



LUBIN OLSON & NIEWIADOMSKI LLP

THE TRANSAMERICA PYRAMID

600 MONTGOMERY STREET, 14TH FLOOR SAN FRANCISCO, CALIFORNIA 94111

TEL 415 981 0550 FAX 415 981 4343 WEB lubinolson.com

September 1, 2017

CHARLES R. OLSON

Direct Dial: (415) 955-5020

E-mail: colson@lubinolson.com

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 Mitigated Negative Declaration ("MND")
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 145 foot long "paper street" segment of Folsom Street to provide vehicular and pedestrian access to the site (collectively, the "Project"). The two lots are located at the Chapman Street terminus of Folsom Street in the Bernal Heights neighborhood. The Project Sponsors applied for building permits almost four years ago.

For the reasons set forth below, the Project Sponsors respectfully request that the Board reject the referenced appeal and uphold the Planning Department's decision to adopt the MND.

I. History of the CEQA Challenges

In response to the Planning Department's Section 311 Notice posted on August 17, 2015, 19 Requests for Discretionary Review of the Project were filed. When the consolidated DR requests were unanimously rejected by the Planning Commission in May 2016, the DR Requestors (also referred to herein as "Appellants") then turned their attention to the California Environmental Quality Act ("CEQA") and challenged the Planning Department's determination that the Project was categorically exempt under CEQA. Previously, 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) (the “2014 Determination”). Guidelines Subsection 15303(a) allows the construction of up to three single-family residences in urbanized areas. Subsection 15303(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 2014 Determination 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 should issue, which the Planning Department did on July 8, 2016 (the “2016 Determination”). The 2016 Determination again concluded that the Project qualified for a Class 3 categorical exemption, and that none of the exceptions to the categorical exemption applied. The withdrawal of the 2014 Determination required the Planning Commission to rehear the DR requests, which it did on October 13, 2016, and again unanimously approved the Project by not taking DR.

Some of the DR Requestors then appealed the 2016 Determination. Before being heard by the Board of Supervisors, the Planning Department in December 2016 determined that the 2016 Determination should be withdrawn to allow for further analysis of potential environmental impacts. Subsequently, with the agreement of the Project Sponsors, the Planning Department prepared a MND in order to better address the DR Requestors' concerns regarding potential construction impacts on the nearby PG&E pipeline. The Planning Department issued a notice of determination of its intent to adopt the MND on April 26, 2017. The MND was appealed by Appellants on May 16, 2017. The Planning Commission unanimously rejected the appeal and approved the MND on June 15, 2017. Appellants now appeal the MND, based on the same arguments that have been presented, and rejected, time and time again by the Planning Department and the Planning Commission.

II. Standard of Review

The Board must affirm the Planning Commission's adoption of a mitigated negative declaration if it finds that the mitigated negative declaration conforms to the requirements of CEQA and that the record, considered in its entirety, contains no substantial evidence to support a fair argument that the project may have a significant effect on the environment that has not been avoided or mitigated to a less than significant level by mitigation measures or project modifications agreed to by the project sponsor or incorporated into the project. See San Francisco Administrative Code Section 21.16 (c)-(e).

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.” (See CEQA Guidelines Section 15384(a) (defining “substantial evidence”). CEQA Guidelines Section 15384(b) further states, “Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.”

III. Appellants Have Failed To Carry Their Burden of Proof.

Appellants have failed to carry their burden under CEQA and the Administrative Code. First, Appellants do not contend that the MND does not conform with CEQA. Second, Appellants have failed to demonstrate that there is substantial evidence, in light of the whole record, supporting a “fair argument” that the Project may have a significant, adverse, unmitigated effect on the environment, which would thus require the preparation of an EIR. See Public Resources Code Section 21064.5; San Francisco Administration Code Section 31.16(4).

A. Appellants Have Provided No Substantial Evidence That The Project, As Mitigated, Would Cause A Potentially Significant Impact.

1. Appellants’ Purported Expert Evidence Does Not Withstand Scrutiny.

The Appellants’ assert that the “adequacy and feasibility of the proposed mitigation actions are very much in question,” but the MND fully evaluates the integrity of PG&E Pipeline 109. This particular pipeline runs under other residences in the neighborhood, and throughout many other residential neighborhoods in the City’s southeastern areas, and does not pose any imminent threat to the Project. The issue has been thoroughly discussed in the MND. (MND, pp. 54-60).

The statement attributed to Professor Bea alleging identical concerns with Pipeline 109 and the San Bruno Pipeline 132 explosion is based upon incorrect and misleading facts provided to Professor Bea by one of the Appellants. In fact, as previously communicated to Appellants in writing by PG&E Expert Customer Impact Specialist, Austin Sharp, "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." See Exhibit A, attached hereto, Response to Question 9. Appellants further mislead the Board with their groundless assertions that PG&E Pipeline 109 was installed in 1932. In fact, it was installed in 1981, and it has been regularly inspected by PG&E since its installation. See Exhibit A, Response to Question 8. It operates at 150 pounds per square inch (PSI) pressure, less than 20% of its engineered and specified minimum yield strength, which provides a substantial margin of safety. See Exhibit A, Response to Question 3. In fact, Appellants previously submitted to the Planning Commission a gas line pipe safety chart prepared by Professor Bea, as shown on the attached Exhibit B. At 150 PSI, PG&E Pipeline 109 falls well within Professor Bea’s “Safe” quadrant. Similarly, the alleged statement made in 1989 by some unidentified person at DPW that the Project site was “too dangerous” to ever develop is just hearsay; it does not constitute substantial evidence.

Appellants’ heavy reliance on Professor Storesund as a "qualified pipeline safety expert" appears misplaced. While he presents an impressive 30-page resume listing his qualifications and completed engineering projects and consultations, of the 167 projects he lists, none involves gas transmission pipeline analysis. The closest apparently he has ever come to analyzing gas transmission pipelines is in only 2 of his 167 projects: one working on an enlarged access road and maintenance pad for a new PG&E maintenance access facility (PG&E Line 131 Digging Project, Alameda County), and one involving trench backfill observation of a landfill methane gas recovery pipeline at the base of a levee (Newby Island Gas Transmission Pipeline, Milpitas). (Storesund Resume attached as Exhibit G to Appellants’ Appeal dated July 17, 2017, p.13).

Professor Storesund's June 5th letter suggesting that there is a reasonable possibility that a significant effect still exists and that this segment of pipeline should be replaced is based upon errors and speculation that do not rise to substantial evidence. First, he cites to PG&E pipeline engineer, John Dolcini's, memo to the Planning Department dated March 17, 2017 (attached hereto as Exhibit C) as evidence that PG&E's "minimum of 36 inches of soil cover is very likely violated at this location, with a PG&E-estimated 24 inches of soil cover" when in fact, Mr. Dolcini indicated that "PG&E requires a minimum of existing grade or 36 inches of cover over gas lines (whichever is less)." Second, relying on his intentional misrepresentation of the PG&E policy, he continues by speculating that "it would not be surprising if a site-specific assessment will find additional deviations to be discovered that reveal a lower actual pipeline integrity vs an assumed pipeline integrity." Third, he states that most pipelines are horizontal in utility trenches; but this is certainly not true in San Francisco. Finally, based on his assumption of "additional deviations," he suggests that PG&E should replace the entire segment of pipeline prior to project construction. Such an approach would have very serious policy considerations for PG&E and the City suggesting that all future excavation and construction activities near gas transmission pipelines would require concurrent pipeline replacement. Professor Storesund's June 14, 2017, letter was not even presented to the Planning Commission for its hearing on the appeal, so has obviously been added by Appellants after they lost the appeal.

2. The Project Incorporates All Required Mitigation Measures.

The proposed construction vibration mitigation measure is robust, and the Project incorporates its safety measures. As indicated in the MND, the Project Sponsors intend to stage the Project construction from Bernal Heights Boulevard. (MND, p. 51). No construction or demolition materials will be stored within the required 45-foot zone for pipeline maintenance. In addition, the stairs from the proposed new sidewalk to Bernal Heights Boulevard, which were not part of the Project plans submitted by the Project Sponsors to the City and which were requested as a project addition by the City, can be constructed in such a manner that they do not violate PG&E's requested 10-foot clearance from the pipeline, or they could be eliminated altogether if PG&E insists, in which case the neighbors will lose an excellent potential neighborhood amenity. This issue is no different from the issue related to the planting of street trees for the Project: the City has required them consistent with City policy, and PG&E will likely prohibit them entirely because of their proximity to Pipeline 109. (See Exhibit C attached hereto, paragraph 4).

3. Mitigation Measure M-NO-3 Incorporates Robust Standards that Adequately Addresses Appellants' Concerns.

The Appellants' contention that "There is no data, analysis, or justification for using a PPV vibration standard of 2in/sec," ignores all relevant evidence to the contrary in the record. Illingworth and Rodkin, Inc., prepared a Construction Vibration Evaluation for the Project on March 24, 2017. This, along with the PG&E memo dated March 30, 2017, from John Dolcini, form the basis for Mitigation Measure M-NO-3. (MND, p. 58-60). The mitigation measure requires monitoring of vibration levels, and includes limitations on materials storage and construction activity on or near Pipeline 109, as well as the development of a Vibration Monitoring Plan, and its approval by PG&E and the Planning Department prior to the issuance of any building permits. See Planning Department Response to Appeal of PMND dated June 8, 2017, p. 10. Although many regulatory bodies use more lenient PPV vibration standards, Mitigation Measure M-NO-3 is based upon the most stringent standard of any. Mitigation

Measure M-NO-3 requires continuous vibration monitoring throughout Project construction and requires all construction work to stop if at any time vibration levels exceed 2 inches/second. See Agreement to Implement Mitigation Measures dated April 26, 2017, attached hereto as Exhibit D. This standard set by PG&E is a very conservative standard at a factor of 10 lower than the Construction Vibration Evaluation, which based its estimates of proposed project construction equipment on an already conservative damage criteria of 12 in/sec. (MND, pp. 56-57). This should assuage the Appellants' concerns of vibration impacts on the pipeline because the mitigation measure is based on the potential for construction equipment to operate beyond the significantly lower threshold of 2in/sec. Appellants provide no substantial evidence that the Project, as mitigated, would cause a potentially substantial environmental impact.

Project construction will be well-monitored. The Project Sponsors have consulted with multiple City agencies to ensure that construction of the proposed Project will comply with various regulations and City ordinances. Appellants have provided no substantial evidence that the lack of public participation in the construction management plan will lead to an adverse environmental effect under CEQA. Mitigation Measure M-NO-3: Vibration Management Plan adequately addresses the Project's construction such that the vibration effects on PG&E Pipeline 109 will be less than significant, as concluded in the MND, and as further detailed above. Enforcement of the mitigation measure is the responsibility of the Planning Department and the Department of Building Inspection. Both are public agencies that are independent of the Project Sponsors, and which are required to share information related to implementation and enforcement of mitigation measures. Emergency preparedness and response are the responsibility of the San Francisco Department of Emergency Management, the San Francisco Police Department, the San Francisco Fire Department, and other local, state, and federal agencies. Construction protocols must also follow PG&E safety measures.

4. Appellants' Speculation Is Not Substantial Evidence.

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 PG&E's "acknowledgment" that a pipeline failure would result in significant environmental damage, repeated references to PG&E's "recent track record", and references to the San Bruno explosion are all unrelated to the Project and do not constitute substantial evidence. In their effort to make every conceivable argument in opposition to the Project, Appellants contradict themselves. For example, while Appellants repeatedly bad mouth PG&E, Appellants' consultant, Professor Storesund, stated in his June 5, 2017, letter, which is not quoted by Appellants' legal counsel, that "PG&E is the only organization in a position to analyze the additional fatigue expected to be exerted on the pipeline from the bedrock excavation activity and certify that no appreciable degradation will occur." And Appellants will always demand yet one more test or study for the Project in their efforts to delay or kill the Project. See Association of Irrigated Residents v. County of Madera (2003) 107 Cal.App.4th 1383, 1390-1391 ("Analysis of environmental effects need not be exhaustive, but will be judged in light of what was reasonably feasible.").

B. The MND Adequately Analyzes Cumulative Impacts of the Project.

Appellants argue that the MND errs in its environmental analysis of cumulative impacts because it does not assess the cumulative impacts of the "paper street" and the potential development of four additional houses on adjacent vacant lots for which utilities will be stubbed

in as part of the Project. Once again, this is not true. In the MND Project Description, the Project is described as “the construction of two single-family residences on two of the vacant lots along the west side of the unimproved portion of Folsom Street, and the construction of the connecting segment of Folsom Street to provide vehicle and pedestrian access to the project site.” (MND, p. 1). The potential environmental impacts of the “paper street” are analyzed throughout the MND, as stated in Response 1 of the Planning Department Response to Appeal of PMND dated June 8, 2017. The Project only involves the construction of two single-family homes on two small lots zoned for residential use and the 145-foot extension of Folsom Street. As discussed above, there are four other vacant lots zoned for residential use on the portion of Folsom Street that would be extended as part of 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. See San Franciscans for Reasonable Growth v. City & Cty. Of San Francisco (1989), 209 Cal.App.3d 1502, 1526-27. In this case, Planning Department staff have confirmed that no applications for environmental review for any of the four other lots have been filed with the City. (MND, at pp. 25-26).

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 the cumulative impact exception to reliance on categorical exemptions).

The MND analyzed the cumulative setting and states, “There are no active planning applications for any adjacent properties or for the other four lots on this unimproved section of Folsom Street.” Subsequently, the MND was revised to include the residence under construction at the southeast corner of Chapman and Folsom, and the Planning Department Staff Response dated June 8, 2017, indicated that this addition did not modify the conclusions in the MND regarding lack of cumulative impacts (MND, p. 17). The MND’s evaluation of cumulative environmental effects concluded that the Project would not result in a considerable contribution to any cumulative environmental impacts. Finally, the MND notes that any subsequent development would be required to undergo environmental review in accordance with CEQA and would be required to comply with the same regulations as the Project.

Appellants’ contention that the development of six residences would automatically require preparation of an EIR is both factually incorrect and devoid of any legal authority. Similarly, Appellants’ reliance on Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d. 376, is misplaced. In Laurel Heights, the Regents acquired a 354,000 square foot building with the intent to ultimately use the entire building for UC purposes, but the Regents prepared an EIR analyzing only the use of approximately 100,000 square feet of the building. Here, the Project Sponsors have no ownership or control of the other four vacant lots, so this is not a “phased project” like the Regents’ use of the Laurel Heights building.

C. Appellants Provide No Evidence to Challenge or Contradict the Findings in the Geotechnical Report.

Appellants do not provide any evidence to support their claim that the Geotechnical Report dated August 3, 2013, is “incomplete.” In fact, as Appellants well know, the

Geotechnical Report was updated on November 30, 2016, and the updated report, as well as the Planned Street and Utility Improvements Geotechnical Investigation dated July 2017, are part of the administrative record. Appellants repeated references to the “revised project” are a smokescreen; while the Project has been revised since its initial configuration in 2013, the Project scope has been reduced to address Planning Department suggestions and community concerns. The analysis presented in the Geotechnical Report thus already covers the reduced scope of the Project. Second, Appellants’ comments regarding soil stability, backfill soil over the PG&E Pipeline, and lateral and overhead earth movement from excavation activities are addressed in Mitigation Measure M-NO-3 and will be further addressed by more detailed, project-specific geotechnical analysis when the Project Sponsors process their building permits. The Project, like other building projects in San Francisco, will thus undergo further review with the Department of Building Inspection to analyze and avoid any potential impacts related to soils, and conduct design-level geotechnical investigations based on site-specific data.

Appellant’s claim that the MND violates Planning Code Section 101.1 because it does not maximize earthquake preparedness by imposing earthquake hazard mitigation is completely meritless. The MND acknowledges the Appellants’ concerns about earthquakes and landslides, and recognizes the reality that while the “project site is not located within a seismic hazard zone, it may be subject to ground shaking in the event of an earthquake on regional fault lines like the entire San Francisco Bay Area would.” (MND, pp. 92-93). As further stated in the MND, the Project Site is not located within an area subject to landslides. Appellants’ anecdote about a recent landslide from an unspecified location in “close proximity to the proposed project site” does not constitute substantial evidence. The MND appropriately concludes that the proposed Project will have less-than-significant landslide related impacts and that any risks associated with liquefaction and differential compaction would otherwise be reduced with implementation of standard building engineering and other design measures. (MND, p. 93). Appellants present no evidence to the contrary.

Other issues raised by Appellants, such as those regarding fertilizer runoff onto the PG&E Pipeline are nonsensical and do not impact this particular section of the PG&E Pipeline any more than water run-off on any other pipeline segment in San Francisco. And as indicated in the MND, the entire City, not just the Project Site, is located in a High Consequence Area.

D. Other Issues Raised by Appellants Fail for Lack of Substantial Evidence, Are Clearly Erroneous, Or Are Outside the Scope of CEQA.

1. Appellants Argue Without Any Evidence That Construction of the Project Will Result in a Significant Danger to Residents and Drivers Because of the Steepness of the Folsom Street Extension.

This is untrue and raises no CEQA issues. The street extension will require review and approval by San Francisco Public Works and is consistent with the City’s Subdivision Regulations. (MND, p.40). The Project will comply with Fire Code Section 503.1.1. (MND, p. 40). 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. Access to existing driveways and the Project’s driveways will be further ensured with the City’s Street Design Advisory Team’s recent approval of a 20’ street width and a two-foot increase in curb cut lengths to 12 feet. (MND, p. 14). 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. The nine estimated daily vehicle trips generated by the Project will hardly cause a “significant increase in existing traffic volumes” at the Folsom/Chapman intersection. See San Francisco Planning Department, Transportation Calculations for 3516-3526 Folsom Street, June 20, 2016.

Appellants have presented no evidence that drainage will be significantly affected by the introduction of the proposed street extension or the two new residences. Rather, installation of new storm water collection systems, including permeable planters along the Folsom Street extension, will improve drainage in the vicinity. (MND, pp. 79-80).

Appellants have presented no evidence that garbage, recycling and compost pick up will be adversely affected at either the intersection of Chapman and Powhattan or within two blocks of that intersection. The Project Site is no different from many other sites in San Francisco that are adequately serviced by waste management companies.

2. The Planning Department and the MND Concluded Appropriately that the Project Will Not Cause a Significant View Impact or Cast Significant New Shadows.

Photomontages reviewed by the Planning Department’s staff demonstrate that the Project will not cause any significant view impacts from public areas as the Project does not obstruct views from Bernal Heights Park or Bernal Heights Boulevard. See Planning Department Discretionary Review – Full Analysis dated June 8, 2017, p. 10. Appellants fail to make a fair argument that the addition of the fence/railing on the roof decks of the Project will cause a significant shadow impact on the Bernal Heights Community Garden. Shadow studies submitted to the Planning Department demonstrate that the Project will cast minimal shadows on the Bernal Heights Community Garden, 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. (MND, p.75). The addition of the fence/railing would not impact the shadow analysis.

3. Appellants Raise Non-CEQA Issues.

Construction trucks drive over City streets above gas pipelines, including Pipeline 109, everyday; there is nothing unusual about this. The Planning Department found that the Project satisfies the Bernal Heights East Slope Guidelines. See Planning Department Response to Appeal of PMND dated June 8, 2017, p. 15. The Project Site and Folsom Street extension are outside the boundaries of the Slope Protection Act because areas not designated as Landslide Hazards Zones are not subject to the Slope Protection Act. See Planning Department Response to Appeal of PMND dated June 8, 2017, p. 11. The Project is required to comply with the Stormwater Management Ordinance, but a Project-specific stormwater management plan is not required. (MND, p. 79). Construction impacts of the Project will be short-term and temporary.

* * * * *

San Francisco has a severe housing shortage. 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 the Project would cause a significant environment impact, the Project Sponsors respectfully request that the Board reject this appeal and uphold the Planning Department's adoption of the MND. Four years after the Project Sponsors purchased these two lots and approximately 45 months after they filed for environmental review, it is past time to put an end to this ordeal and allow the Project Sponsors to construct these two single-family homes.

Sincerely,

Carolyn Fee on behalf of Charles Olson

Charles R. Olson

CRO

cc: Fabien Lannoye and Anna Limkin
James Fogarty and Patricia Fogarty
Joy Navarrete, Planning Department, Environmental Planner
Justin Horner, Planning Department, Environmental Planner

EXHIBIT A
[PG&E Guidelines]

Hi Deborah, Herb, and Fabien,

Please see below for the response to the questions that Deborah submitted to me. Herb, I will have the additional questions sometime next week. I will also be attending your design review board meeting tonight, so if you have any PG&E related questions I will be available to answer them. Look forward to seeing you there.

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 I 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

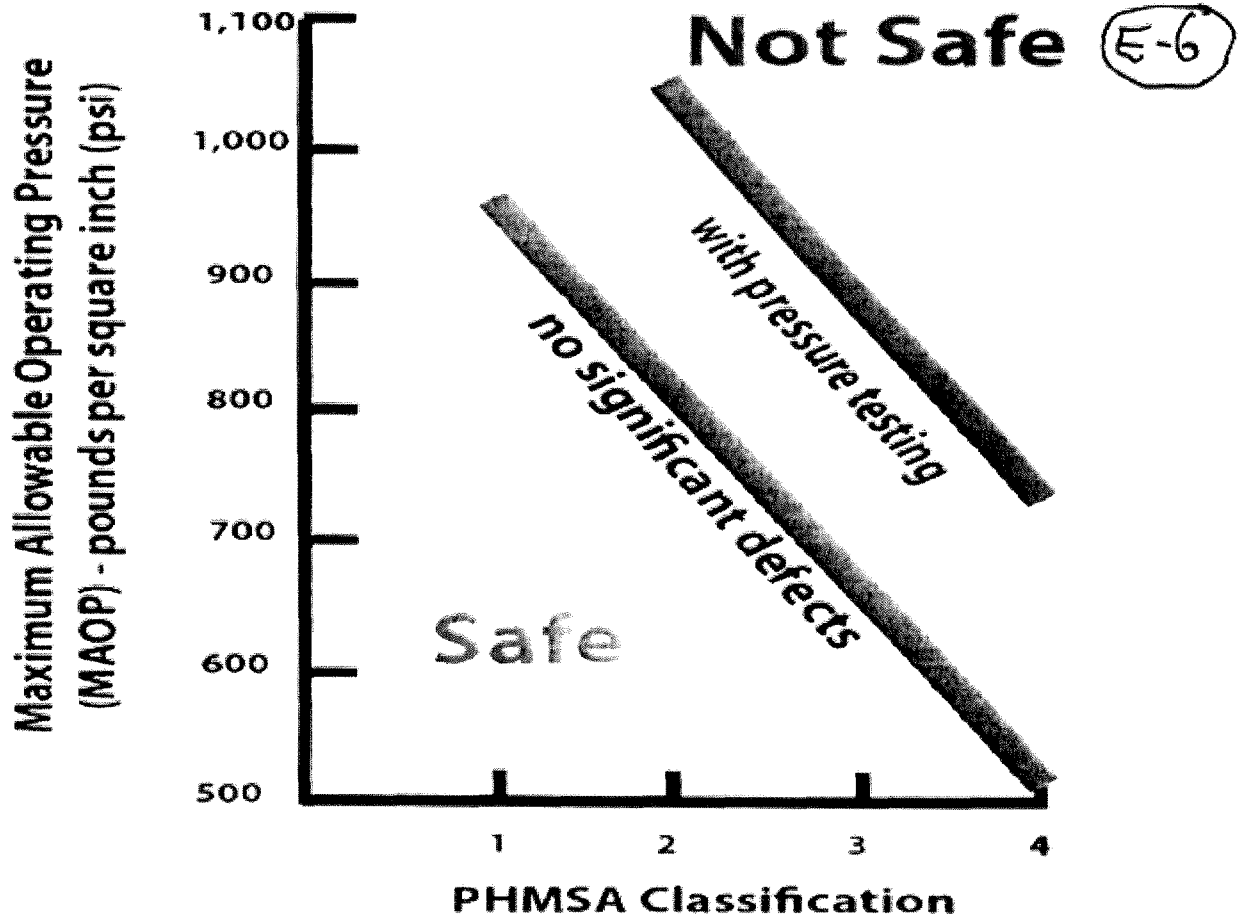


EXHIBIT C

[Memo from John Dolcini to San Francisco Planning
Department dated March 30, 2017]



**Pacific Gas and
Electric Company**

Date: MARCH 30, 2017
To: JOY NAVARRETE – SAN FRANCISCO PLANNING DEPARTMENT
From: PG&E GAS TRANSMISSION PIPELINE SERVICES – INTEGRITY MANAGEMENT
Subject: 3516/3526 FOLSOM ST.

Dear Joy,

Thank you for making us aware that you plan to do grading work near the PG&E gas transmission pipeline located near 3516 and 3526 Folsom St. As you are aware, it has been confirmed that an active 26" PG&E gas transmission pipeline L-109 is routed through this location. It is imperative that any proposed demolition or construction work not impair the safety of the gas lines. This not only includes any immediate safety risk to the pipeline during demolition or construction activities, but also long-term public safety with respect to this critical piece of infrastructure. PG&E requires adequate access at all times to patrol, survey, excavate, inspect, test, and otherwise maintain the pipeline(s) on a continuous basis in accordance with PG&E Utility Standard TD-4490S "Gas Pipeline Rights-of-Way Management."

Please be aware that this letter is being sent to address PG&E gas transmission facilities only. This letter is not intended to address PG&E gas distribution or PG&E electric facilities.

If any changes are made to the site plans as discussed via previous email, PG&E will need to re-evaluate before site development begins. Considering any comments/feedback we may have, an ideal time to send us any plan changes would be during the design phase of the project, to allow the possibility of modifying the design as necessary before launching into the construction phase.

1. Standby Inspection: **A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity within 10 feet of the gas pipeline(s).** This includes all grading, trenching, gas line depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at **811 or 1-800-227-2600**. A minimum notice of 48 hours is required. This is absolutely required for your grading project.
2. Grading/Excavation: PG&E requires a minimum of existing grade or 36 inches of cover over gas lines (whichever is less), and a maximum of 7 feet cover. Current records show that the depth of cover (top of grade to top of pipe) could be as shallow as 24", however potholing would be required to confirm this. Any excavations, including grading work, above or around the gas transmission facilities must be performed while a PG&E inspector is present. This includes all laterals, subgrades, gas line depth verifications (potholes), etc. Please follow PG&E Work Procedure TD-4412P-05 "Excavation Procedures for Damage Prevention" when working in the vicinity of the gas transmission pipeline. Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Engineering in writing **PRIOR** to performing the work. **Any grading or digging within 2 feet of a gas pipeline must be dug by hand.** Water jetting to assist vacuum excavating must be limited to 125 psig.
3. Pipeline Markers: PG&E requires pipeline markers be placed along the pipeline route in order to ensure public awareness of the presence of the pipeline. Any existing markers can be temporarily relocated to accommodate construction work (with written PG&E approval), however markers must be reinstalled once construction is complete. It is unknown at this time how accurate the pipeline marker locations are at this specific site. As stated above, please coordinate an inspection through the Underground Service Alert (USA) service at **811 or 1-800-227-2600**.
4. Landscaping: Trees or deep rooted shrubs shall not be located within 10 feet of edge of pipe (pipe zone). Trees less than 12 inches in diameter with non-intrusive root structures can be placed outside of the 10 foot pipe zone. This is in accordance with PG&E Utility Standard TD-4490S "Gas Pipeline Rights-of-Way Management" Section 2. Removal of trees is acceptable, given the stumps are not removed. If stumps/roots are being removed, further evaluation will be required to ensure that removal will not interfere with the pipelines.

5. Fencing: Care must be taken to ensure the safety and accessibility of the pipelines. No parallel fencing will be allowed within 10 ft. of the pipeline, and any perpendicular fencing will require 14 foot wide access gates to be secured with PG&E corporation locks.
6. Structures: Permanent structures must be located a minimum distance of 10 ft. from edge of pipe. Additionally, for pipeline maintenance, future construction, emergency response provisions, etc., we need a total width of 45 ft. to access the location. Do not stockpile or store demolition/construction material or equipment within this distance. PG&E cannot compromise on the ability to safely access, operate and maintain our facilities, especially when considering emergency situations.
7. Construction Loading: Please refer to chart below for approved construction loading as applicable to this project. To prevent damage to the buried gas pipelines, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing a pipeline. Due to the weight variability of tracked equipment, cranes, vibratory compactors, etc., **do not allow any construction equipment within 10 ft. of the gas pipeline(s) without approval from the PG&E gas transmission pipeline engineer.** Wheel loading calculations will need to be determined, and the pipeline may need to be potholed by hand in a few areas to confirm the depth of the existing cover. These weight limits also depend on the support provided by the pipeline's internal gas pressure. If PG&E's operating conditions require the pipeline to be depressurized, maximum wheel loads over the pipeline will need to be further limited. For compaction, please use walk-behind compaction equipment if within 2 feet of the pipeline. Crane and backhoe outriggers must be set at least 10 feet from the centerline of the gas pipeline. **Specific to this project, please ensure max PPV vibration levels are less than 2in/sec.**

Referencing the chart below, for wheeled equipment only (excludes tracked equipment and vibratory rollers), for a depth of cover of 2ft over top of the 26" pipeline, the pipe may be subjected to a maximum half-axle wheel load of 4580 lbs. **Specific to this project, the 17,500 lb Takeuchi TB175 excavator and 8,000 lb Bobcat Excavator are approved for use.** If any equipment is planned to be operated within 10 ft. of the pipeline that exceeds the half-axel weight specified below, please contact the gas transmission pipeline engineer for approval. Half axle weight is the gross weight upon any one wheel, or wheels, supporting one end of an axle.

Depth of Cover (ft. to Top of Pipe)	Max. Half-Axle Wheel Loading (lbs.)
2	4580
3	6843
4	7775
5	7318

Feel free to contact me if there are any questions or concerns.

John Dolcini
 Pipeline Engineer - Gas Transmission
 Pacific Gas and Electric Company
 Email: J7DP@pge.com

EXHIBIT D

[Agreement to Implement Mitigation Measures
dated April 26, 2017]



SAN FRANCISCO PLANNING DEPARTMENT

Agreement to Implement Mitigation Measure(s)

Date: April 26, 2017
Case No.: 2013.1383ENV
Project Title.: 3516 and 3526 Folsom Street
Project Sponsor: Fabien Lannoye, Bluorange Designs
Project Address: 3516 and 3526 Folsom Street
Block/Lot: 5626/013 and 014
City and County: San Francisco

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

MITIGATION MEASURE(S):

Mitigation Measure M-NO-3, Vibration Management Plan:

The Project Sponsor shall retain the services of a qualified structural engineer to develop, and the Project Sponsor shall adopt, a vibration management and continuous monitoring plan to cover any construction equipment operations performed within 20 feet of PG&E Pipeline 109. The vibration management and monitoring plan shall be submitted to PG&E and Planning Department staff for review and approval prior to issuance of any construction permits. The vibration management plan shall include:

- **Vibration Monitoring:** Continuous vibration monitoring throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard.
- **Maximum PPV Vibration Levels:** Maximum PPV vibration levels for any equipment shall be less than 2 inches per second (in/sec). Should maximum PPV vibration levels exceed 2 in/sec, all construction work shall stop and PG&E shall be notified to oversee further work.
- **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity within 10 feet of the gas pipeline(s). This includes all grading, trenching, gas line depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection would be coordinated through the Underground Service Alert (USA) service at 811 or 1-800-227-2600. A minimum notice of 48 hours is required.
- **Grading/Excavation:** Any excavations, including grading work, above or around Pipeline 109 must be performed with a PG&E inspector present. This includes all laterals, subgrades, and gas line depth verifications (potholes). Work in the vicinity of Pipeline 109 must be completed consistent with PG&E Work Procedure TD-4412P-05 "Excavation Procedures for Damage Prevention." Any plans to expose and support Pipeline 109 across an open excavation must be approved by PG&E Pipeline Engineering in writing prior to performing the work. Any grading or digging within two (2) feet of Pipeline 109 shall be dug by hand. Water jetting to assist vacuum excavating must be limited to 125 pounds per square inch gage (psig).

www.sfplanning.org

- Pipeline Markers: Prior to the commencement of project activity, pipeline markers must be placed along the pipeline route. With written PG&E approval, any existing markers can be temporarily relocated to accommodate construction work, but must be reinstalled once construction is complete.
- Fencing: No parallel fencing is allowed within 10 feet of Pipeline 109 and any perpendicular fencing shall require 14 foot access gates to be secured with PG&E corporation locks.
- Structures: Permanent structures must be located a minimum distance of 10 feet from the edge of Pipeline 109. A total width of 45 feet shall be maintained for pipeline maintenance. No storage of construction or demolition materials is permitted within this 45 foot zone.
- Construction Loading: To operate or store any construction equipment within 10 feet of Pipeline 109 that exceeds the half-axle wheel load (half axle weight is the gross weight upon any one wheel, or wheels, supporting one end of an axle) in the table below, approval from a PG&E gas transmission pipeline engineer is required. Pipeline 109 may need to be potholed by hand in to confirm the depth of the existing cover. These weight limits also depend on the support provided by the Pipeline's internal gas pressure. If PG&E's operating conditions require the Pipeline to be depressurized, maximum wheel loads over the pipeline will need to be further limited. For compaction within two feet of Pipeline 109, walk-behind compaction equipment shall be required. Crane and backhoe outriggers shall be set at least 10 feet from the centerline of Pipeline 109. Maximum PPV vibration levels for any equipment shall be less than 2 in/sec.

Depth of Cover to Top of Pipe (ft.)	Maximum Half-Axle Wheel Loading (lbs)
2	4,580
3	6,843
4	7,775
5	7,318

I agree to implement the above mitigation measure(s) as a condition of project approval.


Project Sponsor Signature

4/27/17
Date