

File No. 21151

Item No. 7

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Complaint Committee

Date: December 21, 2021

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| <input type="checkbox"/> | Petition/Complaint | Page: _____ |
| <input checked="" type="checkbox"/> | Memorandum - Deputy City Attorney | Page: _____ |
| <input checked="" type="checkbox"/> | Petitioner/Complainant Supporting Documents | Page: _____ |
| <input checked="" type="checkbox"/> | Respondent's Response | Page: _____ |
| <input type="checkbox"/> | Public Correspondence | Page: _____ |
| <input type="checkbox"/> | Order of Determination | Page: _____ |
| <input type="checkbox"/> | Minutes | Page: _____ |
| <input type="checkbox"/> | Administrator's Report | Page: _____ |
| <input type="checkbox"/> | No Attachments | Page: _____ |

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Completed by: C. Leger Date 12/15/21

* An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file on a disk

**Sunshine Ordinance Task Force
Complaint Summary**

File No. 21151

Jerry Dratler v. Planning Department

Date filed with SOTF: 11/15/21

Contact information (Complainant information listed first):

Jerry Dratler (dratlerj@gmail.com) (Complainant)

Rich Hillis, Charnbory Son, and the Planning Department (Respondent)

File No. 21151: Complaint filed by Jerry Dratler versus Rich Hillis, Charnbory Son, and the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to public records request in a timely and/or complete manner.

Administrative Summary if applicable:

Oct 11, 2021, request for the following:

Planning Department file for the construction of a new house at 365 Pacheco including 311 notice and the plans that were sent to the neighbors with the 311 notice.

Oct 12, 2021, Planning Dept provided a response indicating that the subdivision file for the lot line adjustment from 2005 was provided and not other records were available. Planning did indicate they anticipate a formal application to develop the property.

Complaint Attached.

Complainant/Petitioner's Document Submission

Leger, Cheryl (BOS)

From: dratlerj@gmail.com
Sent: Monday, November 15, 2021 8:24 AM
To: SOTF, (BOS)
Subject: copy of complaint with attachment my November 15,2021 complaint against the Planning Department
Attachments: November Complaint Form Sunshine Ordinance Task Force.pdf; Email exchange with Planning Dept. on the file for Angus McCarthy's house- final.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am sending my complaint form with an attachment. Is it possible to enclose an attachment with a Sunshine Task Force complaint?
Thank you,
Jerry Dratler

Visit the City's new website, [SF.gov](https://sf.gov)

Sunshine Ordinance Task Force

Complaint Form

SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco CA 94102
Tel. (415) 554-7724;
Fax (415) 554-7854
<http://sfgov.org/sunshine>

Complaint against which Department or Commission *

Planning Department

Name of individual contacted at Department or Commission

Rich Hillis, Chanbory Son

Alleged Violation *

Public Records

Public Meeting

Date of public meeting (if checked)

see attached

Sunshine Ordinance Section:

(If known, please cite specific provision being violated)

see attached

Please describe alleged violation *

Subject: Complaint against Rich Hillis and Chanbory Son for denying me access to the Planning Dept. 365 Pacheco Street (Angus McCarthy's house) new construction file.

There are numerous current documented instances of corrupt behavior by current and former San Francisco City officials. This is precisely the time at which the city should be in full compliance with the city's Sunshine Ordinance and the California Public Records Act.

On October 18, 2021, I sent an analysis of 14 irregularities that occurred in the construction of Angus McCarthy's house at 365 Pacheco Street. The analysis is incomplete because I was unable to review of copy of the 365 Pacheco Street site plan approved by DBI and the Planning Department. When I asked to review a copy of the site plan at the DBI Records Department I was told there was not a copy of the site plan in their records management system.

I would like to receive a copy of the approved site plan for 365 Pacheco Street one week before Mr. McCarthy's hearing date with the SF Board of Supervisors.

I filed a California Public Document Request with the SF Planning Department to review a copy of the site plan the Planning Department approved in their new construction file

P772

Department sent me a copy of the 311 Notice and plans. However, when I reviewed the 365 Pacheco Street plans I received, I noticed pages A2, A3 and A4 were missing. It would be most unusual for the Planning Department to retain an incomplete set of 311 plans in the department file they refuse to acknowledge exists. It is more likely that pages A2, A3 and A4 were removed from the copy of the plans that were sent to me.

The Planning Department violated the California Public Records Act when they denied my request for access to the new construction file for 365 Pacheco Street and may have improperly redacted 311 plan pages without providing a written justification for redacting the pages.

I have attached copies of the emails exchanged over 25 days where Mr. Hillis and Chanbory Son repeatedly violated my rights under the California Public Document Request Act.

Optional

Date

November 15 2021

Name

Jerry Dratler

Address

40 17th Avenue

City

San Francisco

Zip

Notice: Personal Information that you provide is subject to disclosure under the California Public Records Act and the Sunshine Ordinance, except when confidentiality is specifically requested. Complainants can be anonymous as

long as the complainant provides a reliable means of contact with the SOTF (Phone Number, Fax Number, or Email address).

12 email exchanges between Jerry Dratler and the SF Planning Department over 25 days regarding access to the Planning Department new construction file for Angus McCarthy's house at 365 Pacheco Street.

Email # 1 October 11, 2021 1:56 pm. Initial document request sent to the Planning Department requesting access to the new construction file for 365 Pacheco Street, Angus McCarthy's house.

From: dratlerj@gmail.com
Subject: Document request for immediate disclosure under the California Public Records Act - 365 Pacheco Street
Date: October 11, 2021 at 1:56 PM
To: richhillis@gmail.com
Cc: jonas.ionin@sfgov.ca



To: Rich Hillis

CC: Jonas Ionin

From: Jerry Dratler

Date: October 11, 2021

RE: Document request for immediate disclosure under the California Public Records Act – 365 Pacheco Street

Dear Mr. Hillis,

I am requesting access to records in your possession or control at the S. F. Planning Department for the purposes of inspection and copying pursuant to the California Public Records Act, California Government Code § 6250 et seq. ("CPRA"), and Article I, § 3(b) of the California Constitution. The specific records I seek to inspect, and copy are listed below. As used herein, "Record" includes "Public Records" and "Writings" as those terms are defined at Government Code § 6252(e) & (g). **I request immediate access to inspect/copy:**

1. The Planning Department file for the construction of a new house at 365 Pacheco Street. Documents I would like to review include the 311 Notice and the plans that were sent to the neighbors with the 311 Notice.

If you contend that any portion of the records requested is exempt from disclosure by express provisions of law, Government Code § 6253(a) requires segregation and redaction of that material in order that the remainder of the records may be released. If you contend that any express provision of law exists to exempt from disclosure all or a portion of the records I have requested, Government Code § 6253(c) requires that you notify me of the reasons for the determination not later than 10 days from your receipt of this request. Government Code §§ 6253(d) & 6255(b) require that any response to this request that includes a determination that the request is denied, in whole or in part, must be in writing and include the name and title of the person(s) responsible for the City's response.

Government Code § 6253(d) prohibits the use of the 10-day period, or any provisions of the CPRA or any other law, "to delay access for purposes of inspecting public records."

In responding to this request, please keep in mind that Article 1, § 3(b) (2) of the California Constitution expressly requires you to broadly construe all provisions that further the public's right of access, and to apply any limitations on access as narrowly as possible.

I would like to review the file in the next three days. If I can provide any clarification that will help expedite your attention to my request, please contact me at 650-678-4308 or dratlerj@gmail.com.

Thank you for your timely attention to this matter.

Sincerely,

Jerry Dratler

Email # 2 October 12, 2021 4:12 pm. Planning Department email response that they only have one file for Mr. McCarthy's house, the lot line adjustment file and not the new construction file.

From: CPC-RecordRequest CPC-RecordRequest@sfgov.org
Subject: FW: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street
Date: October 12, 2021 at 4:12 PM
To: dratlerj@gmail.com
Cc: CPC-RecordRequest CPC-RecordRequest@sfgov.org

Mr. Dratler,

We've received your request for files regarding developments at 365 Pacheco Street. Attached is the subdivision file for the lot line adjustment from 2005, which looks like it was abandoned.

We have no other files available. If there were plans to develop the property we have not received a formal application.

This will deem your request complete.

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7346 | www.sfplanning.org

Email # 3 October 13, 2021 8:38 am. I sent the Planning Department an email response informing them the notes on the building permit in the PTS system shows the Planning Department mailed a 311 Notice to the neighbors of 365 Pacheco Street on August 24, 2005, and suggested they check with the Planning Department employee who mailed the 311 Notice. I also mentioned that I look forward to reviewing the Angus McCarthy new construction file in person in their office.

From: dratlerj@gmail.com <dratlerj@gmail.com>
Sent: Wednesday, October 13, 2021 8:38 AM
To: CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Cc: richhillissf@gmail.com; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>
Subject: RE: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street

Chan Son,

Thank you for your prompt response to my California Public Records Act request. I believe there is a Planning Department file for the new construction at 365 Pacheco Street. You might want to check with Tom Wang if he still works for the city. The section 311 notice was mailed on August 24, 2005 and expired on September 23, 2005.

I look forward to reviewing the file in person in your office soon.

Regards,

Jerry Dratler

Email # 4 October 13, 2021 3:28 pm. The Planning Department sends me a copy of the 311 Notice for 365 Pacheco Street and the 311 plans from a file the Planning Department refuses to acknowledge exists.

From: CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Subject: RE: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street
Date: October 13, 2021 at 3:28 PM
To: dratlerj@gmail.com, CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Cc: richhillissf@gmail.com, Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>

Mr. Dratler,

Please see attached files.

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7346 | www.sfplanning.org
San Francisco Property Information Map

Email # 5 October 13, 2021 4:59 pm. I thank the Planning Department for sending me the two 311 Notice files and ask for an appointment on Thursday or Friday to review the entire file at the Planning Department. I also mention the 311 plans they sent me are missing pages A2, A3, and A4.

From: Jerry Dratler dratlerj@gmail.com
Subject: Re: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street
Date: October 13, 2021 at 4:59 PM
To: CPC-RecordRequest CPC-RecordRequest@sfgov.org
Cc: richhillisf@gmail.com, Ionin, Jonas (CPC) jonas.ionin@sfgov.org
Bcc: Dennis Richards drichards20@outlook.com, Joe Eskenazi getbackjoejoe@gmail.com

Thank you for promptly sending the two PDF files. I would like to make an appointment on Thursday or Friday to review the entire file. What time would be most convenient for you? The plans you sent me are incomplete. Plan pages A2, A3, A4 are missing and there are other documents in the file that I would like to review.

Regards,
Jerry Dratler

Email #6 October 14, 2021 9:07 am. I sent an email to the Planning Department identifying the documents in the 365 Pacheco Street new construction file I want to review at the Planning Department office.

From: dratlerj@gmail.com
Subject: FW: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street
Date: October 14, 2021 at 9:07 AM
To: richhillisf@gmail.com
Cc: jonas.ionin@sfgov.org

When I arrive at the Planning Department to review the files for the new home at 365 Pacheco Street I would like access to all the documents in the file including the following documents.

1. Complete sets of plans for 365 Pacheco Street. The plans that were sent with the 311 Notice and the site plan approved by your department.
2. A copy of Alice Barkley's May 2006 letter to Rick Cooper and Ceclia Jaroslkawsky.
3. A copy of the categorical exemption issued by your department.

Regards,
Jerry Dratler

Email #7 October 18, 2021 11:24 am. I received an email from the Planning Department claiming there are no additional records and suggesting I contact DBI for a complete set of 365 Pacheco Street plans.

From: CPC-RecordRequest CPC-RecordRequest@sfgov.org
Subject: RE: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street
Date: October 18, 2021 at 11:24 AM
To: Jerry Dratler dratlerj@gmail.com, CPC-RecordRequest CPC-RecordRequest@sfgov.org

Mr. Dratler,

My apologies for the delayed response. Planning has no additional records to provide.

You may contact the Department of Building Inspection for complete building plans.

All building permit applications, approved site plans, certificate of occupancy, complaints and/or inspection reports are the Department of Building Inspection (DBI's) legal records, and you may request such plans from DBI by completing a request form at <https://sfdbi.org/RMD> or email [DBI Sunshine Requests](mailto:DBI@sfplanning.org).

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7346 | www.sfplanning.org
San Francisco Property Information Map

Email # 8 October 27, 2021, 6:49 pm. I sent the Planning Department an email recapping our email exchanges and pointing out Planning Department violations of the California Public Records Act like redacting pages A2, A3 and A4 of the 365 Pacheco Street plans without providing a written justification for redacting the pages and refusing to grant me access to the Planning Department new construction file for 365 Pacheco Street.

From: Jerry Dratler <dratlerj@gmail.com>
Date: Wednesday, October 27, 2021 at 6:49 PM
To: "Hillis, Rich (CPC)" <rich.hillis@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, Chanbory Son <chanbory.son@sfgov.org>
Cc: "MelgarStaff (BOS)" <melgarstaff@sfgov.org>, "Peskin, Aaron (BOS)" <aaron.peskin@sfgov.org>, "Preston, Dean (BOS)" <dean.preston@sfgov.org>, "Ronen, Hillary" <hillary.ronen@sfgov.org>, "Pelham, Leeann (ETH)" <leeann.pelham@sfgov.org>, Cityattorney <Cityattorney@sfcityatt.org>
Subject: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street

On October 11, 2021, I sent you a California Public Records request for access to the Planning department new construction file for 365 Pacheco Street. Under the law you are required to grant me access to the file or specific documents in my request. Your department had 10 days during which your department should have notified me of any documents you believe are exempt from public disclosure. Your department did not send me a notice claiming specific documents were exempt from disclosure.

Your department is allowed to withhold records you deem are exempt by sending me a written determination of the documents or portions of the documents that you deem are exempt from disclosure no later than 10 days from the receipt of my document request. Your department did not send me a written notice that any documents in the Planning Department 365 Pacheco Street new construction file are exempt from disclosure.

Therefore, I am entitled to review all the documents in the Planning Department new construction file for 365 Pacheco Street.

I have summarized our 7 email exchanges from the attached PDF below. The email exchange documents Planning Department violations of the California Public Records Act. If Mr. Hillis does not grant me access to the new construction file for 365 Pacheco Street, my only option is to file a complaint with the San Francisco Ethics Commission.

- 1 On October 11, 2020, I sent Mr. Hillis a California Public Records Act request to review the new construction file for 365 Pacheco Street.
- 2 On October 12, 2021, I received an email from Planning Department with the 365 Pacheco Street lot line adjustment file attached and a claim from Chanbory Son there are no other files available. Is there a new construction file for 365 Pacheco Street that is not available?
- 3 October 13, 2021, Jerry Dratler sent Chanbory Son an email suggesting he work with Tom Wang to locate the new construction file because the Planning Department sent a 311 Notice to the neighbors on August 24, 2005.
- 4 October 13, 2021, email response from Chanbory Son with a copy of the 311 Notice and a set of 311 plans missing pages A2, A3 and A4. Section 6353(c) of the California Public Records Acts says I am entitled to a written determination why the Planning Department did not send me pages A2, A3, A4 of the 311 Notice Plans. When will you be sending me the written notice?
- 5 October 13, 2021, Jerry Dratler sent an email to CPC Records Request with copies to Mr. Hillis and Mr. Ionin requesting a Thursday or Friday appointment to review the Planning Department new construction file for 365 Pacheco Street.
- 6 Monday October 18, 2021, email response from Chanbory Son stating the Planning Department has no additional records to provide. My document request was to review the entire contents of the Planning Department new construction file for 365 Pacheco Street. I did not request copies of specific documents.
- 7 Monday October 25, 2021, email response from Chanbory Son stating the Planning Department is looking for the Alice Barkley email and will endeavor to complete my request by November 1, 2021. Fifteen days have elapsed since I sent an email request to review the Planning Department new construction file for 365 Pacheco Street.

The Planning Department's violation of the requirements of the California Public Record Act when San Francisco residents and members of the Board of Supervisors are inquiring into corruption in the Department of Building Inspection is intolerable.

Jerry Dratler

Email #9 October 28, 2021 9:48 am. I received an email from the Planning Department claiming as far as they are aware they are not withholding documents on Angus McCarthy's house.

From: Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>
Sent: Thursday, October 28, 2021 9:48 AM
To: Jerry Dratler <dratlerj@gmail.com>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Son, Chanbory (CPC) <chanbory.son@sfgov.org>
Cc: MelgarStaff (BOS) <melgarstaff@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Pelham, Leeann (ETH) <leeann.pelham@sfgov.org>; Cityattorney <Cityattorney@sfcityatty.org>; Lynch, Laura (CPC) <laura.lynch@sfgov.org>
Subject: Re: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street

Mr. Dratler,

As far as we are aware, we are not withholding any responsive documents to your request related to 365 Pacheco Street. Some documents are not in our possession, some may have never been digitized and some may have been destroyed.

In 2005, the Department had not yet developed a digitization policy for records related to building permit applications and/or cases.

Our extensive search has produced only those documents already provided to you. If any additional documents emerge, we will certainly provide them to you on a rolling basis.

It goes without saying that this result frustrates my Office, at least as much, as it probably does you.

Sincerely,

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

Email #10 October 29, 2021 9:34 am. I ask the Planning Department why pages A2, A3 and A4 are missing from the 311 plans they sent me.

From: "dratlerj@gmail.com" <dratlerj@gmail.com>
Date: Friday, October 29, 2021 at 9:34 AM
To: "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "Hillis, Rich (CPC)" <rich.hillis@sfgov.org>, Chanbory Son <chanbory.son@sfgov.org>
Cc: "MelgarStaff (BOS)" <melgarstaff@sfgov.org>, "Peskin, Aaron (BOS)" <aaron.peskin@sfgov.org>, "Preston, Dean (BOS)" <dean.preston@sfgov.org>, "Ronen, Hillary" <hillary.ronen@sfgov.org>, "Pelham, Leeann (ETH)" <leeann.pelham@sfgov.org>, Cityattorney <Cityattorney@sfcityatty.org>, "Lynch, Laura (CPC)" <laura.lynch@sfgov.org>
Subject: RE: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street

Thank you for your reply. Please explain why the plans (attached) that I was sent by your department are missing pages A2,A3, and A4.
Regards,
Jerry Dratler

Email # 11 October 29, 2021 9:38 am. The Planning Department says there is no explanation for the missing 311 plan pages A2, A3, A4.

From: Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>
Sent: Friday, October 29, 2021 9:38 AM
To: dratlerj@gmail.com; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Son, Chanbory (CPC) <chanbory.son@sfgov.org>
Cc: MelgarStaff (BOS) <melgarstaff@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Pelham, Leeann (ETH) <leeann.pelham@sfgov.org>; Cityattorney <Cityattorney@sfcityatty.org>; Lynch, Laura (CPC) <laura.lynch@sfgov.org>
Subject: Re: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street

Mr. Dratler,
We have no explanation for you, that would not be pure speculation. My Office can only provide what it discovers.

Jonas P Ionin
Director of Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 528.652.7589 | www.sfpplanning.org
[San Francisco Property Information Map](#)

Email # 12 November 5, 2021 11:34 am. The Planning Department sent me an email claiming they do not have any additional records on Angus McCarthy's house.

From: Jerry Dratler dratlerj@gmail.com
Subject: Fwd: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street
Date: November 8, 2021 at 11:34 AM
To: Jerry Dratler dratler@me.com

Begin forwarded message:

From: CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Subject: RE: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street
Date: November 8, 2021 at 11:29:55 AM PDT
To: "jerrelethompson" <jerret@comcast.net>
Cc: "Jerry Dratler" <dratlerj@gmail.com>

Mr. Dratler,

I am emailing you confirming that we have conducted a diligent search for the remaining requested records and concluded that we have no further records responsive to your request.

Please note that in 2005 most categorical exemptions issued for Building Permits were either stamped on the plans and/or written on the building permit, with no separate exemption document in the possession of the Planning Department. All building permit applications, approved site plans, certificate of occupancy, complaints and/or inspection reports are the Department of Building Inspection (DBI's) legal records, and you may request such plans from DBI by completing a request form at <https://sfdbi.org/BMD>. Additionally, you can make a request by sending it to this email: dbi.sunshinerequest@sfgov.org

We are not producing documents protected by attorney-client privilege. The California Public Records Act does not require an agency to provide "records the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege." (California Government Code Section 6254(k)) California Evidence Code Section 954 protects from disclosure communications between attorneys and their clients. The San Francisco Sunshine Ordinance authorizes the withholding of records based on specific permissive exemptions in the California Public Records Act and provisions of law prohibiting disclosure. (S.F. Admin. Code Section 67.27).

Thank you,

Laura

Laura Lynch, Senior Planner
Manager of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628-652-7554 | www.sfolanimo.org
[San Francisco Property Information Map](#)

Leger, Cheryl (BOS)

From: Jerry Dratler <dratlerj@gmail.com>
Sent: Thursday, December 9, 2021 2:36 PM
To: SOTF, (BOS)
Subject: Re: SOTF - Complaint Committee hearing, December 21, 2021; 5:30 PM; remote meeting;

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am responding to the hearing notice I received. What role if any do I have in the hearing process? Am I allowed to present my complaint and if so how much time do I get? If I am able to make a presentation and elect to have powerpoint slides must the slides be sent to the SOTF five days before my presentation or can I share the screen the night of my presentation.

Thank you,
Jerry Dratler

On Dec 7, 2021, at 8:58 AM, SOTF, (BOS) <sotf@sfgov.org> wrote:

<SOTF - Complaint Procedure 2019-10-02 FINAL.pdf>

Leger, Cheryl (BOS)

From: dratlerj@gmail.com
Sent: Sunday, December 12, 2021 9:28 PM
To: Leger, Cheryl (BOS)
Subject: My presentation materials that are due December 16 2021
Attachments: December 21 SOFT hearing- final .pdf; exhibits for December 12 email .pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please confirm receipt of this email and let me know if there is anything else I need to do before the December 21,2021 hearing.
Regards,
Jerry Dratler

To: SOTF, Cheryl Leger (BOS)

From: Jerry Dratler

Subject: file #21151, Information in support of my complaint

Date: December 12, 2021

The Planning Department appears to have violated the California Public Records Act, once when they failed to notify me within ten days of my complaint that they were withholding 365 Pacheco Street documents and a second time when the department failed to send me documents that appear to not be subject to protection under attorney-client privilege.

The Planning Department may have also violated the California Public Records act a third time if the department improperly redacted pages A2, A3, and A4, of the 311 Notice Plans I was sent. This can easily be determined when the Planning Department provides the Sunshine Ordinance Task Force with a 2005 copy of the PDF.

It is very odd there is no public record of the planning application for the President of the SF Building Inspection Commission's new construction at 365 Pacheco Street in the Planning Department online Property Information Map. I initially thought the absence of a public record was a clerical error. However, when I found there was also no record for the construction of the President of the SF Board of Appeals investment property at 133 Elsie Street, I became less inclined to conclude the two incidents are clerical errors.

The Planning Department can disclose all the 365 Pacheco Street documents that were withheld to the Sunshine Ordinance Task Force (SOFT) without violating the City's attorney-client privilege. Pages 7-23 in the attached PDF confirm the document transfer would not violate the attorney-client privilege.

The Planning Department's 1) potential violations of the California Public Records Act, 2) potential improper redaction of pages from the 311 Notice Plans, 3) mischaracterization of the content of the 14 emails and 4) failure to publicly disclose the planning application for 365 Pacheco Street are serious potential violations that require the Sunshine Ordinance Task Force to determine if the withheld documents have been correctly determined to be subject to attorney-client protections.

Once the Sunshine Ordinance Task Force has 1) reviewed the 2005 PDF of the 365 Pacheco Street plans, 2) reviewed the withheld documents to determine if the documents are protected under attorney-client privilege and 3) determined if the Planning Department improperly withheld documents that were not subject to attorney-client privilege, the Sunshine Ordinance Task Force can determine if the SOFT has jurisdiction and issue a report or recommendation.

Summary of Communications with Planning Department

My email exchange with the Planning Department over 25 days (14 emails) documents the obstacles I encountered when I requested access to the Planning Department construction file for a new home constructed at 365 Pacheco Street. I requested access to the entire file and the Planning Department chose to send me copies of specific documents.

The first email response (email #2) I received from the Planning Department claimed there was no formal application for the construction of a new house at 365 Pacheco Street. The department's response makes sense because the only Planning application in the Planning Department Property Information Map (exhibit page 1) is for a lot split. However, if you look under the building permit tab (exhibit page2) in the Property Information Map (PIM) you see the Planning Department approved a building permit for the construction of a new house at 365 Pacheco Street.

Why is there no planning application for the construction of Angus McCarthy's (President of the Building Inspection Commission) home at 365 Pacheco Street in the Property Information Map and is this an unusual occurrence? I don't think so, I recently found a second example. There is no planning application in the PIM for the construction of a new home at 133 Elsie Street by Darryl Honda (President of the SF Board of Appeals). Exhibits on pages 3 and 4 show the absence of a planning application for the home at 133 Elsie Street when there is a Planning Department approved building permit.

The absence of planning applications in the PIM for new homes by senior members of the City Family is either a clerical error or a deliberate practice. The public deserves an explanation when it happens twice.

When I sent an email to the Planning Department informing them of the 311 notice sent to the neighbors of 365 Pacheco Street, the Planning Department sent me a copy of the 311 Notice materials.

- The Planning Department did not send me a single correspondence document between the project sponsor and the Planning Department. It is unlikely there was not a single email exchange between the project sponsor and the Planning Department.
- The copy of the 311 Plans I received on October 13, 2021, was missing three pages (A2, A3 and A4). Were the three pages missing from the copy of the original 311 plans in the Planning Department files or did a Planning Department employee redact pages A2, A3 and A4? This question can easily be answered if the Planning Department produces a PDF file of the 311 plans with a 2005 date.

It took the Planning Department 25 days to admit they are withholding 365 Pacheco Street documents. The California Public Records Act gave the Planning Department 10 days from the receipt of my document request to notify me in writing which documents in the 365 Pacheco Street file are exempt from disclosure. The 10- day requirement was clearly disclosed in my first email. The disclosure from my October 11, 2021, email is below.

If you contend that any portion of the records requested is exempt from disclosure by express provisions of law, Government Code § 6253(a) requires segregation and redaction of that material in order that the remainder of the records may be released. If you contend that any express provision of law exists to exempt from disclosure all or a portion of the records I have requested, Government Code § 6253(c) requires that you notify me of the reasons for the determination not later than 10 days from your receipt of this request. Government Code §§ 6253(d) & 6255(b) require that any response to this request that includes a determination that the request is denied, in whole or in part, must be in writing and include the name and title of the person(s) responsible for the City's response.

Government Code § 6253(d) prohibits the use of the 10-day period, or any provisions of the CPRA or any other law, "to delay access for purposes of inspecting public records."

I have not received a copy of three attachments to Alice Barkley's May 2006 letter to Rick Cooper and Celia Jaroslowsky and a copy of the Categorical Exemption issued by the Planning Department.

- It is unlikely these documents are exempt from disclosure.
- Furthermore, I did not receive a single copy of correspondence between the Planning Department Planner and the project sponsor. These documents would not be subject to attorney-client privilege.

The Planning Department's failure to declare the existence of attorney-client protected documents within the 10-day period under the California Public Records Act and the October 18, 2021, false statement there are no additional records makes me suspicious of Ms. Lynch's November 5, 2021, claim that some of the documents in the 365 Pacheco Street file are attorney-client protected.

- The Planning Department can share attorney-client protected documents with other City Officials like the Sunshine Ordinance Task Force. Exhibit pages 7-23 confirms the sharing of attorney-client documents is permissible.
- Ms. Lynch should be required to provide a copy of all the protected documents to the Sunshine Ordinance Task Force Committee so the Committee can confirm all the withheld documents are eligible for attorney-client protection.

My review of the Planning Department's November 30, 2021, response

Ms. Lynch listed 11 emails in her response below. She failed to reference 3 emails and some of her characterizations of the content of the individual emails are incomplete or inaccurate. I inserted my comments in **blue** to provide additional or corrective information to Ms. Lynch's November 30, 2021, response.

DATE: November 30, 2021
TO: SOTF - Cheryl Leger, Board of Supervisors
FROM: Laura Lynch, Manager of Commission Affairs
RE: File No. 21151 - Planning's Response

If the complaint references an information or records request:

1. What was the original request you received? Attach a copy of the original request.
Planning Response- All emails referenced below are attached in Exhibit A

- a. **Email #1**-On October 11th, 2021 - The complainant submitted an Immediate Disclosure Request to the San Francisco Planning Department.

In this email I requested access to the Planning Department records for the construction of a new house at 365 Pacheco Street. I also informed Planning Director Hillis and Mr. Ionin they had ten days from receipt of my document request to notify me in writing of any documents in their possession they believe are exempt from disclosure. The Planning Department responded 25 days after receiving my complaint that they were withholding documents. The last email, the November 5, 2021, email included the sentence. "We are not producing documents protected by attorney-client privilege".

- b. **Email #2**- On October 12th, 2021 - The Planning Department provided the complete case file for the subdivision at the requested property.

The Planning Department email response on October 12, 2021, acknowledged my document request and said attached is the subdivision file for the lot line adjustment from 2005, which looks like it was abandoned, and we have no other files available. If there were plans to develop the property, we have not received a formal application". The Planning Department had received plans and approved a building permit to construct the home at 365 Pacheco Street.

- c. **Email #3**- On October 13th, 2021 - The complainant submitted a follow up email requesting an additional search of files of Tom Wang, the Planner assigned to the review of the project.

There never was a search of Tom Wang's files so I could not have requested an additional search of Tom Wang's files. In my email I said Tom Wang in the Planning Department approved the building permit and a 311 Notice was mailed on August 24, 2005. If there was an initial search of Tom Wang's files, the Planning Department would have found the new construction file I requested.

d. **Email #4-** On October 13th, 2021 - The Planning Department provided the 311 Notification and plans in the possession of the Planning Department along with additional files that may be of interest to the complainant.

The 311 Plans the Planning Department sent me were incomplete, pages A2, A3 and A4 of the plans were missing.

The Planning Department did not send me the documents listed below. Are these documents subject to attorney-client privilege?

- 365 Pacheco Street is constructed on two lots, this is illegal. I did not receive any internal Planning Department correspondence regarding the construction of the house on two lots. If the lot merger was not approved, it is unlikely there was no correspondence regarding the construction of the house on two lots.
- I did not receive a copy of the environmental review referenced on page 92 of the PDF submitted by Ms. Lynch.
- A Planning Department Categorical Exemption is referenced in Ms. Barkley's May 19, 2006, letter. I did not receive a copy of the Categorical Exemption.
- I did not receive a copy of the 3 exhibits listed on Ms. Barkley's May 19, 2006, letter on pages 24 and 25 of Ms. Lynch's PDF.
- I did not receive Rick Cooper's and Celia Jaroslkawsky's response to Ms. Barkley's May 19, 2006, letter.
- I did not receive a copy of the Residential Design Team analysis of the project at 365 Pacheco Street.
- I did not receive a copy of the meeting minutes from the June 6, 2005, neighborhood meeting to review the proposed project.

The Planning Department should not have combined all the documents into a single PDF file. I should have received a Zip file with the individual PDF files. This would have allowed me to determine if pages A2, A3 and A4 were in the 311 Plans that were sent to the neighbors of 365 Pacheco Street in 2005.

e. **Email #5-** On October 13th, 2021- The Complainant emailed the Planning Department requesting to review the "entire file" and noted that the plans provided were missing pages."

In this email I thanked the Planning Department for promptly sending the two PDF files and requested an appointment on Thursday or Friday of the same week to review the entire file. I also informed the Planning Department the 311 plans I received were missing pages A2, A3, and A4.

Email #6 is missing from Ms. Lynch's response (exhibit page 5). In the October 14, 2021, email I wrote that when I arrive at the Planning Department to review the 365 Pacheco Street file, I would like access to all files including 1) a complete set of plans, 2) a copy of Alice Barkley's May 2006 letter to Rick Cooper and Ceclia Jaroslkawsky, 3) a copy of the categorical exemption issued by the Planning Department.

- f. **Email #7-** On October 18th, 2021- The Planning Department clarified that all digital files provided to the complainant are what is in the possession of the Planning Department and there are no additional files available for the complainant to review in-person. The pages of the plans provided to the Complainant are the only pages in the possession of the Planning Department, there are no additional pages being withheld.

The Planning Department's actual October 18th response is much different from the statement above. 1) there was no reference to digital files, 2) there was no reference to reviewing files in-person, 3) the actual statement was, "there are no additional records to provide", 4) the response did not include any reference to withholding records or any reference to the only pages in the possession of the Planning Department, 5) the Planning Department suggested I contact the Department of Building Inspection for complete building plans.

- g. **Email #8 -**On October 22nd, 2021 - The Complainant provided an email re-requesting documents already responded too. The Complainant also requested an email from 2006 from "Alice Barkley" along with the Categorical Exemption.

This is an important email exchange (page 11 of Ms. Lynch's PDF) because the email was sent 11 days after my initial document request and the Planning Department failed to disclose, they were withholding documents. In this email I summarized the email exchanges and repeat my request to review the project file at the Planning Department. I also call out the department's violation of the California Public Records Act and my preference not to file a complaint.

- h. **Email #9-** On October 25th, 2021 - The Planning Department responded to the complainant stating that his request for additional documents was being processed. The Planning Department clarified that pursuant to Cal. Govt Code 6253(c) and Admin Code 67.21(b) a response would be provided to him by November 1st, 2021.

In the October 25, 2021, email (page 12 of Ms. Lynch's PDF) the Planning Department apologizes for not addressing my request for a copy of the Alice Barkley email and concludes the email by saying they intend to complete my request by November 1, 2021.

- i. **Email #10 -**On October 27th, 2021 - The Complainant sent a follow up email to the Planning Department following up on the request.

The subject line of my October 27, 2021, email, "please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street" explains why I sent the email. In the email I reaffirm my position the Planning Department is withholding documents without sending me a written explanation. I also summarize the email exchanges between October 11, 2021, and October 25, 2021. I concluded this email with the statement the Planning Department's violation of the requirements of the California Public Records Act when San Francisco residents and members of the Board of Supervisors are inquiring into corruption in the Department of Building Inspection is intolerable.

- j. **Email #11-** On October 28th, 2021, and October 29th, 2021 - The Planning Department responded stating that all documents have been provided. Additionally, the pages of the plans requested are not in our possession. All final site plans are under the jurisdiction of the Department of Building Inspection. The Planning Department stated that if any additional materials are discovered then they would forward them on to the complainant.

I don't see a copy of this email in the PDF sent by Ms. Lynch. Exhibit page 6 is a copy of the email. In the email Mr. Ionin, the Director of Commission Affairs, claims, the department is not withholding documents, some documents are not in the possession of the department, some documents may never have been digitized and some records may have been destroyed.

Email #12 dated October 29, 2021. In this email (page 15 of Ms. Lynch's PDF) I asked Mr. Ionin why pages A2, A3 and A4 are missing from the plans the Planning Department sent me.

Email #13 dated October 29, 2021, is on page 15 of Ms. Lynch's PDF. In this email Mr. Ionin says the Planning Department has no explanation for the missing pages.

- k. **Email #14** On November 5th, 2021 - The Planning Department responded to the complainant confirming that no additional documents are in the possession of the Planning Department. The Planning Department also stated that in 2005 Categorical Exemptions for building permits were typically issued by stamping plans/permits. The Planning Department additionally advised that final /stamped site plans/permits are under the jurisdiction of the San Francisco Department of Building Inspection. The Planning Department explained the only items being withheld are those that are protected by attorney-client privilege.

2. What records have you provided in response to the request, and on what date did you provide them?

Planning's Response:

| | Name of Record | Brief Description | Date provided |
|-----------|-------------------------------|---|---------------|
| Exhibit B | 2005.0245S | File for Lot-line Adjustment to Merge two lots into one lot | 10/12/2021 |
| Exhibit C | 365 Pacheco St - 200506296356 | 311 Notice | 10/13/2021 |
| Exhibit C | 365 Pacheco reference files | Historical files | 10/13/2021 |

3. What method did you use to locate these records?

Planning Response:

- Chanbory Son, Executive Secretary- conducted the initial search for documents provided on October 12th, 2021. The documents provided were previously scanned and made available in digital format. These are available on the Department's M-Files database.
- Chanbory Son, Executive Secretary - contacted the Department's Information and Technology division to gain access to emails from the Planner assigned to the original permit. This planner is no longer with the Planning Department. This search was conducted using Outlook.
- Laura Lynch, Manager of Commission Affairs- conducted an additional search for documents for the property within an address file for this property. The additional documents provided were related to a different permit, but the Department provided the documents to the complainant out of an abundance of caution. These are available on the Planning Department's M-Files database.
- Laura Lynch, Manager of Commission Affairs - contacted the Planning Department's IT division to understand if older 311 notification materials are saved outside of the individual record file. IT provided a link to these older 311 notification materials. These materials were provided to the Complainant on October 13th, 2021 (Exhibit C). These items were located on the Department's internal computer drive. The Planning Department is exploring options for improving accessibility to these documents for staff and the public.
- Chanbory Son, Executive Secretary - contacted the Department's IT division to determine if there was a way to search the email system used in 2005- Lotus Notes. This search was conducted, and the email requested by the complainant is not in our system.
- Laura Lynch, Manager of Commission Affairs - contacted the Deputy Zoning Administrator to confirm if he had any additional documents for this project. The Deputy Zoning Administrator

confirmed that no additional documents are within his possession and the only emails that he has are Attorney Client privileged and confirmed with the City Attorney's Office that these are to be withheld. Any plans that the Deputy Zoning Administrator has access to are from Papervision, a software that select members of the Planning Department have access to. The Planning Department cannot release any plans or permits from the Papervision as they are under the jurisdiction of the Department of Building Inspection. The Planning Department directs the public to the Department of Building Inspection to view/print final plans and permits. The Planning Department has notified the complainant that any final plans are under the jurisdiction of the Department of Building Inspection. The following text is included on Department of Building Inspections website:

The California Health & Safety Code requires local building departments to maintain copies the plans for buildings for which the department issues building permits. (Cal. Health & Saf. Code, § 19850.) The San Francisco Department of Building Inspection (DBI) maintains building plans for inspection; however, section 19851 of the Health & Safety Code prohibits duplication of building plans, except (1) with the written permission of the certified, licensed, or registered professional who signed the original documents and the written permission of the original or current owner of the building, or (2) by order of a proper court or upon the request of any state agency. (Cal. Health & Saf. Code, § 19851(a).) DBI's process for duplication of plans, and the forms required to submit such a request, are available here: <https://sfdbi.org/DOP>

4. Did you withhold any information or documents from the requester prior to the filing of the complaint?

Planning's Response:

- The only documents withheld were emails withheld by the City Attorney's Office. These were withheld at the advice and direction of the City Attorney's Office. The Planning Department also appropriately directed the Complainant to the Department of Building Inspection for access to final plans and permits.

Did you provide written justification for all withholding of information prior to the filing of the complaint? If yes, attach evidence.

Planning's Response:

- Yes, on November 5th, 2021, Laura Lynch sent an email to the Complainant citing that documents withheld are attorney-client privileged. (Exhibit A)

5. Did you redact any information from the documents prior to the filing of the complaint? If yes, explain what information you redacted and why. Drawing primarily on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.

- No

Did you provide a written justification keyed to each instance of redaction prior to the filing of the complaint? If yes, attach the original keyed justifications provided to the requester (if any), and any new keyed justifications for each redaction. Drawing primarily on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.

- N/A, no documents were redacted.

6. At the time the request was made, did you search employee personal property (such as mobile phones and computers) for responsive records about the conduct of public

business? If yes, describe your method for conducting this search. If appropriate, provide supporting documentation in your packet.

- All records provided were available on the Department's M-files database and I:Drive. Staff appropriately contacted staff for all materials, including those located on personal property.

7. At the time the request was made, did you request relevant records from contractors your agency has funded, managed, or hired? If yes, describe how you communicated this request. Provide supporting documentation in your packet, including communications to and from the contractor.

- N/A

8. Are there any known responsive records that you have yet to review for potential redaction and disclosure to the respondent? If yes, provide the approximate quantity and timeline of future expected disclosures.

- All records in possession of the Planning Department have been provided. The only documents withheld are those previously stated.

Planning Applications

Permits are required in San Francisco to operate a business or to perform construction activity. The Planning Department reviews most applications for these permits to ensure that the projects comply with the Planning Code L². The 'Project' is the activity being proposed. For a glossary of terms, visit Planning Code section 102, or the Help section of this site.

Report for: **365 PACHECO ST**



2021-010676GEN Generic (GEN) PRR - 365 Pacheco St

Opened: 10/19/2021

Status: Closed - Informational 10/12/2021

Assigned Planner: Son Chanbory: Chanbory.Son@sfgov.org / 628-652-7346

PRR - Public Records Request - 365 Pacheco St

[▶ MORE DETAILS](#)

2005.0245 Project Profile (PRJ) 365 PACHECO ST

Opened: 3/7/2005

Status: Closed 5/9/2016

Assigned Planner: Planning counter: pic@sfgov.org / 628.652.7300

LOT-LINE ADJUSTMENT TO MERGE TWO LOTS INTO ONE LOT

[▶ MORE DETAILS](#)

2005.0245S Subdivision-REF (SUB) 365 PACHECO ST

Opened: 3/7/2005

Status: Closed 5/9/2016

Assigned Planner: CJAROSLA: oic@sfgov.org / 628.652.7300

[▶ MORE DETAILS](#)

Permitted Short Term Rentals

This section does not include pending or denied applications. Eligible applicants at qualifying properties may host short-term rentals while an application is pending.

None

Building Permits

Applications for Building Permits submitted to the Department of Building Inspection.

Report for: 365 PACHECO ST



Active Permits

None

Completed Permits

Permit 200505077918

Status: COMPLETE - 5/11/2009 Address: 365 PACHECO ST

Renew pa# 2005/06/29/6356 to obtain final inspection. All work has been completed.

[MORE DETAILS](#)

Permit 200704239382

Status: EXPIRED - 10/8/2021 Address: 365 PACHECO ST

Convert crawlspace under building to wine room and exercise room. Reconfigure new entry. Remove 2 window, add one window in bedroom.

[MORE DETAILS](#)

Permit 200506296356

Status: EXPIRED - 5/11/2009 Address: 365 PACHECO ST

Erect new 3 stories, single family dwelling building.

[MORE DETAILS](#)

Permit 200506296356

Status: EXPIRED - 5/11/2009 Address: 365 PACHECO ST

Erect new 3 stories, single family dwelling building.

[MORE DETAILS](#)

Additional Permits

Additional Permits (electrical, plumbing, etc) lodged with the Department of Building Inspections.

133 ELSIE ST



Planning Applications

Permits are required in San Francisco to operate a business or to perform construction activity. The Planning Department reviews most applications for these permits to ensure that the projects comply with the Planning Code [L3](#). The 'Project' is the activity being proposed. For a glossary of terms, visit Planning Code section 102, or the Help section of this site.

Report for: **133 ELSIE ST**



No Planning Applications

Permitted Short Term Rentals

This section does not include pending or denied applications. Eligible applicants at qualifying properties may host short-term rentals while an application is pending.

None

Building Permits

Applications for Building Permits submitted to the Department of Building Inspection.

Report for: 133 ELSIE ST



Active Permits

None

Completed Permits

Permit 201406178679 [🔗](#)

Status: ISSUED - 6/17/2014 Address: 133 ELSIE ST

Install new fire sprinkler system per nipa 13d throughout the building including underground. Total 31 sprinklers.

[▶ MORE DETAILS](#)

Permit 201404183612 [🔗](#)

Status: COMPLETE - 10/23/2014 Address: 133 ELSIE ST

Revision to 200603015694/s1 changes to foundation plan

[▶ MORE DETAILS](#)

Permit 201404082740 [🔗](#)

Status: COMPLETE - 10/23/2014 Address: 133 ELSIE ST

Revision to the approved shoring plan with permit ap #200603015694. Shoring was under previous permits, added cost of piles are \$17,000

[▶ MORE DETAILS](#)

Permit 200603015694 [🔗](#)

Status: COMPLETE - 10/23/2014 Address: 133 ELSIE ST

Erect 3 story, no basement, single family dwelling.

[▶ HIDE DETAILS](#)

| | | | |
|--------------------|-------------------|-----------------|----------|
| Originally Filed: | 3/1/2006 | Parcel: | 5619/057 |
| Existing Use: | | Existing Units: | 0 |
| Proposed Use: | 1 FAMILY DWELLING | Proposed Units: | 1 |
| Construction Cost: | \$700,000.00 | | |

From: dratlerj@gmail.com
Subject: FW: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street
Date: October 14, 2021 at 9:07 AM
To: richhillissf@gmail.com
Cc: jonas.ionin@sfgov.org



When I arrive at the Planning Department to review the files for the new home at 365 Pacheco Street I would like access to all the documents in the file including the following documents.

1. Complete sets of plans for 365 Pacheco Street. The plans that were sent with the 311 Notice and the site plan approved by your department.
2. A copy of Alice Barkley's May 2006 letter to Rick Cooper and Ceclia Jaroslkawsky.
3. A copy of the categorical exemption issued by your department.

Regards,
Jerry Dratler

From: Jerry Dratler <dratlerj@gmail.com>
Sent: Wednesday, October 13, 2021 4:59 PM
To: CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Cc: richhillissf@gmail.com; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>
Subject: Re: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street

Thank you for promptly sending the two PDF files. I would like to make an appointment on Thursday or Friday to review the entire file. What time would be most convenient for you? The plans you sent me are incomplete. Plan pages A2, A3, A4 are missing and there are other documents in the file that I would like to review.

Regards,
Jerry Dratler

On Oct 13, 2021, at 3:27 PM, CPC-RecordRequest <CPC-RecordRequest@sfgov.org> wrote:

<365 Pacheco St. - 200506296356.PDF>

From: Ionin, Jonas (CPC) jonas.ionin@sfgov.org
Subject: Re: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street
Date: October 28, 2021 at 9:48 AM
To: Jerry Dratler dratlerj@gmail.com, Hillis, Rich (CPC) rich.hillis@sfgov.org, Son, Chanbory (CPC) chanbory.son@sfgov.org
Cc: MelgarStaff (BOS) melgarstaff@sfgov.org, Peskin, Aaron (BOS) aaron.peskin@sfgov.org, Preston, Dean (BOS) dean.preston@sfgov.org, Ronen, Hillary hillary.ronen@sfgov.org, Pelham, Leeann (ETH) leeann.pelham@sfgov.org, Cityattorney Cityattorney@sfcityatty.org, Lynch, Laura (CPC) laura.lynch@sfgov.org

Mr. Dratler,

As far as we are aware, we are not withholding any responsive documents to your request related to 365 Pacheco Street. Some documents are not in our possession, some may have never been digitized and some may have been destroyed.

In 2005, the Department had not yet developed a digitization policy for records related to building permit applications and/or cases.

Our extensive search has produced only those documents already provided to you. If any additional documents emerge, we will certainly provide them to you on a rolling basis.

It goes without saying that this result frustrates my Office, at least as much, as it probably does you.

Sincerely,

Jonas P Ionin

Director of Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Jerry Dratler <dratlerj@gmail.com>
Date: Wednesday, October 27, 2021 at 6:49 PM
To: "Hillis, Rich (CPC)" <rich.hillis@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, Chanbory Son <chanbory.son@sfgov.org>
Cc: "MelgarStaff (BOS)" <melgarstaff@sfgov.org>, "Peskin, Aaron (BOS)" <aaron.peskin@sfgov.org>, "Preston, Dean (BOS)" <dean.preston@sfgov.org>, "Ronen, Hillary" <hillary.ronen@sfgov.org>, "Pelham, Leeann (ETH)" <leeann.pelham@sfgov.org>, Cityattorney <Cityattorney@sfcityatty.org>
Subject: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street

On October 11, 2021, I sent you a California Public Records request for access to the Planning department new construction file for 365 Pacheco Street. Under the law you are required to grant me access to the file or specific documents in my request. Your department had 10 days during which your department should have notified me of any

File No. 21154

Item No. 5

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Compliance and Amendments Committee

Date: November 23, 2021

- | | | |
|--------------------------|---|-------------------|
| <input type="checkbox"/> | Petition/Complaint | Page: <u> </u> |
| <input type="checkbox"/> | Memorandum - Deputy City Attorney | Page: <u> </u> |
| <input type="checkbox"/> | Petitioner/Complainant Supporting Documents | Page: <u> </u> |
| <input type="checkbox"/> | Respondent's Response | Page: <u> </u> |
| <input type="checkbox"/> | Public Correspondence | Page: <u> </u> |
| <input type="checkbox"/> | Order of Determination | Page: <u> </u> |
| <input type="checkbox"/> | Minutes | Page: <u> </u> |
| <input type="checkbox"/> | Administrator's Report | Page: <u> </u> |
| <input type="checkbox"/> | No Attachments | |

OTHER

- | | | |
|-------------------------------------|--|-----|
| <input checked="" type="checkbox"/> | Review of attorney/client privilege | 126 |
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Completed by: C. Leger Date 11/18/21

*An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.

Leger, Cheryl (BOS)

From: Lila LaHood <lilalahood.sotf@gmail.com>
Sent: Thursday, November 18, 2021 2:08 PM
To: Leger, Cheryl (BOS)
Subject: Fwd: Attorney Client Privilege Background Information
Attachments: image001.jpg; OP-2009-08-09-DISCLOSURE.pdf; GGG-July-2021-FINAL.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Cheryl,

Please include this email from Marc, which consists entirely of excerpts from publicly available documents, as well as the attached city attorney memo from 2009, in the CAC agenda packet.

Thank you!

Lila

----- Forwarded message -----

From: Wolf, Marc Price (CAT) <Marc.Price.Wolf@sfcityatty.org>
Date: Fri, Aug 27, 2021 at 2:40 PM
Subject: Attorney Client Privilege Background Information
To: Lila LaHood <lilalahood.sotf@gmail.com>
Cc: Castillo, Helen (CAT) <Helen.Castillo@sfcityatty.org>

Hi Lila,

Here is some basic information about attorney client privilege, which I have lifted from the Good Government Guide and a 2009 City Attorney publicly available memo. I hope this is helpful!

From the 2021 Good Government Guide, p. 19:

Attorney-client privilege

Non-public advice that the City Attorney provides to City officials acting in their official capacities is confidential and privileged. See Cal. Evid. Code §§ 952, 954; Cal. Rule of Prof. Cond. 1.6.

Only the City, acting through the body or office to whom the City Attorney directs the attorney-client communication may waive the attorney-client privilege. See Cal. Evid. Code § 912; *People ex rel. Lockyer v. Superior Court*, 83 Cal. App. 4th 387, 398 (2000); *Ward v. Superior Court*, 70 Cal.App.3d 23, 35 (1977); Cal. Rule of Prof. Cond. 1.13. When the City Attorney provides confidential advice directly to an individual City

officer or employee, that individual recipient may not have the authority to waive the privilege on behalf of the City. Only the highest authorized officer, employee, body or constituency overseeing the particular engagement may properly waive privilege and should only do so after consulting with the City Attorney's Office.

When the City Attorney provides confidential advice to a board or commission, only the body to whom the City Attorney directs the communication – and not its individual members – may waive the privilege and disclose the confidential information. To effect such a waiver, the board or commission must act at a properly noticed public meeting. And, because the privilege is held by the body as an institution rather than the particular individuals constituting the body at the time it received the legal advice, the body may waive the privilege at any time, including in the future when the membership of the body has changed. But because of the sensitivity of confidential legal advice this Office provides, City commissioners should not waive the privilege without conferring with the City Attorney's Office first. If a board or commission waives the privilege, the advice becomes a matter of public record available to any member of the public upon demand. Cal. Gov't Code § 6254.5.

Failure to abide by these procedures may unduly increase the City's legal exposure. City officials who make unauthorized attempts to waive attorney-client privileged advice may also face individual liability, including monetary penalties, and potential removal from office. See Charter § 15.105; S.F. Campaign & Gov'tal Conduct Code § 3.228.

For additional guidance concerning waiver of the attorney-client privilege, consult the City Attorney's August 20, 2009 Memorandum entitled "Disclosure of Attorney-Client Privileged Advice from the City Attorney's Office" available on the City Attorney's Legal Opinions webpage.

From the 2021 Good Government Guide, p. 21:

The City Attorney's role in providing ethics and open government advice

The preceding discussion about the role of the City Attorney is particularly relevant to legal advice this Office provides to public officials about the ethics and open meeting laws discussed in the other parts of this Guide. When City officers and employees seek advice on ethics laws or open meeting laws, the City Attorney's Office does not provide that advice to the officer or employee in that person's individual capacity, but rather in that person's capacity as a City actor performing City duties. The individual City officer or employee does not have a separate attorney-client relationship with the City Attorney's Office.

The City Attorney's Office generally does not disseminate the information a person provides when seeking assistance in complying with these laws, nor does the Office disclose advice that it has provided to

individual officers or employees unless the individual consents to the disclosure. Section 67.24(b)(1)(iii) of the Sunshine Ordinance purports to require the disclosure of such advice, when provided in writing, but a state appellate court has held that the City's Charter preempts this provision. See *St. Croix v. Superior Court*, 228 Cal.App.4th 434 (2014). Accordingly, the attorney-client privilege as provided in State law for municipal governments is not limited in any way by City law.

But the Office may share that information or advice with other City officials who require that information to perform their functions. For example, if this Office advises a member of a commission not to participate in the commission's discussion on a contract because of a conflict of interest and a third party later asks the Office whether the commissioner has a conflict, we generally will decline to discuss the details of our advice. But if that commissioner proceeds to vote on the contract anyway, the City Attorney's Office will advise the full commission that the individual commissioner has a conflict of interest. The commission requires this information because the conflict of interest could invalidate the commission's actions on the contract.

The Office encourages City officials to contact us for advice before taking any action that could violate the ethics laws described in this Guide. The Office does not provide ethics advice to individual officials about activities that have already occurred, except in rare instances when the Office may advise about whether a potential conflict affected the validity of an official action or could compromise other official City business.

Finally, the Sunshine Ordinance states that the City Attorney shall not act as counsel to a City employee or custodian of a public record for purposes of denying access to the public. Admin. Code § 67.21(i). This provision does not prohibit the City Attorney from performing the Charter-mandated function of advising departments on all legal matters, including public records issues. Where the law permits or requires a department to deny a public records request, the City Attorney is duty bound under the Charter and Rules of Professional Conduct to so advise the department upon request. But this provision serves as a reminder that in performing that advisory function, the City Attorney must remain faithful to state and local open government laws and decline to defend denial of access to a public record where no plausible legal basis supports denial.

From the 2021 Good Government Guide, p. 116

Attorney-client communication

A department may decline to disclose any privileged communication between the department and its attorneys. State law renders communications made in confidence as part of the attorney-client relationship between the City Attorney's Office and City officials and employees privileged. Cal. Govt. Code §§ 6254(k), 6276.04; Cal. Evid. Code §§ 950 et seq. This privilege extends to all such communications, including those pertaining to open government and conflict of interest/ethics issues, notwithstanding language in the Sunshine Ordinance suggesting the contrary that is superseded by the Charter and state law. *St. Croix v. Superior Court* (2014) 228 Cal.App.4th 434.

The attorney-client privilege belongs to the client, not the attorney. Thus, records in the City Attorney's possession covered by the privilege must remain confidential unless the client – the City – consents to their disclosure. Cal. Bus. & Prof. Code § 6068(e). By the same token, with the City's authorization a department may disclose records in its possession covered by the privilege. But there can be unintended consequences from the release of such records that may adversely affect the City. Accordingly, we recommend that departments consult with the City Attorney's Office before releasing records of privileged attorney-client communications.

From the 2021 Good Government Guide, p. 116

Attorney work product

Records that contain the work product of an attorney representing the City are protected from disclosure. Cal. Govt. Code §§ 6254(k), 6276.04; Cal. Code Civ. Proc. § 2018.030. The attorney work product doctrine functions as a privilege, protecting from disclosure "[a] writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories." Cal. Code Civ. Proc. § 2018.030(a). This privilege may also extend to other records relating to the legal work of attorneys representing the City, including documents prepared at the request of the City Attorney's Office, such as reports by investigators, consultants, and other experts.

The attorney work product privilege is distinct from the attorney-client privilege and can cover records that the attorney-client privilege does not. And, unlike the pending litigation exception, the attorney work product privilege extends beyond records prepared for litigation purposes. Where the privilege applies to litigation records, it does not lose its force at the conclusion of litigation.

From the August 20, 2009 City Attorney Memo to Mayor and Board of Supervisors.

Waiver Of Attorney-Client Privilege By Disclosing Confidential Advice From The City Attorney

A City official who receives confidential advice from this Office may not waive it unless authorized to do so. Under the California Evidence Code, non-public advice that the City Attorney provides to City officials acting in their official capacities is confidential and privileged. (See Cal. Evid. Code §§ 952, 954; Cal. R. Prof. Conduct 3-100.) The attorney-client privilege may be waived only by the *holder* of the privilege. (See Cal. Evid. Code § 912.) When the holder of the privilege is an entity like the City, the privilege belongs to the entity rather than to any individual officer or employee. (See *People ex rel. Lockyer v. Superior Court*, 83 Cal. App. 4th 387, 398 (2000); *Ward v. Superior Court*, 70 Cal. App. 3d 23,35 (1977); Cal. R. Prof. Conduct 3-600 [attorney's client is "the organization itself, acting through its highest authorized officer, employee, body or constituent overseeing the particular engagement"].) Accordingly, privilege may be waived only by *the City*, acting through the body or office to whom the City Attorney directs the attorney-client communication.

Under these principles, when the City Attorney provides confidential written advice directly to an individual Board member or to the Mayor, that individual recipient may waive the privilege on behalf of the City. No other person, including the official's aides and staff members, may waive the privilege without authorization from the memorandum's recipient. And when the City Attorney provides confidential written advice to the full Board or one of its committees, only the body to whom the City Attorney directs the communication - and not its individual members - holds the privilege to maintain the confidentiality of the information.

Because of the sensitivity of legal advice provided in confidential memoranda, the City Attorney strongly recommends that any City official or body considering disclosing a memorandum first confer with the City Attorney's Office. As discussed above, the City Attorney usually provides confidential written advice only after determining that public disclosure of the advice would harm the City or expose it to potentially costly legal risks. This Office welcomes confidential discussions of the risks and potential benefits of disclosure, but we take seriously the consequences, both in terms of City policy and the financial costs of unnecessary litigation.

Therefore City officials should not waive the privilege by disclosing confidential memoranda from this Office without conferring with us first.

Moreover, when this Office has provided a confidential cautionary memorandum regarding proposed legislation to several City officials - such as the Board and the Mayor - principles of comity instruct that those officials should exercise particular caution before waiving the privilege. Both the Mayor and the Board play necessary institutional roles in the adoption of local legislation, and each should respect and protect the ability of the other to consider confidential advice provided by this Office during the legislative process. City officials who seek our legal advice usually expect that the advice will remain confidential, and that expectation

encourages candid discussions regarding the legal vulnerabilities of legislation. One branch of City government's waiver of attorney-client privilege may discourage City officials from seeking legal advice from the City Attorney, to the detriment of the City.

If you have specific questions about a certain set of facts pertaining to a pending complaint before the Task Force, we'd be happy to provide additional advice.

Thanks,

Marc



Marc Price Wolf

Deputy City Attorney

Office of City Attorney

1390 Market St.

(415) 554-3901 Direct

www.sfcityattorney.org

CONFIDENTIALITY NOTICE: This communication and its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws, including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.




DENNIS J. HERRERA
City Attorney

DIRECT DIAL: (415) 554-4748
E-MAIL: tara.collins@sfgov.org

MEMORANDUM

TO: Mayor Gavin Newsom
Members, San Francisco Board of Supervisors

FROM: Dennis J. Herrera 
City Attorney

DATE: August 20, 2009

RE: Disclosure of Attorney-Client Privileged Advice from the City Attorney's Office

This morning the San Francisco Chronicle reported that it has obtained a copy of a confidential memorandum from this Office regarding pending legislation under consideration by the Board of Supervisors (the "Board"). The memorandum was prominently labeled as "privileged and confidential," reflecting the fact that it was a confidential attorney-client privileged document. I do not know whether the recipient of the memo authorized the disclosure. I am taking this opportunity to remind you of the laws and policies governing the City Attorney's written legal advice on legislative proposals and the public disclosure of that advice.

Summary

The San Francisco Charter vests in the City Attorney the authority and the duty to act as the City's independent legal advisor. One of the City Attorney's specific responsibilities under the Charter is to approve as to form all ordinances before they are enacted by the Board of Supervisors. As a matter of long-standing policy and practice, the City Attorney's Office approves as to form all proposed ordinances that are in proper form and the substance of which is not patently unconstitutional or otherwise clearly illegal; that is, where the City would have a legally cognizable argument to support adoption of the legislation. In the interests of transparency and accountability, we try to make our legal advice public. But when a particular proposed ordinance presents significant legal issues or could subject the City to costly litigation, this Office usually provides confidential, consistent written advice to the Board and the Mayor as part of the process of their consideration of the legislation.

The legislative authority of the Board and the Mayor includes the prerogative to push the limits of existing law, and even to attempt to shape case law, so long as there are legally tenable arguments to support doing so. One of the City Attorney's most important duties is to ensure that the Board or Mayor have full knowledge of the legal risks of those kinds of actions. In our confidential cautionary memoranda, we discuss the significant legal risks accompanying a piece of legislation, and we try to identify possible options to avoid or reduce those risks and still achieve the intended policy objectives or as close to those objectives as feasible.

Those confidential memoranda, like other confidential advice from this Office, are protected by the attorney-client privilege. Only the City, acting through the particular officer or board to whom the memorandum is addressed, may waive the privilege. But as we explain further below, because the disclosure of confidential advice can have serious legal and financial consequences for the City and could violate the principle of comity that underpins the legislative process, officials should always consult with this Office before waiving the privilege.

Memorandum

TO: Mayor Gavin Newsom
Members, San Francisco Board of Supervisors
DATE: August 20, 2009
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RE: Disclosure of Attorney-Client Privileged Advice from the City Attorney's Office

Discussion

A. The San Francisco City Attorney's Role In Providing Legal Advice To The City

The San Francisco Charter provides that the City Attorney is the sole legal advisor and representative of the City, including all of its officers, departments, boards and commissions. (Charter § 6.102.) The City needs to speak with one legal voice for three reasons:

- to focus debate on policy issues that are important to the people of San Francisco as a whole, rather than internal differences of opinion about legal questions,
- to avoid confusion among City commissions and departments debating conflicting legal interpretations, and
- to avoid unnecessary litigation costs and potential misinterpretations of City law.

The client of the City Attorney is the City and not individual elected officials, members of boards or commissions or even departments. Differences of opinion often arise among City officials over courses of action or policies proposed for the City. Those policy decisions sometimes involve legal questions, and the Charter specifies one elected City Attorney to perform the function of addressing such questions. The City Attorney is not a policy maker. The City Attorney gives consistent, objective legal advice to all City officials and agencies, often in confidence to preserve the ability of the City Attorney to defend in court a decision by those officials.

Confidentiality serves two purposes. It ensures that the policy makers understand the full consequences of the decisions they may be taking without injecting the City Attorney's opinion into the policy debate. Confidentiality also preserves the ability of the City Attorney to defend the City's official decisions, especially where the policy makers exercise their prerogative to decline to choose the legally safest course of action. Officials can choose to follow or not follow the advice of the City Attorney, and the City Attorney is duty bound to vigorously defend the policy decision of the officials, except where the action is unquestionably unconstitutional or illegal.

B. Written Legal Advice From The City Attorney's Office

One of the enumerated duties of the City Attorney under Section 6.102 of the San Francisco Charter is "upon request, to provide advice or written opinion to any officer, department head or board, commission or other unit of government of the City and County." Fulfilling this responsibility, the City Attorney regularly issues written advice to City employees and officers. When several officials separately request advice about the same legislative or policy issue, the City Attorney provides substantively the same written advice to each of them.

To maximize transparency and to inform the residents of the City, I have made it the policy of the City Attorney's Office to make our written opinions publicly accessible whenever it is appropriate to do so. But there are instances where we must provide that advice on a confidential basis to help protect the City's legal interests. The City Attorney decides on a case-by-case basis which opinions may be published, usually in consultation with the City official requesting the opinion. In making that decision, we consider a number of factors, including whether a public opinion would expose the City to increased risk of legal liability. Where a

Memorandum

TO: Mayor Gavin Newsom
 Members, San Francisco Board of Supervisors
 DATE: August 20, 2009
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 RE: Disclosure of Attorney-Client Privileged Advice from the City Attorney's Office

potential City adversary could use a public written memorandum against the City in court, the City Attorney usually will provide the advice confidentially.

Whenever this Office issues a confidential memorandum containing privileged information, the Office labels it as such, usually by noting that the document is "Privileged & Confidential" in the header section of every page.

C. The City Attorney's Approval And Advice Regarding Legislation

Under the Charter, the City Attorney must "approve as to form . . . prior to enactment" all ordinances of the Board. (*See* Charter § 6.102(6).) The Board's Rules of Order additionally contemplate the City Attorney's approval as to form "prior to consideration by the Board or a Board committee" of any ordinance. (*See* Board of Supervisors Rule of Order 2.3.) Approval as to form imports more than a determination that the legislation is in the proper format. When the City Attorney provides no accompanying legal advice, approval as to form indicates that the legislation does not present significant legal questions and consequences that the decision makers need to know about.

The existence of legal issues usually does not mean that the City Attorney will decline to approve the ordinance as to form. The City Attorney approves legislation as to form when the ordinance is in proper form and is not patently unlawful. The City Attorney's Office demonstrates its approval of the form of an ordinance by signing the last page of the ordinance. In determining whether to approve a proposed ordinance as to form, the City Attorney exercises independent judgment about whether there is any legally defensible argument to support the legislation. By long-standing policy and practice, only when a measure is patently unconstitutional or otherwise clearly illegal on its face does the Office refuse to approve a measure as to form.

When proposed legislation is not clearly illegal but presents significant legal issues or likely will result in litigation, then this Office will approve the legislation as to form but also will provide advice regarding the legal risks associated with the legislation, usually in the form of a confidential memorandum. The legislative authority of the Board and the Mayor includes the prerogative to push the limits of existing law, and even to attempt to shape case law, so long as there are legally tenable arguments to support doing so. One of the City Attorney's most important duties is to ensure that the Board or Mayor have full knowledge of the legal risks of those kinds of actions. In our cautionary memoranda, we discuss the significant legal risks accompanying a piece of legislation, as well as possible options to reduce those risks without sacrificing the City's policy goals.

When issuing cautionary advice about legislation, this Office generally takes the following four steps:

- (1) When the Office delivers legislation, approved as to form, that warrants a cautionary memorandum before the legislation is introduced, the Office also delivers the written memorandum to the sponsor (or sponsors) of the legislation or informs the sponsor(s) in writing that the Office is preparing a cautionary memorandum.
- (2) Once the legislation has been introduced and before a committee of the Board considers the proposed legislation, the Office delivers the same substantive advice (after taking into account any applicable amendments to the legislation) to each member of the Board committee.

Memorandum

TO: Mayor Gavin Newsom
Members, San Francisco Board of Supervisors

DATE: August 20, 2009

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RE: Disclosure of Attorney-Client Privileged Advice from the City Attorney's Office

- (3) Once the committee has considered the proposed legislation and forwarded it to the full Board, the Office provides the same substantive advice (again taking into account any applicable amendments to the legislation) to each of the Board members.
- (4) Immediately after the Board passes the ordinance on its second reading, the Office provides same substantive advice to the Mayor. If the Mayor specifically asks this Office for legal advice about proposed legislation earlier in the process, then we respond to the request at that time rather than waiting until the Board finally passes the legislation.

We generally follow this sequence so that the policy makers have the same substantive advice on a need-to-know basis and to avoid the potential confusion of having to issue multiple confidential memoranda to the entire Board and the Mayor even though the proposed legislation may be amended during the process in ways that change our legal advice.

By definition, a cautionary memorandum discusses issues that could place the City at legal risk or expose the City's legal strategies in future litigation. For that reason, as a general practice, the City Attorney provides such advice confidentially. A City official who receives such confidential advice may not waive it without following appropriate procedures, as discussed below.

D. Waiver Of Attorney-Client Privilege By Disclosing Confidential Advice From The City Attorney

A City official who receives confidential advice from this Office may not waive it unless authorized to do so. Under the California Evidence Code, non-public advice that the City Attorney provides to City officials acting in their official capacities is confidential and privileged. (*See* Cal. Evid. Code §§ 952, 954; Cal. R. Prof. Conduct 3-100.) The attorney-client privilege may be waived only by the *holder* of the privilege. (*See* Cal. Evid. Code § 912.) When the holder of the privilege is an entity like the City, the privilege belongs to the entity rather than to any individual officer or employee. (*See People ex rel. Lockyer v. Superior Court*, 83 Cal. App. 4th 387, 398 (2000); *Ward v. Superior Court*, 70 Cal. App. 3d 23, 35 (1977); Cal. R. Prof. Conduct 3-600 [attorney's client is "the organization itself, acting through its highest authorized officer, employee, body or constituent overseeing the particular engagement"].) Accordingly, privilege may be waived only by *the City*, acting through the body or office to whom the City Attorney directs the attorney-client communication.

Under these principles, when the City Attorney provides confidential written advice directly to an individual Board member or to the Mayor, that individual recipient may waive the privilege on behalf of the City. No other person, including the official's aides and staff members, may waive the privilege without authorization from the memorandum's recipient. And when the City Attorney provides confidential written advice to the full Board or one of its committees, only the body to whom the City Attorney directs the communication – and not its individual members – holds the privilege to maintain the confidentiality of the information.

Because of the sensitivity of legal advice provided in confidential memoranda, the City Attorney strongly recommends that any City official or body considering disclosing a memorandum first confer with the City Attorney's Office. As discussed above, the City Attorney usually provides confidential written advice only after determining that public disclosure of the

Memorandum

TO: Mayor Gavin Newsom
Members, San Francisco Board of Supervisors
DATE: August 20, 2009
PAGE: 5
RE: Disclosure of Attorney-Client Privileged Advice from the City Attorney's Office

advice would harm the City or expose it to potentially costly legal risks. This Office welcomes confidential discussions of the risks and potential benefits of disclosure, but we take seriously the consequences, both in terms of City policy and the financial costs of unnecessary litigation. Therefore City officials should not waive the privilege by disclosing confidential memoranda from this Office without conferring with us first.

Moreover, when this Office has provided a confidential cautionary memorandum regarding proposed legislation to several City officials – such as the Board and the Mayor – principles of comity instruct that those officials should exercise particular caution before waiving the privilege. Both the Mayor and the Board play necessary institutional roles in the adoption of local legislation, and each should respect and protect the ability of the other to consider confidential advice provided by this Office during the legislative process. City officials who seek our legal advice usually expect that the advice will remain confidential, and that expectation encourages candid discussions regarding the legal vulnerabilities of legislation. One branch of City government's waiver of attorney-client privilege may discourage City officials from seeking legal advice from the City Attorney, to the detriment of the City.

E. Potential Legal Penalties For Unauthorized Disclosure Of Confidential Materials

We do not know whether the recipient of this Office's confidential memorandum authorized the disclosure described in this morning's Chronicle article. Unauthorized disclosure of confidential communications can lead to significant penalties for individual who discloses the information. Local ethics laws prohibit City officers and employees from "willfully or knowingly disclos[ing] any confidential or privileged information, unless authorized or required by law to do so," or from using confidential or privileged information to advance the private interests of themselves or others. (S.F. Campaign & Gov'tal Conduct ["C&GC"] Code § 3.228.) The Statement of Incompatible Activities for each City department also prohibits officers and employees from selling "non-public materials that were prepared on City time" or using City resources. Violations of these laws carry potential administrative, civil and criminal penalties, and may subject an official to removal for official misconduct. (See C&GC Code § 3.242; S.F. Charter § 15.105(e).)

documents you believe are exempt from public disclosure. your department did not send me a notice claiming specific documents were exempt from disclosure.

Your department is allowed to withhold records you deem are exempt by sending me a written determination of the documents or portions of the documents that you deem are exempt from disclosure no later than 10 days from the receipt of my document request. Your department did not send me a written notice that any documents in the Planning Department 365 Pacheco Street new construction file are exempt from disclosure.

Therefore, I am entitled to review all the documents in the Planning Department new construction file for 365 Pacheco Street.

I have summarized our 7 email exchanges from the attached PDF below. The email exchange documents Planning Department violations of the California Public Records Act. If Mr. Hillis does not grant me access to the new construction file for 365 Pacheco Street, my only option is to file a complaint with the San Francisco Ethics Commission.

1. On October 11, 2020, I sent Mr. Hillis a California Public Records Act request to review the new construction file for 365 Pacheco Street.
2. On October 12, 2021, I received an email from Planning Department with the 365 Pacheco Street lot line adjustment file attached and a claim from Chanbory Son there are no other files available. Is there a new construction file for 365 Pacheco Street that is not available?
3. October 13, 2021, Jerry Dratler sent Chanbory Son an email suggesting he work with Tom Wang to locate the new construction file because the Planning Department sent a 311 Notice to the neighbors on August 24, 2005.
4. October 13, 2021, email response from Chanbory Son with a copy of the 311 Notice and a set of 311 plans missing pages A2, A3 and A4. Section 6353(c) of the California Public Records Acts says I am entitled to a written determination why the Planning Department did not send me pages A2, A3, A4 of the 311 Notice Plans. When will you be sending me the written notice?

5. October 13, 2021, Jerry Dratler sent an email to CPC Records Request with copies to Mr. Hillis and Mr. Ionin requesting a Thursday or Friday appointment to review the Planning Department new construction file for 365 Pacheco Street.
6. Monday October 18, 2021, email response from Chanbory Son stating the Planning Department has no additional records to provide. My document request was to review the entire contents of the Planning Department new construction file for 365 Pacheco Street. I did not request copies of specific documents.
7. Monday October 25, 2021, email response from Chanbory Son stating the Planning Department is looking for the Alice Barkley email and will endeavor to complete my request by November 1, 2021. Fifteen days have elapsed since I sent an email request to review the Planning Department new construction file for 365 Pacheco Street.

The Planning Department's violation of the requirements of the California Public Record Act when San Francisco residents and members of the Board of Supervisors are inquiring into corruption in the Department of Building Inspection is intolerable.

Jerry Dratler

On Oct 25, 2021, at 5:11 PM, Son, Chanbory (CPC)
<chanbory.son@sfgov.org> wrote:

Mr. Dratler,

Apologies for the oversight. I was not aware of the request for the email from Alice Barkley.

I am intaking this request to perform a thorough search of your request.

We will endeavor to complete your request on or before November 1, 2021 (Cal. Govt Code 6253(c) and Admin Code 67.21(b)).

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7346 | www.sfplanning.org
[San Francisco Property Information Map](#)

Expanded in-person services at the Permit Center at 49 South Van Ness Avenue are available. Most other San Francisco Planning functions are being conducted remotely. Our staff are [available by e-mail](#), and the Planning and Historic Preservation Commissions are convening remotely. The public is [encouraged to participate](#). Find more information on our services [here](#).

From: dratlerj@gmail.com <dratlerj@gmail.com>
Sent: Friday, October 22, 2021 11:18 AM
To: richhillissf@gmail.com; Son, Chanbory (CPC) <chanbory.son@sfgov.org>
Cc: MelgarStaff (BOS) <melgarstaff@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>
Subject: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To: Rich Hillis, Chanbory Son

From: Jerry Dratler

Cc: Supervisors Melgar, Peskin, Preston, Ronen

Subject: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street.

Date: October 22, 2021

I sent you an email requesting access to review the Planning Department's file on the construction of a new house at 365 Pacheco Street on October 11. The home is owned by Angus McCarthy. You have refused to grant me access to this file.

A copy of our six email exchanges is attached. I have

A copy of our six email exchanges is attached. I have highlighted some of the more important sentences in our email exchange below.

- You sent me the contents of the Planning Department lot line adjustment file for 365 Pacheco Street and responded "we have no other files available. If there were plans to develop the property, we have not received a formal application."
- When I asked for a copy of the Planning Department 311 Notice sent to the neighbors on August 24, 2005, with plans you sent me a set of plans that was missing pages A2, A3, A4.
- When I asked for a copy of the categorical exemption your department issued and a copy of Alice Barkley's May 2006 email to Rick Cooper about 365 Pacheco Street, you responded "planning has no additional records to provide. You may contact the Department of Building Inspection for complete building plans."

My preference is to review the file I requested in your office and not have to file a complaint for violating the California Public Records Act. Please grant me access to the requested file in the next five days so I don't have to file a complaint.

Regards,

Jerry Dratler

Respondent's Document Submission

Leger, Cheryl (BOS)

From: Lynch, Laura (CPC)
Sent: Tuesday, November 30, 2021 3:12 PM
To: SOTF, (BOS); Son, Chanbory (CPC); Ionin, Jonas (CPC); Hillis, Rich (CPC)
Cc: dratlerj@gmail.com
Subject: RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 21151
Attachments: SOTF -21151.pdf

Hi Cheryl,

Please see the attached response from the Planning Department.

Thank you,
Laura

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Friday, November 19, 2021 3:25 PM
To: Son, Chanbory (CPC) <chanbory.son@sfgov.org>; Lynch, Laura (CPC) <laura.lynch@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>
Cc: dratlerj@gmail.com
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 21151

Good Afternoon:

Rich Hillis, Chanbory Son and the Planning Department have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force (SOTF). In an effort to provide the SOTF information in an easy to understand format the SOTF has prepared a revised request format for responding to complaints (attached). The SOTF encourages you to use the attached "Respondent – Requested Information and Format" in preparing your response to the attached complaint. Your input into the requested information would be appreciated as the SOTF evaluates the request response format to streamline the complaint process.

The SOTF is requesting that you submit your response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice.

In developing and submitting your response, please use the attached instructions, "Preparing San Francisco Sunshine Ordinance Task Force Respondents Materials," to address your defense of this complaint. This is your opportunity to provide a detailed explanation to allow the Task Force to be fully informed in considering your response prior to the meeting.

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:
Complaint Attached.

Cheryl Leger
Assistant Clerk, Board of Supervisors



Click to complete a Board of Supervisors Customer Service Satisfaction form.

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

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



San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

DATE: November 30, 2021
TO: SOTF – Cheryl Leger, Board of Supervisors
FROM: Laura Lynch, Manager of Commission Affairs
RE: File No. 21151 – Planning’s Response

If the complaint references an **information or records request**:

1. **What was the original request you received?** Attach a copy of the original request.

Planning Response- All emails referenced below are attached in Exhibit A

- a. **On October 11th, 2021** - The complainant submitted an Immediate Disclosure Request to the San Francisco Planning Department
- b. **On October 12th, 2021** – The Planning Department provided the complete case file for the subdivision at the requested property.
- c. **On October 13th, 2021** – The complainant submitted a follow up email requesting an additional search of files of Tom Wang, the Planner assigned to the review of the project.
- d. **On October 13th, 2021** – The Planning Department provided the 311 Notification and plans in the possession of the Planning Department along with additional files that may be of interest to the complainant.
- e. **On October 13th, 2021**- The Complainant emailed the Planning Department requesting to review the “entire file” and noted that the plans provided were missing pages.”
- f. **On October 18th, 2021**- The Planning Department clarified that all digital files provided to the complainant are what is in the possession of the Planning Department and there are no additional files available for the complainant to review in-person. The pages of the plans provided to the Complainant are the only pages in the possession of the Planning Department, there are no additional pages being withheld.
- g. **On October 22nd, 2021** – The Complainant provided an email re-requesting documents already responded too. The Complainant also requested an email from 2006 from “Alice Barkley” along with the Categorical Exemption.
- h. **On October 25th, 2021** – The Planning Department responded to the complainant stating that his request for additional documents was being processed. The Planning Department clarified that pursuant to Cal. Govt Code 6253(c) and Admin Code 67.21(b) a response would be provided to him by November 1st, 2021.
- i. **On October 27th, 2021** – The Complainant sent a follow up email to the Planning Department following up on the request.
- j. **On October 28th, 2021 and October 29th, 2021** – The Planning Department responded stating that all documents have been provided. Additionally, the pages of the plans requested are not in our possession. All final site plans are under the jurisdiction of the Department of Building Inspection. The Planning Department stated that if any additional materials are discovered then they would forward them on to the complainant.

- k. **On November 5th, 2021** – The Planning Department responded to the complainant confirming that no additional documents are in the possession of the Planning Department. The Planning Department also stated that in 2005 Categorical Exemptions for building permits were typically issued by stamping plans/permits. The Planning Department additionally advised that final /stamped site plans/permits are under the jurisdiction of the San Francisco Department of Building Inspection. The Planning Department explained the only items being withheld are those that are protected by attorney-client privilege.

2. What records have you provided in response to the request, and on what date did you provide them?

Planning’s Response:

| | Name of Record | Brief Description | Date provided |
|-----------|-------------------------------|---|----------------------|
| Exhibit B | 2005.0245S | File for Lot-line Adjustment to Merge two lots into one lot | 10/12/2021 |
| Exhibit C | 365 Pacheco St - 200506296356 | 311 Notice | 10/13/2021 |
| Exhibit C | 365 Pacheco reference files | Historical files | 10/13/2021 |

3. What method did you use to locate these records?

Planning Response:

- Chanbory Son, Executive Secretary- conducted the initial search for documents provided on October 12th, 2021. The documents provided were previously scanned and made available in digital format. These are available on the Department’s M-Files database.
- Chanbory Son, Executive Secretary – contacted the Department’s Information and Technology division to gain access to emails from the Planner assigned to the original permit. This planner is no longer with the Planning Department. This search was conducted using Outlook.
- Laura Lynch, Manager of Commission Affairs- conducted an additional search for documents for the property within an address file for this property. The additional documents provided were related to a different permit, but the Department provided the documents to the complainant out of an abundance of caution. These are available on the Planning Department’s M-Files database.
- Laura Lynch, Manager of Commission Affairs – contacted the Planning Department’s IT division to understand if older 311 notification materials are saved outside of the individual record file. IT provided a link to these older 311 notification materials. These materials were provided to the Complainant on October 13th, 2021 (**Exhibit C**). These items were located on the Department’s internal computer drive. The Planning Department is exploring options for improving accessibility to these documents for staff and the public.
- Chanbory Son, Executive Secretary – contacted the Department’s IT division to determine if there was a way to search the email system used in 2005- *Lotus Notes*. This search was conducted, and the email requested by the complainant is not in our system.
- Laura Lynch, Manager of Commission Affairs – contacted the Deputy Zoning Administrator to confirm if he had any additional documents for this project. The Deputy Zoning Administrator

confirmed that no additional documents are within his possession and the only emails that he has are Attorney Client privileged and confirmed with the City Attorney's Office that these are to be withheld. Any plans that the Deputy Zoning Administrator has access to are from Papervision, a software that select members of the Planning Department have access to. The Planning Department cannot release any plans or permits from the Papervision as they are under the jurisdiction of the Department of Building Inspection. The Planning Department directs the public to the Department of Building Inspection to view/print final plans and permits. The Planning Department has notified the complainant that any final plans are under the jurisdiction of the Department of Building Inspection. The following text is included on Department of Building Inspections website:

The California Health & Safety Code requires local building departments to maintain copies the plans for buildings for which the department issues building permits. (Cal. Health & Saf. Code, § 19850.) The San Francisco Department of Building Inspection (DBI) maintains building plans for inspection; however, section 19851 of the Health & Safety Code prohibits duplication of building plans, except (1) with the written permission of the certified, licensed or registered professional who signed the original documents and the written permission of the original or current owner of the building, or (2) by order of a proper court or upon the request of any state agency. (Cal. Health & Saf. Code, § 19851(a).) DBI's process for duplication of plans, and the forms required to submit such a request, are available here: <https://sfdbi.org/DOP>

4. Did you withhold any information or documents from the requester prior to the filing of the complaint?

Planning's Response:

- The only documents withheld were emails withheld by the City Attorney's Office. These were withheld at the advice and direction of the City Attorney's Office. The Planning Department also appropriately directed the Complainant to the Department of Building Inspection for access to final plans and permits.

Did you provide written justification for all withholding of information prior to the filing of the complaint? If yes, attach evidence.

Planning's Response:

- Yes, on November 5th, 2021, Laura Lynch sent an email to the Complainant citing that documents withheld are attorney-client privileged. **(Exhibit A)**

5. Did you redact any information from the documents prior to the filing of the complaint?

If yes, explain what information you redacted and why. Drawing primarily on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.

- No

Did you provide a written justification keyed to each instance of redaction prior to the filing of the complaint? If yes, attach the original keyed justifications provided to the requester (if any), and any new keyed justifications for each redaction. Drawing primarily on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.

- N/A, no documents were redacted.

6. At the time the request was made, did you search employee personal property (such as mobile phones and computers) for responsive records about the conduct of public

business? If yes, describe your method for conducting this search. If appropriate, provide supporting documentation in your packet.

- All records provided were available on the Department's M-files database and I:Drive. Staff appropriately contacted staff for all materials, including those located on personal property.

7. At the time the request was made, did you request relevant records from contractors

your agency has funded, managed or hired? If yes, describe how you communicated this request. Provide supporting documentation in your packet, including communications to and from the contractor.

- N/A

8. Are there any known responsive records that you have yet to review for potential redaction and disclosure to the respondent? If yes, provide the approximate quantity and timeline of future expected disclosures.

- All records in possession of the Planning Department have been provided. The only documents withheld are those previously stated.

Lynch, Laura (CPC)

From: CPC-RecordRequest
Subject: FW: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street

From: dratlerj@gmail.com <dratlerj@gmail.com>
Sent: Monday, October 11, 2021 1:55 PM
To: richhillissf@gmail.com
Cc: jonas.ionin@sfgov.or
Subject: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street

To: Rich Hills

CC: Jonas Ionin

From: Jerry Dratler

Date: October 11, 2021

RE: Document request for immediate disclosure under the California Public Records Act – 365 Pacheco Street

Dear Mr. Hillis,

I am requesting access to records in your possession or control at the S. F. Planning Department for the purposes of inspection and copying pursuant to the California Public Records Act, California Government Code § 6250 et seq. (“CPRA”), and Article I, § 3(b) of the California Constitution. The specific records I seek to inspect, and copy are listed below. As used herein, “Record” includes “Public Records” and “Writings” as those terms are defined at Government Code § 6252(e) & (g). **I request immediate access to inspect/copy:**

1. The Planning Department file for the construction of a new house at 365 Pacheco Street. Documents I would like to review include the 311 Notice and the plans that were sent to the neighbors with the 311 Notice.

If you contend that any portion of the records requested is exempt from disclosure by express provisions of law, Government Code § 6253(a) requires segregation and redaction of that material in order that the remainder of the records may be released. If you contend that any express provision of law exists to exempt from disclosure all or a

portion of the records I have requested, Government Code § 6253(c) requires that you notify me of the reasons for the determination not later than 10 days from your receipt of this request. Government Code §§ 6253(d) & 6255(b) require that any response to this request that includes a determination that the request is denied, in whole or in part, must be in writing and include the name and title of the person(s) responsible for the City's response.

Government Code § 6253(d) prohibits the use of the 10-day period, or any provisions of the CPRA or any other law, "to delay access for purposes of inspecting public records."

In responding to this request, please keep in mind that Article 1, § 3(b)(2) of the California Constitution expressly requires you to broadly construe all provisions that further the public's right of access, and to apply any limitations on access as narrowly as possible.

I would like to review the file in the next three days. If I can provide any clarification that will help expedite your attention to my request, please contact me at 650-678-4308 or dratlerj@gmail.com.

Thank you for your timely attention to this matter.

Sincerely,

Jerry Dratler

From: dratlerj@gmail.com
To: [CPC-RecordRequest](#)
Cc: richhillissf@gmail.com; [Tonin, Jonas \(CPC\)](#)
Subject: RE: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street
Date: Wednesday, October 13, 2021 8:38:24 AM

Chan Son,

Thank you for your prompt response to my California Public Records Act request. I believe there is a Planning Department file for the new construction at 365 Pacheco Street. You might want to check with Tom Wang if he still works for the city. The section 311 notice was mailed on August 24,2005 and expired on September 23,2005.

I look forward to reviewing the file in person in your office soon.

Regards,

Jerry Dratler

From: CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Sent: Tuesday, October 12, 2021 4:09 PM
To: dratlerj@gmail.com
Cc: CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Subject: FW: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street

Mr. Dratler,

We've received your request for files regarding developments at 365 Pacheco Street. Attached is the subdivision file for the lot line adjustment from 2005, which looks like it was abandoned.

We have no other files available. If there were plans to develop the property we have not received a fomal application.

This will deem your request complete.

**Thank you,
Chan Son, Executive Secretary
Record Rquest**

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Expanded in-person services at the Permit Center at 49 South Van Ness Avenue are available. Most other San Francisco Planning functions are being conducted remotely. Our staff are available by e-mail, and the Planning and Historic Preservation Commissions are convening remotely. The public is encouraged to participate. Find more information on our services here.

From: "dratlerj@gmail.com" <dratlerj@gmail.com>

Date: Monday, October 11, 2021 at 2:17 PM

Lynch, Laura (CPC)

From: CPC-RecordRequest
Subject: FW: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street
Attachments: 365 Pacheco St. - 200506296356.PDF; 365 Pacheco reference files.pdf

From: CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Sent: Wednesday, October 13, 2021 3:28 PM
To: dratlerj@gmail.com; CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Cc: richhillissf@gmail.com; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>
Subject: RE: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street

Mr. Dratler,

Please see attached files.

Thank you,

**Chan Son, Executive Secretary
Record Request**

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From: [Jerry Dratler](#)
To: [CPC-RecordRequest](#)
Cc: richhillissf@gmail.com; [Ionin, Jonas \(CPC\)](#)
Subject: Re: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street
Date: Wednesday, October 13, 2021 4:59:33 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Thank you for promptly sending the two PDF files. I would like to make an appointment on Thursday or Friday to review the entire file. What time would be most convenient for you? The plans you sent me are incomplete. Plan pages A2, A3 A4 are missing and there are other documents in the file that I would like to review.

Regards,
Jerry Dratler

On Oct 13, 2021, at 3:27 PM, CPC-RecordRequest <CPC-RecordRequest@sfgov.org> wrote: .

<365 Pacheco St. - 200506296356.PDF>

Lynch, Laura (CPC)

From: CPC-RecordRequest
Subject: FW: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street

From: CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Sent: Monday, October 18, 2021 11:24 AM
To: Jerry Dratler <dratlerj@gmail.com>; CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Subject: RE: Document request for immediate disclosure und the California Public Records Act - 365 Pacheco Street

Mr. Dratler,
My apologies for the delayed response. Planning has no additional records to provide.
You may contact the Department of Building Inspection for complete building plans.

All building permit applications, approved site plans, certificate of occupancy, complaints and/or inspection reports are the Department of Building Inspection (DBI's) legal records, and you may request such plans from DBI by completing a request form at <https://sfdbi.org/RMD> or email [DBI Sunshine Requests](#).

Thank you,
Chan Son, Executive Secretary
Record Request
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From: dratlerj@gmail.com
To: richhillissf@gmail.com; Son, Chanbory (CPC)
Cc: MelgarStaff (BOS); Peskin, Aaron (BOS); Preston, Dean (BOS); Ronen, Hillary
Subject: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street
Date: Friday, October 22, 2021 11:18:15 AM
Attachments: Document request email exchange with Planning final.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To: Rich Hillis, Chanbory Son

From: Jerry Dratler

Cc: Supervisors Melgar, Peskin, Preston, Ronen

Subject: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street.

Date: October 22, 2021

I sent you an email requesting access to review the Planning Department's file on the construction of a new house at 365 Pacheco Street on October 11. The home is owned by Angus McCarthy. You have refused to grant me access to this file.

A copy of our six email exchanges is attached. I have highlighted some of the more important sentences in our email exchange below.

- You sent me the contents of the Planning Department lot line adjustment file for 365 Pacheco Street and responded "we have no other files available. If there were plans to develop the property, we have not received a formal application."
- When I asked for a copy of the Planning Department 311 Notice sent to the neighbors on August 24, 2005, with plans you sent me a set of plans that was missing pages A2, A3, A4.
- When I asked for a copy of the categorical exemption your department issued and a copy of Alice Barkley's May 2006 email to Rick Cooper about 365 Pacheco Street, you responded "planning has no additional records to provide. You may contact the Department of Building Inspection for complete building plans."

My preference is to review the file I requested in your office and not have to file a complaint for violating the California Public Records Act. Please grant me access to the requested file in the next five days so I don't have to file a complaint.

Regards,

Jerry Dratler

Lynch, Laura (CPC)

From: CPC-RecordRequest
Subject: FW: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street

From: Son, Chanbory (CPC) <chanbory.son@sfgov.org>
Sent: Monday, October 25, 2021 5:12 PM
To: dratlerj@gmail.com
Cc: CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Subject: RE: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street

Mr. Dratler,

Apologies for the oversight. I was not aware of the request for the email from Alice Barkley.

I am intaking this request to perform a thorough search of your request.

We will endeavor to complete your request on or before November 1, 2021 (Cal. Govt Code 6253(c) and Admin Code 67.21(b)).

**Thank you,
Chan Son, Executive Secretary
Record Request**

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Lynch, Laura (CPC)

From: Jerry Dratler <dratlerj@gmail.com>
Sent: Wednesday, October 27, 2021 6:49 PM
To: Hillis, Rich (CPC); Ionin, Jonas (CPC); Son, Chanbory (CPC)
Cc: MelgarStaff (BOS); Peskin, Aaron (BOS); Preston, Dean (BOS); Ronen, Hillary; Pelham, Leeann (ETH); Cityattorney
Subject: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street
Attachments: Document request email exchange with Planning.pdf

On October 11, 2021, I sent you a California Public Records request for access to the Planning department new construction file for 365 Pacheco Street. Under the law you are required to grant me access to the file or specific documents in my request. Your department had 10 days during which your department should have notified me of any documents you believe are exempt from public disclosure. Your department did not send me a notice claiming specific documents were exempt from disclosure.

Your department is allowed to withhold records you deem are exempt by sending me a written determination of the documents or portions of the documents that you deem are exempt from disclosure no later than 10 days from the receipt of my document request. Your department did not send me a written notice that any documents in the Planning Department 365 Pacheco Street new construction file are exempt from disclosure.

Therefore, I am entitled to review all the documents in the Planning Department new construction file for 365 Pacheco Street.

I have summarized our 7 email exchanges from the attached PDF below. The email exchange documents Planning Department violations of the California Public Records Act. If Mr. Hillis does not grant me access to the new construction file for 365 Pacheco Street, my only option is to file a complaint with the San Francisco Ethics Commission.

1. On October 11, 2020, I sent Mr. Hillis a California Public Records Act request to review the new construction file for 365 Pacheco Street.
2. On October 12, 2021, I received an email from Planning Department with the 365 Pacheco Street lot line adjustment file attached and a claim from Chanbory Son there are no other files available. Is there a new construction file for 365 Pacheco Street that is not available?
3. October 13, 2021, Jerry Dratler sent Chanbory Son an email suggesting he work with Tom Wang to locate the new construction file because the Planning Department sent a 311 Notice to the neighbors on August 24, 2005._

4. October 13, 2021, email response from Chanbory Son with a copy of the 311 Notice and a set of 311 plans missing pages A2, A3 and A4. Section 6353(c) of the California Public Records Acts says I am entitled to a written determination why the Planning Department did not send me pages A2, A3, A4 of the 311 Notice Plans. When will you be sending me the written notice?
5. October 13, 2021, Jerry Dratler sent an email to CPC Records Request with copies to Mr. Hillis and Mr. Ionin requesting a Thursday or Friday appointment to review the Planning Department new construction file for 365 Pacheco Street.
6. Monday October 18, 2021, email response from Chanbory Son stating the Planning Department has no additional records to provide. My document request was to review the entire contents of the Planning Department new construction file for 365 Pacheco Street. I did not request copies of specific documents.
7. Monday October 25, 2021, email response from Chanbory Son stating the Planning Department is looking for the Alice Barkley email and will endeavor to complete my request by November 1, 2021. Fifteen days have elapsed since I sent an email request to review the Planning Department new construction file for 365 Pacheco Street.

The Planning Department's violation of the requirements of the California Public Record Act when San Francisco residents and members of the Board of Supervisors are inquiring into corruption in the Department of Building Inspection is intolerable.

Jerry Dratler

On Oct 25, 2021, at 5:11 PM, Son, Chanbory (CPC) <chanbory.son@sfgov.org> wrote:

Mr. Dratler,

Apologies for the oversight. I was not aware of the request for the email from Alice Barkley.

I am intaking this request to perform a thorough search of your request.

We will endeavor to complete your request on or before November 1, 2021 (Cal. Govt Code 6253(c) and Admin Code 67.21(b)).

Thank you,
Chan Son, Executive Secretary
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Lynch, Laura (CPC)

From: CPC-RecordRequest
Subject: FW: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street

From: Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>
Sent: Friday, October 29, 2021 9:38 AM
To: dratlerj@gmail.com; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Son, Chanbory (CPC) <Chanbory.Son@sfgov.org>
Cc: MelgarStaff (BOS) <MelgarStaff@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Pelham, Leeann (ETH) <leeann.pelham@sfgov.org>; Cityattorney <Cityattorney@sfcityatty.org>; Lynch, Laura (CPC) <laura.lynch@sfgov.org>
Subject: Re: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street

Mr. Dratler,
We have no explanation for you, that would not be pure speculation. My Office can only provide what it discovers.

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
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From: "dratlerj@gmail.com" <dratlerj@gmail.com>
Date: Friday, October 29, 2021 at 9:34 AM
To: "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "Hillis, Rich (CPC)" <rich.hillis@sfgov.org>, Chanbory Son <chanbory.son@sfgov.org>
Cc: "MelgarStaff (BOS)" <melgarstaff@sfgov.org>, "Peskin, Aaron (BOS)" <aaron.peskin@sfgov.org>, "Preston, Dean (BOS)" <dean.preston@sfgov.org>, "Ronen, Hillary" <hillary.ronen@sfgov.org>, "Pelham, Leeann (ETH)" <leeann.pelham@sfgov.org>, Cityattorney <Cityattorney@sfcityatty.org>, "Lynch, Laura (CPC)" <laura.lynch@sfgov.org>
Subject: RE: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street

Thank you for your reply. Please explain why the plans (attached) that I was sent by your department are missing pages A2,A3, and A4.

Regards,
Jerry Dratler

From: Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>
Sent: Thursday, October 28, 2021 9:48 AM
To: Jerry Dratler <dratlerj@gmail.com>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Son, Chanbory (CPC) <chanbory.son@sfgov.org>
Cc: MelgarStaff (BOS) <melgarstaff@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Pelham, Leeann (ETH)

<leeann.pelham@sfgov.org>; Cityattorney <Cityattorney@sfcityatty.org>; Lynch, Laura (CPC) <laura.lynch@sfgov.org>
Subject: Re: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street

Mr. Dratler,

As far as we are aware, we are not withholding any responsive documents to your request related to 365 Pacheco Street. Some documents are not in our possession, some may have never been digitized and some may have been destroyed.

In 2005, the Department had not yet developed a digitization policy for records related to building permit applications and/or cases.

Our extensive search has produced only those documents already provided to you. If any additional documents emerge, we will certainly provide them to you on a rolling basis.

It goes without saying that this result frustrates my Office, at least as much, as it probably does you.

Sincerely,

Jonas P Ionin

Director of Commission Affairs

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7589 | www.sfplanning.org

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Lynch, Laura (CPC)

From: CPC-RecordRequest
Sent: Friday, November 5, 2021 11:19 AM
To: dratlerj@gmail.com
Cc: Ionin, Jonas (CPC)
Subject: RE: Please comply with the California Public Records Act and allow me to review your department's file on the construction of Mr. McCarthy's house at 365 Pacheco Street

Mr. Dratler,

I am emailing you confirming that we have conducted a diligent search for the remaining requested records and concluded that we have no further records responsive to your request.

Please note that in 2005 most categorical exemptions issued for Building Permits were either stamped on the plans and/or written on the building permit, with no separate exemption document in the possession of the Planning Department . All building permit applications, approved site plans, certificate of occupancy, complaints and/or inspection reports are the Department of Building Inspection (DBI's) legal records, and you may request such plans from DBI by completing a request form at <https://sfdbi.org/RMD>. Additionally, you can make a request by sending it to this email: dbi.sunshinerequest@sfgov.org

We are not producing documents protected by attorney-client privilege. The California Public Records Act does not require an agency to provide "records the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege." (California Government Code Section 6254(k)). California Evidence Code Section 954 protects from disclosure communications between attorneys and their clients. The San Francisco Sunshine Ordinance authorizes the withholding of records based on specific permissive exemptions in the California Public Records Act and provisions of law prohibiting disclosure. (S.F. Admin. Code Section 67.27).

Thank you,

Laura

Laura Lynch, Senior Planner
Manager of Commission Affairs

San Francisco Planning
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Direct: 628-652-7554 | www.sfplanning.org
[San Francisco Property Information Map](#)

Expanded in-person services at the Permit Center at 49 South Van Ness Avenue are available. Most other San Francisco Planning functions are being conducted remotely. Our staff are available by e-mail, and the Planning and Historic Preservation Commissions are convening remotely. The public is encouraged to participate. Find more information on our services here.

From: Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>
Sent: Friday, October 29, 2021 9:38 AM
To: dratlerj@gmail.com; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Son, Chanbory (CPC) <chanbory.son@sfgov.org>
Cc: MelgarStaff (BOS) <melgarstaff@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Pelham, Leeann (ETH) <leeann.pelham@sfgov.org>; Cityattorney <Cityattorney@sfcityatty.org>; Lynch, Laura (CPC) <laura.lynch@sfgov.org>

| | | | |
|--|--|--|---------------------------------|
| RETURN DOCKET TO: <u>DCP</u> <small>(PRINT IN LEAD)</small> | | PLANNER ASSIGNED <u>CM</u> | |
| SITE LOCATION <u>361 PACHECO ST</u> | | BLOCK/LOT(S) <u>2837/007</u> <u>008</u> | CASE NO. <u>2005.02455</u> |
| FILING DATE <u>3/7/05</u> | CONST. COST: | FEE | RECEIPT NO. <u>780250355</u> |
| APPLICANT | ADDRESS | PHONE | ZONING <u>RH-1(D)</u> |
| OWNERS | ADDRESS | PHONE | NEIGHBORHOOD |
| PROPOSAL: <u>LOT LINE</u> <u>ADJUSTMENT</u> | NOTICE OF INCOMPLETE APPLICATION DATE SENT: REASONS: | ACTION OF BOARD OF SUPERVISOR'S COMMITTEE DATE RECOMMENDATION FILE NO. | |
| | RESPONSE DATE: DATE ACCEPTED AS COMPLETE: ENVIRONMENTAL REVIEW | ACTION OF BOARD OF SUPERVISORS DATE RULING <input type="checkbox"/> APPEAL FILE NO. | |
| RELATED PROPOSALS: | EE NO. PLANNER ASSIGNED DATE NEG DEC/EIR FINALIZED: RES. NO: ADDITIONAL ACTION/DATE: | MAYOR'S ACTION/DATE: ORD No./S: | |
| REMARKS: | ACTION OF LANDMARK PRESERVATION ADVISORY BOARD DATE RULING RES. NO. | ACTION OF ZONING ADMINISTRATOR DATE RULING LETTER DATE EFFECTIVE DATE | |
| ADDITIONAL FEES: | ACTION OF CITY PLANNING COMMISSION DATE RULING MTN. NO. | ACTION OF BOARD OF PERMIT APPEALS DATE RULING NO. | |
| | | ACTION ON BUILDING PERMIT APPLICATIONS NO. SUBJECT ACTION DATE | |

RECORD OF PROCEEDINGS

PLANNING DEPARTMENT

CITY AND COUNTY OF SAN FRANCISCO

INTERESTED PARTIES AND NEIGHBORHOOD ORGANIZATIONS

NAME PHONE ADDRESS ZIP
✓ Best notice for container map 4 Lupo Cir
Best notice for 1140 St. Cir
Need email from attorney to note 5/19/06

Lined area for additional entries.

City and County of San Francisco



Gavin Newsom, Mayor
Edwin M. Lee, Director



(415) 554-5800
FAX (415) 554-5843
http://www.sfdpw.com

Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 460
San Francisco, CA 94103-0942

Barbara L. Moy, Bureau Manager

Date: May 31, 2005

361-365 Pacheco Street
Assessor's Block No. 2837
Lots **007 & 008**
Lot Line Adjustment Referral- **Revised Exhibit "C"**

Planning Department
1660 Mission Street
San Francisco, CA 94103

Attention: Lawrence B. Badiner

Pursuant to Section 66412 (d) of the Subdivision Map Act (SMA), the enclosed application for Lot Line Adjustment has been submitted to the Director of Public Works (the Advisory Agency under the SMA and the San Francisco Subdivision Code) for review and approval.

Please review this application and the proposed lots for compliance with applicable General Plan Requirements and the Planning Code, and **reply to this office within 30 days from the date of receipt of this letter.**

Thank you for your prompt attention to this matter.

Sincerely,
Edwin M. Lee
Director of Public Works
and the Advisory Agency

By:

John R. Martin, LS
County Surveyor

_____ This Lot Line Adjustment has been reviewed and does comply with all applicable provisions Of the Planning Code and General Plan and is therefore approved.

_____ This Lot Line Adjustment has been reviewed and is approved subject to _____.

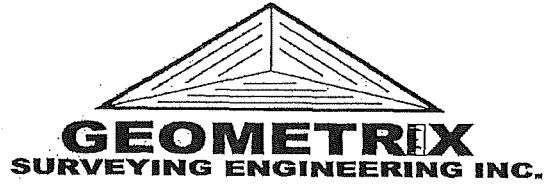
_____ This Lot Line Adjustment has been reviewed and **is not approved** based on: _____.

PLANNING DEPARTMENT

DATE _____

Lawrence B. Badiner, Zoning Director

Phone: 415-440-5005
Fax: 415-440-5009
Email: Lou@geometrixsurvey.com



LETTER OF TRANSMITTAL

| Date: 5/20/05 | | Job # 05001 | |
|--|---------|-------------|--------------------------|
| Attention: John Martin SF DPW 875 Stevenson St Room 460 San Francisco, CA 94103 | | | |
| RE: Lot Line Adjustment for Merger 2837 007 & 008 | | | |
| Enclosed: | | | |
| COPIES | DATE: | NO. | DESCRIPTION: |
| 1 | 5/20/05 | | Exhibit C LLA for merger |
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REMARKS: It has come to my attention that planning may not have the current Exhibit C. Please distribute as appropriate. Let me know if you have any questions.

cc:Shum

RECEIVED
SAN FRANCISCO DISTRICT ENGINEERING & PLANNING
05 MAY 25 PM 1:03
DEPT. OF PUBLIC WORKS

Signed: 
Lou Clem, PLS
President

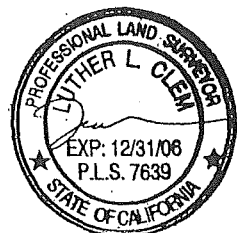
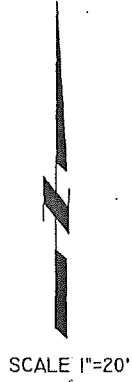
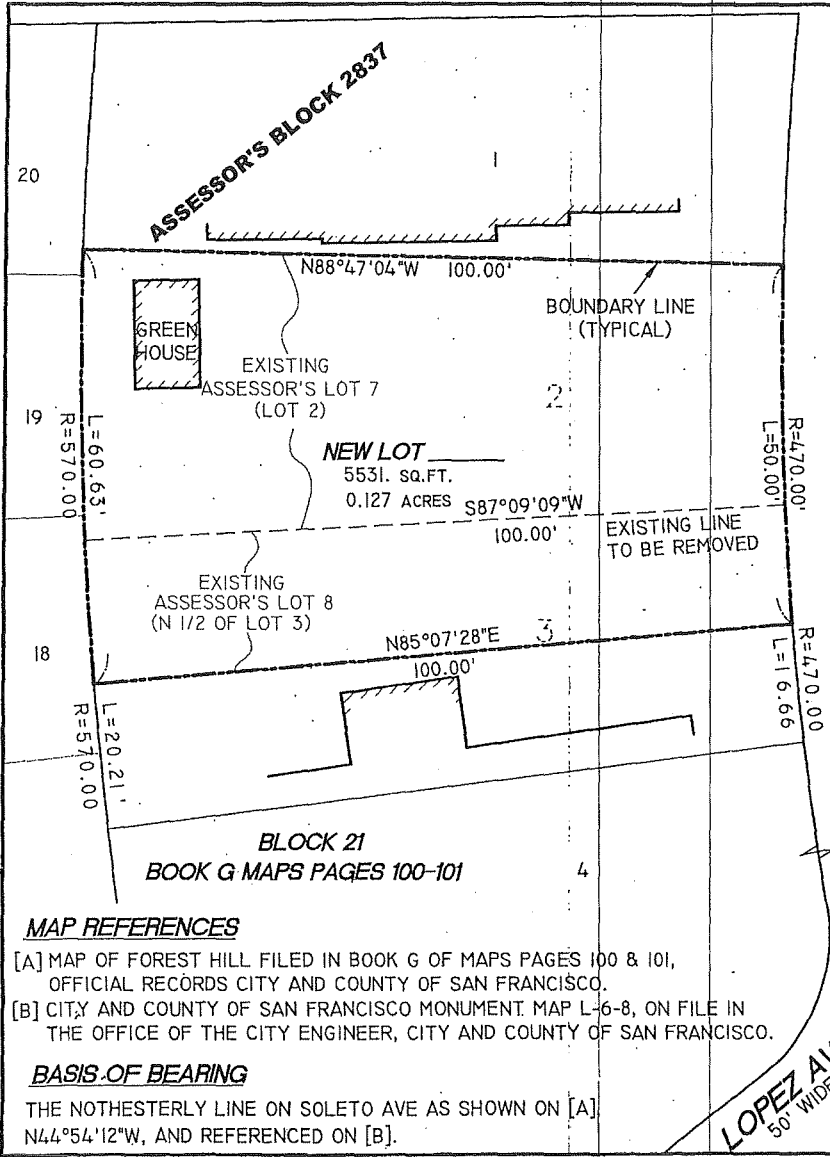


EXHIBIT C
LOT LINE ADJUSTMENT FOR MERGER OF
ASSESSOR'S BLOCK 2837
LOTS 007 & 008
CITY AND COUNTY
OF SAN FRANCISCO

COUNTY OF SAN FRANCISCO CALIFORNIA
1"=20' JAN 2005

GEOMETRIX
SURVEYING ENGINEERING INC.



2516 POLK STREET
SAN FRANCISCO, CA 94109
(415) 440-5005
(415) 440-5009FX
LOU@GEOMETRIXSURVEY.COM
WWW.GEOMETRIXSURVEY.COM

MAP REFERENCES
[A] MAP OF FOREST HILL FILED IN BOOK G OF MAPS PAGES 100 & 101, OFFICIAL RECORDS CITY AND COUNTY OF SAN FRANCISCO.
[B] CITY AND COUNTY OF SAN FRANCISCO MONUMENT. MAP L-6-8, ON FILE IN THE OFFICE OF THE CITY ENGINEER, CITY AND COUNTY OF SAN FRANCISCO.

BASIS OF BEARING
THE NOTHESLERLY LINE ON SOLETO AVE AS SHOWN ON [A] N44°54'12"W, AND REFERENCED ON [B].

LUCE FORWARD

ATTORNEYS AT LAW • FOUNDED 1873

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

ALICE SUET YEE BARKLEY, OF COUNSEL
DIRECT DIAL NUMBER 415.356.4635
DIRECT FAX NUMBER 415.356.3888
EMAIL ADDRESS ABARKLEY@LUCE.COM

121 Spear Street
Suite 200
San Francisco, CA 94105
415.356.4600
415.356.4610 fax
www.luce.com

32829-00002

VIA E-MAIL AND U.S. MAIL

May 19, 2006

Mr. Rick Cooper
Major Environmental Review
Planning Department
30 Van Ness Avenue, Fourth Floor
San Francisco, CA 94102

SUBJECT: Lot-Line Adjustment Application Planning Case No. 2005.0245S
361-365 Pacheco Street

Dear Mr. Cooper:

My office represents Angus McCarthy, who recently purchased the subject property. The Planning Department has issued a categorical exemption for a single-family home to be constructed on the subject property that consists of two lots and approved construction of a single family on the subject lots. The permit application specifically stated that a single family home would be constructed on both lots. A copy of the permit application approved by the Planning Department on September 27, 2005 is attached hereto as **Exhibit 1**. Construction of one single-family home on both lots was the result of negotiation between the previous property owner and the Forest Hill Home Owners' Association and other neighbors. The San Francisco Building Code requires that the subject lots be merged if a single-family home is to be constructed on both lots.

The subject site has a difference of a maximum of 22' between the front and rear property line. A copy of the topographic survey was submitted to the DBI and is attached hereto as **Exhibit 2**. A Geotechnical Investigation Report was submitted to the Department of Building Inspection ("DBI"). A copy of the Geotechnical Investigation Report prepared by Earth mechanics Consulting Engineers dated November 11, 2005 is attached hereto as **Exhibit 3**. The Geotechnical Investigation Report showed loose to medium dens sand up to a depth of 20 feet and that ground water not encountered at the depth of 20 feet. Because the soil is subject to potential seismic densification, a mat foundation supported by drilled piers is recommended. The Report stated that potential for

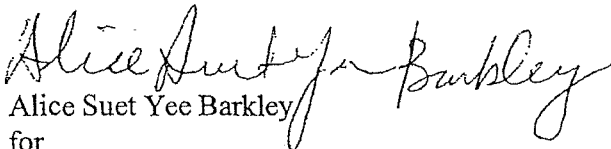
199860v1

Mr. Rick Cooper
May 19, 2006
Page 2

liquefaction and lateral spreading is low. This site is not located in a landslide area. No evidence of active slope instability was observed during the site visit by the soil engineers. DBI is completing its plan check to ensure that the recommendations in the Geotechnical Report are followed in the engineering of the proposed single family home.

Since a categorical exemption has been issued for the construction of a single-family home on the merged lot, it is respectfully submitted that no further environmental review would be required from the application for a lot merger. If you have any questions, please do not hesitate to call me at 415-356-4635.

Very truly yours,

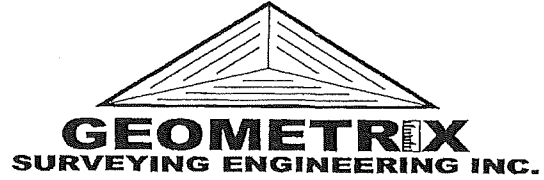


Alice Suet Yee Barkley
for
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

ASYB/fs
Encl.: Exhibits 1 to 3

cc: Ms. Cecilia Jaroslowsky
Mr. Angus McCarthy

Phone: 415-440-5005
Fax: 415-440-5009
Email: Lou@geometrixsurvey.com



LETTER OF TRANSMITTAL


| | |
|--|-------------|
| Date: 4/12/05 | Job # 05001 |
| Attention: Cecilia Jaroslowsky SF Planning Department 1660 Mission St Suite 500 San Francisco, CA 94103 | |
| RE: 361 – 365 Pacheco St LLA | |

Enclosed:

| COPIES | DATE: | NO. | DESCRIPTION: |
|--------|---------|-----|----------------------------------|
| 1 | 4/12/05 | | Site Survey 361 – 365 Pacheco St |
| | | | |
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REMARKS: Cecilia,
Here is the Contour map for your review. Please let me know if you have any questions.

CC:

Signed: 
Lou Clem, PLS
President



PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER
(415) 558-6378

DIRECTOR'S OFFICE
PHONE: 558-6411

4TH FLOOR
FAX: 558-6426

ZONING ADMINISTRATOR
PHONE: 558-6350

5TH FLOOR
FAX: 558-6409

PLANNING INFORMATION
PHONE: 558-6377

MAJOR ENVIRONMENTAL
FAX: 558-5991

COMMISSION CALENDAR
INFO: 558-6422

INTERNET WEB SITE
WWW.SFGOV.ORG/PLANNING

NOTICE OF PLANNING DEPARTMENT REQUIREMENTS

April 11, 2005

GEOMETRIX
2516 Polk Street
San Francisco, CA 94109

RE: 361 - 365 Pacheco Street
2837007 and 008
2005.0245S
Lot-Line Adjustment <

RECEIVED

APR 13 2005

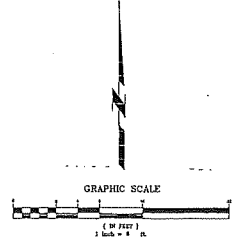
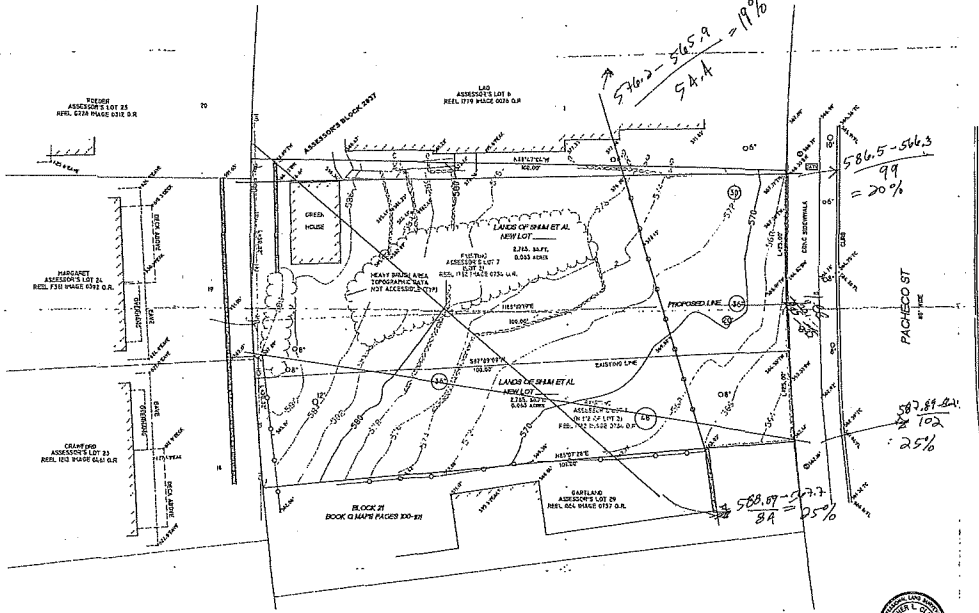
CITY & COUNTY OF S.F.
DEPT. OF CITY PLANNING
ADMINISTRATION

The Planning Department has received the above condominium or subdivision referral. The application is being held because the following information is required before it is accepted as complete or may be considered code complying. Time limits for review of this application will not commence until we receive the requested information or materials and verify their accuracy.

- Please submit a contour map of the project site containing 2' - 5' intervals.

Please direct any questions concerning this notice to Cecilia Jaroslowsky (415) 558-6348. Thank you for your attention to this notice. An early and complete response will help expedite our review of this application.

- GENERAL NOTES**
01. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
 02. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL THE UTILITIES MARKED BY THE RESPECTIVE UTILITY COMPANY PRIOR TO CONSTRUCTION.
 03. PRIOR TO ANY DIGGING, CALL U.S.A. (800) 485-5742 AT LEAST 48 HOURS IN ADVANCE TO HAVE ELECTRIC LOCATIONS MARKED.
 04. CASING CONDITIONS SHOWN HEREON REFLECT CONDITIONS ON THE DATE OF THE SURVEY.
 05. ENCROACHMENT UPON AND BY THE ADJOINING PRIVATE PROPERTY(IES) ARE HEREBY NOTED AND IT SHALL BE THE RESPONSIBILITY SAID(ED) OF THE PROPERTY OWNER(S) INVOLVED TO RESOLVE ANY ISSUE PRIOR TO ANY CONSTRUCTION.
 06. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF CLAYTON SHUM, USE BY ANY OTHER PARTY FOR ANY PURPOSE IS HEREBY FORBIDDEN.
 07. ROOF/GARAGE ELEVATIONS WERE TAKEN AT HIGHEST RELEVANT POINT(S) 1.5 FEET FROM THE CROWN.
 08. A LOT LINE ADJUSTMENT HAS NOT YET BEEN SUBMITTED FOR THE PROPOSED NEW LINES.



- LEGEND**
- BY CONCRETE
 - EL ELEVATION
 - FD FLOOR
 - FL FINISH
 - RA ROOF
 - TC TOP OF CURB
 - TR TOP OF WALL IN CURB
 - UT UNDERGROUND UTILITY
 - VA VALVE
 - WV WATER VALVE
 - WT WIRE

SITE SURVEY

OF
 BLOCK 2337 LOTS 007 & 008
 361 & 365 PACHECO ST
 CITY OF SAN FRANCISCO
 PREPARED AT THE REQUEST OF
 CLAYTON SHUM
 COUNTY OF SAN FRANCISCO CALIFORNIA
 JULY 2005

GEOMETRIX
 SURVEYING ENGINEERING INC.

| | |
|------------------|-------------------------|
| PROJECT NO. 0506 | FIELD SURVEY DATE 04/05 |
| REVISION: 1 | DRAWN BY LC |
| REVISION: 1-1-05 | PAGE 1 OF 1 |

LUMP REFERENCES
 [A] MAP OF FOREST HILL PAVED PLAZA, C OF HAWAII LOTS 00 & 01, OFFICIAL RECORDS CITY AND COUNTY OF SAN FRANCISCO.
 [B] CITY AND COUNTY OF SAN FRANCISCO ORDINANCE 109 C-4, ON FILE IN THE OFFICE OF THE CITY ENGINEER, CITY AND COUNTY OF SAN FRANCISCO.

BASE OF ELEVATION
 THE REFERENCE ELEVATION ON 582.010 AVE AS SHOWN ON [A] MAP, VIEW, AND REFERENCED ON [B].

BASE OF ELEVATION
 PAVED CITY BRIDGE PARK AT THE SE CORNER OF PACHECO ST AND LOPEZ AVE - ONE CENTER TOP 10.1' BELOW THE CITY AND COUNTY OF SAN FRANCISCO BENCHMARK.



PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER
(415) 558-6378

DIRECTOR'S OFFICE
PHONE: 558-6411

4TH FLOOR
FAX: 558-6426

ZONING ADMINISTRATOR
PHONE: 558-6350

5TH FLOOR
FAX: 558-6409

PLANNING INFORMATION
PHONE: 558-6377

MAJOR ENVIRONMENTAL
FAX: 558-5991

COMMISSION CALENDAR
INFO: 558-6422

INTERNET WEB SITE
WWW.SFGOV.ORG/PLANNING

NOTICE OF PLANNING DEPARTMENT REQUIREMENTS

April 14, 2005

GEOMETRIX
2516 Polk Street
San Francisco, CA 94109

**RE: 361 - 365 Pacheco Street
2837007 and 008
2005.0245S
Lot-Line Adjustment**

The Planning Department has received the above condominium or subdivision referral. **The application is being held because the following information is required before it is accepted as complete or may be considered code complying.** Time limits for review of this application will not commence until we receive the requested information or materials and verify their accuracy.

- Per the California Environmental Quality Act, State Guidelines Section 15061(b)(3), environmental review is required for this proposal due to the slope of the property being in excess of 20%. Please submit proof that environmental review has been obtained as required by the California Environmental Quality Act.

Please direct any questions concerning this notice to Cecilia Jaroslowsky (415) 558-6348. Thank you for your attention to this notice. An early and complete response will help expedite our review of this application.



PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER
(415) 558-6378

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INFO: 558-6422

INTERNET WEB SITE
WWW.SFGOV.ORG/PLANNING

NOTICE OF PLANNING DEPARTMENT REQUIREMENTS

April 11, 2005

GEOMETRIX
2516 Polk Street
San Francisco, CA 94109

**RE: 361 - 365 Pacheco Street
2837007 and 008
2005.0245S
Lot-Line Adjustment**

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- Please submit a contour map of the project site containing 2' - 5' intervals.

Please direct any questions concerning this notice to Cecilia Jaroslowsky (415) 558-6348. Thank you for your attention to this notice. An early and complete response will help expedite our review of this application.

City and County of San Francisco



Gavin Newsom, Mayor
Edwin M. Lee, Director



(415) 554-5800
FAX (415) 554-5843
http://www.sfdpw.com

Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 460
San Francisco, CA 94103-0942

Barbara L. Moy, Bureau Manager

2005.02455

Date: March 7, 2005

361-365 Pacheco Street
Assessor's Block No. 2837
Lots 007 & 008
Lot Line Adjustment Referral

Planning Department
1660 Mission Street
San Francisco, CA 94103

Attention: Lawrence B. Badiner

Pursuant to Section 66412 (d) of the Subdivision Map Act (SMA), the enclosed application for Lot Line Adjustment has been submitted to the Director of Public Works (the Advisory Agency under the SMA and the San Francisco Subdivision Code) for review and approval.

Please review this application and the proposed lots for compliance with applicable General Plan Requirements and the Planning Code, and **reply to this office within 30 days from the date of receipt of this letter.**

Thank you for your prompt attention to this matter.

Sincerely,
Edwin M. Lee
Director of Public Works
and the Advisory Agency

By:

John R. Martin, LS
County Surveyor

_____ This Lot Line Adjustment has been reviewed and does comply with all applicable provisions Of the Planning Code and General Plan and is therefore approved.

_____ This Lot Line Adjustment has been reviewed and is approved subject to _____.

_____ This Lot Line Adjustment has been reviewed and **is not approved** based on: _____.

PLANNING DEPARTMENT

DATE _____

Lawrence B. Badiner, Zoning Director

**CITY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS**

APPLICATION FOR LOT LINE ADJUSTMENT

I (We), the undersigned property owner(s) or the owner's authorized agent request that the City of San Francisco approve a Lot Line Adjustment pursuant to Section 66412(d) of the Subdivision Map Act for the property herein described:

Parcel 1 361-365 PACHECO (UN-IMPROVED)
(Street Address)
Parcel 2 361-365 PACHECO (UN-IMPROVED)
(Street Address)

Exact legal description (Lot, Block and Tract) of said property being

BLOCK 2837 LOT 007 PER EXHIBIT A
BLOCK 2837 LOT 008 PER EXHIBIT A

The requested Lot Line Adjustment is as follows: PER EXHIBIT B & C

A map showing the parcel boundaries as they exist subsequent to the approval of this adjustment and revised legal descriptions are attached hereto.

I, (We), Clayton Shum
(Print or Type Name in Full)
DANNY YEE
(Print or Type Name in Full)

being duly sworn, depose and say that I am (We are) the owner(s) of property involved in this application that the statements and information herein contained are in all respects true and correct to the best of my (our) knowledge and belief.

Signed [Signature]
Signed [Signature]

Subscribed and sworn before me on the _____ day of _____
2004

Notary Public

State of California

County of San Francisco

On 18 January 2005 before me, Andrew F. Albright
Date Name, Title of Officers

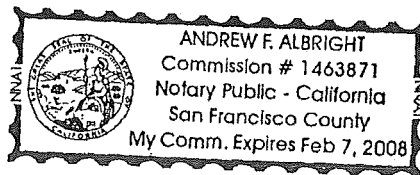
Personally appeared Clayton Shum only
Name(s) of Signer(s)

Personally appeared _____
Name(s) of Signer(s)

Personally known to me -OR- proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to be within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[Handwritten Signature]
Signature of Notary



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

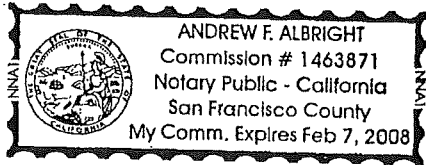
State of California }
County of San Francisco } SS.

On 18 January 2005 before me, Andrew F. Albright
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Danny Yep
Name(s) of Signer(s)

personally known to me
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies), and that by his/hers/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.
[Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Application for Lot Line Adjustment

Document Date: _____ Number of Pages: two-2

Signer(s) Other Than Named Above: one other - notarized both

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer is Representing: _____

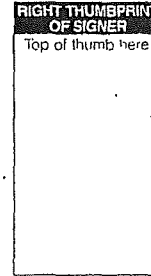


EXHIBIT A

EXISTING PARCEL DESCRIPTIONS

Lot 7 and Lot 8 (Reel I782 Image 0734 O.R.)

Real property In the City of San Francisco, County of San Francisco, State of California, as follows:

Lot 2; and the northerly 1/2 of lot 3, front and rear measurement, in Block 21, Forest Hill, as per map thereof filed may 8, 1913 in Book "G" of Maps at Pages 100 and 101 in the Office of the Recorder of the City and County of San Francisco, State of California

Assessor's Block 2837

EXHIBIT B

NEW PARCEL DESCRIPTION

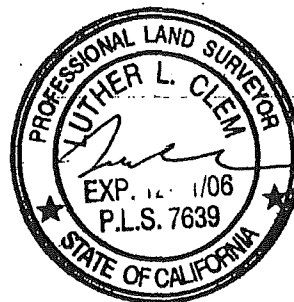
Lot ____ (Former Lots 7 & 8)

Real property In the City of San Francisco, County of San Francisco, State of California, as follows:

Beginning at the northeasterly corner Lot 2, Block 21, of Forest Hill, per map thereof filed May 8, 1913 in Book "G" of maps at Pages 100 and 101 in the Office of the Recorder of the City and County of San Francisco, State of California; thence leaving the westerly line of Pacheco Street along the northerly line of Lot 2 North $88^{\circ}47'04''$ West 100 feet to the northwesterly corner of said Lot 2; thence southerly along the westerly side of said Lots 2 and 3 on a curve to the left whose center bears South $88^{\circ}47'04''$ East 570 feet, through an arc distance of 60.63 feet to a point on a curve; thence on a radial line North $85^{\circ}07'28''$ East 100 feet to the westerly line of Pacheco Street; thence northerly along the westerly line of Pacheco Street on a curve to the right whose center bears North $85^{\circ}07'28''$ East 470 feet an arc distance of 50.00 feet to the Point of Beginning.

Containing 5531 square feet, more or less.

Being a portion of assessor's block 2837



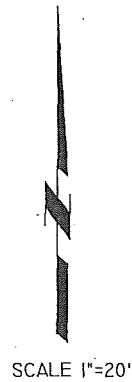
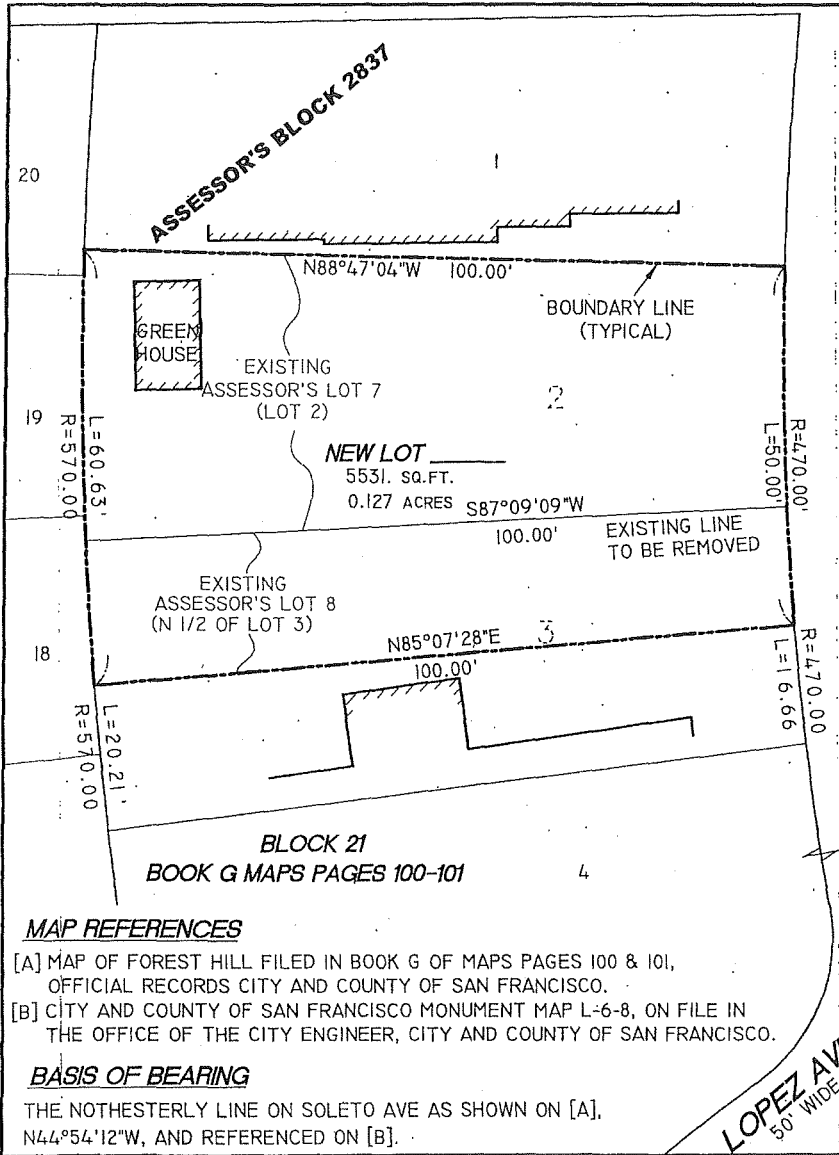
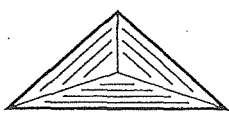


EXHIBIT C
 LOT LINE ADJUSTMENT FOR MERGER OF
 ASSESSOR'S BLOCK 2837
 LOTS 007 & 008
 CITY AND COUNTY
 OF SAN FRANCISCO

COUNTY OF SAN FRANCISCO CALIFORNIA
 1"=20' JAN 2005

GEOMETRIX
 SURVEYING ENGINEERING INC.



2516 POLK STREET
 SAN FRANCISCO, CA 94109
 (415) 440-5005
 (415) 440-5009FX
 LOU@GEOMETRIXSURVEY.COM
 WWW.GEOMETRIXSURVEY.COM

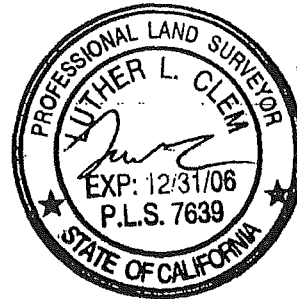
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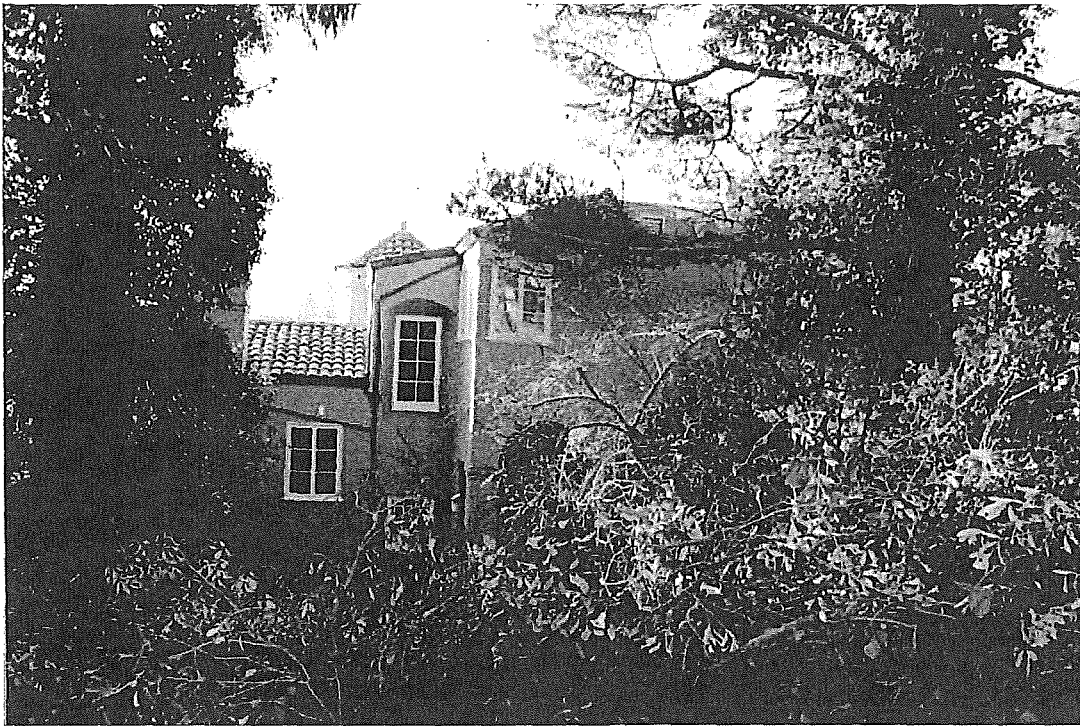
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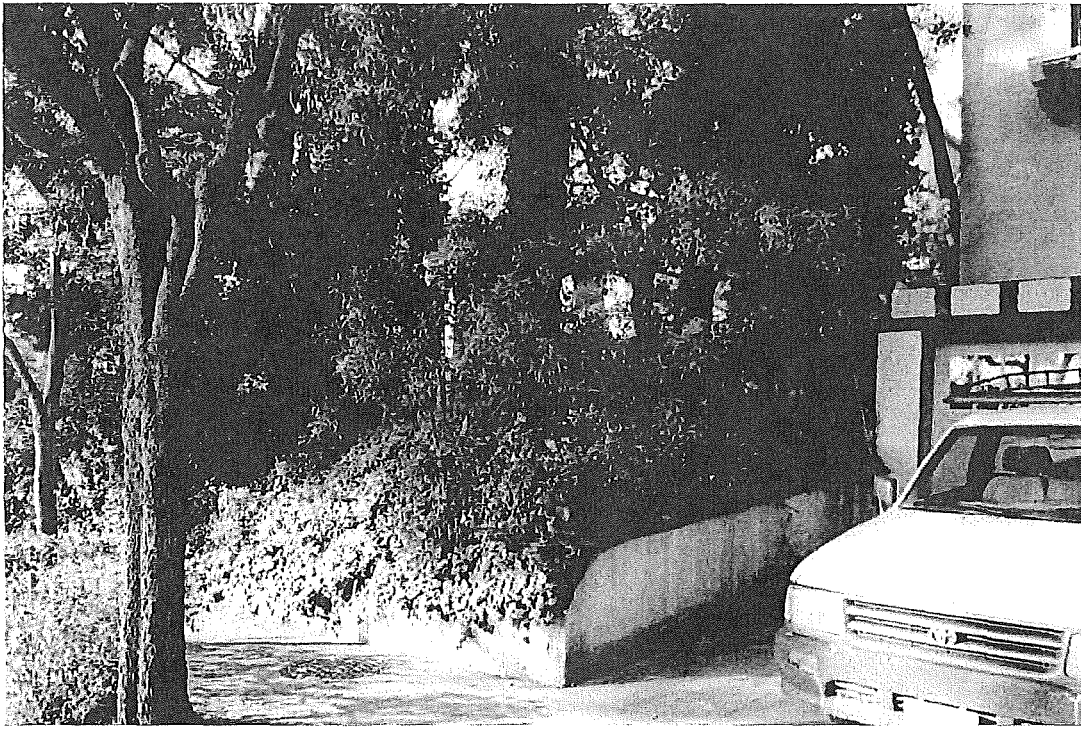
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Line Course: N 88-47-04 W Length: 100.00
North: 5418.2901 East : 9896.1318
Curve Length: 60.63 Radius: 570.00
Delta: 6-05-39 Tangent: 30.34
Chord: 60.60 Course: S 01-49-43 E
Course In: S 88-46-53 E Course Out: S 85-07-28 W
RP North: 5406.1678 East : 10466.0028
End North: 5357.7210 East : 9898.0655
Line Course: N 85-07-28 E Length: 100.00
North: 5366.2202 East : 9997.7037
Curve Length: 50.00 Radius: 470.00
Delta: 6-05-41 Tangent: 25.02
Chord: 49.97 Course: N 01-49-41 W
Course In: N 85-07-28 E Course Out: N 88-46-51 W
RP North: 5406.1663 East : 10466.0030
End North: 5416.1647 East : 9996.1096

Perimeter: 310.62 Area: 5,531 sq.ft. 0.13 acres

Mapcheck Closure - (Uses listed courses and chords)
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Precision 1: 77,642.50





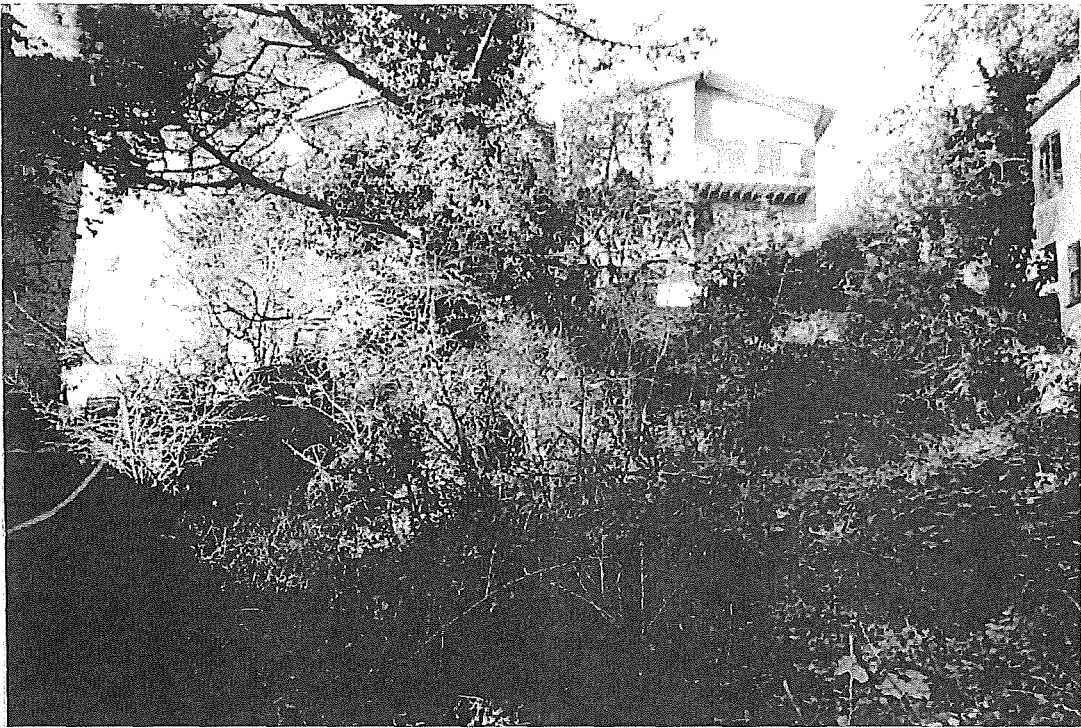




P863

1981-1982

1981-1982

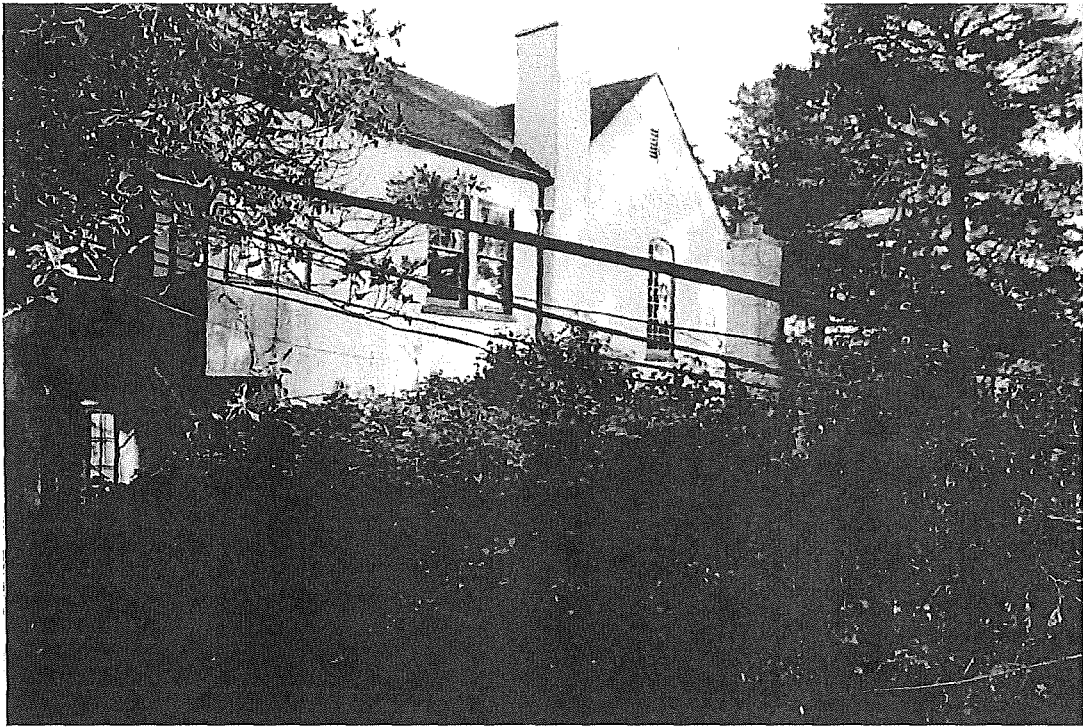


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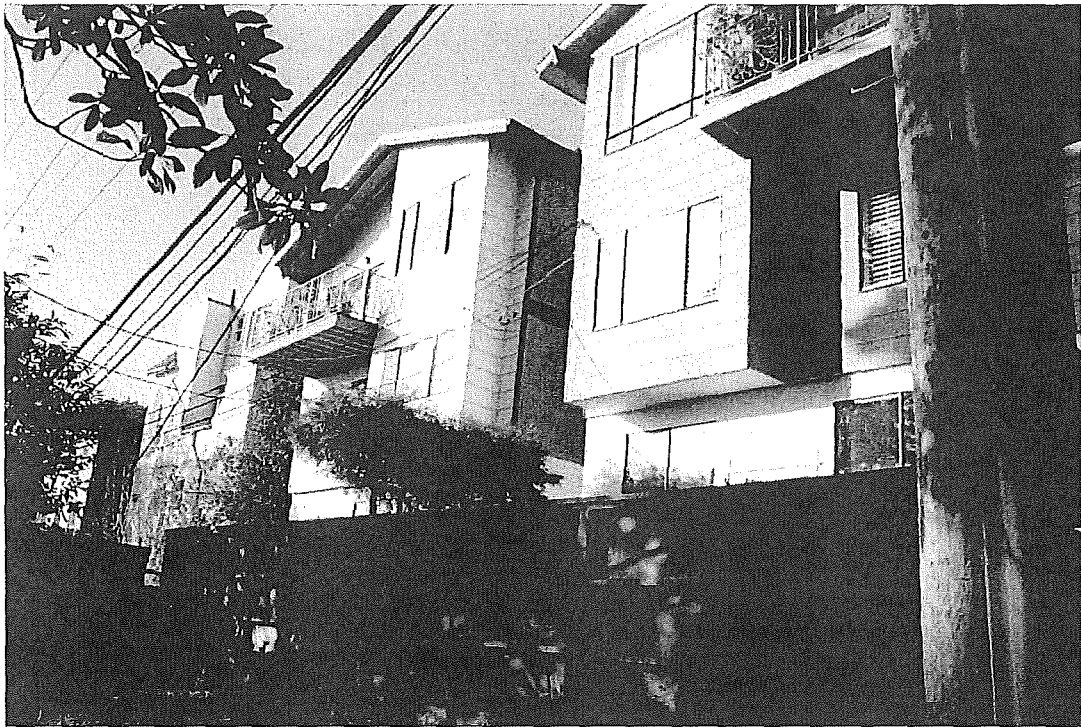
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P871

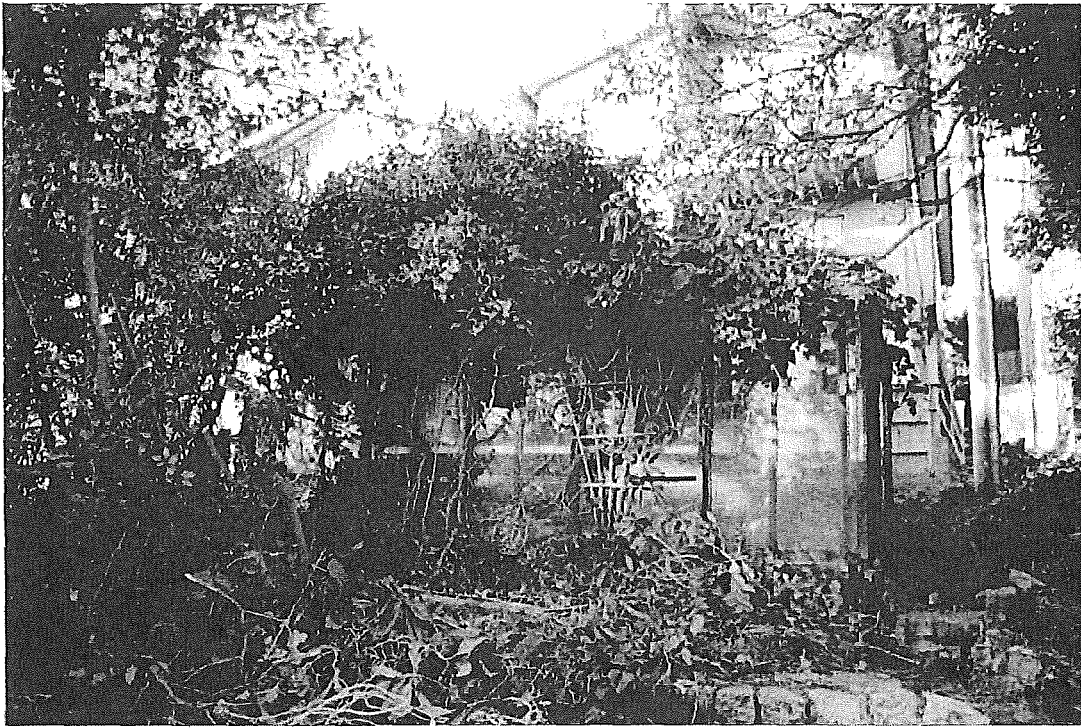
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1921-1922

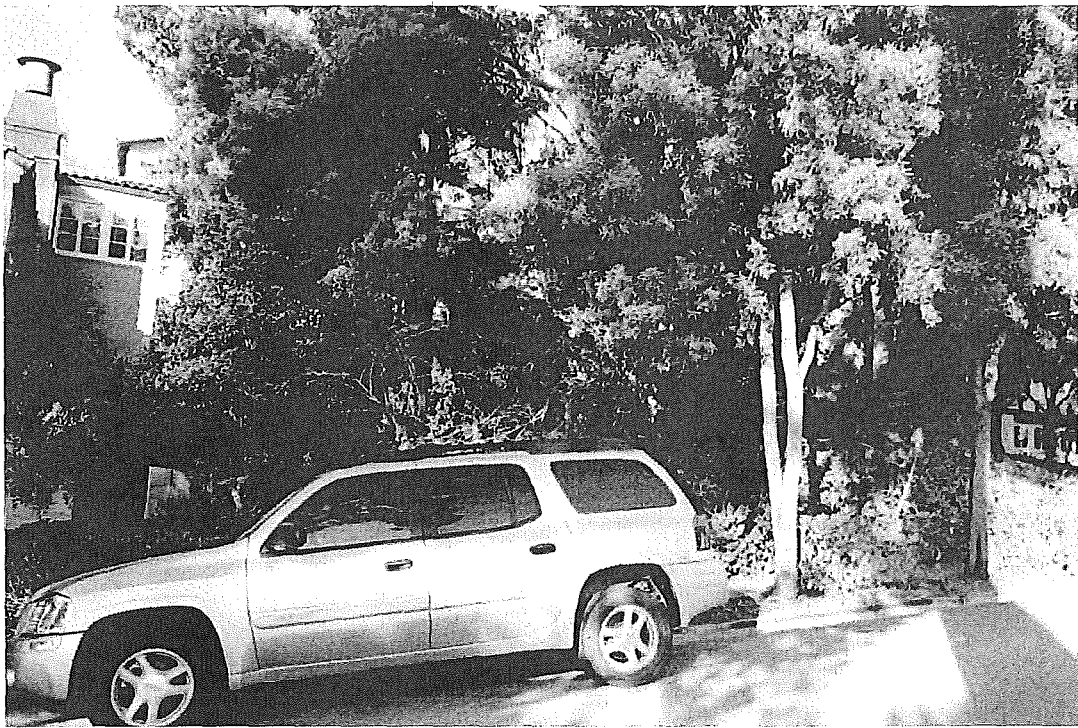


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02/01/2005



P875



P877

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11-20-07



P879

0001 0000

0001 0000

0001 0000

San Francisco Planning Department
Office of Analysis and Information Systems

PROPERTY INFORMATION REPORT

Block 2837 Lot 007 Census Tract 304 Census Block 310

Site Address: 365 V - PACHECO ST

Site Zip Code: 94116

OWNER

FISCHER JOHN C
369 PACHECO ST
SAN FRANCISCO CA

94116

PROPERTY VALUES

| | | | |
|-----------|-------------|------------|--------|
| Land | \$20,784.00 | Sales Date | |
| Structure | \$0.00 | Price | \$0.00 |
| Fixture | \$0.00 | | |
| Other | \$0.00 | | |

PHYSICAL CHARACTERISTICS

| | | | |
|-----------------|----------|----------------|----------------------|
| Lot Frontage | | Year Built | 0 |
| Lot Depth | | Stories | 0 |
| Lot Area | 3,685.00 | Assessor Units | 0 |
| Lot Shape | | Bedrooms | 0 |
| Building Sq.Ft. | 0.00 | Bathrooms | 0 |
| Basement Sq.Ft. | 0.00 | Rooms | 0 |
| | | Assessor Use | VACANT OR OPEN SPACE |

Authorized Use

Original Use

PLANNING INFORMATION

| | | | |
|--------------|-----------|--------------------|-------------------------|
| Zoning | RH-1(D) | Planning District | 14 |
| Height Limit | 40-X | SUD | |
| Quadrant | SOUTHWEST | SSD | |
| Leg. Setback | 15 | Redevelopment Area | NOT IN RDA PROJECT AREA |

Notices of Special Restrictions:

Non-Conforming Uses:

Comments:

PERMIT APPEALS

| Appeal No. | Appl. No. | Case No. | Hearing | Nature of Appeal | Hearing Result |
|------------|-----------|----------|---------|------------------|----------------|
|------------|-----------|----------|---------|------------------|----------------|

San Francisco Planning Department
Office of Analysis and Information Systems

PROPERTY INFORMATION REPORT

Block 2837 Lot 008 Census Tract 304 Census Block 310

Site Address: 361 V - PACHECO ST

Site Zip Code: 94116

OWNER

FISCHER JOHN C
369 PACHECO ST
SAN FRANCISCO CA

94116

PROPERTY VALUES

| | | | |
|-----------|-------------|------------|--------|
| Land | \$10,383.00 | Sales Date | |
| Structure | \$0.00 | Price | \$0.00 |
| Fixture | \$0.00 | | |
| Other | \$0.00 | | |

PHYSICAL CHARACTERISTICS

| | | | |
|-----------------|----------|----------------|----------------------|
| Lot Frontage | | Year Built | 0 |
| Lot Depth | | Stories | 0 |
| Lot Area | 1,842.00 | Assessor Units | 0 |
| Lot Shape | | Bedrooms | 0 |
| Building Sq.Ft. | 0.00 | Bathrooms | 0 |
| Basement Sq.Ft. | 0.00 | Rooms | 0 |
| | | Assessor Use | VACANT OR OPEN SPACE |

Authorized Use

Original Use

PLANNING INFORMATION

| | | | |
|--------------|-----------|--------------------|-------------------------|
| Zoning | RH-1(D) | Planning District | 14 |
| Height Limit | 40-X | SUD | |
| Quadrant | SOUTHWEST | SSD | |
| Leg. Setback | 15 | Redevelopment Area | NOT IN RDA PROJECT AREA |

Notices of Special Restrictions:

Non-Conforming Uses:

Comments:

PERMIT APPEALS

| Appeal No. | Appl. No. | Case No. | Hearing | Nature of Appeal | Hearing Result |
|------------|-----------|----------|---------|------------------|----------------|
|------------|-----------|----------|---------|------------------|----------------|

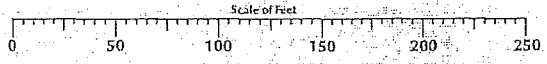
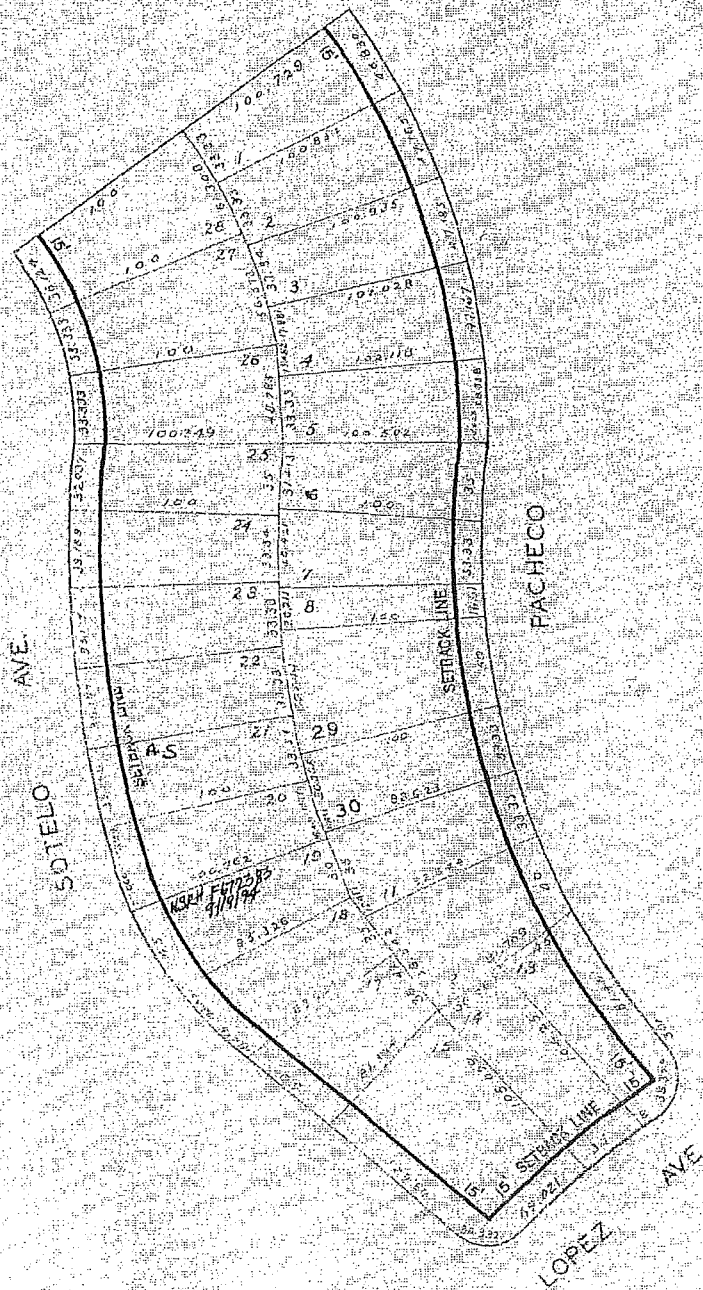
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LOTS 9A & 10 INTO Lot 9 - 1955
Lot 16 ... 15

2837

FOREST HILL CT
FOREST HILL BLK. 21

REVISED '61

RH-1(D) ~~R-1(D)~~
40-X



P883

1054

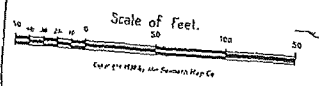
PASCHECO

1062

1061

1064

P884





PLANNING DEPARTMENT

City and County of San Francisco
(415)558-6378 Fax: 558-6409 or 558-6426

1660 Mission Street

San Francisco, Ca 94103-2414

RECEIPT

Printed 3/10/05

Transaction Number: T20050355

Date: 03/10/2005

Case Number: 2005.0245S--365 PACHECO ST

Transaction

Type: Case Intake

Description: LOT-LINE ADJUSTMENT

Payer:

Check Number:

Total Charge: \$300.00

Amount Paid: \$0.00

Balance: \$300.00

PAYER'S COPY

Please note that a Time & Materials fee may be charged if the cost of processing your case exceeds the initial fee.



PLANNING DEPARTMENT

City and County of San Francisco
(415)558-6378 Fax: 558-6409 or 558-6426

1660 Mission Street

San Francisco, Ca 94103-2414

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Payer:

Check Number:

Total Charge: \$300.00

Amount Paid: \$0.00

Balance: \$300.00

DOCKET COPY

Please note that a Time & Materials fee may be charged if the cost of processing your case exceeds the initial fee.



PLANNING DEPARTMENT

City and County of San Francisco
(415)558-6378 Fax: 558-6409 or 558-6426

1660 Mission Street

San Francisco, Ca 94103-2414

RECEIPT

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Payer:

Check Number:

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Amount Paid: \$0.00

Balance: \$300.00

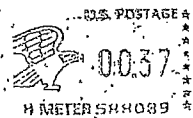
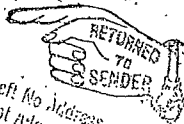
CONTROLLER'S COPY

Please note that a Time & Materials fee may be charged if the cost of processing your case exceeds the initial fee.

The Planning Department
City and County of
San Francisco

1660 Mission Street
San Francisco, CA 94103-2414

Occina J.

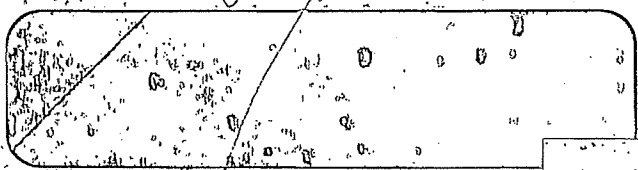


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- Insufficient address
- Moved-Not Forwarded
- Forwarding Order Expired
- ATTEMPTED NOT KNOWN
- NO SUCH NUMBER

RECEIVED

APR 20 2005

CITY & COUNTY OF S.F.
DEPT. OF CITY PLANNING
ADMINISTRATION



9410341885 2414

RH-1(D)

15-0

Approved as per plans and application

only

FOR SINGLE FAMILY USE ONLY

Tom Wang

SAVED TO DISK FROM ENVIRONMENTAL REVIEW SEP 27 2005

NOTIFIED MR.

DATE

REASON

DIRECTOR OF FIRE PREVENTION & PUBLIC SAFETY

NOTIFIED MR.

DATE

REASON

APPROVED

NOTIFIED MR.

DATE

REASON

CHIEF OF FIRE DEPT. OF LOS ANGELES

APPROVED

NOTIFIED MR.

DATE

REASON

CHIEF OF FIRE DEPT. OF LOS ANGELES

APPROVED

NOTIFIED MR.

DATE

REASON

APPROVED

NOTIFIED MR.

DATE

REASON

CHIEF OF FIRE DEPT. OF LOS ANGELES

APPROVED

By *James Zhan*
JAMES ZHAN, DBI

Site only

OCT 20 2005

NOTIFIED MR.

DATE

REASON

APPROVED

DATE

REASON

NOTIFIED MR.

DATE

REASON

DATE, REASON, AND NAME OF ALL REGISTERED PARTICIPANTS IN THIS PROCESS

AGENCY AUTHORIZED AGENT

**REPORT
GEOTECHNICAL INVESTIGATION
Planned Residence at
365 Pacheco Street
San Francisco, California**


Prepared for:

Mr. Clayton Shum
C/o Hood Thomas Architects
440 Spear Street
San Francisco, CA 94105

Prepared by:

EARTH MECHANICS CONSULTING ENGINEERS
360 Grand Avenue, Suite 262
Oakland, California 94610
(510) 839-0765

Project Number: 05-2411


H. Allen Gruen
Registered Geotechnical Engineer No. 2147



November 11, 2005

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Earth Mechanics Consulting Engineers
Project Number: 05-2411
365 Pacheco Street, San Francisco
November 11, 2005

Page 1

INTRODUCTION

Purpose

A geotechnical investigation has been completed for the proposed residence to be constructed at 365 Pacheco Street in San Francisco, California. The purposes of this study have been to gather information on the nature, distribution, and characteristics of the earth materials at the site, assess geologic hazards, and to provide geotechnical design criteria for the planned improvements.

Scope

The scope of our services is outlined in our Proposal and Professional Service Agreement dated October 19, 2005. Our investigation included a reconnaissance of the site and surrounding vicinity; sampling and logging one test boring to a depth of 20 feet below the ground surface; laboratory testing conducted on selected samples of the earth materials recovered from the boring; a review of published geotechnical and geologic data pertinent to the project area; geotechnical interpretation and engineering analyses; and preparation of this report.

This report contains the results of our investigation, including findings regarding site, soil, geologic, and groundwater conditions; conclusions pertaining to geotechnical considerations such as weak soils, settlement, and construction considerations; conclusions regarding exposure to geologic hazards, including faulting, ground shaking, liquefaction, lateral spreading, and slope stability; and geotechnical recommendations for design of the proposed project including site preparation and grading, foundations, retaining walls, slabs on grade, and geotechnical drainage.

Pertinent exhibits appear in Appendix A. The location of the test boring is depicted relative to site features on Plate 1, Boring Location Map. The log of the test boring is displayed on Plate 2. Explanations of the symbols and other codes used on the log are presented on Plate 3, Soil Classification Chart and Key to Test Data.

References consulted during the course of this investigation are listed in Appendix B. Details regarding the field exploration program appear in Appendix C.

Proposed Project

It is our understanding that the project will consist of the design and construction of a single-family residence. No other project details are known at this time.

Earth Mechanics Consulting Engineers
Project Number: 05-2411
365 Pacheco Street, San Francisco
November 11, 2005

Page 2

FINDINGS

Site Description

The subject lot is located east of Pacheco Street, between Alton Avenue and Lopez Avenue, in San Francisco, California. The topography in the vicinity of the site slopes downward toward the east at an average inclination of about 4:1 (horizontal:vertical). The subject site was a vacant lot at the time of our site investigation.

Geologic Conditions

The site is within the Coast Ranges Geomorphic Province, which includes the San Francisco Bay and the northwest-trending mountains that parallel the coast of California. Tectonic forces resulting in extensive folding and faulting of the area formed these features. The oldest rocks in the area include sedimentary, volcanic, and metamorphic rocks of the Franciscan Complex. This unit is Jurassic to Cretaceous in age and forms the basement rocks in the region.

Locally, the site is in the San Francisco South Quadrangle. A published geologic map of the area (Bonilla, 1971) shows the site is underlain by Quaternary-age dune sand. These deposits consist of clean, well-sorted, fine to medium grained sand.

Earth Materials

Our boring at the subject site encountered about 3 feet of loose, clayey sand overlying loose to medium dense, poorly graded sand. At a depth of about 11 feet, our boring penetrated medium dense, poorly graded sand with clay to the maximum depth explored of 20 feet. Detailed descriptions of the materials encountered as well as test results are shown on the Boring Log, Plate 2.

Groundwater

Free groundwater was not encountered in our boring drilled to a maximum depth of 20 feet. We anticipate that the depth to free groundwater at the site will vary with rainfall and possibly other factors. Seepage may be encountered near the ground surface following periods of rainfall or irrigation upslope of the subject site.

Earth Mechanics Consulting Engineers
Project Number: 05-2411
365 Pacheco Street, San Francisco
November 11, 2005

Page 3

CONCLUSIONS

General

On the basis of our site reconnaissance and literature review, we conclude that the site is suitable for support of the planned improvements. The primary geotechnical concerns are founding the improvements in competent materials, and seismic shaking and related effects during earthquakes. These items are addressed below.

Foundation Support

The site is underlain by sand deposits that are loose near the ground surface and become medium dense with increasing depth. Since the surficial soils are subject to seismic densification during earthquake shaking that will cause the improvements to settle, we conclude that the planned residence may be supported on drilled piers. If level building pads are cut into the hillside for the proposed residence, then a mat foundation may be used to support the improvements. Geotechnical design criteria for each foundation type are presented later in this report.

We anticipate that foundations designed and constructed in accordance with our recommendations will experience total post-construction settlements from static loading of less than 1 inch and differential settlements of less than 1/2 inch over a 50 foot span.

Geologic Hazards

Faulting

The property does not lie within an Alquist-Priolo Earthquake Fault Zone. The closest mapped active fault in the vicinity of the site is the San Andreas Fault located about 4 miles to the southwest. No active faults are shown crossing the site on reviewed published maps, nor did we observe evidence of faulting during our reconnaissance. Therefore we conclude that the potential risk for damage to improvements at the site due to surface rupture from faults to be low.

Earth Mechanics Consulting Engineers
Project Number: 05-2411
365 Pacheco Street, San Francisco
November 11, 2005

Page 4

Earthquake Shaking

Earthquake shaking results from the sudden release of seismic energy during displacement along a fault. During an earthquake, the intensity of ground shaking at a particular location will depend on a number of factors including the earthquake magnitude, the distance to the zone of energy release, and local geologic conditions. We expect that the site will be exposed to strong earthquake shaking during the life of the improvements. The recommendations contained in the applicable edition of the Uniform Building Code and San Francisco Building Code should be followed for reducing potential damage to the improvements from earthquake shaking.

Liquefaction

Liquefaction results in a loss of shear strength and potential volume reduction in saturated granular soils below the groundwater level from earthquake shaking. The occurrence of this phenomenon is dependent on many factors, including the intensity and duration of ground shaking, soil density and particle size distribution, and position of the groundwater table (Seed and Idriss, 1982). The site does not lie within a liquefaction potential zone as mapped by the California Division of Mines and Geology for the City and County of San Francisco (CDMG, 2000). Therefore, it is our opinion that there is a low potential for damage to the planned improvements from liquefaction.

Lateral Spreading

Lateral spreading or lurching is generally caused by liquefaction of marginally stable soils underlying gentle slopes. In these cases, the surficial soils move toward an unsupported face, such as an incised channel, river, or body of water. Because the site has a low potential for liquefaction, we judge that there is a low risk for damage of the improvements from seismically-induced lateral spreading.

Densification

Densification can occur in clean, loose granular soils during earthquake shaking, resulting in seismic settlement and differential compaction. As discussed above, the site is underlain by loose to medium dense sands. During seismic shaking, it is our opinion that these soils could experience seismically-induced settlements of up to about 1 inch. The impact of densification to the proposed improvements would be limited to that caused by settlement of improvements founded near the current ground surface.

Earth Mechanics Consulting Engineers
Project Number: 05-2411
365 Pacheco Street, San Francisco
November 11, 2005

Page 5

Landsliding

The geologic maps of the site vicinity reviewed for this study did not show landslides at the site or its immediate vicinity. In addition, a map prepared by the California Division of Mines and Geology for the City and County of San Francisco (CDMG, 2000) does not indicate that the subject site lies within an area of potential earthquake-induced landsliding. During our site reconnaissance, we did not observe evidence of active slope instability at the site or its immediate vicinity. Therefore, it is our opinion that the potential for damage to the improvements from slope instability at the site is low provided the recommendations presented in this report are incorporated into the design and construction of the project.

RECOMMENDATIONS

Site Preparation and Grading

Clearing

Areas to be graded should be cleared of debris, deleterious materials, and vegetation, and then stripped of the upper soils containing root growth and organic matter. We anticipate that the required depth of stripping will be less than about 2 inches. Deeper stripping may be required to remove localized concentrations of organic matter, such as roots. The cleared materials should be removed from the site; strippings may be stockpiled for reuse as topsoil in landscaping areas or should be hauled off site.

Overexcavation

Soil locations significantly softer than adjacent areas exposed during construction should be overexcavated in areas designated for placement of future engineered fill or support of improvements. Difficulty in achieving the recommended minimum degree of compaction described below should be used as a field criterion by the geotechnical engineer to identify areas of weak soils that should be removed and replaced as properly compacted fill. The depth and extent of excavation should be approved in the field by the geotechnical engineer prior to placement of fill or improvements.

Subgrade Preparation

Exposed soils designated to receive engineered fill should be scarified to a minimum depth of 6 inches, brought to at least optimum moisture content, and compacted to at least 90 percent relative compaction. Relative compaction refers to the in-place dry density of a soil expressed as a percentage of the maximum dry density of the same material, as determined by the ASTM D1557 test procedure.

Earth Mechanics Consulting Engineers
Project Number: 05-2411
365 Pacheco Street, San Francisco
November 11, 2005

Page 6

Material for Fill

It is anticipated that the on-site soil will be suitable for reuse as fill provided that rocks and lumps greater than 6 inches in largest dimension and perishable materials are removed, and that the fill materials are approved by the geotechnical engineer prior to use.

Compaction of Fill

Fill should be placed in level lifts not exceeding 8 inches in loose thickness. Each lift should be brought to at least the optimum moisture content and compacted to at least 90 percent relative compaction, in accordance with ASTM test designation D 1557.

Temporary Slopes

Temporary slopes should be laid back or shored in conformance with OSHA standards. All temporary slopes and shoring design are the responsibility of the contractor. Earth Mechanics Consulting Engineers would be available to assist the contractor by evaluating the stability of temporary slopes and developing shoring design criteria.

Finished Slopes

In general, finished cut and fill slopes should be constructed at an inclination not exceeding 2:1 (horizontal:vertical). Routine maintenance of slopes should be anticipated. The tops of cut slopes should be rounded and compacted to reduce the risk of erosion. Fill and cut slopes should be planted with vegetation to resist erosion, or protected from erosion by other measures, upon completion of grading. Surface water runoff should be intercepted and diverted away from the tops and toes of cut and fill slopes by using berms or ditches.

Underpinning

During excavations adjacent to improvements, care should be taken to adequately support the adjacent improvements. When excavating below the level of foundations supporting the adjacent buildings or improvements, underpinning may be required where excavations extend below an imaginary plane sloping at 2:1 (horizontal:vertical) downward and outward from the edge of the existing footings or improvements. Underpinning and support of adjacent structures is the responsibility of the contractor. Earth Mechanics Consulting Engineers would be available to assist the contractor by providing underpinning design criteria.

Earth Mechanics Consulting Engineers
Project Number: 05-2411
365 Pacheco Street, San Francisco
November 11, 2005

Page 7

Seismic Design

In accordance with the requirements of the Uniform Building Code, the closest seismic source is the San Andreas Fault located about 4 miles southwest of the subject site. The San Andreas Fault is a seismic source type A. The San Andreas Fault has a maximum moment magnitude of 7.9 and is about 7 kilometers from the subject site which results in near source factors of $N_a = 1.12$ and $N_v = 1.44$. The site is within seismic Zone 4; therefore, a Seismic Zone Factor "Z" of 0.4 is appropriate. The soil profile at the site approximates type S_c .

Foundations

General

The site is underlain by sand deposits that are loose near the ground surface and become medium dense with increasing depth. Since the surficial soils are subject to seismic densification during earthquake shaking that will cause the improvements to settle, we conclude that the planned residence may be supported on drilled piers. If level building pads are cut into the hillside for the proposed residence, then a mat foundation may be used to support the improvements. Detailed design criteria for both foundation types are provided below.

Drilled Piers

Drilled, cast-in-place, reinforced concrete piers may be used to support the planned improvements. We recommend that piers have a minimum length of 12 feet. Piers should be designed for a maximum allowable skin friction of 500 psf for combined dead plus sustained live loads. The above values may be increased by one-third for total loads, including the effect of seismic or wind forces. The weight of the foundation concrete extending below grade may be disregarded.

Resistance to lateral displacement of individual piers will be generated primarily by passive earth pressures acting against two pier diameters. Passive pressures should be assumed equivalent to those generated by a fluid weighing 300 pcf. Passive pressures should be disregarded in areas with less than 7 feet of horizontal soil confinement and for the uppermost 1-foot of foundation depth unless confined by concrete slabs or pavements.

Where groundwater is encountered during pier shaft drilling, it should be removed by pumping, or the concrete must be placed by the tremie method. If the pier shafts will not stand open, temporary casing may be necessary to support the sides of the pier shafts until concrete is placed. Concrete should not be allowed to free fall more than 5 feet to avoid segregation of the aggregate.

Earth Mechanics Consulting Engineers
Project Number: 05-2411
365 Pacheco Street, San Francisco
November 11, 2005

Page 8

Mat Foundation

The mat can be designed for an average bearing pressure over the entire mat of 2,000 psf for combined dead plus sustained live loads, and 3,000 psf for total loads including wind or seismic forces. The weight of the mat extending below current site grade may be neglected in computing bearing loads. Localized increases in bearing pressures of up to 4,000 psf may be utilized. For elastic design, a modulus of subgrade reaction of 50 kips per cubic foot may be used.

A passive equivalent fluid pressure of 300 pounds per cubic foot and a friction factor of 0.35 may be used to resist lateral forces and sliding. Passive pressures should be disregarded in areas with less than 7 feet of horizontal soil confinement and for the uppermost 1-foot of foundation depth unless confined by concrete slabs or pavements.

Retaining Walls

Retaining walls that are free to rotate at the top should be designed to resist active lateral earth pressures equivalent to those exerted by a fluid weighing 35 pcf where the backslope is level, and 55 pcf for backfill at a 2:1 (horizontal:vertical) slope. For intermediate slopes, interpolate between these values. In addition to lateral earth pressures, retaining walls must be designed to resist horizontal pressures that may be generated by surcharge loads applied at or near the ground surface. Where an imaginary 1:1 plane projected downward from the outermost edge of a surcharge load or foundation intersects a retaining wall, that portion of the wall below the intersection should be designed for an additional horizontal thrust from a uniform pressure equivalent to one-third the maximum anticipated surcharge load.

Rigid retaining walls constrained against such movement could be subjected to "at-rest" lateral earth pressures equivalent to those exerted by the fluid pressures listed above plus a uniform load of $6 \cdot H$ pounds per square foot, where H is the height of the backfill above footing level. Where an imaginary 1:1 (H:V) plane projected downward from the outermost edge of a surcharge load or foundation intersects a lower retaining wall, that portion of the constrained wall below the intersection should be designed for an additional horizontal thrust from a uniform pressure equivalent to one-half the maximum anticipated surcharge load.

Wall backfill should consist of soil that is spread in level lifts not exceeding 8 inches in thickness. Each lift should be brought to at least optimum moisture content and compacted to not less than 90 percent relative compaction, per ASTM test designation D 1557. Retaining walls may yield slightly during backfilling. Therefore, walls should be properly braced during the backfilling operations.

Where migration of moisture through retaining walls would be detrimental or undesirable, retaining walls should be waterproofed as specified by the project architect or structural engineer.

Earth Mechanics Consulting Engineers
Project Number: 05-2411
365 Pacheco Street, San Francisco
November 11, 2005

Page 9

Retaining walls should be supported on footings designed in accordance with the recommendations presented above. A minimum factor of safety of 1.5 against overturning and sliding should be used in the design of retaining walls.

Slab-on-Grade Floors

Slab-on-grade floors may be supported on prepared natural soil or compacted fill. The subgrade should be proof rolled to provide a firm, unyielding surface for slab support. If moisture penetration through the slab would be objectionable, slabs should be underlain by a capillary moisture break consisting of at least 4 inches of clean, free-draining crushed rock or gravel graded such that 100 percent will pass the 1-inch sieve and none will pass the No. 4 sieve. Further protection against slab moisture penetration can be provided by means of a moisture vapor barrier membrane, placed between the drain rock and the slab. The membrane may be covered with 2 inches of damp, clean sand to protect it during construction.

Surface Drainage

Positive drainage should be provided away from the building. Roof downspouts should discharge into closed conduits that drain into the site storm drain system. Surface drainage facilities (roof downspouts and surface drainage inlets) should be maintained entirely separate from subsurface drains. Drains should be checked periodically, and cleaned and maintained as necessary to provide unimpeded flow.

Supplemental Services

Earth Mechanics Consulting Engineers recommend that we be retained to review the project plans and specifications to evaluate if they are in general conformance with the intent of our geotechnical recommendations. In addition, we should be retained to observe geotechnical construction, particularly site excavations, foundation excavations, slab subgrade, drainage installation, and to perform appropriate field and laboratory testing. If, during construction, subsurface conditions different from those observed during our geotechnical investigation are encountered, or appear to be present beneath excavations, we should be advised at once so that these conditions may be reviewed and our recommendations reconsidered. The recommendations made in this report are contingent upon our notification and review of the changed conditions.

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Page 10

If more than 18 months have elapsed between the submission of this report and the start of work at the site, or if conditions have changed because of natural causes or construction operations at or adjacent to the site, the recommendations of this report may no longer be valid or appropriate. In such case, we recommend that we review this report to determine the applicability of the conclusions and recommendations considering the time elapsed or changed conditions. The recommendations made in this report are contingent upon such a review. These services are performed on an as-requested basis and are in addition to this geotechnical investigation. We cannot accept responsibility for conditions, situations, or stages of construction that we are not notified to observe.

LIMITATIONS

This report has been prepared for the exclusive use of Mr. Clayton Shum and his consultants for the proposed project described in this report.

Our services consist of professional opinions and conclusions developed in accordance with generally-accepted geotechnical engineering principles and practices. We provide no other warranty, either expressed or implied. Our conclusions and recommendations are based on the information provided us regarding the proposed construction, the results of our field exploration and laboratory testing programs, and professional judgment. Verification of our conclusions and recommendations is subject to our review of the project plans and specifications, and our observation of construction.

Site conditions and cultural features described in the text of this report are those existing at the time of our field exploration, conducted on October 25, 2005, and may not necessarily be the same or comparable at other times.

The scope of our services did not include an environmental assessment or an investigation of the presence or absence of hazardous, toxic or corrosive materials in the soil, surface water, ground water or air, on or below, or around the site, nor did it include an evaluation or investigation of the presence or absence of wetlands.

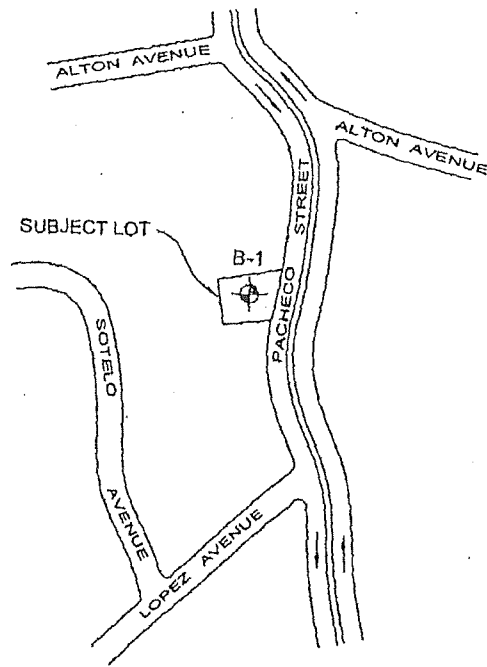
Earth Mechanics Consulting Engineers
Project Number: 05-2411
365 Pacheco Street, San Francisco
November 11, 2005

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APPENDIX A

List of Plates

- Plate 1 - Boring Location Map
- Plate 2 - Log of Boring I
- Plate 3 - Soil Classification Chart and Key to Test Data



LEGEND

B-1
 Boring Location and Number

NOT TO SCALE

Earth Mechanics
 Consulting Engineers

Job. No: 05-2411
 Appr:
 Drawn: LPDD
 Date: 10/31/05

BORING LOCATION MAP
 365 Pacheco Street
 San Francisco, California

PLATE

1

| Other Laboratory Tests | Pocket Penetrometer (ksf) | Moisture Content (%) | Dry Density (pcf) | % Passing #200 sieve | Beaves-Foot Sample | DEPTH (FEET) | EQUIPMENT: 4" Flight Auger LOGGED BY: A.K. | ELEVATION: * START DATE: 10-25-05 FINISH DATE: 10-25-05 |
|------------------------|---------------------------|----------------------|-------------------|----------------------|--------------------|--------------|---|--|
| | | 5.4 | | 18 | 8 | 0 | | Brown Clayey Sand (SC), moist, loose |
| | | 2.7 | | 3 | 15 | 1 | | |
| | | 2.8 | | 2 | 17 | 2 | | Brown Poorly Graded Sand (SP), moist, loose |
| | | 3.1 | | 1 | 22 | 3 | | |
| | | 3.5 | | 3 | 17 | 4 | | - medium dense |
| | | 3.4 | | 7 | 15 | 5 | | |
| | | | | | | 6 | | |
| | | | | | | 7 | | |
| | | | | | | 8 | | |
| | | | | | | 9 | | |
| | | | | | | 10 | | |
| | | | | | | 11 | | Brown Poorly Graded Sand with Sand and Clay (SP-SC), moist, medium dense |
| | | | | | | 12 | | |
| | | | | | | 13 | | |
| | | | | | | 14 | | |
| | | | | | | 15 | | |
| | | | | | | 16 | | |
| | | | | | | 17 | | |
| | | | | | | 18 | | |
| | | | | | | 19 | | |
| | | | | | | 20 | | |

* Existing ground surface.

BOTTOM OF BORING = 20'
No Free Water Encountered

Earth Mechanics
Consulting Engineers

Job No: 05-2411
Appr.
Drawn: LPDD
Date: NOV 2005

LOG OF BORING 1
365 Pacheco Street
San Francisco, California

PLATE
2

| MAJOR DIVISIONS | | TYPICAL NAMES | |
|---|--|---|---|
| COARSE GRAINED SOILS More than Half > #200 sieve | GRAVELS MORE THAN HALF COARSE FRACTION IS LARGER THAN NO. 4 SIEVE | CLEAN GRAVELS WITH LITTLE OR NO FINES | GW WELL GRADED GRAVELS, GRAVEL-SAND |
| | | GRAVELS WITH OVER 12% FINES | GP POORLY GRADED GRAVELS, GRAVEL-SAND MIXTURES |
| | SANDS MORE THAN HALF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE | CLEAN SANDS WITH LITTLE OR NO FINES | GM SILTY GRAVELS, POORLY GRADED GRAVEL-SAND-SILT MIXTURES |
| | | SANDS WITH OVER 12% FINES | GC CLAYEY GRAVELS, POORLY GRADED GRAVEL-SAND-CLAY MIXTURES |
| | | | SW WELL GRADED SANDS, GRAVELLY SANDS |
| | | | SP POORLY GRADED SANDS, GRAVELLY SANDS |
| FINE GRAINED SOILS More than Half < #200 sieve | SILTS AND CLAYS LIQUID LIMIT LESS THAN 50 | SM SILTY SANDS, POORLY GRADED SAND-SILT MIXTURES | |
| | | SC CLAYEY SANDS, POORLY GRADED SAND-CLAY MIXTURES | |
| | | ML INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS, OR CLAYEY SILTS WITH SLIGHT PLASTICITY | |
| | | CL INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS | |
| | SILTS AND CLAYS LIQUID LIMIT GREATER THAN 50 | OL ORGANIC CLAYS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY | |
| | | MH INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SANDY OR SILTY SOILS, ELASTIC SILTS | |
| | | CH INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS | |
| | | OH ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS | |
| HIGHLY ORGANIC SOILS | Pt PEAT AND OTHER HIGHLY ORGANIC SOILS | | |

UNIFIED SOIL CLASSIFICATION SYSTEM

| Concol | Consolidation | T _x | 2630 (240) | Unconsolidated Undrained Triaxial |
|----------------|----------------------------------|--------------------|-----------------|--|
| LL | Liquid Limit (in %) | T _{x 501} | 2100 (575) | Unconsolidated Undrained Triaxial, saturated prior to test |
| PL | Plastic Limit (in %) | Q ₅ | 3740 (960) | Unconsolidated Undrained Direct Shear |
| PI | Plasticity Index | TV | 1320 | Torsion Shear |
| G _s | Specific Gravity | UC | 4200 | Unconfined Compression |
| SA | Sieve Analysis | LVS | 500 | Laboratory Vane Shear |
| ■ | Undisturbed Sample (2.5-inch ID) | FS | Free Swell | |
| ■ | 2-inch-ID Sample | EI | Expansion Index | |
| ■ | Standard Penetration Test | Perm | Permeability | |
| ■ | Bulk Sample | SE | Sand Equivalent | |

KEY TO TEST DATA

Earth Mechanics
Consulting Engineers

Job No: 05-2411
Appr.
Drawn: LPOD
Date: NOV 2005

SOIL CLASSIFICATION CHART AND KEY TO TEST DATA
365 Pacheco Street
San Francisco, California

PLATE
3

Earth Mechanics Consulting Engineers
Project Number: 05-2411
365 Pacheco Street, San Francisco
November 11, 2005

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APPENDIX B

List of References

1. Bonilla, M. G., 1971, *Preliminary Geologic Map of the San Francisco South Quadrangle and Part of the Hunters Point Quadrangle, California*, United States Geological Survey Miscellaneous Field Studies Map MF-311, Scale 1:24,000.
2. Brown, R. D., 1970, *Faults That Are Historically Active or That Show Evidence of Geologically Young Surface Displacement, San Francisco Bay Region: A Progress Report*, October 1970, United States Geological Survey Miscellaneous Field Studies Map MF-331, Scale 1:250,000.
3. CDMG, 2000, *State of California Seismic Hazards Zones, City and County of San Francisco*, California Division of Mines and Geology.
4. Jennings, C. W., Burnett, J. L., 1980, *Geologic Map of California, San Francisco Sheet*, California Division of Mines and Geology (scale: 1:250,000)
5. Jennings, C. W., 1992, *Preliminary Fault Activity Map of California*, California Department of Conservation, Division of Mines and Geology DMG Open-File Report 92-03.
6. Seed, H. B., and Idriss, E., 1982, *Ground Motion and Soil Liquefaction During Earthquakes*, Earthquake Engineering Research Institute Monograph
7. United States Geological Survey, 1980, *San Francisco South Quadrangle, 7.5 Minute Series*, Scale 1:24,000.
8. Wagner, D. L., Bortugno, E. J., and McJunkin, R. D., 1990, *Geologic Map of the San Francisco-San Jose Quadrangle*, California Division of Mines and Geology Regional Geologic Map Series, Map No. 5A, scale 1:250,000.

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Project Number: 05-2411
365 Pacheco Street, San Francisco
November 11, 2005

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APPENDIX C

Field Exploration

Our field exploration consisted of a geologic reconnaissance and subsurface exploration by means of one test boring logged by our Engineer on October 25, 2005. The test boring was drilled with hand-carried equipment utilizing continuous flight, 4-inch-diameter augers. The boring was drilled at the approximate location shown on Plate 1.

The log of the test boring is displayed on Plate 2. Representative undisturbed samples of the earth materials were obtained from the test boring at selected depth intervals with a 1.4-inch inside diameter, split-barrel Standard Penetration Test (SPT) sampler, a 2-inch inside diameter, split-barrel sampler, and a 2.5-inch inside diameter, modified California sampler.

Penetration resistance blow counts were obtained by dropping a 140-pound hammer through a 30-inch free fall. The sampler was driven 18 inches and the number of blows was recorded for each 6 inches of penetration. The blows per foot recorded on the Boring Log represent the accumulated number of blows that were required to drive the sampler the last 12 inches or fraction thereof.

The soil classifications are shown on the Boring Log and referenced on Plate 3.

Laboratory Testing

Natural water contents and percentages of gravel, sand, and fines were determined on selected soil samples recovered from the test boring. The data are recorded at the appropriate sample depths on the Boring Log.

Earth Mechanics Consulting Engineers
Project Number: 05-2411
365 Pacheco Street, San Francisco
November 11, 2005

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APPENDIX D

Distribution

Mr. Clayton Shum
C/o Hood Thomas Architects
440 Spear Street
San Francisco, CA 94105

(4 copies)



"Saechao, Fey"
<FSaechao@LUCE.com>
05/19/2006 11:04 AM

To "rick.cooper@sfgov.org" <rick.cooper@sfgov.org>
"cecilia.jaroslowsky@sfgov.org"
cc <cecilia.jaroslowsky@sfgov.org>,
"angusmccarthy@sbcglobal.net"
bcc
Subject 361-365 Pacheco Street (32829)

Dear Rick:

Attached herewith please find a letter from Alice Barkley regarding to Lot-Line Adjustment Application Planning Case No. 2005.0245S. Should you have any questions please contact Alice.

Thank you,

Fey Saechao
Secretary to Alice Barkley & Kenny Tze

CONFIDENTIAL

Luce, Forward, Hamilton & Scripps LLP
Rincon Center II
121 Spear Street, Suite 200
San Francisco, CA 94105
(415) 356-4600

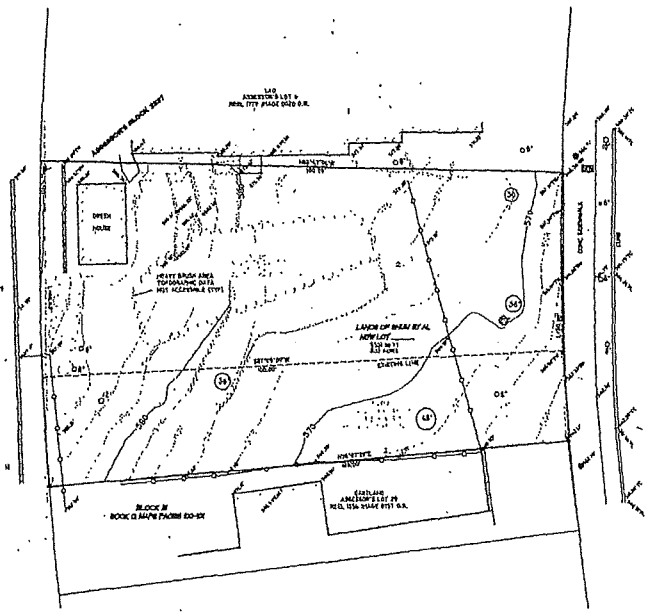
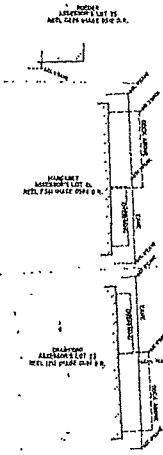
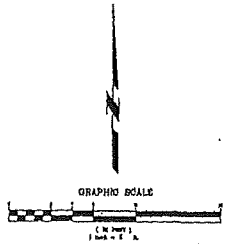
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Scan001.PDF

Preliminary

- GENERAL NOTES**
1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
 2. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ADJUST ALL THE UTILITIES SHOWN BY THE RESPECTIVE UTILITY COMPANIES PRIOR TO CONSTRUCTION.
 3. PRIOR TO ANY TRENCHING, DIGGING, OR BOREHOLE DRILLING AT LEAST 48 HOURS IN ADVANCE TO HAVE EXISTING UTILITIES LOCATED.
 4. EXISTING UTILITIES SHOWN HEREON SUBJECT TO CHANGE ON THE DATE OF THE SURVEY.
 5. ENCLOSURES SHOWN ARE BY THE ADJOINING PARTY'S PROPERTIES AND THESE NOTES ARE NOT BE THE RESPONSIBILITY OF THE SURVEYOR. CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY ANY EXISTING UTILITIES THROUGH THE DATE OF THE SURVEY.
 6. THE SURVEY IS PREPARED FOR THE PROPOSED USE OF CLAYTON SHIRM BY THE ADJOINING PARTY FOR ANY PURPOSE IS NOT FORWARDED.
 7. PROPOSED UTILITIES WERE TAKEN AT HIGHEST RELIABLE POINTED POINTS FROM THE GROUND.
 8. A LOT LINE ADJUSTMENT HAS NOT YET BEEN APPROVED FOR THE PROPOSED LOTS.



LEGEND

| | |
|---|------------------------------|
| — | NOTION OF WALL & CONCRET |
| — | CONCRETE |
| — | PAVED |
| — | GRAVEL |
| — | GRASS |
| — | TOP OF CURB |
| — | TOP OF WALL |
| — | GRADE TO PROPOSED FIN. GRADE |
| — | FENCE |
| — | WATER |
| — | GAS VALVE |
| — | JOINT UTILITY POLE |
| — | WOOD LINE |
| — | SECOND WALL |
| — | EXISTING DRIVE BOUNDARY |
| — | SPOT ELEVATION |
| — | WATER METER |
| — | WATER VALVE |
| — | FOOT WALL |
| — | 10' TREE |

SITE SURVEY

BLOCK 1837 LOTS 007 & 008
 301 & 355 PACIFIC ST
 CITY OF SAN FRANCISCO
 PREPARED AT THE REQUEST OF
 CLAYTON SHIRM
 COUNTY OF SAN FRANCISCO CALIFORNIA
 DATE 10/20/2010

GEOMETRIX
 SURVEYING ENGINEERING INC.

300 PULL STREET
 SAN FRANCISCO, CA 94102
 (415) 774-8000
 WWW.GEOMETRIX.COM

| | |
|------------------|-----------------------------|
| PROJECT NO. 0008 | FIELD SURVEY DATE: 10/20/10 |
| DRAWN BY: L.C. | |
| DATE: 10/20/10 | PAGE 1 OF 1 |

Cecilia
Jaroslowsky /CTYPLN/SFGO
V

03/06/2007 02:22 PM

To "Herrera, Cheryl" <Cheryl.Herrera@sfdpw.org>
"Lou"
cc Clem@4405009"<IMCEAFAX-Lou+20Clem+404405009@sfdpw.org>, "McCormick, Jim" <Jim.McCormick@sfgov.org>,
bcc
Subject Re: 2837/7 & 8 - 361 Pacheco

Please note that environmental review would still be required due to the slope of the newly created lot. However, a categorical exemption was obtained for the new construction on the property. The Environmental Review Officer, Mr. Paul Maltzer would make the determination if the cat ex sill applies to the slope of the lot,

C

"Herrera, Cheryl" <Cheryl.Herrera@sfdpw.org>



"Herrera, Cheryl"
<Cheryl.Herrera@sfdpw.org>
03/06/2007 01:54 PM

To "Lou Clem@4405009"
<IMCEAFAX-Lou+20Clem+404405009@sfdpw.org>
"Jaroslowsky, Cecilia" <Cecilia.Jaroslowsky@sfgov.org>,
cc "McCormick, Jim" <Jim.McCormick@sfgov.org>, "Hanley,
Robert" <Robert.Hanley@sfdpw.org>
Subject 2837/7 & 8 - 361 Pacheco

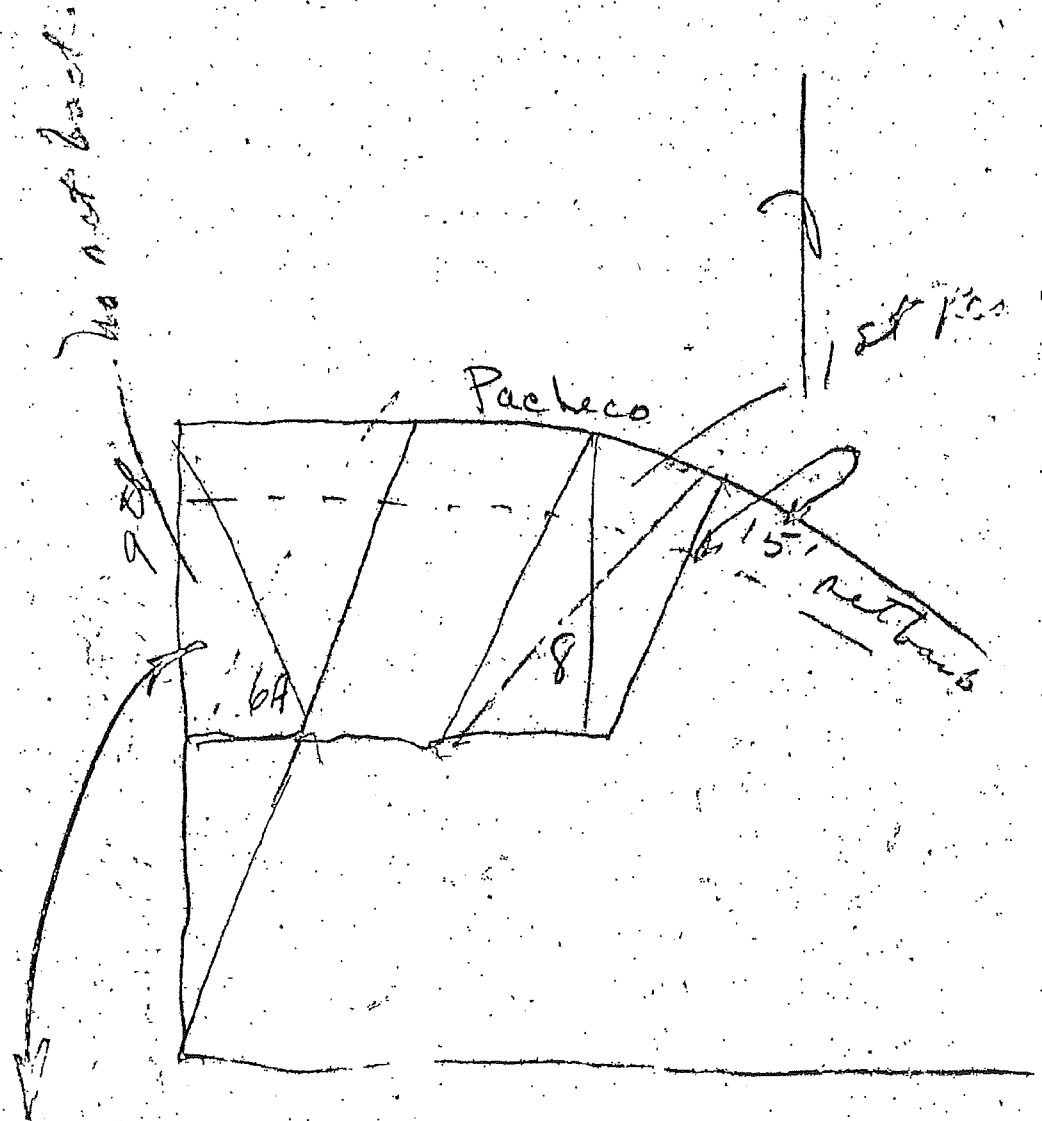
Please provide the status of this application for lot line adjustment.

Thank you
Cheryl Herrera
Department of Public Works
Bureau of Street Use & Mapping
554-5347 v / 522-7670 f
cheryl.herrera@sfdpw.org



DPWFAX_0703062144280094.tif DPWFAX_0703062143270093.tif 2837-7-8 What is status.doc

2128 -



Resolution 173 - approved Dec 10, 1929

Resolved further that the resolution shall remain in effect for a period of ninety days, to be after which it shall cease to be in effect and the premises herein described shall revert to and be in the First Residential District.



PLANNING DEPARTMENT

Tree Disclosure Statement

1. REQUIREMENTS

The Department of Public Works Code Section 8.02-8.11 requires disclosure and protection of landmark, significant and street trees located on private and public property, and that they be shown on approved site plans. A completed disclosure statement must accompany all building permit applications that include building envelope expansion, new curbcuts, new garages, and all demolition or grading permit applications.

Protected trees include street trees and both significant trees and landmark trees on or over a development. Protected trees *must be protected* according to a protection plan developed by a certified arborist before demolition, grading or construction begins. Any tree identified in this Disclosure Statement must be shown on the Site Plans with size of the trunk diameter, tree height, and accurate canopy dripline.

If the protected tree is to remain and if activity occurs within the dripline, prior to building permit issuance, a tree protection plan prepared by an International Society of Arboriculture (ISA) certified arborist is to be submitted to the Planning Department on a full-sized plan sheet. The protection plan must state specific measures which if applied before construction can reasonably be expected to preserve the health of the tree. Additionally, the arborist must include a written statement to the Department of Building Inspection (DBI) verifying that the specified protections will be in place before demolition, grading or building permit will be issued, unless the Department of Public Works (DPW) waives or modifies these requirements.

If the applicant seeks to remove a Protected Tree, the applicant must get a tree removal permit from DPW before the Planning Department permit is issued. Illegally removing a protected tree may constitute a violation of the San Francisco Public Works Code Section 8.11, which can lead to criminal and/or civil legal action and the imposition of administrative fines.

2. APPLICANT'S CERTIFICATION & CONTACT INFORMATION

I hereby attest under penalty of perjury that the information I have entered on this document is true and correct to the best of my knowledge, and that I have read and understood this form, and that I am the property owner or designee of the property owner, familiar with the property, and able to provide accurate and complete information herein.

2299 Market St

Owner

Print Name

Title

365 Pacheco

(415) 242-1994

Mailing Address: Street

Phone

SF CA 94116

angusmccarthy@sbcglobal.net

Mailing Address: City, State, Zip

Fax # or Email Address

3. PROTECTED TREES

The applicant must answer questions in the following table:

| A | SIGNIFICANT TREES | Qty |
|---|---|-----|
| | Are there any trees within 10-feet of a lot line abutting a public right-of-way that are above 20-feet in height, or with a canopy greater than 15-feet in diameter, or with a trunk diameter greater than 12-inches in diameter at breast height? (Check which boxes apply and document quantity of each tree type.) | |
| | <input type="checkbox"/> Trees on the subject property | |
| | <input type="checkbox"/> Trees on adjacent property overhanging the project site | |
| | <input checked="" type="checkbox"/> There are no such trees at these locations. | |

If there is no sidewalk, the 10-foot distance is measured from the property line edge of the street. If there are no trees of the above size, go to item B. If any other above boxes are checked, the tree qualifies as a significant tree per DPW Code and is entitled to certain protections. The location and species of all such trees must be drawn on the site plans (if no plans are required for this application the trees must be drawn on the reverse side of this form).

| B | LANDMARK TREES | Qty |
|---|---|-----|
| | Are there any Landmark Trees on the project lot or on lots adjacent to the property? (Check which boxes apply and document quantity of each tree type.) | |
| | <input type="checkbox"/> Trees on the subject property | |
| | <input type="checkbox"/> Trees on the adjacent City right-of-way (street trees); | |
| | <input type="checkbox"/> Trees on adjacent property overhanging the project site | |
| | <input checked="" type="checkbox"/> There are no such trees at these locations. | |

Landmark trees are trees that meet criteria for age, size, shape, species, location, historical association, visual quality, or other contribution to the City's character and have been found worthy of landmark status after public hearings at both the Urban Forestry Council and the Board of Supervisors. Temporary landmark status is also afforded to nominated trees currently undergoing the public hearing process. The Department of Public Works maintains the official "Landmark Tree Book" with all designated landmark trees in San Francisco. The location and species of all such trees must be drawn on the site plans (if no plans are required for this application the trees must be drawn on the reverse side of this form).

| C | STREET TREES | Qty |
|---|--|-----|
| | Are there any street trees on the public right-of-way adjacent to the property that are neither landmark trees nor significant trees? (Check which boxes apply and document quantity of each tree type.) | |

| | | |
|-------------------------------------|---|---|
| <input checked="" type="checkbox"/> | Street trees bordering the subject property | 2 |
| <input type="checkbox"/> | There are no such trees at these locations. | |

Street trees and other public trees are afforded protections even if the trees are not large enough to be protected as landmark trees.

The undersigned agrees to the conditions of this form. I understand that knowingly or negligently providing false or misleading information in response to this disclosure requirement may lead to denial or rescission of your permit and may constitute a violation of the San Francisco Public Works Code Section 8.11, which can lead to criminal and/or civil legal action and the imposition of administrative fines.

Signature: *[Signature]* Please Print: ED Date: 10/6/09
 Property Owner or Authorized Agent

If you have any questions about this form, or the information required, please contact the Planning Department for assistance at (415) 558-6377.

4. PLANNING DEPARTMENT DETERMINATION

THE INFORMATION BELOW IS TO BE COMPLETED BY PLANNING DEPARTMENT STAFF ONLY

| SITE INFORMATION | TREE SUMMARY |
|---|--|
| Project Address: | Current number of street trees: |
| Block / Lot (s): | Current number of other protected trees as noted herein: |
| Alteration type: | Total trees pre-project: |
| Planning Quadrant: | Total number of trees post-project: |
| <p>The proposed project has been declared:</p> <ul style="list-style-type: none"> <input type="radio"/> to not have trees subject to any protections. (DCP STAFF: file this form in historical file.) <input type="radio"/> to have protected trees subject to protections from construction. (DCP STAFF: ensure that plan set includes tree protection form. After review, file this form in historical file.) <input type="radio"/> to have protected trees planned for removal. (DCP STAFF: file this form in historical file and notify DPW via urbanforestry@sfdpw.org.) | |
| Signature of Planner: | Print Name of Planner: _____ Date Signed: _____ |

5. SITE PLAN

In the absence of a formal landscape plan, use this space to show street, curb, sidewalk, driveway, structure, and all tree locations as required. Protected trees must also include accurate tree height, canopy diameter, and trunk diameter.

Cecilia
Jaroslowsky/CTYPLN/SFGO
V

03/06/2007 02:25 PM

To "Herrera, Cheryl" <Cheryl.Herrera@sfdpw.org>
cc "McCormick, Jim" <Jim.McCormick@sfgov.org>

bcc

Subject Re: FW: 2837/07 & 08 -- 361 Pacheco -- LLA

Please send me know if you close out the file and we will do the same over here.

C

"Herrera, Cheryl" <Cheryl.Herrera@sfdpw.org>



"Herrera, Cheryl"
<Cheryl.Herrera@sfdpw.org>
03/06/2007 02:23 PM

To "Jaroslowsky, Cecilia" <Cecilia.Jaroslowsky@sfgov.org>
cc "McCormick, Jim" <Jim.McCormick@sfgov.org>

Subject FW: 2837/07 & 08 -- 361 Pacheco -- LLA

Cecilia

I know I keep saying last one but this really should be it.

Surveyor for this project says it has been abandoned.

Cheryl Herrera
Department of Public Works
Bureau of Street Use & Mapping
554-5347 v / 522-7670 f
cheryl.herrera@sfdpw.org

From: lou [mailto:lou@geometrixsurvey.com]

Sent: Tuesday, March 06, 2007 2:09 PM

To: Herrera, Cheryl

Subject: 2837/07 & 08

Cheryl,

To my knowledge, the LLA has been abandoned. I can't speak for the client, however, since I can't get a hold of him. I did do a corner record in 2006 on that property. I suspect it was for a house to be built on the lot, as is. Does this help?

Lou



2005/06/29/6356
PLANNING DEPARTMENT

City and County of San Francisco
1660 Mission Street, Suite 500
San Francisco, CA 94103-2414

SECOND NEIGHBORHOOD NOTIFICATION (SECTION 311/312)

August 18, 2005

Hood Thomas Architects
440 Spear Street
San Francisco, CA 94105

RE: 365 Pacheco Street (Address of Permit Work)
2005/06/29/6356 (Building Permit Applications)

Planning Code Sections 311 and 312 requires the Planning Department to send a 30-day mail notice to neighbors (occupants and/or owners of properties within 150 feet of the project site). The notice is mailed after the Department has determined that the application complies with minimum development standards of the Planning Code. Section 311 applies to all building permit applications for new construction or expansion of residential buildings in RH and RM districts. Section 312 applies to all building permit applications within Neighborhood Commercial Districts which propose demolition, new construction, or alterations which expands the exterior dimensions of a building, and all permits for changes of use (change of business type). The Planning Department has reviewed your permit application and determined that it requires 311/312 notification.

Below is a list of items that you must complete in order to fulfill the mailing and posting requirements of Section 311/312. Neighborhood Notifications (Section 311/312) instructions are also enclosed to provide you with detailed instructions on reduction of plans, fee payment, site posting, documentation of posting and submission of materials. Please complete the items below in sequential order:

1. **Send →→→→**
 - (a) **A check for \$85.40 to cover the postage fee, and**
 - (b) **Submit one set of Photo-reduced Site Plans (Legible) in 8½" X 11" and elevation plans to the Planning Department, 1660 Mission Street, Suite 500, San Francisco, CA 94103, Attention: 311/312 Notification team. You can also submit the above items to the receptionist on the 5th floor of 1660 Mission Street anytime between 8 a.m. to 5 p.m., Monday to Friday.**
2. **Post the enclosed oversized Orange notice (11" X 17" POSTER) as soon as you receive the official 30-day Neighborhood Notification (Section 311/312) notice. The 30- day notice will be mailed to you and to all names on the notification list, after the Planning Department receives the check for the postage fee and the reduced plans. Check the expiration date on the official notice and **write the expiration date on the bottom right hand corner of the poster.** The poster must be posted on site until the expiration date.**
3. **After the expiration date, fill out and return the Declaration of Posting to the Planning Department by mail or in person. The Declaration of Posting is an affidavit signed by the applicant certifying that the poster was posted on site until the expiration date.**

Hood Thomas Architects
August 18, 2005
Page 2

RE: 365 Pacheco Street

2005/06/29/6356

The applicant must provide the requested items indicated above within thirty (30) days from the date of this letter. The application will be sent back to the Department of Building Inspection for cancellation or administrative proceedings if the applicant does not comply with this notice.

After the Department receives the Declaration of posting, Permit Planner will check whether a request for Discretionary Review has been filed. A Discretionary Review request can be filed by any concerned party on a code-complying building permit application. If a Discretionary Review request has been filed during the 30-day period, the Planning Commission will use its discretionary powers, at a public hearing, for additional review of the code-complying building permit to determine whether the proposed construction would have significant impacts on the surrounding properties. If no Discretionary Review request has been filed during the 30-day period, Permit Planner will approve the application and forward it to the Department of Building Inspection.

Please direct any questions concerning this notice, **or you may make an appointment a day in advance to Tom Wang at (415) 558-6335.** A timely and complete response on your part will help expedite our review of your permit application.

Thank you for your attention to this notice.

TCW:ckt\g:\Documents\Section.311

Enclosures:

- Oversized **Orange** Notice (11"x 17" Poster)
- Declaration of Posting and Neighborhood Notification (Section 311/312) Instructions



PLANNING DEPARTMENT

City and County of San Francisco
 1660 Mission Street, Suite 500
 San Francisco, CA 94103-2414

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On 6/29/2005, the Applicant named below filed **Building Permit Application No(s)** 200506296356 with the City and County of San Francisco.

| APPLICANT INFORMATION | PROJECT SITE INFORMATION |
|---|---|
| Applicant: <u>HOOD THOMAS ARCHITECTS</u> Address: <u>440 SPEAR STREET</u> City, State: <u>SAN FRANCISCO, CA 94105</u> Telephone: <u>(415) 543-5005</u> | Project Address: <u>365 PACHECO STREET</u> Assessor's Block/Lot No. <u>2837/007 & 008</u> Zoning District: <u>RH-1(D)</u> |

Under San Francisco Planning Code Section 311, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

| PROJECT SCOPE | | |
|---|--|--|
| <input type="checkbox"/> DEMOLITION | <input checked="" type="checkbox"/> NEW CONSTRUCTION | <input type="checkbox"/> ALTERATION |
| <input type="checkbox"/> VERTICAL EXTENSION | <input type="checkbox"/> CHANGE # OF DWELLING UNITS | <input type="checkbox"/> FACADE ALTERATION(S) |
| <input type="checkbox"/> HORIZ. EXTENSION (FRONT) | <input type="checkbox"/> HORIZ. EXTENSION (SIDE) | <input type="checkbox"/> HORIZ. EXTENSION (REAR) |

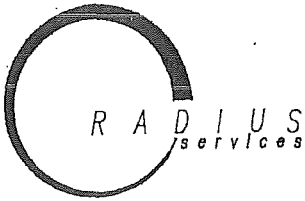
| PROJECT FEATURES | EXISTING CONDITION | PROPOSED CONDITION |
|---|--------------------|---|
| FRONT SETBACK | <u>TWO VACANT</u> | <u>15'</u> |
| BUILDING DEPTH | <u>LOTS TO BE</u> | <u>59'-4"</u> |
| REAR YARD | <u>MERGED INTO</u> | <u>25'</u> |
| HEIGHT OF BUILDING | <u>ONE LOT</u> | <u>34'-8" AT FRONT WALL ABOVE GRADE</u> |
| NUMBER OF STORIES | | <u>TWO-STORY OVER GARAGE</u> |
| NUMBER OF DWELLING UNITS | | <u>ONE</u> |
| NUMBER OF OFF-STREET PARKING SPACES | | <u>TWO</u> |

PROJECT DESCRIPTION

THE PROPOSAL IS TO MERGE LOTS 007 AND 008 INTO ONE LOT AND CONSTRUCT A NEW TWO-STORY OVER GARAGE, SINGLE-FAMILY DWELLING ON THE VACANT LOT.

PLANNER'S NAME: **TOM WANG**
 PHONE NUMBER: **(415) 558-6335**

DATE OF THIS NOTICE: 8/24/2005
 EXPIRATION DATE: 9/23/2005



445 Grant Avenue Suite 400
San Francisco, CA 94108 3208

415-391-4775
FAX 391-4777

**AFFIDAVIT OF PREPARATION
OF NOTIFICATION MAP, MAILING LIST, & MAILING LABELS
FOR PUBLIC NOTIFICATION**

RADIUS SERVICES hereby declares as follows:

- 1. We have prepared the Notification Map, Mailing List and Mailing Labels for the purpose of Public Notification in accordance with requirements and instructions stipulated by San Francisco City Planning Code / San Francisco Building Code:

- Section 311
- Section 312
- Section 106.3.2.3 (Demolition)
- Conditional Use Permit for Wireless Antenna Installation
- Other _____

- 2. We understand that we are responsible for the accuracy of this information, and that erroneous information may require re-mailing or lead to suspension or revocation of the permit.

- 3. We have prepared these materials in good faith and to the best of our ability.

We declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

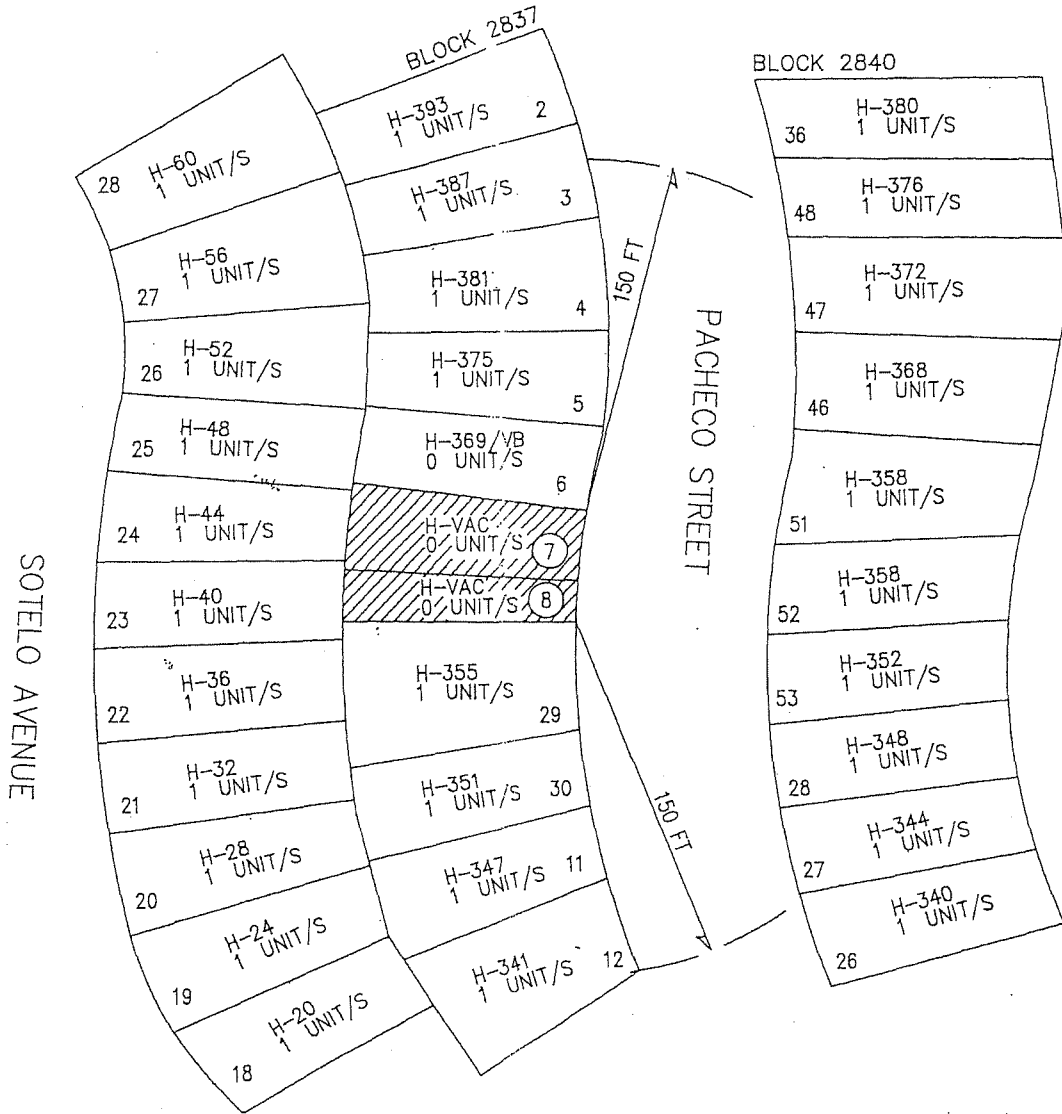
EXECUTED IN SAN FRANCISCO, ON THIS DAY, 4/27/05

RADIUS SERVICES
Professional Service Provider

Douglas Chuck
Douglas Chuck
Radius Services

283707N
Radius Services Job Number

365-69 PACHECO ST
Project Address



RADIUS SERVICES 445 GRANT AVE SAN FRANCISCO CA 415-391-4775

| BLOCKLOT OWNER | OADDR | CITY | STZIP |
|--------------------------------------|-------------------------|---------------|--------------|
| 0001 001 RADIUS SERVICES NO. 283707N | 365-69 PACHECO ST | HOOD | 050427 |
| 0001 002 | | | |
| 0001 003 RADIUS SERVICES | 445 GRANT AV #400 | SAN FRANCISCO | CA94108 |
| 0001 004 HOOD - THOMAS ARCHITECTS | 440 SPEAR ST | SAN FRANCISCO | CA94105 |
| 0001 005 | | | |
| 2837 002 KERAZIDES TRS | 393 PACHECO ST | SAN FRANCISCO | CA94116-1474 |
| 2837 003 MATILDA SHULER | 387 PACHECO ST | SAN FRANCISCO | CA94116-1474 |
| 2837 004 HAROLD A WRIGHT ETAL | 381 PACHECO ST | SAN FRANCISCO | CA94116-1474 |
| 2837 005 AMAVAL A CHARONDO ETAL | 375 PACHECO ST | SAN FRANCISCO | CA94116-1474 |
| 2837 006 NIAN C LAO | 369 PACHECO ST | SAN FRANCISCO | CA94116-1474 |
| 2837 007 CLAYTON SHUM | 655 MONTGOMERY ST #1028 | SAN FRANCISCO | CA94111-2675 |
| 2837 008 CLAYTON SHUM | 655 MONTGOMERY ST #1028 | SAN FRANCISCO | CA94111-2675 |
| 2837 011 JULIAN N & SHU-MIN LEE | 347 PACHECO ST | SAN FRANCISCO | CA94116-1474 |
| 2837 012 ROBINSON TRS | 341 PACHECO ST | SAN FRANCISCO | CA94116-1474 |
| 2837 018 EDW S ERIGERO ETAL | 20 SOTELO AV | SAN FRANCISCO | CA94116-1423 |
| 2837 019 DESMOND & ROXY GRIBBEN | 24 SOTELO AV | SAN FRANCISCO | CA94116-1423 |
| 2837 020 OLIVER & RIRIKO LU | 28 SOTELO AV | SAN FRANCISCO | CA94116-1423 |
| 2837 021 PAULA F GROSHONG | 32 SOTELO AV | SAN FRANCISCO | CA94116-1423 |
| 2837 022 ROGERS TRS | 36 SOTELO AV | SAN FRANCISCO | CA94116-1423 |
| 2837 023 JACY W CRAWFORD TRS | 40 SOTELO AV | SAN FRANCISCO | CA94116-1423 |
| 2837 024 JOHN J & MARGARET ONEILL | 44 SOTELO AV | SAN FRANCISCO | CA94116-1423 |
| 2837 025 ROEDER TRS | 48 SOTELO AV | SAN FRANCISCO | CA94116-1423 |
| 2837 026 RACHAEL KORNBLOU TRS | 52 SOTELO AV | SAN FRANCISCO | CA94116-1423 |
| 2837 027 RAYMOND E CHYRKLUND | 56 SOTELO AV | SAN FRANCISCO | CA94116-1423 |
| 2837 028 DAIFUKU-DE BRUYN KOPS TRS | 60 SOTELO AV | SAN FRANCISCO | CA94116-1423 |
| 2837 029 JOHN & RUTH GARTLAND TRS | 355 PACHECO ST | SAN FRANCISCO | CA94116-1474 |
| 2837 030 MARK & ANGELINA NOONAN | 351 PACHECO ST | SAN FRANCISCO | CA94116-1474 |
| 2840 026 FLAVIA CAROSELLI TRS | 340 PACHECO ST | SAN FRANCISCO | CA94116-1417 |
| 2840 027 ERIC CHINN ETAL | 344 PACHECO ST | SAN FRANCISCO | CA94116-1417 |
| 2840 028 SAMUEL & LINDA KNOX TRS | 348 PACHECO ST | SAN FRANCISCO | CA94116-1417 |
| 2840 036 EKATERINA TARATUTA | 789 CABRILLO ST | SAN FRANCISCO | CA94118-3711 |
| 2840 036 OCCUPANT | 380 PACHECO ST | SAN FRANCISCO | CA94116-1417 |
| 2840 046 DANIEL F MCHUGH ETAL | 368 PACHECO ST | SAN FRANCISCO | CA94116-1417 |
| 2840 047 EARL B & PAGE FENSTON | 372 PACHECO ST | SAN FRANCISCO | CA94116-1417 |
| 2840 048 HELEN M DORWIN | 376 PACHECO ST | SAN FRANCISCO | CA94116-1417 |
| 2840 051 SIMION A SCHIOGOLEV | 358 PACHECO ST | SAN FRANCISCO | CA94116-1417 |
| 2840 052 SIMION A SCHIOGOLEV | 358 PACHECO ST | SAN FRANCISCO | CA94116-1417 |
| 2840 053 PHILIP OUYANG ETAL | 352 PACHECO ST | SAN FRANCISCO | CA94116-1417 |
| 9999 999 | | | |

Stan Morricaz
President
Balboa Terrace Homes Association
P.O. Box 27642
San Francisco, CA 94127

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President
Lakeside Property Owners Assn.
PO Box 27516
San Francisco, CA 94127

Cynthia Brown
Mount Davidson Manor H.O. Assoc.
88 Lakewood
San Francisco, CA 94127

Sean Elsbernd
City Hall RM.#244
Board of Supervisor
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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Midtown Terrace Homeowners Assoc.
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San Francisco, CA 94131

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OMI Business League
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Contact Person
Miraloma Park Impr. Club Dev. Com.
35 Sequoia Way
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Preservation of Residential charact
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San Francisco, CA 94127

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Edgehill Way Neighborhood Assn.
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San Francisco, CA 94127

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Corresponding Secretary
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San Francisco, CA 94116

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San Francisco, CA 94127

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San Francisco, CA 94127

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San Francisco, CA 94127

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a.i.a. Architect
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San Francisco, CA 94127

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West Portal Avenue Association
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San Francisco, CA 94127-1423

Helen Naish
West Portal Homeowners Association
2439-14th Avenue
San Francisco, CA 94116

President
West of Twin Peaks Central Council
PO Box 27112
San Francisco, CA 94127

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President
Westwood Highlands Association
120 Brentwood Avenue
San Francisco, CA 94127

Anita Theoharis
President
Westwood Park Association
P.O. Box 27901-#770
San Francisco, CA 94127

Bok F. Pon
President
American Chinese Association
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San Francisco, CA 94118

Hiylard Wiggins
Construction Administrator
Housing Conservation & Development
301 Junipero Serra Blvd.,Ste. 240
San Francisco, CA 94127-2614

Ted Gullicksen
Office Manager
San Francisco Tenants Unio
558 Capp Street
San Francisco, CA 94110

Gen Fujioka
Asian Law Caucus
939 Market St #201
San Francisco, CA 94103-1730

Joe O'Donoghue
President
Residential Builders Assn. of S.F.
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San Francisco, CA 94117

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Housing Director
Asian, Inc.
1670 Pine St.
San Francisco, CA 94109

Michael Theriault
Secretary-Treasurer
S.F. Bldg & Constr. Trades Council
150 Executive Park Blvd. Ste. 4700
San Francisco, CA 94134-3341

Sue Hestor
Attorney at Law
870 Market St., #1128
San Francisco, CA 94102

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Executive Secretary
S.F. Council of Dist. Merch. Assn.
PO Box 225024
San Francisco, CA 94122-5024

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Carpenters Union Local 22
2085 3rd Street
San Francisco, CA 94107

Jim Meko
Chair
SOMA Leadership Council
366 Tenth Street
San Francisco, CA 94103

Gordon Chin
Executive Director
Chinatown Resource Center
1525 Grant Ave.(Tower)
San Francisco, CA 94133

SOMCAN
965 Mission Street
San Francisco, CA 94103

Chuck Turner
Director
Community Design Center
1705 Ocean Avenue
San Francisco, CA 94112

Janan New
San Francisco Apartment Assn.
265 Ivy Street
San Francisco, CA 94102-4463

Julie Angeloni
Hlth Ctr, for Homeless Vets
205 - 13th Street
San Francisco, CA 94103

Jake S. Ng
President
San Francisco Neighbors Assn(SFNA)
1900 Noriega Street Ste. 202
San Francisco, ca 94122

603-7601

FOREST HILL ASSOCIATION

381 Magellan Avenue
San Francisco, CA 94116
(415) 564-0542

June 27, 2005

John Hood
Hood Thomas Architects
440 Spear Street
San Francisco CA 94105

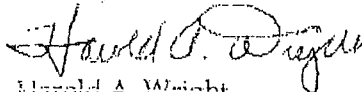
Dear Mr. Hood,

This letter is to confirm that our Directors reviewed your plans for a new two-story (over garage) house at 365 Pacheco Street, at their meeting of June 6, 2005. After discussion with you and the neighbors in attendance, the Directors decided that they have no objections to the plans.

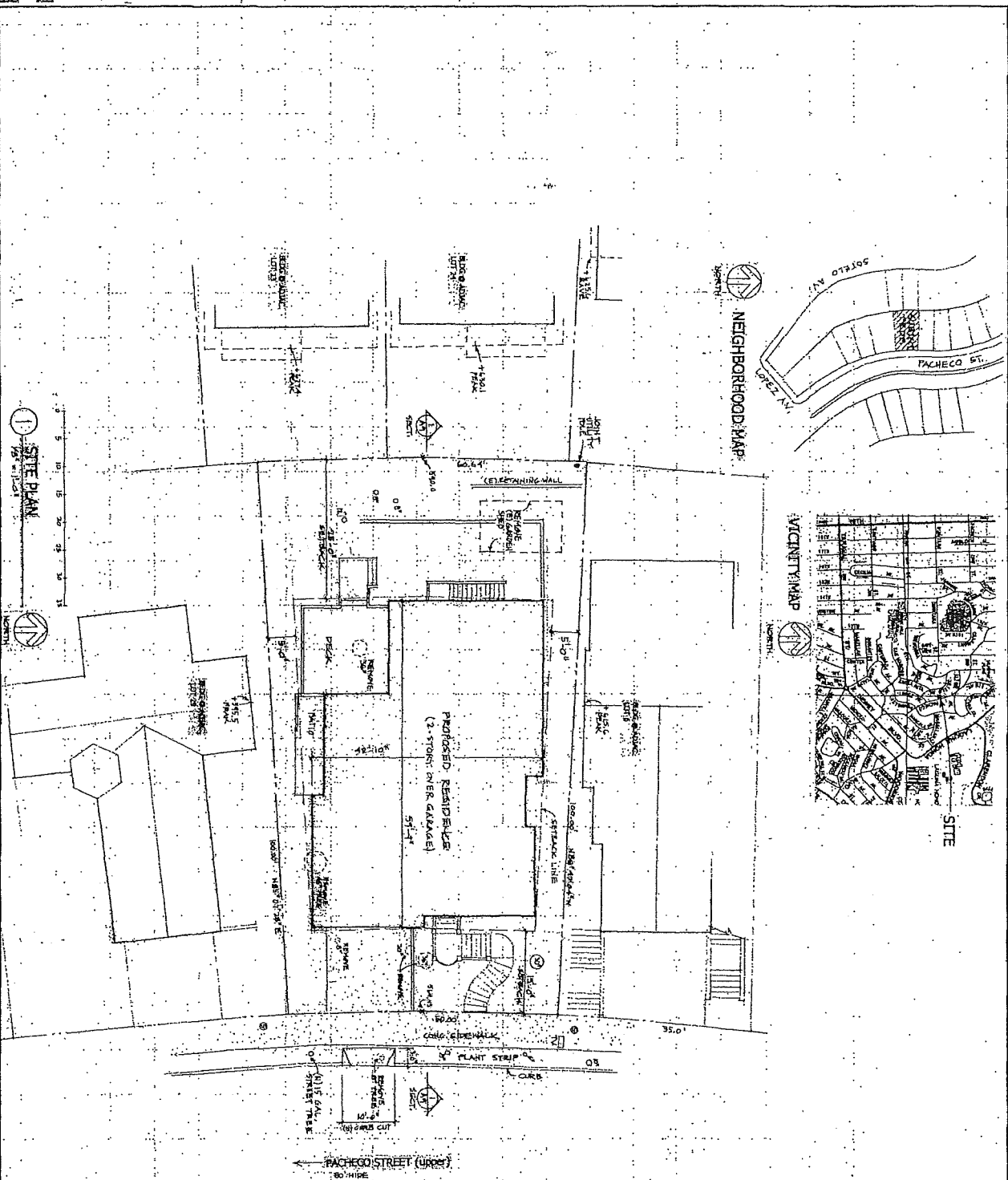
Mr. & Mrs. Gartland of 355 Pacheco Street expressed concern about the drainage toward their house, and Mrs. Rogers of 36 Sotelo Avenue was concerned about the height relative to the existing lot attended. I am enclosing a copy of the letter and a copy of the mailing labels.

If there are any revisions to the plans, please send us a copy.

Thank you,



Harold A. Wright
Chairman, Architectural Review Committee

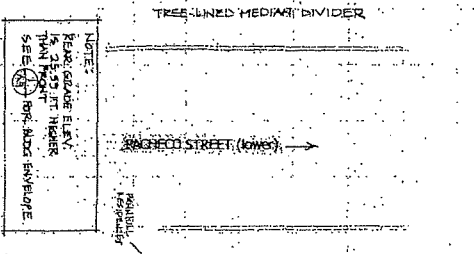


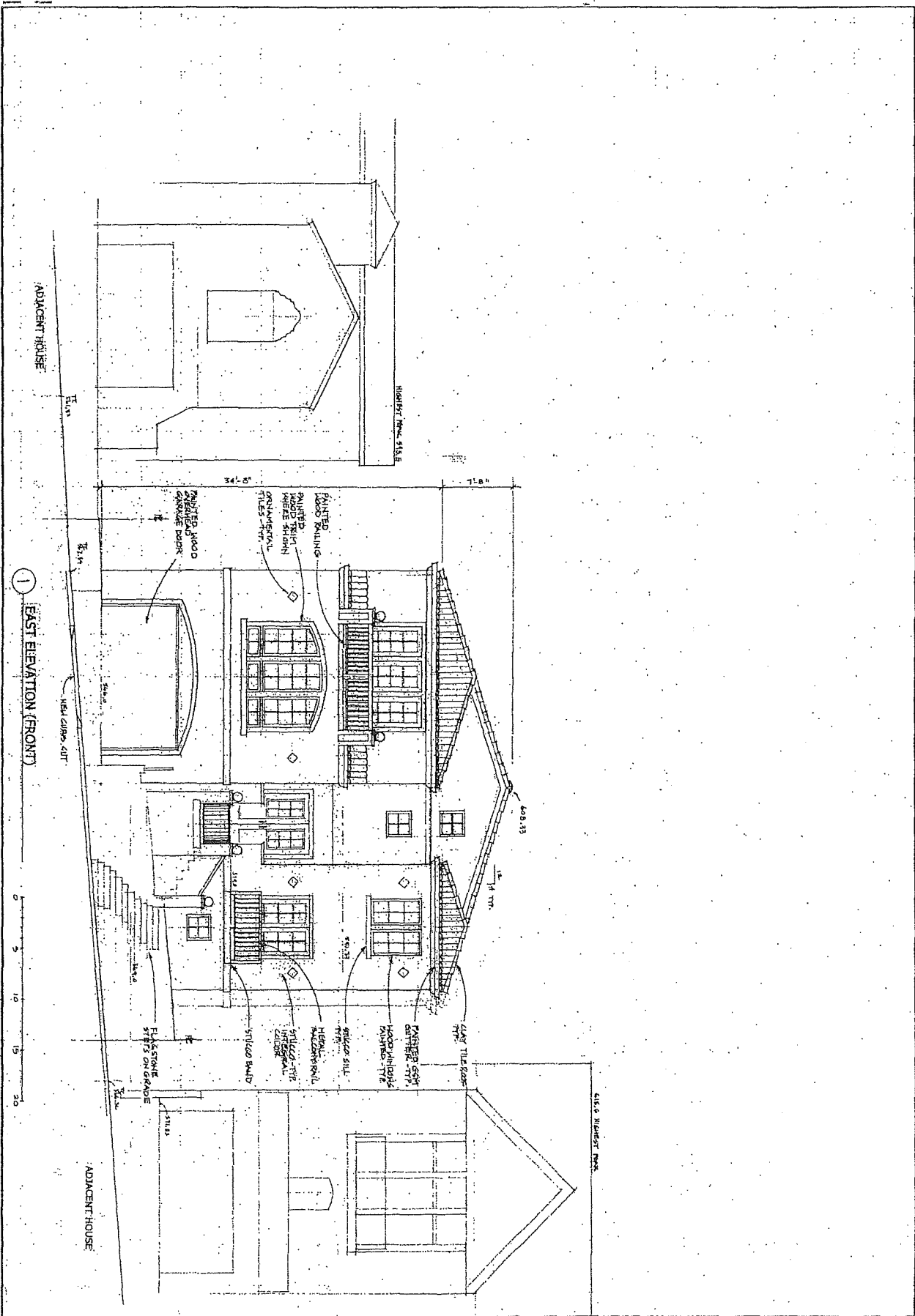
PROJECT DATA

Address: 365 Pacheco Street
 Block: 2837 Lots 008, 007 (merged)
 Zoning: RH3A(0)
 Occupancy: R-3
 Construction: V-M
 Height Limit: 40X
 Height (actual): See plans

LOT AREA: 5,530 sf
BUILDING AREA:
 First Floor: 977 sf + 504 sf garage
 Second Floor: 2069 sf
 Third Floor: 2083 sf
 Total Floor: 5073 sf

CODES:
 2001 LDC with CBC and San Francisco Amendments
 2001 UBC with CBC and San Francisco Amendments
 2001 LUC with CBC and San Francisco Amendments
 2001 HEC with San Francisco Amendments
 2001 San Francisco Fire Code
 2001 San Francisco Tree Code
 2001 San Francisco Sign Code
 2001 San Francisco Utility Code
 2001 San Francisco Vehicle Code
 2001 San Francisco Airport Ordinance
 2001 San Francisco Airport Ordinance
 2001 San Francisco Airport Ordinance





1 EAST ELEVATION (FRONT)

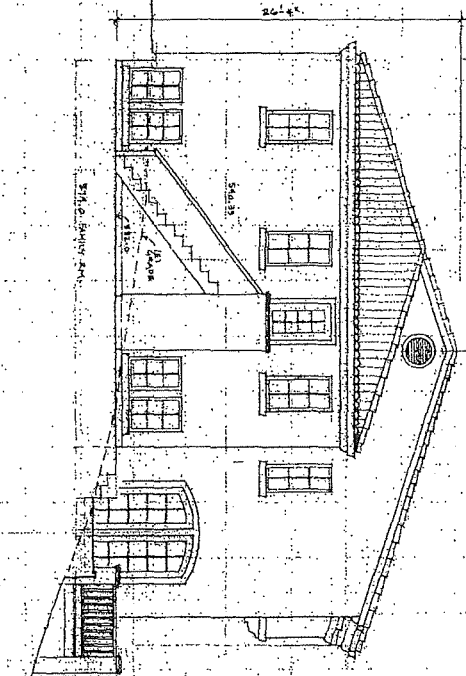
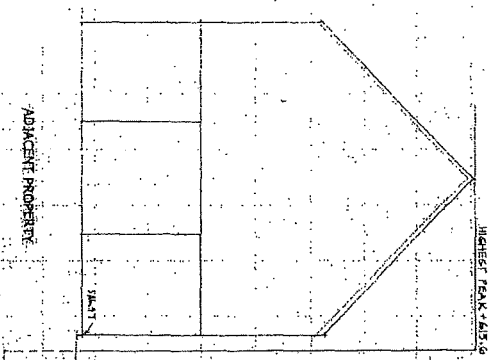
365 Pacheco Street
San Francisco California 94116

P931

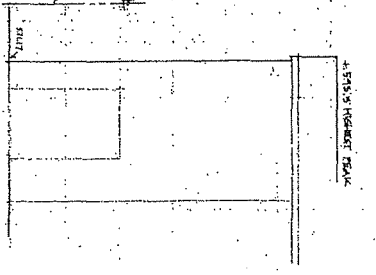
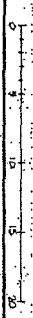
HTAI
 ARCHITECTS
 100 CALIFORNIA STREET
 SAN FRANCISCO
 CALIFORNIA 94102
 TEL: 415-398-3888

| | |
|----------|----|
| REVISION | BY |
| R-005 | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

AS
 DATE: 4-28-05
 DRAWN: MTL
 CHECKED: MTL



1 WEST ELEVATION (REAR)



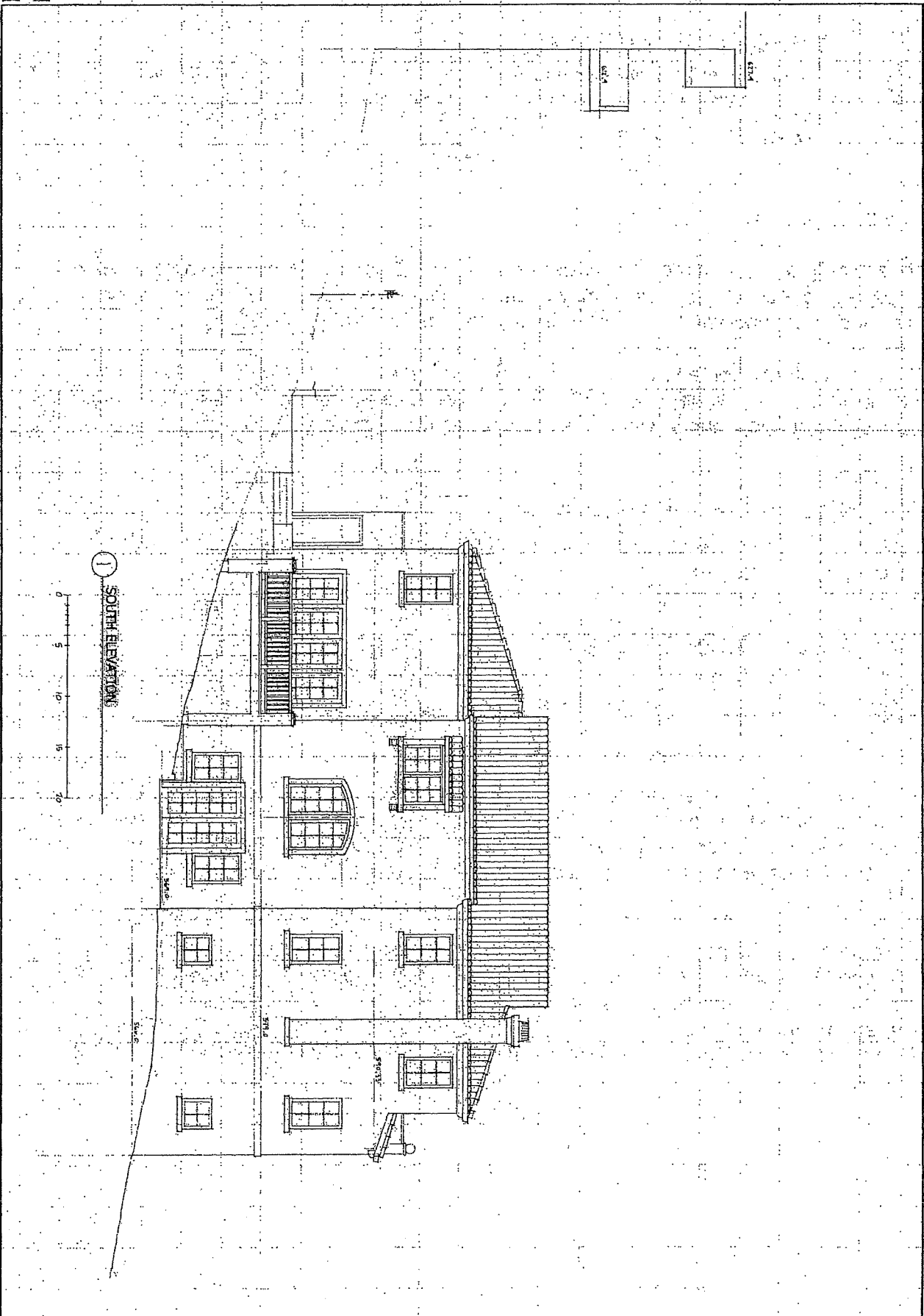
365 Pacheco Street
San Francisco California 94116

P933

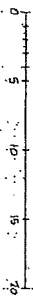
HTAI
7

HTAI
405 PINE STREET
SAN FRANCISCO
CALIFORNIA 94111
TEL: (415) 398-1000

| | |
|-------------|-----|
| DESCRIPTION | QTY |
| 8-2-95 | |



① SOUTH ELEVATION



365 Pacheco Street
San Francisco California 94116

P934

HTAI
HIG PARK STREET
SAN FRANCISCO
CALIFORNIA
TEL: 415 441 4393

Robert Frank
Architects

Sheet
A8

Date 4-26-05
Scale 1/8" = 1'-0"

REVISIONS

Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Friday, November 19, 2021 3:25 PM
To: Son, Chanbory (CPC); Lynch, Laura (CPC); Ionin, Jonas (CPC); 'rich.hillis@sfgov.org'
Cc: 'dratlerj@gmail.com'
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 21151
Attachments: SOTF - Complaint Procedure 2019-10-02 FINAL.pdf; Preparing SOTF Respondent Materials FINAL for PILOT.pdf

Good Afternoon:

Rich Hillis, Chanbory Son and the Planning Department have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force (SOTF). In an effort to provide the SOTF information in an easy to understand format the SOTF has prepared a revised request format for responding to complaints (attached). The SOTF encourages you to use the attached "Respondent – Requested Information and Format" in preparing your response to the attached complaint. Your input into the requested information would be appreciated as the SOTF evaluates the request response format to streamline the complaint process.

The SOTF is requesting that you submit your response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice.

In developing and submitting your response, please use the attached instructions, "Preparing San Francisco Sunshine Ordinance Task Force Respondents Materials," to address your defense of this complaint. This is your opportunity to provide a detailed explanation to allow the Task Force to be fully informed in considering your response prior to the meeting.

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:
Complaint Attached.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724



Click to complete a Board of Supervisors Customer Service Satisfaction form.

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

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

Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Tuesday, December 7, 2021 8:59 AM
To: Lynch, Laura (CPC); Son, Chanbory (CPC); 'dratlerj@gmail.com'; 'San Francisco Living Wage'; 'Jordan Santagata'; RET - SFERS, Info
Subject: SOTF - Complaint Committee hearing, December 21, 2021; 5:30 PM; remote meeting;
Attachments: SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Morning:

Notice is hereby given that the Complaint Committee (Committee) of the Sunshine Ordinance Task Force (Task Force) shall hold hearings on complaints listed below to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force.

Date: December 21, 2021

Location: Remote Meeting

Time: 5:30 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

File No. 21151: Complaint filed by Jerry Dratler versus Rich Hillis, Chanbory Son, and the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to public records request in a timely and/or complete manner.

File No. 21148: Complaint filed by Jordan Santagata and Karl Kramer against the San Francisco Employees' Retirement System for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.24, and 67.25 and California Public Records Act, Section(s) 6254.26, by failing to respond to a request for public records in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by **5:00 pm, December 16, 2021.**

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

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

