



December 8, 2014

New Article 38 Requirements Now In Effect

In 2008 San Francisco Health Code Article 38 was adopted to require new residential construction projects located in areas where models show poor air quality and pollution from roadways to install enhanced ventilation to protect residents from the respiratory, heart, and other health effects of living in a poor air quality area. The law was updated in 2014 to improve consistency with CEQA and streamline implementation.

The 2014 amendments included revisions to the underlying map of the city's Air Pollutant Exposure Zone--the end result of a collaborative effort with the Bay Area Air Quality Management District. The amendments codify the implementation strategy that was formalized in July 2013, when the Air Quality Program began providing several options for determining compliance with Article 38, described in our Guidance for Project Sponsors. New rules and regulations consistent with the 2014 amendments will be forthcoming.

Article 38 now states that those buildings requiring enhanced ventilation "design a system capable of achieving the protection from particulate matter (PM2.5) equivalent to that associated with MERV 13 filtration (as defined by ASHRAE standard 52.2)". Building engineers and designers may choose the ventilation design that works best for their setting.

Projects that submit ventilation plans to SFDPH for final approval prior to obtaining the Mechanical Permit from DBI must satisfy the specific requirements of Article 38 that are in effect at the time of submittal. The amendments to Article 38 went into effect on December 7, 2014.

Please be aware that if your project is located within the Air Pollutant Exposure Zone:

1. Any letter from DPH that describes the results of modeling and/or our agreement with a consultant's modeling of PM2.5 from roadway air pollutants for the parcel is NOT an approval of your enhanced ventilation system or plan.
2. Any letter from DPH issued between July 2013 and December 6, 2014 that explicitly makes a determination of the applicability of Article 38 is valid for 18 months from the date of the letter. If a mechanical permit has not been approved by the Department of Building Inspection within 18 months of the date of the letter, projects must seek a new determination.
3. Projects must submit a Ventilation Plan to DPH for approval prior to submitting plans to DBI for Mechanical Permit approval.
4. Enhanced ventilation equivalent to that provided by MERV 13 filters must be provided to all units in a building, even those on the upper floors.
5. Ventilation plans should include specific information as detailed in the guidance on the following page and should include:
 - a. Project location (address and parcel number);
 - b. Map of project including all surrounding streets within 500 feet

- c. Name of assigned planner to the project from the Planning Department; and
- d. The appropriate fee in the form of a check payable to the San Francisco Environmental Health Section. Mail all requests to: Article 38 Air Quality Assessment Manager, 1390 Market Street, Suite 210, San Francisco, CA 94102.

General Process for Submitting to DPH Article 38 Enhanced Ventilation Proposal

For DPH review of an Enhanced Ventilation Proposal to assess compliance with the requirements of Article 38 of the San Francisco Health Code, we require the following:

- 1) Air change for residential units: **XXX cfm**
- 2) Air change for common areas: **XXX cfm**
- 3) Filter type for residential units **(e.g. MERV 13)**
- 4) Filter type for common areas
When positive pressure is maintained in units and habitable spaces, enhanced filtration is not required for adjacent common areas such as hallways. Projects where positive pressure will be maintained only in units and habitable spaces must submit a list of the common areas, such as hallways, that are not served by the enhanced ventilation in 7(a) below.

When positive pressure is not maintained in units and habitable spaces, then enhanced filtration is required for all adjacent common areas as well as for the units/habitable spaces.
- 5) Location of air intakes **(e.g. Roof)**
- 6) Positive Pressure in residential units and other habitable spaces? **(Yes/No)**
- 7) Positive Pressure in common areas such as corridors? **(Yes/No)**
 If Positive Pressure will be maintained only in units and habitable spaces:
 - a. Areas not served by enhanced ventilation? **(e.g. common areas such as corridors)**
- 8) Floors of building with habitable spaces: **[SPECIFY] _____**
- 9) If applicable, location of Z-ducts, trickle vents, or similar unfiltered air system used for residential units
[SPECIFY] _____

Please include the above information on a Proposal Letter signed and stamped by a licensed mechanical engineer or other individual authorized by the California Business and Professions Code Sections 6700-6799 (Professional Engineers Act) to design ventilation systems that meet the requirements of Article 38 and San Francisco Building Code Section 1203.5. The Proposal Letter should state that in the signatory's opinion, the ventilation system as designed is compliant with the Provisions of Article 38 and any accompanying guidance or Rules and Regulations in effect at the time of signing.

Please be aware that that in addition to compliance with Article 38, this system will need to be in compliance with all applicable standards, including any applicable smoke control requirements.