

Greenaction for Health and Environmental Justice

Appeal of India Basin Mixed-Use Project

Summary of Appeal

Greenaction filed the appeal on behalf of our many members who are low income people of color residents of Bayview Hunters Point.

Approval of the India Basin Project would have a significant, negative, harmful and discriminatory impact on people of color and non-English speaking residents, in violation of State and Federal Civil Rights Laws.

LANGUAGE ACCESS DENIED

Planning Department Violated Language Access and Civil Rights Laws and Policies by Refusing to Translate Key Notices and Documents

- Greenaction repeatedly called on the City to provide translation for BVHP's many non-English speaking residents
- Planning Department acknowledged their failure to translate
- Discriminatory Result = denial of people's civil rights to equal participation
- Our Sanctuary City should be ashamed of this civil rights violation



SAN FRANCISCO
PLANNING
DEPARTMENT

India Basin Mixed-Use Project

PLANNING DEPARTMENT
CASE NO. 2014-002541ENV

STATE CLEARINGHOUSE NO. 2016062003

**RESPONSES TO COMMENTS ON
DRAFT EIR**

An aerial photograph of a city with a large reservoir in the foreground. The city is densely packed with buildings and roads, extending to the base of hills in the background. A tall tower is visible on one of the hills. The sky is clear and blue.

**Significant,
Harmful,
Unavoidable
Air Pollution**

Environmental Impact Report's AIR QUALITY Findings:

- **SIGNIFICANT AIR POLLUTION**
- **HARMFUL, especially for sensitive receptors**
- **ILLEGAL - would result in exceedences of air quality standards**
- **UNAVOIDABLE - cannot be mitigated to less than significant**

Construction and Operational Activities

The Planning Department's Response to Comments document states:

“The Draft EIR concluded that the proposed project would generate emissions of criteria pollutants and precursors during construction, operations, and overlapping construction and operational activities that could violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria pollutants. The Draft EIR also concluded that the proposed project could generate emissions that could expose sensitive receptors to substantial pollutant concentrations, and that the proposed project's overall air quality impacts would be significant and unavoidable with mitigation”.

NOX Emissions

The Planning Department's Response to Comments Document states:

“Area-source emissions with the revised proposed project would be largely the same, and thus, **would also continue to exceed the thresholds of significance.**

Therefore, **the impact of the revised proposed project would be significant and unavoidable with mitigation”.**

Cumulative Health Impacts

The Planning Department's Response to Comments document states:

“The Draft EIR concluded that the proposed project in combination with cumulative projects would result in a cumulatively considerable impact to regional air quality and health risk in the year 2040 despite implementation of Mitigation Measures M-AQ-1d, M-AQ-1e, and M-AQ-1f”.

Overall Project-Level Conclusion

The Planning Department's Response to Comments document states:

“Overall, impacts of the revised proposed project would be the same as the proposed project's impacts described in the Draft EIR. **Impacts of the revised proposed project on air quality would be significant and unavoidable with mitigation**”.

BAAQMD says BVHP is At Risk from Pollution

Bay Area Air Quality Management District's CARE Program (Community Air Risk Evaluation) has identified Bayview Hunters Point as a CARE community:

“...where air pollution is most contributing to health impacts and where populations are most vulnerable to air pollution impacts.”

State Confirms BVHP Highly Vulnerable & At Risk

- California EPA's CALENVIROSCREEN 3.0 has confirmed that Bayview Hunters Point is one of the communities in the entire state most vulnerable and at risk to pollution.

Census Tract: 6081602300

Population:	3,753
CalEnviroScreen 3.0 Percentile:	80-85%
Pollution Burden Percentile:	93
Population Characteristics Percentile:	59
<u>Ozone:</u>	8
<u>PM 2.5:</u>	31
<u>Diesel:</u>	87
<u>Pesticides:</u>	0
<u>Toxic Releases:</u>	30
<u>Traffic:</u>	73
<u>Drinking Water:</u>	80
<u>Cleanups:</u>	99
<u>Groundwater Threats:</u>	100
<u>Hazardous Waste:</u>	95
<u>Impaired Water:</u>	86
<u>Solid Waste:</u>	94
<u>Asthma:</u>	73
<u>Low Birth Weight:</u>	65
<u>Cardiovascular Rate:</u>	51
<u>Education:</u>	70
<u>Linguistic Isolation:</u>	74
<u>Poverty:</u>	35
<u>Unemployment:</u>	35
<u>Housing Burden:</u>	30

Cumulative Impacts

CalEnviroScreen 3.0 is a tool made by California Environmental Protection Agency to help identify communities most affected by pollution.

CalEnviroScreen uses the *cumulative impact theory* to compare pollution levels in communities across California.

CalEnviroScreen 3.0 indicates that Bayview Hunters Point is already overburdened with many environmental hazards including diesel, traffic, hazardous waste, impaired water, and solid waste.

Statement of Overriding Considerations is Improper

The Planning Commission used a loophole in the California Environmental Quality Act called a Statement of Overriding Consideration to try to justify approving significant, harmful and illegal amounts of air pollution that this project would cause.

They claimed that “open space” (which currently is toxic contaminated) and “affordable” housing (which is not affordable to our city’s residents getting displaced) is more important than health and the right to breathe clean air.

- **WHAT IS MORE IMPORTANT THAT HEALTH AND CLEAN AIR?**

Will you vote to protect health, or corporate profits?

- **OUR SAN FRANCISCO BOARD OF SUPERVISORS MUST NOT VOTE TO ALLOW SIGNIFICANT, UNHEALTHY AND ILLEGAL AMOUNTS OF AIR POLLUTION IN BAYVIEW HUNTERS POINT.**

CONTAMINATED SOIL NOT EVALUATED IN EIR

- FACT: India Basin is contaminated.
- FACT: BUILD LLC has not conducted comprehensive soil testing.
- FACT: BUILD LLC refuses to test for radioactivity despite India Basin's proximity to the radioactive contaminated Hunters Point Shipyard
- *How can the environmental impacts be fully studied if the government and public don't know the facts about the extent of contamination at the site or the extent of future remediation?*

Sea Level Rise Not Properly Evaluated

- The EIR used out of date 2012 projections.
- Bay Conservation and Development Commission now predicts sea level rise of 11 to 19 inches by 2015 and 30 to 55 inches by 2100.
- Sea level rise plus storm surges = coastal flooding, erosion, shoreline retreat, rising groundwater, wetland loss.

Significant Population and Housing Impacts

The EIR underestimated the impacts of this proposed project on population, housing and demographics.

THIS PROJECT WILL INCREASE GENTRIFICATION OF ONE OF THE LAST PEOPLE OF COLOR NEIGHBORHOODS IN SAN FRANCISCO.

IF APPROVED, THE INDIA BASIN PROJECT COMBINED WITH THE SHIPYARD PROJECT WILL ADD TENS OF THOUSANDS OF MOSTLY UPPER INCOME RESIDENTS TO BVHP, RESULTING IN GENTRIFICATION AND ULTIMATELY DISPLACEMENT OF LONG TIME RESIDENTS AND SMALL COMMUNITY OWNED BUSINESSES.

**PLEASE PROTECT THE HEALTH, AIR
QUALITY AND CIVIL RIGHTS OF
BAYVIEW HUNTERS POINT
RESIDENTS.**

**REJECT THE INDIA BASIN MIXED
USE PROJECT.**