



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Abbreviated Analysis HEARING DATE AUGUST 31, 2017

*Date:* August 24, 2017  
*Case No.:* 2015-004141DRP-02  
*Project Address:* 1188 Diamond Street  
*Permit Application:* 2017.04.03.3058  
*Zoning:* RH-1[Residential House, Single-Family]  
40-X Height and Bulk District  
*Block/Lot:* 6556/006A  
*Project Sponsor:* Henry Karnilowicz  
1019 Howard Street  
San Francisco, CA 94103  
*Staff Contact:* Nancy Tran – (415) 575-9174  
[nancy.h.tran@sfgov.org](mailto:nancy.h.tran@sfgov.org)  
*Recommendation:* **Take DR and approve the project with modifications**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project is to install a Code-compliant property line fencing at grade and canopies with underlights on the fourth floor of an existing single-family dwelling located at 1188 Diamond Street. The canopies will be two feet in depth, attached to the building and approximately five feet from the northerly property line. The proposal is a revision to previously issued Building Permit Application No. 2015.03.23.1599 for additions, interior remodeling and façade changes; the previous scope of work was approved by the Planning Commission in 2016 without taking discretionary review. The DR filed for the 2015 permit outlined concerns over the project's proposed fourth floor's massing as well its impacts to light and privacy.

### SITE DESCRIPTION AND PRESENT USE

The project is on the western side of Diamond Street, between Clipper and 26th Streets, Block 6556, Lot 006A and located within the RH-1 (Residential House, One-Family) Zoning District with 40-X height and Bulk designation. The ~2,480 sq. ft. downward sloping lot has 31' of frontage, a depth of 80' and is developed with an existing four-story single-family residence on site.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in Noe Valley, District 8 and within the RH-1 Zoning District. The closest non-RH-1 parcels are within proximity, located less than 25' from the subject property (two lots north). Parcels within the immediate vicinity consist of residential single- and two-family dwellings of varied design and construction dates.

## BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
Block Book Notification	10 days	Apr 14, 2017 – Apr 24, 2017	April 24, 2017	August 31, 2017	129 days

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	August 21, 2017	August 21, 2017	10 days
Mailed Notice	10 days	August 21, 2017	August 21, 2017	10 days

## PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	-	1 (DR Requestor)	-
Other neighbors	-	-	-
Neighborhood groups	-	-	-

- The Project Sponsor was not required to hold a pre-application meeting due to the proposed minor scope of work.
- The Department did not receive public comment regarding the proposal save for the Discretionary Review application submitted citing impacts to light.

## DR REQUESTOR

Jesse Fowler, 1140 Diamond Street, San Francisco, CA 94114

Requestor is the abutter located directly north of the subject property.

## DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated April 24, 2017.

## PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated August 16, 2017.

## **ENVIRONMENTAL REVIEW**

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

## **RESIDENTIAL DESIGN TEAM REVIEW**

Following submittal of the Request for Discretionary Review, the Residential Design Advisory Team (RDAT) reviewed the project and determined that the proposal does not present exceptional or extraordinary circumstances with respect to light. The RDAT does not object to the side canopy as it provides a setback of at least five feet from the shared property line. However, it recommends removing the front canopy to maintain a 15' setback between the front wall and the addition/appurtenances.

**Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission as this project does not contain or create any exceptional or extraordinary circumstances.**

## **BASIS FOR RECOMMENDATION**

- The proposed project meets all applicable requirements of the Planning Code.
- Given the scale of the project, there will be no significant impact on the existing capacity of the local street system or MUNI.
- The project is residential and has no impact on neighborhood-serving retail uses.

<b>RECOMMENDATION:</b>	<b>Take DR and approve the project with RDAT recommended change respect to front canopy removal</b>
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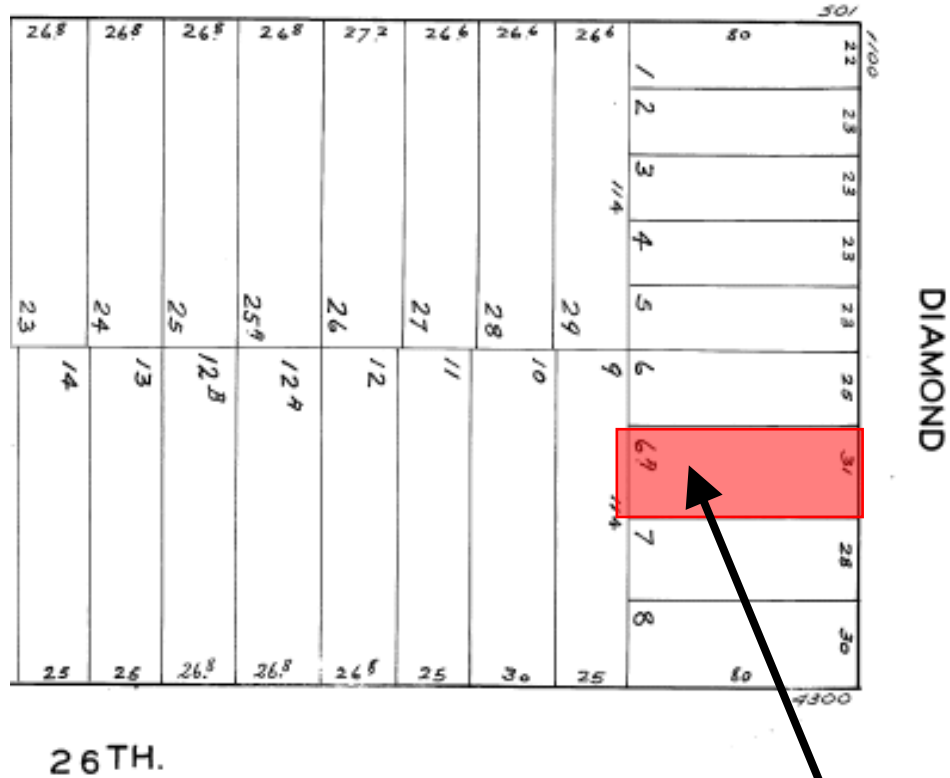
### **Attachments:**

Parcel Map  
Sanborn Map  
Zoning Map  
Aerial Photograph  
Rendering of Approved Project and Context Photos  
CEQA Categorical Exemption Determination  
DR Notice  
DR Application dated April 24, 2017  
Response to DR Application dated August 16, 2017  
Reduced Plans

NHT: I:\Cases\2015\2015-004141DRP - Diamond St\_1188\DR Part II (PRL for canopy)\1\_DR - 1188 Diamond St.docx

# Parcel Map

CLIPPER

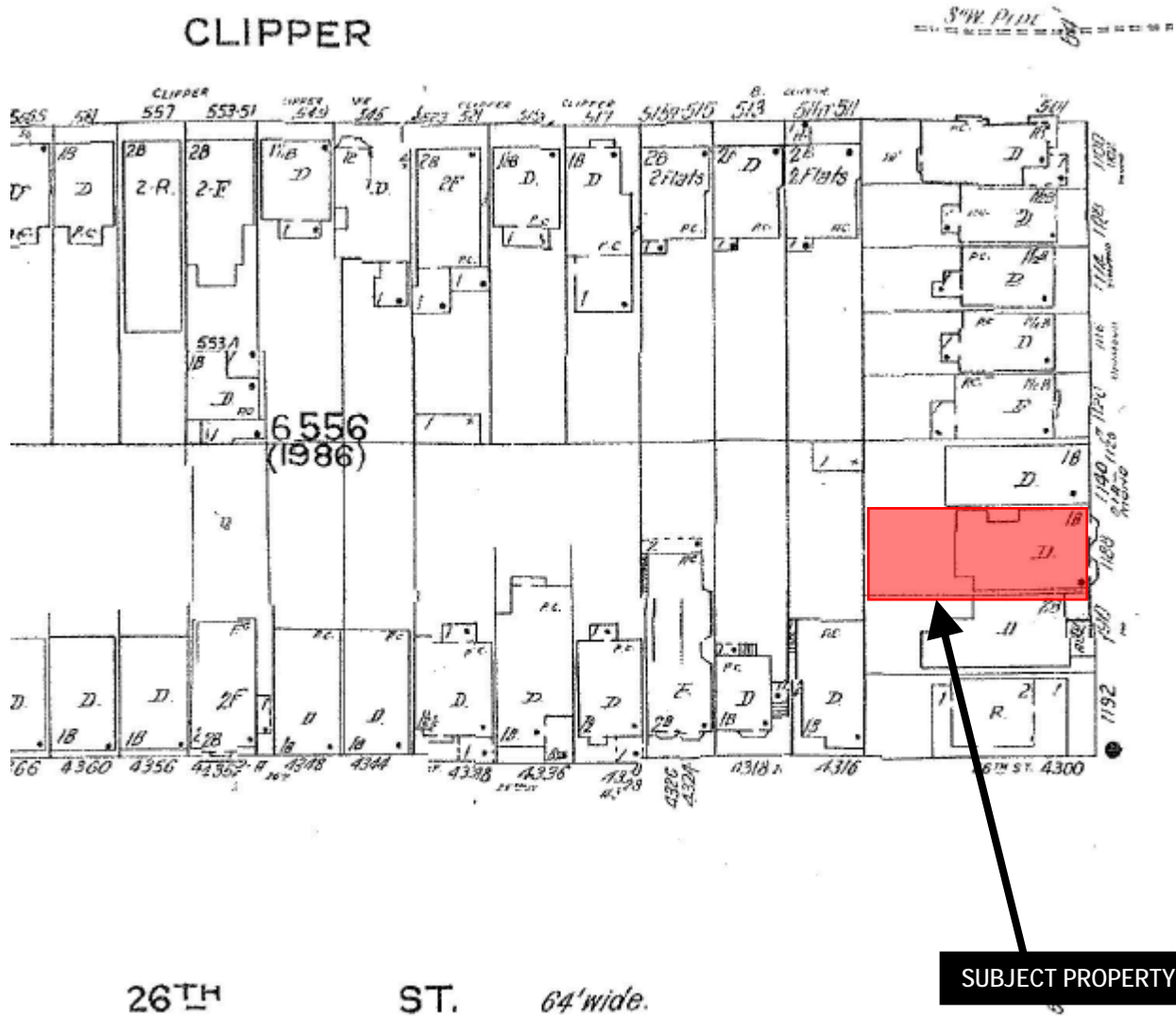


SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2015-004141-02DRP  
1188 Diamond Street

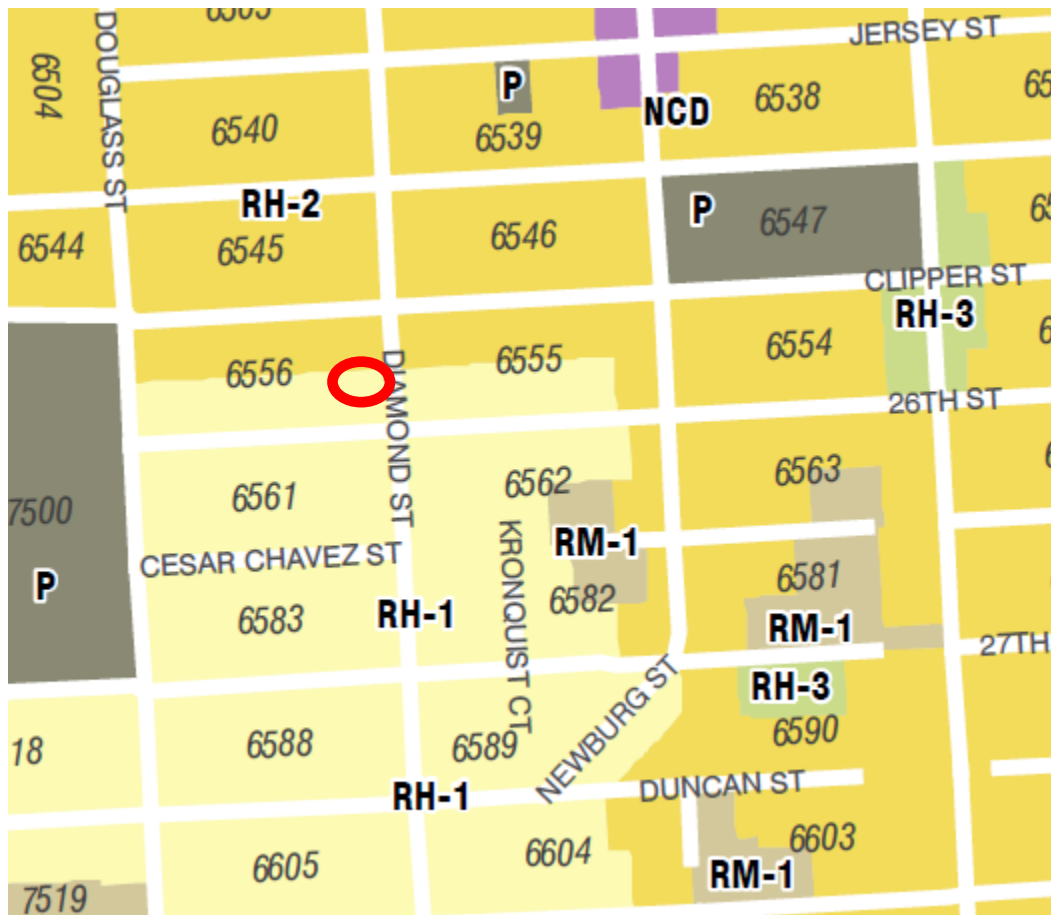
# Sanborn Map\*



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

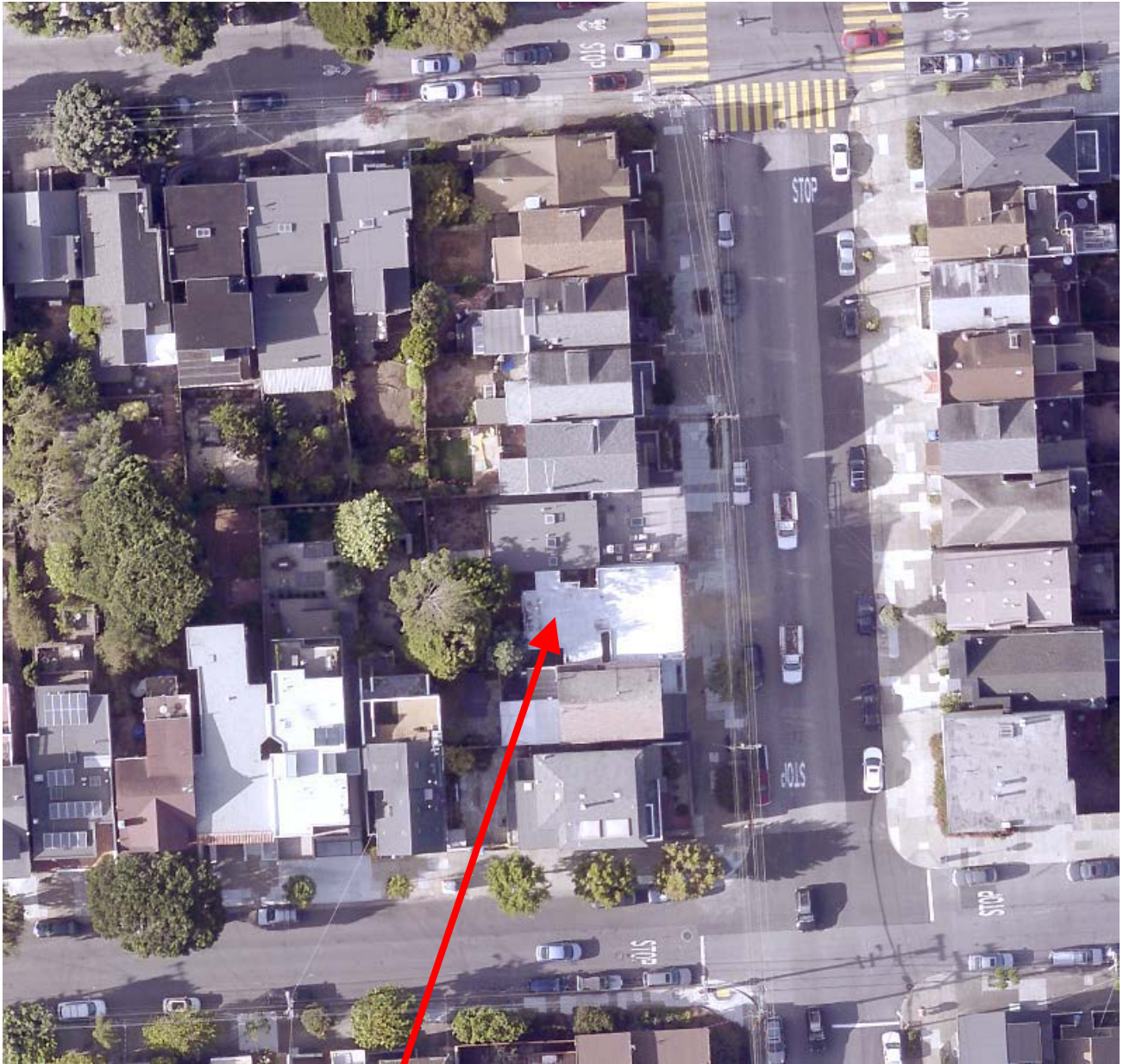


# Zoning Map



Discretionary Review Hearing  
Case Number 2015-004141-02DRP  
1188 Diamond Street

# Aerial Photo



SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2015-004141-02DRP  
1188 Diamond Street

RENDERING OF  
APPROVED  
PROJECT

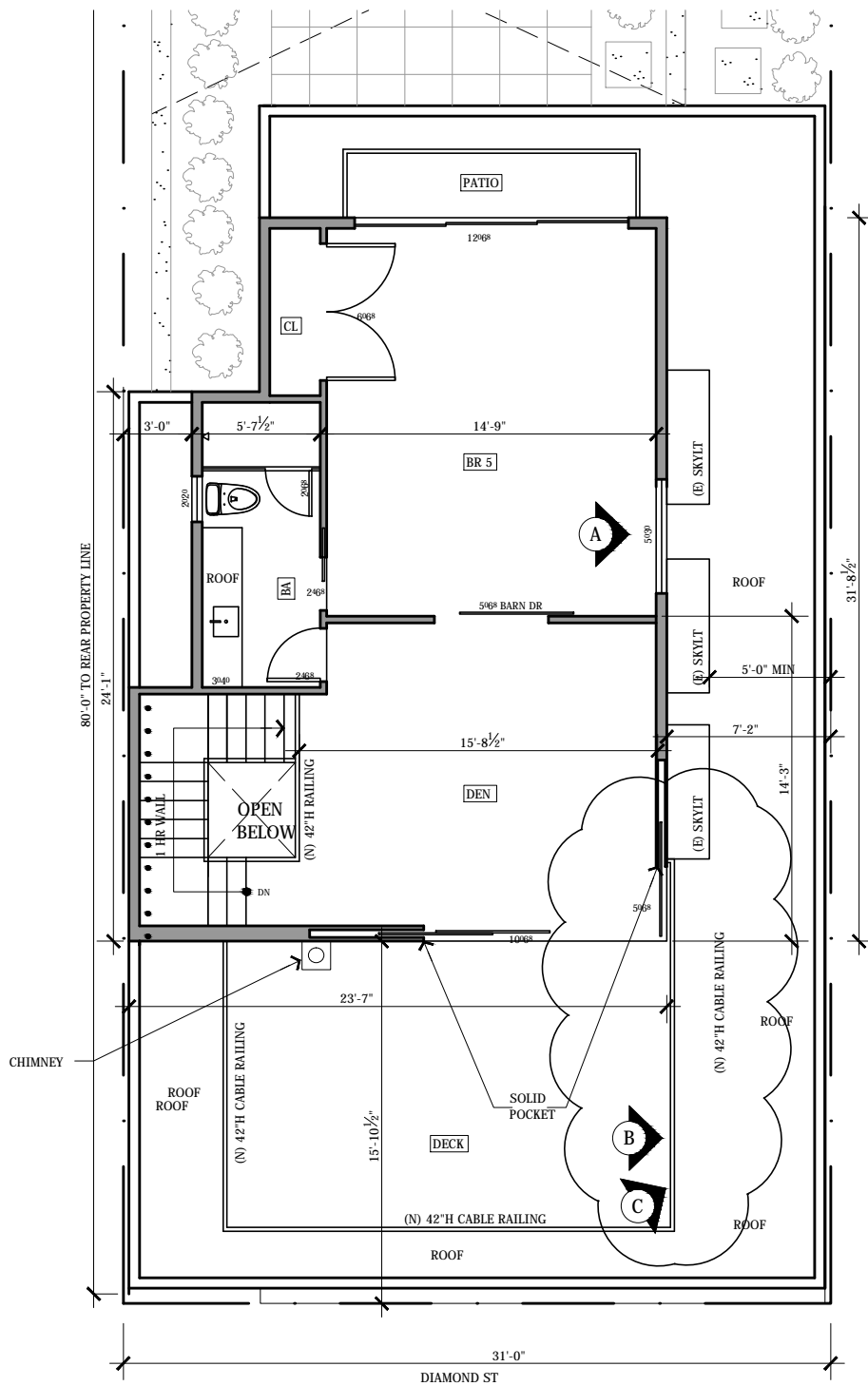


DATE:

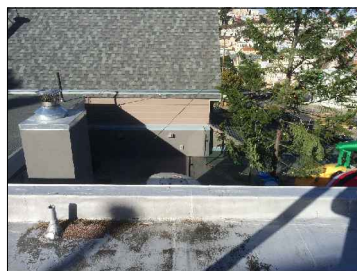
11/24/2015

1188 DIAMOND ST  
San Francisco, CA 94114

A.1



VIEW A



VIEW B

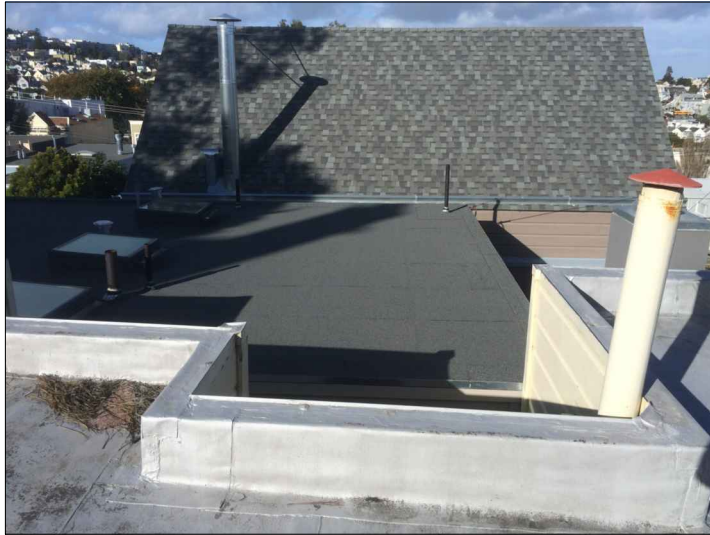


VIEW C

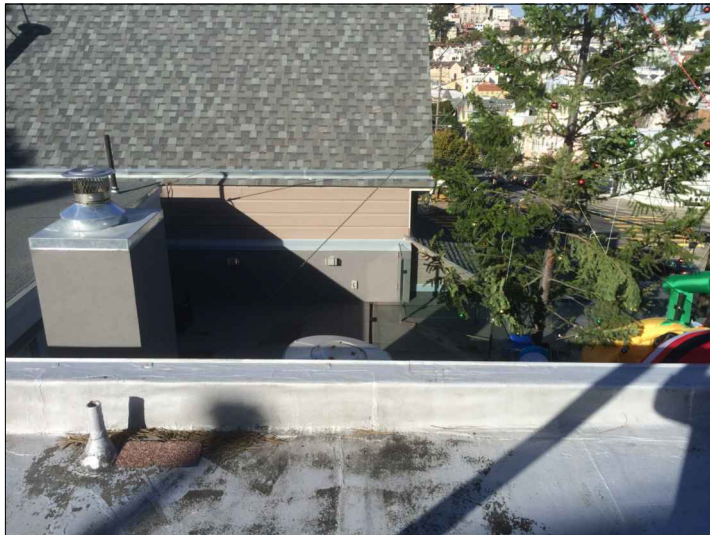
DECK RAILING TO BE 7'-0" FROM  
PROPERTY LINE ON NORTH SIDE

A

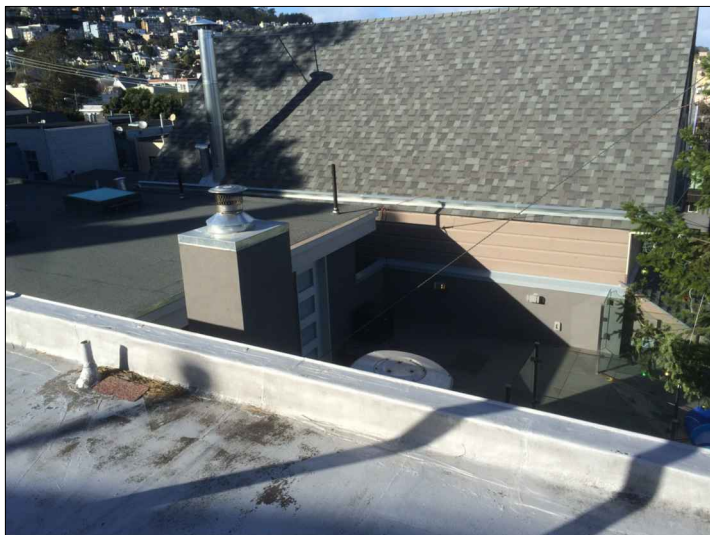
1 PENTROOM PLAN  
1/8" = 1'-0" AND PHOTO KEY



VIEW A



VIEW B



VIEW C

mcmahon architects + studio

415-626-5300  
www.chrismcmahon.com

DATE:

11/24/2015

1188 DIAMOND ST  
San Francisco, CA 94114

A.2

1 ENLARGED PHOTOS  
NTS



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
1188 Diamond Street		6556/006A	
Case No.	Permit No.	Plans Dated	
2015-004141DRP-02	2017.04.03.3058	3/28/17	
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Install property line fencing at grade and canopies with underlights on fourth floor of existing single-family dwelling			

### STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

<b>*Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.*</b>	
<input checked="" type="checkbox"/>	<b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 – New Construction/ Conversion of Small Structures.</b> Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.; ; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<b>Class</b> ____

### STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

<b>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</b>	
<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	<b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i>Mahe program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i>
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? <i>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</i>
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? <i>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography)</i>
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? <i>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography)</i> <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? <i>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones)</i> <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? <i>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones)</i> <b>If box is checked, a geotechnical report will likely be required.</b>
<b>If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an Environmental Evaluation Application is required, unless reviewed by an Environmental Planner.</u></b>	
<input type="checkbox"/>	<b>Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.</b>
<b>Comments and Planner Signature (optional):</b>	

### STEP 3: PROPERTY STATUS – HISTORIC RESOURCE TO BE COMPLETED BY PROJECT PLANNER

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

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

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. <b>Addition(s)</b> that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW  
TO BE COMPLETED BY PRESERVATION PLANNER**

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not “in-kind” but are consistent with existing historic character.
<input checked="" type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):

<input type="checkbox"/>	<p>9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):</p> <p style="text-align: center;"><i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i> _____</p>
<input type="checkbox"/>	<p>10. <b>Reclassification of property status.</b> <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i></p> <div style="display: flex; justify-content: space-around;"> <span><input type="checkbox"/> Reclassify to Category A</span> <span><input type="checkbox"/> Reclassify to Category C</span> </div> <p>a. Per HRER dated: _____ <i>(attach HRER)</i></p> <p>b. Other <i>(specify)</i>: _____</p>
<p><b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b></p>	
<input type="checkbox"/>	<p><b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b></p>
<input checked="" type="checkbox"/>	<p><b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b></p>
<p><b>Comments (optional):</b></p>  	
<p><b>Preservation Planner Signature:</b> Elizabeth Gordon Jonckheer</p>	

Digitally signed by Elizabeth Gordon Jonckheer  
DN: cn=Elizabeth Gordon Jonckheer, email=Elizabeth.Gordon-Jonckheer@sfgov.org, ou=Current Planning, ou=Elizabeth Gordon Jonckheer, email=Elizabeth.Gordon-Jonckheer@sfgov.org  
Date: 2017.08.17 16:47:53 -0700

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

<input type="checkbox"/>	<p><b>Further environmental review required.</b> Proposed project does not meet scopes of work in either <i>(check all that apply)</i>:</p> <div style="display: flex; flex-direction: column; gap: 10px;"> <div><input type="checkbox"/> Step 2 – CEQA Impacts</div> <div><input type="checkbox"/> Step 5 – Advanced Historical Review</div> </div> <p><b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b></p>	
<input checked="" type="checkbox"/>	<p><b>No further environmental review is required. The project is categorically exempt under CEQA.</b></p>	
	<p><b>Planner Name:</b> Nancy Tran</p> <hr/> <p><b>Project Approval Action:</b></p> <p style="font-size: 1.2em; margin-top: 10px;">Building Permit</p> <p style="font-size: small; margin-top: 10px;">If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p>	<p><b>Signature:</b></p> <div style="border: 2px solid green; padding: 10px; margin-top: 10px; text-align: center;"> <p style="font-size: 1.5em; margin: 0;"><b>APPROVED</b></p> <p style="margin: 0;"><i>By NTran at 5:14 pm, Aug 17, 2017</i></p> </div>
	<p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>	

## STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a “substantial modification” and, therefore, be subject to additional environmental review pursuant to CEQA.

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required. <b>ATEX FORM</b>	

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Signature or Stamp:



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

## NOTICE OF PUBLIC HEARING

Hearing Date: **Thursday, August 31, 2017**  
Time: **Not before 12:00 PM (noon)**  
Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400**  
Case Type: **Discretionary Review**  
Hearing Body: **Planning Commission**

PROPERTY INFORMATION	APPLICATION INFORMATION
Project Address: <b>1188 Diamond Street</b>	Case No.: <b>2015-004141DRP-02</b>
Cross Street(s): <b>26<sup>th</sup> Street</b>	Building Permit: <b>2017.04.03.3058</b>
Block /Lot No.: <b>6556/006A</b>	Applicant: <b>Henry Karnilowicz</b>
Zoning District(s): <b>RH-1 / 40-X</b>	Telephone: <b>(415) 621-7533</b>
Area Plan: <b>N/A</b>	E-Mail: <a href="mailto:occexp@aol.com">occexp@aol.com</a>

### PROJECT DESCRIPTION

The Request is for a Discretionary Review of Building Permit Application No. 2017.04.03.3058 proposing to construct property line fencing at grade and canopies with underlights on the fourth floor of an existing single-family dwelling. The canopies will be two feet in depth, attached to the building and approximately five feet from the northerly property line.

A Planning Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

### ADDITIONAL INFORMATION

**ARCHITECTURAL PLANS:** If you are interested in viewing the plans for the proposed project please contact the planner listed below. The plans of the proposed project will also be available prior to the hearing through the Planning Commission agenda at: <http://www.sf-planning.org>

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

### FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:

Planner: **Nancy Tran** Telephone: **(415) 575-9174** E-Mail: [nancy.h.tran@sfgov.org](mailto:nancy.h.tran@sfgov.org)

中文詢問請電: (415) 575-9010

Para información en Español llamar al: (415) 575-9010

# GENERAL INFORMATION ABOUT PROCEDURES

## HEARING INFORMATION

You are receiving this notice because you are either a property owner or resident that is adjacent to the proposed project or are an interested party on record with the Planning Department. **You are not required to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant or Planner listed on this notice as soon as possible.** Additionally, you may wish to discuss the project with your neighbors and/or neighborhood association as they may already be aware of the project.

Persons who are unable to attend the public hearing may submit written comments regarding this application to the Planner listed on the front of this notice, Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, by 5:00 pm the day before the hearing. These comments will be made a part of the official public record and will be brought to the attention of the person or persons conducting the public hearing.

Comments that cannot be delivered by 5:00 pm the day before the hearing may be taken directly to the hearing at the location listed on the front of this notice. Comments received at 1650 Mission Street after the deadline will be placed in the project file, but may not be brought to the attention of the Planning Commission at the public hearing.

## APPEAL INFORMATION

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

## ENVIRONMENTAL REVIEW

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

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

中文詢問請電: (415) 575-9010

Para información en Español llamar al: (415) 575-9010

## Application for Discretionary Review

CASE NUMBER:  
For Staff Use only

2015-004141DRP-02

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: Jesse Fowler		
DR APPLICANT'S ADDRESS: 1140 Diamond Street, San Francisco, CA	ZIP CODE: 94114-3631	TELEPHONE: (415 ) 652-9789
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Ravi Sadarangani, c/o Henry Karnilowicz		
ADDRESS: 1019 Howard Street, San Francisco, CA	ZIP CODE: 94103	TELEPHONE: (415 ) 621-7533
CONTACT FOR DR APPLICATION: Same as Above <input type="checkbox"/> Zacks, Freedman & Patterson, PC, c/o Ryan J. Patterson		
ADDRESS: 235 Montgomery Street, Suite 400, San Francisco, CA	ZIP CODE: 94104	TELEPHONE: (415 ) 956-8100
E-MAIL ADDRESS: ryan@zfplaw.com		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 1188 Diamond Street, San Francisco, CA		ZIP CODE: 94114		
CROSS STREETS: Between 26th Street and Clipper Street				
ASSESSORS BLOCK/LOT: 6556 / 006A	LOT DIMENSIONS: 80 x 31	LOT AREA (SQ. FT.): 2400	ZONING DISTRICT: RH-1	HEIGHT/BULK DISTRICT: 40-X

## 3. Project Description

Please check all that apply

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

Present or Previous Use:

Proposed Use: No Change

Building Permit Application No. 2017.04.03.3058

Date Filed: April 3, 2017

**RECEIVED****APR 24 2017****CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
NEIGHBORHOOD PLANNING**

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

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

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

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

No changes to the proposed project have been made. However, the DR Requestor wishes to continue

discussions with the Project Sponsor with the goal of reaching a neighborly resolution.

Application for Discretionary Review	
CASE NUMBER: For Staff Use only	

## Discretionary Review Request

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

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

The proposed project is to add canopies to the fourth floor at the front, side, and rear of the property; to add light fixtures to the underside of the canopies; and to construct a property line fence. The proposed canopies will cast shadow on the neighboring property.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

The DR Requestor will be adversely affected by the shadow impacts of the proposed canopies.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

The DR Requestor is attempting to resolve this matter with the Permit Holder. The DR Requestor has had numerous discussions with the Permit Holder to attempt to resolve the Project's impacts. Unfortunately, the Subject Permit further exacerbates the Project's negative impacts.

## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature:

Ryan Patterson by JHC

Date:

4/24/17

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

Ryan J. Patterson

Owner / Authorized Agent (circle one)

Application for Discretionary Review	
CASE NUMBER: For Staff Use only	

## Discretionary Review Application Submittal Checklist

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

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

**NOTES:**

☐ Required Material.

☐ Optional Material.

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

For Department Use Only

Application received by Planning Department:

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

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



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

**FOR MORE INFORMATION:**  
Call or visit the San Francisco Planning Department

**Central Reception**

1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: 415.558.6378

FAX: 415 558-6409

WEB: <http://www.sfplanning.org>

**Planning Information Center (PIC)**

1660 Mission Street, First Floor  
San Francisco CA 94103-2479

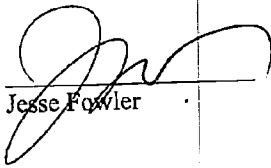
TEL: 415.558.6377

*Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.*

April 20, 2017

I, Jesse Fowler, hereby authorize Zacks, Freedman & Patterson, PC to file a Discretionary Review application for Building Permit No. 201704033058 (1188 Diamond Street) on my behalf.

Signed,

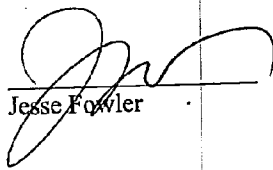


Jesse Fowler

April 20, 2017

I, Jesse Fowler, hereby authorize Zacks, Freedman & Patterson, PC to file a Discretionary Review application for Building Permit No. 201704033058 (1188 Diamond Street) on my behalf.

Signed,



Jesse Fowler



1221 HARRISON STREET #18  
SAN FRANCISCO, CA 94103

P: 415-391-4775  
F: 415-391-4777  
radiusservices@sfradius.com

## AFFIDAVIT OF PREPARATION OF RADIUS NOTIFICATION MAP, MAILING LIST, & DELIVERY MATERIALS FOR PUBLIC NOTIFICATION

RADIUS SERVICES hereby declares as follows:

1. We have prepared the NOTIFICATION MAP, MAILING LIST, and DELIVERY MATERIALS for the purpose of public notification in accordance with the requirements and instructions stipulated by San Francisco City Planning Department Planning Code / San Francisco Department of Building Inspection / San Francisco Public Works Code:

- |  |   |
|--|---|
| <input type="checkbox"/> Section 311 (Residential)                                   | <input type="checkbox"/> Mobile Food Facility (MFF)<br>Truck: 75' minimum radius measured from the outer boundaries of the assumed curbside and all properties across the street that directly fronts, in whole or in part. |
| <input type="checkbox"/> Section 312 (Commercial)                                    |   |
| <input type="checkbox"/> Variance  | <input type="checkbox"/> Mobile Food Facility (MFF)<br>Push Cart: 300' minimum radius of the street address(s) in front of which the Pushcart will be located.  |
| <input type="checkbox"/> Environmental Evaluation                                    | <input type="checkbox"/> Minor Sidewalk Encroachment (MSE)<br>150' radius <u>fronting</u> the subject property.   |
| <input type="checkbox"/> Conditional Use Permit                                      | <input type="checkbox"/> Major Sidewalk Encroachment (ME)<br>300' complete radius.  |
| <input type="checkbox"/> Conditional Use Permit for<br>Wireless Antenna Installation | <input type="checkbox"/> Section 106.3.2.3 (Demolition)   |
| <input checked="" type="checkbox"/> Other <u>Discretionary Review</u>                |   |

2. We understand that we are responsible for the accuracy of this information, and that erroneous information may require remailing or lead to suspension or revocation of the permit.
3. We have prepared these materials in good faith and to the best of our ability.

We declare under penalty of perjury under the laws of the State of California and the City and County of San Francisco that the foregoing is true and correct.

EXECUTED IN SAN FRANCISCO, ON THIS DAY, 4/24/17

RADIUS SERVICES


Professional Service Provider

65566AT2

Radius Services Job Number

1188 Diamond St

Project Address

  
Kevin Chuck  
Radius Services

6556/6A

Block / Lot

RADIUS SERVICES 1221 HARRISON ST #18 SAN FRANCISCO CA 94103 415-391-4775

BLOCK LOT	OWNER	OADDR	CITY	STATE	ZIP
0001 001	RADIUS SERVICES NO. 65566AT2	1188 DIAMOND ST	ZACKSFREEDMAN	17	0420
0001 002	.....	.....	.....	.....	.....
0001 003	RADIUS SERVICES	1221 HARRISON ST #18	SAN FRANCISCO	CA	94103
0001 004	ZACKS FREEDMAN & PATTERSON	235 MONTGOMERY ST #400	SAN FRANCISCO	CA	94104
0001 005	.....	.....	.....	.....	.....
6555 027	CATHERINE MEEK	1149 DIAMOND ST	SAN FRANCISCO	CA	94114-3630
6555 027	OCCUPANT	1151 DIAMOND ST	SAN FRANCISCO	CA	94114-3630
6555 027A	KOHAV NIR	1143 DIAMOND ST	SAN FRANCISCO	CA	94114-3630
6555 028	M & M THOMAS	1137 DIAMOND ST	SAN FRANCISCO	CA	94114-3630
6555 029	ELIZABETH STATMORE	1131 DIAMOND ST	SAN FRANCISCO	CA	94114-3630
6555 030	DAVID GOLDFEIN	1125 DIAMOND ST	SAN FRANCISCO	CA	94114-3630
6556 006	JESSE FOWLER TRS	1140 DIAMOND ST	SAN FRANCISCO	CA	94114-3631
6556 006A	FARALLON REAL FUND 5 LL	152 YERBA BUENA AV	SAN FRANCISCO	CA	94127-1546
6556 007	TENBRUGGENCATE TRS	301 GREENFIELD AV	SAN MATEO	CA	94403-5011
6556 007	OCCUPANT	1190 DIAMOND ST	SAN FRANCISCO	CA	94114-3631
6556 009	R & L PRAEGER	4316 26TH ST	SAN FRANCISCO	CA	94131-1810
9999 999	.....	.....	.....	.....	.....

4/24/2017

1135 Diamond St - Google Maps

Google Maps 1135 Diamond St

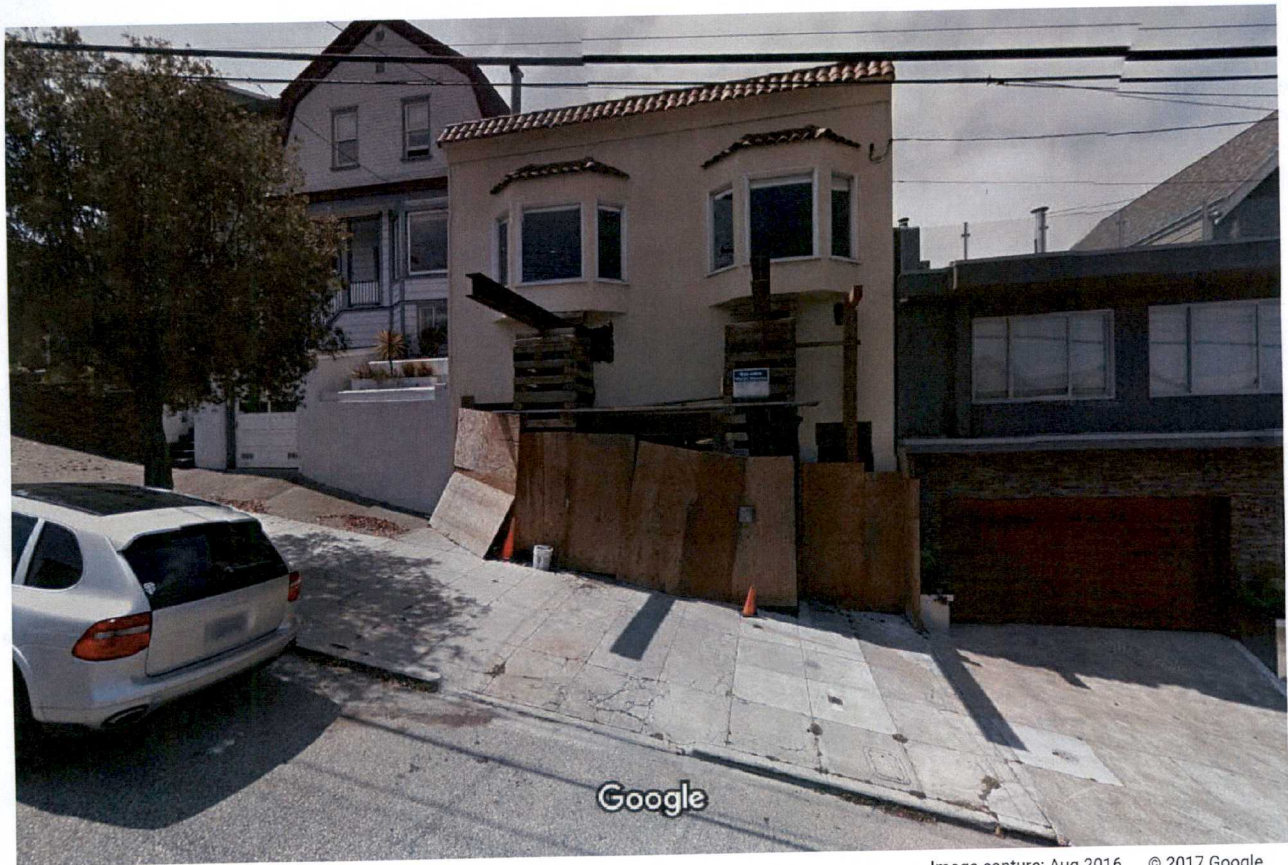


Image capture: Aug 2016 © 2017 Google

San Francisco, California

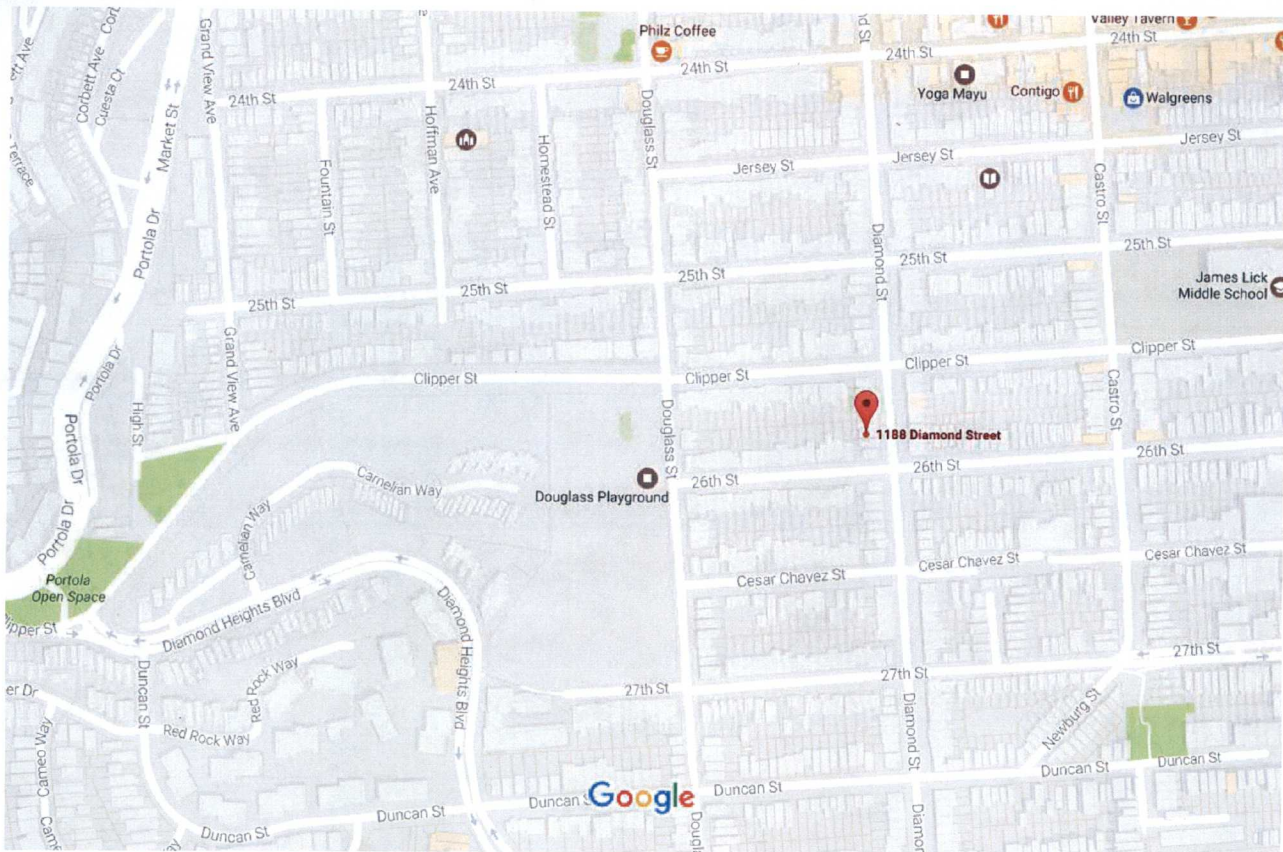
Street View - Aug 2016



4/24/2017

1188 Diamond St - Google Maps

Google Maps 1188 Diamond St



Map data ©2017 Google 200 ft



1188 Diamond St

San Francisco, CA 94114



RESPONSE TO  
**DISCRETIONARY  
REVIEW (DRP)**



**San Francisco  
Planning**

SAN FRANCISCO PLANNING DEPARTMENT  
1650 MISSION STREET, SUITE 400  
SAN FRANCISCO, CA 94103-2479  
MAIN: (415) 558-6378 SFPLANNING.ORG

**Project Information**

Property Address: 1188 DIAMOND ST, San Francisco Zip Code: 94114-3631  
Building Permit Application(s): 201704 033058  
Record Number: Assigned Planner: NANCY TRAN

**Project Sponsor**

Name: 1188 DIAMOND ST, LLC Phone:  
Email: 1188 DIAMONDSELLC@GMAIL.COM

**Required Questions**

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

see  
PLEASE ATTACHED Document

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

Please see attached Document

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

Please see attached document

## Project Features

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

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)		
Occupied Stories (all levels with habitable rooms)		
Basement Levels (may include garage or windowless storage rooms)		
Parking Spaces (Off-Street)		
Bedrooms		
Height		
Building Depth		
Rental Value (monthly)		
Property Value		

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

Signature: 1188 Diamond St LLC

Date:

8/16/17

Printed Name: 1188 Diamond St LLC

☒ Property Owner  
☐ Authorized Agent

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

Examples of  
proposed

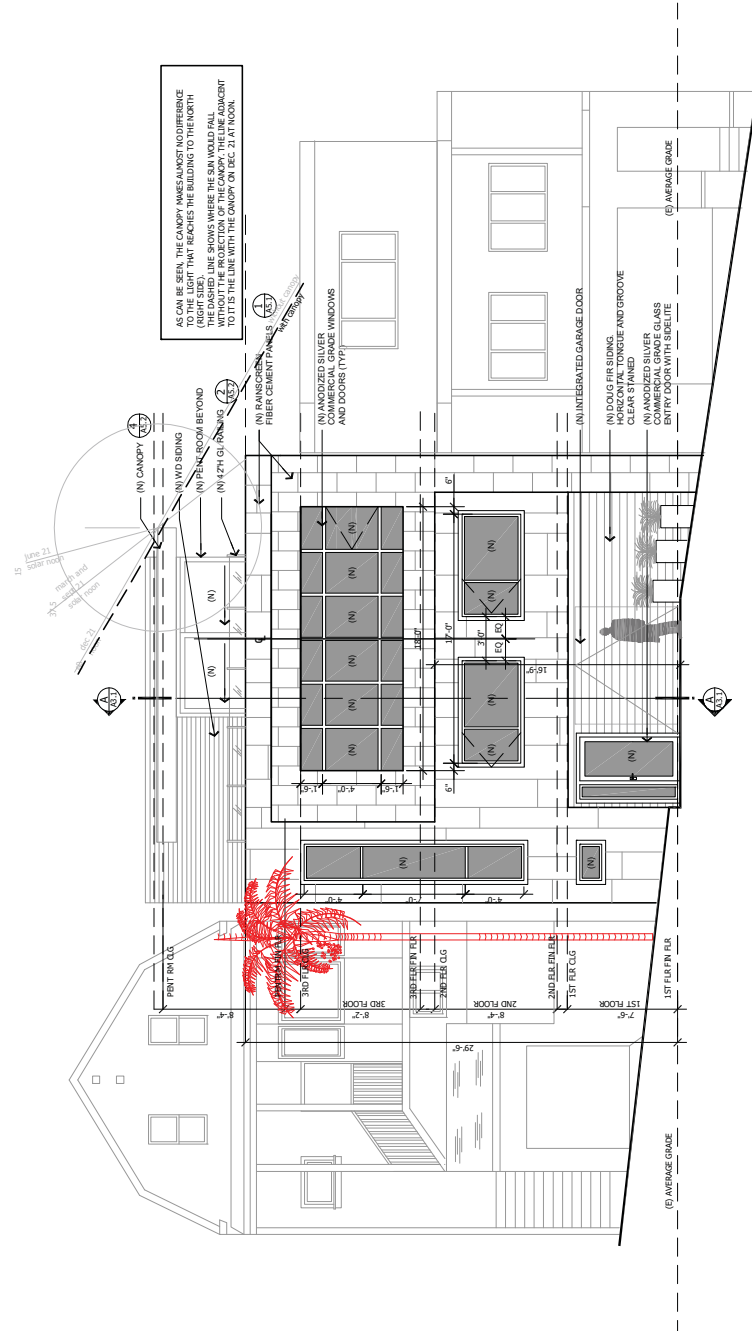








## Shadow study



1188 Diamond St  
San Francisco, CA 94114  
BPA: 201704033058

DRP Response by project sponsor to required questions:

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved?

The DR filer, Jesse Fowler, had not even reviewed the plans before his attorney Ryan Patterson filed the DR. I met with Jesse in mid June. I asked him what were his concerns and why he filed the DR. He told me he was not even aware that I had applied for a permit and was not aware that he had filed a DR. He told me that his attorney Ryan Patterson had a BBN filed to notify him of any permit application for 1188 Diamond Street and automatically filed a DR without Jesse's knowledge.

The DR application states, "The proposed canopies will cast shadow on the neighboring property". Shadow study conducted by McMahon Architecture shows barely any impact due to the fact that the proposed canopy is below the top of the roof edge. And only one small 10' long x 2' wide canopy is on the side parallel to the DR filer's home – the penthouse has a 7' setback between the two homes.

I described to Jesse and pointed out where I planned to add the canopy for waterproofing. Jesse told me that the plans sounded reasonable and he would not have a problem. Jesse asked me to email the plans for the canopy to him for his review. I emailed the plans on June 22<sup>nd</sup>. I have yet to receive a response from Jesse to my email. I resent the plans again on August 5<sup>th</sup> and again on August 15<sup>th</sup>. Yet again, no reply from Jesse to my several emails. I ran into Jesse's attorney Ryan Patterson on June 8<sup>th</sup> and asked him about the DR application. Ryan told me he would discuss the canopy permit with his client and get back to me. I followed up with Ryan on August 12<sup>th</sup> via email and sent the plans to Ryan as well. As of August 16<sup>th</sup>, I have not heard from either party.

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requestor and other concerned parties? If you have already changed the project to meet the neighborhood concerns, please explain those changes and indicate whether

We are proposing to add a modest 2' deep canopy in three locations: 1) at the rear of the property 12' long x 2' wide; 2) on the penthouse level 15' setback on Diamond St side 2' wide x 20' long and 3) 10' long x 2' wide canopy parallel to Clipper street. This side of the property on the penthouse level is set back 7' from the DR filer's

house. The design is similar to canopy on 1214 Diamond St and similar to 1350 Noe St.

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

Shadow study conducted by architect McMahon Architecture shows no meaningful difference to neighboring property because the canopy is below the top of the roof edge. Given we have not heard of any issues from DR filer and given the DR filer claimed he was not even aware of a permit application, this is a nuisance DR filed to delay the project. Nonetheless, we are open to changing the material from wood to glass on all three sides – thereby further mitigating any minimal potential shadow cast by 2' wide canopy that is setback 5' on the side facing the DR filer's property.

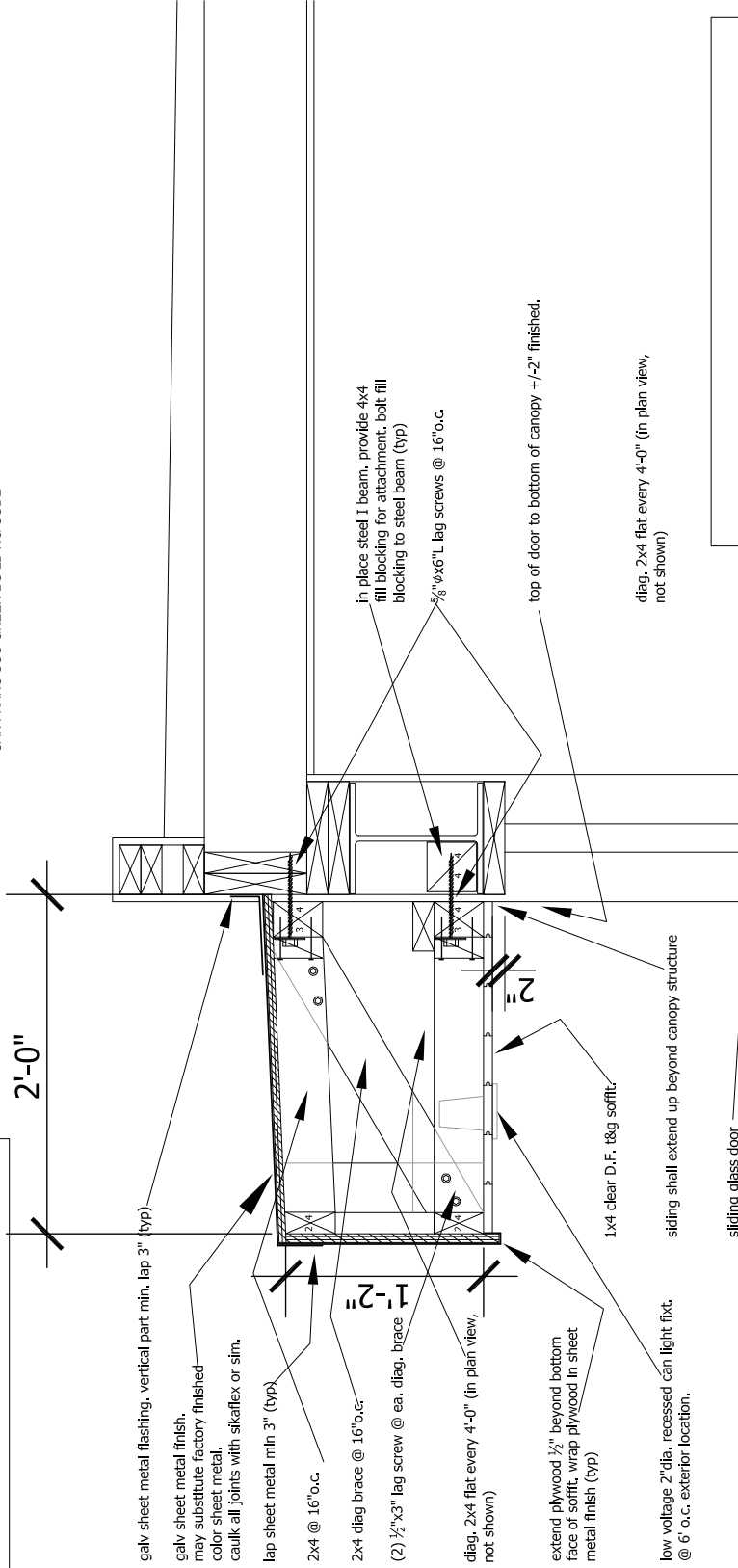
# EXTERIOR

## CODES APPLIED:

2013 CALIFORNIA BUILDING CODE (CBC)  
2013 CALIFORNIA RESIDENTIAL CODE (CRC)  
2013 CALIFORNIA ELECTRICAL CODE (CEC)  
2013 CALIFORNIA PLUMBING CODE (CPC)  
2013 CALIFORNIA MECHANICAL CODE (CMC)  
2013 CALIFORNIA ENERGY CODE  
2013 CALIFORNIA GREEN BUILDING CODE (CALGREEN)  
SAN FRANCISCO GREEN BUILDING CODE

## SCOPE OF WORK:

1. ADD PARAPET TO 4TH FLOOR WINDOWS
2. ADD LIGHT FIXTURES TO UNDERSIDE OF PARAPET



to door threshold and  
roof deck.

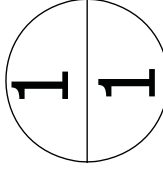
6'-10"

# INTERIOR

## PLANT ON CANOPY/HORIZ. PARAPET.

1 1/2" = 1'-0"

orig. permit # 2015-03.-23-1599



Date:  
03/28/2017

1

## 4TH FLOOR PLAN

LOCATIONS OF CANOPIES  $\frac{1}{8}" = 1'-0"$   
original permit #2015-03-23-1599

