BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
ERNIE BEFFEL,)
Appellant(s))
)
vs.)
)
SAN FRANCISCO PUBLIC WORKS)
BUREAU OF STREET USE & MAPPING,)
Respondent

Appeal No. **26-020**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on April 6, 2026, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on March 20, 2026 to PG&E, of an Excavation Permit at 25th Street (from Douglas Street to Homestead Street) and Homestead Street (Between 24th & 25th Street).

APPLICATION NO. 26EXC-00282 FOR

HEARING ON September 16, 2026

Address of Appellant(s):	Address of Other Parties:
Ernie Beffel, Appellant(s) 70 Homestead San Francisco, CA 94114	PG&E, Permit Holder(s) c/o Turner Nowak, Agent for Permit Holder(s)

Supplemental brief submitted by the appellant for the hearing on August 12, 2026

BOARD OF APPEALS

CITY AND COUNTY OF SAN FRANCISO

APPELLANT'S SECOND BRIEF FOR POSTPONED HEARING

Appeal No.: 26-020

Appeal Title: Beffel vs. SFPW-BSM

Subject Property: Homestead Street (Between 24th & 25th Streets)

Determination or Permit Type: Excavation Permit for "Pole Replacement"

Determination or Permit No.: 26EXC-00282

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I. SECOND HEARING DATE AND SWIFT ADOPTION BY BOARD OF SUPERVISORS OF RESOLUTION 260818

At the first hearing conducted on May 20, the Board of Appeals granted Appellant's request to postpone the hearing until August 12 to allow the Board of Supervisors to act on the Homestead Street neighbors' Rule 20B undergrounding petition. The BoS (presumably) acted on July 28, passing the attached Resolution 260818, which was introduced just before this brief was filed and presumably adopted after this filing.

Supervisor Mandelman accelerated the BoS resolution to follow immediately after a DPW hearing on July 22. The Land Use Committee conducted a hearing on Monday, July 26. The BoS voted on July 28, all within a week of the DPW hearing.

Appellant and his neighbors on Homestead Street urged DPW to schedule its hearing earlier than July 22. It takes about two weeks for notice requirements to be met. The Undergrounding Coordinator's email to DPW, PG&E and Appellant dated May 10 confirmed that a sufficient number of property owner signatures had been submitted "to warrant proceeding to Public Works hearing." Had circumstances within City government aligned, the hearing could have taken place before the end of May. Reportedly, extended consideration by the City Attorney's office delayed the DPW hearing until July 22, notwithstanding our requests for the hearing to take place on June 24 and on July 8.

The attached email from Renil Bejoy, Legislative Aide, Office of Board President Mandelman, includes a resolution that compressed the normal process of a first reading followed 30 days later by a second reading and adoption. Adopting a resolution, the BoS

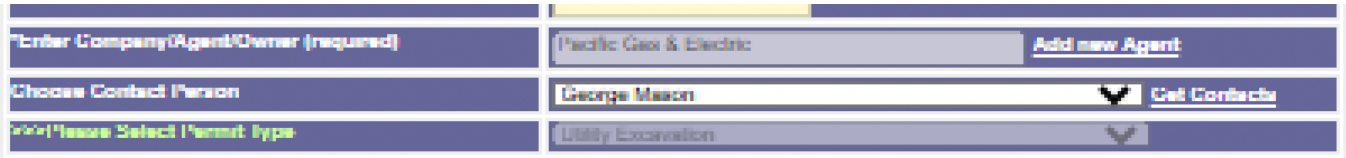
(presumably) acted twice within six days of the DPW hearing, conducting a Land Use Committee hearing on a Monday and adopting Resolution 260818 the next day.

Should there be any hiccup in the BoS process, Appellant will and hereby does request a further postponement of the hearing. Respondent DPW delayed its hearing on the Rule 20B petition that we submitted before the May 20 BoA hearing. The DPW hearing date of July 22 made it nearly impossible for the BoS to act prior to its August recess and prior to the August 12 BoA hearing.

II. STATEMENT OF FACTS

Appellant has lived on Homestead Street since 1987. Permit applicant PG&E is San Francisco's utility. Homestead Street is one block long, running north and south between 24th and 25th Street. From poles on the north side of 24th to those on the south side of 25th is about 620 feet. There presently are four poles on Homestead. The count of poles would increase to five if PG&E installed a new overhead primary power utility.

The permit application at issue was submitted by completing an online form. On behalf of PG&E, George Mason selected "replacing pole" and did not provide any narrative of the project, as shown in the excerpts provided by DPW from the application and permit:



*Type of facility:	Air Raid Siren You must hit "Add" to add this to your selection.	Add Delete	Sidewalk/Curb
Method	Open Cut: Sawcut	Problem/Request Date (Owner Requested Work or Problem Date)	01/16/2026
Reason	Replace Pole	Reason Description	

Construction Start Date	
Start Date	04/14/2026
Permit expires on:	5/12/2026
Purpose	Sidewalk/Curb
Type of facility:	
Excavation Reason	Replace Pole
Excavation Reason Description	
Method:	Open Cut: Sawcut
TrackingNumber1	35694804

Mr. Mason uploaded this annotated aerial photo, which shows four proposed pole positions but does not describe either the pole heights or the new utilities intended to be installed overhead. It does not identify the second pole from the bottom as a new, added pole. It shows multiple poles within the dripline of street trees.

On April 6, Appellant Ernie Beffel spoke with Mr. Mason and asked whether the new poles would be the same height as the poles replaced? I asked whether PG&E intended to add new utilities to the poles, specifically new high voltage power lines? Mr. Mason said that he did not know, that he had no details regarding what was intended. He did not describe any effort to make sure that PG&E's permit application was complete and accurate.

On April 7, Appellant spoke with PG&E's Project Supervisor Devin Campbell. Mr. Campbell said one pole that would be 10 feet taller and another that would be 15 feet taller than existing poles. He said that "primary voltage" would be carried by new utility lines on top of the new tall poles. We sent a follow-up email asking whether the new utility primary voltage would be 14k or 21k volts, as compared to the present 240-volt service? Mr. Campbell did not answer this question when he responded, even after my follow-up by email.

The trigger for these new poles and new utility lines, Mr. Campbell told me, was an upgrade of an electrical service rating from 100 amps to 200 amps for one home. New high voltage service for the whole block ostensibly was triggered by a 100 amp increase in *potential* load for one home. Appellant has not experienced any brown outs or low voltage as a result of the neighbor's service upgrade. PG&E has repeatedly refused to give a technical justification for new high voltage service or to discuss technical merits of Appellant's design alternative that would not require new primary voltage overhead utilities to increase capacity for service to 42 and 46 Homestead.

III. SUMMARY OF ARGUMENT

The three grounds for granting the appeal are:

- The BoS swiftly adopted Resolution 260818 in response to the Rule 20B petition. The Resolution makes it inappropriate to grant a permit for new overhead service.
- PG&E's permit application fails to give the public sufficient notice for readers of the application to determine whether to appeal. The permit was deceitfully obtained by omission and misdescription of the intended project.

- The DPW violated Article 16 Section 808(c)(e), which mandates that "the applicant shall submit a Tree protection plan to the Director for review and approval" before Public Works can issue a permit for excavation. David Steinberg's response on behalf of DPW and BUF to our record request confirms that no such Tree protection plan was submitted prior to issuance of the appealed permit for excavation.

First, at the May 20 hearing, the Board's President expressed his concern for giving the Board of Supervisors time to act. This can be seen at 13:00-13:30 in the video of the meeting. Respondent DPW nearly prevented action by the BoS by not scheduling a DPW hearing until July 22, just a week before the BoS's August recess. The BoS acted promptly and adopted the attached undergrounding resolution. Had more time been allowed, it might have been an ordinance instead of a resolution. The BoS has expressed its support as forcefully as the time table controlled by DPW would allow, with alacrity that is unusual for government bodies. The answer to the BoA President's concern about BoS response to the Rule 20B petition is yes, undergrounding is moving forward and no, new overhead utilities should not be permitted.

Second, neither the application nor the issued permit cover the intended construction. Thus, the public was not given notice of the intended construction as is needed to file a timely appeal. Notice came from an inquiry to an arborist who was wandering up and down Homestead Street, not from the permit application or the permit. Legally speaking, PG&E was deceitful in this application, as Mr. Mason did not make a reasonable inquiry about he project for which he made a permit application. Mr. Campbell clearly knew that the project was not to replace poles with like-kind poles, but Mr. Mason did not. Neither taller poles nor new utility

lines are authorized by permit 26EXC-00282 because the application merely asked to "replace pole". The public was not given notice by the permit application that would allow a timely decision on whether or not to appeal.

Third, the BoA has no discretion over DPW's failure to satisfy Article 16 section 908(c)(3). DPW violated the ordinance that requires submission of a Tree protection plan prior to grant of a permit, so this appeal must be allowed. The permit is void or voidable due to non-compliance with the tree protection plan requirement.

IV. BoS Resolution 260818 Supports a Grant of this Appeal

Circumstances have changed since PG&E submitted its application in January. The neighborhood submitted a Rule 20B petition for undergrounding of existing utilities and the BoS acted. Once we submitted the petition, PG&E became responsible for the cost of undergrounding its new primary voltage utilities, instead of sneaking them into place under a permit that says nothing about new overhead utilities. No new overhead utilities should be permitted, at least in the absence of agreement by PG&E that the cost of undergrounding temporary new utilities will be borne by PG&E, not by Homestead neighbors. In fairness, PG&E should underground the new utility service at its own cost and apply the cost of replacement poles on Homestead Street to undergrounding of existing utilities. It would be a waste of money to construct new overhead utilities following the BoS resolution for Rule 20B undergrounding.

Supervisor Mandelman advanced the Rule 20B petition after the postponement granted on May 20. The BoS adopted Resolution 260818, which at the time of this filing reads, in part:

> WHEREAS, Property owners on Homestead Street between 24th and 25th Streets ("Homestead Street") have approached San Francisco ("City") officials to request that the

Board of Supervisors initiate the process to underground existing overhead utilities on Homestead Street; and

WHEREAS, Pacific Gas and Electric Company (PG&E) currently proposes to upgrade the overhead electrical system on Homestead Street; …

WHEREAS, The City also supports the installation of underground electric lines, rather than investment in new overhead electric lines, when it is feasible and has enacted Public Works Code, Section 937 to require underground utilities in all new streets;…

WHEREAS, The Board of Supervisors supports making the necessary wiring changes for undergrounding at Homestead Street and **urges PG&E to discontinue overhead service in accordance with Rule 20B**, subject to future action by the Board to establish an assessment district that enables the City to fund the undergrounding costs upfront and recover those costs from the property owners on Homestead Street over time;…

RESOLVED, That the Board of Supervisors hereby adopts a **Resolution of Intent to initiate the process of undergrounding at Homestead Street between 24th and 25th Streets** and create an assessment district that enables the City to pay the necessary costs of the Homestead Street undergrounding upfront, and recover those costs from the benefited property owners over time; …

Resolution 260818 draft (attached) (emphasis added). Additional wording of the Resolution relates to formation of an Assessment District. The DPW Tool-Kit, downloadable from https://sfpublicworks.org/services/utility-undergrounding-information, describes how the process proceeds from here.

Following adoption of Resolution 260818, it would be inappropriate for DPW to grant an excavation permit that PG&E intends to use for installing new overhead utilities on Homestead Street.

V. Lack of Public Notice and a Legally Deceitful Application Support a Grant of this Appeal

The permit is void and voidable as deceptively submitted and not covering the intended construction. Mr. Mason said that he did not appreciate the discrepancy between the application he made and the actual design for the project. Nonetheless, the legal principle is that making a false statement without a reasonable inquiry as to the true facts is deceit. A deceitful application is void or voidable, either on administrative appeal or in court. On appeal, the Board of Appeals should void the permit application that was deceitfully made and revoke the permit that followed.

The permit application was to "replace pole." PG&E never intended to "replace pole[s]" with like-kind utilities. Mr. Campbell referred to the intended project as a service upgrade. New high voltage, primary voltage power lines and step down transformers were intended to be installed. No permit application was made that mentioned new overhead utility lines.

PG&E uploaded an aerial map with its application. It readily could have uploaded a description of the project intended with the new overhead utilities. PG&E's upload was incomplete and did not describe the actual plan for new overhead utilities.

One function of permit applications is notice to the public of the intended construction. It is not unusual for neighbors to appeal permits. They are given 15 days to appeal a permit. This Board of Appeals hears such appeals, including this one.

The permit application and granted permit are void and voidable because they do not inform the public of the intended construction clearly enough for neighbors to assess whether the permit should be appealed. The right to appeal a permit is only meaningful if the application

and resulting permit describe the intended construction. This permit does not give any notice of intent to install new primary power overhead on Homestead Street. The PG&E employee who signed the permit application did not even inquire to find out what construction was intended.

This appeal was only possible due to what an arborist said while walking Homestead Street. We could never have filed a timely appeal or marshalled a Rule 20B petition if the arborist had not truthfully answered our naïve questions.

The application cannot be amended during *de novo* review. The application needs to be voided, which consequentially voids the permit. This Board of Appeals should set a standard that requires clarity and forthright disclosure in future excavation permit applications by utilities and franchisees that use poles in San Francisco.

VI. Should a New Application be Submitted, the DPW Should Require Undergrounding of the New High Voltage, Primary Voltage Utility Lines

San Francisco had a consultant prepare a Utility Undergrounding Program Master Workplan Study, *supra*, submitted in July 2020. Under the Conclusion, section 4, page 47, the consultant wrote, "While this Study is identifying a plan to underground all existing overhead utilities, it is our recommendation to have policies in place to: **Minimize installation of new overhead utilities in the City**. These include overhead wires and wireless devices." (Emphasis added).

Now, the BoS has acted. The DPW should, following Resolution 260818, reject any new application that might be submitted for new overhead utility lines on Homestead Street. While some circumstances might justify new overhead utilities, the short, single block stretch of Homestead Street does not.

The DPW should require PG&E to give notice or the DPW itself should give notice if a new application related to Homestead Street is submitted, as the window for appealing a new permit is very short. Lack of notice for new overhead utilities is contrary to the City's general scheme for notifying neighbors who are impacted by new construction of their right to appeal.

If a replacement application similar to permit 26EXC-00282 is submitted, it should be denied or held in abeyance. Installation of new overhead high voltage power lines should not be allowed because doing so would be contrary to the policy of minimizing installation of new overhead utilities in the City and to Resolution 260818. If plans are submitted to the inspectors that depict new high voltage power lines or taller poles than currently in place, the inspectors should reject the plans.

Alternatively, any new permit application should be held in abeyance as the Rule 20B assessment district establishment moves forward.

VII. High Voltage Power Lines Should be Rejected as Unnecessary

A 100 amp increase in power delivery over 350 feet of transmission does not warrant installation of new high voltage power lines, either overhead or underground. It is 620 feet between high voltage power lines on 24th and 25th Streets. The DPW, CPUC and SF PUC should evaluate the alternative of increasing the gauge of line for 240v transmission instead of permitting new overhead utilities, as requested in the pending informal complaint now pending before the CPUC. Following the BoS's resolution, this is no longer an over-the-counter request to be automatically granted.

As a matter of fairness, PG&E must have decided to pursue new high voltage utilities over nine months ago, in order to have submitted its permit application in January. We filed a

petition and the BoS enacted legislation intended to lead to formation of an assessment district that will spread the neighbors' share of the cost for undergrounding over 20-30 years. It took years for PG&E to decide to replace power poles and install new utilities. The neighbors' task is more difficult than PG&E's decision, because of the multi-agency process involved.

As a further matter of administrative process, PG&E should be required to submit accurate permit applications to DPW. Then, PG&E/DPW should give neighborhoods notice of applications to install new overhead utilities, such as new high voltage power lines with step down transformers. This is crucial to implementing the recommendation of the Undergrounding Masterplan study. We can use Rule 20B to restart the utility undergrounding, which ran out of steam when Rule 20A money was exhausted by undergrounding of areas including affluent hillsides.

As a matter of economic efficiency, this is the perfect time for the neighbors to pay the difference between PG&E's contracted new pole costs and the cost of undergrounding existing utilities. PG&E set aside a definite amount of money for the project that was supposed to start on April 14 and presumably had a contract. We are saving PG&E a considerable sum, so it is only fair for that money to be redirected to the City's preferred undergrounding of utilities.

VIII. Article 16 Section 808(c)(3) Requires Grant of this Appeal

Article 16 section 808(c)(3) provides:

(3) **Prior to issuance of a Public Works permit for excavation**, construction, or Street work **that will occur within the dripline** of a Significant Tree, a Landmark Tree, or a Tree on any Street or other publicly owned property, **the applicant shall submit a Tree protection plan** to the Director for review and approval.

(Emphasis added). This is mandatory language. PGE did not satisfy section 808(c)(3) for this permit. DPW did not enforce this mandatory requirement, despite clear notice in the aerial photograph reproduced above of excavation within driplines of trees on Homestead Street.

Attached is David Steinberg's response of June 11 on behalf of DPW and BUF to our record request, which confirms that PG&E did not submit a Tree protection plan before this permit was granted or even through June 11th.

Moreover, there is no online facility for either the public or for DPW's permit processing engineers to find out from the Bureau of Urban Forestry whether a Tree protection plan has been submitted. This lack of an online tree protection plan submission registry makes the DPW's task unnecessarily difficult and prone to omissions.

Therefore, Article 16 section 808(c)(3) requires grant of this appeal

Respectfully submitted,

/signed Ernie Beffel/

Ernest J. Beffel, Jr.

70 Homestead Street

Subject: D8 Mandelman -- Support of Homestead Undergrounding
Date: Tuesday, July 21, 2026 at 5:24:29 PM Pacific Daylight Time
From: Bejoy, Renil (BOS)
To: Simon, Nahel (DPW), Thrasher, Eric (DPW - Contractor)
Attachments: 260818.docx

Hi Nahel, Eric,

I just wanted to state for the record for tomorrow's hearing that President Mandelman is strongly supportive of the undergrounding effort on Homestead street and believes it to be firmly in the public interest.

We have introduced a resolution of intention (attached) stating the Board's intent to underground the utility lines on Homestead street and expect it to pass the full board next week, the 28th of July.

Thank you for your setting this up!

Best,
Renil Bejoy
Legislative Aide
Office of Board President Mandelman, District 8
415-554-4488

[~~Resolution of~~Declaring Intent to I~~i~~nitiate ~~an~~ U~~u~~ndergrounding ~~process~~ Process - Homestead Street]

Resolution of Intent to initiate an undergrounding process for Homestead Street between 24th and 25th Streets;~~,~~ and making findings that undergrounding at this location is a general benefit to the public.

WHEREAS, Property owners on Homestead Street~~,~~ between 24th and 25th Streets ("Homestead Street") have approached San Francisco ("City") officials to request that the Board of Supervisors initiate the process to underground existing overhead utilities on Homestead Street; and

WHEREAS, Pacific Gas and Electric Company (PG&E) currently proposes to upgrade the overhead electrical system on Homestead Street; and

WHEREAS, On July 22, 2026, Public Works conducted a public hearing on an undergrounding proposal for Homestead Street; and

WHEREAS, A copy of a Public Works Order associated with this hearing is on file with the Clerk of the Board of Supervisors in File No. _____ and incorporated herein by reference; and

WHEREAS, The City supports undergrounding existing overhead electric lines in the City when it is feasible and has enacted Public Works Code, Article 18 to obtain potential public benefits from undergrounding that include improving the appearance of streets and eliminating visual obstructions; and

WHEREAS, The City also supports the installation of underground electric lines, rather than investment in new overhead electric lines, when it is feasible and has enacted Public Works Code, Section 937 to require underground utilities in all new streets; and

WHEREAS, Public Works Code, Article 18 establishes a process for the creation of underground districts to convert from overhead to underground electric wires using funds allocated by the electric utility, but the funds that PG&E allocated for converting from overhead to underground electric wires in the City have been expended, and PG&E is not authorized to allocate additional funding; and

WHEREAS, PG&E Electric Rule 20 - Replacement of Overhead with Underground Electric Facilities, includes Rule 20B, which provides an alternate path for undergrounding existing electric utility infrastructure when the process for undergrounding under Rule 20A using funds allocated by PG&E is not available; and

WHEREAS, Rule 20B.1.b allows cities to adopt "suitable legislation" that requires "the necessary wiring changes to be made" for an underground distribution system and "authorize[es] PG&E to discontinue its overhead service" upon completion of the underground facilities; and

WHEREAS, The Board of Supervisors supports making the necessary wiring changes for undergrounding at Homestead Street and urges PG&E to discontinue overhead service in accordance with Rule 20B, subject to future action by the Board to establish an assessment district that enables the City to fund the undergrounding costs upfront and recover those costs from the property owners on Homestead Street over time; and

WHEREAS, The PG&E Electric Rule 20 Guidebook dated July 2023 ("PG&E Rule 20 Guidebook") states that PG&E may waive the federal income tax component of contribution that is part of the cost of undergrounding if a project is of "general public benefit"; and;"

WHEREAS, Based on the Public Works July 22, 2026 hearing, the Board of Supervisors finds that undergrounding at this location will provide a "general public benefit" pursuant to the PG&E Rule 20 Guidebook; now, therefore, be it

RESOLVED, That the Board of Supervisors hereby adopts a Resolution of Intent to initiate the process of undergrounding at Homestead Street between 24th and 25th Streets and creat~~ing~~e an assessment district that enables the City to pay the necessary costs of the Homestead Street undergrounding upfront, and recover those costs from the benefited property owners over time; and, be it

FURTHER RESOLVED, That the Board of Supervisors urges City departments to: (a) assist the property owners in their effort to develop project plans and a cost estimate approved by PG&E, and (b) return to the Board with the projected costs associated with the undergrounding of Homestead Street so that the Board can rely on this information for the creation of an assessment district to reimburse City costs associated with undergrounding, including planning, review, and other costs that City departments will incur; and, be it

FURTHER RESOLVED, That the Board of Supervisors finds that undergrounding at this location will provide a “general public benefit” pursuant to the PG&E Rule 20 Guidebook for the reasons identified in this Resolution.

Subject: RE: [Document Released] City and County of San Francisco public records request #26-5076
Date: Thursday, June 11, 2026 at 1:42:29 PM Pacific Daylight Time
From: Steinberg, David (DPW)
To: ebeffel@me.com
Attachments: ~WRD0001.jpg, image001.png

Hi Ernie,

BUF says: Cadhan has no records of tree protection comments for any Homestead St address, and we also do not have any records from PG&E.

-d.

David A. Steinberg (he/him/his)
Custodian of Records & Executive Assistant to the Director
San Francisco Public Works | City and County of San Francisco
49 South Van Ness Avenue, Suite 1600 | San Francisco, CA 94103 | (628) 271-2888
sfpublicworks.org

For public records requests, please go to sfpublicworks.org/records.

From: ebeffel@me.com <ebeffel@me.com>
Sent: Thursday, June 11, 2026 11:02 AM
To: Steinberg, David (DPW) <david.steinberg@sfdpw.org>
Subject: FW: [Document Released] City and County of San Francisco public records request #26-5076

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi David,

Thank you for your response. Much appreciated!

The documents produced are responsive to our request for "copies of all tree protection and/or removal submissions, including submissions required to comply with Article 16, section 808 (C) (3), which the Bureau of Urban Forestry has received in the last 12 months for Homestead Street."

There are no documents included that are tree protection or tree removal applications by PG&E. Please confirm that lack of such documents in the production means that there were no such applications by PGE in DPW's documents.

I am asking for confirmation because of Cadhan's comments in the thread regarding tree protection plans, which could confuse a reader.

Best regards, Ernie
415-902-6112

From: CCSF Public Records <messages@nextrequest.com>
Date: Thursday, June 11, 2026 at 9:24 AM
To: ebeffel@me.com <ebeffel@me.com>
Subject: [Document Released] City and County of San Francisco public records request #26-5076

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City and County of San Francisco Public Records

Documents have been released for record request #26-5076:

- 24 Homestead St pic 5.jpg
- 24 Homestead St pic 6.jpg
- 24 Homestead St pic 7.jpg
- 24 Homestead St pic 8.jpg
- 24 Homestead St pic 9.jpg
- 24 Homesatead St removal application 806916-307925.pdf
- 24 Homestead St pic 1.jpg
- 24 Homestead St pic 2.jpg
- 24 Homestead St pic 3.jpg
- 24 Homestead St pic 4.jpg
- 96 Homestead St removal application 802376-306389-redacted.pdf

View Request 26-5076

https://url.avanan.click/v2/r01/___https://sanfrancisco.nextrequest.com/requests/26-5076___.YXAzOnNmZHQyOmE6bzo0MjgzM2E2Zjg4NGRlMjBjYTU5ODRjY2ZjNDJiYTZhMjo3OjczN2Y6ZDJkMTdjZWQ1OWVkMjQ5N2MzMGJlYWZhZDAxYzJkZDRlMWNhOTEwM2M1MzVmMDNhOTEyMzEyYjNiMTExYzFjYTp0OlQ6Tg

Document links are valid for one month. After July 11, you will need to sign in to view the document(s).

Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.

Technical support: See our help page

Brief submitted by the permit holder for the hearing on August 12, 2026

Juan Oldham
Director
Enterprise Public Works

300 Lakeside Drive
Oakland, CA 94612

July 27, 2026

Board of Appeals
Building Division
City and County of San Francisco

Re: Response to Appeal No. 26-020

Introduction

I represent Pacific Gas and Electric Company ("PG&E") in permitting matters concerning the work at 46 Homestead and adjacent locations impacted by the project. PG&E is seeking a ministerial excavation permit from the City and County of San Francisco to construct electric equipment in the public right-of-way where PG&E's existing overhead infrastructure exists. PG&E has the right to occupy public streets under its franchise agreement with the City.

PG&E submitted the necessary permit applications and supporting documentation and followed the City and County of San Francisco's process in the Public Works Code for this electrical equipment upgrade. The California Public Utilities Commission has sole jurisdiction over the design of PG&E's electric facilities. The equipment being installed is critically needed to support the area load, not a single customer. Once you have reviewed the points and authorities summarized below, PG&E respectfully requests that the City promptly issue the excavation permit for the project.

Summary of Work

A PG&E customer at 46 Homestead (PM 35694804) requested a panel upgrade and relocation. The existing 100-amp panel with overhead service would be replaced with a proposed 200-amp, 120/240V, single-phase overhead service. The additional load requires a transformer replacement from 25 kVA to 50 kVA to meet loading requirements. Due to pole-loading calculations, the new transformer requires the replacement of three poles on this line and the addition of a new pole. To increase reliability, a second 25 kVA transformer is being upgraded to a 50 kVA transformer, and customers on Homestead will be reassigned to a new transformer. There is no change to the mainline primary voltage of 12 kVA.

Objection to Appeal of Permit 26EXC-00282

The work PG&E is performing would be governed by a ministerial permit. This is a "by-right" permit. If a project meets all specific criteria in the Public Works Code, the City should approve it. The City cannot deny the permit based on its own opinion or judgment. PG&E has the right to occupy public rights of way under its franchise agreements with the City, which allow the utility to use public streets to distribute electricity, including the maintenance and upgrade of its system.

The project at 46 Homestead is a routine service upgrade and should not be subject to discretionary permitting.

Ernie Beffel, a San Francisco resident on Homestead Street, contends that a Rule 20B Utility Undergrounding District (UUD) prevents PG&E from installing additional overhead facilities. That position is factually incorrect. Any proposed undergrounding of utilities is separate from the customer-requested service upgrade and reliability work at issue in this appeal. Any application to underground Homestead Street should be addressed independently through the Rule 20B process. It is not appropriate to delay or defer action on this excavation permit pending the completion of application for a Rule 20B undergrounding project.

Before any Rule 20B undergrounding project can move forward, the required process must be completed, including property-owner petitions, creation and approval of an assessment district, a public hearing, and utility agreements covering plans, labor, materials, and payment. Those steps have not been completed for Homestead, and PG&E is not aware of any active Rule 20B project that would replace or delay the work at issue here. PG&E remains obligated to proceed with the customer-requested service upgrade and related reliability work without further delay. Because no completed Rule 20B process presently changes PG&E's authority or obligations, the appealed permit should be evaluated based on PG&E's existing duty to provide safe and reliable service.

PG&E has a "duty to serve" under California law to provide safe, reliable, and reasonably priced gas and electric service to all customers within its service territory. Regulated by the CPUC, this mandate requires the utility to maintain equipment and promptly restore outages. This includes providing service when requested within PG&E's service territory. This project was a customer-initiated request and under the duty to serve we need to proceed with the installation and upgrades to reliability.

I respectfully request that the Board of Appeals deny the Appellant's Appeal No. 26-020 and proceed with issuance of the excavation permit 26EXC-00282.

Juan Oldham
Director of Enterprise Public Works
Pacific Gas and Electric

DPW did not submit a supplemental brief for the hearing on August 12, 2026. DPW's brief submitted for the hearing on May 20, 2026 can be found on page 65 of the supporting documents.

Documents submitted for the hearing on May 20, 2026

Date Filed: April 6, 2026

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT FOR APPEAL NO. 26-020

I / We, **Ernie Beffel**, hereby appeal the following departmental action: **Issuance** of **Excavation Permit No. 26EXC-00282** by **San Francisco Public Works, Bureau of Street Use & Mapping** which was issued or became effective on: **March 20, 2026**, to: **PG&E,** for multiple locations on **Homestead Street (Between 24th & 25th Streets)**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **April 30, 2026**, **(no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, corey.teague@sfgov.org, Javier.rivera@sfpw.org and s9cv@pge.com .

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **May 14, 2026**, **(no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, corey.teague@sfgov.org, Javier.rivera@sfdpw.org and ebeffel@me.com

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, May 20, 2026, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place.** The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:
See attachment.

From: ebeffel@me.com
To: Lamarre, Julie (BOA); Bejoy, Renil (BOS)
Subject: Appeal of Utility Permit 26EXC-00282
Date: Monday, April 6, 2026 1:26:10 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms. Lamarre,

I hereby appeal issuance to PGE of permit 26EXC-00282. I understand that the hearing will by on May 20. We are acting as quickly as practical, having not received any notice of an application or permit. I have spent the morning at 49 S. Van Ness learning what is afoot.

Neighbors on Homestead are preparing a request for undergrounding, under Rule 20B. It would be a waste for PGE to spend money on new poles instead of using it for under grounding.

A PGE contractor told us last week that PGE does not plan a like-kind replacement of poles, as it appears in the issued permit. Reportedly, PGE plans new, taller poles as on 25th Street with high voltage power lines and step down transformers.

We appeal. First, high voltage lines are not mentioned in the like kind replacement application and permit.

Second, the Masterplan on the Utility Undergrounding web page, at page 48, section 4, the City's policy is that new utilities should go underground, not overhead.

Third, high voltage lines would be a waste, as the block is fed from both ends, so the 240 volt power travels only 400 feet.

Fourth, the neighbors need time to make a Rule 20 application. We also would appreciate a point of contact.

Fifth, PGE should not be allowed to waste ratepayers' money replacing poles when a request for undergrounding is in process. Everyone that I've spoken to on Homestead St agrees that we should pursue undergrounding. Supervisor Mandelmen's staff is helping us. We are trying

Sixth, a tree removal permit also will be required for two trees that have been tagged for removal at 85 Homestead St.

Seventh, if the permit fails tot describe e the true planned scope of work, resubmission is necessary.

Respectfully submitted,

Ernie Beffel
70 Homestead St.
San Francisco, CA 94114
[redacted]

With support of numerous neighbors on Homestead St.

City and County of San Francisco
San Francisco Public Works - Bureau of Street Use and Mapping
49 South Van Ness Ave, Suite 300 - San Francisco, CA 94103
sfpublicworks.org - tel (628) 271-2000

26EXC-00282 ***Utility Excavation Permit***

Address : Multiple Locations **Cost: $179.00** **Block: Lot: Zip:**

Pursuant to Article 2.4 of the Public Works Code in conjunction to DPW Order 187,005 permission, revocable at the will of the Director of Public Works, to excavate and restore the public right-of-way is granted to Permittee.

Pacific Gas & Electric

Name: Pacific Gas & Electric

MANDATORY COORDINATION WITH CONFLICTING PERMITS IS REQUIRED. PERMIT HOLDER SHALL NOT COMMENCE WORK WITHOUT FIRST PROPERLY COORDINATING WITH EXISTING PERMIT HOLDERS AS NOTED ON THE EXCEPTION PAGE(S) OF THIS PERMIT. IF THIS PERMIT CONFLICTS WITH A CITY PROJECT OR OTHER APPROVED PERMIT, THE PERMIT HOLDER OF THIS PERMIT SHALL BE RESPONSIBLE FOR THE PROPER COORDINATION AND EVALUATION OF THE SITE PRIOR TO COMMENCING WORK.

EmergencyConfirmationNumber	
Conditions	Requirements listed on the Conditions page(s) are applicable to Pacific Gas and Electric: Backfill and restoration shall be per Public Works Order 187,005, Regulations for Excavating and Restoring Streets in San Francisco, or as directed by the Public Works Inspector. The permittee shall comply with Code Section 2.4.50(a), post and maintain notice(s) at the site of the excavation 72 hours prior to start of construction. If the work is anticipated to take longer than fourteen (14) calendar days, Permittee shall comply with Code Section 2.4.50(b)(i), provide written notice(s) delivered by mail to each property owners on the block(s) affected by the excavation at least thirty (30) days prior to start of construction. Permittee shall also comply with Code Section 2.4.50(b)(ii) and (b)(iii), post and maintain notice(s) at the site of the excavation and deliver a written notice to each dwelling unit on the block(s) affected by the excavation at least ten (10) days prior to start of construction. The permittee shall comply with all existing traffic controls and parking restrictions. The permittee shall also comply with any additional restrictions under the Special Traffic Permit issued by SFMTA. For

	information related to construction traffic restrictions please reference the latest edition of Regulations for Working in San Francisco Streets, the Blue Book. To download a copy of the Blue Book, please visit https://www.sfmta.com/services/streets-sidewalks/construction-regulations. When drilling/excavating in the sidewalk, entire sidewalk flag(s) must be replaced to adjacent score lines. Restore in-kind to match existing attributes and as directed by city inspector. Portland cement work. The permittee shall restore the entire concrete panels affected by the excavation from joint to joint. Restore in-kind to match existing attributes and as directed by city inspector. For concrete gutter, parking strip or concrete street segment when is excavated, Permittee shall remove and replace the entire concrete section from construction joint to construction joint. (No new construction joint will be allowed) For more detailed information regarding Regulations for Excavating and Restoring Streets in San Francisco, please refer to DPW Order 187005. For more detailed information regarding Paving Restoration Requirements, please refer to DPW Order 187005, Section 12. Permit it has been approved for the street segment that Permittee requested. If during the process of the excavation of the project. It is determined that the proposed work extends to portion of street segment(s) that are not approved as part of this permit. Also, if the project will require more street space. Or, due to a request of a new start date, or new duration of the permit. Permittee is required to file a new application for the excavation and construction of the disturbed sides of street segments per DPW-ORDER No.-187,005. And provide all documentation again: Diagrams, Notifications, mailing list. Permit Holder shall coordinate with other jurisdictional City Agencies (MTA, etc.) if further coordination is required associated to project scope of work. If a tree planter or landscaping is affected, it is the Permittee's responsibility to contact the Bureau of Urban Forestry (BUF), urbanforestry@sfdpw.org.
24 Hour / 7 Day Contact:	800-pge-5000
Service Address/Project:	EP 46 HOMESTEAD ST SAN FRANCISCO

Construction Start Date	
Start Date	04/14/2026
Permit expires on:	5/12/2026
Purpose	Sidewalk/Curb
Type of facility:	
Excavation Reason	Replace Pole
Excavation Reason Description	
Method:	Open Cut: Sawcut
TrackingNumber1	35694804
TrackingNumber2	
Project Size	36
Inspection	Work shall not commence until this permit has been activated by Public Works. The permittee shall contact Public Works at dpw-bsminspects@sfdpw.org or (628) 271-2000 to activate the permit and schedule inspection at least 72 hours prior to work. Failure to follow the activation process prior to commencing work may result in a correction notice and possible notice of violation.

The undersigned Permittee hereby agrees to comply with all requirements and conditions noted on this permit

Approved Date : 03/20/2026

When drilling/excavating in sidewalk area, entire flag(s) must be replaced.

Applicant/Permitee Date

Distribution:
Inside BSM: Utility Inspection

Printed : 3/20/2026 9:22:41 AM Plan Checker Michael Abella

STREET EXCAVATION REQUIREMENTS:
1. Permits are subject to appeal in accordance to San Francisco Charter and San Francisco Municipal Codes.
2. Permittee shall call Underground Service Alert (U.S.A.), telephone number 811, 48 hours prior to any excavation.
3. Permittee shall follow the standards for temporary towaway/no parking signs established in DPW Order 183160 and Section 724.3, Placard and Signs.
4. Permittee shall activate the tow-away signs with San Francisco Municipal Transportation (SFMTA) online at http: \www.sfmta.com/permits/construction-tow-away-zones.
5. Permittee shall contact Public Work (BSES) 415-695-2134 to schedule and coordinate removal or relocation of city trash receptacle prior to starting work.
6. Permittee shall contact Public Work BSM newsrack.inspector@sfdpw.org to schedule and coordinate removal or relocation of news rack from the public right of way prior to starting work.
7. All work including sidewalk and pavement cutting and removal, lagging, excavation, backfill, and sidewalk and pavement restoration shall be done by a licensed contractor and in accordance with the requirements of the latest edition of Standard Specifications and Plans of San Francisco Public Works, and Department of Public Works Order Nos. 187,005.
8.a) Concrete Bus pads shall be constructed in accordance with the most current revision of San Francisco Public Works Standard Plan, File No. 96,607 and Public Works Order Nos. 183872.
b) Reinforced concrete sidewalk shall be constructed in accordance with the most current revision of San Francisco Public Works Standard Plan File No. 96,608.
9. Sidewalk and permanent pavement marking restoration shall include but not limit to the replacement of traffic lane and crosswalk striping, parking stall markings, and curb painting that might have been damaged during street excavation. For permanent pavement marking restoration, the permit holder shall visit San Francisco Municipal Transportation Agency (SFMTA) website at https://www.sfmta.com/pavement-restorationrestriping-request-utility-excavation.
10. Permittee shall submit a non-refundable fee to Bureau of Street-Use and Mapping to pay for City Inspection of the backfill and pavement restoration. At least 72 hours in advance, the permittee shall contact the Street Improvement Section Inspectors at dpw-bsminspects@sfdpw.org or (628) 271-2000 to schedule an inspection.
11. Permittee shall file and maintain an excavation bond in the sum of $25,000.00 with the Department of Public Works, to guarantee the maintenance of the pavement in the excavation area for a period of 3 years following the completion of the backfill and pavement restoration pursuant to Article 2.4.40 of the Public Works Code.
12. Permittee shall conduct construction operations in accordance with the requirements of Article 900 Section 903(a) and (b) of the Traffic Code. The permittee shall contact the SFMTA via email to trafficpermits@sfmta.com, for specific restrictions before starting work.
13. Permittee shall obtain the required permits, if any, from regulating agencies of the State of California.
14. Permittee shall verify the locations of any City or public service utility company facilities that may be affected by the work authorized by this permit and shall assume all responsibility for any damage to such facilities. The permittee shall make satisfactory arrangements and payments for any necessary temporary relocation of City or public utility company facilities.
15. Permittee shall pay the required fee for sewer installation permit at the Department of Building Inspection, Permit Center, 49 South Van Ness, 2nd floor and arrange for inspection of this work, telephone 628-652-3450.
16. Permittee shall obtain a tree permit from Urban Forestry before planting/removing any tree or shrub. Contact at (628) 652-8733.
17. Per DPW Order 201,954, the recycling of Cobble Stones and Granite Curb shall follow as:
a. Cobblestones shall be clean of dirt prior to transporting. Extreme care shall be taken during the transporting the cobblestones to minimize damage before delivery to City. The cobblestones shall be neatly and securely placed on pallets so they can be moved about safely after the delivery, The Minimum size of cobblestone shall be 4 inches square (16 square inches). The cobblestones shall be delivered, including off loading, to 701 14th Street on Treasure Island or at alternative location directed by the Department within the City of San Francisco. Contact the Department forty-eight hours (48 hours) prior to delivery. The Department can be reached at (415) 641-2627.
b. Granite Curb shall be neatly and securely placed on pallets so they can be moved about safely after delivery. The Contractor shall exercise care in transporting the granite curb to minimize damage. The length limit of recyclable granite curbs shall be no less than four feet. The granite curb shall be delivered, including off loading, to 701 14th Street on Treasure Island or at an alternative location directed by the Department within the City of San Francisco. Contact Bureau of Street and Sewer Repair (BSSR) at least forty-eight hours (48 hours) prior to delivery. BSSR can be reached at (415) 695-2087.
18. In consideration of this Permit being issued for the work described in the application, Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.
19. Permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, Permittee or its subcontractors, or the officers, agents, or employees of either, while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit, or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, facilities or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real or personal property, good will, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and (iv) any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by Permittee in, under, on or about the property subject to this Permit or into the environment. As used herein, "hazardous material" means any substance, waste or material which, because of its quantity, concentration of physical or chemical characteristics is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment.
20. Permittee must hold harmless, indemnify and defend the City regardless of the alleged negligence of the City or any other party, except only for claims resulting directly from the sole negligence or willful misconduct of the City. Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any claim which actually or potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.
21. Pursuant to state law, all survey monuments must be preserved. No work (including saw cutting) may commence within 20' of a survey monument until an application for Monument Referencing has been approved and notification of monument referencing has occurred. Prior to construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or Record of Survey if any construction will take place within 20 ft. of a monument. For any questions please email Monument.Preservation@sfdpw.org or call 628-271-2000. Note, all survey monuments shall be preserved per state law and disturbance of a survey monument is a crime.
Not all survey monuments are visible.
22. Permittee shall obtain and maintain through the terms of this Permit general liability, automobile liability or workers' compensation

insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any work done under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.

23. Permittee and any permitted successor or assign recognize and understand that this permit may create a possessory interest.

24. If sidewalk finish grade is to be altered, permittee shall replace, relocate and reset pull boxes as necessary to ensure pull boxes are flush with sidewalk, not damaged and not covered, filled or sprayed with concrete and debris, etc. Permittee shall also raise or lower street light, signal poles and other city poles/infrastructure as necessary to ensure anchor bolts and hand holes are not buried or that base of pole is elevated above sidewalk surface.

Permit Addresses

26EXC-00282

*RW = RockWheel, SMC = Surface Mounted Cabinets, S/W = Sidewalk Work, DB = Directional Boring, BP= Reinforced Concrete Bus Pad, UB = Reinforced Concrete for Utility Pull Boxes and Curb Ramps
Green background: Staging Only

Number of blocks: 4 Total repair size:36 sqft Total Streetspace:400 Total Sidewalk: sqft

ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
2	25TH ST	DOUGLASS ST	HOMESTEAD ST	North	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	0	0	100	
1		DOUGLASS ST	HOMESTEAD ST	South	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	0	9	100	
	Total					**0**	**9**	**200**	
4	HOMESTEAD ST	24TH ST	25TH ST	East	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	0	27	100	
3		24TH ST	25TH ST	West	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	0	0	100	
	Total					**0**	**27**	**200**	

Exceptions - Coordination

It is mandatory that you coordinate your permit with the following jobs listed. You will be required to call each contact listed and create a note including the date contact was made, agreed coordination, name of contact, or date message(s) left if unable to reach a contact.

Street Use Conflicts:

Job #	Activity	Contact	
24EXC-02776	**M Squared Construction - Conflict with existing excavation permit. It is mandatory that you coordinate all work for joint paving.**	**M Squared Construction 415-661-6902 - 415-661-6902**	☐
Your Notes:			
Streets:	25TH ST / DOUGLASS ST - HOMESTEAD ST -		

Permit Conflicts:

permit	Dates	Agency	Contact	
Your Notes:				
Streets:				

Exceptions

26EXC-00282

Street Name	From St	To St	Message	Job	Contact	Dates
25TH ST						
	DOUGLASS ST	HOMESTEAD ST -	Prior to construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey if any construction will take place within 20 ft of a monument. For any questions, please email Monument.Preservation@sfdpw.org. Note, all survey monuments shall be preserved per state law and disturbance of a survey monument may be a crime.	Lead Plug W/ Brass Tack		
	DOUGLASS ST	HOMESTEAD ST -	Prior to construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey if any construction will take place within 20 ft of a monument. For any questions, please email Monument.Preservation@sfdpw.org. Note, all survey monuments shall be preserved per state law and disturbance of a survey monument may be a crime.	Nail & Brass Tag		
HOMESTEAD ST						
	24TH ST	25TH ST -	Conflict with existing Street Use Permit.	17MSE-0098	Refer to Agent - Refer to Agent	
	24TH ST	25TH ST -	Conflict with existing Street Use Permit.	22MSE-00034	Refer to Agent - Refer to Agent	
	24TH ST	25TH ST -	Conflict with existing Street Use Permit.	23ECN-00546	Oscar Delgadillo @ 510-867-0073 - (415) 337-2934	Sep 14 2023-
	24TH ST	25TH ST -	Conflict with existing Street Use Permit.	23MSE-00080	415-543-5005 - 415-543-5005	

No Diagram submitted

BRIEF SUBMITTED BY THE APPELLANT(S)

BOARD OF APPEALS

CITY AND COUNTY OF SAN FRANCISO

APPELLANT'S BRIEF

Appeal No.: 26-020

Appeal Title: Beffel vs. SFPW-BSM

Subject Property: Homestead Street (Between 24th & 25th Streets)

Determination or Permit Type: Excavation Permit for "Pole Replacement"

Determination or Permit No.: 26EXC-00282

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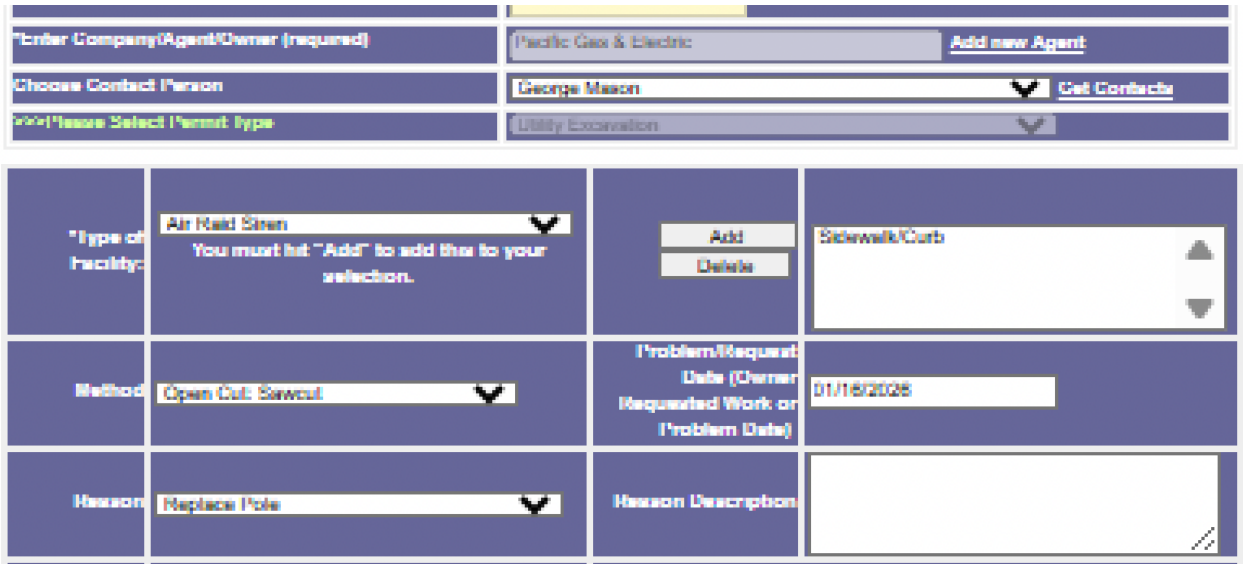
I. STATEMENT OF FACTS

Appellant has lived on Homestead Street since 1987. Permit applicant PG&E is San Francisco's utility. Homestead Street is one block long, running north and south between 24th and 25th Street. From poles on the north side of 24th to those on the south side of 25th is about 620 feet. There presently are three poles on Homestead.

The permit application at issue was submitted by completing an online form. On behalf of PG&E, George Mason selected "replace pole" and did not provide any narrative of the project, as shown in the excerpts provided by DPW from the application and permit:



Construction Start Date	
Start Date	04/14/2026
Permit expires on:	5/12/2026
Purpose	Sidewalk/Curb
Type of facility:	
Excavation Reason	Replace Pole
Excavation Reason Description	
Method:	Open Cut: Sawcut
TrackingNumber1	35694804

Mr. Mason uploaded this annotated aerial photo, which shows four pole positions but does not describe either the pole heights or the new utilities intended to be installed overhead. It does not identify the second pole from the bottom as a new, added pole.

On April 6, Appellant Ernie Beffel spoke with Mr. Mason and asked whether the new poles would be the same height as the poles replaced? I asked whether PG&E intended to add new utilities to the poles, specifically new high voltage power lines? Mr. Mason said that he did not know, that he had no details regarding what was intended. He did not describe any effort to make sure that PG&E's permit application was complete and accurate.

On April 7, Appellant spoke with PG&E's Project Supervisor Devin Campbell. Mr. Campbell said one pole that would be 10 feet taller and another that would be 15 feet taller than existing poles. He said that "primary voltage" would be carried by new utility lines on top of the new tall poles. We sent a follow-up email asking whether the new utility primary voltage would be 14k or 21k volts, as compared to the present 240-volt service? Mr. Campbell did not answer this question when he responded, even after my follow-up by email.

The trigger for these new poles and new utility lines, Mr. Campbell told me, was an upgrade of an electrical service rating from 100 amps to 200 amps for one home. New high voltage service for the whole block was triggered by a 100 amp increase in *potential* load for a home. Appellant has not experienced any brown outs or low voltage as a result of the neighbor's service upgrade.

II. SUMMARY OF ARGUMENT

Neither the application nor the issued permit cover the intended construction. PG&E was deceitful in this application, as Mr. Mason did not make a reasonable inquiry about he project for which he made a permit application. Mr. Campbell clearly knew that the project was not to replace poles with like-kind poles, but Mr. Mason did not. Neither taller poles nor new utility lines are authorized by permit 26EXC-00282 because the application merely asked to "replace pole".

The goal recommended in San Francisco's Undergrounding Master Workplan Study is for new utilities to be underground, not overhead. Telamon (July 15, 12020) Utility Undergrounding Program Master Workplan Study, at 20-21, 26-27 & 47. This was not taken into account when considering the permit application because no request was made to install new utilities.

PG&E and communications franchisees have made an overhead mess on Homestead Street, butchering trees and leaving more dead wires dangling than live wires in use. This can be seen in the accompanying photographs. We invite the Board members to drive our short block in Noe Valley and see the conditions involved. (Streetview does not fairly capture the overhead utilities or tree massacre.)

Circumstances have changed since PG&E submitted its application in January. The neighborhood is preparing a Rule 20B application for undergrounding of existing utilities. As of submission of this brief, we are have been waiting two weeks for response from the City Attorney to preliminary questions, which we submitted through Undergrounding Coordinator Eric Thrasher. Before any hearing on this appeal, we expect that our petition will be submitted. Once we submit the petition, PG&E will be responsible for the cost of undergrounding its new

primary voltage utilities, instead of sneaking them into place under a permit that says nothing about new overhead utilities.

PG&E should underground the new utility service at its own cost and apply the cost of replacement poles on Homestead Street to undergrounding of existing utilities. It would be a waste of money to construct new overhead utilities while the neighborhood is petitioning for undergrounding.

III. The Permit is Void and Voidable as Deceptively Submitted and Not Covering the Intended Construction

Mr. Mason said that he did not appreciate the discrepancy between the application he made and the actual design for the project. Nonetheless, the legal principle is that making a false statement without a reasonable inquiry as to the true facts is deceit. A deceitful application is void or voidable, either on administrative appeal or in court. On appeal, the Board of Appeal should void the permit application that was deceitfully made and revoke the permit that followed.

The permit application was to "replace pole." The project was never intended to "replace pole[s]" with like-kind utilities. Mr. Campbell referred to it as a service upgrade. New high voltage, primary voltage power lines and step down transformers were intended to be installed. No permit application has been made for new overhead utility lines.

The Board should ask PG&E for the contract price for the Homestead project and compare that to the amount on the permit, which often impacts building permit fees. The Board should require disclosure of the cost of new primary voltage overhead utilities and make that information public, both for this appeal and follow-up policy deliberations.

PG&E uploaded an aerial map with its application. It readily could have uploaded a description of the project intended with the new overhead utilities. PG&E's upload was incomplete and did not describe the actual plan for new utilities.

The application cannot be amended during *de novo* review. The application needs to be voided, which consequentially voids the permit.

IV. Should a New Application be Submitted, the DPW Should Require Undergrounding of the New High Voltage, Primary Voltage Utility Lines

San Francisco had a consultant prepare a Utility Undergrounding Program Master Workplan Study, *supra*, submitted in July 2020. Under the Conclusion, section 4, page 47, the consultant wrote, "While this Study is identifying a plan to underground all existing overhead utilities, it is our recommendation to have policies in place to: **Minimize installation of new overhead utilities in the City**. These include overhead wires and wireless devices." (Emphasis added).

The DPW should, as the consultant recommended, minimize installation of new overhead utilities in the City by rejecting any new application that might be submitted for new overhead utility lines on Homestead Street. While some circumstances might justify new overhead utilities, the short, single block stretch of Homestead Street does not.

The DPW should require PG&E to give notice or the DPW itself should give notice if a new application related to Homestead Street is submitted, as the window for appealing a new permit is very short. Lack of notice for new overhead utilities is contrary to the City's general scheme for notifying neighbors who are impacted by new construction of their right to appeal.

If a replacement application similar to permit 26EXC-00282 is submitted, it should be denied or held in abeyance. Installation of new overhead high voltage power lines should not be allowed because doing so is contrary to the policy of minimizing installation of new overhead utilities in the City. If plans are submitted to the inspectors that depict new high voltage power lines or taller poles than currently in place, the inspectors should reject the plans.

Alternatively, any new permit application should be held in abeyance as the Rule 20B petition process moves forward, as discussed below.

V. High Voltage Power Lines Should be Rejected as Unnecessary

A 100 amp increase in power delivery over 350 feet of transmission does not warrant installation of new high voltage power lines, either overhead or underground. It is 620 feet between high voltage power lines on 24th and 25th Streets. The DPW and SF PUC should evaluate the alternative of increasing the gauge of line for 240v transmission instead of permitting new overhead utilities. This is not simply an over-the-counter request to be automatically granted. It presents a policy decision regarding on which DPW and SF PUC should collaborate.

Approaching new overhead utility permit applications that draw objections with the City's undergrounding objectives and policy in mind is especially timely as San Francisco's government advances toward buying PG&E's distribution system in San Francisco. PG&E's proposed investment in a short stretch of new high voltage power lines that are opposed by residents is entirely inconsistent with the City's medium term plans for the local grid and its Masterplan study for undergrounding.

VI. The Neighborhood's Rule 20B Application Deserves Priority Over Installation of New Overhead Utilities

As a matter of policy, fairness and economic efficiency, any permit application for new utilities should be deferred until after the neighbors' Rule 20B petition has been submitted and reviewed. Our wait on the City Attorney should be over soon.

Policy that prefers undergrounding utilities instead of new overhead utilities is discussed above. Now that the neighborhood is pulling together a Rule 20B application, Rule 20B should take precedence over granting a permit for new overhead utilities. This should be within the discretion of the DPW and SF PUC now that it has been raised timely.

As a matter of fairness, PG&E must have decided to pursue new high voltage utilities over six months ago, in order to have submitted its permit application in January. The neighbors should have a similar window for advancing their Rule 20B petition. In these months, we expect to begin forming an assessment district that will spread our cost over 20-30 years. It took years for PG&E to decide to replace power poles and install new utilities. The neighbors' task is more difficult than PG&E's decision, because of the process involved. This appeal has bought some time, but more will be needed for the Rule 20B process to run its course.

As a further matter of fairness, PG&E should be required to submit accurate permit applications to DPW. Then, PG&E/DPW should give neighborhoods notice of all applications for new utilities, such as new high voltage power lines with step down transformers. This is es pecially important when the new utilities would intersect residents' view of the Bay. Notice is crucial to implementing the recommendation of the Undergrounding Masterplan study. It can

restart the Rule 20 undergrounding, which mainly benefited affluent hillsides that benefited from Rule 20A money without any contributions from residents.

As a matter of economic efficiency, this is the perfect time for the neighbors to pay the difference between PG&E's contracted new pole costs and the cost of undergrounding existing utilities. PG&E set aside a definite amount of money for the project that was supposed to start on April 14 and presumably had a contract. We just need to know the contract amount and redirect that money to undergrounding, as PG&E's share under Rule 20B. We are saving PG&E a considerable sum, so it is only fair for that money to be redirected to the City's preferred undergrounding of utilities.

The Rule 20B process times time. Any additional application should be held in abeyance for the neighbors' petition. The circumstances do not impose any urgency for new poles and new utility lines.

Respectfully submitted,

/signed Ernie Beffel/

Ernest J. Beffel, Jr.

70 Homestead Street

816908
3

816911

NO PARKING

NO PARKING

8XUD669

COMPOSTABLES

BUMP

61
63

The permit holder did not submit a brief for the hearing on May 20, 2026

BRIEF(S) SUBMITTED BY RESPONDENT DEPARTMENT(S)

Private Permits
T. 628.271.2000 | 49 South Van Ness Ave. 3rd Floor, San Francisco, CA 94103

May 12, 2026

City and County of San Francisco
Board of Appeals
49 South Van Ness, Suite 1475
San Francisco, CA 94103

RE: Appeal No. 26-020 for Excavation Permit application 26EXC-00282, Homestead between 24th and 25th Streets.

Dear Members of the Board of Appeals:

I. INTRODUCTION

San Francisco Public Works ("Public Works") respectfully submits this response regarding Appeal No. 26-020 concerning Excavation Permit No. 26EXC-00282. The appeal challenges Public Works' issuance of an excavation permit associated with utility work in the public right-of-way on Homestead Street.

This response is governed principally by San Francisco Public Works Code Article 2, which regulates excavations in the public right-of-way, including permit issuance, inspection, and restoration obligations. Public Works also acknowledges its broader enforcement powers under Article 18, but the permit at issue is primarily administered under Article 2, especially Section 2.4 governing excavation permits.

The appellant's arguments largely seek to expand the scope of Public Works' legal authority beyond what is provided by ordinance. Public Works' role in this matter is limited to reviewing whether the proposed work complies with applicable excavation, right-of-way management, restoration, and public safety requirements. Public Works does not regulate, design, or approve the technical engineering configuration of utility distribution systems, including voltage levels, electrical capacity, or whether a utility provider chooses overhead or underground technical service configurations except where expressly required by law.

II. PUBLIC WORKS' JURISDICTION UNDER ARTICLE 2

A. Section 2.4 Primarily Governs Excavation Permits

Under Article 2, Section 2.4, excavation permits are required for work affecting the public right-of-way. Public Works' review under this section is focused on:

- Protection and management of the public right-of-way;

- Street opening and excavation safety;
- Traffic control and pedestrian protection;
- Surface restoration standards;
- Coordination with other municipal infrastructure; and
- Compliance with permit procedures and conditions.

The issuance of an excavation permit is not equivalent to approval of an applicant's entire utility system design, nor does it serve as a forum for adjudicating broader policy disputes concerning utility modernization, system upgrades, or undergrounding preferences.

B. Public Works Does Not Require Technical Utility Distribution Configurations

Public Works does not function as the technical regulator of utility distribution engineering. Determinations regarding:

- Primary versus secondary voltage,
- Pole height necessary for utility safety clearance,
- Transformer specifications,
- Distribution load capacity, or
- Utility system architecture

are outside Public Works' ordinary permitting jurisdiction unless a specific code provision directly imposes such review.

Those determinations are generally within the purview of the utility operator, subject to applicable state and federal regulatory oversight, utility safety requirements, and other governing agencies.

Accordingly, assertions that Public Works should deny or revoke an excavation permit based on disagreement with utility engineering choices misstate Public Works' role.

III. RESPONSE TO APPELLANT'S CLAIMS

A. Allegations of "Deceit" or Permit Voidness Are Unsupported by Article 2

The appellant argues that the permit is void because the project allegedly involves broader utility upgrades than "pole replacement." However, the relevant question before Public Works is whether the permit application sufficiently described the excavation activity for purposes of Article 2 review.

Unless the permit application materially failed to disclose excavation activities required for right-of-way review, claims of deceit are speculative and do not independently invalidate a permit.

Public Works' permit process is administrative and code-based; it is not a substitute for resolving disputes over utility planning philosophy.

B. Rule 20B and Undergrounding Policy Are Separate Processes

The appellant's reliance on Rule 20B undergrounding objectives does not create an automatic legal bar to excavation permit issuance.

While undergrounding may be a legitimate long-term neighborhood policy objective, Rule 20B implementation involves separate funding, planning, prioritization, and interagency procedures. Public Works cannot withhold or invalidate an otherwise code-compliant excavation permit solely because future undergrounding proposals may be contemplated.

To do so would improperly convert speculative future infrastructure preferences into immediate permitting prohibitions absent codified authority.

C. Public Works Is Not the Adjudicator of Broader Utility Policy

The appeal repeatedly asks Public Works and the Board to evaluate whether overhead utility improvements are necessary, desirable, or preferable compared with undergrounding. These questions exceed the narrow permit review standards established under Article 2.

Public Works' authority concerns right-of-way administration—not utility resource planning, electric distribution strategy, or citywide utility acquisition policy.

IV. ARTICLE 18 CONSIDERATIONS

Article 18 may provide enforcement tools concerning public works regulations generally, but it does not alter the primary legal framework governing excavation permit issuance under Article 2 for this matter.

Nothing in Article 18 transforms Public Works into the technical design authority for PG&E's electrical infrastructure. Therefore, Article 18 does not expand Public Works' duty to require redesign of utility systems based on neighborhood preference absent a direct legal mandate.

V. CONCLUSION

PG&E provides utility service pursuant to franchise rights and legal service obligations that require it to furnish reliable service to residents of the City and County of San Francisco. The City does not have the authority to dictate the specific technical means or methods that PG&E must use to provide utility services, absent a clear legal mandate. Requiring PG&E to provide utility undergrounding likely would amount to a violation of PG&E's franchise and the potential for a lawsuit

Excavation permits are routine instruments intended to ensure orderly and safe work in the public right-of-way. Requiring Public Works to independently evaluate all technical utility distribution alternatives for each permit would exceed statutory authority and create impractical permitting burdens inconsistent with the Code's structure.

For the foregoing reasons:

1. Public Works properly administered Permit No. 26EXC-00282 under Article 2, Section 2.4.
2. Public Works' review is limited primarily to excavation and right-of-way impacts, not technical utility distribution system design.
3. Public Works does not require or adjudicate utility engineering configurations absent explicit legal authority.
4. Rule 20B undergrounding aspirations do not independently invalidate an otherwise compliant excavation permit.
5. The appellant's broader policy objections exceed the legal scope of this permit appeal.

Accordingly, Public Works respectfully requests that the Board affirm the Department's permit determination.

Javier Rivera

Javier Rivera, P.E.
Manager, Private Sector Permits