

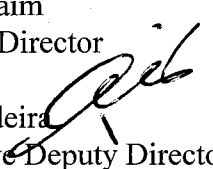
BOARD of SUPERVISORS



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

October 15, 2014

To: John Rahaim
Planning Director

From: Rick Caldeira 
Legislative Deputy Director

**Subject: Appeal of the California Environmental Quality Act Determination -
Exemption from Environmental Review - 115 Telegraph Hill Boulevard**

An appeal of the California Environmental Quality Act Determination for 115 Telegraph Hill Boulevard was filed with the Office of the Clerk of the Board on October 14, 2014, by Susan Brandt-Hawley, on behalf of Telegraph Hill Dwellers.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department's Office to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, you can contact me at (415) 554-7711.

c: Angela Calvillo, Clerk of the Board
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Sarah Jones, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Tina Tam, Planning Department
Jeanie Poling, Planning Department
Jonas Ionin, Planning Department
Jessica Range, Planning Department

Brandt-Hawley Law Group

Chauvet House • PO Box 1659
Glen Ellen, California 95442
707.938.3900 • fax 707.938.3200
preservationlawyers.com

October 11, 2014

Board President David Chiu
and Members of the Board of Supervisors
c/o Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Subject: Appeal of Exemption from Environmental Review
115 Telegraph Hill Boulevard
Planning Department Case No. 3013.1375CE

Dear President Chiu and Supervisors,

Telegraph Hill Dwellers appeal the Planning Department's determination that the condominium project proposed at 115 Telegraph Hill Boulevard is exempt from CEQA review. We request that this appeal be heard before and separate from other hearings concerning this project and will not be consolidated with any other matter.

The Planning Department issued a revised categorical exemption on September 3, 2014. The exemption applies solely to minor, environmentally benign projects that normally have no significant environmental impacts. Importantly, categorical exemptions are rebuttable and *shall not be used* for a project if there is a reasonable possibility that it will have a significant impact due to unusual circumstances. (CEQA Guidelines, Section 15300.2(c))

The Planning Commission approved a conditional use (CU) authorization for the project on September 11, 2014. This appeal is timely because it is being filed on the first business day following 30 days after the Commission's action approving the CU based on a categorical exemption.

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SAN FRANCISCO

2014 OCT 14 PM 3:00



As will be explained further at the appeal hearing and in further documentation, factors contributing to potentially significant environmental impacts include:

THE PROJECT SITE

Sensitive intersection:

- Converging at the project driveway are the top of the Filbert Steps, a blind curve of the Telegraph Hill Boulevard, a bus stop for Muni line No. 39, a mid-block pedestrian cross walk from the Filbert steps to Pioneer Park, and a stop sign.
- The driveway is at the heart of a public area frequented by thousands of tourists distracted from traffic hazards by the spectacular scenery and views.
- Over half of annual visitors to Coit Tower/Pioneer Park arrive by foot or bus.
- Coit Tower and Pioneer Park are iconic symbols of San Francisco and are among San Francisco's premier destinations.
- The Urban Design Element of the General Plan recognizes Telegraph Hill as an "Outstanding and Unique Area" that contributes in an extraordinary degree to San Francisco's visual form and character. (Policy 2.7, Urban Design Element of the San Francisco General Plan.)
- The public enjoys extraordinary views from the Filbert Steps and Pioneer Park protected by the Priority Planning Policies of the General Plan that provide: *"That our parks and open space and their access to sunlight and vistas be protected from development."* (Planning Code Sec. 101.1(8))

Topography of the Project Site

- The site has a cross slope exceeding 20% in both directions. The east property line has an elevation difference of approximately 40 feet or a 45% slope.
- The Filbert Steps comprise over 80% of the northern boundary of the site.

- There is no existing curb cut at the proposed driveway because former buildings had no on-site parking.

Geology of the Project Site

In his letter dated July 16, 2014, Dr. Lawrence B. Karp¹ stated that, because of the geologic composition of the steep site, “cutting into the hillside anywhere along the lower reaches of a slope will remove existing lateral and subjacent support for the massive fractured sandstone blocks” that could damage the downhill neighbors’ property during excavation.

THE PROJECT DESCRIPTION IS INCOMPLETE

- Improvements to the Filbert Steps to meet DPW requirements, including a landing at the top of the Filbert Steps, are not described in detail.
- The need for a General Plan referral and major encroachment permit for replacement or relocation of the Filbert Steps is not addressed.
- Construction of a platform at the eastern end of the site is proposed to provide an “on-site” construction staging area. This is the same location as the proposed car elevator and garage that require excavation of at least 33 feet. Construction staging and dirt removal would require undisclosed commandeering of either the sidewalk or a traffic lane of Telegraph Hill Boulevard.

OTHER FACTORS RELEVANT TO ENVIRONMENTAL IMPACTS

- The proposed project driveway will require removal of a portion of the historic stone wall separating Telegraph Hill Boulevard and the Filbert Steps.

¹ Dr. Karp holds a doctorate in civil engineering and an Earthquake Engineering Certificate from UC Berkeley and is a licensed civil engineer, geotechnical engineer, and architect in with over 45 years experience in bay area design and construction with specialization in stability evaluation of excavations and slopes, site development, and construction logistics.

- Dr. Lawrence Karp concluded that in his professional opinion, “the project as proposed is likely to result in significant environmental effects not only during construction, but the impacts will be cumulative in service due to impairment of lateral and subjacent support, alterations in groundwater hydrology, and erosion of the shale interbedding.”
- The sidewalk would have to be permanently reconfigured for relocation of the stop sign and bus stop to accommodate the proposed project driveway.
- New construction will block a public view corridor from the pedestrian stairways and landings of Pioneer Park; and will require relocation or replacement of portions of the Filbert Steps and retaining walls in consultation with DPW, which may result in additional project impacts and conditions that cannot be segmented from the current project approval.
- Inconsistencies with City land use plans and policies, including objectives and policies of the Housing Element and Urban Design Element of the General Plan.
- Due to lack of a landing at the top of the Filbert Steps and the project sponsor’s proposed “tunnel” over them, pedestrians stepping onto the sidewalk would have to cross heavy construction traffic.
- There is a 3-ton truck limit on Telegraph Hill Boulevard.
- An estimated 4,328.2 tons of dirt will have to be removed to build the project, exclusive of rocks, lumber and debris, during excavation phase.
- An estimated 757 cubic yards of concrete will be poured if the project will be of wood frame construction up to the second floor podium level.;
- General Notes on the project plans include unstudied construction mitigation measures addressing access of construction equipment, removal of excavated rocks and soil, and a pedestrian tunnel to be erected over the Filbert Steps.

This project thus has potentially significant environmental impacts due to unusual circumstances. It also requires mitigation. The City’s reliance on a categorical exemption would therefore violate CEQA.

Board of Supervisors
October 11, 2014
Page 5

Please grant this appeal, and require environmental review and compliance with San Francisco's plans and ordinances following submission of a revised project application. City decisionmakers need this information to inform their discretion.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'SBH', written in a cursive style.

Susan Brandt-Hawley

Enc. Certificate of Determination-Exemption from Environmental Review

cc: Sarah Jones, Environmental Review Officer (w/enc.)
<sarah.b.jones@sfgov.org>



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Case No.: 2013.1375E
 Project Title: 115 Telegraph Hill Boulevard
 Zoning: RH-3 (Residential – House, Three Family) Use District
 Telegraph Hill – North Beach Residential Special Use District
 40-X Height and Bulk District
 Block/Lot: 0105/065
 Lot Size: 7,517 square feet
 Project Sponsor: Daniel Frattin, Reuben, Junius, & Rose, LLP, (415) 567-9000
 Staff Contact: Jessica Range – (415) 575-9018, Jessica.Range@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 proposed project would allow the construction of a three-unit residential building and an approximately 160 square foot (sf) demolition and exterior renovation of an existing 1,000-square-foot, two-story cottage constructed in 1906. The existing cottage would be modified to remove an approximately 160-sf addition in the northeast corner of the cottage that was permitted by the granting of a variance by the Planning Department's Zoning Administrator in 1995 (Planning Department case file no. 93.180v). Access to the cottage would be provided via a pedestrian walkway along Filbert Street.¹

(Continued on next page.)

EXEMPT STATUS:

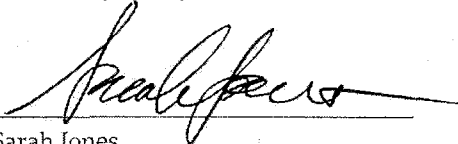
Categorical Exemption, Class 1 (California Environmental Quality Act (CEQA) Guidelines Section 15301(d) and Class 3 CEQA Guidelines Section 15303(b)

REMARKS:

See next page.

DETERMINATION:

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



Sarah Jones
 Environmental Review Officer

September 3, 2014

Date

cc: Daniel Frattin, Project Sponsor
 Virna Byrd, M. D. F

Supervisor David Chiu, District 3
 Distribution List

¹ This is a separate pedestrian walkway from the Filbert Street Steps that extend from Sansome to Montgomery streets.

PROJECT DESCRIPTION (CONTINUED):

The three new residential units would be located in a three-story over basement building with unit sizes ranging from approximately 3,700 to 4,200 square feet. A new curb cut would be provided along Telegraph Hill Boulevard to allow access to a proposed 3,700 square foot basement area providing four off-street parking spaces. The maximum height of the building would be about 40 feet, as measured in accordance with the San Francisco Planning Code. No change would be made to the height of the existing cottage. The new three-unit building would be constructed at the front of the lot, adjacent to Telegraph Hill Boulevard and the walkway along Filbert Street, while the existing cottage would remain in its current location at the rear of the lot. The project also includes landscaping, repair and, where necessary, replacement in kind of a portion of the concrete sidewalk, steps, and retaining walls of the Filbert Street walkway along the parcel's northern frontage. The project is located within the Telegraph Hill neighborhood on the south side of Telegraph Hill Boulevard between Kearney and Montgomery Streets.

PROJECT APPROVALS:

- Conditional Use Authorization by the Planning Commission for residential density above three units per lot and four off-street parking spaces per Section 151 and the Telegraph Hill – North Beach Residential Special Use District of the San Francisco Planning Code.
- Building Permit from the San Francisco Department of Building Inspection.
- Permits from the Department of Public Works and San Francisco Municipal Transportation Agency (SFMTA) for construction within the public right-of-way.
- Approval from the SFMTA to relocate an existing stop sign.

Approval Action: The proposed project is subject to Planning Commission approval of a conditional use (CU) authorization for the off-street parking spaces and for residential density above three units per lot. The CU is the approval action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

REMARKS:

Historic Resource. The existing cottage was constructed in 1906 and is classified as a Category "B", or potential historic resource, in the Planning Department's records. A Category B rating indicates that additional information is necessary to make a determination as to whether the site is an historic resource or not. In order for a building to be deemed a historic resource for purposes of CEQA Section 21084.1, it must be listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR), or included in a local register of historic resources.

Based on a historic resource evaluation (HRE) prepared by Page & Turnbull² and subsequent evaluation by the Planning Department Preservation Planning staff,³ the project site was determined to not be

² Page & Turnbull, *115 Telegraph Hill Boulevard Historic Resource Analysis, San Francisco, California*. February 19, 2014. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1375E.

eligible for listing in the CRHR nor was it included on a local register of historic resources. The extant cottage is a common example of a vernacular building and has been extensively altered such that it no longer represents its original 1906 construction.

In order for a project to be deemed eligible for listing in the CRHR, the project must be shown to meet any one of the National Register of Historic Places' four criteria: Criterion 1 (Event), Criterion 2 (Persons), Criterion 3 (Architecture), or Criterion 4 (Information Potential). The Planning Department concurs with the findings of the HRE that the subject property is not eligible for listing in the California Register under any criteria, specifically: no known historic events occurred at the property (Criterion 1), none of the owners or occupants have been identified as important to history (Criterion 2), the building is not architecturally distinct and represents its alteration circa 1997 (Criterion 3). Based upon a review of information in the Department's records, the subject property is not significant under Criterion 4, which is typically associated with archaeological resources. Furthermore, the subject property is not likely significant under Criterion 4, since this significance criterion typically applies to rare construction types when involving the built environment. The subject property is not an example of a rare construction type. The surrounding neighborhood contains a mix of architectural styles, building sizes, and a defined period of development; therefore, the project site does not appear to be located in a potential historic district.

Preservation Planning staff determined that the site does not meet any of these four criteria. Therefore, the site was determined to not be eligible for listing individually or as part of a potential or existing historic district in the CRHR and the site is not an historic resource for purposes of CEQA. The proposed modifications to the existing building and new construction project does not directly or indirectly involve any historic resources and will not cause a significant adverse impact upon a historic resource as defined by CEQA.

Geotechnical. The project site is on an approximately 80-foot-wide by 80-foot-deep, downhill-sloped lot with a slope from the east to west side of the lot. The elevation at the highest point along the street (northeast corner) is 251 feet (above sea level) and 214 feet at the rear lot line (southwest corner). The existing cottage is constructed in the southeastern corner of the lot at an elevation of 229 feet. The proposed three-unit residential building would be constructed at the front of the lot along Telegraph Hill Boulevard with its lowest pad elevation at approximately 224 feet. Removal of the approximately 160 sf portion of the existing cottage at the rear of the lot would require minimal alterations to the building foundation to support its new exterior walls. The foundation for the new three-unit building would be constructed using drilled concrete pier and grade beam foundation, requiring excavation up to 25 feet in depth.

³ Hilyard, Gretchen, *Preservation Team Review Form for 115 Telegraph Hill Boulevard*. May 1, 2014. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1375E.

A geotechnical report was prepared for the proposed project at 115 Telegraph Hill Boulevard⁴ and includes information gathered from a site reconnaissance by the geotechnical engineer and four soil borings conducted on the project site. The borings encountered 6 inches to 4 feet six inches of loose to dense clayey sand with varying amounts of silt and gravel to stiff, sandy silty clay, overlaying sandstone bedrock. No groundwater was encountered, though based on the hillside location it is possible that groundwater could be encountered near the surface following rain or upslope irrigation.

The geotechnical report evaluated the project site for potential liquefaction, surface rupture, lateral spreading, densification, and landslides and found the potential for risk to be low. The project site is in an area that would be exposed to strong earthquake shaking, though adherence to the recommendations in the 2013 San Francisco Building Code would reduce potential damage to the structure. The 2013 San Francisco Building Code (Building Code) requires Site Classification and Values of Site Coefficients for the design of earthquake resistant structures to minimize damage from earthquakes. The geotechnical report includes seismic design parameters for use by the structural engineer for the project in complying with the Building Code during the Department of Building Inspection (DBI) building permit plancheck process.

The geotechnical report found that the proposed structure's foundation could be safely supported using a drilled concrete pier and grade beam foundation, provided adherence to site preparation and foundation design recommendations in the project geotechnical report.

The project sponsor has agreed to adhere to the recommendations of the geotechnical report and include the report's design recommendations into the plans submitted for the building permit plancheck process, subject to final review by DBI. Thus, the proposed project would have no significant geotechnical impacts.

Construction. The proposed project would require construction activities within the public right-of-way. These activities would be coordinated with the San Francisco Department of Public Works, SFMTA, and the Transportation Advisory Staff Committee to ensure that construction activities are conducted in a manner that maintains circulation on public rights-of-way, to the maximum extent feasible. The project sponsor is developing a construction plan pursuant to the permitting requirements for construction within the public right-of-way. Any temporary, short-term, delay to vehicular or pedestrian travel would not be a significant impact.

Exemption Class. Under State CEQA Guidelines Section 15301(d), or Class 1(d), exterior renovations to an existing single-family residence that is not a historic resource, as defined for purposes of CEQA, is exempt from environmental review. The proposed project involves the exterior renovation of the existing 1,000-square-foot cottage at the rear of the property. Under State CEQA Guidelines Section 15303(b), or Class 3(b), construction of a multi-family residential structure with up to four dwelling units in a residential zone is exempt from environmental review. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units. The proposed

⁴ Earth Mechanics Consulting Engineers, *Report Geotechnical Investigation Planned Improvements at 115 Telegraph Hill Boulevard, San Francisco, California*, May 12, 2013. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1375E.

project includes the construction of three dwelling units in a residential zoning district. Therefore, the proposed project would be exempt from environmental review under Class 1(d) and Class 3(b).

Summary. State CEQA Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project would not have significant geotechnical or historical resource impacts. The proposed project would have no significant environmental effects. The project would be exempt under the above-cited classifications. For the above reasons, the proposed project is appropriately exempt from environmental review.



SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Preservation Team Meeting Date:		Date of Form Completion	5/1/2014
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PROJECT INFORMATION:		
Planner:	Address:	
Gretchen Hilyard	115 Telegraph Hill Blvd.	
Block/Lot:	Cross Streets:	
0105/065	Kearny Street	
CEQA Category:	Art. 10/11:	BPA/Case No.:
B	n/a	2013.1375E

PURPOSE OF REVIEW:			PROJECT DESCRIPTION:	
<input checked="" type="radio"/> CEQA	<input type="radio"/> Article 10/11	<input type="radio"/> Preliminary/PIC	<input checked="" type="radio"/> Alteration	<input type="radio"/> Demo/New Construction

DATE OF PLANS UNDER REVIEW:	08/12/2013
------------------------------------	------------

PROJECT ISSUES:	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input checked="" type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Submitted: Historic Resource Evaluation for 115 Telegraph Hill Boulevard prepared by Page & Turnbull, dated February 19, 2014.	
Proposed project: Retention of the existing cottage at the rear of property and construction of three new buildings at the front of the lot.	

PRESERVATION TEAM REVIEW:				
Historic Resource Present		<input type="radio"/> Yes	<input checked="" type="radio"/> No *	<input type="radio"/> N/A
Individual		Historic District/Context		
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:		Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:		
Criterion 1 - Event:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 1 - Event:	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Criterion 2 - Persons:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 2 - Persons:	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Criterion 3 - Architecture:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 3 - Architecture:	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Criterion 4 - Info. Potential:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 4 - Info. Potential:	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Period of Significance:	<input type="text"/>	Period of Significance:	<input type="text"/>	
		<input type="radio"/> Contributor <input type="radio"/> Non-Contributor		

Complies with the Secretary's Standards/Art 10/Art.11:	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
CEQA Material Impairment:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Needs More Information:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Defer to Residential Design Team:	<input checked="" type="radio"/> Yes	<input type="radio"/> No	

* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

<p>PRESERVATION TEAM COMMENTS:</p> <p>According to the Historic Resource Evaluation (HRE) prepared by Page & Turnbull (dated February 19, 2014) and information found in the Planning Department files, the subject property at 115 Telegraph Hill Boulevard is set on a steeply sloping lot that once contained five buildings. The existing property contains concrete retaining walls, concrete and wood stairways, fencing and a one-story vernacular cottage that was constructed in 1906 and designed by an unknown architect. The cottage is known as 323D Filbert Street or 367-369 Filbert Street. Known alterations to the property include: demolition of four buildings on the parcel (ca. 1997), and complete renovation/rebuilding of the cottage (ca. 1997). The extant cottage is a common example of a vernacular building and has been extensively altered such that it no longer represents its original construction in 1906. All materials of the extant building date to its reconstruction in ca. 1997. The Department concurs with the findings of the HRE that the subject property is not eligible for listing in the California Register under any criteria, specifically: No known historic events occurred at the property (Criterion 1), none of the owners or occupants have been identified as important to history (Criterion 2), and the building is not architecturally distinct and represents its alteration in ca. 1997 (Criterion 3). Therefore, the subject property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.</p> <p>The Department agrees with the findings of the HRE that the proposed new construction project does not directly or indirectly involve any historic resources and will not cause a significant adverse impact upon a historic resource as defined by CEQA.</p>
--

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
<i>Smarta</i>	5-2-2014



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

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

Case No.: 2013.1375E
Project Title: 115 Telegraph Hill Boulevard
Zoning: RH-3 (Residential – House, Two Family) Use District
Telegraph Hill – North Beach Residential Special Use District
40-X Height and Bulk District
Block/Lot: 0105/065
Lot Size: 7,517 square feet
Project Sponsor: Daniel Frattin, Reuben, Junius, & Rose, LLP, (415) 567-9000
Staff Contact: Heidi Kline – (415) 575-9043, Heidi.Kline@sfgov.org

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION:

The proposed project would allow the construction of a three-unit residential building and the exterior renovation (no increase in building area) of an existing 1,000-square-foot, two-story cottage constructed in 1906. The three new residential units would be located in a three-story over basement building with unit sizes ranging from 4,100 to 4,600 square feet. Three off-street parking spaces would be provided for the new units in a 3,000-square-foot area in the basement. The maximum height of the building would be 40 feet, as measured in accordance with the San Francisco Planning Code. No change would be made to the height of the existing cottage. The new three-unit building would be constructed at the front of the lot, adjacent to Telegraph Hill Boulevard, while the existing cottage would remain in its current location at the rear of the lot. A portion of the concrete sidewalk and steps (Filbert Steps) along the parcel's frontage would be replaced in kind. The project is located within the Telegraph Hill neighborhood on the south side of Telegraph Hill Boulevard between Kearney and Montgomery Streets.

EXEMPT STATUS:

Categorical Exemption, Class 1 (California Environmental Quality Act (CEQA) Guidelines Section 15301(d) and Class 3 CEQA Guidelines Section 15303(b)

REMARKS:

See next page.

DETERMINATION:

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

Sarah Jones
Environmental Review Officer

June 10, 2014
Date

cc: Daniel Frattin, Project Sponsor

Supervisor David Chiu, District 3

PROJECT APPROVALS

- Conditional Use Authorization by the Planning Commission for residential density above three units per lot and the off-street parking spaces per Section 151 and the Telegraph Hill – North Beach Residential Special Use District of the San Francisco Planning Code.
- Building Permit from the San Francisco Department of Building Inspection.
- Permit from the Department of Public Works for construction within the public right-of-way.
- Approval from the San Francisco Municipal Transportation Agency (SFMTA) to relocate an existing stop sign.

Approval Action: The proposed project is subject to Planning Commission approval of a conditional use CU authorization for the off-street parking spaces and for residential density above three units per lot. This CU is the approval action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

REMARKS:

Historic Resource. The existing cottage was constructed in 1906 and is classified as a Category "B", or potential historic resource, in the Planning Department's records. A Category B rating indicates that additional information is necessary to make a determination as to whether the site is an historic resource or not. In order for a building to be deemed a historic resource for purposes of CEQA Section 21084.1, it must be listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR), or included in a local register of historic resources.

Based on a historic resource evaluation (HRE) prepared by Page & Turnbull¹ and subsequent evaluation by the Planning Department Preservation Planning staff,² the project site was determined to not be eligible for listing in the CRHR nor was it included on a local register of historic resources. The extant cottage is a common example of a vernacular building and has been extensively altered such that it no longer represents its original 1906 construction.

In order for a project to be deemed eligible for listing in the CRHR, the project must be shown to meet any one of the National Register of Historic Places' four criteria: Criterion 1 (Event), Criterion 2 (Persons), Criterion 3 (Architecture), or Criterion 4 (Information Potential). The Planning Department concurs with

¹ Page & Turnbull, *115 Telegraph Hill Boulevard Historic Resource Analysis, San Francisco, California*. February 19, 2014. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1375E.

² Hilyard, Gretchen, *Preservation Team Review Form for 115 Telegraph Hill Boulevard*. May 1, 2014. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1375E.

the findings of the HRE that the subject property is not eligible for listing in the California Register under any criteria, specifically: No known historic events occurred at the property (Criterion 1), none of the owners or occupants have been identified as important to history (Criterion 2), the building is not architecturally distinct and represents its alteration circa 1997 (Criterion 3). Based upon a review of information in the Departments records, the subject property is not significant under Criterion 4, which is typically associated with archaeological resources. Furthermore, the subject property is not likely significant under Criterion 4, since this significance criterion typically applies to rare construction types when involving the built environment. The subject property is not an example of a rare construction type. The surrounding neighborhood contains a mix of architectural styles, building sizes, and a defined period of development; therefore, it does not appear to be a potential historic district.

Preservation Planning staff determined that the site does not meet any of these four criteria. Therefore, the site was determined to not be eligible for listing individually or as part of a potential or existing historic district in the CRHR and the site is not an historic resource for purposes of CEQA. The proposed new construction project does not directly or indirectly involve any historic resources and will not cause a significant adverse impact upon a historic resource as defined by CEQA.

Geotechnical. The project site is on an approximately 80-foot-wide by 80-foot-deep, downhill-sloped lot with a slope from the east to west side of the lot. The elevation at the highest point along the street (northeast corner) is 251 feet (above sea level) and 214 feet at the rear lot line (southwest corner). The existing cottage is constructed in the southeastern corner of the lot at an elevation of 229 feet. The proposed three-unit residential building would be constructed at the front of the lot along Telegraph Hill Boulevard with a pad elevation at approximately 224 feet. The existing cottage at the rear of the lot would be renovated and no changes made to the existing poured concrete foundation. The foundation for the new building would be constructed using drilled concrete pier and grade beam foundation, requiring excavation up to 25 feet in depth.

A geotechnical report was prepared for the proposed project at 115 Telegraph Hill Boulevard³ and includes information gathered from a site reconnaissance by the geotechnical engineer and four soil borings conducted on the project site. The borings encountered 6 inches to 4 feet six inches of loose to dense clayey sand with varying amounts of silt and gravel to stiff, sandy silty clay, overlaying sandstone bedrock. No groundwater was encountered, though based on the hillside location it is possible that groundwater could be encountered near the surface following rain or upslope irrigation.

The geotechnical report evaluated the project site for potential liquefaction, surface rupture, lateral spreading, densification, and landslides and found the potential for risk to be low. The project site is in an area that would be exposed to strong earthquake shaking, though adherence to the recommendations in the 2013 San Francisco Building Code would reduce potential damage to the structure. The 2013 San Francisco Building Code (Building Code) requires Site Classification and Values of Site Coefficients for the design of earthquake resistant structures to minimize damage from earthquakes. The geotechnical

³ Earth Mechanics Consulting Engineers, *Report Geotechnical Investigation Planned Improvements at 115 Telegraph Hill Boulevard, San Francisco, California*, May 12, 2013. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1375E.

report includes seismic design parameters for use by the structural engineer for the project in complying with the Building Code during the Department of Building Inspection (DBI) building permit plancheck process.

The geotechnical report found that the proposed structure's foundation could be safely supported using a drilled concrete pier and grade beam foundation, provided adherence to site preparation and foundation design recommendations in the project geotechnical report.

The project sponsor has agreed to adhere to the recommendations of the geotechnical report and include the report's design recommendations into the plans submitted for the building permit plancheck process, subject to final review by DBI. Thus, the proposed project would have no significant geotechnical impacts.

Exemption Class. Under CEQA State Guidelines Section 15301(d), or Class 1(d), exterior renovations to an existing single-family residence that is not a historic resource, as defined for purposes of CEQA, is exempt from environmental review. The proposed project involves the exterior renovation of the existing 1,000-square-foot cottage at the rear of the property. Under CEQA State Guidelines Section 15303(b), or Class 3(b), construction of a multi-family residential structure with up to four dwelling units in a residential zone is exempt from environmental review. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units. The proposed project includes the construction of a multi-family residential structure with three dwelling units in a residential zoning district. Therefore, the proposed project would be exempt from environmental review under Class 1(d) and Class 3(b).

Summary. CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project would not have significant geotechnical or historical resource impacts. The proposed project would have no significant environmental effects. The project would be exempt under the above-cited classifications. For the above reasons, the proposed project is appropriately exempt from environmental review.

CASE NUMBER:
 For Staff Use only

APPLICATION FOR Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

APPLICANT NAME:		
Telegraph Hill Dwellers		
APPLICANT ADDRESS:	TELEPHONE:	
c/o Vedica Puri, President, Telegraph Hill Dwellers 600 Montgomery St., 31st Floor San Francisco, CA 94111	(415) 433-8000	
	EMAIL:	
	president@thd.org	
NEIGHBORHOOD ORGANIZATION NAME:		
Telegraph Hill Dwellers		
NEIGHBORHOOD ORGANIZATION ADDRESS:	TELEPHONE:	
c/o Vedica Puri, President, Telegraph Hill Dwellers 600 Montgomery St., 31st Floor San Francisco, CA 94111	(415) 433-8000	
	EMAIL:	
	president@thd.org	
PROJECT ADDRESS:		
115 Telegraph Hill Blvd.		
PLANNING CASE NO.:	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY):
2013-1375 CE		September 11, 2014

2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.
- The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.
- The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

Submission Checklist:

- APPELLANT AUTHORIZATION
- CURRENT ORGANIZATION REGISTRATION
- MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION

- WAIVER APPROVED WAIVER DENIED



**SAN FRANCISCO
PLANNING
DEPARTMENT**

**FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department**

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415.558.6409**
WEB: <http://www.sfplanning.org>

Planning Information Center (PIC)
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TEL: **415.558.6377**
*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*