

**BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO**

Appeal of  
MIHAL EMBERTON, )  
Appellant(s) )  
vs. )  
ZONING ADMINISTRATOR, )  
Respondent )

Appeal No. **24-051**

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on September 3, 2024, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on August 26, 2024, of a Variance (The proposal is to legalize the construction of a trellis structure at the front of the home that is approximately 11 feet tall and covers an area of approximately 140 square feet; the proposed trellis is within the required front setback, and therefore a variance is required; the Zoning Administrator denied the application for a front setback variance as it does not meet the five findings required by Planning Code Section 305(c)) at 201 Ashton Avenue.

**CASE NO. 2022-001463VAR**

**FOR HEARING ON October 23, 2024**

Address of Appellant(s):

Address of Other Parties:

Mihal Emberton, Appellant(s) 201 Ashton Avenue San Francisco, CA 94112	N/A
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Date Filed: September 3, 2024

**CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS**

**PRELIMINARY STATEMENT FOR APPEAL NO. 24-051**

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I / We, **Mihal Emberton**, hereby appeal the following departmental action: **ISSUANCE** of a Denial of **Variance Case No. 2022-001463VAR** by the **Zoning Administrator** which was issued or became effective on: **August 26, 2024**, for the property located at: **201 Ashton Avenue**.

**BRIEFING SCHEDULE:**

Appellant's Brief is due on or before: 4:30 p.m. on **September 19, 2024, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [corey.teague@sfgov.org](mailto:corey.teague@sfgov.org), [tina.tam@sfgov.org](mailto:tina.tam@sfgov.org)

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **October 3, 2024, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [mihal.emberton@gmail.com](mailto:mihal.emberton@gmail.com)

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, October 9, 2024, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org). Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

**Please note** that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at [www.sfgov.org/boa](http://www.sfgov.org/boa). You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

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**The reasons for this appeal are as follows:**

See attached statement.

**Appellant or Agent:**

Signature: Via Email

Print Name: Mihal Emberton, appellant

Enforcement Case 2017-012837ENF

Board of Appeals – Request for Review of Planning’s Requirement and then August 26, 2024,  
Denial of Variance: 2022-001463VAR, for arbor-not-attached-to-home

On 9/11/2017, DBI conducted a search of private property based on a music complaint, initiating Enforcement Case 2017-012837ENF, after which Planning, on or around October 27, 2021, conducted a search of private property without probable cause and added violation notice (NOE): “a trellis is currently located on the required front setback. Pursuant to Section 136 (c)(22) of the Planning Code, such structures are not permitted on required setbacks.” I shared that our arbor seemed to adhere to Planning Code §136(c)(1) which ‘allows obstructions within a front setback such as structures “of an architectural nature, such as sunshades,” that leave at least 7½ feet of clearance, do not increase the floor area or the volume of space enclosed by the building, and do not project more than four feet into setbacks.’ However, planning responded on 11/17/2021: “Section 136(c)(1) allows for permitted obstructions of an architectural nature. Such obstructions need to be attached to the building itself, resulting in the feature projecting out and over required setbacks (i.e. the examples provided in the Code such as cornices, eaves, sills, etc.). Section 136(c)(22) applies to the sunshade/arbor located on your property - since such structures are not permitted in a required setback, a Variance is required to seek legalization of it.” While the Planner claims that the only reason the arbor does not meet Planning Code §136(c)(1) is because it is not attached to the home, the Zoning Administrator never acknowledged nor addressed the fact that “the portion of the arbor in the front setback is attached to the portion of the arbor in the owner’s private open space and thus ‘the portion of the arbor located in the front setback projects out and over the required setback from the owner’s private property.” The Zoning Administrator also did not recognize nor acknowledge the 25 written public comments of support detailing the public benefit of the arbor. As the arbor does not violate planning code and as a variance should have never been required, we humbly request the Board of Appeals review of Plannings decision to require and then deny a Variance.



## VARIANCE DECISION

**Date:** August 26, 2024  
**Case No.:** 2022-001463VAR  
**Project Address:** 201 ASHTON AVENUE  
**Block/Lots:** 6932 / 008  
**Zoning:** RH-1(D) (RESIDENTIAL- HOUSE, ONE FAMILY- DETACHED)  
Family and Senior Housing Opportunity SUD  
**Height/Bulk:** 40-X Height and Bulk District  
**Applicant:** Mihal Emberton  
201 Ashton Avenue  
**Owner:** Emberton & Ruppel Family Trust  
201 Ashton Avenue  
San Francisco, CA 94112  
**Staff Contact:** Ada Tan – (628) 652-7403  
ada.tan@sfgov.org

### Description of Variance – Front Setback Variance Sought:

The proposal is to legalize the construction of a trellis structure at the front of the home that is approximately 11 feet tall and covers an area of approximately 140 square feet.

PLANNING CODE SECTION 132 requires the subject property to maintain a front setback equal to one-half of the front setback of the adjacent property at 211 Ashton Avenue, which results in a required front setback of up to approximately 7 feet 5 inches. The proposed trellis structure is located within the required front setback and is not a permitted obstruction per Planning Code Section 136. Therefore, a variance is required.

### Procedural Background:

1. The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.
2. A prior front setback variance was already granted in 2019 (Case No. 2018-002358VAR) to legalize the construction of the perimeter fence. This variance was granted prior to new information regarding the legal location of the subject lot lines relative to the public right-of-way.
3. The Zoning Administrator held a public hearing on this **Variance Application No. 2022-001463VAR** on **January 25, 2023**. However, the materials for that hearing clarified that the submitted plans showed a property line location that was not yet determined to be accurate per City records.
4. Planning Code Section 311 notification was mailed on December 23, 2022, and expired on January 23, 2023. No requests for Discretionary Review were filed during the notification period.
5. On December 1, 2023, the Department of Public Works denied the property owner’s Minor Sidewalk

Encroachment Permit (No. 21MSE-00688) to legalize the perimeter fence and the portion of the trellis structure that fell within the public right-of-way. The property owner appealed that denial to the Board of Appeals on December 12, 2023. On June 26, 2024, the Board of Appeals granted the appeal and authorized a modified Minor Sidewalk Encroachment Permit that would allow the existing perimeter fence and that portion of the trellis (aka pergola) structure within the public right-of-way to be legalized on the condition the fence be modified to allow access to the light pole along Holloway Avenue and that the proposed fire pit be removed. This decision also confirmed the location of the subject lot's property lines to be nearly 15 feet from the curb instead only approximately 6.5 feet, as shown on the plans submitted for this variance application.

### **Decision:**

The proposed front setback variance to legalize the proposed trellis structure within the required front setback is **DENIED**, pursuant to the following findings.

### **Findings:**

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

#### **FINDING 1.**

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

#### **Requirement Not Met.**

- A. The subject property is a corner lot that is approximately 50 feet wide and 115 feet deep, with an area of nearly 5,700 square feet. This represents twice the width and more than twice the area of the more standard San Francisco lot of 2,500 square feet. Its size and shape are consistent with other lots in the area, and there are no other special circumstances related to the lot (e.g., slope, unusual development pattern, etc.). The lot contains a single-family building with an ample rear yard, side yard, and front setback. As such, there are no exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

#### **FINDING 2.**

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

#### **Requirement Not Met.**

- A. As noted above, there are no exceptional or extraordinary circumstances applying to the subject lot. In this case, the front setback may include those obstructions permitted by Planning Code Section 136, such as limited fencing, retaining walls, stairs, landings, and outdoor furniture. The inability to have an 11-foot tall, 140-square-foot trellis structure within the required front setback does not represent a

practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

**FINDING 3.**

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

**Requirement Not Met.**

- A. In addition to the information above, the proposed trellis structure is not a common front setback feature in the surrounding area of City at large. It is not a necessary feature to enjoy the front setback as useable open space and is larger than that even permitted in the required rear yard. As such, the proposed front setback variance is not necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

**FINDING 4.**

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

**Requirement Not Met.**

- A. The trellis structure proposed to be legalized is approximately 11 feet tall and covers an area of approximately 140 square feet. By comparison, shed structures are permitted within the required rear yard only up to 8 feet in height and 100 square feet. While the trellis is not an enclosed structure, its height, size, and ability for vegetative coverage results in a highly visible feature within the front setback where this is no such pattern in the area. Other lots in the area maintain front setbacks with generally permitted obstructions like low fences, landscaping, and outdoor furniture.

**FINDING 5.**

The granting of such variance will not be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

**Requirement Not Met.**

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
  1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
  2. The proposed project will not be in keeping with the existing housing and neighborhood character. There are no other examples of such a structure in the required front setback within the area, where front setbacks have generally permitted obstructions like low fences, landscaping, and outdoor

furniture.

3. The proposed project will have no effect on the City's supply of affordable housing.
4. The proposed project does not adversely affect neighborhood parking or public transit.
5. The project will have no effect on the City's industrial and service sectors.
6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
7. The project will have no effect on the City's landmarks or historic buildings.
8. The project would not affect any existing or planned public parks or open spaces.

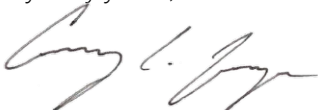
The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

**APPEAL:** Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475 (14th Floor), call 628-652-1150, or visit [www.sfgov.org/bdappeal](http://www.sfgov.org/bdappeal).

Very truly yours,



Corey A. Teague, AICP  
Zoning Administrator

**This is not a permit to commence any work or change occupancy. Permits from appropriate departments must be secured before work is started or occupancy is changed.**

# BRIEF SUBMITTED BY THE APPELLANT(S)



**TABLE OF EXHIBITS**

**EXHIBIT A:** Project Application Details 2022-001463PRJ ..... 14

**EXHIBIT B:** Brief Submitted to the Zoning Administrator for January 25, 2023, Variance Hearing with evidence of compliance with Planning Code and 25 Public Comments of Support. .... 18

**EXHIBIT C:** PUBLIC COMMENT REGARDING THE PUBLIC BENEFIT OF THE ARBOR INCLUDING ITS COMPLIANCE WITH PLANNING’S RESIDENTIAL DESIGN GUIDELINES, ITS COMPLIANCE WITH 20 POLICIES OF PLANNING’S RECREATIONAL AND OPEN SPACE ELEMENT OF THE CITY GENERAL PLAN, AN ABSENCE OF UNSAFE PROPERTY, AND EVIDENCE THAT THE ARBOR DOES NOT OBSTRUCT ANY SIDEWALK (including new and 25 previous letters of support) ..... 52

**LACK OF JURISDICTION:** A decision to sustain or overrule Planning’s denial of the variance for the arbor-not-attached-to-the-home is beyond the jurisdiction of this Board. The Board’s jurisdiction is to “hear and determine appeals with respect to any person who has been denied a permit or license, or whose permit or license has been suspended, revoked or withdrawn, or who believes that his or her interest or the public interest will be adversely affected by the grant, denial, suspension or revocation of a license or permit,” SF City Charter §4.106. However, Planning’s discretion to file a violation notice (NOE) and require a variance for an arbor that is already compliant with (1) Planning Code, (2) 20 Recreational and Open Space Policies of Planning’s SF General Plan,<sup>1</sup> and (3) Planning’s own Residential Design Guidelines,<sup>2</sup> is fraudulent misrepresentation and is outside of the jurisdiction of this Board.

**INTRODUCTION:** In 2017, we repaired/replaced a blighted 4-ft wooden fence along our property line following local statutes regarding blight and sidewalk safety. 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.” The City used this music complaint to initiate Anti-Blight Enforcement, authorizing the Departments of Building Inspection (DBI), Planning, and the Department of Public Works (DPW) to (1) conduct *individual, very personal, unlimited in scope, searches for evidence of a crime* of private property without consent, without probable cause of unsafe property, and without due process protections, and (2) to issue violation notices (*allegation-*

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<sup>1</sup> Recreation & Open Space; An Element of the San Francisco General Plan. San Francisco Planning Department. Updated January 2019. Accessed 13 Feb 2022 and 17 Jan 2023.  
[https://generalplan.sfplanning.org/Recreation\\_OpenSpace\\_Element\\_ADOPTED.pdf](https://generalplan.sfplanning.org/Recreation_OpenSpace_Element_ADOPTED.pdf)

<sup>2</sup> Planning Department. Residential Design Guidelines (2003). Accessed 2022, 2023, and 2024.  
[https://default.sfplanning.org/publications\\_reports/residential\\_design\\_guidelines.pdf](https://default.sfplanning.org/publications_reports/residential_design_guidelines.pdf)

*conviction-sentencing* for property crime) without evidence of unsafe property, without evidence of planning code violations, without due process protections, and without equal protection of the law. The City does not provide the statutorily required hearing process to challenge unlawful searches of property nor to challenge unlawful violation notices, a *categorical deficiency* of due process protection promised by our Constitutions. And those hearings that are available, such as this Board of Appeals' proceeding, lack the jurisdiction to rule on the legality of government searches and on the legality of violation notices, ensuring that they are fundamentally barred from curing unlawful searches and unlawful violation notices.

**FRAUDULENT MISREPRESENTATION:** On October 27, 2021, after Planning's consentless, *individual, very personal, unlimited in scope, search for evidence of a crime* void of probable cause of unsafe property, Planning filed a violation notice (NOE) claiming violation of Planning Code §175 and §136. **FIRST**, Planning Code §175 APPROVAL OF PERMITS guides the Planning Department to avoid approving a building permit for a structure that does not conform to the planning code; SF Planning Code §175 *does not create a permit requirement for arbors in front setbacks*. Furthermore, the licensed landscape contractor with more than 30 years of experience who built the arbor, upon hearing that the Planning Department issued a violation notice to "[r]emove the trellis from the front setback," noted that he was "surprised that this is an issue because it is an open structure on the sides and top. I have never had to permit an arbor like this and it has never been an issue in the thirty years that I have been building in the city." Moreover, the multiple building inspectors who sat under the newly constructed arbor to complete the permit for the gas fire table never mentioned that the arbor needed a building permit, validating the licensed contractor's statement. Since the arbor does not require a building permit and because §175 provides guidance to the Planning department in their work and does

NOT require a permit for arbors, there is no violation of Planning Code §175. This conviction and sentencing for “violating Planning Code §175, a code which guides the Planning Department in their work,” demonstrates not only “reckless disregard of the truth” of the purpose and legal requirements of SF Planning Code §175 and SF Admin. Code Chapter 80, but it is also ‘legally irrational in that it is not sufficiently keyed to any legitimate state interests but rather is government power used for the purpose of oppression shocking the conscious’ because there is no public benefit or improved safety gained from penalizing/criminalizing a citizen for building an arbor which does not require a permit (*Las Lomas Land Co., LLC v. City of Los Angeles*, 177 Cal. App. 4th 837 - Cal: Court of Appeal, 2nd Appellate Dist., 3rd Div. 2009). **SECOND**, Planning’s violation notice (NOE) stated: “a trellis is currently located on the required front setback. Pursuant to Section 136 (c)(22) of the Planning Code, such structures are not permitted on required setbacks.” However, Planning Code §136(c)(1) ‘allows obstructions within a front setback such as structures “of an architectural nature, such as sunshades,” that leave at least 7½ feet of clearance, do not increase the floor area or the volume of space enclosed by the building, and do not project more than four feet into setbacks.’ Planning’s violation of Planning Code shows a deliberate indifference to and reckless disregard for the truth and purpose of Planning Code §136(c)(1). **THIRD**: Planning’s (NOE) sentencing to “[r]emove the trellis from the front setback,” not only violates Planning Code §136(c)(1) which ‘allows obstructions within a front setback such as structures “of an architectural nature, such as sunshades,” but it also violates 20 Recreational and Open Space Policies of Planning’s SF General Plan.<sup>3</sup> Our 2015 arbor *fulfills each of the 6 priority areas of the Recreational and Open Space Element of the SF General Plan*,

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<sup>3</sup> Recreation & Open Space; An Element of the San Francisco General Plan. San Francisco Planning Department. Updated January 2019. Accessed 13 Feb 2022 and 17 Jan 2023. [https://generalplan.sfplanning.org/Recreation\\_OpenSpace\\_Element\\_ADOPTED.pdf](https://generalplan.sfplanning.org/Recreation_OpenSpace_Element_ADOPTED.pdf)

which have been outlined ‘to guide a quality living environment:’ Our 2015 arbor is a component of our WELL-MAINTAINED and HIGHLY UTILIZED OPEN SPACE which (1) Encourages the dynamic and flexible use of existing open space and promotes a variety of recreation and open space uses, **Policy 1.1**, (2) Preserves existing open space by restricting its conversion to other uses and limits encroachment from other uses, assuring no loss of quantity or quality of open space, **Policy 1.3**, (3) Is the result of public art, an essential component of open space design, as the homeowners have taken an active role in both the design of this architectural landscape feature as well as the curation of the living urban canopy it supports, **Policy 1.7**, (4) Supports urban agriculture and local food security by hosting edible plants and food production, **Policy 1.8**, (5) Preserves sunlight in open spaces by preventing building encroachments, **Policy 1.9**, (6) Ensures that open space is safe and secure for the City’s population by providing a visible deterrent to oncoming traffic during the day and by providing lighting at night that acts as a visible deterrent to oncoming traffic as well as to urban crime, **Policy 1.10**, (7) Encourages private recreational activities on private land that provides a community benefit, particularly to low and moderate-income residents as evidenced by its use as an outdoor school during shelter-in-place, its use as a recreational after-school space for community families, and its use as a safe gathering space for a community book club, meetings for community groups and non-profits, and other community social and recreational activities, **Policy 1.11**, and (8) Preserves the historic and culturally significant Ingleside Terrace Pillars by deterring vehicular damage from oncoming traffic as well as by deterring vandalism, **Policy 1.12**. Our 2015 arbor INCREASES RECREATION within OPEN SPACE TO MEET THE LONG-TERM NEEDS OF THE CITY by (9) Supporting and promoting a variety of high-quality outdoor opportunities for San Franciscans, such as school and afterschool play and study space, an edible garden shared with

the community, and a meeting and gathering space that showcases the beauty of the outdoors, **Policy 2.2**, (10) Creating a civic-serving open space that hosts children, community groups and non-profits, and the neighborhood, **Policy 2.6**, and (11) Assuring that a privately developed residential open space is usable, beautiful, and environmentally sustainable, **Policy 2.11**. Our 2015 arbor IMPROVES ACCESS AND CONNECTIVITY TO OPEN SPACE by (12) Maintaining and expanding the urban forest with its support of countless fruiting and flowering trees, plants, and shrubs, **Policy 3.6**. Our 2015 arbor is the result of our environmentally conscious DESIGN AND MANAGEMENT OF OUR OPEN SPACE, and it PROTECTS AND ENHANCES THE BIODIVERSITY, HABITAT VALUE, AND ECOLOGICAL INTEGRITY OF our OPEN SPACE by (13) Preserving, protecting and growing local biodiversity by helping support more than 45 trees as well as countless fruiting and flowering plants and shrubs that we have added to the landscape in the last 12 years, **Policy 4.1**, (14) Integrating the protection and support of local biodiversity into open space management and maintenance, **Policy 4.3**, and (15) Including environmentally sustainable practices with its construction for the purpose of both climate protection and human enjoyment, **Policy 4.4**. Our 2015 arbor has ENGAGED US and continues to ENGAGE US IN THE STEWARDSHIP OF OUR COMMUNITY DEVELOPMENT AND our OPEN SPACES because it (16) Utilized our design and curation of our open space to create and develop civic engagement opportunities, **Policy 5.1**, (17) Increases awareness of our City's open space system, **Policy 5.2**, (18) Is part of our community-initiated and community-supported open space development, **Policy 5.3**, and (19) Is part of our environmental and civic stewardship of our open spaces, **Policy 5.5**. Our 2015 arbor is part of our contribution to PROVIDING LONG-TERM RESOURCES AND MANAGEMENT of our OPEN SPACE AND it ensures continuing RECREATIONAL and civic engagement because it

(20) Represents our creative and financial investment in maintaining and enhancing our open space and has become a beacon for the neighborhood and larger community, **Policy 6.1**.

Planning's violation of Planning Code and Planning's violation of 20 Recreational and Open Space Policies of their own SF General Plan shows a deliberate indifference to and reckless disregard for the Planning Code and for Planning's own Recreational and Open Space Policies of SF General Plan. **FOURTH:** Planning's (NOE) sentencing to "[r]emove the trellis from the front setback," not only violates Planning Code §136(c)(1) which '*allows* obstructions within a front setback such as structures "of an architectural nature, such as sunshades," but it also violates Planning's own Residential Design Guidelines<sup>4</sup> which "focus on whether a building's design contributes to the architectural and visual qualities of the neighborhood [to] Ensure that the building's scale is compatible with surrounding buildings, Ensure that the building respects the mid-block open space, Maintain light to adjacent properties by providing adequate setbacks, Provide architectural features that enhance the neighborhood's character, Choose building materials that provide visual interest and texture to a building, Ensure that the character-defining features of an historic building are maintained...There may be other design solutions not shown in the Guidelines that will also result in a successful project. The Guidelines do not mandate specific architectural styles, nor do they encourage direct imitation of the past." And our 2015 arbor complies with Planning Department Residential Design Guidelines as it is an architectural and landscaping feature that defines, unifies, and contributes positively to the existing visual context and interest of the neighborhood, the required setbacks, and the home while also promoting community enjoyment of our outdoor spaces as well as enhancing street safety, which is further evidenced by the PUBLIC COMMENT REGARDING THE PUBLIC BENEFIT OF

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<sup>4</sup> Planning Department. Residential Design Guidelines (2003).  
[https://default.sfplanning.org/publications\\_reports/residential\\_design\\_guidelines.pdf](https://default.sfplanning.org/publications_reports/residential_design_guidelines.pdf)

THE ARBOR INCLUDING ITS COMPLIANCE WITH PLANNING'S RESIDENTIAL GUIDELINES, ITS COMPLIANCE WITH 20 POLICIES OF PLANNING'S RECREATIONAL AND OPEN SPACE ELEMENT OF THE CITY GENERAL PLAN, AN ABSENCE OF UNSAFE PROPERTY, AND EVIDENCE THAT THE ARBOR DOES NOT OBSTRUCT ANY SIDEWALK (**Exhibit C**). **FIFTH:** However, despite the arbor's adherence to Planning Code, Planning's Recreational and Open Space Policies of their own SF General Plan, and Planning's own Residential Design Guidelines, Planning further expanded their violation notice on November 17, 2021:

“Section 136(c)(1) allows for permitted obstructions of an architectural nature. Such obstructions need to be attached to the building itself, resulting in the feature projecting out and over required setbacks (i.e. the examples provided in the Code such as cornices, eaves, sills, etc.). Section 136(c)(22) applies to the sunshade/arbors located on your property - since such structures are not permitted in a required setback, a Variance is required to seek legalization of it.”

Of note, our lot is a corner lot and Planning Code § 132(d)(1) FRONT SETBACK AREAS, requires the front setback for a corner lot to be one-half the front setback of the adjacent building, so our front setback is *not adjacent to the home* but rather is *separated from the home by 12-13 feet of privately owned open space*. Therefore, the East portion of the arbor is in the front setback near the sidewalk, and the West portion of the arbor is in privately owned open space near the house. (**EXHIBIT A**) (1) The East portion of the arbor in the front setback near the sidewalk, which is the portion for which Planning has jurisdiction, is separated from the home by the West portion of the arbor in our privately owned open space and additional separated from the home by privately-owned open space, making it physically impossible to attach the East portion of the arbor in the front setback to the home, as per Planning's mandate to comply with Planning Code §136(c)(1). (2) The East portion of the arbor in the front setback is “attached” to the West portion of the arbor in private open space, “resulting in the feature



projecting out and over required setbacks,” which *fulfills* this Planner’s (mis)interpretation of §136. And (3), SF Planning Code §136 does *not* state *nor require* that sunshades need to be attached to a home. For these reasons, Planning’s mandate for a variance for an arbor that complies with Planning Code, for an arbor that complies with Planning’s own Recreational and Open Space Policies of the SF General Plan, and for an arbor that complies with Planning’s own Residential Design Guidelines is not only legally irrational in that it is not sufficiently keyed to any legitimate state interests, but it also shocks the conscious because it is physically impossible to rationally attach the East portion of the arbor to the home (*Las Lomas*). **SIXTH:** Not only does the arbor comply with Planning Code, Residential Design Guidelines, and the SF General Plan, but Planning’s filing a violation notice (NOE) and mandating a variance and then denying that variance when Planning *cannot locate the front setback* until the SF Superior Court rules on DPW’s claim that the public utility easement is instead a City-owned unpaved sidewalk, further ensures that these exercises of discretion by Planning are outside of this Board’s jurisdiction. The EVIDENCE that the right-of-way next to our sidewalk is a *private* right-of-way (easement), and *not* a *public* right-of-way (City-owned unpaved sidewalk): (1) the 1912 Ingleside Terraces Subdivision Map ratified the right-of-way as being reserved for the “sub-surface sewer,” which CA Gov. Code §66475 confirms is a private property easement as ‘rights-of-ways that a subdivider dedicates for a specific purpose, such as public utility access, are *private*-property easements;’ (2) the 1922 California Land Title Association Report for our property lists the sub-surface sewer right-of-way as a ‘public utility easement;’ (3) the historic Sanborn Map confirms the Ingleside Terraces’ sub-surface sewer right-of-way is/was for public utility access to water pipes, an easement; (4) CA Building Code (2022) 1113A.1 legislates that sidewalk “surfaces shall be stable, firm and slip resistant which abrogates the City claim that sidewalks can be

unpaved; and (5) SF Public Works Code legislates that SF sidewalks “shall be of concrete,” §703, “brick, quarry-tile, exposed concrete aggregate, or other commonly-used sidewalk paving material,” §703.1, which further abrogates the City claim that sidewalks can be unpaved. And not only does DPW’s claim of a City-owned unpaved sidewalk violate State Building Code and SF’s own Public Works Code regarding sidewalks, but DPW’s claim is also founded on FALSIFIED EVIDENCE, [CA Penal Code §134](#): First, DPW’s claim that “[t]he official sidewalk width for this portion of Ashton Ave. is 15 feet and was established by Ordinance 1098 on March 9, 1910,” is falsified evidence as (a) ordinance 1098 legislated 15-foot sidewalks for the *mixed-use Lakeview Neighborhood* to the *East* of Ingleside Terraces and was enacted when our property was still part of the 148-acre Ingleside Racetrack; (b) the Ingleside Racetrack was not purchased by the Urban Realty Improvement Co. until 1911,<sup>5</sup> and E.J. Morser’s Subdivision Map for the 792-house lots of Ingleside Terraces was not notarized in and for the City and County of SF until April 24, 1912, *more than two years after* City Ordinance 1098 was approved for the Lakeview Neighborhood to the East of the Ingleside Racetrack; and (c) the City and County of SF approved and notarized, on April 24, 1912, the plan that the 792-house lots of Ingleside Terraces contain a *sub-surface sewer right-of-way*, *not* a 9-foot unpaved sidewalk. And second, DPW’s claim that “[t]he sidewalk width along Holloway Ave. is 15 feet and was established in 1903,” is falsified evidence as (a) the Clerk of the Board of Supervisors confirmed that this 1903 document was “destroyed in the 1906 earthquake and resulting fire,” (b) our property was part of the Ingleside Racetrack until it was purchased by the Urban Realty Improvement Co. in 1911, *nearly a decade after* this alleged ‘1903 legislation,’ and (c) the City and County of SF approved and notarized, on April 24, 1912, the plan that the 792-house lots of

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<sup>5</sup> Woody LaBounty (2012). *Ingleside Terraces: San Francisco Racetrack to Residence Park*. Outside Lands Media. San Francisco.

Ingleside Terraces contain a *sub-surface sewer right-of-way*, not a 9-foot unpaved sidewalk.

**SEVENTH:** Not only does the arbor comply with Planning Code, Residential Design Guidelines, and the SF General Plan, but Planning’s filing a violation notice (NOE) and mandating a variance and then denying that variance in violation of the Municipal Code requirement that *evidence of “unsafe property”* exist to justify a violation notice (*allegation-conviction-sentencing* for property crime), further ensures that these exercises of discretion by Planning are outside of this Board’s jurisdiction. SF Admin. Code Chapter 80 authorizes Anti-Blight Enforcement and requires evidence of “unsafe property” to legalize a violation notice (*allegation-conviction-sentencing* for property crime): “At 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.” Planning’s violation notices with mandate for and then denial of a variance for an arbor that not only adheres to Planning Code, Residential Design Guidelines, and the SF General Plan, but is also safe, violates SF Administrative Code Chapter 80 and is outside of the jurisdiction of this Board. **VARIANCE HEARING LACKS JURISDICTION AND REQUIRED ELEMENTS OF A FAIR HEARING:** Planning’s claim that “[arbors] need to be attached to the building itself, resulting in the feature projecting out and over required setbacks,” in order to comply with Planning Code §136(c)(1), fails to recognize or acknowledge that the East portion of our arbor does “project out and over required setback.” And Planning’s claim of a violation of Planning Code §175, fails to recognize or acknowledge that §175 is a code that guides the Planning Department in their work and does not require a permit for an arbor. We shared our concerns that Planning’s violation notice (NOE) seemed to violate planning code, however, the Zoning Administrator claimed a lack of jurisdiction to review a Planner’s decisions

to search private property and to file violation notices, stating on January 14, 2022, that he “[doesn’t] have the authority” to question such decisions. And the Zoning Administrator further failed to recognize and address that the East portion of our arbor does “project out and over required setback” in compliance with Planning’s (mis)interpretation of Planning Code §136(c)(1), failed to recognize and address that Planning Code §175 guides the Planning department in their work and does not require a permit for arbors in front setbacks, and failed to recognize and address that the Public Comments of support for the arbor provide overwhelming evidence that the arbor fulfills 20 Policies of Planning’s Recreational and Open Space Element of the SF General Plan as well as Planning’s Residential Design Guidelines (**EXHIBIT B & C**): at 1 hour, 5 minutes, 11 seconds:

“The challenge with the Variance is that we’re dealing with features that are generally proposed in such a way that don’t meet the Planning code and the findings for a Variance require that there has to be some kind of exceptional and extraordinary circumstance that’s creating a hardship or impractical difficulty. I think, without making any final decisions on this case, I think that’s where the challenges rise. The subject property is kind of a standard lot size for this area...It is a corner lot, so it gets a little bit more light and air than maybe other more midblock lots. It does have a flat, very usable rear yard space so it is not necessarily a situation where the front setback is the only option for any open space. And while the way this [arbor] has been designed and built out may be very attractive as it is, obviously this type of feature isn’t a necessary component of usable open space and it is located within the required front setback. So I think those are the challenges when reviewing this Variance.”

**BOARD OF APPEALS PROCEEDINGS MAINTAIN A CONFLICT OF INTEREST WHICH ABROGATES THE NEUTRALITY<sup>6</sup> ESSENTIAL FOR A FAIR HEARING:**

While the City Attorney, on June 26, 2024, claimed that ‘maintaining separate Teams within the City Attorney’s office prevents conflicts of interest,’ this claim is a mistake of fact, as multiple *teams* are involved in our case, ensuring that “keeping all legal activities completely separate”<sup>7</sup> is

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<sup>6</sup> *Marshall v. Jerrico, Inc.*, 446 US 238 - Supreme Court 1980

<sup>7</sup> *People v. Christian*, 41 Cal. App. 4th 986 - Cal: Court of Appeal, 1st Appellate Dist., 2nd Div. 1996

fundamentally barred regarding Anti-Blight Enforcement, ensuring that no “ethical wall” exists: Our Enforcement Case 2017-012837ENF authorized by (1) the *Code Enforcement Team* in 2017, has also involved (2) the *Public Integrity & Investigations Team* (code enforcement investigations),<sup>8</sup> (3) the *Claims Team* which reviewed Claim 22- 01204 and Claim 22-02095, (4) the *Public Integrity & Investigations Team* when this Case 2122-119 was filed with the SF Ethics Commission on April 29, 2022, (5) the *Land Use Team* which advises and litigates issues related to building permits and sidewalk use as DPW claims the presence of a City-owned unpaved sidewalk, and (6) the *Litigation Team* when this Case # CGC-22-601288 was filed with SF Superior Court on August 17, 2022. Additionally, no “ethical wall” exists because the policy decisions of the *Code Enforcement Team* determine how the agency's resources and efforts are used and this affects and influences other City Attorney Teams.<sup>9</sup> And this conflict of interest was clearly demonstrated during the hearing on February 7, 2024, at 57 minutes and 38 seconds, “Public Works has determined that a permit is required because, according to City records, the land is owned by the City,” which is legal counsel that violates both constitutions, CA Const., art. I, §19(a): “Private property may be taken or damaged for a public use and only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner,” and Fifth Amendment: “nor shall private property be taken for public use, without just compensation,” and thus also violates CA Business and Professions Code §6068.<sup>10</sup> **RELIEF REQUESTED:** For these reasons, this case exceeds the jurisdiction of this Board.

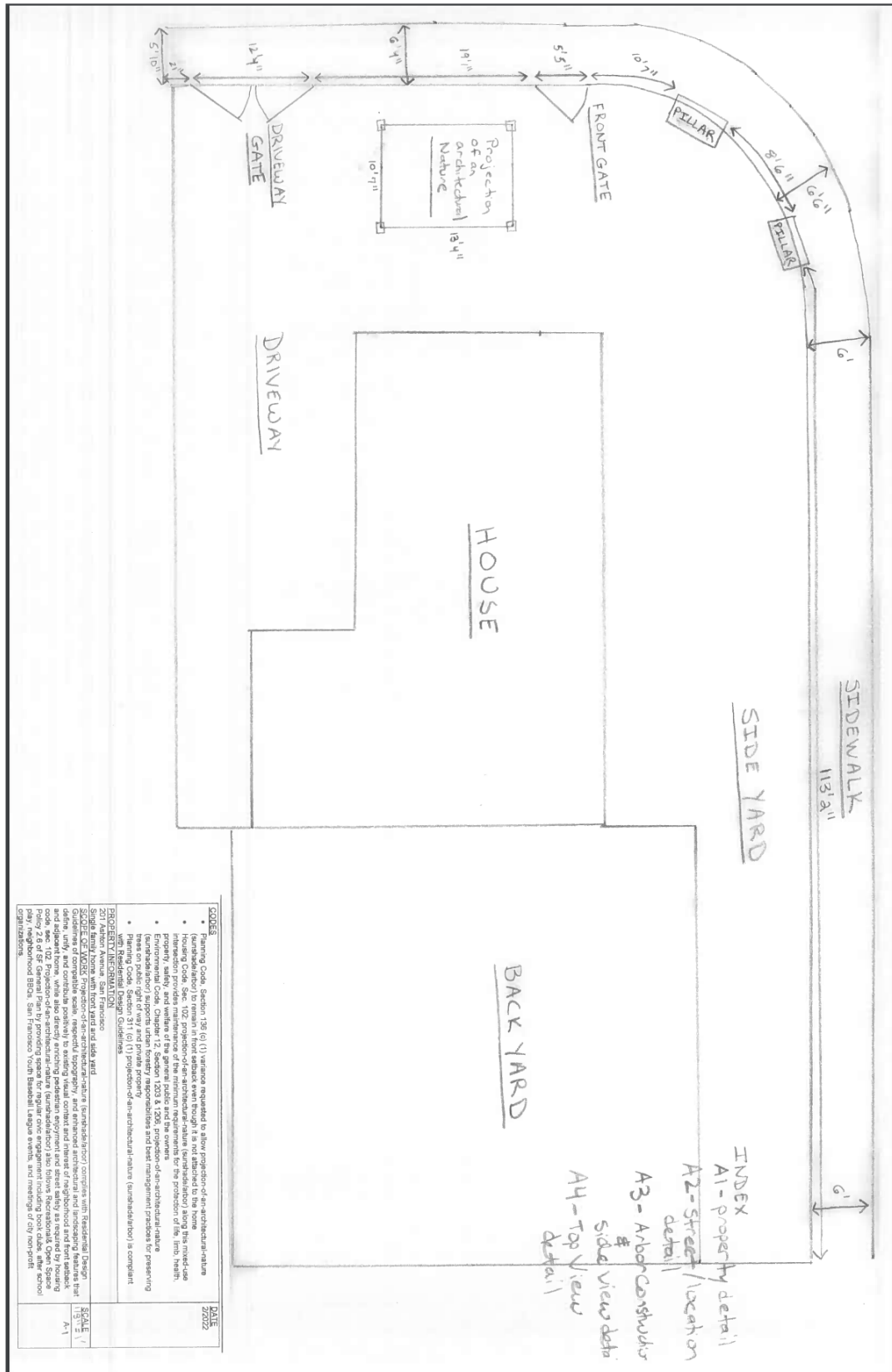
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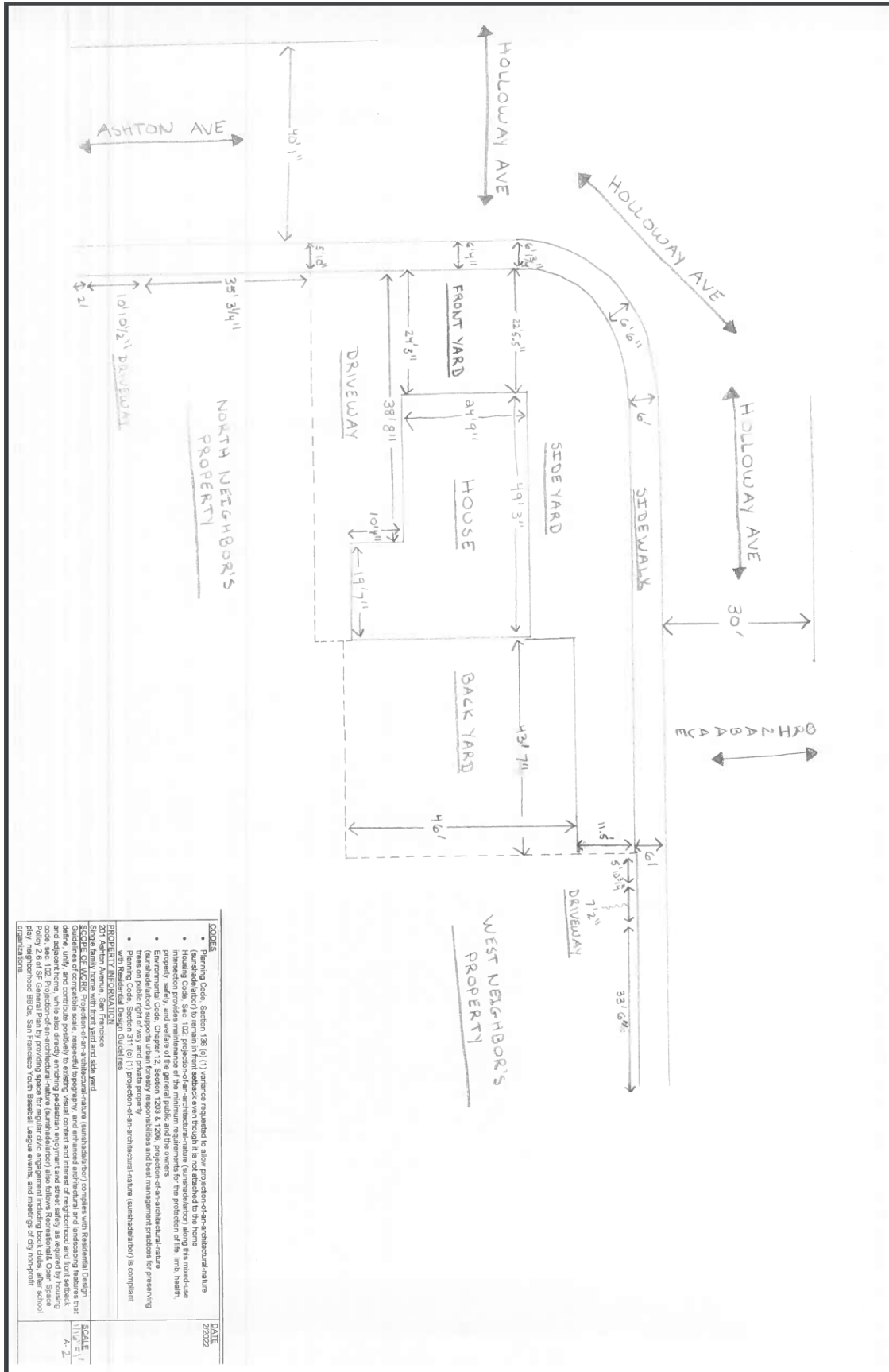
<sup>8</sup> as confirmed during DBI Directors Hearing on March 7, 2023, at 9 minutes and 8 seconds (DBI Building Inspector): “[this case] was transferred to Building Inspection Division in January of 2019, so that they could further investigate claims you may have made and still no solution, so the case was sent back to us to code enforcement.”

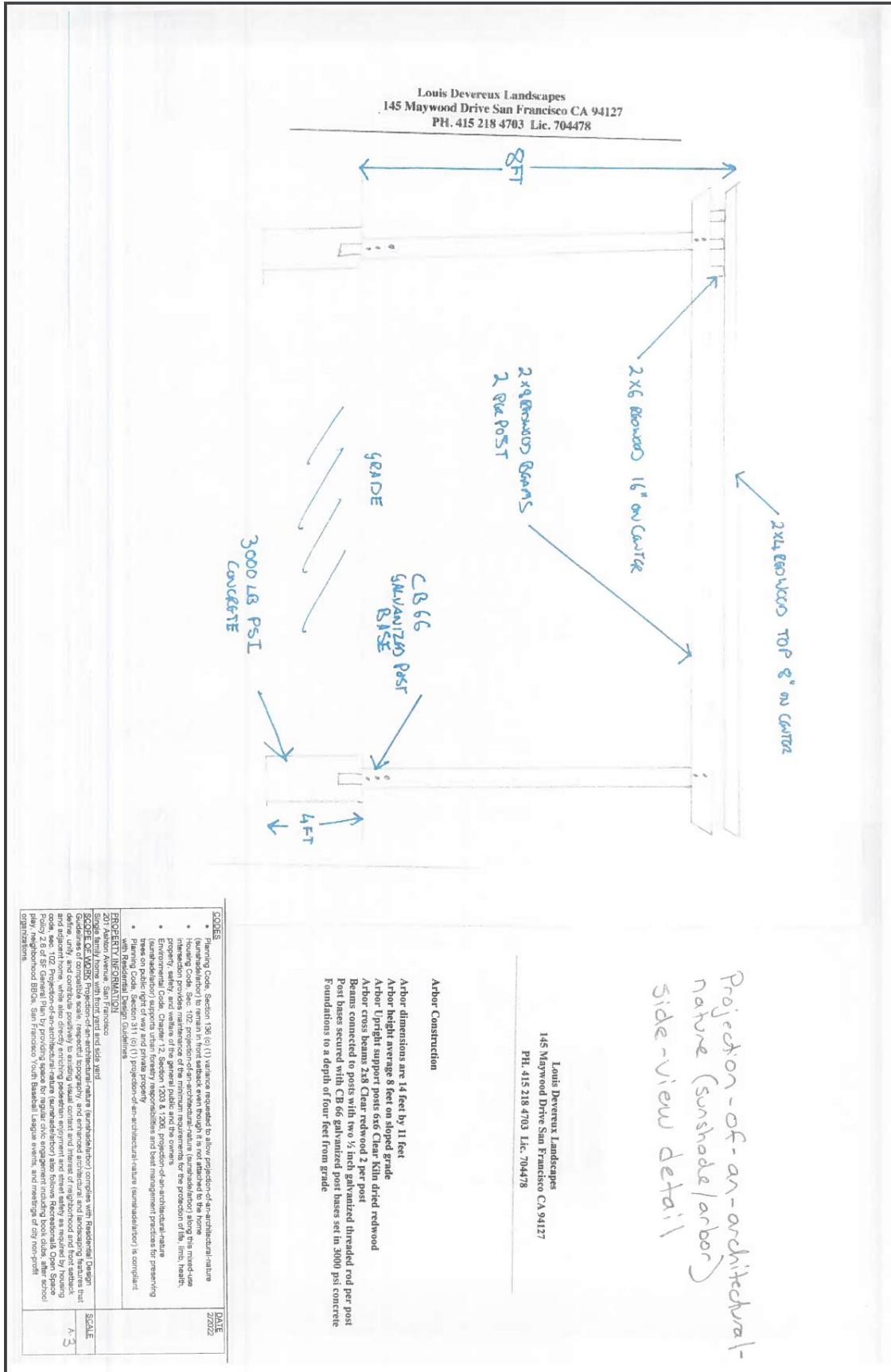
<sup>9</sup> *San Francisco v. Cobra Solutions, Inc.*, 135 P. 3d 20 - Cal: Supreme Court 2006

<sup>10</sup> CA Business and Professions Code §6068(a,c,d,g,h): “it is the duty of an attorney to support the Constitution and laws of the United States and of this state, to counsel or maintain those actions, proceedings, or defenses only as appear to him or her legal or just, to employ those means only as are consistent with truth, to not encourage either the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest, and to never reject the cause of the defenseless or the oppressed.”

**EXHIBIT A: Project Application Details 2022-001463PRJ**







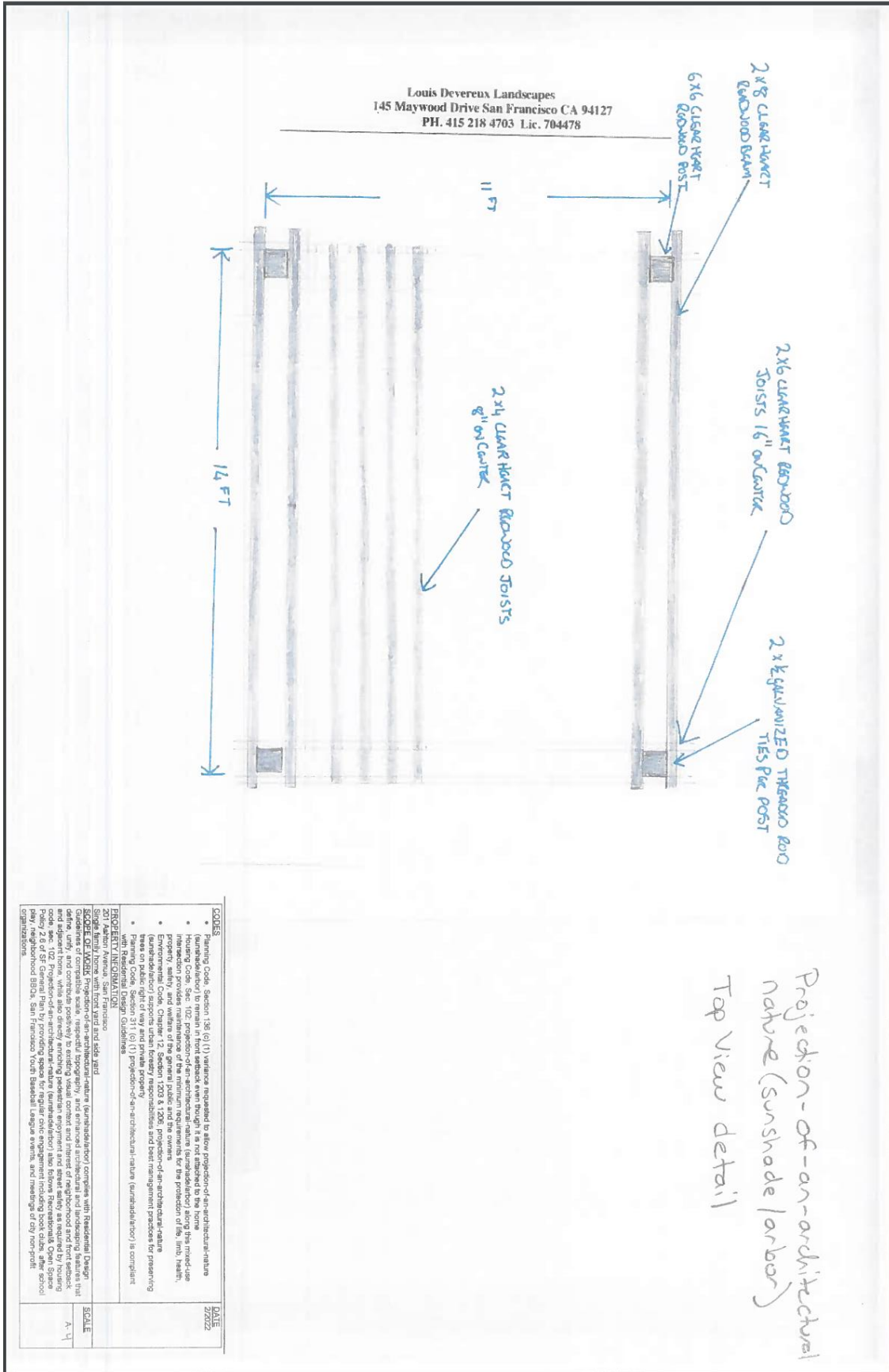
Projection - of - an - architectural -  
 nature (sunshade/arbor)  
 side-view detail

Louis Devereux Landscapes  
 145 Maywood Drive San Francisco CA 94127  
 PH. 415 218 4703 Lic. 704478

**Arbor Construction**  
 Arbor dimensions are 14 feet by 11 feet  
 Arbor height average 8 feet on sloped grade  
 Arbor Upright support posts 6x6 Clear Kiln dried redwood  
 Arbor cross beams 2x8 Clear redwood 2 per post  
 Beams connected to posts with two 1/2 inch galvanized threaded rod per post  
 Post bases secured with CB 66 galvanized post bases set in 3000 psi concrete  
 Foundations to a depth of four feet from grade

CODES	DATE
<ul style="list-style-type: none"> <li>• Building Code, Section 198.6 (1) requires required to show projection of an architectural nature (sunshade/arbor) to remain in front setback even though it is not attached to the home</li> <li>• Building Code, Sec. 102, projection-of-architectural-nature (sunshade/arbor) along the street-use sidewalk provides maintenance of the primary requirements for the projection of the, into, height,</li> <li>• Environmental Code, Chapter 12, Section 1203 &amp; 1206, projection-of-architectural-nature (sunshade/arbor) supports urban forestry responsibilities and best management practices for preserving trees on public right-of-way and private property</li> <li>• San Francisco Planning Department, Projection-of-architectural-nature (sunshade/arbor) is compliant with Residential Design Guidelines</li> </ul>	2024
<p><b>PROPERTY INFORMATION</b>                      Project location:                      Single family home with front yard and side yard</p> <p><b>SCOPE OF WORK</b> Projection-of-architectural-nature (sunshade/arbor) compliant with Residential Design but Guidelines of compatible space, respect topography, and enhanced structure and landscaping features that are consistent with the existing structure and adjacent home, while also directly enriching pedestrian enjoyment and street safety as required by Building Code, sec. 102, Projection-of-architectural-nature (sunshade/arbor) also follows Recreational Open Space play/ neighborhood BBGs, San Francisco Youth Baseball League events, and meetings of city non-profit organizations.</p>	SCALE A-3





**EXHIBIT B:** Brief Submitted to the Zoning Administrator for January 25, 2023, Variance Hearing with evidence of compliance with Planning Code and 25 Public Comments of Support.

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

Dear Cory Teague, Zoning Administrator,

Thank you for this opportunity to discuss our 2015 arbor, designed with guidance from our local Sloat Nursery Design Team and built by a local, licensed, landscape contractor, and its compliance with Residential Design Guidelines for appropriate scale for neighborhood beautification as well as its fulfillment of Recreational and Open Space Policies for (a) supporting the urban canopy, (b) facilitating community and civic engagement, and (c) enhancing the safe use of outdoor space.

In reviewing our 4-foot fence repair (1) permit 2017-1011-0923, (2) Variance approval 2018-002358VAR, and (3) notarized Notice of Special Restrictions (NSR) legalizing our 4-foot fence and its repair submitted to the City to complete the corrective actions outlined by our Enforcement Case 2017-012837ENF for our 2017 repair of our blighted 4-foot fence, our Planner conducted an arbitrary search of our property and felt that our 2015 arbor might require a variance according to Planning code sections 175 and 136 for permitted obstructions within a front setback.

Specifically, Planning Code section 175 guides the Planning Department to avoid approving a building permit for the construction of any structure if the construction or use of that structure does not conform in all aspects to the Planning Code.

Our licensed landscape contractor, upon hearing the Planning department mandate for a variance, noted that he was “surprised that this is an issue because it is an open structure on the sides and top. I have never had to permit an arbor like [this](#) and it has never been an issue in the thirty years that I have been building in the city.”

Planning code section 136 allows obstructions within a front setback such as projections of an architectural nature that leave at least 7½ feet of clearance and do not increase the floor area or the volume of space enclosed by the building, such as cornices, eaves, sills, belt courses, sunshades, fins, and brise soleils and do not project more than four feet into setbacks.

Our arbor projects a few feet into our front setback beyond the 4 feet allowed by Planning code section 136 in order to not only comply with Residential Design Guidelines for appropriate scale for neighborhood beautification, but also to fulfill Recreational and Open Space Policies for ensuring safe, engaging, and climate-protective use of open spaces as both are requirements of Planning code section 311(c)(1), which requires building permit applications to adhere to both Residential Design Guidelines and Recreational and Open Space Policies.

RE: Enforcement Case 2017-012837ENF with  
 Planning Dept. 10-27-2021 expanded corrective action requiring  
 Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

Our 2015 arbor fulfills 20 Recreational and Open Space Policies listed within the San Francisco General Plan,<sup>1</sup> addressing each of the 6 priority areas, which have been outlined ‘to guide a quality living environment:’

Our 2015 arbor is a component of our WELL-MAINTAINED and HIGHLY UTILIZED OPEN SPACE which	
Encourages the dynamic and flexible use of existing open space and promotes a variety of recreation and open space uses.	Policy 1.1
Preserves existing open space by restricting its conversion to other uses and limits encroachment from other uses, assuring no loss of quantity or quality of open space.	Policy 1.3
Is the result of public art, an essential component of open space design, as the homeowners have taken an active role in both the design of this architectural landscape feature as well as the curation of the living urban canopy it supports.	Policy 1.7
Supports urban agriculture and local food security by hosting edible plants and food production.	Policy 1.8
Preserves sunlight in open spaces by preventing building encroachments.	Policy 1.9
Ensures that open space is safe and secure for the City’s population by providing a visible deterrent to oncoming traffic during the day and by providing lighting at night that acts as a visible deterrent to oncoming traffic as well as to urban crime.	Policy 1.10
Encourages private recreational activities on private land that provides a community benefit, particularly to low and moderate-income residents as evidenced by its use as an outdoor school during shelter-in-place, its use as a recreational after-school space for community families, and its use as a safe gathering space for a community book club, meetings for community groups and non-profits, and other community social and recreational activities.	Policy 1.11
Preserves the historic and culturally significant Ingleside Terrace Pillars by deterring vehicular damage from oncoming traffic as well as by deterring vandalism.	Policy 1.12

<sup>1</sup> Recreation & Open Space; An Element of the San Francisco General Plan. San Francisco Planning Department. Updated January 2019. Accessed 13 Feb 2022 and 17 Jan 2023.  
[https://generalplan.sfplanning.org/Recreation\\_OpenSpace\\_Element\\_ADOPTED.pdf](https://generalplan.sfplanning.org/Recreation_OpenSpace_Element_ADOPTED.pdf)

RE: Enforcement Case 2017-012837ENF with  
 Planning Dept. 10-27-2021 expanded corrective action requiring  
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Our 2015 arbor INCREASES RECREATION within OPEN SPACE TO MEET THE LONG-TERM NEEDS OF THE CITY by	
Supporting and promoting a variety of high-quality outdoor opportunities for San Franciscans, such as school and afterschool play and study space, an edible garden shared with the community, and a meeting and gathering space that showcases the beauty of the outdoors.	Policy 2.2
Creating a civic-serving open space that hosts children, community groups and non-profits, and the neighborhood.	Policy 2.6
Assuring that a privately developed residential open space is usable, beautiful, and environmentally sustainable.	Policy 2.11
Our 2015 arbor IMPROVES ACCESS AND CONNECTIVITY TO OPEN SPACE by	
Maintaining and expanding the urban forest with its support of countless fruiting and flowering trees, plants, and shrubs.	Policy 3.6
Our 2015 arbor is the result of our environmentally conscious DESIGN AND MANAGEMENT OF OUR OPEN SPACE, and it PROTECTS AND ENHANCES THE BIODIVERSITY, HABITAT VALUE, AND ECOLOGICAL INTEGRITY OF our OPEN SPACE by	
Preserving, protecting and growing local biodiversity by helping support the 42 trees as well as countless fruiting and flowering plants and shrubs that we have added to the landscape in the last 10 years.	Policy 4.1
Integrating the protection and support of local biodiversity into open space management and maintenance.	Policy 4.3
Including environmentally sustainable practices with its construction for the purpose of both climate protection and human enjoyment.	Policy 4.4
Our 2015 arbor has ENGAGED US and continues to ENGAGE US IN THE STEWARDSHIP OF OUR COMMUNITY DEVELOPMENT AND our OPEN SPACES because it	
Utilized our design and curation of our open space to create and development civic engagement opportunities.	Policy 5.1
Increases awareness of our <a href="#">City's</a> open space system.	Policy 5.2
Is part of our community-initiated and community-supported open space development.	Policy 5.3

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

Is part of our environmental and civic stewardship of our open spaces.	Policy 5.5
Our 2015 arbor is part of our contribution to <u>PROVIDING</u> LONG-TERM RESOURCES AND MANAGEMENT of our OPEN SPACE AND it ensures continuing RECREATIONAL and civic engagement because it	
Represents our creative and financial investment in maintaining and enhancing our open space and has become a beacon for the neighborhood and larger community.	Policy 6.1

Additionally, our 2015 arbor complies with Planning Department Residential Design Guidelines as it is an architectural and landscaping feature that defines, unifies, and contributes positively to the existing visual context and interest of the neighborhood, the required setbacks, and the home while also promoting pedestrian enjoyment of our outdoor spaces as well as enhancing street safety, which is also evidenced by the following 25 letters of support submitted by neighbors and community members:

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

To the zoning administrator,

I wanted to write you as a member of our community on behalf of Raelyn Ruppel and Mihai 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 dont 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 its 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 then 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 isnt available without payment in communities anymore. These types of things are so huge especially to families like mine who dont 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 eachother.

I dont 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 dont 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

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
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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 amd 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

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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



RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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.

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

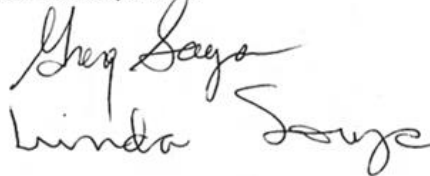
To: Zoning Administrator  
San Francisco, CA.

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



RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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

Dear Corey Teague, Zoning Administrator:

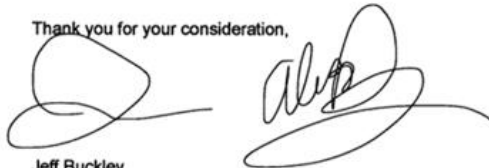
We are writing to express our support for a planning variance for Raelyn Ruppel and Mihal Emberton's landscape improvements to their property as well as their pergola structure at **201 Ashton Avenue**.

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

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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 Miha 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. Miha 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

THE DEIGNAN FAMILY 860 HEAD STREET SAN FRANCISCO, CA 94132

Page 14 of 34

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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



RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

**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**

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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

Page 18 of 34

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

San Francisco, CA

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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

Page 20 of 34

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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,

  
Neetu Kellison

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

From: **Stacey Palevsky Lewis** [staceydebra@gmail.com](mailto:staceydebra@gmail.com)  
Subject: **Letter of support**  
Date: **Sep 29, 2022 at 9:06:00 PM**  
To: **mihal emberton** [mihal.emberton@gmail.com](mailto: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](mailto:staceydebra@gmail.com) | [415.652.4196](tel:415.652.4196)

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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



RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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-

Page 24 of 34

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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.

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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**Richard Hendry**

September 21, 2022

**Corey Teague**

Zoning Administrator

City and County of San Francisco

[corey.teague@sfgov.org](mailto: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

Page 27 of 34

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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**Karen Bloski-Simon**  
(415) 994-4615  
karenabloski@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. Emydlius 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 Bloski-Simon

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

From: **loretta jones** [lorettaj\\_jones@yahoo.com](mailto:lorettaj_jones@yahoo.com)  
Subject: **For the Zoning Administrator**  
Date: **Sep 19, 2022 at 8:37:43 PM**  
To: [raelyn98@hotmail.com](mailto:raelyn98@hotmail.com), [mihal.emberton@gmail.com](mailto: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)

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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.

Page 31 of 34



RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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 Raelyn 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

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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

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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

Page 33 of 34

RE: Enforcement Case 2017-012837ENF with  
Planning Dept. 10-27-2021 expanded corrective action requiring  
Project Application 2022-001463PRJ and Variance Supplemental Form/Hearing scheduled 1-25-2023.

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.

Mahal + Deborah Mahal  
901 Holloway Ave.

**EXHIBIT C: PUBLIC COMMENT REGARDING THE PUBLIC BENEFIT OF THE ARBOR INCLUDING ITS COMPLIANCE WITH PLANNING'S RESIDENTIAL DESIGN GUIDELINES, ITS COMPLIANCE WITH 20 POLICIES OF PLANNING'S RECREATIONAL AND OPEN SPACE ELEMENT OF THE CITY GENERAL PLAN, AN ABSENCE OF UNSAFE PROPERTY, AND EVIDENCE THAT THE ARBOR DOES NOT OBSTRUCT ANY SIDEWALK (including new and 25 previous letters of support)**

9/8/24, 2:54 PM

Gmail - support for arbor at 201 Ashton Ave



mihal emberton <mihal.emberton@gmail.com>

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## support for arbor at 201 Ashton Ave

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m.w.peterson@gmail.com <m.w.peterson@gmail.com>

Sat, Sep 7, 2024 at 4:37 PM

To: boardofappeals@sfgov.org

Cc: mihal emberton <mihal.emberton@gmail.com>, Raelyn Ruppel <raelyn98@hotmail.com>, Amy Peterson <zinnias@gmail.com>

Dear Members of the Board of Appeals,

We are writing to express our deep appreciation for the arbor located at 201 Ashton Avenue, a space that has become an invaluable asset to our community and the broader public. As neighbors and residents of San Francisco, our family has witnessed firsthand the positive impact this beautiful structure has had on our local environment and the lives of those who frequent the area.

Mihal Emberton's and Raylyn Ruppel's arbor, adorned with lush plants and vines, serves not just as a visual centerpiece but also as a vital green space in our urban landscape. It contributes to the beautification of our neighborhood, offering a refreshing contrast to the concrete and buildings that dominate our city. This little creative oasis provides a serene environment where residents and visitors alike can escape the hustle and bustle of city life, even if just for a moment.

Beyond its aesthetic appeal, the arbor has become a cherished gathering spot for our community. Children play beneath its shade, using it as a safe and welcoming space to explore their imaginations. Families often meet here for casual gatherings, and it has even become a venue for small celebrations such as birthday parties and sports team get-togethers. The sense of community fostered by this space is palpable, as it brings people together, fostering relationships that might not otherwise develop in a busy urban setting.

The arbor's role as a meeting place extends beyond casual socialization. It has become a spot where neighbors can come together to discuss local issues, share ideas, and support one another. In this way, it has inadvertently contributed to the strengthening of our community bonds, making our neighborhood a more connected and cohesive place to live.

We believe it is important to highlight how the arbor aligns with the City of San Francisco's values and goals, particularly those related to environmental sustainability and community engagement. The greenery it supports not only enhances the local ecosystem by providing habitat for birds and insects but also contributes to improving air quality and reducing the urban heat island effect. Furthermore, the space encourages residents to engage with one another, fostering a sense of belonging and shared responsibility for our environment.

In closing, we urge the Board of Appeals to consider the significant public benefits this arbor provides. It is much more than a simple garden structure; it is a vital part of our community's identity and a beacon of the type of urban space that San Francisco should continue to cultivate. Preserving this arbor would not only maintain its current benefits but also set a precedent for valuing and protecting similar spaces throughout our city.

Thank you for your attention to this matter. We hope the Board will recognize the importance of this arbor to our neighborhood and the broader community.

Sincerely,

<https://mail.google.com/mail/u/0/?ik=f2cf3dad8b&view=pt&search=all&permmsgid=msg-f:1809582422369491046&siml=msg-f:1809582422369491046>

1/2

9/8/24, 2:54 PM

Gmail - support for arbor at 201 Ashton Ave

**Matt and Amy Peterson**  
191 Corona St  
San Francisco, CA 94127  
[m.w.peterson@gmail.com](mailto:m.w.peterson@gmail.com)

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 dont 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 its 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 then 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 isnt available without payment in communities anymore. These types of things are so huge especially to families like mine who dont 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 dont 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 dont 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 amd 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

### 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.

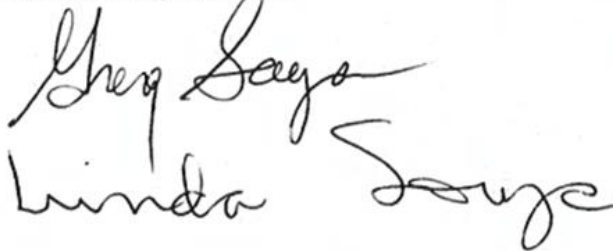
To: Zoning Administrator  
San Francisco, CA.

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 above the signature for Linda Souza.

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

Dear Corey Teague, Zoning Administrator:

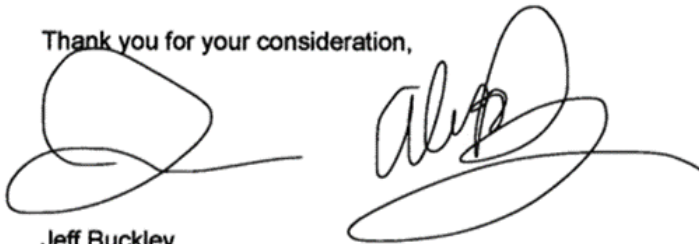
We are writing to express our support for a planning variance for Raelyn Ruppel and Mihal Emberton's landscape improvements to their property as well as their pergola structure at **201 Ashton Avenue**.

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,

The image shows two handwritten signatures in black ink. The signature on the left is a stylized, cursive signature that appears to be 'Jeff Buckley'. The signature on the right is also a stylized, cursive signature that appears to be 'Alissa Buckley'. Both signatures are written in a fluid, connected style.

Jeff Buckley  
Alissa Buckley  
471 Faxon Avenue

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

THE DEIGNAN FAMILY 860 HEAD STREET SAN FRANCISCO, CA 94132



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

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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,

  
Neetu Kellison

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

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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](mailto: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

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Sent from my iPhone

Begin forwarded message:

**From:** Serena Warner <[serenawarner@gmail.com](mailto:serenawarner@gmail.com)>  
**Date:** September 28, 2022 at 12:03:57 PM PDT  
**To:** [raelyn98@hotmail.com](mailto: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.

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**Richard Hendry**

September 21, 2022

**Corey Teague**

Zoning Administrator

City and County of San Francisco

[corey.teague@sfgov.org](mailto: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

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**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](mailto:lorettaj_jones@yahoo.com)  
Subject: **For the Zoning Administrator**  
Date: **Sep 19, 2022 at 8:37:43 PM**  
To: [raelyn98@hotmail.com](mailto:raelyn98@hotmail.com), [mihal.emberton@gmail.com](mailto: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

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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

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**Dear Zoning Administrator,**

I am writing in support of the beautiful arbor in the front yard of Mihal Emberton and Raelyn 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

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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](mailto: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.

Melvin + Deborah Melvin  
901 Holloway Ave.

**BRIEF(S) SUBMITTED BY RESPONDENT DEPARTMENT(S)**



# BOARD OF APPEALS BRIEF

**HEARING DATE: October 23, 2024**

October 17, 2024

**Appeal Nos.:** 24-051  
**Project Address:** 201 Ashton Avenue  
**Block/Lot:** 6932/008  
**Zoning District:** RH-1(D)  
Family and Senior Housing Opportunity SUD  
**Height District:** 40-X  
**Staff Contact:** Corey A. Teague, Zoning Administrator – (628) 652-7328  
[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)

The question before the Board in this case is whether the proposed legalization of the trellis structure within the lot's required front setback meets all 5 of the required findings of Planning Code Section 305:

- (1) That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;
- (2) That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
- (3) That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;

(4) That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and

(5) That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

The appealed variance decision (Exhibit A) provides the relevant background for this case and found that there were no exception or extraordinary circumstances in this case because the subject lot is of standard shape, size, and topography, and there were no other unique factors related to the property or its proposed use. The proposed plans are included in the Appellant's brief as their Exhibit A. The decision also found that, because there were no exceptional or extraordinary circumstances, there were also no practical difficulties or unnecessary hardships in this case that aren't attributable to the property owner. The decision also found that the variance was not necessary to ensure a substantial property right because the limitation of such structures applies broadly to other typical lots in the City, and such a trellis structure is not necessary in order to use and enjoy the outdoor space.

Overall, there was nothing related to this lot or case to distinguish it from any situation where someone would like to add a feature within a required yard or setback that wasn't permitted under the Planning Code. As such, there was concern that the arguments for granting such a variance could be used to justify a plethora of variances for similar features and structures across the City.

While there is substantial background and history for the subject property related to enforcement, litigation, and permitting through the Department of Public Works, that information is not necessarily relevant to the narrow scope of the variance determination. Additionally, the Appellant makes many references to the Recreation and Open Space element of the General Plan. However, that element specifically relates to public recreation and open space facilities, and is not related to yards and other private spaces. As such, it is not

relevant to the subject variance decision. And as stated above, the proposed trellis structure is not necessary in order for the space to be used as private open space.

## **Conclusion**

To conclude, it is understandable for property owners to desire many different types of structures and features within their yards and setbacks, and sometimes such structures will not have a direct impact on adjacent neighbors. However, Planning Code Section 136 establishes the limited types of such structures that are permitted within required yards and setback. In order for a front setback variance to be granted, it must be determined that a proposal meets all 5 findings of Planning Code Section 305. It is my position that I did not err or abuse my authority in my decision to determine that all 5 findings were not met and to therefore deny this variance. As such, I respectfully request that the Board deny this appeal and uphold the variance denial.

cc:     Mihal Emberton - Appellant

Enclosure:     Exhibit A – Variance Decision Letter



## EXHIBIT A



## VARIANCE DECISION

**Date:** August 26, 2024  
**Case No.:** 2022-001463VAR  
**Project Address:** 201 ASHTON AVENUE  
**Block/Lots:** 6932 / 008  
**Zoning:** RH-1(D) (RESIDENTIAL- HOUSE, ONE FAMILY- DETACHED)  
Family and Senior Housing Opportunity SUD  
**Height/Bulk:** 40-X Height and Bulk District  
**Applicant:** Mihal Emberton  
201 Ashton Avenue  
**Owner:** Emberton & Ruppel Family Trust  
201 Ashton Avenue  
San Francisco, CA 94112  
**Staff Contact:** Ada Tan – (628) 652-7403  
ada.tan@sfgov.org

### Description of Variance – Front Setback Variance Sought:

The proposal is to legalize the construction of a trellis structure at the front of the home that is approximately 11 feet tall and covers an area of approximately 140 square feet.

PLANNING CODE SECTION 132 requires the subject property to maintain a front setback equal to one-half of the front setback of the adjacent property at 211 Ashton Avenue, which results in a required front setback of up to approximately 7 feet 5 inches. The proposed trellis structure is located within the required front setback and is not a permitted obstruction per Planning Code Section 136. Therefore, a variance is required.

### Procedural Background:

1. The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.
2. A prior front setback variance was already granted in 2019 (Case No. 2018-002358VAR) to legalize the construction of the perimeter fence. This variance was granted prior to new information regarding the legal location of the subject lot lines relative to the public right-of-way.
3. The Zoning Administrator held a public hearing on this **Variance Application No. 2022-001463VAR** on **January 25, 2023**. However, the materials for that hearing clarified that the submitted plans showed a property line location that was not yet determined to be accurate per City records.
4. Planning Code Section 311 notification was mailed on December 23, 2022, and expired on January 23, 2023. No requests for Discretionary Review were filed during the notification period.
5. On December 1, 2023, the Department of Public Works denied the property owner’s Minor Sidewalk

Encroachment Permit (No. 21MSE-00688) to legalize the perimeter fence and the portion of the trellis structure that fell within the public right-of-way. The property owner appealed that denial to the Board of Appeals on December 12, 2023. On June 26, 2024, the Board of Appeals granted the appeal and authorized a modified Minor Sidewalk Encroachment Permit that would allow the existing perimeter fence and that portion of the trellis (aka pergola) structure within the public right-of-way to be legalized on the condition the fence be modified to allow access to the light pole along Holloway Avenue and that the proposed fire pit be removed. This decision also confirmed the location of the subject lot's property lines to be nearly 15 feet from the curb instead only approximately 6.5 feet, as shown on the plans submitted for this variance application.

### **Decision:**

The proposed front setback variance to legalize the proposed trellis structure within the required front setback is **DENIED**, pursuant to the following findings.

### **Findings:**

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

#### **FINDING 1.**

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

#### **Requirement Not Met.**

- A. The subject property is a corner lot that is approximately 50 feet wide and 115 feet deep, with an area of nearly 5,700 square feet. This represents twice the width and more than twice the area of the more standard San Francisco lot of 2,500 square feet. Its size and shape are consistent with other lots in the area, and there are no other special circumstances related to the lot (e.g., slope, unusual development pattern, etc.). The lot contains a single-family building with an ample rear yard, side yard, and front setback. As such, there are no exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

#### **FINDING 2.**

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

#### **Requirement Not Met.**

- A. As noted above, there are no exceptional or extraordinary circumstances applying to the subject lot. In this case, the front setback may include those obstructions permitted by Planning Code Section 136, such as limited fencing, retaining walls, stairs, landings, and outdoor furniture. The inability to have an 11-foot tall, 140-square-foot trellis structure within the required front setback does not represent a

practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

**FINDING 3.**

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

**Requirement Not Met.**

- A. In addition to the information above, the proposed trellis structure is not a common front setback feature in the surrounding area of City at large. It is not a necessary feature to enjoy the front setback as useable open space and is larger than that even permitted in the required rear yard. As such, the proposed front setback variance is not necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

**FINDING 4.**

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

**Requirement Not Met.**

- A. The trellis structure proposed to be legalized is approximately 11 feet tall and covers an area of approximately 140 square feet. By comparison, shed structures are permitted within the required rear yard only up to 8 feet in height and 100 square feet. While the trellis is not an enclosed structure, its height, size, and ability for vegetative coverage results in a highly visible feature within the front setback where this is no such pattern in the area. Other lots in the area maintain front setbacks with generally permitted obstructions like low fences, landscaping, and outdoor furniture.

**FINDING 5.**

The granting of such variance will not be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

**Requirement Not Met.**

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
  - 1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
  - 2. The proposed project will not be in keeping with the existing housing and neighborhood character. There are no other examples of such a structure in the required front setback within the area, where front setbacks have generally permitted obstructions like low fences, landscaping, and outdoor

furniture.

3. The proposed project will have no effect on the City's supply of affordable housing.
4. The proposed project does not adversely affect neighborhood parking or public transit.
5. The project will have no effect on the City's industrial and service sectors.
6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
7. The project will have no effect on the City's landmarks or historic buildings.
8. The project would not affect any existing or planned public parks or open spaces.

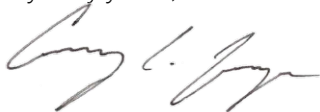
The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

**APPEAL:** Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475 (14th Floor), call 628-652-1150, or visit [www.sfgov.org/bdappeal](http://www.sfgov.org/bdappeal).

Very truly yours,



Corey A. Teague, AICP  
Zoning Administrator

**This is not a permit to commence any work or change occupancy. Permits from appropriate departments must be secured before work is started or occupancy is changed.**

# PUBLIC COMMENT

**From:** [m.w.peterson@gmail.com](mailto:m.w.peterson@gmail.com)  
**To:** [BoardofAppeals \(PAB\)](#)  
**Cc:** ["mihal emberton"](#); ["Raelyn Ruppel"](#); [Amy Peterson](#)  
**Subject:** support for arbor at 201 Ashton Ave  
**Date:** Saturday, September 7, 2024 4:38:14 PM

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Dear Members of the Board of Appeals,

We are writing to express our deep appreciation for the arbor located at 201 Ashton Avenue, a space that has become an invaluable asset to our community and the broader public. As neighbors and residents of San Francisco, our family has witnessed firsthand the positive impact this beautiful structure has had on our local environment and the lives of those who frequent the area.

Mihal Emberton's and Raylyn Ruppel's arbor, adorned with lush plants and vines, serves not just as a visual centerpiece but also as a vital green space in our urban landscape. It contributes to the beautification of our neighborhood, offering a refreshing contrast to the concrete and buildings that dominate our city. This little creative oasis provides a serene environment where residents and visitors alike can escape the hustle and bustle of city life, even if just for a moment.

Beyond its aesthetic appeal, the arbor has become a cherished gathering spot for our community. Children play beneath its shade, using it as a safe and welcoming space to explore their imaginations. Families often meet here for casual gatherings, and it has even become a venue for small celebrations such as birthday parties and sports team get-togethers. The sense of community fostered by this space is palpable, as it brings people together, fostering relationships that might not otherwise develop in a busy urban setting.

The arbor's role as a meeting place extends beyond casual socialization. It has become a spot where neighbors can come together to discuss local issues, share ideas, and support one another. In this way, it has inadvertently contributed to the strengthening of our community bonds, making our neighborhood a more connected and cohesive place to live.

We believe it is important to highlight how the arbor aligns with the City of San Francisco's values and goals, particularly those related to environmental sustainability and community engagement. The greenery it supports not only enhances the local ecosystem by providing habitat for birds and insects but also contributes to improving air quality and reducing the urban heat island effect. Furthermore, the space encourages residents to engage with one another, fostering a sense of belonging and shared responsibility for our environment.

In closing, we urge the Board of Appeals to consider the significant public benefits this arbor provides. It is much more than a simple garden structure; it is a vital part of our community's identity and a beacon of the type of urban space that San Francisco should continue to cultivate. Preserving this arbor would not only maintain its current benefits but also set a precedent for valuing and

protecting similar spaces throughout our city.

Thank you for your attention to this matter. We hope the Board will recognize the importance of this arbor to our neighborhood and the broader community.

Sincerely,  
Matt and Amy Peterson  
191 Corona St  
San Francisco, CA 94127  
m.w.peterson@gmail.com