

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

Appeal of  
BRUCE MACLEOD and DEBORAH MACLEOD, )  
Appellant(s) )  
vs. )  
DEPARTMENT OF BUILDING INSPECTION, )  
PLANNING DEPARTMENT APPROVAL Respondent )

Appeal No. **23-030**

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on June 26, 2023, 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 June 9, 2023 to Frank Bellizi, of an Alteration Permit (the project generally consists of replacement of the existing first floor deck and expanding the deck to the rear-yard setback line; addition of a roof deck above the second bedroom office floor, accessed via four new doors from the third floor office) at 144 25th Avenue.

**APPLICATION NO. 2023/02/02/1229**

**FOR HEARING ON August 2, 2023**

Address of Appellant(s):

Address of Other Parties:

Bruce MacLeod and Deborah MacLeod, Appellant(s) 138 25th Avenue San Francisco, CA 94121	Frank Bellizi, Permit Holder(s) 144 25th Avenue San Francisco, CA 94121
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Date Filed: June 26, 2023

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

**PRELIMINARY STATEMENT FOR APPEAL NO. 23-030**

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I / We, **Bruce MacLeod and Deborah MacLeod**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit No. 2023/02/02/1229** by the **Department of Building Inspection** which was issued or became effective on: **June 9, 2023**, to: **Frank Bellizi Jr**, for the property located at: **144 25th Avenue**.

**BRIEFING SCHEDULE:**

Appellant's Brief is due on or before: 4:30 p.m. on **July 13, 2023, (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) [matthew.greene@sfgov.org](mailto:matthew.greene@sfgov.org) and [fbellizzi@indaloventures.com](mailto:fbellizzi@indaloventures.com)

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **July 27, 2023, (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), [corey.teague@sfgov.org](mailto:corey.teague@sfgov.org), [tina.tam@sfgov.org](mailto:tina.tam@sfgov.org) [matthew.greene@sfgov.org](mailto:matthew.greene@sfgov.org) and [brucermacleod@outlook.com](mailto:brucermacleod@outlook.com)

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

Hearing Date: **Wednesday, August 2, 2023, 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:**

Not Submitted

**Appellant or Agent:**

Signature: Via Email

Print Name: Bruce MacLeod, appellant

**Permit Details Report****Report Date:** 6/23/2023 11:21:36 AM

Application Number: 202302021229

Form Number: 8

Address(es): 1334 / 023 / 0 144 25TH AV

Description: THE PROJECT GENERALLY CONSISTS OF REPLACEMENT OF THE (E) FIRST FLOOR DECK AND EXPANDING THE DECK TO THE REAR - YARD SETBACK LINE; ADDITION OF A ROOF DECK ABOVE THE SECOND BR OFFICE FLOOR, ACCESSED VIA 4 NEW DOOR FROM THE THIRD FL. OFFICE

Cost: \$70,000.00

Occupancy Code: R-3,U

Building Use: 27 - 1 FAMILY DWELLING

**Disposition / Stage:**

Action Date	Stage	Comments
2/2/2023	TRIAGE	
2/2/2023	FILING	
2/2/2023	FILED	
6/9/2023	APPROVED	
6/9/2023	ISSUED	

**Contact Details:****Contractor Details:**

License Number: 979493

Name: MARK LUCEY

Company Name: MIZEN CONSTRUCTION INC

Address: 3418 GEARY BLVD BL \* SAN FRANCISCO CA 94118-0000

Phone:

**Addenda Details:****Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	2/2/23	2/2/23			2/2/23	PANGELINAN MARIANNE	
2	INTAKE	5/8/23	5/8/23			5/8/23	SAPHONIA COLLINS	
3	CP-ZOC	2/2/23	2/2/23			2/2/23	FERGUSON SHANNON	approved otc
4	CP-ZOC	5/8/23	5/8/23			5/8/23	OROPEZA EDGAR	Approved reduction of prior scope of work - removal of top roof deck. Approval of a new roof deck at the rear as shown on plans - located in the buildable areas not being within the last 30 percent of the rear property line. Railings or railing height approved only.
5	BLDG	2/6/23	2/6/23			2/6/23	HU QI (ANNE)	approved
6	BLDG	5/11/23	5/11/23			5/11/23	HU QI (ANNE)	
7	CPB	6/9/23	6/9/23			6/9/23	PANGELINAN MARIANNE	

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

**Appointments:**

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
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**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			1	CONCRETE (PLACEMENT & SAMPLING)	
0			2	BOLTS INSTALLED IN CONCRETE	
0			4	REINFORCING STEEL AND PRETRESSING TENDONS	
0			5A1	SINGLE PASS FILLET WELDS < 5/16"	

Department of Building Inspection

WELLS - 5/19					
0			19	SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS	
0			24E	WOOD FRAMING	added on 5/11/23 in a separate sheet
0			23	OTHERS:AS RECOMMENDED BY PROFESSIONAL OF RECORD	geotech engr observations
0			24A	FOUNDATIONS	
0			18A	BOLTS INSTALLED IN EXISTING CONCRETE	added on 5/11/23 in a separate sheet
0			24B	STEEL FRAMING	added on 5/11/23 in a separate sheet
<b>12</b>					

For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

[Online Permit and Complaint Tracking](#) home page.

**Technical Support for Online Services**

If you need help or have a question about this service, please visit our FAQ area.

APPELLANTS DID NOT TIMELY SUBMIT A BRIEF

**BRIEF SUBMITTED BY THE PERMIT HOLDER(S)**



GOLDSTEIN, GELLMAN, MELBOSTAD, HARRIS & McSPARRAN LLP

ATTORNEYS AT LAW

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July 27, 2023

**Via E-mail only**  
[boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org)

Richard Swig, President  
San Francisco Board of Appeals  
49 South Van Ness Ave. Suite 1475  
San Francisco CA 94103

Re: **New Deck at 144 25<sup>th</sup> Ave. San Francisco**

Dear President Swig and Board Members,

We represent Frank and Allison Bellizzi, owners of the single-family home at 144 25<sup>th</sup> Ave. (“Bellizzi Property”). This appeal is made by Bruce and Deborah MacLeod the adjacent neighbors at 138 25<sup>th</sup> Ave. (“Appellants”). Mr. MacLeod is a retired trial lawyer who practiced law for over 40 years. We understand from the Board staff that the Appellants have failed to file a timely written presentation to you. Nonetheless, we have received from Appellants the brief they misfiled. You can find it at **Exhibit A**. By doing this, we believe we are being fair. In addition, we believe the Committee will benefit from a full review of the Appellants’ brief which will show the lack of merit of their claims. As explained more fully below, my clients seek to build a new deck. Their architect sought the planning department’s guidance in advance of submission and approval of the plan by the city. The Appellants have lodged a series of objections in an effort to obtain relief to which they

are not legally entitled. We would like to draw your attention to the statement (and photos) in the Appellants' Exhibit A

In their brief at **Exhibit A**, Appellants list their concerns as follows: (1) property value (2) views (3) privacy and (4) security. A review of the *Residential Design Guidelines* (“*Guidelines*”) makes it clear that the *Guidelines* protect neighbors as to privacy only, and not property value, nor views or security. See attached excerpt from the *Guidelines* at **Exhibit B**. The attached excerpt indicates that even privacy protection is partial. It lists circumstances where it is and is not an important concern in designing an addition to a home, and it lists remedies for privacy concerns such as a higher fence, something which my clients have suggested to Appellants many times, to no avail. As will be discussed later and as the photographs show, Appellants have full privacy in all seasons when the deck would practically be in use, because an extremely dense maple tree lies on Appellants’ property along the joint property line, and most important, none of Appellants’ windows face the joint property line.

#### **Description of Client’s Project**

Appellants’ appeal relates to the replacing of an existing first floor deck with a new deck which would extend further to the rear than the existing one. The proposed deck extension is to the allowable rear yard setback of 30%. See Plans at **Exhibit C**. My clients have designed their new deck so that the closest a person can stand to the joint property line is almost 4 feet so that a person using the deck cannot peer into the Appellants’ backyard. Instead, the stairs from the deck to the backyard will be along the property line. Yet Appellants’ concerns are the same as if the deck were to be built up to the property line because they believe that a six-foot person would linger at the top few steps before coming up or down the stairs, and that this six-foot person would be able to look into Appellants’ rear window. Of course, it would be a very angled side view into the window, as



Appellants have no windows that face the deck. In fact, Appellants have urged my clients to modify their design to require a person using the stairs to flip up a retractable floor area (trap floor) on the deck, something which would inhibit use of the stairs (and would create a safety hazard in the event of a fire or seismic event). It certainly does not meet *Code* because the *Building Code* requires an unfettered second means of egress from the home. By the way, guests of my client will be using the deck and entering it from the interior of the house and rarely if ever going into the rear yard, which is not set up for guests. Certainly, there is no activity in the rear yard and scant use of the deck itself in the winter when one might better see through a leaf-free maple tree. Thus, my clients do not expect the traffic on the deck that Appellants assume. Rather, guests and occupants will use that stair almost exclusively for emergency egress into a safe backyard in the event of a fire or seismic event.<sup>1</sup>

**Appellants Other Demands:**

1. Move the stairway towards my client's house (to the west) because Appellants do not want to see a 6-foot-tall person's head when that person walks up or down the stairs;
2. Increase the fire rating of the firewall that will lie between the stairs and the property line, from a 1-hour rating to a 4 hour, for reasons we do not understand; and
3. Grant Appellants an easement in perpetuity allowing the branches of Appellants' maple tree to lie over the property line. Our clients have never minded that the branches lie over the property line fence, but do not want to establish that as a right in perpetuity no matter what condition the branches are in during the future.

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<sup>1</sup> **The portion of the proposed deck that extends furthest into the rear yard will be full of furniture and thus a place least likely for my clients and guests to stand and look over the property line.**

### **Statements Made by Appellants in Writing**

Although views are not protected by the Code or Residential Guidelines, Appellants state the following (Exhibit A): **“the view from our eastward facing wall of plate glass windows, especially of the gorgeous Japanese maple tree that we have grown from seed for almost 40 years, have always been the principal design focus of our most-used room in the house: our kitchen/breakfast/television/family room”**. See also: **“[We] have enjoyed both privacy and unobstructed views of nature in an urban environment.”**

Despite the fact that the *Code* and the *Guidelines* do not protect property values or protect security to a neighbor, Appellants state: **“There are so many features of the proposed plans that individually and in combination would destroy our privacy, views, safety, and property value that it seems almost as though that were the purposeful goal of the project”**. Appellants also object to the aesthetics of the proposed deck, even though aesthetics in a rear yard area are not taken into account by the *Code* or the *Guidelines*: **“Imagine further being 6 foot tall, going out to your yard, and looking up at the soles of your neighbor’s feet which are 2’7” above your head”**. Appellants also complain about what they would see through their window by mentioning how large an image of a person would be seen when looking out of Appellants’ rear plate glass window toward the deck.

### **Planning Department Guidance in the Pre-Design of the New Deck.**

Before the project’s architect Renato Jose presented a complete deck design to my clients, he met with planner Jeffrey Spiers and Jeff confirmed where the 30% setback at the rear would occur. Then the client’s architect went to David Winslow who is head of the Department’s Residential Design Team, and one of the authors of the updated *Residential Design Guidelines*. He asked David whether the proposed deck stairs provide the required side yard setback “buffer” for new decks.

David confirmed that it did, see **Exhibit D** where the Jeffrey Spiers and David Winslow's interactions can be read.

**Privacy Features That Exist Today and that the Proposed New Deck Will Provide.**

Appellants' privacy today is provided today due to two existing features:

- (1) Appellants' rear window has a strong reflective quality. See Appellants' Brief **Exhibit E**, A photograph taken from the MacLeod yard in which the Appellants' window reflects back the large maple tree (and does not give a view of Appellants' interior). Also, see the photograph taken from my clients' side of the fence at **Exhibit F** and you will again notice that the window reflects the maple tree.
- (2) Appellants' very wide and tall maple tree exists along the property line ( please see again both **Exhibit E** as well as **Exhibit G**, a photo taken from inside the Appellants home.) My clients believe that in designing a stair next to the joint property line rather than a deck, they are adequately observing Appellants' privacy.

**Appellants' Concern About Deprivation of Light.**

Although not contained in Appellants' brief, in other correspondence the Appellants raised a concern about access to light. This too has no merit. As the page in **Exhibit B** from the *Guidelines* show, light impairment rises to the level of concern for city planners when direct light into important rooms could be impaired, but important rooms such as bedrooms are not affected here. Moreover, given the fence and the large maple tree, there is little direct light to Appellants' rear window. My clients are not raising the height of the fence, so that whatever light there is will not be impaired. The *Guidelines* point out that neighbors' goals for more light can be inconsistent with neighbors' desire for privacy. Appellants here must decide whether increasing the height of their fence for a

distance of a few feet is worth the loss of a little winter sun, the only time of year when sunlight can penetrate through a leaf-free maple tree in the winter.

### **Mitigations Appellants Can Implement.**

The Appellants admit that the fence lies entirely on their property. As a result, they have the power (without consulting with my clients) to raise the existing 6-foot fence to a higher level next to our client's proposed stairs. That would significantly provide the privacy that they claim to be losing. There is no reason why they cannot do this at any time, and my clients certainly do not and would not object. **Exhibit H** shows a photo of a piece of plywood two feet in height placed by the Appellants above the existing 6-foot fence. If Appellants would increase the height of the fence, their privacy could never be infringed. If Appellants believe that this would disturb the limbs of their maple tree which cross onto my client's property, Appellants can certainly trim them back. Their maple tree (a tree which provides privacy for all seasons but the winter season) will in winter be easier to see through, but the winter is when deck use would be rare due to inclement weather.

### **Security.**

Although avoiding burglaries is not a goal or requirement within the Guidelines, Appellants ask that the proposed stairs be moved west considerably narrowing the deck for their privacy and security. The essence of appellants' security concern requires a burglar to have already obtained illegal access to my clients' backyard. However, Appellants have the power to take their own security measures. Among other things, they can: **(1)** purchase a camera system that points to the joint property line near the proposed deck; **(2)** purchase and install a light that automatically shines when someone tries to go over the fence and **(3)** establish some additional barrier on their side of the fence that they own, such as security wire. My clients will be augmenting their current security system by adding several lights triggered by movement, along with several cameras in the backyard,

as well as light triggered by motion detectors in their alleyway and a lock to their side entrance. All of this should reduce the chances of some burglar jumping over the fence. Appellants should consider implementing the same on their property.

#### **Inaccuracies in Appellants' Attached Statement.**

Appellants state that they have not been allowed access to my client's rear yard to determine what privacy problems could exist. In fact, they were provided unfettered access on multiple occasions both before and after their appeal filing. As an example, please see **Exhibit H** which shows Appellant Mr. MacLeod on my clients' lot leaning over this fence, looking at his lot while my client holds the ladder. My clients provided the Appellants with unfettered access to their property both before and after the appeal and met twice on Appellants property for a total of 5 in-person meetings (if a dinner together is counted).

#### **Conclusion.**

The view into Appellants' rear window of a 6-foot person lingering on the top step of the new stairs at night and peering into the rear window is a very speculative and unusual concern. Even so, that person would principally have a view of the top half of a two-story open stairway in Appellants' building. See **Exhibits G and I**. It is not a view into a bathroom, bedroom or closet. Nonetheless, Appellants can easily do what most San Franciscans do at night, which is to engage a window covering.

The Appellants in this appeal live in a City and in making that choice, they have made the choice to be subject to ambient noise, views of structure they would prefer not to see, and minor privacy impingement --- although we do not understand the nature of such privacy impingement here. My clients met with and emailed Appellants many times before Appellants filed their appeal but could not reach any agreements. Appellants are not willing to take those privacy and security

measures mentioned above which would alleviate their concerns. Rather, Appellants ask that a *Code* complying deck, whose design was approved by the head of Planning's Residential Design Team, be modified so as to be smaller. That would be an unfortunate precedent favoring all future Appellants seeking unusual privacy mitigations. Moreover, if my client's deck was forced to be smaller, there would be no reason to change their existing deck.

Very truly yours,

A handwritten signature in blue ink that reads "Brett Gladstone". The signature is written in a cursive, flowing style.

M. Brett Gladstone

cc: Mr. and Mrs. MacLeod  
Project Architect  
Clients  
Department of Building Inspection  
Zoning Administrator Corey Teague  
Acting Zoning Administrator Tina Tam

**EXHIBIT "A"**

## Appellate Brief Bruce and Deborah MacLeod

This appeal is of a building permit covering two proposed exterior decks at 144 25<sup>th</sup> Ave. We are the neighbors immediately adjacent on the North side of the subject property. As to the proposed roof deck, we have no objection. As to the proposed lower deck, however, we have great objection.

My wife (74 years old) and myself (75 years old) are both retired. As of next month, we will have owned our home at 138 25<sup>th</sup> Ave. for 40 years during which time we raised three daughters. During our ownership there have been countless remodels on our block, including to the three adjacent properties on our North, South and East sides. We have never before objected to any neighbor's projects, but the instant proposed lower deck project is both callous and hideous.

The permittees are Frank and Allison Bellizzi. Frank is CEO of a biotech company, Concentric Analgesics. Allison is a real estate associate with Sotheby's International Realty. Frank purchased the subject property in November 2019 (i.e., right before the pandemic).

Our house was built in 1907 immediately after the earthquake. We believe it to be the oldest house on the block, perhaps the oldest in the neighborhood. It was constructed flush with the south boundary of our lot. Six years later, in 1913, the subject house was constructed flush with the north side of its boundary, meaning that for most of the depth of our houses, the walls are separated by a mere inch or less. Notwithstanding their proximity, from within each of the houses there is a sense of almost being in a rural environment due to the fact that the houses have had little or no sightline between them.



Page 1 of our exhibits is a Google satellite photo of our houses on which I have outlined in red their current footprint. Exhibit 2 is my tracing of those footprints to remove extraneous information. Because the southeast corner of our house extends 19 to 21 ½ inches further East than the current deck of the subject property, a person standing on that deck has no sightline round the corner and into our house. As a result of this privacy, the view from our eastward facing wall of plate glass windows, especially of the gorgeous Japanese maple tree that we have grown from seed for almost 40 years, have always been the principal design focus of our most-used room in the house: our kitchen/breakfast/television/family room. See Exhibit 3.<sup>1</sup> Thus, East wall is essentially a 1 ½ story window wall separated into two panes in order to accommodate a concealed earthquake moment beam.

Likewise, the current and prior owners of the subject property have always enjoyed privacy and great unobstructed views of their garden. The subject property's dining room opens onto an existing deck that faces their garden to the East and our South wall to the North. But because our South wall has no windows, it appears as though our wall is part of the subject property. For decades we have enhanced that misperception by painting our South wall in the color of the neighbor's house. We just did so a couple of months ago (and in fact had our painters come back and re-sand and repaint a second time because we were not satisfied with how our wall appeared to the Bellizzi's and their guests). Also, every fall we have all of our trees trimmed by ISA Certified Arborists Demetri Tioupine so as to preserve our southern neighbors' views of the Golden Gate Bridge.

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<sup>1</sup> During the first Fall after the Bellizzi's brought the subject house, we received a call from Allison Bellizzi thanking us for trimming our trees so as to preserve their views. Will

Thus, for the 40 years we have owned our house, and perhaps far longer, the adjacent neighbors at 138 and 144 25<sup>th</sup> Ave. have enjoyed both privacy and unobstructed views of nature in an urban environment. All that will come to an end if the over-the-counter permit granted to the Bellizzi's for their lower proposed deck is not revoked. There are so many features of the proposed plans that individually and in combination would destroy our privacy, views, safety, and property value that it seems almost as though that were the purposeful goal of the project.

First, it must be understood that the height of the subject property's dining room is approximately 6'7". If the goal is to have the dining room flow onto the deck without any stairs, then the deck must likewise be at an elevation of 6'7". That in fact is the height of the existing deck which is to be demolished and replaced with a new deck of equal height, but which is "expanding the deck to the rear-yard setback line" as well as flush to our property line.

Having the existing deck at the height of 6'7" has been of no consequence for us because it is around the corner of our house and we basically cannot see it. But combined with the plan to extend the deck outward to the "rear-yard setback line" and laterally to our property line, results in a deck that would tower over our fence and heads. A 6'7" deck surface stood upon by a 6'0" person results in a viewing height of 12'7" that is 2'7" higher than a NBA basketball rim. Imagine further being 6 foot tall, going out to your yard, and looking up at the soles of your neighbors feet which are 2'7" above your head.

But it gets much worse. The existing deck incorporates descending stairs that abut the side of subject house, putting them at approximately the midpoint of the lot's width. The new plans would shove the stairs all the way North to abut our lot line. Bear in mind that such stairs are

going to be 6'7" tall, which is taller than the existing 6 foot fence. It will therefore act as a ladder that any burglar could easily surmount to go from the Bellizzi's yard (which does not have a gate lock) to ours (which does). Even if we were to raise our fence to 8 feet, which is about the maximum possible height due to overhanging limbs of the Japanese maple tree, it would be easy for any burglar to step over what would be a 1'3" height differential between the top stair and the fence in order to lower themselves to the ground on our property.

But even that is not the worst aspect of the proposed deck. As previously noted, our East wall is essentially a 1 ½ story plate glass wall. The Bellizzis, any of their guests or workmen, and any intruder could easily surmount the stairs and have a clear view into our house through the window wall. Equally disturbing, my wife could be startled at any time by a person standing unannounced on the opposite side of the plate glass window. How much of our interior would such a person be able to see and how large an image might such a person present in the plate glass window?

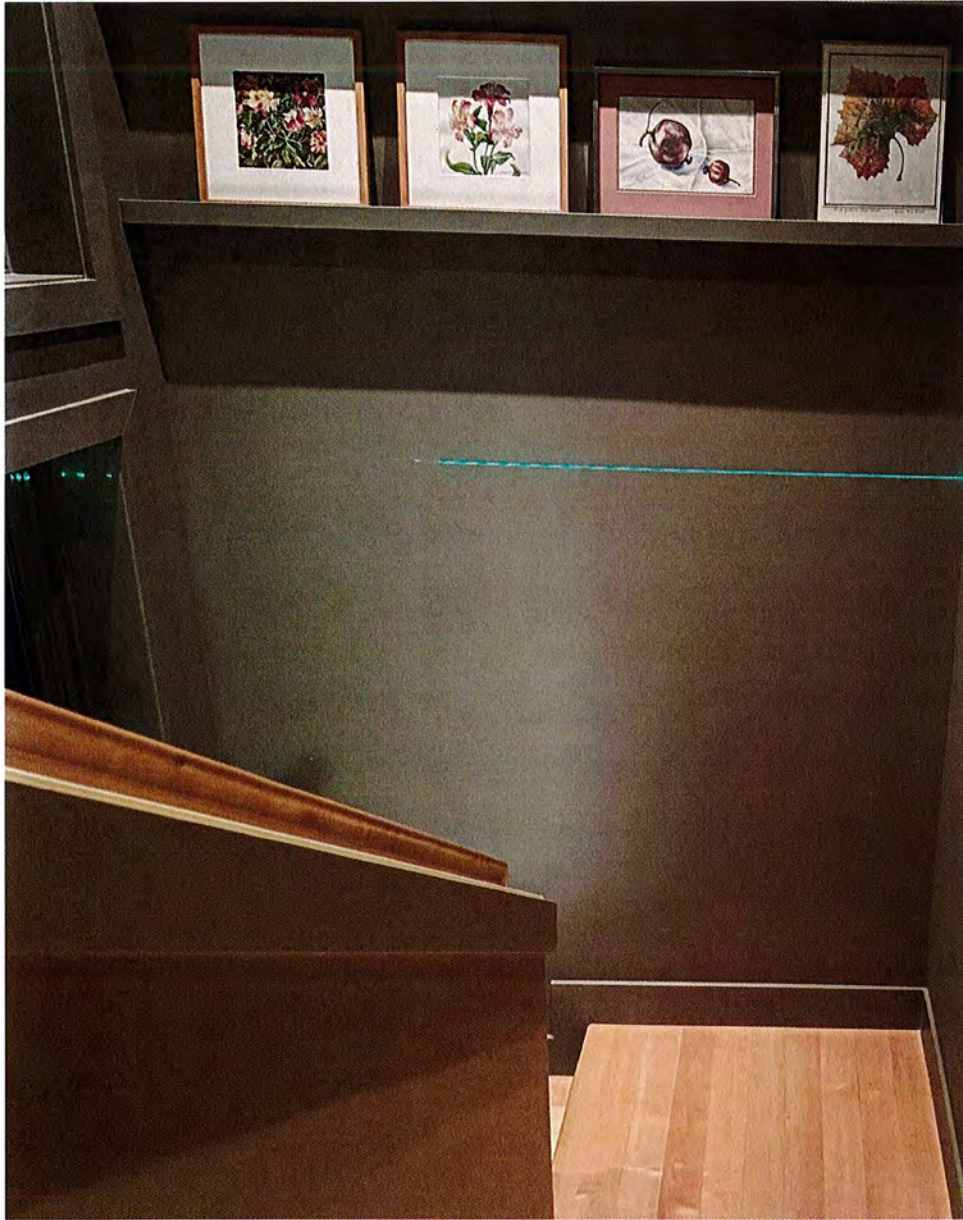
We tried to answer those questions through measurement, but to do so required that Mr. Bellizzi give us access to his existing deck, and he refused. So, we turned to a far more sophisticated method of transferring a baseline: a self-leveling laser level used by carpenters and builders the world over. As the name implies, such a laser self-levels and then paints a pencil-thin laser line that forms a baseline from which other measurements can be taken. Because the existing 6'7" deck is taller than the 6 foot fence, we had a clear shot from our property to set the laser beam at precisely the height of the existing deck. The laser beam then painted a pencil-thin line the precise height of the deck not only on the outside of our house, but also through the plate glass windows onto the inside of our house. We then photographed

the results which are astounding. They show that a 6 foot tall person standing on the proposed stairs would have an expansive view of the inside of our house, and would present an image covering approximately two thirds of the height of the largest of our plate glass windows.

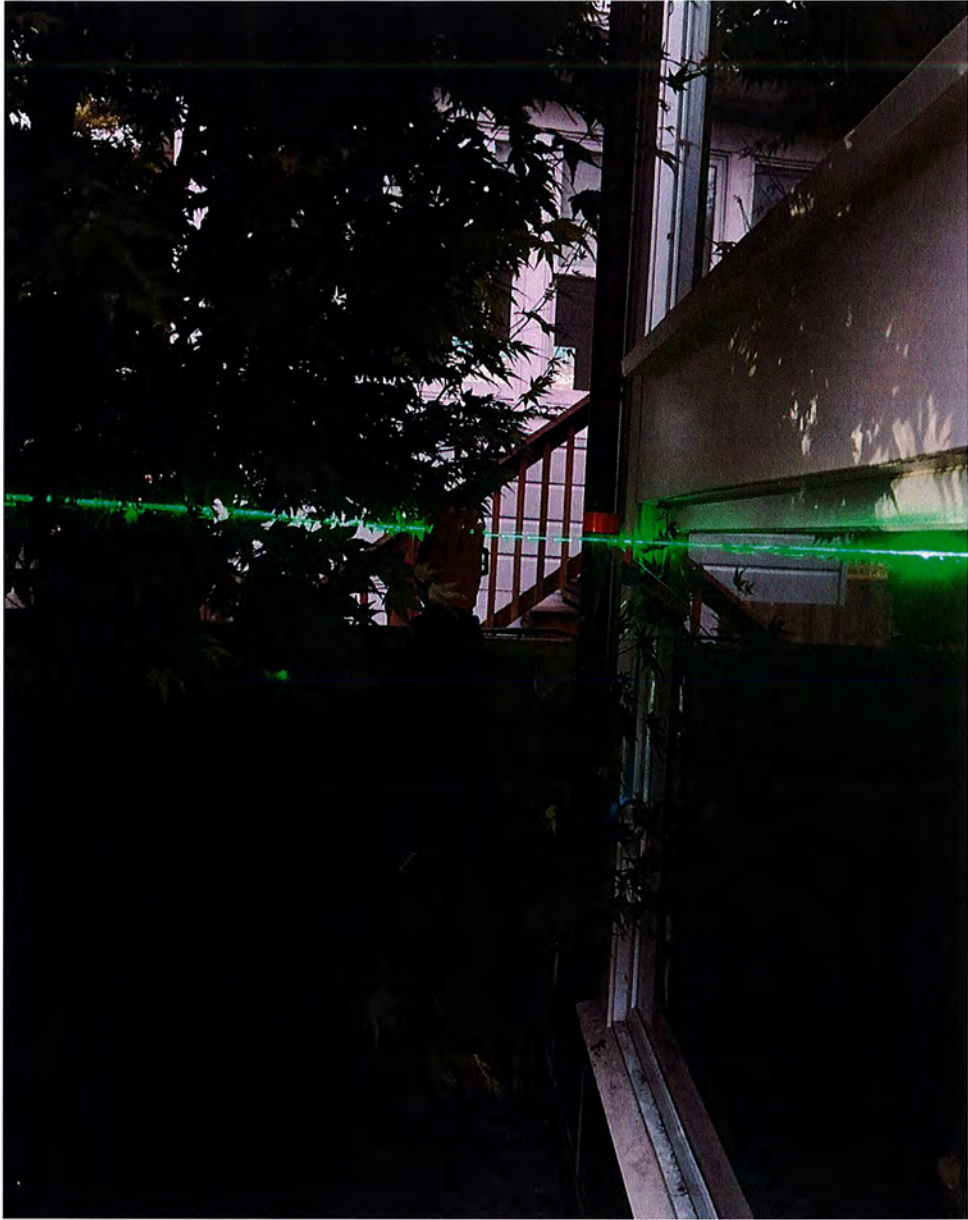




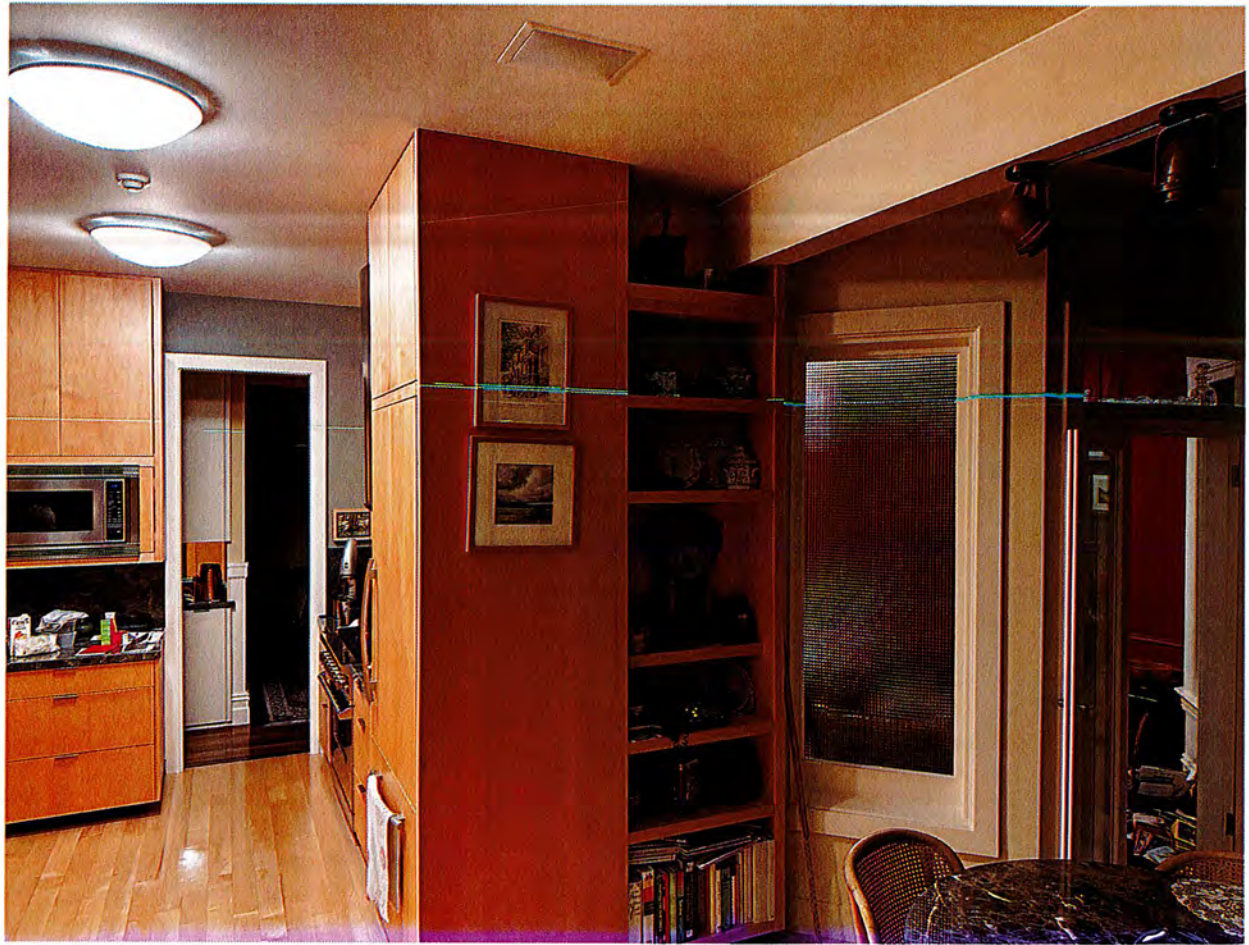




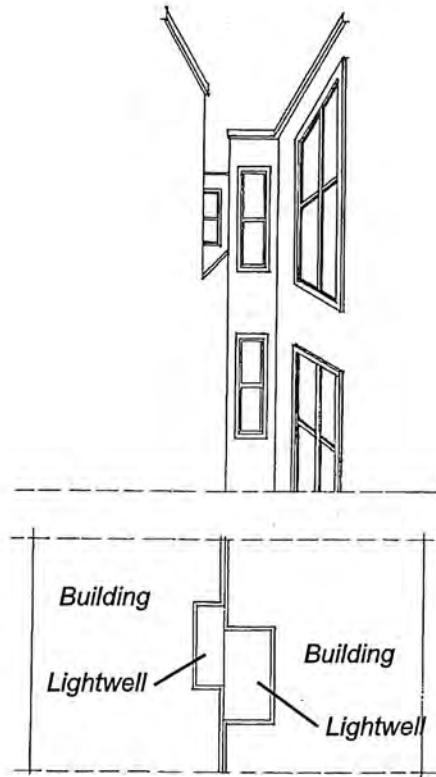








**EXHIBIT “B”**



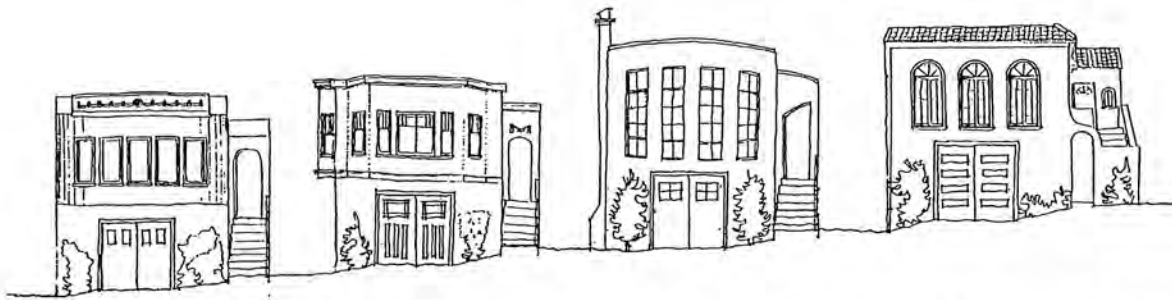
*Provide shared light wells to maximize light to both properties.*

## Privacy

As with light, some loss of privacy to existing neighboring buildings can be expected with a building expansion. However, there may be special situations where a proposed project will have an unusual impact on privacy to neighboring interior living spaces. In these situations, the following design modifications can minimize impacts on privacy; other modifications may also be appropriate depending on the circumstances of a particular project. Some of these measures might conflict with the “light” measures above, so it will be necessary to prioritize relevant issues:

- Incorporate landscaping and privacy screens into the proposal.
- Use solid railings on decks.
- Develop window configurations that break the line of sight between houses.
- Use translucent glazing such as glass block or frosted glass on windows and doors facing openings on abutting structures.





*Although features such as bays and chimneys project into the side yards, the overall side yard pattern is consistent, creating a defining characteristic of the block face.*

## REAR YARD

**GUIDELINE:** Articulate the building to minimize impacts on light and privacy to adjacent properties.

Rear yards are the open areas of land between the back of the building and the rear property line. When expanding a building into the rear yard, the impact of that expansion on light and privacy for abutting structures must be considered. This can be challenging given San Francisco's dense pattern of development, however, modifications to the building's design can help reduce these impacts and make a building compatible with the surrounding context.

### Light

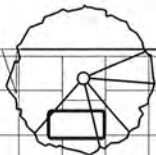
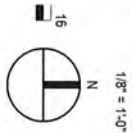
In areas with a dense building pattern, some reduction of light to neighboring buildings can be expected with a building expansion. However, there may be situations where a proposed project will have a greater impact on neighboring buildings. In these situations, the following design modifications can minimize impacts on light; other modifications may also be appropriate depending on the circumstances of a particular project:

- Provide setbacks on the upper floors of the building.
- Include a sloped roof form in the design.
- Provide shared light wells to provide more light to both properties.
- Incorporate open railings on decks and stairs.
- Eliminate the need for parapet walls by using a fire-rated roof.

Planning Code Section 101 states that one of the purposes of the Planning Code is to provide adequate light, air, privacy and convenience of access to property in San Francisco.

**EXHIBIT "C"**

25TH AVENUE



PROPERTY LINE 30.0'

AVG. ADJ.  
FRONT-YARD  
SETBACK = (E) 12'-0 1/2"

REAR-YARD  
SETBACK = 120'-0"  
x 30% = 36'-0"

AREA OF WORK - RE 2/A2.3

AREA OF WORK - RE 2/A2.1

5'-0" FROM  
P.L. TO  
DECK EDGE

PROPERTY LINE 120.0'

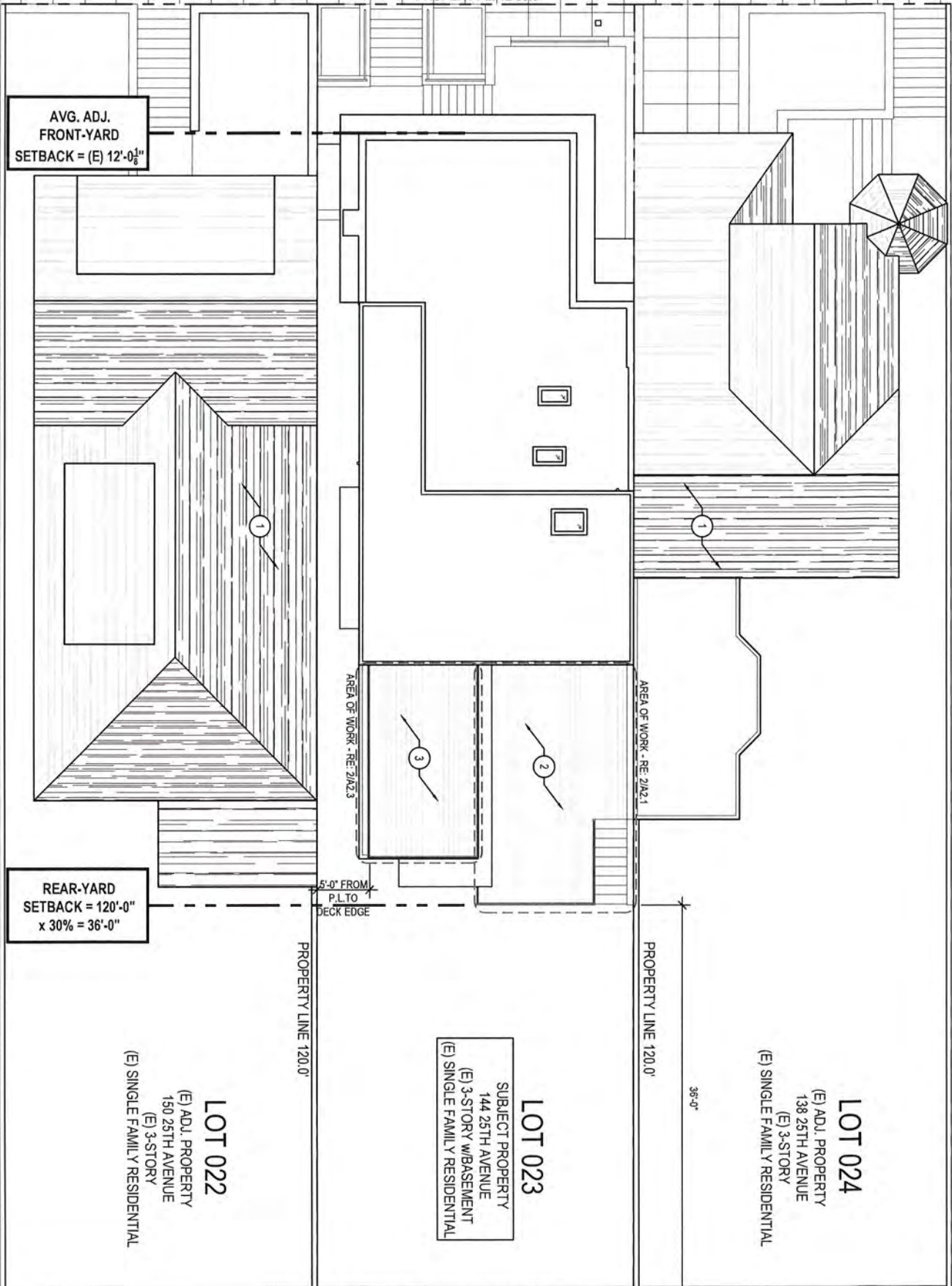
PROPERTY LINE 120.0'

36'-0"

**LOT 022**  
(E) ADJ. PROPERTY  
150 25TH AVENUE  
(E) 3-STORY  
(E) SINGLE FAMILY RESIDENTIAL

**LOT 023**  
SUBJECT PROPERTY  
144 25TH AVENUE  
(E) 3-STORY W/BASEMENT  
(E) SINGLE FAMILY RESIDENTIAL

**LOT 024**  
(E) ADJ. PROPERTY  
138 25TH AVENUE  
(E) 3-STORY  
(E) SINGLE FAMILY RESIDENTIAL

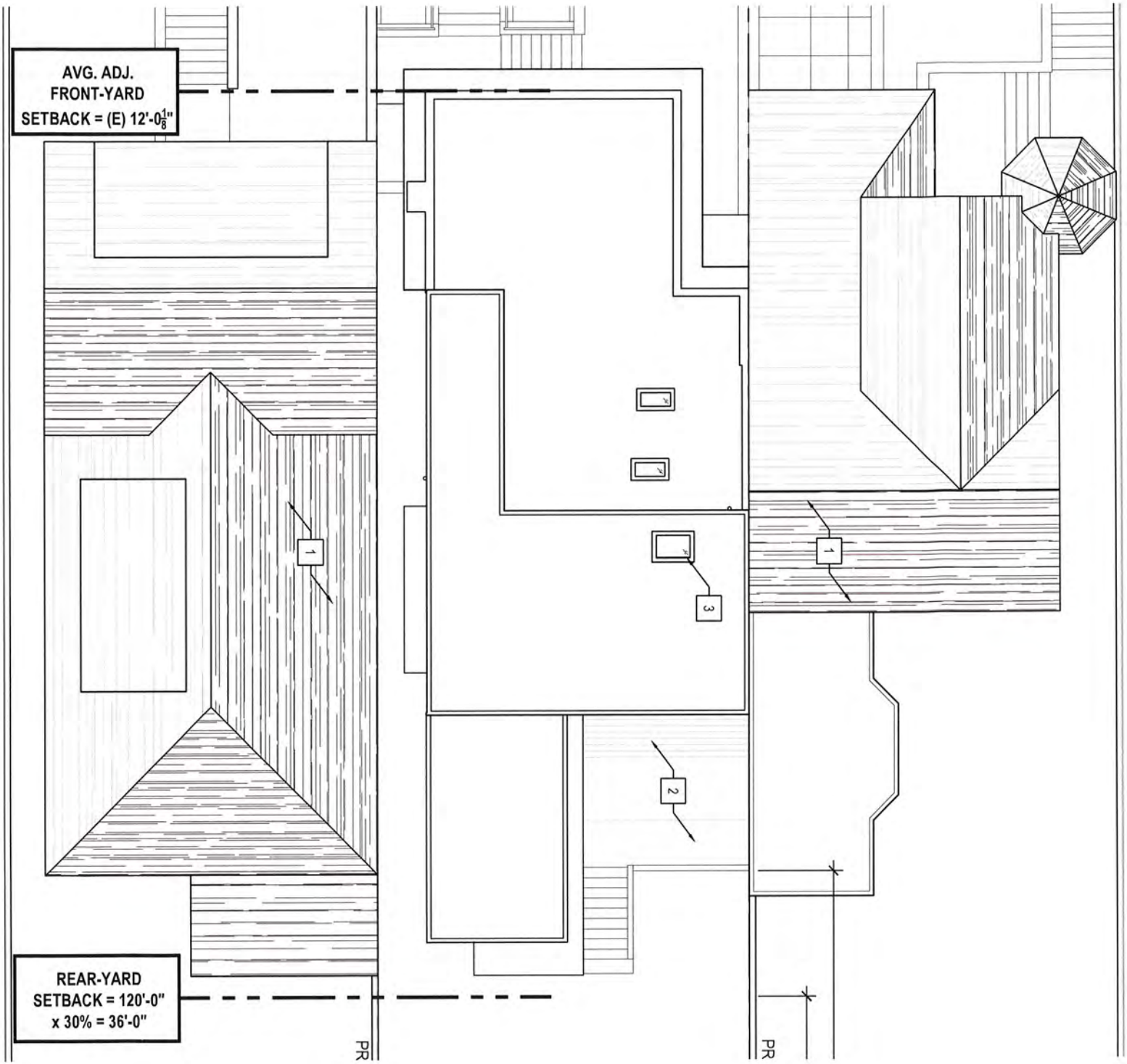


AVG. ADJ.  
FRONT-YARD  
SETBACK = (E) 12'-0<sup>1</sup>/<sub>8</sub>"

REAR-YARD  
SETBACK = 120'-0"  
x 30% = 36'-0"

RR

RR





PROPERTY LINE

PROPERTY LINE



3

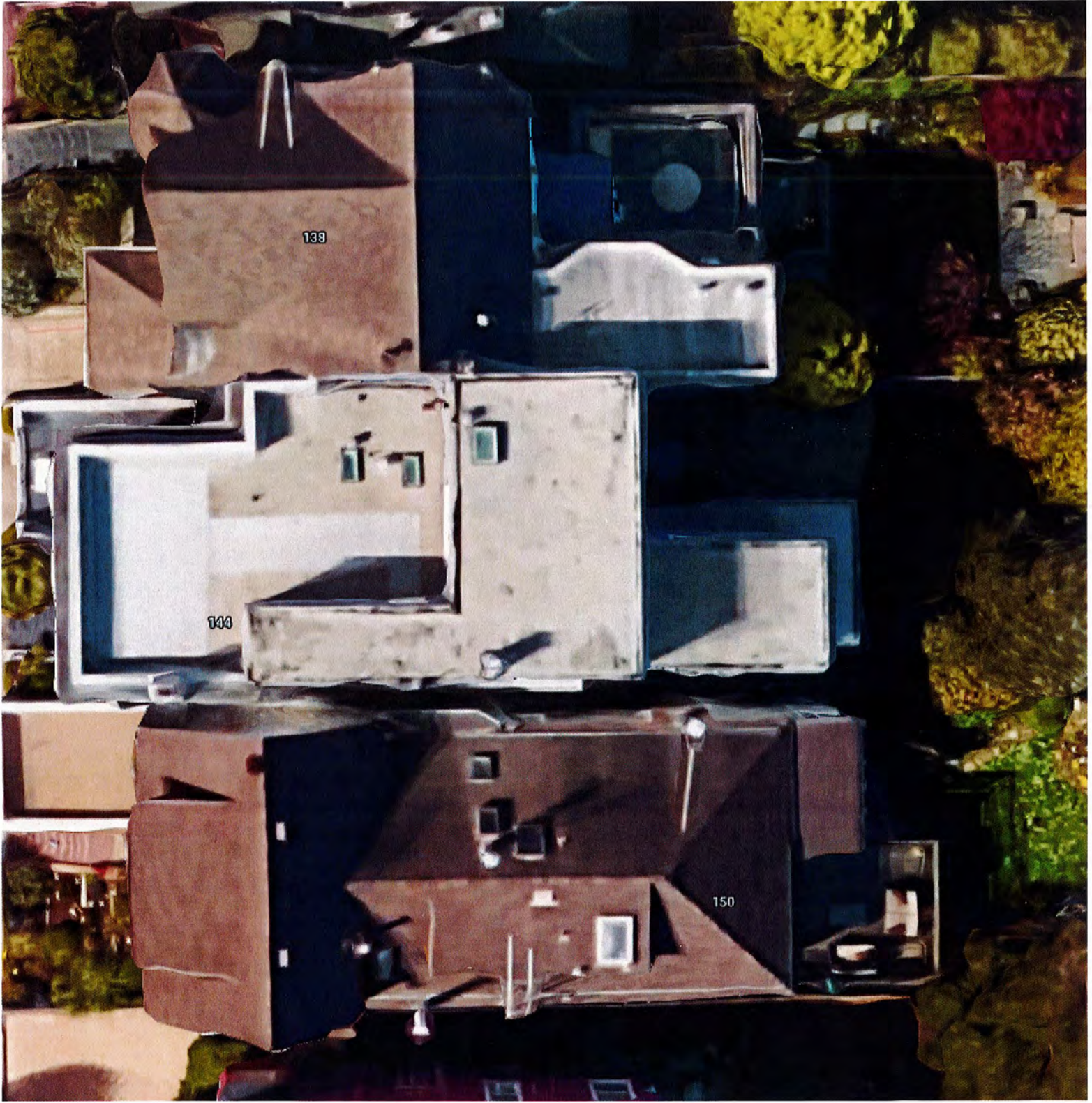
2



139

140

150





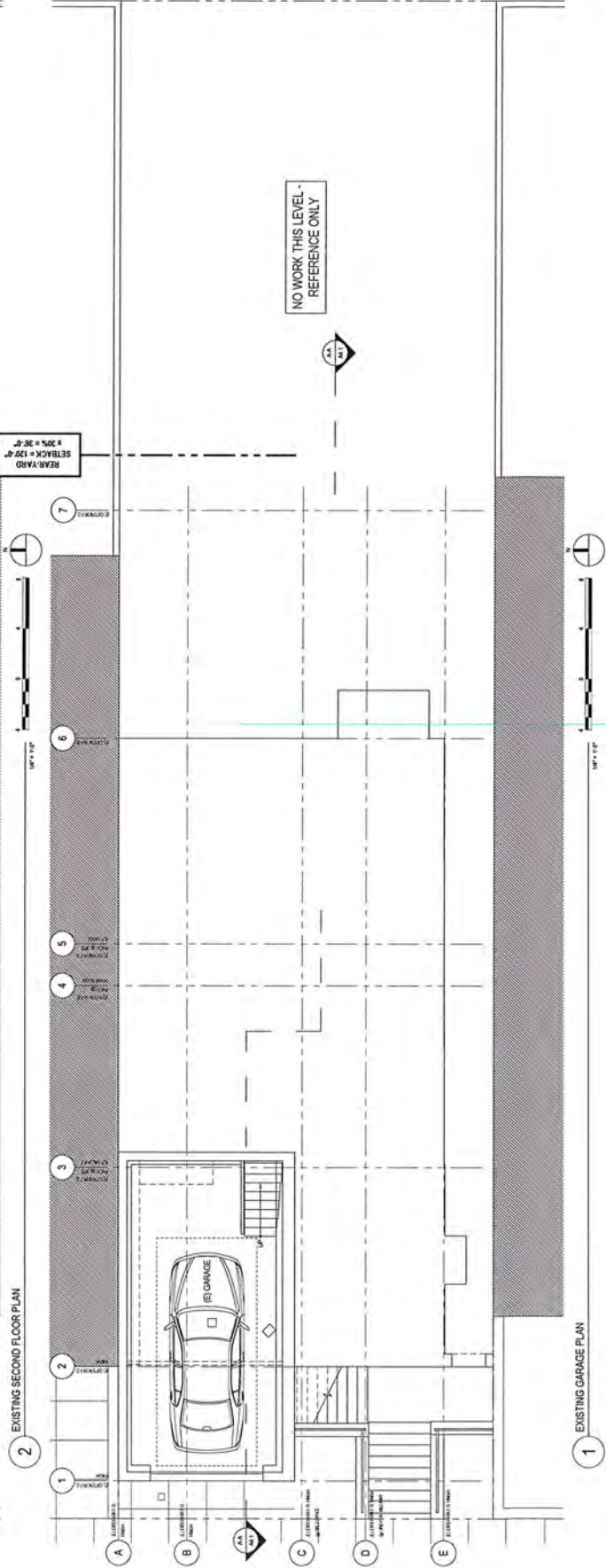
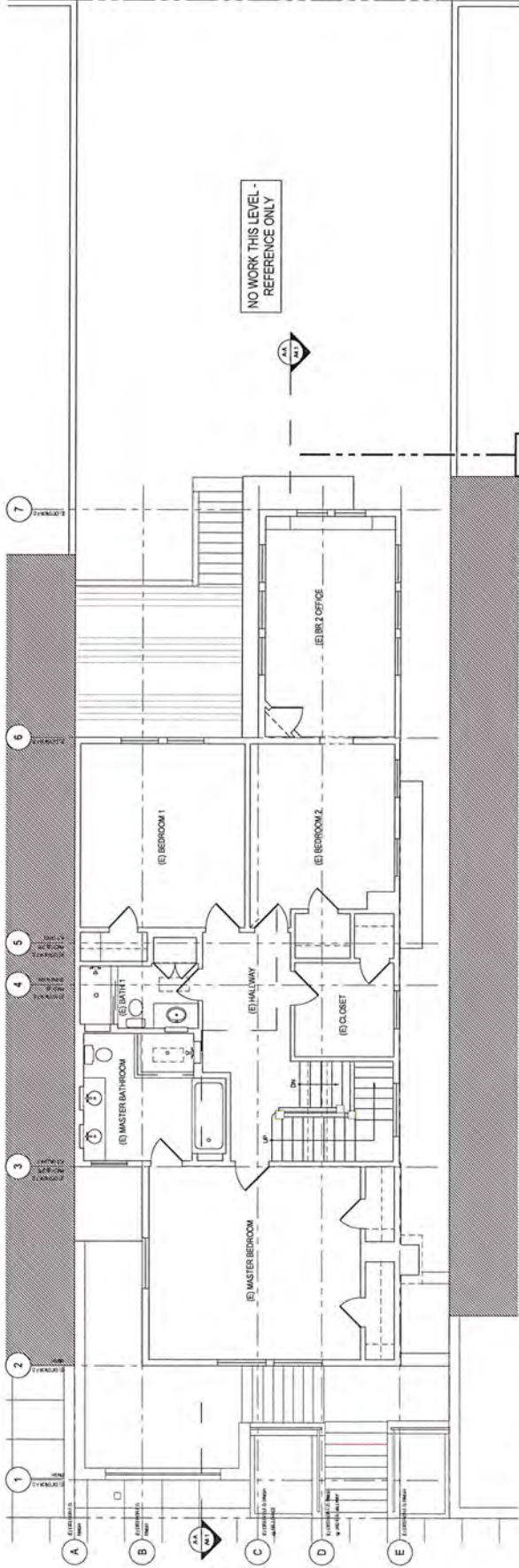












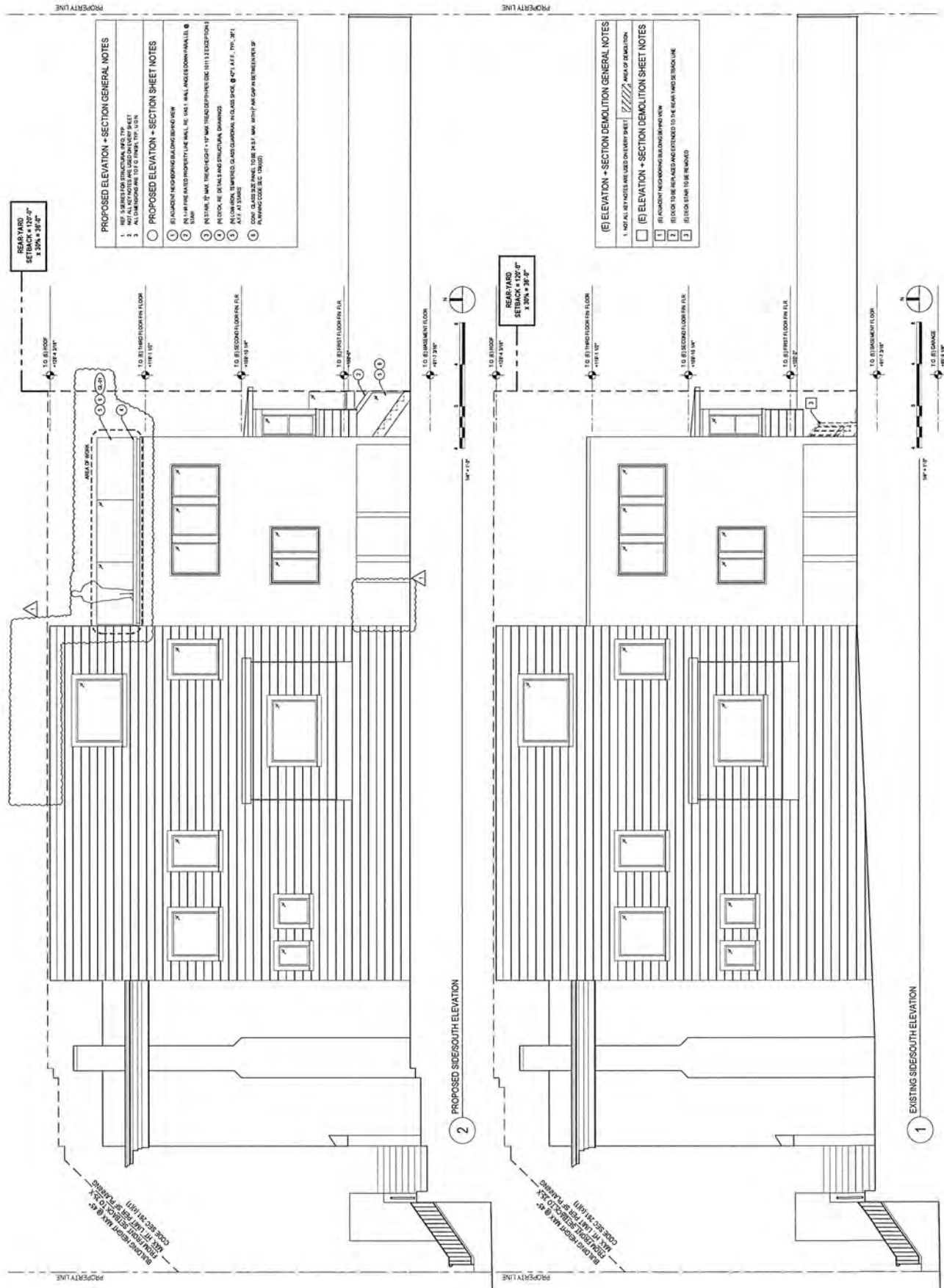












**PROPOSED ELEVATION + SECTION GENERAL NOTES**

- SEE SECTION FOR STRUCTURAL AND TRIM
- NOT ALL SET NOTES ARE USED ON EVERY SHEET
- ALL DIMENSIONS ARE TO FINISH UNLESS NOTED OTHERWISE

**PROPOSED ELEVATION + SECTION SHEET NOTES**

- IF ALREADY NOTED ON BUILDING SETBACK VIEW
- IF ALREADY NOTED ON PROPERTY LINE WALL, SEE 144.1 WALL AND DOWN-PANELS
- IF NOTED, IT MAY BE REQUIRED TO PROVIDE 12" MAX. RECESSED FINISH (SEE 144.1 SECTION)
- FINISHES TO BE NOTED ON TRIM AND STRUCTURAL DRAWINGS
- IF ALREADY NOTED ON GENERAL NOTES SHEET, SEE 144.1, 144.2, 144.3, 144.4, 144.5, 144.6, 144.7, 144.8, 144.9, 144.10, 144.11, 144.12, 144.13, 144.14, 144.15, 144.16, 144.17, 144.18, 144.19, 144.20, 144.21, 144.22, 144.23, 144.24, 144.25, 144.26, 144.27, 144.28, 144.29, 144.30, 144.31, 144.32, 144.33, 144.34, 144.35, 144.36, 144.37, 144.38, 144.39, 144.40, 144.41, 144.42, 144.43, 144.44, 144.45, 144.46, 144.47, 144.48, 144.49, 144.50, 144.51, 144.52, 144.53, 144.54, 144.55, 144.56, 144.57, 144.58, 144.59, 144.60, 144.61, 144.62, 144.63, 144.64, 144.65, 144.66, 144.67, 144.68, 144.69, 144.70, 144.71, 144.72, 144.73, 144.74, 144.75, 144.76, 144.77, 144.78, 144.79, 144.80, 144.81, 144.82, 144.83, 144.84, 144.85, 144.86, 144.87, 144.88, 144.89, 144.90, 144.91, 144.92, 144.93, 144.94, 144.95, 144.96, 144.97, 144.98, 144.99, 144.100
- DOOR GLASS TO BE 1/2" MIN. CLEARANCE TO THE REAR YARD SETBACK LINE
- IF FLOOR STAIR IS TO BE SHOWN

**(E) ELEVATION + SECTION DEMOLITION GENERAL NOTES**

- NOT ALL SET NOTES ARE USED ON EVERY SHEET
- AREA OF DEMOLITION

**(E) ELEVATION + SECTION DEMOLITION SHEET NOTES**

- IF ALREADY NOTED ON BUILDING SETBACK VIEW
- IF NOT TO BE RE-AGED AND EXTENDED TO THE REAR YARD SETBACK LINE
- IF FLOOR STAIR IS TO BE SHOWN

2 PROPOSED SIDESOUTH ELEVATION

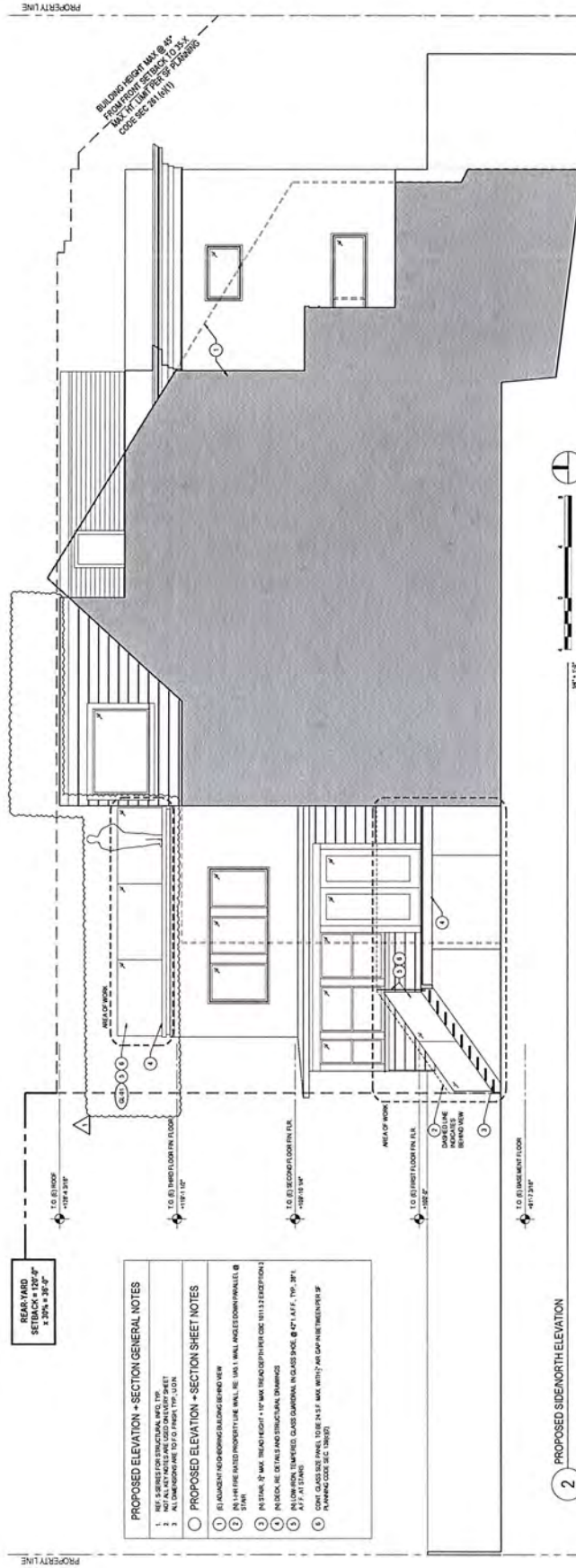
1 EXISTING SIDESOUTH ELEVATION

REAR YARD SETBACK = 120'-0"  
 ± 30% ± 30'-0"

REAR YARD SETBACK = 120'-0"  
 ± 30% ± 30'-0"

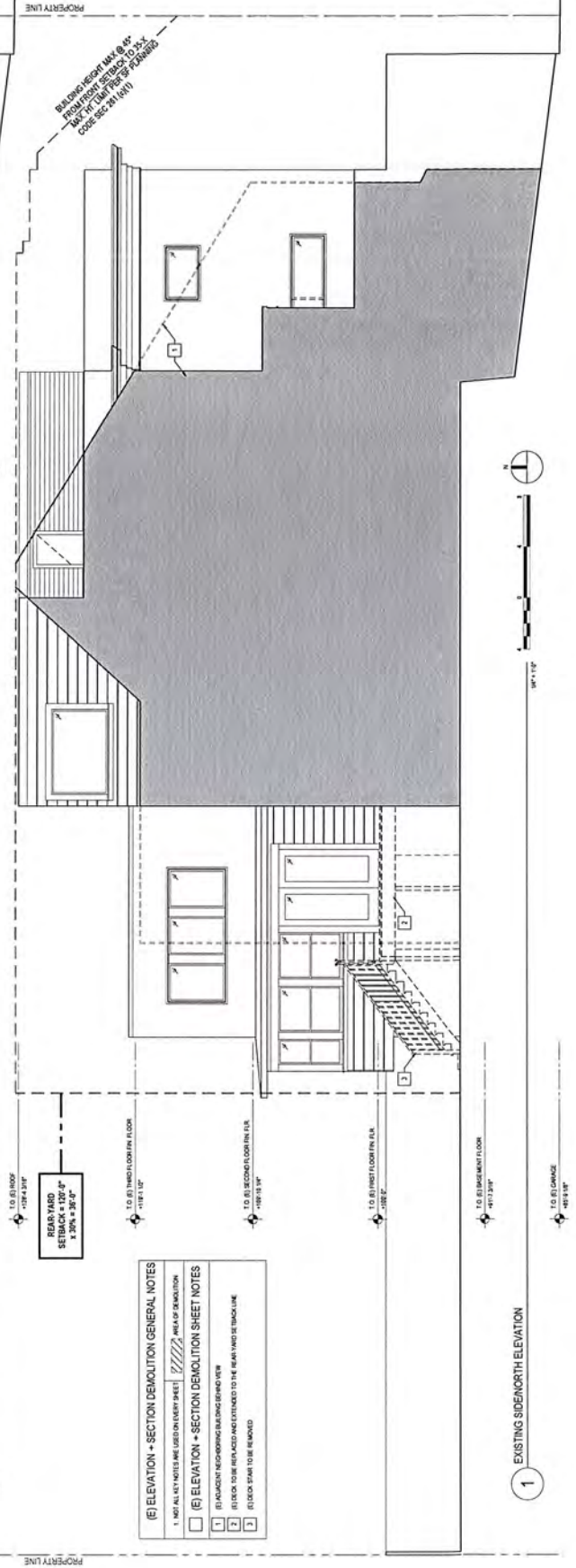
PROPERTY LINE

PROPERTY LINE



- PROPOSED ELEVATION - SECTION GENERAL NOTES**
- REF. SHEETS FOR STRUCTURAL AND MEP.
  - ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- PROPOSED ELEVATION - SECTION SHEET NOTES**
- ADJACENT EXISTING BUILDING BEHIND VIEW.
  - EXISTING WALL ANGLE DOWN PARALLEL TO STAIR.
  - FINISH FLOOR TO BE 1" MAX. REAR ELEVATION TO BE 117'-3 1/4" (EXISTING).
  - FINISH FLOOR TO BE 1" MAX. REAR ELEVATION TO BE 117'-3 1/4" (EXISTING).
  - FINISH FLOOR TO BE 1" MAX. REAR ELEVATION TO BE 117'-3 1/4" (EXISTING).
  - CONCRETE FLOOR TO BE 1" MAX. REAR ELEVATION TO BE 117'-3 1/4" (EXISTING).
  - FINISH FLOOR TO BE 1" MAX. REAR ELEVATION TO BE 117'-3 1/4" (EXISTING).

2 PROPOSED SIDENORTH ELEVATION



- (E) ELEVATION - SECTION DEMOLITION GENERAL NOTES**
- REF. ALL NOTES ARE USED ON EVERY SHEET.
  - AREA OF DEMOLITION.
- (E) ELEVATION - SECTION DEMOLITION SHEET NOTES**
- ADJACENT EXISTING BUILDING BEHIND VIEW.
  - FLOOR TO BE REPLACED AND EXTENDED TO THE REAR YARD SETBACK LINE.
  - DECK STAIR TO BE REMOVED.

1 EXISTING SIDENORTH ELEVATION

**EXHIBIT “D”**



Renato Jose <rjose@r-arch.com>

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## 144 25th Avenue - RDG rear deck question

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**Speirs, Jeffrey (CPC)** <jeffrey.speirs@sfgov.org> Fri, Dec 9, 2022 at 4:26 PM  
To: "Winslow, David (CPC)" <david.winslow@sfgov.org>, Renato Jose <rjose@r-arch.com>

Thank you both!

**Best Regards,**

**Jeffrey Speirs, Senior Planner (he/him)**

**Development Review Team 7 & 11 | Current Planning Division**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7357 | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)

***Note: Planning Department staff are currently working a hybrid schedule and as such, email is the best way to reach me.***

**From:** Winslow, David (CPC) <david.winslow@sfgov.org>  
**Sent:** Friday, December 9, 2022 4:23 PM  
**To:** Renato Jose <rjose@r-arch.com>  
**Cc:** Speirs, Jeffrey (CPC) <jeffrey.speirs@sfgov.org>  
**Subject:** RE: 144 25th Avenue - RDG rear deck question

I reviewed this at the counter and this looks ok with respect to the RDGs

David Winslow

Principal Architect



Design Review | Current Planning  
San Francisco Planning Department

49 South Van Ness, Suite 1400 | San Francisco, California, 94103

T: (628) 652-7335

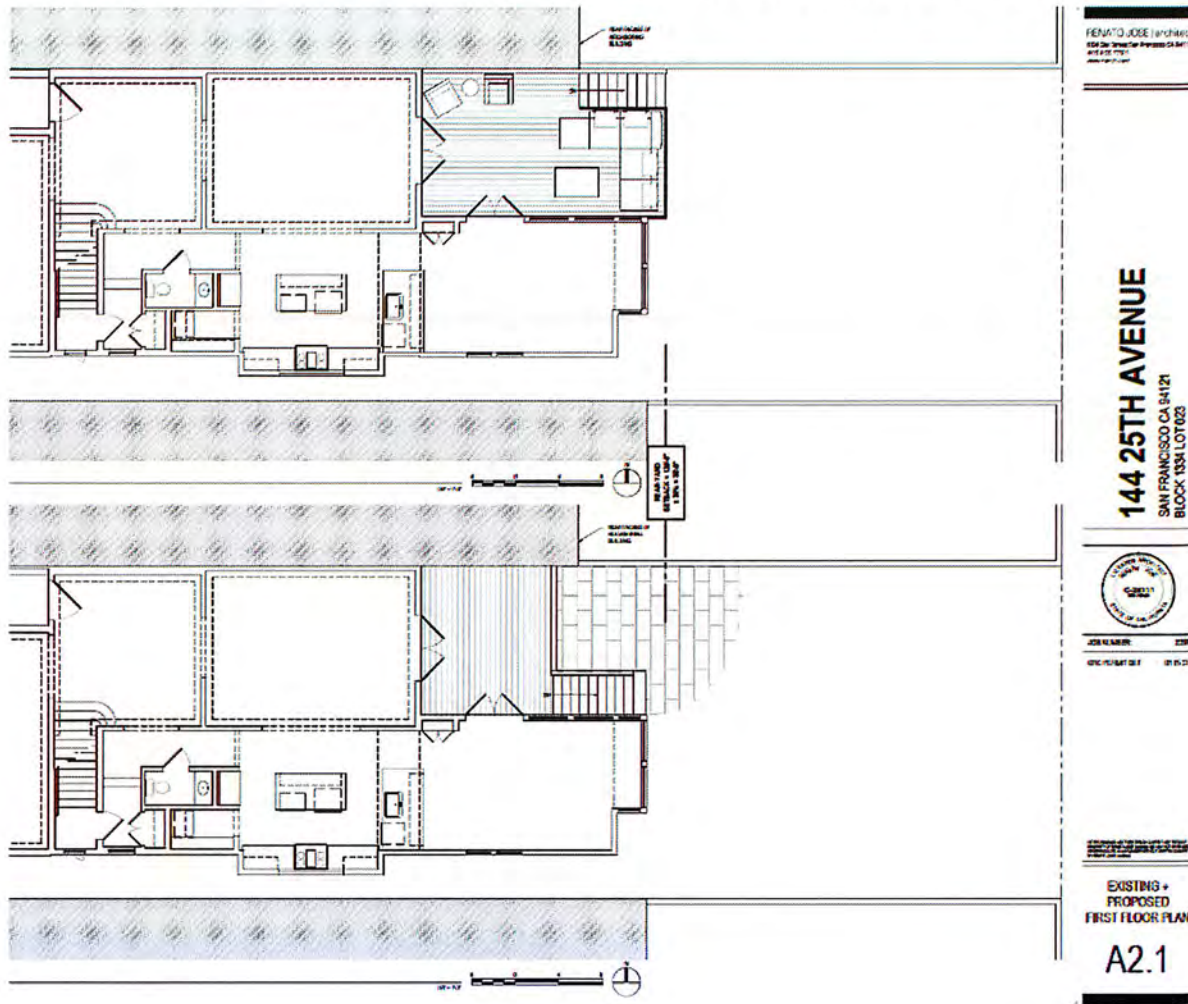
**From:** Renato Jose <rjose@r-arch.com>  
**Sent:** Friday, December 09, 2022 4:12 PM  
**To:** Winslow, David (CPC) <david.winslow@sfgov.org>  
**Cc:** Speirs, Jeffrey (CPC) <jeffrey.speirs@sfgov.org>  
**Subject:** 144 25th Avenue - RDG rear deck question

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

Hi David -

Thanks for meeting with me earlier this afternoon regarding our 144 25th Avenue deck project. As you mentioned, I've also copied Jeff Speirs who I spoke with last week at the PIC counter.

Per the attached pdf and image below, we're proposing extending an existing first floor rear deck to the rear-yard setback line as shown. The question I posed was relative to any side-yard setback requirements at the deck, once it gets past the adjacent neighboring facade, per the RDG (Residential Design Guidelines). Since we're proposing a 3' wide stair down to the rear yard, per our discussion, this meets the intent of the 3 foot "buffer zone" at the side-yard. The 42" tall, 1-hr fire-rated wall along the property line at the deck, will slope downward with the stair, parallel to the stair rise and run. Since we will be pursuing an over-the-counter permit, per the image attached and below, can you confirm that this meets the RDG requirements, so that I can present this to the planner on staff during my over-the-counter review?



Thanks again for your assistance, and if you need any clarifications or additional info, please do not hesitate to ask. Have a great weekend!

Best,

Renato

--

RENATO JOSE AIA | architect

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San Francisco CA 94117

t: 415 255 7781

e: [rjose@r-arch.com](mailto:rjose@r-arch.com)

[www.r-arch.com](http://www.r-arch.com)

**EXHIBIT "E"**







**EXHIBIT "F"**



**EXHIBIT "G"**





**EXHIBIT "H"**







**EXHIBIT "I"**





# PUBLIC COMMENT

**From:** [Michael Kardos](#)  
**To:** [BoardofAppeals \(PAB\)](#)  
**Cc:** [Lexi Bisbee](#)  
**Subject:** Alteration Permit No. 2023/02/02/1229 - Appeal No. 23-030 144 25th Ave.  
**Date:** Tuesday, August 1, 2023 8:05:10 PM  
**Attachments:** [image.png](#)

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

Dear Board of Appeals,

Upon our return from travel, we learned of a meeting scheduled for August 2<sup>nd</sup> at 5PM with respect to:

- Alteration Permit No. 2023/02/02/1229
- Appeal No. 23-030
- 144 25th Ave.

Our understanding is that part of this permit involves the building of a roof deck on the rear part of the home above the second story. I discussed with the neighbor and was told that plans could be found online and was further told that a glass railing will be used and that there would be 'no impact to our view' of the Golden Gate Bridge.

Upon returning to my house that evening at 154 25<sup>th</sup> Ave., I did a web search but could not find any plans online. I also took a picture from our 2nd story room at the furthest point at the back of our house which you can see below. The roof line of the neighbor's 2<sup>nd</sup> story can be seen just below the roadway of the GG Bridge. Our expectation is that any safety railing would be a minimum of 36in above the roof line and would therefore obstruct our direct view of most of the bridge (glass railing or otherwise). Furthermore, any furniture or plants on the roof deck would obstruct our view completely.

Having a GG Bridge view is one of the reasons we bought our home and is a key element in the home's value. The obstruction of this view is a major impact on us and the reason we object to this portion of the permit.

In addition to submitting our opposition here, we would like to have access to the meeting on August 2<sup>nd</sup> so that we might provide comment. We are also hoping to speak to someone in your office about this situation sometime before the meeting. Please let us know if there is a specific representative in your office that we can speak with. Thank you for your consideration.



Regards,

Mike Kardos and Lexi Bisbee  
154 25<sup>th</sup> Ave.  
SF, CA 94121  
307-690-4350  
[mikekardos@alum.mit.edu](mailto:mikekardos@alum.mit.edu)