



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary

Planning, Administrative, Environment, and Police Code Text Amendments and Adoption of Standard Environmental Requirements – Air Quality

ADOPTION HEARING DATE: MARCH 19, 2020
CONTINUED FROM: FEBRUARY 27, 2020

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Project Name: **Standard Environmental Requirements (Formerly “Standard Environmental Conditions of Approval”)**

Case Number: **2020-000052PCA [Board File No. TBD]**

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Recommendation: **Approval of Ordinance with Modifications and Adoption of Air Quality Standard Environmental Requirements**

PLANNING, ADMINISTRATIVE, ENVIRONMENT, AND POLICE CODE AMENDMENTS

The proposed Ordinance would amend the Administrative Code to authorize the Planning Commission to standardize policies that avoid or lessen common environmental impacts of Development Projects, as defined; create a program to apply those policies as requirements to Development Projects that meet certain applicability criteria, in order to protect public health, safety, welfare and the environment while expediting environmental review for housing and other Development Projects; and to make conforming amendments to the Planning, Environment and Police Codes; affirming the Planning Department’s determination under the California Environmental Quality Act (CEQA); and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience and welfare findings under Planning Code, Section 302.

ADOPTION OF THE STANDARD ENVIRONMENTAL REQUIREMENTS

If adopted by the Board of Supervisors, the proposed Ordinance would authorize the Planning Commission to adopt Standard Environmental Requirements for environmental review topics pursuant to CEQA. This packet for Planning Commission’s review includes a Resolution for approval of the proposed Ordinance, as well as a Resolution for adoption of the first set of proposed Standard Environmental Requirements, for the topic of Air Quality.

This Executive Summary updates some information provided in the [January 16, 2020 Executive Summary](#) for the Ordinance initiation and provides new information regarding the Standard Environmental Requirements (formerly referred to as “Standard Environmental Conditions of Approval”) based upon

feedback received at the January 16th Planning Commission Initiation Hearing and the February 12th Technical Workshop. It also clarifies that the Standard Environmental Requirements Program is intended to establish Standard Environmental Requirements that would mirror mitigation and other measures that avoid or lessen common environmental impacts of development projects routinely included in CEQA documents prepared in San Francisco.

This packet will focus on the Ordinance and Air Quality Standard Environmental Requirements, the only topic area for which Standard Environmental Requirements are proposed at this time. Additional Standard Environmental Requirements related to other topic areas will be considered at a future hearing and will be included in that packet accordingly.

The Way It Is Now:

The Environmental Planning division of the Planning Department reviews development projects for potential environmental impacts. This environmental review is conducted pursuant to CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, which provides procedural direction on implementation of CEQA by the City (hereinafter referred to collectively as “CEQA,” unless otherwise specified).

The CEQA process identifies any potential adverse environmental effects of proposed actions, assesses the significance of these adverse environmental effects, and proposes mitigation measures to eliminate or lessen significant impacts. Most development projects, including most housing projects, are subject to environmental review.

CEQA sets forth different types of environmental review, depending on the impacts resulting from proposed projects. The Planning Department prepares Categorical Exemptions for projects that would not result in the potential to result in a significant environmental impact and that qualify for a Categorical Exemption under CEQA. The Department prepares a Mitigated Negative Declaration (MND) for projects that are determined to have a potential environmental impact that can be avoided or lessened to a less-than-significant level through the application of mitigation measures. Finally, the Planning Department prepares an Environmental Impact Report (EIR), the highest level of environmental review, for projects that would have a potential unavoidable significant environmental impact, even with application of mitigation measures.

In addition, CEQA allows for the preparation of EIRs for long-term planning efforts, such as the approval and amendment of Area Plans of the General Plan. Under what is known as a Community Plan Evaluation, projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified can tier off these EIRs and receive expedited CEQA review. To date, the City has prepared 12 such EIRs for Area Plans, such as the Eastern Neighborhoods or Market and Octavia. When a project is proposed in these areas, all mitigation measures adopted pursuant to the Area Plan EIRs are imposed on the new proposed project, without necessarily triggering extensive new environmental review (unless there are project-specific significant effects which are peculiar to the project or its site). Not all areas of the City have undergone this kind of planning process and have a program EIR off which to tier project-level CEQA review, however. If a project is proposed in an area that

does not have a plan EIR, the Planning Department determines whether there is a potential environmental impact and whether mitigation measures are needed, and issues a MND (if the mitigation measures reduce the impacts to a less-than-significant level) or an EIR (if they do not).

The different types of environmental review require different amounts of time and effort in their preparation. A Categorical Exemption typically takes up to 9 months; preparation of an MND typically takes up to 12 months; and preparation of an EIR typically takes 18 to 22 months. (Note that these are generally maximum timelines and actual timelines can be much less for individual projects.) Environmental review must be completed before a project can be considered and approved by the Planning Commission or any other decision-maker. All CEQA determinations are appealable to the Board of Supervisors.

MNDs and EIRs in San Francisco routinely include mitigation measures to address significant impacts in topic areas such as air quality, archeology, noise, vibration, and transportation. Most often, these mitigation measures are standard, commonplace measures, which have been included in Area Plan EIRs, such as those for the Eastern Neighborhoods and Central SoMa plans, and subsequently applied to approximately 300 projects through the preparation of Community Plan Evaluations.

Projects not subject to CEQA are not evaluated by the Planning Department to determine if significant environmental impacts would occur and, thus, mitigation measures may not be applied to such projects. These include ministerial approval projects, such as some affordable housing developments and smaller scale development projects that may be approved as-of-right.

Planning Code Section 155 outlines Driveway and Loading Operations Plan (DLOP), which serves to reduce potential conflicts between driveway and loading operations. DLOP are currently only applicable in the Central SoMa Special Use District and required for developments projects of more than 100,000 net new gross square feet to prepare a DLOP for review by the City.

The Way It Would Be:

The Environmental Planning division would continue to conduct environmental review pursuant to CEQA for all development projects that are subject to environmental review, and all CEQA determinations would continue to be appealable to the Board of Supervisors. Standard, routine mitigation measures would be applied as Standard Environmental Requirements consistently to all Development Projects, as defined in the Ordinance and below, including some as-of-right and ministerial approval projects not subject to CEQA, that are not currently subject to mitigation measures, through the Planning Department's permit review and approval process.

Specifically, "Development Project" is defined in the Ordinance as any change of use, alteration to an existing structure, demolition or new construction, and any public work. "Public work" is a contract for erection, construction, renovation, demolition, excavation, installation or repair of any public building, structure, infrastructure, bridge, road, street, park, dam, tunnel, utility or similar public facility that is performed by or for the City, and the cost of which is to be paid wholly or partially out of moneys deposited in the City Treasury or out of trust monies under the control of or collected by the City.

The proposed Ordinance would add a new Chapter 31A of the Administrative Code to establish the Standard Environmental Requirements Program (hereinafter “SER Program”). The Ordinance would also amend Section 174 of Planning Code, Article 29 of the Police Code, and Chapter 25 of the Environment Code to add references to the Standard Environmental Requirements Program. The program would authorize the Planning Commission to adopt Standard Environmental Requirements that the Planning Department would impose on Development Projects through the existing permit review and approval process, rather than the environmental review process.

The Standard Environmental Requirements would be designed to achieve the same, or higher, level of environmental protection currently achieved through the environmental review process, by mandating that best practices in environmental protection be applied to projects as a requirement, thereby avoiding potential impacts. As noted above, the Standard Environmental Requirements would replicate standard, routine mitigation measures. Projects subject to the Standard Environmental Requirements Program would undergo environmental review, taking into account the applicable Standard Environmental Requirements that would lessen and, in some cases, altogether avoid specific significant impacts. The Planning Department would prepare the appropriate type of CEQA document as provided for under current CEQA provisions. In cases where the Standard Environmental Requirements would reduce or avoid significant impacts, some projects that would otherwise require preparation of an MND would qualify for a Categorical Exemption. The Planning Department would continue to prepare EIRs for projects that would result in significant unavoidable impacts, even if applicable Standard Environmental Requirements would lessen or avoid some environmental impacts. Environmental review would continue to be required to be completed before a project subject to CEQA could be considered and approved by the Planning Commission or any other decision-maker. All CEQA determinations would continue to be appealable to the Board of Supervisors.

The DLOP would be applicable citywide. Additionally, DLOPs would also be required for any development projects with 10,000 net new gross square feet of Grocery, General or Grocery, Specialty, as defined by Planning Code Section 102.

BACKGROUND

In September 2017, Mayor Edwin M. Lee issued Executive Directive 17-02: Keeping up the Pace of Housing Production, which called on City agencies to work together to deliver at least 5,000 units of new or rehabilitated housing every year for the foreseeable future, established target approval timeframes for housing projects, and directed agencies to develop Process Improvements Plans to reach those goals. In December 2017, the Planning Department issued its Process Improvements Plan, which included a measure to Codify Effective Mitigation Measures in applicable environmental review topic areas, specifically including but not limited to the areas of archeology, transportation, noise, and air quality. The proposed ordinance would implement this process improvement measure by establishing the Standard Environmental Requirements Program.

ISSUES AND CONSIDERATIONS

Continued Environmental Protection and Improved Consistency, Streamlining, Transparency, and in Environmental Review

The proposed Standard Environmental Requirements Program would allow for the Planning Commission to adopt Standard Environmental Requirements that the Planning Department would impose on applicable development projects through the existing permit review and approval process. The Standard Environmental Requirements would be organized by environmental topic area (e.g., Air Quality, Archeological Resources, etc.) and would be required to be regularly reviewed and presented to the Planning Commission to keep pace with current conditions, technology, and best practices in environmental protection. The Planning Department will also submit the report to the Board of Supervisors and present the update at a public hearing if requested.

Standard Environmental Requirements would apply consistently to Development Projects that meet specific applicability criteria included in the Standard Environmental Requirements (such as use[s], size, location, environmental setting, etc.), directly through the permit review process, rather than as mitigation measures developed through the CEQA process. Environmental review would continue to occur for projects subject to CEQA; however, the review would consider the applicable Standard Environmental Requirements as part of the project analyzed under CEQA, allowing more projects to qualify for Categorical Exemptions, while providing the same level of environmental protection, as described below. Furthermore, the Standard Environmental Requirements Program would offer multiple advantages:

- **Continued environmental protection:** Standard Environmental Requirements would achieve the same, or higher, level of environmental protection currently achieved through the environmental review process, by mandating that best practices in environmental protection be applied to projects as a requirement, thereby avoiding potential impacts. Additionally, the program would allow for the same or greater environmental protection than under current processes because the Standard Environmental Requirements would be applied to certain ministerial approval projects, including many affordable housing developments and many smaller scale development projects, that may be approved as-of-right and that are not subject to CEQA.
- **Consistent standards:** Standard Environmental Requirements would build on the extensive body of knowledge available from existing CEQA mitigation measures and other environmental improvement measures that have proven effective over time. Under the program, these measures would be applied consistently to all applicable projects, including some as-of-right and ministerial approval projects that are not currently subject to these measures. Standard Environmental Requirements would be designed to apply appropriately to projects based on pre-established criteria such as use(s), size, location, and environmental setting, rather than on a project-by-project basis.
- **Streamlined review:** Standard Environmental Requirements would allow environmental review under CEQA to be conducted roughly three months faster on average for projects that would have otherwise required an MND by applying pre-determined requirements to qualifying projects

without the need to conduct longer and more intensive environmental evaluation. Under current practice, projects that require an MND in order to apply mitigation measures, including projects outside Area Plans which are currently not eligible for a Community Plan Evaluation, can typically take a year to prepare. In recent years, the Planning Department has prepared roughly 10 MNDs annually, generally for mid-to large-scale projects, including housing projects. As Standard Environmental Requirements are adopted in various environmental topic areas, projects would be subject to those Requirements. This approach may also reduce development costs in some cases by allowing the protection measures to be included in the project proposal early on. It is important to note that all CEQA determinations would continue to be appealable to the Board of Supervisors, and Preliminary MNDs would continue to be appealable to the Planning Commission.

- **Transparent requirements:** Standard Environmental Requirements would be publicly available and knowable to project applicants, neighbors, community advocates, and interested members of the public in advance of project plan submittals and permit review, similar to the way programmatic mitigation measures are identified in area plan EIRs, such as the Central SoMa Plan EIR. Standard Environmental Requirements would be adopted and amended by the Planning Commission by topic area, allowing these measures to be readily available for public review and revised as needed based on current science and best practices in environmental protection.

Program Applicability

The program may be applied to any development project that requires a City approval. Standard Environmental Requirements would be applied to those projects that trigger the specific applicability criteria in each Standard Environmental Requirement. Projects to which the Standard Environmental Requirements would not apply (for example, because of their size or type) would continue to be reviewed under the current environmental review process under CEQA, with the exception of ministerial approval projects.

Standard Environmental Requirements would generally apply to projects that would have potential environmental impacts that can be avoided or lessened through the application of specific requirements.

The Standard Environmental Requirements Program would allow for the same or greater environmental protection than under current processes because the Standard Environmental Requirements would also be applied to certain ministerial approval projects, including many affordable housing developments, and many smaller scale development projects that may be approved as-of-right and that are not subject to CEQA.

Standard Environmental Requirements - Process for Adoption and Amendments

Standard Environmental Requirements for various environmental topics would be adopted and amended by the Planning Commission. The Planning Department would be required to report at least every five years to the Planning Commission and Board of Supervisors on the effectiveness of the Standard Environmental Requirements Program and to recommend appropriate updates, modifications, and new requirements based on current science, technology, and best practices.

For projects that meet the applicability criteria, the Standard Environmental Requirements would be applied as a requirement for the project, like how Planning Code and other requirements are routinely applied to development projects. Limited exceptions to the Standard Environmental Requirements would be available where the Environmental Review Officer determines that sufficient evidence is present to demonstrate either that the project would not cause the potential environmental impact that the Standard Environmental Requirement is designed to address, or that an alternative means of achieving the same level of environmental protection is available.

Requirements may not be modified or adjusted by the Planning Commission or Planning Department as part of the project approval process. CEQA determinations for projects subject to Standard Environmental Requirements would continue to be appealable to the Board of Supervisors.

Examples of Standard Environmental Requirements of Approval: Air Quality

Air Quality Standard Requirements

The Air Quality Standard Environmental Requirements would address common air quality impacts resulting from development projects and other projects in the city, in order to continue to protect public health and welfare throughout the city, especially in areas that experience high levels of air pollution. Application of the Air Quality Standard Environmental Requirements would avoid significant air quality impacts from most development projects. Development projects produce air pollutants primarily through combustion emissions generated by vehicles (on-road and off-road vehicles) and equipment (diesel back-up generators), heating, use of consumer products, paving and application of architectural coatings. Construction activities can be a significant source of diesel exhaust emissions. When such emissions are not controlled, they can become a nuisance and public health risk.

A Construction Emissions Minimization Standard Environmental Requirement would require that projects within areas of elevated air pollution (also known as the Air Pollution Exposure Zone, as defined in Health Code Article 38) use construction equipment that meets the most stringent emissions standards available and submit an emissions minimization plan. A Diesel Generator Emissions Minimization Standard Environmental Requirement would require that diesel generators similarly meet the most stringent emission standards available. Application of these requirements would result in approximately a 90 percent reduction of harmful diesel exhaust from uncontrolled sources.

The above Air Quality Standard Environmental Requirements would mirror standard, routine mitigation measures that have been included in hundreds of environmental documents (MNDs, EIRs, and Community Plan Exemptions), including Biosolids Digester Facilities Project, SF HOPE Potrero, and the Golden State Warriors Event Center and Mixed-Use Development at Mission Bay.

Monitoring and Enforcement of Standard Requirements

Currently, the Planning Department and other City agencies such as Department of Building Inspection (DBI) and San Francisco Municipal Transportation Agency (SFMTA) enforce and monitor mitigation measures. Standard Environmental Requirements would be monitored through a similar process, including required documentation from project sponsors, plan review, inspection, and periodic reporting

when needed. As with mitigation measures, City agencies would track implementation during their review of subsequent permit submittals and would retain the ability to take enforcement action (for example, suspending permits) if the Requirements are not being met.

Additional Changes to Ordinance Since the Initiation Hearing

After the Initiation Hearing on January 16, 2020, additional changes were made to the Ordinance, including:

- Administrative Code – Renaming the program to “Standard Environmental Requirements” instead of “Standard Environmental Conditions of Approval;”
- Administrative Code – Revision of the applicability of the Ordinance to include any “public work” project;
- Administrative Code – Clarification that if any Standard Environmental Requirements are inconsistent with Planning Code or other Codes, the Planning Commission shall submit legislation to the Board of Supervisors to adopt those modifications;
- Section 155 of the Planning Code – Applying the Driveway and Loading Operations Plan (DLOP) Citywide, instead of just in the Central SoMa Special Use District; and
- Section 174 of Planning Code, Article 29 of the Police Code, and Chapter 25 of the Environment Code – Added references to the Standard Environmental Requirement Program

General Plan Compliance

The proposed Ordinance would result in more streamlined environmental review under the CEQA. Under current practice, projects that may have an impact on the environment often require an MND in order to apply mitigation measures. MNDs can typically take a year to prepare, and result in substantial expense, and additional time and resources. The proposed Ordinance would apply measures that avoid or lessen common environmental impacts as requirements to all projects that meet certain thresholds. This would save significant time and resources; for instance, it would allow environmental review to be conducted approximately three months faster on average for projects that would have otherwise required an MND, just by applying the pre-determined Standard Environmental Requirements to qualifying projects. As Standard Environmental Requirements are adopted for various environmental topic areas, projects would be subject to those Requirements. This approach may also reduce development costs in some cases by allowing protection measures to be included in the project proposal early on. These Standard Environmental Requirements would be publicly available and generally knowable to project applicants, neighbors, community advocates, and interested members of the public in advance of project plan submittals and permit review adding to the transparency of CEQA review.

Racial and Social Equity Analysis

Understanding the benefits, burdens and opportunities to advance racial and social equity that proposed Planning Code and Zoning Map amendments provide is part of the Department’s Racial and Social Equity Initiative. This is also consistent with the Mayor’s Citywide Strategic Initiatives for equity and accountability and with the forthcoming Office of Racial Equity, which will require all Departments to conduct this analysis.

The amendments in the proposed Ordinance provide a more transparency and consistency in environmental review. If Standard Environmental Requirements are adopted, all members of the public will have equal access to this information. This will be especially useful for smaller developers or general members of the public who do not regularly engage in the environmental review process. Additionally, the Standard Environmental Requirements will be revisited and refined as more information on best practices become available. These updates will also include a public review process to ensure that all communities are able to preview and comment on upcoming changes.

Implementation

The Department has determined that this Ordinance will impact our current implementation procedures; however, the proposed changes can be implemented without increasing permit costs or review time. The proposed Ordinance will streamline environmental review under CEQA by allowing Standard Environmental Requirements, which would be publicly available to all stakeholders in advance of project plan submittals. As such, this approach will potentially reduce development costs in some cases by allowing the protective measures to be included in the project proposal early on.

RECOMMENDATION

The Department recommends that the Commission *approve* the proposed Ordinance and *adopt* the Air Quality Standard Environmental Requirements by adopting the attached Draft Resolutions to that effect.

BASIS FOR RECOMMENDATION

The Standard Environmental Requirements Program would implement an important improvement measure included in the Department's 2017 Process Improvements Plan. The Standard Environmental Requirement Program is designed to achieve the same, or higher, level of environmental protection currently achieved through the environmental review process under the CEQA through a consistent, streamlined, and transparent approach that expedites the review of housing and other development projects while continuing to protect public health and safety and the environment.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection or adoption with modifications to the Board of Supervisors.

Additionally, the Department recommends the Commission adopt the Air Quality Standard Environmental Requirements.

ENVIRONMENTAL REVIEW

The proposal to amend the Planning, Administrative, Environment, and Police Codes is categorically exempt from further environmental review under CEQA Guidelines Section 15307, Actions by Regulatory

Agencies for Protection of Natural Resources, and 15308, Actions By Regulatory Agencies for Protections of the Environment. The Class 7 & 8 Categorical Exemption was published on March 11, 2020.

PUBLIC COMMENT AND COMMUNITY OUTREACH

During the Initiation Hearing on January 16, 2020, the public comment discussion included two primary concerns: 1) the Standard Environmental Requirements would allow development projects to bypass environmental review and 2) only the larger developers would benefit from this Ordinance. Planning Staff responded to these concerns and noted that environmental review would still be conducted for projects similar to current practices, and that Standard Environmental Requirements would only be applied to those projects that trigger the specific applicability criteria in each environmental topic or sub-topic's Standard Environmental Requirement. Additionally, staff clarified that, depending on the topic, Standard Environmental Requirements may apply to large, medium, or smaller-scale projects; and that by streamlining environmental review for applicable projects, the Department would have more staff availability to review smaller-scale projects. As such, all applicants would benefit, not just large developers.

Other public comments received at the January 16, 2020 Initiation Hearing included concerns about members of the public not yet receiving invitations to the Technical Workshop scheduled for February 12, 2020. Planning Staff subsequently confirmed that all interested members of the public and stakeholders received invitations to the Technical Workshop scheduled for February 12, 2020.

The Planning Commissioners shared overall support for the proposed Ordinance particularly with respect to its streamlining benefits, its goal of continued environmental protections, and overall consistency and transparency of CEQA review. In response to community concerns, the Planning Commission directed the Department to conduct more robust community outreach. After the January 16, 2020 Initiation Hearing, staff conducted additional outreach to community groups and distributed invitations directly to the speakers from Initiation Hearing, additional stakeholders, and members of the public. The following describes the Department's distribution list for the February 12, 2020 Technical Workshop invitation and attendance at this workshop.

- Planning Department standard Environmental Impact Reports distribution list, which includes local and regional agencies, interested individuals, and community groups;
- Consultants listed on the Planning Department's Environmental Consultant Pool;
- Stakeholders recommended by the Planning Commissioners; and
- Public commenters from the January 16, 2020 Initiation Hearing.

There were approximately 30 attendees at the February 12, 2020 Technical Workshop, including general community members, land use practitioners, environmental consultants, and developers. The Technical Workshop began with a brief overview of the proposed Ordinance with most of the subsequent time dedicated to breakout sessions in separate meeting rooms for each of the Standard Environmental Requirement topic areas. Attendees had the opportunity to discuss each topic with various Planning staff and leave comment cards with their contact information if their comments required follow up.

A summary of comments from the Technical Workshop related to the overall proposed Standard Environmental Requirements Program and Air Quality Standard Environmental Requirements is included below. A summary of the remaining comments will be included in the subsequent staff packet for the future hearing on the additional Standard Environmental Requirements, as those comments pertain to those topic areas.

Planning Department staff also reached out to other City agencies that sponsor public work that may be subject to the Standard Environmental Requirements Program. (As defined on page 2 above, “Development project” includes any public work.) Department staff will be conducting additional outreach with these other City agencies to explain and clarify the applicability of the Program to City agencies that sponsor public projects. If any City Agency does not wish to participate in the Standard Environmental Requirements Program, Planning Department staff will amend the Standard Environmental Requirements Ordinance to exclude that agency.

Summary of Comments

➤ **Overall Process:**

- Would the CEQA appeal process be shortened or changed?
- What would be the applicability criteria for the Standard Environmental Requirements and at which stage of the CEQA review process would these Standard Environmental Requirements apply (as part of the project, regulatory framework, or in the impact analysis, or as part of the project approval process)?
- How would the proposed ordinance and Standard Environmental Review increase transparency for project sponsors and the public.
- How is information about the Standard Environmental Requirements Program being made accessible in different languages?

➤ **Air Quality:**

- How do the Standard Environmental Requirements align with the larger scale air quality work (i.e. Air Pollution Exposure Zone map)?
- How can new technology (cleaner equipment) be integrated into the Standard Environmental Requirements?
- How can the requirements be made clear and transparent to developers and contractors?

Attachments:

- Exhibit A: Draft Planning Commission Resolution –Planning, Administrative, Environment, Police Code Amendment
- Exhibit B: Draft Planning Commission Resolution – Standard Environmental Requirements
- Exhibit C: Proposed Ordinance
- Exhibit D: Class 7 & 8 Categorical Exemption

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SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE: MARCH 19, 2020

Project Name: Standard Environmental Requirements
Case Number: 2020-000052PCA [Board File No. TBD]
Initiated by: Planning Commission/ Initiated January 16, 2020
Staff Contact: Veronica Flores, Legislative Affairs
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RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE ADMINISTRATIVE CODE TO AUTHORIZE THE PLANNING COMMISSION TO STANDARDIZE POLICIES THAT AVOID OR LESSEN COMMON ENVIRONMENTAL IMPACTS OF DEVELOPMENT PROJECTS, AS DEFINED; CREATE A PROGRAM TO APPLY THOSE POLICIES AS REQUIREMENTS FOR DEVELOPMENT PROJECTS THAT MEET CERTAIN APPLICABILITY CRITERIA, IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, WELFARE, AND THE ENVIRONMENT WHILE EXPEDITING ENVIRONMENTAL REVIEW FOR HOUSING AND OTHER DEVELOPMENT PROJECTS; AND TO MAKE CONFORMING AMENDMENTS TO THE PLANNING, ENVIRONMENT, AND POLICE CODES; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE FINDINGS UNDER PLANNING CODE, SECTION 302.

WHEREAS, in September 2017, Mayor Edwin M. Lee issued Executive Directive 17-02: Keeping up the Pace of Housing Production, which called on City agencies to work together to deliver at least 5,000 units of new or rehabilitated housing every year for the foreseeable future, established target approval timeframes for housing projects, and directed agencies to develop Process Improvements Plans to reach those goals.

WHEREAS, on December 1, 2017, the Planning Director requested that amendments be made to the Planning Code under Case Number 2020-000052PCA; and

WHEREAS, on January 16, 2020, the Planning Commission (hereinafter "Commission") adopted a Resolution to initiate said amendments under R-20623; and

WHEREAS, the proposed amendments to the Administrative Code would authorize the Planning Commission to standardize policies that avoid or lessen common environmental impacts of Development Projects, as defined; create a program to apply those policies as requirements for Development Projects that

meet certain applicability criteria, in order to protect public health, safety, welfare, and the environment while expediting environmental review for housing and other Development Projects; and to make conforming amendments to the Planning, Environment, and Police Codes; and

WHEREAS, the Standard Environmental Requirements would be applied consistently to all applicable projects, including some as-of-right and ministerial approval projects that are not currently subject to these measures; and

WHEREAS, the Standard Environmental Requirements would be publicly available to project applicants, neighbors, community advocates, and interested members of the public in advance of project plan submittals and permit review allowing for more transparency; and

WHEREAS, the Standard Environmental Requirements would achieve the same, or higher, level of environmental protection currently achieved through the environmental review process, by mandating that best practices in environmental protection be applied to projects as a requirement, thereby avoiding potential impacts; and

WHEREAS, the Historic Preservation Commission conducted a duly noticed public hearing at regularly scheduled meetings to consider adoption of the proposed Ordinance and recommendation of the Ordinance to the Board of Supervisors, on March 18, 2020; and,

WHEREAS, the Commission conducted two duly noticed public hearings at regularly scheduled meetings, first to initiate the proposed Ordinance, on January 16, 2020 and then to consider adoption of the proposed Ordinance and recommendation of the Ordinance to the Board of Supervisors, on March 19, 2020; and,

WHEREAS, at the request of the Commission, Planning Department staff did extensive outreach to community groups, the development community, consultants and technical experts, including holding a Technical Workshop on February 12, 2020 at the Planning Department offices and presenting to the San Francisco Housing Action Coalition Regulatory Committee meeting on March 13, 2020; and

WHEREAS, Planning staff also coordinated extensively with other City departments, such as the Municipal Transportation Agency, the Department of Public Health, and the Department of the Environment; and

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from further environmental review under CEQA Guidelines Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources, and Section 15308, Actions by Regulatory Agencies for Protections of the Environment. The Class 7 & 8 Categorical Exemption was published on March 11, 2020; and

WHEREAS, 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

WHEREAS, the Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Commission hereby **approves** the proposed ordinance, and recommends its adoption to the Board of Supervisors.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Standard Environmental Requirements program would implement an important improvement measure included in the Department's 2017 Process Improvements Plan.
2. The program is designed to achieve the same, or higher, level of environmental protection currently achieved through the environmental review process under the CEQA through a consistent, streamlined, and transparent approach that expedites the review of housing and other development projects while continuing to protect public health and safety and the environment.
3. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 10

ENSURE A STREAMLINED, YET THOROUGH, AND TRANSPARENT DECISION-MAKING PROCESS.

Policy 10.1

Create certainty in the development entitlement process, by providing clear community parameters for development and consistent application of these regulations.

The proposed Ordinance would result in more streamlined environmental review under the California Environmental Quality Act (CEQA). Under current practice, projects that may have an impact on the environment often require a Mitigated Negative Declaration (MND) in order to apply mitigation measures. MNDs can typically take a year to prepare, and result in substantial expense, and additional time and resources. The proposed Ordinance would apply measures that avoid or lessen common environmental impacts as requirements to all projects that meet certain thresholds. This would save significant time and resources; for instance, it would allow environmental review to be conducted approximately three months faster on average for projects that would have otherwise required an MND, just by applying the pre-determined Standard Environmental Requirements to qualifying projects. As Standard Environmental Requirements are adopted for various environmental topic areas, projects would be subject to those Requirements. This approach may also reduce development costs in some cases by allowing protection measures to be included in the project proposal early on. These Standard Environmental Requirements would

be publicly available and generally knowable to project applicants, neighbors, community advocates, and interested members of the public in advance of project plan submittals and permit review adding to the transparency of CEQA review.

4. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing. Adopting Standard Environmental Requirements will allow the Department to provide more consistency and transparency when applying best practices to projects. This results in time-savings for CEQA review, which would enhance affordable housing production.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

5. **Planning Code Section 302 Findings.** The Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on March 19, 2020

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: March 19, 2020

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SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution HEARING DATE MARCH 19, 2020

Project Name: Standard Environmental Requirements – Air Quality
Case Number: 2020-000052PCA
Staff Contact: Josh Pollak, Environmental Planning
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RESOLUTION TO ADOPT STANDARD ENVIRONMENTAL REQUIREMENTS RELATED TO THE TOPIC OF AIR QUALITY.

WHEREAS, the Planning Commission has approved amendments to the Administrative Code to authorize the Planning Commission to standardize policies that avoid or lessen common environmental impacts of Development Projects, as defined; create a program to apply those policies as requirements to Development Projects that meet certain applicability criteria, in order to protect public health, safety, welfare and the environment while expediting environmental review for housing and other Development Projects; and to make conforming amendments to the Planning, Environment and Police Codes; and

WHEREAS, since 2009, the Planning Commission has certified nine programmatic environmental impact reports for Area Plans with best practice mitigation measures to reduce certain environmental impacts to less than significant with mitigation; and

WHEREAS, the Planning Commission has identified Standard Environmental Requirements that, if applicable and complied with, would prevent significant environmental impacts from development projects for Air Quality; and

WHEREAS, the Planning Commission conducted one duly noticed public hearings to hear the Standard Environmental Requirements Ordinance, on January 16, 2020; and

WHEREAS, at the request of the Planning Commission, Planning Department staff did extensive outreach to community groups, the development community, consultants and technical experts, including holding a Technical Workshop on February 12, 2020 at the Planning Department, with approximately 30 attendees, and presenting at the San Francisco Housing Action Coalition Regulatory Committee meeting on March 13, 2020; and

WHEREAS, Planning Department staff has also reached out and coordinated with other City departments in preparing the Air Quality Standard Environmental Requirements, including the Department of Public Health and the Department of the Environment; and

WHEREAS, the Planning Department has determined that the Standard Environmental Requirements Ordinance and these Air Quality Standard Environmental Requirements, prepared pursuant to that Ordinance, are categorically exempt from environmental review under the California Environmental Quality Act Guidelines Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources, and Section 15308, Actions by Regulatory Agencies for Protections of the Environment. The Class 7 & 8 Categorical Exemption was published on March 11, 2020; and

WHEREAS, the Planning Commission has heard and considered the benefits that would result from adopting these Standard Environmental Requirements, from the point of view of environmental protection, as well as advancing other policy goals such as promoting uniformity and transparency of the application of the Requirements, and the time savings in the environmental review process; and

WHEREAS, the Planning Commission has considered the benefits that would result from adoption of the Air Quality Standard Environmental Requirements, specifically the fact of implementation of *AQ-1: Clean Off-Road Construction Equipment*, would reduce DPM exhaust from diesel construction equipment by approximately 89 to 94 percent, compared to exhaust from construction equipment without these emissions controls, and implementation of *AQ-2: Clean Diesel Generators for Building Operations*, would result in an approximate 96 percent reduction in DPM compared to exhaust from generators without emissions controls; and

WHEREAS, the Air Quality Standard Environmental Requirements also reduce emissions of NO_x, a criteria air pollutant; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearings and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all documents related to the Standard Environmental Requirements Ordinance and the specific Air Quality Standard Environmental Requirements adopted herein may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

MOVED, that the Planning Commission hereby **adopts** the following Standard Environmental Requirements related to Air Quality, as set forth in Exhibit A, and fully incorporated here by this reference; compliance with which, for applicable projects, will avoid or lessen common environmental impacts related to this topic:

Air Quality

1. AQ-1: Clean Off-Road Construction Equipment
2. AQ-2: Clean Diesel Generators for Building Operations

NOW THEREFORE BE IT RESOLVED that the Planning Commission hereby ADOPTS the proposed Air Quality Standard Environmental Requirements in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on March 19, 2020.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: March 19, 2020

Attachments:

Exhibit A: Air Quality Standard Environmental Requirements

AIR QUALITY STANDARD ENVIRONMENTAL REQUIREMENTS

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Introduction

In order to continue to protect the general public health and welfare throughout the city, and especially in areas that experience high levels of air pollution, this document sets forth *standard environmental requirements*, as authorized by Chapter 31A (added by ordinance no. XXXX), to address common air quality impacts resulting from development projects in the city. Hereafter these standard environmental requirements are referred to as “air quality requirements.” Pursuant to section 31A.5, standard environmental requirements apply to any *Development Project* that has the potential to result in direct or indirect physical changes to the environment. Section 31A.3 defines development projects and includes any change of use, alteration to an existing structure or new construction. Standard environmental requirements apply to development projects regardless of whether the development project qualifies for ministerial or discretionary approval. See Applicability of Air Quality Requirements, below, for more specific applicability criteria.

Application of air quality requirements provide consistency and transparency for project sponsors and streamline the project entitlement process while maintaining the same protective environmental outcomes under existing procedures. The air quality requirements are intended to ensure that development projects do not exceed any applicable health risk or criteria air pollutant significance threshold. Application of the air quality requirements will avoid significant air quality impacts from most development projects. However, if evidence suggests that despite application of the air quality requirements, the development project could result in significant air quality impacts under the California Environmental Quality Act (CEQA), the development project may be further evaluated and subject to additional requirements or mitigation measures.

Definitions

Air Pollutant Exposure Zone is defined in health code article 38 and means those areas within the city which, by virtue of their proximity to air pollution emissions sources, including freeways, have substantially greater concentrations of air pollutants.

Ambient air quality standards are standards for criteria air pollutants established by the U.S. EPA under the authority of the Clean Air Act.

Construction is broadly defined to include any physical activities associated with construction of a development project including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction.

Criteria air pollutants are the six air pollutants identified by the U.S. EPA for the purpose of ambient air quality standards, which are: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO₂), sulfur dioxide (SO₂).

ERO is the San Francisco Planning Department’s Environmental Review Officer.

Off-road equipment is defined as nonroad equipment, according to 40 CFR Part 1039, which is generally defined as a piece of equipment containing a nonroad engine. Nonroad engines include all internal-combustion engines except motor vehicle engines, stationary engines, engines used solely for competition, or engines used in aircraft.

Sensitive receptor is defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include daycares, schools, hospitals and residential areas.

Toxic air contaminants (TACs) are a diverse group of air pollutants that may cause chronic (i.e., of long duration) and acute (i.e., severe but short-term) adverse effects on human health, including carcinogenic effects. The California Air Resources Board maintains a list of TACs as part of the State's air toxic program.

$\mu\text{g}/\text{m}^3$ is a unit of measurement in micrograms per cubic meter.

Background

Regional Air Quality

As required by the 1970 Federal Clean Air Act, the United States Environmental Protection Agency (U.S. EPA) initially identified six air pollutants that are pervasive in urban environments and for which state and federal health-based ambient air quality standards have been established. U.S. EPA calls these pollutants "criteria air pollutants" and the agency has regulated them by developing specific public health-based and welfare-based criteria as the basis for setting permissible levels. Ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and lead are the six criteria air pollutants originally identified by U.S. EPA. Later, the agency added subsets of PM to their list of regulated criteria air pollutants and established permissible levels for PM of 10 micrometers in diameter or less (PM₁₀) and PM of 2.5 micrometers in diameter or less (PM_{2.5}). California has adopted its own air quality standards for these pollutants. California's standards tend to be as protective as the federal standards and are often more stringent. The U.S. EPA and the California Air Resources Board (CARB), which set ambient air quality standards, have identified and regulated these pollutants as part of their overall endeavor to prevent further deterioration and facilitate air quality improvement. The San Francisco Bay Area Air Basin (air basin) meets the federal or state air quality standards for most pollutants, except for ozone and particulate matter (both PM₁₀ and PM_{2.5}).

By its very nature, regional air pollution is a cumulative impact in that no single project is sufficient in size or emissions to result in non-attainment of the air basin's criteria air pollutant standards. Instead, a project's individual emissions contribute to the deterioration of regional air quality resulting in its non-attainment status.

Local Air Quality

Local air quality is influenced by emissions that occur from nearby sources. People living in close proximity to air pollution sources, such as freeways or busy roadways, have poorer lung functions and are more susceptible to develop asthma and other respiratory problems, compared with people living further away from these sources. CARB's *2017 Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways* reviewed traffic-related air pollution studies and found serious health impacts linked to traffic emissions. The report found that people living as far as 1,000 feet from freeways and high-traffic roadways are adversely impacted by poor air quality.

Air pollution sources may emit criteria air pollutants and toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that may cause chronic (i.e., of long duration) and/or acute (i.e., severe but short-term) adverse effects on human health, including carcinogenic effects. There are hundreds of different types of TACs with varying degrees of toxicity. Unlike criteria air pollutants, TACs are not subject to ambient air quality standards but are regulated by the Bay Area Air Quality Management District (air district) using a risk-based approach to determine which sources and which pollutants to control as well as the degree of control.

Diesel particulate matter (DPM), a byproduct of diesel fuel combustion, is considered a TAC based on evidence demonstrating cancer effects in humans. In addition, scientific studies have found an association between exposure to particulate matter and significant human health problems.

Air Pollution from Development Projects

Development projects contribute to non-attainment criteria air pollutants primarily through combustion emissions generated by vehicles (on-road and off-road vehicles) and equipment (diesel back-up generators and other construction equipment), heating, use of consumer products, paving and application of architectural coatings. Development projects contribute to particulate matter emissions (including DPM) primarily through combustion emissions generated by vehicles (on-road and off-road vehicles) and equipment (diesel back-up generators and other construction equipment). Construction activities can be a significant source of diesel exhaust emissions. When such emissions are not controlled, they can become a nuisance and public health risk. According to CARB, off-road equipment, which includes construction equipment, is the third largest source of mobile particulate matter emissions in California.

Health Effects of Air Pollution

Nearly half of all adult Americans have heart or blood vessel disease; heart disease and stroke are the first and fifth leading causes of death in the U.S., respectively. Air pollution affects heart health and can trigger heart attacks and strokes.

Criteria air pollutants cause notable damage to the environment and consequential health problems either directly or in reaction with other pollutants, due to their presence in elevated concentrations in the atmosphere. The U.S. EPA and CARB have set the air quality standards at levels considered safe to protect public health, including the health of sensitive populations such as asthmatics, children, and the elderly with a margin of safety; and to protect public welfare.

Human health effects of TACs include birth defects, neurological damage, cancer, and death. Thus, individual TACs vary greatly in the health risk they present; at a given level of exposure, one TAC may pose a hazard that is many times greater than another. Exposure to air pollutants that are carcinogens has significant human health consequences as well. For example, exposure to diesel exhaust is an established cause of lung cancer. Human health problems from exposure to particulate matter include: aggravated asthma; chronic bronchitis; reduced lung function; irregular heartbeat; heart attack; and premature death in people with heart or lung disease.

Short-term effects of exposure to air pollution include constriction or chest tightening that causes discomfort or limits normal activity and that makes exercise difficult. Long-term changes in lung function may include lung tissue inflammation, leading to chronic lung disease.

Air Quality and Public Health in San Francisco

Exposure to air pollutants contributes to most of the leading causes of death for San Franciscans: ischemic heart disease; lung, bronchus and tracheal cancers; cerebrovascular disease; chronic obstructive pulmonary disease; hypertensive heart disease and lower respiratory infection. As discussed above, proximity to sources of air pollution increases exposure. Low-income and minority communities tend to be in closer proximity to sources of air pollution. Consequently, health vulnerability varies among neighborhoods and populations within San Francisco, as measured by population health records of air pollution-associated hospital discharges and emergency room visits, and non-accident mortality. Health vulnerable populations are likely to have more significant health consequences from air pollutant exposure compared to populations that are less vulnerable.

San Francisco has long been a leader in protecting residents' public health from the harmful effects of air pollution. The city's innovative efforts include Health Code article 38, the Clean Construction Ordinance, the Dust Control Ordinance, and the Transportation Demand Management (TDM) program. San Francisco Health Code article 38 was adopted in 2008 (amended in 2014) to require new sensitive use development projects (e.g., residential units, schools, adult, child and infant care centers and nursing homes) located in areas where models show poor air quality and pollution (the Air Pollutant Exposure Zone, or APEZ) to install enhanced ventilation to protect sensitive uses from the health effects of living in a poor air quality area. The Clean Construction Ordinance was adopted in 2007 (amended in 2015) to require public projects to reduce emissions at construction sites. The Dust Control Ordinance was adopted in 2008 to reduce the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and onsite workers and minimize public nuisance complaints. The TDM program (adopted in 2017) established a menu of options for project sponsors to implement to reduce vehicle miles travelled in new development in order to support sustainable modes of transportation and reduce greenhouse gases and other automobile emissions.

The APEZ, as defined in article 38 of the San Francisco Health Code, includes areas that, based on modeling of air pollutant sources undertaken by the city in partnership with the air district, exceed health-protective standards for cumulative PM_{2.5} concentration and/or excess cancer risk, and incorporates health vulnerability factors (such as increased prevalence of hospital admissions for air pollution related causes) and proximity to freeways. The city created a map of properties located within the APEZ. Article 38 requires this map to be updated periodically at least every five years.¹

Mitigation of Air Quality Impacts in San Francisco

Despite the regulations discussed above, through the process of environmental review, San Francisco often identifies that projects continue to have significant air quality impacts. San Francisco has developed a series of mitigation measures that, when applied through the environmental review process pursuant to CEQA, substantially reduce, and in most cases avoid, significant air quality impacts. These mitigation measures address construction period emissions and emissions from diesel back-up generators and are routinely applied to projects within area plans, implementing the mitigation measures identified in area plan environmental impact reports. They have also been applied to about one hundred projects outside of the city's plan areas over the last 10 years (2010-2020).

The construction mitigation measure routinely applied to development projects in the environmental review process extends the requirements of the Clean Construction Ordinance to private development projects. The clean off-road construction equipment mitigation measure requires the project sponsor to prepare and implement a Construction Emissions Minimization Plan. The plan must demonstrate that the project sponsor will use construction equipment with lower emissions and allows for limited exceptions (e.g., such equipment is not available, would not yield substantial emissions reductions due to limited use, and certain exceptions related to safety). The project sponsor is also required to limit construction equipment idling to two minutes, post signs about the two-minute idling limit around the construction site and make the plan available to the public for review upon request. The project sponsor is also required to provide regular reports on the specific equipment used, with a final report due to the planning department upon completion of construction activities.

¹ See San Francisco's Planning Information Map (<http://propertymap.sfplanning.org/>), under the "Zoning Information" tab to determine if a project is located within the APEZ.

The clean diesel generator for building operations mitigation measure routinely applied to development projects in the environmental review process requires the generator to meet the most stringent emissions standards available to reduce DPM.

Implementation of the clean off-road construction equipment mitigation measure reduces DPM exhaust from diesel construction equipment by 89 to 94 percent compared to exhaust from construction equipment without emissions controls.² Implementation of the clean diesel generator for building operations mitigation measure results in an approximate 96 percent reduction in DPM compared to exhaust from generators without emissions controls.³ The clean construction and diesel generator mitigation measures also reduce emissions of NO_x, a criteria air pollutant. These mitigation measures form the basis for the air quality requirements described below.

Applicability of Air Quality Requirements

This section describes the criteria that determine when the air quality requirements apply to a given development project. The criteria include project location and project characteristics. There are two air quality requirements. The determination of whether an air quality requirement applies to a project is a two-step process for each air quality requirement. The first step is to determine if the project meets the general criteria. If the general criteria do not apply to the project, then the second step is to determine if the project meets the advanced analysis criteria. If the project does not meet the general criteria or the advanced analysis criteria, then the air quality requirement does not apply to the project. Conversely, if the project meets either the general criteria or the advanced analysis criteria, then the air quality requirement applies to the project. Figures AQ-1 and AQ-2, below, graphically display these steps for each air quality requirement. Planning department staff will evaluate each development project against the two-step process detailed below for each air quality requirement.

Applicability Determination for AQ-1: Clean Off-road Construction Equipment

This section details the two-step process for determining whether AQ-1: Clean Off-road Construction Equipment applies to a development project.

² PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tier 1 and 0. Tier 0 off-road engines do not have PM emission standards, but the United States Environmental Protection Agency's *Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition* has estimated Tier 0 engines between 50 hp and 100 hp to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 g/hp-hr. Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 percent and 63 percent reduction in PM emissions, as compared to off-road equipment with Tier 0 or Tier 1 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 hp and 50 hp for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 hp for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, ARB Level 3 VDECSs are required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions, as compared to equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

³ PM emission benefits are estimated for backup diesel generators by comparing PM emission standards for Tier 4 with Tier 1 in the 175 to 750 hp range. The PM emission factor change results in approximately a 96 percent reduction, from 0.4 g/bhp-hr to 0.015 g/bhp-hr.

Step 1: General Criteria

Determine whether the project meets the following general criteria. AQ-1: Clean Off-road Construction Equipment applies to all development projects that meet the general criteria below:

- A. Project site is located in the APEZ; AND
- B. Project construction would require the use of off-road equipment with an engine greater than 25 horsepower and operating for more than 20 total hours over the entire duration of construction; AND
- C. Project consists of any of the following:
 - i. Addition to an existing structure that increases the floor area by more than 50 percent; or the addition is more than 10,000 square feet, whichever is less.
 - ii. The project includes demolition of more than three single-family residences.
 - iii. The project includes demolition of structures with more than six dwelling units.
 - iv. The project consists of demolition of more than three commercial structures where the occupant load is 30 persons or more.
 - v. The project consists of new construction of more than three single-family homes or multifamily structures with more than six dwelling units.
 - vi. The project includes construction of four new commercial buildings exceeding a total of 10,000 square feet.
 - vii. The project would result in air pollutant emissions that are greater than or equivalent to any of the above.

Projects that do not meet the general criteria above are evaluated further to determine whether the project meets the advanced analysis criteria below.

Step 2: Advanced Analysis Criteria

AQ-1: Clean Off-road Construction Equipment applies to all development projects that exceed any criteria air pollutant significance threshold from the air district. The current air district criteria air pollutant significance thresholds are: 54 lbs/day of reactive organic gases (ROG), oxides of nitrogen (NO_x), and PM_{2.5} and 82 lbs/day of PM₁₀. These thresholds may be updated by the air district at a future date. To determine whether the project exceeds any current criteria air pollutant significance threshold, step 2 requires the following advanced analysis.

Step 2.A: Determine whether the project exceeds the construction criteria air pollutant screening criteria⁴ from the air district. See Table AQ-1, below for the screening criteria.

⁴ Bay Area Air Quality Management District. 2017. California Environmental Quality Act Air Quality Guidelines. Available: http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: May 2019. See Table 3-1 and page 3-5 for screening criteria, which are summarized in Table AQ-1. Screening criteria are not thresholds of significance. If a project meets all screening criteria, then a detailed assessment of the project's air pollutant emissions is not required because the project would not likely exceed any criteria air pollutant significance threshold, and AQ-1: Clean Off-road Construction Equipment does not apply to the development project. The screening criteria and thresholds of significance may be updated by the air district at a future date, at which point in time this standard environmental requirement will be updated to reflect updated significance thresholds and screening criteria.

AQ-1: Clean Off-road Construction Equipment does not apply to projects that do not meet the general criteria in step 1 and that do not exceed the construction criteria air pollutant screening levels.

Step 2.B: Determine whether the project exceeds any construction criteria air pollutant significance thresholds from the air district by conducting quantitative analysis. AQ-1: Clean Off-road Construction Equipment does not apply to projects that do not meet the general criteria in step 1 and that do not exceed the construction criteria air pollutant significance thresholds established by the air district.

Applicability Determination for AQ-2: Clean Diesel Generators for Building Operations

This section details the two-step process for determining whether AQ-2: Clean Diesel Generators for Building Operations applies to a development project. This standard environmental requirement does not apply to projects that do not propose to include diesel generators.

Step 1: General Criteria

Determine whether the project meets the following general criteria. AQ-2: Clean Diesel Generators for Building Operations applies to all development projects that meet the general criteria below:

- A. The project includes a diesel generator; AND
- B. Project site is located in the APEZ

Projects that do not meet the general criteria above are evaluated further to determine whether the project meets the advanced analysis criteria below.

Step 2: Advanced Analysis Criteria

AQ-2: Clean Diesel Generators for Building Operations applies to all development projects that include a diesel generator and exceed any criteria air pollutant significance threshold from the air district. The current air district criteria air pollutant significance thresholds are: 54 lbs/day of reactive organic gases (ROG), oxides of nitrogen (NO_x), and PM_{2.5} and 82 lbs/day of PM₁₀. To determine whether the project exceeds any criteria air pollutant significance threshold, step 2 requires the following advanced analysis.

Step 2.A: Determine whether the project includes a diesel generator and exceeds the operational criteria air pollutant screening criteria from the air district. See Table AQ-1, below for the screening criteria. AQ-2: Clean Diesel Generators for Building Operations does not apply to projects that do not meet the general criteria in step 1, do not include a diesel generator, and do not exceed the criteria air pollutant screening.

Step 2.B: Determine whether the project exceeds the operational criteria air pollutant significance thresholds from the air district by conducting quantitative analysis. AQ-2: Clean Diesel Generators for Building Operations does not apply to projects that do not meet the general criteria in step 1, do not include a diesel generator, and that do not exceed the criteria air pollutant significance thresholds.

AQ-1: Clean Off-Road Construction Equipment Applicability

Step 1: General Criteria- Does the project meet the following general criteria?

- A. Project site is located in the APEZ; **AND**
- B. Project construction would require the use of off-road equipment with an engine greater than 25 horsepower and operating for more than 20 total hours over the entire duration of construction; **AND**
- C. Project consists of any of the following:
 - i. Addition to an existing structure that increases the floor area by more than 50 percent; or the addition is more than 10,000 square feet, whichever is less.
 - ii. The project includes demolition of more than three single-family residences.
 - iii. The project includes demolition of structures with more than six dwelling units.
 - iv. The project consists of demolition of more than three commercial structures where the occupant load is 30 persons or more.
 - v. The project consists of new construction of more than three single-family homes or multifamily structures with more than six dwelling units.
 - vi. The project includes construction of four new commercial buildings exceeding a total of 10,000 square feet.
 - vii. The project would result in air pollutant emissions that are greater than or equivalent to any of the above.

yes →

AQ-1 Clean Off-road Construction Equipment applies to the project

no →

Proceed to Step 2

Step 2: Advanced Analysis Criteria- Determine whether the project exceeds the criteria air pollutant significance thresholds from the air district.

Step 2.A: Does the project fall below the air district's screening criteria for project size and meet the additional construction screening criteria? See Table AQ-1.

yes →

AQ-1 Clean Off-road Construction Equipment does not apply to the project

no →

Proceed to Step 2.B

Step 2.B: Conduct a quantitative analysis of the project's construction criteria air pollutant emissions. Does the project fall below the air district's significance thresholds?

yes →

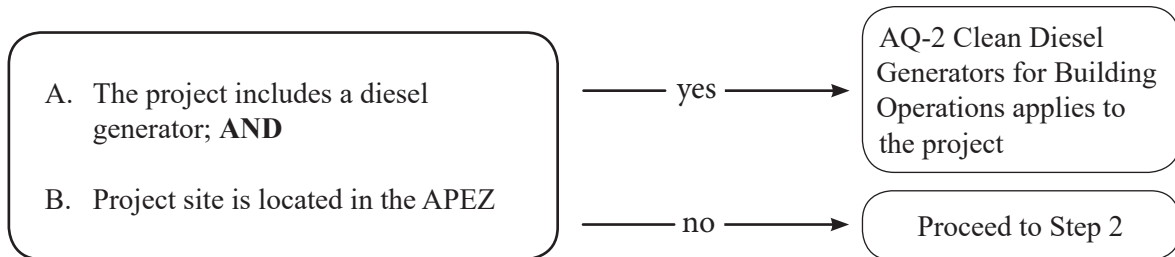
AQ-1 Clean Off-road Construction Equipment does not apply to the project

no →

AQ-1 Clean Off-road Construction Equipment applies to the project

AQ-2: Clean Diesel Generators for Building Operations Applicability

Step 1: General Criteria- Does the project meet the following general criteria?



Step 2: Advanced Analysis Criteria- Determine whether the project exceeds the criteria air pollutant significance thresholds from the air district.

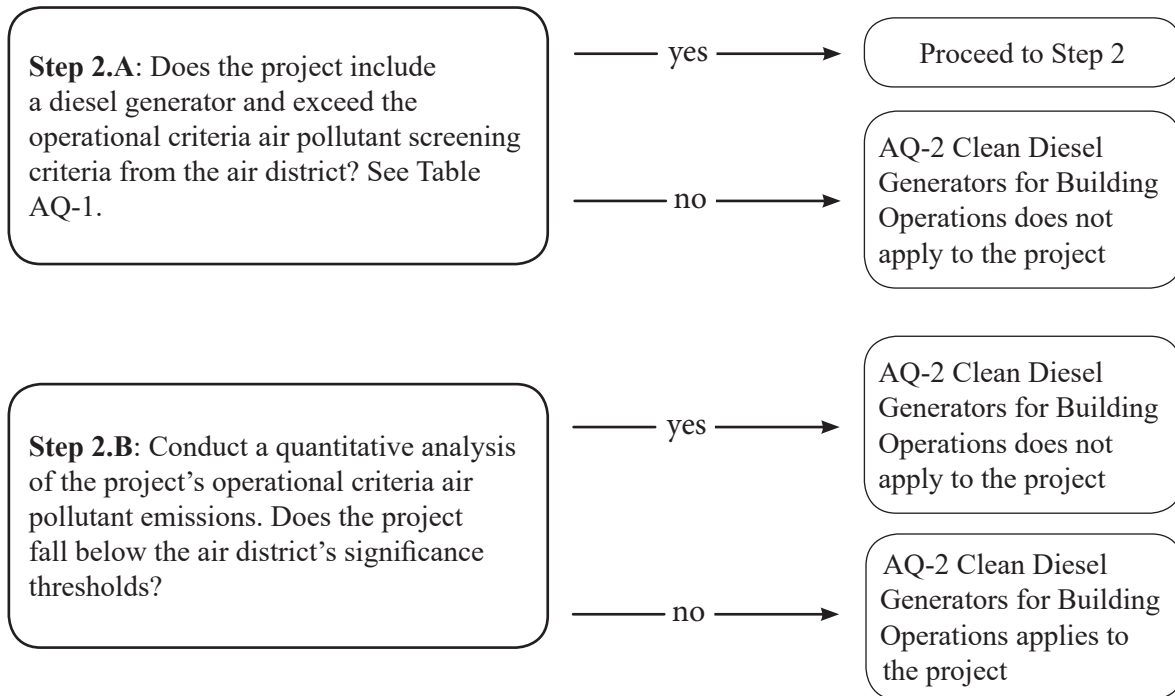


Table AQ-1: Criteria Air Pollutant Screening

Land Use Type	Operational Criteria Pollutant Screening Size	Construction Criteria Pollutant Screening Size*
Single-family	325 du (NOX)	114 du (ROG)
Apartment, low-rise	451 du (ROG)	240 du (ROG)
Apartment, mid-rise	494 du (ROG)	240 du (ROG)
Apartment, high-rise	510 du (ROG)	249 du (ROG)
Condo/townhouse, general	451 du (ROG)	240 du (ROG)
Condo/townhouse, high-rise	511 du (ROG)	252 du (ROG)
Mobile home park	450 du (ROG)	114 du (ROG)
Retirement community	487 du (ROG)	114 du (ROG)
Congregate care facility	657 du (ROG)	240 du (ROG)
Day-care center	53 ksf (NOX)	277 ksf (ROG)
Elementary school	271 ksf (NOX)	277 ksf (ROG)
Elementary school	2747 students (ROG)	3904 students (ROG)
Junior high school	285 ksf (NOX)	277 ksf (ROG)
Junior high school	2460 students (NOX)	3261 students (ROG)
High school	311 ksf (NOX)	277 ksf (ROG)
High school	2390 students (NOX)	3012 students (ROG)
Junior college (2 years)	152 ksf (NOX)	277 ksf (ROG)
Junior college (2 years)	2865 students (ROG)	3012 students (ROG)
University/college (4 years)	1760 students (NOX)	3012 students (ROG)
Library	78 ksf (NOX)	277 ksf (ROG)
Place of worship	439 ksf (NOX)	277 ksf (ROG)
City park	2613 acres (ROG)	67 acres (PM10)
Racquet club	291 ksf (NOX)	277 ksf (ROG)
Racquetball/health	128 ksf (NOX)	277 ksf (ROG)
Quality restaurant	47 ksf (NOX)	277 ksf (ROG)
High turnover restaurant	33 ksf (NOX)	277 ksf (ROG)
Fast food rest. w/ drive thru	6 ksf (NOX)	277 ksf (ROG)
Fast food rest. w/o drive thru	8 ksf (NOX)	277 ksf (ROG)
Hotel	489 rooms (NOX)	554 rooms (ROG)
Motel	688 rooms (NOX)	554 rooms (ROG)
Free-standing discount store	76 ksf (NOX)	277 ksf (ROG)
Free-standing discount superstore	87 ksf (NOX)	277 ksf (ROG)
Discount club	102 ksf (NOX)	277 ksf (ROG)
Regional shopping center	99 ksf (NOX)	277 ksf (ROG)
Electronic Superstore	95 ksf (NOX)	277 ksf (ROG)
Home improvement superstore	142 ksf (NOX)	277 ksf (ROG)
Strip mall	99 ksf (NOX)	277 ksf (ROG)
Hardware/paint store	83 ksf (NOX)	277 ksf (ROG)
Supermarket	42 ksf (NOX)	277 ksf (ROG)
Convenience market (24 hour)	5 ksf (NOX)	277 ksf (ROG)
Convenience market with gas pumps	4 ksf (NOX)	277 ksf (ROG)
Bank (with drive-through)	17 ksf (NOX)	277 ksf (ROG)
General office building	346 ksf (NOX)	277 ksf (ROG)
Office park	323 ksf (NOX)	277 ksf (ROG)
Government office building	61 ksf (NOX)	277 ksf (ROG)
Government (civic center)	149 ksf (NOX)	277 ksf (ROG)
Pharmacy/drugstore w/ drive	49 ksf (NOX)	277 ksf (ROG)

Table AQ-1: Criteria Air Pollutant Screening

Land Use Type	Operational Criteria Pollutant Screening Size	Construction Criteria Pollutant Screening Size*
through		
Pharmacy/drugstore w/o drive through	48 ksf (NOX)	277 ksf (ROG)
Medical office building	117 ksf (NOX)	277 ksf (ROG)
Hospital	226 ksf (NOX)	277 ksf (ROG)
Hospital	334 beds (NOX)	337 beds (ROG)
Warehouse	864 ksf (NOX)	259 ksf (NOX)
General light industry	541 ksf (NOX)	259 ksf (NOX)
General light industry	72 acres (NOX)	11 acres (NOX)
General light industry	1249 employees (NOX)	540 employees (NOX)
General heavy industry	1899 ksf (ROG)	259 ksf (NOX)
General heavy industry	281 acres (ROG)	11 acres (NOX)
Industrial park	553 ksf (NOX)	259 ksf (NOX)
Industrial park	61 acres (NOX)	11 acres (NOX)
Industrial park	1154 employees (NOX)	577 employees (NOX)
Manufacturing	992 ksf (NOX)	259 ksf (NOX)

Notes: du = dwelling units; ksf = thousand square feet; NOX = oxides of nitrogen; ROG = reactive organic gases. Screening levels include indirect and area source emissions. Emissions from engines (e.g., back-up generators) and industrial sources subject to air district rules and regulations embedded in the land uses are not included in the screening estimates and must be added to the above land uses.

* In addition to meeting the project screening size, projects must also not include all of the following:

1. Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously);
2. Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site) (not applicable to high density infill development);
3. Extensive site preparation (i.e., greater than default assumptions used by the California Emissions Estimator Model [CalEEMod] for grading, cut/fill, or earth movement); or
4. Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

Source: Bay Area Air Quality Management District. 2017. *California Environmental Quality Act Air Quality Guidelines*.

Air Quality Requirements

This section provides the air quality requirements that apply to projects meeting the criteria specified under Applicability of Air Quality Requirements, above.

AQ-1: Clean Off-road Construction Equipment

The project sponsor shall comply with all of the following:

A. *Engine Requirements.*

1. All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (CARB) Tier 4 Interim or Tier 4 Final off-road emission standards.⁵
2. Where grid power is available, portable diesel engines shall be prohibited.
3. All diesel engines, whether for off-road or on-road equipment or vehicles, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The project sponsor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.
4. The project sponsor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

B. *Waivers.*

1. The Environmental Review Officer (ERO) or their designee may waive the equipment requirements of Subsection (A)(1) if: a particular piece of Tier 4 Interim or Tier 4 Final off-road equipment is not available or technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; or use of the equipment would create a safety hazard or impaired visibility for the operator. The project sponsor shall demonstrate that with approval of the waiver, the project would not exceed any health risk or criteria air pollutant significance threshold established by the department. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to Table AQ below. Emerging technologies with verifiable emissions reductions supported by substantial evidence may also be employed in lieu of the step-down schedule below.
2. The ERO may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).

⁵ See 40 CFR Part 1039 and Title 13 CCR Sections 2403 to 2784.

Table AQ– Clean Off-Road Construction Equipment Compliance Step-down Schedule

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	CARB Level 3 VDECS ¹
2	Tier 2	CARB Level 2 VDECS
3	Tier 2	CARB Level 1 VDECS

How to use the table: If the ERO determines that the equipment requirements listed in Section A.1, above, cannot be met, then the project sponsor is required to meet Compliance Alternative 1. If the ERO determines that the project sponsor cannot supply off-road equipment meeting Compliance Alternative 1, then the project sponsor must meet Compliance Alternative 2. If the ERO determines that the project sponsor cannot supply off-road equipment meeting Compliance Alternative 2, then the project sponsor must meet Compliance Alternative 3.¹ VDECS are a Verifiable Diesel Emissions Control Strategy

- C. *Clean Off-road Construction Equipment Plan.* Before starting on-site activities requiring the use of off-road equipment, the project sponsor shall submit a Clean Off-road Construction Equipment Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the project sponsor will meet the requirements of Section A.
1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel use and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date and hour meter reading on installation date.
 2. The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the project sponsor agrees to comply fully with the Plan. A signed certification statement shall be submitted to the ERO before starting on-site construction activities requiring off-road equipment.
 3. The project sponsor shall make the Plan available to the public for review on-site during working hours. The project sponsor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The project sponsor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.
- D. *Monitoring.* After start of construction activities, the project sponsor shall submit reports every six months to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.

- E. *Projects Exceeding Health Risk or Criteria Air Pollutant Significance Thresholds.* Projects that exceed any health risk or criteria air pollutant significance threshold with application of the items above, shall implement the following as needed to reduce health risks or criteria air pollutants to below the thresholds of significance:
1. The project sponsor shall ensure that all on-road heavy-duty trucks with a gross vehicle weight of 19,500 pounds or more be a model year no older than eight years old from when construction commences.
 2. Any other best available technology or emission reduction strategies offered at the time that projects are submitted to the planning department for review may be included.

AQ-2: Clean Diesel Generators for Building Operations

All diesel generators shall have engines that meet USEPA (1) Tier 4 Final or Tier 4 Interim emission standards, or (2) Tier 2 or Tier 3 emission standards and are equipped with a California Air Resources Board Level 3 Verified Diesel Emissions Control Strategy. For each new diesel generator submitted for the project, including any associated generator pads, engine and filter specifications shall be submitted to the San Francisco Planning Department Environmental Review Officer or their designee for review and approval prior to issuance of a permit for the generator from the San Francisco Department of Building Inspection. Once operational, all diesel generators and Verified Diesel Emissions Control Strategy shall be maintained in good working order in perpetuity and any future replacement of the diesel generator, and Level 3 Verified Diesel Emissions Control Strategy filters shall be required to be consistent with these emissions specifications. The operator of the facility shall maintain records of the testing schedule for each diesel generator for the life of that diesel generator and provide this information for review to the ERO within three months of requesting such information.

Exceptions

If the project sponsor provides documentation supported by substantial evidence that the project would not exceed the air district's regional criteria air pollutant significance thresholds, then these conditions do not apply for purposes of addressing regional air quality. The current air district criteria air pollutant thresholds are: 54 lbs/day of reactive organic gases (ROG), oxides of nitrogen (NO_x), and PM_{2.5} and 82 lbs/day of PM₁₀. If the project sponsor provides documentation supported by substantial evidence that the project as a whole would not exceed the following health protective standards, then these air quality standard conditions do not apply for purposes of addressing local air quality: 1) an increased cancer risk of 7 per one million persons exposed, or 2) PM_{2.5} concentrations of 0.2µg/m³ at sensitive receptors.

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Standard Environmental Requirement Monitoring and Reporting Program

Standard Environmental Requirements	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Report Responsibility	Status/Date Completed
Air Quality				
<p>AQ-1: Clean Off-road Construction Equipment The project sponsor shall comply with all of the following:</p> <p><i>Engine Requirements.</i></p> <ol style="list-style-type: none"> All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (CARB) Tier 4 Interim or Tier 4 Final off-road emission standards.¹ Where grid power is available, portable diesel engines shall be prohibited. All diesel engines, whether for off-road or on-road equipment or vehicles, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The project sponsor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit. The project sponsor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment and 	<p>Project sponsor and planning department</p>	<p>Prior to the start of construction project sponsor to submit:</p> <ol style="list-style-type: none"> Clean Off-road Construction Equipment Plan for review and approval signed certification statement 	<p>Planning Department (Environmental Review Officer [ERO], air quality technical staff)</p>	<p>Considered complete upon planning department review and acceptance of Clean Off-road Construction Equipment Plan, implementation of the plan, and submittal of final report summarizing use of construction equipment pursuant to the plan</p>

¹ See 40 CFR Part 1039 and Title 13 CCR Sections 2403 to 2784.

Standard Environmental Requirement Monitoring and Reporting Program

Standard Environmental Requirements	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Report Responsibility	Status/Date Completed
<p>require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p><i>Waivers.</i></p> <p>1. The Environmental Review Officer (ERO) or their designee may waive the equipment requirements of Subsection (A)(1) if: a particular piece of Tier 4 Interim or Tier 4 Final off-road equipment is not available or technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; or use of the equipment would create a safety hazard or impaired visibility for the operator. The project sponsor shall demonstrate that with approval of the waiver, the project would not exceed any health risk or criteria air pollutant significance threshold established by the department. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to Table AQ below. Emerging technologies with verifiable emissions reductions supported by substantial evidence may also be employed in lieu of the step-down schedule below.</p> <p>2. The ERO may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).</p>				

Standard Environmental Requirement Monitoring and Reporting Program

Standard Environmental Requirements	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed												
<p>Table AQ– Clean Off-Road Construction Equipment Compliance Step-down Schedule</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 10px;"> <thead> <tr> <th style="width: 15%;">Compliance Alternative</th> <th style="width: 15%;">Engine Emission Standard</th> <th style="width: 70%;">Emissions Control</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">Tier 2</td> <td>CARB Level 3 VDECS¹</td> </tr> <tr> <td style="text-align: center;">2</td> <td style="text-align: center;">Tier 2</td> <td>CARB Level 2 VDECS</td> </tr> <tr> <td style="text-align: center;">3</td> <td style="text-align: center;">Tier 2</td> <td>CARB Level 1 VDECS</td> </tr> </tbody> </table> <p>How to use the table: If the ERO determines that the equipment requirements listed in Section A.1, above, cannot be met, then the project sponsor is required to meet Compliance Alternative 1. If the ERO determines that the project sponsor cannot supply off-road equipment meeting Compliance Alternative 1, then the project sponsor must meet Compliance Alternative 2. If the ERO determines that the project sponsor cannot supply off-road equipment meeting Compliance Alternative 2, then the project sponsor must meet Compliance Alternative 3.¹ VDECS are a Verifiable Diesel Emissions Control Strategy</p> <p><i>Clean Off-road Construction Equipment Plan.</i></p> <p>Before starting on-site activities requiring the use of off-road equipment, the project sponsor shall submit a Clean Off-road Construction Equipment Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the project sponsor will meet the requirements of Section A.</p> <p>1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model</p>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	CARB Level 3 VDECS ¹	2	Tier 2	CARB Level 2 VDECS	3	Tier 2	CARB Level 1 VDECS				
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 2	CARB Level 3 VDECS ¹														
2	Tier 2	CARB Level 2 VDECS														
3	Tier 2	CARB Level 1 VDECS														

Standard Environmental Requirement Monitoring and Reporting Program

Standard Environmental Requirements	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Report Responsibility	Status/Date Completed
<p>year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel use and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date and hour meter reading on installation date.</p> <p>2. The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the project sponsor agrees to comply fully with the Plan. A signed certification statement shall be submitted to the ERO before starting on-site construction activities requiring off-road equipment.</p> <p>3. The project sponsor shall make the Plan available to the public for review on-site during working hours. The project sponsor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The project sponsor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p> <p><i>Monitoring.</i></p> <p>After start of construction activities, the project sponsor shall submit reports every six months to the ERO documenting compliance with the Plan. After</p>				

Standard Environmental Requirement Monitoring and Reporting Program

Standard Environmental Requirements	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Report Responsibility	Status/Date Completed
<p>completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p> <p><i>Projects Exceeding Health Risk or Criteria Air Pollutant Significance Thresholds.</i></p> <p>Projects that exceed any health risk or criteria air pollutant significance threshold with application of the items above, shall implement the following as needed to reduce health risks or criteria air pollutants to below the thresholds of significance:</p> <ol style="list-style-type: none"> 1. The project sponsor shall ensure that all on-road heavy-duty trucks with a gross vehicle weight of 19,500 pounds or more be a model year no older than eight years old from when construction commences. 2. Any other best available technology or emission reduction strategies offered at the time that projects are submitted to the planning department for review may be included. 				
<p>AQ-2: Clean Diesel Generators for Building Operations</p> <p>All diesel generators shall have engines that meet USEPA (1) Tier 4 Final or Tier 4 Interim emission standards, or (2) Tier 2 or Tier 3 emission standards and are equipped with a California Air Resources Board Level 3 Verified Diesel Emissions Control Strategy. For each new diesel generator submitted for the project, including any associated generator pads,</p>	Project sponsor	, Project sponsor to submit generator specifications for approval prior to issuance of building permit. Maintenance,	planning department (ERO, air quality technical staff)	Equipment specifications portion considered complete when equipment specifications approved by ERO. Maintenance is ongoing and

Standard Environmental Requirement Monitoring and Reporting Program

Standard Environmental Requirements	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Report Responsibility	Status/Date Completed
<p>engine and filter specifications shall be submitted to the San Francisco Planning Department Environmental Review Officer or their designee for review and approval prior to issuance of a permit for the generator from the San Francisco Department of Building Inspection. Once operational, all diesel generators and Verified Diesel Emissions Control Strategy shall be maintained in good working order in perpetuity and any future replacement of the diesel generator, and Level 3 Verified Diesel Emissions Control Strategy filters shall be required to be consistent with these emissions specifications. The operator of the facility shall maintain records of the testing schedule for each diesel generator for the life of that diesel generator and provide this information for review to the ERO within three months of requesting such information.</p>		<p>ongoing.</p>		<p>records are subject to planning department review upon request.</p>

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1 [Various Codes - Standard Environmental Requirements]

2
3 **Ordinance amending the Administrative Code to authorize the Planning Commission to**
4 **standardize policies that avoid or lessen common environmental impacts of**
5 **Development Projects, as defined; create a program to apply those policies as**
6 **requirements for Development Projects that meet certain applicability criteria, in order**
7 **to protect public health, safety, welfare, and the environment while expediting**
8 **environmental review for housing and other Development Projects; and to make**
9 **conforming amendments to the Planning, Environment, and Police Codes; affirming**
10 **the Planning Department's determination under the California Environmental Quality**
11 **Act; and making findings of consistency with the General Plan and the eight priority**
12 **policies of Planning Code, Section 101.1, and findings of public necessity,**
13 **convenience, and welfare findings under Planning Code, Section 302.**

14 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
15 **Additions to Codes** are in *single-underline italics Times New Roman font.*
16 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font.*~~
17 **Board amendment additions** are in double-underlined Arial font.
18 **Board amendment deletions** are in ~~strikethrough Arial font.~~
19 **Asterisks (* * * *)** indicate the omission of unchanged Code
20 subsections or parts of tables.

21 Be it ordained by the People of the City and County of San Francisco:

22 Section 1. Findings.

23 (a) The Planning Department has determined that the actions contemplated in this
24 ordinance comply with the California Environmental Quality Act (California Public Resources
25 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms this determination.

(b) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

(c) Pursuant to Planning Code, Section 302, the Board of Supervisors finds that the actions contemplated in this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. _____, recommending approval of the proposed designation. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

Section 2. The Administrative Code is hereby amended by adding Chapter 31A, consisting of Sections 31A.1, 31A.2, 31A.3, 31A.4, 31A.5, and 31A.6, to read as follows:

CHAPTER 31A: STANDARD ENVIRONMENTAL REQUIREMENTS PROGRAM

SEC. 31A.1. STANDARD ENVIRONMENTAL REQUIREMENTS PROGRAM.

Sections 31A.1 through 31A.6 (hereafter referred to collectively as "Chapter 31A") set forth the process for the creation of the Standard Environmental Requirements Program.

SEC. 31A.2. FINDINGS.

(a) San Francisco is experiencing a widely recognized housing affordability and supply

1 crisis. Since the Great Recession of 2007-2009, the average rent for a two-bedroom apartment in San
2 Francisco has increased by 80%, from \$2,573 in 2011 to \$4,750 in 2019. The average home sale price
3 for a two-bedroom house over the same period more than tripled, from \$510,000 to \$1,573,000. As of
4 2017, 40% of San Francisco households were housing-cost burdened, meaning the household is paying
5 more than 30% of gross annual income in housing costs. At the same time, the growth in housing
6 supply has lagged far behind the growth in demand. Since 2010, San Francisco's population has grown
7 by nearly 80,000 people and nearly 170,000 new jobs have been added, while fewer than 24,000 new
8 housing units were completed over this same period.

9 (b) In 2014, San Francisco voters passed Proposition K to commit the City to construct
10 or rehabilitate 30,000 housing units by 2020, with 33% affordable to low- and moderate-income
11 households.

12 (c) In September 2017, Mayor Edwin M. Lee issued Executive Directive 17-02:
13 Keeping up the Pace of Housing Production, which called on City agencies to work together to deliver
14 at least 5,000 units of new or rehabilitated housing every year for the foreseeable future to address the
15 housing supply shortage, and directed agencies to develop Process Improvements Plans to reach those
16 goals.

17 (d) In December 2017, the Planning Department issued its Process Improvements
18 Plan, which included a measure to Codify Effective Mitigation Measures in applicable environmental
19 review topic areas, specifically including but not limited to the areas of archeology, transportation,
20 noise, and air quality.

21 (e) Recent actions by the California Legislature have further emphasized
22 that housing production is a matter of urgent statewide concern, including the need for streamlined
23 permit review and environmental review procedures. In 2017, Senate Bill 35 established ministerial
24 review for projects that would provide housing units at certain income levels due to the lack of
25 production of such units, and Assembly Bill 73 established ministerial review for projects located

1 within Housing Sustainability Districts created by a local jurisdiction. In 2018, Assembly Bill 2162
2 provided for ministerial approval of supportive housing projects and made supportive housing a
3 permitted use by right in multifamily zoning districts statewide. In 2019, Assembly Bill 101 made “Low
4 Barrier Navigation Centers” permitted by right and subject to ministerial approval statewide, and
5 Senate Bill 330 declared a five-year statewide housing crisis and established a number of new
6 requirements for local jurisdictions to speed permit review for housing projects and prevent zoning
7 actions that would limit housing production.

8 (f) The Office of Environmental Review of the Planning Department was created under Chapter
9 31 of the Administrative Code to provide decisionmakers and the public with meaningful information
10 regarding the environmental consequences of proposed activities in the City. Chapter 31 also states
11 that the Office of Environmental Review is responsible for assuring that the City is carrying out its
12 responsibilities set forth in the California Environmental Quality Act (CEQA) and providing
13 procedural direction on the City’s implementation of CEQA. Further, Chapter 31 specifies that the
14 Environmental Review Officer may adopt necessary forms, checklists, and procedural guidelines to
15 implement CEQA and Chapter 31.

16 (g) The City, pursuant to its police power, has already adopted several local laws that provide
17 a high level of environmental protection to its residents, workers, and visitors, such as the Clean
18 Construction Ordinance (Environment Code Chapter 25), which protects public health by requiring
19 contractors on City projects to reduce diesel and other particulate matter emissions generated by
20 construction activities; the Stormwater Management Ordinance (Public Works Code Section 147),
21 which minimizes increases in pollution caused by stormwater runoff from development that would
22 otherwise degrade local water quality through stormwater controls; the Maher Ordinance (Health
23 Code Article 22A), which requires Department of Public Health oversight for the characterization and
24 mitigation of hazardous substances in soil and groundwater on development sites where contamination
25 is suspected; and the Dust Control Ordinance (Public Works Code Article 22B), which reduces dust

1 and pollutants that are constituents of dust, from any site preparation or construction activities by
2 requiring dust control measures for all construction projects and site-specific dust control plans for
3 projects on sites that are over one-half acre.

4 (h) In 2014, the City adopted Vision Zero, a policy that commits the City to eliminate traffic
5 fatalities. The 2019 Vision Zero Action Strategy outlines the initiatives and actions City agencies will
6 take to advance Vision Zero. The strategy includes an action to “Update Condition of Approval for new
7 development to include transportation mitigation measures that advance transportation safety” and
8 lists the Planning Department as the lead agency for the action.

9 (i) In addition, the Office of Environmental Review has identified several requirements that are
10 frequently applied to development projects with certain characteristics, to avoid or lessen certain
11 environmental impacts. For example, the City generally requires projects located in areas with
12 elevated air pollution that use heavy-duty diesel construction equipment to implement CEQA mitigation
13 measures requiring use of the cleanest construction equipment, so as to not increase the pollutant
14 burden.

15 (j) CEQA, the regulations implementing CEQA, and case law support lead agencies’ use of
16 environmental standards to assess and avoid environmental impacts resulting from projects. Indeed,
17 the CEQA Guidelines were amended in 2018 to “expressly clarify that agencies may rely on standards
18 adopted for environmental protection” as thresholds of significance, to determine whether a project
19 will result in significant impacts. As stated in the Guidelines, using environmental standards this way
20 “promotes consistency in significance determinations and integrates environmental review with other
21 environmental program planning and regulation.” Examples of such standards are the ordinances
22 listed above in subsection (g), and building code requirements.

23 (k) In the context of the ongoing housing crisis, and consistent with recent City and State policy
24 efforts to support expedited review for development projects, it is in the interest of the City to establish
25 environmental standards, policies, and requirements that may be uniformly applied where appropriate

1 and that, by design, would avoid or lessen common environmental impacts that often result from
2 development projects, while protecting public health, safety, and welfare. These policies, referred to in
3 this Chapter 31A as “Standard Environmental Requirements” will greatly facilitate the City’s ongoing
4 efforts to expedite review of housing and other development projects while at the same time achieving
5 high levels of environmental protection for its residents, workers, visitors, and the environment at
6 large, including implementing Vision Zero strategies to advance transportation safety.

7 (l) This Chapter 31A authorizes the Planning Commission to establish the Standard
8 Environmental Requirements Program, as set forth herein.

9
10 **SEC. 31A.3. DEFINITIONS.**

11 For purpose of this Chapter 31A, the following definitions shall apply:

12 **Approval.** Any required approval or determination by a City agency, including departments,
13 boards, commissions, or the Zoning Administrator, that authorizes the Development Project, including
14 building and site permits.

15 **Development Project.** Any change of use, alteration to an existing structure, demolition, or new
16 construction, and any Public Work.

17 **Public Work.** A contract for the erection, construction, renovation, alteration, improvement,
18 demolition, excavation, installation, or repair of any public building, structure, infrastructure, bridge,
19 road, street, park, dam, tunnel, utility, or similar public facility that is performed by or for the City, and
20 the cost of which is to be paid wholly or partially out of moneys deposited in the City Treasury or out of
21 trust monies under the control of or collected by the City.

22 **Standard Environmental Requirements.** Policies, standards, or requirements that, by design,
23 avoid or lessen one or more adverse environmental impacts that may result from Development
24 Projects.

1 **SEC. 31A.4. STANDARD ENVIRONMENTAL REQUIREMENTS PROGRAM.**

2 **(a) Standard Environmental Requirements Program.** *The Planning Commission shall*
3 *establish the Standard Environmental Requirements Program (“Standard Environmental Requirements*
4 *Program” or “Program”). The Program shall contain Standard Environmental Requirements that the*
5 *Planning Department commonly applies to Development Projects as part of the environmental review*
6 *process, specifically addressing the environmental review topics set forth in Section 31.10 of the*
7 *Administrative Code. The Planning Commission shall have discretion to develop the Standard*
8 *Environmental Requirements Program gradually, in phases, as more Standard Environmental*
9 *Requirements are developed and identified, and shall coordinate with other City departments and*
10 *commissions, as it develops the Program.*

11 **(b) Contents of the Standard Environmental Requirements Program.** *The Standard*
12 *Environmental Requirements Program shall contain all the information necessary to implement the*
13 *Program, and, at a minimum, shall specify, for each Standard Environmental Requirement, the*
14 *following information:*

- 15 *(1) Substantial evidence demonstrating that application of the Standard Environmental*
16 *Requirement will avoid or lessen one or more potential environmental impact;*
17 *(2) Applicability criteria for Development Projects;*
18 *(3) A clear description of how the Standard Environmental Requirement will be carried*
19 *out by Development Projects; and*
20 *(4) Appropriate monitoring and reporting requirements.*

21 **(c) Criteria for the Development of the Standard Environmental Requirements Program.**
22 *When preparing, adopting, or updating the Standard Environmental Requirements Program, the*
23 *Planning Commission shall consider the primary goals of this Chapter 31A, that is, to expedite review*
24 *of housing and other Development Projects, while avoiding or lessening impacts to the environment*
25

1 and protecting public health, safety, and welfare. In addition, the Planning Commission shall consider
2 the following principles:

3 (1) Proportionality. Application of each Standard Environmental Requirement shall be
4 proportional to the potential environmental impact a Development Project would produce absent the
5 Standard Environmental Requirement, and shall take into account site-specific information.

6 (2) Flexibility. The Standard Environmental Requirements Program shall provide for a
7 mechanism for a Development Project to demonstrate, if it so chooses, that despite falling within the
8 applicability criteria of a particular Standard Environmental Requirement, that that Standard
9 Environmental Requirement should not apply to it, because (A) the Development Project will not cause
10 the specific environmental impact that the Standard Environmental Requirement is designed to avoid or
11 lessen; or (B) the Development Project proposes an equal or more effective measure. For purposes of
12 this subsection (c)(2), an “equal or more effective measure” means that the new measure will avoid or
13 lessen the significant effect to at least the same degree as, or to a greater degree than, the original
14 measure, and will create no more adverse effect than would have the original measure.

15 If a Development Project demonstrates, to the satisfaction of the Environmental Review Officer,
16 that (A) in the above paragraph is met, that Development Project shall not be obligated to implement
17 that particular Standard Environmental Requirement. If a Development Project demonstrates, to the
18 satisfaction of the Environmental Review Officer, that (B) in the above paragraph is met, the equal or
19 more effective measure shall apply to that Development Project. All other applicable rules,
20 regulations, processes, and requirements shall continue to apply.

21 (3) Further Evaluations. If evidence suggests that a Development Project’s impacts
22 may still be significant under CEQA, despite compliance with the Standard Environmental
23 Requirements, the Development Project may be further evaluated and subject to additional Standard
24 Environmental Requirements or mitigation measures.

1 **(d) Relationship Between Standard Environmental Requirements and Previously Adopted**
2 **Mitigation Measures.** *If a Standard Environmental Requirement addresses an environmental impact*
3 *that was addressed in adopted mitigation measures identified for Area Plans, Development Projects,*
4 *and other planning efforts, the measure that is most protective of the environment shall be applied. The*
5 *Environmental Review Officer shall make this determination.*

6 **(e) Updates.** *The Standard Environmental Requirements Program shall be updated from time*
7 *to time, at the discretion of the Planning Commission, to include new Standard Environmental*
8 *Requirements, as they are identified and developed, to amend existing Standard Environmental*
9 *Requirements, and to reflect best practices in environmental protection. These updates shall include a*
10 *public review process and shall be supported by substantial evidence. Non-substantive changes that, in*
11 *the reasonable judgment of the Environmental Review Officer, do not create new requirements (for*
12 *example, to clarify existing requirements or procedures) may be updated administratively, without a*
13 *public hearing.*

14 **(f) Public Reports to the Planning Commission and the Board of Supervisors.** *Every five*
15 *years, the Planning Department shall prepare a report describing the implementation of the Standard*
16 *Environmental Requirements Program to date, including a description of any new or amended*
17 *Standard Environmental Requirements; the number of Development Projects that have been subject to*
18 *the Standard Environmental Requirements Program; and any other issues the Planning Department*
19 *deems germane. The Planning Department shall present said report to the Planning Commission at a*
20 *public hearing, and shall submit the report to the Board of Supervisors, which may, in accordance with*
21 *its procedures, hold a hearing on the report.*

22 **(g) Codification.** *If the Planning Commission seeks to enact a Standard Environmental*
23 *Requirement that would modify a requirement established in any City code, the Commission shall*
24 *submit to the Board of Supervisors a proposed ordinance to effect the modification.*
25

1 *(h) Retention of City Authority. The Standard Environmental Requirements Program shall not*
2 *limit the City's authority to impose additional standards, policies, conditions, requirements, and*
3 *mitigation measures, including to avoid or lessen environmental impacts, on any Development Project.*

4
5 **SEC. 31A.5. APPLICABILITY.**

6 *(a) General and Specific Applicability. The Standard Environmental Requirements Program*
7 *as established by this Chapter 31A shall apply to any Development Project that has the potential to*
8 *result in a direct physical change in the environment, or a reasonably foreseeable indirect physical*
9 *change in the environment. In addition, individual Standard Environmental Requirements shall have*
10 *their own applicability criteria, depending on the environmental impact they address.*

11 *(b) Time of Applicability. A Development Project shall be subject to the applicable Standard*
12 *Environmental Requirements in effect at the time of each Approval.*

13
14 **SEC. 31A.6. FEES.**

15 *The Planning Department shall charge Development Projects subject to the Standard*
16 *Environmental Requirements Program fees to compensate the Department for the cost of performing*
17 *the activities and providing the services described in Chapter 31A, pursuant to Administrative Code*
18 *Section 31.22 and Planning Code 350.*

19
20 Section 3. The Planning Code is hereby amended by revising Sections 155 and 174,
21 to read as follows

22
23 **SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF**
24 **OFF-STREET PARKING, FREIGHT LOADING, AND SERVICE VEHICLE FACILITIES.**

25 * * * *

1 **(u) Driveway and Loading Operations Plan (DLOP)** ~~*in the Central SoMa Special Use*~~
2 ~~*District*~~

3 **(1) Purpose.** The purpose of the a Driveway and Loading Operations Plan
4 (DLOP) is to reduce potential conflicts between driveway and loading operations, including
5 passenger and freight loading activities, and pedestrians, bicycles, and vehicles, to maximize
6 reliance of on-site loading spaces to accommodate new loading demand, and to ensure that
7 off-site loading activity is considered in the design of new buildings.

8 **(2) Applicability.** Development projects of more than 100,000 net new gross
9 square feet ~~*in the Central SoMa Special Use District*~~ *or 10,000 net new gross square feet of Grocery,*
10 *General or Grocery, Specialty, as those terms are defined in Planning Code Section 102.*

11 **(3) Requirement.** Applicable projects shall prepare a DLOP for review and
12 approval by the Planning Department, in consultation with the San Francisco Municipal
13 Transportation Agency. The DLOP shall be written in accordance with ~~*any guidelines issued by*~~
14 ~~*the Planning Department*~~ *applicable Standard Environmental Requirements within the Standard*
15 *Environmental Requirements Program of Chapter 31A of the Administrative Code.*

16
17 **SEC. 174. COMPLIANCE WITH CONDITIONS, STIPULATIONS, AND SPECIAL**
18 **RESTRICTIONS REQUIRED.**

19 Every condition, stipulation, special restriction, and other limitation imposed by
20 administrative actions pursuant to this Code *or Chapter 31A of the Administrative Code,* whether
21 such actions are discretionary or ministerial, shall be complied with in the development and
22 use of land and structures. All such conditions, stipulations, special restrictions, and other
23 limitations shall become requirements of this Code, and failure to comply with any such
24 condition, stipulation, special restriction, or other limitation shall constitute a violation of the
25

1 provisions of this Code. Such conditions, stipulations, special restrictions, and other limitations
2 shall include but not be limited to the following:

3 * * * *

4
5 Section 4. The Environment Code is hereby amended by revising Sections 2503 and
6 2504, to read as follows:

7
8 **SEC. 2503. DEFINITIONS.**

9 For purposes of this Chapter 25, the following definitions shall apply. Where a federal,
10 State, or City law is cross-referenced as part of a definition, it is intended that the cross-
11 reference include future amendments to the cross-referenced provision.

12 * * * *

13 "Development Project," as defined in Section 31A.3 of the Administrative Code.

14 * * * *

15 "Standard Environmental Requirements" means requirements approved by the Planning
16 Commission Department under Chapter 31A of the Administrative Code.

17 * * * *

18
19 **SEC. 2504. CLEAN CONSTRUCTION REQUIREMENTS.**

20 (a) All work performed on a Major Construction Project shall be carried out in
21 compliance with the requirements of this Chapter 25. All calls for bids for contracts for work to
22 be performed on a Major Construction Project shall contain the provisions required in
23 Administrative Code Section 6.25. If a Major Construction Project is also a Development Project
24 and a Standard Environmental Requirement has been adopted to address construction air quality
25

1 pursuant to Chapter 31A of the Administrative Code, the requirements in Section 2505 shall apply,
2 instead of the Standard Environmental Requirement.

3 (b) All Development Projects not otherwise subject to this Section 2504, that are subject to
4 the Standard Environmental Requirements adopted by the Planning Commission pursuant to Chapter
5 31A of the Administrative Code, addressing construction air quality, shall comply with that Standard
6 Environmental Requirement.

7 (bc) Notwithstanding ~~§~~subsection (a), work performed on a Major Construction Project
8 is not subject to the requirements of this Chapter 25 if there are no Sensitive Uses within
9 1,000 feet of any portion of the construction site and/or the project requires a limited amount
10 of Off-Road Equipment for a limited duration, such as projects exempt from the requirements
11 of the Department of Building Inspection's Green Building Code. If the project is changed
12 during the course of construction and results in the use of Off-Road Equipment for 20 or more
13 days in total, then the Contractor must immediately comply with this Chapter 25.

14 (ed) Contract-awarding authorities are encouraged to require contractors to meet the
15 standards for Clean Construction, as appropriate, in contracts not otherwise covered by this
16 Chapter 25.

17
18 Section 5. The Police Code is hereby amended by revising Sections 2901, 2907,
19 2908, 2909, 2910, 2912, and 2916, to read as follows:

20
21 **SEC. 2901. DEFINITIONS.**

22 * * * *

23 (n) "Standard Environmental Requirements" means requirements approved by the
24 Planning Commission under Chapter 31A of the Administrative Code.

1 (*no*) "Sound level," expressed in decibels (dB), means a logarithmic indication of the
2 ratio between the acoustic energy present at a given location and the lowest amount of
3 acoustic energy audible to sensitive human ears and weighted by frequency to account for
4 characteristics of human hearing, as given in the American National Standards Institute
5 Standard S1.1, "Acoustic Terminology," paragraph 2.9, or successor reference. All references
6 to dB in this chapter refer to the A-level or C-level weighting scale, abbreviated dBA or dBC,
7 measured as set forth in this section.

8 (*op*) "Limited Live Performance Locale" has the same meaning as the term is defined
9 in *San Francisco* Police Code Section 1060.

10
11 **SEC. 2907. CONSTRUCTION EQUIPMENT.**

12 * * * *

13 (*e*) *In addition, Development Projects subject to Chapter 31A of the Administrative Code*
14 *shall comply with applicable Standard Environmental Requirements pertaining to construction noise.*

15
16 **SEC. 2908. CONSTRUCTION WORK AT NIGHT.**

17 It shall be unlawful for any person, between the hours of 8:00 p.m. of any day and 7:00
18 a.m. of the following day to erect, construct, demolish, excavate for, alter, or repair any
19 building or structure if the noise level created thereby is in excess of the ambient noise level
20 by 5 dBA at the nearest property plane, unless a special permit therefor has been applied for
21 and granted by the Director of Public Works or the Director of Building Inspection. In granting
22 such special permit, the Director of Public Works or the Director of Building Inspection shall
23 consider: if construction noise in the vicinity of the proposed work site would be less
24 objectionable at night than during daytime because of different population levels or different
25 neighboring activities if obstruction and interference with traffic, particularly on streets of major

1 importance, would be less objectionable at night than during daytime; if the kind of work to be
2 performed emits noises at such a low level as to not cause significant disturbance in the
3 vicinity of the work site, if the neighborhood of the proposed work site is primarily residential in
4 character wherein sleep could be disturbed: if great economic hardship would occur if the
5 work were spread over a longer time~~rs~~; if the work will abate or prevent hazard to life or
6 property; and if the proposed night work is in the general public interest. The Director of Public
7 Works or the Director of Building Inspection shall prescribe such conditions, working times,
8 types of construction equipment to be used, and permissible noise emissions, as required in
9 the public interest. Development projects subject to Chapter 31A of the Administrative Code shall
10 comply with applicable Standard Environmental Requirements pertaining to construction noise at
11 night.

12 The provisions of this Section 2908 shall not be applicable to emergency work.

13
14 **SEC. 2909. NOISE LIMITS.**

15 * * * *

16 (e) Standard Environmental Requirements. Development Projects subject to Chapter 31A of the
17 Administrative Code shall comply with Standard Environmental Requirements pertaining to fixed
18 mechanical equipment and standby emergency generators.

19 (ef) Noise Caused By Activities Subject To Permits From the City and County of San
20 Francisco. None of the noise limits set forth in this Section 2909 apply to activity for which the
21 City and County of San Francisco has issued a permit that contains noise limit provisions that
22 are different from those set forth in this Article.

23
24 **SEC. 2910. VARIANCES.**

1 The Directors of Public Health, Public Works, Building Inspection, or the Entertainment
2 Commission, or the Chief of Police may grant variances to noise regulations, over which they
3 have jurisdiction pursuant to Section 2916. All administrative decisions granting or denying
4 variances are appealable to the San Francisco Board of Appeals. Variances shall not be issued
5 for any Standard Environmental Requirement applicable to a Development Project, as defined in
6 Chapter 31A of the Administrative Code.

7
8 **SEC. 2912. ADDITIONAL RESPONSIBILITIES OF THE DEPARTMENT OF PUBLIC**
9 **HEALTH, ~~AND~~ THE DEPARTMENT OF BUILDING INSPECTION, ~~AND~~ THE PLANNING**
10 **DEPARTMENT.**

11 * * * *

12 (f) The Planning Department shall be responsible for monitoring compliance of Standard
13 Environmental Requirements applicable to Development Projects subject to Chapter 31A of the
14 Administrative Code.

15
16 **SEC. 2916. ENFORCEMENT.**

17 * * * *

18 The Chief of Police may enforce Section 2909 as well as the provisions of this Article
19 29 that relate to noise created by humans or any other noise source not specifically assigned
20 or designated to another Department or Agency.

21 The Planning Department may enforce Section 2907(e), Section 2909(e), and the provisions of
22 Section 2908 related to Standard Environmental Requirements pursuant to Chapter 31A of the
23 Administrative Code.

1 Section 6. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: 
16 ANDREA RUIZ ESQUIDE
Deputy City Attorney

17
18 n:\legana\as2020\1900653\01434435.docx

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SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
Standard Environmental Requirements		
Case No.		Permit No.
2020-000052ENV		
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
<p>Project description for Planning Department approval.</p> <p>Ordinance amending the Administrative Code to authorize the Planning Commission to standardize policies that avoid or lessen common environmental impacts of Development Projects, as defined; create a program to apply those policies as requirements to Development Projects that meet certain applicability criteria, in order to protect public health, safety, welfare, and the environment while expediting environmental review for housing and other Development Projects; and to make conforming amendments to the Planning, Environment, and Police Codes.</p>		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<p>Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p>FOR ENVIRONMENTAL PLANNING USE ONLY</p>
<input checked="" type="checkbox"/>	<p>Class _____</p> <p>Class 7 - Actions by Regulatory Agencies For Protection of Natural Resources</p> <p>Class 8 - Actions by Regulatory Agencies For Protection of the Environment</p>

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p>Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)</p>
<input type="checkbox"/>	<p>Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?</p> <p><i>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i></p>
<input type="checkbox"/>	<p>Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</p>
<input type="checkbox"/>	<p>Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p>Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</p>
<p>Comments and Planner Signature (optional): Megan Calpin</p> <p>PLEASE SEE ATTACHED</p>	

**STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER**

PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input checked="" type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

**STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

**STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Planning Commission Hearing	Signature: Megan Calpin
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	03/11/2020
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		

CEQA Impacts

In this ordinance, the Board of Supervisors authorizes the Planning Commission to standardize commonly applied mitigation measures and require their application to Development Projects up front so that environmental protection is ensured and environmental review is expedited. Pursuant to this ordinance, the Planning Commission will develop individual standard environmental requirements in various environmental topic areas, as listed in the California Environmental Quality Act. Planning has determined that the ordinance and the Standard Environmental Requirements prepared pursuant to the ordinance are categorically exempt, because they meet the requirements of Class 7 and/or Class 8.

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Standard Environmental Requirements		/
Case No.	Previous Building Permit No.	New Building Permit No.
2020-000052PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Planning Commission Hearing	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.	
Planner Name:	Date: