



SAN FRANCISCO PLANNING DEPARTMENT

December 11, 2108

Re:1621 Diamond 2017-010630DRP

David Winslow Principal Architect
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, California, **94103**
T: (415) 575-9159

Dear President Hillis and Planning Commissioners;

Please accept the following materials that were received after the publication of your packet:

- Letters opposing the project
- Additional material analyzing the DR requestor's concerns.

Thank you,

David Winslow

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San Francisco,
CA 94103-2479

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RESPONSE TO
DISCRETIONARY
REVIEW (DRP)



San Francisco
Planning

SAN FRANCISCO PLANNING DEPARTMENT
1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103-2479
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Project Information

Property Address: 1621 Diamond Street

Zip Code: 94131

Building Permit Application(s): 201708104463

Record Number:

Assigned Planner: Jeffrey Horn / David Winslow

Project Sponsor

Name: Paramount Estate LLC

Phone: (650) 239-9260

Email: PM@MAANGLOBAL.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.)

Please see attached.

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.

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.

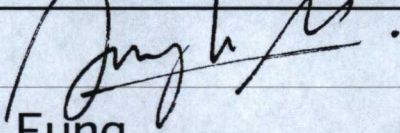
Please see attached.

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)	1	2, incl. ADU
Occupied Stories (all levels with habitable rooms)	2	3, plus basement
Basement Levels (may include garage or windowless storage rooms)	0	1
Parking Spaces (Off-Street)	1	2
Bedrooms	3	5
Height	18'-11"	29'-0"
Building Depth	39'-4"	69'-5"
Rental Value (monthly)	Unknown	Unknown
Property Value	Unknown	Unknown

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

Signature: 	Date: 11/19/18
Printed Name: Anders Fung	<input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> 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.

November 19, 2018

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President Rich Hillis and Planning Commissioners
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

**Re: 1621 Diamond Street:
Response to Discretionary Review Request**

President Hillis and Hon. Commissioners:

On November 29, 2018, the Planning Commission will consider whether to accept Discretionary Review (DR) for a proposed project located at 1621 Diamond Street, Block 6611, Lot 029 (the "Property"). The Property currently is improved with one single-family home. In response to concerns expressed by neighbors and to the City-wide need for housing, the project sponsor recently modified its plans to renovate and expand this single-family unit. Revised plans, which should be included in your hearing packet, call for renovating and expanding the existing structure (1) to create a more modestly-sized main unit than originally proposed that nonetheless will enhance its habitability as a family-sized residence, and (2) to add a new, attached Accessory Dwelling Unit (the "Project"). The most current plans are enclosed here for your review.

Next-door neighbors Judd Winick and Pamela Ling filed a DR request on the earlier plan to expand the single-family home on the Property. However, no exceptional or extraordinary circumstances exist that would justify acceptance of DR. The Project complies with all applicable zoning standards and adopted design guidelines. Application of these standards will ensure that the Project will conserve neighborhood character and minimize impacts on surrounding properties. Additionally, the Project will create a new dwelling unit that will help alleviate City-wide displacement pressures, and will ensure that an existing single-family residence remains attractive to San Francisco families.

I. Project Description

The Property currently is improved with one two-story single-family home of approximately 1,834 square feet. The Project would feature horizontal and vertical additions to the existing structure that would add a third story, a basement level, and decks. Due to the slope of the lot, the basement would be above ground at the rear of the building. The proposed four-bedroom main unit is approximately 3,088 square feet, while a new one-bedroom Accessory Dwelling

Unit would be approximately 824 square feet. A 568-square-foot garage with parking spaces for two cars and two bicycles also is part of the Project. The height of the building would be 29 feet.

II. Project Modifications To Address Neighborhood Concerns

In response to concerns identified by the DR requestor and neighbors, the Project sponsor has made significant changes to its previous proposal to minimize any impacts from the Project. Responsive modifications include:

- Massing on the third floor of the proposed structure was reduced by just over eight feet, which has aligned the Project's rear exterior wall on the third floor with the DR requestor's rear exterior wall. This change was made after the DR request was submitted, to reduce potential impacts on the DR requestor's privacy, exposure to natural light, and views.
- A proposed exterior staircase leading from the first floor to the ground level was moved from the northern to the southern side of the structure's rear/eastern face to reduce further any impacts on the DR requestor's privacy. The DR requestor's home is immediately to the Property's north. This change also was made after the DR request was submitted.
- The size of the proposed main unit was reduced from 3,574 square feet (excluding the garage) to 3,088 square feet. This change was made after the DR request was submitted.

The Project also was revised following the DR request to include an Accessory Dwelling Unit. The inclusion of this modest one-bedroom unit helps address community-wide concerns about the need to address displacement by expanding the City's housing supply.

At the time this letter was submitted, the DR requestor and other neighbors were reviewing recent modifications to the Project plans. The Project sponsor team has communicated with the neighbors and has made themselves available repeatedly to hear neighborhood concerns.

The DR requestor previously requested the erection of story poles, but taking this step would not have been safe or feasible. Story poles represent a significant liability to the Property owner in an urban neighborhood like the Property's, as they can fall on an adjacent property and cause damage or even personal injury. Story poles also can leak during the winter rainy season, which, in a typical year, already would have begun.

III. Discretionary Review Not Warranted

The DR requestor has failed to meet the high burden of showing that the Project can be subject to Discretionary Review. DR is available only where "exceptional and extraordinary circumstances exist." The Planning Commission has defined such circumstances as potentially arising "due to

complex topography, irregular lot configuration, unusual context or other conditions not addressed in the design standards.”¹

The DR requestor has not identified any unusual context or conditions on the Property or associated with the Project that would justify DR, nor do any such conditions exist. The Planning Department determined that the previously-submitted plans for the Project meet all standards in the Planning Code and the Residential Design Guidelines. The revised plans also comply with all zoning and design requirements. The DR request fails to show that adherence to the City’s adopted standards would not adequately accomplish their intended aims when applied to the Project. Accordingly, no exceptional or extraordinary circumstances are present, and the DR request should be denied.

A. Geotechnical Stability

The DR requestor alleges that the Project could have effects “on the safety and stability of the surrounding homes” because of the Project’s excavation and rebuilding of the foundation in the rear of the Property. The request cites landslides on Diamond Street in 2005 and calls for further study of the Project.

There is nothing unusual about the proposed construction. The Property is located on a slope, as are countless other residential lots in San Francisco, including in the Property’s RH-1 zoning district. Rebuilding the foundation during residential project improvements is common and is fully contemplated by City building regulations. The landslides referenced in the DR request occurred in 2005 on the other side of Diamond Street where a retaining wall collapsed. That issue was resolved years ago and, in any event, never affected the side of the street on which the Property and the DR requestor’s parcel are located.

The Project will be engineered to comply with all applicable geotechnical regulations and to ensure that no problems arise. The Project team includes experienced civil engineers and soils engineers who have designed numerous projects in San Francisco without causing any geotechnical issues. Once the Project has progressed to the point where construction documents have been completed, the Department of Building Inspection may, or may not, require additional boring for soil samples. Any such analysis would be premature at present. The soil sample already taken was deemed fully adequate for the Project’s environmental evaluation under CEQA, which now is complete. Should DBI require any additional soil sampling or geotechnical study at the construction document phase, the Project sponsor will comply with any and all additional requirements to secure a building permit. To the extent Project-related work is

¹ San Francisco Planning Department, *Discretionary Review Public (DRP)* (Aug. 2018), p. 3, available at http://forms.sfplanning.org/DRP_InfoPacket.pdf.

required beneath the DR requestor's foundation, the Project sponsor, as required by local law, will notify the DR requestor and will take all appropriate precautionary measures.

Finally, the Project will have the beneficial effect of improving the safety and stability of the area. By replacing the foundation and installing a new drainage system, the Project will represent an improvement over whatever outdated infrastructure currently exists on the Property. In sum, there are no unusual conditions associated with the Property's or the area's topography or soil conditions, and the Project will represent an improvement over existing conditions.

B. Neighborhood Character

The DR requestor alleges that proposed vertical and rear additions to the existing structure would undermine neighborhood character. To the contrary, these and other elements of the Project are consistent with the character of the neighborhood, and there certainly are no exceptional or extraordinary circumstances that would justify a departure from the City's adopted zoning and design standards.

The Project's vertical addition is in character with its surroundings. The Project complies with the Planning Code's height limit, proposes the vertical addition of only a single story (a third floor), and sets that floor back by 15 feet from the front lot line. Sheet A-0.3 of the enclosed revised plan set (Sheet A-0.2 in a previous version of the plans) shows that all three houses located directly across Diamond Street from the Property and adjacent properties, including the DR's requestor's lot, are three stories tall—1614, 1620, and 1626 Diamond Street. Numerous other nearby properties, both upslope and downslope from the Property, are of similar height. Moreover, Sheet A-0.1 shows that the 15-foot setback for the third floor would make the addition barely noticeable from the street.

The rear horizontal addition contemplated by the Project also is consistent with the surroundings, including recent development on the DR requestor's lot, as follows:

- As the DR requestor's own photograph shows (see second photograph attached to DR application), both houses adjacent to the Property extend significantly further toward the rear property line than does the existing structure on the Property. A horizontal addition, therefore, is fully consistent with existing neighborhood conditions.
- The Project retains the required rear yard in the RH-1 district of 25 percent of lot depth. (Averaging of adjacent neighbors' rear yards is not required in the RH-1 district.)
- As shown on Sheet A-0.3 and A-1.3, the DR requestor's property features an expansive, elevated rear deck located at the second-story level. The Project's horizontal building addition barely would extend further to the rear than does this existing deck structure,