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November 14, 2016

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 & 2013.12.16.4322
3516-3526 Folsom Street ("Project Site")

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

This letter is written on behalf of neighbors of the proposed project at 3516-3526 Folsom Street (BPA Nos. 2013.12.16.4318 & 2013.12.16.4322, the "Project"). The appellants—Bernal Heights South Slope Organization, Bernal Safe & Livable, Neighbors Against the Upper Folsom Street Extension, Gail Newman, and Marilyn Waterman oppose the above-captioned Project, *inter alia,* on the grounds that the Project's Categorical Exemption determination ("CatEx," Exhibit A) violates the California Environmental Quality Act ("CEQA").

We appealed the previous CatEx for this Project in June of 2016, and the Planning Department took the unprecedented step of rescinding the CatEx prior to the Board's hearing on our appeal. While we appreciate the Planning Department acknowledging the inadequacy of the previous CatEx, this new CatEx is still inadequate and legally erroneous for the same reasons.

Pursuant to San Francisco Administrative Code Section 31.16, Appellants hereby appeal the July 8, 2016 CatEx determination. The appeal is supported by the SF Sierra Club, the Bernal Heights Democratic Club, the Bernal Heights Neighborhood Center, Bernal Heights South Slope Organization, Bernal Heights neighborhood associations, and hundreds of San Francisco residents.

The following documents are attached:

1. A copy of the CatEx determination dated 7/8/16
2. A copy of the Discretionary Review (DR) Action Memo dated 10/13/16, which constitutes the approval action for this Project

3. The Application to Request a Board of Supervisors Appeal Fee Waiver
4. A check in the amount of $578 payable to the San Francisco Planning Department

A copy of this letter of appeal will be concurrently submitted to the Environmental Review Officer.

PROJECT DESCRIPTION

On its face, the Project looks innocuous enough: the construction of two single-family homes and an extension of Folsom Street and utilities to service them. However, the street extension would be built on an extraordinarily steep slope (even by San Francisco standards). Moreover, a uniquely dangerous PG&E gas transmission trunk line runs directly underneath.

The Project site is the only High Consequence Area in San Francisco where a vintage, 26-inch PG&E Gas Transmission Pipeline is unprotected by asphalt for 125 feet—buried in "variable topography" terrain. It runs up a sharply pitched hillside in a residential area before it re-enters paved street-cover on Bernal Heights Boulevard.[1]

UC Berkeley Professor Emeritus Robert Bea—a pipeline safety expert with UC Berkeley's Center for Catastrophic Management, who testified in PG&E's San Bruno trial—states the concern surrounding this particular Bernal Heights location of an aging transmission pipeline "is identical to the list of concerns that summarized causation of the San Bruno Line 132 gas pipeline disaster." To wit, in 1989 the San Francisco Department of Public Works replied to an inquiry about this open space area, stating, "It was too dangerous to ever develop."

Additionally, the Project site's proposed street is located at a blind intersection that serves as the only viable access point for emergency vehicles to reach 28 homes in the neighborhood. The proposed dead-end street is too steep for emergency vehicles to climb, it is too narrow for them to turn around, and its intersection will cause trucks to bottom out and become stuck—blocking access to the neighborhood.

The Planning Department's latest effort to avoid an EIR—especially in light of the Millennium Tower and San Bruno PG&E pipeline disaster—is deeply troubling.

The Project received a CatEx under CEQA Guidelines Section 15303(a), a "Class 3" exemption for *"construction . . . of up to three single-family residences."* However, the preface of Planning Commission Resolution No. 14952, "Categorical Exemptions from the California Environmental Quality Act" adopted by the San Francisco Planning Commission on August 17, 2000, notes the following:

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[1] Pavement protects gas transmission pipelines from accidental rupture and is especially important in urban areas where accidental rupture would be catastrophic.

"First," [Class 3 exemptions] *"are qualified by consideration of where the project is to be located. A project that would ordinarily be insignificant in its impact on the environment may, in a particularly sensitive or hazardous area, be significant."*

"Second, all classes of exemption are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant."

"Where there is a reasonable possibility of a significant effect due to unusual circumstances surrounding the project, it is not exempt even if it clearly fits one of the categories."

DISCUSSION OF ENVIRONMENTAL CONCERNS

PIECEMEALING AND CUMULATIVE IMPACTS

The Project's environmental review failed to include the entire scope of proposed work. The Project proposes initially constructing two single-family homes, and it also proposes running utilities and a street extension to enable construction of four additional new homes. These additional homes were not analyzed in the CatEx. Moreover, a total of six homes would not qualify for categorical exemption.

While Planning would argue that each additional home will receive its own environmental review when permit applications when permit applications are submitted. However, each one of them will receive a categorical exemption under CEQA Guidelines Section 15303(a):

> *"In urbanized areas, up to three single-family residences may be constructed or converted under this exemption."* CEQA Guidelines Section 15303(a)

As a result, the entire six-home Project will escape environmental review. This is referred to in CEQA cases as "piecemealing" and is prohibited. In fact, the CatEx states: "the improvements proposed by the project would facilitate the development of those lots." The owners of these four properties have been candid about contact with the Project Sponsor regarding the development of their properties. They have attended neighborhood meetings, saying they will build once the first houses are built.

INCOMPLETE GEOTECHNICAL REPORT

The geotechnical report dated August 3, 2013 focuses solely on the footprint sites of the two proposed houses, with no acknowledgement of the "revised" Project scope. Thus, it is incomplete, outdated, and fails to address the entire scope of the Project. The report itself states: "If more than 18 months have passed between the submission of this report

and the start of work at the site . . . the recommendations of this report may no longer be valid or appropriate."

The Project Site is unusual and of special concern because it contains an aging 26-inch PG&E gas transmission pipeline in a rare location where it is unprotected by asphalt on steep terrain. The pipeline's presence on this unimproved steep terrain presents unusual grading and excavation challenges not addressed in the geotechnical report. Project Site is in a residential High Consequence Area, a designation that denotes catastrophic results in the event of accidental gas pipeline rupture.

The current "incomplete" geotechnical report raises the following concerns:

• UNCERTAINTIES REGARDING SOIL STABILITY: The report acknowledges the uncertainty of the depth of soil to bedrock "can vary across the site," and that due to this uncertainty, assumptions about "soil stability, site settlements, and foundations" could change. Given the expanded site scope with excavation activity and grading next to, over, and under the gas transmission pipeline, more thorough review is needed.

• NO MENTION OF BACKFILL SOIL OVER PIPELINE: The transmission pipeline is covered with loose backfill soil, which is different from the other soil on this site. The conditions surrounding the pipeline substantially differ from the soil borings of this report yet are not a part of the report.

• SIGNIFICANT RISK: Lateral and overhead earth movement from excavation activities on this steep hillside pose a significant risk to accidental pipeline rupture. The pipeline will be buried under the driveways of the proposed houses, adjacent to excavation activity of 10 feet deep or more. The report affirms, "Excavations extending deeper into bedrock may require extra effort, such as heavy ripping, hoe-jams or jack-hammering." *Federal pipeline safety guidelines point out that most pipeline accidents happen during construction/excavation activities.*

• DISCREPANCIES: The Project Site is located on an extreme slope. Serious inconsistencies exist in the CatEx regarding the Project site's slope percentage. The CatEx's representation of the grade (28%) substantially differs from the geotechnical report (32%). The Project Sponsors' own figures have varied from between 34% to 37%, due to the uncertainties regarding the depth of the transmission pipeline.

• EARTHQUAKES: The report acknowledges that due to the "local geological conditions" of Bernal Heights hill, this area would be subject to "strong earthquake shaking."

• CATEX GEOTECHNICAL CONCLUSION IS INVALID: The CatEx states that the proposed improvements of the two buildings would have "no geotechnical impacts" because of compliance with the San Francisco Building Code and the Slope Protection Act. This conclusion is restricted to the first CatEx's scope, which was rescinded. It does not address the revised Project scope and does not include the gas transmission

pipeline in close proximity to excavation/grading activities located on variable undeveloped terrain.

"Classes 3, 4, 5, 6, 11, and 32 are qualified by consideration of where the project is to be located. A project that would ordinarily be insignificant in its impact on the environment may, in a particularly sensitive or hazardous area, be significant." [Resolution No. 14952, "Categorical Exemptions from CEQA]

• SITE DRAINAGE: The report addresses the importance of site drainage issues, but no mention is made of the water and fertilizer drainage from the adjacent Community Garden, which abuts the revised Project Site. **Importantly, years of fertilizer runoff from the adjacent community garden may have eroded the gas transmission line's protective coating.**

MAJOR HAZARD: 26-INCH PG&E GAS TRANSMISSION PIPELINE ON A STEEP UNDEVELOPED SLOPE

The cumulative effects of six new houses, a new street, and repeated earth-moving activities next to, over, under, and near this aging pipeline on a steep hillside pose a unique and significant public safety threat that has not been properly addressed and mitigated.

CEQA specifically mentions the importance of location:

> *"Classes 3, 4, 5, 6, 11, and 32 are qualified by consideration of where the project is to be located. A project that would ordinarily be insignificant in its impact on the environment may, in a particularly sensitive or hazardous area, be significant."* [Resolution No. 14952]
>
> *"Where there is a reasonable possibility of a significant effect due to unusual circumstances surrounding the project, it is not exempt even if it clearly fits one of the categories."* [Resolution No. 14952].

• The CatEx asserts the PG&E gas transmission pipeline location—on a steep undeveloped hillside—is "not unusual". But it contradicts that assertion by stating: "other similar pipelines run beneath streets in other areas of the City." It is street pavement that protects gas pipelines in urban areas, making this SF *undeveloped* hillside uniquely dangerous. One backhoe slip—such as what triggered the fatal Fresno pipeline explosion in 2015—could cause a catastrophic explosion.

• Professor Robert Bea of UC Berkeley's Center for Catastrophic Risk Management wrote in a letter that the list of concerns regarding this particular section of PG&E Gas Transmission Pipeline 109 shares dangerous similarities to the causes leading to the San Bruno explosion, including lost weld records, variable topography, and a lack of "definitive guidelines to determine if the pipeline is safe and reliable."

• The CEQA determination takes at face value what PG&E says about the original testing of the pipeline, yet PG&E has yet to produce the actual records confirming any such testing and welds took place. There is substantial reason to believe from published litigation filings that the original records have been lost. Faulty welds—combined with variable topography— were a major cause of the San Bruno catastrophic explosion.

• The current testing for corrosion and leaks by PG&E does not address the vulnerability of an aging pipeline subjected to the cumulative impacts of heavy-duty grading and significant bedrock excavation on steep slopes in SF. So far, no study or report has addressed these concerns.

• The Planning Department quotes PG&E's misleading public safety reassurance statement when it states how the pipeline has a reduced "maximum allowable operating pressure." The practice of pressure reduction is *because the pipeline is vulnerable and lacks enough reliability to carry more pressure.*

• The geotechnical report states soil depth varies across the site of the two houses. Yet, the report does not examine the hillside's varying soil conditions surrounding the "revised" Project scope, including the additional four lots, the street extension, fronting sidewalks—and driveways proposed over a shallowly buried gas transmission pipeline.

• PG&E's unreliable public safety record is a matter of public record. The CEQA determination lists the only protection from an accidental rupture on this unusually steep locale is that contractors will call 811 and a PG&E employee will stand by during grading and excavation occurring within 10 feet of the pipeline. Professor Robert Bea, who testified in the San Bruno explosion trial, states that during the San Bruno trial,

"I did not find a single document that clearly indicated PG&E or the California PUC had a clear understanding of the word 'safe.' Unfortunately, it has been very rare for me to encounter organizations who have a clear understanding of what word means and less of an understanding of how to demonstrate that a system is 'safe enough.'"

• According to federal resources, the major cause of accidental rupture on a gas pipeline is construction activity. One backhoe slip or lateral pressure breach could precipitate a 300' radius blast and a larger fire zone. There are numerous examples of gas pipeline accidents during construction, including the 2015 fatal explosion in Fresno caused by a backhoe rupture on a steep slope. Notoriously, PG&E plays down these incidents. At one Community meeting in Bernal, a PG&E public relations representative tried to promote a spotless image of PG&E's safety record by stating "no accidents ever happen on gas transmission pipelines."

• The CatEx states the proposed Project "will present no particular issues when it comes to patrolling and maintaining the pipeline" for encroachments. However, confirming published reports of PG&E's lax public safety culture, PG&E has been negligent in patrolling this area for years: **a large pine tree has been allowed to grow unchecked over this pipeline**, along with other plants and structures—in clear violation of PG&E's

own encroachment guidelines. According to PG&E guidelines, tree root damage is a major cause of pipeline leaks, corrosion, and increased vulnerability. Federal guidelines point out that trees are subject to lightning strikes and should not be planted near pipelines.

LACK OF ACCESS FOR EMERGENCY VEHICLES

The proposed steep street prevents fire trucks and ambulances from driving up it. In the event of a fire, earthquake, medical emergency, or gas leak on the transmission line, emergency response will be hindered and delayed.

• There is restricted ability to enter and exit this neighborhood of twisty, narrow streets via a single viable road for emergency vehicle access. Fire trucks bottom out and get stuck using the other steep entry point, which is Prentiss Street between Chapman and Powhattan.

• The Urban Design Element of the General Plan includes this site on the map of SF's "Plan for Protected Residential Areas," which states "changes in streets should be so designed that they will not limit the access of vehicles for police and fire protection and other emergency purposes in the protected areas."

• The CEQA determination addresses firefighters' inability to access this street by noting hydrants within 150' of a house is within code. However, delayed emergency access in a High Consequence Area poses a serious public safety threat.

• Ambulances are not mentioned in the CatEx. The street will be too steep for ambulance access. Case in point:

> *A 75 year-old visitor to Bernal's Bradford Street, SF's steepest street, recently fell and broke his femur walking across the street to his car. The ambulance could not get up the street, so they drove to the cross street above Bradford. The EMTs tried to carry the man up a hillside staircase—but the attempt was abandoned as too risky. They then drove to the bottom and attempted to back the ambulance up the hill. The first attempt failed. They finally got the ambulance up the hill but a considerable amount of time elapsed before the man—now in excruciating pain— was finally loaded into the ambulance. If it had been a life-threatening situation, the man could have died.*

• A gas explosion on a 26-inch pipeline will have a 300-foot blast zone and greater fire zone (like San Bruno). What is an acceptable delay in such a case? How will the area be evacuated? No study addresses or mitigates these public safety questions.

DANGEROUSLY STEEP STREET, LIABILITY ISSUES, GARAGE ACCESS

The proposed steep street presents a significant threat to residents and drivers. It will be among the steepest streets in SF. There will be no turn-around at the top, and it will be too narrow to turn around within the proposed street.

• Existing steep streets are substandard but grandfathered in. It is irresponsible governance to create a new one. According to an October 26, 2016 letter from DPW, a Major Encroachment permit would be required for this proposed street but there is no certainty it would be granted. This unclear situation casts doubts on the entire proposed Project Site, which includes garages, sidewalks, and driveways.

• The proposed street plans contain dangerous break-over angles and unclear plans for garage access to current residents.

• The CatEx misleading describes the new proposed street as a "street improvement" and thus exempt from CEQA under Section 1503(d). The proposed new street does not qualify as an "improvement." It will create a new street with access to nine houses, including three existing homes. The street design has undergone significant revisions in an attempt to address complex access challenges, caused by the requirements of constructing a new street over a major gas transmission pipeline on a steep slope.

• Bernal's steep, narrow, twisty streets pose uniquely dangerous challenges to drivers, even by SF standards. The CatEx's failure to recognize the significance of this section of Folsom Street as a cross-City thoroughfare is a major public safety oversight. Unwary drivers frequently attempt to use Folsom Street in the mistaken belief it will take them directly downtown. With the addition of a steep dead-end section of Folsom—with no turn-around at the top—the situation will be dramatically compounded for the entire neighborhood.

• The Storm Water Management Ordinance requires the Project to maintain or reduce the existing volume and rate of storm water runoff at the site, but neither the geotechnical report nor the proposed street design suggest how this will be accomplished on the proposed steep, 100-foot long concrete slab.

• The proposed street will not be an "accepted" street by the City but will require maintenance by fronting homeowners. Liability issues and future responsibility for maintenance are unclear in cases of accident caused by the steepness of the street and sidewalk.

TRAFFIC AND NEIGHBORHOOD IMPACTS

The CatEx inaccurately asserts that "the project would not substantially affect the neighborhood's existing or cumulative traffic conditions." It fails to take into account the existing neighborhood roadway network.

• The Folsom/Chapman intersection at the Project Site is the primary access point to the 28 existing homes along and above Chapman Street. The other two access points are dangerous: Prentiss Street is the third steepest street in SF at 37% grade that curves, where large vehicles and fire trucks get stuck, and Nevada Street is an unimproved roadway at 35% grade that connects to a rutted dirt trail.

• Due to the usage of the Folsom/Chapman intersection by most drivers and emergency and delivery vehicles, the additional traffic to and from two additional residences potentially increases existing traffic volumes significantly. For six additional residences, it will dramatically increase traffic volumes.

• The CatEx dismisses the addition of 27 extra car trips as not affecting the "local transportation system." This claim fails to address the unique location of the Project Site and the difficulties of navigating this challenging Bernal area of narrow, twisty, dead-end streets. 27 extra car trips—coupled with a dangerous blind intersection, visitors' cars, delivery trucks, construction vehicles, service trucks and no on-street parking—pose a significant public safety hazard. For example, a cement truck overturned just feet away from the Chapman/Folsom intersection, while trying to negotiate a pitched turn, blocking traffic for hours.

• The CEQA determination dismisses the "cumulative impacts" of six new houses with no on-street parking (nine including the existing three houses)—by not addressing the "unique circumstance" of the location of the proposed new street: at a blind intersection that is the only viable entrance to a neighborhood of 28 homes.

• The Urban Design Element of the General Plan includes this site on the map of SF's "Plan for Protected Residential Areas." The proposed street plans do not "give the dominant position to residential and pedestrian qualities rather than to vehicles." [SF General Plan, Urban Design Element, Policy 4.1, 2nd paragraph]

• The Project area's lack of on-street parking will significantly impact the disabled-accessibility status of Bernal Heights Park and the parking availability for the Community Garden. There is limited available flat parking space—necessary for the wheelchair enabled—along Bernal Heights Blvd. This street section will be a de facto parking area for the subdivision's visitors, delivery trucks, and additional cars.

• Nine homes placing garbage, recycling, and compost at the bottom of the street will impede traffic and likely block the intersection. There is not enough space in front of current residents' homes to fit 27 bins. This will introduce a new public health and safety hazard.

AESTHETICS

PUBLIC VIEWS

The Planning Department uses inaccurate and misleading data to dismiss the significant impacts on the public vista from Bernal Heights Park and Bernal Heights Blvd.

• The largest intact panorama of the Bay and valley below on the south side of Bernal Heights Park is impacted by this site. This vista is created by a unique stretch of undeveloped DPW and Recreation and Park land that abuts the Project Site. The vista has significant importance to Park visitors and residents. Hundreds of park visitors walk around the Park daily, and enjoy this vista from the sidewalk on Bernal Heights Blvd. directly above the Project Site.

• The CatEx inaccurately states: "The proposed roofs of the two buildings sit below the elevation of Bernal Heights Blvd." The topmost house (3516 Folsom Street) measures 14 feet *above* the Boulevard's elevation. It includes a visually prominent four-foot stairwell parapet on the Bernal Park-facing side that that significantly blocks the pubic view.

• The CatEx misleadingly states: "This project site is located downhill from Bernal Heights Park . . ." It is actually located directly adjacent to park property. Rec and Park's Bernal Heights Community Garden abuts the project site. Open space land, owned by DPW, also abuts the Project site. The combination of City public lands creates a sweeping public vista that will be blocked by the north facing wall of the top house.

• The CatEx misleadingly dismisses the public view from this vista as "average." It selectively quotes from the Urban Design Element of the General Plan, but omits: "Overlooks and other viewpoints for appreciation of the city and its environs should be protected and supplemented, by limitation of buildings and other obstructions . . ." [SF General Plan, Urban Design Element, Policy 1.1, 2nd paragraph]

CONCLUSION

The Project is not lawfully eligible to receive a CatEx under Guidelines Section 15303(a) because the Project will have significant unmitigated environmental impacts that have not been analyzed by the City.

Appellants reserve the right to submit additional written and oral comments, bases, and evidence in support of this appeal to the City up to and including the final hearing on this appeal and any and all subsequent permitting proceedings or approvals for the Project. Appellants request that this letter and exhibits be placed in and incorporated into the administrative record for Case No. 2013.1383ENV.

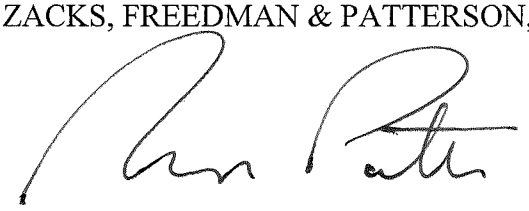
Appellants respectfully request that the Board of Supervisors revoke the CatEx determination and require further environmental review pursuant to CEQA. If the CatEx

determination is upheld, Appellants are prepared to file suit to enforce their and the public's rights.

We appreciate your attention to this matter.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC

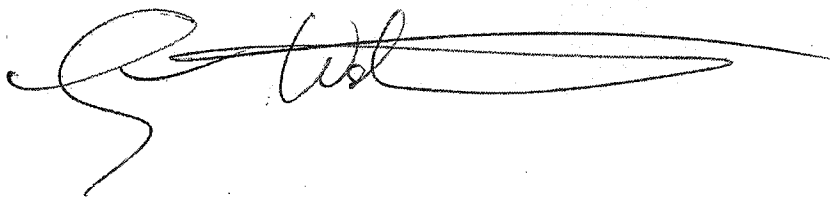


Ryan J. Patterson
Attorneys for Herb Felsenfeld and Gail Newman

cc: Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Lisa.Gibson@sfgov.org

Enclosures

I, Marilyn Waterman, hereby authorize Ryan J. Patterson, Esq. to file an appeal of the Categorical Exemption for Case NO. 2013.1383ENV (3516 & 3526 Folsom Street).

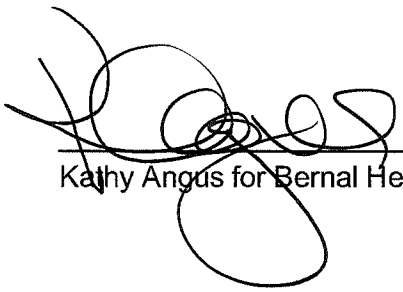


November 13, 2016

To Whom it May Concern:

We hereby authorize Zacks, Freedman & Patterson, PC to file an appeal on our behalf of the CEQA Categorical Exemption Determination for Buioding permit Application Nos. 2013.12.16.4318 and 2013.12.16.4322 (3516 & 3526 Folsom Street, SF, Case No. 2013.1383ENV).

Signed,



Kathy Angus for Bernal Heights South Slope Organization

November 13, 2016

To Whom it May Concern:

We hereby authorize Zacks, Freedman & Patterson, PC to file an appeal on our behalf of the CEQA Categorical Exemption Determination for Buioding permit Application Nos. 2013.12.16.4318 and 2013.12.16.4322 (3516 & 3526 Folsom Street, SF, Case No. 2013.1383ENV).

Signed,

Gail Aronson

November 13, 2016

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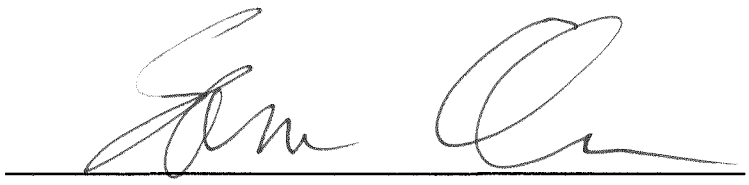

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Signed,

Herbert E. Felsenfeld

SAN FRANCISCO
PLANNING DEPARTMENT

Certificate of Determination
Exemption from Environmental Review

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.:	2013.1383ENV
Project Title:	3516 and 3526 Folsom Street
Zoning:	RH-1 (Residential—House, One Family) Use District 40-X Height and Bulk District
Block/Lot:	5626/013 and 5626/014
Lot Size:	1,750 square feet (each lot)
Project Sponsor:	Fabien Lannoye, Bluorange designs 415-533-0415 Fabien@novadesignsbuilds.com
Staff Contact:	Justin Horner – (415) 575-9023 Justin.Horner@sfgov.org

PROJECT DESCRIPTION:

The project site is located on the block bounded by Bernal Heights Boulevard to the north, Gates Street to the west, Powhattan Avenue to the south and Folsom Street to the east. The project site is located along the west side of an approximately 145 foot long unimproved segment of Folsom Street, north of Chapman Street, that ends at the Bernal Heights Community Garden. This unimproved right-of-way is known as a "paper street." Undeveloped land along this unimproved segment of Folsom Street has been subdivided into six lots, three on each side of Folsom Street. PG&E Natural Gas Transmission Pipeline 109 runs along Folsom Street under the project site. The project site is at a slope of 28%.

The proposed project involves 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. Both single-family homes would be 27 feet tall, two-story-over-basement buildings and would each include two off-street vehicle parking spaces accessed from a twelve-foot-wide garage door.

(Continued on next page)

EXEMPT STATUS:

Categorical Exemption, Class 3 (California Environmental Quality Act [CEQA] Guidelines Section 15301).
See page 2.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.

Sarah B. Jones
Environmental Review Officer

July 8, 2016
Date

cc: Fabien Lannoye, Project Sponsor
Richard Sucre, Current Planner
Virna Byrd, M.D.F.
Supervisor Campos, District 9, (via Clerk of the Board)

PROJECT DESCRIPTION (continued):

The 3516 Folsom Street building would be approximately 2,230 square feet in size with a side yard along its north property line. The 3526 Folsom Street building would be approximately 2,210 square feet in size with a side yard along its south property line. The proposed buildings would include roof decks and a full fire protection sprinkler system. The project sponsor proposes to create a mural on the south façade of the 3526 Folsom Street building. The proposed buildings would be supported by a shallow building foundation using a mat slab with spread footings.

The proposed Folsom Street extension improvements would include an approximately 20-foot-wide road with an approximately 10-foot-wide sidewalk on the west side of the street, adjacent to the proposed residences. The proposed sidewalk would be stepped, would incorporate landscaping that would perform storm water retention, and would provide public access to Bernal Heights Boulevard/Bernal Heights Park (along the west side of the Bernal Heights Community Garden). The proposed project would not create direct vehicular access to Bernal Heights Boulevard as the Folsom Street extension would terminate at the Bernal Heights Community Garden. Construction of the street extension would require the removal of the existing landscaped area within the public right-of-way where Folsom Street meets Chapman Street. An existing driveway utilized by both the 3574 Folsom Street and 3577 Folsom Street buildings would also be removed; however, the extension would provide access to the two existing residences.

The proposed project would include the installation of new street trees (subject to approval from PG&E) and street lighting on the west side of the street. No on-street parking would be provided along the Folsom Street extension. In addition to providing utilities for the proposed residences, the project sponsor would install utilities for the four vacant lots located on the "paper street" segment of Folsom Street (one on the west side and three on the east side). No residences are proposed at this time on those lots; the proposed connections would be provided to minimize disruption in the case of future development. Construction would continue for approximately 12 months and would require excavation of up to approximately 10 feet below the existing ground surface.

Project Approvals

Approval Action: If discretionary review before the Planning Commission is requested, the discretionary review hearing is the Approval Action for the project. If no discretionary review is requested, the issuance of a building permit by the Department of Building Inspection (DBI) is the Approval Action. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

EXEMPT STATUS (continued):

CEQA Guidelines Section 15303, or Class 3, provides an exemption from environmental review for construction of new, small facilities or structures. Section 15303(a) specifically exempts up to three single-family homes in urbanized areas, and Section 15303(d) specifically exempts utility extensions and street improvements to service such construction.

The proposed project would construct two-single family homes on two lots, with utility extensions and street improvements to service the two structures. Therefore, the proposed project qualifies for an exemption from CEQA under CEQA Guidelines Sections 15303(a) and (d).

DISCUSSION OF ENVIRONMENTAL ISSUES:

CEQA Guidelines Section 15300.2 establishes exceptions to the application of a categorical exemption for a project. As discussed in this certificate of exemption, none of the established exceptions apply to the proposed project.

CEQA Guidelines Section 15300.2, subdivision (a), provides that a Class 3 categorical exemption cannot be used where the project may negatively impact an environmental resource of critical or hazardous concern which is "designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies." For the reasons discussed below under "Resources of Hazardous or Critical Concern," there is no possibility that the proposed project would have a significant effect on the environment related to this circumstance.

CEQA Guidelines Section 15300.2, subdivision (b), provides that a categorical exemption is inapplicable when the cumulative impact of successive projects of the same type in the same place, are significant. For the reasons discussed below under "Cumulative Impacts," there is no possibility that the proposed project would have a significant effect on the environment related to this circumstance.

CEQA Guidelines Section 15300.2, subdivision (c), provides that a categorical exemption shall not be used where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. For the reasons discussed in this certificate of exemption, there is no possibility that the proposed project would have a significant effect on the environment due to unusual circumstances.

CEQA Guidelines Section 15300.2, subdivision (d), provides that a categorical exemption shall not be used for a project that would result in damage to a scenic resource within a highway officially designated as a state scenic highway. Neither Bernal Heights Boulevard nor any other nearby street is a designated state scenic highway. Therefore, there is no possibility that the proposed project would have a significant effect on the environment related to this circumstance.

CEQA Guidelines Section 15300.2, subdivision (f), provides that a categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource. For the reasons discussed below under "Historic Resources," there is no possibility that the proposed project would have a significant effect on a historic resource.

Resources of Hazardous or Critical Concern. According to the CEQA Guidelines, Categorical Exemptions may be used for Class 3-eligible projects except in cases where the project may negatively impact an environmental resource of critical or hazardous concern which is "designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies."

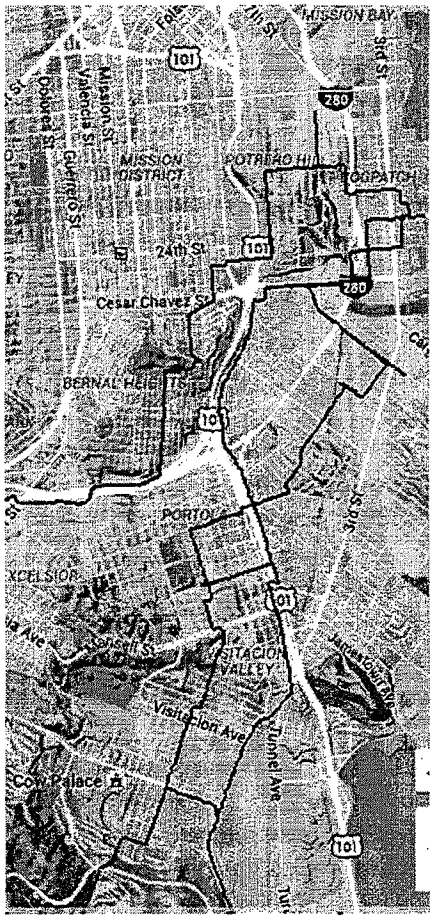
The project site is mapped in an area subject to the Slope Protection Act, adopted by the Board of Supervisors (BOS) in 2008. This ordinance created procedures for additional review of slope stability by

DBI for properties within certain mapped areas and established a Structural Advisory Committee for review of permit applications within this area. The BOS found that the public health, safety, and welfare would be best protected if the Building Official requires permits for new construction in these areas to undergo additional review for structural integrity and potential effects on slope stability, including submission to the Structural Advisory Commission for consideration. If the Structural Advisory Commission finds that a project would result in unsafe conditions that cannot be addressed to the satisfaction of the Committee, the Building Official must deny the permit. Thus, the existing regulatory program and requirements are sufficient to ensure that the proposed project would not result in a significant impact related to slope stability. Adherence to this ordinance has been found to adequately protect the public health, safety, and welfare.

The project site contains no other environmental resource of hazardous or critical concern that has been designated or precisely mapped. Therefore, the proposed project would not have a significant impact on environmental resources of hazardous or critical concern and this exception to the Categorical Exemption does not apply.

<u>Utilities.</u> PG&E Transmission Pipeline 109 runs under Folsom Street from the 280 freeway to Bernal Heights Boulevard, including under the project site, after which it circles Bernal Heights Park's eastern edge before continuing onto Alabama Street, Cesar Chavez Street and neighborhoods along Potrero Hill, Dogpatch and the Central Waterfront. The Pipeline's alignment takes it through a variety of residential neighborhoods in the southeast area of the City, and other similar pipelines run beneath streets in other areas of the city (see Figure 1). The presence of a gas transmission pipeline beneath areas adjacent to residential development is not unusual in San Francisco or throughout the state because residential homes are commonly served by gas lines.

Figure 1. Pipeline Transmission Network



According to PG&E, Pipeline 109 was installed in 1981 and was successfully strength tested at the time of installation. It has a maximum allowable operating pressure of 150 pound per square inch gage which is 19.8% of the pipe's specified minimum yield strength. It is patrolled at least quarterly, and is surveyed for leaks at least annually. The system PG&E uses to combat pipeline erosion is inspected every two months. PG&E also performs External Corrosion Direct Assessments, which involve excavation and physical inspection of the pipeline.

PG&E has stated that the construction of the two homes will present no particular issues with respect to patrolling and maintaining the pipeline, as the proposed home sites are no closer to the pipeline than existing residential properties on Folsom Street and other areas of San Francisco.

PG&E natural gas lines run under a number of small and large streets in San Francisco that have experienced, and will continue to experience, maintenance that includes earth movement, excavation and related work in proximity to a natural gas transmission line.

Section 4216.2(a)(1) of the California Government Code requires that any contractor or resident that excavates on private property must call 811 (Underground Service Alert (USA) North) at least two business days before excavation. USA will inform PG&E of the request to excavate and, in the case of work done in proximity to a pipeline such as that proposed by the Project Sponsor, require that a PG&E standby employee be contacted. PG&E staff must physically observe a safe excavation and must be present for any excavation within ten feet of their transmission lines, and will instruct and guide the excavating party, on-site, to avoid damage to the pipeline. These practices apply in the case of both housing construction and road improvements anywhere in San Francisco adjacent to a gas transmission pipeline. These practices, as required by law, are in place to ensure construction activities do not substantially affect underground services, including natural gas pipelines. Furthermore, PG&E regulations require review of proposed plans for any work within 10 feet of their facilities. Therefore, these regulations would ensure that no significant environmental effect would occur from construction in proximity to PG&E's natural gas pipeline.

In light of the above, there is no possibility that the proposed project would have a significant effect on the environment related to unusual circumstances with regards to the presence of the PG&E natural gas pipeline.

Emergency Access. While the width and grade of the proposed street improvement preclude the San Francisco Fire Department (SFFD) apparatus from traversing the proposed street, the proposed project would be required to conform to Fire Code Section 503.1.1, which mandates all portions of the exterior walls of the first story of any constructed building to be within 150 feet of an approved fire apparatus access road. Both Folsom Street and Bernal Heights Boulevard are accessible to SFFD apparatus and are within 150 feet of all portions of the exterior walls of the first floor of both proposed homes. Furthermore, the proposed homes include automatic sprinkler systems. As the proposed houses are within 150 feet of approved fire access roads and include automatic sprinkler systems, the proposed project conforms with the Fire Code and the project therefore does not present a hazardous condition with respect to public safety related to emergency access.

Aesthetics. The project site is located downhill from Bernal Heights Park and Bernal Heights Boulevard. The Urban Design Element of the General Plan includes three maps relevant to the proposed project: 1) Street Areas Important to Urban Design and Views, 2) Quality of Street Views, and 3) Plan to Strengthen City Pattern through Visually Prominent Landscaping. Neither Bernal Heights Boulevard nor Folsom Street is included on the map "Street Areas Important to Urban Design and Views". Bernal Heights Boulevard, Folsom Street and Chapman Street in the area of the proposed project are designated as having average views on the "Quality of Street Views map". Bernal Hill is identified as an important vista point to be protected on the "Plan to Strengthen City Pattern Through Visually Prominent Landscaping map".

The proposed project (two buildings reaching a height of 30 feet) would not obstruct views from Bernal Heights Park. The Bernal Heights East Slope Design Guidelines include roof treatment guidelines to minimize or avoid obscuring views, and the north elevation of the proposed project would comply with

the Bernal Heights East Slope Design Guidelines. Furthermore, the proposed roofs of the two buildings would sit below the elevation of Bernal Heights Boulevard.

Therefore, the two proposed 30 foot. tall buildings would not result in a substantial demonstrable adverse effect to any scenic views or resources.

Historic Resources. The project site is currently vacant, undeveloped land, and does not include any historic resources. Neither the project site nor the immediately surrounding neighborhood is within a historic district designated under federal, state or local regulations.

As the proposed project requires excavation up to a depth of 40 feet, it was subject to a Preliminary Archeological Review (PAR) by a Planning Department Archeologist. The PAR determined that the proposed project would result in no effect on archeological resources.[1]

Thus, the proposed project would not result in an adverse impact to a historic resource.

Geotechnical. The dimensions of each lot are 25 feet wide by 70 feet deep. Both lots have an approximately 32 percent slope from the north to south side of the lot. Each residence would be constructed on a flat building pad with concrete retaining walls used in the front and rear yard areas to provide access to the garage and create usable outdoor living areas. The buildings would be constructed using a spread footing and/or mat foundation, requiring excavation several feet in depth.

A geotechnical report was prepared for each of the two proposed residences (3516 and 3526 Folsom Street) and includes information gathered from a site reconnaissance by the geotechnical engineer and two soil borings, one on each lot.[2] Both borings encountered 3 to 4 feet of stiff clay and sandy soil over chert bedrock. No groundwater was encountered, though based on the hillside location and soil and bedrock morphology it is possible that groundwater seepage from offsite irrigation could be encountered during excavation on the project site.

The geotechnical reports include the same evaluation and recommendations given the adjacency of the two lots and similar geotechnical/geological site conditions. The project site was evaluated for potential liquefaction, landslides, surface rupture, lateral spreading, and densification and was found to have a low risk. The geotechnical reports indicate the project site is not within an identified landslide or liquefaction zone as mapped by the California Divisions of Mines and Geology.[3] The project site is in an area that would be exposed to strong earthquake shaking. However, the 2013 San Francisco Building Code (Building Code) requires the Site Classification and Values of Site Coefficients be used in the design of new structures to minimize earthquake damage. The geotechnical reports include seismic design

[1] Preliminary Archeological Review Log, September 26, 2013. A copy of this document, and all documents cited below, are available for public review at the San Francisco Planning Department. 1650 Mission Street, Suite 400, as part of Case file No. 2013.1383E.
[2] H. Allen Gruen, *Report Geotechnical Investigation Planned Residence at 3516 Folsom Street,* and *Report Geotechnical Investigation Planned Residence at 3526 Folsom Street,* August 3, 2013. Copies of these documents are available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1383E.
[3] California Department of Conservation, Seismic Hazard Zones, City and County of San Francisco, November 17, 2000. Available online at http://gmw.consrv.ca.gov/shmp/download/quad/SAN_FRANCISCO_NORTH/maps/ozn_sf.pdf. Accessed July 8, 2016.

parameters for use in the project design by the structural engineer, in compliance with the Building Code, during the building permit plan check process.

Both geotechnical reports conclude that the proposed improvements could be safely supported using a spread footing and/or mat building foundation, provided adherence to the site preparation and foundation design recommendations included in the reports. The San Francisco Building Code ensures the safety of all new construction in the City. Decisions about appropriate foundation and structural design are considered as part of DBI's permit review process. Prior to issuing a building permit for the proposed project, DBI would review the geotechnical report to ensure that the proposed project complies with building safety and seismic design standards, as well as compliance with the requirements of the Slope Protection Act. Therefore, potential damage to structures from geologic hazards on the project site would be addressed through compliance with the San Francisco Building Code. Thus, the proposed project would have no significant geotechnical impacts.

Shadow. The project site is located to the southwest of the Bernal Heights Community Garden. Therefore, a shadow analysis was prepared by the Project Sponsor/Architect. The shadow analysis provides simulations that show that the proposed project would cast new shadow 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 community garden mainly in the evening after 5:30 pm. In most cases throughout the year, the shadow cast by the proposed project either does not fall on the community garden or is contained within shadow already cast by existing structures on Gates Street.

While the proposed project would cast new shadow on the community garden, it is not expected to substantially affect the use or enjoyment of the Bernal Heights Community Garden such that a significant environmental effect would occur.

Transportation. Using the Planning Department's 2002 Transportation Impact Analysis Guidelines for Environmental Review (October 2002), the proposed project is estimated to generate approximately nine daily automobile trips. The change in traffic in the project area as a result of the proposed project would be indiscernible to most drivers. The proposed project would add a negligible increment of vehicle traffic to the cumulative long-term traffic increase on the neighborhood's roadway network. Thus, the project would not substantially affect the neighborhood's existing or cumulative traffic conditions.

Planning Code Section 242 requires, generally, two functional off-street parking spaces per residential unit in the Bernal Heights Special Use District. The proposed project includes two parking spaces per residential unit (four, in total). Guests and visitors arriving by car would be able to utilize nearby on-street parking. According to the Department's transportation impact analysis guidelines, the parking demand for the proposed project is three spaces. As the proposed project includes four spaces, there would be no parking shortfall.

San Francisco does not consider parking supply as part of the permanent physical environment and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of

travel. The small number of projected vehicle trips generated by the proposed project, approximately nine per day (which includes vehicle trips by the residents who would utilize the project's off-street parking), would not result in a parking deficit and therefore any secondary impacts from a parking shortfall on the environment would not ensue, including increased traffic congestion, emissions, safety or noise.

In light of the above, the proposed project would not result in any significant transportation impacts.

Biological Resources. Nearby Bernal Hill is a natural area that has been evaluated for the presence of birds and bird habitat. According to San Francisco Recreation and Parks' Significant Natural Resources Areas Management Plan (SNRAMP), two sensitive bird species have been observed at Bernal Hill: Say's phoebe (Sayornis saya) and Wilson's warbler (Wilsonia pusilla). There is also a single area of important bird habitat, which includes the entire grasslands area of Bernal Hill.

The project site contains trees and vegetation not unlike those found on Bernal Hill. The Project Sponsor would be required to comply with the Federal Migratory Bird Treaty Act (MBTA) as well as California Department of Fish and Game Code 3513 regarding the protection of nesting birds during construction. California Department of Fish and Wildlife (DFW) biologists have broadly defined the nesting season as February 1st through August 15th (although there are more specific dates for certain species of birds). If timing restrictions make it impossible to avoid the nesting season, the construction areas should be surveyed for nesting birds and active nests should be avoided. A biologist should inspect the construction areas for active nests. If adult birds are observed flying to and from a nest, or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest should be delayed until the nest is no longer active. The active nest should be watched, and when the chicks have left the nest and activity is no longer observed around the nest, it is safe to continue construction activity in the nest area.

As the proposed project would be required to comply with the MBTA and DFW regulations, and as there is abundant substantially similar, and protected, habitat available nearby on Bernal Hill, project construction would not have a significant effect on any bird species or their habitat and the development of these two lots, adjacent to other similar development, would not result in a significant impact on bird species or habitat.

Water Quality. The proposed project would not generate wastewater or stormwater discharges that have the potential to degrade water quality or contaminate a public water supply. Project-related wastewater and stormwater would flow to the City's combined stormwater/sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Treatment Plant prior to discharge into San Francisco Bay. Additionally, the proposed project is required to comply with the Stormwater Management Ordinance, which require the project to maintain or reduce the existing volume and rate of stormwater runoff at the site by retaining runoff onsite, promoting stormwater reuse, and limiting site discharges before entering the combined sewer collection system.

The proposed project would also be required to comply with requirements of the Construction Site Runoff Ordinance, which regulates the discharge of sediment or other pollutants from construction sites and prevents erosion and sedimentation due to construction activities. Furthermore, before the street

improvement permit can be finalized, SFPUC must review and approve the proposed plans. Therefore, the proposed project would not have significant environmental impacts related to water quality.

Cumulative Impacts. CEQA Guidelines Section 15300.2, subdivision (b), provides that a categorical exemption is inapplicable when the cumulative impact of successive projects of the same type in the same place, are significant. For the reasons discussed below there is no possibility that the proposed project in combination with reasonably foreseeable cumulative projects would have a significant effect on the environment.

The project as proposed in the Environmental Evaluation application is for the construction of two single-family residences on two vacant lots located on the "paper street" segment of Folsom Street as well as utility extensions and street improvements that would serve the two homes and four undeveloped lots along this segment of Folsom Street. The four adjacent lots are all under different ownership than the project lots and no Environmental Evaluation applications are on file with the Planning Department for development of those lots. Any future development proposals on the adjacent lots would require further environmental review and City approval.

Since the 3516 and 3526 Folsom Street project is the first proposed development on the "paper street" segment of Folsom Street, the project sponsor would be required to construct pedestrian and vehicular access to this segment of Folsom Street. The project sponsor has also agreed to construct utilities to service the remaining four undeveloped lots so as to avoid any need to excavate the improved section of Folsom Street in the event homes are proposed for the four remaining vacant lots in the future. At this time, it is unknown whether utilities would come from Bernal Heights Boulevard to the north or from Chapman Street to the south. This would be determined by PG&E and the SFPUC once the project is entitled. It is anticipated that utility lines would run under the entire length of the street extension, which would reduce or avoid the need for future utility-related construction activities should development occur on the adjacent lots.

Pursuant to CEQA, cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other physical environmental impacts. The proposed project would construct two single-family homes, improve a segment of Folsom Street, and provide utilities for the two proposed homes and four adjacent lots. While there are no Environmental Evaluation applications on file with the Planning Department for the four adjacent lots, the improvements proposed by the project would facilitate future development of those lots. The cumulative effects of the proposed project in addition to development of the four adjacent lots are addressed below.

Shadow. The vacant lots to the east of the project site would have the potential to shade the Bernal Heights Community Garden. If those lots are developed, they would be required to undergo environmental review in accordance with CEQA and would require a shadow analysis. As discussed above, the proposed project would shade a portion of the southwestern corner of the community garden mainly in the evening after 5:30 pm. Therefore, the proposed project would not result in a considerable contribution to any cumulative shadow impact that could result from development of the adjacent lots.

Transportation. The addition of two single-family residences would generate an estimated 9 daily vehicle trips. Should development occur on the four adjacent lots, which are each permitted to construct one

single-family residence, it is estimated that an additional 18 daily vehicle trips would be generated. The addition of 18 daily vehicle trips in combination with the proposed project's 9 daily vehicle trips would be dispersed through-out the day and would not be considered a substantial number of trips that could adversely affect the local transportation system.

In addition, any subsequent development would be required to comply with the same regulations as the proposed project including, but not limited to, compliance with the San Francisco Building and Fire Codes, Slope Protection Act, PG&E regulations for work in proximity to their pipeline, the SFPUC's Stormwater Management Ordinance and Construction Site Runoff Ordinance, the MBTA and DFW regulations protecting nesting birds and the Bernal Heights East Slope Design Guidelines. These regulations would ensure that development of the adjacent lots, would not result in significant effects to geology/soils, emergency access, water quality, utilities, biological resources, and aesthetics.

Thus, the proposed project would not result in a considerable contribution to any cumulative environmental impacts.

Conclusion. The proposed project satisfies the criteria for exemption under the above-cited classification(s). In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. For the above reasons, the proposed project is appropriately exempt from environmental review.

SAN FRANCISCO
PLANNING DEPARTMENT

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Discretionary Review Action DRA-0487

HEARING DATE: OCTOBER 13, 2016

Case Nos:	**2013.1383DRP-10 & 2013.1768DRP-09**
Project Address:	**3516 & 3526 Folsom Street**
Building Permit:	**2013.12.16.4318 & 2013.12.16.4322**
Zoning:	RH-1 (Residential House, One-Family) Zoning District Bernal Heights Special Use District 40-X Height and Bulk District
Block/Lot:	5626/013 & 014
Project Sponsor:	Fabien Lannoye & Anna Limkin 241 Amber Drive San Francisco, CA 94131
DR Requestor(s):	Bernal Safe & Livable (2013.1383DRP & 2013.1768DRP-08) *Representative*: Sam Orr 61 Gates Street San Francisco, CA 94110
	Marilyn Waterman (2013.1383DRP-02 & 2013.1768DRP-07) 61 Gates Street San Francisco, CA 94110
	Ann Lockett (2013.1383DRP-03) 61 Gates Street San Francisco, CA 94110
	Herb Felsenfeld (2013.1383DRP-04 & 2013.1768DRP-06) 3574 Folsom Street San Francisco, CA 94110
	Bernal Heights South Slope Organization (2013.1383DRP-05 & 2013.1768DRP-02) *Representative*: Kathy Angus 99 Banks Street San Francisco, CA 94110
	Nais Raulet (2013.1383DRP-06 & 2013.1768DRP-03) 75 Gates Street San Francisco, CA 94110

Gail Newman
(2013.1383DRP-07 & 2013.1768DRP-05)
3574 Folsom Street
San Francisco, CA 94110

Steven Piccus
(2013.1383DRP-08)
3580 Folsom Street
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Cyrena Torrey Simons & Marcus Sangho Ryu
(2013.1383DRP-09 & 2013.1768DRP-04)
Representative: Ryan Patterson, Zacks & Freedman
55 Gates Street
San Francisco, CA 94110

Bernal Heights East Slope Design Review Board
(2013.1383DRP-10 & 2013.1768DRP-09)
Representative: Terry Milne
321 Rutledge Street
San Francisco, CA 94110

Linda Ramey
(2013.1768DRP)
65 Gates Street
San Francisco, CA 94110

Staff Contact: Richard Sucre – (415) 575-9108

richard.sucre@sfgov.org

ADOPTING FINDINGS RELATED TO NOT TAKING DISCRETIONARY REVIEW OF CASE NOS. 2013.1383DRP, 2013.1383DRP-02, 2013.1383DRP-03, 2013.1383DRP-04, 2013.1383DRP-05, 2013.1383DRP-06, 2013.1383DRP-07, 2013.1383DRP-08, 2013.1383DRP-09, 2013.1383DRP-10, 2013.1768DRP, 2013.1768DRP-02, 2013.1768DRP-03, 2013.1768DRP-04, 2013.1768DRP-05, 2013.1768DRP-06, 2013.1768DRP-07, 2013.1768DRP-08, 2013.1768DRP-09, AND THE APPROVAL OF BUILDING PERMIT APPLICATION NO. 2013.12.16.4322 PROPOSING NEW CONSTRUCTION OF A TWO-AND-ONE-HALF-STORY SINGLE-FAMILY RESIDENCE ON EACH OF THE LOTS AT 3516 FOLSOM STREET (BLOCK 5626 LOT 013) AND 3526 FOLSOM STREET (BLOCK 5626 LOTS 014) WITHIN THE RH-1 (RESIDENTIAL, HOUSE, ONE-FAMILY) ZONING DISTRICT, BERNAL HEIGHTS SPECIAL USE DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On December 17, 2013, Fabien Lannoye and Anna Limkin filed Building Permit Application Nos. 2013.12.16.4318 & 2013.12.16.4322, which proposes new construction of a two-and-one-half-story single-

family residence on each of the lots at 3516 & 3526 Folsom Street within the RH-1 (Residential, House, One-Family) Zoning District, Bernal Heights Special Use District, and a 40-X Height and Bulk District.

On September 1, 2015, Linda Ramey (hereinafter "Discretionary Review (DR) Requestor"), filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2013.1768DRP) of Building Permit Application No. 2013.12.16.4318.

On September 15, 2015, Sam Orr, on behalf of the neighborhood organization, Bernal Safe & Livable (hereinafter "Discretionary Review (DR) Requestor"), filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2013.1383DRP & 2013.1768DRP-08) of Building Permit Application Nos. 2013.12.16.4318 & 2013.12.16.4322.

On September 15, 2015, Marilyn Waterman (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2013.1383DRP-02 & 2013.1768DRP-07) of Building Permit Application Nos. 2013.12.16.4318 & 2013.12.16.4322.

On September 15, 2015, Ann Lockett (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2013.1383DRP-03) of Building Permit Application No. 2013.12.16.4322.

On September 15, 2015, Herb Felsenfeld (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2013.1383DRP-04 & 2013.1768DRP-06) of Building Permit Application Nos. 2013.12.16.4318 & 2013.12.16.4322.

On September 15, 2015, Kathy Angus, on behalf of the neighborhood organization, Bernal Heights South Slope Organization (hereinafter "Discretionary Review (DR) Requestor"), filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2013.1383DRP-05 & 2013.1768DRP-02) of Building Permit Application Nos. 2013.12.16.4318 & 2013.12.16.4322.

On September 15, 2015, Nais Raulet (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2013.1383DRP-06 & 2013.1768DRP-03) of Building Permit Application Nos. 2013.12.16.4318 & 2013.12.16.4322.

On September 15, 2015, Gail Newman (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2013.1383DRP-07 & 2013.1768DRP-05) of Building Permit Application Nos. 2013.12.16.4318 & 2013.12.16.4322.

On September 15, 2015, Steven Piccus (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2013.1383DRP-08) of Building Permit Application No. 2013.12.16.4322.

On September 15, 2015, Cyrena Torrey Simons and Marcus Sangho Ryu (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2013.1383DRP-09 & 2013.1768DRP-04) of Building Permit Application Nos. 2013.12.16.4318 & 2013.12.16.4322.

On September 15 & September 16, 2015, Terry Milne, on behalf of the neighborhood organization, Bernal Heights East Slope Design Review Board (hereinafter "Discretionary Review (DR) Requestor"), filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2013.1383DRP-10 & 2013.1768DRP-09) of Building Permit Application Nos. 2013.12.16.4318 & 2013.12.16.4322.

On July 8, 2016, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

On October 13, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Applications 2013.1383DRP-10 & 2013.1768DRP-09.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

ACTION

The Commission hereby does not take Discretionary Review requested in Case Nos. 2013.1383DRP-10 & 2013.1768DRP-09, and approves Building Permit Application Nos. 2013.12.16.4318 & 2013.12.16.4322.

The reasons that the Commission took the action described above include:

1. The Commission found no extraordinary or exceptional circumstances in the case.
2. The Commission determined that no modifications to the project were necessary and they instructed staff to approve the project per plans marked Exhibit A on file with the Planning Department.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is issued. For further information, please contact the Board of Appeals at (415) 575-6881, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

I hereby certify that the Planning Commission did not take Discretionary Review and approved the building permits with conditions as reference in this action memo on October 13, 2016.

Jonas P. Ionin
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, and Richards

NAYS: None

ADOPTED: October 13, 2016

Application to Request a
Board of Supervisors Appeal Fee Waiver

CASE NUMBER:
For Staff Use only

APPLICATION FOR
Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

APPLICANT NAME:
Kathy Angus, Co-chair, BHSSO

APPLICANT ADDRESS:
99 Banks St.
San Francisco, CA
94110

TELEPHONE:
( ) See below

EMAIL:

NEIGHBORHOOD ORGANIZATION NAME:
Bernal Heights So. Slope Org.

NEIGHBORHOOD ORGANIZATION ADDRESS:
same as above

TELEPHONE:
(415) 648-4568

EMAIL:
kathyangus@comcast.net

PROJECT ADDRESS:
3516 & 3526 Folsom St.

PLANNING CASE NO.:	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY):
2013.1383 ENV	2013.12.16.4318 & 2013.12.16.4322	10/13/2016

2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

☑ The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.

☑ The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.

☑ The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.

☑ The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

For Department Use Only

Application received by Planning Department:

By: _____ Date: _____

Submission Checklist:

- ☐ APPELLANT AUTHORIZATION
- ☐ CURRENT ORGANIZATION REGISTRATION
- ☐ MINIMUM ORGANIZATION AGE
- ☐ PROJECT IMPACT ON ORGANIZATION

☐ WAIVER APPROVED ☐ WAIVER DENIED

SAN FRANCISCO PLANNING DEPARTMENT

Call or visit the San Francisco Planning Department

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

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FAX: **415.558.6409**
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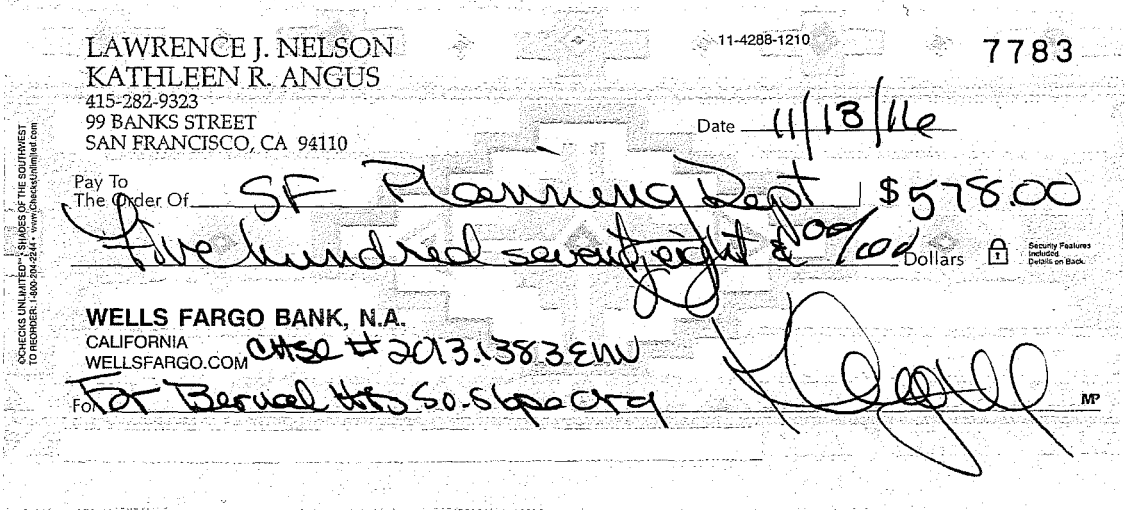
Planning staff are available by phone and at the PIC counter. No appointment is necessary.



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