

October 17, 2005

**To: Mayor Batès and City Councilmembers**  
**RE: 2615 Marin Ave Use Permit Hearing**

**Subject: Summary of key issues to support the motion to lower the third floor one foot and keep the ZAB approved condition 23: A-E with a maximum elevation of 947.8 feet.**

**From: Daphne Kalmar, 2635 Marin Ave. 847-1578**

- We are asking that the maximum elevation of the proposed house be lowered one foot to a 947.8 foot elevation.
- We are asking that the ZAB approved condition 23: A-E, be affirmed with the **change** of a maximum elevation of 947.8 feet. <sup>1</sup>
- Is it fair for the Richmonds to have seated views from two floors and a 500 square foot third floor deck, while we have only a standing view of the Golden Gate Bridge and Alcatraz from our one story home?<sup>2</sup>
- The ZAB staff stated at the August 28, 2005 hearing that a two-foot drop in elevation (947.8 foot elevation) would be preferable. Four of the ZAB members were in favor of this two foot drop during the discussion.<sup>3</sup>
- To this date the applicants have never lowered their floor plates. Their second floor living room is at 930.5 foot elevation. Kim Kline and Hopper Branam's roof ridge is at 932 feet.<sup>4</sup> Despite the protests of Bill Richmond, it is clear that the Richmonds have sitting views from their living room. The Kline/Branam roofline is in line with your knees while standing in their currently proposed living room.
- Lowering the Richmond's third floor one foot will still allow them panoramic seated views from their third floor and third floor deck and good seated views/excellent standing views from the second floor living area (Eye level seated (Georg Kalmar's seated height) would be comparable to our current line of sight).<sup>5</sup>
- The only portion of the house that is dug into the hillside is the garage. Both the second and third floor living areas are at or above grade (at least 5 feet above grade on the western side).
- Two out of the three large houses recently built to the east of our house have NO VIEW from their second floor living areas. The living room, dining room, kitchen, family room in the new house on the lot directly east of us has no views of the hills or the Bay. They have bay views only from the third floor. This house had to be dug into the hillside to accommodate neighbors' concerns. This house was built on a view lot. This house was dug in 6 feet and this was financially viable and the norm in the hills. This is an example of appropriate development in the hills-as approved by ZAB.

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- The Richmonds claim that digging in a foot will makes the project not viable. In fact, with foundation and pier work already taking place during the construction of the house a one foot retaining wall will add a minor increase to the cost of foundation work and will cost far less than the typical 6-10 foot retaining walls used in the hills. It will certainly cost far less than our loss of property value due to loss of view.
  - The Richmonds have questioned the accuracy of our View Loss Survey done by Moran Engineering. This is ridiculous. Bill Richmond is not a licensed surveyor. Licensed surveyors are used so as to produce objective, accurate information for all parties during construction planning. To cast doubt on the use of Licensed Surveyors to verify information is to cast doubt on all the facts in this case. Elevations, pole heights, pole locations and site plans are verified by licensed surveyor—do we question this work as well? The Richmonds do not like the results of our survey, it does not support their claims, so they simply state that the survey is wrong.

#### Footnotes:

1. The condition A-E that was approved by the ZAB in April 2005 requires that a use permit hearing take place if the owners of 2615 Marin want to expand their third floor into the current 499 square foot third floor deck projecting south on the lot. The condition also prohibits privacy screens and other objects on the deck that would block our views. The ZAB approved this condition as recommended by staff because this new addition of a deck could potentially result in our losing views that the ZAB intended to be protected.

2. See view loss survey done by Moran Engineering.

3. Quote from April 28, 2005 hearing:

Steve Solomon: "We recommend that the building be dropped by a foot or two feet, depending on the amount of view that should be required for the—that should be available for the neighbors. At least a foot required for margin of error, two feet provides a much better sense of the Bay. And I think the one definition that we picked out of the Zoning Ordinance, gives us a sense of what the ordinance calls for as being a protected view that we should be considering. And it's the entirety of the San Francisco Bay, it's not just the Golden Gate Bridge that staff has been focusing on. It's a much larger area of interest. So two feet drop in the building, and protecting that area of that deck, would provide the uphill neighbor, particularly the Kalmars, with fairly good view remaining after the construction of the project."

4. Measured with a laser level from survey points on Richmond property.

5. The line of site seated for someone in Richmonds living room if it were lowered one foot would be almost equivalent to our current line of site from our deck seated with the current elevation at 948.8 feet. However, we are approximately 91 feet from the western edge of their third floor roof (the western edge must be considered it has the largest impact) and the Richmonds are about 24 feet from the Kline/Branam roof ridge. This makes a huge difference. The further away an object is the more obstruction occurs. The impact of the Richmonds third floor on our seated view is far more damaging than the impact of the Kline/Branam ridgeline.