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June 19, 2012

## VIA HAND DELIVERY

Bill Wycko  
Environmental Review Officer  
San Francisco Planning Department  
1650 Mission St., Suite 400  
San Francisco, CA 94130

Re: **Draft Environmental Impact Report for San Francisco Overlook  
Development** [Planning Dept. Case No. 2004.0093E]

Dear Mr. Wycko:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the San Francisco Overlook Development residential project ("DEIR"). These comments are submitted on behalf of the Mount Sutro Homeowners Association ("Association") representing residents that live near the site of the proposed San Francisco Overlook residential project ("Project"). This ambitious Project proposes to shoehorn a large and dense development into a very constrained site with extraordinarily steep terrain. The pictures on the next page and attached hereto as Exhibit 1 illustrate just how steep and constrained the site is. More importantly, approval of the Project as currently proposed would jeopardize the health, safety and well being of these residents and their property by putting them at substantial risk of being exposed to landslides, among other hazards. As further described below, the DEIR does not comply with the requirements of the California Environmental Quality Act ("CEQA") because it fails to study all potentially significant environmental impacts, fails to consider potentially significant environmental impacts associated with mitigation measures and also fails to adequately analyze feasible project alternatives. As such, the DEIR needs to be substantially revised and recirculated.

The Project proposes to develop 13 buildings containing 34 units and a private access road in the steeply sloped wooded area that currently exists between the residential buildings shown in the top and bottom of the photo below (Figure 1). Clearly, construction of the Project will rely on complex and extraordinary engineering techniques that will have significant adverse environmental impacts on the surrounding environment.



Figure 1

Initially, we note that environmental review for the Project is premature. The Project is subject to the Mount Sutro Declaration of Conditions, Covenants and Restrictions (“CC&Rs”) that require private architectural review for the Project. In 2003, several years before the applicant purchased the Project property, the Association adopted specific architectural design guidelines requiring, among other things, submission of a formal project proposal for pre-approval by the Architectural Control Committee (“ACC”). Despite having purchased with notice of these architectural review requirements, the applicant has not yet presented the Project for such review. The ACC’s review and approval rights extend to aesthetics, parking, density and ingress/egress, among other things. As the applicant has not yet secured architectural review approval, the City’s review is premature and potentially a waste of City time and resources. The Association could require modifications to the proposed Project that will implicate the environmental review. Setting that issue aside, the DEIR still presents a number of CEQA deficiencies:

1. Geology and Soils. The Project's geotechnical investigation by Alan Kropp dated September 29, 2006 raises concerns about hillside stability for a development of this size. The DEIR clearly describes the site as an area with a history of frequent and substantial landslides and other problems associated with unstable soils. Given this troubling history, the City should require a "design-level" geotechnical review as part of the Project's CEQA analysis rather than deferring such analysis through mitigation measure M-GE-1b. This is particularly true because the DEIR relies upon the results of the future "design-level" report to identify environmental impacts and actual mitigation measures. For example, M-GE-1b relies on this design level review to analyze expected ground motions from known active faults and M-GE-2a relies on it to "determine and design appropriate protective measures" which may include removal and recompaction of fills and retaining walls. It seems likely that the design level geotechnical report might also recommend measures such as a concrete abutment supported by rock bolts, similar to the ones existing at the neighboring Kirkham Apartments and the base of Mt. Sutro, as shown on Exhibit 1 attached hereto (see Photos #12 and 13.) If that is the case, then CEQA would require an analysis of the impacts associated with covering the hillside in concrete, which certainly would include adverse impacts on aesthetics and water quality. Deferral of such environmental analysis violates CEQA as it deprives the decision makers and the public of the ability to make an informed decision. (CEQA Guidelines, § 15126.4(a)(1)(B).)

(a) Further Investigation of Sewer Line. Previous landslides in and around the Project site were likely caused by a variety of factors including a suspected improperly functioning sewer line. (Kropp, page 14; section 3.01.7.) Further investigation of this sewer line is required to evaluate the Project's geotechnical impacts, and if appropriate, the Project should be required to remediate any deficiencies with the sewer line.

(b) Environmental Review of Mitigation Measures. The DEIR must also identify and analyze the environmental impacts associated with implementation of proposed mitigation measures. (CEQA Guideline, § 15126.4(a)(1)(D).) In particular, the eight measures (GE 1 – 7 and 10) recommended to stabilize the steep hill side may have significant effects on the environment. For example, they call for possible construction of retaining walls, but the location and size of the potential walls is not discussed. There is also the potential for removing and recompacting fill under the road, but the extent of such fill work and impacts associated with performing that work are not discussed. The depth, extent and environmental consequences of installing stitch piers, lagging, debris walls, v-ditches, swales, catch basins, pier foundations and soil nails are not discussed either. The potential significant effects associated with these mitigation measures need to be analyzed in a revised DEIR and that DEIR needs to be recirculated for further public review and comment.

(c) Downhill Hazards. Neighbors living below the Project site have experienced slope instability in the past. Indeed, the pictures in Exhibit 1 attached hereto illustrate that current existing retaining walls do not adequately contain debris and rock from falling into the downhill properties. (See Exhibit 1, Photo # 8-10.) This condition will only be exacerbated by the Project. The DEIR, however, fails to fully evaluate the potential of landslide due to construction of the hillside and its danger to the downhill buildings and residents. Such an analysis should be set forth in a revised DEIR that is recirculated for additional public review and comment.

(d) Peer Review. The private roadway to be constructed to serve the Project relies on extensive use of stitch piers and a cantilevered roadway design. Due to the extraordinary construction method for this proposed Project, the City has convened a peer review panel. We understand that the peer review panel will be meeting shortly. We urge the City to delay consideration of the DEIR until that peer review process is complete. At a minimum, the City should incorporate and respond to the comments and additional mitigation measures identified by the Peer Review Panel in the "Comments and Response Document".

2. Construction Impacts. The DEIR does not adequately describe proposed construction activities or the environmental impacts associated with construction.

(a) Construction Staging on Common Area. Where will the Project's construction staging occur? It appears that construction staging will need to occur on the Association's common area located next to the Project site. (See Exhibit 1, Photo #5.) If that occurs, residents will be adversely impacted as they would lose recreational open space currently provided by that common area adjacent to the proposed "Mount Sutro Drive". Other environmental impacts, such as noise, erosion control, construction related traffic, and air quality also need to be more fully addressed in a revised and recirculated DEIR. Particular attention should be paid to the impacts on the residents living along Crestmont Drive, where the proposed road is located less than 50-feet away. The mitigation measures set forth in AQ-1, for example, will not adequately protect those residents from the annoying and harmful impacts associated with living less than 50-feet away from a construction zone that will last for 23 months. Permanent, ongoing impacts associated with road noise should also be evaluated.

(b) Construction Sequence. The DEIR also needs to describe the sequence in which construction activities are proposed to occur and the environmental impacts associated with that construction. For example, it is unclear how large construction vehicles, such as concrete and haul trucks will access the site. This is particularly relevant given the very steep terrain and narrow path trucks will need to navigate, as evidenced by the picture below (Figure 2).



Figure 2

Will a wider temporary road be used for construction activities? If so, the location of that temporary road needs to be identified and the impacts associated with it need to be evaluated. A related issue arises in connection with cut and fill activities. The DEIR states that any fill area must be compacted. Figure 11 on page 42 of the DEIR is a section of a duplex. Will the residential units be built before construction of the retaining wall supporting the new road? If the road and wall are built first, how will excavation be accomplished. If the units are constructed first, how will large trucks get into the site to remove excavation materials, perform the concrete pour and support other construction activities. Greater information about construction generally needs to be provided.

(c) Retaining/Debris Walls The DEIR states that walls will be constructed at the downhill edge of the site to prevent rocks, soil and other materials from falling onto the property of the downhill neighbors. The downhill neighbors are already exposed to excessive rock and debris flow that existing retaining walls cannot contain, as illustrated on Figure 3 below. (See also photos 8-10, Exhibit 1.)





Figure 3

Once construction begins, even more rock, soil and other debris will fall down the hill. As such, the need for adequate retaining walls during all phases of construction cannot be understated, yet do not appear to be adequately addressed. Also, the developer needs to explain how the contractor proposes to access this area to build the retaining wall that will support the road. Will access be from Lots 25/28 or from the bottom of the hill via 5<sup>th</sup> Avenue? If from 5<sup>th</sup> Avenue, the DEIR needs to analyze the impacts associated with construction trucks traveling along that route. If from Lots 25/28, how will cement trucks and other construction vehicles traverse the steep terrain required to access from above? The environmental impacts and hazards associated with such construction activities have not been adequately analyzed in the DEIR.

3. Parking. The Project roadway is too narrow for an area that has little or no public transportation options. The proposed road is 20' wide with no on street parking for residents or guests. Moreover, the entire Project only provides 8 guest parking spaces in the townhome building. The proposed Project will create severe adverse parking impacts.

4. Circulation. The narrow design of the road creates traffic congestion, especially for cars traveling in opposite directions. Access from 5th Avenue to the Project should be explored as a means of reducing traffic. The feasibility and environmental impacts associated with that additional access should be evaluated in a recirculated DEIR.

5. Alternatives

(a) New Alternative. The Association requests consideration of a new Project alternative. This alternative should consider a development featuring a small cluster of homes built at the westerly portion of the Project site. That relatively flat area (see Figure 4 below) could accommodate three to five single family homes with less than significant impacts to the

surrounding environment. The cost associated with such a smaller development would be much less, and the purchase price that could be commanded for such a single family residences would be more than sufficient to ensure a profit to the developer. Moreover, such an alternative would still meet the stated Project objectives as it would, (i) allow infill development with fewer than 61 units, (ii) create an appropriately scaled residential development, (iii) develop a project that is considerate of the views of existing houses in the neighborhood, (iv) provide more than one parking space per unit, (v) comply with regulations and recommendations relating to hillside stability and improve the stability of the site and surrounding area, and (vi) produce a sufficient return on investment for the project sponsor. The City should prepare a revised DEIR evaluating this additional alternative and the public should have an opportunity to review and comment on that new alternative.



Figure 4

3-5 single family residences could be constructed on the relatively flat area shown here.

(b) Project Feasibility. The DEIR rejects Project Alternatives B and C on the grounds that they are not economically feasible. In order to reject alternatives on that basis, CEQA requires the DEIR to provide detailed analysis of construction costs, projected sales and other relevant factors to demonstrate such infeasibility. (*Citizens of Goleta Valley v. Board of Sup.* (1990) 52 Cal.3d 553, 575 n.7.)

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Other Matters.

6. Parking/CC&Rs. The Project is subject to CC&Rs that require 2 parking spaces per each residential unit. The Project will violate that contractual obligation because the current proposal appears to have several designs including one for "2 – car/duplexes" i.e., 1 car per duplex (Proposed Parking Plan, Figure 5). The City should require each residential unit to have at least two designated parking spaces so as not to facilitate the developer's violation of this contractual obligation.

7. Violation of Arbitration Decision. The City should also note that the applicant does not have the right to develop the Project as proposed. The applicant is bound by an arbitration decision that prohibits it from developing the site pursuant to plans developed by a prior owner of the Project property. The proposed Project incorporates features from the prior owner's plans that may violate that arbitration decision. See letter dated May 25, 2012 from Lawrence Miller. The City should require confirmation on this point before moving forward with the Project, otherwise it may be wasting time and resources conducting environmental review of a Project the developer cannot build.

We also join in the concerns raised in on the website for the Crestmont, Mt. Sutro, Forest Knolls Neighborhood Preservation Coalition at <http://www.crestmontpreservation.org/news.html>, a copy of the relevant text for which is attached hereto as Exhibit 2. Said comments are incorporated herein.

For all of the reasons stated above, we believe the DEIR is severely flawed in many respects and fails to meet minimum legal requirements as an informational document under CEQA. The DEIR needs to be supplemented with additional information, analysis and mitigation. Because the required modifications will be substantial, CEQA requires that the DEIR be recirculated for additional public comment. We look forward to reviewing the revised draft DEIR.

Very truly yours,



John C. Callan, Jr.

cc: Irene Nishimura  
Stu During  
Jeffrey Eade (Mt. Sutro Woods Owners Association President)  
Paul Gorman  
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## EXHIBIT 1



Picture #1: Proposed development site is located in the wooded area between the pinkish structure (Kirkham Heights Apartments) on the bottom left of this picture and the structures along Crestmont Drive shown the top of the picture.



Picture #2 and 3: Two more views of proposed Project site.







Picture #4: Access to the site by narrow road—effectively a one lane road because of street parking.



Picture #5: View of existing Association common area, proposed road and development site. Note how steep the development site is.





Picture #6: Natural forest to be lost to development.



Picture #7: Unstable hillside that falls into yards below.





Picture #8: Debris flowing downhill behind Kirkham Heights building.



Picture #9: Retaining wall augmented to catch debris flow.



Picture #10: Debris falling over retaining wall into backyard (next to BBQ/smoker)



Picture #11: Retaining walls and concrete supported with rock bolts at base of Mt. Sutro





Picture #12: Concrete abutment with rock bolts at base of Kirkham Apartments



Picture #13: Existing erosion. Note exposed roots. Potential for mudslides with next heavy rain.



Picture #14: Looking at 5<sup>th</sup> Ave. below, this shows the narrow road that will provide access to the site. **Note the steep terrain.** Note also that not all of this area is available for road use as the “upslope” section is Association common area and not part of the proposed road or available for construction access.





Picture #15: Another view of the proposed road and existing Association common area.

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## EXHIBIT 2

### FIGHT THE DEVELOPMENT THAT THREATENS OUR NEIGHBORHOOD

#### DEVELOPER'S PLAN

#### Planning Department Project Title:

**2004.0093E – Construction of 34 Residential Units on a Proposed New Road near Crestmont Drive**

We are opposed to the proposed construction project and are very concerned about the following issues:

1. Impact on Homes
  2. Traffic and Safety
  3. Stability and Erosion of Mt. Sutro
  4. Health Concerns
  5. Fire and Emergency Vehicle Access
  6. Preservation of Green and Open Space
  7. Parking
  8. Access to Public Transportation
  9. Density and Quality of Life
-

### **1. Impact on Existing Homes**

Our neighborhood consists of one street of single family homes and duplexes constructed along the downhill side of one of the steepest hillsides in San Francisco. All of the homes in this neighborhood project out over the hillside and are supported by high concrete or steel pylons resting on the lower hillside.

The proposed construction, and the attendant heavy traffic involving construction and earthmoving equipment on the road below our homes as well as on the street at our entrance level will carry an unacceptably high risk of destabilizing the hillside on which our pylon foundations rest. This risks sufficient damage to the supporting hillside, foundation bases, and pylons (which may or may not be evident or visible under normal conditions) to destabilize our houses during a moderate to severe earthquake. Such destabilization would be catastrophic, resulting in total loss of houses in our neighborhood, most of which have more than 60-70% of their living space projected out over the hillside.

### **2. Traffic and Safety**

The proposed project will result in a major increase in the flow of traffic on Crestmont Drive, one of the narrower streets in the City with sharp bends and blind corners. Increased traffic would increase the likeliness of accidents on this already winding and narrow street, one of the longest cul-de-sacs in the City. **(See photos)**

Traffic will also increase dramatically on other streets in the Forest Knolls area, many of which are also narrow and winding.

Unlike many neighborhoods in San Francisco, the homes on Crestmont Drive have no yards, since the back of the houses project over the very steep hillsides and the land below is totally inaccessible and unusable for recreation. The neighborhood's children, therefore, play in the street. A marked increase in traffic density would be extremely detrimental to the safety of the children and to the neighborhood's safety and quality of life.

It should be noted that at the time the area in question as zoned, the planning for the block included continuation of the street to the southwest, connecting with Oak Park Rd. This connection was never completed and Oak Park now ends in a cul-de-sac with a house constructed on the site where the two roads were meant to join. Therefore, the original zoning did not assume that all traffic to the proposed housing area would be required to use Crestmont Drive for access.

This issue must be revisited in view of the enormous consequences of drastically increased traffic density of Crestmont Drive, a roadway so narrow beyond the uphill bulkhead that two cars are unable to pass when cars are parked, as they always are, on either side of the street.

### **3. Stability and Erosion of Mt. Sutro**

The sedimentary rock is disintegrating and the proposed area has a long documented history of slides which continue to this day ([see photos taken July 2004 and news articles of landslide, 1979](#)). Grading on the west slope of Mt. Sutro in the 1960s sent earth spilling into the street. In June, 1979, a new home not yet occupied was pushed into the street by a massive slide of earth behind it. Four adjacent homes had to be evacuated. During El Nino and its wake, the entire lower west slope of Mt. Sutro became unstable resulting in the sliding of the steep terrain from Crestmont Drive down to Warren Drive .

### **4. Health Concerns**

Further environmental concerns envisioned for this project must also be taken into consideration. This hillside is exposed to prevailing winds from the west and north, which is the location of the proposed construction. The high exposed hillside location and steepness of the slope result in windier conditions and higher wind velocities than in many areas of the City. These conditions place our homes directly in the path of any airborne dust and fumes generated by this construction project, including the creation of a paved street. The effect on the residents of this neighborhood, including many older individuals, and families with children, is potentially serious and could result in a significant increase in respiratory problems and illness in susceptible individuals, with possibly serious chronic damage to the lungs.

### **5. Fire and Emergency Vehicle Access**

The impact of adding 34 more dwellings to the extension of this street also raises the issue of fire protection and access for other emergency vehicles: the street ends in a cul-de-sac and is only accessible in one direction. Extending the street will involve a very sharp turn at the current street terminus which may not allow passage of larger fire engines. Any fire in a downhill dwelling would pose immediate and serious risk to the existing uphill structures, both due to the prevailing wind patterns which would carry cinders uphill and potentially ignite the all-wooden residential structures above and by setting afire the downhill brush, grass, and trees below the existing homes.

An additional issue to be addressed is the potential closure of our nearest fire station. Adding more housing to the area at a time when fire services may be seriously curtailed further reduces the safety of the entire neighborhood.

### **6. Preservation of Green Open Space**

We want to preserve the pristine forest and green open space on this part of Mt. Sutro .



**7. Parking**

The project provides for totally inadequate parking for such a massive development. One parking space, plus 1/2 guest parking space, per 3 and 4 bedroom unit is completely unrealistic in this neighborhood where people are reliant on their cars.

**8. Access to Public Transportation**

The access to public transportation is poor on Crestmont Drive, one of the longest cul-de-sacs in the City, where people rely on their cars. Public transit is not only distant and infrequent, but also difficult to access given the steepness of the hillside.

**9. Density and Quality of Life**

We believe that the proposed project will impact dramatically on the quality of life in our neighborhood. With the addition of four large high density buildings and a total of 34 condos, the character of this neighborhood of single family homes and duplexes will change drastically, and will also have a negative impact on the value of our homes. In addition to the traffic issue mentioned above, we are also concerned with the impact of noise, not only during construction, but also in the aftermath. Given the uphill wind patterns, noise and fumes from cars, fireplaces, barbeques, etc. will impact on the homes above.

The loss of open space accessible to the existing neighborhood on one of the few pristine areas of the City, never previously built upon, further degrades the neighborhood and its quality of life, and deprives existing Mt. Sutro wildlife of natural habitat.