



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: June 2, 2016
TO: Jim Summers, DeSilva Gates Construction
FROM: Jessica Range, Planning Department
RE: PPA Case No. 2016.003554PPA for Pier 94 Asphalt Plant

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San Francisco,
CA 94103-2479

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Please find the attached Preliminary Project Assessment (PPA) for the project listed above. You may contact the staff contact, Jeanie Poling, at (415) 575-9072 or jeanie.poling@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.



Jessica Range, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: June 2, 2016
Case No.: **2016-003554PPA**
Project Address: Port – Pier 94 Asphalt Plant
Block/Lot: 4502A/002
Zoning: M-2 (Heavy Industrial)
40-X Height and Bulk District
Area Plan: Port of San Francisco Waterfront Land Use Plan
Project Sponsor: J. Summers
DeSilva Gates Construction and ProVen Management
(925) 828-7999
Staff Contact: Jeanie Poling – (415) 575-9072
jeanie.poling@sfgov.org

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DISCLAIMERS:

This Preliminary Project Assessment (PPA) letter provides feedback to the project sponsor from the Planning Department regarding the proposed project described in the PPA application submitted on March 11, 2016, as summarized below. This PPA letter identifies Planning Department review requirements for the proposed project, including those related to environmental review, approvals, neighborhood notification and public outreach, the Planning Code, project design, and other general issues of concern for the project. Please be advised that the PPA application does not constitute an application for development with the Planning Department. The PPA letter also does not represent a complete review of the proposed project, does not grant a project approval of any kind, and does not in any way supersede any required Planning Department approvals listed below.

The Planning Department may provide additional comments regarding the proposed project once the required applications listed below are submitted. While some approvals are granted by the Planning Department, some are at the discretion of other bodies, such as the Planning Commission or Historic Preservation Commission. Additionally, it is likely that the project will require approvals from other City agencies such as the Port of San Francisco, San Francisco Public Works, the Department of Public Health, the San Francisco Public Utilities Commission, and others. The information included herein is based on the PPA application and plans, the Planning Code, General Plan, Planning Department policies, and local/state/federal regulations as of the date of this document, all of which are subject to change.

PROJECT DESCRIPTION:

The project site is a 204,688-square-foot vacant portion of Pier 94 and is located approximately 300 feet west of the San Francisco Bay and 600 feet south of the Islais Creek Channel. The project proposes the construction of an asphalt batch plant with the capacity to produce in excess of 250,000 tons of hot mix asphalt per year. The facility would operate 24 hours per day seven days per week, and asphalt would be hauled to and from the project site involving a maximum of approximately 360 trucks per day.

BACKGROUND:

The *Port of San Francisco Waterfront Land Use Plan*, adopted by the Port Commission in 1997, defines acceptable uses, policies, and land use information applicable to Port properties. Pier 94 is in the Southern Waterfront subarea, where the plan promotes cargo and maritime support uses.

ENVIRONMENTAL REVIEW:

In compliance with the California Environmental Quality Act (CEQA), the environmental review process must be completed before any project approval may be granted. This review may be done in conjunction with the required approvals listed below. In order to begin formal environmental review, please submit an **Environmental Evaluation Application (EEA)** for the full scope of the project. EEAs are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org under the “Publications” tab. See “Environmental Applications” on page 2 of the current Fee Schedule for calculation of environmental application fees.¹

The project would require preparation of an initial study, and if no potentially significant environmental effects are found, a negative declaration will be prepared. The initial study should be prepared by an environmental consultant who is on a list of qualified consultants kept by the Planning Department, the Port of San Francisco, or San Francisco Public Works.² The consultant’s work would be supervised by the Environmental Planning division of the Planning Department. The selected consultant should coordinate the preparation of technical studies as discussed below.

If the initial study finds that the project would have a significant impact that could be reduced to a less-than-significant level by mitigation measures agreed to by the project sponsor, then the Department would issue a preliminary mitigated negative declaration (PMND). The PMND would be circulated for public review, during which time concerned parties may comment on and/or appeal the determination. If no appeal is filed, the Planning Department would issue a final mitigated negative declaration (FMND). If the initial study indicates that the project would result in a significant impact that cannot be mitigated to below a significant level, an EIR will be required. The Planning Department will provide more detail to the project sponsor regarding the EIR process should this level of environmental review be required. Additional information regarding the environmental review process can be found at: <http://www.sf-planning.org/modules/showdocument.aspx?documentid=8631>.

Below is a list of topic areas to be addressed through the environmental review process. Some of these would require additional study based on the preliminary review of the project as it is proposed in the PPA application.

1. **Historic Resources.** The project site is former tidelands that were filled in the 1960’s and were used as a staging area for the Port’s former container terminal (constructed in 1975) and other interim industrial uses. The site has never been developed with buildings or structures. The site has not been

¹ San Francisco Planning Department, *Schedule for Application Fees*. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=513>

² The Planning Department’s environmental consultant pool is available at http://www.sfplanning.org/ftp/files/MEA/Environmental_consultant_pool.pdf

previously surveyed. The property is not considered to be a potential historic resource because it's less than 50 years of age and is open vacant land; therefore, a historic resource evaluation (HRE) report is not required.

2. **Archeological Resources.** The proposed project would require Preliminary Archeological Review (PAR) by a Planning Department archeologist. The Department archeologist will determine the potential for the proposed project to affect archeological deposits. This determination will be based on the archeological sensitivity of the project site based on in-house source material and on potential soils disturbance/modification that may result from the project, such as, excavation, installation of foundations, soils improvement, site remediation, etc. The Department archeologist will need to review any available geotechnical/soils or phase II hazardous materials report prepared for the project. In those instances where the Department archeologist determines that the project has a potential to adversely affect an archeological resource, the PAR will state what additional measures are needed to address the potential effect. These measures may include preparation of an archeological research design and treatment plan, implementation of one of the Planning Department's three standard archeological mitigation measures (archeological testing, monitoring, or accidental discovery), or other appropriate measures.
3. **Tribal Cultural Resources.** Tribal cultural resources (TCRs) are a class of resource established under the California Environmental Quality Act (CEQA) in 2015. TCRs are defined as a site, feature, place, cultural landscape, sacred place or object with cultural value to a California Native American tribe, that is either included on or eligible for inclusion in the California Register of Historical Resources or a local historic register, or is a resource that the lead agency, at its discretion and supported by substantial evidence, determines is a TCR. Planning Department staff will review the proposed project to determine if it may cause an adverse effect to a TCR; this will occur in tandem with preliminary archeological review. No additional information is needed from the project sponsor at this time. Consultation with California Native American tribes regarding TCRs may be required at the request of the tribes. If staff determines that the proposed project may have a potential significant adverse impact on a TCR, mitigation measures will be identified and required. Mitigation measures may include avoidance, protection, or preservation of the TCR and development of interpretation and public education and artistic programs.
4. **Transportation.** The project would involve up to 360 truck trips per day. Based on the Planning Department's Transportation Impact Analysis Guidelines for Environmental Review,³ the project would require additional transportation analysis to determine whether the project may result in a significant impact. Therefore, the Planning Department requires that a consultant listed in the Planning Department's Transportation Consultant Pool prepare a Transportation Impact Study. You are required to pay additional fees for the study; please contact Vernaliza Byrd at (415) 575-9025 to arrange payment. Once you pay the fees, please contact Manoj Madhavan at (415) 575-9095 or manoj.madhavan@sfgov.org so that he can provide you with a list of three consultants from the pre-qualified Transportation Consultant Pool. Upon selection of a transportation consultant, the Department will assign a transportation planner who will direct the scope of the consultant-prepared study.

³ This document is available at: <http://www.sf-planning.org/index.aspx?page=1886>.

5. **Noise.** Construction noise is subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code), which includes restrictions on noise levels of construction equipment and hours of construction. If pile driving is to be used during construction, measures to reduce construction noise may be required as part of the proposed project. The EEA should provide a construction schedule and indicate whether pile driving or other particularly noisy construction methods are required.

Asphalt plant operations would increase ambient noise levels. The proposed project would require a noise study that includes at a minimum: measurements of the existing noise environment, discussion of applicable noise regulations, analysis of the project's noise effects and the ability of noise sources to meet applicable noise standards. The noise study shall be conducted by a qualified acoustical consultant who shall prepare a noise study scope of work for approval by the assigned environmental coordinator prior to conducting the study.

6. **Air Quality.** The project site is located within an Air Pollutant Exposure Zone, as mapped and defined by Health Code, Article 38. The Air Pollutant Exposure Zone identifies areas with poor air quality based on modeling of air pollution, exposures, and health vulnerability from mobile, stationary, and area source emissions within San Francisco. The project proposes to generate new sources of toxic air contaminants that may affect both on-site and off-site sensitive receptors and possibly sensitive biological resources. The EEA should include detailed information related to any proposed stationary sources. Given the nature of the project, the proposed project will require an Air Quality Technical Report prepared by a consultant with experience in air quality modeling. The consultant will be required to prepare a scope of work that must be approved by Environmental Planning prior to the commencement of any analysis and/or modeling.
7. **Greenhouse Gases.** A greenhouse gas (GHG) analysis must be prepared by a qualified consultant. The analysis is required to evaluate GHG emissions and to assess consistency of the project with applicable plans and regulations. The analysis could be qualitative or quantitative, and a scope of work should be prepared and reviewed by EP staff prior to submittal of the analysis. Applicable plans to be considered in the GHG analysis may include, but are not limited to, regulations adopted to meet Assembly Bill 32 goals, San Francisco's Climate Action Plan, and the Port's Climate Action Plan.
8. **Biological Resources.** Several shoreline open spaces are located along the southern waterfront, part an interconnected system of trails and parks known as the Blue Greenway. Among these open spaces are Pier 94 Wetlands, approximately 800-1,000 feet east and north of the project site; Warm Water Cove, about a half-mile north of the project site; and Heron's Head Park, about a half-mile south of the project site. The fully protected California Ridgway's rail (formerly known as California clapper rail) has been sighted at Heron's Head in 2010, 2011, 2012, and 2013.⁴ In August 2011, a pair of

⁴ Olofson Environmental, Inc., report to the State Coastal Conservancy, *California Ridgway's Rail Surveys for the San Francisco Estuary Invasive Spartina Project 2015*, September 24, 2015.⁵ San Francisco Planning Department, *Interdepartmental Project Review*. Available online at: <http://sf-planning.org/sites/default/files/FileCenter/Documents/523-Project%20Review%20Application%20Interdepartmental%20-%20Fillable.pdf>.

California Ridgway's rail and their two chicks were sighted in Heron's Head Park, the first time in decades the bird had been discovered to be breeding in the city. While the California Ridgeway has not been observed at Pier 94, the wetlands adjacent to the project site may provide suitable habitat for this species. To evaluate the proposed project's potential to effect sensitive biological resources and their potential habitat, a biological study must be conducted by a qualified biological consultant who should prepare a scope of work for approval by the assigned environmental coordinator prior to conducting the study. The study may incorporate relevant findings from other biological studies.

9. **Geology.** The project site is located within a Seismic Hazard Zone (Liquefaction Hazard Zone likely underlain by artificial fill). Any new construction on the site is therefore subject to a mandatory Interdepartmental Project Review.⁵ A geotechnical study prepared by a qualified consultant must be submitted with the EEA. The study should address whether the site is subject to liquefaction, and should provide recommendations for any geotechnical concerns identified in the study. In general, compliance with the building codes would avoid the potential for significant impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. To assist Planning Department staff in determining whether the project would result in environmental impacts related to geological hazards, it is recommended that you provide a copy of the geotechnical information with boring logs for the proposed project. This study will also help inform the Planning Department Archeologist of the project site's subsurface geological conditions.
10. **Hazardous Materials.** The project involves excavation in an area of known contamination. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH), requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, soil and/or groundwater sampling and analysis, as well as remediation of any site contamination, may be required. These steps are required to be completed prior to the issuance of any building permit. Maher Ordinance compliance is mandatory for all Public Works and Port projects.
11. **Disclosure Report for Developers of Major City Projects.** The San Francisco Ethics Commission S.F. Camp. & Govt. Conduct Code § 3.520 et seq. requires developers to provide the public with information about donations that developers make to nonprofit organizations that may communicate with the City and County regarding major development projects. This report must be completed and filed by the developer of any "major project." A major project is a real estate development project located in the City and County of San Francisco with estimated construction costs exceeding \$1,000,000 where either: (1) The Planning Commission or any other local lead agency certifies an EIR for the project; or (2) The project relies on a program EIR and the Planning Department, Planning Commission, or any other local lead agency adopts any final environmental determination under CEQA. A final environmental determination includes: the issuance of a Community Plan Exemption

⁵ San Francisco Planning Department, *Interdepartmental Project Review*. Available online at: <http://sf-planning.org/sites/default/files/FileCenter/Documents/523-Project%20Review%20Application%20Interdepartmental%20-%20Fillable.pdf>.

(CPE); EIR; Final Mitigated Negative Declaration; or a project approval by the Planning Commission that adopts CEQA Findings. A major project does not include a residential development project with four or fewer dwelling units. The first (or initial) report must be filed within 30 days of the date the Planning Commission (or any other local lead agency) certifies the EIR for that project or, for a major project relying on a program EIR, within 30 days of the date that the Planning Department, Planning Commission, or any other local lead agency adopts a final environmental determination under CEQA. Please submit a Disclosure Report for Developers of Major City Projects to the San Francisco Ethics Commission. This form can be found at the Planning Department or online at <http://www.sfethics.org>.

PLANNING DEPARTMENT APPROVALS:

The project requires the following Planning Department approvals. These approvals may be reviewed in conjunction with the required environmental review, but may not be granted until after the required environmental review is completed.

1. A **Building Permit Application** is required for the proposed new construction on the subject property. As this project is within the jurisdiction of the Port of San Francisco, the building permit would be issued by the Port of San Francisco.

PRELIMINARY PROJECT COMMENTS:

The following comments address specific Planning Code and other general issues that may substantially impact the proposed project.

1. **Zoning District.** The project site is within the M-2 Heavy Industrial zoning district and the India Basin Industrial Special Use District. Industrial uses such as those proposed in the PPA application fall within the Manufacturing 1, Heavy or Manufacturing 2, Heavy land use category, which are both permitted as-of-right within the M-2 zoning district. Based on the information provided in the application and in follow-up conversations regarding the type of structures that would be placed at the site and the absence of any permanent “building” or increase in gross square feet or occupied floor area at the site, many of the Planning Code requirements routinely applied to projects do not apply.
2. **Height Exemption.** Section 260(b)(2)(M) exempts from the height requirement all structures and equipment necessary for operation of industrial plants, and where structures and equipment do not contain separate floors, where permitted as principal or conditional uses by this Code.
3. **Flood Management.** The project site is in an area that has the potential to flood during storms. San Francisco Administrative Code Section 2A.282(d) addresses floodplain management on Port properties. The San Francisco Port Commission, acting by and through its Chief Harbor Engineer, is responsible for reviewing all development permit applications for buildings and structures within the Port Commission's jurisdiction to determine whether the site is reasonably safe from flooding. The Port Commission has authority to adopt building standards for construction in Port areas designated by the City Administrator as flood prone that are consistent with the requirements of applicable federal and state floodplain management regulations, which building standards shall become

effective when adopted by the Port Commission. The project will be reviewed by the Port to address flooding issues.

4. **Stormwater.** If the project results in a ground surface disturbance of 5,000 sf or greater, it is subject to San Francisco’s stormwater management requirements as outlined in the Stormwater Management Ordinance and the corresponding SFPUC and Port’s Stormwater Design Guidelines (Guidelines). Projects that trigger the stormwater management requirements must prepare a Stormwater Control Plan demonstrating project adherence to the performance measures outlined in the Guidelines including: (a) reduction in *total volume* and *peak flow rate* of stormwater for areas in combined sewer systems OR (b) *stormwater treatment* for areas in separate sewer systems. The Port of San Francisco is responsible for review and approval of the Stormwater Control Plan. Without Port approval of a Stormwater Control Plan, no site or building permits can be issued. The Guidelines also require a signed maintenance agreement to ensure proper care of the necessary stormwater controls. To view the Stormwater Management Ordinance, the Stormwater Design Guidelines, or download instructions for the Stormwater Control Plan, go to <http://sfwater.org/sdg>. Applicants may contact [Rich Berman at Richard.Berman@sfport.com](mailto:Rich.Berman@sfport.com) for assistance.
5. **Recycled Water.** Development projects located in San Francisco’s designated recycled water use areas are required to install recycled water systems for all applicable uses including irrigation, cooling, process water, and/or toilet and urinal flushing, in accordance with the Recycled (or Reclaimed) Water Use Ordinance, adopted as Article 22 of the San Francisco Public Works Code. Buildings that are new, undergoing remodeling or major alterations, and all subdivisions with a total cumulative area of 40,000 square feet or more; any new, modified, or existing irrigated areas of 10,000 square feet or more, are required to comply. To determine if the proposed project is in a designated recycled water use area, and for more information about the recycled water requirements, please visit sfwater.org/index.aspx?page=687 and contact the SFPUC to determine the applicability of this ordinance to the proposed project.

PRELIMINARY CITYWIDE AND POLICY ANALYSIS COMMENTS:

San Francisco General Plan. The project is located in the City’s southeast Bayfront, in an area zoned M-2 Heavy Industrial, and is generally consistent with policies outlined in the Commerce and Industry Element of the General Plan.⁶ The project is supportive of the following policy highlights from the General Plan:

- **POLICY 1.3: Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.** The proposed project aligns with sub-policies 3 and 4 in that “working areas of the city should be defined and designated in extent so as to increase the efficiency of each of the areas as a specialized center of management, production, service or distribution,” and “working areas of the city should be related to the traffic ways and transit systems so as to minimize time and distance in the journey to work from each of the community areas of the city and from within the San Francisco Bay Region.”

⁶ Available at http://generalplan.sfplanning.org/12_Commerce_and_Industry.htm.

- **POLICY 2.1: Seek to retain existing commercial and industrial activity and to attract new such activity to the city.** The proposed project seeks to leverage environmental and economic efficiencies from co-locating with Hanson Aggregate (materials arriving via boat) and Recology construction and demolition debris recycling on site, as well as closer proximity to the San Francisco asphalt market it seeks to serve.
- **POLICY 5.6: Foster the relation of maritime activity to other segments of San Francisco economy.** The proposed project is attracting a new industrial use to an existing industrial area and will employ approximately 10 people at any given time, for up to three shifts per day (operations are permitted 24 hours per day, seven days a week). The subject property falls within the area covered by the Port's Waterfront Land Use Plan and is considered "other maritime uses"; the Plan may be found online: <http://sfport.com/waterfront-land-use-plan-0>. As proposed, the project is generally consistent with the overarching objectives of the Plan and the Port's charge to maintain maritime uses and economic generating activity on its property in a manner respectful of the site's environmental and community considerations. The Port has also developed a Pier 80–96 Maritime Eco-Industrial Center Strategy that provides goals and guidelines for the area, to which this project aligns: http://sfport.com/sites/default/files/032216_Piers%2080-96%20Strategy.pdf
- **POLICY 6.1: Encourage emission reduction through energy conservation to improve air quality.** Any form of energy consumption, ranging from on-site electricity and natural gas use to truck and automobiles, uses energy which, in the process of generation or consumption, usually creates some air pollution. Encouraging conservation of energy facilitates improvements in air quality. The Bayview Hunters Point neighborhood, especially along the I-280 corridor has some of the poorest air quality and highest rates of asthma and other respiratory health impacts in the city. New development should seek ways to help improve local air quality issues. It is recommended that the project minimize natural gas use, secure GHG-free sources of electricity, and consider on-site renewable energy production (solar and wind). It will also be important to reduce the impacts of truck trips and truck queuing, which could lead to idling and excessive air quality impacts. Electric plug-ins to eliminate idling should be explored, as well as the use of electric vehicles.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. A Port building permit must be submitted no later than December 6, 2017. Otherwise, this determination is considered expired and a new Preliminary Project Assessment is required. Such applications and plans must be generally consistent with those found in this Preliminary Project Assessment.

cc: Daley Dunham, Port of San Francisco, Property Owner
Ming Yeung, Current Planning
Jeanie Poling, Environmental Planning
Lisa Fisher, Citywide Planning and Analysis
Jonas Ionin, Planning Commission Secretary
Charles Rivasplata, SFMTA
Jerry Sanguinetti, Public Works

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