

September 14, 2018

VIA EMAIL AND HAND DELIVERY

Board President Malia Cohen and Members of the
Board of Supervisors c/o Clerk of the Board of
Supervisors
#1 Dr. Carlton B. Goodlett Place
City Hall, Room #244
San Francisco, CA 94102-4689

Re: Board of Supervisors September 25, 2018 Meeting Agenda Item: Appeal of California
Environmental Quality Act (CEQA) Certification of Final Environmental Impact Report
– India Basin Mixed Use Project

Dear Board President Malia Cohen and Members of the Board of Supervisors,

This firm represents India Basin Investment LLC (“**BUILD**”), the co-project sponsor of the India Basin Mixed Use Project (the “**Project**”). On June 26, 2018, the San Francisco Planning Commission certified the Final Environmental Impact Report (“**FEIR**” or “**EIR**”) for the Project. Mikhail Brodsky, on behalf of the Archimedes Banya SF and 748 Innes Ave. HOA (collectively, the “**Banya**”), filed an appeal of the Certification on August 23, 2018, and Bradley Angel, on behalf of Greenaction for Health & Environmental Justice (“**Greenaction**”, and together with the Banya, collectively, “**Appellants**” and each an “**Appellant**”) filed an appeal of the Certification on August 27, 2018. The FEIR meets all the requirements of CEQA: it is adequate, sufficient and complete. Appellants’ objections are entirely without merit. We respectfully request that this Board uphold the certification of the FEIR and reject the appeals.

This letter addresses the primary objections raised by Appellants in their appeal letters. As addressed in detail below, the Appellants do not raise any issues which have not already been addressed in the EIR, including in the Response to Comments (RTC) document, published by the Planning Department on July 11, 2018. The Project consists of a public private partnership between the Recreation and Park Department (“**RPD**”) and BUILD, who are co-project sponsors for the Project (collectively, “**Project Sponsors**”). The Project is a mixed-use development containing an integrated network of new public parks, wetland habitat, and a mixed-use urban village. The Project would include a significant amount of public open space, shoreline improvements, market-rate and affordable residential uses, commercial uses, parking, environmental cleanup and infrastructure development and street improvements.

Board President Malia Cohen and
Members of the Board of Supervisors
c/o Clerk of the Board of Supervisors
September 14, 2018
Page 2

1. Revisions to the proposed Project in the RTC were adequately analyzed and do not require recirculation of the DEIR.

The Banya asserts that the FEIR does not comply with CEQA requirements because modifications to the Project between publication of the DEIR and certification of the FEIR were substantial and thus required recirculation of the DEIR. This assertion is incorrect, and recirculation of the DEIR is not required under CEQA.

As thoroughly discussed in RTC Chapter 2, after publication of the DEIR, BUILD initiated revisions to the Project, including the addition of 335 residential units to the 1,240 residential units analyzed in the DEIR. These changes to the development program fit within the previously analyzed building envelopes, and included no changes to the height, width, or length of any buildings. Specifically, the increased residential square footage was accommodated by modifying interior space within the building envelopes previously analyzed in the DEIR, and also by replacement of 66,224 gross square feet (gsf) of commercial use and 50,000-gsf of school use. These revisions to the Project were analyzed in RTC Chapter 2 for each environmental topic, and the RTC concluded that the proposed revisions did not change the analysis, conclusions, or mitigation measures of the DEIR and did not warrant recirculation under CEQA Guidelines Section 15088.5.

Section 15088.5 of the CEQA Guidelines requires recirculation of an EIR when “significant new information” is added to the EIR after publication of the DEIR but before certification of the FEIR. The CEQA Guidelines clarify that new information is not “significant” unless “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement.”

Section 15088.5 further defines “significant new information” that triggers a requirement for recirculation as including, but not limited to, identification of a new significant impact, a substantial increase in the severity of an impact (unless mitigation is adopted to reduce the impact to a less-than-significant level), or identification of a new feasible alternative or mitigation measure that would lessen the environmental impacts of the proposed project that the project sponsor declines to adopt.

Board President Malia Cohen and
Members of the Board of Supervisors
c/o Clerk of the Board of Supervisors
September 14, 2018
Page 3

As discussed in RTC Chapter 2 for each environmental topic, the revisions to the Project would not result in any new significant impacts that were not already identified in the DEIR, and would not substantially increase the severity of any impacts identified in the DEIR. With the exception of Mitigation Measure M-TR-8 “Implement Passenger Loading Strategies for the School,” which would not apply to the revised Project due to the elimination of the school, the same mitigation measures identified in the DEIR would continue to apply to the revised Project. The revisions would not require any new or modified mitigation measures. Therefore, in accordance with the CEQA Guidelines, recirculation of the DEIR is not required.

2. **The potential impacts of the Project on the Archimedes Banya were analyzed in accordance with the requirements of CEQA.**

The Banya asserts that the EIR is not adequate, accurate and objective because it failed to analyze the impact of the Project on the Archimedes Banya building. This assertion is incorrect.

The Archimedes Banya building is located adjacent to the Project site and is not part of the Project site or proposed Project. However, the Archimedes Banya site was analyzed in the DEIR as part of existing conditions under each relevant topic. As noted in those chapters and in RTC Response GC-2, the Banya was considered as an off-site sensitive receptor in the air quality and noise analysis, and the mass of the building was considered in the shadow and wind analysis in addition to other topics in the DEIR. Specifically, Project impacts related to the following topics include the Banya building as an existing adjacent use in Draft EIR: Section 3.2, “Aesthetics”; Section 3.5, “Transportation and Circulation”; Section 3.6, “Noise”; Section 3.7, “Air Quality”; Section 3.9, “Wind”; and Section 3.10, “Shadow,” respectively. The RTC acknowledges that while the Archimedes Banya site was analyzed in the DEIR as part of existing conditions under each relevant topic, the name “Banya” was not included in the DEIR. In response to this and the Banya’s comments to the DEIR, the RTC incorporated text changes to the DEIR Chapter 2.0, “Project Description,” and Section 3.2, “Aesthetics,” identifying the Archimedes Banya building by name. However, as noted in RTC Response AE-1, these changes were include for clarification purposes only, and did not change the analysis or findings in the Draft EIR.

With regard to the Banya’s assertions pertaining to potential aesthetics impacts of the Project on the Banya, the use of the Banya’s rooftop deck, and economic impacts on the Banya business, as noted in RTC Response GC-2, pp. 4-117:

Board President Malia Cohen and
Members of the Board of Supervisors
c/o Clerk of the Board of Supervisors
September 14, 2018
Page 4

CEQA, as it is applied in San Francisco, does not require an analysis of private views, shadows on private buildings, or economic considerations as expressed by the commenters. The Draft EIR fully and adequately analyzes the physical environmental effects of the project as they relate to the Banya in the following sections of the Draft EIR: Section 3.2, “Aesthetics”; Section 3.5, “Transportation and Circulation”; Section 3.6, “Noise”; Section 3.7, “Air Quality”; Section 3.9, “Wind”; and Section 3.10, “Shadow.”

In addition, the Archimedes Banya is a private commercial business, not a recreational facility, and as such, not required to be studied as part of the EIR’s assessment of the Project’s impact on recreation. Therefore, Banya’s assertions regarding the failure of the EIR to study the impacts of the Project on the Banya building are without merit.

3. Appellant Banya’s objections to the merits of the Project do not raise any issues concerning the adequacy or accuracy of the EIR’s analysis.

The Banya alleges that the EIR was incorrect in its conclusions because the Banya believes that the proposed Project is overly dense, includes building heights incompatible with the neighborhood, did not undergo sufficient community outreach, and will undermine the vitality of an ecologically sensitive area.

The environmental impacts of the Project were thoroughly analyzed in the FEIR, including Section 3.2, “Aesthetics”; Section 3.5, “Transportation and Circulation”; Section 3.6, “Noise”; Section 3.7, “Air Quality”; Section 3.9, “Wind”; and Section 3.10, “Shadow.” With regard to impacts on biological resources, the Project’s impacts on biological resources are described and analyzed in DEIR Section 3.14, “Biological Resources,” pp. 3.14-1 through 3.14-58. The EIR concluded that the impacts of the proposed Project on biological resources would be less than significant with mitigation. In addition, as discussed in DEIR Chapter 2.0, “Project Description,” and in RTC page 4-73, “the BUILD Development would restore a minimum 0.3-acre tidal marsh as improved tidal marsh wetlands. In addition, a minimum 0.48-acre freshwater seasonal wetland would be created and a drainage outfall that currently extends into the Bay would be removed. The seasonal freshwater wetland is being designed in anticipation of sea-level rise to provide future migration opportunities for the lower brackish saltwater wetlands. Collectively, these project components serve to create a living shoreline that is resilient to climate change and sea-level rise,” thus improving the site from existing conditions.

Board President Malia Cohen and
Members of the Board of Supervisors
c/o Clerk of the Board of Supervisors
September 14, 2018
Page 5

With regard to public outreach, the Project Sponsors have conducted community outreach in the form of community meetings related to the Project. Such meetings are not required by CEQA and were part of the extensive community outreach and communication on the part of the Project Sponsors. Specifically, BUILD's public engagement has included, but has not been limited to, convening two community working groups, one to discuss the immediate India Basin community's interests and concerns, and the other to discuss the greater Bayview community's interests and concerns. BUILD's community engagement included roughly 125 community meetings, workshops and presentations, including the two working groups noted above, and presentations to neighborhood community groups such as the Bayview Hunters Point CAC, the Hunters Point Shipyard CAC, India Basin Neighborhood Association, and Bayview Residents Improving Their Environment (BRITE).

To the extent the Banya's objections are related to the merits of the Project, these objections do not raise any issues concerning the adequacy or accuracy of the FEIR's analysis of the environmental impacts of the Project. These comments can be considered by the decision-makers as part of their deliberations on the Project, but are not CEQA issues. This consideration is independent of the environmental review process. Accordingly, this claim should be rejected by the Board.

4. The EIR adequately analyzes the potential impacts of hazardous materials.

Greenaction asserts that the Project should not be approved because hazardous materials testing has not been conducted for the 700 Innes site. In addition, the Banya claims that the EIR is not sufficient as an informational document because the EIR does not adequately analyze the hazardous materials impacts of the proposed Project. These assertions are incorrect and without merit.

As discussed in RTC Response HZ-2 and HZ-3, the EIR thoroughly and adequately analyzes hazardous materials at the entirety of the Project site, including 700 Innes. Environmental testing was completed for the 700 Innes property, along with the other three properties located within the Project site, as summarized in DEIR Section 3.16, "Hazards and Hazardous Materials." Thus, Greenaction's assertion that testing did not occur at 700 Innes is incorrect.

Also as discussed in DEIR Section 3.16, the Project is required to comply with Mitigation Measure M-HZ-2 which requires all of the following: (1) M-HZ-2a requires preparation and implementation of a site mitigation plan for areas above the mean high-water line; (2) Mitigation

Board President Malia Cohen and
Members of the Board of Supervisors
c/o Clerk of the Board of Supervisors
September 14, 2018
Page 6

Measure M-HZ-2b requires a nearshore sediment and materials management plan for areas below the mean high-water line; and (3) Mitigation Measure M-HZ-2c which applies to the 900 Innes property only, requires that a remedial action plan be prepared and implemented.

The Project would also be required to comply with the Maher Ordinance for the portions of the Project site properties above the mean high-water line. Compliance with the requirements of the Maher Ordinance may result in additional requirements and controls beyond those specified in Mitigation Measure M-HZ-2a. The Project would also be subject to oversight by various agencies through the Clean Water Act Section 401 water quality certification, Clean Water Act Section 404 permit, River and Harbors Act Section 10 permit, and Bay Coastal Development Commission permit processes for any in-water construction activities, which may result in additional requirements and controls beyond those specific in Mitigation Measure M-HZ-2b.

As discussed in Response HZ-3 of the RTC, implementation of these mitigation measures would protect future residents and visitors of the project from contamination at the project site, by requiring, among other things, contingency plans in the event that unexpected conditions are encountered during construction, including notification of regulatory authorities and response actions, in the unlikely event that radiological materials or other hazardous materials are discovered.

With respect to testing for radiological contamination, Response HZ-2 of the RTC clearly states:

[T]he Technical Memorandum included in Appendix M of the Draft EIR (pp. 4166–4172 of Appendix M) explains the environmental testing rationale for all properties within the project site, and summarizes the extent of radiological contamination at the adjacent Hunters Point Navy Shipyard site. The Technical Memorandum states there were no indications of materials associated with radiological contamination such as radiological debris or sand blast material noted during the subsurface investigations within the project site. In addition, a review of the regulatory documentation of investigations and remediation activities at the nearby areas of Hunters Point Naval Shipyard have uncovered no evidence that radiological contamination has migrated to or threatens the project site. The Technical Memorandum concludes that radiological testing at the project site is not required. This conclusion is based on available information, regulatory guidance, and opinions of professional engineers who

Board President Malia Cohen and
Members of the Board of Supervisors
c/o Clerk of the Board of Supervisors
September 14, 2018
Page 7

performed the environmental assessments of the properties and determined that radiation issues do not raise a significant potential environmental concern.

Therefore, Appellants assertions that the FEIR's analysis of hazardous materials is inadequate are without merit and should be rejected.

5. The EIR adequately analyzes Sea Level Rise impacts of the proposed Project.

Greenaction asserts that the DEIR fails to discuss or evaluate the impact sea-level rise will have on the Project. This assertion is incorrect.

The potential impacts of sea-level rise on the Project are discussed in RTC Response HY-1 and DEIR Section 3.15, "Water Quality and Hydrology," under Impact HY-6, beginning on p. 3.15-52. The analysis in those sections of the RTC and DEIR is predicated upon the California Supreme Court holding in *California Building Industry Association v. Bay Area Air Quality Management District* (62 Cal.4th 369), decided in 2015, which held that CEQA does not generally require lead agencies to consider how existing hazards or conditions might affect a project's users or residents, except where the project would exacerbate an existing environmental hazard. Accordingly, the analysis included in the DEIR and the RTC regarding sea level rise evaluates whether the Project would exacerbate existing or future flood hazards in the Project site. The impact would be considered significant if the Project were to exacerbate future flood hazards by increasing the frequency or severity of flooding or cause flooding to occur in an area that would not be subject to flooding without the Project.

The DEIR analysis identifies uninhabited facilities that would be inundated by sea level rise by 2050, including "the pier, the dock/platform, the beach, portions of some pedestrian paths, and a portion of the Marineway path." DEIR p. 3.15-58. Furthermore, "the kayak concessions, portions of the Bay Trail near the southern shoreline, the parking area, a larger portion of the Marineway, and additional portions of the pedestrian paths would be temporarily inundated," by 2100 as discussed on DEIR p. 3.15-59. The Draft EIR on p. 3.15-60 concludes that no inhabited structures at the 700 Innes property would be inundated by sea-level rise under any of the scenarios studied.

The DEIR at page 3.15-58 correctly concludes that:

[A]lthough some project features at the project site properties may be inundated by sea-level rise, the proposed project or variant would not

Board President Malia Cohen and
Members of the Board of Supervisors
c/o Clerk of the Board of Supervisors
September 14, 2018
Page 8

exacerbate the frequency or severity of flooding or cause flooding in areas that otherwise would not be subject to flooding without the project.

Therefore, the operational impact of the Project would be less than significant.

As discussed in the DEIR and the RTC, the Project has been innovatively designed to adapt to the projected Sea Level Rise, so as to result in the least possible impact to the future residents and users. Specifically, the Project has been adaptively sited and designed so that (i) sea-level rise will not affect the inhabited facilities, and (ii) sea-level rise would not affect the planned uses of the uninhabited facilities over their 50-year design life. However, beyond the 50-year design life, future Project designs would need to be incorporated to address anticipated impacts of sea-level rise. Financing and funding of projects is outside the purview of CEQA and therefore is not required to be addressed in the FEIR. However, as set forth in the Development Agreement for the Project, the Project would provide funding sources through the formation of a Community Facilities (Special Tax) District that the City will use to implement protections along the Southern Bayfront shoreline from future sea level rise, including any necessary future design modifications.

6. **The Statement of Overriding Considerations is proper, legal and complies with CEQA requirements.**

Greenaction alleges that the Statement of Overriding Considerations is improper and illegal. This assertion is incorrect and without merit.

The FEIR found that the Project would result in significant and unavoidable project and cumulative impacts, including significant and unavoidable project and cumulative air quality impacts with mitigation. However, significant and unavoidable impact conclusions do not require disapproval or rejection of the Project or make approval of such a Project illegal. Rather, CEQA Guidelines Section 15093 and Public Resources Code Section 21081(b) requires that when an agency decides to approve a project that will cause one or more significant environmental effects, the lead agency must prepare a Statement of Overriding Considerations which reflects the ultimate balancing of competing public objectives (including environmental, legal, technical, social, and economic factors). The determination regarding whether to adopt a statement of overriding considerations is made by the decision-makers. In compliance with CEQA, the Statement of Overriding Considerations for the Project was prepared by the Planning Department for consideration by the City decision-makers as part of their deliberations on the merits of the Project and whether to approve, modify, or disapprove the Project. Based on this balancing of

Board President Malia Cohen and
Members of the Board of Supervisors
c/o Clerk of the Board of Supervisors
September 14, 2018
Page 9

competing public objectives, the Planning Commission approved the Project and adopted the Statement of Overriding Considerations at its hearing on July 26, 2018, in compliance with all applicable CEQA requirements.

In addition, as discussed in DEIR Section 3.7 “Air Quality” and RTC Response AQ-1, the Project is required to comply with all identified feasible mitigation measures that reduce the air quality impacts of the Project during construction, operation, overlapping construction and operation, and cumulatively. Specifically, the Project is required to comply with Mitigation Measures M-AQ-1a, “Minimize Off-Road Construction Equipment Emissions,” M-AQ-1b, “Minimize On-Road Construction Equipment Emissions,” M-AQ-1c, “Utilize Best Available Control Technology for In-Water Construction Equipment,” M-AQ-1e, “Implement Best Available Control Technology for Operational Diesel Generators,” and M-AQ-1f, “Prepare and Implement Transportation Demand Management.” These mitigation measures would directly reduce air quality impacts of the Project during construction, operation and overlapping construction and operation. In addition, the Project is required to comply with Mitigation Measure M-AQ-1d, “Offset Emissions for Construction and Operational Ozone Precursor (NOX and ROG) Emissions,” which addresses regional emissions into the air basin through payment of an offset fee or funding or implementation of a specific offset project.

As such, the Project is required to comply with a series of robust mitigation measures that have been identified to lessen the air quality impacts of the proposed Project, including both on-site mitigation measures and payment to the BAAQMD, which represent all feasible measures available to lessen the Project’s air quality impacts.

7. **The Project will not result in any significant population and housing impacts.**

The Appellants assert that the Project will result in significant Population and Housing impacts, including gentrification, and dispute the EIR’s conclusion that the Project will not induce substantial population growth. Appellants’ assertions are incorrect and not supported by substantial evidence.

As discussed in RTC Response PH-4, the DEIR concludes that the Project would result in direct and indirect population growth that is already planned for in the Bayview Hunters Point Area Plan. Therefore, the Project is consistent with the City’s planned future for the Project area, and thus would result in a less-than-significant population and housing impact. Similarly, the FEIR concluded that development of the Project under the cumulative scenario would also have a less-

Board President Malia Cohen and
Members of the Board of Supervisors
c/o Clerk of the Board of Supervisors
September 14, 2018
Page 10

than-significant impact related to population and housing because development of cumulative projects would be consistent with population and housing projections in the 2014 Housing Element of the General Plan, and would furthermore help the City meet its share of ABAG's Regional Housing Needs Assessment. Therefore, the RTC correctly concludes on p. 4-18:

[A]lthough the proposed project or variant would cause the study area's population to increase, growth in this area has long been the subject of many planning activities, including the Bayview Hunters Point Area Plan. In summary, the direct population and housing growth provided as part of the project aligns with the City's effort to create a vibrant high-density, mixed-use neighborhood along the Bayview shoreline. Therefore, impacts on population and housing were considered less than significant in the EIR and further analysis is not required.

Secondary effects of population growth are analyzed in their respective sections of the Draft EIR, including Section 3.5, "Transportation and Circulation"; Section 3.6, "Noise"; Section 3.7, "Air Quality"; Section 3.11, "Recreation"; Section 3.12, "Utilities and Service Systems"; and Section 3.13, "Public Services."

With respect to the Appellants assertion that the Project will result in gentrification and displacement that could result from the development of Project are socioeconomic issues rather than physical environmental issues. Specifically, CEQA Guidelines Section 15131(a) states that social or economic impacts alone shall not be treated as significant effects on the environment. Evidence of social or economic impacts (e.g., rising property values, increasing rents, changing neighborhood demographics) that do not contribute to, or are not caused by, physical impacts on the environment are not substantial evidence of a significant effect on the environment. In short, social and economic effects are only applicable under CEQA if they would result in or are caused by an adverse physical impact on the environment.

The Project will provide housing consistent with regional growth projections, and will also provide a significant amount of affordable housing. In accordance with the Project's Development Agreement, the affordable housing plan will facilitate development of 25% of all residential units built within the Project site as below market rate units, inclusionary units or in lieu fee units. Therefore, by accommodating housing consistent with regional growth projections and, in particular, by increasing the supply of housing on the project site from the two parcels

Board President Malia Cohen and
Members of the Board of Supervisors
c/o Clerk of the Board of Supervisors
September 14, 2018
Page 11

containing residences currently located on the property, the Project would provide some relief from the housing market pressures on the City's existing housing stock.

Therefore, the Project would not result in any significant impacts related to population and housing, and would not result in any gentrification or displacement.

8. The City has fully complied with its obligations under CEQA regarding language access.

Greenaction alleges that the City's failure to translate notices and key documents violates civil rights laws and illegally excludes the public from civic engagement. This assertion is incorrect. As discussed in RTC, the City has fully complied with its obligations under CEQA regarding language access. CEQA itself does not require language access services to be provided. As discussed in RTC Response GC-1 on p. 4-110:

In terms of the formal CEQA process, CEQA provides that “[p]ublic participation is an essential part of the CEQA process” and that agencies “should include provisions in [their] CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency’s activities.” 14 California Code of Regulations Section 15201. Although meaningful public participation is an essential part of the CEQA process, CEQA itself does not require agencies to provide language access services. In addition, Public Resources Code Section 21083.1 prohibits the interpretation of CEQA in any manner that imposes additional procedural or substantive requirements beyond those explicitly stated in CEQA. (Public Resources Code Section 21083.1, adopted 1993.) Therefore, imposing language access services as a requirement of CEQA is explicitly prohibited by the statute, because such services are not explicitly required under CEQA.

Notwithstanding the fact that CEQA does not require language access services, the City and the Project Sponsors have exceeded legal requirements in order to enhance public participation and to respond to requests made by Greenaction. Specifically, the RTC described on page 4-111:

Board President Malia Cohen and
Members of the Board of Supervisors
c/o Clerk of the Board of Supervisors
September 14, 2018
Page 12

The Planning Department acknowledged its failure to provide the requested translation in its letter dated September 8, 2017 (see the relevant Planning Department letter regarding language access attached to the Greenaction letter in Appendix A)—an unintentional oversight for which the Planning Department expressed deep regret. The Planning Department has since published Chinese, Spanish, and Tagalog translations of the Notice of Availability of the Draft EIR, and the project sponsors have also made available translations of the Executive Summary of the Draft EIR that are available at the following website: <http://sf-planning.org/environmental-impact-reports-negative-declarations>. Accordingly, limited- and non-English-speaking individuals have had meaningful opportunity to participate in the CEQA process and provide comments on the Draft EIR, either in writing or in person during the public scoping meeting on June 19, 2016, and the Draft EIR hearing on October 19, 2017. Such individuals will also have other opportunities to comment before certification of the Final EIR and at additional public hearings on the approvals for the project. Furthermore, individuals can request interpreters be present at any public meetings and hearings if they require them and make such requests to the Planning Department ahead of time. Therefore, the record reflects that limited- and non-English-speaking individuals have been provided opportunities for meaningful involvement in the CEQA process and that no violation of CEQA has thus occurred.

The translations of the Executive Summary were commissioned by BUILD at their expense, and went beyond any language access requirements applicable under local or state law. The Chinese and Spanish translations of the Executive Summary (which included the table of potential impacts and proposed mitigation measures) were also available on the Planning Department website for ease of public access. In addition, the Planning Department, with the help of BUILD translated notices of the July 26, 2018, EIR certification hearing for the Project into Tagalog in addition to Spanish and Chinese. Those translated notices were also available on the Planning Department's website for ease of access. Therefore, Greenaction's assertion that the City "refused to translate key notices and key documents into languages spoken by many residents of Bayview Hunters Point" is incorrect and unsupported by evidence in the record. To the contrary, upon being made aware of its unintentional oversight in failing to provide the initially requested translations, the City as well as the Project Sponsors provided enhanced translation access which exceeds the applicable legal requirements to provide translations to the public, including the voluntary

Board President Malia Cohen and
Members of the Board of Supervisors
c/o Clerk of the Board of Supervisors
September 14, 2018
Page 13

translations of the Executive Summary. The record reflects both Greenaction's correspondence with the Planning Department regarding language access services in connection with the Project, and the Planning Department's and Project Sponsor's significant efforts to address the concerns Greenaction raised. The requested translations were provided prior to the public hearing on the DEIR and the certification of the FEIR, both providing opportunity for meaningful community involvement and public comment.

Conclusion

In summary, the record demonstrates that the EIR is a very thorough and complete analysis of the India Basin Mixed Use Project and clearly fulfills CEQA's goal of providing decision makers information enabling them to make a decision that intelligently takes account of environmental consequences (CEQA Guidelines Section 15151). The objections of both Appellants are without merit. We therefore respectfully request that this Board uphold the certification of the EIR by the Planning Commission and deny this appeal.

Very truly yours,



Mary G. Murphy