

File No. 140806

Committee Item No. 2

Board Item No. 21

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date October 6, 2014

Board of Supervisors Meeting

Date October 21, 2014

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Completed by: Andrea Ausberry Date October 3, 2014

Completed by:  Date 10-14-14

10/6/14

FILE NO. 140806

ORDINANCE NO.

1 [Health, Building Codes - Ventilation Requirement for Urban Infill Development and
2 Establishing Fees]

3 **Ordinance amending the Health Code, Article 38, to require an enhanced ventilation**
4 **system for sensitive use projects within the Air Pollutant Exposure Zone and**
5 **establishing document review fees; amending the Building Code to correspond to the**
6 **Health Code changes; and making environmental findings, and findings under the**
7 **California Health and Safety Code; and directing the Clerk of the Board of Supervisors**
8 **to forward this Ordinance to the California Building Standards Commission upon final**
9 **passage.**

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

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

18 Section 1. General Findings.

19 The Planning Department has determined that the actions contemplated in this
20 ordinance comply with the California Environmental Quality Act (California Public Resources
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
22 Supervisors in File No. 140806 and is incorporated herein by reference.

23 Section 2. Findings Under the California Health and Safety Code.

24 The Board of Supervisors finds that:

25 (1) The topography of San Francisco leads to development of a high density of
buildings on small lots, and often in close proximity to major roadways, necessitating special
provisions for ventilation. (Topography).

1 (2) High building density and crowded occupancy leaves fewer parcels available for
2 residential development than needed to satisfy regional demand, and many of those sites are
3 in close proximity to major roadways, necessitating special provisions for ventilation.
4 (Topography).

5 (3) The configuration of the City as a peninsula restricts the availability of land suitable
6 for residential development, leaving such development to sites that are close to major
7 roadways, necessitating special provisions for ventilation. (Topography).

8 (4) The region is subject to strong winds, which often direct roadway air pollutants to
9 surrounding areas. (Climate).

10 Pursuant to the applicable California Health and Safety Code Sections, the Board of
11 Supervisors finds and determines that these local conditions give rise to the need for
12 modification of the 2013 California Building Code provisions published by the Building
13 Standards Commission. Further, the Board finds and determines that the proposed
14 modifications are reasonably necessary based on these local conditions.

15 Section 3. Article of the 38 the Health Code is hereby amended by deleting existing
16 Section 3806; adding two sections (numbered as Sections 3803 and 3811); revising existing
17 Sections 3801 to 3805 and 3807 to 3813 and renumbering those sections, in light of the
18 deleted and added sections, to produce Sections 3801 to 3814, to read as follows:

19 **SEC. 3801. SHORT TITLE.**

20 This Article shall be entitled "~~Air Quality Assessment and Ventilation Requirement-Enhanced~~
21 Ventilation Required for Urban Infill-~~Residential Sensitive Use~~ Developments ~~in the Air Pollutant~~
22 Exposure Zone."

23 **SEC. 3802.FINDINGS.**

24 (a) ~~Motor vehicles are a major source of air pollution in the United States, particularly in~~
25 ~~urban areas;~~

1 (a) Scientific studies show that exposure to particulate matter from air pollution leads to
2 significant human health problems, including: aggravated asthma; chronic bronchitis; reduced lung
3 function; irregular heartbeat; heart attack; and premature death in people with heart or lung disease.
4 Exposure to air pollutants that are carcinogens can also have significant human health consequences.
5 For example, exposure to diesel exhaust is an established cause of lung cancer.

6 (b) Heart disease and stroke are the first and fourth leading causes of death in the U.S.
7 respectively. Air pollution affects heart health and can trigger or contribute to heart attacks and
8 strokes. One in three Americans has heart or blood vessel disease and is at higher risk from air
9 pollution. Impacts on the lungs may take several forms. Short-term effects include deficits in lung
10 function that can limit breathing, especially during exercise. Irritants from air pollution may cause
11 airway constriction or chest tightening that is uncomfortable or limiting to normal activity. These
12 changes in lung function are sometimes accompanied by underlying lung tissue inflammation which
13 over the long term may lead to chronic lung disease. Exposure to air pollutants may be a contributing
14 factor to leading causes of death recorded for San Francisco's population (ischemic heart disease;
15 lung, bronchus and tracheal cancers; cerebrovascular disease; chronic obstructive pulmonary disease;
16 hypertensive heart disease and lower respiratory infection). Pollution from motor vehicles imposes
17 severe health burdens on children and families living near freeways and busy roadways. Health
18 research has consistently shown that

19 (c) Persons living in close proximity to air pollution sources, such as freeways or
20 busy roadways, have poorer lung functions and are more susceptible to developing asthma
21 and other respiratory problems, compared with persons living at a greater distance, from such
22 sources. The California Air Resources Board's 2005 Land Use Guidance document, "Air Quality And
23 Land Use Handbook: A Community Health Perspective," reviewed traffic-related air pollution studies
24 and found that particulate matter pollution levels decrease by about 70 percent at 500 feet from
25

1 freeways and high-traffic roadways, defined as urban roads with 100,000 vehicles/day or rural roads
2 with 50,000 vehicles/day.

3 ~~(e) — To avoid the health problems associated with exposure to roadway pollution, the~~
4 ~~California Air Resources Board recommends avoiding the placement of residential and other sensitive~~
5 ~~uses within 500 feet (approximately 150 meters) of busy freeways and other busy roadways. However,~~
6 ~~significant residential development in the state is occurring in urban infill sites, near freeways or busy~~
7 ~~arterial roadways, potentially increasing these residents' exposure to air pollutants and their~~
8 ~~associated health risks; and~~

9 ~~(d) — This situation is exacerbated in the City of San Francisco, which, by virtue of being~~
10 ~~located on a peninsula, has a limited amount of land available for new residential development.~~

11 (d) Proximity to sources of air pollution increases exposure, and proximity to sources is
12 established to be more common for the poor and for certain ethnic minorities.

13 (e) Consequently, health vulnerability varies among neighborhoods and populations within
14 San Francisco, as measured by population health records of air pollution-associated hospital
15 discharges and emergency room visits, and non-accident mortality. Health vulnerable populations are
16 likely to have more significant health consequences from air pollutant exposure compared to
17 populations that are less vulnerable.

18 (f) Existing regulatory control measures, often focused on new stationary sources of
19 emissions and average regional air pollution concentrations, are not sufficient to address all local
20 sources of exposure or disparities in exposure.

21 (g) "Sensitive Use" buildings have the highest proportion of individuals who are most
22 vulnerable to air pollutant exposures.

23 (h) Available technologies exist to protect sensitive uses from air pollution health effects.
24 Available and accepted air pollution modeling technology allows for the estimation of certain air
25 pollutant concentrations for individual land parcels. Furthermore, available building ventilation and

1 engineering technologies provide mechanisms to protect indoor environments from the infiltration of
2 ambient air pollutants.

3 **SEC. 3803. PURPOSES AND GOALS.**

4 (a) The purpose of this Article 38 is to protect the public health and welfare by establishing
5 an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill
6 sensitive use development within the Air Pollutant Exposure Zone.

7 (b) The goals of this Article 38 are to maintain and increase the stock of infill housing and
8 other sensitive use development in the City while reducing the risk to human health from air pollutants
9 among occupants of, and visitors to, buildings in the Air Pollutant Exposure Zone.

10 **SEC. 38034. DEFINITIONS.**

11 For the purposes of this Article 38, the following words shall have the following
12 meanings:

13 (a) "Building" means a new structure containing ten or more dwelling units as those terms
14 are defined in the San Francisco Building Code.

15 (b) "Department" means the San Francisco Department of Public Health.

16 (c) "Director" means the Director of the San Francisco Department of Public Health or the
17 Director's designee.

18 (d) "Local Roadway Traffic Sources" means traffic generated on roadways within 500 feet
19 from the site.

20 (e) "PM 2.5" means solid particles and liquid droplets found in the air, that are less than
21 2.5 micrometers in diameter.

22 (f) "Potential Roadway Air Pollutant Exposure Zone" means those areas within the
23 City and County of San Francisco which, by virtue of their proximity to freeways and major
24 roadways, may exhibit high PM 2.5 concentration attributable to Local Roadway Traffic Sources. air
25 pollution emissions sources, including Freeways, have substantially greater concentrations of air

1 pollutants. The Air Pollutant Exposure Zone shall be modeled according to specific risk factors defined
2 in the Rules and Regulations, and will include at a minimum, criteria for maximum allowed excess
3 cancer risks and maximum PM_{2.5} concentrations; these criteria shall be more stringent in Health
4 Vulnerable Locations, as defined below.

5 ~~(g) "Potential Roadway Exposure Zone" means a map, prepared and periodically updated~~
6 ~~by the Director and available to the public in the Department's website, depicting the Potential~~
7 ~~Roadway Exposure Zone.~~

8 "Building" means a building that contains a "Sensitive Use" and that is either:

9 (1) a new building; or

10 (2) a building undergoing a "Major Alteration to Existing Building" as defined by
11 the San Francisco Green Building Code; or

12 (3) a building undergoing a Planning Department permitted change of use.

13 "City" means the City and County of San Francisco.

14 "Department" means the San Francisco Department of Public Health.

15 "Director" means the Director of the San Francisco Department of Public Health or the
16 Director's designee.

17 "Enhanced Ventilation" means a ventilation system capable of achieving the protection from
18 particulate matter (PM_{2.5}) equivalent to that associated with a Minimum Efficiency Reporting Value
19 (MERV) 13 filtration (as defined by American Society of Heating, Refrigerating and Air-Conditioning
20 Engineers (ASHRAE) standard 52.2).

21 "Freeway" refers to freeways as defined in the San Francisco General Plan, Transportation
22 Element.

23 "Health Vulnerable Locations" means those San Francisco zip codes, census tracts or other
24 defined locations having the highest percentage of health vulnerable residents, based on criteria such
25 as State discharge data from respiratory and cardiovascular related hospitalizations, non-accident

1 mortality, or other criteria as determined by the Director and specified in the Rules and Regulations
2 enacted under this Article.

3 "PM_{2.5}" means solid particles and liquid droplets found in the air, that are less than or equal to
4 2.5 micrometers (µm) in diameter.

5 "Sensitive Use" means:

6 (1) any building or facility designed for residential use, including but not limited to
7 those defined by City, state or federal law and regulations, excluding Tourist Hotels:

8 (2) any building or facility serving specific populations, including but not limited to
9 California Department of Social Services (CDSS)-licensed Adult Day Care Centers, Adult Support
10 Centers, Child Care Centers, Family Child Care Homes, Infant Care Centers, School-Aged Child Care
11 Centers, and Community Treatment Centers;

12 (3) any California Department of Education (CDE)-licensed schools;

13 (4) any California Department of Public Health (CDPH)-licensed Health Care
14 Facilities with 24-hour care, except for CDPH-licensed hospitals, which are subject to specific
15 regulations;

16 (5) any California Building Code Section 305-defined occupancies of Educational
17 Group E;

18 (6) any California Building Code Section 308-defined occupancies of Institutional
19 Group I; and

20 (7) any California Building Code Section 310-defined occupancies of Residential
21 Group R.

22 ~~(7)~~ "Site" means a parcel of land as defined in the San Francisco Building Code.

23 **SEC. 38045. APPLICABILITY OF ARTICLE.**

24 This Article 38 shall apply to ~~newly constructed Sensitive Use~~ buildings containing ten or
25 ~~more dwelling units located on a site identified as~~ within the Potential Roadway Exposure Zone, and

1 ~~that have been determined to have a PM_{2.5} concentration at the proposed site greater than 0.2 ug/m³~~
2 ~~attributable to Local Roadway Traffic Sources, as defined herein. Air Pollutant Exposure Zone that are~~
3 ~~either:~~

4 (a) Newly constructed; or

5 (b) Undergoing a "Major Alteration to Existing Building" as defined by the San Francisco
6 Green Building Code; or

7 (c) The subject of an application for a Planning Department-permitted Change of Use.

8 **SEC. 38056. POTENTIAL ROADWAY AIR POLLUTANT EXPOSURE ZONE AND**
9 **POTENTIAL ROADWAY AIR POLLUTANT EXPOSURE ZONE MAP.**

10 (a) ~~Pursuant to Section 4.110 of the Charter of the City and County of San Francisco, t~~The
11 Director shall create ~~a Potential Roadway an Air Pollutant Exposure Zone Map, depicting the~~
12 ~~Potential Roadway Exposure Zone according to Rules and Regulations as authorized by Section 3809.~~
13 The Air Pollutant Exposure Zone Map shall depict all locations in the City where the estimated
14 cumulative PM_{2.5} concentration is greater than 10 ug/m³ or where the estimated cumulative excess risk
15 of cancer from air pollutants resulting from lifetime (70 year) exposure is greater than 100 in a million.
16 Additionally, the Air Pollutant Exposure Zone Map shall include all locations within 500 feet of any
17 Freeway, if those locations were not otherwise captured by modeling estimates. Within Health
18 Vulnerable Locations, the Air Pollutant Exposure Zone Map shall depict all locations where the
19 estimated cumulative PM_{2.5} concentration is greater than 9 ug/m³ or where the estimated cumulative
20 excess risk of cancer from air pollutants resulting from lifetime (70 year) exposure is greater than 90 in
21 a million. The Director shall update the Air Pollutant Exposure Zone Map to identify new sources,
22 updated pollutant standards, additional pollutants and standards for those pollutants, and updated
23 methodologies in accordance with Section 3809 and the accompanying Rules and Regulations for this
24 Article 38.

1 (b) The Director shall ~~from time to time, at least once every five years,~~ update the
2 ~~Potential Roadway Exposure Zone Map, Rules and Regulations governing creation of the Air Pollutant~~
3 ~~Exposure Zone Map~~ to account for changes in ~~circumstances that lead to changes in the Potential~~
4 ~~Roadway Exposure Zone, information~~ including, but not limited, to:

5 (1) ~~Information available to estimate air pollutants of health concern;~~

6 (2) ~~Information available to determine Health Vulnerable Locations; and~~

7 (3) ~~Information that may affect delineation of the Air Pollutant Exposure Zone, including,~~

8 ~~but not limited to:~~

9 (1)(A) ~~Construction, expansion or modification of new major roadways in residential areas;~~

10 (2)(B) ~~Changes in traffic patterns in the City's roadway system;~~

11 (3) ~~Specific scientific data showing that certain areas should be included in the Potential~~

12 ~~Roadway Exposure Zone Map.~~

13 (C) ~~Changes in area sources or siting of industrial or commercial sources of air pollution; and~~

14 (D) ~~Climatic factors for which there is evidence of changes to air quality.~~

15 (c) The Director shall post the ~~Potential Roadway Air Pollutant~~ Exposure Zone Map ~~in~~
16 ~~on~~ the Department's website, and make paper copies of the map available to the public upon
17 request.

18 (d) In creating and updating the ~~Potential Roadway Air Pollutant~~ Exposure Zone Map,
19 the Director shall follow the procedures ~~of Section 3809, and shall make specific findings explaining~~
20 ~~how the boundaries of the Potential Roadway Exposure Zone Map meet the definition of Section~~
21 ~~3803(f) specified in Section 3809.~~

22 (e) The ~~current Potential Roadway Air Pollutant~~ Exposure Zone Map ~~that is operative as~~
23 ~~of the effective date of Ordinance No. _____ amending this Article 38, is attached to this Ordinance as~~
24 ~~Attachment A on file with the Clerk of the Board of Supervisors in File No. 140806.~~

1 ***SEC. 3806. AIR QUALITY ASSESSMENT AND AIR QUALITY REPORT.***

2 ~~(a) Projects meeting the conditions of Section 3804 shall have performed an Air Quality~~
3 ~~Assessment, to evaluate the concentration of PM 2.5 from Local Roadway Traffic Sources at the site.~~
4 ~~All locations at the site where residential buildings or construction may occur shall be evaluated. The~~
5 ~~Department shall develop guidance, pursuant to Section 3809, setting forth what types of analyses shall~~
6 ~~be conducted. The project sponsor shall follow the Department's guidance, unless an alternative~~
7 ~~proposal is approved in writing by the Director.~~

8 ~~(b) At the completion of the Air Quality Assessment required by Section 3806(a), an Air Quality~~
9 ~~Report shall be submitted to the Director. The Air Quality Report shall contain the following~~
10 ~~information:~~

11 ~~(1) The names, addresses and professional expertise of the persons who conducted the Air~~
12 ~~Quality Assessment;~~

13 ~~(2) An explanation of the methodology used in the Air Quality Assessment; and~~

14 ~~(3) The results of the Air Quality Assessment.~~

15 ~~(c) Review by the Director. The Director shall determine whether the Air Quality Report~~
16 ~~required by this Article was conducted as required by this Article, and whether the Air Quality Report~~
17 ~~is complete. If the Air Quality Report was not conducted as required by this Article or does not comply~~
18 ~~with the requirements of this Section, the Director shall notify the project sponsor in writing within 30~~
19 ~~days of receipt of the Air Quality Report, indicating the reasons the report is unacceptable. A copy of~~
20 ~~the notification shall be sent to the Director of building Inspection.~~

21 ~~(d) Finding of No Dangerous PM 2.5 Concentration. If the Air Quality Report indicates that the~~
22 ~~concentration level of PM 2.5 from Local Roadway Traffic Sources at the site is less than 0.2 ug/m3,~~
23 ~~the Director shall provide the project sponsor with written notification that the project has complied~~
24 ~~with the requirements of this Article.~~

1 **SEC. 3807. ENHANCED VENTILATION REQUIREMENT.**

2 (a) ~~If the Air Quality Report indicates that the concentration level of PM 2.5 from Local~~
3 ~~Roadway Traffic Sources at the site is greater than 0.2 ug/m³ the project shall:~~

4 ~~(1) be designed, or relocated on the site in a way that would avoid residential exposure to PM~~
5 ~~2.5 concentration from Local Roadway Traffic Sources greater than 0.2 ug/m³, as demonstrated by the~~
6 ~~Air Quality Report, or~~

7 ~~(2) Any person or entity to whom this Article 38 applies, as defined in Section 3805, shall~~
8 ~~submit to the Director an Enhanced Ventilation Proposal, prepared by, or under the supervision~~
9 ~~of a licensed mechanical engineer or other individual authorized by the California Business and~~
10 ~~Professions Code Sections 6700-6799 (Professional Engineers Act) to design professional, to install in~~
11 ~~the project a mechanical ventilation systems to that meet the requirements of this Article 38 and~~
12 ~~San Francisco Building Code Section 1203.5. An Enhanced Ventilation Proposal shall include the~~
13 ~~name, title and license number of the person submitting such proposal. Building permit documents~~
14 ~~submitted to the Department of Building Inspection shall incorporate designs and details necessary for~~
15 ~~the construction of such ventilation system.~~

16 (b) The Enhanced Ventilation Proposal shall explain in detail how the project will
17 achieve the standards mandated by this Article 38 and accompanying the Rules and Regulations
18 as described and updated according to Section 3809, San Francisco Building Code Section
19 1203.5. The, and any relevant amendments or revisions thereto. The Enhanced Ventilation Proposal
20 shall include a statement signed by the licensed design professional person who prepared it, in
21 accordance with the requirements of Section 3807(a), certifying that in his or her judgment the
22 ventilation system proposed will be capable of removing >80% of ambient PM 2.5 achieving the
23 protection from habitable areas of dwelling units, particulate matter (PM_{2.5}) equivalent to that
24 associated with MERV 13 filtration (as defined by ASHRAE standard 52.2). In updates to the Rules and
25

1 Regulations, the Director may specify additional or alternative protective equivalents as technology
2 and research dictate.

3 (c) The Director shall review the Enhanced Ventilation Proposal and may require
4 additional modification or justification prior to the Director's approval. The Director shall issue a
5 letter to the Department of Building Inspection Permit Services Energy/Mechanical Plan Review
6 Section identifying and attaching the letter describing the approved Enhanced Ventilation Proposal.

7 (d) Building permit documents submitted to the Department of Building Inspection shall
8 incorporate all designs and details necessary for the construction of the approved Enhanced
9 Ventilation system. The Department of Building Inspection shall review submitted plans to assure
10 compliance with the Director-approved Enhanced Ventilation proposal and shall not issue permits for
11 the construction, installation, or modification of the Enhanced Ventilation systems unless it is in
12 compliance with the approved proposal.

13 **SEC. 3808. MAINTENANCE OF DOCUMENTS BY DIRECTORDEPARTMENT.**

14 The Air Quality Report, Enhanced Ventilation Proposal, Certification and related
15 documents shall become part of the file maintained by the Department. Such file shall be
16 available to the public upon request.

17 **SEC. 3809. RULES AND REGULATIONS.**

18 (a) Adoption of Rules. The Director may adopt, and may thereafter amend, rules,
19 regulations and guidelines that the Director deems necessary to implement the provisions of this
20 Article. For the purposes of this Article, a public hearing before the Health Commission shall be held
21 prior to the adoption or any amendment of the rules, regulations and guidelines recommended for
22 implementation, including creation and amendments to update the Potential Roadway Exposure Zone
23 Map. In addition to notices required by law, the Director shall send written notice, at least 15 days
24 prior to the hearing, to any interested party who sends a written request to the Director for notice of
25 hearings related to the adoption of rules, regulations and guidelines pursuant to this Section.

1 ~~In developing such regulations, the Director shall consider, inter alia, State and federal~~
2 ~~statutes, regulations and guidelines pertaining to the health effects of roadway air pollutants. The~~
3 ~~Director shall also Within 90 days after the effective date of revised Ordinance No. _____, amending~~
4 ~~Article 38, the Director shall issue Rules and Regulations necessary to effectuate the purposes of this~~
5 ~~Article and to protect public health and safety. Any person or entity as defined in Section 3805 shall~~
6 ~~comply with this Article, the Rules and Regulations, and all applicable local, state, and federal laws.~~

7 (b) ~~The Director shall~~ consult with the Planning Department's Environmental Review
8 Officer at least 30 days prior to initiating any amendments or modifications to ~~these rules or~~
9 ~~regulations, including changes to the Potential Roadway Exposure Zone Map, and shall seek such~~
10 ~~officer's concurrence on any proposed change the Rules and Regulations.~~

11 (c) ~~The Director shall also, from time to time,~~ consult with the Municipal Green
12 Building Task Force, ~~as established in Environment Code Sec. 702, or any successor body,~~ to
13 coordinate and resolve any potential conflicts that may arise between the San Francisco Green
14 Building Ordinance Code and this Ordinance Article 38.

15 (b)(d) ~~Guidelines for Rules and Regulations. Rules, regulations and guidelines may shall, at a~~
16 ~~minimum, me et address among others, the following, subjects standards and criteria:~~

17 (1) ~~Minimum standards for acceptable Air Quality Assessment tests. The minimum~~
18 ~~standards shall be designed to assist interested persons including, but not limited to, the Director of the~~
19 ~~Department of Building Inspection, other state and local public agencies and licensed design~~
20 ~~professionals, to evaluate whether analyses, other than those required by Section 3806(a) must be~~
21 ~~conducted to detect the presence of harmful roadway air pollutants; The criteria used for the definition~~
22 ~~of "Health Vulnerable Locations" shall be at least as health-protective as that of the Bay Area Air~~
23 ~~Quality Management District (BAAQMD) methodology. BAAQMD methodology defines those zip codes~~
24 ~~in San Francisco in the worst quintile of Bay Area health vulnerability scores based on two years of~~
25 ~~statewide hospitalization and emergency room visit records, and estimated costs, for the following air~~

1 pollution related conditions per zip code: Chronic Obstructive Pulmonary Disease (COPD) Hospital
2 Admissions, Pneumonia Hospital Admissions, Myocardial Infarction (MI, Heart Attack) Hospital
3 Admissions and Emergency Room Visits, Cardiovascular Hospital Admissions (less MI), Asthma
4 Emergency Hospital Admissions and Emergency Room Visits, Asthma Hospital Admissions, Hospital
5 Admissions for Respiratory Diseases, combined with the non-accident mortality rate per zip code. For
6 San Francisco, based on 2009-2011 health records, the zip codes in the worst quintile of Bay Area
7 health vulnerability scores are 94102, 94103, 94105, 94124, and 94130. In updates to the Rules and
8 Regulations, the Director may modify the methodology to identify Health Vulnerable Locations as
9 required to ensure the Air Pollutant Exposure Zone Map is consistent with current scientific evidence.

10 (2) The criteria for creating and updating the Air Pollutant Exposure Zone Map and the
11 models underlying this map shall include, but not be limited to:

12 (A) Identification of parcels with lifetime excess cancer risk due to air pollution
13 greater than 100 cases per million population.

14 (B) Identification of parcels in Health Vulnerable Locations with lifetime excess
15 cancer risk due to air pollution greater than 90 cases per million population.

16 (C) Identification of parcels where PM_{2.5} concentrations are greater than 10 µg/m³
17 (including ambient levels).

18 (D) Identification of parcels in Health Vulnerable Locations where PM_{2.5}
19 concentrations are greater than 9 µg/m³ (including ambient levels).

20 (E) Identification of parcels within 500 feet of any Freeway, if those locations were
21 not otherwise captured by modeling estimates.

22 (F) New research findings, particularly quantification of risk, that change the
23 Director's knowledge of how particulate matter and any other air pollutants affect public health.

24 (3) Required performance standards for Enhanced Ventilation Proposals must include the
25 following minimum criteria:

1 (A) Location of air intake for HVAC (Heating, Ventilation and Air Conditioning
2 systems) away from air pollution sources:

3 (B) Specification of filtration certified by the ASHRAE capable of achieving
4 protection from particulate matter (PM_{2.5}) equivalent to that associated with a MERV 13 filtration (as
5 defined by ASHRAE standard 52.2).

6 (4) Additional criteria for Enhanced Ventilation Proposals may include the following
7 project design information:

8 (A) Number of air exchanges per hour of outside filtered air;

9 (B) Building materials and/or design that limit unfiltered infiltration of outside air,
10 such as air sealing or maintenance of positive pressure within the building interior;

11 (C) Location of operable windows oriented away from air pollutant sources, to the
12 extent feasible;

13 (D) Other building design criteria that may reduce air pollution exposure to
14 residents;

15 (E) Other combinations of technologies and designs to achieve the goals of this
16 Article.

17 ~~(2)(5)~~ Minimum education and experience-Certification and/or licensing requirements for the
18 persons who prepare Air Quality Assessments pursuant to Section 3806(a) and the Enhanced
19 Ventilation Proposals pursuant to Section 3807. and The Enhanced Ventilation Proposal must be
20 prepared by, or under the responsible charge of a person who is authorized by California Business and
21 Professions Code Sections 6700-6799 (Professional Engineers Act), or any successor provisions, to
22 design mechanical ventilation systems that meet the requirements of this Article 38 and San Francisco
23 Building Code Section 1203.5 and either:

24 (A) a licensed mechanical engineer, or
25

1 (B) an individual authorized by California Business and Professions Code Sections
2 6700-6799 to design mechanical ventilation systems that meet the requirements of this Article 38 and
3 San Francisco Building Code Section 1203.5.

4 ~~(3) Creation and Periodic Updates of the Potential Roadway Exposure Zone Map.~~

5 (6) Minimum criteria for maintenance and disclosure, including but not limited to:

6 (A) Minimum standards for proper maintenance, and

7 (B) Disclosure to buyers, lessees and renters that the building is located in an area
8 with substantial concentrations of air pollutants, and that the building includes an enhanced ventilation
9 system information about the proper use of the installed enhanced ventilation system.

10 (e) The Director may specify additional or alternative equivalents as justified by accepted
11 research including:

12 (1) addition or substitution of risk factor criteria;

13 (2) inclusion of other pollutants such as Nitrogen Dioxide.

14 (f) Within Health Vulnerable Locations, the Director shall specify more protective
15 requirements in the Air Pollutant Exposure Zones.

16 (g) The Director may grant variances to this Article 38, on a case-by-case basis.

17 **SEC. 3810. MAINTENANCE AND DISCLOSURE REQUIREMENTS.**

18 (a) The ventilation systems installed pursuant to Section 3807 shall be properly
19 maintained, following standard practices, and as specified by the manufacturer.

20 (b) ~~Project sponsors shall preserve d~~Documentation of ~~their actions installing the~~
21 installation and/or maintaining maintenance of the enhanced ventilation systems shall be preserved
22 for five years after installation.

23 (c) Failure to properly maintain the enhanced ventilation systems is subject to enforcement
24 and possible penalties under the Health Code Article 11, Nuisances, or other applicable sections.

1 (d) Disclosure to buyers, lessees and renters shall be made in accordance with Rules and
2 Regulations as specified in Section 3809(d)(6).

3 **SEC. 3811. FEES.**

4 (a) Review and approval of an Enhanced Ventilation Proposal..... \$984.00

5 (b) Additional consultation, document review or inspection.....\$225.00 per hour

6 **SEC. 381~~1~~2. NO CONFLICT WITH FEDERAL OR STATE LAW.**

7 Nothing in this Article shall be interpreted or applied so as to create any requirement,
8 power, or duty in conflict with any federal or state law.

9 **SEC. 381~~2~~3. SEVERABILITY.**

10 If any section, subsection, sentence, clause, or phrase of this Article 38 is for any
11 reason held to be invalid or unconstitutional by a decision of any court of competent
12 jurisdiction, such decision shall not affect the validity of the remaining portions of the Article.

13 The Board of Supervisors hereby declares that it would have passed this Article and each and
14 every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional
15 without regard to whether any portion of this Article would be subsequently declared invalid or
16 unconstitutional.

17 **SEC. 381~~3~~4. UNDERTAKING FOR THE GENERAL WELFARE.**

18 In adopting and implementing this Article 38, the City ~~and County of San Francisco~~ is
19 assuming an undertaking only to promote the general welfare. It is not assuming, nor is it
20 imposing in its officers and employees, an obligation for breach of which it is liable in money
21 damages to any person who claims that such breach proximately caused injury.

22 Section 4. The Building Code is hereby amended by amending Section 1203.5, to read
23 as follows:

24 **SEC. 1203 – VENTILATION**

25 * * * *

1 **SEC. 1203.5. Amending second paragraph as follows:**

2 ~~Newly constructed~~ For all buildings containing ten or more dwelling units any sensitive land
3 use located within the Potential Roadway Air Pollutant Exposure Zone and having a PM 2.5
4 concentration at the proposed building site greater than 0.2 ug/m3 attributable to Local Roadway
5 Traffic Sources, as determined by the Director of Public Health pursuant to Article 38 of the San
6 Francisco Health Code, that are:

7 (a) Newly constructed;

8 (b) Undergoing a "Major Alteration to Existing Building" as defined by the San Francisco
9 Green Building Code; or

10 (c) Applying for a San Francisco Planning Department-permitted Change of Use.
11 such buildings shall incorporate an ~~have~~ enhanced ventilation systems designed and constructed
12 to remove >80% of ambient PM 2.5 from habitable areas of dwelling units be in compliance with San
13 Francisco Health Code Article 38.

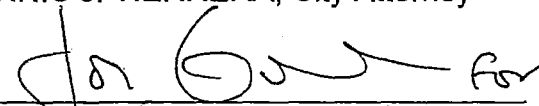
14 Section 5. Department Report. Within 90 days of the effective date of this Ordinance
15 , the Department of Public Health shall confer with affected City departments, including
16 the Department of Building Inspection, Planning Department, and Fire Department, as well as
17 affected members of the development community, to evaluate and discuss technologies and
18 policies that will satisfy the requirements of this Ordinance. The Department of Public Health
19 shall report to the Board of Supervisors within 120 days after the effective date of this
20 Ordinance regarding technologies that the Department of Public Health has identified or
21 evaluated that may comply with the requirements of Article 38.

22 Section 56. Effective Date. This ordinance shall become effective 30 days after
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
25 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 67. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the "Note" that appears under
6 the official title of the ordinance.

7 Section 78. Directions to the Clerk. The Clerk of the Board of Supervisors is hereby
8 directed to forward a copy of this ordinance to the California Building Standards Commission
9 upon final passage.

10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: 
14 VIRGINIA DARIO ELIZONDO
15 Deputy City Attorney

16 n:\egana\as2014\11400351\00962373.doc

LEGISLATIVE DIGEST
(10/6/14 - Amended In Committee)

[Health, Building Codes - Ventilation Requirement for Urban Infill Development]

Ordinance amending the Health Code, Article 38, to require an enhanced ventilation system for sensitive use projects within the Air Pollutant Exposure Zone, and establishing document review fees; amending the Building Code to correspond to the Health Code changes; and making environmental findings, and findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

Existing Law

To avoid health problems associated with exposure to roadway pollution, the California Resources Board recommends avoiding the placement of residential and other sensitive uses within 500 feet (approximately 150 meters) of freeways and other busy roadways. The expansion of residential development and the limited amount of land available in San Francisco led to residential development in urban infill sites near freeways or busy arterial roadways, potentially increasing residents' exposure to air pollutants and their associated health risks.

Article 38 requires the developers of residential projects containing 10 or more units and located near freeways to and major roadways to submit an Air Quality Assessment to evaluate the concentration of PM_{2.5} (solid particles and liquid droplets which are less than 2.5 micrometers in diameter) from traffic generated within 500 feet from the site, which must be submitted to the Director of Health.

If this Air Quality Assessment indicates that the concentration level of PM_{2.5} is greater than 0.2 ug/m³, the project shall: (1) be designed or relocated on the site in a way that would avoid residential exposure greater than 0.2 ug/m³, or (2) submit to the Director a Ventilation Proposal capable of removing ≥ 80% of ambient PM_{2.5} from habitable areas of the dwelling units, and meets the requirements of San Francisco Building Code Section 1203.5.

Amendments to Current Law

The "Potential Roadway Exposure Zone" is redefined as the "Air Pollutant Exposure Zone" and includes other sources of air pollution emissions.

The Air Pollutant Exposure Map shall depict all locations within the City where the estimated cumulative $PM_{2.5}$ concentration is greater than $10\mu g/m^3$ or where the estimated cumulative excess risk of cancer from air pollutants resulting from lifetime (70 years) exposure is greater than 100 in a million. The map shall also include all locations within 500 feet of any freeway, if those locations were not otherwise captured by modeling estimates.

The amendment defines "Health Vulnerable Locations" as those San Francisco zip codes, census tracts or other defined locations having the highest percentage of health vulnerable residents, based on criteria such as State discharge data from respiratory and cardiovascular related hospitalizations, non-accident mortality, or other criteria as determined by the Director of Health. For these areas, the Air Pollutant Exposure Zone Map shall depict all locations where the estimated cumulative $PM_{2.5}$ concentration is greater than $91\mu g/m^3$ or where the estimated cumulative excess risk of cancer from air pollutants resulting from lifetime (70 years) exposure is greater than 90 in a million.

The amendment defines "Sensitive Use" as any building or facility designed for residential use, or serving specific sensitive populations, such as adult support centers, child care centers, community treatment centers, health care facilities, schools, and group homes.

All buildings containing any Sensitive Use located the Air Pollutant Exposure Zone that are: (1) newly constructed; (2) undergoing a major alteration to an existing building; or (3) applying for a San Francisco Planning Department – permitted Change of use shall be required to submit an Enhanced Ventilation System be capable of achieving the protection from particulate matter ($PM_{2.5}$) equivalent to that associated with MERV 13 filtration.

Within 90 days of the effective date of this Ordinance _____, the Department of Public Health shall confer the Department of Building Inspection, Planning Department, and Fire Department, and members of the development community, to evaluate and discuss technologies and policies that will satisfy the requirements of this Ordinance. The Department of Public Health shall report to the Board of Supervisors within 120 days after the effective date of this Ordinance regarding technologies that the Department of Public Health has identified or evaluated that may comply with the requirements of Article 38.

Background Information

Scientific studies show that exposure to particulate matter from air pollution leads to significant human health problems, including: aggravated asthma; chronic bronchitis; reduced lung function; irregular heartbeat; heart attack; and premature death in people with heart or lung disease. Exposure to air pollutants that are carcinogens can also have significant human health consequences. For example, exposure to diesel exhaust is an established cause of lung cancer.

Persons living in close proximity to air pollution sources, such as freeways or busy roadways, have poorer lung functions and are more susceptible to developing asthma and other respiratory problems, compared with persons living at a greater distance; from such sources. The California Air Resources Board's 2005 Land Use Guidance document, "Air Quality And Land Use Handbook: A Community Health Perspective," reviewed traffic-related air pollution studies and found that particulate matter pollution levels decrease by about 70 percent at 500 feet from freeways and high-traffic roadways, defined as urban roads with 100,000 vehicles/day or rural roads with 50,000 vehicles/day.

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. "Sensitive Use" buildings have the highest proportion of individuals who are most vulnerable to air pollutant exposures.

Available technologies exist to protect sensitive uses from air pollution health effects. Available and accepted air pollution modeling technology allows for the estimation of certain air pollutant concentrations for individual land parcels. Furthermore, available building ventilation and engineering technologies provide mechanisms to protect indoor environments from the infiltration of ambient air pollutants.

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SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 19241

HEARING DATE SEPTEMBER 18, 2014

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: Amendments Relating to Enhanced Ventilation for Sensitive Use Projects
Case Number: 2014.1295U [Board File No. 140806]
Initiated by: Supervisor Malia Cohen/ Introduced July 17, 2014
Staff Contact: Wade Wietgreffe, Environmental Planner
wade.wietgreffe@sfgov.org, 415-575-9050
Reviewed by: Jessica Range, Senior Environmental Planner
jessica.range@sfgov.org, 415-575-9018
Recommendation: Recommend Approval

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE HEALTH CODE TO REQUIRE AN ENHANCED VENTILATION SYSTEM FOR SENSITIVE USE PROJECTS WITHIN THE AIR POLLUTANT EXPOSURE ZONE AND ESTABLISHING DOCUMENT REVIEW FEES; AMENDING THE BUILDING CODE TO CORRESPOND TO THE HEALTH CODE CHANGES; AND MAKING ENVIRONMENTAL FINDINGS, AND FINDINGS UNDER THE CALIFORNIA HEALTH AND SAFETY CODE; AND DIRECTING THE CLERK OF THE BOARD OF SUPERVISORS TO FORWARD THIS ORDINANCE TO THE CALIFORNIA BUILDING STANDARDS COMMISSION UPON FINAL PASSAGE.

WHEREAS, on July 17, 2014, Supervisor Cohen introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 140806, which would amend the Health Code to require an enhanced ventilation system for sensitive use projects within the Air Pollutant Exposure Zone and establish document review fees; and amend the Building Code to correspond to the Health Code changes.

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on September 18, 2014; and,

WHEREAS, the proposed Ordinance has been determined not to be a project under the California Environmental Quality Act Section 15060(c) and 15378; and

WHEREAS, the Planning 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 Planning Commission has reviewed the proposed Ordinance.

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors approve the proposed ordinance.

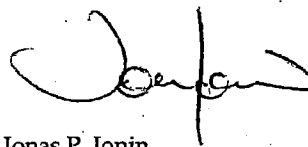
FINDINGS

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. Scientific studies have found an association between exposure to particulate matter and significant human health problems. Exposure to outdoor air pollutants may be a contributing factor to the leading causes of death recorded for San Francisco's population.
2. The proposed Ordinance would provide equal levels of protection for all new sensitive use projects from major sources of air pollution, including vehicles on roadways, permitted stationary, port, and maritime sources.
3. The proposed Ordinance would provide a greater level of certainty to the development review process, as amending regulation to the City's laws would be preferential to the current practice of conducting modeling and adding mitigations through the development review process.

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

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 18, 2014.



Jonas P. Ionin
Commission Secretary

AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, and Richards

NOES:

ABSENT:

ADOPTED: September 18, 2014



Building and Health Code Amendment

The proposed Ordinance would amend Article 38 of the Health Code to require an enhanced ventilation system for sensitive receptor projects within the Air Pollutant Exposure Zone, as mapped by Article 38 of the Health Code; amend the Building Code to reflect changes in Article 38 of the Health Code; and make environmental findings.

GOAL OF THE ORDINANCE

The goal of the proposed Ordinance is to protect public health in locations of the City burdened with poor air quality (Air Pollutant Exposure Zone). The proposed Ordinance requires new sensitive receptor construction to include a ventilation system that requires the removal of fine particulate matter (PM_{2.5}) equivalent to that associated with MERV 13 filtration.

THE WAY IT IS NOW:

- The Department of Public Health (DPH) maintains a map that identifies *potential* roadways with PM_{2.5} concentrations greater than 0.2 µg/m³ (Potential Roadway Exposure Zone). During the building permit review process, any newly constructed building containing 10 or more residential units within the Potential Roadway Exposure Zone requires that an Air Quality model be generated to assess the impact of roadways within 150 meters to determine if building users would be exposed to PM_{2.5} concentrations greater than 0.2 µg/m³. If the project site exceeds this criterion, the project sponsor must install and properly maintain a ventilation system that will achieve the removal of at least 80 percent of ambient PM_{2.5} concentrations.
- Currently, Article 38 does not apply to projects of fewer than 10 residential units; nor does it apply to schools, day care facilities, and other sensitive receptors, within the Potential Roadway Exposure Zone, although such projects may be required to install the above-mentioned ventilation system through California Environmental Quality Act (CEQA) mitigation measures and conditions of project approval.

THE WAY IT WOULD BE:

- Since adoption of Article 38 of the Health Code in 2008 scientific methods for understanding the impact of known sources of air pollution (e.g., area, mobile, stationary) have improved dramatically. DPH, the Planning Department, and the Bay Area Air Quality Management District have worked together to utilize third-party-verified modeling to identify locations in the City that exceed two health-based criteria: 1) an excess cancer risk from all modeled sources; and 2) PM_{2.5} concentrations from all modeled sources (including ambient) that exceed defined health-protective limits. These locations are referred to as the Air Pollutant Exposure Zone. In addition, the City has identified parcels within 500 feet of elevated freeways as part of the Air Pollutant Exposure Zone, consistent with guidance from the California Air Resources Board.
- DPH would replace the Potential Roadway Exposure Zone map with the more comprehensive Air Pollutant Exposure Zone map. All sensitive receptor projects *within* the Air Pollutant Exposure Zone must install and properly maintain a ventilation system that will achieve the protection from PM_{2.5} equivalent to that associated with MERV 13 filtration and include a disclosure to buyers or renters that the building is located within the Air Pollutant Exposure Zone. Through CEQA, a ventilation system mitigation measure would not be required as this would be required through adopted legislation. No further analysis would be required for projects *outside* of the Air Pollutant Exposure Zone.



JAPANTOWN TASK FORCE

日本町の特産品・文化・歴史

ECONOMIC DEVELOPMENT PLANNING & PRESERVATION OF JAPANTOWN

October 1, 2014

Executive Director
Robert Hamaguchi
Community Affairs
Christy Williams
Lucy Valera

Land Use and Economic Development Committee
San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Board Members
Aki Kawanishi, President
David Weimer, Vice President
Mark Minton, Treasurer
Rosalyn Jones, Secretary
Nancy Linton
Aki Higuchi
Richard W. Kimura
Yoko Nakamura
Toshiaki Sato

Subject: Board File 130788 Planning Code - Expanding Formula Retail Controls

Dear Supervisor Wiener, Supervisor Cohen and Supervisor Kim:

The Japantown Task Force (JTF) supports the continued development of Japantown as a culturally significant, economically strong neighborhood honoring the Japanese heritage in San Francisco. JTF is coordinating implementation of the recently adopted Japantown Cultural Heritage and Economic Sustainability Strategy (JCHESS) plan.

JTF supports Supervisor Mar's proposed legislation, which does not ban Formula Retail, but rather clarifies definitions to capture stores that follow the chain model. This legislation supports both JCHESS and JTF objectives.

Japantown's distinct neighborhood character relies strongly on the local businesses, cultural activities and architecture of the area. Many of the establishments are long-term family owned businesses with cultural and historical significance. The right Formula Retail complements and enhances the district – but not all Formula Retail is good for the district. The 2006 legislation establishing the Japantown Special Use District recognized this by including Formula Retail controls, and requiring additional findings that the use is compatible with the neighborhood and the SUD objectives. And the community voice has been very clear – compatible Formula Retail is welcomed in Japantown.

The right Formula Retail, such as Daiso, with its strong Japanese connection, brings visitors to the area, and was welcomed by the community.

The key question is whether or not a proposed Formula Retail establishment complements the district. Formula Retail controls that create a level playing field among all chain stores and chain store owners are important to Japantown, because it ensures that the community will be aware of Formula Retail applicants and how they align with neighborhood needs and character.

JTF strongly supports Supervisor Mar's proposed legislation. By maintaining the trigger at 11 existing locations, adding subsidiaries of entities that use a Formula

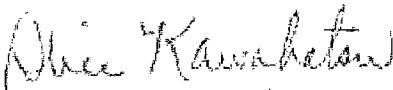
Retail business model and adding overseas chains, this legislation provides a more accurate description of Formula Retail businesses, and does not disadvantage one chain relative to another.

At the same time, JTF strongly opposes the Planning Department's recommendation to increase the Formula Retail trigger from 11 to 19 retail establishments. This will allow chains to sneak into Japantown as they begin expansions. Aggravating this is Planning's refusal to add subsidiaries of companies that have demonstrated they use the Formula Retail model for retail operations. Athleta (Gap) and NARS (Shiseido) are but two examples of new subsidiaries opened in San Francisco as the first phase of a planned expansion, as early examples of the new growth model for entities with Formula Retail business models. Neither would be compatible with Japantown.

In summary, the JTF urges the Board of Supervisors to:

- 1) Reject any changes to the Formula Retail controls that increase the number of trigger locations to more than 11.
- 2) Ensure that any legislation either includes controls on subsidiaries of businesses that use a Formula Retail model, or establishes an ad-hoc working group to draft language to further revise the code so that subsidiaries are captured.
- 3) Pass Supervisor Mar's Formula Retail legislation.

Sincerely,



Alice Kawahatsu
Board President
Japantown Task Force, Inc.

Cc:

Andrea Ausberry, Land Use and Economic Development Committee Clerk
Supervisor Eric Mar
Supervisor London Breed
AnMarie Rodgers, Planning Dept
Kanishka Burns, Planning Department

October 3, 2014

Land Use and Economic Development Committee
Board of Supervisors
City Hall
1 Dr. Carleton B. Goodlett Place
San Francisco, CA 94102

Re: Proposed Changes to Formula Retail Controls, File Numbers 140844 and 130788

Dear Supervisors,

The Hayes Valley Neighborhood Association (HVNA) and the Hayes Valley Merchants Association (HVMA) have participated in the proposal and review process of the proposed changes to formula retail controls in San Francisco. Formula retail as presently defined in the Planning Code is not allowed in Hayes Valley (the Hayes / Gough NTCD). This is the result of years of advocacy by the HVNA and HVMA to encourage small businesses and entrepreneurs in Hayes Valley and to preserve the neighborhood's unique commercial attractiveness to visitors and residents alike.

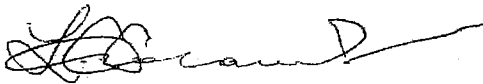
We believe the will of San Francisco's voters as expressed through Proposition G in 2006 is best represented by the adoption of Supervisor Mar's legislation, (Board File No. 130788) to revise formula retail controls in San Francisco and urge the Board to adopt it in its entirety at the Committee meeting of 10/6/14.

The HVNA and HVMA offer the following comments in support of Supervisor Mar's legislation (Board File No.: 130788) and in opposition to the Planning Department's legislation (Board file No. 140844):

- We remain opposed to expanding the maximum number of retail establishments from 11 to 20, an 81% arbitrary increase.
- We strongly urge the inclusion of parent and subsidiary companies in the definition of formula retail.
- We oppose reducing the CU review process in the case of replacing one-for-one retail.
- We believe that any revised changes to formula retail controls should explicitly maintain existing restrictions on formula retail in neighborhoods with pre-existing bans, such as Hayes Valley (the Hayes / Gough NTCD).

Thank you for your consideration.

Sincerely,



Lawrence Cronander
Vice-President, Hayes Valley Neighborhood Association
Chair, Business Relations Committee
1800 Market Street, PMB 104
San Francisco, CA 94102
415.552.8950
vicepresident@hayesvalleysf.org

cc: Andrea Ausberry
Conor Johnston

Effects of Common Air Pollutants

140806

RESPIRATORY EFFECTS



Symptoms:

- Cough
- Phlegm
- Chest tightness
- Wheezing
- Shortness of breath

Increased sickness and premature death from:

- Asthma
- Bronchitis (acute or chronic)
- Emphysema
- Pneumonia

Development of new disease

- Chronic bronchitis
- Premature aging of the lungs

How Pollutants Cause Symptoms

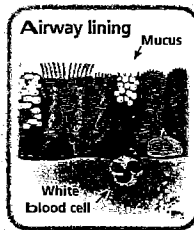


Effects on Lung Function

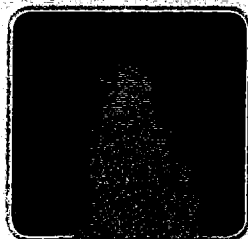
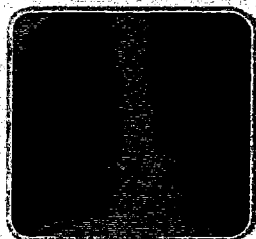
- Narrowing of airways (bronch constriction)
- Decreased air flow

Airway Inflammation

- Influx of white blood cells
- Abnormal mucus production
- Fluid accumulation and swelling (edema)
- Death and shedding of cells that line airways



Increased Susceptibility to Respiratory Infection



CARDIOVASCULAR EFFECTS



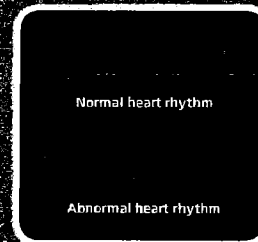
Symptoms:

- Chest tightness
- Chest pain (angina)
- Palpitations
- Shortness of breath
- Unusual fatigue

Increased sickness and premature death from:

- Coronary artery disease
- Abnormal heart rhythms
- Congestive heart failure
- Stroke

How Pollutants Cause Symptoms

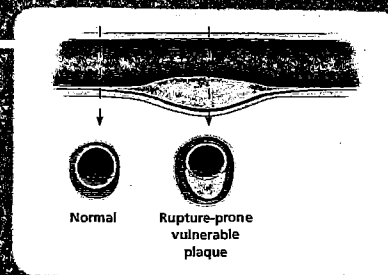


Effects on Cardiovascular Function

- Low oxygenation of red blood cells
- Abnormal heart rhythms
- Altered autonomic nervous system control of the heart

Vascular Inflammation

- Increased risk of blood clot formation
- Narrowing of vessels (vasoconstriction)
- Increased risk of atherosclerotic plaque rupture



Reduce your risk by using the Air Quality Index (AQI) to plan outdoor activities – www.airnow.gov

AQI Levels of Health Concern	AQI Values	What Action Should People Take?
Good	0-50	Enjoy Activities
Moderate	51-100	People unusually sensitive to air pollution: Plan strenuous outside activities when air quality is better
Unhealthy for Sensitive Groups	101-150	Sensitive Groups: Cut back or reschedule strenuous outside activities Ozone: People with lung disease, children and older adults and people who are active outdoors Particle Pollution: People with heart or lung disease (including diabetics), older adults and children Carbon Monoxide: People with heart disease and possibly infants and fetuses Nitrogen Dioxide: People with lung disease, children and older adults Sulfur Dioxide: Active children and adults with asthma
Unhealthy	151-200	Everyone: Cut back or reschedule strenuous outside activities Sensitive groups: Avoid strenuous outside activities
Very Unhealthy	201-300	Everyone: Significantly cut back on outside physical activities

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

September 12, 2014

File No. 140806

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On September 2, 2014, Supervisor Cohen introduced the following substituted legislation:

File No. 140806

Ordinance amending the Health Code, Article 38, to require an enhanced ventilation system for sensitive use projects within the Air Pollutant Exposure Zone and establishing document review fees; amending the Building Code to correspond to the Health Code changes; and making environmental findings, and findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A Ausberry".

By: Andrea Ausberry, Assistant Clerk
Land Use & Economic Development Committee

Attachment

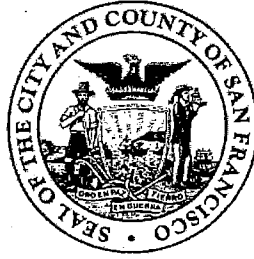
c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15080(c)(2) because it does not result in a physical change in the environment.

Joy Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2014.09.24 16:16:29 -07'00'

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

September 12, 2014

File No. 140806

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On September 2, 2014, Supervisor Cohen introduced the following substituted legislation:

File No. 140806

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Angela Calvillo, Clerk of the Board

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By: Andrea Ausberry, Assistant Clerk
Land Use & Economic Development Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
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TDD/TTY No. 554-5227

MEMORANDUM

TO: Barbara A Garcia, Director, Department of Public Health
Deborah Raphael, Director, Department of the Environment

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: September 16, 2014

SUBJECT: SUBSTITUTED LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Cohen on September 2, 2014:

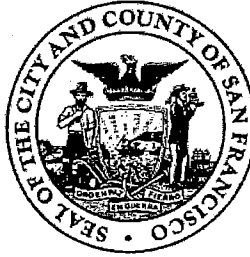
File No. 140806

Ordinance amending the Health Code, Article 38, to require an enhanced ventilation system for sensitive use projects within the Air Pollutant Exposure Zone and establishing document review fees; amending the Building Code to correspond to the Health Code changes; and making environmental findings, and findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Greg Wagner, Department of Public Health
Guillermo Rodriguez, Department of the Environment

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: September 16, 2014

SUBJECT: SUBSTITUTED LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, introduced by Supervisor Cohen on September 2, 2014:

File No. 140806

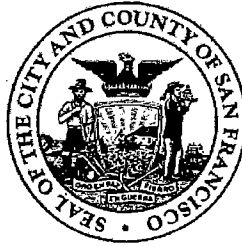
Ordinance amending the Health Code, Article 38, to require an enhanced ventilation system for sensitive use projects within the Air Pollutant Exposure Zone and establishing document review fees; amending the Building Code to correspond to the Health Code changes; and making environmental findings, and findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

The proposed ordinance is being transmitted pursuant to Charter Section D3.750-5 for public hearing and recommendation. It is pending before the Land Use & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

July 29, 2014

File No. 140806

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On July 15, 2014, Supervisor Cohen introduced the following legislation:

File No. 140806

Ordinance amending the Health Code, Article 38, to require an enhanced ventilation system for sensitive use projects within the Air Pollutant Exposure Zone, and establishing document review fees; amending the Building Code to correspond to the Health Code changes; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk
Land Use & Economic Development Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2014.07.31 14:55:00 -07'00'

BOARD of SUPERVISORS



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Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Barbara A Garcia, Director, Department of Public Health
Deborah Raphael, Director, Department of the Environment

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: July 29, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Cohen on July 15, 2014:

File No. 140806

Ordinance amending the Health Code, Article 38, to require an enhanced ventilation system for sensitive use projects within the Air Pollutant Exposure Zone, and establishing document review fees; amending the Building Code to correspond to the Health Code changes; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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c: Greg Wagner, Department of Public Health
Guillermo Rodriguez, Department of the Environment

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MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: July 29, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, introduced by Supervisor Cohen on July 15, 2014:

File No. 140806

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c: William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

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NOTICE OF PUBLIC HEARING

LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Monday, October 6, 2014

Time: 1:30 p.m.

Location: Committee Room 263, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

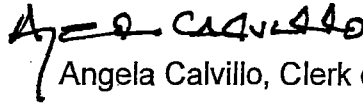
Subject: File No. 140806 Ordinance amending the Health Code, Article 38, to require an enhanced ventilation system for sensitive use projects within the Air Pollutant Exposure Zone and establishing document review fees; amending the Building Code to correspond to the Health Code changes; making environmental findings, and findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

If the legislation passes, fees shall be charged to applicants submitting enhanced ventilation proposals to the Department of Public Health for review and approval of an enhanced ventilation proposal for \$984.00; and additional consultation, document review or inspection at the rate of \$225.00 per hour, if applicable: for all buildings containing any Sensitive Use located in an Air Pollutant Exposure Zone that are: 1) newly constructed; 2) undergoing a major alteration to an existing building; or 3) applying for a Planning Department permitted change of use to ensure an Enhanced Ventilation System is capable of achieving protection from particulate matter (PM_{2.5}) equivalent to that associated with MERV 13 filtration.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record and shall be brought to the attention of the members of the Committee. Written

comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco, CA 94102.

Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, October 3, 2014.

A handwritten signature in black ink that reads "Angela Calvillo". The signature is written in a cursive style with a large initial 'A'.

Angela Calvillo, Clerk of the Board

DATED: September 17, 2014

PUBLISHED/POSTED: September 22 & 28, 2014

**NOTICE OF PUBLIC HEARING LAND
USE AND ECONOMIC DEVELOP-
MENT COMMITTEE SAN FRANCISCO
BOARD OF SUPERVISORS OCTO-
BER 6, 2014 - 1:30 PM COMMITTEE
RM 263, CITY HALL 1 DR. CARLTON
B. GOODLETT PLACE, SF, CA**

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard. File No. 140806 Ordinance amending the Health Code, Article 38, to require an enhanced ventilation system for sensitive use projects within the Air Pollutant Exposure Zone and establishing document review fees; amending the Building Code to correspond to the Health Code changes; making environmental findings, and findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage. If the legislation passes, fees shall be charged to applicants submitting enhanced ventilation proposals to the Department of Public Health for review and approval of an enhanced ventilation proposal for \$984.00; and additional consultation, document review or inspection at the rate of \$225.00 per hour, if applicable; for all buildings containing any Sensitive Use located in an Air Pollutant Exposure Zone that are: 1) newly constructed; 2) undergoing a major alteration to an existing building; or 3) applying for a Planning Department permitted change of use to ensure an Enhanced Ventilation System is capable of achieving protection from particulate matter (PM2.5) equivalent to that associated with MERV 13 filtration. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Arngela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco CA 94102. Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, October 3, 2014.

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [140806]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

COHEN

Subject:

HEALTH/Building code- ventilation Requirements for urban Infill development

The text is listed below or attached:

Attached

Signature of Sponsoring Supervisor:

For Clerk's Use Only:

