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Subject: 115 Telegraph Hill Boulevard- CEQA Appeal- Supplemental Appeal Response
Attachments: Supplemental Response Packet.pdf
Categories: 141059

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(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.)

Notice of Electronic Transmittal

Planning Department Response to the Appeal of the Categorical Exemption for 115 Telegraph Hill Boulevard

DATE: November 17, 2014
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sarah B. Jones, Environmental Review Officer – (415) 575-9034
Jessica Range, Senior Environmental Planner – (415) 575-9018
RE: BOS File No. 141059 [Case No. 2013.1375E]
Appeal of the Categorical Exemption for 115 Telegraph Hill Boulevard
HEARING DATE: November 18, 2014

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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 Supplemental Response to the Appeal of the Categorical Exemption for 115 Telegraph Hill Boulevard [BF 141059] in digital format. A hard copy of this response is available from the Clerk of the Board. Additional hard copies may be requested by contacting Jessica Range of the Planning Department at 415-575-9018.

Jessica Range
Senior Planner, Environmental Planning

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Planning Information Center (PIC): 415-558-6377 or pic@sfgov.org
Property Information Map (PIM): <http://propertymap.sfplanning.org>



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Categorical Exemption Appeal

115 Telegraph Hill Boulevard

DATE: November 17, 2014
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sarah B. Jones, Environmental Review Officer – (415) 558-9034
Jessica Range – (415) 575-9018
RE: Planning Case No. 2013.1375E
Appeal of Categorical Exemption for 115 Telegraph Hill Boulevard
HEARING DATE: November 18, 2014
ATTACHMENTS: A. Slope Protection Act
B. Ordinance Establishing the Little Hitchcock Coit Tower as a Landmark Pursuant to Article 10 of the City Planning Code

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PROJECT SPONSOR: Daniel Frattin, Rueben, Junius, & Rose, LLP, (415) 567-9000
APPELLANT: Susan Brandt-Hawley on behalf of the Telegraph Hill Dwellers

INTRODUCTION

This memorandum is a supplemental response (“Supplemental Appeal Response”) to the letter of appeal (“Supplemental Appeal Letter”) to the Board of Supervisors (“Board”) regarding the Planning Department’s (the “Department”) issuance of a Categorical Exemption under the California Environmental Quality Act (“CEQA Determination”) for the proposed project at 115 Telegraph Hill Boulevard (the “Project”). Department staff submitted an appeal response memorandum on November 10, 2014 (“Original Appeal Response”) addressing concerns raised in the original, October 11, 2014, Letter of Appeal (“Original Appeal Letter”).

The Department, pursuant to Title 14 of the CEQA Guidelines, issued a Categorical Exemption for the Project on September 3, 2014 finding that the proposed Project is exempt from the California Environmental Quality Act (CEQA) as a Class 1 and 3 categorical exemption.

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 Department staff for additional environmental review.

SITE DESCRIPTION & EXISTING USE

Please refer to the Department’s Original Appeal Response for a description of the project site and present use.

PROJECT DESCRIPTION

Please refer to the Department's Original Appeal Response for a description of the proposed project.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The Supplemental Appeal Letter provides no new information that would change the Department's determination that the proposed project is exempt under CEQA. The Supplemental Appeal Letter repeats many of the Appellant's previous concerns stated in the Original Appeal Letter. The primary concerns in the Supplemental Appeal Letter are: (1) construction of the project would compromise the slope stability, (2) the project's proposed driveway location and construction truck trips would adversely affect pedestrian safety, and (3) the project would significantly alter views from Coit Tower/Pioneer Park, asserting that those views are part of the historic context of Coit Tower/ Pioneer Park. The Appellant's concern regarding consistency with the Urban Design Element and Priority Policies of the General Plan are fully addressed in the Original Appeal Response, Issue 1, and not restated here.

Although these issues are mostly addressed in the Original Appeal Response, this Supplemental Appeal Response provides additional information regarding the issues raised in the November 7, 2014 Supplemental Appeal Letter. These issues are cited below followed by the Department's response in "Issue 4" through "Issue 6", reflecting the numbering of the issues addressed in the Department's Original Appeal Response, which ended with Issue 3.

Issue 4: Construction of the proposed project requires an usual amount of dewatering during excavation and would require rock breaking, resulting in vibrations, both of which would compromise slope stability, affecting off-site properties.

Response 4: Compliance with the Building Code and Slope Protection Act would ensure that the proposed project would be constructed in a manner that would not significantly affect slope stability or otherwise affect the project site or neighboring properties. The Appellant has not provided any evidence that the Building Code and Slope Protection Act are insufficient to address geotechnical concerns.

Issue 2 of the Original Appeal Response addresses all concerns related to construction of the proposed project and potential geotechnical effects, including the potential to affect nearby properties. As stated in that response, a geotechnical report was prepared for the proposed project and determined that construction of the project was feasible and found risks from liquefaction, surface rupture, lateral spreading, densification and landslides to be low at the project site.¹ The purpose of the geotechnical 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. DBI may require additional site specific reports, analysis, and monitoring in compliance with the Building Code and the Slope Protection Act to ensure the structural integrity of the site and slope stability. Thus, the existing

¹ Earth Mechanics Consulting Engineers, *Report Geotechnical Investigation Planned Improvements at 115 Telegraph Hill Boulevard, San Francisco, California*, May 12, 2013. A copy of this document is available for public review at the San Francisco Planning Department as part of Case File No. 2013.1375E.

regulatory program and requirements are sufficient to ensure that the proposed project would not result in a significant impact related to slope stability and would not affect nearby properties.

In the Supplemental Appeal Letter, the Appellant sites excerpts from a second letter from geotechnical engineer Lawrence B. Karp. The remainder of this response addresses the substantive issues raised in Mr. Karp's November 6, 2014 letter, included in the Supplemental Appeal Letter. In this letter Mr. Karp claims the following:

- Vertical excavation of more than 10 feet deep in proximity to the south side of Pioneer Park and Coit Tower presents unusual circumstances;
- Work within a 32 to 33 foot excavation area is hazardous;
- Construction would result in multiple trucks on Telegraph Hill Boulevard;
- The City failed to require the submittal of engineering information related to the stability of the surrounding hillside and no adequate or useful geotechnical data has been provided;
- The proposed project would require dewatering, impairing lateral and subjacent support, significantly affecting neighboring properties, which cannot be addressed by compliance with Section 3307 of the Building Code;
- Telegraph Hill has a history of numerous rock falls. Specifically, there were major rock falls in October 1962 and February 2007 and intermittent rock falls between 1984 and 1998 that were attributable to new construction. A rock fall also occurred January 2012; and
- The Planning Department cannot issue a Class 3 categorical exemption for the project where the project may have a significant impact on the environment.

With regards to the claim that vertical excavation of 10 feet presents an unusual circumstance, whether the depth of excavation required for the project (32 to 33 feet) is unusual or not, neither the Appellant nor Mr. Karp have demonstrated that this depth of excavation is so unusual that safety requirements could not be adequately addressed through DBI's permit review process.

Mr. Karp asserts that working within an excavated area of 32 to 33 feet below ground surface presents a hazard, but provides no evidence as to how this is hazardous for workers. Worker safety is addressed through regulations implemented by the California Office of Safety and Health Administration (Cal/OSHA). Cal/OSHA regulations are contained in Title 8 of the California Code of Regulations (CCR). Subchapter 4 includes specific requirements to be followed during construction, including Article 6 relating to construction within excavated areas. In addition, the San Francisco Building Code contains, in Chapter 33, specific safeguards that must be adhered to during construction, including but not limited to: Section 3302.4 fencing of the site when work is not in progress, Section 3306 protection of pedestrians, and Section 3307 protection of adjoining property. Compliance with state and local regulations, enforced by Cal/OSHA and DBI, would protect the health and safety of workers and others during construction. Thus, there is no reasonable possibility that construction would result in hazardous conditions for workers.

Mr. Karp also correctly notes that Telegraph Hill Boulevard dead-ends at Coit Tower. Mr. Karp states that trucks would have to turn around at Coit Tower. Mr. Karp neither provides evidence or suggestion

as to what significant impact would occur should vehicles need to turn around at Coit Tower. This issue is further addressed in Response to Issue 5, below.

Mr. Karp claims that the City has failed to require the necessary geotechnical and engineering data related to the stability of the hillside and that the proposed project would require dewatering, impairing lateral and subjacent support, significantly affecting neighboring properties, which cannot be addressed by compliance with Section 3307 of the Building Code. Mr. Karp does not provide further insight as to how Building Code Section 3307 (Protection of Adjoining Structures) is insufficient to protect adjoining structures. Specifically, Section 3307.1 (4) states that the project sponsor/owner must protect the adjoining land and any such building or other structure from any damage from excavation.

As explained above, and in more detail in Response to Issue 2 (Original Appeal Response), an initial geotechnical investigation has been prepared and determined that construction of the project is feasible, provided the recommendations contained in the report are implemented. Geotechnical considerations are under the purview of DBI. DBI ensures the structural safety of projects and nearby properties through implementation of the Building Code. DBI may require additional reports and analysis to ensure that the potential settlement and subsidence impacts of excavation and dewatering (if required) are appropriately addressed in accordance with the 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. Groundwater observation wells could be required to monitor potential settlement and subsidence during dewatering. If, in the judgment of the Special Inspector, unacceptable movement were to occur during construction, corrective actions would be used to halt this settlement.

Mr. Karp includes in his letter reference to a number of rock falls that have occurred on Telegraph Hill as evidence of the instability of excavations into the hillside. Aside from the referenced January 2012 rock fall, which is speculated to have occurred as a result of heavy rains, all other referenced rock falls, which Mr. Karp indicates occurred as a result of new construction, occurred prior to implementation the City's Slope Protection Act. As discussed in Response to Issue 2, the project site is subject to the Slope Protection Act, which establishes heightened review requirements for projects within certain mapped areas. The full text of the Slope Protection Act Ordinance is included as Attachment A. Specifically, projects in these 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 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 3 exemption is appropriate.

Issue 5: The Appellant asserts that the proposed project would result in pedestrian safety impacts due to a confluence of unusual circumstances and as a result of more than 10,000 truck trips required for excavation and construction.

Response 5: The Appellant has not provided any evidence that conditions at the site are unusual and that as a result of those conditions or the number of construction truck trips, there is a reasonable possibility of a significant effect on pedestrian safety.

This issue is fully covered in Response to Issue 1 of the Original Appeal Response. However, the Appellant includes in the Supplemental Appeal Letter citations to two letters from Judy Irvin and Katherine Petrin opining that the proposed project would exacerbate already unsafe conditions for pedestrians at the site. These letters are attached in the Supplemental Appeal Letter. These statements are merely opinion and do not constitute substantial evidence under CEQA. CEQA State Guidelines Section 15604(f)(5) states that "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts." Neither letter provides documentation to substantiate that the site is currently unsafe for pedestrians or would become unsafe for pedestrians as a result of the project. Furthermore, the opinions expressed in these two letters do not appear to be that of an expert transportation planner or engineer.

As stated in the Original Appeal Response, there is nothing unusual about the project site that could result in significant pedestrian safety impacts. At the location of the proposed driveway, there is a stop sign to the west and a pedestrian crossing to the east. The project's proposal for a three vehicle parking garage would result in a low volume of vehicles entering and exiting Telegraph Hill Boulevard. In addition, the stop sign and pedestrian cross walk at this location would ensure that vehicles entering the driveway will be traveling at slow speeds and aware of crossing pedestrians. Furthermore, the garage would be set back from the property line and has been designed to allow cars to face the street when exiting, allowing drivers and pedestrians greater visibility of one another when cars exit the garage. Thus, there is no potential for significant traffic hazard effects as a result of the proposed project.

The Appellant provides no evidence that construction truck trips may result in traffic impacts. As explained in the CEQA Determination and the Original Appeal response, the proposed project's construction activities would be coordinated with the San Francisco Department of Public Works (DPW), the San Francisco Municipal Transportation Agency, and the Transportation Advisory Staff Committee to ensure that construction activities are conducted in a manner that maintains circulation on public rights-of-way, to the maximum extent feasible, while also ensuring the public's safety. Inconveniences for those accessing Coit Tower, such as vehicle delay caused during temporary lane closures or to allow construction vehicles adequate movement, would not be considered a significant impact on the environment because of the temporary and intermittent nature of any delays during the construction period.

Issue 6: Appellant states that the proposed project would significantly alter views from Coit Tower/Pioneer Park, asserting that those views are part of the historic context of Coit Tower/ Pioneer Park.

Response 6: The proposed project would not significantly affect the historic context of Coit Tower/Pioneer Park.

For the reasons explained in the Original Appeal Response, aesthetic impacts of qualified urban infill projects are not significant effects on the environment in accordance with Public Resources Code Section 21099. This response addresses the assertion that the project would negatively affect the historic context of Coit Tower and Pioneer Park such that a significant impact would occur. The Appellant includes a letter from Architectural Historian and Preservation Planner Katherine T. Petrin. This letter opines that the project will impact the overall historic context of Coit Tower and Pioneer Park, without providing any evidence. As discussed in Issue 1 (Original Appeal Response), the Planning Department's Historic Preservation Staff reviewed the proposed project and Historic Resource Evaluation² prepared for the project and determined that the project would not directly or indirectly involve any historic resources and would not cause a significant adverse impact upon a historic resource as defined by CEQA.³

Coit Tower was designated Landmark 165 in 1983. The final case report for the Landmarking action notes that Coit Tower is "significant as a powerful visual landmark" and a "preeminent landmark for San Francisco and the Bay Area" (see Attachment B). The Appellant includes Exhibit 15 "Comparison of current view and view with Project from Financial District, Nob Hill, Chinatown, and Russian Hill." This exhibit shows views to Coit Tower with and without the proposed project. As demonstrated in those visual renderings, the proposed project would be similar in height to the building directly east of the project site and Coit Tower would continue to be visually prominent from this viewpoint. Coit Tower would remain a visually prominent landmark primarily as a result of the low zoning height limits (40 feet) and the fact that Coit Tower is surrounded by Pioneer Park, a composite of 50 lots donated to the City for use as a public park. Furthermore, the disputed view is located within the public right-of-way overlooking the subject parcel. This view is neither to nor from the Telegraph Hill Historic District nor the boundaries of Coit Tower. Rather, this view is from Pioneer Park, the land of which was donated to the City to protect Coit Tower and serve as a buffer between Coit Tower and surrounding development. Pioneer Park's elevation above surrounding developed land protects and preserves views to and from Coit Tower. The subject parcel is outside of Pioneer Park and would be similar in height to surrounding developed parcels. As further shown in the Appellant's Exhibit 13, the disputed view was partially blocked up until 1995 when the existing buildings on the site were demolished.

Neither the Appellant nor Ms. Petrin provides any evidence or rationale as to how the project could affect the historic context of Coit Tower and Pioneer Park. On the contrary, the visual renderings provided by the Appellant clearly demonstrate that Coit Tower would continue to be a visually prominent landmark.

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

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

CONCLUSION

No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of further environmental review. The Department has found that the proposed project is consistent with the cited exemption. The Appellant has not provided any substantial evidence or expert opinion supported by substantial evidence to refute the conclusions of the Department.

For the reasons stated above, in the Original Appeal Response, and in the September 3, 2014 CEQA Categorical Exemption Determination, the CEQA Determination complies with the requirements of CEQA and the Project is appropriately exempt from environmental review pursuant to the cited exemption. The Department therefore recommends that the Board uphold the CEQA Categorical Exemption Determination and deny the appeal of the CEQA Determination.

Attachment A

2008 Slope Protection Act

FILE NO. 080281

ORDINANCE NO. 258-08

1 [Building Code - Slope Protection Act.]

2

3 Ordinance amending the San Francisco Building Code by adding Sections 106A.4.1.4

4 et seq. to establish the Slope Protection Act and create procedures that require the

5 ~~Structural Advisory Committee~~ to review and make recommendations on specified

6 permit applications for all property that fall within certain mapped areas of within the

7 ~~City that exceeds an average slope of 25% grade~~, and to require mandatory denial of

8 the permit by the Building Official under specified circumstances; amending Section

9 105A.6.2 to specify the composition of the Structural Advisory Committee for permit

10 applications subject to within the Slope Protection Act area when the Building Official

11 authorizes establishment of such a Committee; amending Building Code Section

12 106A.3.2 to require that the applicant for certain permit applications subject to the

13 Slope Protection Act provide substantial documentation that there exists sufficient

14 infrastructure to support the proposed residential development and that the proposed

15 emergency access routes meet standards in effect at the time of the application;

16 amending Building Code Section 1701A.5 to require special inspections throughout the

17 construction process for sites subject to the Slope Protection Act.

18 Note: Additions are *single-underline italics Times New Roman*;

19 deletions are *strikethrough italics Times New Roman*.

20 Board amendment additions are double underlined.

21 Board amendment deletions are ~~strikethrough normal~~.

22 Be it ordained by the People of the City and County of San Francisco:

23 Section 1. The San Francisco Building Code is hereby amended by adding Sections

24 106A.4.1.4 et seq. to read as follows:

25 106A.4.1.4. The Slope Protection Act. This Section of the San Francisco Building Code shall
be known as the Slope Protection Act.

1 106A.4.1.4.1 Creation. The Slope Protection Act shall apply to all property within San
2 Francisco that falls within certain mapped areas of the City exceeds an average slope of 25%
3 grade, except those properties already subject to the Edgehill Mountain Slope Protection Area or the
4 Northwest Mt. Sutro Slope Protection Area. For purposes of this Section "property" shall mean a legal
5 lot of record. Heightened review of certain permit applications, as provided in this section, shall be
6 given to all property subject to this Act.

7 106A.4.1.4.2 Purpose. Because landslides, earth movement, ground shaking and subsidence
8 are likely to occur on or near steeply sloped properties and within other defined areas causing
9 severe damage and destruction to public and private improvements, the Board of Supervisors finds that
10 the public health, safety and welfare is best protected if the Building Official causes permit applications
11 for the construction of new buildings or structures and certain other construction work on property
12 subject to the Slope Protection Act to undergo additional review be peer reviewed for structural
13 integrity and effect on hillside slope stability. The requirements for projects subject to the Slope
14 Protection Act are in addition to all other applicable laws and regulations, including any and all
15 requirements for environmental review under the California Environmental Quality Act; compliance
16 with the requirements contained herein does not excuse a project sponsor from compliance with any
17 other applicable laws and regulations.

18 106A.4.1.4.3 Scope. Properties are subject to these requirements where any portion of
19 the property lies within the areas of "Earthquake-Induced Landslide" in the Seismic Hazard
20 Zone Map, released by California Department of Conservation, Division of Mines and
21 Geology, dated November 17, 2000, or amendments thereto; or within the "Landslide Hazard
22 Areas" mapped as "Landslide Locations" in Figure 4 of the San Francisco Seismic Safety
23 Investigation report prepared by URS/John A. Blume & Associates, Engineers, June 1974, or
24 any successor map thereto.

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

9 ~~106A.4.1.4. 4.3~~ Mandatory submittal of reports and geotechnical engineering review by
10 ~~Structural Advisory Committee and other City officials. All permit applications submitted to the~~
11 ~~Central Permit Bureau Department of Building Inspection for construction of new buildings or~~
12 ~~structures subject to the Slope Protection Act shall be submitted to include report(s) prepared and~~
13 ~~signed by both a licensed geologist and a licensed geotechnical engineer identifying areas of~~
14 ~~potential slope instability, defining potential risks of development due to geological and~~
15 ~~geotechnical factors, and drawing conclusions and making recommendations regarding the~~
16 ~~proposed development. These reports and shall undergo design review reviewed by the~~
17 ~~Structural Advisory Committee, as defined by Building Code Section 105A.6 a licensed~~
18 ~~geotechnical engineer. Such design review shall verify that appropriate geological and~~
19 ~~geotechnical issues have been considered and that appropriate slope instability mitigation~~
20 ~~strategies, including drainage plans if required, have been proposed. No permits as specified~~
21 ~~above for properties subject to the Slope Protection Act shall be issued unless and until the~~
22 ~~Building Official has consulted with and received a written communication from~~
23 ~~representatives of the Department of Planning, Department of Public Works and Fire~~
24 ~~Department, each of whom has made a visit to the site for which the project is proposed, and~~
25

1 the Building Official has received a written report from the Structural Advisory Committee
2 concerning the safety and integrity of the proposed design and construction. As part of its
3 review, the Structural Advisory Committee shall consider the effect that construction activity
4 related to the proposed project will have on the safety and stability of the property subject to
5 the Slope Protection Act and properties within the vicinity of such property.

6 106A.4.1.4.54 Structural Advisory Committee and Mandatory denial by Building Official.

7 After reviewing all submitted information pursuant to Section 106A.4.1.4.4, the Director, in his
8 or her sole discretion, may require that the permit application be subject to review by a
9 Structural Advisory Committee, as defined by Building Code Section 105A.6. When subject to
10 such Structural Advisory Committee review, no permits shall be issued unless and until the
11 Building Official has consulted with and received a written communication from
12 representatives of the Department of Planning, Department of Public Works and Fire
13 Department, each of whom has made a visit to the site for which the project is proposed, and
14 the Building Official has received a written report from the Structural Advisory Committee
15 concerning the safety and integrity of the proposed design and construction. As part of its
16 review, the Structural Advisory Committee shall consider the effect that construction activity
17 related to the proposed project will have on the safety and stability of the property subject to
18 the Slope Protection Act and properties within the vicinity of such property.

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

1 106A.4.1.4.65 Regulations to implement the Slope Protection Act. The Building Official is
2 hereby authorized to adopt rules, regulations, administrative bulletins, or other written guidelines to
3 assist the Department in implementing this Section, including, but not limited to, requirements for
4 applicants to demonstrate that a project site is not subject to the Slope Protection Act.

5 Section 2. The San Francisco Building Code is hereby amended by amending Section
6 105A.6.2, to read as follows:

7 105A.6.2 Members. For consideration of each building with such special features, the
8 Structural Advisory Committee shall consist of members who are knowledgeable in the
9 structural engineering and construction issues presented by those special features. Members
10 shall be selected from a list of qualified engineers submitted by the Structural Engineers
11 Association of Northern California and approved by the Building Official. One member shall be
12 selected by the Building Official, one member shall be selected by the owner, and the third
13 member shall be selected jointly. Compensation of the Structural Advisory Committee
14 members shall be by the owner. However, when the project for which Committee review is
15 required is located in the Edgehill Mountain Slope Protection Area as defined by Building
16 Code Section 106A.4.1.2 or the Northwest Mt. Sutro Slope Protection Area as defined by
17 Building Code Section 106A.4.1.3 or is located in subject to Committee review pursuant to the
18 Slope Protection Area Act, as defined in Building Code Section 106A.4.1.4.5, (a) the Committee
19 shall consist of a structural engineer, a geologist and a geotechnical engineer; (b) the
20 Committee shall consult with an architect, who shall be a voting member of the Committee; (c)
21 the selection of the Committee members shall be as follows: one member shall be selected
22 jointly by the Building Official and the Director of Public Works, one member shall be selected
23 solely by the Building Official and one member and the consulting architect shall be selected
24 jointly by the Building Official and the owner from recommendations made by interested
25

1 persons, including but not limited to residents of the neighborhood surrounding the project
2 location; and (d) to the extent feasible, the Committee members should be selected from a list
3 submitted by the Structural Engineers Association of Northern California

4 Section 3. The San Francisco Building Code is hereby amended by amending Section
5 106A.3.2, to read as follows:

6 106A.3.2 Submittal documents. Plans, specifications, engineering calculations,
7 diagrams, soil investigation reports, special inspection and structural observation programs
8 and other data shall constitute the submittal documents for a permit. When such plans are not
9 prepared by an architect or an engineer, the Building Official may require the applicant
10 submitting such plans or other data to demonstrate that state law does not require that the
11 plans be prepared by a licensed architect or engineer. The Building Official may require plans,
12 computations and specifications to be prepared and designed by an engineer or architect
13 licensed by the state to practice as such even if not required by State law. Materials submitted
14 by a licensed architect or engineer must be signed and sealed with an original signature on
15 the first sheet of each set of documents, and facsimile stamps plus the required registration
16 seal of the architect or engineer on the balance of the sheets.

17 Two complete sets of plans and specifications and three copies of the soil investigation
18 report (when required) shall be submitted. Additional complete sets of plans and specifications
19 may be required for special permit processing services that may be offered by the City and
20 County of San Francisco.

21 **EXCEPTIONS:**

22 1. The requirements for plans or specifications may be waived by the
23 Building Official, provided that the nature and extent of the proposed construction can be
24 clearly described in writing, and such a description is filed with the application.

1 2. In addition to all other requirements of this Section 106A.3.2, the following
2 requirements shall apply to: (a) applications for construction of new buildings or structures,
3 and to alterations that involve a substantial increase in the building envelope of an existing
4 building or structure, within the Edgehill Mountain Slope Protection Area, created by Building
5 Code Section 106A.4.1.2, and within the Northwest Mt. Sutro Slope Protection Area, created
6 by Section 106A.4.1.3 and (b) application for construction of new buildings or structures on
7 property subject to the Slope Protection Act created by Building Code Section 106A.4.1.4:

8 The Building Official may not waive the requirements for submittal documents set forth
9 in this Section 106A.3.2.

10 Submittal documents shall substantiate that the building or structure will comply with
11 applicable codes and regulations.

12 Submittal documents shall include (1) plans prepared by a State-licensed architect or
13 engineer and (2) a construction/staging plan establishing that the proposed construction will
14 not compromise the health, safety or welfare of neighboring property owners. Submittal
15 documents shall demonstrate to the satisfaction of the Building Official, based on consultation
16 with and written communications from appropriate City officials, including the Director of the
17 Department of Public Works, that there is sufficient infrastructure (including utilities and
18 streets) to support the proposed residential development and that the proposed emergency
19 vehicle access routes comply with the standards in use by the Fire Department or similar
20 agency in effect at the time the application is submitted.

21 Section 4. The San Francisco Building Code is hereby amended by amending Section
22 1701A.5, to read as follows:

23 1701A.5 Types of Work. Except as provided in Section 1701A.1, the types of work
24 listed below shall be inspected by a special inspector.

1 1. Concrete. During the taking of test specimens and placing of reinforced
2 concrete. See Item 12 for shotcrete.

3 EXCEPTIONS:

4 1. Concrete for foundations conforming to minimum requirements of Table
5 18-I-C or for Group R, Division 3, or Group M, Division 1 Occupancies, provided the building
6 official finds that a special hazard does not exist.

7 2. For foundation concrete, other than cast-in-place drilled piles or caissons,
8 where the structural design is based on an $f'c$ no greater than 2,500 pounds per square inch
9 (psi) (17.2 MPa). This exception shall not apply to foundations serving as retaining walls of
10 soil over 5 feet (1829 mm) in height measured from the base of the foundation.

11 Section 1701.5. Revise this item as follows:

12 15. Special cases. Work which, in the opinion of the Building Official, involves
13 unusual hazards or conditions such as underpinning, shoring, removal of hazardous materials
14 and new construction methods not covered by this code.

15 Section 1701A.5. Add the following items:

16 17. Exterior facing. During fastening of all exterior veneer and ornamentation
17 facing units constructed of concrete, masonry, stone or similar materials, and all curtain walls
18 weighing more than 15 pounds per square foot (73.39 kg/m²) of wall.

19 EXCEPTIONS:

20 1. Veneers weighing less than 5 pounds per square foot (24.46 kg/m²)
21 located less than 15 feet (4.57 m) above grade.

22 2. Anchored veneer located less than 10 feet (3.048 m) above grade.

23 18. Demolition. Demolition of buildings more than two stories or 25 feet (7.62
24 m) in height. See Section 3303.9 for demolition requirements.

1 EXCEPTION: Type V buildings.

2 19. Retrofit of unreinforced masonry bearing wall buildings.

3 19.1 During the testing of mortar quality and performance of masonry shear
4 tests in accordance with Section 1614C when required by Sections 1606C.3.3 and 1607C.2.

5 19.2 During repointing operations in accordance with Section 1616C when
6 required by Sections 1606C.3.3.7 and 1607C.1.

7 19.3 During the installation of new shear bolts when required by the exception
8 to Section 1607C.4.

9 19.4 Prior to the placement of the bolt and grout or adhesive for embedded
10 bolts as required by Section 1607C.4.

11 19.5 During the prequalification tests in accordance with Section 1615C.3 as
12 permitted by Footnote 8 to Table 16C-E.

13 20. Bolts installed in existing masonry or concrete. Except for through bolts
14 with plate washers conforming to Table 16C-E, bolts that are newly installed in existing
15 masonry or concrete shall be tested in accordance with Section 1615C. The number and type
16 of tests required shall be the same as required by Section 1607C.

17 21. Shear walls and floor systems used as shear diaphragms. All
18 connections, including nailing, tiedowns, framing clips, bolts and straps, for those parts of a
19 lateral force resisting system utilizing the following components:

20 21.1 Plywood diaphragms, where shear values exceed $2/3$ the values in
21 Tables 23-II-H and 23-II-I-1.

22 21.2 Double sheathed shear walls, in all cases.

23 21.3 Plywood shear walls, wherever nailing or hardware are not visible to the
24 district inspector at the time of cover-up inspection.

1 If nailing is not visible to the inspector at the called inspection, or if the special
2 inspector has not inspected the work prior to the concealment, all work concealing such
3 nailing shall be removed in order to permit a complete inspection.

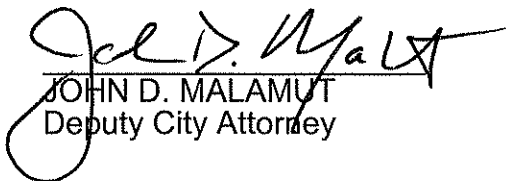
4 21.4 Gypsum wallboard shearwalls where shear values exceed one-half of the
5 values permitted by Footnote 1 of Table 25A-I.

6 21.5 Fiberboard shearwalls where shear values exceed one-half of the values
7 in Table 23-II-J.

8 21.6 Particle-board diaphragms, where shear values exceed one-half of the
9 values in Table 23-I-I-2.

10 22. ~~Construction of a new building or structure on property~~ subject to the Slope
11 Protection Act, created by Section 106A.4.1.4; or construction of a new building or structure, or
12 alterations that involve a substantial increase in the envelope of an existing building or
13 structure within the Edgehill Mountain Slope Protection Area, created by Building Code
14 Section 106A.4.1.2, or the Northwest Mt. Sutro Slope Protection Area, created by Building
15 Code Section 106A.4.1.3; provided, however, that, until the special inspection reports required
16 by Building Code Section 1701A.3 are submitted to and approved by the Department, the
17 phase of construction subsequent to the phase or element for which the report was completed
18 cannot commence.

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: 
23 JOHN D. MALAMUT
24 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 080281

Date Passed:

Ordinance amending the San Francisco Building Code by adding Sections 106A.4.1.4 et seq. to establish the Slope Protection Act and create procedures to review and make recommendations on specified permit applications for all property that fall within certain mapped areas of the City, and to require mandatory denial of the permit by the Building Official under specified circumstances; amending Section 105A.6.2 to specify the composition of the Structural Advisory Committee for permit applications within the Slope Protection Act area when the Building Official authorizes establishment of such a Committee; amending Building Code Section 106A.3.2 to require that the applicant for certain permit applications subject to the Slope Protection Act provide substantial documentation that there exists sufficient infrastructure to support the proposed residential development and that the proposed emergency access routes meet standards in effect at the time of the application; amending Building Code Section 1701A.5 to require special inspections throughout the construction process for sites subject to the Slope Protection Act.

October 28, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval

Absent: 1 - Ammiano

November 4, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080281

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 4, 2008 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

Date Approved

Mayor Gavin Newsom

Date: November 17, 2008

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.



Angela Calvillo
Clerk of the Board

File No.
080281

Attachment B

Ordinance Establishing the Little Hitchcock Coit Tower as a Landmark

Pursuant to Article 10 of the City Planning Code

1 DESIGNATING THE LILLIE HITCHCOCK COIT TOWER AS A LANDMARK PURSUANT TO ARTICLE
2 10 OF THE CITY PLANNING CODE.

3
4 Be it Ordained by the People of the City and County of San Francisco:

5 Section 1. The Board of Supervisors hereby finds that the Lillie Hitchcock
6 Coit Tower located on Telegraph Hill Boulevard, being Lot 12 in Assessor's
7 Block 86, has a special character and special historical, architectural and
8 aesthetic interest and value, and that its designation as a Landmark will be
9 in furtherance of, and in conformance with the purposes of Article 10 of the
10 City Planning Code and the standards set forth therein.

11 (a) Designation. Pursuant to Section 1004 of the City Planning Code, Chap-
12 ter 11, part 11 of the San Francisco Municipal Code, the Lillie Hitchcock Coit
13 Tower is hereby designated as a Landmark, this designation having been duly
14 approved by Resolution No. 272 of the City Planning Commission, which Resolu-
15 tion is on file with the Clerk of the Board of Supervisors under File No. 90-83-7.

16 (b) Required Data. The description of the location and boundaries of the
17 Landmark site; of the characteristics of the Landmark which justify its des-
18 ignation; and of the particular features that should be preserved; as included
19 in the said Resolution, are hereby incorporated herein and made a part hereof
20 as though fully set forth.

22 APPROVED AS TO FORM:

23 George Agnost
24 CITY ATTORNEY

25 BY Deputy City Attorney
26

27 JEM:vr
28 5663A

RECOMMENDED:

CITY PLANNING COMMISSION

29 BY Dean L. Macris
30 Director of Planning

Passed for Second Reading
Board of Supervisors, San Francisco

NOV 21 1983

Ayes: Supervisors Britt, ~~Hongisto~~, Kennedy,
Kopp, Maher, Molinari, Neider, Renne, Silver,
Walker, ~~Ward~~

~~Noon Supervisors~~

Absent: Supervisors... HONGISTO WARD

John L. Taylor Clerk

90-83-7
File No.

DEC 2 1983
Approved

Read Second Time and Finally Passed
Board of Supervisors, San Francisco

NOV 28 1983

Ayes: Supervisors Britt, Hongisto, ~~Kennedy~~,
Kopp, Maher, Molinari, Neider, Renne, Silver,
Walker, Ward

~~Noon Supervisors~~

Absent: Supervisors KENNEDY WALKER
WARD

I hereby certify that the foregoing ordinance was
finally passed by the Board of Supervisors of the
City and County of San Francisco.

John L. Taylor Clerk

John L. Taylor Mayor

SAN FRANCISCO
CITY PLANNING COMMISSION
RESOLUTION NO. 9843

WHEREAS, A proposal to designate the Lillie Hitchcock Coit Tower as a Landmark pursuant to the provisions of Article 10 of the City Planning Code was initiated by the Landmarks Preservation Advisory Board on September 7, 1983, and said Advisory Board, after due consideration, has recommended approval of this proposal; and

WHEREAS, The City Planning Commission, after due notice given, held a public hearing on September 20, 1983 to consider the proposed designation and the report of said Advisory Board; and

WHEREAS, The Commission believes that the proposed Landmark has a special character and special historical, architectural and aesthetic interest and value; and that the proposed designation would be in furtherance of and in conformance with the purposes and standards of the said Article 10;

THEREFORE BE IT RESOLVED, First, the proposal to designate the aforementioned structure, Lillie Hitchcock Coit Tower on Telegraph Hill Boulevard, as a Landmark pursuant to Article 10 of the City Planning Code is hereby APPROVED, the precise location and boundaries of the Landmark site being those of Lot 12 in Assessor's Block 86;

Second, That the special character and special historical, architectural and aesthetic interest and value of the said Landmark justifying its designation are set forth in the Landmarks Preservation Advisory Board Resolution #272 as adopted on September 7, 1983 which Resolution is incorporated herein and made a part thereof as though fully set forth;

Third, That the said Landmark should be preserved generally in all of its particular exterior features as existing on the date hereof and described and depicted in the photographs, case report and other material on file in the Department of City Planning Docket No. 83.450L;

AND BE IT FURTHER RESOLVED, That the Commission hereby directs its Secretary to transmit the proposal for designation, with a copy of this Resolution, to the Board of Supervisors for appropriate action.

I hereby certify that the above Resolution was ADOPTED by the City Planning Commission.

Lee Woods, Jr
Secretary

AYES: Commissioners Bierman, Karasick, Klein, Nakashima, Rosenblatt,
Salazar, Wright

NOES None

ABSENT: None

DATED: October 20, 1983

5971A
JHM:vr

LANDMARK # 165

BUILDING NAME: Lillie Hitchcock Coit Tower OWNER: City & County of San Francisco
 BUILDING ADDRESS: Telegraph Hill Boulevard BLOCK & LOT: 86/12 ZONING: P (Public)
 ORIGINAL USE: Observation Tower, Monument NO. OF FEET: 155 LPAB VOTE: 6-1
 CURRENT USE: same EXTERIOR MATERIALS: concrete

STATEMENT OF SIGNIFICANCE:

(Describe special CHARACTER, or special HISTORICAL, ARCHITECTURAL or AESTHETIC interest or value:) Erected with funds from a bequest of Lillie Hitchcock Coit, the tower is significant as a powerful visual landmark, as a reminder of the role Telegraph Hill played in San Francisco's maritime history, as an example of early support for civic improvement and beautification, and as the site of an important series of murals by a number of noted twentieth century artists.

(may be continued on back)

EVALUATION CRITERIA

A. ARCHITECTURE

1. Style: Art Moderne
2. Construction Type: reinforced concrete
3. Construction Date: 1933
4. Design Quality: (LPAB ONLY)
5. Architect: Arthur Brown, Jr. (Young & Hortmeyer, contractor)
6. Interior Quality: (LPAB ONLY)
 (Publicly owned buildings) The decorative murals inside the tower were the first project funded under the federal Depression era Public Works of Art Project. Scenes depicted represent contemporary California life executed by a number of experienced as well as promising young artists. Most of the (over)

B. HISTORY

(as building is significantly associated with specific)

7. Persons: The tower was built through a bequest of Lillie Hitchcock Coit (over)
8. Events: -
9. Patterns of history:
 (cultural, social, political, military, economic or industrial) The construction of Coit Tower by the City and County of San Francisco with funds (over)

C. ENVIRONMENT

(relation to surroundings, specifically in terms of:)

10. Continuity: The summit of Telegraph Hill served as a lookout point to spot vessels arriving through the Golden Gate. The original signaling system was a (over)
11. Setting: The Tower and park setting highlight Telegraph Hill, a natural feature of the city which has been a literal and figurative center of San Francisco history.
12. Importance as a Visual Landmark: By its unique design and central location atop Telegraph Hill, protected by zoning restrictions dating back to the time of its construction, Coit Tower is a preeminent visual landmark for San Francisco and the Bay area.

D. INTEGRITY

(cite alterations and physical conditions) Intact

RATINGS

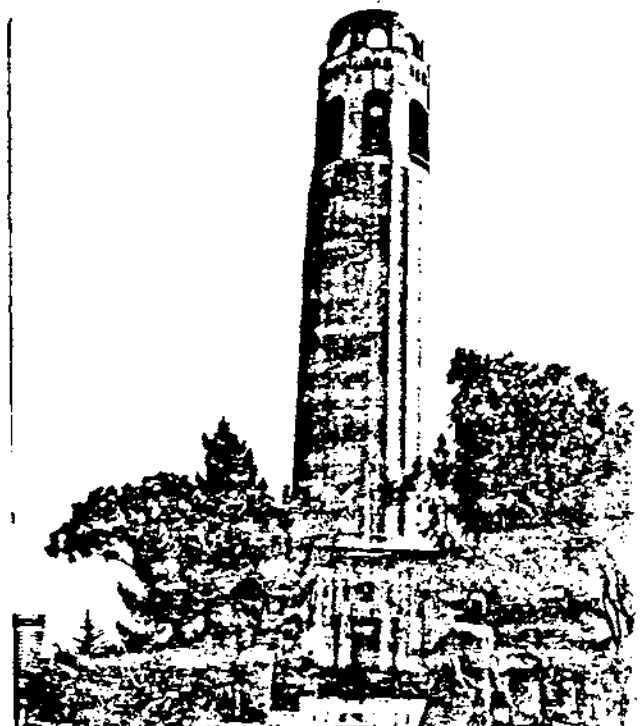
- DCP: 4
- HERE TODAY: P. 60
- SPLENDID SURV.: Not applicable
- NAT'L REGISTER: -
- NAT'L LANDMARK: -
- STATE LANDMARK: -

BIBLIOGRAPHY

(list sources on back)

PREPARED BY: Jonathan Malone
 ADDRESS: 450 McAllister Street
 San Francisco, CA 94102
 PHONE: 558-2816
 DATE: September 7, 1983

JHM:vr
5522A



6. Interior quality cont'd

entries are frescoes (four are oil, one is egg tempura), a technique wherein paint is applied to damp lime plaster, with the lime acting as the binding agent by incorporating the pigment. Certain aspects of the finished murals were considered too controversial in political overtone by the Art Commission, which saw that changes were made before the unveiling on October 12, 1934. (See also Landmark No. 107 - Anton Refregier murals in Rincon Annex Post Office). The artists also entered a touch of humor by incorporating the faces of several of their colleagues in the finished product.

7. Persons cont'd

(1842-1929). Lillie Coit, born in New York, came to San Francisco as a child. An admirer of San Francisco's fire brigades, she was made an honorary member of Knickerbocker Engine Company No. 5. A colorful figure in the traditions of the city, Lillie Coit lived in Paris from 1903 to 1924. Her bequest to San Francisco specified that the \$118,731 be used "for the purpose of adding to the beauty of this city I have always loved".

9. Patterns of History cont'd

from a private bequest reflects the late nineteenth, early twentieth century pattern of private contribution toward, or commissioning of, public art in the form of sculpture, monuments or fountains (see Landmark Nos. 73 and 96, Lotta's Fountain and Francis Scott Key Monument). The San Francisco Art Commission survey of 1975 records 24 works commissioned by private benefactors during the period 1879-1929, and none from 1943 to publication.

10. Continuity cont'd

manually operated device consisting of arms on a long pole. By 1853, an electric telegraph was in place. A major storm destroyed the station in 1870. Out of concern for possible future development, a group of 22 businessmen lead by J. M. MacDonald (mining stockbroker) purchased four 50-vara lots at the top of Hill, donating them in 1876 to the City to be used as "Pioneer Park". Much consideration was given to a suitable cap for the Hill. These included Daniel H. Burnham's 1905 plan for drives and terraces; John McLaren's vision of a man-made waterfall down the east side of the cliffs, and Greek Consul General Richard de Fontana's proposed replica of the Parthenon in 1912, among others.

BIBLIOGRAPHY:

Myrick, David, Telegraph Hill

A Survey of Art Work in the City and County of San Francisco, Office of the Mayor, 1975

1976 Department of City Planning Architectural Survey