

*AAB Regular Meeting
of
August 21, 2024*

Agenda Item C1

Appellant's Statement

FACTS: In 2017 we repaired/replaced a blighted 4-foot wooden fence along our property line following municipal codes regarding blight and sidewalk safety. Removing blight is mandated by [SF Admin. Code Chapter 80](#), [SF Public Works Code §723.2\(a\)](#), [SF Housing Code Chapter 10 §1001](#), and [SF Building Code §102A](#). The addition of safety lighting to enhance nighttime pedestrian safety along the sidewalk is supported by [SF Public Works Code §706](#). The style of the fence to prevent “nuisance,” “vegetable matter,” “grass,” “weeds,” and “vegetation overgrowth” from impinging the sidewalk is supported by [SF Public Works Code §174](#). The increased visibility and safety of the fence from its repair also protects the historic Ingleside Terraces Landmark Pillars in alignment with [SF Planning Code §1008](#). **Exhibit A.**

On or around September 6, 2017, a citizen filed a music complaint: “The resident at this address has been consistently doing construction and playing loud music from 10am-6pm/7pm most days of the week. I would like to request the music volume be lowered or turned off. I can hear it in my apartment all day.” **Exhibit B.** This complaint does *not* detail any unsafe property as *required* by [SF Admin. Code Chapter 80](#), “[w]here the Director determines that any condition constitutes a blighted property,” and as required by [SF Building Code § 102A](#), “[w]henver the Building Official determines that property or properties are unstable because of landslide, subsidence or inundation or that such occurrences are deemed imminent, the Building Official shall give written notice to the owner or owners that said property or properties are unsafe.”

However, despite municipal code and the [U.S. Constitutional amendment IV prerequisite](#) of ‘probable cause of unsafe property’ to *legalize* a government search of private property, DBI conducted a search of private property *without* probable cause, *unlawfully* depriving our family of our Federally protected right of privacy without a valid government interest in public safety, a violation of Substantive Due Process required by both [State](#) and [Federal](#) Constitutions. This

search was additionally without consent in violation of [CA Civil Code § 1550](#) and in violation of Procedural Due Process requirements of both [State](#) and [Federal](#) Constitutions. These deprivations of fundamental rights of privacy, due process, and [equal protection of the law](#) without a valid government interest in unsafe property are negligent mistakes of law for which the City is liable.

On September 11, 2017, DBI initiated Enforcement Case 2017-012837ENF with violation notice (NOV): “A complaint investigation has revealed the installation of a new fence on a corner lot without the benefit of a building permit.” Corrective Action: "Obtain building permit with plans and Planning Department Approval or, reduce fence to 3' in height." **Exhibit C.** This violation notice does *not* list unsafe property which is *required* by municipal code: (1) [SF Admin. Code Chapter 80](#) mandates that “[a]t the time the notice of violation is issued, the Director shall take one or more photographs of the property showing the blighted conditions, and shall make copies of the photographs available to the recipient of the notice upon request.” As there are no blighted conditions and no photographs of blighted conditions, this NOV for *safe* property violates the purpose and policy of [SF Admin. Code Chapter 80](#), for which [§80.7](#) entitles Appellant civil penalties of between **\$1,200,400.00** and **\$2,402,000.00** as of July 17, 2024. And (2) [SF Building Code § 102A](#) states that “[w]henver the Building Official determines by inspection that property or properties either improved or unimproved are unstable because of landslide, subsidence or inundation or that such occurrences are deemed imminent as described above, the Building Official shall give written notice to the owner or owners that said property or properties are unsafe. The notice shall specify the conditions creating the unsafe classification.” As the NOV did not specify any unsafe conditions, this NOV for *safe* property violates the

purpose and policy of [SF Building Code § 102A](#), for which [SF Building Code §103A](#) entitles Appellant civil penalties of between **\$500,200.00** and **\$2,501,000.00** as of July 17, 2024.

Furthermore, this violation notice (**Exhibit C**) does *not* notify the owner of their due process right to appeal the notice, which is *required by law*: [SF Admin. Code Chapter 80](#) mandates ‘that a violation notice “shall give the owner 15 calendar days from the date of the service of the notice to request a hearing on the notice of violation, and shall set forth the procedure for requesting a hearing on the violation.”’ And the [CA Constitution](#) requires that “[a] person may not be deprived of life, liberty, or property without due process of law,” and the [Federal Constitution](#) legislates, “nor shall any State deprive any person of life, liberty, or property, without due process of law.” This NOV violates municipal, State, and Federal Law requiring a hearing to challenge a NOV, for which [§80.7](#) entitles Appellant civil penalties of between **\$1,200,400.00** and **\$2,402,000.00** as of July 17, 2024

On October 11, 2017, we obtained Building Permit Application 2017-1011-0923 (**Exhibit D**) but the City then mandated a Variance Hearing due to the 4-ft height of the *historically* 4-ft fence, again, without the legal requirement that this City action makes the property safer, again violating [SF Admin. Code Chapter 80](#) and [SF Building Code § 102A](#), further costing the City between **\$1,185,000.00** and **\$2,373,000.00** in [§80.7](#) civil penalties and between **\$494,200.00** and **\$2,471,000.00** in [§103A](#) civil penalties as of July 17, 2024. Our Variance Application No 2018-002358VAR legalizing the 4-ft height of the *historically* 4-ft fence was approved on July 20, 2019, and processed by the Assessor-Recorder’s Office on June 6, 2021.

On or around November 24, 2021, DPW placed the fence permit [with Variance and NSR] on hold because of their fraudulent allegation that our *private* right-of-way (Easement) somehow qualifies for *public* right-of-way (road & highway) legislation and mandated a Minor

Sidewalk Encroachment Permit (among other unlawful permits). On December 4, 2021, we submitted a Minor Sidewalk Encroachment Permit Application. However, despite (1) a Planning Variance *legalizing* the 4-ft height of the historically 4-ft fence along our private property, (2) a DBI permit *legalizing* the gas line for the fire table within private property, and (3) the California Land Title Association Report for our property *ratifying* the sub-surface sewer *private* right-of-way (**Exhibit E-F**) as a Public Utility Easement (**Exhibit G**) which by definition is private property, our exhaustive efforts to clarify that *public* right-of-way (road & highway) codes do not and cannot legally apply to *private* right-of-way (easements) have been futile, **Exhibits H-K**, with DPW concluding: “The application of the codes has been long established and isn’t open to mediation. If you would like to pursue a legal avenue you can reach out to your representative with the Board of Supervisors for special Major Encroachment legislation. If legislation is not possible you can file for litigation with the City,” **Exhibit L**. While the denial of the Minor Sidewalk Encroachment Permit is being reviewed by the Board of Appeals, the City Attorney advised the Board that they do not have jurisdiction to decide if DPW acted outside of their jurisdiction by claiming a *public* right-of-way where *no public* right-of-way exists (**Exhibit M**), affirming the jurisdiction of SF Superior Court to decide this further. And during our March 2, 2023, Director’s Hearing (Enforcement Case 2017-012837ENF) we presented facts: (1) there is no blighted property, (2) the fence repair complied with anti-blight statutes, and (3) there is no *public* right-of-way on the property, however, the DBI Director mandated Order of Abatement 201703961A in defiance of the Evidence which invokes [CA CCP 1094.5](#). And for this DBI Order of Abatement filed April 12, 2023, that violates the provisions of [SF Admin. Code Chapter 80](#) and [SF Building Code § 102A](#) requiring the existence of blighted property for a *lawful* violation notice, SF Admin. Code [§80.7](#) entitles Appellant civil penalties of between **\$181,400.00**

and **\$364,000.00**, and [§103A](#) entitles Appellant civil penalties of between **\$92,400.00** and **\$462,000.00** as of July 17, 2024.

CASE SUMMARY: In 2017, the City used a neighbor’s music complaint to initiate Anti-Blight Enforcement, authorizing DBI, Planning, and DPW to (1) conduct investigations of private property without consent, without probable cause of unsafe property, and without due process protections, and (2) to issue violation notices without evidence of unsafe property, without due process protections, and without equal protection of the law, resulting in fraudulent violation notices for unnecessary, gratuitous, and exploitive permits, variances, and abatements. DBI’s *allegation & conviction* of property crime where *no blight or unsafe property* exists violates [SF Admin. Code Chapter 80](#) and [SF Building Code § 102A](#) requirements that (1) unsafe property exist in order to file violation notices for property crime, and (2) an administrative hearing be offered to challenge violation notices, for which [§80.7](#) and [§103A](#) entitle Appellant civil penalties of between **\$4,854,000.00** and **\$12,975,000.00** as of July 17, 2024.

RELIEF REQUESTED: Because DBI should have never conducted a consentless search without probable cause of unsafe property nor filed violation notices for *safe*, *non*-nuisance, property, we humbly request this Board (1) rescind and reverse the DBI violation notices (NOV, OOA), and (2) direct DBI to issue new decisions holding that (a) DBI erred in searching private property without proper consent and without probable cause of blight or unsafe property, (b) DBI erred in filing a violation notice (NOV) that failed to describe a hearing process to appeal the violation notice, and (c) DBI erred in filing violation notices (NOV, OOA) that failed to describe any unsafe property or blight and were without photographs of unsafe property or blight; or if outside of this Board’s jurisdiction, please remand to a higher authority, SF Superior Court Case: CGC-22-601288.

Exhibit A: Fence before and after the 2017 repair.

Zillow Pictures of the fence along the property edge **PRIOR** to our 2012 purchase of the property



Google historic pictures of the fence along our property edge **PRIOR** to our 2017 repair





Repaired fence with the addition of sidewalk lighting (2017)

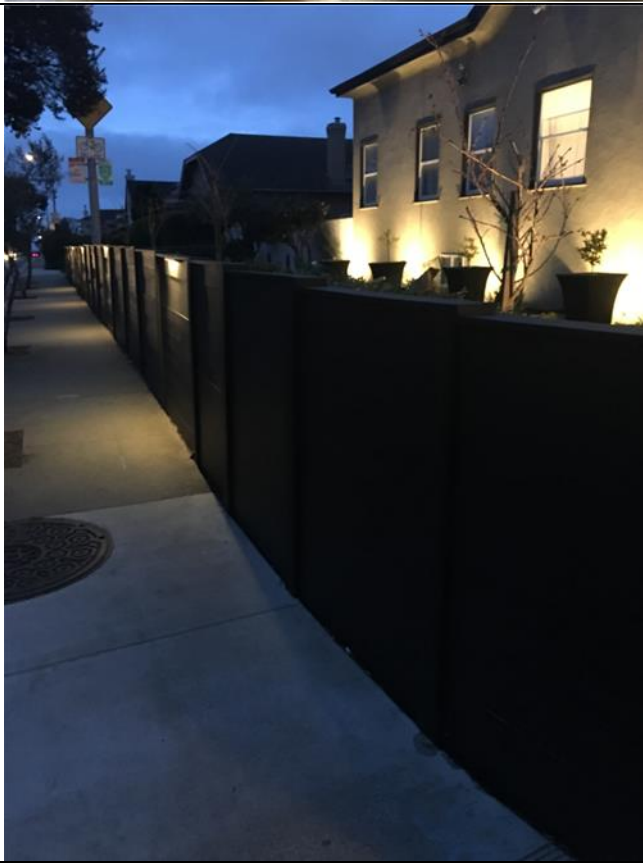


Exhibit B: Citizen Music Complaint

“The resident at this address has been consistently doing construction and playing loud music from 10am-6pm/7pm most days of the week. I would like to request the music volume be lowered or turned off. I can hear it in my apartment all day.”

Welcome to our Permit / Complaint Tracking System!

Complaint Number: 201703961

Owner/Agent: OWNER DATA SUPPRESSED
 Owner's Phone: --
 Contact Name: --
 Contact Phone: --
 Complainant: COMPLAINANT DATA SUPPRESSED

Date Filed:
 Location: 201 ASHTON AV
 Block: 6932
 Lot: 008
 Site:
 Rating:
 Occupancy Code:
 Received By: Adora Canotal
 Division: PID

Complainant's Phone:
 Complaint Source: 311 INTERNET REFERRAL
 Assigned to Division: CES
 Description: The resident at this address has been consistently doing construction and playing loud music from 10am-6pm/7pm most days of the week. I would like to request the music volume be lowered or turned off. I can hear it in my apartment all day.
 Instructions: 311 SR No. 7570260

INSPECTOR INFORMATION


DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
CES	LAM	6383		

REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
1/31/2019	Mauricio Hernandez	BID	Case refer to BID per email, owner is working on a variance process with DCP. mh
12/18/2017	Sylvia Thai	CES	per Carl Weaver to CES
3/28/2022	Thu Ha Thi Truong	CES	per JG


COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
09/06/17	CASE OPENED	BID	Weaver	CASE RECEIVED	
09/07/17	OTHER BLDG/HOUSING VIOLATION	BID	Weaver	CASE UPDATE	case reviewed, to be assigned to complaint investigation team. mh
09/08/17	OTHER BLDG/HOUSING VIOLATION	BID	Weaver	CASE UPDATE	Case review permit research. C Weaver
09/11/17	OTHER BLDG/HOUSING VIOLATION	BID	Weaver	FIRST NOV SENT	A complaint investigation revealed the installation of a new fence without the benefit of a building permit. A notice of violation was issued. C Weaver
09/12/17	OTHER BLDG/HOUSING VIOLATION	INS	Weaver	CASE UPDATE	Mailed 1st NOV, s.thai.
10/13/17	OTHER BLDG/HOUSING VIOLATION	BID	Weaver	CASE UPDATE	PA 201710110923 was filed to comply with NOV. C Weaver



COMPLAINT DATA SHEET

Exhibit C: Department of Building Inspection September 11, 2017, Violation Notice



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION **FIRST NOTICE** COMPLAINT NUMBER _____
 City and County of San Francisco **SECOND NOTICE** _____
 1660 Mission St. • San Francisco, CA 94103 - 2414 **OTHER:** _____ 201703961

ADDRESS 201 Ashton Ave **DATE** 9/11/17
OCCUPANCY / USE R-3 **BLOCK** 6932 **LOT** 008
CONST. TYPE II **STORIES** 1 **BASEMENT**
 If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT _____ **PHONE #** _____
MAILING ADDRESS _____ **CITY** _____ **ZIP** _____
PERSON CONTACTED @ SITE _____ **PHONE #** _____

VIOLATION DESCRIPTION:

WORK WITHOUT PERMIT (SFBC 103A); **ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106A.4.7);**
 EXPIRED PERMIT (SFBC 106A.4.4); **CANCELLED PERMIT (SFBC 106A.3.7)** PA# _____;
 UNSAFE BUILDING (SFBC 102A); **SEE ATTACHMENTS** CODE / SECTION # _____

A complaint investigation has revealed the installation of a new fence on a corner lot without the benefit of a building permit. The fence is on three sides of the property and ranges between 4' and 6' in height.

Monthly monitoring fee per table 1 A of SFBC

BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104A.2.4
 FILE BUILDING PERMIT APPLICATION WITHIN 30 DAYS (WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.
 OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
 CORRECT VIOLATIONS WITHIN _____ DAYS. **NO PERMIT REQUIRED.**
 YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.
 FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

Obtain building permit with plans and Planning Department approval. Or, reduce fence to 3' in height.

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation
 9x Permit Fee (Work w/o Permit after 9/1/60) 2x Permit Fee (Work Exceeding Scope of Permit)
 Other _____ Reinspection Fee \$ _____ **No penalty (Work w/o permit prior to 9/1/60)**

APPROX. DATE OF WORK W/O PERMIT _____ VALUE OF WORK PERFORMED WITHOUT PERMITS _____

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR Carl Wecker Building Inspection Division
(Inspector - Print Name) 3rd Floor, 1660 Mission St. 558-6096
 OFFICE HOURS 7:30 TO 8:30 AM AND 3:00 TO 4:00 PM Housing Inspection Services
 8th Floor, 1660 Mission St. 558-6220
 PHONE # 415 558 6624 Electrical Inspection Division
 3rd Floor, 1660 Mission St. 558-6030
 By: (Inspector's Signature) Carl Wecker DISTRICT # _____ Plumbing Inspection Division
 3rd Floor, 1660 Mission St. 558-6054
 CC: DCP EID PID BID HIS CED PRS DAD SFFD DPH PS Code Enforcement Division
 3rd Floor, 1660 Mission St. 558-6454

M 0003 05 (Rev. 02/10)

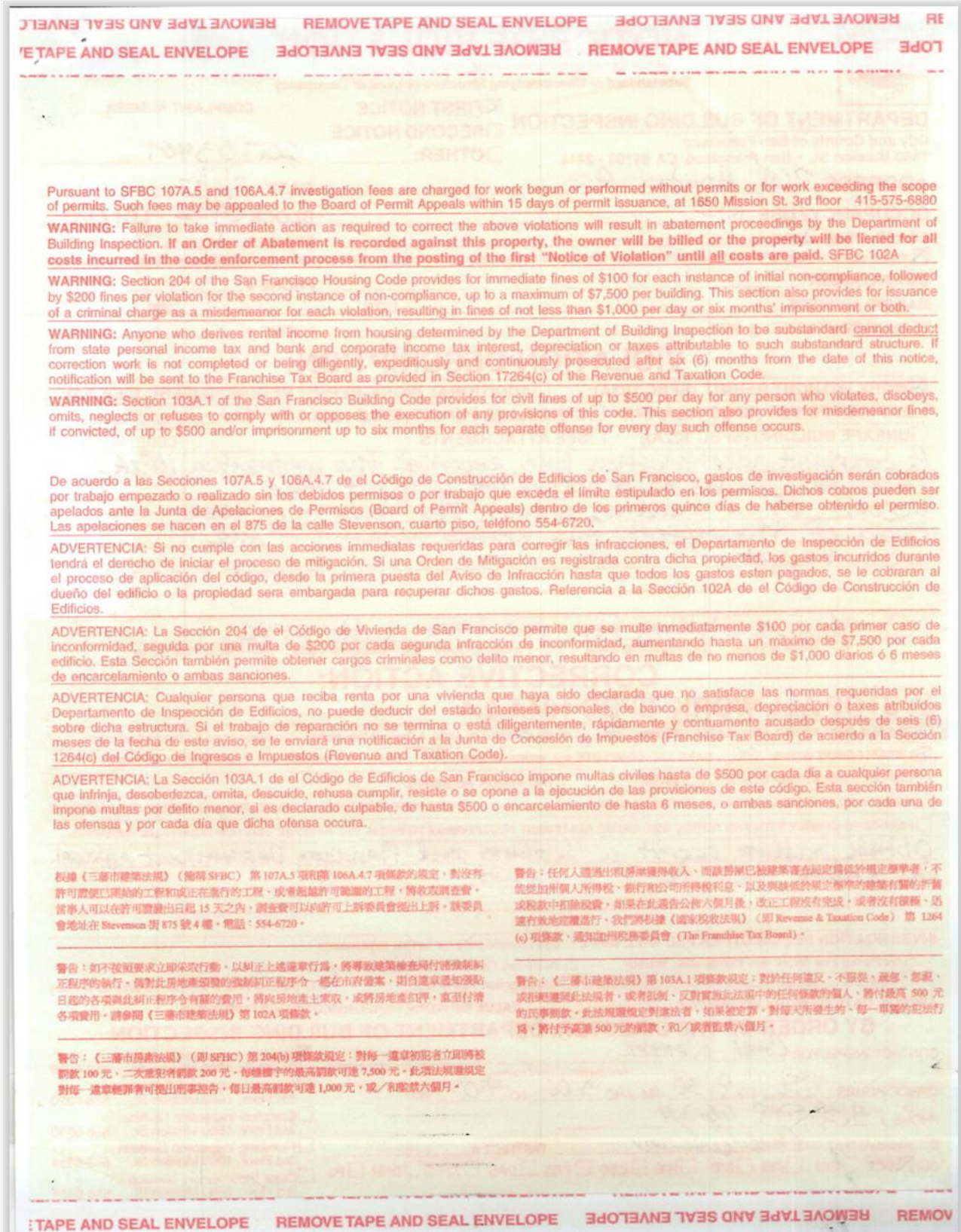


Exhibit D: Page 1 of Fence-Repair Permit mandated by DBI's NOV

APPROVED FOR ISSUANCE BLDG. FORM 3/8 APPLICATION NUMBER 2017-011-0923 OSHA APPROVAL REQ'D <input type="checkbox"/> APPROVAL NUMBER			
CES- 201703961 201703961 BID			
APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS FORM 3 <input type="checkbox"/> OTHER AGENCIES REVIEW REQUIRED FORM 8 <input checked="" type="checkbox"/> OVER-THE-COUNTER ISSUANCE 2 NUMBER OF PLAN SETS	CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.		
▼ DO NOT WRITE ABOVE THIS LINE ▼			
DATE FILED	FILING FEE RECEIPT NO. PCT FEE	(1) STREET ADDRESS OF JOB 201 Ashton Av	BLOCK & LOT 6932/008
PERMIT NO.	ISSUED	(2A) ESTIMATED COST OF JOB \$1800.00	(2B) REMBERD COST: BY \$1800.00 DATE: 11.24.21
INFORMATION TO BE FURNISHED BY ALL APPLICANTS			
LEGAL DESCRIPTION OF EXISTING BUILDING			
(4A) TYPE OF CONSTR. Wood Frame	(5A) NO. OF STORIES OF OCCUPANCY: 1	(6A) NO. OF BASEMENTS AND CELLARS: 1	(7A) PRESENT USE: Residential / SFD
(8A) OCCUP. CLASS Single Family	(9A) NO. OF DWELLING UNITS: 1	(8B) OCCUP. CLASS Single Family	
DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION			
(4) TYPE OF CONSTR. Wood Frame	(5) NO. OF STORIES OF OCCUPANCY: 1	(6) NO. OF BASEMENTS AND CELLARS: 1	(7) PROPOSED USE (LEGAL USE) Residential / SFD
(8) OCCUP. CLASS Single Family	(9) NO. OF DWELLING UNITS: 1	(8) OCCUP. CLASS Single Family	
(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED? NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? NO <input checked="" type="checkbox"/>
(14) GENERAL CONTRACTOR N/A	ADDRESS	ZIP	PHONE
(15) OWNER SEE (CROSS OUT ONE) Raelyn Ruppel	ADDRESS 201 Ashton Ave.	ZIP 94112	PHONE (FOR CONTACT BY DEPT.) 916-879-7748
(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT) In our effort to remove blight, as defined in chapter 80 of the San Francisco Administrative Code, we would like to ① repair the dilapidated, rotting, dangerous, 4-foot wooden fence surrounding the front of our home, and ② replace a rot-infested, 10-foot high, overgrown hedge alongside our driveway with a 4-6 foot wooden fence. To Comply w/NOV 201703961 Like for like -			
ADDITIONAL INFORMATION			
(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? NO <input checked="" type="checkbox"/>
(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> N/A	ADDRESS	CALIF. CERTIFICATE NO.	
(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN") N/A			
IMPORTANT NOTICES No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code. No portion of building or structure or scaffolding used during construction is to be closer than 6'0" to any wire containing more than 750 volts. See Sec 385, California Penal Code. Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.		NOTICE TO APPLICANT HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions. In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must be checked as well. Mark the appropriate	

Exhibit E: Sheet 3 of 5 of E.J. Morser's 1912 Subdivision Map of Ingleside Terraces

Note! Dotted lines indicate boundaries of sub-surface sewer Right of Way.

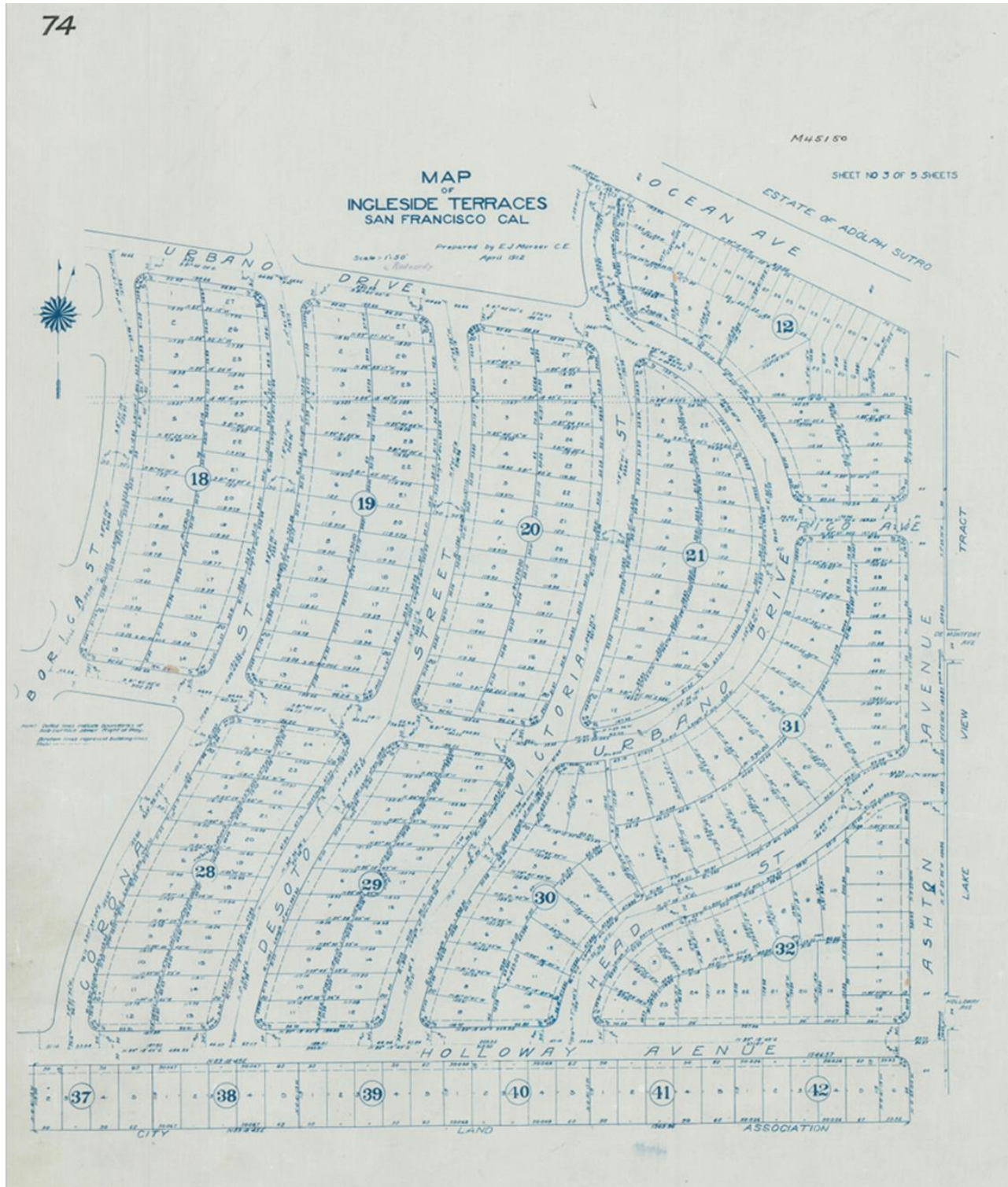


Exhibit F: Historic Sanborn Map showing water pipe in *private* rights-of-ways (easements)

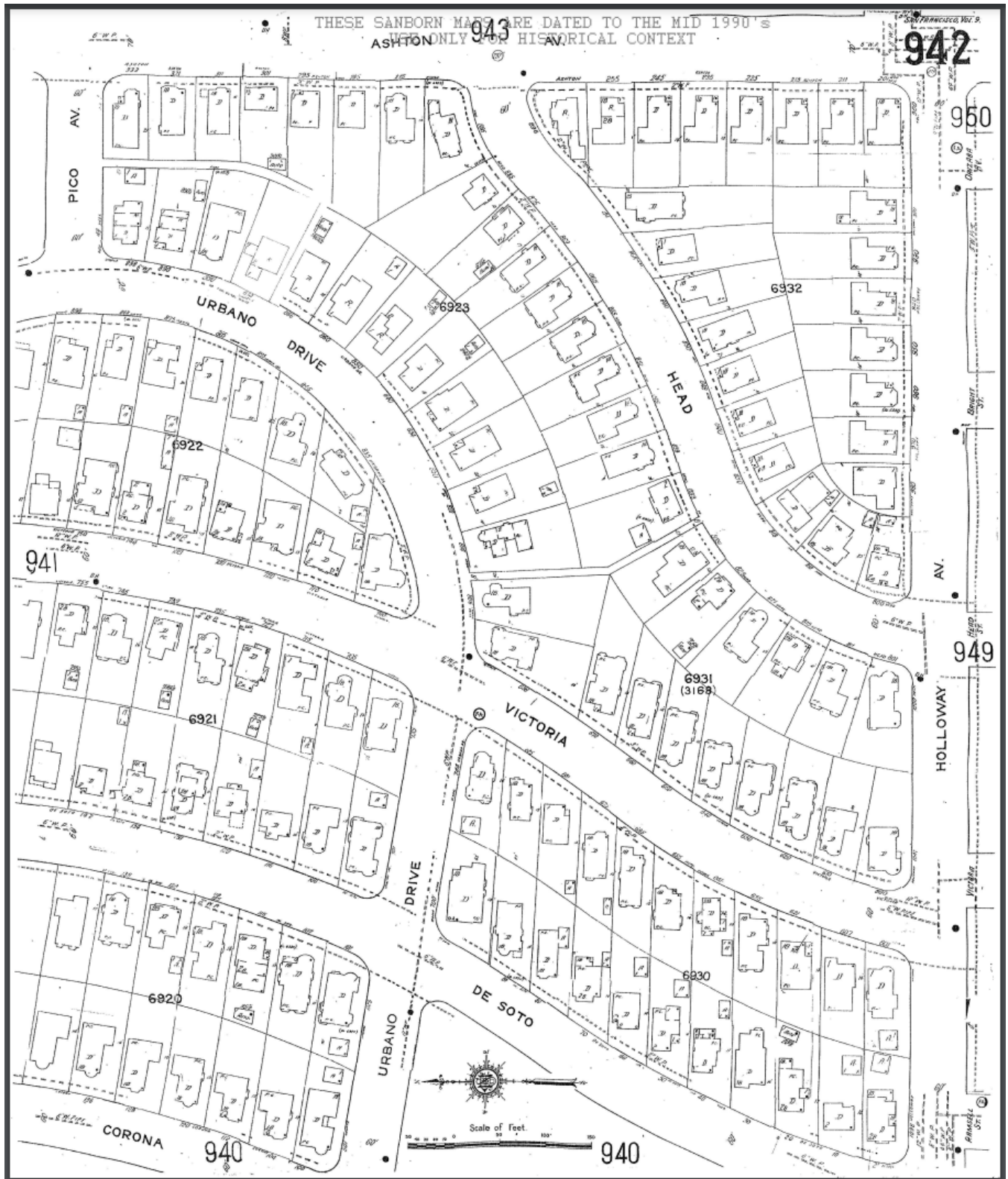


Exhibit G: California Land Title Association Preliminary Report for 201 Ashton Ave

ITEMS: (continued)	Title No. 12-463129-B-KD Locate No. CAFNT0938-0901-0021-0000463129
5. Covenants, conditions and restrictions in the declaration of restrictions but omitting any covenants or restrictions, if any, including, but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.	
Recorded:	September 18, 1922, Book 534, Page 308, of Official Records
Modification(s) of said covenants, conditions and restrictions	
Recorded:	March 3, 1939, Book 3422, Page 98, of Official Records
6. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;	
Reserved by:	Urban Realty Improvement Company
Purpose:	Public utility
Recorded:	September 18, 1922, Book 532, Page 308, of Official Records
Affects:	Rear or Interior side lines, not to be nearer than 20 feet to any street
7. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby	
Amount:	\$752,000.00
Dated:	November 14, 2006
Trustor:	Laurent Legendre, an unmarried man
Trustee:	Town and Country Title Services, Inc.
Beneficiary:	Argent Mortgage Company, LLC
Loan No.:	0104420799-9507
Recorded:	November 28, 2006, Instrument No. 2006-I289160-00, Book J275, Page 0011, of Official Records
8. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby	
Amount:	\$170,000.00
Dated:	November 14, 2006
Trustor:	Laurent Legendre, an unmarried man
Trustee:	Town and Country Title Services, Inc.
Beneficiary:	Argent Mortgage Company, LLC
Loan No.:	0104421276-9507
Recorded:	November 28, 2006, Instrument No. 2006-I289161-00, Book J275, Page 0012, of Official Records

Exhibit H:

2/18/23, 5:43 PM Gmail - 201 Ashton Ave: minor sidewalk encroachment permit application

 mihal emberton <mihal.emberton@gmail.com>

201 Ashton Ave: minor sidewalk encroachment permit application

BSMpermitdivision (DPW) <bsmpermitdivision@sfdpw.org> Fri, Dec 10, 2021 at 6:30 PM
To: mihal emberton <mihal.emberton@gmail.com>
Cc: "Tan, Ada (CPC)" <ada.tan@sfgov.org>, Raelyn Ruppel <raelyn98@hotmail.com>

Good Evening Mihal—

Thank you for your recent application submittal. Please note that we will not be able to intake the application at this time as the Applicant Information section of the application form is not completed. While most of this information is available in the Property Owner Information section, please ensure that you enter the applicant's Driver's License or State ID number so that we can properly create an account for you in our system to intake the permit. Please resubmit the revised application form including all required permit documentation to this email.

Please keep in mind, however, that the installed fence is not consistent with Public Works' approval standards and it is discouraged to apply for a Minor Sidewalk Encroachment permit as Minor Sidewalk Encroachment permits are intended to provide amenities to the public right-of-way and are not intended to allow for tall, enclosing fence structures that have a privatizing effect on the public right-of-way. Based on the images available and site plan submitted, it is very unlikely we would be able to approve this structure as currently built under a Minor Sidewalk Encroachment permit due to its height and privatizing effect. It would be advisable to instead remove the encroachment or bring the encroachment inside such that it is fully contained within your property lines, and proceed to restore the public right-of-way to standard condition.

Best,

 **Nicholas Persky**
Bureau of Street Use & Mapping | San Francisco Public Works | City and County of San Francisco
49 South Van Ness Avenue, Suite 300 | San Francisco, CA 94103

From: mihal emberton <mihal.emberton@gmail.com>
Sent: Saturday, December 04, 2021 3:31 PM
To: BSMpermitdivision (DPW) <bsmpermitdivision@sfdpw.org>

<https://mail.google.com/mail/u/0/?ik=f2cf3dad8b&view=pt&search=all&permmsgid=msg-f%3A1718815153483302687&simpl=msg-f%3A17188151534...> 1/2

AAB Appeal No.: 6925
Appeal Title: 201 Ashton Ave. – NOV#201703961
Enforcement Case 2017-012837ENF
Order of Abatement 201703961A

2/18/23, 5:43 PM

Gmail - 201 Ashton Ave: minor sidewalk encroachment permit application

Cc: Tan, Ada (CPC) <ada.tan@sfgov.org>; Raelyn Ruppel <raelyn98@hotmail.com>
Subject: 201 Ashton Ave: minor sidewalk encroachment permit application

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Department of Public Works,

Here is our application for minor sidewalk encroachment permit for 201 Ashton Avenue:

Thank you,

Mihal and Raelyn

Sent from my iPhone




image001.jpg
10K

<https://mail.google.com/mail/u/0/?ik=f2cf3dad8b&view=pt&search=all&permmsgid=msg-f%3A1718815153483302687&simpl=msg-f%3A17188151534...> 2/2

Exhibit I:

2/18/23, 5:49 PM Gmail - RE: 201 Ashton Ave - BPA# 201710110923 - 21MSE-00688

 mihal emberton <mihal.emberton@gmail.com>

RE: 201 Ashton Ave - BPA# 201710110923 - 21MSE-00688

Li, Kevin (DPW) <kevin.li@sfdpw.org> Thu, Jan 13, 2022 at 3:12 PM
To: "mihal.emberton@gmail.com" <mihal.emberton@gmail.com>
Cc: "Tang, Eleanor (DPW)" <eleanor.tang@sfdpw.org>, "Tse, Bernie (DPW)" <bernie.tse@sfdpw.org>

Hi Mihal,


After review of your application, it has been determined that the fence can remain subject to the following conditions/alterations:

1. Fence height to be reduced to 3 feet
2. 3 feet clearance around the streetlight pole and box on Holloway Ave required by SFPUC. For additional information on asset protection of SFPUC facilities, please visit https://sfpuc.org/sites/default/files/documents/StreetlightGuidelines_20210701.pdf
3. 3 feet path of travel required between the trees and fence on Holloway Ave (provide photos with tape measure clearly showing the path of travel width)

In addition, the approximate 10 ft X 10 ft cedar pergola and the propane fire table shall be removed from the right-of-way. The right-of-way is a public space and shall not be altered for private use.

Lastly, the drawing provided is required to show all features in the right-of-way such as street light and box, trees, location of pavers, location of landscaping, and the altered location of the fence.

Thank you,



Kevin Li
Permits Division

Bureau of Street-Use and Mapping | San Francisco Public Works | [City and County of San Francisco](#)

49 South Van Ness., 3rd Floor | San Francisco, CA 94103 | direct (628) 271-2027 | sfpuc.org - twitter.com/sfpuc

From: mihal emberton <mihal.emberton@gmail.com>
Sent: Sunday, December 12, 2021 2:55 PM
To: BSMpermitdivision (DPW) <bsmpermitdivision@sfdpw.org>
Cc: Tan, Ada (CPC) <ada.tan@sfgov.org>; Raelyn Ruppel <raelyn98@hotmail.com>
Subject: RE: 201 Ashton Ave: minor sidewalk encroachment permit application

<https://mail.google.com/mail/u/0/?ik=f2cf3dad8b&view=pt&search=all&permmsgid=msg-f%3A1721882955638223232&siml=msg-f%3A17218829556...> 1/2

AAB Appeal No.: 6925
Appeal Title: 201 Ashton Ave. – NOV#201703961
Enforcement Case 2017-012837ENF
Order of Abatement 201703961A

2/18/23, 5:49 PM

Gmail - RE: 201 Ashton Ave - BPA# 201710110923 - 21MSE-00688

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Persky,

Thank you so much for your kind guidance. Here is our updated permit application.

Best,

Mihal Emberton
530-219-0665

Sent from my iPhone



image001.jpg
10K

<https://mail.google.com/mail/u/0/?ik=f2cf3dad8b&view=pt&search=all&permmsgid=msg-f%3A1721882955638223232&simpl=msg-f%3A17218829556...> 2/2

Exhibit J:

2/22/23, 7:21 PM Gmail - RE: 201 Ashton Ave - BPA# 201710110923 - 21MSE-00688

 mihal emberton <mihal.emberton@gmail.com>

RE: 201 Ashton Ave - BPA# 201710110923 - 21MSE-00688

Li, Kevin (DPW) <kevin.li@sfdpw.org> Thu, Feb 3, 2022 at 3:48 PM
To: "mihal.emberton@gmail.com" <mihal.emberton@gmail.com>
Cc: "Tang, Eleanor (DPW)" <eleanor.tang@sfdpw.org>, "Tse, Bernie (DPW)" <bernie.tse@sfdpw.org>

Hi Mihal,

The Planning Department Zoning Variance (front setback variance) only applies to fences within your property line as specified in the variance decision document. Planning does not have jurisdiction in the public right-of-way. All other portions of the fence are located in the public right-of-way and subject to DPWs requirements. Thus, DPW's fence height and location requests supersede any other department.


As I mentioned above, the public right-of-way is DPW's jurisdiction and subject to DPW requirements and thus supersedes Building Departments issuance of a 2015 plumbing permit for the gas fire table located in the right-of-way. Under that permit, you are only allowed to have the gas fire table within your property line. Since the gas fire table is currently not within your property line, you are required to acquire a building permit with plans and another plumbing permit to correct this.


In addition, you are required to acquire a DPW General Excavation permit to remove the gas line and pergola and restore the right-of-way to City Standards.

Regarding the trees, please coordinate with Urban Forestry (Susan Nawbury), who has already been in contact with you.

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 **Kevin Li**
[Quoted text hidden]

 **image001.jpg**
10K

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Exhibit K:

2/22/23, 7:37 PM Gmail - RE: 201 Ashton Ave - BPA#201710110923 - 21MSE-00688

 mihal emberton <mihal.emberton@gmail.com>

RE: 201 Ashton Ave - BPA#201710110923 - 21MSE-00688

Rivera, Javier (DPW) <Javier.Rivera@sfdpw.org> Tue, Apr 5, 2022 at 12:21 PM
To: "mihal.emberton@gmail.com" <mihal.emberton@gmail.com>
Cc: "Li, Kevin (DPW)" <kevin.li@sfdpw.org>

Good afternoon,


I am Kevin's supervisor and he has brought your application to my attention several times.

The current conditions privatizing the public right-of-way are not approvable. In order for this permit to move forward plans reflecting the alterations listed in Kevin's email of January 13, 2022 must be submitted. Please provide Kevin with updated plans showing the following:

1. The fence height to be reduced to 3 feet
2. 3 feet clearance around the streetlight pole and box on Holloway Ave., as required by SFPUC. For additional information on asset protection of SFPUC facilities, please visit https://sfpuc.org/sites/default/files/documents/StreetlightGuidelines_20210701.pdf
3. 3 feet path of travel required between the trees and fence on Holloway Ave (provide photos with tape measure clearly showing the path of travel width)
4. The removal of the 10 ft X 10 ft cedar pergola and the fire table.
5. Show all features in the right-of-way such as street light and box, trees, location of pavers, location of landscaping, and the altered location of the fence.

Public Works will not recommend the closure of the building complaint until these items are properly shown on the plans and permitted.

Regards,
Javier



Javier Rivera, P.E.
Associate Engineer, Permits Division

Bureau of Street-Use and Mapping | San Francisco Public Works | [City and County of San Francisco](#)

49 South Van Ness., 3rd Floor | San Francisco, CA 94103 | direct (628) 271-2029 | [sfpucpublicworks.org](#) · [twitter.com/sfpucpublicworks](#)

<https://mail.google.com/mail/u/0/?ik=f2cf3dad8b&view=pt&search=all&permmsgid=msg-f%3A1729297361492877734&simpl=msg-f%3A17292973614...> 1/7

2/22/23, 7:45 PM

Gmail - RE: 201 Ashton Ave - BPA#201710110923 - 21MSE-00688



mihal emberton <mihal.emberton@gmail.com>

RE: 201 Ashton Ave - BPA#201710110923 - 21MSE-00688

Huff, Nicolas (DPW) <nicolas.huff@sfdpw.org>
To: mihal emberton <mihal.emberton@gmail.com>
Cc: "Li, Kevin (DPW)" <kevin.li@sfdpw.org>

Wed, May 4, 2022 at 9:19 AM

Dr. Emberton,

We are in receipt of your letter attached to the email dated May 1, 2022.

A dedicated public right-of-way is for the use of all members of the public. Fencing off the public right-of-way for personal or private gain is not permissible. The public right-of-way is not bound to same laws, codes, and regulations as real estate. Furthermore, there are long established standard design and specifications for items in the right-of-way. These designs include, but are not limited to, clearances for safety, maintenance, and ADA accessibility.

Requiring the removal of private items from the right-of-way is not a taking of your property. You are free to keep these items, so long as proper DBI permits are obtained and they are placed within your private property. We understand that many owners want to beautify their neighborhood and permits are available for these items. However, these items must have proper clearances and provide public benefit.

Public Works will not recommend the closure of the building complaint until the alterations listed in Kevin's email of January 13, 2022 are addressed. Please provide Kevin with updated plans showing the following:

1. The fence height to be reduced to 3 feet
2. 3 feet clearance around the streetlight pole and box on Holloway Ave., as required by SFPUC. For additional information on asset protection of SFPUC facilities, please visit https://sfpuc.org/sites/default/files/documents/StreetlightGuidelines_20210701.pdf
3. 3 feet path of travel required between the trees and fence on Holloway Ave (provide photos with tape measure clearly showing the path of travel width)
4. The removal of the 10 ft X 10 ft cedar pergola and the fire table.
5. Show all features in the right-of-way such as street light and box, trees, location of pavers, location of landscaping, and the altered location of the fence.

Thank You,



Nicolas Huff, PE, PMP, CCM
Bureau Manager,
Bureau of Street-Use & Mapping

San Francisco Public Works | City and County of San Francisco

(628) 271-2000 |


[sfpuc.org](https://www.sfpuc.org) - twitter.com/sfpublicworks

Please consider the environment before printing this e-mail.

<https://mail.google.com/mail/u/0/?ik=f2cf3dad8b&view=pt&search=all&permmsgid=msg-f%3A1731913243932950568&siml=msg-f%3A17319132439...> 1/2

Exhibit L:

2/18/23, 6:09 PM Gmail - Re: 2017-012837ENF

 mihal emberton <mihal.emberton@gmail.com>

Re: 2017-012837ENF

Huff, Nicolas (DPW) <nicolas.huff@sfdpw.org> Mon, Jun 13, 2022 at 10:30 AM
To: mihal emberton <mihal.emberton@gmail.com>

Mr. Emberton -

The application of the codes has been long established and isn't open to mediation.

If you would like to pursue a legal avenue you can reach out to your representative with the Board of Supervisors for special Major Encroachment legislation. If legislation is not possible you can file for litigation with the City.

Thank You
Nicolas Huff

From: mihal emberton <mihal.emberton@gmail.com>
Sent: Sunday, June 12, 2022 11:15 AM
To: Huff, Nicolas (DPW) <nicolas.huff@sfdpw.org>
Subject: Re: 2017-012837ENF

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

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Sent from my iPhone

<https://mail.google.com/mail/u/0/?ik=f2cf3dad8b&view=pt&search=all&permmsgid=msg-f%3A1735541585591666812&simpl=msg-f%3A17355415855...> 1/1

Exhibit M: Transcript of testimony from the February 7, 2024, Board of Appeals Hearing

City Attorney at 57 minutes, 40 seconds:

“The issue before the Board is the Public Works order which confirmed the denial of an application for a Minor Sidewalk Encroachment... What is before this Board is the issuance of an encroachment permit... So, this Board could grant the appeal and overturn the order denying the encroachment; so this Board could allow an encroachment. Or it could deny the appeal and find that Public Works made the correct decision. But what the Board has before it is a permit for an encroachment and that is the question before it, not a decision around property lines that would affect an entire neighborhood.”

Public Comment

Richard Hendry

423 Faxon Avenue, San Francisco CA 94112

415-823-9988
Rhendry1000@gmail.com

September 30, 2017

To Whom It May Concern,

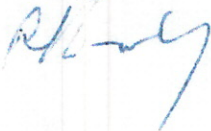
This is to state that the new fence at 201 Ashton is a good improvement to the neighborhood.

The area is a mix of cared-for and neglected houses. The street-side fence at 201 Ashton was run down and even falling until the current owners put in an excellent replacement. Previously, the fence was a detriment to the neighborhood. Run down properties invite crime and lower the quality of life of all of us.

In addition, the new fence better defines a difficult intersection, as this is a corner lot where Holloway has a jog to one side. The intersection is very large therefore and the old fence was proportionately too small; it got lost and was less visible to drivers negotiating the intersection. The new fence looks much more in place and fits the overall dimensions of the intersection much better. The fence is in proportion to the shrubbery at this address and the neighboring properties, as well as existing neighborhood fences and walls.

I join the other neighbors with whom I have spoken in supporting this improvement to the area. I hope the City will expeditiously approve the construction.

Warm regards,



RAELYN AND MAHAL RUPPEL OWN THE
HOUSE AT 201 ASHTON. THEY HAVE MADE MANY
IMPROVEMENTS TO THEIR HOME INCLUDING
THE NEW FENCE THAT RAELYN HAS BUILT. THE
FENCE BLENDS IN NICELY WITH THEIR HOME
AND ALSO BEAUTIFIES THE NEIGHBORHOOD.
MY NAME IS MIKE MULESKY, RETIRED S.F.F.D.,
AND I LIVE ACROSS THE STREET AT 901 HOLLOWAY

Mike Mulesky
9-29-2017

Karen and Rudyard Vance
920 Holloway Ave
San Francisco, CA 94132

September 11, 2017

To whom it may concern:

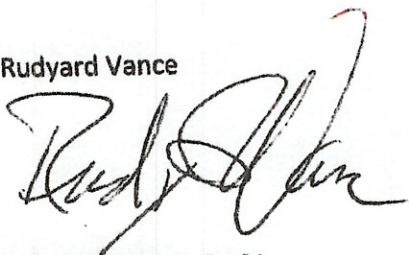
I live as the next door neighbor of Raelyn Ruppel and Mihal Emberton who reside on 201 Ashton Ave. I have lived here for over 30 years and I find them being neighbors has been an asset to our block and community. They have fixed up the outside appearance of their home with painting, landscape, outside lighting, wooden Pergola, water fountain, and a fence.

The fence was completed by Raelyn Ruppel and was a replacement to the old fence that was falling down and was an eye sore to the neighborhood. The replacement was a different design but was the same height and length as the old fence.

I am so happy that we have someone in our community that is putting an effort into making the outside appearance of their home a priority and I hope others follow.

Raelyn Ruppel and Mihal Emberton are wonderful, respectful, and quiet neighbors.

Rudyard Vance

A handwritten signature in black ink, appearing to read 'Rudyard Vance', written in a cursive style.

920 Holloway, S.F., CA

The Cool Guys Market

845 Holloway Avenue • San Francisco, CA 94112
Phone: 415-452-1404

Date: 9/11/2017

Department of Building Inspection
Inspector: Carl Weaver
City and County of San Francisco
1660 Mission Street
San Francisco, CA 94103
415-558-6096

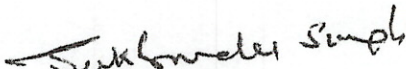
Dear Building Inspection Division:

My brother and I have owned our apartment building and corner market since 1995. Our property is directly across the street from Raelyn Ruppel and Mihal Emberton, the owners of 201 Ashton Avenue, and we have known them ever since they moved into their home in the fall of 2012. We have found both Raelyn and Mihal to be respectful and community-minded neighbors. We have witnessed their efforts to invest in the neighborhood, not only with their property improvements, but also with their enthusiasm in building relationships throughout the community.

In regards to their property improvements, we wholeheartedly support them. They have chosen to replace a derelict, rotting 4-foot fence, which had been in place for more than 20 years, with a well-built, attractive 4-foot fence and we couldn't be more pleased. We regularly encourage their efforts and daily watch countless neighbors, passersby, police officers, and the nearby firefighters relay sentiments of approval and praise as they drive by the property. In addition to the stately fence, Raelyn and Mihal have been able to plant about 20 trees in the front yard, put in outdoor lighting that helps to light the neighborhood, and have built a patio to allow them to enjoy spending time in the yard and therefor, the neighborhood.

We are also in our store from 6:30 AM until 10 PM every day and, in regards to Raelyn and Mihal's character, we have never found them to be noisy, disruptive or disrespectful. In contrast, they have proven to be engaged and involved community and neighborhood advocates. We are honored to have them as our neighbors and friends.

Sincerely,


Sukhjinder Singh

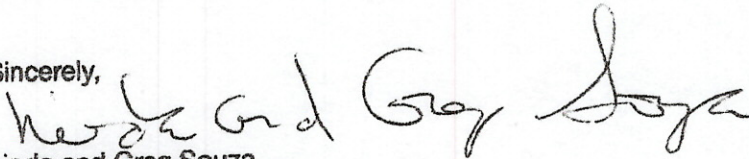
September 11, 2017

To Whom It May Concern:

I am writing this letter in support of our neighbor Raelyn Ruppel and her family at 201 Ashton Avenue. My husband Greg and I have lived at 218 Ashton for 30 years, and we are thrilled with the beautiful home improvement project Raelyn has been working on in replacing her fence. The old fence was in need of replacement. We as well as all the neighbors love the new fence. She and her family are a wonderful addition to the family, and if you went and asked all the surrounding neighbors, I'm sure you would hear the same. There has never been any problem with noise from her project or music, so we are puzzled as to why someone would feel the need to complain. It's very misguided. Raelyn helps keep an eye on the neighborhood for everyone while she is working at home. She is always respectful of the neighbors and the neighborhood and has taken the time to get to know everyone and the neighborhood is better for her and her family. She is a much needed and welcome addition to the neighborhood.

Please feel free to contact us with any questions.

Sincerely,



Linda and Greg Souza
218 Ashton Avenue
San Francisco, CA 94112

David R. McCauley
Akio K. Kawai
850 Head Street
San Francisco, CA 94132
Tel (415) 307-4390, (415) 350-7185

November 11, 2017

San Francisco Department of Building Inspection
1660 Mission Street
1st, 2nd, 5th Floor
San Francisco, CA 94103
Attn: Permit Services

Re: Fence at Residential Address 160 Ashton Avenue

Dear Permit Services Personnel,

My name is David McCauley and my partner Akio Kawai and I have owned a home in Ingleside Terraces for the past 8 years. We are extremely proud to call this neighborhood our home and are favorably impressed when our neighbors take pride in their properties by maintaining, improving and beautifying their homes and yards.

It has come to our attention that that our friends and neighbors Mihal Emberton and Raelyn Ruppel have been informed by the City that the new fence that they have worked hard to build over this past summer has been found to be in violation of building codes due to a height restriction. While remaining respectful of local rules and ordinances we are asking that the City reconsider its position in this matter by allowing the fence to remain in place, at its current height. We offer the following for your consideration.

The fence is handmade, unique, and well-built. It complements the home and yard that it surrounds, does not obstruct the Ingleside Terraces stone gate, and neatly demarcates the line between public and private property. Keeping in mind that their home is situated at a very busy intersection, with several businesses nearby, we feel that the height of the fence suits the mixed-use neighborhood in which it is situated, and provides a measure of privacy and security for Mihal and Raelyn's family, which includes a young daughter and two large dogs.

We would be happy to meet with the individuals responsible for considering waivers in matters such as this to provide more insight to the unique characteristics and dynamics of our neighborhood and in particular this property and its busy location.

Respectfully Yours,
David McCauley
Akio Kawai

David McCauley
Akio Kawai

201 Ashton - 2018-002358VAR

Patrick Otellini <patrickotellini@gmail.com>

Sat 7/7/2018 10:25 AM

To: jeffery.horn@sfgov.org <jeffery.horn@sfgov.org>

Cc: raelyn98@hotmail.com <raelyn98@hotmail.com>

To whom it may concern,

My wife and I are the owners of 225 Ashton Avenue and we have no objections to the variance application regarding 201 Ashton Avenue. The owners have been fantastic neighbors since they moved in.

Patrick and Marissa Otellini

Sent from my iPhone

7/25/18 Public Hearing for Variance for Fences at 201 Ashton Avenue

Mame Campbell <mamesf@gmail.com>

Tue 7/17/2018 8:19 PM

To: jeffrey.horn@sfgov.org <jeffrey.horn@sfgov.org>

Cc: Raelyn Ruppel <raelyn98@hotmail.com>

Mr. Horn,

I am the owner and resident of the property located at 235 Ashton Avenue.

I am writing to you to state that I have **no objection** to the solid wooden fences constructed on Ashton and Holloway Avenues for the property at 201 Ashton Avenue, owned by Raelyn Ruppel. The fences create a lovely front yard for my neighbors and I hope the variance will be approved.

If you have any questions, you can contact me at mamesf@gmail.com.

Thank you.

Mariellen Campbell

Public Hearing/Variance

Sue Fahey <suefahey7@gmail.com>

Mon 7/16/2018 3:48 PM

To: Jeffrey.horn@sfgov.org <Jeffrey.horn@sfgov.org>

Cc: Raelyn98@hotmail.com <Raelyn98@hotmail.com>

Re: Variance 2018-002358V (201 Ashton Avenue)

Dear Jeff,

I am a property owner on Holloway Avenue, just a few houses away from Raelyn Ruppel, the applicant in the above variance.

Unfortunately, I am not able to attend the July 25th Public Hearing, but would like to submit to you, my concerns and comments as follows:

1) this was a like-for-like project, replacing a blighted, 4-foot wood fence, with a new, 4-foot wood fence. The removal of blight is an important factor in improving our property values and reducing crime in this neighborhood. Here is an article that supports those ideas: https://www.fs.fed.us/nrs/pubs/jrnl/2016/nrs_2016_troy_001.pdf

2) the fence does not limit community engagement but rather has encouraged it as our neighbors regularly enjoy what the new fence brings to the community and we often meet and converse over the short, 4-foot fence. (I have even met new neighbors gathered at the fence) The short height of the fence also allows neighbors to enjoy the 28 trees and countless plants and flowers that the homeowners have already added to the yard. Of note, the homeowners have planted 10 citrus trees, 6 pear varieties on 2 espaliered pear trees, 6 Apple

varieties on 2 espaliered Apple trees, and 6 Mt. Fuji Japanese Cherry trees, to name some of the homeowners' accomplishments. This is a major improvement from previous owners.

3) as the homeowners have a young child and young niece, as well as host play-dates for their child, the 4-foot height of the fence creates an ideal amount of safety from the traffic of the busy corner and the adjacent business districts, to allow the children to play outside safely.

4) the homeowners live at the corner of a busy and unusual intersection and prior to their ownership, the home has been hit by cars on multiple occasions. The fence is appropriately visible and should act to catch the attention of distracted drivers to prevent an additional accident.

5) the beautiful structure of the fence has been instrumental in preventing blowing trash from accumulating along it and really complements the home and the neighborhood. As a neighbor, I much prefer this elegant fence to a chain link, which may comply with city rules but does not add beauty or value to a neighborhood.

I do hope you consider these concerns not only for our Ingleside neighborhood but for Raelyn Ruppel as well,

Sincerely,

Sue Fahey
Holloway Avenue
Ingleside Terraces

Public Hearing- Fence at 201 Ashton

Gina Deignan <gpazdan@gmail.com>

Tue 7/17/2018 11:12 AM

To: jeffrey.horn@sfgov.org <jeffrey.horn@sfgov.org>; Raelyn Ruppel <Raelyn98@hotmail.com>

Cc: JD <jdeignan@gmail.com>

Dear Mr. Horn,

My husband and I will not be able to make the Public Hearing on Wednesday, July 25th because we will be at work. However, we would like to voice our support to legalize the fences that are the subject of the upcoming public hearing, which are located along the property at 201 Ashton Avenue. (Record # 2018-002358VAR).

First, we were surprised and disappointed that there was any issue about this fence, as it was a great improvement over what had been in its place before- a rickety old fence of similar size. This solid wooden fence is also far nicer than the chain-link fences along other properties on Holloway, which inevitably end up in dangerous disrepair as they break and rust, creating a hazard along a popular walking route and where my kids often ride bikes. This fence aligns with the beautification efforts that the area is working to promote, currently focused only along Ocean Avenue.

Second, this family is concerned about safety of their family, and we share that concern. We moved into our house in 2013, and shortly thereafter there were several incidents of gunshots along Ashland. Of course wooden fences do not stop bullets, but we are so grateful that a nice family (who happens to have a daughter the same age as ours, 6) moved into this home and is interested in maintaining a safe, pleasant, family-oriented neighborhood. And, especially at this corner along Ashland, a closed fence is important for additional safety while the kids and families spend time outside in their yard.

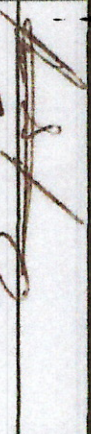

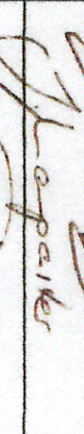

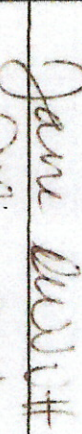
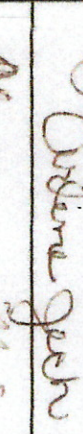
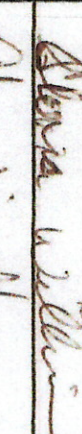




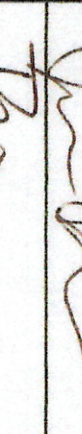

Third, it is clear that Ingeside and Ingleside Terrace has a mix of homeowners who care for their homes/properties and some that, unfortunately, clearly do not. We wish, for the sake of our property

value, aesthetics and an overall positive sense of community, more homeowners took even a fraction of the pride and time to maintain such a lovely exterior space around their home. Ultimately this contributes significantly to building a better community, one home at a time.

Thank you for considering my family's perspective on this issue. We hope to hear that this fence will be legalized without issue. And thanks to Raelyn and Mihal for helping to make Ingleside Terrace a safer and more beautiful neighborhood!

Kind regards,
Gina & Jeff Deignan
860 Head Street, SF

I am a neighbor of Mihal Emberton and Raelyn Ruppel, who own 201 Ashton Avenue, San Francisco, and I support their repair of the 30-year old, dilapidated, hazardous, 4-foot wooden fence surrounding their front yard as the repairs are architecturally pleasing, decrease crime, improve property values, improve pedestrian safety, and encourage neighbors to spend time outside, participating in community engagement.

Signature	Printed Name	Address	Phone Number (optional)
	Dana S. Francis	940 Holloway Ave	(415) 542-8353
	Bob Shelly	980 Holloway Ave.	(415) 576-4445
	Julia Lampeter	975 Holloway Ave.	(415) 866-1051
	SANDRA ALBERT	565 BRIGHT STREET	(415) 504-2871
	JANE DEWITT	561 BRIGHT ST	(415) 587-7286
	ALEANE JACH	557 BRIGHT ST 3F	415-587-7518
	Gloria Williams	541 BRIGHT ST. SF	415 577-7435
	Christine Meyer	529 BRIGHT	415-200-8740
	York Huang	517 BRIGHT	415-333-3556
	Jason Burkden	554 BRIGHT ST	(415) 533 5560
	DAVID SANDEN	558 BRIGHT ST	415-706-9460
	Socke Reeder	566 BRIGHT ST	
	TAMARA CHIN	572 BRIGHT ST.	415-916-217-9369



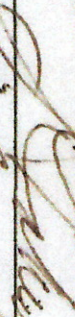
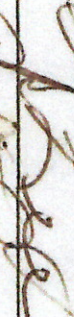
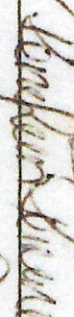






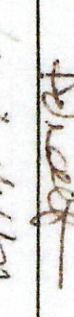

I am a neighbor of Mihal Emberton and Raelyn Ruppel, who own 201 Ashton Avenue, San Francisco, and I support their repair of the 30-year old, dilapidated, hazardous, 4-foot wooden fence surrounding their front yard as the repairs are architecturally pleasing, decrease crime, improve property values, improve pedestrian safety, and encourage neighbors to spend time outside, participating in community engagement.

Signature	Printed Name	Address	Phone Number (optional)
	Cyne Jan S	695 Orizaba St	
	David Keith	687 Orizaba	
	Sara Ann	671 Orizaba Ave	
	Lisa Leiva	667 Orizaba Ave	
	Steve Mu	663 Orizaba Ave	
	CHARLES KULAS	651 Orizaba Ave	
	Rhonda Carter	659 Orizaba Ave	
	BRIAN TENG	647 Orizaba Ave	
	Susan Pugh	631 Orizaba Ave.	
	AMBER HOWSER	609 Orizaba Ave	
	M. Williams	101 Ashton Ave	
	Eric N	100 Ashton Ave.	
	Anthony	111 Ashton	

I am a neighbor of Mihal Emberton and Raelyn Ruppel, who own 201 Ashton Avenue, San Francisco, and I support their repair of the 30-year old, dilapidated, hazardous, 4-foot wooden fence surrounding their front yard as the repairs are architecturally pleasing, decrease crime, improve property values, improve pedestrian safety, and encourage neighbors to spend time outside, participating in community engagement.

Signature	Printed Name	Address	Phone Number (optional)
	KEVIN WONG	117 ASHTON AVE, SF	415-812-1011
	Sharon Cepers	118 Ashton Ave SF	415 361-8855
	Ruelle Nicolas	141 ASHTON AVE ST	
	ELISA GAO	145 ASHTON AVE.	
	David Woc	156 Ashton Ave	
	Eugene Risano	149 Ashton Ave	
	PETER RIDEI	160 ASHTON	
	Landis Lee	169 Ashton	
	John Duns	174 Ashton Ave	
	Ed Spichal	174 Ashton Ave	
	Shelly Strom	110 Ashton Ave, SF	415 816 7055
	Pei Min He	211 ASHTON AVE	
	Sam Sigal Baldwin	549 Bridget Street	415-377-3429

I am a neighbor of Mihal Emberton and Raelynn Ruppel, who own 201 Ashton Avenue, San Francisco, and I support their repair of the 30-year old, dilapidated, hazardous, 4-foot wooden fence surrounding their front yard as the repairs are architecturally pleasing, decrease crime, improve property values, improve pedestrian safety, and encourage neighbors to spend time outside, participating in community engagement.

Signature	Printed Name	Address	Phone Number (optional)
	Chris M. RENO	134 Ashton Ave S.E.	510-290-1420
	Shusela Klocars	132 Ashington Ave. SE	650-588-7428
	Sue Fahney	952 Holloway Ave	415-586-2719
	Alison Little	950 Holloway Ave	415-531-3865
	Rami J. Perrano	533 Knight Street	415-205-0596
	Stephen All Day	549 B. Light St.	(207) 701-1105
	Will Katz	930 Holloway Ave	(415) 333-6438
	Malcolm Bell	530 BRIGHT	(415) 587-3614
	Stephen P. Pinto	960 Holloway Ave	415-286-4384
	William M. W.	160 Baybel of St. Paul	415-533-8057
	Mrs. Josephine Carabet	576 Bright St.	415-577-7402
	ADIE NNE KARP	28 Suter Avenue	415-606-7669
	LINDA HOPE	200 MIRAMAR & HOLLOWAY	415-334-3603

I am a neighbor of Mihal Emberton and Raelyn Ruppel, who own 201 Ashton Avenue, San Francisco, and I support their repair of the 30-year old, dilapidated, hazardous, 4-foot wooden fence surrounding their front yard as the repairs are architecturally pleasing, decrease crime, improve property values, improve pedestrian safety, and encourage neighbors to spend time outside, participating in community engagement.

Signature	Printed Name	Address	Phone Number (optional)
Lauree Dellig	Lauree Dellig	1018 Capital Ave	415-670-1955
Joselyn Goldberg	Joselyn Goldberg	685 - UNDAWAY ST	415 335 5010
Ann Nyhan	Ann Nyhan	651 outside Avenue	415-279-5101
David McTuesey	DAVID MCTUESEY	4850 Head St	415-307-4390

To the zoning administrator,

I wanted to write you as a member of our community on behalf of Raelyn Ruppel and Mihal Emberton about their beautiful yard.

I have lived in our neighborhood since 2003, and so much has changed for better and for worse in those years. I remember the way that their yard used to look before they were here and I remember the drug dealer that hung out outside of the liquor store across the street. The beauty of the space they have created there was something that my family and I have admired since before we knew who lived there. The difference is stunning. And that street went from one we avoided on the walk to visit friends of my oldest child a few blocks up, to the starting off point for their trick or treating.

There are still shady things going on all around Ocean Ave and the surrounding streets but that intersection is not a place super frequented by that world because no one really wants to try to sling drugs or break into cars in day light hours in an area where playdates are happening and PCO parents are hanging out and watching.

They have created a home base for so many beginnings of the type of community that all of us should want for our home. My little family in particular only has each other, we don't have family near us to help us if something goes wrong or seek for support or a soft place to land. We haven't really ever had someone close enough that could take our kids or feed our animals or something if we couldn't. We have many friends that live far away but it's such a challenge to make deep community connections with other families with a one bedroom apartment and no yard, and the parks being a pretty big hike away. This couple is creating this beautiful atmosphere and family feeling with their home base for things that lead to the connections where you know people enough to reach out for and to help. There is nothing more valuable to a family with children than support and love and trust beyond the nuclear family unit.

They hosted a school PCO meet and greet that was able to be outside and still covid safer in their beautiful space and it was so wonderful to sit in their arbor and discuss how we all plan to support everything extra that we try to provide to our children beyond what little the school district provides. I know they host a book club and they have the kids of some families that need care for different afternoons which is a huge thing that just isn't available without payment in communities anymore. These types of things are so huge especially to families like mine who don't have family or friends that feel like family in their in-person lives. They connect people and bring the truly special things that make a home place truly a home and not just a place where people live near each other.

I don't understand going after and trying to destroy something and people that bring nothing but good to everyone. There is no downside to it being there. I don't understand making a priority of something like this when there are so many huge problems in our area, like the scary tiny island muni stops in the middle of the very very busy Ocean ave down the street, that I saw another middle school child hit next to today. Or the falling apart movie theater church building on

Ocean. Or the many dangerous sidewalks that a stroller or wheelchair cant get through because of lifted and broken concrete or bushes that push you into the road, or places badly lit at night. Maybe helping the laundromats that are experiencing daily robbery and vandalism. Just taking a walk around other areas, you can see so many things that need help and looking into. I would love the opportunity to really show the problems to those that make the decisions and dont see the real problems. This beautiful yard isnt a problem, its something that solves so many of them and hasn't costed our neighborhood anything.

I wish there where more people trying to do real things like this beautiful family to help make our special area better and foster a healthy and caring community for all those that live here. It leads to people feeling a part of it and wanting to make it better, and this neighborhood can use more of that not less.

Thank you for your time,
cristine Kelsey
415-734-7617
flamingobean@gmail.com

San Francisco Planning Department
49 S Van Ness Avenue
Suite 1400
San Francisco, California 94103

September 29, 2022

Dear San Francisco Planning Department,

I am a San Francisco resident writing to express my support for the arbor at 201 Ashton Avenue.

I have lived in the 94112 zipcode for over ten years, driving and walking past 201 Ashton Avenue hundreds of times. I have also had the pleasure of meeting Raelyn and Mihal, the owners and residents of the home at 201 Ashton, through our children's school, Commodore Sloat Elementary, where both dedicate many hours to the improvement and beautification of our school site.

Over the years, Mihal and Raelyn have transformed a spot that was previously a run-down space at a busy intersection and turned it into a source of beauty, pride and community for the neighborhood and our public school community. Several days a week, Raelyn watches my son (and others) afterschool. Without fail when I arrive to pick him up, I find neighbors paused at the corner talking with her or Mihal and enjoying the garden they have built. On one occasion, I was standing in the front yard when an older gentleman approached and said that as a boy he had a paper route in the neighborhood and he was passing by and had to stop and admire what the home and yard look like now. He talked with us for over twenty minutes sharing stories about the neighborhood in years past.

Raelyn and Mihal value building these types of connections. With their front yard and arbor, they have created a safe and welcoming space to forge community. This has been critically important these last few years as we have all struggled to keep connected with one another during the pandemic and to find places where we can come together- often through safe outdoor spaces. Their front yard and arbor have hosted parties for our school sports teams, a community book club and other gatherings- both impromptu and planned.

Of late, in an increasingly divided society, the importance of weavers is recognized. Weavers are people who value connections in their community and who weave a social fabric that allows us to see, know and trust one another. Raelyn and Mihal are weavers for our small corner of San Francisco. I wish that our city had more people like them and the spaces they create.

Please consider allowing their arbor to stand.

Sincerely,



Temple Cooley

To: Corey Teague, San Francisco Zoning Administrator

Dear Mr. Teague,

My name is Chip Blazey, and I'm writing this letter on behalf of my family to support the efforts by Mihal Emberton and Raelyn Ruppel to maintain their arbor at 201 Ashton Avenue.

My wife, Nha-Ai Nguyen-Duc, and I are longtime residents of San Francisco. Except when she was earning her medical degree and completing her residency, Nha-Ai has lived her whole life in the city since coming here with her family as a toddler in 1976. I moved to San Francisco 20 years ago when I started work after completing my Ph.D. at UC Berkeley. We can honestly say there is nowhere else we would rather live, and that's due in no small part to the dedication of people like Mihal and Raelyn who go to great lengths to foster community and to try to help San Francisco grow and improve.

We've known Mihal and Raelyn since our children started attending Commodore Sloat Elementary School together in 2017. They've been heavily engaged in the school's community since the first day our kids started kindergarten. Mihal is just starting her second year serving as co-president of the Parent Club Organization, and Raelyn has been a regular fixture at just about every school-improvement event for the past five years. Mihal and Raelyn are thoughtful and committed when it comes to social and community activism, and you can be confident that the decisions they make regarding the layout and appearance of their property are sincere reflections of their interests in their community.

We can vouch personally for the communal value of the arbor they installed in their front yard. We've attended many an outdoor celebration at 201 Ashton, and in each case, the arbor has served as a comfortable gathering point for friendly conversation and thoughtful discussion. But the value of the arbor extends beyond planned events. It's also a natural facilitator of spontaneous community interaction.

When the country locked down for COVID in 2020, I abandoned my indoor gym workouts in favor of long runs through the city for exercise. In plotting out my running routes, I deliberately developed one that took me past Mihal and Raelyn's home with the expectation that I would occasionally catch them out in their yard as I passed by. Sure enough, that's exactly what has happened over the past 2 ½ years. When the timing and weather accommodate, they'll be out under the arbor enjoying the day when I run by, and I'll stop to catch up for a bit before heading off to complete my run. Invariably while we chat, friends and neighbors will wander by and say hello, clearly demonstrating that Mihal and Raelyn have cultivated a friendly familiarity with their community.

The outdoor space that Mihal and Raelyn have created at 201 Ashton facilitates the types of neighborhood interaction that the City of San

Francisco should value, and the arbor is the central communal feature of the yard. We think the value of the arbor to the neighborhood is obvious. Not only should it be allowed to stay, but the City should encourage similar structures throughout San Francisco when space allows.

Thank you for your time and consideration.

Sincerely,

Chip Blazey and Nha-Ai Nguyen-Duc

Dear Zoning Administrator,

I'm writing in support of the beautiful garden and arbor at 201 Ashton.

In a neighborhood that is high on cement and low on greenery, the corner garden at 201 Ashton is an oasis. The arbor, adorned with vines and soft lights, sits over a fire table, surrounded by an urban garden. It's a gathering spot, a place to host neighborhood events, children, book clubs, community meetings, and more.

Studies conducted (in many places, including San Francisco) link increased heat with a higher amount of concrete. In light of our increasingly hot summers, and the broader issue of climate change, it's hard to understand why anyone would ask the owners to remove any part of their garden.

Heat and environmental issues aside, the corner garden is simply lovely. The Ingleside neighborhood is a diverse community, encompassing both beautiful and run down homes. The home at 201 Ashton is what we all want in our neighborhoods – a property that is beautifully maintained, with neighbors who are outside, chatting with passersby, growing fruit and vegetables that can be shared over the gate, participating in their community – in essence, the definition of a good neighbor.

Please do not insist that the owners take down any of their garden – we need their beautiful, welcoming space, an anchor and gathering spot for a strong, diverse community.

Regards,
Jessica Franklin
District 7 resident

October 22, 2022

Zoning Administrator
San Francisco, CA

Dear Zoning Administrator,

I am writing to communicate our value and support of the beautified, community-enhancing spaces created and maintained by the Emberton-Ruppel family. As such, we are requesting the support of the Zoning Administration and the city of San Francisco for this wonderful family of San Franciscans.

First, the enhancements to their property has dramatically improved the neighborhood. When we moved into our home nearby on Head Street, around 10 years ago, the intersection of Ashton and Holloway was a somewhat “sketchy” corner. It was the site of shootings, drug deals, and unsafe loiterers. Additionally, the properties in the area were more often in a state of disrepair with weed-filled overgrown yards and rusty chain fences. The Emberton-Ruppel family slowly but surely worked to improve this small area of our neighborhood. Their corner lot is nothing short of beautiful: color-coordinated flowers and plants, small decorative wooden arbors, a raised bed garden with veggies we share, wisteria draped over a gorgeous front arbor with seating. We love visiting their little urban oasis and so do many of our neighbors and our kids' classmates' families. We've spent many an evening under the arbor talking and laughing together, always leaving grateful for the community and friends we have. With their consistent attention to their property and the area around them, Raelyn and Mihal have gotten to know almost all of the neighbors, including some of the transient and unhoused neighbors who pass by frequently. There is a clear and direct correlation to the improved safety, sense of community and neighborly support around the area.

Another important thing to note is how much this family supports the community beyond their corner lot. Mihal is the President of our school's Parent Club Organization (Commodore Sloat Elementary). Raelyn has consistently been the most active member of the Commodore Sloat Parent Community- caring for the school grounds when there is really no one else to do so. One small but impactful example of Raelyn's impact is that she leads the quarterly Green-up Clean-Up that draws the entire school community together to participate in upkeep and improvements to the school and its surrounding

campus. This benefits the City beyond the attendees of the school, as the Sloat campus is enjoyed by the public on weekends or non-school days.

Lastly, I know personally how much angst and stress the actions are causing this family. From years of frustration, to financial burden from the numerous fees, to stress-related health issues, the actions the City of San Francisco against these genuinely well-intended citizens' efforts have been costly and, quite frankly, unacceptable. As San Francisco residents, we expect our city's resources, elected officials and personnel to be dedicated to supporting and safe-guarding San Francisco residents. This situation has proven to be quite the opposite. The actions and resources put toward penalizing this wonderful family appear to be nothing short of harassment.

The Emberton- Ruppel family is dedicated to cultivating beauty and community in San Francisco. They are a kind and respectful family who actively show their love and support of San Francisco, our SFUSD school, and their community of friends. We are grateful to be their neighbors, classmates and friends. We ask that the city of San Francisco to support this family and their efforts to make a positive impact to our amazing City and to our community and approve the variance for the arbor.

Sincerely yours,

Gina and Jeff Deignan

Gina and Jeff Deignan

860 Head Street

San Francisco, CA 94132

Regan Dayton

662 Cayuga Ave
San Francisco, CA 94112
(415) 987-5044

October 17, 2022

Zoning Administrator

San Francisco Planning Dept
49 S Van Ness Ave, Ste 1400
San Francisco, CA 94103

Dear Sir or Madam,

This letter is regarding the requested zoning Variance for 201 Ashton Ave. I am writing in support of the variance as I believe the arbor in question brings a beautiful and much needed community feel to an otherwise desolate intersection.

The intersection of Ashton and Holloway is a wide, paved intersection largely bereft of mature greenery. The arbor at 201 Ashton bears a thriving wisteria and is framed by trees and other greenery which beckon to drivers and pedestrians alike as they approach from Holloway. As a city San Francisco falls behind other major cities like Los Angeles, New York City, Portland, and Seattle in tree cover so we should be encouraging residents to add greenery to the most public facing portions of their properties. The beauty and greenery the arbor and yard provide to this intersection are valuable and should be cherished.

The arbor at 201 Ashton also provides a public space for neighbors to interact. Simply sitting under the arbor invites interest and communication from the numerous passersby, adding a much needed social scene to the bleak surroundings of that intersection. In addition, the property owners have hosted numerous functions in support of our public schools, and provided a vital space for students to be together outdoors during the pandemic. It would be a tremendous shame and regretful loss to the community should the variance not be granted. I urge you to grant the variance and save this beautiful space.

Sincerely,

Regan Dayton

From: Colleen Carrigan colleencarrigan@gmail.com
Subject: Letter of Support
Date: Oct 1, 2022 at 10:52:01 AM
To: Raelyn Ruppel raelyn98@hotmail.com, Mihal Emberton
mihal.emberton@gmail.com

Dear Zoning Administrator,

I am writing in support of the homeowners at 201 Ashton Avenue.

Raelyn and Mihal are the embodiment of responsible and engaged San Franciscans. Their home sits on the lopsided intersection of Holloway and Ashton Avenues, a consequence of an older approach to street and neighborhood design. This outdated decision causes safety issues for pedestrians and people living adjacent to it.

Additionally, it is proven that lighting up outdoor spaces helps to deter crime and increase pedestrian safety. So too does community gathering spaces and neighbors getting to know each other. Every neighbor benefits when citizens are active in their community. Raelyn and Mihal's home invites neighbors to get to know each other. Their home welcomes the young and the old.

Stepping into their garden protected from street traffic sparks curiosity in children to learn about science and nature. Sitting under their arbor filled with the fragrance of wisteria invites relaxation and serenity from the cars rounding that crooked intersection. Access to these lovely outdoor spaces was necessary during the pandemic and remains so afterwards.

I hope this letter helps you to visualize the community benefits that are readily available to that corner of the City.

What Raelyn and Mihal have created is inspirational.

Sincerely,

Colleen Carrigan
Owner, 450 Monticello Street

From: **Raelyn Ruppel** raelyn98@hotmail.com
Subject: **Fwd: Letter of support**
Date: **Oct 11, 2022 at 9:37:07 PM**
To: **Mihal Emberton** mihal.emberton@gmail.com

Sent from my iPhone

Begin forwarded message:

From: erin peters <erinkpeters@me.com>
Date: October 11, 2022 at 9:01:32 PM PDT
To: Raelyn Ruppel <raelyn98@hotmail.com>
Subject: Letter of support

October 11, 2022

To Whom it May Concern,

I am writing in support of Raelyn and Mihal. It is my understanding that the city is holding a hearing about the outdoor garden and arbor on their property.

This amazing garden and outdoor space is beautiful. It is meticulously kept and enhances the neighborhood. I truly wish there were more spaces like this in the city.

Not only does this space improve the feel of the neighborhood, it is also shared with the community. Raelyn and Mihal choose to share their garden and arbor with others. They have hosted children and families during the pandemic and continue to hold monthly book club meetings (of which I am part).

Please consider finding in Raelyn and Mihal's favor allowing them to keep the arbor and this welcoming space.

Sincerely,

Erin Peters
14 Nordhoff Street

San Francisco, CA

From: Danica Fujimori dgfujimori@gmail.com
Subject: 201 Ashton ave arbor
Date: Oct 18, 2022 at 2:15:38 PM
To: mihal emberton mihal.emberton@gmail.com, Raelyn Ruppel.
raelyn98@hotmail.com

Dear Raelyn and Mihal,

Please feel free to include this email in support of your arbor in your correspondence with the zoning administration.

To the Zoning Administrator:

We are writing with regard to the arbor at the house of Raelyn Ruppel and Mihal Emberton at 201 Ashton Ave. As neighbors and community members, we are grateful that this space exists in our neighborhood. Raelyn and Mihal have generously shared their front yard space with our school community by hosting end of the season celebration events. The arbor has a perfect venue for these events, especially during the ongoing pandemic given the reluctance of many families, our included, to socialize indoors. This inviting space has been a perfect solution - with enough shade for sunny weather and added warmth for cold westside evenings.

In addition, the arbor enhances the safety of the neighborhood. Our older child, a thirteen year old, often walks to Minnie and Lovie for soccer practices. On his way, he passes by 201 Ashton. Light at the arbor makes him feel safer. To us, this enables us to give him more independence, while being less concerned about his safety.

Best regards,
Danica Galonic Fujimori and Shinji Fujimori
101 Pinehurst Way
San Francisco CA 94127

October 9, 2022

Dear Zoning Administrator,

I am a long-time friend of Mihal Emberton and Raelyn Ruppel, and am writing this letter in support of their efforts to keep their arbor. Their arbor provides invaluable community benefits by supporting civic engagement through monthly book club meetings, after school play space, and neighborhood parties and gatherings. Their arbor also enables them to easily engage with local businesses, and has played an especially important role in their community during the Covid-19 pandemic as a safe, outdoor space for friends, family and neighbors to gather, and gain reprieve from the isolation imposed upon us during the pandemic. I myself have spent many afternoons and evenings with Mihal and Raelyn, relaxing under their arbor and taking a break from my hectic life, so I can attest to the important role that their arbor plays in their community.

Furthermore, their arbor adds to the urban canopy of their community by supporting thriving wisteria, and many other plants and trees. Lastly, their arbor improves neighborhood safety by lighting up a busy and irregular intersection. I sincerely hope that they will be permitted to keep their arbor, so that it may continue to support their community for many years to come. Thank you for your time.

Best Regards,

A handwritten signature in black ink that reads "Neetu Kellison". The signature is written in a cursive, flowing style.

Neetu Kellison

201 Ashton Avenue

My name is Chris Moreno and I am a lifelong resident of Ashton Avenue. My father Paul, who passed away in 2000, was also a lifelong resident of Ashton Avenue. His parents - my Grandparents - immigrated from Spain and began our family on Ashton Avenue. In total, my father's side of our family has invested close to 90 years of dedication, support and love to San Francisco, the Ingleside/Lakeview neighborhood, and most importantly - Ashton Avenue. To say we know a little about the area would be an understatement. We've seen the ups and downs, the good and the bad.....and through it all, my wife and I - like so many others - have decided to raise our son in this magnificent area we call home.

Prior to 2012, 201 Ashton Avenue was bleak and lifeless. The immediate area was struggling. Persistent vehicle traffic, trash, unkept front yards and a broken sense of community all contributed to the slow decline of a once proud and vibrant area. But along came the Embertons.....

Over the years, Mihal and Raelyn have transformed their front yard into an oasis of beauty and a landmark for community pride and togetherness. During neighborhood walks with my family, I often see passerby's gathering in front of their house, inspired by their creation and motivated to follow suit.

The Emberton's have brought life back to our neighborhood by opening their front yard for all to see and appreciate. I thank them for taking steps to improve their home with neighbors, friends, and community in mind. They are a true gift to our area, and I am honored and proud to speak on their behalf.

From: **Stacey Palevsky Lewis** staceydebra@gmail.com
Subject: **Letter of support**
Date: **Sep 29, 2022 at 9:06:00 PM**
To: **mihal emberton** mihal.emberton@gmail.com,
raelyn98@hotmail.com

Dear Zoning Administrator,

I'm writing to express my support for the beautiful garden created by Mihal Emberton and Raelyn Ruppel in their front yard at 201 Ashton Avenue. I am lucky enough to enjoy their oasis yard once a month as part of a book club Raelyn hosts for mothers from Sloat Elementary School. I consider their garden/yard to be a quasi-community center that is a huge asset to the neighborhood. It enriches the lives of everyone lucky enough to be invited in!

Thank you,
Stacey Lewis
SF Resident, 66 Saint Elmo Way
Sloat Elementary Parent

- - -

Stacey Palevsky Lewis | staceydebra@gmail.com | [415.652.4196](tel:415.652.4196)

September 28, 2022

Zoning Administrator
San Francisco Planning Department
49 South Van Ness Ave, Suite 1400
San Francisco, CA 94103

Dear Zoning Administrator,

It has come to my attention that there will be a variance hearing next month regarding the arbor at 201 Ashton Avenue. I am asking you to consider granting this property, and its owners Mihal Emberton and Raelyn Ruppel, a variance for the existing arbor.

I became part of their invaluable community and space two years ago in the midst of the pandemic. My older daughter had just started Kindergarten at Commodore Sloat School and all of the instruction that year was online. As a result, I was a new parent to a new community that I could not be a part of. I immediately felt isolated due to the fact that no in person classes or events were happening and therefore had no way of meeting new people and connecting to the community and neighbors. This was until I was invited by a member to join a book club for the parents. Raelyn and Mihal, owners of 201 Ashton Ave., were gracious enough to open their outdoor arbor as a place for us to meet safely and at a distance. Through their generosity and welcoming, I was able to find community and connect with people during trying and isolating times. I know I am by no means the only person who has found respite and a sense of community and belonging below their arbor. To this day, we still continue to gather and connect in this space regularly. This is why I am asking that you consider granting this variance to them, so that we can continue to meet, connect and form community in the neighborhood.

Sincerely,



Sarah Bookwalter

From: **Raelyn Ruppel** raelyn98@hotmail.com
Subject: **Fwd: Letter of Support for 201 Ashton Avenue**
Date: **Sep 28, 2022 at 6:30:43 PM**
To: **Mihal Emberton** mihal.emberton@gmail.com

Sent from my iPhone

Begin forwarded message:

From: Serena Warner <serenawarner@gmail.com>
Date: September 28, 2022 at 12:03:57 PM PDT
To: raelyn98@hotmail.com
Subject: **Letter of Support for 201 Ashton Avenue**

To The Zoning Administrator,

I write in regards to the upcoming variance hearing on October 26th in relation to the arbor at 201 Ashton Avenue.

Raelyn Ruppel and Mihal Emberton are huge proponents of community involvement, beautification and engagement. They have created a beacon at their home for the Ingleside community, and the arbor adds a huge benefit. During 2020-2021, the Emberton-Ruppel home functioned as a safe and welcoming outdoor space where children who were isolating at home could go to have a bit of socialization during the most strict months of shelter-in-place. The arbor provided shade and cover for these kids to interact and study, without the dangers of the beating sun. The arbor has also been a place of refuge for community book clubs, soccer and baseball team meetings and end-of-season parties, and still functions as a daily haven for a continuing pod of children who still don't feel safe in a larger after-care setting, as COVID remains present and continues to affect all of our lives. The space has benefited the community at-large. It has removed what was once a blight to the street, and deters crime, as people are outside, building community, and have an eye on the goings on in the neighborhood. I can't begin to express what a benefit this arbor has had for our family in particular, as my child has been part of the continuing Pod that is able to safely play and enjoy the arbor each day after school. It is a lovely and pleasing-

to-the-eye addition to the block and the Ingleside community as a whole, and would be a sad and needless loss to the neighborhood if it were to be removed.

Please consider allowing the arbor at 201 Ashton Avenue to remain in place! It is causing no harm, and benefiting the entire Ingleside community!

Thank you so much for your time,

Serena Warner, community member
415-225-8752

Dear Zoning Administration;

As a resident of Ingleside Terraces, I can remember driving past 201 Ashton years ago before I even knew Raelyn and Mihal. I remember their front yard had a pergola and these beautiful wreaths in their windows at Christmas, and really nothing else. But over the years, their front yard has become an oasis that I am so thankful I get to enjoy. They have put so much time and money into creating an amazing space for outdoor living.

About 4 years ago, a group of us moms from Commodore Sloat School decided to create a book club. We first started meeting at Whole Foods on Ocean in their coffee shop. But it was loud and very public. Luckily, Raelyn joined our club and opened up her garden to us. By this time, her yard was much more than a pergola and wreaths at Christmas. There was a fire pit and comfy Adirondack chairs, lush trees, beautiful hydrangeas, hanging lights, a fountain, and creeping vines. Covid shut down our group for a while, but having a safe place to meet-up in person was a godsend for us moms who had been home with our kiddos 24/7 for months and months. Each month we are so blessed to meet up and enjoy each other's company and discuss books and life. It's a beautiful space that is an asset to our neighborhood.

I am saddened to hear of all the trouble the city has given this amazing family for beautifying their home and our entire community. If more people took such care of their yards, our neighborhood would be much improved.

Sincerely,
Suzanne Howe
820 Urbano Dr.

San Francisco Planning Department
49 South Van Ness Avenue
San Francisco, CA 94103

Dear Corey Teague, Zoning Administrator:

We are writing to express our support for a planning variance for Raelyn Ruppel and Mihal Emberton's landscape improvements to their property as well as their pergola structure at **201 Ashton Avenue**.

This variance is necessary for the preservation and enjoyment of their yard for not only the property owners, but also the community. Rather than being detrimental to the public welfare or injurious to improvements in the vicinity, it *adds* to the public welfare and neighborhood improvements.

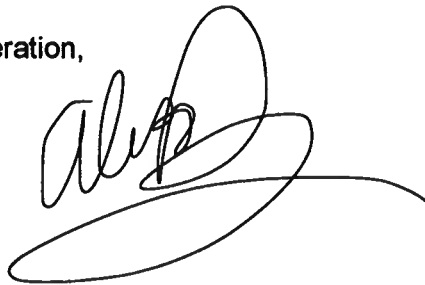
As neighbors, we enjoy the beauty and calming effect their garden has brought to the intersection. We have lived in the neighborhood for twelve years and they have turned what was an eyesore into a property that the entire neighborhood takes pride in. What an improvement!

As community members, we have benefitted from Raelyn and Mihal opening their yard to host school events, such as Commodore Sloat Parents' Club Organization meetings, and social events, such as a monthly meeting of the best book club in the world. They are great hosts and truly community- and volunteer-oriented, which means this variance would benefit the public, not just the private owners.

Thank you for your consideration,



Jeff Buckley
Alissa Buckley
471 Faxon Avenue



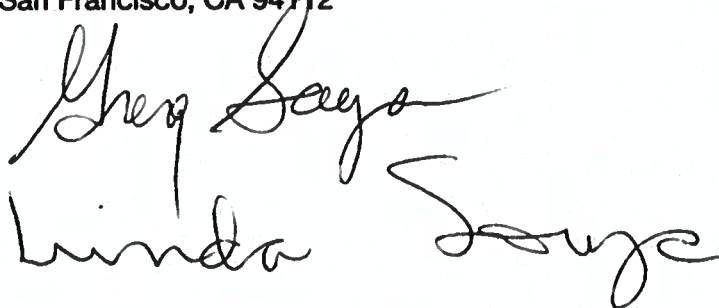
To: Zoning Administrator
San Francisco, CA.

We have been residents at 218 Ashton Avenue for close to 35 years and have seen the neighborhood experience multiple changes over that time. No change has been as positive as the work Mihal Emberton and Raelyn Ruppel have done to beautify their front yard. Not only has their work created a very pleasant garden, which we can enjoy from the windows of our home, but more importantly created a gathering space for leisurely contact with many of our neighbors who also enjoy this lovely meeting space.

Beyond the natural surrounding this space creates for casual meetings their Arbor also supports the neighborhood by creating a space for a monthly book club, after school play space and neighborhood parties and gatherings. The entire front yard bordering Ashton and Holloway also adds to the neighborhood through the natural beauty of the many plants and trees. A benefit to our climate environment as well. The lighting they have installed acts as a safety enhancement by lighting up a busy and somewhat irregular intersection at Holloway and Ashton. The work they have done to create this Arbor and surrounding garden is truly a major benefit to our neighborhood and adds to our living space both environmentally and socially.

As stated previously we have been residents on Ashton Avenue for close to 35 years and have witnessed and at times tolerated some very distasteful behaviors from previous neighbors. Raelyn and Mihal have created a transformation on their property that has benefitted the entire neighborhood and is enjoyed by many, way beyond the residents of their home. We strongly support the work they have done and are willing to support their continued efforts to maintain and develop their "neighborhood living space" on the corner of Holloway and Ashton.

Greg and Linda Souza
218 Ashton Avenue
San Francisco, CA 94112

Handwritten signatures of Greg Souza and Linda Souza. The signature for Greg Souza is written in a cursive style, and the signature for Linda Souza is also in cursive, appearing below and to the right of Greg's signature.

Richard Hendry

September 21, 2022

Corey Teague

Zoning Administrator

City and County of San Francisco

corey.teague@sfgov.org

Re: Zoning variance for 201 Ashton Avenue, San Francisco CA 94112

Dear Mr. Teague:

I understand that you are requiring a zoning variance for an arbor in our neighbors Mihal and Raelyn's front yard at the above address.

I am writing to ask that you allow the variance as this arbor, which supports a very beautiful white wisteria, adds a great deal to the neighborhood.

There are so many blights upon our neighborhood; from the typical houses that are directly on the sidewalk, paved-over their front yards for parking, yards surrounded by ugly cyclone fence and covered with egregious plastic 'grass,' or, worse, are abandoned. In contrast Mihal and Raelyn have created an inviting front yard that has abundant flowers, flowering trees, and vegetable beds. This transforms the lot into an outward-facing park-like corner and adds to the overall livability of the neighborhood.

In addition, because of the inviting, outward-facing yard, Mihal and Raelyn's house is a focal point for walkers to drop by and talk and generally serves as a positive influence in the neighborhood.

Please approve the variance without any further imposition on Mihal and Raelyn or on our neighborhood.

Sincerely,

Richard Hendry

423 FAXON AVENUE, APT. A, SAN FRANCISCO, CA 94112 415-823-9988

Karen Bioski-Simon

(415) 994-4615

karenabioski@gmail.com

11th September 2022

Zoning Administrator

San Francisco Planning Department

49 South Van Ness Ave, Suite 1400

San Francisco, CA 94103

Dear Zoning Administrator,

I am writing in support of Mihal Emberton & Raelyn Ruppel, owners of 201 Ashton Ave, San Francisco, CA at their upcoming Variance Hearing.

Raelyn and Mihal have generously opened their garden and front yard space, including the welcoming space under their arbor, for many community events of which I have been a part of. The space serves as an anchor within the community - during most events neighbors come by, as well, on their regular walks and receive a warm welcome and maybe even a gift of some vegetables from the garden. The space contributes to a sense of community and well-being that San Francisco has strived to create.

As a long time resident of SF since 2004 and a former educator at the former St. Emydius campus, I have witnessed the transformation of the yard at 201 Ashton from an abandoned-appearing space, to one that is a model for the neighborhood, making the nearby students and neighbors feel proud and inspired. It is my opinion that the hard work that has been placed into the creation of the yard, in particular the striking arbor and the warm, secure space it creates, has helped to spur the improvement of many neighboring properties, thereby transforming the neighborhood.

I implore you to consider granting the property a variance to allow the arbor to continue to exist in its current format. To remove or drastically alter it would have a direct negative impact on the community connections and model that the beautification of the yard, in particular the arbor, have created.

Sincerely,



Karen Bioski-Simon

From: **loretta jones** lorettaj_jones@yahoo.com
Subject: **For the Zoning Administrator**
Date: **Sep 19, 2022 at 8:37:43 PM**
To: raelyn98@hotmail.com, mihal.emberton@gmail.com

Dear Sir/Madam --

I'm a neighbor of Raelyn and Mihal and writing to you about the arbor in their yard. I support the arbor (and their garden in general) for a variety of reasons --

- 1) it's a relaxing and safe place for neighborhood gatherings -- offering an extremely pleasant, natural sanctuary for the neighborhood.
- 2) The aesthetics of the arbor fits in well with the overall landscape and design of the outdoor area with the garden and fountain. It supports the climbing plants which add to the beauty of the area.
- 3) Both the arbor and the yard are well maintained.
- 4) At night the outdoor lighting offers additional safety and a possible deterrent to home invasions/property thefts - which unfortunately are quite rampant in San Francisco these days.

Happy to speak more in person if required.

Thanks!

Loretta Jones
840 Head St, SF, CA 94132
[650-218-6280](tel:650-218-6280)

September 26, 2022

Dear San Francisco Zoning Administrator,

This letter is regarding the arbor and outdoor front yard space at 201 Ashton Ave in San Francisco. My family and I have had the pleasure of enjoying this space for community events such as monthly book club meetings, our elementary school's Parent Club Organization meeting, and SF Youth Baseball League team parties, along with numerous other group gatherings. The space Raelyn Ruppel and Mihal Emberton have created adds beauty, safety, and builds community. It would be a huge loss for this neighborhood if it was removed. Please consider all the wonderful things this outdoor space provides our community and let us continue to enjoy it as it is now.

Thank you,
Joanna Pfeffer and family

From: Raelyn Ruppel raelyn98@hotmail.com
Subject: Fwd: letter of support
Date: Oct 1, 2022 at 11:04:13 AM
To: Mihal Emberton mihal.emberton@gmail.com

Sent from my iPhone

Begin forwarded message:

From: Dimitri Stamatis <dstamatis@gmail.com>
Date: September 30, 2022 at 9:52:45 PM PDT
To: raelyn98@hotmail.com
Cc: Colleen Carrigan <colleencarrigan@gmail.com>
Subject: letter of support

To whom it may concern:

I am very familiar with the intersection of Holloway & Ashton, as it's the south-eastern corner of the Ingleside Terraces neighborhood, where I've lived since 2015.

I appreciate the tremendous effort that Raelyn and Mihal have put into beautifying their garden. They've added a welcomed bit of charm, nature and beauty to what would otherwise be a drab, paved intersection.

I have also visited their lovely garden, when they've graciously hosted Commodore Sloat Elementary's PCO (Parents' Club Organization) meetings.

It is a lovely space, maintained by equally lovely and caring neighbors.

Thank you.

Dimitri Stamatis

Owner, 450 Monticello Street.

Tami Volker
14 Glenview Drive
San Francisco, CA 94131
415-637-9153

Zoning Administrator

San Francisco Planning Department
49 South Van Ness Ave
San Francisco, CA 94103

Dear Zoning Administrator,

I am writing in support of the beautiful arbor in the front yard of Mihal Emberton and Raeyln Ruppel at 201 Ashton Avenue. The arbor provides a wonderful meeting place for the community, as well as beautifies the neighborhood. I attend monthly book club meetings held under the arbor. During the pandemic, the front yard and arbor were one of the few places that people could meet and socialize safely. Since then, it has continued to serve as a gathering place for book club, youth baseball and soccer team gatherings, and kids after school groups. I treasure the time I spend there, as does my child. The community and neighborhood are a better place because of Mihal and Raelyn's beautiful arbor and yard. It would be both unjust and a detriment to the community if their variance were not granted and the arbor was taken down.

Thank you for your sincere consideration,

Tami Volker

Tami Volker
10/02/2022

From: **Raelyn Ruppel** raelyn98@hotmail.com
Subject: **Fwd: Letter of support**
Date: **Oct 5, 2022 at 9:34:38 AM**
To: **Mihal Emberton** mihal.emberton@gmail.com

Sent from my iPhone

Begin forwarded message:

From: Gitanjali Rawat <geetlee@gmail.com>
Date: October 5, 2022 at 9:07:31 AM PDT
To: raelyn98@hotmail.com
Subject: **Letter of support**

Raelyn, I'm so sorry that I'm late. Just in case this helps.

Dear City officials,

I am Raelyn Ruppel and Mihal Emberton's neighbor. I live a block away from their beautiful home and have enjoyed their outdoor space on many occasions. Particularly, I want to highlight that I have enjoyed community gatherings in their lovely garden. Having recently moved to my new home, I was actively seeking ways to connect with my neighbors and community. Raelyn hosts a book club monthly and this has been an excellent way for me to meet with and strengthen relationships with fellow book readers.

Please consider my letter of support in your considerations.

Warmly,

Gitanjali Rawat

137 Ashton Ave, San Francisco, CA 94112

Ph: [512-879-7580](tel:512-879-7580)

To Whom It May Concern. Pertaining
To The Property At 201 Ashton. The Property
Owners, Raelyn + Mahal, Built a Beautiful
Arbor, A Fire Pit, Added Nice Plants And Made
The Front Of Their House Very Attractive,
And They Continue To Beautify The Neighborhood.

Mukul + Deborah Mukul
901 Holloway Ave.