Lunetta, Kim@SLC

From: Sent: To: Subject: Restmeyer, Nicole <Nicole.Restmeyer@asm.ca.gov> Thursday, October 21, 2021 11:08 AM CSLC CommissionMeetings October 21, 2021 Speaker Comment - Item 30

Attention: This email originated from outside of SLC and should be treated with extra caution.

Hello, this is Nicole Restmeyer and I'll be calling in via videoconference at this afternoon's SLC meeting to speak on behalf of **Assemblymember David Chiu** regarding Item 30.

A written copy of my comment is included below.

"Good afternoon, Madame chair and commissioners, My name is Nicole Restmeyer, and I will be providing comments on behalf of Assemblymember David Chiu, who serves as Chair of the Assembly Housing and Community Development Committee and represents the district this lease is located in.

This proposal before you for a temporary vehicle triage center is the best opportunity we have to address the vehicle encampment crisis in the Candlestick Point State Recreation Area. This unique partnership provides us an opportunity to use underutilized public space for the public good, while addressing one of our state's greatest challenges – homelessness.

It is important to note that this proposal is temporary and ensures that residents, park goers, and neighbors maintain access to the recreational space at the park. The proposed vehicle triage center would be located at a remote area of the park and would only occupy about 2% of park space.

This proposal builds off of a successful pilot program the City of San Francisco has instituted at another location. It would provide desperately needed security and services to people living in their vehicles, with the ultimate goal of transitioning those individuals to permanent supportive housing.

On a more personal note, Assemblymember Chiu lives directly next to Candlestick Point Recreation Area. He is personally very familiar with the ongoing challenges in the area, and believes a vehicle triage center is the one viable option to improving conditions in the recreation area and the immediate surrounding neighborhood. The security and services that would be provided by the city will only help the situation.

With that, on behalf of Assemblymember Chiu, I respectfully ask that you approve this sublease agreement

and support the proposed vehicle triage center, as your staff has recommended. Thank you."

Nicole Restmeyer | Legislative Director Assemblymember David Chiu (AD-17) State Capitol Room 4112 (916) 319-2017 | she/her/hers



October 21, 2021

By Email

California State Lands Commission <u>cslc.commissionmeetings@slc.ca.gov</u>

Re: Agenda Item No. 30—Bayview-Hunters Point Vehicle Triage Center

Dear State Lands Commission:

The Golden Gate University School of Law's Environmental Law and Justice Clinic submits these comments on behalf of the Bayview Hill Neighborhood Association (the Neighborhood) regarding Agenda Item No. 30. The Neighborhood asks that the Board deny the proposal to sublease public trust lands for the construction and operation of a Vehicle Triage Center (the project) at Candlestick State Park Recreation Area (the Park). The Neighborhood is an all-volunteer non-profit association committed to making the Bayview Hill neighborhood a safe, clean, and well-maintained place to live and raise children. The Commission should not approve the project because it: (1) violates the Commission's public trust duties; (2) violates the California Environmental Quality Act; and (3) is contrary to the lease's express terms.

DISCUSSION

I. The Project Should Not Be Approved Because a Vehicle Triage Center for the Unhoused Is Inconsistent with the Commission's Duty to Protect Public Trust Lands.

The Commission should not approve the project because it would violate the public trust doctrine. The Staff Report proposes to extend the public trust doctrine to an area where it has never before been recognized—a vehicle triage center for the unhoused on trust lands. Staff's recommendation for an unprecedented expansion of the public trust doctrine to allow siting the project on trust lands is contrary to California law.

The Commission has an "affirmative duty to take the public trust into account . . . and to protect public trust uses whenever feasible."¹ While public trust uses "are sufficiently flexible to encompass changing public needs,"² not all public interests are compatible with public trust

¹ National Audubon Society v. Superior Court, 33 Cal.3d 419, 446 (1983).

² Zack's, Inc. v. City of Sausalito, 165 Cal. App. 4th 1163, 1182 (2008) (citing Marks v. Whitney, 6 Cal.3d 251, 259 (1971)).

uses.³ Any reallocation of trust lands by the Commission requires examination of "whether the [proposed] use would be more restricted than the present use or would elevate the interests of private parties over the public interest."⁴ Moreover, reallocation of public trust lands should be limited to uses that do not conflict with trust purposes or "impair private rights in trust land more substantially than is necessary to protect public interests therein."⁵

Here, approval of the project would violate the State's public trust duties because it would restrict the public's use of a portion of the Park. The proposed site is currently designated open space and provides public access to the Bay shoreline. The proposed lease includes plans to fence the area to restrict public access and limit access to residents and their guests, and service providers. Because the proposed use is more restrictive than the present use and would impair the public's right to access trust lands, it must be rejected.

Staff's claim that the project will somehow improve access to the area by clearing an "adjacent" roadway is wholly speculative.⁶ Staff suggests that moving unhoused individuals from outside the Park directly onto trust lands will allow better access to trust lands for the public. This suggestion lacks any factual or legal support. Indeed, the project will directly obstruct public access to existing public trust lands by, among other things, fencing off trust lands from the public. The public. The public trust doctrine does not permit extinguishing public access to trust resources to favor non-trust uses when there are feasible alternatives.

Furthermore, the Commission has ignored its duty "to protect public trust uses whenever feasible."⁷ Neither the City nor the Commission examined any alternative locations for the project that would not impair the public right to access trust lands. Nor did the Commission consider any other feasible measures to protect the public rights at issue. Simply observing that the proposed lease is of limited duration does not diminish the fact that public trust uses will be extinguished for the entirety of this duration. The Staff Report makes no mention of feasible alternatives, such as locating the project elsewhere. This glaring omission is fatal to the proposed project.

Because the proposed use is incompatible with existing public trust uses and the feasibility of protecting these uses was not examined, the proposed sublease should be rejected.

⁵ *Id.* at 1194.

³ San Francisco Baykeeper, Inc. v. State Lands Com., 242 Cal. App. 4th 202, 235 (2015).

⁴ Zack's, 165 Cal. App. 4th at 1183.

⁶ Staff Report at 4.

⁷ *Audubon*, 33 Cal.3d at 446.

State Lands Commission October 21, 2021 Page 3 of 4

II. The Commission's Failure to Conduct Environmental Review of the Project Violates the California Environmental Quality Act.

The project must be reviewed under the California Environmental Quality Act (CEQA) because it has the potential to have significant environmental impacts on public trust resources as well as the already overburdened Bayview community.⁸

The Commission's attempt to avoid CEQA review is improper. Staff contends that the project is not subject to CEQA under Assembly Bill 101. *See* Gov. Code §§ 65660-65668. That conclusion is incorrect.

Assembly Bill 101 does not relieve the Commission of its duties under CEQA. Assembly Bill 101 states that projects are not subject to CEQA when they are located in an area zoned for mixed use and "nonresidential zones permitting multifamily uses." Gov. Code § 65662. Here, the project site is located on public trust lands and is zoned for Open Space. Multifamily uses are thus prohibited on the site. Accordingly, the Commission's attempt to evade CEQA under AB 101 falls short.

In addition, Staff's cursory suggestion that the project qualifies for categorical exemptions under CEQA is mistaken. Staff states, without explanation, that the project is exempt under the "Existing Facilities" and "New Construction or Conversion of Small Structures" exemptions.⁹ The project does not meet the requirement for the Existing Facilities exemption for the simple reason that it is a new project—not a modification to an existing project.¹⁰ Likewise, the project does not meet the "Small Structures" exemption because it does not involve the installation of a "small" facility or minor modifications to the "exterior of [a] structure."¹¹ Indeed, a \$13 million project that will involve the construction of offices, fences, upgrading water and sewage lines, and providing amenities and services for over 150 cars for at least two years does not qualify as a "small structure" under this exemption. Thus, the Commission's approval of the project violates CEQA.

¹⁰ 14 C.C.R. § 15301.

¹¹ 14 C.C.R. § 15303.

⁸ "With narrow exceptions, CEQA requires an EIR whenever a public agency proposes to approve or to carry out a project that may have a significant effect on the environment." *Laurel Heights Improvement Assn. v. Regents of Univ. of California* 47 Cal. 3d 376, 390 (1988).

⁹ Staff Report at 7.

State Lands Commission October 21, 2021 Page 4 of 4

III. The Proposed Project Cannot Be Approved in the Park Because It Conflicts with the Lease.

The proposed sublease to facilitate the project is improper. Specifically, the Commission's proposal to authorize the City to sublet the premises for the project violates the express terms of the lease. The lease states that the premises cannot be used for facilities or structures that "provide overnight accommodations" to people.¹² Providing overnight accommodations is precisely what the project will do. Thus, the proposed sublease is directly contrary to the lease. For these reasons, the project cannot be approved.

Thank you for considering our comments. Should you have any questions, we are happy to discuss.

Respectfully,

Environmental Law and Justice Clinic Golden Gate University School of Law

Lucas Williams, Cal. Bar No. 264518 Susann Bradford, PTLS No. 712864 Tanya Boyce, PTLS No 554434

¹² Lease No. Pub. Resources Code 6414.9, § 4, ¶ 4(i), available at <u>https://sfgov.legistar.com/View.ashx?M=F&ID=9817817&GUID=2DFC9E43-BC43-4CA1-BA56-FFE4B12D75BB</u>.

Lunetta, Kim@SLC

From:	Barbara Tassa <	>
Sent:	Wednesday, October 20, 2021 11:48 AM	
То:	CSLC CommissionMeetings	
Cc:	eleni.kounalakis@lgt.ca.gov; byee@sco.ca.gov; kbosler@dof.ca.gov	
Subject:	SUBJECT: 10/21/2021: Item 30 - Opposition	
Attachments:	L'2021-10-19 BOS Re VTC (Bayvev	v Hill)(f)x.pdf

Attention: This email originated from outside of SLC and should be treated with extra caution.

Dear California State Lands Commission,

I'd like to submit public comment on Item 30 for the October 21, 2021 agenda, concerning the sublease agreement for a Vehicle Triage Center (VTC) at Candlestick Point State Recreation Area.

Based on extensive research conducted by the Golden Gate University School of Law Environmental Law and Justice Clinic, the State Lands Commission should not approve the sublease. <u>The full letter can be viewed</u> <u>here</u> (and attached).

In summary, there are 3 key reasons it should not be approved:

- •
- •
- First, the area is already overburdened by poverty, pollution and lack of resources compared to
- other San Francisco neighborhoods;
- •
- •
- •
- Second, the plan is using incorrect zoning, ignoring the Redevelopment Plan Open Space zoning that
- is intended for parks and related recreational uses and facilities;
- •
- •
- •
- Third, the project has failed to conduct an environmental review under the California Environmental
- Quality Act (CEQA)
- •

Based on the research, I encourage the Commission to ask a few key questions:

- 1. 2.
- 3. Why does the City think it can locate the VTC on a parcel zoned for Open Space?
- 4. The parcel is located in Zone 1 of the Redevelopment Plan. It's zoned for Open Space. Open Space allows parks and recreation—not shelters.
- 5.

- 2. 3.
- 4. Did the City know the zoning is improper for this project? Did the City consider other locations?
- 5.
- 6.
- 7.
- 8. Wouldn't the project also violate the lease with the State? The lease says the parcel can't be
- 9. used for "overnight accommodations." The VTC would provide overnight accommodations in direct violation of this provision.
- 10.

Furthermore, nearby residents have raised a number of concerns with the project and many do not support it including writing emails to the Board of Supervisors, expressing opposition during public <u>presentations</u> of the VTC proposal, and expressing opposition on <u>public comment calls</u> to the Board of Supervisors Full and Budget & Finance Committee meetings.

The area residents <u>overwhelmingly oppose this plan</u>. Residents want the city to honor the Open Space Redevelopment zoning and park to be developed as intended by the FivePoint development plans and the <u>Candlestick Point SubArea Plan in the San Francisco General Plan</u>, which calls to "realize the full potential of the underutilized Candlestick Point by creating a complete and thriving neighborhood...in a way that fully realizes its shoreline location and acts as an economic catalyst for the rest of the Bayview".

San Francisco city leadership is failing residents in the Candlestick area. Residents want this area redeveloped and they want the investment in open space for recreational uses. Please consider the evidence and the resident voices that do not want this VTC to proceed for the above stated reasons. Please reject the sublease request.

Kind regards,

Barb Tassa Resident in the Bayview neighborhood in San Francisco



October 19, 2021

By Email

Clerk of the Board San Francisco Board of Supervisors <u>bos@sfgov.gov</u>

Re: Agenda Item No. 210966—Bayview-Hunters Point Vehicle Triage Center

Dear Board of Supervisors:

The Golden Gate University School of Law's Environmental Law and Justice Clinic submits these comments on behalf of the Bayview Hill Neighborhood Association (the Neighborhood) regarding Agenda Item No. 210966. The Neighborhood asks that the Board deny the resolution proposed in this Agenda Item concerning the Vehicle Triage Center at Candlestick State Park. The Neighborhood is an all-volunteer non-profit association committed to making the Bayview Hill neighborhood a safe, clean, and well-maintained place to live and raise children. We appreciate your consideration of our request to deny the resolution.

INTRODUCTION

The Board should not approve the proposed Vehicle Triage Center (the project) in Candlestick State Park. The Bayview-Hunters Point district (Bayview) is a community of color that has been adversely impacted by a long history of government-sponsored racially discriminatory practices. Today, as a result of these practices, Bayview is overburdened by pollution, poverty, and a lack of resources such as access to greenspace and grocery stores. The proposed project is yet another example of the City's practice of targeting Bayview for projects that other San Francisco neighborhoods do not want.

In addition to the inequities of siting the project in an already overburdened community of color, the proposed project faces two significant legal problems: First, the project cannot be located at the proposed site due to land use restrictions under the Bayview-Hunters Point Redevelopment Plan. Second, the project cannot be approved without undergoing environmental review under the California Environmental Quality Act. For these reasons, the project should not be approved at the proposed location in Candlestick State Park. San Francisco Board of Supervisors October 19, 2021 Page 2 of 4

DISCUSSION

I. The Project Should Not Be Approved Because the Bayview-Hunters Point District Is Already Overburdened by Poverty, Pollution, and a Lack of Resources Enjoyed by Other San Francisco Neighborhoods.

The project should not be approved for the simple reason that Bayview already bears its fair share of social, economic, and environmental burdens—burdens that benefit the rest of San Francisco. Bayview has historically been home to African Americans who sought a better life, away from the Jim Crow South. Yet the discriminatory effects of racist land use planning, such as redlining, have endured in the neighborhood. For instance, Bayview has among the highest pollution burdens in the entire state.¹ The numerous polluting facilities in Bayview—such as the many facilities producing construction materials—support the residents of the rest of the City. While Bayview bears these burdens for the benefit of the entire City, Bayview lacks basic amenities such as access to healthy food and greenspace.

The proposed project is yet another example of the City's history of neglecting Bayview's residents. Here, the City has failed to address illegal dumping, burning, wastewater discharges into the Bay from encampments, and other significant impacts in and around Candlestick State Park. The Neighborhood has been asking the City to address these problems and the general dilapidation of Candlestick State Park—for many months. Nevertheless, the City now proposes to locate the project in Candlestick State Park, further limiting residents' ability to use and enjoy the Park.

The Neighborhood strongly believes the City must immediately address the homelessness crisis. Bayview is already home to more than its fair share of resources for the unhoused. Bayview currently hosts the following resources, among others, for the unhoused: the Bayshore Navigation Center, the Bayview SAFE Navigation Center, the Central Waterfront Navigation Center, a 120-vehicle RV site at Pier 94, the United Council of Human Services Mother Brown's Dining Room, and the Catholic Charities Bayview Access Point. Other neighborhoods do not bear their fair share of the burden of addressing the City's homelessness crisis. For instance, while Bayview has three navigation centers, there are no navigation centers in the Sunset, Richmond, Marina, or Chinatown districts. Thus, the equities weigh heavily in favor of denying approval of the project in Bayview.

¹ The California Office of Environmental Health Hazards Assessment's environmental justice mapping tool, CalEnviroScreen 3.0, indicates that Bayview-Hunters Point is at the 90th percentile and above for pollution and socio-economic stressors.

II. The Proposed Project Cannot Be Approved in Candlestick State Park Because It Conflicts with the Allowable Land Uses under the Redevelopment Plan.

The project cannot be approved at the proposed site in Candlestick State Park because it: (1) is inconsistent with the site's zoning; and (2) would violate the express terms of the lease governing the site.

First, the project is inconsistent with the site's zoning. The City proposes to locate the project in Candlestick State Park on Parcel No. 4886009. The parcel is within the Bayview-Hunters Point Redevelopment Area.² It is therefore governed by the Bayview-Hunters Point Redevelopment Plan. Under the Redevelopment Plan, the proposed site is zoned as Open Space.³ The principal uses for Open Space are parks and related recreational uses and facilities.⁴ A triage center for the unhoused is not compatible with the Open Space zone's principal park and recreational uses.

Second, the proposed sublease to facilitate the project is improper. Specifically, the City's proposal to authorize the Department of Homelessness and Supportive Housing to sublet the premises for the project violates the express terms of the lease. The lease states that the premises cannot be used for facilities or structures that "provide overnight accommodations" to people.⁵ Providing overnight accommodations is precisely what the project will do. Thus, the proposed sublease is directly contrary to the lease. For these reasons, the project cannot be approved.

III. The City's Failure to Conduct Environmental Review of the Project Violates the California Environmental Quality Act.

The project must be reviewed under the California Environmental Quality Act (CEQA) because it has the potential to have significant environmental impacts on the already overburdened Bayview community.⁶

³ *Id*.

⁴ *Id*.

⁶ CEQA CITES.

² See Redevelopment Plan for the Bayview Hunters Point Redevelopment Project (adopted August 2010; amended July 2018), at Map 4.

⁵ Lease No. Pub. Resources Code 6414.9, § 4, ¶ 4(i), available at <u>https://sfgov.legistar.com/View.ashx?M=F&ID=9817817&GUID=2DFC9E43-BC43-4CA1-BA56-FFE4B12D75BB</u>.

San Francisco Board of Supervisors October 19, 2021 Page 4 of 4

The City's attempt to avoid CEQA review is improper. Without providing any notice to the community, the Planning Department prepared a one-page memorandum stating that the proposed project is not subject to CEQA under Assembly Bill 101. *See* Gov. Code §§ 65660-65668. That conclusion is incorrect.

Assembly Bill 101 does not relieve the City of its duties under CEQA. Assembly Bill 101 states that projects are not subject to CEQA when they are located in an area zoned for mixed use and "nonresidential zones permitting multifamily uses." Gov. Code § 65662. Here, the project site is zoned for Open Space—which does not permit multifamily uses. In reaching the opposite conclusion, the Planning Department maintains that the project meets the "multifamily" requirement because the site is zoned "Public" under the Planning Code. Again, the Planning Department is wrong; the Redevelopment Plan's Open Space zoning governs the site. *See, e.g. San Franciscans Upholding the Downtown Plan v. City & Cty. of San Francisco*, 102 Cal. App. 4th 656, 683 (2002) (holding redevelopment plan zoning has primacy over Planning Code zoning). Thus, the City's attempt to evade CEQA falls short.

Furthermore, the City's failure to notify the public that it intended to bypass CEQA review is particularly concerning. The City has a long history of locating polluting and other undesirable land uses in Bayview. At the same time, the City has failed to provide basic infrastructure and public services to Bayview residents, including failing to prevent the dilapidation of Candlestick State Park. Thus, it is important that the project is subject to environmental review in a public process in which Bayview residents can meaningfully participate.

Thank you for considering our comments. Should you have any questions, we are happy to discuss.

Respectfully,

Environmental Law and Justice Clinic Golden Gate University School of Law

Lucas Williams Tanya Boyce, PTLS No. *******

From:	
To:	CSLC CommissionMeetings
Subject:	10/21/2021: Comment on Proposed VTC at Candlestick State Park
Date:	Monday, October 18, 2021 10:30:19 PM
Attachments:	image001.gif image002.png L"2021-10-19 BOS Re VTC (Bayview Hill) pdf

Attention: This email originated from outside of SLC and should be treated with extra caution.

Dear Commissioners:

On behalf of the Bayview Hill Neighborhood Association, I am submitting the attached letter to be read into the record as public comment to the California State Lands Commission on the Agenda for Thursday, October 21, 2021 regarding a Sublease Agreement - California State Lands Commission - Candlestick Point State Recreation Area - Vehicle Triage Center.

Please contact me directly if you have any questions or concerns about this request.

Marsha

?

Marsha Maloof, President

Bayview Hill Neighborhood Association www.BayviewHillSF.org



October 19, 2021

By Email

Clerk of the Board San Francisco Board of Supervisors <u>bos@sfgov.gov</u>

Re: Agenda Item No. 210966—Bayview-Hunters Point Vehicle Triage Center

Dear Board of Supervisors:

The Golden Gate University School of Law's Environmental Law and Justice Clinic submits these comments on behalf of the Bayview Hill Neighborhood Association (the Neighborhood) regarding Agenda Item No. 210966. The Neighborhood asks that the Board deny the resolution proposed in this Agenda Item concerning the Vehicle Triage Center at Candlestick State Park. The Neighborhood is an all-volunteer non-profit association committed to making the Bayview Hill neighborhood a safe, clean, and well-maintained place to live and raise children. We appreciate your consideration of our request to deny the resolution.

INTRODUCTION

The Board should not approve the proposed Vehicle Triage Center (the project) in Candlestick State Park. The Bayview-Hunters Point district (Bayview) is a community of color that has been adversely impacted by a long history of government-sponsored racially discriminatory practices. Today, as a result of these practices, Bayview is overburdened by pollution, poverty, and a lack of resources such as access to greenspace and grocery stores. The proposed project is yet another example of the City's practice of targeting Bayview for projects that other San Francisco neighborhoods do not want.

In addition to the inequities of siting the project in an already overburdened community of color, the proposed project faces two significant legal problems: First, the project cannot be located at the proposed site due to land use restrictions under the Bayview-Hunters Point Redevelopment Plan. Second, the project cannot be approved without undergoing environmental review under the California Environmental Quality Act. For these reasons, the project should not be approved at the proposed location in Candlestick State Park. San Francisco Board of Supervisors October 19, 2021 Page 2 of 4

DISCUSSION

I. The Project Should Not Be Approved Because the Bayview-Hunters Point District Is Already Overburdened by Poverty, Pollution, and a Lack of Resources Enjoyed by Other San Francisco Neighborhoods.

The project should not be approved for the simple reason that Bayview already bears its fair share of social, economic, and environmental burdens—burdens that benefit the rest of San Francisco. Bayview has historically been home to African Americans who sought a better life, away from the Jim Crow South. Yet the discriminatory effects of racist land use planning, such as redlining, have endured in the neighborhood. For instance, Bayview has among the highest pollution burdens in the entire state.¹ The numerous polluting facilities in Bayview—such as the many facilities producing construction materials—support the residents of the rest of the City. While Bayview bears these burdens for the benefit of the entire City, Bayview lacks basic amenities such as access to healthy food and greenspace.

The proposed project is yet another example of the City's history of neglecting Bayview's residents. Here, the City has failed to address illegal dumping, burning, wastewater discharges into the Bay from encampments, and other significant impacts in and around Candlestick State Park. The Neighborhood has been asking the City to address these problems and the general dilapidation of Candlestick State Park—for many months. Nevertheless, the City now proposes to locate the project in Candlestick State Park, further limiting residents' ability to use and enjoy the Park.

The Neighborhood strongly believes the City must immediately address the homelessness crisis. Bayview is already home to more than its fair share of resources for the unhoused. Bayview currently hosts the following resources, among others, for the unhoused: the Bayshore Navigation Center, the Bayview SAFE Navigation Center, the Central Waterfront Navigation Center, a 120-vehicle RV site at Pier 94, the United Council of Human Services Mother Brown's Dining Room, and the Catholic Charities Bayview Access Point. Other neighborhoods do not bear their fair share of the burden of addressing the City's homelessness crisis. For instance, while Bayview has three navigation centers, there are no navigation centers in the Sunset, Richmond, Marina, or Chinatown districts. Thus, the equities weigh heavily in favor of denying approval of the project in Bayview.

¹ The California Office of Environmental Health Hazards Assessment's environmental justice mapping tool, CalEnviroScreen 3.0, indicates that Bayview-Hunters Point is at the 90th percentile and above for pollution and socio-economic stressors.

II. The Proposed Project Cannot Be Approved in Candlestick State Park Because It Conflicts with the Allowable Land Uses under the Redevelopment Plan.

The project cannot be approved at the proposed site in Candlestick State Park because it: (1) is inconsistent with the site's zoning; and (2) would violate the express terms of the lease governing the site.

First, the project is inconsistent with the site's zoning. The City proposes to locate the project in Candlestick State Park on Parcel No. 4886009. The parcel is within the Bayview-Hunters Point Redevelopment Area.² It is therefore governed by the Bayview-Hunters Point Redevelopment Plan. Under the Redevelopment Plan, the proposed site is zoned as Open Space.³ The principal uses for Open Space are parks and related recreational uses and facilities.⁴ A triage center for the unhoused is not compatible with the Open Space zone's principal park and recreational uses.

Second, the proposed sublease to facilitate the project is improper. Specifically, the City's proposal to authorize the Department of Homelessness and Supportive Housing to sublet the premises for the project violates the express terms of the lease. The lease states that the premises cannot be used for facilities or structures that "provide overnight accommodations" to people.⁵ Providing overnight accommodations is precisely what the project will do. Thus, the proposed sublease is directly contrary to the lease. For these reasons, the project cannot be approved.

III. The City's Failure to Conduct Environmental Review of the Project Violates the California Environmental Quality Act.

The project must be reviewed under the California Environmental Quality Act (CEQA) because it has the potential to have significant environmental impacts on the already overburdened Bayview community.⁶

³ *Id*.

⁴ *Id*.

⁶ CEQA CITES.

² See Redevelopment Plan for the Bayview Hunters Point Redevelopment Project (adopted August 2010; amended July 2018), at Map 4.

⁵ Lease No. Pub. Resources Code 6414.9, § 4, ¶ 4(i), available at <u>https://sfgov.legistar.com/View.ashx?M=F&ID=9817817&GUID=2DFC9E43-BC43-4CA1-BA56-FFE4B12D75BB</u>.

San Francisco Board of Supervisors October 19, 2021 Page 4 of 4

The City's attempt to avoid CEQA review is improper. Without providing any notice to the community, the Planning Department prepared a one-page memorandum stating that the proposed project is not subject to CEQA under Assembly Bill 101. *See* Gov. Code §§ 65660-65668. That conclusion is incorrect.

Assembly Bill 101 does not relieve the City of its duties under CEQA. Assembly Bill 101 states that projects are not subject to CEQA when they are located in an area zoned for mixed use and "nonresidential zones permitting multifamily uses." Gov. Code § 65662. Here, the project site is zoned for Open Space—which does not permit multifamily uses. In reaching the opposite conclusion, the Planning Department maintains that the project meets the "multifamily" requirement because the site is zoned "Public" under the Planning Code. Again, the Planning Department is wrong; the Redevelopment Plan's Open Space zoning governs the site. *See, e.g. San Franciscans Upholding the Downtown Plan v. City & Cty. of San Francisco*, 102 Cal. App. 4th 656, 683 (2002) (holding redevelopment plan zoning has primacy over Planning Code zoning). Thus, the City's attempt to evade CEQA falls short.

Furthermore, the City's failure to notify the public that it intended to bypass CEQA review is particularly concerning. The City has a long history of locating polluting and other undesirable land uses in Bayview. At the same time, the City has failed to provide basic infrastructure and public services to Bayview residents, including failing to prevent the dilapidation of Candlestick State Park. Thus, it is important that the project is subject to environmental review in a public process in which Bayview residents can meaningfully participate.

Thank you for considering our comments. Should you have any questions, we are happy to discuss.

Respectfully,

Environmental Law and Justice Clinic Golden Gate University School of Law

Lucas Williams Tanya Boyce, PTLS No. *******

Lunetta, Kim@SLC

From:	Pam Hemphill <	>
Sent:	Friday, October 15, 2021 2:05 PM	
То:	CSLC CommissionMeetings	
Cc:	ChanStaff (BOS); Catherine.Stefani@sfgov.org; aaron.peskin@sfgov.org; Gordon.Mar@sfgov.org; dean.preston@sfgov.org; matt.haney@sfgov.org; MelgarStaff@sfgov.org; mandelmanstaff@sfgov.org; Hillary.Ronen@sfgov.org; Shamann.Walton@sfgov.org; Ahsha.Safai@sfgov.org; bvhna.secretary@gmail.com; MayorLondonBreed@sfgov.org	
Subject:	Subject: 10/21/2021: Item #30 Candlestic	k Park SRA

Attention: This email originated from outside of SLC and should be treated with extra caution.

October 15, 2021

Dear Members of the State Lands Commission:

We are writing to express our <u>opposition</u> to San Francisco's plan to move lived-in vehicles from SF streets into Candlestick Point SRA, a California state park in the Bayview District of SF.

We volunteer and donate regularly to the state parks and our local parks in San Francisco. It was our understanding that state parks are for all the people of California to enjoy, not to serve as parking lots to solve the homeless problem in San Francisco. San Francisco should and must continue to work to help the homeless, but within our own city limits, not pushing them into a much-loved park. We are shocked and disappointed that state parks would agree to this plan. This sets a very bad precedent for other parklands that are near urban areas. It is also a social equity issue as the Bayview residents who view Candlestick as their local park, are going to have a homeless shelter in it. The Bayview is already an economically disadvantaged neighborhood.

Bayview residents (SF District 10), walk to the park and use it regularly for leisure walks in nature, riding bikes, fishing, picnicking, and observing the wildlife (jack rabbits, ground squirrels and birds) alone or with their children.

In fact, the Bayview Neighborhood Assn. has strongly opposed the plan for moving the vehicles into Candlestick Point State SRA. Here is the statement by the Bayview Hill Neighborhood Association opposing the plan:

https://www.bayviewhillsf.org/candlestick-state-park

The proposed Vehicle Triage Center could be located in many places in San Francisco as it is in no way dependent on the park. The Bayview neighborhood already has 3 Navigation Centers to

assist the unhoused. They are already contributing to helping the homeless. It is only fair to let other neighborhoods pitch in.

The planned site, an old parking lot for a boat launch facility, is located centrally in the widest part of the park and is on Yosemite Slough, which was restored as bird habitat and has numerous water birds. It will further fragment the small state park. The fenced-off area of 6 acres will be noisy with 150 lived-in vehicles (and large numbers of people occupying said vehicles which often house more than one person) as well as numerous social services staff and police. The site will have lots of traffic coming and going into the fenced off area. At night it will be brightly lit and look like Las Vegas in the desert.

Although this site was once used for overflow parking for SF Giants game attendees, it should not be considered as a 24-hour site now for folks living in vehicles. The Candlestick stadium was closed in 2014 and demolished in 2015.

In fact, District 10, the Bayview neighborhood, has many lived-in vehicles, already 670 by the most recent survey. The Bayview residents are unhappy about the lived-in vehicles parked in front of their homes. There are no houses where the 150 lived-in vehicles are now located on the quiet Hunter's Point Expressway across from the old Candlestick stadium site, a site soon to become housing.

Inviting 150 vehicles into a state park and spending millions leaves 520 vehicles unaccounted for- and those vehicles are the ones that make the neighborhood unhappy. The Bayview neighborhood has long borne the brunt of the unhoused problem.

This Vehicle Triage Center is being rushed through the political process and was already an item at the Budget and Finance Committee on October 6, 2021.

A flyer, emailed to one of us, and many others, inviting me to "tune in and participate in the discussion", had an incorrect call-in number and an incorrect meeting ID. This seems like poor community outreach.

Please keep our parklands for all the citizens of San Francisco and California.

Sincerely,

Pam Hemphill MD-volunteer at Candlestick Point SRA

Nancy H. DeStefanis- volunteer in San Francisco parks and Executive Director, San Francisco Nature Education nancyd@sfnature.org

cc: Bayview Hill Neighborhood Assn. SF Board of Supervisors Mayor London Breed

October 15, 2021

Eleni Kounalakis, Lieutenant Governor, Chair Betty T. Yee, State Controller, Member Keely Bosler, Director of Department of Finance, Member

Regarding: Oct 21, 2021 agenda item 30

Dear Members of the State Lands Commission:

We write as a coalition of organizations working in partnership over many years with the Department of Parks and Recreation to support Candlestick Point State Recreation Area (CPSRA), located adjacent to the site of the former stadium, and urge you to support the proposed Vehicle Triage Center.

From the beginning, this park has always been about hope, faith and perseverance. The community hoped for a park, and thanks to legislation sponsored by then-Assemblymember Art Agnos, the state bought the land from the Federal Government and designated it to be California's first urban state park.

Together, the coalition, state parks and the local community had a vision for this place, with its unique ecology and wildlife, as well as its Native American, industrial, cultural, and environmental justice history. The surrounding neighborhood has long borne the burdens of pollution, lack of economic opportunity and less access to safe outdoor spaces than other parts of San Francisco. We have remained steadfast in our vision of improved park access and increased support for community health in southeast San Francisco, and we have worked together to make this vision a reality.

In recent years, the impacts of hopelessness and economic inequality have increased around and inside the park. There have been lapses in communication and collaboration between the state and the City, and a general lack of attention to quality-of-life issues that occur either on city property or state property in the park's vicinity. The economic downturn related to the pandemic has only made these problems worse – state parks has now been forced to close CPSRA's restrooms and its main parking lot to discourage vandalism, criminal activity and unsanitary conditions.

We were heartened by the proposal from Mayor Breed to provide a safer, more sanitary place for unhoused neighbors currently living in vehicles to stay until they can access city services, combined with stepped up enforcement that will again make Candlestick Point an inviting, safe and healthy place for community members to enjoy. The proposal will utilize a parking lot that is far from any developed part of the park, limiting impact on the amenities that are most used by visitors, like picnic areas, piers, campsites and walking trails.

We are also heartened by increased communication and collaboration between city departments and local state parks leadership, making a clean, healthy and safe park a priority for everyone in the surrounding neighborhood. We urge your support of the Vehicle Triage Center as a step forward in the long journey to make the community's vision for Candlestick Point a reality.

Sincerely,

Rachel Norton, Executive Director, California State Parks Foundation Christine Lehnertz, CEO, Golden Gate National Parks Conservancy Kindley Walsh Lawlor, President & CEO, Parks California Hollis Pierce, Executive Director, Literacy for Environmental Justice