Letter of Determination

August 26, 2008

Harry O'Brien 1 Ferry Building, Suite 200 San Francisco, CA 94111 415.391.4213

Re: 429 Amador Street

Block 4502A/Lot 002

Dear Mr. O'Brien:

This is in response to your letter requesting confirmation that refining finished products into biodiesel fuel at the facility located at 429 Amador Street is permitted under Conditional Use Application No. CU69.034.

PAST AND PRESENT USE

The Planning Commission approved Conditional Use Application No. CU69.034 on July 3, 1969, to permit a plant for the rendering or reduction of fat, bones, or other animal material. The facility at 429 Amador Street has conducted such a use since that time, and is currently owned and operated by Darling International Inc., who purchased the facility since 1987. Finished products at the facility include animal fat, recycled cooking oil, and Meat and Bone Meal (MBM).

ZONING AND PERMITTED USES

The property was zoned M-2 (Heavy Industrial Districts) at the time of the Conditional Use Authorization, and currently falls within the same District. The "rendering or reduction of fat, bones or other animal material, where adequate provision is made for the control of odors through the use of surface condensers and direct-flame afterburners or equivalent equipment" is permitted in the M-2 District with a Conditional Use Authorization (Planning Code Section 226(u)). Conditional Use Authorization was granted for this use at the subject site under Conditional Use Application No. CU69.034, Resolution No. 6398.

DETERMINATION

It is my determination that adding the necessary equipment and storage to the subject facility for the purpose of further refining animal fats, oils, and greases into biodiesel fuel is permitted under Conditional Use Application No. CU69.034. The proposal is not introducing a new use, but refining currently produced products to a further level, thus producing biodiesel. The proposed development includes interior work to the existing facility and the addition of several aboveground storage tanks. The facility will employ a contained refinement process to ensure no

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additional odors or volatile organic compound are emitted. As such, the proposal is not a significant alteration, enlargement, or intensification, and thus does not require a new Conditional Use Authorization per Planning Code Section 178(c).

If you have any questions regarding this matter, please contact Corey Teague at 415.575.9081 or via e-mail at corey.teague@sfgov.org.

If anyone has substantial reason to believe that there is an error in the implementation of the Planning Code, or abuse of discretion on the part of the Zoning Administrator, this determination may be appealed to the Board of Appeals within fifteen (15) days from the date of this letter. For further information regarding the appeals process, please contact the Board of Appeals, 1660 Mission Street, Room 3036, San Francisco, or by telephone at 415.575.6880.

Sincerely,

Lawrence B. Badiner
Zoning Administrator

cc: Corey Teague, Planner

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