

# Arc Ecology

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Ms. Joy Navarrette  
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RE: Hunters Point Shipyard 2003.0241E  
Comments on the Notification of Project Receiving Environmental Review

Dear Ms. Navarrette:

Thank you for providing the opportunity to comment on this project. We have commented extensively on all environmental review documents to date concerning Hunters Point Shipyard, both on our own behalf, and on behalf of community alliances in which we participate. We have prepared the attached comments to express our views on the additional environmental review that you are considering, and also the concerns of the Community First Coalition. The Community First Coalition includes organizations and individuals in Bayview-Hunters Point who are actively concerned about environmental degradation affecting residents of this highly polluted neighborhood.

As you will read in our comments, we are troubled that we lack some of the information we need to provide a comprehensive set of comments. Since much of the information about the draft DDA is unavailable to the public, we are uncertain whether the provisions of that document would generate additional impacts that are not adequately addressed by the February 2000 EIR for the Reuse and the Redevelopment Plans. We will contact you when all of the information is before us if we identify additional issues.

Please contact us if we can be of assistance.

Yours truly,

Eve Bach  
Staff Economist/Planner

Cc: Maurice Campbell, CFC  
Attachment: Comments

## **COMMENTS OF NOTIFICATION OF PROJECT RECEIVING ENVIRONMENTAL REVIEW – HUNTERS POINT SHIPYARD, PHASE I**

The Notification of Project Receiving Environmental Review (“Notification”) states that additional environmental review is needed because the Shipyard development program that the Redevelopment Agency is currently considering differs from development program in the the Reuse Plan and the Redevelopment Plan analyzed in the February 2000 FEIR.

### **Questions about the Definition of the Project**

However the Notification is vague about the nature of those differences, except for the revisions to the phasing of non-residential development and location of some of the planned housing. The Notification is also unclear what actions would be covered by this round of environmental review. Based on the Project Title in the Notification – “Hunters Point Shipyard Phase I,” we can infer that approval of the Disposition and Development Agreement (DDA) is one such action, but we cannot know if others are planned in addition.

Our review of the draft DDA is to date incomplete since the entire document is not yet available to the public. Our review of other sections has necessarily been cursory due to the short amount of time other sections have been available. Therefore our comments on the Notification are not comprehensive, but we are submitting them to meet the City’s deadline.

### **Supplementary EIR is needed.**

Even if the changes to the development program were limited to the phasing revisions and relocation of housing units, a supplementary EIR would be needed. Although the total amount of Phase I development will be less than previously projected, the changes to the mix of uses could potentially make the main transportation mitigations – a TSM Program – unworkable.

Other, more extensive changes to the Phase I development program that are described in DDA sections we have reviewed so far present an even more compelling case for a Supplemental EIR. The new roadway system in particular will induce growth with serious, possibly unmitigable cumulative impacts.

### **Question about Status of the Conceptual Framework (Term Sheet for the DDA)**

Since the City is in the process of determining whether the development proposed by Lennar’s Phase I development requires additional environmental review, should the Redevelopment Agency’s approval of the Conceptual Framework be considered an irreversible step in the process?

### **Questions about Status of FEIR**

In addition to our questions about the nature of the project under review, we are also uncertain about the current status of the February FEIR certified by the Redevelopment and the Planning Commissions when they approved the Shipyard Redevelopment Plan. It is our understanding that the Board of Supervisors approved the Shipyard Redevelopment Plan *prior to certification* of the EIR, pursuant to special provisions of Community Redevelopment Law (Public Resources Code §33492.18). It is unclear whether the BOS subsequently considered the EIR after certification to comply with §31.17 (b) of San Francisco Administrative Code which normally would have required such consideration prior to the approval action..

In this context, we also have questions about the effect of additional rounds of environmental review on the validity of the EIS. Will the Navy still be able to convey property based on their environmental review of a development program that has undergone changes resulting in additional environmental impacts?

### **Question about the Adequacy of the Notification**

#### *Zoning*

The Project Description indicates that the Shipyard is zoned P (Public) and RM-1 (Residential Mixed, Low Density). However San Francisco zoning maps available on the Internet omit the Shipyard suggesting that zoning of these areas is not currently designated.

#### *Misleading Comparison*

The comparison of the Revised Project is confusing and uninformative. Although it correctly states that the new Phase I would include the same number of housing units as the Reuse and the Redevelopment Plans, it fails to point out that it would also increase the amount of R&D/office space from 65,000 sf to 220,000 sf. Although the Project Description observes that non-residential uses would be reduced by 2/3, it needs to point out that this reduction would be achieved by eliminating *all* industrial and maritime industrial development from Phase I.

We believe the City should be clear that revisions to the Reuse Plan that the community's job-creating strategy that prioritized light industrial development has almost completely vanished from Phase I. Although some of the impacts of this change are economic and social, the changed mix of uses will affect travel-to-work patterns and other environmental factors.

#### *Unclear Description of Changes to Infrastructure*

The Project Description states "The Phase I development program would include new infrastructure, such as new storm water, wastewater, natural gas and electricity distribution systems, and new telecommunication systems. Roads are proposed to be improved and new streets and transit facilities are proposed."

This description does not distinguish between infrastructure that was previously included in Phase I and revisions to the infrastructure plan for the new Phase I development. Only by reading the draft DDA do we learn, for example, of plans to modify the internal circulation system, including expanding Galvez Avenue to eight lanes – six for traffic and two for parking.

### **Determining when Supplementary Environmental Analysis is needed**

The February 2000 EIR must be supplemented by additional analysis of the DDA development program that increase or create potentially significant impacts.

That additional analysis must be in the form of a Supplemental EIR if the changes increase the severity or create new non-mitigable significant impacts. Non-mitigable impacts might be created or their level increased if mitigation measures become infeasible or less effective.

The development program proposed in the draft DDA generates new or expanded impacts because of (1) changes to the development program (e.g., phasing, relocation of uses, changes to infrastructure); (2) changes to conditions/ availability of new information (e.g., new information about contamination, or about foreseeable cumulative development) and (3) changes to

applicable standards, rules, and regulations (e.g., new air pollution standards more protective of children. .

## **Potentially Significant Environmental Impacts Requiring Analysis Mitigation in a Supplementary EIR**

### *Land Use*

Consistency with land use standards and requirements: The revised Phase I development program should be analyzed for consistency with the Redevelopment Plan (which incorporates the land use maps of Reuse Plan) and the General Plan. Inconsistencies should be considered significant impacts. Although State Law (Public Resources Code §33492.20) allows the BOS to delay making findings that the Shipyard Redevelopment Plan is consistent with the General Plan, it does not remove the City's responsibility to identify the conflict as an impact requiring mitigation.

### *Transportation*

The draft DDA provides for a new roadway system that it is growth-inducing and appears to be the first segment of a more extensive project. The new arterial (highway?) system presented in the draft DDA that loops through the Shipyard will create more capacity than needed to serve both Phase I development and full buildout of the Shipyard according to current plans. Therefore, a new traffic analysis is needed that projects traffic, air pollution, and noise impacts that will be generated by the proposed roadway when it operates at full capacity. This analysis is needed in addition to usual projection of traffic and air quality based on trip generation of each land uses.

The assumption that the new roadway system will operate at full capacity is not far-fetched. DPW is studying truck/ general traffic routing, to create a southern gateway to the Shipyard, including an EIR scheduled for completion by November 2004. The new access system that is being planned includes construction of a bridge across South Basin/Yosemite Slough, the 90-foot wide roadway through the Shipyard that will exit at Innes and connect with the Islais Creek bridge via Cargo Way linking back to (and exacerbating congestion at the Cesar Chavez access points to) Routes 280 and 101.

The new roadway system in the draft DDA appears to be the precursor of that more extensive system that would provide new access not only serving the Shipyard as a destination, but also would attract through-traffic generated by a potential new stadium, India Basin, and development of Port properties, as well a traffic diverted from the congested 101 corridor.

The supplemental EIR must analyze and mitigate cumulative traffic, air, noise, and esthetic impacts of the new roadway system as a whole and the development it would induce throughout the southeastern corner of San Francisco. No single portion of an entire new access system should be approved until the entire system has undergone thorough environmental review.

The reduction of non-residential development by 2/3 in Phase I could make it financially infeasible to implement effective TSM programs since they depend heavily on business-

generated funding . The revised phasing would also delay implementation of the TSM programs, which begins only when there are 1,000 employees or residents on site.

### *Air Quality*

A supplemental analysis is needed based on new information that indicates the need for an analysis of air quality impacts using more protective air quality standards.

“ In October 1999, Governor Davis signed the Children's Environmental Health Protection Act (Senate Bill 25), authored by Senator Martha Escutia, which seeks to ensure that California's air quality programs protect the health of infants and children. The Act requires ARB, in consultation with OEHHA, to review all ambient air quality standards to determine whether they adequately protect the health of the public, including children. The Act also requires OEHHA to identify toxic air contaminants that may cause infants and children to be especially susceptible to illness, and it requires ARB to determine the adequacy of existing control measures for toxic air contaminants or the need for new control measures to protect the health of the public, particularly infants and children.

The initial stage of the ambient air quality standards review was completed in December 2000. ARB and OEHHA concluded that PM and ozone may cause health effects in children even at levels meeting the state's ambient air quality standards. The amount of time children play outdoors and their higher breathing rates are some of the reasons why children may be more sensitive to these pollutants than adults. The review also found evidence that levels of nitrogen dioxide (a pollutant in motor vehicle exhaust and many kinds of industrial emissions) that meet the ambient air quality standard may harm asthmatic children.”<sup>1</sup>

### *Hazardous Substances*

New information about contamination affecting Parcels A and B have raised questions whether the development program for the Shipyard – both Phase I and subsequent phases – can actually be safely implemented. The February 2000 EIR assumes that the CERCLA cleanup process will prevent impacts. However it cannot be assumed that the CERCLA process will necessarily produce cleanup results that are consistent with the Shipyard development program.

### *Cumulative Analysis*

In addition to the analysis of cumulative impacts of the new roadway system, the supplemental environmental review needs to consider all new development in the pipeline since February 2000, including the rezoning of Eastern Neighborhoods, the Home Depot Project, adoption of the Bayview Hunters Point Redevelopment Plan, and all other project affecting the southeast corner of San Francisco.

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<sup>1</sup> California Office of Environmental Health Hazard Assessment, Fact Sheet on Air Pollution and Children's Health - [http://www.oehha.ca.gov/public\\_info/facts/airkids.html](http://www.oehha.ca.gov/public_info/facts/airkids.html), 9/19/2003