5' 10'
SCALE



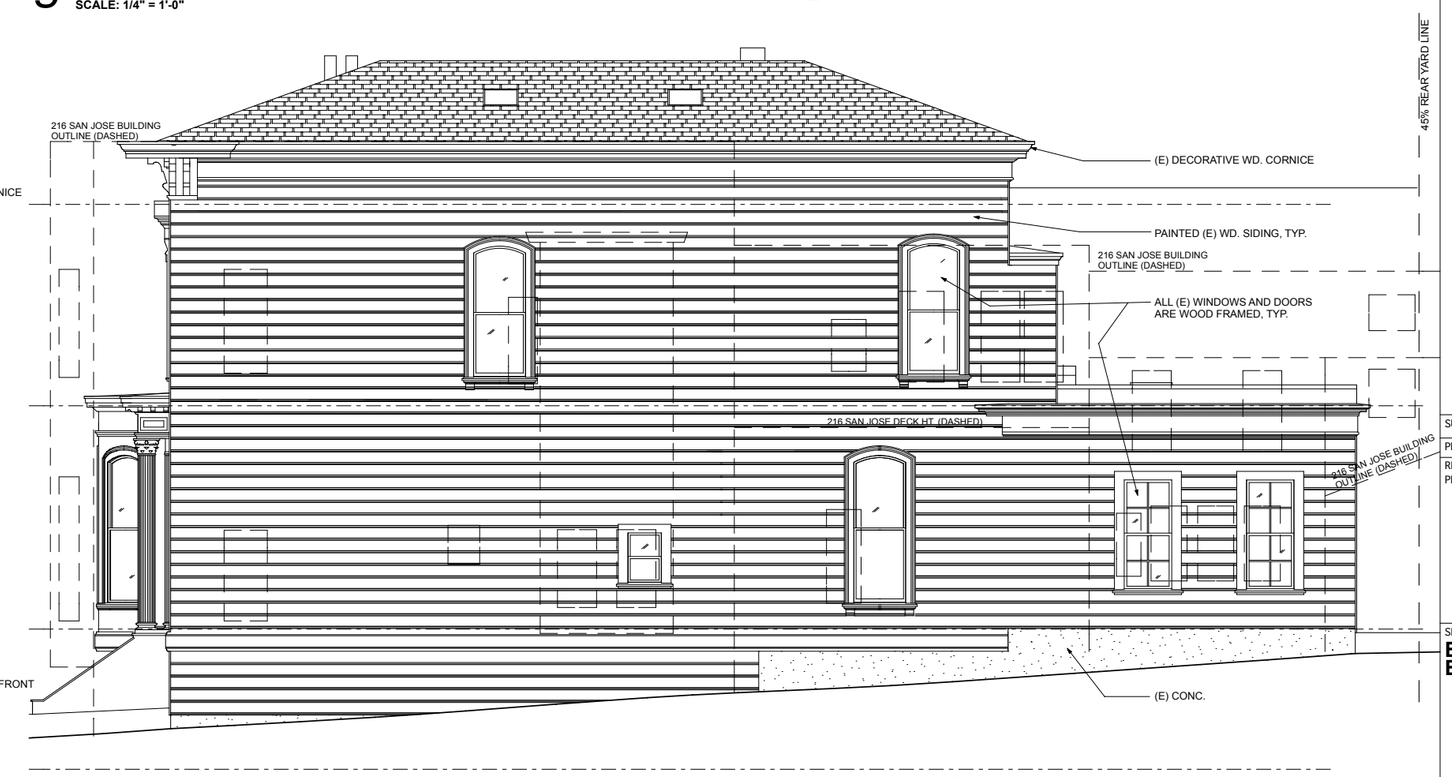
3 **SOUTH EXTERIOR ELEVATION**
SCALE: 1/4" = 1'-0"

0 1' 5' 10'
SCALE



2 **EAST EXTERIOR ELEVATION**
SCALE: 1/4" = 1'-0"

0 1' 5' 10'
SCALE



1 **NORTH EXTERIOR ELEVATION**
SCALE: 1/4" = 1'-0"

0 1' 5' 10'
SCALE

JZA
ARCHITECTURE
152 LUNDYS LANE
SAN FRANCISCO CA, 94110
415-550-1028
JZARMIN@SONIC.NET

OWNERS:
MEGHNA SUBRAMANIAN,
KAREEM GHANEM

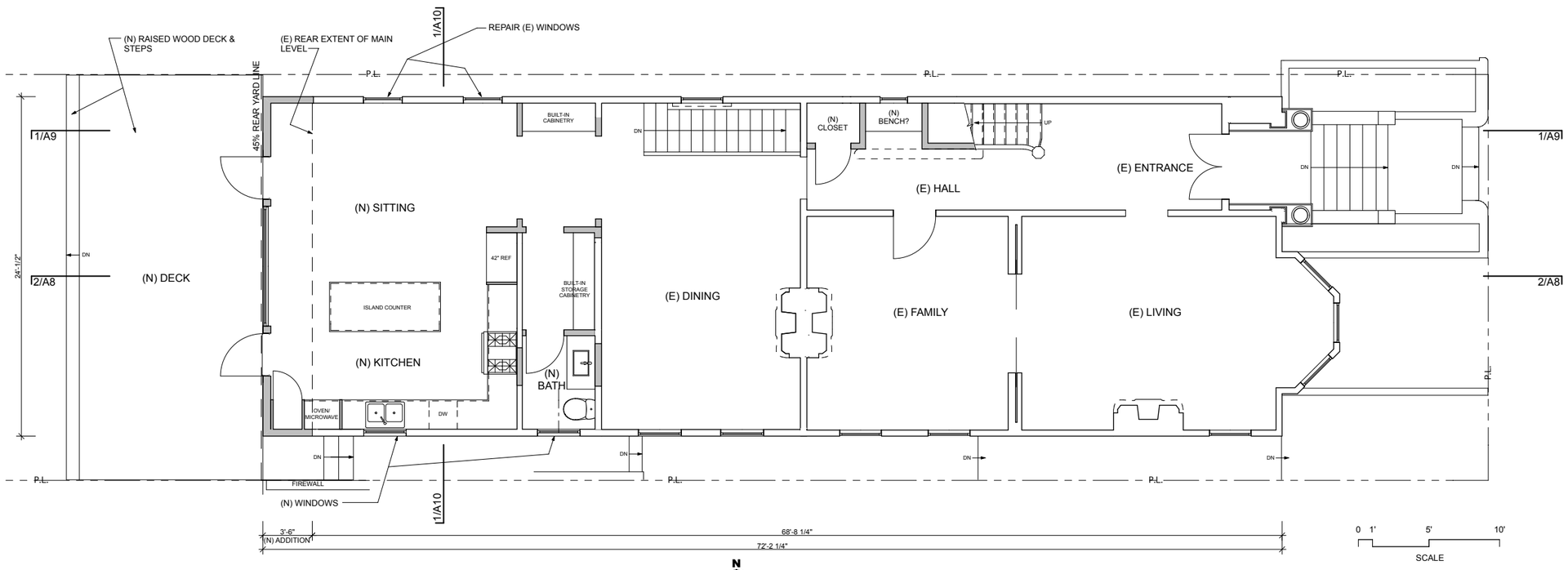
HOUSE ADDITION

220 SAN JOSE AVE
SAN FRANCISCO, CA
94110

SUBMITTAL:	DATE:
PERMIT SET	2.6.2019
REVISION #1, PLANNING DEPT. COMMENTS	3.26.2019

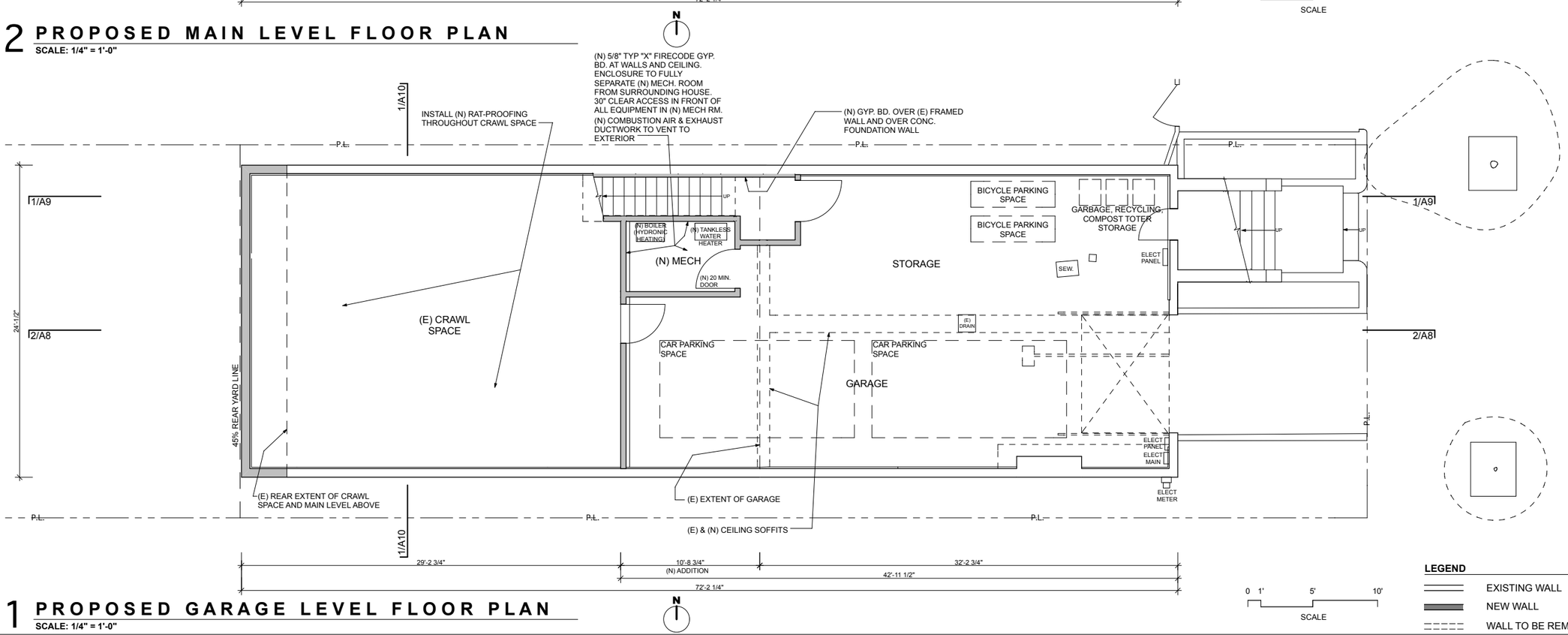
SHEET TITLE:
EXISTING ELEVATIONS

A5



2 PROPOSED MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"



1 PROPOSED GARAGE LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"

LEGEND

- EXISTING WALL
- NEW WALL
- WALL TO BE REMOVED

GENERAL NOTES

1. (E) ELECTRICAL TO BE UPDATED THROUGHOUT HOUSE
2. (E) FORCED AIR HEATING TO BE REPLACED BY SUB-FLOOR HYDRONIC HEATING THROUGHOUT HOUSE.

JZA ARCHITECTURE
152 LUNDYS LANE
SAN FRANCISCO CA, 94110
415-550-1028
JZARMIN@SONIC.NET

OWNERS:
MEGHNA SUBRAMANIAN, KAREEM GHANEM

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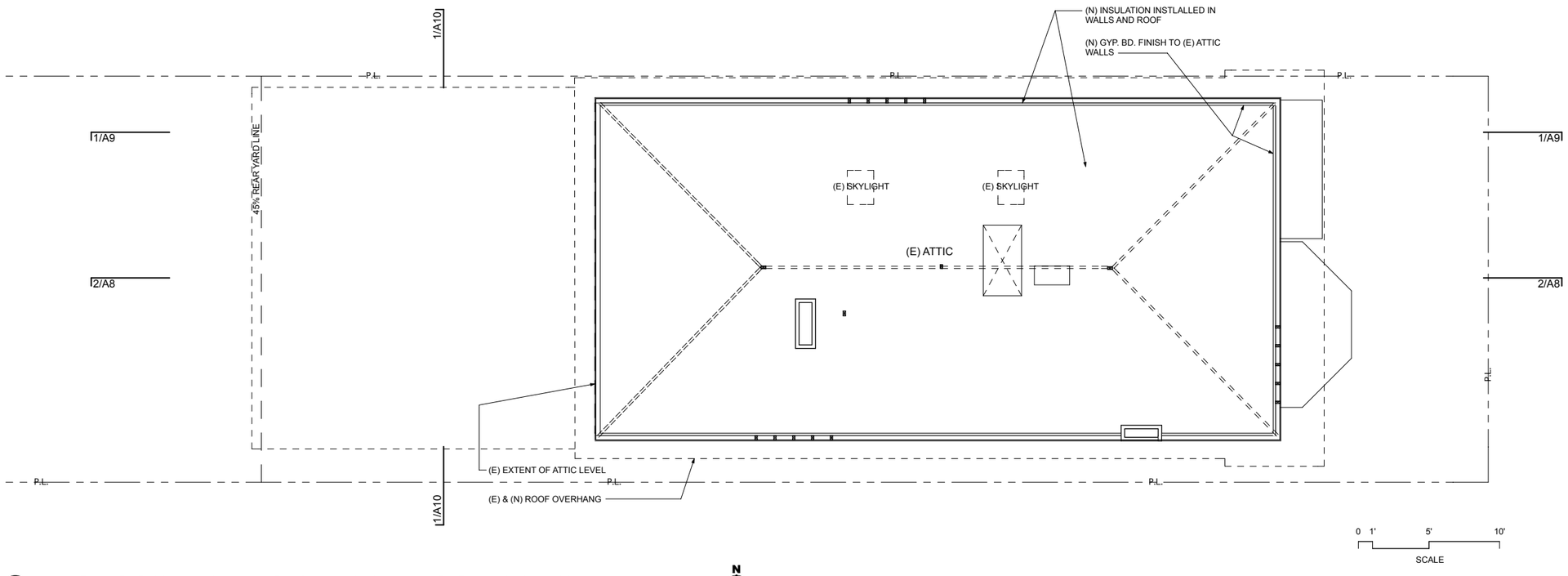
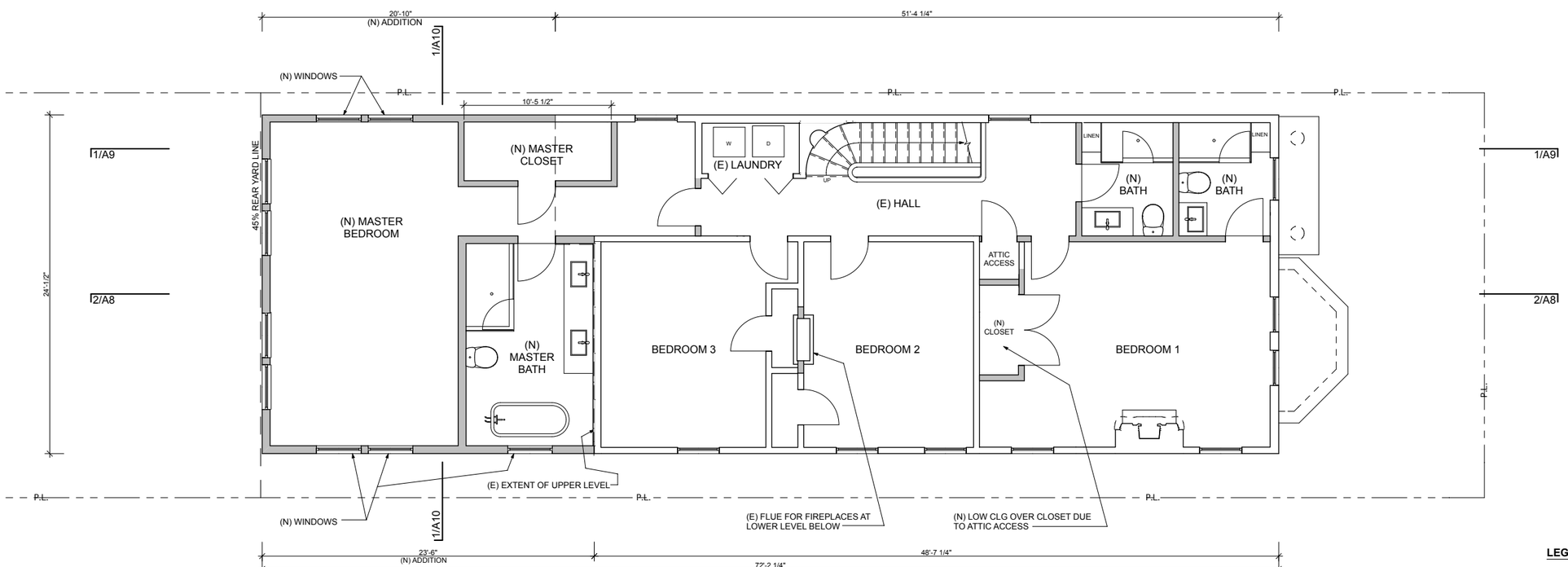
SHEET TITLE:
PROPOSED FLOOR PLANS

A6



2 PROPOSED ATTIC LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"



1 PROPOSED UPPER LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"

GENERAL NOTES

1. (E) ELECTRICAL TO BE UPDATED THROUGHOUT HOUSE
2. (E) FORCED AIR HEATING TO BE REPLACED BY SUB-FLOOR HYDRONIC HEATING THROUGHOUT HOUSE.

LEGEND

- EXISTING WALL
- NEW WALL
- WALL TO BE REMOVED

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SHEET TITLE:
PROPOSED FLOOR PLANS

A7

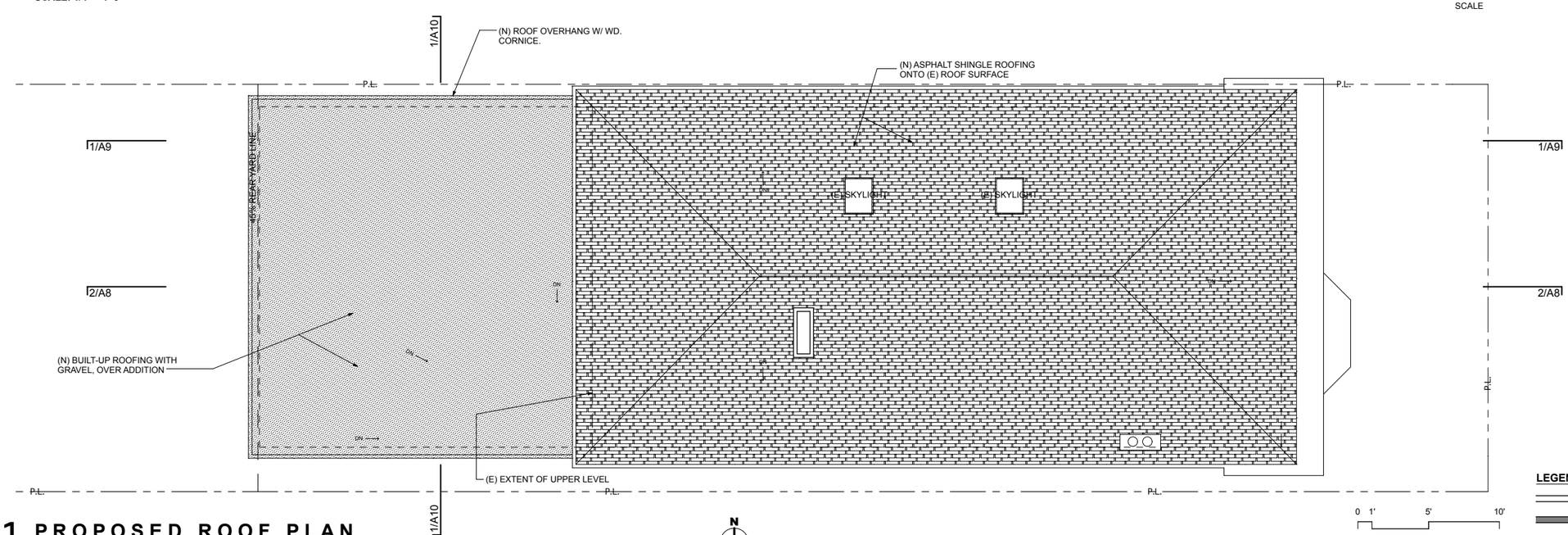
2 PROPOSED SECTION LOOKING SOUTH

SCALE: 1/4" = 1'-0"

0 1' 5' 10'
SCALE

GENERAL NOTES

1. INSTALL (N) PHOTOVOLTAIC PANELS ONTO (E) AND (N) ROOF



1 PROPOSED ROOF PLAN

SCALE: 1/4" = 1'-0"

N

0 1' 5' 10'
SCALE

LEGEND

- EXISTING WALL
- NEW WALL
- WALL TO BE REMOVED

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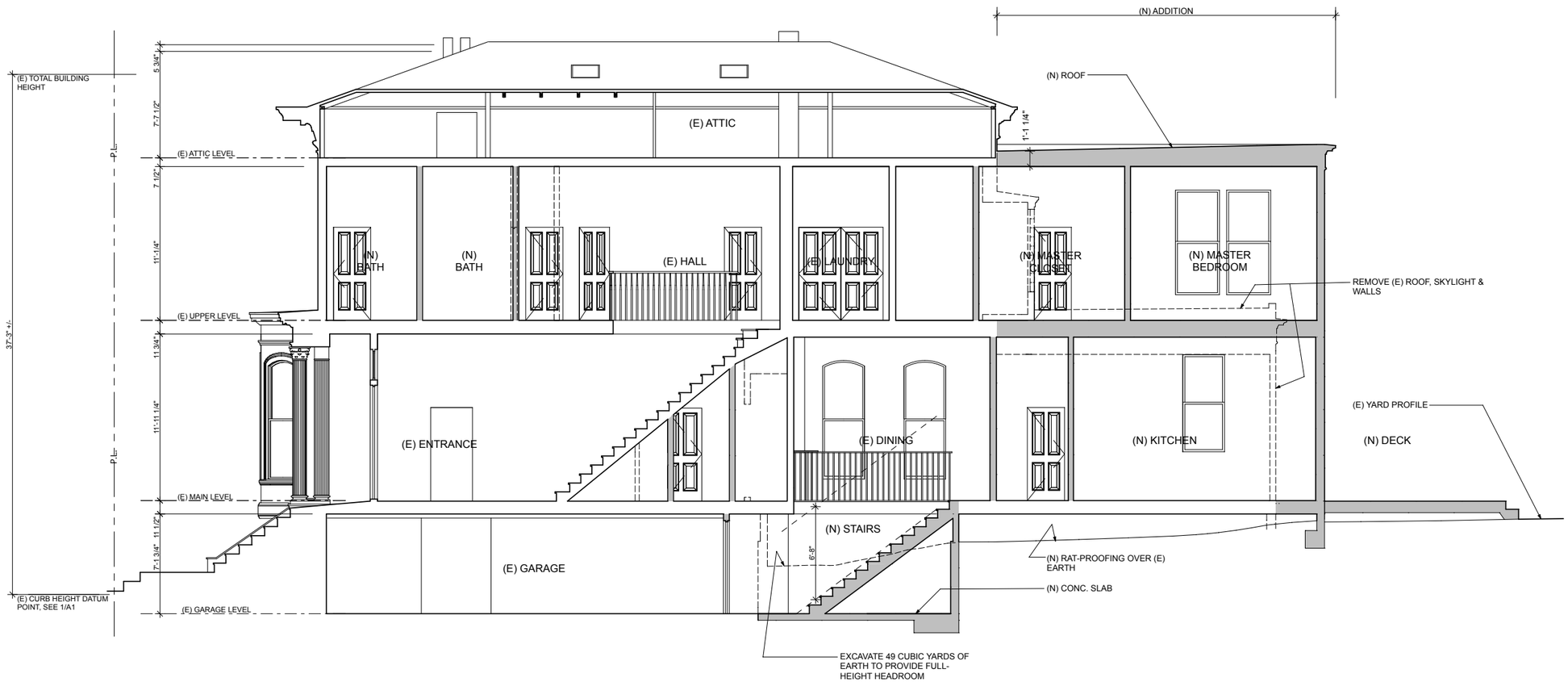
SHEET TITLE:
PROPOSED ROOF PLAN AND BUILDING SECTION

A8



1 PROPOSED SECTION LOOKING SOUTH

SCALE: 1/4" = 1'-0"

LEGEND

- EXISTING WALL
- NEW WALL
- WALL TO BE REMOVED

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SHEET TITLE:
PROPOSED BUILDING SECTION

A9

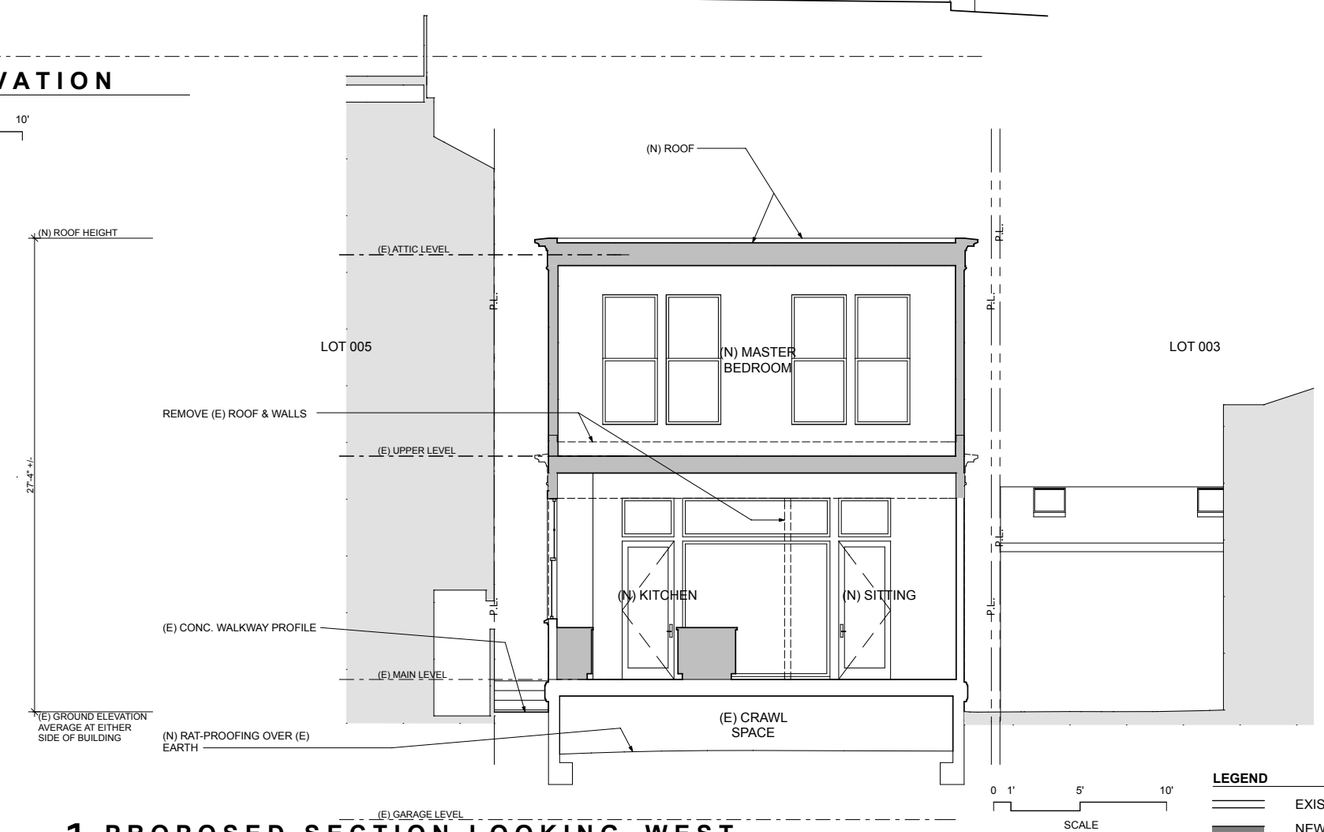
2 SOUTH EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"

0 1' 5' 10'
SCALE

GENERAL NOTES

1. ALL DOORS, WINDOWS AND SKYLIGHTS ARE (E) UNLESS NOTED OTHERWISE.
2. (E) WINDOWS AND DOORS TO BE REPAIRED
3. INSTALL (N) PHOTOVOLTAIC PANELS ONTO (E) AND (N) ROOF



1 PROPOSED SECTION LOOKING WEST

SCALE: 1/4" = 1'-0"

0 1' 5' 10'
SCALE

LEGEND

- EXISTING WALL
- NEW WALL
- WALL TO BE REMOVED

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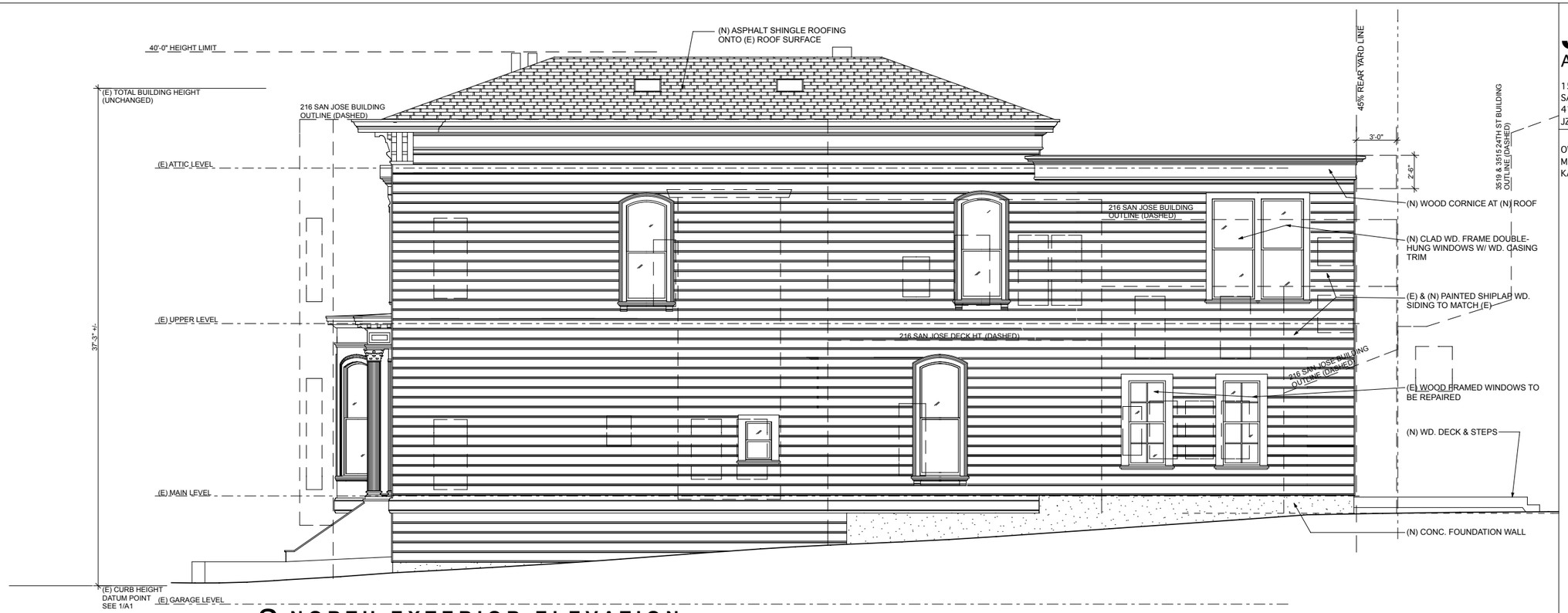
SHEET TITLE:
PROPOSED BUILDING SECTION & EXTERIOR ELEVATION

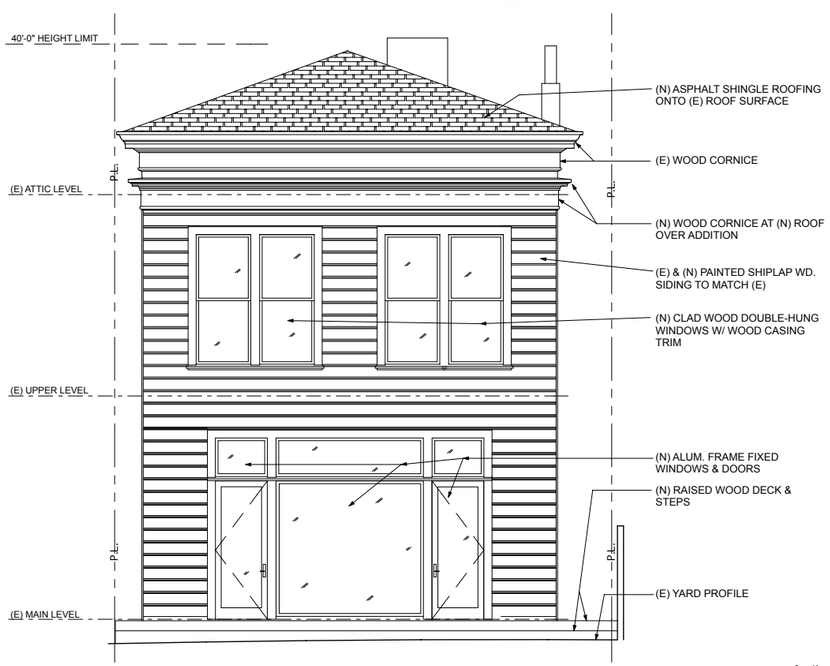
A10



2 NORTH EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"

0 1' 5' 10'
SCALE



1 WEST EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"

0 1' 5' 10'
SCALE

GENERAL NOTES

1. ALL DOORS, WINDOWS AND SKYLIGHTS ARE (E) UNLESS NOTED OTHERWISE.
2. (E) WINDOWS AND DOORS TO BE REPAIRED
3. INSTALL (N) PHOTOVOLTAIC PANELS ONTO (E) AND (N) ROOF

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SHEET TITLE:
PROPOSED EXTERIOR ELEVATIONS

A11