



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Full Analysis

HEARING DATE: NOVEMBER 16, 2017

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

Reception:  
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Planning  
Information:  
**415.558.6377**

*Date:* November 9, 2017  
*Case No.:* **2016-000184DRP**  
*Project Address:* **38 CARR STREET**  
*Permit Application:* 2015.1202.3978  
*Zoning:* RH-1(Residential House, One-Family)  
40-X Height and Bulk District  
*Block/Lot:* 5462/010  
*Project Sponsor:* Judy Wu (aka Xiaoqi Wu)  
362 Gellert Boulevard.  
Daly City, CA 94015  
*Staff Contact:* Ella Samonsky – (415) 575-9112  
[ella.samonsky@sfgov.org](mailto:ella.samonsky@sfgov.org)  
Matthew Dito – (415) 575-9164  
[matthew.dito@sfgov.org](mailto:matthew.dito@sfgov.org)  
*Recommendation:* **Take DR and Approve with Conditions**

### PROJECT DESCRIPTION

The subject property is authorized for use as a single-family dwelling, but contains four dwelling units. The proposed project is to remove two unauthorized dwelling units, located at the second and third floors and to legalize a dwelling unit at the ground floor of an existing single family residence. The project as proposed would result in a total of two dwelling units on the site.

Pursuant to Planning Code Section 317 the removal of an unauthorized unit requires a Conditional Use Authorization, with the exception of unauthorized dwelling units that cannot be legalized. The removal of an unauthorized unit that does not have a path to legalization does not require a Conditional Use Authorization, however does require neighborhood notification per Planning Code Section 311.

Pursuant to Planning Code Section 207.3, only one dwelling unit may be legalized that exceeds the permitted density authorized for that zoning district. The RH-1 zoning district allows one dwelling unit per lot. The Project Sponsor subdivided the existing single-family home into four separate units; therefore only one dwelling unit may be legalized.

Since the neighborhood notification of the Project, Ordinance 95-17 was adopted, amending the accessory dwelling unit regulations. Ordinance No. 95-17 added Section 207(c)(6) which authorizes the addition of one accessory dwelling unit to an existing single family residence that takes space from an existing dwelling unit. With the exception of density, these ADUs must be otherwise Code compliant. A total of three units may be permitted on the subject property if one unit is legalized and one unit is added as an accessory dwelling unit.

## SITE DESCRIPTION AND PRESENT USE

The Project is on the west side of Carr Street, between Paul and Salinas Avenues, Block 5462, Lot 010 and located within the RH-1 (Residential House, One-Family) Zoning District with a 40-X Height and Bulk designation in the Bayview Neighborhood. The Project Site is a level lot, 100 feet in depth, with a 25 foot frontage along Carr Street. The site is developed with an existing three-story single-family residence that has a front yard of approximately 7 feet- 6 inches in depth and a rear yard of 37 feet in depth. The existing residence was constructed in 1950, is clad in stucco, has front bay windows and has a one-car garage. The property is currently being used as a four-family dwelling, with one unit at the first floor behind the garage, two units on the second floor and one unit on the third floor.

On July 2, 2015, the City Attorney's Office informed the Planning Department about a series of complaints that were received regarding public nuisance conditions at twelve (12) properties throughout the Bayview Neighborhood, including the subject property. Following receipt of the complaints, it was noted that the properties were all owned by Chuan Zhu (aka Trent Zhu) or Xiaoqi Wu (aka Judy Wu), with the same mailing address. Mr. Zhu and Ms. Wu, a husband and wife, individually own all twelve properties, with one name on the property deed.

Subsequently, joint inspections of all twelve properties were conducted on September 1, 2015, and September 2, 2015. The inspections were conducted by the City Attorney's Office, Planning Department, Department of Building Inspection, Department of Public Health, the San Francisco Fire Department, and San Francisco Police Department. Ms. Wu was also in attendance to grant access to each property.

The inspections revealed that the properties in question had constructed unauthorized units, often exceeding the maximum allowable density.

The properties inspected, as well as the results of the inspections, are below.

Property	Authorized Use	Zoning District	Actual Use	Maximum Density <sup>1</sup>	Allowable	Net Units
38 Carr Street	1 unit	RH-1	4 units	3 units (1 ADU)		-1
1270-1272 Fitzgerald Avenue	2 units	RM-1	4 units	4 units		0
1050 Gilman Avenue	1 unit	RH-1	5 units	3 units ( 1 ADU)		-2
1083 Hollister Avenue	1 unit	RH-1	4 units	3 units (1 ADU)		-1
947 Innes Avenue	1 unit	RH-1(S)	2 units	2 units		0
1187 Palou Avenue	1 unit	RH-1	3 units	3 units (1 ADU)		0
1351 Revere Avenue	1 unit	RH-2	7 units	4 units (1 ADU)		-3
1465 Revere Avenue	1 unit	RH-2	2 units	2 units		0
1290 Shafter Avenue	1 unit	RH-1	3 units	3 units (1 ADU)		0
1395 Shafter Avenue	1 unit	RH-1	5 units	3 units (1 ADU)		-2
1824 Jennings Street	1 unit	RH-1	4 units	3 units (1 ADU)		-1

<sup>1</sup> Please note that the "Maximum Allowable Density" includes the maximum number of dwelling units allowed in the zoning district, plus the one unit legalization (under Planning Code Section 207.3) allowed per lot, plus one Accessory Dwelling Unit (under Planning Code Section 207(c)(6)), if eligible.

1656 Newcomb Avenue	3 units	RH-2	6 units	4 units <sup>2</sup>	-2
Cumulative across all twelve properties			49 units	37 units	-12

The units were almost entirely occupied by voucher holders under the San Francisco Housing Authority (SFHA). Specifically, the majority of the tenants were part of the Housing and Urban Development – Veterans Affairs Supportive Housing (HUD-VASH) Program. The remainder of the tenants were under the Housing Choice Voucher (HCV) Program (formerly known as Section 8). Prior to each tenant receiving their rental subsidy, each unit passed an inspection by the SFHA to ensure that the units met Housing Quality Standards (HQS). HQS are national minimum standards established by HUD to ensure that subsidized units are safe, decent, and sanitary<sup>3</sup>. FHA’s inspection for HQS purposes does not include verifying the legality of any such unit.

On September 11, 2015, Code Enforcement staff issued Notices of Enforcement against all twelve properties, for the construction of dwelling units without authorization and for exceeding the maximum allowable density within their respective zoning districts (excepting 1270-1272 Fitzgerald Avenue, 947 Innes Avenue, and 1465 Revere Avenue). The notices instructed the owners to abate the violations by filing Building Permit Applications at each property to legalize all eligible units, and remove any that were not eligible.

On September 30, 2015, with no action taken by the owners, Notices of Violation were issued against eleven of the twelve properties<sup>4</sup> for failure to begin the legalization process by filing a Building Permit Application.

On October 15, 2015, the property owners individually appealed the Notices of Violation against all properties, with no evidence submitted to dispute the Notice of Violation.

On November 10, 2015, a Zoning Administrator Hearing was held. Both Mr. Zhu and Ms. Wu attended the hearing. During the hearing, although they provided no evidence to refute the violations, they stated that they felt encouraged by the City to create as many units as possible for low-income tenants. The violations for all properties were upheld on the basis that the property owners confirmed and acknowledged they were in violation on the date of issuance.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located in the Bayview Neighborhood, within Supervisorial District 10. The neighborhood is characterized by two story single-family buildings that date from the late nineteenth and

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<sup>2</sup> 1656-1658 Newcomb Avenue is a nonconforming property, with three dwelling units on a lot zoned RH-2. Legalization of an unauthorized unit, for a total of four dwelling units, is permitted by Planning Code Section 207.3, which states that one dwelling unit constructed prior to January 1, 2013 without benefit of permit and used as residential space may be granted legal status, regardless of the density limits of the zoning district.

<sup>3</sup> See Question 12:

<http://www.sfha.org/SFHA%20Programs%20Documents/Frequently%20Asked%20Questions.pdf>

<sup>4</sup> A Notice of Violation for 1270-1272 Fitzgerald Avenue was issued on October 23, 2015. The preceding Notice of Enforcement was amended and re-issued on October 2, 2015 due to an error in the original concerning the zoning district and abatement instructions.

early twentieth centuries and exhibit a variety of architectural styles. To the north of the block are industrial uses. To the rear of the property are railroad tracks. One block to the east of the subject property is the 3<sup>rd</sup> Street commercial corridor.

## BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	September 12, 2016 – October 12, 2016	October 12, 2016	November 16, 2017	400 days

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	November 6, 2017	November 6, 2017	10 days
Mailed Notice	10 days	November 6, 2017	November 6, 2017	10 days

## PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)			
Other neighbors on the block or directly across the street			
Neighborhood groups			

The Housing Rights Committee of San Francisco has expressed opposition to the project and the loss of housing stock that would result. Their position is that all units should be retained in order to ensure no displacement among the tenants.

## DR REQUESTOR

Frederick Bryant, 1290 Shafter Avenue, San Francisco, CA 94124. The DR Requestor's residence is approximately 0.77 miles (direct) to the northeast of the subject property. The DR Requestor is a tenant of a separate property owned by the Project Sponsor.

## DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

The DR Requestor is concerned that the Project will cause tenant displacement. The DR Requestor recommends that the sinks and doors not be removed.

Reference the *Discretionary Review Application* for additional information. The *Discretionary Review Application*, dated October 12, 2016, is an attached document.

## **PROJECT SPONSOR'S RESPONSE TO DR APPLICATION**

The Project Sponsor is required by the City to do the proposed work. The Project Sponsor would agree to keep sinks and doors to minimize tenant displacement.

Reference the *Response to Discretionary Review* for additional information. The *Response to Discretionary Review*, dated June 15, 2017, is an attached document.

## **ENVIRONMENTAL REVIEW**

The Department has determined that the proposed project is not considered a Project, as defined by CEQA Section 21065 and State CEQA Guidelines Section 15378, and therefore is not subject to CEQA review.

## **PROJECT ANALYSIS**

Generally, the Planning Department supports the creation, and legalization, of dwelling units to increase the supply of housing for San Francisco residents. Likewise, the Department discourages demolition or removal of existing dwelling units to prevent loss of housing stock and the displacement of existing tenants. While additional housing is desirable, the City also needs to maintain standards for the quality of dwelling units. New, and legalized, dwelling units are required to meet minimum life and safety standards of the Building Code and development standards of the Planning Code (with some exceptions for dwelling unit legalizations) to ensure the safety and livability of the units.

The RH-1 District is typified by single family homes, with generous ground level open space, that contribute larger family-sized units to the City's housing stock. In the case of the subject property, an existing single-family home was subdivided into four dwelling units without benefit of Building Permit Applications, and not constructed in compliance with Building Code and Planning Code standards. The subject property in its current form cannot be legalized and retention of all units is not possible under current Planning Code provisions. As a result, some unauthorized units, which have been rented to tenants, must be removed.

The Project proposes to abate the Planning Code violations uncovered by the City Attorney's Task Force Investigation in September 2015 by legalizing one dwelling unit and removing two unauthorized dwelling units. Following the discovery of the subdivision and numerous other violations of City codes at the subject property, the Planning Department proceeded to work to maximize the number of dwelling units retained at the property, while also engaging with the Mayor's Office of Housing and Community Development (MOHCD), the Office of the Mayor (Mayor's Office), the San Francisco VA Medical Center (SFVA), and the SFHA to minimize tenant displacement.

With regards to the retention of the unauthorized units, one such unit is eligible for legalization under Ordinance 43-14, which waives the requirements for open space, density, exposure, rear yard and parking for the unit being legalized. A legalized unit does not need to have access to a yard, or other open space, and does not need to have a single window that faces onto a yard or the street. The legalized unit would have to meet the minimum life safety standards of the building code. Under Ordinance 43-14, only one such unit per lot is eligible for legalization. As seen on the current proposed plans for the Project, the unauthorized dwelling unit at the front of the second floor identified as "38A" is proposed to be legalized. Additionally, the legal dwelling unit on the second floor is proposed to merge with the

unauthorized dwelling unit on the third floor ( “38 C”). As this legalizes an unauthorized dwelling unit on the ground floor, the maximum of one legalization per lot is reached.

At the time of neighborhood notification (September 13, 2016), the ADU program did not permit space from existing units to be used to create an ADU. The Project was therefore ineligible to convert an unauthorized unit to an ADU, as all the living space had been previously approved as part of the existing dwelling unit. Since neighborhood notification was conducted, Ordinance 95-17 has been adopted and enacted, which permits one ADU to be added to an existing single-family residence that takes space from an existing dwelling unit. With the exception of density, these ADUs must be otherwise Code compliant.

Based on an analysis of the subject property, the Department has found that this property would be eligible to add an ADU through the provisions of Ordinance 95-17. As seen on the currently proposed plans for the Project, the unauthorized dwelling unit on the ground floor (“38 Lower Unit”) is proposed to be legalized as an ADU under Ordinance 95-17. This results in a total of three dwelling-units at the subject property (one existing, one legalization of an unauthorized unit, and one ADU). The Department recommends the Planning Commission modify the Project to include the addition of a third dwelling unit in the form of an ADU under Ordinance 95-17.

The DR Requestor proposes to keep all the doors and sinks in the unauthorized units. The Department limits the types of plumbing fixtures permitted in disconnected or independently accessible rooms in order to hinder the creation of unauthorized dwelling units, as has happened with the subject property. The removal of kitchen sinks from the unauthorized units being removed and the removal of doors (or other internal separations) is required to reintegrate the unauthorized unit with the existing residence. Retaining the sink in the living room/ study and the individual entry doors from a common vestibule would be contrary to the Department’s Zoning Administrator Bulletin No. 1: Developing Ground Floor Accessory Rooms In Residential Buildings, and would allow for the continued use of the third floor as a separate substandard dwelling unit.

With respect to the DR Requestor’s concern that removing the units would cause tenant displacement, the Department has recommended that the Project incorporate the maximum number of dwelling units permitted by the Planning Code. Further retention of the unauthorized units is not feasible under the provisions of the Planning Code. With the addition of an ADU, legalization of a dwelling unit and the removal (by merger) of one unauthorized dwelling unit, the property would have two larger family-sized units (one two-bedroom and one three-bedroom unit) and a smaller studio unit, which would be more in-keeping with the character of the neighborhood.

<b>RECOMMENDATION:</b>	<b>Take DR and approve with Conditions</b>
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The Department recommends that the Commission take DR and approve the project with the condition to add an accessory dwelling unit under Planning Code Section 207(c)(6). Revisions were submitted to the Planning Department on October 4, 2017, to reflect this condition (see “Revised Plans, dated October 3, 2017”).

#### BASIS FOR RECOMMENDATION

- The project as conditioned would maximize the number of dwelling units on the lot, to the extent permitted by the Planning Code.

- The Project would bring the residential building into compliance with the Planning Code.

**Attachments:**

Block Book Map

Sanborn Map

Zoning Map

Aerial Photographs

Context Photographs

Section 311 Notice

311 Notice Plans

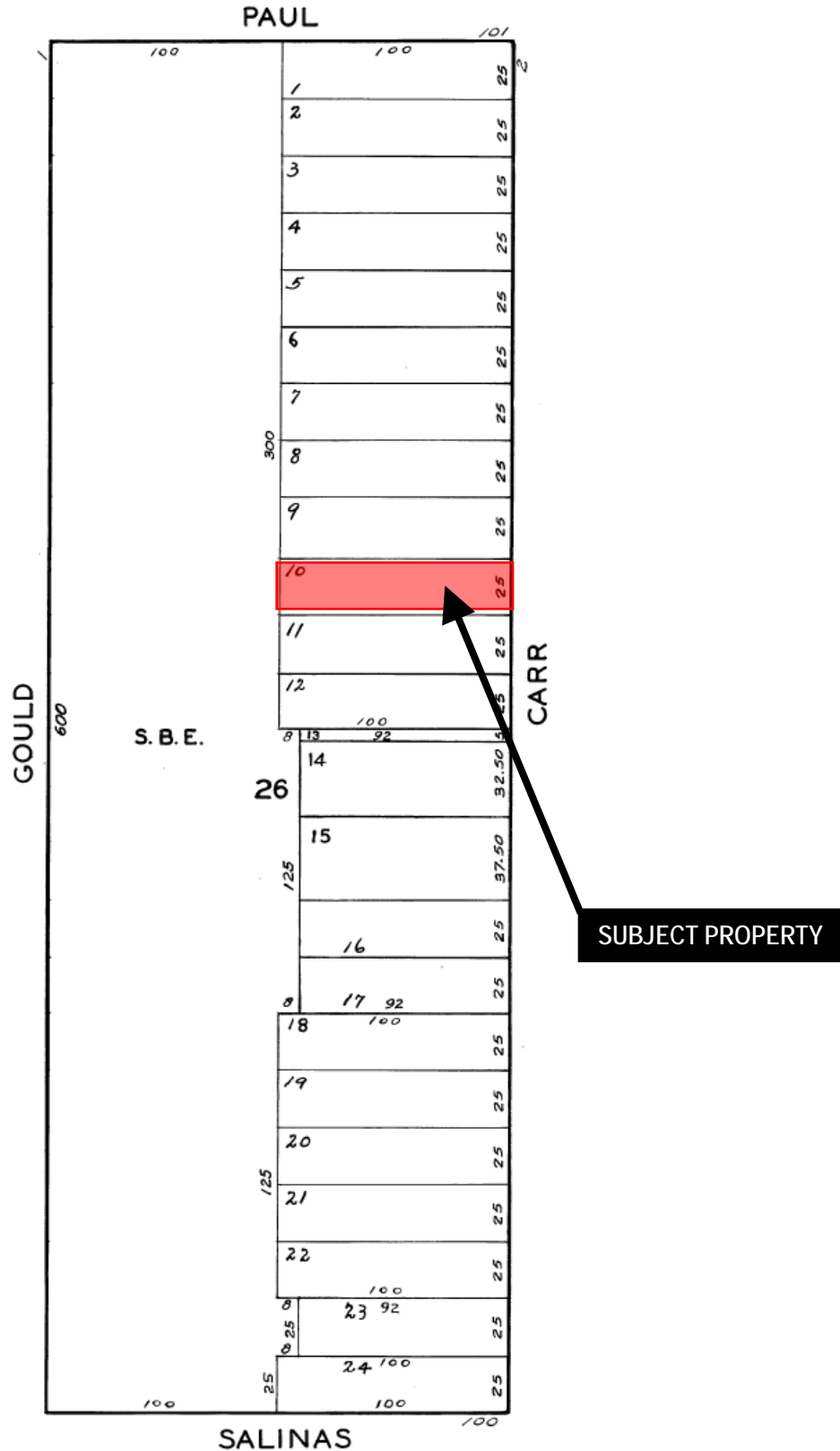
DR Application

Response to DR Application dated June 15, 2017

Revised Plans, Dated October 4, 2017

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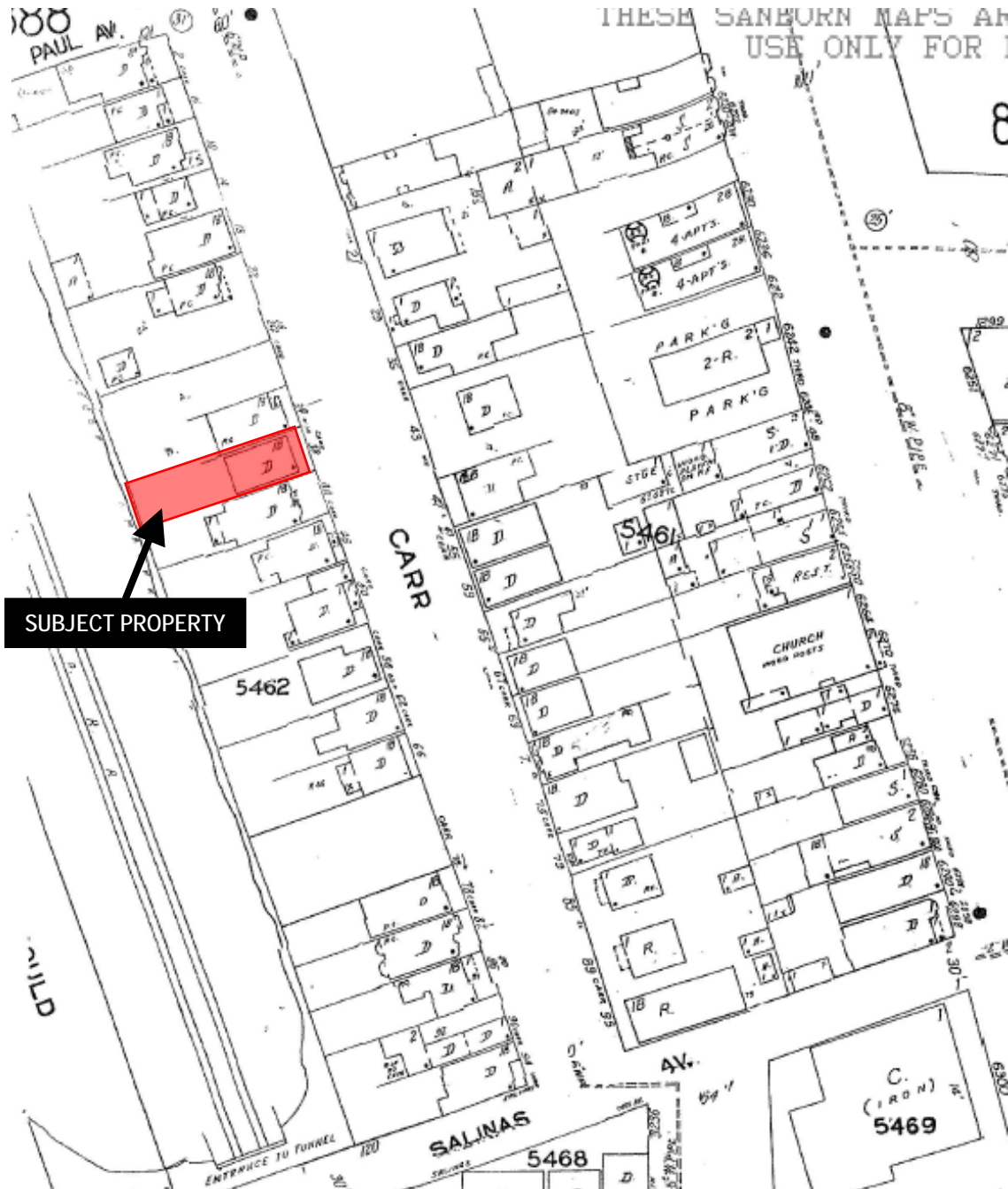
# Parcel Map



Discretionary Review Hearing  
Case Number 2016-000184DRP  
38 Carr Street  
November 16, 2017



# Sanborn Map\*



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



# Aerial Photo



SUBJECT PROPERTY





# Aerial Photo

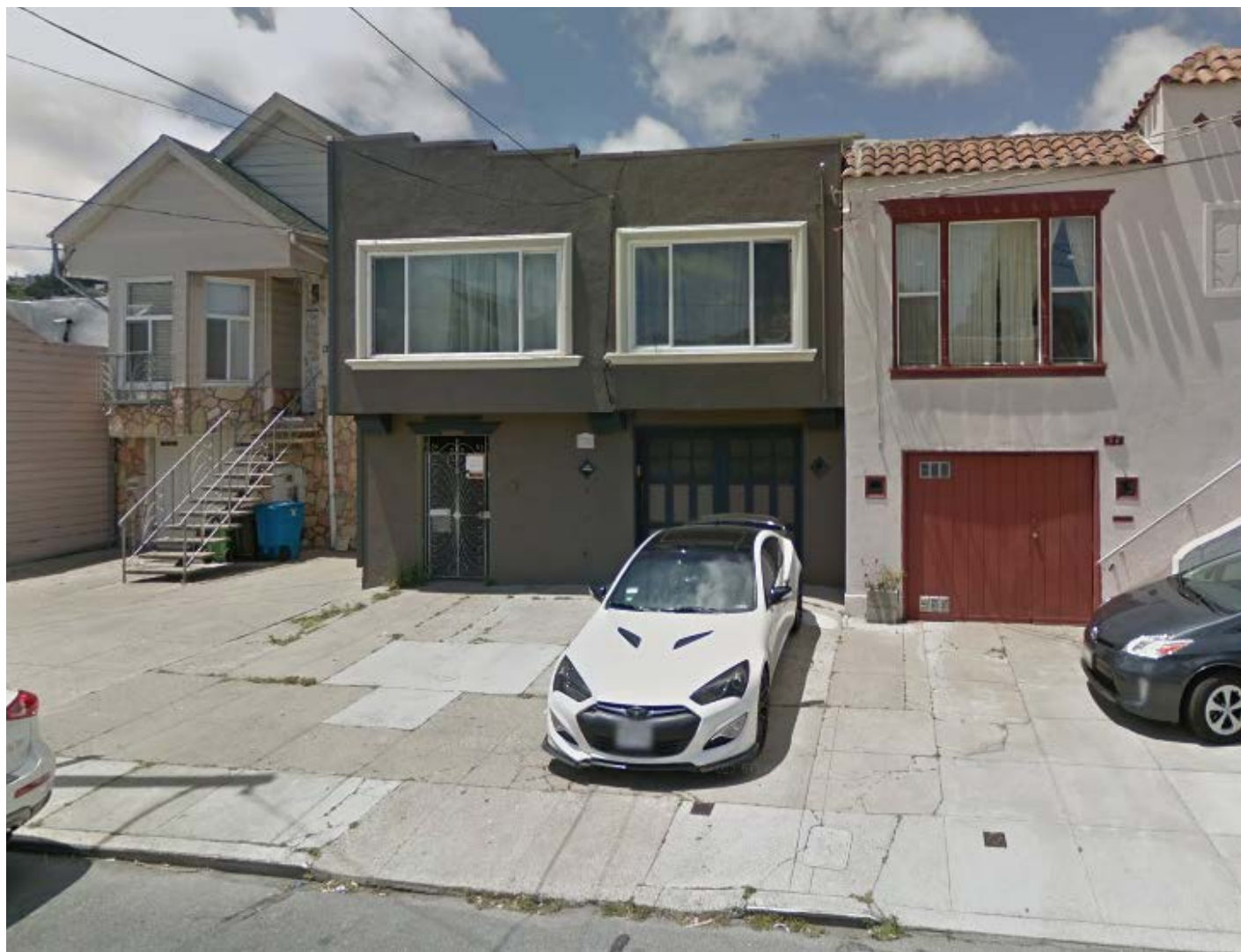


# Zoning Map





# Site Photo



Discretionary Review Hearing  
Case Number 2016-000184DRP  
38 Carr Street  
November 16, 2017



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **December 4, 2015**, the Applicant named below filed Building Permit Application No. **2015.1202.3978** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	<b>38 Carr Street</b>	Applicant:	<b>Judy Wu</b>
Cross Street(s):	<b>Paul and Salinas Avenues</b>	Address:	<b>362 Gellert Blvd.</b>
Block/Lot No.:	<b>5462/010</b>	City, State:	<b>Daly City, CA 94015</b>
Zoning District(s):	<b>RH-1 / 40-X</b>	Telephone:	<b>(415) 218-8291</b>

You are receiving this notice as a property owner or resident 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 the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

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 checked="" type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Building Setbacks	7.5 feet	No Change
Number of Stories	3	No Change
Number of Dwelling Units	4	2
Number of Parking Spaces	1 car	1 car , 2 bicycle

### PROJECT DESCRIPTION

The proposal is to remove two unauthorized dwelling units at the second and third floor (by merger with the existing unit) and to legalize a dwelling unit at the first floor, pursuant to Ordinance 43-14, in an existing single family home. The project would result in a total of two dwelling units on the property.

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.

**For tenant counseling and/or legal services, please contact the San Francisco Rent Board** at: 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102-6033; (415) 252-4602; <http://sfrb.org>; or refer to the Rent Board Referral Listing August 2015: <http://www.sfrb.org/Modules/ShowDocument.aspx?documentid=1917> or the San Francisco Housing Resource Guide: Mayor's Office of Housing and Community Development April 30, 2015 <http://www.sfmohcd.org/modules/showdocument.aspx?documentid=8077>

**For more information, please contact Planning Department staff:**

Planner: Ella Samonsky  
Telephone: (415) 575-9112  
E-mail: [ella.samonsky@sfgov.org](mailto:ella.samonsky@sfgov.org)

Notice Date: 9/12/16  
Expiration Date: 10/12/16

# GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00am - 5:00pm Monday-Friday. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

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

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at [www.communityboards.org](http://www.communityboards.org) for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at [www.sfplanning.org](http://www.sfplanning.org). You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at [www.sfplanning.org](http://www.sfplanning.org). If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you.**

**Incomplete applications will not be accepted.**

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

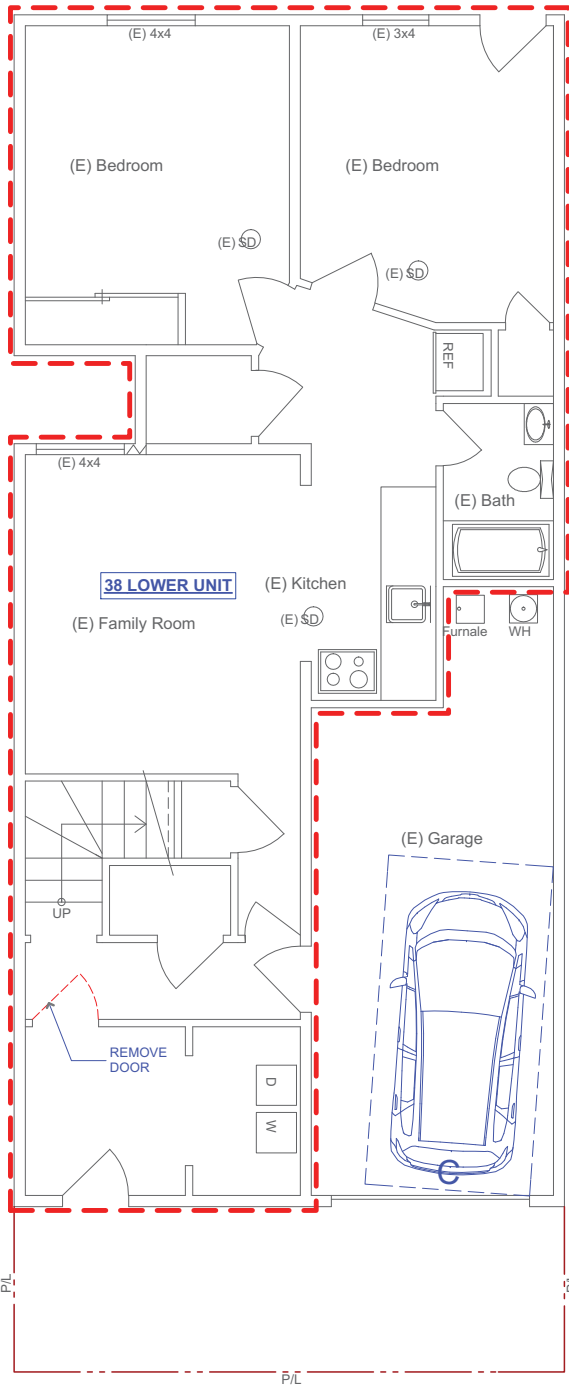
## BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

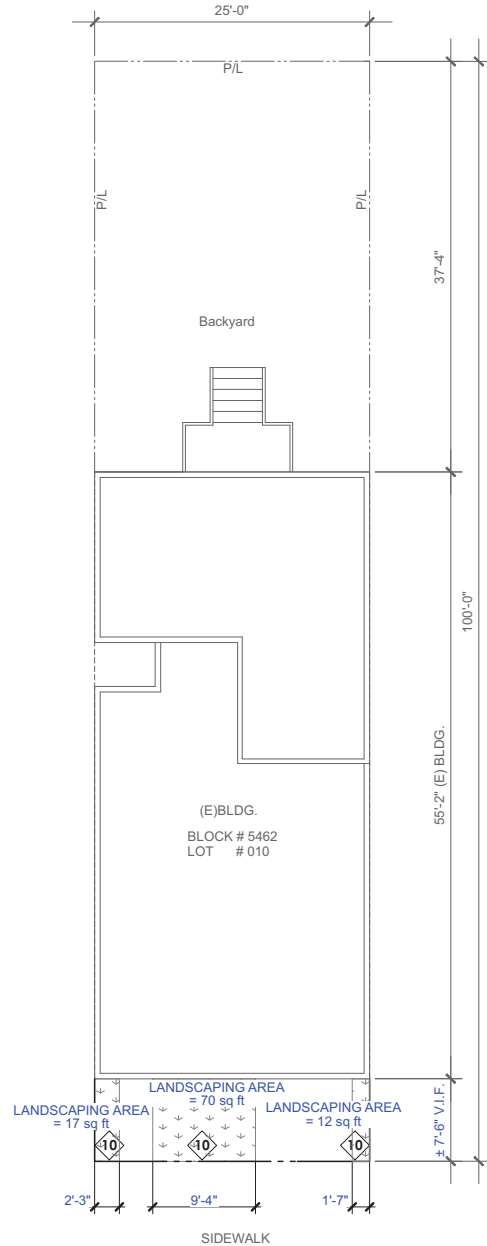
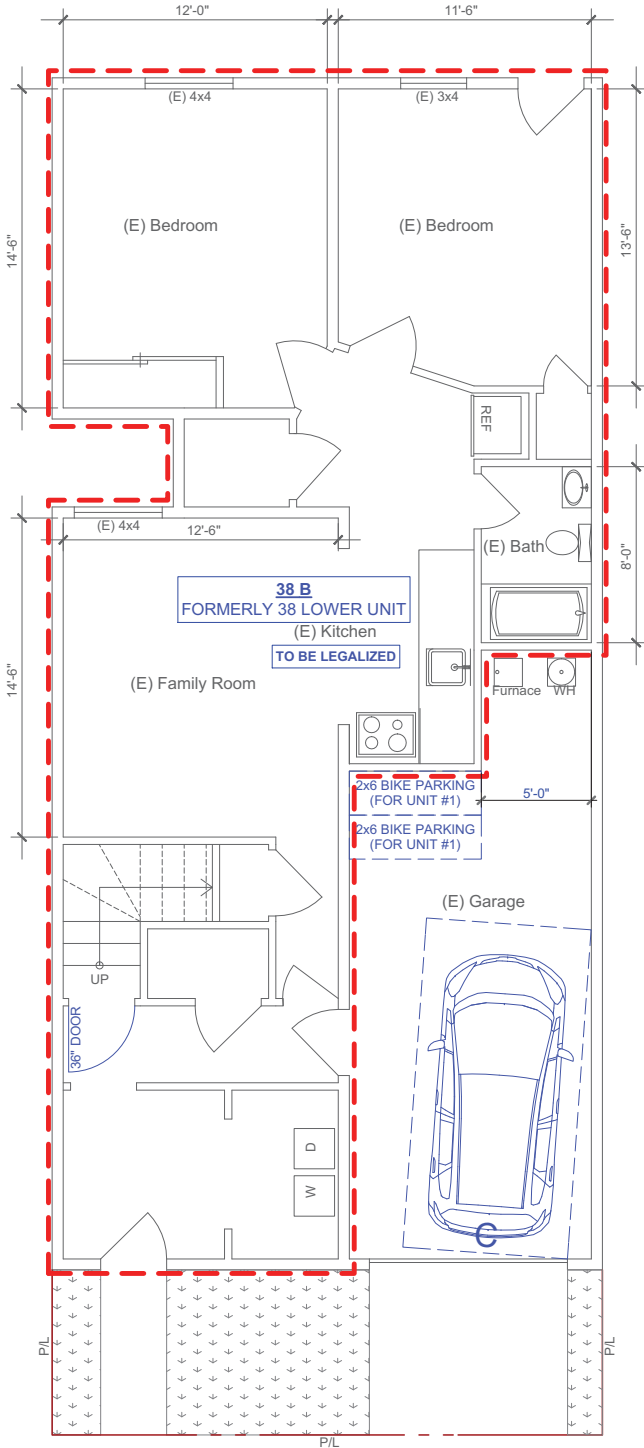
## ENVIRONMENTAL REVIEW

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

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



NOTE: (E) FAMILY ROOM, 2 BEDROOMS & FULL BATH ON 1ST FLOOR WERE DONE UNDER APPROVED BUILDING PERMIT APP #2013-0613-9491



## SITE PLAN

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

Front setback permeable & landscaping area calculations:

Front setback area = 25 x 7.5 = 187.5 s.f.

	Area required	Area provided	
Permeable area (50% of FSB) = (including landscaping area)	93.75 s.f.	98.84 s.f.	OK
Landscaping area (20% of FSB) =	37.5 s.f.	98.84 s.f.	OK

## SCOPE OF WORK

- LEGALIZE 1ST FLOOR UNIT (38 LOWER UNIT) UNDER UNIT LEGALIZATION PROGRAM. RENAME UNIT# TO 38B.
- REMOVE ONE ILLEGAL KITCHEN ON 2ND FLOOR (38 B).
- REMOVE ONE ILLEGAL KITCHEN ON 3RD FLOOR (38 C).
- COMBINE 38 A, B & C INTO 38A.

## PROJECT DATA

BUILDING PERMIT APP #: 2015-1202-3978

CONSTRUCTION TYPE: 5B

ZONING: RH-1

# OF STORIES: 3

OCCUPANCY TYPE: R-3

# OF UNITS: 2

## CODE COMPLIANCE

- ALL WORK SHALL BE IN COMPLIANCE WITH THE CITY & COUNTY OF SAN FRANCISCO CODES AND
  - 2013 EDITION CALIFORNIA BUILDING CODE.
  - 2013 EDITION CALIFORNIA PLUMBING CODE
  - 2013 EDITION CALIFORNIA MECHANICAL CODE
  - 2013 EDITION CALIFORNIA ELECTRICAL CODE
  - 2013 CALIFORNIA ENERGY CODE

## DRAWING INDEX

A-1: GENERAL NOTES, SITE PLAN, EXISTING & PROPOSED 1ST FLOOR PLANS

A-2: EXISTING & PROPOSED 2ND & 3RD FLOOR PLANS

## LEGEND

---	EXISTING TO BE REMOVED	CONC.	CONCRETE
---	EXISTING TO REMAIN	DN	DOWN
---	NEW WALL SEE DETAIL 1/A-1	(E)	EXISTING
---	SMOKE ALARM/HARDWIRED W/BATTERY BACKUP	(N)	NEW
---	SMOKE DETECTOR AND CARBON MONOXIDE COMBINATION	PW	PLYWOOD
---	BLDG	TYP.	TYPICAL
---	CLG	VIF	VERIFY IN FIELD
---		W/	WITH
---		AFF	ABOVE FINISH FLOOR

## GENERAL NOTES

- CONTRACTOR/BUILDER SHALL VERIFY EXISTING BUILDING CONDITION PRIOR TO ANY CONSTRUCTION WORK & INSTALLATION OF FIXTURES.
- ALL WORK SHALL COMPLY TO LATEST CBC, CMC, CPC, NEC, LOCAL CITY CODES AND ALL APPLICABLE CODES.
- PROVIDE NEW 6x10 HEADER FOR NEW OPENINGS. (MAX 6'-0" WIDE)
- COORDINATE ALL TV/TELEPHONE JACK LOCATION & LIGHTING FIXTURES TYPE & LOCATION.
- VERIFY EXISTING & PROVIDE SMOKE DETECTOR IN (E)BED ROOMS AND HALLWAYS NEXT TO BED ROOMS.
- BEDROOM WINDOW FOR PURPOSES OF EMERGENCY ESCAPE AND RESCUE SHALL HAVE A MIN. CLEAR OPENABLE WIDTH DIMENSION = 20INCHES, AND MIN.CLEAR OPENABLE HEIGHT = 24INCHES. W/MIN 5.75.F, MIN. OPENING. SILL HEIGHT NOT MORE THAN 44INCHES AFF.
- BEDROOM OUTLETS SHALL BE CONNECTED INTO AN ARC FAULT CIRCUIT INTERRUPTER.
- REPLACE (E)WINDOW WITH NEW WINDOW / GLASS DOOR. (VINYL, DUAL PANE, U = 0.32) CONTRACTOR TO VERIFY EXACT SIZE IN FIELD.
- REMOVE (E) CONCRETE & REPLACE WITH PERMEABLE CONCRETE PER TABLE.
- REMOVE (E) CONCRETE & REPLACE WITH LANDSCAPING PER TABLE, USE DPW'S RECOMMENDED PLANT LIST FOR CLIMATE ZONE 3 IN BAYVIEW DISTRICT

## MECHANICAL NOTES

- PROVIDE COMBUSTION AIR PER CMC CHAPTER 7 REQUIREMENTS
- PROVIDE MIN 26 GAGE STEEL DUCT WITHIN GARAGE SPACE
- TERMINATE GAS VENT MIN 4'-0" FROM PROPERTY LINE & 2'-0" ABOVE ANY PORTION OF A BLDG. WITHIN 10'-0"
- TERMINATE EXHAUST OUTLET MIN 3'-0" FROM PROPERTY LINE & BLDG OPENING W/ BACKDRAFT DAMPER
- DRYER EXHAUST DUCT 14'-0" LONG MAX. & 2-90° ELBOWS

REVISIONS	BY
3-15-16	JW
4-18-16	JW
5-24-16	JW
7-7-16 House #	JW

**RESIDENCE - ALTERATION**  
**38A & 38B CARR ST., SAN FRANCISCO, CA**  
**BLOCK 5462 , LOT 010**

OWNER  
JUDY WU  
TEL:(415)218-8291

I, Xiao Qi (Judy) Wu, the undersigned, am the owner of the subject property.

I have prepared the plans to the best of my ability and I am fully responsible for its accuracy.

Signed:

Dated: 3/16/16

DATE: 11-24-15

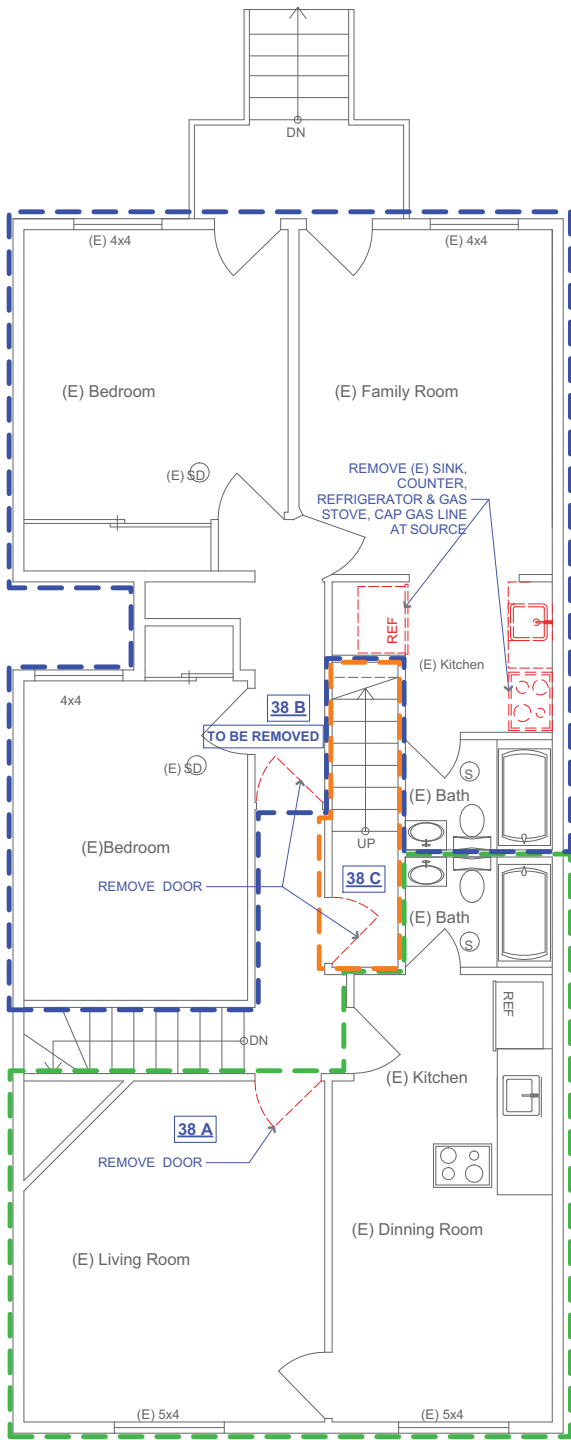
SCALE: AS SHOWN

SHEET:

**A-1**

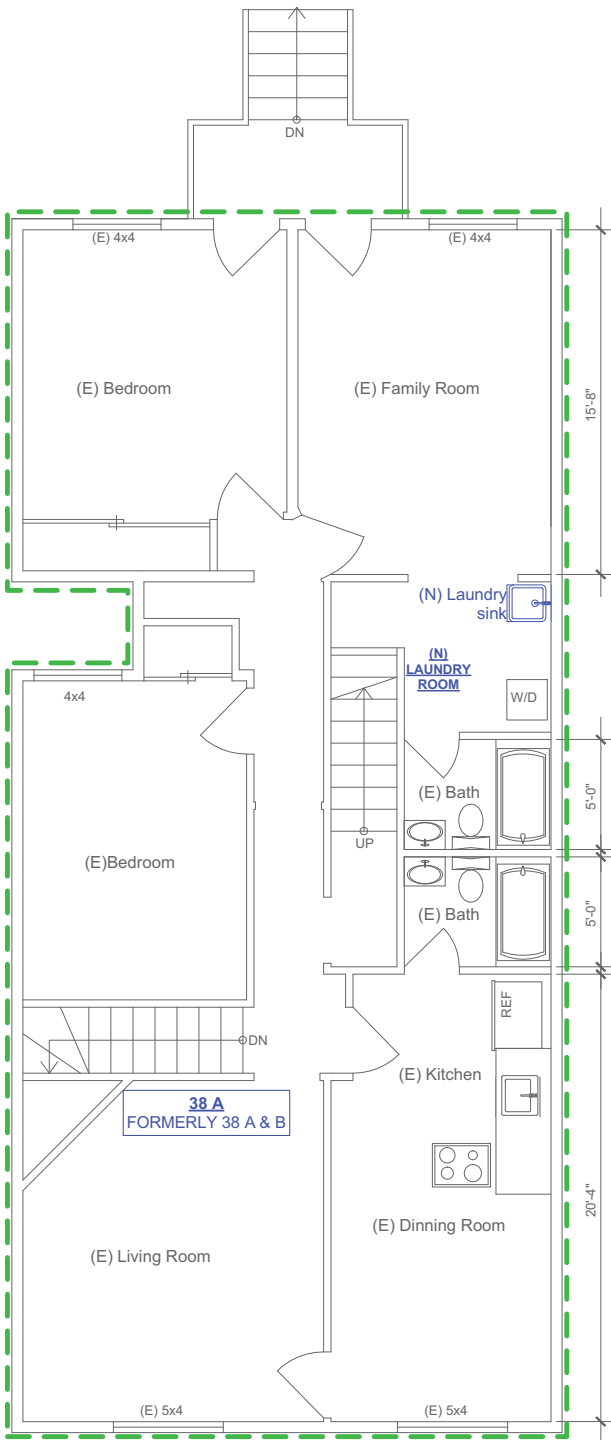
OF 2 SHEETS





EXISTING 2ND FLOOR PLAN

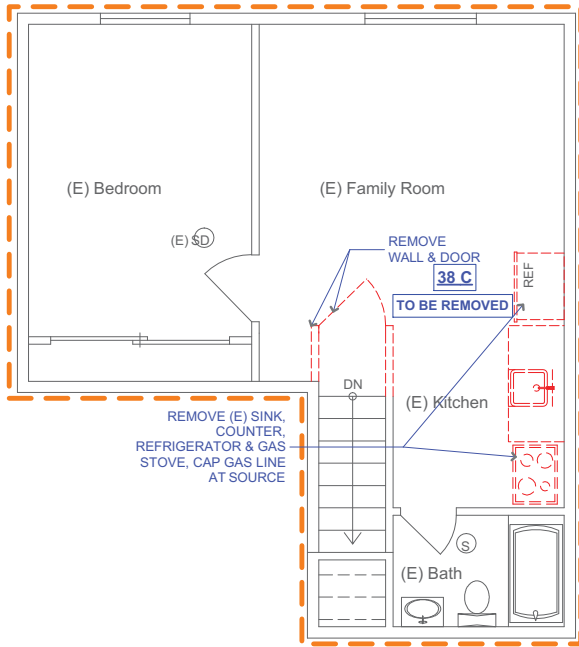
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PROPOSED 2ND FLOOR PLAN

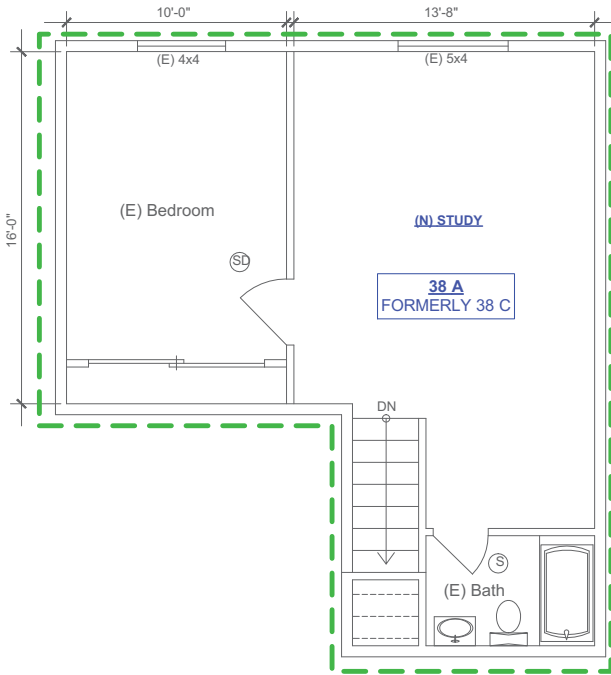
SCALE: 1/4" = 1'-0"

5 4 7



EXISTING 3RD FLOOR PLAN

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



PROPOSED 3RD FLOOR PLAN

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

5 6 7

REVISIONS	BY
3-15-16	JW
4-18-16	JW
5-24-16	JW
7-7-16 House #	JW

RESIDENCE - ALTERATION  
38A & 38B CARR ST., SAN FRANCISCO, CA  
BLOCK 5462 , LOT 010

OWNER  
JUDY WU  
TEL:(415)218-8291

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Signed:

Dated: 3/16/16

DATE: 11-24-15

SCALE: AS SHOWN

SHEET:

A-2  
OF 2 SHEETS

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: FREDERICK BRYANT		
DR APPLICANT'S ADDRESS: 1290 SHAFTER AVENUE, SAN FRANCISCO	ZIP CODE: CA 94124	TELEPHONE: (831 ) 240-8815
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: JUDY WU		
ADDRESS: 362 GELLERT BLVD., DALY CITY	ZIP CODE: CA 94015	TELEPHONE: (415 ) 218-8291
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ( )
E-MAIL ADDRESS:		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 38 CARR STREET, SAN FRANCISCO		ZIP CODE: CA 94124
CROSS STREETS: PAUL AND SALINAS AVENUE		
ASSESSORS BLOCK/LOT: 5462 /0010	LOT DIMENSIONS: 25X100	LOT AREA (SQ FT): 2495
ZONING DISTRICT: RH-1		HEIGHT/BULK DISTRICT: 40-X

## 3. Project Description

Please check all that apply

Change of Use ☒ Change of Hours ☐ New Construction ☐ Alterations ☐ Demolition ☐ Other ☐Additions to Building: Rear ☐ Front ☐ Height ☐ Side Yard ☐

4 UNITS

Present or Previous Use:

2 UNITS

Proposed Use:

Building Permit Application No. 2015.1202.3978

Date Filed: 12/4/2015

#### 4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

NO RESULT

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

Will cause tenant displacement.

---

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---

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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 adversely affected, please state who would be affected, and how:

Will cause tenant displacement.

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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?

Keep the sink and doors.

---

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---

---

## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: \_\_\_\_\_

*Joel Boyon*

Date: \_\_\_\_\_

*10/12/2016*

Print name, and indicate whether owner, or authorized agent:

TENANT

Owner / Authorized Agent (circle one)

# Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent**.

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input type="checkbox"/>
Address labels (original), if applicable	<input type="radio"/>
Address labels (copy of the above), if applicable	<input type="radio"/>
Photocopy of this completed application	<input type="checkbox"/>
Photographs that illustrate your concerns	<input checked="" type="checkbox"/>
Covenant or Deed Restrictions	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input checked="" type="checkbox"/>

**NOTES:**

☐ Required Material.

☒ Optional Material.

☐ Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

For Department Use Only

Application received by Planning Department:

By:

*Victoria Seim*

Date:

10/12/16 <sup>vs</sup>



5461 -037  
HA ANSON PENG  
47 CARR ST  
SAN FRANCISCO, CA 94124-3134

5461 -038, 039  
VARACCHI DOROTHY  
1047 MONTGOMERY ST  
SAN FRANCISCO, CA 94133-4504

5461 -039  
RESIDENT  
43 CARR ST  
SAN FRANCISCO, CA 94124-3134

5461 -040  
TRIAN T J DOROTHY J VARELLAS  
35 CARR ST  
SAN FRANCISCO, CA 94124-3134

5461 -041  
VELAMARTINEZ BLANCA  
29 CARR ST  
SAN FRANCISCO, CA 94124-3134

5462 -009  
YU WAH FONG  
34 CARR ST  
SAN FRANCISCO, CA 94124-3113

5462 -010  
WU XIAOQI  
362 GELLERT BLVD  
DALY CITY, CA 94015-2611

5462 -010  
RESIDENT  
38 CARR ST  
SAN FRANCISCO, CA 94124-3113

5462 -011  
SHIU CATHLEEN  
44 CARR ST  
SAN FRANCISCO, CA 94124-3113

5462 -026  
CORRIDOR PENINSULA  
141 PAUL AVE  
SAN FRANCISCO, CA 94124

APPLICANT  
FREDERICK BRYANT  
1290 SHAFTER AVE  
SAN FRANCISCO, CA 94124



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SAN FRANCISCO, CA 94124

APPLICANT  
FREDERICK BRYANT  
1290 SHAFTER AVE  
SAN FRANCISCO, CA 94124



# Affidavit for Notification Material Preparation

Notification Map, Mailing List, and Mailing Labels

Please submit this completed Affidavit with Notification Materials. Notification Materials are required for projects subject to Neighborhood Notification and certain Planning Department applications (e.g. Conditional Use Authorization, Variance, etc.).

I, Frederick Bryant, do hereby declare as follows:

1. I have prepared the Notification Map, Mailing List, and Mailing Labels for Public notification in accordance with Planning Department requirements as referenced in the Planning Code.
2. I understand that I am responsible for the accuracy of this information, and that erroneous information may require re-mailing or lead to suspension or revocation of the permit.
3. I have prepared these materials in good faith and to the best of my ability.

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

Executed on this day, October 11, 2016 in San Francisco.

Frederick Bryant  
Signature

Frederick Bryant  
Name (Print), Title

tenant, neighbor  
Relationship to Project, e.g. Owner, Agent or Agent, give business name and profession)

38 Carr St.  
Project Address

5462 / 010  
Block / Lot

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Name (Print), Title

tenant, neighbor  
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38 Carr St.  
Project Address

5462 / 010  
Block / Lot

**RESPONSE TO**  
**DISCRETIONARY**  
**REVIEW (DRP)**



**San Francisco**  
**Planning**

SAN FRANCISCO PLANNING DEPARTMENT  
1650 MISSION STREET, SUITE 400  
SAN FRANCISCO, CA 94103-2479  
MAIN: (415) 598-6378 SFPLANNING.ORG

**Project Information**

Property Address: 38 Carr Street

Zip Code: 94124

Building Permit Application(s): 2015.12.02.3978

Record Number: 2016-000184DRP

Assigned Planner: Ella Samonsky

**Project Sponsor**

Name: JUDY WU

Phone: 415-218-8291

Email: JUDYWU@USA.COM

**Required Questions**

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

The City is requiring the work, but we are willing to modify the project per the DR Requestor's suggestions.

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes and indicate whether they were made before or after filing your application with the City.

The DR Requestor asks that we "keep the sink and doors". We will agree to this compromise in order to minimize the displacement of low-income tenants.

3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Include an explanation of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

We are informed that this compromise requires Planning Commission approval.

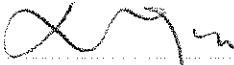
## Project Features

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

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)	4	2
Occupied Stories (all levels with habitable rooms)	3	No Change
Basement Levels (may include garage or windowless storage rooms)	1	No Change
Parking Spaces (Off-Street)	1 car	1 car, 2 bicycles
Bedrooms	5	No Change
Height	Unknown	No Change
Building Depth	55'2"	No Change
Rental Value (monthly)	\$8,644	Unknown
Property Value	Unknown	Unknown

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

Signature:



Date:

6/15/17

Printed Name:

JUDY WU

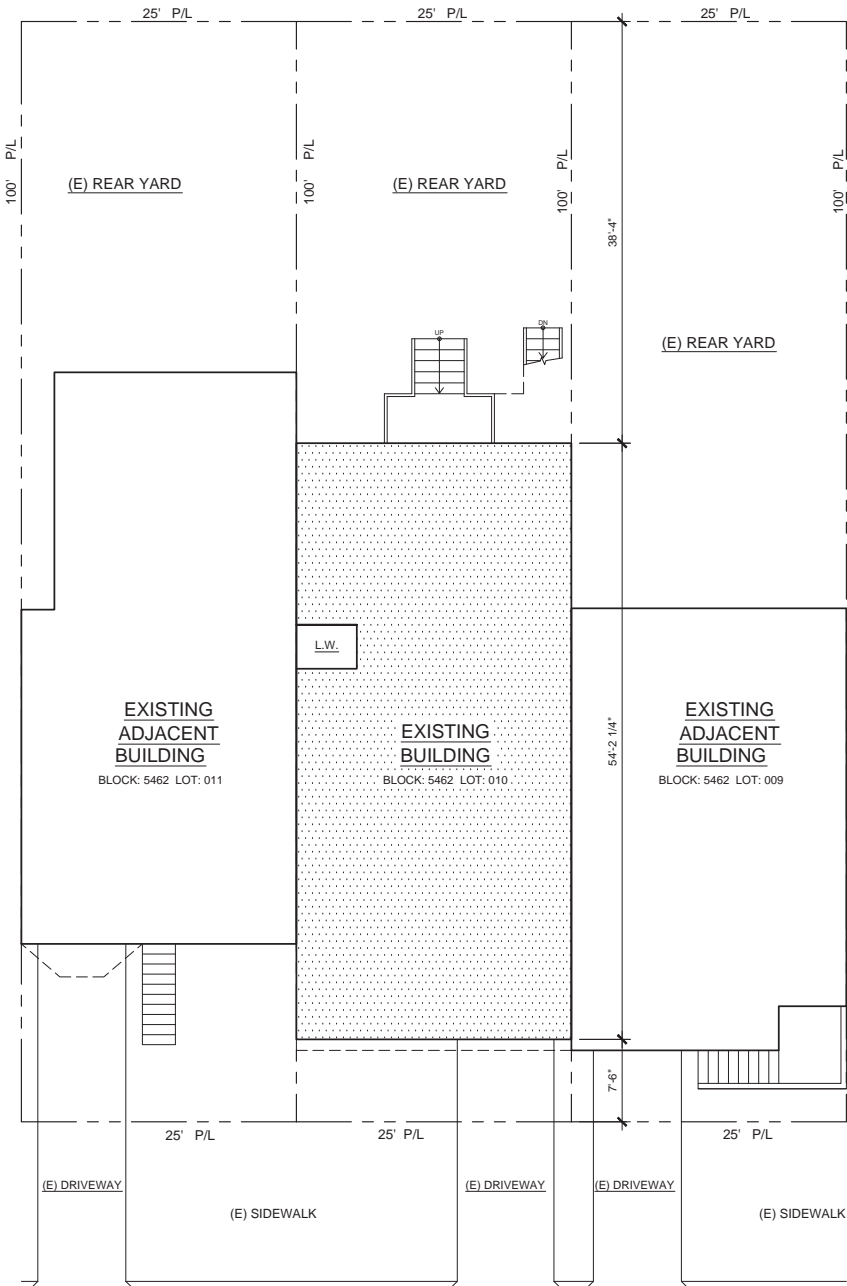


Property Owner

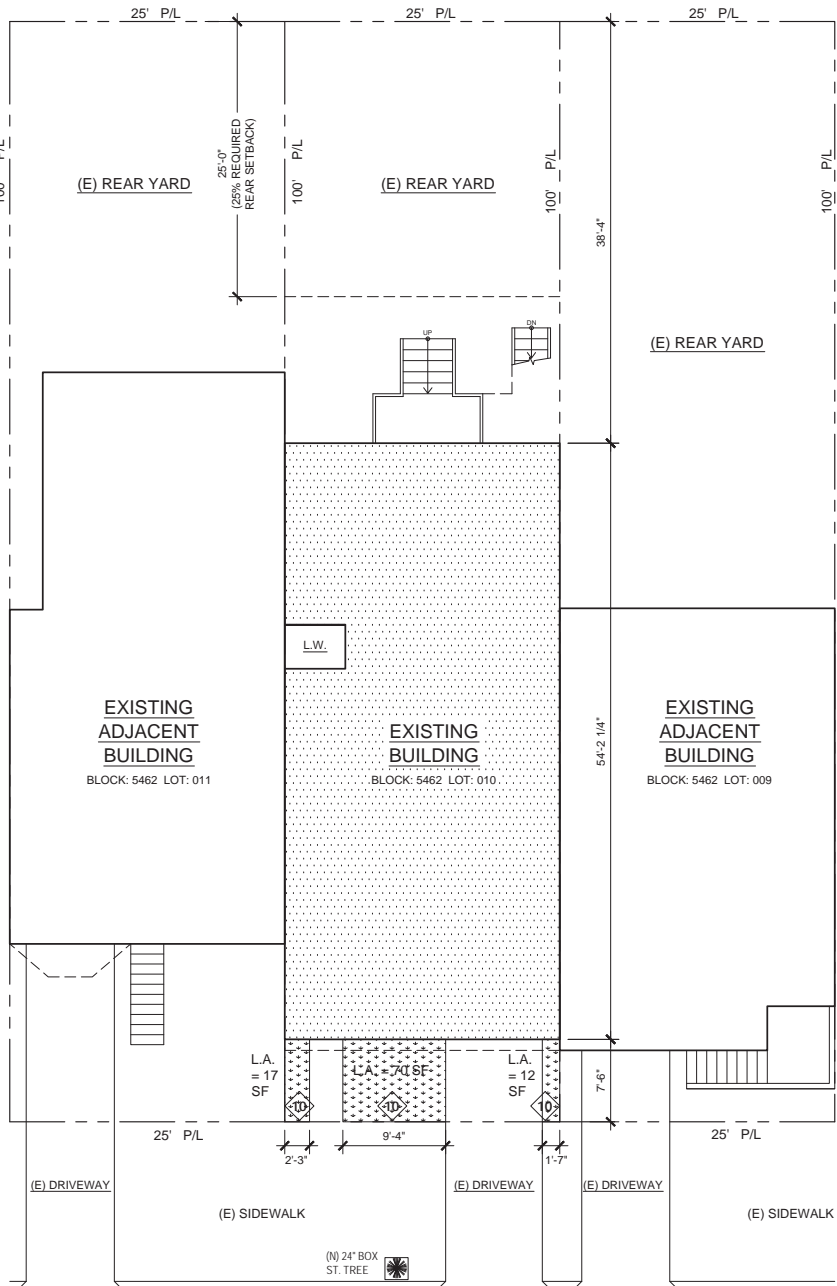


Authorized Agent

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



EXISTING SITE PLAN  
SCALE: 1/8" = 1'-0"



PROPOSED SITE PLAN  
SCALE: 1/8" = 1'-0"

Front setback permeable & landscaping area calculations:

Front setback area = 25 x 7.5 = 187.5 s.f.

	Area required	Area provided	
Permeable area (50% of FSB) = (including landscaping area)	93.75 s.f.	98.84 s.f.	OK
Landscaping area (20% of FSB) =	37.5 s.f.	98.84 s.f.	OK

## SCOPE OF WORK

- LEGALIZE 1ST FLOOR UNIT (38 LOWER UNIT) UNDER UNIT LEGALIZATION PROGRAM. RENAME UNIT# TO 38B.
- REMOVE ONE ILLEGAL KITCHEN ON 2ND FLOOR (38 B).
- REMOVE ONE ILLEGAL KITCHEN ON 3RD FLOOR (38 C).
- COMBINE 38 A, B & C INTO 38A.

## PROJECT DATA

BUILDING PERMIT APP #: 2015-1202-3978  
CONSTRUCTION TYPE: 5B  
ZONING: RH-1  
# OF STORIES: 3  
OCCUPANCY TYPE: R-3  
# OF UNITS: 2

## CODE COMPLIANCE

- ALL WORK SHALL BE IN COMPLIANCE WITH THE CITY & COUNTY OF SAN FRANCISCO CODES AND:
  - 2013 EDITION CALIFORNIA BUILDING CODE.
  - 2013 EDITION CALIFORNIA PLUMBING CODE
  - 2013 EDITION CALIFORNIA MECHANICAL CODE
  - 2013 EDITION CALIFORNIA ELECTRICAL CODE
  - 2013 CALIFORNIA ENERGY CODE

## DRAWING INDEX

- A-1: GENERAL NOTES, SITE PLANS  
A-2: EXISTING & PROPOSED 1ST FLOOR PLANS, SECTION & PHOTOS  
A-3: EXISTING & PROPOSED 2ND & 3RD FLOOR PLANS

## LEGEND

-----	EXISTING TO BE REMOVED	CONC.	CONCRETE
=====	EXISTING TO REMAIN	DN	DOWN
---	NEW WALL SEE DETAIL 1/A-1	(E)	EXISTING
□	SMOKE ALARM/HARDWIRED W/BATTERY BACKUP	(N)	NEW
⊙	SMOKE DETECTOR AND CARBON MONOXIDE COMBINATION	PW	PLYWOOD
BLDG	BUILDING	TYP.	TYPICAL
CLG	CEILING	VIF	VERIFY IN FIELD
		W/	WITH
		AFF	ABOVE FINISH FLOOR

## GENERAL NOTES

- CONTRACTOR/BUILDER SHALL VERIFY EXISTING BUILDING CONDITION PRIOR TO ANY CONSTRUCTION WORK & INSTALLATION OF FIXTURES.
- ALL WORK SHALL COMPLY TO LATEST CBC, CMC, CPC, NEC, LOCAL CITY CODES AND ALL APPLICABLE CODES.
- PROVIDE NEW 6x10 HEADER FOR NEW OPENINGS. (MAX 6'-0" WIDE)
- COORDINATE ALL TV/TELEPHONE JACK LOCATION & LIGHTING FIXTURES TYPE & LOCATION.
- VERIFY EXISTING & PROVIDE SMOKE DETECTOR IN (E)BEDROOMS AND HALLWAYS NEXT TO BEDROOMS.
- BEDROOM WINDOW FOR PURPOSES OF EMERGENCY ESCAPE AND RESCUE SHALL HAVE A MIN. CLEAR OPENABLE WIDTH DIMENSION = 20INCHES, AND MIN.CLEAR OPENABLE HEIGHT = 24INCHES. W/MIN 5.75,F (5 SF AT GRADE), MIN. OPENING. SILL HEIGHT NOT MORE THAN 44INCHES AFF.
- KITCHEN & BATHROOM OUTLETS SHALL BE CONNECTED INTO AN ARC FAULT CIRCUIT INTERRUPTER.
- REPLACE (E)WINDOW WITH NEW WINDOW / GLASS DOOR. (VINYL, DUAL PANE, U = 0.32) CONTRACTOR TO VERIFY EXACT SIZE IN FIELD.
- REMOVE (E) CONCRETE & REPLACE WITH PERMEABLE CONCRETE PER TABLE.
- REMOVE (E) CONCRETE & REPLACE WITH LANDSCAPING PER TABLE. USE DPW'S RECOMMENDED PLANT LIST FOR CLIMATE ZONE 3 IN BAYVIEW DISTRICT

## MECHANICAL NOTES

- M1. PROVIDE COMBUSTION AIR PER CMC CHAPTER 7 REQUIREMENTS  
M2. PROVIDE MIN 26 GAGE STEEL DUCT WITHIN GARAGE SPACE  
M3. TERMINATE GAS VENT MIN 4'-0" FROM PROPERTY LINE & 2'-0" ABOVE ANY PORTION OF A BLDG. WITHIN 10'-0"  
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REVISIONS	BY
3-15-16	JW
4-18-16	JW
5-24-16	JW
7-7-16 House #	JW

RESIDENCE - ALTERATION  
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BLOCK 5462 01DOT

OWNER  
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Signed:

Dated: 3/16/16

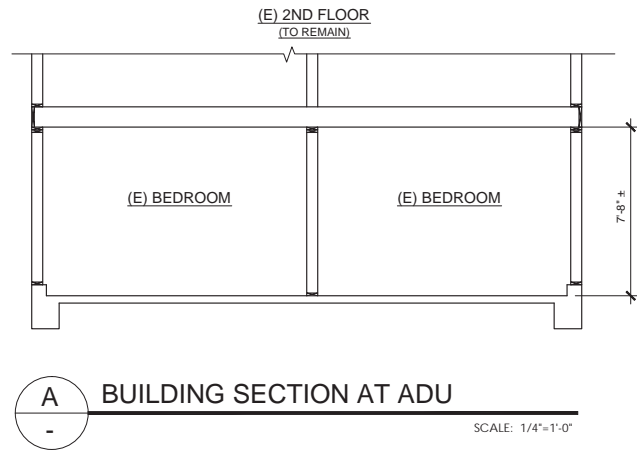
DATE: 11-24-15

SCALE: AS SHOWN

SHEET:

A-1

OF 3 SHEETS



EXISTING REAR ELEVATION

(FOR REFERENCE, NO WORK)

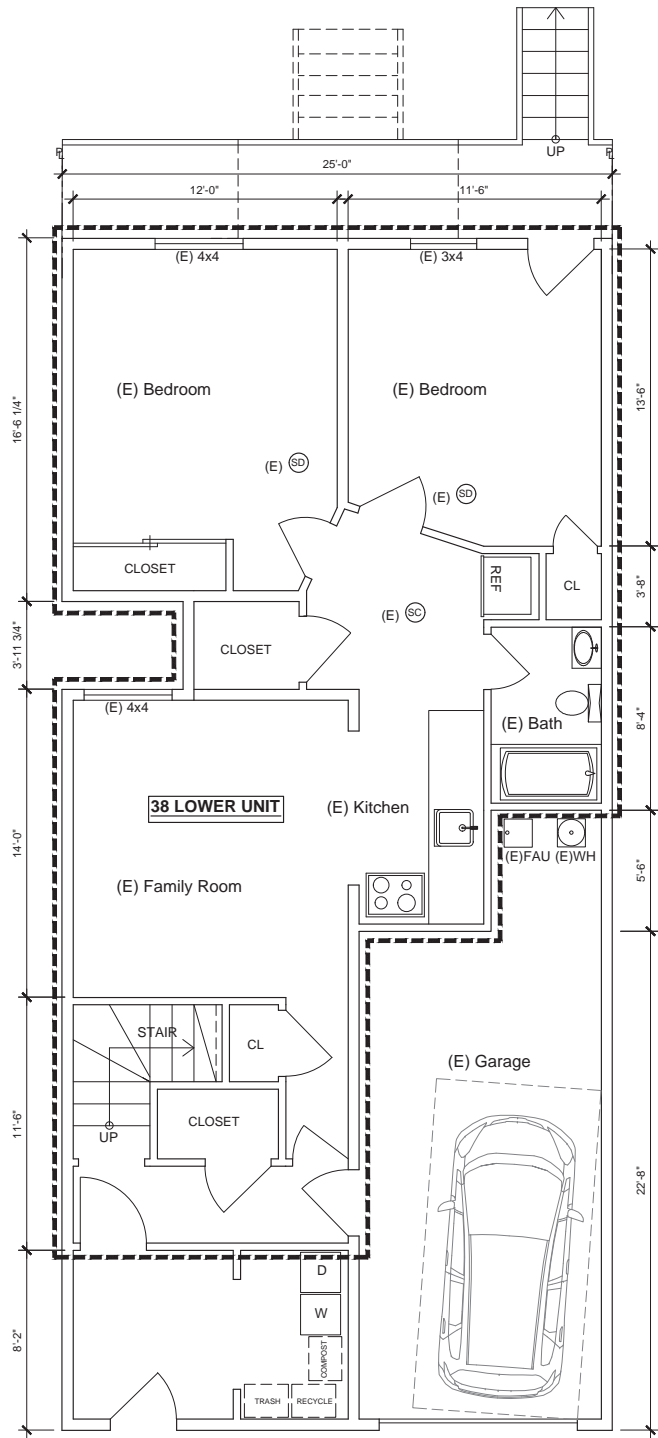
SCALE: N.T.S.



EXISTING FRONT ELEVATION

(FOR REFERENCE, NO WORK)

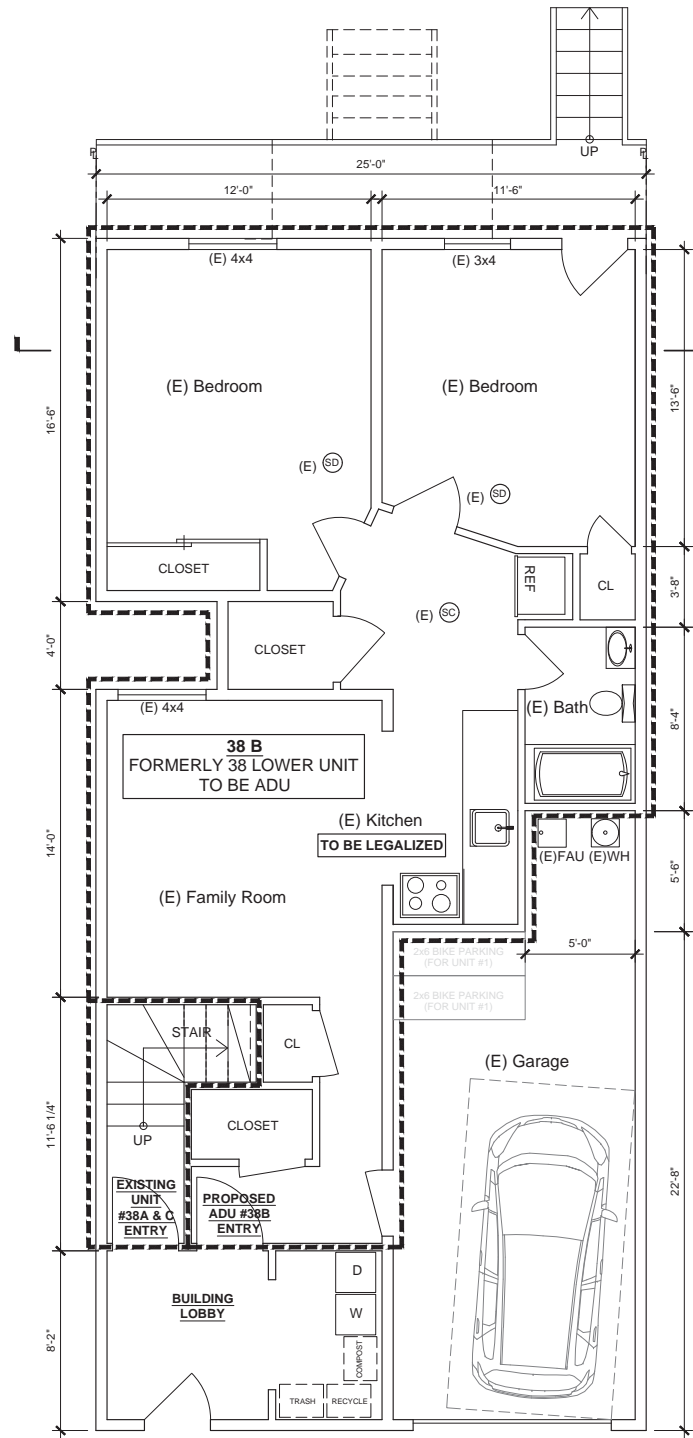
SCALE: N.T.S.



EXISTING FIRST FLOOR PLAN

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

NOTE: (E) FAMILY ROOM, 2 BEDROOMS & FULL BATH ON 1ST FLOOR WERE DONE UNDER APPROVED BUILDING PERMIT APP #2013-0613-9491



PROPOSED FIRST FLOOR PLAN

Scale: 1/4" = 1'-0" (ADU 38B)

REVISIONS	BY
3-15-16	JW
4-18-16	JW
5-24-16	JW
7-7-16 House #	JW

RESIDENCE - ALTERATION

38A & 38B CARR ST., SAN FRANCISCO, CA

BLOCK 5462 01DOT

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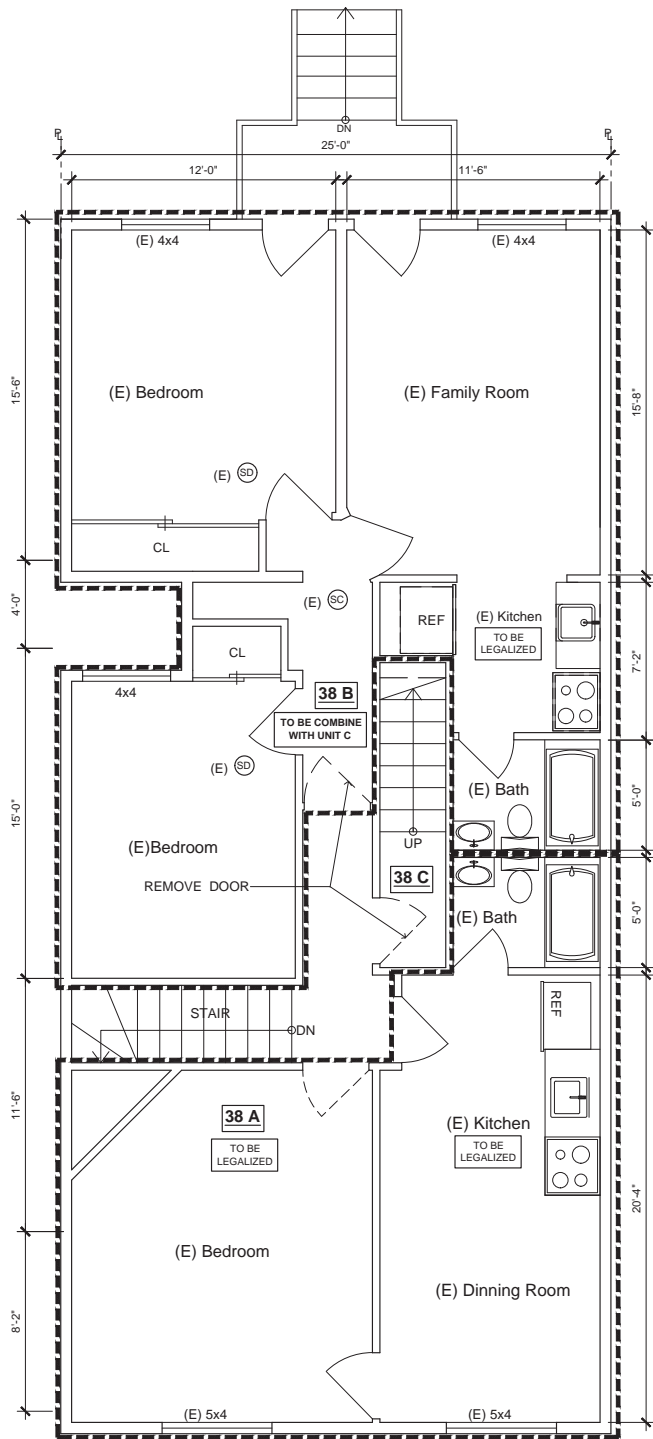
DATE: 11-24-15

SCALE: AS SHOWN

SHEET:

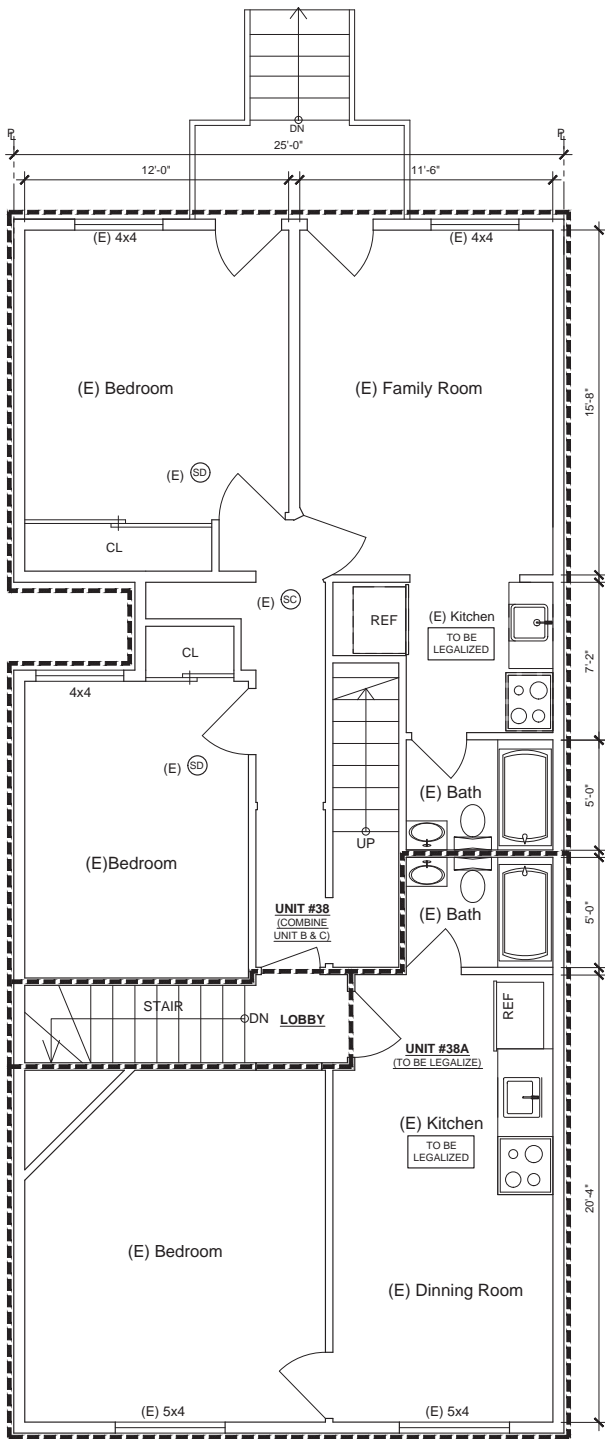
A-2

OF 3 SHEETS



EXISTING SECOND FLOOR PLAN

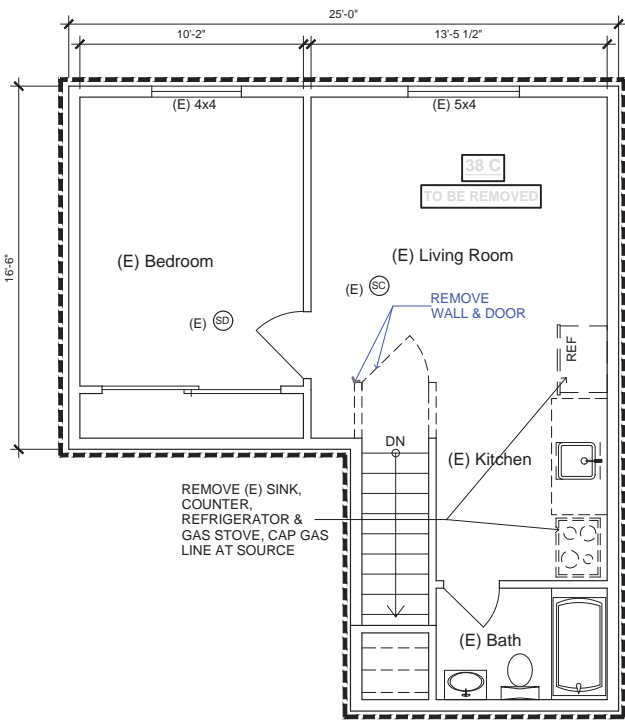
Scale: 1/4" = 1'- 0" (legalize unit 38A, combine B & C to be unit 38)



PROPOSED SECOND FLOOR PLAN

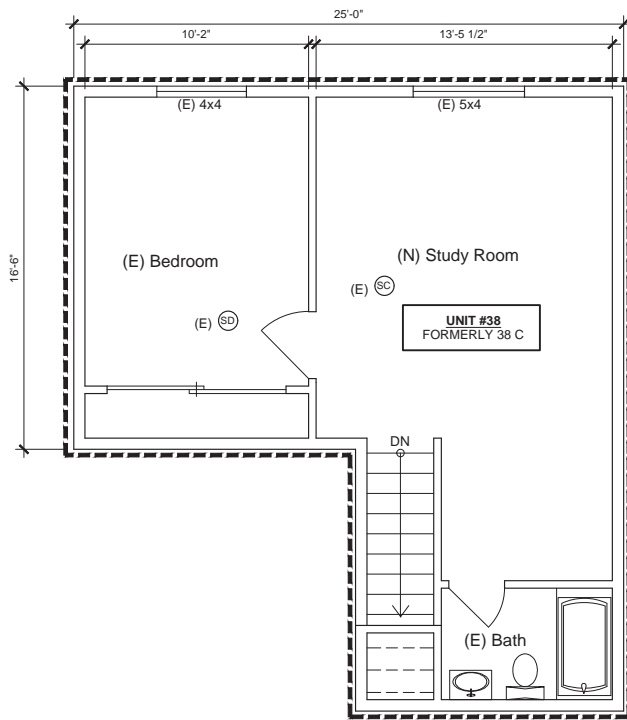
Scale: 1/4" = 1'- 0" (legalize unit 38A & unit 38)

5 6 7



EXISTING THIRD FLOOR PLAN

Scale: 1/4" = 1'- 0" (to be combine with unit B)



PROPOSED THIRD FLOOR PLAN

Scale: 1/4" = 1'- 0" (part of unit #38)

5 6 7

REVISIONS	BY
3-15-16	JW
4-18-16	JW
5-24-16	JW
7-7-16 House #	JW

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Signed:

\_\_\_\_\_

Dated: 3/16/16

DATE: 11-24-15

SCALE: AS SHOWN

SHEET:

A-3  
OF 3 SHEETS