

Appellant Brief, permit appeal, case 14-148, 4121 20th St

Tom Goddard (appellant)

October 7, 2014

Alteration Permit 2014/08/11/3496 for 4121 20th St owned by 20th Street Trust represented by Sarah Garlick.

Appellant's property: 4119 20th St, adjacent to and uphill from the permit property.

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Reason for appeal

This appeal is to assure that the owner ("20th Street Trust") and permit-holder of 4121 20th St, having excavated their basement 2 feet deeper, design a structurally sound retaining wall along the property line with 4119 20th St (appellant's property), to support the 5 - 8 foot drop from the 4119 grade level to the floor of the 4121 basement. The appealed permit describes a new footing but does not describe the retaining wall. The representatives of 20th Street Trust have refused all requests to discuss the retaining wall and permit.

Requested action from the Board of Appeals

The appellant asks that the Board of Appeals 1) revoke permit 201408113496, allowing the permit-hold to submit a new permit which includes a retaining wall design. 2) Instruct the department of building inspection to properly notify the appellant after the permit is filed but

before the new permit is issued. 3) Request that the department of building inspection issue the new permit only after the appellant's structural engineer is given access to inspect the 4121 basement so that the design specified in the new permit can be evaluated.

Summary of permit problems

The foundation plan for the appealed permit 201408113496 misrepresents the site conditions and has 3 major deficiencies.

1. The plan shows a new footing 18 inches in height to be placed below an existing foundation. But the proposed footing is in fact 6 feet below the base of the foundation in the rear area of the basement.
2. The plan proposes drilling and placing steel bars in the existing foundation which is over 100 years old and does not have the structural integrity needed to use this type of reinforcement.
3. The plan does not provide for drainage behind the foundation retaining wall. Water seeping through the existing foundation is observed during wet months running out the basement door and garage door over the past 12 years. The appellant's property has a drain for the back foundation retaining wall that has flowing water year around.

The appellant's structural engineer Monte Stott details problem 1) in his attached letter. Monte Stott has more than 25 years experience in San Francisco, specializing in foundations and seismic safety, and has worked on over 3000 projects in San Francisco and the East Bay.

The permit-holder's engineer Antonio Prado, based in Folsom, California has refused to discuss the plan with the appellant (August 23 in face-to-face discussion) and refused to discuss it with the appellant's engineer Monte Stott (phone discussion between Monte and Antonio on Sept 30).

MONTE STOTT AND ASSOCIATES, INC.
Consulting Engineers

6 October 2014

Mr. Tom Goddard
4119 20th Street
San Francisco CA 94114
Goddard@sonic.net

Project: 4119 20TH STREET
SAN FRANCISCO CA

Dear Mr. Goddard:

At your request, I visited the subject project site on 29 September 2014 in order to give my opinion regarding the structural risk to the subject property that can be attributed to the work being performed by your western neighbor (4121 20th Street). Additionally, I reviewed the photograph you presented me which showed the excavation of the lowest level of 4121 20th Street (see Attachment A), and I reviewed the photograph of the structural drawings associated with the proposed foundation work at 4121 20th Street (see Attachment B).

The subject structure is a two story wood framed house, situated on the south side of 20th Street on a lot that slopes downward to the west. The western neighbor (4121 20th Street) is a three story wood framed house. Both homes appear to be approximately 90 years old, have wood siding exteriors, composition shingle roofs, and are supported by concrete foundations.

I observed significant deficiencies in the structural drawings for the proposed work at 4121 20th Street. Specifically:

- Detail 1/S1.2 shows 6" between the bottom of the 4121 20th Street foundation and the finished grade of the 4121 20th Street basement. The photo you provided indicates that at the rear of 4121 20th Street, as well as at portions of the east perimeter wall at 4121 20th Street, the actual dimension between the bottom of the 4121 20th Street foundation and the finished grade of the 4121 20th Street basement is over 3 feet.
- Detail 1/S1.2 shows the bottom of the 4119 20th Street foundation 6" above the finished grade of the 4121 20th Street basement. The site conditions indicate that the bottom of the 4119 20th Street foundation is well over 3 feet above the finished grade of the 4121 20th Street basement.
- Detail 1/S1.2 shows a footing that is 1'-2" wide. The actual conditions of the 4121 20th Street basement result in retaining walls over three feet high (which requires an engineered design including calculations). The footing for such a retaining wall would be significantly larger than 1'-2."

In short, the structural drawing for the work at 4121 20th Street does not reflect the actual site conditions, and is not code compliant for its proposed application.

On 29 September, I called Mr. Antonio Benitez Prado Jr., who you reported to be the engineer of record for the work at 4121 20th Street. I informed Mr. Prado that based on

the site conditions at 4121 20th Street, his proposed design was not code compliant. I stated that I would be happy to assist him in confirming the actual site conditions so that he could revise his drawings accordingly. Mr. Prado was very evasive, and said he could not speak with me until he got permission from the owners of 4121 20th Street. I offered to give Mr. Prado my phone number, but he refused it. You stated during my 29 September site visit that Mr. Prado had been present at the site during the time of the excavation at the basement at 4121 20th Street, so he is apparently aware that his design is not consistent with the actual site conditions.

In my opinion, your home is at significant risk due to the excavation at 4121 20th Street. The current conditions could result in portions of the west perimeter foundation of your home collapsing into the excavation at 4121 20th Street, which would have catastrophic consequences for your home. Additionally, if the foundation work proposed for 4121 20th Street was constructed as designed and permitted, your home would still be at significant risk, as the foundation design for 4121 20th Street does not reflect the existing conditions and is not code compliant.

I strongly recommend that no further work be performed at 4121 20th Street until the structural drawings are revised to reflect the existing conditions. In my opinion, the corrected drawings would include new retaining walls designed to support the actual retained conditions as well as the surcharge from the foundation at 4119 20th Street. Drainage should also be included in the proposed retaining wall detailing. Additionally, the slope of the site suggests that that proposed retaining walls should be designed in

accordance with the recommendations of a project geotechnical report. Further, before any further excavation is performed at 4121 20th Street, the San Francisco Building Code requires that you be given at least 30 days notice.

I strongly recommend that the owners of 4121 20th Street hire another engineer to generate the revised foundation drawings for their project. In my opinion, Mr. Prado's design falls well below the standard of care required by licensed engineers. The mistakes in Mr. Prado's design, as well as his refusal to discuss potential resolutions with me, lead me to believe that Mr. Prado is either not interested in or not capable of generating an appropriate set of engineering drawings for this project.

Please don't hesitate to contact me if I may be of any further assistance on this project.

Very truly yours,

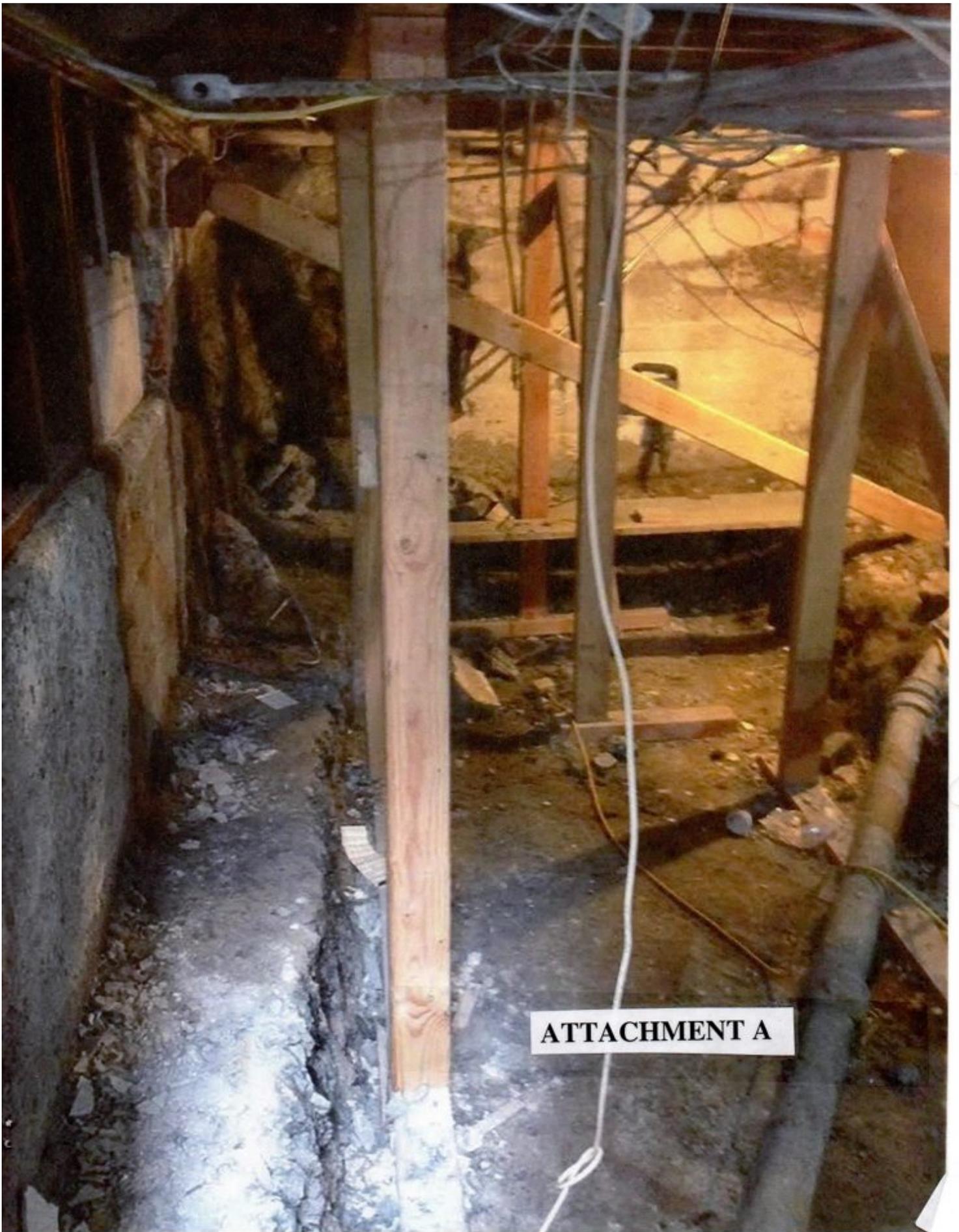
Monte Stott, P.E.



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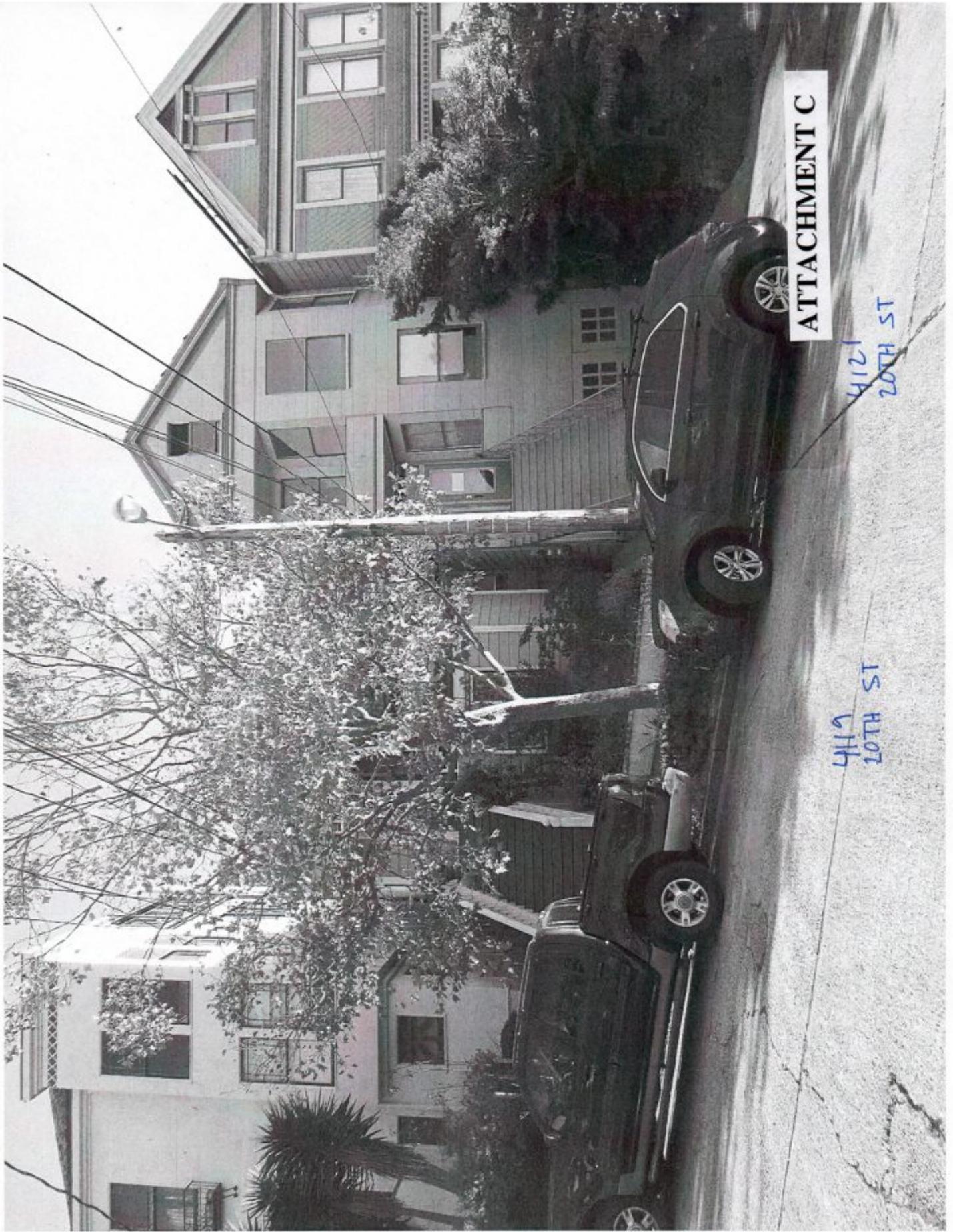


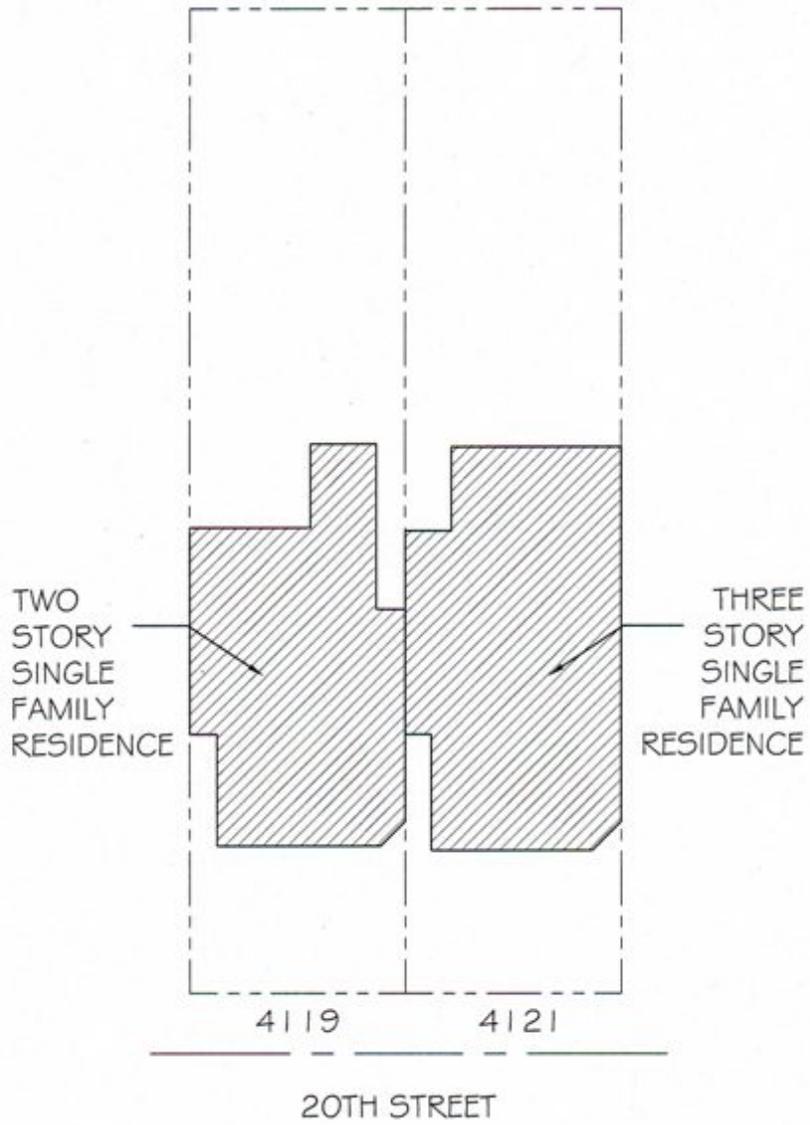
ATTACHMENT A

ATTACHMENT C

4121
20TH ST

4119
20TH ST





ATTACHMENT D



SITE PLAN
SCALE: $\frac{1}{4}'' = 20'-0''$

Photo of back of houses at 4121 and 4119 20th St.



Time-line of events

- **1897** Houses at 4121 and 4119 20th St built by developer Fernando Nelson.
- **2002-** Appellant purchases and lives at 4119 20th St
- **May 2014** 20th Street Trust (contact person Devon J Bolla) purchases 4121 20th St, \$2.1 million, financed by FJM Private Mortgage Fund a real estate investment company charging 8-11% interest for short-term loans.
- **July 2014** Workers begin excavating basement of 4121 20th St using jackhammers. Workers show and describe progress of work to appellant most mornings, before appellant leaves for work. Workers live on the property and are very friendly. Workers say they are concurrently fixing 7 other properties (a total of 4 in San Francisco) that Sarah Garlick is flipping.
- **August 4, 2014** Appellant takes photo of basement excavation (see attached).
- **August 5, 2014** Some neighbor files a complaint of work without permit to city building inspection department.
- **August 11-12, 2014** Building permit 201408113496 (the appealed permit) is filed and issued the next day describing excavation 2 feet down, new foundation footing, and concrete slab floor, repair cracks in plaster on upper floors. Appellant is not notified by the city despite permit describing excavation below foundation right on property line.
- **August 13, 2014** Appellant discusses retaining wall concerns with worker at 4121 who shows plans to appellant for foundation footing. Ten minute discussion with worker about lack of water drainage in the plan.
- **August 15, 2014** Appellant files a complaint that the permit does not include a retaining wall design.
- **August 19, 2014** Permit is suspended because check bounced (not sufficient funds). Permit is later paid for on September 5.
- **August 23, 2014** Appellant meets by chance Sarah Garlick, who seems to be in charge of work 20th Street Trust, and structural engineer Antonio Prado as they are leaving the 4121 property. Appellant raises concerns about foundation / retaining wall. Antonio Prado will not describe or discuss the plan. Sarah Garlick asks that any problems with the plan be addressed

to the city. Sarah Garlick says she probably will not allow a structural engineer I hire to inspect the foundation. Sarah Garlick and Antonio Prado appeared to be upset because of the complaint filed against their permit.

- **August 25, 2014** Appellant calls city inspector Joseph Yu who approved the permit and handled the appellant's complaint to get explanation of why retaining wall is not needed. Joseph Yu says he is not an engineer and does not assess the soundness of the plan and redirects me to the city engineer Cyril Yu who reviewed the permit.
- **August 25, 2014** Appellant calls city engineer Cyril Yu who approved the permit to ask about the soundness of the permit design. Cyril directs the appellant to contact 20th Street Trust engineer Antonio Prado who provided the plan. Cyril says he does not evaluate soundness, only consistency, and he has to look at many plans each day, and says he does not review or consult on permits after issued. When I told him Antonio Prado refuses to discuss the plan Cyril Yu suggested filing an appeal with the city board of appeals.
- **August 25, 2014** Filed permit appeal.
- **August 25, 2014** Requested printed copy of permit and plans. Request to print later denied by owner.
- **August 26, 2014** Jonathan Black, lawyer representing Sarah Garlick and 20th Street Trust calls appellant, says appellant may be liable for damages for delaying work and suggests appellant drop the appeal and "see how the work comes out". 50 minute phone call, where lawyer Jonathan Black repeatedly asks to talk to my attorney. Thinly guised legal bullying.
- **September 16, 2014** Appellant asks Sarah Garlick by email whether my structural engineer can inspect the 4121 foundation on September 29 (a Monday). No reply is ever received.
- **September 23, 2014** Another neighbor files a complaint that 4121 20th St upper floors have been gutted without a permit.
- **September 25, 2014** Sarah Garlick files and is issued another permit (201409257323) to remodel upper floors. Check bounces on this permit (not sufficient funds). This new permit overlaps the appealed permit which described "repairing cracks in plaster in upper floors".
- **September 29, 2014** Monte Stott, structural engineer hired by the appellant inspects and takes measurements of the 4121 foundation from the 4119 property. Does not have access to

the 4121 property. 90 minute inspection.

- **September 30, 2014** Appellant's engineer Monte Stott talks to 20th Street Trust engineer Antonio Prado. Antonio Prado will not discuss the plan. When offered Monte Stott's phone number he says he does not want it.
- **October 8, 2014** Appellant's briefing for appeal sent to Sarah Garlick.
- **October 29, 2014** Appeal hearing date.

Permit Complaint filed by Appellant, August 15, 2014

Text of the complaint #201490091 filed by appellant follows. Complaint was closed by Joseph Yu with comment "Approved plans on site. approved by engineer. construction visit showed that construction as per approved engineering plans."

"The proposed foundation work at 4121 20th St needs a much more detailed plan than given in the permit #201408113496 submitted August 11, 2014 and issued August 12, 2014. The proposed foundation changes are not structurally sound.

The drawings for the permit show digging the basement level 2 feet deeper and replacement of the footing of the existing foundation and rebar extending into holes drilled in the current foundation. The property is on a steep hill with a street grade of approximately 20 percent. The foundation on the east side currently drops approximately 5 feet from the level of the uphill neighboring property (4119 20th St, my house). The proposed 2 feet deeper basement (which has been dug out in the month preceding the permit) will extend the drop to up to about 7 feet in the south east corner. The foundation of the neighboring house at 4119 20th St is immediately adjacent to the 4121 20th St foundation. There are several structural issues.

1) The existing foundation is crumbling unreinforced concrete that is 117 years old (house built 1897). I believe this is not structurally adequate given the large drop in height across the foundation. In the preceding month workers removed newer concrete facing that prevented the foundation from crumbling.

2) At the south east corner of the foundation, the digging has already been done about 5 feet deeper than the base of the foundation. The existing foundation is supported on exposed water-saturated soil. In the preceding month workers removed newer concrete facing from the foundation and below it which was preventing this from caving in.

3) The issued permit drawing does not describe drainage. The property is on a steep hill (Liberty Hill) and has year around subsurface water flow. On the neighboring property 4119 20th St,

approximately 4 feet to the east from the foundation work, water flowing down the hill is running year around in a drain visible in the 4119 basement. One house further to the east (uphill, 25 feet from the foundation of 4121) has a year-around spring with installed drainage, which can also be seen at the sidewalk access plate to be continuously running. In the past 12 years (since 2002) that I have lived at 4119 20th St, water seeping through the foundation of 4121 has been observed flowing in the 4121 basement during wet months. As mentioned in 2), the water saturated soil can be directly observed in the south east corner due to the recent removal of the facing concrete.

4) The current support for the 4121 house on the east side is precarious. In the past month workers removed a facing layer of several inches of concrete holding back soil below foundation level. They also dug down 24 inches excluding a zone of approximately 1 foot adjacent to the foundation. Workers installed several 4 by 6" temporary posts which appear inadequate to support the house if the exposed excavated foundation caves in.

I suggest that the house should immediately be adequately supported in case the east side foundation collapses due to excavation that was conducted in the past month before any permit was issued. Also I suggest that the entire east side and south side foundations will need to be replaced given the excavation already done to provide adequate structural integrity."