

The Yerba Buena Neighborhood Consortium

c/o 230 Fourth St. San Francisco, CA 94107

A Council of the Yerba Buena Neighborhood's Residents and Community Organizations

San Francisco Board of Supervisors
City Hall
San Francisco, CA 94102

July 25, 2018

RE: Central SOMA Plan EIR: 2011.1356E
Certification Appeal

CEQA achieves its purpose of long-term protection of the environment by functioning as “an environmental full disclosure statute, and the EIR is the method by which this disclosure is made.” *Rural Landowners Ass’n v. City Council of Lodi* (1983) 143 Cal.App.3d 1013, 1020. An EIR should not just generate paper, but should act as “an environmental ‘alarm bell’ whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return.” *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810. The EIR provides analysis to allow decision makers to make intelligent judgments. CEQA Guidelines, §15151.

An EIR need not be perfect, but must represent an adequate, complete, and good faith effort at full disclosure of environmental impacts. CEQA Guidelines, §15151. In *Berkeley Keep Jets over the Bay Committee v Board of Port Commissioners of the City of Oakland* (2001) 91 Cal.App. 4th 1344, 1367, the Court found that an EIR was not a reasoned and good faith effort to inform decision makers and the public about environmental impacts.

An EIR must analyze environmental impacts as to any topic for which substantial evidence supports a “fair argument” of significant impact. Public Resources Code, §21151. As held in *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109, “EIRs must “consider and resolve every fair argument that can be made about the possible significant effects of a project.” That includes cumulative impacts, especially important for a significant planning document serving as a template for years of proposed intense development. An EIR must consider not only project-related environmental impacts but also the extent to which a project may exacerbate existing environmental hazards, such as unstudied seismic risks posed to buildings currently within the baseline environmental setting.

Given the above, the 2017 Central SOMA Plan Environmental Impact Report directly fails to meet the requirements of CEQA because two CEQA-required topics with potentially significant environmental impacts were not fully evaluated in the DEIR. Instead they were incorrectly determined not to have any potential significant impacts in 2011 Initial Study for the project, and so received no further technical evaluation or public review.

The two omitted topics are Seismic Safety Impacts and Public Services Impacts, including Cumulative Public Services Impacts.

1. GEOLOGY AND SOILS

The Initial Study correctly acknowledges that the Project Area is located on extremely hazardous soil conditions due to its 19th Century landfill over former marsh and dunes soils, with severe risk of liquefaction and amplified ground shaking intensity. As a matter of historic record, the project area experienced extreme seismic impacts and large scale loss of life in the 1906 Great Earthquake, and also experienced significant seismic impacts and loss of life in the 1989 Loma Prieta Earthquake.

But the Initial Study fails to present the vital information that the US Geologic Survey has estimated there is a greater than 50% chance of a major Bay Area earthquake in the next 30 years that would directly impact the Plan area.

The DEIR also projects that the daily population of people living and working within the Plan area will increase from a 2010 Baseline of 57,600 to a No Project total of 100,000 in 2040, plus an additional 36,400 as a result of the Central SOMA Plan, for a grand total of 136,400 (see DEIR chart attached), a overall net daily population growth of 78,800.

But the Initial Study limited its discussion of the resulting seismic risks to this very large existing and new population with an unsubstantiated assumption that current building codes would fully mitigate such risks. While that may be reasonable to assume for new buildings constructed to current code standards, the hundreds of older buildings throughout the Plan area were not built to current code standards, and many of concrete, wood frame, and other construction types have not received any structural retrofit at all. And even though the dozens of most hazardous unreinforced masonry buildings in the Plan area have been partially structurally retrofitted, those code requirements do not mandate reinforcement of their foundations, which are the most vulnerable component of a structure in the event of liquefaction or other soil failures that the Initial Study notes are expected to occur in the Plan area.

None of this was discussed in the Initial Study.

As a result, the residents and workers and visitors of such existing buildings may face a very substantial risk. And all members of the public who happen to be in the area during a major earthquake, even if just walking on the sidewalks, likewise face a substantial risk if an adjacent building suffers significant damage. This will include the workers and residents who will occupy the increased amount of new developments that the Central SOMA Plan will result in. That in fact is exactly what happened in 1989 to two persons walking on a Sixth Street sidewalk in the Plan area next to a building that experienced partial failure of its brick wall. They were crushed to death under the falling bricks. And the Loma Prieta Earthquake was NOT as strong an event as the USGS anticipates in the foreseeable near future.

Thus the Initial Study's conclusion that the Plan would have "less than significant impact" with regard to the Initial Study's criteria "Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving ... ii) strong seismic ground shaking? iii) seismic related ground failure, including liquefaction?" is wrong on its face, and as a matter of recent historic record. This topic should have been determined by the Initial Study to have "potentially significant impact" and thus fully evaluated by the full project EIR, which it was not.

Such an analysis would have included an inventory of all pre-1989 buildings in the Plan area (building codes were substantially revised after the 1989 Earthquake to address seismic issues) and a categorical assessment of the risks they present. Strong mitigation measures could have been identified and evaluated, such as mandated structural retrofit of all concrete buildings and foundation retrofit of all buildings located on known hazardous soils, especially UMB structures.

The real world outcome of this Central SOMA Plan EIR legal inadequacy without any such mitigations may prove one day to be substantial and avoidable loss of life to dozens or even hundreds of Central SOMA residents and workers in the event of the inevitable next major Bay Area earthquake.

2. PUBLIC SERVICES

In general, despite the projected daily population increase of 78,800 persons as a result of the Plan by 2040, the Initial Study concluded that the need for additional Police, Fire, and "other" public services would have a "less than significant impacts," and thus this topic was excluded from technical and public evaluation in the DEIR.

This is a questionable assumption on its face – 78,800 people are the size of new city! And the Initial Study did not cite any technical analysis of the needs for Public Services for a daily population of this size, or lack thereof.

In addition, the Initial Study totally omitted any discussion at all of two very important public services – street/sidewalk cleaning and short-term homelessness and sheltering.

Despite their undeniable presence in the Plan Area in substantial numbers during the last 30 years, neither the Initial Study nor the Project DEIR specifically addressed the environmental issues related to the homeless population, and the resulting Public Services impacts. But the associated demand for public sanitation, health, shelter, and safety services is absolutely obvious to everyone today and is a major civic controversy.

Thus just with regard to the Plan area, the future need for much increased Public Services and potential resulting physical impacts from new services and new facilities such as homeless shelters should have been determined to have "potentially significant impact" by the Initial Study and thus fully evaluated in the Plan EIR. In particular, the potential large scale

development of the former Hall of Justice City property directly adjacent to the Plan Area with new Public Services facilities should have been evaluated.

Moreover, the potential Cumulative Impacts of the even much larger daily population growth on demand for such Public Services in the adjacent districts of Downtown San Francisco, also including the Plan area, received absolutely no discussion in the Initial Study at all. The total future resident and worker growth of all these districts can reasonably be expected to be several hundreds of thousands of people. To assume that the inevitable resulting cumulative demand for increased Public Services of such a large population growth would still be “less than significant” is absurd on its face.

It is possible that no such Cumulative Impact Demand for Public Services for all of Central City and Downtown San Francisco has ever been evaluated in any project EIR certified by the City to date. If so, that also is an egregious decades-long CEQA inadequacy that must be rectified by the Central SOMA Plan EIR.

These grave omissions of topical analysis for potential issues of Significant Impact – including one directly impacting the life/safety of many thousands – constitute a fatal flaw of the Central SOMA EIR.

Sincerely,

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