



CATEGORICAL EXEMPTION APPEAL

1151 WASHINGTON STREET

Date: June 23, 2023
To: Angela Calvillo, Clerk of the Board of Supervisors
From: Lisa Gibson, Environmental Review Officer – 628.652.7571
Rachel Schuett, Senior Planner, Rachel.schuett@sfgov.org, 628.652.7546

RE: Planning Record No. 2022-010833ENV
Appeal of Categorical Exemption for 1151 Washington Street (Supplemental Appeal Response)

Hearing Date: June 27, 2023

Attachments: Attachment A, Site Mitigation Plan
Attachment B, SFHC Article 22A Site Mitigation Plan Approval Memorandum
Attachment C, San Francisco Fire Department Memorandum on 1151 Washington Street
Emergency Access

Project Sponsor: Dana Manea, MACY Architecture, 415.652.4535
Appellant(s): Richard Drury of Lozeau Drury, LLP, on behalf of Clayton Timbrell and the Upper Chinatown
Neighborhood Association

The responses below address additional environmental concerns raised by the Appellant in their June 16, 2023, supplemental appeal letter and further substantiate the proposed project's eligibility for a categorical exemption. The numbering of the responses continues the numbering from the department's June 16, 2023, appeal response. In addition, a memorandum from the San Francisco Fire Department addressing concerns related to emergency access is provided for your information, supplementing Response 2 provided in the department's June 16, 2023, first response letter (Attachment C).

Supplemental Responses

Response 6: The Site Sampling and Site Mitigation Plan Are Adequate for the Currently Proposed Project

Despite assertions to the contrary by the Appellant, the Site Mitigation Plan (SMP), dated October 7, 2022, and included as Attachment A, satisfies the requirements of San Francisco Health Code Article 22A and San Francisco Building Code Section 106.3.2.4 for the currently proposed project. A prior development proposal for the site, for which the planning department received an application in 2019, proposed a horizontal and vertical addition to the existing structure on the property (2019 project). The 2019 project would have increased the size of the building from 3,050 square feet to 5,235 square feet and would have increased its height from an existing 33 feet

(two stories over basement) to 39 feet, 11 inches (three stories over basement). The Phase I Environmental Site Assessment (ESA) and the Phase II ESA, which documented soil and soil vapor sampling, were prepared as part of that proposal.

It is important to recognize, however, that the SMP that DPH staff reviewed and approved in their January 10, 2023, SMP approval memorandum (see Attachment B) was prepared for the currently proposed larger project. In reviewing the SMP, DPH staff also reviewed the Phase II ESA and all other relevant documents to ensure that they would adequately serve as basis for SMP conclusions, which is done as standard protocol for SMP reviews. The type and amount of soil and soil vapor samples that were taken as part of the Phase II ESA were deemed by qualified DPH staff to be sufficient to characterize the nature and extent of subsurface contamination and to inform the appropriate remediation and other risk management decisions. It is not necessary to conduct additional sampling given the relatively small project site size (3,571 square feet), the history of exclusive residential use, the known and suspected environmental conditions, and the proposed development and environmental mitigations.

The increase in project size from the time that Phase I ESA and Phase II ESA were prepared does not invalidate the SMP because the risk management measures that the SMP requires, including the Site Health and Safety Plan and the vapor intrusion mitigation system (VIMS) installation, are scalable whether a project is small or large, and apply to the entire parcel. Construction measures are enforced through City inspections. Long-term measures would be enforced through an Operations and Maintenance Plan recorded in a deed restriction; thus, the measures required by the SMP would be protective of all future residents on the site. The planned development would inherently create a physical barrier between the soil and building occupants across the entire site, and the VIMS would ventilate or depressurize the vapor below the slab, and create a physical barrier between the soil vapor and the building occupants across the entire site; therefore, the measures, which would be legally required as part of Maher program implementation, would address the project as currently proposed and were developed for the SMP that considered the currently proposed project. Given the above, there are no indications that additional sampling would have changed the outcomes of the SMP and the Appellant has not provided substantial evidence to demonstrate otherwise.

Response 7: The SMP Includes Measures to Ensure Construction Worker Health and Safety

The Appellant raises a concern that some contaminants may not be identified during excavation, and erroneously asserts that contaminant identification will be done through olfactory and visual observations. Construction workers will not be expected to identify any miniscule, odorless, invisible gases that may be present on the site solely through smell, sight, taste or any other sense.

Rather, as one of the essential requirements of the SMP, the contractor implementing the project will prepare a Site-specific Health and Safety Plan (SHSP) pursuant to the California Occupational Safety and Health Administration (Cal/OSHA) worker health and safety laws and requirements. The objectives of the SHSP, which are discussed in the SMP are: 1) to identify, evaluate and control site health and safety hazards related to soil beneath the site, thereby helping to ensure the health and safety of all field personnel involved in the development activities on-site; and 2) to inform all contractors, subcontractors, and other field personnel of the known chemicals of potential concern in soil at the site so they are able to make prudent health and safety decisions related to soil and soil vapor that will protect the health of the workers and the surrounding community throughout the development of the site.

The SHSP will rely on industry-standard practices, including using chemical-specific meters, to identify if any toxic chemicals are present on the site. Workers will also be trained on safe practices and will be required to wear personal protective equipment if expected to come into direct contact with soil. Moreover, working outside will provide natural ventilation, and the chemicals of concern – such as PCE, ethylbenzene, and benzene – will dissipate upon release. Given the concentrations present, the chemicals are expected to quickly reach concentrations so low that they may not even be detectable by meters, at which levels they do not present a health risk. Furthermore, the fact that the chemicals of concern identified on the project site exceed screening levels does not mean that they could expose workers to levels that would prove harmful given the relatively short-term exposure that would occur during project construction. This is because the screening levels typically used by local and state agencies to “screen in” projects for further consideration, which are established by the San Francisco Regional Water Quality Control Board,¹ are designed for long-term exposure (spanning multiple decades) and are therefore very conservative. The Phase II investigation demonstrates that contaminant concentrations at the project site do not exceed levels established to ensure construction worker safety.

In addition to Cal/OSHA regulations discussed above, construction workers will be protected by Bay Area Air Quality Management District rules concerning air emissions and/or dust control. These measures require spraying active construction areas with water, enclosing exposed construction stockpiles, spraying water during soil loading activities, sweeping, and various additional measure designed to control dust during building, filling, grading excavation, and stockpiling. For the above reasons, the SMP, including the SHSP, would also protect nearby residents and park users against exposure to hazardous substances.

Response 8: CEQA Requires Analysis of a Project’s Impact on the Environment, Not the Other Way Around

Another important point to consider is that CEQA does not require a lead agency to analyze whether existing environmental conditions may impact a proposed project’s future users (in this case, residents) – also known as “reverse CEQA” – as opposed to the analysis of a project’s impact on the environment, *unless* the proposed project risks exacerbating existing environmental hazards. Unless such exacerbation would result, it is the project’s impact on the environment, not the environment’s impact on the project, which requires analysis. In the context of a project eligible for a Class 32 categorical exemption, the consideration of a potential exacerbation is only required where the project presents an unusual circumstance that results in such exacerbation. (Refer to the department’s appeal response for a more detailed discussion of the unusual circumstances exception.)

The project will not exacerbate an existing condition. As explained in the department’s June 16, 2023, response letter, the department has substantial evidence in the record to support the determination that the existing contamination of the project site is not an unusual circumstance. Subsurface contamination of the kind that exists beneath the site (as documented in Phase I and II reports) is common in an urban area like San Francisco and it will be addressed in compliance with a robust regulatory program. The project itself would not introduce new sources of contamination to the site, which is proposed for residential use. Indeed, rather than exacerbating existing environmental hazards, the proposed project would in fact remediate legacy contamination on the project site that was not caused by the project. The project sponsor has committed to implementing the actions in the SMP, consistent with all applicable laws, regulations and industry standards, which as noted above, would not endanger construction workers or nearby residents and park users.

¹ San Francisco Regional Water Quality Control Board, Environmental Screening Levels, https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.html, accessed June 22, 2023.

Response 9: CEQA Does Not Preclude Reliance upon Laws and Regulatory Programs That Do Not Have Public Engagement Processes Comparable to CEQA

The Appellant falsely claims that the department “ignores the law” by citing the Maher Ordinance to support the project’s eligibility for a categorical exemption. The Appellant asserts that this is because the Maher Ordinance “has no mechanism for public review of clean-up plans or public participation in environmental reviews.” The Appellant does not cite the law which supposedly precludes the department’s approach.

CEQA does not establish minimum public engagement requirements for other laws and regulations that are cited and relied upon during CEQA review as evidence that an impact would not occur. Instead, CEQA establishes public engagement requirements depending on the level of environmental review, such as for negative declarations and environmental impact reports. There are no public engagement requirements for projects that qualify for a categorical exemption, other than that the lead agency must allow for an appeal of a categorical exemption to the local legislative body, which is of course satisfied in San Francisco. The department in fact exceeded CEQA requirements by posting the categorical exemption on the department’s website, pursuant to Chapter 31 of the San Francisco Administrative Code. Documents submitted by the project sponsor to DPH as part of compliance with Article 22A, including the Phase I and Phase II reports, the SMP and any other documents submitted throughout project construction, may be obtained by members of the public upon request and are typically made available as part of the planning department’s administrative record, which can be accessed electronically.

Response 10: The Maher Ordinance is Required by Law, Enforceable, and Effective

The Appellant cites a number of other sites throughout the City, such as Hunters Point, Treasure Island, and a recent enforcement case at 2800 block of San Bruno Avenue, to dispute the effectiveness of the Maher program. What the Appellant fails to acknowledge is that these cases are very different from the proposed project, as they were either federal properties overseen by federal agencies (Hunters Point and Treasure Island) or a case where the sponsor deliberately flouted the law (the San Bruno Avenue projects, as clearly pointed out in the newspaper article the Appellant included with their letter). Additionally, much contamination that occurred at Hunters Point and Treasure Island occurred prior to the existence of United States Environmental Protection Agency, which was formed in 1970, let alone the Maher program, which was established in 1986 and expanded in 2013. These examples are not evidence that the Maher program is inadequate to protect public health and safety.

As discussed in the department’s original appeal response, the main objective of the Maher program is to ensure that impacts from hazardous materials are mitigated/remediated during project construction in a manner that is protective of public and worker health. DPH will not sign off on the occupancy permit unless and until the final report submitted by the sponsor following completion of construction and installation of VIMS documents that users of the site will not be exposed to site contaminants (which as noted above would be an impact of the environment on the project, and not an environmental impact of the project in the context of CEQA). This regulatory process will ensure that any existing impacts related to historical release of hazardous materials will be controlled during construction or operations. The Appellant does not present substantial evidence in their main appeal letter or the supplemental letter, that implementation of the Maher program – which is required by law – would be insufficient to avoid significant exacerbation of impacts related to hazards, even if they were to result from an unusual circumstance, which is not the case here.

ENVIRONMENTAL INVESTIGATION SERVICES, INC.



SITE MITIGATION PLAN

1151 WASHINGTON STREET
SAN FRANCISCO, CALIFORNIA

EIS, Inc. PROJECT #1966-4SMP
EHB-SAM SMED: 1905

October 7, 2022

PREPARED FOR:

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1.0 INTRODUCTION

Environmental Investigation Services, Inc. (EIS) has prepared this Site Mitigation Plan (SMP) on behalf of Todd and Alison Davis, the owners of the property addressed as 1151 Washington Street, San Francisco, California (the Site). The Site location is depicted on Figure 1. The Site is currently a residential lot that is planned for a multifamily use residential development. Specifically, the site is planned for a 4-story building with (10) new townhomes and includes a residential basement, residential on the ground floor, and residential use for the rest of building. The basement will consist of the following:

- Residential entry (with ½ bath and stairs to the main/upper occupied levels) for the townhome facing Washington Street.
- (1) Van accessible non-assigned parking space.
- (1) Bicycle Parking Space.
- A shared trash, recycling and compost room.
- A shared electrical/utility room.

This SMP presents the decision framework and specific risk management measures for managing soil and soil vapor beneath the Site. Subsurface soils are known to be impacted with low concentrations of hexavalent Chrome VI and thallium exceeding regulatory screening levels. Soil vapor is known to be impacted with VOCs (specifically, PCE) at concentrations exceeding regulatory screening levels. At a minimum, the guidelines presented, herein, are to be utilized by all parties involved in activities wherein soil on the Site potentially containing slightly elevated concentrations of hexavalent chromium VI and thallium, as documented in prior environmental investigation reports (EIS, 2020), are to be disturbed by excavation, trenching, construction or grading activities. Additionally, this SMP presents guidelines to protect future residents from potential vapor intrusion health risks. Because of the known existence of concentrations of PCE in soil vapor, this SMP contains recommendations for the installation and design (Section 4.5) of a vapor intrusion mitigation system (VIMS) within the subgrade of the proposed development following excavation.

This SMP is not intended to address legal requirements that may apply to projects or other activities conducted at the Site, such as worker health and safety as governed by the Occupational Safety and Health Administration (OSHA), air emissions and/or dust control governed by the Bay Area Air Quality Management District, or other applicable laws, regulations or agency requirements. Reference documents utilized in preparation of this SMP are identified in Section 6.0, References. Any work performed at the Site must comply with all laws, permits and regulations that apply.

1.1 BACKGROUND

The Site is comprised of one parcel identified by assessor parcel number (APN) 0-213-025, which is addressed as 1151 Washington, San Francisco, California. The parcel consists of a rectangular-shaped area approximately 3,575 square feet (SF) or 0.082-acre in size. The approximately 3,570-square foot (ft²) lot is currently developed with an approximately 3,050-ft², three-story residential structure with a landscaped rear yard. The bottom floor generally consists of garage and guest bedroom with bathroom. Due to the

topography of the Site, the garage entrance along Washington Street is at street level while the guest bedroom is sub-grade.

EIS understood that at the time of the previous Phase 2 investigation the Site was initially proposed to undergo renovations which include a proposed addition to the existing home consisting of an extension of the residence ~20-feet to the south. However, the new redevelopment plan consists of a complete demolition of the existing building and construction of a 4-story building with (10) new townhomes.

1.2 GEOLOGY AND HYDROGEOLOGY

The site lies in the northern portion of the San Francisco Peninsula along the San Francisco Bay fringe. Groundwater occurrence and flow directions in downtown San Francisco area are variable; ground water in the hilly subject property area may perch on top of the bedrock and follow the slope of the underlying bedrock. The ground water flow is estimated as southwesterly. The depth to shallow ground water in the area is estimated to occur at depths of approximately 35-45 feet below ground surface.

In preparation for the Phase 2 investigation (Section 1.3), EIS reviewed San Francisco County Environmental Health files for the Site along with a 2019 geotechnical report for the subject site prepared by ROMIG Engineers (ROMIG) titled *Geologic & Geotechnical Investigation – Davis Residence Addition – 1151 Washington Street, San Francisco, CA 94109*. According to this report, one boring was advanced on the subject property in the area of proposed construction. The boring was advanced to a total depth of 32-feet bgs. Soils encountered in the boring consisted of 24-feet of loose to medium dense clayey sand fill material, underlain by 5-feet of poorly graded sand, underlain by 3-feet of sandy clay. Bedrock was encountered at approximately 32-feet bgs. Groundwater was not encountered in the boring. Based on the results of this investigation, as well as a written request for a Phase 2 Maher Investigation from the San Francisco Department of Public Health, EIS performed a Maher Ordinance Phase 2 limited soil and soil vapor investigation under Article 22A of the San Francisco Health Code.

1.3 HISTORICAL SITE INVESTIGATIONS

Based on their review of the above-noted geotechnical report, the SFDPH Environmental Health Branch – Site Assessment and Mitigation (EHB-SAM) concluded that the fill material encountered in the soil boring advanced in the rear yard area in the northern portion of the Site represented a potential public health concern and therefore required that a Maher Ordinance Phase II-type investigation be conducted under Article 22A of the San Francisco Health Code. EIS understands that the completion of a Phase II investigation was required as a condition for the San Francisco Department of Building Inspection granting approval of the building permit for the proposed building renovations. EIS subsequently completed an initial Phase II ESA to address the concerns of EHB-SAM. The results of the Phase II investigation is described below.

1.3.1 PHASE II ESA

EIS submitted a Workplan to EHB-SAM for a limited Maher Ordinance Phase II soil and soil vapor investigation at the Site on January 14, 2020 (EIS, 2020). The Workplan was approved by this agency on January 16, 2020. EIS conducted the field work for the Phase II investigation on January 24 and February 21, 2020 (EIS, 2020).

EIS advanced one exploratory soil boring, one soil vapor well, and two temporary Vapor Pins at the Site to collect soil and soil vapor samples on between January 24 and February 21, 2020. Based on the results of the Phase II investigation, EIS made the following conclusions:

- Soils and sediments encountered in the boring generally consisted of brown, moist, clayey sand with some gravels to an explored depth of 8.5 feet bgs. Groundwater was not encountered in the boring and field evidence of contamination was not observed.
- The detected concentrations of tetrachloroethene (PCE) in all three soil vapor samples (up to 67 $\mu\text{g}/\text{m}^3$) exceed the applied residential ESL (15 $\mu\text{g}/\text{m}^3$). Additionally, the detected concentration of chloroform in soil vapor sample SV-1 also exceeds the applied residential ESL. The above ESL detections of PCE and chloroform in soil vapor represent an environmental concern.
- The detected concentrations of hexavalent chromium and thallium in both soil samples exceed the applied residential ESLs but are below the applied construction worker ESLs. Furthermore, the detected concentrations do not exceed established TTLC and STLC values. The above ESL detections of hexavalent chromium and thallium represent a potential environmental concern.
- The relatively uniform arsenic concentrations detected in both soil samples above the residential and construction worker ESLs are typical of background arsenic concentrations in the region. One study analyzed regional soils in the San Francisco Bay Area, and the upper range of arsenic in soils was reported at 11mg/kg (Duverge, 2011). Another study in the region found the upper background concentration for arsenic in soil to be 24 mg/kg (LBNL, 2002). The California Environmental Protection Agency (Cal EPA) and other agencies within California typically do not require cleanup of naturally occurring chemicals to less than background concentrations. Furthermore, the detected arsenic concentrations do not exceed established Total Threshold Limit Concentration (TTLC) and Soluble Threshold Limit Concentration (STLC) values.
- Asbestos was not detected in either soil sample above laboratory detection limits. In addition, the pH and atmospheric gas results for the samples appear to be within a normal range.
- The remaining detections of various analytes were all below their respective applied residential ESLs and do not represent an environmental concern.

- Above-ESL concentrations of PCE and chloroform were found in various soil vapor samples submitted for laboratory analysis as part of this investigation. The source and full extent of these impacts is currently unknown. EIS recommends additional indoor air sampling in the basement-level bedroom in order to ensure that breathing pathways within this portion of the Site residence have not been impacted.
- It is EIS's understanding that the Site is proposed to undergo renovations which include a proposed addition to the existing home consisting of an extension of the residence approximately 20-feet to the south. The proposed addition will include a subgrade bedroom, ground floor kitchen space addition, and upper floor bedroom addition. Because elevated concentrations of metals (including hexavalent chromium and thallium) and VOCs (PCE and chloroform) were detected in soil or soil vapor samples collected from this area, EIS recommends the preparation of a site mitigation plan (SMP). An SMP presents the decision framework and specific risk management measures for managing soil and soil vapor during redevelopment. At a minimum, the guidelines presented within an SMP should be utilized by all parties involved in activities wherein soil on the Site potentially containing elevated concentrations of contaminants are to be disturbed by excavation, trenching, construction or grading activities. Additionally, an SMP presents guidelines to protect current and future residents from potential vapor intrusion health risks.
- Prior to the off hauling of any excavated soils from the subject site, the analytical results of this investigation should be provided to the destination facility for preapproval.

2.0 SITE MITIGATION PLAN OBJECTIVES

The overall objective of the SMP is to assure the protection of human health and the environment during Site development activities and future Site use. The SMP will be available to future owners, tenants, and contractors to address potential chemical exposure or environmental issues associated with construction and maintenance activities that involve soil disturbance. This SMP is designed to meet the following specific objectives:

- Provide guidelines for safety measures to be followed in the event that soils are to be disturbed, and for handling soil during planned construction, trenching, filling, grading or excavation at the Site.
- Present a decision framework and specific risk management measures for managing soils in a manner protective of human health, consistent with existing and planned future land uses, and compatible with long-term development.

- Provide procedures to address the discovery of unknown contamination or underground features (e.g., tanks, sumps, pipelines, or pits, etc.) during site redevelopment and construction activities.

3.0 GENERAL WORK DESCRIPTION

This SMP is applicable to “ground disturbing activities” including, but not limited to significant: (1) excavation of soil; (2) construction of utilities, facilities, structures, and appurtenances of any kind; (3) demolition or removal of “hardscape” (for example, foundations, asphalt, and sidewalks); and (4) any activity that involves movement of soil to the surface from below the surface of the land. Specific examples of anticipated ground disturbing activities include, but are not limited to:

- Excavation of trenches or potholes for the removal, installation, or maintenance of below grade utilities, foundations, or other foundational structures.
- Site grading and associated excavating, loading, hauling, stockpiling and/or compacting soil.

Additionally, because of the known existence of concentrations of PCE in soil vapor, this SMP contains recommendations for the installation and design (Section 4.5) of a vapor intrusion mitigation system (VIMS) within the subgrade of the proposed development following excavation.

3.1 CONTAMINANTS OF POTENTIAL CONCERN

SOIL

Based upon the site history and environmental investigations summarized above, the main COPCs that may be encountered in subsurface soil during site redevelopment are hexavalent chromium and thallium.

SOIL VAPOR

Based upon the site history and environmental investigations summarized above, on-site soil vapor has also been shown to be impacted with PCE and their breakdown product VOCs.

4.0 RISK MANAGEMENT MEASURES

Implementation of the risk management measures described in this section should protect human health (including on-site construction workers, nearby residents and workers) and the environment from COPCs consisting of hexavalent chromium and thallium that may be present in soils beneath the Site. Some measures are to be followed as general

procedures. Other measures are required, at a minimum, when certain thresholds are exceeded, as described in Section 4.3.

4.1 IDENTIFY ACTIVITIES THAT COULD RESULT IN EXPOSURE TO SOILS ON-SITE

Ground disturbing activities could potentially result in exposure to hexavalent chromium VI and thallium in soils in the following ways:

- Direct contact with soils during ground disturbing activities.
- Generation of dust during soil excavation and trenching, grading and loading, backfilling, movement of construction and transportation equipment, or by wind affecting soil stockpiles (either placed on the ground surface or within roll-off bins).
- Contact of soils with surface water during soil disturbing events, resulting in transport as sediments.
- Management/movement of soils during construction.

4.2 GENERAL PROCEDURES

The following procedures will be implemented as appropriate during dust-generating activities associated with construction at the Site:

4.2.1 ACCESS CONTROL DURING CONSTRUCTION

Access to affected portions of the Site during construction and maintenance activities will be limited to authorized personnel in compliance with Site Health and Safety Plan (SHSP) requirements.

4.2.2 DUST CONTROL

Fugitive dust control measures described in this section are intended to correspond to the control measures recommended and/or required by the Bay Area Air Quality Management District (BAAQMD) in its California Environmental Quality Act Guidelines. The current BAAQMD dust control guidelines or other applicable BAAQMD or City and County of San Francisco guidelines, whichever are more stringent, are to be implemented during construction activities as a standard measure, regardless of whether any contamination is present in soil.

Some of the dust control measures recommended by the BAAQMD, as described below, are similar to measures to control off-site runoff, described in Section 4.2.4. Where management measures specified to control dust are different from those specified to control offsite runoff, the more stringent of the measures will apply.

4.2.2.1 General Dust Control Measures

The following dust control measures will be implemented, as necessary, to control dust during building, filling, grading, excavation, or stockpiling:

- Lightly spray active construction areas with water at least twice a day or as necessary to prevent visible dust. Avoid over-watering, which could result in runoff.
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed construction stockpiles. Additional guidance regarding cover options is provided in Section 4.2.3.
- Mist or spray water while loading soils into transportation vehicles or on-site roll-off bins.
- Minimize drop heights while loading transportation vehicles or on-site roll-off bins.
- Use tarpaulins or other effective covers for trucks carrying soils that travel on streets or for covering on-site roll-off bins.
- Pave, apply water, or apply (non-toxic) soil stabilizers to all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily all paved access routes, parking areas and staging areas if visible soil material is present.
- Sweep street daily if visible soil material is carried onto public streets.
- Limit on-site traffic speeds to 15 miles per hour (mph).

4.2.2.2 Additional Optional Dust Control Measures

A determination as to whether additional optional dust control measures should be implemented will be made on a case-by-case basis. The following additional measures may be implemented, as necessary in the judgment of the contractor, particularly in the event of persistent windy conditions during building, filling, grading, excavation, or stockpiling:

- Wash off the tires or tracks of trucks and equipment leaving the Site.
- Suspend excavation and other soil movement activities when winds (instantaneous gusts) exceed 20 mph.
- Minimize the area of excavation, grading and other construction activities at any one time.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Install wind breaks or plant trees/vegetative wind breaks at windward sides(s) of construction areas, as appropriate.

4.2.3 STOCKPILE MANAGEMENT

There are three potential concerns associated with the presence of soil stockpiles: dust, erosion, and unauthorized access. General measures for the control of dust and runoff are addressed in other sections of this SMP.

When dust and erosion of a stockpile are controlled through the use of a cover, the cover will consist of anchored plastic sheeting, hydroseeding (spraying a mixture of grass seed and mulch to create a vegetative cap), or an equivalent cover. The cover type will depend on the anticipated time the stockpile will be in place, weather conditions (i.e., whether favorable to hydroseeding or not), and other practical factors such as the size of the stockpile. If a stockpile is to be in place and unused for one year or greater, it will usually be covered with hydroseeding, soil binders, or an equivalent cover.

Soil stockpiles left on-site over the long term will be inspected quarterly to ensure the integrity and continued effectiveness of implemented control measures. Unauthorized access to stockpiles located within the boundaries of an active construction site will be restricted through the use of a fence or other appropriate barrier.

Due to space limitations presented by the proposed project being located in a residential area, EIS assumes that large roll-off bins up to 15 cubic yards in size may be staged at the Site and used to store stockpiled soils in conjunction with small on-site stockpiles. The roll-off bins will be covered with anchored sheeting as described above to control dust.

4.2.4 CONTROL OF OFFSITE RUNOFF

According to current regulations, a site-specific Storm Water Pollution Prevention Plan (SWPPP) must be developed for any construction project greater than one acre in size if the construction activities will involve soil disturbance. As stated in the current State Water Resources Control Board (SWRCB) Order 2010-0014-DWQ, the SWPPP shall assure the following:

- All pollutants and their sources, including sources of sediment associated with construction, construction site erosion and all other activities associated with construction activity are controlled.
- Where not otherwise required to be under a Construction Stormwater General Permit, all applicable non-stormwater discharges are identified and either eliminated, controlled, or treated.
- Site best management practices (BMPs) can be effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity, based on best available technology (BAT) economically achievable for toxic pollutants and non-conventional pollutants and best conventional pollutant control technology (BCT) for conventional pollutants (BAT/BCT), when deemed appropriate.

- Calculations and design details as well as BMP controls for site run-on are complete and correct, as appropriate.
- Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed, as appropriate.

4.2.5 SOIL DISPOSAL

In the event that ground disturbing activities at the Site result in the need to dispose of soil offsite, such soils must be managed and disposed in an appropriate manner which is consistent with all laws and regulations at the time of disposal.

As noted in Section 1.3, soils to varying depths on the site contain low concentrations of thallium and chromium VI that exceed residential screening levels and soil vapor that exceed PCE residential screening levels.

Per California Department of Toxic Substances (DTSC) guidance, landfill facilities generally require a 4:1 composite sample of soil stockpiles up to 1,000 cubic yards (yds³) in size to profile the waste for disposal in an appropriate landfill. Under certain conditions, landfills will accept in situ soil analytical data representative of the material to be excavated and removed from a site instead of, or at least supplementing, the composite sampling of soil stockpiles. Analysis of the composite soil samples representative of the soil stockpiles designated for disposal shall be analyzed for both total lead by USEPA Method 6010B and soluble lead by the same method after preparation of the soluble extract by the WET method outlined in CCR Title 22. The landfill may require analysis of additional chemical compounds prior to acceptance.

Prior to the off-site removal of shallow soils from the Site, the waste disposal facility should be contacted, and the waste materials should be fully characterized in accordance with the waste profiling requirements and threshold acceptance levels specific to the selected disposal facility, and applicable regulatory requirements. It is the responsibility of the contractor to provide adequate information to obtain acceptance to the designated disposal facility.

As an additional note, the concentrations of arsenic and lead in detected in soils across the proposed construction area of the Site exceed their respective RWQCB ESLs for construction workers and therefore require additional worker protections as noted elsewhere in this SMP, which shall be outlined in the Site Health and Safety Plan to be prepared in advance of the work (see Section 4.6).

4.3 PROCEDURE FOR DISCOVERY OF UNKNOWN AREAS OF CONTAMINATION

Development activities may reveal conditions substantially different from what is expected, such as previously unknown areas of contamination, or previously unknown contaminants. Unknown conditions that may trigger contingency monitoring procedures during development include, but are not limited to, the following:

- Soil with a significant chemical, petroleum hydrocarbon or solvent odor, or exhibiting conditions apparently substantially different from known Site conditions.
- Significantly discolored soils substantially different from known Site conditions.
- Oily, shiny, or saturated soil or free product in previously undocumented areas.

Upon discovery of one of these conditions, if a significant issue, an environmental professional and/or appropriate regulatory agency should be contacted for assistance to determine if additional sampling is necessary or mitigation required. E I S recommends initially contacting the following environmental consulting firm:

Environmental Investigation Services, Inc.
(408) 656-1032 cell

Followed by contacting, upon the advice of the environmental professional, the following regulatory case manager:

Ryan Casey, REHS
City and County of San Francisco
Department of Public Health
Environmental Health Branch – Site Assessment and Mitigation
(415) 252-3992

Soils exhibiting physical indications of potential contamination as noted above should be segregated and stockpiled and/or placed in appropriately sized roll-off bins for sampling and analysis.

4.4 PROCEDURE FOR DISCOVERY OF UNDERGROUND STRUCTURES

During ground disturbing activities, it is possible that unknown underground structures (sumps, clarifiers, underground storage tanks, pipelines, etc.), may be discovered. Structures may not have features that extend above the surface and could be unearthed when construction equipment comes into contact with them. In the event of any discoveries of unknown underground structures, an environmental professional, as identified in Section 4.3 above, should be contacted to determine the appropriate course of action, as appropriate. Permits may be required to remove buried features, if discovered. EIS notes that industrial-type structures (e.g., sumps, clarifiers, underground storage tanks, pipelines, etc.) are not anticipated to be encountered, based on the residential nature of the Site.

4.5 VIMS INSTALLATION

Based upon the known concentrations of PCE in soil vapor, a vapor intrusion mitigation system (VIMS) should be installed within the subgrade of the proposed development following excavation. The vapor mitigation system should consist of a passive subslab ventilation (PSSVS) capable of conversion to an active system, if necessary. EIS recommends the PSSVS consist of a subslab low-profile piping network within the planned layer of permeable subgrade material, with collection pipes feeding to vertical risers that exhaust directly to the atmosphere. The specific engineering details and design of the PSSVS should be completed by a licensed third-party engineering firm and approved by the local oversight agency. Following installation of the system, at least two sampling events (a minimum of one during dry and one during wet seasons) of subslab as within the passive ventilation piping should be conducted. If subslab gas concentrations are found to exceed applicable screening levels, it is possible that additional corrective actions, such as converting the passive venting system to an active venting system, may be necessary. Indoor air samples may also be required to verify VIMS effectiveness or if potential vapor intrusion is suspected.

4.6 SITE HEALTH AND SAFETY PLAN

California Occupational Safety and Health Administration (Cal/OSHA) is the state agency responsible for monitoring compliance with worker health and safety laws and requirements. Compliance with standard Cal/OSHA regulations, particularly Title 8, Chapter 4, "Division of Industrial Safety," should minimize the potential impacts associated with excavation activities, as the intent of these standards is to prepare workers for the types of hazards that are likely to be encountered during such activities. All activities conducted at the Site must be in compliance with current Cal/OSHA rules and regulations, even if not expressly noted in this SMP.

At a minimum, all workers, including utility repair workers or other workers who may directly contact soil beneath the Site in association with significant ground disturbing activities must conduct the work in compliance with a project specific Site Health and Safety Plan (SHSP), which will describe the potential hazards associated with contact with soils on the Site, instruct workers that the soil may contain arsenic and lead above applicable environmental screening levels for construction workers, and define the methods to be employed to minimize hazards. The SHSP shall be prepared by a qualified professional.

It is the responsibility of the contractor preparing their SHSP to review information available in the project information section of the SHSP (see Section 4.5.2.3) regarding Site conditions and potential health and safety concerns. It is also the responsibility of the contractor or other person preparing an SHSP to verify that the components of the SHSP are consistent with applicable Federal and California OSHA occupational health and safety standards and currently available toxicological information for COPCs in soil at the Site as described in this SMP. Each contractor must require its employees who may directly contact soil beneath the Site to perform all activities related thereto in accordance with the contractor's SHSP. Each construction contractor will assure that its

on-site construction workers will have the appropriate level of health and safety training and site-specific training, and will use the appropriate level of personal protective equipment, as presented in the SHSP and based upon the evaluated job hazards and/or sampling/monitoring results.

Consistent with the Cal/OSHA standards, a SHSP would not be required for workers such as carpenters, painters or others, who would not be performing activities that disrupt the soils.

4.6.1 OBJECTIVES OF THE SITE HEALTH AND SAFETY PLAN

The objectives of the SHSP are: 1) to identify, evaluate and control site health and safety hazards related to soil beneath the Site, thereby helping to ensure the health and safety of all field personnel involved in the development activities on-site; and 2) to inform all contractors, subcontractors, and other field personnel of the known chemicals of potential concern in soil at the Site so they are able to make prudent health and safety decisions related to soil that will protect the health of the workers and the surrounding community throughout the development of the Site.

4.6.2 COMPONENTS OF THE SITE HEALTH AND SAFETY PLAN

This section presents the minimum requirements for an SHSP that will be prepared prior to commencing on-site activities.

4.5.2.1 General Information

This section of the SHSP will contain general information about the Site, including its location, objectives of the work the SHSP is intended to cover, and the name of the individual(s) who prepared the SHSP. This section will also contain a brief summary of possible hazards associated with soil conditions at the Site. Based on the known conditions at the Site, the principal hazard posed by soil that construction workers may encounter will be direct contact with arsenic- and lead-impacted soils.

4.5.2.2 Key Personnel / Health and Safety Responsibilities

This section of the SHSP will identify the key personnel by name, and will include identification of the Project Manager, the Site Supervisor, Site Safety Officer, and subcontractors that will be working at the Site. All workers who will potentially contact soil at the Site will be provided a copy of the SHSP and briefed as to its contents. The health and safety responsibilities of each individual will be described in this section of the SHSP.

4.5.2.3 Facility/Site Background

Background information is provided in this section of the SHSP concerning past operations and the contamination that may be encountered, with a focus on those areas for which project activities will result in the movement of soil, and/or the potential for workers to have direct contact with the soil. This section will provide a general map of

the Site, highlighting those particular areas where soil movement activities may occur for the project.

4.5.2.4 Job Hazard Analysis / Hazard Mitigation

The job hazard analysis will include a brief description of the types of construction activities that will be conducted at the Site and description of the hazards and associated mitigations related to specific construction activities that give rise to contact or potential contact with soil that may contain arsenic and lead and/or other metals. The primary exposure route is direct contact with soil (i.e., dermal contact with soil, incidental ingestion and inhalation of particulate material). The principal measures to mitigate the hazards will be the use of dust control and appropriate personal protective equipment (PPE). This section will also present a table indicating the symptoms of exposure and relevant regulatory exposure limits for potential chemicals of concern such as lead (e.g., the OSHA Permissible Exposure Limit).

4.5.2.5 Personal Protective Equipment

PPE is selected based on the hazards identified by the job hazard analysis. The minimum level of PPE for intrusive workers that will come into direct contact with soil will be modified Level D. For the Site, modified Level D protection will include a long-sleeved shirt, long pants, gloves, hard hat and boots.

During work activities, if job hazard conditions differ from those identified in the job hazard analysis, a new job hazard analysis should be completed to assure appropriate worker protection. For example, if areas of previously unknown contamination are identified during construction activities or if visible dust plumes are present in the breathing zone, then the job hazard analysis may identify a need for additional worker PPE.

4.5.2.6 General Safe Work Practices

This section of the SHSP will discuss the general safe work practices to be followed at the Site, including entry restrictions, tailgate safety meetings, use of PPE, personal hygiene, hand washing facilities, eating and smoking restrictions, the use of warning signs and barricades, and special precautions that may be specific to the Site.

4.5.2.7 Contingency Plans/Emergency Information

This section of the SHSP will provide information regarding procedures to be followed in the event of an emergency. The location of specific emergency equipment, such as eyewash, first aid kit and a fire extinguisher, and emergency telephone numbers and contacts will be identified. A map indicating the route to the nearest hospital will also be provided in this section.

5.0 REPRESENTATIONS AND LIMITATIONS

This SMP is intended to provide guidance and establish a framework for the management by others of potential lead-impacted soil beneath the Site to protect human health and the environment. This SMP is based upon current conditions at the Site known by EIS in regard to current laws, policies, and regulations. No representation is made to any present or future developer or property owner of the Site or portions of thereof with respect to future conditions, other than those specifically identified in this SMP.

EIS disclaims any responsibility for any unintended or unauthorized use of this SMP by any party. EIS has not made any commitment to, or assumed any obligation or liability to, any present or future developer, property owner, tenant, consultant, agent, contractor, user, or other party owning or visiting the Site or a portion thereof based upon or arising out of implementation of this SMP.

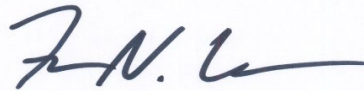
Please contact EIS at (408) 402-9800 if you have any questions regarding this report.

Sincerely,

Environmental Investigation Services, Inc.



Peter Willits
Staff Geologist



Forrest Cook, PG No. 8201, exp 9/24
Professional Geologist



References

- Environmental Investigation Services, Inc. (EIS), 2019, Phase 1 ESA at 1151 Washington Street, San Francisco, California. December 18, 2019.
- Environmental Investigation Services, Inc. (EIS), 2019, Work Plan for Soil and Soil Vapor Investigation at 1151 Washington Street, San Francisco, California (EHB-SAM SMED: 1905). 2019.
- Environmental Investigation Services, Inc. (EIS), 2020, Phase II Soil and Soil Vapor Investigation at 1151 Washington Street, San Francisco, California (EHB-SAM SMED: 1905).
- Environmental Investigation Services, Inc. (EIS), 2020, Site Specific Health and Safety Plan, 1151 Washington Street, San Francisco, California, (EHB-SAM SMED: 1905), 2020
- Romig Engineers, Inc. (Romig), 2019, Geotechnical Investigation Report: Planned Improvements at 1151 Washington Street, San Francisco, California. January 2019.
- Lawrence Berkeley National Laboratory (LBNL), 2009, Analysis of Background distributions of Metals in Soil at Lawrence Berkeley National Laboratory by David Diamond, David Baskin, Dennis Brown, Loren Lund and Ira Javandel. June 2002, Revised April 2009.
- San Francisco Bay Regional Water Quality Control Board (RWQCB), 2016, Users Guide: Derivation and Application of Environmental Screening Levels (Interim Final). January, 2019

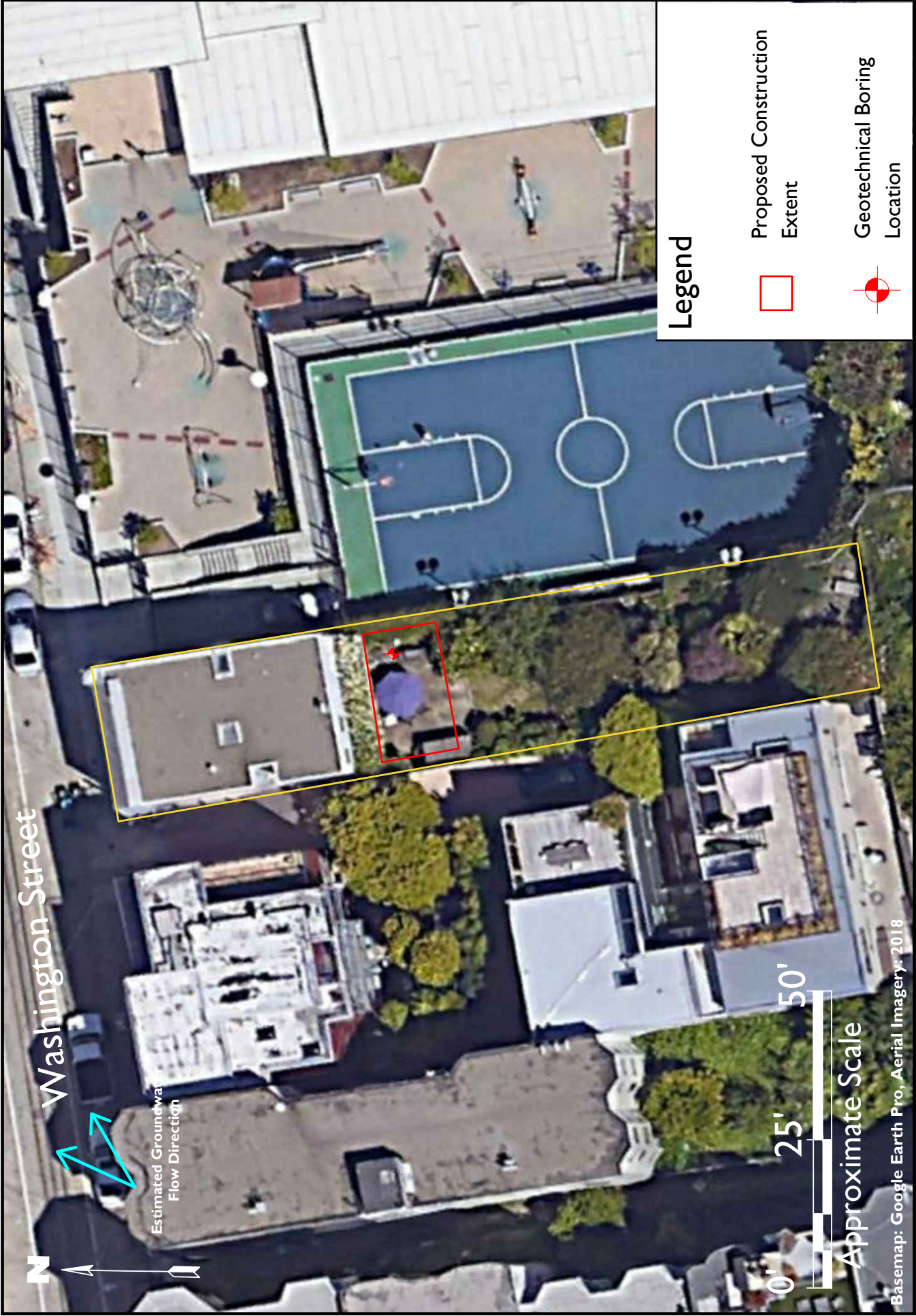


Figure: 1
 EIS Project: 1966-1
 December 18, 2019

Site Location Map
 1151 Washington Street, San Francisco, California

Environmental Investigation Services, Inc.
 9311 Holt Road
 Carmel, CA 93923
 Ph: (408) 656-1032





Basemap: Google Earth Pro, Aerial Imagery: 2018

Legend



Proposed Construction
Extent



Geotechnical Boring
Location

Environmental Investigation Services, Inc.
9311 Holt Road
Carmel, CA 93923
Ph: (408) 656-1032



Site Detail Map

1151 Washington Street, San Francisco, California

Figure: 2
EIS Project: 1966-1
December 18, 2019



City and County of San Francisco
DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH

London Breed, Mayor
Grant Colfax, MD, Director of Health

Patrick Fosdahl, MS, REHS
Environmental Health Director

January 10, 2023

Macy Architecture
Attn: Dana Manea
315 Linden Street
San Francisco, CA 94102

via email: danam@macyarchitecture.com

**Subject: SFHC Article 22A – Site Mitigation Plan Approval
1151 Washington Street, San Francisco, CA 94108
EHB-SAM Case Number: 1905**

Dear Dana Manea:

In accordance with San Francisco Health Code (SFHC) Article 22A and San Francisco Building Code Section 106.3.2.4, the San Francisco Department of Public Health, Environmental Health Branch, Contaminated Sites Assessment and Mitigation Program (EHB-SAM) has received and reviewed the following documents related to the property located at 1151 Washington Street, San Francisco, California (the Site):

- EIS, 2022. Site Mitigation Plan, 1151 Washington Street, San Francisco, California. 22 November.

In January 2020, a letter was issued by the EHB-SAM approving a submitted Phase II Work Plan and requesting submission of a Phase II Site Characterization Report, including a narrative summary and ranges of analytical findings. For further historical case details, please refer to previously issued letters.

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The Site is located on south side of Washington Street, between Taylor Street and Mason Street, and is approximately 0.08 acres (3,571 square feet) in size. The Site is currently developed with a three-story residential structure with a ground floor garage. The property is located directly adjacent to the Betty Ann Ong Recreation Center. The proposed development at the Site includes demolition of the existing Site structures and construction of a four-story townhome complex. The townhomes will be connected and slope up the grade of the property and will include a single car garage space on the ground floor fronting Washington Street.

SITE MITIGATION PLAN

Due to elevated concentrations of contaminants detected in soil at the Site, including arsenic, chromium, lead, tetrachloroethene (PCE), and chloroform, a Site Mitigation Plan (SMP) was

submitted that describes recommended measures to mitigate potential risks to the environment and to protect construction workers, nearby residents, future occupants, and the public associated with exposure to hazardous substances and underground structures that may be encountered during the proposed development activities. Mitigative measures described within the SMP include entry/exit restrictions; soil and stockpile management protocols; material segregation and disposal; noise and dust controls; contingency procedures when encountering unexpected conditions; and general worker health and safety procedures.

It is anticipated that approximately 125 cubic yards of soil will be generated during development activities, and that such soils will be managed and disposed of off-site at an appropriately licensed facility. Groundwater is not anticipated to be encountered during development activities.

Vapor Mitigation

To mitigate the potential vapor intrusion risk to indoor air from VOCs (specifically PCE and chloroform), a vapor intrusion mitigation system (VIMS) will be installed during development activities. The proposed VIMS includes a passive sub-slab ventilation system, with a low-profile piping network within a permeable subgrade material layer, that is capable of conversion to an active system (if necessary). Following development activities, at least two rounds of sub-slab vapor sampling will occur to confirm that the effectiveness of the VIMS; indoor air samples may also be necessary.

EHB-SAM REVIEW

Based on a review of the documents submitted, the Site Mitigation Plan is **approved**. A VIMS design document shall be submitted for review and approval. Following completion of development activities, a Final Report and Certification shall be submitted to the EHB-SAM for review and approval.

Please Note – a deed restriction shall be required to ensure the proper operation and maintenance of the planned VIMS. If you have any questions or comments, please contact Ryan Casey at ryan.casey@sfdph.org or (415) 252-3992.

Sincerely,



Ryan Casey, P.E. (CA)
Engineer

CC: Peter Littman (EIS)
Mark Macy (MA)
Beronica Slattengren (EHB-SAM)
Jeanie Poling (SFCPC)
Carrie Pei and Gary Ho (SFDDBI)

San Francisco Fire Department



Division of Fire Prevention
and Investigation

June 22, 2023

Rachel A. Schuett
Environmental Planning Division
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

RE: 1151 Washington Street Emergency Access

The San Francisco Fire Marshal's Office provides the following information in response to the May 17, 2023, Lozeau Drury LLP's Notice of Appeal. Per the project information provided in the Notice of Appeal along with the March 17, 2023, Conditional Use Application site plan provided by Macy Architecture, the project consists of five (5) two-unit R-3 occupancies, each separated by 2-hour fire walls. The San Francisco Department of Building Inspection (DBI) is the primary Authority Having Jurisdiction (AHJ) for all R-3 residential occupancies (one- and two-family dwellings). As with all R-3 occupancies, the San Francisco Fire Department (SFFD) will assist DBI and review all plans for fire sprinklers, fire alarm systems, and Emergency Escape Rescue Openings (EERO), prior to the issuance of any construction permits by the DBI.

The appeal notice cites maximum travel distance as the primary concern and references the following codes: CA Building Code (CBC), Section 1028.1 and Table 1006.3.4. While Section 1028 correctly references *Exit Discharge* (defined as: *That portion of a means of egress system between the termination of an exit and a public way.*), Section 1006- *Numbers of Exits and Exit Access Doorways* Table 1006.3.4 should not be used to determine if the 137.6' maximum travel distance from the furthest residential unit's ground floor exit door to the public right-of-way is permissible. Instead, Section 1017's- *Exit Access Travel Distance*, Table 1017.2 should be referenced. This section states that R-3 occupancies equipped throughout with an automatic sprinkler system may extend the exit access distance to **250 feet**, not 125 feet per Table 1006.3.4.

An additional concern raised is EERO access with SFFD ground ladders (rescue window access). While it is correct that a width of 5-feet would not provide a correct ladder climbing angle of 70 degrees at a 4th story window height of approximately 34-feet, per the SFFD Ladder Operations Manual, an equivalency may be given by the AHJ (SFFD) on a case-by-case basis. For example, the SFFD may require a balcony at the exterior of the 3rd and 4th floor bedroom windows which could allow firefighters to place the ladder on the side of the balcony, parallel to the building, to achieve the ideal climbing angle for rescue.

Without a complete set of construction plans for review, it appears that measures could be taken to address the concern of needing to egress past other units that may be on fire. These measures may include but are not limited to enhanced sprinkler design and the use of rated windows and doors at the walkway ground level.

Finally, while the SFFD is a primary plan reviewer of the life-safety systems of this project, the Fire Marshal's Office cannot guarantee approval of the overall design, as that is the purview of the Department of Building Inspection.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Cofflin', written over a horizontal line.

Fire Marshal Ken Cofflin
Assistant Deputy Chief
Bureau of Fire Prevention and Investigation