

File No. 100989

Committee Item No. _____

Board Item No. 11

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date 07/27/10

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
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- Legislative Analyst Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
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- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

OTHER

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Completed by: Joy Lamug

Date 07/22/10

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Bayview Hunters Point Redevelopment Plan]

2
3 **Motion adopting findings in response to written objections to adoption of an**
4 **amendment to the Bayview Hunters Point Redevelopment Plan delivered to the Clerk of**
5 **the Board of Supervisors before or at the public hearing on adoption of the**
6 **Redevelopment Plan, pursuant to the requirements of the California Community**
7 **Redevelopment Law.**

8
9 WHEREAS, A public hearing on adoption of an amendment to the Redevelopment
10 Plan for the Bayview Hunters Point (the "BVHP Plan Amendment") was duly noticed and held
11 by the Board of Supervisors on July 13, 2010; and

12 WHEREAS, Various written objections to adoption of the BVHP Plan Amendment were
13 delivered to the Clerk of the Board prior to the hour set for the hearing thereon, various written
14 objections to adoption of the BVHP Plan Amendment were presented to the Clerk during the
15 hearing, and one objection to the BVHP Plan Amendment was presented to the Clerk after the
16 hearing had been closed; and,

17 WHEREAS, The Board of Supervisors deferred adoption of the BVHP Plan
18 Amendment for two weeks to provide for consideration of the objections and adoption of
19 written findings in response thereto, as required by the California Community Redevelopment
20 Law; and

21 WHEREAS, The Redevelopment Agency has prepared a written response to all such
22 written objections describing the disposition of the issues raised and addressing the written
23 objections in detail, including reasons for not accepting the specified objections and
24 suggestions, and containing a good-faith, reasoned analysis of such issues, a copy of which
25

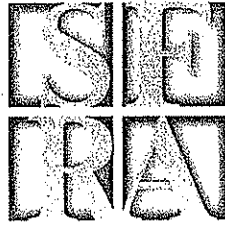
1 response is on file with the Clerk of the Board of Supervisors in File No. 100658 (the
2 "Response"); now, therefore, be it

3 Moved, That the Board of Supervisors hereby adopts the Response as its written
4 findings in response to such objections to adoption of the BVHP Plan pursuant to the
5 requirements of the California Community Redevelopment Law (Sections 33364 and 33363 of
6 the Health and Safety Code) for the same reasons as set forth in the Response and hereby
7 incorporates the Response, including the findings contained therein, by reference as though
8 fully set forth in this Motion.

San Francisco
Redevelopment Agency

One South Van Ness Avenue
San Francisco, CA 94103

415.749.2400



GAVIN NEWSOM, Mayor

Rick Swig, President
Darshan Singh, Vice President
London Breed
Miguel M. Bustos
Francee Covington
Leroy King

Fred Blackwell, Executive Director

450-054.10-146

July 22, 2010

Angela Calvillo
Clerk of the Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Responses to written objections received on the proposed Amendments to the Hunters Point Shipyard and Bayview Hunters Point Redevelopment Plans – File Nos. 100658 and 100659

Dear Ms. Calvillo:

On July 13, 2010, the Board of Supervisors (“Board”), acting as a committee of the whole, conducted a public hearing on the proposed amendments to the Bayview Hunters Point and Hunters Point Shipyard Redevelopment Plans contained in File numbers 100658 and 100659 (the “Redevelopment Plan Amendments”) in accordance with California Community Redevelopment Law (“CRL”) (Cal. Health & Safety Code §§ 33000 *et seq.*). Prior to and during the hearing, the Board received written objections to the Redevelopment Plan. Under Section 33363 of the CRL, the Board must respond in writing to the written objections received. State law also requires that the legislative body address the written objections in detail, giving reasons for not accepting specified objections suggestions. The Redevelopment Agency of the City and County of San Francisco (the “Agency”) provides the following responses to the written objections, all of which are attached to this document for convenience. Although the CRL requires only written responses to written objection from affected property owners or taxing entities, Agency staff has provided responses to all comments that you have forwarded on behalf of the Board. The Agency recommends that the Board not accept the objections and suggestions for the reasons set forth below, and instead adopt the Redevelopment Plan Amendments as presented.

Letters and correspondence were received from individuals identified below. Individual comments were extracted from the correspondence and organized into 8 categories. Comments that are not covered by a response were determined not to be relevant to the proposed adoption of the Redevelopment Plan Amendments and therefore did not require further clarification.

Objections and Correspondence Received from the Clerk of the Board

- Joni Eisen on behalf of the Potrero Hill Democratic Club, (Date Received: 7/12/10)
Comments (1-1 through 1-6)
Comments Addressed in Responses 1, 2, 3, 4 and 6
- Ahimsa Porter Sumchai MD (Dates Received: 6/25/10, 6/26/10 and 7/11/10)
Comments (2-1, 3-1 through 3-4, 8-1, 8-2, and 13-1)
Comment Addressed in Responses 1 and 2
- Jill Fox (Date Received: 7/12/10)
Comments (4-1 through 4-3)
Comments Addressed in Response 4
- Gregory Miller (Date Received: 7/12/10)
Comment (5-1)
Comment Addressed in Response 5
- Kathy Howard (Date Received: 7/12/10)
Comment (6-1)
Comment Addressed in Response 5
- Francisco DaCosta (Dates Received: 7/6/10 and 7/12/10)
Comments (7-1 through 7-2 and 10-1 through 10-10)
Comments Addressed in Responses 1, 2, 3, 4, 6 and 8
- Vicki Leidner (Date Received: 7/8/10)
Comment (9-1)
Comment Addressed in Response 1
- ArcEcology (Materials Presented at 7/13/10 full Board meeting during public comment on the CEQA Appeal hearing for the Candlestick Point – Hunters Point Shipyard Phase II Project)
Comments (11-1 through 11-13)
Comments Addressed in Response 5
- Aaron Goodman (Date Received: 7/11/10)
Comments (12-1 through 12-5)
Comments Addressed in Responses 1, 2, 4, 5, 6, 7 and 8
- Wilma Subra (Materials Submitted at 7/12/10 Board Land Use and Economic Development Committee)
Comments (14-1 through 14-4)
Comments Addressed in Response 1

- Christopher D. Cook (Article Submitted at 7/12/10 Board Land Use and Economic Development Committee)
Comment (15-1)
Comment Addressed in Response 3

- Peter Marcuse, Chester Hartman and Gilda Haas (Submitted at 7/12/10 Board Land Use and Economic Development Committee)
Comments (16-1 through 16-8)
Comments Addressed in Responses 3, 6 and 7

- Kristine Enea (Date Received: 7/14/10)
Comments (17-1 through 17-3)
Comments Addressed in Response 2 and 4

Key Issue Responses

Response 1 – Environmental Cleanup of the Hunters Point Shipyard

Response 2 – Public Review and Consultation Process

Response 3 – Capacity of the Project Developer

Response 4 – Adequacy of the Transportation Plan

Response 5 – Yosemite Slough Bridge, Purpose and Need

Response 6 – Adequacy of the Below Market Rate Housing Plan

Response 7 – Community Benefits

Response 8 – Tidelands Trust

Response 1 – Environmental Cleanup of the Hunters Point Shipyard

Comments Addressed: (1-1, 1-2, 2-1, 3-1 through 3-4, 7-1, 9-1, 10-1, 10-8, 10-10, 12-1, 13-1, 14-1 through 14-4)

Summary of Objections Received on This Topic

A number of comments and objections were received which raised issues or concerns pertaining to the environmental remediation of the Hunters Point Shipyard (“Shipyard”). These comments and objections related to: consistency with Proposition P; early transfer of property at the Shipyard; lack of adequate oversight of the entity performing remediation work; cumulative impacts associated with the Shipyard; potential risks associated with exposure of workers and new and existing residents of the surrounding community during construction and remediation; phased development, remediation and transfer of parcels; treatment of hazardous materials; generation of toxic construction dust containing naturally occurring asbestos and other chemicals; notification to the surrounding community and local schools; and the inadequacy of the Candlestick Point – Hunters Point Shipyard Phase II Final Environmental Impact Report (“FEIR”). While these are not objections to the Redevelopment Plans Amendments, the Agency provides the following information:

Background and Status of the Navy’s Cleanup of the Shipyard

All of the property at the Shipyard that remains in Navy ownership is subject to the requirements of the Comprehensive Environmental Remediation Compensation and Liability Act (“CERCLA”), both because all federal property is subject to Section 120 of CERCLA, which requires that federal property meet certain conditions before it is transferred out of federal ownership and because the Shipyard is a listed superfund site under CERCLA. To guide the remediation of the Shipyard, the Navy has entered into a Federal Facilities Agreement (“FFA”) with U.S. EPA, and Cal – EPA through the Department of Toxic Substances Control (“DTSC”) and the San Francisco Regional Water Quality Control Board (“RWQCB”). The FFA establishes a schedule and process for regulatory oversight of the remediation and public participation in the remediation process. Section 120 of CERCLA precludes the Navy from transferring the property at the Shipyard to another party until the property either has been remediated sufficient to protect human health and the environment given the intended and future uses, or, the Administrator of U.S. EPA and the Governor of the State of California determine that the transfer of property before it is completely remediated will not result in an unacceptable risk to human health and the environment. Furthermore, in 2004 the Agency and the Navy entered into a legally binding Conveyance Agreement that provided for the phased transfer of parcels on the Shipyard and requires the Navy to obtain concurrence from the regulatory agencies that the property is safe for its intended use prior to transfer. The Conveyance Agreement and the processes set forth in it, together with the federal requirements under CERCLA and the FFA, will govern any future transfers of property at the Shipyard.

The Shipyard has been extensively studied and analyzed for over 20 years, and as a result of those studies and the extensive and overlapping oversight of multiple regulatory agencies, knowledge about the nature of the contamination at the Shipyard is very good. Furthermore, those analyses have repeatedly demonstrated that the Shipyard in its current state does not

present an immediate threat to tenants, visitors or the surrounding community. However, in order to implement the Redevelopment Plan for the Shipyard, the Navy needs to implement various environmental remedies to allow sub-surface construction.

Proposition P

On November 7, 2000, San Francisco voters approved Proposition P which called upon the Navy to remediate the Shipyard to the highest levels practical to assure flexible reuse of the property. Proposition P is a general statement of policy for a desired result for the Navy and regulators to achieve in implementing the Shipyard cleanup. The Board subsequently passed Resolution 634-01, adopting Proposition P as official City policy and urging the Navy and U.S. EPA to take actions to implement Proposition P. The Resolution recognizes that the unrestricted cleanup standard called for in Proposition P identifies a cleanup level acceptable to the community, urges the Navy and regulatory agencies not to rely on barriers to protect future occupants and the public from exposure to pollution, unless other remedies are technically infeasible, and urges the Navy to cleanup the Shipyard in a manner fully consistent with the Reuse Plan and with remedies that do not make the implementation of the Reuse Plan economically infeasible. In 2004, in furtherance of Proposition P, the Agency entered into the legally binding Conveyance Agreement (as referenced above), which together with the federal requirements under CERCLA and the FFA, will govern any future transfers of property at the Shipyard.

Transfer and Early Transfer

Neither the FEIR nor the Redevelopment Plan Amendments allow or authorize an early transfer of property at the Shipyard to the Agency. The circumstances under which the Navy is authorized to transfer the Shipyard property are governed by CERCLA. CERCLA requires that, prior to real property conveyance, the Navy must remediate hazardous substances to a level consistent with the protection of human health and the environment; or, if conveying property before completion of remediation, the Navy must ensure that the property is suitable for conveyance for the use intended and that the intended use is consistent with the protection of human health and the environment. The regulatory oversight is the same whether there is an early transfer or a regular transfer. The only difference is the timing of the transfer. There are two ways in which the Navy can transfer title to the Shipyard: (1) after completing any necessary remediation of a parcel (e.g., the approach taken with Parcel A) or (2) as an early transfer.

The first option for title transfer assumes that all remediation necessary to protect human health and the environment has been conducted on the property. In conveying property that is remediated, the Navy documents its findings in a Finding of Suitability to Transfer ("FOST"). The FOST documents environmental findings regarding the proposed transfer, summarizes the environmental condition of the property and, where appropriate, identifies any environmental conditions that would pose constraints to activities or uses of the property. At the time of transfer, the Navy is required to covenant that all required remediation has been completed and that if additional remedial action is needed with respect to contaminants on the property at the time of transfer, further cleanup will be the Navy's responsibility. The Conveyance Agreement also requires federal and state environmental regulator concurrence prior to conveyance of a parcel by FOST.

CERCLA also provides that the Navy may transfer property before all remedial action is complete via an "early transfer". "Early" as used in the context of the Shipyard, given previously approved remedial plans, refers to transfer of property occurring prior to installation of the building, streets, sidewalks and parks that will be placed over existing soil but after the site has been thoroughly investigated, extensively remediated. In addition, the Navy and the regulators will have agreed on any remaining remediation required for the site, but only if U.S. EPA and the Governor of California first authorize the transfer. To do so, they must determine that the property is suitable for the use intended by the Agency, the intended use is consistent with protection of human health and the environment, restrictions are imposed in the deed for the property that will ensure protection of human health and the environment, and the Agency will be able to complete any remaining remedial activities. The Navy will document that the property may be transferred prior to the completion of all remediation in a Finding of Suitability for Early Transfer ("FOSET"). No property will transfer until the Navy has completed and the regulators have approved all radiological investigation and cleanup activities. The Agency will not accept early transfer of any parcel on which radiological cleanup is not 100% complete. In this scenario the Agency would be supervised by the same regulatory agencies supervising the Navy, and would be held to standards as strict as those the Navy is held to, under a legal agreement called an Administrative Order on Consent ("AOC") which would be signed by the U.S. Department of Justice, U.S. EPA, DTSC and the RWQCB. If the Agency were found to be unable to perform its obligations under the AOC, the regulatory agencies could require the Navy to reassume its responsibilities for completing the cleanup.

Early transfers have occurred at other closed military bases on the federal Superfund list. The Local Reuse Authorities for Fort Ord in Monterey and McClellan Air Force Base in Sacramento have each accepted responsibility under an early transfer for completing the remediation at larger parcels on the Superfund list than are under consideration at the Shipyard. Other bases with where the local agencies have accepted early transfers and remediation responsibility include Point Molate Naval Fuel Station in Richmond, Navy Fleet Industrial Supply Center and Oakland Army Base in Oakland, the NASA Industrial Plant in Downey, and Lowry Air Force Base in Denver, Colorado.

Institutional Controls

Prior to any transfer or lease, the Navy must ensure that the property is suitable for the use intended and that the intended use is consistent with the protection of human health and the environment. Where low levels of contamination remain on the property at the time of transfer at any levels that are not suitable for unrestricted uses, such assurances can be achieved through Institutional Controls ("ICs"), a set of legal and administrative mechanisms to implement land use restrictions to limit the exposure of future landowners and users of the property to hazardous substances present on the property, and to ensure the integrity of the remedial action.

Implementation of ICs will allow the property to be developed for its intended use, as determined by the Shipyard Redevelopment Plan. Any chemical left at any location in the Shipyard would be in concentrations and conditions determined by U.S. EPA, DTSC, and RWQCB to be protective of human health and the environment. The Navy anticipates it will implement the ICs in the form of environmental restrictive covenants as provided in the "Memorandum of Agreement between the United States Department of the Navy and the DTSC" (Navy/DTSC MOA). The

“Covenant(s) to Restrict Use of Property” will incorporate the land use restrictions into environmental restrictive covenants that run with the land and that are enforceable by DTSC and U.S. EPA against future transferees. In order to ensure that any restrictions are carried forward throughout the implementation of the Shipyard Redevelopment Plan, Section 8 specifies:

“Notwithstanding any other provision of this Plan, the Uses allowed by this Plan are subject to any applicable Environmental Restrictions contained in quitclaim deeds from the United States Navy or in other enforceable restrictions imposed on the property through the environmental cleanup process under the Federal Facilities Agreement executed by the United States Navy, United States Environmental Protection Agency, California Department of Toxic Substances Control, and San Francisco Bay Area Regional Water Quality Control Board (the “Regulating Agencies”) unless and until such Environmental Restrictions are waived or removed by the appropriate Regulating Agencies”.

The concerns expressed about problems with enforcement of institutional controls are addressed at the Shipyard by creating layers of redundant and back-up enforcement mechanisms. Four different agencies – at the federal, state and local level – will have independent authority to enforce the institutional controls. In addition to being enforceable by the Navy, DTSC, and U.S. EPA, the ICs will be enforceable by the City through Article 31 of the Health Code, under which any applicant for a building or grading permit must demonstrate compliance with all environmental documents and land use restrictions, including Covenants to Restrict Use of Property. The City, through the Department of Public Health, continues to monitor and enforce such compliance after issuance of the permits.

This approach is very common in the development of what are known as “Brownfields”. Brownfields redevelopment typically involves “recycling” former industrial lands – usually polluted – into more productive uses like residential, commercial or recreational uses. Mission Bay is a particularly relevant example. Mission Bay is a typical urban Brownfields site. It was an area of Bay fill that was used for rail yards, warehousing and miscellaneous dumping. After extensive testing, the City decided to redevelop the site, but to prevent exposure to contaminants, gardens must be in raised boxes (example of an Institutional Control) and there is a requirement for the final end use to require a durable cover or clean topsoil (example of an engineering control). The barriers (or “covers”) between the widespread but low level contamination across Mission Bay that are provided by the building pads, parks and streets of the development itself are the most important element of the final environmental remedy for Mission Bay. Likewise, remedial plans thus far approved for Hunters Point require the installation of building pads, parks streets and similar cover materials to be placed over existing soil as part of the remedy.

Cumulative Impacts at the Hunters Point Shipyard

The Navy’s CERCLA process is a detailed, exhaustive, multi-year process where the review of all the contamination issues is conducted. Throughout the entire CERCLA process, soil, groundwater, sediment, and air samples are collected and analyzed at certified laboratories to evaluate the level of contamination that might be present. Over the past decade more than 22,000 soil samples and 10,000 groundwater samples have been taken at the Shipyard. An evaluation of all the data, including risk assessments are presented in the Remedial Investigation to assess the potential impacts of those contaminants. The risk assessment takes into account the possibility of people eating, breathing or absorbing contaminants through their skin. All of these evaluations

are done with the data gathered before the contaminants are cleaned up further during treatment. The regulatory agencies review this information and the subsequent Feasibility Study details the methods for how to best deal with those contaminants. Part of their evaluation is the review of cumulative impacts and decisions about the possible removal of contaminants. This evaluation leads to the Proposed Plan where the best methods for treating or removing the contaminants are chosen or, in the case where it may be difficult or impossible to remove them, the use of engineering or institutional controls to protect human health and the environment. The Record of Decision ("ROD") documents the chosen remedy. Once the ROD is issued, the remedies, including required removal or treatment of contaminants, are implemented. No property at the Shipyard will be transferred unless a ROD has been issued and the ROD cannot be issued unless the review of cumulative impacts was conducted during the CERCLA process. As a result of this CERCLA analysis and remedies specified in the ROD, the Shipyard will be safe for the intended use and protective from all cumulative impacts of any residual chemicals. The remedial plans that have been and will be approved by the regulators are designed to assure that acceptable cancer and non-cancer risks levels are achieved taking into account all chemicals identified at the site.

Phased Development of Parcels Adjacent to Ongoing Remediation

Comments were raised regarding worker and public safety while ongoing excavations occur at the Shipyard site adjacent to areas where people are living and working. Phased development of parcels adjacent to parcels with ongoing remediation is standard at closed military bases throughout the nation, including federal Superfund Sites such as Fort Ord, McClellan Air Force Base, El Toro Marine Corps Air Station and Alameda Naval Air Station in California and South Weymouth Naval Air Station and Fort Devens in Massachusetts. Phased development at the Shipyard adjacent to parcels with ongoing remediation was agreed to in the 2004 Conveyance Agreement, and re-confirmed by the Board in its May 2007 endorsement of the Conceptual Framework.

The concern about adjacency to remediation has been already been evaluated many times and the following factors have supported the consistent determinations that it is safe to have ongoing excavations at the Shipyard in areas near where people are living or working:

- The artists and police department have been tenants at the site for over 20 plus years and their proximity to excavations areas has been known and evaluated in regulatory agency approved reports;
- The regulatory agencies review and approve all Navy work plans, which include air monitoring to verify that the excavations are not exposing workers or the community to harmful substances, before the Navy starts their excavations;
- The Navy is implementing a dust control plan and asbestos dust mitigation program with required air monitoring during their excavations, and the regulatory agencies review the ongoing air monitoring during excavations to verify that there are not any issues;
- The Navy has already excavated hundreds of thousands of cubic yards of contamination from the Shipyard with no concerns raised by Regulatory Agencies;

- “Adjacency” risk was evaluated by the regulatory agencies as part of the FOST and subsequent transfer of Parcel A and the City’s independent consultants, Treadwell and Rollo, reviewed all the information and came to their own independent conclusion that it was safe to transfer and redevelop Parcel A adjacent to areas of cleanup at the Shipyard.

Protection of Workers During Construction and Remediation

Full remediation of the entire Shipyard is not anticipated until after commencement of project-related construction activities on the Shipyard. Property that is fully remediated could be transferred to the Agency under a FOST while the Navy continues with remediation activities on other parcels. As discussed above, any risk restrictions imposed at sites transferred or leased prior to completion of cleanup activities, will be accomplished through use restrictions and through site security requirements (e.g., fencing and signs around excavation sites). The restrictions imposed are designed to protect not only occupants and visitors on the parcel itself, but also on nearby property. Similarly, restrictions may be imposed to address the potential of migration from nearby parcels where remediation has not been fully completed. This is sometimes accomplished through an ongoing monitoring requirement.

In addition to federal and state regulatory oversight, the City will oversee a number of activities related to construction on the Shipyard, including the removal of underground storage tanks and the handling of lead-based paint on buildings during demolition. Most importantly, Article 31 of the Health Code requires that prior to receiving permit approval for excavating or grading, a builder must submit a Site Evaluation Report that includes information about the site history and current site conditions and submit the following plans to ensure safe work practices and environmental protection during construction: a Dust Control Plan; an Unknown Contaminant Contingency Plan; a Disposal Plan (if applicable); a Site Specific Health and Safety Plan; and a Soil Importation Plan (if applicable). A builder must also comply with all deed restrictions on the property; conduct an evaluation of landfill gas issues if the new construction is within 1,000 feet of the Parcel E-2 landfill and submit a closure report when work is completed. All of these requirements will remain in place for Parcel A, and the proposed amendments to Article 31 that will extend these requirements to the rest of the Shipyard are part of the overall project approvals. The amendments include the addition of a requirement for submittal of a Foundation Support Piles Installation Plan (if applicable) and specific requirements for builders to verify to the Department of Public Health their compliance with all transfer documents, deed restrictions and institutional controls.

Hazardous Materials Use

The management of hazardous materials is regulated under a number of laws at federal, state, and local levels through programs administered by the U.S. EPA, DTSC and the RWQCB, U.S. Department of Transportation (“DOT”), California Highway Patrol, federal and state Occupational Safety and Health agencies (“OSHA”), and the San Francisco Department of Public Health (“DPH”). Many of the state laws and regulations, which implement federal laws, would equally apply to the routine use of hazardous materials and the generation of hazardous waste at the Project. These include the state’s Hazardous Waste Control Law administered by DTSC, Cal/OSHA workplace regulations, and federal and state DOT transportation requirements. There are additional state and local laws and regulations that would apply to

hazardous materials during Project operation. Some of these include the California Building Code, which prescribes safe accommodations for materials that present a moderate explosion hazard, high fire or physical hazard, or health hazards; the Hazardous Materials management Act, which requires that businesses handling or storing certain amounts of hazardous materials prepare a Hazardous Materials Business Plan; and various articles of the San Francisco Health Code.

Construction Dust and Naturally Occurring Asbestos

One of the issues raised pertains to construction at the Shipyard and concerns related to construction dust. As with any large site, construction activities at the Shipyard will generate dust. The entire site will be subject to Bay Area Air Quality Management District ("BAAQMD") regulations and the DPH controls on dust through Health Code Article 22B. To assure compliance with these requirements, the Mitigation Monitoring and Reporting ("MMRP") Program for the Candlestick Point – Hunters Point Shipyard Phase 2 Project ("Project") requires builders to obtain approval of an Asbestos Dust Mitigation Plan from BAAQMD for areas over one acre that contain or might contain naturally occurring asbestos and approval of a Dust Control Plan from DPH for all areas of the Shipyard. The purpose of these monitoring and control requirements is to trigger health protective actions such as increased dust control or temporary health protective shut downs of the dust generating activities. The levels of dust or naturally occurring asbestos that trigger action are set at levels well below any level of health concern so that if there are any issues with the monitoring or control there will not be any long term health effects.

BAAQMD is the lead regulatory agency for air quality in the Bay Area. BAAQMD has enacted specific regulations for construction impacts related to the disturbance of serpentine rock. Prior to commencing construction on Parcel A, Lennar was required to obtain BAAQMD's approval of an Asbestos Dust Mitigation Plan. In granting that approval, BAAQMD went beyond the minimum requirements of the regulations and required Lennar to prepare an air monitoring plan and establish a network of airborne asbestos monitoring stations at different locations on the perimeter of the site. In addition, Cal OSHA reviewed and approved a site-specific plan for the grading to ensure that workers were protected from potential exposure to naturally-occurring asbestos. The regulatory agencies review of the potential impacts of construction dust at the Shipyard also considered hazardous substances other than serpentine rock that may be present in the soil that could have been released into the air during construction. Their conclusion was that Parcel A could be used for unrestricted residential use and that there would not be an unacceptable hazard from the construction dust. Concerns have been raised about the implementation of asbestos and dust control measures arising from the fact that during Phase 1 of construction at the Shipyard, the former asbestos air monitoring contractor failed to ensure proper operation of the air monitoring stations for the first several months of grading activities in 2006 and could not validate the sampling results. After this problem was reported, DPH, BAAQMD, and independent experts from the UCSF, along with the federal Centers for Disease Control ("CDC") and the CDC Agency for Toxic Substances and Disease Registry ("ATSDR") reviewed the potential health risks from construction dust containing asbestos in Shipyard Phase 1. The reviews concluded that there was no significant health risk created by the grading activities at the Shipyard. BAAQMD pursued enforcement action against the developer, who entered into a consent agreement to pay civil penalties for its air-monitoring contractor's failure

to properly monitor and for its grading contractor's failure to fully implement components of the BAAQMD-approved asbestos dust-monitoring plan.

Currently, DPH conducts random daily inspections to monitor dust control measures. Despite numerous allegations, no evidence has been provided to suggest that construction activities at the Shipyard created a significant health risk in the community. A U.S. EPA report, issued in June of this year confirmed their findings and the findings of countless other regulatory agencies that adequate measures are in place to protect workers on the Shipyard and the surrounding community. Thus, there is no environmental reason related to construction dust not to proceed with construction at the Shipyard. There have been no dust problems observed by the inspectors or in the daily particulate monitoring logs at property since August 2007. None of the dust generation problems prior to and from August 2007 were a health concern. These regular inspections, strict oversight and daily particulate monitoring provide an extra layer of assurance that dust levels have been kept extremely low throughout the construction so that any dust generated was of small enough quantities and short enough duration that it would have been less than any estimate for dust exposures envisioned by the regulatory agencies when they allowed the property to be approved for unrestricted residential use.

Notice to Surrounding Schools

Many community members have expressed particular interest in notification issues surrounding dust and naturally occurring asbestos in relation to nearby schools. In recognition of the level of community interest in this issue, the MMRP requires the Dust Control Plan for the Project to include establishing a hotline for surrounding community members who may be affected by dust and requires the contact person to take corrective action within 48 hours. The hotline number is required to be provided to adjacent residents, schools and businesses. In addition, the MMRP requires appropriate protocols for providing notification to nearby property owners, schools and residents when air monitoring results show that asbestos levels exceed standards set forth in the Asbestos Dust Control Plan.

FEIR

Commenters also raised concerns that the analysis related to hazardous materials and air quality in the FEIR was inadequate.

On June 3, 2010, the Planning Commission and Redevelopment Agency Commission reviewed and considered the FEIR and found that the contents of the report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code. On July 13, 2010, the Board affirmed the Planning Commission's certification.

Response 2 – Public Review and Consultation Process

Comments Addressed: (1-4, 8-1, 10-4, 10-6, 12-4 and 17-1)

Summary of Objections Received on This Topic

A number of comments and objections were received which raised issues or concerns pertaining to public review of aspects of the Project and related documents. These comments and objections

raise concerns related to: insufficient time for the community to review aspects of the plan and the FEIR; a request to keep the public hearing on the Redevelopment Plan Amendments open; the Project's failure to consider cultural resource issues and the Project's failure to involve Ohlone groups in review of the Project; the Metropolitan Transportation Commission violated the administrative appeal process and concerns over a lack of zoning and mapping of the area. While not all of these objections are related to the Redevelopment Plans, the Agency provides the following information:

Public Review of the Project/Redevelopment Plan

The letter from the Potrero Hill Democratic Club ("PHDC") states that "the community has been given insufficient time to review documents and critical aspects of the plan" (PHDC letter, page 2). This assertion is false. The Project has been publicly discussed, reviewed and analyzed for many years in a variety of forums in the Bayview Hunters Point community and at public meetings held by 8 City commissions and the Board.

Public review of the redevelopment of the Shipyard and Candlestick Point has been ongoing, in one form or another, for more than 17 years. In planning for the redevelopment of the Shipyard and Candlestick Point the Agency and City worked closely with the two community based advisory groups with jurisdiction over the Project site, the Hunters Point Shipyard Citizens Advisory Committee ("CAC") and the Bayview Hunters Point Project Area Committee ("PAC") to develop and implement redevelopment plans for the Bayview Hunters Point and Hunters Point Shipyard Project Areas. As a result of this community based planning, in 1997 the Board adopted by Ordinance No.285-97 a redevelopment plan for the Shipyard, and in 2006 by Ordinance No. 113-06 the Bayview Hunters Point Redevelopment Plan (collectively the "Redevelopment Plans").

For over a decade the redevelopment of Candlestick Point and the Shipyard has proceeded on parallel, though largely separate paths; however, over the last three years, the City and the Agency have been working with the Bayview Hunters Point community on redeveloping the two sites together. Accordingly, in May 2007 the PAC, CAC, the Board and the Mayor endorsed a Conceptual Framework for the integrated development of Candlestick Point and the Shipyard (the "Conceptual Framework")(Board Resolution No. 264-07). The Conceptual Framework, which is the basis for the last three years of planning for the Project, envisioned a major mixed-use project, including hundreds of acres of new waterfront parks and open space, thousands of new units of housing, a robust affordable housing program, extensive job-generating retail and research and development space, permanent space for the artist colony that exists in the Shipyard and a site for a potential new stadium for the 49ers on the Shipyard.

In June 2008, San Francisco voters approved Proposition G, an initiative petition measure named The Bayview Jobs, Parks, and Housing Initiative, regarding plans to revitalize the Project site. Proposition G: (i) adopted overarching policies for the revitalization of the Project site; (ii) authorized the conveyance of the City's land in Candlestick Point currently under the jurisdiction of the Recreation and Park Department, for development in furtherance of the Project, provided that there is a binding commitment to replace the transferred property with other property of at least the same acreage that will be improved and dedicated as public parks or open space in the Project ; (iii) repealed Proposition D and Proposition F relating to prior plans for the development of a new stadium and retail entertainment project on Candlestick Point; and

(iv) urged the City, the Agency and all other governmental agencies with jurisdiction to proceed expeditiously with the Project.

In the last three years alone, the Project and all of its related plans including the Transportation Plan, Below Market Rate Housing Plan, Community Benefits Plan, Open Space Plan, Sustainability Plan, Design for Development Documents and Redevelopment Plan Amendments have been reviewed and discussed in over 250 public meetings before the PAC, the CAC, the Agency Commission, the Board, the Planning Commission and other City commissions, including the Public Utilities Commission, the Port Commission, the Health Commission, the Recreation and Park Commission, the San Francisco Municipal Transportation Agency Board and the Building Inspection Commission and many other local forums.

The existing Redevelopment Plans, Conceptual Framework, Proposition G and the numerous community workshops and meetings formed the basis of the Redevelopment Plan Amendments. The Redevelopment Plan Amendments have been discussed at length with the Bayview Hunters Point community, the Agency Commission, Planning Commission and Board. While components of the Redevelopment Plan Amendments were discussed monthly at the PAC and CAC and many of their respective committees, they were the primary focus of the meetings listed below:

PAC (January 28, 2010, April 5, 2010, April 22, 2010 and May 27, 2010)

CAC (January 14, 2010, April 12, 2010, May 24, 2010)

Agency Commission (January 19, 2010 and March 16, 2010)

Planning Commission (March 25, 2010 and May 20, 2010)

Board of Supervisors Land Use and Economic Development Committee (February 8, 2010, March 22, 2010, June 14, 2010 and July 12, 2010)

Public Hearings on the Redevelopment Plan Amendments

The CRL requires that the notice of the Agency Commission meeting considering the adoption of a redevelopment plan be advertised in a newspaper at least once a week for four weeks prior to the hearing and that notices of the hearing are sent to every property owners, resident and business in the proposed project area. The Agency ran advertisements for the June 3, 2010, meeting of the joint Agency and Planning Commission meeting for four weeks in the *San Francisco Examiner* and mailed, by first class, notices to all property owners in the Project Area based on information from the assessor's database. In addition, the Agency also mailed notices to each address in the 94124 zip code, thereby exceeding the notice requirements established by the CRL.

On May 24, 2010, and May 27, 2010, the PAC and the CAC endorsed the Project's Disposition and Development Agreement ("DDA") and recommended to the Agency Commission and the Board approval of the proposed Redevelopment Plan Amendments. Subsequently, on June 3, 2010, by Agency Resolution Nos. 61-2010 and 64-2010, and by Planning Resolution No. 18102, the Agency Commission and Planning Commission approved the proposed Redevelopment Plan Amendments. Additionally, in accordance with the CRL, advertisements regarding the public hearing before the full Board on July 13, 2010, were run in the *San Francisco Examiner* for four

consecutive weeks. The public hearing on the Redevelopment Plan Amendments before the full Board on July 13, 2010, was opened and closed in accordance with the CRL.

The Agency has exceeded the notice requirements of the CRL for all public notices regarding the Redevelopment Plan Amendments, and has conducted an extensive planning and review process with the community, City commissions and the Board for the Redevelopment Plan Amendments.

Review of the Project Environmental Impact Report

While not an issue related to the Redevelopment Plans, public review of the Project's FEIR is summarized as follows:

The Draft Environmental Impact Report ("DEIR") was published on November 12, 2009, on which comments were accepted until January 12, 2010. The Planning Commission held a duly advertised public hearing on said DEIR on December 17, 2009, and the Agency Commission held two duly advertised public hearing on said DEIR on December 15, 2009, and January 5, 2010. The Planning Department and the Agency prepared responses to comments on environmental issues received at the public hearings and in writing during the 60-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Comments and Response document, published on May 13, 2010, and mailed or otherwise delivered to the Board, all parties who commented on the DEIR, and other interested parties, and made available to others upon request at the Planning Department and Agency offices. On June 3, 2010, the Planning Commission and Redevelopment Agency Commission reviewed and considered the FEIR and found that the contents of the report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code. On July 13, 2010, the Board affirmed the Planning Commission's certification of the FEIR.

Cultural Resources and Consultation with Ohlone and other Native American Groups

While not an issue related to the Redevelopment Plan Amendments, the Agency offers the following information:

The FEIR includes an extensive analysis of potential cultural resource impacts related to Native American sites and extensive mitigation measures designed to reduce any potential impacts to a less than significant level. These mitigation measures provide for an extensive mitigation program, including archaeological testing to identify resources that could be affected by the Project, archaeological monitoring during construction activities that have the potential to affect resources, and data recovery pursuant to an Archaeological Data Recovery Plan. Additionally, on February 19, 2010, the City met with Native American/Ohlone representatives who responded to the Planning Department's January 26, 2010, offer of consultation. At the meeting, the parties agreed to certain actions: (1) allowing time for representatives from additional Native American groups to respond to the request for consultation; (2) providing more information regarding prehistoric archaeological sites to interested Ohlone representatives, to the extent permitted

by law; and, (3) agreeing that the parties would meet again to consult. On May 11, 2010, the Planning Department sent a follow up letter to the contact person designated by the Native American Heritage Commission ("NAHC") who attended the February 19, 2010, meeting. This letter contained: (1) contact information for the Navy staff; (2) the notice of the June 3, 2010, joint meeting of the Planning Commission and Redevelopment Agency Commission; (3) added language proposed by the Planning Department to be included in the Candlestick Point Subarea Plan and Hunters Point Area Plan related to the treatment of archeological resources and (4) a request for availability to meet again and continue the consultation efforts. Since that time, the Planning Department has continued to meet and communicate with Native American groups regarding a process for addressing their issues pertaining to the site during development activities and sent a follow-up letter on June 15, 2010, restating the City's offer to continue consultation efforts.

Metropolitan Transportation Commission ("MTC")

Ms. Sumchai's July 11, 2010, correspondence which contained a forwarded press release from the Mayor's Office of Communications titled "MTC Endorsed Hunters Point Shipyard/Candlestick Point As Regional Priority for Federal Transportation Improvements", states that in taking this action the MTC "violated the administrative appeal process by endorsing this project while the EIR was in appeal before the Board of Supervisors..." (Sumchai, 7/11/10 page 1). While not an issue related to the Redevelopment Plan Amendments, the endorsement by MTC of an application for federal funding is not an approval action subject to CEQA because the action of applying for funding does not commit the MTC to a definite course of action (CEQA Guidelines Section 15352).

Zoning and Mapping

One commenter asserts that large areas of the Project have not been zoned or mapped. The Redevelopment Plan Amendments designate the allowable land uses for the Project Areas, and together with the Project's Design for Development Documents, designate permitted land uses and development controls for the Project Areas. Moreover, the Planning Commission approved, by Resolution No. 18099, amendments to the City's zoning maps, consistent with the Redevelopment Plan Amendments.

Response 3 – Capacity of the Project Developer

Comments Addressed: (1-6, 10-2, 10-8, 15-1, 16-4, 16-6 and 16-8)

Summary of Objections Received on this Topic

A number of comments were received that reference concerns related to Lennar's financial status and track record on other projects throughout the country. While these are not objections specific to the Redevelopment Plan Amendments, and in the case of the SF Public Press article by Christopher D. Cook titled "Homebuilder Lennar uses federal taxpayer funds to balance its books" do not relate to the Project, the Agency offers the following information:

In March 1999, the Agency, through a competitive process, selected Lennar/BVHP Partners (the "Shipyard Developer") as the "master developer" of the Shipyard and the Agency and Shipyard

Developer entered into an Exclusive Negotiations Agreement (“ENA”) governing negotiations for the development of the Shipyard. In furtherance of the Conceptual Framework and consistent with Board Resolution No. 59-07 which urged that the Agency amend the ENA to extend the Shipyard Developer’s pre-existing exclusive negotiating rights on the Shipyard to cover Candlestick Point, in May of 2007, the Agency and the Shipyard Developer entered into a Second Amended and Restated Exclusive Negotiations and Planning Agreement related to Phase 2 of the Shipyard (“Phase 2 ENA”) to cover the integrated planning and redevelopment of Candlestick Point and Phase 2 of the Hunters Point Shipyard.

In recognition of the array of uses and the size and complexity of the development opportunity in the Project, the Agency Commission approved a First Amendment to the Phase 2 ENA on August 19, 2008, by Resolution No. 86-2008, which authorized and required the Shipyard Developer to bring on several joint venture partners to diversify the development risk and ensure that the development of Phase 2 of the Shipyard and Candlestick Point proceeds in an expedited and efficient manner. The Shipyard Developer satisfied this requirement by bringing on additional joint venture partners, who were approved by the Agency Commission.

Furthermore, in the fall of 2008 the PAC, CAC, Agency Commission and the Board by Resolution No.494-08 endorsed a financing plan and transaction structure for the Project (“Financing Plan”). The Agency’s independent financial consultants, C.H. Elliott & Associates and CBRE Consulting, Inc., reviewed the Project’s development plan, draft financial pro forma and Financing Plan and concluded that “the developer’s target return represents a reasonable return before a 50 percent Agency participation, given the hundreds of millions of dollars in private funding required, and the significant risks inherent in such a large complex multi-year land development program” (Attachment 6 to the Financing Plan, page 3)

Furthermore, it is worth noting, that in the context of one of the most significant economic downturns since the Great Depression, the developer has remained with the Project and continued to invest more than \$45 million in private capital into seeking the entitlements that are currently a part of the package before the Board.

Finally, the DDA requires the development to occur in accordance with a schedule of performance, subject to standard provisions for potential delays due to matters outside of the control of the developer. If the developer fails to meet this schedule or otherwise perform as required under the DDA, the Agency has various enforcement mechanisms available to it, including the potential termination of the DDA. If the DDA were to terminate for any reason, then the Agency can seek an alternative developer to complete development consistent with the Redevelopment Plan Amendments.

Response 4 – Adequacy of the Transportation Plan

Comments Addressed: (1-3, 4-1 through, 4-3, 10-5, 12-2, 17 through 17-3)

Summary of Objections Received on this Topic

A number of comments questioned the adequacy of the Project Transportation Plan. Generally these comments focused on the ability of the transportation improvements to handle the volume

of traffic associated with the new population, employment and stadium and the impact to traffic safety and parking on Innes Avenue. The Plan Amendments are regulatory documents controlling land use and do not prescribe particular transportation solutions. Therefore, while these comments and objections do not pertain to the Redevelopment Plan Amendments, the Agency offers the following information and important clarifications about the Project's Transportation Plan:

The Transportation Plan includes a comprehensive set of both physical elements and programmatic strategies to prioritize walking, bicycling, and transit travel within the project area, while simultaneously accommodating necessary vehicular travel such as deliveries and emergency vehicle access. This plan is the result of a series of community meetings and workshops and includes significant input from the public. These elements serve to substantially reduce the amount of auto traffic generated by the Project.

Physical Elements

One of the objectives of Proposition G was to create an integrated development of Candlestick Point and the Shipyard areas with strong commercial institutional, cultural, urban design and transportation connections between the two areas in order to revitalize these areas and reconnect it with the larger Bayview Hunters Point community and the City. Creating a seamless integration of the two sites with the existing Bayview Hunters Point neighborhood is thus a fundamental underlying urban design principle of the Project. This objective is accomplished by extending the existing street grid system and key transit lines into both project sites such that they function as extensions of the existing urban fabric. This approach also facilitates efficient transportation, such that bicycle, pedestrian, and auto travel through the neighborhood can be dispersed across multiple access routes rather than rely on a single point of access to the new development.

The Project and Transportation Plan also includes a number of physical features that have been shown to reduce automobile travel. These physical elements include a good mix of land uses, relatively high densities that minimize the distance between different uses, and street design guidelines that minimize space for private autos and maximize space for bicycles, transit, and pedestrians.

The proposed mix of uses included in the Project will incorporate new office, research and development, retail, and entertainment centers near existing and new residential development. This mixed-use plan will allow trips that may otherwise be attracted to external destinations to remain within the Project site. These internal trips are shorter and more likely to use walking, cycling, and transit than longer trips, which are more commonly made by auto. The Project's mix of uses, combined with its density and pedestrian- and bicycle-friendly designs result in an approximately 30 percent reduction in auto traffic, simply due to the physical form of the Project.

Programmatic Strategies

The Transportation Plan also includes a number of programmatic strategies, including a Transportation Demand Management Plan ("TDM"), that serve to further reduce reliance on autos and encourage bicycling, walking, and transit use. In addition to many common but

important features, such as new bicycle racks, bicycle parking requirements, parking fees, and a dedicated on-site TDM Coordinator, the Project includes a number of innovative and unique programmatic elements, including:

- **Extensions of existing transit routes into the site**, allowing routes that currently operate relatively independently from one another and reach different sections of San Francisco to come together at a single node at the Hunters Point Transit Center and the Candlestick Point Transit Center, within the Project site, allowing for better overall transit connectivity in the Bayview.
- **Increased frequencies to several lines serving the Bayview neighborhood.** This is necessary to accommodate increased ridership in the area, but also provides real benefits to the existing neighborhood. Five existing transit routes will operate with more frequent service as a result of the Transportation Plan, including the 24-Divisadero, 29-Sunset, 44-O’Shaughnessy, the 48-Quintara, and the T-Third light rail. Overall, the amount of time Bayview residents spend waiting for transit will be reduced by 30 percent.
- **New transit routes to serve new development and the existing neighborhood.** The Project calls for implementation of three new transit routes, including two Downtown express routes and a new Bus Rapid Transit (“BRT”) route. Each of these routes provide important and direct connections from the Project and adjacent neighborhood to the regional job center in Downtown San Francisco and regional transit connections, including BART, Caltrain, all Muni light rail lines, ferries, AC Transit, Golden Gate Transit, and SamTrans.

The figure below derived from the Project’s Transit Operating Plan, uses SFMTA’s service planning methodology to forecast the percentage of increased transit trips that may be attributed to the Project’s new residents. On average, the majority (54%) of new service will benefit riders outside of the Project site.

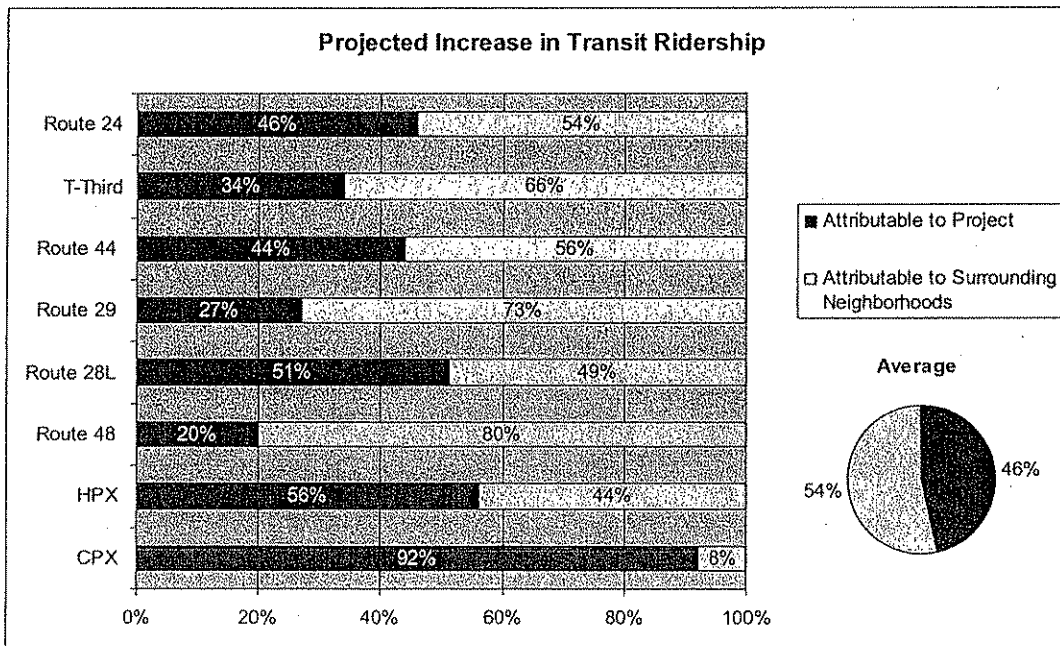


Figure 1: Projected Increase in Transit Ridership

- **Unbundled residential parking.** The cost of parking is usually embedded within the cost of a new home. However, within the Project, the total cost of a new home will be separated into the cost of the home itself and the cost of a parking space. Residents who choose not to own a car will be allowed to pay for only the cost of the new home and not the cost of a parking space - a significant cost savings. Residents who wish to own a parking space will be allowed to pay the full price, which includes a home and a parking space. This policy provides a financial incentive to not own a car without placing additional burden on residents who wish to own a car. (This policy will not apply to the 1,655 "Agency Affordable" units, which are limited by tax-credit financing requirements).
- **Homeowner "Eco Pass."** This policy requires homeowners to purchase a monthly transit pass every month. This provides a guaranteed funding source for transit agencies and also incentivizes transit use by eliminating the "out-of-pocket" cost for each transit trip taken by the residents.

Combined, these innovative and unique programmatic elements are forecasted to result in an auto mode share of only 55 percent for all trips generated by the Project. This is similar to the auto mode share from some of San Francisco's most walkable, bikeable, and transit-oriented neighborhoods.

Comments Specific to Innes Avenue/India Basin Neighborhood

A number of comments were received related to the proposed treatment for Innes Avenue (Comments 4-1 through 4-3, and 17-1 through 17-3.) As proposed, Innes Avenue would accommodate two travel lanes and a Class II bicycle lane in each direction; an 8-foot and 10-foot sidewalk on the south and north side of the street, respectively; and would maintain on-street parking on the south side of the street. To accommodate the Class II bicycle lanes within the existing right of way, parking on a portion the south side of Innes from Earl to Jennings, would need to be converted to a tow-away lane during peak hours.

Two commenters were concerned with the removal of a lane of on-street parking and suggested alternate routes for the bicycle facilities should be explored. Although the Project includes constructing the improvements to Innes Avenue, the Project is simply implementing previously-adopted City policy as outlined in the San Francisco Bicycle Plan (Page 1-15). The commenters suggested that in order to preserve both lanes of on-street parking on Innes, the bicycle facilities be relocated to Hudson Avenue, an existing "paper street" that is currently ungraded and crosses over a stretch of India Basin parallel to Innes Avenue. While staff are supportive of the Hudson Avenue Bridge concept as a benefit to Area C residents and future Bay Trail cyclists, the traffic demands created by the Project do not require the construction of this amenity and nothing about the Project's Transportation Plan precludes an alternate location of bicycle facilities along the parallel Hudson right of way, should that path be developed. Implementing such a change would involve additional study and would need to be integrated with the current "Area C" planning

process underway by the City's Planning Department and the Agency. The current Area C proposal includes a 2-way bike facility on an improved Hudson Avenue and specifically remains entirely within the public right-of-way.

The commenters also claimed that the only vehicular access to the Shipyard site would be via Innes Avenue. This is not the case, as vehicular access would also be provided by Crisp Road, which would connect to Palou Avenue, Griffith Street, and other streets in the Bayview. In fact, the FEIR transportation impact analysis forecasts that less than half of all evening peak hour vehicle trips to and from the Shipyard would use Innes Avenue ; the majority would use Crisp Road to the south of the Shipyard. Overall, facilities along Innes Avenue are expected to operate within acceptable thresholds as defined by the City.

Finally, commenters raise concerns of high traffic volumes and speeds along Innes and call for traffic calming measures to be implemented, particularly at the intersection of Hawes/Innes/Hunters Point Boulevard. Independently from the Project, SFMTA has developed several traffic calming proposals and presented them to the community, which pending agreement and consensus may be advanced to final engineering, prioritization and implementation through the City's traffic calming program. The potential solutions have included diagonal or perpendicular parking on Innes west of Hawes, squaring off the "S" curve of Hunters Point Boulevard, and narrowing the traffic lanes through the inclusion of bike lanes to slow traffic speeds. All City proposals specifically remain in the public right-of-way to avoid acquisition of private property staff is supportive of these improvements and have been working with residents Like the Hudson Avenue Bridge, the Transportation Plan does not preclude these solutions from being realized and SFMTA, Agency and Planning staff continue to work with the community to design and identify funding sources for the improvements.

Response 5 – Yosemite Slough Bridge, Purpose and Need

Comments Addressed: (2-1, 5-1, 6-1 11-through 11-13 and 12-4)

Summary of Objections Received on this Topic

Concerns over the proposed bridge across Yosemite Slough focused primarily on impacts to habitat due to shadow, noise and vibration and the proximity of the bridge to the Candlestick Point State Recreation Area. In addition, ArcEcology submitted its own analysis of an alternative route around Yosemite Slough (the "Slough"), which included detailed responses to the City's expressed concerns of a non-bridge alternate route around the Slough.

Background on Yosemite Slough Bridge

The Project's Transportation and Infrastructure Plans provide for the construction of an approximate 41 foot-wide bridge spanning the Slough which is limited to bike, pedestrian and transit use. However, in the event the San Francisco 49ers elect to build a new stadium at the Shipyard, the Project provides for an approximate 81 foot-wide bridge over the Slough that in addition to bike, pedestrian and transit use, could accommodate automobile traffic only on game days (collectively "the Bridge").

The FEIR evaluated an alternative Bus Rapid Transit ("BRT") route around the Slough (the "FEIR No-Bridge Alternative"). It was concluded that because this route would require a number

of right angle turns and additional signalized intersections, it would not provide a comparably direct route as compared to the route provided across the Bridge. As noted in the FEIR, a no-bridge scenario would not meet three key Project and Proposition G objectives: (1) to provide automobile, public transportation, and pedestrian connections between the Shipyard and Candlestick Point; (2) to create an appealing walkable urban environment served by transit; and (3) to provide the necessary transportation infrastructure, including automobile, public transit and pedestrian connections between Candlestick Point, the Shipyard and the larger Bayview neighborhood to facilitate the handling of game day traffic in conjunction with the proposed new 49ers stadium at the Shipyard.

SFMTA service planning, the Planning Department and the Agency concluded that the Bridge would best achieve these objectives, in addition to overall City goals and policies. In particular, staff identified the following concerns related to both the FEIR No-Bridge Alternative and the route proposed by Arc Ecology (“ArcEcology No-Bridge Alternative”) (collectively the “No-Bridge Alternatives”).

Safety: The No-Bridge Alternatives increase the number of potential intersection conflicts between BRT, auto, bicycle, and pedestrian traffic. The Bridge also avoids the “wall” effect that would be created for bicyclists and pedestrians by running BRT around the Slough.

Speed & Reliability: The City has reviewed its transit speed analysis and has determined that travel times may vary by as much as an additional 6 to 7.5 minutes with the No-Bridge Alternatives. Feedback collected through the Transit Effectiveness Project (“TEP”), found that the top concerns affecting Muni riders decision to take transit is speed and reliability.¹ The analysis found that the majority of riders:

- Are more likely to ride transit if it always showed up on time
- Would change form of travel if it saves time
- Prefer travel option that has predictable travel time

The effect of reliability on ridership becomes especially important for the majority of BRT riders who will connect to limited frequency Caltrain service, where missing a train can have a significant impact on overall transit times.

Operations: Slower speeds and decreased reliability translate to increased busses in order to maintain the transit headways. Using SFMTA’s service planning methodology, staff determined that each 5-minute delay will result in the need for one extra bus. The No-Bridge Alternatives would require a minimum of 2 additional vehicles, resulting in additional capital cost of \$2.4 million and operating costs of \$850,000 annually to provide the service headways planned for the peak commute period.

Impact on Adjacent Property: ArcEcology indicated that the City had not fully evaluated the organization’s proposed route around the Slough. City staff evaluated this route and found that

¹“Transit Effectiveness Project: Task 3 – Market Analysis, Preliminary Draft Findings.” San Francisco Municipal Transportation Agency, April 2007.

<http://www.sfmta.com/cms/mtepd/documents/10.10.07%20SFTEP%20Market%20Analysis%20ppt.pdf>

while intersection conflicts would be reduced, the ArcEcology No-Bridge Alternative from Thomas to Arelious Walker Drive appears to require moving the existing San Francisco Public Utilities Commission ("SFPUC") Griffith pump station and related underground utilities. According to SFPUC staff analysis, the relocation of the Griffith pump station would be a difficult and financially costly undertaking due to the complexity of the pipelines and conveyance structures, the depth of subsurface structures which would need to be relocated to connect to a new pump station, and the duration and scope of disruption to the surrounding neighborhoods.

Noise, Vibration, Shadow and other Biological Resource Impacts

Commenters raised concerns with potential noise, vibration and shadow impacts of the Bridge on Candlestick Point State Recreation Area ("State Park") and biological resources in the area. The impacts of the Bridge on biological resources related to shadow, noise and vibration were thoroughly discussed and analyzed in the FEIR and with mitigation, determined to be less than significant. There is no substantial evidence that special-status species are significantly impacted by the Project. As indicated in the FEIR, impacts to wildlife in the Slough are less than significant because the species involved (1) are a small number of non-listed individuals, (2) represent a very small fraction of large regional abundance, (3) would not substantially affect the recovery or conservation of the species, and (4) are mostly locally common and abundant in the region. In addition, the localized impacts on the Slough are minimally invasive, and the effects are temporary, mitigated, or insignificant to a real extent. For these reasons the biological impacts of the Project on were determined to be less than significant.

Commenters also raised concerns related to impacts on wetlands resulting from the Bridge. The Slough currently provides approximately 10 acres of tidally influenced habitats (primarily aquatic and mud flat habitat, with some vegetated tidal marsh). The Slough Restoration Project would restore 12 additional acres of tidally influenced habitat primarily vegetated wetlands. Construction of the 81-foot wide bridge will result in the permanent loss of 0.0113 acres of vegetated wetlands (including 0.0003 acres of new wetlands to be restored by the Slough Restoration Project), and 0.13 acres of "other waters" (i.e., aquatic and mudflat habitats). If the Bridge is constructed, the existing, degraded wetland habitat at the Slough would be replaced with new or restored habitat elsewhere.

Commenters also raised a concern related to noise impacts on the users of the State Park. The City's General Plan's "Land Use Compatibility Chart for Community Noise" indicates that new construction of parks should generally not be undertaken in areas where ambient noise levels exceed 75dBA. As discussed in the FEIR, the Project will result in an increase in noise levels in the areas adjacent to the State Park; however, these ambient noise levels are estimated to be well below the 70dBA level. Consistent with the definition of noise-sensitive receptors as defined by the Federal Transit Administration ("FTA") Impact Criteria for Noise-Sensitive Uses, park uses are not considered noise-sensitive receptors.

Impacts on State Park Recreational Experience

Commenters raised concerns related to the impact of the Bridge on the recreational experience of the State Park. Currently, the State Park has never realized its full potential and large portions of the State Park were never fully built out. The Slough does not currently provide any significant

recreational benefits or opportunities. As discussed in the FEIR, the Bridge would have a less than significant impact on future recreational experiences in the Slough. Additionally, the Bridge would add a further urban element to what will become – with the implementation of the Slough Restoration Project, a hybrid experience of nature in an urban setting. The Candlestick Point State Recreation Area Reconfiguration, Improvement and Transfer Agreement (“State Park Agreement”) for the Project provides that the Bridge will serve as a part of the open space network. In accordance with the State Park Agreement and the Interagency Cooperation Agreement between the City and the Agency, the Bridge would be required to function primarily for public transit, bicycle, and pedestrian use, and in the event the 49ers build a stadium on the Shipyard site, the Bridge would be closed to private motor vehicle traffic except to accommodate game-day traffic. In a non-stadium condition, the 81-foot bridge would be replaced with a 41-foot bridge restricted transit, pedestrians and bicycles. Without the Bridge, the unique recreational and viewing benefits provided for pedestrians and cyclists using the Bridge would not occur.

ArcEcology Comments

(11-1, 11-2, 11-3, 11-4, 11-5, 11-6, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12, and 11-13)

The ArcEcology letter, dated July 11, 2010, includes several examples of large freeways in San Francisco that were either constructed and later torn down or were never constructed in the first place due to local opposition. In many ways, the Project’s Transportation Plan is a legacy of these “freeway revolts” in that it includes narrow streets, a compact grid pattern, and substantial new investments in transit (see Response 4). The Bridge is the antithesis to the examples provided in the ArcEcology letter in that those freeways were designed to encourage and facilitate automobile travel (often at the expense of transit), while one of the primary purposes of the Bridge is to facilitate a new, high-capacity and high-frequency BRT system to reduce auto travel, consistent with the City’s “Transit First” policy and similar to other contemporary and significant transit corridor investments proposed in San Francisco that specifically separate transit operations from surface-level traffic conflicts (i.e., the Central Subway, the downtown Caltrain extension, and the Fort Mason streetcar tunnel). Numerous policies in the General Plan’s Transportation Element and SFMTA’s Transit Effectiveness Project call for separating transit and bicycles from automobile traffic conflicts and call for expediting BRT to the greatest extent possible.

The ArcEcology letter also notes that the rest of the BRT route, outside of the project area, includes numerous (“more than 80”) intersections on its way to Balboa Park BART. However, the segment of the BRT corridor which of the greatest concern to SFMTA is the portion that would operate on a dedicated right of way between the Shipyard Transit Center and the Bayshore Caltrain Station/T-Third Hub. This hub provides access to job centers in Silicon Valley and provides Peninsula commuters direct access via the BRT to the proposed clean-tech center and regional retail, eliminating the need to drive. Between Hunters Point and Caltrain, there are very few surface intersections (excluding the BRT stops themselves), making the bridge especially beneficial to a strong transit mode-split from local-to-regional travel. Furthermore, the future BRT extension beyond Caltrain to BART along Geneva would follow in a straight, direct path crossing less than 30 intersections over a course of approximately 4 miles with no jogs or

diversions – an ideal route for BRT. The No-Bridge Alternative as proposed by ArcEcology would not be such a straight path. The total number of intersections is not the only concern, but rather, it's the relative inefficiency of having to travel slower around a longer path.

Response to Comment 11-2: Turning movements

The alternative BRT route around the Slough studied in the FEIR was designed to avoid property takings and sought to remain within public right-of-way, a strong preference for the City. As such, the most direct around-the-Slough includes six additional right turns that do not occur with the Bridge. The No-Bridge Alternative as proposed by ArcEcology reduces the count to as little as two extra right turns, which still presents potential for extra travel time delay, but all involve more extensive acquisition or potential taking of property outside the public rights-of-way.

Response to Comment 11-3: Intersections and Priority Signals

In response to the City's concerns over the number of intersections associated with the No-Bridge Alternative as proposed by ArcEcology, the commenter points out that because the proposed route "hugs" the Slough side of the right-of-way, the actual number of intersections encountered on this route is fewer than the City had analyzed in the FEIR. The commenter suggests that the concern over the number of intersections around the Slough is unrealistic given the additional intersections that may be encountered along the Geneva portion of the BRT to the Balboa Park BART station.

The entire route along Geneva would be equipped with Transit Signal Priority ("TSP"). TSP is much more effective along a linear corridor with long blocks (i.e., Geneva Avenue) than along a route with shorter blocks, multiple turning movements, and non-through traffic such as parking and loading (i.e., the route around the Slough).

While the total number of intersections may be debated, the intersections are generally undesirable when an alternate route is available. The No-Bridge Alternatives would require slower speeds because it is not straight, has additional intersections, and is overall less reliable than a direct route with no conflicts. Fundamentally, the No-Bridge Alternatives require buses to travel a longer distance at slower speeds, resulting between a 6 to 7.5 minute travel time difference between the two routes. As discussed at the beginning of Response 5, additional travel time has significant impacts on the speed, reliability and operation of transit.

Response to Comment 11-4: Comparison with Commuter Rail

The comments provided suggest that in other areas of the region and the nation, commuter rail lines operate in industrial areas similar to the neighborhood surrounding the Slough, and that fences and other mechanisms could be effective at controlling access and could provide additional security. Unlike the proposed BRT system, which operates at 5-minute headways in both directions (average of one crossing every 2.5 minutes during peak hour), commuter rail is characterized by less frequent service. While commuter rail provides gates, bells, loud horns, etc., at every crossing, this would not be provided for BRT due to the high frequency of crossings. It is also important to note that Caltrain is currently spending hundreds of millions of

dollars to grade-separate as many crossings as possible due to collisions and neighborhood intrusions.

Finally, SFMTA would not be willing to compromise safety for speed and would therefore insist on slowing BRT operations through such turns and intersections off-sets. This condition is similar to J-Church operations where SFMTA's analysis indicates that the line struggles to attract Noe Valley riders who prefer to walk farther to catch BART for its much faster connections to downtown.²

Response to Comment 11-5: Travel Times around the Slough

In response to the City's concerns over increased BRT travel times around the Slough, ArcEcology questions the source of the City's statement that travel times would increase anywhere from 5 to 10 minutes in the FEIR No-Bridge Alternative. The estimate of travel time around Yosemite Slough was developed based on data regarding average vehicle travel speeds provided by SFMTA. That data notes that local bus service travels an average speed of 7 miles per hour ("mph"), while BRT service typically travels at 10 mph or greater. Although without the Bridge, the BRT would travel in exclusive right-of-way along part of the route around the Slough and due to safety precautions and the large number of right-angle turns through signalized intersections, the analysis assumes that the BRT would operate at speeds more similar to local bus service through this portion (i.e., 7 mph). The route across the Bridge would operate more similar to typical BRT speeds (i.e., 10 mph or faster). Because it would have no intersections, no turns, and no conflicting bicycle, pedestrian or traffic streams, travel across the bridge, which is a straight path with no stops, may actually permit higher speeds, potentially closer to 45 mph depending on other BRT criteria. A statistical basis for reduced ridership as a result of increased travel time is contained in the Transportation Study of the FEIR.

The commenter suggests that the Orange Line BRT in Southern California travels at average of 20 miles per hour; however, the Orange Line travels generally in a straight path with very far-spaced intersections and minimal diversions and curves with very large turning radii and operates in an environment more similar to the Bridge than the No-Bridge Alternatives. Further, the Orange Line was plagued by collisions upon opening such that a 10 mph speed restriction through intersections was enacted.

Response to Comment 11-6: Alternate Route is Unattractive

In response to the City's concerns over the attractiveness of the BRT route into the new Shipyard employment center, the commenter points to evidence indicating that the attractiveness is not a determinant for commuters who choose to take transit through industrial areas on other Bay Area transit systems. The commenter further asserts that the views from transit on the No-Bridge Alternatives are not substantially different from those that may be enjoyed on the Bridge.

The concern over the attractiveness of the Slough is less a concern for transit-ridership than the impact that a route around the Slough may have on people walking between the major attractions

² "J-Church Line Called Worst Performer in City." SF Examiner, May 6, 2009 and "City Aims to Get J-Church Back on Track." Noe Valley Voice, April 2007.

and residential areas of the Shipyard and Candlestick Point. Staff has determined that elimination of a walking route across the Bridge will increase the walking distance between the Shipyard and Candlestick Point by nearly a mile in length through an industrial area where the loading of trucks and hauling of freight and raw materials are vital economic functions that will discourage walking as a mode of travel between and among the new and existing neighborhoods.

While the Bay Trail may provide an alternative walking route, this route also presents significant safety concerns discussed in Response to Comment 11-9, below.

Response to Comment 11-7: Connection between CP and HP sites

The commenter notes that the City's desire for a "grand and direct" connection between the Candlestick Point and Hunters Point is subjective.

As discussed at the beginning of Response 5, an objective of Proposition G is the creation of an integrated development of the Candlestick Point and Shipyard areas with strong commercial, institutional, cultural, urban design, and transportation connections between the two areas in order to revitalize this area and reconnect it with the larger Bayview Hunters Point community and the City. The Bridge not only meets an aesthetic imperative for this connection, but provides the direct pedestrian and bicycle path required to connect the two sites. The direct, flat and safe bicycle and pedestrian paths provided by the Bridge between a major center of employment (the Shipyard R&D District) and of retail/entertainment (Candlestick Point) and their respective high-density neighborhoods is also a key part of the strategy to achieve a higher non-auto mode split, not only for work trips but for recreation, exercise, and shopping.

Response to Comment 11-8: Transportation Benefit to Existing BVHP Community

The commenter states that a bridge route BRT service away from the existing community.

Neither the FEIR No-Bridge Alternative nor the ArcEcology No-Bridge Alternative propose BRT stops between Crisp Avenue and Carroll Avenue, and therefore they both provide similar service to the existing community, except that the ArcEcology route creates longer, less reliable travel times for the community. BRT would not stop between Crisp/Walker and Carroll/Walker in part because the land uses are specifically non-transit oriented (uses are high-floor plate, low employment density) and because any intervening stop would add further delay between the Shipyard, Candlestick Point and the Caltrain Bayshore intermodal hub.

Response to Comment 11-9: Safety

The Project takes into account City policy recently adopted through the Eastern Neighborhoods planning process to protect Production, Distribution, and Repair ("PDR") uses and assumes that the industrial uses neighboring the Project site will remain. Without the Bridge, parents and children walking and bicycling from the residential neighborhoods south and west of the Slough to the ballfields on the Shipyard would travel through industrial areas along Ingalls and Jennings Streets where trucks would travel.

Some of these potential conflicts may be resolved or reduced with construction of the proposed Bay Trail route around the Slough. Under these conditions, the additional distance to travel

between the two sites without the Bridge would be approximately 2/3 mile, compared to conditions with the Bridge. The current design of the Bay Trail calls for an ADA-compliant, 12-foot-wide path made of decomposed granite. There would be lighting provided only at select locations along the trail (parking lots, overlook decks, etc.), and the facility would operate during park hours from 8:00 A.M. to sunset.

In general, an additional 1/3 to 2/3 mile is not a substantial increase for cyclists, particularly if the Bay Trail is constructed and a smooth route free of conflicting truck traffic and other industrial vehicle traffic is provided. However, the Bridge does provide a better environment for pedestrians, who are more sensitive to increases in walking distance. Additionally, because the Bridge would be lit, it would provide a better sense of personal security during evening hours, which are generally when the recreational fields at the Shipyard would be in use.

As described in the response to comment 11-6, there are concerns about the quality of the pedestrian connection between and among the new and existing neighborhoods. First, the industrial streets that would impact the No-Bridge Alternatives would typically be inactive after hours. Due to the industrial nature of this area, passive surveillance ("eyes on the street") during non-business hours would be limited. Second, in order to reduce intersection conflicts as proposed by ArcEcology, SFMTA would operate BRT in a dedicated lane on the Slough-side of Armstrong Avenue, Hawes Street and Thomas Avenue. In these instances, due to the high-frequency and relatively high operating speeds of transit in a dedicated right-of-way, SFMTA service planners would likely install a barrier (fence, hedge, wall, etc.) to prevent uncontrolled pedestrian access across the BRT laneway. The barrier, while necessary for safety, would literally create wall between the Slough and the neighborhoods.

In spring 2008, a series of land planning workshops were held throughout the Bayview to gather feedback on the draft land plan, the key concerns of nearby residents, and existing residents' desires for the proposed parks system. One of the strongest and most consistent comments made by workshop attendees was that, in making the Project a family-friendly development, the new streets and open space needed to be safe and well-lit for residents of all ages. Because any penetration into the Slough restoration area will require a signalized intersection to protect pedestrians crossing the BRT laneway, the goal of ensuring that residents are able to easily access the improvements around the Slough is at odds with limiting pedestrian conflicts BRT. In the No-Bridge Alternatives the laneways around the Slough would have the effect of "walling off" the Slough from the existing and future residents.

Response to Comment 11-10: Wetland Impacts

See response provided above in *Noise, Vibration, Shadow and other Biological Resource Impacts* and Comment 11-13, below.

Response to Comment 11-11: Marketability of Shipyard R&D District

ArcEcology notes that property values benefit from adjacency to parklands and recreational amenities because of their "aesthetic, calming and recreational value." This comment references recent highway demolition projects ascribing areas with increased land values with the demolition of highways. Consistent with ArcEcology's comments, the City agrees that these

amenities support positive land value. One of principal roles of the Bridge is to promote access and enjoyment of these amenities. However, interviews with the City's brokerage firms and studies also indicate a correlation between proximity to rail transit stations and increased property values and decreased vacancy rates for both commercial and residential development. These impacts can range from modest to large depending on the circumstances.³

While the No-Bridge Alternatives would still provide transit access to the Shipyard research and development ("R&D") district, the impacts to speed and reliability described above are also known to impact ridership, effectively making these properties less "transit-oriented." Agency and City staff consulted with commercial real estate brokers who corroborated these findings by relaying that potential commercial tenants consider regional accessibility one of the top concerns in making location decisions. The lack of a direct connection to the Shipyard R&D district from regional transit extends commute times and transit performance, which in turn undermines firms' ability to attract labor resources as compared to other regional locations which are better-served by transit.

Response to Comment 11-12: NFL Requirements

The commenter indicates that the City's obligation to provide a bridge for the 49ers is fading as the team continues to pursue a location in Santa Clara. For the reasons discussed above, and based on the past few years of consultation with the NFL and the San Francisco 49ers, the Bridge is essential in either a stadium or a non-stadium condition.

Proposition G, passed by the voters in 2008, encouraged a Project that included a new stadium on the Shipyard as an option should the 49ers and the City determine that the stadium is feasible. A new stadium at the Shipyard remains a potential option for the Project as the 49ers have not made a final decision about the location of a new stadium. In addition, one of the objectives of Proposition G is to "provide the parking, transportation, transit and other infrastructure necessary for the operation of the stadium, including automobile, public transit and pedestrian connections between the Shipyard Property and Candlestick Point in order to facilitate the efficient handling of game day traffic." The January 12, 2009, letter from Neil Glat of the NFL to Stanley Muraoka, the Agency's Environmental Review Officer, deemed the Bridge critical to providing stadium egress routes and access to a stadium at the Shipyard.

Response to Comment 11-13 Environmentalist Concerns about the 41-Foot Bridge

In the non-stadium scenario, the Project proposes a bridge that is 41-feet wide and restricted to transit, pedestrian and bicycle traffic. The commenter responds to a question regarding whether such a bridge would satisfy environments concerns. The commenter's response was

³ TCRP, 2007. *TCRP Report 95: Chapter 17 – Transit Oriented Development* (p. 96 – 97) Benjamin, J., and Sirmans, G., "Mass Transportation Apartment Rent and Property Values." *The Journal of Real Estate Research*, Vol. 12, No. 1 (1996); and Cervero, R., Murphy, S., Ferrell, C., Goguts, N., Tsai, Y., Arrington, G. B., Boroski, J., Smith-Heimer, J., Golem, R., Penger, P., Nakajima, E., Chui, E., Dunphy, R., Myers, M., McKay, S., and Witenstein, N., "Transit-Oriented Development in the United States: Experiences, Challenges, and Prospects." *TCRP Report 102*, Transportation Research Board, Washington, DC (2004); and Li, M., "Connecting the Dots: The Relationship Between Transit Oriented Development and Property Values." Unpublished. San Francisco, CA (2001).

“unfortunately no.” The commenter goes on to state that the Bridge would still impact wetlands and expresses concerns about approvals by regulatory agencies.

The concerns related to wetland impacts, impacts on the State Park, and impacts on biological resources are discussed above.

Additionally, the commenter notes that wetlands under construction by the State Parks Foundation are being paid for by the San Francisco International Airport under an order from the RWQCB for past destruction of critical wetlands and expressed concern that the impact of the Bridge on the adjacent wetlands could be significant enough to provoke the RWQCB to rescind its approval of these projects.

Based on the plans for the Yosemite Slough Restoration Project provided by WRA, consultants to the State Parks Foundation, the 81-foot wide Bridge would result in permanent impacts to 0.0003 acres of new/restored wetland proposed to be created as part of the Restoration Project, and would not preclude the restoration of any new/restored tidally influenced habitat. As a result, the Bridge would not preclude the ability of the Yosemite Slough Restoration Project to fulfill its wetland mitigation obligations or to achieve its goal of restoring approximately 12 acres of wetlands.

The commenter also states that the 41-foot bridge would not meet the requirements of the Bay Plan and Section 404 of the Clean Water Act because a feasible upland alternative exists. This determination is to be made by the Bay Conservation and Development Commission (“BCDC”) and the Army Corps of Engineers and will be based on a number of factors, including the ability of an upland alternative to fulfill the same purpose and need as the Bridge. The Army Corps/EPA Guidance states that the applicant is to consider alternatives that are practicable, and goes on to state that the factors considered in the analysis include “cost, technology and logistics.”

Based on the analysis and reasons mentioned above and in Response 4 and consistent with the findings adopted by the Agency Commission (Resolution No. 59-2010), the Bridge was determined to be operationally superior to the No-Bridge Alternatives.

Response 6 – Adequacy of the Below Market Rate Housing Plan

Comments Addressed: (1-4, 1-5, 7-2, 12-1, 12-3, 16-1, and 16-3)

Summary of Objections Received on this Topic

Comments challenged the depth of affordability required by the Project’s Below-Market Rate Housing Plan (“Housing Plan”), noting that the median income of the existing neighborhood is well below the City’s Area Median Income. There were also comments related to the potential for displacement, especially in the context of the outmigration of the City’s African-American population.

Neighborhood impacts associated of the proposed Redevelopment Plan Amendments are discussed in Chapter XIV of the Reports on the Redevelopment Plan Amendments which were distributed to the Board in May 2010. The analysis in this section finds that:

“Overall, the redevelopment of the [Hunters Point Shipyard] Project Area and the revitalization of the Bayview Hunters Point Project Area will have beneficial impacts upon the residents, property owners and businesses in the Bayview. The coordinated implementation of the Agency’s Redevelopment Program in these two Project Areas will bring about corresponding growth and development, making the Project Areas more attractive, which in turn will stimulate reinvestment. The Plan Amendments emphasize blight elimination, affordable housing development, improved transportation access and circulation, investment in commercial activities, creation of public open space and public facilities, and strengthening of the local economic base, which would create positive change in the Project Areas, the Bayview and the City as a whole.” (Hunters Point Shipyard Redevelopment Plan Amendment. May 2010. Page XIV-2)

The Redevelopment Plan Amendments call for the creation of affordable and mixed-income housing, and meet or exceed all requirements under CRL. The Housing Plan was developed to ensure that the Project includes a robust affordable housing program and that a significant part of the Project is devoted to the creation of affordable housing as well as workforce housing.

No Resident Displacement

Implementation of the Project will not result in displacement of residents from the Project site. There are currently no residents on the Shipyard and Candlestick Point sites, with the exception of 256 units of housing within the Alice Griffith public housing site. All 256 of these units will be replaced through a phased rebuild of the Alice Griffith site, so that existing Alice Griffith residents can move directly into new homes.

Structure and Intent of Housing Plan

The Housing Plan requires a greater proportion of affordable units to be made available at deeper level of affordability than is required by CRL. The primary focus of the Housing Plan is to provide housing opportunities for extremely low- and very-low income households (see the breakdown of below-market rate (“BMR”) housing units, below). However, it is also the express intent of the Housing Plan to create a mixed-income community that provides housing opportunities for a wide range of San Francisco households. New, mixed-income housing and its amenities can help to deconcentrate poverty, provide economic opportunity and benefits to existing BVHP residents and small business owners, and connect BVHP to the City as a whole. Affordable, mixed-income housing in BVHP is also uniquely situated to address a pressing problem in San Francisco: the out-migration of African Americans. Between 1990 and 2005, the City saw a loss of almost 30% of its African American population, including, since 2000, 33% of middle-income and 63% of upper middle-income African American households (“Report of the Mayor’s Task Force on African-American Out-Migration,” 2009). This report also details that upper middle-income African American households left the City due to concerns related to public safety and a lack of access to quality parks and open space, retail and economic development opportunities and other amenities. The Project’s provisions for Inclusionary and

Workforce Housing and other community benefits and enhancements addresses the dearth of affordable housing for middle-income households in the City and several of the issues identified in the report as causes of the out-migration of African Americans.

The Housing Plan production breakdown is provided below, assuming 10,500 units:

Housing Type	Number Units	Affordability	Percent of BMR Units	Overall Production Percentage
Alice Griffith Replacement Units	256	Rent set at 30% of household income. Average AG household rent approx. \$15,000/yr.	7.7%	2.4%
Affordable Rental Units	1,388	<60% AMI, with the goal of setting rents <= 50%AMI, per standard SFRA practice	41.5%	13.2%
Inclusionary Units	809	80-120% AMI	24.2%	7.7%
Workforce Units	892	140 – 160% AMI	26.7%	8.5%
Totals	3,345		100%	31.86%

As illustrated, 1,644 units, or nearly half of the below-market units produced, will be affordable to households earning approximately 50% of Area Median Income (“AMI”⁴), for San Francisco which is approximately equivalent the median income of households in Bayview Hunters Point. Sites for this extremely low- and very low-income housing will be delivered “building-ready,” i.e. with all required infrastructure. The developer will also provide \$70,000 per unit in direct construction subsidies for these developments. Both of these financial benefits will significantly facilitate the construction of these units.

In addition to extremely low- and very low-income housing, the Housing Plan provides 809 units of Inclusionary Housing, or 24% of the BMR housing total. These units are considered affordable for “moderate-income” households, whose incomes in 2010 range from \$71,550 to \$107,350 (for a household of 3). Assuming two wage earners in a household, this housing would typically be affordable to teachers, administrative clerks, telecommunications workers, firefighters, police officers, financial services support staff, and non-profit and social service providers, among other professions. (Note that an individual earning between 80% and 120% of AMI makes between \$55,700 and \$83,500/year.)

The final stratum of BMR housing, “Workforce Housing,” accounts for 26.7% of all BMR units produced (8.5% of total unit production) and is affordable to households earning more than traditional affordable housing income limits – 120% of AMI – but less than what is required to purchase a home in San Francisco. The applicable income range is 140% to 160% of AMI, or \$125,250 to \$143,000 (for a household of 3). Again, assuming two wage earners in a household, these homes also provide below-market opportunities for households working in many of the same professions described above. With a two-bedroom unit priced between \$400,000 and

⁴ 2010 Maximum Income By Household Size derived from the Unadjusted Area Median Income (AMI) for HUD Metro Fair Market Rent Area (HMFA) that contains San Francisco

\$500,000, Workforce Unit pricing is significantly below the average sale price of a home in San Francisco (approximately \$675,000 in Q2 2010).

The BMR housing obligations of the developer are specifically detailed in the DDA and the Housing Plan, with enforcement mechanisms that will ensure that the affordable housing production keeps pace with market-rate housing production.

One commenter noted that the Staples Community Benefits Agreement or "CBA" targeted affordable units to lower income levels than the Project. While the average affordability level is lower, the Staples CBA also required a much lower percentage of the project's units to be available at below-market rates; and the Staples CBA allowed the developer to build affordable units as studio apartments, rather than the two- or three-bedroom units as required under the Housing Plan.

Subdivision (b)(2) of Section 33413 of the Community Redevelopment Law requires that at least fifteen percent (15%) of all new and substantially rehabilitated dwelling units developed within a Project Area be affordable housing cost to households earning between 0 and 120% AMIX. The proposed Plan Amendments meet or exceed this threshold, with a minimum of 23% of new homes available to households earning between 0 and 12% AMI. These requirements are described in Section IV. B of the Hunters Point Shipyard Redevelopment Plan Amendment and Section 1.7.1 and 1.7.2 of the Bayview Hunters Point Redevelopment Plan Amendment.

Dependence on Federal Subsidies

One commenter indicated that implementation of the Housing Plan is dependent on the receipt of additional federal subsidies. No additional HUD financing, other than the continuation of operating subsidies already in place, are assumed for the reconstruction of Alice Griffith Replacement units. In fact, the unique public-private financing plan for Alice Griffith's replacement is a direct response to HUD's failure to provide the funding necessary for Alice Griffith. Alice Griffith will be developed in phases so that no displacement occurs. Eligible Alice Griffith residents will have the opportunity to move to the new, upgraded units directly from existing Alice Griffith units without having to relocate involuntarily outside of the Alice Griffith Site.

Use of Public Subsidies

Some comments implied that the developer has received a significant subsidy in the form of "free land." The land has little to no value without significant investment in infrastructure required to develop the Project and to connect this land with the rest of the City. Moreover, the transformation of an area such as Candlestick Point and Hunters Point Shipyard – 700 acres of vacant, blighted land – would not be possible through the application of San Francisco general fund and other governmental resources alone. Only by leveraging private equity, over \$700 million in the case of the Project, can the development occur that generates tax revenue and that provides the extensive community benefits that are included as part of the Project.

The development process starts with the installation of developer-funded infrastructure where it is now non-existent, including streets, utility lines, parks and open space and the payment of Alice Griffith and affordable housing subsidies as community benefit payments, in return for

land at no cost. The bulk of these benefits are required to be constructed up-front before the developer is allowed to sell or develop the improved land. The Project's first major phase includes the rebuild of Alice Griffith public housing units, the construction of replacement studio space for artists on Hunters Point Shipyard, the majority of the Project's most intensive park improvements and 42% below-market rate housing.

The Housing Plan requires the redevelopment of Alice Griffith in the first major phase, including payment of \$40,400,000 in developer subsidies. The developer is also obligated to provide building-ready pads for additional affordable housing development on pace with its development of market-rate housing. The payment of \$70,000 per affordable unit must accompany the delivery of each parcel when the Agency is ready to commence its construction of an affordable housing development. Staff from the Mayor's Office of Housing and the Redevelopment Agency's Housing division carefully screened housing development sites for stand-alone affordable and workforce housing projects to ensure that the selected parcels were proximate to parks and transit, distributed evenly throughout the Project site, distributed throughout major phases of the Project, and did not require any additional site engineering that may increase development costs.

Without the developer's up-front investment, the residential, retail, and commercial development that will generate tax increment for the City could not occur, and without this revenue, the extensive community benefits created by the Project would be unattainable. The Housing Plan measures the need for affordable housing in the City and neighborhood as well as the value of the tax increment revenues necessary to construct the Project's affordable units.

Response 7 – Community Benefits:

Comments Addressed: 12-5, 16-2, 16-5, 16-7

Summary of Objections Received on this Topic

Commenters raised concerns regarding the package of community benefits that are associated with the Project. In particular, a July 8, 2010 letter to the Board from Peter Marcuse, Chester Hartman, and Gilda Haas provides an analysis of the May 30, 2008, Core Community Benefits Agreement ("CCBA") between Lennar Communities, the San Francisco Labor Council, the San Francisco Organizing Project, a California nonprofit corporation ("SFOP"), and San Francisco Acorn ("Marcuse Letter"). The CCBA is a private agreement between individual parties and is not a part of the adoption of the Redevelopment Plan Amendments. However, several of the concerns noted by the authors are addressed in the Community Benefits Plan attached to the DDA approved by the Redevelopment Agency on June 3, 2010. Again, while the Community Benefits Plan is not a part of the Redevelopment Plan Amendments, we have nonetheless provided responses to the comments as set forth below.

The Community Benefits Plan incorporates provisions of the Lennar-AD10 CCBA, but also includes a variety of enhancements that resulted from an extensive community-based process that provided for a constructive and informed dialogue through the PAC and the CAC among City staff, the developer, and community members. The Community Benefits Plan covers a broad range of funding, facilities and programs intended to benefit the existing Bayview Hunters Point community from the replacement of Alice Griffith units in the first major phase to the

construction of artist replacement studios to the provision of land for community facilities to providing a spectrum of housing opportunities aimed at creating a true mixed-income community. As discussed above, ensuring that the Project remains financially feasible for a private development must be a principal concern due to the structure of redevelopment law itself. Without the required private investment, future tax increment cannot be generated and without tax increment, the Agency is unable to bond against future tax revenues and public investment cannot and will not occur.

The Marcuse Letter suggests that the enforcement responsibility and risk associated with the implementation of the CCBA are borne by the community. To the contrary, the Community Benefits Plan attached to the DDA ensures that Developer's ability to move forward with the project is directly tied to the delivery of the benefits and below-market rate housing in the Community Benefits and Housing Plans. Failure to perform obligations under the Community Benefits Plan is a breach of the DDA, and gives the Agency the right to all of its enforcement mechanisms under the DDA. The developer is required to provide 100% security at each stage of development, before land is transferred to the developer. Accordingly, the Agency can take action under the security instruments and, if that fails, then take action directly against the Developer. This includes actions for specific performance. Ultimately, the Agency can go so far as to terminate the developer's prospective development rights and opportunities and, in certain instances, take back land from the developer. As such, the Agency has appropriate remedies to protect the community and make sure that the risks of development remain on the developer, and not on the public.

Response 8 - Tidelands Trust

Comments Addressed (10-7 and 12-8)

Summary of Objections Received on this Topic

The commenter's are concerned that through Senate Bill 792 Lennar took 23 acres of Public Trust Land.

The Redevelopment Plan Amendments do not contemplate conveying lands subject to the public trust for commerce, navigation, and fisheries (the "Public Trust") to any private party. Any land conveyed into private ownership would be free of the Trust prior to such conveyance. The Redevelopment Plan Amendments, along with other Project-related plans and agreements, contemplate conveyances of Public Trust lands between and among several public entities, including the Agency, the City, the State Lands Commission, and the Port. The Legislature authorized these transactions through Senate Bill 792 ("SB 792"), which was signed by the Governor on October 11, 2009, and is codified as Chapter 203 of the Statutes of 2009. In addition, the State Lands Commission must approve these relevant agreements.

SB 792 specifically authorizes a land exchange to improve the configuration of public trust lands at the Shipyard and Candlestick Point by placing the trust along the entire shoreline and on other lands with high value to the trust, and removing the trust from interior lands that are cut off from the water, thereby removing impediments to their redevelopment. In all of these conveyances, each public entity holding Public Trust lands is statutorily authorized to act as trustee of such lands on behalf of the people of California. The Redevelopment Plan Amendments provide for

uses consistent with the Public Trust on all Trust lands within the plan area. *See* BVHP Plan Amendment §§ 1.2.1, 4.2.6, 4.2.9, 4.2.10; HPS Redevelopment Plan §§ II.A, II.B.1, II.B.2, II.C.2, II.C.3, II.D.4.

SB 792 also authorizes the reconfiguration and transfer of portions of the State Park from the State to the Agency in exchange for park improvements and an ongoing source of park operation and maintenance funding. The State Park master plan for Candlestick Point State Recreation Area has never been fully realized due to limited funding from the State. Despite the fact that the enhancement of the State Park has been a long time goal of the State, the Agency, the City and the Bayview Hunters Point community, vast areas of the park are under-utilized and under-developed dirt parking lots and rubble (as discussed in Response 5). In other areas, the park does not contain enough land adjacent to the shoreline to provide the desired level of public access. Given the State's current budget situation, and the likely constraint on revenues for the foreseeable future, there is little reason to expect this situation will change without dramatic intervention. Fortunately, the Project through the implementation of the State Park Agreement authorized under SB 792 will provide the dramatic intervention that the State Park needs.

The State Park agreement provides that approximately 26.8 acres within the State Park that are currently used primarily as a parking lot for events at Candlestick Park will be transferred to the Agency. In exchange for these lands, the Agency will transfer to the State approximately 5.7 acres adjacent to the State Park that will be added to the park and substantially expand shoreline access in the park. The Agency will also provide the State with a total of \$40 million worth of park improvements for the State Park and \$10 million for the park's operations and maintenance. The land transferred to the Agency from the State would be used for mixed-income housing including Alice Griffith replacement units, Agency affordable units, moderate income and workforce housing units as well as for new parks, roads and necessary infrastructure that serves the development and the improved and reconfigured State Park and Public Trust areas.

Sincerely,



Fred Blackwell
Executive Director

Attachments:

1: Objection letters and correspondence as indicated above

Cc:

Rick Caldeira – Office of the Clerk of the Board
Supervisor Eric Mar – District 1
Supervisor Alioto-Pier – District 2
Supervisor Chiu – District 3

Supervisor Chu – District 4
Supervisor Mirkarimi – District 5
Supervisor Daly – District 6
Supervisor Elsbernd – District 7
Supervisor Dufty – District 8
Supervisor Campos – District 9
Supervisor Maxwell – District 10
Supervisor Avalos – District 11
Tiffany Bohee – Office of Economic and Workforce Development

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Jill Fox. Email to the Board of Supervisors, 7/12/2010									
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Gregory Miller. Email to the Board of Supervisors, 7/12/2010									
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Kathy Howard. Email to the Board of Supervisors, 7/12/2010									
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Francisco DaCosta. Email to the Board of Supervisors, 7/12/2010									
7-1	•								
7-2					•				
Ahimsa Sumchai MD. Email to the Board of Supervisors, 7/11/2010									
8-1		•							
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Vicki Leidner. Email to the Board of Supervisors, 7/08/2010									
9-1	•								
Francisco DaCosta. Email to the Board of Supervisors, 7/06/2010									
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Comment Number
 Shipyard Cleanup
 Public Review & Consultation
 Process
 Capacity of the Project
 Developer
 Adequacy of the Project
 Plan
 Yosemite Slough Bridge,
 Purpose and Need
 Adequacy of Housing Plan
 Community Benefits
 Tidelands Trust
 No Response Required

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ArcEcology "Response to Lennar City Commentary on Bus Rapid Transit Alternative Route Concept" Presented at 7/13/10 Full Board meeting during public comment on the CEQA appeal hearing for the Candlestick Point - Hutners Point Shipyard Phase II FEIR

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Aaron Goodman. Email to Board of Supervisors, 7/11/2010

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Press Advisory distributed at the Board of Supervisors Land Use and Economic Development Committee, 7/12/2010

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Wilma Subra, Subra Company. Letter distributed at the Board of Supervisors Land Use and Economic Development Committee, 7/12/2010

14-1	•								
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Christopher D. Cook. Article distributed at the Board of Supervisors Land Use and Economic Development Committee, 7/12/2010: SF Public Press. "Homebuilder Lennar uses federal taxpayer funds to balance its books." July 6, 2010.

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Peter Marcuse, Chester Hartman, Gilda Haas. Letter distributed at the Board of Supervisors Land Use and Economic Development Committee, 7/12/2010

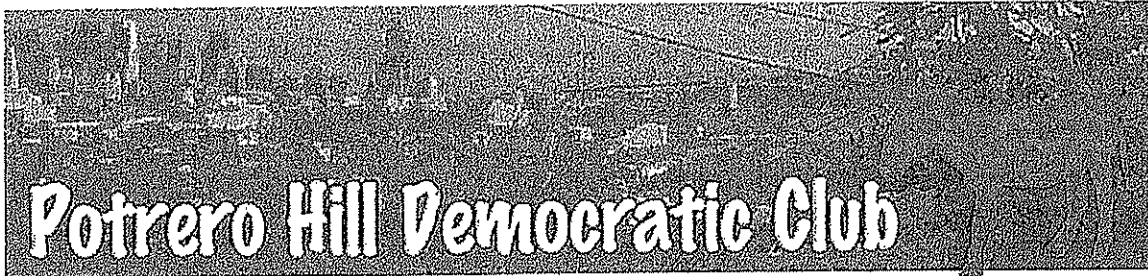
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Kristine Enea. Email to President of the Board of Supervisors, David Chiu, 07/14/2010

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Attachment 1

Objection Letters and Correspondence Received



San Francisco 94107

1459 18th Street, #152
San Francisco, CA 94107

San Francisco Board of Supervisors
1 Doctor Carlton B Goodlett Place
San Francisco, CA 94102
July 12, 2010

Re: Candlestick Point-Hunters Point Shipyard Phase II Final Environmental Impact Report

Dear Supervisors:

The Potrero Hill Democratic Club is committed to the values of building a strong and diverse economy, honoring labor, providing human services, and protecting the environment. The Club has been increasingly involved in issues of land use and development in the Southeast neighborhoods, and throughout District 10. In accordance with the core values of our club, we believe that any development should prioritize community needs and environmental health over developer timelines.

As we have been studying the Environmental Impact Report for the proposed development at the Hunters Point Naval Shipyard and Candlestick Point, we are very concerned about the serious environmental issues that are not being sufficiently addressed in this development. In addition to the numerous substantial environmental impacts admitted in the Report, we have four core areas of the concern regarding the insufficiency of the EIR:

1. **Early transfer.** The Environmental Impact Report for the Phase II Development at the Hunters Point Shipyard and Candlestick Point allows for the City of San Francisco to accept an "early transfer" of the various parcels of the Hunters Point Shipyard before the remediation and clean up is complete. The Navy is responsible for the cleanup of the toxic Superfund Site, and the City is supposed to act as the watchdog for the community. An early transfer that delegates this responsibility to the City, the Redevelopment Agency, and the private developer whose interests are primarily their own bottom line, severely undercuts the safeguard of thorough cleanup that the residents of San Francisco deserve. We can see examples in the Love Canal-type toxic development projects across the country, where corners are cut, and community health and safety are harmed in cases where developer timelines override community protection. San Francisco can and must

1-1

do better. In addition, the Final EIR does not effectively address how remediation workers, construction workers, new residents, and the existing surrounding community of families and children will be protected from toxic exposure as the most contaminated parcels are being dealt with in the later phases of the project development.

1-1

2. **The plan to cover up toxic contamination and build on top of contaminated land.** The Potrero Hill Democratic Club agrees with the values of Proposition P, voted by 87% of San Franciscans, for a complete and thorough clean up of the Shipyard. We do not support a cover-up that would leave significant levels of toxic contamination in the Shipyard and rely on institutional controls that restrict people from even being able to grow food because of the risks that would be associated with the soil beneath the homes and recreation areas. There needs to be a complete and thorough cleanup before any development project can be considered for the San Francisco's Superfund Site. Even if the Shipyard will not be suitable for residential development for a hundred years, we believe that the highest standards of community health should be the priority rather than the speed at which development of the contaminated land is able to move forward.

1-2

3. **An insufficient and inappropriate planning process, including the lack of a thorough transportation plan.** The Phase II Development for the Hunters Point Shipyard and Candlestick Point must include an effective transportation plan that would meet the needs of existing residents as well as a massive influx of potentially 20,000 new residents and potentially thousands of additional stadium goers. This is the largest Plan to come before the San Francisco Planning Department in history: over 770 acres of development, including a radiologically contaminated Superfund Site. And yet, the commissioners and the community have been given insufficient time to review documents and critical aspects of the plan. Zoning-related documents were being released two weeks before the Planning Commission vote on June 3rd. The community, the Commission, and the Supervisors are being asked to rubber-stamp plans that most decision makers and affected residents will not have had time to thoroughly read and evaluate.

1-3

1-4

4. **Disconnection between the planned development and the existing community.** The Phase II Development at the Hunters Point Shipyard and Candlestick Point is a plan for a massive 10,000-unit luxury condominium complex that is bigger than the entire number of dwelling units in Bernal Heights. The income levels for this massive new development are radically higher than the median income levels of the thousands of families in the existing community of Bayview Hunters Point. The plan must consider the cumulative impact of this new neighborhood that is being created and the connection that this development has to serve the interests of the existing neighborhood where it being built. San Francisco is in drastic need of low-income family housing and genuinely affordable housing. When proponents of the development reference 33 percent inclusionary below market-rate housing in this development, 15-17 percent of this housing is at 120-160 percent of Area Median income, or housing for individuals making over \$100,000 per year¹. The median household income in the existing community of

1-5

¹ http://www.sfraffordablehousing.org/images/2009_Income_Limits.pdf

Bayview Hunters Point in 2000 was \$43,650, far below the income requirements for the new inclusionary housing in the planned development. This is the biggest single project that the City has considered ever, and the neighborhood-serving elements of the development simply are not there in the plan as it exists right now.

1-5

In addition to the specific concerns we are raising about the Phase II Hunters Point Shipyard Candlestick Point Environmental Impact Report, the Potrero Hill Democratic Club also has deep concerns about the lead developer in the project, the Lennar Corporation. Because of the Statement of Overriding Considerations that the City proposes adopting to justify the numerous admitted environmental impacts of the project, the City must take into account Lennar's shockingly poor track record around environmentally contaminated development projects across the country. In Orlando, Florida Lennar built homes on a World War II bombing range and left un-detonated bombs underneath the homes and a daycare facility. Given this incredibly poor track record, the City must have an even higher standard for environmental safety and cleanup before any development is allowed to move forward under the development leadership of Lennar Corporation. Yet, sadly, the City's own record - with Redevelopment and for-profit developers in general - gives us little reason to believe that the promises contained in the Statement of Overriding Considerations will be achieved.

1-6

For all of these reasons, the Potrero Hill Democratic Club urges the San Francisco Board of Supervisors to reject this Environmental Impact Report and send it back to the Planning Department for a more thorough and responsible compliance with CEQA standards and the protection of community health and the environment in San Francisco. No condominium complex, sports stadium, or other development is worth the risks and the lack of effective mitigation measures reflected in this Environmental Impact Report.

Thank you for your consideration.

Respectfully,

The members of Potrero Hill
Democratic Club

Joni Eisen, President
415-648-6740
Contact_us@PHDemClub.org

File 100861



Ahimsa Sumchai MD
<asumchai@live.com>
06/26/2010 10:02 PM

To Board Supervisors <board_of_supervisors@ci.sf.ca.us>
cc
bcc
Subject CHALLENGING THE SHIPYARD/CANDLESTICK
ENVIRONMENTAL REVIEW

History: This message has been forwarded

AHIMSA PORTER SUMCHAI, M.D.

To: asumchai@sfbayview.com; editor@sfbayview.com; asumchai@live.com
Date: Sat, 26 Jun 2010 21:59:26 -0700
Subject: CHALLENGING THE SHIPYARD/CANDLESTICK ENVIRONMENTAL REVIEW
From: asumchai@sfbayview.com

**"I swear by Apollo Physician that I will fulfill this oath and this covenant;
I will keep them from harm and injustice."
Hippocratic Oath**

**CHALLENGING THE SHIPYARD/CANDLESTICK ENVIRONMENTAL
REVIEW**

**"The DEIR fails to quantify and properly mitigate significant fugitive dust
emissions due to construction. The DEIR illegally avoids quantification of toxic air
contaminant impacts from construction."**

**Law Offices of James Birkelund representing California State Parks Foundation Response to
Comments Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project C&R-637**

**In April of 2008 the Union of Concerned Scientists issued the results of a
survey sent to 5,419 EPA scientists. Of those who responded, more than half
reported having experienced political interference in their work. 900 scientists
confirmed the White House watered down documents regarding climate change,
inserted industry language into EPA power plant regulations and that scientific
advisory panel conclusions about toxic chemicals went unheeded.**

**The most spectacular example of collusive government interference in the
oversight of human health and safety occurred in the aftermath of the Twin Towers
destruction on September 11, 2001. Lower Manhattan was choked in dust clouds
that rose over 1000 feet subjecting residents, office and rescue workers to a
cocktail of toxic gases and airborne particulates.**

**In the days after September 11, the United States Environmental Protection
Agency (USEPA) and the Occupational Safety (OSHA) took air samples and
reported finding no excessive levels of asbestos, lead or volatile organic**

2-1

compounds in the air around Ground Zero. Contrary to these reports, dust samples taken from Ground Zero showed extremely high levels of asbestos.

In August of 2003 EPA Inspector General Nikki Tinsley admitted public statements issued by the agency were influenced by the National Security Council under the direction of the Bush White House. A 2004 report by the Sierra Club detailed the cover up of the public health hazards of Ground Zero orchestrated to "keep Wall Street rolling!" By June 2004 fifty seven Ground Zero workers had died from exposure to the toxics.

In striking parallel, in 2006 Dr. Mitch Katz, Director of the San Francisco Department of Public Health, issued an unsigned and undated "Fact sheet" about exposure to toxic asbestos and particulate containing construction dust from Lennar's Parcel A development site at the Hunters Point Shipyard. Katz stated, "The type of construction dust generated at the shipyard is common across California and was expected. The area is not contaminated with unsafe levels of chemicals."

According to the EPA Office of Air and Radiation, "Airborne particles, the main ingredient of haze, smoke and airborne dust can cause a number of serious health problems. Small particles less than 10 microns pose the greatest problems and can affect both your lungs and your heart. Numerous studies link particulate exposure to increased hospital admissions and emergency room visits and to death from heart or lung diseases. New studies show exposure to high particle levels to be associated with low birth weight infants, pre-term deliveries and fetal and infant deaths.

Mass grading and earthmoving activities began on Parcel A on April 25, 2006. In 2006 SFDPH issued three Notices of Violation to the developer concerning the generation of visible dust. According to a SFDPH memo dated June 2007, there were complaints about dust from the very beginning of the grading activities.

On August 7, 2008 Lennar CEO Kofi Bonner entered into a settlement agreement with BAAQMD Executive Officer Jack Broadbent to pay \$515,000 in civil penalties for violations of California Health and Safety Code Section 424 at the Hunters Point Shipyard in San Francisco, California.

On June 9, 2010 EPA published a final report on the shipyard toxic dust exposures. The EPA contradicts Katz in stating: "For metals, manganese poses the highest potential risk of exposure for the naturally occurring metals and lead poses the highest potential risk of possible Navy contaminants." For the first time EPA acknowledged its initial investigations did not specifically address the human impacts of dust exposure separate from exposure to naturally occurring asbestos.

Contradicting DPH claims that low level intermittent exposures to naturally occurring asbestos are safe, in a letter dated 9/10/07, Rick Kreutzer, M.D., Chief Environmental Health Investigations Branch of the California Department of Public Health writes, "There are studies in which long term low level non-occupational exposures in areas of the world where naturally occurring asbestos occurs caused a low but epidemiologically detectable risk of mesothelioma. For example an ecological study in California suggests an association between residential proximity to naturally occurring asbestos and mesothelioma."

Navy Archives document that in 1947 Navy personnel burned 610,000 gallons of radiation contaminated fuel oil in boilers at the shipyards power plants. The Navy acknowledged the fuel contained plutonium, which has a half life of 24,000 years. The radioactive fuel came from three ships towed back to the Hunters Point Shipyard after exposure to two 23 kiloton atom bombs during Operation Crossroads testing in the South Pacific. If inhaled and lodged in the lungs even tiny particles of plutonium can cause cancer.

According to Greenaction for Health and Environmental Justice, more than 80% of San Francisco's industrially zoned land is located in Southeast San

2-1

Francisco. This area is home to a federal superfund site at the Hunters Point Shipyard, the largest air polluter in San Francisco - the Mirant Potrero Power Plant, a sewage treatment plant which handles 80% of the City's solid wastes, 187 leaking underground fuel tanks and more than 124 hazardous waste handlers regulated by the USEPA.

Cumulative impacts describes the combined effect of adding pollutants to the environment over time. Impacts to health occur as the result of the combined effects of emissions from a variety of small and large pollution sources. A key provision of the California Environmental Quality Act requires that regulatory agencies analyze the impact of toxic emissions from a single source combined with the effects of nearby pollution.

The health of residents in Southeast San Francisco has been impacted by the cumulative contamination of the community's air, soil and water with more than 200 toxic chemicals according to the EPA including particulates, pesticides, petrochemicals, heavy metals, asbestos and radioactive materials.

Health surveys document rates of breast and cervical cancer double the rate found in other city neighborhoods and hospitalization rates for congestive heart failure, hypertension, diabetes and emphysema triple the statewide average. More than half of all infant mortality in San Francisco occurs in Bayview Hunters Point and Potrero Hill. Birth defects for the area was 44.3 per 1000 compared to 33.1 for the county of San Francisco.

Attorney James Birkelund on behalf of the California State Parks Foundation states, "The DEIR fails to adequately analyze cumulative impacts. An EIR must discuss significant cumulative impacts to be legally adequate."

According to Wilma Subra, Ph.D, "The EIR did not evaluate and assess the cumulative impacts of exposure to human and ecological receptors and the environment as a result of exposure to hydrocarbons, volatile organic compounds, PCB's, pesticides, heavy metals, asbestos and radionuclides."

On June 3, 2010 following a contentious hearing and a 4 to 3 split vote by the Planning Commission, the Shipyard/Candlestick Phase II draft EIR was certified as final. The massive project proposes over 10,000 residential units, over 1 million square feet of retail and office space, a 900 foot bridge, a massive transportation infrastructure and development over a 20 year construction period.

The Sierra Club, Golden Gate Audubon Society, San Francisco Tomorrow and The California Native Plant Association Care filed appeals on June 21, 2010 that force the San Francisco Board of Supervisors to vote on the adequacy of the environmental review. That vote is expected to occur on July 13, 2010. Additionally, Attorney Stephen C. Volker filed an appeal of the FEIR on behalf of Californians for Renewable Energy, an organization in the forefront of environmental justice actions in Bayview Hunters Point. The appeals prevent the city from seeking further approvals of the project from a roster of agencies, boards and commissions.

The Sierra Club Yodler calls on San Francisco Supervisors to stop the , "Hunters Point Disaster." A plan that would irreparably damage a state park by erecting a six lane road and bridge through Candlestick Point with a noise level equivalent to being 50 feet away from a freeway. Additionally, the Bayview community would continue to face the on-going threat of pollution from the U.S. Navy "dump" at the shipyard.

On June 2, 2010 the Bay Area Air Quality Management District, for the first time since 1999, approved new and more stringent thresholds of significance for air quality violations that make the negative and unmitigated violations documented in the DEIR even more egregious. The updated CEQA guidelines seek to better protect the health and well being of Bay Area residents by addressing new health

protective air quality standards, exposure to toxic air contaminants (TACS) and adverse effects from global climate disruption. The Air District adopted new air quality standards for ozone and particulate matter.

Under the new BAAQMD CEQA guidelines, the development projects construction related emissions of greenhouse gases and nitrogen oxides will be significant and unavoidable. Additionally, the environmental review failed to quantify the cancer risk associated with toxic air contaminants generated during construction but acknowledged that " due to the scale of the project the impacts from TACS bound to soil PM 10 would likely be above the BAAQMD's significance thresholds. "

Despite a new direction pioneered by the Obama Whitehouse vocalized by Lisa Jackson, the first African American administrator of the U.S. Environmental Protection Agency in her presentation to the Commonwealth Club of California on September, 29, 2009, the EPA continues to demonstrate politically influenced environmental health and justice decision making at the Hunters Point Shipyard.

Driving clearly "under the influence" of political pressure, on June 9, 2010 USEPA issued a final report titled Review of Dust and Naturally Occurring Asbestos Control Measures and Air Monitoring at the Hunters Point Shipyard. It concludes that proper safeguards for management of toxic dust exposures at the shipyard are in place. The timing of the release of the EPA final report on the heels of the certification of the Shipyard/Candlestick environmental review by Planning on June 3rd cannot be overlooked.

Ahimsa Porter Sumchal, M.D.

The New Busy Is not the too busy. Combine all your e-mail accounts with Hotmail. [Get busy.](#)

2-1

File 100261



Ahimsa Porter Sumchai M.D.
<asumchai@sfbayview.com>

To <board_of_supervisors@ci.sf.ca.us>

cc

06/25/2010 10:18 PM

bcc

Please respond to
asumchai@sfbayview.com

Subject Scientist Wilma Subra: Analysis of Lennar's EIR

History: This message has been forwarded.

Ahimsa Porter Sumchai, M.D.

----- Original Message -----

From: SF Bay View editor@sfbayview.com

To: Ahimsa Sumchai asumchai@sfbayview.com

Sent: Thu 21/01/10 1:13 PM

Subject: Fwd: [Fwd: [Fwd: Scientist Wilma Subra: Analysis of Lennar's EIR]]

Here's the info from Wilma Subra via Jaron.

----- Original Message -----

Subject: [Fwd: Scientist Wilma Subra: Analysis of Lennar's EIR]

Date: Wed, 20 Jan 2010 20:50:12 -0800

From: SF Bay View

Organization: San Francisco Bay View National Black Newspaper

To: Ahimsa Sumchai

3-1

It strikes me that many people reading this who hadn't read the EIR and knew nothing about what we've been up against would say, "Well, if that's all that's wrong, it doesn't sound very serious."

----- Original Message -----

Subject: Scientist Wilma Subra: Analysis of Lennar's EIR

Date: Sun, 17 Jan 2010 10:25:32 -0800

From: jaron browne

To: SF Bay View , DaCosta Francisco , Francisco Da Costa

Attached are the written comments on the EIR that were submitted by Wilma Subra, as well as her CV illustrating many of her credentials. I meant to send this to you all earlier in the week.

Willie and Mary – could we print this in the paper? Look it over and let me know what you think.

Thank you!
Jaron

Jaron Browne

People Organized to Win Employment Rights (POWER)
(415) 864-8372 - phone
(415) 864-8373 - fax
www.peopleorganized.org

Mission Office – main mailing address

335 S. Van Ness, 2nd Floor
San Francisco, CA 94103

Bayview Office

4923 Third Street
San Francisco, CA 94124

3-1



TASC R9-Hunters Point Draft EIR Comments 1-12-10.doc



TASC R9-Hunters Point Draft EIR Comments 1-12-10.pdf



Wilma A. Subra - CV.doc

File 100861



Technical Assistance Services for Communities
Contract No.: EP-W-07-059
TASC WA No.: TASC-2-R9
Technical Directive No.: TASC-2-Region 9 Bay View Hunters Point-14

**Comments on Candlestick Point-Hunters Point Shipyard Phase II Development Plan
Project Draft Environmental Impact Report**

January 12, 2010

The following are comments prepared after a review of the Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project Draft Environmental Impact Report, primarily Section III.K. Hazards and Hazardous Materials.

Early Transfer

The Navy is proposing to transfer ownership and control of the property at Hunters Point Shipyard (HPS) Phase II portion to the San Francisco Redevelopment Agency on an early transfer basis before remedial activities are completed. The San Francisco Redevelopment Agency can then transfer the remedial obligations to Project Applicants. This will ultimately result in construction of the proposed redevelopment and occupancy of redevelopment structures and units while remediation activities are still ongoing at HPS Phase II.

3-1

The San Francisco Redevelopment Agency would be responsible for remedial activities from the time of transfer under the terms of the Early Transfer Cooperative Agreement. If the San Francisco Redevelopment Agency transfers ownership to a Project Applicant, the Project Applicant would then be responsible for the remaining remediation under an Administrative Order on Consent.

The early transfer of property in HPS Phase II requires that prior to transfer of the property that is not completely remediated, the Navy must "insure that the property is suitable for the intended use and consistent with protection of human health and the environment." In addition, the Navy has to complete all radiological cleanup activities on each parcel in HPS Phase II and obtain approved Record of Decisions (RODs) for each parcel prior to transfer. Responsibility for remedial work not performed prior to the transfer would become the responsibility of the San Francisco Redevelopment Agency and/or Project Applicant. Navy funds would be provided to complete the Navy's remediation obligations. The Navy retains ultimate responsibility for the site remediation.

Radiological cleanup activities are ongoing at a number of parcels of HPS Phase II. Site investigations and ecological assessments are ongoing at a number of parcels in HPS Phase II.

Parcel B had an amended ROD finalized in February 2009. The draft ROD for parcels C and UC-2 were to be issued in December 2009 and the final RODs are proposed to be signed within 2010.

The ROD for parcel D (D-1, D-2, G and UC-1) was issued in 2009. The draft Proposed Plan and draft ROD for parcels E and E2 are expected in the 2010-2011 time frame. Parcel F is anticipated to have a draft Proposed Plan and draft ROD issued in 2012 or 2013. On page III.K-81, the text states that the RODs are expected to be final for all parcels of HPS Phase II by summer 2012. This does not agree with the text for parcel F (page III.K-26) which indicates a draft ROD is anticipated to be issued in 2012 or 2013. This time frame for the draft ROD, not the final ROD is based on information from the California Department of Toxic Substances Control (DTSC) data from Hunters Point Naval Shipyard Parcel F and is later than the date presented on page III.K-81.

If the parcels are transferred immediately after the RODs are finalized, then the San Francisco Redevelopment Agency and/or Project Applicant will be responsible for developing the Remedial Design document, having the document reviewed and approved, and conducting the Remedial Actions required in the ROD. The remedial work could be extensive on each parcel. The remedial work being conducted by contractors of the San Francisco Redevelopment Agency and the Project Applicant will be occurring at the same time and in close proximity to redevelopment work being performed by contractors of the San Francisco Redevelopment Agency and Project Applicant. The potential exist to contaminate on-site workers constructing redevelopment units, on-site occupants of the redevelopment units and school students, teachers, staff and visitors at adjacent elementary schools. In addition, U.S. Environmental Protection Agency (EPA) oversight of remedial actions being performed by contractors for the San Francisco Redevelopment Agency and Project Applicants will require additional agency resources and could result in less oversight than is currently occurring with the Navy being responsible for the remedial actions.

3-1

Areas of Concern With Early Transfer

1. Exposure of construction workers engaged in redevelopment activities.
2. Exposure of occupants in the redeveloped locations and sites.
3. Exposure to school students, staff, teachers and visitors at Bret Harte Elementary School and Muhammad University of Islam elementary school while remedial activities are ongoing.
4. Potential lack of adequate oversight of San Francisco Redevelopment Agency and Project Applicants contractors performing remedial activities in place of Navy contractors under the oversight of EPA. This could lead to multiple entities with multiple contractors performing remedial activities that could lead to fragmented oversight and result in inadequate remedial activities and potential environmental and human health exposures.

Hazardous Materials Use

The text indicates that hazardous materials, their "use, storage and disposal, are subject to numerous laws and regulations. In most cases, the laws and regulations pertaining to hazardous materials management are sufficient to minimize risks to human health and the environment,

3-2

except where site-specific conditions warrant additional considerations." In the situations referred to as "most cases" there is a lack of requirements for adequate oversight and enforcement of the laws and regulations. In the situations referred to as "site-specific conditions" warranting additional considerations, the issues of oversight and enforcement are also lacking. The lack of enforcement of the laws and regulations can result in substantial impacts to human health and the environment. In the case of Hunters Point Shipyard, the issues associated with enforcement are critical to the protection of human health and the environment.

Hazardous Contaminants

According to the Environmental Impact Report "chemicals and radioactive materials are present in soil and groundwater in various locations throughout Hunters Point Shipyard Phase II at levels that require remediation." The chemicals contaminating Hunters Point Shipyard Phase II consist of radionuclides, volatile organic compounds (VOC; benzene, carbon tetrachloride, chloroform, naphthalene, tetrachloroethane and others), semi-volatile organic compounds, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, polychlorinated biphenyls (PCBs), pesticides, heavy metals (arsenic, beryllium, chromium, chromium VI, lead, manganese, mercury and nickel), and asbestos. The bay fill material at Candlestick Point contains hydrocarbons, polycyclic aromatic hydrocarbons, semi-volatile organic compounds, PCBs, chlorinated pesticides, heavy metals (chromium VI, copper, lead, mercury, nickel, and zinc), and asbestos.

According to the Environmental Impact Report, institutional controls are "expected to be imposed at most or all areas of HPS Phase II after remediation is complete." The institutional controls are required in areas where residual levels of hazardous materials remain on the property after remediation. The Candlestick Point area will also have institutional control restrictions due to "the ubiquitous nature of low levels of hazardous materials in Bay Fill that make it infeasible to remediate all of those materials."

3-2

Concerns exist about adequate notification and education of residents, workers and visitors to the site, of the restrictions and conditions contained in the institutional controls. In addition, the question of adequacy of enforcement of the institutional control conditions by the oversight agencies also raises concerns.

There is the potential to encounter previously unidentified hazardous materials during excavation for remediation or redevelopment construction activities. The potential exists that the hazardous waste materials will negatively impact the human health of workers, community members and school students, teachers and staff and the environment. This issue could be addressed in the Environmental Impact Report.

According to the Environmental Impact Report, "development and occupancy of some portions of the Project would occur at the same time as demolition and construction would occur in other portions of the Project site. The Environmental Impact Report contends that "relatively few individuals would be exposed to the potential contaminated materials during the initial construction" phase of redevelopment. However, "during later periods of construction... an increasingly greater number of people could be affected by construction activities involving the disturbance of contaminated soils or groundwater." "This could be a particular issue in the

residential portions of HPS Phase II where construction in contaminated soils may occur near occupied residential units.”

Exposure of occupants on the site to hazardous materials remaining on the site after remediation and exposure of the occupants to hazardous materials from demolition and construction activities in the areas occupied by individuals in the developed units is of great concern. Site remediation occurring at the same time as early transfer, redevelopment and occupancy may lead to unacceptable exposure of occupants to hazardous materials disturbed by remedial activities and construction activities.

3-2

Schools Within One-Quarter Mile of Hunters Point Shipyard

The Muhammad University of Islam (MUI), a year-round elementary school, is located adjacent to the Hillside portion of HPS Phase I. It is within one quarter mile of the western most portion of the project boundary. “Demolition or renovation of existing structures in HPS Phase II could result in potential exposure of students, teachers, staff, and visitors at MUI to hazardous building materials during construction, without proper abatement procedures.”

The Bret Harte Elementary School is within one-quarter mile of the Alice Griffith public housing development. Demolition or renovation at the Alice Griffith public housing development could “result in potential exposure of students, teachers, staff and visitors at the school to hazardous building materials during construction, without proper abatement procedures.”

3-3

According to the Environmental Impact Report, “to reduce the potential for the school sites to be exposed to hazardous air emissions, the Project would comply with regulations and guidelines pertaining to abatement of and protection from exposure to asbestos and lead.” The school sites are vulnerable to the air emissions and totally dependent on the contractors of the Navy, San Francisco Redevelopment Agency, and Project Applicants to comply with the regulations and guidelines and the oversight agencies to ensure compliance with the regulations and guidelines so that the health of students, teachers, staff and visitors is protected. The Environmental Impact Report could detail a mechanism for immediate notification of the two schools of any failures of the contractors on Candlestick Point and HPS Phase II to comply with the regulations and guidelines and also to advise the schools of measures that can be taken to protect the health of the students, teachers, staff and visitors. A notification mechanism would greatly assist in human health protection at the two schools.

Need for Additional Procedures

The Environmental Impact Report did not evaluate and assess the cumulative impacts of exposure to human and ecological receptors and the environment as a result of exposure to hydrocarbons, volatile and semi-volatile organic compounds, PCBs, pesticides, heavy metals, asbestos and radionuclides.

3-4

The Environmental Impact Report also did not establish a mechanism for notification and education of community members and school students, teachers, staff and visitors occupying the property adjacent to the site about the proper precautions and procedures to avoid and reduce

their exposure to hazardous materials from remedial and redevelopment activities ongoing at the site.

The Environmental Impact Report also did not develop and provide for dissemination of information on institutional controls and exposure avoidance mechanisms for new occupants on the site, workers constructing development units on the site, and shoppers, workers and visitors at business units on the site. The redevelopment and utilization of the site while site remediation is still underway has the potential to expose members of the public to hazardous materials being remediated. In addition, even after the site remediation is complete, the site will still contain hazardous materials under the surface of the site. Individuals living, working and visiting the site must be aware of the situation and understand the requirements to prevent exposure to the hazardous materials remaining on the site.

3-4

Finally, the Environmental Impact Report did not provide for adequate oversight and enforcement of the terms of the Early Transfer Cooperative Agreement, Administrative Orders on Consent, and the RODs and Remedial Designs for each parcel on the Candlestick Point and HPS Phase II sites. This lack of adequate oversight and enforcement could result in exposure of humans and the environment to hazardous materials on the sites and potentially flawed remedies being implemented.

Contact Information

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337 367 2217 (fax)
subracom@aol.com

EDUCATION:

B.S., Microbiology/Chemistry, University of Southwestern Louisiana, Lafayette, Louisiana, 1965.
M.S., Microbiology/Chemistry, University of Southwestern Louisiana, 1966.

POSITIONS HELD:

President, Subra Company, Inc., New Iberia, Louisiana, May 1981 to Present.
Acting Manager, Department of Analytical Biochemistry, Gulf South Research Institute, New Iberia, Louisiana, 1981.
Chemist and Program Chemist of the Carcinogenesis Bioassay Subcontract for National Cancer Institute, Gulf South Research Institute, 1972-1981.
Associate Manager, Department of Analytical Biochemistry, Gulf South Research Institute, 1979-1981.
Group Leader, Department of Analytical Biochemistry, Gulf South Research Institute, 1974-1979.
Microbiologist and Biostatistician, Gulf South Research Institute, 1967-1974.
Teacher of Modern Mathematics, Seventh and Eighth Grade Students, Iberia Parish Schools, 1966-1967.
Laboratory Instructor and Research Assistant, University of Southwestern Louisiana, 1965-1966.
Teacher of Computer Techniques, University of Southwestern Louisiana, 1964-1965.

COMMITTEE MEMBERSHIPS

Louisiana Emergency Response Commission, 1988 to 1992
Chairman of the Iberia Parish Emergency Response Commission, 1988 to present
Citizens Environmental Advisory Committee to Louisiana Department of Environmental Quality (LADEQ), 1988 to 1993
Chairman of the Citizens Environmental Advisory Committee to LADEQ, 1990 to 1993
Chairman of the Solid Waste Advisory Subcommittee to LADEQ, 1988 to 1990
Chairman of the Rules and Regulations Committee on Solid Waste Reduction and Recycling, LADEQ, 1989 to 1992
Iberia Parish Coastal Zone Management Advisory Committee
Louisiana Environmental Action Network Leadership Committee
National Citizen's Network on Oil and Gas Wastes, 1986-1996
Louisiana Governor-Elect Roemer's Transition Environmental Advisory Panel, 1987
EPA Class II Injection Well Advisory Committee, 1990 to 1993
Chairman of the Review Committee for Louisiana Proposed Solid Waste Regulations, 1991

Member of the IOGCC Review Team for the Pennsylvania State Oil and Gas Waste Program, 1991 to 1992
Louisiana Governor-Elect Edwin Edwards Environmental Transition Team, 1991 to 1992
Louisiana DEQ NORM Committee to develop regulations and disposal options for Oil and Gas NORM Waste, 1992
National Commission on Superfund, 1993 to 1995
EPA Common Sense Initiative, Petroleum Refining Sector Subcommittee, 1994 to 1999
DEQ Recycling and Solid Waste Reduction Committee, 1995
EPA Permit Reform Committee, 1997
EPA Toxics Data Reporting Committee of the National Advisory Council for Environmental Policy and Technology, 1997 to 1999
EPA RCRA Remedial Waste Policy Advisory Committee 1997 to 2000
EPA National Advisory Council for Environmental Policy and Technology (NACEPT), 1999 to 2005, Vice-Chair
EPA NACEPT Standing Committee on Sectors, Co-Chairperson, 1999 to 2002
EPA NACEPT Petroleum Refining Sector Workgroup, 1999 to 2002
EPA National Advisory Committee (NAC) to the U.S. Representative to the Commission for Environmental Cooperation (CEC) 2000 to 2005
EPA National Environmental Justice Advisory Council (NEJAC), 2001 to Sep. 2006
EPA National Advisory Council for Environmental Policy and Technology (NACEPT), Superfund Subcommittee, 2002 to 2003
EPA National Environmental Justice Advisory Council (NEJAC), Pollution Prevention Work Group, Co-Chair, 2002 to 2003
EPA National Environmental Justice Advisory Council (NEJAC) Cumulative Risk/Impacts Work Group, 2003-2005
State Review of Oil and Natural Gas Environmental Regulations Board (STRONGER), 2004 to present
EPA National Environmental Justice Advisory Council (NEJAC) Gulf Coast Hurricanes Work Group, 2005-2006
Vice-Chair of Board of State Review of Oil and Natural Gas Environmental Regulations, 2007

AWARDS

Women of Achievement Award from Connections, 1989.
Louisiana Wildlife Federation's Governor's Conservation Achievement Award, 1989.
MacArthur Fellowship Award from John D. and Catherine T. MacArthur Foundation, 1999.
Volvo for Life Award, Environmental Category, one of three national finalists 2004.

File 100261



"Jill Fox"
<ibjill@comcast.net>
07/12/2010 06:53 PM

To <Board.of.Supervisors@sfgov.org>
cc <Michela.Alioto-Pier@sfgov.org>, <John.Avalos@sfgov.org>, <David.Campos@sfgov.org>, <David.Chiu@sfgov.org>, <Carmen.Chu@sfgov.org>
bcc
Subject Comment for July 13: Certification of a Final Environmental Impact Report, Planning Case No. 2007.0946E, through its Motion No. 18096

History: This message has been forwarded.

1 attachment



HPS July 2010 Comments.doc

The text of this comment is also attached.

Dear Supervisor,

I am writing as "Public Comment" concerning the Environmental Impact report on the Hunters Point Shipyard / Candlestick Project because I am not able to attend the hearing on July 13, 2010. I live on Innes Avenue just 1/2 mile from the gate of the Hunters Point Shipyard.

I request that you **NOT approve the EIR** until a better solution is found for transportation through my neighborhood. I believe that, as designed, there is an undo burden on the north side (namely Innes Avenue), that the EIR fails to mitigate.

4-1

It does not matter if there is a bridge over Yosemite Slough or not – there is only one way for cars to travel from the Shipyard to downtown San Francisco and 101 to the rest of the world and that is via Innes Avenue. All you have to do is look at a map to see that, especially given the fact that the developers and the CAC have eliminated any other options to go north.

THIS IS THE PROBLEM

In order to accommodate this huge increase in traffic -- including trucks, buses, and bikes -- for all of these new residents and workers, **the developers have decided to eliminate parking on Innes Avenue**. This is not fair to current residents. Where else in San Francisco must existing residents and business owners lose property value and quality of life for the benefit of a developer?

4-2

Innes Avenue has been a mixed business and residential street since the 1870s. Not all residential properties have garages. No commercial properties have on-site parking for their employees. There are also two churches in this area, without off-street parking for services and events. Plus, a number of people who live in the West Brook Public Housing (above Innes Avenue to the west) park on Innes Avenue because it is closer to their homes (and safer for their cars). There are NO side street options. There are no

parking lots.

I am not coming to you at the last minute with this concern. **I am comment #96 in the 35 -pound EIR document.** I have been to multiple meetings for more than 15 years where I have made these comments. Along with other members of the India Basin Neighborhood Association, I have helped create a Community Vision for the India Basin waterfront (Redevelopment Area C) that mitigates some the transportation problems to the Shipyard.

4-2

HERE IS THE SOLUTION

The EIR response to my comment is to ignore the concern. This is not fair. Our solution is logical and healthier for our community:

- Continue the Class 1 Bike / Ped Path from Cargo Way (where it is planned) through the India Basin community (per the Community Vision for Redevelopment Area C)
- Acquire and develop Hudson Avenue as the Class 1 Bike Ped Path from Hunters Point Boulevard into the Shipyard. This is safer and more scenic than bikes on Innes Avenue.
- Remove the bike lanes from Innes Avenue (as well as Hunters Point Boulevard and Evans). This 8-foot gain maintains parking, trees, and standard sidewalks on Innes
- Make the Hudson Avenue acquisition and the creation of the Class 1 Bike / Ped Path part of the HPS development burden NOT on the much smaller Area C because the entire reason that this is needed is because of the HPS development
- Make these transit improvements first so existing residents gain the benefits now AND so that new residents and employees come into the community with alternative transit options and can be encouraged to move here for that reason
- Work with the community on additional transit, open space, and amenity improvements in Area C, which will also serve HPS, so that we can truly develop a 21st century neighborhood

4-3

MY REQUEST TO YOU

This city needs to practice what it preaches – where's the Better Streets Plan for Innes Avenue? If this is a 'transit first' city – why is all the transit geared for cars (and much later buses) and not 21st century thinking like water taxis, commute bikes, at least car share, etc?

Please DO NOT APPROVE the HPS / Candlestick project EIR until these suggested solutions are included and we have comprehensive planning around transportation through India Basin.

I am happy to meet with you to elaborate on these ideas. I can take you on a walking tour of India Basin – or bring a Power Point virtual tour to you – at any time.

Thank you for your consideration.

Jill Fox
911 Innes Avenue
San Francisco 94124
415 285-9211
ibjill@comcast.net

File 100861

Board of
Supervisors/BOS/SFGOV
07/12/2010 05:43 PM

To: BOS Constituent Mail Distribution,
cc
bcc
Subject: File 100861: EIR for Candlestick/HP -- REJECT Yosemite
Slough BRIDGE



"howmiller"
<howmiller@earthlink.net>
07/12/2010 12:40 AM

Please respond to
<howmiller@earthlink.net>

To: <howmiller@earthlink.net>
cc
Subject: EIR for Candlestick/HP -- REJECT Yosemite Slough
BRIDGE

Dear Supervisor,

Please reject the section of the EIR for Candlestick-Hunters Point development that allows for the construction of a bridge over Yosemite Slough. The bridge is not necessary and an upland alternate route exists. The bridge will go through San Francisco's largest restored wetland and a vital wintering and breeding site for many sensitive bird species. This is not only a bridge through a restored wetland, but also one through a state park.

Thank you for your consideration.

Gregory Miller
566-1860



5-1

File 100861



"Kathy Howard"
<kathyhoward@earthlink.net>

To "Kathy Howard" <kathyhoward@earthlink.net>

cc

07/12/2010 12:40 AM

bcc

Please respond to
<kathyhoward@earthlink.net>

Subject Please reject the bridge over Yosemite Slough - EIR for
Candlestick-Hunters Point

History: This message has been forwarded.

Dear Supervisor,

Please reject the section of the EIR for Candlestick-Hunters Point development that allows for the construction of a bridge over Yosemite Slough. The bridge is not necessary and an upland alternate route exists. The bridge will go through San Francisco's largest restored wetland and a vital wintering and breeding site for many sensitive bird species.

This is not only a bridge through a restored wetland, but also one through a state park!

San Francisco is supposed to be headed towards a car-free or at least a less car-dependent system. Remember how wonderful it was when the Embarcadero Freeway came down, and we could again enjoy the beautiful waterfront! Somehow, we have all survived this change .

Our open space is too precious to waste to save a few minutes of time.

Thank you for your consideration.

Kathy Howard
1243 42nd Avenue
SF , CA 94122

6-1

File 100861

Board of
Supervisors/BOS/SFGOV
07/12/2010 05:28 PM

To BOS Constituent Mail Distribution,
cc
bcc
Subject File 100861: Alice Griffith Public Housing



Francisco Da Costa
<fdc1947@gmail.com>
07/12/2010 07:40 AM

To Francisco Da Costa <fdc1947@gmail.com>
cc
Subject Alice Griffith Public Housing

Tomorrow, I will NOT be here but paradoxically an important decision will take place - if the San Francisco Board of Supervisors - Votes No on the EIR linked to Hunters Point Shipyard and Candlestick Park - we, must be prepared to implement a plan that makes sense - and firstly, assures Quality of Life issues and this includes a through cleanup so that no life and that includes human life is comprised. If have this if we follow the Precautionary Principle that is on our books and is law. We will also hold up the genuine and decent laws linked to Environmental Justice.

Kudos to the many who commented on the Draft Environmental Impact Report and the Comments and Responses - in total over 11,000 pages and did a good job. We also want to thank all those who put their hearts and heads together to file the Appeal in a timely manner and with consensus - this says a lot.

The hundreds who came to City Hall to testify in a decent manner and uphold the values that the Bayview Hunters Point community has upheld through the few leaders that know the way, show the way and go the way. We went out of way to invite the various San Francisco, Board of Supervisors and explain to them the reality of the day - and how the clean up of one of the worst toxic sites in the Nation - has to be abated, mitigated by the United States Navy. All of the parcel with the exception of Parcel A belongs to the United States Navy. The U.S. Navy polluted the Hunters Point Naval Shipyard and now Mr. Keith Forman and Mr. Douglas Gilkey have the responsibility to clean up the Shipyard to the mandated standards laid down in Proposition P and passed by 87% of the voters. This is the TRUTH and not the other ploys and machinations - have meetings that make no sense and trying to bring in contractors that have no bonding and pretending to conduct interviews with the community that do not trust the United States Navy - no one single bit - and that is Truth the whole Truth and nothing but the Truth.

7-1

The Mayor's Office of Economic Development and Workforce that spearheaded the fake promises of Proposition G will be defeated. Tiffany Bohee will lick her wounds and learn for life to speak the truth - you may get paid but the fact of the matter is you have BLOOD on your hands and you may not realize how deep that is - but you will as you grow older. That includes Angelo King, Veronica Hunnicutt, Aurelious Walker, Calvin Jones, Sophie Maxwell, Dwayne Jones, and a host of very EVIL folks that have been paid, on Lennar payroll and today see the writing on the wall. Only those are protected by GOD who persevere, in humility - because if we are NOT humble this plan could backfire.

7-1

No one can harm that children, for one single second, and think that they will be free. Mr. Kofi Bonner lick your chops, you days are numbered. Lennar is a Rogue Developer that tell lies, lives the LIE, and does not care for any community.

The San Francisco Board of Supervisor must now act - not on lies and fabrication but on the TRUTH that stands on its own and stands by the people - so that JUSTICE prevails and those that foster GREED - have not place with decency.

Alice Griffith was old DoD Housing, that HUD took over and leased to SF Housing Authority that has "with Intent" permitted the Public Housing to go under - and this SFHA fault.

Public Housing was never meant to be permanent housing. So, it makes no sense for anyone living in Public Housing to claim that that housing belongs to them. They could only come to such a conclusion when people lie to them. Folks like Dwayne Jones who has jumped ship from Communities of Opportunity (COO) but is still lurking around working for Lennar and the SF Housing Commission. He days are numbered. Tomorrow, I will NOT be her but far away in the land they call affectionately " Down Under" but my HOPES will be high and deep in my heart - it may be nice to hear VICTORY - and Lennar put in place for all of its diabolic practices. Always saying one thing and doing another, defaulting again and again on the Disposition and Development Agreement. The time has come for the San Francisco Board of Supervisors to do the right thing - VOTE NO

7-2

<http://www.sfexaminer.com/local/Alice-Griffith-housing-project-is-on-thin-ice-98220029.html>

Francisco Da Costa

File 100861



Ahimsa Sumchai MD
<asumchai@live.com>
07/11/2010 10:44 AM

To: Mesha <communityfirstcoalition@yahoo.com>, Parkside Listserve <home@prosf.org>, Board Supervisors <board_of_supervisors@cl.sf.ca.us>

cc
bcc

Subject: Illegal endorsement during appeal process! Digest Number 1303[1 Attachment]

History: This message has been forwarded.

The Metropolitan Transportation Commission violated the administrative appeal process by endorsing this project while the EIR was in appeal before the Board of Supervisors scheduled for Tuesday, July 13, 2010 at 4pm.

AHIMSA PORTER SUMCHAI, M.D.

8-1

Date: Sun, 11 Jul 2010 08:05:48 +0000
From: CommunityFirstCoalition@yahoo.com
To: CommunityFirstCoalition@yahoo.com
Subject: [CommunityFirstCoalition] Digest Number 1303[1 Attachment]

Community First Coalition

Messages In This Digest (2 Messages)

- 1. Fwd: *** PRESS RELEASE *** MTC ENDORSES HUNTERS POINT SHIPYARD/CANDL From: SF Bay View
- 2. Re: Digest Number 1302 From: Norma J F Harrison

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Messages

- 1. **Fwd: *** PRESS RELEASE *** MTC ENDORSES HUNTERS POINT SHIPYARD/CANDL**
Posted by: "SF Bay View" editor@sfbayview.com
[sfbayview94124](#)
Sat Jul 10, 2010 2:37 am (PDT)
[Attachment(s) from SF Bay View included below]

----- Original Message -----

Subject: *** PRESS RELEASE *** MTC ENDORSES HUNTERS POINT SHIPYARD/CANDLESTICK POINT AS REGIONAL PRIORITY FOR FEDERAL TRANSPORTATION IMPROVEMENTS
Date: Fri, 9 Jul 2010 17:34:28 -0700
From: Erin.Garvey@sfgov.org

FOR IMMEDIATE RELEASE:

Friday, July 9, 2010

Contact: Mayor's Office of Communications,

415-554-6131

*** PRESS RELEASE ***

MTC ENDORSES HUNTERS POINT SHIPYARD/CANDLESTICK POINT AS REGIONAL PRIORITY FOR FEDERAL TRANSPORTATION IMPROVEMENTS

San Francisco, CA—Mayor Gavin Newsom today praised the Metropolitan Transportation Commission (MTC) Legislative Committee for its endorsement of critical transportation improvements in Southeast San Francisco. The MTC Board will advance a request for \$15 million in federal stimulus dollars under the US Department of Transportation's Tiger II program to complete the improvements to Harney Way.

"We are thrilled to have MTC join local, state and federal leadership in supporting the revitalization of this part of San Francisco," said Mayor Gavin Newsom. "These improvements are a critical piece of moving the Hunters Point Shipyard/Candlestick Point Project forward and revitalizing this underserved neighborhood."

The Harney Way improvements are a core piece of a \$360 million transportation package to be constructed in Southeast San Francisco as part of the Hunters Point Shipyard / Candlestick Point integrated development project. This multimodal plan will enhance the transportation networks currently serving the Bayview/Hunters Point neighborhood, improve transit service, bicycle and pedestrian facilities, intersection control, curb ramps and landscaping, and pavement. The improvements will link portions of Southeast San Francisco with regional transportation resources and planned development at Hunters Point Shipyard and Candlestick Point.

In the Bayview/Hunters Point neighborhood, 20% of households live below the poverty line. As such, the Mayor has made revitalization a priority with the recently-adopted, CEQA-certified Candlestick Point/Hunters Point Shipyard Phase II Plan.

"The Harney Way roadway, bus rapid transit and bikeway project will offer enhanced, affordable transportation options for residents who do not drive, including youth and seniors," said Nathaniel P. Ford Sr., SFMTA Executive Director/CEO. "This project will provide numerous transportation improvements for the community in the short and long term."

The reconstruction of Harney Way is the first portion of a package of proposed improvements that will be implemented as part of the Hunters Point Shipyard/Candlestick Point development project. The full suite of improvements includes reliable and safe transit and bicycle links to BART, Caltrain and downtown San Francisco and provides residents of Southeast San Francisco and northern San Mateo County direct, seamless and affordable connections to all parts of the Bay Area.

The Candlestick Point/Hunters Point Shipyard project features 10,500 new housing units, nearly 3 million square feet of research and development space, childcare centers, grocery stores and other services within walking distance, over 300 acres of new parks, a stadium, arena and a retail

8-1

center. Harney Way will be the gateway to the new neighborhood and to the neighboring Executive Park development, serving the compact, transit-oriented development and encouraging walking, bicycling and transit. The construction of the improvements will ensure that convenient multi-modal access is provided at the outset of the development project, helping to attain the livability goals for current and future residents of Southeast San Francisco.

###

(See attached file: 7.9.10 MTC Hunters Point.pdf)

Erin Garvey
Chief Deputy Communications Director
Mayor's Office of Communications
1 Dr. Carlton B. Goodlett Place, Room 291
San Francisco, CA 94102
415-554.6131 Main
415-554.4058 Fax
erin.garvey@sfgov.org

Attachment(s) from SF Bay View
1 of 1 File(s)

7.9.10 MTC Hunters Point.pdf

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[Messages in this topic \(1\)](#)

2.

Re: Digest Number 1302

**Posted by: "Norma J F Harrison" normaha@pacbell.net
normajf_harrison**

Sat Jul 10, 2010 12:29 pm (PDT)

Remember that you have a choice in November at the poll. Vote for the candidate who works for you, the Peace and Freedom Party candidate - for Lieutenant Governor, C T Weber. C T is a long time activist on the streets and in the meeting halls, working for you/us now! as he would as an elected, for the justice you and I want. <http://ctweberforlieutenantgovernor.org/>
Better yet, register with us - register Peace and Freedom Party - on the ballot these past 40 years; keep socialism on the ballot in California.

You see from the article sent here that Newsom always protects his money - The Rich. Our electeds loud cry is OH NO we can'T TAX The Rich!
Be a candidate for office on our ballot. You get a larger crowd than you had before, to hear you, to say what we all want said.

Look at our platform:

<http://www.peaceandfreedom.org/home/about-us/platform/full-platform>

Tell people you know throughout the country that we are working to put socialism, real socialists, running on a socialist party ticket, on the ballot in the U.S.

8-1

8-2

Norma normaha@pacbell.net 510-526-3968 <http://www.peaceandfreedom.org/home/>

From: "CommunityFirstCoalition@yahoogroups.com"
CommunityFirstCoalition@yahoogroups.com To:
CommunityFirstCoalition@yahoogroups.com Sent: Sat, July 10, 2010 1:18:58 AM
Subject: [CommunityFirstCoalition] Digest Number 1302

Community First Coalition
Messages In This Digest (3 Messages)

1.

Fwd: SF Plan for Affordable Housing Collapses-SF Mayor Newsom Running For Lt. Gov

Posted by: "SF Bay View" editor@sfbayview.com sfbayview94124 Fri Jul 9, 2010 11:33 am (PDT)

From the New York Times ... very interesting ...

----- Original Message -----Subject: SF Plan for Affordable Housing Collapses-SF Mayor Newsom Running For Lt. Gov
Date: Fri, 9 Jul 2010 09:44:32 -0700 From: Steve Zeltzer lvpsf@igc.org To: Undisclosed- recipients: <>;

Despite a Rare Pedigree, Plan for Affordable Housing Collapses By ZUSHA ELINSON

-SF Mayor Newsom Running For Lt. Gov

<http://www.nytimes.com/2010/07/09/us/09bcnewsom.html> July 8, 2010

The deal was brokered recently in private by an unusual team of rivals, including one of San Francisco's most prominent developers and a vociferous housing activist. The result, by all accounts, was unprecedented: an estimated \$50 million for affordable housing in the city each year.

One developer who participated in the negotiations, which took place over the last six weeks in a City Hall annex, described the agreement as a "once-every-50-years alignment of the planets."

Last week, however, the ambitious deal --- which would have provided financing for affordable-housing projects, and would also have helped developers by subsidizing an affordable-housing requirement --- came apart after running into opposition from an unlikely source: Mayor Gavin Newsom, the Democrat nominee for lieutenant governor.

<

http://topics.nytimes.com/top/reference/timestopics/people/n/gavin_newsom/index.html?inline=nyt-per
>

The scuttled initiative, which has not been publicized, left a trail of bitterness and recrimination, much of it directed at Mr. Newsom, whose own aides had helped broker the deal. Three participants who were involved in the discussions said they understood that Mr. Newsom was reluctant to support what amounted to a new tax as he makes a run for statewide office.

"We came up with a plan that addressed a critical need," said Calvin Welch, the housing advocate who helped broker the deal. "But the only thing that's critical

8-2

to Gavin Newsom is becoming lieutenant governor."

Mr. Newsom, in an interview earlier this week, denied that politics played a role in his decision. The mayor said that he had tentatively supported the initiative, which would have been put before voters in November, as a "serious shift in the way we deal with affordable housing" but that proponents had failed to generate the kind of broad support necessary to gain approval.

"I'm just a convenient excuse right now," Mr. Newsom said.

The crumbling of the innovative housing initiative underscores a tumultuous relationship between Mr. Newsom and the Board of Supervisors over several new tax measures its members have proposed --- as Mr. Newsom campaigns for a statewide office, according to people who participated in meetings about the deal.

The talks, which were spurred by the recession's crippling effect on new housing, began in May, several months after Mr. Newsom proposed a stimulus package to get development projects restarted.

Mr. Welch, the housing advocate known for his caustic criticism of gentrification, came to the negotiations seeking a fixed stream of financing for affordable housing, which has largely dried up during the recession.

One of city's largest nonprofit developers, the Tenderloin Neighborhood Development Corporation, has suspended four big projects for low-income families because of a lack of financing.

Oz Erickson, the chief executive of the Emerald Fund, one of the largest developers in San Francisco, came to the negotiations seeking a break from the city's requirement that developers designate at least 15 percent of all new units to below-market-rate housing.

Mr. Erickson argued that the cost of "inclusionary zoning" --- a policy he and Mr. Welch had hammered out in the 1990s, the last time they worked together on legislation --- was too burdensome for builders in a recession.

"Right now, it's terribly difficult to get any financing, and the affordable-housing component is a significant charge," said Mr.

Erickson, whose condominium projects include One Rincon Hill and the Bridgeview Tower.

During the meetings, according to several participants, Mr. Welch thundered about the urgent need for affordable housing, according to participants. As he held forth, Mr. Erickson continually worked his fingers over his ubiquitous HP 12c calculator, crunching the numbers.

Gabriel Metcalf, executive director of the San Francisco Urban Planning and Research Association, a moderate public policy institute, said negotiators reached "an agreement that would've solved both problems."

The complicated deal would have substantially raised the transfer tax --- the tax paid when property is bought or sold --- for any building over \$875,000. For example, the transfer tax on a home sold for \$1.1 million is currently \$8,250. With the proposed increase, it would have been \$12,650.

That money would have gone into a permanent fund dedicated to affordable housing: Half would have been used for affordable-housing projects, and the other half would have gone to ease the burden on developers by subsidizing the affordable-housing requirement.

The mayor said it was a political rarity for these two rival factions to work together.

"These are strange bedfellows, and they don't always agree," Mr. Newsom said. "What was intriguing was that there was a willingness to work this through."

The negotiations took place in the Mayor's Office of Housing, two blocks from City Hall, and were mediated by Doug Shoemaker, the office's director.

Mr. Newsom acknowledged that some of his top aides supported the deal. In the end, he said, he did not believe the measure had enough broad support to succeed. Notably, efforts to placate groups representing landlords and Realtors failed.

"Folks were so consumed with getting something on the ballot for November," Mr. Newsom said. "But in order to do this we have to build a broad coalition, and, with respect to my friends in the room, they're not the whole city."

But Mr. Welch and others familiar with the negotiations said the politics of the moment also weighed heavily. Since announcing earlier this year his entry into the race for lieutenant governor, Mr. Newsom has continued to oppose raising taxes, most recently a series of measures put forward by progressive members of the Board of Supervisors.

Mr. Newsom's electoral success in November --- and perhaps beyond --- will depend in part on his ability to broaden his appeal to voters outside San Francisco.

"The mayor's office sponsored the whole thing, and ultimately the mayor could have stepped up to make it happen," said Lou Vasquez, a developer with Build, Incorporated, who was in the talks.

"The mechanics seemed to be working out," Mr. Vasquez said, "but the politics seemed to get in the way."

Last week, with Mr. Newsom still withholding his support, the deadline to place the affordable-housing measure on the November ballot passed quietly --- with the public unaware of the potential deal.

There is now one other proposal from the Board of Supervisors intended to raise money for affordable housing, but it does not have the support of the mayor, the developers or their friends. Sponsored by Supervisor Chris Daly, who has been trying for years to get a permanent source of affordable-housing money, the measure is headed for the ballot in November.

Mr. Newsom said he hoped this idea for a permanent source of financing came back --- whether or not he was in office.

"We were up against a deadline, and it wasn't ready," Mr. Newsom said. "This idea is not dead."

His hopes were echoed by Mr. Metcalf, Mr. Welch and others who had tried to make the deal. But they said it had been a rare moment when everything seemed aligned: a recession hurting housing activists and developers enough to bring them both to the bargaining table.

"I personally will work to try to put this deal together again," Mr. Metcalf said, "but you never know when your window of opportunity for social change will open, and you never know when it will close."

zelinson@baycitizen.org

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File 100861



vicki leidner
<vleidner@astound.net>
07/08/2010 11:54 AM

To Supervisor David Chiu <David.Chiu@sfgov.org>
cc boardofsupervisors@sfgov.org, Eric Brooks
<brookse32@aim.com>, marie harrison
<marie@greenaction.org>, Bradley Angel
bcc

Subject reject lennar's eir

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1 attachment



Reject Lennar EIR.doc

9-1

Dear President Chiu,

I urge you to respect San Francisco's precautionary principle and protect the residents of BVHP, Aisan, Black, Latino et al from the negative effects of building on a superfund site without thorough cleanup. This puts both short term and long term adverse health repercussions on the residents and labor affected by the project. Long term health costs and potential lawsuits against the City are far worse than short term gain for Lennar. Stop it now and do it right. There is no second chance once the project is underway and people's health is ruined.

Respectfully,
Vicki Leidner
770 Shotwell St.
San Francisco, CA 94110

PRESS ADVISORY

People Organized to Win Employment Rights (POWER)
4923 Third Street, San Francisco CA 94124 (415) 864-8372 www.peopleorganized.org

WHAT: Press Conference with Scientist Wilma Subra and National Environmental Justice Advocates, urging the Supervisors to Reject Lennar's EIR

WHEN: Monday, July 12, 2010 at 12 noon WHERE: San Francisco Front Steps

For Immediate Release—July 8, 2010

**Contacts: Jaron Browne, Lead Organizer (415) 377-2822
Jose Luis Pavon (415) 571-0481**

Nationally acclaimed Environmental Scientist and National environmental Human Rights advocate Join Bay view Hunters point Residents in the Call to the Board of Supervisors to Reject Lennar's EIR

9-1

SAN FRANCISCO, CA- nationally acclaimed Environmental Scientist and National Environmental Human Rights advocate are joining with Bayview residents in calling on San Francisco Supervisors not to accept the Environmental Impact Report for Lennar's massive condominium and stadium complex at the Hunters Point Shipyard.

CNN has called Wilma Subra another Erin Brokovich and the Guardian has called her an "activist grandmother" and "Tony Hayward's worst nightmare." Wilma Subra is a chemist who has been working for the past 30 years to defend local communities. Subra received a MacArthur Genius grant for her work in 1999, and is now one of the leading experts on the British Petroleum oil spill crisis. On June 2nd, Subra was featured on CNN's Special Report "Toxic America" and the national Pacifica Radio program "Democracy Now!"

According to nationally acclaimed scientist Wilma Subra "The EIR failed to evaluate and assess the cumulative impacts of exposure to human and ecological receptors and the environment as a result of exposure to all of the chemicals present at the site."

Monique Harden, Co-Director and Attorney of Advocates for Environmental Human Rights AEHR of Louisiana will join subra at the Press Conference. AEHR recently brought the human rights case on behalf of Mossville, Louisiana, seeking to remedy the failure of our government's to protect communities from toxic pollution and environmental hazards.

Advocates for Environmental Human are examining similar human rights violations affecting the protection of health for families in Bayview Hunters Point if the City moves forward with development without successfully mediating the health impacts on the surrounding community.

"If the human rights of Bay view Hunters Point were respected by our government, you wouldn't be in the situation that you are in now!"—said Monique Harden, Co-Director of AEHR

"In the struggle for Environmental Justice, it is appalling that we are not able to depend on the EPA of Region 9 who is mandated to protect the health and well being of the community. We are forced to call on outside help to advocate for our right to clean air and health, as the city of San Francisco, watches people suffer. Green city not for the environment, Green City for greedy rogue developers. " Bayview resident

guardian.co.uk

Tony Hayward's worst nightmare? Meet Wilma Subra, activist grandmother

BP chief's Congress grilling could be eclipsed by a Louisiana chemist, who for 30 years has represented local people against big oil

Suzanne Goldenberg in New Iberia, Louisiana
guardian.co.uk, Sunday 20 June 2010 20:27 BST

A [larger](#) | [smaller](#)



Wilma Subra, environmental scientist. New Iberia, Louisiana. Photograph: Julie Dermansky for the Guardian

The long table at the back of Wilma Subra's office in rural Louisiana is covered with stacks of paper, several of which look in danger of sliding into a heap on the floor. There are legal briefs, chemical lab reports and government memos. But if Subra had to sum up each stack in a single phrase, it might come down to this: public good versus toxic industry.

The paperwork generated by the oil spill catastrophe in the Gulf of Mexico is beginning entirely to take over another whole room.

Subra's phone began ringing the morning after the explosion on the Deepwater Horizon, with calls from friends and neighbours who had men on the rig. More calls came in when the southerly winds coming off the Gulf brought headaches, nausea and breathing difficulties to people on the coast. These days, the phone rings constantly.

"I've gotten 300 to 400 complaints," she said, ticking off the names of Louisiana's coastal localities on her fingers. "Headaches, dizziness, stinging eyes, some chest pains ... They come in at night very sick, but they need that job, so they go out again the next morning."

Subra began making space for another towering stack of papers. Over the past 30

9-1

years, the chemist has used her expertise on dozens of occasions to defend local communities against Louisiana's powerful oil and gas industry.

The potential danger to human health from the millions of barrels of oil gushing into the Gulf for the last two months is only just beginning to command public attention.

Members of Congress pressed BP's chief executive, Tony Hayward, last week on reports that hundreds of workers had fallen sick from oil fumes, and asked if the company was prepared to pay their long-term health costs. Hayward said it was up to the independent manager of the \$20bn (£13.5bn) claims fund.

Subra was already on the case. She and the Louisiana Environmental Action Network have been using the courts and political connections to compel BP to provide respirators and other protective gear to workers out on the boats fighting the spill, and to protect vulnerable populations on land.

"I am not being impacted, but a lot of people are being impacted. They need help in understanding what is going on," she said.

Subra has met regularly with Obama administration officials visiting the Gulf. Earlier this month, she testified before a committee of Congress investigating the spill and its after-effects. History has shown responders to oil spills often suffer headaches and other symptoms, and in the long term are at higher risk of central nervous system damage, kidney and liver damage, and cancer.

Early reports from this spill are patchy but suggest a growing number of workers have suffered after laying booms or operating skimmers.

In addition, US worker safety regulations do not apply more than three miles offshore, leaving workers based near the ruptured well exposed.

A lesser woman might be discouraged. But such evasions are familiar to Subra after half a lifetime of doing battle with big industry. Her first big fight was in her local parish. In those days, there was so much gas leaking into aquifers that you could set tap water on fire.

She has worked on natural gas drilling in Texas and Wyoming, has helped communities living near polluted shipyards in San Francisco, and covered the potential impacts of importing Italian nuclear waste through New Orleans.

She has trained people in rural areas to monitor emissions from refineries and chemical plants, so they can sound the alarm if air quality deteriorates to dangerous levels. She encouraged them to keep logs of symptoms and report powerful odours.

"The science background was critical. Looking at all the environmental issues, you had to understand what the impact meant, and put it in terms the government agencies could respond to."

Her advocacy on environmental and health issues for local communities – fishermen, trappers, native American tribes – led CNN to call Subra another Erin Brockovich.

The comparison to Brockovich, a beauty queen turned consumer advocate who seeks the spotlight, embarrasses Subra, a soft-spoken grandmother who attends mass and wears her hair in a bun.

9-1

Brockovich spent three days in Louisiana earlier this month, looking for clients. "I was doing this long before she was around," said Subra.

She blushes when asked if she sees herself as an activist. But she said she accepts that publicity and politics are crucial to a winning cause.

She sees herself as a technocrat. "I am not the one screaming and beating my fists on the table," she said. "But I am sure a lot of the companies consider me an activist. They figure if Wilma wasn't there, the communities would not be able to represent the information."

Others employed by industry may have come to a similar conclusions. Subra said she is used to the occasional snub at church social events. And four years ago, a gunman in a passing car fired a single shot at her office. Subra moved her desk away from the window.

With this spill, she sees two clear areas of danger. On the frontline are workers out on the water, directly exposed to crude, to the toxic chemicals from the more than 1m gallons of dispersant, and to the fumes from the burning of oil carried out near the sunken rig. Then there is the general population, which is facing a lengthy exposure to tiny airborne particles of crude oil.

"A lot of people are thinking that if the well stops flowing, these issues are going away, but they are not going to go away for a very long time," she said.

And neither will the stack of papers in Subra's office.

Board of
Supervisors/BOS/SFGOV
07/06/2010 02:52 PM

To BOS Constituent Mail Distribution,
cc
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Subject Lennar will FAIL only if the SF BOS do the right thing.

File 100861



Francisco Da Costa
<fdc1947@gmail.com>
07/06/2010 04:09 AM

To Francisco Da Costa <fdc1947@gmail.com>
cc
Subject Lennar will FAIL only if the SF BOS do the right thing.

Now it is left for the SF Board of Supervisors to do right
by the people based of facts - at Hunters Point Shipyard:

<http://www.indybay.org/newsitems/2010/07/06/18652753.php>

Francisco Da Costa

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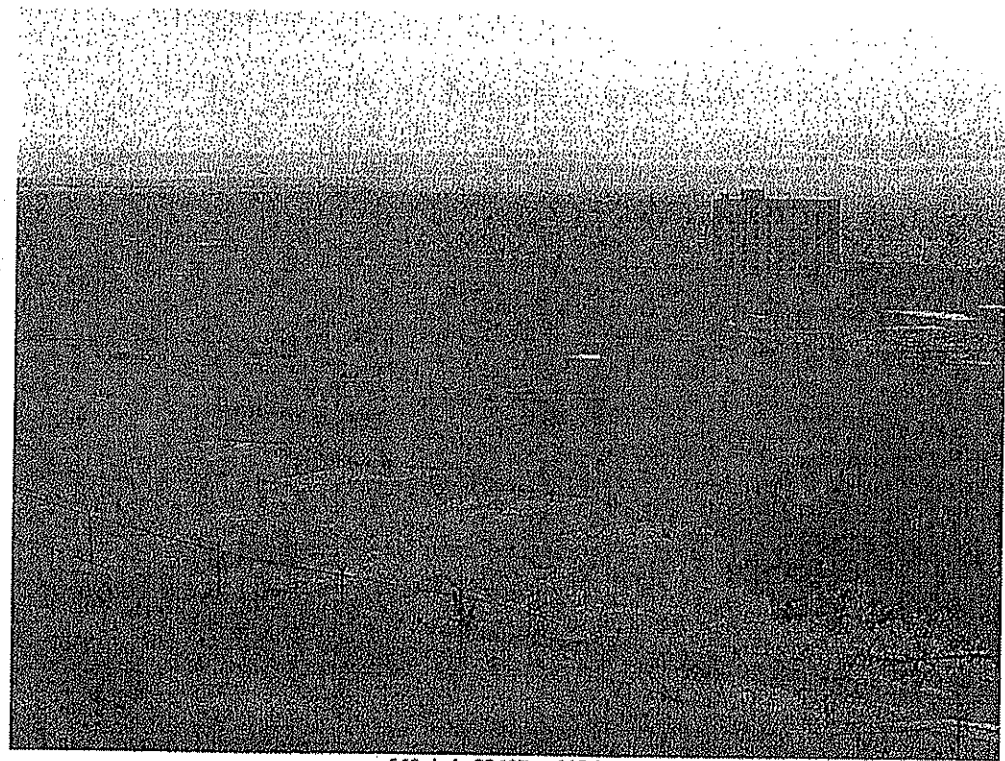
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File 100261

California | Racial Justice

Appeals to the HPS EIR will silence LENNAR and enlighten the minds of the SF Supervisors
 by Francisco Da Costa
 Tuesday Jul 6th, 2010 3:39 AM

We all know how British Petroleum (BP) chose not to follow the law and as a result vast, mostly pristine areas in the Gulf of Mexico are now contaminated. Well, at Hunters Point Shipyard much the same is happening and will happen. Knowing that the area is a Superfund Area - contaminated by Radiological elements, prone to liquefaction and flooding - LENNAR, is bribing folks left, right, and center and wants their fake Environmental Impact Report to pass. It will NOT.



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San Francisco and decent San Franciscans have stood the test of time. One has just to read the deeds of brave women and men that have stood for what is right and won - big time - for hundreds of years.

Most decent San Franciscans, the decent Environmentalists, professional people with sound education know that Hunters Point Shipyard is a Superfund Site - very contaminated, and prone to liquefaction and flooding. More if the United States Navy that polluted the Shipyard, does not clean it to the highest standards - It is on them and the decent constituents of San Francisco - suffer because of the Navy's inaction and lack of principles.

Way back in the year 2000 by a majority vote passed by Proposition P the constituents of San Francisco by 87% - yes, eighty seven percent - MANDATED the entire Hunters Point Shipyard be cleaned to " highest standards" - residential standards.

Willie L. Brown Jr, Diane Feinstein, Nancy Pelosi, Lola Whittle, Aureulious Walker, Sophie Maxwell, Linda Richardson are some folks that went to the Secretary of the Navy and had one parcel transferred - that is Parcel A - and gave in to Lennar in the year 2004. No one consulted the constituents of San Francisco, no one.

10-1

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Now, why would anyone in their right mind try to build 1600 homes on Parcel A when the other parcels are all contaminated. The Bay that is Parcel F is contaminated. The U.S. Navy contaminated the others area and the U.S. Navy has an obligation to clean it up.

Why build thousands of homes in the middle of Chernobyl? Why?

95% of Hunters Point Shipyard is landfill. Most of it contaminated by high levels of radiological elements but also many other very toxic elements - used as part of the War Efforts - and dumped here, there, and everywhere by the United States Navy.

One has just to read the Final Historical Radiological Assessment Report and adjudicate the matter at hand. No one wants to do the reading, less understand that we cannot put innocent lives at stake. What is more, our enlightened community - follows the Precautionary Principle and preserves and fights for all - life. This after all is San Francisco the center of the Environmental Movement and have foundations that honor decent Environmentalists all over the world.

What is happening in San Francisco and in our own backyard? Where are these foundation on this subject? Where are our Universities on this score? Where are our representatives on values that should safe guard - decency and all life - including - human life?

Depleted Uranium was tested at HPS and though the SF Redevelopment Agency knows about this they voted in favor of development because all of them were bribed by LENNAR. I sat in the middle of the LENNAR thugs and they openly were talking - at the joint SF Redevelopment Agency Commission and the SF Planning Commission meeting, in Room 250 - to decide the final EIR. I heard comments like " the fix is in".

LENNAR is a thug developer that has wasted over \$1 Billion of California State Employees Pension money - CALPERS.

Lennar promised to build 10,000 homes at Mare Island linked to the City of Vallejo and after ten years had nothing to show. Today, the woes at Vallejo can be traced directly to LENNAR.

LENNAR spent over \$5 million dollars on Proposition G working with dubious entities like ACORN that has been shut down by the Internal Revenue System (IRS) for cheating people.

The SF Organizing Project (a group that does not have the trust of the constituents of San Francisco nor the constituents of the Bayview Hunters Point).

The SF Labor Council led by Tim Paulson who talks from both sides of his mouth.

Bottom line today LENNAR is in deep trouble. What LENNAR wants - is the SF Board of Supervisors to pass the fake and faulty Environmental Impact Report - and then give them authority over the rest of the parcels B, C, D, E, F, G - that now all come under the jurisdiction of the U.S. Navy.

Lennar wants the U.S. Navy to cap the land and give it to them. Lennar will then divide the land - after putting some inferlor, infrastructure and sell the lots. This is called LAND BANKING.

THIS TRICK WILL NOT WORK IN SAN FRANCISCO. NEVER, EVER.

Lennar cannot fool all the people all the time.

Kofi Bonner knows the President of Lennar Urban knows that the SHIP is sinking - but, he is permitting the evil ways of Lennar to be used in San Francisco. Lennar has paid Mayor Gavin Newsom a lot of money, paid Sophie Maxwell a lot of money, paid the "thugs" who are bused to the meetings at City Hall - a lot of money.

Dubious people that do not have the better interests of San Francisco - like Dwayne Jones have joined Lennar to exploit decent San Franciscans and further their ploys and machinations.

Dwayne Jones does not live in San Francisco and recently jumped ship from Communities of Opportunity. Millions of dollars are missing from COO and the City has to hold some one responsible for millions of dollars missing.

Another person Veronica Hunnicutt who use to be the Dean of the Southeast Commission Facility and headed an educational program - has jumped ship and joined LENNAR.

Lennar has been groping in the dark - backing over 10 candidates in the coming District 10 election with " blood money ". Thinking, one of the dogs in the race for District 10 Supervisorial coming election will WIN.

The leading skunk is one Lynette Sweet a crony of Willie L. Brown Jr. who does not have the respect of the constituents of District 10.

Supervisor Sophie Maxwell, who is being termed out - is on Lennar's pay roll. Sophie has been paid and taken junkets to Canada and other places. The FBI and others are monitoring the chain of events - and it will all play out in due

10-1

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time.

Lennar, came to San Francisco and thinks it can do as it pleases. Three Appeals challenging the EIR that was passed by the joint SF Redevelopment Agency Commission and the SF Planning Commission - will be heard on June 13, 2010 at City Hall in Room 250.

Decent San Franciscans must gather in force and comment during Public Comment. This is your opportunity to do the RIGHT thing. Stand for our children and elders. Put to shame the many - sell outs that have been on Lennar's pay roll - Linda Richardson, Aureulious Walker, Willie B. Kennedy, Doris Vincent, the many poverty pimp pastors, Lola Whittle, Calvin Jones, Angelo King, and a host of others that I have named before. The others that know what they do and they all will pay a price.

" Only scumbags sell out their community and on this one - you have been warned but those of you that do not pay heed - will repent for the rest of your lives ".

Once and for all the decent citizens will hear and the case will be adjudicated on June 13, at City Hall in the chambers of the SF Board of Supervisors.

If San Francisco has any decency left, if the decent SF Board of Supervisors (BOS) review the facts, they will review and ask for a Sound Transportation Document, they will ask that the First People of San Francisco, the Muwekma Ohlone be heard.

The SF BOS will demand a better plan to clean up the entire Hunters Point Shipyard as mandated by Proposition P. 87% of the constituents of San Francisco voted on this Ballot Measure in the year - 2000.

Further those enlightened SF Board of Supervisors will read the appeal by Michael Boyd and CARE, the Sierra Club and those that joined them, People Organized to Win Employment Rights (POWER) and Sue Hester a Land Use Attorney - and do the right thing.

The First People the Muwekma Ohlone were completely ignored in the Draft, EIR to the HPS and Candlestick Point and this is wrong.

The Transportation Document does not address the adverse impacts to a large area supposedly bringing in over 50,000 new people - with drastic adverse impacts.

Large areas have not been zoned, less mapped and the SF Planning Department and one Bill Wycko and the SF Redevelopment Agency and one Stanley Murioka responsible for this document have done a SHODDY job.

The SF Planning Czar, Larry Badiner - who had a say in this document was fired.

Larry Badiner was caught with three other Senior SF Planner watching and distributing - pornography material from his computer - while being paid by the Cit and County of San Francisco.

What does this say of our SF Planning Department - what has Mr. John Rahalm to say about his department and the shoddy work produced.

Many of us, including myself commented and a bare minimum of our comments were acknowledged, less commented upon in a meaningful manner.

Hundreds of decent people testified and all their pleas were nullified at the last hearing on the EIR and heard by the SF Planning Commission and SF Redevelopment Agency.

The San Francisco Board of Supervisors - have one OPPORTUNITY to weigh the FACTS, consult those that really know, and do the right thing.

Supervisors John Avalos, David Chiu, Ross Mirkarimi, David Campos, Eric Mar, Bevan Dufty, and Chris Daly - know the truth - they all have visited the Hunters Point Shipyard.

They all know the factors linked to Candlestick Point - a former dump that has serious issues. The Alice Griffith Process has not begun - and those told lies today - will moan and groan but it will be too late. Do not believe the LIES told by LENNAR.

Senate Bill 792 authored by Senator Mark Leno did not have one single meaningful meeting in the community. Yet, the California Assembly and Senators voted in favor of this bill - Lennar again used dubious ploys and spread a lot of "blood money". Lennar took 23 acres of Public Trust Land - where are our Representatives on this one? Public Trust Land that belong to all Californians!

Supervisor Sophie Maxwell can make one last decent stand - and save face.

Supervisors Carmen Chu, Sean Eisbernd, and Michela Alloto-Pier can step aside, ponder, and for once make all of San

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Francisco - proud. No one has to follow the evil ploys of Lennar - they are self evident.

10-7

Every main clause linked to the Disposition and Development Agreement (DDA) - a legal document linked to Parcel A has NOT been fulfilled by Lennar. This is the Parcel that should have been a benchmark.

Lennar promised rental units and amended the Disposition and Development Agreement (DDA) linked to Parcel A. In other words they LIED.

10-8

Lennar promised to follow the Dust Mitigation Plan and was fined \$515,000 by the Bay Area Air Quality Management District. The largest fine by that agency ever imposed on any entity in the Bay Area.

Lennar poisoned our children and elders and defied the community and fired three African American employees - who took Lennar to court and won. The suit was filed and won by Angela Alioto.

Lennar clear cut 400 mature trees without any permits and stunned hundreds of decent San Franciscans that love trees.

Lennar with intent cut 35 feet of ultramaphic serpentinite rock - that when crushed released very toxic asbestos structures - and bombarded the entire Bayview Hunters Point area and beyond. All documented, commented upon, and adjudicated against the manner in which Lennar operated. Kofi Bonner knows this and all those in authority know this.

Lennar has a track record building inferior homes. Building homes on toxic land. Building a school with infill that contained live ammunition. Building over 4000 units with contaminated Sheet Rock, laden with fungi and other dangerous contaminants - imported Sheet Rock from China - Miami, Florida.

Lennar wasted \$1 Billion of CALPERS money - money belonging to the California State Employees in a project named LandSource in Southern California.

Lennar deceived Vallejo and failed to build 10,000 homes causing the mess that we hear and see Vallejo facing today. Lennar promised tax increment money to Vallejo but after 10 years had nothing to show.

Finally, since 1998 when Lennar first created its Limited Liability Corporation and registered it in Sacramento - I have been following and monitoring the Rogue Developer. I do my home work and fully comprehend the antics of dubious corporations and entities. Lennar by far is a rogue developer and has "no moral compass".

Since 1998 Lennar has changed its corporate name four times - now it is a Limited Liability Partnership (LLP) registered in Delaware - what does that say?

I have fought a hard fight - to stand by our children and elders that I respect and will do all in my power to safe guard their rights and human dignity.

10-9

Lennar has no compassion and is filled with GREED and disregard to humanity. The many consultants and backers of Lennar know me and speak from both sides of their mouth. They are in for the money.

Kofi Bonner knows me and knows how I have fought this good fight. We, the community that battled Lennar on principles linked to justice and fair play - will win.

Michael Cohen knows me from our first meeting on the subject way back in 2001 - he knows the good people of the Bayview Hunters Point and beyond will win this war.

Tiffany Bohee has LIED and so has Amy Brownell - they better repent - your days are numbered.

I have tried my best to inform and inform Sophie Maxwell - she has ONE last chance to leave a legacy on behalf of our elders, her mother Enola Maxwell who I loved and was my very good friend. Our people are decent and have suffered too much at the hands of a rogue company that is much like British Petroleum.

We few environmentalists, few advocates can only speak the TRUTH. God sees it all.

The time has come for all San Franciscans to take a stand, the signs are on the wall, we see what is happening unfold before our very eyes in the Gulf of Mexico. We must learn from this lesson - we have been shown the signs - when people disregard and do not follow laws, abide by regulations, and permit GREED to over rule decency and what is right - and do wrong.

Clean up the Shipyard to the highest standards as mandated by Proposition P in the year 2000. This burden is on the U.S. Navy and we must not permit them to go Scott Free.

10-10

Please follow the Precautionary Principle - a law, an ordinance on our books in this great City and County of San Francisco.

10-10

I rest my case - this Nation has a constitution that in principle safe guards the right of all citizens, this Nation is a Nation of law. This Nation aspires to give Justice to all - and we must not falter and permit a rogue developer like LENNAR, with a bad track record - harm our children.

On behalf of the Muwekma Ohlone, the First People of San Francisco, who I represent on matters dealing with Base Closure and Infrastructure matters - I say " unless the entire shipyard is cleaned, mitigated and abated no good will come at Hunters Point Shipyard. In years past, you the U.S. Navy - desecrated the Shipyard spreading the remains of our ancestors the Ohlone, all over the Shipyard. You must do right and if you do wrong - you will be punished".

We all, decent people have fought the many battles and won all of them - morally with sound ethics some written in books and others that abide in our conscience.

The least we can do in look in the eyes of our innocent children and ask ourselves to do right by them. Greed is evil and will take us down. The TRUTH must make us free. God Bless You All".

Francisco Da Costa
Director
Environmental Justice Advocacy

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Arc Ecology

Environment, Economy, Society, & Security

11-1

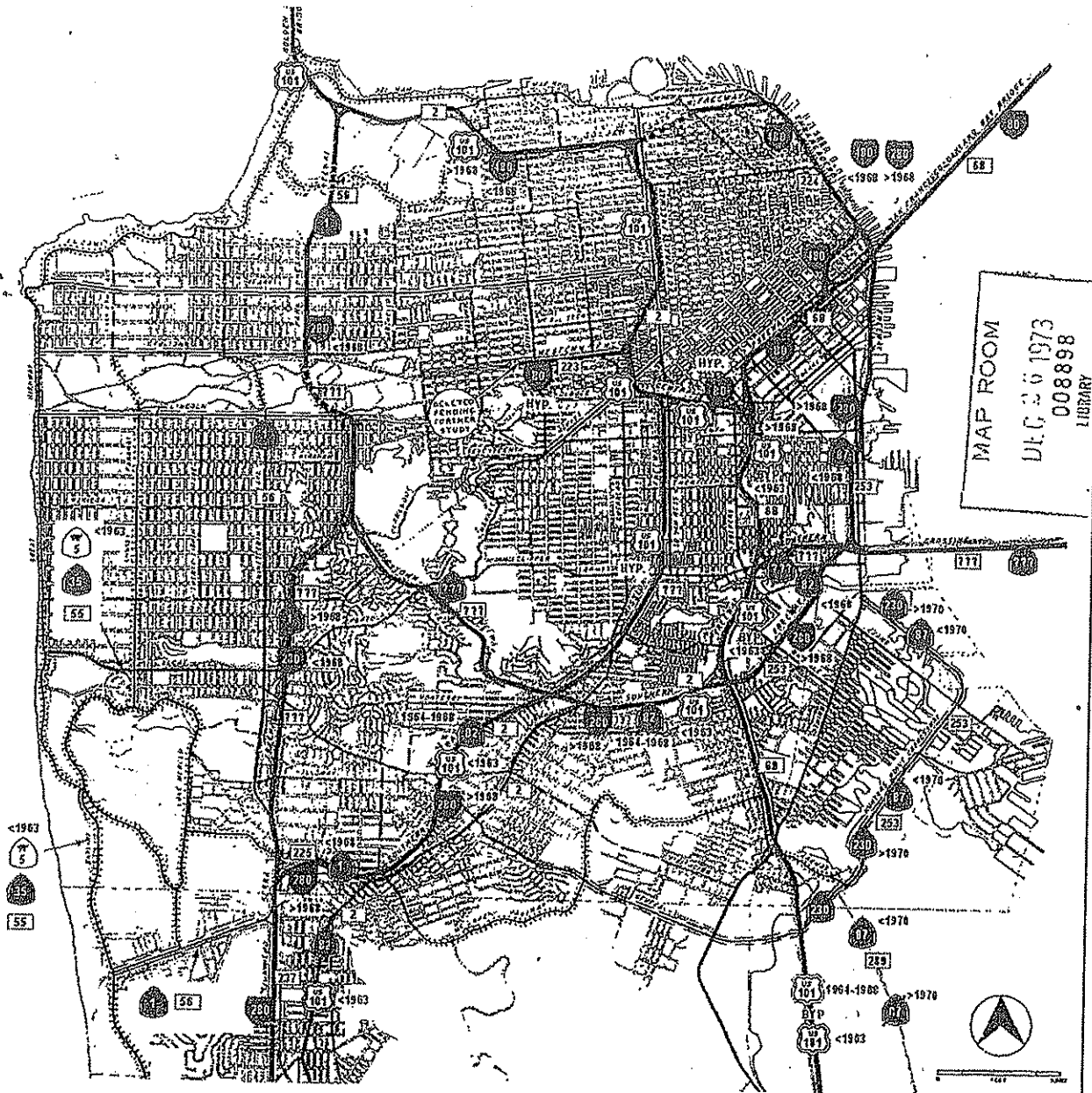
Response to Lennar City Commentary on
Bus Rapid Transit Alternative Route Concept

July 11, 2010

Contents:

- ▶ Response to the Lennar City comments
- ▶ Appendix 1: Proposed and Alternate Routing Diagrams
- ▶ Appendix 2: Arc Ecology Transportation Consultant LSA Associates 7-8-2010 Response to the CP-HPS FEIR

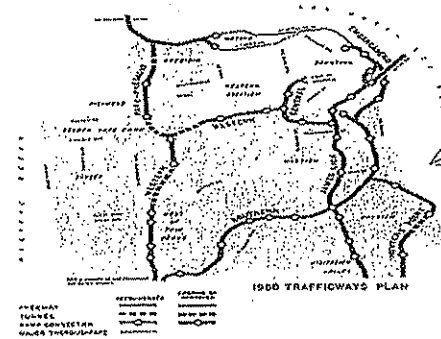
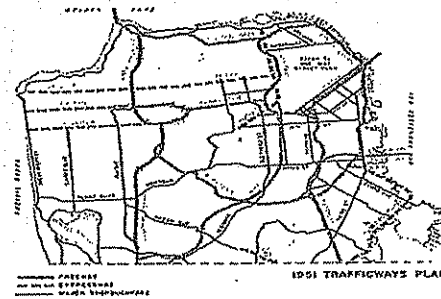
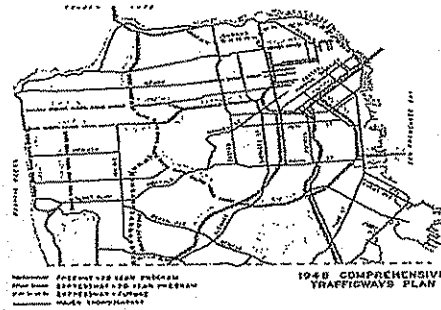
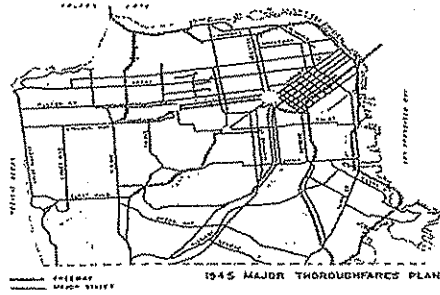
San Francisco Has Considered Numerous Road, Bridge & Freeway Strategies Over the Years



Existing & Proposed Freeways Circa 1973

Some Freeways Were Built
& Some Were Not

SAN FRANCISCO FREEWAY
PLANS OVER THE YEARS...

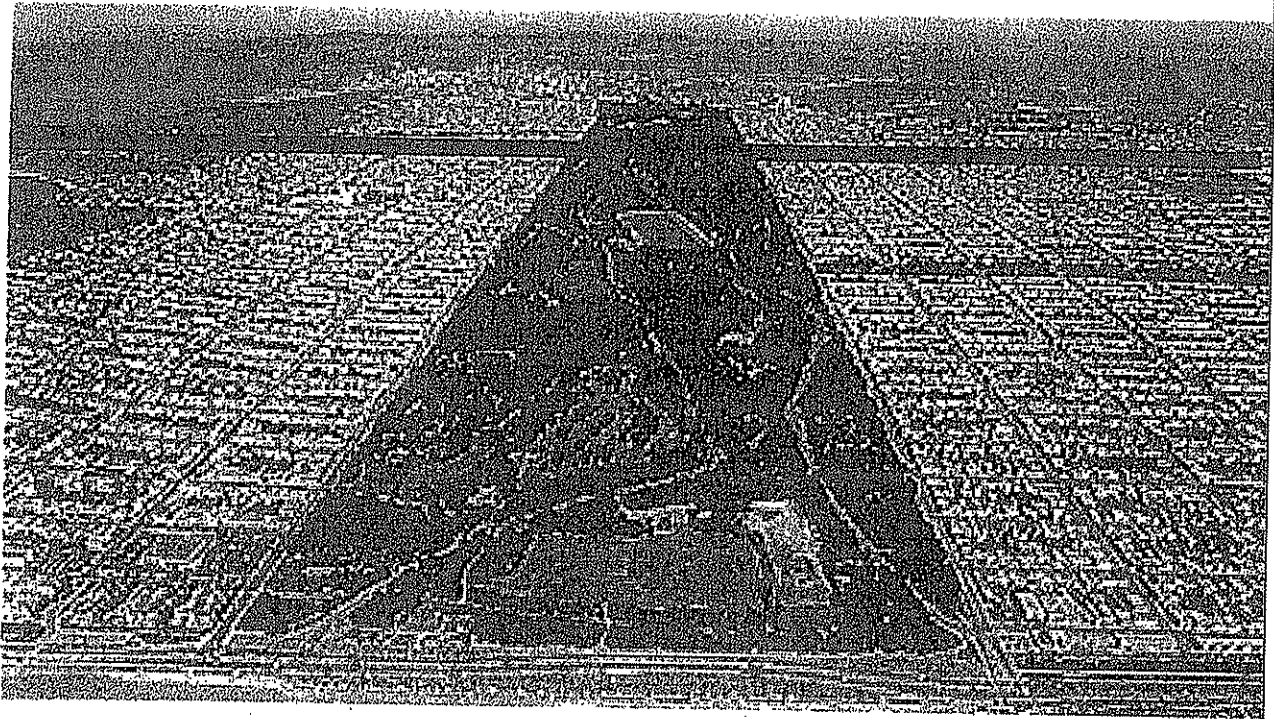


... AND WHAT WAS ACTUALLY
BUILT AND DEMOLISHED.



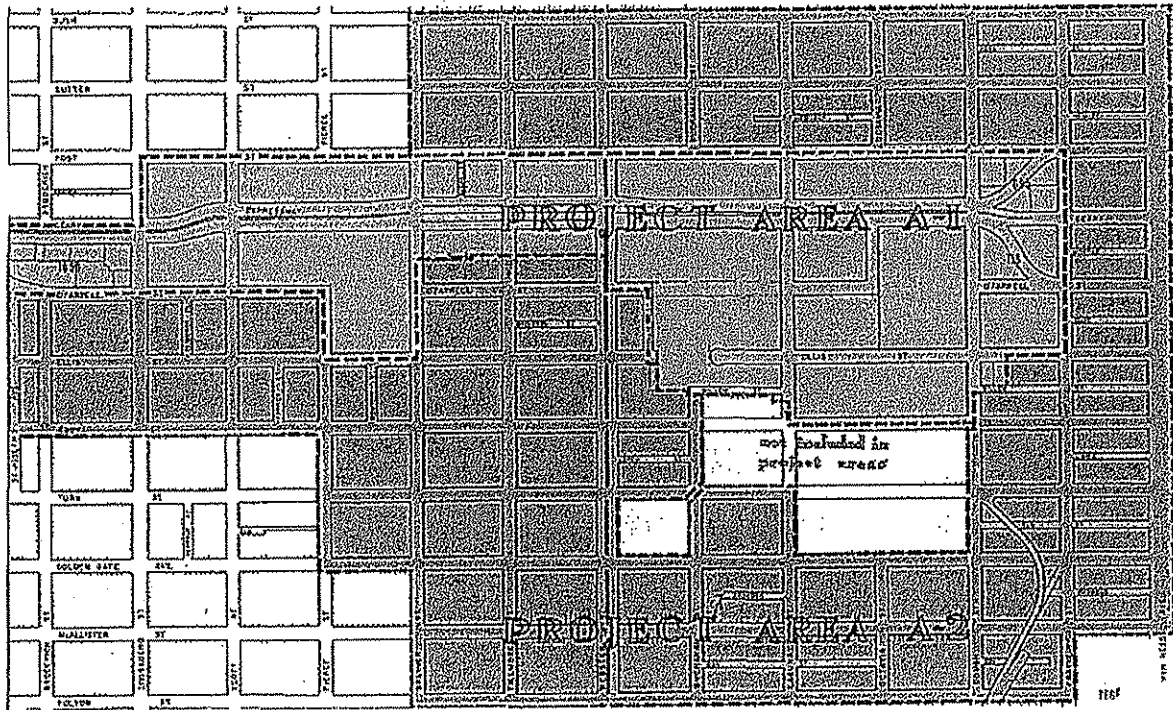
**The Western Freeway
Through Golden Gate Park Was Never Built**

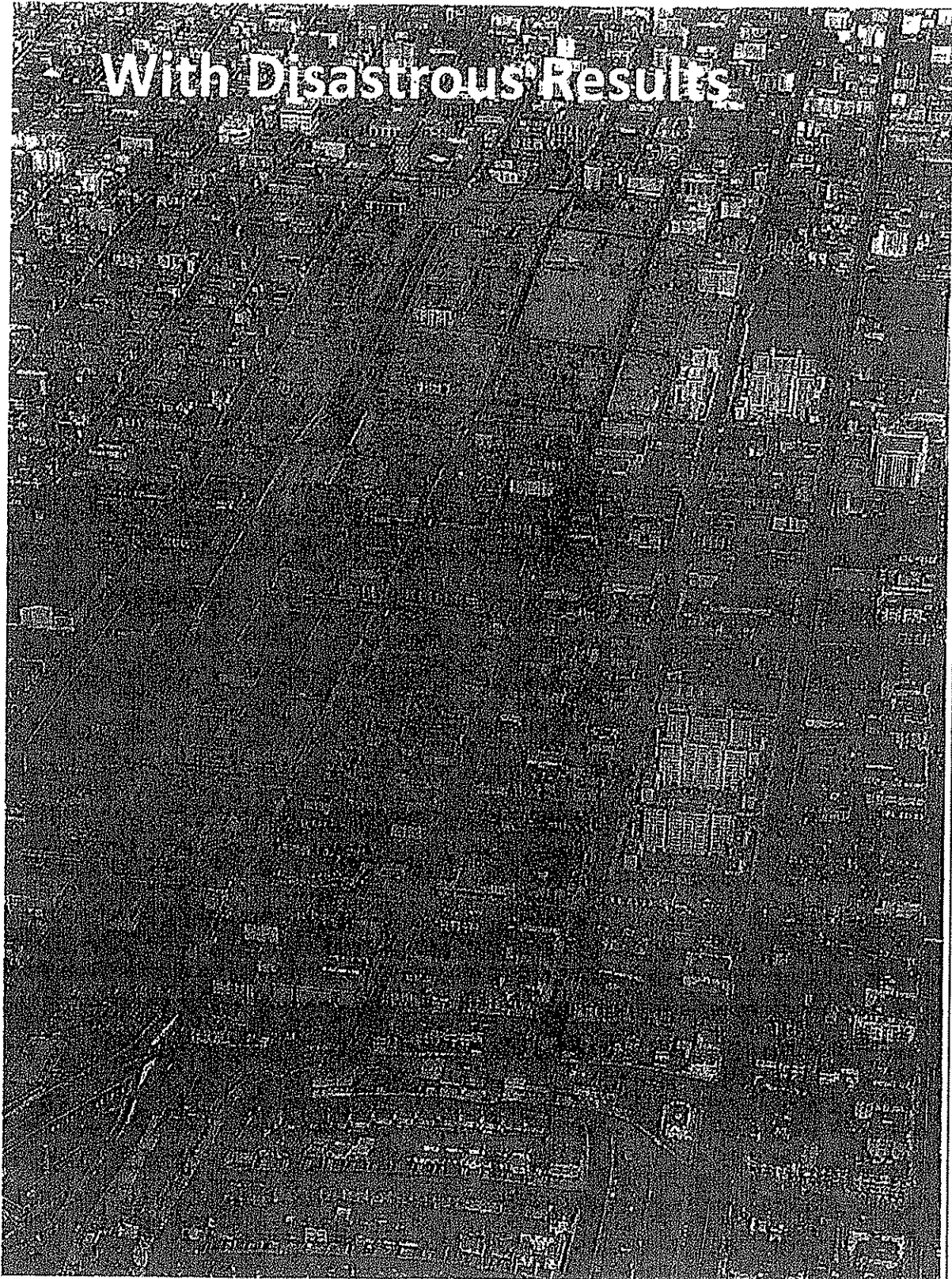
11-1



The Geary Street Extension Was Built

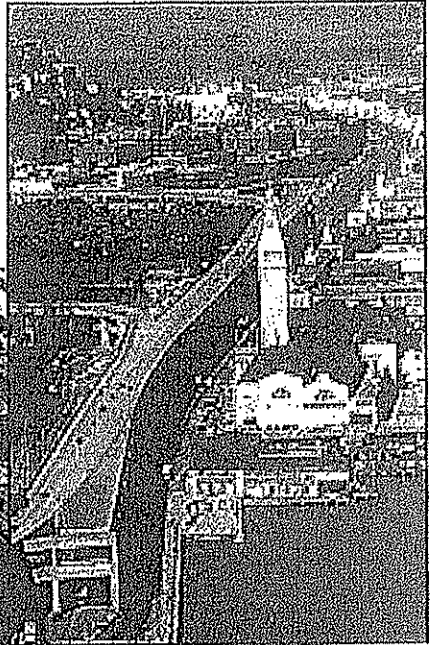
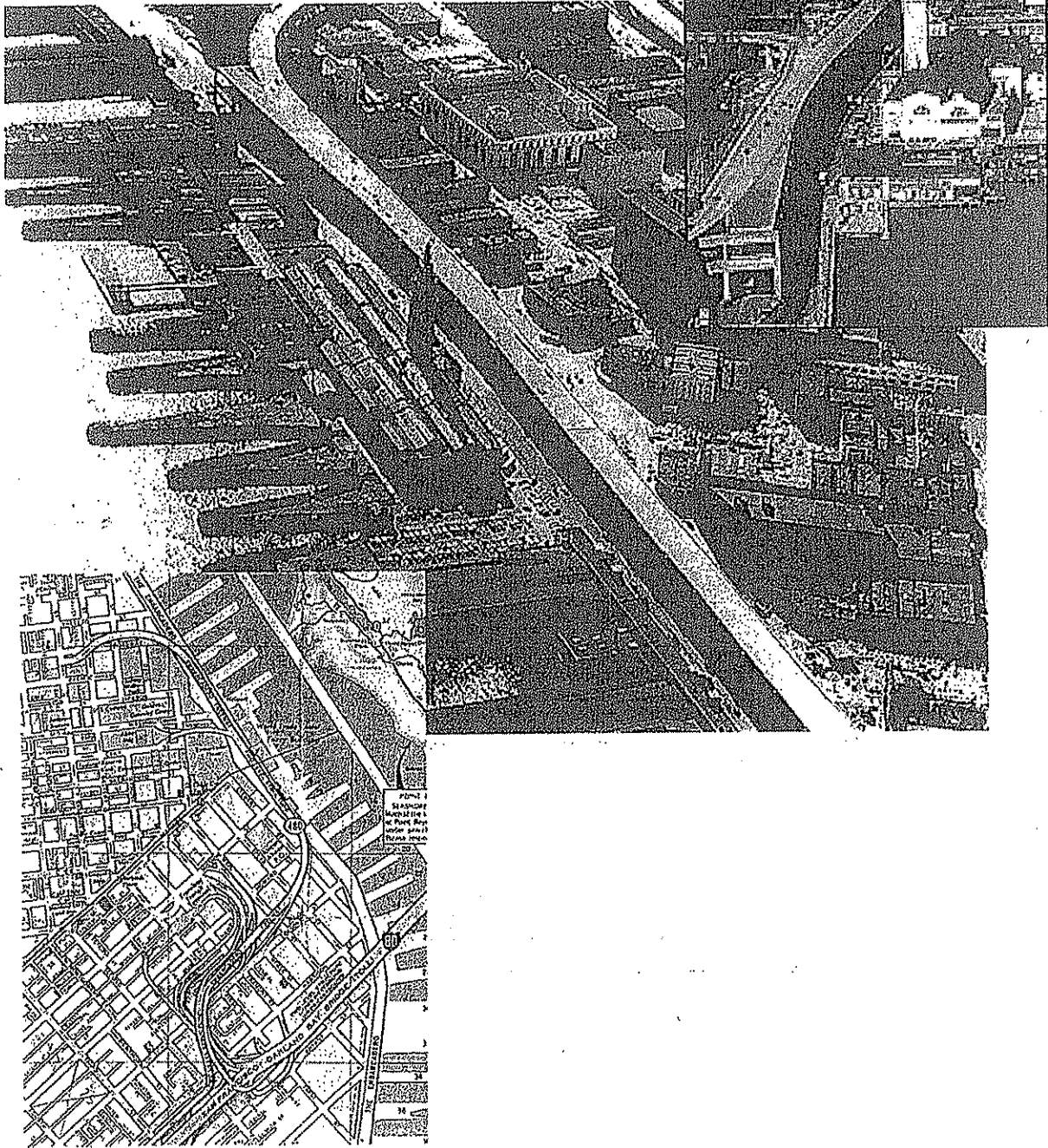
11-1



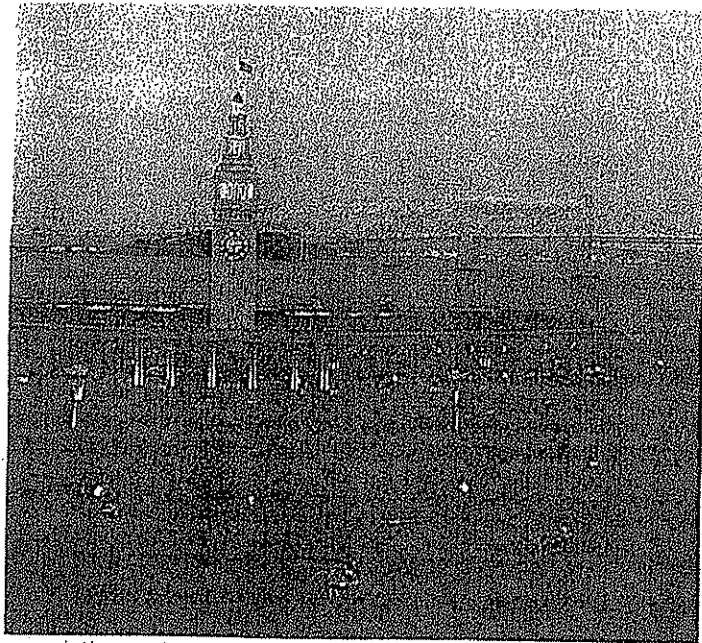


11-1

Sometimes Disasters
Help Us See Our Mistakes

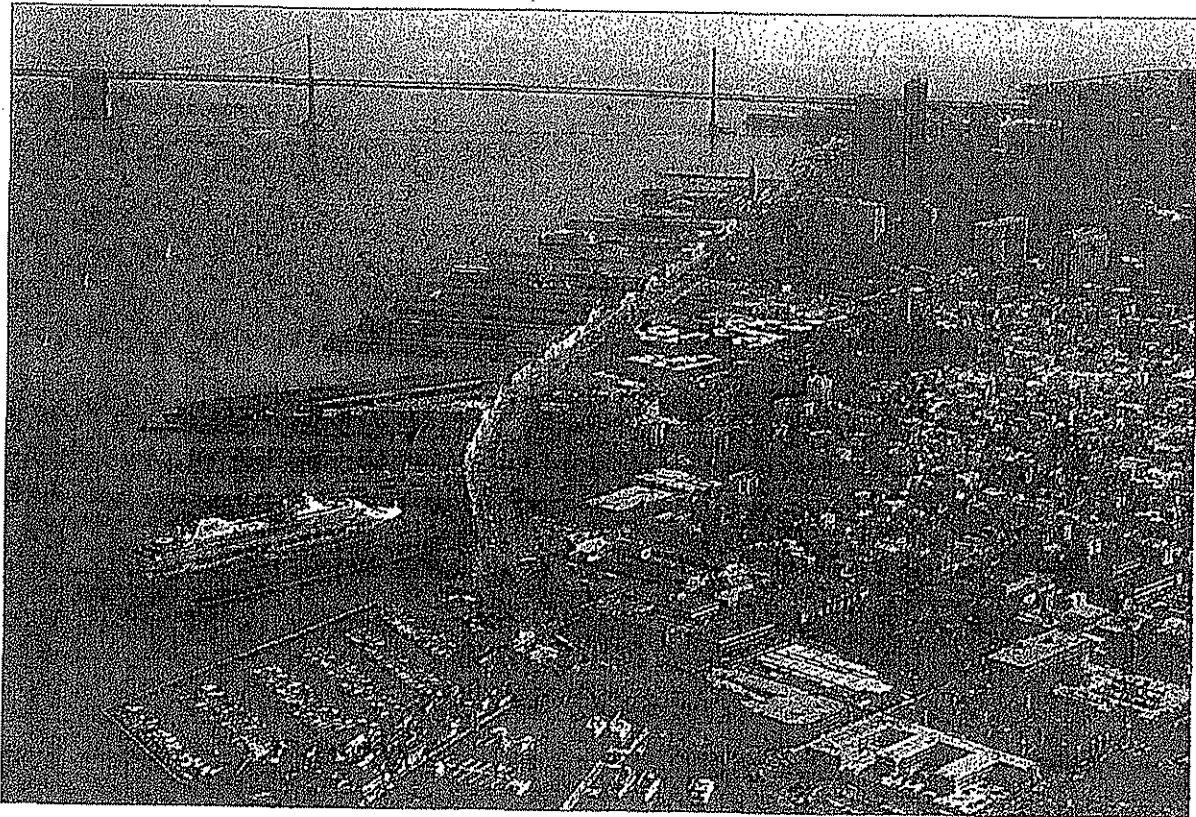


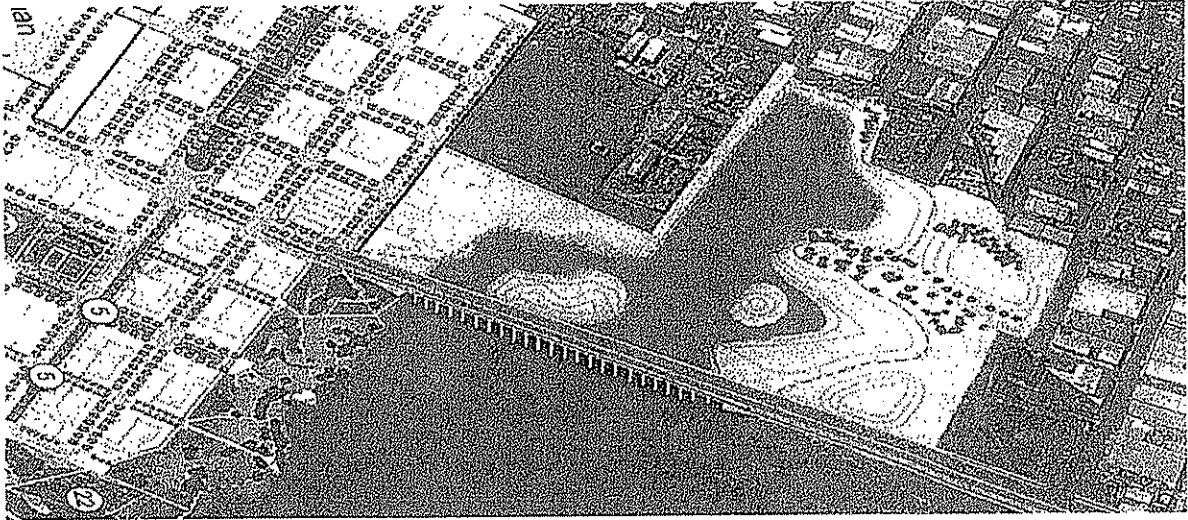
11-1



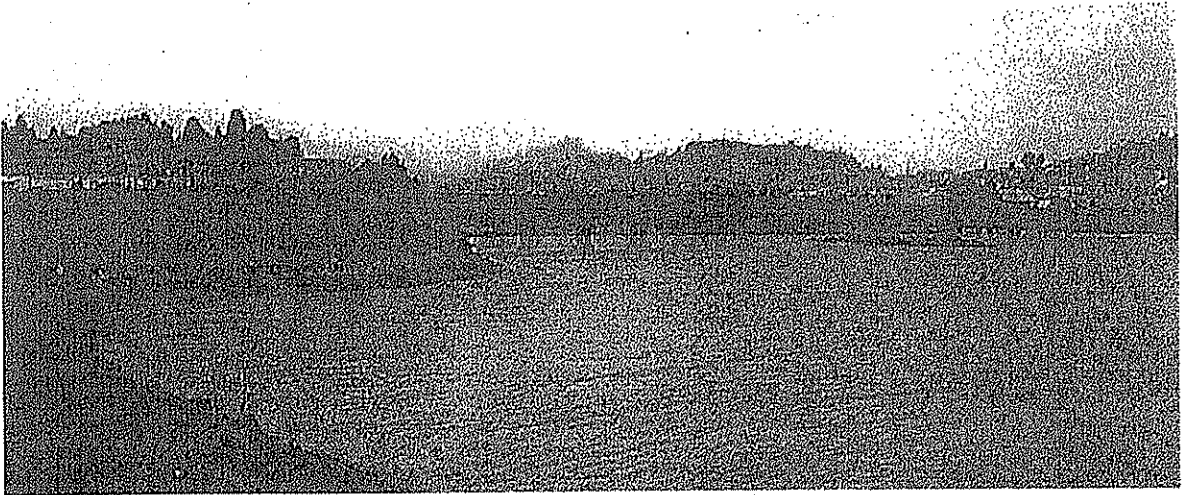
Even With The
Embarcadero's
Beauty Largely
Restored
*China Town and
Other Adjacent
Neighborhoods
Are Still Affected
by The Legacy of
Poor Planning*

11-1





11-1



There is Always A Reason To Build A Bridge



11-1

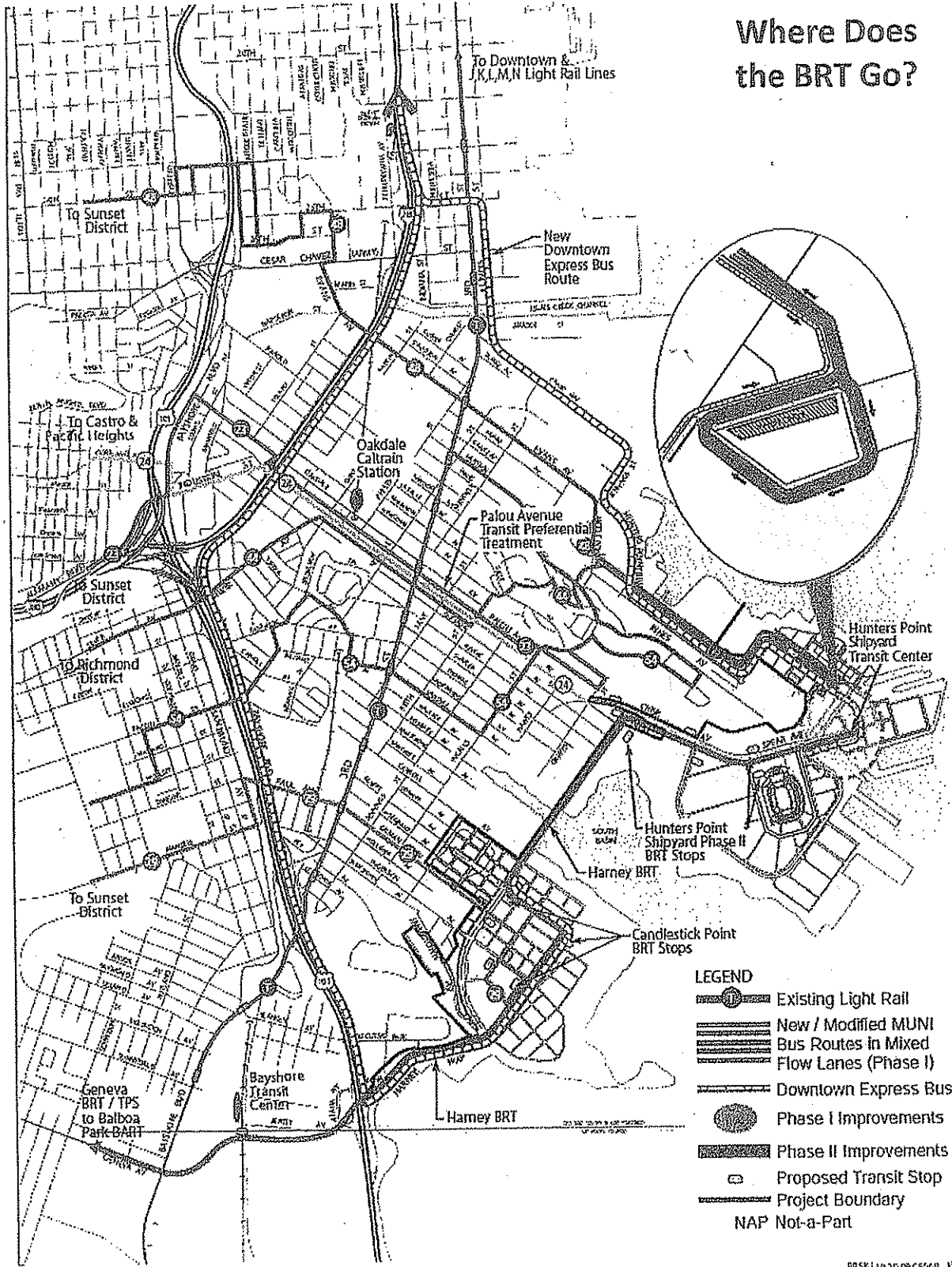


**And Proponents of A Project Will Always Dismiss Another View
-Even Misrepresent Its Design**

**->>> There are no 15 intersections crossed in the route
alternative**

Where Does the BRT Go?

11-1



SOURCE: Fehr & Peers; AECOM, 2009.

PHS2110306096660 JCS 09

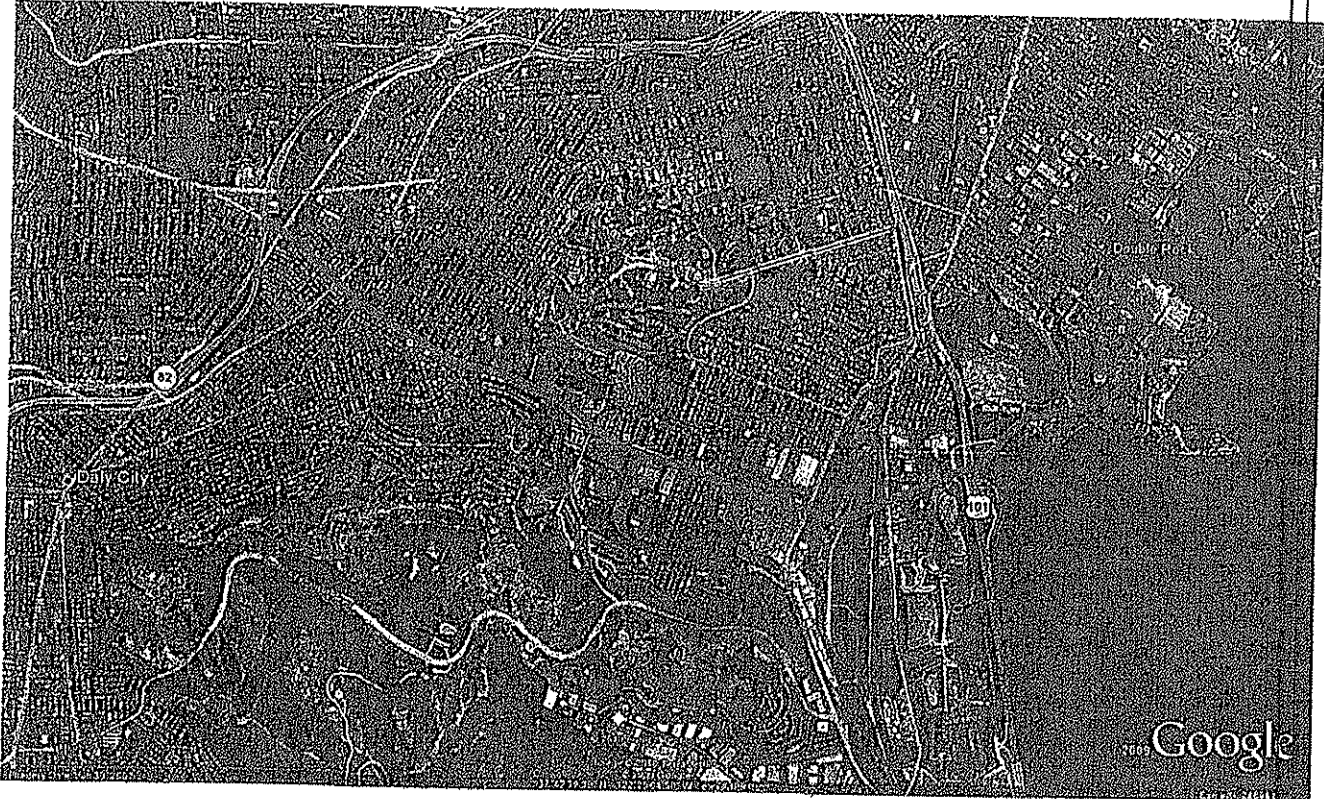
Candlestick Point — Hunters Point Shipyard Phase II EIR
 PROPOSED TRANSIT IMPROVEMENTS



FIGURE II-13

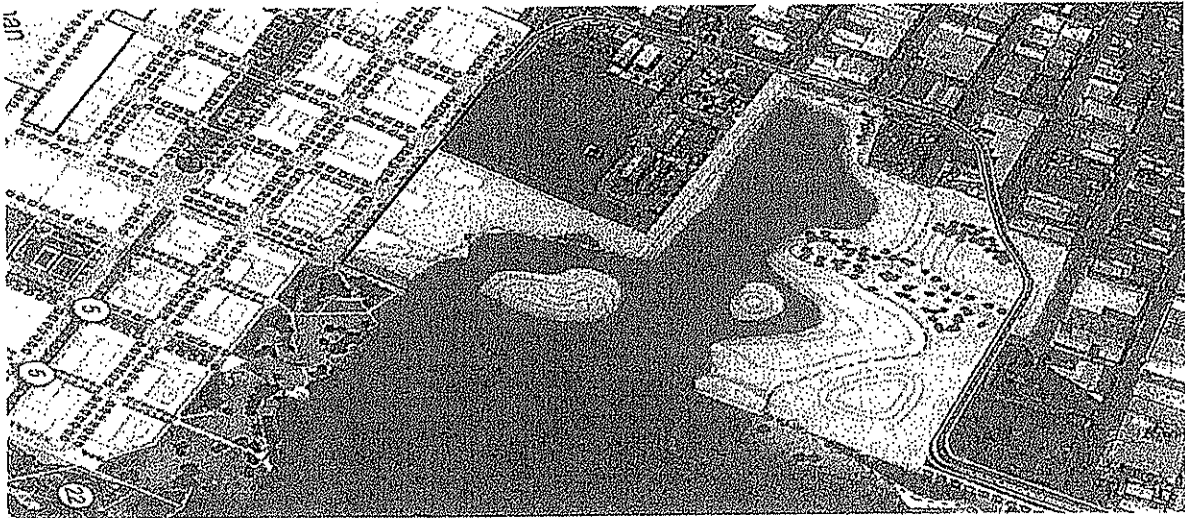
What Does the Rest of the BRT Route To Balboa Park Look Like

11-1

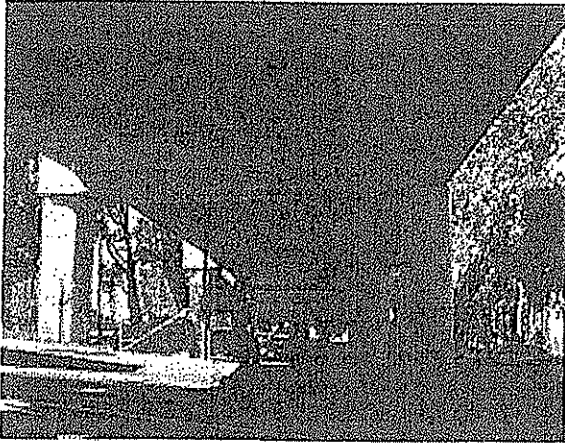


There Are More Than 80 Intersections from Candlestick Point to Balboa Park

– More When As Build Out in the Rest of the South East Continues



**SOMETIMES BEING THERE
MATTERS MORE
THAN HOW FAST YOU GET THERE**



← 24 Feet Wide +/-

11-1



Chronicle / Katy Raddatz

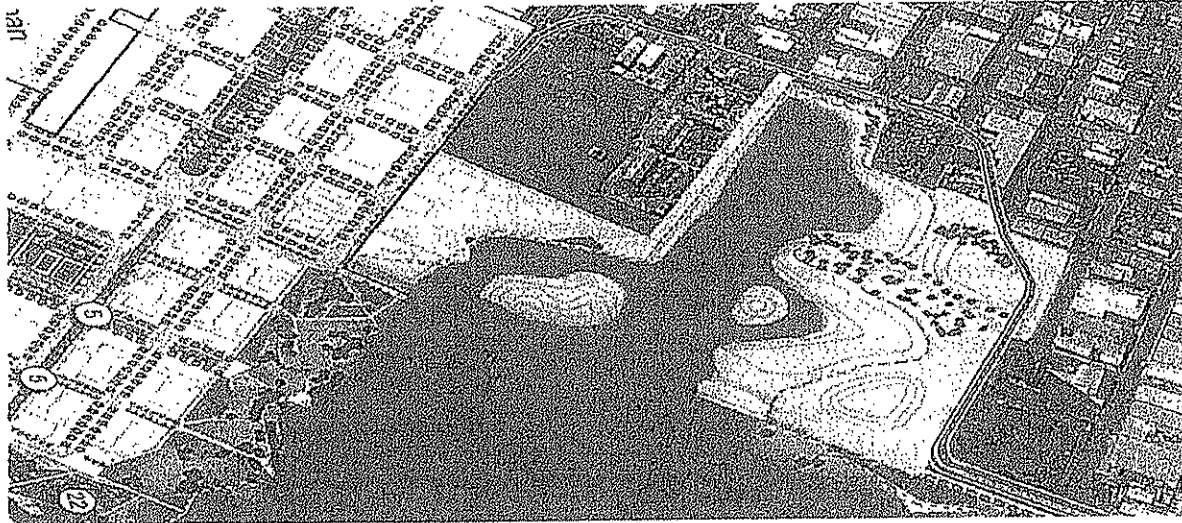
SAN FRANCISCO / An urban success story / Octavia Boulevard an asset to post-Central Freeway area

January 03, 2007 | By John King, Chronicle Urban Design Writer

Octavia Boulevard, shown from Market Street, connects the ramps that touch down at Market with Oak and Fell streets a few blocks to the north. Chronicle photo by Katy Raddatz Credit: Katy Raddatz

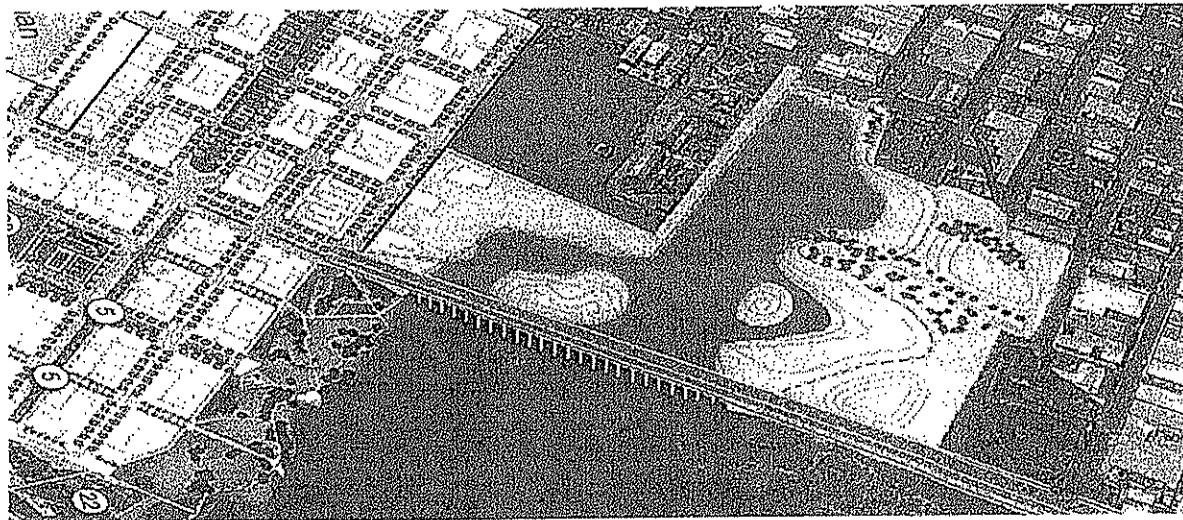
In the 15 months since it opened, San Francisco's Octavia Boulevard has been hailed as a model for other cities. It has been honored at the local and national level, including an award last month from the American Planning Association.

Exhibit 1: Arc Ecology Alternative BRT Route (No Bridge)



11-1

Exhibit 2: Lennar/ City Proposed BRT Bridge



Lennar City Comment 1 - Too many turns:

Response: There is just one more acute right angle turn on this route than the Lennar/ City proposed bridge. The rest of the turns are left and soft. LSA Associates' time evaluation indicates that the impact on time is negligible on this dedicated right of way.

11-2

Lennar City Comment 2 – Too many intersections, too close together, priority signals unreliable:

Response: Given that the Lennar/ City Proposed BRT crosses dozens of intersections along its route to Geneva BART, the complaint about these seems somewhat inconsistent. This route crosses just three additional intersections (Van Dyke, Yosemite & Armstrong) prior to merging with the bridge's street alignment at Carrol, not the five indicated by Lennar/ City. Furthermore, Yosemite Street is closed after the Right of Way and becomes a private street substantially reducing the traffic issue. The Alternate BRT Route follows the bridge alignment on the north side, cuts along the perimeter of State Park property until it merges with the dedicated Railway Right of way. This is because the Railway Right of Way generally hugs the bottom of the industrial park. As a result signal prioritization while useful and one of many strategies that should be implemented if this alternative route is adopted is much less critical that it would appear because of the relatively few numbers of intersections crossed. Signal prioritization will be much more important as the BRT line snakes its ways through Little Hollywood, Viz Valley and Geneva Avenue to BART. On Geneva Avenue alone the BRT would encounter more than 30 intersections which in turn raise concerns as to whether the claimed 2.5 minutes wait for rush hour BRT service is realistic.

11-3

Lennar City Comment 3 - Sight lines blocked by warehouses slowing times for fear of accidents

Response: The response to this comment is similar to the one above. Lennar and the City's exaggeration of the number of intersections affecting by the Alternative Route exacerbates this concern. Commuter rail lines throughout the east coast negotiate similar routes at speed daily. Fences and other mechanisms for access control could provide additional security as well as signalized routes.

11-4

Lennar City Comment 4 – There is a 5 minute difference between the Bridge route and Alternate

Response: This is incorrect. The Draft EIR states that the route around Yosemite Slough will require 5 more minutes than the bridge. The origin of this 5-minute calculation is not found in the Draft EIR or Appendix D (Transportation Study), but it is found in the appendix of the BTIP Transportation Study, which is referenced by Appendix D (Transportation Study). The travel time saving was miscalculated by omitting the time spent traveling across the bridge. The difference in travel time between the bridge and no bridge alternatives is important because ridership models are very sensitive to travel time (however, the regression model used to compute the ridership levels was not published in the EIR and thus we could not confirm the accuracy of the claim that 5 minutes additional travel time results in a loss of 15% of ridership).

11-5

In the December 21, 2009, letter, LSA noted that the proposed project BRT travels 2,245 feet (ft) between Carroll Avenue and Shafter Avenue, while Alternative 2 travels 5,450 ft. The Arc Ecology BRT route travels approximately 5,150 ft between Carroll Avenue and Shafter Avenue. The San Francisco Municipal Transportation Agency does not currently operate a BRT route with limited stops in dedicated right-of-way. To determine average travel speeds for BRT, LSA measured distance and travel time on the Orangeline BRT operated by the Los Angeles County Metropolitan Transportation Agency. The average travel speed (including time loss due to slowing, loading passengers, and accelerating) was determined to be approximately 20 miles per hour (mph). When this travel speed is

applied to the increased travel distance around Yosemite Slough, it results in a travel time advantage for the bridge of less than 2 minutes.

11-5

Lennar City Comment 5 – The alternate route is unattractive:

Response: Only 1 minute 40 seconds of this route is compromised by views of PDR structures. To put this in context it would take BART 3 minutes - 1 minute and 30 second longer - to travel from Embarcadero to Powel Street stations. This segment of the route has no view, yet is heavily used by commuters traveling onward either from work to home or from downtown residences to work elsewhere in the City or on the Peninsula. BART's view from the 12th Street Downtown Oakland Station to the Transbay Tubes travel by rail yards, the port as well as junk yards, BART riders south to Fremont see similarly poor views. Furthermore many experience poorly maintained stations and occasionally unsafe conditions. Nevertheless housing locations near both BART and MUNI and their stations are seen as an advantage in the real estate industry.

11-6

Aside from the 1 minute 40 seconds of compromised views in the PDR section of the Alternative Route around Yosemite Slough as the graphic shows the views for commuters are of restored parkland, wetlands, Yosemite Slough, and South Basin. Given the relatively short distance between the bridge and the same PDR faced by the alternate route, bridge bound BRT riders would be treated to similar views for the same period of time just not as close. The relative merits of the Alternate route could arguably be stated to be improved by the lack of a bridge providing unimpeded vistas of a Yosemite Slough incorporated into South Basin and San Francisco Bay. Wetlands are not obscured by the bridge structure and pilings, wildlife sanctuaries are not shadowed by bridge structure, as such the view is more similar to the route along side Crissy Field, particularly along the stretch of that road where there is still ongoing restoration of the Presidio's former military industrial sites.

Lennar City Comment 6 – Does not provide a grand and direct connection between both Candlestick and Hunters Point sides of the project which is needed for its success

Response: This is an aesthetic argument and one could plausibly see varied views. One question would be how do we expect future project residents and commuters to use both the transit and the park. In all likelihood residents and workers will be in their respective homes and places of employment far longer than they will be in the actual process of commuting. As the two routing graphics show, the benefits of the proposed Alternate Route is that it provides a superior view shed for residents in the homes of an integrated parkscape not bifurcated by a bridge. It shows unimpeded bay trails, running courses, habitats and wetlands unshadowed by the oppressive view of the bridge. It furthermore carries the noise of the BRT line away from the center of the park area. Project residents who use the park for recreation are likely to prefer the quieting view of the uninterrupted park over the extremely busy and frenetic BRT schedule contemplated in the plan. Similarly employees of business commuting into the project area would have opportunities to use the uninterrupted length of the route around the slough for jogging and other forms of exercise and recreation. Given that the bridge will not be used for vehicular traffic, one could not use it to drive between project amenities as such the route without the bridge promotes the walkable City goal more fully than does the bridge alternative. Similar to Lake Merritt in Oakland the circumference of the Slough and South Basin becomes the central connective feature of the development.

11-7

It is our view that the park itself provides the grand connection between the project sites and that the Alternative BRT route provides an opportunity for commuters to quickly view that asset on their way

to work creating a calming visual amenity that the bridge simply cannot match. Finally the lesser quality views of the PDR sites would go by so quickly that a daily commuter would barely have time to finish the first few paragraphs of an article in the newspaper before a better visual was available.

11-7

Lennar City Comment 7 – The Bridge serves existing Bayview Hunters Point Community

Response: The maps provided in the DEIR/ FEIR and the one of the Lennar/ City preferred route above clearly shows that the bridge routes the BRT away from the existing community.

11-8

Lennar City Comment 8 – The Bridge is safer than adjacent streets for people after dark

Response: This comment was made to Supervisors Campos and Mirkarimi during a discussion between Lennar Vice President Kofi Bonner, two of Lennar’s consultants and representatives of the Sierra Club and Audubon Society and was related to us by both the Supervisors and the nonprofits. This is perhaps among the most disturbing of the comments made in the course of this discussion because it reveals something far deeper about the thinking around this project than may appear at first glance. While it is superficially true that a better lighted well traveled thoroughfare is inherently safer, what this comment actually says is that in the five years that will elapse before bridge construction is completed and for the foreseeable future thereafter; nothing is fundamentally expected to change about the nature of the neighborhood or its industrial park.

11-9

The oft-stated purpose of both the Candlestick Point Hunters Point Shipyard and Bayview Hunters Point Redevelopment Projects are to address urban blight in the community and help to lift the district out of poverty. This comment seems to reveal that Lennar’s expectation is that the neighborhood will remain essentially the same despite its project and the surrounding activities. It assumes that despite plans to revamp Ingalls Street that it will remain poorly lit and largely deserted. It assumes that despite the promised redevelopment of Alice Griffiths that the streets along its newly constructed sidewalks will remain dangerous. It assumes that policing in the neighborhood will continue to not be a deterrent to crime. Finally it seems to reveal that from Lennar’s perspective the only way to keep its project safe is to cut it off from the rest of neighborhood as the route and bridge so clearly appear to do from the drawings presented and the community the BRT serves.

Finally, it is not clear that one is safer on a bridge of the length of this one. If one faces danger on a bridge there is nowhere to go. At least on city streets one can try to escape on side streets – on a bridge there is only water on each side and no escape.

Lennar City Comment 9 – The Bridge will not impact habitats or wetlands

Response: The maps above clearly show that the bridge will encroach upon the wetlands and habitats being rehabilitated by the State Parks Foundation. Pilings in the Slough will inhibit its natural flushing process, and the route clearly cuts the park into two parts damaging its visual integrity as well as wildlife corridors for travel between the north and south sides of the park. Lennar concedes that there will be impacts, including light, noise, and pollution, but rationalizes by saying that mitigation can occur— however these locations are outside of the City; primarily offsite mitigation is likely to be located in Richmond or Newark. Setting aside for a second the ecological importance of wetlands restoration to the health and quality of San Francisco Bay and the enormous economic benefits to fisheries and other industries; Tens of thousands of San Franciscans enjoy the wetlands at Crissy Field and Lake Merced for their aesthetic, educational, and recreational values. This strategy would negatively affect the City’s most valuable opportunity for Bay-side wetlands restoration and the only

11-10

place in the South Eastern Quadrant where residents can enjoy an amenity of the size and scope available at this location. Returning to an environmental perspective this strategy makes clear that San Francisco lacks serious commitment to restore wetlands within its borders, that it will continue its history of exploiting the shoreline and degrading habitats, and will pay for improvements somewhere outside of City limits to the detriment of San Franciscans and most particularly Bayview residents who will be unable to or have to travel great distances to enjoy them.

11-10

Lennar City Comment 10 – The Bridge will help market property

Response: It is Arc Ecology's perspective that it is the park and waterfront that will become the primary marketing asset of this development rather than the bridge. Recent survey of studies by universities around the nation conducted by Arc Ecology's late economist planner Eve Bach for the Mayor's Office of Community Development suggests that proximity to parks and open space play a larger role than had previously been understood. These studies indicate that industrial and residential properties abutting parks and open space fetch higher prices and are in greater demand because of their aesthetic, calming, and recreational value. Major cities like New York are demolishing freeways like it's famed West Side Highway to improve public access to its waterfront and expanded park/ greenway system. Arc Ecology has been consistently concerned that Lennar and the City have undervalued the project's most significant visual and recreational asset treating it as an obstacle to be overcome as opposed to a central organizing theme despite being called a waterfront development.

11-11

Lennar City Comment 11 – The bridge is needed to have an NFL Stadium

Response: Despite comments in the press and EIR about the importance of the bridge to game day traffic, this argument is fading along with the prospect that the 49ers will remain based in San Francisco. With the voters' approval of the Stadium project in Santa Clara, the statements by the York's - the owners of the team, and recent comments from individuals like Joe Montana, it would seem that at the most the bridge should remain a contingency for further review should matters change rather than the preferred alternative of the project. Indeed Lennar recently suggested that a bridge just 41 feet in width, less than half the size of the currently proposed bridge might be a compromise indicates how little faith there is that the stadium's needs should be a driver of project development.

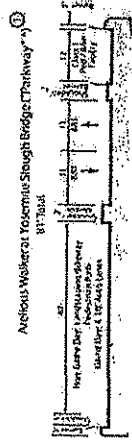
11-12

Lennar City Comment 12 – Would a bridge with a revised foot-print of just 41 feet with a guarantee of no vehicular traffic satisfy environmentalist concerns

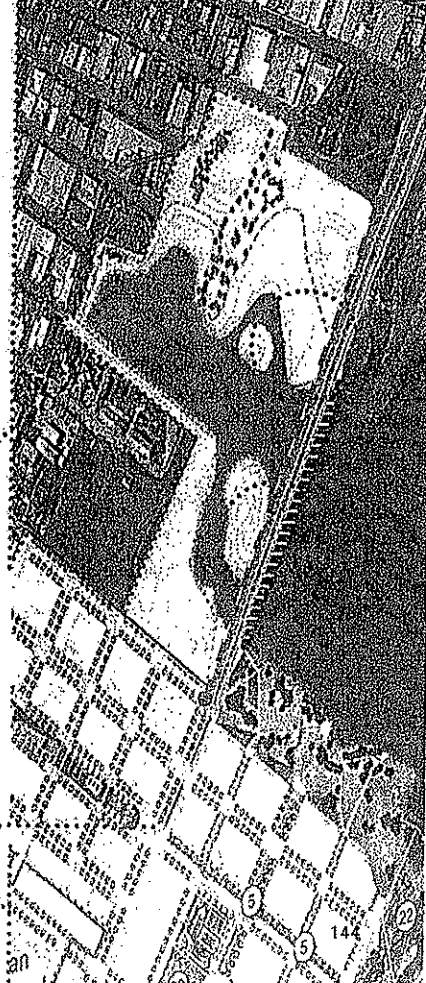
Response: Unfortunately no. The bridge would still be of equal length, requiring pilings in the Slough and South Basin which in turn would impact the flushing of the Slough as mentioned above and contribute to its filling as a result of siltation. The bridge would still shade habitats, bifurcate the park and impinge on wetlands. It would introduce lights, noise and pollution (including trash and food waste, which the EIR concedes results in larger populations of "nuisance" species that negatively affect native species). The wetlands under construction by the State Parks Foundation are being paid for by San Francisco International Airport under an order from the Regional Water Quality Control Board for past destruction of critical bay wetlands. Even the revised bridge does not meet the requirements of the Bay Plan and Section 404 of the Clean Water Act requirements that fill is not permitted where a feasible upland alternative exists. Arc Ecology is concerned that the impact of the bridge on the adjacent wetlands could be significant enough to provoke the San Francisco Regional Water Quality Control Board to rescind its approval of these projects as contributing to its mitigation requirements reopening its enforcement order and penalties against the Airport.

11-13

Current Proposal: BRT Bridge over Yosemite Slough



*Existing bayview community
*New housing (does not currently exist)



This illustration depicts the 81' bridge as proposed by Lennar/City.

ENCROACHMENT/IMPACT ON PLANNED HABITAT AND MITIGATION WETLAND:

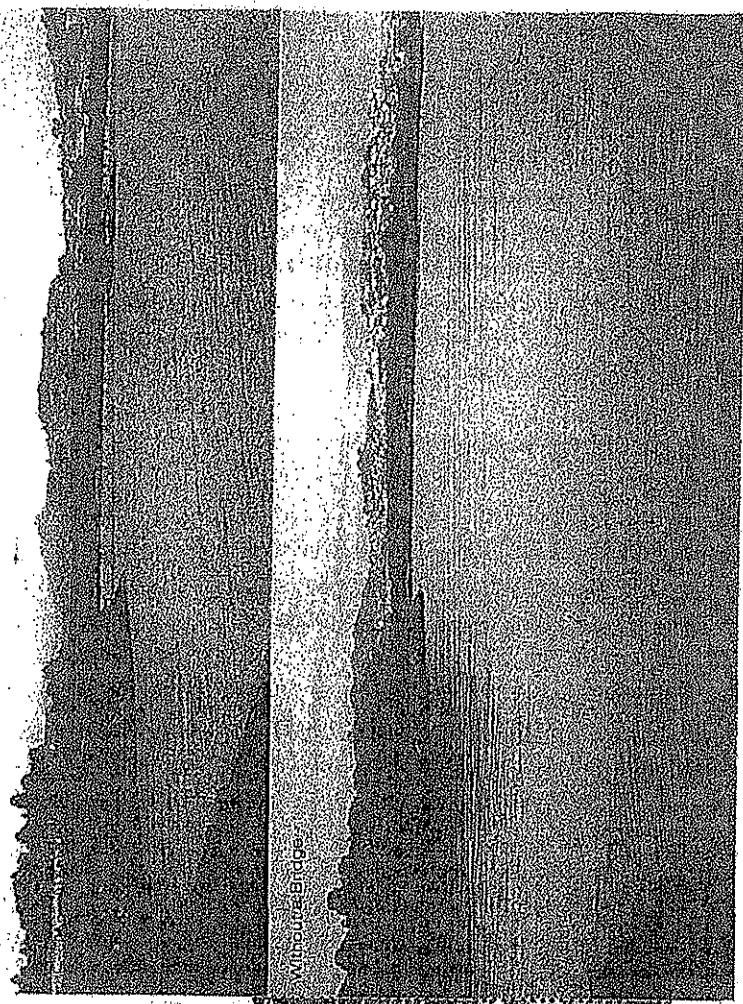
- Noise: 75-decibels
- Light/shadow
- 32 concrete piers
- Modifies water flow and sedimentation to wetlands

DIVIDES STATE PARK

- Grassland Habitats
- User Experience
- Visual Access

BRT ROUTE DOES NOT SERVICE EXISTING COMMUNITY

Lennar BRT Bridge Illustration



distance 0.5 mile 1 mile

BRT Alternative



time 0.5 min 1 min 1.5 min 2 min 2.5 min

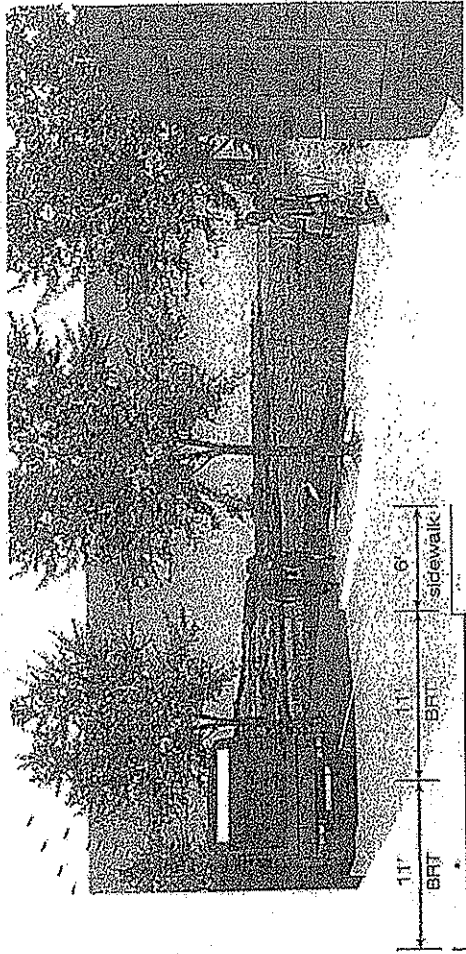
Alternative 1: BRT in Railway Right of Way



This illustration provides a narrower BRT road that fits within the existing railway right of way.

Proposed State Park parking lot

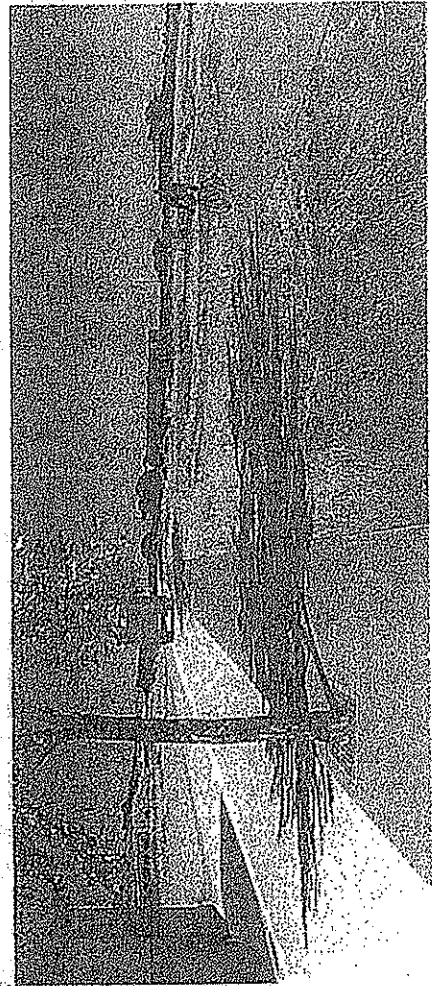
- Makes BRT transit available to existing community
- Uses existing 28'-33' rail right of way
- No property acquisition required



distance 0.5 mile 1 mile



time: 0.5 min 1 min 1.5 min 2 min 2.5 min





Aaron Goodman
 <amgodman@yahoo.com>
 07/11/2010 10:20 PM

To board.of.supervisors@sfgov.org
 cc linda.avery@sfgov.org
 bcc
 Subject "a livable diverse community" - BVHP [SF BOS July 12th
 Land-Use / July 13th]

History This message has been forwarded

SF Board of Supervisors;

I read with interest the article in the SF Bay Guardian by Sarah Phelan "Lennar's Litmus Test" - June 30th-July 6,2010] and although I have not been involved directly with the issues related to the BVHP area, I am accutely aware of the issues concerning the housing development, and light-rail extension proposed, and have followed this development for some time.

12-1

I do not see this development as being sustainable or "a livable diverse community" when the developer and city do not address the concerns raised by the community and tenants advocates when they ask simply "WHERE IS THE RENTAL HOUSING FOR THE EXISTING COMMUNITY?" The answer was that Lennar threatened the city with backing out of the agreements if forced to build rental housing units. The for-profit model lennar used for this development focused on the higher end units with towers and views, and the low-mid income areas stuffed back in a corner of the development in larger box-blocks.

The yosemite slough option was a last minute throw in when we pushed them way back on the issue of HOW do these units get downtown, and I was informed "they will hop the bus and switch to the T-Third Street Light Rail here...".... This obviously also was a failure in looking seriously at the transit first routing and opportunities to utilize a loop route and deal with the total capacity of people riding the rails. The T-Third line still functions poorly and the station stops are VERY pedestrian unfriendly platforms.

12-2

The overall impacts on the community existing is huge, as many for-profit housing development pressures will undoubtedly consistently push out and drive up real estate prices, forcing many to sell or move out as tenants in existing units.

12-3

The need to quantify the impacts the socio-economic basis on the impacts on the people in this community must be determined prior to approval.

To develop a huge density as proposed and reduce the open-space and natural ammenities is again akin to the proposed Parkmerced redevelopment through a reduction in open-space.

12-4

The total lack of time for the SFHPC to provide adequate comment, is again an indicator of how the developers have steam-rolled the process, politically and systematically.

12-5

I only see a severe re-gentrification of the BVHP neighborhood (Fillmore #2) if you will..

I hope the SF BOS crafts some teeth into the development agreements, and MOU's and ensure that lennar is not allowed to build a single unit, without the best Public Benefit to the existing community being included....

12-5

to not do so voids the "livable" in the first statement and should just read

"a lie of a diverse community".....

Sincerely

Aaron Goodman
amgodman@yahoo.com

PRESS ADVISORY

People Organized to Win Employment Rights (POWER)
4923 Third Street, San Francisco CA 94124 (415) 864-8372 www.peopleorganized.org

WHAT: Press Conference with Scientist Wilma Subra and National Environmental Justice Advocates, urging the Supervisors to Reject Lennar's EIR

WHEN: Monday, July 12, 2010 at 12 noon **WHERE:** San Francisco Front Steps

For Immediate Release—July 8, 2010

Contacts: Jaron Browne, Lead Organizer (415) 377-2822
Jose Luis Pavon (415) 571-0481

Nationally acclaimed Environmental Scientist and National environmental Human Rights advocate Join Bay view Hunters point Residents in the Call to the Board of Supervisors to Reject Lennar's EIR

13-1

SAN FRANCISCO, CA- nationally acclaimed Environmental Scientist and National Environmental Human Rights advocate are joining with Bayview residents in calling on San Francisco Supervisors not to accept the Environmental Impact Report for Lennar's massive condominium and stadium complex at the Hunters Point Shipyard.

CNN has called Wilma Subra another Erin Brokovich and the Guardian has called her an "activist grandmother" and "Tony Hayward's worst nightmare." Wilma Subra is a chemist who has been working for the past 30 years to defend local communities. Subra received a MacArthur Genius grant for her work in 1999, and is now one of the leading experts on the British Petroleum oil spill crisis. On June 2nd, Subra was featured on CNN's Special Report "Toxic America" and the national Pacifica Radio program "Democracy Now!"

According to nationally acclaimed scientist Wilma Subra *"The EIR failed to evaluate and assess the cumulative impacts of exposure to human and ecological receptors and the environment as a result of exposure to all of the chemicals present at the site."*

Monique Harden, Co-Director and Attorney of Advocates for Environmental Human Rights AEHR of Louisiana will join subra at the Press Conference. AEHR recently brought the human rights case on behalf of Mossville, Louisiana, seeking to remedy the failure of our government's to protect communities from toxic pollution and environmental hazards.

Advocates for Environmental Human are examining similar human rights violations affecting the protection of health for families in Bayview Hunters Point if the City moves forward with development without successfully mediating the health impacts on the surrounding community.

"If the human rights of Bay view Hunters Point were respected by our government, you wouldn't be in the situation that you are in now!" –said Monique Harden, Co-Director of AEHR

"In the struggle for Environmental Justice, it is appalling that we are not able to depend on the EPA of Region 9 who is mandated to protect the health and well being of the community. We are forced to call on outside help to advocate for our right to clean air and health, as the city of San Francisco, watches people suffer. Green city not for the environment, Green City for greedy rogue developers. " Bayview resident

Wilma Subra
Subra Company
P. O. Box 98113
New Iberia, LA 70562
337 367 2216
subracom@aol.com <<mailto:subracom@aol.com>>

Linda Avery, Planning Commission Secretary
Bill Wycko, Environmental Review Office
Ron Miguel, Commission President and Commissioners
San Francisco Planning Department
1650 Mission Street 94103

May 30, 2010

**Subject: Candlestick Point-Hunters Point Shipyard
Phase II Development Plan Project Draft
Environmental Impact Report 2007.0946E**

Comments were prepared after a review of the Draft Environmental Impact Report (EIR) and provided on January 12, 2010. The comments focused on early transfer, areas of concern with early transfer, hazardous materials use, hazardous contaminants, schools within one-quarter mile of Hunters-Point Shipyard (HPS), and the need for additional procedures. The need for additional procedures section of the comments focused on the lack of evaluation and assessment of the cumulative impacts of exposure to human and ecological receptors and the environment; the lack of a process to disseminate information on institutional controls and exposure avoidance mechanisms for new occupants on site, workers constructing development units and shoppers, workers and visitors at business units on site; and the lack of adequate oversight and enforcement of the terms of the Early Transfer Cooperative Agreement, Administrative Orders on Consent and the Records of Decision (ROD) and Remedial Designs. (Copy of January 12, 2010 comments attached)

The Response to Comments (RTC) submitted during the Draft Environmental Impact Report comment period were dated May 2010. The RTC were reviewed and the following comments offered.

Early Transfer and Areas of Concern With Early Transfer

The RTC went into detail concerning the requirements necessary prior to Early Transfer. This information was contained in the Draft EIR. The RTC failed to clarify and correct

14-1

the inconsistencies in anticipated time frames for completion of RODs for individual parcels.

The RTC failed to adequately address the issues contained in the Areas of Concern With Early Transfer submitted in my January 12, 2010 comments. The RTC basically referenced existing sections of the draft EIR that had been reviewed and previously judged inadequate to address the issues.

14-1

The RTC did not adequately address the issues associated with redevelopment occurring during remedial activities. The redevelopment of the parcels during remediation are of concern. The RTC lacked adequate information on redevelopment and occupancy and how it is compatible and safe from exposure during remediation activities. The potential for exposure of construction workers engaged in redevelopment and occupants on the parcels were not adequately addressed in the RTC. The exposure of school students, staff, teachers, and visitors to the Bret Harte Elementary School and Muhammad University of Islam elementary school while remedial activities are ongoing were not adequately addressed.

Referencing existing sections of the EIR while not providing additional information in the EIR is inadequate to addressing the issues pointed out in the comments submitted.

Hazardous Materials Use

The lack of requirements for adequate oversight and enforcement of the laws and regulations concerning the use of Hazardous Materials were not adequately addressed in the RTC. The issues associated with adequate oversight and enforcement are critical to the protection of human health and the environment at the HPS. References to existing sections of the EIR are not adequate to address the issues.

14-2

Institutional Controls

Institutional controls are required where residual levels of hazardous materials remain on the property after remediation. The lack of adequate notification and education of residents, workers, and visitors to the restrictions and conditions of the institutional controls were not adequately addressed in the RTC. In addition, the lack of adequate enforcement of the institutional controls were not adequately addressed in the RTC.

14-3

The responses basically referenced existing sections of the draft EIR.

The issue of human exposure during site remediation, redevelopment and occupancy on individual parcels was not adequately addressed and additional information was not added to the EIR.

Schools Within One-Quarter Mile

The issue of the lack of adequate notification of school staff when contractors fail to comply with regulations was not adequately addressed by the RTC. The response to this issue referenced the notification of schools of asbestos dust levels when the standards were exceeded. However, the response did not provide information on the missing monitoring events and the lack of timely transmittal of the data concerning asbestos in the dust particles. In addition, the response did not mention that other chemicals such as heavy metals were known to be present in the dust particles but were not required to be monitored. There is a fear that similar missing data and missing monitoring parameters will occur during the current and proposed remediation activities.

14-3

Cumulative Impacts

The EIR failed to evaluate and assess the cumulative impacts of exposure to human and ecological receptors and the environment as a result of exposure to all of the chemicals present at the site. The RTC failed to address the issues. The RTC referenced the sections of the draft EIR that dealt with transportation, use and disposal of hazardous waste, risk of upsets or accidents, handling of acutely hazardous materials, hazardous release sites, and impair implementation of adequate emergency response plans. The RTC failed to address the cumulative impacts of the multitude of chemicals present as contaminants on the HPS parcels.

14-4

In addition, in the early transfer of Parcel A, the monitoring requirements established to protect human health during parcel A activities were not adequately complied with, oversight was lacking and the monitoring requirements fail to address the cumulative impacts of contaminants on the parcel A site. The monitoring required monitoring for asbestos in the dust particles in the air but did not require the monitoring of heavy metals in the dust particles. The same lack of evaluation and assessment of the cumulative impacts and oversight on the other parcels of HPS could lead to impacts on human health that the EIR failed to address.

Issues that were not addressed or not adequately addressed in the RTC and additional wording not added to the EIR are of concern. The issues were brought up during the comment period in order for the issues to be addressed and additional wording and changes made to the draft EIR before the final EIR was issued. The majority of comments provided were not addressed adequately but were merely addressed by references to existing sections of the EIR and did not result in appropriate additions and changes to the EIR.

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EDUCATION:

B.S., Microbiology/Chemistry, University of Southwestern Louisiana, Lafayette, Louisiana, 1965.
M.S., Microbiology/Chemistry, University of Southwestern Louisiana, 1966.

POSITIONS HELD:

President, Subra Company, Inc., New Iberia, Louisiana, May 1981 to Present.
Acting Manager, Department of Analytical Biochemistry, Gulf South Research Institute, New Iberia, Louisiana, 1981.
Chemist and Program Chemist of the Carcinogenesis Bioassay Subcontract for National Cancer Institute, Gulf South Research Institute, 1972-1981.
Associate Manager, Department of Analytical Biochemistry, Gulf South Research Institute, 1979-1981.
Group Leader, Department of Analytical Biochemistry, Gulf South Research Institute, 1974-1979.
Microbiologist and Biostatistician, Gulf South Research Institute, 1967-1974.
Teacher of Modern Mathematics, Seventh and Eighth Grade Students, Iberia Parish Schools, 1966-1967.
Laboratory Instructor and Research Assistant, University of Southwestern Louisiana, 1965-1966.
Teacher of Computer Techniques, University of Southwestern Louisiana, 1964-1965.

COMMITTEE MEMBERSHIPS

Louisiana Emergency Response Commission, 1988 to 1992
Chairman of the Iberia Parish Emergency Response Commission, 1988 to present
Citizens Environmental Advisory Committee to Louisiana Department of Environmental Quality (LADEQ), 1988 to 1993
Chairman of the Citizens Environmental Advisory Committee to LADEQ, 1990 to 1993
Chairman of the Solid Waste Advisory Subcommittee to LADEQ, 1988 to 1990
Chairman of the Rules and Regulations Committee on Solid Waste Reduction and Recycling, LADEQ, 1989 to 1992
Iberia Parish Coastal Zone Management Advisory Committee
Louisiana Environmental Action Network Leadership Committee
National Citizen's Network on Oil and Gas Wastes, 1986-1996
Louisiana Governor-Elect Roemer's Transition Environmental Advisory Panel, 1987
EPA Class II Injection Well Advisory Committee, 1990 to 1993
Chairman of the Review Committee for Louisiana Proposed Solid Waste Regulations, 1991

Member of the IOGCC Review Team for the Pennsylvania State Oil and Gas Waste Program, 1991 to 1992

Louisiana Governor-Elect Edwin Edwards Environmental Transition Team, 1991 to 1992

Louisiana DEQ NORM Committee to develop regulations and disposal options for Oil and Gas NORM Waste, 1992

National Commission on Superfund, 1993 to 1995

EPA Common Sense Initiative, Petroleum Refining Sector Subcommittee, 1994 to 1999

DEQ Recycling and Solid Waste Reduction Committee, 1995

EPA Permit Reform Committee, 1997

EPA Toxics Data Reporting Committee of the National Advisory Council for Environmental Policy and Technology, 1997 to 1999

EPA RCRA Remedial Waste Policy Advisory Committee 1997 to 2000

EPA National Advisory Council for Environmental Policy and Technology (NACEPT), 1999 to 2005, Vice-Chair

EPA NACEPT Standing Committee on Sectors, Co-Chairperson, 1999 to 2002

EPA NACEPT Petroleum Refining Sector Workgroup, 1999 to 2002

EPA National Advisory Committee (NAC) to the U.S. Representative to the Commission for Environmental Cooperation (CEC) 2000 to 2005

EPA National Environmental Justice Advisory Council (NEJAC), 2001 to Sep. 2006

EPA National Advisory Council for Environmental Policy and Technology (NACEPT), Superfund Subcommittee, 2002 to 2003

EPA National Environmental Justice Advisory Council (NEJAC), Pollution Prevention Work Group, Co-Chair, 2002 to 2003

EPA National Environmental Justice Advisory Council (NEJAC) Cumulative Risk/Impacts Work Group, 2003-2005

State Review of Oil and Natural Gas Environmental Regulations Board (STRONGER), 2004 to present

EPA National Environmental Justice Advisory Council (NEJAC) Gulf Coast Hurricanes Work Group, 2005-2006

Vice-Chair of Board of State Review of Oil and Natural Gas Environmental Regulations, 2007

AWARDS

Women of Achievement Award from Connections, 1989.

Louisiana Wildlife Federation's Governor's Conservation Achievement Award, 1989.

MacArthur Fellowship Award from John D. and Catherine T. MacArthur Foundation, 1999.

Volvo for Life Award, Environmental Category, one of three national finalists 2004.

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Homebuilder Lennar uses federal taxpayer funds to balance its books

15-1

By [Christopher D. Cook](#) (1)
SF Public Press
— Jul 6 2010 - 3:20pm

In 2006, things were looking good for Lennar, America's second-biggest homebuilder. That year, before the U.S. housing market's epic collapse, the Miami-based giant pulled down \$15.6 billion in revenues and closed sales on 29,568 homes. The ink was just drying on a massive and potentially lucrative deal to transform Treasure Island with new housing complexes, and the well-connected Lennar already had secured a deal to develop the Hunters Point Shipyard that the Navy was turning over to San Francisco.

[Read more...](#) (2)


 [Lennar's Hunters Point Shipyard Development Project — one of many it has secured amid concerns about the company's financial stability.](#) [Monica Jensen/SF Public Press.](#) (3)

Image
[Monica Jensen](#) (4)

In 2006, things were looking good for Lennar, America's second-biggest homebuilder. That year, before the U.S. housing market's epic collapse, the Miami-based giant pulled down \$15.6 billion in revenues and closed sales on 29,568 homes. The ink was just drying on a massive and potentially lucrative deal to transform Treasure Island with new housing complexes, and the well-connected Lennar already had secured a deal to develop the Hunters Point Shipyard that the Navy was turning over to San Francisco.

Business was booming and Lennar's books looked good — but the financial page was about to turn to a depressingly long chapter that Lennar and other homebuilding corporations helped write.

Before the deluge, Lennar parlayed its profits — and considerable political capital — into securing the trust of San Francisco leaders, who have bestowed two major military base redevelopments on the corporation. But substantial evidence suggests that Lennar's finances, much like Treasure Island itself, are not exactly resting on bedrock.

An examination of Lennar's financial documents, and a raft of well-documented critical reports, suggests the company suffered especially deep wounds from a home-mortgage crisis that Lennar and other builders helped fuel through speculative over-building and their widespread issuing of subprime loans through subsidiary underwriting firms. Then, in a calculated bid to

shore up its balance sheet, Lennar turned to Congress, the tax code, bank regulators and high-risk debt for financial salvation.

Lennar's recovery strategy so far has included successfully lobbying Congress for nearly \$1.5 billion in tax rebates, buying up distressed properties and partnering with the Federal Depository Insurance Corp. in high-risk investments in thousands of delinquent loans from failed banks. Rating Lennar's corporate bonds "junk," Morningstar, one of the nation's premier financial analysts, wrote in late May that the company "has been one of the more controversial homebuilders over the past few years because of its preponderance of offbalance-sheet joint ventures."

While all perfectly legal, Lennar's subprime mortgage push, lobbying for tax relief and its high-risk/high-reward investment strategy raise caution flags as the company embarks on another multibillion-dollar redevelopment about which important financial, seismological and ecological questions remain unanswered.

Despite repeated requests for comment, Lennar's sole spokesman, national Vice President Marshall Ames, chose not to speak for this story. In an e-mail response to questions about Lennar's financial health in the housing recession, Ames wrote, "Thank you for the invitation but we do not offer comments on the subjects which you request."

A HOME-GROWN CRISIS

As the U.S. housing market crumbled throughout 2008 and 2009, Lennar found itself in perilous financial straits and sinking deeper into the quicksand of the Great Recession. More than other major homebuilders, Lennar was slipping fast: it laid off 44 percent of its workforce, lost \$3.4 billion over three years, and its stock posted anemic returns far below industry averages.

In just three years, Lennar's homebuilding revenues plummeted to \$2.8 billion in 2009, 82 percent below 2006. Though revenues shrunk throughout the industry, Lennar's decline outpaced that of top competitors such as Pulte Homes and DR Horton.

Research of government home loan data by one of Lennar's chief labor union adversaries, the Laborers International Union of North America, shows the company aggressively promoted precarious home mortgages that stoked the growing housing market inferno.

Citing data obtained under the Home Mortgage Disclosure Act, the union's 2008 report shows that Lennar, through its home-lending subsidiary, Universal American, increased its use of subprime mortgage loans by 157 percent from 2005 to 2006 while reducing prime loans. As a result, the percentage of riskier, high-cost mortgages the company was carrying more than doubled, from 9.6 to 22.6 percent, the second highest in the industry.

"The homebuilders' mortgage lending was a key factor in how the builders contributed to the current housing and foreclosure crisis," Laborers International said in an April 2009 report on foreclosures at Lennar. "The exponential increase in homebuilders' origination of subprime and exotic loans enabled builders to continue to sell homes even after markets were overbuilt."

While Lennar and others expanded high-cost loans and subprime mortgages, they also overbuilt and, as the union put it, "ignored real market conditions in order to maximize profits."

The union wasn't the only critic of the speculative building push. The National Association of Home Builders, the industry's main trade group, acknowledged in December 2007 that some builders "were chasing the gold and pursuing the brass ring, and they didn't heed the market

warnings as quickly as they should have." Without mentioning names, the NAHB stated, "some builders were probably overly aggressive. There's no question about that." During this period, Lennar ranked second among U.S. homebuilders with 29,568 home sales in 2006.

15-1

MONEY FOR NOTHING

As the housing tsunami hit with full force from 2007 to 2008 and Lennar's finances evaporated, the company scrambled to shore up its books and beef up returns to shareholders. Beyond its flagging homebuilding endeavors, Lennar fixed its sights on two key sources of income: tax refunds courtesy of Uncle Sam, and potentially risky investments in distressed debt.

Its first creative maneuver came in November 2007, two months after the company posted its largest quarterly loss in its 53-year history. Lennar secured a nifty last-minute land deal that netted massive tax relief. Just two hours before the end of its fiscal year, Lennar finalized the sale of 11,000 lots in seven states to Morgan Stanley at far-belowmarket rates, according to Builder magazine.

"By selling land at about two-fifths of its estimated book value of \$1.3 billion, Lennar can apply that loss to taxes paid two years back or 20 years forward," Builder wrote. "Its tax refund could be between \$250 million and \$300 million." In fact, Lennar expected to gain as much as \$800 million in tax-relief dollars from the deal, the Wall Street Journal reported.

The Sunlight Foundation observed that the builders' lobby was also "ramping up its sales pitch for a \$250 billion stimulus package called 'Fix Housing First,' arguing that financial markets won't recover until home prices stop falling. They are calling for a generous tax credit for home purchases and a federal subsidy that would lower a homeowner's mortgage rate." Lennar and the building industry landed a host of subsidies, not unlike the auto industry and bank bailouts.

With tax-refund dollars in its sights, Lennar pumped up its lobbying operation and its top executives plowed big dollars into congressional coffers. After registering merely a blip on the federal-lobbying radar in previous years, Lennar nearly quintupled its political spending to \$1.1 million in 2009. It also tapped Washington's revolving door, hiring a former assistant secretary of the Department of the Interior to help lobby his former agency and Congress on land and water issues.

During key months of 2009, Lennar CEO Stuart Miller flooded Congress with generous campaign contributions and "single-handedly gave more than \$96,000 to Democrats in 2009, including \$3,500 to Sen. Patty Murray of Washington, who chairs the Senate's powerful appropriations subcommittee on transportation," according to the Center for Public Integrity.

Both Lennar and the homebuilding industry are a potent presence on Capitol Hill. Citing federal campaign contribution data, non-partisan Opensecrets.org noted that homebuilders "should be relatively welcome on Capitol Hill" and that the NAHB "has spread around \$1.7 million in contributions over the past two years ... a vital tool in obtaining bailout bucks." In 2008, homebuilders doled out \$9.15 million to federal officeholders and candidates.

Lennar was the industry's largest single-firm political contributor that year: its spending spree far outflanked that of other big homebuilders. And it paid off, big time.

In November 2009, Congress passed, and President Obama signed legislation delivering some \$352 million in tax relief to Lennar for that year alone, with similar fiscal beneficence flowing to other major corporations (Pulte Homes netted some \$800 million in tax refunds, while DR Horton

pped the IRS for \$352 million, according to Builder magazine). Over three years, from 2007 to 2009, Lennar grabbed up nearly \$1.5 billion in tax-refund money, straight from public coffers.

Lennar's lobbying-to-tax-windfall ratio (\$1.1 million spent, for a \$352 million return) didn't surprise veteran lobby monitors in Washington. "This is really what lobbying is all about, this is why every corporation in this country is represented by a lobbyist," said Craig Holman, government affairs lobbyist for Public Citizen.

In its 2009 annual report to shareholders and the Securities Exchange Commission, Lennar acknowledged the importance of winning these federal dollars as it promotes itself as a leading homebuilder with the financial solidity to take on big new projects in San Francisco and across the nation. The tax relief enabled Lennar to dramatically reduce its 2009 losses, from \$731.4 million down to \$417 million — "primarily due to a change in tax legislation," which allowed Lennar to "recover previously paid income taxes."

The tax-relief boon, "net operating loss carryback" in fiscal parlance, came attached to unemployment extension legislation. That prompted Rep. Lloyd Doggett, D-Texas, to call it a "corporate giveaway," according to Congressdaily.com. Even as Congress extended unemployment benefits, its gift to the homebuilding industry and other sectors would cost taxpayers dearly. A July 2009 report by the National Bureau of Economic Research estimated that the tax give-back would cost the U.S. government up to \$53 billion, with the major winners "concentrated in the homebuilding, automobile, and financial industries." The measure enabled Lennar and other corporations in these key sectors to essentially write off current losses due to the recession and recoup taxes paid in the previous five years — directly at taxpayer expense.

At a March 24 conference call on quarterly earnings, six weeks after investing with the FDIC in a \$3 billion portfolio of high-risk bad debt, Miller insisted that Lennar and other homebuilders were not using the funds to build yet more speculative housing.

"These government programs work very well as a kick-start to a free-falling housing market, but it now seems that the free market is positioned to take over in orderly fashion," he said. "While there has been a great deal of talk about potential spec building of new homes to beat the end of the tax credit," most new homes "are still being built to order."

Like other corporate homebuilders, Lennar was poised to plow many of those tax dollars into new investments. As Miller put it, "Our improved balance sheet enables us to continue to capitalize on distressed land-buying opportunities, which will improve our operating results in 2010 and beyond."

According to Builderonline.com, a key industry information source, the National Association of Home Builders, the industry's lobbying arm, "estimates that the carryback provision, which will cost the federal government \$63 billion over the next two years by Treasury calculations, will be enough to keep thousands of homebuilding and related companies in business. The NAHB estimates that the provision will prevent the loss of at least 30,000 industry jobs."

RISKY BUSINESS

Of all the homebuilders, none has been as aggressive as Lennar in trying to profit from the real estate crash by increasing and leveraging its debt load — buying up distressed land, properties and unpaid loans. (Management foresees its debt reaching 35 percent to 40 percent versus equity.) "Nobody else is doing what Lennar is doing. Nobody," the chairman of John Burns Real Estate Consulting told Bloomberg News in March.

In January 2009, the Wall Street Journal reported that Lennar "has about \$4 billion in off-balance-sheet debt through 116 joint-ventures, and has typically given very few details about these arrangements."

One notable example is Lennar's venture with the FDIC, announced in February. Together they took over \$3 billion in so-called troubled assets from failed banks for \$1.2 billion. Lennar kicked in \$243 million, a 40 percent stake. The FDIC put up \$365 million, and also extended a \$627 million, taxpayer-backed loan to the partnership.

Lennar management "has indicated that it will continue to opportunistically invest in these ventures, as this represents a higher-growth/higher return business than the core homebuilding business," Morningstar wrote last month. In the context of a stagnant building market, this strategy "represents a risk," but the financial analyst remained upbeat on "the potential returns" of some ventures.

But as the distressed-debt market balloons — echoing some of the speculative investment approaches that helped fuel the housing crash and financial crisis — there's plenty of concern among mainstream financial analysts.

"Sometimes loans can't be salvaged," wrote Bloomberg News in 2007, citing big losses by one New York firm that was caught off guard by "higher-than-expected default rates on loans bought in 2004 and lower-than-anticipated values on foreclosed properties."

In addition to concerns about Lennar's investment approach, two big bankruptcies might give San Franciscans pause about Lennar's track record of bailing out of projects and leaving investors and communities in a hole.

Witness CalPERS, the giant state pension fund, which lost nearly \$1 billion in a land deal with Lennar. LandSource Communities Development, a Lennar-led, 15,000-acre project in Southern California, went bust in 2007 amid the credit crunch — after Lennar sold most of its stake to CalPERS. Two years later, LandSource — itself a Lennar creation — filed for bankruptcy. Lennar then returned "to buy back, at a substantial discount, a chunk of the Newhall Ranch development north of Los Angeles that it sold for nearly \$1 billion to the California state retirement system in 2007," the Los Angeles Times reported in July 2009.

After leaving CalPERS and its partners with huge losses, Lennar reported to its shareholders that "we recognized a deferred profit of \$101.3 million" on the deal, according to its 2008 annual report to shareholders.

Lennar secured an additional boon from the LandSource bankruptcy in July 2009: title to 650 acres of the former Mare Island Naval Shipyard, site of another troubled Lennar redevelopment.

The Mare Island multi-use project, which Lennar took on jointly with LNR Property, itself a Lennar spin-off, went south with the housing economy. After building and selling 500 homes between 2004 and 2006 — far short of original plans for 1,400 homes — the firms filed for bankruptcy in 2008. Having reorganized and shed debt, Lennar now controls the lucrative waterfront land.

The LandSource debacle could symbolize more than just poor investing by CalPers and smart dealing by Lennar. According to Builder magazine, Pali Capital analyst Stephen East "suggested in a research note there is a possibility that the LandSource partners could be sued under 'Bad Boy' clauses, claiming misrepresentations were made, since the deal deteriorated so rapidly."

"The bigger question for LEN [Lennar] is what remains for all the other JV's [joint ventures] sitting

ut there," East added. "LandSource is one of the largest and most visible, but it could well be a harbinger of things to come."

15-1

Correction: "An earlier version of this story misstated the percent decline of Lennar's homebuilding revenues: Lennar's revenues from homebuilding were \$2.8 billion in 2009, down from \$15.6 billion in 2006, an 82 percent decline."

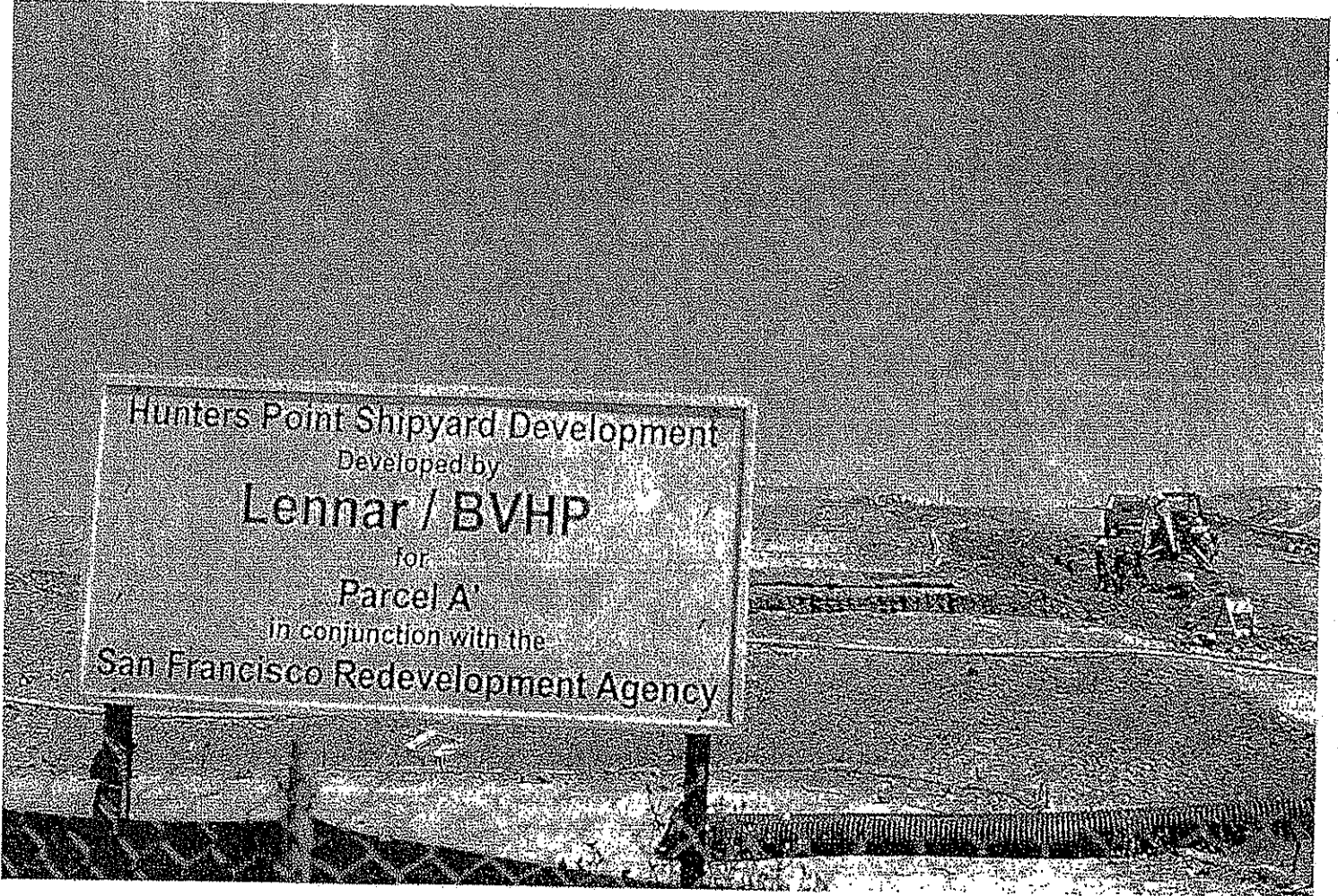
A version of this article was published in the summer 2010 pilot edition of the San Francisco Public Press newspaper. [Read select stories](#) [5] online, or [buy a copy](#) [6].

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DEPARTMENT OF URBAN PLANNING
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July 8, 2010

Dear San Francisco Supervisors:

We are urban planning practitioners, researchers and academics. We were approached by POWER (People Organized to Win Employment Rights) to provide an outside analysis of the Lennar/AD10 Community Benefits Agreement, and agreed to do so.

Our background and qualifications are as follows:

Peter Marcuse is Professor Emeritus of Planning in the School of Architecture, Planning and Preservation at Columbia University. He is a lawyer and planner and has been president of the Los Angeles Planning Commission. Dr. Marcuse has written extensively on housing and planning issues

Chester Hartman is currently an Adjunct Professor of Sociology at George Washington University and the Director of Research at the Poverty and Race Research Action Council. He has taught at Harvard, Yale, Columbia, and Berkeley and has served as a Fellow at the Institute for Policy Studies in Washington and the Transnational Institute in Amsterdam. Dr. Hartman is the author of over 15 books, including *City for Sale: The Transformation of San Francisco* (Univ. of Calif. Press, 2002).

Gilda Haas is an urban planner, educator, and organizer. She was the founding director of Strategic Actions for a Just Economy in Los Angeles where she played a key role in the creation and implementation of the CBA that is commonly known as the "Staples Agreement." She has taught on the faculty of UCLA's Urban Planning Department since 1983 where she also founded their Community Scholars Program.

Affiliations provided for identification purposes only.

We have reviewed the Lennar/AB10 CBA and concur on all of the points that are included in the analysis provided below.

16-1

SUMMARY OF FINDINGS

1. The agreement provides good benefits to labor. These are, however, limited by the fact that the agreement does not incorporate provisions for construction jobs.
2. The agreement is very weak in terms of community questions, specifically regarding housing. In these areas, it concedes a great deal to the developer, Lennar.
3. The agreement is silent on the crucial environmental contamination issues that the Lennar proposal presents.
4. Many of the economic and community benefits in the agreement are dependent on timely actions by various governmental bodies and agencies that are not parties to the agreement; thus, their actual implementation is unreliable.
5. The process that leads up to and that follows the agreement is very limited in terms of democratic involvement in decision-making and implementation.
6. The agreement is imbalanced in terms of risks and rewards. On the one hand, it protects Lennar's substantial anticipated profits from risk, while on the other, it imposes the burden of the project's risks on the community.
7. The agreement provides a window into the inadequacy of past planning and governmental procedures related to the subject development.

16-1

DETAILED FINDINGS

Labor

The agreement is strongest in the protections it provides to labor. It commits to a workforce development program that is supported by a substantial financial contribution by Lennar.

Implementation of these provisions, however, is dependent on the provision or guarantee of matching government funds.

The agreement provides for protection of union rights through Card Check Neutrality, although it is not clear that these provisions go beyond those that already exist in the San Francisco Administrative Code.

The agreement incorporates Living Wage requirements and Local hiring provisions, although these exclude construction labor¹. Again, it is not clear how far these provisions go beyond existing governmental law and policy.

16-2

¹ While the Los Angeles "Staples Agreement" did not include construction jobs, the Los Angeles City Council later voted to require local hiring of construction jobs on the project that was the subject of the agreement.

Despite these limitations, it is important that economic and labor issues are directly confronted in the agreement and favor the interests of community resident workers.

16-2

Community and Housing

This agreement is weak on housing issues.

It commits a minority of the housing to be built to "affordable" housing standards and defines "affordable" in a manner that favors the higher end of the economic spectrum of need (family incomes ranging between \$82,500-\$145,200). This target is approximately two to three times the median income of current residents of Bayview Hunters Point.

16-3

We are not aware that research or analysis of local housing needs was used as a basis for the terms of the agreement. The terms appear to have been arrived at in negotiations that began with the protection of Lennar's financing and profit and then ended with an allocation of "affordable housing limited to what is left after that is done.

A more appropriate target for addressing community needs is to tie housing commitments to the economic realities of the families who live in the surrounding neighborhoods and are at real risk of displacement because of it. This strategy would both address the highest unmet need as well as prevent indirect displacement by artificially increasing property values in the surrounding areas.

It may be useful to note that in the implementation of affordable housing provisions of the "Staples Agreement," which targeted much lower income levels, many local residents did not qualify for the resulting "affordable" units, not because they earned too much, but because their incomes were too low.

The housing provisions in this agreement are, in part, dependent on government subsidies, including Section 8 and HUD financing for replacement of the Alice Griffith public housing development, which is slated for demolition. The availability of these subsidies is, however, uncertain.

A better strategy for meeting Lennar's affordable housing obligations is for the developer to leverage the subsidies it has *already received* to lower rents and prices, rather than garnering housing subsidies for this development that the City could use in other neighborhoods, which the CBA should forbid.

This issue becomes even more prominent when viewed in terms of the racial demographics of the surrounding community and the history of displacement in San Francisco.

San Francisco has the highest rate of African American displacement of any place in the country outside of post-Katrina New Orleans. For this reason alone, the City should pay particular attention to how this development will affect the African American residents of San Francisco's largest African American neighborhood. This can only be accomplished if affordability levels are tethered to the actual income levels and needs of African American families. These considerations are not present in the current agreement.

Environmental Protection

The question of environmental contamination and the best means to prevent harm to community health is a key matter of community concern that is not addressed in the Community Benefits Agreement.

In the case of this project area that includes a Superfund Site with radiological contamination among other hazardous materials, the Agreement could be strengthened by requiring the developer not to accept any "early transfer" of contaminated land from the City until all remediation activity is complete.

Requiring the developer to report to all neighborhood community advisory bodies and to the San Francisco Board of Supervisors regularly during the development process to address issues such as hazardous materials, construction debris, waste management, dust management, air quality, green building construction, and pedestrian safety would also be an appropriate addition².

Neglecting environmental health concerns not only threatens the future health of the community, which should, of course, be the first concern, but may also threaten the long-term economic viability of the project and create unknown future liability for the City.

16-4

Enforceability

The Agreement is shot through with references to "subject to the timely receipt of all necessary governmental approvals, including those from the City, the [Redevelopment] Agency, and HUD," as well as and simple references to commitments to work together to obtain approvals and funds.

Yet neither the City, the Redevelopment Agency, nor HUD are parties to the Agreement. Without their assured participation, much of the Agreement is unenforceable.

There are many ways to address this, besides, or in addition to, the vigilant monitoring and advocacy by the community signatories.

For example, the Staples Agreement includes requirements for a public annual report to be given by the developer to a City Council Committee about its progress with the agreement's implementation.

Given the scale and complexity of the Lennar project, it seems essential that more formal institutional relationships be established to ensure enforcement and accountability. It is likely that the construction timeline for the project will exceed the terms of current elected and appointed officials who are currently involved in its design and disposition.

16-5

² The Los Angeles "Staples Agreement" required the creation of a Community Advisory Committee that met regularly throughout the construction process to monitor the environmental issues related to the construction process.

Democratic Process

The agreement was signed by Lennar, the San Francisco Labor Council and two other community organizations, ACORN and the San Francisco Organizing Project.

However, several other community-based organizations were also actively involved in issues related to the development of the subject site, but were neither engaged in the formulation nor the execution of the agreement.

As a result, despite substantial and grounded local community interest in the subject matter of the agreement, many issues of concern were not discussed; democratic participation was minimal; and transparency was very limited.

Beyond this, the Agreement requires the parties to support a particular political position, at that time represented by votes on ballot propositions, asking for a pledge of political support as a condition of the community benefits. Such a limitation on democratic public participation is, to our knowledge, unheard of in community benefit agreements, and seems like a severe restriction on the democratic rights of the participants, and entirely inappropriate. It may today have done its damage, and be spilled milk.

To this day, it is still unclear how engagement, participation, and decision-making among the non-signatories (or even among the multiple signatories) will be handled, although it is clear that their involvement and interest in future planning and implementation is anticipated in many places.

16-6

Risk Assessment

The Agreement is essentially grounded in the protection of Lennar's economic interests. All risks associated with implementation of the Agreement are charged to the community. The Agreement states that its support (and effectively its implementation) "will allow this important project to be built in a financially feasible manner."

Evidence suggests that "financially feasible" is defined as providing a return of 18% to 22% of invested capital.

16-7

Reflections on the Public Planning and Decision-Making Process

The present difficulties and debates about the Lennar project highlight some fundamental weaknesses in the public planning and decision-making process.

These weaknesses are not by any means unique to this situation or this city. They appear frequently in the planning of mega-projects and recently have resulted in the use of community benefits agreements to address their impacts.

The difficulties start at the beginning. Land, once government owned, has been transferred to a private developer, without a publicly formulated plan for its use. Thus, the well-known flaws of the old urban renewal

16-8

process are repeated: the initiative for planning comes from the private sector, and planning for the project is essentially privatized in the developer's hands.

Yet, the very first step was a substantial *public* subsidy in the form of transferring a very valuable public property to the developer, in this case for \$1. It is at this point that a fully open and democratic planning process should have occurred. That process should have included development of alternative plans for use of the property, several public hearings, full resident participation, and more.

When the process finally did come into full play, it neglected fundamental issues. Economic issues, including those directly addressed by the Agreement here, should be considered in the planning process from the beginning. The economic benefits of a development, including the wages paid in its construction, the wages of the those working within it after it is developed, the distribution of risks and rewards and profits between the developer and the public – these are all matters of fundamental public concern. It has been a long time since planning was held only to be relevant to the design and use of buildings and land. Key economic issues need to be much more specifically and frontally addressed.

It is in the absence of these important public considerations, public discussions, and public policies that community organizations are compelled to belatedly and (thus inadequately) press for community benefits agreements – to make up for the absent discussion and because they simply refuse to settle for what they are given.

When the City is presented with a proposal for the construction of 10,000 units of housing that are largely luxury condominiums, the initial question ought to be about the need for such units compared to the need for other types of housing or other types of development. This is particularly true where, as it is here and in the case of many other mega-projects, there is a substantial investment of public funds in the project. This may occur directly, by the sale or assembly of land, by the provision of infrastructure, or by tax concessions (including tax increment financing, which is after all a re-allocation of anticipated tax revenues from the general public purse to a particular project).

Good planning weighs priorities, takes social needs into account, reviews the distribution of costs and benefits, and then democratically debates and decides priorities.

Community input should never have to wait until a plan has been substantially agreed upon between a developer and a city before major participation takes place. Professionally prepared alternatives should be available, prepared with full participation by the interested parties, in an effort, not to achieve consensus, but to clarify alternatives and issues.

Development of alternatives should not be left to last-minute and sometimes desperate community scrambling to defend a particular alternate to a proposed plan, but should rather be part of the initial planning process, and a part of the responsibility of the public planning agency – often best done when it includes technical assistance to community groups in planning as it proceeds. Meaningful public participation requires tools for engagement – accessible information, enough time to process it, and clear metrics for determining costs and benefits.

There are examples that we can offer of where this has occurred. However, we have found that the best examples were organized and managed by community organizations and coalitions such as the Mission Anti-Displacement Coalition in San Francisco, WEACTION in Harlem, Hill House in Pittsburgh, the Environmental Health Coalition in San Diego, and SAJE in Los Angeles.

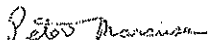
The Current Moment

There is, of course, an opportunity to discuss and address vital economic and community issues in the current EIR process. In many cases around the country, EIRs have become, for better or for worse, the main source of information about plans and proposals for the general public. For this reason, good EIRs provide substantial insight into what larger alternatives could be, take them into consideration, and lead to thoughtful recommendations and modifications.

This is particularly true in the case of projects as large and complex as the Lennar development, which carries such substantial environmental, economic, and social impacts.

We hope these comments are taken in the spirit offered, which is to ensure that development produces the best possible outcomes for the community. We are confident that this is possible, as we are agreed that community benefit is the primary purpose of any good planning process.

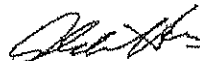
Please do not hesitate to contact us if you have any questions or would like additional information.



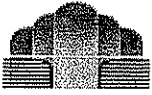
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Fw: please re-open public comment on Shipyard Plan Amendments
 Jon Lau to: Andrea Bruss

07/14/2010 01:53 PM

History: This message has been replied to.

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----- Forwarded by Jon Lau/BOS/SFGOV on 07/14/2010 01:57 PM -----



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 07/14/2010 10:29 AM

To David Chiu <David.Chiu@sfgov.org>
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 Subject please re-open public comment on Shipyard Plan
 Amendments

Hi David,

Thanks for your thoroughness in taking public comment on the Shipyard EIR yesterday.

I am writing to ask that you re-open public comment on the Plan Amendments, however.

When I arrived in Chambers around 3:30pm yesterday, it was not clear what had happened to the 3pm Special Order hearing on the Plan Amendments. The best information I could gather from other members of the public was that the item had been tabled for one or two weeks. I was surprised to see on sfgov.tv that you called the item at 1:35am, after most people had gone home. I was even more surprised that Supervisor Daly's motion to keep the hearing open for public comment did not even get a second.

17-1

I would like the chance to comment in more detail about the effects of the plan on the Innes Avenue corridor. The plan calls for reducing the width of the sidewalks to three feet and removing parking on one side of the street. This puts an extremely heavy and dangerous traffic burden on the residents on the Innes corridor, violates the City's Better Streets Plan, and puts pedestrians at risk. Average speed on Innes Avenue is 45MPH. It is an official truck route. If we are concerned about the effects of BRT plus eight-times-a-year vehicle exhaust on the habitat at Yosemite Slough, then surely we are also concerned about the effects of daily, heavy, constant vehicle exhaust on the human beings on Innes Avenue, some of whom are disabled, others of whom are young children with asthma. This is in addition to the known need to reconfigure the dangerous Hawes-Innes-Hunters Point Blvd intersection, the poor engineering of which has caused cars to crash into nearly every home on the HP Blvd-Griffiths block of Innes Avenue. Sending ten-fifteen times as many cars and trucks per day around that corner is going to mean ten-fifteen times as many serious accidents if we don't do something. Finally, the current plan calls for 5-6 new express bus lines to run down Innes Avenue, adding to the noise and pollution impact even though it's not clear that there will be actual bus stops to serve the existing residents. Innes Avenue is basically be planned as a freeway to serve only the new residents, while we suffer the impact of cars, trucks and busses whizzing through a residential neighborhood that has been here since the 1870s.

17-2

We in the India Basin Neighborhood Association are opposed to removing parking on either side of Innes Avenue and opposed to narrowing our sidewalks, and would ask that you amend the Plan Amendments document to reflect that. Everyone involved in Shipyard planning, including Redevelopment, the Mayor's Office, MTA, and the project sponsor, agrees that part of the solution to the traffic challenge on the northern approach to the Shipyard is to build out Hudson Avenue. The problem is, that solution doesn't appear in writing anywhere.

17-3

I appreciate that the Plan Amendment item appeared at Land Use on Monday. However, it was also scheduled for public hearing in front of the full Board, and when it was tabled, it was not clear to anyone in the room when it would be heard.

I respectfully ask that you take full public comment when the item is re-scheduled, and that you introduce an amendment of some type to require the buildout of Hudson Avenue and preclude the taking of sidewalks and parking on Innes Avenue.

Thanks,
Kristine

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