



Marina Community Association

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July 20, 2010

Eugene Flannery
Mayor's Office of Housing
1 South Van Ness
5th Floor
San Francisco, CA 94103

Re: Finding of No Significant Impact – 3155 Scott Street

Mr. Flannery:

I am writing on behalf of the Marina Community Association (MCA) to submit our public comments in response to the Finding of No Significant Impact (FONSI) posted in regards to the proposed project at 3155 Scott Street – the King Edward II Inn. We believe that the FONSI was premature and that the proposed project has the potential to have a substantially adverse effect on the environment and the surrounding community. As such, we specifically request that the FONSI be disallowed, and that the projects sponsors conduct an Environmental Impact Study (EIS) as required by the National Environmental Policy Act (NEPA). The bases of our concerns are as follows:

No Authority – While the application of Federal funds requires that the proposed project at 3155 Scott Street meet the requirements of NEPA, a FONSI may only be issued by the Federal agency overseeing the proposed project. The exception to this requirement is an agency operating as a “cooperating agency” along with federal agencies. However, that agency must have sufficient special expertise in environmental issues to have authority to issue an Environmental Assessment and FONSI. The Mayor's Office of Housing does not have sufficient environmental expertise to determine the level of impact this project may have on the environment, nor do they possess sufficient expertise to determine if the findings of an outside consulting firm are valid. In this case, the FONSI may only be issued by a Federal agency with the appropriate expertise.

Cumulative Effect – The proposal for 3155 Scott Street is only one of several projects either established, under construction, or proposed, by the sponsoring organization. Under the regulations established by NEPA, the cumulative, and past, effects of all such projects must be considered when conducting an environmental assessment. The FONSI addresses ONLY the site at 3155 Scott Street and must also evaluate the impact of ALL projects involving the sponsor.

Insufficient Qualifications for SUD – The proposed project will not conform to San Francisco zoning or citywide planning guidelines; requiring the use of a Special Use District (SUD). The establishment of an SUD – in this case to dramatically increase the allowable population density – has the potential to have a negative impact on the human environment as outlined in NEPA. The indeterminate impact of this action requires the nominating agency to complete a comprehensive EIS.

Identification of Alternatives – The language of NEPA specifically states that any agency obligated to meet the requirements of NEPA; regardless of whether those requirements are met through a FONSI or a complete EIS, must publish a list of viable alternatives that were considered before the final site was selected. The sponsoring agency must further identify the criteria used to evaluate the proposed project and alternatives. The lead agency has not met this requirement.

Lack of Public Involvement – The requirements of NEPA state that the lead agency must “Ensure Public Involvement” in the Environmental Assessment process and specifically notes that “involvement” must go beyond public notification. The EA for the proposed project at 3155 Scott Street was prepared without public input, and as such does not sufficiently meet the requirement for public involvement. A FONSI based on the EA as presented is invalid.

Living Conditions – The EA does not sufficiently address the limitations on the living condition – the human environment – as outlined in NEPA. Specifically the EA does not address the limitations on access under the Americans with Disabilities Act, the potential for air quality with respect to the proximity to Highway 101 – and the proposed reconstruction of Doyle Drive – and the limitations on access to alternative means of transportation. A detailed EIS must be conducted to further examine the impact of these issues on the living conditions present in the proposed project.

Historic Significance – The King Edward II Inn is one of the few remaining buildings built specifically for the Pan Pacific Exposition; a cultural and historic event that has had a substantial bearing on the culture of San Francisco. The historic value of the facility cannot be underestimated and must be considered when evaluating the environmental impact of the proposed project. The substantial renovations proposed will have the effect of permanently altering the internal and external historic value of the King Edward II Inn. Changes of this magnitude require a detailed environmental analysis.

For the above reasons, the Marina Community Association believes that a comprehensive Environmental Impact Statement evaluating the proposed project at 3155 Scott Street is warranted and specifically requests that the supporting agencies complete the EIS prior to any further action on this project.

Regards,

A handwritten signature in black ink, appearing to read "J. Millar". The signature is fluid and cursive, with a large initial "J" and "M".

John Millar
President, Marina Community Association
1517 North Point Street, Box 531
San Francisco, CA 94123

Sent via Email and FAX