

Board of Supervisors  
May 19, 2015 Hearing  
CEQA Appeal  
26 Hodges Alley

## Supplemental Materials

- Emails indicating project sponsors did not want to remove rocks
- Emails indicating building dept. worried ~~p~~ slope stabilization was high-challenge and concerned
- Emails from building dept indicating desire for planning dept to protect air/light and protect slope-related planning protections
- Email Scott Sanchez, zoning administrator desires peer review.

Fwd: Large rockslide, emergency

Page 1 of 1

**From:** melomm <melomm@aol.com>  
**To:** david <david@dewilde-sf.com>; heidi <heidi@liebesarchitects.com>  
**Cc:** lgilpin <lgilpin@gilpingeosciences.com>; frolo <frolo@Langan.com>  
**Subject:** Fwd: Large rockslide, emergency  
**Date:** Wed, Dec 17, 2014 8:12 pm

---

David, Heidi, Lou, Frank,

I am forwarding an email as I have not heard back.

Melody

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**From:** [melomm@aol.com](mailto:melomm@aol.com)  
**Date:** December 14, 2014 at 3:13:25 PM PST  
**To:** [david@dewilde-sf.com](mailto:david@dewilde-sf.com), [heidi@liebesarchitects.com](mailto:heidi@liebesarchitects.com)  
**Cc:** [lgilpin@gilpingeosciences.com](mailto:lgilpin@gilpingeosciences.com), [frolo@Langan.com](mailto:frolo@Langan.com)  
**Subject:** **Large rockslide, emergency**

David, Heidi, Lou, & Frank,

1. Lou Gilpin says he is ready with his letter. I asked him to forward the letter to John Wallace and forward a copy to me.
2. When can the rocks up against my house wall be removed? I am concerned as the weight of it is against my house.
3. What steps are being taken to protect the slope from further instability as it will rain tonight? There was a corrugated cover over it earlier.

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**From:** melomm <melomm@aol.com>

**To:** david <david@dewilde-sf.com>; kdewildesf <kdewildesf@gmail.com>

**Cc:** lgilpin <lgilpin@gilpingeosciences.com>; frolo <frolo@Langan.com>; heidi liebesarchitects.com <heidi@liebesarchitects.com>

**Subject:** Fwd: Large rockslide, 26 Hodges Alley

**Date:** Sat, Dec 27, 2014 10:26 am

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David & Katherine,

I am resending the following emails as I have not heard back from either of you.

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**From:** [melomm@aol.com](mailto:melomm@aol.com)

**Date:** December 24, 2014 at 9:54:51 AM PST

**To:** [david@dewilde-sf.com](mailto:david@dewilde-sf.com), [kdewildesf@gmail.com](mailto:kdewildesf@gmail.com)

**Cc:** [lgilpin@gilpingeosciences.com](mailto:lgilpin@gilpingeosciences.com), [frolo@Langan.com](mailto:frolo@Langan.com), "heidi [liebesarchitects.com](mailto:liebesarchitects.com)" <[heidi@liebesarchitects.com](mailto:heidi@liebesarchitects.com)>

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**Cc:** [lgilpin@gilpingeosciences.com](mailto:lgilpin@gilpingeosciences.com), [frolo@Langan.com](mailto:frolo@Langan.com), "heidi [liebesarchitects.com](mailto:liebesarchitects.com)" <[heidi@liebesarchitects.com](mailto:heidi@liebesarchitects.com)>

**Subject:** Fwd: Large rockslide, 26 Hodges Alley

David & Katherine,

I have been advised to write to both of you a formal notice of the recent rockslides into the rear of my house at 358 Vallejo Street.

I have sent several emails and have not received a reply. I am forwarding a recent email to both of you.

1. When will the rocks from the rockslide be removed? Both of our engineering geologists agree that the rocks piled up against the wall of my house should be removed as soon as possible. The Building Department is also requiring the removal of the rocks.

2. Do you have a new updated soil report required in the Notice of Violation? Can you send John Wallace and I a copy?

On Jan 15, 2015, at 9:57 AM, "Duffy, Joseph (DBI)" <[joseph.duffy@sfgov.org](mailto:joseph.duffy@sfgov.org)> wrote:

Melody

I will include the architect in this response .Is there no communication between both sides .

We really encourage people to communicate with each other .We will of course follow up with our notice of violation.

Heidi, if rocks need to be removed can you please make this happen .

Regards,

Joseph Duffy  
Senior Building Inspector, BID  
Department of Building Inspection  
Phone: 415-558-6656

---

**From:** [melomm@aol.com](mailto:melomm@aol.com) [<mailto:melomm@aol.com>]

**Sent:** Wednesday, January 14, 2015 5:07 PM

**To:** Duffy, Joseph (DBI)

**Cc:** O'Riordan, Patrick (DBI); Power, Robert (DBI)

**Subject:** Re: 26 Hodges Geotec and neighbor

Joe,

Did she indicate when she is coming to remove all the rocks piled up high against the wall of my house? Few days after the rockslide, the project's engineer indicated to me he is ready with a letter to have the rocks removed. It has been over a month since the rockslide but they have not done so.

Melody

On Jan 14, 2015, at 4:30 PM, "Duffy, Joseph (DBI)" <[joseph.duffy@sfgov.org](mailto:joseph.duffy@sfgov.org)> wrote:

Melody

This is the response that I got from the architect at 26 Hodges .I will speak to Robert tomorrow and we may be able to move our notice along to Code Enforcement .When someone is preparing a report we however do give them some additional time .This appears to be the case with this one .

Regards,

Begin forwarded message:

**From:** [melomm@aol.com](mailto:melomm@aol.com)  
**Date:** January 16, 2015 at 11:09:31 AM PST  
**To:** "Duffy, Joseph (DBI)" <[joseph.duffy@sfgov.org](mailto:joseph.duffy@sfgov.org)>  
**Cc:** "O'Riordan, Patrick (DBI)" <[patrick.oriordan@sfgov.org](mailto:patrick.oriordan@sfgov.org)>, "Power, Robert (DBI)" <[robert.power@sfgov.org](mailto:robert.power@sfgov.org)>, "[liebes.heidi@gmail.com](mailto:liebes.heidi@gmail.com)" <[liebes.heidi@gmail.com](mailto:liebes.heidi@gmail.com)>  
**Subject:** Re: 26 Hodges Geotec and neighbor

Joe,

Thank you for your email and including the architect Heidi Liebes on this email.

I would like to address the communication issue. Inspector Robert Power visited the site on Friday, December 12, 2014. 26 Hodges Alley's engineer visited the site on Sunday, December 14 and indicated he was ready with a letter for the contractor to come remove the rocks piled up high against the wall of my house. My own engineering geologist John Wallace of Cotton Shires & Associates visited the site and emailed 26 Hodges Alley's engineer, urging the removal of the rocks ASAP as there is the potential for more damage to the wall.

From December 14 to December 27, 2014, for over two weeks, I received NO response to my over five emails, which were addressed to the owners, and each email was also copied to the two engineers and the architect planning additions to the house.

On December 28, the owner finally responded, but did not answer the question of when the rocks would be removed. And, on the architect Heidi Liebes' recent email to you, I do not see a response on when she is coming to remove the rocks.

Melody

**From:** melomm <melomm@aol.com>

**To:** scott.sanchez <scott.sanchez@sfgov.org>; Kate Conner <Kate.Conner@sfgov.org>

**Cc:** Christopher Espiritu <Christopher.Espiritu@sfgov.org>

**Subject:** Fwd: 26 Hodges, Variance Hearing & 311

**Date:** Mon, Oct 27, 2014 4:52 pm

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Mr. Sanchez,

I am forwarding an email which indicates why environmental planner Chris Espiritu is urging a special request be made for a peer review at this point now so that planning can also review the air, light, privacy impacts of their new third slope design. The forwarded email also discusses why building department officials wanted the slope design plan in the 311 notice, precisely to address the planning related protections.

It has been over a month since the hearing and while the project sponser's engineer spoke highly of Mr. John Wallace of Cotton Shires and willing to be peer reviewed by him, we have so far not yet received their new third slope design report or plan drawings. We have no agreement.

This is why I as well as Chris Espiritu in the forwarded email to contact DBI to specially request a peer review now. DBI official Willy Yau says all you need to do, Mr. Sanchez, is contact him with the special request. Few days ago, my neighbor, Alston Lew of 20 Hodges Alley contacted Kate Conner and noted in detail their concerns regarding the structural and foundational integrity of the hillside and surrounding properties. His father, Ray Lew, of 20 Hodges spoke of these issues at the variance hearing as well. What is the harm of a peer review now, while we are in planning?

Supervisor and engineer David Leung of DBI was "extremely concerned" on how the cliff, which is adjacent to my house, will be stabilized. Both he and DBI Kirk Means advised the slope plan appear in the 311 notice for planning and building protections. The second slope plan was removed from the 311 notice as their engineer admitted at the hearing that their first two plans will not work. So, we had no opportunity to discuss a slope plan. Now, they are not releasing the new third slope plan. I urge you to make a special request to DBI now for a peer review so both planning and building protections will be assured.

Melody

Begin forwarded message:

**From:** [melomm@aol.com](mailto:melomm@aol.com)

**Date:** October 9, 2014 at 6:56:29 PM PDT

**To:** Kate Conner <Kate.Conner@sfgov.org>

**Subject:** 26 Hodges project

Kate,

In my phone call with Chris Espiritu yesterday, he felt it was important that Scott Sanchez contact the Building Department with a special request to "make sure" this entire project is peer reviewed at this point now to determine not only if the new third slope design will work, But also importantly to see if the new slope design has impacts to a neighbor's air, light, privacy, and all related Planning Department protections.

Chris Espiritu feels these issues need to be addressed Now as their new third slope design plan is a Modification to the project. According to many other environmental planners I have contacted, including Chris Espiritu, Any Modification to this project, including structural work, needs to be reviewed for air, light, privacy, etc.

This is also precisely the reason Kirk Means and other Building Department officials wanted this slope design included in the 311 notice....to discuss Planning related issues. If you or Scott

Sanchez do not request the peer review now at this point, it may be more difficult for Planning to obtain the plans back from the building department as you would have already signed off on them.

FYI: The project sponsors and their engineers had knowledge approximately two weeks prior to the variance hearing that the second slope plan, which is the netting design, would not work. Yet, they ignored this, and instead rushed a variance hearing and a 311 notice, knowing their slope plan would not work. That is inappropriate.

I think that Chris Espirtu's thoughts are important. Let me know your thoughts.

Melody



(BOS)

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**From:** melomm@aol.com  
**Sent:** Tuesday, May 19, 2015 4:44 PM  
**To:** BOS Legislation, (BOS); BOS-Supervisors  
**Cc:** Lamug, Joy (BOS); Carroll, John (BOS)  
**Subject:** Fwd: Second neighbor's support letter for a continuance to mediate, Hearing today on CEQA appeal, 26 Hodges Alley

**Categories:** 150395

Sent from my iPhone

Begin forwarded message:

**From:** [melomm@aol.com](mailto:melomm@aol.com)  
**Date:** May 19, 2015 at 12:52:46 PM PDT  
**To:** "Burns, Kanishka (BOS)" <[kanishka.burns@sfgov.org](mailto:kanishka.burns@sfgov.org)>  
**Cc:** "Christensen, Julie (BOS)" <[Julie.Christensen@sfgov.org](mailto:Julie.Christensen@sfgov.org)>, "McCoy, Gary (BOS)" <[Gary.McCoy@sfgov.org](mailto:Gary.McCoy@sfgov.org)>, "Lee, Mason (BOS)" <[mason.lee@sfgov.org](mailto:mason.lee@sfgov.org)>  
**Subject:** **Re: Second neighbor's support letter for a continuance to mediate, Hearing today on CEQA appeal, 26 Hodges Alley**

Hi Kanishka,

I spoke with the clerks in the Clerks Office. They have assured me that this matter may be rescheduled in a timely manner. Both Joy Lamug and John Carroll in the Clerks Office have assured me this matter can be rescheduled in a timely manner.

Unfortunately, I never received your email on offering to mediate this crisis, and I never received any follow up emails. Had I received them, I would have accepted your offer in light of the crisis affecting four neighbors on/or adjacent to this cliff.

While it is gracious of you to offer to mediate separate from CEQA, that would not be in the public's best interest, in light of the health, safety, welfare issues affecting many neighbors up and downslope from me.

I urge you and Supervisor Christensen to support a continuance, especially in light of the fact that the Board clerks indicated they can fit us into the Board hearing schedule.

Thank you,  
Melody

On May 19, 2015, at 11:37 AM, "Burns, Kanishka (BOS)" <[kanishka.burns@sfgov.org](mailto:kanishka.burns@sfgov.org)> wrote:

Hi Melody,

Given the impacted Board hearing schedule (appeals, short term rentals and budget hearings) we would not be able to reschedule this item in a timely manner. I did offer to mediate the situation with you more than a week ago but unfortunately I did not hear back.

I am happy to mediate this crisis with you and Mr. DeWilde separate from the legal constraints of CEQA.

Best,  
Kanishka Burns, AICP  
Legislative Aide  
Office of Supervisor Julie Christensen

-----Original Message-----

From: [melomm@aol.com](mailto:melomm@aol.com) [<mailto:melomm@aol.com>]  
Sent: Tuesday, May 19, 2015 10:58 AM  
To: Burns, Kanishka (BOS)  
Cc: Christensen, Julie (BOS); McCoy, Gary (BOS); Lee, Mason (BOS)  
Subject: Second neighbor's support letter for a continuance to mediate, Hearing today on CEQA appeal, 26 Hodges Alley

Hi Kanishka,

I am attaching another second strong letter of support from another Hodges Alley neighbor to support my family's request for a continuance of the hearing scheduled for today on the CEQA appeal for 26 Hodges Alley. As you may recall, another separate Hodges Alley neighbor emailed a support letter for the continuance yesterday evening, which I forwarded to you this morning. We are all very concerned on the health, safety, and welfare of this neighborhood, and asking your intervention to assist in mediation of this crisis.

Our advisors would like to meet in your office with Supervisor Christensen to mediate this crisis. So far, I have sent you two very strong neighbors support letters and past email communications with the project sponsors, building and planning departments to balance the unfair versions presented by the project sponsors.

I urge you to support the request for a continuance and mediate this crisis in Supervisor Christensen's office.

Thank you,

Melody

(BOS)

---

**From:** melomm@aol.com  
**Sent:** Tuesday, May 19, 2015 4:41 PM  
**To:** BOS Legislation, (BOS); BOS-Supervisors; Lamug, Joy (BOS); Carroll, John (BOS)  
**Subject:** Fwd: CEQA hearing today May 19, 2015, 26 Hodges Alley  
**Categories:** 150395

Sent from my iPhone

Begin forwarded message:

**From:** [melomm@aol.com](mailto:melomm@aol.com)  
**Date:** May 19, 2015 at 9:20:18 AM PDT  
**To:** Kanishka Burns <[Kanishka.Burns@sfgov.org](mailto:Kanishka.Burns@sfgov.org)>  
**Cc:** "[julie.christensen@sfgov.org](mailto:julie.christensen@sfgov.org)" <[julie.christensen@sfgov.org](mailto:julie.christensen@sfgov.org)>, "[gary.mccoy@sfgov.org](mailto:gary.mccoy@sfgov.org)" <[gary.mccoy@sfgov.org](mailto:gary.mccoy@sfgov.org)>, "[Mason.Lee@sfgov.org](mailto:Mason.Lee@sfgov.org)" <[Mason.Lee@sfgov.org](mailto:Mason.Lee@sfgov.org)>  
**Subject:** CEQA hearing today May 19, 2015, 26 Hodges Alley

Hi Kanishka,

Our advisors would like to meet with you and Supervisor Christensen to mediate the situation. The project sponsors provided you with an unfair one-sided misleading version.

We signed an agreement with the project sponsors on the removal of the rocks, which the project sponsor did not disclose to you. Our attorney Steven G. Wood of Ropers, Majeski, Kohn, Bentley, who can be reached at (650) 780-1629, can confirm this if you would like to speak with him.

Attached are several pages of emails, including emails to the building department, that the project sponsors never wanted to come remove the rocks. They have not told you the truth. I have many more emails with them and the building department to corroborate this. I can send more emails to corroborate if you like.

Also attached is an email to the planning department alerting them to the fact that the project sponsor's engineers first two plans will not work in this high challenge case. Our engineers offered to and continue to offer to work with them in reaching a resolution to this high challenge case. Unfortunately, both the planning department and the project sponsors did not include our engineer's letter in their memos to you. Again, we would like an opportunity to come to your office to present our version of the events.

Please reconsider the continuance request as our advisors would like to meet in your office to mediate this situation.

Thank you,  
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**Cc:** "O'Riordan, Patrick (DBI)" <patrick.oriordan@sfgov.org>, "Power, Robert (DBI)" <robert.power@sfgov.org>, "liebes.heidi@gmail.com" <liebes.heidi@gmail.com>  
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1. When will the rocks from the rockslide be removed? Both of our engineering geologists agree that the rocks piled up against the wall of my house should be removed as soon as possible. The Building Department is also requiring the removal of the rocks.
2. Do you have a new updated soil report required in the Notice of Violation? Can you send John Wallace and I a copy?

3. John Wallace met with Lou Gilpin over four months ago. Why was a third slope report and plan never sent to us? How will we work to stabilize a slope if you do not respond to my emails?

Melody

Begin forwarded message

**From:** melomm@aol.com  
**Date:** December 19, 2014 at 6:10:45 PM PST  
**To:** "david@dewilde-sf.com" <david@dewilde-sf.com>  
**Cc:** "lgilpin@gilpingeoosciences.com"  
<lgilpin@gilpingeoosciences.com>, "frollo@Langan.com"  
<frollo@Langan.com>, "heidiliebearchitects.com"  
<heidiliebearchitects.com>  
**Subject:** Large rockslide, 26 Hodges Alley

David & Katherine August DeWilde,

Earlier this week, Lou Gilpin indicated his letter is ready to go out with regard to the removal of the rocks from the large rockslide. Lou also indicated he would send a copy of the letter and the photos to both John Wallace and I. Both of us have not yet received these.

John Wallace has come onsite and emailed Lou Gilpin his concerns on the load of the rocks up against the wall of my house, and considering the potential for more damage, John recommended that these rocks be removed as soon as possible. We have not yet received a reply.

An updated soil report from a soils engineer is required to verify the stability of the rock slope within five days on the Notice Of Violation. Can you send a copy to us as well?

John met with Lou over four months ago, and we have never received a third slope report and plan. I hope we can work together to achieve a stable slope.

Melody

Fwd: Large rockslide, emergency

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Melody



**Conner, Kate (CPC)**

---

**From:** melomm@aol.com  
**Sent:** Monday, September 22, 2014 1:43 PM  
**To:** Conner, Kate (CPC); Espirtu, Christopher (CPC)  
**Subject:** 26 Hodges Alley

Kate & Chris,

To update you, John Wallace and his firm Cotton Shires & Associates has reviewed the new proposed slope design in the notice. Mr. Wallace and his firm investigated and designed the repair plans for the last two catastrophic Telegraph Hill landslides, one in 2007, and one in 2012.

They have many concerns and indicated that this new design cannot be constructed. So, we are waiting for an alternative design from the project sponsors. We do not understand why the project sponsors are proceeding with a variance hearing when they have not presented us with an alternative design.

Melody

(BOS)

---

**From:** melomm@aol.com  
**Sent:** Tuesday, May 19, 2015 4:30 PM  
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**Cc:** BOS Legislation, (BOS)  
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**Categories:** 150395

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**Subject:** RE: Second neighbor's support letter for a continuance to mediate, Hearing today on CEQA appeal, 26 Hodges Alley

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I am happy to mediate this crisis with you and Mr. DeWilde separate from the legal constraints of CEQA.

Best,  
Kanishka Burns, AICP  
Legislative Aide  
Office of Supervisor Julie Christensen

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**Date:** May 19, 2015 at 11:37:27 AM PDT  
**To:** "melomm@aol.com" <[melomm@aol.com](mailto:melomm@aol.com)>  
**Cc:** "Christensen, Julie (BOS)" <[Julie.Christensen@sfgov.org](mailto:Julie.Christensen@sfgov.org)>, "McCoy, Gary (BOS)" <[Gary.McCoy@sfgov.org](mailto:Gary.McCoy@sfgov.org)>, "Lee, Mason (BOS)" <[mason.lee@sfgov.org](mailto:mason.lee@sfgov.org)>  
**Subject:** RE: Second neighbor's support letter for a continuance to mediate, Hearing today on CEQA appeal, 26 Hodges Alley

Hi Melody,

Given the impacted Board hearing schedule (appeals, short term rentals and budget hearings) we would not be able to reschedule this item in a timely manner. I did offer to mediate the situation with you more than a week ago but unfortunately I did not hear back.

I am happy to mediate this crisis with you and Mr. DeWilde separate from the legal constraints of CEQA.

Best,  
Kanishka Burns, AICP  
Legislative Aide  
Office of Supervisor Julie Christensen

-----Original Message-----

**From:** [melomm@aol.com](mailto:melomm@aol.com) [<mailto:melomm@aol.com>]  
**Sent:** Tuesday, May 19, 2015 10:58 AM  
**To:** Burns, Kanishka (BOS)  
**Cc:** Christensen, Julie (BOS); McCoy, Gary (BOS); Lee, Mason (BOS)  
**Subject:** Second neighbor's support letter for a continuance to mediate, Hearing today on CEQA appeal, 26 Hodges Alley

Hi Kanishka,

I am attaching another second strong letter of support from another Hodges Alley neighbor to support my family's request for a continuance of the hearing scheduled for today on the CEQA

appeal for 26 Hodges Alley. As you may recall, another separate Hodges Alley neighbor emailed a support letter for the continuance yesterday evening, which I forwarded to you this morning. We are all very concerned on the health, safety, and welfare of this neighborhood, and asking your intervention to assist in mediation of this crisis.

Our advisors would like to meet in your office with Supervisor Christensen to mediate this crisis.

So far, I have sent you two very strong neighbors support letters and past email communications with the project sponsors, building and planning departments to balance the unfair versions presented by the project sponsors.

I urge you to support the request for a continuance and mediate this crisis in Supervisor Christensen's office.

Thank you,  
Melody

(BOS)

---

**From:** melomm@aol.com  
**Sent:** Tuesday, May 19, 2015 4:31 PM  
**To:** BOS Legislation, (BOS); BOS-Supervisors  
**Cc:** Lamug, Joy (BOS); Carroll, John (BOS)  
**Subject:** Fwd: Second neighbor's support letter for a continuance to mediate, Hearing today on CEQA appeal, 26 Hodges Alley  
**Attachments:** Alston Lew, Raymond Lew and Annie Wong-Lew - 20 Hodges Alley, San Francisco Board of Supervisors Letter.pdf; ATT00001.htm  
**Categories:** 150395

Sent from my iPhone

Begin forwarded message:

**From:** [melomm@aol.com](mailto:melomm@aol.com)  
**Date:** May 19, 2015 at 10:58:06 AM PDT  
**To:** Kanishka Burns <[Kanishka.Burns@sfgov.org](mailto:Kanishka.Burns@sfgov.org)>  
**Cc:** [julie.christensen@sfgov.org](mailto:julie.christensen@sfgov.org), [gary.mccoy@sfgov.org](mailto:gary.mccoy@sfgov.org), [Mason.Lee@sfgov.org](mailto:Mason.Lee@sfgov.org)  
**Subject:** **Second neighbor's support letter for a continuance to mediate, Hearing today on CEQA appeal, 26 Hodges Alley**

Hi Kanishka,

I am attaching another second strong letter of support from another Hodges Alley neighbor to support my family's request for a continuance of the hearing scheduled for today on the CEQA appeal for 26 Hodges Alley. As you may recall, another separate Hodges Alley neighbor emailed a support letter for the continuance yesterday evening, which I forwarded to you this morning. We are all very concerned on the health, safety, and welfare of this neighborhood, and asking your intervention to assist in mediation of this crisis.

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I urge you to support the request for a continuance and mediate this crisis in Supervisor Christensen's office.

Thank you,  
Melody

VIA EMAIL: [Angela.calvillo@sfgov.org](mailto:Angela.calvillo@sfgov.org) and [Bos.legislation@sfgov.org](mailto:Bos.legislation@sfgov.org)

May 19, 2015

To: Angela Calvillo  
Clerk of the Board of Supervisors  
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

From: Alston L. Lew, Esq.

RE: Letter of Support for the Appeal of Exemption from Environmental Review  
26 Hodges Alley  
**File No. 150395**  
Hearing Date: May 19, 2015

Dear Clerk Calvillo, President Breed and Members of the Board of Supervisors:

### **Introduction**

I am a resident of 20 Hodges Alley along with my parents Raymond Lew and Annie Wong-Lew. I am writing to support the appeal objecting to the determination of categorical exemption from environmental review under the California Environmental Quality Act (CEQA) issued by the Planning Department on September 18, 2014 for the proposed project at 26 Hodges Alley. This appeal was requested by the Mar Family Trust against the proposed project at 26 Hodges Alley.

In terms of neighborhood and background history regarding our property, my family has lived at 20 Hodges Alley for three generations starting with my paternal grandfather. Our home was built in the early 1900s and was lived in by the gentleman for which our street was named. In our basement, we have a wall plaque of a certificate that was issued to John Hodges, a steam boat captain that was a resident of Lake Tahoe.

I urge the SF Board of Supervisors to take a closer look at the adverse impacts of this proposed project on the neighbors who live in close quarters on Hodges Alley and ask that you reverse the categorical exemption under CEQA as requested. I do not support the proposed third story and increased roof deck due to the significant impact of the development on our neighborhood and particularly on my home. My residence is located next door directly downhill from 26 Hodges.

### **Objections to the Proposed Development**

I have several significant concerns regarding the proposed project at 26 Hodges Alley:

1. The Class 1 Categorical Exemption is inapplicable to this project as the proposed building expansion places additional weight and stress on an already fragile slope. From the onset of the proposed development, I was concerned about the geological impact the proposed development would have on our property. The deWildes' proposal of an addition to their patio and an addition to their upper story would require having to shore up the foundation of their

property. Any work on the foundation of their property will affect our property in an adverse manner, which as mentioned is located directly next door downhill. Current city codes require that an owner of an adjacent property work with a developing owner to shore up the foundations for both properties. My family is not against the proposed development of 26 Hodges because every property owner should be able to develop their property and enhance their property value to full effect. However, our opposition to the development stems from the lack of any assurances from the deWildes that if their development affects our foundation, that we will be compensated for the costs associated with having to shore up our own foundations should it be affected. As neighbors, we should not have to expend considerable sums to shore up our own foundations at our own expense without any contribution from the deWildes. But for their proposed development, our foundations would not be potentially affected.

Thus far, I am unaware of any studies that have been commissioned by the deWildes on how their development could adversely affect surrounding properties. The only study the deWildes provided to neighbors discusses only how they are shoring up their own property as well as that of the neighbor uphill from them at 30 Hodges Alley. While the deWildes have failed to communicate with my family, they have openly negotiated and agreed to pay the costs associated with shoring up the foundations for 30 Hodges. My family and I find a lack of assurances from the deWildes perplexing.

If the DeWildes want my family's cooperation with their plans, then we would request that a similar arrangement or assurances be provided to us, where if our foundation is adversely affected they would be willing to foot the associated costs. Since my family is not proposing any development to our property, we do not believe we should be required to foot the costs associated with any seismic shift caused by the proposed development.

2. In addition to concerns regarding possible effects on the foundation to our home, we are concerned about geological impacts that can result on the back side of our hill due to the proposed developments. Back in March of 2014, the deWildes hosted a neighborhood meeting to explain their plans for the development to neighbors. As part of the meeting, they conducted a tour of the ground floor of the property, roof, as well as the back of the property (it should be noted that the applicant to this DR, Melody Mar was not included on the invitation to the meeting). On first impressions during my inspections, I immediately voiced concerns over the stability of the back of the hillside based on the condition of the hillside. My visual inspection of the back of their property showed that the hillside was jagged, in a condition that looked as though it could crumble and that it would be unstable should any construction take place on it. I voiced such concerns to the deWildes and their architect and was told that efforts were being made to shore up their property. The only reinforcement to shore up the property I saw were a few metal rods stuck into the ground with some wire mesh netting.

It would appear based on discussions with neighbors that such concerns were well founded. During the torrential rainfall last December 2014, parts of that hillside did crumble and fell into Ms. Mar's property. As a result, Ms. Mar was deprived for an extended period of the ability to live in her property. If the deWildes' approach to geological surveys and effects to surrounding properties are as haphazard as demonstrated with the back of property, what assurances do my parents have that their property will not be similarly affected downhill from them on the other side? As indicated, none have been given by the deWildes and almost no communication has been made by them.



3. The proposed addition will dwarf the neighboring buildings and despite what the owners claim, the property will be used as a singles party home rather than the single family home the deWildes list as the intended use. This fact has been borne out based on how 26 Hodges has been rented out the last year and a half. The deWildes' son only lives at the residence temporarily for several months at a time. The son's domicile at the residence conveniently only seems to occur a few months leading up to a Commission or Planning Meeting involving City and County officials. This provides the necessary illusion before public hearings that the home is being used as a single family unit, when in reality, the unit has been rented out to "family friends", or young adults that have a propensity for late night partying on the roof deck. It was not until neighbors complained during the Discretionary Review ("DR") hearing in March 2015 about the consistently loud music and partying that the renters on the property became quieter. In fact, several of the Planning Commissioners during the DR hearing made it a point to address the deWildes indicating that such neighborhood concerns needed to be addressed.

In one particular instance, a party was held on the roof and a pillow was apparently thrown or fell from the roof onto the back stairs of our property. This mysterious appearance of a pillow was alarming to my parents because they were unsure if an intruder had perhaps climbed onto our roof to access the rear of our property. It should be noted that the residents next door failed to retrieve the pillow. Instead because of security concerns, my father approached them several weeks later and was able to determine that the pillow in fact belonged to them.

4. We neighbors have been consistent in our objections to the development and had to appear at Planning Commission meetings in order to argue for the reduction in the size of the addition. The deWildes have engaged in what can only be termed "underhanded tactics" to drum support for their project. Our neighbor Lisa Lim indicated that a representative from the deWildes openly solicited her existing tenants with a promise to relocate them to one of their other properties if the tenants would express support for the their proposed development. Furthermore, the deWildes previously submitted a supporting letter from a Oren Rubenstein in support of their development before the Planning Commission as part of the DR hearing. Mr. Rubenstein was listed as a representative of the owners of 1142 Montgomery and 33 Hodges Alley. A review of the listed addresses in Hodges Alley showed that 33 Hodges Alley did not exist. Mr. Rubenstein is a property manager of 1142 Montgomery Street. That building does not have any ingress or egress into Hodges Alley. His property would not be affected by the proposed development. This mistaken listing of an address is a deliberate attempt to misrepresent support for the project by the owners of 26 Hodges Alley. Given the less than forthcoming nature by which the deWildes have operated and the questionable veracity of one of their alleged support letters, the Board of Supervisors should closely question the veracity of the remaining stated support letters instead of accepting them on face value. Such tactics as listed are underhanded and if the deWilde's proposed development is based on similar lies and subterfuge, the Board of Supervisors should question the deWilde's proposal in further detail.

### **Conclusion**

As neighbors who live in very close quarters in an alley which is only 17 feet wide, we implore the Board of Supervisors to carefully balance the desire of one property owner to unnecessarily expand his building at a severe cost to all of the neighbors who share Hodges

Alley. The deWildes own several properties throughout San Francisco and are well known developers. They have no intention of residing in the residence themselves. Instead of consulting with neighbors and being forthright regarding their development, they have attempted to use underhanded tactics and bulldoze their proposal through various City and County officials. It is obvious based on what has transpired thus far that if given the green light to go forward with their project, the deWildes will do so to the detriment and at the expense of neighbors that have lived or owned property in this neighborhood for a long time. They have no intention of working with neighbors, but are instead seeking to improve the property so they can quickly flip it for a quick profit. We ask that the Board of Supervisors take these concerns into consideration during their deliberations.

Sincerely,

Alston L. Lew, Esq.

On Behalf of my parents at 20 Hodges Alley – Raymond Lew and Annie Wong-Lew

---

**From:** Alston Lew [alstonlew@gmail.com]  
**Sent:** Tuesday, May 19, 2015 10:32 AM  
**To:** Calvillo, Angela (BOS); BOS Legislation, (BOS)  
**Cc:** Breed, London (BOS); Avalos, John (BOS); Campos, David (BOS); Christensen, Julie (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS); Ray Lew; AWL  
**Subject:** Letter of Support for CEQA Exemption Appeal No. 150395  
**Attachments:** Alston Lew, Raymond Lew and Annie Wong-Lew - 20 Hodges Alley, San Francisco Board of Supervisors Letter.pdf

Dear Ms. Calvillo and Members of the Board of Supervisors:

Attached please find my letter of support for the Appeal of Exemption from Environmental Review relating to 26 Hodges Alley which will be heard tomorrow, May 19, 2015 at 3:00 p.m.

Thank you for your consideration.

--

Alston L. Lew, Esq.  
Attorney at Law  
Cellphone: 415-205-7259

*CONFIDENTIAL COMMUNICATION*

*This e-mail message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this e-mail message in error, please immediately notify the sender by replying to this e-mail message or by telephone.*

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VIA EMAIL: [Angela.calvillo@sfgov.org](mailto:Angela.calvillo@sfgov.org) and [Bos.legislation@sfgov.org](mailto:Bos.legislation@sfgov.org)

May 19, 2015

To: Angela Calvillo  
Clerk of the Board of Supervisors  
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

From: Alston L. Lew, Esq.

RE: Letter of Support for the Appeal of Exemption from Environmental Review  
26 Hodges Alley  
**File No. 150395**  
Hearing Date: May 19, 2015

Dear Clerk Calvillo, President Breed and Members of the Board of Supervisors:

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3. The proposed addition will dwarf the neighboring buildings and despite what the owners claim, the property will be used as a singles party home rather than the single family home the deWildes list as the intended use. This fact has been borne out based on how 26 Hodges has been rented out the last year and a half. The deWildes' son only lives at the residence temporarily for several months at a time. The son's domicile at the residence conveniently only seems to occur a few months leading up to a Commission or Planning Meeting involving City and County officials. This provides the necessary illusion before public hearings that the home is being used as a single family unit, when in reality, the unit has been rented out to "family friends", or young adults that have a propensity for late night partying on the roof deck. It was not until neighbors complained during the Discretionary Review ("DR") hearing in March 2015 about the consistently loud music and partying that the renters on the property became quieter. In fact, several of the Planning Commissioners during the DR hearing made it a point to address the deWildes indicating that such neighborhood concerns needed to be addressed.

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### **Conclusion**

As neighbors who live in very close quarters in an alley which is only 17 feet wide, we implore the Board of Supervisors to carefully balance the desire of one property owner to unnecessarily expand his building at a severe cost to all of the neighbors who share Hodges

Alley. The deWildes own several properties throughout San Francisco and are well known developers. They have no intention of residing in the residence themselves. Instead of consulting with neighbors and being forthright regarding their development, they have attempted to use underhanded tactics and bulldoze their proposal through various City and County officials. It is obvious based on what has transpired thus far that if given the green light to go forward with their project, the deWildes will do so to the detriment and at the expense of neighbors that have lived or owned property in this neighborhood for a long time. They have no intention of working with neighbors, but are instead seeking to improve the property so they can quickly flip it for a quick profit. We ask that the Board of Supervisors take these concerns into consideration during their deliberations.

Sincerely,

Alston L. Lew, Esq.

On Behalf of my parents at 20 Hodges Alley – Raymond Lew and Annie Wong-Lew

(BOS)

---

**From:** Lisa Lim [gliminsf@outlook.com]  
**Sent:** Monday, May 18, 2015 11:16 PM  
**To:** Calvillo, Angela (BOS); BOS Legislation, (BOS)  
**Cc:** Breed, London (BOS); Avalos, John (BOS); Campos, David (BOS); Christensen, Julie (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS); melomm@aol.com  
**Subject:** Letter of Support for CEQA Exemption Appeal No. 150395  
**Attachments:** LLim Support Ltr for CEQA Appeal File No 150395 hearing051915.pdf  
**Categories:** 150395

Dear Ms. Calvillo and Members of the Board of Supervisors:

Attached please find my letter of support for the Appeal of Exemption from Environmental Review relating to 26 Hodges Alley which will be heard tomorrow, May 19, 2015 at 3:00 p.m.

Thank you for your consideration.

*~Lisa Lim*



VIA EMAIL: [Angela.calvillo@sfgov.org](mailto:Angela.calvillo@sfgov.org)

May 18, 2015

Angela Calvillo  
Clerk of the Board of Supervisors  
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

RE: Letter of Support for the Appeal of Exemption from Environmental Review  
26 Hodges Alley  
**File No. 150395**  
Hearing Date: May 19, 2015

Dear Clerk Calvillo, President Breed and Members of the Board of Supervisors:

I am writing to support the appeal objecting to the determination of categorical exemption from environmental review under the California Environmental Quality Act (CEQA) issued by the Planning Department on September 18, 2014 for the proposed project at 26 Hodges Alley.

I am representing property owner, Shirley Lim, who owns the neighboring property at 29-31 Hodges Alley. I urge the SF Board of Supervisors to take a closer look at the adverse impacts of this proposed project on the neighbors who live in close quarters on Hodges Alley and ask that you reverse the categorical exemption under CEQA as requested. We do not support the proposed third story addition and the enlarged roof deck due to the significant impact of the development on our neighborhood and we are concerned that the lack of further environmental review will allow a sizeable increase in the building's bulk to damage the fragile slope beneath the alley.

We have several significant concerns about the proposed project at 26 Hodges Alley:

- **The Class 1 Categorical Exemption should be deemed inapplicable to this project as the proposed building expansion places additional weight and stress on an already fragile slope.** As neighbors who share a deep interest in the viability of Hodges Alley, we are concerned that the construction of a third-story addition and expanded roof deck will put undue weight and stress on an already unstable slope and has the potential to undermine the alley's structural stability. Throughout the process, the owners, the DeWildes, have not come up with any feasible plan to ensure the stability of the slope. From their actions thus far, we believe that they will not come up with any specific plans unless they are compelled to do so by a regulating agency. Already as mentioned in Ms. Mar's appeal documentation, the heavy rains during winter caused a rockslide onto her

property which has yet to be remediated. Allowing this project to have a categorical exemption from environmental review would only exacerbate this situation and would deny the neighbors any ability to monitor the development and question its environmental impact.

- **The proposed third story addition will dwarf the neighboring buildings and is a sizable expansion because every building on the same side of Hodges Alley is only two stories tall.** Despite the owners attempt to characterize the third story as a “small residential addition”, the reality is that no other property adjacent to 26 Hodges has been expanded vertically. The additional weight of the third story and the expanded deck will add a significant load to be borne by an already eroded slope. Allowing the property owners to evade further environmental review forces the neighbors on Hodges Alley to shoulder the burden of the sizeable risk that this development imposes on the already unstable slope. We are only asking the project undergo standard environmental reviews to safeguard the fragile slope and to maintain the alley as a viable living space for all of its residents.
- **The owners and their representatives have continually obfuscated the process by refusing to provide clear answers and by consistently ignoring neighbor concerns.** We neighbors have been persistent in our objections to the development and had to appear at Planning Commission and Permit Appeals hearings in order to argue for the reduction in the size of the third story addition and the reduction of the expanded deck space. It was only after public testimony and numerous written objections from neighbors opposing the project did the Planning Commission mandate that the owners increase the front setback of the third story and require the owners to reduce the overall size of the proposed roof deck. The only supporters of this project are the owner of 30 Hodges Alley who has been paid to cooperate with the DeWildes, and a neighbor located on Vallejo Street who is virtually unaffected by the slope stability. As they have done throughout this process the DeWilde’s and their legal and development team have mischaracterized their supposed outreach efforts and have only made changes when mandated by the governing agencies. We want to make sure that this does not happen when significant environmental concerns are at stake and urge the Board of Supervisors to repeal the categorical CEQA exemption for this project.
- **Lastly, the property will be used as a singles party home rather than the single family home as claimed by the owners.** Our tenants who live in 29 and 31 Hodges Alley along with the other neighbors in the narrow alley submitted letters objecting to the development to the Planning Commission during the discretionary review process and each one complained about the loud noises that they have to endure as guests rotate through the house and weekend parties are hosted on the current roof deck. We all anticipate that the noise problems will increase as the small structure is developed further to house more occupants and as more parties are thrown to celebrate the views from the new enlarged deck space. Please do not be fooled by the owners’ claims that they will be adding to the housing stock when they are really expanding the existing building to

increase its view access and property value, and ultimately to use it as a party home for rotating guests.

As neighbors who live in very close quarters in an alley which is only 17 feet wide, we implore the Board of Supervisors to carefully balance the desire of one property owner to unnecessarily expand his building at a severe cost to all of the neighbors who share Hodges Alley. By eliminating additional environmental review of this project, the Board of Supervisors would be essentially giving the DeWilde's carte blanche to do whatever they want to do without following the strict environmental guidelines required to regulate developments in precarious areas.

We neighbors would like to have the opportunity to have the project carefully reviewed for its environmental impact and to provide our input so that the project does not end up destroying what was a quiet and quaint alley in a charming neighborhood.

Thank you for your consideration of these points.

Sincerely,



Lisa Lim  
Representing the Owner of 29-31 Hodges Alley

cc: President London Breed  
Supervisor John Avalos  
Supervisor David Campos  
Supervisor Julie Christensen  
Supervisor Malia Cohen  
Supervisor Mark Farrell  
Supervisor Jane Kim  
Supervisor Eric Mar  
Supervisor Katy Tang  
Supervisor Scott Wiener  
Supervisor Norman Yee

(BOS)

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**From:** BOS Legislation, (BOS)  
**Sent:** Monday, May 18, 2015 9:46 AM  
**To:** BOS Legislation, (BOS); Givner, Jon (CAT); Byrne, Marlena (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Conner, Kate (CPC); Ionin, Jonas (CPC); Espiritu, Christopher (CPC); Jody Knight; 'liebes.heidi@gmail.com'  
**Cc:** BOS Legislation, (BOS)  
**Subject:** RE: Hearing on May 19, 2015, CEQA appeal, 26 Hodges Alley, Attachments: 2 NOVs for Rockslide/Landslide at Project Site, Cotton Shires Engineers letter, 26 Hodges Map of 4 neighbors on Cliff, Artist Drawing of 26 Hodges & 358 Vallejo St  
**Categories:** 150395

Good morning,

Sorry! I just want to clarify that the email was from the Appellant not Project Sponsor.

Thanks,

Joy Lamug  
Legislative Clerk  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102  
Direct: (415) 554-7712 | Fax: (415) 554-5163  
Email: joy.lamug@sfgov.org  
Web: www.sfbos.org

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-----Original Message-----

**From:** BOS Legislation, (BOS)  
**Sent:** Monday, May 18, 2015 9:26 AM  
**To:** Givner, Jon (CAT); Byrne, Marlena (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Conner, Kate (CPC); Ionin, Jonas (CPC); Espiritu, Christopher (CPC); 'Jody Knight'; 'liebes.heidi@gmail.com'

Cc: BOS Legislation, (BOS)

Subject: FW: Hearing on May 19, 2015, CEQA appeal, 26 Hodges Alley, Attachments: 2 NOVs for Rockslide/Landslide at Project Site, Cotton Shires Engineers letter, 26 Hodges Map of 4 neighbors on Cliff, Artist Drawing of 26 Hodges & 358 Vallejo St

Good morning,

Please see below email from the Project Sponsor, Melody Mar on the subject.

Thank you,

Joy Lamug

Legislative Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102

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-----Original Message-----

From: melomm@aol.com [mailto:melomm@aol.com]

Sent: Monday, May 18, 2015 7:39 AM

To: Christensen, Julie (BOS); McCoy, Gary (BOS); Lee, Mason (BOS); Burns, Kanishka (BOS)

Cc: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Cohen, Malia (BOS);

Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS); BOS Legislation, (BOS); Lamug, Joy (BOS); Carroll, John (BOS); BOS-Supervisors; BOS-Legislative Aides

Subject: Hearing on May 19, 2015, CEQA appeal, 26 Hodges Alley, Attachments: 2 NOVs for Rockslide/Landslide at Project Site, Cotton Shires Engineers letter, 26 Hodges Map of 4 neighbors on Cliff, Artist Drawing of 26 Hodges & 358 Vallejo St

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The project site is on Telegraph Hill, located one block from the Broadway/Vallejo Street catastrophic landslide of 2007. We currently have an existing emergency at the site. For

over five months, since December 12, I have not been able to return home due to the rockslide/landslide. At this time, over 8 feet of rock is still stacked up against my house wall.

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I am requesting that all on this slope are provided both CEQA and building department protections. This is an existing emergency hazardous situation. The project sponsors have not responded to my request for a continuance. Following this email is a copy of emails I have sent the project sponsors.

Thank you for your assistance,

Melody

( (BOS)

---

**From:** BOS Legislation, (BOS)  
**Sent:** Monday, May 18, 2015 9:56 AM  
**To:** BOS Legislation, (BOS); Givner, Jon (CAT); Byrne, Marlena (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Conner, Kate (CPC); Ionin, Jonas (CPC); Espiritu, Christopher (CPC); Jody Knight; 'liebes.heidi@gmail.com'  
**Cc:** BOS Legislation, (BOS)  
**Subject:** RE: Hearing on May 19, 3015, CEQA appeal, 26 Hodges Alley  
**Categories:** 150395

Good morning,

Sorry again, I mislabeled this one too. The email came from the Appellant not the Project Sponsor.

Thanks,

**Joy Lamug**

**Legislative Clerk**

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244

San Francisco, CA 94102

Direct: (415) 554-7712 | Fax: (415) 554-5163

Email: [joy.lamug@sfgov.org](mailto:joy.lamug@sfgov.org)

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**From:** BOS Legislation, (BOS)

**Sent:** Monday, May 18, 2015 9:32 AM

**To:** Givner, Jon (CAT); Byrne, Marlena (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Conner, Kate (CPC); Ionin, Jonas (CPC); Espiritu, Christopher (CPC); 'Jody Knight'; 'liebes.heidi@gmail.com'

**Cc:** BOS Legislation, (BOS)

**Subject:** FW: Hearing on May 19, 3015, CEQA appeal, 26 Hodges Alley

Good morning,

Here's another email (see below) from the Project Sponsor, Melody Mar for the 26 Hodges Alley CEQA Appeal.

Thank you,

**Joy Lamug**

**Legislative Clerk**

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244

San Francisco, CA 94102

Direct: (415) 554-7712 | Fax: (415) 554-5163

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**From:** [melomm@aol.com](mailto:melomm@aol.com) [<mailto:melomm@aol.com>]

**Sent:** Monday, May 18, 2015 7:53 AM

**To:** Christensen, Julie (BOS); McCoy, Gary (BOS); Lee, Mason (BOS); Burns, Kanishka (BOS)

**Cc:** Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS); BOS Legislation, (BOS); Lamug, Joy (BOS); Carroll, John (BOS); BOS-Supervisors; BOS-Legislative Aides

**Subject:** Hearing on May 19, 3015, CEQA appeal, 26 Hodges Alley

Dear Supervisor Christensen & Board of Supervisors,

Forwarded are two emails sent to the project sponsors requesting a continuance. They have not responded. I am asking for your assistance with this emergency.

Thank you,

Melody

Begin forwarded message:

**From:** [melomm@aol.com](mailto:melomm@aol.com)

**Date:** May 16, 2015 at 1:22:22 PM PDT

**To:** David deWilde <[DdeWilde@me.com](mailto:DdeWilde@me.com)>

**Subject:** Fwd: CEQA hearing & site visit next week

David,



I am forwarding an email from yesterday to Jody as I have not heard back from her. I am not sure if she is out of town. This visit that Steven and Jordan is planning would be a good opportunity for us all to meet and talk.

Melody

Begin forwarded message:

**From:** [melomm@aol.com](mailto:melomm@aol.com)  
**Date:** May 15, 2015 at 5:07:01 PM PDT  
**To:** Jody Knight <[jknight@reubenlaw.com](mailto:jknight@reubenlaw.com)>  
**Cc:** David deWilde <[DdeWilde@me.com](mailto:DdeWilde@me.com)>  
**Subject:** CEQA hearing & site visit next week

Jody,

I just learned that Steven Wood and Jordan Lavinsky are planning to schedule a site visit for next Friday, May 22, or whatever date all the engineers can come.

I was hoping that this process could have moved faster, and all would have been worked out before the CEQA hearing. I am asking if you would be agreeable to a continuance of the CEQA hearing to allow the engineers to work this out so we may reach a private resolution among us.

Let me know your thoughts.

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**Cc:** BOS Legislation, (BOS)  
**Subject:** FW: Hearing on May 19, 3015, CEQA appeal, 26 Hodges Alley  
**Categories:** 150395

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Thank you,

**Joy Lamug**  
**Legislative Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Direct: (415) 554-7712 | Fax: (415) 554-5163  
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**Attachments:** image.jpeg; ATT00001.txt; photo 2.JPG; ATT00002.txt; photo 3.JPG; ATT00003.txt; photo 4.JPG; ATT00004.txt; photo 5.JPG; ATT00005.txt  
**Categories:** 150395

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Thank you,

Joy Lamug  
Legislative Clerk  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102  
Direct: (415) 554-7712 | Fax: (415) 554-5163  
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**Cc:** Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Yee,

Norman (BOS); BOS Legislation, (BOS); Lamug, Joy (BOS); Carroll, John (BOS); BOS-Supervisors;  
BOS-Legislative Aides

Subject: Hearing on May 19, 2015, CEQA appeal, 26 Hodges Alley, Attachments: 2 NOVs for  
Rockslide/Landslide at Project Site, Cotton Shires Engineers letter, 26 Hodges Map of 4  
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assistance and intervention.

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(BOS)

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**Subject:** Hearing on May 19, 3015, CEQA appeal, 26 Hodges Alley  
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**From:** [melomm@aol.com](mailto:melomm@aol.com)  
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Melody

**Calvillo, Angela (BOS)**

---

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Thank you for your assistance,

Melody

# Permits, Complaints and Boiler PTO Inquiry

/w EPDw UKL TE3I

EBE5C146

/w EWA gK7hu3vI

## COMPLAINT DATA SHEET

**Complaint Number:**

201412371

**Owner/Agent:** OWNER DATA SUPPRESSED

**Date Filed:** \* 12/12/2014 \*

**Owner's Phone:** --  
**Contact Name:**  
**Contact Phone:** --

**Location:** \* 26 HODGES AL \*

**Block:** 0134

**Lot:** 012

**Complainant:** COMPLAINANT DATA SUPPRESSED

**Site:**

**Rating:**  
**Occupancy Code:**

**Received By:** Maria Asuncion

**Complainant's Phone:**

**Division:** PID

**Complaint Source:** TELEPHONE

**Assigned to Division:** \* BID \*

**Description:** \* Rock slide from the back of 26 Hodges hit neighbor's home at 358 Vallejo. \*

**Instructions:**

### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	POWER	6270		15

### REFERRAL INFORMATION

### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
12/12/14	CASE OPENED	BID	Power	CASE RECEIVED	

### COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

# Permits, Complaints and Boiler PTO Inquiry

/w EPDw UKLTE3I

EBE5C146

/w EWA gKqoce/E

## COMPLAINT DATA SHEET

**Complaint Number:** 201413221

**Owner/Agent:** OWNER DATA SUPPRESSED  
**Date Filed:** \*12/12/2014\*

**Owner's Phone:** --  
**Location:** \*26 HODGES AL\*

**Contact Name:** --  
**Block:** 0134

**Contact Phone:** --  
**Lot:** 012

**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Site:**

**Rating:**  
**Occupancy Code:**

**Received By:** JingJing Lu  
**Division:** BID

**Complainant's Phone:** --

**Complaint Source:** TELEPHONE

**Assigned to Division:** BID

**Description:** \* Vertical bank of shale rock approx 15 ft high at 26 Hodges Alley is approx 18"-24" away from p/l wood framed wall. At 358-60 Vallejo St approx 1 cubic yard of rock has detached from bank and is restine against wood framed p/l wall at 358-60 Vallejo St. Other sections of the bank has loose rock, and may detach in furture. SFBC 102A \*

**Instructions:**

### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT PRIORITY
BID	POWER	6270	15

### REFFERAL INFORMATION

### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
12/12/14	OTHER BLDG/HOUSING VIOLATION	BID	Power	FIRST NOV SENT	1st NOV sent by RP

### PREVIOUS SITE RECONNAISSANCE

Mr. Wallace has performed several site inspections over the past approximately 6 months, including a December 2014 inspection to observe a rockslide that failed primarily from the precipitous slope at 26 Hodges Alley. The rockslide occurred during heavy rainfall in and around December 11/12, 2014, and impacted the northern portion of the residential structure at 358 Vallejo Street. During our inspection shortly following this rockslide event, we observed rockslide debris stacked approximately 8 feet high against the northwestern portion of the 358 Vallejo Street structure. Our observations of the interior of this portion of the structure revealed that the wall appeared to be deflected inward in response to the rockslide debris load. We recommended to Ms. Mar that no one should occupy this portion of the structure, or the second story of this portion of the structure, until the rocks are cleared, a structural engineer inspects the structure, and the slope above the residence is stabilized.

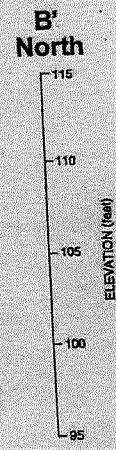
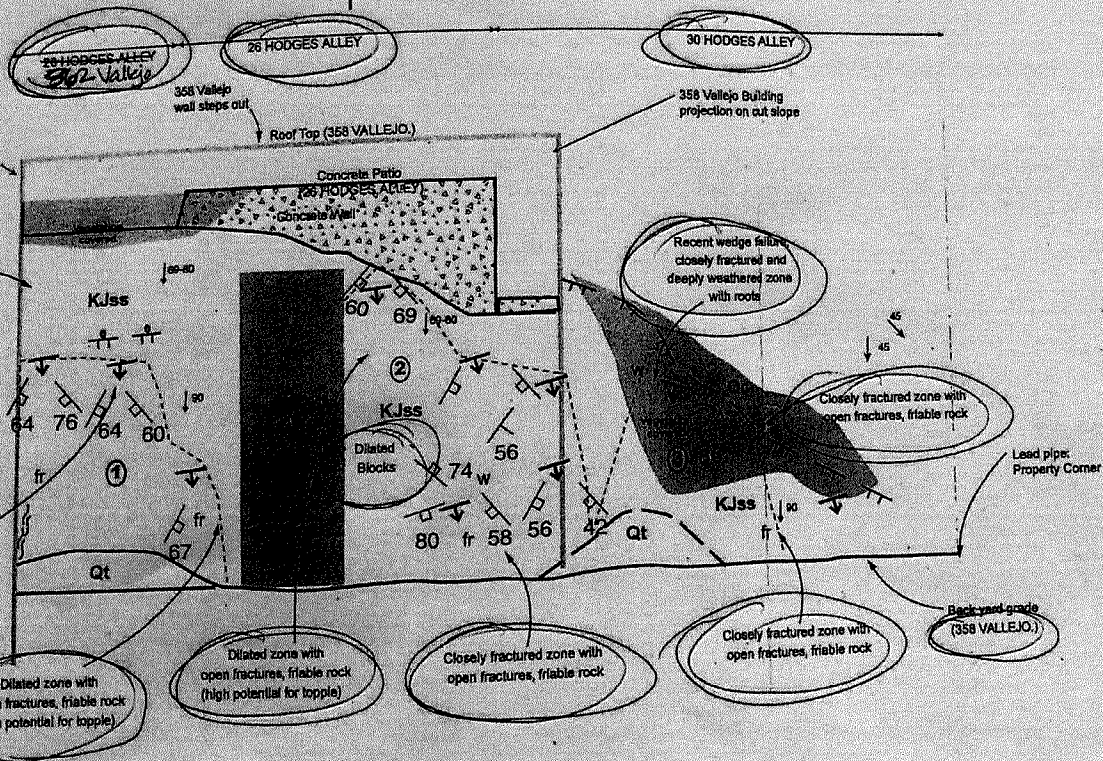
### RECENT SITE RECONNAISSANCE

A recent site reconnaissance was performed on February 9, 2015 by John Wallace of CSA, in conjunction with Mr. Joe Duffy and Mr. Donal Duffy of the San Francisco Department of Building Inspection. During the site reconnaissance, we observed a relatively small rockslide that was not observed on previous site visits. This rock slope failure originated from the 30 Hodges Alley slope, and deposited rock debris and an old concrete deck footing in the rear yard area of 358 Vallejo Street. We suspect this event occurred during the recent heavy rainfall of February 6-8, 2015. No significant changes were observed along the precipitous rockslope of 26 Hodges Alley, or 362 Vallejo Street. The December 2014 rockslide debris was still in place against the 358 Vallejo Street structure.

### SUMMARY OF OPINIONS REGARDING SITE CONDITIONS

We are of the opinion that the existing conditions along the precipitous rockslope, including 26 and 30 Hodges Alley, 362 Vallejo Street, and the lower portion of 358 Vallejo Street, represent a continuing rockslide/rockfall hazard with a high risk to the northwest portion of the 358 Vallejo Street residential structure and any occupants therein. It is our opinion that the northwestern portion of the structure be cordoned off so that no human occupancy be allowed, and only geotechnical and structural engineering experts, and qualified engineering contractors with rockslope experience be allowed to access the site for characterization and mitigation purposes. It is our opinion that the site conditions represent a hazardous, emergency condition, and mitigation of this slope should be performed as soon as possible. The slope mitigation plans, when completed, should be part of a stand-alone permit application, and not be associated with a permit application for residential improvements upslope. It is our opinion that mitigation of the rockslope hazards would be

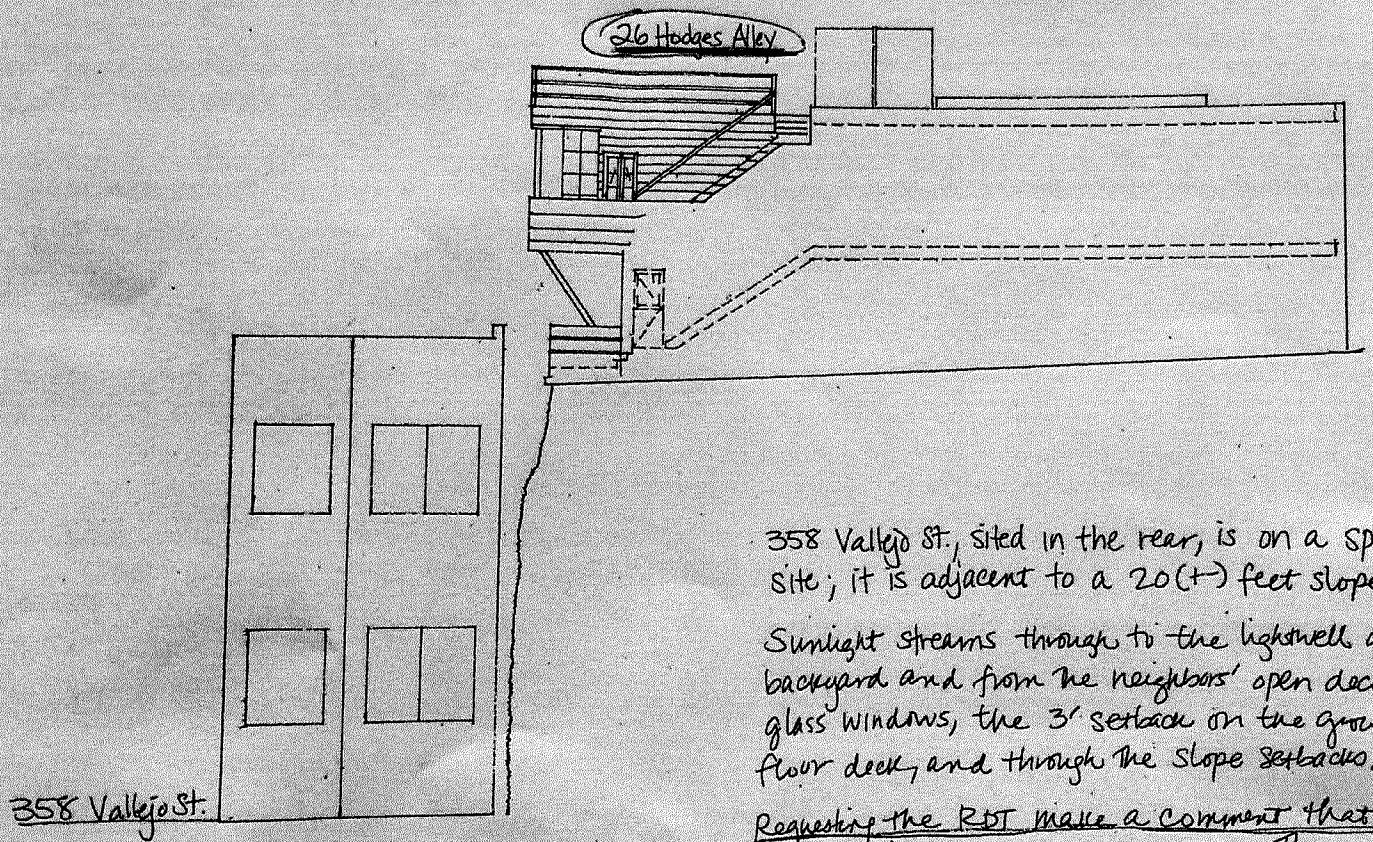
Line of Section  
(See Fig. 4 & 5)  
A-A'



**PLANATION**

- Soil or Colluvium with Roots
- Talus Deposit, includes recent rockfall debris
- Sandstone with minor Shale (Franciscan complex)

Geologic Cross Section  
B-B'  
26 Hodges Alley  
Date: 5/28/13 Figure 5  
Gilpin GeoSciences, Inc.



358 Vallejo St., sited in the rear, is on a special site; it is adjacent to a 20(+) feet slope.

Sunlight streams through to the lightwell and backyard and from the neighbors' open deck rails, glass windows, the 3' setback on the ground floor deck, and through the slope setbacks.

Requesting the RBT make a comment that the slope stabilization work not reduce the downhill neighbors existing air, light, privacy.

(BOS)

---

**From:** BOS Legislation, (BOS)  
**Sent:** Monday, May 18, 2015 10:29 AM  
**To:** melomm@aol.com; Givner, Jon (CAT); Byrne, Marlena (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Conner, Kate (CPC); Ionin, Jonas (CPC); 'liebes.heidi@gmail.com'; Espiritu, Christopher (CPC); Jody Knight; BOS-Supervisors; BOS-Legislative Aides  
**Cc:** Calvillo, Angela (BOS); Caldeira, Rick (BOS); BOS Legislation, (BOS); Lamug, Joy (BOS); Carroll, John (BOS)  
**Subject:** Appeal of Determination of Exemption from Environmental Review - 26 Hodges Alley - Planning Dept. Second Response  
**Categories:** 150395

Good morning,

Please find linked below a memo received by the Office of the Clerk of the Board from the Planning Department, regarding the appeal of the proposed project at 26 Hodges Alley.

[Planning Memo - May 15, 2015](#)

**The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board tomorrow, May 19, 2015.** You are invited to review the entire matter on our [Legislative Research Center](#) by following the link below.

[Board of Supervisors File No. 150395](#)

Thank you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*



**SAN FRANCISCO  
PLANNING DEPARTMENT**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

**MEMO**

2015 MAY 18 PM 2:10  
*ll*

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## Transmittal

### Planning Department Response to the Appeal of the Categorical Exemption for 26 Hodges Alley

**DATE:** May 15, 2015  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Sarah Jones, Environmental Review Officer – (415) 575-9034  
Christopher Espiritu, Environmental Planner – (415) 575-9022  
**RE:** BOS File No. 150395 [Planning Case No. 2013.0783E]  
Appeal of Categorical Exemption for 26 Hodges Alley  
**HEARING DATE:** May 19, 2015

Pursuant to the San Francisco Administrative Code Chapter 31, the Planning Department has prepared a response to the Supplemental Appeal of the Categorical Exemption for 26 Hodges Alley. The Planning Department is transmitting one (1) hard copy of the supplemental appeal response. In compliance with San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-Page Documents," the Planning Department has submitted a multi-page response to the Appeal of Categorical Exemption for 26 Hodges Alley [BF 150395] in digital format.

If you have any questions regarding this matter, or require additional hard copies, please contact Christopher Espiritu of the Planning Department at (415) 575-9022 or [Christopher.Espiritu@sfgov.org](mailto:Christopher.Espiritu@sfgov.org).





# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Categorical Exemption Appeal 26 Hodges Alley

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**DATE:** May 15, 2015  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Sarah B. Jones, Environmental Review Officer – (415) 575-9034  
Christopher Espiritu – (415) 575-9022  
**RE:** Planning Case No. 2013.0783E  
Appeal of Categorical Exemption for 26 Hodges Alley  
**HEARING DATE:** May 19, 2015  
**ATTACHMENT:** Attachment A – May 12, 2015 Supplemental Appeal Letter from Melody Mar  
Attachment B – Slope Protection Act

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**PROJECT SPONSOR:** Heidi Liebes, Liebes Architects, (415) 812-5142  
**APPELLANT:** Melody Mar, 358 Vallejo Street, San Francisco melomm@aol.com

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### INTRODUCTION

This memorandum and the attached document are a response to a second appeal letter (“Supplemental Appeal Letter”) received by the Board of Supervisors (the “Board”) on May 12, 2015, regarding the Planning Department’s (the “Department”) issuance of a Categorical Exemption under the California Environmental Quality Act (“CEQA Determination”) for the proposed 26 Hodges Alley project (the “Project”).

The Department, pursuant to Title 14 of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300–15387), issued a Categorical Exemption for the Project on September 18, 2014, finding that the Project is exempt from the California Environmental Quality Act (CEQA) as a Class 1 categorical exemption. The Class 1 exemption applies to minor alterations of existing private structures, involving negligible or no expansion of use beyond that existing at the time of determination.

The decision before the Board is whether to uphold the Department’s decision to issue a categorical exemption and deny the appeal, or to overturn the Department’s decision to issue a categorical exemption and return the Project to the Department staff for additional environmental review.

### PROJECT DESCRIPTION

Please refer to the Department’s Original Appeal Response (submitted on May 11, 2015) for a description of existing conditions and the Project.

## APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The new concerns raised in the May 12, 2015 Supplemental Appeal Letter are cited below and are followed by the Department's responses. The new concerns are identified as Appeal Issues 2 to 3 to continue the numbering of the issues addressed in the Department's Original Appeal Response, which ended with Appeal Issue 1.

**Issue 2:** The Appellant states that the Planning Department should not have accepted the application for a new project until the existing NOV (Notice of Violation) was cleared. In 2012, the NOV on the property indicated that, "In the rear of property, below deck, hazardous rocks and mud sliding off fractured rock slope. Hazard to all on hillside." In 2014, a second NOV was issued on the property at 26 Hodges Alley citing "Vertical bank of shale rock approx 15 ft high at 26 Hodges Alley is approx 18"-24" away from p/l wood framed wall. At 358-60 Vallejo St approx 1 cubic yard of rock has detached from bank and is resting against wood framed p/l wall at 358-60 Vallejo St. Other sections of the bank has loose rock, and may detach in future. SFBC 102A."

**Response 2:** The Planning Department is not responsible for abating violations issued by the Department of Building Inspection (DBI). These issues should be resolved through the building permit review process by DBI. However, in order to correct the NOV on the property, the project sponsor included the abatement of the NOV into the building permit (Building Permit Application No. 2013.03.21.2735) that also includes the proposed addition to the existing building. This permit was reviewed by the Department with issuance of a Categorical Exemption and a Discretionary Review before the Planning Commission. Whether or not the project sponsor submits two separate permits is not a CEQA issue. The Department is charged with analyzing projects as they are proposed by the sponsor. These appellants' concerns do not deal with physical changes to the existing property, as those conditions already exist. Nonetheless, the correction of existing NOV on a property is not a CEQA issue. The Appellant does not state how this would result in an adverse physical change in the environment, and therefore no further response is required. The Categorical Exemption issued for the permit remains valid.

**Issue 3:** The Appellant states that the Categorical Exemption issued by the Planning Department was not appropriate, since there were existing unusual circumstances on the project site. More specifically, the Appellant claims that there are unusual circumstances due to the project being located on a site with a slope greater than 20 percent and within a Landslide Zone. Further, the Appellant states that the project site "sits on the edge of a near vertical unstable slope, 20 feet below on the base, within inches of the base is a downslope neighbor's house," which is an extraordinary, exceptional, and an unusual circumstance.

**Response 3:** The Planning Department does not consider the property being located on a slope greater than 20 percent as an unusual circumstance. The topography of San Francisco is hilly and structures located on slopes greater than 20 percent is common throughout the City. New construction and additions to existing buildings situated on hills are also a common occurrence within the City. The project site is located on Telegraph Hill, one of more than 40 hills that define the City's landscape and is not considered an exceptional or extraordinary circumstance.

As discussed in the CEQA Determination, a geotechnical report was prepared for the proposed project. The purpose of this report is to identify any geotechnical issues, whether related to the potential for landslides, liquefaction, subsidence or groundshaking as a result of seismic activity and to recommend

construction practices and techniques to protect structures and neighboring properties. These recommendations are then taken into account during the Department of Building Inspection's (DBI) permit review process. The geotechnical report found that risks from liquefaction, surface rupture, lateral spreading, densification and landslides to be low at the project site.<sup>1</sup> Also, the project site is not located within a landslide zone. Further, the CEQA Determination included analysis regarding rock-slope stabilization issues that were specific to the project site.

The geotechnical report noted that former quarry operations, which included blasting, resulted in over-steepened and shattered slopes. Aggressive quarrying that was common in the Telegraph Hill area left exposed bedrock in the eastern slope, and there was evidence of recent rockfalls, with debris and rock fragments, that have fallen from the eastern slope at the rear of the property that have accumulated in the rear yard of the adjacent property at 358 Vallejo Street. A supplemental geotechnical report was prepared for the proposed project which identified an alternative method for stabilizing the slope located at the rear of the property, related to abating the Notice of Violation. The implementation of the supplemental geotechnical report's recommendations, which the project sponsor has agreed to implement, would be subject to review and approval by DBI.

With regards to geotechnical considerations, during the permit review process, DBI would review the geotechnical report and supplemental report to ensure that the proposed project would comply with all applicable sections of the San Francisco Building Code. DBI would also require that the geotechnical report include a determination as to whether a lateral movement and settlement survey should be done to monitor any movement or settlement of surrounding buildings and adjacent streets during construction. If a monitoring survey were recommended, DBI would require that a Special Inspector be retained by the project sponsor to perform this monitoring. Further, the final building plans would be reviewed by DBI, which would determine if additional site-specific reports would be required.

Furthermore, the project site is subject to the Slope Protection Act, adopted by the Board of Supervisors (BOS) in 2008. This ordinance created procedures for additional review of slope stability by DBI for properties within certain mapped areas and established a Structural Advisory Committee for review of permit applications within this area. The BOS found that the public health, safety, and welfare would be best protected if the Building Official requires permits for new construction in these areas to undergo additional review for structural integrity and potential effects on slope stability. Adherence to this ordinance has been found to adequately protect the public health, safety, and welfare.

Specifically, projects in these delineated Slope Protection Act areas must undergo additional review for structural integrity and effects on slope stability, submit geotechnical engineering reports signed by both a licensed geologist and geotechnical engineer identifying areas of potential slope instability, define potential risks to the site and nearby properties and make recommendations regarding the proposed development. The Director of Building Inspection may also require that projects in these areas undergo review by a Structural Advisory Committee. If the Structural Advisory Committee determines that there is a reasonable likelihood that the project's design or construction would result in unsafe conditions or

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<sup>1</sup> Gilpin Geosciences, Inc. – Earthquake & Engineering Geology, *Engineering Geologic and Geotechnical Investigation, Residential Improvements, 26 Hodges Alley, San Francisco, California, May 28, 2013* and *Supplemental Engineering Geologic and Geotechnical Investigation, August 14, 2014*. A copy of this document is available for public review at the San Francisco Planning Department as part of Case File No. 2013.0783E.

would increase the likelihood of hillside instability, and such unsafe conditions cannot be addressed to the satisfaction of the Structural Advisory Committee, the Building Official must deny the building permit.

Therefore, in compliance with the Building Code and Slope Protection Act, enforced as part of DBI's existing regulatory program, there would be no reasonable possibility that the project's design or construction would result in significant effects regarding slope instability and the Department's issuance of a Class 1 exemption is appropriate.

### **CONCLUSION**

The Department has found that the Project is consistent with the cited exemption. The Appellant has not presented substantial evidence to the Department that would support the conclusion that (1) there are unusual circumstances that justify removing the project from the exempt class, and (2) there is a reasonable possibility of significant environmental impacts due to those unusual circumstances.

For the reasons stated above and in the Department's Original Appeal Response, the CEQA Determination complies with the requirements of CEQA and the Project is appropriately exempt from environmental review. The Department therefore recommends that the Board uphold the CEQA Categorical Exemption Determination and deny the appeal.

May 12, 2015

RECEIVED  
BOARD OF SUPERVISORS  
CITY OF SAN FRANCISCO

MAY 12 PM 5:00

BJ

To: Honorable London Breed, President  
San Francisco Board of Supervisors  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94103

RECEIVED AFTER THE ELEVEN-DAY  
DEADLINE, BY NOON, PURSUANT TO ADMIN.  
CODE, SECTION 31.16(b)(5)  
(Note: Pursuant to California Government Code, Section  
65009(b)(2), information received at, or prior to, the public  
hearing will be included as part of the official file.)

From: Melody Mar  
358 Vallejo Street  
San Francisco, CA 94133

Melomm@aol.com

Re: Appeal of Determination of Exemption from Environmental Review  
26 Hodges Alley  
Hearing Date: May 19, 2015

Dear President Breed and Members of the Board of Supervisors,

On behalf of my family, I am writing to appeal the above referenced Certificate of Determination of Exemption from Environmental Review, a copy of which is attached as Exhibit 1. Exemption from the protections of the California Environmental Quality Act (CEQA) cannot be allowed for this project because there exists substantial unusual circumstances which would suggest a reasonable possibility of a significant effect on the environment.

### Project Description

26 Hodges Alley is on Hodges Alley, which runs north and south parallel to Montgomery and Sansome Streets and perpendicular to Vallejo Street, in the Telegraph Hill neighborhood. The project is to construct a third floor vertical addition to the existing two-story, single family residence and a horizontal side addition to the northern property line at the first and second floors in the required rear yard. 26 Hodges has no front, side, or rear setbacks. 26 Hodges Alley is on a small lot, measuring 17' x 63'. The site contains an existing two-story 2,263 square-foot single family residence. The proposed project adds an approximately 460 square foot bedroom suite and expands the roof deck by adding an additional approximately 131 square feet of new roof deck space. Attached site photo, Exhibit 2

### Unique Site Background

In the rear of the house, 26 Hodges Alley sits on the edge of a near vertical slope, which varies from 15 to 20 feet. Adjacent to 26 Hodges and directly downhill at the base of the slope, within inches of the slope, sits my family's house on 358 Vallejo Street. Attached is Exhibit 3,

an artist drawing of 26 Hodges and 358 Vallejo Street. Several years ago, my family voluntarily seismically upgraded our house in the front. We also plan to seismically upgrade the house in the rear. We were advised that the slope in which 26 Hodges sits on and adjacent to our house be investigated for slope stability, especially in light of the 2007 catastrophic landslide just one block up on Vallejo Street and Broadway Street. In 2012, geotechnical engineer Harold Lewis advised we work with the three neighbors on the cliff for stabilization work.

The plan was that all four neighbors would work together to stabilize the cliff. During this process, the owner of 26 Hodges Alley sold the house. The DeWildes purchased the house in the fall of 2012. The realtor disclosed the 2012 Notice of Violation, which indicated, "In the rear of property, below deck, hazardous rocks and mud sliding off fractured rock slope. Hazard to all on hillside." Attached is a copy of the 2012 Notice of Violation, Exhibit 4. This building and all the adjoining buildings to 26 Hodges have Notices of Violations because the cliff and soil under the project site is unstable, including the site of the variance for the project. The four neighbors have not agreed on a repair or stabilization plan to date and it cannot be accomplished without access and cooperation and a method among the four neighbors. In fact, the Planning Department should not have accepted the application for a new project until the NOV was cleared.

### Recent Developments

On December 12, 2014, just five months ago, a rock slide/landslide crashed onto the wall of my house. Attached are the two Notices of Violations issued, Exhibit 5 and Exhibit 5. One NOV states, "Rock slide from the back of 26 Hodges hit neighbor's home at 358 Vallejo." Second NOV indicates the amount of rock stacked up against the wall of my house, and that the bank has loose rock, which may detach in the future.

Following the rockslide/landslide, my family asked John Wallace, an engineering geologist with Cotton Shires & Associates to come to the site to evaluate the situation. He and his firm investigated and designed the repair plans for the last two recent catastrophic landslides on Telegraph Hill, one in 2007, one block up from my house, and one in 2012, several blocks from my house.

Mr. Wallace's report, "Geologic and Geotechnical Summary of Site Conditions and Review of Gilpin Geosciences, Inc. Report" is attached, exhibit 6. Mr. Wallace writes, "we observed rockslide debris stacked approximately 8 feet high against the northwestern portion of the 358 Vallejo Street structure. Our observations of the interior of this portion of the structure revealed that the wall appeared to be deflected in response to the rockslide debris load. We recommended to Ms. Mar that no one should occupy this portion of the structure,...." Mr. Wallace further writes, "We are of the opinion that the existing conditions along the precipitous rockslope, including 26 and 30 Hodges Alley, 362 Vallejo Street, and the lower portion of 358 Vallejo Street, represent a continuing rockslide/rockfall hazard with a high risk to the northwest

portion of the 358 Vallejo Street residential structure...". "It is our opinion that the site conditions represent a hazardous, emergency condition, and mitigation of this slope should be performed as soon as possible. The slope plans, when completed, should be part of a stand-alone permit application, and not be associated with a permit application for residential improvements upslope." Based on his recommendation, we hired a structural engineer to inspect the structure. Structural engineer Joshua B. Kardon's report on the rock fall is also attached, Exhibit 7. Mr. Kardon writes, "Based on our observations, we also believe there is a high risk of additional collapse of the escarpment, which could cause further physical damage to Ms. Mar's property, and could injure or kill occupants of buildings on either side of the property line."

From these engineers' reports, it is clear rock slope stabilization is required by all four neighbors as we are all on the same cliff.

### **Procedural Background**

The Planning Commission took Discretionary Review of this project on March 18, 2015 and required modifications. At the hearing, Commissioner Antonini expressed concern that the Planning Department did not require that the 2012 Notice of Violation be cleared prior to accepting this new project. At the hearing, Commissioner Richards held up for everyone to see the drawing my family had an artist draw of 26 Hodges and 358 Vallejo Street, Exhibit 3. He recommended they take Discretionary Review of this project as there were extraordinary and exceptional circumstances in both the front (narrow alley) and the rear (one house on the edge of the near vertical cliff and the other house is on the base of the cliff within inches of the cliff). Attached Exhibit 8, Discretionary Review Action Letter.

### **CEQA Categorical Exemption is Rebuttable**

The issue here is whether it was appropriate for the Planning Department under CEQA to issue a categorical exemption when there existed an unusual circumstances exception. Two months ago on March 2015, the California Supreme Court, in Berkeley Hillside Preservation v. City of Berkeley, established a two-part test in determining whether the unusual circumstances exception to a categorical exemption will apply. The first question is whether there are unusual circumstances present in this case? The second question is whether there is a reasonable possibility the project would have a significant effect on the environment.

One, are there substantial unusual circumstances in this case?

- Project is located on greater than 20% slope

- Project is located on a Landslide Zone. The Planning Department erred in stating that the project is not in a Landslide Zone. Did the Planning Department check the State of California Seismic Hazards map?
- In the rear, 26 Hodges sits on the edge of a near vertical unstable slope, and 20 feet below on the base, within inches of the base is a downslope neighbor's house. This is an extraordinary, exceptional, and an unusual circumstance, see Exhibit 3, artist drawing. Landslide geologists Betsy Mathieson and other geologists have never seen this site circumstance before, as structures usually have greater setbacks. This is not common for the vicinity. Even on our 44 hills, there are setbacks.
- 2012 and 2014 Notices of Violations for unstable slope. Exhibits 4 and 5.
- All four neighbors adjoining 26 Hodges are on and/or adjacent to the unstable cliff, and the entire cliff is unstable. On the attached 26 Hodges map, it indicates, "Dilated zone with open fractures, friable rock (high potential for topple), Closely fractured zone with open fractures, friable rock, Recent wedge failure, closely fractured and deeply weathered zone with roots." See attached map from 26 Hodges geologic/geotechnical report, plan #1, map in the back, Geologic Cross Section, B-B, Figure 5, Exhibit 9, 2 pages. Attached 26 Hodges geologic/geotechnical report, plan #1, Exhibit 10
- In 2007, up one block, a major catastrophic landslide on Vallejo and Broadway Streets. In 2012, several block away, a major catastrophic landslide, Montgomery and Lombard Streets.
- Just recently, December 12, 2014, a rockslide/landslide from the project site, 26 Hodges. Attached NOVs, Exhibit 5.

The second question is whether there is information that there is a reasonable possibility that the unusual circumstances will produce a significant effect on the environment? Yes, all four neighbors share this cliff, and the entire cliff is unstable. If one neighbor builds on this cliff, a fair argument can be made that there is a reasonable possibility that all the unusual circumstances stated above will produce a significant effect on the environment. It is not only these four neighbors, but other downslope neighbors could be affected. See again attached exhibit 9, 2 pages, for condition of the entire cliff, map is from 26 Hodges geological/geotechnical plan #1, map in the back, Geologic Cross Section, B-B, Figure 5. See also again, attached exhibit 6, John Wallace, Cotton Shires and Associates, Geologic and Geotechnical Summary of Site Conditions and Review of Gilpin Geosciences, Inc. Report, and exhibit 7 of structural engineer Joshua Kardon's rock fall report.

The project requires earth movement work, excavation, and installation of moment frames/structural work approximately 8(+/-) feet from the unstable slope. See attached Exhibit 11. This would require the cooperation of all four neighbors to stabilize the cliff.

CEQA requires further environmental review if others are affected by the project. With environmental review, all neighbors can review and provide input. At this time, it is unknown



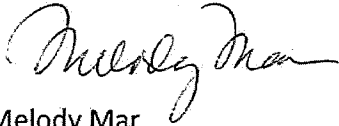
what the plan is for the neighbors. According to Mr. Wallace, we would need to see a detailed plan, not just concepts.

### **Conclusion**

Even small projects are not exempt from review if there are unusual circumstances. The Legislature specifically provided exceptions to categorical exemptions for precisely this case. If this were not the case, small projects could be built on landslide zones, earthquake faults, etc. without environmental review, and that is not in the public's interest.

I respectfully request that the San Francisco Board of Supervisors require that this project undergo environmental review as required by CEQA.

Sincerely yours,

A handwritten signature in cursive script that reads "Melody Mar". The signature is written in black ink and is positioned above the printed name.

Melody Mar

President London Breed  
San Francisco Board of Supervisors  
May 12, 2015  
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### EXHIBIT LIST

1. Appeal letter, Certificate of Determination of Exemption from Environmental Review
2. Site Photo
3. Artist drawing of 26 Hodges & 358 Vallejo St.
4. 2012 Notice of Violation - 2 pages
5. 2014 Notice of Violation - 2 pages
6. Cotton Shiras & Associates, John Wallace  
Geologic & Geotechnical Report
7. Joshua B. Kardou, Structural Engineer Report
8. Discretionary Review Action Letter, March 12, 2015
9. 26 Hodges Map - Condition of Entire Cliff - 2 pages  
Geologic Cross Section, B-B, Figure 5
10. 26 Hodges Geologic / Geotechnical Report, Plan #1
11. 26 Hodges Plan - Location of Moment Frames  
Installation - 8' (+/-) From Slope

EXHIBIT

/

April 10, 2015

To: Clerk of the Board of Supervisors  
Ms. Angela Calvillo  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

From: Melody Mar  
358 Vallejo Street  
San Francisco, CA 94133

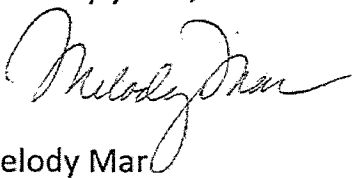
Re: Appeal of Exemption from Environmental Review  
26 Hodges Alley

Dear Board of Supervisors,

I am appealing the San Francisco Planning Department's determination that the project at 26 Hodges Alley is exempt from CEQA review. Under CEQA State Guidelines Section 15300.2, 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 unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project will have significant environmental effects, and therefore would not be exempt from environmental review. This will be explained further at the appeal hearing and in further materials.

I respectfully request that the San Francisco Board of Supervisors require that this project undergo environmental review as required by CEQA.

Sincerely yours,

 Melommm@aol.com  
Melody Mar Date: April 10, 2015



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Exemption from Environmental Review

Case No.: 2013.0783E  
 Project Title: 26 Hodges Alley  
 Zoning: RH-3 (Residential – House, Three Family) Zoning District  
 40-X Height and Bulk District  
 Block/Lot: 0134/012  
 Lot Size: 1,067 square feet  
 Project Sponsor: Heidi Liebes – Liebes Architects  
 (415) 812-5124  
 Staff Contact: Christopher Espiritu – (415) 575-9022  
 Christopher.Espiritu@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 include the interior remodel of an existing two-story residence and the vertical addition for a new third floor to add an approximately 460-square-foot (sq ft) bedroom suite. The proposed project would also include the expansion of an existing roof deck by adding approximately 131 square feet of new roof deck space, accessed from the new third floor bedroom. The proposed third-floor addition would add approximately 11'-1" to the existing 19'-10" structure, for a total building height of 30'-11". Other project details include the installation of new interior stairs, enlarging the existing kitchen, and enclosing an existing exterior staircase for access to the expanded roof deck. The project site is located on the block bounded by Green Street to the north, Vallejo Street to the south, Sansome Street to the east, and Hodges Alley to the west, within the North Beach neighborhood.

### EXEMPT STATUS:

Categorical Exemption, Class 1 [California Environmental Quality Act (CEQA) Guidelines Section 15301].

### REMARKS:

See next page.

### DETERMINATION:

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

  
 Sarah B. Jones  
 Environmental Review Officer

September 18, 2014  
 Date

cc: Heidi Liebes, Project Sponsor  
 Kate Conner, Current Planner

Jonathan Lammers, Preservation Planner  
 Historic Preservation Distribution List

Supervisor Chiu, District 3 (via Clerk of the Board)  
 Virna Byrd, M.D.F.

**PROJECT DESCRIPTION (continued):**

The proposed project is located on a site that has a slope of approximately 20 percent sloping downward (to the east) towards the rear of project site. The proposed project would involve excavation associated with foundation-strengthening related to the proposed additions and provide slope-stabilization support to adjacent buildings. The existing one-vehicle garage at-grade would remain and the existing 10-foot-wide curb cut, located on the Hodges Alley frontage, would also remain.

**Project Approvals**

The proposed project would require the following approvals:

- Variance (Zoning Administrator) – The proposed project would require a Variance from the Planning Code for a rear yard modification pursuant to Planning Code Section 134. This variance would be granted by the Planning Department's Zoning Administrator.
- Site Permit (Department of Building Inspection [DBI]) – The proposed project would require the approval of a Site Permit by DBI.

**Approval Action:** While the proposed project would require the approval of a Variance by the Zoning Administrator, the Approval Action for the project would be through the issuance of a Site Permit by DBI. If discretionary review before the Planning Commission is requested, the discretionary review hearing is the Approval Action for the project. If no discretionary review is requested, the issuance of a Site Permit by DBI is the Approval Action. 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 Architectural Resources.** The Planning Department's Historic Preservation staff evaluated the property to determine whether the existing structure on the project site is a historical resource as defined by CEQA. According to the Historic Resource Evaluation Response (HRER)<sup>1</sup> prepared for the project, and information found in the Planning Department archives, the property at 26 Hodges Alley contains a two-story, wood-frame, single-family residence constructed in 1907. Originally addressed as 6 Hodges Alley, the residence is vernacular in style, clad with unpainted horizontal rustic wood channel siding, and capped by a flat roof. The primary façade faces west onto Hodges Alley and features a metal-frame panel garage door to the south and a metal panel pedestrian entry to the north.

The property is not located within the boundaries of any listed historic districts. However, the property is located within proximity (¼-mile) of the Telegraph Hill, Northeast Waterfront, and Jackson Square

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<sup>1</sup> Jonathan Lammers – Preservation Planner, *Historic Resource Evaluation Response (HRER), 26 Hodges Alley*, November 15, 2013. This report is available for review as part of Case No. 2013.0783E.

Historic Districts. Therefore, the property was evaluated for individual eligibility for inclusion, as well as inclusion as contributor to a historic district, to the California Register.

The California Register criteria for eligible individual resources and historic districts provide specific measures on evaluating individual properties for inclusion into the California Register. Criterion 1 (Events) determines whether a property is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States. Criterion 2 (Persons) examines whether a property is associated with the lives of persons important to the local, regional or national past. Criterion 3 (Architecture) analyzes whether a property embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values. Criterion 4 (Information Potential) determines whether a property yields, or may be likely to yield, information important in prehistory or history. The property at 26 Hodges Alley was evaluated for inclusion into the California Register and is further discussed below.

*Criterion 1 (Events).* According to the HRER, the building stock along the southeastern slopes of Telegraph Hill represents a cohesive development pattern associated with rebuilding efforts following the 1906 Earthquake. The reconstruction of San Francisco was unprecedented in its scope and pace, and remains one of the most significant events in the city's history. Nearly all buildings in the immediate vicinity were residential or mixed-use properties constructed during a punctuated burst of activity between 1906 and 1913, and they convey clear and significant association with the reconstruction effort. While the property at 26 Hodges Alley does not appear to be an individually eligible for historic listing under this Criterion, it is part of a larger grouping of properties which collectively constitute a potential historic district. Therefore, Preservation Staff determined that 26 Hodges Alley Street is significant under California Register Criterion 1 (Events) for its association with post-1906 Earthquake reconstruction.

*Criterion 2 (Persons).* According to the HRER, Preservation Staff determined that as a group, the owners and residents of 26 Hodges Alley illustrate the strong working-class Italian demographics that were representative of the North Beach and Telegraph Hill area during the early 20th century. However, none of the persons appear to be important to local, state or national history such that the subject property would be eligible for historic listing under this Criterion. Therefore, Preservation Staff concluded that 26 Hodges Alley is not eligible for listing in the California Register under Criterion 2 (Persons).

*Criterion 3 (Architecture).* The HRER found that the building was designed by local architect, Fedele Costa, per the original 1907 building permit record. Fedele Costa was born in 1863 in Bioglio, Italy and immigrated to the United States in 1906. The son of a successful builder, he arrived in San Francisco in 1906 and was known to have served as the architect for St. Joseph's Catholic Church in Auburn, California (1911) and the Holy Rosary Roman Catholic Church in Woodland, California (1912). The existing building at 26 Hodges Alley does not appear to be a distinctive example of a type, period, region or method of construction such that it would be individually eligible for the California Register under this Criterion. Also, the property also does not appear to be a prominent work of architect, Fedele Costa.

However, the building does appear to be part of a concentration of residential buildings significant for their association with post-1906 Earthquake reconstruction and eligible for the California Register as a historic district. Nearly all of the buildings in the immediate vicinity were constructed between 1906 and 1913, and most evidence a shared design vocabulary based on Classical Revival influences. Character-defining architectural features of this district include wood frame construction and wood cladding, and the use of design elements such as pilasters, entablatures, dentil moldings and prominent cornices.

Therefore, Preservation Staff determined that 26 Hodges Alley, while not individually significant under this Criterion, could be significant as part of a concentration of properties that convey clear association with post-1906 Earthquake reconstruction and appear to constitute a potential historic district eligible for listing in the California Register under Criterion 3 (Architecture).

*Criterion 4 (Information Potential).* Finally, based upon a review of information in the Departments records, the subject property is not significant under Criterion 4 (Information Potential), which is typically associated with archaeological resources. Furthermore, the subject property is not likely significant under Criterion 4, since this significance criteria typically applies to rare construction types when involving the built environment. The subject property is not an example of a rare construction type and would therefore not be eligible for listing in the California Register under Criteria 4.

In order to be considered a resource for the purposes of CEQA, a property must not only be shown to have significance under the California Register of Historical Resources criteria (Criterion 1-4), but also must have historic integrity.<sup>2</sup> Historic integrity enables a property to illustrate significant aspects of its past. According to the HRER, 26 Hodges Alley retains integrity of location, setting and association as it remains a residential property, has never been moved, and is largely surrounded by the same properties as it was historically. However, the building does not appear to retain integrity of design, workmanship, or materials. The property has experienced several alterations between 1934 and 1969, which included raising the building to insert a garage, window replacement, and the installation of a roof deck. Other alterations which are undocumented or poorly documented include the large rear addition constructed between 1913 and 1938 and the construction of the second-story overhang at the primary façade. The primary entry, garage and fenestration pattern and materials are all contemporary in nature, while the articulation of the primary façade has been altered. Collectively, these changes have significantly changed the character of the building such that it is no longer able to effectively convey its 1907 construction. Therefore, Preservation Staff determined that the property at 26 Hodges Alley does not retain historic integrity.

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<sup>2</sup> Integrity is defined as "the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance."



As discussed, the property was shown to have significance under Criterion 1 (Events) and Criterion 3 (Architecture) for inclusion to the California Register as part of a historic district. However, the property did not retain its historic integrity and lacks integrity from its period of significance (1906-1915). Preservation Staff concluded that the property at 26 Hodges Alley is a non-contributor to an eligible Historic District. For the above reasons, the proposed project would not materially impair the characteristics of the existing historic resource, thus the proposed project would not result in significant impacts related to historic resources.

**Geotechnical.** According to Planning Department records, the project site is not located within a Landslide Hazard Zone or Liquefaction Hazard Zone; however, the property is located on a site with a slope of 20 percent. A Geotechnical Investigation was conducted for the property and is summarized below.<sup>3</sup>

The Geotechnical Investigation notes that the site slopes downward toward the rear of the property to the east and the rear of the property sits at the top of a near vertical 15- to 20-foot-tall slope that was excavated into the hillside for the development of a downslope residence located at 358 Vallejo Street. The project site is documented to be located in an area that is underlain by Franciscan Complex comprised of sedimentary rocks composed of sandstone, shale, and greywacke sandstone. Also, the site lies immediately southwest of former rock quarry operations that were present on the eastern slopes of Telegraph Hill until the turn of the 20<sup>th</sup> Century.

The Geotechnical Investigation provides specific recommendations and requirements concerning site preparation and foundations, retaining walls, and rock-slope support. These are further discussed below.

**Foundations.** The Geotechnical Investigation noted that the proposed improvements including the addition of a new third floor bedroom would be adequately supported by drilled pier foundations. Drilled piers should be at least 18-inches in diameter and drilled at least five feet into the underlying bedrock beneath the existing building.

**Rock-Slope Stabilization.** The Geotechnical Investigation noted that due to former quarry operations, which included blasting has resulted in over-steepened and shattered slopes. Aggressive quarrying that was common in the Telegraph Hill area left exposed bedrock in the eastern slope, and the Geotechnical Investigation found evidence of recent rockfalls, with debris and rock fragments, that have fallen from the eastern slope at the rear of the property and have accumulated in the rear yard of the adjacent property at 358 Vallejo Street.

A Supplemental Geotechnical Analysis was performed and revised recommendations for rock-slope stabilization were recommended. Due to the unique features of the eastern slope at the rear of the site, the previous recommendation to construct a concrete wall to stabilize the slope was deemed infeasible. The Supplemental Geotechnical Investigation therefore recommended that the best solution for reducing

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<sup>3</sup> Gilpin Geosciences, Inc. – Earthquake & Engineering Geology, *Engineering Geologic and Geotechnical Investigation, Residential Improvements, 26 Hodges Alley, San Francisco, California, May 28, 2013*. This report is available for review as part of Case No. 2013.0783E.

rockfall hazards at the project site would be to include the installation of a steel wire mesh net that would contain loose rock from impacting the residence at 358 Vallejo Street, and the installation of concrete encased steel rock bolts that would reinforce the rock slope. The netting would be supported by vertical rock bolts drilled into the slope at the top and bottom.

The Supplemental Geotechnical Investigation<sup>4</sup> identified this strategy as the most feasible since the process will essentially stitch the rock together to prevent pieces of rock from becoming dislodged. Finally, a closely spaced steel mesh net will be attached to the slope to contain pieces of rock that may become dislodged in the future. The selected approach stabilizes loose rock by scaling the rock face and applying mesh. Stability of the existing rock slope is increased by pinning potential wedge-type rock failures with the vertical rock bolts.

The Supplemental Geotechnical Investigation ultimately concluded that the project site is suitable to support the proposed project, provided that its recommendations are incorporated into the design and construction of the proposed project. The project sponsor has agreed to implement these recommendations, subject to Building Code requirements and implementation would not result in foreseeable significant impacts.

The San Francisco Building Code ensures the safety of all new construction in the City. Decisions about appropriate foundation and structural design are considered as part of the DBI permit review process. Prior to issuing a building permit for the proposed project, the DBI would review the geotechnical report to ensure that the security and stability of adjoining properties and the subject property is maintained during and following project construction. Therefore, potential damage to structures from geologic hazards on the project site would be addressed through compliance with the San Francisco Building Code.

#### **EXEMPT STATUS:**

CEQA State Guidelines Section 15301(e)(1), or Class 1, provides an exemption for minor alteration of existing private structures, involving negligible or no expansion of use beyond that existing at the time of determination. Additionally, Class 1 exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed project would include the addition of approximately 460 square feet for a new third-floor bedroom suite and the interior remodel of the existing two-story residence. Therefore, the proposed demolition meets the criteria for exemption from environmental review under Class 1.

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<sup>4</sup> Gilpin Geosciences, Inc. – Earthquake & Engineering Geology, *Supplemental Engineering Geologic and Geotechnical Investigation, Residential Improvements, 26 Hodges Alley, San Francisco, California, August 14, 2014*. This report is available for review as part of Case No. 2013.0783E.

**CONCLUSION:**

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 have no significant environmental effects. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.

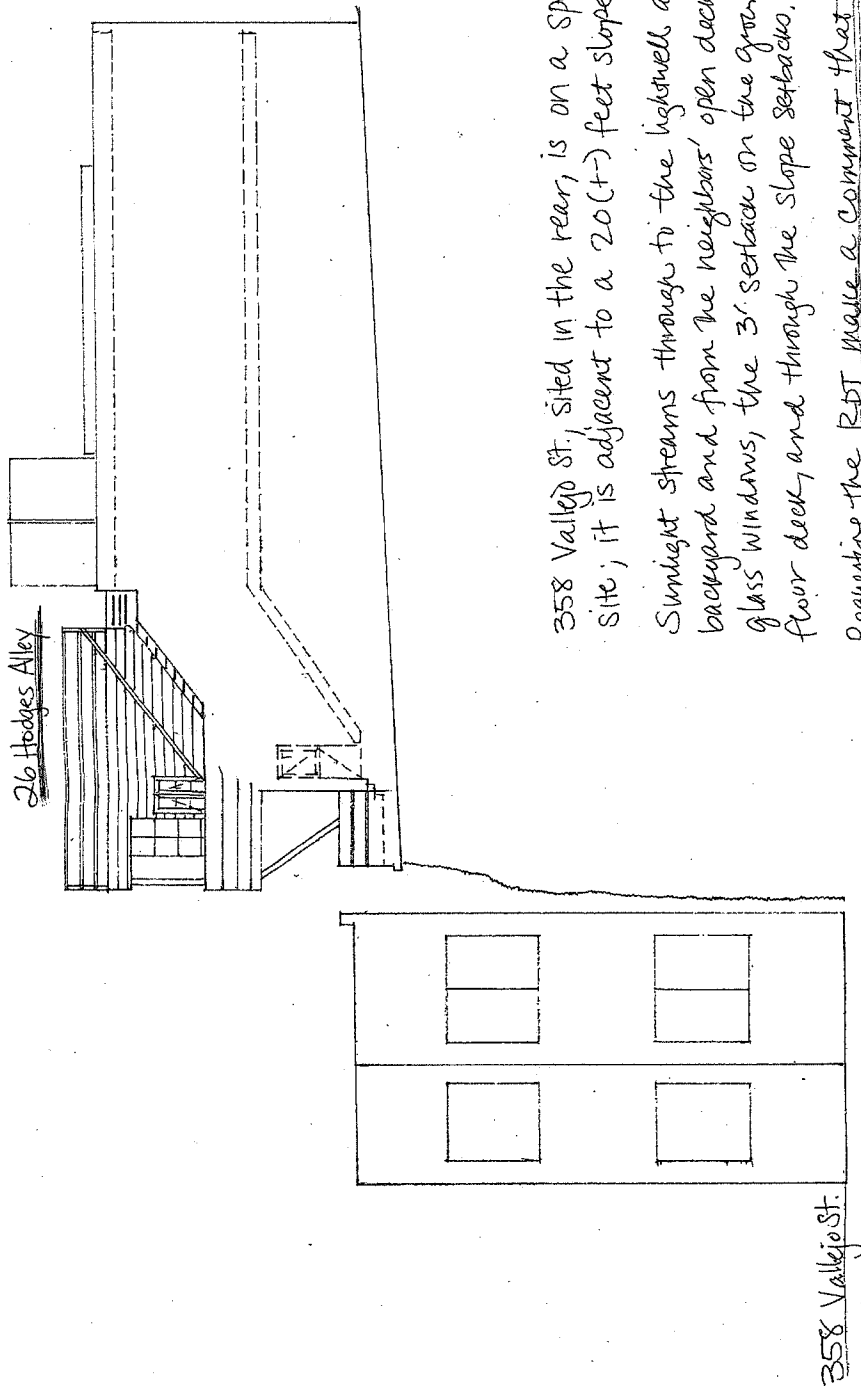
EXHIBIT

2



EXHIBIT

3



358 Valjeo St, sited in the rear, is on a special site; it is adjacent to a 20(+/-) feet slope.

Sunlight streams through to the lightwell and backyard and from the neighbors' open deck rails, glass windows, the 3' setback on the ground floor deck, and through the slope setbacks.

Requesting the RPT make a comment that the slope stabilization work not reduce the downhill neighbors existing air light, privacy.

EXHIBIT

4





# NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

**DEPARTMENT OF BUILDING INSPECTION**

NOTICE: 1

NUMBER: 201296253

City and County of San Francisco  
1660 Mission St San Francisco, CA 94103

DATE: 01-MAR-12

ADDRESS: 26 HODGES AL

OCCUPANCY/USE: 0

BLOCK: 0134 LOT: 012

If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER/AGENT: ANN W SKJEI TRUST  
MAILING: ANN W SKJEI TRUST  
ADDRESS: KARGEN SKJEI  
2735 NW ARTHUR AVE  
CORVALLIS OR 97330

PHONE #: --

PERSON CONTACTED @ SITE: ANN W SKJEI TRUST

PHONE #: --

## VIOLATION DESCRIPTION:

VIOLATION DESCRIPTION:	CODE/SECTION#
<input type="checkbox"/> WORK WITHOUT PERMIT	106.1.1
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106.4.4
<input checked="" type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102.1

A complaint has been filed with the department regarding a potentially unsafe condition at above location. Steep slope at Eastern property line exhibits evidence of Spalling and poses a hazard to neighboring properties. SFBC 102A.

## CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

415-558-6120

FILE BUILDING PERMIT WITHIN DAYS

(WITH PLANS) A copy of This Notice Must Accompany the Permit Application

OBTAIN PERMIT WITHIN DAYS AND COMPLETE ALL WORK WITHIN DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.

CORRECT VIOLATIONS WITHIN DAYS.

NO PERMIT REQUIRED

YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

● FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.  
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

Obtain evaluation of slope from licensed design professional (suggest Geotechnical Engineer) within 28 days of receipt of this notice and provide copy to inspector named below. Failure to do so will result in further action by this department.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

9x FEE (WORK W/O PERMIT AFTER 9/1/60)

2x FEE (WORK EXCEEDING SCOPE OF PERMIT)

OTHER:

REINSPECTION FEE \$

NO PENALTY

(WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Donal J Duffy

PHONE # 415-558-6120

DIVISION: CES

DISTRICT :

By: (Inspector's Signature) \_\_\_\_\_

## Permits, Complaints and Boiler PTO Inquiry

### COMPLAINT DATA SHEET

**Complaint Number:** 201296253  
**Owner/Agent:** OWNER DATA SUPPRESSED  
**Owner's Phone:** --  
**Contact Name:** --  
**Contact Phone:** --  
**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Date Filed:** 02/22/2012  
**Location:** 26 HODGES AL  
**Block:** 0134  
**Lot:** 012  
**Site:**  
**Rating:**  
**Occupancy Code:**  
**Received By:** Alma Canindin  
**Division:** PID  
**Complainant's Phone:**  
**Complaint Source:** OFFICE VISIT  
**Assigned to Division:** BID  
**Description:** In the rear of property, below deck, hazardous rocks and mud sliding off fractured rock slope. Hazard to all on hillside.  
**Instructions:**

### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	DUFFY	1100		

### REFERRAL INFORMATION

### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
02/22/12	CASE OPENED	BID	Duffy	CASE RECEIVED	
03/01/12	OTHER BLDG/HOUSING VIOLATION	INS	Duffy	FIRST NOV SENT	Issued 1st NOV by Inspector D. Duffy
03/06/12	OTHER BLDG/HOUSING VIOLATION	INS	Duffy	CASE UPDATE	Mailed copy of 1st NOV - mst
03/29/12	OTHER BLDG/HOUSING VIOLATION	CES	Duffy	CASE CONTINUED	Received letter from Albert Urrutia S.E. He will visit the site on 3/29/12 and keep me apprised of developments.
06/05/14	OTHER BLDG/HOUSING VIOLATION	INS	Duffy	CASE CONTINUED	Continue for engineers report per DD

### COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

03/01/12

### Inspector Contact Information

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

### Technical Support for Online Services

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

Contact SFGov Accessibility Policies  
 City and County of San Francisco ©2000-2009

EXHIBIT

5

Permits, Complaints and Boiler PTO Inquiry

/w EPDw UKLTE3I  
 EBE5C146 /w EWA gK7hu3vt

**COMPLAINT DATA SHEET**

Complaint Number: 201412371  
 Owner/Agent: OWNER DATA SUPPRESSED Date Filed: 12/12/2014  
 Owner's Phone: -- Location: 26 HODGES AL  
 Contact Name: Block: 0134  
 Contact Phone: -- Lot: 012  
 Complainant: COMPLAINANT DATA SUPPRESSED Site:  
 Rating:  
 Occupancy Code:  
 Received By: Maria Asuncion  
 Division: PID  
 Complainant's Phone:  
 Complaint Source: TELEPHONE  
 Assigned to: BID  
 Division:  
 Description: Rock slide from the back of 26 Hodges hit neighbor's home at 358 Vallejo.  
 Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	POWER	6270		15

**REFERRAL INFORMATION**

**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
12/12/14	CASE OPENED	BID	Power	CASE RECEIVED	

**COMPLAINT ACTION BY DIVISION**

NOV (HIS): NOV (BID):

**Permits, Complaints and Boiler PTO Inquiry**

/w EPDw UKLTE3I	
EBE5C146	/w EWA gKqo ce/L

**COMPLAINT DATA SHEET**

**Complaint Number:** 201413221

**Owner/Agent:** OWNER DATA SUPPRESSED  
**Date Filed:** 12/12/2014

**Owner's Phone:** --  
**Location:** 26 HODGES AL

**Contact Name:** --  
**Block:** 0134

**Contact Phone:** --  
**Lot:** 012

**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Site:**

**Rating:**  
**Occupancy Code:**

**Received By:** JingJing Lu  
**Division:** BID

**Complainant's Phone:**  
**Complaint Source:** TELEPHONE

**Assigned to Division:** BID

**Description:** Vertical bank of shale rock approx 15 ft high at 26 Hodges Alley is approx 18"-24" away from p/l wood framed wall. At 358-60 Vallejo St approx 1 cubic yard of rock has detached from bank and is restine against wood framed p/l wall at 358-60 Vallejo St. Other sections of the bank has loose rock, and may detach in furture. SFBC 102A

**Instructions:**

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	POWER	6270	15	

**REFFERAL INFORMATION**

**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
12/12/14	OTHER BLDG/HOUSING VIOLATION	BID	Power	FIRST NOV SENT	1st NOV sent by RP

EXHIBIT

6



February 17, 2015  
G5084

Ms. Melody Mar  
358 Vallejo Street  
San Francisco, California

Mr. Steven G. Wood  
ROPERS, MAJESKY, KOHN & BENTLEY  
1001 Marshall Street, Suite 500  
Redwood City, CA 94063-2052

**SUBJECT: Geologic and Geotechnical Summary of Site Conditions and Review of  
Gilpin Geosciences, Inc. Report**  
**RE: Proposed Slope Stabilization of Near-Vertical Rock Slope  
Hodges Alley and Vallejo Street  
San Francisco, California**

Dear Ms. Mar and Mr. Wood:

Cotton, Shires and Associates, Inc. (CSA) is providing you with this brief summary of our review of the recently submitted Gilpin Geosciences, Inc. letter, dated January 30, 2015, along with a summary of our recent site reconnaissance, performed on February 9, 2015 at 358 Vallejo Street. The following document was reviewed:

- *Revised, Rock Slope Mitigation, Residential Improvements, 26 Hodges Alley,* prepared by Gilpin Geosciences, Inc., dated January 30, 2015.

### DISCUSSION

We understand that the property owners at 26 and 30 Hodges Alley are proposing slope stabilization measures along the near-vertical slope near the western boundary of 358 Vallejo Street. We also understand that the property owner at 26 Hodges Alley is proposing residential improvements to the existing structure. The rock slope between 358 Vallejo Street and 26 Hodges Alley is near-vertical, varies from approximately 15 to 20 feet in height, and is within 1 foot of the 358 Vallejo Street residential structure at the base of the slope. The majority of the slope at 30 Hodges Alley is precipitous, varies from 4 feet to 15 feet in height, and is adjacent to the rear yard area of 358 Vallejo Street. A third property, 362 Vallejo Street, contains a near-vertical slope to the immediate south of the 26 Hodges Alley slope; however, we are unaware of any proposed stabilization measures for this slope.

### PREVIOUS SITE RECONNAISSANCE

Mr. Wallace has performed several site inspections over the past approximately 6 months, including a December 2014 inspection to observe a rockslide that failed primarily from the precipitous slope at 26 Hodges Alley. The rockslide occurred during heavy rainfall in and around December 11/12, 2014, and impacted the northern portion of the residential structure at 358 Vallejo Street. During our inspection shortly following this rockslide event, we observed rockslide debris stacked approximately 8 feet high against the northwestern portion of the 358 Vallejo Street structure. Our observations of the interior of this portion of the structure revealed that the wall appeared to be deflected inward in response to the rockslide debris load. We recommended to Ms. Mar that no one should occupy this portion of the structure, or the second story of this portion of the structure, until the rocks are cleared, a structural engineer inspects the structure, and the slope above the residence is stabilized.

### RECENT SITE RECONNAISSANCE

A recent site reconnaissance was performed on February 9, 2015 by John Wallace of CSA, in conjunction with Mr. Joe Duffy and Mr. Donal Duffy of the San Francisco Department of Building Inspection. During the site reconnaissance, we observed a relatively small rockslide that was not observed on previous site visits. This rock slope failure originated from the 30 Hodges Alley slope, and deposited rock debris and an old concrete deck footing in the rear yard area of 358 Vallejo Street. We suspect this event occurred during the recent heavy rainfall of February 6-8, 2015. No significant changes were observed along the precipitous rockslope of 26 Hodges Alley, or 362 Vallejo Street. The December 2014 rockslide debris was still in place against the 358 Vallejo Street structure.

### SUMMARY OF OPINIONS REGARDING SITE CONDITIONS

We are of the opinion that the existing conditions along the precipitous rockslope, including 26 and 30 Hodges Alley, 362 Vallejo Street, and the lower portion of 358 Vallejo Street, represent a continuing rockslide/rockfall hazard with a **high risk** to the northwest portion of the 358 Vallejo Street residential structure and any occupants therein. It is our opinion that the northwestern portion of the structure be cordoned off so that no human occupancy be allowed, and only geotechnical and structural engineering experts, and qualified engineering contractors with rockslope experience be allowed to access the site for characterization and mitigation purposes. It is our opinion that the site conditions represent a hazardous, emergency condition, and mitigation of this slope should be performed as soon as possible. The slope mitigation plans, when completed, should be part of a stand-alone permit application, and not be associated with a permit application for residential improvements upslope. It is our opinion that mitigation of the rockslope hazards would be



most effective if all four neighboring property owners (mentioned above) agree to facilitate access to this area so that investigation and mitigation can be performed as soon as possible.

### REVIEW OF PROPOSED STABILIZATION CONCEPT

Our review of the rock slope mitigation concept for the eastern slope of 26 Hodges Alley, as outlined in the revised Gilpin Geosciences, Inc. letter of January 30, 2015 reveals that the proposed concept will include the following items:

1. **Scaling** - Scaling of loose and weathered rock from the rock face;
2. **Concrete Removal** - Demolish and remove the existing thick concrete stem wall from the top of the slope;
3. **Shotcrete** - The upper approximately 7 vertical feet of the slope will be covered with reinforced shotcrete. The shotcrete will include 12-inch dowels drilled into the rock face to help secure the shotcrete to the rock face;
4. **Vertical Dowels** - A line of vertical dowels will be installed along the top of the slope, drilled the full height of the slope and to a depth of at least 3 feet below the base of the slope. The line of dowels will be set back a minimum of 3 feet from the top of the slope.
5. **Wire Mesh** - Wire mesh slope netting will be draped over the slope, and attached to the vertical anchors at the top of the slope.
6. **New Residential Loads** - Gilpin Geosciences, Inc. indicates that new additions are proposed for 26 Hodges, but that any additional building loads will be conveyed to the existing footings, and will not place new loads onto the steep rock face area.

### CSA COMMENTS

Based upon our review of the referenced document, and our recent site reconnaissance, we have the following comments pertaining to the revised rock slope mitigation concept for 26 Hodges Alley:

- A. A comprehensive repair should ideally be attempted that includes the four property owners at 358 and 362 Vallejo Street, and 26 and 30 Hodges Alley.
- B. The steep rock slope conditions at 26 Hodges Alley are also present at 362 Vallejo Street, and 30 Hodges Alley. It is our opinion that 362 Vallejo Street and 26 Hodges Alley contain similar site constraints and could be mitigated with similar

methods. 30 Hodges Alley is not constrained (for the most part) by the presence of the residential structure at 358 Vallejo Street, and thus, could be mitigated without the tight space constraints inherent to the neighboring slope to the south.

- C. Based on our observations, the northwest wall of the 358 Vallejo Street structure appears to be deflected inwards by the rock debris load. We recommend that the structure be evaluated by a structural engineer as soon as possible, and structural repairs (if needed) be identified. Depending upon the nature of necessary structural repairs, there may be an opportunity to use more traditional rock slope mitigation measures along the steep slope. For example, if the wall covering needs to be removed, it may be possible to install tensioned rock anchors in a near-horizontal orientation to apply an active force against the rock face rather than the passive support provided by the proposed vertical dowels. In addition, it may be possible to extend the shotcrete lower on the slope than currently proposed.
- D. The Gilpin letter does not address rock debris removal. We recommend the rock debris be removed as soon as possible from against the 358 Vallejo Street structure. Additional rockslides could place new loads on an already compromised structure.
- E. Scaling of the loose rock blocks from the slope should include adequate protection for the residence at 358 Vallejo Street, including placement of steel plates or wood planks, or other measures, to protect the residence.
- F. Drainage details of the shotcrete facing (such as drainage panels) should be included in any final plans to help reduce the potential for the buildup of hydrostatic pressure.
- G. Shotcrete reinforcing details should be included in the final mitigation plans, including consideration of supporting the steel reinforcing (i.e., welded wire mesh) and shotcrete face by the vertical rock anchors.
- H. The rock slope mitigation plan should include a mechanism to convey surface water from behind the residential structure at 358 Vallejo Street, northward to an appropriate discharge location.
- I. Consideration should be given to colorizing/texturing the shotcrete for a more natural appearance.
- J. Consideration should be given to utilizing rock anchors that meet PTI's Class I corrosion protection standards.

- K. Engineered plans should be prepared for stabilizing the precipitous rock slope along 362 Vallejo Street, 358 Vallejo Street, 26 Hodges Alley, and 30 Hodges Alley incorporating the recommendations outlined in the Gilpin Geosciences, Inc. revised report, and including consideration of the items outlined herein. We recommend that the slope mitigation plans be a stand-alone permit application, and not be part of a permit application for residential improvements upslope.

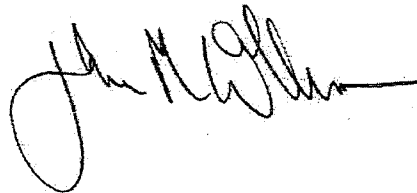
#### INVESTIGATION LIMITATIONS

Our services consist of professional opinions and recommendations made in accordance with generally accepted engineering geology and geotechnical engineering principles and practices. No warranty, expressed or implied, or merchantability of fitness, is made or intended in connection with our work, by the proposal for consulting or other services, or by the furnishing of oral or written reports or findings. The recommendations in this report are conceptual and are for consideration by other design professionals only, and should not be construed as project specific design criteria.

We appreciate the opportunity to have been of service to you on this project. If you have any questions regarding this report, please call.

Very truly yours,

COTTON, SHIRES AND ASSOCIATES, INC.



John M. Wallace  
Principal Engineering Geologist  
CEG 1923



Dale R. Marcum  
Geologic Engineer  
CE 65837

DRM:JMW:st

COTTON, SHIRES AND ASSOCIATES, INC.

EXHIBIT

7

Joshua B. Kardon + Co

Structural Engineers  
2634 Grant Street  
Berkeley, CA 94703  
Phone 510 548-1892

March 7, 2015

Steven G. Wood  
Ropers, Majeski, Kohn & Bentley  
1001 Marshall Street, Suite 1000  
Redwood City, CA 94063-2052

Via electronic transmittal to [steven.wood@rmkb.com](mailto:steven.wood@rmkb.com)

Subject: *Rock Fall, Melody Mar Property*  
*358-360 Vallejo St., San Francisco, CA*

Dear Mr. Wood:

On February 23, 2015, I met John Dooling of Ropers, Majeski, Kohn & Bentley at the property of Melody Mar, 358-360 Vallejo Street, San Francisco. The purpose of my visit was to visually review the physical damage to Ms. Mar's building caused by a rockfall from adjoining properties to the west at 26 and 30 Hodges Alley. For a portion of our site visit and inspection, I was accompanied by Lawrence B. Karp, geotechnical engineer who has had considerable experience with Telegraph Hill rockfalls and he contributed to this letter-report. In accordance with the reporting requirements of the Professional Engineer's Act, B&P Code §6735, his geotechnical engineering seal and signature appear below as do mine as structural engineer.

Dr. Karp examined the strata from inside the Mar Building, and relates that on the south facing hillside of Telegraph Hill there were the major rockfalls in October 1962 and February 2007 and intermittent rockfalls between 1984 and 1998 that were attributed to new construction which included rock sporadically falling from below the condominiums on Vallejo Street to the west.

The history of Telegraph Hill includes numerous rock falls on its east, north, and south faces even after quarrying terminated approximately 100 years ago. Observations of the predominate sandstone (greywacke) exposed in the larger rock faces of Telegraph Hill found pervasive fractures with both subhorizontal and subvertical intersecting joint sets with varying spacing of discontinuities in the formation [*KJss*]; minor fine sandstone shale [*ssh*] horizons interbedded with thick to massive sandstone [*ss*] units.

The geologic formation, greywacke (massive sandstone) and shale (beds of clay and sand lenses) at rockfall locations that occurred below Vallejo between Montgomery and Kearny are shown in light blue on the 1974 Schlocker map of the San Francisco North Quadrangle. The map indicates joint set data of the greywacke at the 1962-2007 rockfall site and closer to the Mar site are almost the same (40° or 45° dips to the southwest from similar strikes). From inside the Mar building it can be seen that greywacke sits over shale. The shale is relatively weak and erodes from groundwater seeping from the hillside. As the shale erodes it loosens greywacke blocks that fall away from fractures. The same process caused rock falls in 2007 that resulted in the City declaring several of the buildings in the area uninhabitable.

(continued)

March 7, 2015  
Steven G. Wood  
Ropers, Majeski, Kohn & Bentley  
1001 Marshall Street, Suite 1000  
Redwood City, CA 94063-2052

*Rock Fall, Melody Mar Property*  
358-360 Vallejo St.  
San Francisco, CA  
Page 2

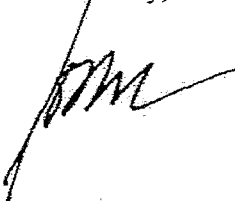
It was related to us that another consultant to Ms. Mar, John Wallace, an engineering geologist, characterized the existing rock surface as "continuing rockslide/rockfall hazard with a high risk to the northwest portion of the 358 Vallejo Street residential structure and any occupants therein." The rock which fell from the escarpment at the property line between 358-360 Vallejo, and 26 and 30 Hodges impacted the exterior of Ms. Mar's house causing some distortion of the wood-framed structure and cracking of brittle interior finishes. At 26 Hodges corrugated plastic sheeting has been installed in an attempt to divert rainwater away from the slope below the building. The fallen rock remains in the space between the escarpment and Ms. Mar's house, is in contact with her exterior siding, and is exerting an inward load on her wall.

Based on our observations, we also believe there is a high risk of additional collapse of the escarpment, which could cause further physical damage to Ms. Mar's property, and could injure or kill occupants of buildings on either side of the property line.

We saw no work in place during my visit intended to prevent further collapse of the rock escarpment, or to protect Ms. Mar's property from a future rock fall. We recommend the loose rock and debris be removed and the escarpment stabilized and strengthened by engineering and constructing a retaining structure directly on its face. The wall should be restrained with double corrosion protected rock anchors or grouted bars drilled into the rock. After the permanent repair and stabilization of the rock escarpment is completed, structural and architectural repairs should be made to Ms. Mar's building.

A practicable and cost-effective repair of the rock escarpment could entail drilling into the rock surface and pneumatically placing concrete on the surface of the escarpment. That work can be accomplished from within Ms. Mar's building, using equipment supported on temporary works rigged for that purpose. After that work is completed, the work on Ms. Mar's property should include repair of damage to the walls, foundations, and finishes caused by the rock fall, and repair of any damage to her property caused by the installation and operation of the temporary works.

Yours truly,

  
Joshua B. Kardon





Lawrence B. Karp



EXHIBIT

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# SAN FRANCISCO PLANNING DEPARTMENT

## Discretionary Review Action DRA-0410

HEARING DATE: MARCH 12, 2015

*Date:* March 20, 2015  
*Case No.:* 2014-001042DRP  
*Project Address:* 26 HODGES ALLEY  
*Permit Application:* 2013.03.21.2735  
*Zoning:* RH-3 (Residential House, Three-Family) District  
Telegraph Hill North Beach Residential Special Use District  
40-X Height and Bulk District  
*Block/Lot:* 0134/012  
*Project Sponsor:* Heidi Liebes  
Liebes Architects  
450 Sansome Street, Suite 1200  
San Francisco, CA 94111  
*Staff Contact:* Kate Conner – (415) 575-6914  
kate.conner@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

ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2013.1652DV AND THE APPROVAL OF BUILDING PERMIT 2013.03.21.2735 PROPOSING CONSTRUCTION OF A SIDE ADDITION TO THE NORTHERN PROPERTY LINE AT THE FIRST AND SECOND FLOORS WHICH ENCROACHES INTO THE REAR YARD SETBACK AND A THIRD FLOOR ADDITION WHICH COMPLIES WITH THE REAR YARD REQUIREMENT. THE PROJECT IS SUBJECT TO APPROVAL OF A REAR YARD VARIANCE. THE SUBJECT PROPERTY IS LOCATED WITHIN THE RH-3 (RESIDENTIAL HOUSE, THREE-FAMILY) DISTRICT, THE TELEGRAPH HILL NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT, AND THE 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On March 21, 2013, Heidi Liebes filed for Building Permit Application No. 2013.03.21.2735 proposing construction of a third floor addition to a two-story single-family residence and a horizontal addition on the first and second floors. The subject property is located within the RH-3 (Residential House, Three-Family) District, the Telegraph Hill North Beach Residential Special Use District, and the 40-X Height and Bulk District.

On June 12, 2013, Heidi Liebes filed Variance Application 2013.0783V for the first and second floor horizontal addition. The rear yard requirement is 28'-4" and the existing building is non-conforming as it maintains a 9" rear yard. The proposed third floor addition complies with the rear yard requirement. The proposed 3'-0" deep side addition encloses an existing stairway and extends approximately 5'-6" beyond the adjacent neighbor to the north and spans approximately 16'-0" but does not increase the overall building depth.

Memo



On December 4, 2014, the Zoning Administrator granted Variance (2013.0783V) after a public hearing held on September 24, 2014. The Variance was appealed and will be heard at the Board of Appeals on March 18, 2015.

On October 27, 2014, Melody Mar (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2014-001042DRP) of Building Permit Application No. 2013.03.21.2735.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

On March 12, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2014-001042DRP.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

#### **ACTION**

The Commission hereby takes Discretionary Review requested in Application No. 2014-001042DRP and approves the Building Permit Application 2013.03.21.2735 subject to the following modifications:

1. Increasing the front setback at the third level equal to the width of the closet space (approximately four feet);
2. Increasing the depth of the third level addition to the required rear yard line (approximately three feet); and
3. Reducing the third level roof deck at the northeast corner to align with the adjacent building depth.

#### **BASIS FOR RECOMMENDATION**

The reasons that the Commission took the action described above include:

1. There are extraordinary and exceptional circumstances in the case.
2. Reducing the roof deck at the third level along the northern property line will improve the northern neighbor's privacy at the rear deck and open space.
3. The width of Hodges Alley is an extraordinary circumstance and the additional setback at the proposed third floor will increase the amount of light cast on Hodges Alley.

**APPEAL AND EFFECTIVE DATE OF ACTION:** Any aggrieved person may appeal this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is issued. For further information, please contact the Board of Appeals at (415) 575-6881, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission took Discretionary Review and approved the building permit as referenced in this action memo on March 12, 2015.

Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Fong, Antonini, Hillis, Johnson, Moore, Richards, Wu,

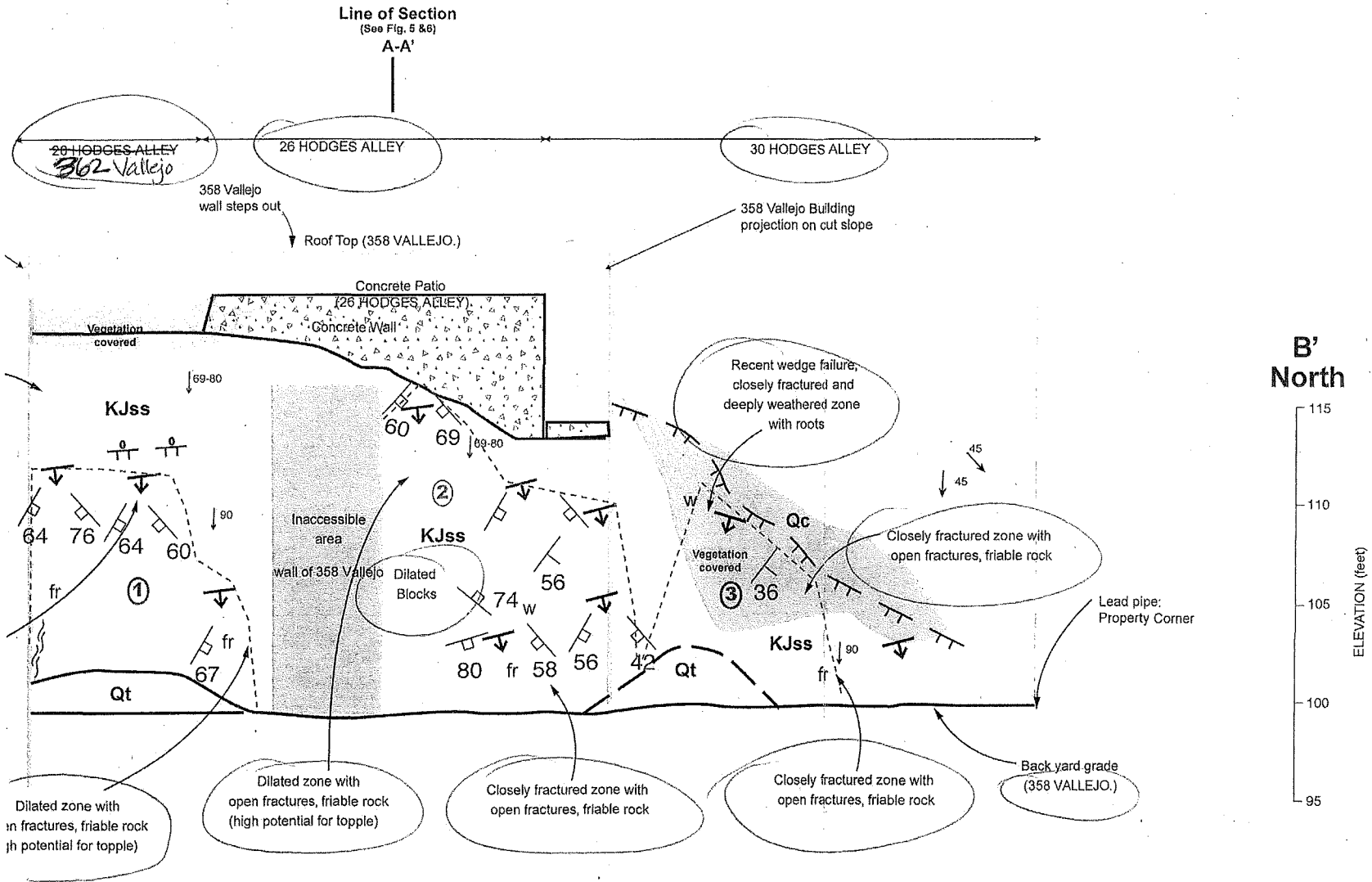
NAYS: None

ABSENT: None

ADOPTED: March 12, 2015

EXHIBIT

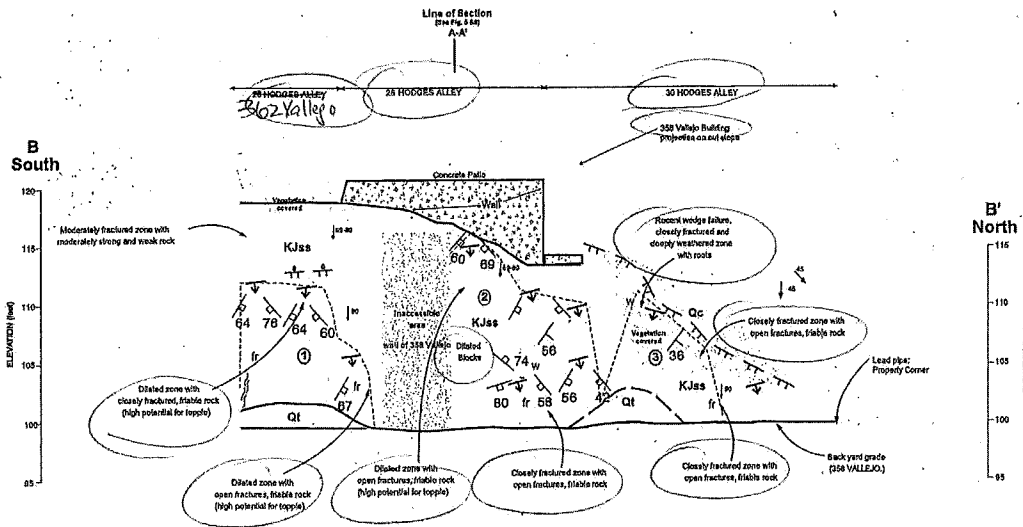
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**EXPLANATION**

- Soil or Colluvium with Roots
- Talus Deposit, includes recent rockfall debris
- ss Sandstone with minor Shale (Franciscan complex)

*Geologic Cross Section  
B-B'  
26 Hodges Alley  
Date: 5/28/13 Figure 5  
Gilpin GeoSciences, Inc.*



**EXPLANATION**

- Qc Soil or Colluvium with Roots
- Qt Talus Deposits, includes recent rockfall debris
- KJss Sandstone with minor Shale (Franciscan complex)
  - fr - friable matrix
  - w - deeply weathered
  - b - block or block-rich

**KEY**

- Geologic Contact (approximate)
- 36 Strike and dip of bedding
- 37 Strike and dip of joint
- Failure Plane
  - Sheared block or intensely fractured matrix with foliation
- Break in Topographic Slope
  - O designates overhang
- Local Slope direction with inclination
- Shear Zone

A A Cross section location (see Site Plan, Figure 3)

Area of High Rockfall Potential

Notes: 1. Standard tape and compass mapping techniques, feature locations are approximate.  
 2. Geologic interpretation based on limited reconnaissance geologic mapping.  
 3. Line of section shown on Figure 3 Site Plan.  
 4. No vertical exaggeration (Horizontal=Vertical).

<b>GEOLOGIC CROSS SECTION B-B'</b>		
<b>DEWILDE RESIDENCE 26 HODGES ALLEY San Francisco, California</b>		
Date 5/28/13	Project No. 91562.01	Figure 5
<b>Gilpin Geosciences, Inc.</b> Earthquake & Engineering Geology Consultants		

EXHIBIT

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**Gilpin Geosciences, Inc**  
**Earthquake & Engineering Geology**

May 28, 2013  
91552.01

Mr. and Mrs. David de Wilde  
2650 Green Street  
San Francisco, CA 94123

**Subject:      Engineering Geologic and Geotechnical Investigation  
                 Residential Improvements  
                 26 Hodges Alley  
                 San Francisco, California**

Dear Mr. And Mrs. de Wilde:

### **INTRODUCTION**

Gilpin Geosciences, Inc. is pleased to submit the results of its geological and geotechnical investigation related to the stability of the existing rock cut conditions below the home at 26 Hodges Alley, (see Location Map, Figure 1). We understand you wish to remodel and expand the existing residence by seismically strengthening the existing structure and constructing an additional floor at the back of the residence.

We visited the site on 19 February and 21 May 2013 in the company of Mr. Frank Rollo of Treadwell & Rollo, Inc., a Langan Company (T&R) to observe the present conditions and discuss the project with you and your construction contractor Mr. Day Hilborn, of All Bay Construction. T&R is providing geotechnical consultation during this study.

### **SCOPE OF SERVICES**

Our scope for this project is outlined in our proposal dated 8 March 2013. The objective of our services was to provide you recommendations to improve the

stability of the existing slopes. We researched and reviewed available publications and performed a geological reconnaissance of the site and vicinity.

## **FINDINGS**

Our findings are based on the results of our research and reconnaissance and are presented in the remainder of this section.

### **Site Conditions**

The site is at the top of the east-facing slope of Telegraph Hill in San Francisco, California. The building that occupies the site is a wood-framed two-story structure that has an entry at the ground level from Hodges Alley. At the rear of the building are a concrete patio at the ground level, and a cantilevered wooden deck at the second level. The concrete patio sits at the top of a near vertical 15- to 20-foot high slope that was excavated into the hillside presumably for construction of the downslope residence at 358 Vallejo Street. The patio is partially supported by a concrete perimeter wall that varies from 2 to 7 feet high.

Over the years debris and rock fragments have fallen from the slope adjacent to the eastern property line. Most of the rock fragments have accumulated in the backyard of your neighbor at 358 Vallejo Street.

### **Background**

In the late 1800's, Telegraph Hill was mined by various quarrying operators. In 1884, the City of San Francisco authorized the lowering of Sansome Street, (located east of the site) and W.D. English & Company, operating under contract with the State Harbor Commissioners, began blasting material from the eastern



26 Hodges Alley  
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flank of the hill for its use in seawall construction. Records indicate landslides resulted from the blasting operations. The combination blasting and earth movement did severe damage to homes on Telegraph Hill. Between 1884 and 1885, several homes were demolished and removed, and ten homes on the hill were deemed unfit for habitation. Some were reported having slipped from their foundations and slid to the base of the slope.

Myrick (1972) describes a large quarry operated by Gray Brothers Company at the corner of Sansome and Green Streets. A particularly heavy blast shook the quarry on March 27, 1907, which wiped out the corner of Green and Calhoun Streets.

### **Aerial Photograph Review**

We reviewed 4 pairs of vertical stereographic photographs archived at Pacific Aerial Surveys in Oakland, California. The time period spanned by the photographs was 1935 to 2000. We use standard aerial photograph analysis techniques to identify surface features indicative of slope instability, such as arcuate scarps, erosion channeling, breaks in topographic slope, and signs of excessive seepage. The photographs reviewed are listed in the references.

The 1935 photograph shows the site with a building in place. The eroded and graded area north and northeast of the site appears less vegetated and more disturbed than at present. In later photography, the actual cut slope under investigation in this letter could not be observed because of poor contrast and limited resolution. One exception to this is a broad eroded area at the north end of the cut slope corresponding to the slope at 30 Hodges Alley. The eroded area appears in high contrast to the surrounding ground, suggesting recent erosion on the 1995 color oblique photograph.

## **Regional Geology**

Regional geology mapping by Schlocker (1974) shows the site to be underlain by Franciscan Complex interbedded sedimentary rocks composed of sandstone, shale and greywacke sandstone (see Figure 2). These sediments were deposited during the Jurassic and Cretaceous time (approximately 65 to 195 million years ago). Schlocker's map indicates that these sequences consist of interbedded units, which strike northwest and dip towards the southwest and northeast, or obliquely into and out of the local slope. Several inactive faults are mapped which trend northerly and are exposed in the old quarry walls on the eastern perimeter of Telegraph Hill north of the site.

Numerous inactive faults were mapped north of the site on the slope below Calhoun Terrace (Kropp, 1984; Dames & Moore, 1982; Rollo & Ridley, 2012). Groundwater seepage and adverse bedding were also noted in the vicinity. Although the results of mapping north of Green Street does not focus on the slope immediately below our site, the results provide important information on the local geology and slope stability.

In February 1962, a significant rockfall occurred below the residence one block to the north at 260 Green Street, adjacent to Calhoun Terrace. The failure deposited debris on the 200 Green Street building at the base of the slope.

## **Site Geology**

The residence at 26 Hodges Alley lies immediately southwest of the old quarry operations that took place on the east slopes of Telegraph Hill until the turn of the 20<sup>th</sup> century. Aggressive quarrying that included blasting has left the slopes oversteepened and shattered.

The narrow, 17 feet-wide parcel has zero setback along the sides and extends to a vertical cut slope up to 20 feet in height at the rear, east side of the parcel. The residence at 358 Vallejo Street is a wood-framed two-story with the west wall located from 4 feet to 5.5 feet from the rear edge of the concrete patio at the rear of the 26 Hodges Alley parcel. The cut slope is irregular and lies from inches to several feet from the face of the 358 Vallejo Street building.

On 2 March 2013, we accessed the cut slope via 358 Vallejo Street to perform a geological reconnaissance. We viewed the slope through windows, and light wells to observe the exposed bedrock in the cut slope face, except for two areas on the cut slope face. These are: 1) dense blackberry brush-covered area at the southern extend of the slope, and 2) a constricted access area where the 358 Vallejo wall stepped towards the central section of the slope. The cut slope continues to the south and north of the 26 Hodges Alley parcel, extending onto 20 and 30 Hodges Alley parcels, respectively.

The results of our observations are presented on Figures 3, 4 and 5. Figure 3 shows a generalized site plan for reference. Because of the steep slope and limited access we have mapped our observation on cross sections perpendicular and parallel to the cut slope; these are shown on Figures 4 and 5, respectively. The Cross Section B-B', Figure 5, shows the limits of the parcels at 20, 26, and 30 Hodges Alley.

We mapped three areas of the slope that are susceptible to wedge-type rock failures. Evidence of recent rockfalls include numerous fresh scars, loose blocks, and talus composed of debris and sandstone blocks at the base of the slope, which is the backyard of 358 Vallejo Street residence. Three areas that appear to be rockfall areas susceptible to wedge-type block failures are depicted on Figure 5.

The sandstone exposed in the cut slope is thin- to thick-bedded, intensely to moderately fractured, friable to weak, with low hardness and moderate to deep weathering. Thin shale layers are interbedded locally, and can form crushed weak zones prone to ravelling and undermining failure.

Bedding in the sandstone and shale unit dips generally northeast, oriented out of the slope, at inclinations of 30 to 56 degrees. Jointing was mapped in the sandstone unit as dipping to the southeast at between 42 to 76 degrees and north or northeast at between 36 to 74 degrees. The adverse joints combined with the northeast dipping beds yield wedge-type failure potential along the intersection of these two planes with a preponderance of failures oriented due east and northeast dipping at 16 to 54 degrees out of the slope. (See Figure 5).

### Seismicity

The major active faults in the region include the San Andreas, San Gregorio, Hayward, Rodgers Creek, Concord-Green Valley, and Calaveras faults. A list of major active faults in the region, including their distances from the site and maximum moment magnitudes, is provided in Table 1.

TABLE 1  
Regional Faults and Seismicity

Fault Segment	Distance (kilometers)	Direction From Site	Maximum Moment Magnitude
San Andreas (North Coast)	13	West	7.5

San Gregorio	19	West	7.2
Hayward	16	East	6.9
Rodgers Creek	32	northeast	7.0
Calaveras	35	east	6.9
Concord-Green Valley	37	east	6.7

The site lies in the seismically active San Francisco Bay region and is subject to frequent earthshaking. The active faults nearest to the site are the San Andreas (13 km west), San Gregorio (19 km southwest), Hayward (16 km east), Rodgers Creek (32 km northeast), Calaveras (35 km east) and Concord (37 km east). The site does not lie within a known active fault zone. No active faults were identified on the site during our investigation.

The 1906 San Francisco earthquake had an estimated Moment Magnitude ( $M_w$ ) of 7.8 and created a surface rupture along the San Andreas fault approximately 270 miles long, with a maximum lateral displacement of about 21 feet. The epicenter of the 1906 event is estimated to be offshore of the San Francisco coastline approximately 13 km west of the site. Strong shaking occurred at many sites in the East Bay and extensive damage was documented.

Two moderate earthquakes (Richter Magnitude 5.6 and 5.7) occurred on the Rodgers Creek fault near Santa Rosa in 1969. These earthquakes resulted in widespread minor damage and localized structural damage in Sonoma County but no significant damage in San Francisco.

The recent Loma Prieta Earthquake ( $M_w$  6.9) was centered on or near the San Andreas fault about 97 km from the site. It produced moderate ground shaking and minor damage to the Telegraph Hill area.

The U.S. Geological Survey's (2008) 2007 Working Group on California

26 Hodges Alley  
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Earthquake Probabilities has compiled the earthquake fault research for the San Francisco Bay area in order to estimate the probability of fault segment rupture. They have determined that the overall probability of moment magnitude 6.7 or greater earthquake occurring in the San Francisco Bay Region during the next 30 years is 63 percent. The highest probabilities are assigned to the Hayward/Rodgers Creek and the Northern segment of the San Andreas faults. These probabilities are 31 and 21 percent, respectively (USGS, 2008).

## CONCLUSIONS AND RECOMMENDATIONS

We conclude the proposed remodeling is feasible provided the recommendations contained in this letter related to the stabilization of the loose rock and potential wedge-type rock failures mapped in the existing slope between the 26 Hodges Alley and 358 Vallejo Street properties are implemented. These recommendations should be performed prior to the proposed remodeling and expansion.

The slope adjacent to 26 Hodges Alley should be retained by a soldier pile and wood-lagging wall. The wall relies on support from piers, acting as deadmen, installed along the back of the building and connected to the soldier pile wall by a series of reinforced concrete grade beams or a structural slab.

### **Soldier Pile Wall Design and Construction**

The retention system proposed addresses the difficulty of developing appropriate mitigation measures to improve stability of the slope. We evaluated several alternatives and recommend that the rockfall hazard be mitigated by installing a retaining wall system using concrete-encased, steel soldier piles with pressure-treated wood lagging along the east property line of 26 Hodges Alley.

**Gilpin Geosciences, Inc.**

The wall should be constructed to support the existing rock cut slope (Figure 6, 7) and should extend approximately 17 lineal feet across the 26 Hodges Alley parcel width. The soldier piles should be connected by a structural slab or reinforced concrete grade beam to piers drilled along the rear of the building for supplemental lateral support. The piers would require drilling at or close to the present building perimeter foundation.

For our design, we assumed the soldier piles would be drilled approximately 6 inches from the existing 358 Vallejo residence wall, and would consist of HP12 x 32 steel beams and would be spaced at approximately 8 feet on center. The soldier piles would be placed in an 18-inch-diameter drilled shaft extending 5 feet below the lowest adjacent grade; the portion of the drilled shaft that extends below the ground surface should be filled with structural concrete having a compressive strength of at least 3,000 pounds per square inch (psi) at 28 days. Above the ground surface, the steel beam should be encased in concrete and the distance between soldier piles lagged with 3-inch by 12-inch timber boards.

The wood lagging boards should be placed with a gap at least  $3/8$  inches wide between boards to allow groundwater to flow freely through the lagging.

The space between the lagging and the face of the slope should be backfilled with  $3/4$ -inch by  $1-1/2$ -inch crushed rock or recycled concrete. To reduce the potential for fines to migrate through the rock, filter fabric consisting of Mirafi 140N or equivalent should be placed against the slope.

The bottom of the drilled holes for the soldier piles should be free of debris and water before placement of concrete. Drilling should be observed by a representative of Gilpin Geosciences/Treadwell & Rollo to confirm the foundation rock is similar to that encountered in our field investigation.

## GEOTECHNICAL SERVICES DURING CONSTRUCTION

Prior to construction, Gilpin Geosciences, Inc., project engineering geologist/Treadwell & Rollo, Inc., project geotechnical engineer should review the project plans and specifications to check the conformance with the intent of our recommendations. During construction, our field engineer should provide on-site observation and testing during site preparation, placement and compaction of fill, and installation of foundations for the soldier beam and lagging retaining wall(s). These observations will allow us to compare actual with anticipated subsurface conditions and to verify that the contractor's work conforms with the geotechnical aspects of this report and the construction drawings.

## LIMITATIONS

Our services have been performed in accordance with generally accepted principles and practices of the geological and geotechnical profession. This warranty is in lieu of all other warranties, either expressed or implied. In addition, the conclusions and recommendations presented in this report are professional opinions based on the indicated project criteria and data described in this report. They are intended only for the purpose, site location and project indicated.



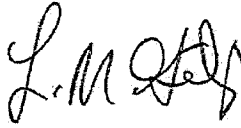
26 Hodges Alley  
91552.01  
May 28, 2013  
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We trust that this provides you with the information that you require at this time. If you have questions, please call.

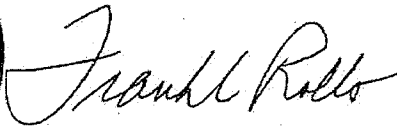
Sincerely,

GILPIN GEOSCIENCES, INC.

TREADWELL & ROLLO, INC.,  
A Langan Company



Lou M. Gilpin  
Engineering Geologist



Frank L. Rollo  
Geotechnical Engineer



Attachments:

REFERENCES

TABLES

Table 1 Regional Faults and Seismicity

LIST OF FIGURES

Figure 1	Site Location Map
Figure 2	Regional Geology Map
Figure 3	Site Plan
Figure 4	Geologic Cross Section A-A'
Figure 5	Geologic Cross Section B-B'
Figure 5	Conceptual Repair Section A-A'
Figure 6	Conceptual Repair Section B-B'

REFERENCES

Gilpin Geosciences, Inc.

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Myrick, D.F., 1972, San Francisco's Telegraph Hill: Howell-North Books, Berkeley, California, 220 p.

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26 Hodges Alley  
91552.01  
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LIST OF  
AERIAL PHOTOGRAPHS

Aerial Photographs

<u>Date</u>	<u>Photo Number</u>	<u>Scale</u>
08/15/00	AV-6600-7-1, 2	1:12,000
06/23/97	AV 5434-6-3, 4	1:12,000
02/13/95	K-SF-E-467	Oblique
00/00/35	AV 248-2-1,2	1:16,500

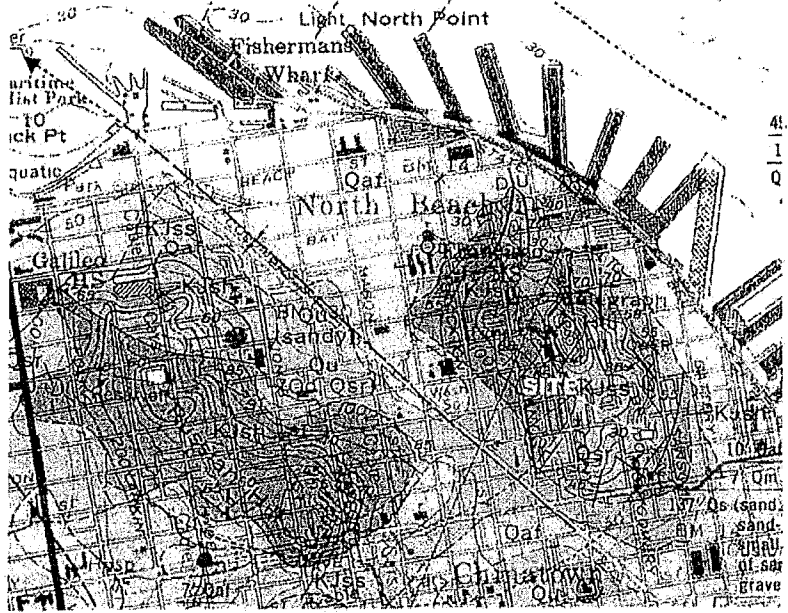
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FIGURES



Glipin Geosciences, Inc.





**EXPLANATION**

- Qsr - Slope debris & ravine fill
- Qu - Surficial deposits (undifferentiated)
- Qal - Alluvium
- Qaf - Artificial fill
- Qc - Colma Formation

- Franciscan Complex Bedrock
- KJsh - shale & thin sandstone beds
- KJss - sandstone with thin shale beds

0 2000 Feet

Approximate scale

**Regional Geology  
Map**

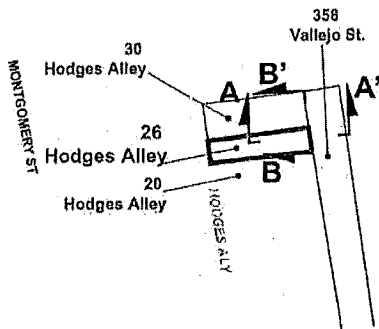
28 HODGES ALLEY  
San Francisco, California

Date 5/28/13 Project No. 91552.01 Figure 2

 **Gilpin Geosciences, Inc.**  
Earthquake & Engineering Geology Consultants

GREEN ST

GREEN ST

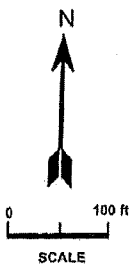



KEY

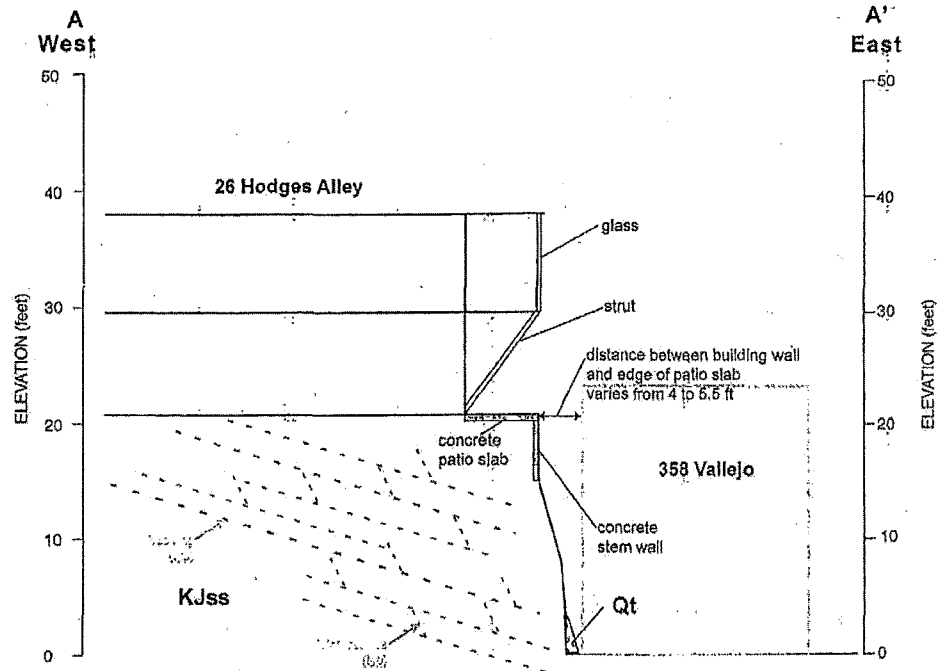
A A' Line of Cross Section, see Figures 4 & 5.

Parcel Boundary (approximate)

Site



<b>SITE PLAN</b>		
26 HODGES ALLEY 26 Hodges Alley San Francisco, California		
Data 06/28/13	Project No. 91552.01	Figure 3
 <b>Gilpin Geosciences, Inc.</b> Earthquake & Engineering Geology Consultants		




**Explanation**

- Qt Talus, includes recent rockfall debris.
- KJss Sandstone/Shale (Franciscan Complex Melange)

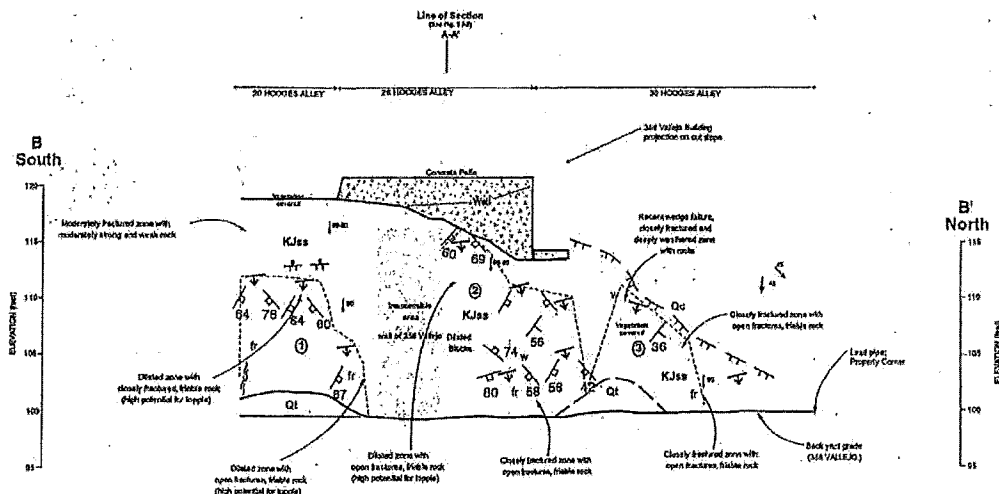
**Key**

**A** **A'** Cross section location (see Site Plan, Figure 3)

- Notes:
1. Geologic Interpretation based on limited reconnaissance geologic mapping
  2. Line of section shown on Figure 3 Site Plan.
  3. No vertical exaggeration (Horizontal=Vertical).

<b>Geologic Cross Section A-A'</b>		
DE WILDE RESIDENCE 26 Hodges Alley San Francisco, California		
Date 5/28/10	Project No. 91552.01	Figure 4
 <b>Gilpin Geosciences, Inc.</b> Earthquake & Engineering Geology Consultants		





**EXPLANATION**

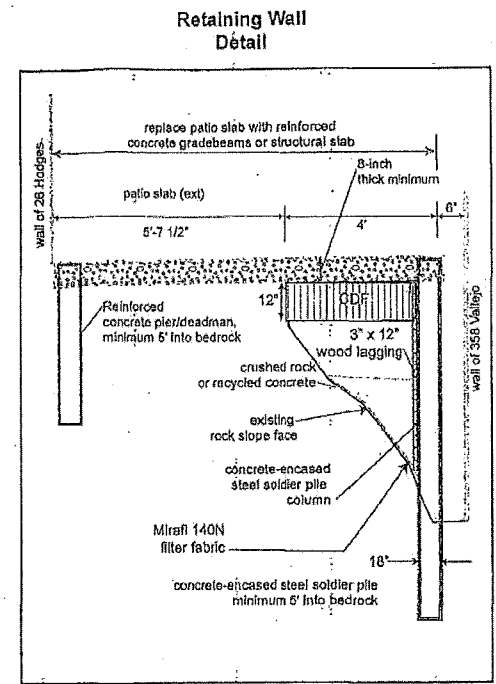
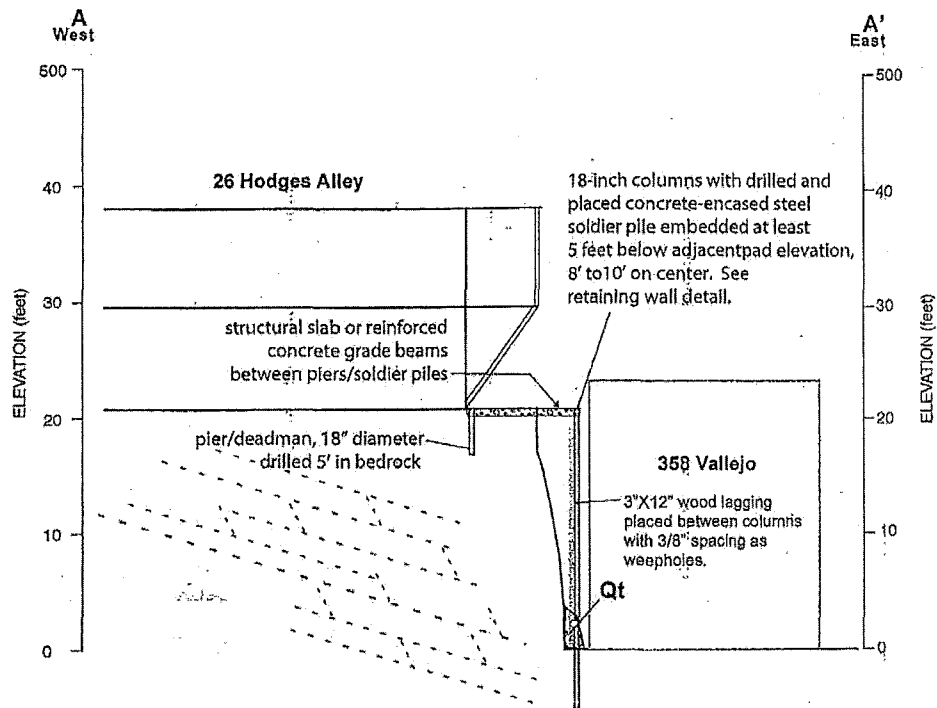
- Qc Soil or Colluvium with Roots  
 Qt Talus Deposit, includes recent rockfall debris  
 KJsb Sandstone with minor Shale (Franciscan complex)  
 fr - friable, matrix  
 w - deeply weathered  
 b - block or block-rich

**KEY**

- Geologic Contact (approximate)
- Strike and dip of bedding
- Strike and dip of joint
- Failure Plane  
 - Sheared block or intensely fractured matrix with foliation
- Break in Topographic Slope  
 - 0 designate overhang
- Local Slope direction with Ingression Sheet Zone
- Cross section location (see Site Plan, Figure 3)
- Area of High Rockfall Potential

- Notes: 1. Standard tape and compass mapping techniques, feature locations are approximate.  
 2. Geologic interpretation based on limited reconnaissance geologic mapping.  
 3. Line of section shown on Figure 3 Site Plan.  
 4. No vertical exaggeration (Horizontal:Vertical).

GEOLOGIC CROSS SECTION B-B'		
DEWILDE RESIDENCE 26 HODGES ALLEY San Francisco, California		
Date 5/28/13	Project No. 91552.01	Figure 5
<b>Gilpin Geosciences, Inc.</b> Earthquake & Engineering Geology Consultants		



- Notes:
1. Geologic interpretation based on limited reconnaissance geologic mapping
  2. Line of section shown on Figure 3 Geologic Map Elevation.
  3. No vertical exaggeration (Horizontal=Vertical).

**Explanation**

Qt Talus  
 KJss Sandstone/Shale (Franciscan Complex Melange)

**Key**

A A Cross section location (see Site Plan, Figure 3)

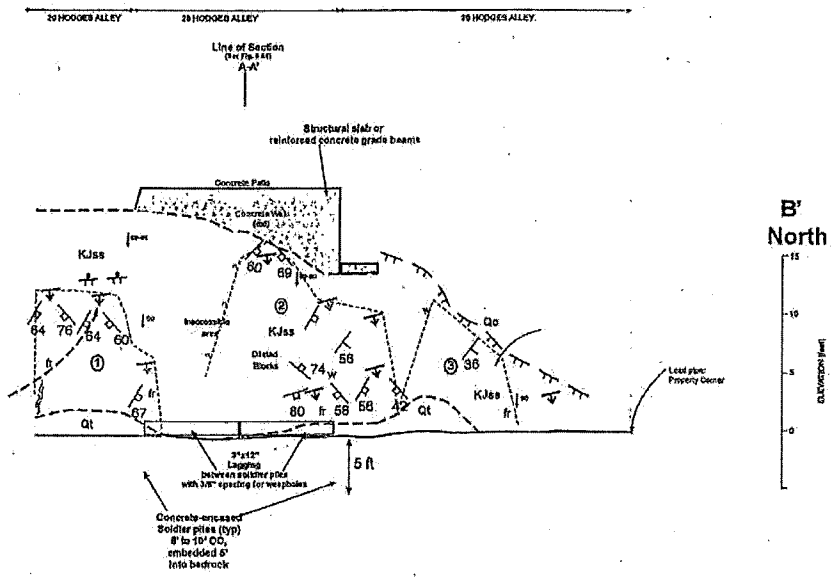
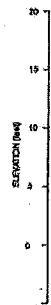
**Conceptual Repair Section  
 A-A'**

DE WILDE RESIDENCE  
 28 Hodges Alley  
 San Francisco, California

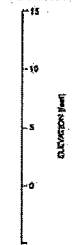
Date 5/28/13 Project No. 91552.01 Figure 6

**Gilpin Geosciences, Inc.**  
 Earthquake & Engineering Geology Consultants


B  
South



B'  
North



EXPLANATION  
(see Figure 5)

<b>Conceptual Repair Section B-B'</b>		
DEWILDE RESIDENCE 26 HODGES ALLEY San Francisco, California		
Date 5/28/13	Project No. 81552.01	Figure 7
 <b>Gilpin Geosciences, Inc.</b> Earthquake & Engineering Geology Consultants		

EXHIBIT

11



instability, and such unsafe conditions or instability cannot be mitigated to the satisfaction of the Structural Advisory Committee, the Building Official shall deny the permit. The Building Official's decision to deny the permit is appealable only to the Board of Appeals.

**106A.4.1.4 The Slope Protection Act.** This Section of the San Francisco Building Code shall be known as the Slope Protection Act.

**106A.4.1.4.1 Creation.** The Slope Protection Act shall apply to all property within San Francisco that falls within certain mapped areas of the City, except those properties already subject to the Edgehill Mountain Slope Protection Area or the Northwest Mt. Sutro Slope Protection Area. For purposes of this Section "property" shall mean a legal lot of record. Heightened review of certain permit applications, as provided in this section, shall be given to all property subject to this Act.

**106A.4.1.4.2 Purpose.** Because landslides, earth movement, ground shaking and subsidence are likely to occur on or near steeply sloped properties and within other defined areas causing severe damage and destruction to public and private improvements, the Board of Supervisors finds that the public health, safety and welfare is best protected if the Building Official causes permit applications for the construction of new buildings or structures and certain other construction work on property subject to the Slope Protection Act to undergo additional review for structural integrity and effect on slope stability. The requirements for projects subject to the Slope Protection Act are in addition to all other applicable laws and regulations, including any and all requirements for environmental review under the California Environmental Quality Act; compliance with the requirements contained herein does not excuse a project sponsor from compliance with any other applicable laws and regulations.

**106A.4.1.4.3 Scope.** Properties are subject to these requirements where any portion of the property lies within the areas of "Earthquake-Induced Landslide" in the Seismic Hazard Zone Map, released by California Department of Conservation, Division of Mines and Geology, dated November 17, 2000, or amendments thereto; or within the "Landslide Hazard Areas" mapped as "Landslide Locations" in Figure 4 of the San Francisco Seismic Safety Investigation report prepared by URS/John A. Blume & Associates, Engineers, June 1974, or any successor map thereto.

Proposed construction work that is subject to these requirements includes the construction of new buildings or structures having over 1000 square feet of new projected roof area and horizontal or vertical additions having over 1000 square feet of new projected roof area. In addition, these requirements shall apply to the following activity or activities, if, in the opinion of the Director, the proposed work may have a substantial impact on the slope stability of any property: shoring, underpinning, excavation or retaining wall work; grading, including excavation or fill, of over fifty (50) cubic yards of earth materials; or any other construction activity.

**106A.4.1.4.4 Mandatory submittal of reports and geotechnical engineering review.** All permit applications submitted to the Department of Building Inspection for construction subject to the Slope Protection Act shall include report(s) prepared and signed by both a licensed geologist and a licensed geotechnical engineer identifying areas of potential slope instability, defining potential risks of development due to geological and geotechnical factors, and drawing conclusions and making recommendations regarding the proposed development. These reports shall undergo design review by a licensed geotechnical engineer. Such design review shall verify that appropriate geological and geotechnical issues have been considered and that appropriate slope instability mitigation strategies, including drainage plans if required, have been proposed.

**106A.4.1.4.5 Structural Advisory Committee and mandatory denial by Building Official.** After reviewing all submitted information pursuant to Section 106A.4.1.4.4, the Director, in his or her sole discretion, may require that the permit application be subject to review by a Structural Advisory

Committee, as defined by Building Code Section 105A.6. When subject to such Structural Advisory Committee review, no permits shall be issued unless and until the Building Official has consulted with and received a written communication from representatives of the Department of Planning, Department of Public Works and Fire Department, each of whom has made a visit to the site for which the project is proposed, and the Building Official has received a written report from the Structural Advisory Committee concerning the safety and integrity of the proposed design and construction. As part of its review, the Structural Advisory Committee shall consider the effect that construction activity related to the proposed project will have on the safety and stability of the property subject to the Slope Protection Act and properties within the vicinity of such property.

In the event that the Building Official establishes a Structural Advisory Committee, and such Committee determines that there is a reasonable likelihood that the proposed design and construction would result in unsafe conditions or would increase the likelihood of hillside instability, and such unsafe conditions or instability cannot be mitigated to the satisfaction of the Committee, the Building Official shall deny the permit. The Building Official's decision to deny the permit is appealable only to the Board of Appeals.

**106A.4.1.4.6 Regulations to implement the Slope Protection Act.** The Building Official is hereby authorized to adopt rules, regulations, administrative bulletins, or other written guidelines to assist the Department in implementing this Section, including, but not limited to, requirements for applicants to demonstrate that a project site is not subject to the Slope Protection Act.

**106A.4.2 Retention of approved construction documents.** One set of approved construction documents shall be provided to the party obtaining the permit. The owner shall be responsible for keeping these documents on the building site at all times and making them available for inspection and use by the inspector during such construction until final inspection has been made; failure to do so shall result in stoppage of work. The approved construction documents shall not be changed, modified or altered without authorization from the Building Official; all work shall be done in accordance with these documents.

One set of approved construction documents for all building permits shall be retained by the Department in reproducible form as public records.

**106A.4.3 Validity of permit.** The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other applicable laws and regulations. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based on plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this code or other applicable laws and regulations.

**106A.4.4 Permit expiration.** Every permit issued by the Building Official under the provisions of this code, unless an extension of time has been specifically approved by the Building Official, shall expire by limitation and become null and void when the time allowed in Table B is reached, or when any of the following circumstances is applicable:

1. For Building Official-initiated code compliance permits, the work shall start within 30 days from the date of such permit.
2. If the building or work authorized is suspended or abandoned at any time after the work has started, for a period as follows:



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Notice of Electronic Transmittal

### Planning Department Response to the Appeal of the Categorical Exemption for 26 Hodges Alley

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**DATE:** May 15, 2015  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Sarah Jones, Environmental Review Officer – (415) 575-9034  
Christopher Espiritu, Environmental Planner – (415) 575-9022  
**RE:** BOS File No. 150395 [Planning Case No. 2013.0783E]  
Appeal of Categorical Exemption for 26 Hodges Alley  
**HEARING DATE:** May 19, 2015

Pursuant to the San Francisco Administrative Code Chapter 31, the Planning Department has prepared a supplemental response to the Appeal of the Categorical Exemption for 26 Hodges Alley. The Planning Department is transmitting one (1) hard copy of the appeal response. In compliance with San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-Page Documents," the Planning Department has submitted a multi-page response to the Appeal of Categorical Exemption for 26 Hodges Alley [BF 150395] in digital format.

If you have any questions regarding this matter, or require additional hard copies, please contact Christopher Espiritu of the Planning Department at (415) 575-9022 or [Christopher.Espiritu@sfgov.org](mailto:Christopher.Espiritu@sfgov.org).





# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Categorical Exemption Appeal 26 Hodges Alley

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

Reception:  
**415.558.6378**

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Planning  
Information:  
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**DATE:** May 15, 2015  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Sarah B. Jones, Environmental Review Officer – (415) 575-9034  
Christopher Espiritu – (415) 575-9022  
**RE:** Planning Case No. 2013.0783E  
Appeal of Categorical Exemption for 26 Hodges Alley  
**HEARING DATE:** May 19, 2015  
**ATTACHMENT:** Attachment A – May 12, 2015 Supplemental Appeal Letter from Melody Mar  
Attachment B – Slope Protection Act

---

**PROJECT SPONSOR:** Heidi Liebes, Liebes Architects, (415) 812-5142  
**APPELLANT:** Melody Mar, 358 Vallejo Street, San Francisco melomm@aol.com

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### INTRODUCTION

This memorandum and the attached document are a response to a second appeal letter (“Supplemental Appeal Letter”) received by the Board of Supervisors (the “Board”) on May 12, 2015, regarding the Planning Department’s (the “Department”) issuance of a Categorical Exemption under the California Environmental Quality Act (“CEQA Determination”) for the proposed 26 Hodges Alley project (the “Project”).

The Department, pursuant to Title 14 of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300–15387), issued a Categorical Exemption for the Project on September 18, 2014, finding that the Project is exempt from the California Environmental Quality Act (CEQA) as a Class 1 categorical exemption. The Class 1 exemption applies to minor alterations of existing private structures, involving negligible or no expansion of use beyond that existing at the time of determination.

The decision before the Board is whether to uphold the Department’s decision to issue a categorical exemption and deny the appeal, or to overturn the Department’s decision to issue a categorical exemption and return the Project to the Department staff for additional environmental review.

### PROJECT DESCRIPTION

Please refer to the Department’s Original Appeal Response (submitted on May 11, 2015) for a description of existing conditions and the Project.

## **APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES**

The new concerns raised in the May 12, 2015 Supplemental Appeal Letter are cited below and are followed by the Department's responses. The new concerns are identified as Appeal Issues 2 to 3 to continue the numbering of the issues addressed in the Department's Original Appeal Response, which ended with Appeal Issue 1.

**Issue 2:** The Appellant states that the Planning Department should not have accepted the application for a new project until the existing NOV (Notice of Violation) was cleared. In 2012, the NOV on the property indicated that, "In the rear of property, below deck, hazardous rocks and mud sliding off fractured rock slope. Hazard to all on hillside." In 2014, a second NOV was issued on the property at 26 Hodges Alley citing "Vertical bank of shale rock approx 15 ft high at 26 Hodges Alley is approx 18"-24" away from p/l wood framed wall. At 358-60 Vallejo St approx 1 cubic yard of rock has detached from bank and is resting against wood framed p/l wall at 358-60 Vallejo St. Other sections of the bank has loose rock, and may detach in future. SFBC 102A."

**Response 2:** The Planning Department is not responsible for abating violations issued by the Department of Building Inspection (DBI). These issues should be resolved through the building permit review process by DBI. However, in order to correct the NOV on the property, the project sponsor included the abatement of the NOV into the building permit (Building Permit Application No. 2013.03.21.2735) that also includes the proposed addition to the existing building. This permit was reviewed by the Department with issuance of a Categorical Exemption and a Discretionary Review before the Planning Commission. Whether or not the project sponsor submits two separate permits is not a CEQA issue. The Department is charged with analyzing projects as they are proposed by the sponsor. These appellants' concerns do not deal with physical changes to the existing property, as those conditions already exist. Nonetheless, the correction of existing NOV on a property is not a CEQA issue. The Appellant does not state how this would result in an adverse physical change in the environment, and therefore no further response is required. The Categorical Exemption issued for the permit remains valid.

**Issue 3:** The Appellant states that the Categorical Exemption issued by the Planning Department was not appropriate, since there were existing unusual circumstances on the project site. More specifically, the Appellant claims that there are unusual circumstances due to the project being located on a site with a slope greater than 20 percent and within a Landslide Zone. Further, the Appellant states that the project site "sits on the edge of a near vertical unstable slope, 20 feet below on the base, within inches of the base is a downslope neighbor's house," which is an extraordinary, exceptional, and an unusual circumstance.

**Response 3:** The Planning Department does not consider the property being located on a slope greater than 20 percent as an unusual circumstance. The topography of San Francisco is hilly and structures located on slopes greater than 20 percent is common throughout the City. New construction and additions to existing buildings situated on hills are also a common occurrence within the City. The project site is located on Telegraph Hill, one of more than 40 hills that define the City's landscape and is not considered an exceptional or extraordinary circumstance.

As discussed in the CEQA Determination, a geotechnical report was prepared for the proposed project. The purpose of this report is to identify any geotechnical issues, whether related to the potential for landslides, liquefaction, subsidence or groundshaking as a result of seismic activity and to recommend

construction practices and techniques to protect structures and neighboring properties. These recommendations are then taken into account during the Department of Building Inspection's (DBI) permit review process. The geotechnical report found that risks from liquefaction, surface rupture, lateral spreading, densification and landslides to be low at the project site.<sup>1</sup> Also, the project site is not located within a landslide zone. Further, the CEQA Determination included analysis regarding rock-slope stabilization issues that were specific to the project site.

The geotechnical report noted that former quarry operations, which included blasting, resulted in over-steepened and shattered slopes. Aggressive quarrying that was common in the Telegraph Hill area left exposed bedrock in the eastern slope, and there was evidence of recent rockfalls, with debris and rock fragments, that have fallen from the eastern slope at the rear of the property that have accumulated in the rear yard of the adjacent property at 358 Vallejo Street. A supplemental geotechnical report was prepared for the proposed project which identified an alternative method for stabilizing the slope located at the rear of the property, related to abating the Notice of Violation. The implementation of the supplemental geotechnical report's recommendations, which the project sponsor has agreed to implement, would be subject to review and approval by DBI.

With regards to geotechnical considerations, during the permit review process, DBI would review the geotechnical report and supplemental report to ensure that the proposed project would comply with all applicable sections of the San Francisco Building Code. DBI would also require that the geotechnical report include a determination as to whether a lateral movement and settlement survey should be done to monitor any movement or settlement of surrounding buildings and adjacent streets during construction. If a monitoring survey were recommended, DBI would require that a Special Inspector be retained by the project sponsor to perform this monitoring. Further, the final building plans would be reviewed by DBI, which would determine if additional site-specific reports would be required.

Furthermore, the project site is subject to the Slope Protection Act, adopted by the Board of Supervisors (BOS) in 2008. This ordinance created procedures for additional review of slope stability by DBI for properties within certain mapped areas and established a Structural Advisory Committee for review of permit applications within this area. The BOS found that the public health, safety, and welfare would be best protected if the Building Official requires permits for new construction in these areas to undergo additional review for structural integrity and potential effects on slope stability. Adherence to this ordinance has been found to adequately protect the public health, safety, and welfare.

Specifically, projects in these delineated Slope Protection Act areas must undergo additional review for structural integrity and effects on slope stability, submit geotechnical engineering reports signed by both a licensed geologist and geotechnical engineer identifying areas of potential slope instability, define potential risks to the site and nearby properties and make recommendations regarding the proposed development. The Director of Building Inspection may also require that projects in these areas undergo review by a Structural Advisory Committee. If the Structural Advisory Committee determines that there is a reasonable likelihood that the project's design or construction would result in unsafe conditions or

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<sup>1</sup> Gilpin Geosciences, Inc. – Earthquake & Engineering Geology, *Engineering Geologic and Geotechnical Investigation, Residential Improvements, 26 Hodges Alley, San Francisco, California, May 28, 2013 and Supplemental Engineering Geologic and Geotechnical Investigation, August 14, 2014*. A copy of this document is available for public review at the San Francisco Planning Department as part of Case File No. 2013.0783E.

would increase the likelihood of hillside instability, and such unsafe conditions cannot be addressed to the satisfaction of the Structural Advisory Committee, the Building Official must deny the building permit.

Therefore, in compliance with the Building Code and Slope Protection Act, enforced as part of DBI's existing regulatory program, there would be no reasonable possibility that the project's design or construction would result in significant effects regarding slope instability and the Department's issuance of a Class 1 exemption is appropriate.

## **CONCLUSION**

The Department has found that the Project is consistent with the cited exemption. The Appellant has not presented substantial evidence to the Department that would support the conclusion that (1) there are unusual circumstances that justify removing the project from the exempt class, and (2) there is a reasonable possibility of significant environmental impacts due to those unusual circumstances.

For the reasons stated above and in the Department's Original Appeal Response, the CEQA Determination complies with the requirements of CEQA and the Project is appropriately exempt from environmental review. The Department therefore recommends that the Board uphold the CEQA Categorical Exemption Determination and deny the appeal.

RECEIVED  
BOARD OF SUPERVISORS  
SANTA CRUZ

1

May 12, 2015

2015 MAY 12 PM 5:00

*BJ*

To: Honorable London Breed, President  
San Francisco Board of Supervisors  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94103

RECEIVED AFTER THE ELEVEN-DAY  
DEADLINE, BY NOON, PURSUANT TO ADMIN.  
CODE, SECTION 31.18(b)(5)  
(Note: Pursuant to California Government Code, Section  
66009(b)(2), information received at, or prior to, the public  
hearing will be included as part of the official file.)

From: Melody Mar  
358 Vallejo Street  
San Francisco, CA 94133

*Melomm@aol.com*

Re: Appeal of Determination of Exemption from Environmental Review  
26 Hodges Alley  
Hearing Date: May 19, 2015

Dear President Breed and Members of the Board of Supervisors,

On behalf of my family, I am writing to appeal the above referenced Certificate of Determination of Exemption from Environmental Review, a copy of which is attached as Exhibit 1. Exemption from the protections of the California Environmental Quality Act (CEQA) cannot be allowed for this project because there exists substantial unusual circumstances which would suggest a reasonable possibility of a significant effect on the environment.

### Project Description

26 Hodges Alley is on Hodges Alley, which runs north and south parallel to Montgomery and Sansome Streets and perpendicular to Vallejo Street, in the Telegraph Hill neighborhood. The project is to construct a third floor vertical addition to the existing two-story, single family residence and a horizontal side addition to the northern property line at the first and second floors in the required rear yard. 26 Hodges has no front, side, or rear setbacks. 26 Hodges Alley is on a small lot, measuring 17' x 63'. The site contains an existing two-story 2,263 square-foot single family residence. The proposed project adds an approximately 460 square foot bedroom suite and expands the roof deck by adding an additional approximately 131 square feet of new roof deck space. Attached site photo, Exhibit 2

### Unique Site Background

In the rear of the house, 26 Hodges Alley sits on the edge of a near vertical slope, which varies from 15 to 20 feet. Adjacent to 26 Hodges and directly downhill at the base of the slope, within inches of the slope, sits my family's house on 358 Vallejo Street. Attached is Exhibit 3,

an artist drawing of 26 Hodges and 358 Vallejo Street. Several years ago, my family voluntarily seismically upgraded our house in the front. We also plan to seismically upgrade the house in the rear. We were advised that the slope in which 26 Hodges sits on and adjacent to our house be investigated for slope stability, especially in light of the 2007 catastrophic landslide just one block up on Vallejo Street and Broadway Street. In 2012, geotechnical engineer Harold Lewis advised we work with the three neighbors on the cliff for stabilization work.

The plan was that all four neighbors would work together to stabilize the cliff. During this process, the owner of 26 Hodges Alley sold the house. The DeWildes purchased the house in the fall of 2012. The realtor disclosed the 2012 Notice of Violation, which indicated, "In the rear of property, below deck, hazardous rocks and mud sliding off fractured rock slope. Hazard to all on hillside." Attached is a copy of the 2012 Notice of Violation, Exhibit 4. This building and all the adjoining buildings to 26 Hodges have Notices of Violations because the cliff and soil under the project site is unstable, including the site of the variance for the project. The four neighbors have not agreed on a repair or stabilization plan to date and it cannot be accomplished without access and cooperation and a method among the four neighbors. In fact, the Planning Department should not have accepted the application for a new project until the NOV was cleared.

### Recent Developments

On December 12, 2014, just five months ago, a rock slide/landslide crashed onto the wall of my house. Attached are the two Notices of Violations issued, Exhibit 5 and Exhibit 5. One NOV states, "Rock slide from the back of 26 Hodges hit neighbor's home at 358 Vallejo." Second NOV indicates the amount of rock stacked up against the wall of my house, and that the bank has loose rock, which may detach in the future.

Following the rockslide/landslide, my family asked John Wallace, an engineering geologist with Cotton Shires & Associates to come to the site to evaluate the situation. He and his firm investigated and designed the repair plans for the last two recent catastrophic landslides on Telegraph Hill, one in 2007, one block up from my house, and one in 2012, several blocks from my house.

Mr. Wallace's report, "Geologic and Geotechnical Summary of Site Conditions and Review of Gilpin Geosciences, Inc. Report" is attached, exhibit 6. Mr. Wallace writes, "we observed rockslide debris stacked approximately 8 feet high against the northwestern portion of the 358 Vallejo Street structure. Our observations of the interior of this portion of the structure revealed that the wall appeared to be deflected in response to the rockslide debris load. We recommended to Ms. Mar that no one should occupy this portion of the structure,...." Mr. Wallace further writes, "We are of the opinion that the existing conditions along the precipitous rockslope, including 26 and 30 Hodges Alley, 362 Vallejo Street, and the lower portion of 358 Vallejo Street, represent a continuing rockslide/rockfall hazard with a high risk to the northwest

portion of the 358 Vallejo Street residential structure...". "It is our opinion that the site conditions represent a hazardous, emergency condition, and mitigation of this slope should be performed as soon as possible. The slope plans, when completed, should be part of a stand-alone permit application, and not be associated with a permit application for residential improvements upslope." Based on his recommendation, we hired a structural engineer to inspect the structure. Structural engineer Joshua B. Kardon's report on the rock fall is also attached, Exhibit 7. Mr. Kardon writes, "Based on our observations, we also believe there is a high risk of additional collapse of the escarpment, which could cause further physical damage to Ms. Mar's property, and could injure or kill occupants of buildings on either side of the property line."

From these engineers' reports, it is clear rock slope stabilization is required by all four neighbors as we are all on the same cliff.

### **Procedural Background**

The Planning Commission took Discretionary Review of this project on March 18, 2015 and required modifications. At the hearing, Commissioner Antonini expressed concern that the Planning Department did not require that the 2012 Notice of Violation be cleared prior to accepting this new project. At the hearing, Commissioner Richards held up for everyone to see the drawing my family had an artist draw of 26 Hodges and 358 Vallejo Street, Exhibit 3. He recommended they take Discretionary Review of this project as there were extraordinary and exceptional circumstances in both the front (narrow alley) and the rear (one house on the edge of the near vertical cliff and the other house is on the base of the cliff within inches of the cliff). Attached Exhibit 8, Discretionary Review Action Letter.

### **CEQA Categorical Exemption is Rebuttable**

The issue here is whether it was appropriate for the Planning Department under CEQA to issue a categorical exemption when there existed an unusual circumstances exception. Two months ago on March 2015, the California Supreme Court, in Berkeley Hillside Preservation v. City of Berkeley, established a two-part test in determining whether the unusual circumstances exception to a categorical exemption will apply. The first question is whether there are unusual circumstances present in this case? The second question is whether there is a reasonable possibility the project would have a significant effect on the environment.

One, are there substantial unusual circumstances in this case?

- Project is located on greater than 20% slope

- Project is located on a Landslide Zone. The Planning Department erred in stating that the project is not in a Landslide Zone. Did the Planning Department check the State of California Seismic Hazards map?
- In the rear, 26 Hodges sits on the edge of a near vertical unstable slope, and 20 feet below on the base, within inches of the base is a downslope neighbor's house. This is an extraordinary, exceptional, and an unusual circumstance, see Exhibit 3, artist drawing. Landslide geologists Betsy Mathieson and other geologists have never seen this site circumstance before, as structures usually have greater setbacks. This is not common for the vicinity. Even on our 44 hills, there are setbacks.
- 2012 and 2014 Notices of Violations for unstable slope. Exhibits 4 and 5.
- All four neighbors adjoining 26 Hodges are on and/or adjacent to the unstable cliff, and the entire cliff is unstable. On the attached 26 Hodges map, it indicates, "Dilated zone with open fractures, friable rock (high potential for topple), Closely fractured zone with open fractures, friable rock, Recent wedge failure, closely fractured and deeply weathered zone with roots." See attached map from 26 Hodges geologic/geotechnical report, plan #1, map in the back, Geologic Cross Section, B-B, Figure 5, Exhibit 9 2 pages. Attached 26 Hodges geologic/geotechnical report, plan #1, Exhibit 10
- In 2007, up one block, a major catastrophic landslide on Vallejo and Broadway Streets. In 2012, several block away, a major catastrophic landslide, Montgomery and Lombard Streets.
- Just recently, December 12, 2014, a rockslide/landslide from the project site, 26 Hodges. Attached NOV, Exhibit 5.

The second question is whether there is information that there is a reasonable possibility that the unusual circumstances will produce a significant effect on the environment? Yes, all four neighbors share this cliff, and the entire cliff is unstable. If one neighbor builds on this cliff, a fair argument can be made that there is a reasonable possibility that all the unusual circumstances stated above will produce a significant effect on the environment. It is not only these four neighbors, but other downslope neighbors could be affected. See again attached exhibit 9 2 pages, for condition of the entire cliff, map is from 26 Hodges geological/geotechnical plan #1, map in the back, Geologic Cross Section, B-B, Figure 5. See also again, attached exhibit 6, John Wallace, Cotton Shires and Associates, Geologic and Geotechnical Summary of Site Conditions and Review of Gilpin Geosciences, Inc. Report, and exhibit 7 of structural engineer Joshua Kardon's rock fall report.

The project requires earth movement work, excavation, and installation of moment frames/structural work approximately 8(+/-) feet from the unstable slope. See attached Exhibit 11. This would require the cooperation of all four neighbors to stabilize the cliff.

CEQA requires further environmental review if others are affected by the project. With environmental review, all neighbors can review and provide input. At this time, it is unknown



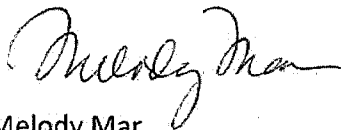
what the plan is for the neighbors. According to Mr. Wallace, we would need to see a detailed plan, not just concepts.

### **Conclusion**

Even small projects are not exempt from review if there are unusual circumstances. The Legislature specifically provided exceptions to categorical exemptions for precisely this case. If this were not the case, small projects could be built on landslide zones, earthquake faults, etc. without environmental review, and that is not in the public's interest.

I respectfully request that the San Francisco Board of Supervisors require that this project undergo environmental review as required by CEQA.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Melody Mar". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Melody Mar

President London Breed  
San Francisco Board of Supervisors  
May 12, 2015  
Page 6

### EXHIBIT LIST

1. Appeal letter, Certificate of Determination of Exemption from Environmental Review
2. Site Photo
3. Artist drawing of 26 Hodges & 358 Vallejo St.
4. 2012 Notice of Violation - 2 pages
5. 2014 Notice of Violation - 2 pages
6. Cotton Shires & Associates, John Wallace  
Geologic & Geotechnical Report
7. Joshua B. Kardon, Structural Engineer Report
8. Discretionary Review Action Letter, March 12, 2015
9. 26 Hodges Map - Condition of Entire Cliff - 2 pages  
Geologic Cross Section, B-B, Figure 5
10. 26 Hodges Geologic / Geotechnical Report, Plan #1
11. 26 Hodges Plan - Location of Moment Frames  
Installation - 8' (+/-) from slope

EXHIBIT

1

April 10, 2015

To: Clerk of the Board of Supervisors  
Ms. Angela Calvillo  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

From: Melody Mar  
358 Vallejo Street  
San Francisco, CA 94133

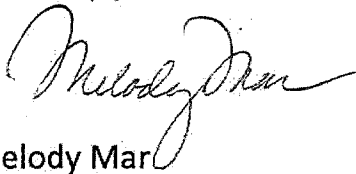
Re: Appeal of Exemption from Environmental Review  
26 Hodges Alley

Dear Board of Supervisors,

I am appealing the San Francisco Planning Department's determination that the project at 26 Hodges Alley is exempt from CEQA review. Under CEQA State Guidelines Section 15300.2, 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 unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project will have significant environmental effects, and therefore would not be exempt from environmental review. This will be explained further at the appeal hearing and in further materials.

I respectfully request that the San Francisco Board of Supervisors require that this project undergo environmental review as required by CEQA.

Sincerely yours,



Melody Mar

Melommm@aol.com

Date: April 10, 2015



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Exemption from Environmental Review

Case No.: 2013.0783E  
 Project Title: 26 Hodges Alley  
 Zoning: RH-3 (Residential – House, Three Family) Zoning District  
 40-X Height and Bulk District  
 Block/Lot: 0134/012  
 Lot Size: 1,067 square feet  
 Project Sponsor: Heidi Liebes – Liebes Architects  
 (415) 812-5124  
 Staff Contact: Christopher Espiritu – (415) 575-9022  
 Christopher.Espiritu@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 include the interior remodel of an existing two-story residence and the vertical addition for a new third floor to add an approximately 460-square-foot (sq ft) bedroom suite. The proposed project would also include the expansion of an existing roof deck by adding approximately 131 square feet of new roof deck space, accessed from the new third floor bedroom. The proposed third-floor addition would add approximately 11'-1" to the existing 19'-10" structure, for a total building height of 30'-11". Other project details include the installation of new interior stairs, enlarging the existing kitchen, and enclosing an existing exterior staircase for access to the expanded roof deck. The project site is located on the block bounded by Green Street to the north, Vallejo Street to the south, Sansome Street to the east, and Hodges Alley to the west, within the North Beach neighborhood.

### EXEMPT STATUS:

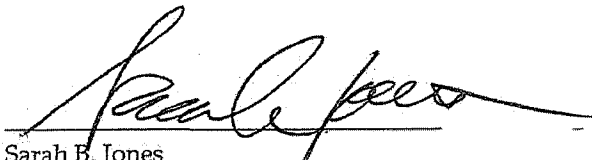
Categorical Exemption, Class 1 [California Environmental Quality Act (CEQA) Guidelines Section 15301].

### REMARKS:

See next page.

### DETERMINATION:

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

  
 Sarah B. Jones  
 Environmental Review Officer

September 18, 2014  
 Date

cc: Heidi Liebes, Project Sponsor  
 Kate Conner, Current Planner

Jonathan Lammers, Preservation Planner  
 Historic Preservation Distribution List

Supervisor Chiu, District 3 (via Clerk of the Board)  
 Virna Byrd, M.D.F.

**PROJECT DESCRIPTION (continued):**

The proposed project is located on a site that has a slope of approximately 20 percent sloping downward (to the east) towards the rear of project site. The proposed project would involve excavation associated with foundation-strengthening related to the proposed additions and provide slope-stabilization support to adjacent buildings. The existing one-vehicle garage at-grade would remain and the existing 10-foot-wide curb cut, located on the Hodges Alley frontage, would also remain.

**Project Approvals**

The proposed project would require the following approvals:

- Variance (Zoning Administrator) – The proposed project would require a Variance from the Planning Code for a rear yard modification pursuant to Planning Code Section 134. This variance would be granted by the Planning Department's Zoning Administrator.
- Site Permit (Department of Building Inspection [DBI]) – The proposed project would require the approval of a Site Permit by DBI.

**Approval Action:** While the proposed project would require the approval of a Variance by the Zoning Administrator, the Approval Action for the project would be through the issuance of a Site Permit by DBI. If discretionary review before the Planning Commission is requested, the discretionary review hearing is the Approval Action for the project. If no discretionary review is requested, the issuance of a Site Permit by DBI is the Approval Action. 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 Architectural Resources.** The Planning Department's Historic Preservation staff evaluated the property to determine whether the existing structure on the project site is a historical resource as defined by CEQA. According to the Historic Resource Evaluation Response (HRER)<sup>1</sup> prepared for the project, and information found in the Planning Department archives, the property at 26 Hodges Alley contains a two-story, wood-frame, single-family residence constructed in 1907. Originally addressed as 6 Hodges Alley, the residence is vernacular in style, clad with unpainted horizontal rustic wood channel siding, and capped by a flat roof. The primary façade faces west onto Hodges Alley and features a metal-frame panel garage door to the south and a metal panel pedestrian entry to the north.

The property is not located within the boundaries of any listed historic districts. However, the property is located within proximity (¼-mile) of the Telegraph Hill, Northeast Waterfront, and Jackson Square

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<sup>1</sup> Jonathan Lammers – Preservation Planner, *Historic Resource Evaluation Response (HRER), 26 Hodges Alley*, November 15, 2013. This report is available for review as part of Case No. 2013.0783E.

Historic Districts. Therefore, the property was evaluated for individual eligibility for inclusion, as well as inclusion as contributor to a historic district, to the California Register.

The California Register criteria for eligible individual resources and historic districts provide specific measures on evaluating individual properties for inclusion into the California Register. Criterion 1 (Events) determines whether a property is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States. Criterion 2 (Persons) examines whether a property is associated with the lives of persons important to the local, regional or national past. Criterion 3 (Architecture) analyzes whether a property embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values. Criterion 4 (Information Potential) determines whether a property yields, or may be likely to yield, information important in prehistory or history. The property at 26 Hodges Alley was evaluated for inclusion into the California Register and is further discussed below.

*Criterion 1 (Events).* According to the HRER, the building stock along the southeastern slopes of Telegraph Hill represents a cohesive development pattern associated with rebuilding efforts following the 1906 Earthquake. The reconstruction of San Francisco was unprecedented in its scope and pace, and remains one of the most significant events in the city's history. Nearly all buildings in the immediate vicinity were residential or mixed-use properties constructed during a punctuated burst of activity between 1906 and 1913, and they convey clear and significant association with the reconstruction effort. While the property at 26 Hodges Alley does not appear to be an individually eligible for historic listing under this Criterion, it is part of a larger grouping of properties which collectively constitute a potential historic district. Therefore, Preservation Staff determined that 26 Hodges Alley Street is significant under California Register Criterion 1 (Events) for its association with post-1906 Earthquake reconstruction.

*Criterion 2 (Persons).* According to the HRER, Preservation Staff determined that as a group, the owners and residents of 26 Hodges Alley illustrate the strong working-class Italian demographics that were representative of the North Beach and Telegraph Hill area during the early 20th century. However, none of the persons appear to be important to local, state or national history such that the subject property would be eligible for historic listing under this Criterion. Therefore, Preservation Staff concluded that 26 Hodges Alley is not eligible for listing in the California Register under Criterion 2 (Persons).

*Criterion 3 (Architecture).* The HRER found that the building was designed by local architect, Fedele Costa, per the original 1907 building permit record. Fedele Costa was born in 1863 in Bioglio, Italy and immigrated to the United States in 1906. The son of a successful builder, he arrived in San Francisco in 1906 and was known to have served as the architect for St. Joseph's Catholic Church in Auburn, California (1911) and the Holy Rosary Roman Catholic Church in Woodland, California (1912). The existing building at 26 Hodges Alley does not appear to be a distinctive example of a type, period, region or method of construction such that it would be individually eligible for the California Register under this Criterion. Also, the property also does not appear to be a prominent work of architect, Fedele Costa.

However, the building does appear to be part of a concentration of residential buildings significant for their association with post-1906 Earthquake reconstruction and eligible for the California Register as a historic district. Nearly all of the buildings in the immediate vicinity were constructed between 1906 and 1913, and most evidence a shared design vocabulary based on Classical Revival influences. Character-defining architectural features of this district include wood frame construction and wood cladding, and the use of design elements such as pilasters, entablatures, dentil moldings and prominent cornices.

Therefore, Preservation Staff determined that 26 Hodges Alley, while not individually significant under this Criterion, could be significant as part of a concentration of properties that convey clear association with post-1906 Earthquake reconstruction and appear to constitute a potential historic district eligible for listing in the California Register under Criterion 3 (Architecture).

*Criterion 4 (Information Potential).* Finally, based upon a review of information in the Departments records, the subject property is not significant under Criterion 4 (Information Potential), which is typically associated with archaeological resources. Furthermore, the subject property is not likely significant under Criterion 4, since this significance criteria typically applies to rare construction types when involving the built environment. The subject property is not an example of a rare construction type and would therefore not be eligible for listing in the California Register under Criteria 4.

In order to be considered a resource for the purposes of CEQA, a property must not only be shown to have significance under the California Register of Historical Resources criteria (Criterion 1-4), but also must have historic integrity.<sup>2</sup> Historic integrity enables a property to illustrate significant aspects of its past. According to the HRER, 26 Hodges Alley retains integrity of location, setting and association as it remains a residential property, has never been moved, and is largely surrounded by the same properties as it was historically. However, the building does not appear to retain integrity of design, workmanship, or materials. The property has experienced several alterations between 1934 and 1969, which included raising the building to insert a garage, window replacement, and the installation of a roof deck. Other alterations which are undocumented or poorly documented include the large rear addition constructed between 1913 and 1938 and the construction of the second-story overhang at the primary façade. The primary entry, garage and fenestration pattern and materials are all contemporary in nature, while the articulation of the primary façade has been altered. Collectively, these changes have significantly changed the character of the building such that it is no longer able to effectively convey its 1907 construction. Therefore, Preservation Staff determined that the property at 26 Hodges Alley does not retain historic integrity.

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<sup>2</sup> Integrity is defined as "the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance."



As discussed, the property was shown to have significance under Criterion 1 (Events) and Criterion 3 (Architecture) for inclusion to the California Register as part of a historic district. However, the property did not retain its historic integrity and lacks integrity from its period of significance (1906-1915). Preservation Staff concluded that the property at 26 Hodges Alley is a non-contributor to an eligible Historic District. For the above reasons, the proposed project would not materially impair the characteristics of the existing historic resource, thus the proposed project would not result in significant impacts related to historic resources.

**Geotechnical.** According to Planning Department records, the project site is not located within a Landslide Hazard Zone or Liquefaction Hazard Zone; however, the property is located on a site with a slope of 20 percent. A Geotechnical Investigation was conducted for the property and is summarized below.<sup>3</sup>

The Geotechnical Investigation notes that the site slopes downward toward the rear of the property to the east and the rear of the property sits at the top of a near vertical 15- to 20-foot-tall slope that was excavated into the hillside for the development of a downslope residence located at 358 Vallejo Street. The project site is documented to be located in an area that is underlain by Franciscan Complex comprised of sedimentary rocks composed of sandstone, shale, and greywacke sandstone. Also, the site lies immediately southwest of former rock quarry operations that were present on the eastern slopes of Telegraph Hill until the turn of the 20<sup>th</sup> Century.

The Geotechnical Investigation provides specific recommendations and requirements concerning site preparation and foundations, retaining walls, and rock-slope support. These are further discussed below.

**Foundations.** The Geotechnical Investigation noted that the proposed improvements including the addition of a new third floor bedroom would be adequately supported by drilled pier foundations. Drilled piers should be at least 18-inches in diameter and drilled at least five feet into the underlying bedrock beneath the existing building.

**Rock-Slope Stabilization.** The Geotechnical Investigation noted that due to former quarry operations, which included blasting has resulted in over-steepened and shattered slopes. Aggressive quarrying that was common in the Telegraph Hill area left exposed bedrock in the eastern slope, and the Geotechnical Investigation found evidence of recent rockfalls, with debris and rock fragments, that have fallen from the eastern slope at the rear of the property and have accumulated in the rear yard of the adjacent property at 358 Vallejo Street.

A Supplemental Geotechnical Analysis was performed and revised recommendations for rock-slope stabilization were recommended. Due to the unique features of the eastern slope at the rear of the site, the previous recommendation to construct a concrete wall to stabilize the slope was deemed infeasible. The Supplemental Geotechnical Investigation therefore recommended that the best solution for reducing

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<sup>3</sup> Gilpin Geosciences, Inc. – Earthquake & Engineering Geology, *Engineering Geologic and Geotechnical Investigation, Residential Improvements, 26 Hodges Alley, San Francisco, California, May 28, 2013*. This report is available for review as part of Case No. 2013.0783E.

rockfall hazards at the project site would be to include the installation of a steel wire mesh net that would contain loose rock from impacting the residence at 358 Vallejo Street, and the installation of concrete encased steel rock bolts that would reinforce the rock slope. The netting would be supported by vertical rock bolts drilled into the slope at the top and bottom.

The Supplemental Geotechnical Investigation<sup>4</sup> identified this strategy as the most feasible since the process will essentially stitch the rock together to prevent pieces of rock from becoming dislodged. Finally, a closely spaced steel mesh net will be attached to the slope to contain pieces of rock that may become dislodged in the future. The selected approach stabilizes loose rock by scaling the rock face and applying mesh. Stability of the existing rock slope is increased by pinning potential wedge-type rock failures with the vertical rock bolts.

The Supplemental Geotechnical Investigation ultimately concluded that the project site is suitable to support the proposed project, provided that its recommendations are incorporated into the design and construction of the proposed project. The project sponsor has agreed to implement these recommendations, subject to Building Code requirements and implementation would not result in foreseeable significant impacts.

The San Francisco Building Code ensures the safety of all new construction in the City. Decisions about appropriate foundation and structural design are considered as part of the DBI permit review process. Prior to issuing a building permit for the proposed project, the DBI would review the geotechnical report to ensure that the security and stability of adjoining properties and the subject property is maintained during and following project construction. Therefore, potential damage to structures from geologic hazards on the project site would be addressed through compliance with the San Francisco Building Code.

#### EXEMPT STATUS:

CEQA State Guidelines Section 15301(e)(1), or Class 1, provides an exemption for minor alteration of existing private structures, involving negligible or no expansion of use beyond that existing at the time of determination. Additionally, Class 1 exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed project would include the addition of approximately 460 square feet for a new third-floor bedroom suite and the interior remodel of the existing two-story residence. Therefore, the proposed demolition meets the criteria for exemption from environmental review under Class 1.

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<sup>4</sup> Gilpin Geosciences, Inc. – Earthquake & Engineering Geology, *Supplemental Engineering Geologic and Geotechnical Investigation, Residential Improvements, 26 Hodges Alley, San Francisco, California, August 14, 2014*. This report is available for review as part of Case No. 2013.0783E.

**CONCLUSION:**

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 have no significant environmental effects. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.

EXHIBIT

2



Montgomery St

Valjejo St

Sansome St

Sansome St

30 Hodges →  
26 Hodges →

3602 Valjejo →  
358 Valjejo →

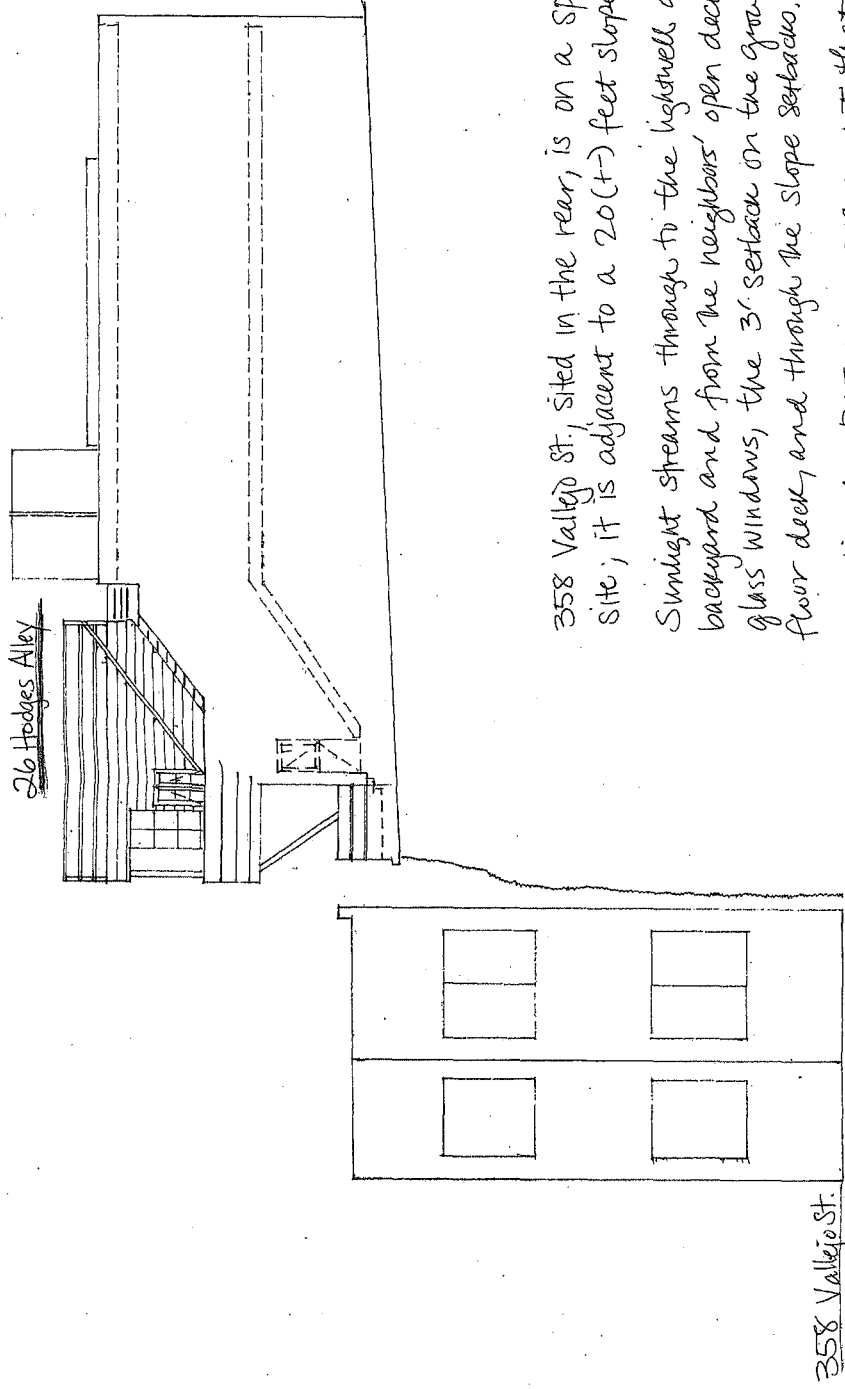
Hodges Alley

Phasooct

Bartlett St

EXHIBIT

3



358 Vallejo St., sited in the rear, is on a special site; it is adjacent to a 20(+/-) feet slope.

Sunlight streams through to the lightwell and backyard and from the neighbors' open deck rails, glass windows, the 3' setback on the ground floor deck, and through the slope setbacks.

Requesting the RDT make a comment that the slope stabilization work not reduce the downhill neighbors existing air, light, privacy.

EXHIBIT

4





# NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

**DEPARTMENT OF BUILDING INSPECTION**  
City and County of San Francisco  
1660 Mission St. San Francisco, CA 94103

NOTICE: 1

NUMBER: 201296253

DATE: 01-MAR-12

ADDRESS: 26 HODGES AL  
OCCUPANCY/USE: 0

BLOCK: 0134 LOT: 012

If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER/AGENT: ANN W SKJEI TRUST  
MAILING ANN W SKJEI TRUST  
ADDRESS KARGEN SKJEI  
2735 NW ARTHUR AVE  
CORVALLIS OR 97330

PHONE #: --

PERSON CONTACTED @ SITE: ANN W SKJEI TRUST

PHONE #: --

## VIOLATION DESCRIPTION:

	CODE/SECTION#
<input type="checkbox"/> WORK WITHOUT PERMIT	106.1.1
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106.4.4
<input checked="" type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102.1

A complaint has been filed with the department regarding a potentially unsafe condition at above location. Steep slope at Eastern property line exhibits evidence of Spalling and poses a hazard to neighboring properties. SFBC 102A.

## CORRECTIVE ACTION:

- STOP ALL WORK SFBC 104.2.4 415-558-6120
- FILE BUILDING PERMIT WITHIN DAYS  (WITH PLANS) A copy of This Notice Must Accompany the Permit Application
- OBTAIN PERMIT WITHIN DAYS AND COMPLETE ALL WORK WITHIN DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
- CORRECT VIOLATIONS WITHIN DAYS.  NO PERMIT REQUIRED
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

● FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

Obtain evaluation of slope from licensed design professional (suggest Geotechnical Engineer) within 28 days of receipt of this notice and provide copy to inspector named below. Failure to do so will result in further action by this department.

### INVESTIGATION FEE OR OTHER FEE WILL APPLY

- 9x FEE (WORK W/O PERMIT AFTER 9/1/60)  2x FEE (WORK EXCEEDING SCOPE OF PERMIT)
- OTHER:  REINSPECTION FEE \$  NO PENALTY (WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Donal J Duffy

PHONE # 415-558-6120

DIVISION: CES

DISTRICT :

By:(Inspectors's Signature) \_\_\_\_\_



EXHIBIT

5

**Permits, Complaints and Boiler PTO Inquiry**

/w EPDw UKLTE3f
EBE5C146 /w EWA gK7hu3vt

**COMPLAINT DATA SHEET**

**Complaint Number:** 201412371

**Owner/Agent:** OWNER DATA SUPPRESSED **Date Filed:** 12/12/2014

**Owner's Phone:** -- **Location:** 26 HODGES AL

**Contact Name:** -- **Block:** 0134

**Contact Phone:** -- **Lot:** 012

**Complainant:** COMPLAINANT DATA SUPPRESSED **Site:**

**Rating:**

**Occupancy Code:**

**Received By:** Maria Asuncion

**Complainant's Phone:** -- **Division:** PID

**Complaint Source:** TELEPHONE

**Assigned to Division:** BID

**Description:** Rock slide from the back of 26 Hodges hit neighbor's home at 358 Vallejo.

**Instructions:**

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	POWER	6270		15

**REFERRAL INFORMATION**

**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
12/12/14	CASE OPENED	BID	Power	CASE RECEIVED	

**COMPLAINT ACTION BY DIVISION**

NOV (HIS):

NOV (BID):

# Permits, Complaints and Boiler PTO Inquiry

/w EPDw UKLTE3I  
 EBE5C146 /w EWA gKqocce/L

## COMPLAINT DATA SHEET

**Complaint Number:** 201413221

**Owner/Agent:** OWNER DATA SUPPRESSED  
**Date Filed:** 12/12/2014

**Owner's Phone:** --  
**Location:** 26 HODGES AL

**Contact Name:** --  
**Block:** 0134

**Contact Phone:** --  
**Lot:** 012

**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Site:**

**Rating:**  
**Occupancy Code:**

**Received By:** JingJing Lu  
**Division:** BID

**Complainant's Phone:**  
**Complaint Source:** TELEPHONE  
**Assigned to Division:** BID

**Description:** Vertical bank of shale rock approx 15 ft high at 26 Hodges Alley is approx 18"-24" away from p/l wood framed wall. At 358-60 Vallejo St approx 1 cubic yard of rock has detached from bank and is restine against wood framed p/l wall at 358-60 Vallejo St. Other sections of the bank has loose rock, and may detach in future. SFBC 102A

**Instructions:**

### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT PRIORITY
BID	POWER	6270	15

### REFERRAL INFORMATION

### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIVINSPECTOR	STATUS	COMMENT
12/12/14	OTHER BLDG/HOUSING VIOLATION	BID Power	FIRST NOV SENT	1st NOV sent by RP

EXHIBIT

6



February 17, 2015  
G5084

Ms. Melody Mar  
358 Vallejo Street  
San Francisco, California

Mr. Steven G. Wood  
ROPER, MAJESKY, KOHN & BENTLEY  
1001 Marshall Street, Suite 500  
Redwood City, CA 94063-2052

**SUBJECT: Geologic and Geotechnical Summary of Site Conditions and Review of  
Gilpin Geosciences, Inc. Report**

**RE: Proposed Slope Stabilization of Near-Vertical Rock Slope  
Hodges Alley and Vallejo Street  
San Francisco, California**

Dear Ms. Mar and Mr. Wood:

Cotton, Shires and Associates, Inc. (CSA) is providing you with this brief summary of our review of the recently submitted Gilpin Geosciences, Inc. letter, dated January 30, 2015, along with a summary of our recent site reconnaissance, performed on February 9, 2015 at 358 Vallejo Street. The following document was reviewed:

- *Revised, Rock Slope Mitigation, Residential Improvements, 26 Hodges Alley, prepared by Gilpin Geosciences, Inc., dated January 30, 2015.*

## DISCUSSION

We understand that the property owners at 26 and 30 Hodges Alley are proposing slope stabilization measures along the near-vertical slope near the western boundary of 358 Vallejo Street. We also understand that the property owner at 26 Hodges Alley is proposing residential improvements to the existing structure. The rock slope between 358 Vallejo Street and 26 Hodges Alley is near-vertical, varies from approximately 15 to 20 feet in height, and is within 1 foot of the 358 Vallejo Street residential structure at the base of the slope. The majority of the slope at 30 Hodges Alley is precipitous, varies from 4 feet to 15 feet in height, and is adjacent to the rear yard area of 358 Vallejo Street. A third property, 362 Vallejo Street, contains a near-vertical slope to the immediate south of the 26 Hodges Alley slope; however, we are unaware of any proposed stabilization measures for this slope.

### PREVIOUS SITE RECONNAISSANCE

Mr. Wallace has performed several site inspections over the past approximately 6 months, including a December 2014 inspection to observe a rockslide that failed primarily from the precipitous slope at 26 Hodges Alley. The rockslide occurred during heavy rainfall in and around December 11/12, 2014, and impacted the northern portion of the residential structure at 358 Vallejo Street. During our inspection shortly following this rockslide event, we observed rockslide debris stacked approximately 8 feet high against the northwestern portion of the 358 Vallejo Street structure. Our observations of the interior of this portion of the structure revealed that the wall appeared to be deflected inward in response to the rockslide debris load. We recommended to Ms. Mar that no one should occupy this portion of the structure, or the second story of this portion of the structure, until the rocks are cleared, a structural engineer inspects the structure, and the slope above the residence is stabilized.

### RECENT SITE RECONNAISSANCE

A recent site reconnaissance was performed on February 9, 2015 by John Wallace of CSA, in conjunction with Mr. Joe Duffy and Mr. Donal Duffy of the San Francisco Department of Building Inspection. During the site reconnaissance, we observed a relatively small rockslide that was not observed on previous site visits. This rock slope failure originated from the 30 Hodges Alley slope, and deposited rock debris and an old concrete deck footing in the rear yard area of 358 Vallejo Street. We suspect this event occurred during the recent heavy rainfall of February 6-8, 2015. No significant changes were observed along the precipitous rockslope of 26 Hodges Alley, or 362 Vallejo Street. The December 2014 rockslide debris was still in place against the 358 Vallejo Street structure.

### SUMMARY OF OPINIONS REGARDING SITE CONDITIONS

We are of the opinion that the existing conditions along the precipitous rockslope, including 26 and 30 Hodges Alley, 362 Vallejo Street, and the lower portion of 358 Vallejo Street, represent a continuing rockslide/rockfall hazard with a **high risk** to the northwest portion of the 358 Vallejo Street residential structure and any occupants therein. It is our opinion that the northwestern portion of the structure be cordoned off so that no human occupancy be allowed, and only geotechnical and structural engineering experts, and qualified engineering contractors with rockslope experience be allowed to access the site for characterization and mitigation purposes. It is our opinion that the site conditions represent a hazardous, emergency condition, and mitigation of this slope should be performed as soon as possible. The slope mitigation plans, when completed, should be part of a stand-alone permit application, and not be associated with a permit application for residential improvements upslope. It is our opinion that mitigation of the rockslope hazards would be



most effective if all four neighboring property owners (mentioned above) agree to facilitate access to this area so that investigation and mitigation can be performed as soon as possible.

### **REVIEW OF PROPOSED STABILIZATION CONCEPT**

Our review of the rock slope mitigation concept for the eastern slope of 26 Hodges Alley, as outlined in the revised Gilpin Geosciences, Inc. letter of January 30, 2015 reveals that the proposed concept will include the following items:

1. **Scaling** - Scaling of loose and weathered rock from the rock face;
2. **Concrete Removal** - Demolish and remove the existing thick concrete stem wall from the top of the slope;
3. **Shotcrete** – The upper approximately 7 vertical feet of the slope will be covered with reinforced shotcrete. The shotcrete will include 12-inch dowels drilled into the rock face to help secure the shotcrete to the rock face;
4. **Vertical Dowels** – A line of vertical dowels will be installed along the top of the slope, drilled the full height of the slope and to a depth of at least 3 feet below the base of the slope. The line of dowels will be set back a minimum of 3 feet from the top of the slope.
5. **Wire Mesh** – Wire mesh slope netting will be draped over the slope, and attached to the vertical anchors at the top of the slope.
6. **New Residential Loads** – Gilpin Geosciences, Inc. indicates that new additions are proposed for 26 Hodges, but that any additional building loads will be conveyed to the existing footings, and will not place new loads onto the steep rock face area.

### **CSA COMMENTS**

Based upon our review of the referenced document, and our recent site reconnaissance, we have the following comments pertaining to the revised rock slope mitigation concept for 26 Hodges Alley:

- A. A comprehensive repair should ideally be attempted that includes the four property owners at 358 and 362 Vallejo Street, and 26 and 30 Hodges Alley.
- B. The steep rock slope conditions at 26 Hodges Alley are also present at 362 Vallejo Street, and 30 Hodges Alley. It is our opinion that 362 Vallejo Street and 26 Hodges Alley contain similar site constraints and could be mitigated with similar

**COTTON, SHIRES AND ASSOCIATES, INC.**

methods. 30 Hodges Alley is not constrained (for the most part) by the presence of the residential structure at 358 Vallejo Street, and thus, could be mitigated without the tight space constraints inherent to the neighboring slope to the south.

- C. Based on our observations, the northwest wall of the 358 Vallejo Street structure appears to be deflected inwards by the rock debris load. We recommend that the structure be evaluated by a structural engineer as soon as possible, and structural repairs (if needed) be identified. Depending upon the nature of necessary structural repairs, there may be an opportunity to use more traditional rock slope mitigation measures along the steep slope. For example, if the wall covering needs to be removed, it may be possible to install tensioned rock anchors in a near-horizontal orientation to apply an active force against the rock face rather than the passive support provided by the proposed vertical dowels. In addition, it may be possible to extend the shotcrete lower on the slope than currently proposed.
- D. The Gilpin letter does not address rock debris removal. We recommend the rock debris be removed as soon as possible from against the 358 Vallejo Street structure. Additional rockslides could place new loads on an already compromised structure.
- E. Scaling of the loose rock blocks from the slope should include adequate protection for the residence at 358 Vallejo Street, including placement of steel plates or wood planks, or other measures, to protect the residence.
- F. Drainage details of the shotcrete facing (such as drainage panels) should be included in any final plans to help reduce the potential for the buildup of hydrostatic pressure.
- G. Shotcrete reinforcing details should be included in the final mitigation plans, including consideration of supporting the steel reinforcing (i.e., welded wire mesh) and shotcrete face by the vertical rock anchors.
- H. The rock slope mitigation plan should include a mechanism to convey surface water from behind the residential structure at 358 Vallejo Street, northward to an appropriate discharge location.
- I. Consideration should be given to colorizing/texturing the shotcrete for a more natural appearance.
- J. Consideration should be given to utilizing rock anchors that meet PTI's Class I corrosion protection standards.

- K. Engineered plans should be prepared for stabilizing the precipitous rock slope along 362 Vallejo Street, 358 Vallejo Street, 26 Hodges Alley, and 30 Hodges Alley incorporating the recommendations outlined in the Gilpin Geosciences, Inc. revised report, and including consideration of the items outlined herein. We recommend that the slope mitigation plans be a stand-alone permit application, and not be part of a permit application for residential improvements upslope.

#### INVESTIGATION LIMITATIONS

Our services consist of professional opinions and recommendations made in accordance with generally accepted engineering geology and geotechnical engineering principles and practices. No warranty, expressed or implied, or merchantability of fitness, is made or intended in connection with our work, by the proposal for consulting or other services, or by the furnishing of oral or written reports or findings. The recommendations in this report are conceptual and are for consideration by other design professionals only, and should not be construed as project specific design criteria.

We appreciate the opportunity to have been of service to you on this project. If you have any questions regarding this report, please call.

Very truly yours,

COTTON, SHIRES AND ASSOCIATES, INC.



John M. Wallace  
Principal Engineering Geologist  
CEG 1923



Dale R. Marcum  
Geologic Engineer  
CE 65837

DRM:JMW:st

COTTON, SHIRES AND ASSOCIATES, INC.

EXHIBIT

7

Joshua B. Kardon + Co

Structural Engineers  
2634 Grant Street  
Berkeley, CA 94703  
Phone 510 548-1892

March 7, 2015

Steven G. Wood  
Ropers, Majeski, Kohn & Bentley  
1001 Marshall Street, Suite 1000  
Redwood City, CA 94063-2052

Via electronic transmittal to [steven.wood@rmkb.com](mailto:steven.wood@rmkb.com)

Subject: *Rock Fall, Melody Mar Property*  
*358-360 Vallejo St., San Francisco, CA*

Dear Mr. Wood:

On February 23, 2015, I met John Dooling of Ropers, Majeski, Kohn & Bentley at the property of Melody Mar, 358-360 Vallejo Street, San Francisco. The purpose of my visit was to visually review the physical damage to Ms. Mar's building caused by a rockfall from adjoining properties to the west at 26 and 30 Hodges Alley. For a portion of our site visit and inspection, I was accompanied by Lawrence B. Karp, geotechnical engineer who has had considerable experience with Telegraph Hill rockfalls and he contributed to this letter-report. In accordance with the reporting requirements of the Professional Engineer's Act, B&P Code §6735, his geotechnical engineering seal and signature appear below as do mine as structural engineer.

Dr. Karp examined the strata from inside the Mar Building, and relates that on the south facing hillside of Telegraph Hill there were the major rockfalls in October 1962 and February 2007 and intermittent rockfalls between 1984 and 1998 that were attributed to new construction which included rock sporadically falling from below the condominiums on Vallejo Street to the west.

The history of Telegraph Hill includes numerous rock falls on its east, north, and south faces even after quarrying terminated approximately 100 years ago. Observations of the predominate sandstone (greywacke) exposed in the larger rock faces of Telegraph Hill found pervasive fractures with both subhorizontal and subvertical intersecting joint sets with varying spacing of discontinuities in the formation [*KJss*]; minor fine sandstone shale [*ssh*] horizons interbedded with thick to massive sandstone [*ss*] units.

The geologic formation, greywacke (massive sandstone) and shale (beds of clay and sand lenses) at rockfall locations that occurred below Vallejo between Montgomery and Kearny are shown in light blue on the 1974 Schlocker map of the San Francisco North Quadrangle. The map indicates joint set data of the greywacke at the 1962-2007 rockfall site and closer to the Mar site are almost the same (40° or 45° dips to the southwest from similar strikes). From inside the Mar building it can be seen that greywacke sits over shale. The shale is relatively weak and erodes from groundwater seeping from the hillside. As the shale erodes it loosens greywacke blocks that fall away from fractures. The same process caused rock falls in 2007 that resulted in the City declaring several of the buildings in the area uninhabitable.

(continued)

March 7, 2015  
Steven G. Wood  
Ropers, Majeski, Kohn & Bentley  
1001 Marshall Street, Suite 1000  
Redwood City, CA 94063-2052

*Rock Fall, Melody Mar Property*  
358-360 Vallejo St.  
San Francisco, CA  
Page 2

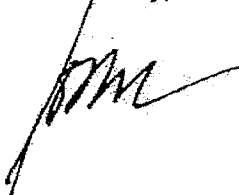
It was related to us that another consultant to Ms. Mar, John Wallace, an engineering geologist, characterized the existing rock surface as "continuing rockslide/rockfall hazard with a high risk to the northwest portion of the 358 Vallejo Street residential structure and any occupants therein." The rock which fell from the escarpment at the property line between 358-360 Vallejo, and 26 and 30 Hodges impacted the exterior of Ms. Mar's house causing some distortion of the wood-framed structure and cracking of brittle interior finishes. At 26 Hodges corrugated plastic sheeting has been installed in an attempt to divert rainwater away from the slope below the building. The fallen rock remains in the space between the escarpment and Ms. Mar's house, is in contact with her exterior siding, and is exerting an inward load on her wall.

Based on our observations, we also believe there is a high risk of additional collapse of the escarpment, which could cause further physical damage to Ms. Mar's property, and could injure or kill occupants of buildings on either side of the property line.

We saw no work in place during my visit intended to prevent further collapse of the rock escarpment, or to protect Ms. Mar's property from a future rock fall. We recommend the loose rock and debris be removed and the escarpment stabilized and strengthened by engineering and constructing a retaining structure directly on its face. The wall should be restrained with double corrosion protected rock anchors or grouted bars drilled into the rock. After the permanent repair and stabilization of the rock escarpment is completed, structural and architectural repairs should be made to Ms. Mar's building.

A practicable and cost-effective repair of the rock escarpment could entail drilling into the rock surface and pneumatically placing concrete on the surface of the escarpment. That work can be accomplished from within Ms. Mar's building, using equipment supported on temporary works rigged for that purpose. After that work is completed, the work on Ms. Mar's property should include repair of damage to the walls, foundations, and finishes caused by the rock fall, and repair of any damage to her property caused by the installation and operation of the temporary works.

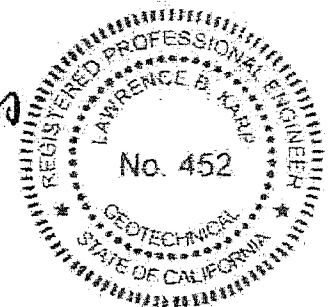
Yours truly,

  
Joshua B. Kardon





Lawrence B. Karp



EXHIBIT

8



# SAN FRANCISCO PLANNING DEPARTMENT

## Discretionary Review Action DRA-0410

HEARING DATE: MARCH 12, 2015

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Date:* March 20, 2015  
*Case No.:* 2014-001042DRP  
*Project Address:* 26 HODGES ALLEY  
*Permit Application:* 2013.03.21.2735  
*Zoning:* RH-3 (Residential House, Three-Family) District  
Telegraph Hill North Beach Residential Special Use District  
40-X Height and Bulk District  
*Block/Lot:* 0134/012  
*Project Sponsor:* Heidi Liebes  
Liebes Architects  
450 Sansome Street, Suite 1200  
San Francisco, CA 94111  
*Staff Contact:* Kate Conner – (415) 575-6914  
kate.conner@sfgov.org

ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2013.1652DV AND THE APPROVAL OF BUILDING PERMIT 2013.03.21.2735 PROPOSING CONSTRUCTION OF A SIDE ADDITION TO THE NORTHERN PROPERTY LINE AT THE FIRST AND SECOND FLOORS WHICH ENCROACHES INTO THE REAR YARD SETBACK AND A THIRD FLOOR ADDITION WHICH COMPLIES WITH THE REAR YARD REQUIREMENT. THE PROJECT IS SUBJECT TO APPROVAL OF A REAR YARD VARIANCE. THE SUBJECT PROPERTY IS LOCATED WITHIN THE RH-3 (RESIDENTIAL HOUSE, THREE-FAMILY) DISTRICT, THE TELEGRAPH HILL NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT, AND THE 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On March 21, 2013, Heidi Liebes filed for Building Permit Application No. 2013.03.21.2735 proposing construction of a third floor addition to a two-story single-family residence and a horizontal addition on the first and second floors. The subject property is located within the RH-3 (Residential House, Three-Family) District, the Telegraph Hill North Beach Residential Special Use District, and the 40-X Height and Bulk District.

On June 12, 2013, Heidi Liebes filed Variance Application 2013.0783V for the first and second floor horizontal addition. The rear yard requirement is 28'-4" and the existing building is non-conforming as it maintains a 9" rear yard. The proposed third floor addition complies with the rear yard requirement. The proposed 3'-0" deep side addition encloses an existing stairway and extends approximately 5'-6" beyond the adjacent neighbor to the north and spans approximately 16'-0" but does not increase the overall building depth.



On December 4, 2014, the Zoning Administrator granted Variance (2013.0783V) after a public hearing held on September 24, 2014. The Variance was appealed and will be heard at the Board of Appeals on March 18, 2015.

On October 27, 2014, Melody Mar (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2014-001042DRP) of Building Permit Application No. 2013.03.21.2735.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

On March 12, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2014-001042DRP.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

#### **ACTION**

The Commission hereby takes Discretionary Review requested in Application No. 2014-001042DRP and approves the Building Permit Application 2013.03.21.2735 subject to the following modifications:

1. Increasing the front setback at the third level equal to the width of the closet space (approximately four feet);
2. Increasing the depth of the third level addition to the required rear yard line (approximately three feet); and
3. Reducing the third level roof deck at the northeast corner to align with the adjacent building depth.

#### **BASIS FOR RECOMMENDATION**

The reasons that the Commission took the action described above include:

1. There are extraordinary and exceptional circumstances in the case.
2. Reducing the roof deck at the third level along the northern property line will improve the northern neighbor's privacy at the rear deck and open space.
3. The width of Hodges Alley is an extraordinary circumstance and the additional setback at the proposed third floor will increase the amount of light cast on Hodges Alley.

**APPEAL AND EFFECTIVE DATE OF ACTION:** Any aggrieved person may appeal this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is issued. For further information, please contact the Board of Appeals at (415) 575-6881, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission took Discretionary Review and approved the building permit as referenced in this action memo on March 12, 2015.

Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Fong, Antonini, Hillis, Johnson, Moore, Richards, Wu,

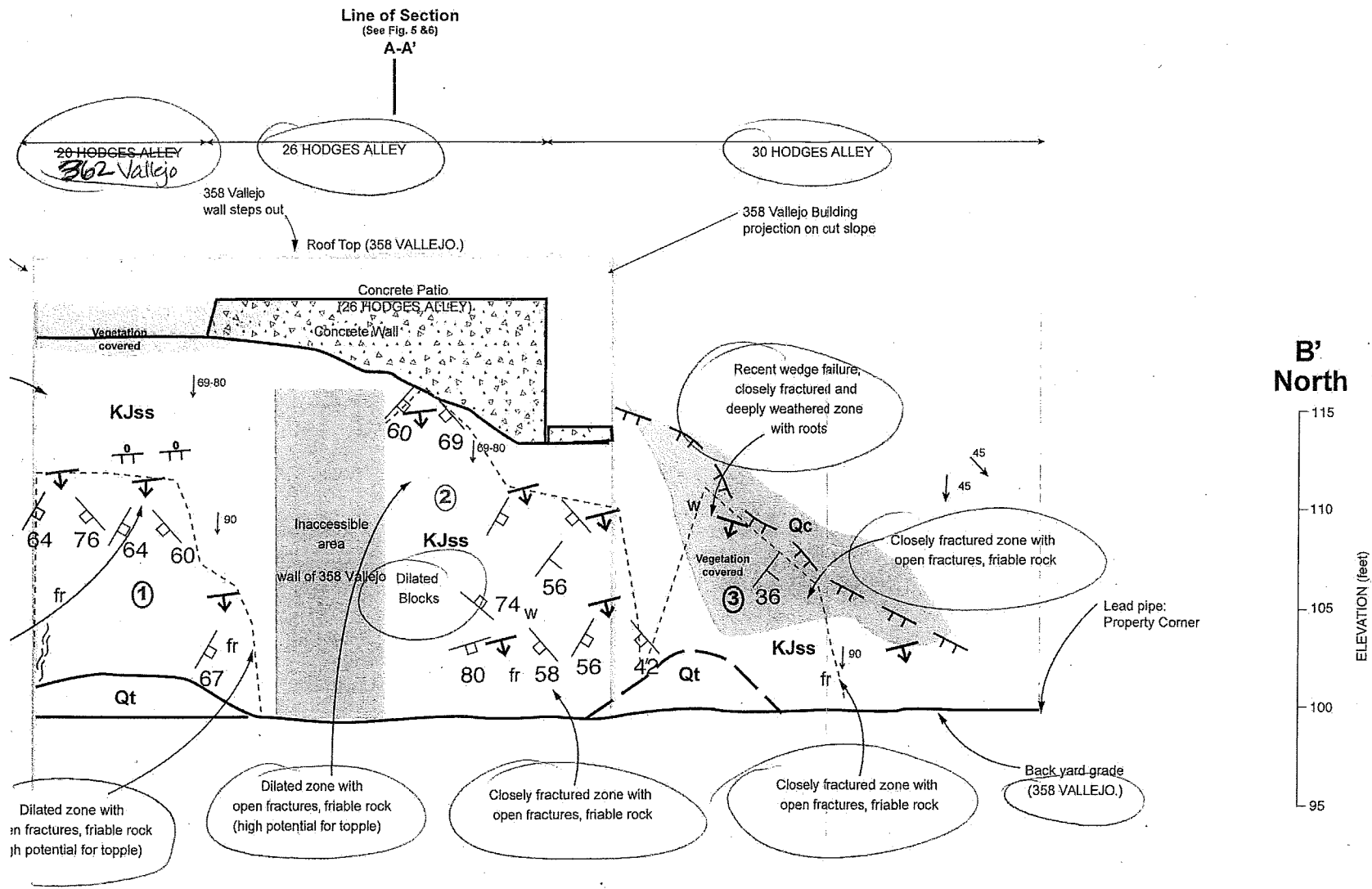
NAYS: None

ABSENT: None

ADOPTED: March 12, 2015

EXHIBIT

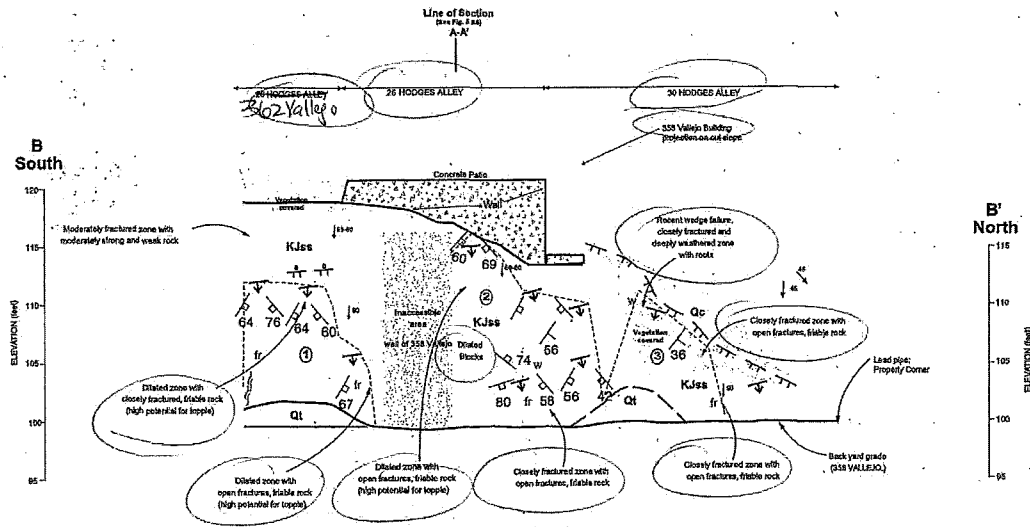
9



**EXPLANATION**

- Soil or Colluvium with Roots
- Talus Deposit, includes recent rockfall debris
- SS Sandstone with minor Shale (Franciscan complex)

*Geologic Cross Section  
B-B'  
26 Hodges Alley  
Date: 5/28/13 Figure 5  
Gilpin GeoSciences, Inc.*

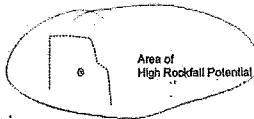


**EXPLANATION**

- Qc Soil or Colluvium with Roots
- Qt Talus Deposit, includes recent rockfall debris
- KJss Sandstone with minor Shale (Franciscan complex)
  - fr - friable, matrix
  - w - deeply weathered
  - b - block or block-rich

**KEY**

- Geologic Contact (approximate)
- 36 Strike and dip of bedding
- 37 Strike and dip of joint
- Failure Plane
  - Sheared block or Intensely fractured matrix with foliation
- Break in Topographic Slope
  - 0 designates overhang
- Local Slope direction with inclination
- Shear Zone



A A Cross section location (see Site Plan, Figure 3)

1. Standard type and compass mapping techniques, feature locations are approximate.
2. Geologic interpretation based on limited reconnaissance geologic mapping.
3. Line of section shown on Figure 3 Site Plan.
4. No vertical exaggeration (Horizontal-Vertical).

**GEOLOGIC CROSS SECTION  
B-B'**

**DEWILDE RESIDENCE  
26 HODGES ALLEY  
San Francisco, California**

Date 5/28/13 Project No. 91552.01 Figure 5

**Gilpin Geosciences, Inc.**  
Earthquake & Engineering Geology Consultants

EXHIBIT

10

**Gilpin Geosciences, Inc**  
**Earthquake & Engineering Geology**

May 28, 2013  
91552.01

Mr. and Mrs. David de Wilde  
2650 Green Street  
San Francisco, CA 94123

**Subject:     Engineering Geologic and Geotechnical Investigation**  
**Residential Improvements**  
**26 Hodges Alley**  
**San Francisco, California**

Dear Mr. And Mrs. de Wilde:

**INTRODUCTION**

Gilpin Geosciences, Inc. is pleased to submit the results of its geological and geotechnical investigation related to the stability of the existing rock cut conditions below the home at 26 Hodges Alley, (see Location Map, Figure 1). We understand you wish to remodel and expand the existing residence by seismically strengthening the existing structure and constructing an additional floor at the back of the residence.

We visited the site on 19 February and 21 May 2013 in the company of Mr. Frank Rollo of Treadwell & Rollo, Inc., a Langan Company (T&R) to observe the present conditions and discuss the project with you and your construction contractor Mr. Day Hilborn, of All Bay Construction. T&R is providing geotechnical consultation during this study.

**SCOPE OF SERVICES**

Our scope for this project is outlined in our proposal dated 8 March 2013. The objective of our services was to provide you recommendations to improve the

**2038 Redwood Road, Napa, CA 94558 tel: (707) 251-8543 fax: (707) 257-8543**

stability of the existing slopes. We researched and reviewed available publications and performed a geological reconnaissance of the site and vicinity.

## **FINDINGS**

Our findings are based on the results of our research and reconnaissance and are presented in the remainder of this section.

### **Site Conditions**

The site is at the top of the east-facing slope of Telegraph Hill in San Francisco, California. The building that occupies the site is a wood-framed two-story structure that has an entry at the ground level from Hodges Alley. At the rear of the building are a concrete patio at the ground level, and a cantilevered wooden deck at the second level. The concrete patio sits at the top of a near vertical 15- to 20-foot high slope that was excavated into the hillside presumably for construction of the downslope residence at 358 Vallejo Street. The patio is partially supported by a concrete perimeter wall that varies from 2 to 7 feet high.

Over the years debris and rock fragments have fallen from the slope adjacent to the eastern property line. Most of the rock fragments have accumulated in the backyard of your neighbor at 358 Vallejo Street.

### **Background**

In the late 1800's, Telegraph Hill was mined by various quarrying operators. In 1884, the City of San Francisco authorized the lowering of Sansome Street, (located east of the site) 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 the blasting operations. The combination blasting and earth movement did severe damage to homes on Telegraph Hill. Between 1884 and 1885, several homes were demolished and removed, and ten homes on the hill were deemed unfit for habitation. Some were reported having slipped from their foundations and slid to the base of the slope.

Myrick (1972) describes a large quarry operated by Gray Brothers Company at the corner of Sansome and Green Streets. A particularly heavy blast shook the quarry on March 27, 1907, which wiped out the corner of Green and Calhoun Streets.

### **Aerial Photograph Review**

We reviewed 4 pairs of vertical stereographic photographs archived at Pacific Aerial Surveys in Oakland, California. The time period spanned by the photographs was 1935 to 2000. We use standard aerial photograph analysis techniques to identify surface features indicative of slope instability, such as arcuate scarps, erosion channeling, breaks in topographic slope, and signs of excessive seepage. The photographs reviewed are listed in the references.

The 1935 photograph shows the site with a building in place. The eroded and graded area north and northeast of the site appears less vegetated and more disturbed than at present. In later photography, the actual cut slope under investigation in this letter could not be observed because of poor contrast and limited resolution. One exception to this is a broad eroded area at the north end of the cut slope corresponding to the slope at 30 Hodges Alley. The eroded area appears in high contrast to the surrounding ground, suggesting recent erosion on the 1995 color oblique photograph.

## **Regional Geology**

Regional geology mapping by Schlocker (1974) shows the site to be underlain by Franciscan Complex interbedded sedimentary rocks composed of sandstone, shale and greywacke sandstone (see Figure 2). These sediments were deposited during the Jurassic and Cretaceous time (approximately 65 to 195 million years ago). Schlocker's map indicates that these sequences consist of interbedded units, which strike northwest and dip towards the southwest and northeast, or obliquely into and out of the local slope. Several inactive faults are mapped which trend northerly and are exposed in the old quarry walls on the eastern perimeter of Telegraph Hill north of the site.

Numerous inactive faults were mapped north of the site on the slope below Calhoun Terrace (Kropp, 1984; Dames & Moore, 1982; Rollo & Ridley, 2012). Groundwater seepage and adverse bedding were also noted in the vicinity. Although the results of mapping north of Green Street does not focus on the slope immediately below our site, the results provide important information on the local geology and slope stability.

In February 1962, a significant rockfall occurred below the residence one block to the north at 260 Green Street, adjacent to Calhoun Terrace. The failure deposited debris on the 200 Green Street building at the base of the slope.

## **Site Geology**

The residence at 26 Hodges Alley lies immediately southwest of the old quarry operations that took place on the east slopes of Telegraph Hill until the turn of the 20<sup>th</sup> century. Aggressive quarrying that included blasting has left the slopes oversteepened and shattered.

The narrow, 17 feet-wide parcel has zero setback along the sides and extends to a vertical cut slope up to 20 feet in height at the rear, east side of the parcel. The residence at 358 Vallejo Street is a wood-framed two-story with the west wall located from 4 feet to 5.5 feet from the rear edge of the concrete patio at the rear of the 26 Hodges Alley parcel. The cut slope is irregular and lies from inches to several feet from the face of the 358 Vallejo Street building.

On 2 March 2013, we accessed the cut slope via 358 Vallejo Street to perform a geological reconnaissance. We viewed the slope through windows, and light wells to observe the exposed bedrock in the cut slope face, except for two areas on the cut slope face. These are: 1) dense blackberry brush-covered area at the southern extend of the slope, and 2) a constricted access area where the 358 Vallejo wall stepped towards the central section of the slope. The cut slope continues to the south and north of the 26 Hodges Alley parcel, extending onto 20 and 30 Hodges Alley parcels, respectively.

The results of our observations are presented on Figures 3, 4 and 5. Figure 3 shows a generalized site plan for reference. Because of the steep slope and limited access we have mapped our observation on cross sections perpendicular and parallel to the cut slope; these are shown on Figures 4 and 5, respectively. The Cross Section B-B', Figure 5, shows the limits of the parcels at 20, 26, and 30 Hodges Alley.

We mapped three areas of the slope that are susceptible to wedge-type rock failures. Evidence of recent rockfalls include numerous fresh scars, loose blocks, and talus composed of debris and sandstone blocks at the base of the slope, which is the backyard of 358 Vallejo Street residence. Three areas that appear to be rockfall areas susceptible to wedge-type block failures are depicted on Figure 5.

The sandstone exposed in the cut slope is thin- to thick-bedded, intensely to moderately fractured, friable to weak, with low hardness and moderate to deep weathering. Thin shale layers are interbedded locally, and can form crushed weak zones prone to ravelling and undermining failure.

Bedding in the sandstone and shale unit dips generally northeast, oriented out of the slope, at inclinations of 30 to 56 degrees. Jointing was mapped in the sandstone unit as dipping to the southeast at between 42 to 76 degrees and north or northeast at between 36 to 74 degrees. The adverse joints combined with the northeast dipping beds yield wedge-type failure potential along the intersection of these two planes with a preponderance of failures oriented due east and northeast dipping at 16 to 54 degrees out of the slope. (See Figure 5).

### Seismicity

The major active faults in the region include the San Andreas, San Gregorio, Hayward, Rodgers Creek, Concord-Green Valley, and Calaveras faults. A list of major active faults in the region, including their distances from the site and maximum moment magnitudes, is provided in Table 1.

**TABLE 1**  
**Regional Faults and Seismicity**

<b>Fault Segment</b>	<b>Distance (kilometers)</b>	<b>Direction From Site</b>	<b>Maximum Moment Magnitude</b>
San Andreas (North Coast)	13	West	7.5

San Gregorio	19	West	7.2
Hayward	16	East	6.9
Rodgers Creek	32	northeast	7.0
Calaveras	35	east	6.9
Concord-Green Valley	37	east	6.7

The site lies in the seismically active San Francisco Bay region and is subject to frequent earthshaking. The active faults nearest to the site are the San Andreas (13 km west), San Gregorio (19 km southwest), Hayward (16 km east), Rodgers Creek (32 km northeast), Calaveras (35 km east) and Concord (37 km east). The site does not lie within a known active fault zone. No active faults were identified on the site during our investigation.

The 1906 San Francisco earthquake had an estimated Moment Magnitude ( $M_w$ ) of 7.8 and created a surface rupture along the San Andreas fault approximately 270 miles long, with a maximum lateral displacement of about 21 feet. The epicenter of the 1906 event is estimated to be offshore of the San Francisco coastline approximately 13 km west of the site. Strong shaking occurred at many sites in the East Bay and extensive damage was documented.

Two moderate earthquakes (Richter Magnitude 5.6 and 5.7) occurred on the Rodgers Creek fault near Santa Rosa in 1969. These earthquakes resulted in widespread minor damage and localized structural damage in Sonoma County but no significant damage in San Francisco.

The recent Loma Prieta Earthquake ( $M_w$  6.9) was centered on or near the San Andreas fault about 97 km from the site. It produced moderate ground shaking and minor damage to the Telegraph Hill area.

The U.S. Geological Survey's (2008) 2007 Working Group on California

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Earthquake Probabilities has compiled the earthquake fault research for the San Francisco Bay area in order to estimate the probability of fault segment rupture. They have determined that the overall probability of moment magnitude 6.7 or greater earthquake occurring in the San Francisco Bay Region during the next 30 years is 63 percent. The highest probabilities are assigned to the Hayward/Rodgers Creek and the Northern segment of the San Andreas faults. These probabilities are 31 and 21 percent, respectively (USGS, 2008).

## **CONCLUSIONS AND RECOMMENDATIONS**

We conclude the proposed remodeling is feasible provided the recommendations contained in this letter related to the stabilization of the loose rock and potential wedge-type rock failures mapped in the existing slope between the 26 Hodges Alley and 358 Vallejo Street properties are implemented. These recommendations should be performed prior to the proposed remodeling and expansion.

The slope adjacent to 26 Hodges Alley should be retained by a soldier pile and wood-lagging wall. The wall relies on support from piers, acting as deadmen, installed along the back of the building and connected to the soldier pile wall by a series of reinforced concrete grade beams or a structural slab.

### **Soldier Pile Wall Design and Construction**

The retention system proposed addresses the difficulty of developing appropriate mitigation measures to improve stability of the slope. We evaluated several alternatives and recommend that the rockfall hazard be mitigated by installing a retaining wall system using concrete-encased, steel soldier piles with pressure-treated wood lagging along the east property line of 26 Hodges Alley.

**Gilpin Geosciences, Inc.**

The wall should be constructed to support the existing rock cut slope (Figure 6, 7) and should extend approximately 17 lineal feet across the 26 Hodges Alley parcel width. The soldier piles should be connected by a structural slab or reinforced concrete grade beam to piers drilled along the rear of the building for supplemental lateral support. The piers would require drilling at or close to the present building perimeter foundation.

For our design, we assumed the soldier piles would be drilled approximately 6 inches from the existing 358 Vallejo residence wall, and would consist of HP12 x 32 steel beams and would be spaced at approximately 8 feet on center. The soldier piles would be placed in an 18-inch-diameter drilled shaft extending 5 feet below the lowest adjacent grade; the portion of the drilled shaft that extends below the ground surface should be filled with structural concrete having a compressive strength of at least 3,000 pounds per square inch (psi) at 28 days. Above the ground surface, the steel beam should be encased in concrete and the distance between soldier piles lagged with 3-inch by 12-inch timber boards.

The wood lagging boards should be placed with a gap at least 3/8 inches wide between boards to allow groundwater to flow freely through the lagging.

The space between the lagging and the face of the slope should be backfilled with 3/4-inch by 1-1/2-inch crushed rock or recycled concrete. To reduce the potential for fines to migrate through the rock, filter fabric consisting of Mirafi 140N or equivalent should be placed against the slope.

The bottom of the drilled holes for the soldier piles should be free of debris and water before placement of concrete. Drilling should be observed by a representative of Gilpin Geosciences/Treadwell & Rollo to confirm the foundation rock is similar to that encountered in our field investigation.

## **GEOTECHNICAL SERVICES DURING CONSTRUCTION**

Prior to construction, Gilpin Geosciences, Inc., project engineering geologist/Treadwell & Rollo, Inc., project geotechnical engineer should review the project plans and specifications to check the conformance with the intent of our recommendations. During construction, our field engineer should provide on-site observation and testing during site preparation, placement and compaction of fill, and installation of foundations for the soldier beam and lagging retaining wall(s). These observations will allow us to compare actual with anticipated subsurface conditions and to verify that the contractor's work conforms with the geotechnical aspects of this report and the construction drawings.

## **LIMITATIONS**

Our services have been performed in accordance with generally accepted principles and practices of the geological and geotechnical profession. This warranty is in lieu of all other warranties, either expressed or implied. In addition, the conclusions and recommendations presented in this report are professional opinions based on the indicated project criteria and data described in this report. They are intended only for the purpose, site location and project indicated.



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We trust that this provides you with the information that you require at this time. If you have questions, please call.

Sincerely,

GILPIN GEOSCIENCES, INC.

TREADWELL & ROLLO, INC.,  
A Langan Company

*L.M. Gilpin*



Lou M. Gilpin  
Engineering Geologist

6/30/14

*Frank L. Rollo*

Frank L. Rollo  
Geotechnical Engineer



Attachments:

REFERENCES

TABLES

Table 1 Regional Faults and Seismicity

LIST OF FIGURES

Figure 1	Site Location Map
Figure 2	Regional Geology Map
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Figure 5	Conceptual Repair Section A-A'
Figure 6	Conceptual Repair Section B-B'

REFERENCES

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Dames & Moore, 1982, Report on Foundation Investigation, Proposed 12 Story Office Building and Apartment Building, 1171 Sansome Street, San Francisco, California: dated 28 May 1982.

ENGEO, Inc., 2012, Consultation regarding slope conditions 26Hodges Alley San Francisco, California: prepared for Karen Skjei, 2 pages.

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Rollo and Ridley, 2012, Rockfall Hazard Investigation 260 Green Street San Francisco, California: prepared for Mr. J. Reuben, 13 p. map scale 1-inch=24 feet.  
Myrick, D.F., 1972, San Francisco's Telegraph Hill: Howell-North Books, Berkeley, California, 220 p.

Schlocker, J., 1974, Geology of the San Francisco North Quadrangle, California: U.S. Geological Survey Professional Paper 782, 109 p.

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**LIST OF  
AERIAL PHOTOGRAPHS**

Aerial Photographs

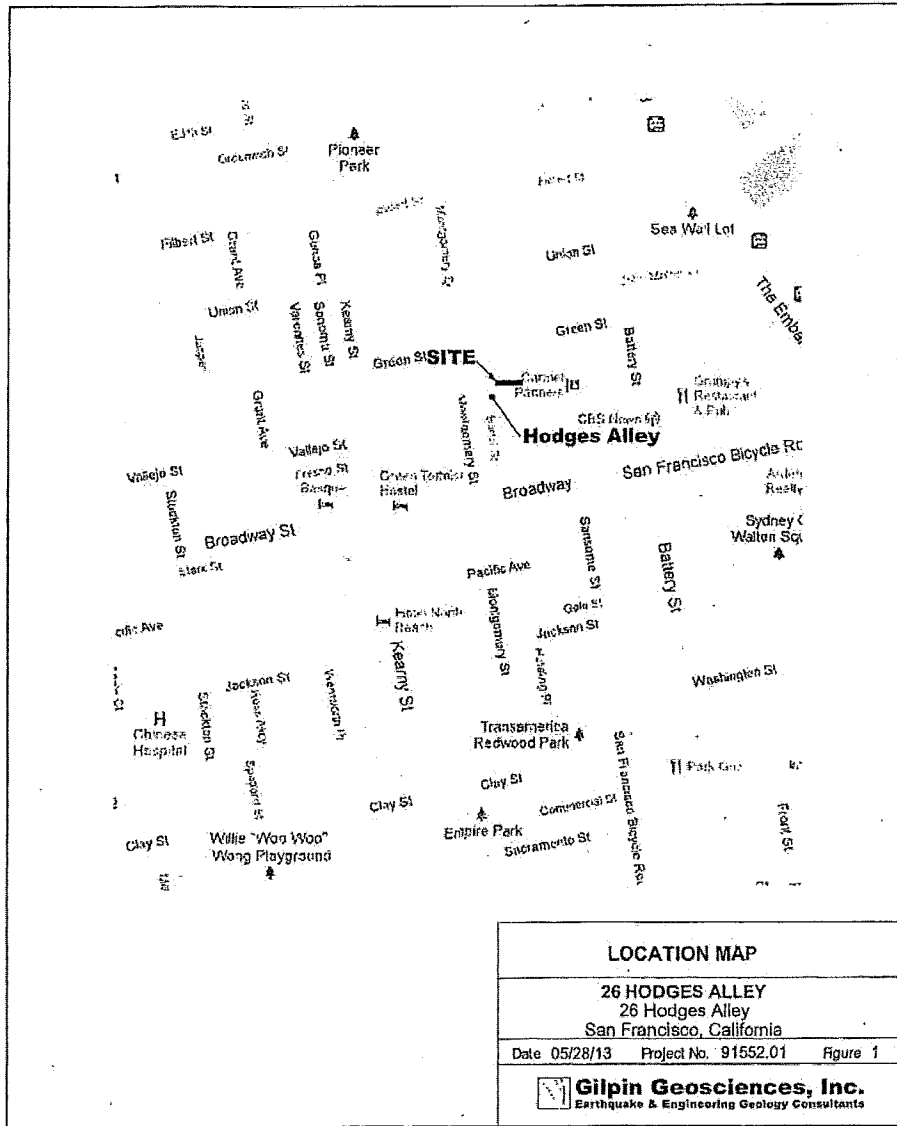
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00/00/35	AV 248-2-1,2	1:16,500

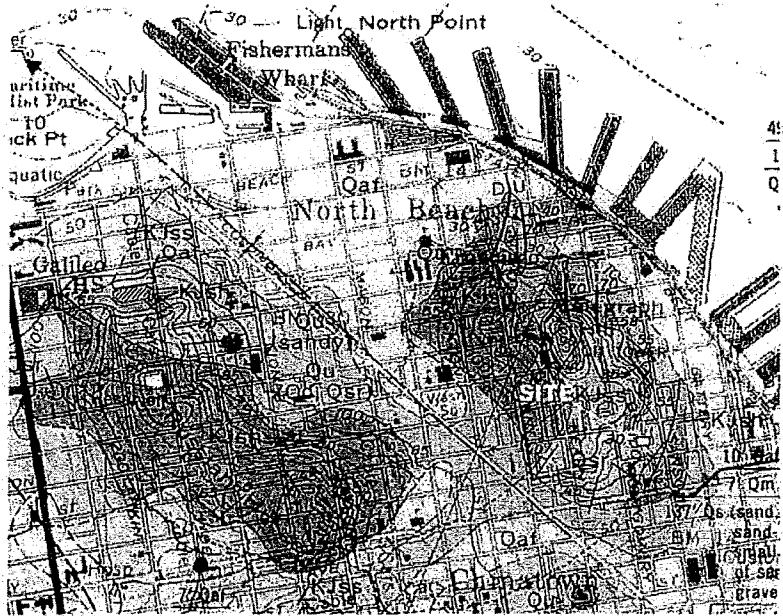
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**FIGURES**



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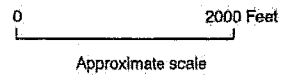





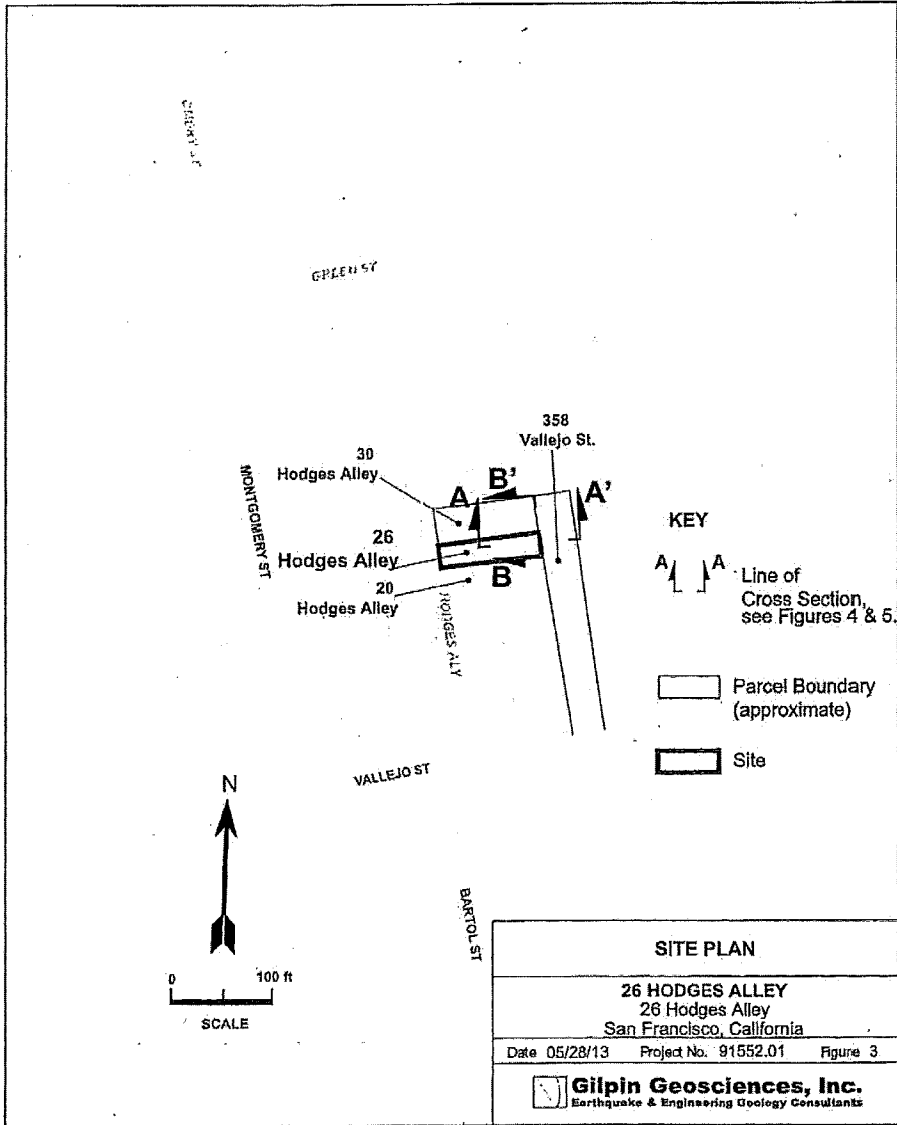
**EXPLANATION**

- Qsr - Slope debris & ravine fill
- Qu - Surficial deposits (undifferentiated)
- Qal - Alluvium
- Qaf - Artificial fill
- Qc - Colma Formation

- Franciscan Complex Bedrock**
- KJsh - shale & thin sandstone beds
  - KJss - sandstone with thin shale beds



<b>Regional Geology Map</b>		
28 HODGES ALLEY San Francisco, California		
Date 5/28/13	Project No. 91552.01	Figure 2
 <b>Gilpin Geosciences, Inc.</b> Earthquake & Engineering Geology Consultants		




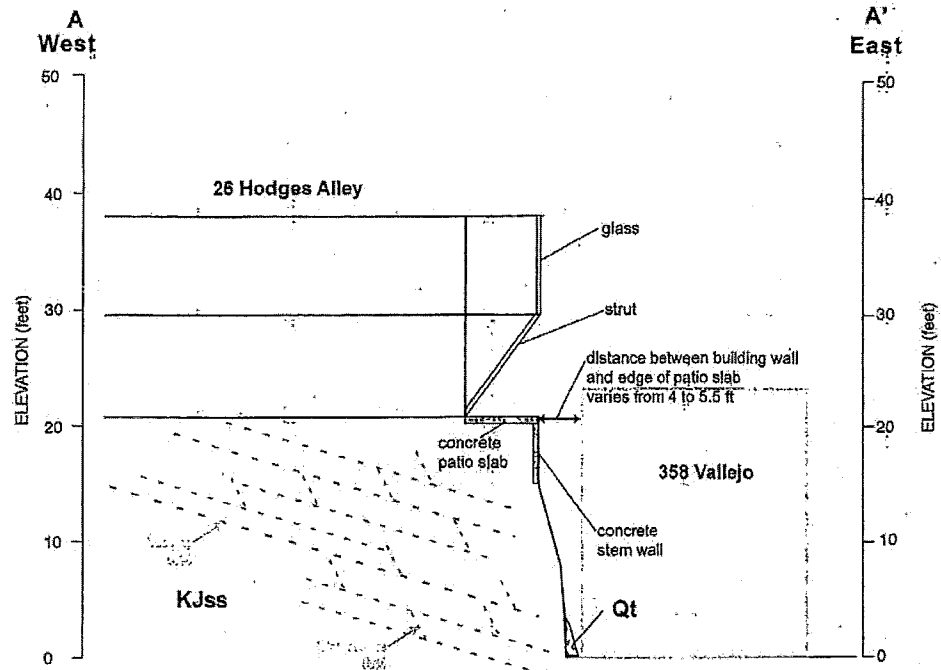
**KEY**

A-A' B-B' Line of Cross Section, see Figures 4 & 5.

Parcel Boundary (approximate)

Site

<b>SITE PLAN</b>		
26 HODGES ALLEY 26 Hodges Alley San Francisco, California		
Date 05/28/13	Project No. 91552.01	Figure 3
 <b>Gilpin Geosciences, Inc.</b> Earthquake & Engineering Geology Consultants		




**Explanation**

- Qt Talus, includes recent rockfall debris.
- KJss Sandstone/Shale (Franciscan Complex Melange)

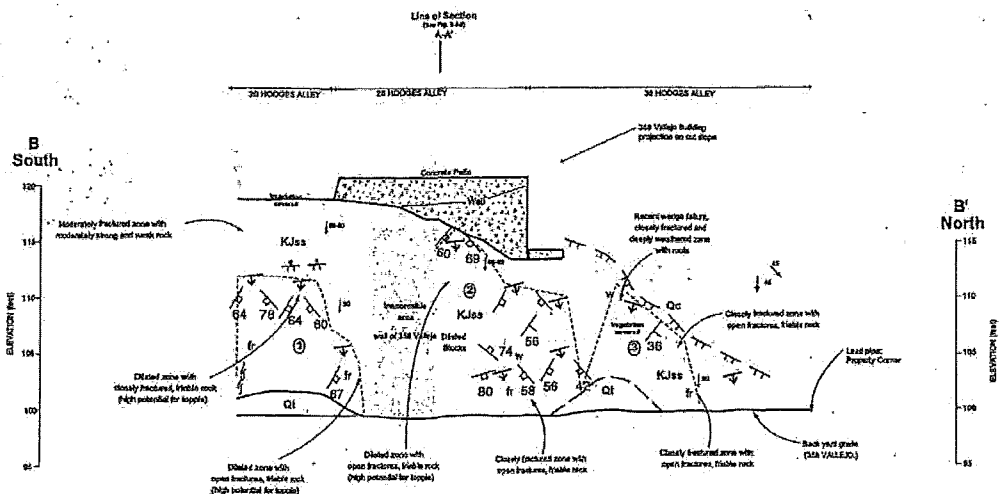
**Key**

A A' Cross section location (see Site Plan, Figure 3)

- Notes:
1. Geologic interpretation based on limited reconnaissance geologic mapping
  2. Line of section shown on Figure 3 Site Plan.
  3. No vertical exaggeration (Horizontal=Vertical).

<b>Geologic Cross Section A-A'</b>		
DE WILDE RESIDENCE 26 Hodges Alley San Francisco, California		
Date 5/28/16	Project No. 91552.01	Figure 4
 <b>Gilpin Geosciences, Inc.</b> Earthquake & Engineering Geology Consultants		





**EXPLANATION**

- Qc Soil or Colluvium with Roots
- Ql Talus Deposit, includes recent rockfall debris
- Kl Sandstone with minor Shale (Franciscan complex)
- fr - friable, matrix
- w - deeply weathered
- b - block or block-rich

**KEY**

- Geologic Contact (approximate)
- 36 Strike and dip of bedding
- 37 Strike and dip of joint
- Failure Plane
  - Sheared block or intensely fractured matrix with foliation
- Break in Topographic Slope
  - 0 designates overhang
- Local Slope direction with Inclination
- Shear Zone
- A-A' Cross section location (see Site Plan, Figure 3)

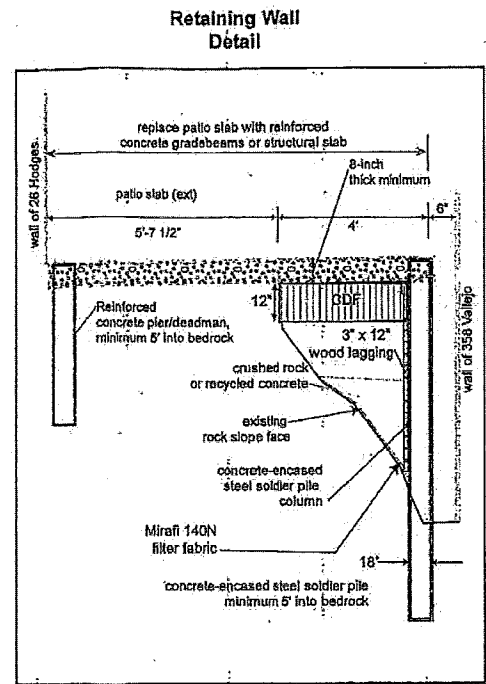
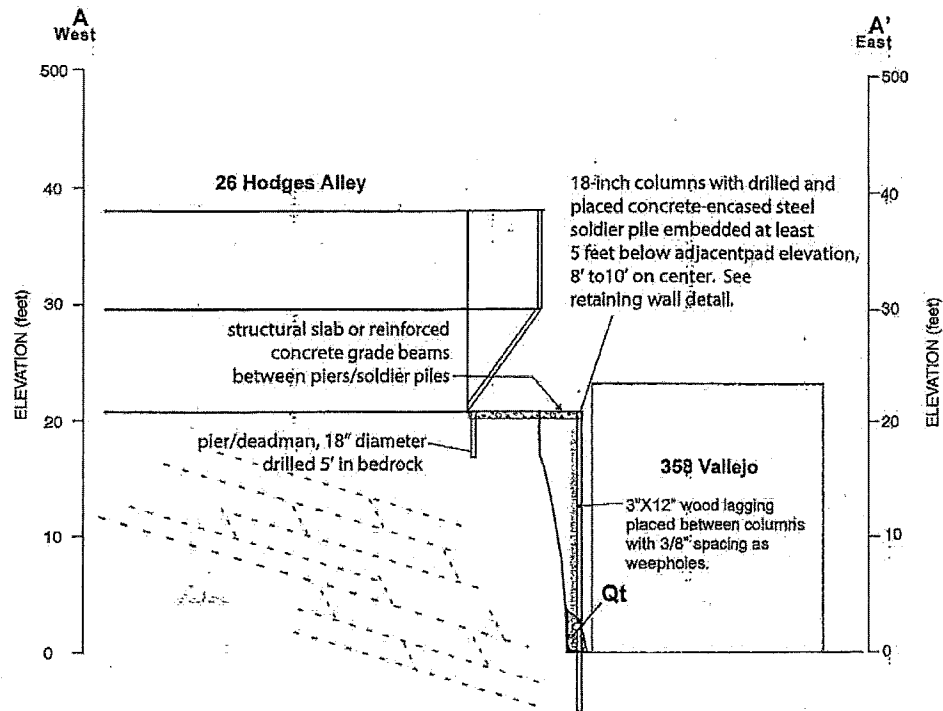
- 1. Standard tape and compass mapping techniques, feature locations are approximate.
- 2. Geologic interpretation based on limited reconnaissance geologic mapping.
- 3. Line of section shown on Figure 3 Site Plan.
- 4. No vertical exaggeration (horizontal=vertical).

**GEOLOGIC CROSS SECTION  
B-B'**

**DEWILDE RESIDENCE  
26 HODGES ALLEY  
San Francisco, California**

Date: 5/28/13 Project No. 91552.01 Figure 5

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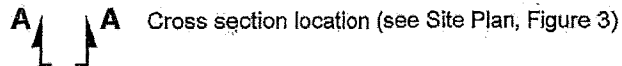


- Notes:
1. Geologic Interpretation based on limited reconnaissance geologic mapping.
  2. Line of section shown on Figure 3 Geologic Map Elevation.
  3. No vertical exaggeration (Horizontal=Vertical).

**Explanation**

- Qt Talus  
 KJss Sandstone/Shale (Franciscan Complex Melange)

**Key**



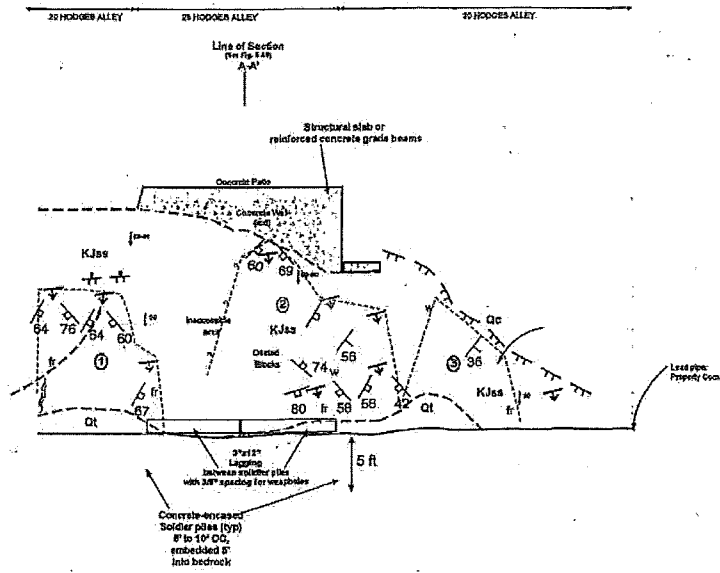
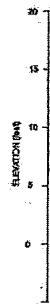
**Conceptual Repair Section  
 A-A'**

DE WILDE RESIDENCE  
 28 Hodges Alley  
 San Francisco, California

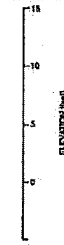
Date 5/28/13 Project No. 91552.01 Figure 6

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**B**  
South



**B'**  
North



**EXPLANATION**  
(see Figure 5)

**Conceptual Repair Section  
B-B'**

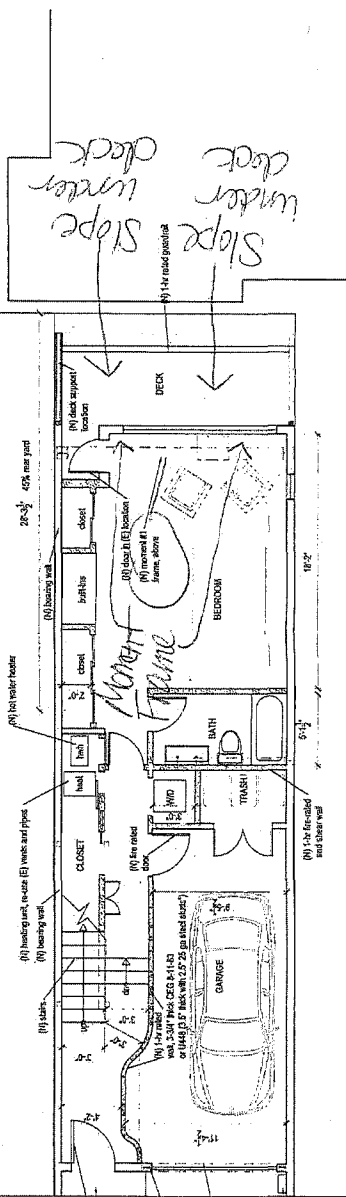
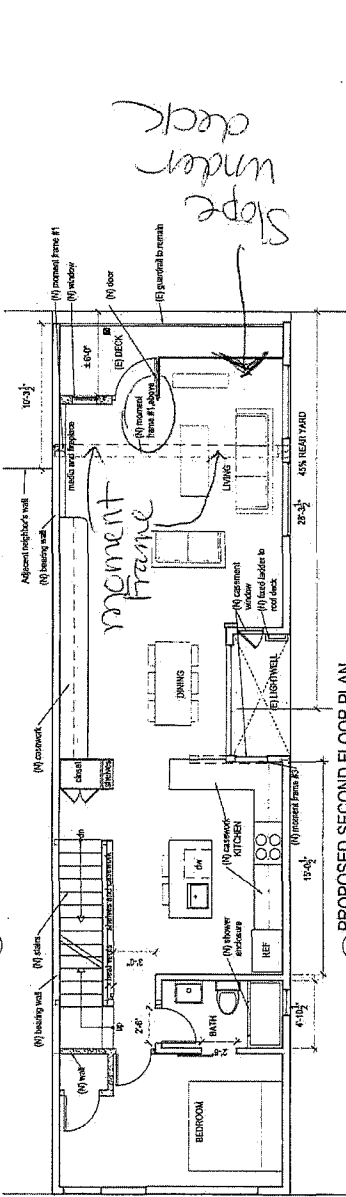
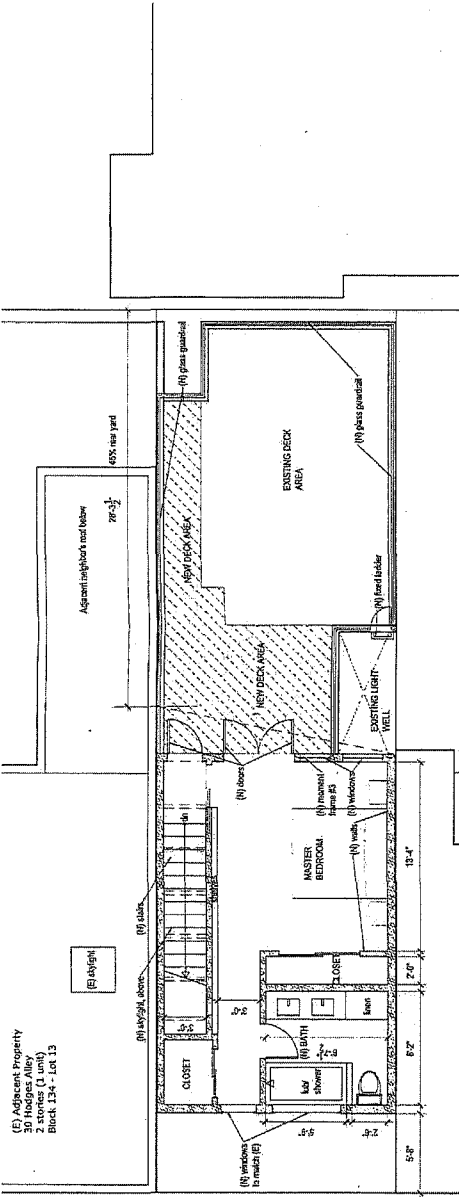
**DEWILDE RESIDENCE**  
26 HODGES ALLEY  
San Francisco, California

Date: 5/28/13 | Project No. 91552.01 | Figure 7

 **Gilpin Geosciences, Inc.**  
Earthquake & Engineering Geology Consultants

EXHIBIT

11



(E) Adjacent Property  
30 Hodges Alley  
2 stories (1 unit)  
Block 134 - Lot 13

(R) new loading dock  
(R) 1-1/4 fire-rated wall  
(R) 1-1/4 fire-rated wall  
(R) 1-1/4 fire-rated wall

instability, and such unsafe conditions or instability cannot be mitigated to the satisfaction of the Structural Advisory Committee, the Building Official shall deny the permit. The Building Official's decision to deny the permit is appealable only to the Board of Appeals.

**106A.4.1.4 The Slope Protection Act.** This Section of the San Francisco Building Code shall be known as the Slope Protection Act.

**106A.4.1.4.1 Creation.** The Slope Protection Act shall apply to all property within San Francisco that falls within certain mapped areas of the City, except those properties already subject to the Edgemoor Mountain Slope Protection Area or the Northwest Mt. Sutro Slope Protection Area. For purposes of this Section "property" shall mean a legal lot of record. Heightened review of certain permit applications, as provided in this section, shall be given to all property subject to this Act.

**106A.4.1.4.2 Purpose.** Because landslides, earth movement, ground shaking and subsidence are likely to occur on or near steeply sloped properties and within other defined areas causing severe damage and destruction to public and private improvements, the Board of Supervisors finds that the public health, safety and welfare is best protected if the Building Official causes permit applications for the construction of new buildings or structures and certain other construction work on property subject to the Slope Protection Act to undergo additional review for structural integrity and effect on slope stability. The requirements for projects subject to the Slope Protection Act are in addition to all other applicable laws and regulations, including any and all requirements for environmental review under the California Environmental Quality Act; compliance with the requirements contained herein does not excuse a project sponsor from compliance with any other applicable laws and regulations.

**106A.4.1.4.3 Scope.** Properties are subject to these requirements where any portion of the property lies within the areas of "Earthquake-Induced Landslide" in the Seismic Hazard Zone Map, released by California Department of Conservation, Division of Mines and Geology, dated November 17, 2000, or amendments thereto; or within the "Landslide Hazard Areas" mapped as "Landslide Locations" in Figure 4 of the San Francisco Seismic Safety Investigation report prepared by URS/John A. Blume & Associates, Engineers, June 1974, or any successor map thereto.

Proposed construction work that is subject to these requirements includes the construction of new buildings or structures having over 1000 square feet of new projected roof area and horizontal or vertical additions having over 1000 square feet of new projected roof area. In addition, these requirements shall apply to the following activity or activities, if, in the opinion of the Director, the proposed work may have a substantial impact on the slope stability of any property: shoring, underpinning, excavation or retaining wall work; grading, including excavation or fill, of over fifty (50) cubic yards of earth materials; or any other construction activity.

**106A.4.1.4.4 Mandatory submittal of reports and geotechnical engineering review.** All permit applications submitted to the Department of Building Inspection for construction subject to the Slope Protection Act shall include report(s) prepared and signed by both a licensed geologist and a licensed geotechnical engineer identifying areas of potential slope instability, defining potential risks of development due to geological and geotechnical factors, and drawing conclusions and making recommendations regarding the proposed development. These reports shall undergo design review by a licensed geotechnical engineer. Such design review shall verify that appropriate geological and geotechnical issues have been considered and that appropriate slope instability mitigation strategies, including drainage plans if required, have been proposed.

**106A.4.1.4.5 Structural Advisory Committee and mandatory denial by Building Official.** After reviewing all submitted information pursuant to Section 106A.4.1.4.4, the Director, in his or her sole discretion, may require that the permit application be subject to review by a Structural Advisory

Committee, as defined by Building Code Section 105A.6. When subject to such Structural Advisory Committee review, no permits shall be issued unless and until the Building Official has consulted with and received a written communication from representatives of the Department of Planning, Department of Public Works and Fire Department, each of whom has made a visit to the site for which the project is proposed, and the Building Official has received a written report from the Structural Advisory Committee concerning the safety and integrity of the proposed design and construction. As part of its review, the Structural Advisory Committee shall consider the effect that construction activity related to the proposed project will have on the safety and stability of the property subject to the Slope Protection Act and properties within the vicinity of such property.

In the event that the Building Official establishes a Structural Advisory Committee, and such Committee determines that there is a reasonable likelihood that the proposed design and construction would result in unsafe conditions or would increase the likelihood of hillside instability, and such unsafe conditions or instability cannot be mitigated to the satisfaction of the Committee, the Building Official shall deny the permit. The Building Official's decision to deny the permit is appealable only to the Board of Appeals.

**106A.4.1.4.6 Regulations to implement the Slope Protection Act.** The Building Official is hereby authorized to adopt rules, regulations, administrative bulletins, or other written guidelines to assist the Department in implementing this Section, including, but not limited to, requirements for applicants to demonstrate that a project site is not subject to the Slope Protection Act.

**106A.4.2 Retention of approved construction documents.** One set of approved construction documents shall be provided to the party obtaining the permit. The owner shall be responsible for keeping these documents on the building site at all times and making them available for inspection and use by the inspector during such construction until final inspection has been made; failure to do so shall result in stoppage of work. The approved construction documents shall not be changed, modified or altered without authorization from the Building Official; all work shall be done in accordance with these documents.

One set of approved construction documents for all building permits shall be retained by the Department in reproducible form as public records.

**106A.4.3 Validity of permit.** The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other applicable laws and regulations. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based on plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this code or other applicable laws and regulations.

**106A.4.4 Permit expiration.** Every permit issued by the Building Official under the provisions of this code, unless an extension of time has been specifically approved by the Building Official, shall expire by limitation and become null and void when the time allowed in Table B is reached, or when any of the following circumstances is applicable:

1. For Building Official-initiated code compliance permits, the work shall start within 30 days from the date of such permit.
2. If the building or work authorized is suspended or abandoned at any time after the work has started, for a period as follows: