



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: NOVEMBER 10, 2011

Continued from the May 12, 2011, May 19, 2011, September 22, 2011 and October 27, 2011 Hearings

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Date: November 3, 2011
Case No.: 2011.0063D & 2010.0868V
Project Address: 135 EL CAMINO DEL MAR
Zoning: RH-1(D) (Residential House, Single-Family, Detached),
Scenic Special Sign District
40-X Height and Bulk District
Block/Lot: 1334/031
Project Sponsor: Walter & Ramona Yee
135 El Camino del Mar
San Francisco, CA 94121
Staff Contact: Jonas P. Ionin – (415) 558-6309
jonas.ionin@sfgov.org
Recommendation: [REDACTED]

BACKGROUND

The subject DR was originally considered by the Planning Commission on May 19, 2011. At that hearing the Commission directed the Project Sponsor to reduce the bulk of the subject building and incorporate concerns raised by the DR Requestor. If no compromise could be reached the Commission stipulated that they would take DR and require the property to revert back to the condition approved by the 1998 building permit application.

CURRENT PROPOSAL

No proposal to modify the building has been submitted to the Department by the Project Sponsor.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must either Take DR and approve the project as proposed; with modifications; or Not Take DR.

Attachments:

DR Applicant Submittals

SUE C. HESTOR
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November 3, 2011

Christina Olague, President
Planning Commission
1650 Mission Street 4th fl
San Francisco CA 94103

2011.0063 DDV - 135 El Camino del Mar Discretionary Review & Variance
November 10, 2011

Dear President Olague:

On May 19 the Planning Commission heard Rodney Grebe's request for Discretionary Review and variance. You continued the hearing to September 21 with STRONG instructions that the parties attempt to negotiate an agreement on modifications to 135 El Camino del Mar so the DR might be withdrawn. On September 21 the hearing was continued to October 27. On October 27 it was continued to November 10 with Commissioners stating there would be NO FURTHER CONTINUANCES.

Rodney Grebe, who filed for Discretionary Review, lives at 145 el Camino del Mar, directly adjacent and to the west of 135 El Camino del Mar. 135 El Camino del Mar, owned by Walter and Ramona Yee, is a visually prominent location as the first house on the south side of El Camino del Mar as drivers exit The Presidio and enter Seacliff. Both the east side and front of this house are visible. In December 1995 a storm sewer failure caused an enormous sinkhole which undermined 135 El Camino del Mar. The adjacent house, on West Clay Park, to the east was totally demolished. As part of the City's financial settlement with the Yees, they were given permits on 3/23/98 to replace their house to its former dimensions. Those 1998 permits are the last LEGAL permits that define the allowable envelope of 135 El Camino del Mar.

At the May hearing Commissioners discussed a motion to require that 135 be returned to its last LEGAL (1998 permit) configuration. There was no final vote because you INSTRUCTED the parties to negotiate in good faith to see if they could agree to acceptable conditions. That process broke down because the Yees objected to anyone telling them what they could do with their property.

Given the extreme amount of time that has elapsed since DBI initiated a stop work order on July 3, 2008, then took this case through the Abatement Appeals Board - which stayed its decision so that the Yees could obtain permits and variances to legalize the illegal construction - Mr. Grebe is concerned that the Commission's decision be as specific as possible so no gap in enforcement is created.

The following two pages are a chronology of what happened over the past few months. **At this point it appears that the Yees have no one assisting or representing them.**

135 El Camino del Mar - post 5/19/2011 Planning Commission

- 5/19/2011 Planning Commission continues to 9/21/11 DR hearing on revisions made after City reconstruction permit with instructions that Yees meet w/Rodney Grebe to reach agreement on changes to 135 El Camino del Mar that address neighbors concerns
- **Andrew Junius** tells Commissioners that Yees may be unwilling to meet
- 6/1/2011 Hestor contacts Andrew Junius requesting meeting between the parties & Yee architect
- 6/7/2011 Junius responds has been on vacation, will talk to Yees and get back later in week
- 6/23/2011 Hestor to Junius - has been 2 weeks and we have no answer on meeting
- 6/30/2011 Junius - finally able to meet w/Yees - will reply when client has decided how to proceed
- 7/8/2011 Realizing that Yees may never be willing to meet, Grebe starts process to find own architect to draft revisions
- 7/13/2011 Junius/Hestor conversation - Yees don't want to meet w/Grebe. Want Grebe to provide "last best offer" instead & no further Commission hearing. Hestor - variance still needs hearing + Grebe wants even a stipulated revision adopted by the Commission, not a simple withdrawal of DR. Hestor informs Junius that due to Yees' unwillingness to meet using his architect, Grebe must hire own architect to do all the work on revision.
- 7/15/2011 Grebe retains Joe Butler who starts retrieving the many plans for 135 El Camino del Mar
- 7/19/2011 Junius email - wants plan revisions from Joe Butler "this week"
- 7/20/2011 Hestor response to Junius - Joe Butler just got copy of various plans and hasn't had chance to even review them. He is leaving today for week's vacation w/family.
- 8/22/2011 email from QuickDraw permitting notifying Grebe/Hestor that **Jeremy Paul** is new representative for the Yees - email not copied to Andrew Junius the prior attorney
- 9/1/2011 **Andrew Junius confirms that Jeremy Paul now represents the Yees**
- 9/9/2011 Issue summary emailed to Jeremy Paul (on behalf of the Yees) with a request that receipt be acknowledged and to Jonas Ionin
- 9/11/2011 Jeremy Paul acknowledges receipt of Grebe submission
- 9/15/2011 Joe Butler leaves message for Jeremy Paul at QuickDraw phone number
- 9/19/2011 Joe Butler email to Jeremy Paul - do you want contact by email or phone?
- 9/20/2011 Jeremy Paul requests email contact - will reply later this week
- 9/21/2011 Planning Commission continuance to 10/27

- 10/7/2011 Grebe contacts Toby Morris to set up mtg w/Yees. Morris says **Jeremy Paul no longer involved**. Yee calls Grebe and leaves message
- 10/9/2011 Grebe calls Yee who says Jeremy Paul no longer involved. Yees not interested in negotiating even though Grebe wants compromise. Eventually agree that architects can meet w/Yees present. Later same day Joe Butler and Toby Morris meet w/Yees. Yees resent anyone telling them what they can do with their property. Butler provides list of what Grebe wants - short list of revisions PLUS agreement to maintain landscaping and prune trees. Yees offer partial agreement but will not agree to restore original roof line on rear extension next to Grebe.
- 10/12/2011 Butler calls Toby Morris. Again Yees are offended that anyone who tell them what to do with their property. Yees are to reply.
- 10/24/2011 Because no answer, Grebe calls Morris who has not heard from Yees although he was calling them daily. They continue to object to anyone telling them what to do. Morris will call when he has additional information.
- 10/27/2011 Planning Commission continuance changed from 11/3 to 11/10 at Department request. Hestor sends email to Morris and Yees informing them of new hearing date and that there will be no further continuances.
- 10/31/2011 Joe Butler told that **Toby Morris no longer is working for the Yees**

WHERE WE ARE NOW

The approved 1998 plans are for a project consistent with the building envelop and conditions that existed before the sinkhole. **Conditions 1-5 below** describe that building and will assist DBI/the Abatement Appeals Board in understanding the building described in the 1998 permits.

Rodney Grebe requests that the Commission take the following actions -

- **disapprove the pending permit applications,**
 - **inform the Abatement Appeals Board of their disapproval of those applications, and**
 - **determine that work authorized under the approved 1998 building permits requires compliance with the following conditions which accurately describe the building approved in the 1998 plans.**
1. **Remove front vertical addition over the garage and office, restore original roof lines on both the front (North) and side (Elevations) of the Living Room, and restore removed living room windows on the front (North) and side (West) elevations. See 1998 existing condition drawings. (Exhibit A)**
 2. **Restore the low sloping roof on the rear extension. See 1998 existing condition drawings and photo. (Exhibit B and C)**

RESTORE THE FOLLOWING ORIGINAL MATERIALS THROUGHOUT: (Exhibit D)

- 3. Slate roof at front, copper at rear (pre-1998 condition restored). See notes on Exhibit D.**
- 4. Cement plaster matches: in plane, in materials, and in texture - to match existing cement plaster finishes.**
- 5. Copper gutters and downspouts to be restored where missing, and retained where still present.**

Mr. Grebe sincerely wanted to reach agreement with the Yees, but that has been impossible. It has become even more difficult because there is no professional person advising the Yees on Planning and Building Code requirements.

Returning jurisdiction to the Abatement Appeals Board for further action by that Board, with clarifying instructions on the details above, should be the most efficient way to proceed. The conditions on this site have gone on much too long. Neighbors of this property need relief.

The Zoning Administrator should issue a similar determination, taking into account any adjustments required by changes to the east property line.

Respectfully submitted,



Sue C. Hestor
Attorney for Rodney Grebe

cc: Members of the Planning Commission
Linda Avery, Planning Commission Secretary
John Rahaim, Planning Director
Scott Sanchez, Zoning Administrator
Jonas Ionin
Walter and Ramona Yee
Rodney Grebe
F Joseph Butler

Discretionary Review Requester Rodney Grebe, adjacent to the subject property to the west, requests the following Conditions of Approval of the permit before you:

A/. Restore two of the 1998 permit application's Existing conditions:

1/. Remove front vertical addition over garage and office, restore original roof lines on both the front (North) and side (East) elevations of the Living room, and restore removed living room windows on the front (North) and side (West) elevations. See 1998 existing condition drawings, and photo. (Exhibits A, and B)

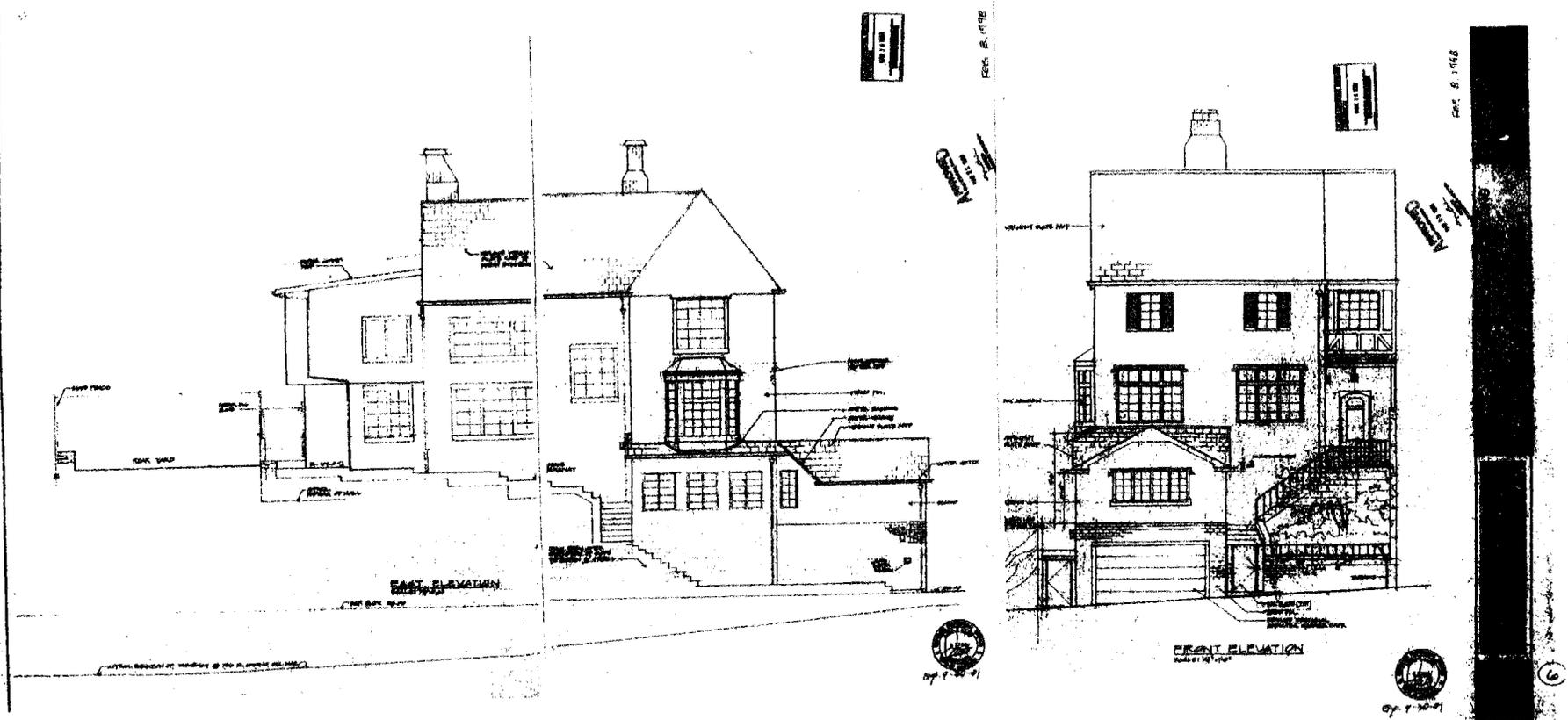
2/. Restore the low sloping rear extension roof. See 1998 existing condition drawings, and photo. (Exhibits C, and D)

B/. Restore three original materials throughout: (Exhibit E)

1/. Slate roof at front, copper at rear (pre-1998 condition restored) See notes. (Exhibit E)

2/. Cement plaster matches: in-plane, in materials, and in texture, to match existing cement plaster finishes.

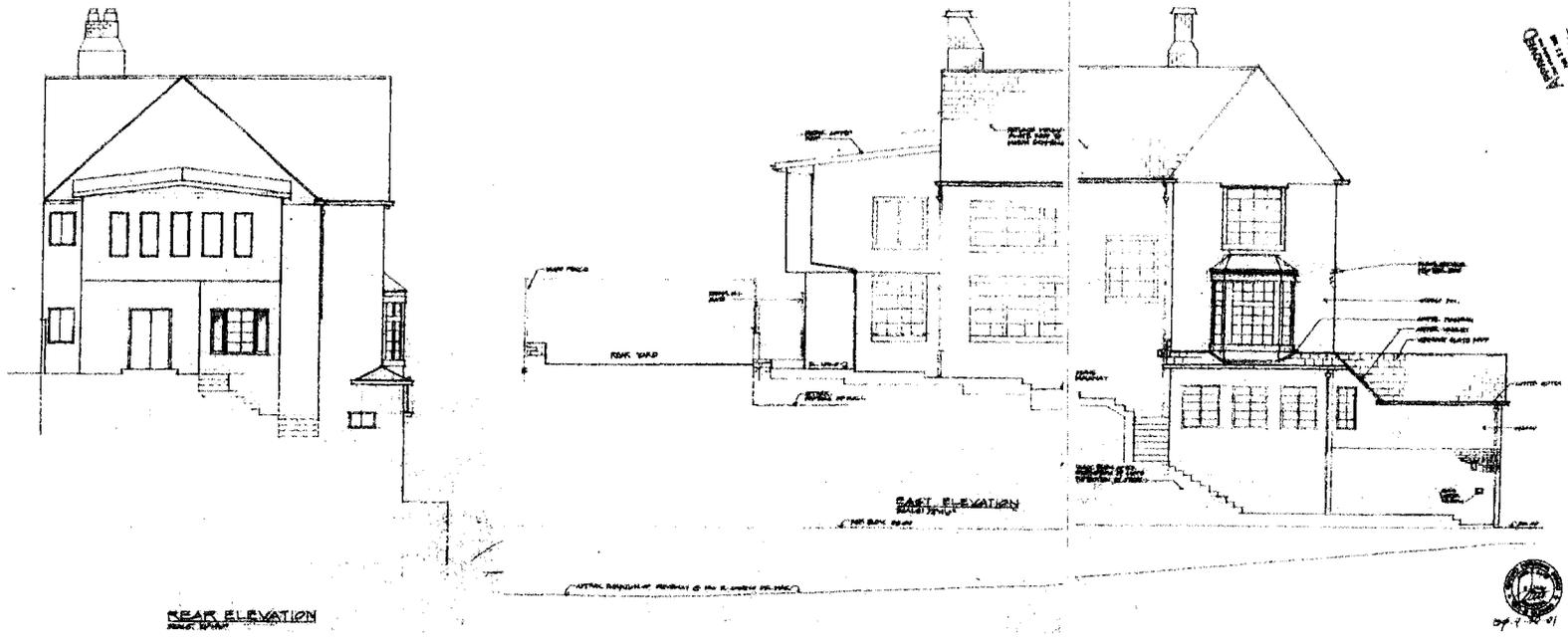
3/. Copper gutters and downspouts to be restored where missing, and retained where still present.



EAST AND NORTH ELEVATIONS

FACING THE PRESIDIO AND EL CAMINO DEL MAR
1998 PERMIT APPLICATION PLANS

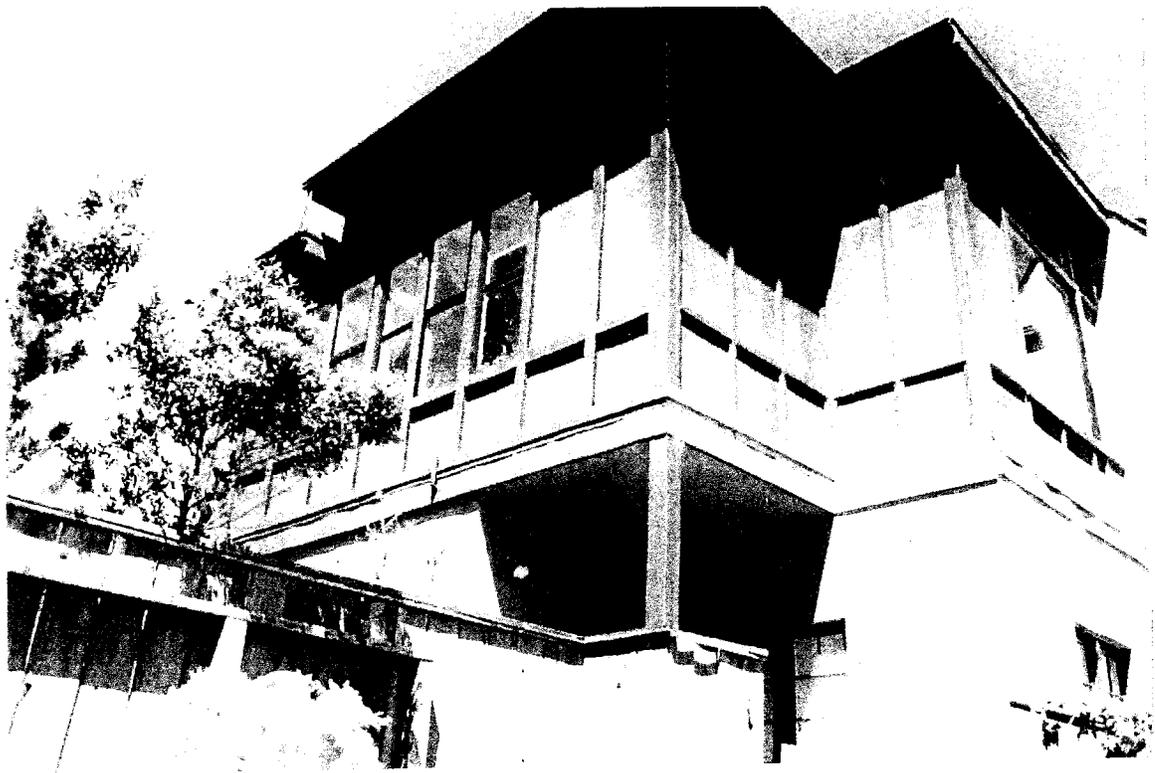
EXHIBIT A



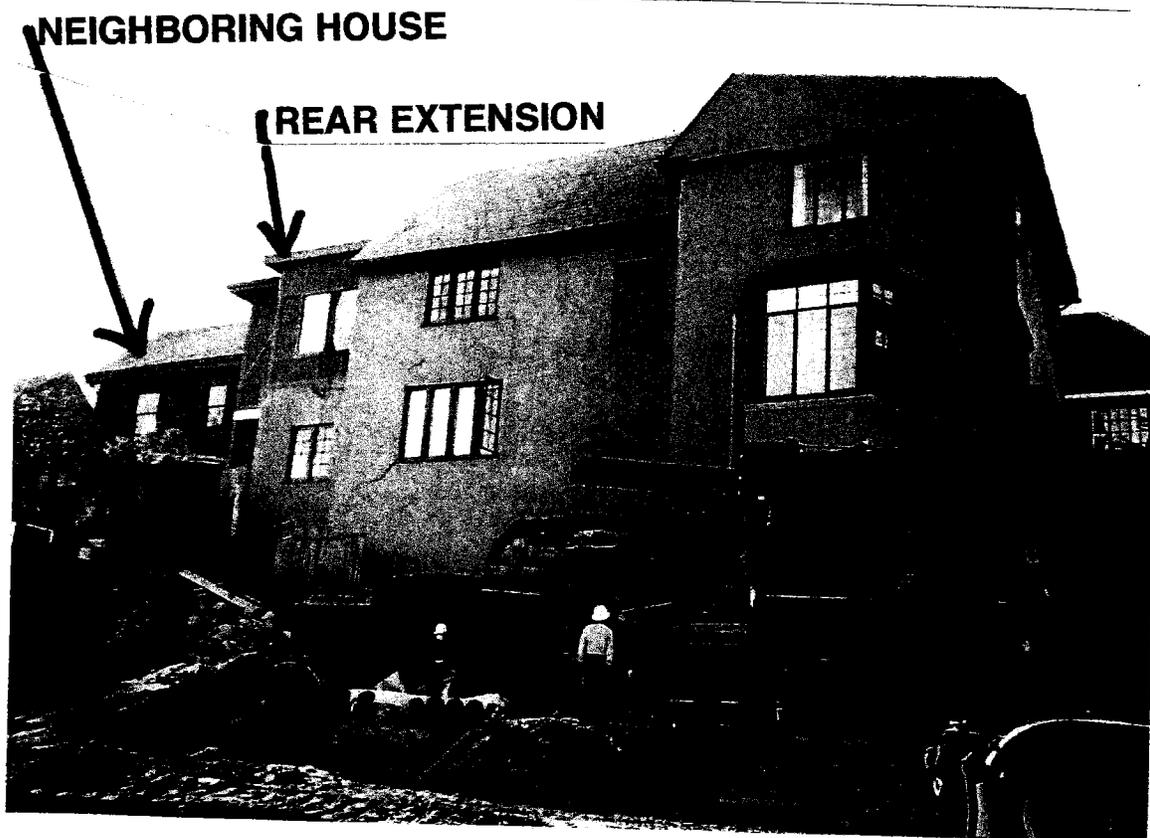
SOUTH AND EAST ELEVATIONS

FACING THE REAR YARD AND PRESIDIO
1998 PERMIT APPLICATION PLANS

EXHIBIT B



REAR EXTENSION WITH SHED ROOF



EAST ELEVATION FACING PRESIDIO

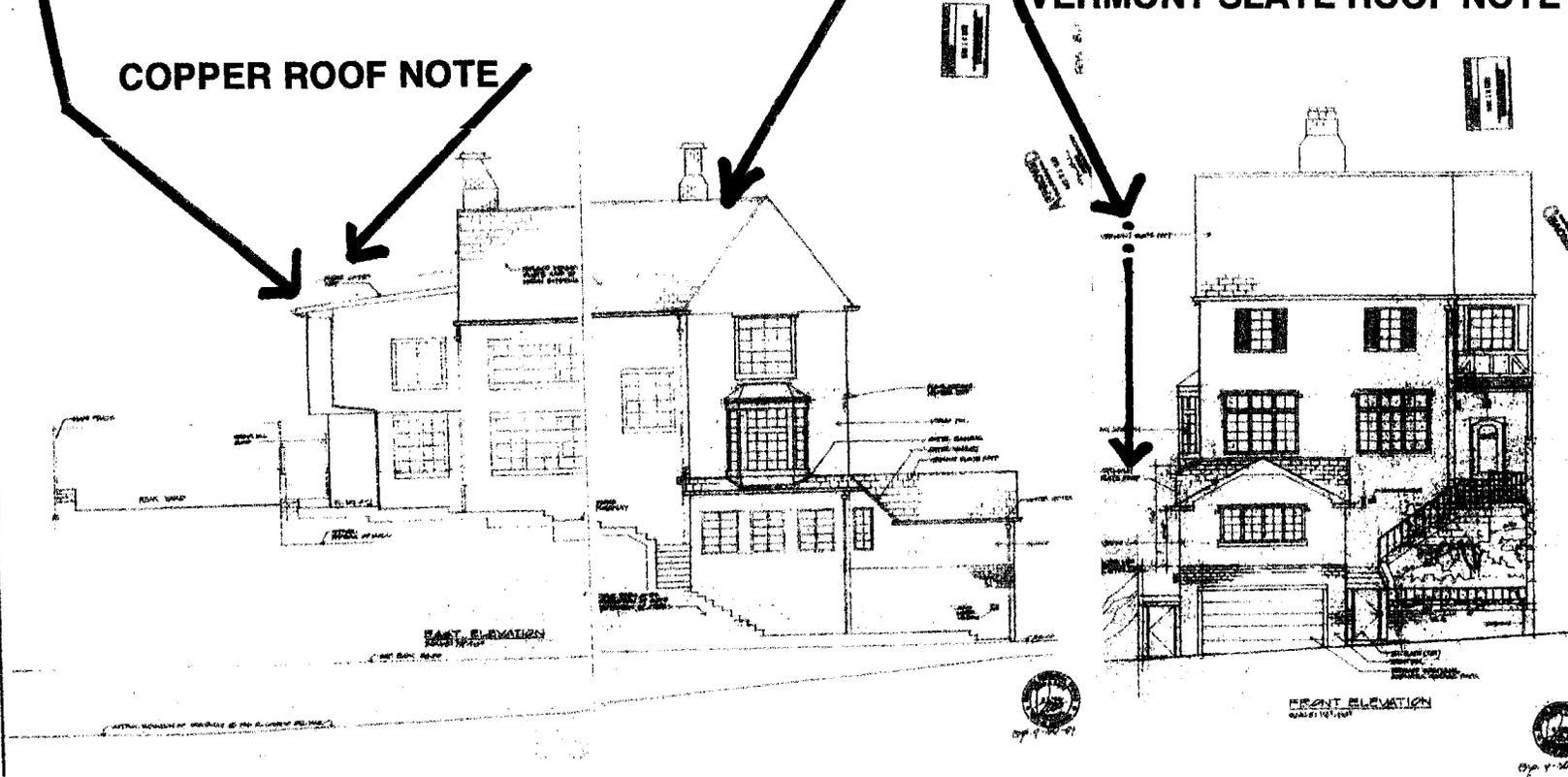
EXHIBIT C

LOW PITCH SHED ROOF AT REAR EXTENSION

INTERSECTING GABLE OF MAIN BODY OF THE HOUSE

COPPER ROOF NOTE

VERMONT SLATE ROOF NOTE



EAST AND NORTH ELEVATIONS

**FACING THE PRESIDIO AND EL CAMINO DEL MAR
1998 PERMIT APPLICATION PLANS**

EXHIBIT D