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September 11, 2019

Via Hand Delivery and Email

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Commissioner Dennis Richards (dennis.richards@sfgov.org)

Re: 2417 Green Street: Appeal of Preliminary Mitigated Negative Declaration (2017-002545ENV). September 19, 2019.

President Melgar and Honorable Members of the Planning Commission:

On Thursday, September 19, 2019 you will have the opportunity to help save an historic home on a steep hill in San Francisco from a dangerous excavation that jeopardizes the safety of the historic Coxhead home. The historic Coxhead home may be irreparably harmed by the adjacent, speculative development. My client Philip Kaufman, the owner of the historic Coxhead home at 2421 Green Street, has lived there for thirty years and has preserved the historic house intact. We respectfully urge you to save his home by voting to follow CEQA and demand that the downslope developer submit to an Environmental Impact Report for the proposed Project at 2417 Green Street, San Francisco.

A private for-profit developer, Christopher Durkin ("Developer"), has proposed to largely destroy the UNOCCUPIED home at 2417 Green Street, and construct a much larger home on the site ("Project") that will adversely affect the neighborhood, including the historic home located at 2421 Green Street built in 1893 by noted architect Ernest Coxhead as his personal residence ("Coxhead House"). The Coxhead House is immediately adjacent and uphill from the proposed Project, on a 24% slope. The Developer has prepared drawings for construction showing excavation on 2417 Green property up to the zero setback property line with the Coxhead House's fragile, tall, single-width brick foundation at a depth of 13 feet. The City's own Preliminary Mitigated Negative Declaration ("PMND") states, **"the project construction could compromise the structural integrity of the historic adjacent foundation at 2421 Green Street. This would be a significant impact."** (PMND pp. 18, 62-63). The PMND further states, "The proposed project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic ground shaking, **ground failure, or landslides.**" (PMND, p. 59). Yet, the

PMND's only "mitigation measure" is that "if unacceptable earth movement or evidence of structural settlement is encountered during construction ... project excavation shall be halted and the geotechnical engineer shall evaluate if additional measures are required to prevent further movement." (PMND p. 62). Of course, if "unacceptable earth movement" occurs, it may be too late to save the fragile and historically irreplaceable Coxhead House. Dr. Lawrence Karp, Ph.D. concludes that the proposed Project will undermine the historic foundations of the Coxhead House, and that no adequate mitigation measures have been proposed to address this existential threat.

On September 19, 2019, the Planning Commission is scheduled to consider our appeal of the San Francisco Planning Department's June 26, 2019 determination of no significant effect on the environment pursuant to the CEQA. We are writing on behalf of appellant Philip Kaufman, the thirty year resident of the historic "Coxhead House." We urge the Planning Commission to reject the PMND and direct staff to prepare an environmental impact report ("EIR") to analyze the proposed Project's significant impacts, and to propose feasible and enforceable mitigation measures and alternatives to reduce the Project's impacts. These safeguards must be developed before Project approval and construction – not after. This is the fundamental purpose of CEQA – to "insure the integrity of the process of decision by precluding stubborn problems or serious criticism from being swept under the rug." (*Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agric. Assn.*, 42 Cal. 3d 929, 935(1986).)

A. PROJECT DESCRIPTION

The Developer proposes a large project at 2417 Green Street. Mr. Kaufman's home, at 2421 Green Street, is directly adjacent to the proposed Project. Mr. Kaufman's home is the historically significant "Coxhead House," constructed in 1893 by noted architect Ernest Coxhead as his own home. Ernest Coxhead was the father of the First Bay Tradition of architecture and the home is one of the most historically significant properties in the City.

The proposed Project would construct one- and three-story horizontal rear additions; and construct third and fourth floor vertical additions above the existing single-family dwelling. The floor area would increase from approximately 4,118 square feet to approximately 5,115 square feet and would include a one-bedroom accessory dwelling unit measuring approximately 1,023 square feet on the first floor. The Project also proposes the partial excavation of the rear yard for a sunken terrace, façade alternations, and interior modifications, including the underground expansion toward 2421 Green of the existing basement level garage to accommodate three additional vehicles.¹ Finally, "the property is on an approximately 24 percent slope," and would require "excavation of approximately 408 cubic yards of soil and rock to a depth of 13 feet below grade."²

¹ Although the Project application states that the garage is intended to accommodate two cars, the large expansion creates space for up to four cars.

² Second exemption under CEQA at p. 1-2.

B. HISTORY

The planning staff has twice attempted to exempt the proposed Project entirely from CEQA review. **The Board of Supervisors has twice unanimously rejected the CEQA exemptions**, holding:

The proposed project at 2417 Green Street “presents unusual circumstances relating to historic resources and hazardous materials and it appears as a result of those circumstances **the project may have a significant effect on the environment** ... therefore the project is not categorically exempt from CEQA.”³

- Unanimous 11-0 Vote of the San Francisco Board of Supervisors (Feb. 6, 2018) (emphasis added).

Despite the Board of Supervisors ruling, Planning Staff has issued a mitigated negative declaration (“MND”) rather than an environmental impact report (“EIR”). An MND is only appropriate if there is not even a “fair argument” that the Project may have any adverse environmental impacts. However, the Board has already found that the proposed Project “may have a significant effect on the environment” related to impacts to “historic resources” and “hazardous materials.” The MND does almost nothing to address these impacts.

During the pendency of these proceedings, the Project Developer, Mr. Durkin, has racked up at least five separate Notices of Violation (“NOVs”) for “work without a permit.” He removed two chimneys illegally without a permit and despite notices, left gaping holes in the roof for many months, through an entire rainy season. This created an environment ripe for mold, rot, rodent infestations, etc. His apparent purpose may have been to dilapidate the house and create a tear-down situation. Ultimately, on April 13, 2019, the City Department of Building Inspection, Code Enforcement Division issued a notice of Order of Abatement that the building was UNSAFE and/or a PUBLIC NUISANCE due to failure to remedy past violations.

C. CEQA

1. LEGAL STANDARD

Under CEQA, an environmental impact report (“EIR”) is required rather than a mitigated negative declaration (“MND”) if there is even a “fair argument” that a proposed project “may have” any adverse environmental impacts -- even if contrary evidence exists to support the agency’s decision.⁴ Put simply, “if there is a disagreement among experts over the significance of an effect, the agency is to treat the effect as significant and prepare an EIR.”⁵ The purpose of the EIR is to analyze significant environmental

³ Motion M18-012, pp. 3-4 (amended February 6, 2018) (Exhibit A).

⁴ 14 CCR § 15064(f)(1); *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-15.

⁵ *Sierra Club v. County of Sonoma*, 6 Cal.App.4th at pp. 1316–1317; *Moss v. Humboldt* (2008) 162 Cal. App. 4th 1041, 1049.

impacts and to propose feasible, enforceable mitigation measures and alternatives to reduce the proposed project's impacts.

2. SIGNIFICANT IMPACTS

The proposed Projects has many significant environmental impacts that have not been adequately mitigated, including the following:

- a. **STRUCTURAL INTEGRITY:** After numerous comments from Dr. Lawrence Karp, Ph.D., the PMND admits that **"the project construction could compromise the structural integrity of the historic adjacent foundation at 2421 Green Street. This would be a significant impact."** (PMND pp. 18, 62-63). Nevertheless, the city refuses even to require the Project to comply with the San Francisco Seismic Hazard Zone Protection Act. Instead, the PMND merely states: "if unacceptable earth movement or evidence of structural settlement is encountered during construction, as determined by the geotechnical engineer, project excavation shall be halted and the geotechnical engineer shall evaluate if additional measures are required to prevent further movement." (PMND p. 62). The sole mitigation measure, M-GE-1, simply requires "ongoing coordination" with the Planning Department and Department of Building Inspection during construction. (PMND p. 79). This mitigation measure is plainly inadequate to reduce this impact to less than significant. The measure allows earth movement to occur first, and then the developer would possibly develop a plan after the fact to mitigate the harm. The problem with this is that by the time "unacceptable earth movement" occurs, the thin Wythe brick foundation of the historic Coxhead House may already have suffered possibly catastrophic irreparable harm. CEQA prohibits such "deferred" mitigation. An EIR is required to analyze this admittedly significant impact and to develop enforceable mitigation measures prior to construction -- not after irreparable harm occurs.
 - b. **HISTORIC IMPACTS:** The PMND finally admits the historic significance of the Coxhead House, as established by Architectural Historian Carol Karp, AIA. However, the sole mitigation measure is the above-mentioned M-GE-1 - to require ongoing coordination with the Planning Department and DBI during construction. As discussed above, this is clearly inadequate to prevent structural damage to the Coxhead House given the steep slope and fragile historic foundation. Also, the PMND ignores entirely the impact that the massive expansion will have on access to light and air from 24 windows at the Coxhead House, which contribute to its historic significance. The PMND dismisses the fact that the massive project will block public views of the Coxhead House from Pierce and Green Streets. While the PMND states that these are not the "primary views" of the Coxhead House, there is no distinction in CEQA law between primary and secondary views of historic resources. Again, an EIR is required to analyze the project's impacts to the historic Coxhead House, and to propose feasible alternatives and mitigation measures to reduce the impacts.
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- c. **SOIL CONTAMINATION:** As discussed by certified hydrogeologist Matthew Hagemann, C. Hg., formerly director of the US EPA Western Superfund program, the Project site is on the City's Maher Map of potentially contaminated sites. The developer proposes to excavate over 400 cubic yards of potentially contaminated soil. Despite this, neither the city nor the developer has conducted any additional soil testing. The PMND continues to rely on 2 "co-located" soil samples taken in 2018 from within the garage. Mr. Hagemann has testified that these samples are inadequate because the garage was rebuilt in in the 1980s. Therefore, this is the one area where the soil would be expected to be clean. Instead, soil sampling is required in the areas proposed to be excavated, including the rear yard. This has not been done. Again, an EIR is required to analyze and mitigate this impact.
- d. **BOARD OF SUPERVISORS RESOLUTIONS:** The MND fails even to mention the unanimous resolutions of the Board of Supervisors, finding that the proposed Project at 2417 Green Street "presents unusual circumstances relating to historic resources and hazardous materials and it appears as a result of those circumstances **the project may have a significant effect on the environment...**" This finding itself creates a "fair argument" that the project may have adverse environmental impacts, thereby necessitating an EIR. Staff lacks the power to ignore the unanimous resolution of the Board of Supervisors, which is the City's ultimate decision-making body.

After being ordered by the Board of Supervisors to prepare a CEQA document to investigate and disclose the proposed Project's potentially significant impacts on the Coxhead House, the Planning Department prepared a bare bones mitigated negative declaration devoid of independent agency investigation and analysis. An EIR is required since eminently well-qualified experts have concluded that the proposed Project will have adverse impacts on the historic Coxhead House.

D. DISCRETIONARY REVIEW.

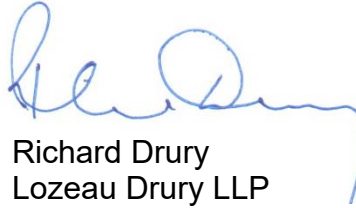
The Commission should decline to reach the discretionary review issue. It is premature to address discretionary review or any Project approvals until an adequate CEQA document is prepared for the Project. See, *Save Tara v. City of W. Hollywood*, 45 Cal. 4th 116 (2008).

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E. CONCLUSION

For the above reasons, we respectfully request that the Planning Commission reject the Preliminary Mitigated Negative Declaration and direct staff to prepare an Environmental Impact Report for the proposed Project. We also request that the Commission decline to consider Discretionary Review unless and until an adequate EIR is prepared for the Project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Drury', with a long horizontal flourish extending to the right.

Richard Drury
Lozeau Drury LLP

cc: Sup. Catherine Stefani
Sup. Aaron Peskin



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RECEIVED

Via Hand Delivery and Email

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JUL 15 2019
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

**Re: 2417 Green Street: Appeal of Preliminary Mitigated Negative Declaration
(2017-002545ENV)**

Dear Ms. Gibson:

Please accept this appeal of the San Francisco Planning Department's June 26, 2019 determination of no significant effect on the environment pursuant to the California Environmental Quality Act ("CEQA"). This appeal is submitted on behalf of Philip Kaufman of 2421 Green Street (the "Coxhead House") in response to the preliminary mitigated negative declaration ("PMND") prepared for the proposed project at 2417 Green Street ("Project"). This appeal is accompanied by the required filing fee.

Mr. Kaufman intends to submit additional comments in the coming weeks. The Planning Department provided just 20 days for public review of the PMND, over a major holiday weekend, preventing Mr. Kaufman's experts from fully responding by the deadline.

A. PROJECT DESCRIPTION

The Project would lower all floor plates by approximately 2 feet; construct one- and three-story horizontal rear additions; and construct third and fourth floor vertical additions above the existing single-family dwelling. The floor area would increase from approximately 4,118 square feet to approximately 5,115 square feet and would include a one-bedroom accessory dwelling unit measuring approximately 1,023 square feet on the first floor. The Project also proposes the partial excavation of the rear yard for a sunken terrace, façade alternations, and interior modifications, including the underground expansion toward 2421 Green of the existing basement level garage to accommodate three additional vehicles.¹ Finally, "the property is on an approximately 24 percent slope," and would require "excavation of approximately 408 cubic yards of soil and rock to a depth of 13 feet below grade."²

¹ Although the Project application states that the garage is intended to accommodate two cars, the large expansion creates space for up to four cars.

² Second exemption under CEQA at p. 1-2.

1. Project History

From the start, both the City's Department of Building Inspection ("DBI") and the Planning Department failed to communicate on this Project regarding various permit and reporting requirements. Then separately, each department appeared to cut corners in order to fast track the proposed Project, resulting in a lack of communication between the two departments which resulted in legally and factually deficient project documentation that persists to this day.

- On May 16, 2017, the Planning Department issued a categorical exemption (2017-002545ENV) for a proposed excavation/addition project for "Alterations to an existing four-story-over-basement, single-family residence with one vehicle parking space; excavate to add two vehicle parking spaces; three-story rear addition; facade alterations and foundation replacement; lower existing building."
- On May 18, 2017, the Department of Building Inspection ("DBI") issued a permit for "Partial deteriorated basement wall and foundation replacement with new landscaping site wall at backyard."³ DBI noted that the foundation work did not require planning department approval, and thus did not send the permit to the planning department for review.
- On September 27, 2017, DBI determined that the scope of work occurring at the Project site warranted review by the Planning Department. The Planning Department in turn determined that the Project was subject to San Francisco Planning Code section 311 neighborhood notification, which had not yet been completed. This is because the excavation of a rear retaining wall aligned with the proposed foundation of a proposed horizontal rear addition."
- On October 10, 2017, the Planning Department determined that the May 16, 2017 categorical exemption covered existing excavation work, thus the Planning Department signed off on all excavation work "below the existing building without the side wall of the proposed rear addition."
- On October 23, 2017, the Planning Department issued neighborhood notification pursuant to Planning Code section 311 for the proposed horizontal rear expansion under.
- On November 3, 2017, DBI issued BPA #201710020114 for legalization of the excavation work.
- On November 17, 2017, Mr. Kaufman appealed the May 16, 2017 categorical exemption (categorical exemption No. 1) to the San Francisco Board of Supervisors.

³ Permit No. BPA #201705116316.

- On January 9, 2018, the San Francisco Board of Supervisors voted unanimously “reversing the determination by the Planning Department that the proposed Project at 2417 Green Street is categorically exempt from further environmental review.”
- On February 6, 2018, after considering expert evidence and public testimony, the Board of Supervisors again voted unanimously, finding that the proposed Project “presents unusual circumstances relating to historic resources and hazardous materials and it appears as a result of those circumstances the project may have a significant effect on the environment ... therefore the project is not categorically exempt from CEQA.”⁴
- On June 22, 2018, the Planning Department issued a second categorical exemption to CEQA despite the Board of Supervisors unanimous vote holding the Project subject to CEQA review.
- On July 20, 2018, Mr. Kaufman appealed the June 22, 2018 categorical exemption (categorical exemption No. 2) to the San Francisco Board of Supervisors.
- On July 30, 2018, the Planning Department determined Mr. Kaufman’s appeal of the second categorical exemption was not ripe because the Planning Commission had not made a final determination on the Project.
- On January 15, 2019, the Planning Department withdrew its second categorical exemption and commenced an initial study of the proposed Project.
- On June 26, 2019, the Planning Department issued a preliminary mitigated negative declaration, the subject of this appeal.

2. Project Permitting, Notices of Violation and Stop Work Orders

Throughout the City’s project approval process the developer conducted unpermitted work or violated existing permits leading to at least five formal notices of violation (NOVs).

- On September 27, 2017, DBI received a complaint⁵ that the developer was “Working beyond the scope of its permit.”⁶ DBI contacted the Planning Department which in turn determined that aspects of the Project was subject to San Francisco Planning Code section 311 neighborhood notification, which had not yet been completed.
- On October 2, 2017, the planning department opened enforcement action in response to the September 27, 2017 complaint.

⁴ Motion M18-012, pp. 3-4 (amended February 6, 2018).

⁵ DBI Complaint No. 201708032.

⁶ BPA Permit No. 201705116316.

- On December 12, 2017, DBI issued a formal NOV, citing the developer for engaging in “WORK WITHOUT PERMIT” and “WORK BEYOND SCOPE OF PERMIT.” The NOV was based on unpermitted work on December 10, 2017, when the developer removed a highly visible exterior chimney at 2417 Green.
- On December 13, 2017, the developer unlawfully removed a second exterior chimney at the rear of the house – leaving two gaping holes in the roof of the property.
- On Saturday, December 16, 2017, the developer conducted demolition activities in the foundation of the property, which was unlawful due to a pending CEQA appeal, which challenged the permit allowing foundation work.
- DBI sent an emergency inspector to stop work that day, then DBI issued a formal NOV ordering the developer to “STOP ALL WORK.”
- On January 8, 2018, the City issued a Notice of Violation directing the developer to repair illegal holes made in the roof of the property.
- On January 9, 2018, the City issued a Notice of Violation Final Warning when the developer failed to repair the unlawful damage to the home.
- On April 13, 2018, the City Department of Building Inspection, Code Enforcement Division issued a notice of Order of Abatement that the building was UNSAFE and/or a PUBLIC NUISANCE” due to failure to remedy past violations.
- On February 7, 2019, the City posted yet another NOV for failure to comply with the City’s vacant or abandoned building ordinance.

The long line of NOV’s shows the developer allowed the property to fall into an irreversible state of disrepair, creating a “public nuisance.” This long-vacant building is plagued by rain, mold, and other forms of dilapidation, and has windows or doors that slam open and shut on windy nights, disturbing the sleep of neighbors.

In addition, the history of violations is relevant under CEQA. According to the California Supreme Court, **“A project proponent’s prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent’s promises in an EIR.”**⁷ Given the Project’s history of environmental violations, decision makers and the public are entitled to full environmental review in an EIR that would include, among other things, specific, binding, and enforceable mitigation measures imposed through a full CEQA process not reliant on the developer’s promises that all necessary safeguards will occur.

⁷ *Laurel Heights Improvement Assoc. v. Regents of the Univ. of Calif.*, 47 Cal.3d 376, 420 (1988).

B. LEGAL STANDARD

1. California Environmental Quality Act

The ‘foremost principle’ in interpreting CEQA is that it must be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.⁸ CEQA requires agencies to conduct a three-tier process to ensure that the environmental consequences of their decisions are fully considered.⁹ The first tier is jurisdictional, requiring an agency to complete a preliminary review to determine whether an activity is subject to CEQA.¹⁰ An activity that is not a “project” is not subject to CEQA.¹¹ The second-tier concerns exemptions from CEQA review, both statutory and categorical.¹² If a project does not fall within an exemption, the agency must “conduct an initial study to determine if the project may have a significant effect on the environment.”¹³

If there exists “no substantial evidence that the project **or any of its aspects** may cause a significant effect on the environment,” the agency prepares a “negative declaration” that briefly describes the reasons supporting its determination.¹⁴ CEQA’s third tier applies if the agency determines substantial evidence exists that an aspect of the project may cause a significant effect on the environment. In that event, the agency must ensure that a full environmental impact report is prepared on the proposed project.¹⁵

a. Distinction between Mitigated Negative Declarations and Environmental Impact Reports

i. When Mitigated Negative Declarations Are Appropriate

CEQA only allows a negative declaration if there is **no** substantial evidence in light of the whole record before the lead agency that a project will have a significant effect on the environment.¹⁶ If the evidence shows there is no substantial evidence of a significant effect, the agency prepares a negative declaration.”¹⁷ Conversely, “if no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an

⁸ *Communities for a Better Env’t v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 109.

⁹ *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 74.

¹⁰ CEQA Guidelines, § 15060; see Pub. Resources Code, § 21065.

¹¹ Public Resources Code (see § 21065).

¹² Pub. Resources Code, § 21080(b)(1) (2).

¹³ CEQA Guidelines, § 15063(a).

¹⁴ *Id.*, §§ 15063(b)(2); 15070 (emphasis added).

¹⁵ CEQA Guidelines, § 15063(b)(1); see also Pub. Resources Code, §§ 21100, 21151; CEQA Guidelines, § 15080.

¹⁶ Pub. Res. Code § 21080(c); See also CEQA Guidelines 15064(f)(3).

¹⁷ *Id.*

EIR.”¹⁸ “Significant environmental effect” is defined very broadly as “a substantial or potentially substantial adverse change in the environment.”¹⁹ An effect on the environment need not be “momentous” to meet the CEQA test for significance; it is enough that the impacts are “not trivial.”²⁰ Because “the adoption of a negative declaration . . . has a terminal effect on the environmental review process,” by allowing the agency “to dispense with the duty [to prepare an EIR],” negative declarations are allowed only in cases where “the proposed project will not affect the environment at all.”²¹

Finally, a mitigated negative declaration is proper *only* if the project revisions would avoid or mitigate the potentially significant effects identified in the initial study “to a point where clearly no significant effect on the environment would occur, and...there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.”²² In that context, “may” means a *reasonable possibility* of a significant effect on the environment.²³

ii. When Environmental Impact Reports are Required

Whenever “there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment,” the agency must prepare an EIR.²⁴ Particularly relevant here is the rule that CEQA places the burden of environmental investigation on government rather than the public. “An agency shall not be allowed to hide behind its own failure to gather relevant data.”²⁵ An EIR should always be prepared in “doubtful cases,” so that agencies do not make decisions “without the relevant data or a detailed study of it.”²⁶ In very limited circumstances, an agency may avoid preparing an EIR by issuing a negative declaration, only if there is not even a “fair argument” that the project will have a significant environmental effect.²⁷

iii. Fair Argument Standard

The “fair argument” standard creates a “low threshold” favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA.²⁸ Under the “fair argument” standard, an EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary

¹⁸ *Communities for a Better Env't v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320.

¹⁹ *Id.*

²⁰ *No Oil, Inc.*, 13 Cal.3d at 83.

²¹ *Citizens of Lake Murray v. San Diego* (1989) 129 Cal.App.3d 436, 440.

²² PRC §§ 21064.5, 21080(c)(2); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331.

²³ PRC §§ 21082.2(a), 21100, 21151(a); *League for Protection of Oakland's etc. Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 904-05.

²⁴ PRC § 21080(d); see also *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.

²⁵ *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.

²⁶ *No Oil, Inc.* 13 Cal.3d at 84.

²⁷ PRC, §§ 21100, 21064; 14 Cal. Code Regs. § 15371.

²⁸ *Pocket Protectors*, 124 Cal.App.4th at 928.

evidence exists to support the agency's decision.²⁹ Credible expert testimony that a project *may* have a significant impact, even if contradicted, is generally dispositive that an EIR must be prepared.³⁰ An EIR is required precisely in order to resolve the dispute among experts. In fact, a disagreement among experts has been a factor in court decisions to require an EIR.³¹ The very uncertainty created by the conflicting assertions made by the parties ... underscores the necessity of the EIR to substitute some degree of factual certainty for tentative opinion and speculation.³² Put simply, "if there is a disagreement among experts over the significance of an effect, the agency is to treat the effect as significant and prepare an EIR."³³

The "fair argument" standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

This 'fair argument' standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency's decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument.³⁴

Courts are clear that "it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency's determination. Review is de novo, with a **preference for resolving doubts in favor of environmental review.**"³⁵

b. CEQA Requirements for Historical Resources

California properties deemed eligible for listing on the national historic registry of historic places, like the Coxhead House, are protected under CEQA. An historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical

²⁹ 14 CCR § 15064(f)(1); *Pocket Protectors*, 124 Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-15.

³⁰ *City of Livermore v. LAFCO* (1986) 184 Cal.App.3d 531, 541-542.

³¹ *City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229,

³² *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 85.

³³ *Sierra Club v. County of Sonoma*, 6 Cal.App.4th at pp. 1316-1317; *Moss v. Cty. of Humboldt* (2008) 162 Cal. App. 4th 1041, 1049.

³⁴ Kostka & Zishcke, *Practice Under CEQA*, §6.29, pp. 273-74.)

³⁵ *Pocket Protectors*, 124 Cal.App.4th at 928 (emphasis in original.)

Resources.³⁶ Then the test is if a project **may** cause a substantial adverse change in the significance of a historical resource, the project shall not be exempted from the statute.³⁷

For preparing CEQA documents for an historic resource, San Francisco adopted Preservation Bulletin No. 16. That Bulletin sets out a two-step process for evaluating the potential for proposed projects to impact historical resources. First, a Preservation Planner determines whether the property is an historical resource as defined by CEQA Guidelines Section 15064.5(a)(3); and, second, if the property is an historical resource, the Preservation Planner then evaluates whether the proposed action or project would cause a “substantial adverse change” to the historical resource.³⁸

CEQA defines a “substantial adverse change” as the physical demolition, destruction, relocation or alteration of the historical resource or its immediate surroundings such that the significance of the historical resource would be materially impaired. CEQA goes on to define “materially impaired” as work that materially alters, in an adverse manner, those physical characteristics that convey the resource’s historical significance and justify its inclusion in the California Register of Historic Places, a local register of historical resources, or an historical resource survey.³⁹ It is also appropriate for a lead agency to consider not only the project site, but also the immediate surroundings. For example, under CEQA, a new fence was prohibited near a historic granite wall in Los Angeles because the fence would have detracted from the historic significance of the wall.⁴⁰

c. CEQA Requirements for local Land use plans

A project deemed consistent with general or specific plans, such as design guidelines, or zoning ordinances, can still be subject to CEQA review.⁴¹ This is because findings in a CEQA document may differ from findings made in consistency determination for zoning or local and/or general plans. “Each answers different questions, such that different answers are not prohibited.”⁴² A public agency’s own design review is not a substitute for CEQA review.⁴³ Applying an agency’s threshold of significance may be useful, but will “not relieve a public agency of the duty to consider the evidence under the fair argument standard.”⁴⁴ Courts have held “conformity with a general plan does not insulate a project from EIR review where it can be fairly argued that the project will generate significant environmental effects.”⁴⁵

³⁶ See San Francisco Preservation Bulletin No. 16 (2004); CEQA §21084(e); CEQA Guidelines §15300.2(f).

³⁷ CEQA § 21084.1.

³⁸ San Francisco Preservation Bulletin No. 16, at p. 2.

³⁹ CEQA Guidelines 15064.5(b), Bulletin 16, p. 9.

⁴⁰ *Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal. App. 4th 1168.

⁴¹ *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358

⁴² *Georgetown Preservation Society*, 30 Cal.App.5th at 372.

⁴³ *Id.* see also *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 342, 29.

⁴⁴ *Mejia* at 29.

⁴⁵ *Citizens for Responsible & Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1338.

d. **CEQA Requirements for Projects Listed on the Maher Map of Potentially Contaminated Sites**

The Project site is located on the City's Maher Map of potentially contaminated sites.⁴⁶ When public agencies issue environmental permits or approve environmental cleanups their actions are subject to CEQA unless an exemption applies.⁴⁷

C. **Grounds for Appeal: The Planning Department Must Prepare an Environmental Impact Report under CEQA**

1. **The PMND Did Not Adequately Evaluate Potentially Significant Impacts on an Historical Resource**

On January 9, 2018, the San Francisco Board of Supervisors voted unanimously to reverse "the determination by the Planning Department that the proposed Project at 2417 Green Street is categorically exempt from further environmental review."⁴⁸ Then on February 6, 2018, after considering expert evidence and public testimony, the Board of Supervisors again voted unanimously to find that the proposed Project "presents unusual circumstances relating to historic resources and hazardous materials and it appears as a result of those circumstances the **project may have a significant effect on the environment...**"⁴⁹ In response, after preparing and then withdrawing a second categorical exemption in mid-2018, the Planning Department conducted an initial study and prepared a preliminary mitigated negative declaration.

For this particular project, the distinction between a mitigated negative declaration and an environmental impact report is critical. The record is clear that the structural integrity of the Coxhead House's original tall brick foundation could be severely compromised were the Project to go forward as proposed.⁵⁰ In an EIR, the Planning Department would be required to conduct an independent, physical analysis of this highly technical issue and then propose feasible mitigation measures and project alternatives to alleviate such impacts. Instead the PMND merely contained a recitation of the developer's materials, and then made the unsupported blanket assertion that "the project could not have a significant effect on the environment."⁵¹

As shown below, the PMND is unlawful under CEQA because the record for this Project contains substantial evidence supporting a "fair argument" that a significant impact may occur. In fact, the Planning Department admitted in the initial study "***that project construction could compromise the structural integrity of the historic adjacent foundation at 2421 Green Street.***"

⁴⁶ PMND at p. 71.

⁴⁷ *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327 (Citizens asserted the record contained substantial evidence of a fair argument that the Project would have a significant environmental impact due to contaminated soil. The evidence did not show that the potential impact would be mitigated to a level of insignificance).

⁴⁸ Motion M18-012, pp. 3-4 (*amended* February 6, 2018).

⁴⁹ *Id.*

⁵⁰ *Id.* See Report of Dr. Lawrence Karp, Ph.D. Geotechnical Engineer (January 2018)

⁵¹ PMND cover page.

*This would be a significant impact.*⁵² Rather than preparing an EIR as required, the Planning Department included an unlawful mitigation measure in the PMND based on unsupported findings; a measure that would rely on a future report prepared by the developer and shielded from Planning Commission, Supervisor and public review.⁵³

Likewise, the Planning Department omitted any discussion of project alternatives. However, an EIR is needed here in order to propose a reasonable range of Project alternatives that could feasibly attain the Project's basic objectives while reducing or avoiding its significant impacts.⁵⁴ The Planning Department has unfairly stacked the deck in favor the proposed Project by assuming the developer's goals to maximize buildout (and profit) are immutable. Neither DBI nor the Planning Department has explored reducing the size of the proposed residential expansion in a manner less impactful on the Coxhead House. A discussion of alternatives that would allow the developer to meet his reasonable objectives while ensuring the integrity and safety of 2421 Green Street is required under CEQA.

The Planning Department must conduct a qualified, independent investigation of all potentially significant impacts then propose feasible project alternatives and substantive mitigation measures for public review in a draft EIR.

a. The PMND Unlawfully Concluded that the Project's Direct Impacts on the Coxhead House's Structural Integrity Would be Insignificant

The PMND referenced the Project's direct impacts on the structural stability and integrity of the Coxhead House in two sections: Adjacent Historic Resources; and Geology and Soils. Neither section was adequate because neither included a full, independent and physical analysis of: the Coxhead House's 127 year-old brick foundation; the precise conditions the brick foundation requires to remain stable during Project excavation and construction; to what extent the developer's foundation work, on a steep slope below the Coxhead House, could undermine the Coxhead foundation; and the characteristics of the underlying soil and rock. These critical omissions and others have been brought to the Planning Department's attention repeatedly by geotechnical engineer Dr. Lawrence Karp.⁵⁵

i. The PMND Failed to Show the Project Complies with Local Safety Ordinances

The PMND omitted any discussion of how the Project would meet compliance with the following legal requirements:

⁵² PMND at pp. 18, 62-63.

⁵³ PMND at p.18.

⁵⁴ CEQA § 21100(b)(4); Guidelines § 15126.6.

⁵⁵ Dr. Karp has submitted expert reports to the City of San Francisco on January 9, 2018 and January 17, 2019. Dr. Karp's comment are incorporated herein in full by reference. This situation presents similar circumstances to 125 Crown Terrace, involving the same geologist.

San Francisco's Slope and Seismic Hazard Zone Protection Act applies to all property that exceeds an average slope of 4H:1V (25%) or falls within certain mapped areas of the City.⁵⁶ Therefore, the developer was required to submit a checklist describing the proposed construction, average slope of the property and the property location. None of this basic information was included in the PMND. Accordingly, neither the Planning Department nor the public have any technical information on whether Project construction could undermine slope stability at the Project site and what measures would be required to safeguard the Coxhead House.

Instead, the PMND proposed that the developer's geotechnical report and construction plans undergo third-party review by a geotechnical engineer at some undefined future date.⁵⁷ The purported purpose of this review is to "verify that appropriate geological and geotechnical issues have been considered and that appropriate slope instability mitigation strategies have been proposed."⁵⁸ It is unclear who would do the verifying or who would propose the appropriate strategies (other than the owner/contractor for the 2417 Green Project), but any independent third-party review was required to happen *before* the Planning Department issued its PMND not post-approval or during construction. Decision-makers and the public must have the opportunity to review the entire record on this matter as part of the CEQA process for the project.⁵⁹

Finally, the PMND dubiously asserted that the Project should not be subject to San Francisco Ordinance 121-18 because the initial application was filed in 2017. Had this been a straightforward project where the applicant followed the rules and was not required to repeatedly draft new plans and update applications that might be true. But here, the Project has had to undergo numerous revisions based on insufficient plans; and the developer will have to submit a new permit application to cover the new structural drawings, if it has not done so already. As of this writing, the owner states, as he has for years, those plans will be prepared by Holmes & Culley to replace earlier plans. Based on these facts, it would be irresponsible for the Planning Department to try to grandfather this project in a manner that would allow it to avoid compliance with a new ordinance essentially tailored for it. The City must require the Project to comply with San Francisco's Slope and Seismic Hazard Zone Protection Act.

The City should apply the law as it exists at the time of Project approval, not Project application. Since the Project has not yet been approved structurally, it must comply with the Slope and Seismic Hazard Zone Protection Act. Furthermore, the Project's inconsistency with the Act is proof that the Project may have significant adverse impacts under CEQA. Where a local or regional policy of general applicability, such as an ordinance, is adopted in order to avoid or mitigate environmental effects, a conflict with that policy in itself indicates a potentially significant impact on the environment.⁶⁰ Indeed, any inconsistencies between a proposed project

⁵⁶ San Francisco Ordinance 121-18.

⁵⁷ PMND at p. 62.

⁵⁸ Id.

⁵⁹ *No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d at 84.

⁶⁰ *Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903; *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358.

and applicable plans must be discussed in an EIR.⁶¹ A Project's inconsistencies with local plans and policies constitute significant impacts under CEQA.⁶² The Slope and Seismic Hazard Zone Protection Act is a plan of general applicability adopted to foresee and mitigate environmental effects. The Project's failure to comply with that plan means it will be skipped over, which is evidence that the Project may have adverse environmental impacts, requiring review and mitigation in an EIR.

San Francisco's Building Code section 1803.5.7 (Soils and Foundations) covers projects where excavation would reduce support from any foundation. A registered design professional is required to: prepare an assessment of the structure as determined from examination of the structure, the review of available design documents and, if necessary, excavation of test pits (obviously the test pit locations must be where the potential danger is). The registered design professional must determine the requirements for underpinning and protection and prepare site-specific plans, details and sequence of work for submission. Such support must be provided by underpinning, sheeting and bracing, or by other means acceptable to the building official.

The PMND omitted any independent analysis applying this requirement to the specific Project conditions on Green Street. Instead, the PMND encouraged the developer to proceed with excavation activities without a determination from an independent registered design and construction professionals. Rather than finalize a plan to ensure the protection of the Coxhead House's foundation, the PMND would allow the developer to figure it out along the way. The developer would "notify the geotechnical engineer and the building department five days prior to any excavation, and the geotechnical engineer shall *periodically* be present during excavation to observe the actual soil/rock conditions and to evaluate the stability of the cut."⁶³ The PMND goes on, "if unacceptable earth movement or evidence of structural settlement is encountered during construction, as determined by the geotechnical engineer, project excavation shall be halted and the geotechnical engineer shall evaluate if additional measures are required to prevent further movement."⁶⁴

The PMND's unenforceable recommendations are wholly inadequate because the Planning Department is literally allowing the developer to wait until a serious problem arises with the stability of the slope and structure before an actual plan is formulated.

CEQA prohibits deferral of mitigation measures. Feasible mitigation measures for significant environmental effects must be set forth in an EIR for consideration by the lead

⁶¹ 14 CCR § 15125(d); *City of Long Beach v. Los Angeles Unif. School Dist.* (2009) 176 Cal. App. 4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874 (EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans).

⁶² *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4, 32 Cal.Rptr.3d 177; see also, *County of El Dorado v. Dept. of Transp.* (2005) 133 Cal.App.4th 1376 (fact that a project may be consistent with a plan, such as an air plan, does not necessarily mean that it does not have significant impacts).

⁶³ PMND at p. 62 (emphasis added).

⁶⁴ *Id.*

agency's decision makers and the public before certification of the EIR and approval of a project. The formulation of mitigation measures generally cannot be deferred until after certification of the EIR and approval of a project. Guidelines, section 15126.4(a)(1)(B) states: "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way."

The City may not defer development of mitigation measures for this critical environmental impact that may undermine the very foundations of the Coxhead House. The mitigation measures must be set forth in an EIR so that the public may analyze the adequacy of those measures.

San Francisco's Building Code section 3307.1 (Protection of Adjoining Properties) requires the protection of adjoining properties during construction, remodeling and demolition work. Protection must be provided for footings, foundations, party walls, chimneys, skylights and roofs. The person conducting an excavation must provide written a 10-day written notice to the owners of adjoining buildings advising them that the excavation is to be made and that the adjoining buildings should be protected. The developer has commenced excavation activities at the Project site on several occasions absent proper notice under this ordinance. The PMND omitted this requirement further encouraging the developer to ignore its obligations to ensure the protection of the Coxhead House.

As the foregoing shows, the Planning Department chose not to conduct an independent, physical investigation of the above issues and legal requirements. Instead, it is essentially giving the developer *carte blanche* to conduct a minimal amount of self-investigation and -reporting will little agency oversight. Rather than independently verifying any geo-technical evidence, the PMND focused on the difference of opinion of whether the two buildings' foundations would physically attach.⁶⁵ Focusing the PMND's impact analysis on this point resulted in a deficient CEQA document by omitting analysis of the issues above. Moreover, evidence of a technical dispute on a key issue among the parties triggered the necessity to prepare an EIR. The "uncertainty created by the conflicting assertions made by the parties ... underscores the necessity of the EIR."⁶⁶ A full EIR would resolve the issue of whether the two foundations would physically touch and numerous other critical concerns.

ii. There is a Fair Argument that the Proposed Project Could Directly and Significantly Impact the Coxhead House

To repeat, the Planning Department's initial study found that "project construction could compromise the structural integrity of the historic adjacent foundation at 2421 Green Street."⁶⁷ And the PMND is correct that the Board of Supervisors already made the finding that "such an

⁶⁵ PMND at pp. 17, 64

⁶⁶ *No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d at 85.

⁶⁷ *Id.* at p. 18.

impact could be considered significant.”⁶⁸ Based on the findings of the Board and the initial study, the Planning Department could no longer rely on a mitigated negative declaration. It was required to prepare an EIR. According to the Board:

“The Karp Report and other information submitted at and prior to the January 9, 2018, appeal hearing constituted substantial evidence that the Project, if approved, may result in one or more substantial adverse changes in the significance of the neighboring historic resource located at 2421 Green Street that have not been sufficiently addressed in the Categorical Exemption for the Project... The Board finds that the Karp Report and other information submitted at and prior to the January 9, 2018, appeal hearing constituted substantial evidence not previously identified that affect the CEQA evaluation set forth in the Categorical Exemption regarding how the Project may impair the significance of an historic resource by causing impacts to its immediate surroundings.”⁶⁹

Courts have long rejected agency CEQA processes where a subsequent CEQA document reached the opposite conclusion of an earlier one absent any explanation.⁷⁰ For example, when a county revised its initial study and issued a second which contradicted the first, the court held that the county was not free to “relegate[] the first initial study to oblivion.”⁷¹ According to the court, “We analogize such an untenable position to the un-ringing of a bell. The first initial study is part of the record. The fact that a revised initial study was later prepared does not make the first initial study any less a record entry nor does it diminish its significance.”⁷²

By definition, the conclusions from the Board of Supervisors and initial study both create a “fair argument” that the Project may have significant impacts, despite other evidence to the contrary, including the PMND. In this way, courts may rely on statements made in an initial study to establish a fair argument, even in the face of contradictory evidence.⁷³ Here, expert opinion and other evidence demonstrated that the proposed Project is likely to cause significant impacts that must be analyzed in an EIR.

Rather than prepare an EIR to independently investigate and disclose all potentially significant impacts on the Coxhead House, the Planning Department plans to “coordinate” in the future with the building department to obtain preliminary review of the developer’s geotechnical report and geologic hazard study.⁷⁴ According to the PMND, DBI’s Plan Review Services Division staff reviewed a 2017 geotechnical investigation and made recommendations to revise the report. Apparently, DBI’s recommendations “are reflected” in the April 25, 2019 geotechnical report. The Plan Review Services Division reviewed the revised report and found

⁶⁸ Id.

⁶⁹ San Francisco Board of Supervisors, Motion No. M18-012, Adopting Findings Reversing the Categorical Exemption Determination – 2417 Green Street, Amended February 6, 2018, File No. 180123, available at <https://sfgov.legistar.com/View.ashx?M=F&ID=5792879&GUID=75361D57-546D-41F0-B0A3-D11B6083C3D2>.

⁷⁰ *Stanislaus Audobon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144.

⁷¹ Id. at 154.

⁷² Id.

⁷³ *Gentry v. Murietta* (1995) 36 Cal.App.4th 1359.

⁷⁴ PMND at p. 61.

that “the report **generally meets** the standards for professional practice of geotechnical engineering.”⁷⁵ However, Project construction at this particular site presents an existential risk to the structural integrity of the Coxhead House. A hands-off departmental “coordination” scheme, along with its evasive finding that the report “generally” met profession standards, evidences a wholly unacceptable lack of action by a permitting agency.

The Planning Department’s hands-off strategy which relied on the developer to prepare all of technical analysis resulted in a PMND lacking in rigor or third-party objectivity. But CEQA requires negative declarations to reflect the lead agency’s “independent judgment.”⁷⁶ “Any . . . mitigated negative declaration prepared pursuant to the requirements of this division shall be prepared directly by, or under contract to, a public agency.”⁷⁷ A mitigated negative declaration must “reflect the independent judgment and analysis of the lead agency.”⁷⁸ The Planning Department’s failure to conduct independent analysis or exercise independent judgment was a violation of CEQA.

iii. The PMND Included an Inadequate and Unlawful Measure to Mitigate the Project’s Significant Impacts on the Coxhead House

As noted, the PMND contained a single mitigation measure purporting to address the potentially significant impacts on the Coxhead House. According to the PMND, any concerns over significant impacts would be resolved through an obligation by the developer to maintain ongoing coordination with DBI and the Planning Department prior to and during project construction:

“Mitigation Measure M-GE-1: Ongoing Coordination with the Planning Department and the Department of Building Inspections Prior to and During the Construction Phase Regarding Compliance with Geotechnical Requirements.

Pursuant to the San Francisco Department of Building Inspection process, the project sponsor (and their design team, geotechnical engineer, and contractor, as applicable) will be subject to ongoing coordination requirements with the planning department and the building department regarding plan check reviews and building inspections prior to and during construction work.”

According to the Planning Department, “Compliance with Mitigation Measure M-GE-1 would ensure the security and stability of the project site and adjacent properties. Furthermore, as addressed under Impact CR-1, compliance with this mitigation measure would avoid any potential impacts to historic resources.”⁷⁹

⁷⁵ Id. (emphasis added).

⁷⁶ CEQA §21082.1(c); *People v. County of Kern* (1976) 62 Cal.App.3d 761, 775; *Gentry v. Murietta* (1995) 36 Cal.App.4th 1359, 1397-98.

⁷⁷ CEQA §21082.1.

⁷⁸ Id.; CEQA Guidelines §15074.

⁷⁹ PMND at p. 63.

The Planning Department's ambiguous assurances notwithstanding, Measure M-GE-1 is an unlawful end run around CEQA for four reasons. First, the PMND claims the measure "ensures" the security and stability of the project site and the Coxhead House, but there is no way to objectively evaluate that assurance. The only measure of success is some level of future "coordination" between two departments that failed to communicate between one another on the Project for roughly one year; it was not until the complaints and NOV's became too numerous to ignore that the departments began to communicate on the Project. But even if the two departments did coordinate successfully, Measure M-GE-1 still lacks an evidence-based, measurable approach for success with real, physical requirements reviewable by the public and decision-makers.

Second, the measure defers important project scrutiny and mitigation *until after* all of the City's approvals are final, eliminating Planning Commission, Board of Supervisors' and public input and oversight. CEQA prohibits permitting agencies from deferring environmental mitigation until a future date after project approval.⁸⁰ Specifically, courts have rejected agency promises of "future studies subject to review and approval by planning and building services."⁸¹ According to established caselaw, "the requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA."⁸² Indeed, for any "measures that will mitigate environmental effects, the project plans must be revised to incorporate these mitigation measures before the proposed negative declaration is released for public review"⁸³ Post-approval analysis and potential project revisions relied upon as mitigation is forbidden. By deferring mitigation assessment until a future date, the Planning Department has violated CEQA's requirement that environmental review must occur at the earliest feasible date in the planning process when "genuine flexibility remains."⁸⁴

Third, a lead agency may not base a negative declaration on the *presumed* success of mitigation measures that have yet to be formulated at the time of project approval. One purpose of a CEQA document is to ensure that the relevant environmental data is available to the agency and considered by it prior to the decision to allow a commitment of resources to the project.⁸⁵

Finally, mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.⁸⁶ None of these legal requirements or conditions is met with Mitigation Measure M-GE-1; therefore, the measure does not pass CEQA muster.

⁸⁰ *Fairview Neighbors v. County of Ventura* (1999) 70 Cal.App.4th 238, 245.

⁸¹ *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306–307.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Mount Sutro Defense Committee v. Regents of University of California* (1978) 77 Cal.App.3d 20, 34.

⁸⁵ *No Oil, Inc.*, at p. 84.

⁸⁶ CEQA Guidelines §15126.4(a)(2).

b. The PMND Unlawfully Concluded that the Project's Aesthetic Impacts on the Coxhead House would be Insignificant

The PMND finally acknowledged that the Coxhead House is an historical resource under CEQA,⁸⁷ but it omitted any in-depth discussion or description of how and why the Coxhead house is significant to San Francisco and must be afforded protection. Instead, for purposes of evaluating impacts, the PMND purposefully treated the Coxhead House as a private residence with little cultural value to the City. As shown below, the PMND is incorrect.

As background, the California Office of Historic Preservation deemed the Coxhead House “clearly eligible” for the National Park Service’s Register of Historic Places having found the Coxhead Residence “clearly eligible for the National Register of Historic Places,” because “the Ernest Coxhead house is in outstanding and original condition, and retains an unusually high degree of historic integrity.”⁸⁸

Properties deemed eligible for listing on the national historic registry of historic places, like the Coxhead House, are protected under CEQA. An historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources.⁸⁹ If a project may cause a substantial adverse change in the significance of a historical resource, that project shall not be exempted from the statute.⁹⁰

Mr. Kaufman’s house was designed by renowned California architect Ernest Albert Coxhead in 1893. Mr. Coxhead lived in the residence with his family while he practiced architecture in San Francisco. The house is considered one of the finest remaining examples of Late Victorian Shingle Style, and architecture of the First Bay Area Tradition. The property has been written about in notable books and scholarly works for decades. The house is one of the few Coxhead nineteenth century buildings to survive the devastating 1906 earthquake and fires. The house’s shingled architectural details greatly influenced the work of later renowned Bay Area architects including Julia Morgan and Bernard Maybeck.⁹¹ The house is a San Francisco treasure.

The Coxhead Residence is located on steep, narrow Green Street between Cow Hollow and Pacific Heights. It is a three-story, wood-framed building clad in red cedar shingles trimmed with painted redwood Arts & Crafts fenestration and trim. It has steep pitched roofs and articulated dormers and ribbons of windows facing San Francisco Bay. The rear garden is contiguous with another Historic Landmark, the Casebolt House. Finally, “the Ernest Coxhead house is in outstanding and original condition, and retains an unusually high degree of historic

⁸⁷ PMND at p. 17.

⁸⁸ Letter from Office of Historic Preservation, at p.1 (September 13, 2017).

⁸⁹ See San Francisco Preservation Bulletin No. 16 (2004); CEQA §21084(e); CEQA Guidelines §15300.2(f).

⁹⁰ CEQA § 21084.1.

⁹¹ See Nomination for Listing National Register of Historic Places, August 28, 2017.

integrity.”⁹² The state of California has found the Coxhead Residence “clearly eligible for the National Register of Historic Places.”⁹³

San Francisco’s Preservation Bulletin No. 16 sets out a two-step process for evaluating the potential for proposed projects to impact historical resources. First, a Preservation Planner determines whether the property is an historical resource as defined by CEQA Guidelines Section 15064.5(a)(3); and, second, if the property is an historical resource, it then evaluates whether the proposed action or project would cause a “substantial adverse change” to the historical resource.⁹⁴

CEQA defines a “substantial adverse change” as the physical demolition, destruction, relocation or alteration of the historical resource *or its immediate surroundings* such that the significance of the historical resource would be materially impaired. CEQA goes on to define “materially impaired” as work that materially alters, in an adverse manner, those physical characteristics that convey the resource’s historical significance and justify its inclusion in the California Register of Historic Places, a local register of historical resources, or an historical resource survey.⁹⁵

The question is whether the PMND properly investigated potential Project-induced alterations to the Coxhead House or its immediate surroundings that could materially impair its significance as a historical resource? The answer is no. The PMND identified several potentially significant impacts such as the loss of views from 24 windows, and admitted that “the intent of the original design of the 2421 Green Street was to take advantage of the views from the eastern, western and northern elevations.”⁹⁶ But it dismissed these impacts on an historic resource by making the conclusory statement that “the quality of views from the windows that would be blocked by the proposed project is not an aspect of historic significance and is not character-defining to the architectural significance of the building.” But the PMND provided an unsupported opinion rather than presenting facts for decision makers and the public to weigh. Licensed architect and expert on historical resources, Carol L. Karp, submitted an expert report that found were the City to allow the developer to increase the existing building envelope it would obliterate views from the Coxhead House and the City has made no provision for protecting this important aspect of the Coxhead House.⁹⁷

Then the PMND concluded that even if the blocked windows were a significant impact, “loss of private views does not constitute a significant impact under CEQA and therefore is not included in this analysis.”⁹⁸ The City’s conclusion ignores the fact that the Coxhead House is an

⁹² Id.

⁹³ Letter from Office of Historic Preservation, p. 1 (September 13, 2017)

⁹⁴ San Francisco Preservation Bulletin No. 16, at p. 2.

⁹⁵ CEQA Guidelines 15064.5(b), Bulletin 16, p. 9.

⁹⁶ PMND at p. 20.

⁹⁷ Carol L. Karp Report at p. 2 (Dec. 30, 2017). Carol Karp’s report is incorporated herein in its entirety by reference.

⁹⁸ Id. at p. 19.

historic resource. While it may be true that private views are generally not significant impacts under CEQA, this ignores the fact that the views, light and air here at issue are integral parts of the historical significance of the Coxhead House. CEQA protects the elements of the house, such as view, light and air which contribute to the house's historical significance – unlike views from an ordinary private residence. The issue is not whether the current resident of the Coxhead House is entitled to private views; rather the issue is whether the City should prioritize the short-term economic interest of a private developer who does not intend to reside at 2417 Green Street over an important historic resource that would be materially impaired should the City allow the developer to overbuild the lot and permanently block 24 historic windows.

Furthermore, story poles clearly show that the proposed Project will block public views of the Coxhead House from Pierce Street and Green Street. While the MND acknowledges that public views of the Coxhead House would be impaired, it dismisses this impact since these are allegedly not the “primary views” of the house.⁹⁹ However, CEQA has no provision that disregards secondary as opposed to primary views of an historic resource.¹⁰⁰ There is no dispute that the proposed Project will block views of the historic Coxhead House from public streets. This is a significant impact requiring review under CEQA.

The foregoing illustrates the need for comprehensive analysis in an EIR absent unsupported, conclusory statements and misstatements of the law.

c. The PMND Unlawfully Concluded that the Project Would not Significantly Impact Land Use and Planning

Even if a public agency has deemed a project consistent with general or specific plans, such as design guidelines, or zoning ordinances, it can still be subject to CEQA review.¹⁰¹ This is because findings in a CEQA document may differ from findings made in consistency determination for zoning or local and/or general plans. Thus, separate CEQA analyses may be required. The PMND got this rule exactly backwards: “Land use impacts could be considered significant if a proposed project conflicts with any plan, policy, or regulation adopted for the purpose of avoiding an environmental effect. However, a conflict with a plan, policy, or regulation adopted for the purpose of mitigating an environmental effect does not necessarily indicate a significant effect on the environment.”¹⁰² Then, absent any investigation, the PMND concluded, “the proposed project would result in a less-than-significant impact with regard to consistency with existing plans and policies adopted for the purpose of avoiding an environmental effect.”¹⁰³

Not only did the Planning Department fail to properly state the actual CEQA requirements for assessing land use impacts, the Project *is* inconsistent with numerous provisions

⁹⁹ PMND at p. 21.

¹⁰⁰ See, e.g., *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.*, 116 Cal.App.4th 396 (2004).

¹⁰¹ *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358

¹⁰² PMND at p. 12.

¹⁰³ *Id.* at p. 13

of the Cow Hollow Neighborhood Design Guidelines (CHNDG) and the San Francisco Zoning Code, but it failed to include any consistency analysis in the PMND. In fact, the proposed Project violates the CHNDG and Zoning Code by, inter alia:

- Encroaching on shared mid-block open space.
- Obstructing access to light and air.
- Creating a structure with volume and massing that is inconsistent with the neighborhood.
- The proposed 5,115 square foot home on a 2500 square foot lot will result in a floor area ratio (FAR) of almost 2.5, in a neighborhood with an average FAR of approximately 1.0.
- Failing to comply with terracing requirements.
- Failing to respect the adjacent historic Coxhead House.

In addition, the proposed Project may be inconsistent with local land use requirements because it now includes two living units rather than one. The PMND only makes a passing reference to a newly-added first floor 1,023 square-foot, one-bedroom accessory dwelling unit (ADU).¹⁰⁴ This is a significant change to the Project which under several sets of plans contemplated a single-family residence. The PMND does not describe the ADU nor does it disclose whether the ADU is compatible with state and San Francisco land use ordinances.

San Francisco allows ADUs as a means of addressing the City's severe housing shortage. However, both state and local law place certain restrictions on such residences. CEQA analysis is required for this aspect of the Project because the Planning Department has utterly failed to meet its disclosure obligations to the public by refusing to describe the regulatory basis for the proposed ADU and by not providing the supporting drawings and plans for a second residence. To date, the entire discussion of the ADU is comprised of a single sentence: "a one-bedroom accessory dwelling unit measuring approximately 1,023 square feet on the first floor."¹⁰⁵

Under San Francisco's 2017 ordinance covering the permitting requirements of ADUs, the ADU process is comprised of "Waiver" and "No Waiver" programs.¹⁰⁶ Homeowners must assess which program applies to their particular situation because each program entails different requirements and permitting paths. Absent any help from the Planning Department, the interested public is left to figure out which program might apply to 2417 Green Street.

For example, if the newly-proposed ADU falls within the waiver program, the developer must construct it entirely within the existing built envelope, i.e., the area within the walls of the existing building.¹⁰⁷ The developer could increase the height of the building by three feet for ADU construction, but only if the building is also undergoing full seismic retrofitting for the

¹⁰⁴ PMND at Cover Page.

¹⁰⁵ Id.; See also second exemption at p. 2.

¹⁰⁶ Construction of Accessory Dwelling, Ord. No. 162-17 (July 11, 2017).

¹⁰⁷ http://default.sfplanning.org/plans-and-programs/planning-for-the-city/accessory-dwelling-units/Waiver_ADUFactSheet.pdf.

entire structure.¹⁰⁸ Under this program, the developer would need to apply for compliance waivers from the zoning administrator to violate rear yard, parking, open space, density requirements or reductions in the amount of exposure currently required by San Francisco law.¹⁰⁹ All other Planning Code requirements would still have to be met.¹¹⁰ The Project cannot fall within the waiver program since it involves substantial expansion of the existing building envelope.

On the other hand, the ADU might fit within the no waiver program.¹¹¹ Here the ADU can be an expansion to the existing building, by taking habitable space from within the existing single-family home, or by constructing a new structure within the buildable area of the lot.¹¹² However, if an expansion is proposed for the project as part of the no waiver program, neighborhood notice under Sections 311/312, and design review are required.¹¹³ Importantly, in order for the ADU to be eligible for this program, it must not require any waivers for open space (300-400 sq/ft per unit), rear yard setbacks (25 percent of the rear yard must remain open), density or light exposure.

The Planning Department did not provide any information on the design or floor plan of the proposed ADU so it is an open question which program applies. Still, it appears it *may* fall within the no waiver program because the project has always involved an expansion of an existing building (from 4,118 sq/ft to 5,115 sq/ft). In that case, the developer is required to provide Section 311 notice.

In addition, state law requires local governments to impose standards on ADUs that, among other things, “prevent adverse impacts on any real property that is listed in the California Register of Historic Places,”¹¹⁴ or, “any other known historical resource.”¹¹⁵ For historical resources, the Planning Department is required to modify the project to prevent or mitigate such impacts.¹¹⁶ The evidence already shows previous building plans would impact the Coxhead House. Therefore, the Planning Department is required to make an affirmative finding that adding an additional residence to the parcel will have no impact on the Coxhead House.

Finally, under California law, San Francisco may require the applicant for an ADU to be an owner/occupant.¹¹⁷ This makes for good public policy. Allowing a speculator to build two or more residences on a single-family parcel (RH-1) to maximize profits while taking advantage of less restrictive land use requirements violates the spirit of the statute, which was meant to allow

¹⁰⁸ Id.

¹⁰⁹ Id.

¹¹⁰ Id.

¹¹¹ http://default.sfplanning.org/plans-and-programs/planning-for-the-city/accessory-dwelling-units/NoWaiver_ADUFactSheet.pdf

¹¹² Id.

¹¹³ Id.

¹¹⁴ Government Code § 65852.2(a)(1)(B)(i).

¹¹⁵ San Francisco Ord. No. 162-17 § 207(6)(B)(v).

¹¹⁶ Id.

¹¹⁷ Government Code § 65852.2(a)(1)(D)(6)

existing homeowners to convert unused garage or basement space or legalize an existing in-law flat to provide additional living space to existing homes.

Given the many open questions surrounding this aspect of the Project, the only way decision makers and the public can assess the merits and legality of the proposal is to analyze its potentially significant impacts on land use and the Coxhead House in an EIR.

d. The PMND Unlawfully Concluded that the Project would have No Impacts Related to Hazardous Materials

The Project site is located on the City's Maher Map of potentially contaminated sites. Mr. Kaufman has already produced the City's Maher Map showing the presence of numerous known contaminated sites within 100 feet of the proposed Project. In fact, the application materials indicate that the subject property would require 408 cubic yard of soil excavation and removal. Given the listing of the property on the Maher Map, this excavation may disturb potentially contaminated soil, which may expose nearby residents and/or construction workers to hazardous chemicals. Thus, there is a fair argument that the Project may have adverse environmental impacts that must be analyzed under the Maher Ordinance and CEQA.

The administrative record shows that the City's Maher Waiver was improper and required:

- Site Mitigation Plan,
- An Environmental Health and Safety Plan,
- Dust Control Plan, and
- Other documents, as required under the Maher Program.

To date, none of those documents have been produced. According to the PMND, the developer took soil samples from "two sample locations within the existing garage."¹¹⁸ However, it appears that the garage area was renovated and expanded by the previous owner, during his tenure over the past thirty years. As a result, this is an area where the soil would be expected to have been removed and replaced with clean fill. Furthermore, the Maher Map clearly shows that the entire parcel is potentially contaminated. Two samples taken from "within the existing garage" are clearly insufficient to show that the entire parcel is not contaminated. In particular, the Project will involve significant soil excavation in the rear yard, which has not yet been tested. Unfortunately, this situation is reminiscent of the scandal plaguing Hunters Point Shipyard, where the "expert" consultant purposely tested soil from an area known to be clean. The Planning Department cannot repeat this grievous error. The City must develop a site mitigation plan as part of a full and independent EIR investigation prior to Project approval. The plan must be made available to the public so the public and decision-makers can determine if the plan is adequate or if additional mitigation is necessary.

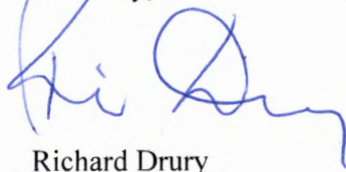
¹¹⁸ PMND, p. 72.

CONCLUSION

After being ordered by the Board of Supervisors to prepare a CEQA document to investigate and disclose the proposed Project's potentially significant impacts on the Coxhead House, the Planning Department prepared a bare bones mitigated negative declaration devoid of independent agency investigation and analysis. An EIR is required since eminently well-qualified experts have concluded that the proposed Project will have adverse impacts on the historic Coxhead House. As the Court of Appeal has stated, "It is the function of an EIR, not a negative declaration, to resolve conflicting claims, based on substantial evidence, as to the environmental effects of a project."¹¹⁹

Indeed, the PMND deferred to the developer to provide information on potential impacts and to choose solutions to address problems should they arise. CEQA was enacted in 1970 for no greater reason than to avoid such behind the scenes, backroom deals between developers and permitting agencies. Well-conceived projects should have nothing to hide so that in a proper CEQA analysis decision makers and the public can be assured approved projects will be safe for people and the environment. The Planning Department must do its job as an independent agency charged with protecting the people of San Francisco, not private developers. The PMND provides no assurances it understands that mission.

Sincerely,



Richard Drury
Lozeau Drury LLP

cc: Sup. Catherine Stefani
Sup. Aaron Peskin

¹¹⁹ *Pocket Protectors*, 124 Cal.App.4th at 935.

ATTACHMENT 1

LAWRENCE B. KARP
CONSULTING GEOTECHNICAL ENGINEER

FOUNDATIONS, WALLS, PILES
UNDERPINNING, TIEBACKS
DEEP RETAINED EXCAVATIONS
SHORING & BULKHEADS
CEQA, EARTHWORK & SLOPES
CAISSONS, COFFERDAMS
COASTAL & MARINE STRUCTURES

SOIL MECHANICS, GEOLOGY
GROUNDWATER HYDROLOGY
CONCRETE TECHNOLOGY

July 5, 2019

City and County of San Francisco
Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103

Attention: Stephan Leung
 Plan Review Services Division

Subject: "Preliminary Review of Geotechnical Report
 2417 Green Street, San Francisco, Block/Lot 0560/028
 DBI Permit Numbers: 2017-0428-5244"

Dear Mr. Leung:

This correspondence responds to your letter dated 5/16/19 that was requested by and addressed to Jeanie Poling, Senior Environmental Planner, San Francisco Planning (CPD) Department (**Attachment I**). Your letter was just issued by CPD as part of their Preliminary Mitigated Negative Declaration (PMND) prepared by Jeanie Poling for the subject project and your opinions are contained in the Declaration as well as your entire letter, issued under the letterhead of Director Tom Hui, being referenced as footnote 88 on page 61 as well as an e-mail from you as footnote 89 on page 64. Your opinion of the 4/25/19 report by Christian Divis, as expressed in the last paragraph of your 5/16/19 letter and quoted by Jeanie Poling, on page 61 of the declaration referring by footnote to your 5/16/19 letter, was summarized as: "...the report generally meets the standards for professional practice of geotechnical engineering." In the PMND you are termed "DBI staff". Your engineering opinions communicated to CPD, which impact the subject project, in addition to your 5/16/19 letter, permeate the PMND written by Jeanie Poling.

The above notwithstanding, there are very serious problems with your review and representations, which are summarized below.

1. There is no indication in the 4/25/19 Divis report or your letter of 5/16/19 that either of you understand that the project adjoiner is situated on a steep slope below the Coxhead House at 2421 Green Street, which is an historical architectural resource supported by 127 year old brick foundations. Your 5/16/19 letter does not acknowledge receipt and reading of the undersigned's report of 1/17/19 (**Attachment II**) that shows the new project will be well below the foundation of 2421 Green and attempts to design let alone build, without the requisite geotechnical investigation and a proper topographical survey will impair lateral and subjacent support to the foundations of 2421 Green. The 1/17/19 (and the prior 1/19/18 report to the Board of Supervisors) contain reproductions of the San Francisco Building Code's requirements for protecting and providing lateral and subjacent support for new foundations along property lines below neighboring properties.

2. The 4/25/19 Divis report that is called, by CPD, an "investigation" is not at all a proper soil and foundation (geotechnical) investigation for the subject project. The issue of undermining laterally the foundations of the historic 2421 Green house have not been addressed in any way in the Divis report nor was it caught in your letter. A geotechnical investigation report that *"generally meets the standards for professional practice of geotechnical engineering."* would necessarily contain the results of a physical investigation at the property line where excavation and new foundations are shown on the architectural drawings. A proper investigation would be to coordinate field work with a land surveyor's orthocontour map (there is none) that shows topography, features, and elevations for all existing improvements so a geotechnical investigation must absolutely include test pits to determine the elevations of the existing foundations on the neighboring property as well as the characteristics of the underlying soil or rock. In your 5/16/19 letter you, as did Divis, ignore this existing foundation standard for geotechnical investigations. Internal or external exploration away from the foundations at the property line do not at all fulfill the standard requirements for compliance with design necessary for underpinning and shoring of excavations near property lines and protection of neighboring foundations under 2016 SFBC.
3. In your 5/16/19 letter you state *"We understand that the proposed site improvements will exclude expanding the existing garage to the rear of the existing residence..."*. You understood wrong; the intent is to expand the existing garage (and other improvements) to the rear but also toward 2421 Green's foundations as shown on the architectural drawings; existing on Sheet D1.0 and proposed on Sheet A1.0. This expansion will cause the planned excavation to approach the 2421 Green boundary which threatens the stability of the older building and the 127 year old brick foundations, all of which comprise the neighboring historic architectural resource. You do not state whether or not you have visited the site and observed the excavation that has already begun without a proper geotechnical report of investigation, without the calculations and detailing necessary under 2016 SFBC §1803.5.7 (excavations near property lines) and not compliant with 2016 SFBC §3307.1 (protection of neighboring property and maintenance of lateral and subjacent support to neighboring foundations). If you had observed conditions and read my 1/17/19 report to the Planning Commission you would also know that permits for the project were suspended by SFDBI more than a year ago and in excess of several Notice of Violations have been issued by SFDBI after suspension of the building permits in 2017,
4. The 4/25/19 Divis report contains no recommendations for underpinning, shoring, and excavation and your 5/19/19 letter does not point out that there are no recommendations. Regardless, Jeanie Poling, in her PMND (page 60, ¶5) states *"The geotechnical report concludes that the site can be developed as planned, provided the recommendations presented in the report are incorporated plans and specifications and implemented during construction."* But there are no recommendations compliant with 2016 SFBC §1803.5.7 (excavations) and 2016 SFBC §3307.1 (protection). Nor could there be any pertinent recommendations, such as pressure diagrams and construction methods to protect 2421 Green because there was no investigation for that purpose and because, as already commenced, excavating will be without shoring and underpinning (actually, impossible tasks without authorization from the owner of 2421 Green). Divis notes that the excavation will be 4 or 5 feet from the property line, but plans for the suspended permit show new foundations on the property line (Attachment II) and he also forgot he certified (**Attachment III**), for the suspended permit, that those plans complied with his now discarded 1/12/17 report. So there can be no valid recommendations without survey and investigation, but the PMND states, at top of page 64, no survey is required.

5. In your 5/19/19 letter, which CPD depended upon, you state *"the site falls within the slope protection area (Blume, 1974) and the proposed works involve excavation that might have an impact on the slope stability and adjacent properties, and therefore, this project is subject to the Slope Protection Act."* You are way out of date which is something that indicates to me that you have not practiced long as a geotechnical engineer in San Francisco. John Blume's version has been superseded many times over the past 45 years, although it provides useful information the subject project is governed by Ordinance No. 121-18 "Slope and Seismic Hazard Protection Zone Act (effective 6/23/18)" contained in SFDBI Information Sheet, 10/2/18 (**Attachment IV**) which applies to various standards including slopes that exceed inclinations of 4h to 1v per the City's 7/25/18 topographic map. The site is also within a landslide area as designated on a map posted on the second floor of 1660 Mission Street, which Divis just happened to include a reproduction of in his now discarded report of 1/12/17 (**Attachment V**). However, in his present report Divis makes no mention of the current Slope and Seismic Hazard Zone Protection Act (SSPA) as the subject project may have a substantial impact on slope stability. The SPA has a questionnaire that the engineer or architect of record has to complete under penalty of perjury; as shoring (and other tasks) are required there are a multitude of requirements that must be followed of which presenting a proper report of geotechnical investigation at the property line and including recommendations based on a topographic survey and the investigation is fundamental and cannot be met by the current report. The PMND refers to only a required peer review by "a licensed geotechnical engineer", which is incomplete
6. In both my 1/9/18 and 1/17/19 (Attachment II, Exhibit 4, page 4) reports I refer to a section drawn for his permit submittal by the sponsor (owner, engineer, applicant, contractor Christopher Durkin) wherein he shows a new foundation for 2417 Green hanging in midair, no ground support or attachment other than dowels anchored into the brick foundation of 2421 Green (this is where Divis thinks there is a distance of 4 or 5 feet to the property line). Durkin insists that the dowels are, to summarize his excuse in technical language, witness lines. After my 1/9/18 report pointing that out he did nothing to correct the detail to show a connection to other foundation elements or resting on the ground, his architect did the necessary correction: the 6/8/18 architectural drawings, Sheet A3.2, showing the same transverse section, has the footing extended over away from the property line to the garage wall instead of being anchored to 2421 Green. Jeanie Poling, in collusion with Durkin, had him write her a letter of "Clarification" which turned out to be frantic hysterics (this writer and the undersigned, who was an engineer reporting and designing shoring and underpinning in San Francisco long before Durkin was born) was accused of fraud and elder abuse. Jeanie Poling then quoted Durkin and wrote in the PMND *"The project sponsor subsequently clarified that the lines on the plans are call outs for longitudinal [sic] reinforcement in the wall footing and do not show a connection to the adjacent foundation."* Note that "longitudinal" bars would be parallel to the property line, not perpendicular like the cross footing bars would be which Durkin claims. She then wrote *"DBI staff reviewed this plan sheet and concurred with the project sponsor that [t]here is no physical connection between the new footings and the neighbor's existing masonry footings."* referring to your e-mail of 6/13/19 to CPD (page 64, ¶3). By the way, the mid-air connection at the transverse section is not a "plan sheet", and the excavation and foundation construction is on the property line, not 4 or 5 feet away as Divis states several times.

A proper geotechnical investigation is required, complete with shoring and underpinning recommendations and construction sequencing, and details with elevations pursuant to a topographical land survey, to protect the neighbor's 127 year old brick foundations and building.

Yours truly



Lawrence B. Karp

LAWRENCE B. KARP CONSULTING ENGINEER



ATTACHMENT 2



SAN FRANCISCO PLANNING DEPARTMENT

Notice of Availability of and Intent to Adopt a Mitigated Negative Declaration

Date: June 26, 2019
Case No.: 2017-002545ENV
Project Title: 2417 Green Street
Zoning: RH-1 [Residential-House, One Family] Use District
40-X Height and Bulk District
Block/Lot: 0560/028
Project Sponsor: Chris Durkin, 2417 Green Street, LLC
(415) 407-0486
Staff Contact: Jeanie Poling – (415) 575-9072
jeanie.poling@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

This notice is to inform you of the availability of the environmental review document concerning the proposed project as described below. The document is a preliminary mitigated negative declaration (PMND), containing information about the possible environmental effects of the proposed project. The PMND documents the determination of the Planning Department that the proposed project could not have a significant adverse effect on the environment. Preparation of a mitigated negative declaration does not indicate a decision by the City to carry out or not to carry out the proposed project.

Project Description: The project site is on the south side of Green Street on the block bound by Green, Pierce, Scott, and Vallejo streets in the Pacific Heights neighborhood. The 2,500-square-foot project site contains a vacant four-story single-family residential building constructed circa 1905. The property at its Green Street frontage slopes with an elevation of approximately 150 feet along the western (up slope) side to 145 feet along eastern (down-slope) side. The project would lower building floor plates by approximately 2 feet, construct one- and three-story horizontal rear additions, and construct third and fourth floor vertical additions above the existing building. The floor area would increase from approximately 4,118 square feet to approximately 5,115 square feet. A one-bedroom accessory dwelling unit measuring approximately 1,023 square feet would be added on the first floor. The project also proposes a partial excavation of the rear yard for a sunken terrace, façade alterations, interior modifications, and expansion of the existing basement level garage to accommodate one additional vehicle, for a total of two vehicle parking spaces. The proposed project requires issuance of building permits by the Department of Building Inspection (DBI) and has been scheduled for a discretionary review hearing before the Planning Commission.

The PMND is available to view or download from the Planning Department's environmental review documents web page (<https://sfplanning.org/environmental-review-documents>). Paper copies are also available at the Planning Information Center (PIC) counter on the ground floor of 1660 Mission Street, San Francisco.

www.sfplanning.org

中文詢問請電: 415.575.9010 | Para Información en Español Llamar al: 415.575.9010 | Para sa Impormasyon sa Tagalog Tumawag sa: 415.575.9121

If you have questions concerning environmental review of the proposed project, contact the Planning Department staff contact listed above.

Within 20 calendar days following publication of the PMND (i.e., by 5:00 p.m. on **July 16, 2019**, any person may:

- 1) Review the PMND as an informational item and take no action;
- 2) Make recommendations for amending the text of the document. The text of the PMND may be amended to clarify or correct statements and may be expanded to include additional relevant issues or to cover issues in greater depth. This may be done **without** the appeal described below; **OR**
- 3) Appeal the determination of no significant effect on the environment to the Planning Commission in a letter which specifies the grounds for such appeal, accompanied by a \$617 check payable to the San Francisco Planning Department.¹ An appeal requires the Planning Commission to determine whether or not an Environmental Impact Report must be prepared based upon whether or not the proposed project could cause a substantial adverse change in the environment. Send the appeal letter to the Planning Department, Attention: Lisa Gibson, 1650 Mission Street, Suite 400, San Francisco, CA 94103 or emailed to lisa.gibson@sfgov.org. **The letter must be accompanied by a check in the amount of \$617.00 payable to the San Francisco Planning Department, and must be received by 5:00 p.m. on July 16, 2019.** The appeal letter and check may also be presented in person at the PIC counter on the first floor of 1660 Mission Street, San Francisco.

In the absence of an appeal, the mitigated negative declaration shall be made final, subject to necessary modifications, after 20 days from the date of publication of the PMND. If the PMND is appealed, the final mitigated negative declaration (FMND) may be appealed to the Board of Supervisors. The first approval action, as identified in the initial study, would establish the start of the 30-day appeal period for the FMND pursuant to San Francisco Administrative Code Section 31.16(h).

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

¹ Upon review by the Planning Department, the appeal fee may be reimbursed for neighborhood organizations that have been in existence for a minimum of 24 months.

Planning Department
City and County of San Francisco
1650 Mission Street
San Francisco, CA 94103-2414

RECEIPT		DATE <u>7/15/19</u>	No. 126483
RECEIVED FROM <u>Lozeau Drury LLP</u>		\$ <u>617.00</u>	
<u>Six hundred seventeen and 00/100</u>		DOLLARS	
<input type="radio"/> FOR RENT		<input type="radio"/> CASH	
<input type="radio"/> FOR <u>Appeal of Preliminary Negative Declaration</u>		<input checked="" type="radio"/> CHECK	
ACCOUNT		2017 - 002545 ENV	
PAYMENT	<u>#12464</u>	FROM	TO
BAL. DUE		BY <u>Melissa</u>	3-11
			<input type="radio"/> MONEY ORDER
			<input type="radio"/> CREDIT CARD

LAWRENCE B. KARP
CONSULTING GEOTECHNICAL ENGINEER

FOUNDATIONS, WALLS, PILES
UNDERPINNING, TIEBACKS
DEEP RETAINED EXCAVATIONS
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CAISSONS, COFFERDAMS
COASTAL & MARINE STRUCTURES

SOIL MECHANICS, GEOLOGY
GROUNDWATER HYDROLOGY
CONCRETE TECHNOLOGY

September 9, 2019

Richard Drury, Esq.
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612

Dear Mr. Drury:

The following is a summary résumé of qualifications and expertise, and general consulting conditions, that was used recently in an expert disclosure statement:

"Lawrence B. Karp holds an earned doctorate in civil engineering and other degrees from the University of California, Berkeley (with honors), and he is licensed as a civil and geotechnical engineer and architect in California, as an architect and a professional engineer, civil or structural engineer in other states, and as a marine engineer/naval architect in Washington.

Dr. Karp was awarded a post-doctoral Earthquake Engineering certificate by the University of California, Berkeley (with distinction). He has been issued national certifications in structural engineering and architecture. Dr. Karp taught advanced foundation design and construction at Berkeley for 11 years and at Stanford for 3 years, and he has been a court appointed expert on engineering design and construction at various times and in counties in California over the last 40 years. In 1989 he was appointed by SFDPW to be special inspector of buildings following the Loma Prieta Earthquake. He has membership in various professional societies, and he has authored numerous technical reports as well as conference and journal papers.

With over 55 years experience in design and construction, Dr. Karp specializes in soil-structure interaction and resistance to lateral forces with applications to foundations for buildings and other structures including all types of ground support systems, deep retained excavations, bulkheads, tiebacks, underpinning, shoring and demolition, environmental analyses, controlled grading and slope stabilization including landslide repair, investigation of causation and remediation of foundation failures, seismic upgrades of foundation for buildings and other structures, reinforced and prestressed concrete technology, determination of defects in construction and materials, stability evaluation of excavations and retentions, slopes, earthwork, demolition and construction logistics, coastal engineering, and groundwater hydrology."

I have a professional claim and complaint free history, and maintain, subject to continuing availability, a \$1M policy of professional liability insurance. Fees for consulting include all expenses except air fare and rentals, out of town accommodations and distant travel, hiring or subcontracting of field equipment and crew or subcontractors, sampling, and laboratory testing of samples or products.

Yours truly,



Lawrence B. Karp

LAWRENCE B. KARP
CONSULTING GEOTECHNICAL ENGINEER

FOUNDATIONS, WALLS, PILES
UNDERPINNING, TIEBACKS
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COASTAL & MARINE STRUCTURES

SOIL MECHANICS, GEOLOGY
GROUNDWATER HYDROLOGY
CONCRETE TECHNOLOGY

July 5, 2019

City and County of San Francisco
Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103

Attention: Stephan Leung
 Plan Review Services Division

Subject: "Preliminary Review of Geotechnical Report
 2417 Green Street, San Francisco, Block/Lot 0560/028
 DBI Permit Numbers: 2017-0428-5244"

Dear Mr. Leung:

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The above notwithstanding, there are very serious problems with your review and representations, which are summarized below.

1. There is no indication in the 4/25/19 Divis report or your letter of 5/16/19 that either of you understand that the project adjoiner is situated on a steep slope below the Coxhead House at 2421 Green Street, which is an historical architectural resource supported by 127 year old brick foundations. Your 5/16/19 letter does not acknowledge receipt and reading of the undersigned's report of 1/17/19 (**Attachment II**) that shows the new project will be well below the foundation of 2421 Green and attempts to design let alone build, without the requisite geotechnical investigation and a proper topographical survey will impair lateral and subjacent support to the foundations of 2421 Green. The 1/17/19 (and the prior 1/19/18 report to the Board of Supervisors) contain reproductions of the San Francisco Building Code's requirements for protecting and providing lateral and subjacent support for new foundations along property lines below neighboring properties.

2. The 4/25/19 Divis report that is called, by CPD, an "investigation" is not at all a proper soil and foundation (geotechnical) investigation for the subject project. The issue of undermining laterally the foundations of the historic 2421 Green house have not been addressed in any way in the Divis report nor was it caught in your letter. A geotechnical investigation report that *"generally meets the standards for professional practice of geotechnical engineering."* would necessarily contain the results of a physical investigation at the property line where excavation and new foundations are shown on the architectural drawings. A proper investigation would be to coordinate field work with a land surveyor's orthocontour map (there is none) that shows topography, features, and elevations for all existing improvements so a geotechnical investigation must absolutely include test pits to determine the elevations of the existing foundations on the neighboring property as well as the characteristics of the underlying soil or rock. In your 5/16/19 letter you, as did Divis, ignore this existing foundation standard for geotechnical investigations. Internal or external exploration away from the foundations at the property line do not at all fulfill the standard requirements for compliance with design necessary for underpinning and shoring of excavations near property lines and protection of neighboring foundations under 2016 SFBC.
3. In your 5/16/19 letter you state *"We understand that the proposed site improvements will exclude expanding the existing garage to the rear of the existing residence..."*. You understood wrong; the intent is to expand the existing garage (and other improvements) to the rear but also toward 2421 Green's foundations as shown on the architectural drawings; existing on Sheet D1.0 and proposed on Sheet A1.0. This expansion will cause the planned excavation to approach the 2421 Green boundary which threatens the stability of the older building and the 127 year old brick foundations, all of which comprise the neighboring historic architectural resource. You do not state whether or not you have visited the site and observed the excavation that has already begun without a proper geotechnical report of investigation, without the calculations and detailing necessary under 2016 SFBC §1803.5.7 (excavations near property lines) and not compliant with 2016 SFBC §3307.1 (protection of neighboring property and maintenance of lateral and subjacent support to neighboring foundations). If you had observed conditions and read my 1/17/19 report to the Planning Commission you would also know that permits for the project were suspended by SFDBI more than a year ago and in excess of several Notice of Violations have been issued by SFDBI after suspension of the building permits in 2017,
4. The 4/25/19 Divis report contains no recommendations for underpinning, shoring, and excavation and your 5/19/19 letter does not point out that there are no recommendations. Regardless, Jeanie Poling, in her PMND (page 60, ¶5) states *"The geotechnical report concludes that the site can be developed as planned, provided the recommendations presented in the report are incorporated plans and specifications and implemented during construction."* But there are no recommendations compliant with 2016 SFBC §1803.5.7 (excavations) and 2016 SFBC §3307.1 (protection). Nor could there be any pertinent recommendations, such as pressure diagrams and construction methods to protect 2421 Green because there was no investigation for that purpose and because, as already commenced, excavating will be without shoring and underpinning (actually, impossible tasks without authorization from the owner of 2421 Green). Divis notes that the excavation will be 4 or 5 feet from the property line, but plans for the suspended permit show new foundations on the property line (Attachment II) and he also forgot he certified (**Attachment III**), for the suspended permit, that those plans complied with his now discarded 1/12/17 report. So there can be no valid recommendations without survey and investigation, but the PMND states, at top of page 64, no survey is required.

5. In your 5/19/19 letter, which CPD depended upon, you state *"the site falls within the slope protection area (Blume, 1974) and the proposed works involve excavation that might have an impact on the slope stability and adjacent properties, and therefore, this project is subject to the Slope Protection Act."* You are way out of date which is something that indicates to me that you have not practiced long as a geotechnical engineer in San Francisco. John Blume's version has been superseded many times over the past 45 years, although it provides useful information the subject project is governed by Ordinance No. 121-18 "Slope and Seismic Hazard Protection Zone Act (effective 6/23/18)" contained in SFDBI Information Sheet, 10/2/18 (**Attachment IV**) which applies to various standards including slopes that exceed inclinations of 4h to 1v per the City's 7/25/18 topographic map. The site is also within a landslide area as designated on a map posted on the second floor of 1660 Mission Street, which Divis just happened to include a reproduction of in his now discarded report of 1/12/17 (**Attachment V**). However, in his present report Divis makes no mention of the current Slope and Seismic Hazard Zone Protection Act (SSPA) as the subject project may have a substantial impact on slope stability. The SPA has a questionnaire that the engineer or architect of record has to complete under penalty of perjury; as shoring (and other tasks) are required there are a multitude of requirements that must be followed of which presenting a proper report of geotechnical investigation at the property line and including recommendations based on a topographic survey and the investigation is fundamental and cannot be met by the current report. The PMND refers to only a required peer review by "a licensed geotechnical engineer", which is incomplete
6. In both my 1/9/18 and 1/17/19 (Attachment II, Exhibit 4, page 4) reports I refer to a section drawn for his permit submittal by the sponsor (owner, engineer, applicant, contractor Christopher Durkin) wherein he shows a new foundation for 2417 Green hanging in midair, no ground support or attachment other than dowels anchored into the brick foundation of 2421 Green (this is where Divis thinks there is a distance of 4 or 5 feet to the property line). Durkin insists that the dowels are, to summarize his excuse in technical language, witness lines. After my 1/9/18 report pointing that out he did nothing to correct the detail to show a connection to other foundation elements or resting on the ground, his architect did the necessary correction: the 6/8/18 architectural drawings, Sheet A3.2, showing the same transverse section, has the footing extended over away from the property line to the garage wall instead of being anchored to 2421 Green. Jeanie Poling, in collusion with Durkin, had him write her a letter of "Clarification" which turned out to be frantic hysterics (this writer and the undersigned, who was an engineer reporting and designing shoring and underpinning in San Francisco long before Durkin was born) was accused of fraud and elder abuse. Jeanie Poling then quoted Durkin and wrote in the PMND *"The project sponsor subsequently clarified that the lines on the plans are call outs for longitudinal [sic] reinforcement in the wall footing and do not show a connection to the adjacent foundation."* Note that "longitudinal" bars would be parallel to the property line, not perpendicular like the cross footing bars would be which Durkin claims. She then wrote *"DBI staff reviewed this plan sheet and concurred with the project sponsor that [t]here is no physical connection between the new footings and the neighbor's existing masonry footings."* referring to your e-mail of 6/13/19 to CPD (page 64, ¶3). By the way, the mid-air connection at the transverse section is not a "plan sheet", and the excavation and foundation construction is on the property line, not 4 or 5 feet away as Divis states several times.

A proper geotechnical investigation is required, complete with shoring and underpinning recommendations and construction sequencing, and details with elevations pursuant to a topographical land survey, to protect the neighbor's 127 year old brick foundations and building.

Yours truly



Lawrence B. Karp

LAWRENCE B. KARP CONSULTING ENGINEER



**APPEAL OF REINSTATED IMPROPER
CEQA CATEGORICAL EXEMPTION
2417 GREEN STREET PROJECT, SAN FRANCISCO
CONTINUED FOUNDATION & SIDEWALL DAMAGES
TO THE ARCHITECTURALLY & STRUCTURALLY UNIQUE
HISTORICAL RESOURCE AT 2421 GREEN STREET
ENVIRONMENTAL IMPACT REPORT REQUIRED**

LAWRENCE B. KARP CONSULTING ENGINEER

LAWRENCE B. KARP
CONSULTING GEOTECHNICAL ENGINEER

FOUNDATIONS, WALLS, PILES
UNDERPINNING, TIEBACKS
DEEP RETAINED EXCAVATIONS
SHORING & BULKHEADS
EARTHWORK & SLOPES
CAISSONS, COFFERDAMS
COASTAL & MARINE STRUCTURES

SOIL MECHANICS, GEOLOGY
GROUNDWATER HYDROLOGY
CONCRETE TECHNOLOGY

January 17, 2019

C&CSF Planning Commission
Rich Hillis, President
City Hall, Room 400
San Francisco, CA 94102

Subject: Appeal of Reinstated Improper
CEQA Categorical Exemption
2417 Green Street Project [Block 560 - Lot 028]
Brick Foundation & Sidewall Fenestration Damage
To the Architecturally and Structurally
Unique Historical Coxhead House at 2421 Green
Environmental Impact Report Required

Dear President Hillis and Members of the Commission:

This report supplements, with updated facts and further professional evaluation, the assessment of the intended building enlargement project at 2417 Green with respect to CEQA, State of California, and City of San Francisco design and construction requirements under the respective Building Codes as well as convention as reported to the Board of Supervisors on 1/9/18.

Recognizing the consistent failure of the developers of 2417 Green to acknowledge their historic environment with the serious effects of excavating into a hillside under a building, and the permissiveness of City Planning in their issuance of an improper Determination of Categorical Exemption contrary to CEQA prohibitions, the Board unanimously granted the appeal of the owner of the Coxhead House at 2421 Green on 1/9/18 and ordered return of the inappropriate document to the Planning Department. Instead of preparing the required CEQA document for review and public comments, the Planning Department chose to reissue the Determination.

What is bizarre about the reissue of the Determination, after the Board of Supervisors granted the appeal 11-0 ruling the Determination was contrary to CEQA (significant potential damages to a building proven to be a unique architectural resource) is that the Planning Department, knowing that they had no intention of complying with CEQA, and furthermore having received the information contained in the 1/9/18 engineering report for the Board of Supervisors that showed the permitted construction at 2417 Green (the "Project") encroached on the land and foundation of 2421 Green (the "Historic Resource"), never revoked their approval of the building permit for construction; instead they caused the Building Department to merely suspend the permit which means that it could be quickly activated in an instant without any correction of the construction approved on 2421 Green. The wrongfully reinstated Determination notes (page 2 ¶6): "*Building permits for excavation that were suspended pending CEQA compliance may also rely on this exemption.*" In short, by ignorance or corruption, the Planning Department always intended to allow illegal construction that would not only affect the stability of the foundation at 2421 Green, but would also allow construction over the property line to support the new foundation for the 2417 Green basement garage by attaching it to the 125 year old brick foundation of 2421 Green.

City Planning Approved & Continues Approving Permits Encroaching on a Neighbor

In addition to approving the project at 2417 Green that damages an historic resource entitled by the National Register of Historic Places by way of obliterating the windows on the major east elevation of 2421 Green and taking away the lateral and subjacent support of 125 year old brick foundation walls including anchoring new construction at 2417 Green to the foundation of 2421 Green, the Planning Department approved building permit issuance based on drawings which clearly show new construction on the uphill neighboring property at 2421 Green that is intended to support the enlarged basement at 2417 Green which stands today as it did on 1/9/18 when the Board of Supervisors repealed the Categorical Exemption that allowed the building permit to be issued.

Exhibit 1 shows this week's printouts of the permit records for Permit Application 2017.10.02.0114 (10/2/17). Control by City Planning. Checked 10/10/17 by CP Christopher May "Approved ... Garage excavation in basement level ... unchanged." Rubber stamped by Building Department (DBI) "Approved" (without comment), and then mechanically stamped by office of the director of building inspection for construction on 11/3/18. 2017.10.02.0114 is the operative building permit for the 2417 Green project; it was suspended on 10/20/17 which was and is a temporary act that can be set aside at any time but then finally approved on 11/3/18. It was NOT revoked after the Board of Supervisors reviewed the 12/30/17 architectural report and the 1/9/18 engineering report, and granted the appeal of the Determination of Categorical Exemption. The director of DBI should have been notified and the permit should have been revoked immediately upon the reversal by the Board of Supervisors, and a proper environmental review should have been performed. *Instead, the Determination was reissued.*

Exhibit 2 shows the title corner of the cover (Sheet S1.0, 4/15/17) for P/A 2017.10.02.0114 (10/2/17) as a revision to P/A 2017.05.11.6316 "Approved Planning Dept. Christopher May" 10/10/17 and rubber stamped approved by DBI (without comment) on 10/12/17 and "Approved" (mechanical stamp) by the director of building inspection on 11/3/18. P/A 2017.10.02.0114 is the basis for the current operative building permit, construction underway, for the 2417 Green project.

Exhibit 3 is Permit Application 2017.10.02.0114 (shorthand for application filed 10/2/17) as a revision to P/A 2017.05.11.6316 rubber stamped "Approved" by the director of DBI, 11/3/18. 2017.10.02.0114 is the current operative building permit (construction underway) for 2417 Green.

Exhibit 4 are excerpts from the permit drawings for P/A 2017.10.02.0114, each and every one approved by City Planning, original signatures all by Christopher May and then all the drawings were mechanically stamped "Approved" by the director of DBI. The stamps on the drawings show that *only* City Planning reviewed and approved the drawings with DBI then rubber stamping them *without even initialing them in the stamp block* provided by intake. DBI abrogated their responsibility for policing engineering to City Planning. The California Department of Consumer Affairs has no record of Christopher May being licensed now or ever as a professional engineer or as an architect.

The drawings, intent crystal clear, show that support for the new excavation for construction of an underground garage at 2417 Green crosses the property line for the purpose of fastening to the 125 year old brick foundations of the historic Coxhead House at 2421 Green to provide support for 2417 Green. The notes in red are those annotated by the undersigned. The approved construction is illegal under the California and San Francisco building codes, and California law. The fact that this is the only way the 2417 project can be built is immaterial, the owner should have envisioned and commissioned a design that was not intrusive upon the neighboring historic building.

The Proposed Construction is Illegal Under California Codes

Exhibit 5 is a section of the 2016 California Building and San Francisco Building Code §1803.5.7 entitled "Excavation Near Foundations." Building code violation is negligence *per se*. This code section has been ignored by City Planning in their approval of the project on 10/10/17, and with reliance on City Planning approval was DBI rubber stamped "Approved" 11/3/18. Law requires:

§1803.5.7. "Excavation near foundations. Where excavation will reduce support from any foundation, a registered design professional shall prepare an assessment of the structure as determined from examination of the structure, the review of available design documents and, if necessary, excavation of test pits. The registered design professional shall determine the requirements for underpinning and protection and prepare site-specific plans, details and sequence of work for submission. Such support shall be provided by underpinning, sheeting and bracing, or by other means acceptable to the building official."

Exhibit 6 are sections from the 2016 City & County of San Francisco Building Code: §3307 "Protection of Adjoining Property" incorporating Civil Code §832 (duty to maintain lateral and subjacent support). Exhibit 4 shows excerpts of drawings by owner/developer/engineer Durkin submitted for permit; none of the drawings has any specifications or details for protecting, underpinning and shoring or bracing the neighbor's building as required by 2016 SFBC §3307 "Protection of Adjoining Property" incorporating Civil Code §832 (duty to maintain lateral and subjacent support) and Exhibit 5, CBC & SFBC §1803.5.7 "Excavation near foundations." Details on Sheet S4.1 (Exhibit 4) show the proposed foundation for 2417 Green encroaching into the neighboring property by being anchored past the property line into the foundation for 2421 Green (illegal construction occurring directly on neighboring property).

The Proposed Construction is Illegal Under CEQA

Exhibit 7 are summarized portions of the California Environmental Quality Act (CEQA), which was enacted more than 35 years ago to protect the environment which includes historic places and their surroundings. The CEQA regulations City Planning ignores are:

14 Cal Code Regs §15300.2[c]: "Significant Effect. 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."

14 Cal Code Regs §15300.2[f]: "Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource." (Emphasis added.)

14 Cal Code Regs §15064.5[b][1]: "Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." (Emphasis added.)

The 2417 Green project and the historic 2421 Green Coxhead House both have zero setback distances from the property line between them. City Planning has approved blocking of the 2421 Green window wall and crossing the property line to construct support for 2417 Green.

Excavation for the proposed basement and underground garage at 2417 Green cannot be accomplished without construction on 2421 Green because the intended excavation will compromise the lateral and subjacent support (required by California Civil Code §832 to be maintained) for the existing Coxhead House at 2421 Green. This building withstood the 1906 earthquake and fire without damage; now it is threatened by a neighbor who intends to construct an unreasonably large building at 2417 Green undermining below and looming above windows of the Coxhead House.

To further Planning Department's approval of damaging and substandard illegal construction, where they have been given the lead to approve by the Department of Building Inspection, City Planning has now reissued their Determination of Categorical Exemption in gross violation of CEQA. None of the various excuses they give for insisting on their determination has any validity. The design for construction that City Planning has approved for 2417 Green will cause extensive damage to the physical and historic nature of 2421 Green with its impairment of the stability of its existing 125 year old brick wythe wall foundations that now properly support the Coxhead House.

Summary

There is no procedure available to the developer of 2417 Green to build the underground portion of the proposed project at 2417 Green without obtaining the written permission of the owner of the Coxhead House at 2421 Green to enter and construct foundation underpinning and shoring on property adjacent to the project, which will not happen. The changes to the historic Coxhead House, both to its foundation and its major window wall superstructure, will be significant and adverse, and are not allowed under CEQA. The developer has sought to circumvent the building codes by not obtaining a land survey and avoiding a geotechnical exploration of the site. The resubmittal of a wrongful Determination of Categorical Exemption is nothing but another ruse to develop 2417 Green without compliance with CEQA and the building codes.

Yours truly,



Lawrence B. Karp



EXHIBIT 1

Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 1/13/2019 9:12:48 AM
Application Number: 201710020114
Form Number: 8
Address(es): 0560 /028 /0 2417 GREEN ST
Description: TO COMPLY NOV201708032, ADMINISTRATIVE PERMIT TO FACILITATE DCP REVIEW, REVISION TO PA#201705116316, DELETE FREESTANDING RETAINING WALL AT REAR YARD. NO WORK UNDER THIS PERMIT. N/A MAHER ORDINANCE
Cost: \$1.00
Occupancy Code: R-3
Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
10/2/2017	TRIAGE	
10/2/2017	FILING	
10/2/2017	FILED	
11/3/2017	APPROVED	
11/3/2017	ISSUED	
12/20/2017	SUSPEND	Suspended per DCP letter dated 12/20/2017. O'Riordan

Contact Details:

Contractor Details:

License Number: 1012620
Name: PATRICK DURKIN
Company Name: DURKIN INC.
Address: 1055 ASHBURY ST * SAN FRANCISCO CA 94117-0000
Phone:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BID-NSP	10/2/17	10/2/17			10/2/17	HAJNAL STEVEN	OK TO PROCESS BY
2	INTAKE	10/2/17	10/2/17			10/2/17	CHUNG JANCE	
3	CP-ZOC	10/10/17	10/10/17			10/10/17	MAY CHRISTOPHER	Approved: Revision to BPA # 201705116316 to remove freestanding concrete retaining wall in rear yard. Garage excavation in basement level and raised planting beds in rear yard unchanged.
4	BLDG	10/12/17	10/12/17			10/12/17	YU CYRIL	APPROVED.
5	HEALTH	10/13/17	10/13/17			10/31/17		approved by M. Zalay
6	CPB	11/3/17	11/3/17			11/3/17	CHUNG JANCE	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

Permit Details Report



Report Date: 1/13/2019 10:02:59 AM
Application Number: 201705116316
Form Number: 8
Address(es): 0560 /028 /0 2417 GREEN ST
Description: PARTIAL DETERIOATED BASEMENT WALL AND FOUNDATION REPLACEMENT WITH NEW LANDSCAPING SITE WALL AT BACKYARD
Cost: \$100,000.00
Occupancy Code: R-3
Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
5/11/2017	TRIAGE	
5/11/2017	FILING	
5/11/2017	FILED	
5/18/2017	APPROVED	
5/18/2017	ISSUED	
9/28/2017	SUSPEND	department of city planning review required
12/11/2017	REINSTATED	permit reinstated see pa 201710020114
12/20/2017	SUSPEND	Suspended per DCP letter dated 12/20/2017. O'Riordan

Contact Details:

Contractor Details:

License Number: 1012620
Name: PATRICK DURKIN
Company Name: DURKIN INC.
Address: 1055 ASHBURY ST * SAN FRANCISCO CA 94117-0000
Phone:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	5/11/17	5/11/17			5/11/17	PANGELINAN MARIANNE	
2	BLDG	5/11/17	5/11/17			5/11/17	YU CYRIL	
3	CPB	5/18/17	5/18/17			5/18/17	CHEUNG WAI FONG	5/18/17: SAFETY PERMIT RECEIVED. WF

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
7/13/2017	Robert Power	START WORK	SITE VERIFICATION

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			1	CONCRETE (PLACEMENT & SAMPLING)	placement
0			4	REINFORCING STEEL AND PRESTRESSING TENDONS	reinforcing steel
0			13	SPECIAL GRADING, EXCAVATION AND FILLING (GEO. ENGINEERED)	
0			24C	CONCRETE CONSTRUCTION	
0			23	OTHERS:AS RECOMMENDED BY PROFESSIONAL OF RECORD	geotech of record to observe excavation @ start of EA cut
0			24A	FOUNDATIONS	
0			18A	BOLTS INSTALLED IN EXISTING CONCRETE	

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

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Permit Details Report

Report Date: 1/13/2019 9:22:34 AM
Application Number: 201804277607
Form Number: 8
Address(es): 0560 /028 /0 2417 GREEN ST
Description: Temporary shoring comply w/nov 201727021, to shore up remaing center brick facade
Cost: \$500.00
Occupancy Code: R-3
Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
4/27/2018	TRIAGE	
4/27/2018	FILING	
4/27/2018	FILED	
5/8/2018	APPROVED	
5/8/2018	ISSUED	
11/14/2018	COMPLETE	4294094 Final Inspection/Approved

Contact Details:

Contractor Details:

License Number: 1012620
Name: PATRICK DURKIN
Company Name: DURKIN INC.
Address: 1055 ASHBURY ST * SAN FRANCISCO CA 94117-0000
Phone:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CES	4/27/18	4/27/18			4/27/18	SCHROEDER CHRISTOPHER	
2	81D-INS	4/27/18	4/27/18			4/27/18	MCHUGH KEVIN	
3	INTAKE	4/27/18	4/27/18			4/27/18	SAPHONIA COLLINS	
4	BLDG	4/27/18	4/27/18			4/27/18	YU CYRIL	
5	CPB	5/8/18	5/8/18			5/8/18	YU ZHANG REN	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
11/14/2018	PM	WS	Web Scheduled	FINAL INSPECT/APPRVD	1

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
11/14/2018	Kevin Birmingham	FINAL INSPECT/APPRVD	FINAL INSPECT/APPRVD

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0	10/10/2018	SHAJNAL	24F	OTHERS	temporary shoring of (E) brick wall
0	10/10/2018	SHAJNAL	21A	SHORING	

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

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[Electrical Permits](#) [Plumbing Permits](#) [Building Permits](#) [Complaints](#)

(Building permits matching the selected address.)

Permit #	Block	Lot	Street #	Street Name	Unit	Current Stage	Stage Date
201804277607	0560	028	2417	GREEN ST		COMPLETE	11/14/2018
201710020114	0560	028	2417	GREEN ST		SUSPEND	12/20/2017
201705116316	0560	028	2417	GREEN ST		SUSPEND	12/20/2017
201712136376	0560	028	2417	GREEN ST		FILED	12/13/2017
M831527	0560	028	2417	GREEN ST		ISSUED	09/13/2017
201704285244	0560	028	2417	GREEN ST		FILED	04/28/2017
201704113854	0560	028	2417	GREEN ST		ISSUED	04/11/2017
200902192408	0560	028	2417	GREEN ST		ISSUED	02/19/2009
200707066100	0560	028	2417	GREEN ST		EXPIRED	05/01/2008
200706224914	0560	028	2417	GREEN ST		ISSUED	06/22/2007
8600460	0560	028	2417	GREEN ST		COMPLETE	04/11/1986
8206745	0560	028	2417	GREEN ST		COMPLETE	03/04/1983

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You selected:

Address: 2417 GREEN ST

Block/Lot: 0560 / 028



Please select among the following links, the type of permit for which to view address information:

[Electrical Permits](#) [Plumbing Permits](#) [Building Permits](#) [Complaints](#)

(Complaints matching the selected address.)

Complaint #	Expired	Date Filed	Active	Div	Block	Lot	Street #	Street Name
201893553		09/21/2018	N	BID	0560	028	2417	GREEN ST
201893411		09/20/2018	N	BID	0560	028	2417	GREEN ST
201888531		08/28/2018	N	BID	0560	028	2417	GREEN ST
201830371		01/09/2018	N	BID	0560	028	2417	GREEN ST
201727261		12/21/2017	N	BID	0560	028	2417	GREEN ST
201727021		12/20/2017	Y	CES	0560	028	2417	GREEN ST
201724852		12/12/2017	Y	CES	0560	028	2417	GREEN ST
201708032		09/27/2017	N	BID	0560	028	2417	GREEN ST

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permit, along with their roles on the project.

Permit Number: 201710020114

Below is a list of all agents for the selected



		Agent Name			
Info	DURKIN INC.	PATRICK DURKIN	CONTRACTOR	10/2/2017	
Info	CHRISTOPHER DURKIN P.E.	CHRISTOPHER DURKIN	ENGINEER	10/2/2017	
1					

[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 © 2019

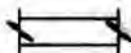
EXHIBIT 2

FRMG	FRAMING
FS	FAR SIDE
F.N.	FINISH SURFACE
FTG	FOOTING
FT	FEET
GA	GAUGE
GALV	GALVANIZED
GB	GRADE BEAM
GLB	GLUED-LAMINATED BEAM
HGR	HANGER
HORIZ	HORIZONTAL
HSB	HIGH STRENGTH BOLT
HSS	HOLLOW STRUCTURAL SECTION
I	MOMENT OF INERTIA
ICC	INTERNATIONAL CODE COUNCIL
ID	INSIDE DIAMETER
IF	INSIDE FACE
INT	INTERIOR
JT	JOINT
JST	JOIST
KD	KILN DRIED
LB	POUND
LG	LONG
LLH	LONG LEG HORIZONTAL
LLV	LONG LEG VERTICAL
LS	LAG SCREW
LSH	LONG SLOTTED HOLE
LSL	LAMINATED STRAND LUMBER
LVL	LAMINATED VENEER LUMBER
LWC	LIGHT WEIGHT CONCRETE

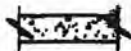
SSTL	STAINLESS STEEL
STRUCT	STRUCTURAL
SYM	SYMMETRICAL
T&B	TOP AND BOTTOM
T&G	TONGUE AND GROOVE
THK	THICK
THRD	THREADED
T.O.	TOP OF
TOC	TOP OF CONCRETE
TOF	TOP OF FOOTING
TOS	TOP OF STEEL
TS	TUBE STEEL
TW	THICKNESS OF WEB
TYP	TYPICAL
UNO	UNLESS NOTED OTHERWISE
VERT	VERTICAL
VIF	VERIFY IN FIELD
W/	WITH
W/IN	WITHIN
W/O	WITHOUT
WD	WOOD
WF	WIDE FLANGE SECTION
WS	WOOD SCREW
WP	WORK POINT
WHS	WELDED HEADED STUDS
WWF	WELDED WIRE FABRIC

LEGEND

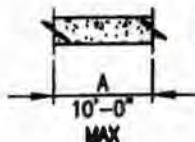
NO UNDERPINNING



INDICATES (E) CONCRETE WALL



INDICATES (N) CONCRETE WALL



INDICATES EXCAVATION SEQUENCE AND MAXIMUM WIDTH OF EXCAVATION, SEE GEOTECHNICAL INVESTIGATION REPORT

C. May 10/10/17
Approved Planning Dept. Christopher May

Cyrl Yu, DBI
OCT 13 2017

SCOPE OF WORK

GARAGE EXPANSION, PARTIAL DETERIORATED BASEMENT WALL AND FOUNDATION REPLACEMENT WITH NEW LANDSCAPING SITE WALL AT BACKYARD.

BUILDING INFORMATION:

TYPE OF CONSTRUCTION: 5B
NUMBER OF STORIES: 3 STORIES + 1 BASEMENT
USE OF BUILDING: SINGLE FAMILY DWELLING
OCCUPANCY CLASSIFICATION: R-3

COMPLY w/ NOV 201708032
ADMINISTRATIVE PERMIT TO FACILITATE
DCP REVIEW - REVISION TO BPA
201705116316. NO WORK UNDER
THIS PERMIT

GENERAL NOTES ABBREVIATIONS LEGEND

DATE 04/15/2017

SCALE NONE

DRAWN C.D.

JOB 2017.501.00

SHEET

S1.0

OF - SHEETS

04511 2017

REGISTERED PROFESSIONAL ENGINEER
CHRISTOPHER E. DUBIEL
No. 12064
Expires 10-30-2017
CIVIL
STATE OF CALIFORNIA

2417 GREEN STREET, S.F.
2417 GREEN STREET
SAN FRANCISCO, CA
BLOCK 0560 / LOT 028

EXHIBIT 3



APPROVED
Dept. of Building Insp.

APPROVED
Dept. of Building Insp.

NOV 8 - 2017

NOV 03 2017

BLDG. 3/B
FORM 3/B

APPLICATION NUMBER
201708032-1347

OSHA APPROVAL REQUIRED
APPROVAL NUMBER

201708032-1347

TOM C. HUI, S.E.
DIRECTOR

TOM C. HUI, S.E.
DIRECTOR

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 ☐ OTHER AGENCIES REVIEW REQUIRED

FORM 8 ☒ OVER-THE-COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

DATE FILED 10/2/17	TRADING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 2417 GREEN ST	BLOCK & LOT 0560/028
PERMIT NO. 1443345	ISSUED 10-2-17	(2A) ESTIMATED COST OF JOB \$1	(2B) NEGOTIATED COST \$1
		BY: CM	DATE: 10/2/17

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING			
(4A) TYPE OF CONSTR. VS	(4B) NO. OF STORIES OF OCCUPANCY 4	(4C) NO. OF BASEMENTS AND CELLARS 1	(4D) OCCUP. CLASS R3
DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION			
(5A) TYPE OF CONSTR. VS	(5B) NO. OF STORIES OF OCCUPANCY 4	(5C) NO. OF BASEMENTS AND CELLARS 1	(5D) OCCUP. CLASS R3
(6) TYPE OF ALTERATION (1) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (2) ELECTRICAL WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (3) PLUMBING WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
(7) GENERAL CONTRACTOR DURKIN INC 1055 KIMBERLY ST 2417 GREEN ST LLC		(8) EXPIRATION DATE 10/26/20	
(9) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)			
COMPLY w/ NOV 201708032. ADMINISTRATIVE PERMIT TO FACILITATE DCP REVIEW. NO WORK UNDER THIS PERMIT. DELETE REESENTING PERMITS WALK AT REAR YARD.			
ADDITIONAL INFORMATION			
(11) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) IF (11) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(13) DOES THIS ALTERATION CREATE DECK OR PORCH EXTENSION TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(14) IF (13) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(15) WILL SIDEWALK OVER SUB-GRADEWALK SPACE BE REPAIRED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(16) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(17) ANY OTHER EXISTING BLDG. ON LOT? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(19) ARCHITECT OR ENGINEER (DESIGN-45 CONSTRUCTION L3) CARLOS PARRA E DURKIN		(20) CALIF. CERTIFICATE NO. C71064	
(21) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN")			

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Planning Code.

No portion of building or structure or scaffolding used during construction is to be closer than 6' to any vehicle or building more than 750 feet. See Sec 365, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grades shown as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and soil loadings must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTER ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPLICANT OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WORKING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANY PERMITS ARE "YES" TO ANY OF ABOVE QUESTIONS (11) (12) (13) (14) (15) (16) (17) (18).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In drawings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

IF A APPROPRIATE BY:

- ☐ OWNER
- ☐ ARCHITECT
- ☐ LESSEE
- ☐ AGENT
- ☐ CONTRACTOR
- ☐ ENGINEER

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THEREOF WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE: The permit holder, by acceptance of the permit, agrees to hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 2600 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (1) or (2) designated below, or shall indicate from (1), (2), or (3), whichever is applicable. If however item (1) is checked, item (2) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

- (1) I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- (2) I name and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:
Carrier: STATE FUND
Policy Number: 915770
- (3) The cost of the work to be done is \$1000 or less.
- (4) I certify that in the performance of the work for which this permit is issued, I will not employ any person in any manner as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply herewith with the provisions of Section 3800 of the Labor Code, that this permit herein issued for work be deemed voided.
- (5) I certify to the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent

Date

CONDITIONS AND STIPULATIONS

REFER TO:



[Signature]
CITY PL. DEPT.
OCT 12 2017

BUILDING INSPECTOR, DEPT. OF BLDG. INSP.

DATE: 10/12
REASON: 310-54
OK TO PROCESS

NOTIFIED MR.

☐

APPROVED: REVISION TO STA # 2017-05-16316 TO REMOVE
EXISTING CONCRETE RETAINING WALL IN REAR YARD.
EXCAVATION OF GARAGE IN
BASEMENT LEVEL AND RAISED
PLANTING BED IN REAR YARD
UNCHANGED. *[Signature]* 10/10/17
Approved Planning Dept. 10/10/17
DEPARTMENT OF CITY PLANNING

DATE:
REASON:

NOTIFIED MR.

☐

APPROVED:

[Signature]
BUREAU OF FIRE PREVENTION & PUBLIC SAFETY

DATE:
REASON:

NOTIFIED MR.

☐

APPROVED:

[Signature]
MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION

DATE:
REASON:

NOTIFIED MR.

☐

APPROVED:

[Signature]
CITY PL. DEPT.
OCT 12 2017
CITY PL. DEPT. OF BLDG. INSPECTION

DATE:
REASON:

NOTIFIED MR.

☐

APPROVED:

[Signature]
BUREAU OF ENGINEERING

DATE:
REASON:

NOTIFIED MR.

☒

APPROVED:

Accepted by the San Francisco Department of Public
Health Meher Program with the following conditions:
Obtain copies and follow the requirements of the Site
Mitigation Plan, Environmental Health and Safety Plan,
Dust Control Plan and other documents and
requirements to ensure compliance with the S.F. Meher
Ordinance. *[Signature]* 10/31/2017
DEPARTMENT OF PUBLIC HEALTH

DATE:
REASON:

NOTIFIED MR.

☐

APPROVED:

[Signature]
REDEVELOPMENT AGENCY

DATE:
REASON:

NOTIFIED MR.

☐

APPROVED:

[Signature]
HOUSING INSPECTION DIVISION

DATE:
REASON:

NOTIFIED MR.

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

NUMBER OF ATTACHMENTS

☐

OWNER'S AUTHORIZED AGENT



MAY 18 2017

Tom C. Hu
SPECIAL AGENT

**APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS**

FORM 3 ☐ OTHER AGENCIES REVIEW REQUIRED

FORM 8 ☒ OVER-THE-COUNTER ISSUANCE

2 NUMBER OF PLAN SETS 5/30/17

DO NOT WRITE ABOVE THIS LINE

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION**
APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF
BUILDING INSPECTION OF SAN FRANCISCO FOR
PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS
AND SPECIFICATIONS SUBMITTED HEREWITH AND
ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE
HEREINAFTER SET FORTH.

State Industrial Safety Permit
The attached application falls under the
Labor Code Sec. 6500 in that it involves the
type of construction work checked below:

- ☒ Construction of structures or enclosures
which are 5 feet or deeper and into which
a person is required to descend
- ☐ The construction of any building, structure,
towerwork, or scaffolding more than 3 stories
high or the equivalent height (36 ft.)
- ☐ The demolition of any building, structure,
towerwork, or scaffolding more than 3 stories
high or the equivalent height (36 ft.)

**Bldg. 318
FORM**

APPLICATION NUMBER
2017-051-1316

OFFICIAL NUMBER
711280

OFFICIAL APPROVAL REQUIRED

DATE FILED MAY 18 2017	FILED FOR RECEIPT NO.	(1) STREET ADDRESS OF JOB 2417 GREEN STREET	BLOCK & LOT 0560/028
PERMIT NO. 1425887	ISSUED 5-18-17	(2) ESTIMATED COST OF JOB \$50,000	(3) PERMITTED COST BY: C-111 \$100K DATE: 5/11/17

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(1) TYPE OF CONSTR. SB	(2) NO. OF STORIES OF OCCUPANCY 3	(3) NO. OF FLOORS AND CELLARS 1	(4) PRESENT USE SINGLE FAMILY DWELLING	(5) OCCUP. CLASS R-3	(6) NO. OF BUILDING UNITS 1
---------------------------	--	--	---	-------------------------	--------------------------------------

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(1) TYPE OF CONSTR. SB	(2) NO. OF STORIES OF OCCUPANCY 3	(3) NO. OF FLOORS AND CELLARS 1	(4) PROPOSED USE (LEGAL USE) SINGLE FAMILY DWELLING	(5) OCCUP. CLASS R-3	(6) NO. OF BUILDING UNITS 1
---------------------------	--	--	--	-------------------------	--------------------------------------

(7) IS AUTO RAMPWAY TO BE CONSTRUCTED ON ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(8) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(9) ELECTRICAL WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(10) PLUMBING WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--	---	---	--

(11) GENERAL CONTRACTOR TBD	ADDRESS 2417 GREEN STREET	ZIP 94134	PHONE (415) 398-1124	CALIF. LIC. NO. 112414	EXPIRATION DATE 9/1
--------------------------------	------------------------------	--------------	-------------------------	---------------------------	------------------------

(12) OWNER - LICENSED OR NOT 2417 GREEN STREET LLC	ADDRESS 2417 GREEN STREET	ZIP 94134	STREET PHONE (FOR CONTACT BY DEPT.)
---	------------------------------	--------------	--

(13) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

**GARAGE EXPANSION PARTIAL RETELECTED BASEMENT WALL
AND FOUNDATION REPLACEMENT WITH NEW LANDSCAPING SITE WALL
AT BACK YARD**

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT ON STORY TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(19) DOES THIS ALTERATION CREATE DECK OR PORCH EXTENSION TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SIDEWALK SPACE BE REPAIRED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT (IF YES, SHOW ON LOT PLAN) YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(25) ARCHITECT OR ENGINEER (DESIGN OF CONSTRUCTION) CHRISTOPHER F. DURKIN		ADDRESS 671064	
(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN")			

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Planning Code.

No portion of building or structure or scaffolding used during construction is to be closer than 10' to any other building unless more than 100 yards. See Sec 100, California Penal Code.

Permit to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approval plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade does not meet the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and such findings must be submitted to this department for approval.

ANY SUPPLEMENTAL REVISIONS OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING ON PERMIT OF OCCUPANCY ISSUED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WORK OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WORK AND PLUMBING MUST BE OBTAINED BEFORE PERMITS ARE ISSUED IF ANSWER TO ANY OF ABOVE QUESTIONS (18) (19) (21) (22) (23) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In demolitions, all demolishing materials must have a clearance of not less than two inches from all adjacent walls or equipment.

CHECK APPROPRIATE BOX

- ☐ OWNER
☐ LESSEE
☐ CONTRACTOR
- ☐ ARCHITECT
☐ AGENT
☐ ENGINEER

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THEREBY SHALL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 2600 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (a) or (b) designated below, or shall indicate from (a), (b), or (c), whichever is applicable. If answer from (d) is checked, then (a) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

- (1) I have and will maintain a certificate of contract to self-insure for worker's compensation, as provided by Section 2700 of the Labor Code, for the performance of the work for which this permit is issued.
- (2) I have and will maintain worker's compensation insurance, as required by Section 2700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:
Carrier: STATE FUND
Policy Number: 113-4
- (3) The cost of the work to be done is \$100 or less.
- (4) I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply herewith with the provisions of Section 2600 of the Labor Code, that the permittee liable for such as deemed required.
- (5) I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.



CONDITIONS AND STIPULATIONS

REFER TO:

APPROVED:

Cyril Yu, DBI

MAY 11 2007

BUILDING INSPECTOR, DEPT. OF BLDG. INSP.

APPROVED:

☐

DEPARTMENT OF CITY PLANNING

APPROVED:

☐

BUREAU OF FIRE PREVENTION & PUBLIC SAFETY

APPROVED:

☐

MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION

APPROVED:

☐

Cyril Yu, DBI

MAY 11 2007

CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION

APPROVED:

☐

BUREAU OF ENGINEERING

APPROVED:

☐

DEPARTMENT OF PUBLIC HEALTH

APPROVED:

☐

REDEVELOPMENT AGENCY

APPROVED:

☐

HOUSING INSPECTION DIVISION

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments

☐

OWNER'S AUTHORIZED AGENT



APPROVED
Dept. of Building Insp.

APR 11 2017

Tom C. Hui
TOM C. HUI, D.E.

**APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS**

FORM 3 ☐ OTHER AGENCIES REVIEW REQUIRED

FORM 8 ☒ OVER-THE-COUNTER ISSUANCE

0 HL

NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION**

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HEREWITH AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

BLDG. FORM 3/8

APPLICATION NUMBER

OSHA APPROVAL REQUIRED ☐

FILED	PLANS PRE-RECEIPT NO.	(1) STREET ADDRESS OF JOB	BLOCK & LOT
1422107		2417 GREEN ST	0560 1028
PERMIT NO.	ISSUED	(3) ESTIMATED COST OF JOB	(4) REVISED COST
1422107		\$100	41,000
		BY	DATE
			4/11/17

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING			
(1) TYPE OF CONSTRUCTION	(2) NO. OF STORIES OF OCCUPANCY	(3) NO. OF ADJACENT AND CELLARS	(4) PRESENT USE
5	3	1	RESIDENTIAL SFD
DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION			
(1) TYPE OF CONSTRUCTION	(2) NO. OF STORIES OF OCCUPANCY	(3) NO. OF ADJACENT AND CELLARS	(4) PROPOSED USE (LEGAL USE)
5	3		RESIDENTIAL SFD
(10) IS AUTO RAMPWAY TO BE CONSTRUCTED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(12) ELECTRICAL WORK TO BE PERFORMED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(14) GENERAL CONTRACTOR	ADDRESS	ZIP	PHONE
DURKIN INC	434 EUGENE AVE	94118	415 407 0486
(15) OWNER - LESSOR (GROSS OUT SIDE)	ADDRESS	ZIP	PHONE (FOR CONTACT BY BUREAU)
2417 GREEN ST	434 EUGENE AVE	94118	415 407 0486
(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)			
EXAMINATORY DEMOLITION TO DETERMINE EXISTING			
FOOTING DEPTHS			
FOOTING & REPAIR/PATCH BACK IN KIND			
(AT ISOLATED LOCATIONS ONLY)			
ADDITIONAL INFORMATION			
(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING?
(20) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(21) WILL BUILDING EXTEND BEYOND PROPERTY LINE?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(22) ANY OTHER EXISTING BLDG. ON LOT? IF YES, SHOW ON PLOT PLAN	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(24) ARCHITECT OR ENGINEER (DESIGN OR CONSTRUCTION)	ADDRESS	CALIF. CERTIFICATE NO.	
(25) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN")	ADDRESS		

IMPORTANT NOTICES

No change shall be made to the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Planning Code.

No portion of building or structure or scaffolding used during construction is to be closer than 6'6" in any one direction more than 100 feet. See Sec 205, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, and all other details of existing conditions and work to be performed must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN BY CODE MAY BE APPLIED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING ON PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WORK OR PLUMBING REPAIRS. A SEPARATE PERMIT FOR THE WORK AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (20) OR (21).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In drawings, all building materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX

☐ OWNER
☐ LESSOR
☐ CONTRACTOR

☐ ARCHITECT
☐ AGENT
☐ ENGINEER

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THEREBY WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

OSHA PROHIBITION CLAUSE. The permittee(s) by acceptance of this permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands, and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 2800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (1) or (2) designated below, or shall indicate from (3), (4), or (5), whichever is applicable. If answer from (4) is checked, item (19) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

- I have and will maintain a certificate of payment to self-insure for worker's compensation, as provided by Section 2800 of the Labor Code, for the performance of the work for which this permit is issued.
- I have and will maintain worker's compensation insurance, as required by Section 2800 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:
State Comp
Policy Number 9133740
- The cost of the work to be done is \$100 or less.
- I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 2800 of the Labor Code, that the permit herein applied for shall be deemed null and void.


I (I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and, prior to the commencement of any work, will file a completed copy of this form with the County Permit Office.

Signature of Applicant

DATE

OFFICE COPY

CONDITIONS AND STIPULATIONS

REFER TO:	APPROVED:  <u>Howard Zee, DBA</u> APR 11 2017 BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: <u>M.A.</u> DEPARTMENT OF CITY PLANNING	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: BUREAU OF ENGINEERING	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: DEPARTMENT OF PUBLIC HEALTH	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: REDEVELOPMENT AGENCY	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: HOUSING INSPECTION DIVISION	DATE: _____ REASON: _____ NOTIFIED MR. _____

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments ☐

OWNER'S AUTHORIZED AGENT

You selected:

Address: 2417 GREEN ST Block/Lot: 0560 / 028

Please select among the following links, the type of permit for which to view address information:

[Electrical Permits](#) [Plumbing Permits](#) [Building Permits](#) [Complaints](#)

(Building permits matching the selected address.)

Permit #	Block	Lot	Street #	Street Name	Unit	Current Stage	Stage Date
201710020114	0560	028	2417	GREEN ST		SUSPEND	12/20/2017
201705116316	0560	028	2417	GREEN ST		SUSPEND	12/20/2017
201712136376	0560	028	2417	GREEN ST		FILED	12/13/2017
M831527	0560	028	2417	GREEN ST		ISSUED	09/13/2017
201704285244	0560	028	2417	GREEN ST		FILED	04/28/2017
201704113654	0560	028	2417	GREEN ST		ISSUED	04/11/2017
200902192408	0560	028	2417	GREEN ST		ISSUED	02/19/2009
200707066100	0560	028	2417	GREEN ST		EXPIRED	05/01/2008
200706224914	0560	028	2417	GREEN ST		ISSUED	06/22/2007
8600460	0560	028	2417	GREEN ST		COMPLETE	04/11/1986
8206745	0560	028	2417	GREEN ST		COMPLETE	03/04/1983

[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 © 2018

EXHIBIT 4

BASEMENT



2417 GREEN STREET, LLC
2417 GREEN STREET
SAN FRANCISCO, CA
BLOCK 0560 / LOT 028

APPROVED
Dept. of Building Insp.

NOV 03 2017

Tom C. Hui
TOM C. HUI, S.E.
DIRECTOR
DEPT. OF BUILDING INSPECTION

Cyril Yu, DBI

OCT 12 2017

Christopher May 10/10/17

Approved Planning Dept. Christopher May

NOTE:

1. WHERE EXCAVATION SHORING IS NECESSARY, A SHORING PERMIT MUST BE PROVIDED AND APPROVED BY THE DEPARTMENT OF BUILDING INSPECTION PRIOR TO EXCAVATION. NOTIFY ADJOINING PROPERTY OWNER IN WRITING OF PROPOSED EXCAVATION AS REQUIRED BY LAW, SECTION 832 CIVIL CODE, STATE OF CALIFORNIA. ALL SHORING TO BE SUPERVISED BY REGISTERED ENGINEER INCLUDING SEQUENCE OF OPERATION.

(E) TRANSVERSE SECTION
(N) TRANSVERSE SECTION
(N) LANDSCAPING SITE WALL

DATE 05/05/2017

SCALE 1/4"=1'-0"

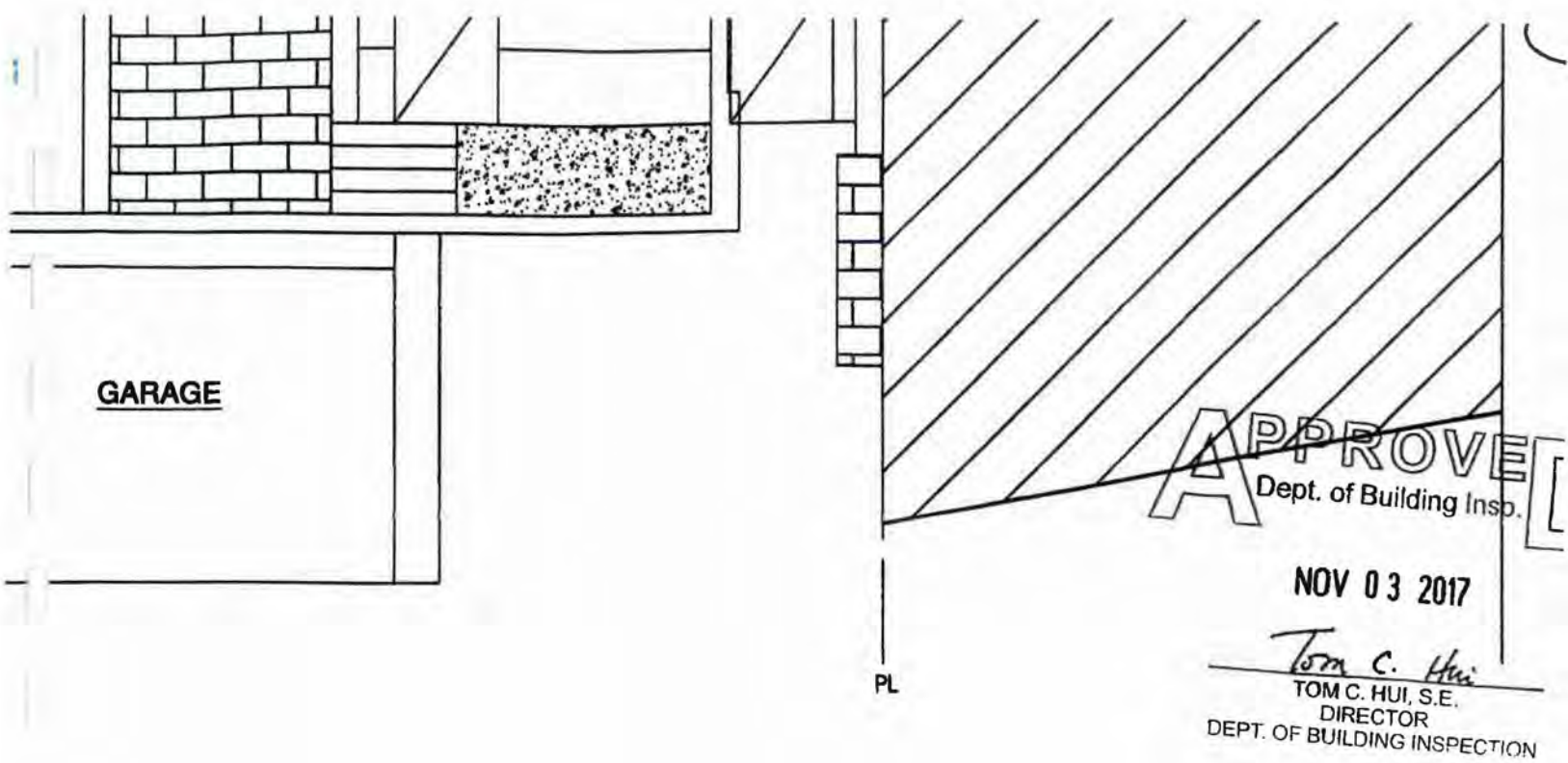
DRAWN C.D.

JOB 2017.501.00

SHEET

S4.1

OF - SHEETS



Cyril Yu, D

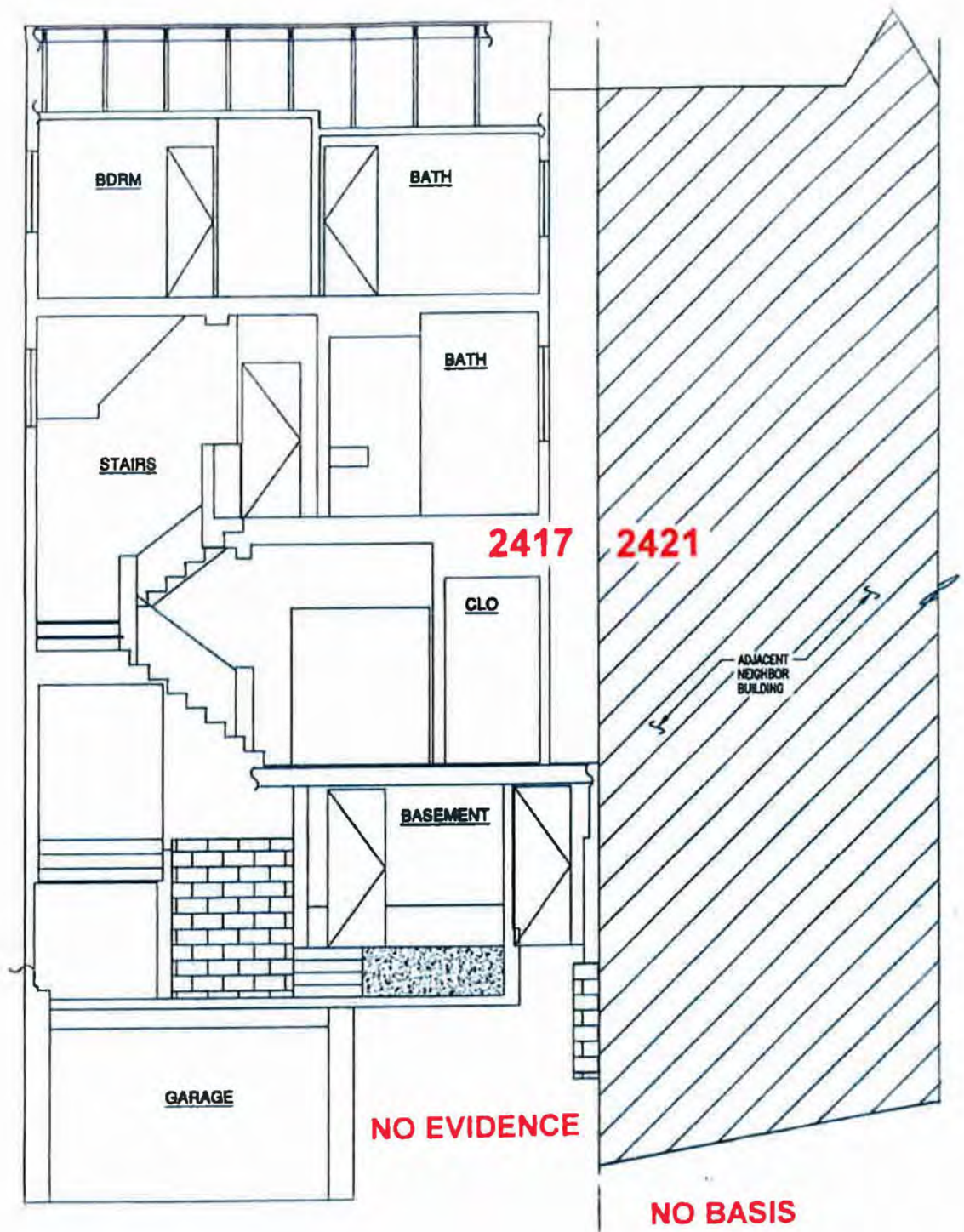
OCT 12 21

1 (E) TRANSVERSE
SECTION

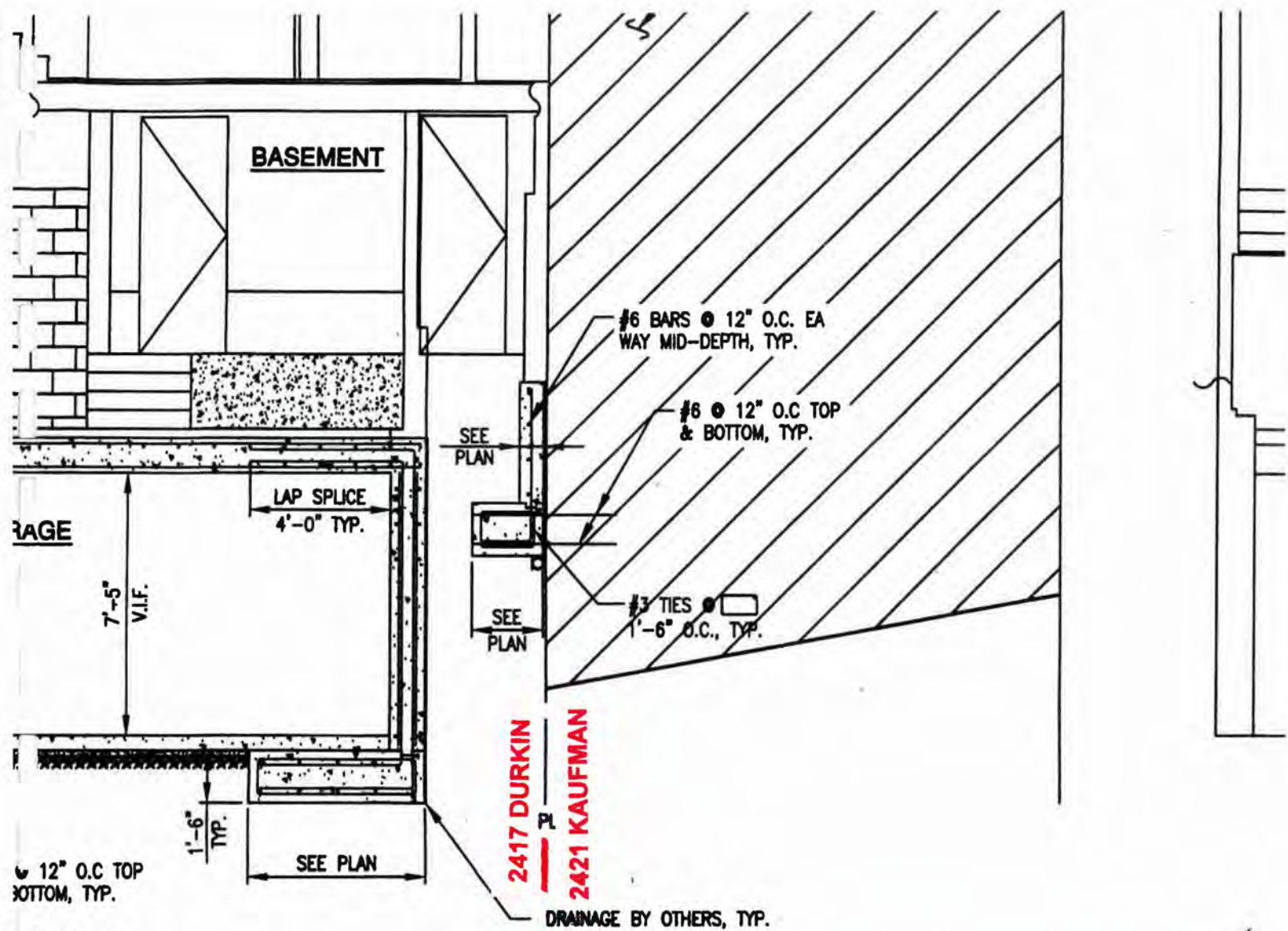
 10/10/17
Approved Planning Dept. Christopher Ma

NOTE:

1. WHERE EXCAVATION SHORING IS NECESSARY, A SHORING PERMIT MUST BE PROVIDED AND APPROVED BY THE DEPARTMENT OF BUILDING INSPECTION PRIOR TO EXCAVATION. NOTIFY ADJOINING PROPERTY OWNER IN WRITING OF PROPOSED EXCAVATION AS REQUIRED BY LAW, SECTION 832 CIVIL CODE, STATE OF CALIFORNIA. ALL SHORING TO BE SUPERVISED BY REGISTERED ENGINEER INCLUDING SEQUENCE OF OPERATION.



NO UNDERPINNING



ILLEGAL CONSTRUCTION BY 2417 ON 2421 GREEN

**SUPPORT OF 2417 SHOWN DEPENDENT
ON 2421 GREEN FOUNDATION**

- NO UNDERMINING OF 2421 FOUNDATION ALLOWED**
- NO UNDERPINNING OF 2421 BUILDING PERMITTED**
- EXCAVATING UNDER 2421 GREEN PROHIBITED**

**2 (N) TRANSVERSE
SECTION**



EXHIBIT 5

PROPOSED SAN FRANCISCO BUILDING CODE AMENDMENTS 2016 Edition

Chapter 1 SCOPE AND ADMINISTRATION

Division I CALIFORNIA ADMINISTRATION

No San Francisco Building Code Amendments.

Division II SCOPE AND ADMINISTRATION

See Chapter 1A for the Administration provisions of the San Francisco Building Code.

Chapter 1A SAN FRANCISCO ADMINISTRATION

The City and County of San Francisco adopts the following Chapter 1A for the purpose of administration of the ~~2013~~ 2016 San Francisco Building Code. Certain specific administrative and general code provisions as adopted by various state agencies may be found in Chapter 1, Divisions I and II of this code.

SECTION 101A – TITLE, SCOPE AND GENERAL

101A.1 Title. These regulations shall be known as the “~~2013~~ 2016 San Francisco Building Code,” may be cited as such and will be referred to herein as “this code.” The ~~2013~~ 2016 San Francisco Building Code amends the ~~2013~~ 2016 California Building Code and the ~~2013~~ 2016 California Residential Code which is Part 2 & 2.5 respectively of the 12 parts of the official compilation and publication of the adoption amendment and repeal of the building regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The California Building Code and California Residential Code incorporates by adoption the ~~2012~~ 2015

created by Building Code Section 106A.4.1.3; provided, however, that, until the special inspection reports required by Building Code Section 1704.2.4 are submitted to and approved by the Department, the phase of construction subsequent to the phase or element for which the report was completed cannot commence.

1705.22 *Add the following section:*

1705.22 **Crane Safety.** No owner or other person shall operate, authorize or permit the operation of a tower crane on a high-rise building structure until a signed Crane Site Safety Plan, Submittal Form and Crane Safety Compliance Agreement have been accepted by the Building Official.

Chapter 17A

SPECIAL INSPECTIONS AND TESTS

No San Francisco Building Code Amendments

Chapter 18

SOILS AND FOUNDATIONS

No San Francisco Building Code Amendments

Chapter 18A

SOILS AND FOUNDATIONS

No San Francisco Building Code Amendments

Chapter 19

CONCRETE

No San Francisco Building Code Amendments

Chapter 19A

CONCRETE

No San Francisco Building Code Amendments

3302.4 Fencing. Provide for the enclosing, fencing, and boarding up or by fire watch or other means of preventing access to the site by unauthorized persons when work is not in progress.

SECTION 3303 – DEMOLITION

3303.1 Add new sections as follows:

3303.1.1 Buildings other than Type V. The demolition of structures of Types I, II, III and IV construction greater than two stories or 25 feet (7.62 m) in height shall comply with the requirements of this section.

The requirements of this section shall also apply to the demolition of post-tensioned and pre-tensioned concrete structures.

3303.1.2 Required plans. Prior to approval of an application for a demolition permit, two sets of detailed plans shall be submitted for approval, showing the following:

1. The sequence of operation floor by floor, prepared by a registered civil engineer or licensed architect.
2. The location of standpipes.
3. The location and details of protective canopies.
4. The location of truck crane during operation.
5. Any necessary fence or barricade with lights.
6. Any floor or wall left standing.
7. The schedule of the days when the demolition will be done, i.e., on weekdays or on Sundays.

3303.4 Replace this section with the following:

3303.4 Vacant Lot. When a building is demolished, the permittee must remove all debris and remove all parts of the structure above grade except those parts that are necessary to provide support for the adjoining property.

3303.8 Add a new section as follows:

3303.8 Special inspection. A registered civil engineer or licensed architect shall supervise the demolition work in accordance with rules and regulations adopted by the Building Official pursuant to Section 104A.2.1 to assure the work is proceeding in a safe manner and shall submit written progress reports to the Department in accordance with Section 1704.2.4.

SECTION 3304 – SITE WORK

3304.1 Add a second paragraph as follows:

The City and County of San Francisco adopts Appendix J for the purpose of regulating excavation and grading.

3304.1 Add a third paragraph as follows:

Temporary wood shoring and forms. All wood used for temporary shoring, lagging or forms that will be backfilled against or otherwise left permanently in place below grade shall be treated wood as defined in Section 2302.

SECTION 3306 – PROTECTION OF PEDESTRIANS

3306.10 Add a section as follows:

3306.10 Chutes. Chutes for the removal of materials and debris shall be provided in all parts of demolition operations that are more than 20 feet (6.096 m) above the point where the removal of material is effected. Such chutes shall be completely enclosed. They shall not extend in an unbroken line for more than 25 feet (7.62 m) vertically but shall be equipped at intervals of 25 feet (7.62 m) or less with substantial stops or offsets to prevent descending material from attaining dangerous speeds.

The bottom of each chute shall be equipped with a gate or stop with a suitable means for closing or regulating the flow of material.

Chutes, floors, stairways and other places affected shall be watered sufficiently to keep down the dust.

3306.11 Add a section as follows:

3306.11 Falling debris. Wood or other construction materials shall not be allowed to fall in large pieces onto an upper floor. Bulky materials, such as beams and columns, shall be lowered and not allowed to fall.

3306.12 Add a section as follows:

3306.12 Structure stability. In buildings of wood frame construction, the supporting structure shall not be removed until the parts of the structure being supported have been removed.

In buildings with basements, the first floor construction shall not be removed until the basement walls are braced to prevent overturning, or an analysis acceptable to the Building Official is submitted which shows the walls to be stable without bracing.

SECTION 3307 – PROTECTION OF ADJOINING PROPERTY

3307.1 Insert a note at the end of this section as follows:

3307.1 Protection required. Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Protection must be provided for footings, foundations, party walls, chimneys, skylights, and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. The person making or causing an excavation to

be made shall provide written notice to the owners of adjoining buildings advising them that the excavation is to be made and that the adjoining buildings should be protected. Said notification shall be delivered not less than 10 days prior to the scheduled starting date of the excavation.

Note: Other requirements for protection of adjacent property of adjacent and depth to which protection is requested are defined by **California Civil Code Section 832**, and is reprinted herein for convenience.

Section 832. Each coterminous owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

1. Any owner of land or his lessee intending to make or to permit an excavation shall give reasonable notice to the owner or owners of adjoining lands and of buildings or other structures, stating the depth to which such excavation is intended to be made, and when the excavating will begin.
2. In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken to sustain the adjoining land as such, without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.
3. If at any time it appears that the excavation is to be of a greater depth than are the walls or foundations of any adjoining building or other structure, and is to be so close as to endanger the building or other structure in any way, then the owner of the building or other structure must be allowed at least 30 days, if he so desires, in which to take measures to protect the same from any damage, or in which to extend the foundations thereof, and he must be given for the same purposes reasonable license to enter on the land on which the excavation is to be or is being made.
4. If the excavation is intended to be or is deeper than the standard depth of foundations, which depth is defined to be a depth of nine feet below the adjacent curb level, at the point where the joint property line intersects the curb and if on the land of the coterminous owner there is any building or other structure the wall or foundation of which goes to standard depth or deeper then the owner of the land on which the excavation is being made shall, if given the necessary license to enter on the adjoining land, protect the said adjoining land and any such building or other structure thereon without cost to the owner thereof, from any damage by reason of the excavation, and shall be liable to the owner of such property for any such damage, excepting only for minor settlement cracks in buildings or other structures.

SECTION 3311 – STANDPIPES

3311.2 Replace this section and title with the following:

3311.2 Buildings being demolished. Fire Safety During Demolition Where a building is being demolished and a standpipe exists within such a building, such standpipe shall be maintained in an operable condition so as to be available for use by the fire department. Such standpipe shall be demolished with the building but shall not be demolished more than one floor below the floor being

EXHIBIT 7



The California Environmental Quality Act

Title 14. California Code of Regulations
**Chapter 3. Guidelines for Implementation of the
California Environmental Quality Act**

Article 19. Categorical Exemptions

Sections 15300 to 15333

15300. Categorical Exemptions

Section 21084 of the Public Resources Code requires these Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.

In response to that mandate, the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.1. Relation to Ministerial Projects

Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority. Since ministerial projects are already exempt, categorical exemptions should be applied only where a project is not ministerial under a public agency's statutes and ordinances. The inclusion of activities which may be ministerial within the classes and examples contained in this article shall not be construed as a finding by the Secretary for Resources that such an activity is discretionary.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.2. Exceptions

(a) **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) **Significant Effect.** 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.

(d) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings,

or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Note: Authority cited: Section 21083, Public Resources Code; References: Sections 21084 and 21084.1, Public Resources Code; *Wildlife Alive v. Chickering* (1977) 18 Cal.3d 190; *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896; *Citizens for Responsible Development in West Hollywood v. City of West Hollywood* (1995) 39 Cal.App.4th 925; *City of Pasadena v. State of California* (1993) 14 Cal.App.4th 810; *Association for the Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720; and *Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464

Discussion: In *McQueen v. Mid-Peninsula Regional Open Space* (1988) 202 Cal. App. 3d 1136, the court reiterated that categorical exemptions are construed strictly, shall not be unreasonably expanded beyond their terms, and may not be used where there is substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment.

Public Resources Code Section 21084 provides several additional exceptions to the use of categorical exemptions. Pursuant to that statute, none of the following may qualify as a categorical exemption: (1) a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources within a scenic highway (this does not apply to improvements which are required as mitigation for a project for which a negative declaration or EIR has previously been adopted or certified; (2) a project located on a site included on any list compiled pursuant to Government Code section 65962.5 (hazardous and toxic waste sites, etc.); and (3) a project which may cause a substantial adverse change in the significance of a historical resource.

15300.3. Revisions to List of Categorical Exemptions

A public agency may, at any time, request that a new class of categorical exemptions be added, or an existing one amended or deleted. This request must be made in writing to the Office of Planning and Research and shall contain detailed information to support the request. The granting of such request shall be by amendment to these Guidelines.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.4. Application By Public Agencies

Each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each of the exempt classes, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes. Public agencies may omit from their implementing procedures classes and examples that do not apply to their activities, but they may not require EIRs for projects described in the classes and examples in this article except under the provisions of Section 15300.2.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15301. Existing Facilities

WESTLAW California Code of Regulations

[Home Table of Contents](#)

§ 15064.5. Determining the Significance of Impacts to Archaeological and Historical Resources.

14 CA ADC § 15064.5

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)

Title 14. Natural Resources

Division 6. Resources Agency

Chapter 3. Guidelines for Implementation of the California Environmental Quality Act

Article 5. Preliminary Review of Projects and Conduct of Initial Study

14 CCR § 15064.5

§ 15064.5. Determining the Significance of Impacts to Archaeological and Historical Resources.

(a) For purposes of this section, the term "historical resources" shall include the following:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

(2) The significance of an historical resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical

resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

(3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

(4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

(5) When a project will affect state-owned historical resources, as described in Public Resources Code Section 5024, and the lead agency is a state agency, the lead agency shall consult with the State Historic Preservation Officer as provided in Public Resources Code Section 5024.5. Consultation should be coordinated in a timely fashion with the preparation of environmental documents.

(c) CEQA applies to effects on archaeological sites.

(1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subdivision (a).

(2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

(3) If an archaeological site does not meet the criteria defined in subdivision (a), but does meet the definition of a unique archaeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.

(4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

(d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code section 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission." Action implementing such an agreement is exempt from:

(1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).

(2) The requirements of CEQA and the Coastal Act.

(e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(B) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours.

2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.

(B) The descendant identified fails to make a recommendation; or

(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21083.2, 21084 and 21084.1, Public Resources Code; and Citizens for Responsible Development in West Hollywood v. City of West Hollywood (1995) 39 Cal.App.4th 490.

HISTORY

1. New section filed 10-26-98; operative 10-26-98 pursuant to Public Resources Code section 21087 (Register 98, No. 44).

2. Change without regulatory effect amending subsections (c)(1), (c)(3), (d) and (e)(1)(B)2.-3. and amending Note filed 10-6-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 40).

This database is current through 12/22/17 Register 2017, No. 51

14 CCR § 15064.5, 14 CA ADC § 15064.5

END OF DOCUMENT

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California Environmental Quality Act (CEQA)

CEQA Basics

The **California Environmental Quality Act (CEQA)** ([https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAAA70D48811DEBC02831C6D6C108E&originalionContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAAA70D48811DEBC02831C6D6C108E&originalionContext=documenttoc&transitionType=Default&contextData=(sc.Default))) has a number of functions; two major functions are described here. One is to provide decision makers with information about the environmental impacts of projects prior to granting approval. The second is to allow the public to comment on the impacts of projects in their community. Through the comment process, citizens can help projects avoid and minimize impacts by developing project alternatives and mitigation measures.

Just because significant environmental impacts are identified, CEQA does not require that projects be denied. That decision to approve or deny is left to elected officials or appointed decision makers. It is important for concerned citizens to participate in the CEQA comment process if they want to play a role. Without public participation, decision makers will find it difficult determining what a tolerable or intolerable environmental impact looks like in their community.

Local governments with a permit approval (cities, counties, special districts) are referred to in CEQA as "Lead Agencies" and are tasked under CEQA with carrying out the environmental impact analysis. Once a lead agency has acted, the citizen or other entity must turn to the courts to determine the adequacy of the CEQA document.

Historical resources (buildings, structures, or archeological resources) are considered part of the environment and are subject to review under CEQA. Please contact the OHP if you have questions about how to participate in the CEQA process or how to identify and evaluate historical resources during an environmental impact analysis.

CEQA is encoded in Sections 21000 et seq. of the Public Resources Code (PRC) with Guidelines for implementation codified in the California Code of Regulations (CCR), Title 14, Chapter 3, Sections 15000 et seq. (<https://resources.ca.gov/ceqa/guidelines/art1.html>), requires state and local public agencies to identify the environmental impacts of proposed discretionary activities or projects, determine if the impacts will be significant, and identify alternatives and mitigation measures that will substantially reduce or eliminate significant impacts to the environment. State owned properties are subject to the provisions of Public Resources Code Section 5024 and 5024.5 (<https://resources.ca.gov/ceqa/guidelines/art1.html>).

Historical resources are considered part of the environment and a project that may cause a substantial adverse effect on the significance of a historical resource is a project that may have a significant effect on the environment. The definition of "historical resources" is contained in Section 15064.5 of the CEQA Guidelines.

CEQA Guidelines ([https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAAA70D48811DEBC02831C6D6C108E&originalionContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAAA70D48811DEBC02831C6D6C108E&originalionContext=documenttoc&transitionType=Default&contextData=(sc.Default)))

Public Resources Code Section 21083.2-21084.1 (<https://resources.ca.gov/ceqa/guidelines/art1.html>).

Public Resources Code Section 5024 (<https://resources.ca.gov/ceqa/guidelines/art1.html>).

CEQA Process Flowchart (<https://resources.ca.gov/ceqa/guidelines/art1.html>).

AB52 Tribal Cultural Resources and CEQA

Office of Planning and Research Technical Advisory - AB52 and Tribal Cultural Resources in CEQA (<http://nahc.ca.gov/wp-content/uploads/2017/06/Technical-Advisory-AB-52-and-Tribal-Cultural-Resources-in-CEQA.pdf>)

Office of Planning and Research - Tribal Cultural Resources and CEQA (https://www.opr.ca.gov/s_ab52.php)

CEQA Appendix G Checklist with AB 52 Changes (http://opr.ca.gov/docs/Appendix_G_AB_52_Update_2016.pdf)

Native American Heritage Commission - The Basics of Protecting Tribal Cultural Resources Under AB 52 (<http://nahc.ca.gov/2017/04/the-basics-of-protecting-tribal-cultural-resources-under-ab-52-the-california-environmental-quality-act-ceqa-a-training-for-tribes-presentations/>)

CEQA Q & A

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[What is the California Register and what does it have to do with CEQA? \(page_id=21724\)](#)

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[What are local CEQA Guidelines? \(page_id=21729\)](#)

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[How should a citizen approach advocating for historical resources under CEQA? \(page_id=21731\)](#)

[What information is useful to have when contacting OHP about a CEQA project? \(page_id=21732\)](#)

This information is intended to merely illustrate the process outlined in CEQA statute and guidelines relative to historical and cultural resources. These materials on CEQA and other laws are offered by the State Office of Historic Preservation for informational purposes only. This information does not have the force of law or regulation and should not be cited in legal briefs as the authority for any proposition. In the case of discrepancies between the information provided on this website and the CEQA statute or guidelines, the language of the CEQA statute and Guidelines (PRC Section 21000 et seq. and 14 CCR Section 15000 et seq.) is controlling. Information contained in this site does not offer nor constitute legal advice. You should contact an attorney for technical guidance on current legal requirements.

CEQA Case Studies

The California Office of Historic Preservation comments on CEQA documents as an authority on historic and cultural resources. The publications below use case studies taken from environmental documents produced in California to help environmental analysts and lead agencies understand historical and cultural resource identification and evaluation.

Volume I: How to Identify and Evaluate Historic and Cultural Landscapes

[.../pages/1071/files/ceqa%20significant%20impacts%20cultural%20landscapes%20vi.pdf](#)

Volume II: Consider the Whole Action: How to Avoid Segmenting [.../pages/1071/files/ceqa%20how%20to%20avoid%20segmenting%20cs%20v-ii.pdf](#)

Volume III: Using Discretion to Identify Historic Resources [.../pages/1071/files/ceqa%20case%20studies%20-%20identification.pdf](#)

Volume IV: Infill Development Projects: Understanding Impacts to Historical Resources [.../pages/1071/files/iv%20urban%20infill.pdf](#)

Volume V: Understanding Identification of Historical Resources [.../pages/1071/files/v%20understanding%20identification.pdf](#)

Volume VI: Understanding the 50-year Threshold [.../pages/1071/files/vi Understanding the 50-year Threshold.pdf](#)

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[American Recovery Act & Section 106 Reviews \(/?page_id=28035\)](#)

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CEQA LINKS

["CEQA, Where to Start?" \(../pages/1071/files/ceqa.pdf\)](#)


[CEQA Guidelines \(https://govt.westlaw.com/calregs/Browse/Home/Calfornia/CaliforniaCodeofRegulations?guid=I95DAAA70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)\)](https://govt.westlaw.com/calregs/Browse/Home/Calfornia/CaliforniaCodeofRegulations?guid=I95DAAA70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)))

[California Register of Historical Resources \(/?page_id=21238\)](#)

[Office of Planning & Research/State Clearinghouse \(http://opr.ca.gov/\)](http://opr.ca.gov/)

[PRC 5024 & 5024.5 - State Agency Compliance \(/?page_id=27964\)](#)

[Section 106 - Federal Agency Compliance \(/?page_id=1071\)](#)

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Select Language | ▼

Carol L. Karp
Architect A.I.A.

September 11, 2019

C&CSF Planning Commission
Myrna Melgar, President
Commission Chambers, City Hall, Room 400
San Francisco, CA 94102

Subject: 2417 Green Street Project [Block 560 - Lot 028]
Proposed Mitigated Negative Declaration

RE: Coxhead House, 2421 Green Street
Significant Impact to Historic Architectural Resource

Dear President Melgar & Commission Members:

On 1/14/19, following the Board of Supervisors unanimous granting of an appeal of a categorical exemption for subject project and their return of the project to the Planning Department for environmental review, I sent a composite report to the Planning Commission including my report of 12/20/17 summarizing the National Register to the Board of Supervisors, which is attached to this communication, following several pictures of the story poles the developer, after years of delay, reluctantly installed, albeit briefly. These pictures show that the views from the outside surroundings and the views from the inside of this historic building, the master architect Ernest Coxhead's own home, 1892-1893, which was the foundation of the First Bay Area Tradition (and in turn the Second and Third Traditions), will be irreparably harmed by the planned, adjacent, speculative, unnecessary, development. Historic architecture is to be viewed, not obliterated. One of the purposes of the California Environmental Quality Act is to preserve historic resources and their surroundings for the future, but this project, and the Planning Department's handling of the situation, the production of a specious Mitigated Negative Declaration ("MND", in this case a declaration that environmental impact to an adjacent historic resource from a project can be mitigated by allowing the developer to do anything desired) is totally contrary to the intent of CEQA, which has been in effect for almost 50 years.

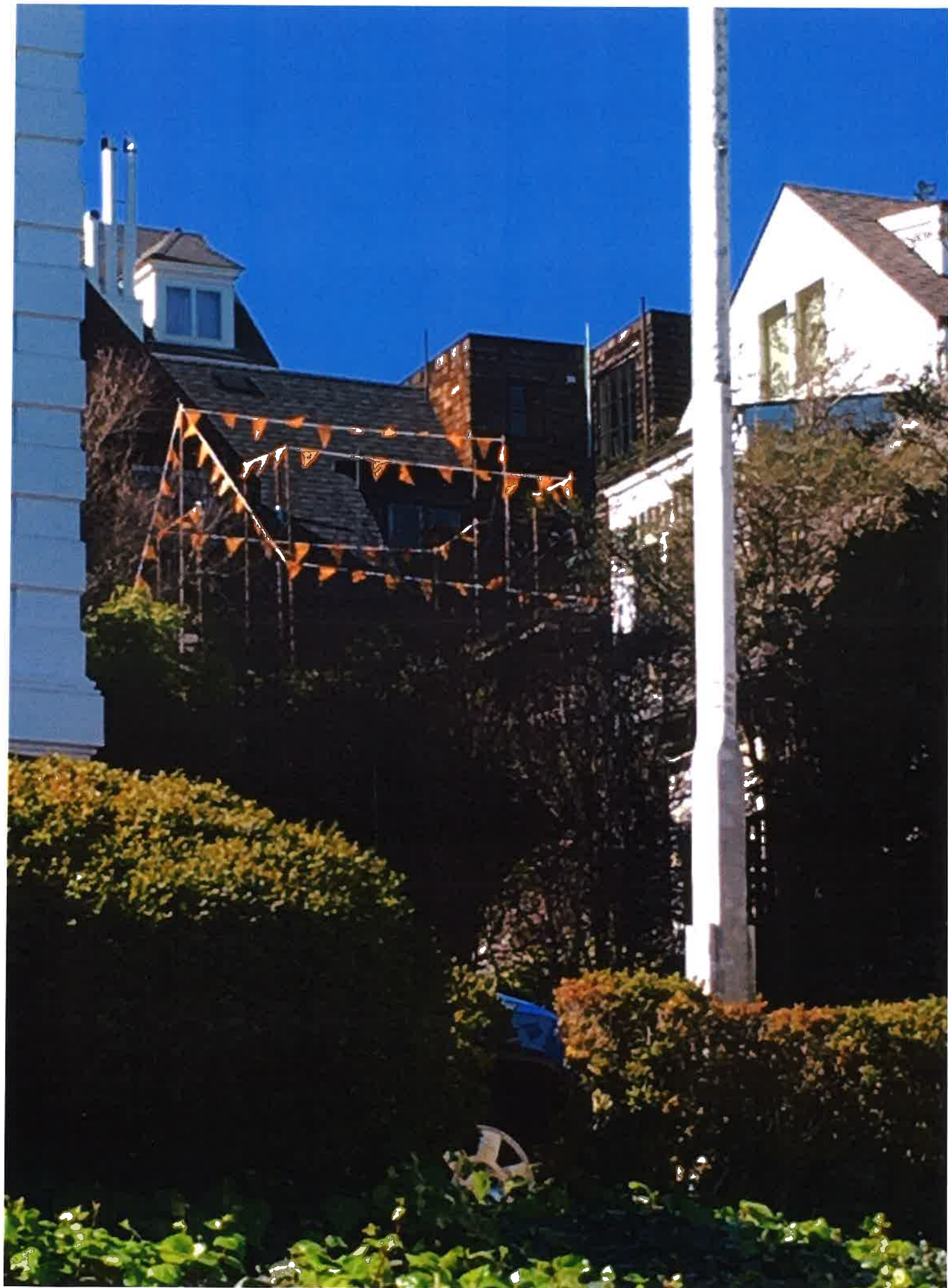
I have reviewed the MND. The MND does not address the issues that they (repeat they) have raised in prior comment letters; the MND's single mitigation measure is not sufficient to reduce the impacts to less than significant, and the proposed project may have significant adverse impacts that must be addressed in an Environmental Impact Report ("EIR"). Why does the MND totally ignore obliterating of historic architecture and the planned undermining of the immediately adjacent Coxhead house by subterranean excavation without recommendations for protection by shoring and underpinning? The answers can be found in the MND itself and by an investigation of the staff responsible for this travesty. The MND repeats the Board of Supervisors' unanimous vote that the Coxhead House at 2421 Green will be damaged by the 2417 Green project, and the staff is comprised of employees, not one of whom is a licensed architect. To be licensed in California requires years of education, historic and technical training, and design experience and expertise completely lacking in those who wrote the MND. State licensure is evidence of qualification. Environmental Impact Reports are written by persons who have the necessary expertise and credentials to produce proper recommendations. An EIR is required.

Yours truly,



Carol L. Karp















Carol L. Karp
Architect A.I.A.

January 14, 2019

C&CSF Planning Commission
Rich Hillis, President
Commission Chambers, City Hall, Room 400
San Francisco, CA 94102

Subject: Appeal of CEQA Categorical Exemption (Resubmitted 6/22/18)
Proposed Contiguous & Interference Construction
2417 Green Street Project [Block 560 - Lot 028]

RE: Coxhead House, 2421 Green Street
Planned Significant Impact to Historic Architectural Resource

Dear President Hollis & Commission Members:

On 1/9/18 the Board of Supervisors granted appeal of the CEQA Categorical Exemption issued 5/16/17 allowing intrusive excavation to undermine foundations and enlarging superstructure to block windows, and returned the project to Planning for proper environmental review (still circumvented). Substantial evidence was submitted to the Board attesting to the significant adverse impact and irreparable harm from the project, if implemented, would cause to Ernest Albert Coxhead's own residence, designed and built 1892-1893. Included was my report of 12/30/17 (*attached*) summarizing the National Register.

I was co-author (with Kathryn Shaffer AIA) of the nomination of the Coxhead House to the National Park Service's placement in the National Register of Historic Places, full document submitted to the SF Planning Department 11/17/17, including Nancy Pelosi's letter. The Coxhead House's qualification for inclusion in the Register has its architecture as its basis; that architecture consists of the appearance of the building, its site and environment, and its history. CEQA, 14 Cal Code Regs §15300.2(f), does not permit a categorical exemption for an activity that interferes with an historical resource. Obliteration of architectural fenestration and view of the major elevation is severe damage. The project's approval by Planning, resulting in issuance of the current-in-place building permits, is why the Board of Supervisors unanimously granted appeal of the determination of categorical exemption, now wrongfully reinstated.

The Coxhead house is not merely an historical resource; it is a unique architectural resource of the San Francisco Bay Area. Architecture does not begin or stop at the property line; architecture is concerned with the relationships among components with emphasis on their externally visible properties. Site planning is a vital part of architecture because building systems are viewed in context with integration of their surroundings, which in CEQA "E" means "Environmental". Architects are trained and experienced in their profession and if qualified in California they are licensed to practice architecture. The Business & Professions Code defines "qualification" as "licensure". None of the persons in the Planning Department signing the determination of Categorical Exemption, which emphasizes the 2417 project but ignores its environment, is listed with the Department of Consumer Affairs as an architect. Their opinions about the Coxhead House's functional architecture are excuses to avoid the required Environmental Impact Report.

Yours truly,



Carol L. Karp



Carol L. Karp
Architect A.I.A.

December 30, 2017

C&CSF Board of Supervisors
London Breed, President
City Hall, Room 250
San Francisco, CA 94102

Subject: Appeal of CEQA Categorical Exemption
2417 Green Street Project [Block 560 - Lot 028]

RE: Coxhead House
2421 Green Street
Threatened Historic Resource

Subject: Contiguous Proposed Construction
2417 Green Street, San Francisco

Dear President Breed & Supervisors:

This correspondence concerns the negative impact that the subject project will have on the building at 2421 Green Street, which is immediately adjacent to the project site. This information is additional to the National Park Service's nomination for placement in the national register of historic places. Ernest Albert Coxhead's own residence, designed and built 1892-1893, has been declared eligible for listing with copies of the final draft nomination papers being part of the appeal lodged with the San Francisco Planning Department 11/17/17 which includes a letter of support from House Minority Leader Nancy Pelosi.

The Coxhead house is renowned as the forefather of the "First Bay Tradition" of architecture which began in San Francisco at the end of the 19th century. Coxhead, as most of his following architects (e.g. Bernard Maybeck, Julia Morgan) who emigrated to California, utilized their training to adopt and integrate their designs with the use of native and locally made materials such as redwood, red cedar shingles, and brick. Coxhead's house manifests unique roof profiles and sidewall fenestration predicated on emphasizing views from the house and views of the house that have been punctuated with Cotswald detailing. Subsequent Second Bay and Third Bay Traditions were derivatives that followed.

As covered in our nomination papers, the Shingle Style exterior of the house is an exemplary expression of adaption of Coxhead's classical training with local features and materials into a new California architectural style. Coxhead recognized there would be enough open space on the east and west elevations to glaze much of these elevations. He then carefully positioned bands of windows to capture San Francisco Bay views and sunlight from the East and West. Promoters of the project at 2417 Green, which is intended to enlarge the adjacent house, believe the views are not important. Views from the Coxhead house, which the fenestration was carefully designed around, are reciprocated by views from the house; everything viewed has viewers that can see the Coxhead House.

The building is a unique solution for a house on a typical narrow lot in San Francisco's Pacific Heights and Cow Hollow. It is urban in character in the front and a relaxed freestanding house in the country at the rear. The entry portico and staircase that join the building with the street leads one to a classical style front door that provides an articulated entry into the residence. Architectural historians have written about this specific design feature and how it brought European design to the San Francisco Bay Area. The building is so significant to American architecture that the seminal book on this subject lists two houses by architects (Frank Lloyd Wright and Ernest Albert Coxhead) that were designed and built for themselves.

The nomination papers have extensive photographic coverage of the exterior of the house including drone imagery of the environment surrounding the 2417 project. The Coxhead house is threatened by the contiguous development and the developers have questioned the historic value of the Coxhead House even though it is officially historic. As the nomination papers do not have copies of the unusual published coverage of the house due to copyright, I am attaching copies of the chapters from the major books that prominently cover the Coxhead House, as well as the letter of support by San Francisco's congresswoman and my letter with résumé to the owner, who has allowed the nomination, as follows:

1. "Shingle Style - Innovation and Tradition in American Architecture 1874 to 1982", author Leland Roth, photographer Bret Morgan, Norfleet Abrams 1999.
2. "Bay Area Style - Houses of the San Francisco Bay Region, author David Weingarten, photographer Alan Weintraub, Rizzoli 2004.
3. "On the Edge of the World - Four Architects in San Francisco at the Turn of the Century", author Richard Longstreth, MIT Press 1983.
4. Letter from Rep. Nancy Pelosi to California Office of Historic Preservation, 2017.
5. Letter with résumé from Carol Karp AIA to owner of the Coxhead House, 2017.

According to the architectural drawings submitted to the City by the developer of 2417 Green, the project increases the existing envelope of the building which will obliterate views to and from 2421 Green which will profoundly affect the historic nature of the building. According to the engineering drawings submitted to the City by the developer of 2417 Green Street, the project has no provisions for protecting the 125 year old historic brick foundations, that survived the 1906 Earthquake intact, from damage from loss of lateral and subjacent support due to the planned excavations. There is no survey or geotechnical investigation or any provisions to protect the historic resource. The project is certainly not entitled to a CEQA Categorical Exemption and an Environmental Impact Report should be prepared under CEQA regulations.

Yours truly,



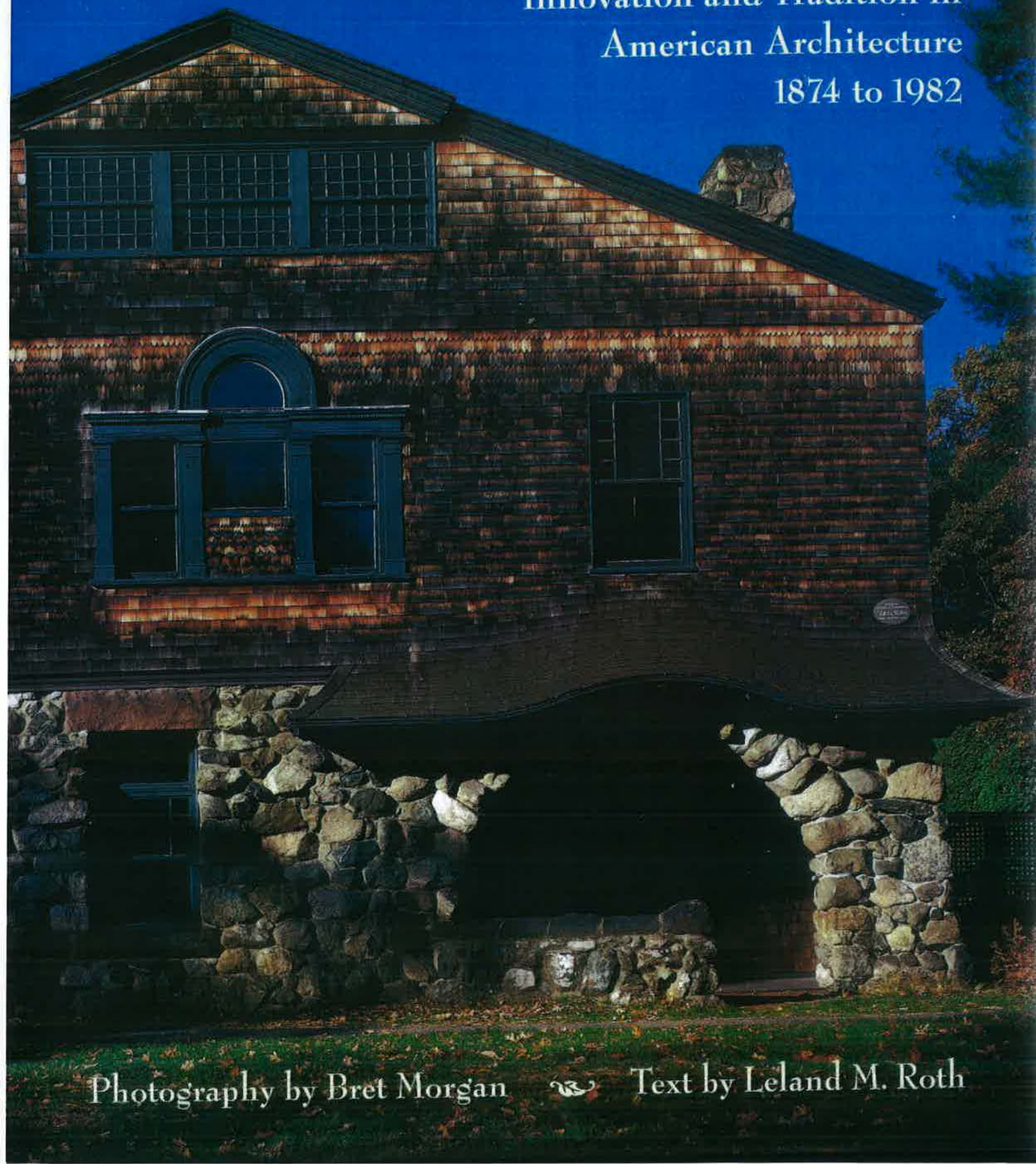
Carol L. Karp



ATTACHMENT 1

SHINGLE STYLES

Innovation and Tradition in
American Architecture
1874 to 1982



Photography by Bret Morgan  Text by Leland M. Roth

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SHINGLE STYLES

Innovation and Tradition in
American Architecture
1874 to 1982



PHOTOGRAPHY BY BRET MORGAN

TEXT BY LELAND M. ROTH

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HARRY N. ABRAMS, INC., PUBLISHERS

FRANK LLOYD WRIGHT HOME AND STUDIO

Oak Park, Illinois, 1889–1914



The living room, inglenook, and hallway are broadly connected yet individuated spaces.

Vincent Scully's now-classic study, *The Shingle Style: Architectural Theory and Design from Richardson to the Origins of Wright*, concludes with a discussion of Frank Lloyd Wright. It gives Wright's house in Oak Park a place of honor, marking the end of the inventive freedom of the 1870s and 1880s and at the same time announcing the beginning of what would become Wright's Prairie Houses in the early twentieth century.

Wright says nothing in his *Autobiography* about any consideration of Japanese art or architecture in the office of his first employer, Joseph Lyman Silsbee, which Wright entered during 1887. Silsbee, however, was the close boyhood friend and later brother-in-law of Ernest Fennelosa, who was then becoming the foremost American authority on Japanese art and culture. Regardless of the origins of the Japanese influence, clearly Wright was inspired, for in his own house he opened up the rooms to one another, like a Japanese house with the sliding screens pushed back, and he employed a continuous upper molding, running around each room, like the Japanese *kamoi* rail, linking the rooms together.

The most obvious influence on Wright was the East Coast Shingle Style, then being introduced in Chicago by Silsbee, a recent transplant from Syracuse and Buffalo, New York. Silsbee's houses of this period were largely Shingle Style designs, similar to those of eastern architects John Calvin Stevens, McKim, Mead & White, and Lamb & Rich. Silsbee came to the attention of developer J. L. Cochran, who was about to lay out a model suburban community to be called Edgewood, about six miles north of the heart of Chicago. In 1887 he engaged Silsbee to design the houses for this community. Wright, just months in Silsbee's employ, executed a perspective drawing of Cochran's own house from Silsbee's design. Like Bruce Price's houses for Pierre Lorillard in the New York suburb Tuxedo Park, the Edgewood houses were to be relatively small and compact. As in the case of Price, Silsbee was inspired to devise simple dramatic forms in which large dramatic triangular gables predominated.

Wright was aware, too, of the boldly triangular shingled houses being built in Austin, a new suburb just west of Chicago and immediately east of Oak Park, where he lived. Rare photographs survive of the earliest buildings

OPPOSITE: Perhaps the ultimate expression of the dominant front gable first seen in Richardson's Watts Sherman house.





Wright achieved a unique synthesis of the classical and oriental influences that pervaded Shingle Style design.



there—boldly massed broad-gabled shingled designs by Frederick Schock (fig. 26). A brief mention of Schock in Wright's *Autobiography* suggests that Wright knew these buildings as well. But the most obvious models for Wright's house in Oak Park were Price's shingled houses at Tuxedo Park (fig. 4). Their simple design program encouraged bold, simple, dramatic forms composed of large triangular gables with long sweeping roof lines. One of these houses in particular seems to have been the inspiration for Wright's design: the Chandler house. Its dramatic gable appeared as a linear photoengraving, together with a plan, in *Building* (September 1886).

The changes that Wright made in moving beyond his apparent models anticipate the direction his work would take in the next two decades. As Neil Levine notes in writing about Wright's dramatically abstract Oak Park house, it is the "projection of an image" of what a house could be, at once familiar and yet strikingly simple, and outside the limits proscribed by conventional types. Indeed, Wright comments in the *Autobiography* that his neighbors were perplexed and asked if the design "were Seaside or Colonial."

Wright's first significant innovation was placing his house not on a light framed porch but on a solid elevated terrace, enclosed by a continuous masonry wall and gained by broad low stone stairs, making a far stronger connection to the earth. Wright used continuous surfaces of shingles throughout, on both the walls and long roof planes. He also enlarged and abstracted Price's near-Palladian window, making it a broad strip of windows illuminating his studio. The great overhang of the front gable portends the extended cantilevers of the eaves of Wright's subsequent Prairie Houses.

Wright's plan was a pinwheel of spaces arranged around a small central hearth sheltered within a diminutive inglenook. The round-arched fireplace, with its long tapered brick voussoirs, speaks of Wright's admiration for Richardson and Louis Sullivan. In the four corners of the living room ceiling, electric lighting fixtures are integrated into square-paneled flourishes of foliate ornament, recalling the similarly integrated ornament and lighting used by Sullivan in his Auditorium theater. The staircase in the adjoining entry stair-hall, incorporating a built-in seat and rising in gentle stages with many landings, exemplifies the Queen Anne house. And in the stair-hall, placed over the upper molding, is a continuous plaster frieze, a miniature near-replica of the imposing high relief sculpture of the great Altar of Zeus of Pergamon, whose classical reference is reinforced by the denticulated cornice in the living room.

What began as a compact cottage house was modified repeatedly by Wright to accommodate his family, and then to house his office and studio, so that its original simplicity has been somewhat obscured. Nonetheless, the dramatic west facade gable and the interconnected extruded spaces within still herald Wright's incipient early modernism.

ERNEST COXHEAD'S HOUSE

San Francisco, California, 1893

Architecture "on the edge of the world" was what architectural historian Richard Longstreth called the work of several highly imaginative architects who moved to San Francisco at the turn of the last century. Almost at once that city was blessed with the inventive genius of five remarkable designers—Ernest Coxhead, Willis Polk, Bernard Maybeck, A. C. Schweinfurth, and A. Page Brown. All came from the East. Maybeck had worked in New York City in the office of Carrère & Hastings; and Brown for McKim, Mead & White.

Ernest Coxhead, however, came from much farther east. Born in 1863 in Eastbourne, Sussex, England, Coxhead had studied under an engineer and then at the Royal Academy and the Architectural Association in London. Thanks to his work and education Coxhead possessed a solid grounding in classical design, with its emphasis on clear expression of the building program and its emphasis on proportions, as well as a sound introduction to English medieval architecture, with its attention to detail. He was involved in the restoration of several centuries-old churches and seems to have developed some associations with the young leaders of the English Arts and Crafts movement in London. In 1886 he and his brother, Almeric, left Great Britain and headed west, crossing the American continent and settling first in Los Angeles, California. Why he made so decisive and dramatic a break from family and country may never be known, but he may have been given encouragement by the Episcopal Diocese in California. Between 1887 and 1898 he and Almeric, who managed their practice, designed most of southern California's new Episcopal churches and enjoyed a field of action far greater than would have been afforded them in England.

While in England Coxhead had been introduced to the American Shingle Style. Longstreth notes that a major exhibition of such American work was mounted by the Royal Institute of British Architects shortly before Coxhead left. One of Coxhead's early churches, All Saints in Pasadena, 1888–89, employed a fusion of English Arts and Crafts with the rounded, biomorphic forms made possible by shingle work. Other churches followed, but the building boom in Los Angeles ended in about 1889 as Coxhead was given commissions for three new Episcopal churches in the San Francisco Bay area.



The fireplace at the rear of the long gallery.

OPPOSITE: *Winding flights of steps lead to the front door.*





ABOVE: *Eschewing symmetry and formality, Coxhead made his living room a collage of cozy corners.*

His first project in San Francisco, and perhaps his masterwork in church design, was the massive Church of St. John the Evangelist, 1890–91 (fig. 28). It was dynamited to prevent the spread of fire following the earthquake of 1906. Indebted to Richardson, it was based on a compact Greek cross plan but had a center dome capped by a broad squat square shingle-covered tower, vented by deep louvers that ran in continuous bands around the base of the pyramidal roof. The shingled roof surface also wrapped over the gable ends, fusing with the wall surfaces in a unique organic way. Although his other major urban churches were of masonry, Coxhead's smaller parish churches exploited shingles, which seemed to flow over the building surface, around corners, up and over doors and windows, and over gable ends, merging wall and roof into one plastic envelope.

By 1891 the Coxhead partnership began to receive commissions for small houses in San Francisco, such as that for James McGauley on Pacific Heights. For these Coxhead continued to use wood frame construction, and in the McGauley house he used an exposed half-timber frame, interrupted by a

broad brick chimney mass, and a tall, steep roof that prompted Longstreth to call the house a "transplanted English cottage." By 1893 Coxhead's house designs had become more abstracted, their geometric shapes emphasized by continuous coverings of shingles over the walls and roofs. Windows were grouped and placed strongly off-center at what appear to be odd locations but which actually reflect the pragmatic arrangements of the interiors. In some instances, the unusual character of these houses was dramatized by curiously overscaled details. Certainly, a contributing factor in Coxhead's distinctive work were the steeply pitched building sites he worked on, as in Pacific Heights, for the front facades of the houses would automatically be thrown off center by the incline of the street.

In 1891–92, adjacent to the McGauley house, Coxhead designed an extremely long and narrow house for himself and his brother. The narrow street facade, rising four stories, becomes almost a tower, while the entry side (reached by steps and a tunnel-like passage through the base retaining wall), stretches almost 94 feet, with the steep roof plane pulled deliberately low to

At the rear of the long gallery.





ABOVE: *With the door closed, this corner of the bedroom becomes an intimate sitting area.*

OPPOSITE: *The tiny staircase demonstrates Coxhead's skill in turning the exigencies of a narrow lot to picturesque advantage.*

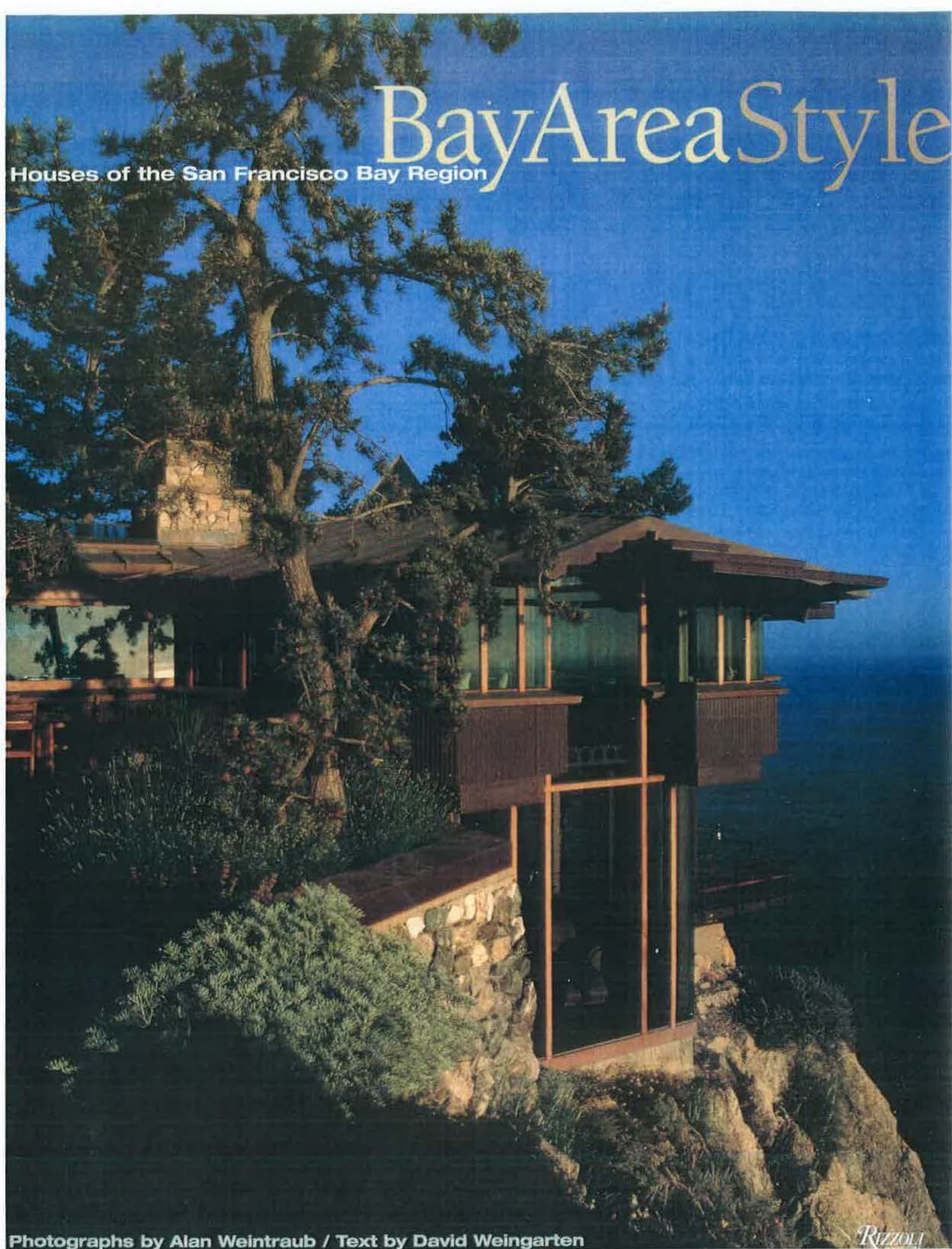
emphasize its horizontal extension. The narrow site gave rise to some unusual innovations, such as a long entrance corridor that Coxhead broadened a bit to evoke memories of an English long gallery. With two hearths introduced, this gallery divides itself into separate sitting areas. The rear area is especially pleasant. A bay window and French doors bring in abundant light even on gray, foggy days. At every turn the exigencies of the narrow site, and the low roof, are turned to advantage to produce unexpected nooks and cozy recesses. Dark wood, broadly and blockily detailed, dominates the interior spaces, further bringing down the scale. Although dark and encompassing, the rooms are opened up by broad window groupings, which once afforded panoramic views of San Francisco Bay. As neighboring buildings began to impinge on his views, Coxhead moved away, but his rustic aerie survives, an enchanted little world of domestic delight.



ATTACHMENT 2

BayAreaStyle

Houses of the San Francisco Bay Region



Photographs by Alan Weintraub / Text by David Weingarten

RIZZOLI

BayAreaStyle

Houses of the San Francisco Bay Region

Photographs by Alan Weintraub

Text by David Weingarten

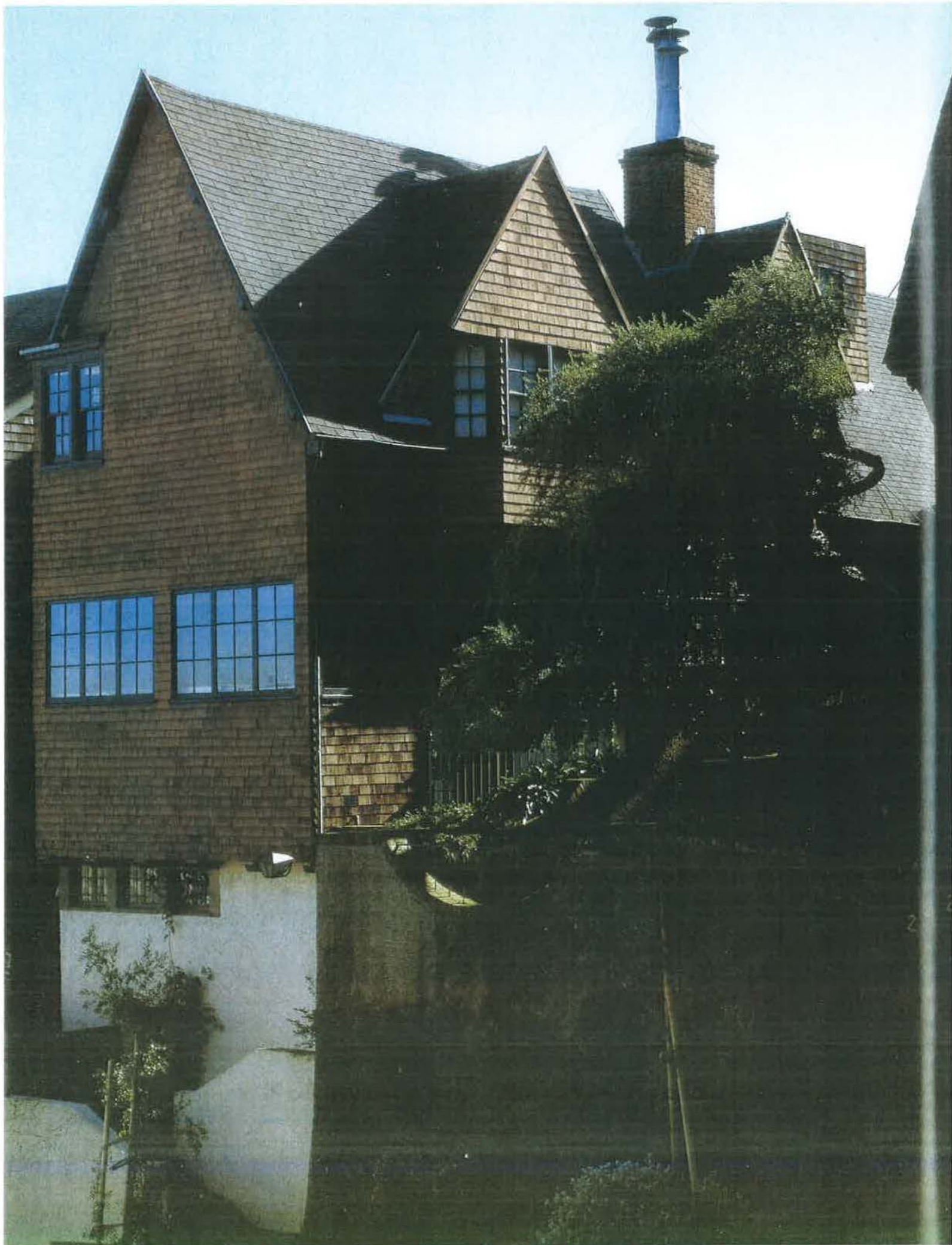
RIZZOLI
NEW YORK

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Ernest Coxhead *Coxhead House* San Francisco 1893

Though less rustic (and spooky) than his friend Willis Polk's place, Ernest Coxhead's nearly contemporaneous Pacific Heights dwelling is similarly eccentric. The end of this house overhangs a tall concrete wall and, like Polk's, is a large, shingled bay with a steeply sloping pitched roof. A corner window without precedent (or sequel for that matter) is this street facade's most diverting feature.

The entire effect is of English Arts and Crafts without the stifling decorum. We can imagine how well this suited Coxhead, an Englishman transplanted to California.

It is the path through the house, though, wide and narrow, careering along the edges of some rooms, and through the middle of others — a kind of dark ride of the early Bay Region style — that is the singular achievement here. The historian John Beach, in *Bay Area Houses*,



describes it this way, "It is as if the house had been trimmed away, leaving only the circulation space. Then a step here and a landing there are extruded horizontally, expanded from a small space to a larger. By this curious process the stair sequence ceases to be simply an element of a larger building, but is transformed into the building itself." ■



OPPOSITE Street facade with shingled bay overhanging rough stucco wall.

ABOVE LEFT Path to front door.

ABOVE RIGHT Garden facade.





OPPOSITE
Living room with large redwood
fireplace surround, partially
hidden high window to its right,
and carefully finished redwood
beam ceiling



ABOVE LEFT
Large fireplace by the front door
opens to wide hall.

ABOVE RIGHT
Long redwood gallery leading from
foyer to rear garden.



ABOVE LEFT
Dining room looking into
conservatory-like gallery.



ABOVE MIDDLE
Bedroom with exposed beams
is open to the steep gable of the
roof.



ABOVE RIGHT
Hall opens to two-story redwood
stairwell. Mysterious stair to
third floor spills into hall.

OPPOSITE
Dining room with large windows to
the garden and built-in redwood
cabinets.



ATTACHMENT 3

ON THE EDGE OF THE WORLD



Four Architects
in San Francisco
at the Turn
of the Century

RICHARD
LONGSTRETH

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Coxhead began to receive commissions for small houses in Pacific Heights at about the time of Polk's first work on Russian Hill. Coxhead's earliest designs, such as that for friend James McGauley (1891), adhere to the prevailing pattern in their use of suburban imagery. McGauley's house is, in effect, a transplanted English cottage. By 1893 an important shift occurred in Coxhead's approach, evident in the adjacent residence built for himself and Almeric (Fig. 73). Like the Williams-Polk house, it exploits a difficult site to achieve a dramatic effect. The design is also a more sophisticated interpretation of English precedents than was McGauley's. The narrow street frontage is accentuated by a towerlike facade that has a taut, abstract quality. The bands of little windows set flush against the surface were probably inspired by recent London work of Shaw and others. However, the composition is more simplified and softened than English models, in keeping with the building's size and materials. The west elevation, facing McGauley's yard, with its dominant horizontality and rural character, contrasts with the facade and underscores the transition from public to private space. Expanses of shingled wall and roof surfaces, interrupted only by the simplest window articulation, extend from a pivotal clustering of elements grouped around the front door. The composition may well

73. Coxhead & Coxhead. Ernest and Almeric Coxhead house, 1893 (*left*), and James McGauley house, 1891–1892 (*right*), San Francisco. (Courtesy John Beach)

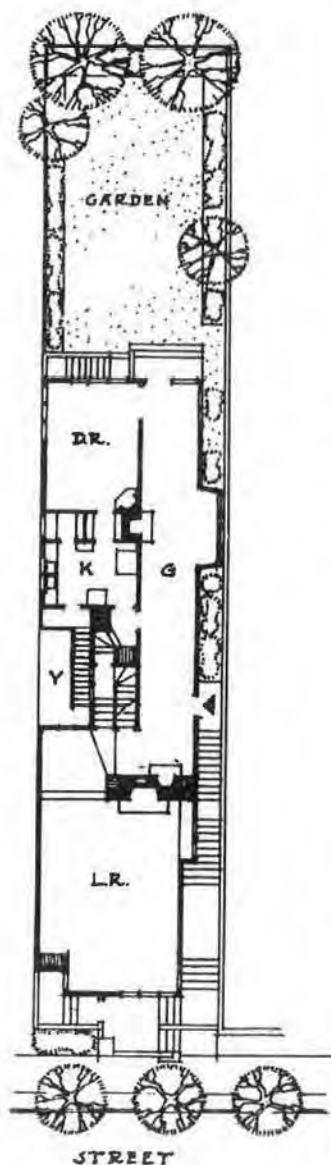




74. Coxhead house, rear view. (Courtesy John Beach)

have been inspired by Voysey's early projects, but Coxhead's version is more compact and mannered at its focal point and less regimented elsewhere.²⁰ Toward the rear, the house looks somewhat like a Surrey barn that has been remodeled in a straightforward way, lacking the studied poise of the street facade (Fig. 74). Front and rear are set in opposition, while the overriding simplicity of detail lends cohesiveness to the whole. Both the imagery and the studied casualness present in this design owe a major debt to English arts-and-crafts work, which became a guidepost for Coxhead's work during the next several years.²¹ But neither Coxhead nor Polk considered the Arts and Crafts Movement to be a discrete entity; instead they appear to have viewed it as a potent source for expression in rustic design—an updated equivalent of the Shingle Style—that was appropriate to the design of modest houses.

Coxhead's plans remained more American. In his own residence there is an ever-changing path up to and through the premises, inspired by Polk's work but developed in a different way. The entrance is reached by a series of winding steps and landings that become progressively constricted, with the final run wedged between a retaining wall and the basement, as if it were an alley in an Italian hill town



75. Coxhead house, plan.
(Drawn by Howard Moise)



76. Coxhead house, front steps. (Author)

(Figs. 75, 76). A transition occurs at the front door, spatially echoing the change in character between the front and rear portions of the house. Inside, the emphasis is wholly horizontal. The long gallery, the plan's one English component, is unlike its prototypes in that it generates a sense of continuity while dramatizing the site's narrow form through variations in space and light (Fig. 77). From the dark vestibule

the corridor that serves McGauley's windows or tion the spa in a circuit opposite the emphasis. and is made and beams corners, ar highest wi the far cor deck from of the Bay sequence a mitigating

77. Coxhead house, interior.



the corridor gradually becomes brighter, expanding into a glazed bay that serves as a secondary sitting area, with a borrowed vista of McGauley's yard. The gallery brightens further at the end, where windows on two sides open into a secluded garden. In the other direction the space unfolds more rapidly, lapping down a broad turn of steps in a circuitous path to the living room. Although the stair is directly opposite the entrance, it is encased so as not to interrupt the horizontal emphasis. The living room is unusually large for a house of this size and is made even more expansive by grandly scaled redwood paneling and beams (Fig. 78). The living room windows are placed only at the corners, and each one is at a different height. Like a periscope, the highest window bank catches a segment of the McGauley house. At the far corner, the platform and attendant bench offer an observation deck from which to view houses across the street and catch glimpses of the Bay beyond. Paralleling the Williams-Polk house interiors, the sequence and manipulation of each zone imply an extension of space, mitigating the property's narrow confines.

77. Coxhead house, gallery. (Author)





78. Coxhead house, living room. (Author)

An equally unconventional solution is present in the Charles Murdock house around the corner, which Coxhead had designed several months earlier. A native of Boston, Murdock moved to California in 1855 and became a widely respected elder of the intellectual community. Murdock ran a small printing business; he considered bookmaking an art and was patronized by some of the region's most gifted writers. Among his friends were Bret Harte, Robert Louis Stevenson, John Muir, and William Keith. While active in the Unitarian church, he had been married by Joseph Worcester and frequently attended his services. Murdock was also an ardent supporter of the younger generation, including Bruce Porter, Gelett Burgess, and Coxhead. Since Murdock, like many of his friends, could not afford to spend much for his house, it was designed with about as much floor area as Coxhead's residence, and at an even lower cost.²²

The studied asymmetry of the facade recalls those of E. W. Godwin's well-known artists' houses in Chelsea from a decade earlier,



80. Houses in



ATTACHMENT 4



Nancy Pelosi
Democratic Leader

August 7, 2017

State of California
Office of Historic Preservation
Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

Attention: Julianne Polanco
State Historic Preservation Officer

Subject: Nomination for Listing
National Register of Historic Places

RE: Architect Ernest Coxhead's Residence & Studio, 1893
2421 Green Street, San Francisco, California

Dear Ms. Polanco:

It is with great enthusiasm that I write in support of the nomination of Ernest Coxhead's own house for listing in the National Register of Historic Places. I have had the pleasure of visiting Architect Coxhead's residence and studio located at the juncture of Cow Hollow and Pacific Heights. This area in California's 12th Congressional District which I represent in Congress. I take special pride in San Francisco's architectural treasures and recognize the Coxhead house as a first of an architectural tradition in the Bay Area. It happens to be in excellent original condition, including brickwork, having survived amazingly intact, the 1906 San Francisco earthquake and fire.

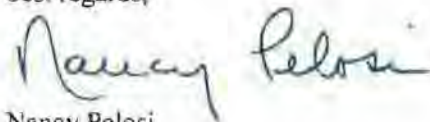
Designed and built before automobiles and never retrofitted with a garage, both the house entry and garden are quietly accessed from the street via a twisting stairway to the west side. The classical entry conceals an ingenious interior with a long glazed entrance gallery running from a high-ceilinged living room at the north to a dining area on the southern rear garden that shares an eastern property line with the garden of the 1867 Casebolt House, San Francisco Landmark No. 51.

The house is shingle style integrated with subtle Cotswold features that Coxhead brought to Northern California. The beautiful non-symmetrical exterior design that is fitted to the land and view was the beginning of what became the First Bay Area Tradition that evolved into Second and Third Bay Area Traditions taught at the University of California, Berkeley, and practiced by the most heralded Bay Area architects. The importance of the house to the evolution of local architecture cannot be overemphasized.

I believe the nomination papers are well done and the Ernest Coxhead's Residence & Studio should be included in the National register of Historic Places.

Thank you for your attention to the remarkable and still beautifully functioning personal home of Ernest Coxhead.

best regards,


Nancy Pelosi

ATTACHMENT 5

Carol L. Karp
Architect A.I.A.

December 29, 2017

Philip Kaufman
2421 Green Street
San Francisco, CA 94123

Subject: Ernest Coxhead House
2421 Green Street, San Francisco
Historic Status

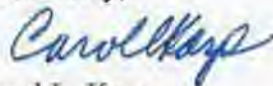
Dear Mr. Kaufman:

This correspondence memorializes our understanding for providing architectural research services for the residence Ernest Albert Coxhead designed and built for himself in 1892-1893 Green Street, San Francisco, which you have owned for about 30 years. Your consulting engineer, Lawrence Karp, had suggested to you in early 2017 that a colleague of ours, Kathryn Marsh Shaffer AIA Architect, prepare a nomination for inclusion of the Coxhead House in the National Park Service's Registry of Historic Places to be lodged with the California State Park's Office of Historic Preservation (OHP) in Sacramento. OHP relies on CEQA for protection of historic resources. Kathryn Shaffer was a distinguished architect, artist, and author, having both written and illustrated by hand the book "Houseboats of Sausalito - Aquatic Architecture of Sausalito" published by Schiffer in 2007. Kathryn had also been a student of Richard Longstreth, author of the book on American architecture "At the Edge of the World", a history of the four important architects that shaped California architecture at the turn of the century, published by MIT Press in 1983. On April 11th 2017 Longstreth gave the NPS written permission to use copyrighted material in the Coxhead nomination. Kathryn worked on the Coxhead House project and submitted drafts of the nomination to the OHP until she could no longer serve due to personal reasons. On August 28th 2017 Kathryn wrote an assignment of the nomination duties to my office.

I submitted a final draft of the nomination to OHP. On September 13th 2017, OHP advised us the Coxhead House was "clearly eligible" for inclusion in the National Registry of Historic Places. This eligibility gives the Coxhead House official historic status in the City & County of San Francisco pursuant to San Francisco Administrative Code §31.08(e)3. Sadly, Mrs. Shaffer passed away on October 2nd 2017.

My credentials include attending Vassar College as an undergraduate and in March 1970 I received the professional Bachelor of Architecture degree from the University of California, Berkeley. Subsequently, I studied at Harvard University's Graduate School of Design, Cambridge. I am licensed as an architect in California and Hawaii and I am a Member of the American Institute of Architects. I am a native of San Francisco and I have more than 40 years of local experience in design, construction, and historic preservation. As a public service, I have provided the nomination services to the California Park Services Office of Historic Preservation, and reports to the City & County of San Francisco's Planning Department and the Board of Supervisors, without compensation.

Yours truly,



Carol L. Karp

Carol L. Karp
Architect A.I.A.

January 14, 2019

C&CSF Planning Commission
Rich Hillis, President
Commission Chambers, City Hall, Room 400
San Francisco, CA 94102

Subject: Appeal of CEQA Categorical Exemption (Resubmitted 6/22/18)
Proposed Contiguous & Interference Construction
2417 Green Street Project [Block 560 - Lot 028]

RE: Coxhead House, 2421 Green Street
Planned Significant Impact to Historic Architectural Resource

Dear President Hollis & Commission Members:

On 1/9/18 the Board of Supervisors granted appeal of the CEQA Categorical Exemption issued 5/16/17 allowing intrusive excavation to undermine foundations and enlarging superstructure to block windows, and returned the project to Planning for proper environmental review (still circumvented). Substantial evidence was submitted to the Board attesting to the significant adverse impact and irreparable harm from the project, if implemented, would cause to Ernest Albert Coxhead's own residence, designed and built 1892-1893. Included was my report of 12/30/17 (*attached*) summarizing the National Register.

I was co-author (with Kathryn Shaffer AIA) of the nomination of the Coxhead House to the National Park Service's placement in the National Register of Historic Places, full document submitted to the SF Planning Department 11/17/17, including Nancy Pelosi's letter. The Coxhead House's qualification for inclusion in the Register has its architecture as its basis; that architecture consists of the appearance of the building, its site and environment, and its history. CEQA, 14 Cal Code Regs §15300.2(f), does not permit a categorical exemption for an activity that interferes with an historical resource. Obliteration of architectural fenestration and view of the major elevation is severe damage. The project's approval by Planning, resulting in issuance of the current-in-place building permits, is why the Board of Supervisors unanimously granted appeal of the determination of categorical exemption, now wrongfully reinstated.

The Coxhead house is not merely an historical resource; it is a unique architectural resource of the San Francisco Bay Area. Architecture does not begin or stop at the property line; architecture is concerned with the relationships among components with emphasis on their externally visible properties. Site planning is a vital part of architecture because building systems are viewed in context with integration of their surroundings, which in CEQA "E" means "Environmental". Architects are trained and experienced in their profession and if qualified in California they are licensed to practice architecture. The Business & Professions Code defines "qualification" as "licensure". None of the persons in the Planning Department signing the determination of Categorical Exemption, which emphasizes the 2417 project but ignores its environment, is listed with the Department of Consumer Affairs as an architect. Their opinions about the Coxhead House's functional architecture are excuses to avoid the required Environmental Impact Report.

Yours truly,



Carol L. Karp



Carol L. Karp
Architect A.I.A.

December 30, 2017

C&CSF Board of Supervisors
London Breed, President
City Hall, Room 250
San Francisco, CA 94102

Subject: Appeal of CEQA Categorical Exemption
2417 Green Street Project [Block 560 - Lot 028]

RE: Coxhead House
2421 Green Street
Threatened Historic Resource

Subject: Contiguous Proposed Construction
2417 Green Street, San Francisco

Dear President Breed & Supervisors:

This correspondence concerns the negative impact that the subject project will have on the building at 2421 Green Street, which is immediately adjacent to the project site. This information is additional to the National Park Service's nomination for placement in the national register of historic places. Ernest Albert Coxhead's own residence, designed and built 1892-1893, has been declared eligible for listing with copies of the final draft nomination papers being part of the appeal lodged with the San Francisco Planning Department 11/17/17 which includes a letter of support from House Minority Leader Nancy Pelosi.

The Coxhead house is renowned as the forefather of the "First Bay Tradition" of architecture which began in San Francisco at the end of the 19th century. Coxhead, as most of his following architects (e.g. Bernard Maybeck, Julia Morgan) who emigrated to California, utilized their training to adopt and integrate their designs with the use of native and locally made materials such as redwood, red cedar shingles, and brick. Coxhead's house manifests unique roof profiles and sidewall fenestration predicated on emphasizing views from the house and views of the house that have been punctuated with Cotswald detailing. Subsequent Second Bay and Third Bay Traditions were derivatives that followed.

As covered in our nomination papers, the Shingle Style exterior of the house is an exemplary expression of adaption of Coxhead's classical training with local features and materials into a new California architectural style. Coxhead recognized there would be enough open space on the east and west elevations to glaze much of these elevations. He then carefully positioned bands of windows to capture San Francisco Bay views and sunlight from the East and West. Promoters of the project at 2417 Green, which is intended to enlarge the adjacent house, believe the views are not important. Views from the Coxhead house, which the fenestration was carefully designed around, are reciprocated by views from the house; everything viewed has viewers that can see the Coxhead House.

The building is a unique solution for a house on a typical narrow lot in San Francisco's Pacific Heights and Cow Hollow. It is urban in character in the front and a relaxed freestanding house in the country at the rear. The entry portico and staircase that join the building with the street leads one to a classical style front door that provides an articulated entry into the residence. Architectural historians have written about this specific design feature and how it brought European design to the San Francisco Bay Area. The building is so significant to American architecture that the seminal book on this subject lists two houses by architects (Frank Lloyd Wright and Ernest Albert Coxhead) that were designed and built for themselves.

The nomination papers have extensive photographic coverage of the exterior of the house including drone imagery of the environment surrounding the 2417 project. The Coxhead house is threatened by the contiguous development and the developers have questioned the historic value of the Coxhead House even though it is officially historic. As the nomination papers do not have copies of the unusual published coverage of the house due to copyright, I am attaching copies of the chapters from the major books that prominently cover the Coxhead House, as well as the letter of support by San Francisco's congresswoman and my letter with résumé to the owner, who has allowed the nomination, as follows:

1. "Shingle Style - Innovation and Tradition in American Architecture 1874 to 1982", author Leland Roth, photographer Bret Morgan, Norfleet Abrams 1999.
2. "Bay Area Style - Houses of the San Francisco Bay Region, author David Weingarten, photographer Alan Weintraub, Rizzoli 2004.
3. "On the Edge of the World - Four Architects in San Francisco at the Turn of the Century", author Richard Longstreth, MIT Press 1983.
4. Letter from Rep. Nancy Pelosi to California Office of Historic Preservation, 2017.
5. Letter with résumé from Carol Karp AIA to owner of the Coxhead House, 2017.

According to the architectural drawings submitted to the City by the developer of 2417 Green, the project increases the existing envelope of the building which will obliterate views to and from 2421 Green which will profoundly affect the historic nature of the building. According to the engineering drawings submitted to the City by the developer of 2417 Green Street, the project has no provisions for protecting the 125 year old historic brick foundations, that survived the 1906 Earthquake intact, from damage from loss of lateral and subjacent support due to the planned excavations. There is no survey or geotechnical investigation or any provisions to protect the historic resource. The project is certainly not entitled to a CEQA Categorical Exemption and an Environmental Impact Report should be prepared under CEQA regulations.

Yours truly,



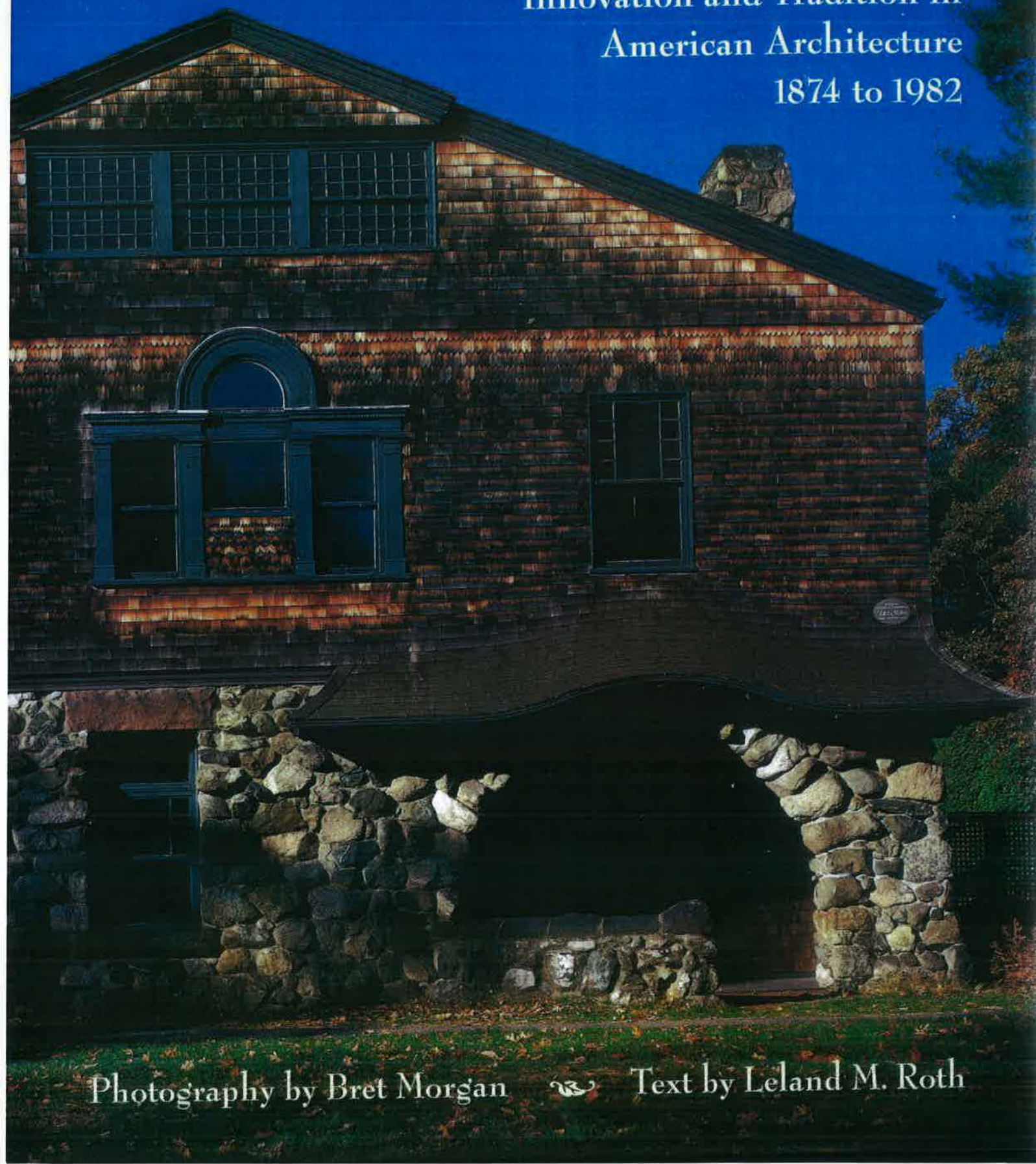
Carol L. Karp



ATTACHMENT 1

SHINGLE STYLES

Innovation and Tradition in
American Architecture
1874 to 1982



Photography by Bret Morgan  Text by Leland M. Roth

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SHINGLE STYLES

Innovation and Tradition in
American Architecture
1874 to 1982



PHOTOGRAPHY BY BRET MORGAN

TEXT BY LELAND M. ROTH

PRODUCED BY NORFLEET PRESS

HARRY N. ABRAMS, INC., PUBLISHERS

FRANK LLOYD WRIGHT HOME AND STUDIO

Oak Park, Illinois, 1889–1914



The living room, inglenook, and hallway are broadly connected yet individuated spaces.

Vincent Scully's now-classic study, *The Shingle Style: Architectural Theory and Design from Richardson to the Origins of Wright*, concludes with a discussion of Frank Lloyd Wright. It gives Wright's house in Oak Park a place of honor, marking the end of the inventive freedom of the 1870s and 1880s and at the same time announcing the beginning of what would become Wright's Prairie Houses in the early twentieth century.

Wright says nothing in his *Autobiography* about any consideration of Japanese art or architecture in the office of his first employer, Joseph Lyman Silsbee, which Wright entered during 1887. Silsbee, however, was the close boyhood friend and later brother-in-law of Ernest Fennelosa, who was then becoming the foremost American authority on Japanese art and culture. Regardless of the origins of the Japanese influence, clearly Wright was inspired, for in his own house he opened up the rooms to one another, like a Japanese house with the sliding screens pushed back, and he employed a continuous upper molding, running around each room, like the Japanese *kamoi* rail, linking the rooms together.

The most obvious influence on Wright was the East Coast Shingle Style, then being introduced in Chicago by Silsbee, a recent transplant from Syracuse and Buffalo, New York. Silsbee's houses of this period were largely Shingle Style designs, similar to those of eastern architects John Calvin Stevens, McKim, Mead & White, and Lamb & Rich. Silsbee came to the attention of developer J. L. Cochran, who was about to lay out a model suburban community to be called Edgewood, about six miles north of the heart of Chicago. In 1887 he engaged Silsbee to design the houses for this community. Wright, just months in Silsbee's employ, executed a perspective drawing of Cochran's own house from Silsbee's design. Like Bruce Price's houses for Pierre Lorillard in the New York suburb Tuxedo Park, the Edgewood houses were to be relatively small and compact. As in the case of Price, Silsbee was inspired to devise simple dramatic forms in which large dramatic triangular gables predominated.

Wright was aware, too, of the boldly triangular shingled houses being built in Austin, a new suburb just west of Chicago and immediately east of Oak Park, where he lived. Rare photographs survive of the earliest buildings

OPPOSITE: Perhaps the ultimate expression of the dominant front gable first seen in Richardson's Watts Sherman house.





Wright achieved a unique synthesis of the classical and oriental influences that pervaded Shingle Style design.



there—boldly massed broad-gabled shingled designs by Frederick Schock (fig. 26). A brief mention of Schock in Wright's *Autobiography* suggests that Wright knew these buildings as well. But the most obvious models for Wright's house in Oak Park were Price's shingled houses at Tuxedo Park (fig. 4). Their simple design program encouraged bold, simple, dramatic forms composed of large triangular gables with long sweeping roof lines. One of these houses in particular seems to have been the inspiration for Wright's design: the Chandler house. Its dramatic gable appeared as a linear photoengraving, together with a plan, in *Building* (September 1886).

The changes that Wright made in moving beyond his apparent models anticipate the direction his work would take in the next two decades. As Neil Levine notes in writing about Wright's dramatically abstract Oak Park house, it is the "projection of an image" of what a house could be, at once familiar and yet strikingly simple, and outside the limits proscribed by conventional types. Indeed, Wright comments in the *Autobiography* that his neighbors were perplexed and asked if the design "were Seaside or Colonial."

Wright's first significant innovation was placing his house not on a light framed porch but on a solid elevated terrace, enclosed by a continuous masonry wall and gained by broad low stone stairs, making a far stronger connection to the earth. Wright used continuous surfaces of shingles throughout, on both the walls and long roof planes. He also enlarged and abstracted Price's near-Palladian window, making it a broad strip of windows illuminating his studio. The great overhang of the front gable portends the extended cantilevers of the eaves of Wright's subsequent Prairie Houses.

Wright's plan was a pinwheel of spaces arranged around a small central hearth sheltered within a diminutive inglenook. The round-arched fireplace, with its long tapered brick voussoirs, speaks of Wright's admiration for Richardson and Louis Sullivan. In the four corners of the living room ceiling, electric lighting fixtures are integrated into square-paneled flourishes of foliate ornament, recalling the similarly integrated ornament and lighting used by Sullivan in his Auditorium theater. The staircase in the adjoining entry stair-hall, incorporating a built-in seat and rising in gentle stages with many landings, exemplifies the Queen Anne house. And in the stair-hall, placed over the upper molding, is a continuous plaster frieze, a miniature near-replica of the imposing high relief sculpture of the great Altar of Zeus of Pergamon, whose classical reference is reinforced by the denticulated cornice in the living room.

What began as a compact cottage house was modified repeatedly by Wright to accommodate his family, and then to house his office and studio, so that its original simplicity has been somewhat obscured. Nonetheless, the dramatic west facade gable and the interconnected extruded spaces within still herald Wright's incipient early modernism.

ERNEST COXHEAD'S HOUSE

San Francisco, California, 1893

Architecture "on the edge of the world" was what architectural historian Richard Longstreth called the work of several highly imaginative architects who moved to San Francisco at the turn of the last century. Almost at once that city was blessed with the inventive genius of five remarkable designers—Ernest Coxhead, Willis Polk, Bernard Maybeck, A. C. Schweinfurth, and A. Page Brown. All came from the East. Maybeck had worked in New York City in the office of Carrère & Hastings; and Brown for McKim, Mead & White.

Ernest Coxhead, however, came from much farther east. Born in 1863 in Eastbourne, Sussex, England, Coxhead had studied under an engineer and then at the Royal Academy and the Architectural Association in London. Thanks to his work and education Coxhead possessed a solid grounding in classical design, with its emphasis on clear expression of the building program and its emphasis on proportions, as well as a sound introduction to English medieval architecture, with its attention to detail. He was involved in the restoration of several centuries-old churches and seems to have developed some associations with the young leaders of the English Arts and Crafts movement in London. In 1886 he and his brother, Almeric, left Great Britain and headed west, crossing the American continent and settling first in Los Angeles, California. Why he made so decisive and dramatic a break from family and country may never be known, but he may have been given encouragement by the Episcopal Diocese in California. Between 1887 and 1898 he and Almeric, who managed their practice, designed most of southern California's new Episcopal churches and enjoyed a field of action far greater than would have been afforded them in England.

While in England Coxhead had been introduced to the American Shingle Style. Longstreth notes that a major exhibition of such American work was mounted by the Royal Institute of British Architects shortly before Coxhead left. One of Coxhead's early churches, All Saints in Pasadena, 1888–89, employed a fusion of English Arts and Crafts with the rounded, biomorphic forms made possible by shingle work. Other churches followed, but the building boom in Los Angeles ended in about 1889 as Coxhead was given commissions for three new Episcopal churches in the San Francisco Bay area.



The fireplace at the rear of the long gallery.

OPPOSITE: *Winding flights of steps lead to the front door.*





ABOVE: *Eschewing symmetry and formality, Coxhead made his living room a collage of cozy corners.*

His first project in San Francisco, and perhaps his masterwork in church design, was the massive Church of St. John the Evangelist, 1890–91 (fig. 28). It was dynamited to prevent the spread of fire following the earthquake of 1906. Indebted to Richardson, it was based on a compact Greek cross plan but had a center dome capped by a broad squat square shingle-covered tower, vented by deep louvers that ran in continuous bands around the base of the pyramidal roof. The shingled roof surface also wrapped over the gable ends, fusing with the wall surfaces in a unique organic way. Although his other major urban churches were of masonry, Coxhead's smaller parish churches exploited shingles, which seemed to flow over the building surface, around corners, up and over doors and windows, and over gable ends, merging wall and roof into one plastic envelope.

By 1891 the Coxhead partnership began to receive commissions for small houses in San Francisco, such as that for James McGauley on Pacific Heights. For these Coxhead continued to use wood frame construction, and in the McGauley house he used an exposed half-timber frame, interrupted by a

broad brick chimney mass, and a tall, steep roof that prompted Longstreth to call the house a "transplanted English cottage." By 1893 Coxhead's house designs had become more abstracted, their geometric shapes emphasized by continuous coverings of shingles over the walls and roofs. Windows were grouped and placed strongly off-center at what appear to be odd locations but which actually reflect the pragmatic arrangements of the interiors. In some instances, the unusual character of these houses was dramatized by curiously overscaled details. Certainly, a contributing factor in Coxhead's distinctive work were the steeply pitched building sites he worked on, as in Pacific Heights, for the front facades of the houses would automatically be thrown off center by the incline of the street.

In 1891–92, adjacent to the McGauley house, Coxhead designed an extremely long and narrow house for himself and his brother. The narrow street facade, rising four stories, becomes almost a tower, while the entry side (reached by steps and a tunnel-like passage through the base retaining wall), stretches almost 94 feet, with the steep roof plane pulled deliberately low to

At the rear of the long gallery.





ABOVE: *With the door closed, this corner of the bedroom becomes an intimate sitting area.*

OPPOSITE: *The tiny staircase demonstrates Coxhead's skill in turning the exigencies of a narrow lot to picturesque advantage.*

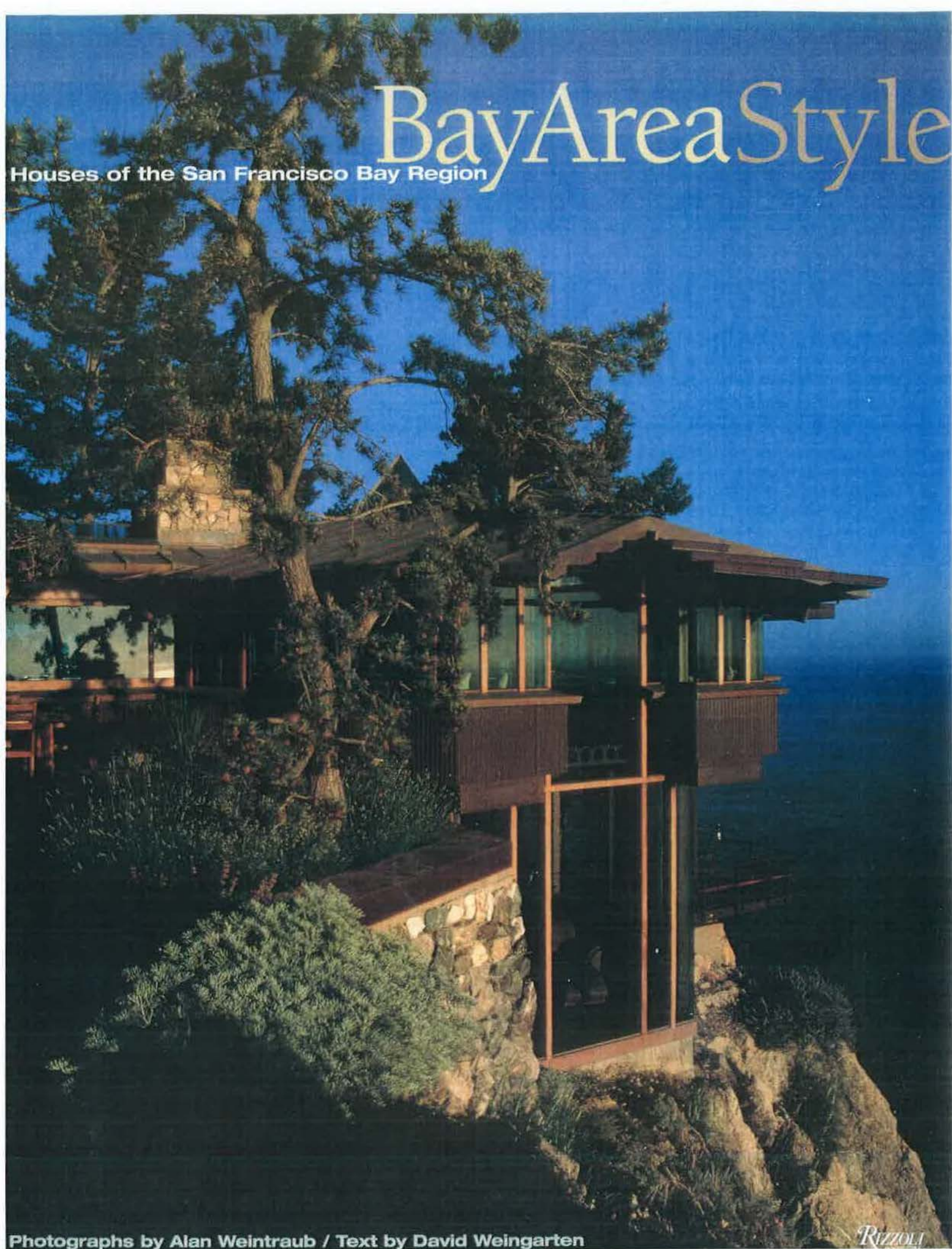
emphasize its horizontal extension. The narrow site gave rise to some unusual innovations, such as a long entrance corridor that Coxhead broadened a bit to evoke memories of an English long gallery. With two hearths introduced, this gallery divides itself into separate sitting areas. The rear area is especially pleasant. A bay window and French doors bring in abundant light even on gray, foggy days. At every turn the exigencies of the narrow site, and the low roof, are turned to advantage to produce unexpected nooks and cozy recesses. Dark wood, broadly and blockily detailed, dominates the interior spaces, further bringing down the scale. Although dark and encompassing, the rooms are opened up by broad window groupings, which once afforded panoramic views of San Francisco Bay. As neighboring buildings began to impinge on his views, Coxhead moved away, but his rustic aerie survives, an enchanted little world of domestic delight.



ATTACHMENT 2

BayAreaStyle

Houses of the San Francisco Bay Region



Photographs by Alan Weintraub / Text by David Weingarten

RIZZOLI

BayAreaStyle

Houses of the San Francisco Bay Region

Photographs by Alan Weintraub

Text by David Weingarten

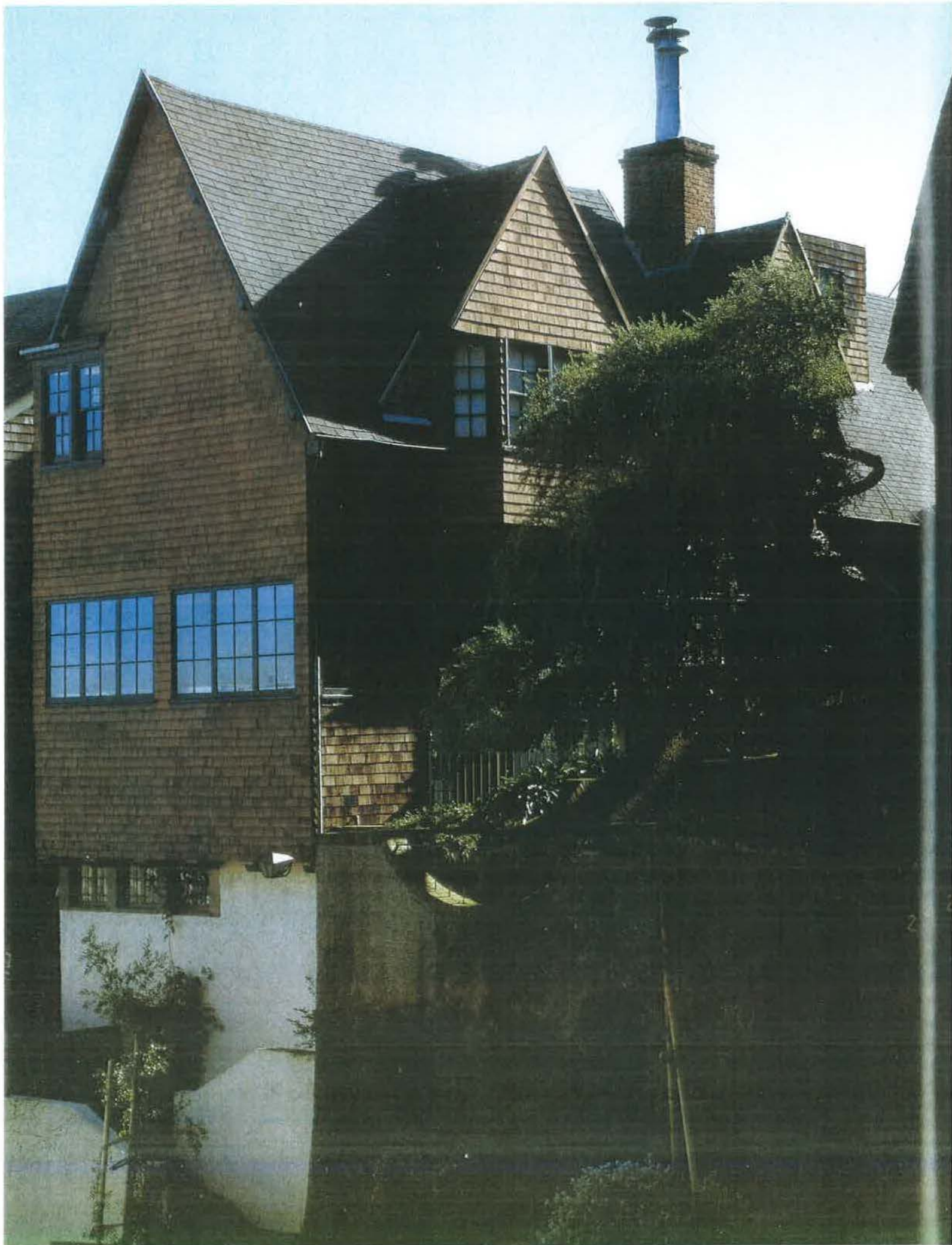
RIZZOLI
NEW YORK

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Ernest Coxhead *Coxhead House* San Francisco 1893

Though less rustic (and spooky) than his friend Willis Polk's place, Ernest Coxhead's nearly contemporaneous Pacific Heights dwelling is similarly eccentric. The end of this house overhangs a tall concrete wall and, like Polk's, is a large, shingled bay with a steeply sloping pitched roof. A corner window without precedent (or sequel for that matter) is this street facade's most diverting feature.

The entire effect is of English Arts and Crafts without the stifling decorum. We can imagine how well this suited Coxhead, an Englishman transplanted to California.

It is the path through the house, though, wide and narrow, careering along the edges of some rooms, and through the middle of others — a kind of dark ride of the early Bay Region style — that is the singular achievement here. The historian John Beach, in *Bay Area Houses*,



describes it this way, "It is as if the house had been trimmed away, leaving only the circulation space. Then a step here and a landing there are extruded horizontally, expanded from a small space to a larger. By this curious process the stair sequence ceases to be simply an element of a larger building, but is transformed into the building itself." ■

OPPOSITE Street facade with shingled bay overhanging rough stucco wall.

ABOVE LEFT Path to front door.

ABOVE RIGHT Garden facade.





OPPOSITE
Living room with large redwood
fireplace surround, partially
hidden high window to its right,
and carefully finished redwood
beam ceiling



ABOVE LEFT
Large fireplace by the front door
opens to wide hall.

ABOVE RIGHT
Long redwood gallery leading from
foyer to rear garden.



ABOVE LEFT
Dining room looking into
conservatory-like gallery.



ABOVE MIDDLE
Bedroom with exposed beams
is open to the steep gable of the
roof.



ABOVE RIGHT
Hall opens to two-story redwood
stairwell. Mysterious stair to third
floor spills into hall.

OPPOSITE
Dining room with large windows to
the garden and built-in redwood
cabinets.



ATTACHMENT 3

ON THE EDGE OF THE WORLD



Four Architects
in San Francisco
at the Turn
of the Century

RICHARD
LONGSTRETH

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Coxhead began to receive commissions for small houses in Pacific Heights at about the time of Polk's first work on Russian Hill. Coxhead's earliest designs, such as that for friend James McGauley (1891), adhere to the prevailing pattern in their use of suburban imagery. McGauley's house is, in effect, a transplanted English cottage. By 1893 an important shift occurred in Coxhead's approach, evident in the adjacent residence built for himself and Almeric (Fig. 73). Like the Williams-Polk house, it exploits a difficult site to achieve a dramatic effect. The design is also a more sophisticated interpretation of English precedents than was McGauley's. The narrow street frontage is accentuated by a towerlike facade that has a taut, abstract quality. The bands of little windows set flush against the surface were probably inspired by recent London work of Shaw and others. However, the composition is more simplified and softened than English models, in keeping with the building's size and materials. The west elevation, facing McGauley's yard, with its dominant horizontality and rural character, contrasts with the facade and underscores the transition from public to private space. Expanses of shingled wall and roof surfaces, interrupted only by the simplest window articulation, extend from a pivotal clustering of elements grouped around the front door. The composition may well

73. Coxhead & Coxhead. Ernest and Almeric Coxhead house, 1893 (*left*), and James McGauley house, 1891–1892 (*right*), San Francisco. (Courtesy John Beach)

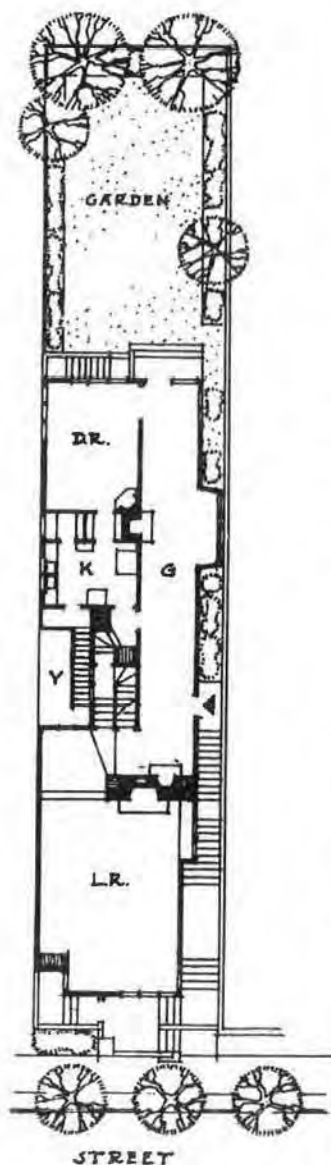




74. Coxhead house, rear view. (Courtesy John Beach)

have been inspired by Voysey's early projects, but Coxhead's version is more compact and mannered at its focal point and less regimented elsewhere.²⁰ Toward the rear, the house looks somewhat like a Surrey barn that has been remodeled in a straightforward way, lacking the studied poise of the street facade (Fig. 74). Front and rear are set in opposition, while the overriding simplicity of detail lends cohesiveness to the whole. Both the imagery and the studied casualness present in this design owe a major debt to English arts-and-crafts work, which became a guidepost for Coxhead's work during the next several years.²¹ But neither Coxhead nor Polk considered the Arts and Crafts Movement to be a discrete entity; instead they appear to have viewed it as a potent source for expression in rustic design—an updated equivalent of the Shingle Style—that was appropriate to the design of modest houses.

Coxhead's plans remained more American. In his own residence there is an ever-changing path up to and through the premises, inspired by Polk's work but developed in a different way. The entrance is reached by a series of winding steps and landings that become progressively constricted, with the final run wedged between a retaining wall and the basement, as if it were an alley in an Italian hill town



75. Coxhead house, plan.
(Drawn by Howard Moise)



76. Coxhead house, front steps. (Author)

(Figs. 75, 76). A transition occurs at the front door, spatially echoing the change in character between the front and rear portions of the house. Inside, the emphasis is wholly horizontal. The long gallery, the plan's one English component, is unlike its prototypes in that it generates a sense of continuity while dramatizing the site's narrow form through variations in space and light (Fig. 77). From the dark vestibule

the corridor that serves McGauley's windows or tion the spa in a circuit opposite the emphasis. and is made and beams corners, ar highest wi the far cor deck from of the Bay sequence a mitigating

77. Coxhead house, interior.



the corridor gradually becomes brighter, expanding into a glazed bay that serves as a secondary sitting area, with a borrowed vista of McGauley's yard. The gallery brightens further at the end, where windows on two sides open into a secluded garden. In the other direction the space unfolds more rapidly, lapping down a broad turn of steps in a circuitous path to the living room. Although the stair is directly opposite the entrance, it is encased so as not to interrupt the horizontal emphasis. The living room is unusually large for a house of this size and is made even more expansive by grandly scaled redwood paneling and beams (Fig. 78). The living room windows are placed only at the corners, and each one is at a different height. Like a periscope, the highest window bank catches a segment of the McGauley house. At the far corner, the platform and attendant bench offer an observation deck from which to view houses across the street and catch glimpses of the Bay beyond. Paralleling the Williams-Polk house interiors, the sequence and manipulation of each zone imply an extension of space, mitigating the property's narrow confines.

77. Coxhead house, gallery. (Author)





78. Coxhead house, living room. (Author)

An equally unconventional solution is present in the Charles Murdock house around the corner, which Coxhead had designed several months earlier. A native of Boston, Murdock moved to California in 1855 and became a widely respected elder of the intellectual community. Murdock ran a small printing business; he considered bookmaking an art and was patronized by some of the region's most gifted writers. Among his friends were Bret Harte, Robert Louis Stevenson, John Muir, and William Keith. While active in the Unitarian church, he had been married by Joseph Worcester and frequently attended his services. Murdock was also an ardent supporter of the younger generation, including Bruce Porter, Gelett Burgess, and Coxhead. Since Murdock, like many of his friends, could not afford to spend much for his house, it was designed with about as much floor area as Coxhead's residence, and at an even lower cost.²²

The studied asymmetry of the facade recalls those of E. W. Godwin's well-known artists' houses in Chelsea from a decade earlier,



80. Houses in



ATTACHMENT 4



Nancy Pelosi
Democratic Leader

August 7, 2017

State of California
Office of Historic Preservation
Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

Attention: Julianne Polanco
State Historic Preservation Officer

Subject: Nomination for Listing
National Register of Historic Places

RE: Architect Ernest Coxhead's Residence & Studio, 1893
2421 Green Street, San Francisco, California

Dear Ms. Polanco:

It is with great enthusiasm that I write in support of the nomination of Ernest Coxhead's own house for listing in the National Register of Historic Places. I have had the pleasure of visiting Architect Coxhead's residence and studio located at the juncture of Cow Hollow and Pacific Heights. This area in California's 12th Congressional District which I represent in Congress. I take special pride in San Francisco's architectural treasures and recognize the Coxhead house as a first of an architectural tradition in the Bay Area. It happens to be in excellent original condition, including brickwork, having survived amazingly intact, the 1906 San Francisco earthquake and fire.

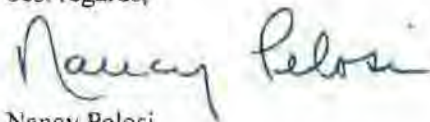
Designed and built before automobiles and never retrofitted with a garage, both the house entry and garden are quietly accessed from the street via a twisting stairway to the west side. The classical entry conceals an ingenious interior with a long glazed entrance gallery running from a high-ceilinged living room at the north to a dining area on the southern rear garden that shares an eastern property line with the garden of the 1867 Casebolt House, San Francisco Landmark No. 51.

The house is shingle style integrated with subtle Cotswold features that Coxhead brought to Northern California. The beautiful non-symmetrical exterior design that is fitted to the land and view was the beginning of what became the First Bay Area Tradition that evolved into Second and Third Bay Area Traditions taught at the University of California, Berkeley, and practiced by the most heralded Bay Area architects. The importance of the house to the evolution of local architecture cannot be overemphasized.

I believe the nomination papers are well done and the Ernest Coxhead's Residence & Studio should be included in the National register of Historic Places.

Thank you for your attention to the remarkable and still beautifully functioning personal home of Ernest Coxhead.

best regards,


Nancy Pelosi

ATTACHMENT 5

Carol L. Karp
Architect A.I.A.

December 29, 2017

Philip Kaufman
2421 Green Street
San Francisco, CA 94123

Subject: Ernest Coxhead House
2421 Green Street, San Francisco
Historic Status

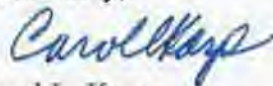
Dear Mr. Kaufman:

This correspondence memorializes our understanding for providing architectural research services for the residence Ernest Albert Coxhead designed and built for himself in 1892-1893 Green Street, San Francisco, which you have owned for about 30 years. Your consulting engineer, Lawrence Karp, had suggested to you in early 2017 that a colleague of ours, Kathryn Marsh Shaffer AIA Architect, prepare a nomination for inclusion of the Coxhead House in the National Park Service's Registry of Historic Places to be lodged with the California State Park's Office of Historic Preservation (OHP) in Sacramento. OHP relies on CEQA for protection of historic resources. Kathryn Shaffer was a distinguished architect, artist, and author, having both written and illustrated by hand the book "Houseboats of Sausalito - Aquatic Architecture of Sausalito" published by Schiffer in 2007. Kathryn had also been a student of Richard Longstreth, author of the book on American architecture "At the Edge of the World", a history of the four important architects that shaped California architecture at the turn of the century, published by MIT Press in 1983. On April 11th 2017 Longstreth gave the NPS written permission to use copyrighted material in the Coxhead nomination. Kathryn worked on the Coxhead House project and submitted drafts of the nomination to the OHP until she could no longer serve due to personal reasons. On August 28th 2017 Kathryn wrote an assignment of the nomination duties to my office.

I submitted a final draft of the nomination to OHP. On September 13th 2017, OHP advised us the Coxhead House was "clearly eligible" for inclusion in the National Registry of Historic Places. This eligibility gives the Coxhead House official historic status in the City & County of San Francisco pursuant to San Francisco Administrative Code §31.08(e)3. Sadly, Mrs. Shaffer passed away on October 2nd 2017.

My credentials include attending Vassar College as an undergraduate and in March 1970 I received the professional Bachelor of Architecture degree from the University of California, Berkeley. Subsequently, I studied at Harvard University's Graduate School of Design, Cambridge. I am licensed as an architect in California and Hawaii and I am a Member of the American Institute of Architects. I am a native of San Francisco and I have more than 40 years of local experience in design, construction, and historic preservation. As a public service, I have provided the nomination services to the California Park Services Office of Historic Preservation, and reports to the City & County of San Francisco's Planning Department and the Board of Supervisors, without compensation.

Yours truly,



Carol L. Karp



Technical Consultation, Data Analysis and
Litigation Support for the Environment

2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G., C.Hg.
(949) 887-9013
mhagemann@swape.com

September 9, 2019

Richard Drury
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

Subject: 2417 Green Street Project, San Francisco, California

Dear Mr. Drury:

I have reviewed the June 26, 2019 Preliminary Mitigated Negative Declaration for 2417 Green Street, Case No. 2017-002545ENV. After a brief discussion of soil sampling conducted at the Project site (p. 73), the MND finds “the project would not result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.”

I previously commented that the soil sampling was not adequate to provide the basis for the San Francisco Department of Public Health to have concluded “there is no possibility of a significant effect on the environment related to exposure to hazardous materials.”¹ Since I made that comment, no additional sampling has been conducted.

I maintain that a program of sampling should be undertaken across the property consisting of at least eight locations and at two depth intervals. Only a property-wide investigation would allow for the conclusion, as made in the MND, that there was no possibility of a significant effect from exposure to hazardous materials.

An environmental impact report should be prepared to include results of a property-wide sampling program to allow for disclosure of any contamination that may be present, and to identify any mitigation that would be necessary for the protection of the public, including construction workers and adjacent residents.

¹ See letter to Mr. Richard Drury, September 27, 2018, p. 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Hagemann", with a stylized, cursive script.

Matt Hagemann, P.G., C.Hg.



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November 27, 2018

Richard Drury
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

Subject: 2417 Green Street Project

Dear Mr. Drury:

I have reviewed the February 27, 2018 report¹ that documents soil sampling results obtained from the 2417 Green Street property in San Francisco. The two samples, collected from a single surficial depth interval two locations, were analyzed for parameters that are required under San Francisco Health Code article 22A (Maher Ordinance). The report summarized the results and concluded that hazardous materials were not present at the 2417 Green St. property. The San Francisco Department of Public Health (DPH) determined in a June 22, 2018 letter²:

Based on review of the documents, DPH found the project in compliance with San Francisco Health Code article 22A, and requires no further investigation. Thus, there is no possibility of a significant effect on the environment related to exposure to hazardous materials. (p. 11.)

I have reviewed the soil sampling requirements of Health Code article 22A and have concluded that the sampling was not adequate to provide the basis for DPH to conclude that "there is no possibility of a significant effect on the environment related to exposure to hazardous materials." The soil sampling that was conducted was limited to two co-located samples. Instead, a program of sampling should have been undertaken across the property consisting of at least eight locations and at two depth intervals (0-0.5 ft. and 3.0-3.5 ft). This is especially important because a source of potential contamination that led

¹ Site Characterization, 2417 Green St., San Francisco, California, Innovative and Creative Environmental Solutions, February 27, 2018

² Certificate of Determination Exemption from Environmental Review, San Francisco Planning Department, June 22, 2018

to the Maher listing is not known. Only a property-wide investigation would allow for the conclusion that there was no possibility of contamination, as made by DPH.

An amended workplan should be submitted by the applicant to DPH that would set forth a comprehensive soil and groundwater (if present) sampling program to determine if the property has been impacted by contamination. A thorough evaluation, made available to the public for review in report format, is necessary to allow for disclosure of any contamination that may be present, and to identify any mitigation that would be necessary for the protection of the public, including construction workers and adjacent residents.

Sincerely,

A handwritten signature in blue ink, appearing to read "M Hagemann", with a long horizontal flourish extending to the right.

Matt Hagemann, P.G., C.Hg.



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September 27, 2018

Richard Drury
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410 12th Street, Suite 250
Oakland, CA 94607

Subject: 2417 Green Street Project

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December 27, 2017

Richard Drury
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

Subject: Comments on the 2417 Green Street Project

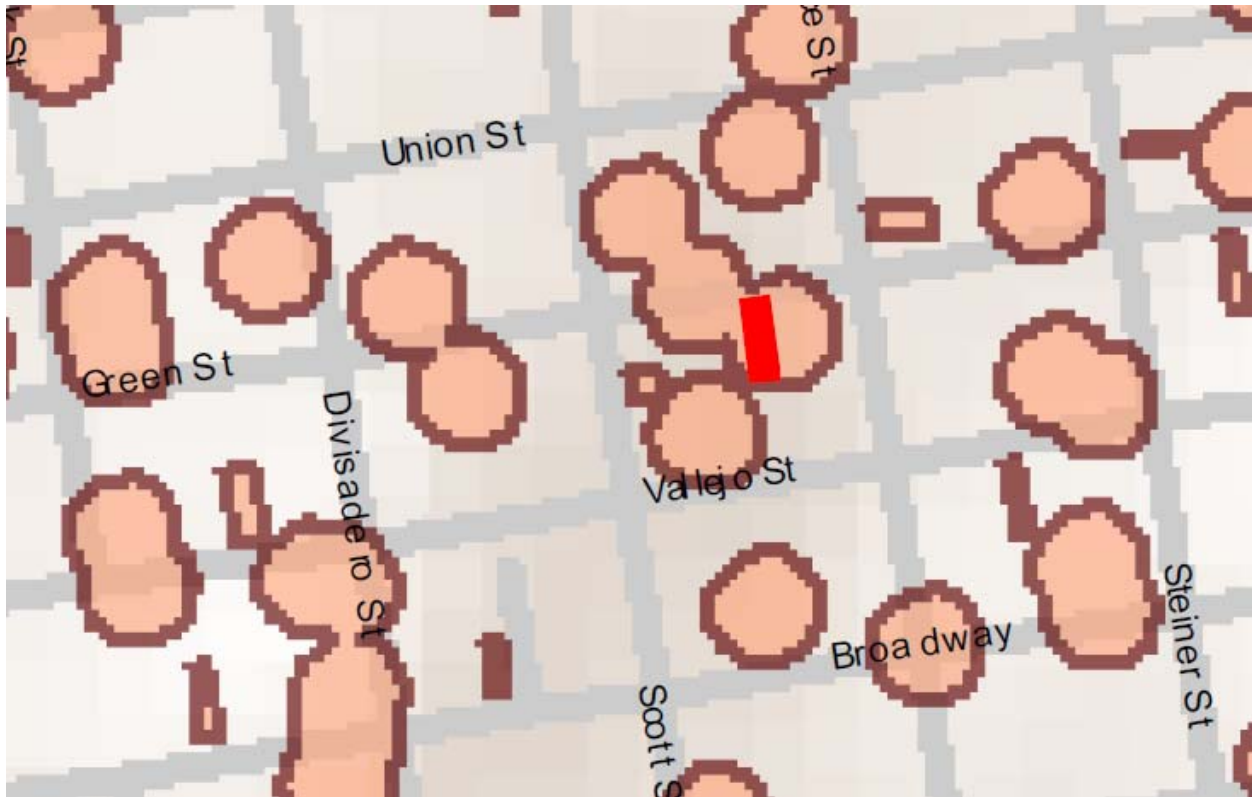
Dear Mr. Drury:

I have reviewed the City of San Francisco's documentation for the May 16, 2017 Categorical Exemption for proposed excavation and construction work at a residence at 2417 Green Street in San Francisco. The City's determination that the project is exempt from CEQA review is erroneous because the subject property occurs on the 2015 Maher Map,¹ which identifies areas within 100 feet of current or historical underground storage tanks. Properties with potential subsurface chemical contamination that require grading of 50 cubic yards of material are regulated under the San Francisco Maher Ordinance (Article 22A of the San Francisco Health Code and Article 106A.3.4.2 of the San Francisco Building Code)².

The applicability of the Maher Ordinance to the project at 2417 Green Street is clear. As shown in the map below, excerpted from Maher Map, the project is atop a mapped site.

¹ http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Maher%20Map.pdf

² [http://library.amlegal.com/nxt/gateway.dll/California/health/article22aanalyzingsoilsforhazardouswast?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca](http://library.amlegal.com/nxt/gateway.dll/California/health/article22aanalyzingsoilsforhazardouswast?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca)



Because the project area occurs on the Maher map, requirements under the ordinance include:

- Preparation of a Maher Ordinance application
- Submittal of a Subsurface Investigation Work Plan prepared by your Environmental Consultant
- Receipt of Work Plan approval and performance of the work described in the Work Plan
- Submittal of a Subsurface Investigation Report prepared by a qualified Environmental Consultant
- Preparation and submittal of a Site Mitigation Plan including description and design for any required mitigating measures (approval is required before earthwork).

No documentation was provided for the Categorical Exemption to show that the City has conducted the required Maher Ordinance work.

The application materials indicate that the proposed project on the subject property would require 408 cubic yard of soil excavation and removal (Environmental Evaluation, p. 7). Given the listing of the property on the Maher Map, this excavation may disturb potentially contaminated soil, which may expose nearby residents and/or construction workers to hazardous chemicals. Given this, there is a fair argument that the proposed project at 2417 Green Street may have adverse environmental impacts that must be analyzed under the Maher Ordinance and CEQA.

A full CEQA analysis should be invoked to allow for the Maher process to be completed, to allow for public disclosure of any contamination that may be present, and to identify any mitigation that would be necessary for the protection of the public, including construction workers and adjacent residents.

Sincerely,

A handwritten signature in blue ink, appearing to read "M Hagemann", with a long horizontal flourish extending to the right.

Matt Hagemann, P.G., C.Hg.



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Litigation Support for the Environment

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Email: mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certification:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – present;
- Senior Environmental Analyst, Komex H2O Science, Inc (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of numerous environmental impact reports under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions and geologic hazards.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.
- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt currently teaches Physical Geology (lecture and lab) to students at Golden West College in Huntington Beach, California.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.



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Santa Monica, CA 90405

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November 20, 2017

Richard Drury
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

Subject: Comments on the 2417 Green Street Project

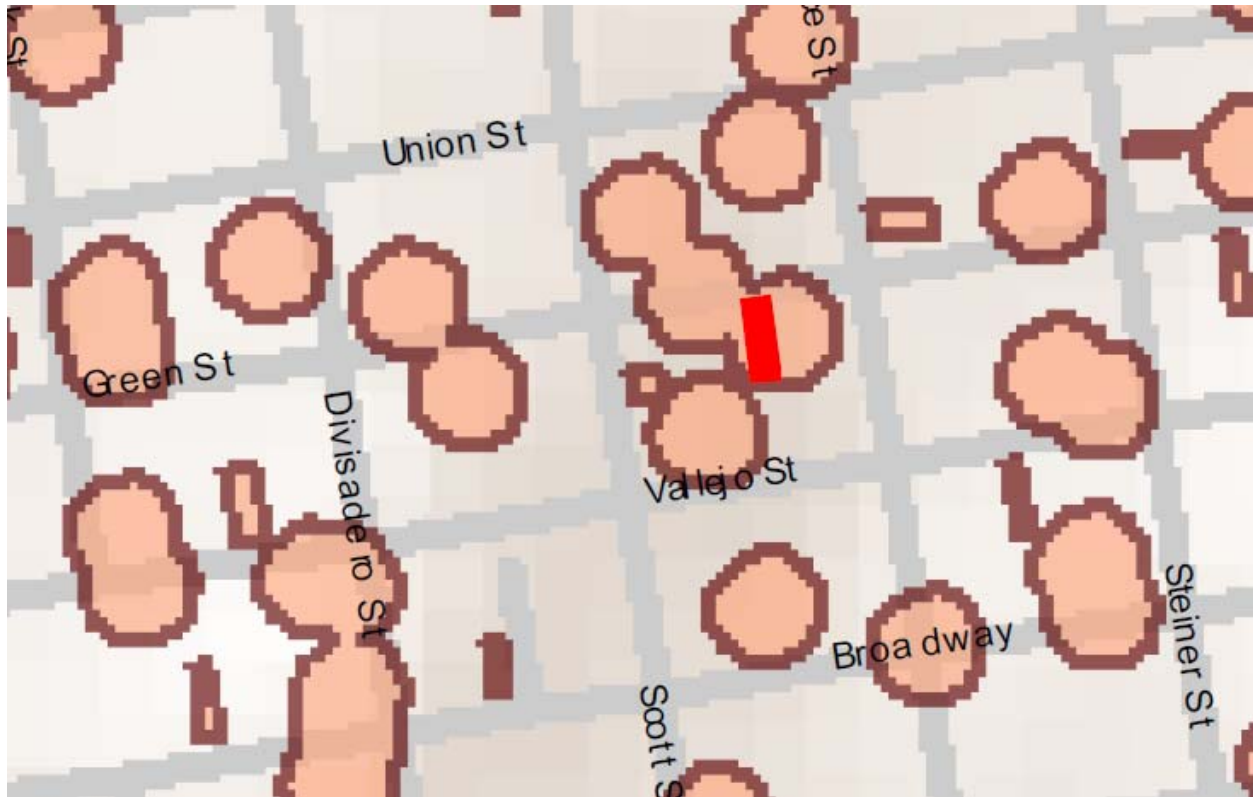
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The applicability of the Maher Ordinance to the project at 2417 Green Street is clear. As shown in the map below, excerpted from Maher Map, the project is atop a mapped site.

¹ http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Maher%20Map.pdf

² [http://library.amlegal.com/nxt/gateway.dll/California/health/article22aanalyzingsoilsforhazardouswast?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca](http://library.amlegal.com/nxt/gateway.dll/California/health/article22aanalyzingsoilsforhazardouswast?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca)



Because the project area occurs on the Maher map, requirements under the ordinance include:

- Preparation of a Maher Ordinance application
- Submittal of a Subsurface Investigation Work Plan prepared by your Environmental Consultant
- Receipt of Work Plan approval and performance of the work described in the Work Plan
- Submittal of a Subsurface Investigation Report prepared by a qualified Environmental Consultant
- Preparation and submittal of a Site Mitigation Plan including description and design for any required mitigating measures (approval is required before earthwork).

No documentation was provided for the Categorical Exemption to show that the City has conducted the required Maher Ordinance work.

The application materials indicate that the proposed project on the subject property would require 408 cubic yard of soil excavation and removal (Environmental Evaluation, p. 7). Given the listing of the property on the Maher Map, this excavation may disturb potentially contaminated soil, which may expose nearby residents and/or construction workers to hazardous chemicals. Given this, there is a fair argument that the proposed project at 2417 Green Street may have adverse environmental impacts that must be analyzed under the Maher Ordinance and CEQA.

A full CEQA analysis should be invoked to allow for the Maher process to be completed, to allow for public disclosure of any contamination that may be present, and to identify any mitigation that would be necessary for the protection of the public, including construction workers and adjacent residents.

Sincerely,

A handwritten signature in blue ink, appearing to read "M Hagemann", with a long horizontal flourish extending to the right.

Matt Hagemann, P.G., C.Hg.



Technical Consultation, Data Analysis and
Litigation Support for the Environment

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Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certification:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – present;
- Senior Environmental Analyst, Komex H2O Science, Inc (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of numerous environmental impact reports under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions and geologic hazards.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.
- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt currently teaches Physical Geology (lecture and lab) to students at Golden West College in Huntington Beach, California.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.