

From: [Joan Klau](#)
To: [Board of Supervisors, \(BOS\)](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Jalipa, Brent \(BOS\)](#); [BOS Legislation, \(BOS\)](#); [Geokimm](#); [Pbholzman](#)
Subject: Statement re: 9/27/22 BOS vote on File #220884
Date: Monday, September 26, 2022 3:47:34 PM
Attachments: [MSNA BOS letter IIGP_092622.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

For immediate review by the full Board of Supervisors before voting on File #220884 tomorrow, Tuesday September 27, 2022:

As an officer of the Mid-Sunset Neighborhood Association (MSNA), I am submitting this statement on behalf of the MSNA with regards to [File #220884](#) which is [scheduled for a vote by the Board of Supervisors tomorrow](#), Tuesday September 27, 2022. The text of the attached is also pasted below.

Sincerely,
Joan Klau

September 26, 2022
Board of Supervisors
City Hall, 1 Dr. Carlton B. Goodlett Pl San Francisco, CA 94102

On page 7 of the [BOS packet for File #220884](#) slated for a Board of Supervisors vote on September 27, 2022, the Mayor's Office of Housing and Community Development (MOHCD) states that the criteria for the California Department of Housing and Community Development's Infill Infrastructure Grant Program (IIGP) "includes: **project readiness**, affordability, density, access to transit, proximity to amenities, leveraged funding commitments, **local support**, and consistency with regional plans."

The Mid Sunset Neighborhood Association (MSNA) does not believe the project is ready, nor does it have sufficient local support to qualify for the IIGP and by including 2550 Irving Street Project in this Super NOFA, MOHCD risks funding for 730 Stanyan and 2530 18th Street. For that reason, MSNA urges the BOS and MOHCD to remove the 2550 Irving Street project from this Super NOFA until two issues are resolved:

Twice the BOS has unanimously approved resolutions urging the Tenderloin Neighborhood Development Corporation (TNDC) and its sponsor MOHCD to work with the neighborhood to:

a) Reach a compromise over height and scale within the financial feasibility of the project. Toward that end, the MSNA has proposed a compromise design for an 80 unit building with both development and operational budgets that national affordable housing experts agree meet the financial feasibility criteria while also doing more to cleanup the toxins on and around the site for no greater total cost than TNDC's budget currently calls for. As the BOS is well aware, MSNA has filed suit against TNDC in order to hold them accountable to the unanimous BOS resolution because

despite MSNA providing detailed, expert-supported plans and budgets to address every concern that TNDC has raised, TNDC continues to ignore every effort to negotiate in good faith toward a compromise that would allow the project to move forward.

b) Ensure any toxins found on or emanating from the site are cleaned up to DTSC's own residential cancer risk level of $0.46 \mu\text{g}/\text{m}^3$ or 10^{-6} . While DTSC did approve a response plan in August 2021 which called for a Vapor Intrusion Mitigation System (VIMS), DTSC has since continued and expanded their investigation around 2550 Irving Street which has led to new information. TNDC and SFPCU had previously argued without evidence that the primary source of PCE contamination is not located at 2550 Irving Street, but from the parcel to the south. However we now know—from the data sampling that DTSC has done in 2022— this isn't the case. Both PCU and TNDC do not deny that there is a large PCE plume flowing under 2550 Irving Street into at least six neighborhood homes directly north and downhill from 2550 Irving Street. After monitoring-wells on the perimeters of those six homes showed elevated levels of PCE in 2021, DTSC did two rounds of indoor air quality testing (in September 2021 and March 2022) in those six homes. It revealed PCE indoor air levels well above DTSC's own risk management level. DTSC intends to do a third round of testing this coming winter when PCE levels are usually at their highest. It is important to know that this data has been gathered after TNDC's response plan had been approved. This is new data. This past Friday, September 23, 2022, DTSC met with CalEPA, Supervisor Mar, MSNA representatives and environmental experts to discuss the growing evidence that suggests that the response plan DTSC approved in 2021 is no longer the best solution – that before construction begins more testing during and after demolition of 2550 Irving Street needs to take place. This will help DTSC determine how best to remediate the plume holistically and not just mitigate 2550 Irving. DTSC's two presumptive remedies for this kind of PCE plume are well established: Soil Vapor Extraction and/or Soil excavation without the massive importation of clean fill. MSNA has argued that the response plan is faulty because neither of these remedies was considered in the original response plan. Any construction on the 2500 Irving block would make further DTSC testing and remediation exponentially more difficult and expensive if not impossible.

To be clear, it has never been MSNA's position that affordable housing is not welcome at 2550 Irving Street. We were glad to hear Friday that DTSC officials finally understand that, and we hope that the Board of Supervisors can also understand that. Our interests have always been clear:

- When MOHCD and TNDC say they are engaging with the community, that community process should include a two-way dialogue with the immediate neighborhood.
- Placing a substantial concrete foundation over PCE contamination at these levels is neither an acceptable nor just solution for current or future residents. While we have proven ourselves willing to compromise over height and scale, we will not compromise on health and safety—and the BOS should not either.
- That while SB-35 entitles the City to build the max of seven stories, it does not require it – and that reaching an equitable and financially feasible compromise over height and scale would not only help the City make substantial progress

toward its RHNA goals, but would also do a better job at cleaning up the toxins on and around the site.

That is why MSNA continues to advocate for compromise – our current design is just 10 units different from TNDC’s proposal, with expert-supported documentation of the financial feasibility of both development and operational budgets, and national brownfield experts reviewing and assisting in negotiating our environmental concerns with TNDC and DTSC. The City’s failure to make progress is not the fault of the MSNA or the BOS – it is the fault of TNDC and their sponsor, MOHCD. Not only do they not have plans for 1,000 units - let alone 80,000 units – they are unwilling to consider any reasonable compromises that might allow the City to make progress toward their RHNA goals. In the process, they are not only in direct violation of two BOS resolutions, but they have wasted a year and, by their own admission, millions of taxpayer dollars in cost escalations that could have housed more people faster.

Again, the MSNA does not oppose affordable housing at 2550 Irving Street. We simply ask that the site is cleaned up before it is built up. We believe our proposed design provides a substantial compromise on the height and scale concerns, but far more importantly, a more effective and less expensive solution for the required toxic cleanup. Now, in light of DTSC’s latest update suggesting a full neighborhood remediation, we respectfully ask the BOS to postpone supporting TNDC’s application for IIGP funding at this time for 2550 Irving Street.

Respectfully,
Mid-Sunset Neighborhood Association



MID-SUNSET NEIGHBORHOOD ASSOCIATION

September 26, 2022

Board of Supervisors
City Hall, 1 Dr. Carlton B. Goodlett Pl
San Francisco, CA 94102

On page 7 of the [BOS packet for File #220884](#) slated for a Board of Supervisors vote on September 27, 2022, the Mayor's Office of Housing and Community Development (MOHCD) states that the criteria for the California Department of Housing and Community Development's Infill Infrastructure Grant Program (IIGP) "includes: **project readiness**, affordability, density, access to transit, proximity to amenities, leveraged funding commitments, **local support**, and consistency with regional plans."

The Mid Sunset Neighborhood Association (MSNA) does not believe the project is ready, nor does it have sufficient local support to qualify for the IIGP and by including 2550 Irving Street Project in this Super NOFA, MOHCD risks funding for 730 Stanyan and 2530 18th Street. For that reason, MSNA urges the BOS and MOHCD to remove the 2550 Irving Street project from this Super NOFA until two issues are resolved:

Twice the BOS has unanimously approved resolutions urging the Tenderloin Neighborhood Development Corporation (TNDC) and its sponsor MOHCD to work with the neighborhood to:

- a) Reach a compromise over height and scale within the financial feasibility of the project. Toward that end, the MSNA has proposed a compromise design for an 80 unit building with both development and operational budgets that national affordable housing experts agree meet the financial feasibility criteria while also doing more to cleanup the toxins on and around the site for no greater total cost than TNDC's budget currently calls for. As the BOS is well aware, MSNA has filed suit against TNDC in order to hold them accountable to the unanimous BOS resolution because despite MSNA providing detailed, expert-supported plans and budgets to address every concern that TNDC has raised, TNDC continues to ignore every effort to negotiate in good faith toward a compromise that would allow the project to move forward.
- b) Ensure any toxins found on or emanating from the site are cleaned up to DTSC's own residential cancer risk level of $0.46 \mu\text{g}/\text{m}^3$ or 10^{-6} . While DTSC did approve a response plan in August 2021 which called for a Vapor Intrusion Mitigation System



MID-SUNSET NEIGHBORHOOD ASSOCIATION

(VIMS), DTSC has since continued and expanded their investigation around 2550 Irving Street which has led to new information. TNDC and SFPCU had previously argued without evidence that the primary source of PCE contamination is not located at 2550 Irving Street, but from the parcel to the south. However we now know—from the data sampling that DTSC has done in 2022— this isn't the case. Both PCU and TNDC do not deny that there is a large PCE plume flowing under 2550 Irving Street into at least six neighborhood homes directly north and downhill from 2550 Irving Street. After monitoring-wells on the perimeters of those six homes showed elevated levels of PCE in 2021, DTSC did two rounds of indoor air quality testing (in September 2021 and March 2022) in those six homes. It revealed PCE indoor air levels well above DTSC's own risk management level. DTSC intends to do a third round of testing this coming winter when PCE levels are usually at their highest. It is important to know that this data has been gathered after TNDC's response plan had been approved. This is new data. This past Friday, September 23, 2022, DTSC met with CalEPA, Supervisor Mar, MSNA representatives and environmental experts to discuss the growing evidence that suggests that the response plan DTSC approved in 2021 is no longer the best solution – that before construction begins more testing during and after demolition of 2550 Irving Street needs to take place. This will help DTSC determine how best to remediate the plume holistically and not just mitigate 2550 Irving. DTSC's two presumptive remedies for this kind of PCE plume are well established: Soil Vapor Extraction and/or Soil excavation without the massive importation of clean fill. MSNA has argued that the response plan is faulty because neither of these remedies was considered in the original response plan. Any construction on the 2500 Irving block would make further DTSC testing and remediation exponentially more difficult and expensive if not impossible.

To be clear, it has never been MSNA's position that affordable housing is not welcome at 2550 Irving Street. We were glad to hear Friday that DTSC officials finally understand that, and we hope that the Board of Supervisors can also understand that. Our interests have always been clear:

- When MOHCD and TNDC say they are engaging with the community, that community process should include a two-way dialogue with the immediate neighborhood.
- Placing a substantial concrete foundation over PCE contamination at these levels is neither an acceptable nor just solution for current or future residents. While we have proven ourselves willing to compromise over height and scale, we will not compromise on health and safety—and the BOS should not either.



MID-SUNSET NEIGHBORHOOD ASSOCIATION

- That while SB-35 entitles the City to build the max of seven stories, it does not require it – and that reaching an equitable and financially feasible compromise over height and scale would not only help the City make substantial progress toward its RHNA goals, but would also do a better job at cleaning up the toxins on and around the site.

That is why MSNA continues to advocate for compromise – our current design is just 10 units different from TNDC’s proposal, with expert-supported documentation of the financial feasibility of both development and operational budgets, and national brownfield experts reviewing and assisting in negotiating our environmental concerns with TNDC and DTSC. The City’s failure to make progress is not the fault of the MSNA or the BOS – it is the fault of TNDC and their sponsor, MOHCD. Not only do they not have plans for 1,000 units - let alone 80,000 units – they are unwilling to consider any reasonable compromises that might allow the City to make progress toward their RHNA goals. In the process, they are not only in direct violation of two BOS resolutions, but they have wasted a year and, by their own admission, millions of taxpayer dollars in cost escalations that could have housed more people faster.

Again, the MSNA does not oppose affordable housing at 2550 Irving Street. We simply ask that the site is cleaned up before it is built up. We believe our proposed design provides a substantial compromise on the height and scale concerns, but far more importantly, a more effective and less expensive solution for the required toxic cleanup. Now, in light of DTSC’s latest update suggesting a full neighborhood remediation, we respectfully ask the BOS to postpone supporting TNDC’s application for IIGP funding at this time for 2550 Irving Street.