

Draft Findings to be adopted by the Board in the event the Board adopts the revised plans, dated January 6, 2021, submitted by the Determination Holder.

Board of Appeals

City and County of San Francisco

Appeal No. 20-064: Joel Tomei v. Zoning Administrator

SUBJECT PROPERTY: 172 21st Avenue (CASE NO. 2018-007914VAR)

Variance Findings

On January 13, 2021 and February 17, 2021, this Appeal, filed by Joel Tomei (“Appellant”) of the Zoning Administrator’s issuance of a rear yard variance in Case No. 2018-007914VAR (“Variance”) came on before duly noticed hearings of the Board of Appeals (“Board”). The Variance permitted the demolition of an existing rear deck and stairs and the construction of a landing and stairs with a reduced footprint at 172 21st Avenue.

Having heard all the public testimony and reviewed all the documents in the record on the matter, including evidence submitted and testimony presented at the above-referenced hearings, the Board hereby grants the appeal and issues the Variance on the condition that the revised plans, dated January 6, 2021, and attached hereto, are adopted and based on the following Findings, which are sufficient to grant the Variance as required under Planning Code section 305(c):

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. The subject property, constructed circa 1921, contains two dwelling units. The building is set back more than 19 feet from the front property line, pushing the building deeper into the property. While the building itself would be permitted per Sec. 136(c)(25), the existing and proposed stair and landing are within the required rear yard. The uppermost dwelling unit maintains access to usable open space only through the existing deck and stairs at the rear of the building. Otherwise, occupants must exit the front of the building and traverse through the entire depth of the building to access the rear.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. The Planning Code requires each unit in the RH-2 Zoning District to provide 125 square feet of useable private open space, 166 square feet of useable common open space, or an adequate combination of the two. It also requires that the open space be as close as is practical to the dwelling unit for which it is required. The rear yard is the only source of usable open space on the property. Literal enforcement of the rear yard requirement would prevent better compliance with the open space requirement, and in a manner that is designed to be as minimal as possible. This presents a practical difficulty and unnecessary hardship.

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

Requirement Met.

- A. Granting this variance will allow the subject property to preserve and enjoy access to required useable open space for the uppermost dwelling unit. Access to usable open space is a substantial property right of the subject property and is generally possessed by other properties in the same class of district.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. The proposed landing and stairs have a reduced area in terms of square footage and less encroachment into the required rear yard than the existing deck and stairs, is lower than a full floor in height, and is generally the smallest possible to meet Building Code controls. The proposed landing and stairs also improve the livability of the subject property by providing a new, safer method of travel from the uppermost dwelling unit to usable open space. Granting the variance request will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.
- B. The revised plans were developed as a compromise alternative between the Appellant and Project Sponsor. The revised plans relocate the stairs from the rear of the building to the southeast corner of the building and include the addition of a firewall along the south side property line. The Project Sponsor has made good faith efforts to communicate this change to the owner/occupants of the impacted property at 178 21st Avenue.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
 2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will preserve the existing two dwelling units on the property.
 3. The proposed project will have no effect on the City's supply of affordable housing.
 4. The proposed project does not adversely affect neighborhood parking or public transit.
 5. The project will have no effect on the City's industrial and service sectors.
 6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
 7. The project will have no effect on the City's landmarks or historic buildings.
 8. The project would not affect any existing or planned public parks or open spaces.

This decision shall be subject to the following conditions:

1. The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Site or Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Site or Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when implementation of the project is

delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
4. Minor modifications as determined by the Zoning Administrator may be permitted.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
6. This Board of Appeals Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project, if applicable.

The effective date of this decision shall be the date of this Notice of Decision and Order.

Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

The undersigned hereby certify that the findings above were adopted by the Board of Appeals at its regular meeting on February 17, 2021.

Darry Honda, President

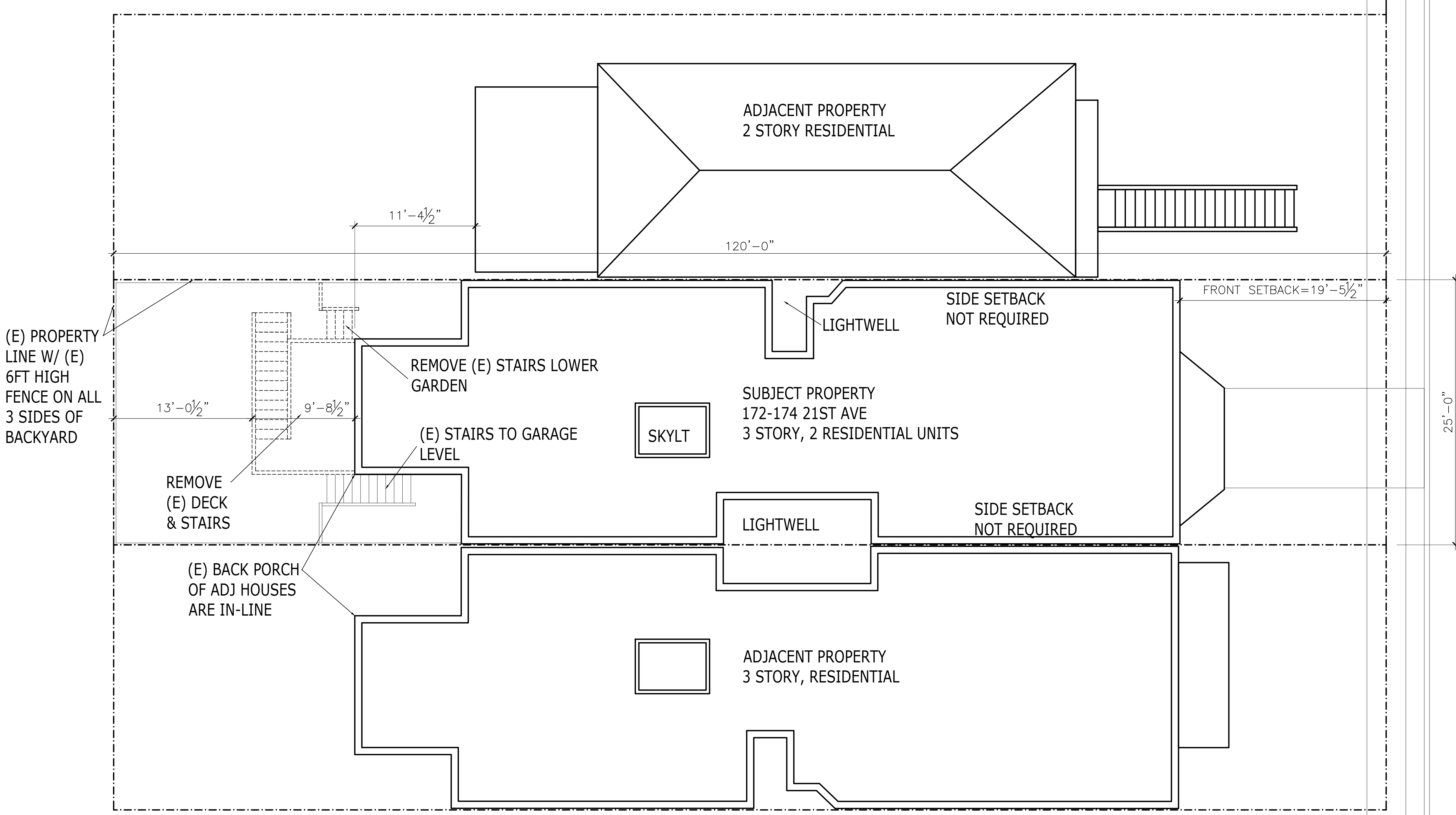
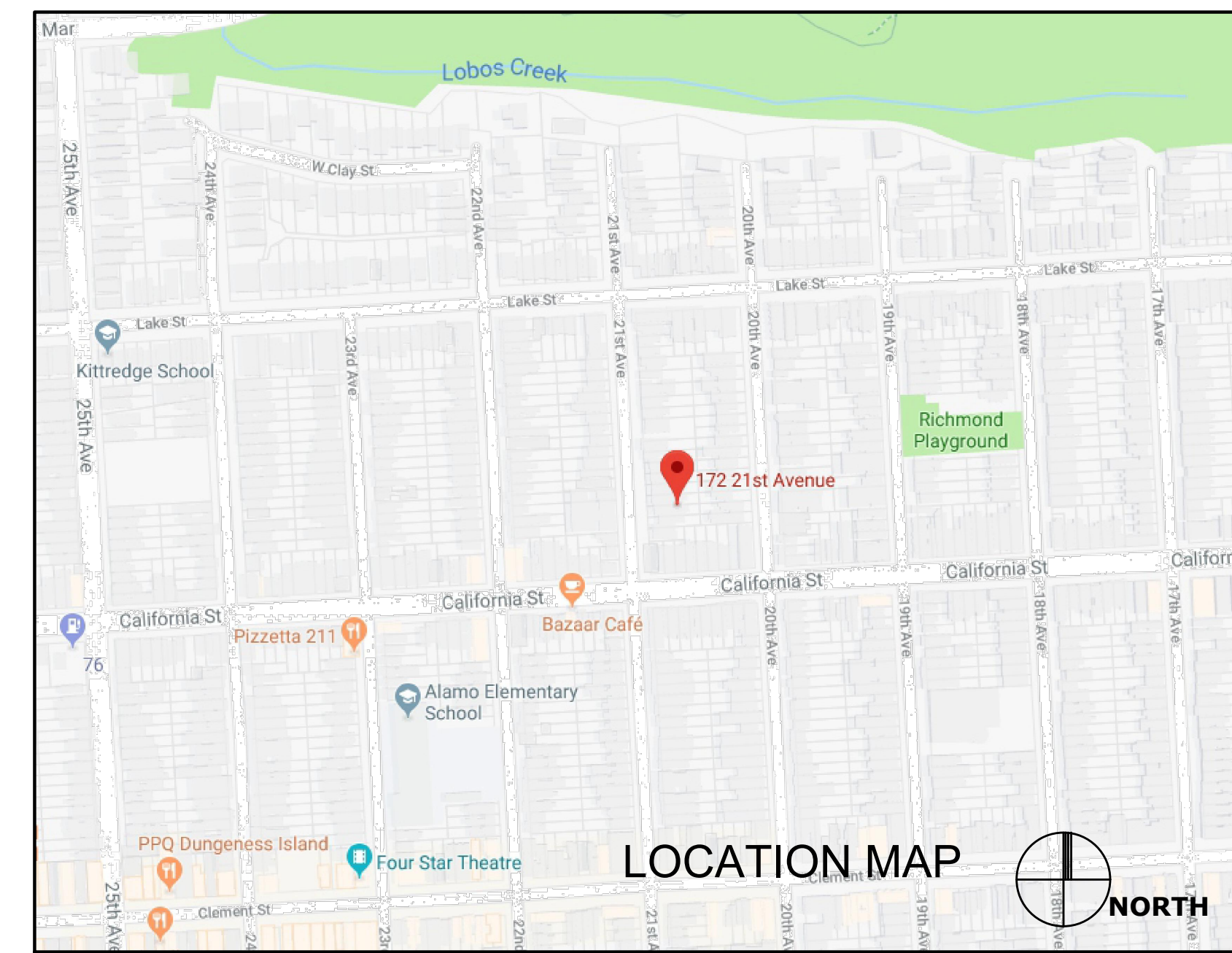
Julie Rosenberg, Executive Director

DRAFT

DECK REPLACEMENT

172 21ST AVE, SF, CA 94121

REV.3
1-6-2021

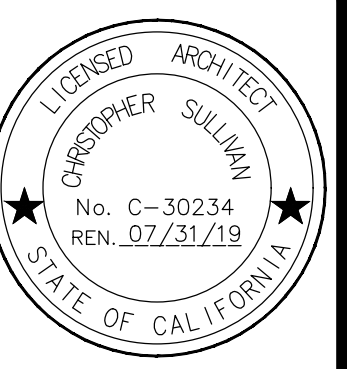


1 (E) PLOT PLAN
Scale: 3/16"=1'-0"



DRAWING LIST

- A0.0 TITLE SHEET, SITE PLAN
- A0.1 PROPOSED SITE PLAN
- A1.0 EXISTING AND PROPOSED PLANS
- A1.1 EXISTING AND PROPOSED PLANS
- A1.2 EXISTING AND PROPOSED PLANS
- A2.0 PROPOSED ELEVATIONS



ARCHITECT:
CHRIS SULLIVAN
3018 MARTIN LUTHER KING
BERKELEY CA 94703
415-272-4992
SULLI2@YAHOO.COM

PROJECT INFO

ADDRESS: 172 21ST AVE, APN: 1380/024
ZONING: RH-2
OCCUPANCY: R3
CONSTRUCTION TYPE VB
SPRINKLERS: NO

BUILDING CODES: 2016 CALIFORNIA BUILDING CODE
2016 CALIFORNIA ADMINISTRATIVE CODE
2016 CALIFORNIA ELECTRICAL CODE (CALGREEN)
2016 CALIFORNIA ELECTRICAL CODE
2016 CALIFORNIA MECHANICAL CODE
2016 CALIFORNIA PLUMBING CODE
2016 CALIFORNIA FIRE CODE
2016 CALIFORNIA EXISTING BUILDING CODE
2016 CALIFORNIA ENERGY CODE
2016 CALIFORNIA REFERENCED STANDARDS CODE
SAN CARLOS MUNICIPAL CODE
ALL APPLICABLE LOCAL, COUNTY, STATE AND FEDERAL CODES, LAWS & REGULATIONS

SCOPE OF WORK

REMOVE AND REPLACE (E) BACKYARD DECK AND STAIRS, SERVING TOP FLOOR TO GRADE. STAIRS SERVE AS BACK EGRESS FOR UPPER UNIT. THIS PERMIT IS IN RESPONSE TO AND RESOLVES NOTICE OF ENFORCEMENT 8581-ENF

OWNER/TENANT:
RALPH CHAPIN
172 21ST AVE
SF, CA 94121
415.937.5370

PROJECT:
DECK REPLACEMENT
172 21ST AVE
SF, CA 94121

DESCRIPTION:

TITLE

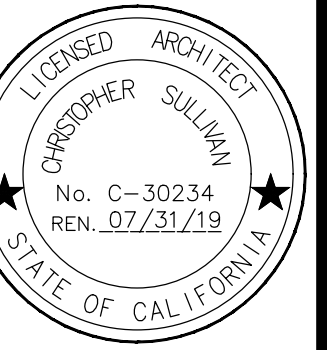
DATE:
MAY, 2018
PLANNING
MAY, 2020
FINAL PLANNING
NOVEMBER, 2020
RE-DESIGN, PLANNING

SHEET:

A0.0

SYMBOLS

- 3 A5.1 DETAIL NUMBER
- A105A DETAIL SHEET NUMBER
- DOOR NUMBER
- 8 A4.1 SECTION
- 83 WINDOW OR LOUVER TYPE
- 3 A4.1 ENLARGED PLAN REFERENCE
- NORTH ARROW
- 1 3 A8.1 INTERIOR ELEVATION DRAWING NUMBER
- 2 3 INTERIOR ELEVATION SHEET NUMBER
- 3 REVISION
- 2 A4.1 ELEVATION DRAWING NUMBER
- CEILING HEIGHT
- 2 A4.1 ELEVATION SHEET NUMBER



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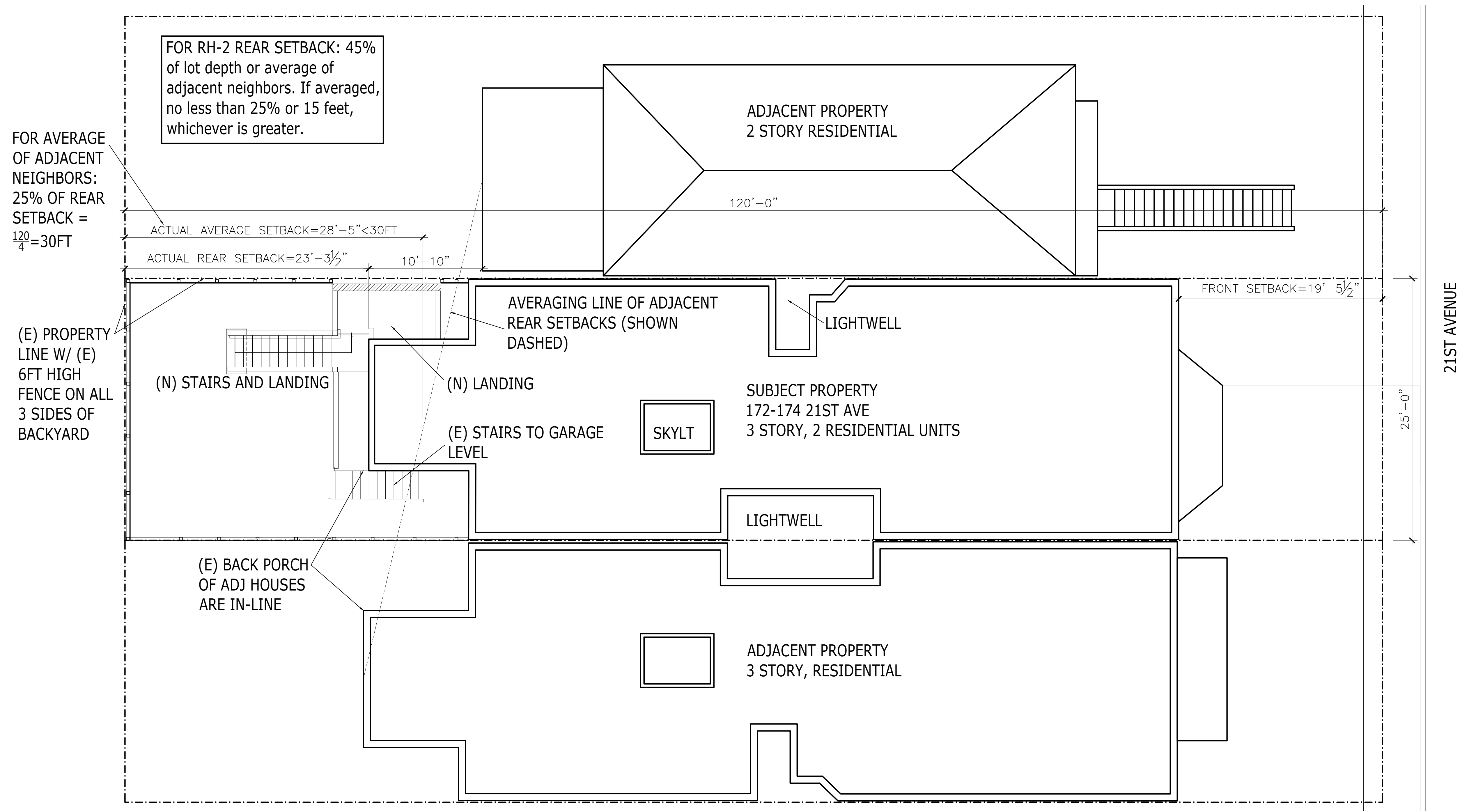
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MAY, 2020
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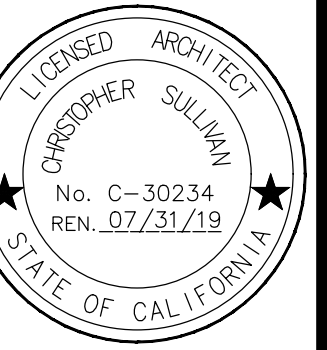
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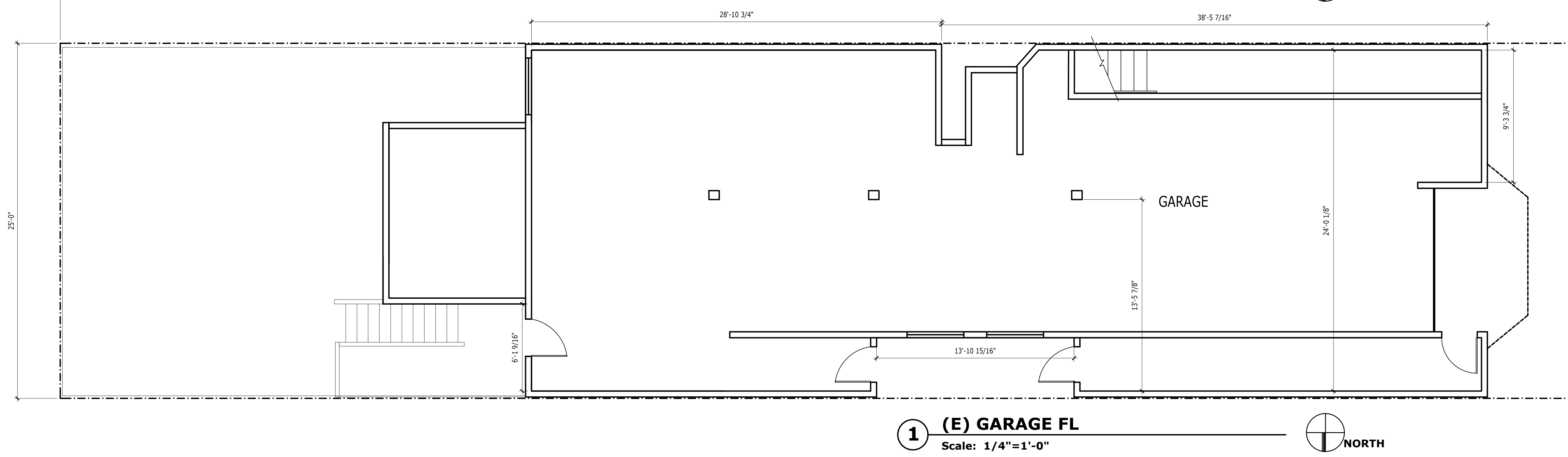
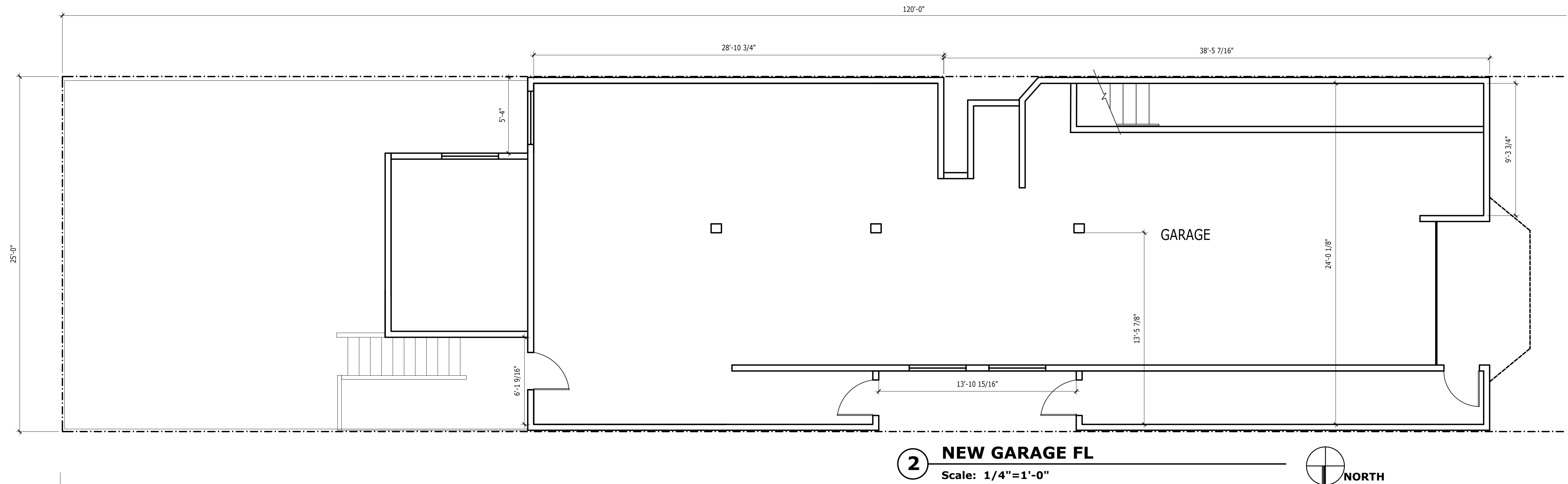


1 PROPOSED PLOT PLAN
Scale: 3/16"=1'-0"





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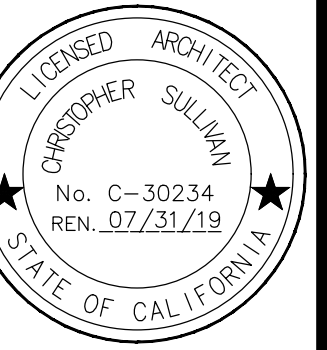
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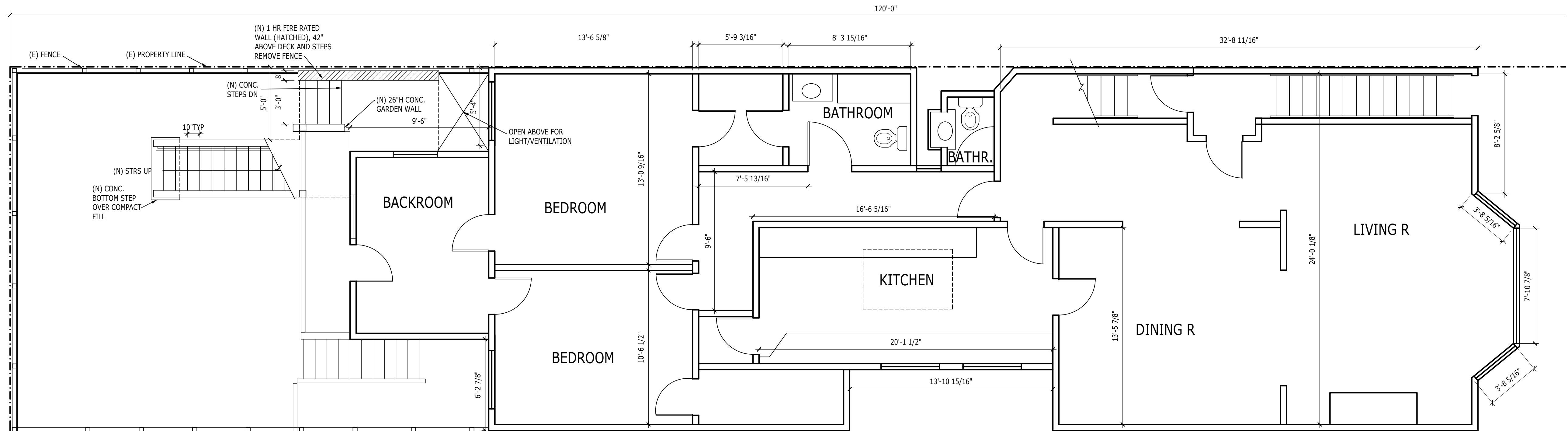
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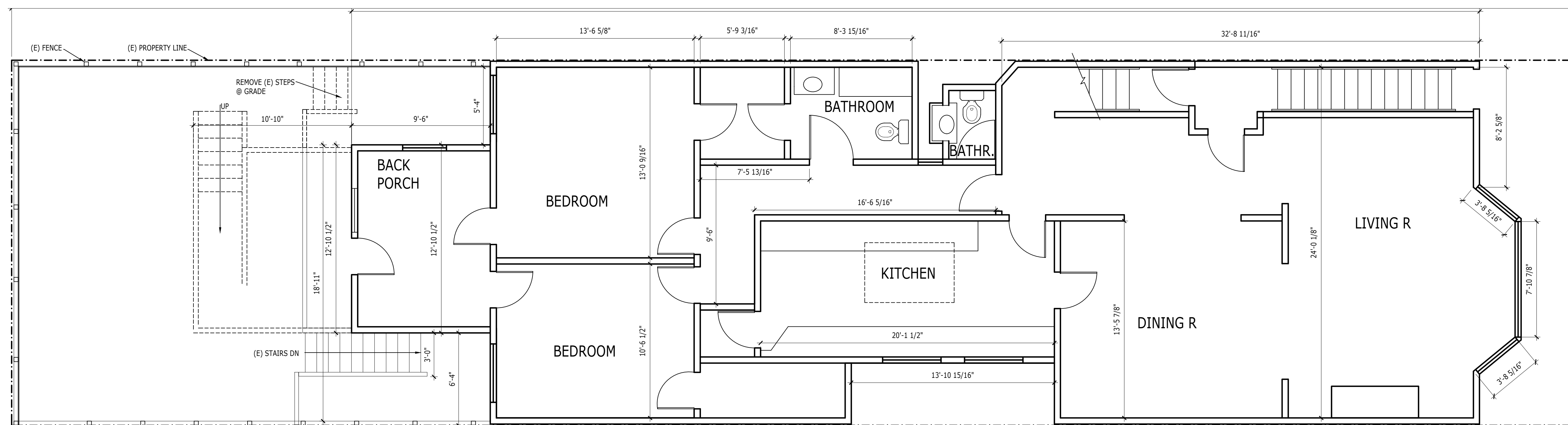
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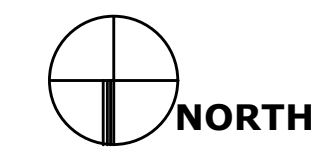
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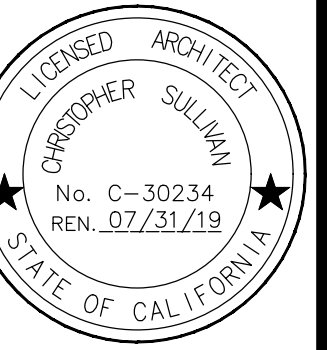


2 (N) STAIR @ (E) MAIN FLOOR
Scale: 1/4"=1'-0"

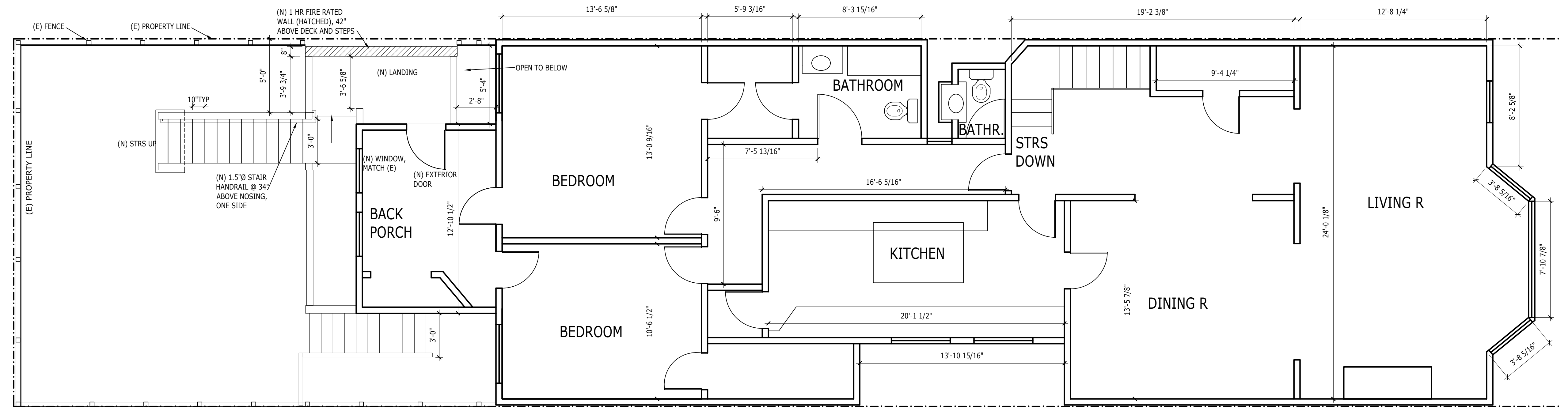


1 (E) STAIR @ (E) MAIN FLOOR
Scale: 1/4"=1'-0"

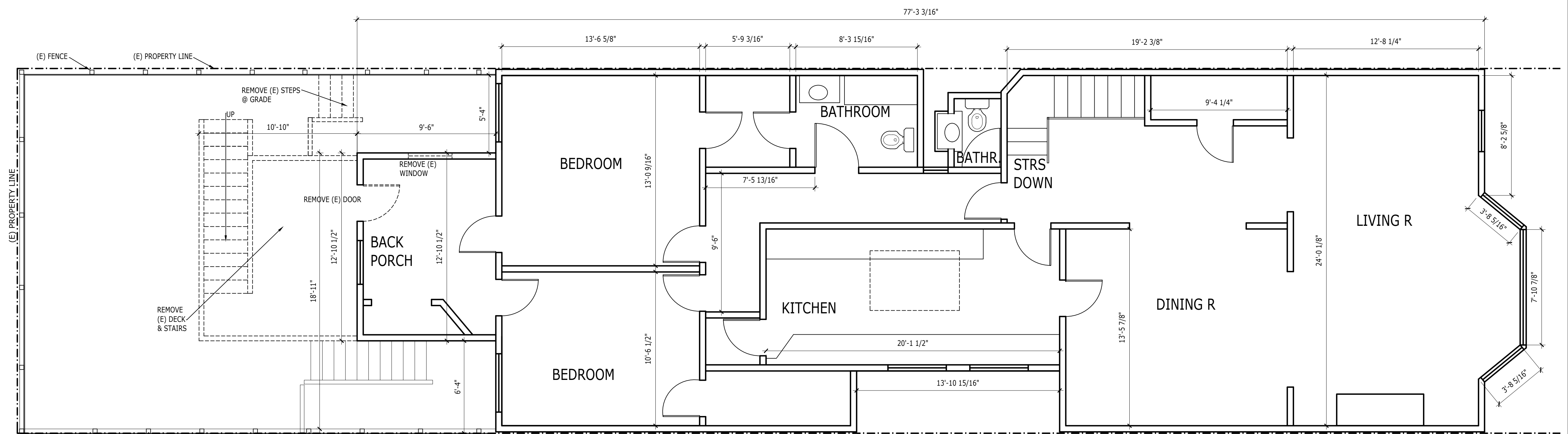




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2 NEW STAIRS @ 2ND FLOOR PLAN
Scale: 1/4"=1'-0"



1 (E) 2ND FLOOR PLAN
Scale: 1/4"=1'-0"



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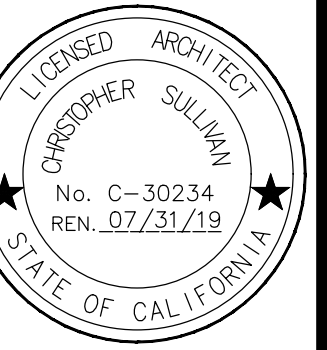
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PLANS

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RE-DESIGN, PLANNING

SHEET:

A1.2



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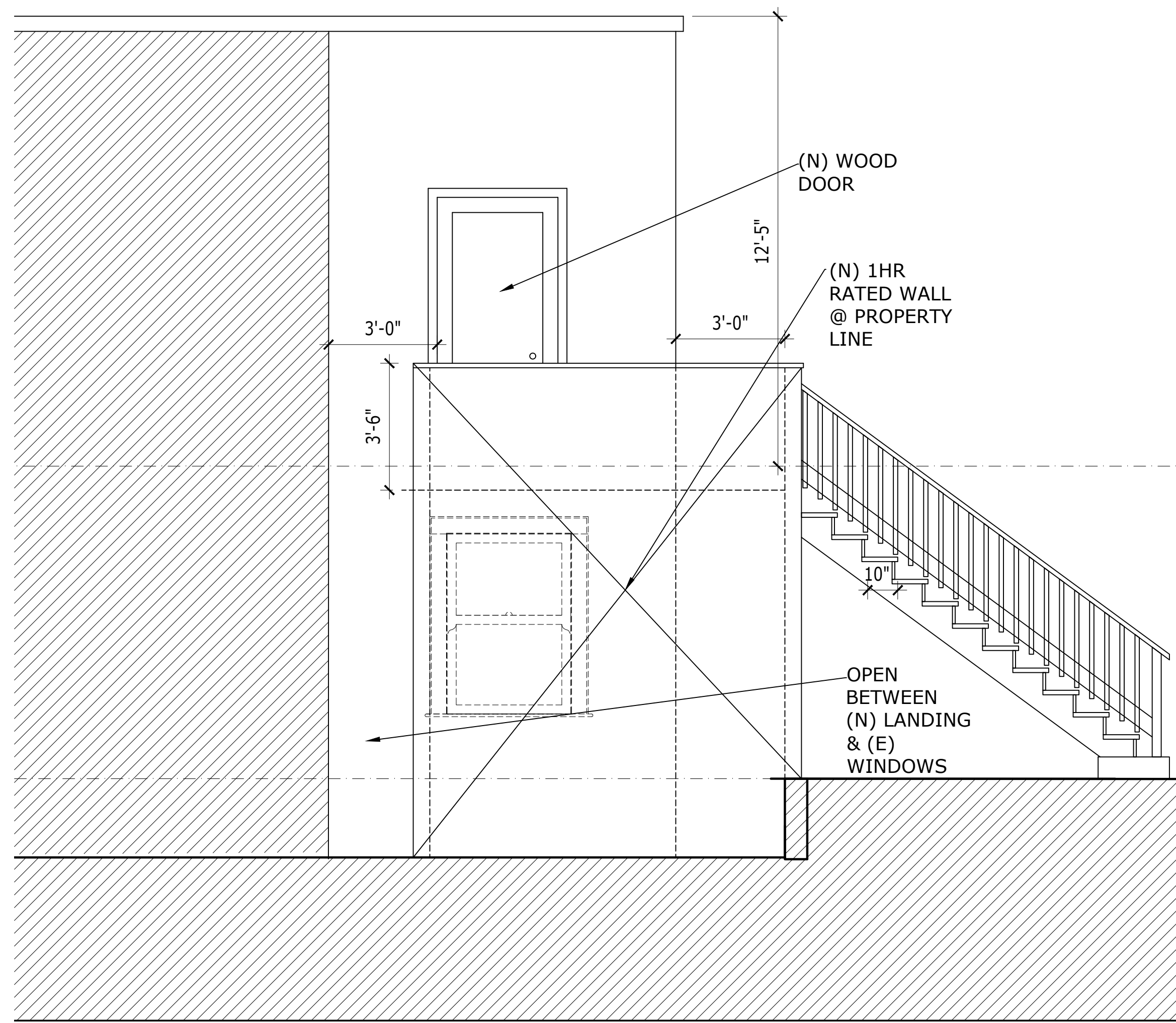
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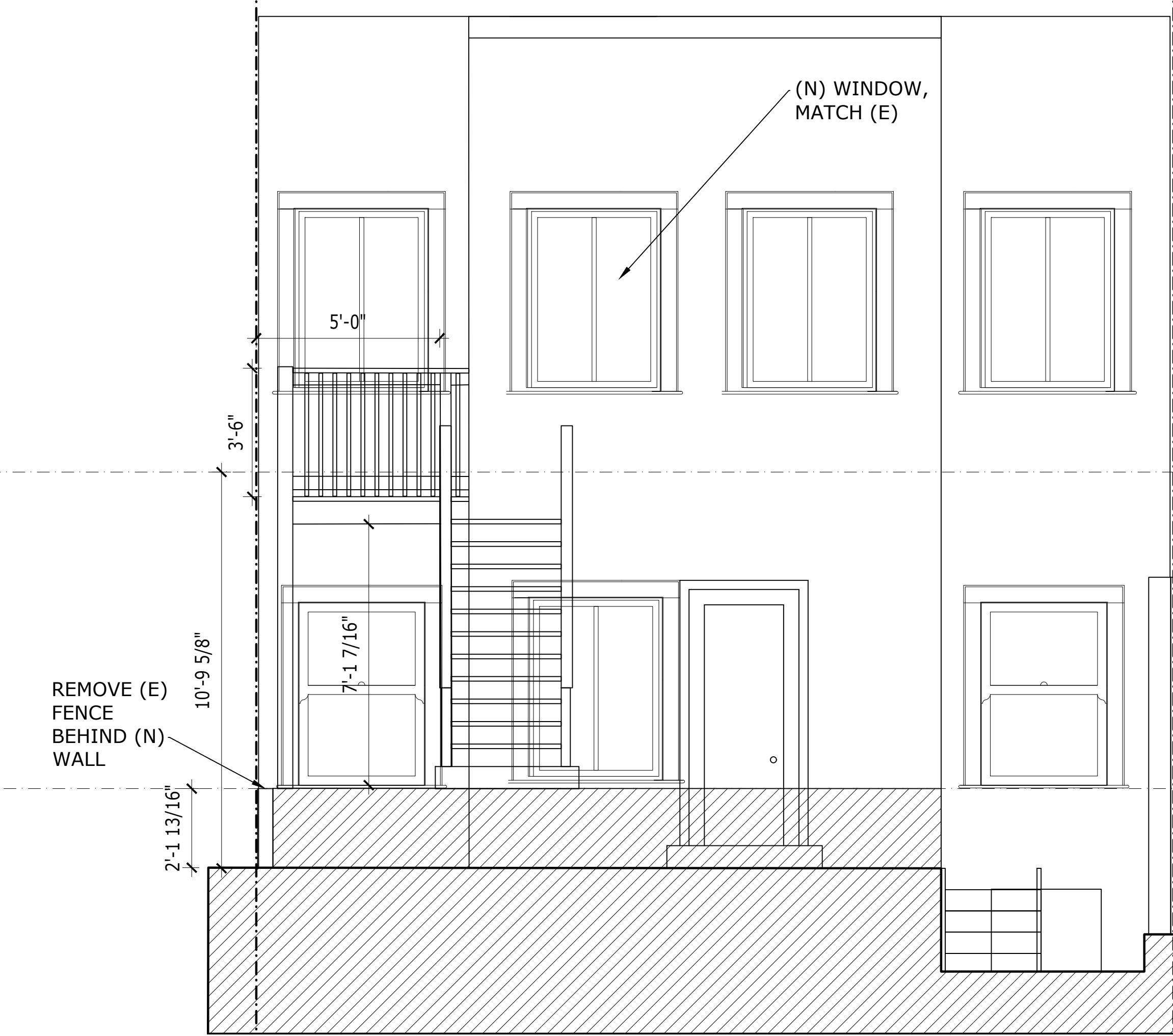
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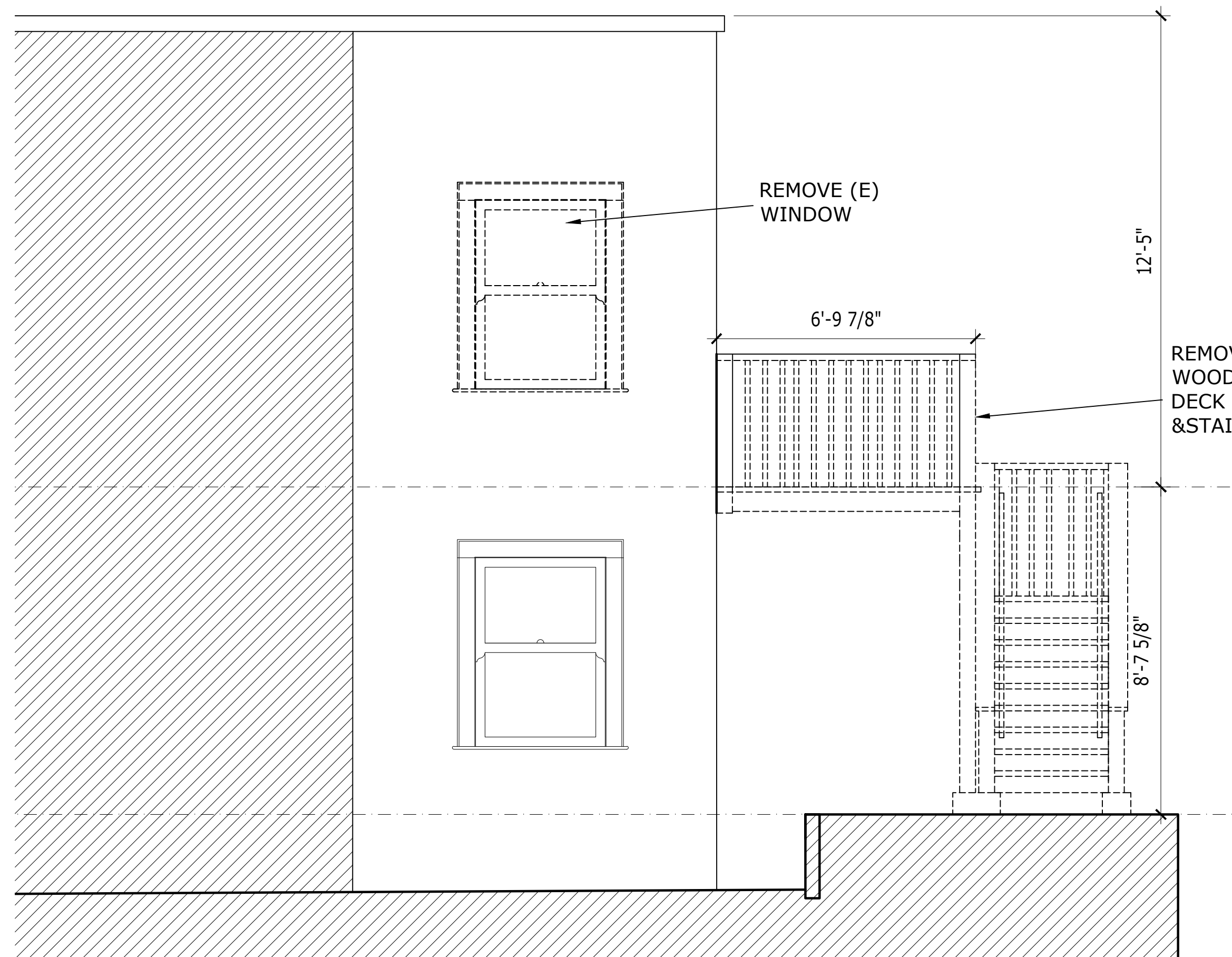
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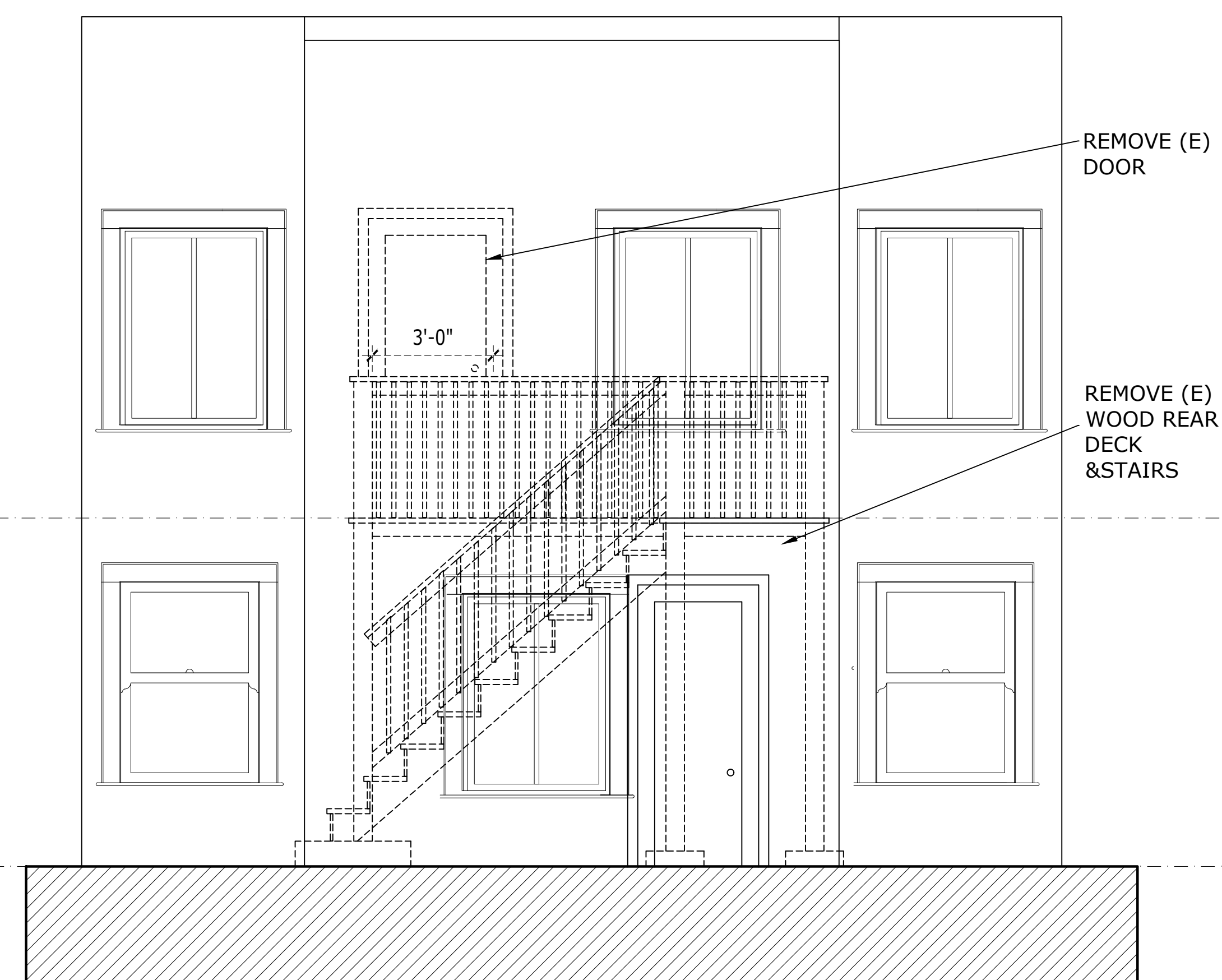
4 (N) STAIR- SOUTH ELEVATION
Scale: 3/8"=1'-0"



3 (N) STAIR EAST ELEVATION
Scale: 3/8"=1'-0"



2 (E) STAIR- SOUTH ELEVATION
Scale: 3/8"=1'-0"



1 (E) STAIR EAST ELEVATION
Scale: 3/8"=1'-0"

DOCUMENTS SUBMITTED FOR THE ORIGINAL HEARING ON JANUARY 13, 2021



Date Filed: September 16, 2020

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS
PRELIMINARY STATEMENT FOR APPEAL NO. 20-064**

I / We, **Joel Tomei**, hereby appeal the following departmental action: **ISSUANCE of Variance No. 2018-007914VAR** by the **Zoning Administrator** which was issued or became effective on: **September 16, 2020**, to: **Ralph Chapin**, for the property located at: **172 21st Avenue**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: 4:30 p.m. on **October 1, 2020, (no later than three Thursdays prior to the hearing date)**, The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, scott.sanchez@sfgov.org and su1ll2@yahoo.com.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **October 15, 2020, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, scott.sanchez@sfgov.org and joeltomei@gmail.com.

The Board's physical office is closed to the public and hard copies of the brief do NOT need to be submitted.

Only photographs and drawings may be submitted by the parties at the hearing.

Hearing Date: **Wednesday, October 21, 2020, 5:00 p.m.**, via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

One page statement provided.

Appellant or Agent (Circle One):

Signature: _____

Print Name: filed electronically by Joel Tomei

1 PAGE SUMMARY OF REASONS OR GROUNDS FOR APPEAL & WHAT ACTION IS BEING REQUESTED OF THE BOA

REASONS OR GROUNDS FOR APPEAL: At the BOA hearing, May 2, 2007, it set the **following condition:**

“That said as-built condition may remain so long as the disabled resident (Owner’s sister) lives at the subject property”. Sister no longer lives there, so, the as-built (deck/stair) condition is to be removed; we agree. We do not agree to the re-construction of a second means of egress, based on **wrong Information given in the Notice Violation (NOV)**. Also, the BOA never said to replace removed stair with a reduced footprint stair; **they wanted the deck/stair gone with the above condition!** Please hear this BOA condition on the May 2, 2007 audio.

THE ORIGINAL BUILDING PERMIT: In 2007, the original building permit for this deck/stair at 172 21st Ave. was based on **wrong information given** to the San Francisco Department of Building Inspection (SFDBI). This **wrong information** continues to be carried by the SFDBI in the present building permit in 2020 includes the following:

1. **Wrong Information:** that the building is 3 stories. Where, in fact, it is a 2-story building. This 2 story building is confirmed by SFDBI records and by the SFDBI during the BOA hearing on May 2, 2007.
2. **Wrong Information:** that the building requires a second legal means of egress, where, if fact, it does not require a second means of egress because it is a 2-story building. This **wrong information** is in the present permit in the Notice of Violation (NOV) #200684926 where it says to: “Legalize and landing, new door at rear wall for required second means of egress”. Where, in fact, it is not required.

ACTION REQUESTED OF BOA: We are asking the BOA to **DENY/DISAPPROVE the Variance Decision** and return the building to its original state with no stair, door, only windows. **Another stair does not enhance or conserve the neighborhood character**, is unsightly, creates visual intrusion, and reduces the privacy to 175 20th Ave. whose backyard is directly behind. This action would be consistent with the Board of Appeals condition originally placed in 2007. We (the 20th Ave. Petition) do not want a stair to act as a precedent for the other 4 similar buildings (all built in 1921) to the north to do the same. To reiterate, the BOA never said to replace removed stair with reduced footprint stair; **they wanted the deck/stair gone with the above condition!** Please hear BOA condition, 5/2/07audio.



VARIANCE DECISION

Date: September 16, 2020
Case No.: **2018-007914VAR**
Project Address: **172 21ST AVENUE**
Block/Lots: 1380/024
Zoning: RH-2 (RESIDENTIAL- HOUSE, TWO FAMILY)
Height/Bulk: 40-X Height and Bulk District
Applicant: Chris Sullivan
3018 Martin Luther King
San Francisco, CA 94
Su1l12@yahoo.com
Owner: Ralph Chapin
172 21st Avenue
San Francisco, CA 94121
Staff Contact: Matthew Dito – 415-575-9164
Matthew.Dito@sfgov.org

Description of Variance – Rear Yard Variance Sought:

The proposal is to demolish the existing rear deck and stairs and construct a landing and stairs with a reduced footprint. The proposed landing and stairs will extend 6 feet 11 inches from the rear building wall.

PLANNING CODE SECTION 134 requires that buildings shall maintain a rear yard equal to 45% of the total depth of the lot on which the building is situated. The forward edge of the required rear yard may be reduced to a line less than 45 percent of the depth of the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. The subject property is required to maintain a rear yard of approximately 28 feet, which is the average depth of the rear building walls of the two adjacent buildings. The existing deck and stairs are located entirely within the required rear yard. The proposed landing and stairs would result in a smaller footprint, but also would be located entirely in the required rear yard. Therefore, a rear yard variance is required.

Procedural Background:

1. In 2007, the Board of Appeals approved Building Permit No. 200702234744 with revisions and a condition to record a Notice of Special Restrictions (NSR) to legalize the existing rear stair and deck structure. However, that permit was not completed and the NSR was not recorded.

2. The demolition of the existing deck will abate Planning Department Enforcement Case No. 8581_ENF, which was opened on January 19, 2007 for the construction of a deck in the required rear yard without authorization.
3. The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.
4. The Zoning Administrator held a public hearing on **Variance Application No. 2018-007914VAR** on **June 24, 2020**.
5. Planning Code Section 311 notification was mailed on July 30, 2020 and expired on August 31, 2020. No requests for Discretionary Review were filed during the notification period.

Decision:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to demolish the existing rear deck and stairs and construct a landing and stairs with a reduced footprint, subject to the following conditions:

1. The authorization and rights vested by virtue of this decision letter **shall be deemed void and cancelled** if (1) a Site or Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Site or Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
4. Minor modifications as determined by the Zoning Administrator may be permitted.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
6. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project, if

applicable.

Findings:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. The subject property, constructed circa 1921, contains two dwelling units. The building is set back more than 19 feet from the front property line, pushing the building deeper into the property. While the building itself would be permitted per Sec. 136(c)(25), the existing and proposed stair and landing are within the required rear yard. The uppermost dwelling unit maintains access to usable open space only through the existing deck and stairs at the rear of the building. Otherwise, occupants must exit the front of the building and traverse through the entire depth of the building to access the rear.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. The Planning Code requires each unit in the RH-2 Zoning District to provide 125 square feet of useable private open space, 166 square feet of useable common open space, or an adequate combination of the two. It also requires that the open space be as close as is practical to the dwelling unit for which it is required. The rear yard is the only source of usable open space on the property. Literal enforcement of the rear yard requirement would prevent better compliance with the open space requirement, and in a manner that is designed to be as minimal as possible. This presents a practical difficulty and unnecessary hardship.

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

Requirement Met.

- A. Granting this variance will allow the subject property to preserve and enjoy access to required useable open space for the uppermost dwelling unit. Access to usable open space is a substantial property right

of the subject property and is generally possessed by other properties in the same class of district.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. The proposed landing and stairs have a reduced area in terms of square footage and less encroachment into the required rear yard than the existing deck and stairs, is lower than a full floor in height, at approximately 8 feet 8 inches high, and is generally the smallest possible to meet Building Code controls. The proposed landing and stairs also improve the livability of the subject property by providing a new, safer method of travel from the uppermost dwelling unit to usable open space, while also reducing the visual impact to adjacent properties. Granting the variance request will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

- B. The Planning Department determined the project to be consistent with the Residential Design Guidelines. The Department received opposition from an adjacent neighbor, but no request for Discretionary Review was filed for the associated building permit.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
 - 1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
 - 2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will preserve the existing two dwelling units on the property.
 - 3. The proposed project will have no effect on the City's supply of affordable housing.
 - 4. The proposed project does not adversely affect neighborhood parking or public transit.
 - 5. The project will have no effect on the City's industrial and service sectors.
 - 6. The proposed project will have no effect on the City's preparedness to protect against injury and loss

of life in an earthquake.

7. The project will have no effect on the City's landmarks or historic buildings.
8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

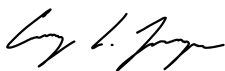
Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475 (14th Floor), call 628-652-1150, or visit www.sfgov.org/bdappeal.

Very truly yours,



Corey A. Teague, AICP
Zoning Administrator

This is not a permit to commence any work or change occupancy. Permits from appropriate departments must be secured before work is started or occupancy is changed.

BRIEF(S) SUBMITTED BY APPELLANT(S)

BOARD OF APPEALS (BOA) CITY AND COUNTY OF SAN FRANCISCO

**SUMMARY OF REASONS OR GROUNDS FOR APPEAL & WHAT ACTION IS BEING REQUESTED
OF THE BOARD APPEALS**

10-1-20

Appeal No.: 20-064

Appeal Title: Tomei vs. ZA

Subject Property: 172 21st Avenue

Permit Type: Variance 20-064

NOTICE OF AGREEMENT REACHED 9-30-20

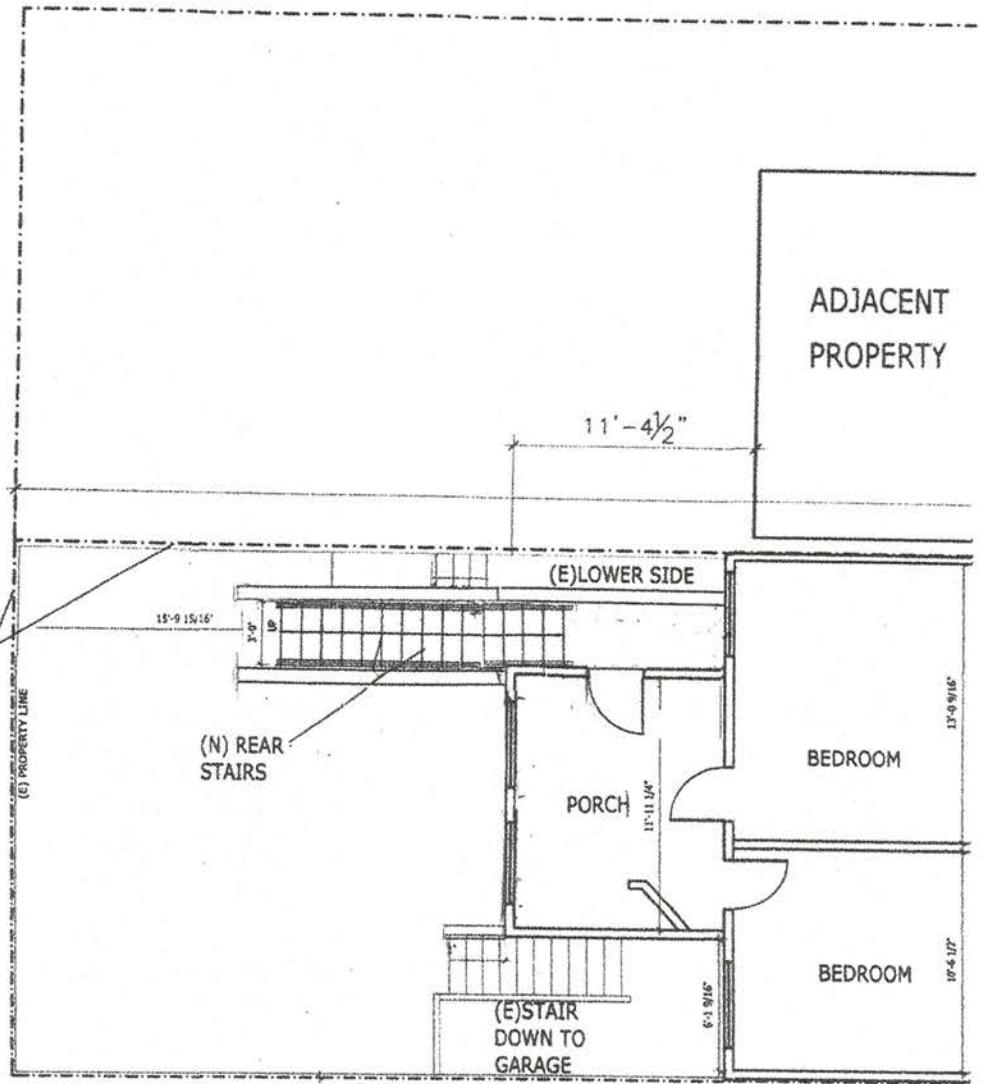
This is to confirm that on 9-30-20 all parties agreed to revise the stair design and now place the rear yard stair and landing on the south side of the bump out, per the sketches SK- 2,3, & 4 (dated 9-24-20) that follow. Through agency review, code compliant documents are expected to be developed based upon these sketches.

Subsequent to the above and if for any reason the above agreement is not followed through, the subject property will revert back to the brief and attachments.

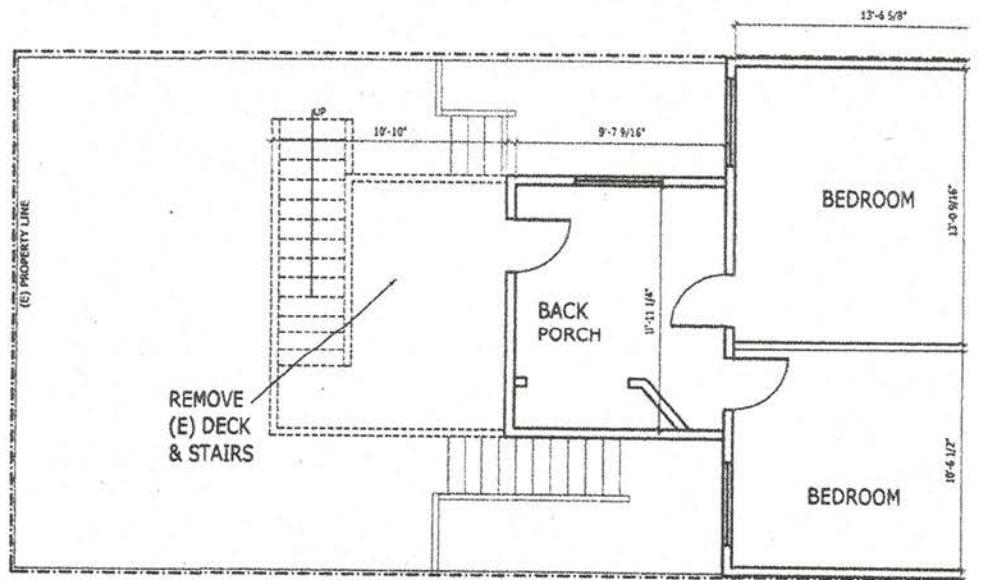
Note: in any case, certain items still will need to be addressed that are in the brief and appear on pp. 2 & 3 as “**Wrong Information**” that need to be taken out of the Building Permit Application.

The brief follows after the sketches SK- 2,3, & 4 that accompany the above notice.

(E) PROPERTY LINE W/ (E)



2 (N) STAIR @ (E) 2ND FLOOR
Scale: 1/4"=1'-0"

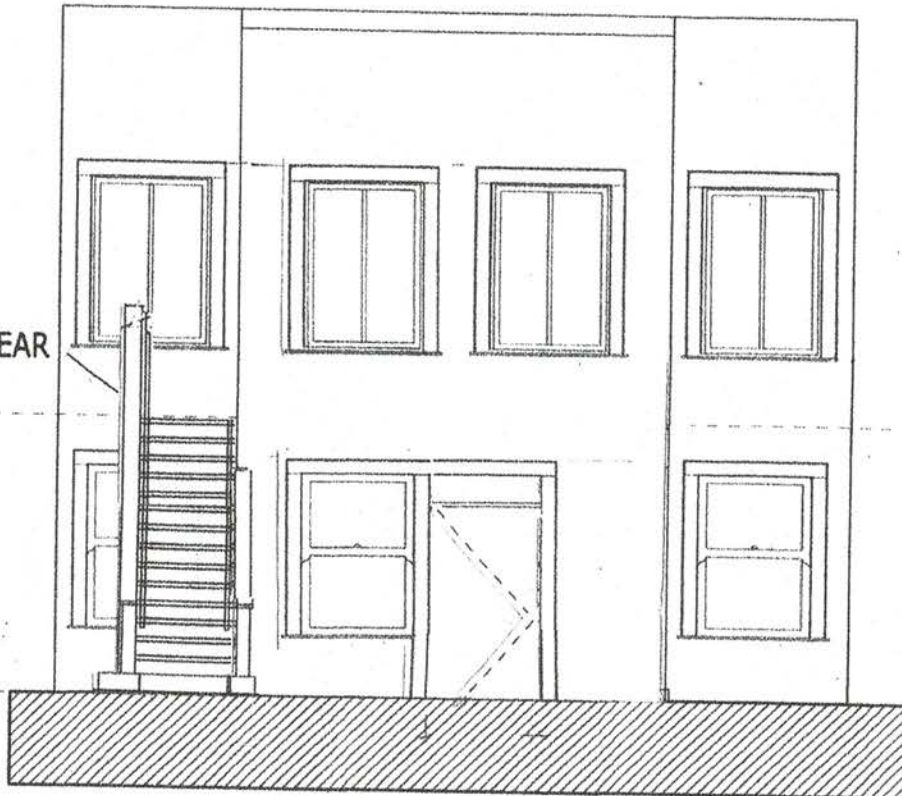


1 (E) STAIR @ (E) 2ND FLOOR
Scale: 1/4"=1'-0"



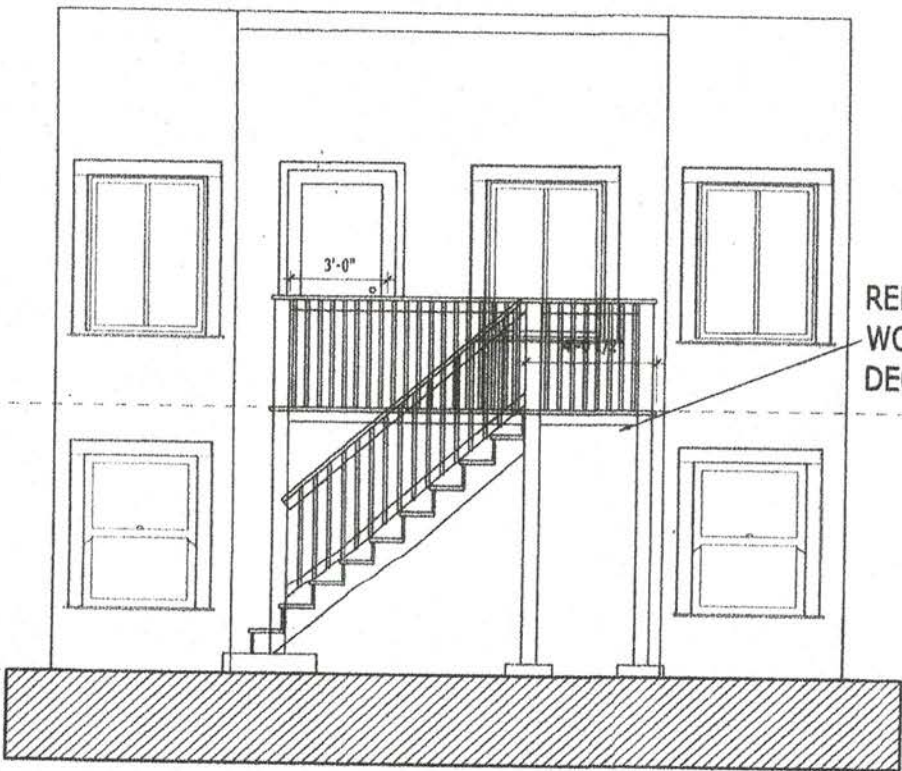
SK-2
9.24.20

(N) WOOD REAR
STAIRS



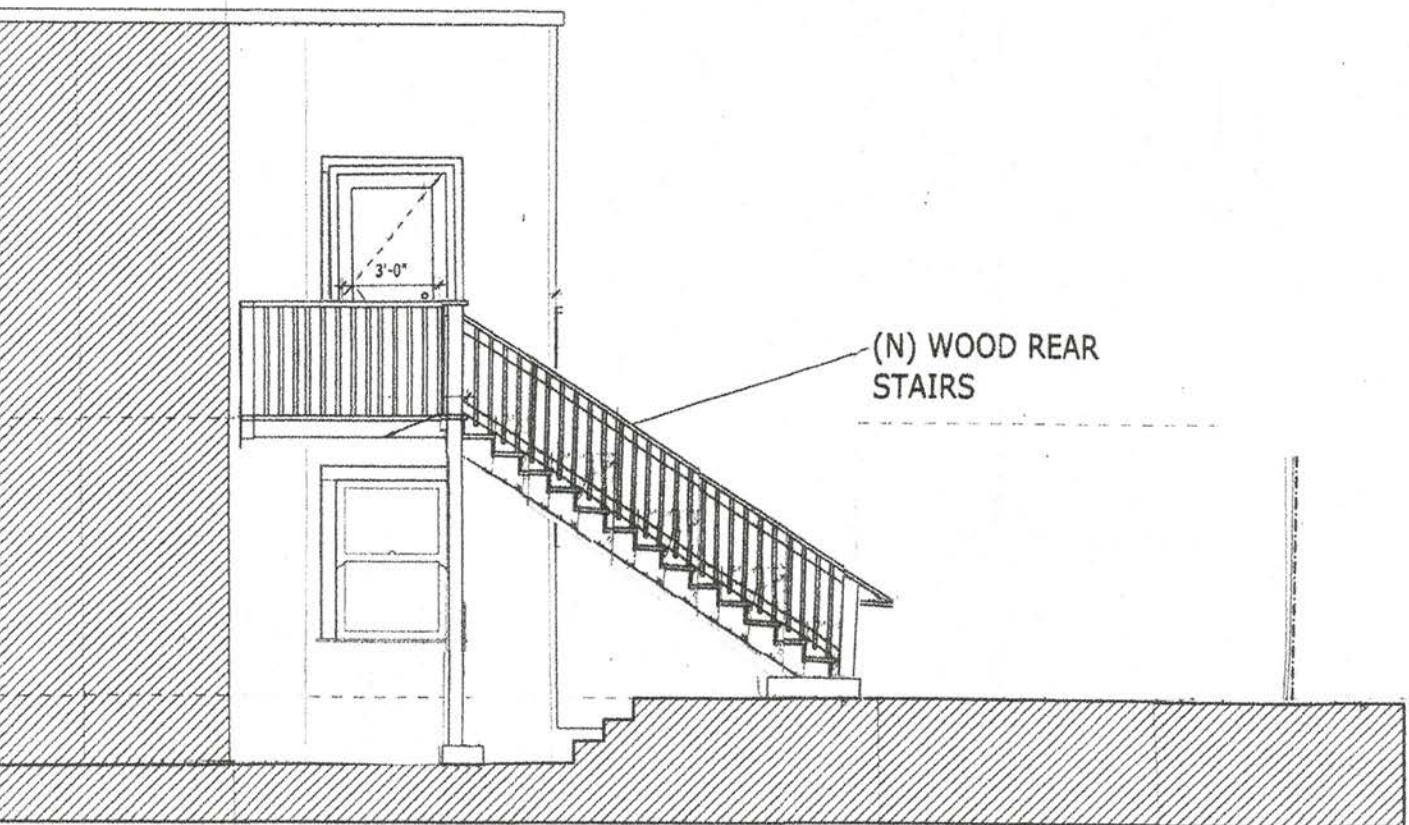
3 (N) STAIR EAST ELEVATION
Scale: 3/8"=1'-0"

REMOVE (E)
WOOD REAR
DECK & STAIRS

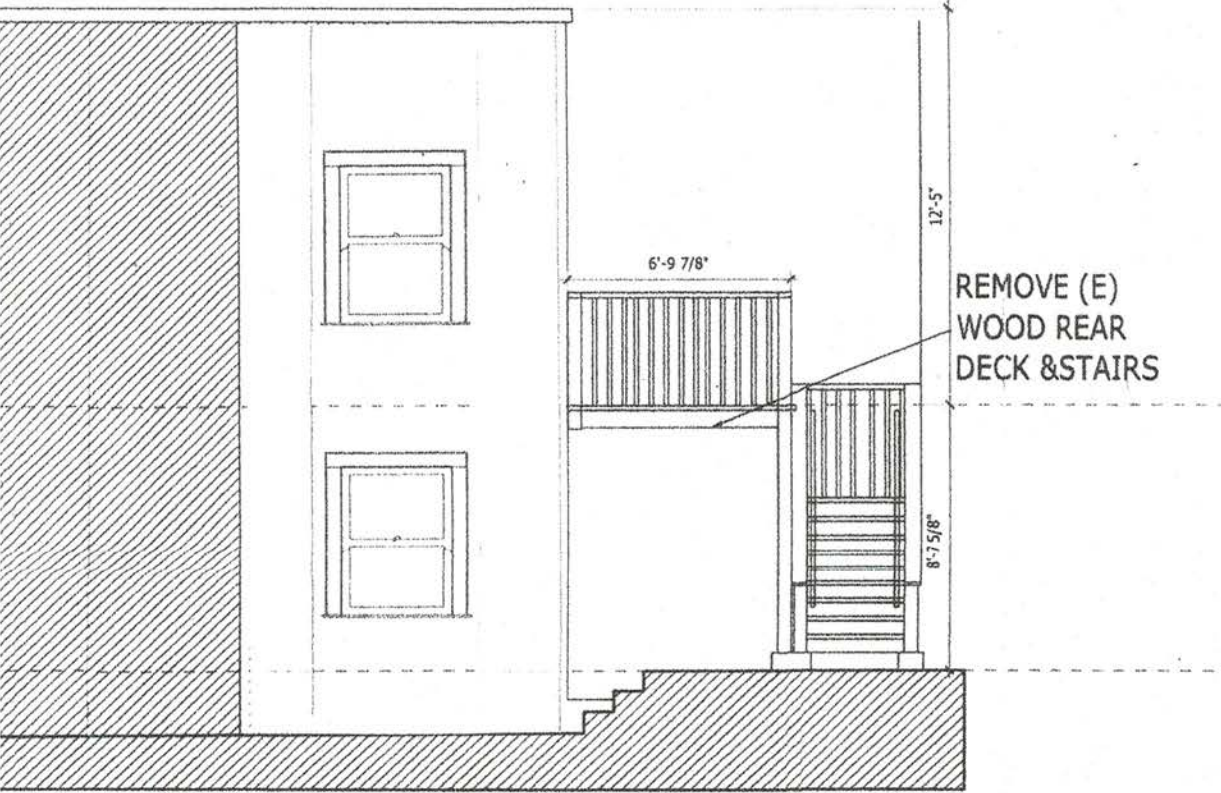


SK-3
9.24.20

1 (E) STAIR EAST ELEVATION
Scale: 3/8"=1'-0"



4 (N) STAIR- SOUTH ELEVATION
 Scale: 3/8"=1'-0" (NORTH ELEVATION SIMILAR)



2 (E) STAIR- SOUTH ELEVATION
 Scale: 3/8"=1'-0" (NORTH ELEVATION SIMILAR)

SK-4
9.24.20

BOARD OF APPEALS (BOA) CITY AND COUNTY OF SAN FRANCISCO

SUMMARY OF REASONS OR GROUNDS FOR APPEAL & WHAT ACTION IS BEING REQUESTED

OF THE BOARD APPEALS

10-1-20

Appeal No.: 20-064

Appeal Title: Tomei vs. ZA

Subject Property: 172 21st Avenue

Permit Type: Variance 20-064

BRIEF

WHAT ARE THE REASONS OR GROUNDS FOR APPEAL?

INTRODUCTION:

My name is Joel Tomei. I was also the Appellant back in 2007 for this subject project. My wife and I have lived at 167 20th Avenue for 40 years. Our property is 2 lots to the northeast of the subject property at 172 21st Avenue within full eyeshot of the subject project. I am an architect emeritus, an FAIA fellow in the American Institute of Architects, and Co-Captain for the 20th Avenue, Block 100, SAFE Neighborhood that ALSO tries to preserve and conserve the neighborhood character.

EXHIBITS AND PHOTOS

Some of the exhibits and photos are taken from Board of Appeals (BOA) hearing in 2007.

DE NOVO REVIEW

We now understand that in the BOA's Special Instructions for Parties it states: "For most appeals, the Board applies de novo review, which means it hears the case fresh and does not need to defer to the findings of fact or determinations made by the underlying decision-maker".

In that regard, we would hope that this appeal becomes an exception to the BOA and that it realizes that the present Building Permit Application carries with it the same wrong information that the Building Permit carried in 2007. So, in that regard, we feel that this ultimately needs to be addressed. This wrong information is as follows:

1. **Wrong Information**: that the building is 3 stories. Where, in fact, it is a 2-story building.
This 2-story building is confirmed by SFDBI records and by the SFDBI during the BOA hearing on May 2, 2007.
2. **Wrong Information**: that the building requires a second legal means of egress, where, in fact, it does not require a second legal means of egress because it is a 2-story building.
This **wrong information** is in the present Building Permit Application in the Notice of Violation (NOV) #200684926 where it says to: "Legalize stair and landing, new door at rear wall for required second means of egress". (See **EXH-1, 2, & 3**)

PROJECT CONTEXT AND SOME HISTORY

The subject building at 178 21st Avenue was built in 1921 and is one of 4 similar buildings to the north all built at the same time (See **Exhibits 4A, B, C, D, E, F, & G** and **Photo 1**), taken from the deck of the subject property in 2007). At that time, I met with the Owner of the subject

property at the Owner's illegal deck (at that time) and said that she was inspired by rear yard structures that had occurred at 156 21st Avenue which had one projection with a roof at the second level, and a second projection at the first-floor level. The Owner of the subject property was so inspired that she was initially planning to build a roof over her deck at the second level. (See **Photos 2 & 2A**) which was ultimately denied.

The reason that I am going through some of this history is that I want to emphasize how important it is that previous work done in the rear yards of these 5 similar buildings has acted as a precedent for others to copy. So, anything that we do at the subject property could act as a precedent for others in the 4 similar buildings to follow at some future date.

At the BOA hearing, May 2, 2007, a variance for this deck and stair was allowed for the subject property but placed the following important singular condition on this project as follows: *"that said as-built condition may remain so long as the disabled resident (SPO's sister) lives at the subject property"* (Please listen to BOA hearing audio). During the hearing, this as-built condition was presented by the Owner as a need for the disabled person (Owner's sister) to be able to exit and go to a neighbor's yard, in case of a fire. That Owner and this disabled person no longer live at the subject property and this property has been sold to a new Owner. So, based on the above, this originally illegal deck/stair cannot remain; **which we agree to**, (See **Exhibit 5, & 5A**) which is a Neighborhood Petition, redacted so as "not to include additional pages of argument" (per BOA Special Instructions). includes the neighborhood residents on 20th Avenue that agree with the above BOA condition and action. Many of these residents have their rear yards directly behind and adjacent to the rear yards of the 5 similar buildings.

LOCATION AND TYPE OF STAIR THAT IS BEING PROPOSED AND SK-1,2,3, & 4)

In the Variance Decision, Finding 4, Requirement Met, it states: “The proposed landing and stairs also improve the livability of the subject property by providing a new, safer method of travel from the uppermost dwelling unit to usable open space, while also reducing the visual impact to adjacent properties”.

Hence, we decided to more fully investigate the existing stair design and, discovered that there is a **conflict** with the door and transom (which is not shown on the original drawings). This door gives access from the first-floor unit to the rear yard. (See **Photo 3** taken of this door and transom in 2007) and (**SK-1**) that shows the conflict. The first run of the stair from the landing cuts through the upper portion of the door and transom. In a subsequent email pointing this out this conflict to the architect of record, he said that he “mirrored/flipped the stairs so that they avoided the downstairs door”. This mirroring still carries with it the visual impacts very similar to previous deck and stairs.

With this in mind, I decided to do a few paste up sketches of an alternative approach to the design of this stair (See **SKs 2,3, & 4**). This design allows the rear elevation of the subject building to be returned to its original condition and almost completely eliminates any visual impact to the neighborhood. The removed door can be reused in this new design as shown on **SK-4**. Also, this design gives the user of the First Floor of the subject property unobstructed visual and physical access to the rear yard as well

CONTACT WITH PARTIES AND AGREEMENT

On Thursday, September 24, I contacted Matthew Ditto at the San Francisco Planning Department, and sent him SKs 1, 2, 3 & 4 and asked for his response. Matthew's response was as follows: **"Thanks for your email and the thought you've put into this. The Department supports the project as proposed and does not believe any modifications are needed at this time. At this point, you should direct your inquiries to the Project Applicant to see if they would be willing to modify the project prior to the appeal hearing, to potentially avoid that hearing".**

So, in response to the above, on that same day, I contacted Chris Sullivan, Permit Applicant, Agent, and Architect of Record for this subject property and sent him all of the information that I had sent to Matthew and Matthew's response.

Chris promptly responded which included the following: "If the owner approved the stairs as you sketched them, will the appeal be removed? (we may need to go through another variance but I can check with Planning...."

My response back to Chris was as follows: "If the Owner approved the stairs as shown in Sketches (SK-1,2,3,4), the appeal will be removed. By the way, the landing could be longer, maybe extend to the face of the building, if Ralph would want that. Also, the width of the landing might be able to be made larger, if fire rated separation is not needed".

As a follow up to the above, I received an email from Chris Sullivan on Tuesday, September 29, as follows:

"Hi Joel:

I am waiting to hear back from the owner to finalize approval. **He thought it was a great solution, putting the stairs on the south side of the backyard**, but I'd like to get you both links and get final approval before giving you the green light.

I will let you know asap.

Thank you, Chris Sullivan”

On 9-30-20, all parties reached an agreement. Please see the 9-30-20 “Notice of Agreement Reached” one-page document with SK-2,3, & 4 (dated 9-24-20) at the beginning front of this brief.

PROPER PROCESS IS FOR A CONDITION ON THE VARIANCE DECISION

On Tuesday, September 29, I emailed Julie Rosenberg at the San Francisco Board of Appeals and asked her if I could postpone the Appeal Hearing. Her response was as follows:

“Hello Mr. Tomei: As we discussed by phone, once an appeal is Withdrawn, it cannot be reinstated even if you change your mind or the other party does not follow through on an agreement”.

Julie Rosenberg’s response continues: “If the parties reach an agreement which is code compliant and reviewed by the Planning Department, one option is for the Board to grant the appeal and issue the Variance Decision on the condition that it be revised to require the adoption of the plans submitted by the parties.”

You should still submit your brief by 4:30 pm on Thursday, October 1, 2020 to boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, scott.sanchez@sfgov.org and su1l2@yahoo.com .

Please let me know if you have further questions

Regards, Julie”

Julie Rosenberg
Executive Director, San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 9410

SKETCHES (SK-2, 3, & 4)

On the chance that the proposed stair (SK-2,3, & 4) is not approved, I can only say that we still feel that alternative designs that do not impact the neighborhood still need to be pursued. For example, **has a circular stair been tried that would substantially reduce the neighborhood impact and allow efficient access/egress to the rear yard (See SK-5,6, & 7)?** Also, has the architect of record looked at any possible internal opportunities within the building to place a stair from the second floor into the Garage Level to more conveniently access the rear yard?

WHAT ACTION IS BEING REQUESTED OF THE BOARD OF APPEALS

To conclude, we ask any of the members of the Board of Appeals if they were residents that had to look at this stair from their back yard (See **Photo 4**), would this be an acceptable image? Please re-consider this Variance Decision on the Agreement Reached 9-30-20. If not approved,

please ask for further alternatives (which could be the circular stair, SK-5, 6, & 7) to be explored that reduce the visual impacts to the neighborhood character, while providing the convenient access to the rear yard.

As we have mentioned previously, the 4 similar buildings to the north (See **Photo 1**) might feel compelled at some time to copy this stair design on their properties, So, it is extremely important to make sure that whatever is done, that it is done with this possibility in mind. If the original design is still promoted and repeated, these 5 properties would significantly impact the character of the neighborhood. Ours, and many of the residents on 20th Avenue that signed the petition (See **EXH-5 & 5A**) would have to directly look at this unsightly condition, which would not be acceptable to the neighborhood.

172-174 21st Ave San Francisco
Microfilm On Record
(*Viewed 4-13-07)

Task	Cost	Permit #	Date Issued	No. of Stories	Basement	Occupancy	No. of Units
Int.Work	\$18,800	646995	7/6/1990	2	1	R3	3
Found.Wk	\$1,875	112047	3/28/1977	2	1		
Termite	\$2,600	476829	10/5/1981	1	1	I	1
Roofing	\$6,800	816998	3/13/1997	1	0	R3	1

*Note: Prints of records could not be obtained because Owner would not sign Affidavit Form

Permit Details Report

Report Date: 8/20/2020 10:26:44 AM

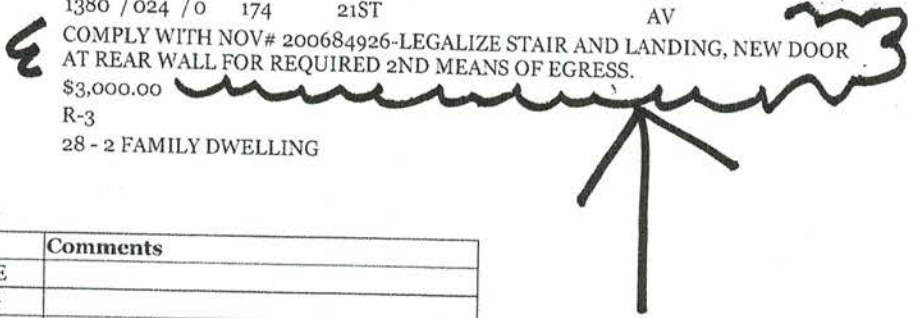
Application Number: 200702234744
Form Number: 8

Address(es): 1380 / 024 / 0 172 21ST
1380 / 024 / 0 174 21ST

AV
AV

Description: COMPLY WITH NOV# 200684926-LEGALIZE STAIR AND LANDING, NEW DOOR AT REAR WALL FOR REQUIRED 2ND MEANS OF EGRESS.

Cost: \$3,000.00
Occupancy Code: R-3
Building Use: 28 - 2 FAMILY DWELLING



Disposition / Stage:

Action Date	Stage	Comments
2/23/2007	TRIAGE	
2/23/2007	FILING	
2/23/2007	FILED	
2/23/2007	APPROVED	
2/23/2007	ISSUED	
3/13/2007	SUSPEND	requested by BPA - ltr dd 3/8/07

Contact Details:

Contractor Details:

License Number: OWN
Name: OWNER OWNER
Company Name: OWNER
Address: OWNER * OWNER CA 00000-0000
Phone:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CNT-PC	2/23/07	2/23/07			2/23/07	YEW VICTOR	
2	CP-ZOC	2/23/07	2/23/07			2/23/07	BRUSATORI KEVIN	
3	CNT-CE	2/23/07	2/23/07			2/23/07	YEW VICTOR	
4	BID-INSP	2/23/07	2/23/07			2/23/07		ANDY GREENE
5	CPB	2/23/07	2/23/07			2/23/07	BAZILE TARA	

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks

For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

[Online Permit and Complaint Tracking home page.](#)

EXH-2

9x 1,000

SITE PERMIT
MAY 31 2018
 THIS APPLICATION SUBMITTED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED.

2006 84924 B 1D

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

FORM 3 OTHER AGENCIES REVIEW REQUIRED
 FORM 8 OVER-THE-COUNTER ISSUANCE
 2 NUMBER OF PLAN SETS

APPLICATION NUMBER 2018 0531 066 / 5
 OSHA APPROVAL REQ'D
 APPROVAL NUMBER

DATE FILED MAY 31 2018	FILING FEE RECEIPT NO. 18059710	(1) STREET ADDRESS OF JOB 172 21st Ave	BLOCK & LOT 1380 / 024
PERMIT NO.	ISSUED	(2A) ESTIMATED COST OF JOB 30,000	(2B) REVISED COST: BY: DATE:

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. VB (5A) NO. OF STORIES OF OCCUPANCY 3 (6A) NO. OF BASEMENTS AND CELLARS: 0 (7A) PRESENT USE: Residential (8A) OCCUP. CLASS R3 (9A) NO. OF DWELLING UNITS: 2

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. VB (5) NO. OF STORIES OF OCCUPANCY 3 (6) NO. OF BASEMENTS AND CELLARS: 0 (7) PROPOSED USE (LEGAL USE): Residential (8) OCCUP. CLASS E3 (9) NO. OF DWELLING UNITS: 2

(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? YES NO (11) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES NO (12) ELECTRICAL WORK TO BE PERFORMED? YES NO (13) PLUMBING WORK TO BE PERFORMED? YES NO

(14) GENERAL CONTRACTOR: TED ADDRESS: ZIP: PHONE: CALIF. LIC. NO.: EXPIRATION DATE:

(15) OWNER - LESSEE (CROSS OUT ONE) ADDRESS: ZIP: BTRC#: PHONE (FOR CONTACT BY DEPT.):
 RALPH CHAMBERS 172 21st Ave SF CA 415 937 5370

Remove + Replace deck @ back of House. NOTE OF ENFORCEMENT # 8581-ENF. Comply with NOTICE OF VIOLATION # 200684924

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES NO (18) IF (17) IS YES, STATE NEW HEIGHT AT CENTERLINE OF FRONT (19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? YES NO (20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA 0 SQ. FT.

(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES NO (22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES NO (23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) YES NO (24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES NO

(25) ARCHITECT OR ENGINEER (DESIGN CONSTRUCTION ADDRESS: CHRIS SULLIVAN 3018 MLK Berkeley Ca CALIF. CERTIFICATE NO. C-30234

(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN") ADDRESS:

IMPORTANT NOTICES

No changes shall be made in the character of the occupancy or use without first obtaining a Building Permit...
 The portion of building or structure or existing work during construction is to be clear 6" to any wires...
 Approved in this application does not constitute an approval for the electrical wiring or plumbing installations...
 No work shall be started until a building permit is issued.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages...
 I hereby affirm under penalty of perjury one of the following declarations:
 () I have and will maintain a certificate of consent to self-insure for worker's compensation...
 () I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code...
 () The rest of the work to be done is \$100 or less.
 () I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California.

EXH-3

7-21

156
11-9-21
160
11-9-21
164
11-9-21
168
11-9-21
172
11-9-21
178

27		11-9-21		9						
25	155	25C	156	10						
25	160	25B	160	11						
25	164	25A	164	12						
25	168	25	168	13						
25	172	24	172	14						
25	120	23	120	15						
31	82.6	20A	20	19						
22	21A	21	22A	18						
75	5814-46	75	5787-40	106						
32.6	5816	25	830920	25						
25	5814-26	25	5-20-19	25						
25	662918	32.6	901220.5	106						

MAR 7 1960

190

FEB 9 1965

AM 1 0, 1991

4-23-28

CALIFORNIA

5850
5422
5828-30
5847-26

EXH-4A

Application for Original Building Permit

November 4, 1921

Height of building from top of roof beam to center of front = 30'

Clear Height at Basement = 7'-6"

Clear Height of First Story = 9'-0"

Clear Height of Second Story = 9'-0"

*Note: Prints of records could not be obtained because Owner would not sign Affidavit Form



Assessor [dropdown]

172-21ST AV

Address	Street #	Streetname	Sfx	Unit	Block	Lot #	Address Id
172		21ST	AV		1380	024 0	97620

Values & Prices				Exempt Type	Wk Status/Yr
Land	\$204,063	Other	\$0		
Structure	\$166,958	Home Exempt	\$7,000	11	2007
Fixtures	\$0	Other Exempt	\$0		
Prior Price	\$0	Current Price	\$0	Prior/Curr Source	Base Co/Yr
Prior Sale		Curr Sale			1985

Construction	Appliances	Base Lot	Assr Zone	Appraiser	Lot Chg Date/Shape	Use Type	
D	0 0000	000	RH2	211	04/10/1995 R	F	
Lot Frontage/Area/Depth	Units	Stories	Sublevels	Volume	Roll Yr/Status		
0 300.000 2.000		2		10	2006		
Rooms	Bedrooms	Baths	Bldg Sq Ft	Bsmt Sq Ft	Year Built	DBI Form Yr	Tax Area
12	4	2	3,450		1921		1000

Owner Information			Owner Address	
Owner Date	Source	Owner Name	WOLD NANCY D	
11/18/1994		WOLD NANCY D	P.O. BOX 210670	
		Owner Zip	SAN FRANCISCO CA	
		94121		

172-174
EXH-4C



Address: 168 21ST AV

Address Street #	Streetname	Sfx	Unit	Block	Lot #	Address Id
168	21ST	AV		1380	025 0	3782

Values & Prices

Land	\$234,270	Other	\$0	Exempt Type	Wk Status/Yr
Structure	\$143,674	Home Exempt	\$0		2007
Fixtures	\$0	Other Exempt	\$0	Prior/Curr Source	Base Co/Yr
Prior Price	\$0	Current Price	\$0		1994
Prior Sale		Curr Sale			

Construction Appliances

Base Lot	Assr Zone	Appraiser	Lot Chg Date/Shape	Use Type
000	RH2	217	06/07/1999 R	F

Lot Frontage/Area/Depth	Units	Stories	Sublevels	Volume	Roll Yr/Status
0 300,000 2,000	2	2		10	2006

Rooms	Bedrooms	Baths	Bldg Sq Ft	Bsmt Sq Ft	Year Built	DBI Form Yr	Tax Area
12	4	2	3,450	0	1921		1000

Owner Information

Owner Date Source	Owner Name	Owner Address
11/19/1998	GARIN THELMA F TRUST	GARIN THELMA F TRUST 2 TIERNEY & CO 505 WEST OLIVE AVE #300 SUNNYVALE CA
	Owner Zip	94086

168
ERH-4D

Property Profile

Assessor: [Dropdown]

166 21ST AV

Address	Street #	Streetname	Sfx	Unit	Block	Lot #	Address Id	Primary	Assessor
	166	21ST	AV		1380	025A 0	97822		

Values & Prices

Land	\$43,098	Other	\$0	Exempt Type	Wk Status/Yr
Structure	\$55,606	Home Exempt	\$7,000	11	2007
Fixtures	\$0	Other Exempt	\$0	Prior/Curr Source	Base Co/Yr
Prior Price	\$0	Current Price	\$0		1994
Prior Sale		Curr Sale			

Construction	Appliances	Base Lot	Assr Zone	Appraiser	Lot Chg Date/Shape	Use Type	
D	0000	000	RH2	217	08/20/1999	F	
Lot Frontage/Area/Depth	Units	Stories	Sublevels	Volume	Roll Yr/Status		
0 299,600 0	2	2		10	2006		
Rooms	Bedrooms	Baths	Bldg Sq Ft	Bsmt Sq Ft	Year Built	DBI Form Yr	Tax Area
12	0	2	3,450	0	1921		1000

Owner Information

Owner Date Source	Owner Name	Owner Address
	LOU JOHN & JONES	LOU JOHN & JONES
		166 21ST AVE
	Owner Zip	SAN FRANCISCO CA
	94121	

166
EXH-4E

Assessor [dropdown]

160 21ST AV

Address	Street #	Streetname	Six	Unit	Block	Lot	#	Address Id	PRIMER
V13P	2157	21ST	AV		1380	025B	0	97633	ASSESSOR

Values & Prices			
Land	\$57,830	Other	\$200
Structure	\$112,332	Home Exempt	\$0
Fixtures	\$0	Other Exempt	\$0
Prior Price	\$0	Current Price	\$0
Prior Sale		Curr Sale	
		Exempt Type	Wk Status/Yr
		Prior/Curr Source	Base Co/Yr
			2007
			1985

Construction Appliances	Base Lot	Assr Zone	Appraiser	Lot Chg Date/Shape	Use Type		
D	0000	RH2	217	08/20/1999 0	F		
Lot Frontage/Area/Depth	Units	Stories	Sublevels	Volume	Roll Yr/Status		
0 299.600 0	2	2		10	2006		
Rooms	Bedrooms	Baths	Bldg Sq Ft	Bsmt Sq Ft	Year Built	DBI Form Yr	Tax Area
12	0	3	3,450	0	1921		1000

Owner Information			Owner Address		
Owner Date	Source	Owner Name	MA CARLOS C DECHUNG LILY		
08/07/1984		MA CARLOS C DECHUNG LILY	2 LILY C CHUNG		
		Owner Zip	94080		
			96 NURSERY WAY		
			50 SAN FRANCISCO CA		

160
EXH-4F

PROJECTION AT
2ND LEVEL

PROJECTION AT
1ST LEVEL

COL.
FOR
ROOF

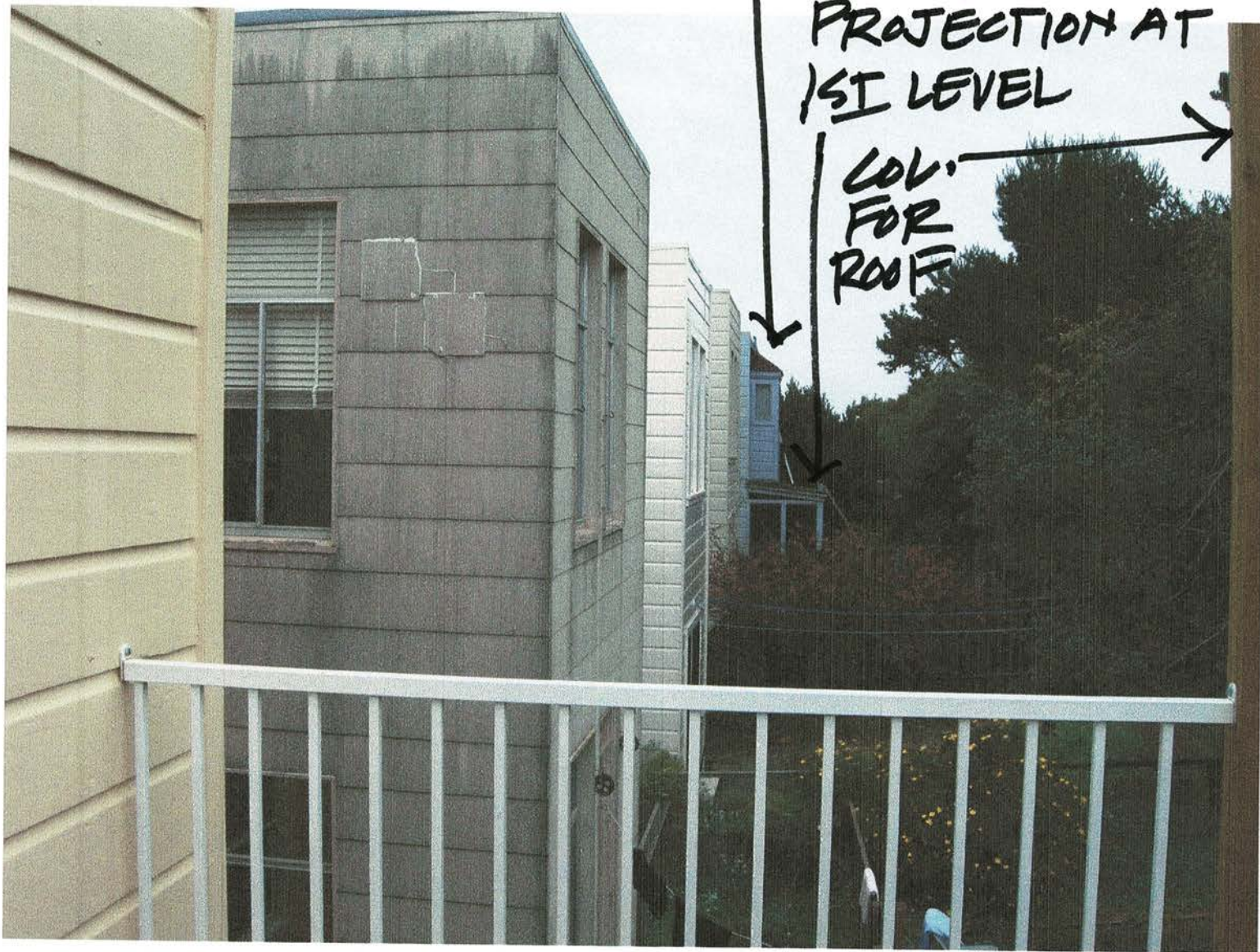


PHOTO 1

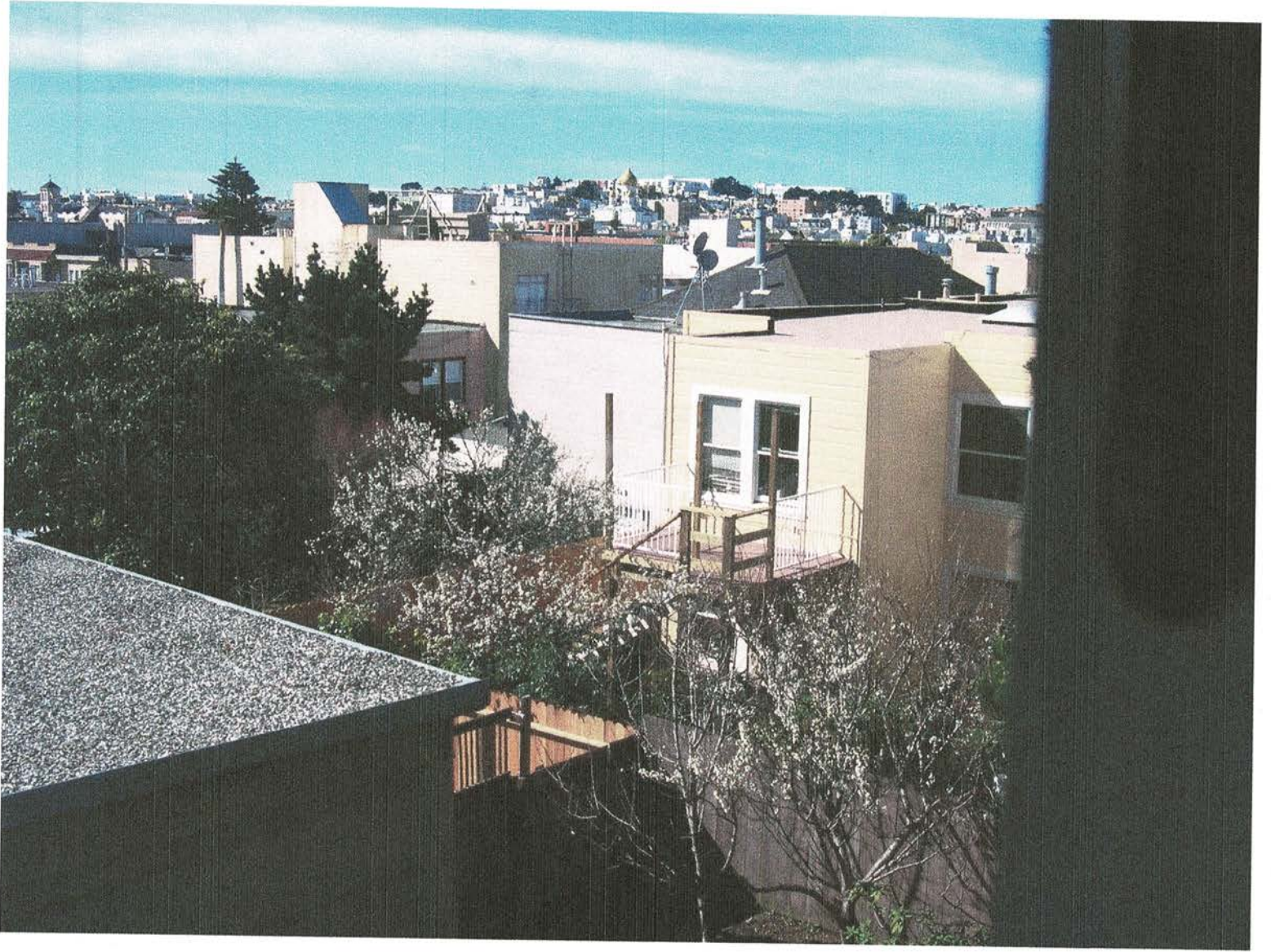


PHOTO 2



PHOTO 2A

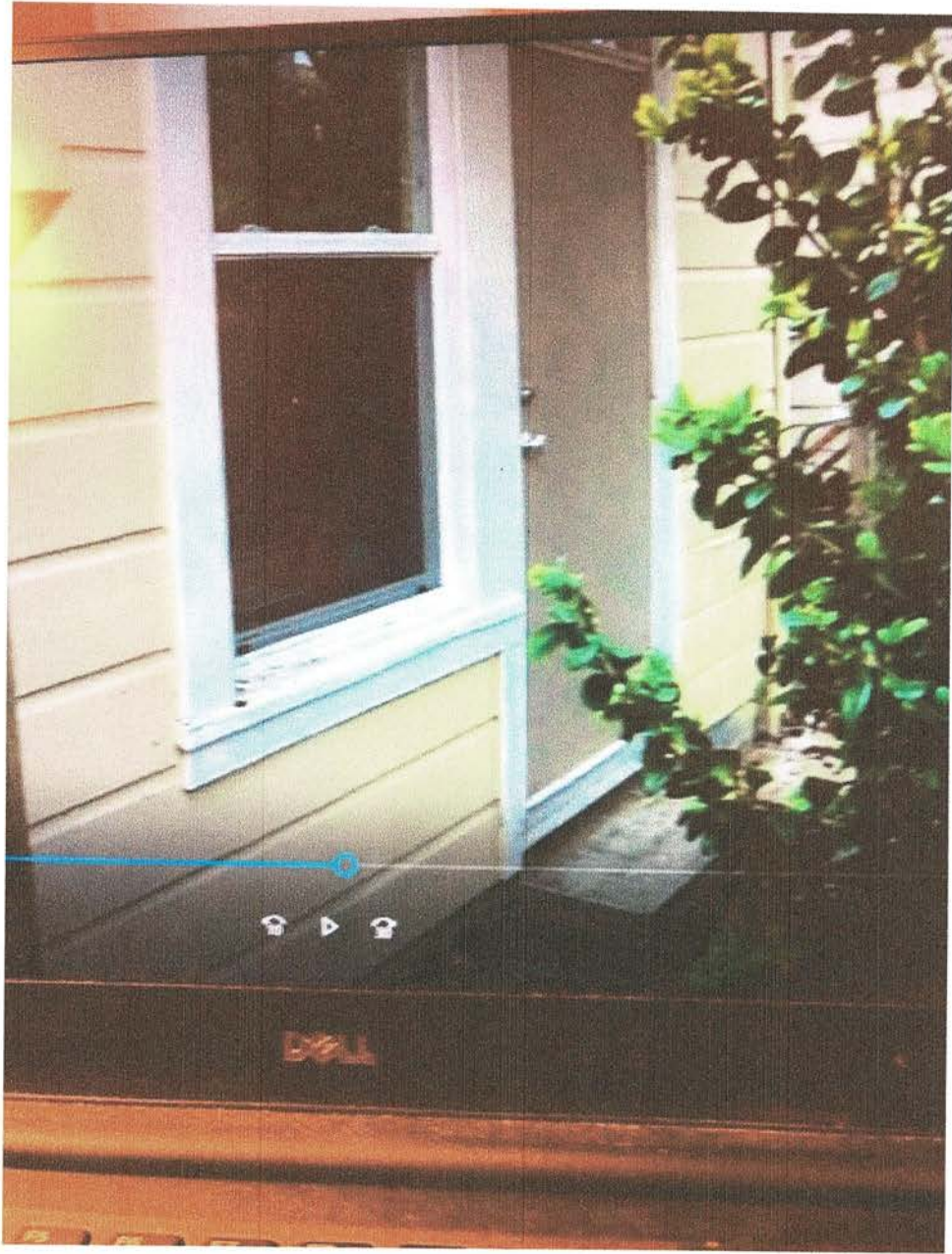
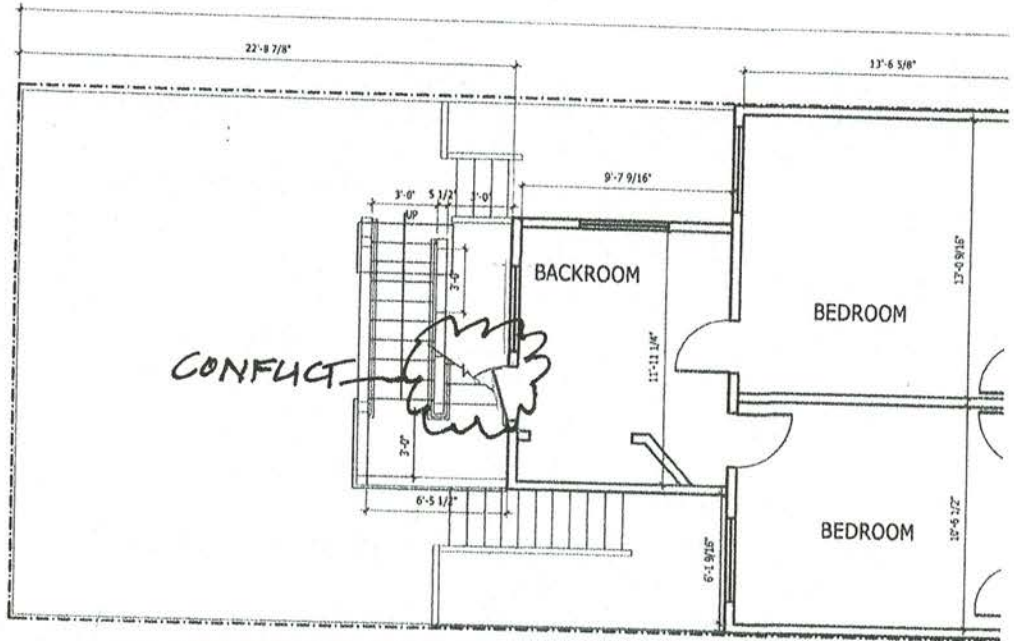


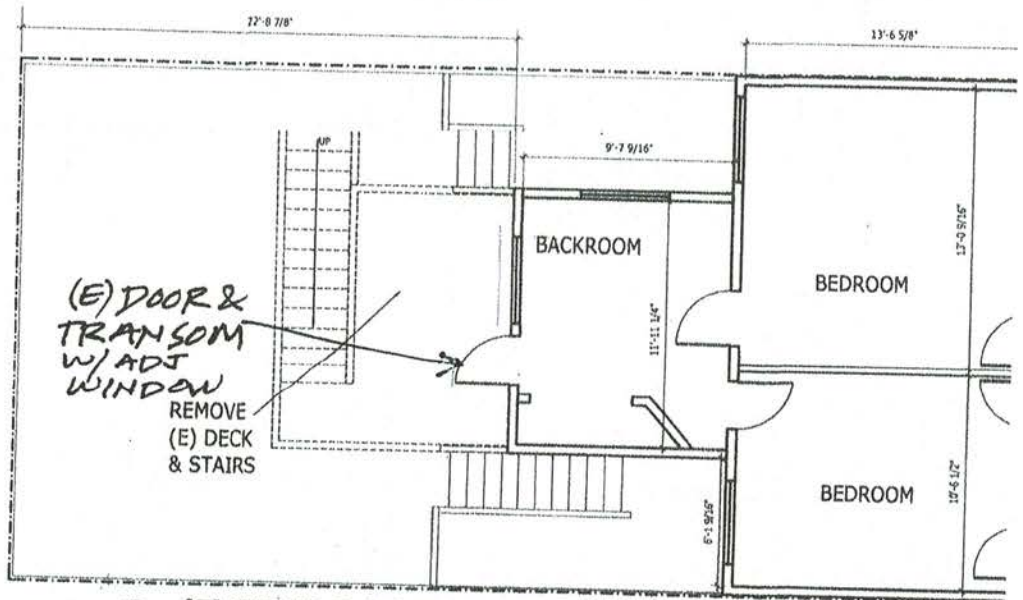
PHOTO 3



② (N) STAIR @ (E) 2ND FLOOR

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

FIRST



① (E) STAIR @ (E) 2ND FLOOR

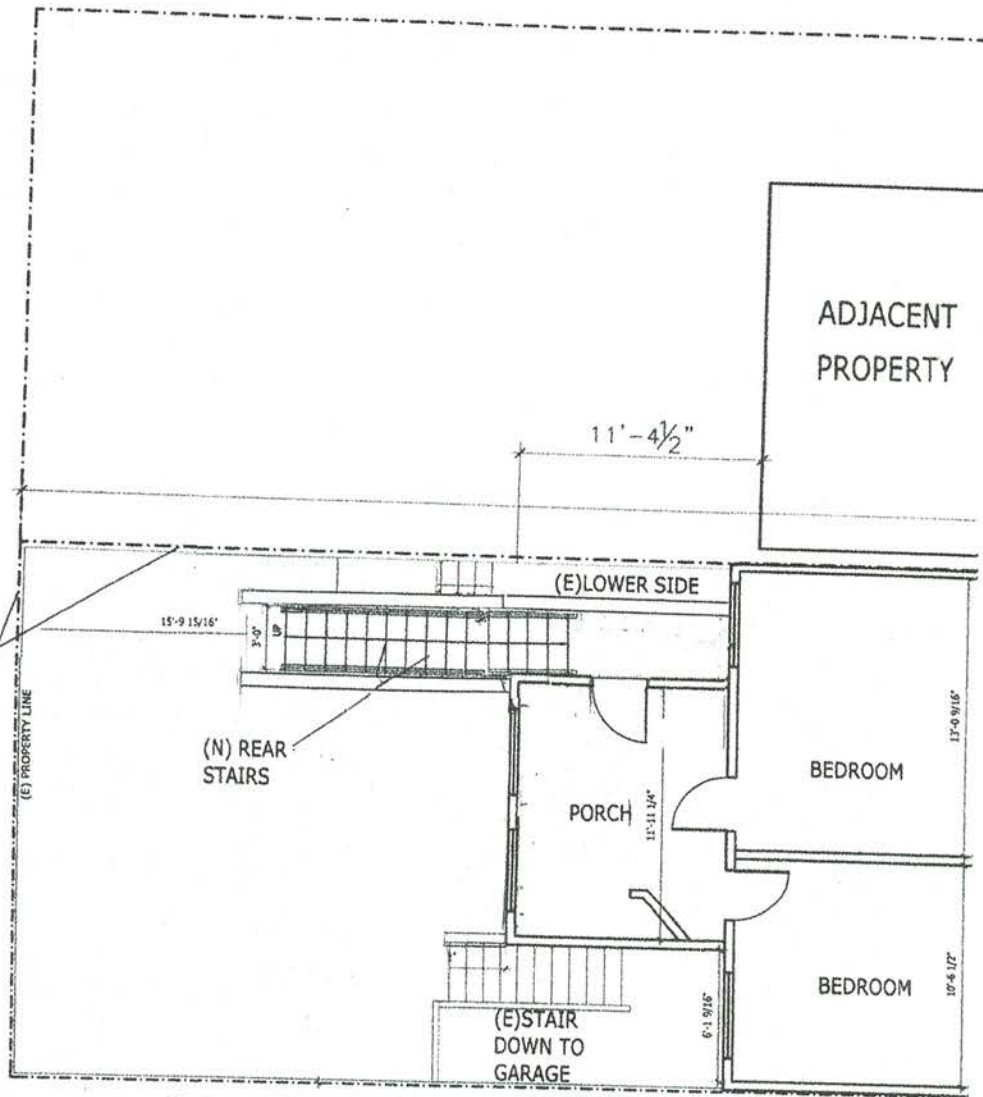
Scale: 1/4" = 1'-0"

FIRST

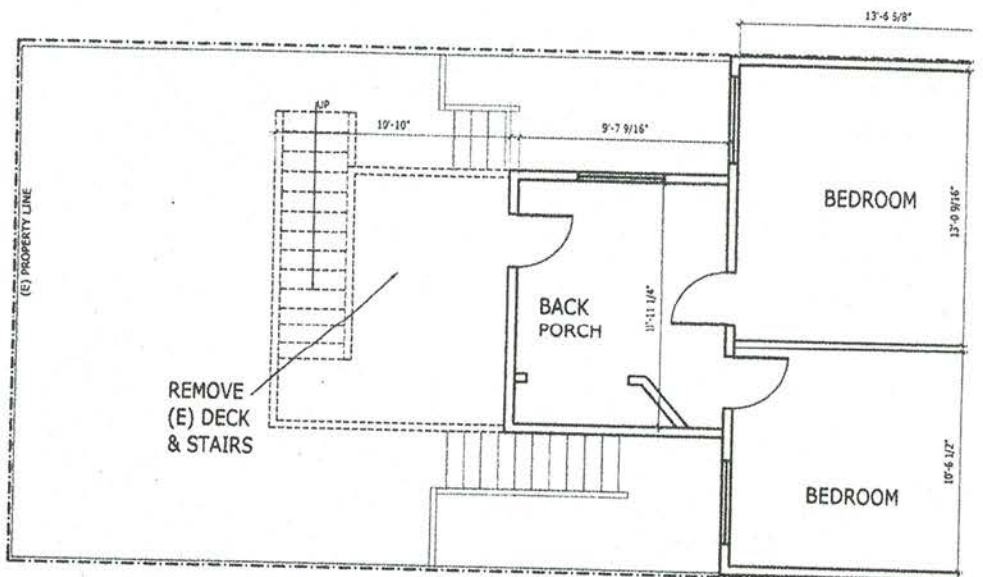


SK-1
9-24-20

(E) PROPERTY LINE W/ (E)



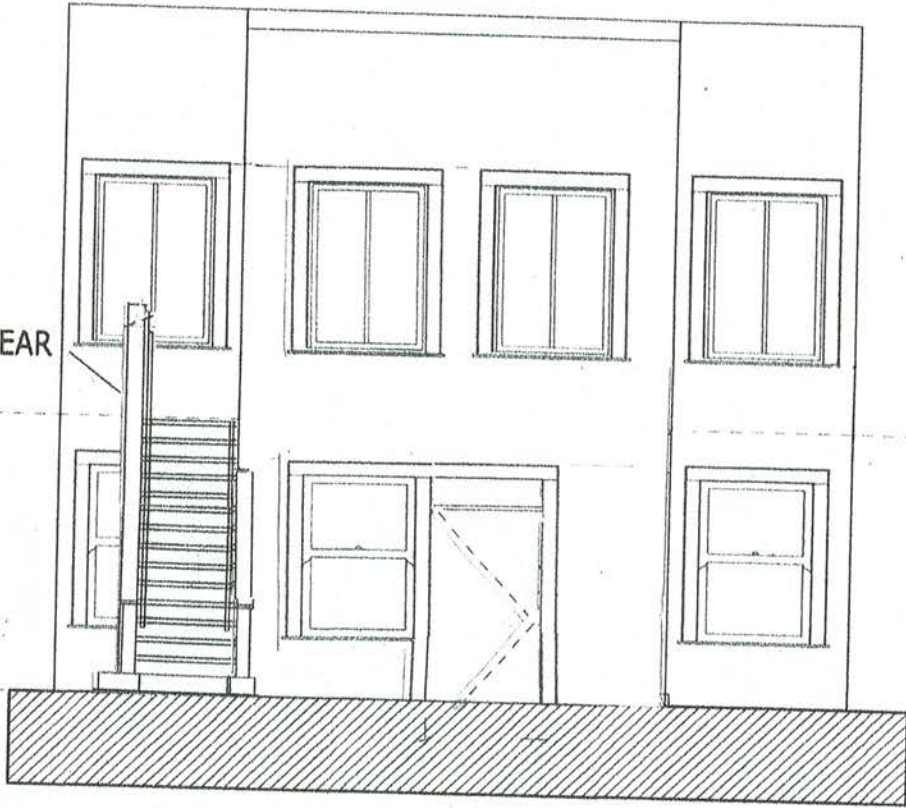
2 (N) STAIR @ (E) 2ND FLOOR
Scale: 1/4"=1'-0"



1 (E) STAIR @ (E) 2ND FLOOR
Scale: 1/4"=1'-0"

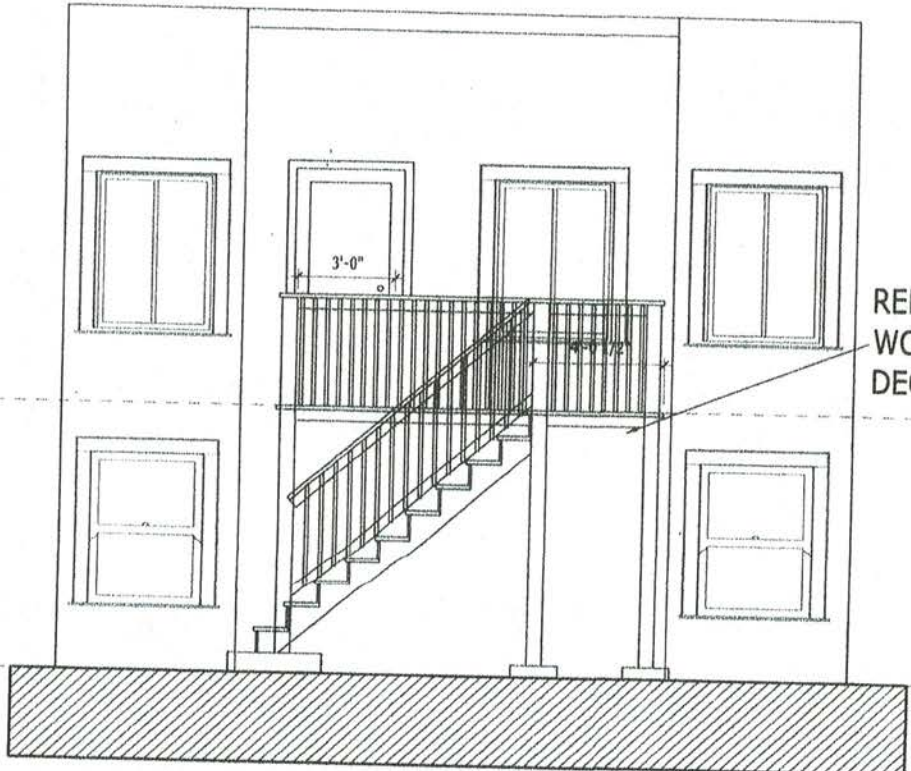
SK-2
9.24.20

(N) WOOD REAR STAIRS



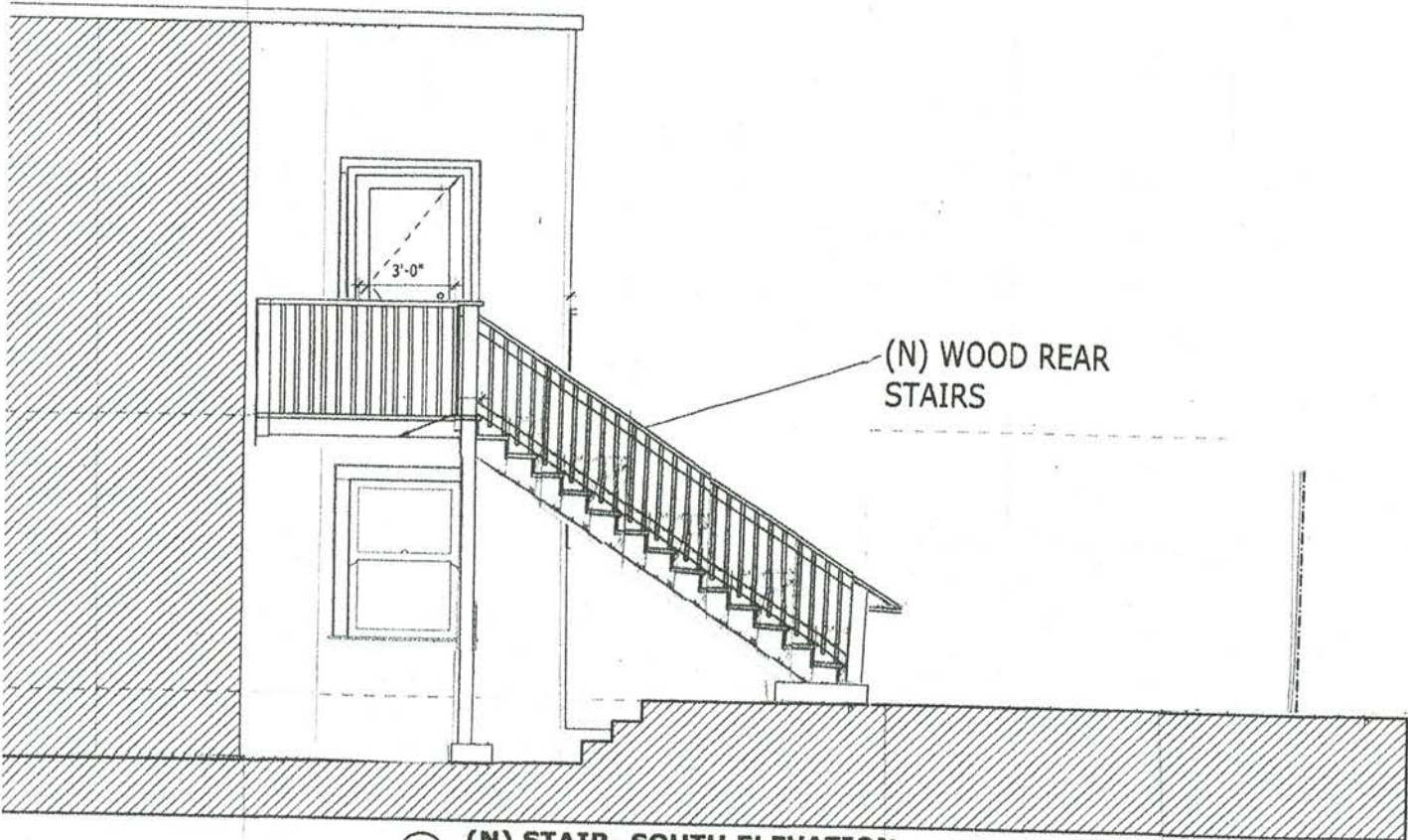
3 (N) STAIR EAST ELEVATION
Scale: 3/8"=1'-0"

REMOVE (E) WOOD REAR DECK & STAIRS



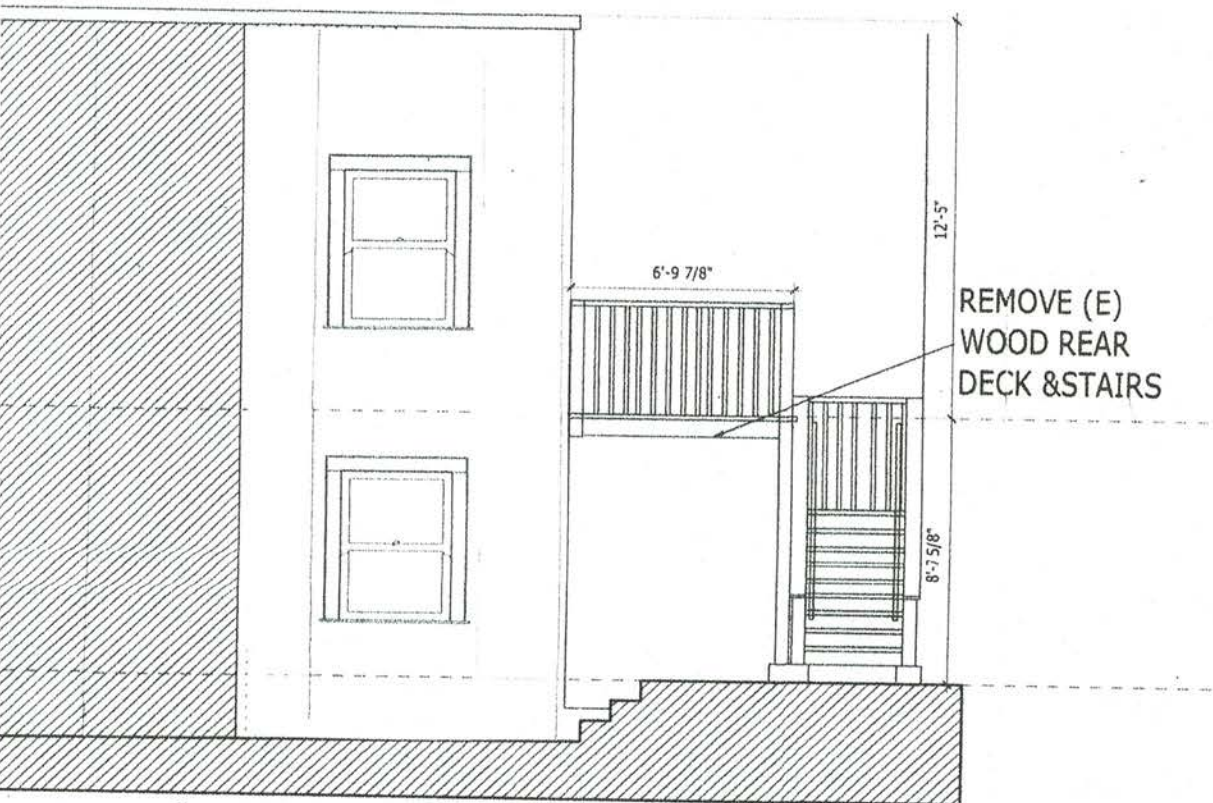
SK-3
9.24.20

1 (E) STAIR EAST ELEVATION
Scale: 3/8"=1'-0"



(N) WOOD REAR STAIRS

④ (N) STAIR- SOUTH ELEVATION
 Scale: 3/8"=1'-0" (NORTH ELEVATION SIMILAR)



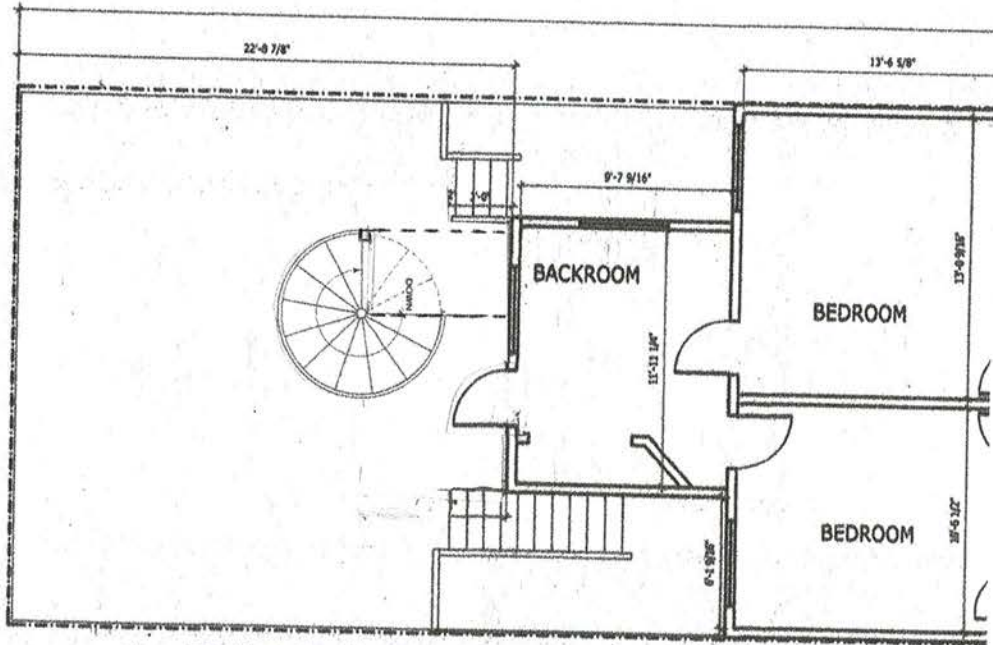
REMOVE (E) WOOD REAR DECK & STAIRS

② (E) STAIR- SOUTH ELEVATION
 Scale: 3/8"=1'-0" (NORTH ELEVATION SIMILAR)

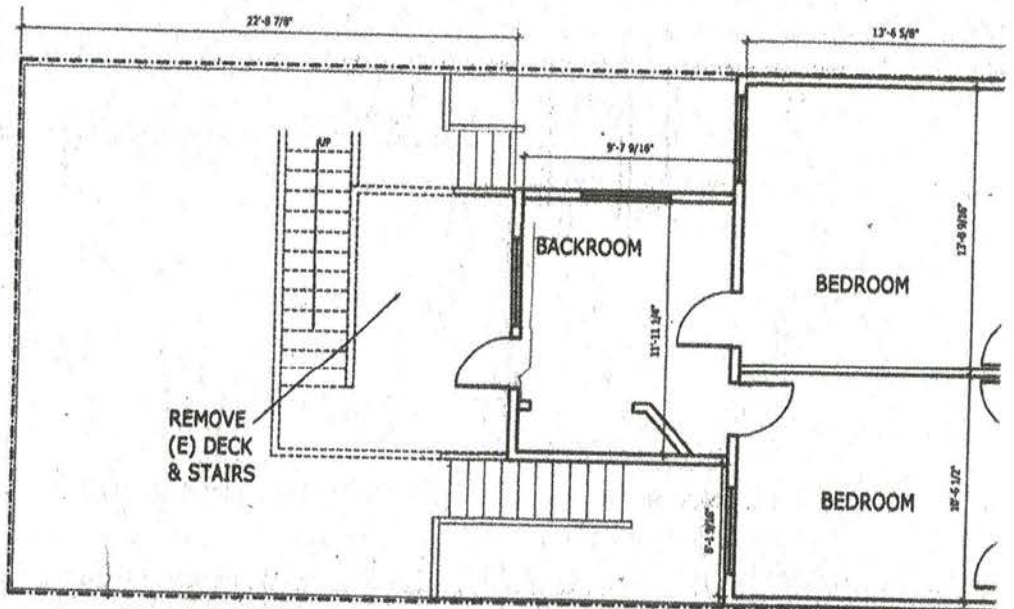
SK-4
 9.24.20



PHOTO 4



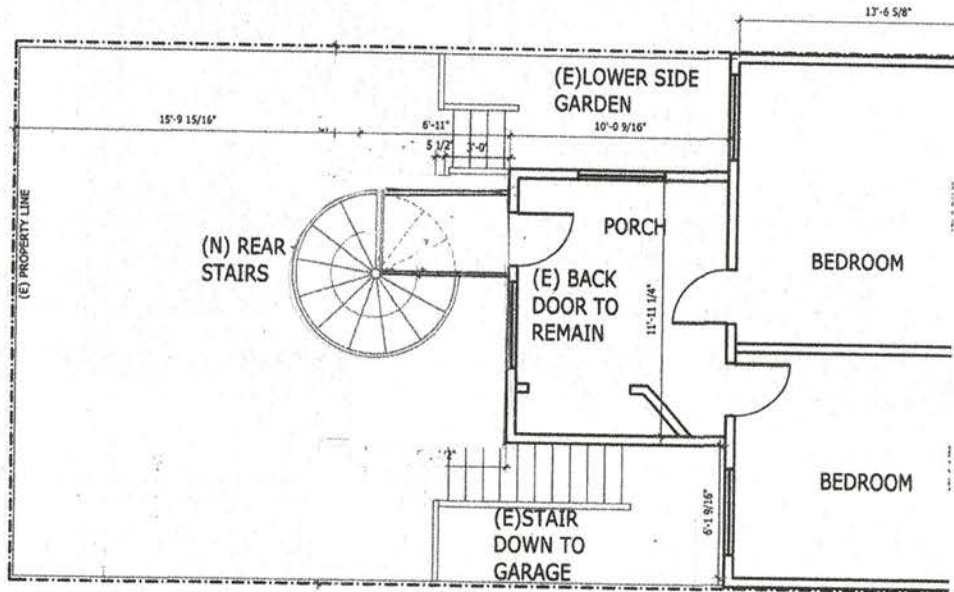
② (N) STAIR @ (E) 2ND FLOOR
 Scale: 1/4"=1'-0" FIRST



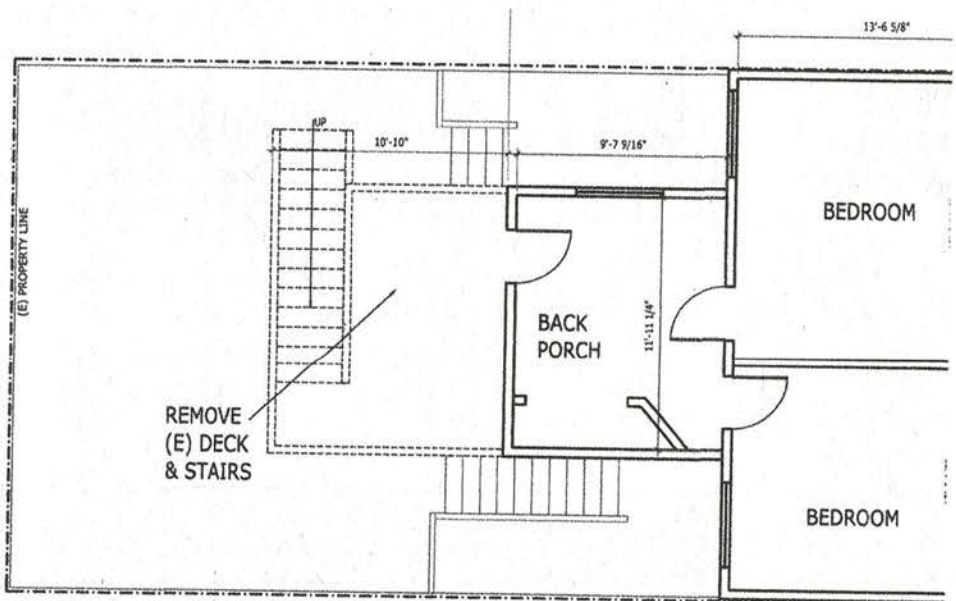
① (E) STAIR @ (E) 2ND FLOOR
 Scale: 1/4"=1'-0" FIRST



SK-5
 9-30-20



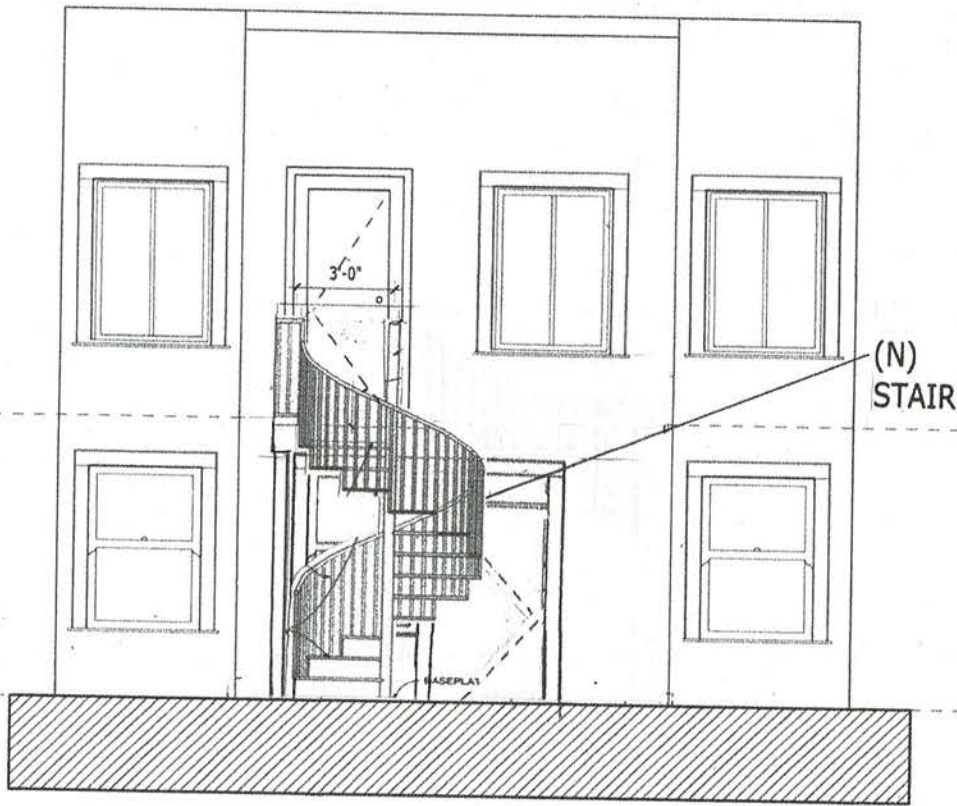
2 (N) STAIR @ (E) 2ND FLOOR
 Scale: 1/4"=1'-0"



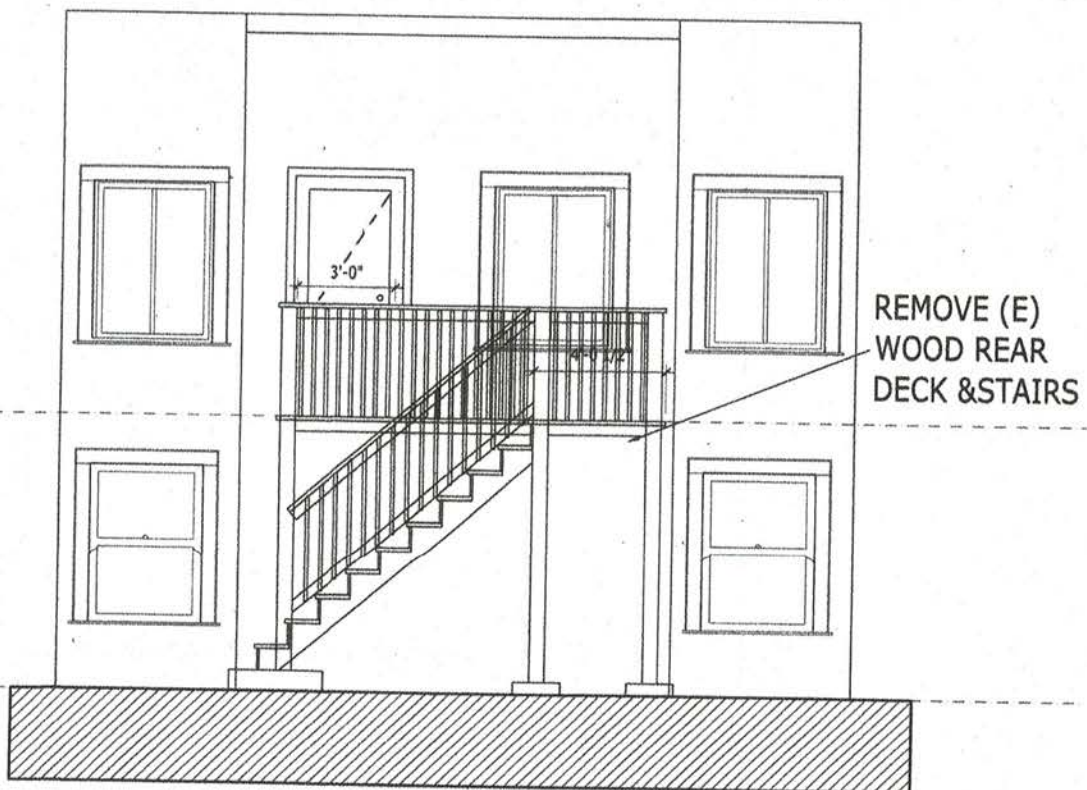
1 (E) STAIR @ (E) 2ND FLOOR
 Scale: 1/4"=1'-0"



SK-6
 9.30.20



3 (N) STAIR EAST ELEVATION
 Scale: 3/8"=1'-0"



1 (E) STAIR EAST ELEVATION
 Scale: 3/8"=1'-0"

SK-7
 9-30-20



PHOTO 4

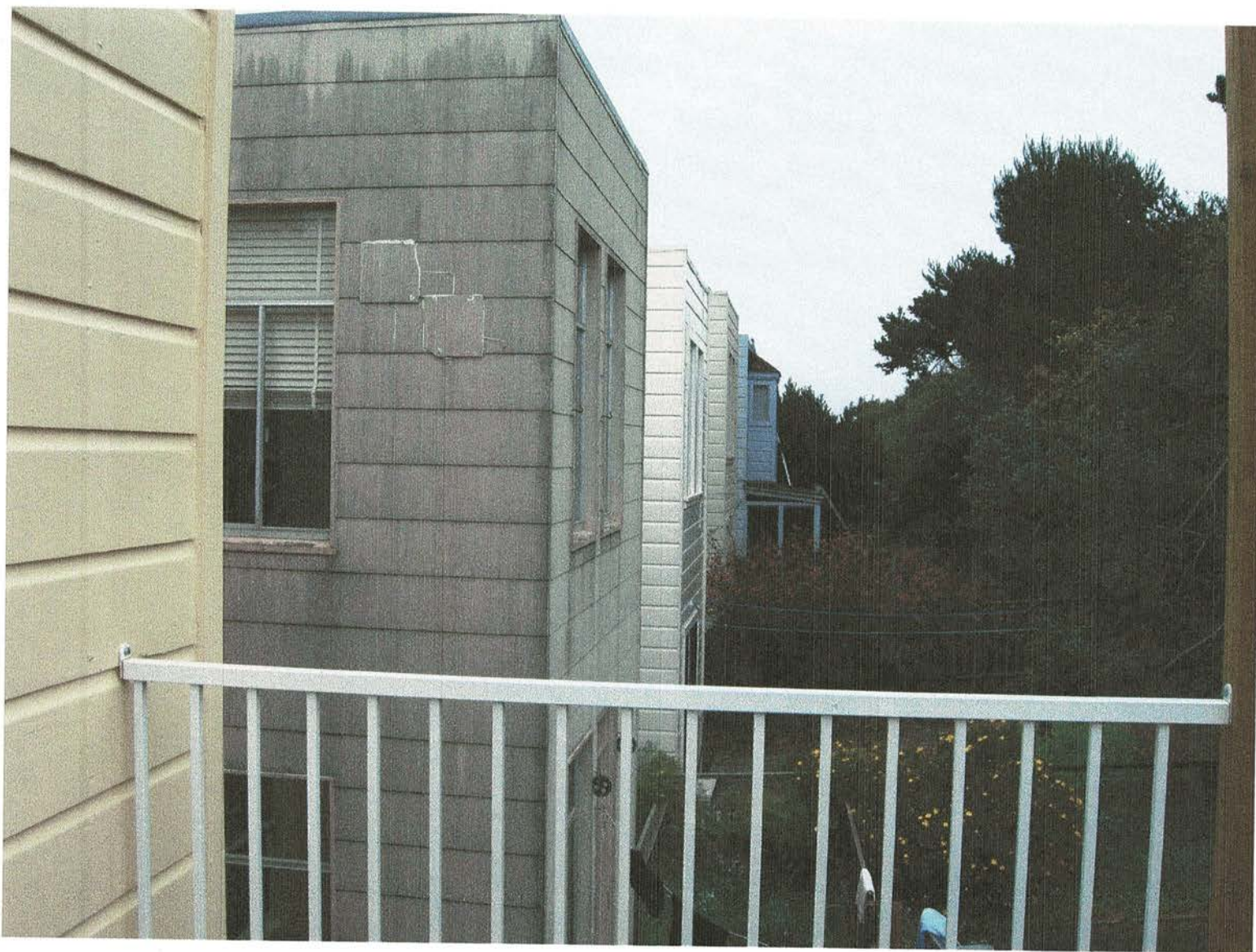


PHOTO 1

PETITION

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Name (Print)	Address
1. <u>JOEL TOMEI, FAIA</u>	<u>167 20TH AVE. S.F. CA. 94121</u>
2. <u>Patricia Tomei</u>	<u>167 20th Ave. S.F. CA. 94121</u>
3. <u>Tristan Covello</u>	<u>163 20th Ave S.F. CA 94121</u>
4. <u>CHASDA HERTHAUT</u>	<u>1163 20th Ave, S.F. CA 94121</u>
5. <u>Jenna Webb</u>	<u>103 20th Ave. SF CA 94121</u>
6. <u>Lars Anders</u>	<u>163 20th Ave., SF, CA 94121</u>
7. <u>JAMES DIAZ, FAIA</u>	<u>139 20TH AVE, SF. CA 94121</u>
8. <u>Anne Diaz (archited)</u>	<u>139 20th Ave SF. 94121</u>
9. <u>LARI DIAZ (AIA)</u>	<u>139 20th Ave SF 94121</u>
10. <u>Margaret Rafferty</u>	<u>1909 La Kest ST. SF 94121-1333</u>
11. <u>Linda Woo</u>	<u>175-20th Ave SF Ca. 94121-1307</u>
12. <u>JUDY WOO</u>	<u>175-20TH AVE. SF. CA 94121-1307</u>

EXH-5

PETITION



- 13. JORIS L. WOOD 175-20TH AVENUE, SF, CA 94121
- 14. BR L- 137 20TH AVE SF, CA 94121
- 15. Felix Lee 137 20th Avenue SF, CA 94121
- 16. Michelle Tong 171 -20th Avenue SF CA 94121
- 17. _____
- 18. _____
- 19. _____
- 20. _____
- 21. _____
- 22. _____
- 23. _____
- 24. _____
- 25. _____
- 26. _____
- 27. _____
- 28. _____
- 29. _____
- 30. _____
- 31. _____
- 32. _____
- 33. _____
- 34. _____

PERMIT HOLDER'S BRIEF

Sullivan Architects, PC
Christopher Sullivan, Architect, LEED AP

3018 Martin Luther King Jr Way, Berkeley, CA 94703 (415)272-4992 SU1LL2@yahoo.com

January 6, 2021

TO: Zoning Administrator and Board of Appeals
City and County of San Francisco

RE: Appeal No. 20-064, Address: 172 21st Ave, Rear Stairs and Landing Replacement

SUBJ: Updated Rear Stair Design

After a redesign of the rear stair for this subject property, it has been reviewed and acceptable to the appellant, Joel Tomei FAIA and by the owner Ralph Chapin. The design has also be review by the SF Planning and Building Depts (DBI). The project Planner Matthew Dito said the redesign is not much different from the original design and thus is allowing it to move forward to the hearing on January 13, 2021. Therefore, the Board may adopt the plans, labelled as Rev3.



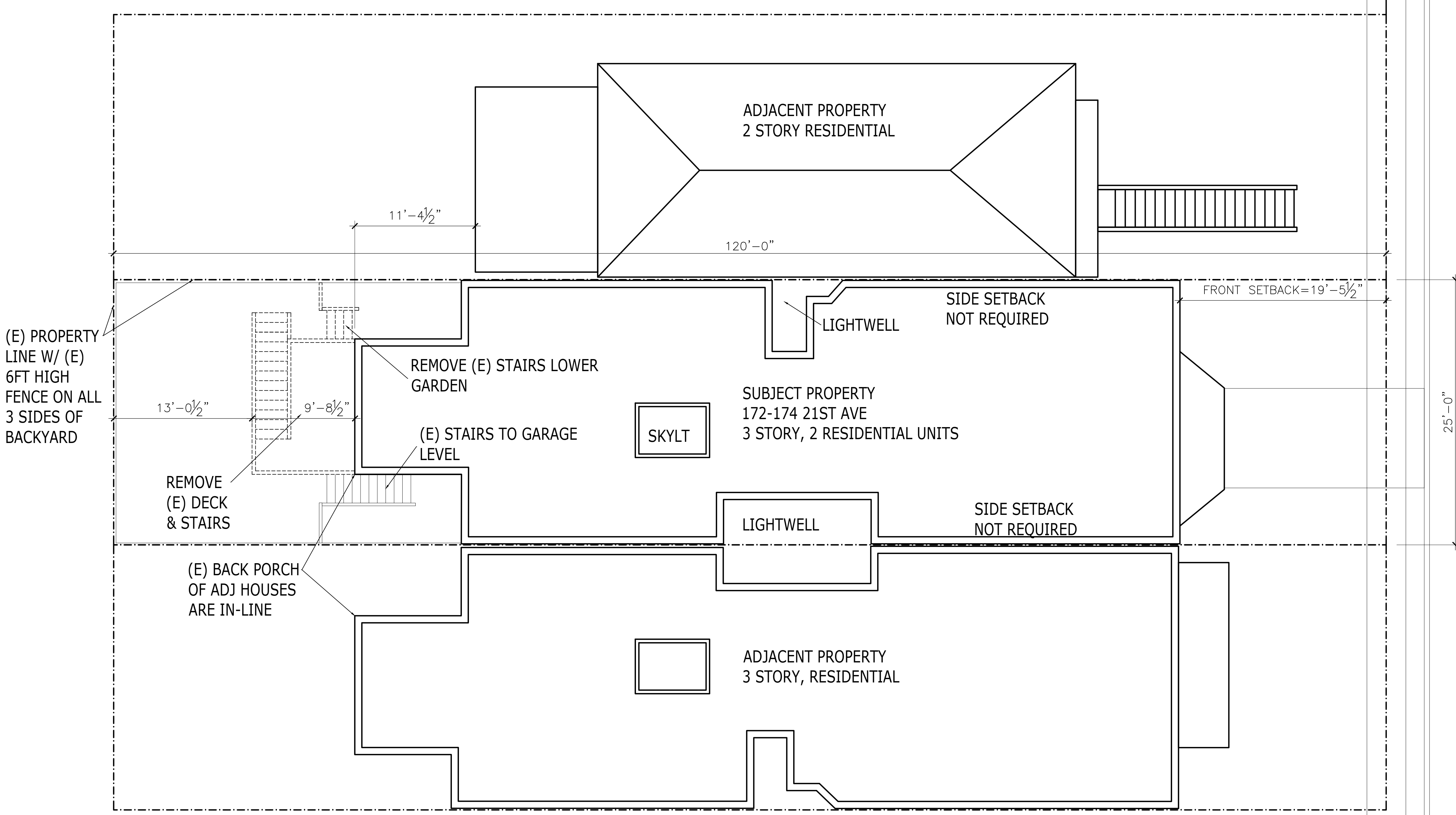
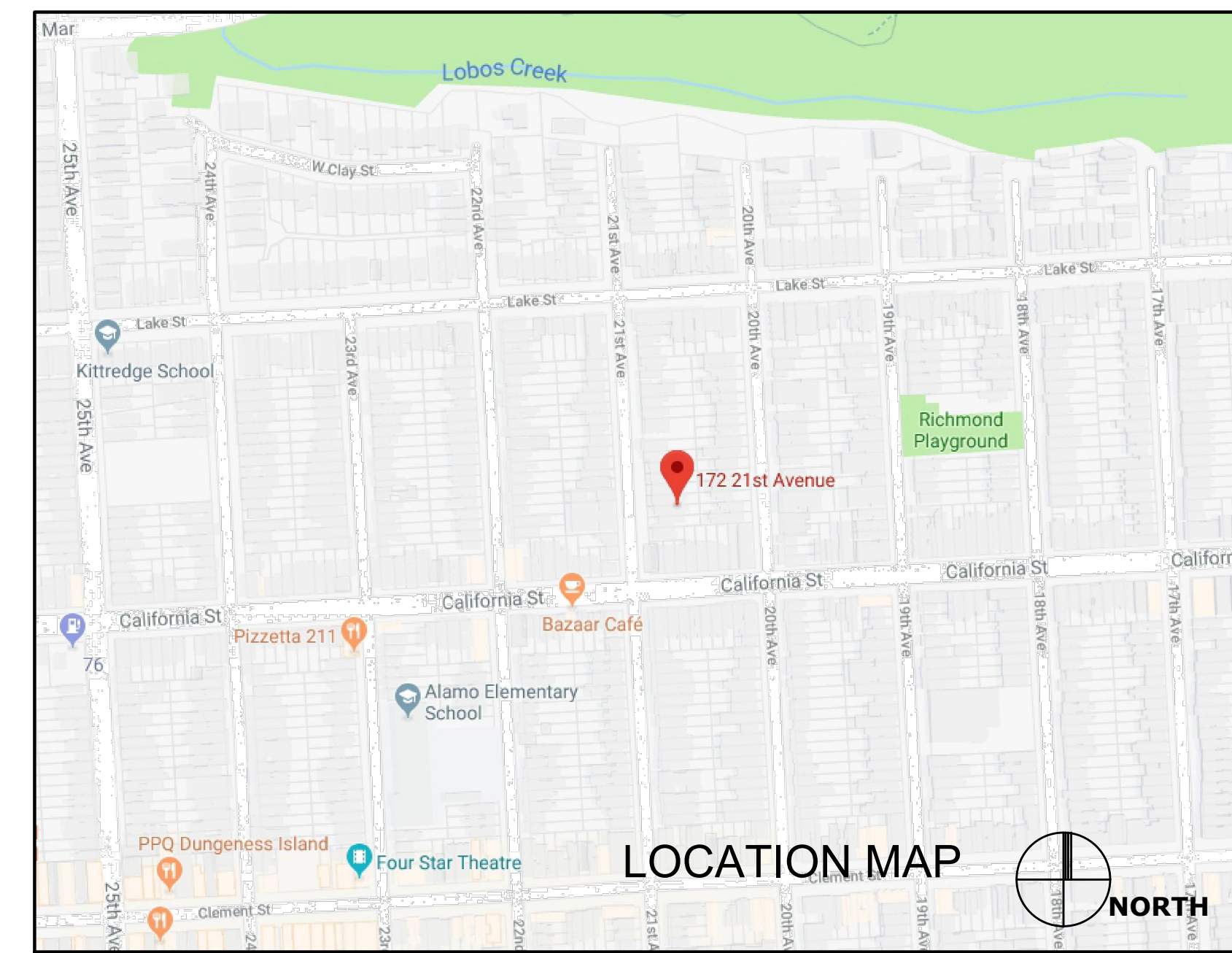
Christopher Sullivan, Architect

Cc: Joel Tomei, FAIA
Scott Sanchez (CPC)

DECK REPLACEMENT

172 21ST AVE, SF, CA 94121

REV.3
1-6-2021

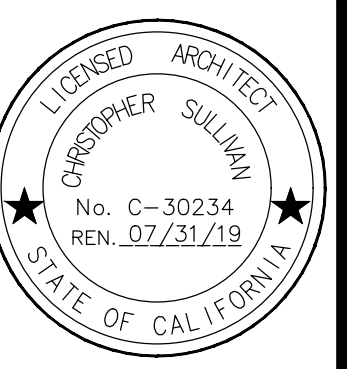


1 (E) PLOT PLAN
Scale: 3/16"=1'-0"



DRAWING LIST

- A0.0 TITLE SHEET, SITE PLAN
- A0.1 PROPOSED SITE PLAN
- A1.0 EXISTING AND PROPOSED PLANS
- A1.1 EXISTING AND PROPOSED PLANS
- A1.2 EXISTING AND PROPOSED PLANS
- A2.0 PROPOSED ELEVATIONS



ARCHITECT:
CHRIS SULLIVAN
3018 MARTIN LUTHER KING
BERKELEY CA 94703
415-272-4992
SULL2@YAHOO.COM

PROJECT INFO

ADDRESS: 172 21ST AVE, APN: 1380/024
ZONING: RH-2
OCCUPANCY: R3
CONSTRUCTION TYPE VB
SPRINKLERS: NO

BUILDING CODES: 2016 CALIFORNIA BUILDING CODE
2016 CALIFORNIA ADMINISTRATIVE CODE
2016 CALIFORNIA ELECTRICAL CODE (CALGREEN)
2016 CALIFORNIA ELECTRICAL CODE
2016 CALIFORNIA MECHANICAL CODE
2016 CALIFORNIA PLUMBING CODE
2016 CALIFORNIA FIRE CODE
2016 CALIFORNIA EXISTING BUILDING CODE
2016 CALIFORNIA ENERGY CODE
2016 CALIFORNIA REFERENCED STANDARDS CODE
SAN CARLOS MUNICIPAL CODE
ALL APPLICABLE LOCAL, COUNTY, STATE AND FEDERAL CODES, LAWS & REGULATIONS

SCOPE OF WORK

REMOVE AND REPLACE (E) BACKYARD DECK AND STAIRS, SERVING TOP FLOOR TO GRADE. STAIRS SERVE AS BACK EGRESS FOR UPPER UNIT. THIS PERMIT IS IN RESPONSE TO AND RESOLVES NOTICE OF ENFORCEMENT 8581-ENF

OWNER/TENANT:
RALPH CHAPIN
172 21ST AVE
SF, CA 94121
415.937.5370

PROJECT:
DECK REPLACEMENT
172 21ST AVE
SF, CA 94121

DESCRIPTION:

TITLE

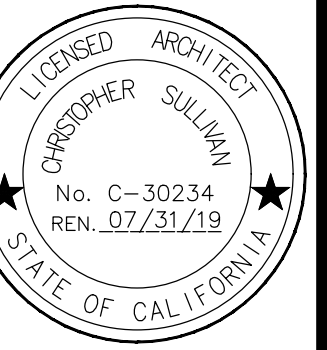
DATE:
MAY, 2018
PLANNING
MAY, 2020
FINAL PLANNING
NOVEMBER, 2020
RE-DESIGN, PLANNING

SHEET:

A0.0

SYMBOLS

- DETAIL NUMBER
- DETAIL SHEET NUMBER
- DOOR NUMBER
- SECTION
- WINDOW OR LOUVER TYPE
- ENLARGED PLAN REFERENCE
- NORTH ARROW
- INTERIOR ELEVATION DRAWING NUMBER
- INTERIOR ELEVATION SHEET NUMBER
- REVISION
- ELEVATION DRAWING NUMBER
- ELEVATION SHEET NUMBER
- CEILING HEIGHT



ARCHITECT:
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SF, CA 94121
415.937.5370

PROJECT:
DECK REPLACEMENT
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SF, CA 94121

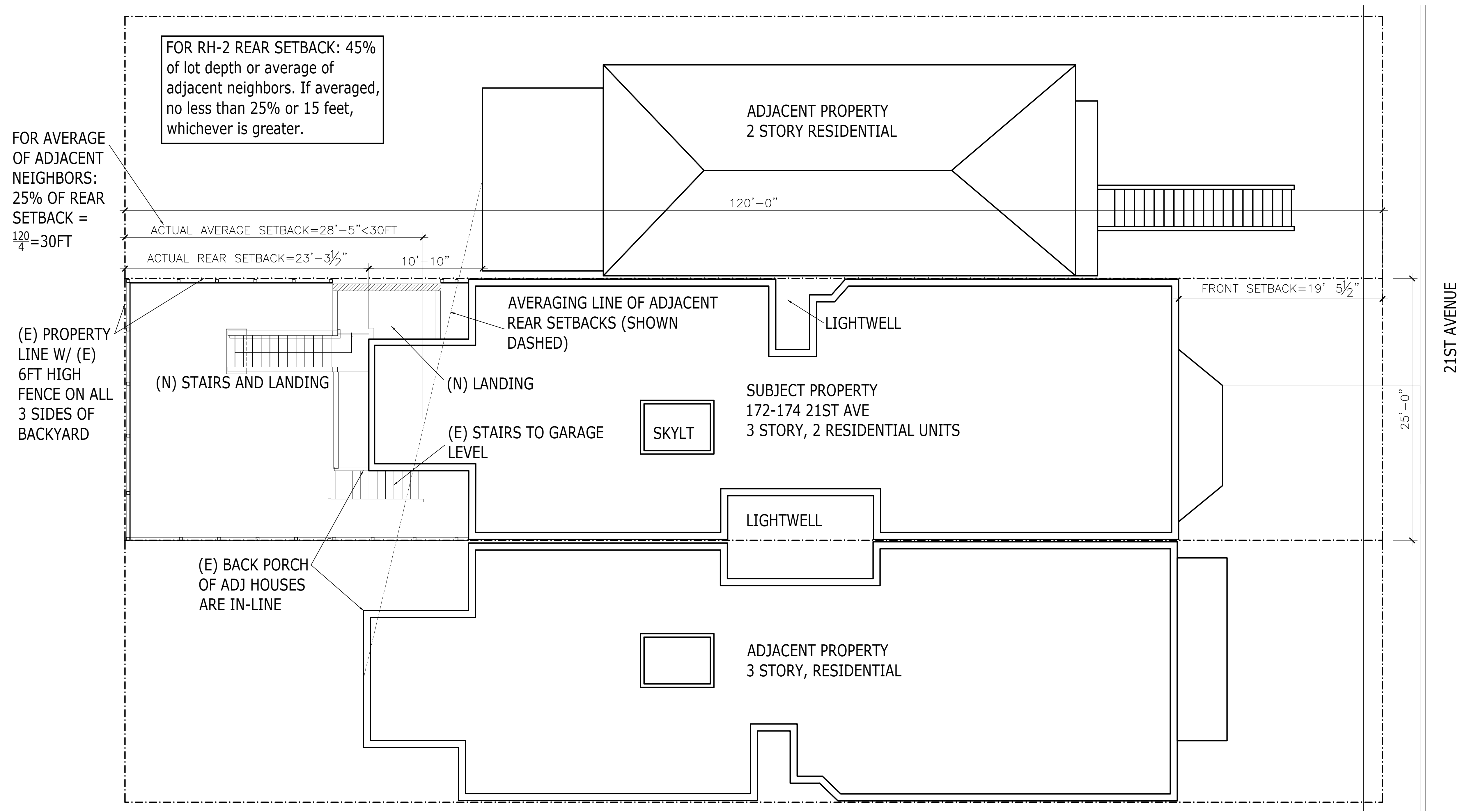
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PLANS

DATE:
MAY, 2018
PLANNING
MAY, 2020
FINAL PLANNING
NOVEMBER, 2020
RE-DESIGN, PLANNING

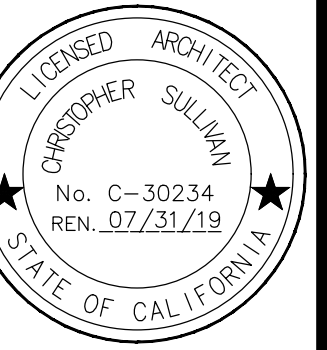
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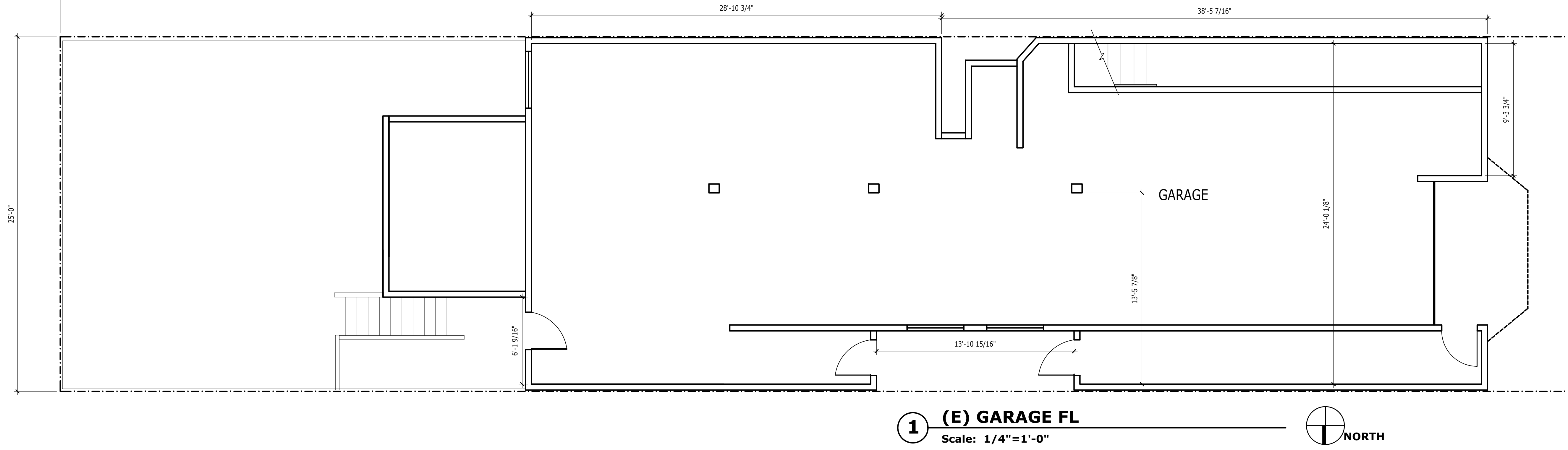
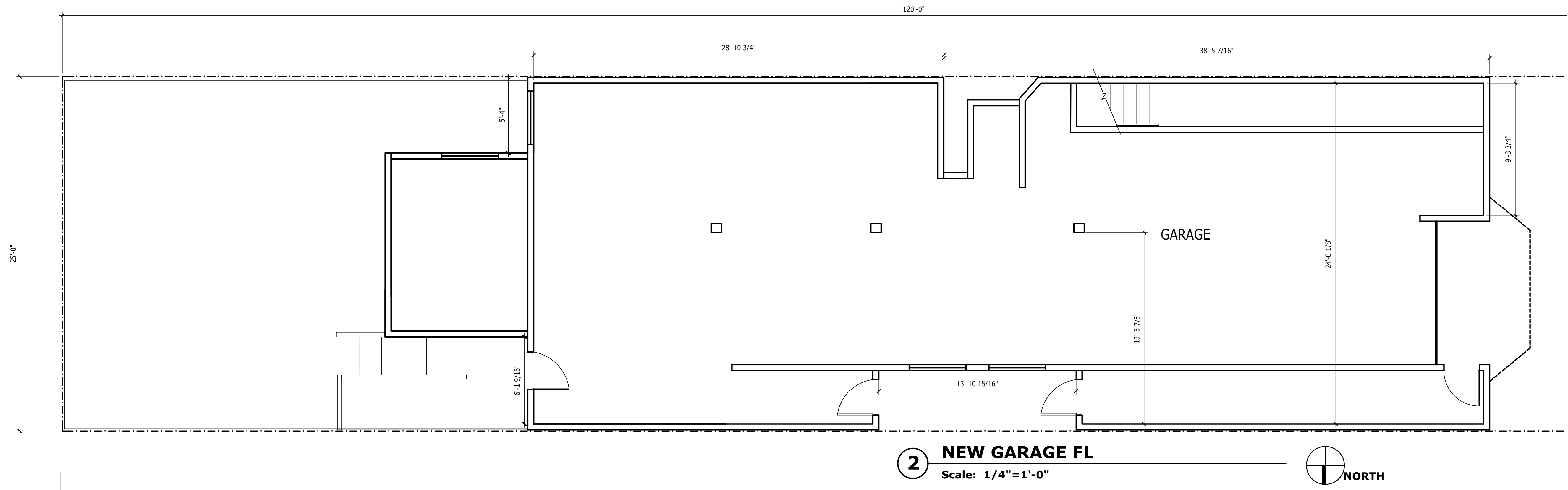


1 PROPOSED PLOT PLAN
Scale: 3/16"=1'-0"





ARCHITECT:
CHRIS SULLIVAN
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BERKELEY CA 94703
415-272-4992
SULL2@YAHOO.COM



OWNER/TENANT:
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172 21ST AVE
SF, CA 94121
415.937.5370

PROJECT:
DECK REPLACEMENT
172 21ST AVE
SF, CA 94121

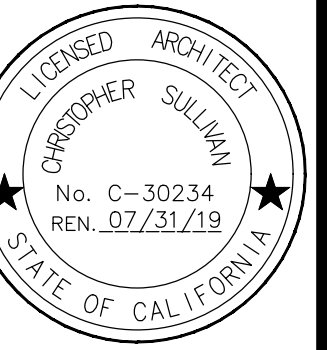
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PLANS

DATE:
MAY, 2018
PLANNING
MAY, 2020
FINAL PLANNING
NOVEMBER, 2020
RE-DESIGN, PLANNING

SHEET:

A1.0



ARCHITECT:
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415-272-4992
SULL2@YAHOO.COM

OWNER/TENANT:

RALPH CHAPIN
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SF, CA 94121
415.937.5370

PROJECT:

DECK REPLACEMENT
172 21ST AVE
SF, CA 94121

DESCRIPTION:

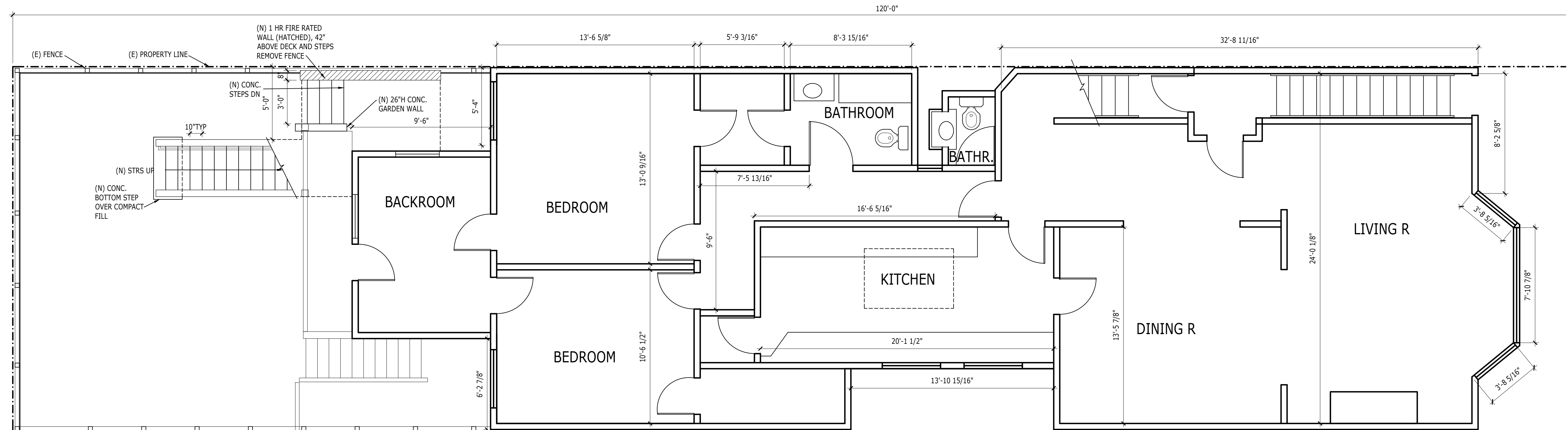
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DATE:

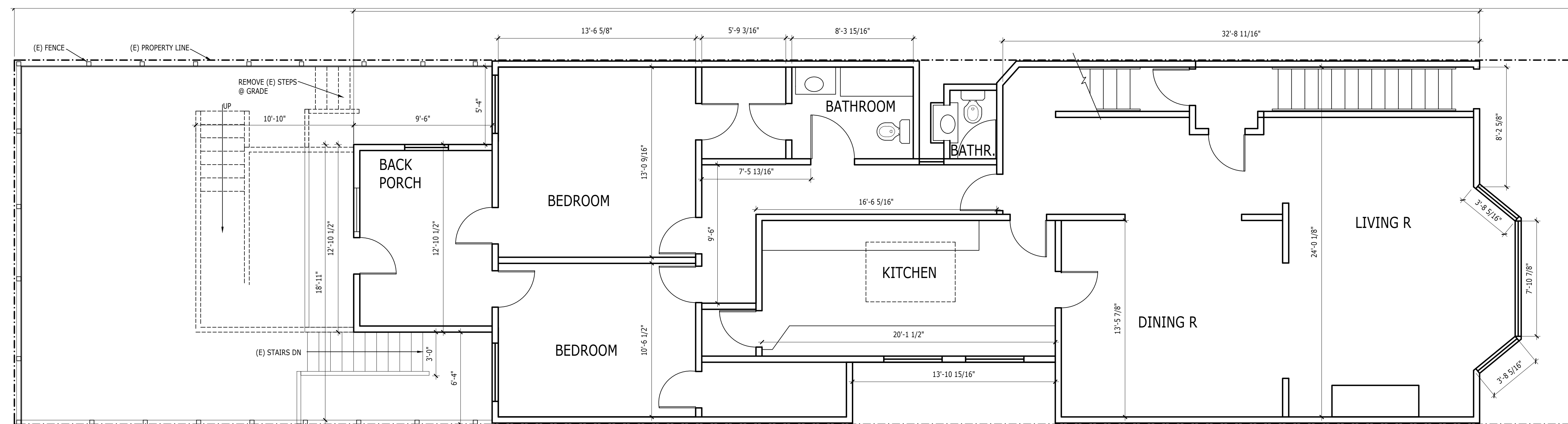
MAY, 2018
PLANNING
MAY, 2020
FINAL PLANNING
NOVEMBER, 2020
RE-DESIGN, PLANNING

SHEET:

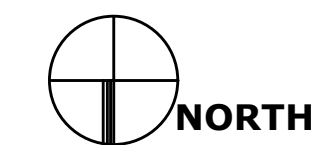
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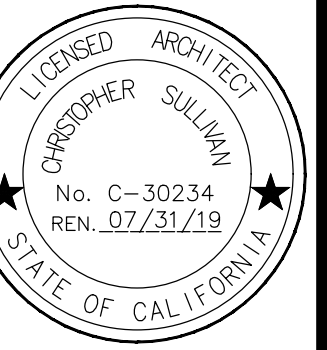


2 (N) STAIR @ (E) MAIN FLOOR
Scale: 1/4"=1'-0"

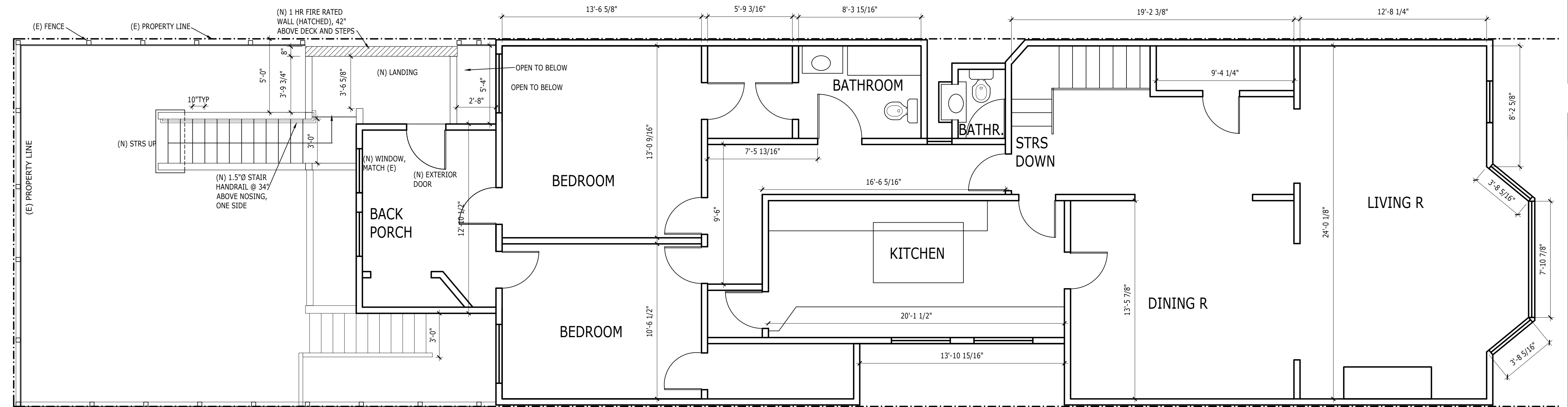


1 (E) STAIR @ (E) MAIN FLOOR
Scale: 1/4"=1'-0"

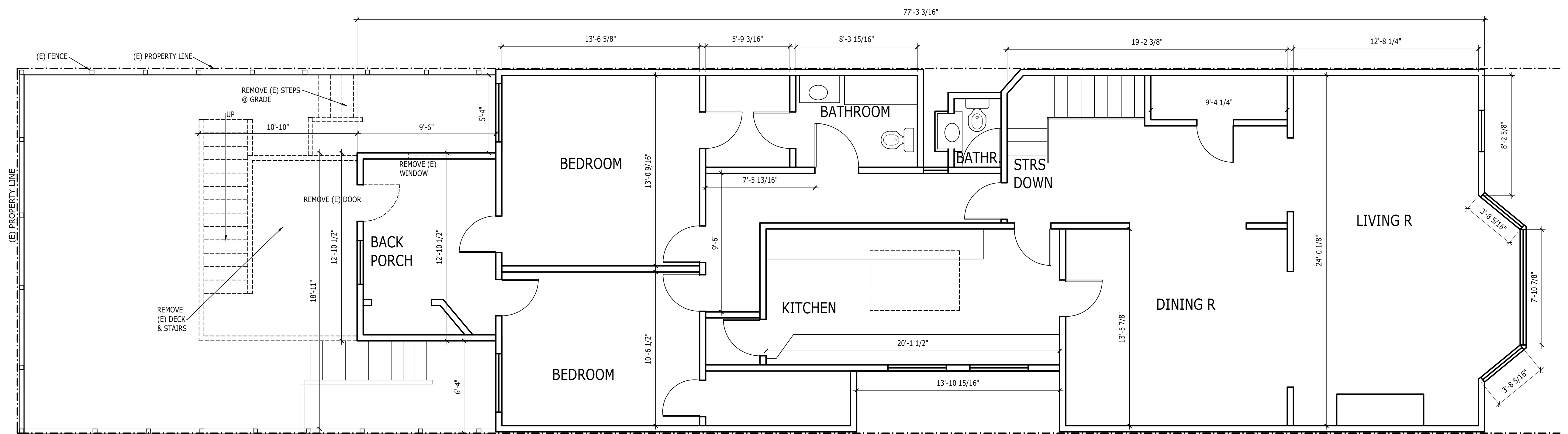




ARCHITECT:
CHRIS SULLIVAN
3018 MARTIN LUTHER KING
BERKELEY CA 94703
415-272-4992
SULL2@YAHOO.COM



2 NEW STAIRS @ 2ND FLOOR PLAN
Scale: 1/4"=1'-0" NORTH



1 (E) 2ND FLOOR PLAN
Scale: 1/4"=1'-0" NORTH

OWNER/TENANT:
RALPH CHAPIN
172 21ST AVE
SF, CA 94121
415.937.5370

PROJECT:
DECK REPLACEMENT
172 21ST AVE
SF, CA 94121

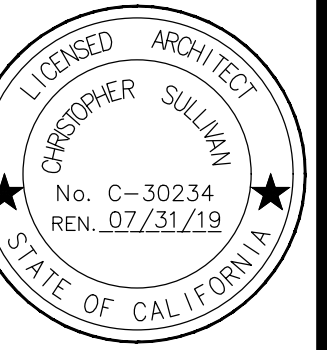
DESCRIPTION:

PLANS

DATE:
MAY, 2018
PLANNING
MAY, 2020
FINAL PLANNING
NOVEMBER, 2020
RE-DESIGN, PLANNING

SHEET:

A1.2



ARCHITECT:
CHRIS SULLIVAN
3018 MARTIN LUTHER KING
BERKELEY CA 94703
415-272-4992
SULL2@YAHOO.COM

OWNER/TENANT:

RALPH CHAPIN
172 21ST AVE
SF, CA 94121
415.937.5370

PROJECT:

DECK REPLACEMENT
172 21ST AVE
SF, CA 94121

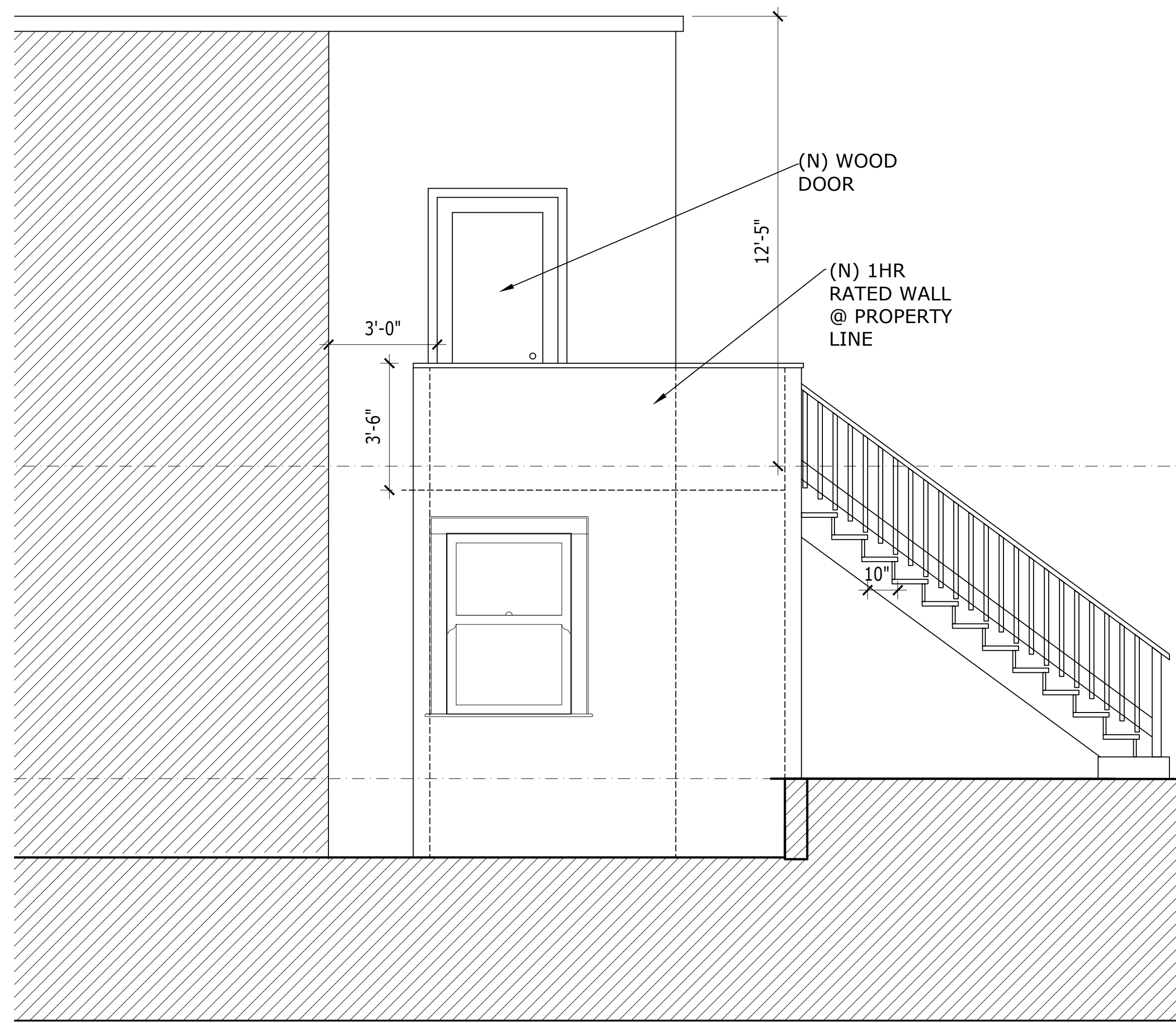
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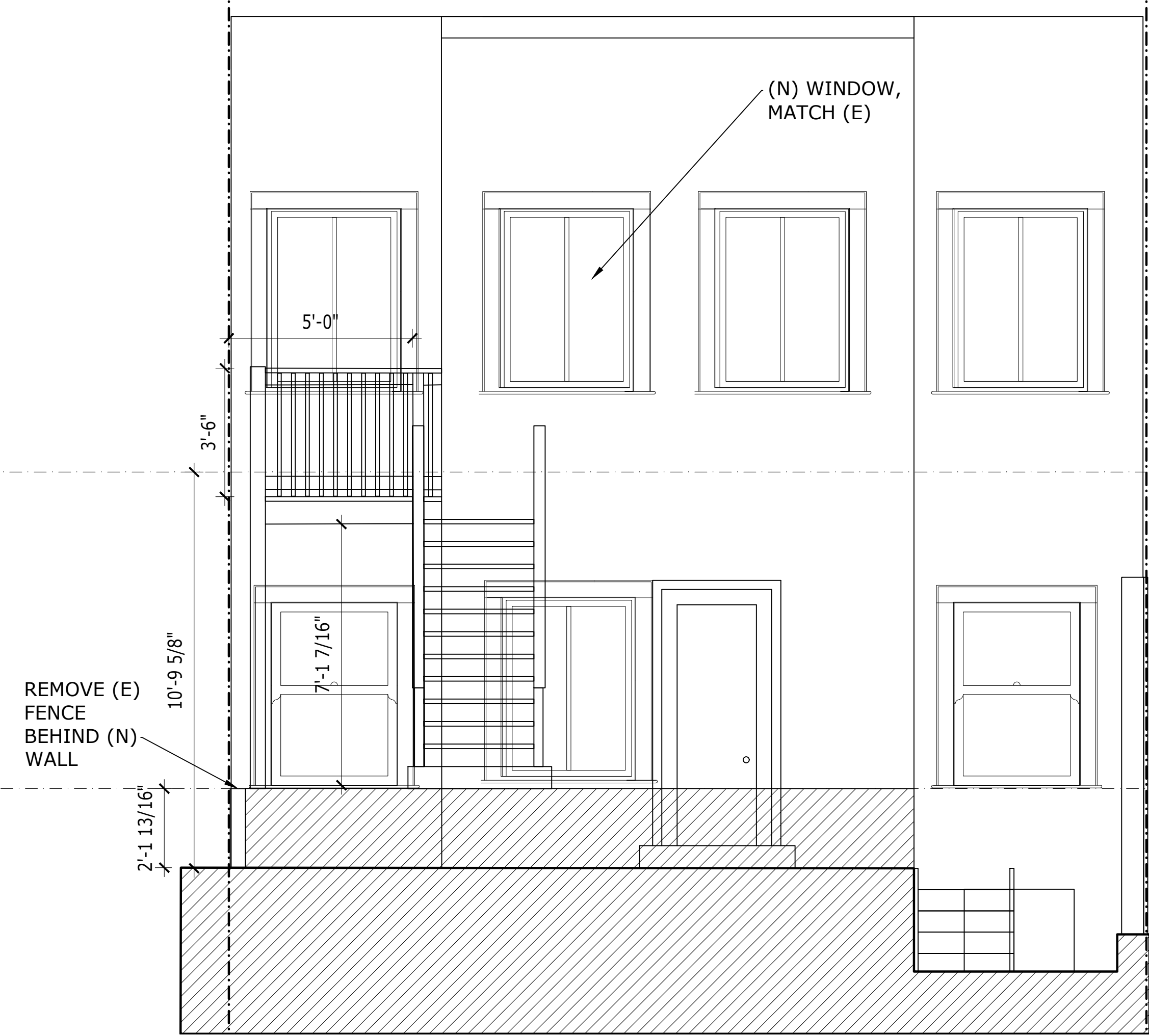
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PLANNING
MAY, 2020
FINAL PLANNING
NOVEMBER, 2020
RE-DESIGN, PLANNING

SHEET:

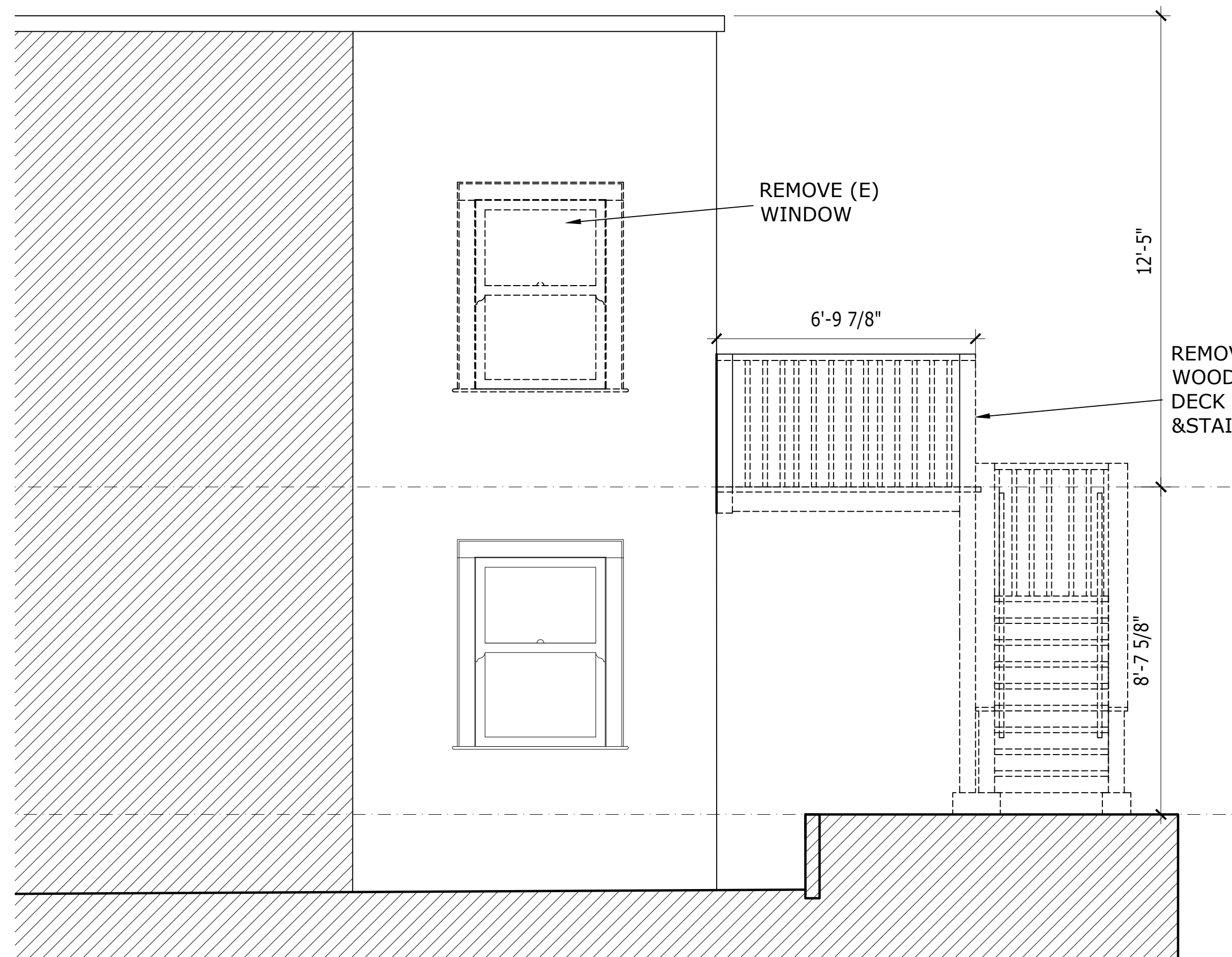
A2.0



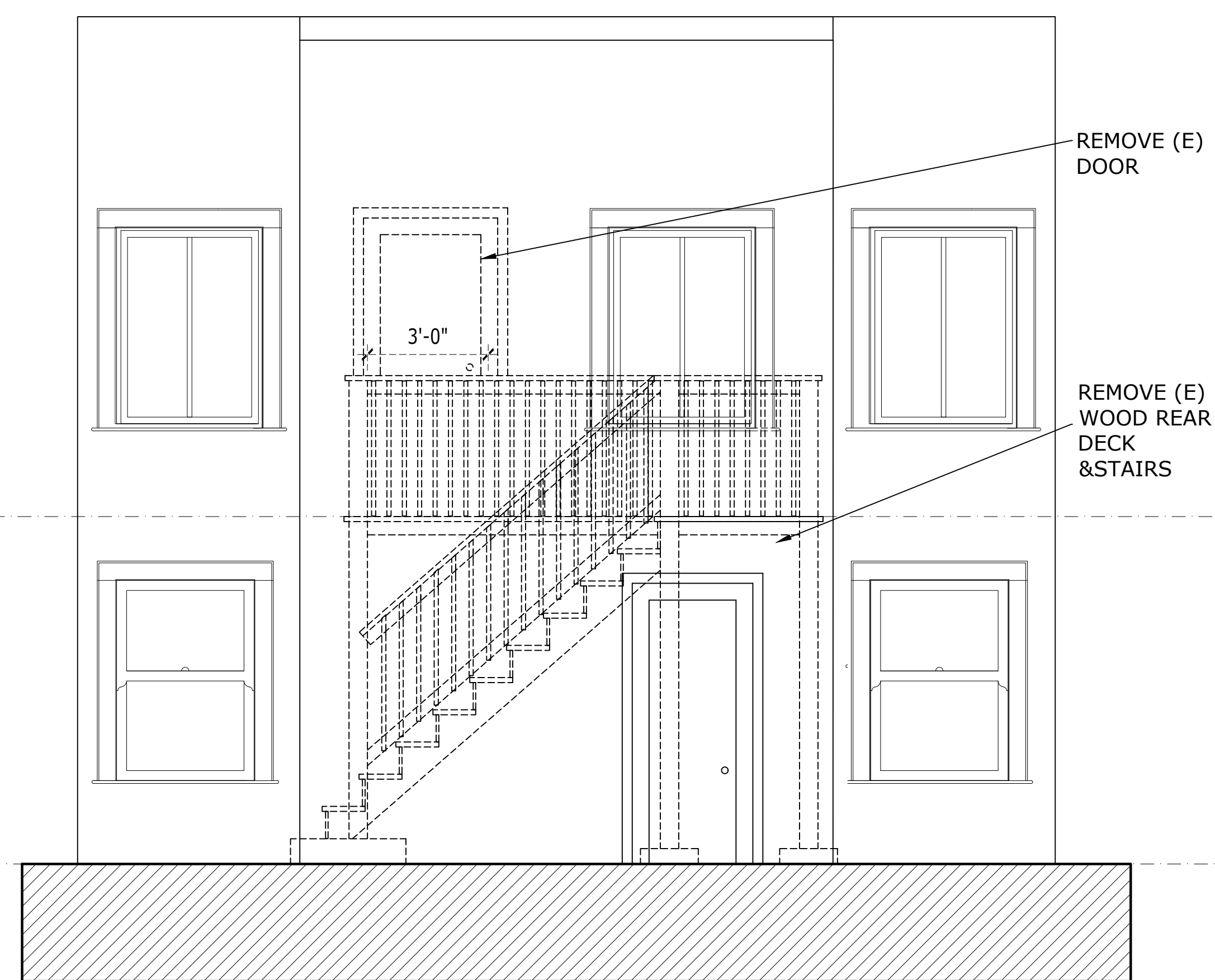
4 (N) STAIR- SOUTH ELEVATION
Scale: 3/8"=1'-0"



3 (N) STAIR EAST ELEVATION
Scale: 3/8"=1'-0"



2 (E) STAIR- SOUTH ELEVATION
Scale: 3/8"=1'-0"



1 (E) STAIR EAST ELEVATION
Scale: 3/8"=1'-0"