

File No. 110945

Committee Item No. _____
Board Item No. 27

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Board of Supervisors Meeting

Date October 4, 2011

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Ethics Form 126 |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Dept. Response</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appellant's letter of withdrawal</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appellant's appeal</u> |
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Completed by: Andrea Ausberry Date September 27, 2011

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.

**JOHN M. SANGER
REAL ESTATE**

JOHN M. SANGER, TRUSTEE
DECLARATION OF JOHN M. SANGER TRUST, UTD 10/24/03
576 SACRAMENTO STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3023
TEL 415.693.9300 FAX 415.693.9322
sanger@sanger-olson.com

September 15, 2011

FACSIMILE TRANSMITTAL TO:

Name	Firm	Telephone	Fax Number
Angela Cavillo	Clerk, San Francisco Board of Supervisors	554-5184	554-5163

From: John M. Sanger & Catherine S. Sanger
Re: Withdrawal of Appeal by John & Catherine Sanger
of Pages: 2 (including this cover sheet)
C/M #: 0097/
Message: Please see attached letter.

Orig: Joy, COB, Leg Dep.
BOS-11 (email) C. Adams
Files 110835 cpage
✓ 110945

JOHN M. SANGER, TRUSTEE
DECLARATION OF JOHN M. SANGER TRUST, UTD 10/24/03 & CATHERINE S.
SANGER
576 SACRAMENTO STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3023
TEL. 415.693.9300 FAX 415.693.9322

September 15, 2011

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 SEP 15 PM 2:47
SL

Angela Calvillo, Clerk of the Board
SAN FRANCISCO BOARD OF SUPERVISORS
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4603

Re: APPEAL OF PROPOSED TENTATIVE MAP/PARCEL MAP AND
EXEMPTION FROM ENVIRONMENTAL REVIEW BY GENERAL
RULE EXCLUSION FOR THE SAME

FILE NO. 110835
APPLICATION NO. 2008.01554S
1171 SANSOME STREET, AKA 1111 SANSOME STREET
BLOCK 113, LOT 40

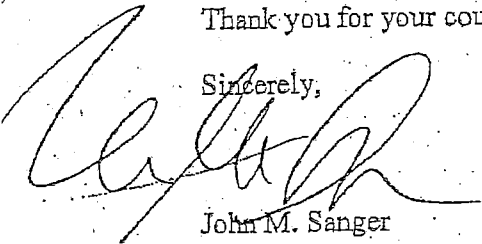
Dear Ms. Cavillo:

My daughter Catherine and I are two of the appellants who filed an appeal with respect to the referenced item, both with respect to the potential approval of the Proposed Parcel Map for 1171 Sansome Street (aka 1111 Sansome Street) and the exemption from environmental review granted for the same by the Department of City Planning, Office of Environmental Review,

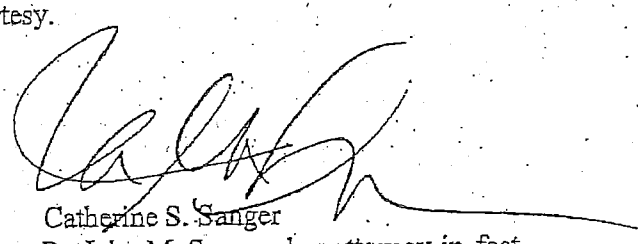
We hereby withdraw as appellants with respect to this matter. We have communicated our decision to the other appellants but are not authorized to speak for them.

Thank you for your courtesy.

Sincerely,



John M. Sanger



Catherine S. Sanger

By John M. Sanger, her attorney-in-fact

SANGER & OLSON

LAWS CORPORATION
576 SACRAMENTO STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3023
TEL. 415.693.9300 ■ FAX 415.693.9322

John M. Sanger, Esq.
sanger@sanger-olson.com

September 1, 2011

BY FACSIMILE (554-5163), EMAIL AND HAND DELIVERY

President David Chiu and
Members of the San Francisco
Board of Supervisors
1 Dr. Carlton Goodlett Place
San Francisco, CA 94102-4603

Re: FILE NO. 110835; APPLICATION NO. 2008.01554S
1171 SANSOME STREET, AKA 1111 SANSOME STREET, BLOCK 113,
LOT 40, APPEAL OF TENTATIVE MAP; APPEAL OF CEQA
EXEMPTION

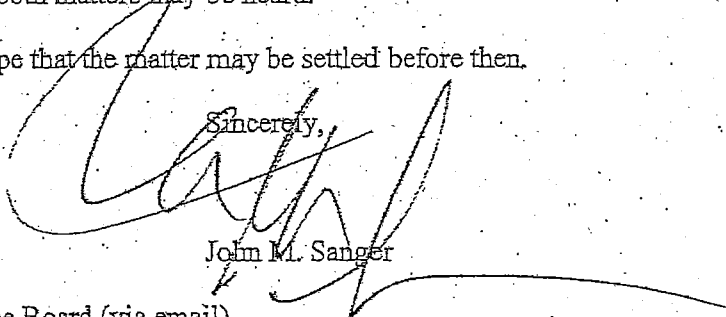
Dear President Chiu and Members of the Board:

I am writing on behalf of Appellants in the referenced matters, consisting of my daughter, myself, David Davies and Jack Weeden, and Vedica Puri.

The Clerk of the Board has advised us that the appeal of the CEQA exemption has been scheduled for October 4, 2011. It is our further understanding of the law and from the City Attorney that the appeal of the parcel map cannot properly be heard until the appeal of the CEQA exemption which underlies it is heard and decided. Therefore, we assume and hereby request that the appeal of the tentative map now scheduled for September 6, 2011 be rescheduled for October 4, 2011 at which time both matters may be heard.

Both the applicant and I hope that the matter may be settled before then.

Sincerely,


John M. Sanger

Cc: Angela Cavallo, Clerk of the Board (via email)
All members of the Board of Supervisors (via email)
Deputy City Attorney John Malamut (via email)
Vincent Tai (via email)
Clients



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

APPEAL OF GENERAL RULE EXCLUSION 1171 Sansome Street (AKA 1111 Sansome Street)

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: September 26, 2011

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Bill Wycko, Environmental Review Officer – (415) 575-9048
Don Lewis, Case Planner – (415) 575-9095

RE: File No. 110945, Planning Case No. 2008.0154E
Appeal of General Rule Exclusion for Subdivision of an existing lot
(Assessor's Block 0113/040) at 1171 Sansome Street

HEARING DATE: October 4, 2011

ATTACHMENTS: A – Letter of Appeal (March 14, 2011; Exhibit A of Letter of Appeal is the August 16, 2010, Certificate of Exemption from Environmental Review)
B – Department of Building Inspection Memorandum to Bruce Storrs, Division of Subdivision and Mapping, Department of Public Works, December 16, 2008

PROJECT SPONSOR: Vincent Tai, Tai Architecture, (415) 921-9808

APPELLANTS: David Davies, Jack Weeden, and Vedica Puri¹

INTRODUCTION:

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Department's (the "Department") issuance of a General Rule Exclusion under the California Environmental Quality Act ("CEQA Defermination") for the subdivision of a lot at 1171 Sansome Street AKA 1111 Sansome Street (the "project").

The Department, pursuant to Title 14 of the CEQA Guidelines, issued a General Rule Exclusion Certificate for the project on August 16, 2010, finding that the proposed project would not have a significant effect on the environment.²

¹ John M. Sanger and Catherine S. Sanger withdrew their appeals on September 15, 2011.

The decision before the Board is whether to uphold the Department's decision to issue a General Rule Exclusion and deny the appeal, or to overturn the Department's decision to issue a General Rule Exclusion and return the project to the Department staff for additional environmental review.

PROJECT DESCRIPTION:

The proposed project involves the subdivision of the existing lot resulting in a 3,300-square-foot parcel (Parcel A) and a 9,300-square-foot parcel (Parcel B). A subdivision allows each created lot to be separately sold, financed, or leased. Construction is not proposed as part of this project. Parcel A is located in the southwest corner of the lot fronting on Sansome Street and would be retained by the owners for future development, while Parcel B, which would be "L-shaped" with frontages on both Sansome Street and Calhoun Terrace, is being proposed for donation to a non-profit organization to be preserved in its natural state. The proposed subdivision would result in two lots, which would both meet Planning Code requirements for minimum lot size of at least 2,500 square feet. The project site is an undeveloped, steeply-sloping lot located on the west side of Sansome Street on the block bounded by Green Street, Calhoun Terrace, Sansome Street, and Union Street in the North Beach neighborhood. The proposed project would require a subdivision permit from the Planning Department, the Department of Building Inspection, and the Department of Public Works.

BACKGROUND:

There have been various proposed development scenarios by the current project sponsor, Vincent Tai. In 1982, under Case No. 1982.418E, a 12-story office/residential complex along Sansome Street was proposed, and the Department certified an Environmental Impact Report for the project. In 1995, under Case No. 1995.231E, a two-lot subdivision with development of Lot 1 with a four-story live/work building and Lot 2 (front on Calhoun Terrace) with a single-family residence was proposed. The project was revised to a two-lot subdivision with a total of four townhouse units fronting on Sansome Street and no development on Lower Calhoun Terrace. Then the project was revised to a 3-lot subdivision with a total of four townhouse units at 1171 Sansome Street and a residential structure at 88 Calhoun Terrace. The project sponsor withdrew their project on February 28, 2003. On July 13, 2009, the project sponsor submitted an Environmental Evaluation Application for the proposed project described above.

CEQA GUIDELINES:

CEQA Guidelines Section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. As described in the General Rule Exclusion Certificate, there are no conditions associated with the proposed

² California Code of Regulations, Title 14, Section 15061(b)(3), the General Rule Exclusion.

subdivision that would suggest the possibility of a significant environmental effect. The project meets the conditions of CEQA Guidelines Sections 15061(b)(3), and the exemption from environmental review is appropriate, as it can be seen with certainty that the proposed subdivision would not have a significant impact on the environment. Therefore, under the above-cited classification, the proposed project is appropriately exempt from environmental review.

APPELLANTS ISSUES AND PLANNING DEPARTMENT RESPONSES:

The issues raised in the August 19, 2011 Appeal Letter are cited below in the order in which they appear in the Appeal Letter and are followed by the Department's responses.

Issue #1: Noticing Procedures. The appellants claim that notice to adjacent property owners, John Sanger and Catherine Sanger, was sent to an incorrect address provided by Radius Services based on old assessment records and not assessment records current as of date of proposed notice in December 2009.

Response #1: Consistent with current practices and City law, the project sponsor provided the Department with a list of owners within a 300-foot-radius of the project site and occupants of adjacent properties and the Department mailed the required notice. These labels were prepared by Radius Services on September 9, 2009. The mailing labels included *Sanger TRS, 1 Embarcadero Center #1200* and *John Sanger TRS, 1 Embarcadero Center #1200*, which is a former address of the former appellant.³ Ensuring that proper parties are identified for notification purposes is the responsibility of the project sponsor. The Department mailed to the parties identified by the project sponsor in a letter titled "Notification of Project Receiving Environmental Review" on December 2, 2009. In addition, and pursuant to Chapter 31 of the San Francisco Administrative Code, the Planning Department sent the environmental notice to the North Beach Neighborhood List and posted the General Rule Exclusion Certificate at the Planning Department. Therefore, notification of the proposed project was consistent with the customary notification practices of the Planning Department.

Issue #2: The General Rule Exclusion should evaluate development of the site. The appellants state that Appellant Puri objected to the exemption in a letter dated January 4, 2010 to the Planning Department."

Response #2: The Department evaluated the project as proposed in the Environmental Evaluation application. Appellant Vedica Puri expressed her concerns regarding the likelihood of the project sponsor finding a willing nonprofit for the proposed "L-shaped" lot, and that environmental review of the proposed subdivision is required based on previous Department determinations in 1998. As stated in the General Rule Exclusion Certificate, the likelihood of the project sponsor finding a nonprofit agency to take the "L-shaped" lot (Parcel B) does not represent unusual circumstances that would cause the proposed subdivision to have a significant

³ John Sanger and Catherine Sanger both withdrew their appeal of the General Rule Exclusion on September 15, 2011.

effect on the environment. Previous Department determinations are not relevant because previous project proposals included new construction. The proposed subdivision project, which does not include new construction, meets the requirements for a General Rule Exclusion and is exempt from CEQA. If development is proposed at a later time, further environmental review would be required.

Issue #3: The project involves unusual circumstances associated with steep slopes and the geological conditions on site.

Response #3: A General Rule Exclusion is appropriate for this project because it could have no potential significant impacts. CEQA Guidelines Section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment and projects that have no such potential can be excluded from CEQA by this general rule. Pursuant to CEQA, a "significant effect on the environment" means a substantial, or potentially substantial, adverse change in the environment. The environment means the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance. The primary concern is the geological aspects of the project site which have been investigated and reported by a number of geotechnical consultants during the past 20 years. Based on the geotechnical investigations prepared by Trans Pacific Geotechnical Consultants (dated August 8, 2002 and updated December 2, 2008) and Treadwell & Rollo/Olivia Chen Consultants (dated December 19, 1999 and commissioned by the Department of Public Works), the subject property is stable and safe to develop, and there is sufficient evidence to support the "buildability" of the lot, especially for the proposed Parcel A, which fronts on Sansome Street. As noted in the project description above, the current application is only for a subdivision and no construction is proposed at this time. The fact that there have been a number of past proposals for the project site is not relevant to the review of the current project.

The proposed project would not result in any physical activity on the subject lot, and as such, would have no impact on land use, visual quality, transportation, population, air quality, noise, biological resources, cultural resources, geology, hydrology, and hazardous materials. Any future development on the project site would require additional planning review and a building permit. The proposed project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Because no new construction is proposed, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Issue #4: Subdivision of the site implies development will occur. The appellants state that they have "documented refusal by Planning Department to grant exemption for prior 3-lot subdivision due to construction implied by subdivision; violation of anti-piecemealing rule regarding the whole of an action."

Response #4: The current proposal for the site does not involve site development. The previously submitted subdivision project proposal, under Case No. 1995.231E, involved the new construction of a total of four townhouse units at 1171 Sansome Street and a single-family dwelling at 88 Calhoun Terrace. A landslide was reported on January 15, 1998 at the project site, and resulted in several rocks falling down the hill, the uprooting of a pine tree, debris deposits on the roof of the building at 200 Green Street. The Department required a new geotechnical report, despite acknowledging that there was sufficient evidence to support the "buildability" of the project site. The project sponsor eventually withdrew the project on February 28, 2003. The current project proposal includes the subdivision of an existing lot into two lots, and no new construction is proposed.

CEQA prohibits piecemeal environmental review of large projects into many little projects, which each have minimal potential to impact the environment, but cumulatively could have significant impacts. Staff finds that the current project application does not constitute piecemeal development under CEQA because no physical impact on the environment would result from the proposed subdivision project and because the Department has not received any plans from the project sponsor regarding new construction at the project site.

Issue #5: A General Rule Exclusion is not appropriate for the steeply-sloping project site.

Response #5: A General Rule Exclusion is appropriate for a project that would not result in any physical activity on the subject lot, and would have no impact on the environment. Pursuant to Class 15 (State CEQA Guidelines Section 15315) of Title 14 of the California Administrative Code, subdivision of a parcel containing 20% or greater slope is not Categorically Exempt from CEQA review. Thus, the Department issued a General Rule Exclusion for the project specifically because the slope of the subject parcel exceeds 20%. When subdivision of a parcel containing 20% or greater slope is coupled with development, the Department typically issues a General Rule Exclusion for the subdivision with either a Class 1 Exemption for existing facilities (such as additions or alterations) or a Class 3 Exemption for new construction. As noted in the General Rule Exclusion Certificate, there have been extensive geotechnical and geological investigations and reports, both individually and collectively, on the project site, and there is sufficient evidence to support the "buildability" of the lot, especially for the proposed Parcel A. In addition, the Department of Building Inspection (DBI) approved the original full geotechnical report prepared by Trans Pacific Geotechnical Consultants dated August 2002 and their updated report dated December 2, 2008. A copy of DBI's Memorandum dated December 16, 2008 is attached. This memorandum states that the project site is developable with respect to the San Francisco Building Code, and DBI recommends to Department of Public Works the approval of the Tentative/Preliminary Map to subdivide the vacant lot in the proposed subdivision map. The current application is for a subdivision and no construction is proposed at this time.

Issue #6: The project site's conditions imply unusual circumstances under CEQA. The appellants state, "Unusual circumstances associated with steep slope and geological condition of site, including history of repeated, documented slides and rockfalls, including two notices of

hazard and violation in 1998 and 2005 and general instability of site plus threat to adjacent development."

Response #6: There are no "unusual circumstances" associated with this General Rule Exclusion. Subdivision of a steeply-sloping lot would not be considered an unusual circumstance considering the topography of San Francisco and the sloping topography of the developed lots in the project's vicinity. Therefore, the project cannot be deemed an "unusual circumstance." Further, future construction on this lot (which is not proposed at this time) would not be unusual considering the project's setting. The proposed subdivision meets the requirements for a General Rule Exclusion and is exempt from CEQA.

During heavy rains in January 1998, rock and gunite dislodged from the cliff face beneath and adjacent to Upper Calhoun Terrace within the city right-of-way that prompted the City to carry out emergency removal of debris from the north side of 200 Green Street. According to Trans Pacific Geotechnical Consultants' Geological Investigation and Geotechnical Consultation dated August 2002 and later updated in December 2008, there is no evidence of global instability for the project site and development of the property may proceed provided water infiltration is controlled and rock/soil stabilization is secured by anchor bolts and netting. The Department of Building Inspection approved Trans Pacific Geotechnical Consultants' Geotechnical Report and issued a memorandum that states that the project site is developable with respect to the San Francisco Building Code.

If and when development is proposed at the project site, environmental review would be required, as well as further review by DBI. In reviewing building plans, DBI refers to a variety of information sources to determine existing hazards and assess requirements for construction. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. To ensure compliance with all Building Code provisions regarding structure safety, when DBI reviews the geotechnical report and building plans for a proposed project, they will determine the adequacy of necessary engineering and design features. Past geological and geotechnical investigations would be available for use by DBI during its review of building permits for the site. Also, DBI could require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. Therefore, damage to structures from geologic hazards on the project site and adjacent to the project site would not occur.

Issue #7: Past development proposals show that the site is not developable. The appellants state, "Prior development proposals since at least the early 1980s for subdivision and substantial development, most recently including a 3-lot subdivision for three potential building sites in or about 1998-2003."

Response #7: The fact that there have been a number of past proposals for the project site is not relevant to the review of the current project. As stated in the General Rule Exclusion Certificate, there have been various formal development proposals at the project site. In 1982, a

12-story office/residential complex along Sansome Street was proposed, and in 1995, a 3-lot subdivision was proposed that included four new townhouse units on Sansome Street and a residential structure Lower Calhoun Terrace. There have been extensive geotechnical and geological investigations and reports, both individually and collectively, on the project site, and there is sufficient evidence to support the "buildability" of the lot, especially for the proposed Parcel A. The appellants do not put forth any new information to the contrary. The current application is for a lot subdivision to create two separate legal lots. There is no construction proposed at this time.

Issue #8: Current zoning would allow development of the site. The appellants state, "Potential for substantial development not qualified for any exemption by reason of C-2 and Northeastern Waterfront SUD 3 zoning permitting FAR of 5:1 and 84 foot limit at base of hill on Sansome Street."

Response #8: Any future development on the project site would require additional planning review and a building permit. The appellants are correct in stating that Parcel A of the project site is located within a C-2 (Community Business) Use District, the Waterfront Special Use District No. 3, and an 84-E Height and Bulk District. Pursuant to CEQA, the Department analyzed the project as proposed and determined that the project would not result in a significant impact on the environment, as no construction is proposed at this time.

Issue #9: The Application implies future development of the project site. The appellants state, "Acceptance without question of asserted lack of connection of subdivision to construction plans despite simultaneous evidence of potential development of two buildings."

Response #9: While past project proposals by the project sponsor all included new construction, the current application on file with the Department does not propose construction of any kind. The project is the subdivision of one lot into two lots. This does not result in a physical effect on the environment. Pursuant to CEQA, the Department analyzed the project as proposed. The Department has no authority to require environmental review for new construction because none is proposed. If development is proposed at a later time, environmental review would be required. As stated in the General Rule Exclusion Certificate, and in this appeal response, the project does not have the potential for causing a significant effect on the environment because no construction is proposed. The Appellants have not put forth any substantial evidence to the contrary. Therefore, the project was appropriately exempt from environmental review.

CONCLUSION

The General Rule Exclusion Certificate that was issued on August 16, 2010 complies with the requirements of CEQA and the project is appropriately exempt from environmental review pursuant to the cited exemption. The General Rule Exclusion analyzed issues associated with the physical environmental impacts of the proposed project and determined that the proposed

project would not result in the potential for significant environmental impacts. The Appeal Letter does not provide evidence to substantiate a finding that the project would result in any potential for significant environmental impacts. As such, the conclusions of the General Rule Exclusion remain current and valid, the Planning Department appropriately has determined that the project would not have the potential for a significant effect on the environment, and further environmental review is not required at this time. The Department therefore recommends that the Board uphold the Determination of Exemption from Environmental Review and deny the appeal of the CEQA Determination.

SANGER & OLSON

A LAW CORPORATION

576 SACRAMENTO STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3023
TEL. 415.693.9300 ■ FAX 415.693.9322

John M. Sanger, Esq.
sanger@sjmger-olson.com

August 19, 2011

VIA U.S. MAIL

Angela Calvillo, Clerk of the Board
SAN FRANCISCO BOARD OF SUPERVISORS
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4603

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 AUG 22 PM 3:09

Re: **SUPPLEMENT TO APPEAL OF EXEMPTION FROM
ENVIRONMENTAL REVIEW BY GENERAL RULE EXCLUSION
GRANTED FOR TENTATIVE MAP/PARCEL MAP**

**FILE NO. 110835
APPLICATION NO. 2008.01554S
1171 SANSOME STREET, AKA 1111 SANSOME STREET
BLOCK 113, LOT 40**

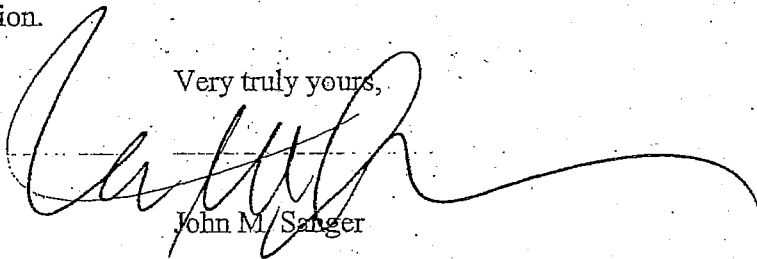
Dear Ms. Calvillo:

This letter supplements our previous letter appealing the grant of an exemption from review under the California Environmental Quality Act ("CEQA") by the San Francisco Planning Department (the "Department") pursuant to its issuance of a Certificate of Determination of Exemption from Environmental Review dated August 16, 2010, without any notice (attached hereto). We represent and submit this appeal on behalf of the following appellants: John M. Sanger, Catherine S. Sanger, David Davies, Jack Weeden and Vedica Puri, each in their individual capacity. The undersigned is authorized to file this appeal on behalf of each appellant and his signature is also provided for himself as an individual appellant and as attorney-in-fact for Catherine Sanger. The other appellants are not now available to sign.

A check for \$500 to the Planning Department and supplemental information requested is attached, as is our prior letter to the Board regarding grounds for this appeal. We also enclose other relevant attachments.

Thank you for your consideration.

Very truly yours,



John M. Sanger

**SUPPLEMENTAL EXPLANATION
OF APPEAL OF EXEMPTION GRANTED BY GENERAL RULE EXCLUSION
FOR SUBDIVISION OF 1111 (AKA 1171) SANSOME STREET**

- I. Appellants represented by Sanger & Olson as counsel
 - A. John M. Sanger, 576 Sacramento Street, 7th floor, SF, CA 94111, (415) 693-9300
 - B. Catherine S. Sanger, 576 Sacramento Street, 7th floor, SF, CA 94111, (415) 693-9300
 - C. David Davies & Jack Weeden, 66 Calhoun Terrace, SF, CA 94133, (415) 986-1707
 - D. Vedica Puri, 600 Montgomery Street, 31st Floor, SF, CA 94111, (415) 433-8000
- II. Other appeals
Appeal has been filed of subdivision approval but no other CEQA appeals known to have been filed.
- III. Document being appealed: see attached
Certification of environmental determination — exemption by general rule exclusion
- IV. Grounds for appeal and for timeliness of appeal (see prior letter attached):
 - A. Lack of proper notice to adjacent property owners John Sanger and Catherine Sanger by reason of use of incorrect address provided by Radius Services based on old assessment records and not assessment records current as of date of proposed notice in 12/2009
 - B. General rule exclusion discovered only upon examination of Board of Supervisors docket for subdivision by unnoticed appellants; Appellant Puri objected to the exemption by letter dated January 4, 2010 to the Planning Department
 - C. Lack of grounds for general rule exclusion
 - 1. Documented refusal by Planning Department to grant exemption for prior 3-lot subdivision due to construction implied by subdivision; violation of anti-piecemealing rule regarding the whole of an action
 - 2. Failure to qualify for categorical exemption due to excessive slope of site
 - 3. Unusual circumstances associated with steep slope and geological condition of site, including history of repeated, documented slides and rockfalls, including two notices of hazard and violation in 1998 and 2005 (one attached) and general instability of site plus threat to adjacent development
 - 4. Prior development proposals since at least the early 1980s for subdivision and substantial development, most recently including a 3-lot subdivision for three potential building sites in or about 1998-2003
 - 5. Potential for substantial development not qualified for any exemption by reason of C-2 and Northeastern waterfront SUD 3 zoning permitting FAR of 5:1 and 84 foot height limit at base of hill on Sansome Street
 - 6. Acceptance without question of asserted lack of connection of subdivision to construction plans despite simultaneous evidence of potential development of two buildings



**SAN FRANCISCO
PLANNING DEPARTMENT**

**Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW**

Case No.: 2008.0154E
 Project Address: 1111 Sansome Street
 Zoning: RH-3 (Residential House, Three-Family) Use District
 C-2 (Community Business) Use District
 Waterfront Special Use District No. 3
 40-X/84-E Height and Bulk Districts
 Block/Lot: 0113/040
 Lot Size: 12,600 square feet
 Project Sponsor: Vincent Tai, Tai Architecture, (415) 921-9808
 Staff Contact: Don Lewis, (415) 575-9095, don.lewis@sfgov.org

1650 Mission St.
 Suite 400
 San Francisco,
 CA 94103-2479

Reception:
 415.558.6378

Fax:
 415.558.6409

Planning
 Information:
 415.558.6377

PROJECT DESCRIPTION:

The project site is an undeveloped, steeply-sloping lot located on the west side of Sansome Street on the block bounded by Green Street, Calhoun Terrace, Sansome Street, and Union Street in the North Beach neighborhood. The proposed project involves the subdivision of the existing lot resulting in a 3,300-square-foot parcel (Parcel A) and a 9,300-square-foot parcel (Parcel B). Construction is not proposed as part of this project. Parcel A is located in the southwest corner of the lot fronting on Sansome Street and would be retained by the owners for future development, while Parcel B, which would be "L-shaped" with frontages on both Sansome Street and Calhoun Terrace, is being proposed for donation to a non-profit organization to be preserved in its natural state. The project site is located within the Northeastern Waterfront Historic District. The proposed subdivision would result in two lots which would both meet Planning Code requirements for minimum lot size of 2,500 square feet. The proposed project would require a subdivision permit from the Planning Department, the Department of Building Inspection, and the Department of Public Works.

EXEMPT STATUS:

Categorical Exemption, General Rule Exclusion [State CEQA Guidelines Section 15061(b)(3)]

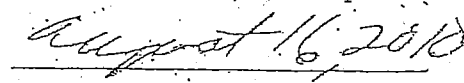
REMARKS:

See reverse side.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.


 BILL WYCKO
 Environmental Review Officer


 Date

cc: Vincent Tai, Project Sponsor
 Supervisor David Chiu, District 3

Bulletin Board
 V. Byrd, M.D.F

REMARKS (continued):

The project site is located on the eastern portion of Telegraph Hill and has a slope downwards of up to approximately 65%. The topography of the project site is the result of past quarrying activities, adjacent dwelling and roadway improvements, and downslope movement. The elevation of the existing grade varies from about 180 feet to 25 feet. There have been various formal development proposals at the project site. In 1982, a 12-story office/residential complex along Sansome Street was proposed. In 1995, the current project sponsor proposed to split Lot 40 into three lots. Townhouse units were proposed on Sansome Street while a residential structure was proposed on Calhoun Terrace. There have been extensive geotechnical and geological investigations and reports, both individually and collectively, on the project site. There is sufficient evidence to support the "buildability" of the lot, especially for the proposed Parcel A. As noted above in the project description, the current application is only for a subdivision and no construction is proposed at this time. The fact that there have been a number of past proposals for the site is not relevant to the current project.

The proposed project would not result in any physical activity on the subject lot, and as such, would have no impact on land use, visual quality, transportation, population, air quality, noise, biological resources, cultural resources, geology, hydrology, and hazardous materials. Any future construction on the project site would require additional planning review and a building permit. The proposed project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Geotechnical Investigation: Trans Pacific Geotechnical Consultants completed a geotechnical investigation and geotechnical consultation report for the subject lot and surrounding vicinity, and the conclusions of that report are summarized below.¹ The scope of the report included a review of the available geologic, geotechnical, and structural reports and plans for the site. In 1995, the project sponsor proposed to split Lot 40 into three lots: two lots on the eastern (Sansome Street) portion and one lot adjacent to the Calhoun Terrace right-of-way. Townhouse units were proposed on the Sansome Street lots and a residential structure was proposed for the upper lot. According to Trans Pacific's report, there is no evidence of global instability for the site, and the proposed lot split along with the proposed development in 1995 for a residence on the upper slope and a townhouse and/or office building on the lower slope would be feasible, provided appropriate mitigation measures were undertaken to control water infiltration, and to perform rock/soil stabilization by anchor bolts and netting. The report further stated that the lower portion of the lot fronting on Sansome Street could be developed using fairly conventional excavation and shoring construction.

As noted in the current project description, construction is not proposed, and therefore, mitigation measures are not required. If construction is proposed, environmental review would be required.

¹ Trans Pacific Geotechnical Consultants, "Geological Investigation and Geotechnical Consultation Report, Proposed Lot Split, Lot 40, Block 113," August 3, 2002. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in project file No. 2008.0154E.

On December 18, 2008, the Department of Building Inspection (DBI) approved Trans Pacific's 2002 geotechnical report and their subsequent 2008 geotechnical update.² This memorandum from DBI stated that the proposed subdivision is developable with respect to the San Francisco Building Code, and that DBI recommends to the Division of Subdivision and Mapping of the Department of Public Works to approve the Tentative/Preliminary Map to subdivide the vacant lot in the proposed subdivision map.

If and when construction is proposed at the project site, the final building plans would be reviewed by DBI. In reviewing building plans, DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. Potential geologic hazards would be mitigated during the permit review process through these measures. To ensure compliance with all *Building Code* provisions regarding structure safety, when DBI reviews the geotechnical report and building plans for a proposed project, they will determine the adequacy of necessary engineering and design features. Past geological and geotechnical investigations would be available for use by DBI during its review of building permits for the site. Also, DBI could require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. Therefore, potential damage to structures from geologic hazards on the project site and adjacent to the project site would be mitigated through DBI's requirement for a geotechnical report and review of the building permit application pursuant to DBI implementation of the Building Code.

Exempt Status

CEQA Guidelines Section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Since the project meets the conditions of CEQA Guidelines Sections 15061(b)(3), exemption from environmental review is appropriate, as it can be seen with certainty that the proposed subdivision would not have a significant impact on the environment. There are no aspects of the project that would result in a significant environmental effect.

Neighborhood Concerns

A "Notification of Project Receiving Environmental Review" was mailed on December 2, 2009 to the owners and occupants of properties adjacent to the project site and interested parties. One member of the public expressed their concerns regarding the likelihood of the project sponsor finding a willing nonprofit for the proposed "L-shaped" lot, and that environmental review of the proposed subdivision is required based on previous Department determinations in 1998. The likelihood or unlikelihood of finding a nonprofit agency to take the "L-shaped" lot does not represent unusual circumstances that

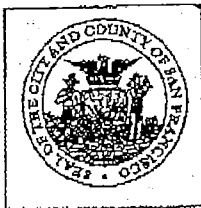
² Memorandum from Willy Yau, Plan Check Division, Department of Building Inspection, to Bruce Stoms, Division of Subdivision and Mapping, Department of Public Works, December 16, 2008. This memorandum is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in project file No. 2008.0154E.

³ Trans Pacific Geotechnical Consultants, "Geological and Geotechnical Consultation, Proposed Lot Split, Lot 40, Assessor's Block 113," December 2, 2008. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in project file No. 2008.0154E.

would cause the proposed subdivision to have a significant effect on the environment. Furthermore, the subdivision of a steeply-sloping lot is not unusual considering the topography of San Francisco. The proposed subdivision meets the requirements for a General Rule Exclusion and is exempt from CEQA. If construction is proposed at a later time, environmental review would be required.

Conclusion

As noted above, the project does not propose construction activities. It can be seen with certainty that there is no possibility that the lot subdivision may have a significant effect on the environment. Therefore, this activity is not subject to CEQA.



DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission Street, 2nd Floor, San Francisco, California 94103-2414
(415) 558-6133 Fax (415) 558-6686

MEMORANDUM

DATE: December 16, 2008
TO: Bruce Storrs, P.L.S.
Division of Subdivision and Mapping, Dept. of Public Works
FROM: Willy Yau, Plan Check Services Division
SUBJECT: Address: 1171 Sansome Street
Assessor's Block No. 0113, Lot No: 040
Map Referral 2 Lot Subdivision

Reference is made to your memo dated 01/08/08 in which your Division referred to this Department of the proposed subdivision as shown on the Tentative/Preliminary Map. This is a revised referral response to our original January 23, 2008 response based on updated geotechnical report dated December 2, 2008 by Mr. Eddy T. Lau, G.E. and Mr. Marlene Wong, G.E. of Trans Pacific Geotechnical Consultants, Inc. to their original August 8, 2002 geotechnical report.

For New Condominium Construction,
Building permit application for this site
_____ filed.
_____ approved.
_____ issued.

For Existing Building to be converted to condominium-no review by the Plan Check Services Division required. (Existing building code compliance to be inspected upon separate application).

- X Subdivision is:
X (a) Developable with the respect to the San Francisco Building Code, and we recommend your approval of the Tentative/Preliminary Map to subdivide the vacant Lot in the proposed subdivision map.
(b) Not approvable because new property line cannot cut through an existing building.
(c) Not approvable at this time. Exterior walls and all windows next to the proposed property lines of the building (s) must comply with Table 5A SFBC before subdivision.
(d) Not developable because
(e) Not able to be reviewed at this time due to lack of necessary information. Please provide

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

- Date:** Tuesday, October 4, 2011
- Time:** 4:00 p.m.
- Location:** Hearing Room 416 located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102
- Subject:** File No. 110945. Hearing of persons interested in or objecting to the decision of the Planning Department dated August 16, 2010, Case No. 2008.015E, that a project located at 1171 Sansome Street (aka 1111 Sansome Street) is exempt from environmental review under Categorical Exemption, General Rule Exclusion [State CEQA Guidelines Section 15061(b)(3)]. The proposed work involves subdivision of an existing undeveloped lot into a 3,300 square foot parcel and a 9,300 square foot parcel, in Assessor Block No. 113, Lot No. 40. (District 3) (Appellants: David Davies, Jack Weeden, and Verdica Puri)

Pursuant to Government Code Section 65009, notice is hereby given, if you challenge, in court, the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public records in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to

Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on September 29, 2011.



Angela Calvillo
Clerk of the Board

DATED/POSTED/MAILED: September 23, 2011

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

August 26, 2011

John M. Sanger, Esq.
Sanger & Olson, A Law Corporation
576 Sacramento Street, 7th Floor
San Francisco, CA 94111

Catherine S. Sanger
Sanger & Olson, A Law Corporation
576 Sacramento Street, 7th Floor
San Francisco, CA 94111

David Davies & Jack Weeden
66 Calhoun Terrace
San Francisco, CA 94133

Vedica Puri, Esq.
600 Montgomery Street, 31st Floor
San Francisco, CA 94111

Subject: Appeal of Determination of Exemption from Environmental Review for a Project Located at 1171 Sansome Street (aka 1111 Sansome Street)

Dear Appellants:

The Office of the Clerk of the Board is in receipt of a memorandum dated August 25, 2011, (copy attached), from the City Attorney's office regarding the timely filing of an appeal of the Determination of Exemption from Environmental Review for the property located at 1171 Sansome Street (aka 1111 Sansome Street).

The City Attorney has determined that the appeal was filed in a timely manner.

A hearing date has been scheduled on **Tuesday, October 4, 2011, at 4:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, tentatively in Room 416, 4th Floor, at 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Pursuant to the Interim Procedures 7 and 9, please provide to the Clerk's Office **by**:

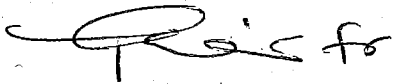
8 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing;
11 days prior to the hearing: names of interested parties to be notified of the hearing.

Please provide 18 copies of the documentation for distribution, and, if possible, names of interested parties to be notified in label format.

1171 Sansome Street Appeal
August 26, 2011
Page 2

If you have any questions, please feel free to contact Rick Caldeira at (415) 554-7711 or Joy Lamug at (415) 554-7712.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Caldeira". The signature is fluid and cursive, with a prominent loop at the end.

Angela Calvillo
Clerk of the Board

c:

Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
John Malamut, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Nannie Turrell, Planning Department
Linda Avery, Planning Department
Don Lewis, Planning Department
Vincent Tai, 1238 Pacific Avenue, San Francisco, CA 94109



DENNIS J. HERRERA
City Attorney

MARLENA G. BYRNE
Deputy City Attorney

DIRECT DIAL: (415) 554-4620

E-MAIL: marlena.byrne@sfgov.org

MEMORANDUM

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Marlena G. Byrne
Deputy City Attorney *MGB*

DATE: August 25, 2011

RE: Appeal of Determination of Exemption from Environmental Review for Project
Located at 1171 Sansome Street (aka 1111 Sansome Street)

You have asked for our advice on the timeliness of an appeal to the Board of Supervisors by John M. Sanger, on behalf of himself, Catherine S. Sanger, David Davies, Jack Weeden, and Verdica Puri, received by the Clerk's Office on August 22, 2011, of the Planning Department's determination that a project located at 1171 Sansome Street (aka 1111 Sansome Street) is exempt from environmental review under the California Environmental Quality Act ("CEQA"). The proposed work involves subdivision of an existing undeveloped lot into a 3,300 square foot parcel and a 9,300 square foot parcel. The Appellant provided a copy of a Certificate of Determination Exemption from Environmental Review dated August 16, 2010, finding the project exempt under a general rule exclusion.

We are informed that the Department of Public Works, in a decision dated June 30, 2011, approved a tentative parcel map for the subdivision, and that on July 11, 2011, John M. Sanger, on his behalf and on behalf of Catherine Sanger, David Davies, and Jack Weeden, filed a timely appeal of that decision with the Board of Supervisors Clerk's Office. Although the Board of Supervisors held a duly noticed public hearing to consider the appeal of the tentative parcel map on August 2, 2011, the Board continued the matter without decision. Thus, the appeal of the tentative parcel map is still pending before the Board, and its approval is not yet final.

Because this appeal of the Planning Department's exemption determination was filed with the Clerk's Office during the pendency of the appeal of the tentative parcel map approval, this appeal is also timely. Therefore, the appeal should be calendared before the Board of Supervisors. We recommend that you so advise the Appellants.

Please let us know if we may be of further assistance.

MGB

cc: Rick Caldeira, Deputy Director, Clerk of the Board
Joy Lamug, Board Clerk's Office
Andrea Ausberry, Board Clerk's Office
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
John Malamut, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department

Memorandum

TO: Angela Calvillo
Clerk of the Board of Supervisors
DATE: August 25, 2011
PAGE: 2
RE: Appeal of Determination of Exemption from Environmental Review for Project
Located at 1171 Sansome Street (aka 1111 Sansome Street)

Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Nannie Turrell, Planning Department
Linda Avery, Planning Department
Don Lewis, Planning Department

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

August 23, 2011

To: Cheryl Adams
Deputy City Attorney

From: Rick Caldeira 
Deputy Director

**Subject: Appeal of Categorical Exemption from Environmental Review for
Property Located at 1171 Sansome Street, Block No. 113, Lot No. 40**

An appeal of categorical exemption from environmental review issued for property located at 1171 Sansome Street, Block No. 113, Lot No. 40, was filed with the Office of the Clerk of the Board on August 22, 2011, by John M. Sanger.

Pursuant to the Interim Procedures of Appeals for Negative Declaration and Categorical Exemptions No. 5, I am forwarding this appeal, with attached documents, to the City Attorney's office to determine if the appeal has been filed in a timely manner. The City Attorney's determination should be made within 3 working days of receipt of this request.

If you have any questions, you may contact me on (415) 554-7711.

c: Angela Calvillo, Clerk of the Board
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
Nannie Turrell, Major Environmental Analysis, Planning Department
AnMarie Rodgers, Manager, Legislative Affairs, Planning Department
Tina Tam, Historic Preservation, Planning Department
Linda Avery, Secretary, Planning Commission
Don Lewis, Planner, Planning Department

SANGER & OLSON

A LAW CORPORATION

576 SACRAMENTO STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3023
TEL 415.693.9300 ■ FAX 415.693.9322

John M. Sanger, Esq.
sanger@sanger-olson.com

August 19, 2011

VIA U.S. MAIL

Angela Calvillo, Clerk of the Board
SAN FRANCISCO BOARD OF SUPERVISORS
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4603

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 AUG 22 PM 3:09

**Re: SUPPLEMENT TO APPEAL OF EXEMPTION FROM
ENVIRONMENTAL REVIEW BY GENERAL RULE EXCLUSION
GRANTED FOR TENTATIVE MAP/PARCEL MAP**

**FILE NO. 110835
APPLICATION NO. 2008.01554S
1171 SANSOME STREET, AKA 1111 SANSOME STREET
BLOCK 113, LOT 40**

Dear Ms. Calvillo:

This letter supplements our previous letter appealing the grant of an exemption from review under the California Environmental Quality Act ("CEQA") by the San Francisco Planning Department (the "Department") pursuant to its issuance of a Certificate of Determination of Exemption from Environmental Review dated August 16, 2010, without any notice (attached hereto). We represent and submit this appeal on behalf of the following appellants: John M. Sanger, Catherine S. Sanger, David Davies, Jack Weeden and Vedica Puri, each in their individual capacity. The undersigned is authorized to file this appeal on behalf of each appellant and his signature is also provided for himself as an individual appellant and as attorney-in-fact for Catherine Sanger. The other appellants are not now available to sign.

A check for \$500 to the Planning Department and supplemental information requested is attached, as is our prior letter to the Board regarding grounds for this appeal. We also enclose other relevant attachments.

Thank you for your consideration.

Very truly yours,


John M. Sanger

SANGER & OLSON

Angela Calvillo, Clerk of the Board
August 19, 2011
Page 2

JMS:kw

Enclosures:

- **Supplemental Explanation of Appeal of Exemption Granted by General Rule Exclusion for Subdivision of 1111 (aka 1171) Sansome Street**
- **San Francisco Planning Department's Certificate of Determination of Exemption from Environmental Review**
Project Address: 1111 Sansome Street
Executed August 16, 2010
- **San Francisco Department of Public Works's Preliminary Geotechnical, Geological, and Structural Investigation for Calhoun Terrace**
Project No. 1778.02
Dated December 29, 1999
- **Department of Building Inspection's Emergency Order**
Address: 1111 Sansome Street
Dated January 30, 1998
- **Prior Letter Re: Supplement to Appeal of Exemption from Environmental Review by General Rule Exclusion Granted for Tentative Map/Parcel Map**
File No. 110835, Application No. 2008.01554S
1171 Sansome Street, AKA 1111 Sansome Street
BLOCK 113, LOT 40, APPEAL OF TENTATIVE MAP
Executed August 8, 2011
- **Check No. 3528 in the amount of \$500.00 payable to the San Francisco Planning Department for CEQA Appeal.**
(Please note that a check in the amount of \$284.00 was previously sent to the Department of Public Works on July 8, 2011, as required by Section 1315 of the San Francisco Subdivision Code.)

cc: All Members of the Board of Supervisors
City Attorney Dennis Herrera
Deputy City Attorney John Malamut, Esq.
Vedica Puri, Esq.
Bruce Storrs, City Surveyor
Bill Wycko, Department of Planning, Office of Environmental Review
David Davies and Jack Weeden

**SUPPLEMENTAL EXPLANATION
OF APPEAL OF EXEMPTION GRANTED BY GENERAL RULE EXCLUSION
FOR SUBDIVISION OF 1111 (AKA 1171) SANSOME STREET**

- I. Appellants represented by Sanger & Olson as counsel
- A. John M. Sanger, 576 Sacramento Street, 7th floor, SF, CA 94111, (415) 693-9300
 - B. Catherine S. Sanger, 576 Sacramento Street, 7th floor, SF, CA 94111, (415) 693-9300
 - C. David Davies & Jack Weeden, 66 Calhoun Terrace, SF, CA 94133, (415) 986-1707
 - D. Vedica Puri, 600 Montgomery Street, 31st Floor, SF, CA 94111, (415) 433-8000
- II. Other appeals
Appeal has been filed of subdivision approval but no other CEQA appeals known to have been filed.
- III. Document being appealed: see attached
Certification of environmental determination — exemption by general rule exclusion
- IV. Grounds for appeal and for timeliness of appeal (see prior letter attached):
- A. Lack of proper notice to adjacent property owners John Sanger and Catherine Sanger by reason of use of incorrect address provided by Radius Services based on old assessment records and not assessment records current as of date of proposed notice in 12/2009
 - B. General rule exclusion discovered only upon examination of Board of Supervisors docket for subdivision by unnoticed appellants; Appellant Puri objected to the exemption by letter dated January 4, 2010 to the Planning Department
 - C. Lack of grounds for general rule exclusion
 - 1. Documented refusal by Planning Department to grant exemption for prior 3-lot subdivision due to construction implied by subdivision; violation of anti-piecemealing rule regarding the whole of an action
 - 2. Failure to qualify for categorical exemption due to excessive slope of site
 - 3. Unusual circumstances associated with steep slope and geological condition of site, including history of repeated, documented slides and rockfalls, including two notices of hazard and violation in 1998 and 2005 (one attached) and general instability of site plus threat to adjacent development
 - 4. Prior development proposals since at least the early 1980s for subdivision and substantial development, most recently including a 3-lot subdivision for three potential building sites in or about 1998-2003
 - 5. Potential for substantial development not qualified for any exemption by reason of C-2 and Northeastern waterfront SUD 3 zoning permitting FAR of 5:1 and 84 foot height limit at base of hill on Sansome Street
 - 6. Acceptance without question of asserted lack of connection of subdivision to construction plans despite simultaneous evidence of potential development of two buildings



**SAN FRANCISCO
PLANNING DEPARTMENT**

**Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW**

Case No.: 2008.0154E
 Project Address: 1111 Sansome Street
 Zoning: RH-3 (Residential House, Three-Family) Use District
 C-2 (Community Business) Use District
 Waterfront Special Use District No. 3
 40-X/84-E Height and Bulk Districts
 Block/Lot: 0113/040
 Lot Size: 12,600 square feet
 Project Sponsor: Vincent Tai, Tai Architecture, (415) 921-9808
 Staff Contact: Don Lewis, (415) 575-9095, don.lewis@sfgov.org

1650 Mission St.
 Suite 400
 San Francisco,
 CA 94103-2479

Reception:
 415.558.6378

Fax:
 415.558.6409

Planning
 Information:
 415.558.6377

PROJECT DESCRIPTION:

The project site is an undeveloped, steeply-sloping lot located on the west side of Sansome Street on the block bounded by Green Street, Calhoun Terrace, Sansome Street, and Union Street in the North Beach neighborhood. The proposed project involves the subdivision of the existing lot resulting in a 3,300-square-foot parcel (Parcel A) and a 9,300-square-foot parcel (Parcel B). Construction is not proposed as part of this project. Parcel A is located in the southwest corner of the lot fronting on Sansome Street and would be retained by the owners for future development, while Parcel B, which would be "L-shaped" with frontages on both Sansome Street and Calhoun Terrace, is being proposed for donation to a non-profit organization to be preserved in its natural state. The project site is located within the Northeastern Waterfront Historic District. The proposed subdivision would result in two lots which would both meet Planning Code requirements for minimum lot size of 2,500 square feet. The proposed project would require a subdivision permit from the Planning Department, the Department of Building Inspection, and the Department of Public Works.

EXEMPT STATUS:

Categorical Exemption, General Rule Exclusion [State CEQA Guidelines Section 15061(b)(3)]

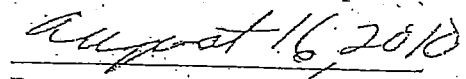
REMARKS:

See reverse side.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.


 BILL WYCKO
 Environmental Review Officer


 Date

cc: Vincent Tai, Project Sponsor
 Supervisor David Chiu, District 3

Bulletin Board
 V. Byrd, M.D.F

REMARKS (continued):

The project site is located on the eastern portion of Telegraph Hill and has a slope downwards of up to approximately 65%. The topography of the project site is the result of past quarrying activities, adjacent dwelling and roadway improvements, and downslope movement. The elevation of the existing grade varies from about 180 feet to 25 feet. There have been various formal development proposals at the project site. In 1982, a 12-story office/residential complex along Sansome Street was proposed. In 1995, the current project sponsor proposed to split Lot 40 into three lots. Townhouse units were proposed on Sansome Street while a residential structure was proposed on Calhoun Terrace. There have been extensive geotechnical and geological investigations and reports, both individually and collectively, on the project site. There is sufficient evidence to support the "buildability" of the lot, especially for the proposed Parcel A. As noted above in the project description, the current application is only for a subdivision and no construction is proposed at this time. The fact that there have been a number of past proposals for the site is not relevant to the current project.

The proposed project would not result in any physical activity on the subject lot, and as such, would have no impact on land use, visual quality, transportation, population, air quality, noise, biological resources, cultural resources, geology, hydrology, and hazardous materials. Any future construction on the project site would require additional planning review and a building permit. The proposed project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Geotechnical Investigation: Trans Pacific Geotechnical Consultants completed a geotechnical investigation and geotechnical consultation report for the subject lot and surrounding vicinity, and the conclusions of that report are summarized below.¹ The scope of the report included a review of the available geologic, geotechnical, and structural reports and plans for the site. In 1995, the project sponsor proposed to split Lot 40 into three lots: two lots on the eastern (Sansome Street) portion and one lot adjacent to the Calhoun Terrace right-of-way. Townhouse units were proposed on the Sansome Street lots and a residential structure was proposed for the upper lot. According to Trans Pacific's report, there is no evidence of global instability for the site, and the proposed lot split along with the proposed development in 1995 for a residence on the upper slope and a townhouse and/or office building on the lower slope would be feasible, provided appropriate mitigation measures were undertaken to control water infiltration, and to perform rock/soil stabilization by anchor bolts and netting. The report further stated that the lower portion of the lot fronting on Sansome Street could be developed using fairly conventional excavation and shoring construction.

As noted in the current project description, construction is not proposed, and therefore, mitigation measures are not required. If construction is proposed, environmental review would be required.

¹ Trans Pacific Geotechnical Consultants, "Geological Investigation and Geotechnical Consultation Report, Proposed Lot Split, Lot 40, Assessor's Block 113," August 3, 2002. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in project file No. 2008.0154E.

On December 18, 2008, the Department of Building Inspection (DBI) approved Trans Pacific's 2002 geotechnical report and their subsequent 2008 geotechnical update.^{2,3} This memorandum from DBI stated that the proposed subdivision is developable with respect to the San Francisco Building Code, and that DBI recommends to the Division of Subdivision and Mapping of the Department of Public Works to approve the Tentative/Preliminary Map to subdivide the vacant lot in the proposed subdivision map.

If and when construction is proposed at the project site, the final building plans would be reviewed by DBI. In reviewing building plans, DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. Potential geologic hazards would be mitigated during the permit review process through these measures. To ensure compliance with all *Building Code* provisions regarding structure safety, when DBI reviews the geotechnical report and building plans for a proposed project, they will determine the adequacy of necessary engineering and design features. Past geological and geotechnical investigations would be available for use by DBI during its review of building permits for the site. Also, DBI could require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. Therefore, potential damage to structures from geologic hazards on the project site and adjacent to the project site would be mitigated through DBI's requirement for a geotechnical report and review of the building permit application pursuant to DBI implementation of the Building Code.

Exempt Status

CEQA Guidelines Section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Since the project meets the conditions of CEQA Guidelines Sections 15061(b)(3), exemption from environmental review is appropriate, as it can be seen with certainty that the proposed subdivision would not have a significant impact on the environment. There are no aspects of the project that would result in a significant environmental effect.

Neighborhood Concerns

A "Notification of Project Receiving Environmental Review" was mailed on December 2, 2009 to the owners and occupants of properties adjacent to the project site and interested parties. One member of the public expressed their concerns regarding the likelihood of the project sponsor finding a willing nonprofit for the proposed "L-shaped" lot, and that environmental review of the proposed subdivision is required based on previous Department determinations in 1998. The likelihood or unlikelihood of finding a nonprofit agency to take the "L-shaped" lot does not represent unusual circumstances that

*Work
Received*

² Memorandum from Willy Yau, Plan Check Division, Department of Building Inspection, to Bruce Storms, Division of Subdivision and Mapping, Department of Public Works, December 16, 2008. This memorandum is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in project file No. 2008.0154E.

³ Trans Pacific Geotechnical Consultants, "Geological and Geotechnical Consultation, Proposed Lot Split, Lot 40, Assessor's Block 113," December 2, 2008. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in project file No. 2008.0154E.

would cause the proposed subdivision to have a significant effect on the environment. Furthermore, the subdivision of a steeply-sloping lot is not unusual considering the topography of San Francisco. The proposed subdivision meets the requirements for a General Rule Exclusion and is exempt from CEQA. If construction is proposed at a later time, environmental review would be required.

Conclusion

As noted above, the project does not propose construction activities. It can be seen with certainty that there is no possibility that the lot subdivision may have a significant effect on the environment. Therefore, this activity is not subject to CEQA.



DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission Street, 2nd Floor, San Francisco, California 94103-2414
(415) 558-6133 Fax (415) 558-6686

MEMORANDUM

DATE: December 16, 2008
TO: Bruce Storrs, P.L.S.
Division of Subdivision and Mapping, Dept. of Public Works
FROM: Willy Yau, Plan Check Services Division
SUBJECT: Address: 1171 Sansome Street
Assessor's Block No. 0113, Lot No: 040
Map Referral 2 Lot Subdivision

Reference is made to your memo dated 01/08/08 in which your Division referred to this Department of the proposed subdivision as shown on the Tentative/Preliminary Map. This is a revised referral response to our original January 23, 2008 response based on updated geotechnical report dated December 2, 2008 by Mr. Eddy T. Lau, G.E. and Mr. Marlene Wong, G.E. of Trans Pacific Geotechnical Consultants, Inc. to their original August 8, 2002 geotechnical report.

For New Condominium Construction, Building permit application for this site filed.
For Existing Building to be converted to condominium-no review by the Plan Check Services Division required. (Existing building code compliance to be inspected upon separate application).

- X Subdivision is:
(a) Developable with the respect to the San Francisco Building Code, and we recommend your approval of the Tentative/Preliminary Map to subdivide the vacant Lot in the proposed subdivision map.
(b) Not approvable because new property line cannot cut through an existing building.
(c) Not approvable at this time. Exterior walls and all windows next to the proposed property lines of the building (s) must comply with Table 5A SFBC before subdivision.
(d) Not developable because
(e) Not able to be reviewed at this time due to lack of necessary information. Please provide

08 DEC 19 PM 3:15

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**PRELIMINARY GEOTECHNICAL, GEOLOGICAL
AND STRUCTURAL INVESTIGATION**
Calhoun Terrace
San Francisco, California

Department of Public Works
City and County of San Francisco
San Francisco, California

29 December 1999
Project No. 1778.02

TREADWELL & ROLLO, INC./OLIVIA CHEN CONSULTANTS, INC.
A Joint Venture in Association

29 December 1999
Project No. 1778.02

James Chia, Division Manager
Bureau of Engineering
Department of Public Works
City and County of San Francisco
30 Van Ness Avenue, Fifth Floor
San Francisco, California 94110

Subject: Preliminary Geotechnical, Geological
and Structural Investigation
Calhoun Terrace
Telegraph Hill
San Francisco, California

Dear Mr. Chia:

Four copies of our preliminary geotechnical, geological and structural investigation for the Calhoun Terrace area of Telegraph Hill are attached. The area is bounded by upper Calhoun Terrace (at the top of Telegraph Hill) to the west, Green Street and the north property line of 200 Green Street to the south, the north property line of 1171 Sansome Street to the north, and Sansome Street and the west property line of 200 Green Street to the east. In 1998, Treadwell & Rollo, Inc. has provided emergency rockfall abatement services in this area for the Department of Public Works.

This report is the product of the joint venture of Treadwell & Rollo, Inc. and Olivia Chen Consultants, Inc. solely for the use of the San Francisco Department of Public Works. The report is the property of Treadwell & Rollo, Inc./Olivia Chen Consultants, Inc. and the City and County of San Francisco and should not be used without prior written permission. Sections of the existing upper Calhoun Terrace roadway are structurally supported. GFDS Engineers performed a preliminary structural evaluation of the structurally supported portion (south portion) and the results are presented in Appendix C of this report. The services described in the report is in fulfillment of our proposal dated 10 July 1998.

James Chia, Division Manager

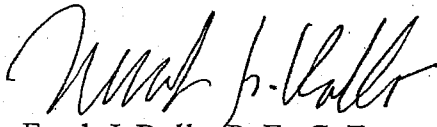
29 December 1999

Page 2

Preliminary recommendations for the mitigation of future rockfalls are contained in this report. These recommendations are based on limited subsurface exploration and geologic mapping programs. Consequently, variations between expected and actual conditions may be found in localized areas during construction. Therefore, we should be retained during final design to assist with the preparation of contract documents. During construction, we should be retained to observe scaling and rockbolt installation.

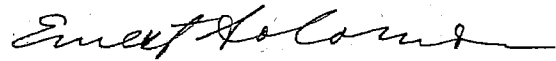
We appreciate the opportunity of serving you on this project.

Sincerely yours,
TREADWELL & ROLLO, INC.



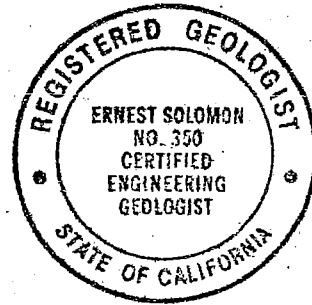
Frank J. Rollo, P. E., G. E.
Senior Engineer

OLIVIA CHEN CONSULTANTS, INC.



Ernest Solomon, R. G., C. E. G.
Principal Geologist

17780228.FJR



**PRELIMINARY GEOTECHNICAL, GEOLOGICAL
AND STRUCTURAL INVESTIGATION
Calhoun Terrace
San Francisco, California**

**Department of Public Works
City and County of San Francisco
San Francisco, California**

**29 December 1999
Project No. 1778.02**

TREADWELL & ROLLO, INC./OLIVIA CHEN CONSULTANTS, INC.
A Joint Venture in Association

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**PRELIMINARY GEOTECHNICAL, GEOLOGICAL AND
STRUCTURAL INVESTIGATION**

**Calhoun Terrace
San Francisco, California**

1.0 INTRODUCTION

This report presents the results of the preliminary geotechnical, geological and structural investigation performed by Treadwell & Rollo, Inc. and Olivia Chen Consultants, Inc. for Calhoun Terrace area of Telegraph Hill. The area is bounded by upper Calhoun Terrace (at the top of Telegraph Hill) to the west, Green Street and the north property line of 200 Green Street to the south, the north property line of 1171 Sansome Street to the north, and Sansome Street and the west property line of 200 Green Street to the east as shown on Figures 1 and 2.

The objective of the investigation was to assess the current condition of Upper Calhoun Terrace. We mapped the geology of the Calhoun Terrace rockface, evaluated the structurally supported portions of the roadway and foundation, and developed an appropriate scheme to protect the roadway and foundation from ongoing natural processes. GFDS Engineers (structural engineers), assisted in our evaluation; their report is attached as Appendix C.

2.0 BACKGROUND

The steep cliff below Upper Calhoun Terrace is the product of quarrying operations that began in the latter half of the previous century and altered the natural topography of Telegraph Hill. In 1884, the City authorized the lowering of Sansome Street and W.D. English & Company, operating under contract with the State Harbor Commissioners, began blasting material from the eastern flank of the hill for its use in seawall construction. Records indicate landslides resulted from demolition activities as did severe distress to homes situated on Telegraph Hill. Evidence suggests that few controls if any were placed on the magnitude or frequency of blasting, and between 1884 and 1885 ten homes on the hill were deemed no longer fit for habitation. Some

slipped entirely from their foundations and slid to the base the slope. From the late 1880s until a court-ordered injunction ceased their activities in 1909, the Gray Brothers Company, a cement company situated at the corner of Sansome and Green Streets, built a sizable enterprise blasting rock from the east side of Telegraph Hill to satisfy local construction demand.

The years of quarrying material from Telegraph Hill left steep walls on its eastern side, portions of which experienced accelerated degradation in the years following. While the general spatial limits of the slope beneath Upper Calhoun Terrace are reported not to have changed appreciably since quarrying stopped, a photo review conducted by Alan Kropp & Associates (1984) revealed that a talus fan generated during the period of rock mining increased in size from 1908 to 1946.

The steep inclines around Upper Calhoun Terrace make these slopes prone to sliding during periods of heavy rainfall, and incidents of raveling and surface failures have prompted efforts to stabilize the hillsides against continued degradation.

Treadwell & Rollo, Inc. has been providing emergency abatement work for the City and County of San Francisco in this area of Telegraph Hill since recent rockfalls began in the early 1990s. During the heavy rains in January 1998, rock and gunite dislodged from the cliff face beneath and adjacent to Upper Calhoun Terrace. Treadwell & Rollo, Inc., in a letter dated 30 January 1998, recommended the immediate removal of the debris at the base of the cliff. On 30 January 1998, the city issued an emergency work order to remove the debris at the base of 200 Green Street. On 31 January 1998, approximately 200 cubic yards of debris were removed from the north side of 200 Green Street. Treadwell & Rollo, Inc. issued a letter dated 9 February 1998, which summarized the removal and recommended future work of which this report is part.

3.0 SCOPE OF SERVICE

As outlined in our proposal of 10 July 1998, our tasks consisted of:

- reviewing the aerial orthophotogrammetry (completed by Towill, Inc 13 February 1998)

- reviewing the geotechnical evaluation prepared by Alan Kropp and Associates, dated 24 February 1984, for a development planned at 1171 Sansome Street.
- mapping the geology of the area bounded by Green and Sansome Streets, Upper Calhoun Terrace and the north property line of 1171 Sansome Street.
- retaining (GFDS Engineers) a structural engineering firm to evaluate the long-term stability of the Upper Calhoun Terrace elevated roadway.
- developing geotechnical recommendations for design of a permanent rock bolt and wire mesh system.
- presenting conclusions and recommendations on the need for repairs to the Upper Calhoun Terrace structure, if any.

During the course of our field investigation, it was deemed necessary by the team to further evaluate the subsurface conditions beneath Calhoun Terrace. We were authorized to drill and log one boring to a maximum depth of 80 feet or until hard bedrock was encountered.

4.0 FIELD INVESTIGATION

To evaluate the stability of upper Calhoun Terrace, our research and field exploration extended beyond the City and County of San Francisco right-of-way and included portions of adjacent properties. Adjacent property owners should retain their own consultants if a better understanding of the geology of adjacent structures is required.

4.1 Aerial Photograph and Geologic Review

Prior to field investigation, we researched available information about the slope below Calhoun Terrace. Our review included aerial photographs of the site prepared by Towill (1998). These photographs comprise the photogrammetric basis of the topographic maps used for this investigation. A report prepared by Alan Kropp and Associates (1984) provided a geotechnical evaluation of 1171 Sansome Street, an undeveloped parcel immediately below Calhoun Terrace. Additional sources included the USGS geologic map of the San Francisco North Quadrangle

(Schlocker, 1974) and a history of the excavation and development of a quarry on the portion of Telegraph Hill proximate the site prepared by Frances Hicks, August 1979.

4.2 Geologic Mapping

Geologic mapping of the steep slope immediately east and south of Calhoun Terrace was performed by a Certified Engineering Geologist (CEG) skilled as a rock climber. With much of the slope inclined steeper than 1:1 (horizontal to vertical) and portions approaching vertical, rock climbing gear and support (a spotter) were required to safely access the slope for mapping. The gear and support were provided by Power Engineering, Inc.

The base map used for mapping was a tracing of the contours and cultural features (man-made features) presented on the orthophotograph prepared by Towill (1998). The map delineates such geologic units as rock types and surficial deposits, and such geologic features as jointing, bedding, contacts, and sheared zones, and cultural features. The mapping was prepared at a scale of 1:240 (1 inch = 20 feet) and is included on Figure 3, Geologic Map.

4.3 Test Boring and Rock Coring

A Test boring, designated as B-1, was drilled November 17 through 20 1998, to evaluate the subsurface conditions beneath the elevated roadway. The boring was drilled from Upper Calhoun Terrace at the location shown on Figure 2 to a depth of 63 feet (measured from the ground surface at Elevation 192.5 feet, San Francisco City datum). Pitcher Drilling Company of Palo Alto performed the drilling using truck-mounted, rotary-wash drilling equipment. A six-inch core barrel was used to cut through the concrete elevated roadway and through fill overlying the bedrock. An NX, (2¹/₈-inch inside diameter) double-tube core barrel was used to sample the rock continuously. A polymer-based drill fluid was circulated to flush and stabilize the hole.

A Certified Engineering Geologist (C. E. G.) logged the conditions during drilling and coring, describing the physical condition of the rock and its lithology, and noting recovery, Rock Quality Designation (RQD), fracture spacing and orientation, and drill rate. The boring log is presented

in Appendix A as Figure A-1. The geology obtained from the core is summarized in Section 4.2 of this report. Criteria used to describe the physical properties of the rock are shown on Figure A-2. The rock core was placed in boxes for preservation and was photographed. Photographs of the boxed core are contained in Appendix B-1. The core is currently stored at our offices at 555 Montgomery Street and is available for inspection.

5.0 GEOLOGY

Our understanding of the geology is based on recent mapping, published and unpublished reports and mapping by others.

5.1 Regional Geology

Telegraph Hill is in the northeast corner of the City of San Francisco, on the northern portion of the San Francisco Peninsula. The peninsula is part of the Coast Ranges geomorphic province which is characterized by northwest-trending mountains and valleys, and is dominated by northwest-trending faults and other structures. San Francisco Bay and the Santa Clara Valley occupy a northwest-trending structural depression to the east of the peninsula. Much of the peninsula is underlain by the late Mesozoic-age rocks of the Franciscan Complex. Tertiary- and Quaternary-age formations occur locally in unconformity on the Franciscan.

5.2 Site Geology

Surficial deposits of talus, colluvium, fill, quarry debris, and landslide debris are present on portions of the hillside. Fill consisting of angular rock (shale) fragments with varying amounts of fines is found beneath the elevated roadway. Our test boring encountered 7.5 feet of fill overlying bedrock. Quarry debris and talus were mapped on the sloping areas at the base of the cliffs west of 200 Green Street. Landslide debris and colluvium occur on the lower portion of the parcel at 1171 Sansome Street, the vacant lot immediately north of the building at 200 Green Street. A ramp, constructed to facilitate removal of rock slide debris during the remedial work performed early in 1998, remains alongside the north wall of 200 Green Street. The ramp

appears to be constructed of slide debris. Portions of the slope, especially the area north of the rockslide, are mantled with colluvium and are heavily vegetated. The area north of the rockslide contains numerous drip irrigation and larger watering lines. A geologic section indicating surface features is shown on Figure 4.

A portion of the slope beneath and extending downslope from the elevated roadway has a surface coating of gunite. Sections of this cover broke loose and were removed during the 1998 emergency remedial work. A few loose slabs of gunite remain on the slope. Apparently intact gunite exists beneath the elevated roadway and extends about 10 feet downslope on the east side of the elevated roadway and along the uppermost portion of the slope south of the elevated roadway. Raveling or sliding of rock from beneath the gunite has occurred locally, leaving portion of the overlying cap undermined and unsupported.

Rocks of the Franciscan Complex are exposed on the steep slope immediately east and south of the Upper Calhoun Street elevated roadway and were encountered in B-1 beneath the fill. Shale is exposed in the upper portion of the slope. A small outcrop was mapped at Elevation 100 feet¹, about 135 feet east of Calhoun Terrace. The shale is crushed to closely fractured, friable to weak, and moderately to severely weathered. Bedding is irregular and wavy. The strikes of bedding planes typically vary from N45°W to N15°E; dips are 20° to 40° E, which are out of the slope. A white precipitate was noted on some discontinuities (bedding planes, joints or shears zones) suggesting water runoff from irrigation or rainfall.

Sandstone (graywacke²) underlies the shale. The shale/graywacke contact trends northeasterly across the slope from approximately Elevation 180 feet near the top of the cliff south of the residence at 260 Green Street to approximately Elevation 112 feet (Towill, 1998) about 60 feet

¹ Elevations are in feet. San Francisco City Datum.

² Graywacke is a compact (metamorphosed) sandstone common in the Franciscan Formation.

east of Calhoun Terrace. At the latter location, a sheared, shale/graywacke contact has a strike of N05°E and dip of 05°NW. The small shale outcrop at Elevation 100 feet suggests that the contact continues to trend northeasterly downslope. The graywacke is typically closely to moderately fractured, strong, hard, and moderately to slightly weathered. No bedding planes were mapped. Jointing dominates the fracturing in the graywacke at the site and prominent joints appear to control the steep rock face. The most common joint orientations (strike and dip) are: N40°-50°E, 45°-55°SE; N80°-90°E, 90°±5°; and N15°W-N10°E, 40°-50°E. The approximate trends of the rock faces are: N35°E (east-facing slope) and N75°E (south-facing slope). Geologic features of the exposed rock face are superimposed on photographs of the lower and upper slopes are included on Figures 5 and 6, respectively.

5.3 Boring Data

Boring B-1 was drilled through the elevated roadway concrete. The roadway is at Elevation 200 feet according to the Towill survey and is 7.5 feet above the ground surface. At this location, 7.5 feet of fill overlies the bedrock. The fill is a clayey gravel that consists predominantly of fine to coarse, angular, gravel-size, shale fragments, about 30 percent slightly to moderately plastic fines, and about 10 percent sand. The bedrock is interbedded shale and sandstone. Shale, encountered immediately beneath the fill and extending to a depth of 16.4 feet, was crushed to intensely fractured, friable to weak, and moderately to severely weathered. Core recovery within these depths averaged 43 percent.

Graywacke with shale interbeds was encountered in the boring between depths of 16½ feet and 45½ feet. The graywacke is intensely to closely fractured, weak to strong, hard, and moderately to slightly weathered. Rock quality improves with depth and below 29 feet, the graywacke is closely fractured, strong, and slightly weathered. Fracture surfaces are stained and have a thin, patchy clay coating. The shale interbeds are typically 0.1 to 0.5 feet thick; one bed is 3.3 feet

thick (between depths of 25½ and 29 feet). Graywacke/shale contacts dipped 25 to 45 degrees (the strike of planar features in drill core is commonly indeterminate). The shale beds are intensely to closely fractured, locally crushed, weak to moderately strong, moderately hard, and moderately weathered. Calcite veins occur locally. Core recovery between 16.4 feet and 45.4 feet averaged 90.2 percent.

Below 45½ feet, the graywacke is closely to moderately fractured, strong, hard, and slightly weathered. Fracture surfaces are stained; a few fractures have a thin clay coating. Calcite veins are abundant. Core recovery averaged 97 percent.

Fluid loss during drilling was slight to none.

Groundwater was not determined in our boring due to rotary wash drilling method. However, groundwater should be expected within the fill, on the fill/rock contact and in the bedrock along prominent joints and fractures. Furthermore, groundwater may be perched on clay layers within the shale.

6.0 SEISMIC SETTING

The major active faults in the area are the San Andreas, Hayward, San Gregorio and Calaveras Faults. These and other active³ and potentially active⁴ faults of the region are shown on Figure 7. For each of the active faults, the distance from the site, and estimated maximum Moment magnitude^{5,6} event are summarized in Table 1.

TABLE 1
Regional Faults and Seismicity

Fault	Approximate Distance from Site (km)	Direction from Site	Max Magnitude ^{5,6}
San Andreas (Southern Santa Cruz Mts.)	77.8	S	7.0
San Andreas (Peninsula segment)	14.1	S	7.0
San Andreas (1906 rupture)	14.0	SW	7.9
Hayward (South segment)	25.1	SE	6.9
Hayward (North segment)	15.5	E	6.9
Hayward (Total)	15.5	E	7.1
San Gregorio	18.7	S	7.3
Calaveras (North of Calaveras Reservoir)	33.1	E	6.8
Calaveras (South of Calaveras Reservoir)	67.6	SE	6.2
Greenville	44.7	E	6.9
Concord-Green Valley	37.7	NE	6.9
Healdsburg-Rodgers Creek	32.5	N	7.0

³ Active faults are defined as those exhibiting either surface ruptures, topographic features created by faulting, surface displacements of geologically Recent (younger than about 11,000 years old) deposits, tectonic creep along fault lines, and/or close proximity to linear concentrations or trends of earthquake epicenters.

⁴ Potentially active faults are those that have evidence of displacement of deposits of Quaternary age (the last 2 million years).

⁵ Maximum Magnitude Earthquake (Moment magnitude), as referenced from *Probabilistic Seismic Hazard Assessment for the State of California* by the California Department of Conservation, Division of Mines and Geology, Open File Report 96-08.

⁶ Moment magnitude is an energy-based scale and provides a physically meaningful measure of the size of a faulting event. Moment magnitude is directly related to average slip and rupture fault area.

Since 1800, four major earthquakes have been recorded on the San Andreas Fault. In 1836 an earthquake with an estimated maximum intensity of VII on the Modified Mercalli (MM) scale occurred east of Monterey Bay on the San Andreas Fault⁷. The Modified Mercalli Intensity Scale is provided on Figure 8. The estimated Moment magnitude, M_w , for this earthquake is about 6-1/4. This earthquake was previously thought to have occurred on the northern portion of the Hayward Fault. In 1838, an earthquake occurred with an estimated intensity of about VIII-IX (MM), corresponding to a M_w of about 7-1/2. The San Francisco Earthquake of 1906 caused the most significant damage in the history of the Bay Area in terms of loss of lives and property damage. This earthquake created a surface rupture along the San Andreas Fault from Shelter Cove to San Juan Bautista approximately 430 kilometers in length. It had a maximum intensity of XI (MM), a M_w of about 7.9, and was felt 560 kilometers away in Oregon, Nevada, and Los Angeles. The most recent earthquake to affect the Bay Area was the Loma Prieta Earthquake of 17 October 1989, in the Santa Cruz Mountains with a M_w of 6.9, approximately 64 km south of the project site.

In 1868 an earthquake with an estimated maximum intensity of X on the MM scale occurred on the southern segment (between San Leandro and Fremont) of the Hayward Fault. The estimated M_w for the earthquake is about 7. In 1861, an earthquake of unknown magnitude (probably a M_w of about 6.5) was reported on the Calaveras Fault. The most recent significant earthquake on this fault was the 1982 Morgan Hill earthquake ($M_w=6.2$).

The Working Group on California Earthquake Probabilities, organized by the U.S. Geologic Survey (USGS), predicted a 67 percent probability of a magnitude 7.0 earthquake occurring in the San Francisco Bay Area by the year 2020 (WGCEP 1990). More specific estimates of the probabilities for different fault segments in the Bay Area are presented in Table 2.

⁷ Topozada, T.R. and Borchardt G., *Re-Evaluation of the 1836 "Hayward Fault" and the 1838 San Andreas Fault Earthquakes*, Bulletin of Seismological Society of America, Volume 88, Number 1, February 1998.

TABLE 2
WGCEP (1990) Estimates of 30-Year Probability
of a Magnitude 7.0 Earthquake

Fault Segment	30-Year Probability M=7.0 (percent)
San Andreas (Peninsula segment)	23
Hayward (North segment)	28
Hayward (South segment)	23
Healdsburg-Rodgers Creek	22

An earthquake can trigger geologic hazards that may affect the performance of the proposed structures at the site. Geologic hazards that were evaluated for the site include: 1) ground rupture, 2) strong ground shaking, 3) soil liquefaction, and 4) seismically induced landslides. These hazards are discussed in the following sections.

6.1 Ground Rupture

On the basis of published data, we conclude that no active faults or extensions of active faults pass through the site. Therefore, it is our opinion that the risk of ground rupture at the site is nil.

6.2 Strong Ground Shaking

Because of the proximity of the site to active faults, strong ground shaking should be expected during the life of the project. The intensity of ground shaking at the site during a major earthquake will depend on the distance of the earthquake epicenter from the site and the magnitude of the earthquake. An earthquake intensity map, prepared by the Association of Bay

Area Governments⁸ indicates ground shaking at the site due to a large earthquake on the San Andreas or Hayward Fault could be strong.

6.3 Soil Liquefaction and Associated Hazards

Soil liquefaction is a phenomenon in which saturated (submerged), cohesionless soil experiences a temporary loss of strength because of the buildup of excess pore water pressure, especially during cyclic loadings such as those induced by earthquakes. Soil most susceptible to liquefaction is loose, clean, saturated, uniformly graded, fine-grained sand. Differential compaction or densification can also occur during earthquake ground shaking in loose, clean granular deposits above the water table. Because the site subsurface is composed of medium dense clayey gravel and bedrock, neither liquefaction nor differential compaction at the site is a concern.

6.4 Seismically Induced Landslides

Surficial deposits of talus, colluvium fill, quarry deposit and landslide debris are present on portions of the hillside. In the event of a major earthquake on any of the major faults in the area, minor sliding of the surficial soil may occur.

7.0 DISCUSSION AND CONCLUSIONS

The topography of Telegraph Hill was the product of weathering in concert with geologic evolution. Our review of early photographs show slopes flatter than currently exist indicative of the natural erosion and disposition. Manmade processes including the removal of significant amounts of material from the hillside sharply increased the grades without providing compensating support to offset the geomorphologic processes that had historically shaped Telegraph Hill. The result has been an acceleration of the natural processes which manifest themselves in the form of periodic rockfalls and landslides on the hillside below the Terrace.

⁸ Association of Bay Area Governments (ABAG), *On Shaky Ground*, 1998.

Left unprotected, the steep inclines created by the quarrying operations of this and the last century will continue to degrade through natural geologic exfoliation in the form of spalling, or through slide events. Presently, there is no immediate hazard to the property below Calhoun Terrace, but persistently or severely inclement weather in the future could increase the likelihood of rockslides and rockfalls.

The bedrock beneath the Calhoun Terrace roadway should provide long-term adequate support with the implementation of mitigation measures, including erosion protection and bolting, as discussed in the remainder of this report.

8.0 RECOMMENDATIONS

The area bounded by upper Calhoun Terrace to the west, Sansome Street to the east, the north property line of 1171 Sansome Street to the north and Green Street to the south (excluding the property at 200 Green Street) are addressed in this section.

To reduce the geologic hazards associated with the weak soil and rock in this area, we recommend the following work be performed:

- improving and preserving the existing gunite (City right-of-way only)
- stabilizing the colluvium on the upper slope (City right-of-way and portions of Lots 29 and 40 of the adjacent private property)
- protecting the shale against sliding (City right-of-way and portions of Lot 40 of the adjacent private property)
- restraining the graywacke against future rockfalls (portions of Lots 10, 11, 29 and 40 of the adjacent private property)

8.1 Preserving the Existing Gunite Cover

The intact portion of the gunite cover protects the underlying shale and fill from degradation. To prevent the gunite from additional undermining, we recommend a trench be excavated into sound shale at the lower edge of the gunite, and a reinforced concrete curb (short retaining wall) be

constructed to meet the upper surface of the gunite. We expect the curb will be roughly 2½ feet high and up to one foot wide. The curb should be tied into the rock by 25- to 30-foot long, rock anchors placed on 5-foot centers along the curbs length. Drainage should be provided to prevent development of hydrostatic pressure behind the wall. The existing vegetation should be removed where it affects drainage through existing weep holes. New weep holes may be required in areas of the gunite to allow for additional drainage.

8.2 Stabilizing the Colluvium

Existing vegetation lends a degree of stability to the colluvium; however, the present soil mantle and root mass could fail if saturated or subjected to strong ground shaking. Storm runoff from Calhoun Terrace and adjoining residences should be diverted from the slope and from the soil mantle in particular. Excess irrigation should be avoided and we recommend removing the existing irrigation systems from this area of the hill.

8.3 Protecting the Shale from Potential Sliding

Rock anchors should be drilled into the shale to mitigate further sliding. The anchors should be 25 to 30 feet long, installed normal to the slope in a diamond pattern on 5- to 6-foot centers. Shale typically is susceptible to degradation by exposure to air and water, and the shale and the rock anchor assemblies could be protected by applying a gunite cover to the slope. Weep holes through the gunite should be included to prevent build up of water pressure.

Alternatively, a heavy chain-link mesh (double-corrosion protected wire mesh) could be placed over the shale to control raveling.

8.4 Restraining the Graywacke Against Future Rockfalls

Slopes in the old quarry below 260 Green Street (Figure 3) are steep and blocks of graywacke from the face of the old quarry are present along the base of the slope, including the area behind the building at 200 Green Street. The debris provides evidence of the ongoing geologic

exfoliation of exposed rock and the rockfalls resulting from this process threaten the stability of the residences above the quarry and are a hazard to persons and property below.

We recommend that rock anchors be installed in the graywacke to minimize future rockfalls. The anchors should be 25 to 30 feet long and installed normal to the slope in a diamond pattern on 5- to 6-foot centers. The locations to be rock bolted should be selected by a CEG, or by a Professional Engineer expert in geological engineering. Loose rock should be scaled from the slope prior to installation of the rock anchors.

9.0 Summary of Structural Evaluation

GFDS Engineers of San Francisco performed a structural evaluation of the south limits of upper Calhoun Terrace. In their report, attached as Appendix C, they concluded the roadway is sound except for several items requiring maintenance type repair.

Specifically, GFDS Engineers recommended:

- Cover exposed reinforcing steel with an appropriate cementitious repair material.
- Remove loose and delaminated concrete. Replace with an appropriate cementitious repair material.
- Fill cracks with an appropriate epoxy adhesive
- Seal gaps in the shotcrete ground covering
- Remove the vegetation covering, and core new weep holes for drainage through the south wall (Bent 1)

10.0 GEOTECHNICAL AND GEOLOGIC SERVICES DURING DESIGN

Treadwell & Rollo, Inc. should provide consultation during the final design phase of the project. We should review the project plans and specifications. This will allow us to check conformance with the intent of our recommendations. To maintain the project schedule, our review should be completed prior to construction.

As soon as you are ready to begin the final design phase of the project, we would be pleased to provide you with an estimate of our scope of services.

REFERENCES

Alan Kropp, 1984, *Geotechnical Consultations, Consulting Report for Telegraph Hill Dwellers.*

Frances Hicks, 1979, *History of the Quarry on the East Side of Telegraph Hill.*

Schlocker, J., et. al., *Geology of the San Francisco, North Quadrangle, California, U.S. Geological Survey Map I-272, 1958.*

Towill Inc., 1998, *Topographic Map Calhoun Terrace Rockslide, Scale 1:240.*

FIGURES



Reference: Thomas Brothers Maps
 San Francisco County
 1997

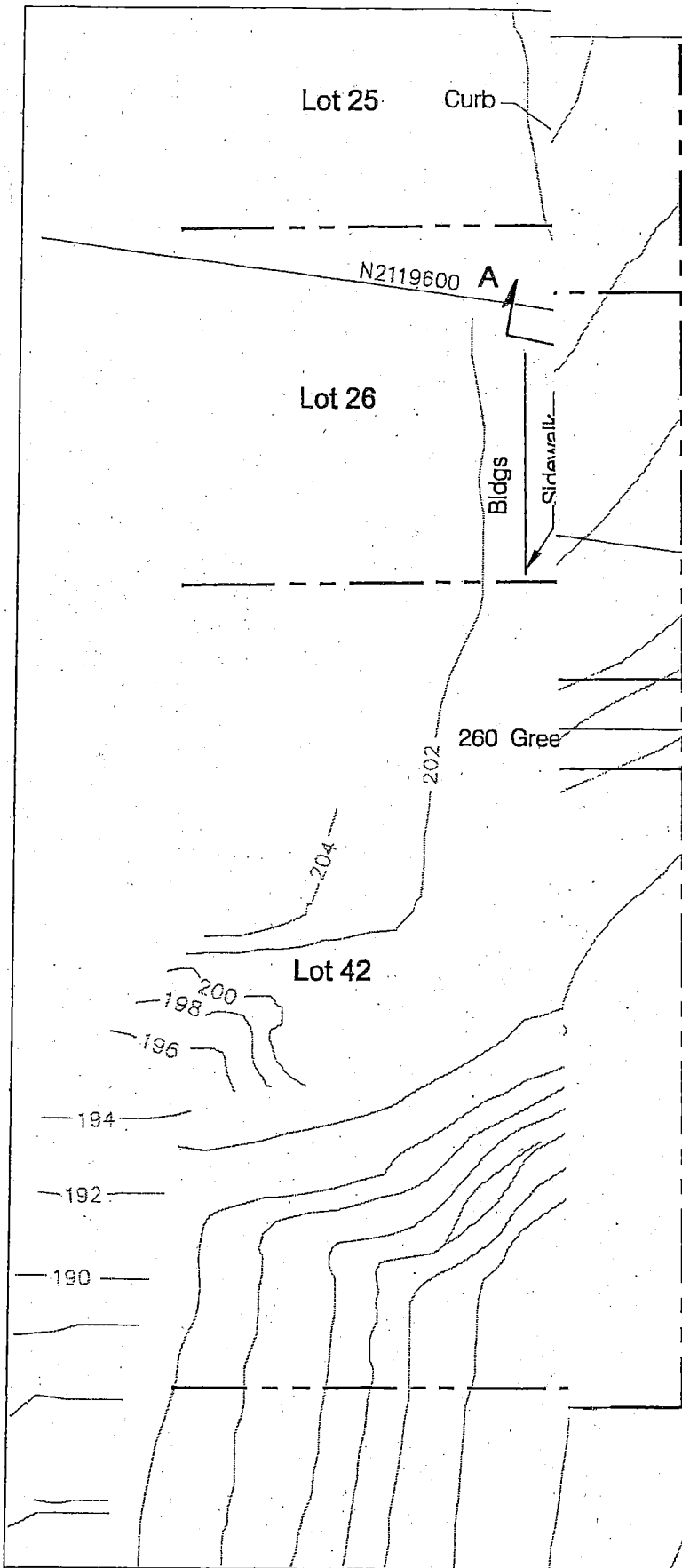


CALHOUN TERRACE
 San Francisco, California




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 Olivia Chen Consultants

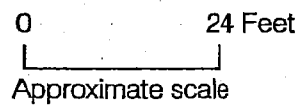
SITE LOCATION MAP

Date 8/12/99	Project No. 1778.02	Figure 1
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EXPLANATION

- B-1  Approximate location of boring by Treadwell & Rollo, Inc./Olivia Chen Consultants, Inc., November 1998
- A  A' Approximate location of geologic section
-  Defines approximate property limits, Assessors Block 113



Reference: Contours based on ortho photogrammetry performed by Towill, Inc., dated 1/30/98.

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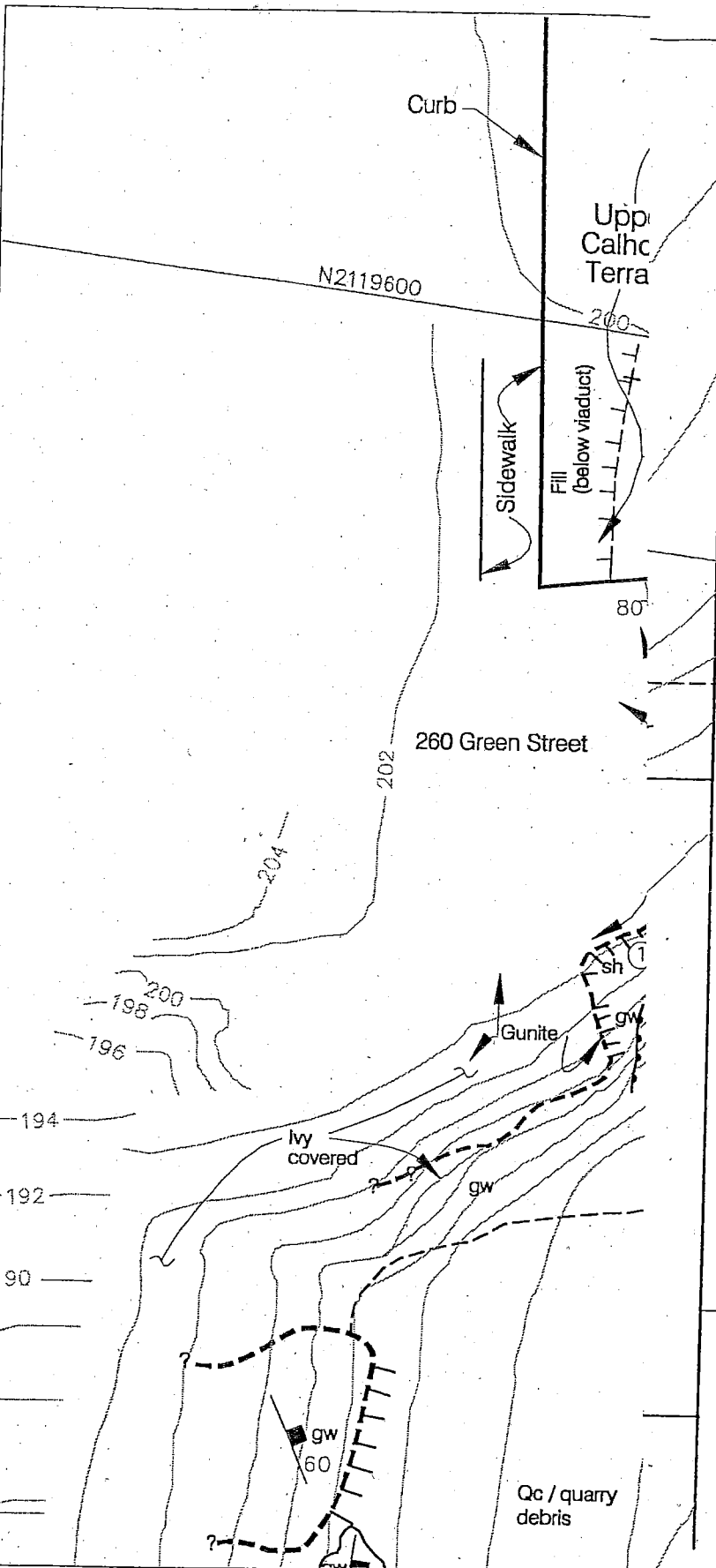
Figure 2

Job No. 1164.2

RFACE
California

10/18/99

1778 JG



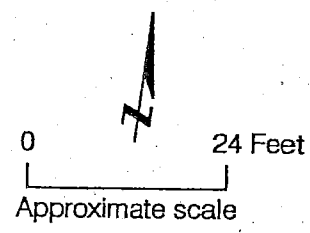
EXPLANATION

GEOLOGIC UNITS

- Qls Landslide
- Qc Colluvium
- gw Graywacke
- sh Shale

GEOLOGIC SYMBOLS

- Geologic contact, approximately located; dotted where concealed; queried where uncertain
- Lower edge of gunite; hachured where gunite broken off
- Overhanging rock
- Prominent joints (selected)
- Limits of recent sliding; varying amounts of unstable loose debris (gunite blocks, rock fragments, soil) up to ~2' thick, remain on slope within slide limits
- Field note
- 45 Strike and dip of joint
- 35 Strike and dip of bedding



Notes: 1. See Appendix A for field notes.
2. Map based on Towill Inc., 1/30/98.

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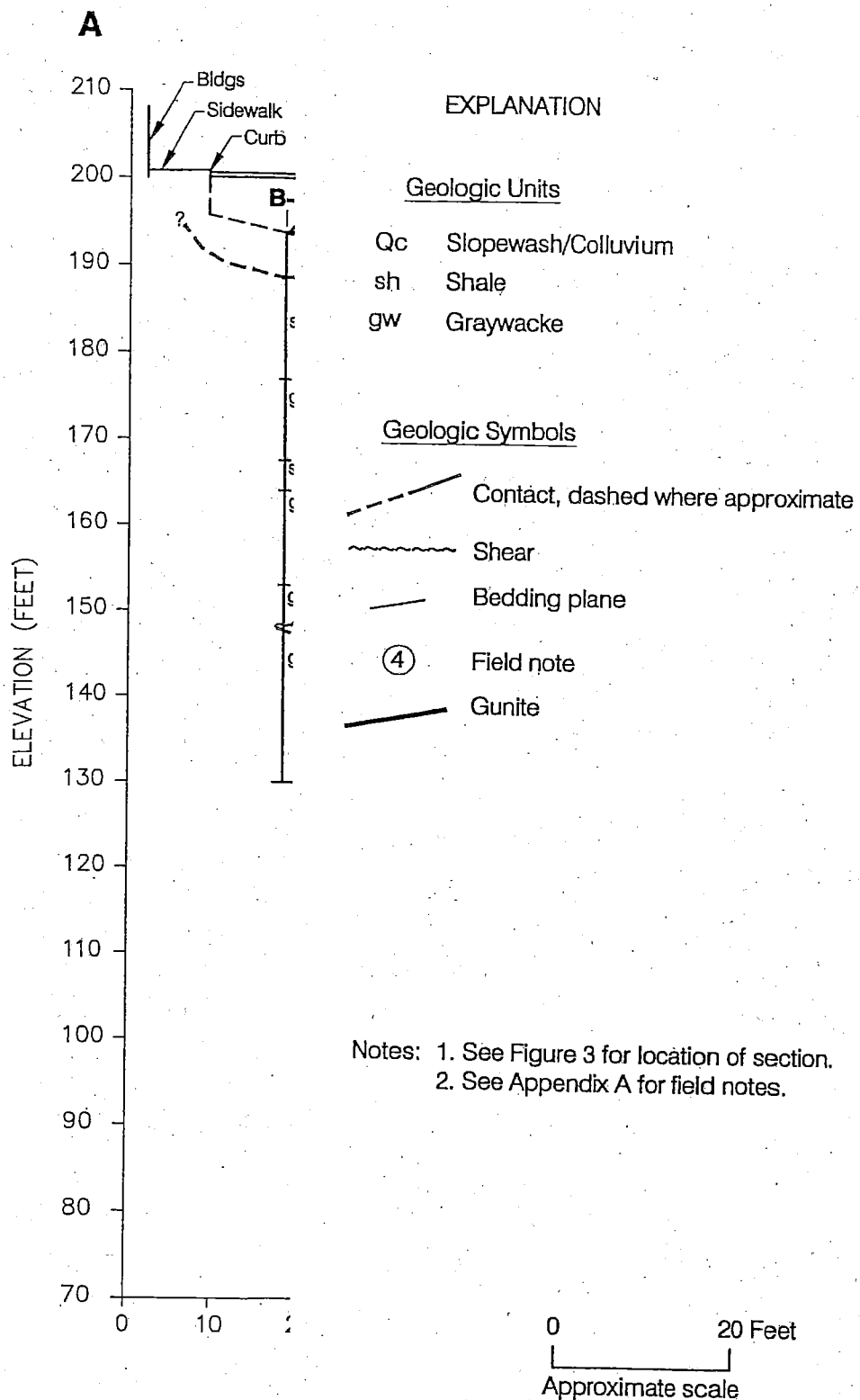
Job No. 1164.2



E
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Figure 3

8/13/99



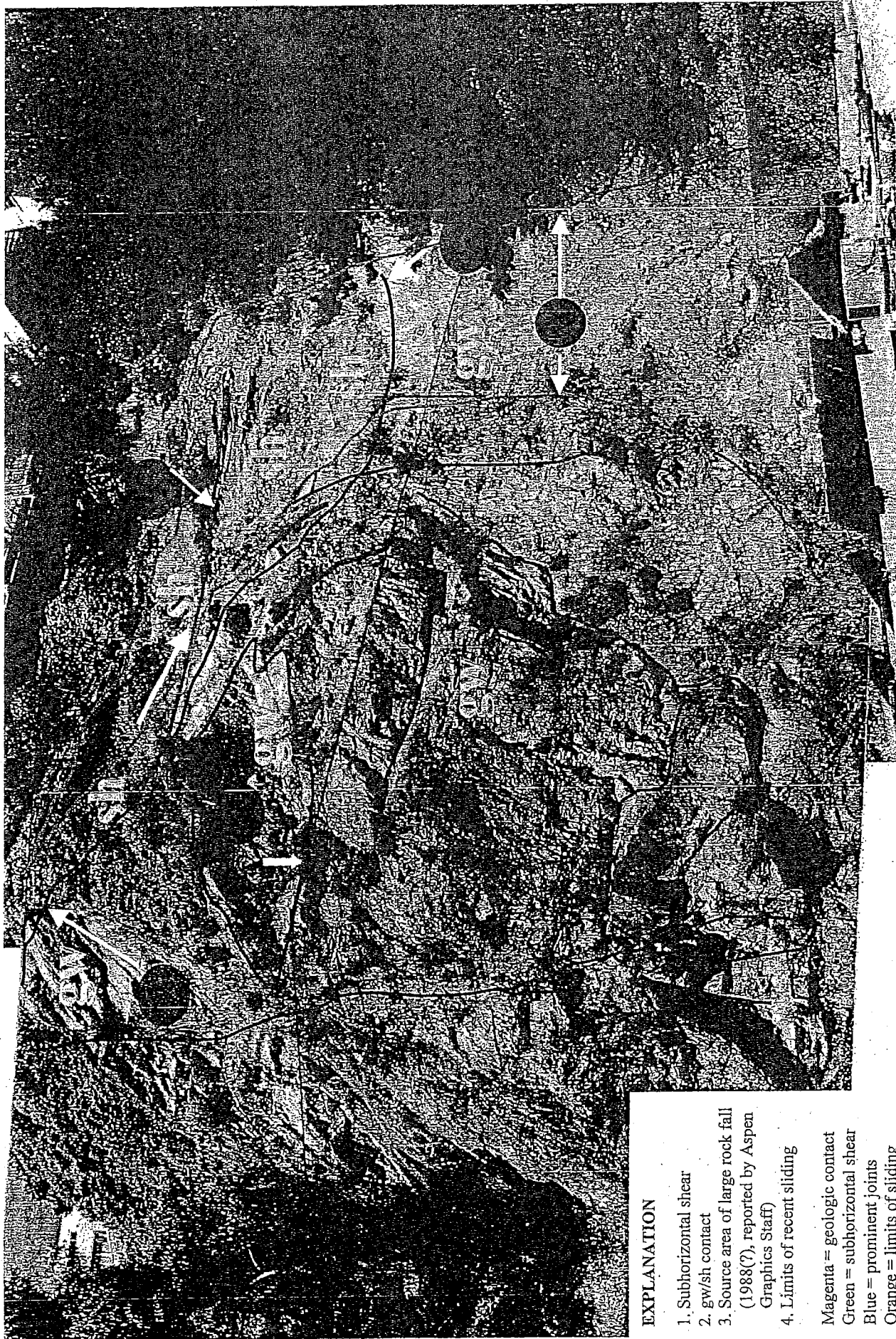
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TITATION A-A
G
RACE
California

Figure 4

6/28/99



EXPLANATION

- 1. Subhorizontal shear
- 2. gw/sh contact
- 3. Source area of large rock fall (1988(?), reported by Aspen Graphics Staff)
- 4. Limits of recent sliding

Magenta = geologic contact
 Green = subhorizontal shear
 Blue = prominent joints
 Orange = limits of sliding

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Treadwell & Rollo

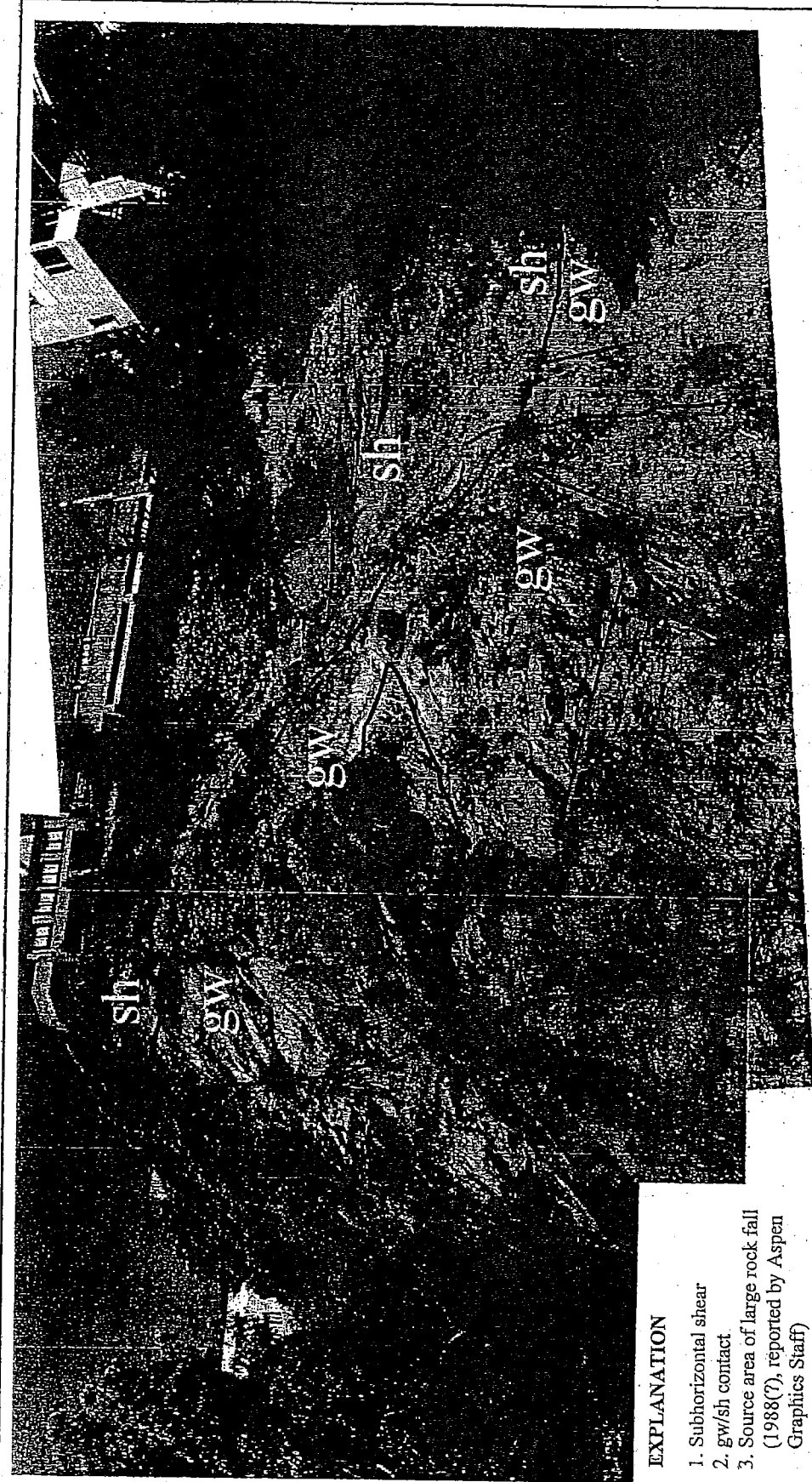
Job No. 1778.02

Composite Geologic Mapping
 and Photograph of Lower Slope

CALHOUN TERRACE
 San Francisco, California

Figure 5

6/28/99



EXPLANATION

- 1. Subhorizontal shear
- 2. gw/sh contact
- 3. Source area of large rock fall (1988(?), reported by Aspen Graphics Staff)
- 4. Limits of recent sliding

Magenta = geologic contact
 Green = subhorizontal shear
 Blue = prominent joints
 Orange = limits of sliding

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Job No. 1164.2

Treadwell & Rollo

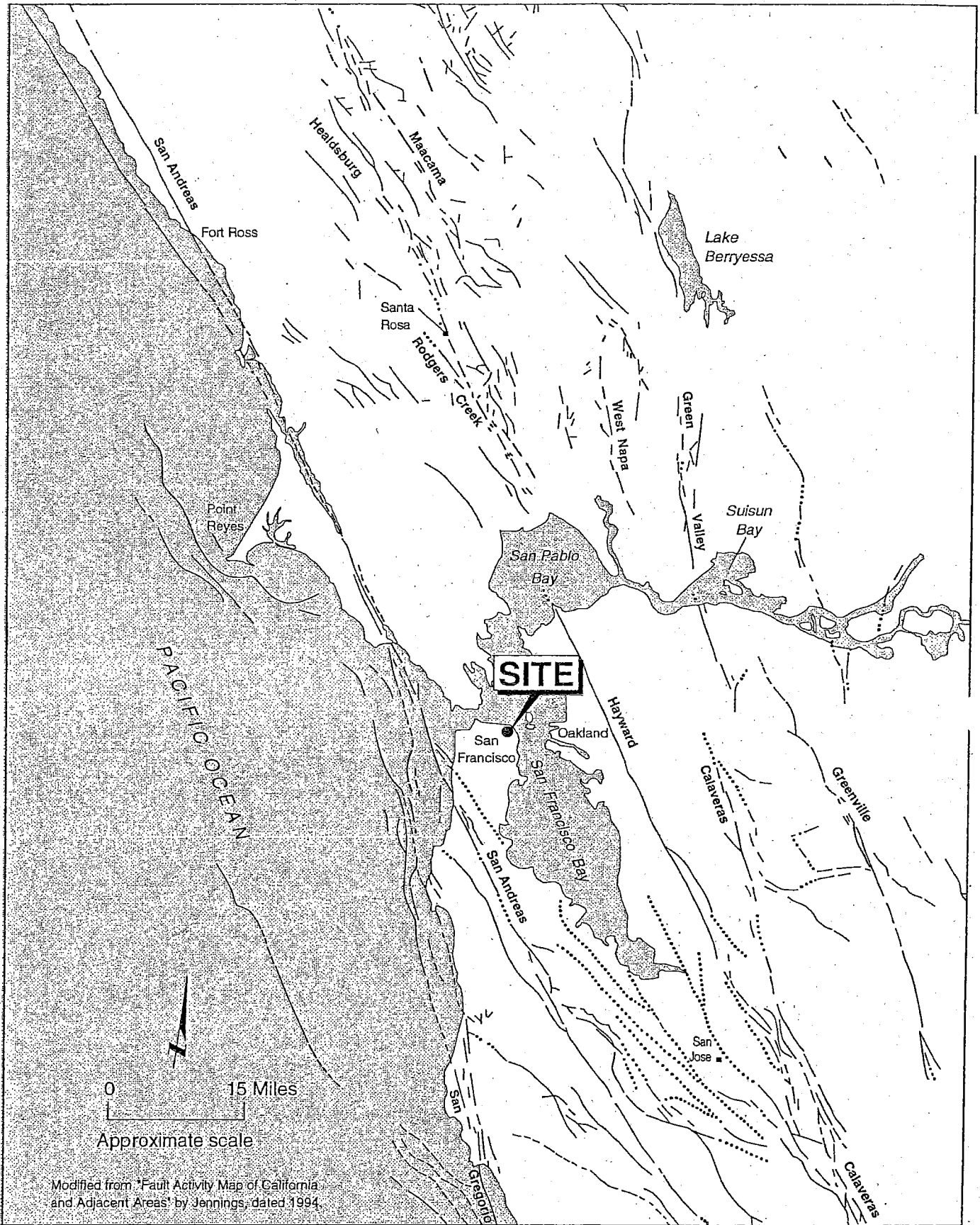
Job No. 1778.02

Composite Geologic Mapping
 and Photograph of Upper Slope

CALHOUN TERRACE
 San Francisco, California

Figure 6

September 1998



CALHOUN TERRACE
San Francisco, California

**ACTIVE AND POTENTIALLY ACTIVE
FAULT MAP**

Treadwell & Rollo, Inc.
Olivia Chen Consultants

Date 8/12/99	Project No. 1778.02	Figure 7
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- I **Not felt by people, except under especially favorable circumstances. However, dizziness or nausea may be experienced.**
Sometimes birds and animals are uneasy or disturbed. Trees, structures, liquids, bodies of water may sway gently, and doors may swing very slowly.
- II **Felt indoors by a few people, especially on upper floors of multi-story buildings, and by sensitive or nervous persons.**
As in Grade I, birds and animals are disturbed, and trees, structures, liquids and bodies of water may sway. Hanging objects swing, especially if they are delicately suspended.
- III **Felt indoors by several people, usually as a rapid vibration that may not be recognized as an earthquake at first. Vibration is similar to that of a light, or lightly loaded trucks, or heavy trucks some distance away. Duration may be estimated in some cases.**
Movements may be appreciable on upper levels of tall structures. Standing motor cars may rock slightly.
- IV **Felt indoors by many, outdoors by a few. Awakens a few individuals, particularly light sleepers, but frightens no one except those apprehensive from previous experience. Vibration like that due to passing of heavy, or heavily loaded trucks. Sensation like a heavy body striking building, or the falling of heavy objects inside.**
Dishes, windows and doors rattle; glassware and crockery clink and clash. Walls and house frames creak, especially if intensity is in the upper range of this grade. Hanging objects often swing. Liquids in open vessels are disturbed slightly. Stationary automobiles rock noticeably.
- V **Felt indoors by practically everyone, outdoors by most people. Direction can often be estimated by those outdoors. Awakens many, or most sleepers. Frightens a few people, with slight excitement; some persons run outdoors.**
Buildings tremble throughout. Dishes and glassware break to some extent. Windows crack in some cases, but not generally. Vases and small or unstable objects overturn in many instances, and a few fall. Hanging objects and doors swing generally or considerably. Pictures knock against walls, or swing out of place. Doors and shutters open or close abruptly. Pendulum clocks stop, or run fast or slow. Small objects move, and furnishings may shift to a slight extent. Small amounts of liquids spill from well-filled open containers. Trees and bushes shake slightly.
- VI **Felt by everyone, indoors and outdoors. Awakens all sleepers. Frightens many people; general excitement, and some persons run outdoors.**
Persons move unsteadily. Trees and bushes shake slightly to moderately. Liquids are set in strong motion. Small bells in churches and schools ring. Poorly built buildings may be damaged. Plaster falls in small amounts. Other plaster cracks somewhat. Many dishes and glasses, and a few windows break. Knickknacks, books and pictures fall. Furniture overturns in many instances. Heavy furnishings move.
- VII **Frightens everyone. General alarm, and everyone runs outdoors.**
People find it difficult to stand. Persons driving cars notice shaking. Trees and bushes shake moderately to strongly. Waves form on ponds, lakes and streams. Water is muddied. Gravel or sand stream banks cave in. Large church bells ring. Suspended objects quiver. Damage is negligible in buildings of good design and construction; slight to moderate in well-built ordinary buildings; considerable in poorly built or badly designed buildings, adobe houses, old walls (especially where laid up without mortar), spires, etc. Plaster and some stucco fall. Many windows and some furniture break. Loosened brickwork and tiles shake down. Weak chimneys break at the roofline. Cornices fall from towers and high buildings. Bricks and stones are dislodged. Heavy furniture overturns. Concrete irrigation ditches are considerably damaged.
- VIII **General fright, and alarm approaches panic.**
Persons driving cars are disturbed. Trees shake strongly, and branches and trunks break off (especially palm trees). Sand and mud erupts in small amounts. Flow of springs and wells is temporarily and sometimes permanently changed. Dry wells renew flow. Temperatures of spring and well waters varies. Damage slight in brick structures built especially to withstand earthquakes; considerable in ordinary substantial buildings, with some partial collapse; heavy in some wooden houses, with some tumbling down. Panel walls break away in frame structures. Decayed pilings break off. Walls fall. Solid stone walls crack and break seriously. Wet grounds and steep slopes crack to some extent. Chimneys, columns, monuments and factory stacks and towers twist and fall. Very heavy furniture moves conspicuously or overturns.
- IX **Panic is general.**
Ground cracks conspicuously. Damage is considerable in masonry structures built especially to withstand earthquakes; great in other masonry buildings - some collapse in large part. Some wood frame houses built especially to withstand earthquakes are thrown out of plumb, others are shifted wholly off foundations. Reservoirs are seriously damaged and underground pipes sometimes break.
- X **Panic is general.**
Ground, especially when loose and wet, cracks up to widths of several inches; fissures up to a yard in width run parallel to canal and stream banks. Landsliding is considerable from river banks and steep coasts. Sand and mud shifts horizontally on beaches and flat land. Water level changes in wells. Water is thrown on banks of canals, lakes, rivers, etc. Dams, dikes, embankments are seriously damaged. Well-built wooden structures and bridges are severely damaged, and some collapse. Dangerous cracks develop in excellent brick walls. Most masonry and frame structures, and their foundations are destroyed. Railroad rails bend slightly. Pipe lines buried in earth tear apart or are crushed endwise. Open cracks and broad wavy folds open in cement pavements and asphalt road surfaces.
- XI **Panic is general.**
Disturbances in ground are many and widespread, varying with the ground material. Broad fissures, earth slumps, and land slips develop in soft, wet ground. Water charged with sand and mud is ejected in large amounts. Sea waves of significant magnitude may develop. Damage is severe to wood frame structures, especially near shock centers, great to dams, dikes and embankments, even at long distances. Few if any masonry structures remain standing. Supporting piers or pillars of large, well-built bridges are wrecked. Wooden bridges that "give" are less affected. Railroad rails bend greatly and some thrust endwise. Pipe lines buried in earth are put completely out of service.
- XII **Panic is general.**
Damage is total, and practically all works of construction are damaged greatly or destroyed. Disturbances in the ground are great and varied, and numerous shearing cracks develop. Landslides, rock falls, and slumps in river banks are numerous and extensive. Large rock masses are wrenched loose and torn off. Fault slips develop in firm rock, and horizontal and vertical offset displacements are notable. Water channels, both surface and underground, are disturbed and modified greatly. Lakes are dammed, new waterfalls are produced, rivers are deflected, etc. Surface waves are seen on ground surfaces. Lines of sight and level are distorted. Objects are thrown upward into the air.

CALHOUN TERRACE
San Francisco, California

MODIFIED MERCALLI INTENSITY SCALE

Treadwell & Rollo, Inc.
Olivia Chen Consultants

Date 8/12/99

Project No. 1778.02

Figure 8

APPENDIX A

**Log of Test Boring, B-1
Physical Characteristics of Rock Chart
and Field Notes**

PROJECT:		CALHOUN TERRACE San Francisco, California			Log of Boring B-1					PAGE 1 OF 3	
Boring location: See Site Plan, Figure 3					Logged by: E. Solomon Olivia Chen Consultants						
Date started: 11/17/98		Date finished: 11/20/98									
Drilling method: 4 7/8-inch rotary wash											
Hammer weight/drop: 140 lbs./30 inches		Hammer type: Safety			DATA			MOISTURE-DENSITY DATA			
Sampler: NX core barrel											
DEPTH (feet)	SAMPLES			LITHOLOGY	MATERIAL DESCRIPTION	Drilling Rate Min/Ft	FOD%	Recovery %	Natural Moisture Content	Dry Density Lbs/Cu Ft	
	Sampler Type	Sample	Blows/ foot								
					Ground Surface Elevation: 192.5 feet ¹						
1				GC	CLAYEY GRAVEL (GC) pale yellow-brown, medium dense, moist, slightly to moderately plastic, fine- to coarse-grained, gravel, fine- to coarse-grained, angular, shale fragments						
2											
3											
4											
5											
6				FRANCISCAN COMPLEX	SHALE olive-gray, low hardness, crushed to intensely fractured, friable to weak, moderately to severely weathered, with clay	16.7	0%	40%			
7											
8											
9	C										
10											
11											
12	C										
13											
14											
15											
16	C			FRANCISCAN COMPLEX	SHALE olive-gray, low hardness, crushed to intensely fractured, friable to weak, moderately to severely weathered, with clay	11.4	0%	49%			
17											
18											
19											
20											
21	C			FRANCISCAN COMPLEX	GRAYWACKE olive-gray, dark green-gray, hard, intensely fractured, weak to moderately strong, moderately weathered, fine-grained sandstone, with some shale interbeds fractures dip ~50° at 0.02- to 0.1-foot spacing, from 18.8 to 20.0 feet shale, dips ~50°, from 19.8 to 20.2 feet crushed with clay on fractures between 20.0 to 20.6	8.4	0%	40%			
22											
23											
24											
25											
26	C			FRANCISCAN COMPLEX	GRAYWACKE olive-gray, dark green-gray, hard, intensely fractured, weak to moderately strong, moderately weathered, fine-grained sandstone, with some shale interbeds fractures dip ~50° at 0.02- to 0.1-foot spacing, from 18.8 to 20.0 feet shale, dips ~50°, from 19.8 to 20.2 feet crushed with clay on fractures between 20.0 to 20.6	33.0	0%	100%			
27											
28											
29											
30											
31	C			FRANCISCAN COMPLEX	SHALE olive-black to grayish black, moderately hard, intensely to closely fractured, locally crushed, weak to strong, slightly weathered, with graywacke interbeds fractures with clay from 26.8 to 27.2 feet crushed, clayey, from 27.4 to 27.6 feet graywacke from 27.8 to 28.3 with clay at 28.8 feet	25.2	0%	52%			
32											
33											
34											
35											
36	C			FRANCISCAN COMPLEX	GRAYWACKE olive-gray, hard, closely fractured, moderately strong to strong, moderately weathered, with shale interbeds, clay films on fractures crushed shale from 29.4 to 29.6 feet	26.7	0%	47%			
37											
38											
39											
40											
41	C			FRANCISCAN COMPLEX	GRAYWACKE olive-gray, hard, closely fractured, moderately strong to strong, moderately weathered, with shale interbeds, clay films on fractures crushed shale from 29.4 to 29.6 feet	17.0	0%	80%			
42											
43											
44											
45											
46	C			FRANCISCAN COMPLEX	SHALE olive-black to grayish black, moderately hard, intensely to closely fractured, locally crushed, weak to strong, slightly weathered, with graywacke interbeds fractures with clay from 26.8 to 27.2 feet crushed, clayey, from 27.4 to 27.6 feet graywacke from 27.8 to 28.3 with clay at 28.8 feet	24.8	0%	90%			
47											
48											
49											
50											

DEPTH (feet)	SAMPLES			LITHOLOGY	MATERIAL DESCRIPTION	DATA			MOISTURE-DENSITY DATA	
	Sampler Type	Sample	Blows/foot			Drilling Rate Min/Ft	FGD%	Recovery %	Natural Moisture Content	Dry Density Lbs/Cu Ft
31					GRAYWACKE (continued)					
32					shale, weak, closely to intensely fractured, from 31.2 to 31.8 feet					
33	C					20.0	7%	90%		
34					shale, intensely fractured, dips 45°, from 33.5 to 34.0 feet					
35					shale, gray-black, dips 15°					
36					shale from 35.7 to 35.9 feet					
37	C				shale, weak, from 37.3 to 37.6 feet	21.6	0%	100%		
38					local thick calcite veins from 38.0 to 42.0 feet					
39					shale, dips 20°, from 38.2 to 38.3 feet and from 38.5 to 38.6 feet					
40	C				crushed, clayey, 0.01-foot thick, at 39.5 feet					
41					shale, dips 20°, from 39.6 to 39.9 feet	18.2	27%	100%		
42					GRAYWACKE interbedded with SHALE					
43					hard graywacke with moderately hard shale beds, closely fractured, moderately strong, moderately weathered, some clay on fractures, thin beds, beds typically 0.1- to 0.4-foot, dip 20°					
44					crushed zones, 0.02- to 0.03-foot thick, at 41.5, 44.0, and 45.2 feet					
45	C					17.3	10%	98%		
46					GRAYWACKE					
47					green-gray, hard, closely to moderately fractured, strong, moderately weathered, medium- to coarse-grained, fractures stained					
48	C				crushed, clayey, 0.02-foot thick, dip <10°, at 46.5 feet	14.0	47%	100%		
49					fractures 50° and <10°, stained, at 48.2 feet					
50										
51					intensely fractured, thin clay film on fractures, fractures dip ~60° and 80°, from 50.8 to 52.5 feet					
52	C				fracture with crushed infill, 0.01-foot thick, dip 50°, at 52.6 feet	12.2	12%	100%		
53										
54										
55										
56										
57	C					15.4	30%	100%		
58					fracture with crushed rock, 0.01-foot thick, dip 30°					
59	C									
60					fracture with clay, dip 60°, between 59.5 to 59.9 feet					

PROJECT:

CALHOUN TERRACE
San Francisco, California

Log of Boring B-1

PAGE 3 OF 3

DEPTH (feet)	SAMPLES			LITHOLOGY	MATERIAL DESCRIPTION	DATA			MOISTURE-DENSITY DATA	
	Sampler Type	Sample	Blows/foot ¹			Drilling Rate Min/Ft	RQD%	Recovery %	Natural Moisture Content	Dry Density Lbs/Cu Ft
61	C				GRAYWACKE (continued)	12.5	25%	90%		
62					FRANCISCAN COMPLEX fracture, clay film, dip 45°, at 62.3 feet					
63					Boring terminated at a depth of 63.0 feet. Boring backfilled with tremie grout upon completion of drilling. Natural groundwater was not observed during drilling due to drilling and coring method used to advance the hole.					
64										
65										
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90										

PHYSICAL CHARACTERISTICS OF ROCKS

HARDNESS		STRENGTH	
VERY LOW	Easily crumbled or deformed by hand	PLASTIC	Can be deformed by hand
LOW	May be broken using both hands, or if plastic, deformed by hand. May be cut with difficulty with knife, easily powdered with pick. Dull thud when struck with hammer	FRIABLE	Crumbles by rubbing with fingers.
		WEAK	An unfractured outcrop of such material would crumble under light hammer blows
MODERATELY HARD	May be scratched with knife to shallow depth, dull ring when struck with hammer	MODERATELY STRONG	Outcrop would withstand a few firm hammer blows before breaking
HARD	Can be scratched with difficulty with knife	STRONG	Outcrop would withstand a few heavy hammer blows but will yield large fragments
VERY HARD	Cannot be scratched with knife. Sharp ring when struck.	VERY STRONG	Outcrop would resist heavy ringing hammer blows and will yield with difficulty only dust and small fragments.

WEATHERING

EXTENT	DECOMPOSITION	DISINTEGRATION	DISCOLORATION	FRACTURE CONDITION
SEVERE	Moderate to complete alteration of minerals. Feldspars altered to clay, etc.	Generally friable, but rock texture and structure are preserved.	Extensive and thorough.	All fractures extensively coated with oxides, carbonates or clay.
MODERATE	Slight alteration of minerals, cleavage surfaces, lusterless and stained.	Most cementation is affected; may be locally friable.	Moderate or localized and intense.	Thin coatings or stains.
SLIGHT	No megascopic alteration of minerals.	Little or no effect on normal cementation.	Slight and intermittent and localized.	Few stains on fracture surfaces.
FRESH	Unaltered, cleavage surface glistening.	Cementation unaffected.	No discoloration.	No stains.

ROCK MASS DISCONTINUITY (FRACTURING)

DISCONTINUITY COATINGS

EXTENT	ENGLISH SIZE RANGE	METRIC SIZE RANGE	EXTENT	THICKNESS
Crushed (may contain clay)	Less than 0.05'	Less than 1.5 cm.	<u>Unstained or Clean:</u> Nearly all surface clean.	<u>Stained:</u> No perceptible thickness.
Intense	0.05' to 0.1'	1.5 cm. to 3.0 cm.	<u>Small:</u> Covers less than 10% of fracture surface.	<u>Thin:</u> Barely perceptible.
Close	0.1' to 0.5'	3.0 cm. to 15 cm.	<u>Moderate or Patchy:</u> Covers 10% to 50% of surface.	<u>Medium:</u> Up to 2 mm.
Moderate	0.5' to 1.0'	15 cm. to 30 cm.	<u>Extensive:</u> Covers more than 50% of surface.	<u>Thick:</u> Over 2 mm.
Little	1.0' to 3'0	30 cm. to 100 cm.		
Massive	3.0' and larger	1 m. and larger		

STRATIFICATION

STRATIFICATION (OR PARTING)	CROSS-STRATIFICATION	APPROXIMATE THICKNESS	
		English	Metric
Massive	Massive	Over 10 feet	Over 3 m
Very thick-bedded (-parted)	Very thickly cross-bedded	3-10 feet	1-3 m
Thick-bedded (-parted)	Thickly cross-bedded	1-3 feet	30-100 cm
Medium-bedded (-parted)	Medium cross-bedded	0.25-1.0 foot	10-30 cm
Thin-bedded (-parted)	Thinly cross-bedded	0.1-0.25 foot	3-10 cm
Very thin-bedded (-parted)	Very thinly cross-bedded	0.05-0.1 foot	1-3 cm
Laminated (Thinly parted)	Cross-laminated	0.01-0.05 foot	0.3-1.0 cm
Thinly laminated (Very thinly parted)	Thinly cross-laminated	Less than 0.01 foot	Less than 0.3 cm

CEMENTATION:

- Weak - Crumbles or breaks with handling or little finger pressure.
- Moderate - Crumbles or breaks with considerable finger pressure.
- Strong - Will not crumble or break with finger pressure.

Olivia Chen Consultants, Inc.

Civil o Environmental o Geotechnical

Job No. 1164.2

Treadwell & Rollo, Inc.

Job No. 1778.02

Calhoun Terrace

Figure A-2

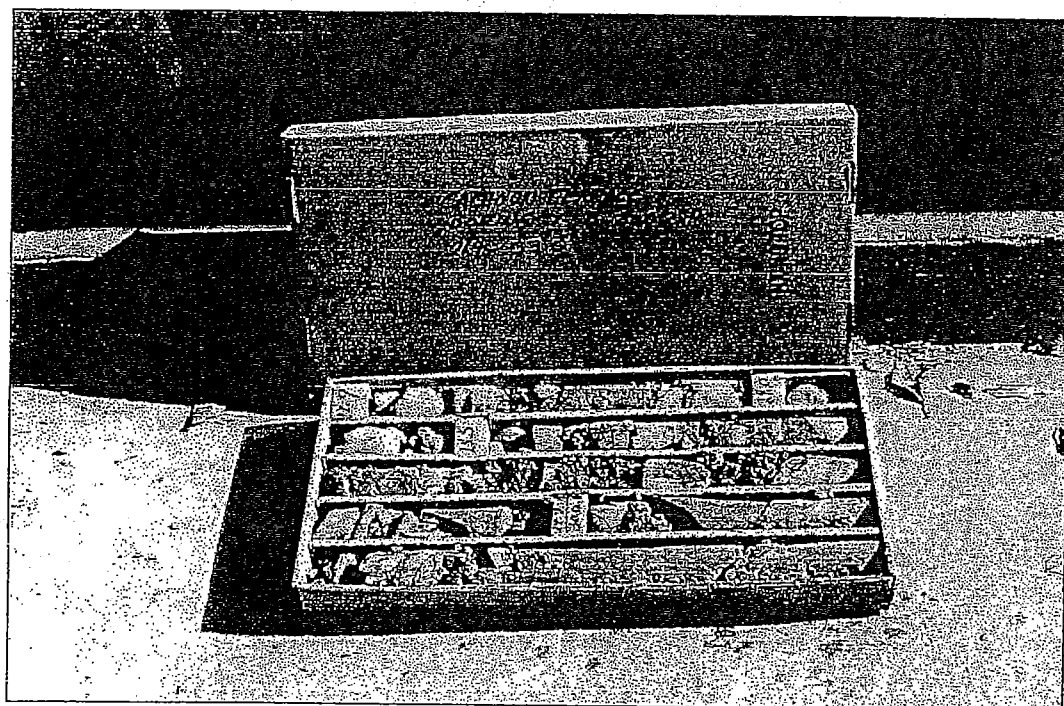
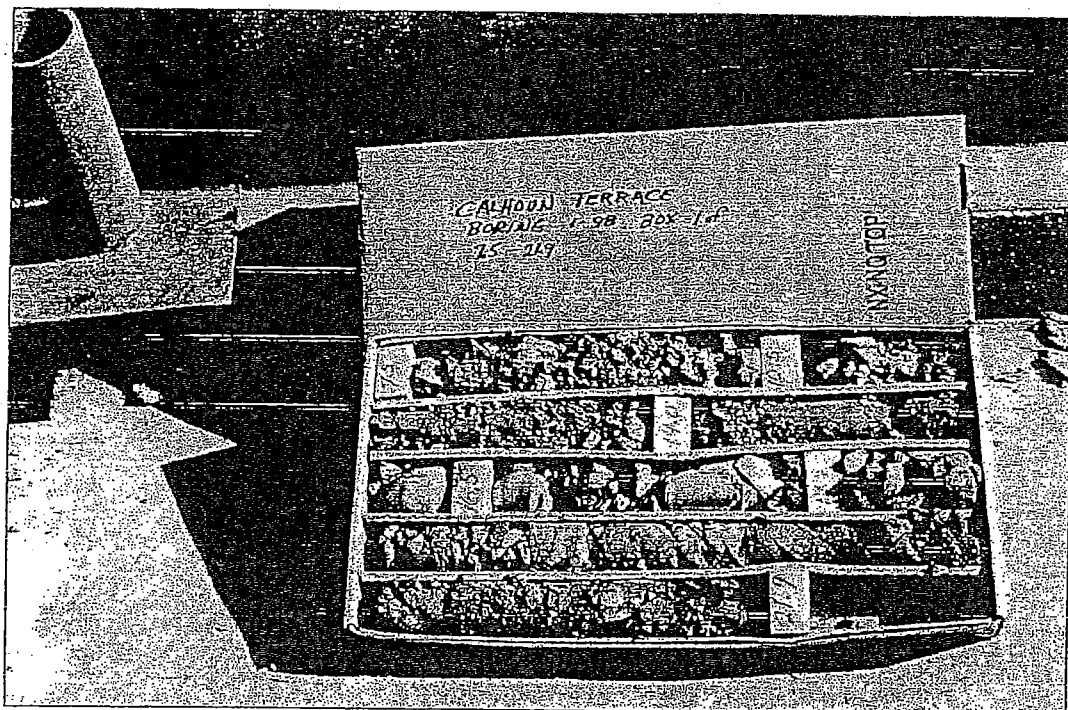
April 1999

17780226.FLR

Field Notes by Olivia Chen Consultants, Inc.

- 1) Gunite below patio/deck area is undercut from shale blocks falling out; it appears that a large amount of rock has fallen from this area, leaving overhanging blocks of shale immediately below the deck area and overhanging slabs of graywacke further down the face. Collapse of the shale blocks could undermine the deck. (Photos 16-19.)
- 2) Partly detached shale mass, hanging on an outdipping-50° joint/bedding surface.
- 3) Shale beneath overhanging gunite is irregularly bedded, may be sheared, and dips out of the slope. White precipitate/staining indicates recent water flows, either from irrigation or groundwater, moving through the near-surface in fractured bedrock.
- 4) Subhorizontal shear as much as 6 inches wide; separates blocky shale mass above from distinctly more thinly bedded, outdipping shale, below. Blocky upper shale unit has joints and shears at various attitudes but also has predominant out-of-slope dip. Shear also has white precipitate/stain indicative of recent water flows. (Photos 10-12.)
- 5) Area of large rockfall that occurred about ten years ago (personal communication, Aspengraphics staff, 1998). Blocks slid or fell out on outdipping joint surface leaving overhanging scarp where block detached; the overhanging rock is potentially unstable. Some open joints observed near (above) upper edges of overhangs.
- 6) One-inch wide vertical joint; may indicate relaxing of rock slab along outdipping joint surface(s) to the south of the open vertical joint. (Photo 13.)
- 7) Subhorizontal, wavy contact of shale on graywacke; no obvious shearing; appears to dip ~5° (into slope at this location).
- 8) Shale/graywacke contact: shale appears to be sitting on subhorizontal joint surface (top of graywacke); contact is not sheared.
- 9) Trees leaning down slope.
- 10) Colluvium (Qc), possibly some fill (?), areas north of slide and south of apartment building are covered with landscape vegetation; numerous drip irrigation lines and larger watering lines observed along steep slope south and southeast of the apartment building.
- 11) Thin surface soils (colluvium or severely weathered rock) may be creeping on underlying planar/wavy shale bedding. (Photo 21.)
- 12) Block above 35° dip slope bedding plane surface appears about to slide: white precipitate/staining and roots growing along joint and bedding surfaces.

APPENDIX B
Photographs of Core Boxes



CALHOUN TERRACE
San Francisco, California

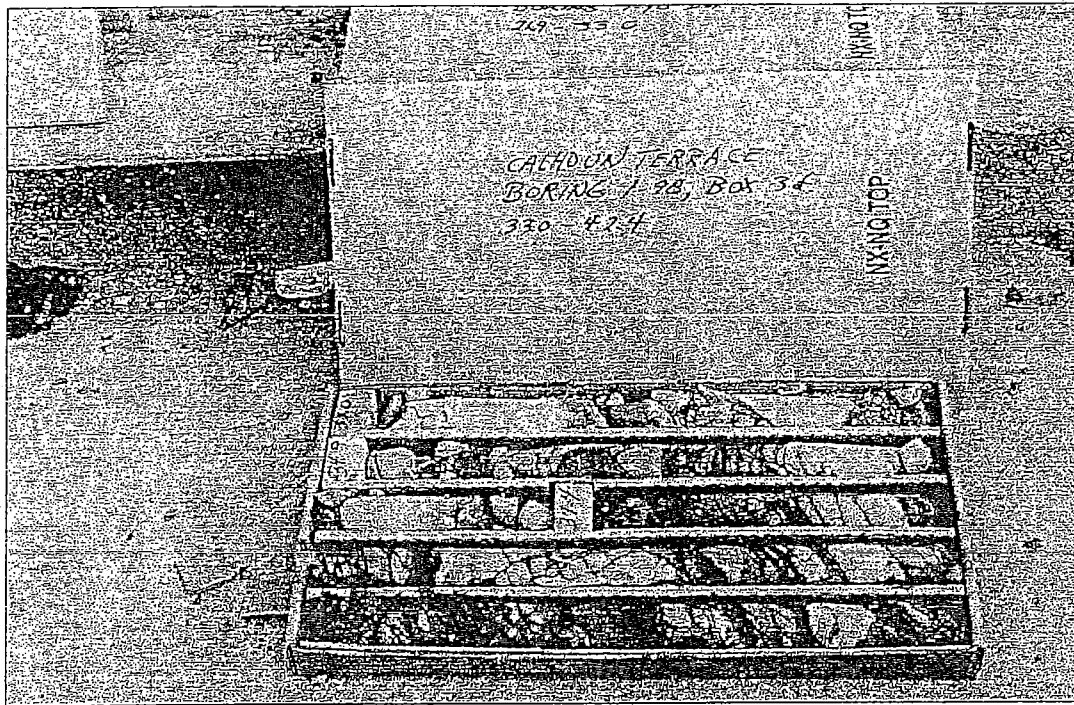
CORE BOXES 1 AND 2

Date 6/12/99

Project No. 1778.02

Figure B-1

Treadwell & Rollo



CALHOUN TERRACE
San Francisco, California

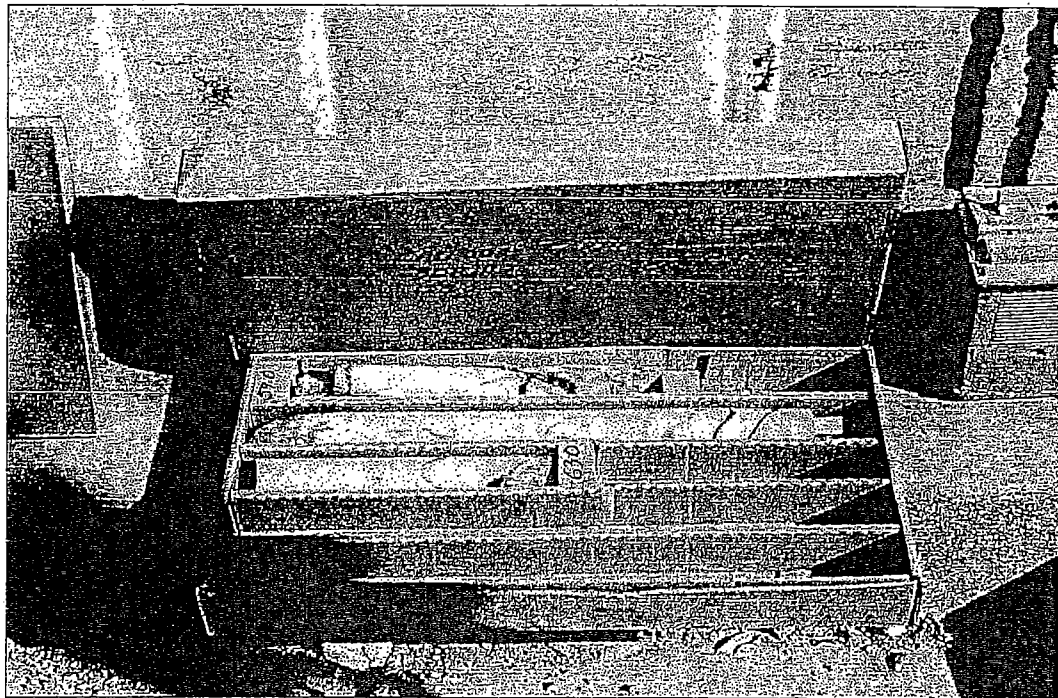
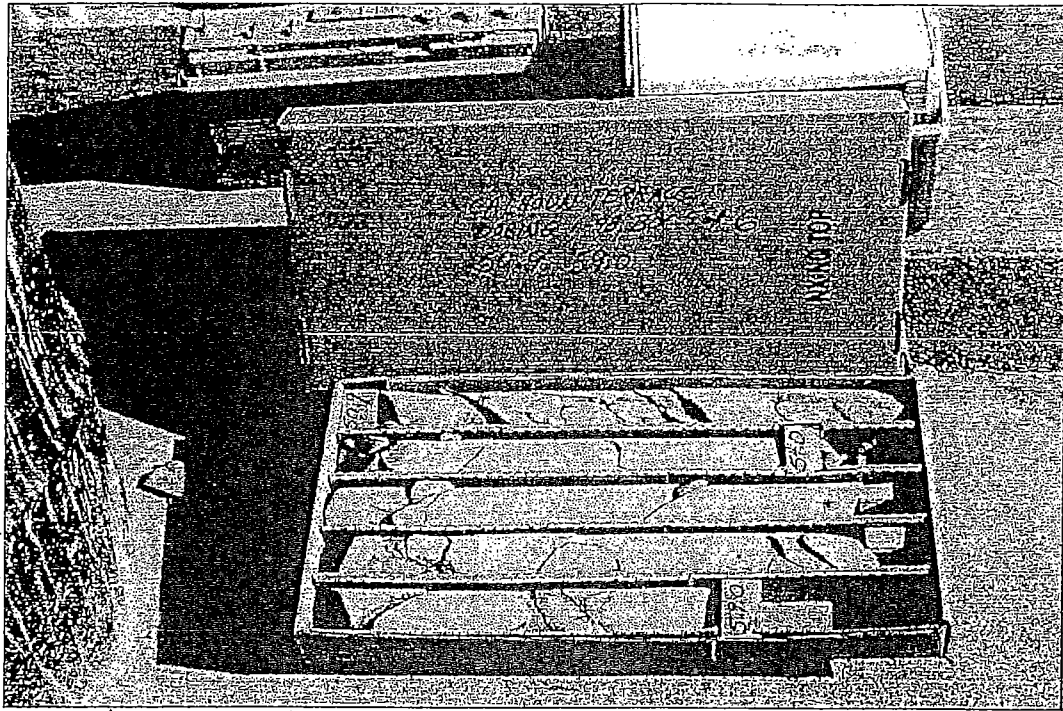
CORE BOXES 3 AND 4

Date 6/12/99

Project No. 1778.02

Figure B-2

Treadwell & Rollo



CALHOUN TERRACE
San Francisco, California

CORE BOXES 5 AND 6

Date 6/12/99 | Project No. 1778.02 | Figure B-3

Treadwell & Rollo

APPENDIX C

Report by GFDS Engineers dated 28 July 1999

GFDS ENGINEERS

Consulting Structural Engineers

675 Davis Street
San Francisco
California 94111-1903
Fax: (415) 433 0895
Tel: (415) 781 1285

Otto Avvakumovits SE.
Russell G. Fudge, Jr. SE
Irene M. Willemann
Kelly E. Cobeen SE.

Associate
Kris W. Johnson CE.

Consultant
Edward F. Diekmann SE.

July 28, 1999

Mr. Frank J. Rollo Jr.
Treadwell & Rollo, Inc.
Environmental and Geotechnical Consultants
555 Montgomery Street, Suite 1300
San Francisco, California 94111

Re: Calhoun Terrace
San Francisco, California

Project No. 98072

In accordance with the terms of our Agreement dated July 10, 1998, we have performed a structural evaluation of the stability of a portion of the concrete viaduct which supports Calhoun Terrace on the east slope of Telegraph Hill. Geotechnical engineering services related to the stability analysis have been performed by other than GFDS Engineers. Per instructions conveyed to GFDS Engineers by Treadwell & Rollo, Inc., our site observations were limited to the single level roadway extending from the southern edge to an expansion joint approximately sixty feet to the north.

We reviewed structural drawings for existing construction, "Plans for the Improvement of Union and Calhoun Streets," sheets 1 and 2, prepared by the City and County of San Francisco, Department of Public Works, Bureau of Engineering dated August 1938. Photocopies of a portion of the plan of the roadway and elevations at Bents 1, 2, 3 are attached to this report.

SITE OBSERVATIONS

Site Visit September 9, 1998

GFDS personnel visited the site on September 9, 1998 and conducted a brief survey of the structure. Cracks were observed in the pavement between the west edge of the viaduct structure and the adjoining residence. The residence at that time was undergoing repairs, including the installation of drilled piers. We later expressed concern to Treadwell & Rollo, Inc. that these cracks might indicate global movement of the viaduct structure. On the basis of closer examination, Treadwell & Rollo, Inc. expressed the opinion that the cracks are most likely related to localized movements and are not the result of global instability of the underlying soils. A brief survey of the space below the roadway revealed some exposed conditions in the concrete, including cracks in the south wall (Bent 1) which should be addressed. It was decided that a second visit should be made to examine the exterior of the structure from the downhill slope and to record the condition of the concrete.

Site Visit April 8, 1999

GFDS personnel again visited the site on April 8, 1999 and entered the space beneath the roadway from the access opening in the slab north of Bent 1 and examined the structure between Bent 1 and Bent 4 (Photos). The concrete structure in general appeared to be in good condition. No signs that portions of the structure are moving differentially were observed. The following conditions were noted as discussed below. The numbers correspond to locations indicated on the attached plan that has been copied from the original construction drawings.

1. Spalled concrete over a ten square inch area at the bottom of the slab has exposed a 10 inch length of corroded rebar. LOCATION: 8'-5" north of Bent 1 (grid line A), 1'-0" east of beam S4. (Photo)
2. Spalled concrete over a four square inch area at the bottom of the slab has exposed a 1 inch length of corroded rebar. LOCATION: 6'-3" north of Bent 1 (grid line A), 3'-6" east of beam S4. (Photo)
3. Spalled concrete over a twenty four square inch area at the bottom of the slab. LOCATION: 9'-8" north of Bent 1 (grid line A), 1'-2" east of beam S10 (Photo)
4. Twelve inch diameter white plastic caps at the bottom of the slab, which appears to be covering a round opening through the slab. (Photo) Five inch diameter openings through the concrete slab at grade, approximately centered below the cap on the slab soffit, possibly test borings. LOCATION: 2'-8" north of Bent 2 (grid line B), 1'-4" east of beam S5 and 1'-4" east of Wall W6. (Photo)

5. Exposed 6 inch length of rebar in the wall, 11 inches below the slab soffit. The bar was originally placed with no concrete cover. LOCATION: west face of Wall W6, 1'-4" north of Bent 2 (grid line B). (Photo)
6. Exposed 6 inch length of rebar in the wall, 11 inches below the slab soffit. The bar was originally placed with no concrete cover. LOCATION: west face of Wall W6, 5'-4" north of Bent 2 (grid line B).
7. Crack in slab extending east-west between beams. LOCATION: 8'-0" north of Bent 2 (grid line B), between Beams S11 and S5. (Photo)
8. Crack in slab extending east-west between beams. Some spalling of concrete along crack. LOCATION: 2'-6" south of Bent 3 (grid line C), between Beams S11 and S5. (Photo)
9. Crack in slab extending east-west between beams. LOCATION: 7'-6" north of Bent 3 (grid line C), between Beams S12 and S6. (Photo)
10. Crack in slab extending east-west between beams. LOCATION: 3'-0" south of Bent 4 (grid line D), between Beams S12 and S6. (Photo)
11. Vertical cracks in the wall, adjacent to exposed rebar described in notes 5 and 6. LOCATION: west face of Wall W6, 1'-6" and 4'-0" north of Bent 2 (grid line B). (Photo)
12. Vertical cracks in the portion of the wall directly below the manhole. LOCATION: north face of Bent 1 (grid line A). (Photo)
13. Drawings for original construction indicate that the footing below the downhill (east) end of the south wall (Bent 1) is founded on a rock surface that slopes down at approximately 2 horizontal to 1 vertical. Our examination showed that grade now slopes down from the end of the wall at a much steeper slope suggesting that a portion of the ground has slid away and resulted in the loss of lateral confinement of the footing. The bottom of footing itself was not exposed. The south face of the wall and the ground surface to the south has a thick covering of ivy that prevented us from observing the entire surface. We observed cracks in the wall and deteriorated concrete at the point where the wall meets grade. Ivy has grown into the cracks as indicated in the photos. The cracks may indicate that movement of the structure has occurred. It is also possible that the cracks began as smaller shrinkage or settlement cracks and have become enlarged due to the intrusion of ivy and water. (Photo)

14. Drawings for original construction indicate that the east walls below the roadway were intended to terminate at grade. Our observations showed that there is now a gap between the bottom of the wall and grade. Furthermore the shotcrete ground covering has separated at the wall. Both conditions are indications of downhill movement of the surface soil.

CONCLUSIONS

On the basis of our observations the structure of the roadway appears to be sound except for the conditions noted above. These conditions appear to have occurred over a period of many years and fall into the category of items in concrete structures that are usually corrected in a program of regular maintenance. Treadwell & Rollo, Inc. should address conditions that relate to soil movement.

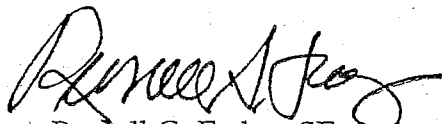
RECOMMENDATIONS

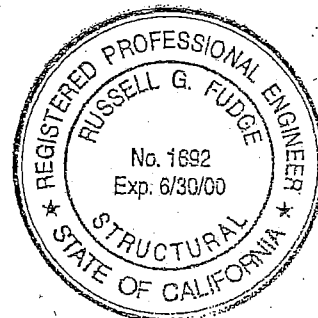
To mitigate some, if not all, of the adverse conditions observed we recommend the following actions:

1. Cover exposed reinforcing steel with an appropriate cementitious repair material.
2. Remove loose and delaminated concrete. Replace with an appropriate cementitious repair material.
3. Fill cracks with an appropriate epoxy adhesive.
4. Seal gaps in the shotcrete ground covering.
5. Remove the vegetation covering, and core new weep holes for drainage through, the south wall (Bent 1).
6. Obtain and follow the opinions and recommendations of Treadwell & Rollo, Inc. regarding the issues of footing confinement and localized movement of the surface soil.

GFDS Engineers can assist you in developing details for the concrete repair.

Submitted by:


Russell G. Fudge, SE



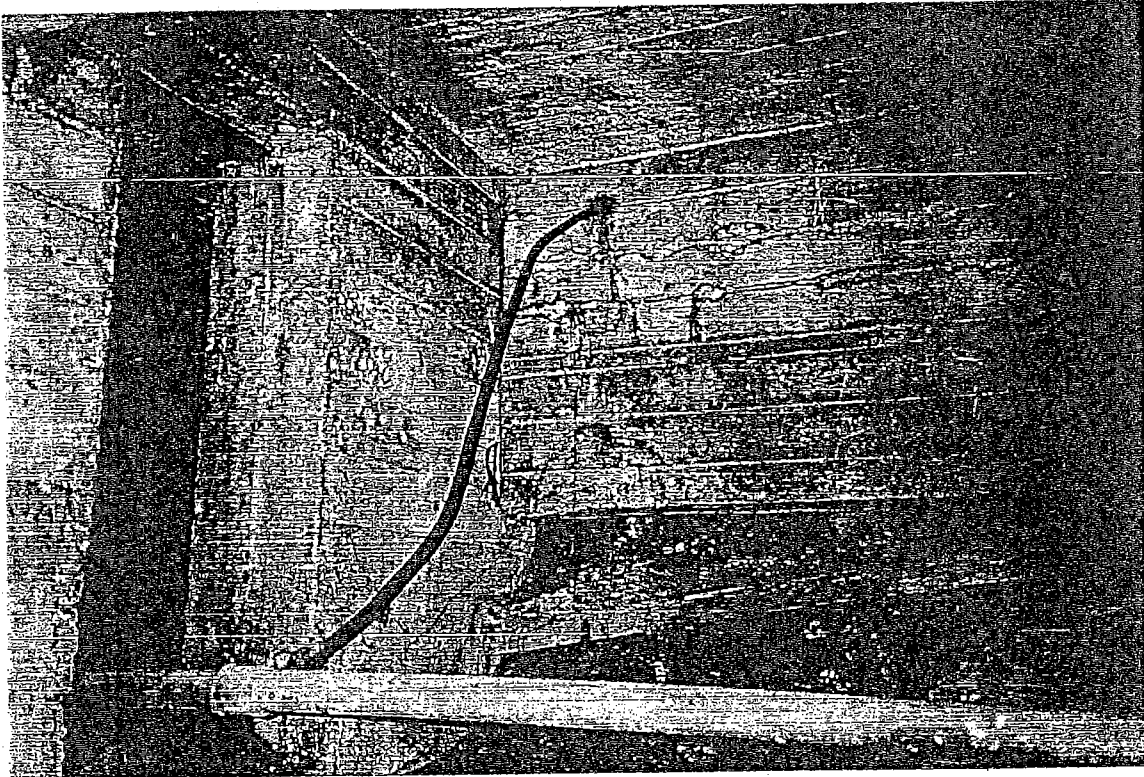
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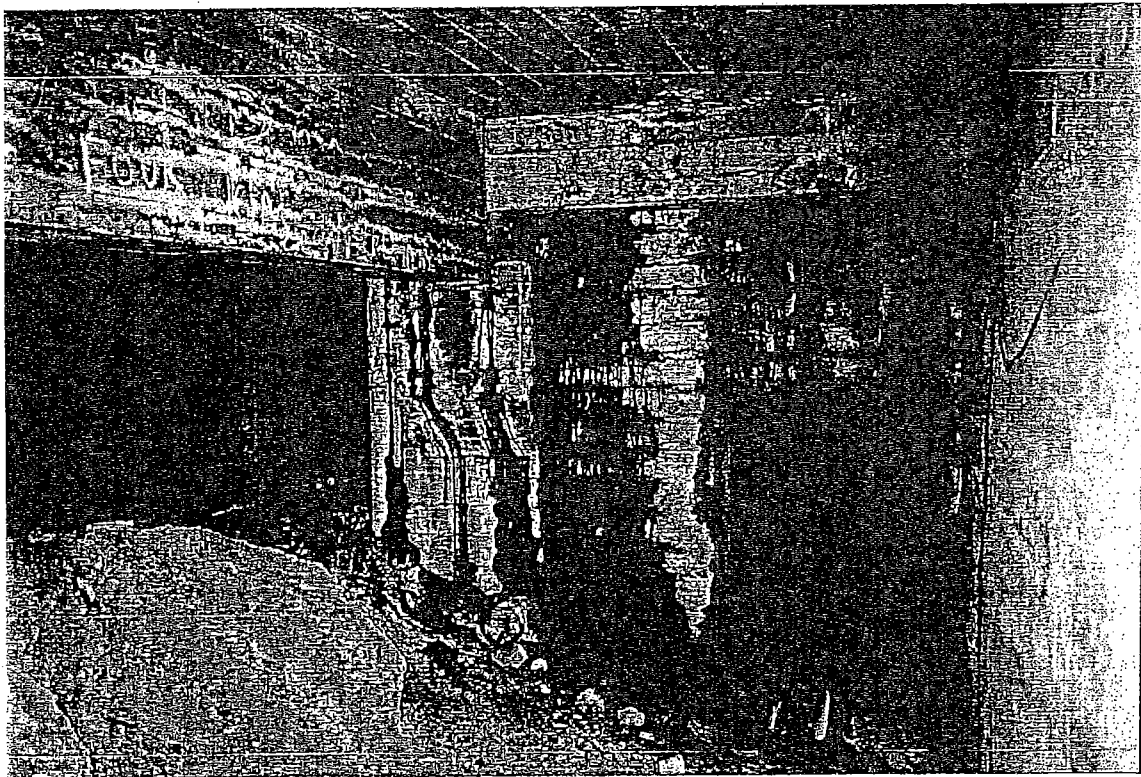
Interior: West Wall



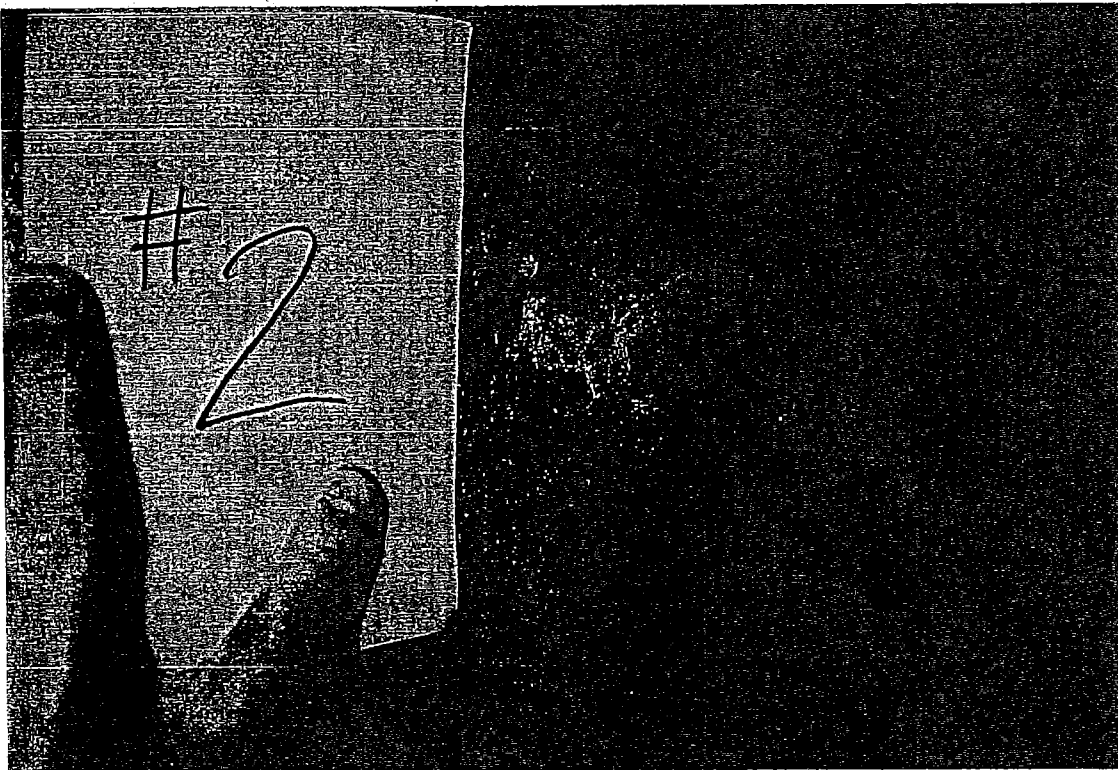
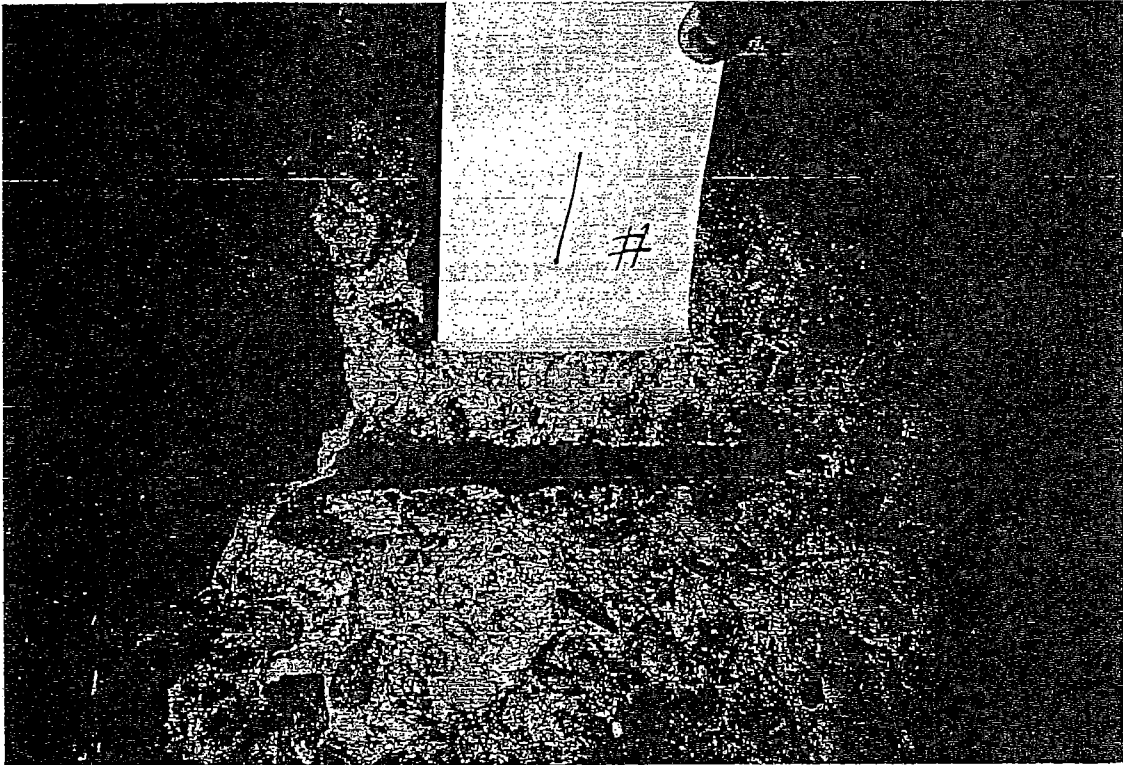
Interior: Manhole and West Wall

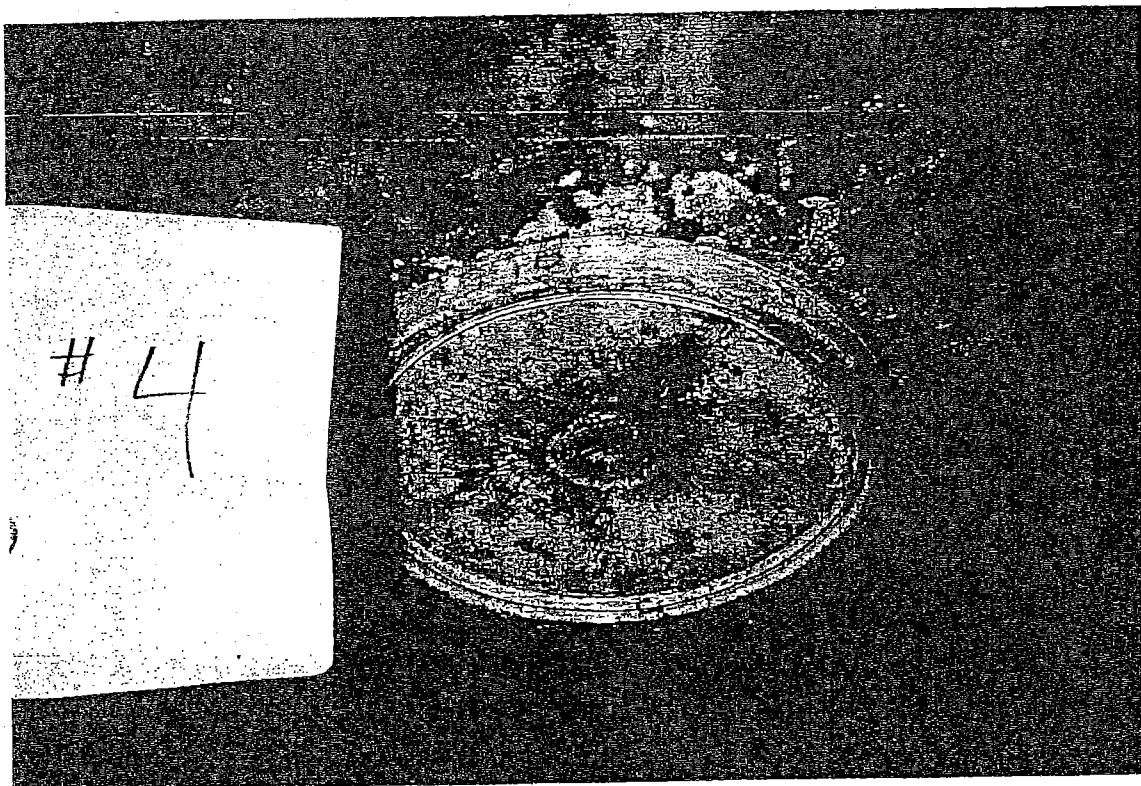
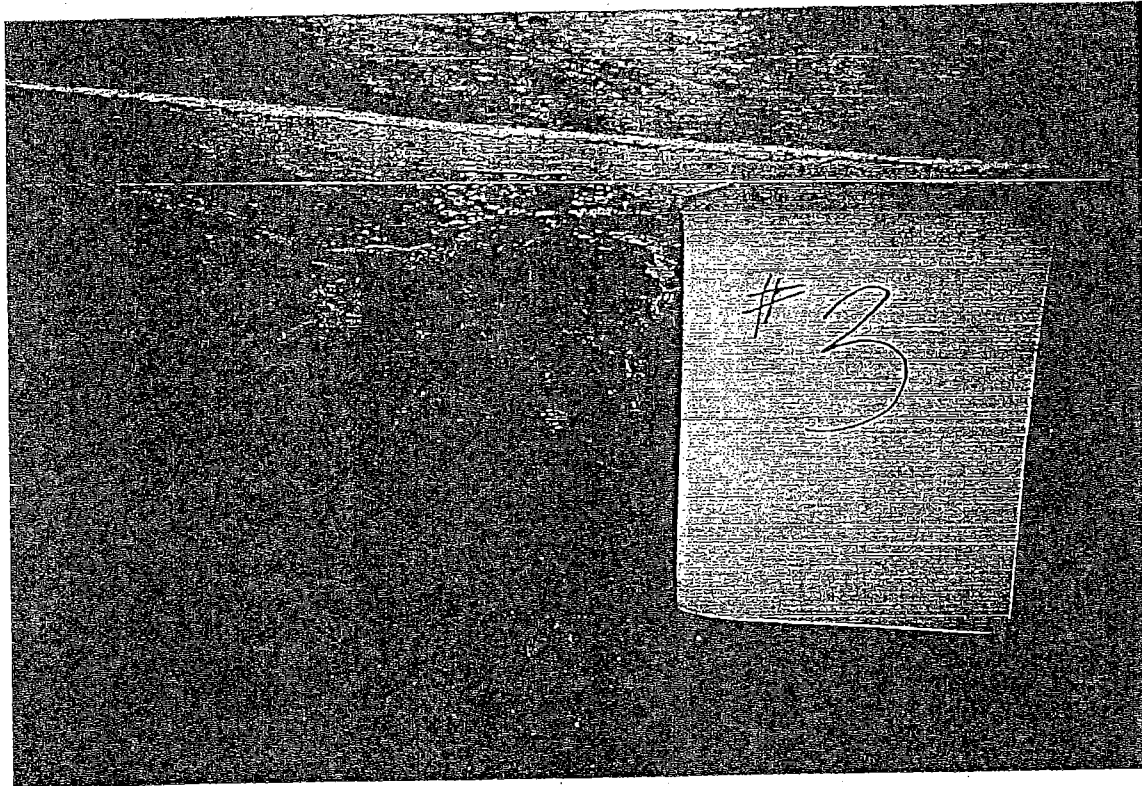


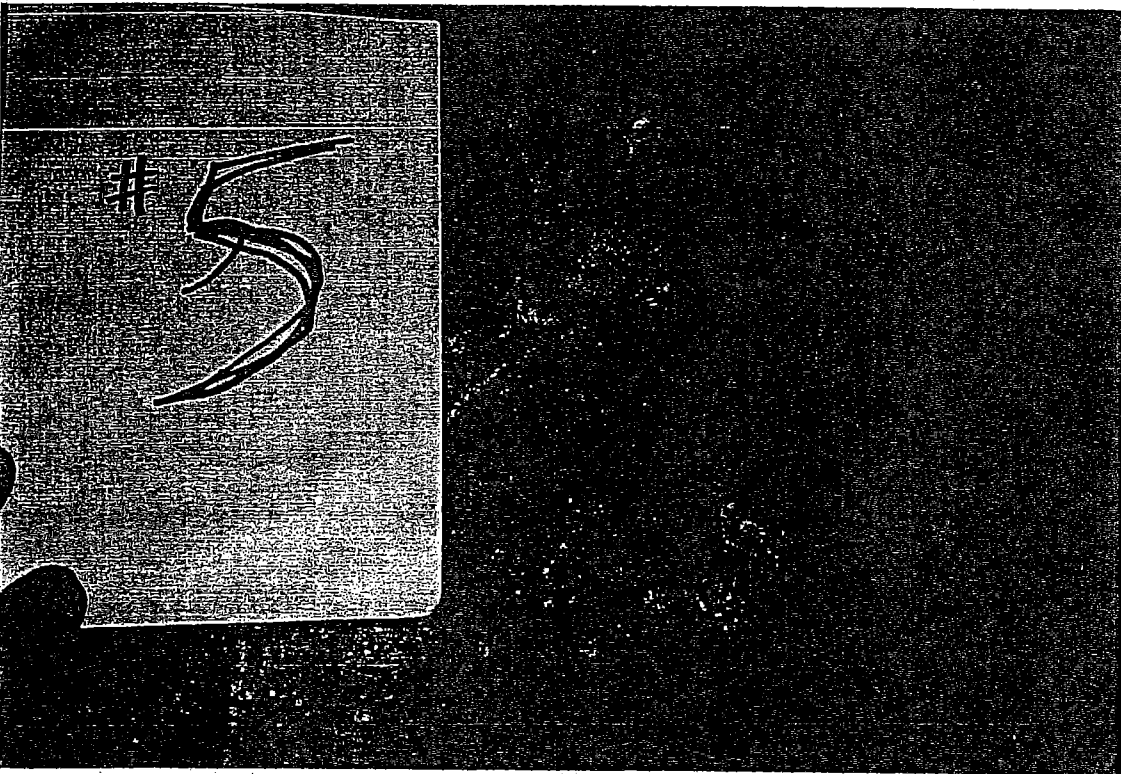
Interior: West Wall and North Face Bent 2

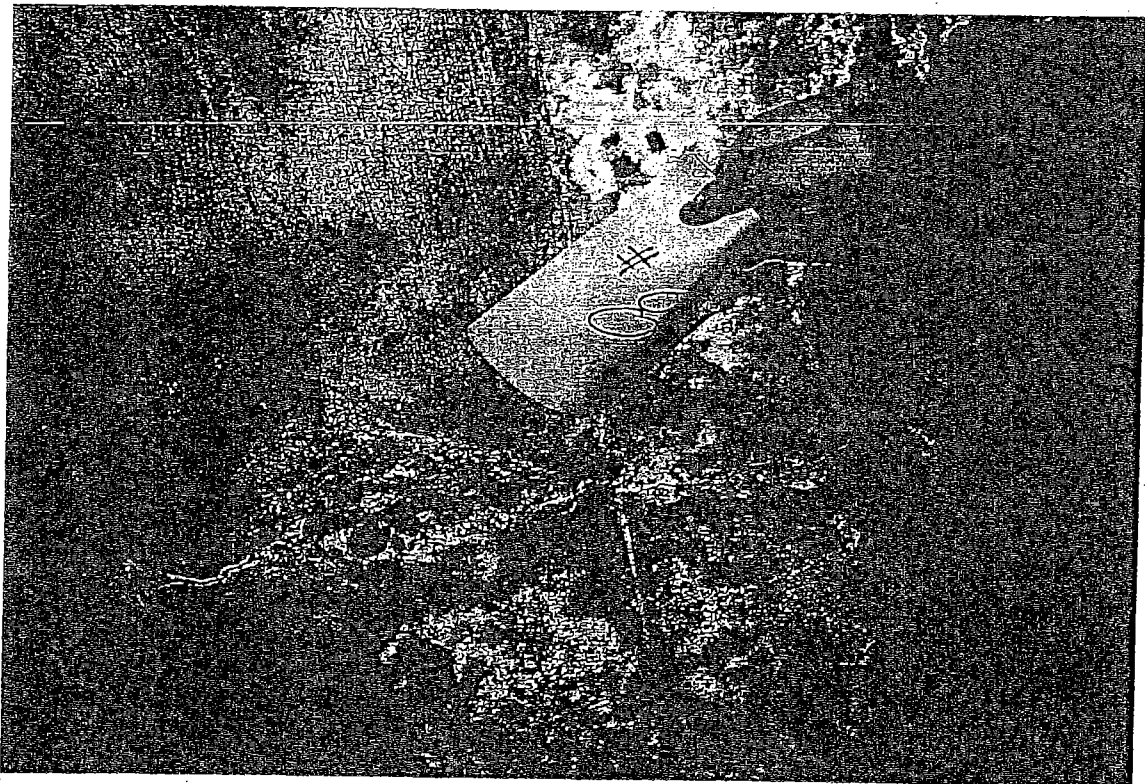
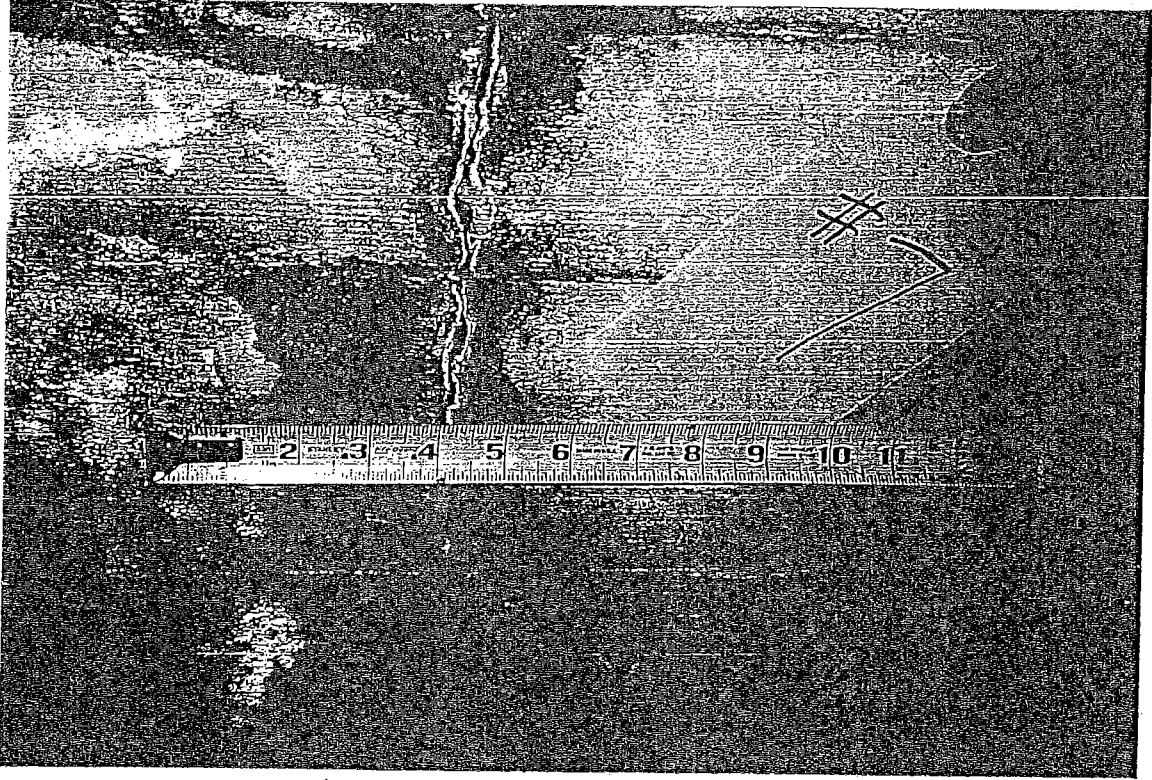


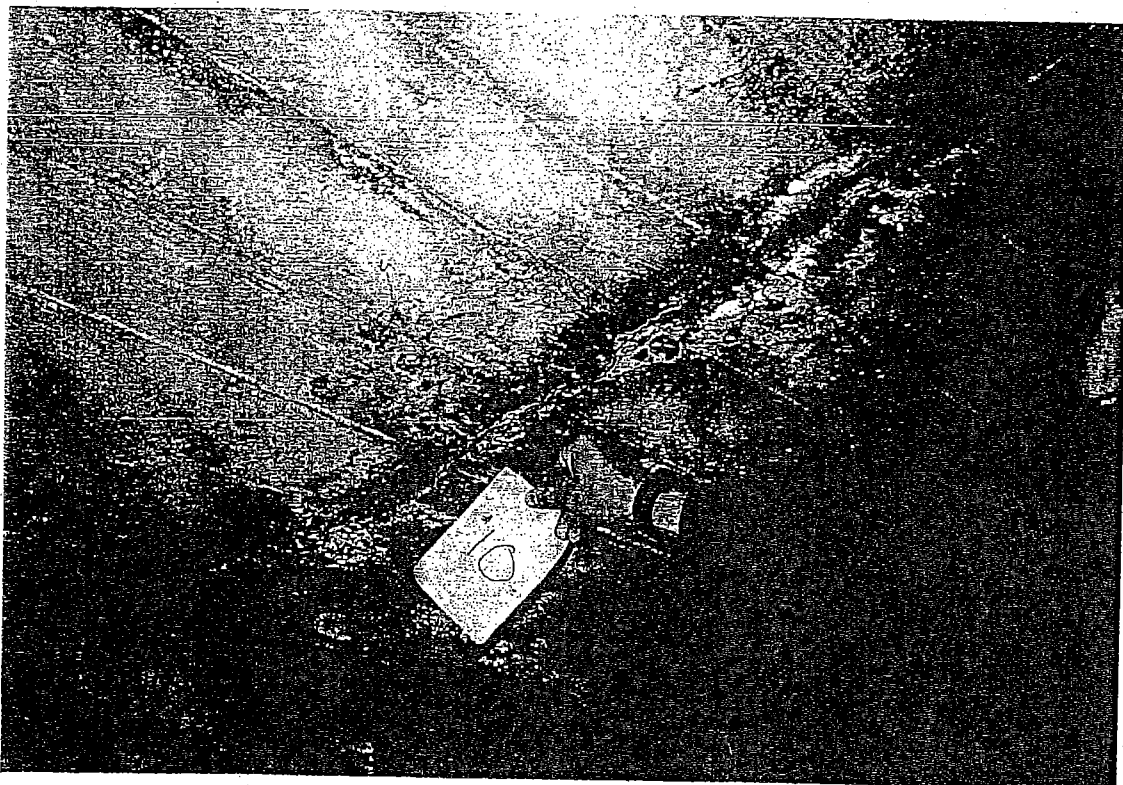
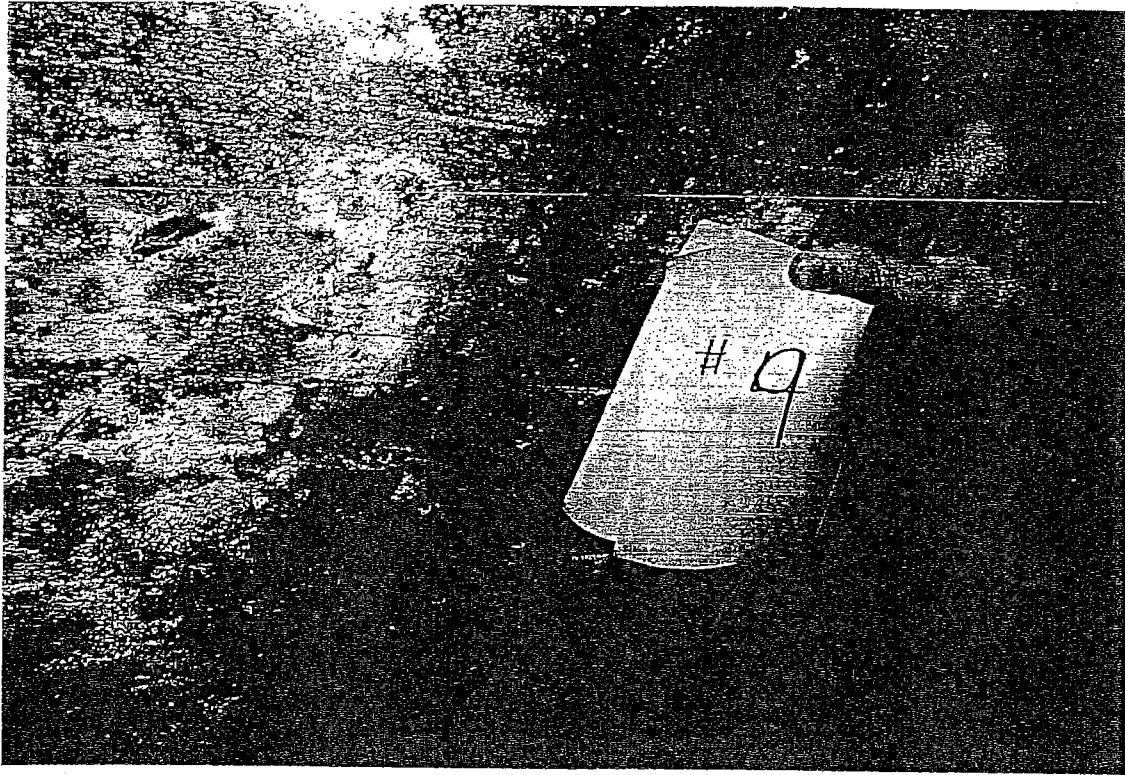
Interior: South Face Bent 4
730

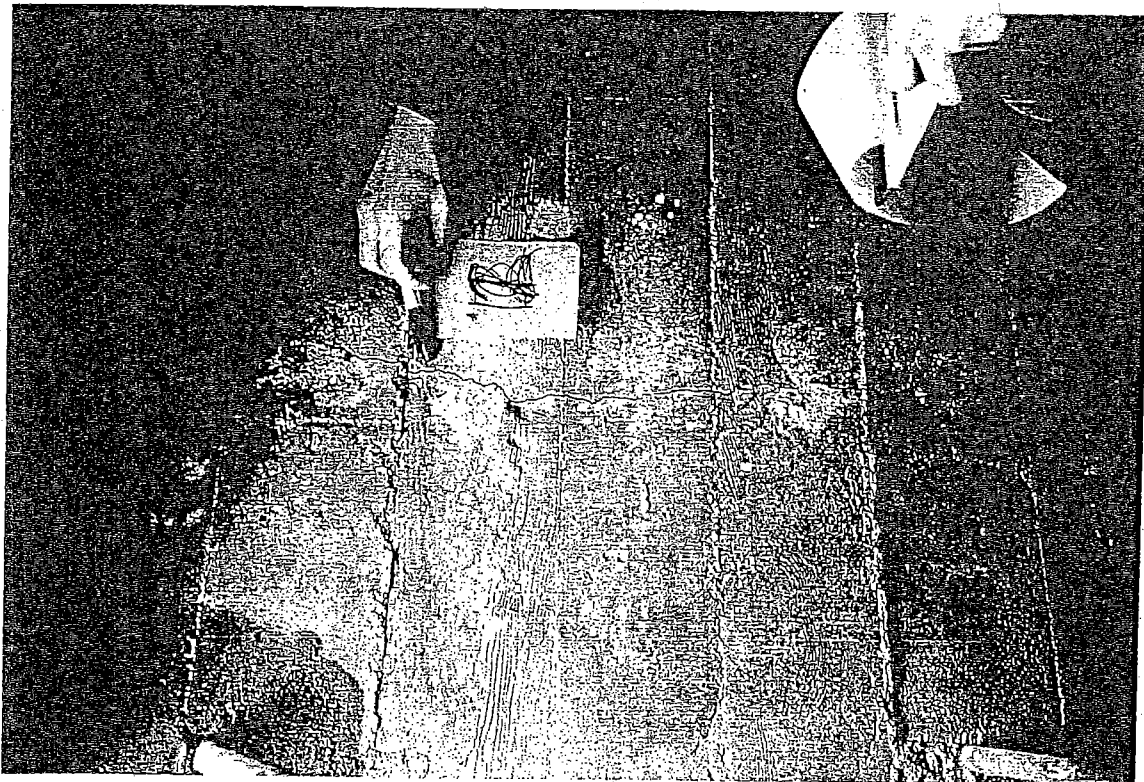
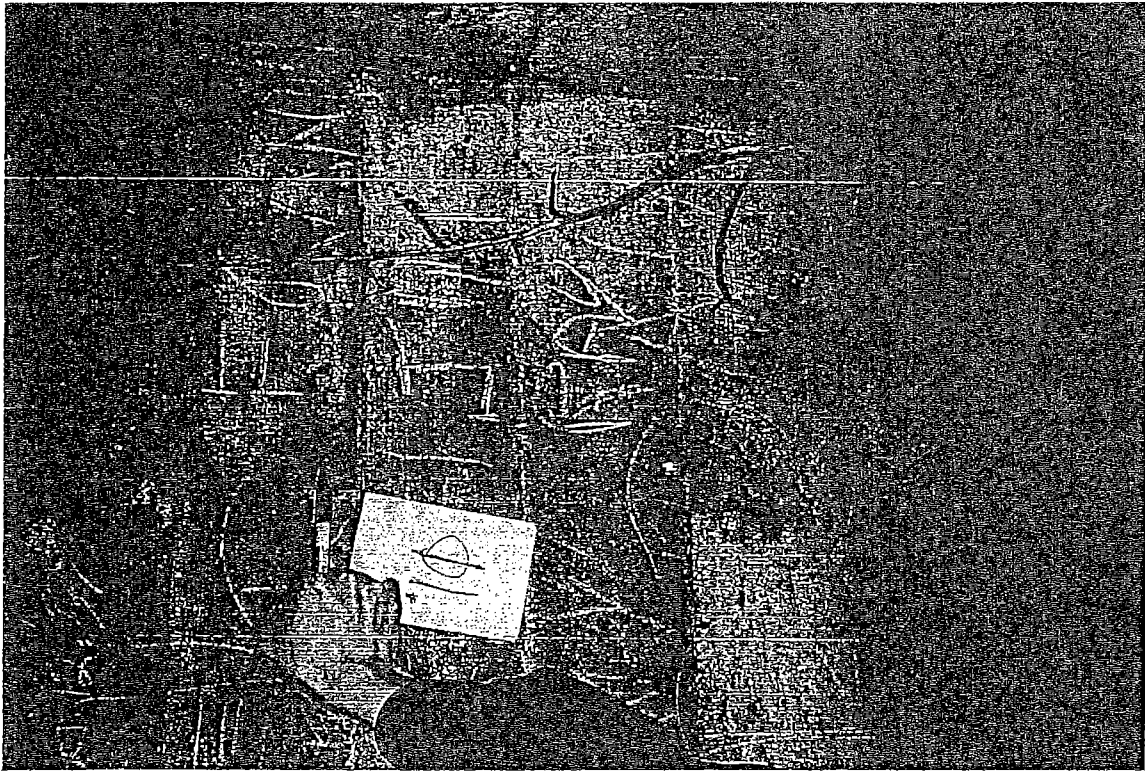










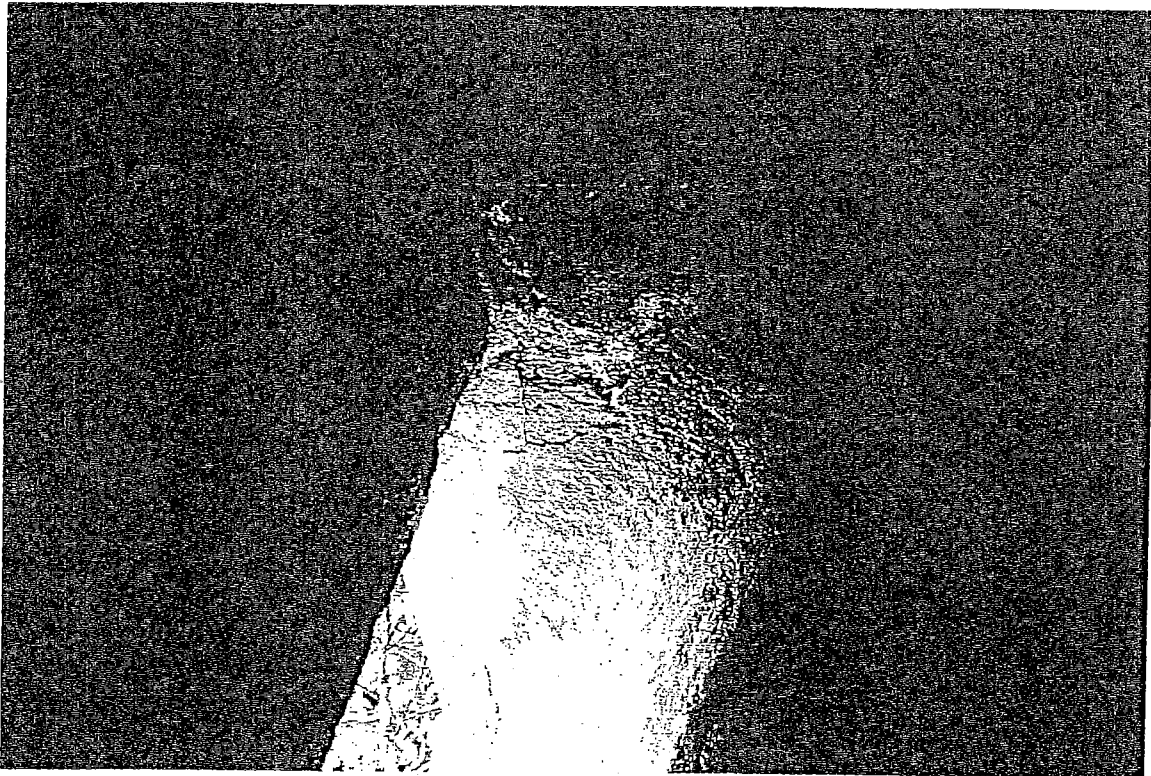




13: South Wall Exterior



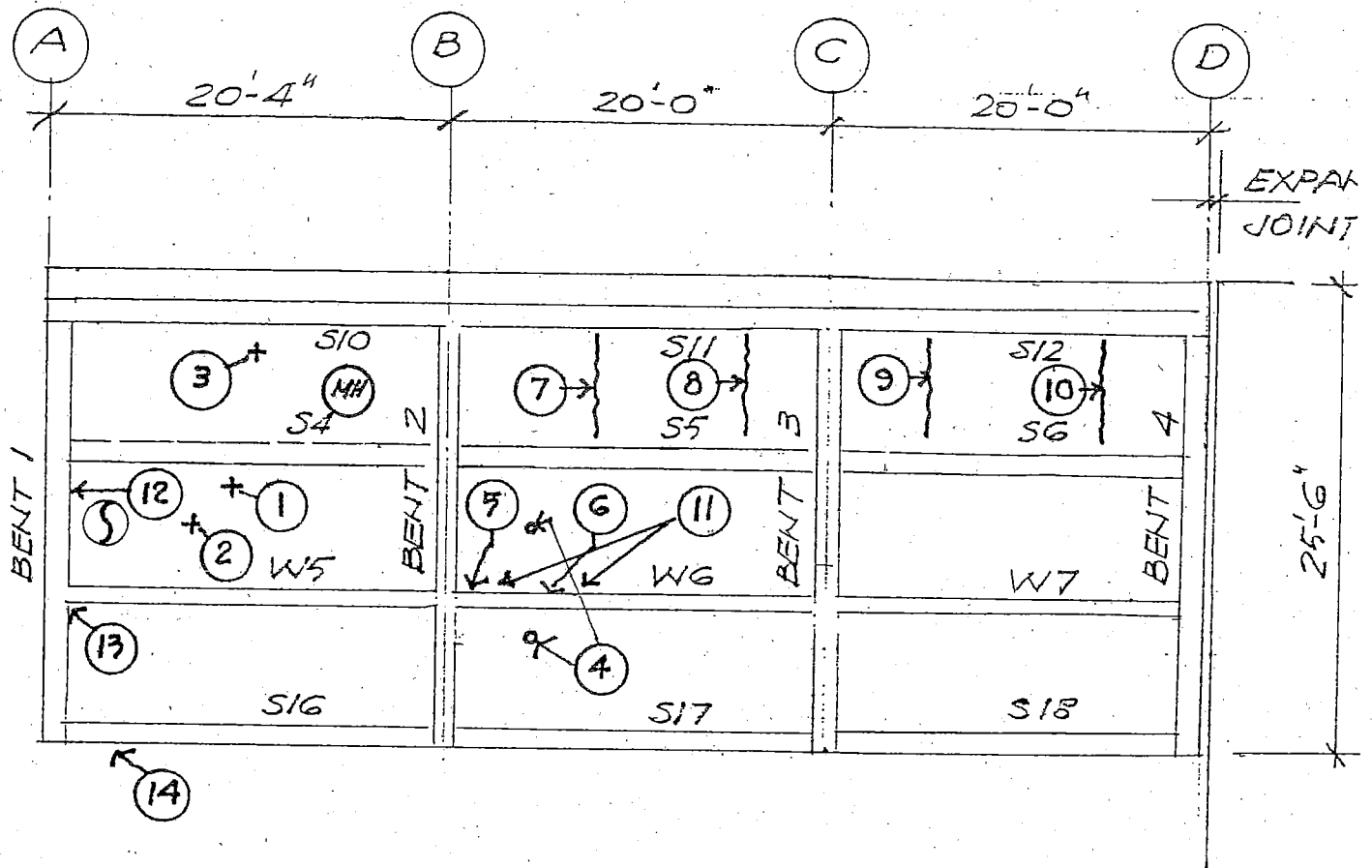
13: South Wall Exterior



14: East Wall



14: East Wall



PLAN AT ROADWAY
 1" = 10'

JOB Calhoun Terrace

BY RGF DATE 7-8-99

GFDS ENGINEERS

JOB NO. 98072

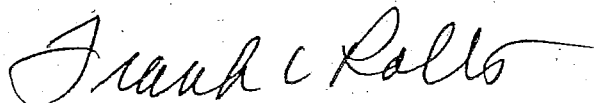
SHEET JK-1

DISTRIBUTION

4 copies:

Mr. James Chia, Division Manager
Bureau of Engineering
Department of Public Works
City and County of San Francisco,
30 Van Ness Avenue, Fifth Floor
San Francisco, California 94103

QUALITY CONTROL REVIEWER:



Frank L. Rollo
Geotechnical Engineer

6296902



DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco

1660 Mission Street, San Francisco, California 94103-2414

EMERGENCY ORDER 4591

**EMERGENCY ORDER DUE TO SERIOUS AND IMMEDIATE HAZARD
AS PER SECTION 102 OF THE SAN FRANCISCO BUILDING CODE**

I have verified that pursuant to Section 102.15 of the Building Code, that serious and immediate hazard to life, health or safety of the public, exists due to the accumulation of rock and soil debris as a result of earth movement caused by recent heavy rains at:

Address: 111 Sansome Street Block: 113 Lot: 40

By the authority of Section 102 of the Building Code, it is hereby ordered that the owner of this property shall, not later than 8:00 A.M., Saturday, January 31, 1998, repair, alter, or other eliminate the serious and imminent condition by removing the rock and soil debris resulting from earth movement on or adjacent to this property which has accumulated near and along the southern boundary of ASSESSOR'S BLOCK 113, LOT 40 and the eastern quadrant of ASSESSOR'S BLOCK 113, LOT 29

OWNER(S):

KUNHING CORPORATION
655 CHESTNUT STREET, 2ND FLOOR
SAN FRANCISCO, CA 94133

If the owner fails to comply with this Order by 8:00 A.M., Saturday, January 31, 1998, the owner shall forfeit his/her right under Section 102.14 of the Building Code to abate the serious and imminent hazard. In the event of a forfeiture, the work will be performed pursuant to Section 102.13 as an abatement of the serious and imminent danger.

At such time as the owner shall have forfeited his/her right to do the required work to abate the imminent hazard, the Department is hereby ordered to immediately proceed by use of the funds provided under Section 102.12 and 102.15 to effect repairs and abate the serious and imminent danger.

Notice: **ANY COST TO THE CITY RESULTING FROM THIS ORDER MAY BE ASSESSED AGAINST THE PROPERTY AND SPECIAL ASSESSMENT LIEN PLACED ON THE PROPERTY PURSUANT TO SAN FRANCISCO BUILDING CODE SECTION 102.16-102.18.4**

A copy of this notice shall be posted immediately on the front of subject building, and a copy shall be sent by certified mail to all persons having an interest in the properties in accordance with Section 102 of the Building Code.

For information, you may contact Senior Inspector Andrew Greene at (415) 558-6093 between the hours of 7:30AM to 4:00 PM or come in person to 1660 Mission Street, 3rd Floor, San Francisco.

RECOMMENDED:

APPROVED:

William Wong
for William Wong
Deputy Director, DBI

Frank Y. Chiu
for FRANK Y. CHIU
Director, DBI

DATE APPROVED: JAN 30, 1998

Distribution:

File	City Attorney	Owner(s)
Recorder's Office	Controller	CED
Deputy Director, DBI	Post on Property	

SANGER & OLSON

ALFA WICORPORATION

576 SACRAMENTO STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3023
TEL. 415.693.9300 ■ FAX 415.693.9322

John M. Sanger, Esq.
sanger@sanger-olson.com

August 8, 2011

BY FACSIMILE (554-5163) AND HAND DELIVERY

President David Chiu and
Members of the San Francisco
Board of Supervisors
1 Dr. Carlton Goodlett Place
San Francisco, CA 94102-4603

Re: **FILE NO. 110835**
APPLICATION NO. 2008.01554S
1171 SANSOME STREET, AKA 1111 SANSOME STREET
BLOCK 113, LOT 40

**SUPPLEMENT TO APPEAL OF EXEMPTION FROM
ENVIRONMENTAL REVIEW BY GENERAL RULE EXCLUSION
GRANTED FOR TENTATIVE MAP/PARCEL MAP**

Dear President Chiu and Members of the Board:

This letter supplements our previous letter appealing the referenced tentative map to clarify that we are also appealing the grant of an exemption from review under the California Environmental Quality Act ("CEQA") by the San Francisco Planning Department (the "Department") pursuant to its issuance of a Certificate of Determination of Exemption from Environmental Review dated August 16, 2010, without any notice.

Due to the fact that neither this office nor its clients, the adjacent property owners, had any knowledge of the grant of this exemption at the time of filing our appeal, we did not specifically note that we were appealing the determination of exemption in accordance with Public Resources Code section 21151(c). Despite requests made many years ago for notice regarding any activity on this property and future environmental review related to several prior proposed construction projects, no such notice was provided by the Department and therefore there was no opportunity to comment or know of the exemption. We only became aware of its existence upon obtaining the Board of Supervisor's file after the filing of our appeal of the map.

Therefore, this letter supplements our appeal by appealing the grant of exemption as well. The grant of the exemption violates CEQA for several reasons. First, the exemption violates the anti-piecemealing principle, a fundamental precept under CEQA, by dividing one or more projects (at least two projects under the proposed subdivision) into lesser projects without

President Chiu

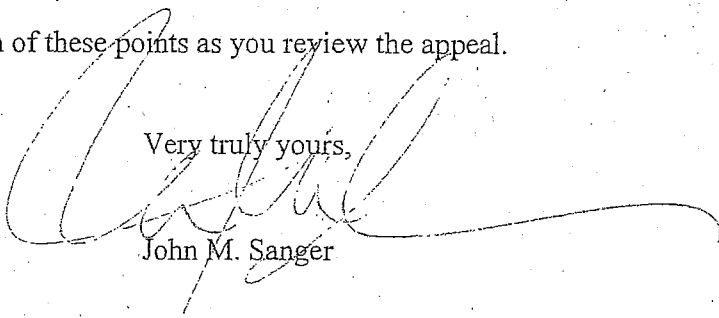
August 8, 2011

Page 2

considering the environmental impacts of the whole of the action as required by CEQA. Indeed the exemption claims on its face that because this particular subdivision does not propose construction, such future construction need not be considered. This is a ridiculous admission given the long history of proposed construction projects on this site for which the proposed subdivision would pave the way, indeed pave the way for more than one construction project. Second, the exemption violates that rule and ignores the potential for construction on this fragile site of a former quarry by accepting on its face the applicant's claimed intent to donate one of the parcels having the greatest potential geological problems and the steepest slope, to a non-profit entity presumably for preservation. However, nothing assures such a donation nor even the existence of an eligible entity willing to preserve the site without further construction. Third, the steep slope of the site itself constitutes an unusual circumstance which the very reason why a standard categorical exemption could not be granted, forcing the Department to rely instead on the general rule exclusion. The history of slides and rockfalls on this site, its geologic instability created by quarrying many decades ago, and its character of undeveloped open space shared with many adjacent lots along Sansome and Green Streets, further contribute to unusual circumstances. The parcel is a part of a historical open space, which has been in existence for over 100 years, and contains harboring extensive vegetation planted over the last 30-40 years in order to prevent further slides and rockfalls. Significant slides occurred on the site and on nearby parcels during heavy rains in the 1980's, a threat which remains today so much so that neighboring landowners have been advised to avoid any excessive water flow on their sites. Lastly, environmental review should be based on the maximum potential development which could occur on the site as a result of the proposed subdivision so that environmental review fully takes into account *all* potential impacts of the proposed subdivision.

Thank you for your consideration of these points as you review the appeal.

Very truly yours,


John M. Sanger

JMS:

cc. by facsimile or email

Angela Cavallo, Clerk of the Board

All members of the Board of Supervisors

City Attorney Dennis Herrera

Deputy City Attorney John Mallamut

David Davies and Jack Weeden

Bruce Storrs, City Surveyor

Bill Wycko, Department of Planning, Office of Environmental Review

