

# **CANDLESTICK POINT–HUNTERS POINT SHIPYARD PHASE II DEVELOPMENT PLAN PROJECT**

## **Comments & Responses**

*Volume VIII: Comments & Responses (Letter 50 through Letter 86)*

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Table VI-15	Comparison of the Significant and Unavoidable Impacts of Variant 3: Candlestick Point Tower to Each of the Alternatives [Revised].....	C&R-2483
Table VI-16	Comparison of the Significant and Unavoidable Impacts of Variant 4: Utilities to Each of the Alternatives [Revised].....	C&R-2485
Table VI-17	Comparison of the Significant and Unavoidable Impacts of Variant 5: 49ers/Raiders Shared Stadium to Each of the Alternatives [Revised] .....	C&R-2487



## ■ Letter 50: People Organized to Win Employment Rights (1/12/10)

1 of 5

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Letter 50

January 12, 2010

Bill Wycko  
Environmental Review Officer  
Planning Department  
1650 Mission Street Ste 400  
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**2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR  
Comments on behalf of People Organized to Win Employment Rights (POWER)  
Introductory pages of DEIR**

**Abusive schedule for Comments**

This is the EIR for the most complex development project in San Francisco. It authorizes development on federal, state, city and Redevelopment land. It covers thousands of pages and includes development on the City's only Superfund site. It has an insane proposal to develop a stadium for the 49ers who have PUBLICLY announced they intend to abandon San Francisco, are developing a stadium in Santa Clara, that their second choice is a joint stadium with the Raiders in the East Bay. There are complex transportation circulation issues. There are multiple state jurisdictions involved.

Yet the DEIR was published with an absolute MINIMUM 45 day comment period - ending **December 28**, three days after Christmas, a comment period which included the Thanksgiving holidays PLUS the Christmas holidays. Many government offices, as well as non-profit organizations, are CLOSED or have drastically reduced staffing during these holidays. When an extension was granted to January 12, that date was swas soon after offices had just reopened after the New Year holiday.

This schedule is being driven by an insane desire to have the FEIR certified and all local approvals done by June. The willingness of the Planning Department, the Redevelopment Agency and the Mayor's Office to complicate informed public input with an impossible deadline for written comments is not worthy of this City.

Related to this was the inappropriate participation and VOTE against continuance of public comment by Planning Commissioner Michael Antonini. That Commission considered a motion to formally extend comments to early February. PRIOR to any hearing on the DEIR Commissioner Antonini had written and submitted for publication in the SF Business Times an op ed clearly advocating for expedited approval of a new 49ers stadium, which necessarily involves approval of the EIR for that project. The stadium is an integral part of the project FOR WHICH HE WAS REVIEWING THE ADEQUACY of the EIR. Commissioner Antonini has clearly prejudged the DEIR because of his advocacy of the stadium project BEFORE the Commission's first hearing on the project, the DEIR. Further, when the motion to extend the comment deadline was made, he questioned whether a 45-day comment period (THE MINIMUM required) and argued that the period should have been an absurd **30 days**. He worked to ensure that the Planning Commission not extend the public comment period, thereby harming my clients and others who requested that extension.

50-1

50-2

2 of 5

Commissioner Antonini should not be allowed to be further involved in evaluating this DEIR because he had shown that he is not impartial about this project. In particular he cannot give fair consideration to alternatives that do NOT include a stadium.

50-2  
cont'd.

Second overall comment.

**Maps** (Figures) which are referred to in the text should be checked and amended to show every street, every parcel that is referenced in the text. Throughout the DEIR, the text refers to a map and a particular street and when the map is checked that street is not labeled on the map. Please review and correct every single instance where the TEXT refers to a "Figure" and determine whether each street/location mentioned is labeled on that figure. If it is not labeled, PLEASE AMEND to show it. This is a generic and consistent problem/frustration.

50-3

page 1-3 - Hunters Point Shipyard - it is impossible to understand the various Parcels in the Shipyard and Hunters Point Areas without a CLEAR current map showing the boundaries of those Parcels and Areas, including Area C. To the extent that boundaries have changed or been renamed (Parcel A-Prime, Parcel B-Prime) that should be indicated. The proper place for this map belongs in the TEXT of chapter I of the FEIR, **not** hidden in the back in a Comments and Responses document. This should be a text/map amendment.

50-4

It is common for Commissioners and other persons talking about the Shipyard to mention a site by a Parcel or Area label. The EIR must prominently include that info to be useful to the public and decision-makers.

50-5

I-5 - Prop G included language re standard of clean-up.

**It is inappropriate to refer to Prop G without including the specific language of that Proposition without including the specific language for the level of toxic cleanup to be performed. Cleaning the site so housing and similar uses are NOT allowed, because the land is only cleaned to the standard for the stadium is dishonest and inappropriate in an environmental disclosure document.**

50-6

I-7 - the DEIR mentions public agencies, other than "lead agencies" the Redevelopment Agency and the City, with discretionary authority over aspects of this project are mentioned. Some of those agencies are "Responsible Agencies" under CEQA. BCDC is one such Responsible Agency. Please list each Responsible Agencies and also provide a basic description of "Responsible Agency."

50-7

II-1 - "a new stadium for the San Francisco 49ers." As part of the defined project. The 49ers have **publicly** announced their intention to abandon Candlestick Park and move to Santa Clara. They have stated their lack of interest in Hunters Point and are publicly in negotiations to build a new stadium there. Why is the City and this DEIR seemingly obsessed with incorporating a new 49ers stadium? Is the design of the stadium and the layout of spaces based on input from the 49ers? Do the EIR authors have any idea whether what is being discussed in the DEIR is (a) acceptable to the 49ers, (b) what they really want, (c) capable of being financed without further subsidy by the City or Agency. It is fairly well-known that recently constructed stadiums have involved MASSIVE government subsidies of one sort or another. Football stadiums are built for a very limited number of games a year. They have difficult configurations, including transportation access. Because of the extremely high ticket prices they do not really serve the residents of adjacent areas, but those individuals and corporations that can afford those ticket prices. How much money has been spent ON THIS EIR to analyze a stadium project?

50-8

What is the obsession with building a stadium for a team that has announced its intention to go elsewhere?  
How much is the City/Agency/Lennar to pay to subsidize construction of the proposed stadium?

Same page - footnote appears to be missing "acres"

50-9

3 of 5

Figure II-1 - you should include an arrow pointing to the proposed Santa Clara location of the new 49ers stadium.

50-10

Figure II-2 - Please indicate the boundary of the Candlestick Point State Recreation Area. Also show and label the boundary of Area C in Hunters Point. Those dashed boundaries around Hunters Point Phase 1 area/s are unclear. Please clean that up so it is also clearly indicated. Development in Area C will directly affect impacts on THIS area - particularly transportation.

50-11

Page II-6 - (Project Objectives)

2. There is another DEIS/DEIR that is not yet available but which is integral to understanding this development - the Transportation Improvement Project (TIP) Transportation connections to the City, to the freeway system, to the sub-areas depend on the improvements covered by that DEIS/DEIR. This DEIR ignores discussion of those impacts because the TIP DEIS/DEIR is not yet available. The public should have that information before the close of comments on THIS DEIR.

50-12

3. Is there an intention to have housing in this project that is available/affordable at anything close to the amount/percent needed for housing to be produced in San Francisco at necessary levels of affordability? Refer to goals set out for SF in the most recent regional allocation per the Housing Element. The term "market rate" covers everything from housing for those earning 150% of area median income to units costing multiple millions that are only available to the super-rich. What is the "market" to be served by "market-rate" housing? How much housing at that income level is "needed" in San Francisco? To what extent do other developers, including those with already approved projects, plan to meet that need for "market rate" housing?

50-13

Page II-7

Project Objective 5. "encourage the 49ers" - see comments above, particularly in light of Objective 6, "fiscal prudence"

50-14

Is it fiscally prudent to allocate such a significant amount of land to a stadium that will be used VERY FEW days every year? If the stadium has a long life of even 40 years (what is the average span of professional football stadiums?) even with 12 games/year, that would only be 480 days in 40 years.

Stadiums are a cash sink. Again, how much money is the Agency/City/Lennar prepared to throw at the 49ers to "encourage" the 49ers to abandon their plans to move to Santa Clara? One of the costs has already been borne by the public - sufficient time to comment on this DEIR. There is an obsession with getting the EIR certified and all necessary approval using an absurd schedule that assume that every approving agency will take only minimal time to consider the information in the EIR.

50-15

It is irrelevant whether there have been dozens or hundreds of community meetings on this project. Until November 12 there was no PUBLIC ENVIRONMENTAL DOCUMENT that sets out - for the first time - the range of environmental information mandated by LAW.

Figures II-3 and II-4 (and others throughout)

These are two specific figures where streets referenced in the text are not labeled on the map. See other comment on need to label all streets or areas which refer to a particular figure.

50-16

4 of 5

Same figures - Bridge over Yosemite Slough

Throughout the DEIR renderings there is confusion about the straight line across Yosemite Slough. It is shown as a "project boundary here, but it is also a bridge, a transit line and a few days of the year, a roadway. Every rendering must be reviewed to ensure that ALL of its functions - relevant to comments on that rendering - are set out.

50-17

Further, a boundary generally ENCLOSSES some *space*. Please describe (SHOW IT IF POSSIBLE) the SPACE shown for the "boundary" over Yosemite Slough. The area east of the boundary line for the HP Shipyard obviously goes to the Bay. Ditto for the boundary line for Candlestick Point. But that black line over the Slough - ? Please explain it as a boundary.

50-18

Figure II-5 - same as Figure II-3 and Figure II-4. This figure is referenced in text of II-20 referring to "Crisp Road." Crisp Road should be labeled on this figure.

50-18

II-13 - Neighborhood Retail - grocery store. Please explain access (car, transit, pedestrian, bicycle) to any grocery store - from the rest of BVHP outside project boundaries. Also, the size of a major grocery store, when it will come on line, whether it will be allowed to have free parking. How much new housing has to be built before there is sufficient market demand to support a grocery store?

50-19

II-14 - Hotel - The site designated for a hotel appears to have a 65-foot height limit. Please explain the nature of the hotel proposed and who it is expected to serve.

50-20

II-20 - Stadium - What survey was done of other football stadiums re how those facilities are used for events other than football games? What is the experience of other "new" stadiums, particularly ones that have been open for 3 or 4 years? Do they have rock concerts? Other large events? Political rallies? Religious ceremonies/crusades? Public events? How often? Are they marketed to help reduce the subsidies poured into the facility, i.e. to spread the costs beyond the 8-12 football games/year? Since there is no football team negotiating to build/occupy THIS stadium, does the DEIR *assume* those limits? Please provide solid information on usage of other stadiums.

50-21

If the Olympics came to the Bay Area (there is a history of such attempts) would this facility be "out of bounds" for such use? If Nelson Mandela, or someone of similar prominence, came to SF could an event for that person be held in this stadium?

50-21

II-24 - CPSRA 4<sup>th</sup> line - state rec area "as *required* by SF 792?" Shouldn't that be ALLOWED by SB 792? SB792 did not complete the transfer but merely authorized it.

50-22

Figure II-8 - the caption includes "approved" parks. But nothing on the key shows "approved" - just existing. Please clarify or correct.

50-23

II-28 - Candlestick Point SRA - second paragraph appears to describe the EXISTING plan for the state rec area, not the project in the DEIR. If it includes BOTH, please clarify which actions/improvements are those ALREADY planned by the State versus those planned by THIS PROJECT.

50-24

Figure II-10 - The Yosemite Slough boundary/line is even more ambiguous on this graphic. What is that weird red line? Does it show state parkland to be removed? Further, just south of Harney there is a skinny green area with an apparent red-cross-hatching. Is this also proposed to be removed? This graphic is really hard to read.

50-25

5 of 5

Since the affected area is basically Candlestick and Yosemite Slough something LARGER that shows just those areas would be helpful.

↑ 50-25  
cont'd.

II-32 - please describe the effect of a 1.5 meter sea level rise on these open spaces, particularly if toxics remain on the Shipyard site. Capping occurs on the TOP of the land. Sea level rise occurs from UNDERNEATH. What effects of surge added to sea level rise.

50-26

Figure II-12 - map of Roadway Improvements. Connections to the NORTH (Innes) seem truncated due to omission of analysis of TIP Improvements and of development at Area C. It is absurd to believe that there will not be improvements connecting the stadium to 3<sup>rd</sup> and particularly to the freeway system. It appears that the majority of the roadway improvements will occur outside the project boundaries, and the impacts of their construction will similarly be felt OUTSIDE those boundaries throughout the BVHP community.

50-27

II-39 - Muni line improvements - Please explain how MUNI operating funds will be GUARANTEED for cited improvements. Muni has been recently cutting service because of financial problems. OPERATING guarantees? Provide a map showing the special events "signalization" controls.

50-28

II-51 - Site Preparation Schedule - This is VERY difficult to read. Please redo entire graphic to make it legible. The dominant color in the upper left is THICK RED BOUNDARIES around almost impossible to read "key" colors. The key for the second column has colors that are very hard to "read" against that figure. This figure is a 4 on a scale of 1 to 10 (best) in terms of providing legible helpful information. This is really necessary info. Make it legible.

50-29

Figure II-17 - When is Phase I to be completed? Show area and key on map.

50-30

II-54 - reference is made to Parcel B Record of Decision. Please describe and where is it available?

50-31

II-55 - Shoreline Improvements - please describe effects of 1.5 meter sea level rise - particularly on "capped" (on top, NOT underneath) unremoved toxics in Parcel E.

50-32

II-71 - please superimpose Parcel Boundary for HP Shipyard and proposed uses so this information can be truly useful. This is SUBSTANTIAL area of Project Site that is on fill and could be affected by 1.5 meter sea level rise - water comes up from UNDERNEATH as well as horizontally.

50-33

II-79 - what is the market for space for R&D at this location? Type of businesses?

50-34

II-81 - project approvals. You have a schedule for project approvals - I showed it at the hearing. Please insert the anticipated schedule as of the date of release of this DEIR.

50-35

Figure III.B-1 -EXISTING LAND USE - The legend is reversed for residential and commercial/industrial on this Figure. Did ANY of the text rely on the coding on this figure for use at a particular site?

50-36

In general it is difficult to understand which development will occur on which parcels.

50-37

Sue Hestor  
For POWER

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## ■ Letter 50: People Organized to Win Employment Rights (1/12/10)

### ***Response to Comment 50-1***

Refer to Response to Comment 1-1 and Response to Comment 85-5 for a discussion of the adequacy of the public comment period, including the many opportunities for providing comments on the Draft EIR.

### ***Response to Comment 50-2***

Refer to Responses to Comments 1-1 and 85-5 for a discussion of the adequacy of the public comment period, including the many opportunities for providing comments on the Draft EIR. The commenter's opinion regarding Supervisor Antonini's participation in decisions concerning the Draft EIR is noted.

### ***Response to Comment 50-3***

Where the commenter specifically requests a particular label or designation on one of the figures (in other comments), those have been added to the figure in question. While not every figure in the Draft EIR has been revised, where the Lead Agencies determined that clarification or revision was necessary to provide greater detail, select figures have been revised. A complete list of revised figures can be found in the table of contents of this Final EIR.

### ***Response to Comment 50-4***

Revised Figure III.K-5 (Hunters Point Shipyard Phase II Navy Parcel Overlay), Draft EIR page III.K-51, and new Figure III.K-6 (Status of CERCLA Process) provide illustration of the parcels discussed in the EIR (the figures are presented in Master Response 9 [Status of CERCLA Process]). Figure C&R-14 (Hunters Point Shipyard Navy Parcel Overlay on Project Land Use Plan) illustrates how the Navy parcel nomenclature relates to the Project land use plan.

While Figure III.K-5 and Figure III.K-6 do not show the specific location of Parcel B-Prime, Parcel B-Prime is located entirely within Parcel B, which is illustrated on Figure III.K-5 and Figure III.K-6, and none of the analysis or findings of the Draft EIR would be altered by illustrating this "subset" of Parcel B. However, for ease of reference, the location of Parcel B-Prime (and Parcel A-Prime) is provided in Figure C&R-15 (Location of Parcels A' and B') of this document. The use of the "prime" designation for Parcels A and B is not used by the Navy, but, instead, is used by the San Francisco Redevelopment Agency for parcels transferred from the Navy to the City.

Area C, by contrast, refers to an area outside of the Shipyard and outside of the Project site that was designated by the Agency for purposes of its Bayview Hunters Point Survey Area. Figure C&R-16 (Bayview Hunters Point—Area C Survey Area) shows this area. The Project does not propose any development of Area C.

### ***Response to Comment 50-5***

Refer to Response to Comment 50-4 for a discussion of the various places that an illustration of parcels or areas can be found.

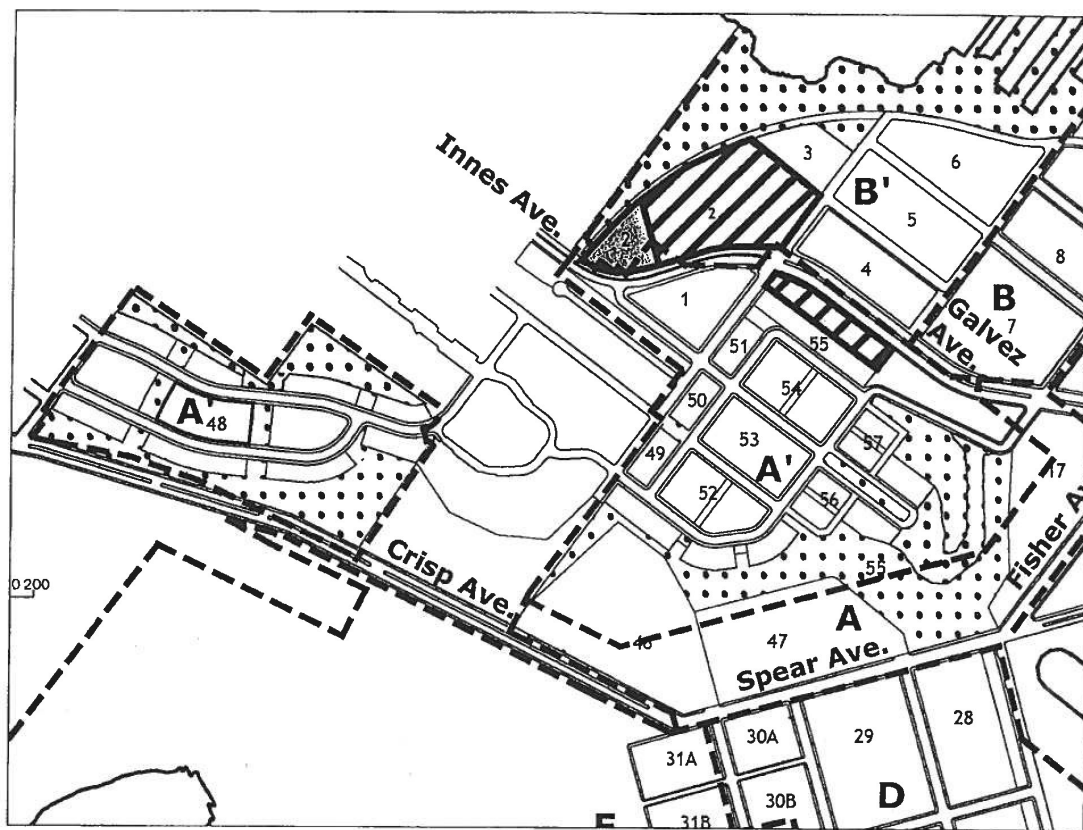


SOURCE: Lennar Urban, 2010.


PB5&J 04.21.10 02056 | JCS | 10

**FIGURE C&R-14**

**Candlestick Point — Hunters Point Shipyard Phase II EIR**  
**HUNTERS POINT SHIPYARD NAVY PARCEL OVERLAY**  
**ON PROJECT LAND USE PLAN**



 Community Parcels

 Open Space

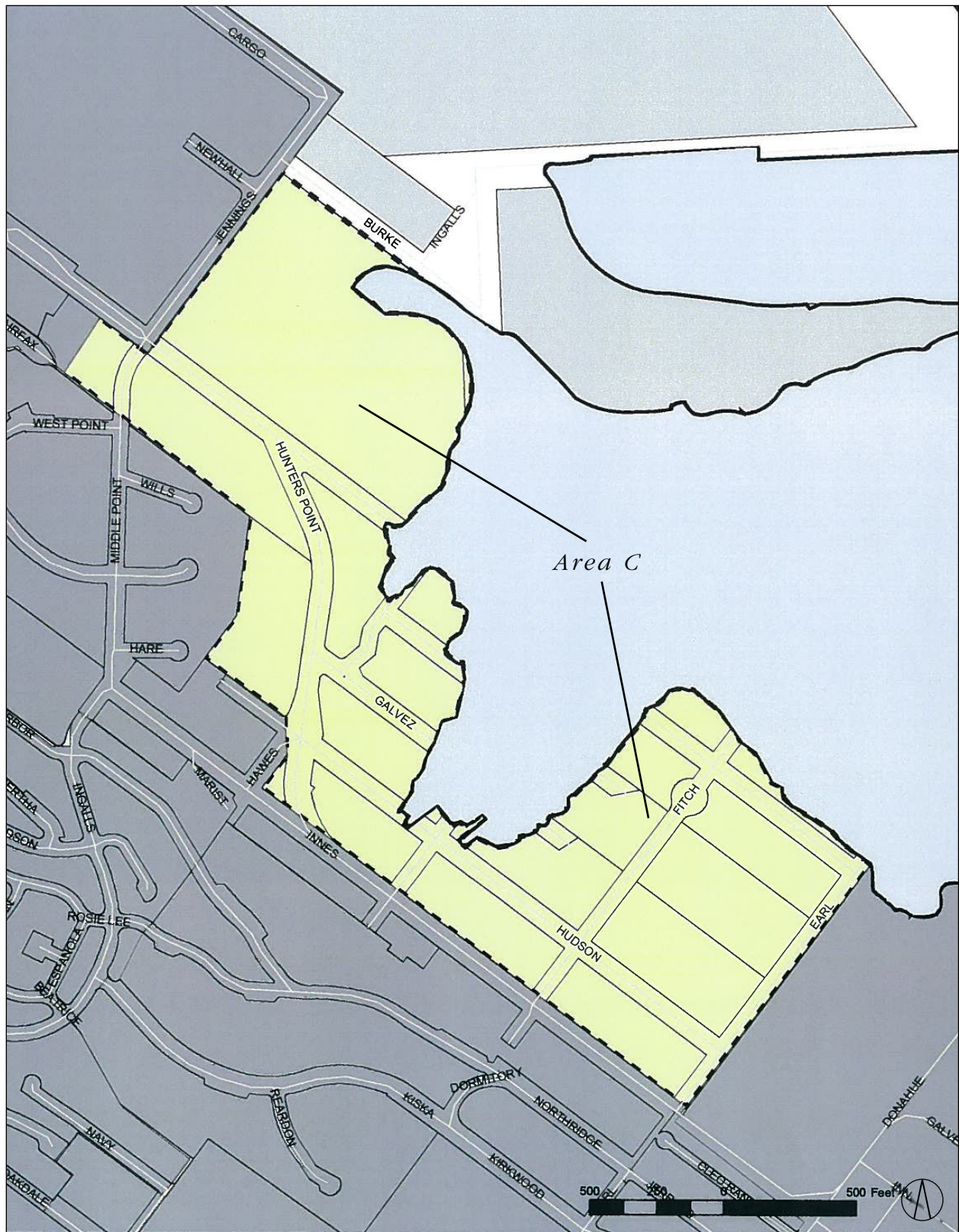


SOURCE: San Francisco Redevelopment Agency, March 20, 2006; PBS&J, 2010.

PBS&J 04.16.10 02056 | JCS | 10

**FIGURE C&R-15**

**Candlestick Point — Hunters Point Shipyard Phase II EIR**  
**LOCATION OF PARCELS A' AND B'**



SOURCE: San Francisco Redevelopment Agency, March 20, 2006; PBS&J, 2010.

PBS&J 04.16.10 02056 | JCS | 10

**FIGURE C&R-16**

**Candlestick Point — Hunters Point Shipyard Phase II EIR**  
**BAYVIEW HUNTERS POINT- AREA C SURVEY AREA**

### **Response to Comment 50-6**

The text of Proposition G is provided in its entirety in Appendix B of the Draft EIR. Further, a specific reference to Appendix B is provided on pages ES-2, I-5, II-5, III.B-7, and III.B-21 of the Draft EIR. The Navy is responsible for remediating the Shipyard. The process for the Navy and regulators to determine cleanup levels for the Shipyard and the status of that process is explained in Master Response 9 (Status of the CERCLA Process). The expected environmental condition of the Shipyard property after the Navy transfers it to the Agency is explained in Master Response 13 (Post-Transfer Shipyard Cleanup).

### **Response to Comment 50-7**

According to Section 15381 of the CEQA Guidelines:

“Responsible Agency” means a public agency which proposes to carry out or approve a project, for which lead agency is preparing or has prepared an EIR or negative declaration. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the lead agency which have discretionary approval power over the project.

The potential responsible agencies include, but are not necessarily limited to, those identified in Table ES-1 on page ES-4 of the Draft EIR and in Table II-16 on page II-80 of the Draft EIR.

### **Response to Comment 50-8**

Refer to Response to Comment 47-14 about the 49ers stadium as a Project Objective. One of the Project Objectives, as stated in Proposition G, is to “encourage the 49ers—an important source of civic pride—to remain in San Francisco by providing a world-class site for a new waterfront stadium and necessary infrastructure.” However, development of an NFL stadium is not the City’s or Agency’s decision, and is a business decision of the NFL.

The information within the Draft EIR regarding the parameters (size, access, parking) and design of the 49ers stadium has been developed by the 49ers and NFL to enable consideration of this ongoing possibility.

With regard to the financing of the stadium and financing of the EIR analysis of a stadium, this is not a question on the adequacy of the EIR. For information about financing of the Project and stadium, refer to the San Francisco Office of Economic and Workforce Development website at <http://sfgov.org/site/frame.asp?u=http://www.oewd.org>, which includes links to the Project and Project documents including a Financing Plan and Transaction Structure.

### **Response to Comment 50-9**

In response to the comment, the note in Table II-1 (Project Site Area), Draft EIR page II-1, has been revised as follows:

Candlestick Point includes the approximately 120.2-acre Candlestick Point State Recreation Area.

### **Response to Comment 50-10**

Figure II-1 shows the location of the Candlestick Point–Hunters Point Shipyard Phase II Project, as that is the Project evaluated in this EIR. No change is necessary.

### **Response to Comment 50-11**

In response to the comment, Figure II-2 (Project Site and Context) has been revised to indicate the boundaries of the CPSRA and of Area C, and to clarify the boundaries of HPS Phase I. Note that Figure III.A-1 (Cumulative Development in the Project Vicinity) of the Draft EIR indicates the boundaries of Area C as well as HPS Phase I. Figure III.A-1 has been revised in Section F (Draft EIR Revisions) to include the Yosemite Slough Restoration Project.

### **Response to Comment 50-12**

Refer to Response to Comment 43-2 for information regarding the relative timing of this Draft EIR compared to the BTIP Draft EIR, which is currently being prepared and is as yet unpublished.

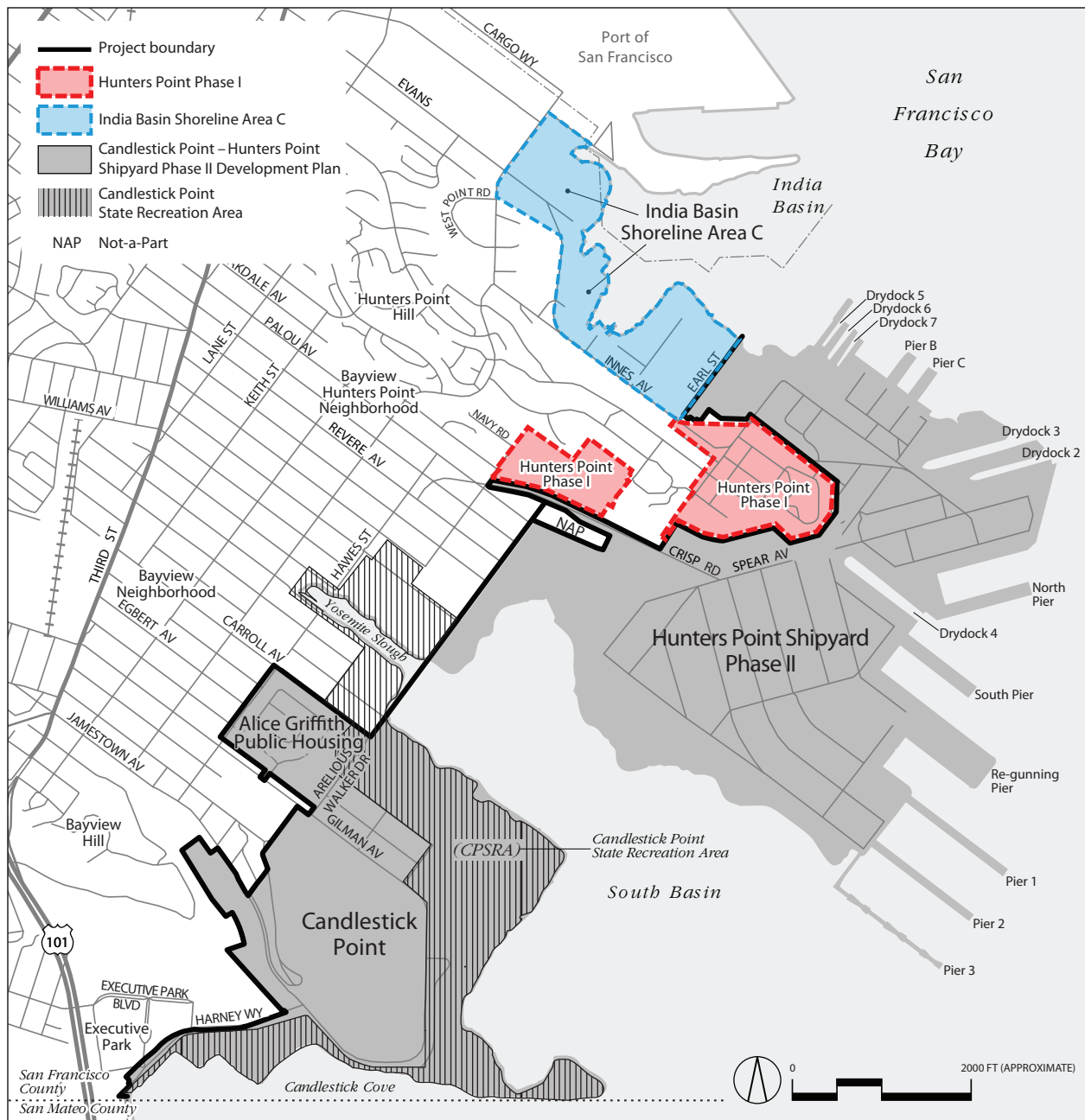
As indicated in Response to Comment 43-2, the objectives of the BTIP were considered in developing the transportation circulation network for the CP-HPS Phase II Development Plan, and the CP-HPS Phase II roadway cross-sections incorporate and expand upon the proposed BTIP improvements to meet the needs of the proposed mixed-use development at Candlestick Point and a new stadium at Hunters Point Shipyard. Therefore, the BTIP was included in the CPHPS Draft EIR in the cumulative analysis as a reasonably foreseeable project. However, because of the timing, some of the previously completed BTIP environmental studies were no longer considered relevant or consistent with the latest cumulative analyses in the area. For example, the transportation analysis conducted for BTIP did not assume the proposed CP-HPS Phase II development, and therefore the BTIP roadway improvements, future year traffic volumes, and operational analyses no longer represent an accurate assessment of the cumulative conditions in the area. Consequently, BTIP is now revising/updating certain technical studies (transportation, air quality, and noise) to reflect the newest updated information available from this Draft EIR, so that the cumulative analyses are consistent and so that public and decision makers do not have conflicting descriptions of improvements and analysis results.

### **Response to Comment 50-13**

Refer to Response to Comment 22-3, which identifies the income requirements for affordable housing provided as part of the Project. With regard to what other development in the City is providing relative to affordable housing need, that question is outside the purview of this EIR.

Section III.C (Population, Housing, and Employment) of the Draft EIR defines market rate housing and identifies the housing need by income level for San Francisco. Page III.C-5 of the Draft EIR states:

... Based on a US Department of Housing and Urban Development (HUD) formula, San Francisco's Area Median Income (AMI) in 2006 was estimated to be approximately \$77,450 for a two-person household and approximately \$87,100 for a three-person household.<sup>74</sup> San Francisco is estimated to have the income level distribution shown in Table III.C-3 (San Francisco Income Distribution).



SOURCE: San Francisco Redevelopment Agency, Lennar Urban, 2009; PBS&J, 2010.

PBS&J 04.19.10 02056 | JCS | 10

**FIGURE II-2**

**Candlestick Point — Hunters Point Shipyard Phase II EIR  
PROJECT SITE AND CONTEXT [REVISED]**

<b>Table III.C-3 San Francisco Income Distribution</b>		
<i>Income Group</i>	<i>Income Level</i>	<i>Income Range<sup>a</sup></i>
Very low	≤ 50% of AMI	≤ \$38,725
Low	50–80% of AMI	\$38,725–\$61,960
Moderate	80–120% of AMI	\$61,960–\$92,940
Above Moderate	> 120% of AMI	> \$92,940

SOURCES: City of San Francisco, General Plan Housing Element, 2004; City and County of San Francisco, Mayor's Office of Housing, *Income Limits and Sales Price Levels for MOH Homeownership Programs*. [http://www.sfgov.org/site/moh\\_page.asp?id=62375](http://www.sfgov.org/site/moh_page.asp?id=62375) (accessed August 27, 2009).

a. Based on San Francisco's AMI in 2006 of \$77,450 for a two-person household.

Page III.C-6 of the Draft EIR states:

The distribution of future housing units needed by income level in San Francisco during the 2007–2014 period is shown in Table III.C-4 (San Francisco Housing Need, 2007–2014), below.

<b>Table III.C-4 San Francisco Housing Need, 2007–2014</b>	
<i>Income Group</i>	<i>Number of Units</i>
Very low	6,589
Low	5,535
Moderate	6,754
Above moderate	12,315
<b>Total</b>	<b>31,193</b>

SOURCE: ABAG, *San Francisco Bay Area Housing Needs Plan, 2007 to 2014*, 2008.

As stated on page III.C-6 in Section III.C (Population, Employment, and Housing) of the Draft EIR:

Although market conditions affect the City's ability to meet the RHNA targets, the City facilitates the development of housing by providing regulatory incentives for private housing developers. If the RHNA targets are not met, the resulting competition for the limited housing supply drives the price of housing up, making it less affordable to working families. The City did not meet its RHNA targets for the 1999–2006 period. However, over 17,470 new housing units, or almost 86 percent of the housing production targets, were met.<sup>76</sup> During this time, the City met approximately 83 percent of its Very Low Income housing goals, 52 percent of its Low Income goals, 13 percent of its Moderate Income goals, and 153 percent of its Above Moderate Income (market-rate) housing goals.

### **Response to Comment 50-14**

Under Proposition G, San Francisco voters expressly adopted a City policy encouraging the 49ers to remain in San Francisco by offering the 49ers a world-class site for a new stadium on the Shipyard, together with supporting infrastructure, on certain specified terms and conditions, including that the Project and the Project Applicant, and not the City's General Fund, should bear the financial burden of providing \$100,000,000 towards the costs of constructing the stadium and for providing stadium related infrastructure.

Consistent with Proposition G, the Project has been designed to provide the 49ers with a suitable site for a world-class waterfront stadium on the Shipyard, as well as all of the necessary parking and transportation improvements and \$100,000,000 from the Developer towards the construction of the stadium itself. At the same time, Proposition G provided that the City's primary goal is to assure that the Project will deliver jobs, affordable housing, parks and public open space and the other enumerated public benefits. Thus, consistent with Proposition G, the Project is designed with both a stadium and non-stadium option so that the Project and attendant public benefits may go forward with or without the 49ers.

Even if the 49ers are successful in obtaining voter approval of a stadium plan in Santa Clara, it still makes sense for the Project to include a stadium. Because of significant uncertainties regarding the financial feasibility of the new stadium in Santa Clara, it will likely take a number of years before the actual location of a new 49ers stadium is finally determined.

#### **Response to Comment 50-15**

Refer to Responses to Comments 1-1 and 85-5 for a discussion of the adequacy of the public comment period, including the many opportunities for providing comments on the Draft EIR.

#### **Response to Comment 50-16**

Refer to Response to Comment 50-3 regarding revisions made to figures in the Draft EIR. Section III.D (Transportation and Circulation) provides the names of the majority of roadways in the Project site and vicinity on all or most of its figures. It is not necessary to provide street maps for every graphic—the information is provided at a level of detail appropriate to the topic.

#### **Response to Comment 50-17**

Yosemite Slough bridge has a proposed width of approximately 81 feet (page II-38), which is difficult to show at the scale of map used in most of the Draft EIR figures. Appendix N2 (MACTEC, Yosemite Slough Bridge Drawings—Stadium and Non-Stadium Options) of the Draft EIR provides a cross-section of both the stadium and non-stadium dimensions of the Yosemite Slough bridge. The “black line” across the slough is meant to indicate an enclosed area that traverses the slough and connects Candlestick Point to Hunters Point Shipyard.

#### **Response to Comment 50-18**

In response to the comment, Figure II-5 (Proposed Maximum Building Heights), page II-12, has been revised to indicate major roadways, including Crisp Road.



SOURCE: Lennar Urban, 2010.

PB5&J 04.09.10 02056 | JCS | 10

Candlestick Point — Hunters Point Shipyard Phase II EIR  
**PROPOSED MAXIMUM BUILDING HEIGHTS [REVISED]**

**FIGURE II-5**

### **Response to Comment 50-19**

Refer to Response to Comment 43-12 regarding transit access to neighborhood-serving retail spaces. Although a grocery store is not specifically proposed, it is possible that a grocery store would locate on the site as part of the neighborhood retail. The neighborhood retail proposed as part of the Project would be connected to the existing Bayview Hunters Point neighborhood through extension of the existing street grid, construction of new streets, and extension of numerous transit lines into the Project site. As indicated on Draft EIR page II-43, all commercial parking facilities would be paid parking facilities. This would include any parking developed for grocery store use.

### **Response to Comment 50-20**

The type of hotel envisioned at the Project site is limited service category similar to a Hilton Garden Inn or Marriott Courtyard. Note that the comment is not a direct comment on environmental issues or the content or adequacy of the Draft EIR.

### **Response to Comment 50-21**

As identified in Response to Comment 50-8, the size, access, parking, as well as other design features of the 49ers stadium have been developed by the 49ers and NFL. The proposed stadium analysis reflects the experience of the current stadium with regard to existing conditions (capacity, occupancy, traffic), as well as a review of stadiums and similar-sized facilities inside and outside the United States. The Project includes construction of a new 49ers stadium; it is unlikely that a stadium would be built without the support and participation of the NFL and 49ers.

A special event, such as a Super Bowl or if San Francisco were to be selected to host a future Olympic Game, would require the expansion of the proposed stadium to 80,000-person capacity. This is not the Project. The associated venue modifications (to 80,000-person capacity) and their configuration, along with regional transportation improvements and overall arrangement of the event, would require extensive planning, analysis, and approvals, all of which are beyond the scope of the Draft EIR.

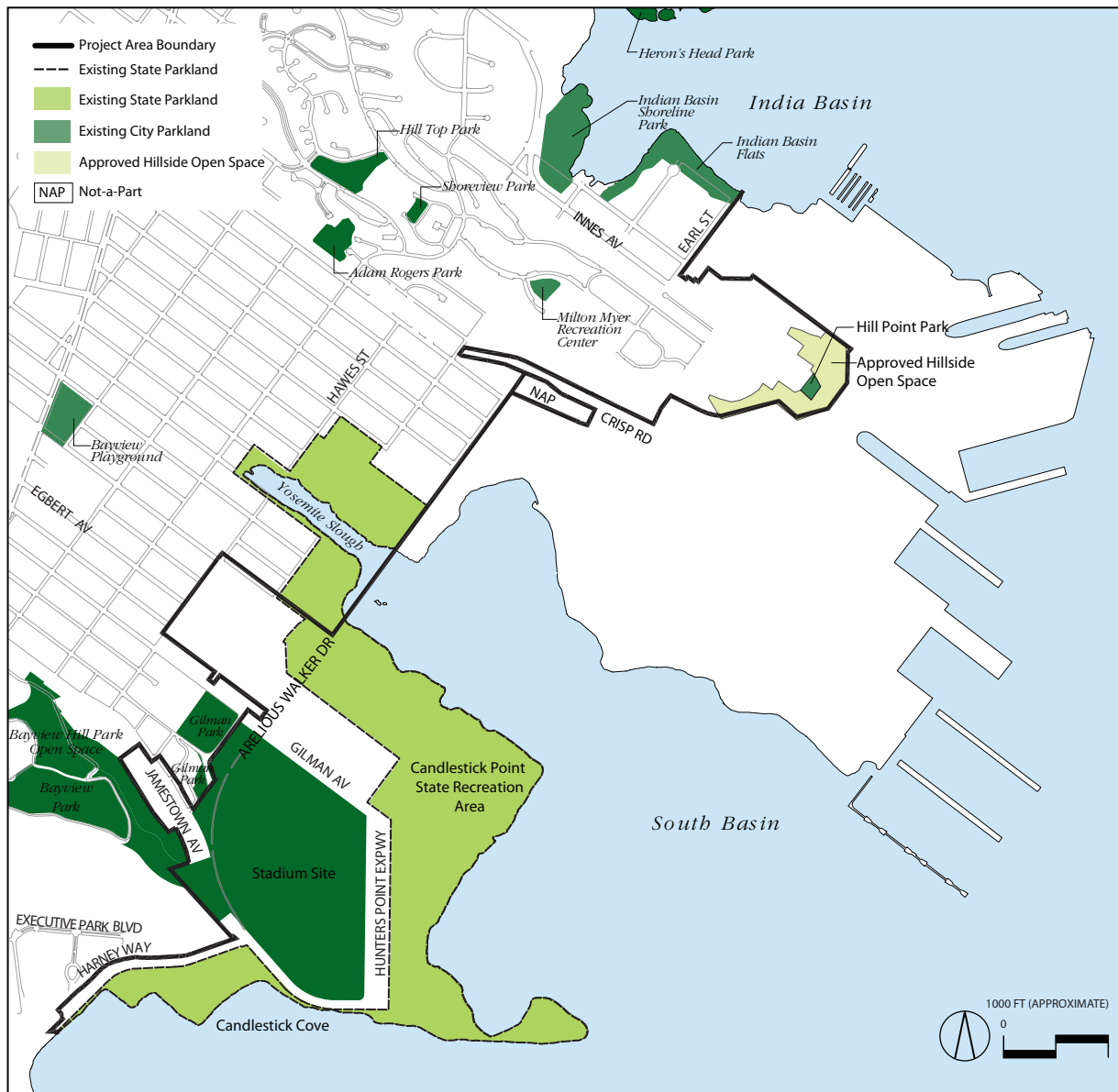
### **Response to Comment 50-22**

In response to the comment, Chapter II (Project Description), Draft EIR page II-24, fifth paragraph, second sentence, in has been revised as follows:

... Table II-7 (Candlestick Point Proposed State Parks Reconfiguration) presents the proposed acreage of the areas proposed to be added to or removed from the Park, as ~~required~~ identified by Senate Bill 792 (SB 792). ...

### **Response to Comment 50-23**

Figure II-8 (Existing and Approved Parks and Open Space), Draft EIR page II-26; Figure II-10 (Proposed CPSRA Reconfiguration), page II-29; Figure III.P-1 (Existing and Approved Parks and Open Space), page III.P-3; and Figure III.P-3 (Proposed CPSRA Reconfiguration), page III.P-18, include labels that identify existing state and city parkland. In addition, one label identifies hillside open space. This

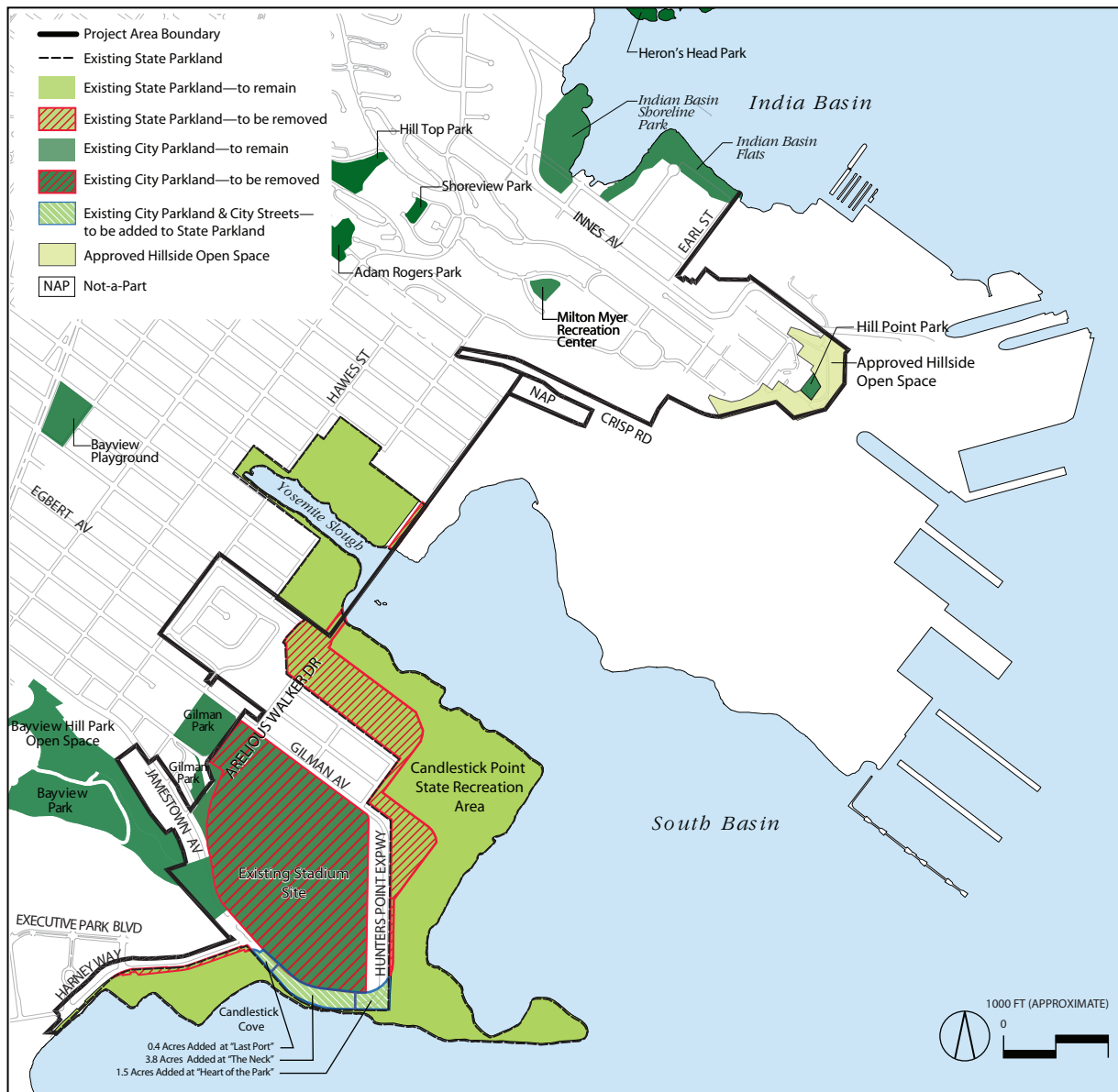


SOURCE: Lennar Urban, RHAA, 2009; PBS&J, 2010.

PBS&J 04.16.10 2056 | JCS | 10

Candlestick Point — Hunters Point Shipyard Phase II EIR  
**EXISTING AND APPROVED PARKS AND OPEN SPACE**  
**[REVISED]**

**FIGURE II-8**

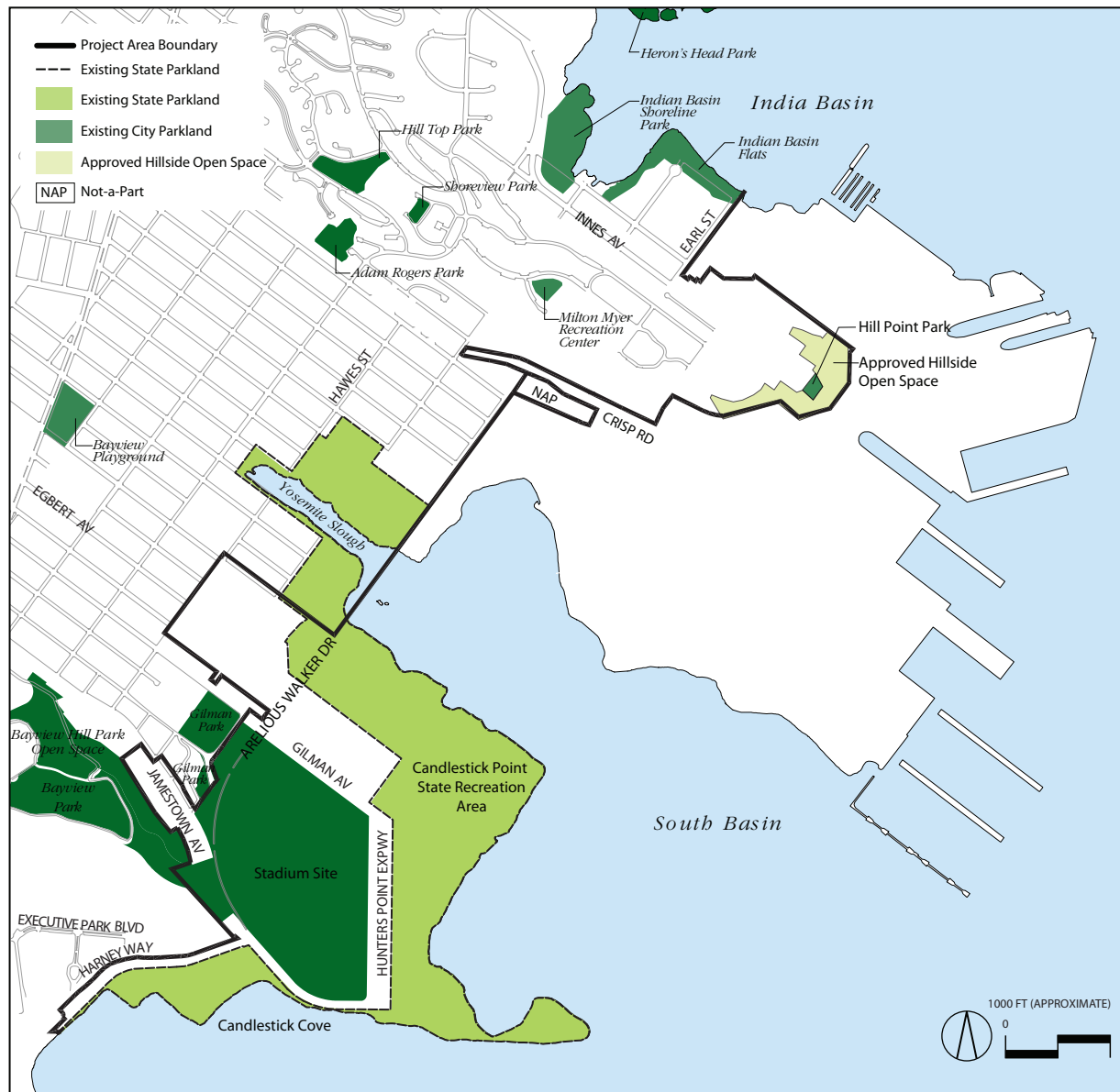


SOURCE: Lennar Urban, RHAA, 2009; PBS&J 2010.

PBS&J 04.21.10 02056 | JCS | 10

Candlestick Point — Hunters Point Shipyard Phase II EIR  
**PROPOSED CPSRA RECONFIGURATION [REVISED]**

**FIGURE II-10**

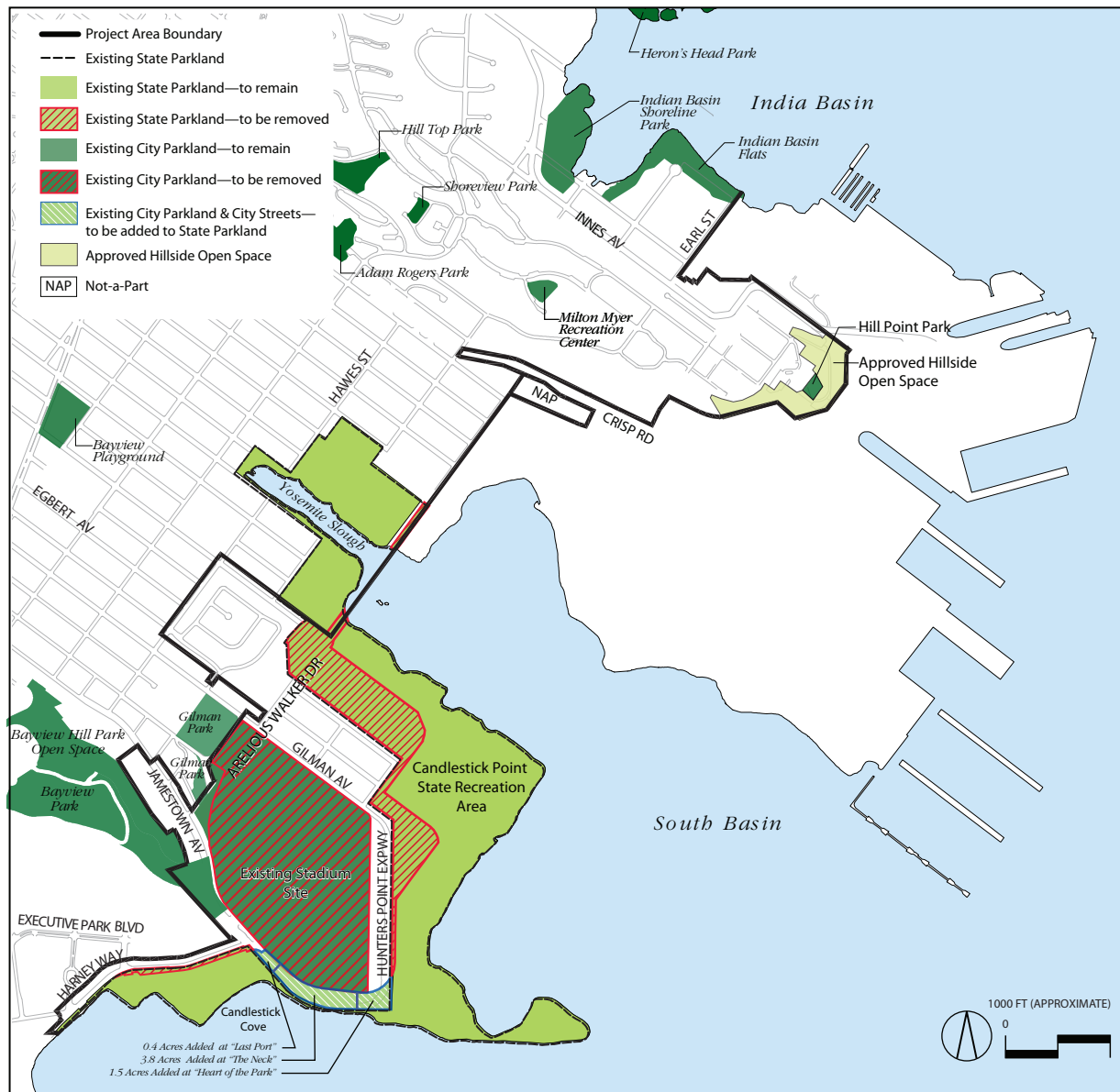


SOURCE: Lennar Urban, RHAA, 2009; PBS&J, 2010.

PBS&J 04.16.10 2056 | JCS | 10

Candlestick Point — Hunters Point Shipyard Phase II EIR  
**EXISTING AND APPROVED PARKS AND OPEN SPACE**  
**[REVISED]**

**FIGURE III.P-1**



SOURCE: Lennar Urban, RHAA, 2009; PBS&J 2010.

PBS&J 04.16.10 02056 | JCS | 10

Candlestick Point — Hunters Point Shipyard Phase II EIR  
**PROPOSED CPSRA RECONFIGURATION [REVISED]**

**FIGURE III.P-3**

open space is approved and not yet completed. In response to this comment, Figure II-8 has been revised to indicate “Approved Hillside Open Space.” In addition, the boundaries of Bayview Park near Candlestick Stadium have been revised on Figures II-8 and II-10.

### **Response to Comment 50-24**

Page II-28 of the Draft EIR describes the current approved plans for the CPSRA, and also describes the Project changes to the CPSRA. All changes to the CPSRA would be done as part of the Project. In response to this comment, the second paragraph on page II-28 has been revised:

Consistent with the current CPSRA General Plan and the CDPR mission, after Project development, the CPSRA would primarily contain areas of passive uses and minimal formal landscaping. The portion of the park that is currently undeveloped or used for Candlestick Park stadium parking would be substantially improved as part of the Project to enhance overall park aesthetics and landscape ecology; reconnect visitors to the bay shoreline; and provide direct access to the bay for swimming, fishing, kayaking, and windsurfing. Proposed Project improvements include revegetation and landscaping, shoreline restoration and stabilization, infrastructure improvements (such as trails, pathways, and visitor facilities), a biofiltration pond to cleanse stormwater, the provision of habitat and opportunities for environmental education, ‘Eco-Gardens,’ and salt-marsh restoration. ...

Refer also to text on pages III.P-17 through -25, which describes each of the Project changes to the CPSRA and includes photographs of the existing areas that would be modified.

### **Response to Comment 50-25**

Figure II-10 (Proposed CPSRA Reconfiguration), Draft EIR page II-29, identifies the areas proposed to be added to, and removed from, existing city parkland and existing state parkland. The reconfiguration would include loss of some state parkland on either side of Yosemite Slough where a bridge would be built (this is the area shown in red crosshatching). This would also apply to some roadway frontage at Harney Way. Figure III.P-8, page III.P-24, also shows the proposed added and removed areas. Pages III.P-19 through -25 describe and illustrate those changes for each area. Page III.P-19, second paragraph, of the Draft EIR states:

Figure III.P-4 (Photographs of Existing CPSRA—Areas 1 and 2) through Figure III.P-7 (Photographs of Existing CPSRA—Areas 7 and 8) provide a representative photograph of each of the eight designated areas within the CPSRA that are described below (and illustrated by Figure III.P-2). Figure III.P-8 (Aerial View of CPSRA within the Project Site [Excluding the Yosemite Slough]) shows the existing unimproved and improved areas of the CPSRA and indicates where land would be removed or added relative to the existing CPSRA uses.

Figure II-10 has been revised and presented in Response to Comment 50-23 to correct the legend and clarify the park boundaries around the stadium site.

### **Response to Comment 50-26**

Refer to Master Response 8 (Sea Level Rise) for a discussion of sea level rise effects on the potential movement of hazardous materials throughout the Project site, including parks areas, as well as mitigation measures that are designed to address those potential effects; potential effects of sea level rise on capped

areas; and adaptive management strategies to address sea level rise that could include increasing open space by creating cobblestone beaches or tidal marshes to limit wave run-up.

### **Response to Comment 50-27**

Figure II-12 (Proposed Roadway Improvements) in the Draft EIR has been revised to be consistent with Figure 4 (Proposed Roadway Network Improvements) in the Transportation Study (provided as Appendix D of the Draft EIR). The revised figure is presented in Response to Comment 7-1. Figure II-12 presents roadway improvements. The Project includes a new roadway network within the project boundaries, as well as improvements on location streets serving the Project vicinity. Specifically, roadway improvements would be made on the following streets connecting the Project site with Third Street:

- Innes Avenue / Hunters Point Boulevard (Project Boundary to Evans Avenue)
- Palou Avenue (Project Boundary to Third Street)
- Gilman Avenue (Project Boundary to Third Street)
- Ingerson Avenue (Project Boundary to Third Street)
- Jamestown Avenue (Project Boundary to Redondo Street)
- Harney Way (Project Boundary to US-101)

Improvements do not all consist of vehicular capacity increases, however, as discussed on Draft EIR pages III.D-40 to -48; improvements also include implementation of transit preferential treatments, improved streetscape amenities, and new bicycle facilities. Transportation impacts associated with on-site and off-site improvement are described in Impact TR-1, Draft EIR pages III.D-67 to -70.

### **Response to Comment 50-28**

Refer to Master Response 18 (Transit Mitigation Measures) for a discussion of proposed changes to the roadway network and mitigation measures intended to reduce transit delays. SFMTA will be asked to approve transit service changes as envisioned in the Project transit service plan.

Draft EIR Figure III.D-13 (Stadium Game Day Traffic Control Plan), page III.D-128, presents the game day traffic control plan, including the intersections under traffic control officer or signal control during game days. Figure III.D-13 has been revised in Response to Comment 7-17 to reflect a transit-only lane along Harney Way to Bayshore Boulevard.

### **Response to Comment 50-29**

Pages II-50 through II-53 of the Draft EIR describe the proposed site preparation schedule. Figure II-16 (Proposed Site Preparation Schedule), Draft EIR page II-51, provides an additional resource to differentiate the site preparation schedule across the Project site, while Figure II-17 (Proposed Building and Parks Construction Schedule), Draft EIR page II-52, illustrates the relative timing of parks and buildings construction across the Project site. With the description in hand, it is relatively easy to differentiate among the yellow, beige, pink and green legend colors. Similarly, the off-site improvements are labeled in blue, green, and yellow on off-site roadways.

As described in Section B (Project Refinements), the development schedule has been updated to reflect that site preparation activities would begin 1 to 2 years later than originally planned, and the completion of building construction would be extended from 2029 to 2031, with full occupancy by 2032. Refer to Section F (Draft EIR Revisions) for the updated text and revisions to Figure II-16 and Figure II-17.

### **Response to Comment 50-30**

Section III.A (Introduction to the Environmental Analysis), and Figure III.A-1, page III.A-8, of the Draft EIR identifies Hunters Point Shipyard Phase I as a Project included within the cumulative analysis. Construction of Phase I is underway. Figure III.A-1 has been revised in Section F (Draft EIR Revisions) to include the Yosemite Slough Restoration Project.

### **Response to Comment 50-31**

As stated in Section III.K on page III.K-15 of the draft EIR, the *Final Amended Parcel B Record of Decision* (ROD), dated January 14 2009, is on file for public review at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor as part of File No. ER06.05.07, or at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, CA, 94103 as part of File No. 2007.0946E. The Navy provides all of its documents to repositories at the following San Francisco Public Libraries: Main Library Government Information Center, 5th Floor, 100 Larkin Street, San Francisco, CA 94102, (415) 557-4500 and the Bayview Anna E. Waden Branch Library, 5075 Third Street, San Francisco, CA 94124, (415) 355-5757.

### **Response to Comment 50-32**

Refer to Master Response 8 (Sea Level Rise) for a discussion of sea level rise effects on movement or exposure to hazardous materials and mitigation measures.

### **Response to Comment 50-33**

In response to this comment and Comment 50-4, Figure C&R-14 (Hunters Point Shipyard Navy Parcel Overlay on Project Land Use Plan) provides an overlay of the Navy parcels on the Project land uses. (Note that for the variants, the figure would be much the same except for those uses included within the stadium footprint.) Refer to Master Response 8 (Sea Level Rise), “Other Sea Level Rise-Related Issues” section, regarding hazards from the interaction of sea level rise with fill material.

### **Response to Comment 50-34**

While a market analysis for the R&D has not been done, the applicant believes that tenants most suited for the Project site would include campus-sized operations in the range of the 43- to 160-acre campuses proposed for Yahoo and Genentech, respectively. These could include a variety of high technology uses, such as those that comprise the dynamic technology sector. Draft EIR page II-14, first bullet, states:

- **Research and Development:** Hunters Point Shipyard Phase II would be the site of up to 2,500,000 gsf of a possible wide range of office, laboratory, and light industrial uses including, but not limited to, emerging industries and technologies such as green technology and biotechnology...

### ***Response to Comment 50-35***

The EIR is not required to include a schedule of project approvals, and rather includes a list of anticipated project approvals in Table ES-1 (Major Project Approvals), pages ES-4 through ES-6, and in Table II-16, pages II-80 through II-82.

### ***Response to Comment 50-36***

In response to the comment, Figure III.B-1, page III.B-3, of the Draft EIR has switched the label colors between Residential and Commercial/Industrial. The text in this section is correct regarding these land uses. Refer to Response to Comment 5-2 for the revised figure.

### ***Response to Comment 50-37***

Refer to Figure C&R-14, which provides an overlay of the Navy parcels on the Project land uses.

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■ Letter 51: Simms, Robert (1/12/10)

1 of 2

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Email: [rsimms@citiscapesf.com](mailto:rsimms@citiscapesf.com)

Letter 51

January 12, 2010

VIA FACSIMILE: (415) 749-2524

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Environmental Review Officer  
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San Francisco, CA 94103

Robert Smith  
Regulatory Division  
U.S. Army Corps of Engineers  
1455 Market Street  
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Ron Miguel  
Commission President  
San Francisco Planning Commission  
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San Francisco, CA 94107

Ed Harrington  
General Manager  
San Francisco Public Utilities Commission  
1155 Market Street, 11<sup>th</sup> Floor  
San Francisco, CA 94103

San Francisco Public Utilities Commission  
City Hall, Room 400  
1 Dr Carlton B. Goodlett Place  
San Francisco, CA 94102

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 224  
San Francisco, CA 94102

San Francisco Redevelopment Agency  
One South Van Ness Avenue, 5<sup>th</sup> Floor  
San Francisco, California 94103

Re: DEIR – Yosemite Slough Bridge

Dear Gentilepersons,

This letter shall serve as a formal comment to the Draft Environmental Impact Report for the Hunters Point Shipyard Phase II. I have personally lived in the Bayview Hunters Point community since 1980.

51-1

2 of 2

Re: DEIR – Yosemite Slough Bridge  
January 12, 2010  
Page two

For the most part I am excited about this project and was very supportive of Proposition G. In fact, I am one of the original signers of Proposition G. I have attended countless meetings on this project, so I was excited to learn that the DEIR was released. I see the release of the DEIR as a significant step towards the original vision of Proposition G.

51-1  
cont'd.

It is, however, my feeling that the proposed bridge should be open to not only pedestrians and bikers, but to vehicles as well. This bridge would connect an underserved portion of the Bayview Hunter's Point community to the thriving Mission Bay corridor. The impact of this multi-faceted bridge would be similar to the impact that the T-line has had on the Bayview corridor and the City as a whole.

I live here, and I want it on the record that the bridge makes sense only if its use is made available for vehicles, pedestrians, and bikers. Limiting the bridge for public transit, pedestrians and bikers only would be a grave mistake and an insult to the Bayview Hunters Point community as well as to the citizens of the City of San Francisco.

51-2

As a longtime resident and homeowner of the Bayview Hunter's Point community, I support a bridge being built over Yosemite Slough. In fact, I see this bridge and its multi-use as a necessity that should not be overlooked!

Sincerely,



Robert Simms

## ■ Letter 51: Simms, Robert (1/12/10)

### ***Response to Comment 51-1***

This comment contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

### ***Response to Comment 51-2***

The commenter's support for the Yosemite Slough bridge and preference that the bridge be made available for vehicular use year round is noted. Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for a discussion of the purpose and benefit of the proposed bridge. Refer to Response to Comment 17-1, which describes that the Board of Supervisors will legislatively require that the bridge be closed to autos except on football game days by designating the bridge as a public right-of-way for transit only, except as specified. The Infrastructure Plan, which the Board will approve, will require a bridge design that controls access. Only the Board, after completion of any required additional environmental review could change the designation, but no such other designation is contemplated by the Project.

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## ■ Letter 52: People Organized to Win Employment Rights (1/12/10)

1 of 7

Letter 52

**POWER (People Organized to Win Employment Rights)**  
4923 Third Street  
San Francisco, CA 94124

January 12, 2010

Bill Wycko  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste 400  
San Francisco, CA 94102

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CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

### **Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR**

POWER is a membership organization made up of low-income African American and Latino workers and families in San Francisco. Through community and electoral organizing, leadership development and movement building, POWER brings a human face to important policy debates, transforms individual lives and brings about broad-based policy change at the city, state and national levels. POWER's Bayview Organizing Project (BVOP) unites low-income residents and workers in Bayview Hunters Point to impact the decisions around affordable housing, living wage employment and environmental justice.

There are six core concerns that POWER has with the Candlestick Point-Hunters Point Shipyard Phase II Draft EIR:

1. Hazardous Materials and Contamination at the Shipyard
2. Liquefaction
3. Sea level Rise
4. Transportation
5. The Connection of the Development to the Existing Community
6. Preservation of Historic Ohlone Sites

### **Hazardous Materials and Contamination at the Shipyard**

POWER has always maintained that the whole shipyard must be cleaned for unrestricted use as called for by Proposition P, passed by 87% of San Francisco voters. The EIR for this project is inadequate because it does not assess an alternative that would include cleaning the shipyard for unrestricted use. This analysis is even more urgent as it becomes increasingly clear that the 49ers will not be staying in San Francisco, and that non-stadium alternatives could include

52-1

2 of 7

residential uses for the shipyard. It will be necessary that the EIR fully assess the necessary mitigation measures in order to allow for unrestricted use, including the option of residential development at the Shipyard.

In late December 49ers owner Jed York said in an interview that the team is "completely focused" on a new stadium project in Santa Clara and that "any talk about fallback plans is secondary." Mr. York has also made it clear that those secondary plans do not involve the Hunters Point Shipyard, and that "[a]t this point, Oakland just makes more sense."

Given those statements it is strange that we are even debating a project plan that centers on a new football stadium. It is critical, therefore, that the EIR pay most attention to assessing the impacts of any alternative plans which could allow for residential development in the place of the stadium. It is clear that there will need to be a different approach to the environmental remediation if housing will be built instead of a football stadium, the EIR does not seem to address this. What are the necessary mitigation measures in order to get the Shipyard clean to unrestricted use?

Please provide an analysis of how the Shipyard will be cleaned for residential use. Clarify which parcels this housing will be built on and provide a clear map. Looking at the map it appears that the additional housing will be built on parcels D and E. Provide a chart of the specific chemicals of concern, toxins and hazardous material found in the soil and groundwater on these parcels and their effects on human health? What additional remediation steps will need to be taken to bring these parcels up to residential standards? How will this change the building schedule? How will the residents of the housing be informed of the hazards related to the housing? Will there be limitations of land use by residents of this housing? How will they be informed of such limitations? How will these be enforced? Will there be notices on all of the deeds? Are they going to give notices to all of the property owners in the surrounding area that will be recorded on the deeds? What will be done to maintain the caps and covers that protect residents from hazardous materials? Who will be in charge of maintaining caps and covers?

### **Liquefaction**

Power is also concerned that this EIR downplays the real danger of liquefaction in the event of a major earthquake. III.L-15 states that "The Project site is in an area of San Francisco that has been designated as potentially liquefiable" and the 90% of the project is in a "Zone of Required Investigation for liquefaction potential." (III. L-18) Yet only one preliminary study has been completed on the potential impacts of liquefaction on this project, the Preliminary Geotechnical Report prepared by ENGEO for Lennar. This study concludes that more study will be necessary in order to make engineering decisions about foundations given the widespread possibility of liquefaction.

52-1  
cont'd.

52-2

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It is not only POWER who are concerned about the possible outcomes of liquefaction at this site, In January of 2009 Dr Thomas L. Holzer of the U.S. Geological Survey was quoted in the San Francisco Bay Guardian stating, "San Francisco has some soul searching to do. Is it worth it to fast track a project that has the potential to impact the city as a whole, should a major earthquake hit? Because then it would no longer be just about Bay view Hunters Point."

52-2  
cont'd.

Please address the following questions on liquefaction:

1) Page III.L-15 names 5 types of potential hazards caused by liquefaction. Concerns regarding the potential for cracks in the cap covering the toxic site are not one of them. Dr. Thomas L Holzer of the U.S. Geological Survey has stated if "the soil liquefies, the ground gets to slosh around, and because movement isn't always uniform, you can get cracks." Neither the EIR nor the Preliminary Geotechnical Report conducted by ENGEO for Lennar mention of the possible impact of an earthquake on the cap covering the development.

52-3

What are the potential impacts of seismic shaking on the proposed caps and covers? What are the possible impacts of liquefaction on proposed caps and covers? If caps crack during earthquake toxins could be released in the development. What is the mitigation plan for this scenario? If liquefaction occurs in contaminated soil and the caps cracks, it is likely that contaminated ground water would push up through the cracks, what will be done to mitigate this impact?

Additionally, even if the cap doesn't break and the contaminated soil liquefies, groundwater will become pressurized and will flow into the bay. What is likelihood of this secondary effect of liquefaction? What steps will be taken to mitigate this outcome? What impact would this have on the water quality of the Bay? What impact will this have on wildlife?

2. III. L. 42 the mitigation plan for Liquefaction, Lateral Spreading and Settlement states that "over-excavation and replacement of unstable soil with engineering-compacted fill" will be necessary. What is not mentioned in the body of the EIR is the findings in Preliminary Geotechnical Report prepared by ENGEO for Lennar state that in areas where the soil is contaminated that this mitigation process will be much more complicated and less cost effective and other measures may have to be taken. The study states that:

"Another consideration in the selection of appropriate foundation system for new buildings is the potential to excavate and dispose of soil or groundwater that may contain hazardous materials. In addition, ground improvements such as surcharging or densification may temporarily raise groundwater levels, thereby influencing the movement of groundwater

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contaminant plumes. In areas where hazardous materials are suspected, it may be more cost effective to use driven pile foundations, which generate less excavated soil... Selection of appropriate foundations types for specific building areas should be conducted in consultation with the environmental remediation team" (page 13-24)

Given the extent of hazardous materials in the soil, what is the specific plan to coordinate the environmental remediation and geological engineering teams? How will the soil be tested for contamination? Should it be necessary to excavate and compound soil in areas where the soil is contaminated, what are the environmental hazards related to this excavation? What are the plans to test the soil for toxic contamination and to dispose of this toxic soil? How will plans address the possibility of movements of contaminated groundwater and contaminant plumes?

3. Page II.L.15 states that mitigation plans related to liquefaction are addressed in mitigation plan MM GE-4. That is not the case. MM GE-4 relates to seismically induced ground shaking. Liquefaction is addressed in impact MM G-5a on page III.L-42. Reference is wrong.

### Sea Level Rise

The most current research shows that the sea level predictions used through out this EIR are considerably lower than the current predictions. This project will take almost 20 years to be completed, if the data being used on to predict sea level rise is outdated before the project even begins we will be in serious trouble by the end of the project.

The recently released "Copenhagen Diagnosis," which updates the U.N.'s Intergovernmental Panel on Climate Change conservative estimates that "global sea-level rise may exceed 1 meter by 2100, with a rise of up to 2 meters considered an upper limit". A new study released by NASA put estimates considerably higher, at up to 5 meters.

It is important that the EIR confront the real risks associate with sea level rise using up to date information on this subject. As it is, the EIR does not even adequately respond to the 3 ft in 75 years it uses as its base line.

Please address the following concerns about Sea Level Rise:

1) III.M-14-16 overviews the risk for future flooding as related to sea level rise. It is stated here that the prediction for sea level rise in the Bay Area in 75 years is 3ft. On page III.M-56 it is stated that the plans for the perimeter at Hunters Point Shipyard will only accommodate a 16-inch sea level rise, therefore only protecting the shoreline for no more than the next 50 years (or for 30 years after the project is completed). Will this sacrifice the open space or parkland, which is being promoted as a selling feature of this project? Please account for long terms plans

52-3  
cont'd.

52-4

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to address erosion of parkland. What will the effect of sea level rise be on the Bay Trail, which won't be completed until the end of this project?

2) III. M-103 states that because there is no impact of a 100-year flood on Candlestick Point because no structures will be in the flood plane. Structures are not the only things that will be impacted by sea level rise and flooding. This project is being sold as improving Candlestick State park, an incredible community asset. Several of our members currently walk the Park everyday. Please address the impact of sea level rise on the State Parkland. How many feet of parkland will be erode away in the next 75 years? What will happen to the newly built Bay Trail? The existing community is being sold an "improved" State Park, but it will only be the front yard for the new condominiums if the shoreline is not protected for the long term.

4) III.M-100 outlines the plans for grading the project site to accommodate rising sea level, but does not detail how this will be done. A huge amount of fill will be needed for such a large project. Where will this fill come from? How will it be moved safely? What assurances are there that fill will come from clean and safe sources?

5) Given the Parcel E and E-2, the most contaminated parcels on Hunters Point Shipyard, are along the shore, what specific remediation steps are being taken to address how this land will be affected by sea level rise? On parcel E-2 the Navy has "installed a groundwater containment and extraction system to reduce the potential for release of chemical constituents into the bay." (III.k-23) Will this mitigation process be affected by sea level rise? As sea level rises and more of parcel E-2 is integrated into the bay, will more chemicals be released into the Bay?

As it currently this EIR does not fully account for how the Candlestick Park and new parkland on Hunters Point will be protected for many generations to come of the greater Bayview community.

#### **Transportation:**

A major flaw of the EIR and the EIR comment process is that we have not yet seen the full plan for the transportation project associated with this project. The draft EIR for the transportation project should have been released concurrently with this draft EIR. It is impossible to know the full impact of the transportation section of this project with out seeing the full transportation proposal. Many of our members live on streets that will be negatively impacted by the changes in roadways and transportation. The transportation element of this project will have the most immediate impact of the existing community and a full EIR about this project needs to be made available before this DEIR is approved.

Please address the following concerns about transportation:

52-4  
cont'd.

52-5

52-6

6 of 7

Section V. C. states that there are over 25 areas where transportation and circulation would have significant environmental effects that "cannot be avoided if the project is implemented" Including an increase of congestion along Palou impacting and increasing the travel time of 3 major bus routes including the 23- Monterey 24- Divisadero and the 44 Oshaugnessy. This is a huge number of effects that will dramatically impact the residents of Bay view. Will these impacts disproportionately impact the existing community? With out the Transportation EIR How can you be certain these are all the impacts involving transit?

pg. II-39 "A. Extended bus routes and new bus routes. Existing Muni routes 24- Divisadero...would be extended to HPS Phase II" & pg. II-41 "E. Palou Avenue Transit Preferential Street. One Muni line (24-Divisadero) would be extended along Palou Avenue to serve HPS Transit Center. Transit-priority technology would be installed on Palou Avenue..." What exactly is "Transit-priority technology"? How will that impact drivers on that street? How would the 24 line be extended specifically considering that this line is currently an electric pole operating bus? Would the electrical lines be extended to the Shipyard? Given that the community recently paid to have all electric lines put underground, why would the city now plan to put wires up for the buses? Have the residents of Palou been informed of this plan and been give an opportunity to respond to this specifically.

v. II.E.3 pg. II-34 Transportation Improvements

"Some of the transportation improvements would require property acquisition." Which specific improvements will require property acquisition? How many properties will be acquired? What is the total amount (in gsf) of property to be acquired? What specific properties will be acquired? Will any of this property be residential? Will any of these properties be local owned and businesses that currently provide jobs in the local community? How will this impact the existing community? Have the owners been notified that their property(s) are scheduled for acquisition under this plan?

## **6. Connection to existing community**

II.E.1 The project calls for 885,000 gsf of retail development that would serve the neighborhood and the broader San Francisco community. The proposed uses of this retail space do not seem to be oriented to the existing Bayview community. For example, on page II-17, the places for the Candlestick Point Center "are anticipated to include entertainment uses such as a movie theater, and clubs with live music, restaurants, a hotel, and large format stores lined with smaller stores." The amenities that the community in Bayview needs are grocery stores. Some of the planned uses in the EIR are very specific; there are no specific mentions of grocery stores. How will it be assured that the needs of the existing Bayview community will be served by new retail development? How will the needs of the existing community be assessed? How

52-6  
cont'd.

52-7

7 of 7

will this retail be made accessible to the existing community, including making retail affordable for low income residents, making sure retail is located so it is easy for the existing community to get to including public transportation and free parking?

52-7  
cont'd.

II-43 states that all commercial parking facilities will be paid, "to discourage single-occupant automobile use". While it may be an environmental benefit to discourage the residents of the new development to use cars, the existing community will have to travel much further to access retail in the development. Low-income families do not need more impediments to accessing healthy food at grocery stores. Some free parking must be made available to serve the existing community.

II-48 outlines the Community Housing Fund that would assist qualifying residents in the purchase of market rate homes. Market rate is a term that applies to an incredibly wide range of housing prices. What is the price range expected to be for market rate homes? How does this compare to the needs of homebuyers in San Francisco? How does this compare to the housing needs of the existing Bayview neighborhood?

#### **7. Preservation of Historic Ohlone Sites**

According to California Senate Bill 18, passed in 2004, local Ohlone tribal members whose names are listed with the Native American Heritage Commission are to be included in the planning process of any such development. It now appears that none of the Ohlone representatives were contacted so that they could be involved in the planning process. The draft EIR states that there are at least 4 and probably 5 Ohlone village sites within the development boundaries and another 16 that are within one-quarter mile of the project. According to Ohlone representatives this is an important opportunity to work with the city to create an Ohlone Cultural Center and protect their historic sites, which may be 6,000 years old.

52-8

Please given thorough attention and response to each of the questions and concerns raised in this document.

Sincerely,

Jaron Browne, Alicia Garza, Steve Williams, Drew Christopher Joy, Karissa Cole, Juana Tello, Esselene Stancil, Emma Harris, Jesse Tello, Mishwa Lee, Ernest Stokes, Betty Higgins, Matt Fidanque, Marisol Ortiz- Melendrez, Albert Symon Sr, and Alice Fialkin.

POWER (People Organized to Win Employment Rights)

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## ■ Letter 52: People Organized to Win Employment Rights (1/12/10)

### **Response to Comment 52-1**

Refer to Master Response 14 (Unrestricted Use Alternative) and Master Response 15 (Proposition P and the Precautionary Principle) for discussions of an unrestricted use alternative and Proposition P. The criteria used to determine cleanup levels are outlined in health risk assessments conducted as part of the Remedial Investigation (RI) step of the CERCLA process explained in Master Response 9 (Status of the CERCLA Process). The risk assessments and RI reports are approved by state and federal regulatory agencies. For a discussion of the contaminants on each parcel and the criteria used to determine safe levels of exposure, refer to the reports referenced in Section III.K.2 of the Draft EIR, which are available for public review at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor, as part of File No. ER06.05.07, or at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, CA 94103, as part of File No. 2007.0946E. For a discussion of residual contamination following cleanup, refer to Master Response 13 (Post-Transfer Shipyard Cleanup). Upon completion of the environmental cleanup, institutional controls will be implemented to address deed restrictions, public notification, and monitoring and maintenance of landfill caps. The Draft EIR outlines mitigation measures in Section III.K.4 to address potential hazardous materials impacts and the City's Article 31 ordinance creates a process for the Department of Public Health to enforce certain hazardous materials mitigation measures identified in the Draft EIR. Also refer to Master Response 16 (Notification Regarding Environmental Restriction and Other Cleanup Issues).

### **Response to Comment 52-2**

Refer to Master Response 7 (Liquefaction), Impact GE-5, and mitigation measure MM GE-5a for a discussion on liquefaction hazards. It is acknowledged that large portions of the site are within a "Zone of Required Investigation for liquefaction potential." This is not unique to the project site: much of the Bay Area is within such zones. However, with appropriate engineering design and mitigation measures as proposed in Section III.L, it is possible to construct in these areas. Site-specific final design geotechnical studies will be performed to determine what engineering and construction measures need to be implemented to mitigate liquefaction potential if present. Refer also to Impacts GE-4 and GE-5, and mitigation measures MM GE-4a.1, MM GE-4a.2, MM GE-4a.3, and MM GE-5a of the Draft EIR for a discussion of seismic and liquefaction hazards.

### **Response to Comment 52-3**

The comments address caps and covers and potential hazards related to earthquakes, liquefaction, movement of contaminant plumes, and the mitigation planning and implementation process. Refer to Master Response 6 (Seismic Hazards) about the interaction of hazardous materials and earthquakes; Master Response 7 (Liquefaction) about the interaction of hazardous materials and potential liquefaction; Master Response 8 (Sea Level Rise) about the interaction of hazardous materials and rising ground water table; Master Response 9 (Status of the CERCLA Process) about treatment of and mitigation for hazardous materials; Master Response 11 (Parcel E-2 Landfill) specifically about Parcel E-2; Master Response 12 (Naturally Occurring Asbestos) about asbestos treatment and mitigation; Master Response 13 (Post-Transfer Shipyard Cleanup) about the process once HPS has been transferred; and

Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) about other hazardous materials planning and mitigation information. Refer also to Impacts GE-4 and GE-5, and mitigation measures MM GE-4a.1, MM GE-4a.2, MM GE-4a.3, and MM GE-5a of the Draft EIR for a discussion of seismic and liquefaction hazards. Master Response 6 (Seismic Hazards) states:

Although residual chemicals may remain in soil after cleanup, the residual chemicals will be located under a physical barrier (e.g., soil cover, pavement, concrete building foundation) that prevents human exposure to these residual chemicals. It is also expected that Federal and State regulatory agencies will allow a group of naturally occurring metals associated with fill material derived from native bedrock to remain under a final cover in concentrations above risk levels. In this scenario, the cover will limit exposure and protect humans from long-term health risks even if breaches in the cover temporarily occur. Operation and maintenance plans for these covers will be carried out to periodically monitor and repair any breaches. Breach of the cover would be required to be repaired so that no long-term health risk would occur. Therefore, even if ground rupture were to occur, contaminants and naturally occurring metals would not be released at levels presenting a concern to human or ecological health.

In response to the comment, the text on Draft EIR page III.L-15, second paragraph, has been amended as shown:

... Design-level liquefaction studies, which are further described in mitigation measures ~~MM GE-4~~ MM GE-5a, would address five general types of localized potential hazards, and provide treatment methods, including the following:

#### **Response to Comment 52-4**

Refer to Master Response 8 (Sea Level Rise) for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur.

The EIR recognizes that the science related to climate change and sea level rise rates will continue into the future; therefore, Project plans do not include a specific upper limit of sea level rise such as 16 inches or 36 inches or 55 inches. Rather a risk-based analysis was conducted, based on which development elevations, setbacks, and a Project-specific Adaptation Strategy was prepared for the Project. The Adaptation Strategy includes preparing an Adaptive Management Plan which outlines an institutional framework, monitoring triggers, a decision-making process, and an entity with taxing authority that would pay for infrastructure improvements necessary to adapt to higher than anticipated sea levels.

Furthermore, as discussed in Chapter II (Project Description) starting on page II-69 of the Draft EIR, the Project would use an adaptive management strategy for protecting the shoreline from future sea level rise. This includes designing the shoreline and public access improvement areas with a development setback so that higher than expected sea level rise could be accommodated should it occur. Table II-13 (Summary of Shoreline Improvements at the Project Site), Draft EIR pages II-57 and -58, identifies the types of shoreline improvements that would be implemented within the state park and other portions of the Project, as described in the Project's Shoreline Structures Assessment report. Figure II-22 (Flood Zones [With Project]), Draft EIR page II-72, shows the areas that would be protected from sea level rise with implementation of the proposed shoreline improvements. These protected areas include the proposed park lands, as well as the other Project areas proposed for development. In addition, mitigation measure MM HY-14 requires implementation of the shoreline protection measures included in the

Project's Proposed Shoreline Improvement Report. Implementation of the Project's proposed shoreline improvements, as described in the Project Description and as required by mitigation measure MM HY-14, would reduce potential sea level rise impacts associated with flooding to state parkland to a less-than-significant level.

Soil will be imported from approved sources and will meet the guidelines for construction fill as specified by local, regional, and state guidelines. The type and extent of testing specified by these permits and guidelines will be followed. Transportation will be by truck and/or barge. California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), has identified procedures to minimize the possibility of introducing contaminated soil onto a site that requires imported fill material. In addition, Amendments to San Francisco Health Code Article 31, to include all of Hunters Point Shipyard, will require the preparation of a Soil Importation Plan that describes the procedures to be used to ensure that imported soil does not exceed established thresholds.

#### **Response to Comment 52-5**

Refer to Master Response 8 (Sea Level Rise) for a discussion of sea level rise effects on movement or exposure to hazardous materials and mitigation measures. Also provided in Master Response 8 is a discussion of how Candlestick Point and Hunters Point Shipyard will be protected into the future from flooding.

#### **Response to Comment 52-6**

It is unclear whether the commenter is referring to the transportation improvements included as part of the CP-HPS Phase II Development Plan, or to the transportation improvements included as part of the BTIP EIR, which is currently being prepared and is as yet unpublished. The proposed transportation improvements included as part of the CP-HPS Phase II Development Plan, the Project's impacts to transportation, and mitigation measures to reduce severity of impacts, where feasible, were presented in Section III.D (Transportation and Circulation) of the Draft EIR. The Draft EIR analyzed impacts associated with both the land use program and the transportation plan for the Project. Additional detail regarding transportation-related changes associated with the Project was provided in the Project's Transportation Study, included as Appendix D of the Draft EIR. Refer to Response to Comment 43-2 for information regarding the relative timing of this Draft EIR compared to the BTIP Draft EIR, which is currently being prepared and is as yet unpublished. Response to Comment 43-2 also includes information regarding the BTIP project improvements and their relationship to the analysis of transportation improvements in the CP-HPS Phase II Development Plan.

The commenter notes that the Draft EIR identified significant impacts to transit routes 23-Monterey, 24-Divisadero, and the 44-O'Shaughnessy. The impacts and mitigation measures were identified and described in Impact TR-22 in the Draft EIR. Refer to Master Response 18 (Transit Mitigation Measures) for a discussion of proposed changes to the roadway network and mitigation measures intended to reduce transit delays. No additional response required.

The commenter also requests additional information regarding "transit priority technology." The Project would construct new traffic signals at intersections along Palou Avenue, between Third Street and the Project Boundary. These signals would be equipped with devices to anticipate arrivals of transit vehicles,

so that signal timings could be dynamically adjusted to improve the likelihood that transit vehicles get a “green” light. Similar systems have been deployed on other transit preferential streets in San Francisco, including Third Street and Mission Street. The effects to drivers at a given intersection are generally very minor; however, along an entire transit corridor, where the benefits are cumulative, the technology can provide substantial improvements to transit travel times and reliability.

As described in the Draft EIR in Impact TR-22 (pages III.D-106 through III.D-109), current plans call for the extension of overhead trolley wires along Palou Avenue into the Hunters Point Shipyard Transit Center. The current plans for extension of transit service into the Project site call for the 23-Monterey to be extended in the near-term because it would not require construction of overhead wires and would offer similar service to Third Street, where riders could transfer to the 24-Divisadero. The extension of the 24-Divisadero into the project site would occur later in the development process.

Finally, the commenter requests clarification of the statement in the Draft EIR that transportation improvements would require property acquisition. Refer to Responses to Comments 43-4 and 65-5 for a discussion of potential property acquisitions associated with construction and/or implementation of the Project.

### **Response to Comment 52-7**

While these comments contain opinions, anecdotal, or general information and are not a direct comment on environmental issues or the content or adequacy of the Draft EIR, information from the Draft EIR has been referenced below. The comments will be forwarded to the decision makers for their consideration prior to approval or denial of the Project.

Neighborhood-serving retail (which includes grocery stores) and other services would be available and accessible to the larger Bayview community and also to the residents of Alice Griffith. Page II-16, second paragraph, of Chapter II (Project Description) of the Draft EIR states:

Existing 256 public housing units would be demolished on the existing SFHA site and 844 new homes would be constructed in their place along with neighborhood serving retail and services, open space and new streets. The 844 new homes would include a mix of market-rate, affordable and below-market rental and homeownership and public housing replacement units.

Figure II-4 (Proposed Land Use), page II-11, identifies the location of neighborhood-serving retail with a pink striped overlay.

Parking would be available for new retail services. Free parking would not be provided to residents. Page II-43 of the Draft EIR states:

...Commercial and visitor-serving land uses would be served by on- and off-street parking. All commercial parking facilities would be paid parking, with measures to discourage single-occupant automobile use, such as designation of preferred parking areas for bicycles, carpools, vanpools, and carshare vehicles. The performance venue/arena would share parking with proposed retail uses.

Section III.C (Population, Housing, and Employment) defines market rate housing and identifies the housing need by income level for San Francisco. Page III.C-5 of the Draft EIR states:

... Based on a US Department of Housing and Urban Development (HUD) formula, San Francisco’s Area Median Income (AMI) in 2006 was estimated to be approximately \$77,450 for a

two-person household and approximately \$87,100 for a three-person household.<sup>74</sup> San Francisco is estimated to have the income level distribution shown in Table III.C-3 (San Francisco Income Distribution).”

<b>Table III.C-3 San Francisco Income Distribution</b>		
<i>Income Group</i>	<i>Income Level</i>	<i>Income Range<sup>a</sup></i>
Very low	≤ 50% of AMI	≤ \$38,725
Low	50–80% of AMI	\$38,725–\$61,960
Moderate	80–120% of AMI	\$61,960–\$92,940
Above Moderate	> 120% of AMI	> \$92,940

SOURCES: City of San Francisco, General Plan Housing Element, 2004; City and County of San Francisco, Mayor's Office of Housing, *Income Limits and Sales Price Levels for MOH Homeownership Programs*. [http://www.sfgov.org/site/moh\\_page.asp?id=62375](http://www.sfgov.org/site/moh_page.asp?id=62375) (accessed August 27, 2009).

a. Based on San Francisco's AMI in 2006 of \$77,450 for a two-person household.

Page III.C-6 of the Draft EIR states:

The distribution of future housing units needed by income level in San Francisco during the 2007–2014 period is shown in Table III.C-4 (San Francisco Housing Need, 2007–2014), below.

<b>Table III.C-4 San Francisco Housing Need, 2007–2014</b>	
<i>Income Group</i>	<i>Number of Units</i>
Very low	6,589
Low	5,535
Moderate	6,754
Above moderate	12,315
<b>Total</b>	<b>31,193</b>

SOURCE: ABAG, *San Francisco Bay Area Housing Needs Plan, 2007 to 2014*, 2008.

### **Response to Comment 52-8**

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18.

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## ■ Letter 53: Stokes, Ernest (1/12/10)

1 of 2

Letter 53

Ernest Stokes  
12 Bertha Lane  
San Francisco CA 94214  
January 12, 2010

Bill Wycko  
Environmental Review Officer  
Planning Department  
1650 Mission Street Ste 400  
San Francisco CA 94102

January 12, 2010

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### Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

I am a resident of San Francisco and have lived in the Bayview for over thirty years. I am a member of the International Brotherhood of Electrical Workers I have been a member of this union since 1986 I started as a marine electrician working in shipyard at the waterfront. I have seen this neighborhood go through many changes but none as disastrous as the one that may take place if this DEIR is approved and this project goes forward.

#### Employment

"Peak construction employment would occur in 2016 and 2017 for Candlestick Point, with an average of 144 and a maximum of 169 workers on site in 2016 and an average of 136 and a maximum of 172 workers on site in 2017. Peak construction employment for HPS Phase II would occur in 2015 and 2016. During this time, an average of 275 workers and a maximum of 342 construction workers would be employed at HPS Phase II in 2015, and an average of 269 and maximum of 335 construction workers during 2016. A maximum of 504 construction workers would be expected to be working at the Project site at any given point during the construction period."

My local union local 6 IBEW has over 300 inside wiring men on the books of people who are currently unemployed and on the out of work list. The carpenter's local 22 has 300 journeyman and 83 apprentices on the out or work list. The Sheet workers have a total of 33% unemployed workers on their books. The ironworkers local 377 has 240 members out of work. The Glaziers union 178 has 100 members out of work. The painters union local 913 has 60 members on there out of work list. These unions alone account for over 1000 out of work members and this is not nearly an exhaustive list of all the unions in the city. The promised jobs will not put a dent in the need. The 504 jobs maximum this project has projected to create will not have a significant impact on the need for union jobs in San Francisco.

53-1

2 of 2

Of the 504 people to be employed through the project construction phase what is the requirement for them to be local Bayview residents. Who or what agency will oversee this? What work is being done with the unions whom have members who live in this area?

53-1  
cont'd.

Please provide an alternative plan that includes cleaning the shipyard to unrestricted use and lay out how many jobs will be available if the shipyard is fully cleaned to unrestricted use. How many more jobs will this add to the 504 figure that is projected for the project?

"Implementation of the Project would not increase the use of existing parks and recreational facilities that would cause the substantial physical deterioration of the facilities to occur or to be accelerated, nor would it result in the need for, new or physically altered park or recreational facilities. (Less than Significant with Mitigation) [Criterion P.a]"

53-2

This mitigation measure does not address the real reason that the existing parks will not have increased use, which is because the existing park, Candlestick State Park, was taken from the community.

#### Transportation

How does the proposed plan effect commute times to and from the Bayview area? Please provide an estimate of the drive time from the project area to downtown San Francisco during peak commute hours. What is the impact on people currently living in Bayview?

53-3

After reading the EIR it is clear to me that the impacts of this project on the existing community have not been fully addressed. While we have been promised new jobs and new parkland, the project plans and mitigation measures outlined in the EIR show that these selling points are an after thought and not thoroughly integrated part of the project. The lack of details on the impact of the transportation plans on the existing community needs to be addressed before this EIR is passed. We also need to be considering alternative plans that will provide more real jobs and a real clean up.

Sincerely,

Ernest Stokes

## ■ Letter 53: Stokes, Ernest (1/12/10)

### ***Response to Comment 53-1***

This comment primarily contains general or anecdotal information and is not a comment on the adequacy of the EIR. However, to provide a response, there is no requirement at this time to hire union workers for construction of the Project. However, as part of the Community Benefits Agreement, the Project Applicant will contribute to a workforce development fund that will be used for workforce development programs designed to create a gateway to career development for residents of the Bayview. This may or may not include interface with the local unions. With regard to a “full cleanup” of the Shipyard to unrestricted use, refer to Master Response 14 (Unrestricted Use Alternative).

### ***Response to Comment 53-2***

Refer to Response to Comment 47-28 for a discussion of the reconfiguration of CPSRA.

### ***Response to Comment 53-3***

According to the San Francisco County Transportation Authority (SFCTA) travel demand forecasting model, peak commute period auto travel times between the Bayview neighborhood and Downtown San Francisco would increase with implementation of the Project. Currently, travel times are approximately 20 minutes during the peak AM commute period. By year 2030, without the Project, travel times are expected to increase by about 5 percent (or about 1 minute), to 21 minutes. With the Project, year 2030 travel times from the Bayview neighborhood would increase by another minute, to approximately 22 minutes. Thus, by year 2030, with the Project and other cumulative development, travel times between the Bayview neighborhood and Downtown San Francisco are expected to increase by about 10 percent, half of which would be attributable to traffic added by the Project.

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## ■ Letter 54: Stancil, Esselene (1/12/10)

1 of 2

Letter 54

Esselene Stancil  
2067 Palou Avenue  
San Francisco, CA 94124

January 12, 2010

Bill Wycko  
Environmental Review Office  
Planning Department  
1650 Mission Street, ste 400  
San Francisco, CA 94102

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### Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

V. C.

As stated in section V. C. there are over 25 areas where transportation and circulation would have significant environmental effects that "cannot be avoided if the project is implemented" Including an increase of congestion along Palou impacting and increasing the travel time of 3 major bus routes including the 23- Monterey 24- Divisadero and the 44 Oshaugnessy.

54-1

My name is Esselene Stancil, and I have live at Palou Avenue and Selby, west of 3<sup>rd</sup> Street, and have lived here since 1965. Palou Street is a 2-lane thoroughfare for residents traveling to and from the neighborhood of Bayview. From Selby all the way to the entrance of the Shipyard on Griffin, Palou Avenue is a residential street. Many seniors in particular live on Palou Street, as well as many families with children and grandchildren.

Already under current traffic conditions, Palou Avenue is a very congested street. My family, including my children and grandchildren are often concerned for our safety when we need to cross the street where we live. There are dozens of children that walk up and down Palou all day long. There is a major Catholic Church, All Hallows (full name).

About four years ago, my husband, Ben Stancil was in a hit and run accident right across from where I live. Ben was standing by his car when a driver hit him and did not stop. His leg was broken in two places, and the paramedics said that they were surprised that he lived. Palou provides unique East West transportation, so people use this street as a freeway. Palou Avenue needs traffic calming it's entire length. I do not believe the addition of stop lights to Palou will be a sufficient midigation given the amount of new traffic and changes planned for the Palou corridor. We are still affected to this day by the impact of the devastating injuries that he sustained. Ben has a very hard time walking and cannot really leave the house at this point. We always have to make sure that someone from the family is at home with him throughout the day to help him take care of his basic needs.

2 of 2

The EIR for the proposed development at the Shipyard and Candlestick Park does not take into account the impact that all of the increased traffic congestion being proposed on the already over-congested residential Palou Avenue will have on the current residents who live on this street.

**How will the safety and quality of life for Bayview residents who live along Palou Avenue be protected with the proposed increased traffic congestion on Palou Avenue?**

**You must provide maps and graphics that illustrate how Palou Avenue right-of-way (including sidewalks) is to be modified by this proposed development.**

IIID p III D-60

IIID p III D-60 Of the EIR states Palou Avenue is a transit preferential street.

On game days Palou would be a “dedicated transit only street” to allow buses to proceed to the T third light rail line and points west and north with out mixing in congested pre and post game traffic.

How many hours during game days will Palou be a transit preferential street?

Why has the impact of this action for Palou street residents not been addressed? Would Palou close during concert events at the stadium?

All of the concerns about increased traffic congestion are even more exacerbated by the proposed Stadium at the Shipyard. On game days, we are already impacted by people driving out to Candlestick Park. If the Shipyard becomes the new stadium site, the heavily residential area from Palou and Selby to the Shipyard will be truly unbearable for families needing to come in and out and take care of our daily needs.

IV – 214, variant 5 is a shared stadium with the Oakland Raiders. In this alternative, 20 football games are proposed for this site. Under this alternative, from September to January every year, Bayview residents would be under siege and would not be able to functionally leave our homes.

54-1  
cont'd.

## ■ Letter 54: Stancil, Esselene (1/12/10)

### ***Response to Comment 54-1***

The Draft EIR does include an analysis of the potential impact associated with Project-related changes to Palou Street. Impact TR-34 specifically addresses the impacts associated with additional vehicle traffic and the improved streetscape amenities, including street trees and new traffic signals.

The discussion of transit preferential treatments on Palou Avenue generally refers to the improved transit amenities and service and the transit priority signals (refer to Response to Comment 52-6 regarding plans for extension of the 24-Divisadero and potential extension of overhead wires). These treatments are expected to be in place full-time, but are not expected to have negative effects to existing residents. The commenter may have also been referring to the game-day situation, in which Palou Avenue would be closed to through-traffic, except for transit vehicles. In this case, residents would still have access to their homes. These conditions would likely only be in place for approximately two hours prior to and two hours after games on football-game days only.

Mitigation measure MM TR-22 involves slight widening of Palou Avenue to accommodate one travel lane and one transit-only lane in each direction. On-street parking would be maintained on both sides of Palou Avenue and sidewalks would be 12 feet wide, which would be consistent with the City's Draft Better Streets Plan guidelines. Refer to Master Response 18 (Transit Mitigation Measures), which presents a detailed discussion and graphics of the Project's transit mitigation measures, including transit improvements on Palou Avenue (i.e., MM TR-22.1).

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## ■ Letter 55: Breast Cancer Action (1/12/10)

1 of 2

Letter 55

Alicia Harris  
Breast Cancer Action  
55 New Montgomery Street Suite 323  
San Francisco, CA 94105

January 12, 2010

Bill Wycko  
Environmental Review Officer  
Planning Department  
1650 Mission Street Ste 400  
San Francisco CA 94102

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### Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

Breast Cancer Action (BCA) carries the voices of people affected by breast cancer to inspire and compel the changes necessary to end the breast cancer epidemic. Breast Cancer Action is committed to the precautionary principle of public health: First, do no harm. We work with other organizations to encourage the use of environmentally safe alternatives to ways of doing business that we know—or have reason to believe—are harmful.

BCA is concerned about several health related questions that are not adequately addressed in the Candlestick Point-Hunters Point Shipyard Phase II Draft EIR. It is well documented that Bayview Hunters Point has some of the highest Breast Cancer rates in the country, with particularly high rates among African American women and women under the age of 50. For all women in Bayview Hunters Point, breast cancer rates are higher than those of white women in the City. Rates of cervical cancer have also found to be double that of the City's average.

BCA is particularly concerned about the level to which the full cleanup of any carcinogenic materials currently found in the Hunters Point Shipyard will be fully cleaned and removed from the area before any development takes place.

We are aware from *Section III.K Hazards and Hazardous Materials Page III.K-14 – III.K-27*, that all Parcels B, C, D, D-1, D-2, UC-1, F, G, E, E-2, and the additional sub-parcels of parcel E are highly contaminated. Toxins that are currently in each of these parcels, that could be left in the ground under soil covers as far as we understand the EIR include:

- Volatile and Semi-Volatile Organic Compounds (VOCs and SVOCs), Total Petroleum Hydrocarbons (TPH), Beryllium, Vinyl Chloride, Arsenic, Polychlorinated biphenyls (PCBs), Cesium, Chromium, Carbon Tetrachloride, Chloroform, Naphthalene, Tetrachloroethane, Xylene, Methylene Chloride, Benzene, Cobalt, and Radium.

Many of these chemicals have been acknowledged by the Agency for Toxic Substances and Disease Registry as carcinogenic --- known to cause cancer in humans.

55-1

2 of 2

Please provide maps that show the various parcels over-laying the developments plans for the project and all project developments. It is unclear what parts of the development will be happen on which parcels. Distinguishing the parcels is crucial for understanding the environmental issues associated with different areas of the Shipyard.

55-2

Section III.K-15 states that “[t]he major components of the soil remedial actions are: excavating contaminated soil with off-site disposal, and covering with clean soil or other impervious surfaces such as pavement, concrete, or buildings;...continuing the removal of radiological contaminated building materials and soils; and implementation of Institutional Controls (ICs) to limit exposure to contaminated soil and groundwater by restricting specified land uses and activities on the parcel.”

55-3

What hazardous materials will remain in each parcel? Please provide a chart listing all remaining hazardous materials in each parcel. Where will the Project obtain the “clean soil” mentioned above, and how will the Project determine its safety? How will the proposed Institutional Controls (ICs) such as covers and caps be affected by possible earthquakes and liquefaction? Has the Project studied whether tectonic activity could breach these covers and caps, releasing hazardous materials? How will the Project guarantee reasonable protection of public safety on this issue?

Who will be notified throughout construction and after build-out is complete about the specific hazardous materials that will be left under the proposed cap? How will they be notified? Will there be notices on all of the deeds? Are they going to give notices to all of the property owners in the surrounding area that will be recorded on the deeds?

55-4

No alternative was considered in the preparation of this EIR that examined the full and complete cleanup of any carcinogenic materials before any development is allowed on that site.

55-5

The **precautionary principle** states that if an action or policy has suspected risk of causing harm to the public or to the environment, in the absence of a scientific consensus that harm would not ensue, the burden of proof falls on those who would advocate taking the action. We have already witnessed the tremendous harm that has resulted from a high concentration of toxic industries and carcinogenic materials in the largely African American, Latin@, Pacific Islander, Asian, and working class white families. The Hunters Point Shipyard is San Francisco’s only Superfund site and contains many extremely toxic and carcinogenic materials. We urge the Planning Department to more fully explain how the health of residents will be protected throughout the development process and over the life of the project itself.

55-6

Respectfully,

Alicia Harris  
Breast Cancer Action

## ■ Letter 55: Breast Cancer Action (1/12/10)

### **Response to Comment 55-1**

The criteria used to determine cleanup levels are outlined in health risk assessments conducted as part of the Remedial Investigation (RI) step of the CERCLA process explained in Master Response 9 (Status of the CERCLA Process). The risk assessments and Remedial Investigation (RI) reports are approved by state and federal regulatory agencies. For a discussion of the contaminants on each parcel and the criteria used to determine safe levels of exposure, refer to the reports referenced in Section III.K.2 of the Draft EIR, which are available for public review at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor, as part of File No. ER06.05.07, or at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, CA, 94103, as part of File No. 2007.0946E. For a discussion of residual contamination following cleanup, refer to Master Response 13 (Post-Transfer Shipyard Cleanup). Upon completion of the environmental cleanup, institutional controls will be implemented to address deed restrictions, public notification, and monitoring and maintenance of landfill caps. The Draft EIR outlines mitigation measures to address potential hazardous materials impacts and the City's Article 31 ordinance creates a process for the Department of Public Health (DPH) to enforce certain hazardous materials mitigation measures identified in the Draft EIR. Regarding the concern that toxins may remain beneath a cap at HPS, please note that a cover or cap is a physical barrier that eliminates the pathway between these chemicals and exposure to humans. Long-term monitoring and controls are in-place to ensure that the cap remains an effective barrier in the future.

### **Response to Comment 55-2**

Refer to Response to Comment 50-4 regarding an HPS parcel overlay on the proposed land uses. An evaluation of the hazards associated with each area of the HPS is presented in Section III.K (Hazards and Hazardous Materials). Pages III.K-53 through -109 identify the hazards that could occur during construction, and pages III.K-110 through -124 identify operational and cumulative impacts that could occur.

### **Response to Comment 55-3**

Refer to Response to Comment 55-1 regarding cleanup. The remediation work will be conducted following remedial action work plans or Risk Management Plans that have been approved by regulatory agencies and will outline the methods that will be used to minimize dust emissions. These plans will specify the details for "clean soil" to be used for backfilling. Presently, Article 31 regulations establish minimum criteria for soil importation plans applicable to Parcel A. The City anticipates it will amend Article 31 to apply its requirements to the HPS Phase II area, as discussed in Section III.K (refer to Section III.K.3, page III.K-38). As amended, Article 31 would provide similar minimum criteria for soil importation plans in Phase II. Also refer to Master Response 7 (Liquefaction) and Master Response 6 (Seismic Hazards). Refer to Impacts HZ-1a and HZ-2a and mitigation measures MM HZ-1b and MM HZ-2a.1 for further details.

### **Response to Comment 55-4**

Refer to Master Response 9 (Status of the CERCLA Process) for a summary of the cleanup process. Land Use Control Remedial Designs approved by the regulatory agencies for each parcel will layout the inspection and reporting requirements for institutional controls and activity and land use restrictions. These restrictions will be recorded on the property deeds. In addition, a Covenant to Restrict Use of Property (CRUP) will be entered into by the Navy, the Agency, and the DTSC which will set forth protective provisions, covenants, restrictions, and conditions applicable to the property and binding on all subsequent owners, lessors, and occupants. The Draft EIR outlines mitigation measures in Section III.K.4 to address potential hazardous materials impacts and the City's Article 31 ordinance creates a process for the DPH to enforce certain hazardous materials mitigation measures identified in the Draft EIR, including confirming, prior to any development activity, that the development will be carried out in compliance with any applicable restrictions that apply to the property. For further details on notice requirements to be implemented, refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues).

### **Response to Comment 55-5**

Refer to Master Response 9 (Status of the CERCLA Process), Master Response 10 (Pile Driving through Contaminated Soil), Master Response 11 (Parcel E-2 Landfill), Master Response 12 (Naturally Occurring Asbestos), Master Response 13 (Post-Transfer Shipyard Cleanup), Master Response 14 (Unrestricted Use Alternative), Master Response 15 (Proposition P and the Precautionary Principle), Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues), and Master Response 17 (Enforcement of Environmental Restrictions and Mitigation Measures) regarding cleanup of the HPS Phase II site to residential standards. Refer to Response to Comment 48-3 regarding the range of alternatives considered in the Draft EIR. As identified in Section III.K (Hazards and Hazardous Materials), each of the significant impacts of the Project are addressed by mitigation that reduces those impacts to less than significant. Requiring remediation of the Project site to below levels required by the existing regulatory regime, which requires remediation to protect public health and the environment in light of proposed future uses, was not identified as an objective or goal of the Project and is not needed to mitigate Project impacts to a less-than-significant level.

### **Response to Comment 55-6**

Refer to Master Response 15 (Proposition P and the Precautionary Principle) regarding protection of the community from toxins.

## ■ Letter 56: Indian Canyon Nation (1/12/10)

1 of 2

Letter 56

### Comments on Draft EIR Candlestick Point/Hunters Point Shoreline Plan, Phase II

by Ann Marie Sayers, Tribal Chairperson Indian Canyon Nation

January 12, 2010

Bill Wycko  
Environmental Review Officer  
Planning Department  
1650 Mission Street Ste 400  
San Francisco CA 94102

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This DEIR including the mitigation process it proposes was developed without Ohlone consultation or input. The plan dramatically breaks with professional standards, common practices and normal expectations I have developed over the last three decades in my professional work with EIR mitigation. Even more seriously, the plan breaks California state law. The plan consolidates unprecedented power in the Environmental Resource Officer, a veritable czar over Ohlone concerns. Key decisions about Ohlone patrimony are left in this individual's hands. Professional standards, common practice and state law require inclusion of Ohlone Most Likely Descendants about what happens to our ancestral burials, cultural artifacts and sacred sites.

56-1

On page III J-30 of the Draft Environmental Impact Report, it states that the Bayview Hunter's Point Area Plan amended the SF General Plan in 2006. Therefore, Senate Bill 18 applies to this project.

56-2

#### Senate Bill 18 requires:

**#65092: Public notice** to California Native American Indian Tribes on the Native American heritage Commission list.

**#65351** requires that local planning agencies provide **opportunities for involvement** for California Native American Tribes on the contact list of the Native American Heritage Commission in the preparation or amendment of the General Plan.

**#65560 and #65562.5** require local governments to **conduct meaningful consultation** with California Native Tribes on the contact list maintained by the Native American Heritage Commission.

As an Ohlone on the Native American Heritage Commission list, I was not consulted. So far as I know, there was no consultation with any Ohlone Most Likely Descendants (MLD).

56-3

As the tribal chairperson of Indian Canyon, Mutsun Band of Costanoan/Ohlone people, my main concerns are:

1. The mitigation plan that the EIR proposes has not included Ohlone in its development and also does not specifically include Ohlone oversight during the mitigation, as SB 18 requires.
2. The plan does not require a Memorandum of Understanding with Ohlone descendants.
3. The plan does not address what will happen when burials are disturbed. Where and how will the burials be re-interred ceremonially? THIS IS, WITHOUT QUESTION, A TRIBAL DECISION!
4. With cultural materials, when they are found, will there be a center to display the items and educate the public about the original people of the project area? An answer to this question, with consent from the Ohlone people, is required before the DEIR can be accepted.

56-4

56-5

56-6

56-7

The DEIR reads as if none of these issues are of concern or interest to San Franciscans or the Planning

56-8

2 of 2

Department. The behavior of the Planning Department has been to act as if there were no Ohlone descendents. This disenfranchises my people. It constitutes a continuation of the cultural genocide of the Ohlone descendants.

We would love to share more of the history and significance of Ohlone tribal renewal if you want to go forward by including us in the planning process. That will require more time to respond to the DEIR.

*Noso-n* (in breath so it is in spirit.)  
Ann Marie Sayers

↑  
56-8  
cont'd.

## ■ Letter 56: Indian Canyon Nation (1/12/10)

### ***Response to Comment 56-1***

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

### ***Response to Comment 56-2***

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

### ***Response to Comment 56-3***

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

### ***Response to Comment 56-4***

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

### ***Response to Comment 56-5***

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

### ***Response to Comment 56-6***

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

### ***Response to Comment 56-7***

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

### ***Response to Comment 56-8***

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

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## ■ Letter 57: Franklin, Alice (1/12/10)

1 of 2

Letter 57

Alice Fialkin  
126 Park St.  
San Francisco, Ca. 94110

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January 12, 2010

Bill Wycko  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste 400  
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### Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

For the past few years I have walked everyday at Candlestick Point State Park. I am also an environmental volunteer who has been a member of the National Park Service Conservancy Raptor Observatory for the past 8 years. I am very concerned about the impact of sea level rise on many aspects of the proposed project at Hunter's Point and Candlestick Point, from the integrity of structures to be built on the site, to the future of the State Park's shore line, to the impact on bird life. These issues have not been sufficiently addressed in the EIR.

57-1

Above all, the fact is that the sea level predictions used through out this EIR are considerably lower than the current predictions. This project will take almost 20 years to be completed, if the data being used on to predict sea level rise is outdated before the project even begins we will be in serious trouble by the end of the project.

The recently released "Copenhagen Diagnosis," which updates the U.N.'s Intergovernmental Panel on Climate Change conservative estimates that "global sea-level rise may exceed 1 meter by 2100, with a rise of up to 2 meters considered an upper limit". A new study released by NASA put estimates considerably higher at up to 5 meters.

It is important that the EIR confront the real risks associate with sea level rise using up to date information on this subject. As it is, the EIR does not even adequately respond to the 3 ft in 75 years it uses as its base line.

Please address the following concerns:

1) III.M-14-16 overviews the risk for future flooding as related to sea level rise. It is stated here that the prediction for sea level rise in the Bay Area in 75 years is 3ft. On page III.M-56 it is stated that the plans for the perimeter at Hunter's Point Shipyard will only accommodate a 16-inch sea level rise, therefore only protecting the shoreline for no more than the next 50 years (or for 30 years after the project is completed). Will this sacrifice the open space or parkland which is being promoted as a selling feature of this project? How will this effect shore birds who migrate to this area? How will this effect the birds who nest in the area? Please account for long terms plans to address erosion of parkland? What will the effect of sea level rise be on the Bay Trail, which won't be completed until the end of this project?

57-2

2) III. M-103 states that because there is no impact of a 100-year flood on Candle Stick

57-3

2 of 2

Point because no structures will be in the flood plane. Structures are not the only things that will be impacted by sea level rise and flooding. I am very concerned that Sea Level Rise will severely impact bird life in the area. The Park is on a major flyway for migrating sea birds and waders and a nesting area for several species. Please address the impact of sea level rise on the State Parkland. What will the effect be on migrating birds and nesting birds? How many feet of park land will be erode away in the next 75 years? What will happen to the newly built Bay Trail? The existing community is being sold a "improved" State Park, but it will only be the front yard for the new condominiums if the shoreline is not protected in the long term.

↑  
57-3  
cont'd.

3) Please address how Harney Way will be effected by sea level rise. Will it also be built to accommodate a 3ft sea level rise?

57-4

4) III.M-100 outlines the plans for grading the project site to accommodate rising sea level, but does not detail how this will be done. A huge amount of fill will be needed for such a large project. Where will this fill come from? How will it be moved safely? What assurances are there that it is clean?

57-5

5) Given the Parcel E and E-2, the most contaminated parcels on Hunterspoint Shipyard, are along the shore, what specific remediation steps are being taken to address how this land will be effected by sea level rise? On parcel E-2 the Navy has "installed a groundwater containment and extraction system to *reduce* the potential for release of chemical constituents into the bay." (III.k-23) Will this mitigation process be effected by sea level rise? As sea level rises and more of parcel E-2 is inegrated in the the bay, will more chemicals be released in the the Bay?

57-6

As it currently this EIR does not fully account for how the Candlestick Park and new parkland on Hunters Point will be protected for the generations to come. Please address the concerns raised here so that we can protect and enjoy the Bay and its wildlife for many years to come.

57-7

Sincerely,

Alice Fialkin

## ■ Letter 57: Franklin, Alice (1/12/10)

### **Response to Comment 57-1**

Refer to Master Response 8 (Sea Level Rise) and Responses to Comments 36-2 and 58-3 for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur.

The Draft EIR mitigation measures MM HY-12a.1 and MM HY-12a.2, pages II.M-100 to -102, recognize that the science related to climate change and sea level rise rates will continue into the future; therefore, Project plans do not include a specific upper limit of sea level rise, such as 16 inches or 36 inches or 55 inches. Rather a risk-based analysis was conducted, based on which development elevations, setbacks, and a Project-specific Adaptation Strategy was prepared for the Project. The Adaptation Strategy includes preparing an Adaptive Management Plan which outlines an institutional framework, monitoring triggers, a decision-making process, and an entity with taxing authority that would pay for infrastructure improvements necessary to adapt to higher than anticipated sea levels.

### **Response to Comment 57-2**

Refer to Master Response 8 (Sea Level Rise) and Responses to Comments 36-2, 57-1, and 58-3 for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur. The Adaptation Strategy includes measures to provide continued flood protection beyond the 16-inches of sea level rise that it is initially built to, thereby ensuring that open-space and public uses continue. Also, refer to Master Response 8 (Sea Level Rise) for a discussion of adaptive management strategies that would include increasing open space in response to sea level rise by creating cobblestone beaches or tidal marshes to limit wave run-up.

### **Response to Comment 57-3**

As discussed in Chapter II (Project Description) starting on page II-69 of the Draft EIR, the Project would use an adaptive management approach for protecting the shoreline from future sea level rise. This includes designing the shoreline and public access improvement areas with a development setback so that higher than expected sea level rise could be accommodated should it occur. Table II-13 (Summary of Shoreline Improvements at the Project Site), starting on Draft EIR page II-57, identifies the types of shoreline improvements that would be implemented within the state park and other portions of the Project, as described in the Project's Shoreline Structures Assessment report. Figure II-22 (Flood Zones [With Project]), Draft EIR page II-72, when viewed in comparison with Figure II-21 (Flood Zones [Existing and with a 36-Inch Sea Level Rise]), Draft EIR page II-71, shows the areas that would be protected from sea level rise with implementation of the proposed shoreline improvements. In addition, mitigation measure MM HY-14, Draft EIR page III.M-106, requires implementation of the shoreline protection measures included in the Project's Proposed Shoreline Improvement Report. Implementation of the Project's proposed shoreline improvements, as described in the Project Description and as required by mitigation measure MM HY-14, would reduce potential sea level rise impacts associated with

flooding to State Park land and shorebird habitat to a less-than-significant level. Also refer to Master Response 8 (Sea Level Rise) for a discussion of the Project's adaptive management strategy for protecting the shoreline from sea level rise.

With respect to flooding associated with sea level rise and potential impacts on habitat for shorebirds, in the absence of the proposed shoreline improvements, shoreline habitat would be lost to sea level rise, and high waters of the Bay may encroach into developed areas that do not provide suitable habitat for shoreline species such as shore birds. However, the proposed shoreline improvements will allow for shoreline conditions to be adapted as sea level rises. Furthermore, sediment accretion on the outboard sides of these shoreline treatments may keep pace with sea level rise so that at least some mud flat, and possibly a narrow strip of tidal marsh, could be maintained in areas that currently provide such habitat (i.e., in more sheltered areas such as South Basin that are not subject to erosion).

Further, as discussed in Section III.N (Biological Resources) in Impact BI-4a (page III.N-56) and Impact BI-4b (III.N-64) of the Draft EIR, shoreline improvements would result in construction of revetments to minimize flooding and shoreline erosion, including placement of soils or sand to enhance beach or marsh habitat. For example, along most of the northern and southern edges of Candlestick Point, marsh soils would be placed in jurisdictional areas following completion of the revetment to provide a gentler slope than is currently present, which would allow for colonization by marsh vegetation. As a result, much of the fill of jurisdictional areas (as reflected in Table III.N-4 and Figure III.N-5) would result in an enhancement of habitat (i.e., shorebird habitat). Table III.N-4 and Figure III.N-5 have since been modified and are presented in Section F (Draft EIR Revisions).

#### **Response to Comment 57-4**

Refer to Master Response 8 (Sea Level Rise) for a discussion of sea level rise taken into account for various Project components. As discussed in Chapter II (Project Description) starting on page II-69 of the Draft EIR, the Project would use an adaptive management strategy for protecting the shoreline from future sea level rise. This includes designing the shoreline and public access improvement areas with a development setback so that higher than expected sea level rise could be accommodated should it occur. Table II-13 (Summary of Shoreline Improvements at the Project Site), pages II-57 and -58 of the Draft EIR, identifies the types of shoreline improvements that would be implemented within the state park and other portions of the Project, as described in the Project's Shoreline Structures Assessment report. Figure II-22 (Flood Zones [With Project]), page II-72 of the Draft EIR, shows the areas that would be protected from sea level rise with implementation of the proposed shoreline improvements. In addition, mitigation measure MM HY-14 requires implementation of the shoreline protection measures included in the Project's Proposed Shoreline Improvement Report. Implementation of the Project's proposed shoreline improvements, as described in the Project Description and as required by mitigation measure MM HY-14, would reduce potential sea level rise impacts associated with flooding to development areas, such as Harney Way.

#### **Response to Comment 57-5**

Soil will be imported from approved sources and will meet the guidelines for construction fill as specified by local, regional, and state guidelines. The type and extent of testing specified by these permits and

guidelines will be followed. Transportation will be by truck and/or barge. California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), has identified procedures to minimize the possibility of introducing contaminated soil onto a site that requires imported fill material. In addition, Amendments to San Francisco Health Code Article 31, to include all of Hunters Point Shipyard, will require the preparation of a Soil Importation Plan that describes the procedures to be used to ensure that imported soil does not exceed established thresholds.

#### ***Response to Comment 57-6***

Refer to Master Response 8 (Sea Level Rise) for a discussion of sea level rise effects on movement or exposure to hazardous materials and mitigation measures.

#### ***Response to Comment 57-7***

As stated on page I-7 of the Draft EIR:

The EIR is an informational document that informs public agency decision-makers and the general public of the significant environmental effects and the ways in which those impacts can be reduced to less-than-significant levels, either through the imposition of mitigation measures or through the implementation of specific alternatives to the Project as proposed.

In total, there are approximately 111 mitigation measures that have been designed for the express purpose of avoiding or reducing environmental impacts. In addition, the commenter requests that all concerns are addressed. Responses are provided in Responses to Comments 57-1 through 57-6.

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## ■ Letter 58: Green Action Health and Environmental Justice (1/12/10)

1 of 2

Letter 58

Marie Harrison  
Community Organizer  
Green Action For Health and Environmental Justice  
Bayview Resident  
1751 Quesada Ave. San Francisco, CA 94124

January 12, 2010

Bill Wycko  
Environmental Review Officer  
Planning Department  
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### Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

#### Section III.K P-24 Hazardous Material

As stated in the EIR, for parcel E2; "the range of cleanup options includes: excavation and off-site disposal of solid waste, soil, and sediment (including monitoring and institutional controls); or on-site containment of solid waste, soil, and sediment with Hot Spot Removal (including monitoring and institutional controls or some combination thereof)"

Given that numerous radiological elements are present in Parcel E2, and known gases are building under current cap, please identify what toxins are being left in the ground, the dangers they may pose of combustion, the dangers of the sea level rising and forcing what contaminants are left to surface and forcing it to leach into the basin. Please provide a map indicating what IC's are being used on parcel E2 and their location.

What effects would the leaching of contamination into the basin have on sea life?

In 1997, San Francisco residents overwhelmingly passed Proposition P, calling for a complete clean up to unrestricted use of all parcels. What is the justification for ignoring that? Please provide an alternative plan that includes the clean up of the entire shipyard to unrestricted use.

#### Section III.M Sea Level Rise

The study cited in the EIR by Moffat and Nichol states "[assuming] a 36-inch rise in seal level by 2075, the future base flood (100-year event) elevation would be +9.7 feet NGVD29 (+1.2 feet SFCD)". This study is inaccurate and outdated, in comparison to the recent study released by NASA that clearly states that the timetable which projects sea level rise is in direct conflict with the study by Moffat and Nichol. Climate change is accelerating beyond expectations. Please provide an alternative plan that considers the latest data on sea level rise.

58-1

58-2

58-3

2 of 2

NASA is a world-renowned scientific institution, which gathers international data and utilizes the leading advanced technology available to humanity. 58-4

Being that this is a 30-year project, what are the ramifications? What is going to happen since the projections used in the planning for the project (based on Moffat and Nichols) are inaccurate? What are the emergency plans to deal with the accelerating climate change? 58-5

Due to the 16-inch elevation to accommodate the project, for an even higher sea level rise what is the necessary elevation? How many cubic feet of fill will be needed to attain this elevation on Parcel E2? 58-6

What are the ramifications for the additional water and pressure due to sea level rise that is currently forcing the water into the existing creek that runs along side YS down Donner. Presently there are heavy rains that can flood garages and backyards, to the degree that this requires them to have water pumps to drain the water. Those homes are already having problems with flooding, even before there has been any significant sea level rise. 58-7

In the event of a major earthquake after the construction of an easement over Yosemite Slough, what is the degree of pressure before the easement would collapse? 58-8

## ■ Letter 58: Green Action Health and Environmental Justice (1/12/10)

### **Response to Comment 58-1**

Refer to Master Response 8 (Sea Level Rise) for a discussion of sea level rise taken into account for various Project components, and Master Response 9 (Status of the CERCLA Process), Master Response 11 (Parcel E-2 Landfill), and Master Response 13 (Post-Transfer Shipyard Cleanup) regarding concerns about toxins. As part of the Remedial Design step in the CERCLA process, regulatory agency approved LUC RDs for each parcel will lay out the inspection and reporting requirements for the institutional controls (ICs) and activity and land use restrictions.

### **Response to Comment 58-2**

Refer to Master Response 14 (Unrestricted Use Alternative) and Master Response 15 (Proposition P and the Precautionary Principle) regarding Proposition P.

### **Response to Comment 58-3**

Refer to Master Response 8 (Sea Level Rise) and Responses to Comments 36-2 and 57-1 for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur.

### **Response to Comment 58-4**

The comment is acknowledged. No response is required.

### **Response to Comment 58-5**

Refer to Master Response 8 (Sea Level Rise) for a discussion of recent sea level rise predictions and timelines for these changes to occur. As indicated in Master Response 8, the sea level rise predictions used as a basis for this Project's planning are within the range of estimates reported recently in the literature for changes occurring by the end of this century. This timeframe encompasses the foreseeable life of the Project. Climate change impacts such as sea level rise do not occur in short time frames. Ice sheet collapse, which accounts for a major uncertainty with respect to sea level rise, would occur over several decades<sup>111</sup> or centuries<sup>112</sup>; therefore, it is unlikely that an emergency response will be necessary. Instead, strategic planning for adaptive management strategies is a realistic strategy for dealing with sea level rise. The need to address sea level rise is not isolated to the Project. Several urban locations within the San Francisco Bay Area are anticipated to be vulnerable to sea level rise. At an increase of 16 inches significant portions of the South Bay and San Francisco Airport, is vulnerable.<sup>113</sup> Given the uncertainty

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<sup>111</sup> Hansen, J.E. 2007. Scientific reticence and sea level rise. *Environmental Research Letters*. 2: 1-6.

<sup>112</sup> BCDC (San Francisco Bay Conservation and Development Commission). 2009. *Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on its Shoreline*, Draft Staff Report. April 7, 2009, p. 17.

<sup>113</sup> This is illustrated in several figures contained in BCDC. 2009. *Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on its Shoreline*, Draft Staff Report. They are also available online at [http://www.bcdc.ca.gov/planning/climate\\_change/climate\\_change.shtml](http://www.bcdc.ca.gov/planning/climate_change/climate_change.shtml).

associated with sea level rise predictions at this time, the strategy proposed for this project, which involves adjusting the grade for a reasonable level of rise and relying on adaptive management strategies to accommodate higher levels, is consistent with recommendations by the California Natural Resources Agency (CNRA), which states, “adaptation is the only way to deal with the impacts of sea-level rise that is anticipated under either emissions scenario during the twenty-first century.”<sup>114</sup>

#### **Response to Comment 58-6**

Refer to Master Response 8 (Sea Level Rise) and Responses to Comments 36-2, 57-1, and 58-3 for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur.

With respect to the amount of fill necessary to reach higher elevations related to increases in sea level the existing site varies in elevation from the shore of the bay to elevation 3 within 50 feet of the bay; the parcel E2 then slopes up to elevation 11 and continues to be topped off at elevation 20.8 (all in city datum). Based on the plans to address sea level rise as described in Master Response 8 (Sea Level Rise) to attain higher elevations the project will need to provide minor amounts of fill to improve shoreline protection.

#### **Response to Comment 58-7**

With respect to the potential for garages and backyards to flood as sea levels rise the proposed grading plan and storm drain system design will not add any new runoff into existing creeks, or result in ponding that will affect garages or backyards. Further, in Impact HY-11, page III.M-98 of the Draft EIR, states:

A new separate storm sewer system would be constructed at the Project site in accordance with the design standards and criteria issued by the SFPUC and criteria in the San Francisco Subdivision Regulations. ... As discussed in Impact HY-10, above, overall Project site development would result in an average of approximately 39 percent reduction in peak storm flows and would also reduce runoff volumes from frequently occurring storms.

Refer to Master Response 8 (Sea Level Rise) for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur.

#### **Response to Comment 58-8**

Refer to Master Response 6 (Seismic Hazards), Impact GE-4a, and mitigation measure MM GE-4a.3 for a discussion on seismic design for bridges. As discussed on page III.L-20 of the Draft EIR, state guidelines protecting bridges and overpasses on state roads from geologic and seismic hazards are contained in Caltrans Bridge Design Specifications, Bridge Memo to Designers, Bridge Design Practice Manual, and Bridge Design Aids Manual. The Caltrans Seismic Design Criteria specify the minimum seismic design requirements that are necessary to meet the performance goals established in Section 20 of

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<sup>114</sup> CNRA (California Natural Resources Agency). 2009. 2009 California Climate Adaptation Strategy. Discussion Draft. A report to the Governor of the State of California in response to Executive Order S-13-2008.

Bridge Memo to Designers. The bridge and alignment will be designed to prevent collapse and protect public safety during a major seismic event. Pages III.L-19 and -20 of the Draft EIR state:

**Caltrans Bridge Design Specifications and San Francisco Department of Public Works Standard Specifications**

State guidelines protecting bridges and overpasses on state roads from geologic and seismic hazards are contained in Caltrans *Bridge Design Specifications*,<sup>393</sup> *Bridge Memo to Designers*,<sup>394</sup> *Bridge Design Practice Manual*,<sup>395</sup> and *Bridge Design Aids Manual*.<sup>396</sup> The manuals provide state-of-the-art information to address geo-seismic issues that affect the design of transportation infrastructure in California. Bridge design is required to be based on the “Load Factor Design methodology with HS20-44 live loading (a procedure to incorporate the estimated weight of the vehicles and/or pedestrians on the bridge with the weight of the bridge for loading calculations)” in the *Bridge Design Specifications*. Seismic-resistant design is required to conform to the *Bridge Design Specifications* and Section 20 of *Bridge Memo to Designers*, as well as Caltrans *Seismic Design Criteria*.<sup>397</sup> Section 20 of *Bridge Memo to Designers* outlines the category and classification, seismic performance criteria, seismic design philosophy and approach, seismic demands and capacities on structural components, and seismic design practices that collectively make up Caltrans’ seismic design methodology. The methodology applies to all bridges and highways designed in California. A bridge’s category and classification determines its seismic performance level and which methods would be used to estimate the seismic demands and structural capacities. The performance criteria include functional and safety evaluations of ground motion, level of service to be attained following a major earthquake, and the level of damage the structure must be designed to withstand.

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## ■ Letter 59: Jefferson, Simon (1/12/10)

1 of 2

Letter 59

Simon Jefferson  
2035 Palou Ave  
San Francisco Ca 94124

January 12, 2010

Bill Wycko  
Environmental Review Officer  
Planning Department  
1650 Mission Street Ste 400  
San Francisco CA 94102

### Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

I have been a homeowner on Palou Avenue since the 1960s. Palou Avenue is a street that many families and seniors live on. No trucks are over 3 tons are supposed to come down this street. We have tried to keep Palou as a neighborhood street where we don't have to worry about children playing outside where they live.

I have many concerns that I feel were not adequately addressed in the Candlestick Point Shipyard Phase II EIR. As a resident on Palou Street, I have tried very hard to understand the complete transit plans that are being proposed for the development. It is very difficult to understand the complete impacts because the Bayview Transportation Improvement Plan EIR was broken off from the development and is being released on a later timeline. This does not make any sense, given the importance of understanding the traffic in order to assess the impact of the plan as a whole. I do not want to see too much more traffic impacting the street where I and my neighbors live, and this EIR does not clearly explain to what degree traffic will increase on Palou Avenue. Palou is also not a very wide street and, as is we see a lot of accidents with people going in and out of their garages. All of these day-to-day quality of life and safety impacts need to be given thorough evaluation.

Section III D-60 of the EIR states Palou Avenue is a transit preferential street. On game days Palou would be a "dedicated transit only street" to allow buses to proceed to the T third street linerail and points west and north with out mixing in congested pre and post game traffic.

How will residents that live on Palou Street be able to have access to their cars and parking on game days? What outreach has been done with residents of Palou? What have their responses and comments been? Please provide a list of all outreach activities targeted to the residents along the Palou. Why has the impact of this action for Palou street residents not been addressed? What is the impact of Palou being a transit preferential street on the Monday and Thursday night games? How will it impact the residential commuter traffic on those days? Please provide a map of the alternative routes for residents on Palou during these closures.

As stated in section V. C. there are over 25 areas where transportation and circulation would have significant environmental effects that "cannot be avoided if the project is implemented" Including an increase of congestion along Palou impacting and increasing the travel time of 3 major bus routes including the 23- Monterey 24- Divisadero and the 44 Oshaugnessy. This is a

59-1

59-2

59-3

2 of 2

huge number of effects that will dramatically impact the residents of Bay view. As a bus rider, I depend on these bus routes that are mentioned in the EIR to make it to my various appointments and commitments. Please provide more information about exactly how long my travel time will be delayed on these routes and what alternatives could be considered that would not negatively impact public-transit dependant residents.

Please give more thorough maps and explanation about the transportation impacts on roads, sidewalks, bus routes etc for the entire project and in particular for the residents on Palou Avenue.

Sincerely,

Simon Jefferson

↑  
59-3  
cont'd.  
59-4

## ■ Letter 59: Jefferson, Simon (1/12/10)

### **Response to Comment 59-1**

As described in the Draft EIR, the Project would construct new traffic signals at intersections along Palou Avenue. The Project would also provide a number of streetscape improvements, including sidewalk bulb-outs, cross walks, curb ramps, street trees and planting, bus shelters, and other site furnishings and pavement treatments that would visually tie together the Project with Bayview neighborhood.

Although not specifically proposed as part of the project, mitigation measure MM TR-22 would require slight widening of Palou Avenue to accommodate one travel lane and one transit-only lane in each direction. This measure would mitigate Project-related impacts to transit travel times along Palou Avenue, and would be implemented only at such time as the Project causes specific levels of transit delays. With the mitigation measure in place, on-street parking would be maintained on both sides of Palou Avenue and sidewalks would be 12 feet wide, which would be consistent with the City's Draft Better Streets Plan guidelines. Refer to Master Response 18 (Transit Mitigation Measures), which presents discussion and graphics of the Project's transit mitigation measures, including transit improvements on Palou Avenue (i.e., MM TR-22.1).

Refer to Response to Comment 43-2 for information regarding the relative timing of this Draft EIR compared to the BTIP Draft EIR, which is currently being prepared. Response to Comment 43-2 also includes information regarding the BTIP project improvements and their relationship to the analysis of transportation improvements in the CP-HPS Phase II Development Plan.

The Draft EIR does include an assessment of the Project's impacts to traffic on Palou Avenue. Specifically, Table III.D-10-12, on pages III.D-73-81 present existing, future year without the project, and future year with the project intersection operating conditions at four key intersections on Palou Avenue for the weekday AM and PM and Saturday peak hours, respectively. The specific traffic impacts on Palou Avenue associated with the Project are discussed in Impacts TR-3, TR-4, and TR-5.

Additional detail regarding traffic volumes can be found in the Project's Transportation Study, included as Appendix D of the Draft EIR. Specifically, Figure 31A through Figure 31D illustrate the project-generated traffic volume increases forecasted to occur at all study intersections, including those on Palou Avenue.

Finally, the commenter notes that the Draft EIR should include a discussion of safety issues associated with Palou Avenue. Impact TR-34 on Draft EIR pages III.D-119 and -120 presents the assessment of impacts related to increased traffic volumes on area roadways on pedestrian circulation and safety. There are a number of factors that contribute to increased pedestrian-vehicle and bicycle-vehicle collisions, and the number of collisions at an intersection is a function of the traffic volumes, travel speeds, intersection configuration, traffic control, surrounding land uses, location, and the number of pedestrians and bicyclists. The Project would not result in a substantial change in the street network, and would include street improvements that would enhance pedestrian and bicycle travel through the area. Overall, pedestrian and bicycle access and the environment would improve within and in the vicinity of the Project site, and Project impacts would be less than significant.

### **Response to Comment 59-2**

Refer to Response to Comment 54-1 for a discussion of transit preferential treatments on Palou Avenue. During game-day conditions, Palou Avenue would be closed to through-traffic, except for transit vehicles. In this case, residents would still have access to their homes. The closure would be for through-traffic only. These conditions would likely only be in place for approximately two hours prior to and two hours after games on football game days only.

To date, over the past three years City staff have conducted more than 190 public meetings and workshops on the Project. In the spring of 2008, City staff held a series of four land use workshops on transportation, urban design, and open space, which included the referenced proposal for Palou Avenue. Additionally, the City has conducted numerous Transportation Plan workshops with committees of both the Bayview Hunters Point Project Area Committee (PAC) and Citizens Advisory Committee (CAC). Feedback has generally expressed a desire for better transit service, improved pedestrian amenities, and concern regarding Project traffic impacts.

### **Response to Comment 59-3**

The importance of transit circulation on multiple lines (e.g., the 23-Monterey, 24-Divisadero, and 44-O'Shaughnessey) on Palou Avenue is address in the Project with the transit priority upgrades it proposes to ensure that transit operations would be enhanced and traffic conflicts minimized. To address potential impacts to transit circulation should traffic conditions begin to render these improvements ineffectual in protecting transit operations, mitigation measures are identified. Specifically, Project mitigation measure MM TR-22.1 identifies a series of improvements to Palou Avenue to improve transit travel times and reduce Project impacts. Generally, the improvements consist of providing a dedicated transit-only lane in each direction along Palou Avenue between Crisp Avenue and Third Street. Refer to Master Response 18 (Transit Mitigation Measures), which presents discussion and graphics of the Project's transit mitigation measures, including transit improvements on Palou Avenue (i.e., MM TR-22.1).

The traffic and transit impact analysis was conducted for future year 2030 conditions, which assumed substantial cumulative development in the Project vicinity (e.g., Executive Park, the Visitacion Valley Redevelopment program, Hunters View project, Brisbane Baylands) totaling about 7,000 new housing units and about 9.8 million square feet of commercial development. The amount of delay that would be experienced by transit riders on the 23-Monterey, the 24-Divisadero and the 44-O'Shaughnessey would vary by year, time of day and direction of travel, depending on a number of factors, including: the amount of background growth that is actually developed, the amount of Project development that is completed at the time, the phase of transit improvements that is implemented at that time, and implementation of the mitigation measures. However, by future year 2030 assuming all cumulative background development and the Project is built out, and with full implementation of the Project transit plan, riders on the 23-Monterey between Ingalls Street/Oakdale Avenue and Glen Park BART station would experience an additional 7 to 12 minutes of delay from existing conditions, riders on the 24-Divisadero between Hunters Point Shipyard and Mission Street would experience an additional 7 to 10 minutes of delay from existing conditions, and riders on the 44-O'Shaughnessey between Hunters Point Shipyard and the Glen Park BART station would experience 14 to 19 minutes of delay from existing conditions. Implementation of MM TR-22.1 would reduce the projected increases in travel

times. Details of the transit impact analysis are presented in Chapter 4 of the Transportation Study, included as Appendix D of the Draft EIR.

Chapter VI of the Draft EIR presents and assesses a series of Alternatives, many of which include less development, which would reduce the Project's impact to transit service along Palou Avenue.

Refer also to Response to Comment 54-1 for a discussion of transit preferential treatments on Palou Avenue.

<b><i>Response to Comment 59-4</i></b>
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The Draft EIR provides adequate analysis and discussion of the Project and Project-related transportation impacts. Additional detail is available in the Transportation Study, included as Appendix D to the Draft EIR.

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## ■ Letter 60: Donahue, Vivien (1/12/10)

1 of 2

Letter 60

Vivien Donahue  
178 Kiska Road  
San Francisco, CA 94124

January 12, 2010

Bill Wycko  
Environmental Review Officer  
Planning Department  
1650 Mission Street Ste 400  
San Francisco CA 94102

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### Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

My name is Vivien Donahue. I live on Kiska Road, only a few blocks from the shipyard. I have lived here since 1980. Even before Lennar came into the picture, I and many other residents were organizing for the complete cleanup of the shipyard. In 1998, I began attending meetings with Communities for a Better Environment. I joined the organization because of the extent of cancer I have seen in our neighborhood. Before living in Bayview, I had never known so many people affected with cancer. In Bayview Hunters Point I have known dozens of people personally who have suffered and even some who died from breast cancer, uterine cancer, prostate cancer, brain cancer, and kidney cancer. I have also known countless people with respiratory illnesses such as bronchitis and asthma. My own daughter-in-law developed kidney cancer at the age of 28 and she died that same year as a result of her illness.

60-1

It is well documented that Bayview Hunters Point is a cancer cluster. Through my work with Communities for a Better Environment I learned about how many carcinogenic hazardous materials residents in this neighborhood have been exposed to because of the high concentration of toxic industries that have been permitted to operate in this area.

The Navy Shipyard, San Francisco's only superfund site, has the highest concentration of carcinogenic hazardous materials of all of these various industries. To this day, most parcels of the shipyard still contain high levels of carcinogenic materials. Parcels B, C, D, D-1, D-2, UC-1, F, G, E, E-2, and all of the additional sub-parcels of parcel E contain several chemicals that are acknowledged carcinogens according to the ATDSR, including:

- Volatile and Semi-Volatile Organic Compounds (VOCs and SVOCs), Total Petroleum Hydrocarbons (TPH), Beryllium, Vinyl Chloride, Arsenic, Polychlorinated biphenyls (PCBs), Cesium, Chromium, Carbon Tetrachloride, Chloroform, Naphthalene, Tetrachloroethane, Xylene, Methylene Chloride, Benzene, Cobalt, and Radium.

As a resident living very close to the shipyard, what notification will I be given regarding what carcinogenic and or radiological contamination would be left underneath a cap if this development project were approved? How will this notification be given?

60-2

2 of 2

In (1990) I was part of the community process to put proposition P on the ballot. 87% of San Francisco voters supported this measure that called for the shipyard to be cleaned to a level of unrestricted use, which is a level that would allow for residential housing. The EIR did not provide an analysis of what would be required to fulfill the will of San Francisco voters and clean the shipyard for unrestricted use.

60-3

In 2000, I remember the underground nuclear fire that burned for many months. The Navy was unable to put this fire out. We still don't know the extent of all that we were exposed to as a result of that fire. This fire illustrates that the toxic soup that currently exists at the superfund is not something that can be safely left below a clay cap. The particular danger with capping these serious volatile toxins is that much of the danger that could affect these chemicals will in fact be coming from below, as result of both sea level rise and the risk of liquefaction. What analysis has been done of the potential toxic soil interaction with the Bay, below the cap, as a result of either sea level rise or liquefaction?

60-4

P I-5

P I-5 Area where the proposed stadium would be would turn into "additional housing if a new stadium is not built." The voters of the city adopted a policy, Proposition P, calling for clean up of the shipyard to "unrestricted use" which would allow housing. The EIR fails to provide an analysis of an alternative that would allow housing on all parcels of the shipyard. It is massively unlikely that the stadium will be built. **Provide an analysis of how the Shipyard will be cleaned to residential use.**

60-5

Who will be notified throughout construction and after build-out is complete about the specific hazardous materials that will be left under the proposed cap? How will they be notified? Will there be notices on all of the deeds? Are they going to give notices to all of the property owners in the surrounding area that will be recorded on the deeds? ? Will there be limitations of land use by resident of this housing (restrictions on digging, planting etc.)? How will new and current residents of the project sight be made aware of these restrictions? What laws bind the developer to inform potential residents of these restrictions prior to purchase or lease of the units or property in the project area?

60-6

Please respond to all questions and comments and concerns addressed above.

Sincerely,  
Vivien Donahue

## ■ Letter 60: Donahue, Vivien (1/12/10)

### ***Response to Comment 60-1***

Comment acknowledged. No response is necessary.

### ***Response to Comment 60-2***

Refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) regarding the notice that will be given to property owners, residents, and neighbors regarding environmental restrictions and other cleanup issues.

### ***Response to Comment 60-3***

Refer to Master Response 14 (Unrestricted Use Alternative) and Master Response 15 (Proposition P and the Precautionary Principle) regarding removing toxins.

### ***Response to Comment 60-4***

Refer to Master Response 8 (Sea Level Rise) for a discussion of sea level rise effects on movement or exposure to hazardous materials, liquefaction potential, and mitigation measures. Refer also to Master Response 7 (Liquefaction) for a discussion of how construction can be successfully accomplished in potentially liquefiable areas.

### ***Response to Comment 60-5***

Refer to Master Response 14 (Unrestricted Use Alternative) and Master Response 15 (Proposition P and the Precautionary Principle) regarding removing toxins. In addition, Variants 1, 2, and 2A, as well as Alternative 1, 3, 4, and 5 all evaluate scenarios that do not include a stadium at HPS Phase II.

### ***Response to Comment 60-6***

Refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) regarding the notice that will be given to property owners, residents, and neighbors regarding environmental restrictions and other cleanup issues.

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■ Letter 61: Lee, Mishwa (1/12/10)

1 of 3

Letter 61

From: Mishwa Lee  
3 Ardath Ct.  
San Francisco, CA 94124  
Jan 12, 2010

To: Environmental Resource Officer, Planning Dept.  
San Francisco Redevelopment Agency  
~~One South Van Ness Ave.~~ 1650 Mission  
San Francisco, CA 94103

Comments Regarding: Candlestick Point Hunters Point Shipyard  
Phase II - Draft EIR

1. The Executive Summary (ES2) states that "The City's overarching goal is to revitalize the BVHP community by providing increased business and employment opportunities.  
My question is, How many long time 94124 residents has phase 1 of development employed as % of total workforce including Project Managers, consultants, and <sup>sub</sup>contractors? I would like to see a table with this data. By long term I mean a minimum of 10-15 years residence in 94124.

61-1

2. In the Executive Summary pg3 it states.  
"The integrated development should incorporate environmental sustainability concepts and practices"  
Explain how the addition of a bridge over Yosemite Slough will adhere to this guideline.

61-2

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2 of 3

Pg 2  
from Mishwa Lee

3. (In Section III pg 5) It is stated, "A planned restoration of Yosemite Slough includes restoring 12 acres of upland fill back to tidally influenced wetlands... A restoration project is being implemented by Cal. State Parks Foundation in collaboration with local environmental groups."

Could you explain, at what stage is the restoration? How much has already been completed? How much money has already been spent to implement? How many local 94124 people are employed? The draft EIR doesn't address this? What percentage of this restoration will be destroyed if the bridge is constructed over Yosemite Slough.

61-3

4. While reading Sec. 3 Water Resources, there is a discussion or information provided about flooding and runoff within the project area and surrounding vicinity. Can you provide a map pinpointing areas within one mile of project boundary where there has been subsidence of roads.

61-4

5. Sec 3 Pg 13 footnote #458 states "NFIP regulations require coastal communities to insure that buildings built in Zone V are anchored to resist wind and water loads acting simultaneously. Not only do they have to be elevated above the Base Flood Elevation, must be protected from impact of waves, hurricane force winds and erosion... Can you provide a map clearly indicating Zone V and place it in the main body of the EIR?"

61-5

3 of 3

pg 3

6. Sec III M-32

Rivers & Harbors Act Section 10 states " Bridge construction does not require a Section 10 permit, but does, however require authorization for discharges of fill or dredge material under CWA Section 404. " What plans are in place for disposal of dredged material?

61-6

7. Sec III M-23 states " Because many pollutants can adhere to sediment particles, reducing sediment can reduce the amount of these pollutants in stormwater discharges. " I am concerned that the fragile marine environment of Yosemite Slough will be damaged beyond repair by dredging and placement of 375+ pilings, will disturb the sediments, releasing toxics and threatening embryonic fish species such as herring.

61-7

I am concerned that dredging of marina and drilling pilings will release toxics and harm marine life. Please comment on the mitigations and show a timetable of when and how long dredging + pile driving will be expected to be conducted, for what length of time and what will be done if levels of toxics reach dangerous levels.

Mishwa Lee

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## ■ Letter 61: Lee, Mishwa (1/12/10)

### **Response to Comment 61-1**

The comment is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. Data from the Equal Opportunity Employment program for the Hunters Point Shipyard Project Area indicate that for Hunters Point Phase I, 52.2 percent of all professional services contracts and 47.9 percent of all construction contracts were issued to San Francisco firms. With regard to employment, data for the 94124, 94134, and 94107 zip codes between 2005 and 2009 indicate the percentage of residents of those zip codes employed on Shipyard projects rose from 4.8 percent in 2005 to a high of 19.0 percent in 2008, dropping slightly to 17.7 percent in 2009.

### **Response to Comment 61-2**

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for a discussion of the need for the Yosemite Slough bridge. In this comment, the commenter is identifying one of the six objectives of the Project. The Project Objectives are designed to describe the underlying purpose of the Project, as a whole, and to guide in the selection of alternatives. Sustainability practices have been incorporated into the Project, as a whole, which includes the Yosemite Slough bridge, as specifically described on pages II-49 to II-50 of the Draft EIR. Some examples of sustainability features includes an urban design that promotes walking and discourages driving; compliance with the San Francisco Green Building Ordinance; the use of drought tolerant plant species; and Lennar Urban's voluntary commitment to constructing all Project buildings to the Leadership in Energy and Environmental Design (LEED®) for Neighborhood Development Gold standard. With respect to the bridge, one of its sustainability features is the use of a mix of impervious (i.e., paved) and pervious (i.e., grassy) surfaces. The wheel tracks would be paved, while strips in the center of the land would be planted with grass. The bicycle and pedestrian paths would also have a combination of paved and unpaved surfaces.

### **Response to Comment 61-3**

The commenter incorrectly states that the Draft EIR states "A planned restoration of Yosemite Slough includes restoring 12 acres of upland fill back to tidally influenced wetlands...A restoration project is being implemented by California State Parks Foundation in collaboration with local environmental groups." Rather, the Draft EIR refers to "12 acres of tidally influenced wetlands" in reference to the goals and objectives of the Yosemite Slough Restoration Project, which is provided on Draft EIR page III.N-46:

- Restore habitat diversity by adding 12 acres of tidally influenced wetlands and marsh area and remove chemically impacted soils from upland areas to improve the quality of existing habitat.

With respect to the current stage of the restoration, no restoration has taken place to date. Concerns about the amount of funding spent thus far on restoration is not a direct comment on environmental issues or the content or adequacy of the Draft EIR.

With respect to local employment, economic issues are not considered by CEQA to be environmental impacts; therefore the EIR is not required to, and does not address, economic issues. Economic issues

are important to City, the community and the Project Sponsor, and those issues will be considered by the City decision makers through the Project review and approval process, outside of the EIR and CEQA process.

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the potential impacts of construction and operation of the Yosemite Slough bridge on the Yosemite Slough Restoration Project.

#### **Response to Comment 61-4**

The comment does not identify where the information referred to is located in the Draft EIR. However, the Draft EIR, on pages III.M-6 through III.M-14, describes runoff and flooding conditions within the Project area and vicinity for the purpose of identifying the baseline physical conditions used to evaluate the significance of Project impacts. Project impacts that are evaluated as potential significant environmental impacts related to hydrology in accordance with CEQA are listed on page III.M-50 of the Draft EIR under the heading “Significance Criteria” and include placing housing or structures within a 100-year flood hazard area (M.g and M.h), and exposing people to a significant risk of loss, injury or death from flooding (M.i). A map showing road subsidence within one mile of the Project boundary is not needed to determine the potential significant environmental impacts of the Project with respect to runoff or flooding.

#### **Response to Comment 61-5**

Special flood hazard areas designated as Zone V associated with Project, as determined by FEMA, are shown on Figure III.M-4 (Preliminary 100-Year Flood Zones within and Adjacent to the Project), Draft EIR page III.M-12. The only land located in Zone V is the shoreline directly adjacent to San Francisco Bay.

#### **Response to Comment 61-6**

Construction of the Yosemite Slough bridge will require a CWA Section 404 permit due to construction activities that could discharge dredged material or fill material into Yosemite Slough. In this context, “dredged material” refers to material that is excavated or dredged from waters of the United States, including the redeposition of excavated material that is incidental to the excavation. The discussion for Impact BI-4c, on page III.N-67 of the Draft EIR, states that:

... Construction of the piers’ pilings would require the excavation of approximately 2,400 cubic yards of material from the slough; 167 cubic yards of material would be excavated from jurisdictional areas for construction of abutments and installation of riprap at the toe of the north and south bridge abutments.<sup>793</sup>

To excavate materials from the Yosemite Slough, review of such activities would be undertaken by the Dredged Material Management Office (DMMO), as described on Draft EIR pages III.M-42 through -43. Disposal of dredged materials would be managed in accordance with the goals of the San Francisco Bay Long Term Management Strategy (LTMS) for dredging, which call for a reduction of in-Bay disposal and an increase in upland beneficial reuse of dredged material. The disposal location for material dredged

from Yosemite Slough would be determined through the DMMO/LTMS regulatory process. A CWA Section 404 permit would be required for in-Bay disposal of dredged material.

### **Response to Comment 61-7**

As described on page III.M-23 of the Draft EIR, many pollutants can adhere to sediment particles. Dredging (if required for construction) and pile driving activities in the Bay to construct the Yosemite Slough bridge and the marina have the potential to disturb and resuspend sediments and pollutants associated with sediments within the Bay. Three hundred twenty (320) piles would be driven to support the Yosemite Slough bridge columns.

Impacts associated with construction within Yosemite Slough are described in Impact HY-1c, starting on page III.M-72 of the Draft EIR, and construction impacts to biological resources are primarily addressed in Section III.N (Biological Resources). Impact BI-4c, starting on page III.N-67 of the Draft EIR, addresses the impacts of bridge construction on federally protected wetlands. The impacts would be reduced to a less-than-significant level by implementing mitigation measures MM BI-4a.1 and MM BI-4a.2. Impact BI-12c, starting on page III.N-93 of the Draft EIR, addresses the impacts of Yosemite Slough bridge construction on essential fish habitat. The impacts would be reduced to a less-than-significant level by implementing mitigation measures MM BI-4a.1 and MM BI-4a.2, MM BI-12a.1, MM BI-12a.2, MM BI-12b.1, and MM BI-12b.2. Also, refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of potential effects of the Project on Yosemite Slough.

Mitigation measure MM BI-4a.1 requires the Project Applicant to obtain the appropriate permits prior to in-water construction activities, including but not limited to CWA Section 404 (Discharge of Dredged or Fill Material), CWA Section 401 (Water Quality Certification) and/or waste discharge requirements from the San Francisco Bay Regional Water Quality Control Board (SFRWQCB), California Department of Fish and Game Section 1602 (Streambed Alteration Agreement), BCDC permits, and dredging permits obtained through the DMMO process. Such permits include requirements to protect biota, such as specifying work windows for dredging and pile driving activities, specifying receiving water limits for suspended sediment, dissolved oxygen, and other constituents potentially toxic to biota, and monitoring and reporting requirements. Mitigation measure MM BI-4a.1 also requires compensation for impacts to existing wetlands through creation or restoration of wetlands or aquatic habitat.

Mitigation measure MM BI-4a.2 requires implementation of best management practices to minimize sediment transport, such as working during periods of slack tide and low wind, and installing sediment curtains around the work area.

Mitigation measure MM BI-12.a.1 requires that in-water work occur between June 1 and November 30, to protect juvenile salmonids, groundfish and prey species. Mitigation measure MM BI-12a.2 requires all personnel involved in in-water construction activities to be trained by a qualified biologist experienced in construction monitoring. Mitigation measure MM BI-12.b.1 requires essential fish habitat avoidance and minimization measures, such as not dredging areas with submerged aquatic vegetation, especially where the action could affect groundfish, prey species, larval marine species, or habitat for native oysters. Mitigation measure MM BI-12.b.2 includes preparation of a seafloor debris minimization and removal

plan for in-water construction or deconstruction activities. As required by the mitigation measure, activities will be monitored by a qualified biologist, and the plan will include measures to minimize the potential for debris to fall into aquatic habitats.

The impacts associated with marina dredging are discussed in Impact HY-6b, starting on page III.M-86 of the Draft EIR, and the impacts to biological resources are primarily discussed in Section III.N (Biological Resources). Impact BI-18b, starting on page III.N-104, discusses the potential for marina maintenance dredging to adversely affect habitat or generate substantial increases in turbidity. Implementation of mitigation measures MM BI-18b.1 and MM BI-18b.2 would reduce maintenance dredging impacts to a less-than-significant level. The mitigation measures include surveys by qualified biologists, sediment plume modeling, compensatory mitigation if sediment plumes reach sensitive shoreline habitats, and implementation of best management practices for management of dredged material in accordance with the LTMS for dredging.

In-Bay construction activities at HPS Phase II have the potential to resuspend sediment originating from the discharge of sediment-laden stormwater runoff from upland contaminated areas. This is addressed under Impact HY-1b, starting on page III.M-67 of the Draft EIR. Mitigation measure MM HY-1a.2 requires preparation of a Storm Water Pollution Prevention Plan to control erosion and the discharge of sediment-laden stormwater runoff into the Bay.

In-Bay and shoreline construction activities at HPS Phase II have the potential to disturb sediment or soil that may contain chemical contaminants originating from historic uses of the site. The potential impact related to disturbance of these contaminants is addressed under Impact HZ-10b, starting on page III.K-81 of the Draft EIR. Implementation of mitigation measure MM HZ-10b, which requires regulatory-agency approved workplans and permits for near shore (both in-Bay and shoreline) improvements, would reduce the impacts of resuspending contaminated sediment or soil originating from historic uses of the site to a less-than-significant level.

Maintenance dredging of the marina would be required to maintain sufficient water depth for berthing and maneuvering boats. The required frequency of maintenance dredging is currently not known, and would depend on factors such as the circulation and flushing characteristics of the marina, shoreline erosion, and sediment transport in the Bay. The duration of dredging activities would depend on the volume of sediment removed. The time frame for dredging activities would be determined through the regulatory permitting process described above.

Refer to Response to Comment 37-1 for information regarding the months of the year in which pile driving may occur. Conditions of the permits and implementation of the mitigation measures described above would prevent toxics associated with resuspended sediment from reaching levels that could adversely affect aquatic species.

## ■ Letter 62: Confederation of the Ohlone People (1/11/10)

1 of 2

Letter 62

### CONFEDERATION OF OHLONE PEOPLE

11th Street #169  
Tracy, CA 95376  
Tel: 920-608-8987  
ohlonevalleynews@yahoo.com

January 11, 2010

RECEIVED

Mayor Gavin Newsom  
City Hall, Room 200  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

IAN 12 2010

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

Re: Planning Department Case No. 2007.0946E  
Candlestick Point-Hunters Point Shipyard

#### REQUEST FOR EXTENTION ON COMMENTARY PERIOD

Dear Mayor Newsom,

We are a newly formed group, established in 2009, our organization represents over 300 families who originated from the Bay Area and are likely descendants of the Ohlone Nation, a Native American tribe recognized by State of California. As a new organization, with an accelerated campaign to invite new members we expect to see our membership of Ohlone people and supporters grow exponentially over the next few years. Our mission is not to become a tribal entity, but instead to educate our membership and supporters of Ohlone people of culture, tradition, history and current events. Our mission is one of inclusion, not exclusion, with open and honest education about the Ohlone people being the key.

As you already know, the Ohlone people are the first people occupying the coastal area residing north of San Francisco, down to Carmel, including Point Lobos. Further, Ohlone territory is known to have extended east as far as the Alta Mont Pass into places such as Livermore, Fremont, San Jose, Gilroy and Hollister. As history would have it, the Ohlone were once forced to flee areas impacted by the mission settlements, but ask them and they will verify that the people never wandered far. The coast is our traditional land and our home. Often families returned to their place of origin and attempted to rebuild their families, assimilating with contemporary populations. As an example, I can tell you that both my mother and my uncle, recently deceased, were born in San Francisco. This is the same place where my grandfather owned a corner grocery store in the 40's. Nearly all families that our organization represents will have a similar story. The difference between them and the average citizen is that the Ohlone

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can trace their lineage to the missions where records prove their Native American connection.

That being said, I must say that our organization was shocked to read the Environmental Impact Report studying the Candlestick Point-Hunters Point Shipyard region. It is no wonder that this study was done without input from Ohlone people or current resources. It is not bad enough to be left out of the process, as required by law, but to read such a document that totally excludes the people that live and breathe and walk your city streets is truly heart-breaking. Know that our organization is not interested in stopping the development project, but offering corrections to the report and sensitivity to the design plan.

As we see it, the quick and simple solution is to extend the commentary period allowing for input. Our group is interested in sharing development ideas and supporting the inclusion of those representatives certified to do site monitoring on behalf of Ohlone people. We see this simple request as a first step towards an amicable solution.

Please consider our request, as well as the requests being submitted by other organizations before moving forward on this project.

Respectfully,

Charlene Sul  
Founder  
Confederation of Ohlone People

↑ 62-1  
cont'd.

62-2

62-3

## ■ Letter 62: Confederation of the Ohlone People (1/11/10)

### ***Response to Comment 62-1***

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18.

### ***Response to Comment 62-2***

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18.

### ***Response to Comment 62-3***

Refer to Master Response 2 (Potential Native American Burial Sites) regarding the monitoring of sites that could contain prehistoric Native American cultural resources or human remains.

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■ Letter 63: Herrera, Catherine (1/11/10)

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Letter 63

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CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

January 11, 2010

We are used to saying 'there is a reason for everything, and in time it is revealed.' I think the saying is appropriate today in sharing this letter regarding Ohlone input on the archeological site in Hunter's Point.

Our city government has considered many times, and in many ways, how to create a space that honors the Ohlone, as well as the U.S.'s largest Native community right here in the Bay Area. Proposals made for such a space at the Presidio many years ago were not acted upon. Angel Island and Alcatraz honor important aspects of our nation's history, yet, we still do not see an honoring of the Ohlone. In 2006, the City began a two-year consultation process with the San Francisco Native American community to determine how best to move forward collaboratively. Still, our community has continued to quietly ask for space and consideration for the first people of this land.

Today is a new day. Rather than collaboration by force, we have the opportunity to work together, from the beginning of the development process, or from this point forward, to protect an archeological site, and, ensure Ohlone participation in protecting the cultural and historical legacy of the Ohlone people. The City of San Francisco must meet its legal obligation to consult with the Ohlone people, this is not just a matter of good conscious. Rather than a negotiation, this is a great moment for the City to implement the spirit of the recommendations resulting from consultation with the Native community by 1) making available a minimum 45-day comment period, 2) engaging the planning department from now forward in working with the Ohlone community to address the archeological, cultural and legacy elements of this project, and 3) setting the groundwork for a collaborative planning process moving forward.

It is also a new day for the Ohlone community. The last forty years have seen a wonderful emergence of leadership, healing, and cultural work by the Ohlone leaders and community, with significant support from the local Native and non-native communities.

Today is a good day to put the past behind us, yet, walk with the presence of our history into the future. We look forward to a prosperous dialogue, and start to good relations that can have a positive impact.

Perhaps we were all waiting for this moment and, now that time is here.

Signed,

Catherine Herrera  
Filmmaker, *Witness the Healing*  
San Francisco, CA

63-1

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■ **Letter 63: Herrera, Catherine (1/11/10)**

***Response to Comment 63-1***

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18.

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## ■ Letter 64: San Francisco Tomorrow (1/12/10)

1 of 14

Letter 64



# *San Francisco Tomorrow*

*Since 1970, Working to Protect the Urban Environment*

January 12, 2010

Environmental Review Officer  
San Francisco Redevelopment Agency  
One South Van Ness Avenue  
San Francisco, California 94103  
Sent via electronic mail: Stanley.Maruoka@sfgov.org

**RE: CANDLESTICK POINT-HUNTERS POINT SHIPYARD PHASE II  
DEVELOPMENT PLAN PROJECT Draft Environmental Impact Report (DEIR)**

Dear Sirs and Mesdames:

On behalf of San Francisco Tomorrow (SFT), I would like to submit the following comments on the Draft EIR referenced above. I regret to inform you that we find the document to be fatally flawed due to its failure to 1) Identify in its analysis of the Preferred Alternative (Project) the significant and unmitigable impacts to the biological resources and aesthetics of Candlestick Point State Recreation Area (State Park); and 2) Meet the goals of Proposition G by failing to adequately connect the Bayview community with the new Project when considering transportation alternatives and by failing to provide long-term job opportunities to the Bayview community.

SFT firmly believes that any project at Candlestick/Hunters Point must provide real and long lasting benefits to the existing environmental justice Hunters Point/Bayview communities, including opportunities for employment other than the low-end and entry-level retail jobs the Project proposes through its proposed mall and other retail elements. The other job-generating feature of the Project is a Research & Development (R&D) element but jobs for R&D require high-end college educated personnel. People with this educational background are not common in the Bayview that has a tradition of blue-collar employment.

64-1

### ***Impacts to Candlestick Point State Recreation Area***

#### **Aesthetics**

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The DEIR fails to identify the construction of an approximately eighty-one foot wide bridge across Yosemite Slough as an aesthetic impact to the State Park through which this bridge is constructed.

The mission of California State Park's is:

*To provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.*

A new, as yet unconstructed, bridge cannot be considered a natural resource or a cultural artifact. The bridge will present a clear disruption of views from the head of Yosemite Slough to the Bay. In this view people seeking to enjoy the natural values and views that the State Park provides can see thousands of waterfowl and shorebirds feeding in the bay waters or mudflats, depending upon the tides and season from Yosemite Slough itself out into the South Basin (that part of the Bay immediately east of Yosemite Slough.)

In 2003-2004 the Golden Gate Audubon Society undertook a wildlife survey in the State Park. That survey (*Final Report Yosemite Slough Watershed Wildlife Survey*, LSA, July 2004) revealed the presence of 148 species; another 36 bird species were identified over a 20 year period by expert Audubon birder Alan Hopkins adding up to 184 species. At a recent event in the Park a butterfly expert identified yet another butterfly species not previously seen in San Francisco.

In addition, on each side of Yosemite Slough were observed snakes, lizards, amphibians and small mammals such as rabbits as well as many terrestrial avian species. In the bay itself can be seen an abundance of avian species, some rare in the Bay such as oystercatchers and Wandering Tattler (usually an ocean coastal bird). Also in the Bay can be seen the marine mammal the harbor seal and the bridge would prevent people along the Slough from seeing the seals that are hauled out on sandbars off the Hunters Point shoreline. This is clearly an unmitigable impact that deprives people from appreciating the aesthetic experience the State Park was created to provide.

The importance of Candlestick Point State Park to the eastern San Francisco population cannot be overstated. In this part of San Francisco there are no large parks and no large nature area that would allow people in this highly congested area the opportunity to experience nature and have that escape from urban densities that make large urban parks so essential.

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And yet the DEIR states, "As the Project would not substantially obstruct any scenic vistas, this impact would be less than significant. No mitigation is required" (page III.E-57), and further states,

"[T]he Yosemite Slough bridge would limit some foreground views of the Slough; however, overall views of the Bay would remain. Short- and mid-range views of the Slough would be somewhat altered with the inclusion of the proposed bridge. However, short- and mid-range views of the remainder of the Slough would remain as under current conditions..."

and,

"[T]he Yosemite Slough bridge would change the open water character along the bridge route across a relatively narrow portion of the Slough. This would not be considered a substantial adverse change in the overall visual character of Yosemite Slough, as the bridge would occupy only a small footprint relative to the entire Slough. The remainder of the Slough would remain visible as an open area." (page III.E-64).

These statements abysmally fail to address the true impacts of this structure and its accompanying access roads.

The DEIR ignores the fact that immediately west of the bridge the State Parks Foundation and CalParks propose to restore 34 acres of wetland and upland habitat on both sides of the Slough as well as create bird-nesting islands just west of the proposed bridge's location. This restoration project will enhance the already wonderful natural surroundings of this area and the building of a bridge will be even more of an aesthetic nightmare for anyone seeking a State Park experience at this location.

The DEIR also ignores the fact that the General Plan of the State Park, developed through a public process that held over 200 public meetings, identifies that northern part of the State Park, in which the bridge is proposed to be built, as a nature area. Again, a bridge can only be seen as a detriment to the aesthetics of a nature area no matter how wonderful a bridge it may be.

It should be remembered that a bridge also requires access roads and that a bridge is built to carry vehicles, so we are not just talking about a static structure but also about the noise of the cars, trucks and busses and the visual appearance of the cars, trucks or busses can only further

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detract from the aesthetics of a nature experience for which a state park is created and for which this part of the State Park is specifically identified.

The access roads to the bridge bring their own aesthetic impacts, aside from the bridge, that are ignored by the DEIR. We did not find them mentioned at all in this section of the DEIR. The roads will provide barriers to people seeking to walk along the shoreline and, again, the noise and sight of the vehicles will impact any attempt to have a quiet nature experience.

We also challenge the DEIR's assertion that the bridge will only be used for BRT and "game-day" traffic. Once built, the new residents at both HPS and CP will demand that the bridge be used for general car traffic between HPS and CP regardless of the presence or absence of a stadium.

To conclude, the bridge will:

- Create non-mitigable significant negative impacts on the aesthetics of Candlestick Point State Park.
- Interrupt views from Yosemite Slough into the Bay and vice-versa.
- Bring noise from vehicles and the visual presence of the vehicles themselves into a site designated as a nature area.
- Be constructed in a part of the State Park designated public meetings as a nature area.
- Be built adjacent to a 34-acre wetland and upland habitat restoration project in the State Park and will detract from the ability of people to enjoy the beauty of that nature restoration project.
- Will require access roads that will interfere with any trails along the shoreline and the roads' traffic will create noise and visual disturbances that are antithetical to the aesthetics of a nature experience, again in a State Park and a part of the State Park designated as a nature area.

It is clear that these are all significant, non-mitigable impacts and as such the DEIR is fatally flawed for failing to identify these impacts and to identify them as unmitigable.

### **Transportation:**

There is, of course, a viable alternative to the bridge that is ably and clearly identified in the Arc Ecology submittal from LSA Associates (and identified in the DEIR in Alternative 2). This alternative would route the proposed BRT around Yosemite Slough on an existing abandoned

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railroad right-of-way and would result in an insignificant increase of travel time for the BRT over the bridge route of approximately just 1 minute 30 seconds.

As for game day impacts, the LSA report makes it clear that even with a bridge the large number of vehicles would overwhelm the Project's street system once over the bridge and so no benefits accrue from the bridge.

The LSA report also indicates many inaccuracies in the DEIR, for example:

### **Section 6, Page 30**

"Under Alternative 2, motorized and non-motorized traffic would be required to circumnavigate Yosemite Slough because no bridge would be constructed."

This statement misleads the reader by implying that additional automobiles would be added to the street network without the bridge when in fact, automobiles would not be allowed on the bridge. The section should correctly inform readers that neither the Project or Alternative 2 would provide bridge access for automobiles."

And,

### **Appendix D, Chapter 6, Page 288**

*Comment 28:* Pursuant to State CEQA Guidelines Section 15151, the EIR should provide a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which takes into account the environmental consequences of the project. While an EIR must contain facts and analysis, not just an agency's conclusions or opinions (*Citizens of Goleta Valley v. Board of Supervisors*, 1990), no technical analysis is presented in the Draft EIR justifying the claimed travel time savings. Based on the additional distance around Yosemite Slough (3,205 feet) and average BRT travel speeds (20 to 25 miles per hour), the alternate BRT route should require between 1 minute 27 seconds and 1 minute 49 seconds of additional travel time.

*Comment 29:* The third paragraph of Alternative 2-No Bridge asserts that the alternative BRT route would increase travel time by 5 minutes and decreases ridership by 15 percent. These statements are not supported by analysis presented anywhere in the Draft EIR and should be removed from the Final EIR.

We are particularly troubled by the assertion that an increase of 5 minutes travel time would result in a 15% decline in ridership. In other documents (analysis of BTIP uncirculated DEIR) prepared for Arc Ecology by LSA it was estimated that riders from the Project going either

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downtown or to the South Bay could expect MUNI trips of at least 30 to 40 minutes duration. A 5-minute increase is meaningless when considering so long a commute. We question the assumption that 5 minutes would influence a choice of transit when considering such trips.

Considering the significant aesthetic (see above) and ecological (see below) impacts of the bridge and the exorbitant cost of such a bridge, estimated to be well over \$100 million, **the FEIR should correct the flaws in the DEIR and eliminate the bridge from the Project and instead choose the around-Yosemite Slough dedicated right of way as the appropriate alignment for the BRT.**

One of the Goals of Proposition P passed by the residents of San Francisco in June 2008 was to ensure that the transportation components of the Project would integrate the new development with the existing Bayview Community thus satisfying some of the environmental justice issues of the Project. Because the bridge, and thus the BRT line, avoids the Bayview community it essentially subjects that community to environmental justice impacts, denying a part of that community with the benefits of the BRT.

SFT has developed extensive policies for helping the City achieve its goal of being a transit-first community. To ensure that this project is best able to achieve this goal we provide the following suggestions and hope they are incorporated into the Final/EIR:

- A) Provide good transit to connect to the Metro 'T' line, Sunnyside Caltrain Station and the Balboa BART Station. This can be best accomplished by extensions of existing lines now serving the area.
- B) Improve priorities on the 'T' line, at almost no cost. This is a better use of Muni capacity and funding than the new express service to downtown proposed in the Project (also see (D) and (E) below).
- C) Local transit service within the area should be on transit priority streets (TPS), without a new bridge.
- D) After transit leaves the area it should become a "Limited" service with a similar to the "19". The Limited Line should avoid the worst hills, and run to the north side of SF, but not downtown. Because this is a long route it should be BRT and TPS to the greatest extent possible, to maintain reliability. The regular "19" should continue to provide local service on the hills.

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E) The Limited Service line per (D) should be extended to the southwest to Balboa and provide limited service parallel to existing local service or become the proposed BRT using the around-Yosemite Slough alignment thus avoiding an expensive new bridge.

F) Retail service in the area should be provided under residential mixed-use buildings with village-sized markets that are easily accessible by foot for new residents in the area.

G) Project parking should be unbundled and limited to 0.5 spaces per unit and include spaces for shared cars.

H) All curbside parking should be metered 24/7 to reduce local car ownership and provide parking for other neighborhood shoppers without the need for large parking lots or expensive underground parking.

I) Each Condo should provide a Muni Fast Pass for each apartment as part of

64-3  
cont'd.

### **Impact of Yosemite Slough Bridge on Special Aquatic Sites**

Impact BI-4c Construction of the Yosemite Slough bridge would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (Less than Significant with Mitigation) [Criterion N.c] DEIR Page III.N-67

64-4

While there may be no impact to wetlands there will certainly be impacts to mudflats. Mudflats, like wetlands, are identified under the §404(b)(1) Guidelines as Special Aquatic Sites. Under the Guidelines no permit should be issued for any project that would impact special aquatic sites unless there is no practicable upland alternative site available for the project purpose, and for Special Aquatic Sites there is a presumption that such a practicable, upland site is available for the project purpose. This presumption must thus exist for the bridge component of the Project

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since the bridge will impact mudflats, a Special Aquatic Site. And, in fact, a practicable upland alternative does exist for the bridge component of the Project and has been proposed by Arc Ecology and is reflected, in part, in Alternative 2 of the DEIR. **The FEIR should rewrite this section and identify mudflats as Special Aquatic Sites and reject the bridge for not being consistent with the Guidelines and thus being not permittable.** Since there is a practicable upland alternative to the this component of the Project, the US Army Corps of the US EPA should deny any permit for the bridge.

### **Impacts of the bridge on Wildlife**

The DEIR fails to identify the impacts the proposed bridge would have on wildlife, especially waterbirds. The bridge will be on the direct route of shorebirds and waterfowl on their diurnal migration between the bay (South Basin) and Yosemite Slough as the tides move in and out.

Double Rock Island is the potential site of nesting oyster catchers. The bridge will be built within feet of the eastern end of Double rock island and thus may pose a significant threat to fledgling oyster catchers as they begin to fly and are not yet fully in control of their flight.

The CalParks' Yosemite Slough Wetland Restoration Project will create two waterbird nesting islands. The proximity of the bridge to these islands may also result in bird strikes and mortality especially since this is an area that gets fog that can mask the bridge.

The DEIR also fails to identify the impact of the access roads to the bridge on the State Park's terrestrial wildlife species. In the Audubon Wildlife Survey reptiles were particularly abundant in the areas surrounding the road alignments (all three snake species and fence lizard) as well as the slender salamander. These species are very susceptible to destruction by automobile and the access roads will bisect these species habitats. Thus the roads will result in significant increased mortality to these species. **The FEIR should recognize this as a significant unmitigable impact.**

### **Impacts to Wildlife**

**Impact BI-2 Implementation of the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any common species or habitats through substantial interference with the movement of any native resident or migratory fish or wildlife species or with**

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established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Less than Significant) [Criterion N.d]...Consequently, any impacts of the Project on common species and habitats would have a negligible effect on regional population and would thus be less than significant. No mitigation is required. Page III.N-50

The DEIR's discussion of impacts of the Project to wildlife is woefully inadequate. Nowhere does the discussion of impacts recognize that a State Park's function is to preserve the biodiversity and natural beauty of the State. Whether rare or common, any wildlife species is a component of the State's biodiversity. Any diminution of wildlife resources in a State Park is a significant impact because it directly impacts this Mission of State Parks.

We also disagree with the City's criterion for significance on this subject. While possibly regionally common, the wildlife species in the State Park and HPS (and there are over 148 of them – no small number) are rare in San Francisco and their loss would deprive that community of the ability to experience wildlife. As has become well known, nature experiences can play a crucial role in the development of children and in helping urban adult populations maintain their health (Richard Louv, *Last Child in the Woods*, Algonquin Books of Chapel Hill, 2005). Furthermore, if all sites that provide habitat for common species were dismissed as insignificant such common species would soon join the rank of rare or endangered. And, again, the fact that this site is a State Park should certainly make such impacts reach a level of significance.

Also, the statement cited above, "*any impacts of the Project on common species and habitats would have a negligible effect on regional population and would thus be less than significant. No mitigation is required. Page III.N-50*" implies that all wildlife species could be eliminated from the site and yet have no significant ecological impact. This is not credible. Many of these species are prey species for migratory and/or predatory birds. Thus the disappearance of these local species may have far reaching impacts. **The Final EIR should identify impacts to wildlife species in the State Park and HPS as significant.**

**The DEIR also states, that,**

Bird species diversity (a measure of the number of species in a given area) increases with increasing foliage height diversity (a measure of the number and diversity of vertical layers of vegetation in that area).<sup>672,673</sup> While this has been best studied in breeding birds, the structural complexity of habitat also influences the degree to which an area provides resources to migrant birds. Multi-layered vegetation, with well-developed ground, understory, and canopy layers, would support greater diversity of migrants than the structurally simple vegetation that dominates most of Candlestick Point and HPS Phase II.

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Also, breeding bird abundance is often closely associated with the density or volume of vegetation, with increasingly dense vegetation supporting more individual birds. The sparse vegetation present on most of the Project site limits the value of the site to breeding and migratory birds. Page III.N-13).

This is a generic statement of bird habitat needs. It ignores the fact that specific habitats provide specific functions. The grasslands of California are relatively not diverse in vegetation but still provide immense habitat values for ground-burrowing animals, raptors and many other bird species. The State Park's 5.13 acres of grassland proposed for destruction in the Project provide a healthy habitat for reptiles, amphibians, and many grassland bird species such as Meadowlarks. There is sufficient shrubbery in this area so that it sustains species such as goldfinches, white-crowned and golden-crowned sparrows (all categorized as migratory birds) and other grassland related species. I attest to this from my experience as the leader of the Golden Gate Audubon CPSRA wildlife survey in 2003-2004. Recent studies indicate that grassland birds are the most threatened in the United States due to the loss of that habitat type and indeed, in the Bay Area this is a rapidly disappearing habitat.

**The FEIR should correct this statement and instead identify the grasslands of the State Park as providing valuable habitat for a variety of grassland species both terrestrial and avian.**

Furthermore, the DEIR is deficient in its failure to identify the cumulative impacts of this project on wildlife in San Francisco. This Project site and particularly CPSRA, is the only large open space/Park on the eastern San Francisco shoreline and the only site that provides this diversity and abundance of these wildlife species. Loss of habitat at this location can have a cumulative impact on the abundance and diversity of wildlife species in San Francisco especially the eastern shoreline. **The FEIR should identify this as a significant negative cumulative impact.**

### **Failure to mitigate for impacts to raptors and loss of grasslands**

The DEIR does recognize one impact to wildlife:

**Impact BI-22 Implementation of the Project would not have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, by**

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## ***San Francisco Tomorrow***

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the CDFG, USFWS, or NMFS. (Less than Significant with Mitigation) [Criterion N.a] DEIR page 112.

Impacts to foraging raptors would be beneficial due to the removal of invasive plants and improvement of existing parkland through the restoration and management of native-dominated grassland. Only 5.13 acres of the lands impacted on Candlestick Point provide non-native grassland habitat that serves as foraging habitat for raptors. In addition, the Project would mitigate impacts to 43 acres of non-native grassland that provides raptor foraging habitat on HPS Phase II by restoring an equivalent amount of higher-quality native-dominated grassland specifically managed for grassland-associated species (see mitigation measure MM BI-7b). These areas would provide high-quality foraging habitat, and a net increase in the quality of raptor foraging habitat would result.

The DEIR is flawed in this analysis. Invasive plants do not necessarily impact raptor foraging. Our native raptors have survived quite well on the non-native grasslands that predominate in our state. We do not suggest that non-native grasslands are preferable to native grasses, obviously not, but they can and do sustain many of our wildlife species.

The mitigation proposed above for impacts to raptors is to create new and improved grasslands on Hunters Point. We do not believe this is a viable mitigation for the following reasons.

The Navy has proposed a "cover" remediation solution to the contaminant problem at HPS (other than those solutions required for "hot spots" and "plumes") on all HPS parcels other than Parcel E. A Proposed Action has not yet been released for Parcel E for which however, the DEIR states that capping is a likely solution for Parcel E (a solution we with which we disagree).

Raptor prey are predominantly ground squirrels and other burrowing small mammals. To propose that grasslands on top of a "cover" will provide raptor habitat is false since the burrowing animals, a primary raptor prey, such as ground squirrels would penetrate the cover and bring up the contaminants the "cover" is designed to keep from exposure to the air. As we have seen clear from the Bayview community, residents are appropriately concerned when threatened with the release of asbestos dust into the air as would result on HPS if the "cover" is burrowed into and the underneath serpentinite soil is brought to the surface. With the intense winds that occur at HPS it is probable that this serpentinite soil and dust would be blown into the adjacent new HPS development community, which will essentially surround the "mitigation" grasslands. This new community will insist that burrowing animals be controlled, as occurs in many parks in the Bay Area that often see ground squirrels as a nuisance pest rather than an integral component of native ecology. Thus, any grassland mitigation developed on HPS land

64-4  
cont'd.

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will not provide raptor prey since ground burrowing animals will be controlled and thus will be absent from the grasslands.

Additionally, we would argue that in such an urban setting, with immense non-native seed banks surrounding the site, the restoration of grasslands entirely to native grasses is most unlikely to be entirely successful. Such restoration (or creation) efforts require intensive removal and yearly control of non-native grasses usually by controlled burns or through the use of herbicides, neither of which is likely to be possible in San Francisco.

This is not to suggest that we are opposed to native grass restoration, simply that one must recognize that complete success is most unlikely. The reintroduction of native grasses to any extent is a very positive improvement. However, it should not be assumed that such a native grassland creation effort will be successful enough to provide significantly increased value to wildlife species (as opposed to native plant species that will benefit greatly to the extent the effort is successful). Thus MMBI-7b will not fulfill its intention of creating new HPS grasslands that will provide native grassland habitat far superior to existing grasslands.

From the above, we conclude that Mitigation Measure MM BI-7b will fail to mitigate for the impacts to raptors. **The FEIR should remove MM BI-7b. It should remove the impact to raptors by altering the configuration of the project so as to take no State Park lands (thus abandoning the State Park Agreement) and preserving the 5.13 acres of grasslands at the State Park. In addition, the approximately 15 acres of unpaved parking lot at the State Park should be restored to grassland habitat. The remaining 20 to 25 acres of grassland lost at HPS could be mitigated by funding the restoration or creation of grasslands at sites along the eastern shoreline such as Pier 94, Heron's Head Park, Warm Spring Cove, Islais Creek, etc.**

### ***Impacts to Wildlife Movement***

The DEIR states,

Impact BI-25: Wildlife Movement

Impact BI-25 Implementation of the Project would not interfere substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery site. (Less than Significant with Mitigation) [Criterion N.d]

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The DEIR also states on pages III.N-36, 37,

Wildlife movement activities usually fall into one of three movement categories: (1) dispersal (i.e., juvenile animals from natal areas, or individuals extending range distributions); (2) seasonal migration; and (3) local movements related to home range activities (foraging for food or water, defending territories, searching for mates, breeding areas, or cover). A number of terms have been used in various wildlife movement studies, such as —wildlife corridor,|| —travel route,|| —habitat linkage,|| and —wildlife crossing,|| to refer to areas in which wildlife move from one area to another...

There is localized movement, as ground-dwelling animals forage for food, mate, and move between habitat patches within the Project site,

and,

Impact BI-2 Implementation of the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any common species or habitats through substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Less than Significant) [Criterion N.d].

We disagree with the DEIR conclusion for Impacts B1-2, BI-25 and, as stated above Criterion N.d.

The construction of the Yosemite Slough Bridge and the access roads to the bridge will certainly constrain the movement of terrestrial creatures between the northern and southern parts of the State Park (and Project as a whole) as well as those habitats east and west of the bridge and access roads. We found snakes, lizards and salamanders (and rabbits and ground squirrels) at all these locations. There will certainly be movement between these areas by these wildlife populations. Construction activities may destroy some of these creatures and post-construction the roads and their accompanying vehicles will provide a significant barrier to terrestrial wildlife movement as well as to terrestrial migratory birds or at least result in the death of many of these creatures as they attempt to cross the road or as they fly into the cars and busses using the road (it is well known that cars are responsible for the death of a large number of migratory birds).

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Therefore the FEIR should identify the access roads to the bridge as elements of the Project that will interfere with wildlife movement and identify this as a significant impact that is not mitigable.

↑  
64-4  
cont'd.

### **Impacts to CPSRA**

The Project will remove 23.5 acres of land from the State park. We believe this is a significant negative impact that the DEIR fails to identify. In fact, we believe that the State Park should be expanded not contracted. The DEIR fails to address adequately the likely impact on the State Park's wildlife species of the approximately 30,000 new residents who will be living adjacent to the State Park. The DEIR does this by concluding (see above) that no impacts to wildlife in the State Park can be considered significant, even complete annihilation. As stated above we disagree with this conclusion. The loss of 5.13 acres of State Park grassland is significant. The increase of human use of the State Park because of 30,000 new adjacent residents will have significant negative impacts to wildlife. The only way to mitigate for this, since the grassland mitigation on HPS is not a viable mitigation, is to increase the habitat acreage at CPSRA. This can be achieved by preserving the existing State Park grasslands and restoring other grassland habitats as recommended above.

64-5

We urge the office of Major Environmental Analysis to correct the severe deficiencies of the DEIR and recirculate the amended document.

Sincerely,

Jennifer Clary  
President

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## ■ Letter 64: San Francisco Tomorrow (1/12/10)

### **Response to Comment 64-1**

The Draft EIR contains comprehensive analyses of the Project's impacts on biological resources and aesthetics, which are determined to be less than significant with mitigation. The Project is wholly consistent with Proposition G, as noted on pages III.B-21 through III.B-22 in Section III.B (Land Use and Plans). The Project includes an integrated street system that directly connects the Bayview community with the Project, including multi-modal transit opportunities. Table III.C-7, page III.C-12, of the Draft EIR identifies the 10,730 jobs that the Project would provide. Research & Development, and Retail account for about 8,000 jobs. It is likely that a range of jobs, with a range of skills and education levels would be accommodated within Project employment. Further, as part of the Community Benefits Agreement, the Project Applicant would contribute to a workforce development fund that would be used for workforce development programs designed to create a gateway to career development for residents of the Bayview (page II-48 of the Draft EIR).

### **Response to Comment 64-2**

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the Project's potential effects on the biological resources of Yosemite Slough and on the proposed wetlands of the Yosemite Slough Restoration Project.

Refer to Responses to Comments 31-5, 47-46, 47-73, and 47-76 for a discussion of potential aesthetic impacts associated with the Yosemite Slough bridge. Refer to Responses to Comments 47-26 through 47-30 for discussions of the Draft EIR's analysis of the Project's impacts on existing recreational resources and facilities. Also refer to Section F (Draft EIR Revisions) of this document for additional text that analyzes the impacts of the Project on the Yosemite Slough from both a recreational and aesthetics standpoint.

### **Response to Comment 64-3**

The comment questions the need for the Yosemite Slough bridge and references a comment letter prepared by LSA Associates (Comments 82-23 through 82-34). Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 82-23 through 82-24 for detailed discussion of these issues.

The comment also expresses a series of recommendations for the Project, which are summarized and discussed individually below. Generally, a number of the proposed recommendations are already included as part of the Project.

#### **a. The Project should provide good transit connection to T-Third, Caltrain, and Balboa Park BART Stations**

As described in the Draft EIR, the Project's transit plan calls for implementation of a new BRT route connecting both the Candlestick Point and Hunters Point Shipyard developments to regional transit hubs, including the T-Third, the Bayshore Caltrain Station, and the Balboa Park BART Station. In

addition, the Project would extend the 44-O'Shaughnessy and the 48-Quintara-24<sup>th</sup> Street into the Project site, which provide connections to the Glen Park and 24<sup>th</sup> Street BART Stations, respectively. Finally, the Project proposes to implement both the CPX and the Hunters Point Express (HPX) bus service during peak periods, connecting the Project with Downtown San Francisco at or near the Transbay Terminal, which would provide direct connections to a number of other regional transit services. Overall, the Project would provide a high level of connectivity to regional transit.

**b. Improve priorities on the T-Third instead of new express service**

The T-Third light rail route currently has extensive transit signal priority systems, which reduce travel times and improve reliability. Further, service on the T-Third is expected to increase with opening of the planned Central Subway, which would extend the route from Fourth and King Streets in South of Market Area through a new subway to Chinatown. While this is an important and useful transit improvement for the area and the Project, the analysis has shown that both the CPX and HPX are useful and cost-effective supplements to the T-Third route, which is projected to approach its capacity in the long-term.

**c. Local service should be on transit priority streets**

Streets within the Project site have been designed to promote transit travel. Further, a number of transit routes expected to provide service to the Project, including the 23-Monterey, 24-Divisadero, and 44-O'Shaughnessy would be located on Palou Avenue, which is proposed to be improved with transit preferential signals. Although not all local transit routes provide service on transit preferential streets, failure to do so does not constitute a significant impact.

**d. Transit should be "limited" service after leaving the study area or BRT**

The CPX and HPX would provide express service between the Project site and Downtown San Francisco. The proposed BRT route would provide service similar to "limited" bus service between the Hunters Point Shipyard, Candlestick Point, and other regional transit hubs and destinations along the Geneva Avenue corridor. Converting other existing routes outside of the study area to "limited" service is not proposed by the Project and was not considered in the analysis.

**e. "Limited" service should extend to Balboa around Yosemite Slough**

Refer to response to "d" above.

**f. Retail should be provided under residential mixed-use**

The comment is acknowledged. No response is required.

**g. Parking should be unbundled and limited to 0.5 spaces per unit and include carshare spaces**

Residential parking is proposed to be "unbundled" whereby the cost of a parking space is not "bundled" into the cost of a housing unit. The maximum allowed parking ratio, as proposed in the Project's Design for Development, would be one space per unit, consistent with other neighborhoods in San Francisco. The Project does include space for carsharing.

**h. All curbside parking should be metered 24/7**

The Project's Transportation Plan assumes that all on-street parking would be paid parking (i.e., metered), however, the duration of stay (e.g., 30-minute, 1-hour, 2-hour durations) and extent of time limits (e.g., between 7 AM and 3 PM) have not been determined by SFMTA. In general, SFMTA determines the curb parking regulations to most-efficiently manage curb space while accommodating the area-wide parking demands. San Francisco does not currently have any locations with paid on-street parking in effect 24-hours a day.

**i. Each condo should receive Muni fast pass**

Each residential unit would receive an "eco-pass" which could be used on any regional transit system, including Muni and could operate similar to a Muni fast pass. The monthly cost of the eco-pass would be included in homeowners' dues, such that transit agencies would have a guaranteed source of ongoing funding and residents would pay no additional out-of-pocket cost each time they opted to use transit.

**Response to Comment 64-4**

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the Project's potential effects on the biological resources of Yosemite Slough, including mud flats, and on the proposed Yosemite Slough Restoration Project. The commenter suggests that the USACE or the US EPA should deny any permit for the bridge. Permitting issues are outside the scope of this CEQA analysis, and the Project applicant has already engaged both agencies in discussions regarding permitting this Project. The applicant will continue to work with the USACE to address regulatory issues regarding impacts to special aquatic sites such as wetlands and mud flats. Master Response 3 also addresses potential impacts of the bridge on wildlife in Yosemite Slough, including the restoration site.

Refer to Response to Comment 47-89 for a discussion of potential impacts to bird use of Double Rock. Although black oystercatchers could potentially nest on Double Rock, the presence of nesting western gulls (a potential predator of oystercatcher eggs and young) would discourage such nesting, and oystercatchers are not known to nest there currently. Therefore, there is a low potential for impacts to oystercatcher young. In addition, impacts to a single brood of oystercatchers would not substantially impact the regional population, and thus such impacts would be less than significant in the unlikely event that such impacts were to occur.

In response to the comment suggesting that the Draft EIR acknowledge that mud flats are considered Special Aquatic Sites under Section 404 of the CWA, the first paragraph of Impact BI-4a on page III.N-56 of the Draft EIR has been revised as follows:

As detailed in Table III.N-4 (Impacts to Wetlands and Other Jurisdictional Waters of the United States [Section 404]) and depicted in Figure III.N-5 (Impacts to Wetlands and Other Waters), through site grading, materials laydown, facilities construction, vegetation removal, and installation of shoreline treatments, Project activities at Candlestick Point would permanently impact 0.29 acre of tidal salt marsh and 4.34 acres of Section 404 "other waters," relative to existing conditions (i.e., prior to completion of remediation efforts by the Navy). Both wetlands and mud flats, the latter comprising a subset of Section 404 "other waters," are considered Special Aquatic Sites under Section 404 of the *Clean Water Act*. ...

With respect to comments regarding potential impacts of the bridge's approach roads on reptiles and the slender salamander, Impact BI-2 included the following statement on Draft EIR page III.N-53:

Local abundance of these species may decline in some areas due to a reduction in dispersal (resulting from trails, roads, and increased vehicular traffic and human presence) and possibly increased vehicular mortality, but all six of these species are regionally abundant, and the Project's impacts would have a negligible effect on regional populations. In addition, the new and improved parkland components of the Project would provide new and/or enhanced habitat for reptiles and amphibians, which would be a localized beneficial impact in portions of the site.

Thus, this impact was analyzed in the Draft EIR.

The commenter suggests that the biological resources impacts should have been analyzed in the context of the state park's function to preserve biodiversity. In Section III.N (Biological Resources), the Draft EIR analyzed impacts to biological resources on the entire site, including areas both inside and outside of the CPSRA. The significance of effects was gauged biologically rather than from the perspective of whether they occurred on one side of the CPSRA boundary or the other.

The commenter disagrees with the criterion for significance of impacts to wildlife that was used in the Draft EIR (i.e., whether or not the impact would result in substantial impacts to regional populations), arguing that wildlife species impacted by the Project may be regionally common but rare in the City of San Francisco. Impacts to biological resources were analyzed from a biological perspective rather than from the perspective of legal geographic boundaries. For example, virtually all of the bird species that use the site, as well as aquatic species present in adjacent portions of the Bay, either can move throughout the San Francisco Bay area (and beyond) or, in the case of more sedentary birds, are components of widespread populations in which genes and individuals are exchanged among sub-populations throughout the region. Impacts to these species resulting in loss of a small number of individuals in one small portion of the species' regional distribution are not expected to have substantial consequences for the regional population. The commenter suggests that based on this significance criterion, "all wildlife species could be eliminated from the site and yet have no significant ecological impact." The Project will have no such impacts. Rather, as described in Impact BI-2 on pages III.N-50 to III.N-55 of the Draft EIR, proposed revegetation and other measures will result in increases in many of the wildlife species currently using the site, birds in particular. The commenter suggests that many of the common wildlife species on the site are prey species for migratory and/or predatory birds. Impacts to raptors were discussed in Impacts BI-7a and BI-7b on pages III.N-76 to III.N-78 in the Draft EIR. As discussed in these impact sections, raptors that specialize on avian prey will benefit from the substantial enhancements in bird habitat provided by the planting of numerous trees and shrubs on the site, while MM BI-7b, described on page III.N-78, will mitigate impacts to grassland-foraging raptors to less than significant levels by ensuring that adequate acreage of grasslands and associated prey species are maintained and managed on the Project site.

The commenter suggests that the Draft EIR did not adequately describe the value of grasslands on CPSRA to birds and criticizes the discussion of the benefits of planting trees and shrubs and creating areas of multi-layered vegetation as a "generic statement of bird habitat needs." The value of multi-layered vegetation to bird diversity is well known, yet the commenter is correct in pointing out that structurally simpler habitats, such as grasslands, do provide valuable habitat to some species. For this reason, the Draft Parks, Open Space, and Habitat Concept Plan provided in Appendix N3 of the Draft

EIR includes extensive grassland restoration and management on the site, and MM BI-7b, described on page III.N-78, requires the restoration and management of such grassland on HPS to maintain grassland-associated species on the site. Given impacts to 48 acres of relatively low-quality, heavily disturbed grassland (much of which can be more accurately described as ruderal habitat given the degree of disturbance) on CPSRA and HPS combined, the provision of 43 acres of higher-quality, managed grassland on HPS (with the maintenance of additional grassland on CPSRA outside the Project's impact footprint) will adequately maintain the presence of grassland-associated species on the site.

The commenter states that the Draft EIR did not adequately identify cumulative impacts of the Project on wildlife in San Francisco. As discussed above, Chapter III.N analyzed impacts from a biological perspective rather than from the perspective of legal geographic boundaries. Furthermore, as described in Impact BI-2, for many of the common species using the site, the Project will result in a substantial increase in habitat value.

The commenter criticizes the Draft EIR for suggesting that native grasslands specifically managed for grassland species would provide higher-quality foraging habitat for raptors than the existing habitat. While the commenter is correct that raptors can forage successfully in habitats dominated by non-native plants (e.g., non-native annual grasslands), much of the grassland on the Project site is heavily disturbed, ruderal habitat. Replacement of this habitat with native grassland, and management of this grassland specifically for grassland wildlife species, will enhance foraging conditions for raptors relative to existing conditions. The commenter suggests that burrowing animals, which provide raptor prey, will have to be controlled on HPS to prevent them from penetrating any "cover" that will have to be placed over contaminated areas on HPS. The Project does not propose any such control of burrowing animals, as the EIR does not identify any potential significant impacts requiring such measures. On the contrary, the Project will ensure that any contamination remedy involving a cover on HPS does not preclude maintenance of burrowing animals on the site.

The commenter also suggests that restoration of grassland areas entirely to native grasses is unlikely to be successful, as non-native plants will invade these grasslands. The applicant recognizes the potential difficulty in preventing invasions, but will still commit to managing these grasslands with the intent of controlling invasions by non-native plants. The Lead Agencies disagree with the commenter's suggestion that plant invasions of these grasslands will be so great that the new grasslands will not provide habitat values superior to the existing, highly disturbed grasslands. For example, restored native bunchgrass habitat at Sunnyvale Baylands Park in Sunnyvale has been maintained for more than a decade despite the abundance of surrounding non-native grassland, and such native grassland provides habitat that is used by a variety of birds and mammals.

The commenter makes suggestions regarding modifications to the Project layout to reduce impacts to grasslands, then suggests that residual impacts to grasslands be mitigated by creation of grasslands at other, smaller sites in San Francisco. There is no evidence that creation of grasslands at other locations, especially other locations lacking the space for contiguous grassland management that will be present along the southern portion of HPS, would be more successful at creating high-quality grassland habitat than where such restoration is proposed on HPS.

The commenter suggests that the Yosemite Slough bridge and its approach roads will constrain movement of terrestrial animals between portions of the CPSRA and around the Project site as a whole. Impact BI-2 in the Draft EIR acknowledges that the Project will result in impacts to movement by less mobile species.

However, as discussed in Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]), the Yosemite Slough bridge has been designed to provide areas where wildlife can move under the bridge, and above the high tide line, to allow movement of wildlife past the bridge and its approach roads to continue.

The commenter suggests that large numbers of migratory birds may be impacted by vehicular strikes on the Project site. While some such mortality may occur, vehicle speeds on the Project site are not expected to be so high that bird-vehicle collisions will be frequent, and restrictions on use of the Yosemite Slough bridge to buses except on a limited number of game-days will further limit the potential for bird-vehicle collisions on the bridge. Furthermore, the benefits to birds of the substantial revegetation proposed by the Project will more than offset the low level of avian mortality expected to occur as a result of the Project.

#### **Response to Comment 64-5**

The commenter suggests that the removal of 23.5 acres of land from the CPSRA is a significant impact that was not adequately analyzed in the Draft EIR; that wildlife impacts from increased human use of the SRA were not adequately analyzed; and that the loss of 5.13 acres of grassland in the CPSRA is significant.

In the Draft EIR, Impact BI-2 did discuss the potential impacts of increased human use of the site on page III.N-50, as follows:

... Common species and habitats would be affected through the removal and construction of buildings, removal of trees, shoreline improvements, installation of trails, roads, and other facilities, construction and operation of the stadium and Yosemite Slough bridge, increased foot and vehicular traffic, installation of towers, and operation of stadium lights. ...

And also (regarding impacts to reptiles and amphibians on page III.N-53):

Local abundance of these species may decline in some areas due to a reduction in dispersal (resulting from trails, roads, and increased vehicular traffic and human presence) and possibly increased vehicular mortality, but all six of these species are regionally abundant, and the Project's impacts would have a negligible effect on regional populations. ...

And also (regarding impacts to birds on page III.N-53):

... Increased human use of the Project site may reduce abundance in aquatic habitats along the immediate shoreline, but ample aquatic habitat is present around the Project site, and, even without restoration, no substantial changes in common waterbird abundance (particularly relative to regional populations) are expected as a result of the Project.

As discussed previously, the restoration and management of 43 acres of grassland on HPS specifically for grassland associated wildlife species will adequately offset impacts to 48 acres of highly invaded, and in many areas heavily disturbed, grassland on CPSRA and HPS combined.

## ■ Letter 65: Joshua, Nyese (1/12/10)

1 of 6

Letter 65

Nyese Joshua  
1411 Shafter Avenue  
SF, CA 94124

January 12, 2010

Bill Wycko  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste 400  
San Francisco, CA 94102

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### Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

My name is Nyese Joshua, I have lived in Bayview Hunters Point since 1978. I am a native San Franciscan. I love this city. I am so disappointed with The California State SF Redevelopment Agency and all the combined political entities including the Navy for attempting to turn this Chernobyl site into a seemingly pristine Manhattan-style corner of San Francisco. I am disappointed because this project is clearly a 50 to 60 year project if done properly, including cleaning and replacing landfill so the whole shipyard is restored to residential standards. But, those in power somehow do not believe in God and instead believe that you can rush through a project of this magnitude and ignore the earth's changes, the toxic state of the site, and way this project will negatively impacted lives. It seems that the people have become acceptable as 'collateral damage' in the rush to build a new 49er stadium.

65-1

### Here are my questions and concerns:

1) v. II I.B pg. I-1 History of Planning Process

"Over the past three decades, various planning and development activities..."

v. II I.C pg. I-7 Purpose of the EIR

"EIRs function as a technique for fact-finding, allowing...the public...collectively review and evaluate...project impacts through a process of full disclosure."

65-2

These two statements have not been complied with. It is not acceptable that a plan of this magnitude has not been more assertively advertised/presented to each and every household and business in the community.

I have lived in Bayview for 30 years. I should have received mailings from the Redevelopment Office regarding the Project Area, the EIR and all other related meetings. This has not happened. The community should not have to search out the Redevelopment Agency for meeting agendas and dates, that information should be bulk mailed via to every address in District 10 and certainly every address in the BVHP Project Area. This has not been done.

Redevelopment should be required to do a survey of a representative of every occupied property

2 of 6

private/public included in the BVHP Project Area to find out how informed or uninformed the actual community is regarding this massive project.

2) v. II I.C pg. I-7 Purpose of the EIR continued...

"As stated in Section 15121(a) of the CEQA Guidelines, an EIR is an 'informational document' intended to inform the... local community..."

Without a direct bulk mail notification attempt to each and every private/public property to be impacted by the project how can Redevelopment prove it has, to it's fullest capacity, notified and made "the local community" aware of the mass scope of this project? Without surveying household representatives and other property representatives in the project area how can CEQA Guidelines for informational disclosure be met? There are approximately 38, 000 registered voters in District 10 these residents including myself were not notified by mail that the EIR had been released and informed that it is a public document that I as a local community member could comment on.

3) v. II pg II-19 Research and Development

"The research and development (R&D) district would include 2,000,000 gsf of research and development..."

Being that the United States has relatively nominal funding in comparison to other Countries allocated to Research and Development and that the Pfizer company moved its company to a new location laying of approximately 20 thousand workers, what is the Candlestick Point-Hunters Point Shipyard Phase II Dev. Plan alternative if the R&D industry continues to be under funded and does not produce the demand for the magnitude of "office space, and light industrial space, which would be marketed to attract emerging technologies..."?

4) v. II pg. II-17 Candlestick Point Center

"Candlestick Point Center would include buildings...including up to one subgrade level." Please address the issue of sublevel contamination problems that could arise due to liquefaction, sea level water rise, not remediation the underground contaminates that are capped?

5) v. II II.E.3 pg. II-34 Transportation Improvements

"Some of the transportation improvements would require property acquisition." Which specific improvements will require property acquisition? How many properties will be acquired? What is the total amount (in gsf) of property to be acquired? What specific properties will be acquired? Will any of this property be residential? Will any of these properties be local owned and businesses that currently provide jobs in the local community? How will this impact the existing community? Have the owners been notified that their property(s) are scheduled for acquisition under this plan?

5-a) v. II Transportation Demand Management Plan

Throughout the EIR the grand plan for transportation changes. There is no clear and detailed plan for transportation, even though the transportation work is going to have the first and immediate impact on the existing community. We need to be able to see the transportation EIR at the same time as this EIR in order to know how current residents will be impacted during the construction.

65-2  
cont'd.

65-3

65-4

65-5

65-6

3 of 6

Those of us who live in this community need to know, how long will the transportation changes take, what new routes will be created for current residents to access parking, and entering and existing their homes and how will emergency access be affected during construction for these residents?

65-6  
cont'd.

5-b) v. II pg. 34 Transportation Demand Management Plan

"...the TDM plan would include measures to reduce the demand for travel during peak times. The TDM plan would include the following strategies....Transportation Coordinator and Website, Employee TDM Programs, Car pool/Van pools, Car share Services, Other Strategies." Being that the Transportation EIR has not been completed and the Bay Area Quality Management Dept is working on possible changes to emission release policies, how will this EIR adjust its TDM Plan once these reports/findings/policies are released? Which entity will be responsible for paying for the TDM Plan and its employees?

65-7

5-c) pg. II-35 Other Strategies - "Residential parking would be unbundled and sold or leased separately from the residential units." How does this EIR address the issue of the impact of overflow parking necessity to the surrounding area?

65-8

5-d) "Non-residential parking charges would vary according to market rates" Being that SF has been laying-off parking meter attendants what entity will manage and benefit from "non-residential parking charges"

5-e) "Exclusive bike lanes and frequent bus rapid transit (BRT) service would operate in dedicated lanes and with signal priority" What is signal priority?

65-9

5-f) v. II pg. II-35 "Regular periodic monitoring of TDM programs intended to encourage transit use and other alternative modes would be required, to measure effectiveness and to adjust programs to improve effectiveness" How does this EIR specifically address other plans to the TDM?

65-10

5-g) How does this EIR specifically address what happens in the event the current TDM plan does not sufficiently reduce excessive emissions, congestion, parking and other traffic pressures within this project area plan?

65-11

6) v. II pg. II-38 5. Yosemite Slough Bridge "...bridge would also have a 40-foot-wide greenway, which would be converted to four peak direction auto travel lanes...and would serve as an open space amenity on all non-game days" Besides this sounding like insanity, please specifically explain the impact of oil, emissions and other vehicle ground "dropping" on the realistic transition to a "open-space"? What type of specific human activity is planned for this open space? How will potholes be dealt with on this vehicle used "greenway"?

65-12

7) v. II pg. II-39 6. Transportation Management System

"A transportation management system would be implemented for use during 49ers Game...include the installation and coordination of signals at over 30 intersections" Please provide a map which shows exactly where these 30 intersections are and details how they will change on game day. How will these changes impact the surrounding community?

65-13

7-a) "A traffic control center near the 49ers Stadium would operate the system, connected to the larger SFMTA program." How and where would these systems inter-connect? Is the current SFMTA system compatible with the planned fiber-optic technology? Has this planned system inter-connection been studied and approved by the current SFMTA authorities? Who will manage and

65-14

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be responsible for the new system? Who will pay for the ongoing management of this system?  
What is the emergency plan if either system fails on a game day?

↑ 65-14  
cont'd.

8) v. II pg. II-39 Transit Services "Supported by Project revenues and infrastructure...SFMTA  
proposes the following transit services:"

↑ 65-15

8-a) "Extending existing Muni bus routes to better serve the Project site" How can Muni extend its  
services for this project when it is currently cutting services in SF? What is the anticipated budget  
to operate Transit Services? How many years out is this anticipated budget? How will the Transit  
Services be affected if the economy does not yield the anticipated "Project revenues" which would  
be allocated to the Transit Services?

↑ 65-16

8-b) What "infrastructure" is this EIR specifically referring to? What "existing routes" will have  
increased frequency? Again, how will that be accomplished with the budget of SF Transportation  
Dept? What is the budgeted plan for all public transportation elements of this project?

↑ 65-17

8-c) "The Transportation Plan would propose new direct transit service to serve employment trips  
to and from downtown SF." What are the specific proposed plans to be submitted? What is the  
alternative if the proposed plans are not fiscally feasible?

↑ 65-18

8-d) pg. II-39 "A. Extended bus routes and new bus routes. Existing Muni routes 24-  
Divisadero...would be extended to HPS Phase II" & pg. II-41 "E. Palou Avenue Transit Preferential  
Street. One Muni line (24-Divisadero) would be extended along Palou Avenue to serve HPS Transit  
Center. Transit-priority technology would be installed on Palou Avenue..." What exactly is "Transit-  
priority technology"? How will that impact drivers on that street? How would the 24 line be  
extended specifically considering that this line is currently an electric pole operating bus? Would  
the electrical lines be extended to the Shipyard? Given that the community recently paid to have  
all electric lines put underground, why would the city now plan to put wires up for the buses?  
Have the residents of Palou been informed of this plan and been give an opportunity to respond to  
this specifically.  
What other ways would this change impact the residents of Palou and the immediate alternate  
route streets such as, Quesada, Jennings, Keith, Lane, Ingalls and Oakdale?

↑ 65-19

8-f) v. II pg. II-41 E. Palou Avenue..."This would improve transit travel times...23 Monterey and 54  
Felton, which would continue to operate on Palou Avenue but..." The 54-Felton does not operate  
on Palou Ave. How will this EIR account for these types of bus line errors in its planning  
projections? If these kinds of careless mistakes are being made in the EIR, it seems clear that more  
substantial mistakes are being made in the planning process.

↑ 65-20

8-g) v. II pg. II-39 A. Extended bus routes..."New Downtown Express routes would connect both  
Candlestick Point and HPS Phase II with the Financial District" What would this exact route be?  
What exact bus lines would operate on this new express route?

↑ 65-21

9) v. II pg. II-43 Pedestrian Circulation "The Project pedestrian network, together with its land use  
design, would encourage walking as a primary mode of transportation within the Project site."

↓ 65-22

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Currently city street lamps are on a rolling blackout schedule throughout BVHP some city streets are pitch black for extended lengths of time. Please address the issue safe lighting capacity as part of encouraging foot traffic? As part of connecting the existing community with the new development, will there be increased lighting on roadways that connect the new and existing communities? Please address green energy issues/requirements with regard to providing safe lighting standards within this new project area.

65-22  
cont'd.

10) v. II pg. II-46 Low-Pressure Water System "The potential off-site improvements would involve up-sizing existing pipelines within the rights-of-way on streets between Third Street and the project site." What are the exact streets "between Third Street and the project site"? Many businesses were displaced during the Third Street Light Rail installment. How will the remaining businesses be impacted by this project? What notification will be given to current businesses on Third Street that would be impacted by this proposed plan?

65-23

11) v. II pg. II-46 Reclaimed Water System

"Reclaimed water mains would be connected to the potable water system until a source of reclaimed water is developed by the City and delivered to the Project site." What is the time line for the city developing a reclaimed water system? What if the City is unable to develop and deliver this? Please provide long-term alternative to this plan.

65-24

11-a) "Candlestick Point and HPS Phase II are not currently served by the Auxiliary Water Supply System. Currently, there is a planned extension of the AWSS on Gilman Street from Ingalls Street to Candlestick Point." When is this extension planned to start? Which entity is responsible for this project? Has the immediate local community been notified of this specific project? How is the extension going to be paid for? What entity will pay for this extension?

65-25

12) v. II II.F.1 Abatement and Demolition "Demolition of existing structures within the Project site would occur from 2011 to 2024 on Candlestick Point..."

65-26

"Demolition activities would result in construction debris generated by the removal of structures, roads and infrastructure." How much of this debris is contaminated? What will the transportation route out of the community be for this debris? Where is the final site of the removed debris?

65-27

12-a) Candlestick Point - "Demolition activities at Candlestick Point would include demolition of the existing Candlestick Park...and structures on adjacent properties to be acquired, as well as demolition of the Alice Griffith public housing." What are the exact "adjacent properties to be acquired"? Are any of these properties residential? Will any businesses or people be displaced through these actions?

65-28

12-b) "Lennar Urban would be responsible for all demolition at Candlestick Point." Please include Lennar Urban's demolition in this EIR.

65-29

13) v. II pg. II-53 Hunters Point Shipyard Phase II - "The Navy would remove Piers B and C...in addition five buildings due to radiological concerns..."

65-30

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14) Will the Navy remove these buildings before the land is transferred to the City and Lennar? What are the specific radiological concerns? What is the plan for transporting the radiologically contaminated buildings out of the community? Where will it be disposed of?

65-31

14-a) "Lennar Urban would remove existing surface improvements such as asphalt and concrete pavement, concrete sidewalk and other surface improvements." Are the current surface improvements as well as soil and debris under and around the radiologically contaminated buildings also contaminated? Is Lennar Urban prepared to handle radiological materials? How will workers be protected doing this work? How will the resulting debris be removed?

65-32

15) v. II pg. II-53 Site Preparation and Earthwork/Grading

"Depending on a number of factors, some soil would be transported off site for disposal and some soil may be transported on site." Please state the specific factors? What soil will be transported off site? How would the soil be transported off site? Where would the soil be disposed of?

65-33

16) v. II pg. II-54 Table II-12 footnote a. "The term "cover" as used in this EIR refers to a remedy requiring that the surface covers being installed...be maintained to prevent breaches." What entity is charged with long-term maintenance of the covers? How will long-term maintenance be assured? Will residents and business owners be educated on what a breach is and who to contact for repairs? How will community safety measures be guaranteed in the event that the covers become breached for any reason including 'Acts of God'?

65-34

17) v. II pg. II-54 Hunters Point Shipyard Phase II "Earthwork at the 49ers stadium location ...would be raised and graded by providing five feet of embankment over existing ground surface." Does the five feet in this EIR adequately address the water sea level rise projections released from the Copenhagen Climate Summit held in December 2009? Where will this huge amount of fill come from?

65-35

In closing, I liken this EIR to when Satan took Jesus up to the top of the mountain and showed him all the beauty of the land and sea and air that he would give to Jesus if He would just bow down to Satan's way. But, just as Satan's offer was riddled with empty promises that veiled his true destructive purpose so is this EIR filled with pretty pictures, incorrect maps, incorrect street references and on and on.

65-36

## ■ Letter 65: Joshua, Nyese (1/12/10)

### **Response to Comment 65-1**

This comment primarily contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required. However, with respect to hazardous conditions at the Project site, refer to Section III.K (Hazards and Hazardous Materials) of the Draft EIR, as well as to Master Response 7 (Liquefaction), Master Response 9 (Status of the CERCLA Process), Master Response 10 (Pile Driving through Contaminated Soil), Master Response 11 (Parcel E-2 Landfill), Master Response 12 (Naturally Occurring Asbestos), Master Response 13 (Post-Transfer Shipyard Cleanup), Master Response 14 (Unrestricted Use Alternative), Master Response 15 (Proposition P and the Precautionary Principle), Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues), and Master Response 17 (Enforcement of Environmental Restrictions and Mitigation Measures), which also discuss hazardous materials, pile driving through contamination, conditions at the Parcel E-2 landfill, cleanup to unrestricted use (Proposition P), naturally occurring asbestos, ubiquitous metals issues, HPS radiation cleanup and restrictions, status of HPS CERCLA process, process for decisions and responsibility for cleanup, and notification regarding restrictions, contaminations, and releases or violations of mitigation measures.

### **Response to Comment 65-2**

Refer to Response to Comment 84-11 regarding the public review period and the opportunities for public input.

The public noticing process for this Project has been in full compliance with the CEQA Guidelines, and has gone beyond the requirements of CEQA Guidelines Section 15087(a), which requires at least one of the following methods: in a newspaper of general circulation; in the area where the project is to be located; or direct mailing to owners and occupants of property contiguous to the project site. In addition to notifying responsible or trustee agencies, the Bayview Hunters Point communities were notified (all occupants and owners of zip code 94124, including the commenter). The City also published notices in the *San Francisco Examiner*. Surveys of residents to determine whether they are informed about the Project are beyond the requirements of the CEQA Guidelines.

Below is a description of the noticing process for the NOP and scoping meetings, and the same process was used to notice the availability of the November 2009 Draft EIR, as well as the public hearings on the Draft EIR. Chapter I (Introduction), Draft EIR page I-8, states:

The Agency and the City distributed the NOP on August 31, 2007, announcing its intent to prepare and distribute an EIR (refer to Appendix A [Notice of Preparation (NOP) and NOP Comments]). The NOP was distributed to responsible or trustee agencies in accordance with Section 15082 of the CEQA Guidelines. In addition, the NOP was also sent to organizations, companies, and/or individuals that the Agency and the City believed might have an interest in the Project. A copy of the NOP is included in Appendix A1 to this EIR. ...

### **Response to Comment 65-3**

The Project has been planned to provide a variety of mixed uses that will provide employment and housing opportunities in a transit-oriented development. The Project was designed based on short- and long-term foreseeable economic and industry trends. It is anticipated that R&D space will continue to be in demand, despite the current economic downturn, as new technologies are developed. The Project is an integrated development that will be attractive to prospective employers given its proximity to transit.

### **Response to Comment 65-4**

With respect to contamination on Candlestick Point Section III.K.2 (Setting Results of Environmental Investigations at Candlestick Point), page III.K-8 of the Draft EIR, states:

According to the California Department of Toxic Substances Control (DTSC) EnviroStor and State Water Resources Control Board (SWRCB) Geotracker online databases, there are currently no known, unremediated, or active hazardous materials release sites at Candlestick Point.<sup>276,277</sup>

As such, no remediation is anticipated to be required at the Candlestick Point area.

Refer also to Master Response 7 (Liquefaction), Master Response 8 (Sea Level Rise), Master Response 9 (Status of the CERCLA Process), Master Response 12 (Naturally Occurring Asbestos), and Master Response 13 (Post-Transfer Shipyard Cleanup) for a discussion of liquefaction, sea level rise, the CERCLA process, and proposed further cleanup.

### **Response to Comment 65-5**

Refer to Response to Comment 43-4 for a discussion of potential property acquisitions associated with roadway improvements identified for the Project.

### **Response to Comment 65-6**

The proposed transportation changes, the Project's impacts to transportation, and mitigation measures to eliminate or reduce severity of impacts, where feasible, were presented in Section III.D (Transportation and Circulation) of the Draft EIR. Additional detail regarding transportation-related changes associated with the Project was provided in the Project's Transportation Study, included as Appendix D of the Draft EIR. Refer to Master Response 18 (Transit Mitigation Measures) for details regarding proposed roadway configuration and mitigation measures designed to reduce transit delays. Refer to Response to Comment 43-2, which describes the timing of the BTIP Draft EIR, which is unpublished at this time, relative to this Draft EIR.

Transportation-related construction impacts were presented in Impact TR-1, beginning on page III.D-67.

### **Response to Comment 65-7**

The commenter suggests that the "transportation EIR" has not been completed. Section III.D (Transportation and Circulation) of the Draft EIR describes the transportation-related impacts of the Project. It is possible the commenter was referring to the BTIP Draft EIR, which has not been

published. Refer to Response to Comment 43-2, which describes the timing of the BTIP Draft EIR relative to this Draft EIR.

The TDM program would be funded by revenues generated by the Project, through homeowners association dues, rents, etc. The commenter is correct that the BAAQMD is currently working on guidelines for measures to reduce greenhouse gas emissions, the policies included in the TDM plan are generally considered among the best practices with respect to managing travel demand.

#### **Response to Comment 65-8**

Parking impacts were described in Impact TR-35. As noted in Table III.D-20 (Summary of Project Parking Demand and Maximum Permitted Supply) and Table III.D-21 (Summary of Project Parking Shortfalls for No Minimum and Maximum Permitted Supply) the Project would result in a shortfall of parking of at least 2,316 spaces. Providing fewer parking spaces than expected peak demands is consistent with the City's "Transit First" policy and would likely serve to reduce automobile travel to and from the Project. However, as described on page III.D-124, it is possible that some drivers would seek available parking in the Bayview residential areas, increasing the peak occupancies of adjacent streets.

However, as also noted in the Draft EIR, the City of San Francisco does not consider parking supply a permanent physical condition, and changes in parking supply would not be a significant environmental impact under CEQA, but rather a social effect. Therefore, Impact TR-35 was determined to be less than significant.

The commenter notes that the City has been reducing its workforce of parking meter attendants and requests additional information related to the collection of parking fees for non-residential uses. SFMTA will continue to enforce parking meters in the Project area, similar to the rest of the City. Parking meter revenues are collected by SFMTA and go directly into SFMTA's budget.

#### **Response to Comment 65-9**

Transit priority signals would be equipped with devices to anticipate arrivals of transit vehicles, so that signal timings could be dynamically adjusted to improve the likelihood that transit vehicles get a "green" light. Similar systems have been deployed on other transit preferential streets in San Francisco, including Third Street and Mission Street. The effects to drivers at a given intersection are generally very minor; however, along an entire transit corridor, where the benefits to transit are cumulative, the technology can provide substantial improvements to transit travel times and reliability.

#### **Response to Comment 65-10**

The EIR and the Transportation Plan do not anticipate major changes to the TDM elements proposed as part of the Project. However, as the Project builds out and local, Citywide, and regional transportation patterns change, the TDM coordinator would have the flexibility to adjust the TDM Plan to better respond to traveler's needs and to get the best use out of the funding available.

### **Response to Comment 65-11**

The forecasts for vehicle travel, transit usage, and bicycling and walking in the Draft EIR are based on forecasting models developed using the best scientific data available and have been validated based on observed behavior in the Bayview neighborhood and other neighborhoods in San Francisco.

The Project's TDM Plan, which would be approved as part of the Disposition and Development Agreement, would include a provision for monitoring the effectiveness of congestion-reducing and traffic-calming measures. As part of the annual monitoring of the measures and programs, the on-site coordinator, would, in cooperation with SFMTA, review the effectiveness of the Project's transportation measures and other traffic calming measures implemented in the project vicinity. If warranted, the on-site coordinator and SFMTA would consider implementation of additional traffic-calming and congestion-alleviating measures. Refer to Master Response 18 (Transit Mitigation Measures) for additional details and clarity on proposed mitigation measures designed to reduce transit delays and what would occur in the event that implementation of those mitigation measures would not adequately reduce delays.

### **Response to Comment 65-12**

As shown in Figure III.B-3 of the Draft EIR, the Yosemite Slough bridge would serve as an open space amenity in that it would encourage pedestrian and bicycle access, along with transit (e.g., bus) access, through the use of a combination of hardscape (i.e., paved) and softscape (i.e., grassy) features. Figure III.B-3 has been revised in Response to Comment 31-3 to indicate the proposed Bay Trail around the Yosemite Slough. Within the width of the bridge, the wheel tracks would be paved, while strips in the center of the lane would be planted with grass. The bicycle and pedestrian paths would also have a combination of paved and unpaved surfaces, which would be complementary to the portion of the bridge intended for transit. The planted areas would either be stabilized with soil reinforcing fibers similar to in the dual-use lawn areas, which would provide shear strength to the soil, thereby minimizing rutting and potholes, or, alternatively, these areas could use a concrete turf block system that would not experience rutting or potholes.

In terms of oil and grease expected to be deposited by buses or cars, the grassy areas would be effective in breaking down pollutants, akin to the use of bioswales and stormwater planters in retention or detention basins. However, in the event that there are oil and grease spills, which would be more extensive than that deposited by normal use, some maintenance or replacement of the plantings may be required. Further, in terms of maintenance, the Yosemite Slough bridge, and other roadways, bikeways, and pedestrian walkways throughout the City would be maintained, as deemed necessary, by the City's Department of Public Works.

### **Response to Comment 65-13**

Figure III.D-13 on page III.D-128 of the Draft EIR presents the Stadium Game Day Traffic Control Plan. Figure III.D-13 has been revised in Response to Comment 7-17 to reflect a transit only lane along Harney Way to Bayshore Boulevard. This figure illustrates 26 intersections throughout the Project area and the Bayview neighborhood that would be either manually controlled from within the Stadium's

Transportation Management System or by an on-site Traffic Control Officer. The manual control would allow for efficient egress of game attendees from the stadium.

As noted in the Draft EIR, post-game traffic congestion would be severe immediately following games. However, the purpose of the proposed traffic signal control system is to improve the efficiency of traffic egress from the stadium, thereby minimizing the amount of time that the existing adjacent neighborhood is affected by game day traffic.

#### **Response to Comment 65-14**

The signals that would be operated from within the stadium Transportation Management Center would be connected to each other and to the center via underground fiber-optic wires. This is the same technology that SFMTA uses in other parts of the City to connect traffic signals to their main Transportation Management Center. The proposed Transportation Management Center within the stadium has been coordinated with SFMTA and SFPD, who have agreed that this is the preferred approach. The system would be similar to the Transportation Management Center currently operational at AT&T Park, which operates on baseball game days.

Funding for the capital improvements for the Transportation Management Center, the new traffic signals, and their connections to the Transportation Management Center would be provided by the Project Applicant. Operations of signals on game days would be controlled by SFMTA and SFPD officers. Funding for game day operation of the Transportation Management Center would be provided by the San Francisco 49ers.

#### **Response to Comment 65-15**

The comment is an introductory remark to Comments 65-16 through 65-21. No further response to this comment required. Refer to Responses to Comments 65-16 through 65-21.

#### **Response to Comment 65-16**

Refer to Response to Comment 50-28, which describes revenue sources for SFMTA to operate expanded transit services to the neighborhood. The budget projects that Project-generated revenues would exceed the costs of providing services (including transit service), resulting in a surplus of revenue to the City for at least 30 years. As part of the Project approval process, SFMTA will be asked to approve transit service changes as envisioned in the Project transit service plan.

#### **Response to Comment 65-17**

The transit infrastructure proposed by the Project was described in the Draft EIR on pages III.D-40 through III.D-50. Infrastructure includes new transit vehicles, the Hunters Point Transit Center, Bus Rapid Transit facilities, the Yosemite Slough bridge, Transit Priority Signals along Palou Avenue and the Bus Rapid Transit route.

The existing routes that would have increased frequency are described in the Draft EIR on pages III.D-48 to III.D-50. In summary, the Project would include frequency improvements to the following routes:

- 24-Divisadero
- 29-Sunset
- 48-Quintara-24<sup>th</sup> Street

In addition, although not part of the Project, frequencies on the T-Third would increase as part of the Central Subway project. The Project would also include three new transit routes:

- Candlestick Point Express (CPX)
- Hunters Point Express (HPX)
- New Bus Rapid Transit connecting to Balboa Park BART Station (28L-19<sup>th</sup> Avenue)

Refer also to Response to Comment 50-28 and Response to Comment 65-16, which describe revenue sources for operating expanded transit services to the neighborhood.

### **Response to Comment 65-18**

As described on pages III.D-48 and III.D-50 in the Draft EIR, the Project would include new express service to Downtown San Francisco from Candlestick Point (via the new CPX) and Hunters Point (via the new HPX). These routes would make stops within the Project site, and just outside the Project site (the CPX would include stops at Executive Park along Harney Way and the HPX would include stops near Area C/India Basin), before continuing with express (non-stop) service to Downtown San Francisco.

Refer also to Response to Comment 50-28 and Response to Comment 65-16, which describe revenue sources for operating expanded transit services to the neighborhood.

### **Response to Comment 65-19**

Refer to Response to Comment 52-6 regarding the definition of “transit priority technology,” plans for extension of the 24-Divisadero and potential extension of overhead wires.

The commenter also requests information regarding the extent to which residents have been informed of proposals. Over the past three years (as of the date of publication of this document), City staff have conducted more than 236 public meetings and workshops on the Project. In spring 2008, City staff held a series of four land use workshops on transportation, urban design and open space, which included the referenced proposal for Palou Avenue. Additionally, the City has conducted numerous Transportation Plan workshops with committees of both the PAC and CAC. Feedback has generally expressed a desire for better transit service, improved pedestrian amenities, and concern regarding project traffic impacts.

The commenter asks how the extension of the 24-Divisadero along Palou Avenue would affect residents of Palou Avenue and other adjacent streets. SFMTA Service Planning staff recommend the extension of the 24-Divisadero line, including the overhead wires, since it has been part of that agency’s long-term transportation plan, supported by voters in 2003’s Proposition K. For this Project, the extension of the 24-Divisadero provides a quiet, zero-emission and direct link to Bernal Heights, the central Mission, the Fairmont/outer Noe Valley area, the Castro (and Muni Metro subway), NoPa, Western Addition, the hospital hub along the Geary Corridor, and the Pacific Heights neighborhood that no other Muni line extension would provide, and does so without requiring a transfer. The impacts associated with the

Project, including the proposed extension of the 24-Divisadero were described in Section III.D of the Draft EIR, particularly on Draft EIR pages III.D-106 to III.D-109, and III.D-125 to III.D-126. The impacts specifically of extending the overhead wires for the 24-Divisadero were found to be less than significant. In summer 2009, several street-specific community workshops were held in the Bayview Hunters Point and India Basin areas with focus on design and engineering treatment options for Palou Avenue among other corridors, and input from which has led to the final design decision for this street and the transit service of the 24-Divisadero line.

### **Response to Comment 65-20**

The reference to the 54-Felton operating on Palou Avenue was a typographical error. The reference should be to the 44-O'Shaughnessy. In response to the comment, the text in Section II.E (Project Characteristics), page II-41, Item E, has been revised as follows:

- E. **Palou Avenue Transit Preferential Street.** One Muni line (24-Divisadero) would be extended along Palou Avenue to serve Hunters Point Shipyard Transit Center. Transit priority technology would be installed on Palou Avenue including installation of new traffic signals. This would improve transit travel times and reliability on the 24-Divisadero and also the 23-Monterey and ~~54-Felton~~ 44-O'Shaughnessy, which would continue to operate on Palou Avenue ~~but would not be extended into the Project.~~

The revised text is consistent with the description in the Transportation Study. The error was purely typographical and does not affect the transportation analysis.

### **Response to Comment 65-21**

Refer to Response to Comment 65-18 for discussion of the proposed CPX and HPX Downtown Express routes. The Downtown Express routes would be new routes, and would not affect existing transit routes. Pages III.D-48 and III.D-50 in the Draft EIR describe the proposed travel routes.

### **Response to Comment 65-22**

In general, street lighting improves pedestrian visibility and personal security. It improves safety by allowing pedestrians and drivers to see each other. Streetscape improvements and street lighting could also lead to reductions in crime and fear of crime, and increased pedestrian street use after dark<sup>115</sup>.

In terms of lighting, pages III.E-69 through III.E-76 of the Draft EIR discusses the various types of lighting that would be provided at the Project site, including street lighting, lighting for public areas, security lighting, lighting for parking areas, lighting to highlight architectural elements, landscaping lighting, and building tenant and Project signage. In terms of providing adequate lighting that is also sensitive to environmental concerns, mitigation measure MM AE-7a.1 requires that lighting direction, lighting fixtures, and screening walls minimize light spill, and mitigation measure MM AE-7a.2 requires the use of low-level lighting. Further, as stated on page III.B-32 of the Draft EIR, the Project shall use "energy-efficient street lighting."

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<sup>115</sup> Landscape and Urban Planning magazine, Volume 35, Issues 2-3, pages 193-201.

### **Response to Comment 65-23**

Refer to Response to Comment 35-5 for a discussion of the adequacy of the off-site water system to deliver water to the Project site. The proposed off-site water distribution system would consist of 30- and 24-inch mains that will tie in to an existing 16-inch distribution main at four locations: Thornton Avenue, Williams Avenue, Paul Avenue, and Salinas Avenue. The improvements would occur in rights-of-way. All business owners would be notified by the Project Applicant in advance of any street blockages or other physical barriers that could affect customers' ability to patronize these businesses.

### **Response to Comment 65-24**

Page IV-182 of the Draft EIR, second paragraph, under Variant 4: Utilities Variant, states that

The wastewater treatment plants would use membrane bioreactors (MBRs) to treat wastewater, via a series of screens, anoxic and aerobic bioreactors which remove solids and convert nitrogen and ammonia compounds), a membrane filter, and disinfection via exposure to ultraviolet light ...

Page IV-182 of the Draft EIR goes on to say, also in the second paragraph:

... With approximately 1.1 mgd of anticipated wastewater flows, and assuming a 5 percent loss (via sludge disposal), the eleven decentralized plants would generate approximately 1.05 mgd of reclaimed water.<sup>1258</sup>

The timing of the supply of recycled water is described on Draft EIR page III.Q-5, third paragraph, under the description of the Local Water Supply Improvements. Relative to recycled water, the Draft EIR states:

... Currently, the SFPUC is conducting a recycled water demand assessment on the east side of San Francisco. The assessment examines the potential uses of recycled water for irrigation, toilet flushing, and commercial applications.

The ultimate timing of the build-out of a recycled water facility to serve the Project depends on several factors and the successful completion of a number of phases. In the near term, SFPUC staff anticipates engaging in preliminary technical analysis regarding the siting of recycled water facilities to serve the Project, as well as other customers on the eastside of the City. These preliminary studies would be followed by a formal analysis of alternatives and identification of the preferred option, conceptual design, environmental review, detailed design, contracting, and construction. The SFPUC is interested in providing reclaimed water to appropriate uses within the Project site at the earliest practicable date relative to the occupancy of the development by a critical mass of reclaimed water users<sup>116</sup>.

As reinforced under the topic of Water Conservation, Draft EIR page III.Q-5, last paragraph, states:

In addition, the SFPUC is increasing its water conservation programs in an effort to achieve new water savings by 2018, consistent with the Phased Water Supply Improvement Program. The supplying of reclaimed water could be a component of the water conservation programs. ...

Refer also to Response to Comment 86-4.

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<sup>116</sup> Personal communication between Michael Martin of the SFPUC and Derek Adams of the City and County of San Francisco Department of Public Works on March 12, 2010.

### **Response to Comment 65-25**

As stated in mitigation measure MM UT-2 on Draft EIR page III.Q-18, which is provided in its entirety below, the Auxiliary Water Supply System (AWSS) shall be installed prior to the issuance of occupancy permits:

*MM UT-2      Auxiliary Water Supply System. Prior to issuance of occupancy permits, as part of the Infrastructure Plan to be approved, the Project Applicant shall construct an Auxiliary Water Supply System (AWSS) loop within Candlestick Point to connect to the City's planned extension of the off-site system off-site on Gilman Street from Ingalls Street to Candlestick Point. The Project Applicant shall construct an additional AWSS loop on HPS Phase II to connect to the existing system at Earl Street and Innes Avenue and at Palou and Griffith Avenues, with looped service along Spear Avenue/Crisp Road.*

In general, infrastructure will be installed as development occurs, as illustrated by Figure II-16 of the Draft EIR. (Figure II-16 has been revised in Section F [Draft EIR Revisions] to reflect that site preparation activities would occur 1 to 2 years later than originally planned.) Lennar Urban is responsible for installation of the necessary infrastructure to support the Project. The Infrastructure Plan is described in Section II.E.4 as part of the Project Description. Further, the MMRP designates Lennar Urban (the Project Applicant) as the entity responsible for the implementation of mitigation measure MM UT-2, which includes the planning and design, construction, and operation of the on-site AWSS as specifically defined in the Infrastructure Plan. As further described in the MMRP, the City will be responsible for enforcement and monitoring of the AWSS, as well as the construction of the off-site improvements necessary to complete the system. In terms of notification, the community has been notified of this component of the Project as part of the overall environmental review and entitlement process.

### **Response to Comment 65-26**

Comment noted. The quote from the Draft EIR is responded to in Response to Comment 65-27.

### **Response to Comment 65-27**

Regulatory agency approved work plans will be developed for directing this work and will include measures for monitoring and managing hazardous materials and transporting impacted material appropriately, if present. Refer to Impacts HZ-1b, HZ-2a.2, HZ-8, HZ-10, HZ-12, and HZ-15 and mitigation measures MM HZ-1b, MM HZ-2a.2, and MM HZ-10b for further details.

### **Response to Comment 65-28**

Refer to Response to Comment 43-4 for a discussion of potential property acquisitions associated with construction and/or implementation of the Project. There are five blocks with privately owned parcels which, if not acquired by the developer, would be allowed to develop via an owner Participation Agreement in a manner consistent with the BVHP Redevelopment Plan or allowed to continue under their existing use as a non-conforming use. Of these blocks, one block zoned RH-2 is vacant and there are no residences on the four other blocks zoned M-1 (which are contiguous). There would be no displacement of residents or businesses unless they agree to sale of the property.

### **Response to Comment 65-29**

As stated on Draft EIR page II-50, last paragraph:

Demolition activities at Candlestick Point would include demolition of the existing Candlestick Park Stadium, associated parking lots, existing infrastructure, and structures on adjacent properties to be acquired, as well as demolition of the Alice Griffith public housing. Minor utilities would be abandoned in place or removed if they would interfere with installation of new infrastructure. Those include existing small-diameter combined sewer, the CPSRA sewer force main, storm drainage facilities, and low-pressure water main. Lennar Urban would be responsible for all demolition at Candlestick Point.

Demolition activities are described in Draft EIR Section II.F.1 (Abatement and Demolition), which is provided on pages II-50 through II-55 and includes associated tables and figures.

### **Response to Comment 65-30**

The comment is acknowledged. No response is required.

### **Response to Comment 65-31**

The City will not accept transfer of any property until the radiological cleanup, including radiologically impacted buildings, has been completed and approved by the regulatory agencies. Refer also to Master Response 9 (Status of the CERCLA Process) and Master Response 13 (Post-Transfer Shipyard Cleanup) for a discussion of the radiological investigation and cleanup process.

### **Response to Comment 65-32**

Refer to Response to Comment 66-17 regarding radiological contamination of the site. Refer also to Master Response 13 (Post-Transfer Shipyard Cleanup) for further detail on radiological cleanup and ICs.

### **Response to Comment 65-33**

If soil exceeds the cleanup level developed as part of the CERCLA process (refer to Master Response 9 [Status of CERCLA Process]) it would be managed and transported offsite for disposal at an appropriately licensed disposal facility in accordance with state and federal laws as indicated on page III.K-40 of the Draft EIR. Refer to Impacts HZ-1, HZ-3, and HZ-6 and mitigation measures MM HZ-1b.

### **Response to Comment 65-34**

Refer to Master Response 9 (Status of the CERCLA Process), Master Response 10 (Pile Driving through Contaminated Soil), Master Response 11 (Parcel E-2 Landfill), Master Response 12 (Naturally Occurring Asbestos), Master Response 13 (Post-Transfer Shipyard Cleanup), Master Response 14 (Unrestricted Use Alternative), Master Response 15 (Proposition P and the Precautionary Principle), Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues), and Master Response 17 (Enforcement of Environmental Restrictions and Mitigation Measures) for a comprehensive discussion of cleanup on the HPS Phase II site, who will be responsible for the cleanup, the Parcel E-2 landfill, notification procedures, and site restrictions.

### ***Response to Comment 65-35***

Refer to Master Response 8 (Sea Level Rise) about the methodology for evaluating sea level rise. As reported in Response to Comment 52-4, soil will be imported from approved sources and will meet the guidelines for construction fill as specified by local, regional, and state guidelines. The type and extent of testing specified by these permits and guidelines will be followed. Transportation will be by truck and/or barge. California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), has identified procedures to minimize the possibility of introducing contaminated soil onto a site that requires imported fill material. In addition, Amendments to San Francisco Health Code Article 31, to include all of Hunters Point Shipyard, will require the preparation of a Soil Importation Plan that describes the procedures to be used to ensure that imported soil does not exceed established thresholds.

### ***Response to Comment 65-36***

This comment contains introductory, closing, or general background information that does not contain a direct comment on environmental issues. No response is required. Further, while the commenter generally refers to incorrect maps and incorrect street references, there is no specific reference to where there is a potential inaccuracy; therefore, no response can be provided.

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## ■ Letter 66: Tello, Juana (1/12/10)

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Letter 66

Juana Tello  
1778 Newcomb Ave  
San Francisco Ca 94124

January 12, 2010

Bill Wycko  
Environmental Review Officer  
Planning Department  
1650 Mission Street Ste 400  
San Francisco CA 94102

RECEIVED

JAN 12 2010

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

### Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

I have been a resident of the city of San Francisco all my life; specifically residing in Bayview Hunters Point since 1999. I am submitting comments with particular concerns with the inadequacy in the Candlestick Point-Hunters Point Shipyard Draft EIR around the levels of contamination in the soils, the plans for constructions and the remediation of that site. The Bayview Hunters Point Shipyard is a **Nationally recognized Superfund Site** that has contributed to the surrounding community's health disparities, which include (but not limited to) cancer, asthma and respiratory problems.

66-1

Parcels E and E-2 are known to be two of (if not three most) contaminated parcel(s) on the entire shipyard. The *known* lists of contaminants that are stated in the EIR are below:

"The chemicals of concern at Parcel E include metals and organic chemicals such as VOCs, PAHs, PCBs, and pesticides. The chemicals of concern at Parcel E-2 include metals, PCBs, SVOCs, pesticides, and petroleum hydrocarbons. The radionuclides of concern associated with Parcel E-2 include cobalt-60, cesium-137, radium-226, and strontium-90" (Section III.K-22).

66-2

Some of these contaminants are known carcinogens. The *full* list of contaminants on parcel E and E-2 are still unknown. According to the EIR,

"The Navy has completed the RI [Remedial Investigation]/FS [Feasibility Study] process at all parcels **except Parcels E and E-2**. A draft FS has been completed for Parcel E, and a draft final RI/FS has been completed for Parcel E-2. The Navy often does not wait for the RI/FS process to be complete before commencing physical cleanup activities. The Navy has completed numerous time critical (and non-time critical) removal actions and treatability pilot studies in the evaluation of alternatives for remediating the IR [Installation Restoration] sites (Section III.K-11)".

- How do we know the Navy will remediate the soils properly, if the full list of contaminants are still unknown? How can they adequately clean that site, if they don't know what's there?

66-3

2 of 8

- What criteria will the Navy and the developer use to determine that Parcels E and E-2 are sufficiently remediated for open space use, given that this area is adjacent to housing and/or a stadium. How will soils from parcels E and E-2 be separated or differentiated from its adjacent Parcels G, UC-1, D-1 and D-2?
- Given that open space requires less remediation than space used for residential purposes, what measures will be put in place to make sure that contamination from the soils at Parcels E and E-2 will not spread or seep into its adjacent Parcels G, UC-1, D-1 and D-2? (Especially since the Stadium borders Parcel E's open space).
- Please provide diagrams that zooms in on Parcels E and E-2 and its adjacent parcels that layout measures for preventing that contamination is spread below ground. Please provide an image similar to Figure II-25 in Section F, which allows for a **view of the depth** of excavation (with variant images that provide a view of depth that include illustrations of the groundwater containment and extraction system at the southeast portion of the landfill and the multi-layer interim cap).

66-4

66-5

66-6

Plans for development on parcels E and E-2 are proposing that these parcels be used as open space. According to the EIR, area(s) where the proposed stadium would be would turn into "additional housing if a new stadium were not built (P I-5)". The voters of the San Francisco adopted Proposition P, calling for clean up of the shipyard to "unrestricted use" which would allow housing. The EIR fails to provide an analysis of an alternative that would allow housing on all parcels of the shipyard.

66-7

- Provide an analysis of how the Shipyard will be cleaned to residential use.
- *What other questions?*

Adjacent to parcels E and E-2, will be either a stadium or (in the plan alternatives) more residential housing.

The following diagrams in the Draft EIR, highlight the phased development at the Hunters Point Shipyard and indicate that Parcel E and E-2 would be developed **after** their adjacent parcels:

- Chapter II, Project Description, Figure II-16 (II.F-51)
- Chapter II, Project Description, Figure II-17 (II.F-52)
- Chapter IV, Project Variant, Figure IV-4 (IV-13)
- Chapter IV, Project Variant, Figure IV-10 (IV-81)

As stated in the EIR, "...full remediation of the entire HPS Phase II site is not anticipated until after commencement of Project-related construction activities on, and perhaps occupancy of, portions of HPS Phase II (III.K-72)...occupants or visitors at or near portions of HPS Phase II where remediation activities have not been fully completed could also be exposed to hazardous materials as a result of remediation activities (III.K-73)."

66-8

3 of 8

Based on the Development Schedule laid out in this EIR, parcels E and E-2 will be developed **after** the housing structures in their adjacent parcels, with the possibility of occupancy.

- Please indicate the purpose of this fence. How will this fence prevent the airborne contaminants from spreading? How tall will this fence be? What material will be used for this fence?
- Please provide a diagram of the fenced areas of the HPS Phase II sites where remediation will happen simultaneous to the occupancy and public use of spaces near those sites.
- Will occupants have adequate information regarding the development and remediation of Parcels E and E-2? Will occupants be given this information prior to purchasing/occupying residencies at the Shipyard? What is the timeline for notice of these occupants?
- What criteria have been used to determine the timeline of phased development for the entire project? Due to the level of contamination, why aren't parcels E and E-2 the priority for remediation?
- Please provide a timeline that illustrates specific and independent parcel by parcel development (with all the appropriate stages, i.e. Demolition, & Abatement, Utilities & Infrastructure, Structural Shoreline Improvements) that allows more detail to each specific parcel, for side-by-side development comparison
- If Phase I of the development is at Parcel A of the Shipyard, and the first housing expected under phase II will be the rebuild of Alice Griffith housing, at what point will additional housing be built in sufficient levels to bring in neighborhood services such as grocery stores, open space/recreational facilities, etc.?

According to the EIR, "...remediation program have required interim measures to be put in place in areas that still require remediation. This would ensure that while remediation continues, the site would not pose a risk to persons or the environment outside of the ongoing remediation locations. Those measures include numerous actions to remove hazardous materials from soil and groundwater at the site, cleaning up shoreline debris, placing a temporary cap on the landfill at Parcel E-2 and securing areas still undergoing remediation with fencing (III.K-72)."

In the section on schools within One-Quarter of a mile from the HPS, the EIR states, "...hazardous building materials are likely to be present in older structures within the Alice Griffith public housing site and could include asbestos-containing materials, lead-based paint, PCBs, and fluorescent lights containing mercury vapors. Demolition or renovation of existing structures could result in potential exposure of students, teachers,

66-8  
cont'd.

66-9

4 of 8

staff, and visitors at the school [Bret Harte Elementary School] to hazardous building materials during construction, without proper abatement procedures (111.K-105)."

- Remediation programs are supposed to ensure that there would pose no risk to surrounding people or locations outside of the remediation sites; however, a little more than 30 pages further from that same statement, the EIR states that students, teachers and visitors of the Bret Hart Elementary School would likely be exposed to hazardous building materials from the renovation at Alice Griffith public housing.
  - This school specifically is vulnerable to the air emissions (contaminants) and totally dependent on the mechanisms that minimize exposure.
- What plans are there for immediate notification of any failures of the contractors/developers on Candlestick Point and HPS Phase II to comply with the regulations and guidelines?
- What measures are there to advise the schools of measures that can be taken to protect the health of the students, teachers, staff and visitors?
- What measures for immediate notification and protocol will be put in place for notification of failures to comply with regulations and exceedances of exposure to the surrounding Bayview community (residents on Gilman, Fitzgerald, Hawes, Egbert and other impacted streets)?
- Will air monitoring be done carried out by government agencies or private contractors? Assuming either one, what frequency will occupants and the larger Bayview community receive air-monitoring reports?

The information laid out in the EIR regarding on site remediation is not adequate in addressing airborne contaminants and vapors. Besides physical removal of soil and placing a temporary cap on those areas, the only other protection that surrounding people, workers, occupants and schools are that the development will be "securing areas still undergoing remediation with fencing".

Based on the history of exposure of contaminants to the larger Bayview community not on the shipyard, with inadequate fencing:

- How is fencing still an option for on-site remediation, given the history of exceedances of exposure to the surrounding schools and residents of Bayview Hunters Point? How will these measures be any different (more efficient) than the other strategies/tactics to minimize exposure?
- What will be done to protect occupants and workers in the area from exposure to toxic dust (or airborne particulates) while the work on parcels E and E-2 is happening?
  - Will the employed workers at the HPS Phase II development site be given proper training to deal with the contaminants? What does this training include? What

66-9  
cont'd.

66-10

5 of 8

protective gear will these workers have to protect themselves from airborne contaminants?

- Will air monitoring be carried out by government agencies or private contractors? Assuming either one, what frequency will occupants and the larger Bayview community get these air-monitoring reports?
- What is the OSHA required protection that must be provided to workers at this radiological impacted parcel? Will similar protection be extended to the residents in the potential housing on the neighboring parcels?
- Figure III.K-25 is inadequate in laying out the specific land use of the various areas within the HPS Phase II site. Please provide map(s) that layout **both** Shipyard Parcels **over** the proposed project development (construction) plans, with a key/legend that specifies the **land use(s)**.

In Section II.F.1 on Abatement and demolition, the EIR states:

"In total, approximately 971,787 tons of construction debris would be generated, including 424,681 tons from Candlestick Point and 547,104 tons from HPS Phase II. Most of the construction debris (45 percent) would consist of concrete, with the remaining debris consisting of wood (17 percent), steel (18 percent), and other miscellaneous debris (20 percent). It is assumed that the concrete debris would be recycled on site as a pipe bedding or road base; the wood debris would be chipped and sent to the local landfill for disposal; and the steel would be recycled off site for other uses (II-50)."

- Where will the debris be stored and for how long? What is the protocol for protecting this contaminated debris?
- How long will this debris be stored for? 5 years? 10 years?
- We have already seen that debris in Candlestick Park has been left as a big pile of dirt for years. Will debris taken from Candlestick be transported to the Shipyard? If so, what volume of dirt will be moved?
- What is in the miscellaneous debris?
- Will Shipyard occupants and the surrounding Bayview communities receive direct information about this debris, its storage, and the plan for removal? What notification will be given to residents in Bayview that are included in the route for removal of this debris?
- Please provide maps for locations of debris storage
- Please provide a timeline and route for the removal of debris

66-10  
cont'd.

66-11

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- Where will the debris **not** left on site, be taken? What will happen to this debris after its removal? What steps will be taken to protect the community and environment where it is moved?

66-11  
cont'd.

The EIR states that, "The major components of the soil remedial actions are: excavating contaminated soil with off-site disposal, and covering with clean soil or other impervious surfaces such as pavement, concrete, or buildings...continuing the removal of radiological contaminated building materials and soils; and implementation of Institutional Controls (ICs) to limit exposure to contaminated soil and groundwater by restricting specified land uses and activities on the parcel (III.K-15)."

66-12

- What hazardous materials will remain in each parcel? What criteria will be used to determined safe levels of exposure?
- What hazardous materials will remain in Parcels E and E-2, given that the initial list of contaminants in the soil prior to remediation is still unknown?
- Please provide a chart listing all remaining hazardous materials in each parcel.
- Please provide diagrams and explanation for the demarcation layer mentioned in Section III.K-18

The EIR clearly acknowledges that Parcel E is a an area created by landfill:

66-13

"Nearly all of the Parcel E land area was created using artificial fill... From 1958 to 1974, the landfill received liquid chemical waste, asbestos, domestic wastes and refuse, dredge spoil materials, sandblast grit, solvent wastes, and low-level radioactive wastes from shipboard radium dials, including electronic equipment (Section III.K-22)."

The EIR also acknowledges that the proposed project site as a whole is vulnerable to liquefaction:

"The Project site is in an area of San Francisco that has been designated as potentially liquefiable. As depicted in Figure III.L-1, the majority of the Project site is covered by lowland soils and artificial fill, which is the most susceptible soil layer for liquefaction (Section III.L-15)."

- How will the proposed Institutional Controls (ICs) such as covers and caps be affected by possible earthquakes and liquefaction?
- Has the Project studied whether tectonic activity could breach these covers and caps, releasing hazardous materials? If so, please include those studies in the EIR, with proper illustrations of tectonic plates, with a view of depth and potential impact to cause liquefaction.

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- How will the Project guarantee reasonable protection of public safety on this issue?
- What is the emergency evacuation plan for occupants of the Hunters Point Shipyard housing and retail stores, in the event of a massive earthquake (or other situations where contaminated vapors rise from underground)? How will this evacuation plan differ from others, given that there will still be some unknown level of contamination left in the soil?
- What notification protocol will be put in place to notify the larger Bayview community and San Francisco residents about any possible liquefaction or earth-movement-related occurrences that can result in rising hazardous materials?

“In Parcel E-2, the Navy has installed a groundwater containment and extraction system at the southeast portion of the landfill to reduce the potential for release of chemical constituents into the Bay. This system includes sheet piling and a groundwater extraction system to control potential mounding of shallow groundwater at the southern end of the landfill (Section III.K-23).”

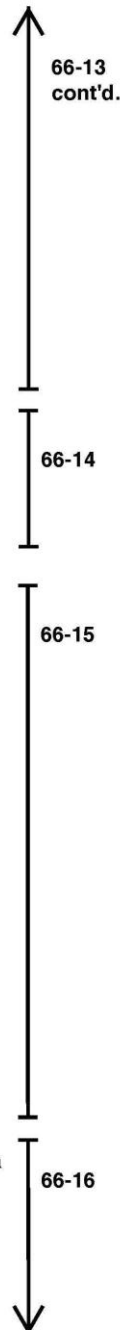
- Please provide a map and illustration that breaks down the extraction system

“A multi-layer interim cap was constructed on a portion of the Parcel E-2 Landfill to prevent oxygen intrusion and extinguish smoldering subsurface areas following a subsurface fire that burned for several months in 2000. Following characterization of the nature and extent of landfill gas, a landfill gas barrier and monitoring system was constructed at the northern end of the landfill to prevent methane gas migration from reaching the University of California San Francisco (UCSF) facility adjacent to parcel E-2 (the UCSF facility is outside of HPS Phase II), (Section III.K-23).

- Please explain how the multi-layer interim cap works, and how it prevents oxygen intrusion
- Please provide a map that illustrates the area that this multi-layer interim cap will cover
- Please provide an illustration of the multi-layer interim cap, with a view from its depth (that is shown in feet), that separates and explains the layers of soils
- What is the overall plan to measure to prevent landfill gas from rising up into the open space areas? What are the criteria to measure exposure of vapors and airborne contaminants in this specific area that will not be cleaned to residential standards (only to open space standards that require less remediation)?
- Please provide further explanations, maps and illustrations of this landfill gas barrier and monitoring system.

“The draft PPs and RODs for E and E-2 are expected in the 2010–2011 timeframe. Remedial design plans and completion reports will be developed and are anticipated in the 2012–2014 timeframe (Section III.K-24).

Given the above statement about the release of the PP (proposed plan) and the ROD (record of decision):



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- How can the impacts of hazardous material be fully addressed with out completion of the ROD?
- How will the results of the ROD impact the project plan? What information from the ROD will be pertinent to the Bayview community?
- What is the procedure if the ROD uncovers more areas of severe toxicity?

66-16  
cont'd.

The EIR includes several radiological investigations and evaluations of the HPS site as a whole, with the following conclusion:

66-17

“The HRA identified the following potentially contaminated media: surface soils, subsurface soil and media, structures and drainage systems. The assessment concluded, however, that there was no concern for airborne contamination from the potentially contaminated media in their undisturbed state (III.K-27).”

These investigations clearly state there is no potential airborne contamination from this media, **if it is not disturbed.**

- Why didn't these studies include the *known* possibilities that this media would be disturbed, which is necessary for any construction to be done?

It is important to address and respond to all issues, questions and concerns outlined above. I look forward to reading the answer and looking over diagrams that have been requested.

Sincerely,



Juana Teresa Tello

## ■ Letter 66: Tello, Juana (1/12/10)

### **Response to Comment 66-1**

Refer to Master Response 5 (Health of Bayview Hunters Point Community) for a discussion of health disparities in HPS/Bayview Area.

### **Response to Comment 66-2**

The comment correctly cites the Draft EIR; therefore, the comment is acknowledged. No response is required.

### **Response to Comment 66-3**

Refer to Master Response 9 (Status of the CERCLA Process) and Master Response 13 (Post-Transfer Shipyard Cleanup) for a discussion of the radiological investigation and cleanup process.

### **Response to Comment 66-4**

Refer to Master Response 9 (Status of the CERCLA Process), Master Response 11 (Parcel E-2 Landfill), and Master Response 13 (Post-Transfer Shipyard Cleanup) for a discussion of the radiological investigation and cleanup process.

### **Response to Comment 66-5**

Soil and groundwater contamination and cleanup are addressed as part of the CERCLA process (refer to Master Response 9 [Status of CERCLA Process] and Master Response 13 [Post-Transfer Shipyard Cleanup]). Barring a seismic or earth moving event (refer to Master Response 6 [Seismic Hazards] and Master Response 7 [Liquefaction]), soil typically remains in place though contaminants in soil may leach to groundwater or volatilize into soil gas and then migrate depending on the chemicals and conditions present. The CERCLA investigation and cleanup process takes these factors into account in developing protective remediation and monitoring programs which are approved by state and federal regulatory agencies.

### **Response to Comment 66-6**

For diagrams on the current conditions at Parcels E and E-2 refer to Barajas and Associates, *Final Revised Remedial Investigation Report for Parcel E Hunters Point Shipyard*, May 2, 2008; and Engineering/Remediation Resources Group, *Draft Final Revised Remedial Investigation Feasibility Study Report for Parcel E-2*, February 1, 2009. These reports are on file for public review at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor as part of File No. ER06.05.07, or at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, CA, 94103 as part of File No. 2007.0946E. The future Remedial Designs for Parcels E and E-2 will detail the methods, such as excavation, and specifications, such as depths, to be used in cleanup of these parcels.

### **Response to Comment 66-7**

Refer to Master Response 14 (Unrestricted Use Alternative) and Master Response 15 (Proposition P and the Precautionary Principle) for discussions of an unrestricted use alternative and Proposition P, respectively.

### **Response to Comment 66-8**

As the Draft EIR states in Impact HZ-8, the FFA Signatories overseeing the remediation program have required various interim measures to be put in place in areas of ongoing remediation to ensure persons outside ongoing remediation sites are not at risk. Securing areas still undergoing remediation with fencing is one standard security measure required. The purpose of the fence is to provide site security, preventing unauthorized access (refer to Table III.K-2, Methods to Reduce Effects of Conventional Excavation/Temporary Stockpiling). The fence is not intended to prevent airborne contaminants from spreading; other measures discussed in Impacts HZ-6b and HZ-15 serve that purpose. Figure II-16 presents the proposed site preparation schedule. Refer to this figure, and note that fencing will be one of many measures used whenever any of the depicted sites have ongoing physical remediation. (Figure II-16 has been revised in Section F [Draft EIR Revisions] to reflect that site preparation activities would occur 1 to 2 years later than originally planned.)

The remediation work will be conducted following Remedial Design work plans or Risk Management Plans that have been approved by regulatory agencies and will outline the methods that will be used to minimize dust emissions. The Remedial Designs will specify the details for the fencing to be used and will include plans and diagrams outlining where the fencing will be placed relative to occupied and public areas. A typical fence used for this purpose would be wire mesh fencing approximately 7.5 feet tall with the fence posts encased in concrete if the fence will remain in place for an extended length of time. The fence will be signed with notification that hazardous materials are present and who to contact for more information. Refer to Impacts HZ-1a, HZ-2a, HZ-10, HZ-12, HZ-15, and HZ-17 and mitigation measures MM HZ-1a, MM HZ-2a.1, MM HZ-10a, MM HZ-10b, MM HZ-12, MM HZ-15, and MM HZ-17 for further details. Refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) for a discussion of notice provisions for occupants.

Many factors are used to determine how development is phased, but in all instances, development will not occur in a location if doing so would be inconsistent with the restrictions on the parcel as required by the Navy cleanup documents approved by the regulatory agencies. As stated in the Draft EIR, those restrictions are designed to protect not only occupants and visitors on the parcel itself, but also those on nearby property (Section III.K.4, page III.K-73). As to the remediation of Parcels E and E-2, the Navy controls that remediation, and it is not a part of the Project. A timeline with the requested specificity is not available at this time, but refer to Impact HZ-8 for more detail on the handling of related impacts.

The criteria used in determining the development timeline include the amount of environmental investigation that has been conducted, the contamination present on each parcel and the cleanup that has been completed to date. Master Response 9 (Status of CERCLA Process) presents a summary of the CERCLA cleanup process and the status of each parcel in the various stages of the CERCLA cleanup process. Parcels B and G have decision documents or Records of Decision completed and approved by

the regulatory agencies, have already undergone cleanup actions, and are undergoing remedial design for final cleanup. These parcels will gain closure from the regulatory agencies once cleanup has been completed at which time property transfer and redevelopment can commence. Parcels which are still undergoing decision document preparation will not be ready for transfer until cleanup has been completed and approved at some date in the future.

Figure II-17 (Proposed Building and Parks Construction Schedule) of the Draft EIR illustrates the phasing of parks and open space relative to the other development proposed as part of the Project. The first two phases of development, expected to be completed by 2023, would develop HPS with residential uses, neighborhood retail, approximately half of research and development uses, artists' studios/art center, more than half of community services uses, and a stadium. By 2027, the same types of uses would be completed at Candlestick Point (but without a stadium). Therefore, neighborhood services would be developed as residential uses are developed. (Figure II-17 has been revised in Section F [Draft EIR Revisions] to reflect that building construction activities would occur 1 to 2 years later than originally planned.)

### **Response to Comment 66-9**

The comment that building renovations are likely to expose Bret Hart Elementary School to hazardous building materials mischaracterizes the analysis in the Draft EIR. As the commenter notes, Section III.K.4, Draft EIR page III.K-105, states that:

... Demolition or renovation of existing structures could result in potential exposure of students, teachers, staff, and visitors at the school to hazardous building materials during construction, without proper abatement procedures. ...

That statement is offered to describe Impact HZ-18a, which is considered less than significant with mitigation. The Draft EIR continues:

... To reduce the potential for the school site 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, as discussed under Section III.K.3 (Regulatory Framework) would be complied with, as appropriate. Implementation of applicable regulations and standards would ensure that hazardous air emissions from structures to be demolished would be minimized. Therefore, impacts would be less than significant, and no additional mitigation is required.

For a discussion of dust monitoring under the Dust Control Plan and Asbestos Dust Mitigation Plan as well as clarification of protocols for providing notification to property owners, schools, and residents under the plans, refer to Master Response 12 (Naturally Occurring Asbestos), and Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues).

Also refer to Impacts HZ-2a.2, HZ-10, and HZ-15 and mitigation measures MM HZ-2a.2 and MM HZ-10 for further details.

### **Response to Comment 66-10**

As stated in Response to Comment 66-8, the purpose of the fence is to restrict access to the remediation area. The fence will not be used to prevent airborne contaminants from spreading. The remediation work will be conducted following remedial action work plans or Risk Management Plans that have been

approved by regulatory agencies and will outline the methods that will be used to minimize dust emissions and manage risks associated with the remediation activities. Required worker training and worker protective gear to be used to protect workers from radiological and other contaminants will be outlined in Project-specific Health and Safety Plans. Potential risks to residents on neighboring parcels will be managed through proper site control, monitoring and regulatory oversight. Monitoring results will be available to the community through Navy and City community participation programs and through regulatory agencies. Refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) for a discussion of additional notice requirements to be implemented in the community.

Monitoring will take place as determined necessary by the BAAQMD pursuant to mitigation measure MM HZ-15. It is likely that monitoring will be performed by private contractors under the supervision of government agencies. For a discussion of dust monitoring under the Dust Control Plan and Asbestos Dust Mitigation Plan, as well as clarification of protocols for providing notification to property owners, schools, and residents under the plans, refer to Master Response 12 (Naturally Occurring Asbestos), and Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues). Also refer to Impacts HZ-2a.2, HZ-10, and HZ-15 and mitigation measures MM HZ-2a.2 and MM HZ-10 for further details.

The Navy's remediation of Parcels E and E-2 and the Occupational Safety and Health Agency (OSHA) requirements pertaining to that work are not part of the Project. Remediation work on sites containing radiological contamination is ongoing as part of the Navy cleanup program. That remediation work and the OSHA requirements applicable to it are not part of the Project. Prior to property transfer and development, all radiological cleanup will be complete. The Navy will use control measures listed in Table III.K-2. Such measures include, for example, air monitoring and engineering controls, health and safety plans, covering soil stockpiles, etc. Refer to the table and specifically to methods designated to reduce environmental effects for Parcels E and E-2 for further detail. Also refer to Response to Comment 66-8 for a discussion of impacts associated with phased development. Refer to Master Response 13 (Post Transfer Shipyard Cleanup) for more detail on the Navy's radiological cleanup. With respect to protecting neighboring residents, refer to above regarding exposure to toxic dust.

The commenter references Figure III.K-25; however, since the figure numbering for Section III.K (Hazards and Hazardous Materials) ends with Figure III.K-5, it is likely the commenter intended to reference Figure III.K-5. The commenter requests a figure that shows the Navy Parcels overlain on the Project's land use plan. Figure III.K-5 (Hunters Point Shipyard Phase II Navy Parcel Overlay) and Figure III.K-6 (Status of CERCLA Process) provide such illustrations.

### **Response to Comment 66-11**

Construction debris would be sorted and temporarily stockpiled in areas slated for development in later years. Any reusable materials would be retained for later reuse, any recyclable materials would be transported to an approved recycling facility, and non-reusable construction debris would be removed within approximately five years and disposed of at an approved landfill that has been permitted for disposal of such material. Miscellaneous debris, such as non-recyclable metal debris, building materials containing lead paint and asbestos, treated wood materials considered potentially hazardous, glass, plastic

and electronics (needing specialized recycling), would be disposed of in accordance with all hazardous waste disposal laws. It is not anticipated that any construction debris would be moved between Candlestick Point and Hunters Point Shipyard.

All stockpiles would be established and maintained using standard best management practices as described in the Risk Management Plan (RMP) and Soil and Groundwater Management Plan (SGMP), respectively. The SGMP for the Candlestick Point site would be prepared by the Applicant, as required by City Ordinance (in Articles 22 and 31 of the Municipal Code) and approved by the City prior to any site construction as part of the demolition and grading permitting. The RMP would be prepared as part of the ROD, which is a public document that explains which cleanup alternatives will be used for a Superfund site. The ROD is created from information generated during the Remedial Investigation/Feasibility Study (RI/FS). A ROD contains site history, site description, site characteristics, community participation, enforcement activities, past and present activities, contaminated media, the contaminants present, scope and role of response action and the remedy selected for cleanup. The RMPs for Hunters Point site will be completed by the Applicant and approved by the Regulatory Agencies prior to Navy parcel transfer as required by the site specific ROD documents for each Navy parcel.

Specific information regarding the constituents of the debris, the storage methodology, the storage locations, and disposal methods would be provided in the RMP and SGMP prior to site demolition or construction. In terms of haul routes, it is anticipated that trucks would primarily use Harney Way to enter or leave Candlestick Point and the Innes/Hunters Point Blvd/Evans corridor to enter or leave Hunters Point Shipyard.

### **Response to Comment 66-12**

For a discussion of residual contamination following cleanup, refer to Master Response 13 (Post-Transfer Shipyard Cleanup).

The criteria used to determine safe levels of exposure are outlined in health risk assessments conducted as part of the RI step of the CERCLA process explained in Master Response 9 (Status of the CERCLA Process). The risk assessments and RI reports are approved by state and federal regulatory agencies. For a discussion of the contaminants in soil on each parcel and the criteria used to determine safe levels of exposure, refer to the reports referenced in Section III.K.2 of the Draft EIR which are available for public review at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor, as part of File No. ER06.05.07, or at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, CA 94103, as part of File No. 2007.0946E. To see a diagram of the demarcation layer described on page III.K-18, refer to the *Final Remedial Design Package Installation Restoration Sites 7 and 18, Parcel B, Design Basis Report* by Chaduxt, January 8, 2010.

### **Response to Comment 66-13**

Refer to Master Response 6 (Seismic Hazards) and Master Response 7 (Liquefaction) for a discussion of seismic hazards and liquefaction potential at the site. As discussed in those master responses, any approved covers or caps will be designed with site-specific geotechnical studies to minimize potential breach, and the covers are intended to limit exposure and be protective of human health even where temporary breaches may occur. Impact HZ-23 also discusses the potential for harmful exposure to

hazards from reasonably foreseeable upset and accident conditions during operation of the project (see Impact HZ-23, Draft EIR pages III.K-114 to -115). The discussion of that impact, which is assessed to be less than significant, includes reference to San Francisco's Emergency Response Plan and Hazard Mitigation Plan. Those plans describe the City's actions during an emergency response, including earthquake-induced emergencies, as well as risks from hazards and mitigation strategies to minimize the risks. Refer also to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) regarding the notice that will be given to property owners, residents, and neighbors regarding environmental restrictions and other cleanup issues.

With regard to an emergency evacuation plan for the Project, the General Plan states that the City ensures fire safety primarily through provisions of the Building Code and the Fire Code. The final building plans for any new residential project greater than two units are reviewed by the San Francisco Fire Department as well as the Department of Building Inspection in order to ensure conformance with these provisions. Depending on building type, conformance with these provisions may include development of an emergency procedure manual and an exit drill plan. In this way, potential fire and safety hazards would be mitigated during the permit review process.

For high-rise projects over 75 feet, Section 12.202(e)(1) of the *San Francisco Fire Code* requires that all owners of buildings over 75 feet tall establish procedures to be followed in case of fire or other emergencies. These procedures are to be reviewed and approved by the fire chief. Additionally, Project construction would have to conform to the provisions of the Building and Fire Codes, which require additional life-safety protections for high-rise buildings.

#### **Response to Comment 66-14**

Refer to Engineering/Remediation Resources Group, *Draft Final Revised Remedial Investigation Feasibility Study Report for Parcel E-2*, February 1, 2009 for a detailed description and illustration of the groundwater extraction system. This report is on file for public review at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor, as part of File No. ER06.05.07, or at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, CA 94103, as part of File No. 2007.0946E.

#### **Response to Comment 66-15**

Refer to Engineering/Remediation Resources Group, *Draft Final Revised Remedial Investigation Feasibility Study Report for Parcel E-2*, February 1, 2009 for an explanation of the currently existing cap and landfill gas collection system. This report is on file for public review at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor, as part of File No. ER06.05.07, or at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, CA 94103, as part of File No. 2007.0946E. If the landfill will be permanently capped as part of the future remedial actions (that are not part of the Project), the details of that cap configuration and specifications will be part of the Remedial Design which would be available to community members for review once it is completed by the Navy.

### **Response to Comment 66-16**

For a discussion of the steps involved in the CERCLA process, refer to Master Response 9 (Status of the CERCLA Process). The Proposed Plan describes cleanup alternatives evaluated in the Feasibility Study and explains the preferred alternative. A public meeting will be held about the Proposed Plan to provide information to the public and allow the public to comment on the preferred cleanup alternative. The ROD then documents and publicizes the selected cleanup alternative and includes a summary and responses to all comments on the Proposed Plan. Thus, it is not accurate to state that the ROD informs the Proposed Plan and could uncover more areas of severe toxicity. The Proposed Plan is not prepared until the RI (which is the stage in the process where areas of toxicity would be “uncovered”) and FS are complete. Further, as stated in Section III.K.1 on page III.K-2 of the Draft EIR, the Navy’s ongoing remedial activities are not part of the Project, and it is not the goal of the EIR to assess the adequacy or impacts of those remediation actions.

### **Response to Comment 66-17**

As stated in the Setting portion of the Hazards Section of the Draft EIR, the primary purpose of the HRA was to investigate the radiological contamination of the area and designate sites as “impacted” or “non-impacted” (Section III.K.2, page III.K-27). All sites designated as “impacted” have been further investigated, and the Navy will remediate these sites prior to transfer. Before any Project development may occur, the sites will receive clearance from federal and state agencies for unrestricted use, including soil disruption, except in specific cases where the use of ICs prohibiting soil disruption are authorized by the regulatory agencies overseeing the CERCLA remediation process. The overall conclusion of the HRA was that low levels of radioactive contamination existed at certain sites within HPS, but there was no imminent threat or substantial risk to tenants, the environment of HPS, or the local community (Section III.K.2, page III.K-27). In Impact HZ-6b, the Draft EIR acknowledges that movement of soil containing hazardous material could result in impacts from human exposure to dust. This impact is rendered less than significant with mitigation through the legally enforceable environmental restrictions required to be in place before any Project development occurs (Refer to Impact HZ-6b, page III.K-68). As the Draft EIR explains, such restrictions will incorporate dust control measures, and will be approved by the FFA Signatories as being sufficient under CERCLA and other applicable laws to ensure protection of human health and the environment both during and after the development activities (Section III.K.4, pages III.K-50 and III.K-68). Additionally, regulatory-agency-approved work plans developed for directing this work will include measures for controlling site access, monitoring workers, screening materials for radionuclides, and handling radiologically impacted material appropriately, if present. Refer to Impacts HZ-1b, HZ-2a.2, HZ-8, HZ-10, HZ-12, and HZ-15 and mitigation measures MM HZ-1b, MM HZ-2a.2, and MM HZ-10b for further details. Refer also to Master Response 13 (Post-Transfer Shipyard Cleanup) for further detail on radiological cleanup and ICs.

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## ■ Letter 67: Harvey, Carol (1/12/10)

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Letter 67



carol harvey  
<carolharveysf@yahoo.com>  
01/12/2010 04:53 PM

To joy.navarrete@sfgov.org  
cc

Subject C. HARVEY RESPONSE TO SFRA BVHP DRAFT EIR

### **WITH SEA LEVEL RISE PREDICTED TO DOUBLE AND A VERY BIG EARTHQUAKE DUE, HOW PRACTICAL IS THE SFRA DRAFT EIR?**

#### **OUTLINE**

##### **I. HOW MUCH SEA LEVEL RISE?**

1. GLOBALLY
2. SAN FRANCISCO ESTUARY
3. POTENTIAL FUTURE FLOOD HAZARD LEVEL AT BVHP

##### **II. BVHP OCEAN RISE / EARTHQUAKE DOPPELGANGER**

##### **III. INADEQUATE, FAULTY STUDIES AND TESTING**

##### **IV. SOIL AND AIR TOXINS**

##### **V. INADEQUATE MITIGATION / CLEANUP**

##### **VI. HUMAN AND CIVIL RIGHTS VIOLATIONS**

1. Peoples of color in BVHP
2. Intergenerational human rights violations

##### **I. HOW MUCH ACTUAL SEA LEVEL RISE?**

1. GLOBALLY
2. SAN FRANCISCO BAY ESTUARY
3. POTENTIAL FUTURE FLOOD HAZARD LEVEL AT BVHP

The Introduction of Section III.M "Hydrology and Water Quality," the

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**San Francisco Redevelopment Agency's November 2009 Bayview-Hunter's Point Draft Environmental Impact Report, offers as one of its information sources the San Francisco Bay Conservation and Development Commission.**

**This suggests that the EIR planners took note of the fact that BCDC's current [Tuesday, January 12, 2010] draft staff report, analyzes climate change / water rise vulnerability to the Bay and Bay shoreline. The BCDC's Executive Summary states that for the seven million people living on our urbanized estuary, "Global warming is expected to result in sea level rises in San Francisco Bay of 16 inches (40 cm) by mid-century and a 55 inches by the end of the century. An estimated 270,000 people in the Bay Area are at risk of flooding, 98 percent more than are currently at risk from flooding."**

**On Tuesday, December 22, 2009, on-line political journalist, Democracy Now's Amy Goodman, hosted Dr. James E. Hansen, Director of the NASA Goddard Institute for Space Studies in New York. Dr. Hansen, one of the world's leading climatologists, teaches Earth Science at Columbia University. In the 1980s, long before Vice President, Al Gore produced his movie, "An Inconvenient Truth," Dr. Hansen tried to alert the world to global warming. His new book is entitled, Storms of My Grandchildren: The Truth of the Coming Climate Catastrophe, and Our Last Chance To Save Humanity.**

**"Glaciers all around the world are melting," he warned. "Coastlines are moving inward. There are tipping points in the climate system where we can push the system beyond a point where the dynamics begins to take over. For example, an ice sheet. Once it begins to disintegrate and slide into the ocean, you have passed the point where you can stop it.**

**"Another tipping point is in the survival of species. Because species depend upon each other, you can drive an ecosystem such that, when some species go extinct, the entire ecosystem will collapse.**

**"We would be leaving a much more desolate planet for our children**

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and grandchildren and future generations, so we don't want to pass those tipping points."

"In the case of the ice sheets and sea level, we began in 2002 to get spectacular data from the gravity satellite which measures the gravitational field of the earth with such a high precision that you can get the mass of the Greenland and the antarctic ice sheets. What we see is that in 2002 to 2005, we were losing mass from Greenland at a rate of about 150 cubic kilometers per year. Now that's doubled to about 300 cubic kilometers per year.

"The mass loss from Antarctica has also doubled over that time period. So, we can see that we're moving toward a tipping point where those ice sheets will begin to disintegrate more rapidly, and sea level will go up."

In a December 14, 2009 video entitled, "Greenland Ice Sheet Melting," Dorte Dahl Jensen, Professor, Ice And Climate Center, Denmark, states, "The Arctic Monitoring and Assessment Programme issued a new report synthesizing the latest scientific finds on the Greenland Ice Sheet. [New 2007 data] has dramatically changed our prediction of sea level rise" in the next century from 40 centimeters to over a meter.

View at: <http://www.youtube.com/watch?v=et4KEGFluFQ>

A September 28, 2009 Al Jazeera video, "Greenland's ice melting faster than expected," announces the Greenland ice sheet has hot spots that "are thinning at a dangerous rate, up to a meter and a half a year."

View at: <http://www.youtube.com/watch?v=Lf2iGpeeg88&feature=fvw>

In the video, "Melting Trends: Arctic Ice Completely Gone by 2020," Environmentalist Dan Miller argues that "light once reflected off the surface of the melting ice is now being absorbed by water, priming a

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feedback loop that will continuously accelerate the melting process," so that all the North pole arctic ice will be gone in five to ten years.

View at: <http://www.youtube.com/watch?v=cqjO8rwB-GI>

On December 1, 2009, the Times Online headline announced: "Major Cities At Risk From Rising Sea Level Threat"

"Sea levels will rise by twice as much as previously predicted as a result of global warming, an important international study has concluded.

The Scientific Committee on Antarctic Research (SCAR) calculated that if temperatures continued to increase at the present rate, by 2100 the sea level would rise by up to 1.4 metres — twice that predicted two years ago."

Some scientists predict that, because glaciers and ice sheets are melting at an exponential rate, previous ocean rise predictions should be recalculated to three times the anticipated rate.

View at:  
<http://www.timesonline.co.uk/tol/news/environment/article6938356.ece>

In late 2009, scientific measurements of increasingly rapid accelerations in the polar caps and ice sheet melt place into serious doubt both the BCDC data quoted above and the adequacy of 2006 FEIR mitigation measures, based as they are on much lower projections in sea level rise.

Planners formulated the 2009-2010 SFRA BVHP Draft EIR over the year 2009, if not before. The recent surges in sea level rise documented in these September 28, December 1 and 14, 2009 videos and news reports foreshadow unanticipated future flooding along Bayview-Hunter's Point waterfront. These water rise projections drastically change the efficacy and effectiveness of the DEIR's

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seriously underestimated mitigations of water, land, and air in a vastly expanded potential 100 year flood hazard area.

Exponentially accelerating ocean rise casts into serious doubt all the following mitigation measures and impacts on SFRA development in Bayview Hunter's Point Naval Shipyard and Candlestick Point.

**VOL II. Section III.M Hydrology and Water Quality (Final Section Volume II)**

HY-12 Implementation of the Project would not place Housing in a 100-year Flood hazard area– Possibly significant with mitigation measures.

HY-13A Implementation of the project at Candlestick Point would not place Structures within a 100 year flood hazard area. Less than significant impact, no mitigation required.

HY-13B – Implementation of project at HP Shipyard Phase II would not place structures within a 100 year flood hazard area or impede or redirect flood flows.

HY-13C – Yosemite Slough Bridge would not place structures within a 100 year flood hazard area. No mitigation required.

HY-14 – Implementation of the project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as the result of failure of a levee or dam. Possibly significant.

**II. BVHP OCEAN RISE / EARTHQUAKE DOPPELGANGER**

Dr. Raymond Tompkins, biochemist at San Francisco State University and toxic cleanup expert, observed that all Bush administration documents seemed tainted or distorted by denial of global warming and ice shelf melt. No scientific reviews took into account the rise of

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the Bay. No one discussed even hydraulic pressure measurements to discover how to handle shoreline water rise impacts.

Important questions were never asked.

How would the two aquifers underneath the Shipyard, A and B, be impacted?

Would a retention wall be constructed?

What about Bay area earthquake zones?

No one sat down with scientists and discussed liquefaction.

The U.S. Geological report presents a mapping of Hunter's Point which places it all in a red zone --- very susceptible to soil liquefaction in a heavy earthquake.

#### Earthquake Amplification

Amplification phenomenon was not addressed in any documents reviewed.

In "amplification," geological land formations affect the direction of a quake's energy wave which bounces against rock and amplifies ground-shaking energy. The Loma Prieta quake was "amplified" to an 8 plus on the Richter scale, collapsing the Cypress Freeway, but not the adjoining area.

If the direction and force of the energy travels through the ground and hits a certain way, it could ricochet off rock formations causing amplification --- a more violent "echo effect" --- then bounce back off another rock and produce more vigorous shaking. Depending on the quake's strength, a 6.8 can become an 8, causing severe damage higher and farther inland.

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**The Bayview is highly vulnerable to a far more devastating “Big One.”**

**The area around the Cypress Freeway and the Bayview have the same geological formation and shape which can produce quake shock wave amplification, with more violent shaking.**

**Geological rock formations at Hunter's Point Shipyard, a Federal nuclear research Facility, can produce amplification conditions.**

**Amplification of underground shaking can cause liquefaction and crumble structures on soggy water-soaked soil.**

**Water reacts to the energy of underground quakes, heavy shock waves passing through the ground. Like a tsunami, the earth moving and dropping moves water with it.**

**The water does not contribute to earthquake amplification, but in the Bayview cove could convert to a seiche-like underwater wave which can reduce fragmented soil to impassable mud and mudflows and undermine shoreline integrity.**

**Important amplification questions must be addressed. How will amplification affect the aquifer? The shore? The draft EIR adequately addresses none of these concerns.**

**This deadly water rise-earthquake-amplification-liquefaction combination calls into serious question the basis for the DEIR HY-15 assertion that “Implementation of the Project would not expose people or structures to inundation by seiche, tsunami, or mudflow.”**

**Toxic substances and pollution**

**We know toxic substances contaminate BVHP aquifers running into the Bay. How will swift-rising water levels and possible earthquake**

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amplifications affect the movement of toxic pollution?

How and where will Bayview pollution spread? What models have been done? What examinations and tests finalized? What information has the U.S. Geological Department offered? What independent geologist has reviewed the data?

Dr. Tompkins expressed deep concern over lack of thorough study of these phenomena. None of these questions have been addressed honestly and presented to the public by any entity, including this Redevelopment/Lennar Draft EIR.

### **III. INADEQUATE, FAULTY STUDIES AND TESTING**

At various times, the Navy, EPA, Lennar Construction, and Air Quality Control Management have all been charged with testing soil, air, and water for poisons, toxic chemicals, and radiation materials in one of the country's most volatile Superfund sites. All these entities have been shown to be derelict.

Dr. Tompkins directs his criticism of the Navy's approach to chemical contamination at its practice of taking one core soil sample per acre in the 23-acre Superfund site. In the early '90s (1992, 1993), the Navy sampled by drilling a few widely scattered bore holes. In 2009, however, they did no comparison samples at the same sites.

#### **Toxic Fire**

Both Dr. Tompkins and Marie Harrison, Bayview Resident and Greenaction activist, cited the 2004 underground hot spot that caught fire and burned for three months. The fire re-ignited four times. On the last occasion, a "homeless man" apparently to set a fire, igniting toxic gas building up from underneath.

Fire creates a synergistic effect in chemicals wherein they are broken down into byproducts, some of which can be highly toxic. Neither the EPA, the Navy, nor Lennar has ever tested for one of the most

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contaminating byproducts, Dioxin,

#### **Radiation Testing**

The same was true for radiation. Dr. Tompkins reported that The Navy, charged with remediating all radiological contamination, provided radiation data only from a surface scan and did not bores to determine location of radioactive materials. "The Navy did no bores of radiation to determine where all this stuff is located."

Dr. Tompkins testified that Lennar came before the RAB complaining they were not qualified to touch radiation. They reported they lacked the experience or the knowledge to deal with the volume of contamination in the Shipyard, insisting that the Navy would have to do the cleanup. It seems to Dr. Tompkins and others that the Navy wants to dump the remediation on Lennar, and Lennar does not have the experience. "The Navy wants to get out of town, and leave the City and the developer holding the bag."

#### **Monitoring and Testing Dust Thrown up by Lennar's Construction**

Lennar's digging in serpentinite rock on HP Shipyard Parcels threw up toxin and asbestos and arsenic-laced dust from which residents suffered respiratory problems and chronic nose bleeds. Lennar was charged with taking dust mitigation measures and setting out monitors to test dust levels.

Marie Harrison reported that once Parcel A was turned over to the City, the City controlled the Parcel. Lennar provided the EPA dust mitigation data and information only for their review, asking to them evaluate whether it would or would not work. Thus, Lennar Corporation had the power to stop the EPA from doing their own testing and evaluation. The former EPA director told the community, "We didn't do a study. We analyzed the data that was given to us."

When the BVHP community met with the Federal Department of Toxic Substances, officials told residents that that Lennar also provided

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them only information for review, with the same outcome as the EPA.

"You can't call that an independent study," Marie stated.

She asked, if Lennar had followed their dust mitigation plan which included throwing a certain amount of water on the dust from water trucks. If they made sure that every truck was washed down. If they took this and that step, "would this be adequate to keep down the dust and the damage to the community?"

Lennar said, two things, "If they do these things, it would be the closest to the best thing, without spending the kind of money that should be spent.

There was a "likelihood" that it would work if they did the watering; if they did the dust monitoring; if they kept the monitors going; if they stopped work when the wind picked up to 25 miles an hour; if they had an overage, they would shut down for 24 hours; all these "ifs;" If they did these things they said they were going to do, there was a likelihood that dust mitigation measures would solve the problem with whatever was in the dust making the community sick."

"However," Marie testified that "they did not do what they said they were going to do. They didn't do the watering until we found out and started monitoring them ourselves. They didn't stop the work when the wind picked up to 25 miles an hour. They didn't stop the work for 24 hours after the dust went above their standards.

"So, it doesn't matter what you put on paper. If you're not going to do it, what good is putting it on paper?

There was no "likelihood" that the dust mitigation measures worked because there "was no way for it to work," Harrison said.

"For 389 days, they had no monitoring, no water, no nothing.

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In 2006, when Lennar started heavy grading, they placed monitors out after the fact. They forgot to supply the monitors with self-recharging batteries. Threadwell and Rollo, the data collection company who, every night at 5:00, were charged with retrieving, examining, and analyzing the information from tapes in the air monitors. However, when the monitors went off "helter-skelter," they decided to check certain community monitors only every other week.

Lennar/ SFRA makes many mitigation promises in the Draft EIR. However, their track record of keeping promises is very poor. All this will be exacerbated exponentially with 50-year two to three foot ocean rise in combination with earthquakes.

#### IV. SOIL AND AIR TOXINS

Public records substantiate the testimony of Marie Harrison and Dr. Tompkins that Parcel E-2 on the BVHP Shipyard contains hazardous poisonous chemical elements, including deadly radioactive wastes, polychlorinated biphenyls (PCBs), and toxic heavy metals. Present in air and soil are, over 40 toxic elements, including arsenic and antimony, both culprits in chronic nosebleeds. The presence of Arsenic, the main ingredient in the medicinal blood thinner, Coumadin, is easily and quickly detected in hair samples. Such substances will easily move and spread with ocean rise mud and water.

Radioactive wastes include polonium and radon. Both Marie Harrison and Dr. Tompkins repeatedly allude to the dumping of animal carcasses and radium dials used in testing radioactive materials as part of the Navy's World War II atomic bomb construction and use over Hiroshima and Nagasaki and on the Bikini atoll.

The radium dials emit radiation that converts to radon gas which moves through the ground with mud or water, rising to the top layer of the soil's surface. Radon stays in its toxic state for about four days, then converts, vaporizing into the air as polonium, a highly radioactive chemical element with a half-life expectancy of 1,600 years' activity. Polonium was famously reputed to have been used in

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2006 by the Russian secret service to assassinate Russian journalist, Alexander Litvinenko. A toxic element, Polonium is five million times more poisonous than the element cyanide, used in rat poison and human suicide pills.

**v. INADEQUATE MITIGATION AND CLEANUP**

The Navy seems resistant to complete removal of deadly the radium-radon gas-polonium gas-cyanide gas combination. The Navy has contained such poison substances underneath a cap geotextile barrier (plastic sheet) and soil cap over the landfill. "The proposed means of containment include a geotextile barrier and soil cap over the landfill, and a barrier wall along the shoreline to prevent migration of contaminated water into the Bay," wrote Dr. Peter Palmer in his October 2007 Asian Weekly article, "Pandora's Box – What To Do With The EPA Superfund Site on Parcel E-2 In the Shipyard?"

Lennar and SFRA, authors of the draft EIR, have signed onto the capping alternative.

Activists are pushing for complete excavation and removal of these substances from the Naval Shipyard and Parcels E-1 and E-2. In 2000, San Franciscans voted to clean up the Bayview to "Residential standards," complete cleanup. The removal process includes covering the area with a metal tent. Workers in protective "space-suits" would carefully move the radioactive toxic soil into trucks bound for a toxic waste site in Utah.

The Navy projected only short-term 30-year maintenance costs for the cap. Dr. Tompkins insists removing caps and toxins underneath would be cheaper and far more cost-effective for taxpayers' than to pay 1,600 years-worth of taxes to maintain this cap for the poison's centuries-long life span.

Dr. Tompkins understands the Navy plans to reduce the volume of pollution by digging out 15-20 feet around the Superfund site's periphery, a paltry measure in the face of the coming floods.

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Presently, the Obama Administration has not altered the Bush Administration's non-approach to ever more dangerous and swiftly encroaching climate change / global warming and ocean rise. Installation of objective scientists who review data and establish sound standards has not yet been accomplished. "It's like the force of an object in motion [that stays in motion]" observes Dr. Tompkins.

VI. HUMAN AND CIVIL RIGHTS VIOLATIONS

NASA-Goddard Director, Dr. James Hansen, participated recently in a action on Boston Commons. "These protests are [Gandhi-style] civil resistance. We are trying to draw attention to the injustice. This is really a moral issue analogous to that faced by Lincoln with slavery or by Churchill with Nazism, because what we have here is a tremendous case of intergenerational injustice. We are causing the problem, but our children and grandchildren are going to suffer the consequences."

The same applies to peoples of color who represent the major segment of the Bayview-Hunters Point population. Predominantly white, rich developers have taken the land for development and left this poverty-ridden population without homes, land, or jobs.

The irony is that, when these developers construct businesses, homes, condos, roadways, bridges, stadiums, and shopping malls on this non-remediated Superfund site, their future children and grandchildren will pay with a seriously-reduced natural habitat and fewer animal species. Toxic chemicals still planted in the soil may make many pay with their lives.

***no wise words.  
just good thoughts.***

***carol***

67-3  
cont'd.

67-4

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## ■ Letter 67: Harvey, Carol (1/12/10)

### **Response to Comment 67-1**

Refer to Master Response 8 (Sea Level Rise) and Responses to Comments 36-2, 57-1, and 58-3 for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur.

### **Response to Comment 67-2**

The comment refers to the interaction of sea level rise and earthquakes, with reference to aquifers below Parcel A and B and potential creation of a retention wall, earthquake amplification, liquefaction, and the release of toxic contaminants. Refer to Master Response 6 (Seismic Hazards); Master Response 7 (Liquefaction); Master Response 8 (Sea Level Rise); Master Response 9 (Status of the CERCLA Process); Master Response 11 (Parcel E-2 Landfill); Master Response 12 (Naturally Occurring Asbestos); Master Response 13 (Post-Transfer Shipyard Cleanup); and Master Response 14 (Unrestricted Use Alternative) for discussions on the interrelationships between potential liquefaction, amplification, and toxics. Refer to Impacts HZ-1a and HZ-2a and mitigation measures MM HZ-1b and MM HZ-2a.1 for further details.

### **Response to Comment 67-3**

Refer to Master Response 9 (Status of the CERCLA Process), Master Response 11 (Parcel E-2 Landfill), Master Response 12 (Naturally Occurring Asbestos), and Master Response 13 (Post Transfer Shipyard Cleanup) which discusses the status of HPS CERCLA process, hazardous materials, conditions at the Parcel E-2 landfill, naturally occurring asbestos, and process for decisions and responsibility for cleanup.

### **Response to Comment 67-4**

The comment is acknowledged. No response is required. However, with respect to hazardous conditions at the Project site, refer to Section III.K (Hazards and Hazardous Materials) of the Draft EIR, as well as Master Response 7 (Liquefaction), Master Response 9 (Status of the CERCLA Process), Master Response 10 (Pile Driving through Contaminated Soil), Master Response 11 (Parcel E-2 Landfill), Master Response 12 (Naturally Occurring Asbestos), Master Response 13 (Post-Transfer Shipyard Cleanup), Master Response 14 (Unrestricted Use Alternative), Master Response 15 (Proposition P and the Precautionary Principle), Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues), and Master Response 17 (Enforcement of Environmental Restrictions and Mitigation Measures), which also discuss hazardous materials, pile driving through contamination, conditions at the Parcel E-2 landfill, cleanup to unrestricted use (Proposition P), naturally occurring asbestos, ubiquitous metals issues, HPS radiation cleanup and restrictions, status of the HPS CERCLA process, process for decisions and responsibility for cleanup, and notification regarding restrictions, contaminations, and releases or violations of mitigation measures. In terms of potential impacts to biological resources, refer to Section III.N of the Draft EIR, which identifies numerous mitigation measures to avoid or reduce impacts to biological resources, including those that would actually maintain or increase certain habitat types.

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## ■ Letter 68: Technical Assistance Services for Communities (1/12/10)

1 of 8

Letter 68

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JAN 12 2010

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK



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.

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.

68-1

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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.

#### 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,

68-1  
cont'd.

68-2

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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."

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

68-2  
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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.

#### **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.”

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.

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

68-2  
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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.

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.

68-2  
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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

8 of 8

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.

## ■ Letter 68: Technical Assistance Services for Communities (1/12/10)

### ***Response to Comment 68-1***

The comment expresses concern about exposure of construction workers, occupants, and schools to hazardous materials, as well as concern about oversight of contractors performing remedial activities in the case of Early Transfer. Please refer to Section III.K.4 of the Draft EIR for a discussion of these potential impacts and the associated mitigation measures. In particular, refer to mitigation measures MM HZ-1a, MM HZ-1b, MM HZ-2a.1, and MM HZ-2a.2 for information on mitigating potential impacts to construction workers and the public; refer to MM HZ-18 for information on mitigating potential impacts related to the proximity of schools; and refer to MM HZ-18 for an analysis of potential impacts and mitigation associated with Early Transfer. Implementation of the above mitigation measures would ensure that potential impacts from construction activities would not expose construction workers or the public (including school aged children) to hazardous materials in the result that early transfer of the HPS II properties were to occur. Refer also to Master Response 17 (Enforcement of Environmental Restrictions and Mitigation Measures) for a detail on the mechanisms of enforcing the mitigation measures. Refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) for a discussion of related notice requirements.

### ***Response to Comment 68-2***

Refer to Master Response 17 (Enforcement of Environmental Restrictions and Mitigation Measures) for a discussion of the mechanisms of oversight and enforcement of environmental restrictions and mitigation measures. Refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) for a discussion of notification of property owners and residents regarding environmental restrictions, and also of notification requirements and mechanisms to inform nearby property owners, residents, and schools of asbestos dust levels when they exceed standards, and of the discovery of previously unidentified contaminants. Refer to Master Response 11 (Parcel E-2 Landfill), and Master Response 13 (Post-Transfer Shipyard Cleanup, which discuss hazardous materials, conditions at the Parcel E-2 landfill, ubiquitous metals issues, and HPS radiation cleanup and restrictions. Impact HZ-2 addresses the potential to encounter previously unidentified hazardous material during excavation, and implementation of mitigation measures MM HZ-2a.1 and MM HZ-2a.2, which provide for community notification, renders this potential less than significant. Refer to Response to Comment 66-8 for a discussion of the protection of occupants in connection with phased development. With respect to cumulative impacts, the Draft EIR evaluated the potential for cumulative impacts of hazardous materials in various contexts. Refer to Section III.K.4, pages III.K-118 through -124 for a discussion of cumulative impacts of hazardous materials, and also to Section III.H.4, pages III.H-37 through -39 for a discussion of cumulative impacts related to air quality.

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## ■ Letter 69: People Organized to Win Employment Rights (1/12/10)

1 of 4

Letter 69

Karissa Cole  
POWER  
4923 Third Street  
San Francisco, CA 94124

January 12, 2010

Bill Wycko  
Environmental Review Officer  
Planning Department  
1650 Mission Street Ste 400  
San Francisco CA 94102

### Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

I am a community organizer with an organization called POWER (People Organized to Win Employment Rights), A civil rights organization fighting for social justice and against environmental racism in Bayview/ Hunters Point.

The above Draft EIR is inadequate for the following reasons;

III-K-15 "The major components of the soil remedial actions are: excavating contaminated soil with off-site disposal, and covering with clean soil or other impervious surfaces such as pavement, concrete, or buildings;...continuing the removal of radiological contaminated building materials and soils; and implementation of Institutional Controls (ICs) to limit exposure to contaminated soil and groundwater by restricting specified land uses and activities on the parcel."

Section K does not list what toxins will be left in the ground. What hazardous materials will remain in each parcel after mediation? Please provide a diagram listing all hazardous materials and toxins that will remain in the ground after mediation for each parcel.

Please provide an image that indicates the depth of toxins in the shipyard and the depth that the mediation of those toxins will stop

How will the proposed Institutional Controls (ICs) such as covers and caps be affected by possible earthquakes and liquefaction?

Has the Project studied whether tectonic activity could breach these covers and caps, releasing hazardous materials?

How will the Project guarantee reasonable protection of public safety if the caps are breached?

Will all people that move to the project site be notified of the current conditions of contamination at shipyard?

Please provide a map of the locations of the contaminates being left in the ground.

69-1

2 of 4

Please describe in detail what IC's (institutional controls) are being used to mediate each contaminant being left in the ground.

Provide an image listing all IC's and their proposed location. And what hazardous substance they are controlling

Section III.L-15

"The Project site is in an area of San Francisco that has been designated as potentially liquefiable. As depicted in Figure III.L-1, the majority of the Project site is covered by lowland soils and artificial fill, which is the most susceptible soil layer for liquefaction."

Additionally, even if the cap doesn't break and the contaminated soil liquefies, their groundwater will become pressurized and will flow into the bay. What is likelihood of this secondary effect of liquefaction? What steps will be taken to mitigate this outcome? What impact would this have on the water quality of the Bay?

While the EIR identifies the need for caps and covers to protect people and the environment from hazardous materials in the ground throughout the development, it does not address the issues of these toxins seeping into the bay by way of Liquefaction. If there is liquefaction that includes contaminated hazardous material and it flows into waterways, there are major problems. What is the impact of toxic material that liquefies and runs into the Bay? What is the impact on water life?

"The mobilization of historic contaminants in soil would be reduced by the placement of fill soils in various locations to raise the land surface above the base-flood elevation (as discussed in Section III.L), thus increasing the height of soil cover in those locations."

How many total cubic feet of fill/ dirt we be used to raise the land surface at HPS /Candlestick point?

Where will this fill come from?

It is well known that the Bayview has the highest rates of asthma and respiratory problems in San Francisco. The EIR is inadequate because it does not fully address the cumulative impacts of the construction/grading phase on a community already suffering from environmental justice disparities.

Figure IIIP-2 shows an image of the proposed park spaces. Parcel E2 is listed as becoming an open space. What specific IC's are being used to make this park safe? How can it be insured that the IC's will not be compromised by daily use? Please provide a detailed list of the IC's used in this park space and the durability of each IC

As shown in figure II-4 neighborhood retail space is not included in the Alice Griffith plan, how accessible will the retail areas on candlestick point be to the residents of Alice Griffith and the larger Bayview community?

The EIR does not state the impact the transit changes would have on the businesses in the Bayview/Hunters point area.

Please provide a diagram listing all the street closures or lane closures that will occur during the construction phase do to the implementation of the project.

69-1  
cont'd.

69-2

69-3

3 of 4

What is being done to reduce the impact on local business in the surrounding community?

What will be the time length of each closure?

Will closures be during business hours?

What measures are being taken to insure that current residents and business will not be negatively impacted by the project?

Please provide an analysis of how many local business owners either went out of business or ownership was transferred during the other biggest redevelopment project in San Francisco in the Fillmore/western addition district.

As stated on Page I-2 of the DEIR, in 1999 "the agency entered into an exclusive negotiations agreement with Lennar Urban."

Please provide the reason this corporation was chosen with out opening it up for other companies to bid on this project.

#### **Lennar in Orlando, Florida – EXPLOSIVE HOMES**

Lennar built homes on top of a World War II bombing range. People began to find undetonated bombs underneath their homes, including a 23-pound fragment bomb. The City of Orlando called for a forced evacuation of surrounding homes and a day care center.

<http://www.searchhutto.com/huttoparke/Orlandobomb2.html>

#### **Lennar in Hutto Parke, Texas – "DEFECTIVE" HOMES**

Lennar sold people "defective homes" that fell apart. The walls on the homes were built using expansive clay that began to crack apart. "It was the most stressful, harrowing ordeal I've gone through," said one homeowner.

[http://www.searchhutto.com/huttoparke/Hutto\\_clay.html](http://www.searchhutto.com/huttoparke/Hutto_clay.html)

What investigation of Lennars track record has been completed by the city to insure public safety?

What measures are put in place to make sure Lennar is following the correct mitigation procedures around the removal of hazardous materials?

What agency will oversee the mitigation process?

Please provide how a resident can submit complaints if the mitigation measures are not being followed correctly?

Mercury News 12/22/2009

'York told the Mercury News on Monday that the team is completely focused on the plan to build a 68,500-seat stadium adjacent to Great America theme park, and any talk about fallback plans is secondary. He did reiterate that Oakland, because of its existing transportation hubs, is "a much better site" than Hunters Point,"

69-3  
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69-4

69-5

4 of 4

Given the above statement from York, Owner of the San Francisco 49ers it is clear that San Francisco is neither the first nor second choice for the 49ers new stadium. In a hearing in front of the redevelopment commission Tiffany Boehe spoke to the EIR process and the timeline indicating the June vote in Santa Clara was moving this process.

Please explain the continued energy being put into the stadium when they are not going to stay in San Francisco?

Why is this project being moved on a stadium timeline and not with the best interest of the residents of the Bayview community moving the process.

How much is the City/Agency/Lennar to pay to subsidize construction of the proposed stadium?

Please address these comments and questions.

Sincerely,  
Karissa Cole

↑  
69-5  
cont'd.

## ■ Letter 69: People Organized to Win Employment Rights (1/12/10)

### **Response to Comment 69-1**

Refer to Master Response 6 (Seismic Hazards) and Master Response 7 (Liquefaction) for a discussion of hazards associated with earthquakes and liquefaction, and measures to be taken to ensure public safety. Refer to Master Response 9 (Status of the CERCLA Process), Master Response 11 (Parcel E-2 Landfill), Master Response 13 (Post-Transfer Shipyard Cleanup), and Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) regarding concerns with toxins, cleanup, the Parcel E-2 landfill, and notification issues. For the requested images, refer to Figure III.K-6 (Status of CERCLA Process) in connection with the information on toxins provided in Master Response 9 and Master Response 13. Refer to Response to Comment 55-3 for a discussion of sources of soil to be used for backfilling. Refer to Master Response 5 (Public Health) for a discussion of Bayview health patterns related to environmental justice concerns.

### **Response to Comment 69-2**

Refer to Response to Comment 52-7 regarding neighborhood-serving retail.

### **Response to Comment 69-3**

In terms of potential impacts of the Project on existing businesses, Draft EIR pages V-14 through -28, including the supporting appendix material contained in Draft EIR Appendix U, provide a detailed evaluation of secondary land use effects. As stated on page V-14:

Secondary land use effects can also include economic and social changes. Economic and social changes are not in themselves significant impacts on the environment; however, a physical change in the environment caused by economic and social factors attributable to a development could sometimes result in a reasonably foreseeable indirect environmental impact, such as urban decay or deterioration. ...

Impacts of construction activity on the transportation network are described on Draft EIR pages III.D-67 through -69. Buildout of the Project would occur over a 20-year period, and therefore details related to construction activities are not currently known. In terms of street closures, page III.D-68 of the Draft EIR states that:

In general, construction related transportation impacts would include impacts in the immediate vicinity of the development project under construction, on roadways within the Project site, and cumulative construction traffic impacts along the roadways in the Bayview Hunters Point neighborhood. Since the Project includes building construction as well as construction of a new street system and transit route extensions into the Project site, all Project construction operations would include plans for the closure of traffic/parking lanes and sidewalks adjacent to construction sites. The closure of sidewalks and parking lanes could last throughout the entire construction phase for each building or group of buildings. It is possible that more than one location within the Project site could be under construction at any one time and that multiple travel lane closures may be required.

However, mitigation measure MM TR-1 requires the implementation of a Construction Traffic Management Program to minimize the possibility of conflicting impacts on the roadway system, while safely accommodating the traveling public in the area. Importantly, one component of this Program is to

identify construction traffic management strategies and other elements for the Project, and present a cohesive program of operational and demand management strategies designed to maintain acceptable levels of traffic flow during periods of construction activities in the Bayview Hunters Point area. These could include construction strategies, demand management strategies, alternate route strategies, and public information strategies.

At this stage in the Project entitlement process, there is no specific map listing all street closures or lane closures, nor is information available as to the length of time of each closure; typically, this information becomes available when the construction schedule is more fully refined. However, as part of the Construction Traffic Management Program, this information could be provided. This comment will be forwarded to the decision makers for their consideration prior to approval or denial of the Project.

Lastly, in terms of the business closures associated with the Fillmore/Western Addition, the information is not relevant to the analysis of the impacts of this Project at this Project site. As previously mentioned, an Urban Decay Analysis was conducted for this Project, and the findings are presented on pages V-14 through V-28 of the Draft EIR, including the supporting appendix material.

#### **Response to Comment 69-4**

The developer selection process, a competitive process completed over ten years ago, is not the subject of the Draft EIR. The commenter references news articles about Lennar Urban and asks what measures are in place to ensure the correct mitigation procedures are followed. Refer to Master Response 17 (Enforcement of Environmental Restrictions and Mitigation Measures) for a discussion relating to enforcement of mitigation measures and other restrictions. Refer also the Mitigation, Monitoring and Reporting Plan (MMRP) for a detailed table which identifies the responsible implementing, enforcing and monitoring parties for each mitigation measure identified in the EIR.

#### **Response to Comment 69-5**

Refer to Response to Comment 50-14 regarding the proposed stadium.

■ Letter 70: Tello, Jesse (1/12/10)

1 of 2

Letter 70

Jesse Tello  
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January 12, 2010

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JAN 12 2010

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

"Peak construction employment would occur in 2016 and 2017 for Candlestick Point, with an average of 144 and a maximum of 169 workers on site in 2016 and an average of 136 and a maximum of 172 workers on site in 2017. Peak construction employment for HPS Phase II would occur in 2015 and 2016. During this time, an average of 275 workers and a maximum of 342 construction workers would be employed at HPS Phase II in 2015, and an average of 269 and maximum of 335 construction workers during 2016. A maximum of 504 construction workers would be expected to be working at the Project site at any given point during the construction period."

Of the 504 people to be employed through the project construction phase what is the requirement for them to be local bayview residents. Who or what agency will oversee this?

Has the impact been adequately evaluated as beneficial to the community based on the fact that most of the jobs will not be available for 20 years? What jobs will be made available to community and when?

In Section V-C page v-3 (go back to section 3 and compare) the EIR has stated that "Operation of the Project would result in violations of the BAAQMD CEQA significance thresholds for mass criteria pollutant emissions from mobile and area sources and contribute substantially to an existing or projected air quality violation at full build out in the year 2029"

What are the health impacts for both current residents and future residents based on this statement?

70-1

70-2

2 of 2

III H-42 "However, at this time, it is not possible to accurately predict the potential cumulative risks in the Project vicinity. Nonetheless, given the potential for these cumulative impacts to exceed the proposed BAAQMD CEQA thresholds, it is possible that the Project would contribute considerably to a cumulative impact from such sources and, therefore, may result in a significant cumulative air quality impact to sources of TAC emissions. If such an impact exists, this impact would be considered significant and unavoidable at this time, given the inability to determine the nature of such an impact accurately and, therefore, to determine whether any mitigation measures would be effective to reduce the impact to a less than significant level."

When will the community know about the impacts associated with the cumulative risks?

Given that this neighborhood already has incredibly high levels of Asthma, will this increased air quality problem increase the levels of asthma in the area?

What kinds of measures will be taken to protect resident from health problems related to air quality?

What kind of steps will be taken to inform residents of the air quality issues in the area?

It was unclear in the EIR what feasible mitigation measures would reduce or avoid the identified impacts on the issue of air quality. Please list all mitigation measures being used.

I am writing the above questions and comments as a long-time San Francisco community organizer and activist. I've lived in Bayview for over 10 years, before that I was an activist & treasurer for the Mission Coalition, organizing for community serving development. Since moving to Bayview, my health and that of my family, has been affected by all the toxins in the neighborhood. Please address the air quality questions that are not fully dealt with in the draft EIR.

As an active UFCW member, I also have multiple questions of local hiring and the inadequate job creation plans related to this development plan.

70-2  
cont'd.

70-3

## ■ Letter 70: Tello, Jesse (1/12/10)

### ***Response to Comment 70-1***

As part of the Community Benefits Agreement, a component of the DDA that will be approved by the Agency at the time of Project approval, the Project Applicant will contribute to a workforce development fund that will be used for workforce development programs designed to create a gateway to career development for residents of the Bayview community. The Project would be developed in four major phases: Phase 1 would be completed in 2019, Phase 2 would be completed in 2023, Phase 3 would be completed in 2027, and Phase 4 would be completed in 2031. The stadium and the majority of the commercial and R&D development, which will provide jobs, would be completed by the end of the second phase.

### ***Response to Comment 70-2***

Refer to Master Response 19 (Proposed BAAQMD Guidelines) for an updated analysis of cumulative impacts associated with TAC and PM<sub>2.5</sub> based on the most recent guidance from the BAAQMD, and refer to Master Response 5 (Health of the Bayview Hunters Point Community) for a discussion of health outcomes in the Bayview community.

### ***Response to Comment 70-3***

This comment primarily contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. However, with respect to the request to address air quality questions, the commenter raises specific comments earlier in her letter, and responses to those comments are provided in Responses to Comments 70-1 and 70-2. Also, with respect to the local hiring and/or the creation of local jobs, one of the EIR's objectives, as stated in Proposition G, is to create substantial affordable housing, jobs, and commercial opportunities for existing Bayview residents and businesses. Section III.C (Population, Employment, and Housing) of the Draft EIR discloses the employment opportunities that would be provided by the Project. Whether local residents choose to or are encouraged to apply for those jobs is an issue that is entirely outside of the scope of this EIR; however, this comment will be forwarded to the decision makers for their consideration prior to approval or denial of the Project.

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