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December 2, 2016

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**VIA HAND DELIVERY**

President London Breed  
c/o Angela Calvillo, Clerk of the Board  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

RE: Appeal of CEQA Categorical Exemption Determination  
Planning Case No. 2013.1383ENV  
Building Permit Application Nos. 2013.12.16.4318 and 2013.12.16.4322  
3516-3526 Folsom Street ("Project Site")

Dear President Breed and Honorable Members of the Board of Supervisors:

This firm represents two couples, Fabien Lannoye and Anna Limkin, and James and Patricia Fogarty (collectively, the "Project Sponsors"), who are the owners respectively of two vacant lots zoned for residential use located at 3516 and 3526 Folsom Street, upon which they propose to build two single-family homes and construct the adjacent "paper street" segment of Folsom Street to provide vehicular and pedestrian access to the site (the "Project"). The two lots are located at the Chapman Street terminus of Folsom Street in the Bernal Heights neighborhood. There are four other adjacent vacant lots located on this segment of Folsom Street; the Project Sponsors have no ownership interest in or control over these other lots.

**I. History of the Project**

Seeking to build modest homes for their families, the Project Sponsors purchased the lots in June 2013 after discussing the feasibility of their development with the Planning Department and other City agencies. Satisfied by the responses from the City, the Project Sponsors proceeded to design two residences that comply with the Planning Code, including the Bernal Heights Special Use District provisions, the General Plan, the City's Residential Design Guidelines, and the East Slope Design Review Guidelines. They worked with the Planning Department on the designs and made modifications in response to Planning Department suggestions. They met five times with the East Slope Design Review Board ("ESDRB") and further modified the project designs in response to the ESDRB's suggestions. They attended two Community Board Mediation sessions, and the Project was scrutinized in three Discretionary Review ("DR") hearings before the Planning Commission.

The Project Sponsors also worked with the Department of Public Works (“DPW”), SF Planning “Better Streets” and the Fire Department on an extension of Folsom Street that could serve the two residences and the adjacent vacant lots, if ever developed in the future.

As a PG&E natural gas transmission pipeline runs along the length of Folsom Street on the south slope of Bernal through the proposed Project Site, the Project Sponsors have been working with PG&E and DPW to ensure that the construction and occupation of the two residences will not cause any safety issues for the neighborhood.

Yet despite this thorough and cautious approach to constructing two single family residences, the Planning Department’s Section 311 Notice resulted in the filing of nineteen DR applications from neighbors (“DR Requestors”). The Planning Commission first reviewed the DR requests on March 31, 2016, at which time the Commission requested additional information from the Project Sponsors regarding the feasibility of constructing the extension of Folsom Street and continued the hearing until May 5, 2016. Following additional consultation between the Project Sponsors and DPW, the Department of Building Inspection (“DBI”), the Fire Department, the Public Utilities Commission, and PG&E, on May 5, 2016, the Planning Commission unanimously approved the Project by not taking DR and approving the Project as proposed and in accordance with Chapter 31 of the San Francisco Administrative Code. In doing so, the Planning Commission found that there were no extraordinary or exceptional circumstances in the case, no modifications to the Project were necessary, and it encouraged the Project Sponsors to work with the Planning Department staff on refining the design of the north facades of the residences.

## **II. CEQA Challenge**

Having failed to stop the Project at the Planning Commission, the DR Requestors then turned their attention to CEQA and challenged the Planning Department’s determination that the Project is categorically exempt under CEQA. Specifically, on March 26, 2014, the Environmental Review Officer (“ERO”) of the Planning Department issued a Certificate of Determination: Exemption from Environmental Review finding that the Project was categorically exempt from CEQA review under Class 3: New Construction or Conversion of Small Structures (CEQA Guidelines Section 15303(a)) (the “2014 Determination”). In the 2014 Determination, the ERO also concluded that the Project Site was not located in a particularly sensitive or hazardous area and that there were no unusual circumstances involved with the proposed Project that suggested a reasonable possibility that it would cause a significant environmental effect.

Prior to the Board of Supervisor’s hearing on the CEQA appeal scheduled for July 19, 2016, the Planning Department determined that the 2014 Determination should be withdrawn and a new Categorical Exemption issued, which it did on July 8, 2016 (the “2016 Determination”). The withdrawal of the 2014 Determination required the Planning Commission to rehear the DR requests, which it did on October 13, 2016, and again the Planning Commission unanimously approved the Project by not taking DR.

The 2016 Determination concluded that the Project qualified for a categorical exemption pursuant to Class 3: New Construction or Conversion of Small Structures (CEQA Guidelines Section 15303). A categorical exemption under Class 3 involves construction and location of a

limited number of new, smaller facilities or structures. Subsection (a) allows the construction of up to three single-family residences in urbanized areas. Subsection (d) allows the construction of water mains, sewage, electrical, gas and other utility extensions, including street improvements, of reasonable length to serve the construction of the small structures. The Planning Department also determined in the 2016 Determination that none of the exceptions to the categorical exemption applies.

Now some of the DR Requestors (the "Appellants") appeal the 2016 Determination based on two arguments: first, that the Project is not eligible for a Class 3 categorical exemption, and second, that one or more exceptions to the categorical exemption exist and preclude reliance on the exemption. Both challenges fail for the reasons stated below.

### **III. Applicability of the Categorical Exemption**

The Project qualifies for an exemption from CEQA review under CEQA Guidelines Section 15303(a) and (d) because the Project only involves the construction of two single-family homes, which falls within the criteria of Subsection (a) which specifically exempts up to three single-family homes in urbanized areas, and Subsection (d) which specifically exempts utility extensions and street improvements to service such construction. Appellants' contend without legal support or substantial evidence that the Project does not qualify for a Class 3 categorical exemption because it should include four additional residences that could be developed on the Folsom Street extension (and therefore exceeds the three residence threshold), and because the Folsom Street extension is not the type of "street improvement" contemplated by subsection (d). Appellants are wrong on both accounts. The Project only involves the construction of two single-family residences on two small lots owned by the Project Sponsors that are zoned for residential use. The Project Sponsors have no ownership or control of the four adjacent lots. In San Francisco, a project is not considered reasonably foreseeable for cumulative impact analysis under CEQA until an application has been filed for environmental review. See San Franciscans for Reasonable Growth v. City & Cty. Of San Francisco (1989), 209 Cal.App.3d 1502, 1526-27. In this case, no applications for development of the other four lots have been filed with the City. There is no question that the Folsom Street extension is a "street improvement" allowed by subsection (d).

Appellants' "piecemealing" argument rings hollow. If the Project Sponsors owned all six underdeveloped lots on the Folsom Street extension and brought forth development applications for two or three lots at a time, that would be piecemealing, but the Project Sponsors do not own or control the other four lots.

Similarly, Appellants' repeated references to the "revised project" find no support in the record. In fact, the footprints of the two residences, the front and rear setbacks, and the proposed driveway locations have remained the same throughout the lengthy project review process. The two residences always covered the width of their lots. The width of the street has been increased by four feet to improve circulation. Design changes implemented by the Project Sponsors have been limited to above-ground refinements to the Project massing and design in response to comments from the Planning Department, the ESDRB and neighbors. And although not required to do so, the Project Sponsors have submitted updated Geotechnical Reports to the Planning Department, in which the geotechnical consultant has confirmed his earlier conclusions about the viability and safety of the construction of the Project's construction.

#### **IV. Exceptions to the Categorical Exemption**

While categorical exemptions are subject to certain exceptions under CEQA, the Appellants either distort or ignore the plain language of the CEQA Guidelines and the case law interpreting them or rely on speculation and incorrect facts in an attempt to demonstrate that the exceptions apply. The Appellants have a clear burden under CEQA to demonstrate by substantial evidence that the exceptions apply and that the Project will result in significant environmental impacts. They have failed to do so. Under CEQA, “Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.” CEQA Guidelines Section 15384(a) (defining “substantial evidence”).

When a lead agency finds that a proposed project is subject to a categorical exemption, it is not required to also determine that none of the exceptions applies. A determination that an activity is categorically exempt constitutes an implied finding that none of the exceptions to the exemptions exists. San Francisco Beautiful v. City and County of San Francisco (2014) 226 Cal.App.4th 1012, 1022. The burden then shifts to the objecting party to produce evidence that one of the exceptions applies. Berkeley Hillside Preservation v. City of Berkeley (2015) 60 Cal.4th 1086, 1105. Although not legally required to do so, in this case, the City’s ERO went further and discussed the inapplicability of any of the exceptions in the 2016 Determination.

Appellants argue without any substantial evidence and without any legal authority, that three exceptions apply and preclude reliance on a Class 3 categorical exemption: sensitive environment; cumulative impacts, and unusual circumstances. Each argument fails for the reasons discussed in detail below.

##### **A. The Project Site Is Not a Particularly Sensitive Environment Under CEQA.**

Appellants argue that the Project will cause a significant environmental impact because the Project Site is a particularly sensitive environment resulting from the presence of a PG&E natural gas pipeline adjacent to Folsom Street, steep terrain, and the proximity of the Bernal Heights Community Garden. Not surprisingly, Appellants cite only the language from CEQA Guidelines section 15300.2(a) that favors their argument and ignore the remaining language in the Guideline that demonstrates why it does not apply. The omitted language clarifies that this exception applies only where a “project may impact on an environmental resource of hazardous or critical concern *where designated, precisely mapped, and officially adopted pursuant to law by federal, state or local agencies.*” CEQA Guidelines Section 15300.2(a) (emphasis added). While the Project Site is mapped in an area subject to the Slope Protection Act as discussed in the 2016 Determination, the enacting ordinance created procedures for additional review of slope stability by DBI and established a Structural Advisory Committee for review of permit applications within the area. As noted by the Planning Department in the 2016 Determination, the existing regulatory program and requirements are sufficient to ensure that the Project would not result in a significant impact to slope stability. The Project Site contains no other environmental resource of hazardous or critical concern that has been designated or precisely mapped. None of the justifications for a “sensitive environment” cited by Appellants qualifies for this exception under CEQA. The PG&E natural gas pipeline, steep terrain, and the proximity of the Bernal Heights Community Garden are not environmental resources of hazardous or

critical concern that have been designated, precisely mapped and officially adopted pursuant to law, as requested by Guidelines Section 15300.2(a).

**B. The Cumulative Impacts Exception Does Not Apply.**

Next, the Appellants argue that the cumulative impacts exception applies because the Project actually will result in the construction of six residences, but they have provided no evidence that six residences would actually be constructed or that, even if they were, any significant environmental impacts would occur or are reasonably foreseeable. The Project involves the construction of two single-family homes on two small lots zoned for residential use. As discussed above, there are four other vacant lots zoned for residential use on the portion of Folsom Street that would be extended in connection with the Project. The Project Sponsors have no ownership or control of these other lots. The rule in San Francisco has long been that a project is not considered reasonably foreseeable for cumulative impact analysis under CEQA until an application has been filed for environmental review. San Franciscans for Reasonable Growth, 209 Cal.App.3d at 1526-27. In this case, no applications for environmental review other than for the Project have been filed with the City.

Even if other applications had been filed, Appellants have provided no substantial evidence that significant cumulative impacts would occur. See Hines v. California Coastal Commission (2010) 186 Cal.App.4th 830, 857 (speculation that significant cumulative impacts will occur simply because other projects may be approved in the same area is insufficient to trigger this exception).

The 2016 Determination evaluated the cumulative effects of shadow and transportation for the Project in addition to potential development on the four adjacent lots and concluded that the Project would not result in a considerable contribution to any cumulative environmental impacts. First, the Project will not result in a considerable contribution to any cumulative shadow impact that could result from the development of the adjacent lots. Even if those lots were to be developed, they would be required to undergo environmental review in accordance with CEQA and would require a shadow analysis. Second, the Project would generate an estimated nine daily vehicle trips. If the adjacent lots were to be developed, an additional 18 daily vehicle trips would result. The combined daily vehicle trips from the Project in combination with the adjacent lots would not result in a substantial number of trips that could adversely affect the local transportation system. Finally, the 2016 Determination notes that any subsequent development would be required to comply with the same regulations as the Project.

It is ironic that Appellants cite as evidence of cumulative impacts that the Project Sponsors might install utilities for six lots when the Project Sponsors offered to do so only to address the concerns of Appellants and other neighbors. During the course of five neighborhood design review meetings and two Community Board mediation sessions, numerous neighbors expressed concerns that their lives could be disrupted in the future when the Folsom Street extension would need to be dug up to install utilities if and when other property owners sought to build residences on the other four vacant lots. To address this concern, the Project Sponsors offered to stub in utilities for the other four lots.

**C. The Unusual Circumstances Exception Does Not Apply.**

Finally, the Appellants contend that unusual circumstances preclude the reliance on a categorical exemption, again pointing to the presence of the PG&E natural gas pipeline, the steep

terrain and proposed steep street extension, and the proximity of the Bernal Heights Community Garden. In a letter attached as an exhibit to Appellants' earlier appeal, the Sierra Club cites to the risk of strong seismic shaking in the event of an earthquake as evidence of unusual circumstances.

CEQA Guidelines Section 15300.2(c) provides that "a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." The California Supreme Court recently addressed this exception in the Berkeley Hillside case, and the Court held that the exception only applies when both unusual circumstances and a significant impact as a result of those unusual circumstances are shown. Berkeley Hillside, 60 Cal.4th at 1104. In doing so, the Court concluded that a potentially significant environmental effect is not itself sufficient to constitute unusual circumstances, but the significant impact on the environment must be due to unusual circumstances. Berkeley Hillside, 60 Cal.4th at 1105.

The Court also held that an agency's determination as to whether or not an impact is due to unusual circumstances is governed by the more deferential "substantial evidence" test, meaning an agency's factual determination on the issue of unusual circumstances will be upheld if there is any credible evidence supporting it, even in the face of conflicting evidence. Berkeley Hillside, 60 Cal.4th at 1112, 1115. Without unusual circumstances, the exemption will stand and no additional CEQA analysis is required. If substantial evidence supports a finding of no unusual circumstances, the exemption should stand even if an impact is possible.

**i. The Presence of a PG&E Pipeline Is Not an Unusual Circumstance**

Appellants allege, without providing any substantial evidence, that the presence of PG&E Transmission Pipeline #109 at the Project Site creates unusual circumstances because it creates a "hazardous area" and "a significant threat to public safety." But this pipeline, which runs from the 280 Freeway to Bernal Heights Boulevard and then throughout several residential neighborhoods in the City's southeastern areas, as well as other pipelines, are common in the City and do not create an unusual circumstance. The issue is thoroughly discussed in the 2016 Determination which constitutes substantial evidence to support the Planning Department's conclusions. There are hundreds of thousands of homes and structures in San Francisco that are located in close proximity to PG&E pipelines, and PG&E has strict protocols for construction activities within ten feet of any of its pipelines. This is demonstrated by evidence in the administrative record, including materials known to but ignored by Appellants, such as PG&E's Q&A's, which are attached hereto as **Exhibit A**.

Not only is the presence of the transmission line not unusual in San Francisco, Appellants have not provided any substantial evidence that the Project would cause a significant environmental impact because of the pipeline. Appellants' repeated speculation that the construction of the Project will result in an explosion that will destroy the neighborhood is simply that—speculation. For example, Appellants' reference to a 1989 statement from an unidentified person at DPW, references to the San Bruno explosion, and the assertion that the pipeline operates at reduced pressure due to concerns about its age and integrity are all unsupported by facts and do not constitute substantial evidence.

Appellants' reliance on statements made by Professor Bea also do not constitute substantial evidence that the pipeline creates an unusual circumstance that would cause a significant environmental impact for several reasons. First, he is obviously responding to a set of

questions or information provided by one of the Project opponents, but those questions and information are not contained in the record. Nonetheless, his conclusion that Pipeline #109 poses identical risks as the San Bruno pipeline is contradicted by substantial evidence in the record which Appellants ignore. In fact, Pipeline #109 was constructed in 1981 (not installed in 1956 like the San Bruno pipeline), has been regularly inspected by PG&E, is four inches smaller in diameter and operates at a much lower pressure specifically to reduce risk. See Exhibit A. It is interesting to note that Professor Bea's safety chart, submitted to the Planning Commission by the DR Requestor, Herb Felsenfeld, as Attachment E-6 in his application, begins to assess risk of pipeline catastrophe with a pipeline pressure of 500 pounds per square inch, which is shown on the attached **Exhibit B**. Indeed, in support of the safety chart, Professor Bea states in his email,

I have attached a graph that helps me explain the important concepts associated with determining if a system is safe or unsafe. The vertical scale is the likelihood of a failure. The horizontal scale is the consequences associated with a failure. The diagonal lines separate the graph into two quadrants: safe and not safe. If the potential consequences associated with a failure are low, then the likelihood of the failure can be high. If the potential consequences are very high, then the probability of failure must be very low.

However, Pipeline #109 falls within Professor Bea's "Safe" quadrant, as it operates at 150 pounds per square inch, which is less than 20% of its specified minimum yield strength.

Similarly, Appellants' argument that the Project site is the only High Consequence Area in San Francisco where a PG&E transmission pipeline is unprotected by asphalt and therefore constitutes unusual circumstances is unconvincing. First, all of the City lies within a High Consequence Area. Second, the fact that Pipeline #109 is uncovered for 125 feet at the Project site is hardly dispositive of unusual circumstances. Obviously, when Pipeline #109 was first installed in multiple San Francisco neighborhoods in 1981 and since then, City streets and asphalt were installed over the pipeline and City streets have been repaired above the pipeline. The work at the Project site will be no different than other work that has occurred over miles of Pipeline #109 over the years without incident. Appellants are unable to establish that the location of Pipeline #109 in proximity to the Project Site is an unusual circumstance and that a significant environmental effect may result from the implementation of the Project.

## **ii. Traffic Is Not an Unusual Circumstance**

Appellants argue without any evidence that the existing homes' driveways and parking will be functionally eliminated and that the proposed new residences will lack functional parking due to the proposed street's nonconformities. DPW and the Project's civil engineer will ensure that this is not the case. The Project Sponsors have offered to work with the two existing neighbors to ensure that the final design of the Folsom Street extension preserves access to their garages and have offered to improve the existing driveways while paying all costs for design, permitting and construction.

Appellants' contention that the Project will cause a substantial impact on community parking and traffic is pure speculation. The Project includes no on street parking on the proposed Folsom Street extension at the request of the City. The suggestion that the two new residences will not have any off-street parking is simply untrue. Each residence will have a two-car garage that will be fully functional. Access to existing driveways and the Project's driveways will be further ensured with the City's Street Design Advocacy Team's recent approval of a 20' street width and a two-foot increase in curb cut lengths to 12 feet. The fact that

the Folsom Street extension will be steep and will not contain on-street parking does not mean that delivery trucks cannot access the new residences or existing residences. There is no evidence whatsoever that the Project will have an undue effect on Bernal Heights Park's limited public parking or on access for those who need a wheel-chair enabled parking spot. In any event, parking shortages are not deemed to be CEQA impacts in San Francisco.

**V. Other Issues Raised by Appellants Fail for Lack of Substantial Evidence Or Are Outside the Scope of CEQA and this Appeal.**

Appellants have presented no evidence that drainage will be significantly affected by the introduction of the proposed street extension or the Project itself. Rather, installation of new storm water collection systems, including permeable planters along the Folsom Street extension, will improve drainage in the vicinity.

Appellants have presented no evidence that garbage, recycling and compost pick up will create a significant public health hazard. The Project Site is no different from many other sites in San Francisco that are adequately serviced by waste management companies.

Nor is there any evidence to support Appellants' argument that the Project will cast a shadow on the Bernal Heights Community Garden, block light to adjacent properties or create a wall blocking significant public views from Bernal Heights Boulevard. Rather, the evidence that has been submitted is to the contrary: shadow studies submitted to the Planning Department demonstrate that the Project will cast minimal shadows on the Bernal Heights Community Garden, but that shadow would be limited to only certain periods in the winter and summer, and the new shadow would only fall on a portion of the southwestern corner of the Bernal Heights Community Garden in the evening after 5:30pm. Similarly, photomontages showing the effect of the Project on views from the Bernal Heights Community Garden and from Bernal Heights Boulevard demonstrate the Project's de minimus impact on views. Appellants' photo montages are taken from farther down the hill to distort the effect of the new residences on views.

Several issues raised by the Appellants are not germane to CEQA and are irrelevant to the 2016 Determination. These include the steepness of the proposed extension of Folsom Street, the speculation that the proposed street will not be "accepted" by the City but rather will require maintenance by existing fronting homeowners, and compliance with the East Slope Design Guidelines. As to the first issue, the Project Sponsors have consulted with the San Francisco Fire Department to ensure the Project meets the requirements of the San Francisco Fire Code. San Francisco Fire Code 503.1.1 provides that a Fire Official may offer an exception for steep streets if they are shorter than 150 feet, which the proposed street would be, and if the residential units along the street are equipped with approved automatic sprinkler systems. The Project will not pose any hazards to public safety because the Project is within 150 feet of approved fire access roads and will include fire suppression systems in accordance with the San Francisco Fire Code. As to the second issue, whether the City will accept the street as a public street, CEQA does not address economic and social issues. Finally, the Planning Department found that the Project was consistent with the East Slope Design Review Guidelines, and in any event, the allegation does not raise aesthetic or land use issues under CEQA.

In addition, the local chapter of the Sierra Club, in a letter attached to Appellants' earlier letter of appeal, also alleges that reliance on a categorical exemption is inappropriate because the Project Site would be subject to strong ground shaking during a seismic event and that the Project involves mitigation which cannot be used to avoid a significant impact when relying on a



categorical exemption. But of course, the entire Bay Area and much of California is subject to strong ground shaking during a seismic event, and there is nothing unusual about the Project Site compared to the rest of earthquake country. DBI's enforcement of the Building Code, which includes provisions to minimize seismic risk, does not constitute an impermissible mitigation measure.

\* \* \* \* \*

The California Supreme Court has held repeatedly that "rules regulating the protection of the environment must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development and advancement." Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 576. As Appellants have utterly failed to meet their legal burden to provide substantial evidence demonstrating that an exception exists or that the Project would cause a significant environment impact, thereby precluding the Planning Department's 2016 Determination that the Project qualifies for a categorical exemption, the Project Sponsors respectfully request that the Board reject this appeal and uphold the Planning Department's 2016 Determination. Three and one-half years after the Project Sponsors purchased these two lots and 39 months after they filed for environmental review, it is past time to allow the Project Sponsors to construct these two single-family homes.

Sincerely,



Charles R. Olson

CRO

cc: Fabien Lannoye and Anna Limkin  
James Fogarty and Patricia Fogarty

Enclosures

**EXHIBIT A**  
[PG&E's Qs&As]

Q&A's from PG&E:

Background: Lot 13 and Lot 14, Block 5626; 3516 Folsom St.; 3526 Folsom St. Concerned neighbors require explicit information about Pipeline 109. Thus we are sending the following request for information to the developer and to you as a representative of PG&E. As the owner of the above listed lots, in the vicinity of Pipeline #109 in Bernal Heights, we, concerned neighbors, are asking you to provide the following information:

QUESTION(S) 1: Where exactly is pipeline 109?; identify the longitude and latitude coordinates.

RESPONSE(S) 1: Please see attachment "L109\_Folsom\_Street.pdf" for the location of Line 109 near 3516 and 3526 Folsom Street, San Francisco. PG&E does not provide latitude and longitude of natural gas pipelines to outside parties (other than its regulators) for security reasons. To have PG&E identify the location of the gas lines in your street, please call USA, the Underground Service Alert, at 811.

QUESTION(S) 2: How deeply is #109 buried?

RESPONSE(S) 2: Gas transmission pipelines are typically installed with 36 to 48 inches of cover. However, the depth may vary as cover over the lines may increase or decrease over time due to land leveling and construction. Without digging and exposing the line, it is not possible to determine the exact depth.

QUESTION(S) 3: What is Pipeline #109 composed of?

RESPONSE(S) 3: Line 109 is a steel pipeline. In your neighborhood, this pipeline has a maximum allowable operating pressure (MAOP) of 150 pounds per square inch gage (psig), which is 19.8% of the pipe's specified minimum yield strength (SMYS). This provides a considerable margin of safety, since it would take a pressure of at least 750 psig to cause the steel in the pipe to begin to deform.

QUESTION(S) 4: How old is Pipeline #109?

RESPONSE(S) 4: Line 109 in this area was installed in 1981 and was strength tested at the time of installation.

QUESTION(S) 5: How big in diameter is Pipeline #109? What is the composition of the pipeline?

RESPONSE(S) 5: Line 109 in your vicinity is a 26-inch diameter steel pipeline.

QUESTION(S) 6: How/with what are the pipe seams welded?

RESPONSE(S) 6: Line 109 near 3516 and 3526 Folsom Street is constructed of API 5L-Grade B steel pipe, and has a double submerged arc weld along the longitudinal seam.

QUESTION(S) 7: How much gas runs through Pipeline #109?

RESPONSE(S) 7: Line 109 has a variable flow rate that is dependent on system operations and San Francisco area gas customer consumption. As points of reference, however, Line 109 observed flow rates of 1.55 – 2.375 million standard cubic feet per hour (MMSCFH) through the flow meter at Sullivan Avenue in Daly City on May 27, 2014.

QUESTION(S) 8: When were the last 3 inspections? Would you produce the documentation for these inspections.

RESPONSE(S) 8: PG&E has a comprehensive inspection and monitoring program to ensure the safety of its natural gas transmission pipeline system. PG&E regularly conducts patrols, leak surveys, and cathodic protection (corrosion protection) system inspections for its natural gas pipelines. Any issues identified as a threat to public safety are addressed immediately. PG&E also performs integrity assessments of certain gas transmission pipelines in urban and suburban areas.

Patrols: PG&E patrols its gas transmission pipelines at least quarterly to look for indications of missing pipeline markers, construction activity and other factors that may threaten the pipeline. Line 109 through the neighborhood was last patrolled in May 2014 and everything was found to be normal.

Leak Surveys: PG&E conducts leak surveys at least annually of its natural gas transmission pipelines. Leak surveys are generally conducted by a leak surveyor walking above the pipeline with leak detection instruments. Line 109 was last leak surveyed in April 2014 and no leaks were found.

Cathodic Protection System Inspections: PG&E utilizes an active cathodic protection (CP) system on its gas transmission and steel distribution pipelines to protect them against corrosion. PG&E inspects its CP systems every two months to ensure they are operating correctly. The CP systems on Line 109 in your area were last inspected in May 2014 and were found to be operating correctly.

Integrity Assessments: There are three federally-approved methods to complete a transmission pipeline integrity management baseline assessment: In-Line Inspections (ILI), External Corrosion Direct Assessment (ECDA) and Pressure Testing. An In-Line Inspection involves a tool (commonly known as a “pig”) being inserted into the pipeline to identify any areas of concern such as potential metal loss (corrosion) or geometric abnormalities (dents) in the pipeline. An ECDA involves an indirect, above-ground electrical survey to detect coating defects and the level of cathodic protection. Excavations are performed to do a direct examination of the pipe in areas of concern as required by federal regulations. Pressure testing is a strength test normally conducted using water, which is also referred to as a hydrostatic test.

PG&E performed an ECDA on Line 109 in this area in 2009 and no issues were found. PG&E plans to perform the next ECDA on L-109 in this area in 2015. PG&E also performed an ICDA (Internal Corrosion Direct Assessment) on L-109 near 3516 and 3526 Folsom Street in 2012, and no issues were found.

Unfortunately, PG&E cannot provide the documentation from these inspections because they contain confidential information that PG&E only provides to its regulators.

QUESTION(S) 9: Is this pipeline equivalent in type to the exploded pipeline in San Bruno?

RESPONSE(S) 9: Line 109 near 3516 and 3526 Folsom Street is not equivalent to the pipe in San Bruno that failed. The pipeline in San Bruno that failed was PG&E natural gas transmission pipeline L-132, which had a diameter of 30 inches, was installed in 1956, and had an MAOP of 400 psig. As described in the responses above, L-109 in your area is a 26-inch diameter pipeline, was installed in 1981, and operates at an MAOP of 150 psig.

Thanks,

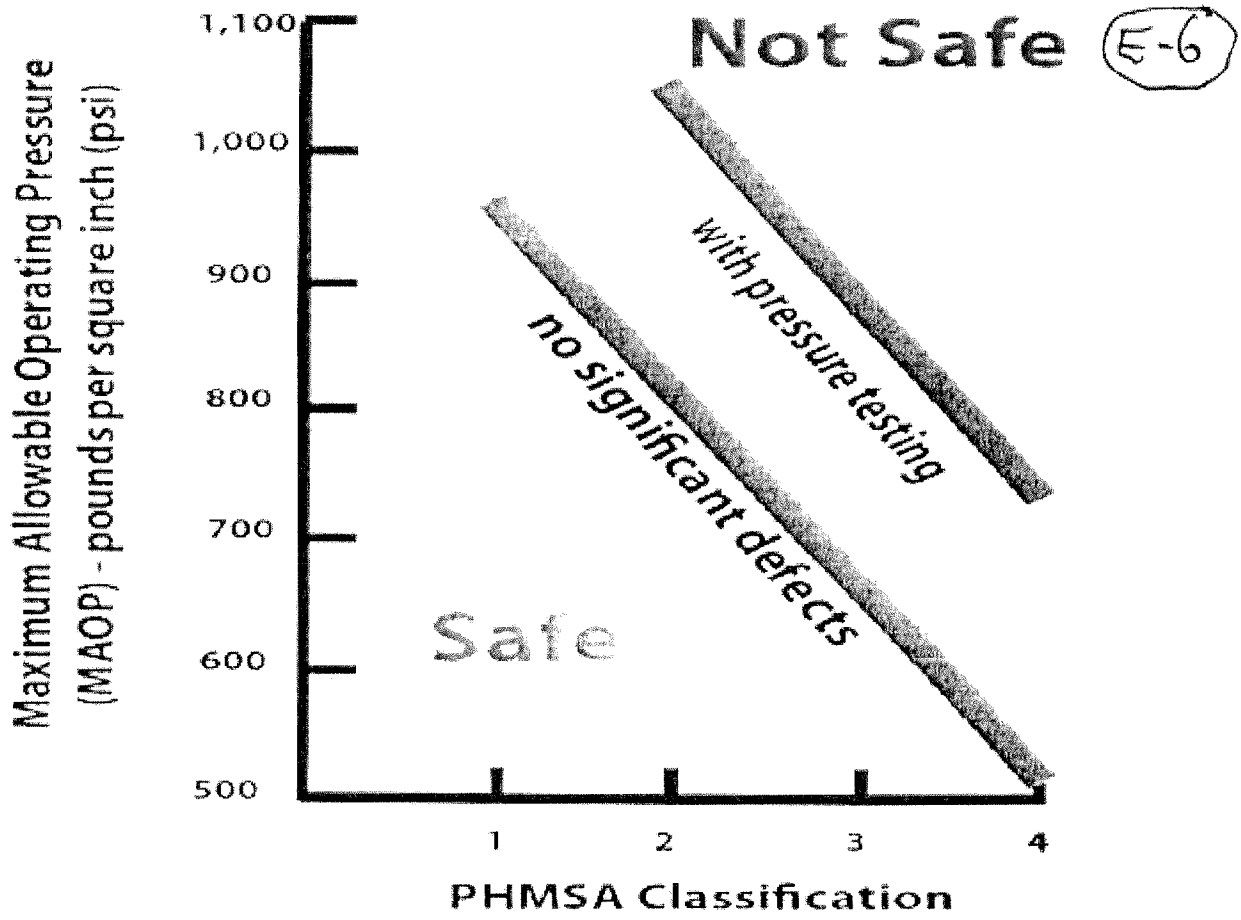
Austin

**Austin Sharp** | Expert Customer Impact Specialist  
Pacific Gas and Electric Company  
Phone: 650.598.7321  
Cell: 650.730.4168  
Email: awsd@pge.com

**EXHIBIT B**

[Exhibit from Professor Bea's Email dated May 5, 2014,  
which was included as Attachment E-6 in a DR Requestor's Application]

# Pipeline Integrity Management



**EXHIBIT C**

[Street Design Advisory Team Review re: Case No. 2013.1383E]



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** 6/30/2016

**TO:** Justin Horner (Environmental Planning); Don Lewis (Environmental Planning); Richard Sucre (Current Planning)

**CC:** SF Public Works: Simon Bertrang; Chris Buck; Brent Cohen; Lynn Fong; Kevin Jensen; Suzanne Levine; Kathy Liu; Kelli Rudnick; Rahul Shah;

SFMTA: Damon Curtis; Becca Homa; Charles Rivasplata; Mike Sallaberry; James Shahamiri; Dustin White; Greg Rissen;

SF Planning: Ben Caldwell; Tina Chang; Paul Chasan; Neil Hrushowy; Matthew Priest; Maia Small; Lana Russell; David Winslow;

SFPUC: Jessica Arm; Josh Bardet ; Joan Ryan; Sam Young;

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**FROM:** The Street Design Advisory Team (SDAT)

**RE:** SDAT Review  
Case NO. 2013.1383E  
Address: 3500 Folsom Street  
Neighborhood: Bernal Heights  
Zoning: RH-1 (Residential House One Family)  
Area Plan: None  
Block/Lot: 5626/013 & 5626/014

*The Street Design Advisory Team (SDAT) provides design review and guidance to private developments working within the City's public right-of-way. SDAT is composed of representatives from the San Francisco Planning Department (SF Planning) Department of Public Works (SF Public Works), and the San Francisco Municipal Transportation Agency (SFMTA).*

*The 3500 Folsom Street project came to SDAT on February 28, 2014. The project returned to SDAT on June 20, 2016. Below are the SDAT comments from the 2<sup>nd</sup> SDAT meeting.*

The proposed project would construct two single-family homes on unimproved lots in Bernal Heights. The project includes the establishment of a paved road on a current "paper street" extension of Folsom Street. The project would include a new publicly accessible stair path that would connect to Bernal Heights Boulevard/Bernal Hill (along the west side of the Community Garden).

## SDAT COMMENTS

1. SDAT supports the revised design. SDAT applauds the project team for addressing and incorporating our comments into the design.
2. Curb Cuts. SDAT recommends that the proposed project's curb cuts be between 10' to 12' wide.