

My comments are from the perspective of the DR Requestor. I think it is very laudable of the Department to reform this process. I think most DR Requestors have very good intentions. They are neighbors who have usually lived in their own home for a great length of time, so they appreciate and understand their immediate environment and have a pretty good understanding of the impact of a new project, whether it is a remodel or a brand new structure. They have an understanding that a planner may not have the time to cultivate because the staff has so much work. I think that sometimes the DR Requestor can become a minority voice of a project. But that minority voice can be an important viewpoint of the impact of the project that should not be overlooked, just because it may be a minority view. Staff and the Commission should remember that it is time consuming and emotionally consuming to attempt a DR. Plus it is very expensive, so I don't think anyone becomes a DR Requestor lightly. Often I think the DR Requestor is viewed as something of a pest, an obstructionist, not only by a project sponsor, but by the Department as well. There is a lot of hostility once it gets to the Commission. The current process prior to a DR being filed by a Requestor attempts to solve issues before they get to the Commission. However, this current process does not work because it favors the project sponsor and if the issues are not resolved before they get to the Commission then the DR Requestor looks as though they *are* obstructionist and just cranks trying to deny owners their property rights. I would bet that most DR Requestors are neighbors in our low density residential neighborhoods who are generally not trying to deny a fellow property owner their rights, but are long term neighbors, renters, but usually property owners who are up against "flippers" who are seeking to maximize a profit on an investment. Perhaps this will change with the economic downturn, but this being San Francisco the type of situation we have had the last 5+ years will probably return at some point. (I live in Noe Valley and perhaps that is the most extreme example of the flipping phenomenon but it is certainly not limited to my neighborhood. Here are some of my ideas for really limiting DRs, which could actually be ideal, creating good projects with good design and preserving the best of San Francisco's residential neighborhoods.

1. Department/Commission bias. Please do not take this personally, but it is my experience that the other than immediate neighbors, i.e. those on either side of a project, Planning doesn't really care about other neighbors concerns. These other neighbor's concerns range beyond the light/air issues which seem like solid, measurable qualities but can also be amorphous and used against DR Requestors (i.e. "their light and air are not affected" is a common way for staff to dismiss complaints against a project. This may be intellectually dishonest because it denies some real issues that should be planner's issues). In the initial notification of a project, the property owners who are notified are those so-called immediate neighbors on either side as well as the adjacent three lots to the rear of the property and the three directly across the street from a project. Here is an example: In the issue I was involved with a neighbor who was one of the rear three was specifically told by the planner, "there is nothing you can do". (The other two properties in the rear were rentals, I would have been the fourth if I had been notified). This person, one of the three rear property owners, gave up and even when it came time for the expanded involvement of the 300 feet they still did not want to be involved, because they had been told by staff there was nothing they could do about it.

SOLUTION #1: Expand the initial notification beyond the current lots to the within 300 feet. If that is deemed too much then a compromise could be at least 6-7 lots away, in the rear on the sides and across the street. Each situation is different and putting more neighbors into the debate early on, as the project is getting off the ground could clear up a lot of problems and misunderstandings that lead a project sponsor to feel like he is in the clear and won't have any delays, but the neighbors feel like they are being put upon and steamrolled. If more people are involved from the beginning, the less likely it would get to the Commission. A project could move forward faster. (However there are some things that need to be done to get a better design and better information to the neighbors that should be the project sponsor's responsibility which I will discuss in solution #2 below.) Also this would allow more people to have input. Often now the immediate neighbors, the ones on either side of the project can seal a deal with a project sponsor, freezing everyone else out. I saw it in my DR, where once they had a deal and the immediate neighbor got some benefits out of it (paint job, new deck, tree removal) my DR request was basically dead. The irony is that once the project was done, everyone now hates it and says it is a very unattractive, oversized building. (Again, that is why you will need other measures as I will discuss in solution #2). If the pool of early, initial input was expanded and more neighbors had a say initially then a project no one likes could have been avoided, as well as a better design and maybe also the DR.

2. Most times people cannot tell precisely what a project will be -- good or bad. Drawings, elevations can be unclear. In my particular case the elevations were incorrect and there was no way to prove it until the project was under construction and then it was too late. At the Commission I had a rendering done that showed the project did not comply with the Residential Design Guidelines (it was taller than the existing house right next door up the hill from it). In spite of the fact I went to the expense of having a rendering done that showed this, the Commission chose not to believe me because the elevation submitted by the developer showed the opposite. This is what I mean about minority view, bias against a DR requestor, etc.

SOLUTION #2: Materials submitted by DR Requestor should not be dismissed out of hand. I have seen this time and time again. There is a way to get an accurate assessment of a project, meeting the RDG and it is this: Have the project sponsor pay for an independent, Department accepted individual to create a rendering based on photographs taken by the Department and the elevations submitted by the project sponsor. This could be done in the beginning when the application is made and the initial elevations are accepted, so staff and neighbors, the expanded group listed above in Solution #1, could get a virtual view of a project. But the critical thing is that the renderings should not be done by the project sponsor's designers, BUT rather by an independent designer. I paid \$500 only to be dismissed by the Commission. However, the renderings I submitted were correct and they also showed what a bad design the project was. The project sponsor pay to do notification mailings now, they could pay this fee as well. If these independent, Department sponsored renderings were done it would help to cut down on DR requests and also be another source of information about a project that could bolster a

project sponsors argument if it still went to the Commission and someone did a "fake" rendering in opposition to the project. It could also help to ultimately get a good design.

3. Most reasons for projects being rejected by neighbors have to do with the perceived increase in size, that a new project, whether it is a remodel or new project are too big, too out of scale. Even if a project is within the zoning requirements, so what? Frankly, the zoning is at the high end, an extreme of what is allowable. There should be other benchmarks available to neighbors and the Commission as well as the staff to determine the suitability of a project.

SOLUTION #3: A new project, remodel or new structure should be no more than twice the square footage of the existing house or equal to the adjacent houses in square footage, plus 100 to 350 square feet. This would maintain scale. It would allow for compliance with the RDG which are vastly underused and often misused as just boilerplate in justifying a project. And it could cut down on DRs because, anything that did not meet these standards would immediately go to a DR hearing, no questions asked. If project sponsors knew for certain there would be no DR, then maybe they would comply with this requirement. I would think this type of requirement would meet with most neighbors approval. Certainty for everyone, neighbors and project sponsors would be the outcome.

4. Many new projects are too large too tall even within the height and bulk limits. Face it, they are made that way to create views for new projects that add to increased value for that project. Roof decks specifically do that. Yet, even though the Department is granting this view to a new project, DR requestors are denied to raise it as an issue. The mantra is no one is entitled to a view. This hypocrisy really should end.

SOLUTION #4: Have project sponsors put up that netting/poles that many municipalities use to show neighbors what the mass and size will be like. If this is done early in the process then some compromises could be reached. This along with a rendering discussed in Solution #2 will give both staff and neighbors a better understanding of the project. This netting could also be used to show massing, particularly in the rear of the project where new construction is often just a big mass, where the neighboring existing houses rear walls are on several different planes, which is actually much more interesting and much more San Francisco.

5. Community Boards are very nice people, but they have no design/planning expertise. If the parties go there and try to work something out, but nothing happens, then the DR requestor looks obstructionist.

SOLUTION#5: Using the ideas listed above, along with a staff as Ombudsmen, not the staff dealing with a project directly, but even Building Department Staff, sit down with all the information. And work out a solution. You need real professional input as the project sponsor and neighbors hammer something out, not just someone who is looking for everyone to feel good. These types of details are difficult to work out at the Commission and should not just be left to staff but should have neighbors as well as the project sponsor input.

Overall I think there is a general feeling by citizens that once you get to the DR process at the Commission there is little chance of being really heard. You have a hearing, but no one is really listening. Citizens, neighbors do have good ideas. Obviously if it gets as far as the Commission, neighbors have not been heard in the early going of the process. As I said above, neighbors don't like to file DRs. Whether you are a group of 20 or one lone person a neighbor has the right to be heard and assumed to have valuable information. People know their City, their neighborhood, their block and their street. They know the space around them. That valuable information may help to create a better project and there needs to be a much more active, proactive and challenging process way before it gets to the Commission in order to help create good projects. That way perhaps everyone will be heard. Thank you.

Dear Ms. Chau: I will speak at the Community Outreach meeting. Thank you. See you then.

Sincerely,
GEORGIA SCHUTTISH

Georgia Schuttish

[REDACTED]