



June 30, 2016

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Greenaction for Health and Environmental Justice Scoping Comments on the Proposed India Basin Mixed Use Project

On behalf of our members and constituents in Bayview Hunters Point, San Francisco, we submit the following Scoping comments regarding concerns with the Initial Study and other issues that must be considered and evaluated in the preparation of an Environmental Impact Report for the proposed India Basin Mixed Use Project.

Greenaction For Health and Environmental Justice is a multiracial grassroots organization that works with low-income and working class urban, rural, and indigenous communities to fight environmental racism and build a clean, healthy and just future for all. Greenaction has been involved in environmental health and justice advocacy in Bayview Hunters Point since we were founded in 1997. This low-income community of color continues to be negatively and disproportionately impacted by pollution, gentrification, health disparities, and other forms of environmental, social, economic injustice.

Planning Department Improperly Rejected Request for Extension of Public Comment Period and Translation of Public Notice and Key Documents:

On June 7, 2016, Greenaction emailed the Planning Department with the following request:

On behalf of our members and constituents in Bayview Hunters Point impacted by the proposed India Basin Mixed-Use Project, we request the Planning Department provide an extended public comment period beyond July 1, 2016. Due to the complexity of the many issues including many potential significant impacts already identified, and the need to ensure meaningful civic engagement in this process, we request that the comment period be extended to July 30, 2016. In addition, can you tell us if the notice and/or environmental documents were prepared and provided in any language other than English, as it is vital that all members of the community are informed about what is proposed and how they can provide input. If such translations were not provided, we hereby request a notice and underlining documents immediately be made available in other relevant languages spoken in the community.

On June 9, 2016, the Planning Department responded via email and denied our requests. While the Planning Department response stated they would accept "late" comments, that is not adequate as there is no legal guarantee that comments submitted after the official comment period ends would be part of the administrative record.

We believe the denial of our request for a modest extension of the public comment period and for publishing a notice and key documents in languages spoken in the community is improper and effectively denies many members of the community their lawful and civil rights to meaningful participation in a public process on a proposed project that very well could have a significant and negative impact on their well-being, environment and community.

As a result of the Planning Department's rejection of our requests, non-English speaking residents will likely never know about this Scoping Process as they cannot read the Notice if by some chance they receive it. Even if non-English speaking residents did receive the notice, which is solely in English, they would not be able to provide meaningful comments as they cannot read or understand the Notice or the underlying documents such as the Initial Study.

Environmental Review Topics:

The Initial Study prepared in 2014 accurately identified a number of issues and potential impacts from the proposed project that would have significant impacts. Full analysis of these significant impacts must be done, and we believe many of these significant impacts may not be able to be mitigated.

The Initial Study incorrectly and improperly concluded that there were certain environmental review topics that would not be addressed in an EIR. These include: land use and land planning, aesthetics, population and housing, greenhouse gas emissions, geology and soils, mineral/energy resources, agriculture and forest resources. Some of these will be explained in more detail below. The study states that

All items in the Initial Study Checklist that have been checked "Less than Significant Impact," "No Impact" or "Not Applicable" indicate that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect relating to that topic... the conclusions regarding potentially significant adverse environmental effects are based upon field observation, staff experience and expertise on similar projects, and/or standard reference material available within the Planning Department.

Greenaction strongly disagrees with the conclusion in the Planning Department's Initial Study to exclude many of the above mentioned issues from evaluation in the EIR. We base this assertion due to two factors:

(1) We assert that this project's potential impact on land use and land planning, aesthetics, population and housing and greenhouse gas emissions in Bayview Hunters Point will indeed be significant; and

(2) Even if these issues individually were to be evaluated in an EIR and determined to be "less than significant," the cumulative, combined impact of these issues is likely quite significant and thus must be considered individually and cumulatively in the EIR.

Compliance with Civil Rights Laws:

As the City and County of San Francisco receives federal and state funding, it is subject to and must comply with state and federal civil rights laws (California Government Code 11135 and Title VI of the United States Civil Rights Act). The EIR for this project must evaluate all potential significant impacts that would have a negative discriminatory and disparate impact on people of color. As this project is proposed for Bayview Hunters Point, and as it would have significant impacts that may not be able to be mitigated, an analysis of whether this project would have a discriminatory and disparate

impact on people of color and thus violate the civil rights of people of color residents is required.

Hazardous Waste and Toxic Contamination in and next to the Project Area:

The proposed project site contains toxic contamination from prior industrial activities in the area. The project site is also next to the federal Superfund/National Priorities List site at the Hunters Point Shipyard which is contaminated with radioactive and toxic waste.

Project proponents have acknowledged that comprehensive testing has not been completed to assess the full extent of contamination, and have stated to Greenaction that the plan for any remediation or cleanup would be made after the design for the development is made. This is an enormous concern and threatens the accuracy and integrity of the EIR process.

An EIR cannot be prepared, meaningful comments cannot be made, and an analysis of potentially significant impacts cannot likely not be accurate without knowing the extent of contamination at the site and plans for remediating and/or cleaning up the contamination. The EIR must additionally evaluate the potential impact of the Navy's plan to leave large amounts of radioactive and toxic waste at the adjacent Shipyard Superfund Site that is threatened by sea level rise, as this could have a negative impact on the environment and health of people living and working at the India Basin development site.

If an accurate assessment of the contamination at the site is not conducted, and an adequate and health-protective cleanup plan not approved prior to the EIR process, then the EIR clearly must analyze – and conclude – that the India Basin project would have a significant negative impact that cannot be mitigated if toxic contamination at and next to the site is not fully cleaned up.

A plan for a full cleanup must be made before the design starts so that the design can be made around the areas that need cleanup. If the design for the development is done as currently planned, it will be difficult to clean up certain areas and impossible to evaluate the full potential impacts of the contamination in an EIR process.

The only way to mitigate the presence of toxic contamination is to safely and completely remove this contamination. The health and safety of Bayview Hunters Point residents must be fully protected in all stages of this project.

Sea Level Rise:

Sea level rise was only mentioned once in the entire Initial Study - in the "Hydrology and Water Quality" Section. The study stated that the site "could" experience "climate-change-related sea level rise." This conclusion is factually incorrect, as there is no doubt based on all the latest scientific evidence and projections, that the site will experience potentially severe climate change sea level rise impacts.

As the proposed project is located directly on the waterfront, this issue needs to be comprehensively and thoroughly evaluated using the most recent scientific projections. This is especially a concern as there is toxic contamination at the site near the waterfront.

The initial study used outdated information on sea level rise. Since that report was written, the predictions for how much sea level will rise in San Francisco have gone up dramatically. Therefore the

current estimates of projected sea level rise must be used in the EIR and accurate assessment based on the latest science must be thoroughly evaluated in the EIR.

The state government's California Climate Action Team now estimates that sea level will rise an additional 10 to 17 inches by 2050 and 31 to 69 inches by 2100 or more. San Francisco Department of the Environment projects sea level increasing by 11 to 19 inches by 2050, and 30 to 55 inches by 2100.

In March 2016, the City and County of San Francisco released a "San Francisco Sea Level Rise Action Plan," which will provide a foundation for a citywide sea level rise adaptation plan (the expected completion of this report is 2018). The SLR Action Plan is based on important climate science and provides a sobering portrait of many of the likely effects of sea level rise on the San Francisco waterfront. For example, the report notes that, by the year 2100, sea level for San Francisco could rise by 66 inches. In the event of extreme tides or coastal storms, sea level could reach 108 inches, or 9 feet. Coastal hazards that increase with sea level rise include temporary coastal flooding, urban flooding (caused by rainfall runoff, which would impede the city's combined sewage and storm water systems), shoreline erosion, daily tidal inundation and regular King Tide floods, and extreme storms.

The EIR must thus thoroughly evaluate all the potential impacts of what clearly and ominously may be massive sea level rise, storm surges and inundation of the project site.

Greenhouse Gases:

The Initial Study incorrectly concluded that greenhouse gases will not be assessed as an environmental factor in the EIR. In 2016, in an area where this is already a serious pollution problem, greenhouse gasses should not be allowed to be taken off the list of necessary environmental review topics as there is a serious potential for a significant impact from greenhouse gas emissions.

We thus challenge as factually incorrect the Initial Study's conclusion that the proposed project would be consistent with the San Francisco Reduction Strategy and would not generate GHG emissions in a manner that would have a significant impact on the environment. The potential impact of greenhouse gas emissions must therefore be included in the environmental review topics that will be included in the EIR.

The Initial Study found that there could be a "potentially significant impact" for "Cause substantial additional vehicle miles traveled" under the Transportation section. This directly impacts and would increase greenhouse gas emissions. In addition, construction equipment working on this massive project will likely result in significant GHG emissions.

Air Quality:

The Initial Study found that there could be potentially significant impacts from violation of air quality standards, cumulatively considerable net increase of any criteria pollutant, odors, conflict with air quality plan."

Impacts on neighborhood air quality must be evaluated and the existing in pollution must be taken into account when air quality is considered in the EIR. As residents already suffer high rates of asthma and other respiratory illnesses, air quality is an enormous concern that must be accurately and cumulatively evaluated.

Cumulative Impacts of Pollution and Health, Socio-Economic Factors:

The Bay Area Air Quality Management District has identified Bayview Hunters Point as a “CARE” community that is disproportionately and negatively impacted by pollution. The fact that that Bayview Hunters Point is significantly and cumulatively impacted by historic and current pollution – including mobile and stationary sources – is also recognized by the wide range of local, regional, state and federal regulatory agencies.

The EIR must include a thorough cumulative impact analysis that evaluates all the potential environmental, health, and socio-economic impacts of the India Basin project combined with existing impacts in the community historically and today.

Land Use, Gentrification, and Affordable Housing:

On page 51 of the Initial Study, under Land Use, section LU-3, it is stated that “the proposed project and variant would not have a substantial adverse impact on the existing character of the vicinity. (Less than Significant)” (51). Greenaction strongly disagrees with this assessment.

Bayview Hunters Point is a community under attack by developers who are gentrifying the neighborhood and changing its character from a predominantly people of color community to one with thousands of high-end condos, townhouses and homes that most residents could never afford.

This proposed development has the strong potential to further gentrify the area by creating a development with only minimal “affordable housing” and with most residential units priced too high for many current residents to afford. By building developments that most residents of Bayview Hunters Point cannot afford, the culture of the neighborhood is changed, the price of housing and commercial rents in the neighborhood goes up, and therefore forces out people who are already longtime residents of the community.

The EIR should consider, and conclude, that the current plans for the project are inadequate to prevent further gentrification of the neighborhood. The only way to avoid and mitigate this significant impact is that the development needs more affordable housing for the current residents living in Bayview and Hunters Point. When the term “affordable housing” is used, we are referring to affordable housing that is based on the actual incomes of residents currently living in the area. Currently, at least 149 affordable units must be built in the development (or a fee can be paid to avoid building them at all). At a minimum, at least half of the total units proposed to be built should be real affordable housing and accessible to current residents of Bayview Hunters Point.

With a massive increase in higher-end residential development, the neighborhood will also change in other ways including higher commercial rents resulting in evictions of the many community-owned small businesses along 3rd Street. BVHP is already experiencing dramatic rent increases and changes in demographics, and the EIR must evaluate in depth the potential impacts on housing and the overall environment of the community.

The project proponents should also work in a broad and representative community process prior to finalizing their project plan to reach a Community Benefits Agreement that will address and prevent all negative impacts that might arise from their project – and any such agreement should be reviewed in depth in the EIR.

Bus Routes:

This project would change existing bus routes in the neighborhood that would affect community members that live close to India Basin and those that live farther away. We do not want the community to be inconvenienced by changing bus routes. A full assessment of the effects of changing these specific bus routes should be analyzed in the EIR.

Please respond to these comments in writing.

Submitted by,



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