

November 18, 2013

To: Brisbane City Council
Raymond C. Miller, W. Clarke Conway, Clifford R. Lentz, and Terry O'Connell

From: Manh Quach
683 S. Mayfair Ave
Daly City, CA 94015
(415) 370 – 9935

Re: 8 Thomas Avenue Design Permit DP-1-13 & Grading Permit EX-1-13 Appeals Process

Dear City Councilors,

My name is Manh Quach and my family and I intend to build a home for ourselves at 8 Thomas Avenue. I am writing to let you know how grateful and relieved we are that our house design was approved for construction by the planning commissioners. It really does mean the world to us to finally be able to move on with the project and be able to build in Brisbane.

During the planning commission meeting on November 14, 2013, all 4 present commissioners, Jameel Munir, Karen Cunningham, TuongVan Do, and Carolyn Parker, *approved* my house's design 4 ayes to 0 nays. We completely understand and agree with the facts and decisions the commission made regarding what the key issues were. We already altered our house's design multiple times in attempts to appease our neighbors. The impact the house will have on the mountain will be minimal at most, if at all. The house follows all current guidelines and regulations set by city code, requiring no variances. We already have a landscaping plan in place that we intend to uphold and maintain in order to appease the requests of the commissioners and also mask much of the house. And most importantly, the true underlying issue at hand involved the matter of the house possibly obstructing private views of some neighbors, which are not legally protected by law as it would infringe on our constitutional rights as a potential homeowner. Ms. Cunningham made it very clear that the plan cannot be denied on the basis of private view obstruction.

The current concerns we have are with the appeals process. We are aware that any opposition will have the right to appeal the approval decision handed down on Thursday, November 14. We were also informed that to appeal, there is a fee. However, we also heard that with the approval of the councilors, that fee can be waived, which troubles us greatly.

We implore you to **not** waive this fee for anyone who would like to appeal the commission's decision. Every new design for the house costs my family about \$50000 just in architectural fees. After that, we would have to re-submit the new plan and have to go through this entire meeting and review process again, which will use up an additional 10-12 months. Every month that goes by waiting for a meeting is a valuable month off of my parents' lives. My parents are on the wrong side of 80 years old and I want them to be able to comfortably live in this house before their time is up.

Right now, we agree with everything the commission has ruled. We find no fault in any statements issued by the commission. Any appeal process, any further meetings and complaints: we can only see as a stall tactic by the opposing party to drain us of our desire and financial ability to build. We believe that if they truly feel they can win an appeal, they will not object in the slightest to paying for it. Every change they demand of us to implement to our design costs us both time and money. It would be unfair if they did not have to shell out a single dollar of their own in this fight.

We have already listened to and tried to implement as many changes as we could. The house is already at its minimum in order to stay true to the design. As our architect, David, mentioned in the meeting, any changes to the house would be an entirely new design. Any lowering of the house into the ground would cause run-off problems. Any lowering of the roof would bring about other issues as well. Also, having David completely redesign the house in this way would again cost us tens of thousands of dollars.

We have listened to our neighbors' requests, including the requests of Beth and Storrs Hoen, two of the opposing party's frontrunners in the planning commission meetings. Prior to the first meeting, Beth and Storrs invited my family, my architect, and me to their house to introduce ourselves and discuss the potential impact of our design. We listened, and we did implement changes such as the removal of the chimney and to work the landscaping to mask the house from their view as much as possible. During the hour or so we spent at Beth and Storrs' home, not *once* did they mention any worry about our design potentially impacting public views of San Bruno Mountain, which they used as their primary argument during the planning commission meetings. The only concern they expressed, over and over, was that our design would block their own private view of the bay.

We refrained from mentioning this story at either of the two meetings because, out of respect for our neighbors, we did not want to make this fight personal. Any appeals going forward are, as Ms. Cunningham has mentioned, either a matter of our house's impacts on **private views** or just someone's **general distaste** for larger houses. If personal preference and private views were to be a determining factor in a design application, it would essentially be the same as saying one family's ability to enjoy a nice view takes priority over an applicant's **constitutional right** to build a home to his/her liking.

Again, we implore you, as the City Council, to continue doing a wonderful job staying impartial and **not** agree to waive the appeal fee. With every passing day and every change demanded of our design, it consumes valuable time and money we just cannot afford to reallocate. If they are going to demand these changes of us, it is only fair that they have to pay for their own ticket to this fight.

Thank you, and if our worries are for naught and either no appeal is filed or the fee was going to be upheld anyway, then we want you to know how much we appreciate you taking the time to hear us out.

Sincerely,

Manh Quach
And the Quach Family