



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Analysis

### Dwelling Unit Merger

HEARING DATE MAY 27, 2010

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* May 20, 2010  
*Case No.:* **2010.0205D**  
*Project Address:* **969-971 UNION STREET**  
*Zoning:* RM-2, (Residential Mixed Moderate Density District)  
40-X Height and Bulk District  
*Block/Lot:* 0120/018  
*Project Sponsor:* Mark Fisher  
969 Union Street  
San Francisco, CA 94133  
*Staff Contact:* Rick Crawford – (415) 558-6358  
[rick.crawford@sfgov.org](mailto:rick.crawford@sfgov.org)  
*Recommendation:* **Do Not Take Discretionary Review and Approve the Permit**

### PROJECT DESCRIPTION

The proposal is to merge two owner occupied dwelling units in a two-family residential building into one unit.

### SITE DESCRIPTION AND PRESENT USE

The subject units represent both dwelling units in a two-family dwelling. The two units are both owned by the applicant who occupies the entire building and has owned the two units since August 2005. The proposed merger will remove a small kitchen on the second floor of the building and remove doors on the stairway that divide the two units. No tenant was displaced and the building was not subject to the Ellis Act. The project will not alter the exterior of the subject building.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The neighborhood surrounding the subject property is moderate to high density residential with a mix of 1 to 120 dwelling units per parcel. The property is located in an area where all but five nearby parcels are occupied by multiple-family dwellings. The five exceptions are the two lots adjacent to the subject property on Union Street, the property two lots to west, a lot 150 feet to the south on Green Street, and a property 150 feet east on Macondray Lane which are all occupied by single-family dwellings. With the exception of the lot on Green Street the lots occupied by single-family dwellings are among the smallest in the area. The subject property is smaller than any of the other lots occupied by single-family dwellings. Only one of the smaller lots in the area has more than one dwelling unit. That lot, a 1,375 square foot parcel on Macondray Lane, has 3 dwelling units.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	May 17, 2010	May 17, 2010	10 days
Mailed Notice	10 days	May 17, 2010	May 17, 2010	10 days

PUBLIC COMMENT

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

The Department has not received any comment from the public regarding this case.

PROJECT ANALYSIS

DWELLING UNIT MERGER CRITERIA

Below are the five criteria to be considered by the Planning Commission in evaluating dwelling unit mergers, per Planning Code Section 317(f):

1. Removal of the unit(s) would only eliminate owner occupied housing.

***Project Meets Criteria***

*The two units are both owned by the applicant who currently occupies the entire building. The proposed merger will remove doors on the stairway that divide the two units and remove a small kitchen on the second floor.*

2. Removal of the unit(s) and the merger with another is intended for owner occupancy.

***Project Meets Criteria***

*The units are and will continue to be owner occupied on a full time basis.*

3. Removal of the unit(s) will bring the building closer into conformance with the prevailing density in its immediate area and the same zoning.

***Project Meets Criteria***

*The subject building is in an RM-2 district that allows one dwelling unit per 600 square feet of lot area. The property is located in an area where all but five nearby parcels are occupied by multiple-family dwellings. The five exceptions are the two lots adjacent to the subject property on Union Street, the property two lots to west, a lot 150 feet to the south on Green Street, and a property 150 feet east on*

*Macondray Lane which are all occupied by single-family dwellings. With the exception of the lot on Green Street the lots occupied by single-family dwellings are among the smallest in the area. The subject property is smaller than any of the other lots occupied by single-family dwellings. Only one of the smaller lots in the area has more than one dwelling unit. That lot, a 1,375 square foot parcel on Macondray Lane, has 3 dwelling units. The proposed merger meets this criterion because the project brings the building closer into compliance with the prevailing density of the similarly sized lots in the immediate area.*

4. Removal of the unit(s) will bring the building closer into conformance with prescribed zoning.

***Project Does Not Meet Criteria***

*The subject building is in an RM-2 district that allows one dwelling unit per 600 square feet of lot area. The subject lot is 1,035 square feet in area with a maximum density of 1.7 units. The RM-2 district also allows a three unit dwelling on any legal lot of record, regardless of lot area. Under the current zoning the property could be developed with one additional dwelling unit for a total of three units on the lot regardless of the size of the parcel.*

5. Removal of the unit(s) is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations.

***Project Does Not Meet Criteria***

*The building was designed as a three-story, two-family dwelling.*

**GENERAL PLAN COMPLIANCE:**

The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

**HOUSING ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

TO AVOID OR MITIGATE HARDSHIP IMPOSED BY DISPLACEMENT.

**Policy 1.1:**

Minimize relocation hardship and displacement caused by the demolition or conversion of housing.

*The two units are both owned and occupied by the applicant who lives in them both as one unit. Both units were vacant when the applicant purchased the building in 2005. No tenant was displaced and the building was not subject to the Ellis Act. Both units are now and will remain occupied on a full-time basis by the owner.*

**SECTION 101.1 PRIORITY POLICIES**

Planning Code Section 101.1 establishes eight priority policies and requires review of permits for consistency, on balance, with these policies. The Project complies with these policies as follows:

1. Existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

*The proposal would merger two units in a two-family dwelling. No neighborhood commercial uses are present in the building and none will be affected by the proposed unit merger.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The proposal will eliminate a dwelling unit but will not affect the character of the neighborhood. The building is currently occupied as a single-family dwelling. The merger is entirely internal within the building and will not be noticeable outside of the subject property.*

3. That the City's supply of affordable housing be preserved and enhanced.

*The units proposed to be merged are not affordable housing and merger of the units will not impact housing affordability in the City.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The proposed dwelling unit merger is entirely internal within the building and will not be noticeable outside of the subject property and will not effect MUNI operations or parking.*

5. A diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The subject property is within a residential zone district as are all nearby properties. No area property is used or zoned for industrial use. The proposed merger will not impact the industrial or service sectors.*

6. The City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The project will not affect the ability of the building to withstand an earthquake.*

7. Landmarks and historic buildings be preserved.

*The proposal is not within a building that may be considered an historic resource.*

8. Parks and open space and their access to sunlight and vistas be protected from development.

*The project is internal to an existing building and will not alter the exterior of the building and would thus have no impact on sunlight to or vistas from any public park or open space.*

## **ENVIRONMENTAL REVIEW**

The project is categorically exempt from the environmental review process under Section 15061(b)(3) of the State CEQA Guidelines, pursuant to Title 14 of the California Administrative Code.

## **BASIS FOR RECOMMENDATION**

- The proposed merger meets a majority of the merger criteria of Planning Code Section 317.
- The proposed merger of two dwelling units on the smallest lot in the area brings the building closer into compliance with the prevailing density of the similarly sized lots in the immediate area.
- Both units are now and will remain owner occupied on a full-time basis by the owner.

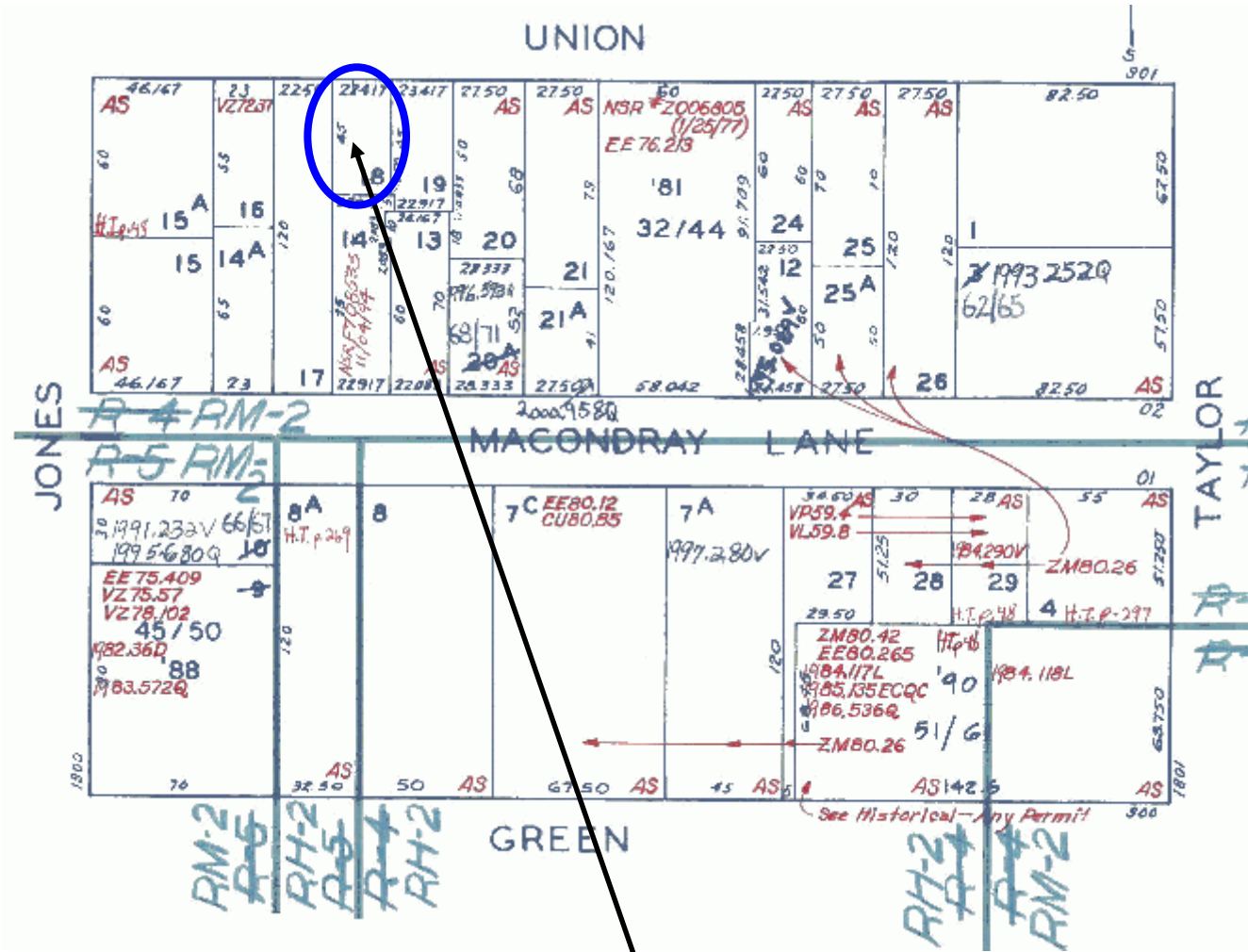
<b>RECOMMENDATION:</b> <b>Do Not Take Discretionary Review and Approve the Merger</b>
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### **Attachments:**

Parcel Map  
Sanborn Map  
Zoning Map  
Aerial Photograph  
Context Photograph  
Site Photograph  
Section 311 Notice  
Section 317 Application  
Reduced Plans

G:\DOCUMENTS\NE Cases\969 Union DUM\0205d rpt.doc

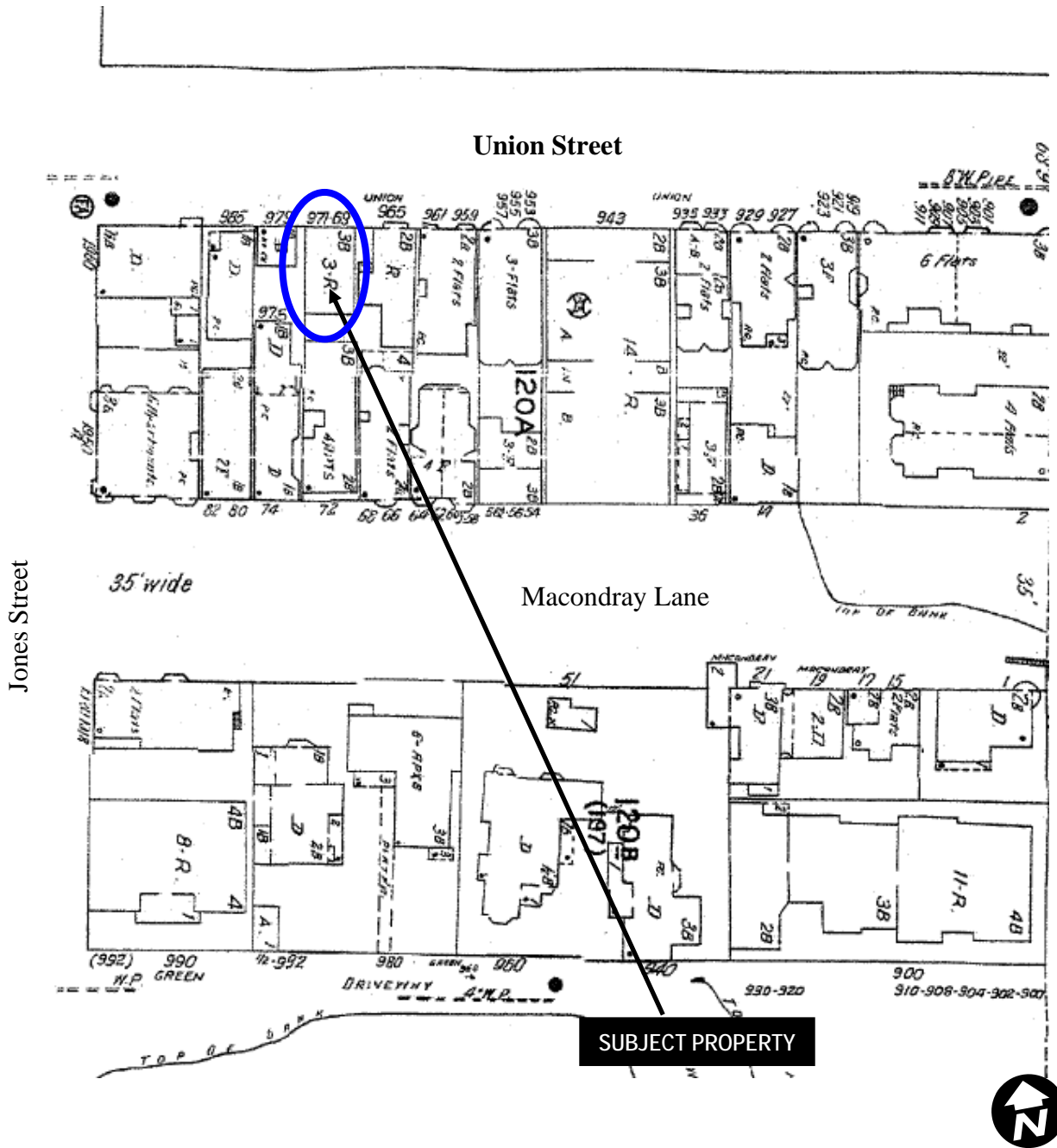
# Parcel Map



**SUBJECT PROPERTY**

Discretionary Review Hearing  
 Case Number 2010.0205D  
 969-971 Union Street

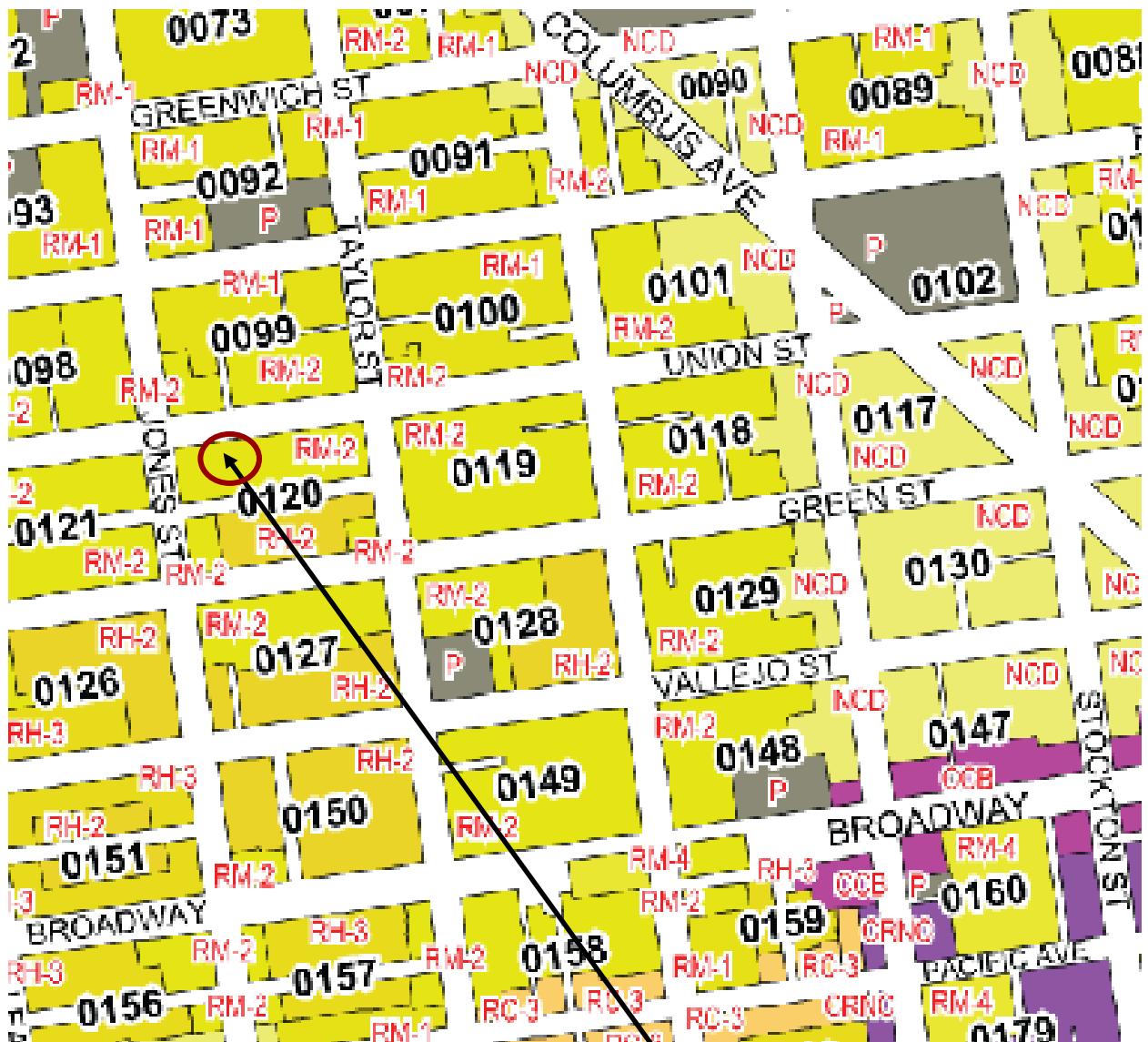
# Sanborn Map\*



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

Discretionary Review Hearing  
Case Number 2010.0205D  
969-971 Union Street

# Zoning Map



**SUBJECT PROPERTY**

## ZONING USE DISTRICTS

### RESIDENTIAL, HOUSE DISTRICTS

RH-1(D) RH-1 RH-1(S) RH-2 RH-3

### RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS

RM-1 RM-2 RM-3 RM-4

### NEIGHBORHOOD COMMERCIAL DISTRICTS

NC-1 NC-2 NC-3 NCD NC-S

### SOUTH OF MARKET MIXED USE DISTRICTS

SPD RED RSD SLR SLI SSO

### COMMERCIAL DISTRICTS

C-2 C-3-S C-3-G C-3-R C-3-O C-3-OISD

### INDUSTRIAL DISTRICTS

C-M M-1 M-2

Discretionary Review Hearing  
 Case Number 2010.0205D  
 969-971 Union Street



# Aerial Photo



SUBJECT PROPERTY

Discretionary Review Hearing  
Case Number 2010.0205D  
969-971 Union Street

# Site Photo



Discretionary Review Hearing  
Case Number 2010.0205D  
969-971 Union Street



# Context Photo



**SUBJECT PROPERTY**



Discretionary Review Hearing  
Case Number 2010.0205D  
969-971 Union Street

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PROJECT SUMMARY	
DESCRIPTION	LEAVING TWO FAMILY TOWNHOMES
PLANNING DATA	199-971 UNION STREET, SAN FRANCISCO, CA 94133
ADDRESS	BLOCK 1000 L01 008
COUNTY DISTRICT	RM-2 (TWO FAMILY TOWNHOMES) UNION STREET NEIGHBORHOOD COMMERCIAL
PERMITS & BUILDING DISTRICT	403
LOT AREA	1300 SQ. FT.
REQUIREMENTS	REG. ALLOWABLE
CONSTRUCTION TYPE	NO CHANGE
TYPE I-3	NO CHANGE
STORIES OF OCCUPANCY	4
MAX. FLOOR HEIGHT	38'-0"
BUILDING USE	TWO FAMILY RESIDENCE
FRONT SETBACK	15'-0"
REAR SETBACK	15'-0"
SIDE YARD SETBACK	15'-0"
FLOOR AREA	PROPOSED
PERMITS	REG. ALLOWABLE
SHEDDING LIMIT	2,540 SQ. FT.
GARAGE	330 SQ. FT.
FIRE SPRINKLERS	NONE

DRAWING INDEX	
ARCHITECTURAL	
A1	SHEET COVER SHEET
A2	EXISTING FLOOR, CEILING, AND ROOF PLANS
A3	EXISTING STREET & POOR YARD ELEVATIONS
A4	EXISTING EAST & WEST ELEVATIONS

PROJECT SUMMARY	
DESCRIPTION	LEAVING TWO FAMILY TOWNHOMES
PLANNING DATA	199-971 UNION STREET, SAN FRANCISCO, CA 94133
ADDRESS	BLOCK 1000 L01 008
COUNTY DISTRICT	RM-2 (TWO FAMILY TOWNHOMES) UNION STREET NEIGHBORHOOD COMMERCIAL
PERMITS & BUILDING DISTRICT	403
LOT AREA	1300 SQ. FT.
REQUIREMENTS	REG. ALLOWABLE
CONSTRUCTION TYPE	NO CHANGE
TYPE I-3	NO CHANGE
STORIES OF OCCUPANCY	4
MAX. FLOOR HEIGHT	38'-0"
BUILDING USE	TWO FAMILY RESIDENCE
FRONT SETBACK	15'-0"
REAR SETBACK	15'-0"
SIDE YARD SETBACK	15'-0"
FLOOR AREA	PROPOSED
PERMITS	REG. ALLOWABLE
SHEDDING LIMIT	2,540 SQ. FT.
GARAGE	330 SQ. FT.
FIRE SPRINKLERS	NONE

SYMBOLS	
	DRAWING TITLE
	BUILDING SECTION
	EXTERIOR ELEVATION
	INTERIOR ELEVATION
	DETAIL
	STRUCTURAL GRID LINE
	DIMENSION POINT
	DOOR NO.
	WINDOW NO.
	REVISION NOTE

GENERAL NOTES	
1.	CONTRACTOR TO VERIFY CONDITIONS AND DIMENSIONS AT THE SITE PRIOR TO PROCEEDING TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH WORK.
2.	DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SHALL GOVERN OVER PLANS AND ELEVATIONS. LARGE SCALE DRAWINGS SHALL GOVERN OVER SMALL SCALE DRAWINGS. CONTRACTOR SHALL NOTIFY ARCHITECT OF ANY CONFLICTS IN WRITING PRIOR TO COMMENCEMENT OF WORK.
3.	ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4.	COORDINATE EXACT LOCATION OF ALL ELECTRICAL FIXTURES AND OUTLETS WITH ARCHITECT IN THE FIELD.
5.	COORDINATE EXACT LOCATION OF MECHANICAL EQUIPMENT, DUCTS, GRILLES, REGISTERES, FLUES AND VENTS WITH ARCHITECTURAL DRAWINGS.
6.	INSTALL ALL MATERIALS, EQUIPMENT, AND FIXTURES IN CONFORMANCE WITH THE REQUIREMENTS AND RECOMMENDATIONS OF THE MANUFACTURER.
7.	PROVIDE ALL NECESSARY BLOTTING, BACKING, AND FRAMING FOR LIGHT FIXTURES, ELECTRICAL UNITS, PLUMBING FIXTURES, HEATING EQUIPMENT, SINKWORK, AND ALL OTHER FIXTURES REQUIRING SUPPORT.
8.	CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL EXISTING ON-SITE UTILITIES DURING CONSTRUCTION.
9.	ANY QUESTIONS REGARDING THE INTENT RELATED TO THE LAYOUT OF THE NEW WORK SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO PROCEEDING WITH ANY WORK.
10.	ALL WORK SHALL BE DONE IN STRICT ACCORDANCE TO THE 2007 CBC AND ALL OTHER REGULATORY CODES CURRENTLY ENFORCED BY THE CITY AND COUNTY OF SAN FRANCISCO.

PROJECT DIRECTORY	
CLIENT	MACY ARCHITECTURE
ARCHITECT	MACY ARCHITECTURE
PROJECT MANAGER	MACY ARCHITECTURE
CONTACT	MACY ARCHITECTURE
ADDRESS	375 UNION STREET
CITY	SAN FRANCISCO, CA 94103
PHONE	415 551 7601
FAX	415 551 7601
EMAIL	MACY@MACYARCHITECTURE.COM
WEBSITE	WWW.MACYARCHITECTURE.COM

PROJECT DATA & COVERSHEET	
DATE	02/27/10
SCALE	AS SHOWN
PROJECT TITLE	CIRIACO-FISHER RESIDENCE
PROJECT	CONSULTANTS
ISSUES / REVISIONS	
SHEET TITLE	A0.1
SHEET	

**MACY ARCHITECTURE**  
115 Linden Street  
San Francisco, CA 94102  
Tel 415 551 7630  
Fax 415 551 7601  
www.macyarchitect.com

**CIRIACO-FISHER RESIDENCE**  
SAN FRANCISCO, CA 94103  
177

**EXISTING SITE PLAN**  
1/8" = 1'-0"

**BLOCK PLAN**  
NOT TO SCALE

**VICINITY MAP**  
NOT TO SCALE

**REVISIONS**

NO.	DESCRIPTION
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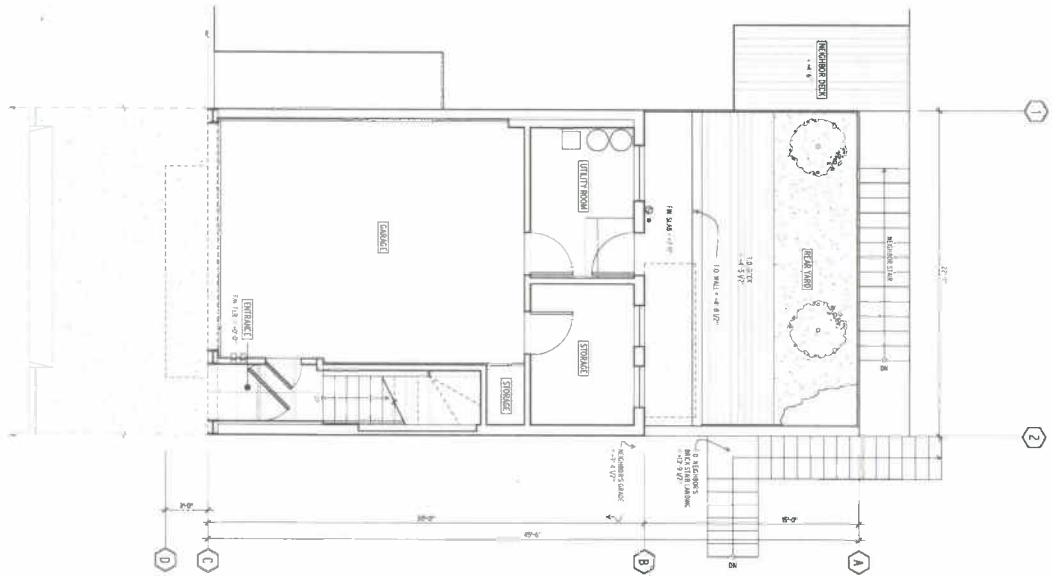
3 EXISTING THIRD FLOOR (UNIT 971)



2 EXISTING SECOND FLOOR (UNIT 969)



1 EXISTING FIRST FLOOR



SHEET  
**A1.1**

SHEET TITLE  
**EXISTING FIRST, SECOND AND THIRD FLOOR PLANS**

DATE: 02/02/00  
PHASE: EXISTING CONDITIONS  
SCALE: 1/4" = 1'-0"

ISSUES / REVISIONS

PROJECT  
**CIRIACO-FISHER RESIDENCE**

969-971 UNION STREET  
SAN FRANCISCO, CA 94133

CONSULTANTS

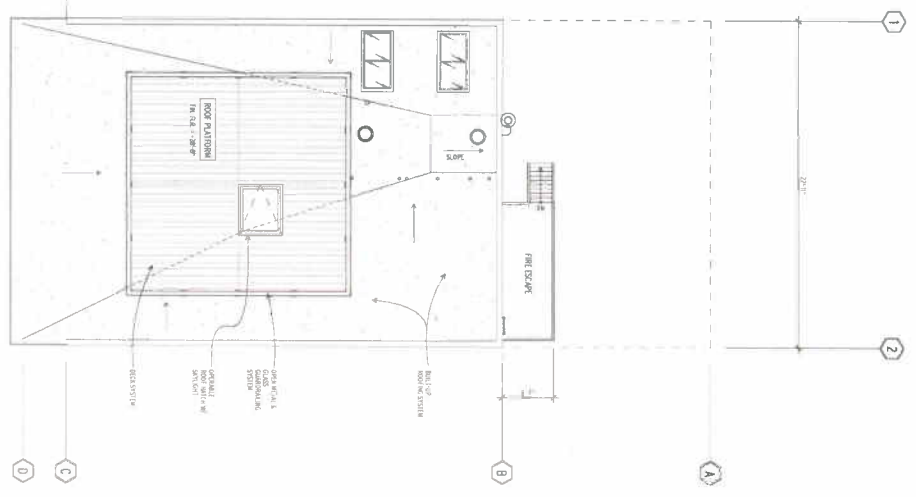
STAMP

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315 Linden Street  
San Francisco, CA 94102  
Tel 415 551 7630  
Fax 415 551 7601  
www.macyarchitecture.com



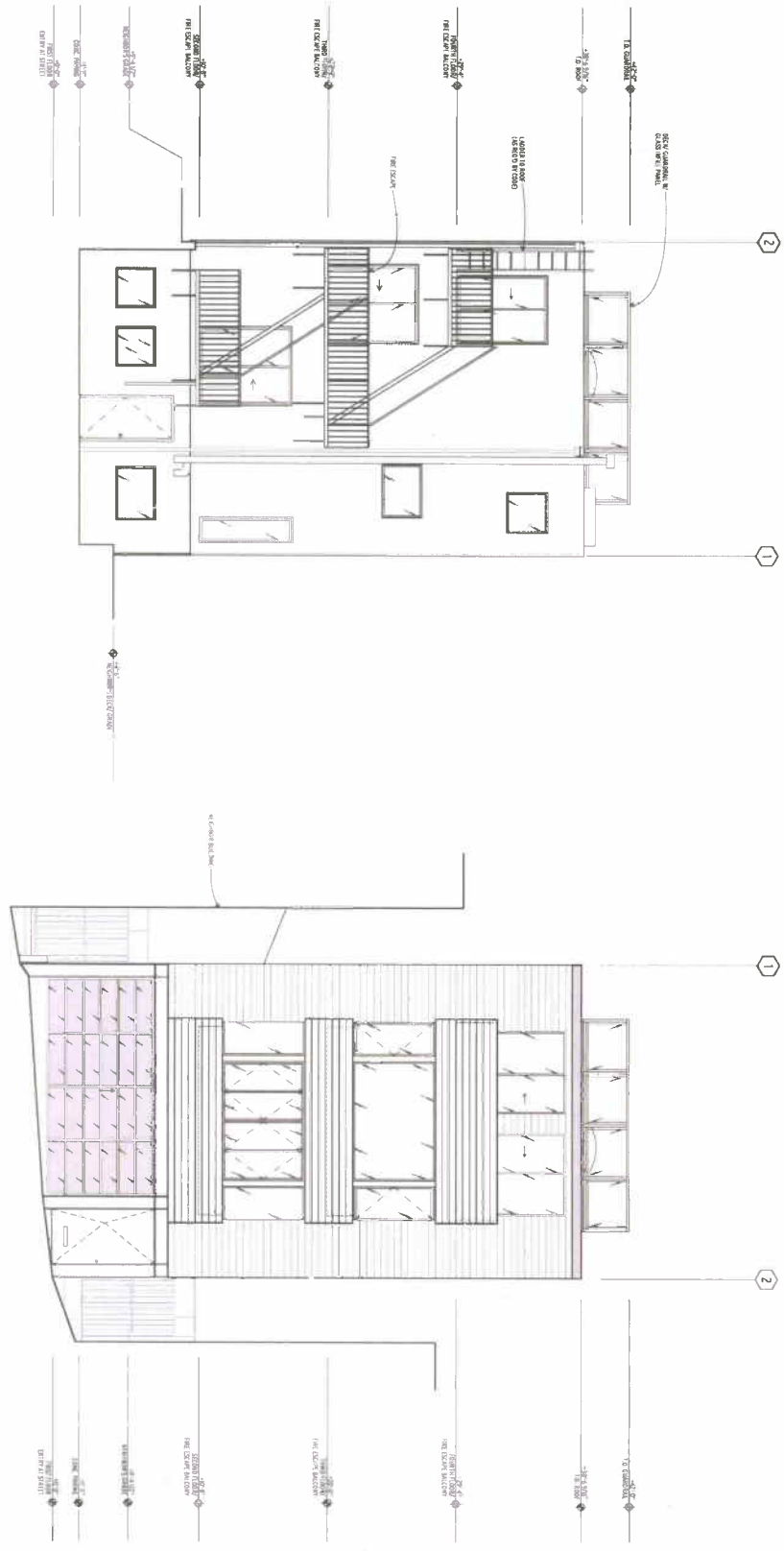
2 EXISTING ROOF PLAN  
1/8" = 1'-0"



1 EXISTING FOURTH FLOOR (UNIT 97)  
1/8" = 1'-0"



SHEET <b>A1.2</b>	SHEET TITLE	ISSUES / REVISIONS	PROJECT	CONSULTANTS	STAMP	<b>MACY</b> <b>ARCH</b> <b>ITEC</b> <b>TURE</b> <small>315 Linden Street                  San Francisco, CA 94102                  Tel 415 551 7630                  Fax 415 551 7601                  www.macyarchitecture.com</small>	
	DATE		02/22/00				CIRIACO-FISHER RESIDENCE
	PHASE		EXISTING CONDITIONS				969-97 LINDEN STREET SAN FRANCISCO, CA 94133
SCALE	1/8" = 1'-0"						



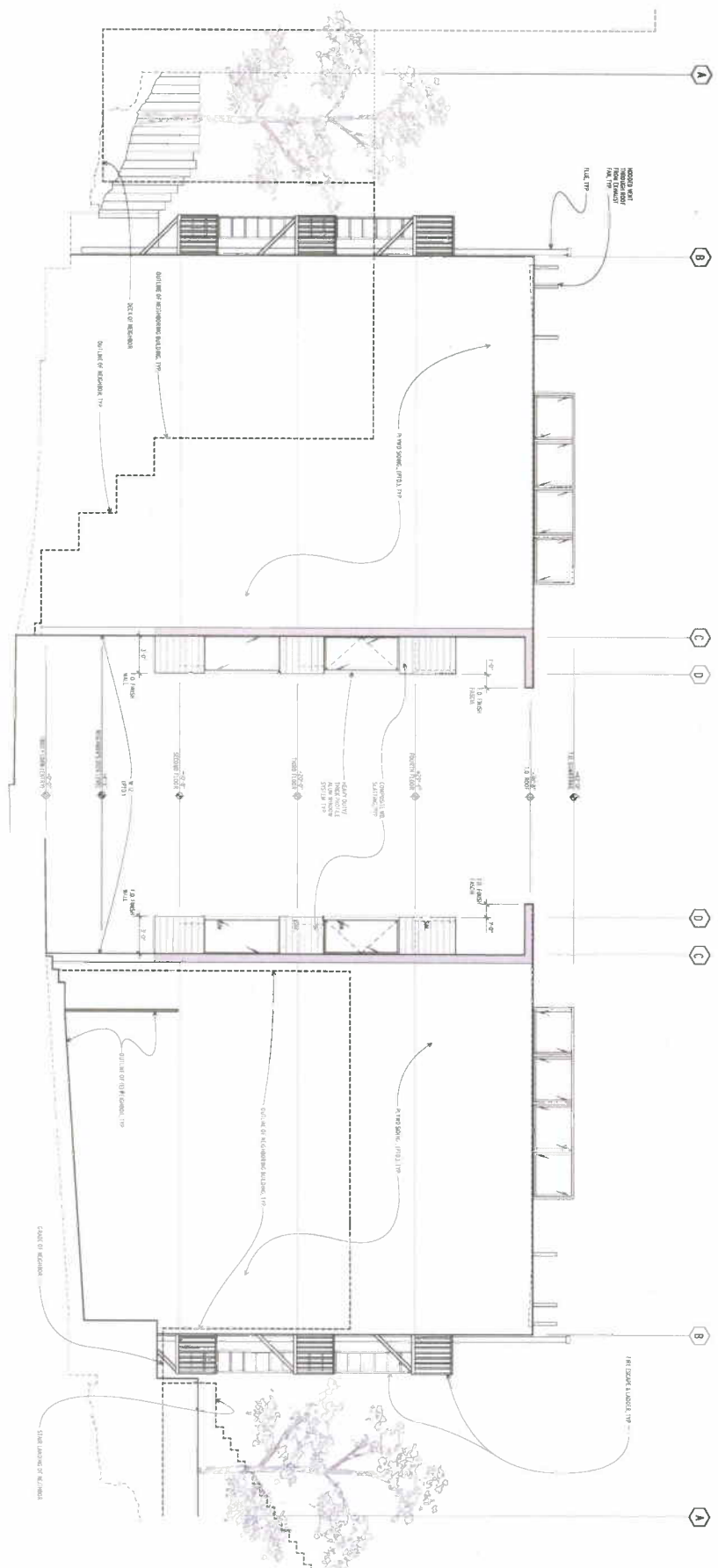
2 EXISTING SOUTH (REAR YARD) ELEVATION  
1/4" = 1'-0"

1 EXISTING NORTH (STREET) ELEVATION  
1/4" = 1'-0"

SHEET	SHEET TITLE	ISSUES / REVISIONS	PROJECT	CONSULTANTS	STAMP
<b>A4.1</b>	<b>EXISTING STREET &amp; REAR YARD ELEVATIONS</b>		<b>CIRIACO-FISHER RESIDENCE</b>		<b>MACY ARCHITECTURE</b> 315 Linden Street San Francisco, CA 94102 Tel: 415 551 7630 Fax: 415 551 7601 www.macyarchitecture.com
	DATE		969 9TH LINDEN STREET		
	PHASE	03/12/20	SAN FRANCISCO, CA 94133		
	SCALE	EXISTING CONDITION			

2 EXISTING EAST ELEVATION  
1/4" = 1'-0"

1 EXISTING WEST ELEVATION  
1/4" = 1'-0"



SHEET	SHEET TITLE	ISSUES / REVISIONS	PROJECT	CONSULTANTS	STAMP
A4.2	EXISTING EAST & WEST ELEVATIONS		<b>CIRIACO-FISHER RESIDENCE</b>		
DATE	02/02/00		169-971 LINDEN STREET SAN FRANCISCO, CA 94133		
PHASE	EXISTING CONDITIONS				
SCALE	1/4" = 1'-0"				

**MACY ARCHITECTURE**  
 315 Linden Street  
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 Fax 415 551 7601  
[www.macyarchitecture.com](http://www.macyarchitecture.com)