

DISCRETIONARY REVIEW ABBREVIATED ANALYSIS

HEARING DATE: May 20, 2021

Continued from April 29, 2021

Continued from April 15, 2021

Record No.: 2019-019822DRP

Project Address: 4079 Cesar Chavez Street

Permit Application: 2019.1010.4179

Zoning: RH-2 [Residential-House, Two Family]

40-X Height and Bulk District

Block/Lot: 6580/029

William Pashelinsky **Project Sponsor:**

> 1937 Hayes Street San Francisco, CA 94117

Staff Contact: David Winslow - (628) 652-7335

david.winslow@sfgov.org

Recommendation: Do Not Take DR and Approve

Project Description

The project proposes to construct a vertical addition and horizontal front and rear additions to an existing 2,227 square foot, two-story, two-family residence. The project also includes extensive remodeling of the interior and the front facade. The project would add 1,590 gross square feet to the existing building which will result in a 2,277 square foot unit and a 1,548 square foot unit. No on-site parking is proposed.

Site Description and Present Use

The site is a 25'-0" wide x 114'-0" deep lateral and down sloping lot containing an existing two-story over basement, two-family home. The existing building is a Category 'C' – no historic resource - built in 1906.

Surrounding Properties and Neighborhood

The buildings on this block of Cesar Chavez range from 2- to 3-stories. The rear yard of mid-block open space is defined by an inconsistent alignment of buildings. The existing 2-story subject property is one of the shorter and shallower buildings of the immediate surrounding buildings, set against a deeper and taller neighbor uphill neighbor (DR requestor) and a similar shallow neighbor downhill.



Building Permit Notification

Type	Required Period	Notification Dates	DR File Date	DR Hearing Date	Filing to Hearing Date
311 Notice	30 days	January 7, 2020– February 8, 2021	February 8, 2021	April 15, 2021	66 days

Hearing Notification

Туре	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	20 days	March 26, 2021	March 26, 2021	20 days
Mailed Notice	20 days	March 26, 2021	March 26, 2021	20 days
Online Notice	20 days	March 26, 2021	March 26, 2021	20 days

Public Comment

	Support	Opposed	No Position
Adjacent neighbor(s)	0	0	0
Other neighbors on the block or directly across the street	0	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

Jennifer Wang and Nipun Jethi owners of 4083-4085 Cesar Chavez, the adjacent property to the west.

DR Requestors' Concerns and Proposed Alternatives

Are concerned that the project will impact the light to the side lot facing windows of the apartments.

Proposed alternatives:



- 1. Maintain gable roof adjacent to western side to preserve natural light.
- 2. Pitch the roof above the stair well to allow more access to direct light.
- 3. Provide a 5' side setback to match the side set back between 4083-85 and 4079 Cesar Chavez St. or;
- 4. Create a 3' side setback at the master bedroom or;
- 5. Flip the closet and the bathroom of the master bedroom from the east to the west in order to pitch the roof above them.

See attached Discretionary Review Application, dated February 8, 2021.

Project Sponsor's Response to DR Application

The proposed project is designed as two rental units not to exceed the height of the existing gabled roof and extending a 2-story horizontal addition in the rear. The project sponsor has offered modifications to alleviate some of the concerns with respect to light on the side windows but were not ultimately accepted.

See attached Response to Discretionary Review, dated May 12, 2021

Department Review

The Planning Department's review of this proposal confirms support for this project as it conforms to the Code and the Residential Design Guidelines. The windows on DR requestor's property face a side yard that ensure and enable their continued use. The DR requestors' side yard is not a prevailing patten of building on this block. The proposed project provides a 5' to 8' side setback to moderate the scale against the shallower neighboring building downhill and to the east. Furthermore, the rear extension steps back from the rear yard on upper floors to articulate the building in relation to scale and light impacts to both adjoining neighbors. Therefore, staff deems there are no exceptional or extraordinary circumstance and recommends not taking Discretionary Review.

Recommendation: Do Not Take DR and Approve



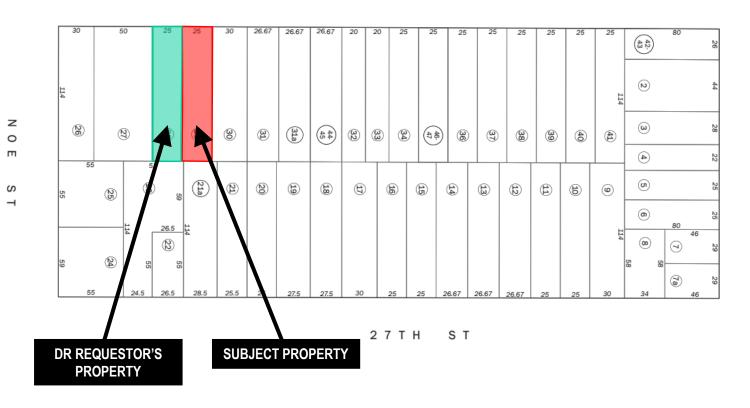
Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
CEQA Determination
Eviction history from SF Rent Board
DR Application
Response to DR Application, dated May 12, 2021
311 plans



Exhibits

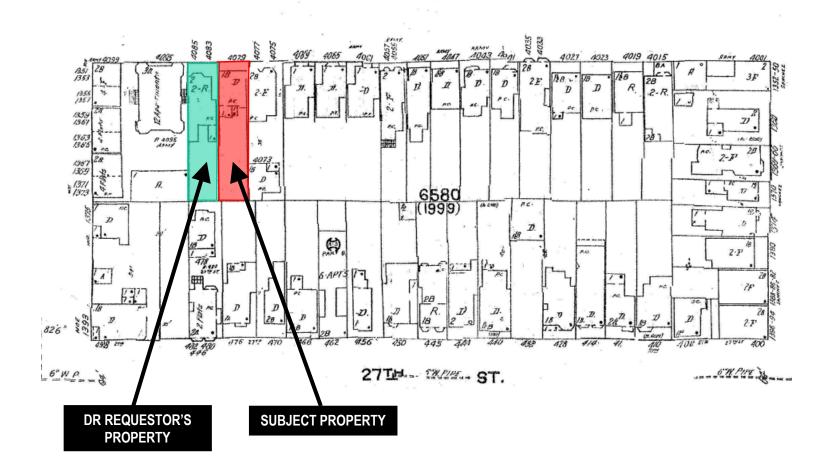
CESAR CHAVEZ ST



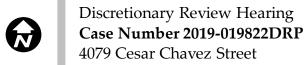


Sanborn Map*

CESAR CHAVEZ

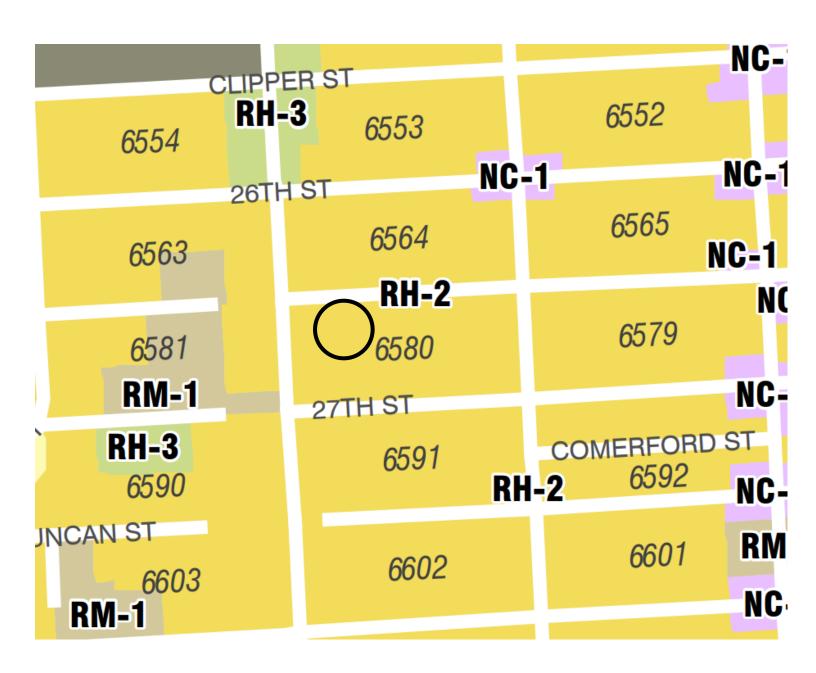


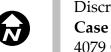
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



3

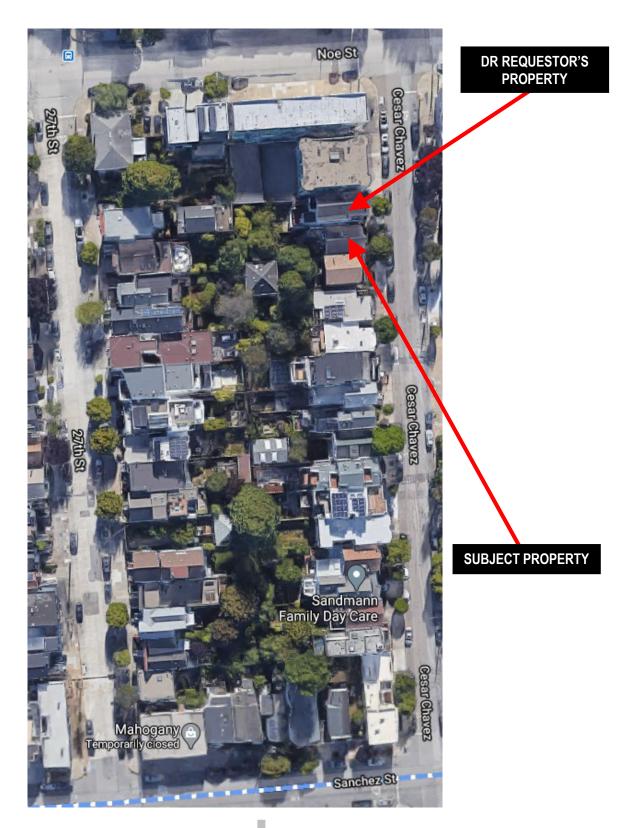
Zoning Map







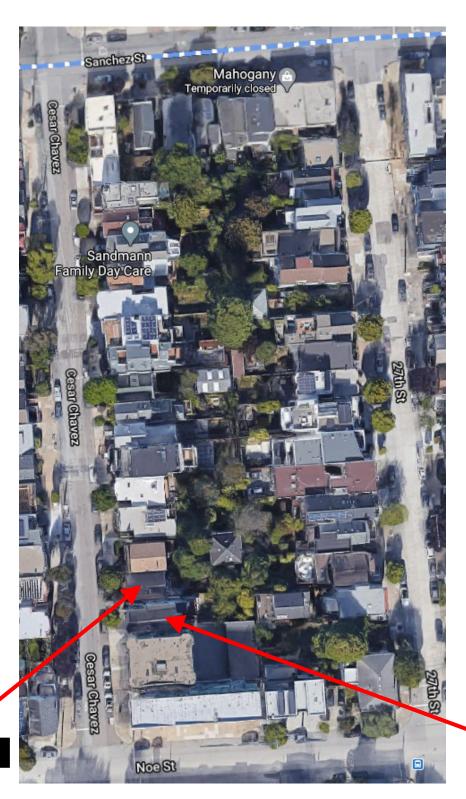






Discretionary Review Hearing Case Number 2019-019822DRP 4079 Cesar Chavez Street





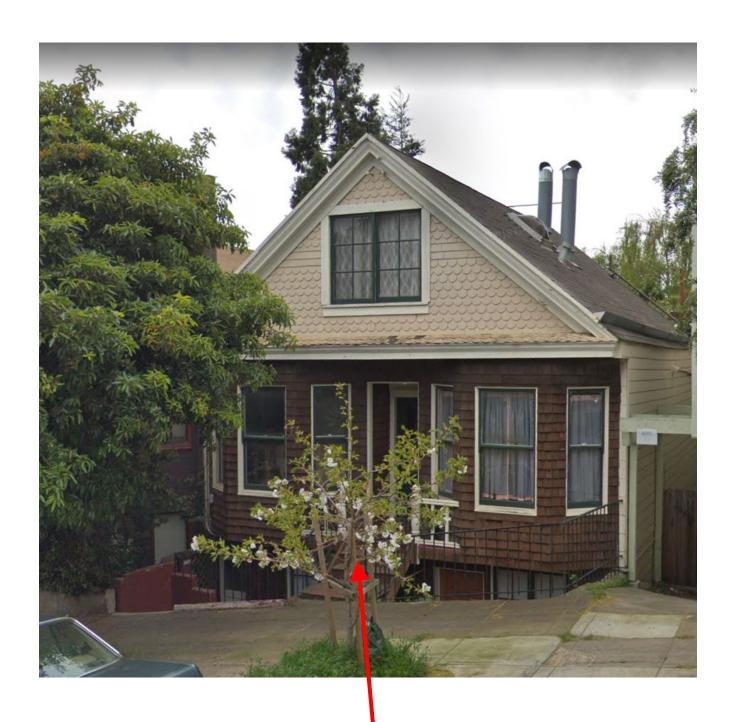
SUBJECT PROPERTY

DR REQUESTOR'S PROPERTY



Discretionary Review Hearing Case Number 2019-019822DRP 4079 Cesar Chavez Street

Site Photo



SUBJECT PROPERTY

Discretionary Review Hearing Case Number 2019-019822DRP 4079 Cesar Chavez Street

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On October 10, 2019, Building Permit Application No. 201910104173 was filed for work at the Project Address below.

Notice Date: 1/7/21 Expiration Date: 2/8/21

PROJECT INFORMATION

Project Address: 4079 Cesar Chavez Street

Cross Streets: Noe Street

Block / Lot No.: 6580 / 029

Zoning District(s): RH-2 / 40-X

Record No.: 2019-019822PRJ

APPLICANT INFORMATION

Applicant: William Pashelinsky
Address: 1937 Hayes Street
City, State: San Francisco, CA 94117

Telephone: (415) 379-3676 Email: billpash@gmail.com

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	PROJECT FEATURES	Existing	Proposed
☐ Demolition	Building Use:	Residential	Residential
☐ Change of Use	Front Setback:	8 feet, 1 inches	7 feet, 2 inches
☑ Rear Addition	Side Setbacks:	None	No Change
☐ New Construction	Building Depth:	42 feet, 2 inches	67 feet, 6 inches
☑ Façade Alteration(s)	Rear Yard:	63 feet, 9 inches	39 feet, 4 inches
☐ Side Addition	Building Height:	17 feet, 7 inches (midpoint)	22 feet, 7 inches
☐ Alteration	Number of Stories:	2	3
☑ Front Addition	Number of Dwelling Units	2	No Change
☑ Vertical Addition	Number of Parking Spaces	0	No Change

PROJECT DESCRIPTION

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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 **sfplanning.org/notices** and search the Project Address listed above.

For more information, please contact Planning Department staff:

Planner: Jeffrey Horn Telephone: 628-652-7366 Email: Jeffrey.Horn@sfgov.org

General Information About Procedures During COVID-19 Shelter-In-Place Order

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 specific questions about the proposed project, you should contact the planner listed on the front of this notice. If you have general questions about the Planning Department's review process, contact the Planning counter at the Permit Center via email at pic@sfgov.org.

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. Contact the project Applicant to get more information and to discuss the project's impact on you.
- 2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at www.communityboards.org for a facilitated. 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 that 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 ("DR"). If you believe the project warrants Discretionary Review by the Planning Commission, you must file a DR Application prior to the Expiration Date shown on the front of this notice.

To file a DR Application, you must:

- Create an account or be an existing registered user through our Public Portal (https://aca-ccsf.accela.com/ccsf/Default.aspx).
- 2. Complete the Discretionary Review PDF application (https://sfplanning.org/resource/drp-application) and email the completed PDF application to

<u>CPC.Intake@sfgov.org</u>. You will receive follow-up instructions via email on how to post payment for the DR Application through our Public Portal.

To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at www.sfplanning.org. If the project includes multiple building permits, i.e. demolition and new construction, a separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.

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

Board of Appeals

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. The Board of Appeals is accepting appeals via e-mail. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (628) 652-1150.

Environmental Review

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



CEQA Categorical Exemption Determination

Block/Lot(s)

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address

SAN FRANCISCO

4079 Cesar Chavez Street		eet	6580029
Case No.			Permit No.
2019-019822ENV			2019-10104173
_	ldition/ teration	Demolition (requires HRE for Category B Building)	New Construction
I -	=	Planning Department approval.	
line w	alls. The project al	gade alterations that include replacing the gabled is so proposes a horizontal addition in the rear and in the feet of excavation below ground surface.	
	P 1: EXEMPTIC		
	oroject has been d CEQA).	etermined to be categorically exempt under the	California Environmental Quality
	· · · · · · · · · · · · · · · · · · ·	g Facilities. Interior and exterior alterations; addit	ions under 10,000 sq. ft.
		onstruction. Up to three new single-family resider rcial/office structures; utility extensions; change of a CU.	
	10,000 sq. ft. and (a) The project is policies as well at (b) The proposed substantially surf (c) The project st (d) Approval of the water quality. (e) The site can	I Development. New Construction of seven or more difference the conditions described below: a consistent with the applicable general plan designs with applicable zoning designation and regulation difference development occurs within city limits on a project rounded by urban uses. It is no value as habitat for endangered rare or the project would not result in any significant effects the adequately served by all required utilities and particularly served by all required utilities and particularly served by all required utilities.	nation and all applicable general plan ons. t site of no more than 5 acres threatened species. s relating to traffic, noise, air quality, or
	Class		

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?
	if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).
	Transportation: Does the project 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?
	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? If yes, archeo review is requried (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.
	Slope = or > 25%: 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 > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
	Seismic: Landslide Zone: 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 > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
	Seismic: Liquefaction Zone: 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 > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.
Com	ments and Planner Signature (optional): Don Lewis

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE TO BE COMPLETED BY PROJECT PLANNER PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map) Category A: Known Historical Resource. GO TO STEP 5. Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4. Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6. STEP 4: PROPOSED WORK CHECKLIST TO BE COMPLETED BY PROJECT PLANNER Check all that apply to the project. 1. Change of use and new construction. Tenant improvements not included. 2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building. 3. Window replacement that meets the Department's Window Replacement Standards. Does not include storefront window alterations. 4. Garage work. A new opening that meets the Guidelines for Adding Garages and Curb Cuts, and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines. 5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way. 6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way. 7. Dormer installation that meets the requirements for exemption from public notification under Zoning Administrator Bulletin No. 3: Dormer Windows. 8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features. Note: Project Planner must check box below before proceeding. Project is not listed. GO TO STEP 5. Project does not conform to the scopes of work. GO TO STEP 5. Project involves four or more work descriptions. GO TO STEP 5. Project involves less than four work descriptions. GO TO STEP 6. STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW TO BE COMPLETED BY PROJECT PLANNER Check all that apply to the project. 1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4. 2. Interior alterations to publicly accessible spaces. 3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character. 4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.

5. Raising the building in a manner that does not remove, alter, or obscure character-defining

6. Restoration based upon documented evidence of a building's historic condition, such as historic

中文詢問請電: 415.575.9010 en Español llamar al: 415.575.9010

photographs, plans, physical evidence, or similar buildings.

features.

	7. Addition(s) , including mechanical equipment that are minimally visible fro and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .	m a public right-of-way
	8. Other work consistent with the Secretary of the Interior Standards for the Properties (specify or add comments):	Treatment of Historic
	9. Other work that would not materially impair a historic district (specify or ac	dd comments):
	(Requires approval by Senior Preservation Planner/Preservation Coordinato	r)
	10. Reclassification of property status. (Requires approval by Senior Preservation	ervation
	Reclassify to Category A	Reclassify to Category C
		ch HRER or PTR)
	b. Other (specify): Per HRER signed on 2/27/2020	
	Note: If ANY box in STEP 5 above is checked, a Preservation Plan	nner MUST sign below.
	Project can proceed with categorical exemption review. The project has be Preservation Planner and can proceed with categorical exemption review. G	
Comm	nments (<i>optional</i>):	
Preser	servation Planner Signature: Stephanie Cisneros	
_	TEP 6: CATEGORICAL EXEMPTION DETERMINATION D BE COMPLETED BY PROJECT PLANNER	
	No further environmental review is required. The project is categorically There are no unusual circumstances that would result in a reasonable poeffect.	•
	Project Approval Action: Signature):

BE COMPLETED BY PROJECT PLANNER	
No further environmental review is required. The project is There are no unusual circumstances that would result in a effect.	
Project Approval Action:	Signature:
Building Permit	Stephanie Cisneros
If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	02/27/2020
Once signed or stamped and dated, this document constitutes a categorical of 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please	appeal of an exemption determination can only be

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.

MODIFIED PROJECT DESCRIPTION

Modi	fied Project Description:		
DE	TERMINATION IF PROJECT (CONSTITUTES SUBSTANTIAL MODIFICATION	
Com	pared to the approved project, w	ould the modified project:	
	Result in expansion of the buil	ding envelope, as defined in the Planning Code;	
	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;		
	Result in demolition as defined under Planning Code Section 317 or 19005(f)?		
	Is any information being presented that was not known and could not have been known		
	at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?		
If at I	east one of the above boxes is	checked, further environmental review is required.	
DET	ERMINATION OF NO SUBSTA	NTIAL MODIFICATION	
	The proposed modification wo	uld 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:	



DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION

Discretionary Review Requestor'	s Information		
Name:			
	Email Address:		
Address:	Telephone:		
Information on the Owner of the	Property Being Developed		
Name:			
Company/Organization:			
	Email Address:		
Address:	Telephone:		
Property Information and Relate	d Applications		
Project Address:			
Block/Lot(s):			
Building Permit Application No(s):			
ACTIONS PRIOR TO A DISCRETION	NARY REVIEW REQUEST		
PRIO	RACTION	YES	NO
Have you discussed this project with the perm	nit applicant?		
Did you discuss the project with the Planning	Department permit review planner?		
Did you participate in outside mediation on th	is case? (including Community Boards)		
Changes Made to the Project as a Result of Me If you have discussed the project with the app the result, including any changes that were m	licant, planning staff or gone through mediatio	n, please sum	ımarize

DISCRETIONARY REVIEW REQUEST

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

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

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. Name (Printed) Relationship to Requestor Phone **Email** (i.e. Attorney, Architect, etc.)

For Department Use Only
Application received by Planning Department:

Date: _

By: _

Discretionary Review Requestor's Information

Name: Jennifer Wang and Nipun Jethi

Address: 159 Bonita Avenue, Redwood City CA 94061

Email Address: summacounseling@gmail.com

Telephone: 650-814-6490

Information on the Owner of the Property Being Developed

Name:

Company/Org: Cal-C.A.D.E Construction Inc. (owners)

Address:

Office: 172 Harriett Street, San Francisco, CA 94103 Mailing: 85 Columbia Square, San Francisco, CA 94103

Email Address: info@cal-cade.com

Telephone: 415-206-0550

Property Information and Related Applications

Project address: 4079 Cesar Chavez St

Block/lots: 6580 / 029

Building Permit/Address Number: Permit: 201910104173

Address: 4079 Cesar Chavez Street

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

Have you discussed this project with the permit applicant?: YES

Did you discuss the project with the Planning Department permit review planner? YES

Did you participate in outside mediation on this case? (including Community Boards): YES

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

We (the tenants and owners) first learned of this project on Jan 9th, 2021 upon receiving the Section 311 Notice. Neither the tenants (3 units) or the owners received the Pre-Plan notice or any other notice from the City or 4079 owners prior to that date.

We had an informal Zoom call with the architect, Bill Pashelinsky, of 4079's project on Jan 15th. This discussion did not lead to any changes to the project.

An owner, Jennifer Wang, followed up with email communication to both 4079 owners and Bill. Bill responded with offers to add windows and lower the roof 4 feet for the planned stairwell.

Jennifer also reached out to Jeffrey Horn, the city planner, via email and phone on January 21, 2021. His email response was that if we believed there were impacts on light or privacy, the next step would be to file for a DR and include "comments on how the project could be modified or reduced (i.e. articulate that building) to mitigate any impacts you believe will occur as a result of the project."

On Feb 5th, we (tenants and owners) attended a mediation facilitated by communityboards.org with Bill, the architect, representing 4079's interests. The owners of 4079 did not attend.

Prior to mediation, we consulted with an independent architect in order to offer a set of modification ideas which we believe would alleviate our concerns (our building would still lose light, but not as much) while being reasonable in terms of the modifications to 4079 plans. We sent these proposals to the owners and architect of 4079.

In mediation, we discussed the ideas but unfortunately were unable to arrive at an agreement. We expected to hear back from the architect or owners over the weekend but have not. On Feb 6, 2021, we consulted with an independent architect again and were able to offer yet another idea not yet discussed in mediation. There has been no response. No changes have been made to the project to our knowledge.

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 site specific sections of the Residential Design Guidelines.

The owners and architect of 4079 Cesar Chavez are planning a major refurbishment of the building, replacing its gabled roof with a rectangular one. See attached image 1 for a view of 4079's gabled roof with our building to its right). This would make 4079's western facade, which is 3' apart from our eastern facade, effectively 10' taller. They also plan to build two large decks in the backyard, the taller of the two being several feet taller than unit 4083's existing deck.

The natural light of units 4083 and 4085.5 results largely from (1) our downhill neighbor's (4079 Cesar Chavez) gabled roof and (2) building depth, which ended approximately at the east-facing window of our rear cottage. See attached images 2 & 3 showing how the gabled roof lets light into 4083's living room and bedroom, and images 4 & 5 for the direct sunlight that currently enters both rooms. The planned construction would increase the western edge of 4079's roof by 10 vertical feet, creating a tunnel which will block all direct sunlight and significantly reduce ambient light. Please read below for details on how this would impact the tenants in each unit of the building and owners.

We are requesting Discretionary Review because of significant blocking of light to units 4083 and 4085.5. According to the Residential Design guidelines, "Maintain[ing] light to adjacent properties" is one of the design principles integral to determining whether a proposed building is in compliance. In an initial Zoom call between the architect and the owners/tenants of the 3 units (4083, 4085 and 4085.5), the architect noted that adjacent properties do indeed have a right to light.

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.

Impact on the owners: As owners of 4083 Cesar Chavez, we purchased this home in 2010 largely because each of three units received adequate natural light. This was an important factor not only for our personal well-being while residing there but also in determining the market value of the property and our decision to invest in it.

Impact on unit 4083: Currently nearly all the ambient and direct sunlight of the 4083 unit comes through two east-facing windows that are only 3' from the 4079 building. Since 4079's gabled roof ends where the vertical windows begin, the apartment still receives direct sunlight from mid-morning to afternoon. Ambient light comes through most of the day (see attached images 2,3,4,5).

The planned construction would block all direct sunlight and significantly reduce indirect sunlight to unit 4083. The unit's bedroom and living room get practically all light from their eastern facing windows - the bedroom only has the one eastern facing window and the living room has one eastern facing one and one northern facing window that's obstructed by a staircase. Since 4079's current roof is gabled, it lets the light through. At only 3' from our facade, replacing the gabled roof with a vertical wall that's 10' taller than the windows in unit 4083 would block the bedroom and living room's eastern-facing windows and dramatically reduce the light in both spaces, rendering them dark, depressing and claustrophobic. Such changes would result in significant, negative & irreversible impacts to our quality of life.

The proposed extended length of 4079's building depth will also result in an increase of ~4' of vertical wall east of the 4083 deck, which is currently bounded by open space on all sides. This will reduce light and impose on the privacy of the tenants of unit 4083 (see attached image 6).

Impact on unit 4085.5: The construction proposal also includes extending the second floor of the 4079 building depth rearward an additional 12 feet, which would block direct light and significantly reduce ambient light to the rear cottage's (unit 4085.5) only bedroom window, which faces east. Today, this window is approximately where the 4079 building ends, so light is unobstructed. The bedroom is adjacent to the basement garage so it would not be possible to add windows to the west or north, and the southern wall forms the wall to the living room. The garden unit is a small 500 square feet in-law, so would feel especially dungeon-like with significant reductions in lighting.

Impact on unit 4085: The tenants in 4085 are concerned that they will lose light in the room they use as their newborn's nursery via the room's eastern-facing window. Any additional building height in the proposed construction, they fear, would also diminish their unit's overall light.

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 ideal solution would be to keep the roof gabled along the western side of the building and preserve the current natural light to 4083.

If that is not possible, the following are alternatives to the proposed project that would mitigate our light concerns.

(1) 4083's Living Room Window

Proposal: Pitch the roof above the stairwell in the planned construction directly across from this window. Although the precise amount was not designed out, it was expected to lower the westernmost facade by 4' to 8' across the span of the 6.5' staircase to allow in more natural light.

Status: Both sides in agreement.

(2) 4083's Bedroom Window

Proposal 1: Swap the lightwell on the eastern side to the western side of the building to create a 5' setback across from 4083's window (this would simultaneously also mitigate light impact for the 4085.5 bedroom window)

Proposal 2: Create a ~3' setback in the master bedroom directly across from the 4083 window.

Proposal 3: Flip both the closet and bathroom of the master bedroom from the east to the west side of the room in order to pitch the roof above them, thus implementing the same solution applied above stairwell.

Status: No agreement on any of these proposals.

(3) 4085.5's bedroom window

Proposal: Swap the 3' inset on the eastern side 2nd floor's ~13.5' southern extension to the western side. This will create a western 3' setback opposite 4085.5's bedroom window. Apparently, this was in an earlier iteration of the plans that SF Planning asked the architect to change.

Status: We are under the impression we are in agreement on this proposal.













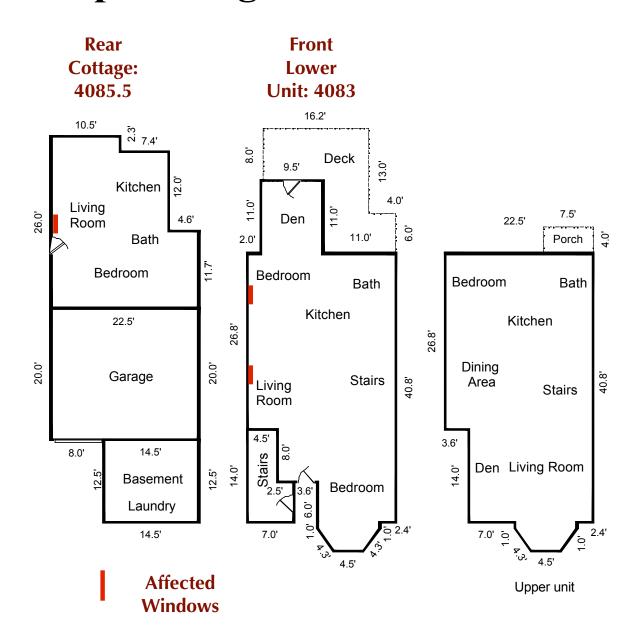




Current Plans Will Increase Vertical Height of 4079 Gabled Roofline 10' With No Side Setback



4079 Development Significantly Impacts Light to Three Windows



Sketch by Apex IV™

Comments:

	AREA CALCULATIO	NS SUMMARY	
Code	Description	Net Size	Net Totals
GBA1	Lower unit	502.2	502.2
GBA2 GBA3	Middle unit Upper unit	956.9 901.6	956.9
GDAJ	Upper unit stairs	78.0	979.6
BSMT	Basement	181.3	181.3
P/P	Enclosed porch Deck	30.0 230.6	260 6
GAR	Garage	450.0	260.6 450.0
Net	BUILDING Area	(Rounded)	2439

BL	JILDING	AR	EA BREAKI	OOWN
	Breakd	lown	1	Subtotals
Lower uni	t			
	17.9	x	23.7	424.2
	4.6		11.7	53.8
	2.3	x	10.5	24.1
Middle un	it			
	1.0	x	9.5	9.5
	3.5	x	4.5	15.8
0.5 x	2.5	x	3.5	4.4
0.5 x	2.5		3.5	4.4
	9.5		11.0	104.5
	18.0	x	34.8	626.4
		x	11.9	71.4
		x	26.8	120.6
Upper uni	t			
	1.0		9.5	9.5
	3.5		4.5	15.8
0.5 x	2.5		3.5	4.4
0.5 x	2.5		3.5	4.4
	18.9		40.8	771.1
	3.6		26.8	96.5
Upper uni		5		
	6.0	x	7.0	42.0
	4.5	x	8.0	36.0
19 Items			(Rounded)	2439

- 1. A purpose of the Planning Code is to provide adequate light and privacy to adjacent properties. Section 101.
- 2. Pg. 16 of the Residential Design Guidelines state that buildings should be articulated to minimize impacts on light and privacy to adjacent properties
- 3. Suggested modifications include designing a light well and/or setback
- 4. Our 4077 neighbors received a 4' light well on all three floors; it would have been more equitable to divide this setback between the neighbors, both of whom have rights to light and privacy
- 5. The master bedroom can be modified while still retaining a very livable space. A master bedroom does not require two closets and a 12' by 12' bathroom (a bathroom size larger than that of the impacted 4083 bedroom)

Master bedroom: 14 by 19 feet

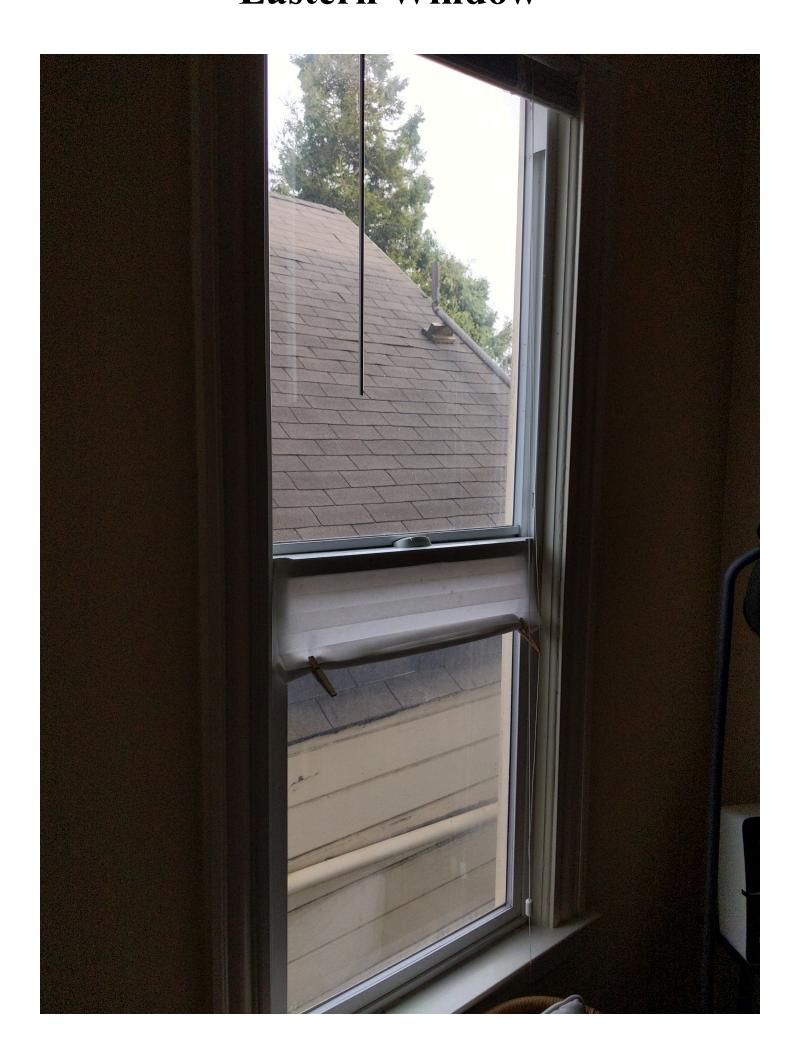
Larger master closet: 12 by 6 feet

Master bathroom: 12 by 12 feet

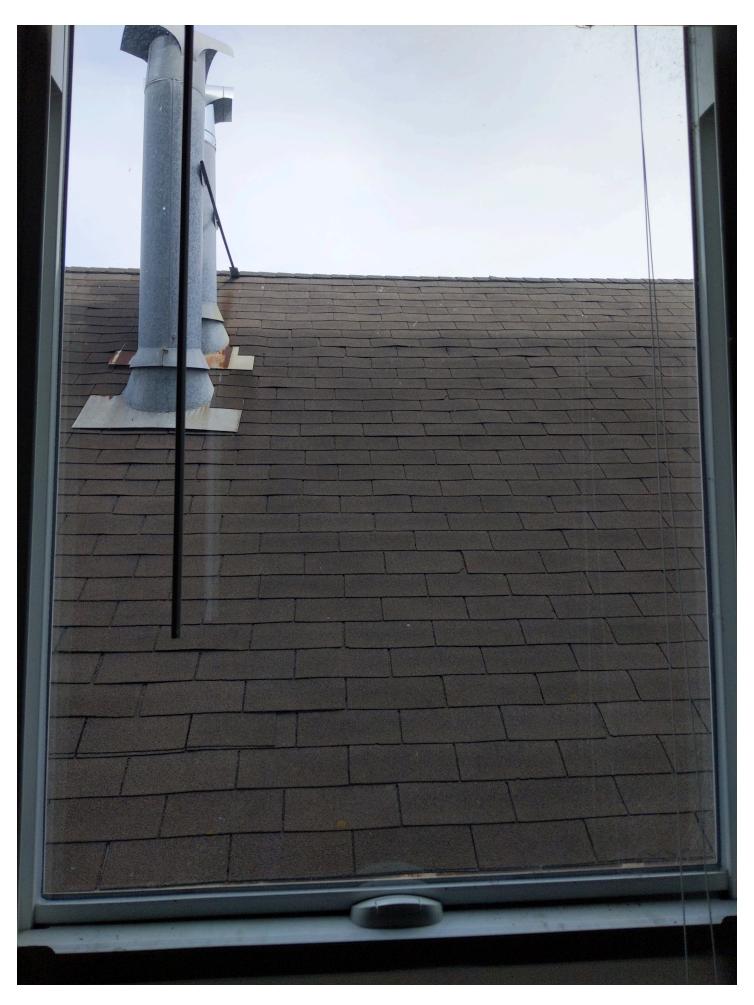
Proposals (in order of preference)

- 1. Preserve the original gabled roof along the western side of the building to preserve light to 4083; OR
- 2. Implement 3' setback along western boundary of third floor addition and 3' setback along rear extension of second floor; OR
- 3. Implement (a) sloped roof above stairwell such that the vertical increase over the 6.5' stretch of staircase is 2' versus 10'; (b) 3' setback along western side of master bedroom and slope master bedroom roof to 7' plate-line; and (c) 3' setback along rear extension of second floor

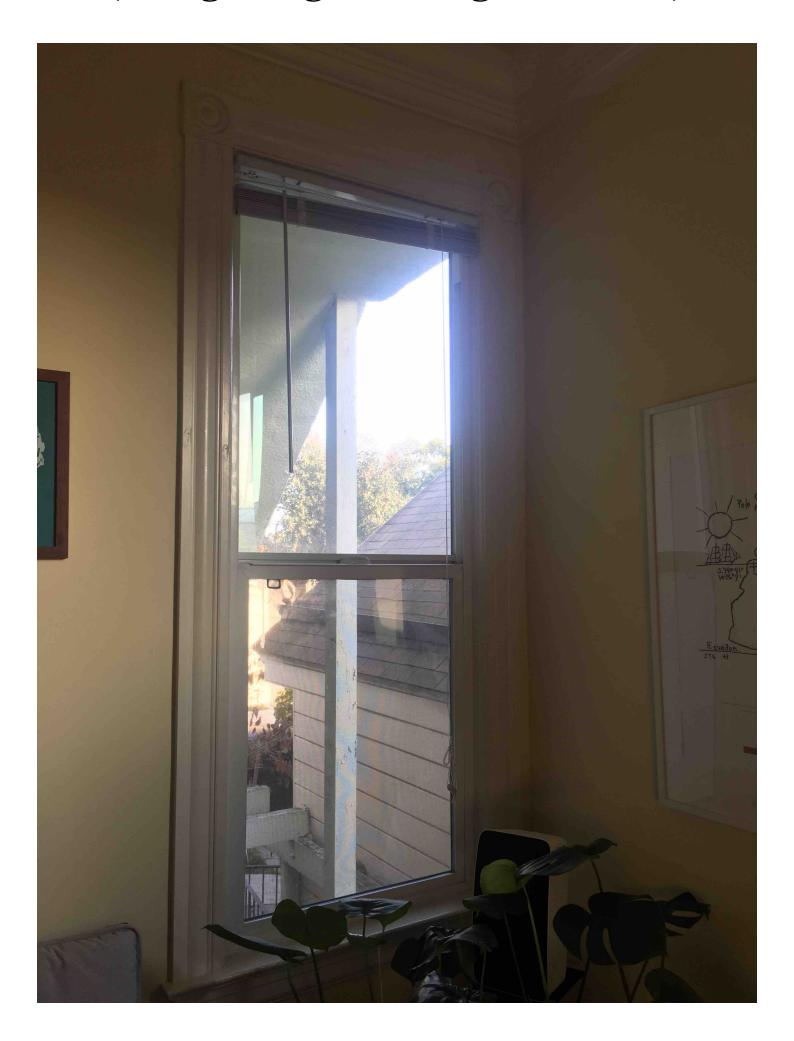
4083 Living Room Eastern Window



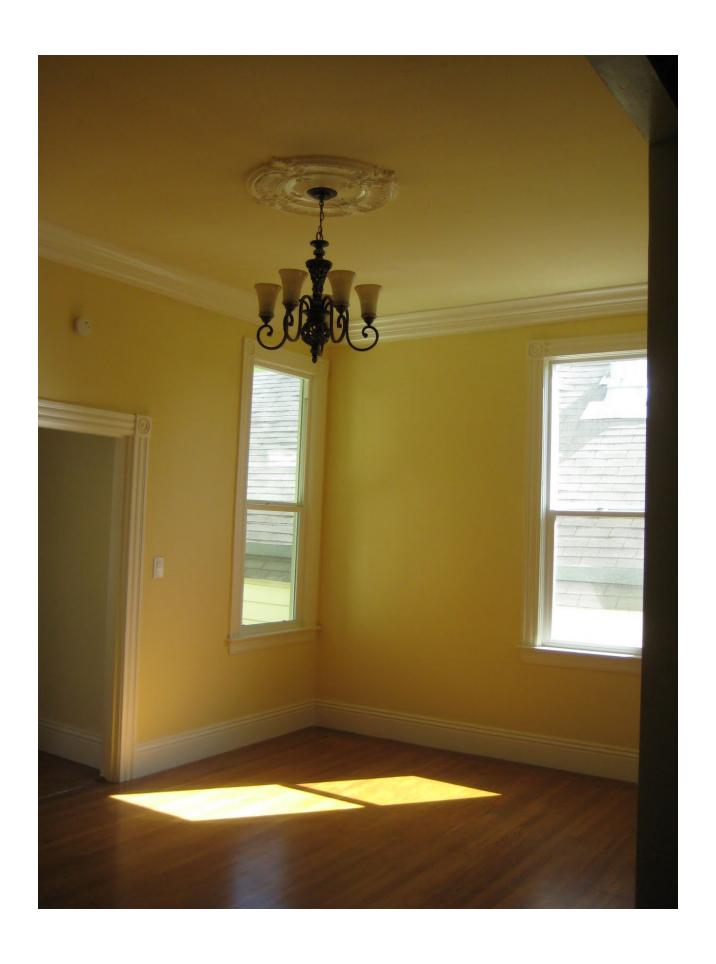
Bottom of Gabled Roof only 8" above Bottom of Window



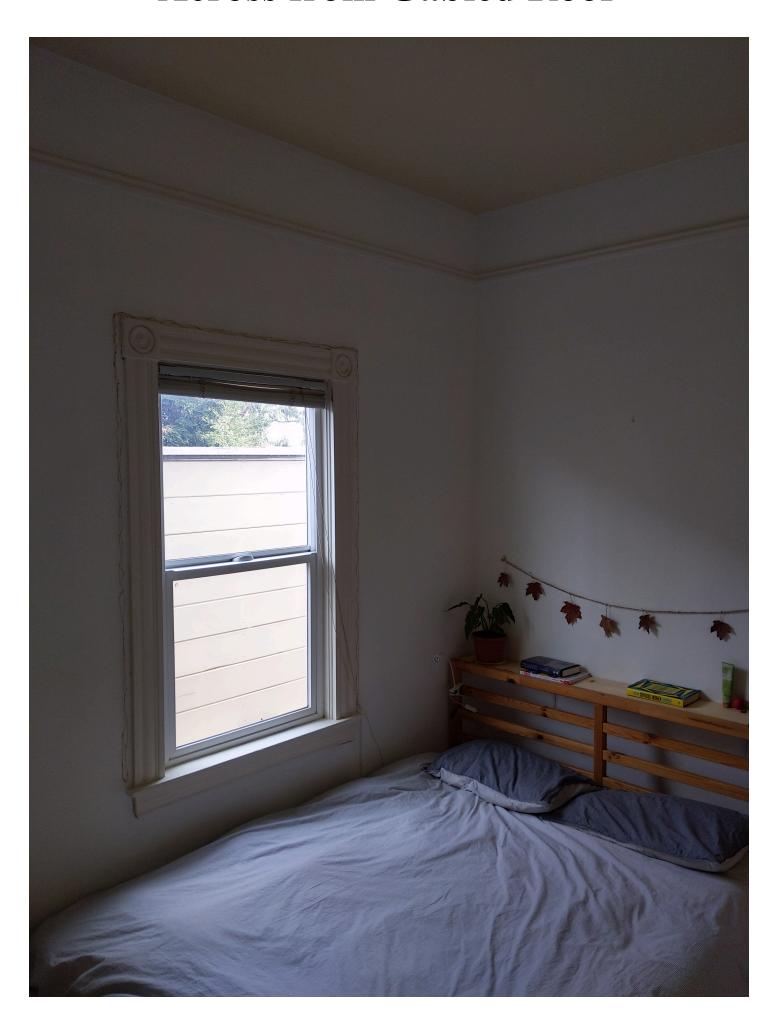
4083 Living Room Northern Window (also gets light from gabled roof)



Direct & Ambient Light Enter 4083 Living Room Northern Window



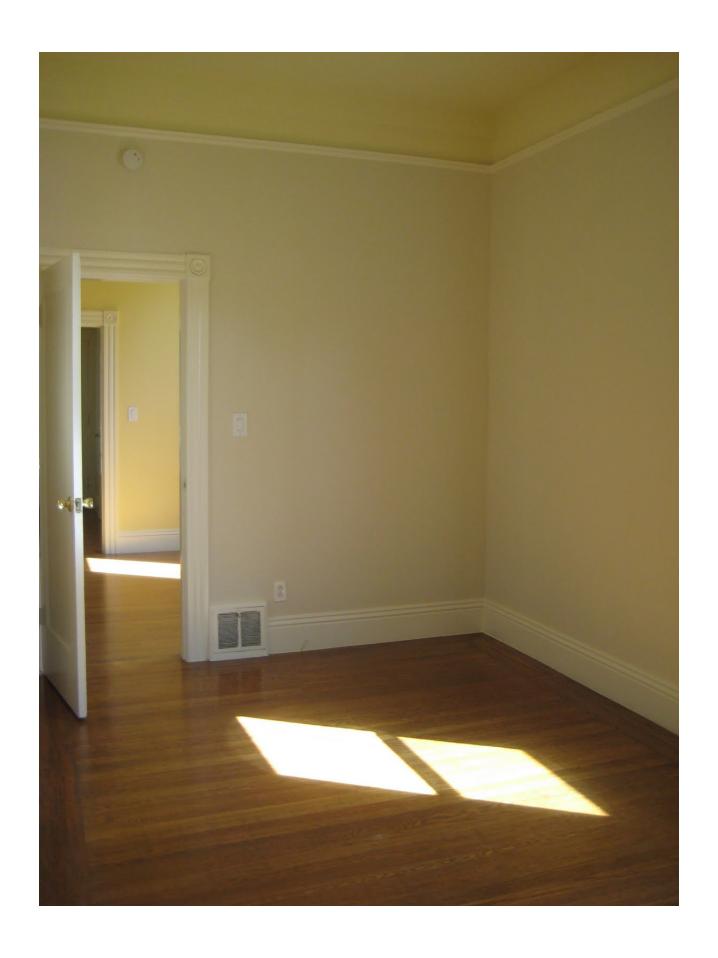
4083 Only Bedroom Window Across from Gabled Roof



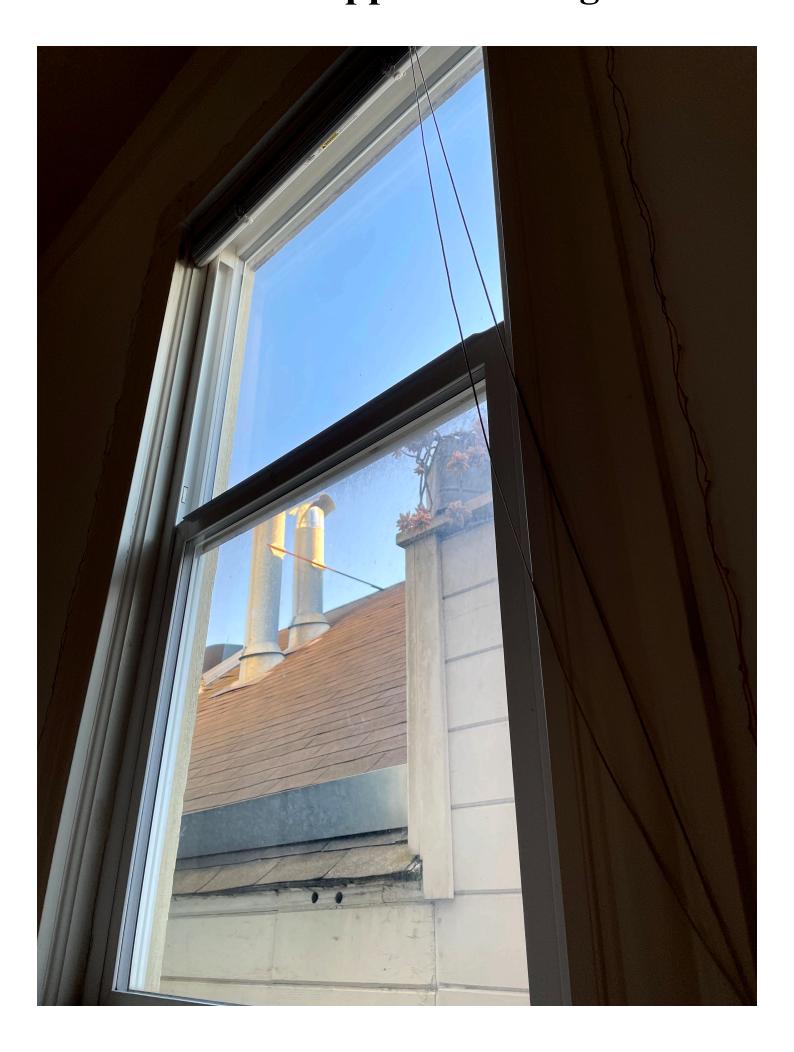
Direct & Ambient Light Enter 4083 Bedroom Window



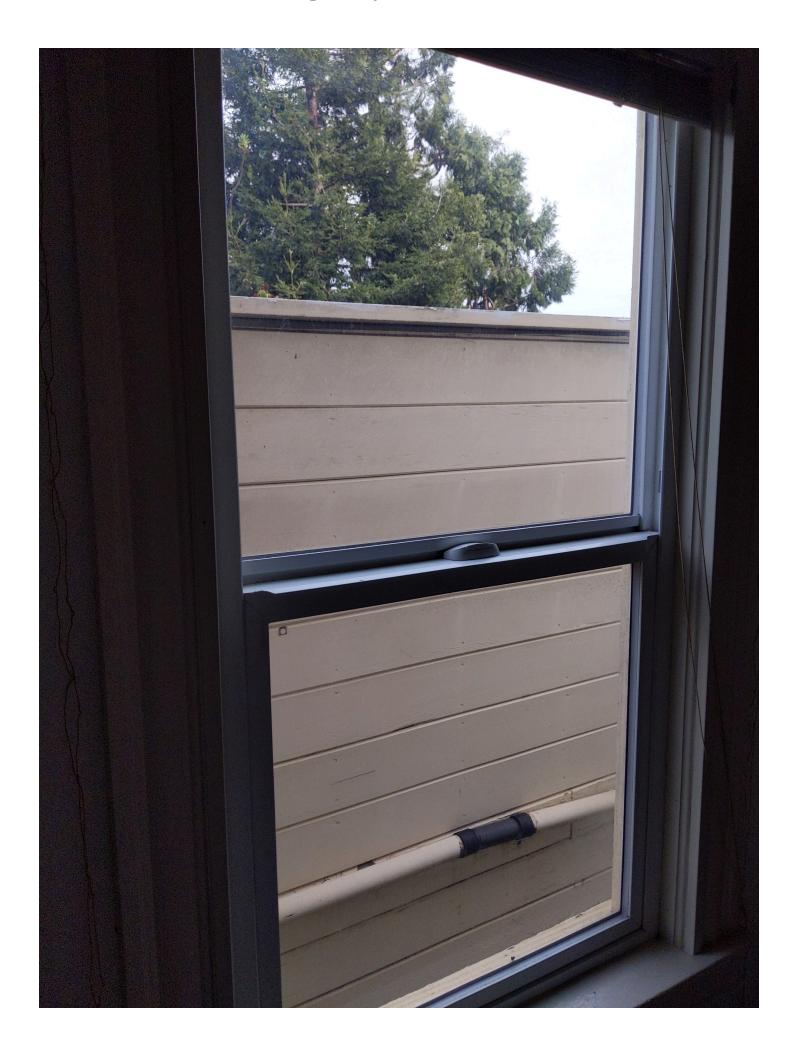
Direct & Ambient Light Enter 4083 Bedroom Window



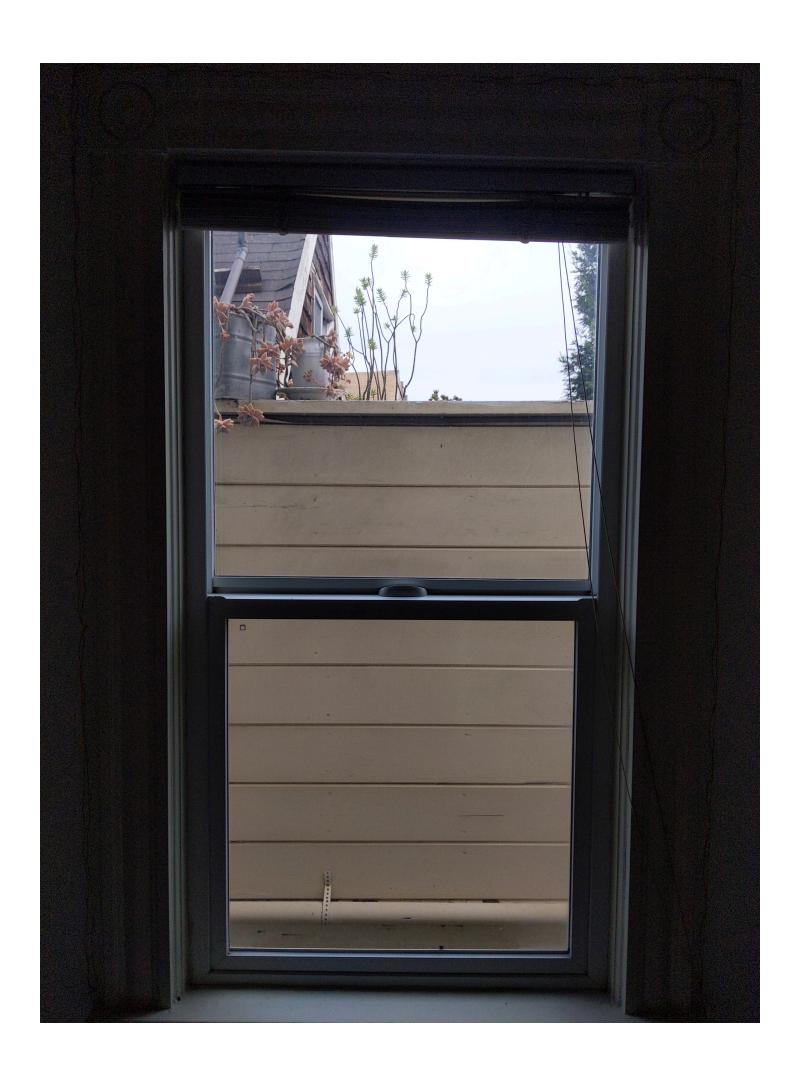
4083 Bedroom Also Receives Light From Gabled Roof Opposite Living Room

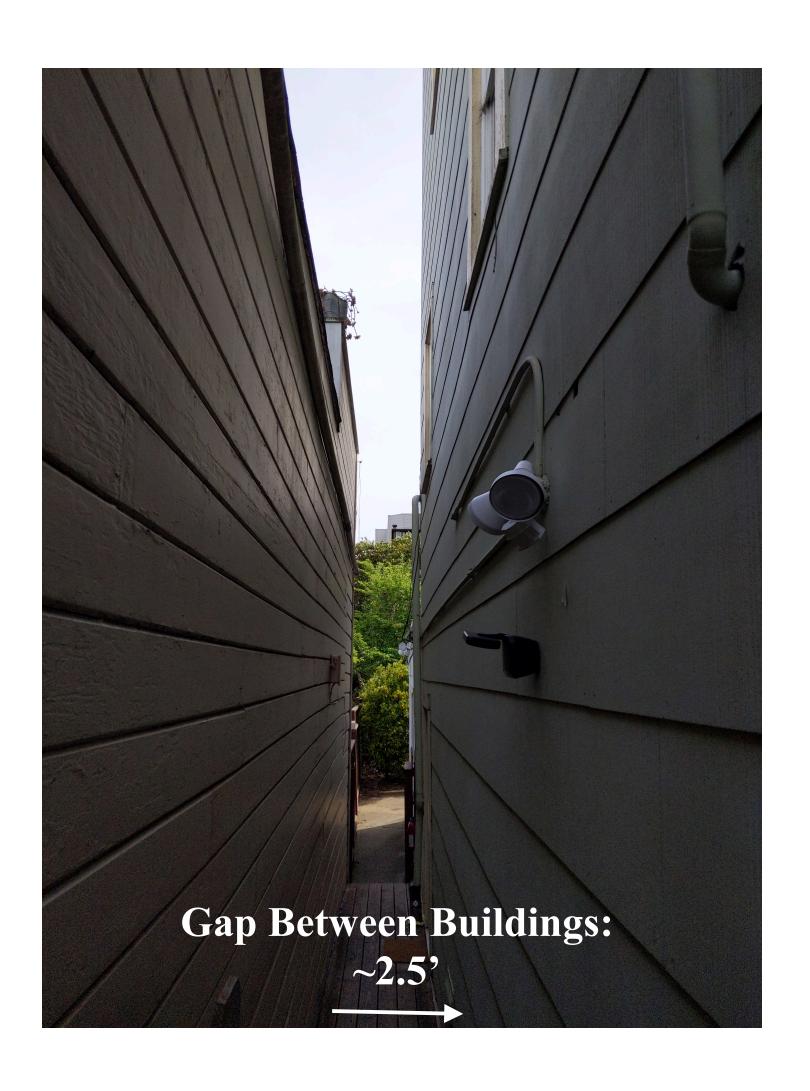


4083 Bedroom Window @ Eye Level



4083 Bedroom Window





William Pashelinsky
Architect
1937 Hayes Street
San Francisco, California 94117
(415) 806 3464
Email billpash@gmail.com

May 12th, 2021

San Francisco Planning Commission 49 S. Van Ness San Francisco, Ca. 94103

Re: Discretionary Review 4079 Cesar Chavez Ave. San Francisco, Ca. 94114

Existing building: 3 story 2 residential rental units. The existing top floor is a gabled roof.

The building has been owned by James Gallagher and Paul McKenna for 19 years.

The building is to remain rental units.

Proposed Project. The project is square off the existing gabled roof. Overall height will not exceed the current peak. There will be a rear yard horizontal 2 story addition with roof decks. The building will remain a 2 story unit with a one story unit at the 1st floor and a 2 story unit above.

We met with the owners and tenants of 4083-4085 Cesar Chavez numerous times. The only item we could not come to an agreement on is the window at the 2nd floor bedroom. These proposed revisons are indicated on the Site Plan A 1.02 DR and the west elevation A 3.03 DR.

Meetings:

- 1). 3 Zoom meeting with owners and tenants.
- 2). 3 hour session with Mediation through the Community Mediation Services.
- 3). 2 zoom sessions with the San Francisco Planning Department.

The proposed modifications:

- 1). We offered to install windows at both the bedroom and living room of the 2nd floor unit.
- 2). We offered to provide a sloped roof over the 6'-8" wide stairwell (between 2nd and 3rd floor). The stairwell is infront of the window at the adjacent living room. This is in lieu of another window.

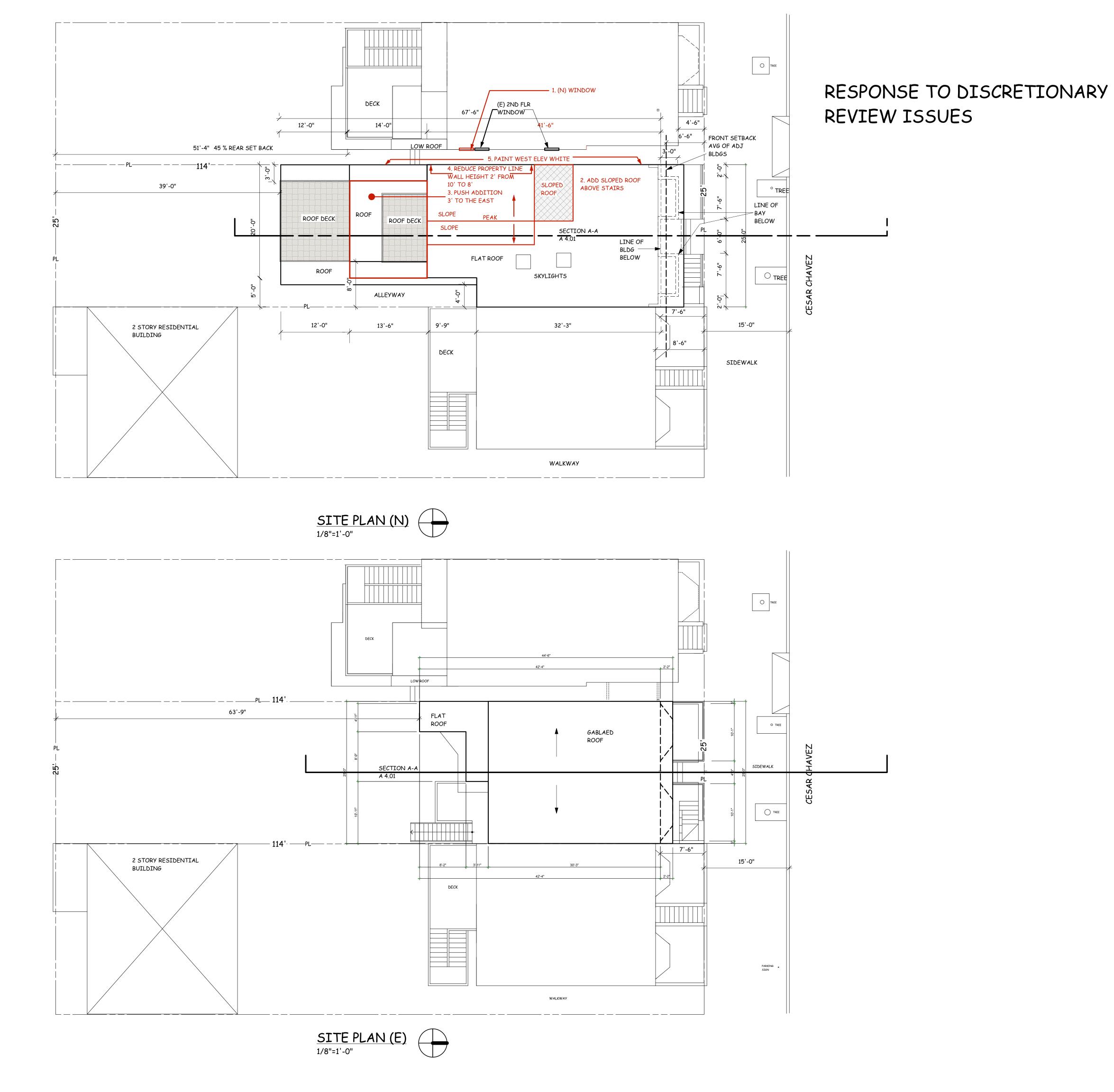
- 3). We offered to push the rear horizontal 2nd floor addition 3 feet to the east. This would substantially increase light to the windows at the adjacent lower floor unit.
- 4). Creating a gabled roof over the master bedroom at the 3rd floor. This would result in a 2 foot height reduction of the west elevation adjacent to the bedroom window.
- 5). Painting the west elevation reflective white.

See Exhibit A for proposed modifications.

The offer was rejected prior to the originally scheduled Commission hearing. The DR requestor is asking for a 3 foot reduction of the master bedroom. We believe the both the addition of another window and a reduction of 2 feet of the vertical wall results in substantially increased light.

This bedroom window already is infront of a solid wall (see A 3.03).

In an attempt to resolve the issue of the bedroom light we agreed to continue the hearing. The owner sent a plan of the unit to us. The space is 2 rooms the bedroom and den/alcove (see Exhibit B). While the den faces towards the rear and has both a glazed door and window facing to the rear yard. These spaces act as one room as there is no other communicating opening into this den except the bedroom. At the last zoom meeting we offered either to increase the opening to 4 feet or to replace existing window and door with a new sliding glazed door. This offer is in lieu of adding a 2nd window to the east facing wall. The offer was not accepted.



WILLIAM PASHELINSKY ARCHITECT 1937 HAYES STREET SAN FRANCISCO, CA.94117 415 379 3676

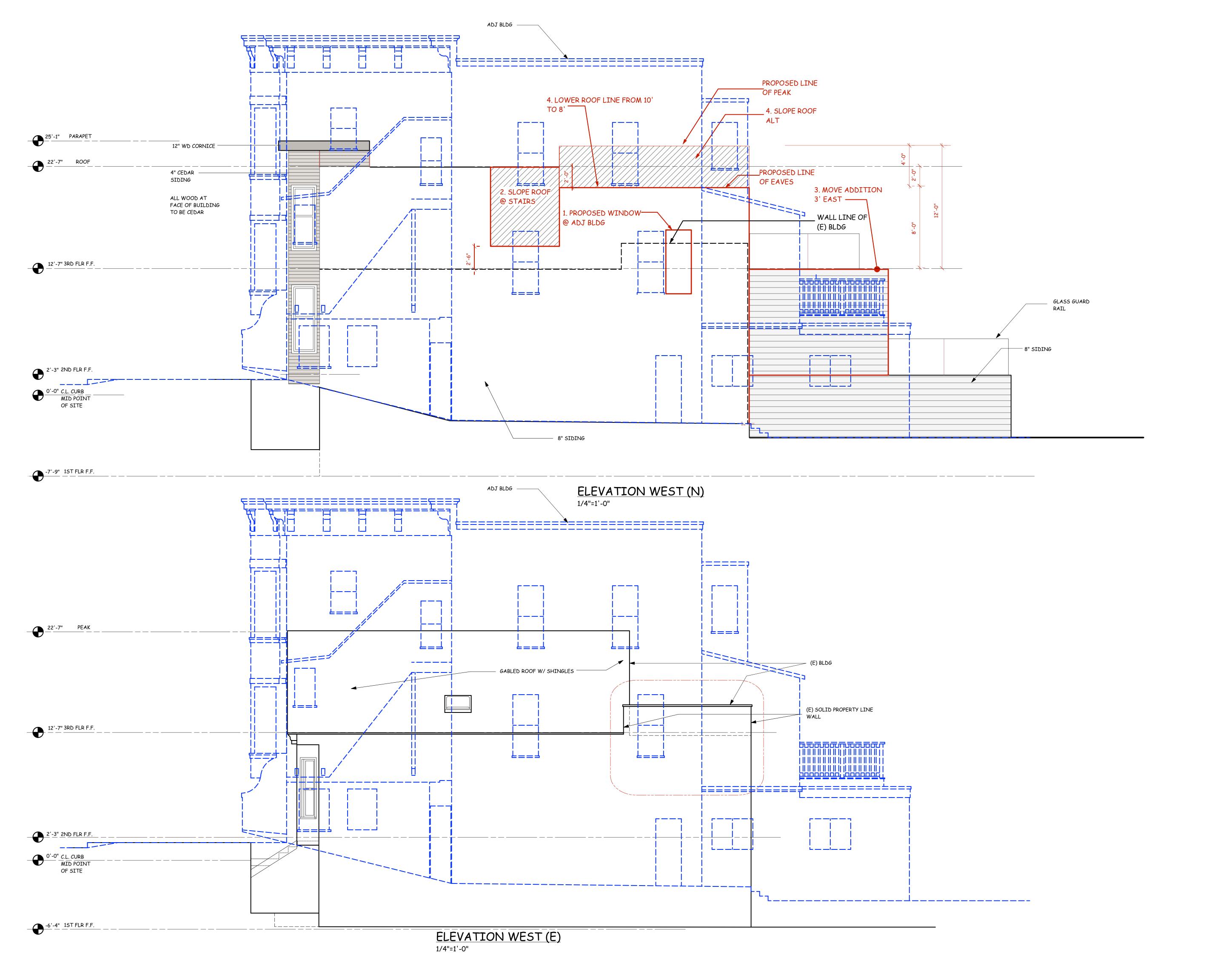
ADDITION AND ALTERATIONS
4079 CESAR CHAVEZ STREET
SAN FRANCISCO, CA.

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NO.	DATE	DESCRIPTION
1	10/06/20	PLANNING REV
2	12.03.20	PLANNING REV
3	03.01.21	PLANNING REV

PROJECT NO. 2019.12 SHEET

A-1.02.DR



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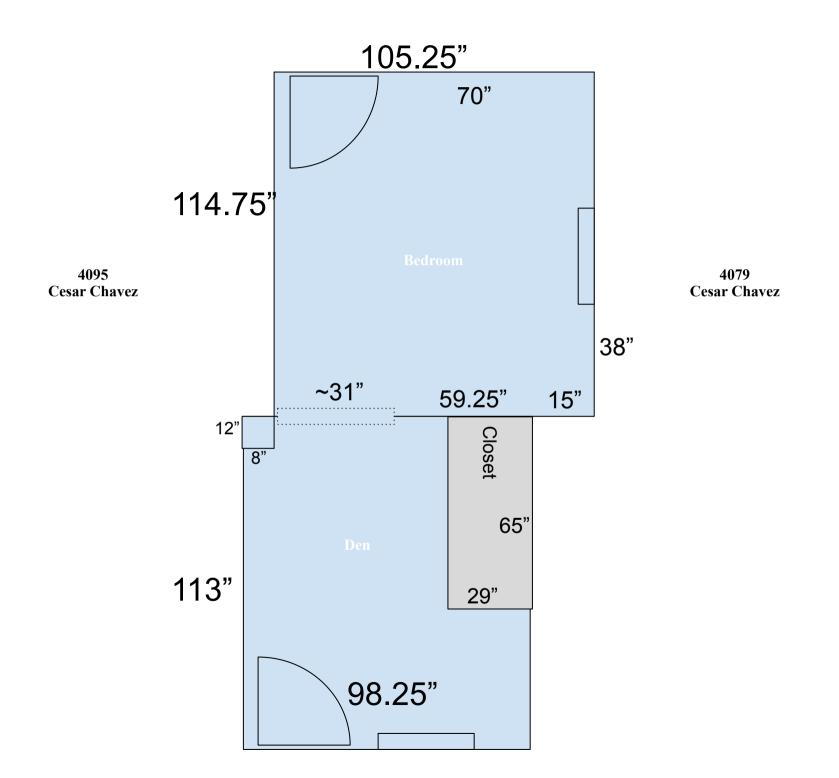
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ADDITION AND ALTERATIONS 4079 CESAR CHAVEZ STREET SAN FRANCISCO, CA.

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NO.	DATE	DESCRIPTION
1	10.06.20	PLANNING REV
2	12.03.20	PLANNING REV
3	03.01.21	PLANNING REV

PROJECT NO. 2019.12 SHEET



GENERAL NOTES:

INTENT OF DOCUMENTS:

It is the intent of these Contract Documents to establish a high quality of material and workmanship, but not necessarily to note and call for every last item of work to be done. Any item not specifically covered but deemed necessary for satisfactory completion of the work shall be accomplished by the Contractor in a manner consistent with the quality of the work without additional cost to the Owner. All materials and methods of installation shall be in accordance with industry standards and manufacturers recommendations.

A. All materials and workmanship shall conform to the requirements of the following codes and regulations and any other local and state laws and regulations:

San francisco Building Code 2019 Edition

San franciscoFire Code 2019 Edition

San francisco Plumbing Code 2019 Edition

San francisco Electrical Code 2019 Edition San francisco Mechanical Code 2019 Edition

Verify all existing conditions and dimensions at the project site. Notify the Architect and/or Engineer of any discrepancies before beginning construction.

B. Provide adequate and proper shoring and bracing to maintain safe conditions at all times. The contractor shall be solely responsible for providing adequate shoring and bracing as required for protection of life and property during the construction of the project. C. At all times the Contractor shall be solely and completely responsible for all conditions at the jobsite, including safety of persons and property, and all necessary independent engineering reviews of these conditions. The Architects jobsite reviews are not intended nor shall they be construed to include a review of the adequancy of the contractors safety measures. D. Unless otherwise shown or noted, all typical details shall used where applicable. E. All details shall be constued typical at similar conditions. F. All Drawing conflicts shall be brought to the attention of the Architect and/or Consulting Engineer for clarification before work proceeds. G. The Contractor shall supply all labor, materials, equipment and

services, including water and power, necessary for the proper execution of the work shown on these drawings. All materials shall be new and workmanship shall be good quality. All workman and subcontractors shall be skilled in their trade. Any inspections, special or otherwise, that are required by the building codes, local builing departments, on these plans shall be done by an independent inspection company.

H. Finishes: Replace patch, repair and refinish all existing surfaces affected by the new work. All new finishes shall match the adjacent surface. all surfaces shall align.

I. The General Contractor shall visit the site and familiarize themselves with the existing site conditions prior to finalizing of any proposal to the owner. The general Contractor shall be responsibe to inform the owner or Architect of potential existing conditions that need to be addressed and or modified inorder to complete the work as herein described in these Drawings.

J. The General Contractor shall be reponsible for all means and methods of construction including but not limited to leveling, shiming, and blocking. The General Contractor shall make specific note of such items that can not be known prior to the commencement of construction.

DRAWING INDEX:

A 1.01 GENERAL NOTES, SCOPE OF WORK AND DRAWING INDEX

A 1.02 SITE AND ROOF PLANS

A 1.03 317 DEMOLITION ANALYSIS A 2.01 FLOOR PLANS EXISTING

A 2.02 FLOOR PLANS PROPOSED

A 2.03 FLOOR PLAN PROPOSED A 3.01 EXTERIOR ELEVATIONS

A 3.02 EXTERIOR ELEVATIONS

A 3.03 EXTERIOR ELEVATIONS

A 3.04 EXTERIOR ELEVATIONS

A 4.01 BUILDING SECTION

PROJECT INFORMATION:

ZONING: RH-2 CLASS B HISTORIC HEIGHT AND BULK DISTRICT: 40-X EXISTING OCCUPANCY: R-3 PROPOSED OCCUPANCY: R-3

EXISTING USE: SINGLE FAMILY RESIDENCE PROPOSED USE: TWO FAMILY RESIDENCE

EXISTING: 2 STORYS PROPOSED: 4 STORYS

EXISTING CONSTRUCTION TYPE: 5-B PROPOSED CONSTRUCTION TYPE: 5-B

BUILDING HEIGHT EXISTING: 25 FEET BUILDING HEIGHT PROPOSED: 40 FEET

BLOCK:3643 LOT: 023

VIICINITY MAP

SCOPE OF WORK:

REMOVE GABLED ROOF AND PROVIDE FLAT ROOF AND NEW PROPERTY LINE WALLS AT 3RD FLOOR. PROVIDE HORIZONTAL REAR YARD ADDITION. REMODEL THE INTERIOR OF BOTH UNITS INCLUDING BATHROOMS AND KITCHENS

101 DOOR NUMBER

FLOOR

FRENCH

FURNISH

FURRING

GAUGE

GLAZING

GYPSUM BOARD

GYPSUM

FOOT OR FEET

DRAWING REVISION

A 6.02 DRAWING REFERENCE

1 NOTE/ITEM NUMBER

FLR.

FT.

FURN.

FURR.

GL.

GYP.

GYP.BD.

ADDR	TYTA I TOINS:		
@ Ģ	AT CENTERLINE	HGT./HT.	HEIGHT
Ø (E)	DIAMETER OR ROUND EXISTING	INSUL.	INSULATION
(N) (R)	NEW REPLACE	MFG. MAX. MTL. MIN.	MANUFACTURING MAXIMUM METAL MINIMUM
AFF	ABOVE FINISH FLOOR	O.C.	ON CENTER
BM.	BEAM		
BLDG.	BUILDING	PR. PKT.	PAIR POCKET
CBC CLR.	CALIFORNIA BUILDING CODE CLEAR	P.T.	PRESSURE TREATED
CLOS. CONC.	CLOSET CONCRETE	REF. REQ'D REQ'T	
DECK'G DET. DIA. DISP.	DECKING DETAIL DIAMETER DISPOSAL	RTG. R & S RM.	
DW. DR. DBL. DN. DRWGS. D	DISHWASHER DOOR DOUBLE DOWN DRAWINGS DRYER	SIM. S.C. SQ. FT. STOR. STRUCT.	SIMILAR SOLID CORE SQUARE FOOT/FEET STORAGE STRUCTURAL
EA.	EACH	TEMP. TRANS. TYP.	TEMPERED TRANSPARENT TYPICAL
F FIN. F.R.	FAHRENHEIT FINISH FIRE RATED	U.O.N.	UNLESS OTHERWISE NOTED

V.I.F.

WDO.

WD.

VERIFY IN FIELD

WATER HEATER

WATERPROOF

WASHER

WINDOW

WITH

MOOD

ABBREVIATIONS:

DRAWING SYMBOLS

WINDOW NUMBER

SKYLIGHT NUMBER

1 DETAIL NUMBER AND

GRADE

PROPERTY LINE

ELEV NO. A 3.01 DRAWING REFERENCE

EXISTING BUILDING STATISTICS

FLOOR	UNIT 1	UNIT 2	TOTAL HABITABLE	GARAGE/ STORAGE	TOTAL
1ST FLOOR	855	0	855	0	855
2ND FLOOR	0	870	870	0	870
3RD FLOOR	0	502	502	0	502
TOTAL	855	1,372	2,227	0	2,227

PROPOSED BUILDING STATISTICS

FLOOR	UNIT 1	UNIT 2	TOTAL HABITABLE	GARAGE/ STORAGE	TOTAL
1ST FLOOR	1,548	0	1,548	0	1,548
2ND FLOOR	0	1,279	1,279	0	1,279
3RD FLOOR	0	998	998	0	998
TOTAL	1,548	2,277	3,817	0	3,817

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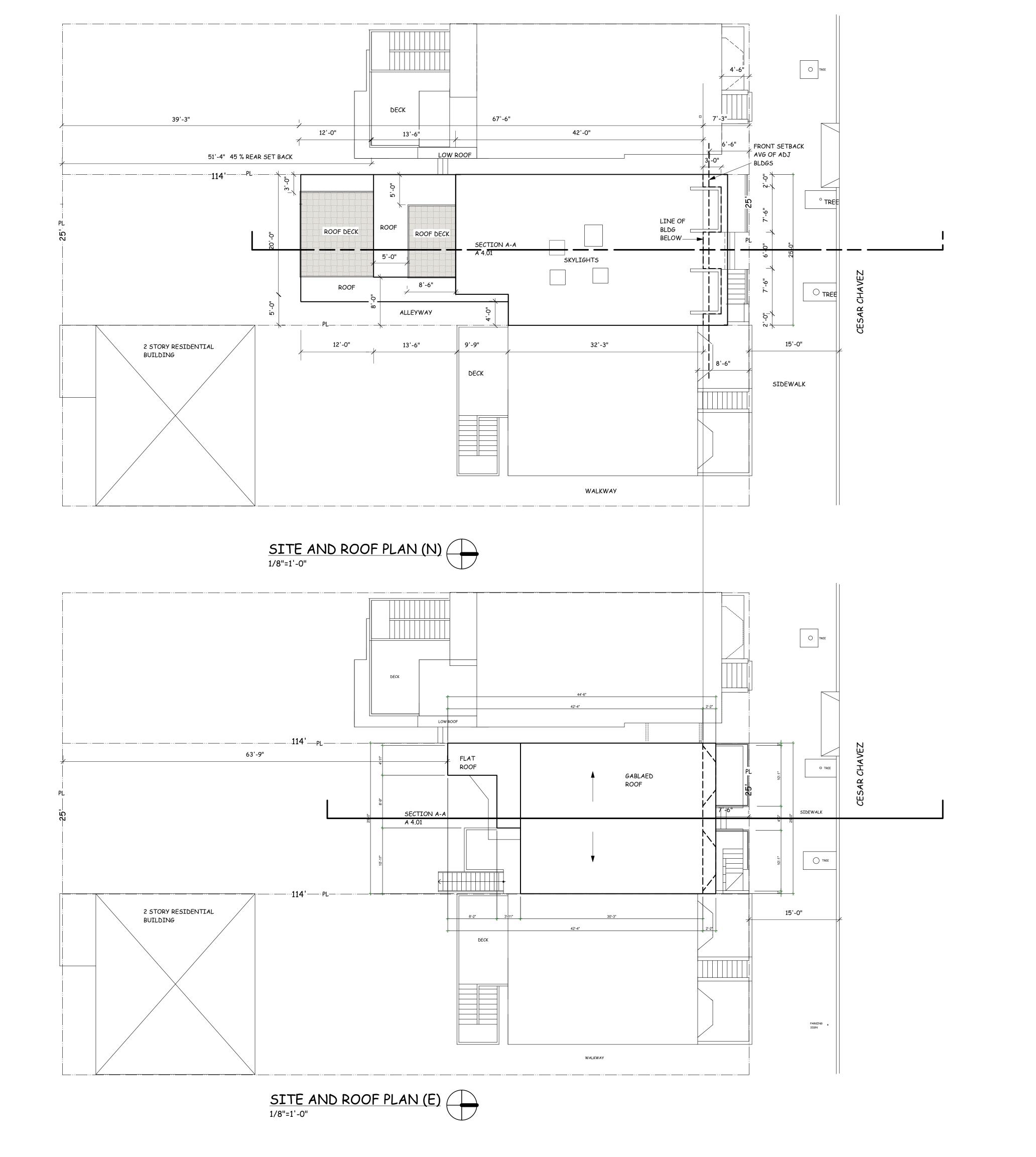
1937 HAYES STREET SAN FRANCISCO, CA.94117 415 379 3676

ALTERATIONS 4079 CESAR CHAVEZ STREE SAN FRANCISCO, CA.

ADDITION AND

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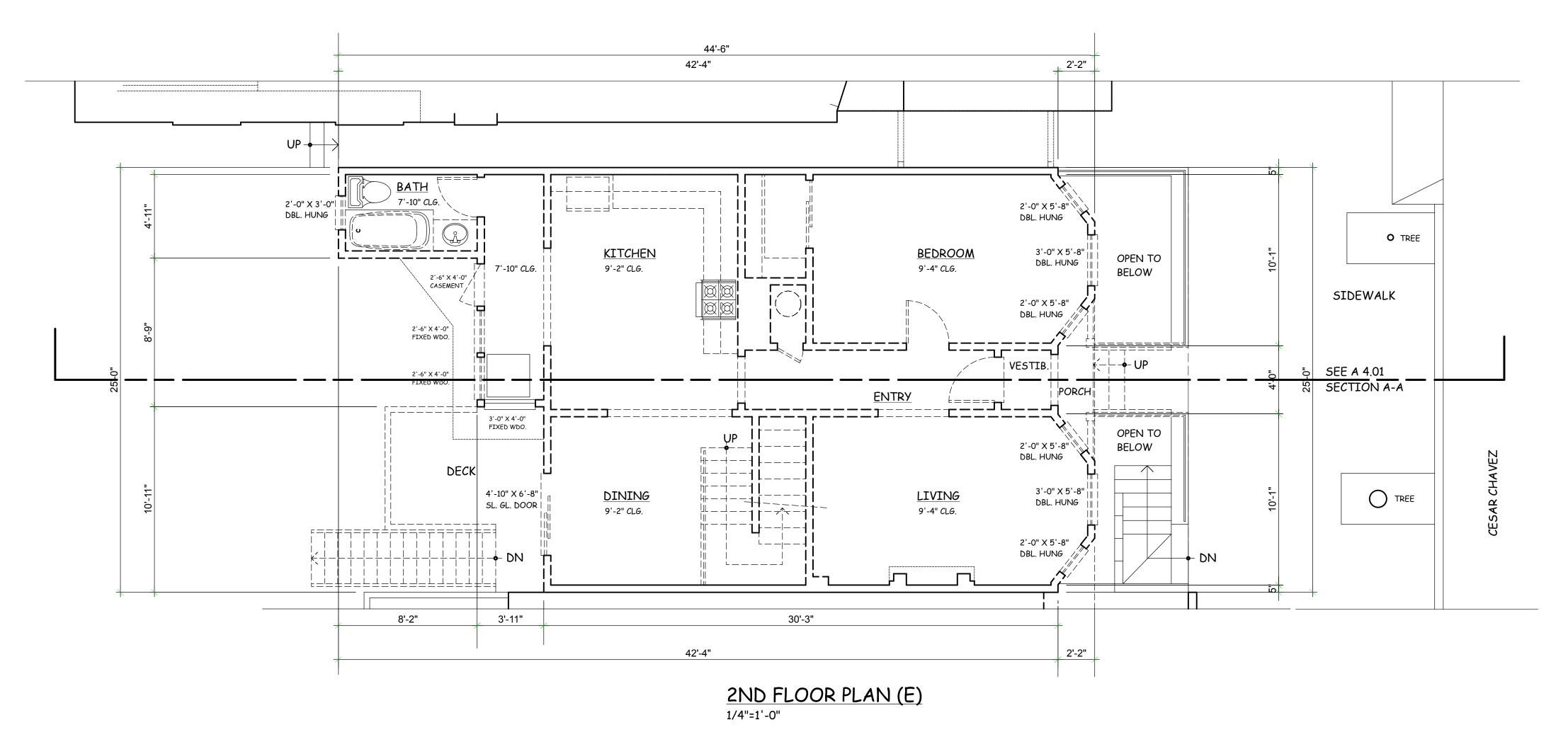


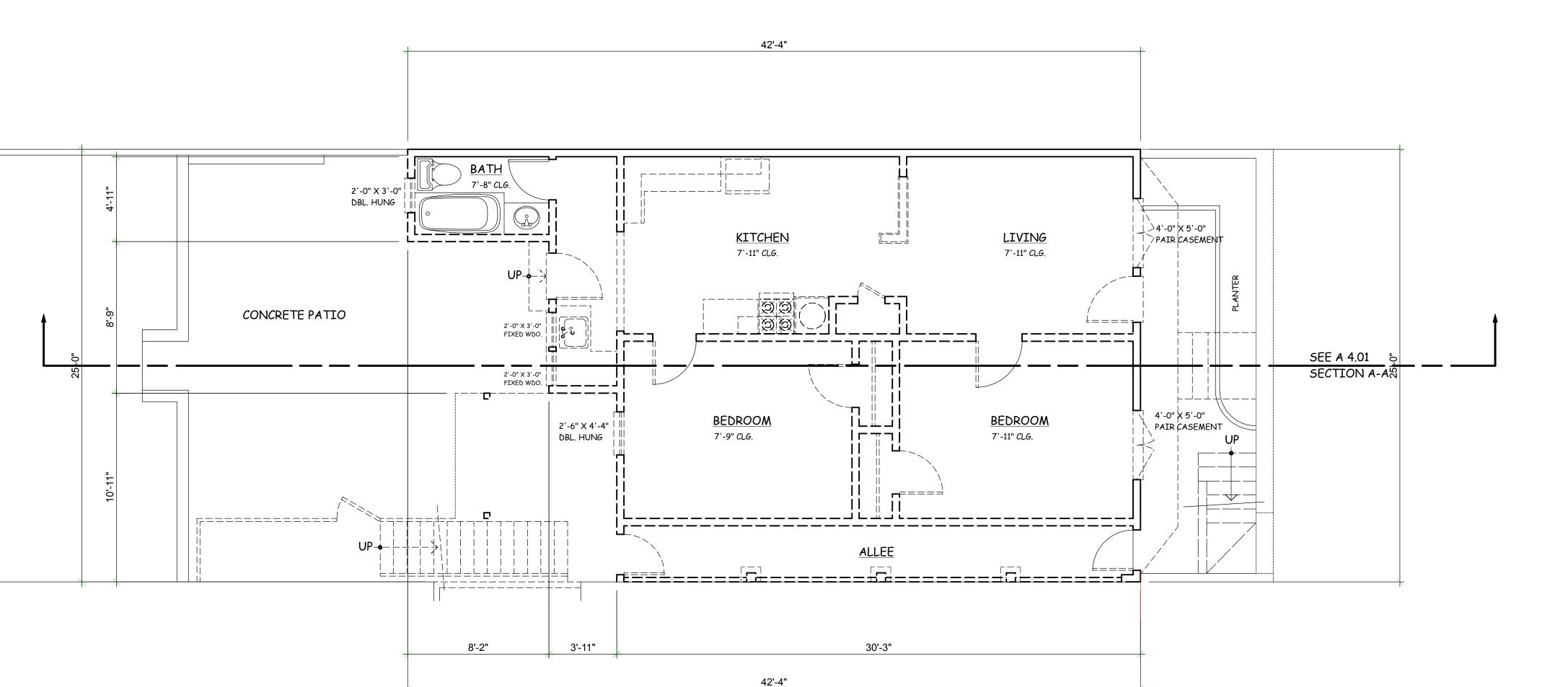
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NO.	DATE	DESCRIPTION	
1	10/06/20	PLANNING REV	





1ST FLOOR PLAN (E) 1/4"=1'-0"

WILLIAM PASHELINSKY ARCHITECT 1937 HAYES STREET SAN FRANCISCO, CA.94117 415 379 3676

ADDITION AND ALTERATIONS
4079 CESAR CHAVEZ STREET
SAN FRANCISCO, CA.

WALL LEGEND

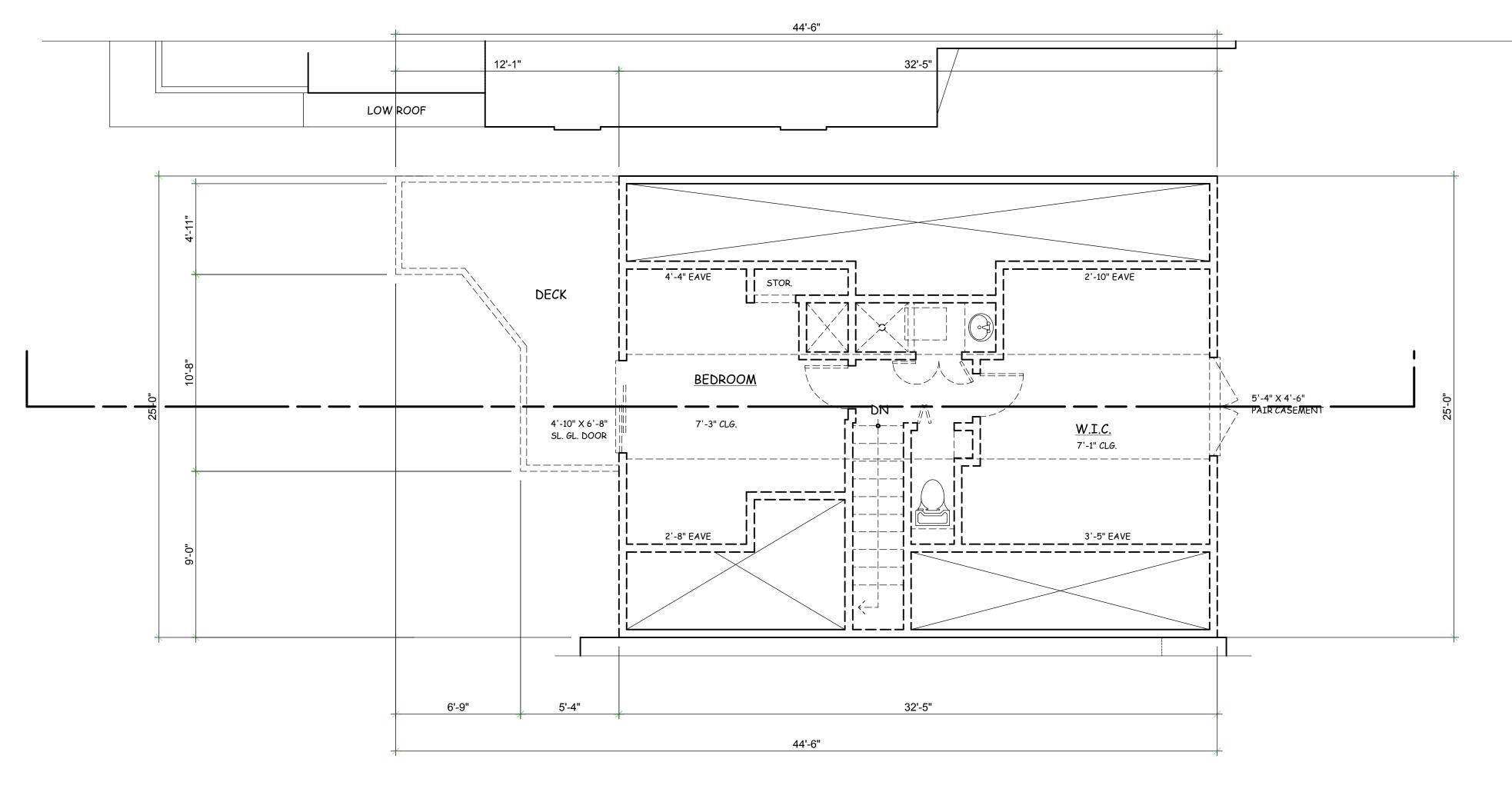
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EXISTING:

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PERMISSION OF WILLIAM PASHELINSKY ARCHITECT

NO.	DATE	DESCRIPTION
1	10.06.20	PLANNING REV



3RD FLOOR PLAN (E) 1/4"=1'-0"

WILLIAM PASHELINSKY

ARCHITECT
1937 HAYES STREET
SAN FRANCISCO, CA.94117
415 379 3676

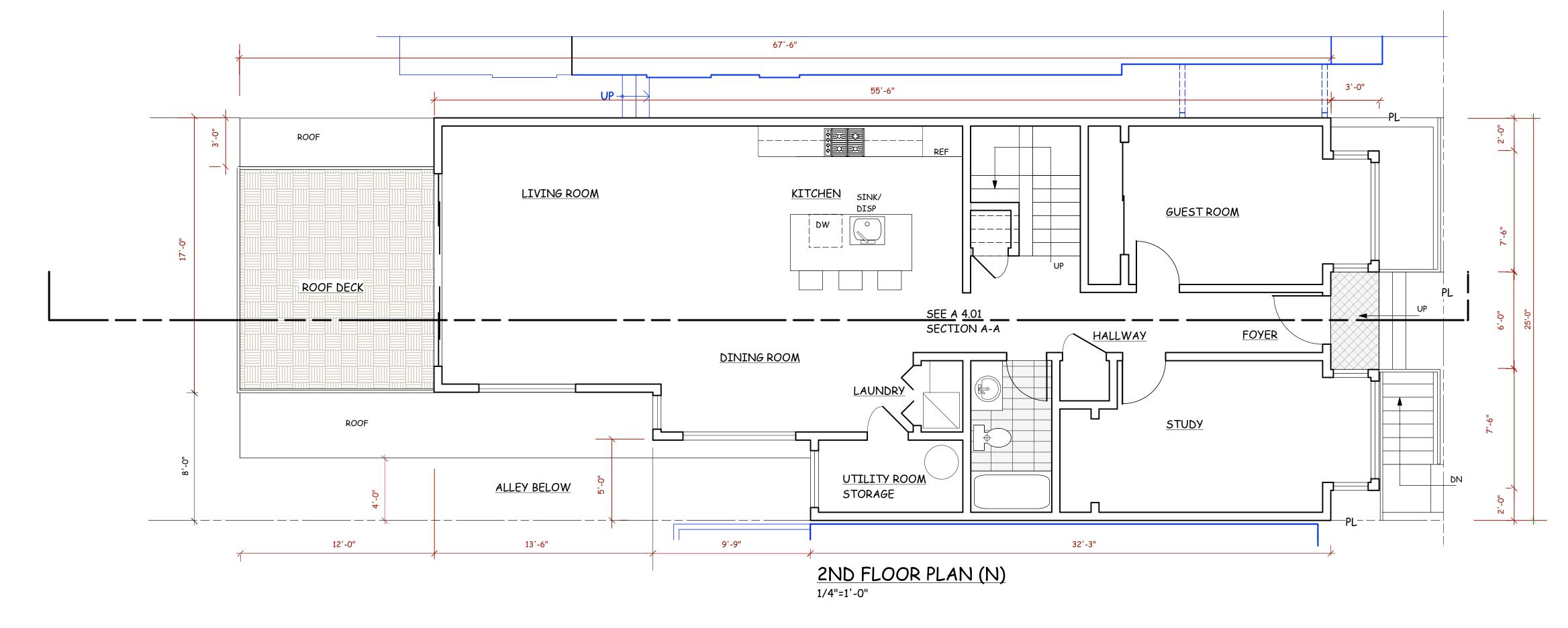
ADDITION AND ALTERATIONS
4079 CESAR CHAVEZ STREET SAN FRANCISCO, CA.

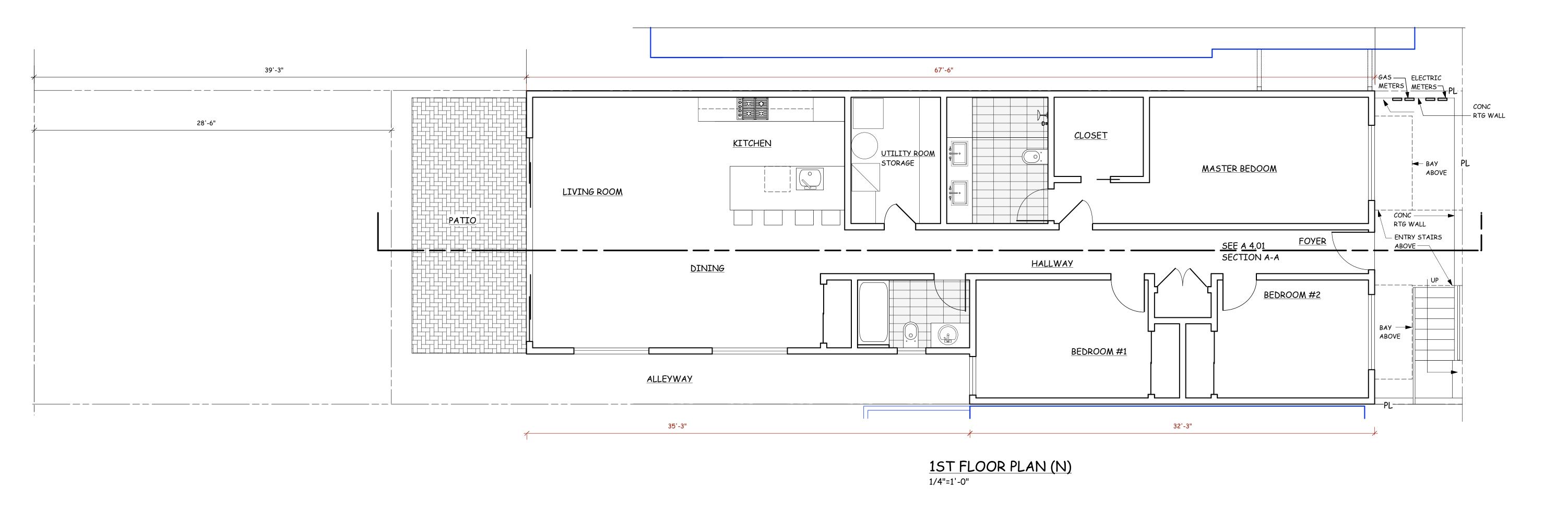
WALL LEGEND

DEMOLISH: [===]

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NO.	DATE	DESCRIPTION
1	10.06.20	PLANNING REV



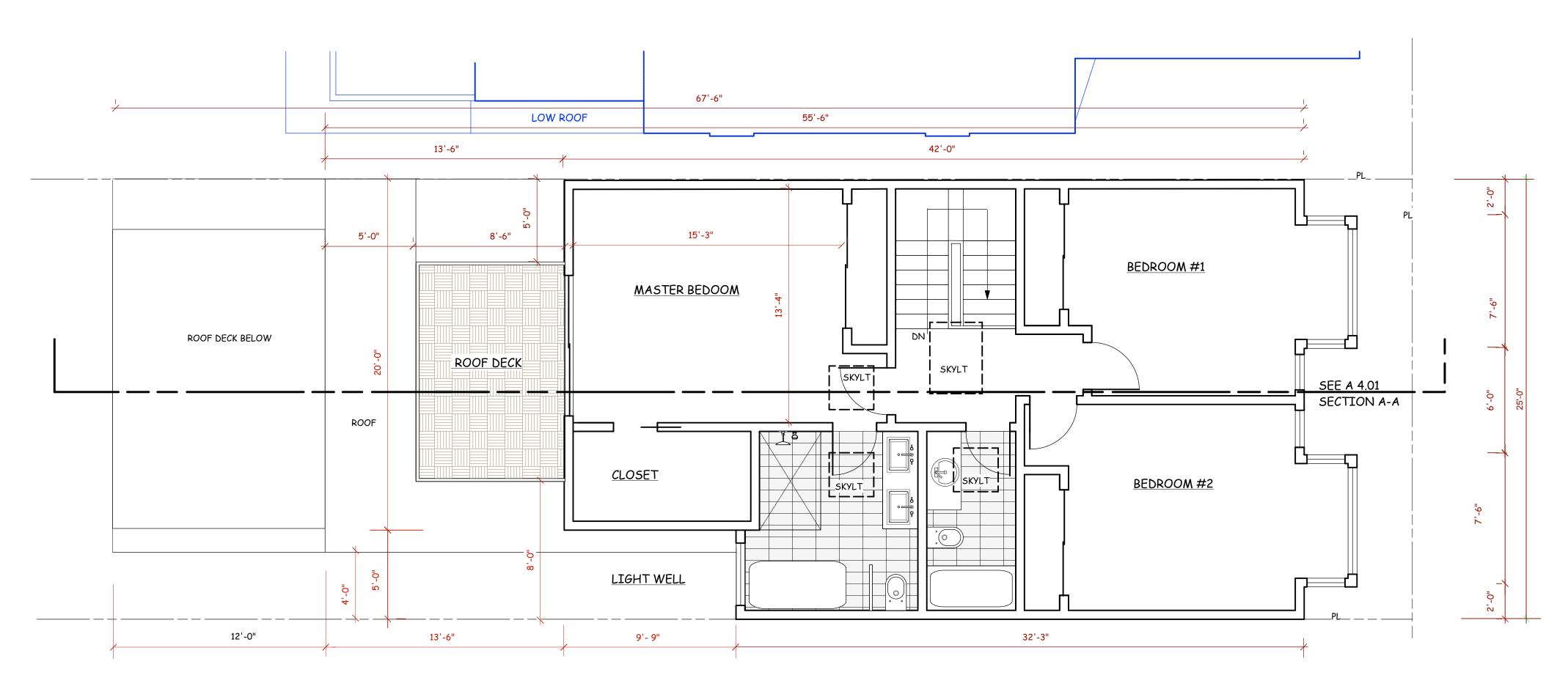


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ADDITION AND ALTERATIONS
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1	10.06.20	PLANNING REV	
2	12.02.20	PLANNING REV	



3RD FLOOR PLAN (N)

1/4"=1'-0"

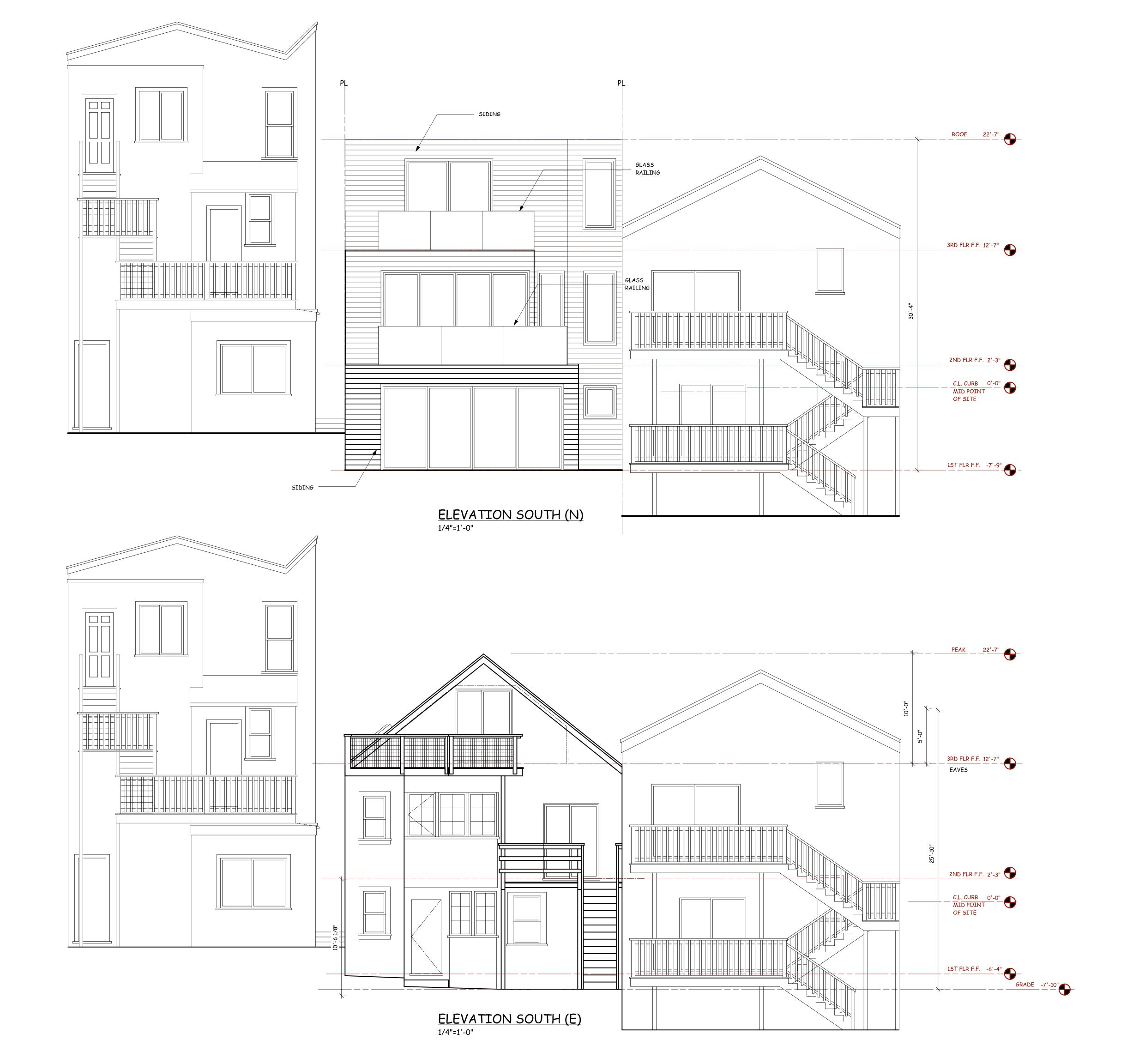
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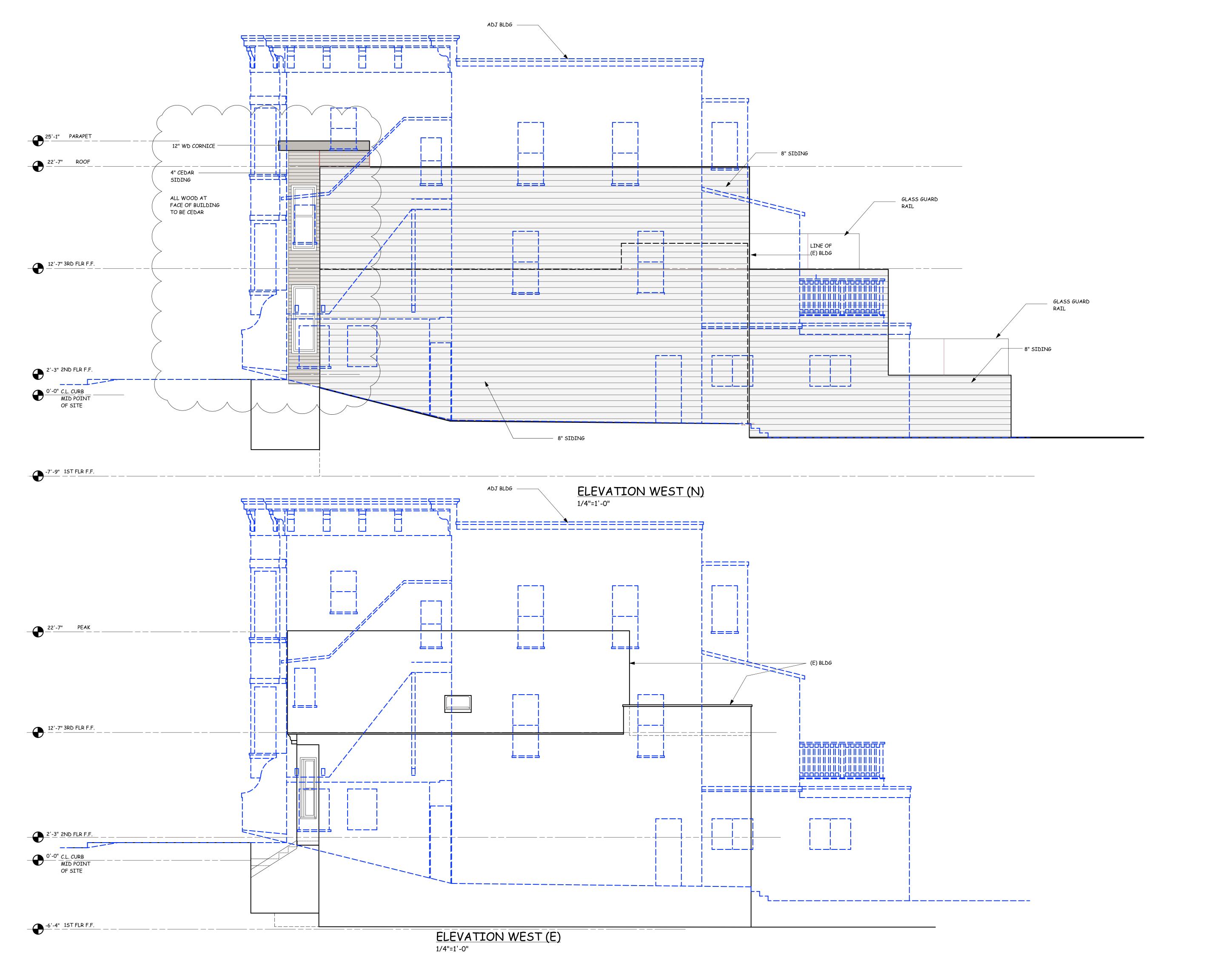
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NO.	DATE	DESCRIPTION
1	10.06.20	PLANNING REV

PROJECT NO. 2019.12 SHEET



WILLIAM PASHELINSKY ARCHITECT

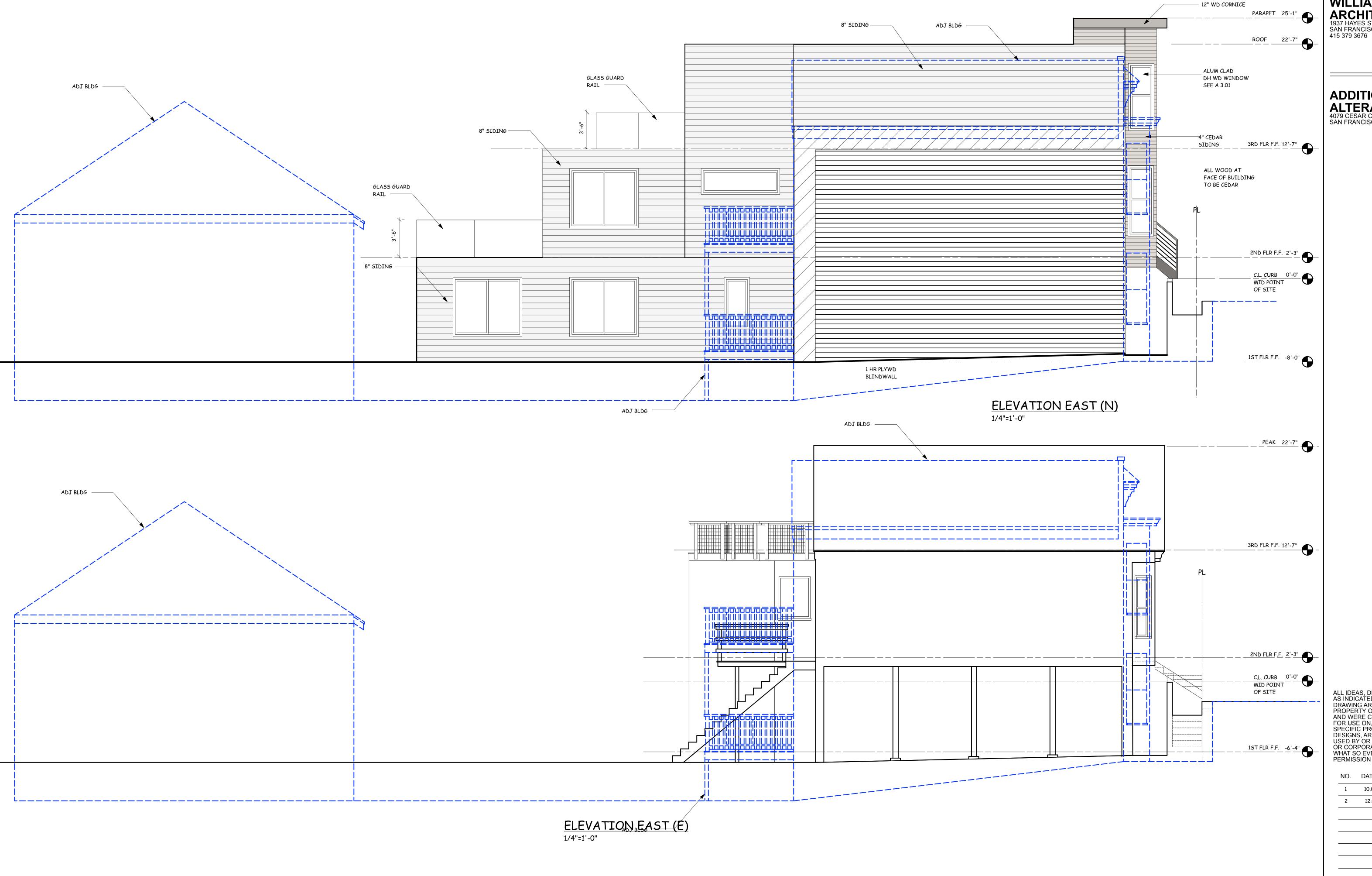
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10.06.20	
10.00.20	PLANNING REV
12.03.20	PLANNING REV
	12.03.20

PROJECT NO. 2019.12 SHEET

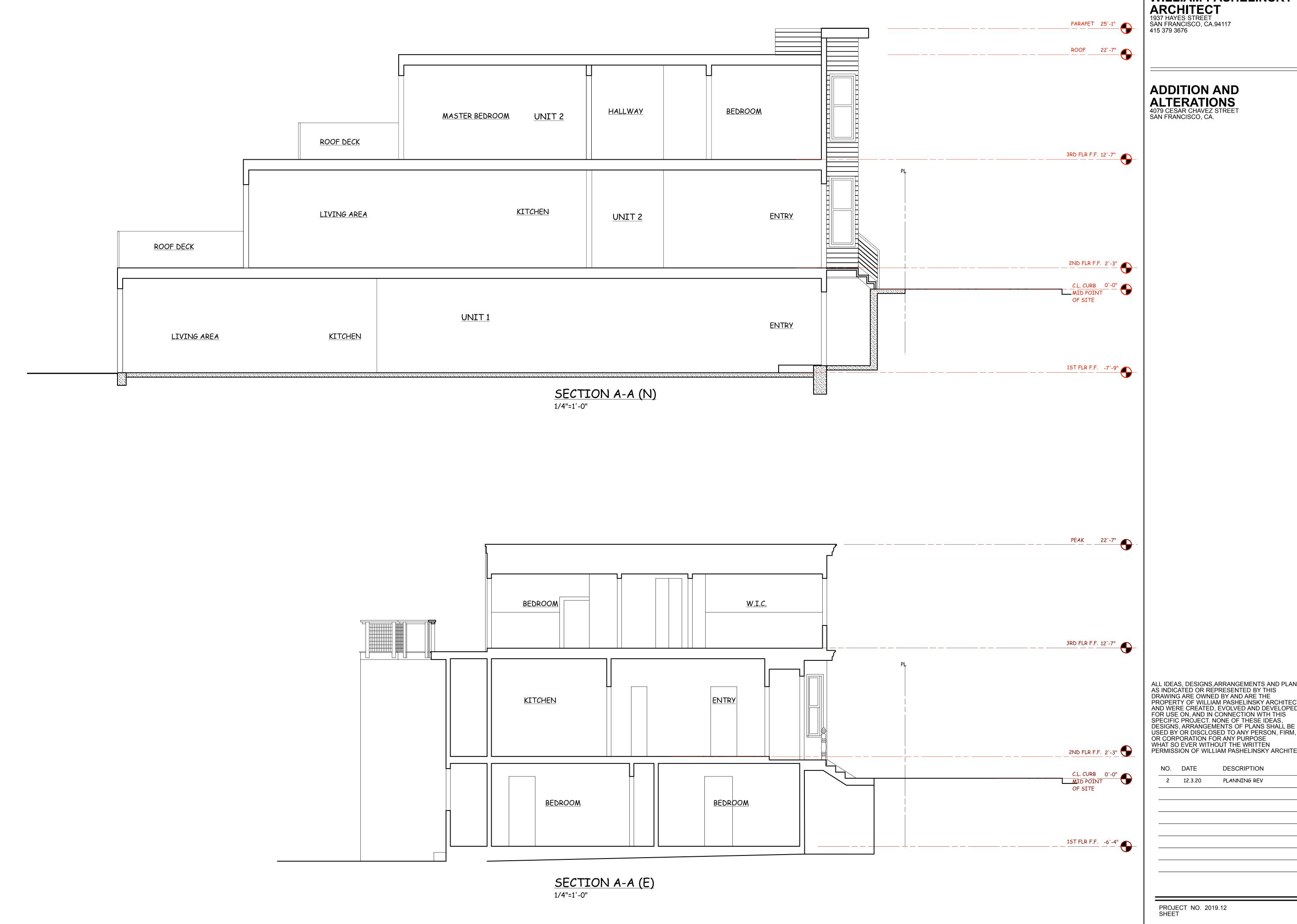


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