



# SAN FRANCISCO PLANNING DEPARTMENT

## Discretionary Review Abbreviated Analysis

HEARING DATE: MAY 7, 2020

CONTINUED FROM: APRIL 2, 2020

*Date:* April 30, 2020  
*Case No.:* 2015-014170DRP  
*Project Address:* 804 22<sup>nd</sup> Street  
*Permit Applications:* 2018.0813.7232  
*Zoning:* NCT -2 [Neighborhood Commercial Transit- 2]  
45-X Height and Bulk District  
*Block/Lot:* 4107 / 010  
*Project Sponsor:* Mark Topetcher  
828 Divisadero Street  
San Francisco, CA 94117  
*Staff Contact:* David Winslow – (415) 575-9159  
[David.Winslow@sfgov.org](mailto:David.Winslow@sfgov.org)  
*Recommendation:* **Take DR and Approve with Modifications**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project proposes a rear horizontal addition (approximately 430 square feet) at the first story to add to the ground level commercial space; a third story vertical addition (approximately 1,250 square feet) with a roof deck above. New decks are proposed at the second story at the rear and at the third story at the front and rear of the building; restoration of the storefront to support a future commercial use. The project requires a Certificate of Appropriateness which has been approved by the Historic Preservation Commission.

### SITE DESCRIPTION AND PRESENT USE

The site is a 25' wide x 91'-6" deep lot with an existing 2-story building containing two dwelling units and a ground level commercial space built in 1900 and is categorized as a 'A' –Historic Resource present and as a contributor to the Dogpatch Landmark District designated under Article 10 of the Planning Code. The Historic Preservation Commission granted a Certificate of Appropriateness for the proposed project on October 2, 2019.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The buildings on this block of 22<sup>nd</sup> Street are generally 2-stories with gabled roofs that extend well into the rear with the alignment of rear building walls creating a constrained but very defined and consistent mid-block open space. The condition of this property with respect to the DR requestor is that of a key lot, such that the rear of the subject faces the side wall and light well of the DR requestor.

**BUILDING PERMIT NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	November 26, 2019 – December 26, 2019	12.26. 2019	5.7. 2020	153 days

**HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	March 13, 2020	March 13, 2020	20 days
Mailed Notice	20 days	March 13, 2020	March 13, 2020	20 days
Online Notice	20 days	March 13, 2020	March 13, 2020	20 days

**PUBLIC COMMENT**

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	2	0	0
Other neighbors on the block or directly across the street	6	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**

Annette Carrier of 1078-1080 Tennessee Street, adjacent neighbor to the North of the proposed project.

**DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES**

Is concerned that the proximity of the proposed rear decks to the lightwell will:

1. Block light and air and;
2. create privacy and noise impacts.

Proposed alternative: delete the horizontal and vertical expansion.

See attached *Discretionary Review Application*, dated December 26, 2019.

## PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The design has been reviewed and designed to comply with the letter of the Planning Code and the intent of the applicable Urban Design Guidelines. The proposed design responds to and fits the adjacent context and presents no adverse impacts.

See attached *Responses to Discretionary Review*, dated March 26, 2020.

## DEPARTMENT REVIEW

In NC-Zoning the Residential Design Guidelines are not applicable, nor are the Urban Design Guidelines applicable to projects in Article 10 districts. However, the Urban Design Guidelines found in the General Plan's Commerce and Industry Element provides the following guidance to development in NC-Districts:

- The site plan of a new building should reflect the arrangement of most other buildings on its block, whether set back from, or built out to its front property lines.
- New development should respect open space corridors in the interior of blocks and not significantly impede access of light and air nor block views of adjacent buildings.
- On irregularly shaped lots, through-lots or those adjacent to fully-built lots, open space located elsewhere than at the rear of a property may improve the access of light and air to residential units.

With this the Department's Urban Design Review Team (UDAT) re-reviewed this project and recommends that additional measures are taken to ensure reasonable maintenance of light and privacy to the DR requestor.

Specifically, staff recommends setting back the deck to match the adjacent neighbors' light well and provide a screening fence at the line of the deck.

<b>RECOMMENDATION:</b> <b>Take DR and Approve with Modifications</b>
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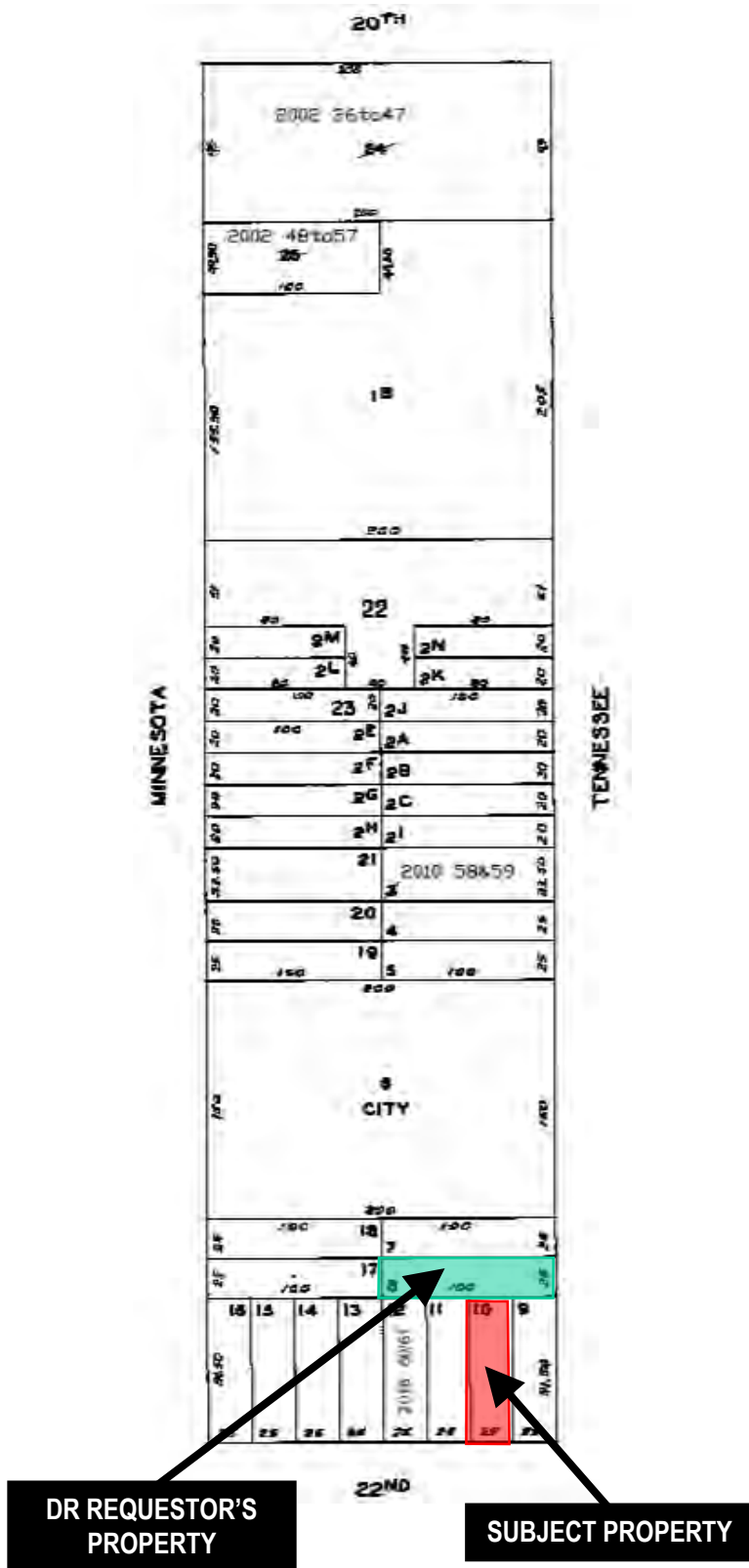
### Attachments:

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photographs  
Section 311 Notice  
CEQA Determination  
DR Application  
Response to DR Application, dated March 26, 2020  
Letters from neighbors  
Reduced Plans and 3-D renderings

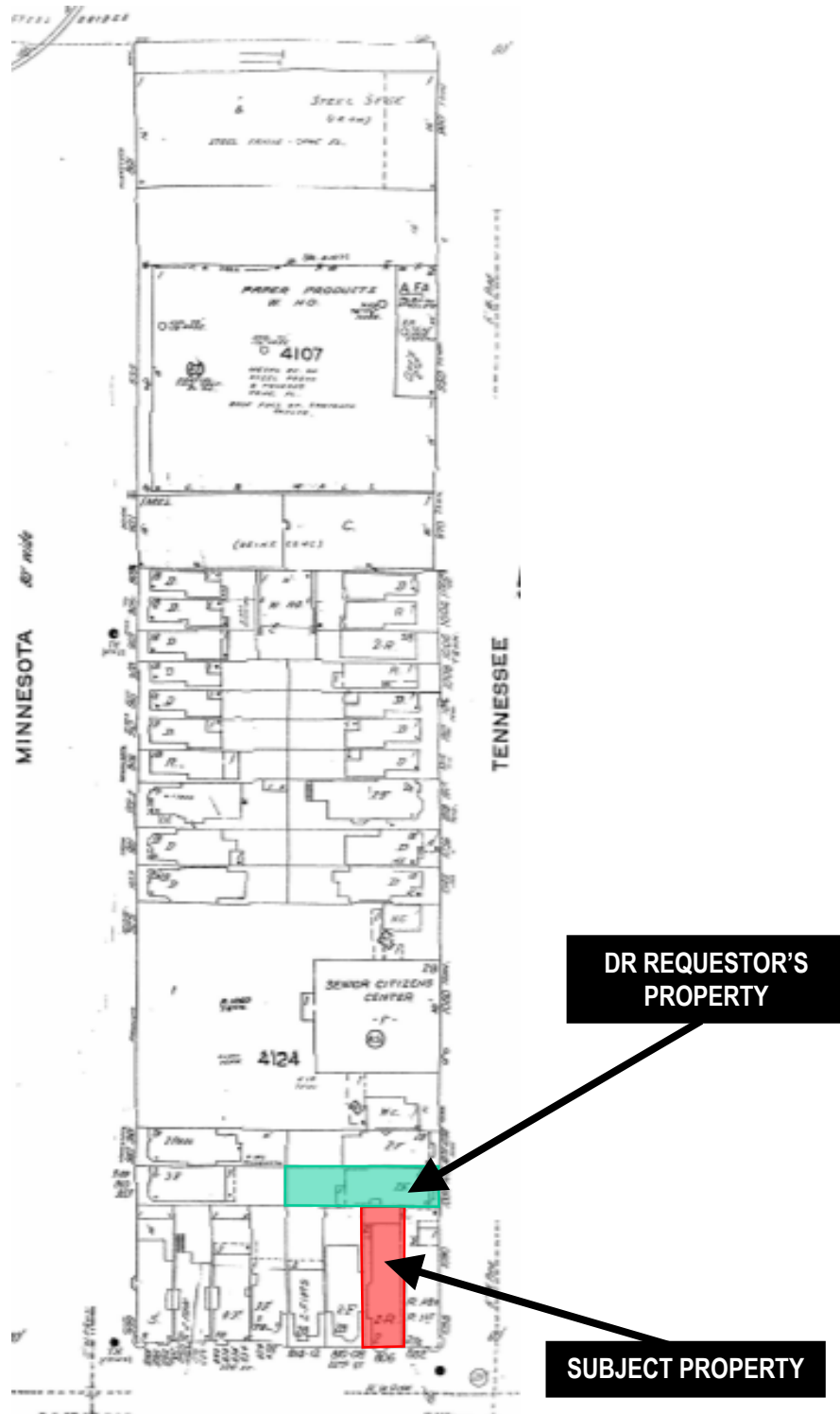
# Exhibits



# Parcel Map



# Sanborn Map\*

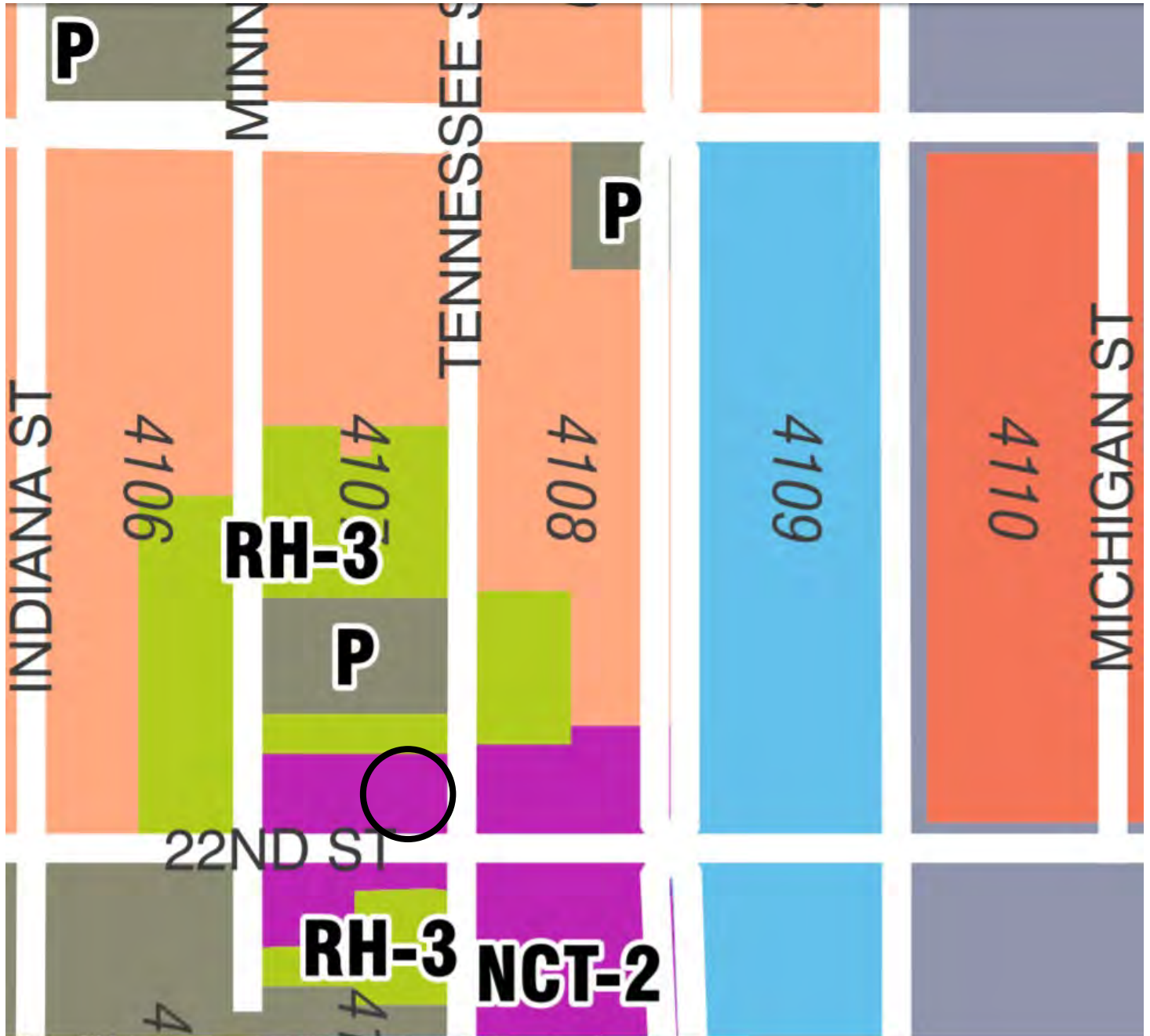


*\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*



Discretionary Review Hearing  
Case Number 2015-014170DRP  
804 22nd Street

# Zoning Map



Discretionary Review Hearing  
Case Number 2015-014170DRP  
804 22nd Street

# Aerial Photo



**DR REQUESTOR'S  
PROPERTY**

**SUBJECT PROPERTY**



Discretionary Review Hearing  
Case Number 2015-014170DRP  
804 22nd Street



# Aerial Photo



**SUBJECT PROPERTY**

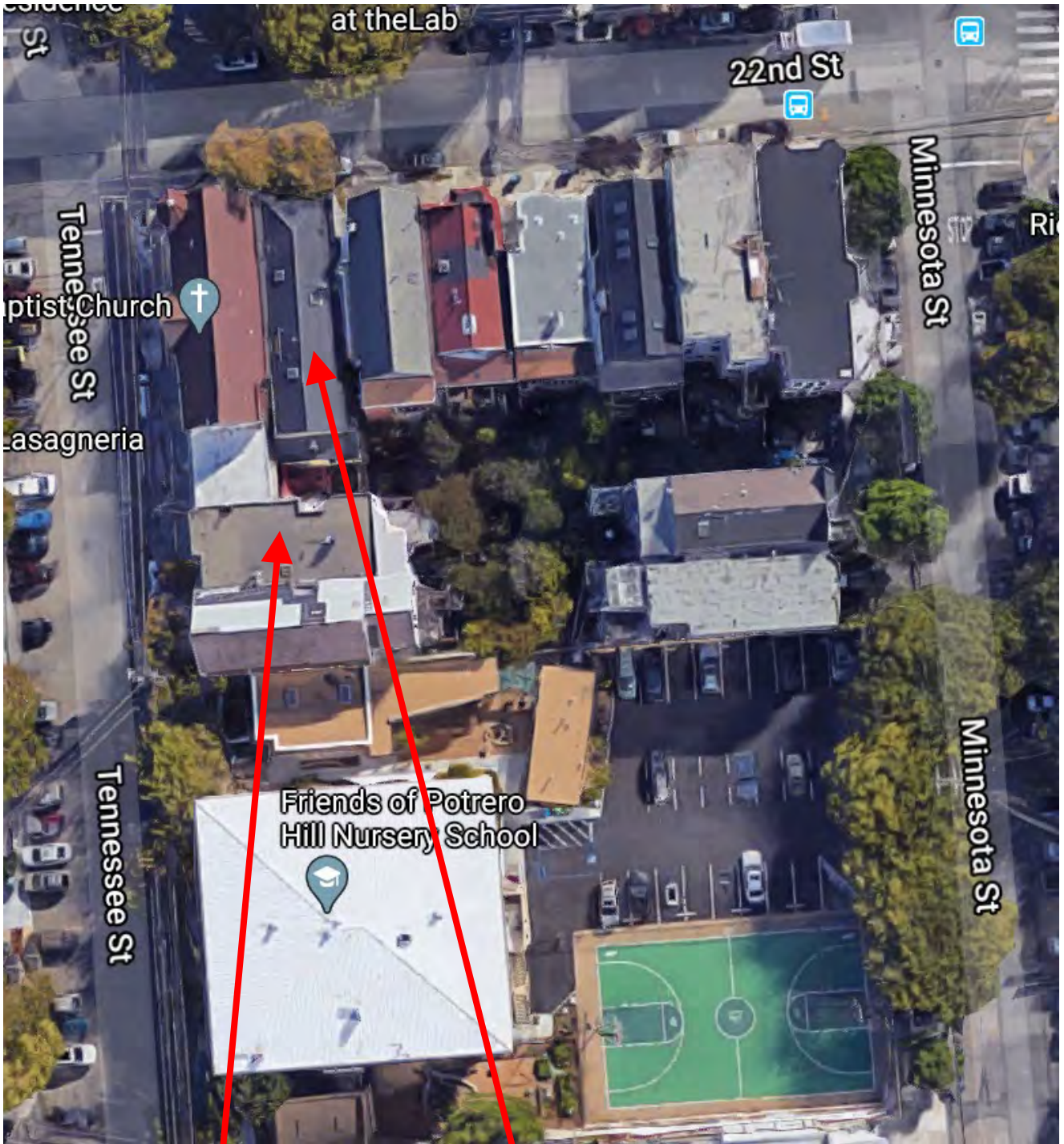
**DR REQUESTOR'S  
PROPERTY**



Discretionary Review Hearing  
Case Number 2015-014170DRP  
804 22nd Street



# Aerial Photo



**DR REQUESTOR'S  
PROPERTY**

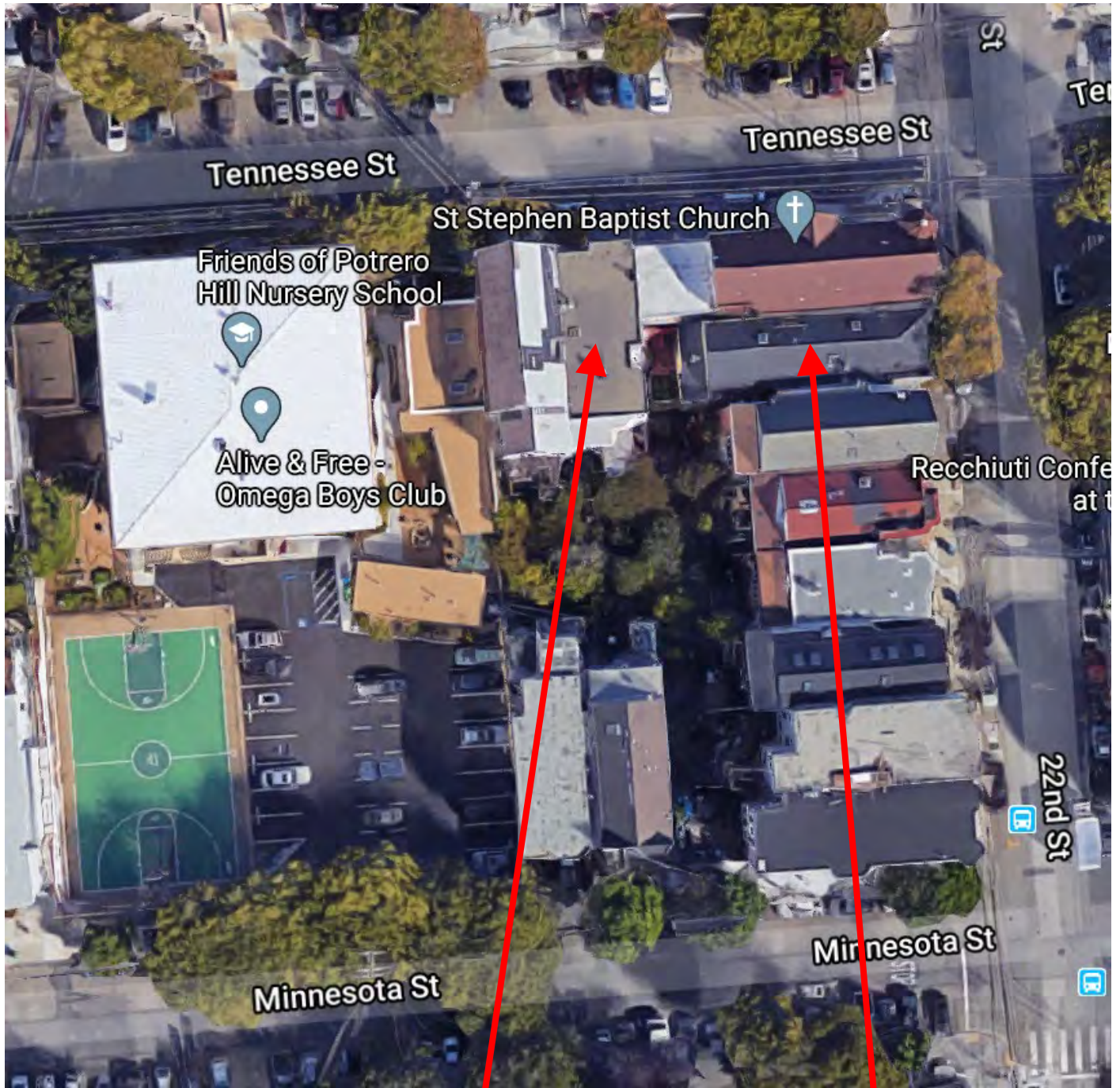
**SUBJECT PROPERTY**



Discretionary Review Hearing  
Case Number 2015-014170DRP  
804 22nd Street



# Aerial Photo



**DR REQUESTOR'S  
PROPERTY**

**SUBJECT PROPERTY**



Discretionary Review Hearing  
Case Number 2015-014170DRP  
804 22nd Street

# Site Photo



**SUBJECT PROPERTY**

Discretionary Review Hearing  
Case Number 2015-014170DRP  
804 22nd Street





# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **August 13, 2018**, Building Permit Application No. **201808137232** was filed for work at the Project Address below.

**Notice Date:** November 26<sup>th</sup>, 2019

**Expiration Date:** December 26<sup>th</sup>, 2019

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	<b>804 22ND ST</b>	Applicant:	<b>Mark Topetcher</b>
Cross Street(s):	<b>Tennessee and Minnesota streets</b>	Address:	<b>828 Divisadero Street</b>
Block/Lot No.:	<b>4107 / 010</b>	City, State:	<b>San Francisco, CA 94117</b>
Zoning District(s):	<b>NCT-2 /45-X</b>	Telephone:	<b>(415) 359-9997</b>
Record Number:	<b>2015-014170PRJ</b>	Email:	<b>mt@toparchitecture.com</b>

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		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	Residential and Commercial
Front Setback	None	No Change
Side Setbacks	None	No Change
Building Depth	79 feet 6 inches	91 feet 6 inches
Rear Yard	0 feet (to existing deck)	0 feet (to proposed rear building wall)
Building Height	25 feet 8 inches	36 feet 3 inches
Number of Stories	2	No Change
Number of Dwelling Units	2	No Change
Number of Parking Spaces	0	No Change

**PROJECT DESCRIPTION**

The proposed project includes a one-story horizontal addition (approximately 430 square feet) at the rear to expand the first-story commercial space. The storefront will be restored to support a future commercial use, which is required at the ground floor in this NCT-2 Zoning District. The project also includes a one-story vertical addition (approximately 1,250 square feet) to create a new third floor with a roof deck above. New decks are proposed at the second story at the rear and at the third story at the front and rear of the building. The project requires a Certificate of Appropriateness which has been approved by the Historic Preservation Commission.

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

To view plans or related documents, visit [sf-planning.org/notices](http://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:**  
Monica Giacomucci, 415-575-8714, [Monica.Giacomucci@sfgov.org](mailto:Monica.Giacomucci@sfgov.org)



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
804 22ND ST		4107010
<b>Case No.</b>		<b>Permit No.</b>
2015-014170PRJ		201510068922
<input checked="" type="checkbox"/> <b>Addition/ Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<p><b>Project description for Planning Department approval.</b>          TO COMPLY W/ NOV 201535251 TO REMOVE REAR DECK. SECOND STORY VERTICAL ADDITION AND NEW ROOF DECK (10/22/15); VERTICAL ADDITION OF THIRD FLOOR AND A NEW HORIZONTAL ADDITION AT 1ST FLOOR (08/10/18)</p>		

### STEP 1: EXEMPTION CLASS

<b>The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).</b>	
<input checked="" type="checkbox"/>	<b>Class 1 - Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 - New Construction.</b> 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.
<input type="checkbox"/>	<p><b>Class 32 - In-Fill Development.</b> New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(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.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p><b>FOR ENVIRONMENTAL PLANNING USE ONLY</b></p>
<input type="checkbox"/>	<b>Class ____</b>

## STEP 2: CEQA IMPACTS

### TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p><b>Air Quality:</b> 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 &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone)</p>
<input type="checkbox"/>	<p><b>Hazardous Materials:</b> 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?</p> <p><i>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 &gt; Maher layer).</i></p>
<input type="checkbox"/>	<p><b>Transportation:</b> Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? 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?</p>
<input type="checkbox"/>	<p><b>Archeological Resources:</b> 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? If yes, archeo review is required (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p><b>Subdivision/Lot Line Adjustment:</b> 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 &gt; CEQA Catex Determination Layers &gt; Topography). If yes, Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p><b>Slope = or &gt; 25%:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 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 &gt; CEQA Catex Determination Layers &gt; Topography) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b></p>
<input type="checkbox"/>	<p><b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 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 &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b></p>
<input type="checkbox"/>	<p><b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 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 &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</b></p>
<p><b>Comments and Planner Signature (optional):</b> Monica Giacomucci</p>	

**STEP 3: PROPERTY STATUS - HISTORIC RESOURCE**  
**TO BE COMPLETED BY PROJECT PLANNER**

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> (refer to Property Information Map)	
<input checked="" type="checkbox"/>	<b>Category A:</b> Known Historical Resource. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	<b>Category B:</b> Potential Historical Resource (over 45 years of age). <b>GO TO STEP 4.</b>
<input type="checkbox"/>	<b>Category C:</b> Not a Historical Resource or Not Age Eligible (under 45 years of age). <b>GO TO STEP 6.</b>

**STEP 4: PROPOSED WORK CHECKLIST**  
**TO BE COMPLETED BY PROJECT PLANNER**

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. <b>Addition(s)</b> 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.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input checked="" type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

**STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW**  
**TO BE COMPLETED BY PROJECT PLANNER**

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

<input checked="" type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) b. Other (specify):
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.</b>	
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b> Monica Giacomucci	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION  
TO BE COMPLETED BY PROJECT PLANNER**

<input checked="" type="checkbox"/>	<b>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.</b>	
	<b>Project Approval Action:</b> Building Permit	<b>Signature:</b> Monica Giacomucci
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	09/11/2019
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of 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 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)
804 22ND ST		4107/010
Case No.	Previous Building Permit No.	New Building Permit No.
2015-014170PRJ	201510068922	
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:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	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?
<b>If at least one of the above boxes is checked, further environmental review is required.</b>	

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	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. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.	
Planner Name:	Date:





RECEIVED

DEC 26 2019

CITY & COUNTY OF S.F. PLANNING DEPARTMENT PIC

DISCRETIONARY REVIEW PUBLIC (DRP) APPLICATION

Discretionary Review Requestor's Information

Name: Annette Carrier, c/o Zacks, Freedman & Patterson, PC
Address: 1078-1080 Tennessee Street, San Francisco, CA 94107
Email Address: shoshana@zfp.com
Telephone: (415) 956-8100

Information on the Owner of the Property Being Developed

Name: Craig Peters & Maureen DeBoer
Company/Organization: c/o Mark Topetcher, Topetcher Architecture
Address: 828 Divisadero Street, San Francisco, CA 94117
Email Address: mt@toparchitecture.com
Telephone: (415) 359-9997

Property Information and Related Applications

Project Address: 804 22nd Street
Block/Lot(s): 4107/010
Building Permit Application No(s): 201808137232

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

Table with 3 columns: PRIOR ACTION, YES, NO. Rows include: Have you discussed this project with the permit applicant? (Yes checked), Did you discuss the project with the Planning Department permit review planner? (Yes checked), Did you participate in outside mediation on this case? (No checked). Includes a section for 'Changes Made to the Project as a Result of Mediation' with 'N/A' response.



## DISCRETIONARY REVIEW PUBLIC (DRP) APPLICATION PACKET

Pursuant to Planning Code Section 311, the Planning Commission may exercise its power of Discretionary Review over a building permit application.

For questions, call 415.558.6377, email [pic@sfgov.org](mailto:pic@sfgov.org), or visit the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, where planners are available to assist you.

Please read the [Discretionary Review Informational Packet](#) carefully before the application form is completed.

### WHAT TO SUBMIT:

- Two (2) complete applications signed.
- A Letter of Authorization from the DR requestor giving you permission to communicate with the Planning Department on their behalf, if applicable.
- Photographs or plans that illustrate your concerns.
- Related covenants or deed restrictions (if any).
- A digital copy (CD or USB drive) of the above materials (optional).
- Payment via check, money order or debit/credit for the total fee amount for this application. (See [Fee Schedule](#)).

### HOW TO SUBMIT:

To file your Discretionary Review Public application, please submit in person at the Planning Information Center:

Location: 1660 Mission Street, Ground Floor  
San Francisco, CA 94103-2479

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

**中文:** 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415.575.9010。請注意, 規劃部門需要至少一個工作日來回應。

**Tagalog:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9010. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.



## DISCRETIONARY REVIEW REQUEST

In the space below and on separate 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 cite specific sections of the Residential Design Guidelines.

The project proposes to effectively demolish two rent-controlled units and replace them with luxury apartments at different locations in the building. Planning Code § 317 requires conditional use authorization for demolition of existing residential units, and therefore conditional use authorization is required here. Additionally, the project is a "conversion" as defined by § 317 because it proposes the conversion of the first floor residential unit to a commercial space. There is no exception in § 317 for the "relocation" of a unit that is being removed. As such, CUA is required. The project affects multiple neighboring properties due to the configuration of the block.

The project also violates multiple residential design guidelines - including for mid block open space and rear yard extensions. Because the dwelling unit cannot be lawfully removed from the first floor of the property (absent conditional use authorization), a 25% rear yard is required at the first floor. (See, Planning Code § 130, 134, 136.)

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.

Unreasonable impacts of this project include blocking the light well, reducing the amount of light into the applicant's property, and privacy impacts resulting from a proposed deck mere feet from the applicant's tenant's window.

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?

The vertical and horizontal expansions should be deleted.

# 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.

  
\_\_\_\_\_  
Signature

Shoshana Raphael  
\_\_\_\_\_  
Name (Printed)

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

(415) 956-8100  
\_\_\_\_\_  
Phone

shoshana@zfplaw.com  
\_\_\_\_\_  
Email

For Department Use Only

Application received by Planning Department:

By:   
\_\_\_\_\_

Date: 12 / 26 / 17 @ 3:45 PM

December 26, 2019

San Francisco Planning Department  
1660 Mission Street, First Floor  
San Francisco, CA 94103

*Re: Building Permit Application No. 201808137232; Site Address: 804 22<sup>nd</sup> Street  
Letter of Authorization for Agent*

To Whom It May Concern:

I hereby authorize the attorneys of Zacks, Freedman & Patterson, PC to file a Request for Discretionary Review regarding the above-captioned building permit application.

Signed,

  
Annette Carrier

























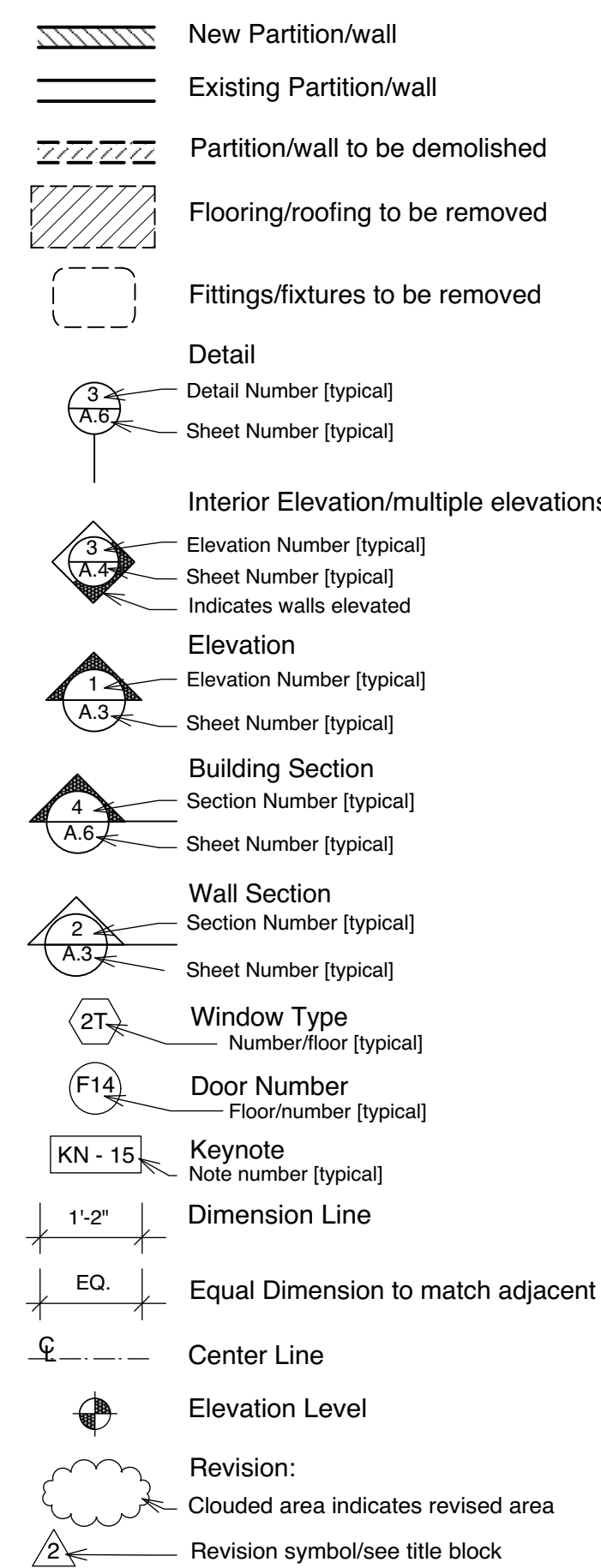
**GENERAL NOTES:**

- 1. CODE COMPLIANCE:** All work is to be performed in accordance with all governing Codes, Ordinances and Regulations. The designs herein are based on the 2016 C.B.C., 2016 S.F.B.C., 2016 S.F.M.C., 2016 S.F.E.C., 2016 S.F.P.C., 2016 S.F.F.C., 2016 C. Energy C.
- 2. JOB COORDINATION & SAFETY:** Contractor shall be responsible for the development, coordination and execution of construction methods and procedures. The Contractor shall also be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with his work.
- 3. JOB CLEANLINESS:** Contractor shall on a daily basis leave the construction site "broom clean" at the end of the work day. At substantial completion, the Contractor shall turn to the Owner a spotlessly clean house, including clean mirrors, glass, light bulbs, walls, floors, cabinetry inside and out, bathroom fixtures, tiles and appliances.
- 4. CONSTRUCTION QUALITY:** No guarantee for quality of construction is implied or intended by the architectural documents, and the Contractor shall assume full responsibility for any or all construction deficiencies.
- 5. CONTRACT DOCUMENT REVIEW:** Contractor shall review all Contract Documents. If fifteen days elapse from the time the Contractor receives the plans and signs to perform the work, and the Owners have not been notified of any errors, omissions or objections, the Owners will consider the documents approved by the Contractor for the performance of his/her work.
- 6. DISCREPANCIES:** In case of any discrepancy notify the Owners before proceeding. Contractor shall be responsible for correction of work at his/her own expense for work installed in conflict with the Contract Documents.
- 7. DIMENSIONS:** All dimensions shown on plans are to face of stud, unless otherwise noted. All dimensions shown on interior elevations are finish dimensions. No dimensions shall be taken by measuring from the drawings. Details take precedence over general sections or plans. Written dimensions take precedence over scale. All dimensions shall be verified in the field for coordination with existing and new conditions.
- 8. SUBSTITUTIONS:** The Contractor will be held to furnish under his Proposal all work described herein. All materials and articles of any kind necessary for this work are subject to the approval of the Owners.
- 9. MANUFACTURED ITEMS:** Transport, handle, store, protect and install manufactured items in strict accordance with manufacturer's recommendations. Should conflict exist between construction documents and manufacturer's instructions, consult with Designer.
- 10. ASBESTOS:** Asbestos removal is not intended to be covered by this contract. If Asbestos is suspected, a testing agency must be hired to verify, and special procedures must be used for removal and disposal. Friable asbestos is the dangerous type and was used extensively for pipe insulation, fireproofing and certain building materials up to 1970.
- 11. CUTTING AND PATCHING:** Cut and fit components as required; patch disturbed areas to match adjacent materials and finishes.
- 12. ATTIC VENTILATION:** Ventilating area shall not be less than 1/150th of the net area of the space ventilated. If at least 50% of required ventilation is provided in the upper portion of the space, then ventilating area may be 1/300th of the attic space per section 3205(c).
- 13. BLOCKING:** Provide solid blocking as necessary for all wall mounted shelves, fixtures and fittings. See interior elevations, where applicable.
- 14. WATER TIGHTNESS:** Contractor shall verify that all work on the exterior of the project is watertight. All joints and surfaces exposed to the elements shall be tested for water tightness prior to substantial completion.
- 15. WATERPROOF MEMBRANE:** Install a waterproof membrane under the Master Shower floor @ the Master Bath. Wrap the membrane up a minimum of 8" on all surrounding surfaces.
- 16. GLAZING:** Tempered glazing is required as per UBC 2406. Glazing to be tempered includes but is not limited to: glazing that is less than 18" above finish floor; within 24" radius of doors; Glass door and panels of shower and bathtub enclosures and adjacent glazed openings within 60" above a standing surface and drain inlet shall be fully tempered, laminated safety glass as per UBC 2406.3 & 4; skylights; etc...
- 17. DRYWALL:** All drywall to be 5/8" thick. Install metal corner beads at all outside corners. Fasten drywall to framing with drywall screws. All drywall is to be sanded three times to produce a smooth finish for all walls and ceilings. All drywall shall be finished so that it is smooth, with no bumps or craters. All joints to be taped and sanded so that there is no distinguishable transition. Contractor shall deliver all new or repaired walls perfectly even. The owners' and designer's criteria will be the sole measure for approval of the finished work.
- 18. HANDRAILS AND GUARDRAILS:** All handrails at stairs are 34" above tread nosing. All guardrails are 42" minimum to finish floor, U.O.N. See interior elevations or details, as applicable, for guardrail design.
- 19. SHOWER AND TUB W/ SHOWER :** Provide ceramic tile or stone finish at all shower and tub w/ shower areas to a minimum height of 70" above the drain inlet over a moisture resistant underlayment (typical). Verify with interior elevations, if applicable. All showers & shower/tub combinations to have pressure balance mixing valves as per UPC section 410.7
- 20. PLUMBING:** All work is design/build by the Plumbing contractor and is to meet required codes and Title 24 requirements. Low flow plumbing fixtures & fittings will be used in all bathrooms, etc... Toilets to have a max. allowable flush of 1.6 gal. When there are fixtures @ three levels, cast iron or other approved non-plastic materials for drain, waste, & vents is to be used.
- 21. TITLE 24 RESIDENTIAL LIGHTING REQUIREMENTS**
  - All residential lighting to be high efficacy.
  - At least one fixture in bathrooms, garages laundry room and utility rooms must be controlled by a vacancy sensor.
  - Lighting in areas other than kitchens, bathrooms, garages, laundry room and utility rooms shall be high efficacy or either controlled by a dimmer switch or vacancy sensor.
  - Recessed lights in insulated ceilings must be ic and at(air tight) rated, recessed lights within 5'-0" of a common prop. line to have 1hr rated enclosure.
  - Exterior building mounted lighting must be high efficacy and must include manual on/off switch/hand one of the following: photocontrol & motion sensor - photocontrol & automatic time switch control - astronomical time switch control or energy management control system.
  - Common areas of low-rise residential buildings with four or more units must be high efficacy or controlled by a title 24 compliant occupant sensor.
  - Under cabinet lighting (including kitchen must be switched separately from other lighting systems.

**ARCHITECTURAL SHEETS:**

- A1.0 PROJECT INFO, LEGENDS, & PROPOSED SITE PLAN
- A1.1 EXISTING SITE PLAN & SITE PHOTOS
- A2.0 EXISTING/DEMO 1ST FLOOR PLAN & PROPOSED 1ST FLOOR PLAN
- A2.1 EXISTING/DEMO 2ND FLOOR PLAN & PROPOSED 2ND FLOOR PLAN
- A2.2 PROPOSED 3RD FLOOR PLAN & PROPOSED ROOF DECK
- A2.3 EXISTING ROOF PLAN & PROPOSED ROOF PLAN
- A3.0 PROPOSED & EXISTING BUILDING SECTIONS & DETAILS
- A4.0 EXISTING & PROPOSED SOUTH & NORTH ELEVATIONS
- A4.1 EXISTING & PROPOSED WEST ELEVATIONS
- A4.2 EXISTING & PROPOSED EAST ELEVATIONS
- A4.3 EXISTING & PROPOSED ELEVATIONS WITH ADJACENT BUILDINGS

**DRAWING SYMBOL LEGEND**



**PROJECT DESCRIPTION:**

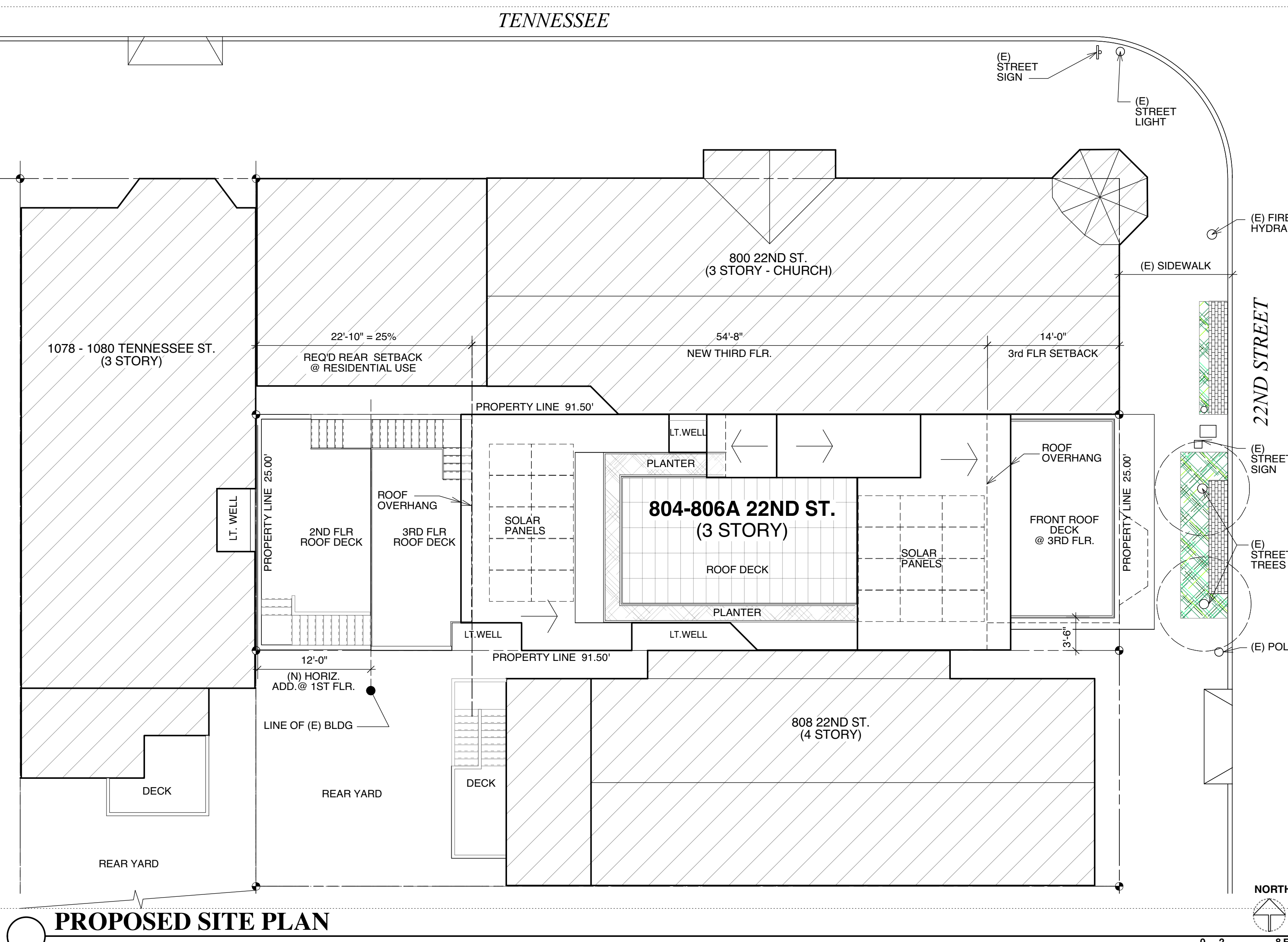
THE SCOPE OF WORK UNDER THIS PERMIT IS FOR VERTICAL ADDITION OF A NEW THIRD FLOOR AND A HORIZONTAL ADDITION AT THE FIRST FLOOR. THE EXISTING UNIT 806A WILL BE RELOCATED FROM THE FIRST FLOOR TO THE SECOND; UNIT 804 WILL BE EXPANDED INTO THE NEW THIRD FLOOR. UNIT 804 WILL INCLUDE LIVING/DINING/KITCHEN AREA, BEDROOM AND BATH. STUDY AND ROOF DECK AREAS AT THE THIRD FLOOR AND THREE BEDROOMS AND TWO BATHS AT THE SECOND FLOOR; UNIT 806A AT THE SECOND FLOOR WILL INCLUDE TWO BEDROOMS, BATH, LIVING/DINING/KITCHEN AREA, AND ROOFDECK; THE FIRST FLOOR EXISTING COMMERCIAL TENANT SPACE WILL BE EXPANDED TO THE FULL DEPTH OF THE PROPERTY; AND A PRIVATE L.U.L.A. ELEVATOR WILL BE ADDED TO SERVE THE RESIDENTIAL UNITS. THE BUILDING WILL BE SRINKLERED THROUGH OUT.

**PROJECT DATA**

ZONING:	NCT-2	
HEIGHT LIMIT	45-X	
EXISTING OCCUPANCY:	R-2	
CONSTRUCTION:	TYPE V-B	<b>PROPOSED</b>
	<b>EXISTING</b>	
STORIES:	2	3
HEIGHT:	29' -0"	38' -2"
UNITS:	2	2
SPRINKLER STATUS:	NON-SPRINKLERED	PROVIDE SPRINKLERS AS PER NFPA 13R

**AREA CALCULATIONS**

EXISTING 1ST FLOOR AREA :	1,619 sq.ft.	PROPOSED 1ST FLOOR AREA:	2,046 sq.ft.
COMMERCIAL TENANT SPACE :	788 sq.ft.	COMMERCIAL TENANT SPACE :	1,590 sq.ft.
RESIDENTIAL UNIT #806A:	831 sq.ft.	COMMON SPACE [UNCONDITIONED]	456 sq.ft.
EXISTING 2ND FLOOR AREA :	1,881 sq.ft.	PROPOSED 2ND FLOOR AREA:	1,910 sq.ft.
RESIDENTIAL UNIT #804:	1,881 sq.ft.	UNIT 806A:	970 sq.ft.
DECK AT 2ND FLOOR:	136 sq.ft.	UNIT 804:	887 sq.ft.
<b>TOTAL EXISTING GROSS FLOOR AREA:</b>	<b>3,500 sq.ft.</b>	UNIT 806A DECK:	255 sq.ft.
		COMMON SPACE [UNCONDITIONED]:	53 sq.ft.
		PROPOSED 3RD FLOOR AREA:	1,370 sq.ft.
		UNIT 804:	1,370 sq.ft.
		UNIT 804 DECK (FRONT&REAR):	554 sq.ft.
		UNIT 804 ROOF DECK:	345 sq.ft.
		<b>TOTAL PROPOSED GROSS FLOOR AREA:</b>	<b>5,326 sq.ft.</b>
		(DECKS NOT INCLUDED)	
<b>NET CHANGE IN CONDITIONED AREA:</b>		COMMERCIAL TENANT SPACE GROSS FLOOR AREA:	1,590 sq.ft.
1ST FLOOR:	128 sq.ft.	UNIT 806A GROSS FLOOR AREA:	970 sq.ft.
2ND FLOOR:	65 sq.ft.	UNIT 804 GROSS FLOOR AREA:	1,370 sq.ft.
3RD FLOOR:	1,370 sq.ft.		
<b>TOTAL ADDED CONDITIONED AREA:</b>	<b>1,563 sq.ft.</b>		
TOTAL INCREASE IN BLDG. FOOTPRINT:	304 sq.ft.		



SITE PERMIT

**TOPETCHER ARCHITECTURE INC**  
 828 DIVISADERO SAN FRANCISCO CALIFORNIA 94117  
 TEL 415 359 9997 FAX 415 359 9986  
 toparchitectura.com

**PRINTING RECORD**

DATE	ACTION
JULY 31, 2018	NEIGHB. PRE-APP MEETING
AUG. 10, 2018	SITE PERMIT APPLICATION

All drawings and written material appearing herein constitute the original and unpublished work of TOPETCHER ARCHITECTURE, INC. and the same may not be duplicated, used or disclosed without written consent.

**DeBoer/Peters Residence**  
 804 22ND STREET  
 SAN FRANCISCO, CA. 94107  
 BLOCK # 4107 LOT # 010

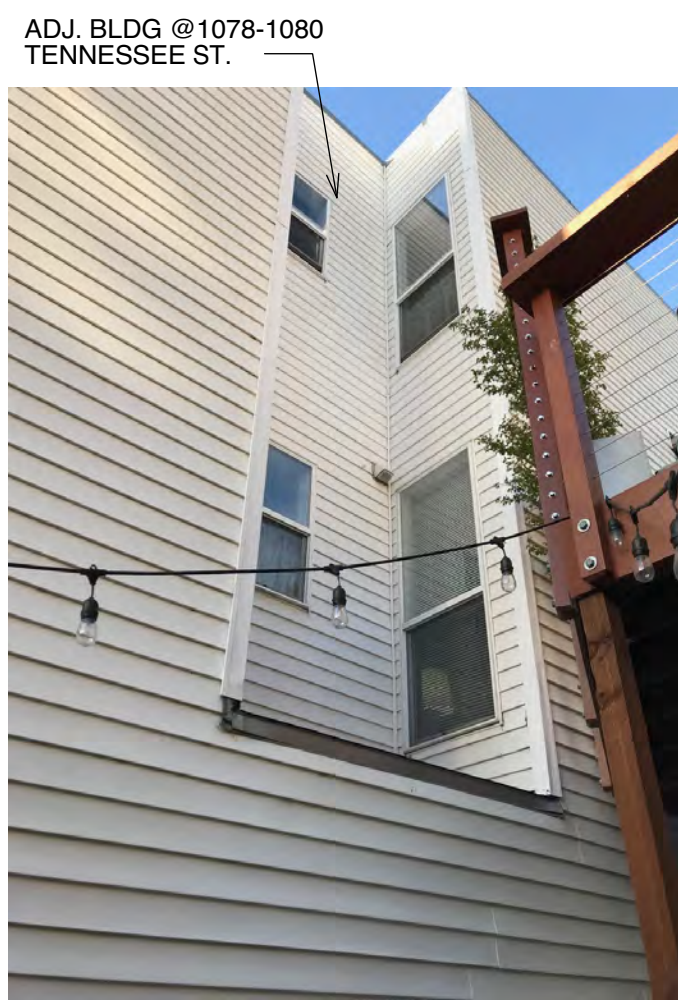
**SHEET TITLE**  
 PROJECT INFO,  
 LEGENDS & PROP.  
 SITE PLAN

SCALE: 1/8"=1'-0"  
 JOB NO. 18.03

MARK: J. TOPETCHER, ARCHITECT, CA. LIC. # C 21878, EXP. MAY 2019

SHEET  
**A 1.0**





1 LOOKING WEST



2 LOOKING NORTH



3 LOOKING NORTH - EAST



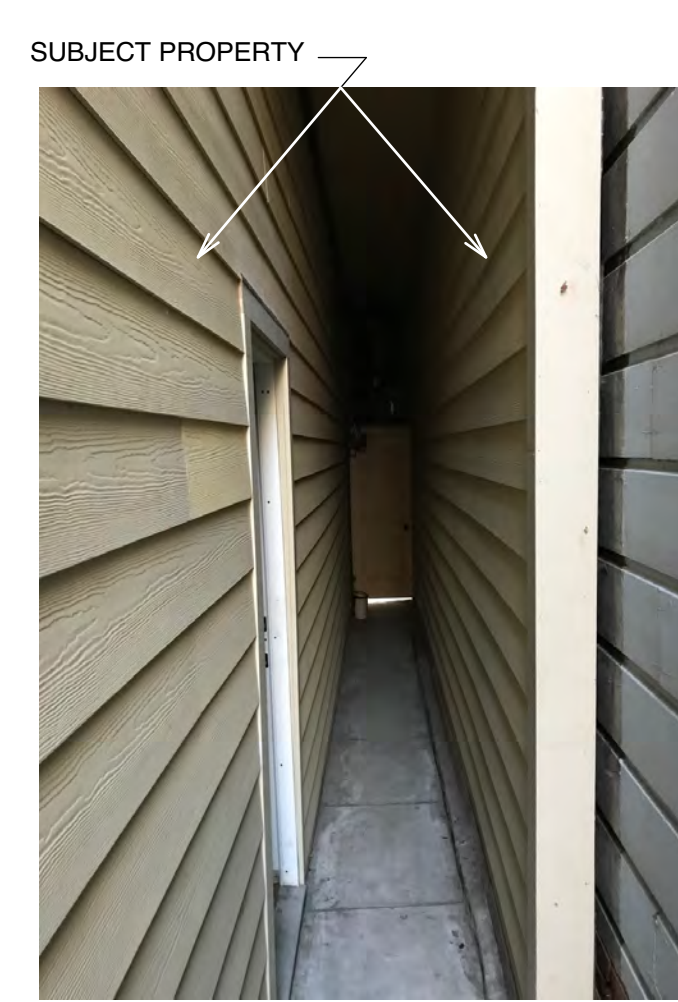
4 LOOKING EAST



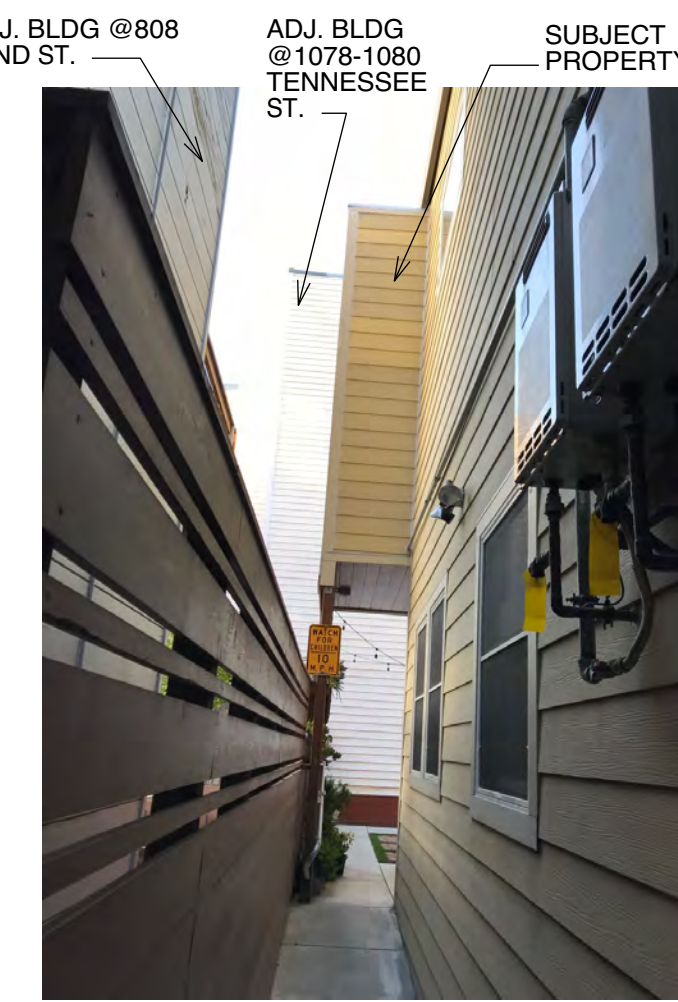
5 LOOKING SOUTH - EAST



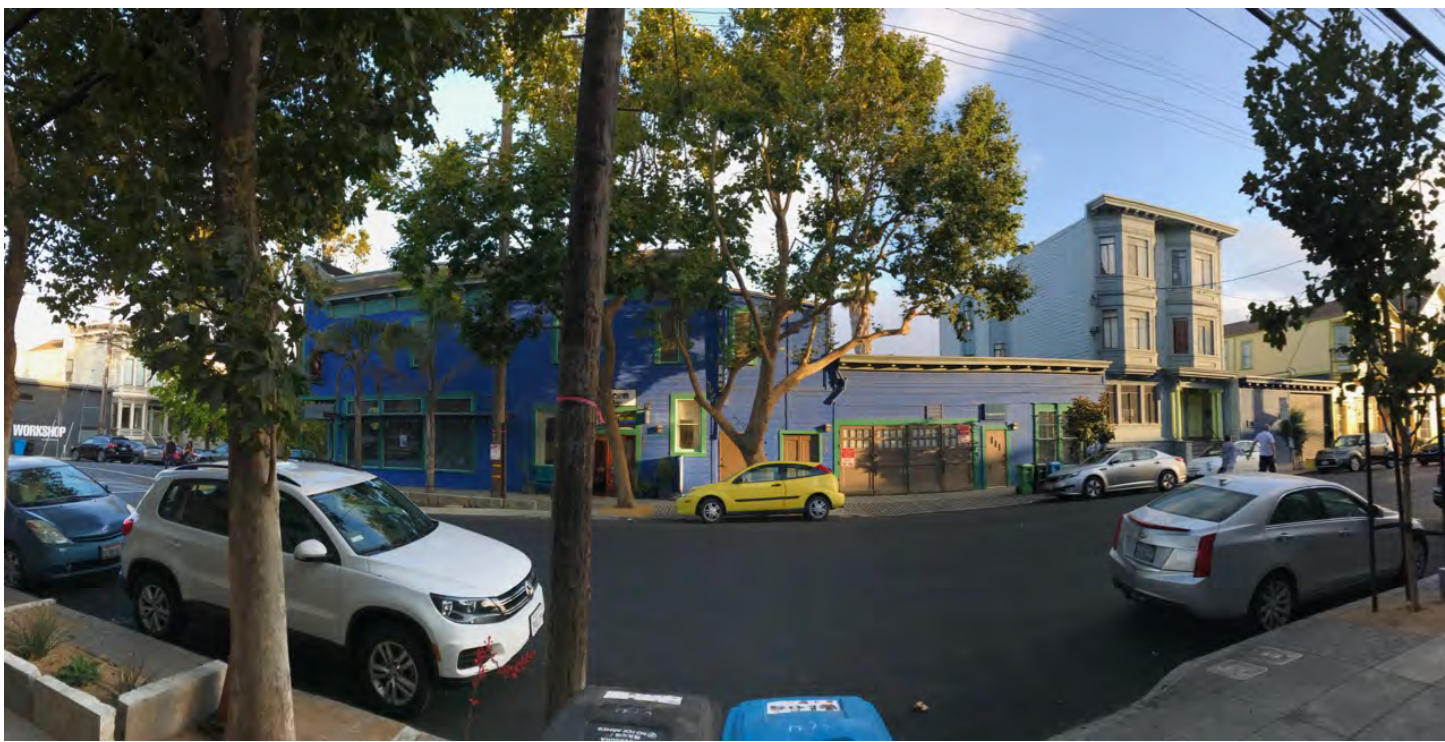
6 LOOKING EAST



7 LOOKING EAST (COVERED EGRESS PATH)



8 LOOKING WEST



9 LOOKING EAST (ACROSS STREET FROM SUBJECT PROPERTY)



10 LOOKING WEST



11 LOOKING WEST



12 LOOKING EAST



13 LOOKING NORTH - WEST

### STREET TREE CONFORMANCE:

CALCULATIONS FOR NUMBER OF NEW REQUIRED STREET TREES

COMBINED LENGTH OF ALL STREET FRONTAGES:

22ND STREET: 25'-0"

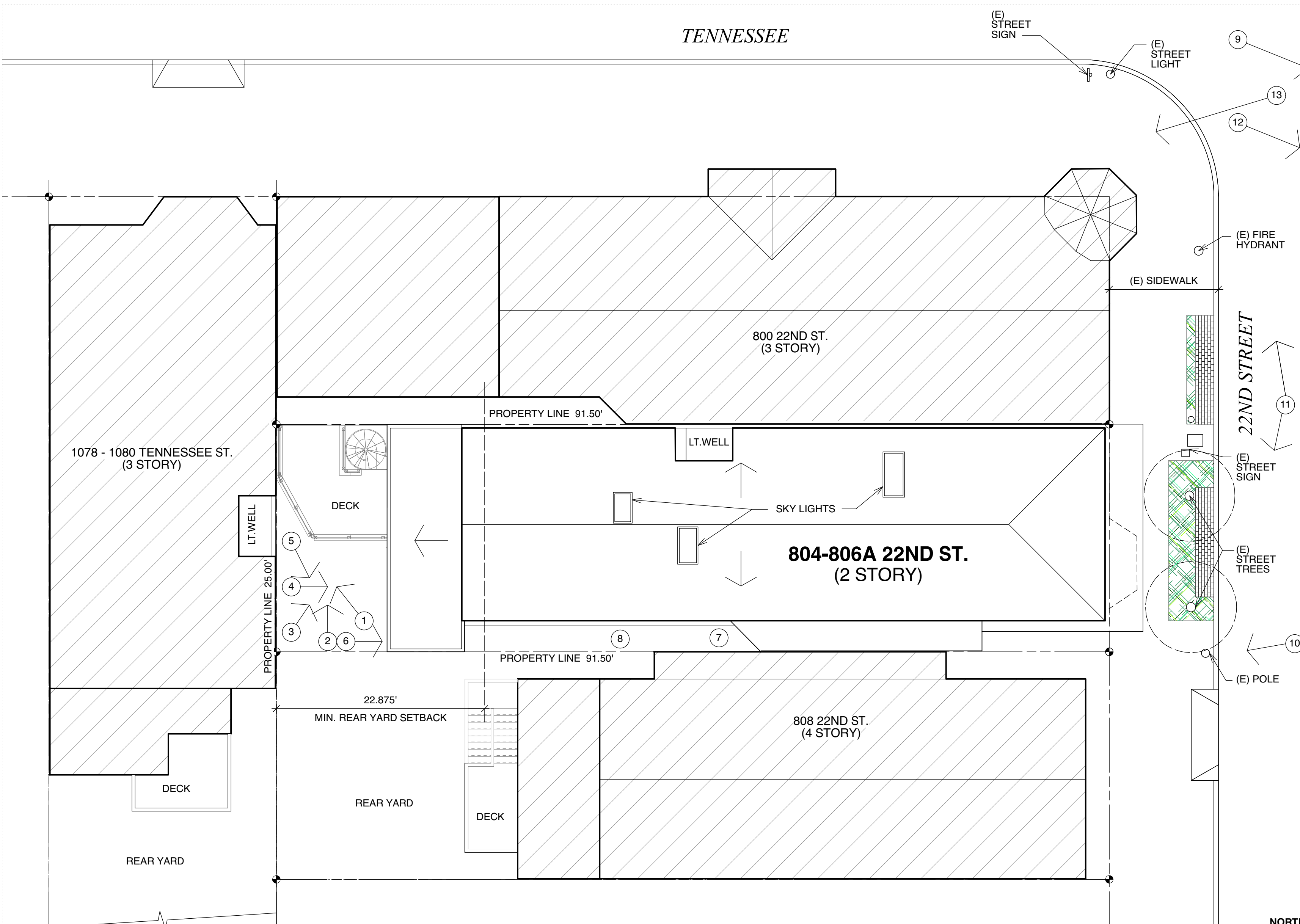
**TOTAL STREET FRONTAGE: 25'-0"**

25'-0" ÷ 20'-0" (TREE SPACING REQUIREMENT) = 1 TREE

EXISTING TREES = 2

NEW TREES = 0

**TOTAL NUMBER OF TREES: 2**



### EXISTING SITE PLAN

0 2 8 FT

**TOPETCHER**  
ARCHITECTURE INC  
828 DIVISADERO  
SAN FRANCISCO  
CALIFORNIA 94117  
TEL 415 359 9997  
FAX 415 359 9986  
toparchitecture.com

### PRINTING RECORD

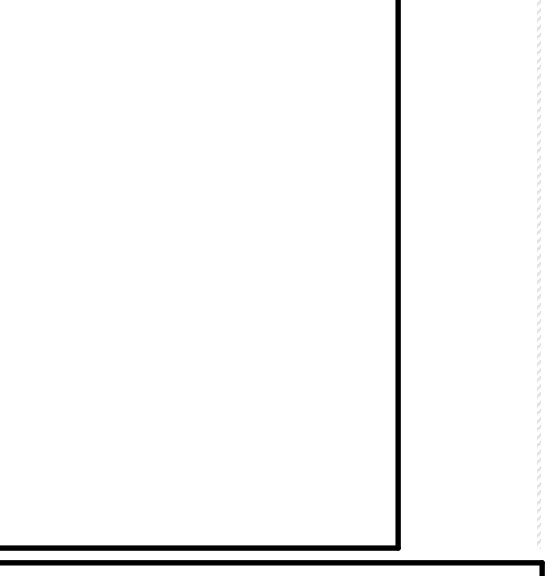
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**DeBoer/Peters Residence**  
804 22ND STREET  
SAN FRANCISCO, CA. 94107  
BLOCK # 4107 LOT # 010

**SHEET TITLE**  
EXIST. SITE PLAN

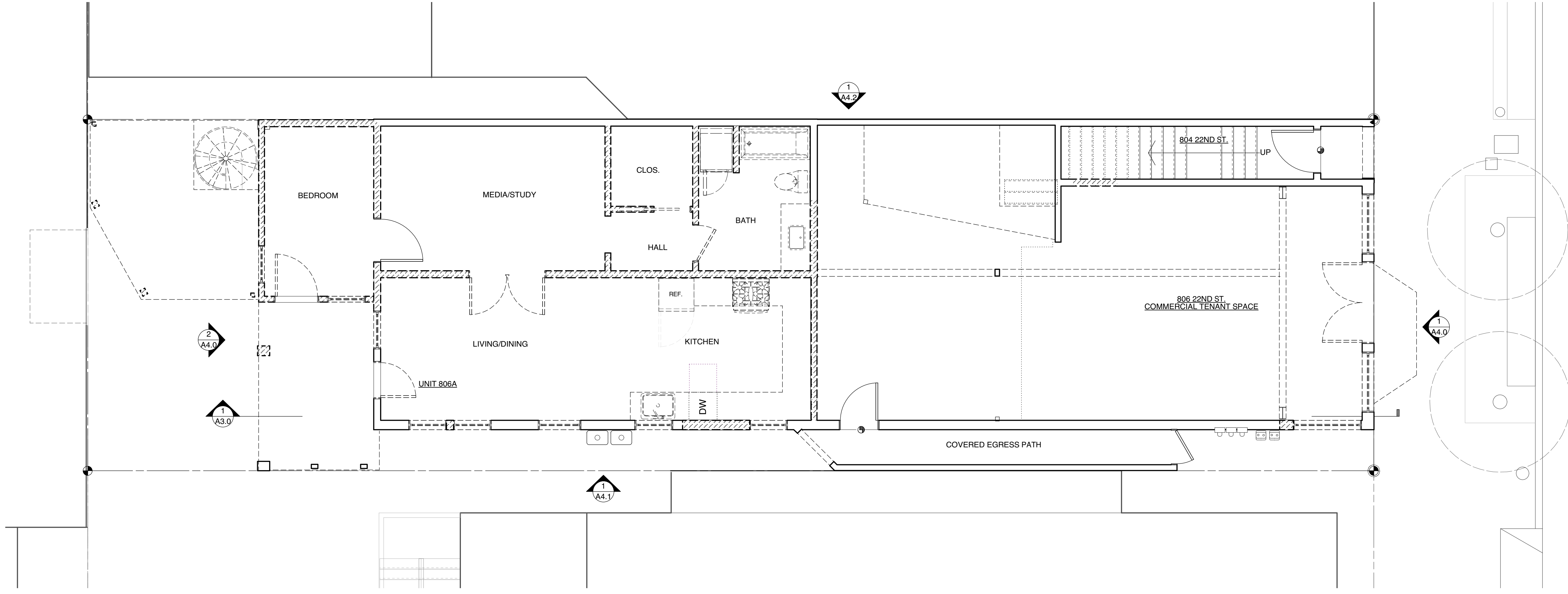
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JOB NO. 18.03



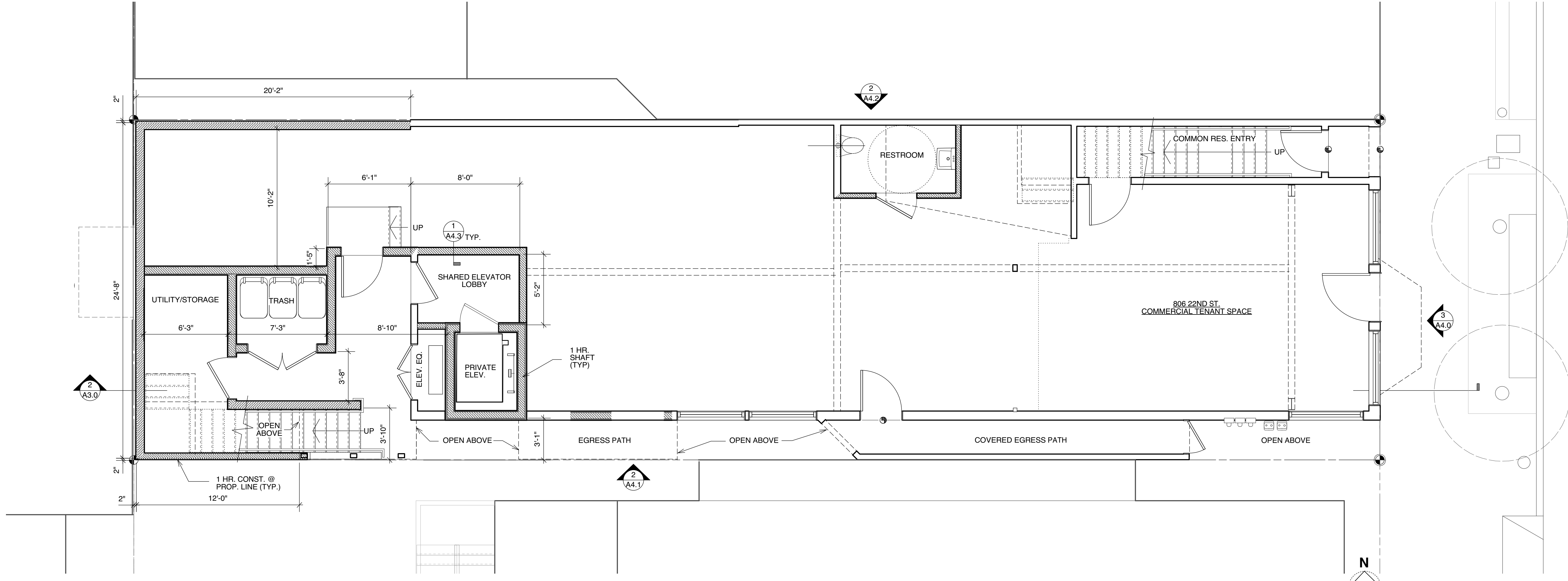
MAN: J. TOPETCHER, ARCHITECT, CA. LIC. # C 20578, EXP. MAY 2019

SHEET  
**A**  
**1.1**

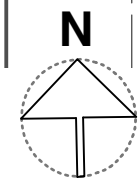
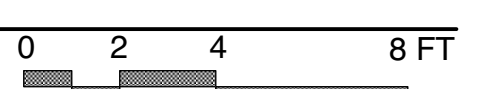




**EXISTING / DEMO FIRST FLOOR**



**PROPOSED FIRST FLOOR**



**TOPETCHER**  
ARCHITECTURE INC  
828 DIVISADERO  
SAN FRANCISCO  
CALIFORNIA 94117  
TEL 415 359 9997  
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**DeBoer/Peters Residence**  
804 22ND STREET  
SAN FRANCISCO, CA. 94107  
BLOCK # 4107 LOT # 010

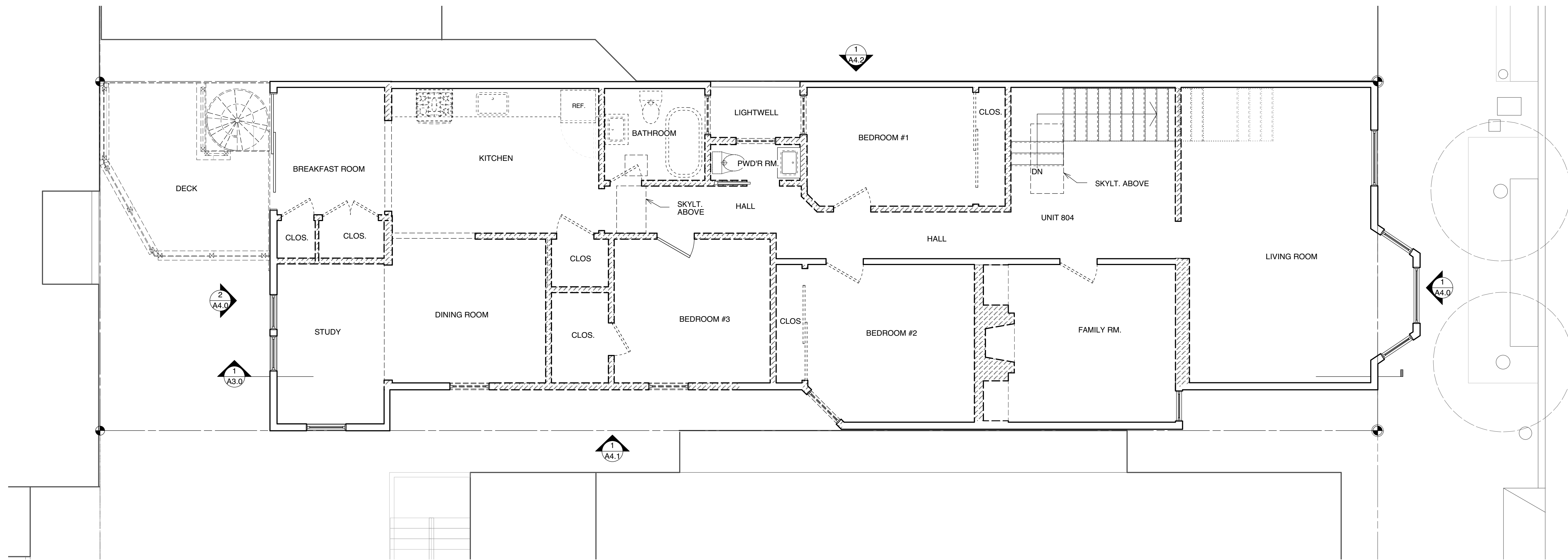
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EXIST/DEMO 1ST FLR  
PROPOSED 1ST FLR

SCALE: 1/4" = 1'-0"  
JOB NO. 18.03

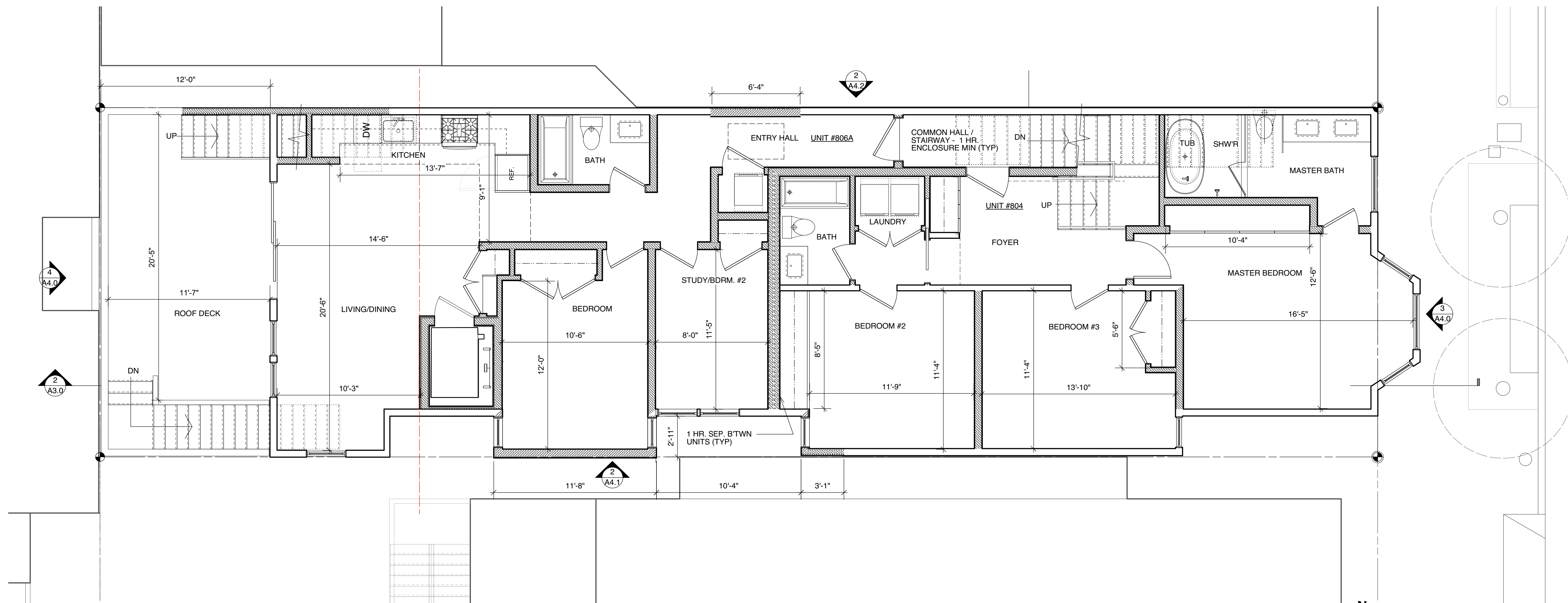
MARK J. TOPETCHER ARCHITECT CA LIC # C 21678 EXP. MAY 2019

SHEET  
**A**  
**2.0**





EXISTING / DEMO SECOND FLOOR



PROPOSED SECOND FLOOR

**TOPETCHER**  
ARCHITECTURE INC  
828 DIVISADERO  
SAN FRANCISCO  
CALIFORNIA 94117  
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**PRINTING RECORD**

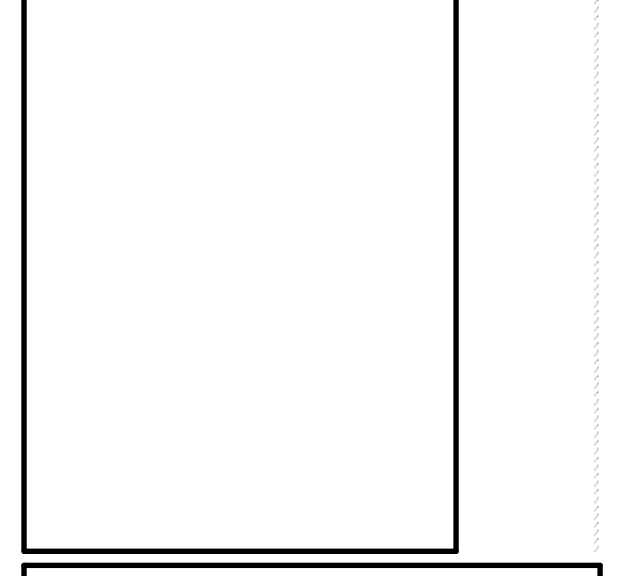
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**DeBoer/Peters Residence**  
804 22ND STREET  
SAN FRANCISCO, CA. 94107  
BLOCK # 4107 LOT # 010

**SHEET TITLE**  
EXIST/DEMO 2ND FLR  
PROPOSED 2ND FLR

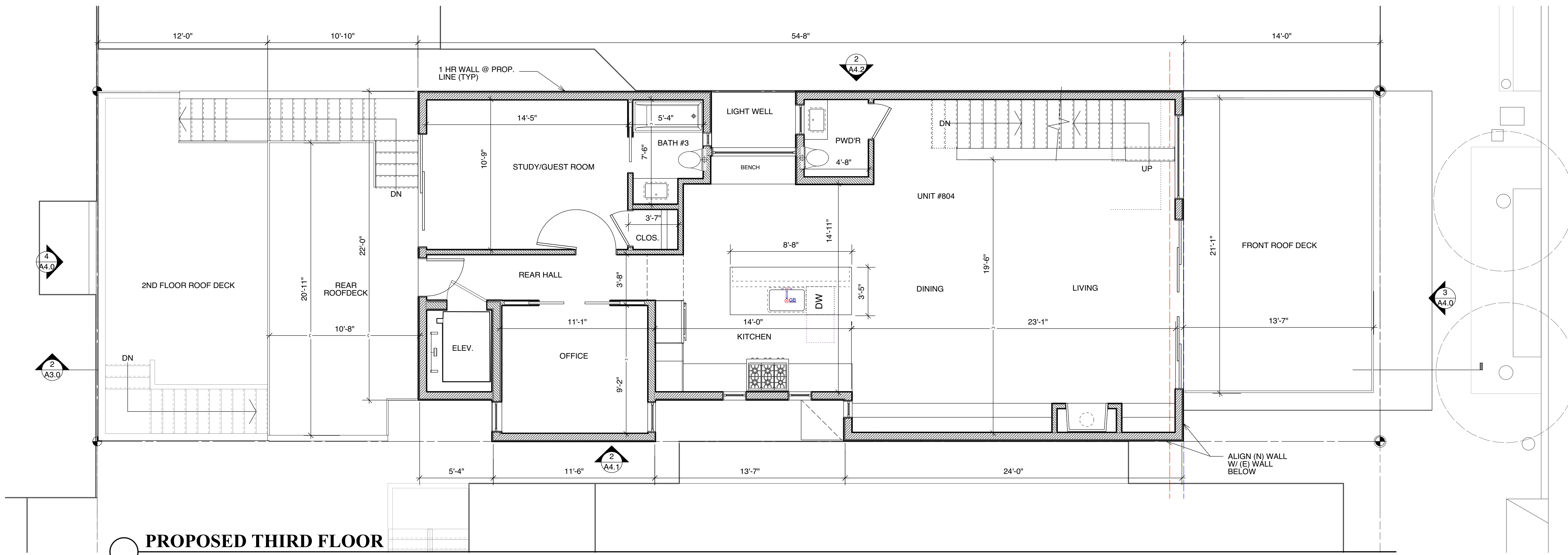
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JOB NO. 18.03



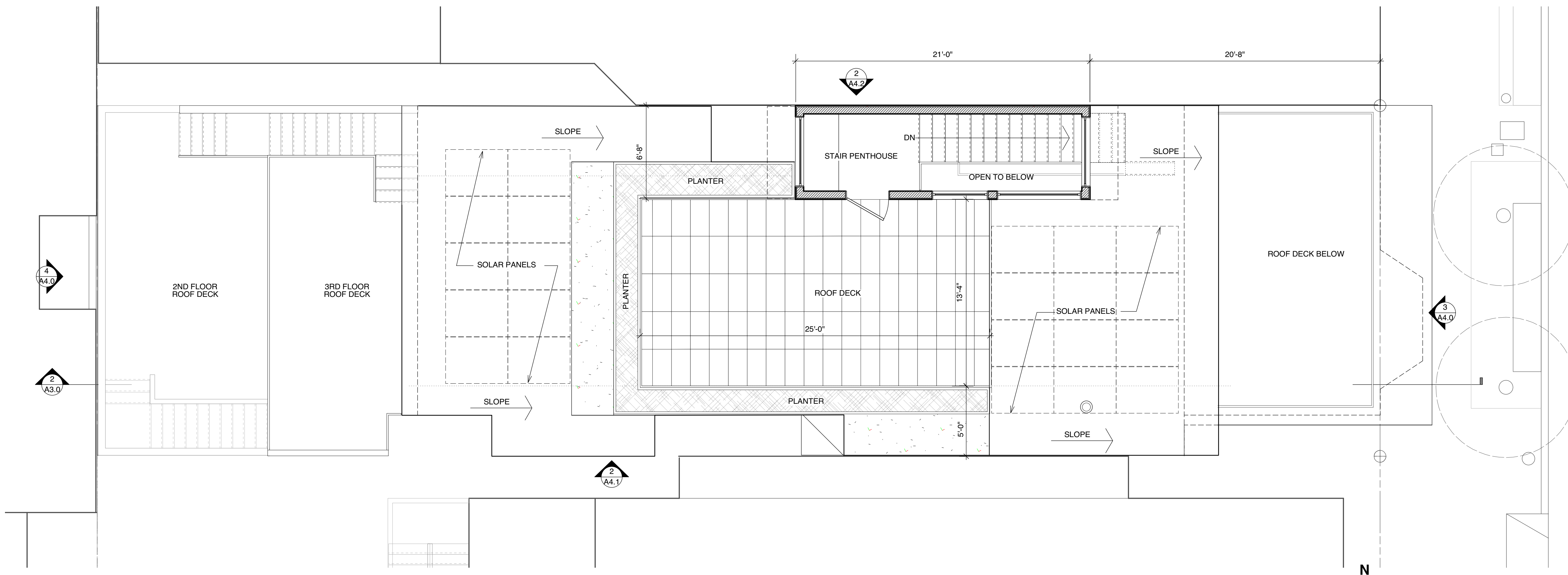
MARK J. TOPETCHER, ARCHITECT, CA. LIC. # C21678, EXP. MAY 2019

SHEET  
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**2.1**

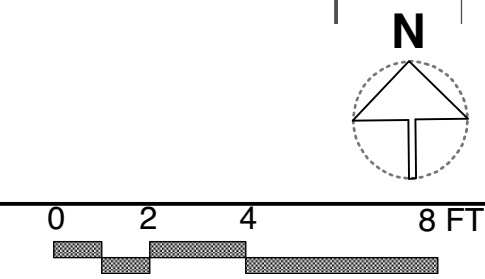




**PROPOSED THIRD FLOOR**



**PROPOSED ROOF DECK**



**TOPATCHER**  
ARCHITECTURE INC  
828 DIVISADERO  
SAN FRANCISCO  
CALIFORNIA 94117  
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toparchitecture.com

**PRINTING RECORD**

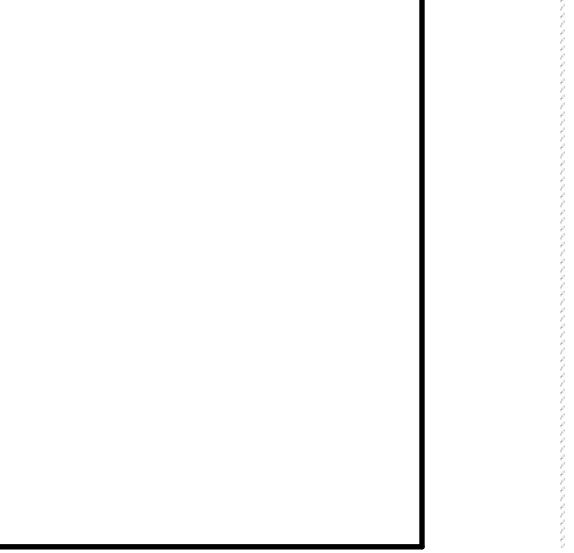
DATE	ACTION
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**DeBoer/Peters Residence**  
804 22ND STREET  
SAN FRANCISCO, CA. 94107  
BLOCK # 4107 LOT # 010

**SHEET TITLE**  
PROPOSED 3RD FLR  
PROPOSED ROOF DECK

SCALE: 1/4" = 1'-0"  
JOB NO. 18.03



MARK J. TOPATCHER, ARCHITECT, CA. LIC. # C 29478, EXP. MAY 2019

SHEET  
**A**  
**2.2**

**PRINTING RECORD**

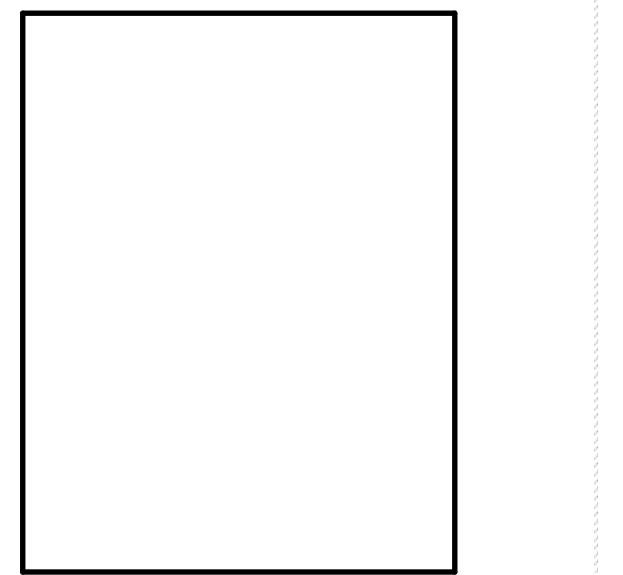
DATE	ACTION
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AUG. 10, 2018	SITE PERMIT APPLICATION

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SAN FRANCISCO, CA. 94107  
BLOCK # 4107 LOT # 010

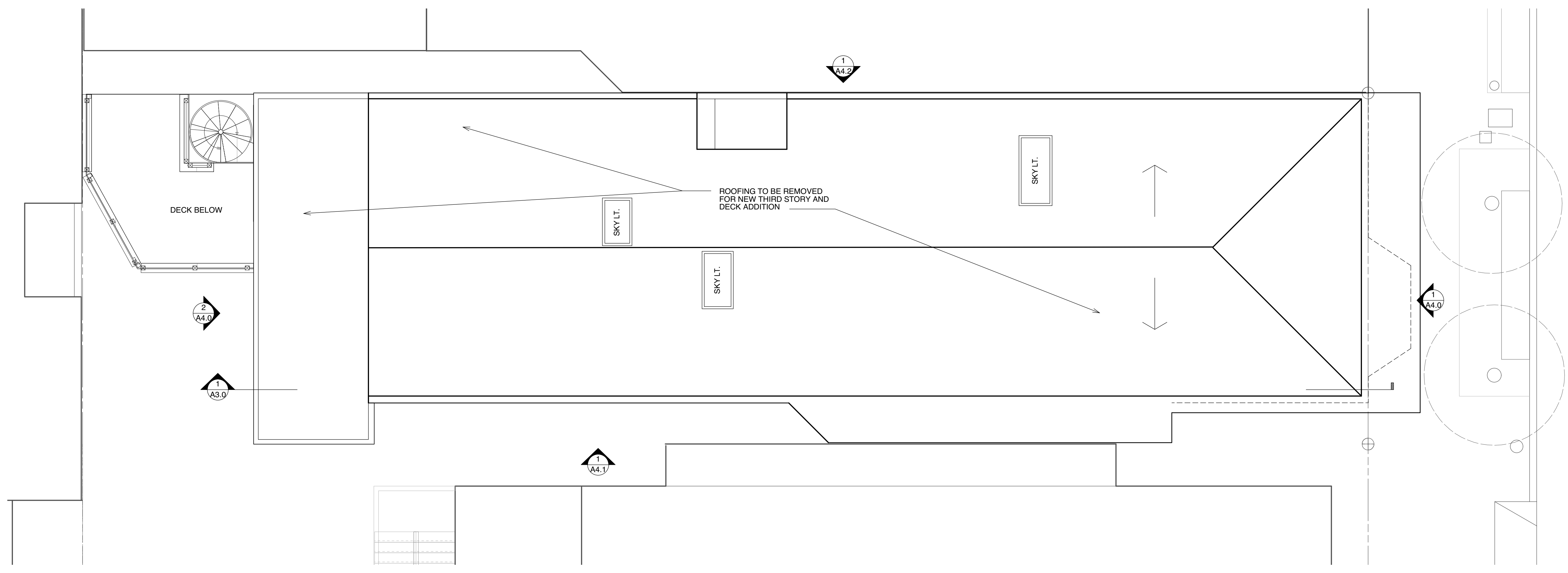
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EXIST. ROOF PLAN  
PROP. ROOF PLAN

SCALE: 1/4" = 1'-0"  
JOB NO. 18.03

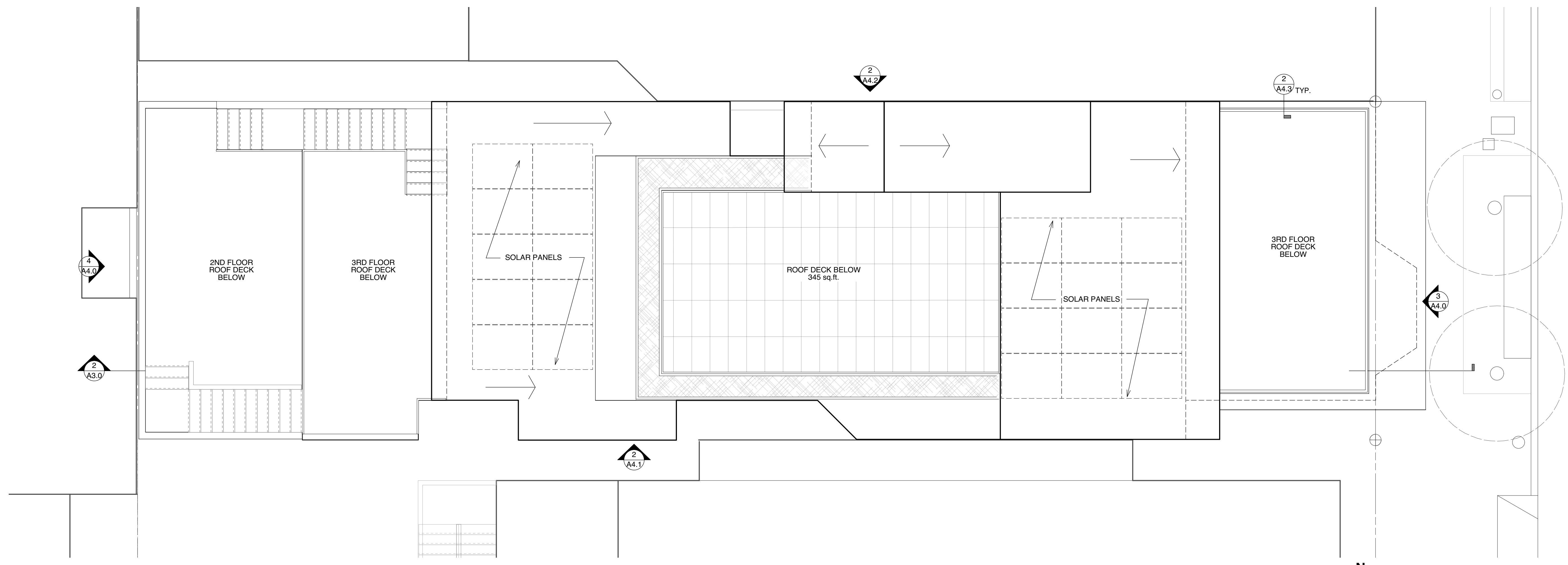


MARK J. TOPETCHER, ARCHITECT, CA. LIC. # C 21628, EXP. MAY 2019

SHEET  
**A 2.3**

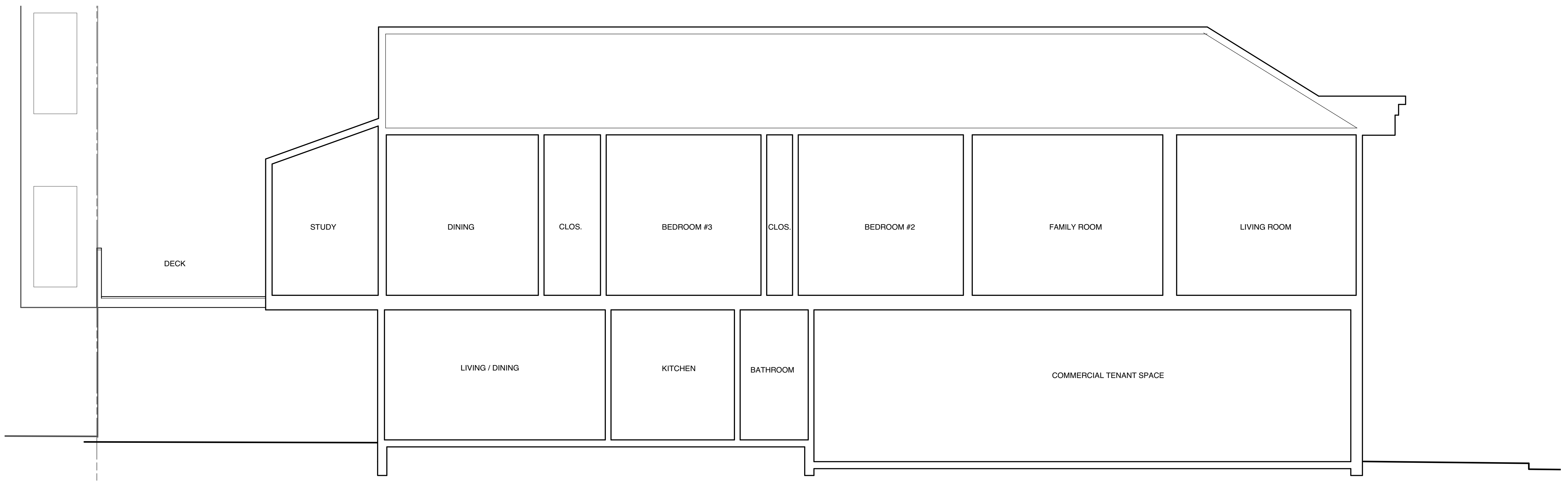


**EXISTING ROOF PLAN**

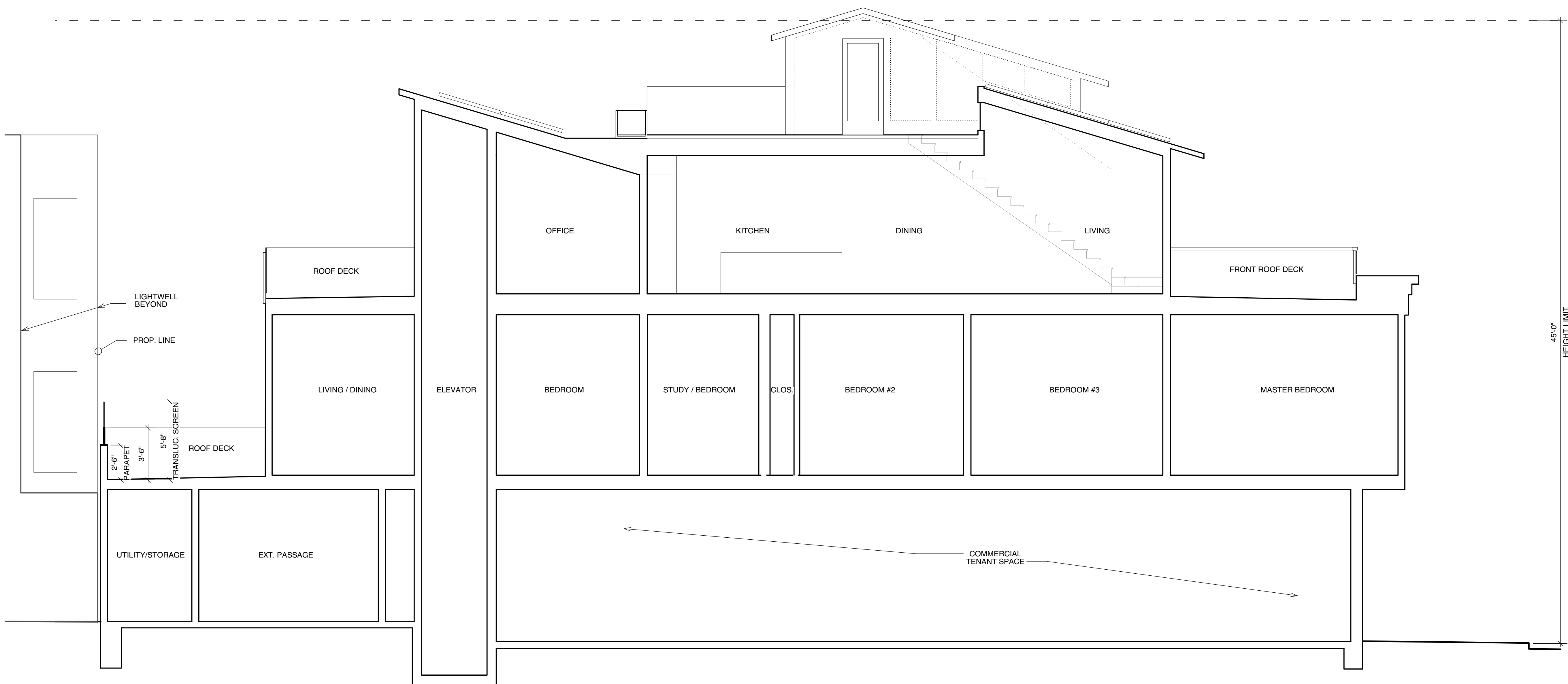


**PROPOSED ROOF PLAN**





**1** EXISTING BUILDING SECTION  
1/4" = 1'-0"



**2** EXISTING BUILDING SECTION  
1/4" = 1'-0"

**TOPETCHER**  
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828 DIVISADERO  
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TEL 415 359 9997  
FAX 415 359 9986  
toparchitecture.com

**PRINTING RECORD**

DATE	ACTION
JULY 31, 2018	NEIGHB. PRE-APP MEETING
AUG. 10, 2018	SITE PERMIT APPLICATION

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**DeBoer/Peters Residence**  
804 22ND STREET  
SAN FRANCISCO, CA. 94107  
BLOCK # 4107 LOT # 010

**SHEET TITLE**  
EXIST. BLDG SECTION  
PROP. BLDG SECTION  
DETAILS

SCALE: AS NOTED  
JOB NO. 18.03

MARK J. TOPETCHER, ARCHITECT, CA, LIC. # C 21678, EXP. MAY 2019

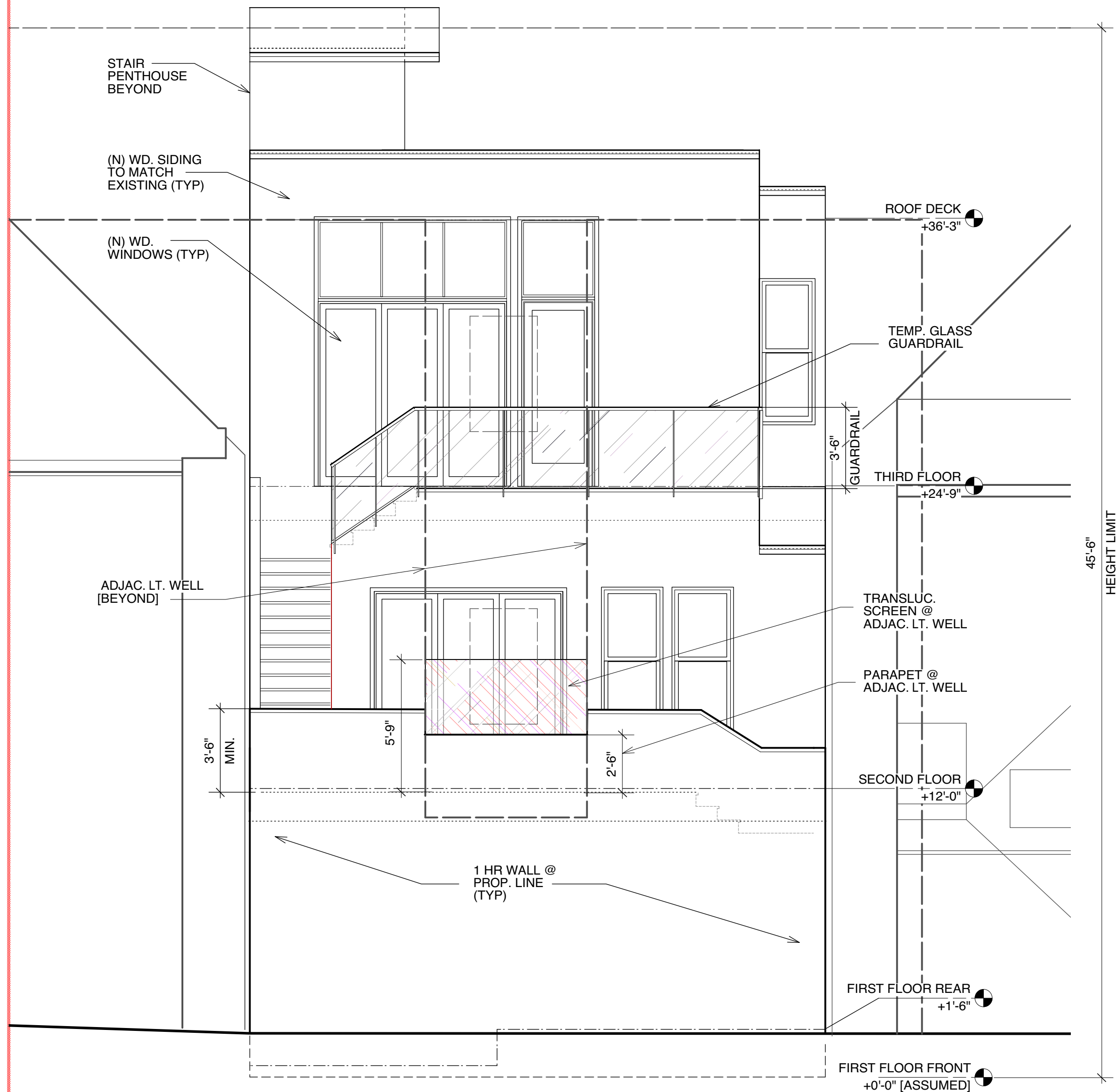
SHEET  
**A**  
**3.0**



**2 EXISTING NORTH (REAR) ELEVATION**



**1 EXISTING SOUTH ELEVATION**



**4 PROPOSED NORTH (REAR) ELEVATION**



**3 PROPOSED SOUTH ELEVATION**

**TOPETCHER**  
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DATE	ACTION
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SAN FRANCISCO, CA. 94107  
BLOCK # 4107 LOT # 010

**SHEET TITLE**  
EXIST. & PROP.  
SOUTH & NORTH  
ELEVATIONS

SCALE: 1/4" = 1'-0"  
JOB NO. 18.03

MARK J. TOPETCHER, ARCHITECT, CA. LIC. # C 21678 EXP. MAY 2019

SHEET  
**A**  
**4.0**



PRINTING RECORD	
DATE	ACTION
JULY 31, 2018	NEIGHB. PRE-APP MEETING
AUG. 10, 2018	SITE PERMIT APPLICATION

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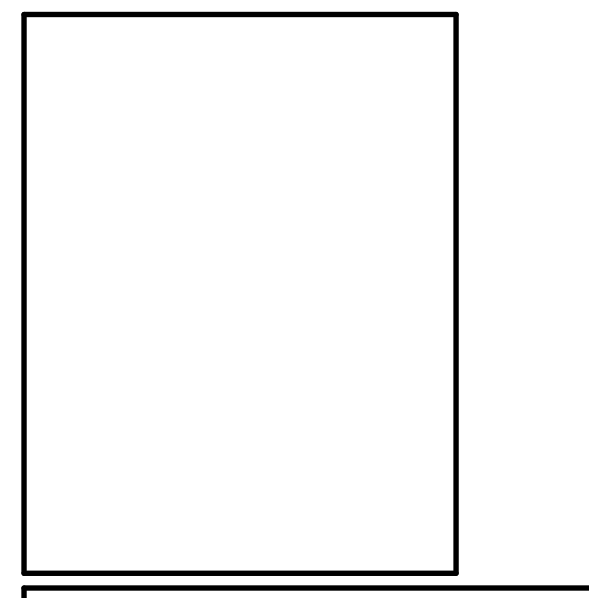
**DeBoer/Peters Residence**  
804 22ND STREET  
SAN FRANCISCO, CA. 94107

BLOCK # 4107 LOT # 010

PERMIT APP. NO.

**SHEET TITLE**  
EXIST. & PROP.  
WEST ELEVATIONS

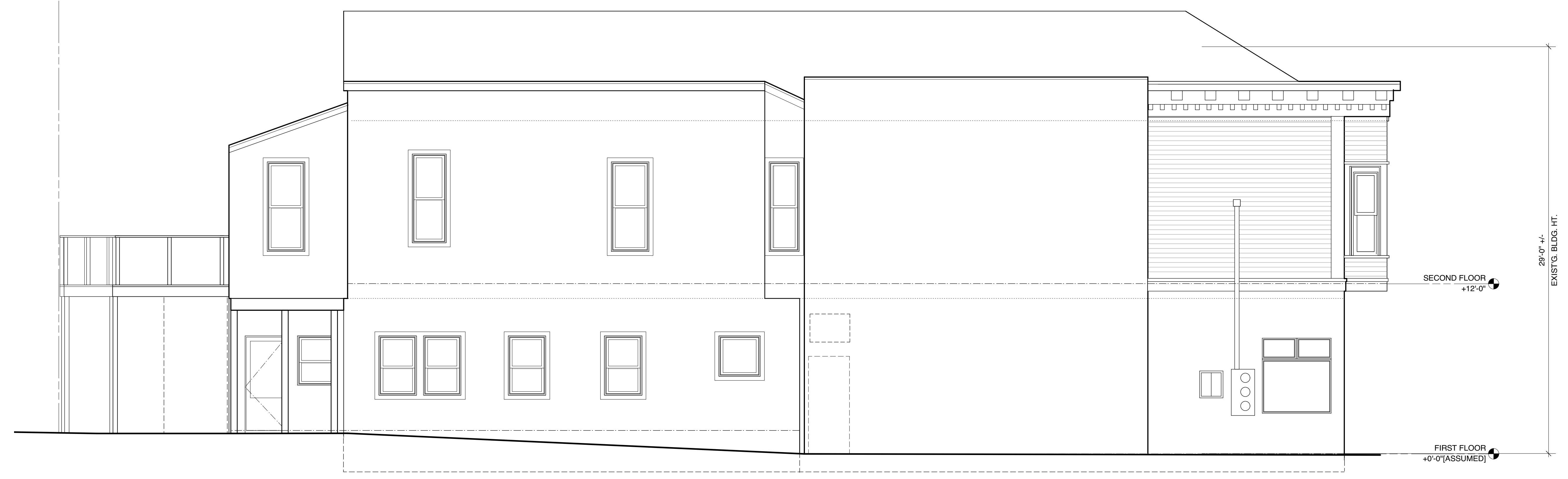
SCALE: 1/4" = 1'-0"  
JOB NO. 18.03



MARK J. TOPETCHER, ARCHITECT, CA. LIC. # C21678, EXP. MAY 2019

SHEET

**A**  
**4.1**



1 EXISTING WEST ELEVATION



2 PROPOSED WEST ELEVATION

**TOPETCHER**  
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**PRINTING RECORD**

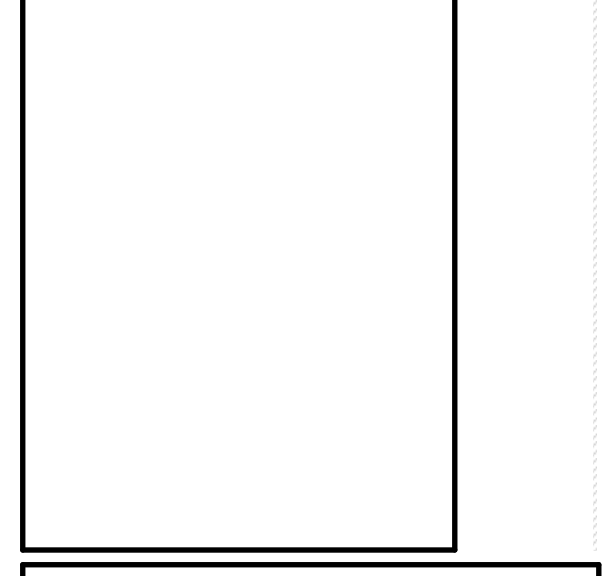
DATE	ACTION
JULY 31, 2018	NEIGHB. PRE-APP MEETING
AUG. 10, 2018	SITE PERMIT APPLICATION

All drawings and written material appearing herein constitute the original and unpublished work of TOPETCHER ARCHITECTURE, INC. and the same may not be duplicated, used or disclosed without written consent.

**DeBoer/Peters Residence**  
804 22ND STREET  
SAN FRANCISCO, CA. 94107  
BLOCK # 4107 LOT # 010

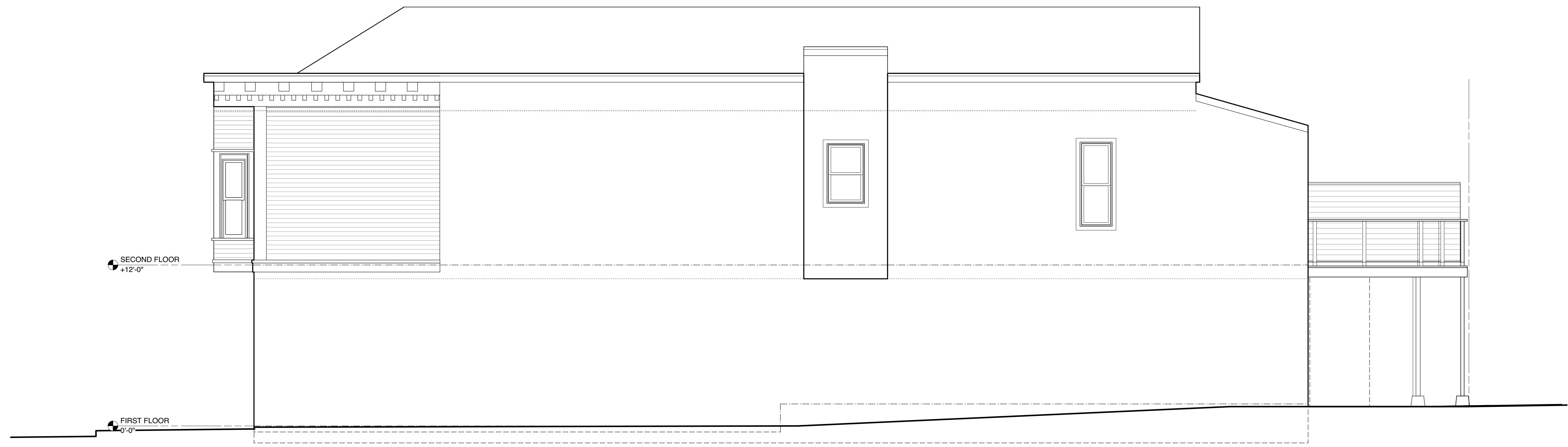
**SHEET TITLE**  
EXIST. & PROP.  
EAST ELEVATIONS

SCALE: 1/4" = 1'-0"  
JOB NO. 18.03

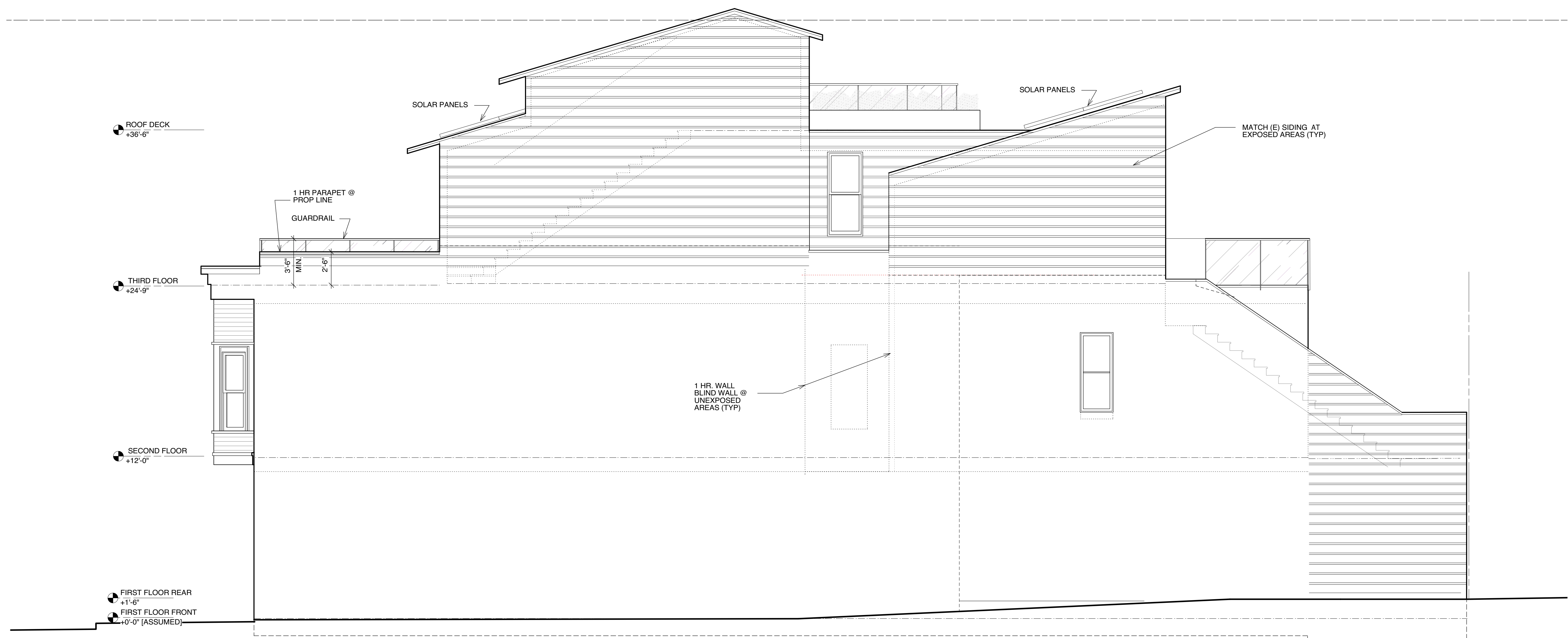


MARK J. TOPETCHER, ARCHITECT, CA. LIC. # C 21829, EXP. MAY 2019

	SHEET
	<p><b>A</b> <b>4.2</b></p>



**1** EXISTING EAST ELEVATION



**2** PROPOSED EAST ELEVATION

# ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

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San Francisco, California 94104  
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Facsimile (415) 288-9755  
[www.zfplaw.com](http://www.zfplaw.com)

April 29, 2020

## VIA EMAIL ONLY

President Joel Koppel  
San Francisco Planning Commission  
c/o David Winslow, Staff Architect  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: 804 22nd Street - Case No. 2015-014170DRP.  
Discretionary Review Request

Dear President Koppel:

The proposed project at 804 22nd Street (the “Property”) should not be approved because it will unreasonably impact the neighbors’ privacy and light, including by walling in part of the DR Requestor’s lightwell, and intensify the already nonconforming conditions at the Property. The project sponsor proposes an 11-foot horizontal addition, extending the existing building to the rear lot-line, and an 11-foot vertical addition and roof deck (the “Project”). The Project would also remove a residential dwelling unit on the first floor (and “replace” it on the second floor), converting it to an undisclosed commercial use.

Annette Carrier (the “DR Requestor”) has lived at the adjacent property at 1078-1080 Tennessee Street (the “DR Requestor’s Property”) since 1996. The DR Requestor lives in the upper unit, and the lower unit has been occupied by the same tenant since 1995. The DR Requestor’s Property is perpendicular to the Project site:

DR Requestor’s  
Property

Project site





The existing historic building at the Property is comprised of a commercial unit and residential unit on the first floor, and a second residential unit on the second floor. The Project proposes to extend the first floor to the property line and convert it to 100% commercial space. The removed residential unit would be “relocated” to the second floor. The second unit at the Property would occupy part of the second floor, the entire third floor, and the private roof deck.

The DR Requestor’s Property includes a lightwell adjacent to the Property’s existing rear yard, which provides the only natural light source for the bathrooms and two of the bedrooms at her property. The Project proposes to build a lot-line roof deck at the second floor, directly adjacent to the DR Requestor’s lightwell. This will create substantial privacy impacts and block light and air to the DR Requestor’s Property. Moreover, the new third floor addition will significantly block light to the DR Requestor’s Property, particularly in the winter months

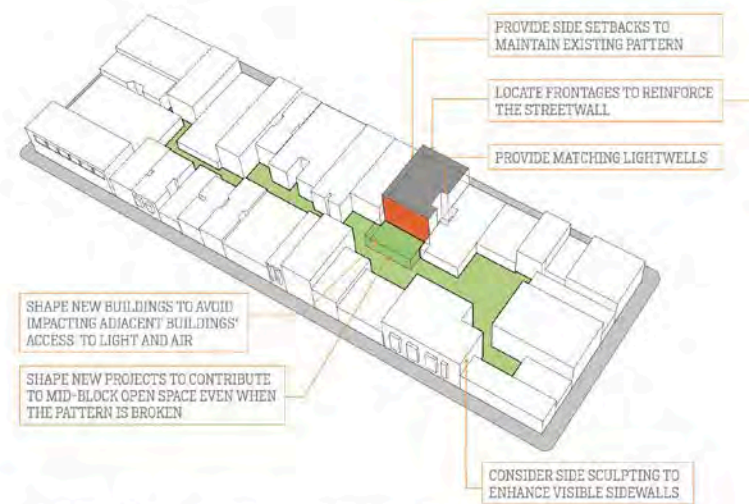
The Project is not code-compliant and violates numerous Design Guidelines and Code requirements. The DR Requestor asks that the Planning Commission take DR and require that the horizontal extension be reduced by five feet, so as to address the light, air, and privacy impacts of the Project.

#### **A. The Project Does Not Comply With The Design Guidelines**

Because the Property proposes an alteration to a residential property in an NCT-2 zoning district, both the Residential Design Guidelines and the Urban Design Guidelines are applicable. (Planning Code ss 311(c)(1); Table 751.) In numerous respects, the Project complies with neither set of guidelines, including:

##### **1. UDG S2: Harmonize Relationships Between Buildings, Streets, And Open Spaces**

The UDGs require projects to “relate building scale and massing to the size and scale of existing buildings” and “consider setbacks and side terracing to reduce light and air impacts on adjacent buildings, provide more interesting side facades, or transition to smaller-scaled residential neighborhoods.” Moreover, projects must “provide matching lightwells to augment livability and access to light and air.” These requirements are illustrated in the UDGs by this diagram:



Place and shape front, side, and rear facades to support the overall urban design of the block.



Here, the Property is located in an NCT-2 zoning district but is directly adjacent to a residential zoning district and a number of residential properties. This means that the Project must be designed to provide a “transition” to the adjacent residential neighborhood. This Project does not achieve this transition – by extending to the rear lot line, the Project blocks out light, air, and access to midblock open space for neighboring properties.

Similarly, instead of providing a matching lightwell, as required by the UDGs, the Project extends to the property line, blocking the DR Requestor’s access to light and air. In particular, the proposed firewall and screen for the property-line roof deck will box in and block light to two bedrooms and the bathroom at the lower unit of the DR Requestor’s Property:



For the bedroom from which the above photo was taken, the window facing the lightwell provides the *only* source of natural light and air, which will be completely obstructed by the Project. The Project Sponsor claims this firewall and screen is needed to provide privacy for the roof deck, ignoring the obvious alternative of pulling the Project back from the property line.

Importantly, the second-floor roof deck does not need to be as large as proposed in order to provide sufficient open space for the adjacent unit. The Code requires 125 square feet of private open space per dwelling unit, and the proposed deck is more than 200 square feet in size. The Project could be pulled back by 5 feet from the property line and still provide sufficient space for a code-compliant roof deck. Or, the Project sponsor could convert the private roof deck on the third floor to a shared roof deck, obviating the need for a rear deck at the second floor.

**2. RDGs Section III – Site Design; Rear Yard: “Articulate the building to minimize impacts on light and privacy to adjacent properties.”**

The RDGs require that “the impact of that expansion on light and privacy for abutting structures must be considered” for any expansion of a building into the rear yard. Similarly, the RDGs note that:

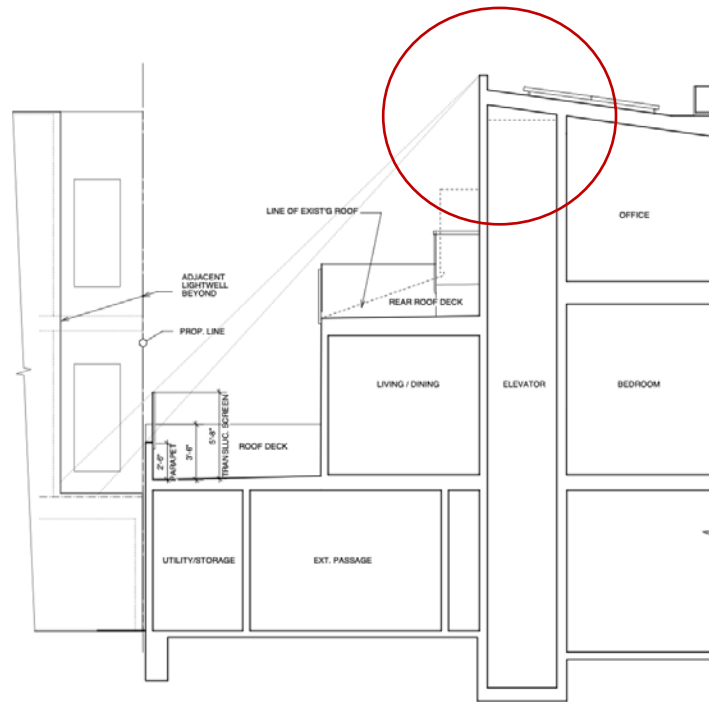
. . . even when permitted by the Planning Code, building expansions into the rear yard may not be appropriate if they are uncharacteristically deep or tall . . . An out-of-scale rear yard addition can leave surrounding residents feeling “boxed-in” and cut-off from the mid-block open space.

The RDGs suggest design modifications to minimize the impacts of rear yard expansions, including notching the building or reducing its footprint. Here, the existing building at the Property already extends beyond the 25% rear yard line, and includes an unpermitted deck and stair structure for which a Notices of Violation has been issued, The Project proposes to significantly increase the existing footprint of the structure, extending it by eleven feet to the lot-line. No notching has been proposed to preserve light or privacy to the DR Requestor’s Property.

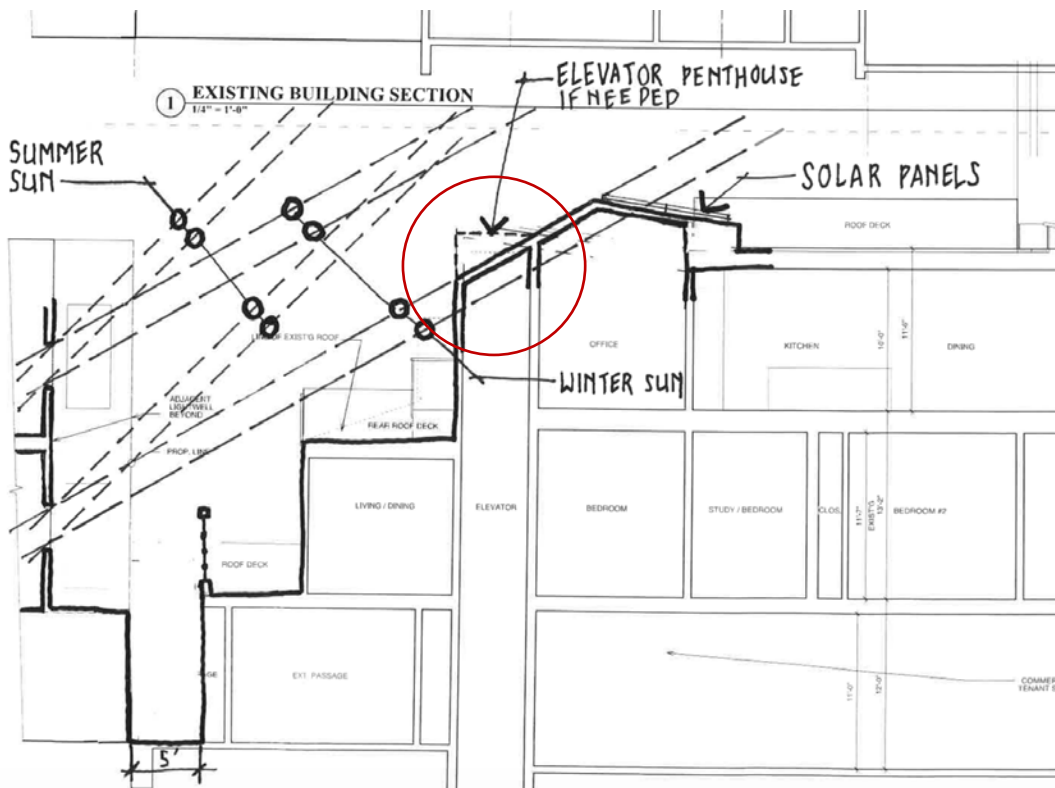
The Project would result in a significant reduction in the light to the DR Requestor’s Property as well as the common mid-block open space. As noted above, the aggressive expansion of the building to the lot-line will box in the DR Requestor’s lightwell, depriving her tenant of access to light and air. The lightwell windows currently look out to the midblock open space, which will be completely blocked off by the lot-line parapet and screen.

Placing a roof deck immediately adjacent to the existing light well of 1078-1080 Tennessee will also create substantial privacy impacts. The edge of the roof deck would be 4 feet away from the existing bathroom window, and within 1 foot of the existing bedroom windows at the lower unit at the DR Requestor’s Property. This proximity will allow any noise generated on the deck to easily enter into the existing light well windows. A setback of the Project must be required to address this privacy impact.

Moreover, the height and mass of the third-floor addition will block sunlight to the DR Requestor’s Property in the winter months. (As outlined in the Garavaglia Report, attached hereto as Exhibit A.) This impact is exacerbated by the angled roof and parapet at the rear of the third-floor addition, which will block winter light:



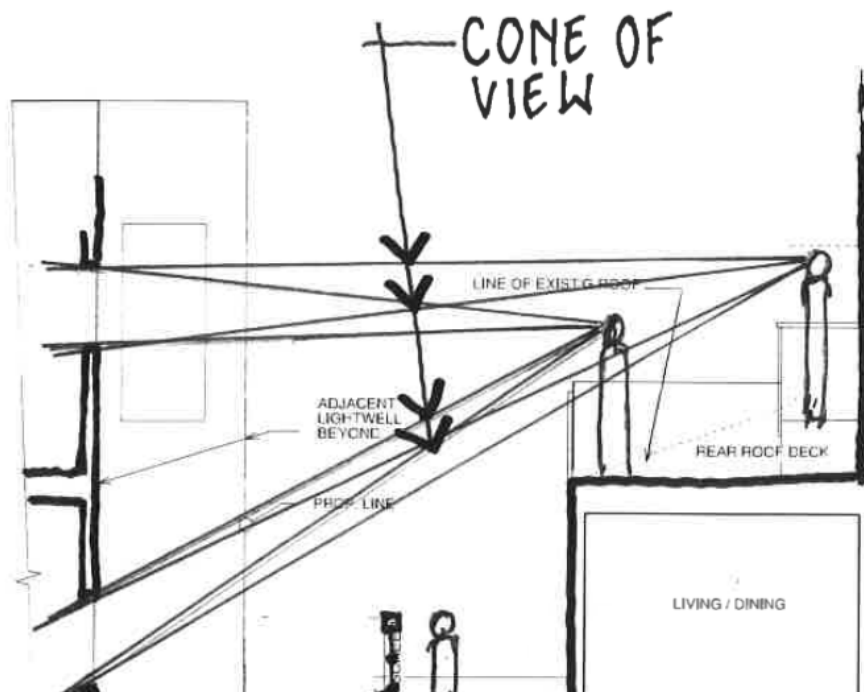
As the Garavaglia report sets out this impact should be mitigated by reversing the angle of the roof at the rear of the third-floor addition, so that it slopes toward the rear of the building:



### 3. RDGs: Rooftop Features.

The RDGs require rooftop features to be sensitively located and designed “with the smallest possible overall dimensions that meet the requirements of the Building and Planning Codes.” The Planning Department has recognized that roof decks “can negatively impact the quality of life of adjacent residents” and that “potential adverse impacts such as noise, diminishment of privacy, and reduction of light to adjacent properties should be mitigated.” The Planning Department has therefore recommended that all roof decks be set back at least 5’ from the lot lines. The Project violates these requirements, proposing a lot-line roof deck with a 5-8” barrier boxing in the DR Requestor’s lightwell.

Similarly, the line of sight from the third-floor roof deck creates another privacy concern. The third-floor roof deck and landing look directly down into the bathroom window of 1078 and directly across into the bathroom window of 1080. The view into the bathroom of 1078 from the proposed Third Floor roof deck is more concerning because the line of sight is directly down into the bathroom:



This third-floor rear deck is not needed to provide open space for the upper unit at the Project, which is already served by a large private roof deck (approximately 250 square feet in size). In sum, the Project violates a number of applicable design guidelines and must be revised to respect neighbors’ privacy and access to light and air.



## **B. The Project Is Not Code Compliant**

### **1. The Project proposes to intensify a nonconforming structure.**

The Code requires a rear yard of 22'-10 1/2" at the Property. The existing rear yard is only 12' in depth, with the permitted building footprint at the Property extending approximately 11 feet beyond the 25% rear yard line. (Planning Code Table 751.) The unpermitted deck and stair structure extend even further back. The Planning Code only authorizes the enlargement or alteration of a noncomplying structure where "there is no increase in any discrepancy, or any new discrepancy, at any level of the structure, between existing conditions on the lot and the required standards for new construction set forth in this Code, and provided the remaining requirements of this Code are met." (Planning Code section 188(a).) The Project will impermissibly intensify the structure's code nonconformity.

First, the second-floor rear deck does not comply with the Code's open space requirements because it is not located in or facing a code-compliant rear yard. (Planning Code section 135(f)(2)(B).) A 22'-10 1/2" rear yard is required by Code, and the Project provides only a 12' rear yard.

Moreover, the third-floor addition also proposes a deck and stair structure extending by eleven feet into the required rear yard for the new third floor. This deck and stair structure would be constructed on top of the existing second floor roof. While the Code does allow a deck to be constructed upon the flat roof of a nonconforming structure, this does not extend to installing stairs, as is proposed by the Project. Importantly, this stair structure is *not* required for fire egress because a R-3 occupancy is allowed to have only one exit route. (2016 CBC sections 1006.3.2, 1006.3.3.) Even if a second means of egress were required, the proposed exit route fails to comply with the Code in a number of respects: it is less than three feet in width at certain points, is not protected, and exits via utility meters.

The Project takes a nonconforming structure and makes it worse. It should be pulled back to achieve compliance with the Code.

### **2. Conditional Use Authorization Is Required for the Conversion of a Residential Dwelling Unit to a Commercial Use.**

The Project proposes the removal of a residential dwelling unit at the ground floor, in order to convert it to commercial space. Section 317(c)(1) of the Planning Code requires Conditional Use Authorization for the "Conversion, Demolition, or Merger" of any residential dwelling unit. The definition of "residential conversion" includes a "change of use . . . of any Residential Unit or Unauthorized Unit to a Non-Residential or Student Housing use."

Here, the Project would remove the first-floor residential unit and convert it to a commercial use. However, no Conditional Use Authorization has been sought. Planning staff have suggested that this not required because the removed unit is being replaced elsewhere at the Property. But section 317 contains no exception to the CUA requirement for the demolition and relocation of units. If this were the case, any developer could justify a unit demolition by expanding the envelope of a building and putting the unit elsewhere. It would completely undermine the policy objectives of section 317 to allow a developer to circumvent its demolition controls in this way.

Section 317 was enacted to preserve *existing* housing as the “greatest stock of rental and financially accessible residential units” and to regulate the removal of existing housing. (Planning Code, section 317(a).) Here, the Project proposes to remove a financially accessible unit and replace it with commercial use. The “replacement” unit, including a large private roof deck and elevator, will be demonstrably less affordable than the existing unit at the Property. Conditional Use Authorization should be required, so that the Project can be reviewed for consistency with the “Residential Conversion” criteria.

Moreover, the Property is an Article 10 resource, as a contributor to the Dogpatch Historic District. This means that the Planning Code section 1005(f) demolition limits apply. However, no Article 10 demolition calculations have been provided by the Project Sponsor. The Project would remove more than 75% of the existing internal walls, which constitutes a demolition. (Planning Code section 1005(f)(4).)

### **C. Suggested Compromise**

The DR Requestor understands the Project Sponsor’s desire to expand his property. However, the Project should be built in a way that is respectful of the adjacent neighbors. The DR Requestor proposes that:

- The footprint of the rear addition be pulled back by five feet from the property line.
- The third-floor rear deck be deleted.
- The angle of the roof at the rear of the third-floor addition be reversed, so as to minimize light blockage.

The above compromise proposal would enable the Project Sponsor to add living space and expand the commercial space at the Property without unreasonably impacting the neighbors.

### **D. Conclusion**

The Project violates multiple Code requirements and Design Guidelines, and it cannot be lawfully approved. Importantly, the Project sponsor has several alternative options to increase his

804 22<sup>nd</sup> St  
April 29, 2020  
Page 9

square footage without adversely impacting his neighbors. The DR Requestor respectfully asks the Planning Commission to take discretionary review.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC

---

*/s/ Sarah Hoffman*

---

Sarah M. K. Hoffman

# **EXHIBIT A**





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29 April 2020

Planning Commission  
Joel Koppel, President  
City and County of San Francisco  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: 804 - 22<sup>nd</sup> Street  
Discretionary Review No. 2015-014170DRP

Dear Commissioner Koppel:

The project proposed for 804 - 22nd Street includes a rear yard extension at the ground floor (full lot coverage), conversion of the ground floor (1-bedroom) residence to a commercial space, substantially reconfiguring the existing second floor 3-bedroom residential unit to a 1-bedroom unit with a rear deck extending to the rear property line, addition of a third floor unit, which incorporates some of the existing second floor residential unit, and a fourth floor roof deck. The proposed project butts up against the 2-unit residential property located at 1078 -1080 Tennessee Street creating sunlight blockage and visual / auditory privacy issues for the Tennessee Street property.

After reviewing the Section 311 project plans and visiting the site we have several concerns about the project proposed for 804 - 22nd Street, primarily related to the blockage of daylight and privacy. For reference the lower unit is 1080 and the upper unit is 1078.

#### **Daylight Issues**

For 1080 Tennessee the proposed remodel would create a substantial blockage of winter daylight. The height and position of the proposed Third Floor will, because of the low angle winter sun, limit if not completely block direct daylight from entering the light well windows of 1078.

Some mitigation of the winter light blockage condition can be achieved if the slope of the rear portion of the proposed Third Floor roof is flipped to slope toward the rear of the building. The pitch can be sloped so that it provides an approximate 9'-0" plate height at the rear wall of the bedroom. This alternate rear facing portion of the roof above the bedroom could have skylights to provide the additional northern light similar to the currently proposed transom above the sliding glass door and picture window. The street facing sloped roof above the bedroom would still provide adequate surface area for the proposed solar panels.

### **Privacy Issues**

The proposed project also introduces a Second Floor roof top deck that will place a translucent screen and guardrail-height solid parapet wall, directly on the property line, 4 feet away from the existing bathroom window, and within 1 foot of the existing bedroom windows of 1080 Tennessee. Because of the elevation difference in floor levels between the two buildings this 5'-8" high screen will create a substantial blockage of direct daylight as well as view of the sky from any of the 1080 windows opening onto the light well. (diagrams Sunlight and 804 22nd-view from 1080-screen at lightwell-200311) We suggest that the screen and the whole Second Floor roof deck and addition be pulled back away from the rear property line by 5 feet. The translucent screen can be longer, but not necessarily the full width of the deck, to limit views from the Second Floor roof deck directly into any of the three windows of adjacent light well. (diagram 804 22nd-view from 1080-screen 5 ft off-200311)

The line of sight from the Third Floor roof deck and the Third Floor Bedroom and Landing create another privacy concern. The view from the Third Floor roof deck and landing look directly down into the bathroom window of 1080 and directly across into the bathroom window of 1078. The view into the bathroom of 1080 from the proposed Third Floor roof deck is more concerning because the line of sight is directly down into the bathroom. (diagram Line of Sight plan and section) Installation of privacy curtains at the bathroom would block out light and sheers are not effective at night. Requiring a translucent guardrail at the rear third-floor deck will limit line of sight to seated deck users and still allow some direct sunlight to enter he windows of 1080.

The Second Floor roof deck is currently designed to be immediately adjacent to the existing light well of 1078-1080 Tennessee. This closeness will allow any noise generated on the deck to more easily enter into the existing light well windows. As is common in the City, light wells are used to allow for windows to provide required light and air into habitable rooms, which in this case is the only window to the bedroom at 1080 Tennessee.

The proposed planter box immediately adjacent to the light well is not an effective long-term solution since there is nothing preventing the future removal of the installed planter. The translucent screen is still located immediately adjacent to the light well and is still 5'-8" high. Even if the planter does remain long term it will basically create a platform for anyone to stand on and be 3'-6" higher than they would be standing directly on the Second Floor roof deck.

The occupancy is R-3, no more than two dwelling units, so per 2016 CBC section 1006.3.2 or 2019 CBC section 1006.3.3, an R-3 occupancy is allowed to have only one exit. The proposed rear stair from the Second Floor roof deck down to grade does not seem to be required as a second means of egress so may not need to be included in the adjustment of the rear screen location. Avoiding a second exit could provide more flexibility and potentially less lost of square footage.

### **Design Guidelines**

City's Residential Design Guidelines, Rear Yard, Light section on page 16, suggests that to help mitigate impacts on light the proposed project should:

- Provide setbacks on the upper floors of the building.
- Include sloped roof form in the design.
- Provide shared light wells to provide more light to both properties.
- Incorporate open railings on decks and stairs.

- Eliminate the need for parapet walls by using a fire-rated roof.

These same Guidelines for Privacy on page 17, suggests that even with some conflict with Light suggestions the following issues should be prioritized:

- Incorporate landscaping and privacy screens into the proposal.
- Use solid railings on the decks.
- Develop window configurations that break the line of sight between houses.
- Use translucent glazing such as glass block or frosted glass on windows and doors facing opening on abutting structures.

City's Urban Design Guidelines, based on existing policies, principles, and values established in the Urban Design Element of the San Francisco General Plan, elaborates on those policies and plans. Section S2 starting on page 16 of the Guidelines states:

- Relate building scale and massing to the size and scale of existing buildings. Consider setbacks and side terracing to reduce light and air impacts on adjacent buildings, provide more interesting side facades, or transition to smaller-scaled residential neighborhoods.
- Reflect the existing patterns of side spacing and side setbacks.
- Sculpt building massing vertically and/or horizontally to a scale compatible to its context.
- Provide matching lightwells to augment livability and access to light and air.

The proposed rear addition dramatically changes the volume of the existing building and does not comply with these guidelines.

#### **Other Issues**

Having the First Floor built as zero lot line creates potential grading, drainage and maintenance problems for the building at 1078-1080 Tennessee. The installation of the new foundation for the First Floor could require underpinning of the Tennessee building due to the grade differences. Putting the addition immediately adjacent to the Tennessee building can cause water to collect where it would not if the addition were not there. The potential collection of water will in turn create future hidden maintenance issues such as water infiltration into the Tennessee building, deterioration of wall finish, and potential deterioration of the siding that was originally exposed, allowing moisture to dry.

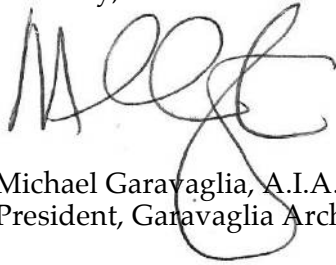
The existing rear rooms (Breakfast and Study) are a non-compliant condition relative to the zoning required rear yard setback. The required set back from the rear property line is 25% of property length ( $0.25 \times 91'-6'' = 22'-10 \frac{1}{2}''$ .)

The proposed Second Floor should be set back from the rear property line 25% of property length ( $0.25 \times 91'-6'' = 22'-10 \frac{1}{2}''$ ) and is currently non-compliant per Planning code section 751, Table 751 and may require a variance. If the Second Floor roof deck is to be used as the private open space for the Second Floor unit then the open space per section 135(f)(2)(B) needs to be located in or face a code compliant rear yard ( $22'-10 \frac{1}{2}''$ ), which being only 12'-0" the project design does not provide.

This is an Article 10 resource being it is a contributor to the Dogpatch Historic District, therefore section 1005(f) demolition limits apply. This project seems to remove more than 75% of the existing internal walls that is one test for determination whether it is considered demolition.

The review of this project should consider alternatives that would limit the amount of blockage of winter sun and take into account the privacy issues that we have identified.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Garavaglia". The signature is fluid and cursive, with the first letter "M" being particularly large and stylized.

Michael Garavaglia, A.I.A., LEED AP BD+C  
President, Garavaglia Architecture, Inc.

Attachments

**PRINTING RECORD**

DATE	ACTIC
JULY 31, 2018	NEIGHB PRE-APP
AUG. 10, 2018	SITE PERMIT APP
DEC. 21, 2018	PREL COMMENT
MAY 14, 2019	NEIGHB MEETING
AUG. 15, 2019	NPRD REVISIONS

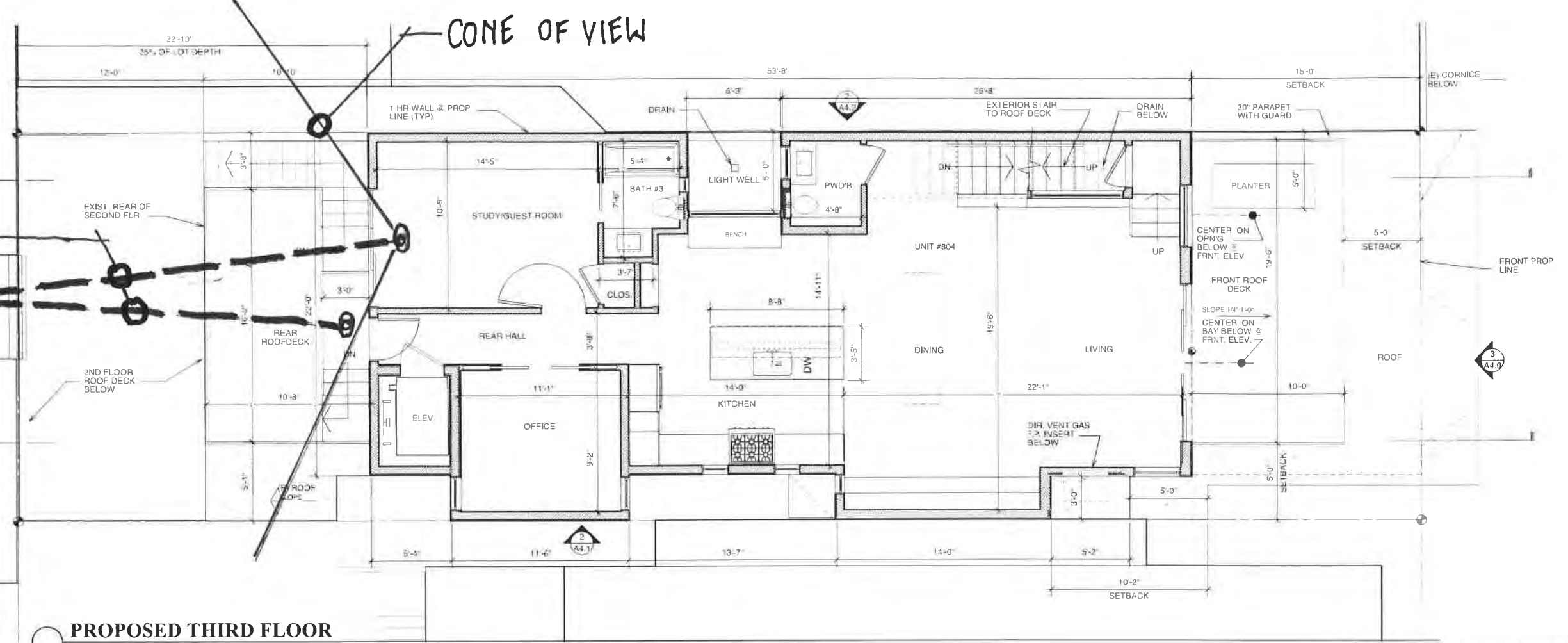
All drawings are the property of Garavaglia Inc. and shall remain the property of Garavaglia Inc. until the building is fully completed and occupied.

**DeBoer/Peters Residence**  
 804-806 22ND STREET  
 SAN FRANCISCO, CA. 94107  
 BLOCK # 4107 LOT # 010

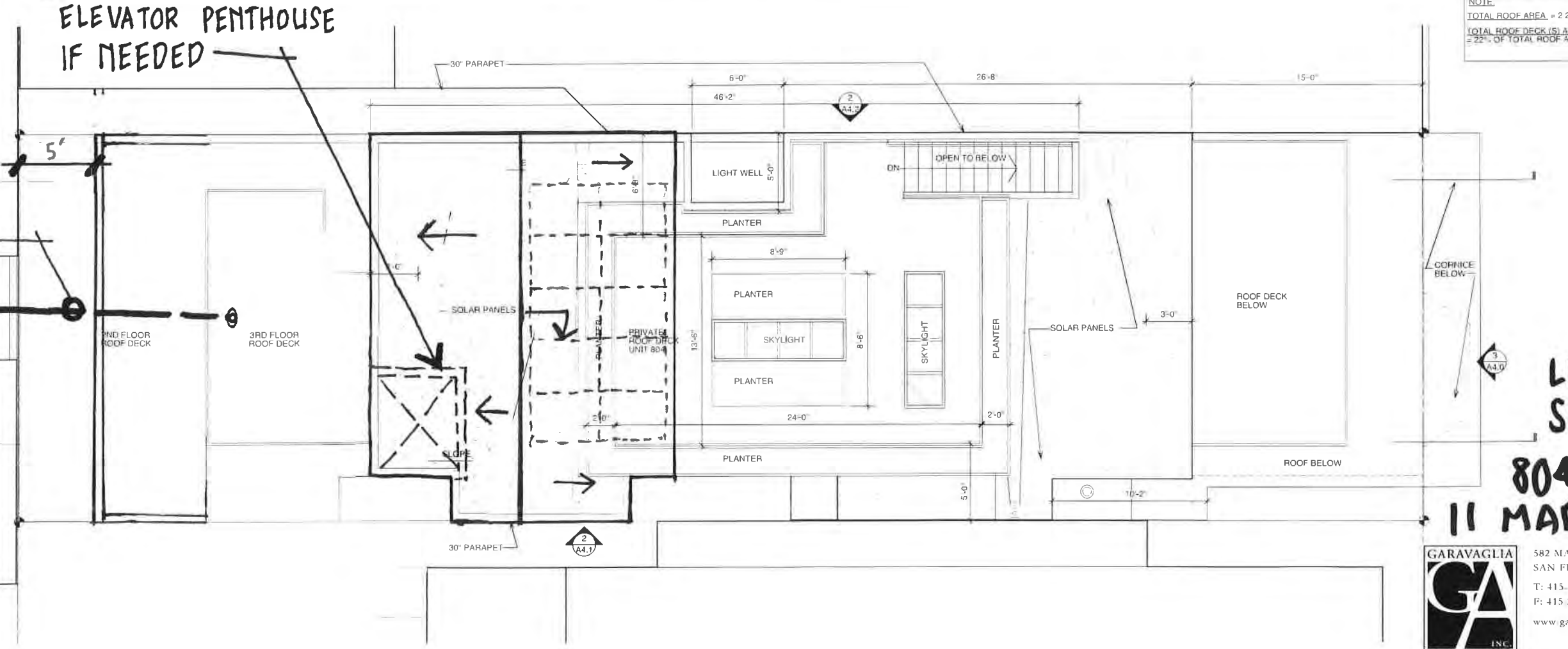
**SHEET TITLE**  
 PROPOSED 3RD FLR  
 PROPOSED ROOF DECK

SCALE: 1/4" = 1'-0"  
 JOB NO.: 18.03

582 MARKET ST., SUITE 1800  
 SAN FRANCISCO, CA 94104  
 T: 415.391.9633  
 F: 415.391.9647  
 www.garavaglia.com



**ROOFDECK CONFORMANCE CALCULATIONS**  
 NOTE:  
 TOTAL ROOF AREA = 2,290 sq. ft.  
 TOTAL ROOF DECK (S) AREAS = 806 sq. ft.  
 = 22% OF TOTAL ROOF AREA.

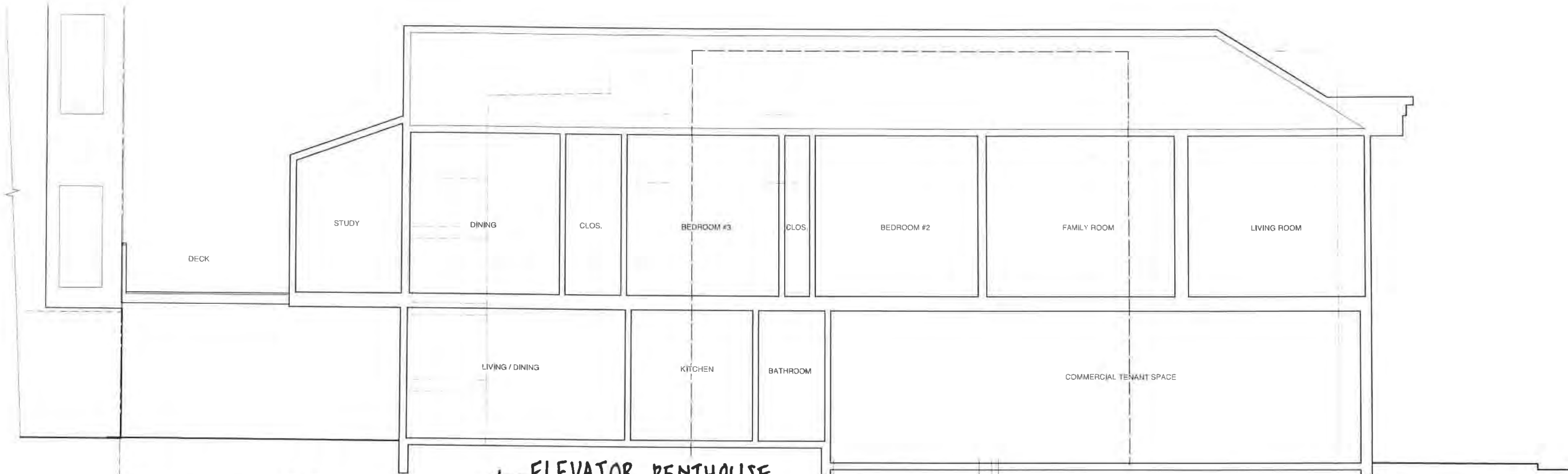


**LINE OF SIGHT**  
 804 22ND  
 11 MAR 2020



**PRINTING RECORD**

DATE	ACTION
JULY 31, 2018	NEIGHB PRE-APP
AUG. 10, 2018	SITE PERMIT APPL
DEC. 21, 2018	PRES COMMENTS
MAY 14, 2019	NEIGHB MEETING
AUG. 15, 2019	NPOR REVISIONS

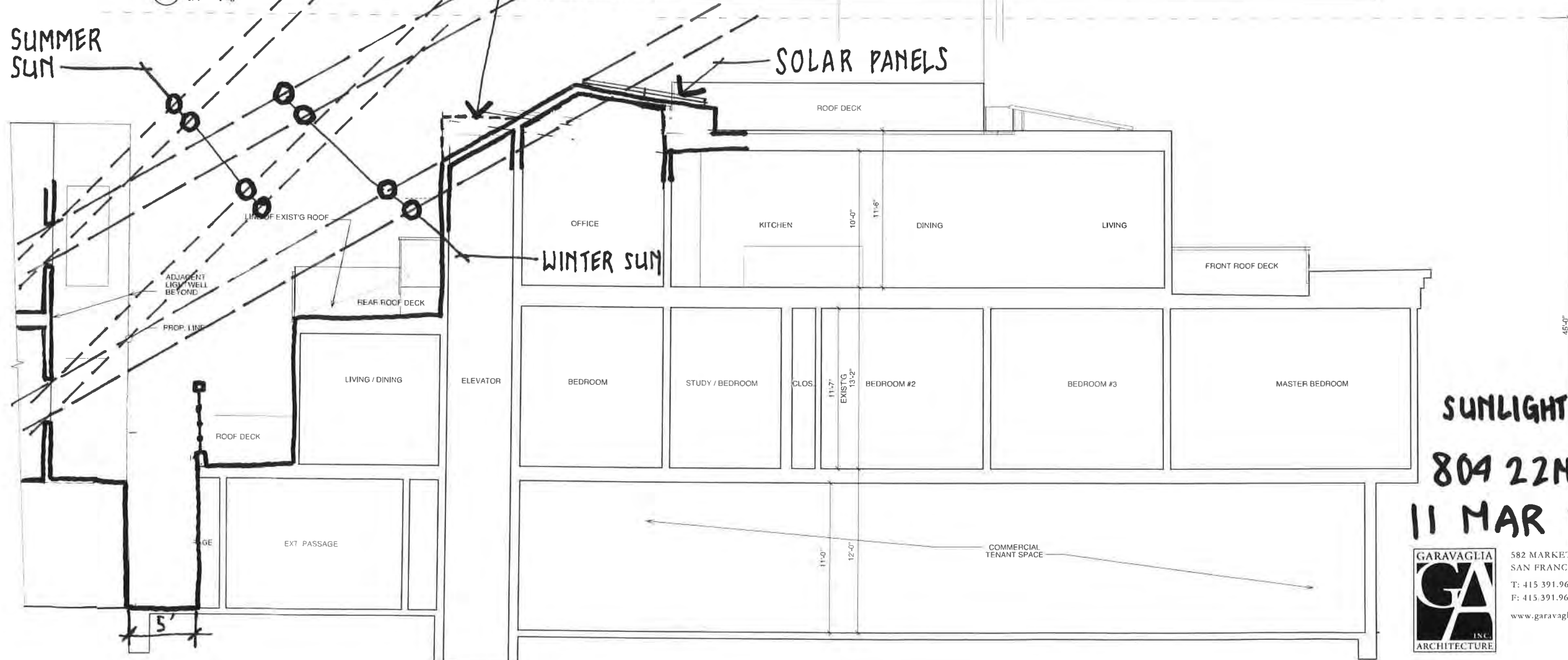


**1 EXISTING BUILDING SECTION**  
1/4" = 1'-0"

ELEVATOR PENTHOUSE  
IF NEEDED

SUMMER  
SUN

SOLAR PANELS



**SUNLIGHT**

**804 22ND**  
**11 MAR 2020**



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T: 415 391.9633  
F: 415 391.9647  
www.garavaglia.com

**DeBoer/Peters Residence**  
804-806 22ND STREET  
SAN FRANCISCO, CA. 94107

BLOCK # 4107 LOT # 010

**SHEET TITLE**  
EXIST. BLDG SECTION  
PROP. BLDG SECTION  
DETAILS

SCALE: AS NOTED  
JOB NO. 18.03

**PRINTING RECORD**

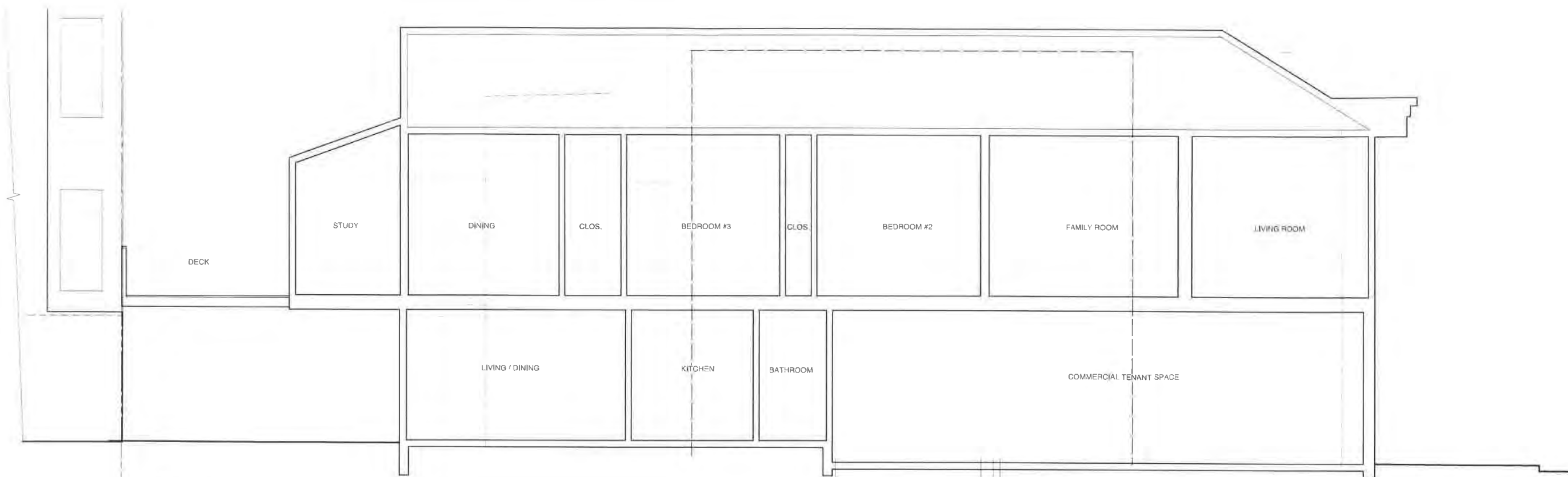
DATE	ACTION
JULY 31, 2018	NEIGHB PRE-APP
AUG 10, 2018	SITE PERMIT APPL
DEC 21, 2018	PREL COMMENT
MAY 14, 2019	NEIGHB MEETING
AUG 15, 2019	NPDR REVISIONS

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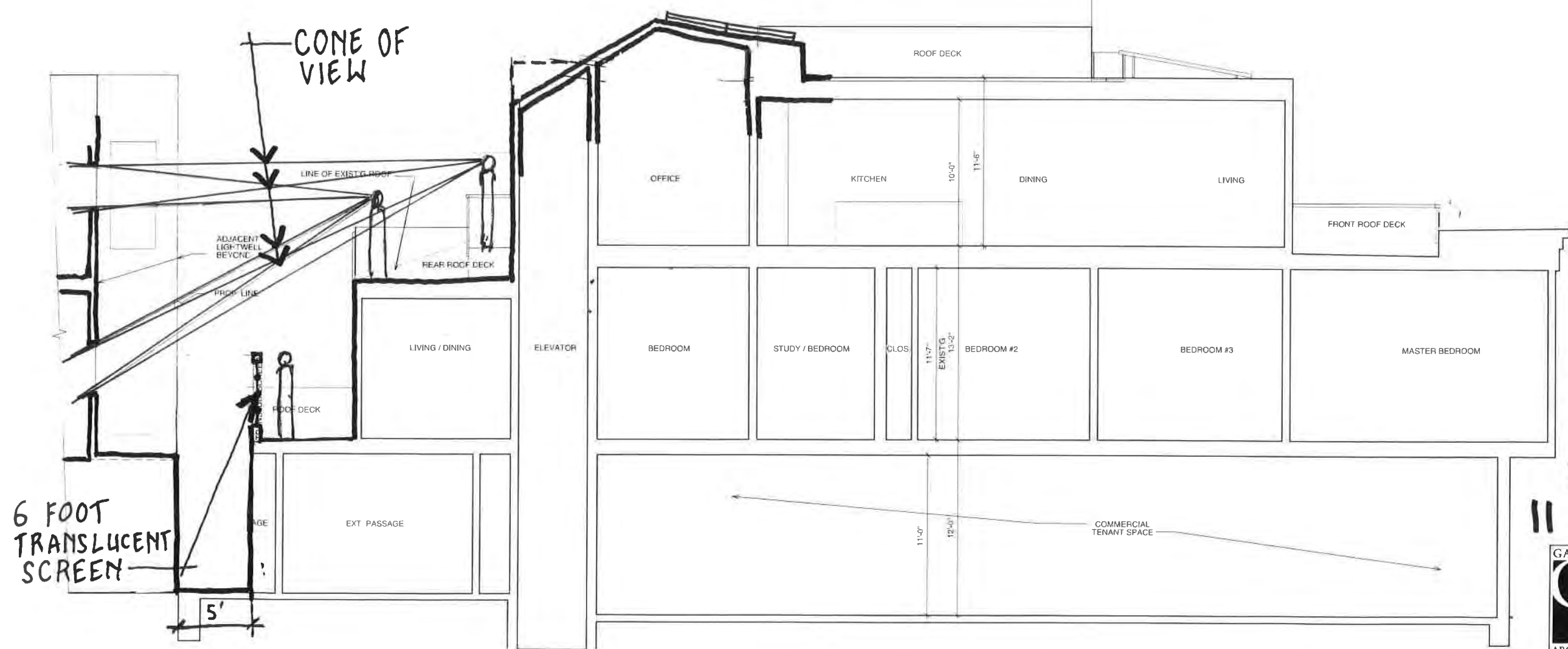
**DeBoer/Peters Residence**  
804-806 22ND STREET  
SAN FRANCISCO, CA. 94107  
BLOCK # 4107 LOT # 010

**SHEET TITLE**  
EXIST. BLDG SECTION  
PROP. BLDG SECTION  
DETAILS

SCALE: AS NOTED  
JOB NO: 18.03



**1 EXISTING BUILDING SECTION**  
1/4" = 1'-0"



**LINE OF SIGHT**  
804 22ND  
11 MAR 2020

45'-0"  
HEIGHT LIMIT



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PET. HED. ARCHITECT. TX. LIC. # 2484



View from  
1078 Tennessee



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View from  
1078 Tennessee



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**PRINTING RECORD**

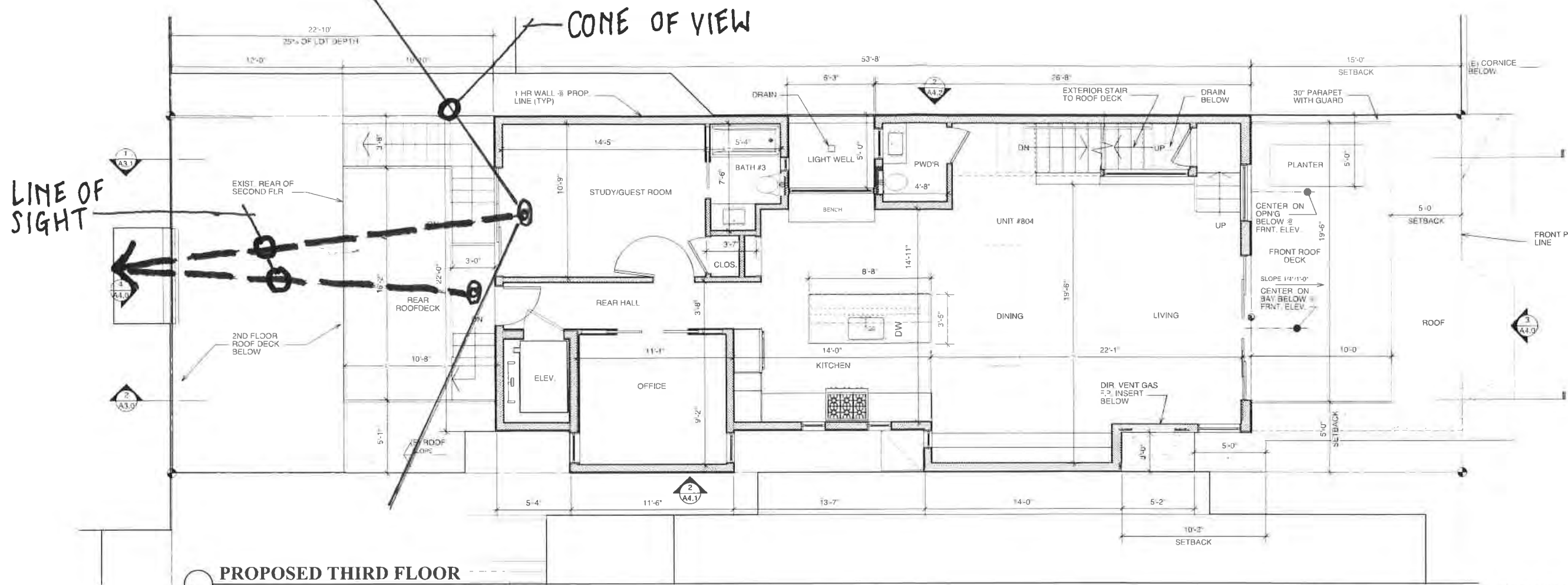
DATE	ACTIC
JULY 31 2018	NEIGHB PRE-APP
AUG. 10 2018	SITE PERMIT APPL
DEC. 21 2018	PRES COMMENT
MAY 14 2019	NEIGHB MEETING
AUG. 15 2019	NPDR REVISIONS

All drawings and specifications are prepared and approved by the architect. No part of this drawing shall be reproduced or used in any way without the written consent of the architect.

**DeBoer/Peters Residence**  
 804-806 22ND STREET  
 SAN FRANCISCO, CA. 94107  
 BLOCK # 4107 LOT # 010

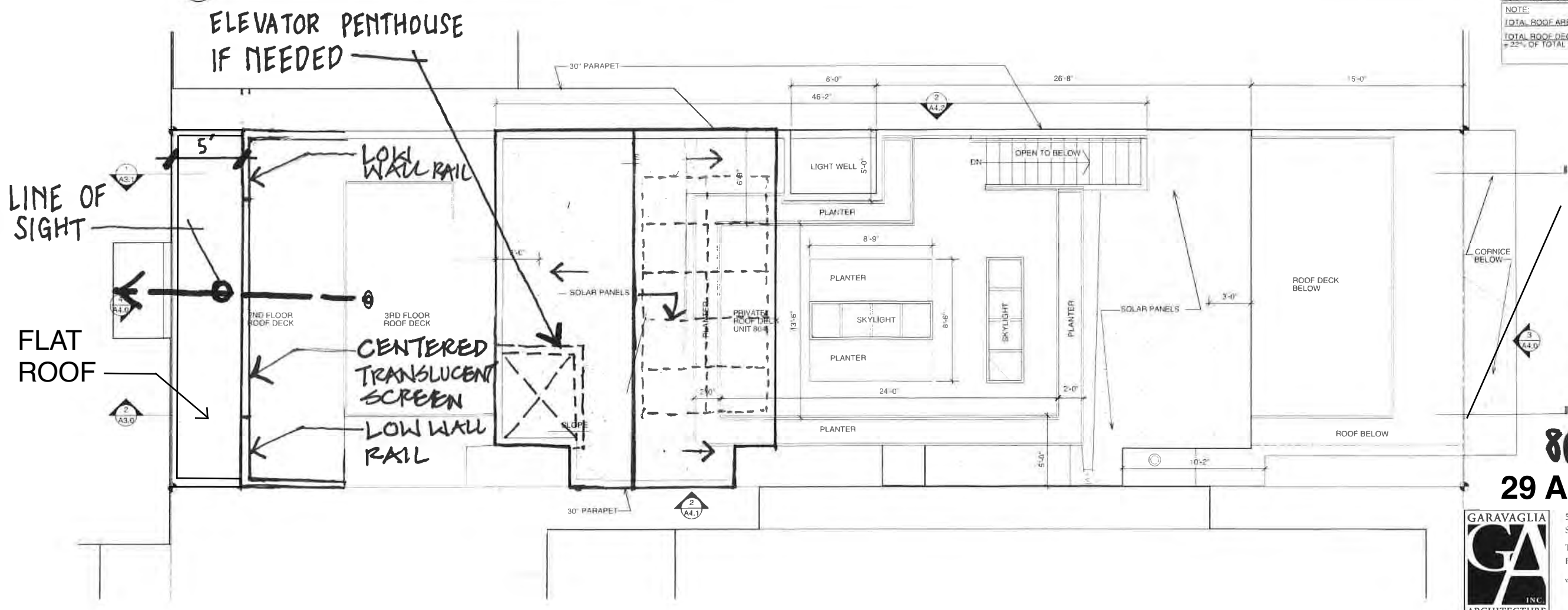
**SHEET TITLE**  
 PROPOSED 3RD FLR  
 PROPOSED ROOF DECK

SCALE: 1/4" = 1'-0"  
 JOB NO: 18.03



PROPOSED THIRD FLOOR

**ROOFDECK CONFORMANCE CALCULATIONS**  
 NOTE:  
 TOTAL ROOF AREA = 2,290 sq. ft.  
 TOTAL ROOF DECK (SI) AREA = 806 sq. ft.  
 = 25% OF TOTAL ROOF AREA

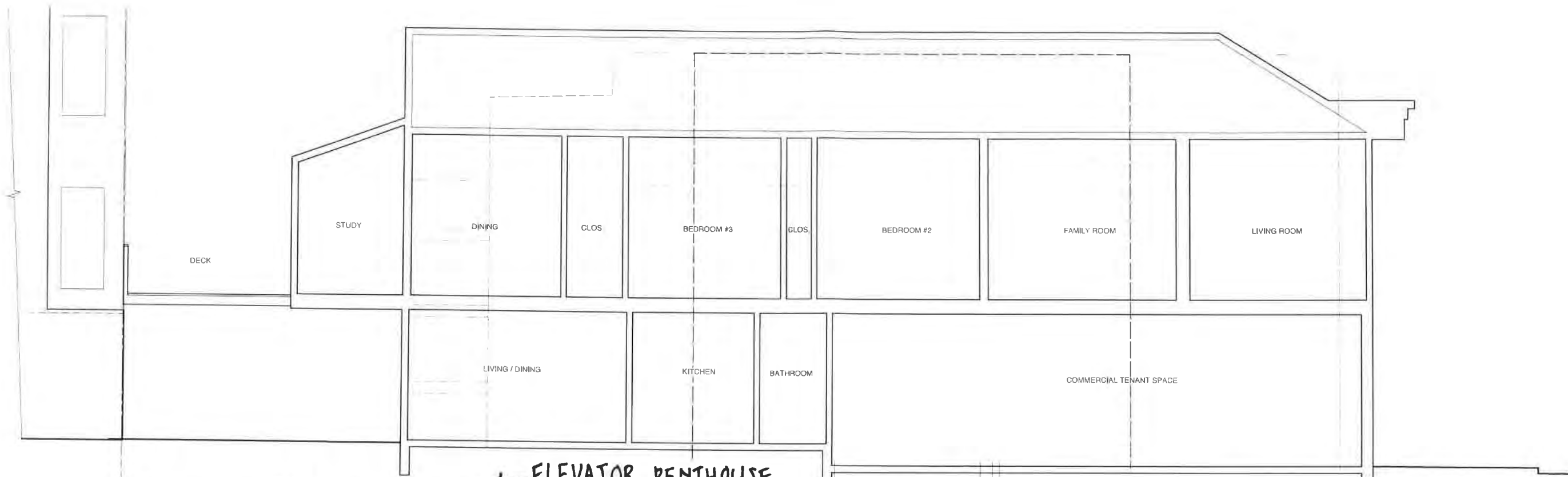


ELEVATOR PENTHOUSE IF NEEDED

CORNICE BELOW

**LINE OF SIGHT**  
 804 22ND  
 29 APR 2020



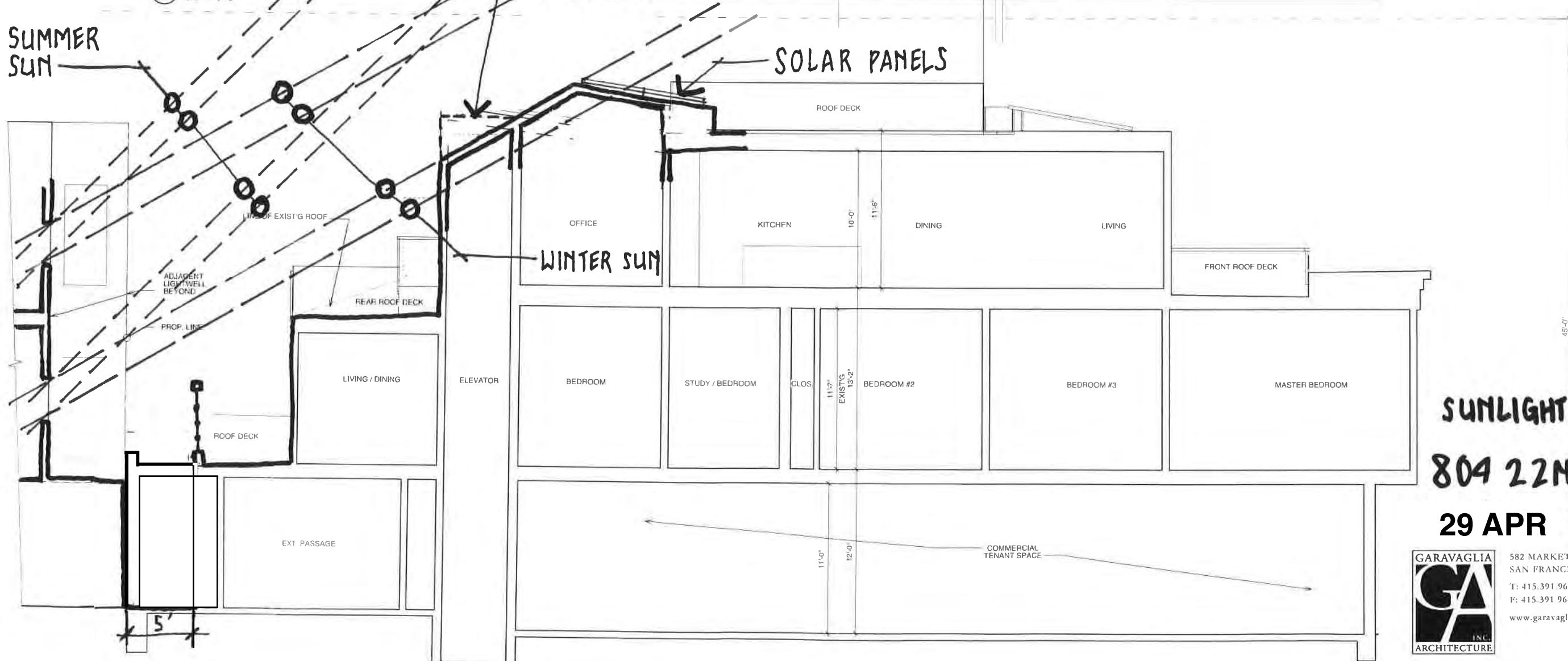


1 EXISTING BUILDING SECTION  
1/4" = 1'-0"

ELEVATOR PENTHOUSE  
IF NEEDED

SUMMER  
SUN

SOLAR PANELS



WINTER SUN

SUNLIGHT  
804 22ND  
29 APR 2020



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**TOPPET ARCHITECT**  
323 DIVIS  
SAN FRAN  
CALIFORN  
TEL 415 391 9633  
FAX 415 391 9647  
toparchitect.com

**PRINTING RECORD**

DATE	ACTION
JULY 31, 2018	NEIGHB PRE-APP
AUG. 15, 2018	SITE PERMIT APPL
DEC. 21, 2018	PREL COMMENTS
MAY 14, 2019	NEIGHB MEETING
AUG. 15, 2019	NPDR REVISIONS

**DeBoer/Peters Residence**  
804-806 22ND STREET  
SAN FRANCISCO, CA. 94107  
BLOCK # 4107 LOT # 010

**SHEET TITLE**  
EXIST. BLDG SECTION  
PROP. BLDG SECTION  
DETAILS

SCALE: AS NOTED  
JOB NO. 18.03

DATE: 29 APR 2020  
DRAWN BY: [Signature]

**PRINTING RECORD**

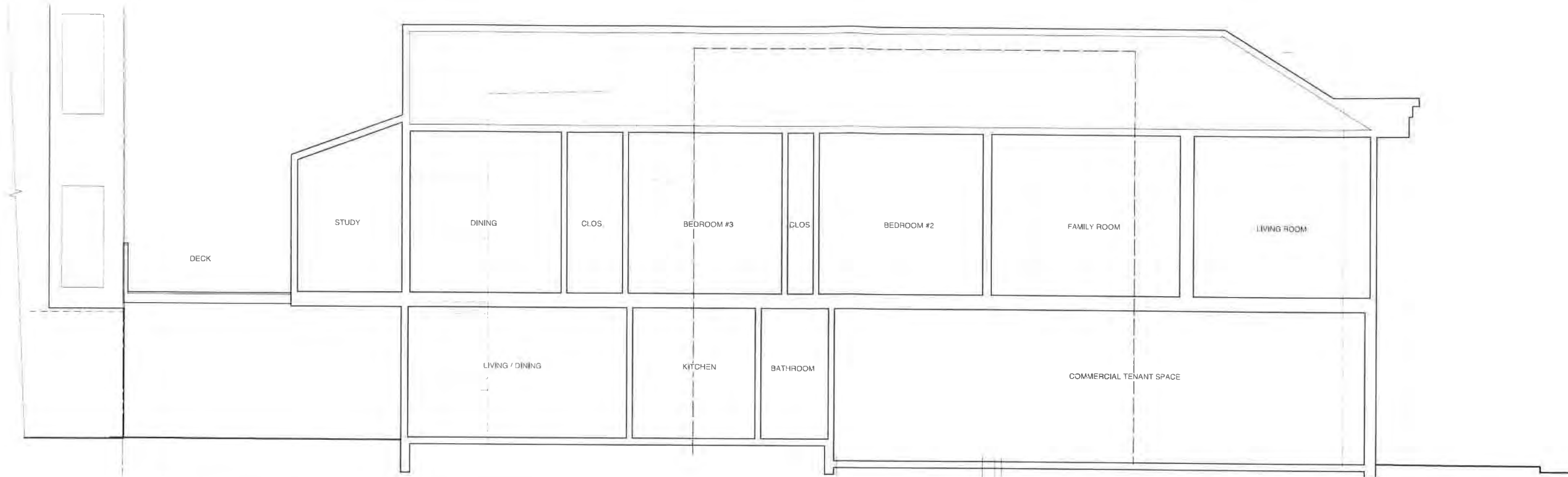
DATE	ACTION
JULY 31, 2018	NEIGHB PRE-APP
AUG. 10, 2018	SITE PERMIT APP
DEC. 21, 2018	PREL. COMMENT
MAY 14, 2019	NEIGHB MEETING
AUG. 15, 2019	NPDR REVISIONS

All drawings and specifications are subject to change without notice. The architect shall not be responsible for construction methods or details unless specifically noted.

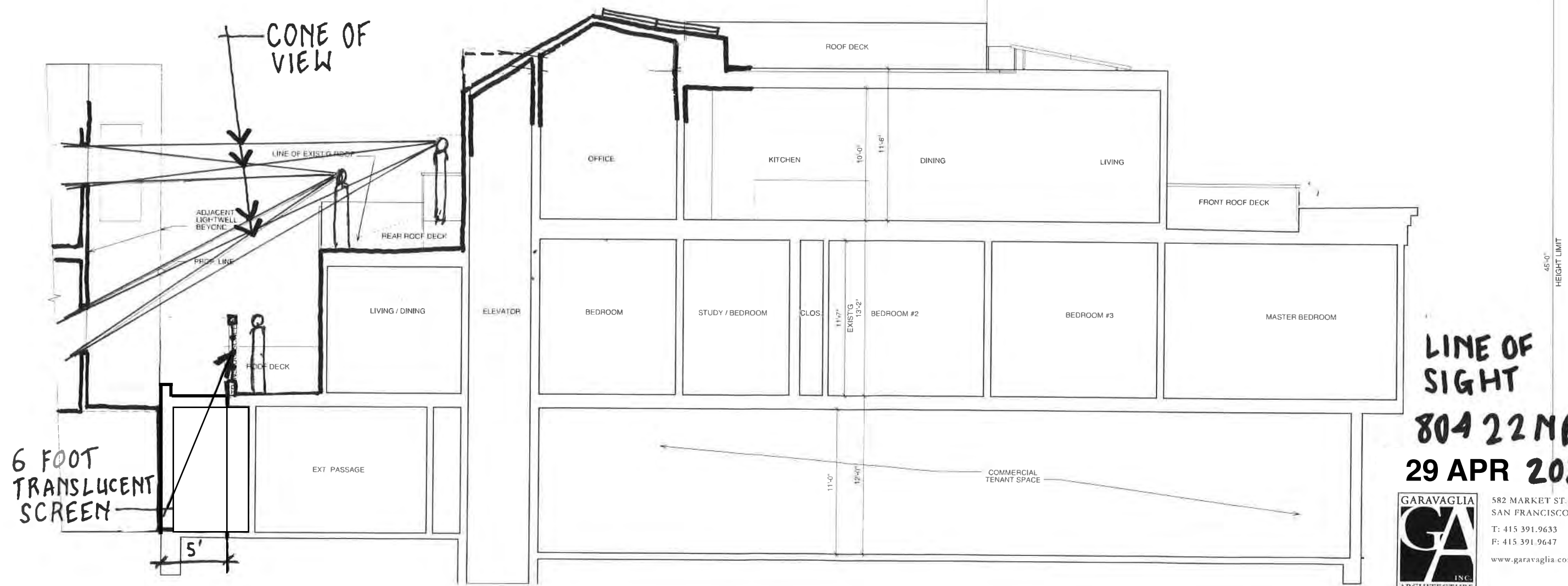
**DeBoer/Peters Residence**  
804-806 22ND STREET  
SAN FRANCISCO, CA. 94107  
BLOCK # 4107 LOT # 010

**SHEET TITLE**  
EXIST. BLDG SECTION  
PROP. BLDG SECTION  
DETAILS

SCALE: AS NOTED  
JOB NO: 18.03



**1 EXISTING BUILDING SECTION**  
1/4" = 1'-0"



**LINE OF SIGHT**  
**804 22ND**  
**29 APR 2020**



582 MARKET ST., SUITE 1800  
SAN FRANCISCO, CA 94104  
T: 415 391.9633  
F: 415 391.9647  
www.garavaglia.com

Dear Commission Members,

As the architect for the project at 804-806 22<sup>nd</sup> Street and on behalf of Maureen DeBoer Peters and Craig Peters, the owners, I would like to offer the accompanying response to the Application for Discretionary Review. I also want to note that to date, we have received and forwarded to planning staff ten letters of support of the project. The following is a list of those who have written in support:

1. Katherine Doumani, Dogpatch Neighborhood Association President and resident of 1006 Tennessee Street.
2. Joe Bullock, St. Stephen's Baptist Church Deacon, 802 22nd Street.
3. Edward Elague and Patrick Hoctel, 801 22nd Street owners and residents.
4. Jonathan Perlman, Architect, San Francisco Historic Preservation Commission
5. Justin Neben, Resident of 814 22nd Street.
6. Massimo Di Sciullo, Owner, Marcella's, 1099 Tennessee Street.
7. Giancarlo Di Sciullo, Owner, Marcella's, 1099 Tennessee Street.
8. Loring Sagan, Owner, Piccino's 1001 Minnesota Street.
9. Michael Recchiuti, Owner, Recchiuti Chocolate at 801 22nd Street and resident of 1131 Tennessee Street.
10. Charmaine Yu, Owner and resident of 966 Minnesota Street.

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**DeBoer/Peters Residence**

804-806 22ND STREET  
SAN FRANCISCO, CA. 94107

BLOCK # 4107 LOT # 010

Page #

**CS**



1. The Complainant's reasons for Discretionary Review [D.R.] claim the demolition of two rent controlled units and that:
  - A) SFPC Sec. 317 requires a CU for demolition of units & prohibits conversion.
  - B) no exception for relocation of a unit being removed.
  - C) Residential Guidelines violated for mid-block open space & rear yard extensions because ground floor unit cannot be removed & therefore a 25% rear yard is required at the first floor.

Response:

A) There is no loss of any residential units at the subject property. It has been determined that the proposed project does not constitute a "demolition" as incorrectly noted by the Complainant. This has been established by the Planning Department staff's review of the demolition calculations, shown on sheet A1.3 of the site permit submittal. Planning staff confirmed that the proposed work was found to comply with the Planning Code and does not constitute a demolition or conversion. The subject property as proposed will not remove any cooking facilities; will still contain the same occupancies for two residential units and one commercial space, and is not proposing any change of use as per SFPC Sec 317.

B) The proposed project maintains two residential units and ground floor commercial space. The proposed project does not propose to remove or merge either of the two residential units present, both of which are owner-occupied.

C) The Residential Guidelines state that [the Guidelines] "...do not apply to NC districts..." The Guidelines for mid-block open space and rear yard extensions do not apply to the proposed project, as it is located within the NCT-2 zoning district. Full lot coverage is permitted at the ground floor for permitted occupancies other than a residential occupancy. The proposed new floor level complies with a 25% rear setback at the residential areas, and the ground floor commercial rear addition conforms to the requirements of the NCT-2 district. The rear lot line of the subject property abuts the side of the Complainant's three-story structure at 1078-1080 Tennessee St. and does not benefit from the midblock open space that the adjacent western properties on 22<sup>nd</sup> Street and the Complainant enjoy.

2. Claimant charges unreasonable impacts of blocking their light well, reducing light into the applicant's property and privacy impacts caused by the deck adjacent to their lightwell.

Response:

The Complainant's south facing lightwell that starts at the second floor of 1078-1080 Tennessee Street will not be blocked. The existing deck area at the proposed project is to be removed and the height of the proposed ground floor commercial space expansion will not exceed the lightwell's second floor windowsill height. A translucent privacy screen is proposed adjacent to this light well and is shown on building section 3/A3.0. In addition, a 5'-0" matching setback area directly adjacent to the lightwell was also subsequently proposed to the Complainant. This setback area would contain a raised planter that would serve to provide further privacy. We have followed the measures sighted in the Residential Guidelines for Lightwells. The Complainant's lightwell contains smaller bathroom windows that are parallel to and face the subject property and larger windows to secondary rooms on the perpendicular sides of the lightwell. Light will not be blocked and privacy will be maintained for both the Complainant & proposed project's owner-occupants.

3. The Complainant proposes that all expansions should be deleted.

Response:

The Complainant has not shown any exceptional or extraordinary basis for denying the proposed project's expansion as designed. The Historic Preservation Commission voted unanimously to approve the proposed design for a Certificate of Appropriateness, Planning staff has vetted the project for compliance with the SF Planning Code, the project was presented to Dogpatch Neighborhood Association and numerous letters of support have been received from neighbors. The long-time owners (Maureen and Craig with their daughter, Brooke), who occupy one unit, along with Maureen's senior parents, who occupy the other unit, seek to maintain and improve their property to the acceptable standards and long-term goals set by the Planning Department. The request for Discretionary Review should be denied.





**N 22nd STREET / North Side - 800 block**



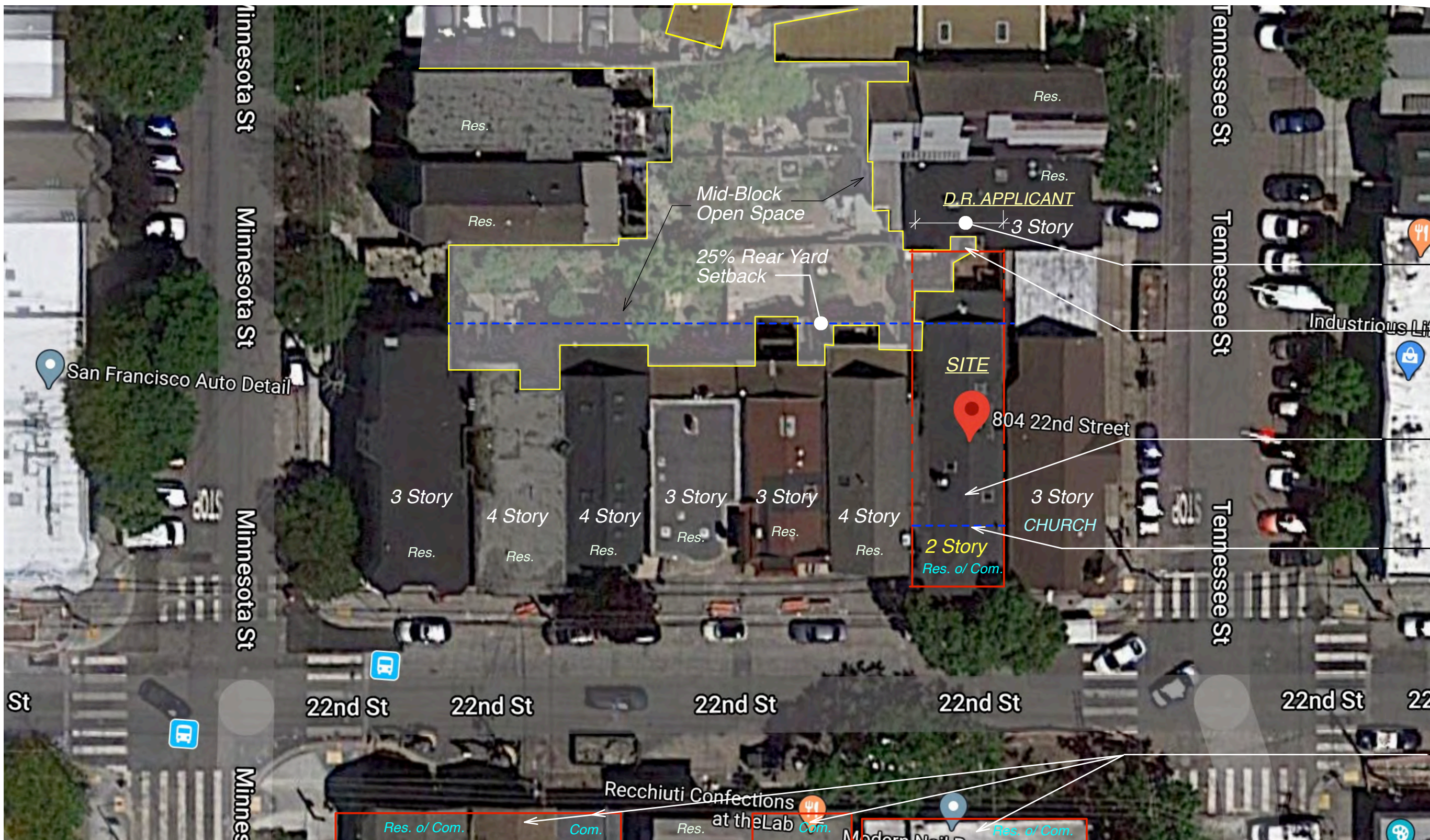
**S 22nd STREET / South Side - 800 block**



**DeBoer/Peters Residence**  
 804-806 22ND STREET  
 SAN FRANCISCO, CA. 94107  
 BLOCK # 4107 LOT # 010

Page #  
**P-1**





D.R. APPLICANT'S STRUCTURE ABUTS THE ENTIRETY OF SUBJECT PROPERTY'S REAR LOT LINE

D.R. APPLICANT'S LIGHTWELL

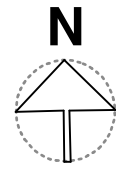
SUBJECT PROPERTY IS THE ONLY STRUCTURE ON NORTH SIDE OF BLOCK TO CONTAIN GROUND FLOOR COMMERCIAL SPACE

PROPOSED 3RD FLOOR TO BE SET BACK 15'-0" FROM FRONT PROP. LINE

STRUCTURES ON SOUTH SIDE OF BLOCK TYPICALLY HAVE GROUND FLOOR COMMERCIAL SPACE

# SATELITE SITE DIAGRAM

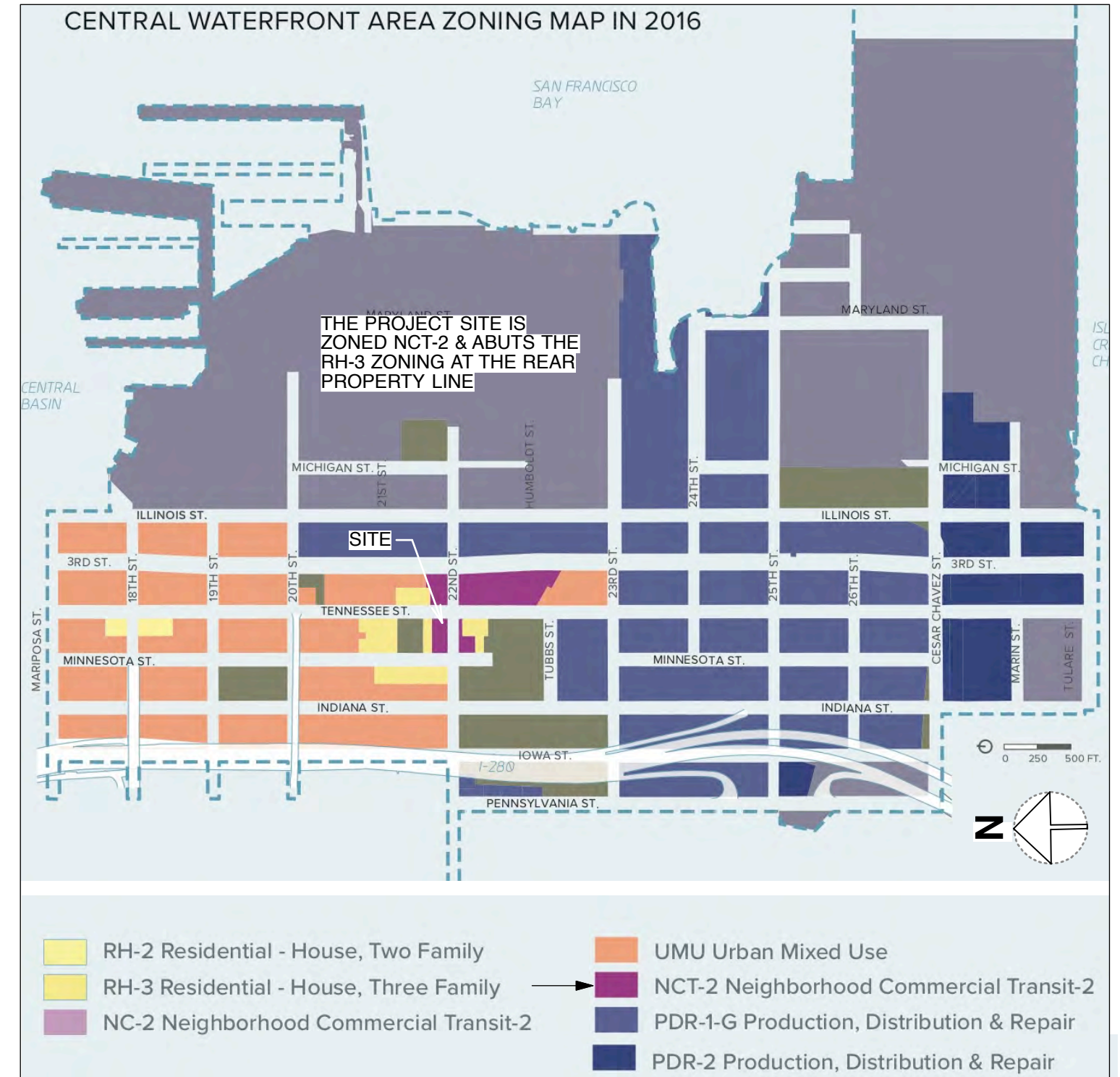
N.T.S.



**DeBoer/Peters Residence**  
 804-806 22ND STREET  
 SAN FRANCISCO, CA. 94107  
 BLOCK # 4107 LOT # 010

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## LAND USE

N.T.S.

## ZONING

N.T.S.



**DeBoer/Peters Residence**

804-806 22ND STREET  
SAN FRANCISCO, CA. 94107

BLOCK # 4107 LOT # 010

Page #

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VIEW LOOKING NORTH / OPPOSITE SIDE OF 22ND ST.



VIEW LOOKING NORTH-WEST / OPPOSITE SIDE OF 22ND ST.



**DeBoer/Peters Residence**

804-806 22ND STREET  
SAN FRANCISCO, CA. 94107

BLOCK # 4107 LOT # 010

Page #

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**VIEW NORTH-EAST / 22ND ST.**



**VIEW NORTH / OPPOSITE SIDE OF 22ND ST.**



**DeBoer/Peters Residence**  
804-806 22ND STREET  
SAN FRANCISCO, CA. 94107  
BLOCK # 4107 LOT # 010

Page #  
**P-5**



**EARLY EVENING / LOOKING EAST ON 22ND ST.**



**EARLY EVENING / OPPOSITE SIDE OF 22ND ST.**



**DeBoer/Peters Residence**  
804-806 22ND STREET  
SAN FRANCISCO, CA. 94107  
BLOCK # 4107 LOT # 010

Page #  
**P-6**





VIEW FROM TENNESSEE STREET LOOKING SOUTH WEST

**W Proposed 804 - 806 22nd STREET**



VIEW FROM ACCROSS 22ND STREET LOOKING NORTH

**N Proposed 804 - 806 22nd STREET**

	<p><b>DeBoer/Peters Residence</b></p>	<p>Page #</p>
	<p>804-806 22ND STREET SAN FRANCISCO, CA. 94107</p>	<p><b>P-7</b></p>
	<p>BLOCK # 4107 LOT # 010</p>	






VIEW FROM DIRECTLY ACCROSS 22ND STREET LOOKING NORTH



VIEW FROM DIRECTLY ACCROSS 22ND STREET LOOKING NORTH

	<b>DeBoer/Peters Residence</b>	Page #
	804-806 22ND STREET SAN FRANCISCO, CA. 94107	<b>P-8</b>
	BLOCK # 4107 LOT # 010	





**Proposed 2nd FLR REAR DECK / N-W**



**Proposed 2nd FLR REAR DECK / N-E**



**DeBoer/Peters Residence**

804-806 22ND STREET  
SAN FRANCISCO, CA. 94107

BLOCK # 4107 LOT # 010

Page #

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**REAR 2ND FLR DECK / LOOKING NORTH-WEST**



**REAR 2ND FLR DECK / LOOKING NORTH-WEST**



**REAR 2ND FLR DECK / LOOKING NORTH-WEST**



**DeBoer/Peters Residence**

**804-806 22ND STREET  
SAN FRANCISCO, CA. 94107**

BLOCK # 4107 LOT # 010

Page #

**P-10**



**From:** [Justin Neben](#)  
**To:** [Winslow, David \(CPC\)](#); [Giacomucci, Monica \(CPC\)](#)  
**Cc:** [maureen@deboerpeters.com](mailto:maureen@deboerpeters.com)  
**Subject:** Support letter for 804-806A 22nd Street  
**Date:** Monday, March 09, 2020 4:17:58 PM

---

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SF Planning Dept.  
1650 Mission Street, #400  
San Francisco, CA

March 9, 2020

Dear Planning Commission members, David Winslow, and Monica Giacomucci,

I write in support of Maureen and Craig's proposed project at 804-806A 22<sup>nd</sup> Street.

Specifically, I support the expansion of the commercial space to help further the Eastern Neighborhood Plan that has 22<sup>nd</sup> Street as a commercial corridor. I also support the building height being three-stories, which is the same height as most of the buildings in the neighborhood. We support the decks that are detailed in this project, which allows both additional living space with access to light and air, as well as appropriate usable open space for gardening and similar activities for their multi-generational family.

Please approve their project as outlined in their neighborhood notification set and as unanimously approved by the Historic Preservation Commission with a Certificate of Appropriateness on Oct. 2, 2019.

Best regards,  
Justin Neben  
814 22nd Street

**From:** [Charmaine Yu](#)  
**To:** [Giacomucci, Monica \(CPC\)](#); [Winslow, David \(CPC\)](#); [maureen@deboerpeters.com](mailto:maureen@deboerpeters.com)  
**Subject:** Support for 804-806a 22nd Street  
**Date:** Thursday, February 20, 2020 2:28:12 PM

---

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SF Planning Dept.  
1650 Mission Street, #400  
San Francisco, CA

February 19, 2020

Dear Planning Commission members, David Winslow, and Monica Giacomucci, I write in support of Maureen and Craig's proposed project at 804-806A 22<sup>nd</sup> Street. Specifically, I support the expansion of the commercial space to help further the Eastern Neighborhood Plan that has 22<sup>nd</sup> Street as a commercial corridor. Most of the commercial and mixed-use buildings on this street have full lot coverage for their first floor commercial spaces.

I also support the building height being three-stories, which is the same height as most of the buildings in the neighborhood. As a family living in this vibrant and growing neighborhood, we support them having the decks that are detailed in this project, which allows them both additional living space with access to light and air, as well as appropriate usable open space for gardening and similar activities for their multi-generational family.

Please approve their project as outlined in their neighborhood notification set and as unanimously approved by the Historic Preservation Commission with a Certificate of Appropriateness on Oct. 2, 2019.

Best regards,

Charmaine Yu  
996-968 Minnesota Street and 1059 Tennessee Street



**St. Stephen's Baptist Church  
800 22nd Street  
San Francisco, CA 94107**

Oct. 1, 2019

To whom it may concern.

The Pastor Ricky L. Hannah, Joe Bullock, Chairman of the Deacon Board and Alice Burn, Church Clerk, and members of St. Stephen's Baptist Church are in full support of the plans to renovate the building located next door to the church at 804-806-806A 22nd Street. We feel the project will improve the overall look and feel of the Dogpatch neighborhood and will not disturb the congregation in any way.

Sincerely,



Joe Bullock, Chairman of the Deacon Board

**From:** [Edward Elhauge](#)  
**To:** [Winslow, David \(CPC\)](#); [Giacomucci, Monica \(CPC\)](#)  
**Cc:** [Maureen DeBoer](#); [Patrick Hoctel](#)  
**Subject:** Project at 804-806A 22nd Street  
**Date:** Tuesday, February 25, 2020 9:29:00 PM

---

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SF Planning Dept.  
1650 Mission Street, #400  
San Francisco, CA

February 25, 2020

Dear Planning Commission members, David Winslow, and Monica Giacomucci,

We are writing to support of Maureen DeBoer and Craig Peter's proposed project at 804-806A 22<sup>nd</sup> Street.

We agree that the the expansion of the commercial space is consistent with the Eastern Neighborhood Plan that has 22<sup>nd</sup> Street as a commercial corridor. Most of the commercial and mixed-use buildings on this street have full lot coverage for their first floor commercial spaces.

The building that is to be remodeled is zoned for three-stories, and will be the same height, or lower than, most of the buildings in the neighborhood. We have already set the height limits on historical buildings much lower than all the new development in the neighborhood.

As a family with two adults and two children living in this vibrant and growing neighborhood, we support them having the decks that are detailed in this project, which allows them both additional living space with access to light and air, as well as appropriate usable open space for gardening and similar activities for their multi-generational family. Decks, roof top gardens, and tasteful additions allow buildings built to 19th century standards to provide the outdoors access, light and ventilation that promotes health and wellness.



Please approve their project as outlined in their neighborhood notification set and as unanimously approved by the Historic Preservation Commission with a Certificate of Appropriateness on Oct. 2, 2019.

We would like to add that our review of the project shows that the completion of this project will improve the historical accuracy of the building, which is of historical value, by replacing metal windows and detailing on the street level with detailing more appropriate with the original building.

We own a building on the corner of 22nd Street and Tennessee Street, which is directly across the street from our building, and would be glad to see this building rejuvenated.

Best regards,

Edward Elhauge & Patrick Hoctel

--

Edward Elhauge <[edward.elhauge@gmail.com](mailto:edward.elhauge@gmail.com)>  
"The life which is unexamined is not worth living." -- Plato

February 19, 2020

**RECEIVED**

**FEB 27 2020**

**CITY & COUNTY OF S.F.**  
PLANNING DEPARTMENT  
CPC/HPC

Dear Planning Commission members, David Winslow, and Monica Giacomucci,

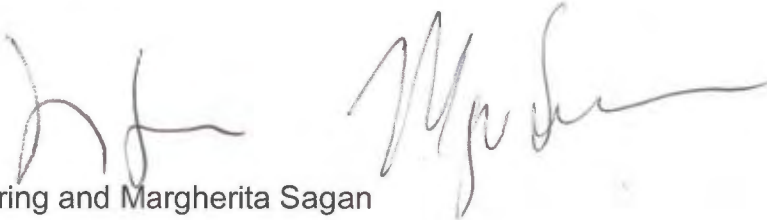
I write in support of Maureen and Craig's proposed project at 804-806A 22<sup>nd</sup> Street.

Specifically, I support the expansion of the commercial space to help further the Eastern Neighborhood Plan that has 22<sup>nd</sup> Street as a commercial corridor. Most of the commercial and mixed-use buildings on this street have full lot coverage for their first floor commercial spaces.

I also support the building height being three-stories, which is the same height as most of the buildings in the neighborhood. As a family living in this vibrant and growing neighborhood, we support them having the decks that are detailed in this project, which allows them both additional living space with access to light and air, as well as appropriate usable open space for gardening and similar activities for their multi-generational family.

Please approve their project as outlined in their neighborhood notification set and as unanimously approved by the Historic Preservation Commission with a Certificate of Appropriateness on Oct. 2, 2019.

Best regards,



Loring and Margherita Sagan

Piccino

1001 Minnesota St.

415 298 5331 & 415 407-0019



SF Planning Dept.

1650 Mission Street, #400

San Francisco, CA

February 19, 2020

Dear Planning Commission members, David Winslow, and Monica Giacomucci,

I write in support of Maureen and Craig's proposed project at 804-806A  
22<sup>nd</sup> Street.

Specifically, I support the expansion of the commercial space to help further the Eastern Neighborhood Plan that has 22<sup>nd</sup> Street as a commercial corridor. Most of the commercial and mixed-use buildings on this street have full lot coverage for their first floor commercial spaces.

I also support the building height being three-stories, which is the same height as most of the buildings in the neighborhood. As a family living in this vibrant and growing neighborhood, we support them having the decks that are detailed in this project, which allows them both additional living space with access to light and air, as well as appropriate usable open space for gardening and similar activities for their multi-generational family.

Please approve their project as outlined in their neighborhood notification set and as unanimously approved by the Historic Preservation Commission with a Certificate of Appropriateness on Oct. 2, 2019.

Best regards,



YOUR NAME AND ADDRESS HERE

MICHAEL RECCHIATY  
1131 Tennessee St  
S.F. CA 94107



March 16, 2020

David Winslow  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear Mr. Winslow,

I am writing in support to not take DR for the project at 804 - 806 22nd Street in Dogpatch. Having lived in the neighborhood for 8 years (2007 - 2014), I am very familiar with the area and still frequent it for my favorite breakfast place, Just for You Cafe! I have known the owners, Craig Peters and Maureen DeBoer for over a decade.

I had the opportunity to review this project when it came before the Historic Preservation Commission for a Certificate of Appropriateness last year. It was approved unanimously as the design is respectful to both the existing building and to the Dogpatch district. The renovation of the commercial storefront is particularly welcome as it is very much part of the neighborhood commercial district on 22nd Street and is a sensitively designed compliment to the street. The 3rd floor addition is setback appropriately and, despite the inadequacies of an elevation drawing, I believe will be minimally noticeable from the street. Set between two taller buildings, the addition will not exceed their height; it is very much in scale with the surrounding context.

I have reviewed the project again in light of the DR request and continue to support the project for the following reasons:

- the project meets the Planning code AND the Residential Design Guidelines;
- the project was reviewed and approved for a Certificate of Appropriateness by the HPC;
- there is nothing about the project that is unique or extraordinary to the block or neighborhood;
- the project substantially improves the commercial space in a popular commercial district;
- the project improves the small 2nd unit by offering better light, function and outdoor space;
- Craig and Maureen are homeowners who have been in the neighborhood for over 15 years and plan to stay put and will continue to raise their family here rather than fleeing to the suburbs. They are by no means, a developer (as so many DR requesters claim in this type of circumstance!)

The DR requester appears to have concerns about the closing off of her lightwell on the south side of her building. I do not see that this is the case since there is no building element in the way. If the DR requester is concerned about privacy, a landscape screen could easily be provided by the project sponsor to allay that concern. The second concern about whether there is a demolition of a residential unit appears to be unfounded. This building is currently two units and remains two units, both much improved. In addition, the project offers the community additional and better quality commercial space. In all ways, this project is a great improvement to both the building and the neighborhood.

I hope that the Planning Commissioners will NOT take DR and allow this well-conceived project to move forward to final building permits and construction as designed.

Jonathan Pearlman



**From:** [Katherine Doumani](#)  
**To:** [Winslow, David \(CPC\)](#); [Giacomucci, Monica \(CPC\)](#)  
**Cc:** [Maureen Deboer](#)  
**Subject:** 804/806A 22nd street  
**Date:** Friday, February 21, 2020 12:23:46 PM

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SF Planning Dept.  
1650 Mission Street, #400  
San Francisco, CA

February 21, 2020

Dear Planning Commission members, David Winslow, and Monica Giacomucci,

I am writing in support of Maureen and Craig Peter's proposed project at 804-806A 22<sup>nd</sup> Street.

Specifically, I support the expansion of the commercial space to help further the Eastern Neighborhood Plan that has 22<sup>nd</sup> Street as a commercial corridor. The majority of commercial and mixed-use buildings on 22nd street have full lot coverage for their first floor commercial spaces and this building should be no exception--especially as it is adjacent to the church on the corner which fills the entire lot as well.

I also support the three-story building height, which is in keeping with the rhythm of the surrounding buildings and of the neighborhood, as well as the necessity for the decks detailed in this project. In our urban fabric of vertical abodes, it is our decks that allow both additional living space with access to light and air, as well as appropriate usable open space for gardening and similar activities.

For a family raising children in San Francisco today, and in the DeBoer-Peter's case also housing their parents, the ability to expand a home and make it livable is critical. The scope of their project is in keeping with the neighborhood of mixed-use commercial, PDR, and residential that makes our community so dynamic.

We urge you to approve their project as outlined in their neighborhood notification set and as unanimously approved by the Historic Preservation Commission with a Certificate of Appropriateness on Oct. 2, 2019.

Sincerely,

Katherine Doumani  
1006 Tennessee Street



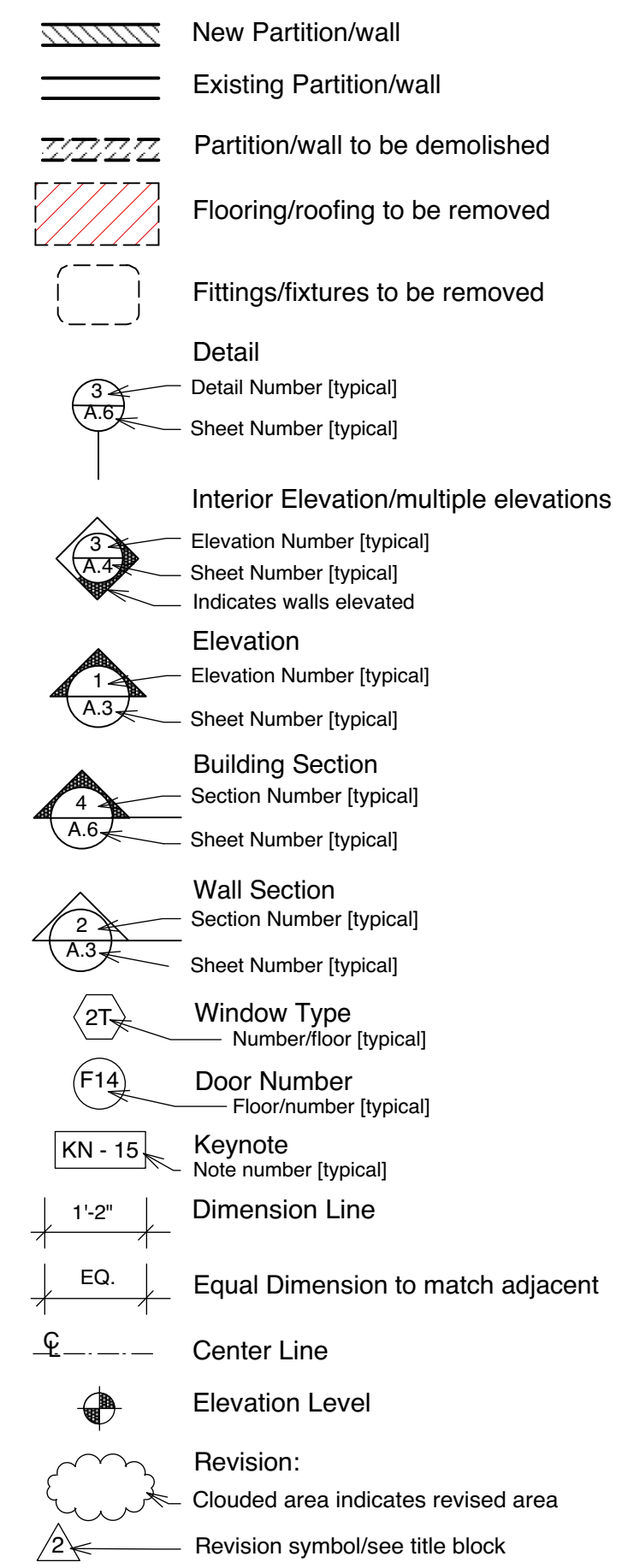
**GENERAL NOTES:**

- 1. CODE COMPLIANCE: All work is to be performed in accordance with all governing Codes, Ordinances and Regulations. The designs herein are based on the 2016 C.B.C., 2016 S.F.B.C., 2016 S.F.M.C., 2016 S.F.E.C., 2016 S.F.P.C., 2016 S.F.F.C., 2016 C. Energy C.
- 2. JOB COORDINATION & SAFETY: Contractor shall be responsible for the development, coordination and execution of construction methods and procedures. The Contractor shall also be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with his work.
- 3. JOB CLEANLINESS: Contractor shall on a daily basis leave the construction site "broom clean" at the end of the work day. At substantial completion, the Contractor shall turn to the Owner a spotlessly clean house, including clean mirrors, glass, light bulbs, walls, floors, cabinetry inside and out, bathroom fixtures, tiles and appliances.
- 4. CONSTRUCTION QUALITY: No guarantee of quality of construction is implied or intended by the architectural documents, and the Contractor shall assume full responsibility for any or all construction deficiencies.
- 5. CONTRACT DOCUMENT REVIEW: Contractor shall review all Contract Documents. If fifteen days elapse from the time the Contractor receives the plans and signs to perform the work, and the Owners have not been notified of any errors, omissions or objections, the Owners will consider the documents approved by the Contractor for the performance of his/her work.
- 6. DISCREPANCIES: In case of any discrepancy notify the Owners before proceeding. Contractor shall be responsible for correction of work at his/her own expense for work installed in conflict with the Contract Documents.
- 7. DIMENSIONS: All dimensions shown on plans are to face of stud, unless otherwise noted. All dimensions shown on interior elevations are finish dimensions. No dimensions shall be taken by measuring from the drawings. Details take precedence over general sections or plans. Written dimensions take precedence over scale. All dimensions shall be verified in the field for coordination with existing and new conditions.
- 8. SUBSTITUTIONS: The Contractor will be held to furnish under his Proposal all work described herein. All materials and articles of any kind necessary for this work are subject to the approval of the Owners.
- 9. MANUFACTURED ITEMS: Transport, handle, store, protect and install manufactured items in strict accordance with manufacturer's recommendations. Should conflict exist between construction documents and manufacturer's instructions, consult with Designer.
- 10. ASBESTOS: Asbestos removal is not intended to be covered by this contract. If Asbestos is suspected, a testing agency must be hired to verify, and special procedures must be used for removal and disposal. Friable asbestos is the dangerous type and was used extensively for pipe insulation, fireproofing and certain building materials up to 1970.
- 11. CUTTING AND PATCHING: Cut and fit components as required; patch disturbed areas to match adjacent materials and finishes.
- 12. ATTIC VENTILATION: Ventilating area shall not be less than 1/150th of the net area of the space ventilated. If at least 50% of required ventilation is provided in the upper portion of the space, then ventilating area may be 1/300th of the attic space per section 3205(c).
- 13. BLOCKING: Provide solid blocking as necessary for all wall mounted shelves, fixtures and fittings. See interior elevations, where applicable.
- 14. WATER TIGHTNESS: Contractor shall verify that all work on the exterior of the project is watertight. All joints and surfaces exposed to the elements shall be tested for water tightness prior to substantial completion.
- 15. WATERPROOF MEMBRANE: Install a waterproof membrane under the Master Shower floor @ the Master Bath. Wrap the membrane up a minimum of 8" on all surrounding surfaces.
- 16. GLAZING: Tempered glazing is required as per UBC 2406. Glazing to be tempered includes but is not limited to: glazing that is less than 18" above finish floor; within 24" radius of doors; Glass door and panels of shower and bathtub enclosures and adjacent glazed openings within 60" above a standing surface and drain inlet shall be fully tempered, laminated safety glass as per UBC 2406.3 & 4; skylights; etc...
- 17. DRYWALL: All drywall to be 5/8" thick. Install metal corner beads at all outside corners. Fasten drywall to framing with drywall screws. All drywall is to be sanded three times to produce a smooth finish for all walls and ceilings. All drywall shall be finished so that it is smooth, with no bumps or craters. All joints to be taped and sanded so that there is no distinguishable transition. Contractor shall deliver all new or repaired walls perfectly even. The owners' and designer's criteria will be the sole measure for approval of the finished work.
- 18. HANDRAILS AND GUARDRAILS: All handrails at stairs are 34" above tread nosing. All guardrails are 42" minimum to finish floor, U.O.N. See interior elevations or details, as applicable, for guardrail design.
- 19. SHOWER AND TUB W/ SHOWER: Provide ceramic tile or stone finish at all shower and tub w/ shower areas to a minimum height of 70" above the drain inlet over a moisture resistant underlayment (typical). Verify with interior elevations, if applicable. All showers & shower/tub combinations to have pressure balance mixing valves as per UPC section 410.7
- 20. PLUMBING: All work is design/build by the Plumbing contractor and is to meet required codes and Title 24 requirements. Low flow plumbing fixtures & fittings will be used in all bathrooms, etc... Toilets to have a max. allowable flush of 1.6 gal. When there are fixtures @ three levels, cast iron or other approved non-plastic materials for drain, waste, & vents is to be used.
- 21. TITLE 24 RESIDENTIAL LIGHTING REQUIREMENTS
  - A) All residential lighting to be high efficacy.
  - B) At least one fixture in bathrooms, garages laundry room and utility rooms must be controlled by a vacancy sensor.
  - C) Lighting in areas other than kitchens, bathrooms, garages, laundry room and utility rooms shall be high efficacy or either controlled by a dimmer switch or vacancy sensor.
  - D) Recessed lights in insulated ceilings must be ic and at (air tight) rated. recessed lights within 5'-0" of a common prop. line to have 1hr rated enclosure.
  - E) Exterior building mounted lighting must be high efficacy and must include manual on/off switch and one of the following: photocontrol & motion sensor - photocontrol & automatic time switch control - astronomical time switch control or energy management control system.
  - F) Common areas of low-rise residential buildings with four or more units must be high efficacy or controlled by a title 24 compliant occupant sensor.
  - G) Under cabinet lighting (including kitchen must be switched separately from other lighting systems.

**ARCHITECTURAL SHEETS:**

- A1.0 PROJECT INFO, LEGENDS, & PROPOSED SITE PLAN
- A1.1 EXISTING SITE PLAN & SITE PHOTOS
- A1.2 SF GREEN CONFORMANCE SITE PERMIT FORM
- A1.3 DEMO. CONFORMANCE CALCULATIONS
- A2.0 EXISTING/DEMO 1ST FLOOR PLAN & PROPOSED 1ST FLOOR PLAN
- A2.1 EXISTING/DEMO 2ND FLOOR PLAN & PROPOSED 2ND FLOOR PLAN
- A2.2 PROPOSED 3RD FLOOR PLAN & PROPOSED ROOF DECK
- A2.3 EXISTING ROOF PLAN & PROPOSED ROOF PLAN
- A3.0 PROPOSED & EXISTING BUILDING SECTIONS
- A3.1 PROPOSED BUILDING & SITE SECTIONS, & DETAILS
- A4.0 EXISTING & PROPOSED SOUTH & NORTH ELEVATIONS
- A4.1 EXISTING & PROPOSED WEST ELEVATIONS
- A4.2 EXISTING & PROPOSED EAST ELEVATIONS
- A4.3 EXISTING & PROPOSED ELEVATIONS WITH ADJACENT BUILDINGS

**DRAWING SYMBOL LEGEND**



**PROJECT DESCRIPTION:**

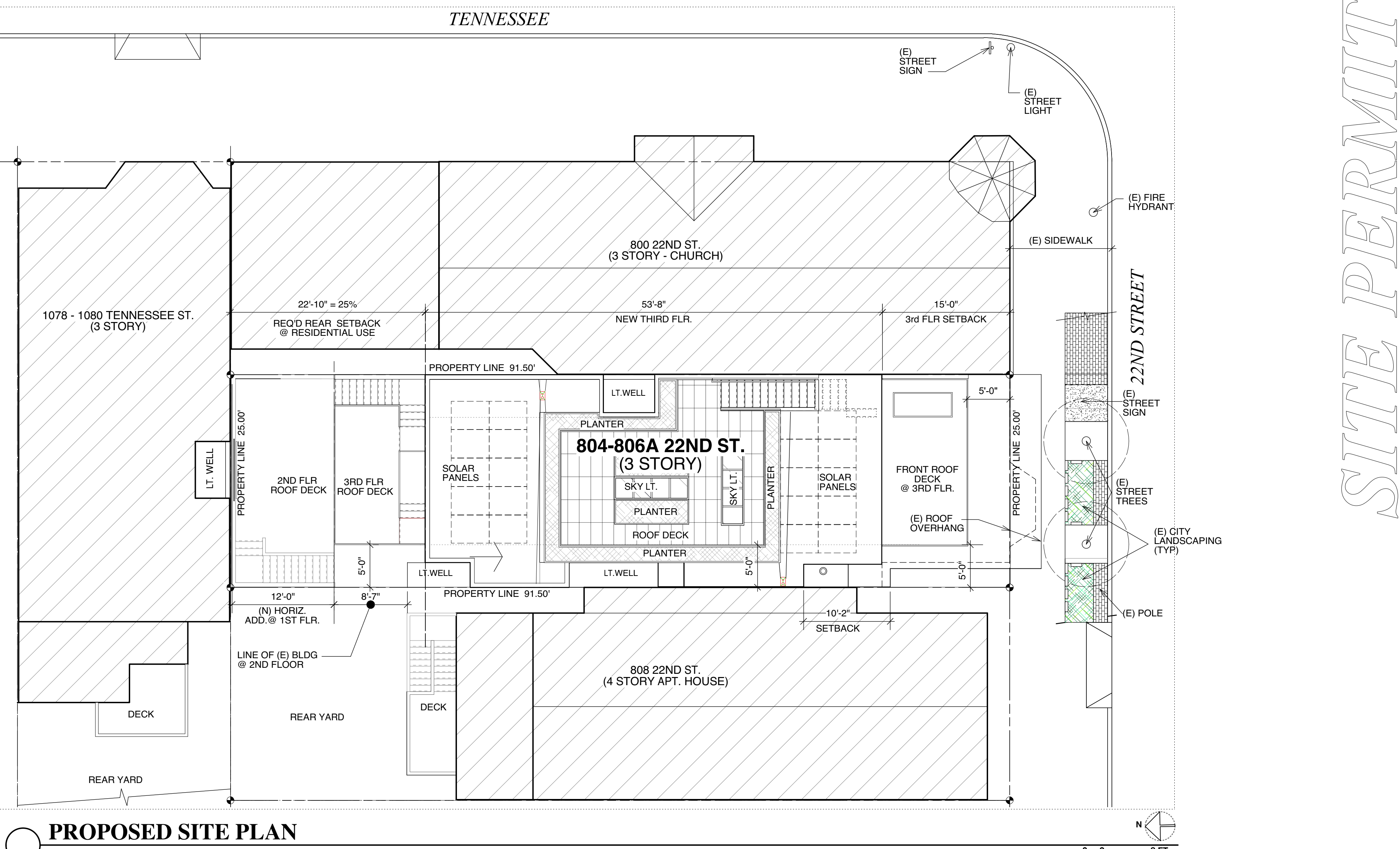
THE SCOPE OF WORK UNDER THIS PERMIT IS FOR VERTICAL ADDITION OF A NEW THIRD FLOOR AND A HORIZONTAL ADDITION AT THE FIRST FLOOR. THE EXISTING UNIT 806A WILL BE RELOCATED FROM THE FIRST FLOOR TO THE SECOND; UNIT 804 WILL BE EXPANDED INTO THE NEW THIRD FLOOR. UNIT 804 WILL INCLUDE LIVING/DINING/KITCHEN AREA, BEDROOM AND BATH, STUDY AND ROOF DECK AREAS AT THE THIRD FLOOR AND THREE BEDROOMS AND TWO BATHS AT THE SECOND FLOOR; UNIT 806A AT THE SECOND FLOOR WILL INCLUDE TWO BEDROOMS, BATH, LIVING/DINING/KITCHEN AREA, AND ROOF DECK; THE FIRST FLOOR EXISTING COMMERCIAL TENANT SPACE WILL BE EXPANDED TO THE FULL DEPTH OF THE PROPERTY; AND A PRIVATE L.U.L.A. ELEVATOR WILL BE ADDED TO SERVE THE RESIDENTIAL UNITS. THE BUILDING WILL BE SRINKLERED THROUGH OUT.  
NOTE: THE GROUND FLOOR COMMERCIAL WILL REMAIN VACANT & ALL FUTURE WORK THERE WILL BE UNDER A SEPARATE TENANT IMPROVEMENT PERMIT

**PROJECT DATA**

ZONING:	NCT-2	
HEIGHT LIMIT:	45'-X	
EXISTING OCCUPANCY:	R-2	
CONSTRUCTION:	TYPE V-B	<b>PROPOSED</b>
	<b>EXISTING</b>	
STORIES:	2	3
HEIGHT:	29'-0"	38'-2"
UNITS:	2	2
SPRINKLER STATUS:	NON-SPRINKLERED	PROVIDE SPRINKLERS AS PER NFPA 13R

**AREA CALCULATIONS**

EXISTING 1ST FLOOR AREA :	1,619 sq.ft.	PROPOSED 1ST FLOOR AREA:	2,046 sq.ft.
COMMERCIAL TENANT SPACE :	788 sq.ft.	COMMERCIAL TENANT SPACE :	1,590 sq.ft.
RESIDENTIAL UNIT #806A:	831 sq.ft.	COMMON SPACE [UNCONDITIONED]	456 sq.ft.
EXISTING 2ND FLOOR AREA :	1,881 sq.ft.	PROPOSED 2ND FLOOR AREA:	2,165 sq.ft.
RESIDENTIAL UNIT #804:	1,881 sq.ft.	UNIT 806A:	887 sq.ft.
DECK AT 2ND FLOOR:	136 sq.ft.	UNIT 804:	970 sq.ft.
<b>TOTAL EXISTING GROSS FLOOR AREA:</b>	<b>3,500 sq.ft.</b>	UNIT 806A DECK:	255 sq.ft.
<b>(DECK NOT INCLUDED)</b>		COMMON SPACE [UNCONDITIONED]:	53 sq.ft.
		PROPOSED 3RD FLOOR AREA:	2,169 sq.ft.
		UNIT 804:	1,252 sq.ft.
		UNIT 804 DECK (FRONT&REAR):	554 sq.ft.
		UNIT 804 ROOF DECK:	363 sq.ft.
		<b>TOTAL PROPOSED GROSS FLOOR AREA:</b>	<b>5,581 sq.ft.</b>
		<b>(DECKS NOT INCLUDED)</b>	
<b>NET CHANGE IN CONDITIONED AREA:</b>		COMMERCIAL TENANT SPACE GROSS FLOOR AREA:	1,590 sq.ft.
1ST FLOOR:	128 sq.ft.	UNIT 806A GROSS FLOOR AREA:	887 sq.ft.
2ND FLOOR:	65 sq.ft.	UNIT 804 GROSS FLOOR AREA:	1,252 sq.ft.
3RD FLOOR:	1,370 sq.ft.		
<b>TOTAL ADDED CONDITIONED AREA:</b>	<b>1,563 sq.ft.</b>		
<b>TOTAL INCREASE IN BLDG. FOOTPRINT:</b>	<b>304 sq.ft.</b>	[DECKS NOT INCLUDED, TYP.]	



**TOPETCHER ARCHITECTURE INC**

828 DIVISADERO  
SAN FRANCISCO  
CALIFORNIA 94117  
TEL 415 359 9997  
FAX 415 359 9986  
toparchitecture.com

**PRINTING RECORD**

DATE	ACTION
JULY 31, 2018	NEIGHB. PRE-APP MEETING
AUG. 10, 2018	SITE PERMIT APPLICATION
DEC. 21, 2018	PRES. COMMENTS
MAY 14, 2019	NEIGHB. MEETING
AUG. 15, 2019	NPDR REVISIONS/ HPC PKG.

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**DeBoer/Peters Residence**

**804-806 22ND STREET**  
**SAN FRANCISCO, CA. 94107**

**BLOCK # 4107 LOT # 010**

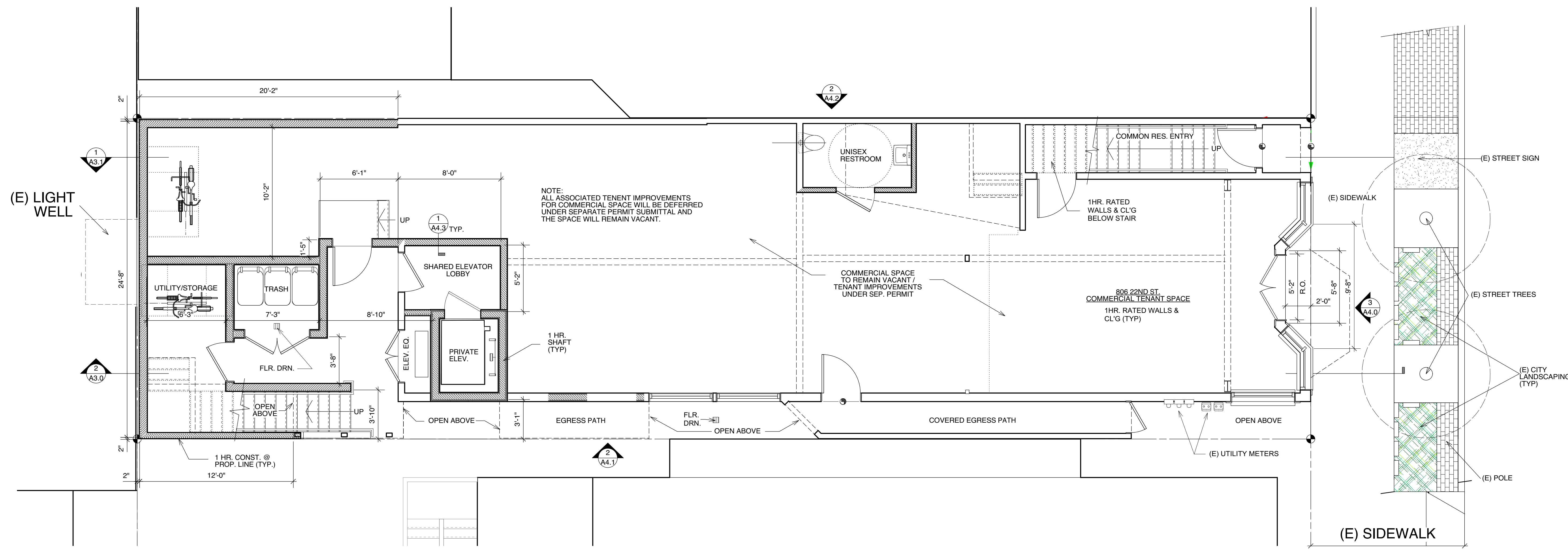
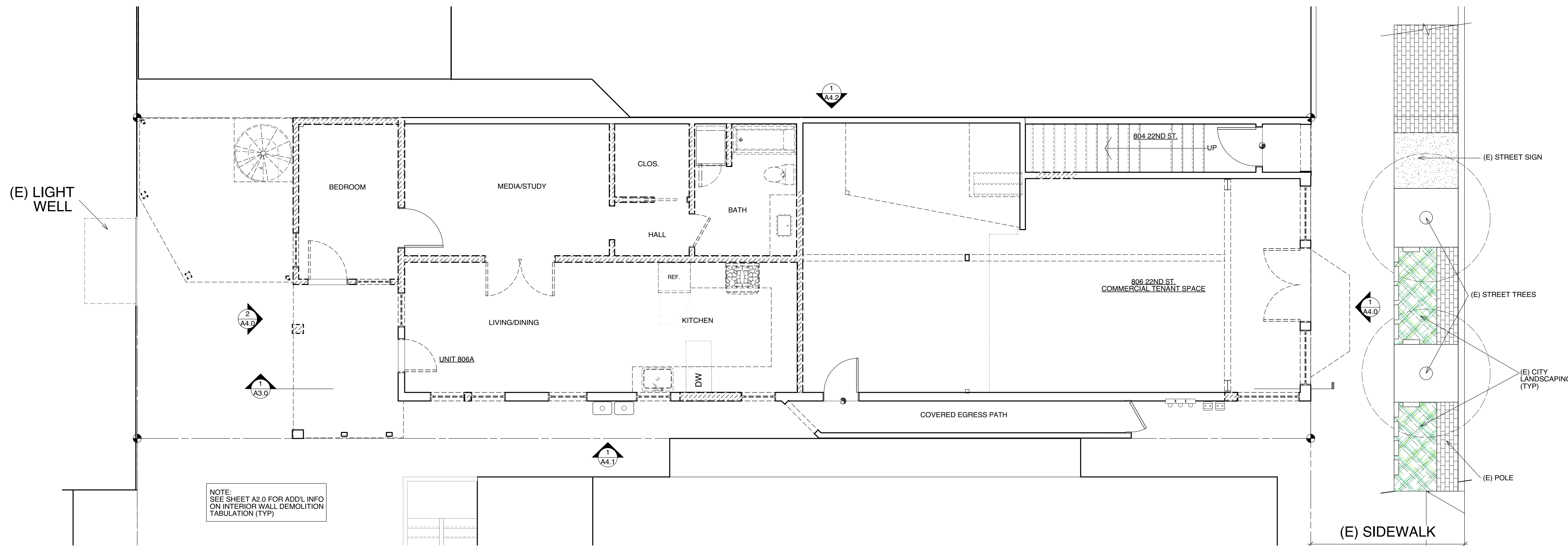
**SHEET TITLE**  
**PROJECT INFO, LEGENDS & PROP. SITE PLAN**

SCALE: 1/8"=1'-0" JOB NO. 18.03

MARK J. TOPECHER ARCHITECT CA. LIC. # C 21678, EXP. MAY 2021

**A 1.0**





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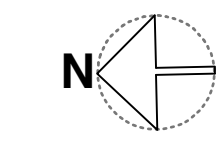
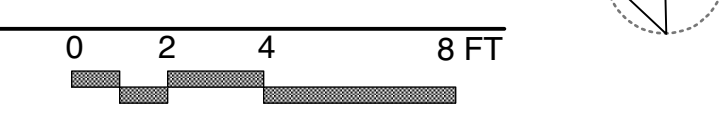
**DeBoer/Peters Residence**  
 804-806 22ND STREET  
 SAN FRANCISCO, CA. 94107  
 BLOCK # 4107 LOT # 010

**SHEET TITLE**  
 EXIST/DEMO 1ST FLR  
 PROPOSED 1ST FLR

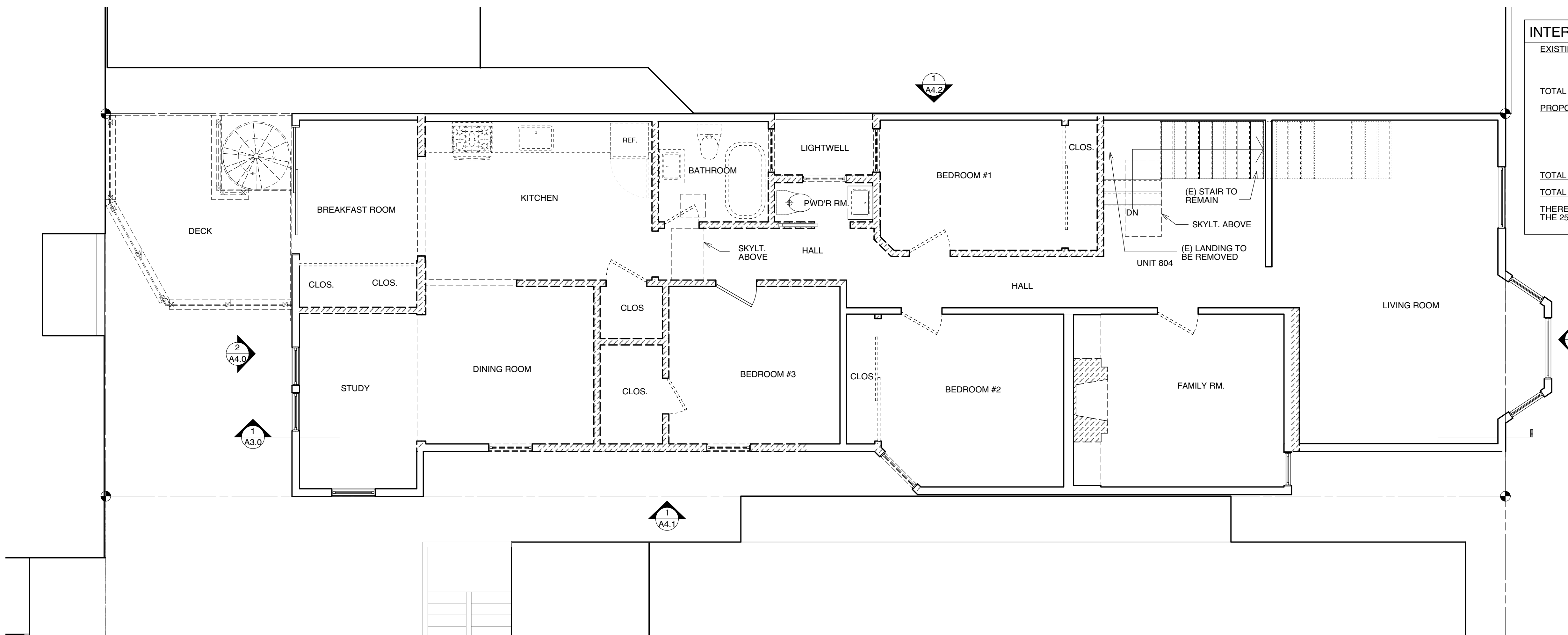
SCALE: 1/4" = 1'-0"  
 JOB NO. 18.03

MARK J. TOPETCHER, ARCHITECT, CA. LIC. # C 21678, EXP. MAY 2021

**A 2.0**







**INTERIOR DEMOLITION TABULATION**

**EXISTING CONDITIONS:**  
 FIRST FLOOR - TOTAL INTERIOR WALLS : 162 LN. FT.  
 SECOND FLOOR - TOTAL INTERIOR WALLS : 117 LN. FT.  
**TOTAL EXISTING INTERIOR WALLS - : 279 LN. FT.**

**PROPOSED CONDITIONS:**  
 FIRST FLOOR - TOTAL INTERIOR WALLS REMOVED: 85 LN. FT.  
 - TOTAL INTERIOR WALLS REMAINING: 32 LN. FT.  
 SECOND FLOOR - TOTAL INTERIOR WALLS REMOVED: 92 LN. FT.  
 - TOTAL INTERIOR WALLS REMAINING: 70 LN. FT.  
**TOTAL INTERIOR WALLS REMOVED: 177 LN. FT. OR 62% REMOVED**  
**TOTAL INTERIOR WALLS REMAINING: 102 LN. FT. OR 38% REMAINING**  
 THEREFORE, 38% OF WALLS REMAINING EXCEEDS THE 25% MINIMUM CODE REQUIREMENT.

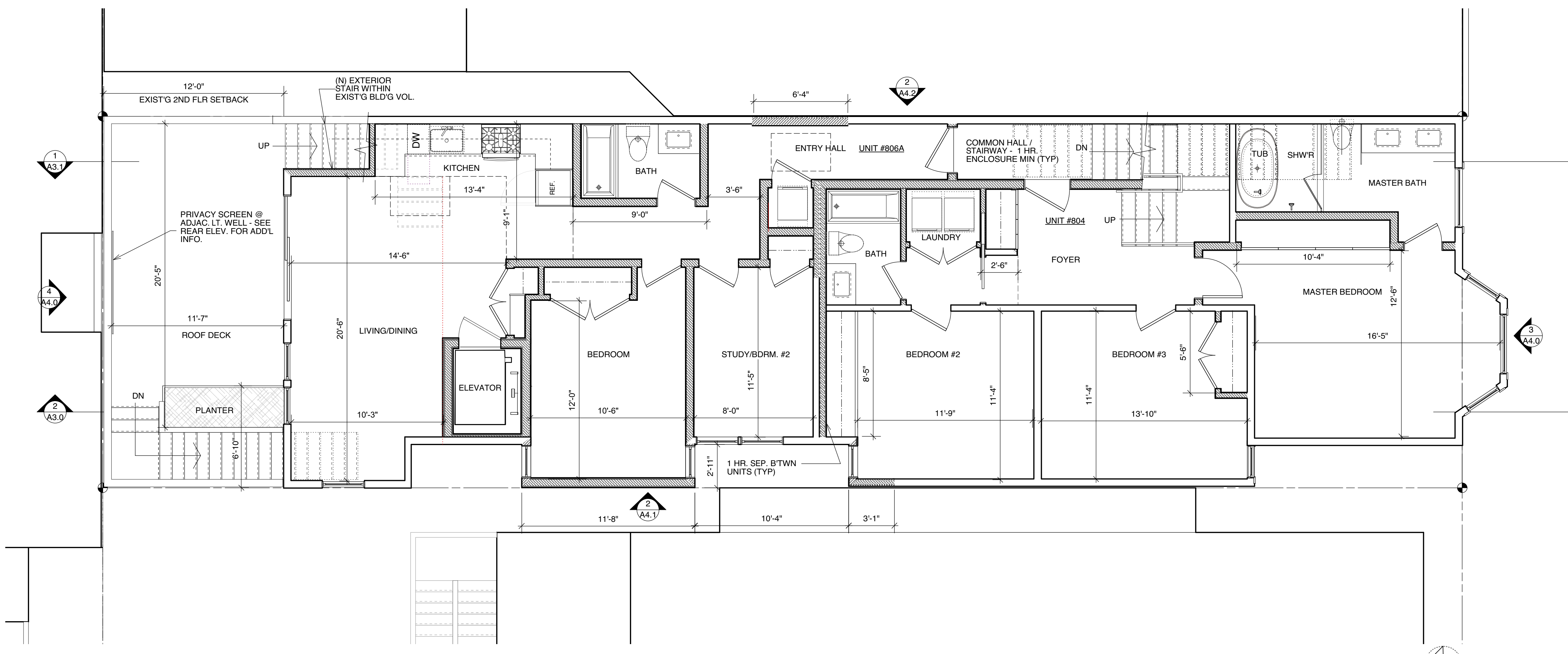
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**EXISTING / DEMO SECOND FLOOR**  
 SEE NOTE ON A2.0 FOR WALL CALCULATIONS (TYP)

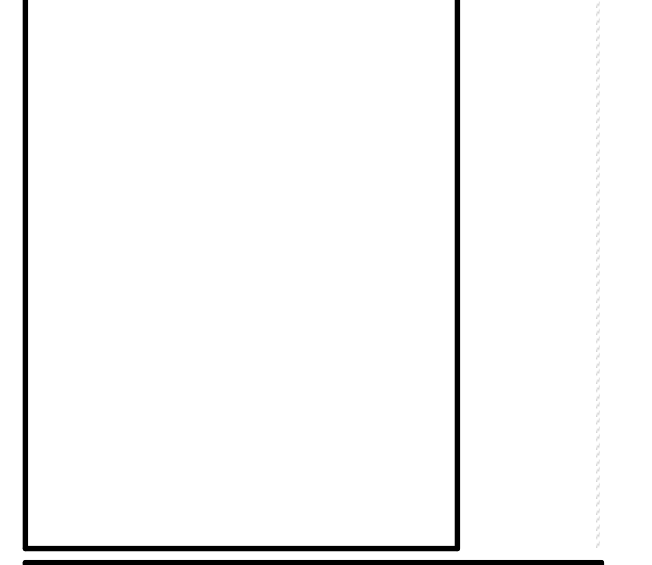


**PROPOSED SECOND FLOOR**

**DeBoer/Peters Residence**  
 804-806 22ND STREET  
 SAN FRANCISCO, CA. 94107  
 BLOCK # 4107 LOT # 010

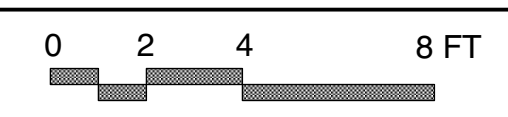
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 PROPOSED 2ND FLR

SCALE: 1/4" = 1'-0"  
 JOB NO. 18.03

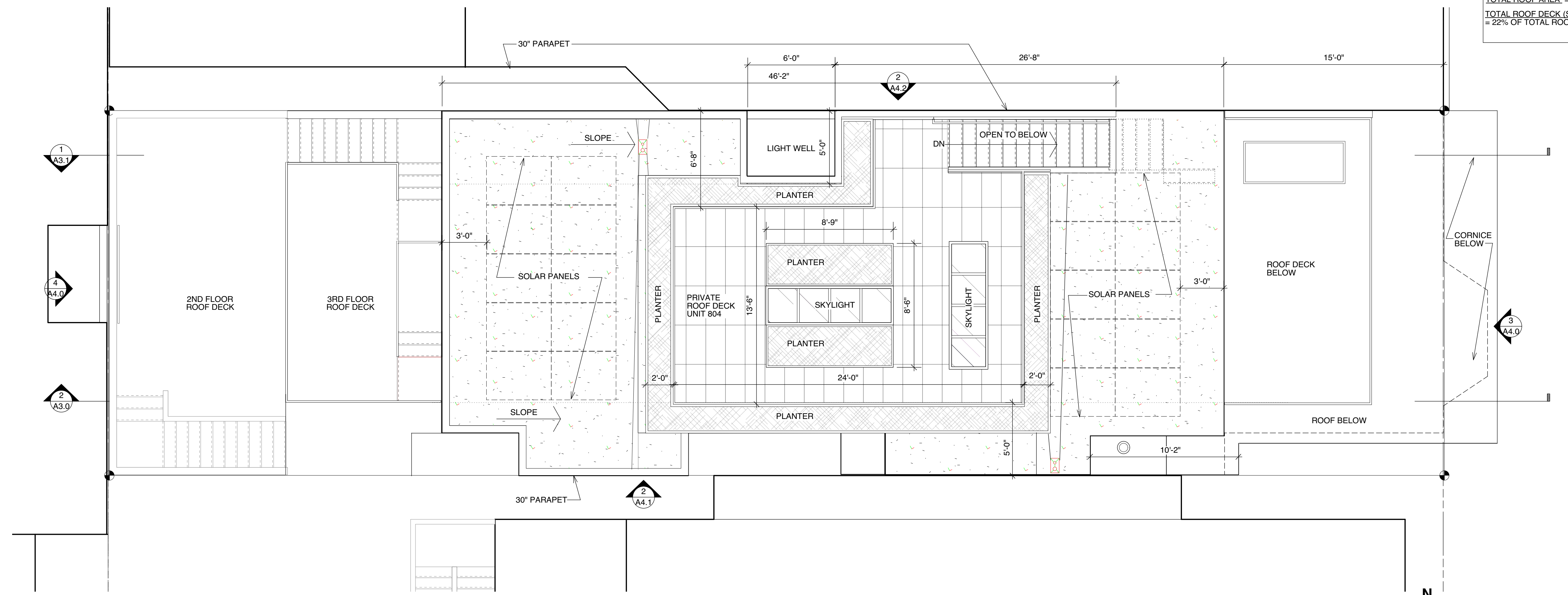
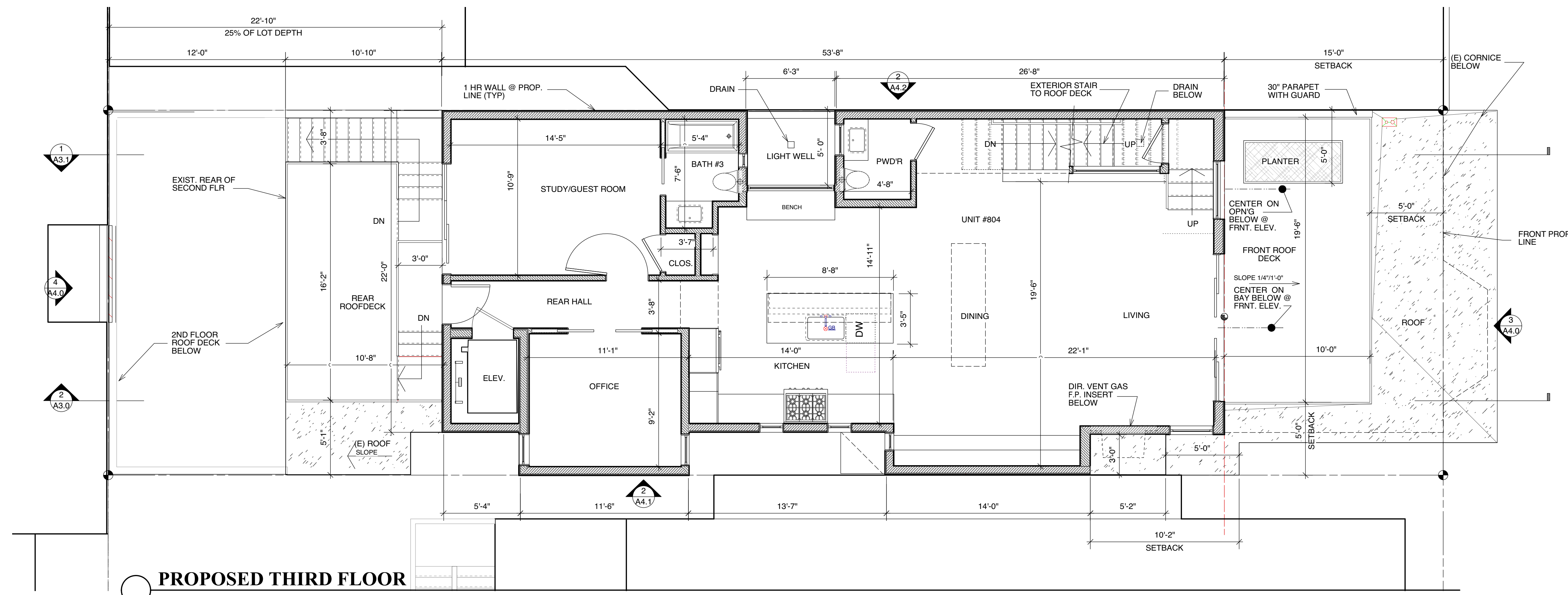


MARK J. TOPETCHER, ARCHITECT, CA. LIC. # C 21678, EXP. MAY 2021

**A 2.1**







**ROOFDECK CONFORMANCE CALCULATIONS**  
 NOTE:  
 TOTAL ROOF AREA = 2,290 sq. ft.  
 TOTAL ROOF DECK (S) AREAS = 806 sq. ft.  
 = 22% OF TOTAL ROOF AREA

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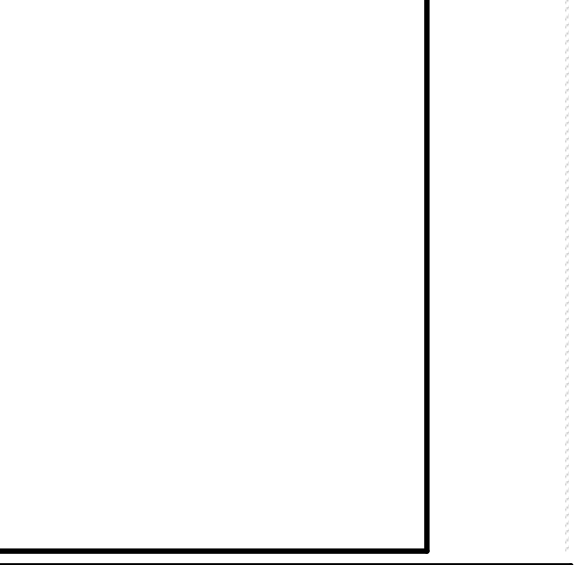
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**DeBoer/Peters Residence**  
 804-806 22ND STREET  
 SAN FRANCISCO, CA. 94107

PERMIT APP. NO. \_\_\_\_\_  
 BLOCK # 4107 LOT # 010

**SHEET TITLE**  
 PROPOSED 3RD FLR  
 PROPOSED ROOF DECK

SCALE: 1/4" = 1'-0"  
 JOB NO. 18.03



MARK J. TOPETCHER ARCHITECT CA. LIC. # C 21679, EXP. MAY 2021

**A 2.2**



**PRINTING RECORD**

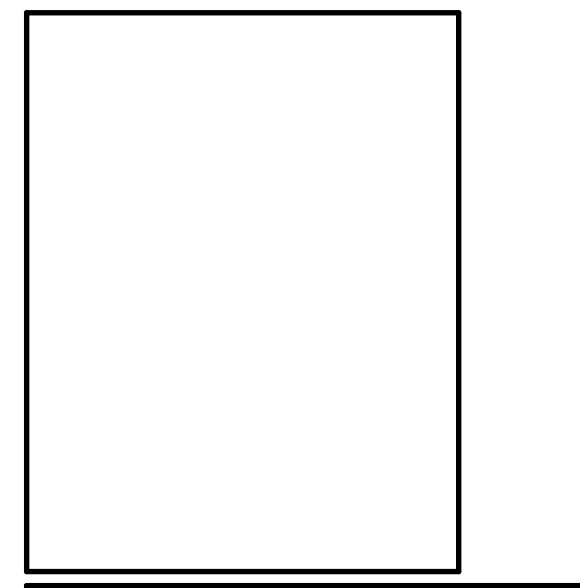
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**DeBoer/Peters Residence**  
804-806 22ND STREET  
SAN FRANCISCO, CA. 94107  
BLOCK # 4107 LOT # 010  
PERMIT APP. NO.

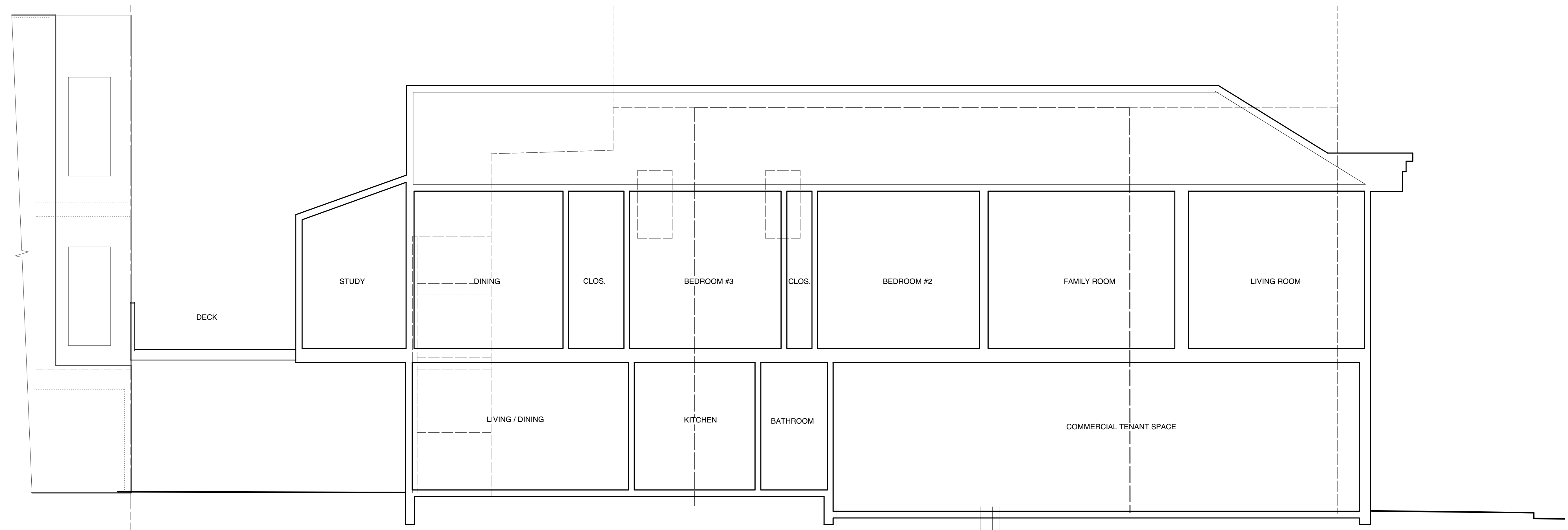
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EXIST. BLDG SECTION  
PROP. BLDG SECTION  
DETAILS

SCALE: AS NOTED  
JOB NO. 18.03

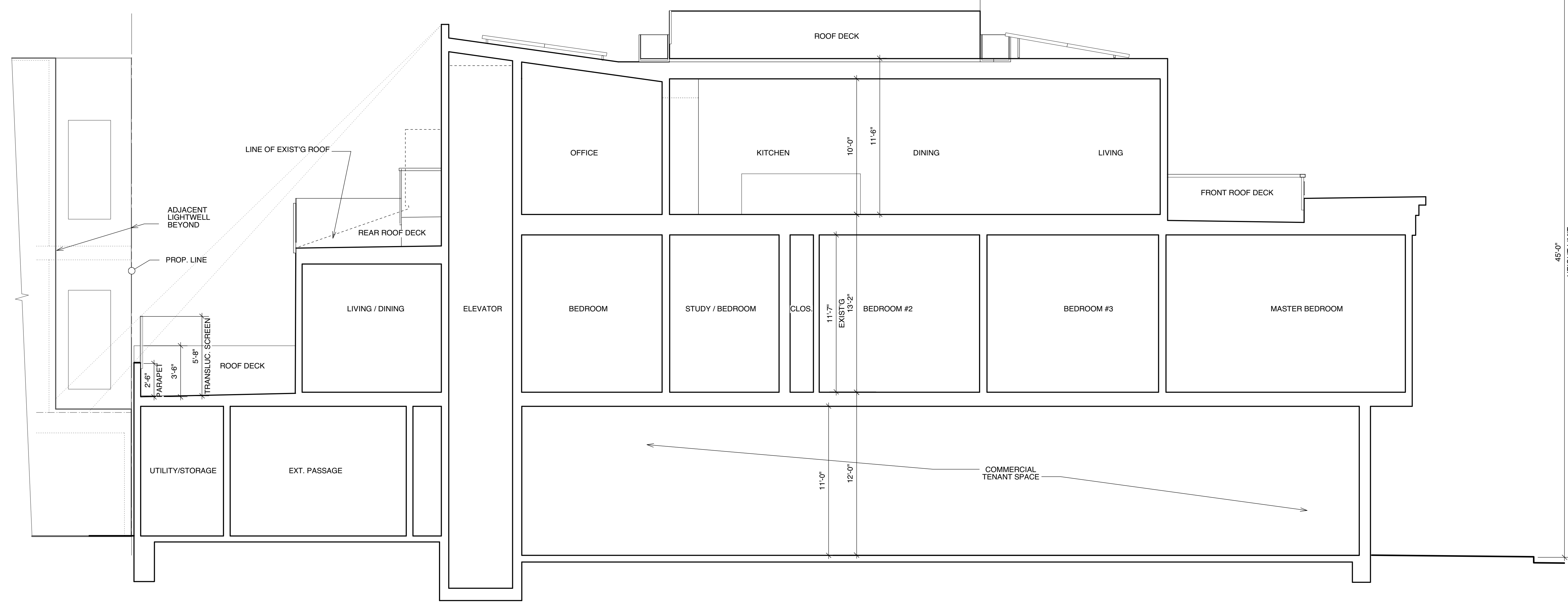


MARK J. TOPETCHER ARCHITECT CA. LIC. # C 21678, EXP. MAY 2021

**A  
3.0**



**1 EXISTING BUILDING SECTION**  
1/4" = 1'-0"



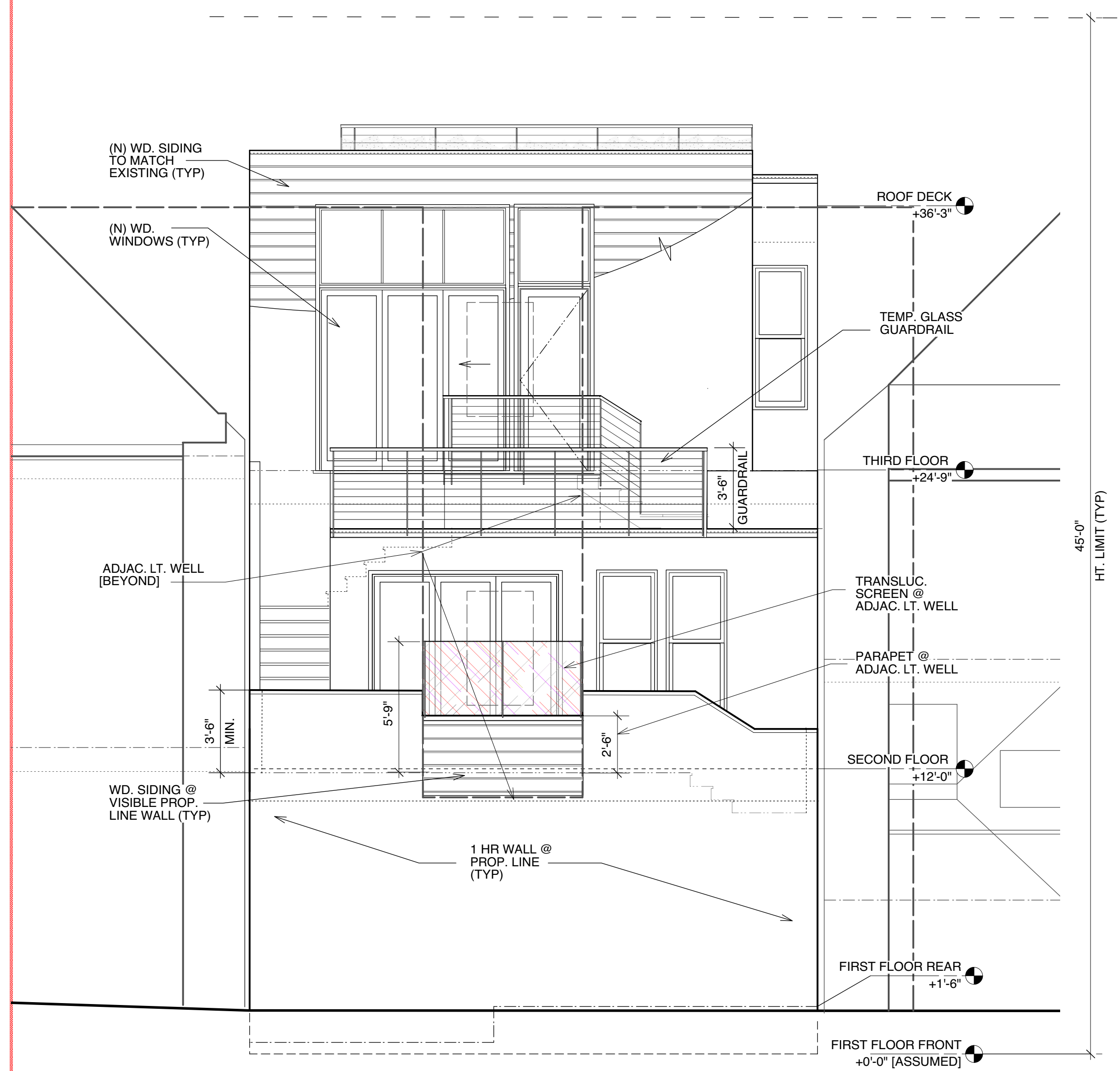
**2 EXISTING BUILDING SECTION**  
1/4" = 1'-0"



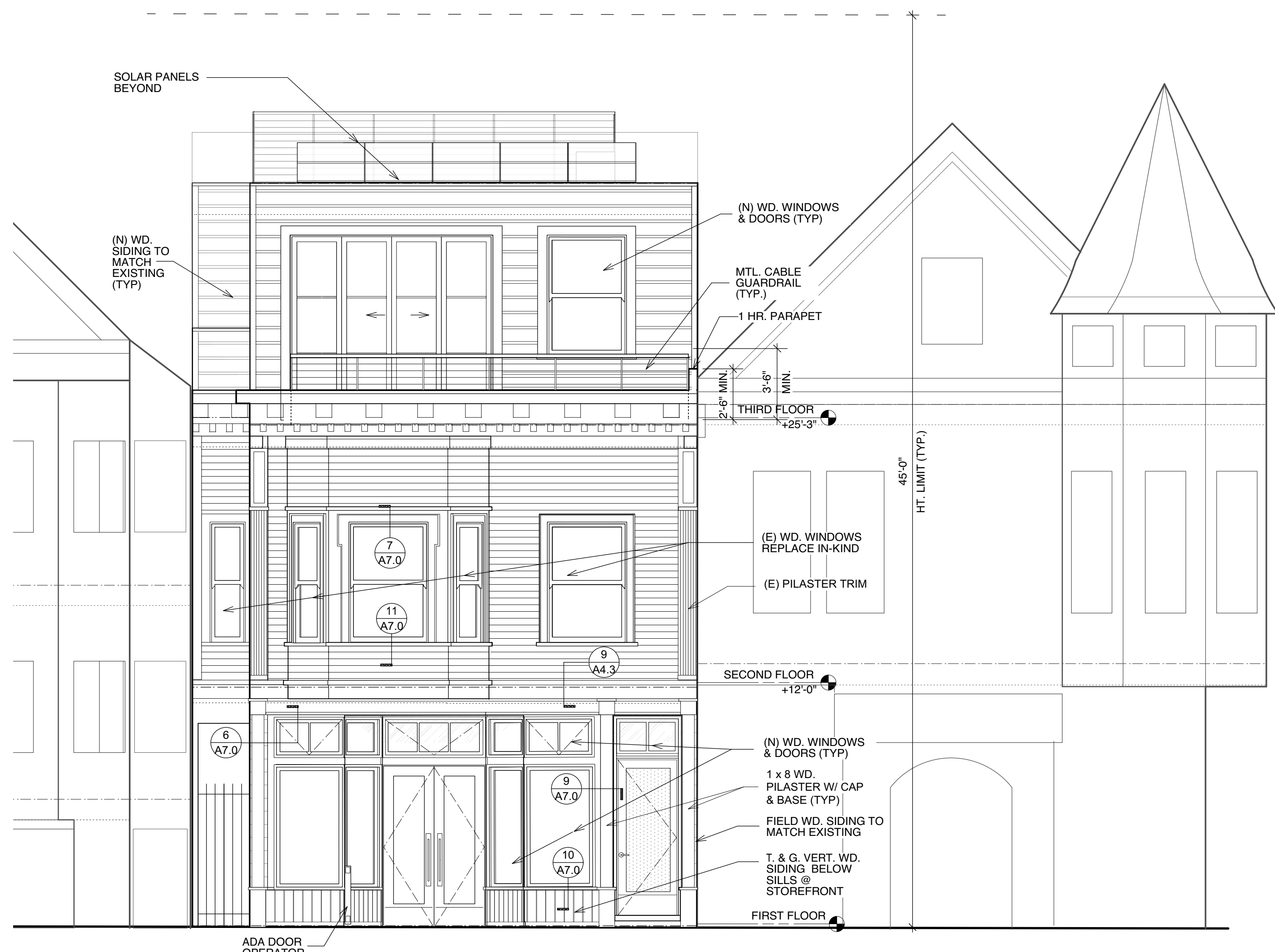
2 EXISTING NORTH (REAR) ELEVATION



1 EXISTING SOUTH ELEVATION



4 PROPOSED NORTH (REAR) ELEVATION



3 PROPOSED SOUTH ELEVATION

NOTE: SEE SHT. A4.3 FOR NEIGHBORING BUILDING (TYP)

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 FAX 415 359 9986  
 toparchitecture.com

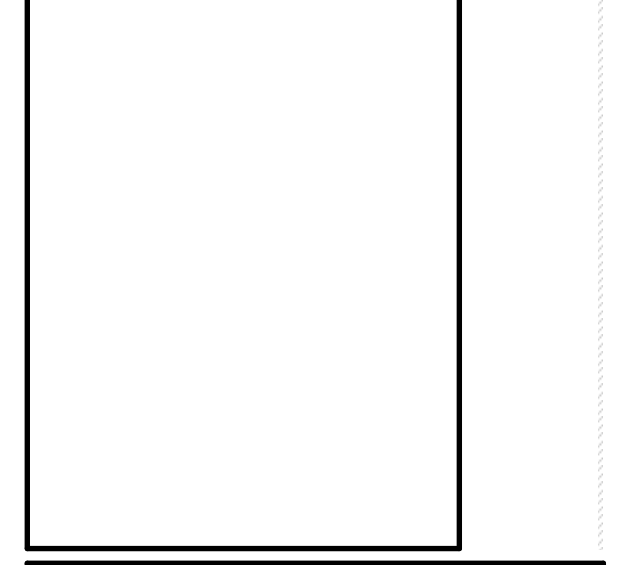
PRINTING RECORD	
DATE	ACTION
JULY 31, 2018	NEIGHB. PRE-APP MEETING
AUG. 10, 2018	SITE PERMIT APPLICATION
DEC. 21, 2018	PRES. COMMENTS
MAY 14, 2019	NEIGHB. MEETING
AUG. 15, 2019	NPDR REVISIONS/ HPC PKG.

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**DeBoer/Peters Residence**  
 804-806 22ND STREET  
 SAN FRANCISCO, CA. 94107  
 BLOCK # 4107 LOT # 010

SHEET TITLE  
 EXIST. & PROP.  
 SOUTH & NORTH  
 ELEVATIONS

SCALE: 1/4" = 1'-0"  
 JOB NO. 18.03



MARK J. TOPETCHER ARCHITECT CA. LIC. # C 21678, EXP. MAY 2021

SHEET  
**A 4.0**



**TOPETCHER**  
ARCHITECTURE INC

828 DIVISADERO  
SAN FRANCISCO  
CALIFORNIA 94117  
TEL 415 359 9997  
FAX 415 359 9986  
toparchitecture.com

**PRINTING RECORD**

DATE	ACTION
JULY 31, 2018	NEIGHB. PRE-APP MEETING
AUG. 10, 2018	SITE PERMIT APPLICATION
DEC. 21, 2018	PRES. COMMENTS
MAY 14, 2019	NEIGHB. MEETING
AUG. 15, 2019	NPDR REVISIONS/ HPC PKG.

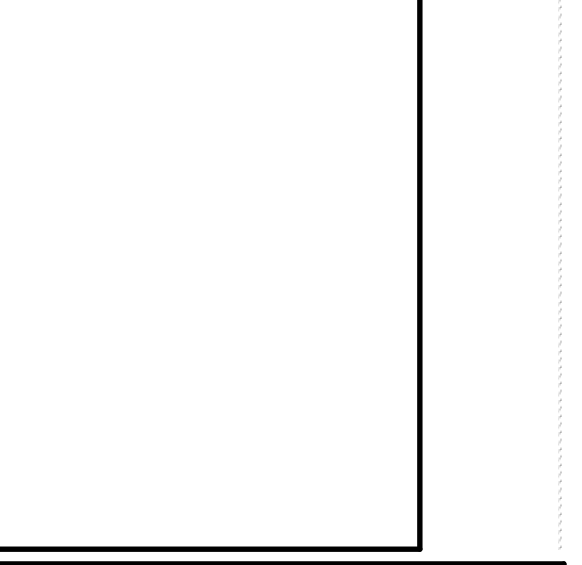
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**DeBoer/Peters Residence**  
804-806 22ND STREET  
SAN FRANCISCO, CA. 94107

PERMIT APP. NO. \_\_\_\_\_  
BLOCK # 4107 LOT # 010

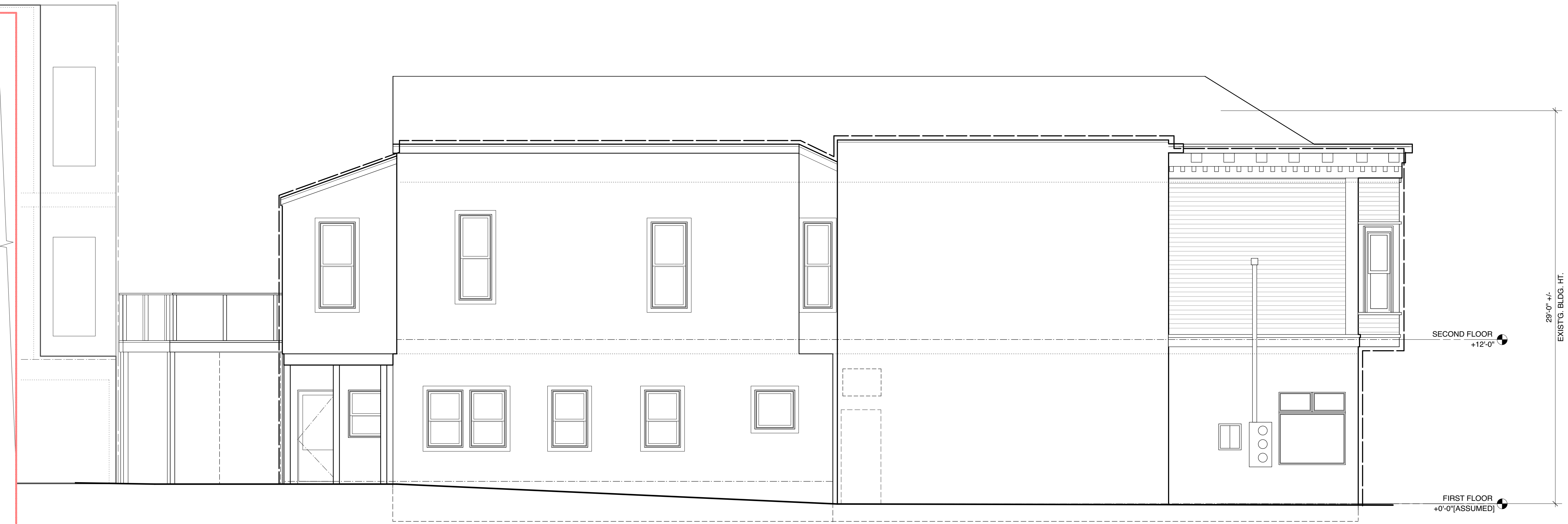
**SHEET TITLE**  
EXIST. & PROP.  
WEST ELEVATIONS

SCALE: 1/4" = 1'-0"  
JOB NO. 18.03

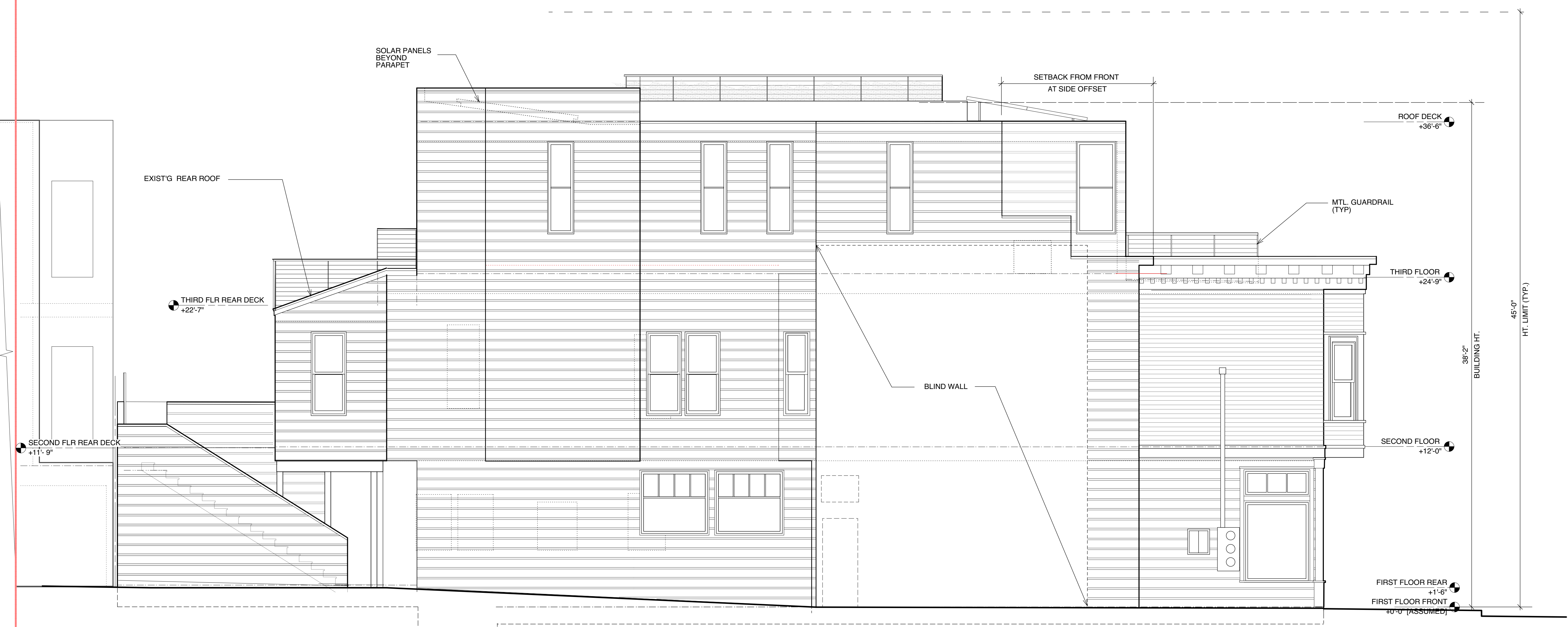


MARK J. TOPETCHER, ARCHITECT, CA, LIC. # C 21678, EXP. MAY 2021

**A**  
**4.1**



**1** EXISTING WEST ELEVATION



**2** PROPOSED WEST ELEVATION

**PRINTING RECORD**

DATE	ACTION
JULY 31, 2018	NEIGHB. PRE-APP MEETING
AUG. 10, 2018	SITE PERMIT APPLICATION
DEC. 21, 2018	PRES. COMMENTS
MAY 14, 2019	NEIGHB. MEETING
AUG. 15, 2019	NPDR REVISIONS/ HPC PKG.

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**DeBoer/Peters Residence**  
804-806 22ND STREET  
SAN FRANCISCO, CA. 94107

PERMIT APP. NO. \_\_\_\_\_  
BLOCK # 4107 LOT # 010

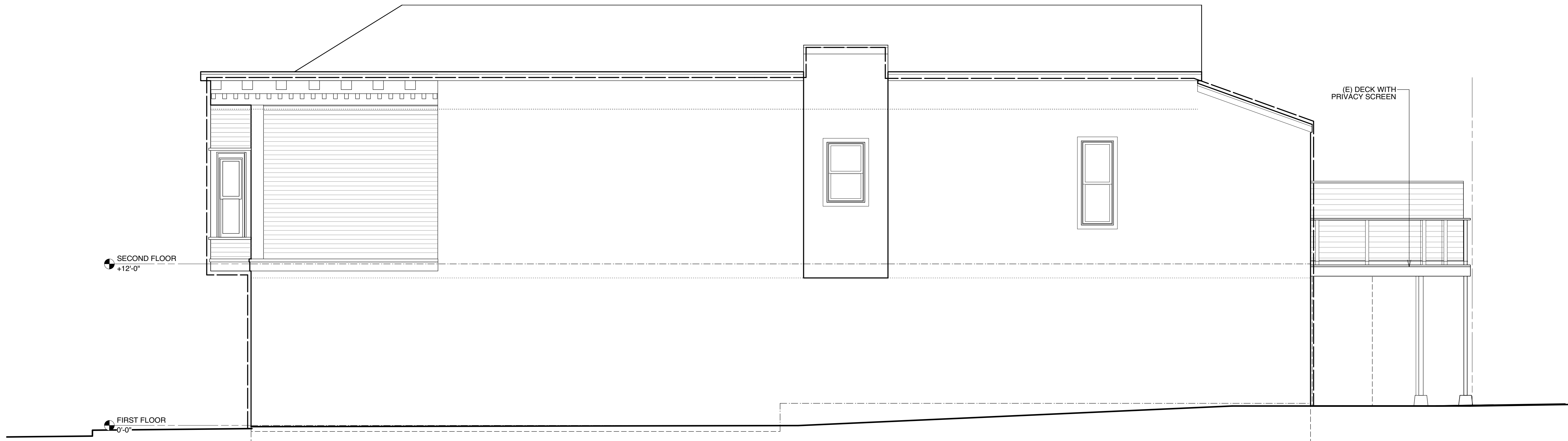
**SHEET TITLE**  
EXIST. & PROP.  
EAST ELEVATIONS

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

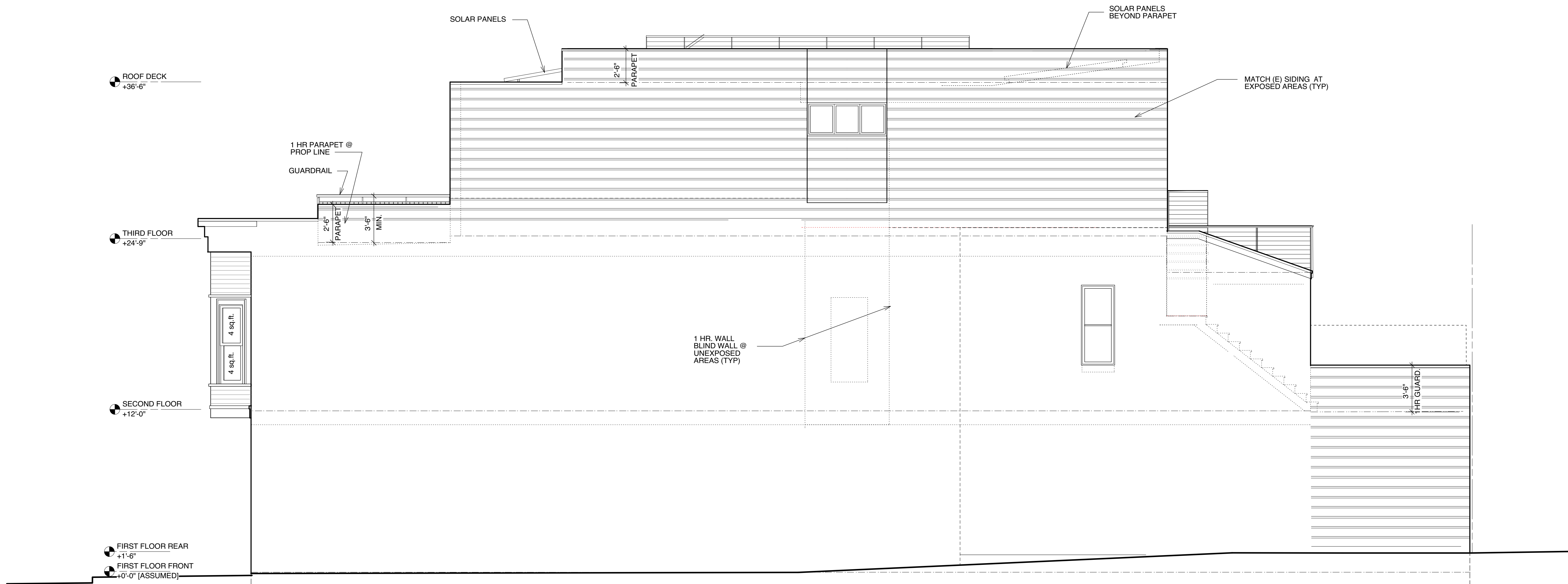
JOB NO.  
**18.03**

MARK J. TOPECHER, ARCHITECT, CA. LIC. # C 21878, EXP. MAY 2021

**A**  
**4.2**



**1** EXISTING EAST ELEVATION



**2** PROPOSED EAST ELEVATION