



GENERAL PLAN EVALUATION APPEAL SUPPLEMENTAL RESPONSE 4

2395 Sacramento Street

Date: February 6, 2024
To: Angela Calvillo, Clerk of the Board of Supervisors
From: Lisa Gibson, Environmental Review Officer – (628) 652-7571
Sherie George - sherie.george@sfgov.org (628) 652-7558

RE: Board File No. 231285
Planning Case Nos. 2022-004172ENV and 2022-004172APL
Appeal of General Plan Evaluation for 2395 Sacramento Street

Hearing Date: February 6, 2024, continued from January 23, 2024

Project Sponsor: Tuija Catalano of Reuben Junius & Rose, LLP, on behalf of
Eduardo Sagues, Gokovacandir, LLC

Appellant: Richard Toshiyuki Drury of Lozeau Drury LLP, on behalf of Jonathan Clark

Attachment: Attachment A: Air Quality Screening form for 2395 Sacramento Street

Introduction

This memorandum addresses the Planning Department's (the department's) response to the appellant's supplemental appeal brief dated February 5, 2024 regarding the air quality analysis for the Planning Department's general plan evaluation (GPE) determination for the proposed 2395 Sacramento Street project.

Planning Department Further Supplemental Responses

Supplemental Response 18: The department's analysis of project-related air quality impacts was conducted in accordance with the requirements of CEQA. The mitigation identified is effective for reducing impacts to less than significant. The GPE's determination is based on substantial evidence.

The appellant is mistaken in the assertion that the project will have air quality impacts that are peculiar to the project, that there are off-site impacts that need to be analyzed in a CEQA document, and that the project cannot rely on the housing element EIR. Appellant provides a technical analysis prepared by SWAPE noting the following:

1. The GP Evaluation fails to quantitatively estimate the Project's construction related criteria pollution emissions, operational air quality emissions, or GHG impacts whatsoever;
2. The GP Evaluation fails to quantitatively evaluate diesel particulate matter emissions; and

3. SWAPE's screening-level analysis indicates a potentially significant health risk impact.

Specifically SWAPE's analysis finds that the project could result in a residential lifetime cancer risk of 417 in one million. Each of these points are addressed below.

Housing Element EIR adequately evaluates the air quality, health risk and GHG impacts from projects of this size and nature.

The project would adaptively reuse a 68-foot tall approximately 25,000 gross square foot (gsf) building and construct two horizontal additions, increasing the building square footage to approximately 66,000 gsf and adding 24 dwelling units.

The Housing Element EIR includes a quantitative air quality analysis covering criteria air pollutants and health risks from a range of potential building types that could be developed under the housing element. Specifically quantitative analysis was conducted for six building types all including demolition and new construction of a building ranging from 40 feet tall with 30 housing units to 590 feet tall with 984 housing units. More detail if necessary:

Specific building types analyzed:

- 590 feet (984 housing units),
- 240 feet (495 housing units),
- 120 feet (200 housing units),
- 85 feet (50 housing units),
- 65 feet (29 housing units), and
- 40 feet (30 housing units).

The result of this analysis is provided in [Housing Element EIR Appendix I.3](#).

Criteria Air Pollutants

With regards to criteria air pollutant emissions, the only building type analyzed in the Housing Element EIR to have significant impacts requiring mitigation is the 590 foot tall, 984 unit building. This is consistent with the Planning Department and Bay Area Air District expectations. The Bay Area Air District's CEQA Guidelines provide screening levels for projects that would not result in a significant criteria air pollutant impact. The air district DOES NOT recommend quantitative criteria air pollutant analysis for projects below the screening criteria. The construction screening level for a residential apartment is 416 dwelling units. The operational screening level is 638 dwelling units. The proposed project's 24 dwelling units is well below this screening level as documented in the projects air quality screening form referenced in the GPE (Attachment A to this response).

To understand the project's criteria air pollutant emissions, the information is provided in detail in EIR Appendix I. Results for Building Type 4 represents a conservative analysis for this project. For example, table below from Housing Element Appendix I.3:

Table Summary-2a: Uncontrolled Construction Criteria Air Pollutant Emissions				
Building Type	Average Daily Construction Emissions for Maximum Year¹			
	ROG	NOx	PM₁₀	PM_{2.5}
	lb/day			
1 (590 foot tall building)	54	85	3.8	3.8
2 (240 foot tall building)	30	19	0.62	0.59
3 (120 foot tall building)	14	4.5	0.17	0.16
4 (85 foot tall building)	3.7	3.3	0.14	0.13
5 (65 foot tall building)	2.0	4.5	0.12	0.12
6 (40 foot tall building)	2.1	3.4	0.11	0.11

Notes:
1. Average daily construction emissions for the maximum year depend on the construction schedules for the representative projects described in detail in the Methodology Report. Given variation in representative project construction schedules and equipment, phases may overlap one or more years which may cause higher emissions in the maximum year.

Abbreviations:
lb – pounds
NO_x – nitrogen oxides
PM – particulate matter
ROG – reactive organic gases

As shown above, this project would not exceed criteria air pollutant significance thresholds based on the Air District’s own screening criteria. Further, the HE clearly accounted for projects of this size and nature, providing a quantitative criteria air pollutant analysis for a range of possible building types that could be developed under the Housing Element.

Health Risks

The Housing Element EIR also included a quantitative health risk analysis for the six building types analyzed. The health risk results for each building type account for impacts at distances every 5 meters out to 1,000 meters and are provided in EIR Appendix I.3. The Housing Element EIR accounts for health risks that could occur from construction of a project of the size and scale of 2395 Sacramento Project.

The planning department reviews each project against the quantitative health risk results and assigns each project to a building type based on the project’s characteristics. Where a project has characteristics that are between the building types analyzed, the department defaults to the building type with the most conservative, or worst case, health risk outcome. This is documented in the air quality screening form referenced in the GPE and Attached as Attachment A). In addition, because the project types analyzed in the EIR all included full demolition and new construction, the results in the air quality screen form are worst case

results. The screening form finds that the project’s cancer risk without mitigation would be 75 in one million without mitigation, and with mitigation, 6.4 in one million. See below.

Health Risk Screening:

Building Type² HRA screening:

- Building Type: D

Background, project, and existing plus project emissions:

	PM _{2.5} (µg/m ³)		Cancer Risk (per 1 million)	
	Screening-Level	Controlled ¹	Screening-Level	Controlled ¹
Background	8.71	8.71	100.27	100.27
Screening Level	0.38	0.033	75	6.4
Background + Screening Level	9.09	8.743	175.27	106.67

¹ Controlled scenario accounts for: Tier 4 final construction equipment

Thus, based on the quantitative health risk information provided in the air quality screening form (Attachment A), the GPE finds there to be a significant health risk impact that requires mitigation.

The appellant’s consultant, SWAPE, claims to have prepared a screening level health risk analysis for the project that shows the project would have a cancer risk of 417 in one million! It is difficult to believe that a project that is essentially an addition of 24 units could ever result in a cancer risk of that magnitude.

Based on the detailed health risk analysis conducted for the six building types analyzed in the Housing Element EIR, a result of this magnitude would be equivalent to demolition of an existing building and construction of a 240 foot tall building with almost 500 dwelling units at receptors 5 meters or 16 feet from the construction site. There is no way this proposed project requires the same level of construction activity and would result in diesel PM levels equivalent to that of a 240-foot tall building with 500 dwelling units.

Health Risk Conclusion

The Housing Element EIR clearly accounted for projects of this size and nature, providing a quantitative health risk analysis for a range of possible building types that could be developed under the housing element. There is substantial evidence to support the department’s finding of less than significant with mitigation.

Air Quality Health Risk Mitigation

The mitigation measure recommended by the appellant’s consultant, SWAPE is substantially similar to the measures required by both the City’s Construction Dust Control Ordinance and the Housing Element EIR Mitigation Measure M-AQ-3a applied to the project as Project Mitigation Measure 6.

Many of the measures listed by the consultant are dust control measures that do not reduce emissions of the cancer causing diesel particulate matter, but are nonetheless required by the City’s dust control ordinance.

Project Mitigation Measure 6 requires the use of the cleanest construction equipment - Tier 4 engines and alternative sources of power, i.e, electric power, instead of a diesel generator, among other requirements. The City's Dust Control Ordinance combined with Project Mitigation Measure 6 is MORE health protective than the consultant's recommended measure because Tier 4 engines are required on all equipment 25 horsepower (hp) or greater, rather than the consultant's recommendation to require it on equipment 50 hp or greater.

Greenhouse Gas Emissions (GHGs)

Appellant claims that their consultant, SWAPE, finds the GPE GHG analysis deficient because there is no quantitative GHG analysis. However, the appellant's consultant fails to inform their client that no such quantitative analysis is required under CEQA or that no quantitative threshold is recommended by the Bay Area Air District. In fact, in April 2022, the Air District adopted new GHG significance thresholds that completely removed quantitative analysis of GHG emissions for determining significance. Instead, the Air District relies upon the following two thresholds:

1. A Project's compliance with a GHG reduction strategy *or*
2. Performance Standards

As discussed in the Housing Element EIR, the City has a GHG reduction strategy that has proven effective. In 2019 the City reduced its GHG emissions to 41percent below 1990 levels. More recent quantification finds that the City has reduced its GHG emissions even further to 48 percent below 1990 levels. This far exceeds local and state GHG reduction goals.

GHG Conclusion:

The project was found to be consistent with the GHG reduction strategy, as documented in the GHG checklist prepared for the project. GHG quantification is not required and the project is consistent with the City's GHG reduction strategy, which is the recommended threshold from the Air District for measuring a project's GHG impact.

Conclusion

The planning department conducted site-specific, project-level CEQA review for the project and prepared over 150 pages of documentation supporting the GPE analysis and conclusions. The comprehensive analysis in the Housing Element EIR was appropriately used for the streamlined CEQA analysis for this project as mandated by CEQA section 21083.3 and CEQA Guidelines section 15183. The significant air quality impacts identified in the 2395 Sacramento Street GPE are not dissimilar from impacts identified for development anticipated under the Housing Element EIR. The department determined that there would not be a significant criteria pollutant impact nor a GHG impact, and no mitigation is required. In addition, the department determined that the significant health risk impact for this project can be mitigated to less than significant with the identified mitigation measure. The determinations in the GPE are based on substantial evidence. The appellant has not provided substantial evidence demonstrating otherwise. Therefore, the planning department respectfully recommends that the board of supervisors uphold the department's determination that the GPE conforms with the requirements of CEQA and reject the appeal.

Planning Dept General Plan Evaluation Appeal

Supplemental Response 4

Attachment A

Air Quality Screening

June 27, 2023



AIR QUALITY SCREENING

Date submitted: June 27, 2023
To: Josh Pollak and Jessica Range
From: Kei Zushi
Project Address: 2395 Sacramento Street, 2022-004172ENV
Plan Set Link: 2395 Sacramento St_Updated Plans_03242023.pdf (Desktop, Web, Mobile)
Anticipated CEQA Document: General Plan Evaluation (GPE) under the Housing Element 2022 Update EIR

The Air Quality screening form is used to help determine the air quality analysis needed for a particular project. A summary of the determination is presented below.

Screening Summary

Determination: Criteria air pollutant study not required/ required
Health risk assessment not required/ required
 Clean Construction MM or DB2 can be applied
 Other _____

Reason: Project screens out of criteria air pollutant analysis, health risk assessment not required if clean construction is applied.

Comments: N/A

Project Information

Demolition: See below.

Alterations: Adaptive reuse of and additions to an existing building.

Proposed Land Use(s) for New Construction

Land Use	Amount (square feet unless otherwise noted)	Notes
Residential (# Units)	24 units	
Hotel (# Rooms)		
Commercial (includes office)		

Restaurant		
Retail		
Industrial		
Car Parking Spaces	26 spaces	
Other (Specify: _____)		

Building, Construction, and Sensitive Receptor Characteristics

Project Characteristics	Amount	Unit
Height of building to roof, excluding rooftop appurtenances	78 feet	Feet
Amount of excavation	5,700	Cubic yards
Backup generator proposed/required?	No	Brake-HP
Distance to nearest residential sensitive receptor	0	Feet
*Distance to nearest type of other receptor: Receptor Type: <input type="checkbox"/> Daycare/school <input type="checkbox"/> Offsite worker <input type="checkbox"/> Other:_____		Feet

* Complete only if the nearest sensitive receptor is not a residential receptor

Air Pollutant Exposure Zone (APEZ) status (Check One Box):

- Project is in the APEZ
- Project is not in the APEZ, and there are no cumulative projects within 1,000 feet
- Project is not in the APEZ, and there are cumulative projects within 1,000 feet:

Additional Notes

The project would adaptively reuse a 68-foot-tall, 24,850-gross-square-foot (gsf) city landmark building at 2395 Sacramento Street. The project would also construct two horizontal additions to the existing building: a six-story, approximately 68-foot-tall addition along Webster Street (Webster addition) and an approximately 78-foot-tall addition along Sacramento Street (Sacramento addition).

Air Quality Screening

Criteria Air Pollutants:

- Criteria air pollutant analysis is not required because:
 - Project size is below Housing Element EIR screening criteria (240-foot-tall building with 495 dwelling units)
 - Project size is below air district criteria air pollutant screening size based on the Air District screening [tables](#)¹.

- Project size exceeds Housing Element EIR screening criteria (240-foot-tall building with 495 dwelling units) and [Director’s Bulletin No2. Clean Construction Projects \(DB2\)](#) recommended or clean construction measures required. Additional analysis not required.

- Criteria air pollutant analysis is required:
 - Environmental Planning in-house CalEEMod analysis
 - Consultant-prepared CalEEMod analysis

Health Risk Screening:

Building Type² HRA screening:

- Building Type: D

Background, project, and existing plus project emissions:

	PM _{2.5} (µg/m ³)		Cancer Risk (per 1 million)	
	Screening-Level	Controlled ¹	Screening-Level	Controlled ¹
Background	8.71	8.71	100.27	100.27
Screening Level	0.38	0.033	75	6.4
Background + Screening Level	9.09	8.743	175.27	106.67

¹ Controlled scenario accounts for: Tier 4 final construction equipment

¹ https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-4-screening_final-pdf.pdf?la=en

² Building type A refers to Housing Element building emissions type 1, B refers to type 2, C refers to type 6, D refers to type 4, and E refers to type 5.

Cumulative Health Risk Screening

- No cumulative projects within 1,000 feet
- Not in APEZ, but existing + project + cumulative projects would not likely meet APEZ criteria
- Not in APEZ, but existing + project + cumulative projects would likely meet APEZ criteria
Project contribution: is or is not considerable. Reason: N/A
- In APEZ:
Project contribution: is or is not considerable. Reason: Not considerable with clean construction
- Additional analysis required. Notes: N/A

Health Risk Conclusion

- [Director's Bulletin No2. Clean Construction Projects](#) or clean construction measures not required
- [Director's Bulletin No2. Clean Construction Projects](#) recommended or clean construction measures required; additional analysis not needed. Area Plan or Housing Element EIR MM: M-AQ-3 (Clean Construction Equipment)
- [Director's Bulletin No2. Clean Construction Projects](#) recommended or clean construction measures required, health risk assessment needed. Area Plan or Housing Element EIR MM: N/A
- Best Available Control Technology for Diesel Engines required. Area Plan or Housing Element EIR MM: N/A
- Other: N/A

Determined By: Josh Pollak **Date:** June 27, 2023