

File No. 140627

Committee Item No. 14

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date June 19, 2014

June 20, 2014

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER (Use back side if additional space is needed)

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Completed by: Linda Wong Date June 13, 2014

Completed by: _____ Date _____

1 [Building Code - Use of Repair and Demolition Fund for Telegraph Hill Stabilization]

2
3 **Ordinance amending the Building Code to authorize use of the Repair and Demolition**
4 **Fund specified in Building Code, Section 102A.13, to address costs associated with**
5 **private property owner responsibility to stabilize Telegraph Hill, as part of the Rock**
6 **Slope Improvement Project, and affirming the Planning Department's determination**
7 **under the California Environmental Quality Act.**

8 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

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

16 Section 1. Findings. (a) The Planning Department has determined that the actions
17 contemplated in this ordinance comply with the California Environmental Quality Act
18 (California Public Resources Code Sections 21000 et seq.). The Board of Supervisors hereby
19 affirms this determination. Said determination is on file with the Clerk of the Board of
20 Supervisors in File No. 140627 and is incorporated herein by reference.

21 (b) On _____, 2014, the Building Inspection Commission held a duly noticed
22 hearing on this ordinance and recommended its approval. The Building Inspection
23 Commission Secretary submitted a letter to the Clerk of the Board of Supervisors that
24 reported this decision. A copy of said letter is on file with the Clerk of the Board in File No.
25 _____.

1 (c) For many years the steeply sloped and unimproved portion of Lombard Street
2 below Coit Tower and between Telegraph Hill Boulevard and Montgomery Street and
3 adjacent properties has witnessed severe erosion and rock slides. Some of these rockslides
4 have led to significant property damage below the slide area. In one instance a large boulder
5 narrowly missed striking a residential condominium at the base of Telegraph Hill and instead
6 crushed a vehicle parked on Lombard Street. The City and adjacent property owners have
7 undertaken various efforts to stabilize portions of Telegraph Hill in this area, including
8 installation of a rock catchment fence, debris removal, and slope protection. Despite these
9 efforts, the steeply sloped area continues to be problematic with occasional slides consisting
10 of small rocks and debris. In recent years, this portion of Telegraph Hill has begun to pose a
11 significant risk to persons and property. Fortunately, the past winters' drought conditions have
12 contributed only minor saturation to Telegraph Hill, which has made a catastrophic event less
13 likely. However, the Departments of Public Works and Building Inspection and their
14 professional experts agree that work to stabilize this portion of Telegraph Hill must begin
15 immediately to avoid significant risk to persons and property in advance of this year's rainy
16 season.

17 (d) To address this risk to persons and property, the Department of Public Works
18 (DPW), on its behalf and on behalf of the Recreation and Park Department (RPD),
19 Department of Building Inspection (DBI), and affected private property owners, is proposing to
20 implement the Telegraph Hill Rock Slope Improvement Project. This Project involves property
21 under the regulatory jurisdiction of the RPD on the south side of unimproved Lombard Street
22 below Coit Tower, DPW on the Lombard Street right-of-way, and DBI on the north side of
23 Lombard Street. DPW has allocated the cost of the Project among RPD, DPW, and the
24 privately-owned property on the north side of the Street at Assessor's Block 0060, Lot 005,
25 based on the extent of slope stabilization responsibility associated with each property. Copies

1 of documents related to this Project and the public safety concerns of this portion of Telegraph
2 Hill are on file with the Clerk of the Board of Supervisors in File No. 140627.

3 (e) Building Code Sections 102A.11 et seq. address the process under which DBI can
4 address unsafe conditions and impose penalties when a private property does not comply
5 with a DBI Order to abate a Building Code violation. Building Code Section 102A.13
6 establishes the DBI Repair and Demolition Fund. DBI can use this Fund to remedy unsafe
7 conditions when a responsible property owner fails or is unable to do so. Building Code
8 Section 102A.16 governs the procedures that DBI shall follow to address serious and
9 imminent hazards and other emergency situations, including those that may involve use of the
10 Repair and Demolition Fund. However, this Section imposes a limit on use of such funds for
11 emergency purposes when the cost of the work to abate the unsafe condition exceeds 50% of
12 the value of the property of the responsible owner, as defined by the Assessor. The cost of
13 the Project allocated to the privately-owned property on the north side of the Street at
14 Assessor's Block 0060, Lot 005 is approximately \$1.8 million. The Assessor's property
15 valuation for this site is only \$12,000.00, which is far below 50% of the cost of the Project
16 allocated to this property.

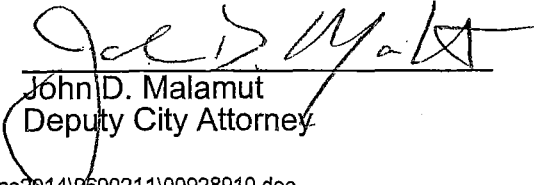
17 (f) Under the circumstances, and based on the information that City agencies have
18 presented at the hearing on this ordinance, the Board of Supervisors recognizes the imminent
19 risk to persons and property presented at this site and finds that the limitations set forth in
20 Building Code Section 102A.16 unduly constrain the City's ability to properly and expeditiously
21 abate the unsafe condition on Telegraph Hill. Consequently, this Board finds that use of DBI's
22 Repair and Demolition Fund is appropriate to address the abatement costs associated with
23 the property at Assessor's Block 0060, Lot 005, subject to the City recouping whatever costs
24 may be available from this property owner.

1 Section 2. Waiver of Property Value-Based Limitation on Use of Repair and Demolition
2 Fund. Notwithstanding the property value limitation of Building Code Section 102A.16 on
3 DBI's ability to use the Repair and Demolition Fund to abate unsafe conditions associated
4 with private property, the Board of Supervisors authorizes DBI to use this Fund for those costs
5 of the Telegraph Hill Rock Slope Improvement Project that are the responsibility of the
6 property owner whose property is located at Assessor's Block 0060, Lot 005. This
7 authorization is subject to the City recouping whatever costs may be available from this
8 property owner. In regard to recoverable costs, the Board of Supervisors directs the DPW and
9 DBI Directors to take any and all actions which they in consultation with the City Attorney may
10 deem necessary or advisable in order to effectuate the purpose and intent of this ordinance
11 and Building Code Sections 102A.11 et seq. In addition, based on the findings in this
12 ordinance, the Board approves the transfer into this Fund of any DBI surplus that may be
13 necessary to cover the aforementioned costs and replenish this Fund with the equivalent of
14 the allocated costs or other amount the Board subsequently deems appropriate.

15
16 Section 3. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

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

23 By:


24 John D. Malamut
25 Deputy City Attorney

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LEGISLATIVE DIGEST

[Building Code — Use of Repair and Demolition Fund for Telegraph Hill Stabilization]

Ordinance amending the Building Code to authorize use of the Repair and Demolition Fund specified in Building Code Section 102A.13 to address costs associated with private property owner responsibility to stabilize Telegraph Hill as part of the Rock Slope Improvement Project, and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Building Code Sections 102A.11 et seq. address the process under which the Department of Building Inspection (DBI) can address unsafe conditions and impose penalties when a private property owner does not comply with a DBI Order to abate a Building Code violation. Building Code Section 102A.13 establishes the DBI Repair and Demolition Fund. DBI can use this Fund to remedy unsafe conditions when a responsible property owner fails or is unable to do so. Building Code Section 102A.16 governs the procedures that DBI shall follow to address serious and imminent hazards and other emergency situations, including those that may involve use of the Repair and Demolition Fund. However, this Section imposes a limit on use of such funds when the cost of the work to abate the unsafe condition exceeds 50% of the value of the property of the responsible owner, as defined by the Assessor.

For many years the steeply sloped and unimproved portion of Lombard Street below Coit Tower and between Telegraph Hill Boulevard and Montgomery Street and adjacent properties have witnessed severe erosion and rock slides. The Departments of Public Works and Building Inspection and their professional experts agree that work to stabilize this portion of Telegraph Hill must begin immediately to avoid significant risk to persons and property. The Department of Public Works has developed the Telegraph Hill Rock Slope Improvement Project to address this risk and stabilize the hillside.

Amendments to Current Law

The Ordinance would authorize DBI to use approximately \$1.8 million in the Repair and Demolition Fund for the Telegraph Hill Rock Slope Improvement Project in order to address the costs of this Project that the City has allocated to the responsible private property owner, even though the assessed value of this private property is less than triggering amount under Building Code Section 102A.16. The legislation would condition use of these Funds on the City's ability to recoup whatever costs may be available from this property owner. The legislation also would affirm the Planning Department's determination under the California Environmental Quality Act.

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Wong, Linda (BOS)

From: Navarrete, Joy (CPC)
Sent: Wednesday, June 11, 2014 3:53 PM
To: Guzman, Monica
Cc: Wong, Linda (BOS)
Subject: RE: BOS File No. 140627, CEQA Determination (Request for Copy)
Attachments: 140627 Building Code Use of Repair and Demo Fund for Telegraph Hill.pdf

Here's the exemption for 140627

Joy Navarrete, Senior Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
P. 415-575-9040 F. 415-558-6409
www.sfplanning.org

From: Guzman, Monica
Sent: Wednesday, June 11, 2014 11:38 AM
To: Navarrete, Joy (CPC)
Cc: Jones, Sarah (CPC); Wong, Linda (BOS)
Subject: BOS File No. 140627, CEQA Determination (Request for Copy)

Hi Joy,

Could you please provide a copy of the CEQA determination referenced in the attached legislation. It is referenced on pg. 1 of the ordinance.

Feel free to contact Linda Wong at linda.wong@sfgov.org if you have any questions or concerns.

Thank you,

Monica L. Guzman
Assistant Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689
Phone: (415) 554-7708 | Fax: (415) 554-5163
monica.guzman@sfgov.org | board.of.supervisors@sfgov.org

1 [Building Code - Use of Repair and Demolition Fund for Telegraph Hill Stabilization]

2
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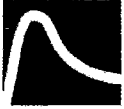
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22 hearing on this ordinance and recommended its approval. The Building Inspection
23 Commission Secretary submitted a letter to the Clerk of the Board of Supervisors that
24 reported this decision. A copy of said letter is on file with the Clerk of the Board in File No.

25 _____

Statutory Exemption - CEQA Section 15269 (c)
Emergency Projects - specific actions
necessary to prevent or mitigate an
emergency.
J. Lee 6/11/14
JOY NAVARRETE



November 5, 2012
E5172B

Board of Directors
LOMBARD PLAZA OWNER'S ASSOCIATION
240 Lombard Street
San Francisco, CA 94111

SUBJECT: Winterization Recommendations
RE: East Slope of Telegraph Hill, Winthrop and Lombard Streets
San Francisco, California

Dear Board of Directors:

At the request of the City of San Francisco Department of Public Works (DPW), Cotton, Shires and Associates, Inc. (CSA) is providing you with this letter summarizing our winterization recommendations for the steep slope area adjacent to the Parc Telegraph property on Telegraph Hill in San Francisco, California. In our meeting with DPW on October 31, 2012, and in a subsequent email received on November 2, 2012, DPW requested winterization recommendations by November 6, 2012.

BACKGROUND

CSA representatives attended a meeting with DPW on October 31, 2012 where we summarized the status of our geologic and geotechnical investigation of the steep rock slope near the intersection of Winthrop and Lombard Streets in San Francisco California. At that time, our field investigation (topographic surveying, geologic mapping, and preparation of engineering geologic cross sections) had been recently completed. In summary, our field mapping reveals that the precipitous slope near the intersection of Winthrop and Lombard contains abundant very large rock blocks that are potentially unstable, and are capable of mobilizing into rockslides that are at least as hazardous as the January 23, 2012 rockslide. As you are aware, this January 23, 2012 rockslide destroyed the existing catchment fence at the base of the hill and damaged a vehicle parked in the Winthrop Street ROW near the Parc Telegraph residential structure. Rock blocks up to 8 feet in diameter came to rest within the Winthrop and Lombard Street ROWs, very near the residential structure. Ultimately, these large rock blocks were moved to near the base of the slope, the rock catchment fence was repaired, and the precipitous slope was 'scaled' of loose rocks (less than 3 feet in diameter) so that our geologists could access the slope safely. Following geologic mapping of the slope and preparation of engineering geologic cross sections, CSA then evaluated alternative

mitigation concepts. With the 2012-2013 winter coming up, the length of time likely needed for developing engineered design drawings and specifications, and the time necessary for permitting, the precipitous slope will likely remain in its current condition for at least a portion of the winter before mitigation measures can be implemented. Therefore, we are providing the following winterization recommendations.

WINTERIZATION RECOMMENDATIONS

The following recommendations should be considered until permanent mitigation of the slope is performed:

1. Access through the area of concern should be restricted to emergency vehicles and engineering/geologic professionals only. Trash removal should be performed only during daylight hours and not during heavy rainfall conditions. Neither automobile nor pedestrian traffic should be permitted between the Parc Telegraph building and the slope, and existing gate structures should be augmented and signed to facilitate this restriction.
2. The existing span of concrete 'K-rails' that is located on the east side of the access road near the southwest corner of the building should be augmented to include shadowing the transformers south of the Parc Telegraph building, and should be extended northward approximately 30 feet from the southwesterly corner of the building, shadowing the building for this stretch. The K-rails should be equipped with a minimum 6-foot high chain-link fence atop the rails. The K-rails should be provided with an overlapping gap near the corner of the building such that trash bin removal can be performed.
3. Following significant storm events (1 inch of rainfall per day or greater), earthquake events, or any significant rockfall activity, the slope should be inspected by a representative of CSA.
4. Residents that face the precipitous slope should be made aware of the rockfall hazard potential and should let the property manager and/or the LPOA representatives know if they observe rockfalls, raveling, or small rockslides. Of particular concern would be persistent raveling (where small groups of rocks dislodge from the slope face and dribble down the face again and again) of even very small sized rocks from the same area. Persistent raveling could potentially foreshadow a larger rockfall event.

5. CSA is providing the LPOA with the following emergency phone numbers and email addresses for key personnel available for contact 24 hours a day and these key personnel should be notified immediately if conditions on the slope deteriorate:

John Wallace – jwallace@cottonshires.com, cell: 408-348-5688, direct office line: 408-354-5542X303;

Joe Durdella – mjurdella@cottonshires.com, cell: 408-221-6016, direct office line: 408-354-5542X211; and

Patrick Shires – cottonshires@me.com, cell: 408-981-5060, direct office line: 209-736-4252.


LIMITATIONS

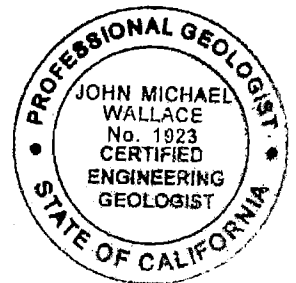
Our services consist of professional opinions and conceptual recommendations made in accordance with generally accepted engineering geology and geotechnical engineering principles and practices. No warranty, expressed or implied, or merchantability or fitness, is made in or intended connection with our work, by the proposal for consulting or other services, or by the furnishing of oral or written reports or findings.

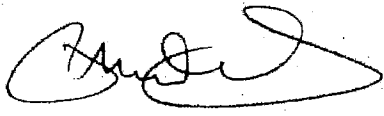
We trust that this provides you with the information that you need at this time. If you have any questions regarding this letter, please feel free to call us.

Respectfully submitted,

COTTON, SHIRES AND ASSOCIATES, INC.


John M. Wallace
Principal Engineering Geologist
CEG 1923




Patrick O. Shires
Senior Principal Geotechnical Engineer
GE 770



JMW:POS:st



Edwin M. Lee, Mayor
Mohammed Nuru, Director



Patrick Rivera, Division Manager

To: Lombard Plaza Homeowners Association (LPHA)
240 Lombard Street, San Francisco, CA 94111

From: Reza Baradaran, Geotechnical Engineer
SF Department of Public Works
30 Van Ness, 5th Floor, San Francisco, CA 94521

Subject: Winterization Recommendations for
Slope of Telegraph Hill above 240 Lombard

Date: November 16, 2012

SFDPW is in agreement with recommendations provided by your engineering consultant, Cotton, Shires and Associates, Inc (CSA). CSA recommend the following course of action to reduce risk of injury or potential for property damage during the upcoming rainy season and until permanent mitigation measures are implemented at the site:

1. Access through the area of concern including the entire length of Winthrop should be restricted to emergency vehicles and engineering/geologic professionals only. Trash removal should be performed only during daylight hours and not during heavy rainfall conditions. Neither automobile nor pedestrian traffic should be permitted between the Parc Telegraph building and the slope, and existing gate structures should be augmented and signed to facilitate this restriction. Signs should be placed to warn residents and public at large to avoid entering onto the restricted areas.
2. In case of emergency evacuation of building and evacuation through the emergency exits on Winthrop Street, residents, personnel and staff should be advised not to congregate on Winthrop Street. They should vacate the Winthrop street immediately.
3. The existing span of concrete 'K-rails' that is located on the east side of the access road near the southwest corner of the building should be extended to include shadowing the PG&E transformers south of the Parc Telegraph building, and should be extended northward approximately 30 feet from the southwesterly corner of the building, shadowing the building for this stretch. The K-rails should be equipped with a minimum 6-foot high chain-link fence atop the rails. The K-rails should be provided with an overlapping gap near the corner of the building such that trash bin removal can be performed.



4. Following significant storm events (1 inch of rainfall per day or greater), earthquake events, or any significant rockfall activity, the slope should be inspected by a representative of Cotton, Shires and Associates.
5. Lombard Plaza HOA should immediately inform SFDPW of any new observed adverse events (rockslide, erosion, runoff on the hillside, damage to the catch fence, etc.).
6. Residents that face the precipitous slope should be made aware of the rockfall hazard potential and should let the property manager and/or the LPHA representatives know if they observe rockfalls, raveling, or small rockslides. Of particular concern would be persistent raveling (where small groups of rocks dislodge from the slope face and dribble down the face again and again) of even very small sized rocks from the same area. Persistent raveling could potentially foreshadow a larger rockfall event.



Wong, Linda (BOS)

From: Pereira Tully, Marisa (MYR)
Sent: Thursday, June 12, 2014 10:51 AM
To: Guzman, Monica
Cc: Jones, Jermain (MYR); Wong, Linda (BOS)
Subject: FW: BOS File No. 140627 - Building Code - Use of Repair and Demolition Fund for Telegraph Hill Stabilization
Attachments: E5172B Telegraph Hill east slope.pdf.pdf; Site Winterization.doc

* Building Inspection Commission Recommendation Letter – *The BIC is scheduled to meet on June 18, at which point they will issue this letter. We should be able to provide on June 19.*

* Documents related to this Project and the public safety concerns of this portion of Telegraph hill – *Please see attached documents.*

Marisa Pereira Tully
Fiscal & Policy Analyst
Mayor's Office of Public Policy and Finance
City and County of San Francisco
Phone: 415-554-6216
Email: marisa.pereira.tully@sfgov.org

From: Jones, Jermain (MYR)
Sent: Wednesday, June 11, 2014 1:32 PM
To: Pereira Tully, Marisa (MYR)
Subject: Fwd: BOS File No. 140627 - Building Code - Use of Repair and Demolition Fund for Telegraph Hill Stabilization

Hey. Sorry Can you also forward this one for me? Still no desktop outlook.

Begin forwarded message:

From: "Guzman, Monica" <Monica.Guzman@sfgov.org>
Date: June 11, 2014 at 11:56:02 AM PDT
To: "Jones, Jermain (MYR)" <jermain.jones@sfgov.org>
Cc: "Wong, Linda (BOS)" <linda.wong@sfgov.org>
Subject: BOS File No. 140627 - Building Code - Use of Repair and Demolition Fund for Telegraph Hill Stabilization

Hello Jermain,

Could you provide the following documents for the above mentioned file.

- * Building Inspection Commission Recommendation Letter
- * Documents related to this Project and the public safety concerns of this portion of Telegraph hill

The Building Inspection Commission letter is mentioned on pg. 1 of the legislation and the other documents are referenced on pg 2. Section (d).

Feel free to contact Linda Wong at linda.wong@sfgov.org if you have any questions or concerns.

Thank you,

Monica L. Guzman
Assistant Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689
Phone: (415) 554-7708 | Fax: (415) 554-5163
monica.guzman@sfgov.org | board.of.supervisors@sfgov.org

<140627.pdf>

OFFICE OF THE MAYOR
SAN FRANCISCO



RECEIVED EDWIN M. LEE
BOARD OF SUPERVISORS MAYOR
SAN FRANCISCO

2014 JUN -2 PM 12:34

TO: Angela Calvillo, Clerk of the Board of Supervisors *h*
FROM: *pc* Mayor Edwin M. Lee *JE*
RE: Building Code – Use of Repair and Demolition Fund for Telegraph Hill
Stabilization
DATE: June 2, 2014

Attached for introduction to the Board of Supervisors is the ordinance amending the Building Code to authorize use of the Repair and Demolition Fund specified in Building Code Section 102A.13 to address costs associated with private property owner responsibility to stabilize Telegraph Hill as part of the Rock Slope Improvement Project, and affirming the Planning Department's determination under the California Environmental Quality Act.

I request that this item be calendared in Budget and Finance Committee.

Should you have any questions, please contact Jason Elliott (415) 554-5105.

