Discretionary Review
Abbreviated Analysis
HEARING DATE: FEBRUARY 13, 2020

Case No.: 2019-014251DRP
Project Address: 2001 CHESTNUT STREET
Permit Application: 2019.0717.6081
Zoning: NC-2 (Neighborhood, Commercial – Small Scale)
40-X Height and Bulk District
Block/Lot: 0491/001
Project Sponsor: Benson Wang
2030 Union Street, Suite 208
San Francisco, CA 94123
Staff Contact: Matt Dito – (415) 575-9164
Matthew.Dito@sfgov.org
Recommendation: Do not take DR and approve as proposed

PROJECT DESCRIPTION
The project proposes the addition of a nighttime entertainment use to an existing restaurant (d.b.a. The Dorian). The nighttime entertainment use would permit a Place of Entertainment permit to be issued for cabaret performances and other live music.

SITE DESCRIPTION AND PRESENT USE
The project site is approximately 7,900 square feet, and contains an approximately 6,500 square-foot, one-story building. In addition to the subject bar use, the site also has restaurant (d.b.a. Pacific Catch), limited-restaurant (d.b.a. Castagna Provencal Bistro), and general retail (d.b.a. Arlene’s Cleaners) uses. The subject bar use has been in operation since September 2015. The subject building was constructed circa 1926 and is considered a potential historic resource.

SURROUNDING PROPERTIES AND NEIGHBORHOOD
The subject property is located with an NC-2 (Neighborhood, Commercial – Small Scale) Zoning District and a 40-X Height & Bulk District within the Marina neighborhood. The subject property is across the street from Marina Middle School and Moscone Recreation Center. From the subject property, Chestnut Street is zoned NC-2 to the west and RH-3 (Residential, House – Three-Family) to the east.

The immediate vicinity includes predominantly ground floor commercial uses, with multi-story buildings containing residential uses above. The neighborhood includes a mix of land uses, including retail, professional service, restaurant, and bar uses.
BUILDING PERMIT NOTIFICATION

<table>
<thead>
<tr>
<th>TYPE</th>
<th>REQUIRED PERIOD</th>
<th>NOTIFICATION DATES</th>
<th>DR FILE DATE</th>
<th>DR HEARING DATE</th>
<th>FILING TO HEARING TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>311 Notice</td>
<td>30 days</td>
<td>September 26, 2019 – October 28, 2019</td>
<td>October 25, 2019</td>
<td>February 13, 2020</td>
<td>111 days</td>
</tr>
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</table>

HEARING NOTIFICATION

<table>
<thead>
<tr>
<th>TYPE</th>
<th>REQUIRED PERIOD</th>
<th>REQUIRED NOTICE DATE</th>
<th>ACTUAL NOTICE DATE</th>
<th>ACTUAL PERIOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Posted Notice</td>
<td>20 days</td>
<td>January 24, 2020</td>
<td>January 24, 2020</td>
<td>20 days</td>
</tr>
<tr>
<td>Mailed Notice</td>
<td>20 days</td>
<td>January 24, 2020</td>
<td>January 24, 2020</td>
<td>20 days</td>
</tr>
<tr>
<td>Online Notice</td>
<td>20 days</td>
<td>January 24, 2020</td>
<td>January 24, 2020</td>
<td>20 days</td>
</tr>
</tbody>
</table>

PUBLIC COMMENT

<table>
<thead>
<tr>
<th>SUPPORT</th>
<th>OPPOSED</th>
<th>NO POSITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjacent neighbor(s)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other neighbors on the block or directly across the street</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Neighborhood groups</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The neighbors in opposition to the project have stated their concerns that adding an entertainment use to the subject property will exacerbate existing noise issues on Chestnut Street.

DR REQUESTOR

The request for Discretionary Review was filed by Victoria Dum, a resident at 2010 Chestnut Street, which is directly across the street from the subject property.

DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

See attached Discretionary Review Application, dated October 25, 2019.

PROJECT SPONSOR’S RESPONSE TO DR APPLICATION


ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption.
DEPARTMENT REVIEW

The request for Discretionary Review states that noise from a proposed second bar on the mezzanine level, as well as the proposed nighttime entertainment use, would increase noise levels to the point that the business would have a detrimental effect on nearby residences. There is no proposed addition of a bar on the mezzanine level, as a bar already exists on that level and is legal. The proposed nighttime entertainment use is limited to two seven minute cabaret shows on Saturdays, and live music for corporate events. The Department does not find that the proposed cabaret shows would cause a nuisance to nearby residences, given the short duration. Additionally, as a primarily open-to-the-public business, allowing live music for corporate events should also not cause a nuisance to nearby residences, especially given the commercial nature of Chestnut Street with other similar bar uses. The Department does not find any exceptional or extraordinary circumstances with the proposed project.

RECOMMENDATION:  Do not take DR and approve project as proposed

Attachments:
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
CEQA Determination
DR Application
Response to DR Application dated January 22, 2020
Reduced Plans
Exhibits
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

*Sanborn Map*
Aerial Photo

Discretionary Review Hearing
Case Number 2019-014251DRP
2001 Chestnut Street
Aerial Photo
Discretionary Review Hearing
Case Number 2019-014251DRP
2001 Chestnut Street
NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **July 17, 2019**, Building Permit Application No. **2019.07.17.6081** was filed for work at the Project Address below.

**Notice Date:** 9/26/2019  
**Expiration Date:** 10/28/2019

<table>
<thead>
<tr>
<th>PROJECT INFORMATION</th>
<th>APPLICANT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address:</td>
<td>Applicant:</td>
</tr>
<tr>
<td></td>
<td>Benson Wang</td>
</tr>
<tr>
<td>Cross Street(s):</td>
<td>Address:</td>
</tr>
<tr>
<td></td>
<td>2030 Union Street, Suite 208</td>
</tr>
<tr>
<td>Block/Lot No.:</td>
<td>City, State:</td>
</tr>
<tr>
<td>0491 / 001</td>
<td>San Francisco, CA 94123</td>
</tr>
<tr>
<td>Zoning District(s):</td>
<td>Telephone:</td>
</tr>
<tr>
<td>NC-2 /40-X</td>
<td>(707) 883-3343</td>
</tr>
<tr>
<td>Record Number:</td>
<td>Email:</td>
</tr>
<tr>
<td>2019-014251PRJ</td>
<td><a href="mailto:bensonwang@gmail.com">bensonwang@gmail.com</a></td>
</tr>
</tbody>
</table>

You are receiving this notice as an owner or occupant of property within 150 feet of the proposed project. **You are not required to take any action.** For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request that the Planning Commission review this application at a public hearing for Discretionary Review. Requests for a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown above, or the next business day if that date is on a weekend or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

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

### PROJECT SCOPE

- ☐ Demolition
- ☑ Change of Use
- ☐ New Construction
- ☐ Façade Alteration(s)
- ☐ Alteration
- ☐ Front Addition
- ☐ Rear Addition
- ☐ Side Addition
- ☐ Vertical Addition

### PROJECT FEATURES

<table>
<thead>
<tr>
<th>EXISTING</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Use</td>
<td>Restaurant and Nighttime Entertainment</td>
</tr>
</tbody>
</table>

### PROJECT DESCRIPTION

The project proposes the addition of a nighttime entertainment use to an existing restaurant (d.b.a. The Dorian). The nighttime entertainment use would permit a Place of Entertainment permit to be issued for cabaret performances and other live music.

The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

To view plans or related documents, visit [sf-planning.org/notices](http://sf-planning.org/notices) and search the Project Address listed above. Once the property is located, click on the dot(s) to view details of the record number above, its related documents and/or plans.

**For more information, please contact Planning Department staff:**
Matthew Dito, 415-575-9164, Matthew.Dito@sfgov.org
GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department’s review process, contact the Planning Information Center (PIC) at 1660 Mission Street, 1st Floor (415) 558-6377 or pic@sfgov.org. If you have specific questions about the project, you should contact the planner listed on the front of this notice.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. We strongly urge that steps 1 and 2 be taken.

1. Request a meeting with the project Applicant to get more information and to explain the project’s impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at www.communityboards.org for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City’s General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice. Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at www.sfplanning.org. You must submit the application in person at the Planning Information Center (PIC), with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at www.sfplanning.org. If the project includes multiple building permits, i.e. demolition and new construction, a separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.

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

BOARD OF APPEALS

An appeal of the Planning Commission’s decision on a Discretionary Review case may be made to the Board of Appeals within 15 calendar days after the building permit is issued (or denied) by the Department of Building Inspection. 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 at www.sfplanning.org. An appeal of the decision to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the 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.
## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<table>
<thead>
<tr>
<th>Project Address</th>
<th>Block/Lot(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001 CHESTNUT ST</td>
<td>0491001</td>
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</table>

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Permit No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019-014251PRJ</td>
<td>201907176081</td>
</tr>
</tbody>
</table>

- **Addition/Alteration**: 
- **Demolition (requires HRE for Category B Building)**: 
- **New Construction**: 

Project description for Planning Department approval.

No construction, place of entertainment permit for (2) consistent (7) minute cabaret shows every Saturday & live music for corporate events.

### STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).

- **Class 1 - Existing Facilities**: Interior and exterior alterations; additions under 10,000 sq. ft.

- **Class 3 - New Construction**: Up to three new single-family residences or six 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.

- **Class 32 - In-Fill Development**: New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:
  
  (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
  
  (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.
  
  (c) The project site has no value as habitat for endangered rare or threatened species.
  
  (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
  
  (e) The site can be adequately served by all required utilities and public services.

**FOR ENVIRONMENTAL PLANNING USE ONLY**

- **Class ____**
### STEP 2: CEQA IMPACTS
**TO BE COMPLETED BY PROJECT PLANNER**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Air Quality:</strong></td>
<td>Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone)? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? <em>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone)</em></td>
</tr>
<tr>
<td><strong>Hazardous Materials:</strong></td>
<td>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? <em>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer)</em></td>
</tr>
<tr>
<td><strong>Transportation:</strong></td>
<td>Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</td>
</tr>
<tr>
<td><strong>Archeological Resources:</strong></td>
<td>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? <em>if yes, archeo review is required (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</em></td>
</tr>
<tr>
<td><strong>Subdivision/Lot Line Adjustment:</strong></td>
<td>Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? <em>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography)</em>. If yes, Environmental Planning must issue the exemption.</td>
</tr>
<tr>
<td><strong>Slope = or &gt; 25%:</strong></td>
<td>Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? <em>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography)</em></td>
</tr>
<tr>
<td><strong>Seismic: Landslide Zone:</strong></td>
<td>Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? <em>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones)</em></td>
</tr>
<tr>
<td><strong>Seismic: Liquefaction Zone:</strong></td>
<td>Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? <em>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones)</em></td>
</tr>
</tbody>
</table>

**Comments and Planner Signature (optional):**
### STEP 3: PROPERTY STATUS - HISTORIC RESOURCE

**TO BE COMPLETED BY PROJECT PLANNER**

**PROPERTY IS ONE OF THE FOLLOWING:** *(refer to Property Information Map)*

<table>
<thead>
<tr>
<th>Option</th>
<th>Description</th>
<th>Next Step</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Category A: Known Historical Resource</td>
<td>GO TO STEP 5.</td>
<td></td>
</tr>
<tr>
<td>☑ Category B: Potential Historical Resource (over 45 years of age)</td>
<td>GO TO STEP 4.</td>
<td></td>
</tr>
<tr>
<td>☐ Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age)</td>
<td>GO TO STEP 6.</td>
<td></td>
</tr>
</tbody>
</table>

### STEP 4: PROPOSED WORK CHECKLIST

**TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.

<table>
<thead>
<tr>
<th>Option</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑</td>
<td>Change of use and new construction. Tenant improvements not included.</td>
</tr>
<tr>
<td>☐</td>
<td>Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.</td>
</tr>
<tr>
<td>☐</td>
<td>Window replacement that meets the Department’s Window Replacement Standards. Does not include storefront window alterations.</td>
</tr>
<tr>
<td>☐</td>
<td>Garage work. A new opening that meets the Guidelines for Adding Garages and Curb Cuts, and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.</td>
</tr>
<tr>
<td>☐</td>
<td>Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.</td>
</tr>
<tr>
<td>☐</td>
<td>Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.</td>
</tr>
<tr>
<td>☐</td>
<td>Dormer installation that meets the requirements for exemption from public notification under Zoning Administrator Bulletin No. 3: Dormer Windows.</td>
</tr>
<tr>
<td>☐</td>
<td>Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.</td>
</tr>
</tbody>
</table>

**Note:** Project Planner must check box below before proceeding.

<table>
<thead>
<tr>
<th>Option</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>Project is not listed. GO TO STEP 5.</td>
</tr>
<tr>
<td>☐</td>
<td>Project does not conform to the scopes of work. GO TO STEP 5.</td>
</tr>
<tr>
<td>☐</td>
<td>Project involves four or more work descriptions. GO TO STEP 5.</td>
</tr>
<tr>
<td>☑</td>
<td>Project involves less than four work descriptions. GO TO STEP 6.</td>
</tr>
</tbody>
</table>

### STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW

**TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.

<table>
<thead>
<tr>
<th>Option</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.</td>
</tr>
<tr>
<td>☐</td>
<td>Interior alterations to publicly accessible spaces.</td>
</tr>
<tr>
<td>☐</td>
<td>Window replacement of original/historic windows that are not “in-kind” but are consistent with existing historic character.</td>
</tr>
<tr>
<td>☐</td>
<td>Façade/storefront alterations that do not remove, alter, or obscure character-defining features.</td>
</tr>
<tr>
<td>☐</td>
<td>Raising the building in a manner that does not remove, alter, or obscure character-defining features.</td>
</tr>
<tr>
<td>☐</td>
<td>Restoration based upon documented evidence of a building’s historic condition, such as historic photographs, plans, physical evidence, or similar buildings.</td>
</tr>
</tbody>
</table>
7. **Addition(s)**, including mechanical equipment that are minimally visible from a public right-of-way and meet the *Secretary of the Interior’s Standards for Rehabilitation*.

8. **Other work consistent** with the *Secretary of the Interior Standards for the Treatment of Historic Properties* (specify or add comments):

9. **Other work** that would not materially impair a historic district (specify or add comments):

   (Requires approval by Senior Preservation Planner/Preservation Coordinator)

10. **Reclassification of property status.** (Requires approval by Senior Preservation Planner/Preservation Coordinator)

   - Reclassify to Category A
     - a. Per HRER or PTR dated
     - b. Other (specify):
   - Reclassify to Category C
     (attach HRER or PTR)

   Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.

   - Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. **GO TO STEP 6.**

   **Comments (optional):**

   Preservation Planner Signature:

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION**

**TO BE COMPLETED BY PROJECT PLANNER**

- No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.

  **Project Approval Action:**
  - Building Permit

  **Signature:**
  - Matthew Dito
  - 10/28/2019

Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.

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 approval action.

Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.
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

<table>
<thead>
<tr>
<th>Project Address (If different than front page)</th>
<th>Block/Lot(s) (If different than front page)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001 CHESTNUT ST</td>
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</table>

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Previous Building Permit No.</th>
<th>New Building Permit No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019-014251PRJ</td>
<td>201907176081</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Plans Dated</th>
<th>Previous Approval Action</th>
<th>New Approval Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Permit</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Modified Project Description:

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

☐ Result in expansion of the building envelope, as defined in the Planning Code;

☐ Result in the change of use that would require public notice under Planning Code Sections 311 or 312;

☐ Result in demolition as defined under Planning Code Section 317 or 19005(f)?

☐ Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?

If at least one of the above boxes is checked, further environmental review is required.

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

☐ 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. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.

Planner Name: Date:
**DISCRETIONARY REVIEW PUBLIC (DRP)**

### Discretionary Review Requestor's Information

- **Name:** Victoria Dum  
- **Address:** 2010 Chestnut St #303 94123  
- **Email Address:** vickiadum@yahoo.com  
- **Telephone:** 415-730-6015  
  
### Information on the Owner of the Property Being Developed

- **Name:** Benson Wang & Anderson Pugash  
- **Company/Organization:** Serious Leisure  
- **Address:** To Follow  
- **Email Address:** info@seriousleisure.com  
- **Telephone:** Heather Madden 415-799-5776  
  
### Property Information and Related Applications

- **Project Address:** 2001 Chestnut St  
- **Block/Lot(s):** 0491/001  
- **Building Permit Application No(s):** 2019-01425 PRJ  
  
### ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

<table>
<thead>
<tr>
<th>PRIOR ACTION</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you discussed this project with the permit applicant?</td>
<td>✗ 1</td>
<td>✔</td>
</tr>
<tr>
<td>Did you discuss the project with the Planning Department permit review planner?</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Did you participate in outside mediation on this case? (including Community Boards)</td>
<td>✗ 2</td>
<td>✔</td>
</tr>
</tbody>
</table>

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

None  

**Actions Taken:**  
- ✗ 1 email with Jacky Falkenburg  
- ✗ 2 Contacted Community Board twice by phone but never received a response
DISCRETIONARY REVIEW REQUEST

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

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

Requesting DR because of concern with noise from addition of second bar or upper floor and because this is the first step in applying for a cabaret live music permit which would eliminate the right of nearby tenants to "quiet enjoyment" of their homes.

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

This is a quality of life issue for all nearby tenants due to increased noise & activity from second bar.

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?

Denial of second floor bar.
Under penalty of perjury the following declarations are made:

a) The undersigned is the DR requestor or their authorized representation.

Signature: Victoria Dum

Relationship to Requestor: Self

Phone: 415-730-6015

Email: victidum@yahoo.com

Submitted: 10/25/19
RESPONSE TO
DISCRETIONARY REVIEW (DRP)

Project Information

Property Address: 2001 Chestnut St. Zip Code: 94123
Building Permit Application(s): Entertainment Permit
Record Number: 2019.014251DRP Assigned Planner: Math Oto

Project Sponsor

Name: Jacy Diamond
Email: Jule@sanorlsentura.com
Phone: 818 512-4296

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.)

   The requester thinks that we are building a new bar. However, we are not. We are just applying for an entertainment permit.

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.

   There are no changes because we are not building another bar.

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.

   The requester has been misinformed.
### 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.**

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

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

**Signature:**

**Printed Name:**

**Date:** J 21 - 20

- 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.
NOTE:
CONTRACTOR TO REMOVE ALL EXISTING EQUIPMENT, CLEAN EXISTING EQUIPMENT TO LIKE NEW CONDITION, REPAIR/REPLACE ANY BROKEN FLOOR TILES, REPAIR/REPLACE ANY BROKEN FRP WALL FINISH.
GENERAL CONTRACTOR TO REINSTALL EXISTING EQUIPMENT IN SAME LOCATION.