

File No. 200422 Committee Item No. 8
 Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date July 27, 2020

Board of Supervisors Meeting Date _____

Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | PC Reso No. 20733 052820 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Height Limit Diagram |
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Completed by: Erica Major Date July 23, 2020
 Completed by: Erica Major Date _____

1 [Planning Code and Zoning Map - Balboa Reservoir Special Use District]

2

3 **Ordinance amending the Planning Code and Zoning Map to create the Balboa**
4 **Reservoir Special Use District and rezone the Balboa Reservoir west basin project site**
5 **generally bounded by the City College of San Francisco Ocean Campus to the east,**
6 **Archbishop Riordan High School to the north, the Westwood Park neighborhood to the**
7 **west, and a San Francisco Public Utilities Commission parcel containing a water**
8 **pipeline running parallel to a mixed-use multifamily residential development along**
9 **Ocean Avenue to the south; adopting findings under the California Environmental**
10 **Quality Act; making findings of consistency under the General Plan, and the eight**
11 **priority policies of Planning Code, Section 101.1; and making findings of public**
12 **necessity, convenience, and welfare under Planning Code, Section 302.**

13

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
14 **Additions to Codes** are in *single-underline italics Times New Roman font*.
15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
16 **Board amendment additions** are in double-underlined Arial font.
17 **Board amendment deletions** are in ~~strikethrough Arial font~~.
18 **Asterisks (* * * *)** indicate the omission of unchanged Code
19 subsections or parts of tables.

17

18 Be it ordained by the People of the City and County of San Francisco:

19

20 Section 1. Planning and Environmental Findings.

21 (a) The Balboa Reservoir Project (the "Project") addresses the City's housing
22 challenges by contributing to the City's goal of creating 5,000 housing units each year. The
23 Project site was specifically identified in the General Plan for additional housing in close
24 proximity to local and regional public transportation. The Project implements the goals and
25 objectives of the General Plan Housing Element and of the 2009 Balboa Park Station Area

1 Plan that calls for the development of a mixed-use residential neighborhood on the west
2 reservoir to address the citywide demand for housing. The Project also implements the goals
3 of the City's 2014 Public Land for Housing program and the Surplus Public Lands Initiative
4 (Proposition K), that the electorate passed in November 2015, by replacing an underused
5 surface parking lot located on surplus public land with a substantial amount of new housing,
6 including a high percentage of affordable housing.

7 (b) In companion legislation adopting a Development Agreement associated with the
8 Project, the Board of Supervisors adopted the Planning Commission's environmental findings
9 pursuant to the California Environmental Quality Act (CEQA) (California Public Resources
10 Code Sections 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Sections 15000 et
11 seq.), and Chapter 31 of the Administrative Code. For purposes of the actions contemplated
12 in this ordinance, the Board adopts these environmental findings as though fully set forth
13 herein. A copy of said companion legislation is in Board of Supervisors File No. 200423 and
14 its environmental findings are incorporated herein by reference.

15 (c) The Planning Commission, in Resolution No. 20732, adopted on May 28, 2020,
16 made findings that the Project and actions contemplated in this ordinance are consistent, on
17 balance, with the City's General Plan and eight priority policies of Planning Code Section
18 101.1. The Board incorporates these findings by reference and adopts these findings as
19 though fully set forth herein in relation to this ordinance. A copy of said Planning Commission
20 resolution is in Board of Supervisors File No. 200635.

21 (d) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
22 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
23 in Planning Commission Resolution No. 20733, adopted on May 28, 2020, and the Board
24 adopts such reasons as its own. A copy of said resolution is on file with the Clerk of the
25 Board of Supervisors in File No. 200422 and is incorporated herein by reference.

1 Section 2. The Planning Code is hereby amended by adding Section 249.88, to read
2 as follows:

3 **SEC. 249.88. BALBOA RESERVOIR SPECIAL USE DISTRICT.**

4 **(a) Purpose and Boundaries.** *A Special Use District entitled the "Balboa Reservoir Special*
5 *Use District" (the SUD) is hereby established, bounded by the City College of San Francisco Ocean*
6 *Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to*
7 *the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline that is*
8 *adjacent to a mixed-use multifamily residential development along Ocean Avenue to the south. The*
9 *precise boundaries of the SUD are shown on Sectional Map SU12 of the Zoning Map. The purpose of*
10 *the SUD is to implement the land use controls for the Balboa Reservoir Project, which is subject to a*
11 *Development Agreement, approved by the Board of Supervisors in the ordinance contained in Clerk of*
12 *the Board of Supervisors File No. 200423. The intent of the SUD is to establish a child- and family-*
13 *friendly mixed-use residential neighborhood. The Project will provide several benefits to the City, such*
14 *as a significant amount of new housing, including a high percentage of affordable and educator*
15 *housing, publicly accessible open space, a child care facility and community room, retail space, and*
16 *extensive infrastructure improvements, while creating jobs and a vibrant environmentally sustainable*
17 *community.*

18 **(b) Relationship to Other Planning Code Provisions.** *Applicable provisions of the Planning*
19 *Code shall control except as otherwise provided in this Section 249.88. If there is a conflict between*
20 *other provisions of the Planning Code and this Section 249.88, this Section 249.88 shall prevail.*

21 **(c) Relationship to Design Standards and Guidelines.** *The Design Standard and Guidelines*
22 *("DSG"), adopted by the Planning Commission by Motion No. 20734 on May 28, 2020, and as may be*
23 *amended from time to time, sets forth design standards and guidelines applicable within the SUD. A*
24 *copy of the DSG is on file with the Clerk of the Board of Supervisors in File No. 200423. Any*
25 *capitalized term in this Section 249.88, and not otherwise defined in this Section or elsewhere in the*

1 Planning Code shall have the meaning ascribed to it in the DSG. This Section, the remainder of the
2 Planning Code, and the DSG shall be read and construed together so as to avoid any conflict to the
3 greatest extent possible. If there is a conflict between the DSG and either this Section or the remainder
4 of the Planning Code, this Section or the other provision of the Planning Code shall prevail. Subject to
5 this Section 249.88(c), if a later amendment to any provision of the Planning Code, including this
6 Section 249.88, results in a conflict with the DSG, such amended Planning Code provision shall
7 prevail. Amendments to the DSG may be made by the Planning Commission upon initiation by the
8 Planning Department or upon application by Developer, but if there is a conflict between an
9 amendment to the DSG and this Section or the remainder of the Planning Code, as applicable, this
10 Section or other provision of the Planning Code shall prevail unless and until such time as this Section
11 or the remainder of the Planning Code is amended to be consistent with the amendment to the DSG.
12 The Planning Director may approve minor amendments to the DSG to clarify its provisions. For the
13 purposes of this subsection (c), “minor amendments” shall be defined as amendments necessary to
14 clarify omissions or correct inadvertent mistakes in the DSG and are consistent with the intent of the
15 DSG, the SUD, the General Plan, and the Development Agreement.

16 (d) **Relationship to the Development Agreement.** This Section 249.88 shall be read and
17 construed consistent with the Development Agreement, and all development within the Project Site that
18 is subject to the Development Agreement shall satisfy the requirements of the Development Agreement
19 for so long as the Development Agreement remains in effect.

20 (e) **Definitions.** For purposes of this Section 249.88, the following definitions shall apply. If
21 not expressly superseded by definitions set forth in this subsection (e), all definitions of the Planning
22 Code shall apply.

23 “Active Use” means use that consists of a Retail Sales and Service, Entertainment, Arts,
24 Recreation, Child Care, Community Facility, or Residential use.

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1 “Block” means a Building Project block or a Publicly Accessible Open Space block as depicted
2 on Figure 249.88-1.

3 “Building Project” or “Building” means the construction of a building or group of buildings
4 within the Project Site.

5 “Building Standards” means the standards applicable to Building Projects and any associated
6 privately-owned open spaces within the SUD, consisting of the standards specified in subsection (g)
7 below and the standards and guidelines designated as such in the DSG. It does not mean Building Code
8 requirements under either the California or San Francisco Building Codes, which this Section 249.88
9 and the DSG do not override.

10 “Cart” means a mobile structure used in conjunction with food service and/or retail uses, that
11 operates intermittently in a publicly accessible open space, and that is removed daily from such open
12 space during non-business hours.

13 “Design Standards and Guidelines” or “DSG” shall mean the Balboa Reservoir Design
14 Standards and Guidelines adopted by Planning Commission Motion No. 20734, and as may be
15 amended from time to time. The Design Standards and Guidelines is incorporated into this Section
16 249.88 by reference.

17 “Developer” means the BHC Balboa Builders, LLC, a California limited liability company, or
18 its successor(s). Developer also may be an applicant.

19 “Development Agreement” means the Development Agreement by and between the City and the
20 Developer, approved by the Board of Supervisors by the ordinance in Board File No. 200423, and as
21 may be amended from time to time.

22 “Development Phase Application” means an application for each Building phase of the Project
23 that describes at a minimum, the Block numbers, the Master Infrastructure Plan elements, and vertical
24 improvements proposed in the phase, including number and sizes of affordable housing units, number
25 and sizes of market rate housing units, and square footage of retail, arts activity, community facility

1 and child care square space, and publicly accessible open space. The Development Phase Application
2 also shall include a list of any requested Minor or Major Modifications that are contemplated to be
3 requested in the phase.

4 “Frontage” means the vertical exterior face or wall of a Building and its linear extent that is
5 adjacent to or fronts on a street, right-of-way, or open space.

6 “Kiosk” means a Building or other structure that is set upon the ground and is not attached to a
7 foundation, such as a shipping container, trailer, or similar structure, from which food service and/or
8 retail business is conducted. A Kiosk may operate in a Publicly Accessible Open Space, and remain in
9 place until the business operation is terminated or relocated.

10 “Major Modification” means a deviation of more than 10% from any dimensional or numerical
11 standard in the Planning Code, this Section 249.88, or in the DSG, except as explicitly prohibited per
12 subsection (g) below.

13 “Mass Reduction” means one or more breaks in a Building that reduce the horizontal scale of
14 the Building into discrete sections.

15 “Master Infrastructure Plan” or “MIP” shall mean the Balboa Reservoir Master
16 Infrastructure Plan approved by the Board of Supervisors as part of the Development Agreement and
17 found in Clerk of the Board of Supervisors File No. 200423, and as may be amended from time to time.

18 “Minor Modification” means a deviation of up to 10% from any dimensional or numerical
19 standard in the Planning Code, this Section 249.88, or in the DSG, except as explicitly prohibited per
20 subsection (g) below, or any deviation from any non-dimensional or non-numerical standard in the
21 DSG.

22 “Multifamily Housing” means a residential Building where multiple separate housing units for
23 residential inhabitants are contained within one Building.

24 “Privately-Owned Community Improvement,” means those facilities and services that are
25 privately-owned and privately-maintained, at no cost to the City (other than any public financing set

1 forth in the Financing Plan, a Development Agreement exhibit), for the public benefit, but not
2 dedicated to the City. Privately-Owned Community Improvements include certain pedestrian paseos,
3 storm drainage facilities, publicly accessible open spaces.

4 “Project” means the Balboa Reservoir Project.

5 “Project Site” means the approximately 16.5 acre site shown on Figure 249.88-1 that is within
6 the SUD. The 80-foot wide strip of land along the southern boundary of the west basin that contains
7 SFPUC pipelines is regulated by the Development Agreement, but is not part of the Project Site or
8 within the SUD and remains within a P (Public) zoning district.

9 “Publicly Accessible Open Space” means a usable open space that is accessible to the public,
10 including an unenclosed park or garden at street grade or following the natural topography,
11 improvements to hillsides or other unimproved public areas, an unenclosed plaza at street grade, or an
12 unenclosed pedestrian pathway, or a shared pedestrian/vehicular right-of-way.

13 “Residential Use” means uses that provide housing for San Francisco residents, rather than
14 visitors, including Dwelling Units, Group Housing, Senior Housing, and Student Housing.

15 “Retail Sales and Services” means the use described in Section 102, except for Retail
16 Automobile Uses, Adult Business, Hotel, Motel, and Self-Storage.

17 “Step Back” means a reduction of one or more stories in a portion of one or more upper stories
18 of a Building.

19 “Streetwall” means a continuous façade of a Building and/or Buildings along a street
20 Frontage.

21 “Townhouse” means a single-family dwelling unit that shares a wall with another dwelling and
22 with direct access into the dwelling unit from a street or Publicly Accessible Open Space that does not
23 require access through a lobby, corridor, or other common indoor space shared with other housing
24 units.

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1 (f) **Development Controls.** This SUD, as established in Section 249.88, and other Planning
2 Code Sections referenced herein establish all zoning controls for the Project Site.

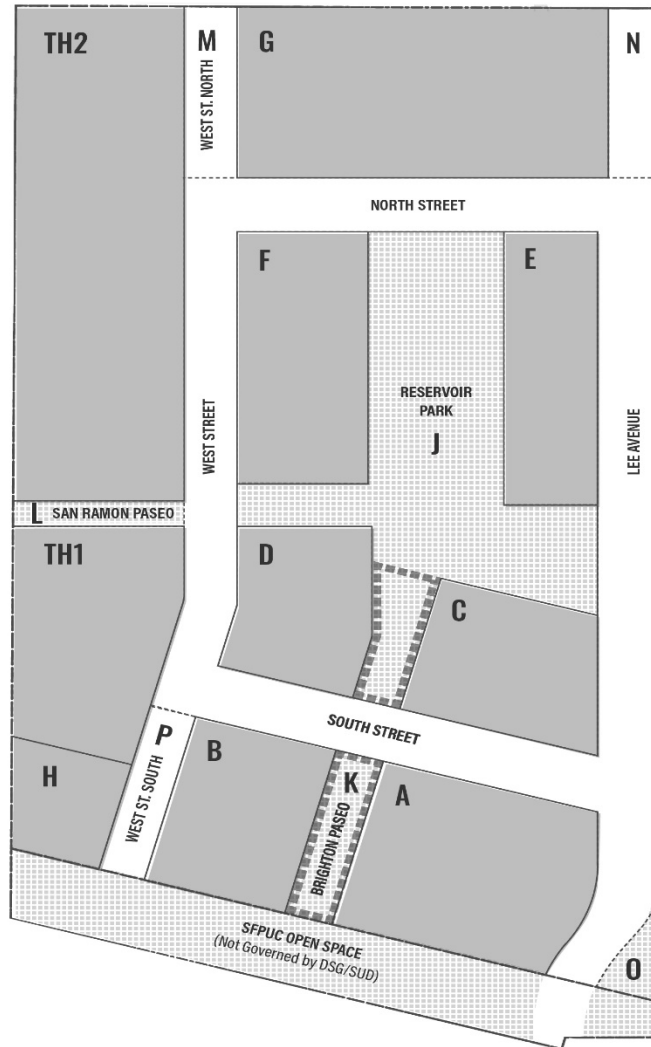
3 (g) **Uses.**

4 (1) **Balboa Reservoir Special Use District Zoning Designations.** As shown on the
5 Zoning Map, the SUD is co-terminus with the Balboa Reservoir Mixed Use District (BR-MU). This
6 SUD, as established in Section 249.88, and other Planning Code Sections referenced herein establish
7 all zoning controls for the BR-MU district.

8 (2) **Permitted Uses.** The following Uses set forth in Table 249.88-1: Balboa Reservoir
9 Land Uses shall be permitted within the different Blocks of the SUD shown in Figure 249.88-1, where P
10 means Permitted Use and NP means Non-permitted Use. All other uses not stated are prohibited.

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Figure 249.88-1 Balboa Reservoir Land Use Map



LEGEND

- Residential
- Publicly Accessible Open Space
- Garage Allowed Below Public Open Space



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Table 249.88-1 Balboa Reservoir Land Uses

	A	B	C	D	E	F	G	H	TH1	TH2	J	K, L, O
Permitted Use Category												
Publicly Accessible Open Space	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
Residential Use	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P(1)</i>	<i>P(1)</i>	<i>NP</i>	<i>NP</i>
Child Care Facility	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P(4)</i>	<i>P(4)</i>
Community Facility (2), (3)	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
Retail Sales and Services (2)	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
Arts Activities (2)	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
Carts and Kiosks (5)	<i>NP</i>	<i>NP</i>	<i>N</i> <i>P</i>	<i>N</i> <i>P</i>	<i>N</i> <i>P</i>	<i>N</i> <i>P</i>	<i>NP</i> <i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>P</i>	<i>NP</i>
Public Parking Garage	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>P(6)</i>	<i>NP</i>

(1) Only Townhouse units are allowed

(2) All non-residential uses except multi-story parking garages are allowed only

1 on the ground floor and below

2 (3) As defined in Section 102, except Health Care uses are not allowed

3 (4) Child care open space only

4 (5) Carts and Kiosks are allowed in Block J subject to Subsection (g)(8)(N)

5 (6) Below grade only as shown in Figure 249.88-1

6 (3) **Temporary Uses.** Temporary Uses are permitted consistent with Planning Code
7 Sections 205.1 through 205.4 for Neighborhood Commercial Districts.

8 (4) **Interim Uses.**

9 (A) Prior to completion of the Project, one or more Public or Private Parking
10 Lots, including construction worker parking lots, shall be permitted without regard to the provisions
11 regulating automobile parking set forth in Sections 155, 156, 303(t) or (u), and other provisions of
12 Article 1.5 of this Code, and such parking lot(s) shall not be required to be surrounded by a fence or
13 wall.

14 (B) Prior to completion of the Project, certain other interim uses may be
15 authorized for a period not to exceed five years by the Planning Director, without a public hearing if
16 the Planning Director finds that such Interim Use will not impede orderly development consistent with
17 this Section 249.88, the DSG, and the Development Agreement. Any authorization granted pursuant to
18 this subsection 249.88(g)(4)(B) shall not exempt the Developer from obtaining any other permit
19 required by law. Additional time for such uses may be authorized upon a new application for the
20 proposed Interim Use. Permitted Interim Uses shall include, but are not limited to:

21 (i) Retail Sales and Services;

22 (ii) Entertainment, Arts, and Recreation, including but not limited to
23 temporary art installations, exhibits, and sales, recreational facilities and uses (such as play and
24 climbing structures and outdoor fitness classes), and temporary structures to accommodate events
25 (such as stages, seating, and support facilities for patrons and operations);

1 (iii) Institutional Education Use, including but not limited to after-school
2 day camp and activities;

3 (iv) Site management service, administrative functions, and customer
4 amenities and associated loading;

5 (v) Rental or sales offices incidental to new development; and

6 (vi) Trailers, recreational vehicles, or other temporary housing for
7 construction workers, seasonal labor, or other workforce employment needs.

8 (5) Residential Density. The dwelling unit and group housing density limits applicable
9 in the RM-3 District, as it may be modified pursuant to Section 304, shall govern residential density
10 within the SUD. However, greater residential density than permitted in an RM-3 District may be
11 provided on individual Blocks, as long as the overall density of the SUD does not exceed the density
12 allowed in a RM-3 District, as it may be modified pursuant to Section 304, for the entire SUD.

13 (6) Minimum Dwelling Unit Mix. No less than 30% of the total aggregate number of
14 proposed dwelling units in the SUD shall contain at least two bedrooms, and no less than 10% of the
15 total aggregate number of proposed dwelling units in the SUD shall contain at least three bedrooms,
16 for a total of 40% of units with two bedrooms or more. The minimum dwelling unit mix may be less on
17 any individual Block than otherwise required provided the total dwelling unit mix in the SUD shall not
18 be less than the minimum dwelling unit mix upon completion of the Project.

19 (7) Floor Area Ratio. There shall be no floor-area-ratio limit within the SUD.

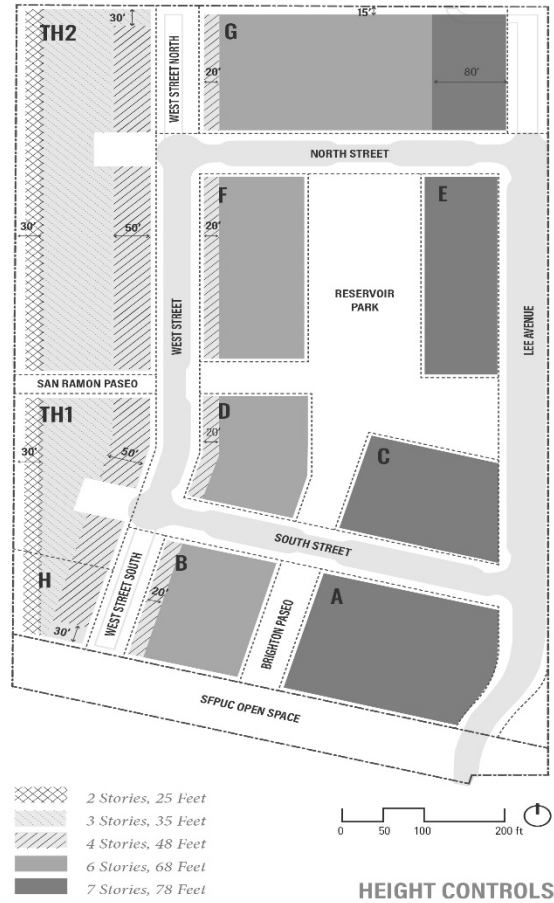
20 (8) Building Standards.

21 (A) Building Height. For purposes of the SUD, the height limits shall be as set
22 forth in Section Map HT12 of the Zoning Map and as further limited and detailed in Figure 249.88-2:
23 Building Height Maximums, and as further governed by this Section 249.88(g)(8)(A). The features set

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Figure 249.88-2 Height Limit Map



forth in Section 260(b)(1) and those below may extend above the maximum allowable height provided the sum of the horizontal areas of said features do not exceed 40 percent of the rooftop area and do not encroach into the required step back at upper floors as required below:

(i) Solar energy collection devices shall be allowed to a maximum height of 10 feet.

///

1 (ii) Rooftop enclosed utility sheds designed exclusively for the storage of
2 landscaping, gardening supplies, and related equipment for living roofs shall be allowed, provided they
3 do not exceed 100 square feet of gross area and a maximum height of 10 feet.

4 (iii) Projections above the allowable height necessary to accommodate
5 additional ceiling height at common amenity spaces located on the top floor shall be allowed to a
6 maximum ceiling height of 10 feet average measured to finished surface at ceiling.

7 (iv) Non-occupied architectural features, including wind screens shall be
8 allowed up to 8 feet above the allowable height.

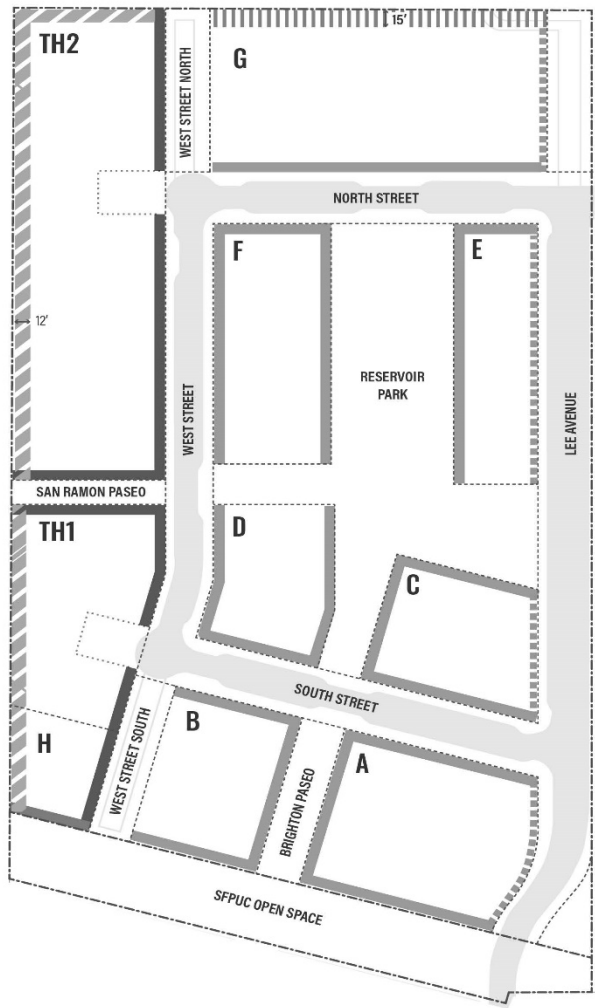
9 (B) **Building Bulk.** There are no bulk limits in this SUD.

10 (C) **Setbacks.** Minimum setbacks of the façade of Buildings from street rights of
11 way and from publicly accessible open space shall be provided in the locations and depth shown in
12 Figure 249.88-3.




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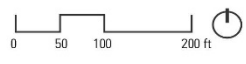
Figure 249.88-3 Minimum Building Setbacks

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LEGEND

-  Type A, Lee Avenue, 5 Foot Setback at Ground Floor
-  Type B, Streets and Open Space, 5 Foot Setback
-  Type C, West Street and San Ramon Paseo, 5 Foot Setback
-  Type D, 12 Foot Setback at Project Boundary
-  Type E, 15 Foot Setback at Project Boundary



MINIMUM BUILDING SETBACKS

1 (D) **Streetwall.** A streetwall is required at all Building frontages facing public
2 right of ways, publicly accessible open spaces, and paseos. The required streetwalls shall be located at
3 the setback line or at the property line where there is no setback control. Streetwalls may be offset
4 from the setback line or property line by not more than two feet towards the interior of the Block.
5 Streetwalls shall be provided at not less than 60% of the total area of the Building facade area.
6 Openings to interior courtyards and other breaks in the streetwall that are required under Mass
7 Reduction shall not count towards the required streetwall.

8 (E) **Mass Reduction.** Buildings taller than 48 feet with a frontage exceeding
9 180 feet in length shall incorporate at least one of the following Mass Reduction strategies:

10 (i) **Exterior Recess.** Provide a recess at Building exterior with a minimum
11 width of 15 feet and minimum depth of 10 feet from the Building wall extending vertically for height at least
12 75% of the height of the facade. The recess may start at second floor or may terminate at the top floor.

13 (ii) **Vertical Elements.** Provide a combination of elements consisting of
14 recess and/or projection with a minimum width of 10 feet, minimum depth of five feet, and extending
15 vertically for a height equal to at least 75% of the height of the facade. The cumulative base footprint area
16 of all vertical elements on a frontage shall equal a minimum of 150 square feet to qualify as a mass
17 reduction strategy. Balconies at vertical elements are allowed if the railings are visually differentiated from
18 the main facade.

19 (iii) **Alternative means of satisfying the mass reduction requirement for all**
20 Blocks shall be as set forth in the DSG.

21 (F) **Step Backs at Upper Floors.** Each of the Buildings on Blocks A, B, C, D, E,
22 F, and G shall provide one or more step backs at the top floor. The intent of the step backs is to
23 articulate Building silhouettes and to provide potential locations for roof terraces overlooking the
24 shared open space. The required height reduction along West Street shall not count towards the
25 required step back.

1 (i) Blocks A, C, and E shall provide a one-story contiguous step back
2 equal to 15% of the roof area or one-story non-contiguous step backs equal to 25% of the roof area.
3 The contiguous step backs shall have a minimum horizontal dimension of not less than 10 feet.

4 (ii) Blocks B, D, F, and G shall provide a top floor step back equal to
5 10% of the roof area. These step backs may be located in a single contiguous element or may be
6 comprised of multiple elements provided each step back area has a minimum horizontal dimension of
7 not less than 10 feet in all directions.

8 (G) **Obstructions.** At multifamily buildings, obstructions into setback areas
9 and/or public right of ways are allowed subject to compliance with Planning Code Section 136, in
10 accordance with the following exceptions: Obstructions into required setback areas and/or public right
11 of ways may be up to four feet in horizontal depth, subject to the other limitations set forth in Section
12 136.

13 (H) **Setback Requirements; Waiver of Planning Code Sections 132, 133, and**
14 **134.** Rear yard, side yard, or front yard setback requirements shall be set forth in the SUD and DSG in
15 lieu of the provisions of Section 132, 133, and 134.

16 (I) **Unit Exposure.** For all residential units, the required window (as defined by
17 Section 504 of the San Francisco Housing Code) of at least one room that meets the requirement of
18 Section 503 of the Housing Code shall face directly onto an open area of one of the following types:

19 (i) A public street, public alley, or paseo at least 25 feet in width in
20 Blocks A, B, C, D, E, F, and G, and 20 feet in width in Blocks TH1, TH2, and H.

21 (ii) An open area, an inner court, or a space between separate Buildings
22 on the same Block, which is unobstructed (except for obstructions listed in Planning Code Section 136)
23 and is no less than 25 feet in every horizontal dimension in Blocks A, B, C, D, E, F, and G or 20 feet in
24 every horizontal dimension in Blocks TH1, TH2, and H.

25 ///

1 **(J) Usable Open Space.** *The usable open space requirement for dwelling units*
2 *shall be 40 square feet of private or common usable open space per unit. For Group Housing, the*
3 *minimum usable open space requirements shall be one-third the amount specified in this subsection (I)*
4 *for a dwelling unit. Required usable open space shall be on the same Block as the unit it serves.*
5 *Publicly Accessible Open Space, streets, and paseos on Blocks J, K, L, M, N, O, and P shall not count*
6 *towards the required on-site usable open space.*

7 **(i)** *Any space credited as private usable open space shall have a*
8 *minimum horizontal dimension of five feet and a minimum area of 35 square feet.*

9 **(ii)** *Any space credited as common usable open space shall have a*
10 *minimum horizontal dimension of 10 feet and a minimum area of 150 square feet and 30 percent of the*
11 *common usable open space shall be planted.*

12 **(iii)** *Inner courts in which the enclosing Building walls are four stories*
13 *or more in height shall be large enough to inscribe a rectangular area 30 feet by 40 feet within the*
14 *enclosing walls.*

15 **(iv)** *Outer courts in which enclosing Building walls are four stories or*
16 *more shall be large enough to inscribe a rectangular area 25 feet by 25 feet within the enclosing walls.*

17 **(v)** *Space that is accessible for automobiles shall not count towards*
18 *usable open space in any Block.*

19 **(K) Ground Floor Floor-to-Floor Height.** *The minimum ground floor floor-to-*
20 *floor height of non-residential uses, lobbies and residential common areas shall be 15 feet in Blocks A,*
21 *B, C, and D and 12 feet in Blocks E and F. The minimum ground floor floor-to-floor height for*
22 *residential uses shall be 10 feet, except for townhouse units which shall have no minimum floor-to-floor*
23 *height.*

24 **(L) Ground Floor Activation.** *The ground floor activation standards set forth in*
25 *the DSG Chapter 7 shall apply in the SUD.*

1 (M) **Parking Garages.** The standards and guidelines for the location, depth,
 2 and exterior frontages of parking garages set forth in the DSG Chapter 7 shall apply in the SUD. With
 3 the exception of space allowed for parking and loading access, Building egress, and Building services,
 4 above grade parking on any Block shall be wrapped at all stories with a liner of Active Use not less
 5 than 20 feet in depth from all facades facing streets and Publicly Accessible Open Spaces.

6 (N) **Signage.** One identifying sign shall be permitted for each residential
 7 Building, except for townhouse Blocks, where one identifying sign shall be permitted per Block. Sign
 8 controls set forth in Section 607.1 for RC Districts shall apply to signs for non-residential uses.

9 (O) **Carts and Kiosks.** The standards and guidelines for Kiosks and Carts set
 10 forth in the DSG shall apply in the SUD.

11 (9) **Off-Street Automobile Parking and Loading.** The location and design standards
 12 for off-street automobile parking shall be governed by the DSG. There is no minimum off-street
 13 parking or loading requirement for any use in the SUD, except that there shall be a minimum of 200
 14 off-street parking spaces in the SUD, and that Buildings in Blocks A, B, C, D, E, F, and G containing
 15 100,000 gross square feet or more of residential space and a parking garage shall provide at least one
 16 off-street loading space meeting the dimensional requirements of standard 7.24.2 of the DSG.

17 (A) **Maximum Off-Street Parking.** The number of off-street parking spaces
 18 within this SUD shall not exceed the following:

19 **Table 249.88-2: Maximum Off-Street Parking Spaces per Land Use**

<u>Land Use</u>	<u>Off-Street Parking Ratio</u>
<u><i>Dwelling Units</i></u>	<u><i>0.5 space per unit</i></u>
<u><i>Group Housing</i></u>	<u><i>1 space per three bedrooms</i></u>
<u><i>All Non-Residential Uses</i></u>	<u><i>1 space per 500 gross square feet of Occupied Floor Area</i></u>

1 Public Parking

450 spaces

2
3 Parking amounts for dwelling units, group housing, and non-residential uses may be greater on any
4 individual Block than otherwise allowed by Table 249.88-2 provided the total number of spaces in the
5 SUD shall not exceed the maximum upon completion of the Project. The maximum number of spaces
6 for the Public Parking Garages shown in Table 249.88-2 shall be reduced by the number of parking
7 spaces for dwelling units or group housing that are allowed to be used as public parking during any
8 part of the day. In the event the Developer enters into an agreement with the adjacent property
9 owner(s) to fund or build off-site public parking on the property adjacent to the eastern edge of the
10 Project site, the maximum number of spaces for the Public Parking Garages also shall be reduced by
11 the number of such off-site parking spaces that the Developer provides. The Planning Director shall
12 determine whether these conditions are met pursuant to Transportation Exhibit, Exhibit J, of the
13 Development Agreement. Car share parking spaces shall be provided in the amounts set forth in
14 Section 166. The width and location of vehicular openings shall be as set forth in the DSG.

15 (B) Driveway and Loading Operations Plan. The purpose of a Driveway and
16 Loading Operations Plan (DLOP) is to reduce potential conflicts between driveway and loading
17 operations, such as passenger and freight loading activities, and pedestrians, bicycles, and vehicles.
18 The goal of the plan is to maximize utilization of off-street space to accommodate loading demand, and
19 to ensure that off-street loading is considered and attempted, to the extent physically and feasibly
20 possible, in the design of new Buildings. The Developer shall prepare a DLOP in accordance with the
21 Planning Code, Planning Department guidelines, and any standard environmental conditions.

22 (10) Bicycle Parking. Developer shall provide bicycle parking as required by the
23 Planning Code, except that there shall be a minimum of 30 Class I spaces that are designed to
24 accommodate oversized bicycles in the SUD.

25 ///

1 (11) Waiver of Planning Code Section 138.1. The streetscape design set forth in the
2 Master Infrastructure Plan and DSG sets forth the standards for pedestrian and streetscape
3 improvements in the SUD.

4 (12) Waiver of Planning Code Section 169. The provisions of the Transportation
5 Demand Management Program shall apply as required under Sections 169 et seq. and any successor
6 Sections, except that Section 169.4(a)-(d) shall not apply to the Project because the Project has already
7 completed a Transportation Demand Management Plan and it is included as part of the Development
8 Agreement, Exhibit J.

9 (13) Compliance with Article 4 of the Planning Code.

10 (A) Inclusionary Housing Requirements. The provisions of Sections 415 et
11 seq. shall not apply, except as otherwise stipulated in the Development Agreement.

12 (B) Other Impact Fees. For so long as the Development Agreement remains in
13 effect, the Developer impact fees payable for any Building Project will be determined in accordance
14 with the Development Agreement.

15 (14) Relationship to State or Local Density Bonus Programs. In exchange for the
16 benefits expressed in the Development Agreement and this Section 249.88, and as set forth in the
17 Development Agreement, any Building Projects within the SUD shall not be eligible for additional
18 density or modifications to development standards allowed in any State or local law allowing
19 additional density or modifications to development in exchange for on-site affordable housing,
20 including but not limited to the State Density Bonus Law (California Government Code Sections 65915
21 et seq.), the Affordable Housing Bonus Program (Planning Code Sections 206 et seq.), and Planning
22 Code Sections 207 et seq.

23 (15) Modifications to Building Standards and Use Requirements.

24 (A) No Modifications or Variances. No variances, exceptions, modifications, or
25 other deviations from the requirements and standards of the Planning Code, including the SUD, and of

1 the DSG are permitted except through the procedures for granting of Minor and Major Modifications
2 established in the SUD. No modifications or variances are permitted for maximum Building height or
3 maximum automobile parking spaces.

4 **(B) Modification of Other Building Standards and Use Requirements.** A
5 dimensional or numerical standard may be modified only as provided in subsection (i), on a project-by-
6 project basis. In order to grant a Minor or Major Modification, the Planning Director or Commission
7 must find that the proposed Minor or Major Modification achieves equal or superior design quality and
8 public benefit as strict compliance with the applicable standard and meets the intent of the SUD and
9 the DSG.

10 **(C) Minor Modifications.** The Planning Director may approve a Minor
11 Modification administratively in accordance with the procedures set forth in subsection (i).

12 **(D) Major Modifications.** The Planning Commission may approve an
13 application for a Major Modification in accordance with the procedures set forth in subsection (i).

14 **(h) Project Review and Approval.** In lieu of the procedures set forth in Planning Code Article
15 3, the following project review and approval procedures shall apply in the SUD.

16 **(1) Purpose.** The design review process for this SUD is intended to ensure that new
17 Building Projects are designed to complement the aesthetic quality of the development, exhibit high
18 quality architectural design, and promote the purpose of this SUD.

19 **(2) Development Phase Application.** Consistent with the Development Agreement, the
20 Developer shall submit a Development Phase Application to the Planning Director for approval, and
21 no development may be approved within a Development Phase until after the Planning Director issues
22 a Development Phase Application approval. The Development Phase Application process, as set forth
23 in the Development Agreement, is to ensure that all Publicly Accessible Open Space and Building
24 Projects within a development phase are consistent with the Development Agreement and the SUD.
25 Planning shall review Development Phase Applications within 30 days of receipt in order to determine

1 completeness. If the Planning Director fails to respond within such 30-day period, the Development
2 Phase Application will be deemed complete. The Planning Director shall act on a Development Phase
3 Application within 60 days after submittal of a complete Development Phase Application. Changes
4 proposed by the Planning Department will be reasonably considered by Developer, and changes
5 proposed by Developer will be reasonably considered by the Planning Department. If there are no
6 objections, or upon resolution of any differences, the Planning Director shall approve the Development
7 Phase Application with such revisions, comments, or requirements as may be permitted in accordance
8 with the terms of the Development Agreement and the phasing plan.

9 **(3) Concurrent Submittal of Development Phase Application and Design Review**

10 **Application.** Applications for design review may be submitted concurrently with or subsequent to a
11 Development Phase Application. When submitted concurrently, the time limits for the Planning
12 Department review of completeness and design review described in subsection (i) shall not commence
13 until after the Planning Director has issued a Development Phase Application approval. The Planning
14 Department shall approve only those applications for individual Buildings that are consistent with a
15 Development Phase Application approval. To ensure that Building Projects and Privately-Owned
16 Community Improvements meet the requirements of the Planning Code, including this Section 249.88,
17 and the DSG, Developer shall submit a Design Phase Application and receive approval from the
18 Planning Director, or, if required, the Planning Commission before obtaining any permits for the
19 applicable construction. Standards and limitations on design review approval are set forth in
20 subsection (i) below. Nothing in this Section 249.88 limits the Charter authority of any City
21 department or commission or the rights of City agencies to review and approve proposed infrastructure
22 as set forth in the Development Agreement.

23 **(i) Design Review Applications and Process.**

24 **(1) Applications.** Each design review application shall include the documents and
25 other materials necessary to determine consistency with the Planning Code, this Section 249.88, and

1 the DSG, including site plans, floor plans, sections, elevations, renderings, landscape plans, a DLOP,
2 and exterior material samples to illustrate the overall concept design of the proposed Buildings.
3 Design review applications also should contain information on dwelling unit count and type, parking,
4 and other building characteristics typical of Planning Department development applications. If
5 Developer requests a Major or Minor Modification, the application shall describe proposed changes in
6 reasonable detail, and to the satisfaction of the Planning Director, including narrative and supporting
7 images, if appropriate, and a statement of the purpose or benefits of the proposed Minor or Major
8 Modification(s). As part of design review application process, the Planning Director shall consult with
9 the San Francisco Municipal Transportation Agency regarding the Developer's DLOP.

10 (2) **Completeness.** Planning Department staff shall review the application for
11 completeness and advise the Developer in writing of any deficiencies within 30 days of the date of the
12 application or, if applicable, within 15 days after receipt of any supplemental information requested
13 pursuant to this section.

14 **(3) Design Review of Buildings and Privately-Owned Community Improvements.**

15 (A) **Building Pre-Application Meeting.** Prior to submittal of a design review
16 application for a Building, the Developer shall conduct a minimum of one pre-application public
17 meeting. The meeting shall be conducted at, or within a one-mile radius of, the Project Site, but
18 otherwise subject to the Planning Department's pre-application meeting procedures, including but not
19 limited to the submittal of required meeting documentation. A Planning Department representative
20 shall be invited to such meeting.

21 (B) **Publicly Accessible Open Space Outreach.** Prior to submittal of a design
22 review application for a Publicly Accessible Open Space, the Developer shall conduct a minimum of
23 one pre-application public meeting on design of the Publicly Accessible Open Space. The Developer
24 shall conduct a minimum of one additional public meeting prior to any approval action on the
25 application. Additional meetings may be required at the discretion of the Planning Director. The

1 meetings shall be conducted at, or within a one-mile radius of, the Project Site, and the pre-application
2 meeting shall be subject to the Planning Department's pre-application meeting procedures, including
3 but not limited to, the submittal of required meeting documentation. Developer shall invite a Planning
4 Department representative to such meetings.

5 (C) **Design Review Process.** Following submittal of the design review
6 application, upon a determination of completeness, Planning Department staff shall conduct design
7 review and prepare a staff report determining compliance with this Section 249.88, the Planning Code,
8 and the DSG, including a recommendation regarding any Minor or Major Modifications sought. The
9 Planning Department staff shall deliver the report to the Developer and any third parties requesting
10 notice in writing, shall be kept on file, and shall be posted on the Department's website for public
11 review within 60 days of the determination of completeness. If Planning Department staff determines
12 that the design is not compliant with this Section 249.88, the Planning Code, or the DSG, the Developer
13 may resubmit the application, in which case the requirements of this subsection (i) for determination of
14 completeness, staff review, and determination of compliance, and delivery, filing, and posting of the
15 staff report, shall apply anew.

16 (4) **Approvals and Public Hearings for Buildings and Privately-Owned Community**
17 **Improvements.**

18 (A) **Buildings and Privately-Owned Community Improvements Seeking No**
19 **Modifications.** Within 10 days after the delivery and posting of the staff report on the design review
20 application, the Planning Director shall approve or disapprove the design based on its compliance with
21 the Planning Code, including this Section 249.88, the DSG, and the General Plan. If the design review
22 application is consistent with the numeric standards set forth in this Section 249.88 and the DSG, the
23 Planning Director's discretion to approve or disapprove the design review application shall be limited
24 to the Developer's consistency with the non-numeric and non-dimensional elements of the DSG and
25 the General Plan.

1 **(B) Buildings and Privately-Owned Community Improvements Seeking Minor**

2 **Modifications.** Within 10 days after the delivery and posting of the staff report on the design review
3 application including a Minor Modification, the Planning Director, shall approve or disapprove any
4 Minor Modification based on its compliance with the Planning Code, including this Section 249.88, the
5 DSG, and the General Plan. Notwithstanding any other provisions of this Section 249.88, the Planning
6 Director, at his or her discretion, may refer any application that proposes a Minor Modification to the
7 Planning Commission if the Planning Director determines that the proposed Minor Modification does
8 not meet the intent of the DSG or the SUD.

9 **(C) Buildings and Privately-Owned Community Improvements Seeking Minor**

10 **or Major Modifications.** If the design review application seeks one or more Major Modifications, or if
11 the Planning Director refers a design review application that proposed a Minor Modification to the
12 Planning Commission, the Planning Commission shall calendar the item for a public hearing, subject
13 to any required noticing. For purposes of this subsection (C), Minor Modifications and Major
14 Modifications shall be collectively referred to as Major Modifications. The Planning Commission's
15 review shall be limited to the proposed Major Modification. The Planning Commission shall consider
16 all comments from the public and the recommendations of the staff report and the Planning Director in
17 making a decision to approve or disapprove the granting of any Major Modifications.

18 **(D) Notice of Hearings.** In addition to complying with the notice requirements

19 of the Brown Act and the Sunshine Ordinance, notice of Planning Commission hearings shall be
20 provided as follows:

21 (i) by mail not less than 20 days prior to the date of the hearing, to the
22 Developer, to residents within 300 feet of the exterior boundaries of the property that is the subject of
23 the application, using for this purpose the names and addresses as shown on the citywide assessment
24 roll in the Office of the Tax Collector, and to any person who has requested such notice; and

25 ///

1 (ii) by posting on the subject property not less than 10 days prior to the
2 date of the hearing.

3 (j) **Building Permits.** Each building permit application submitted to the Department of
4 Building Inspection for Buildings shall be forwarded to the Planning Department for review of the
5 application's consistency with the authorizations granted pursuant to this Section 249.88.

6 (k) **Discretionary Review.** The Planning Department shall not accept, and the Planning
7 Commission shall not hear, requests for discretionary review for projects subject to this Section 249.88.

8 (l) **Change of Use.** The Planning Department shall review each building permit application
9 that the Developer submits to the Department of Building Inspection for vertical improvements for
10 consistency with the authorizations granted pursuant to this Section 249.88. The Department of
11 Building Inspection shall not issue a permit for any vertical improvement or for occupancy that would
12 authorize a new use unless the Planning Department determines such permit is consistent with the
13 Building Standards set forth in the DSG.

14
15 Section 3. The Planning Code is hereby amended by adding Section 263.35, to read
16 as follows:

17 **SEC. 263.35. BALBOA RESERVOIR SPECIAL USE DISTRICT AND THE 48/78-X**
18 **HEIGHT AND BULK DISTRICTS.**

19 In the Balboa Reservoir Special Use District and the 48-X and 78-X Height and Bulk Districts,
20 heights are more specifically prescribed for each Block, as defined in Section 249.88, pursuant to
21 Figure 249.88-2.

22
23 Section 4. The Planning Code is hereby amended in accordance with Planning Code
24 Section 106 by revising Sectional Map ZN12, Height Map HT12, and Special Use District Map
25 SU12 of the Zoning Map, as follows:

1 (a) To change the Zoning Map ZN12 as follows:

Assessor's Parcels (Block/Lot Numbers)	Current Zoning to be Superseded	Proposed Zoning to be Approved
3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines	P	BR-MU

7 (b) To change the Height and Bulk Map HT12 as follows:

Assessor's Parcels (Block/Lot Numbers)	Height and Bulk Districts Superseded	New Height and Bulk Districts
3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines	40-X and 65-A	48-X for Blocks TH1, TH2, and H; 78-X for the remainder of the site

15 (c) To change the Special Use District Map SU12 by creating the new Balboa
16 Reservoir Special Use District and assigning the following Parcels to be within the Balboa
17 Reservoir Special Use District:

Assessor's Parcels (Block/Lot Numbers)	Special Use District
3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines	Balboa Reservoir Special Use District

22 Section 5. The Planning Code is hereby amended to revise Section 201 as follows:

23 To add the Balboa Reservoir Mixed Use District, after the "Potrero Power Station Mixed
24 Use District", as follows:

25 ///

<p><i>Balboa Reservoir Mixed Use District</i></p> <p><i>(Also See Section 249.88(g)(1))</i></p>	
<p><u><i>BR-MU</i></u></p>	<p><u><i>Balboa Reservoir Mixed Use District</i></u></p> <p><u><i>(Defined in Section 249.88(g)(1))</i></u></p>

Section 6. The Figures presented in this ordinance (Figures 249.88-1 through 249.88-3) have been placed in the Clerk of the Board of Supervisors File No. 200422, and are incorporated herein by reference.

Section 7. Effective Date and Operative Date.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

(b) This ordinance shall become operative only on (and no rights or duties are affected until) the later of (1) its effective date, as stated in subsection (a) above, or (2) the effective date of the ordinance approving the Development Agreement for the Project. A copy of said ordinance is on file with the Clerk of the Board of Supervisors in File No. 200423.

Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

///

///

1 additions, and Board amendment deletions in accordance with the “Note” that appears under
2 the official title of the ordinance.

3

4

5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: /s/ JOHN D. MALAMUT
8 JOHN D. MALAMUT
9 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(Substituted, 7/7/2020)

[Planning Code and Zoning Map - Balboa Reservoir Special Use District]

Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

The Balboa Reservoir Project (Project) is proposed to be developed on a parcel currently designated as Public (P) and under the jurisdiction of the Public Utilities Commission. The Project is located immediately to the west of the City College of San Francisco Ocean Campus and just north of Ocean Avenue in the southwest part of San Francisco.

Amendments to Current Law

This Ordinance would add Section 249.88 to the Planning Code to establish the Balboa Reservoir Special Use District (SUD) for the entire Project site. The SUD would not apply to a retained Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south of the Project that will remain in Public zoning. The Ordinance would provide for permitted, non-permitted, temporary, and interim uses within the SUD. The legislation would create controls for development at the site, including ground floor and retail controls, building standards, maximum heights, off street parking including parking lot(s), dwelling unit exposure, bicycle parking, open space, streetscape improvements, inclusionary housing, and others. The SUD would provide mechanisms for modifying those standards in the future, on a case-by-case basis, and for reviewing and approving future development phases and vertical development.

The Ordinance also would add Planning Code Section 263.35 regarding the Balboa Reservoir SUD building heights and would amend the Zoning Map, to do the following:

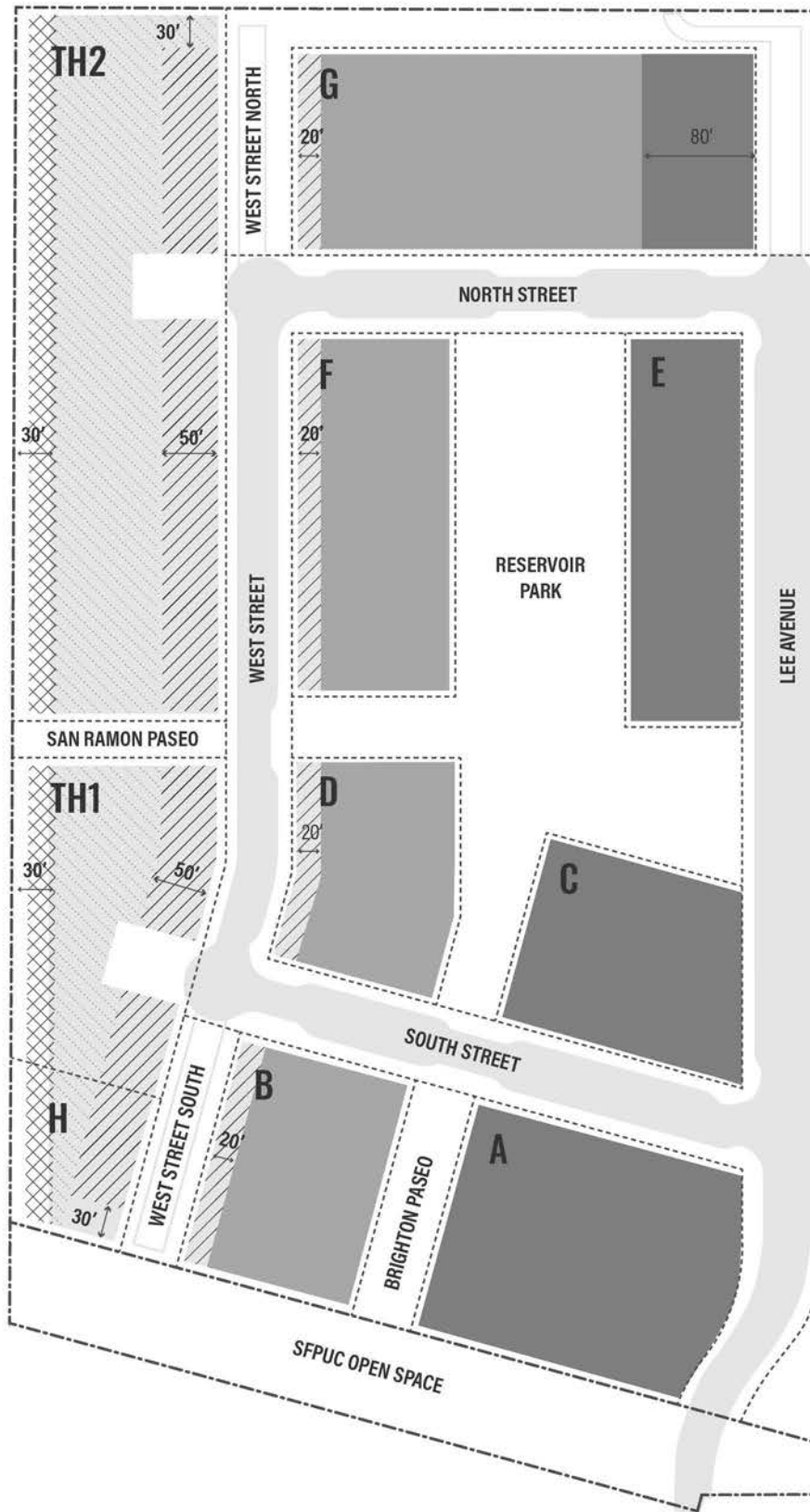
- a) change the use of the site from P (Public) to BR-MU (Balboa Reservoir Mixed Use), with the exception of the Public Utilities Commission retained parcel which is excluded from the SUD ;
- b) change the height and bulk from 40-X and 65-A to 48-X or 78-X depending on the particular block in the SUD, and
- c) add the SUD to the sectional map number 12.






The Ordinance also makes environmental findings and findings of consistency with the General Plan, eight priority policies of Planning Code Section 101.1, and public necessity determination of Planning Code Section 302.

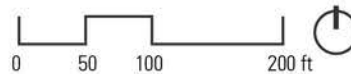
Background Information

The Project addresses the City's housing challenges by contributing to the City's goal of creating 5,000 housing units each year. The Project site was specifically identified in the General Plan for additional housing in close proximity to local and regional public transportation. The Project implements the goals and objectives of the General Plan Housing Element and of the 2009 Balboa Park Station Area Plan that calls for the development of a mixed-use residential neighborhood on the west reservoir to address the Citywide demand for housing. The Project also implements the goals of the City's 2014 Public Land for Housing program and the Surplus Public Lands Initiative (Proposition K from 2015), by replacing an underused surface parking lot located on surplus public land with a substantial amount of new housing, including a high percentage of affordable housing.

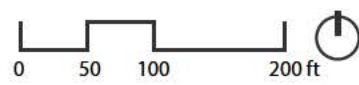
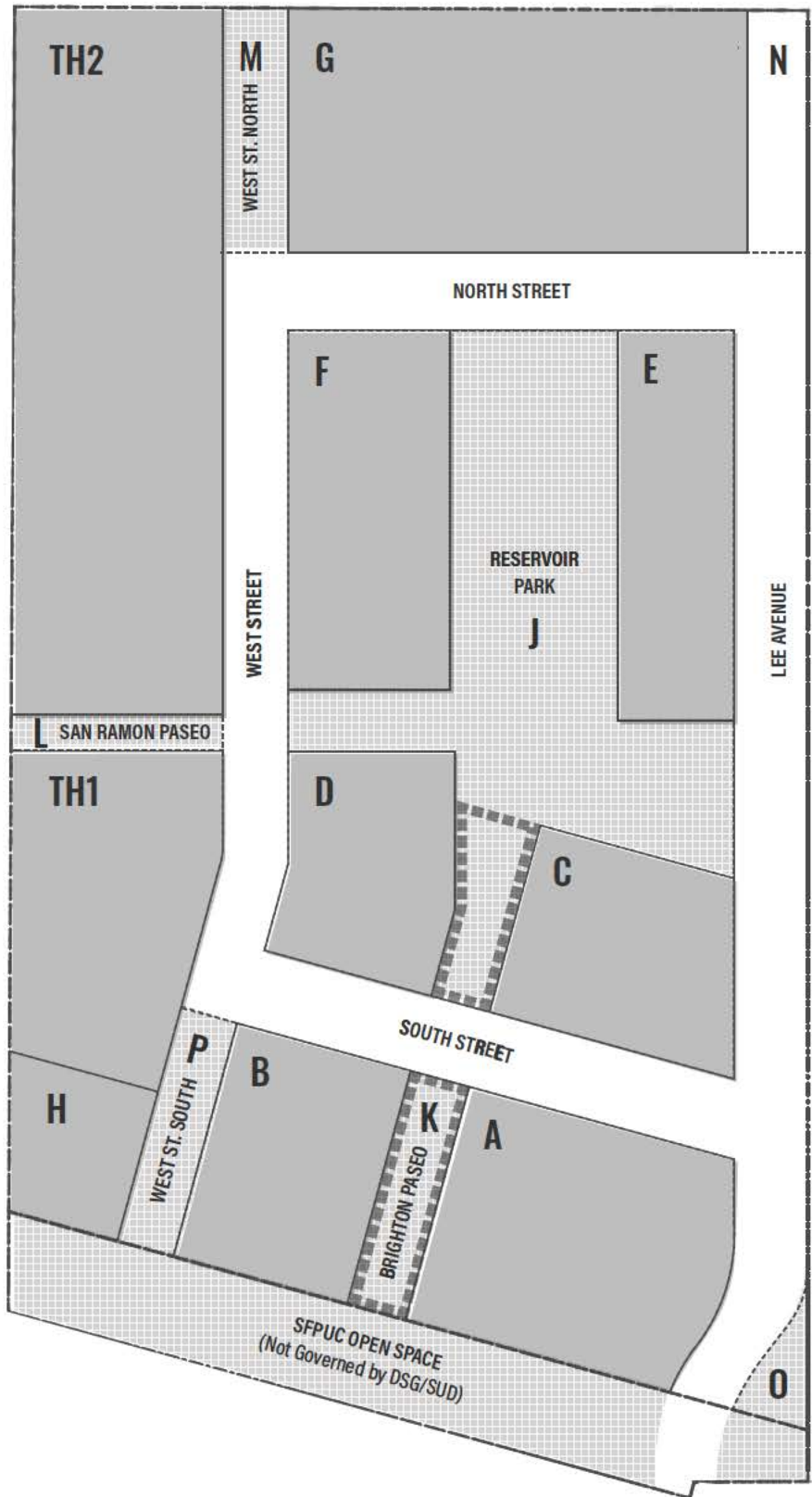
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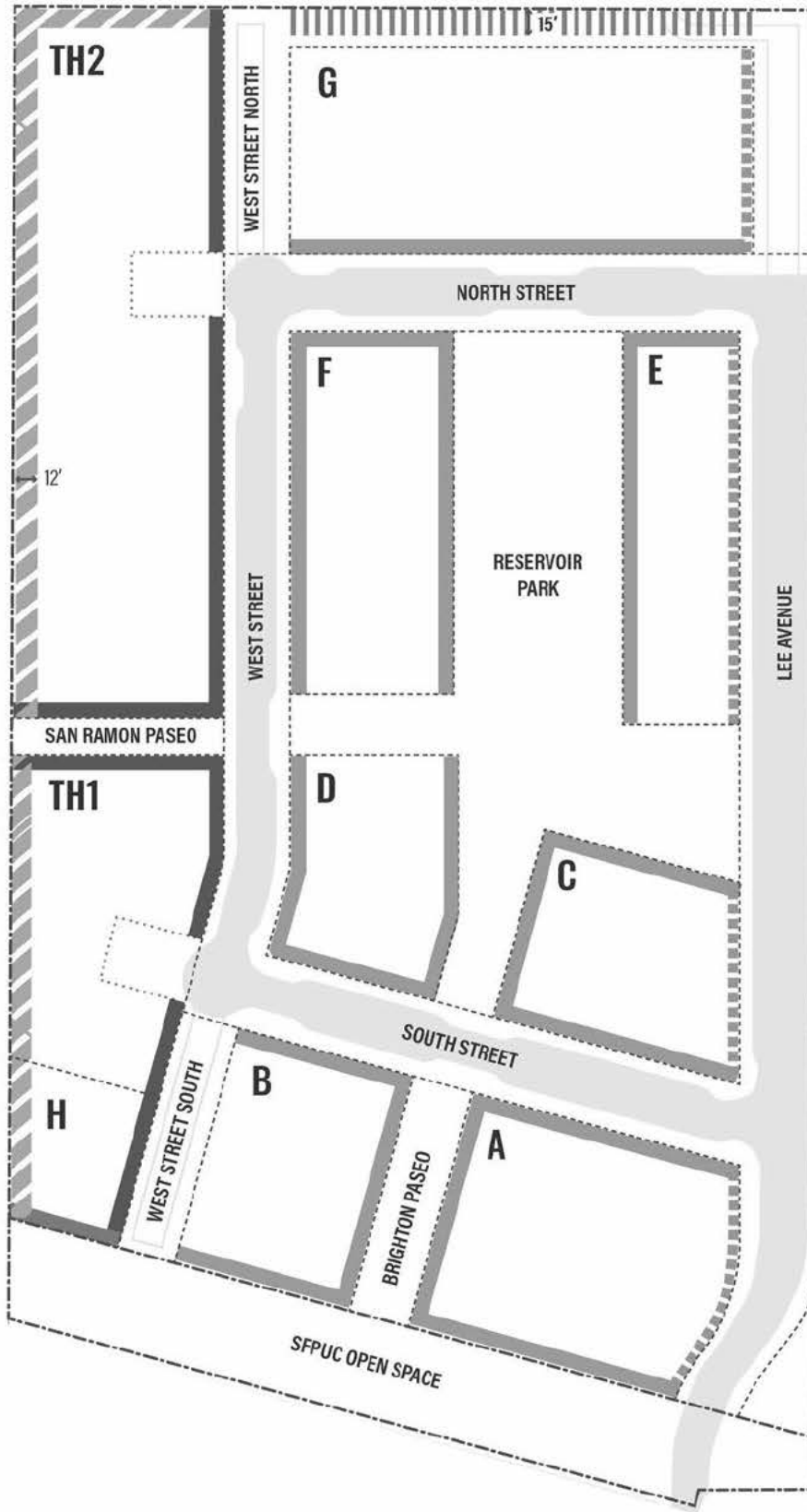
-  2 Stories, 25 Feet
-  3 Stories, 35 Feet
-  4 Stories, 48 Feet
-  6 Stories, 68 Feet
-  7 Stories, 78 Feet








HEIGHT CONTROLS



LAND USE



LEGEND

-  Type A, Lee Avenue, 5 Foot Setback at Ground Floor
-  Type B, Streets and Open Space, 5 Foot Setback
-  Type C, Townhouses, 5 Foot Setback
-  Type D, 12 Foot Setback at Project Boundary
-  Type E, 15 Foot Setback at Project Boundary



MINIMUM BUILDING SETBACKS



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20733

HEARING DATE: MAY 28, 2020

Case No.: 2018-007883PCAMAP
Project: Balboa Reservoir Project
Existing Zoning: P (Public)
Height-Bulk: 40-X, 65-A
Proposed Zoning: Balboa Reservoir Mixed-Use District (BR-MU)
 Balboa Reservoir Special Use District
Proposed Height: 48-X and 78-X
Blocks/Lots: Block 3180/Lot 190
Project Sponsor: Reservoir Community Partners LLC,
 Kearstin Dischinger, (415) 321-3515, kdischinger@bridgehousing.com
Staff Contact: Seung Yen Hong – (415) 575-9026, seungyen.hong@sfgov.org

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Planning
Information:
415.558.6377

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE AMENDMENTS TO THE PLANNING CODE TO: (1) ESTABLISH THE BALBOA RESERVOIR SPECIAL USE DISTRICT; (2) ESTABLISH THE BALBOA RESERVOIR MIXED USE DISTRICT; (3) AMEND ZONING MAP 12 TO REZONE THE PROJECT SITE FROM P (PUBLIC) TO BR-MU (BALBOA RESERVOIR-MIXED USE); (4) AMEND PLANNING CODE HEIGHT AND BULK MAP 12 TO INCREASE THE HEIGHT LIMIT AT THE PROJECT SITE FROM 40-X / 65-A TO 48-X / 78-X; (5) AMEND PLANNING CODE SPECIAL USE DISTRICT MAP 12 BY ZONING THE PROJECT SITE AS BALBOA RESERVOIR SPECIAL USE DISTRICT; AND (6) ADOPT FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1 AND FINDINGS UNDER PLANNING CODE SECTION 302, AND FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, On April 28, 2020, Supervisor Norman Yee introduced an ordinance (Board File 200422) for Planning Code Amendments to establish the Balboa Reservoir Special Use District (herein “SUD”), and for Zoning Map Amendments by amending Zoning Maps ZN12, SU12 and HT12, for the Assessor’s Blocks and Lots as listed above; and

WHEREAS, The Planning Code and Zoning Map Amendments would enable the development of the Balboa Reservoir Project (“Project”). Reservoir Community Partners (“Project Sponsor”) submitted an application to the San Francisco Planning Department (“Department”) for environmental review on May 31, 2018. The Project is located north of the Ocean Avenue Neighborhood Commercial District, west of the City College of San Francisco Ocean Campus, east of the Westwood Park neighborhood, and south of Archbishop Riordan High School, also known as the Balboa Reservoir. The Project site, which is approximately 17.6 acres, is owned by the City and County of San Francisco (“City”) under the jurisdiction of the San Francisco Public Utilities Commission (“SFPUC”). The Project site subject to Planning Code and Zoning Map Amendments does not include the 80-foot wide strip along the southern boundary containing SFPUC pipelines. The Project is a mixed-use development containing an integrated network of new publicly accessible parks and a mixed-use neighborhood. The Project includes up to 1.64

million gross square feet in new construction on 10 blocks and would provide approximately 1,100 residential units totaling about 1.3 million gross square feet. A total of up to 50 percent of the new units would be designated affordable to low- and moderate-income households and would include up to 150 units restricted to occupancy by educator households. The Project would contain approximately 10,000 gross square feet of childcare and community space, approximately 7,500 gross square feet of retail space, approximately 550 off-street residential parking spaces and up to 450 off-street parking spaces for use by the public. Maximum heights of new buildings would range between 25 feet and 78 feet. The tallest permitted building heights would generally be located toward Lee Avenue extension near the City College campus and step down westerly. The western side of the project site would build townhomes in order to provide a gradual transition to the lower prevailing heights in Westwood Park. The townhomes facing Westwood Park will be required to provide building setbacks to respect the character of Westwood Park. In addition, upper story setbacks will be required on almost every block on the Project site; and

WHEREAS, Approvals required for the Project include (1) certification of an Environmental Impact Report (“EIR”), (2) Planning Code and Zoning Map amendments, (3) General Plan Amendments, (4) Planning Code Text and Map Amendments, (5) the adoption of a Design Standards and Guidelines (“DSG”) document to facilitate implementation, and (6) approval of the Project and a Development Agreement (“DA”) between the Project Sponsor and the City and County of San Francisco; and

WHEREAS, These Planning Code Text Amendments would establish the BR-MU zoning district, establish the Balboa Reservoir SUD, would outline the land use controls for the Project site through the SUD, and would rezone the land currently zoned P (Public) to BR-MUD (Balboa Reservoir Mixed-Use District) designation that are more appropriate for the area and that allow the implementation of the Project. This rezoning also includes re-designating the height and bulk districts within the SUD from 40-X and 65-A to 48-X and 78-X; and

WHEREAS, On May 28, 2020, the Planning Commission reviewed and considered the Final EIR (“FEIR”) for the Project and found the FEIR to be adequate, accurate and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and certified the FEIR for the Project in compliance with the California Environmental Quality Act (“CEQA”), the CEQA Guidelines and Chapter 31 by Motion No. 20730; and

WHEREAS, On May 28, 2020, the Planning Commission adopted staff recommendations to approve the Project, as particularly defined in the Planning Commission’s DA Resolution, and authorize the Planning Director to make a design decision on garage locations at the time of Development Phase Application approval; and

WHEREAS, On May 28, 2020, the Commission by Motion No. 20731 approved CEQA Findings, including adoption of a statement of overriding considerations and a Mitigation Monitoring and Reporting Program (“MMRP”), under Case No. 2018-007883ENV, for approval of the Project, which findings, statement of overriding considerations and MMRP are incorporated by reference as though fully set forth herein; and

WHEREAS, On May 28, 2020, the Commission by Resolution No. 20732 found that the Project, including the actions contemplated in this Resolution, is on balance consistent with the General Plan, as it is

proposed to be amended, and the eight Priority Policies of Planning Code Section 101.1. That Resolution is incorporated by reference as though fully set forth herein; and

WHEREAS, On May 28, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the proposed Planning Code Text and Map Amendments and has considered the information included in the Planning Commission's files for these Amendments, the staff reports and presentations, public testimony and written comments, as well as the information provided about the Project from other City departments; and.

WHEREAS, An ordinance, in the form attached hereto as Exhibit A, approved as to form by the City Attorney, would establish the Balboa Reservoir SUD, and make other related Planning Code Map amendments; and

WHEREAS, Supervisor Yee, the sponsor of the ordinance, has proposed additional amendments to the Balboa Reservoir SUD that are attached to the staff report and are before the Planning Commission as part of its record for consideration and recommendation.

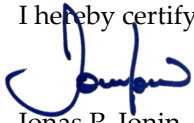
NOW THEREFORE BE IT RESOLVED, That the Planning Commission hereby adopts the CEQA Findings for purposes of this action and finds that the Planning Code Text Amendments and Zoning Map Amendments promote the public welfare, convenience and necessity for the following reasons:

1. The Planning Code Amendments would help implement the Balboa Reservoir Project development, thereby evolving currently under-utilized land for needed housing, parks and open space, community facilities and amenities, and other related uses.
2. The Planning Code Amendments would help implement the Balboa Reservoir Project, which in turn will provide employment opportunities for local residents during construction and occupancy, as well as community facilities and parks for new and existing residents.
3. The Planning Code Amendments would help implement the Balboa Reservoir Project by enabling the creation of a mixed-use and sustainable neighborhood, with new infrastructure.
4. The Planning Code Amendments would enable the construction of a new vibrant, safe, and connected neighborhood, including new parks and open spaces. The Planning Code Amendments would help ensure a vibrant neighborhood with active streets and open spaces, high quality and well-designed buildings, and thoughtful relationships between buildings and the public realm.
5. The Planning Code Amendments would enable construction of new housing, including new on-site affordable housing and educator housing. The Project would create a new mixed-use neighborhood that would strengthen and complement nearby neighborhoods.
6. The Planning Code Amendments would help promote child-friendly development in the Balboa Reservoir neighborhood by providing a higher portion of 2 plus bedroom units and a range of amenities like a childcare center, cargo bicycle parking, and an ample amount of well-designed open spaces.

AND BE IT FURTHER RESOLVED, That the Commission finds the Balboa Reservoir Planning Code Amendments are in conformity with the General Plan, as it is proposed to be amended, and Planning Code Section 101.1 as set forth in Resolution No. 20732.

AND BE IT FURTHER RESOLVED, That the Commission hereby recommends that the Board of Supervisors adopt the Balboa Reservoir Planning Code and Zoning Map Amendments, in substantially the form attached hereto as Exhibit A, including Supervisor Yee's proposed amendments as shown in the Planning Department staff report.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 28, 2020.



Jonas P. Ionin
Commission Secretary

AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore

NOES: None

ABSENT: None

ADOPTED: May 28, 2020

1 [Planning Code and Zoning Map - Balboa Reservoir Special Use District]

2

3 **Ordinance amending the Planning Code and Zoning Map to create the Balboa**
 4 **Reservoir Special Use District and rezone the Balboa Reservoir west basin project site**
 5 **generally bounded by the City College of San Francisco Ocean Campus to the east,**
 6 **Archbishop Riordan High School to the north, the Westwood Park neighborhood to the**
 7 **west, and a San Francisco Public Utilities Commission parcel containing a water**
 8 **pipeline running parallel to a mixed-use multifamily residential development along**
 9 **Ocean Avenue to the south; adopting findings under the California Environmental**
 10 **Quality Act; making findings of consistency under the General Plan and the eight**
 11 **priority policies of Planning Code, Section 101.1; and making findings of public**
 12 **necessity, convenience, and welfare under Planning Code, Section 302.**

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 14 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 16 **Board amendment additions** are in double-underlined Arial font.
 17 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 18 **Asterisks (* * * *)** indicate the omission of unchanged Code
 19 subsections or parts of tables.

20 Be it ordained by the People of the City and County of San Francisco:

21 Section 1. Planning and Environmental Findings.

22 (a) The Balboa Reservoir Project (the "Project") addresses the City's housing
 23 challenges by contributing to the City's goal of creating 5,000 housing units each year. The
 24 Project site was specifically identified in the General Plan for additional housing in close
 25 proximity to local and regional public transportation. The Project implements the goals and
 objectives of the General Plan Housing Element and of the 2009 Balboa Park Station Area

1 Plan that calls for the development of a mixed-use residential neighborhood on the west
2 reservoir to address the citywide demand for housing. The Project also implements the goals
3 of the City's 2014 Public Land for Housing program and the Surplus Public Lands Initiative
4 (Proposition K), that the electorate passed in November 2015, by replacing an underused
5 surface parking lot located on surplus public land with a substantial amount of new housing,
6 including a high percentage of affordable housing.

7 (b) In companion legislation adopting a Development Agreement associated with the
8 Project, the Board of Supervisors adopted environmental findings pursuant to the California
9 Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et
10 seq.), the CEQA Guidelines (14 Cal. Code Reg. Sections 15000 et seq.), and Chapter 31 of
11 the Administrative Code. The Board adopts these environmental findings as though fully set
12 forth herein in relation to this ordinance. A copy of said companion legislation is in Board of
13 Supervisors File No. _____ and its environmental findings are incorporated herein
14 by reference.

15 (c) The Planning Commission, in its Motion No. _____ adopted on
16 _____, 2020, made findings that the Project and actions contemplated in this
17 ordinance are consistent, on balance, with the City's General Plan and eight priority policies of
18 Planning Code Section 101.1. The Board incorporates these findings by reference and
19 adopts these findings as though fully set forth herein in relation to this ordinance. A copy of
20 said Planning Commission Motion is in Board of Supervisors File No. _____.

21 (d) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
22 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
23 in Planning Commission Resolution No. _____ and adopted on _____,
24 2020, and the Board adopts such reasons as its own. A copy of said resolution is on file with
25 the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein

1 by reference.

2
3 Section 2. The Planning Code is hereby amended by adding Section 249.88, to read
4 as follows:

5 **SEC. 249.88. BALBOA RESERVOIR SPECIAL USE DISTRICT.**

6 **(a) Purpose and Boundaries.** *A Special Use District entitled the "Balboa Reservoir Special*
7 *Use District" (the SUD) is hereby established, bounded by the City College of San Francisco Ocean*
8 *Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to*
9 *the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline that is*
10 *adjacent to a mixed-use multifamily residential development along Ocean Avenue to the south. The*
11 *precise boundaries of the SUD are shown on Sectional Map SU12 of the Zoning Map. The purpose of*
12 *the SUD is to implement the land use controls for the Balboa Reservoir Project, which is subject to a*
13 *Development Agreement, approved by the Board of Supervisors in the ordinance contained in Clerk of*
14 *the Board of Supervisors File No. _____ . The Project will provide several benefits to the City,*
15 *such as a significant amount of new housing, including a high percentage of affordable and educator*
16 *housing, publicly accessible open space, a child care and community facility, retail space, and extensive*
17 *infrastructure improvements, while creating jobs and a vibrant environmentally sustainable community.*

18 **(b) Relationship to Other Planning Code Provisions.** *Applicable provisions of the Planning*
19 *Code shall control except as otherwise provided in this Section 249.88. If there is a conflict between*
20 *other provisions of the Planning Code and this Section 249.88, this Section 249.88 shall prevail.*

21 **(c) Relationship to Design Standards and Guidelines.** *The Design Standard and Guidelines*
22 *("DSG"), adopted by the Planning Commission by Motion No. _____ on _____,*
23 *2020, and as may be periodically amended, sets forth design standards and guidelines applicable*
24 *within the SUD. A copy of the DSG is on file with the Clerk of the Board of Supervisors in File No.*
25 *_____ . Any capitalized term in this Section 249.88, and not otherwise defined in this Section*

1 or elsewhere in the Planning Code shall have the meaning ascribed to it in the DSG. This Section, the
2 remainder of the Planning Code, and the DSG shall be read and construed together so as to avoid any
3 conflict to the greatest extent possible. If there is a conflict between the DSG and either this Section or
4 the remainder of the Planning Code, this Section or the other provision of the Planning Code shall
5 prevail. Subject to this Section 249.88(c), if a later amendment to any provision of the Planning Code,
6 including this Section 249.88, results in a conflict with the DSG, such amended Planning Code
7 provision shall prevail. Amendments to the DSG may be made by the Planning Commission upon
8 initiation by the Planning Department or upon application by Developer, but if there is a conflict
9 between an amendment to the DSG and this Section or the remainder of the Planning Code, as
10 applicable, this Section or other provision of the Planning Code shall prevail unless and until such time
11 as this Section or the remainder of the Planning Code is amended to be consistent with the amendment
12 to the DSG. The Planning Director may approve minor amendments to the DSG to clarify its
13 provisions. For the purposes of this subsection (c), “minor amendments” shall be defined as
14 amendments necessary to clarify omissions or correct inadvertent mistakes in the DSG and are
15 consistent with the intent of the DSG, the SUD, the General Plan, and the Development Agreement.

16 **(d) Relationship to the Development Agreement.** This Section 249.88 shall be read and
17 construed consistent with the Development Agreement, and all development within the Project Site that
18 is subject to the Development Agreement shall satisfy the requirements of the Development Agreement
19 for so long as the Development Agreement remains in effect.

20 **(e) Definitions.** For purposes of this Section 249.88, the following definitions shall apply. If
21 not expressly superseded by definitions set forth in this subsection (e), all definitions of the Planning
22 Code shall apply.

23 “Active Use” means use that consists of a Retail Sales and Service, Entertainment, Arts,
24 Recreation, Child Care, Community Facility, or Residential use.

25 ///

1 “Block” means a Building Project block or a Publicly Accessible Open Space block as depicted
2 on Figure 249.88-1.

3 “Building Project” or “Building” means the construction of a building or group of buildings
4 within the Project Site.

5 “Building Standards” means the standards applicable to Building Projects and any associated
6 privately-owned open spaces within the SUD, consisting of the standards specified in subsection (g)
7 below and the standards and guidelines designated as such in the DSG. It does not mean Building Code
8 requirements under either the California or San Francisco Building Codes, which this Section 249.88
9 and the DSG do not override.

10 “Cart” means a mobile structure used in conjunction with food service and/or retail uses, that
11 operates intermittently in a publicly accessible open space, and that is removed daily from such open
12 space during non-business hours.

13 “Design Standards and Guidelines” or “DSG” shall mean the Balboa Reservoir Design
14 Standards and Guidelines adopted by Planning Commission Motion No. _____, as may be
15 amended from time to time. The Design Standards and Guidelines is incorporated into this Section
16 249.88 by reference.

17 “Developer” means the BHC Balboa Builders, LLC, a California limited liability company, or
18 its successor(s). Developer also may be an applicant.

19 “Development Agreement” means the Development Agreement by and between the City and the
20 Developer, approved by the Board of Supervisors by the ordinance in Board File No. _____,
21 and as the Development Agreement may be amended from time to time.

22 “Development Phase Application” means an application for each Building phase of the Project
23 that describes at a minimum, the Block numbers, the Master Infrastructure Plan elements, and vertical
24 improvements proposed in the phase, including number and sizes of affordable housing units, number
25 and sizes of market rate housing units, and square footage of retail, arts activity, community facility

1 and child care square space, and publicly accessible open space. The Development Phase Application
2 also shall include a list of any requested Minor or Major Modifications that are contemplated to be
3 requested in the phase.

4 “Frontage” means the vertical exterior face or wall of a Building and its linear extent that is
5 adjacent to or fronts on a street, right-of-way, or open space.

6 “Kiosk” means a Building or other structure that is set upon the ground and is not attached to a
7 foundation, such as a shipping container, trailer, or similar structure, from which food service and/or
8 retail business is conducted. A Kiosk may operate in a Publicly Accessible Open Space, and remain in
9 place until the business operation is terminated or relocated.

10 “Major Modification” means a deviation of more than 10% from any dimensional or numerical
11 standard in the Planning Code, this Section 249.88, or in the DSG, except as explicitly prohibited per
12 subsection (g) below.

13 “Mass Reduction” means one or more breaks in a Building that reduce the horizontal scale of
14 the Building into discrete sections.

15 “Master Infrastructure Plan” or “MIP” shall mean the Balboa Reservoir Master
16 Infrastructure Plan approved by the Board of Supervisors as part of the Development Agreement and
17 found in Clerk of the Board of Supervisors File No. _____, and as may be amended from time
18 to time.

19 “Minor Modification” means a deviation of up to 10% from any dimensional or numerical
20 standard in the Planning Code, this Section 249.88, or in the DSG, except as explicitly prohibited per
21 subsection (g) below, or any deviation from any non-dimensional or non-numerical standard in the
22 DSG.

23 “Privately-Owned Community Improvement,” means those facilities and services that are
24 privately-owned and privately-maintained, at no cost to the City (other than any public financing set
25 forth in the Financing Plan, a Development Agreement exhibit), for the public benefit, but not

1 dedicated to the City. Privately-Owned Community Improvements include certain pedestrian paseos,
2 storm drainage facilities, publicly accessible open spaces.

3 “Project” means the Balboa Reservoir Project.

4 “Project Site” means the approximately 16.5 acre site shown on Figure 249.88-1 that is within
5 the SUD. The 80-foot wide strip of land along the southern boundary of the west basin that contains
6 SFPUC pipelines is regulated by the Development Agreement, but is not part of the Project Site or
7 within the SUD and remains within a P (Public) zoning district.

8 “Publicly Accessible Open Space” means a usable open space that is accessible to the public,
9 including an unenclosed park or garden at street grade or following the natural topography,
10 improvements to hillsides or other unimproved public areas, an unenclosed plaza at street grade, or an
11 unenclosed pedestrian pathway, or a shared pedestrian/vehicular right-of-way.

12 “Residential Use” means uses that provide housing for San Francisco residents, rather than
13 visitors, including Dwelling Units, Group Housing, Senior Housing, and Student Housing.

14 “Multifamily Housing” means a residential Building where multiple separate housing units for
15 residential inhabitants are contained within one Building.

16 “Retail Sales and Services” means the use described in Section 102, except for Retail
17 Automobile Uses, Adult Business, Hotel, Motel, and Self-Storage.

18 “Step Back” means a reduction of one or more stories in a portion of one or more upper stories
19 of a Building.

20 “Streetwall” means a continuous façade of a Building and/or Buildings along a street
21 Frontage.

22 “Townhouse” means a single-family dwelling unit with at least two floors that shares a wall
23 with another dwelling and with direct access into the dwelling unit from a street or Publicly Accessible
24 Open Space that does not require access through a lobby, corridor, or other common indoor space
25 shared with other housing units.

1 (f) **Development Controls.** This SUD, as established in Section 249.88, and other Planning
2 Code Sections referenced herein establish all zoning controls for the Project Site.

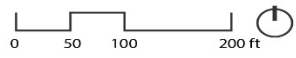
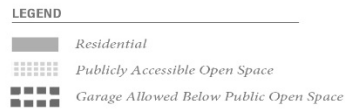
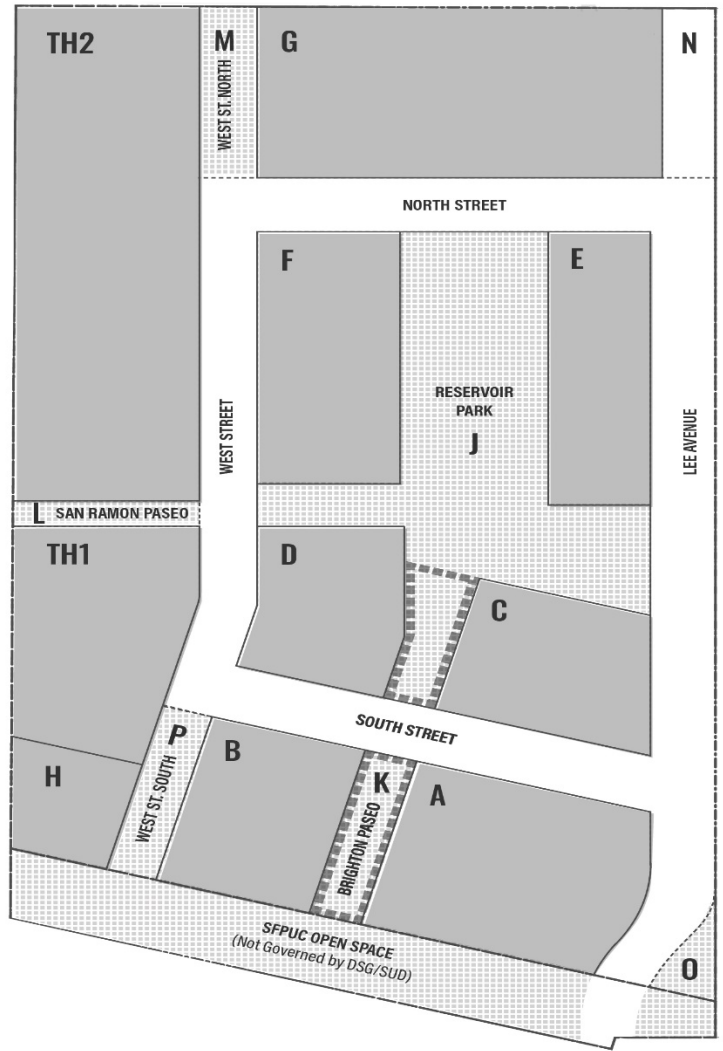
3 (g) **Uses.**

4 (1) **Balboa Reservoir Special Use District Zoning Designations.** As shown on the
5 Zoning Map, the SUD is co-terminus with the Balboa Reservoir Mixed Use District (BR-MU). This
6 SUD, as established in Section 249.88, and other Planning Code Sections referenced herein establish
7 all zoning controls for the BR-MU district.

8 (2) **Permitted Uses.** The following Uses set forth in Table 249.88-1: Balboa Reservoir
9 Land Uses shall be permitted within the different Blocks of the SUD shown in Figure 249.88-1, where P
10 means Permitted Use and NP means Non-permitted Use. All other uses not stated are prohibited.

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Figure 249.88-1 Balboa Reservoir Land Use Map



LAND USE

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Table 249.88-1 Balboa Reservoir Land Uses

	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>TH1</i>	<i>TH2</i>	<i>J</i>	<i>K, L, M, O, P</i>
<i>Permitted Use Category</i>												
<i>Publicly Accessible Open Space Residential Use</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Child Care Facility</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P(4)</i>	<i>P(4)</i>
<i>Community Facility (2), (3)</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
<i>Retail Sales and Services (2)</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
<i>Arts Activities (2)</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
<i>Carts and Kiosks (5)</i>	<i>NP</i>	<i>NP</i>	<i>N</i> <i>P</i>	<i>N</i> <i>P</i>	<i>N</i> <i>P</i>	<i>N</i> <i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>P</i>	<i>NP</i>
<i>Public Parking Garage</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>P(6)</i>	<i>NP</i>

(1) Only Townhouse units are allowed

(2) All non-residential uses except multi-story parking garages are allowed only

1 on the ground floor and below

2 (3) As defined in Section 102, except Health Care uses are not allowed

3 (4) Child care open space only

4 (5) Carts and Kiosks are allowed in Block J subject to Subsection (g)(8)(N)

5 (6) Below grade only as shown in Figure 249.88-1

6 (3) **Temporary Uses.** Temporary Uses are permitted consistent with Planning Code
7 Sections 205.1 through 205.4 for Neighborhood Commercial Districts.

8 (4) **Interim Uses.**

9 (A) Prior to completion of the Project, one or more Public or Private Parking
10 Lots, including construction worker parking lots, shall be permitted without regard to the provisions
11 regulating automobile parking set forth in Sections 155, 156, 303(t) or (u), and other provisions of
12 Article 1.5 of this Code, and such parking lot(s) shall not be required to be surrounded by a fence or
13 wall.

14 (B) Prior to completion of the Project, certain other interim uses may be
15 authorized for a period not to exceed five years by the Planning Director, without a public hearing if
16 the Planning Director finds that such Interim Use will not impede orderly development consistent with
17 this Section 249.88, the DSG, and the Development Agreement. Any authorization granted pursuant to
18 this subsection 249.88(g)(4)(B) shall not exempt the Developer from obtaining any other permit
19 required by law. Additional time for such uses may be authorized upon a new application for the
20 proposed Interim Use. Permitted Interim Uses shall include, but are not limited to:

21 (i) Retail Sales and Services;

22 (ii) Entertainment, Arts, and Recreation, including but not limited to
23 temporary art installations, exhibits, and sales, recreational facilities and uses (such as play and
24 climbing structures and outdoor fitness classes), and temporary structures to accommodate events
25 (such as stages, seating, and support facilities for patrons and operations);

1 (iii) Institutional Education Use, including but not limited to after-school
2 day camp and activities;

3 (iv) Site management service, administrative functions, and customer
4 amenities and associated loading;

5 (v) Rental or sales offices incidental to new development; and

6 (vi) Trailers, recreational vehicles, or other temporary housing for
7 construction workers, seasonal labor, or other workforce employment needs.

8 (5) Residential Density. The dwelling unit and group housing density limits applicable
9 in the RM-3 District, as it may be modified pursuant to Section 304, shall govern residential density
10 within the SUD. However, greater residential density than permitted in an RM-3 District may be
11 provided on individual Blocks, as long as the overall density of the SUD does not exceed the density
12 allowed in a RM-3 District, as it may be modified pursuant to Section 304, for the entire SUD.

13 (6) Minimum Dwelling Unit Mix. No less than 25% of the total aggregate number of
14 proposed dwelling units in the SUD shall contain at least two bedrooms, and no less than 10% of the
15 total aggregate number of proposed dwelling units in the SUD shall contain at least three bedrooms.
16 The minimum dwelling unit mix may be less on any individual Block than otherwise required provided
17 the total dwelling unit mix in the SUD shall not be less than the minimum dwelling unit mix upon
18 completion of the Project.

19 (7) Floor Area Ratio. There shall be no floor-area-ratio limit within the SUD.

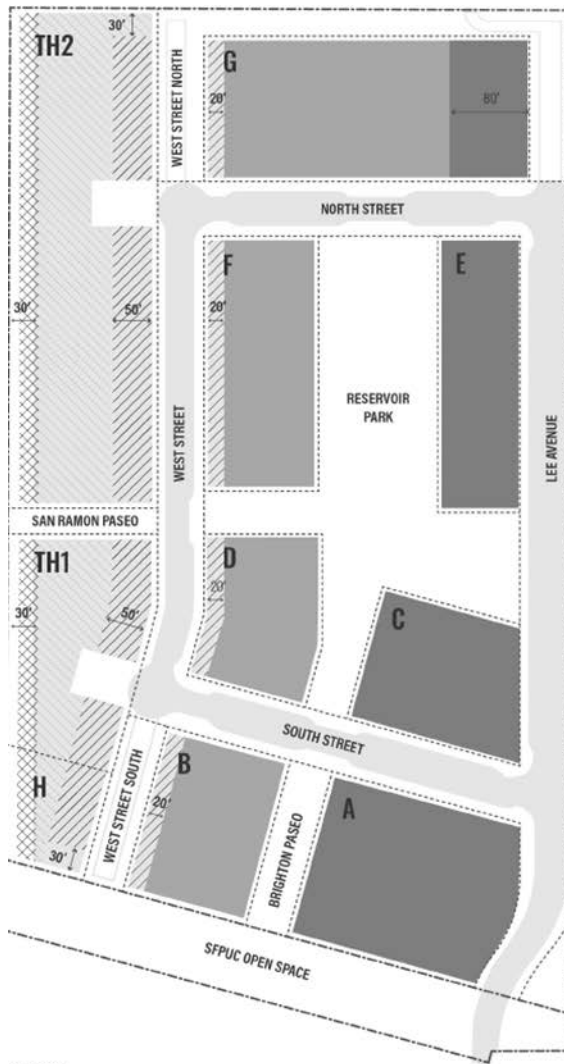
20 (8) Building Standards.

21 (A) Building Height. For purposes of the SUD, the height limits shall be as set
22 forth in Section Map HT12 of the Zoning Map and as further limited and detailed in Figure 249.88-2:
23 Building Height Maximums, and as further governed by this Section 249.88(g)(8)(A). The features set

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Figure 249.88-2 Height Limit Map



	2 Stories, 25 Feet
	3 Stories, 35 Feet
	4 Stories, 48 Feet
	6 Stories, 68 Feet
	7 Stories, 78 Feet

HEIGHT CONTROLS

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1 forth in Section 260(b)(1) and those below may extend above the maximum allowable height provided
2 the sum of the horizontal areas of said features do not exceed 40 percent of the rooftop area and do
3 not encroach into the required step back at upper floors as required below:

4 (i) Solar energy collection devices shall be allowed to a maximum height
5 of 10 feet.

6 (ii) Rooftop enclosed utility sheds designed exclusively for the storage of
7 landscaping, gardening supplies, and related equipment for living roofs shall be allowed, provided they
8 do not exceed 100 square feet of gross area and a maximum height of 10 feet.

9 (iii) Projections above the allowable height necessary to accommodate
10 additional ceiling height at common amenity spaces located on the top floor shall be allowed to a
11 maximum ceiling height of 10 feet average measured to finished surface at ceiling.

12 (iv) Non-occupied architectural features, including wind screens shall be
13 allowed up to 8 feet above the allowable height.

14 (B) **Building Bulk.** There are no bulk limits in this SUD.

15 (C) **Setbacks.** Minimum setbacks of the façade of Buildings from street rights of
16 way and from publicly accessible open space shall be provided in the locations and depth shown in
17 Figure 249.88-3.

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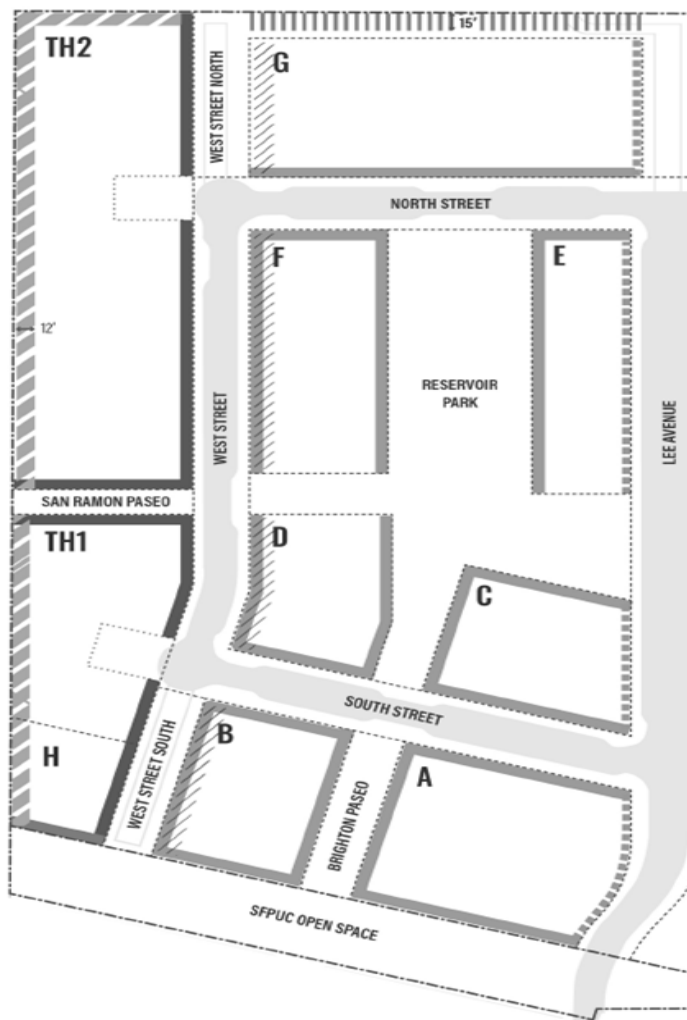
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Figure 249.88-3 Minimum Building Setbacks



LEGEND

- Type A, Lee Avenue, 5 Foot Setback at Ground Floor
- ▬ Type B, Streets and Open Space, 5 Foot Setback
- ▬ Type C, Townhouses, 5 Foot Setback
- ▨ Type D, 12 Foot Setback at Project Boundary
- ||||| Type E, 15 Foot Setback at Project Boundary

MINIMUM BUILDING SETBACKS

(D) Streetwall. A streetwall is required at all Building frontages facing public right of ways, publicly accessible open spaces, and paseos. The required streetwalls shall be located at

1 the setback line or at the property line where there is no setback control. Streetwalls may be offset
2 from the setback line or property line by not more than two feet towards the interior of the Block.
3 Streetwalls shall be provided at not less than 60% of the total area of the Building facade area.
4 Openings to interior courtyards and other breaks in the streetwall that are required under Mass
5 Reduction shall not count towards the required streetwall.

6 (E) **Mass Reduction.** Buildings taller than 40 feet with a frontage exceeding
7 180 feet in length shall incorporate at least one of the following Mass Reduction strategies:

8 (i) **Exterior Recess.** Provide a recess at Building exterior with a minimum
9 width of 15 feet and minimum depth of 10 feet from the Building wall extending vertically for height at least
10 75% of the height of the facade. The recess may start at second floor or may terminate at the top floor.

11 (ii) **Vertical Elements.** Provide a combination of elements consisting of
12 recess and/or projection with a minimum width of 10 feet, minimum depth of five feet, and extending
13 vertically for a height equal to at least 75% of the height of the facade. The cumulative base footprint area
14 of all vertical elements on a frontage shall equal a minimum of 150 square feet to qualify as a mass
15 reduction strategy. Balconies at vertical elements are allowed if the railings are visually differentiated from
16 the main facade.

17 (iii) **Alternative means of satisfying the mass reduction requirement for all**
18 Blocks shall be as set forth in the DSG.

19 (F) **Step Backs at Upper Floors.** Each of the Buildings on Blocks A, B, C, D, E,
20 F, and G shall provide one or more step backs at the top floor. The intent of the step backs is to
21 articulate Building silhouettes and to provide potential locations for roof terraces overlooking the
22 shared open space. The required height reduction along West Street shall not count towards the
23 required step back.

24 (i) **Blocks A, C, and E shall provide a one-story contiguous step back**
25 equal to 15% of the roof area or one-story non-contiguous step backs equal to 25% of the roof area.

1 The contiguous step backs shall have a minimum horizontal dimension of not less than 20 feet.

2 (ii) Blocks B, D, F, and G shall provide a top floor step back equal to
3 10% of the roof area. These step backs may be located in a single contiguous element or may be
4 comprised of multiple elements provided each step back area has a minimum horizontal dimension of
5 not less than 10 feet in all directions.

6 **(G) Setback Requirements; Waiver of Planning Code Sections 132, 133, and**
7 **134.** Rear yard, side yard, or front yard setback requirements shall be set forth in the SUD and DSG in
8 lieu of the provisions of Section 132, 133, and 134.

9 **(H) Unit Exposure.** For all residential units, the required window (as defined
10 by Section 504 of the San Francisco Housing Code) of at least one room that meets the requirement of
11 Section 503 of the Housing Code shall face directly onto an open area of one of the following types:

12 (i) A public street, public alley, or paseo at least 25 feet in width in
13 Blocks A, B, C, D, E, F, and G, and 20 feet in width in Blocks TH1, TH2, and H.

14 (ii) An open area, an inner court, or a space between separate Buildings
15 on the same Block, which is unobstructed (except for obstructions listed in Planning Code Section 136)
16 and is no less than 25 feet in every horizontal dimension in Blocks A, B, C, D, E, F, and G or 20 feet in
17 every horizontal dimension in Blocks TH1, TH2, and H.

18 **(I) Usable Open Space.** The usable open space requirement for dwelling units
19 shall be 40 square feet of private or common usable open space per unit. For Group Housing, the
20 minimum usable open space requirements shall be one-third the amount specified in this subsection (I)
21 for a dwelling unit. Required usable open space shall be on the same Block as the unit it serves.
22 Publicly Accessible Open Space, streets, and paseos on Blocks J, K, L, M, N, O, and P shall not count
23 towards the required on-site usable open space.

24 (i) Any space credited as private usable open space shall have a
25 minimum horizontal dimension of five feet and a minimum area of 35 square feet.

1 (ii) Any space credited as common usable open space shall have a
2 minimum horizontal dimension of 10 feet and a minimum area of 150 square feet.

3 (iii) Inner courts in which the enclosing Building walls are four stories
4 or more in height shall be large enough to inscribe a rectangular area 30 feet by 40 feet within the
5 enclosing walls.

6 (iv) Outer courts in which enclosing Building walls are four stories or
7 more shall be large enough to inscribe a rectangular area 25 feet by 25 feet within the enclosing walls.

8 (v) Space that is accessible for automobiles shall not count towards
9 usable open space in any Block.

10 (J) Ground Floor Floor-to-Floor Height. The minimum ground floor floor-to-
11 floor height of non-residential uses, lobbies and residential common areas shall be 15 feet in Blocks A,
12 B, C, and D and 12 feet in Blocks E and F. The minimum ground floor floor-to-floor height for
13 residential uses shall be 10 feet, except for townhouse units which shall have no minimum floor-to-floor
14 height.

15 (K) Ground Floor Activation. The ground floor activation standards set forth
16 in Sections 7.10, 7.20, and 7.21 of the DSG shall apply in the SUD.

17 (L) Parking Garages. The standards and guidelines for the location, depth,
18 and exterior frontages of parking garages set forth in Section 7.20 and 7.21 of the DSG shall apply in
19 the SUD. With the exception of space allowed for parking and loading access, Building egress, and
20 Building services, above grade parking on any Block shall be wrapped at all stories with a liner of
21 Active Use not less than 20 feet in depth from all facades facing streets and Publicly Accessible Open
22 Spaces.

23 (M) Signage. One identifying sign shall be permitted for each residential
24 Building, except for townhouse Blocks, where one identifying sign shall be permitted per Block. Sign
25 controls set forth in Section 607.1 for RC Districts shall apply to signs for non-residential uses.

1 (N) Carts and Kiosks. The standards and guidelines for Kiosks and Carts set
2 forth in the DSG shall apply in the SUD.

3 (9) Off-Street Automobile Parking and Loading. The location and design standards
4 for off-street automobile parking shall be governed by the DSG. There is no minimum off-street
5 parking or loading requirement for any use in the SUD, except that there shall be a minimum of 200
6 off-street parking spaces in the SUD, and that Buildings in Blocks A, B, C, D, E, F, and G containing
7 100,000 gross square feet or more of residential space and a parking garage shall provide at least one
8 off-street loading space meeting the dimensional requirements of standard 7.24.2 of the DSG.

9 (A) Maximum Off-Street Parking. The number of off-street parking spaces
10 within this SUD shall not exceed the following:

11 **Table 249.88-2: Maximum Off-Street Parking Spaces per Land Use**

<u>Land Use</u>	<u>Off-Street Parking Ratio</u>
<u>Dwelling Units</u>	<u>0.5 space per unit</u>
<u>Group Housing</u>	<u>1 space per three bedrooms</u>
<u>All Non-Residential Uses</u>	<u>1 space per 500 gross square feet of Occupied</u> <u>Floor Area</u>
<u>Public Parking</u>	<u>450 spaces</u>

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19 Parking amounts for dwelling units, group housing, and non-residential uses may be greater on any
20 individual Block than otherwise allowed by Table 249.88-2 provided the total number of spaces in the
21 SUD shall not exceed the maximum upon completion of the Project. The maximum number of spaces
22 for the Public Parking Garages shown in Table 249.88-2 shall be reduced if the parking spaces for
23 dwelling units or group housing are allowed to be used as public parking during any part of the day.
24 The maximum number of spaces for the Public Parking Garages also shall be reduced in the event the
25 Developer enters into an agreement with adjacent property owner(s) to fund or build public parking on

1 the adjacent site to the east of the Project. The Planning Director shall determine whether these
2 conditions are met pursuant to Transportation Exhibit, Exhibit J, of the Development Agreement. Car
3 share parking spaces shall be provided in the amounts set forth in Section 166. The width and location
4 of vehicular openings shall be as set forth in the DSG.

5 (B) Driveway and Loading Operations Plan. The purpose of a Driveway and
6 Loading Operations Plan (DLOP) is to reduce potential conflicts between driveway and loading
7 operations, such as passenger and freight loading activities, and pedestrians, bicycles, and vehicles.
8 The goal of the plan is to maximize utilization of off-street space to accommodate loading demand, and
9 to ensure that off-street loading is considered and attempted, to the extent physically and feasibly
10 possible, in the design of new Buildings. The Developer shall prepare a DLOP in accordance with the
11 Planning Code, Planning Department guidelines, and any standard environmental conditions.

12 (10) Bicycle Parking. Bicycle parking shall be provided as required by the Planning
13 Code.

14 (11) Waiver of Planning Code Section 138.1. The streetscape design set forth in the
15 Master Infrastructure Plan and DSG sets forth the standards for pedestrian and streetscape
16 improvements in the SUD.

17 (12) Waiver of Planning Code Section 169. The transportation demand management
18 provisions included in the Development Agreement shall govern in the SUD in lieu of the provisions of
19 Section 169.

20 (13) Compliance with Article 4 of the Planning Code.

21 (A) Inclusionary Housing Requirements. The provisions of Sections 415 et
22 seq. shall not apply, except as otherwise stipulated in the Development Agreement.

23 (B) Other Impact Fees. For so long as the Development Agreement remains in
24 effect, the Developer impact fees payable for any Building Project will be determined in accordance
25 with the Development Agreement.

1 (14) Relationship to State or Local Density Bonus Programs. *In exchange for the*
2 *benefits expressed in the Development Agreement and this Section 249.88, and as set forth in the*
3 *Development Agreement, any Building Projects within the SUD shall not be eligible for additional*
4 *density or modifications to development standards allowed in any State or local law allowing*
5 *additional density or modifications to development in exchange for on-site affordable housing,*
6 *including but not limited to the State Density Bonus Law (California Government Code Sections 65915*
7 *et seq.), the Affordable Housing Bonus Program (Planning Code Sections 206 et seq.), and Planning*
8 *Code Sections 207 et seq.*

9 (15) Modifications to Building Standards and Use Requirements.

10 (A) No Modifications or Variances. *No variances, exceptions, modifications, or*
11 *other deviations from the requirements and standards of the Planning Code, including the SUD, and of*
12 *the DSG are permitted except through the procedures for granting of Minor and Major Modifications*
13 *established in the SUD. No modifications or variances are permitted for maximum Building height or*
14 *maximum automobile parking spaces.*

15 (B) Modification of Other Building Standards and Use Requirements. *A*
16 *dimensional or numerical standard may be modified only as provided in subsection (i), on a project-by-*
17 *project basis. In order to grant a Minor or Major Modification, the Planning Director or Commission*
18 *must find that the proposed Minor or Major Modification achieves equal or superior design quality and*
19 *public benefit as strict compliance with the applicable standard and meets the intent of the SUD and*
20 *the DSG.*

21 (C) Minor Modifications. *The Planning Director may approve a Minor*
22 *Modification administratively in accordance with the procedures set forth in subsection (i).*

23 (D) Major Modifications. *The Planning Commission may approve an*
24 *application for a Major Modification in accordance with the procedures set forth in subsection (i).*

25 *///*

1 (h) **Project Review and Approval.** In lieu of the procedures set forth in Planning Code Article
2 3, the following project review and approval procedures shall apply in the SUD.

3 (1) **Purpose.** The design review process for this SUD is intended to ensure that new
4 Building Projects are designed to complement the aesthetic quality of the development, exhibit high
5 quality architectural design, and promote the purpose of this SUD.

6 (2) **Development Phase Application.** Consistent with the Development Agreement, the
7 Developer shall submit a Development Phase Application to the Planning Director for approval, and
8 no development may be approved within a Development Phase until after the Planning Director issues
9 a Development Phase Application approval. The Development Phase Application process, as set forth
10 in the Development Agreement, is to ensure that all Publicly Accessible Open Space and Building
11 Projects within a development phase are consistent with the Development Agreement and the SUD.
12 Planning shall review Development Phase Applications within 30 days of receipt in order to determine
13 completeness. If the Planning Director fails to respond within such 30-day period, the Development
14 Phase Application will be deemed complete. The Planning Director shall act on a Development Phase
15 Application within 60 days after submittal of a complete Development Phase Application. Changes
16 proposed by the Planning Department will be reasonably considered by Developer, and changes
17 proposed by Developer will be reasonably considered by the Planning Department. If there are no
18 objections, or upon resolution of any differences, the Planning Director shall approve the Development
19 Phase Application with such revisions, comments, or requirements as may be permitted in accordance
20 with the terms of the Development Agreement and the phasing plan.

21 (3) **Concurrent Submittal of Development Phase Application and Design Review**
22 **Application.** Applications for design review may be submitted concurrently with or subsequent to a
23 Development Phase Application. When submitted concurrently, the time limits for the Planning
24 Department review of completeness and design review described in subsection (i) shall not commence
25 until after the Planning Director has issued a Development Phase Application approval. The Planning

1 Department shall approve only those applications for individual Buildings that are consistent with a
2 Development Phase Application approval. To ensure that Building Projects and Privately-Owned
3 Community Improvements meet the requirements of the Planning Code, including this Section 249.88,
4 and the DSG, Developer shall submit a Design Phase Application and receive approval from the
5 Planning Director, or, if required, the Planning Commission before obtaining any permits for the
6 applicable construction. Standards and limitations on design review approval are set forth in
7 subsection (i) below. Nothing in this Section 249.88 limits the Charter authority of any City
8 department or commission or the rights of City agencies to review and approve proposed infrastructure
9 as set forth in the Development Agreement.

10 **(i) Design Review Applications and Process.**

11 **(1) Applications.** Each design review application shall include the documents and
12 other materials necessary to determine consistency with the Planning Code, this Section 249.88, and
13 the DSG, including site plans, floor plans, sections, elevations, renderings, landscape plans, a DLOP,
14 and exterior material samples to illustrate the overall concept design of the proposed Buildings.
15 Design review applications also should contain information on dwelling unit count and type, parking,
16 and other building characteristics typical of Planning Department development applications. If
17 Developer requests a Major or Minor Modification, the application shall describe proposed changes in
18 reasonable detail, and to the satisfaction of the Planning Director, including narrative and supporting
19 images, if appropriate, and a statement of the purpose or benefits of the proposed Minor or Major
20 Modification(s). As part of design review application process, the Planning Director shall consult with
21 the San Francisco Municipal Transportation Agency regarding the Developer's DLOP.

22 **(2) Completeness.** Planning Department staff shall review the application for
23 completeness and advise the Developer in writing of any deficiencies within 30 days of the date of the
24 application or, if applicable, within 15 days after receipt of any supplemental information requested
25 pursuant to this section.

1 **(3) Design Review of Buildings and Privately-Owned Community Improvements.**

2 **(A) Building Pre-Application Meeting.** *Prior to submittal of a design review*
3 *application for a Building, the Developer shall conduct a minimum of one pre-application public*
4 *meeting. The meeting shall be conducted at, or within a one-mile radius of, the Project Site, but*
5 *otherwise subject to the Planning Department’s pre-application meeting procedures, including but not*
6 *limited to the submittal of required meeting documentation. A Planning Department representative*
7 *shall be invited to such meeting.*

8 **(B) Publicly Accessible Open Space Outreach.** *Prior to submittal of a design*
9 *review application for a Publicly Accessible Open Space, the Developer shall conduct a minimum of*
10 *one pre-application public meeting on design of the Publicly Accessible Open Space. The Developer*
11 *shall conduct a minimum of one additional public meeting prior to any approval action on the*
12 *application. Additional meetings may be required at the discretion of the Planning Director. The*
13 *meetings shall be conducted at, or within a one-mile radius of, the Project Site, and the pre-application*
14 *meeting shall be subject to the Planning Department’s pre-application meeting procedures, including*
15 *but not limited to, the submittal of required meeting documentation. Developer shall invite a Planning*
16 *Department representative to such meetings.*

17 **(C) Design Review Process.** *Following submittal of the design review*
18 *application, upon a determination of completeness, Planning Department staff shall conduct design*
19 *review and prepare a staff report determining compliance with this Section 249.88, the Planning Code,*
20 *and the DSG, including a recommendation regarding any Minor or Major Modifications sought. The*
21 *Planning Department staff shall deliver the report to the Developer and any third parties requesting*
22 *notice in writing, shall be kept on file, and shall be posted on the Department’s website for public*
23 *review within 60 days of the determination of completeness. If Planning Department staff determines*
24 *that the design is not compliant with this Section 249.88, the Planning Code, or the DSG, the Developer*
25 *may resubmit the application, in which case the requirements of this subsection (i) for determination of*

1 completeness, staff review, and determination of compliance, and delivery, filing, and posting of the
2 staff report, shall apply anew.

3 **(4) Approvals and Public Hearings for Buildings and Privately-Owned Community**
4 **Improvements.**

5 **(A) Buildings and Privately-Owned Community Improvements Seeking No**
6 **Modifications.** Within 10 days after the delivery and posting of the staff report on the design review
7 application, the Planning Director shall approve or disapprove the design based on its compliance with
8 the Planning Code, including this Section 249.88, the DSG, and the General Plan. If the design review
9 application is consistent with the numeric standards set forth in this Section 249.88 and the DSG, the
10 Planning Director's discretion to approve or disapprove the design review application shall be limited
11 to the Developer's consistency with the non-numeric and non-dimensional elements of the DSG and
12 the General Plan.

13 **(B) Buildings and Privately-Owned Community Improvements Seeking Minor**
14 **Modifications.** Within 10 days after the delivery and posting of the staff report on the design review
15 application including a Minor Modification, the Planning Director, shall approve or disapprove any
16 Minor Modification based on its compliance with the Planning Code, including this Section 249.88, the
17 DSG, and the General Plan. Notwithstanding any other provisions of this Section 249.88, the Planning
18 Director, at his or her discretion, may refer any application that proposes a Minor Modification to the
19 Planning Commission if the Planning Director determines that the proposed Minor Modification does
20 not meet the intent of the DSG or the SUD.

21 **(C) Buildings and Privately-Owned Community Improvements Seeking Minor**
22 **or Major Modifications.** If the design review application seeks one or more Major Modifications, or if
23 the Planning Director refers a design review application that proposed a Minor Modification to the
24 Planning Commission, the Planning Commission shall calendar the item for a public hearing, subject
25 to any required noticing. For purposes of this subsection (C), Minor Modifications and Major

1 Modifications shall be collectively referred to as Major Modifications. The Planning Commission's
2 review shall be limited to the proposed Major Modification. The Planning Commission shall consider
3 all comments from the public and the recommendations of the staff report and the Planning Director in
4 making a decision to approve or disapprove the granting of any Major Modifications.

5 (D) **Notice of Hearings.** In addition to complying with the notice requirements
6 of the Brown Act and the Sunshine Ordinance, notice of Planning Commission hearings shall be
7 provided as follows:

8 (i) by mail not less than 20 days prior to the date of the hearing, to the
9 Developer, to residents within 300 feet of the exterior boundaries of the property that is the subject of
10 the application, using for this purpose the names and addresses as shown on the citywide assessment
11 roll in the Office of the Tax Collector, and to any person who has requested such notice; and

12 (ii) by posting on the subject property not less than 10 days prior to the
13 date of the hearing.

14 (j) **Building Permits.** Each building permit application submitted to the Department of
15 Building Inspection for Buildings shall be forwarded to the Planning Department for review of the
16 application's consistency with the authorizations granted pursuant to this Section 249.88.

17 (k) **Discretionary Review.** The Planning Department shall not accept, and the Planning
18 Commission shall not hear, requests for discretionary review for projects subject to this Section 249.88.

19 (l) **Change of Use.** The Planning Department shall review each building permit application
20 that the Developer submits to the Department of Building Inspection for vertical improvements for
21 consistency with the authorizations granted pursuant to this Section 249.88. The Department of
22 Building Inspection shall not issue a permit for any Vertical Improvement or for occupancy that would
23 authorize a new use unless the Planning Department determines such permit is consistent with the
24 Building Standards set forth in the DSG.

25 ///

1 Section 3. The Planning Code is hereby amended by adding Section 263.35, to read
 2 as follows:

3 **SEC. 263.35. BALBOA RESERVOIR SPECIAL USE DISTRICT AND THE 48/78-X**
 4 **HEIGHT AND BULK DISTRICTS.**

5 *In the Balboa Reservoir Special Use District and the 48-X and 78-X Height and Bulk Districts,*
 6 *heights are more specifically prescribed for each Block, as defined in Section 249.88, pursuant to*
 7 *Figure 249.88-2*

8
 9 Section 4. The Planning Code is hereby amended in accordance with Planning Code
 10 Section 106 by revising Sectional Map ZN12, Height Map HT12, and Special Use District Map
 11 SU12 of the Zoning Map, as follows:

12 (a) To change the Zoning Map ZN12 as follows:

Assessor’s Parcels (Block/Lot Numbers)	Current Zoning to be Superseded	Proposed Zoning to be Approved
3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines	P	BR-MU

18 (b) To change the Height and Bulk Map HT12 as follows:

Assessor’s Parcels (Block/Lot Numbers)	Height and Bulk Districts Superseded	New Height and Bulk Districts
3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines	40-X and 65-A	48-X for Blocks TH1, TH2, and H; 78-X for the remainder of the site

1 (c) To change the Special Use District Map SU12 by creating the new Balboa
 2 Reservoir Special Use District and assigning the following Parcels to be within the Balboa
 3 Reservoir Special Use District:

Assessor's Parcels (Block/Lot Numbers)	Special Use District
3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines	Balboa Reservoir Special Use District

7
 8 Section 5. The Planning Code is hereby amended to revise Section 201 as follows:

9 To add the Balboa Reservoir Mixed Use District, after the "Potrero Power Station Mixed
 10 Use District", as follows:

<i>Balboa Reservoir Mixed Use District</i> <i>(Also See Section 249.88(g)(1))</i>	
<u><i>BR-MU</i></u>	<u><i>Balboa Reservoir Mixed Use District</i></u> <u><i>(Defined in Section 249.88(g)(1))</i></u>

15
 16 Section 6. The Figures presented in this ordinance (Figures 249.88-1 through 249.88-
 17 3) have been placed in the Clerk of the Board of Supervisors File No. _____, and
 18 are incorporated herein by reference.

19
 20 Section 7. Effective Date and Operative Date.

21 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
 22 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
 23 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
 24 Mayor's veto of the ordinance.

25 ///

1 (b) This ordinance shall become operative only on (and no rights or duties are affected
2 until) the later of (1) its effective date, as stated in subsection (a) above, or (2) the effective
3 date of the ordinance approving the Development Agreement for the Project. A copy of said
4 ordinance is on file with the Clerk of the Board of Supervisors in File No. _____.

5
6 Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12
13
14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By: /s/ JOHN D. MALAMUT
17 JOHN D. MALAMUT
18 Deputy City Attorney

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BOARD of SUPERVISORS



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Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

May 6, 2020

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On April 28, 2020, Supervisor Yee introduced the following legislation:

File No. 200422

Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

File No. 200423

Ordinance approving a Development Agreement between the City and County of San Francisco and Reservoir Community Partners, LLC, for the Balboa Reservoir Project (at the approximately 17.6-acre site located generally north of the Ocean Avenue commercial district, west of the City College of San Francisco Ocean Campus, east of the Westwood Park neighborhood, and south of Archbishop Riordan High School), with various public benefits, including 50% affordable housing and approximately four acres of publicly accessible parks and open space; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b), and findings of public convenience, necessity, and welfare under Planning Code, Section 302; approving development impact fees and waiving any conflicting provisions in Planning Code, Article 4, or Administrative Code, Article 10; confirming compliance with or waiving certain provisions of Administrative Code, Section 6.22, and Chapters 14B, 23, 41B, 56, 82, and 83, Planning Code, Sections 169, 138.1, 414A, 415, and 422, Public Works Code, Section 806(d), Subdivision Code, Section 1348, and Health Code, Section 12B; and ratifying certain actions taken in connection therewith, as defined herein

Board of Supervisors
Land Use and Transportation Committee
Referral for Planning Commission
Page 2

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board



By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

- c: Rich Hillis, Director
- Scott Sanchez, Zoning Administrator
- Lisa Gibson, Environmental Review Officer
- AnMarie Rodgers, Legislative Affairs
- Devyani Jain, Deputy Environmental Review Officer
- Adam Varat, Acting Director of Citywide Planning
- Aaron Starr, Manager of Legislative Affairs
- Andrea Ruiz-Esquide, Deputy City Attorney
- Joy Navarrete, Major Environmental Analysis

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

May 6, 2020

File Nos. 200422
200423

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On April 28, 2020, Supervisor Yee submitted the following legislation:

File No. 200422

Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

File No. 200423

Ordinance approving a Development Agreement between the City and County of San Francisco and Reservoir Community Partners, LLC, for the Balboa Reservoir Project (at the approximately 17.6-acre site located generally north of the Ocean Avenue commercial district, west of the City College of San Francisco Ocean Campus, east of the Westwood Park neighborhood, and south of Archbishop Riordan High School), with various public benefits, including 50% affordable housing and approximately four acres of publicly accessible parks and open space; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b), and findings of public convenience, necessity, and welfare under

Planning Code, Section 302; approving development impact fees and waiving any conflicting provisions in Planning Code, Article 4, or Administrative Code, Article 10; confirming compliance with or waiving certain provisions of Administrative Code, Section 6.22, and Chapters 14B, 23, 41B, 56, 82, and 83, Planning Code, Sections 169, 138.1, 414A, 415, and 422, Public Works Code, Section 806(d), Subdivision Code, Section 1348, and Health Code, Section 12B; and ratifying certain actions taken in connection therewith, as defined herein.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board



By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

July 10, 2020

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On July 7, 2020, Supervisor Yee introduced the following legislation:

File No. 200422-2

Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: Rich Hillis, Director
Scott Sanchez, Zoning Administrator
Lisa Gibson, Environmental Review Officer
AnMarie Rodgers, Legislative Affairs
Devyani Jain, Deputy Environmental Review Officer
Adam Varat, Acting Director of Citywide Planning
Aaron Starr, Manager of Legislative Affairs
Andrea Ruiz-Esquide, Deputy City Attorney
Joy Navarrete, Major Environmental Analysis

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

July 10, 2020

File No. 200422-2

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On July 7, 2020, Supervisor Yee submitted the following substitute legislation:

File No. 200422-2

Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

This substitute legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Major, Erica \(BOS\)](#)
Subject: FW: Support for Balboa Reservoir Special Use District (200422)
Date: Thursday, May 14, 2020 8:33:37 AM

From: Avinash Kar <avinashkar2@yahoo.com>
Sent: Wednesday, May 13, 2020 6:42 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Support for Balboa Reservoir Special Use District

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I write to express support for the planned development on what is currently the parking lot adjacent to City College. The plan to build significant affordable and market rate housing is a step in the right direction to make the city more affordable and to have private developers cover a significant part of the cost. I live within a mile of the location and am fully supportive of the proposal--I think it will add commercial activity, energy, and vitality to the area--and am glad that Supervisor Yee is representing that perspective for our supervisory district.

With my thanks,
Avinash Kar
141 Dorado Terrace
San Francisco, CA 94112

From: [aj](#)
To: [Major, Erica \(BOS\)](#)
Cc: [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Public Lands for Public Good](#)
Subject: For file # 200422 & 200423 Fw: 4/28/2020 Legislation Introduced: Balboa Reservoir Project SUD and Development Agreement
Date: Monday, May 18, 2020 8:07:33 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Erica,

Did you get this 4/28/2020 submission for Land Use & Transportation Committee? It was written before the SUD and DA legislation had been officially introduced.

Thanks for taking care of it.

Best,
Alvin

----- Forwarded Message -----

From: aj <ajahjah@att.net>
To: Board of Supervisors <board.of.supervisors@sfgov.org>; brent.jalipa@sfgov.org <brent.jalipa@sfgov.org>; jocelyn.wong@sfgov.org <jocelyn.wong@sfgov.org>; lisa.lew@sfgov.org <lisa.lew@sfgov.org>
Cc: Public Lands for Public Good <publiclandsforpublicgood@gmail.com>
Sent: Tuesday, April 28, 2020, 03:05:24 PM PDT
Subject: 4/28/2020 Legislation Introduced: Balboa Reservoir Project SUD and Development Agreement

BOS:

Several years ago, SFCTA had authorized Prop K monies for a Balboa Area TDM Study.

Out of that authorization, Nelson /Nygaard produced a Balboa Area TDM Framework.

Essentially, the TDM Framework is being promoted as providing measures that would effectively mitigate harms to the existing setting of City College and neighborhoods that would be generated by the Reservoir Project

However, the TDM measures are fundamentally aspirational without any enforceable means to prevent new Reservoir residents - - especially the well-heeled occupants of the 550 market-rate units-- from using, or owning cars.

Ultimately, despite the TDM measures, car use by the new residents will cause delays to MUNI service. The limited roadway network that surrounds the Reservoir parcel makes any effective practical improvements by SFMTA negligible.

Existing MUNI service in the Reservoir Project area is far from achieving the Charter-mandated 85% reliability performance.

The Reservoir Project will inevitably make MUNI service worse.

On 4/28/2020, legislation will be introduced to create a Special Use District that will replace the current P-Public zoning.

Despite the deceptive marketing of the Reservoir Project as 50% affordable, Reservoir Community Partners' breakdown will actually be 550 market-rate units, and only 363 affordable.

RCP cannot legitimately claim credit for the 187 "additional affordable" units that will come from public monies.

Don't facilitate stealth privatization of public lands with SUD.

Instead of the SUD, keep the Reservoir parcel #3180's zoned as Public..... Existing P zoning which already allows for 100% affordable housing.

There is no need to rezone to SUD, other than to facilitate privatization of public property.

Alvin Ja, District 7

From: [aj](#)
To: [CPC-Commissions Secretary](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Johnson, Milicent \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Hood, Donna \(PUC\)](#)
Cc: [Public Lands for Public Good](#); ccsfheat@gmail.com; [CCSF Collective](#); [Joshua Sabatini](#); [JK Dineen](#); [Roland Li](#); [Tim Redmonds](#); [Joe Fitzgerald Rodriguez](#)
Subject: Balboa Reservoir Final SEIR: Not objective, not accurate
Date: Tuesday, May 26, 2020 4:22:42 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Planning Commission, Land Use & Transportation Committee, BOS, PUC:

Certification requires that the EIR be "adequate, accurate, and objective."

The Final Supplemental EIR fails the requirements of being accurate, and objective.

The two volumes of the Final Supplemental EIR look impressive if judged by heft and size. However, heft and size do not equate to being accurate and objective. Quantity does not equal quality.

NOT OBJECTIVE

The Reservoir Project is sponsored by the Planning Department. Environmental Review has been performed by the Environmental Planning Division of the same Planning Department sponsor. Will the dog bite the hand that feeds it?

The EIR is not objective. The conclusions of the EIR are driven by the desired outcome of facilitating the sponsor's (Planning Dept) Project. Just as for the Iraq War, the "facts" are fixed around the policy. (See below for details)

The Response To Comments consisted entirely of figuring out ways to dismiss unfavorable comments. Comments were not evaluated on their merits, but on how to dismiss them. The AB900 records show that no independent evaluation of comments were done. The Environmental Planning Division worked closely with the OEWD and Avalon Bay to craft appropriately favorable Responses.

NOT ACCURATE

Driven by "facts" being needed to be fixed around the policy, "facts" are not accurate. Examples:

- No significant impact on City College
- Cherry-picking of 220 public parking spaces from the City College TDM Study
- Project will not contribute significantly to Transit Delay

- Cumulative Transit Delay will be significant only after City College's Facilities Master Plan (which is a replacement program)
- CEQA Findings estimates the 17.6 acre parcel's value at \$11.2 million; while a comp shows a 0.3 acre parcel at 16th/Shotwell to be \$10 million. On a per-acre basis, the **Reservoir is a minuscule 1.9% of the 16th Street parcel's value.** How accurate could that be?!

- The EIR concludes that there is no significant impact on City College. How plausible is that?!
- The EIR concludes that there is no significant Transit Delay due to the **new** Project. It concludes that Cumulative Transit Delay will happen only due to City College's future Facilities Master Plan, which consists of **replacement** projects. What the EIR does is **reverse cause and effect.**
- The EIR uses tautological/circular argument in responding to comments on the draft EIR. The method used is:
 - EIR--"A";
 - Comment--not "A" due to xyz;
 - Response To Comment--reiterate "A", **without addressing xyz.**
- The Final EIR has replaced unfavorable data regarding Transit Delay (see TR-4 Transit Delay critique, below)

TRANSIT DELAY

- **SUPPLEMENTAL EIR CONTRADICTS PROGRAM EIR's FINDING OF SIGNIFICANT TRANSIT DELAY**
 - The SEIR concludes that there will less-than-significant impact on transit delay (Impact TR-4) from the Reservoir Project. This directly contradicts the Program EIR's conclusion:

"...ingress...from Lee Avenue [westbound right turn-only ingress to Lee Extension] would result in significant adverse transportation impacts. As a consequence, Access Option #1 is rejected from further consideration as part of the Area Plan." (FEIR, p.191)
- **4-MINUTE THRESHOLD OF SIGNIFICANCE FOR TRANSIT DELAY IS AN UNSUPPORTED ASSERTION, LACKING SUBSTANTIAL EVIDENCE**
 - The Final SEIR uses a quantitative threshold of significance of 4-minute Reservoir-related Transit Delay. In other words, Transit Delay is considered insignificant unless the Project contributes 4 minutes of delay to a MUNI line. In the real world of MUNI passengers and operators, a 4-minute delay in a short stretch near the Reservoir is extremely significant.
 - The establishment of a quantitative threshold of significance is required to be based on "substantial evidence." The Final SEIR

claims that substantial evidence for the 4-minute threshold of significance is contained in Planning Dept's "Transportation Impact Assessment Guidelines." Contrary to the claim of "substantial evidence", the 4-minute significance criterion contained in the TIA Guidelines is only an assertion, without any evidence whatsoever. The "substantial evidence" for the 4-minute delay significance criterion consists of this one sentence: *"For individual Muni routes, if the project would result in transit delay greater than or equal to four minutes, then it might result in a significant impact."* This one sentence constitutes the entirety of the claimed "substantial evidence" in the TIA Guidelines. This one sentence appears in the body of the TIA Guidelines and in the Appendix I "Public Transit Memorandum." However, repetition of a one-sentence assertion does not constitute "substantial evidence."

- The 4-minutes late significance threshold only serves as a "Get Out of Jail Free card" for the Project's real-world significant contribution to Transit Delay.

- **REMOVAL OF UNFAVORABLE DATA IN FINAL SEIR**

- The draft SEIR contained Transit Delay data that was found to be unfavorable to the Project.
 - Kittelson Associates (EIR Transportation Analysis contractor) data from Table 3.B-18 "Transit Delay Analysis" was computed to show Reservoir-related delay of 1 minute 55 seconds for a 7-minute running time route segment--a 27.4% increase over the scheduled 7-minute running time between two 43 Masonic scheduled timepoints. Table 3.B-18 was replaced in the Final SEIR to eliminate the unfavorable Reservoir-related Transit Delay.
 - The draft SEIR assessed Transit Delay for Geneva Avenue between City College Terminal and Balboa Park Station. This segment is travelled by the 8 Bayshore and the 43 Masonic. The data for this segment has been eliminated and Table 3.B-8 has been replaced. The new Table 3.B-8 eliminates the 8 Bayshore from assessment entirely, disappeared! Once again, unfavorable data has been eliminated from the Final SEIR.

- **INADEQUATE MITIGATION MEASURES**

- The Final SEIR contains three new Transit Delay Mitigation Measures: 1) Signal timing modifications at Ocean/Brighton, 2) Signal timing modifications at Ocean/Lee, 3) Boarding island for southbound 43 at Frida Kahlo/Ocean.
 - These mitigation measures are "finger in the dyke" measures that are incommensurate with the root problem. The fundamental unsolvable problem is the limited roadway network surrounding the landlocked Project. That is why the Balboa Park Area Final Program EIR had determined that a

Lee Extension ingress "would result in significant adverse transportation impacts. As a consequence, Access Option #1 is rejected from further consideration as part of the Area Plan."

The Final SEIR is not objective; it is not accurate.

The Final SEIR should not be judged on quantity. It must be judged on quality.

If based on quality, it does not deserve certification.

Please think independently and critically. Don't just be a rubber stamp to Staff.

Sincerely,
Alvin Ja

o

From: [aj](#)
To: [CPC-Commissions Secretary](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Johnson, Millicent \(CPC\)](#); [Johnson, Millicent \(CPC\)](#); [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#); [Hood, Donna \(PUC\)](#); [Jon Winston](#); [sunnyside.balboa.reservoir](#); [cgodinez](#); [mikeahrens5](#); [Peter Tham](#); [jumpstreet1983](#); [marktang.cac@gmail.com](#)
Cc: [Public Lands for Public Good](#); [ccsheat@gmail.com](#)
Subject: Sale price of PUC Reservoir--a scandal
Date: Monday, May 25, 2020 2:49:56 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Planning Commission, Land Use Committee (File 200422 & 200423), BOS, PUC:

A hidden treasure for the developers is contained in Attachment A, "CEQA Findings" <https://commissions.sfplanning.org/cpcpackets/2018-007883GPAPCAMAPDVA.pdf>

The hidden treasure is the estimated price of the PUC Reservoir parcel 3180-190.

From page 21 of Attachment A (p. 1231 of the 2,256-page PDF):

"The expected land cost is estimated at approximately \$11.2 million."

In comparison a **0.3 acre** lot at 16th/Shotwell is selling for **\$10 million**.....while the 17.6 acre PUC parcel is \$11.2 million?!

7:42 [notification icons]

San Francisco, CA Commercial Real Estate For Sale - LoopNet
loopnet.com

San Francisco, CA [Filter]

169 Results | For Sale

2860 16th St
San Francisco, CA
\$10,000,000
1 Commercial Lot
0.30 AC Lot

Save Search [Map]

The lot on 24th Street comes to \$33.33 million/acre; the Reservoir lot = a mere \$ 0.64 million/acre.

The PUC lot's estimated price computes to only **1.9% of the 24th Street** lot on a per acre basis!

Can you say Privatization Scam?!

Alvin Ja, District 7

From: [aj](#)
To: [CPC-Commissions Secretary](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Johnson, Millicent \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Hood, Donna \(PUC\)](#); [BRCAC \(ECN\)](#)
Subject: Balboa Reservoir--False Advertising
Date: Sunday, May 24, 2020 7:49:49 PM
Attachments: [FALSE ADVERTISING BAIT & SWITCH \(2\).pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Planning Commission, Land Use Committee (Files 200422 & 200423), BOS, PUC, BRCAC:

Attached is a City College stakeholder presentation.

BALBOA RESERVOIR PROJECT: FALSE ADVERTISING BAIT & SWITCH

Achieving Buy-In:
“Affordable Housing”
Affordable “In Perpetuity”



ACHIEVING BUY-IN: For a PRIVATIZATION SCAM



50% AFFORDABLE!!

The sales pitch:
550 market-rate
units will subsidize
550 affordable
units.

THE GAP THE PROBLEM:

The U.S. has a shortage of more than **7.2 MILLION** rental homes affordable and available to extremely low income renter households.



REALITY IS TURNED ON ITS HEAD

The reality is that public land (probably to be sold for cheap!) will be subsidizing 550 market-rate units.

“Affordable housing” is a marketing ploy to facilitate privatization.



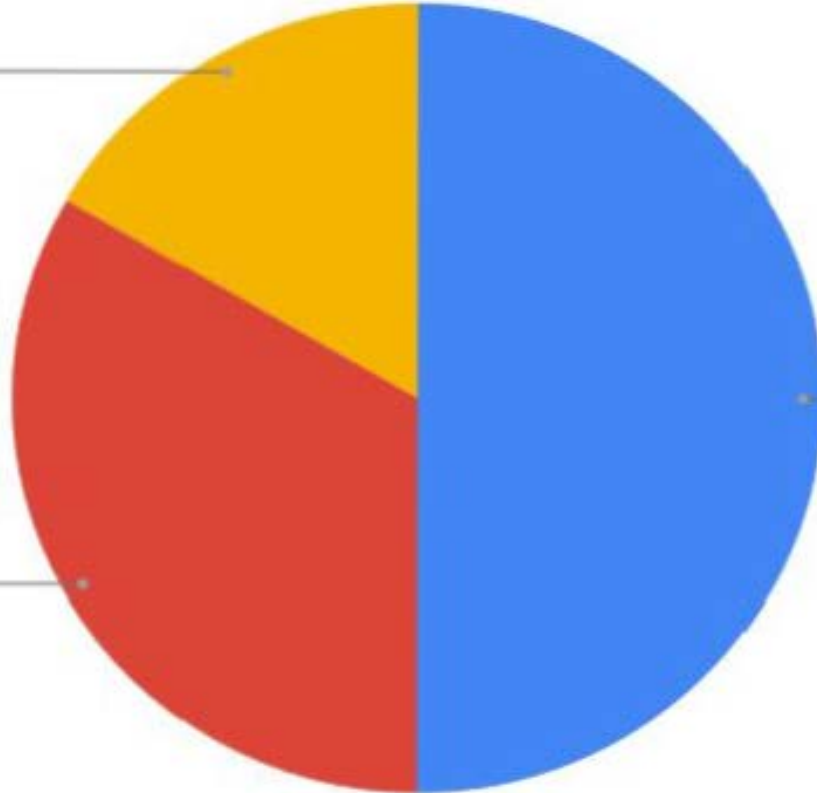
THE REALITY

Residential Units

PUBLIC MONEY! 183
16.6%

AFFORDABLE 367
33.4%

MARKET-RATE 550
50.0%



OTHER PEOPLE'S (OUR!) MONEY



From the Development Agreement:

“Project’s ability to achieve an overall affordability level of 50% is predicated on **Developer’s receipt of City’s Affordable Funding Share.**”

AFFORDABLE “IN PERPETUITY”

The LIE from
Principles & Parameters:

Principle #1:

Build new housing for people
at a range of income levels.

Parameters: a. Make at least 50% of total housing units **permanently affordable in perpetuity** to low (up to 55% of Area Median Income (AMI)), moderate (up to 120% of AMI), and middle-income (up to 150% AMI) households, provided that this can be achieved while also ensuring project feasibility and providing the economic return to SFPUC ratepayers that is required by law...

1. Make at least 33% of total housing units **permanently affordable in perpetuity** to low or moderate-income households, consistent with Proposition K (2014).



Development Agreement: Affordable for 57 years

57 ≠ ∞

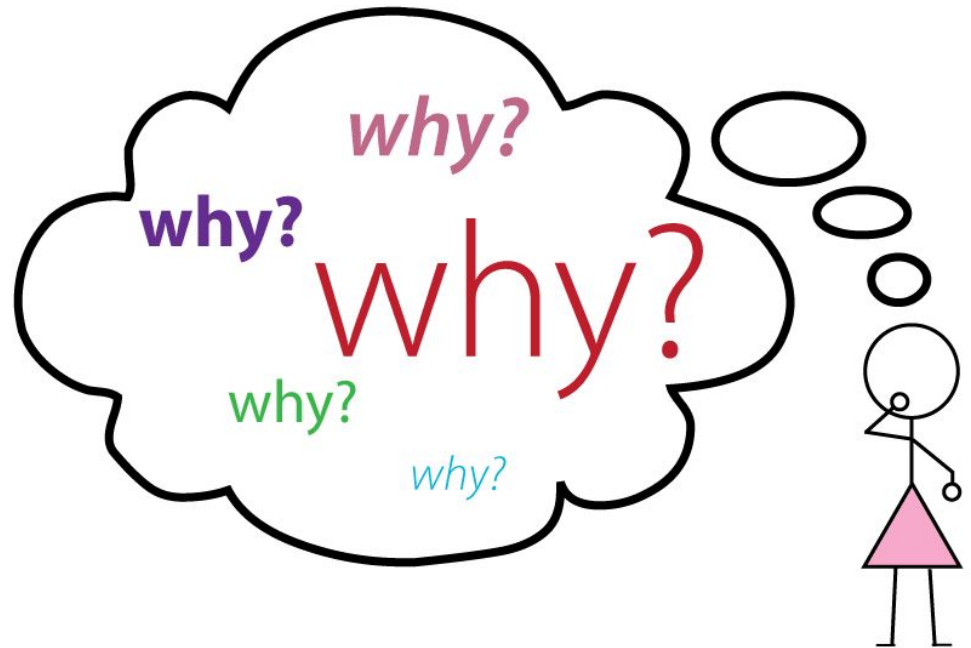
The TRUTH from Development Agreement:

“Affordability Restrictions. (a) Each Affordable Parcel will be subject to a recorded regulatory agreement approved by MOHCD to **maintain affordability levels for the life of the Project or fifty-seven (57) years, whichever is longer, ...**”

WHY A HOUSING SHORTAGE?

Is it because of:

- Excessive bureaucracy and regulations?
- NIMBY resistance?
- Insufficient supply relative to demand?



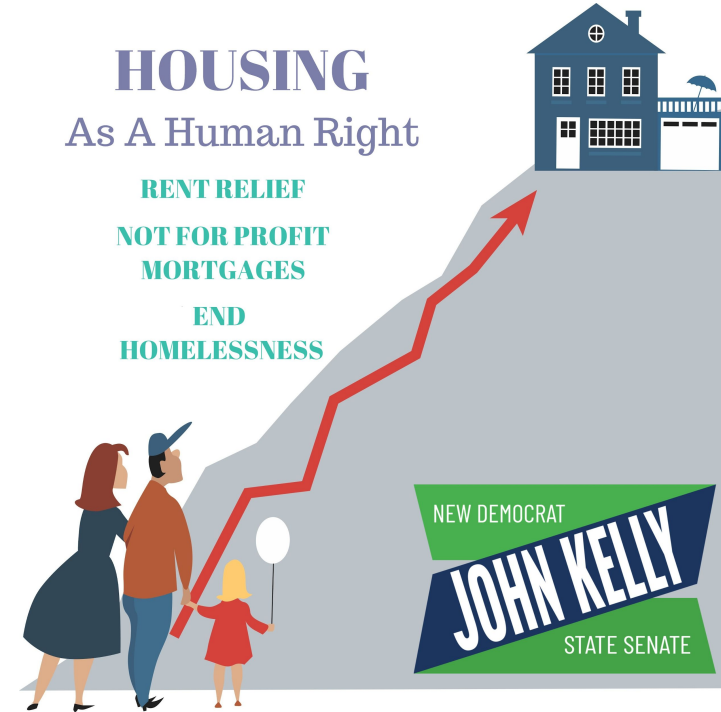
MAIN REASON FOR HOUSING SHORTAGE

Housing has a:

- **USE VALUE** for people as shelter;
- **VALUE AS A COMMODITY** for trading

HOUSING CONSTRUCTION IS CAPITAL INTENSIVE

- Investment goes to where there is high **Rate-of-Return on Investment**
 - There is little or no profit in affordable housing



NOT SIMPLY SUPPLY & DEMAND

YIMBY'S SAY: JUST BUILD MORE HOUSING!

This is simple-minded trickle-down economics.

What's important is what they call "financial feasibility."

Affordable housing is not financially feasible. Affordable housing will not attract investment, simply because it is not profitable enough.

The “Build! Build! Build!” Argument:

Increase the supply of luxury housing. Affordable housing will trickle down.

Have you noticed
affordable housing
trickling down in
the Mission?

Or SOMA?

Building more
luxury housing

just creates more
luxury housing!

And drives up
prices in
surrounding
neighborhoods.



PRIVATIZATION: “PUBLIC-PRIVATE PARTNERSHIP”

The Reservoir Project is an example of trickle-down economics.

Advantage accrues to the 1%, while crumbs (affordable units) fall to a mere handful of the multitudes of common people in need of basic shelter.

No matter how much profitable market-rate housing is built, the crumbs will be unable to satisfy the housing needs of the populace.

CRUMBS ARE NOT ENOUGH!



From: [aj](#)
To: [CPC-Commissions Secretary](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Johnson, Millicent \(CPC\)](#); [Major, Erica \(BOS\)](#); [Clerk of the Board Alberto Quintanilla](#); [MTABoard](#); [Boomer, Roberta \(MTA\)](#); [BRCAC \(ECN\)](#); [Jon Winston](#); [sunnyside.balboa.reservoir](#); [jumpstreet1983](#); [cgodinez](#); [Peter Tham](#); [marktang.cac@gmail.com](#); [rmuehlbauer](#); [mikeahrens5](#)
Cc: [Robert Feinbaum](#); [Cat Carter](#); [DPH - thea](#); [SNA BRC](#)
Subject: Balboa Reservoir Final EIR: Significance Threshold for Transit Delay
Date: Sunday, May 24, 2020 12:48:18 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Planning Commission, Land Use & Transportation Committee (File 200422, 200423), SFCTA, SFMTA, BRCAC:

Planning Dept Staff contends that its 4-minute Threshold of Significance for Transit Delay is supported by substantial evidence. This contention is false.

The claimed "substantial evidence" consists of a one-sentence assertion in the Planning Department's "Transportation Assessment Guideline" and in its Appendix I "Public Transit Memorandum." That one-sentence "substantial evidence", in its entirety, consists of:

"For individual Muni routes, if the project would result in transit delay greater than or equal to four minutes, then it might result in a significant impact."

o **4-MINUTE THRESHOLD OF SIGNIFICANCE FOR TRANSIT DELAY IS AN UNSUPPORTED ASSERTION, LACKING SUBSTANTIAL EVIDENCE**

- The Final SEIR uses a quantitative threshold of significance of 4-minute Reservoir-related Transit Delay. In other words, Transit Delay is considered insignificant unless the Project contributes 4 minutes of delay to a MUNI line. In the real world of MUNI passengers and operators, a 4-minute delay in a short stretch near the Reservoir is extremely significant.
- The establishment of a quantitative threshold of significance is required to be based on "substantial evidence." The Final SEIR claims that substantial evidence for the 4-minute threshold of significance is contained in Planning Dept's "Transportation Impact Assessment Guidelines." Contrary to the claim of "substantial evidence", the 4-minute significance criterion contained in the TIA Guidelines is only an assertion, without any evidence whatsoever. The "substantial evidence" for the 4-minute delay significance criterion consists of this one sentence: *"For individual Muni routes, if the project would result in transit delay greater than or equal to four minutes, then it might result in a significant impact."* This one sentence constitutes the entirety of the claimed "substantial evidence" in the TIA Guidelines. This one sentence appears in the body of the TIA Guidelines and, again, in the Appendix I "Public Transit Memorandum." However, repetition of a one-sentence assertion does not constitute "substantial evidence."
- Planning Staff repeatedly cites the City Charter Section 8A.103 (c)1 as justification for the Project's 4-minute threshold of significance. 8A.103

(c)1 sets a lateness standard for MUNI at scheduled timepoints. The MUNI on-time performance criterion was not meant to allow the Reservoir Project to add an additional 4-minute delay on top of the pre-existing MUNI lateness standard. Isn't this simple common sense that a project that adds an additional 4-minute delay over and above pre-existing MUNI delay would be significant?!

- The 4-minutes late significance threshold only serves as a "Get Out of Jail Free card" for the Project's real-world significant contribution to Transit Delay.

submitted by:
Alvin Ja, District 7

From: [Public Lands for Public Good](#)
To: [Board of Supervisors, \(BOS\)](#); [CPC-Commissions Secretary](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Johnson, Millicent \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Hood, Donna \(PUC\)](#); [Major, Erica \(BOS\)](#)
Cc: ajahjah@att.net
Subject: please be sure to complete the public record
Date: Wednesday, May 20, 2020 5:07:15 PM
Attachments: [BalboaReservoir-SF PlanningCommission 2020-04-09-FINAL.pptx](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please be sure to put the attached presentation that I gave at the 4/9/2020 Planning Commission meeting into the public record.

Thank you.

Wynd Kaufmyn

The Balboa Reservoir



SF Planning Commission

Thursday April 9, 2020

Presentation:

Opposition to Agenda Item 16b:

Initiation General Plan Amendment (GPA)



Steven Brown – Defend City College Alliance
Marcos Cruz – CCSF Student Assembly
Wynd Kaufmyn – Public Lands for Public Good

What is the purpose of Initiation GPA?

In the world of urban planning developments are guided by high level plans/policy.

1. City & County's General Plan
2. Balboa Park Station Area Plan (BPS Area Plan)

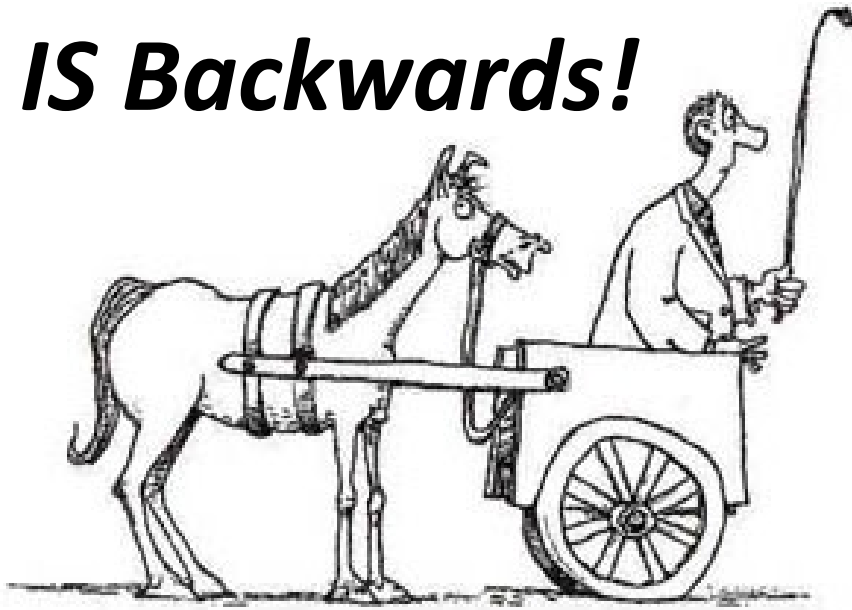
Any proposed development in the area of the BPS should conform with these plans.

The Proposed Balboa Reservoir Project does not.

So you are being asked to Initiate a General Plan Amendment which will make substantial changes to the City & County's General Plan and the associated Balboa Park Station Area Plan.

Isn't this backwards?

This IS Backwards!



The General Plan and BPS Area Plan are intended to serve as guidelines and directives for future development.

If a proposed development is non-conforming, then that development must be changed, not the overriding policy.

The project sponsors knowingly drew up the Reservoir Project's Principles & Parameters in conflict with higher level General Plan /BPS Area Plan specs.

In particular the developer's proposal deviates from the BPS Area Plan wrt:

1. Open Space
2. Housing
3. Height Limits

The GPA will have significant adverse effects on one of the city's most beloved and respected institutions.



City College of San Francisco

Amendments to the Open Space Element

- The General Plan and BPS Area Plan have open space taking up at least **50% - 90%** of the 17.6 acre PUC Reservoir.
- The GPA shrinks it down to **11%**



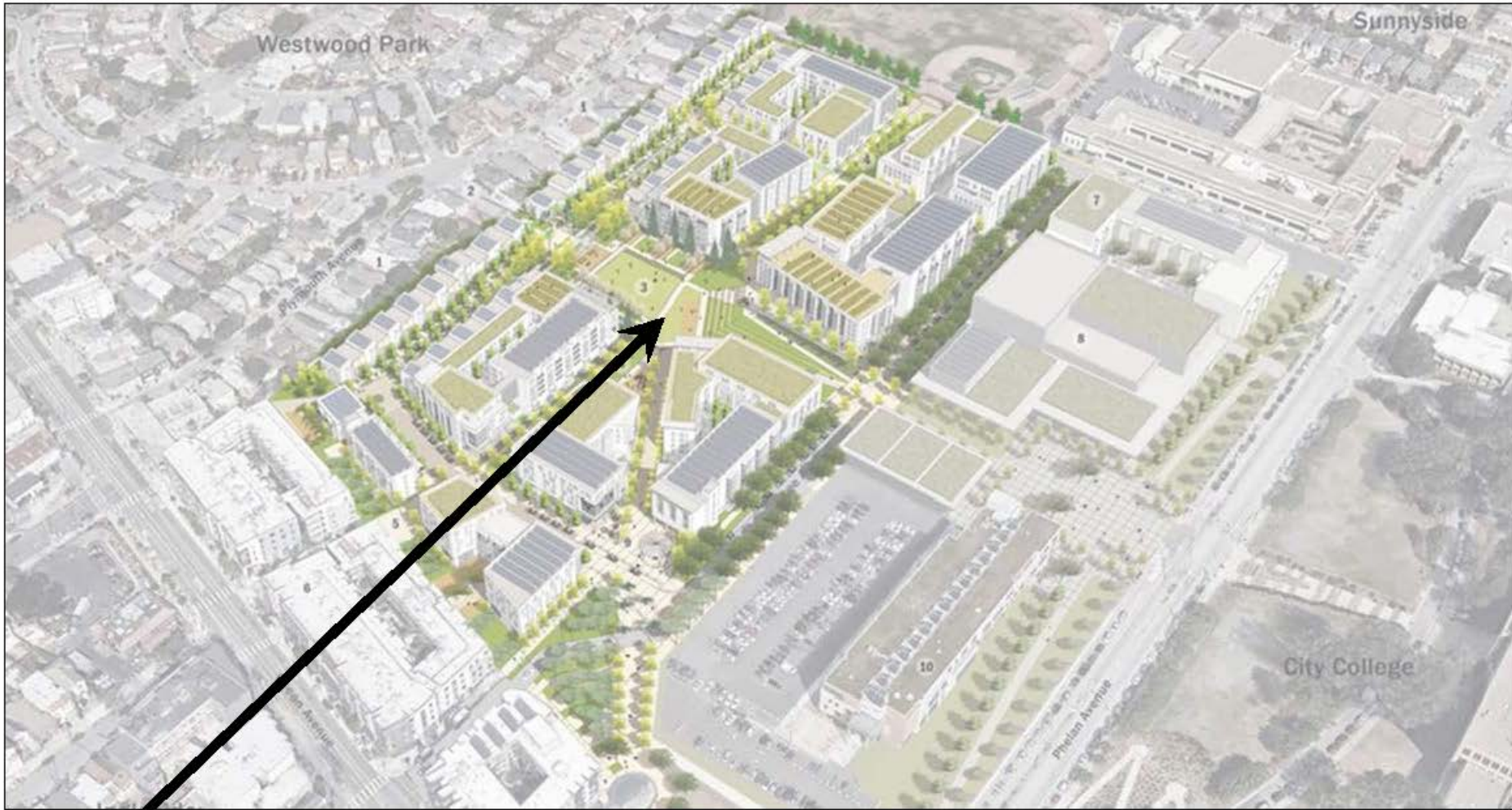
Open Space Improvements

- ↔ Proposed Corridors for Major Pedestrian Improvements
- Existing Open Space
- Publicly Accessible Open Space

Developer's Promo Picture



The Reality



This little sliver is the green space you saw in the previous slide.

Amendments to the Housing Element

- The Balboa Park Station Area Plan's Housing Element proposed 425-500 units.
- The General Plan Amendment allows for 1100+ units.
- This has environmental impacts that cannot be mitigated:
 1. Traffic congestion
 2. Construction pollution
 3. Noise

Developer's Claim



Up to 50% affordable!

The Facts

Of the proposed 1100 units, 550 (50%) will be market-rate and only 363 (33%) units from developer will be affordable.

Approximately 1,100 Units Total					
50% Market-Rate Units		50% Affordable Units			
		Developer Subsidy		City Subsidy	
		18% Low Income Units	15% Moderate Income Units	17% "Additional" Affordable Units	
Rental Apartments	For Sale Townhomes	Rental Apartments 55% AMI	Rental Apartments 120% AMI	Rental Apartments 55% AMI and 120% AMI	For Sale Units 105% AMI
AvalonBay	AvalonBay BRIDGE (Sell Lots)	BRIDGE Mission Housing	BRIDGE	BRIDGE Mission Housing	Habitat for Humanity

The remaining 187 (17%) units will be affordable only with not-yet-procured public financing.

Affordable... TO WHOM?

- The definition of “affordable” has been heavily influenced by the SF Real Estate Association. It includes someone earning \$129,300/year.
- Avalon rents are \$3300-\$10,000/mo.
- They are NOT for longtime Excelsior, Ingleside, or Sunnyside residents. Or City College students or workers.



SF Needs Truly Affordable Housing for All

Rents less than 30% of a family income



Public Land should not be privatized



The housing crisis in SF is an *affordable* housing crisis.

Building market rate housing does not help the affordable housing crisis.

Public Land should not be privatized



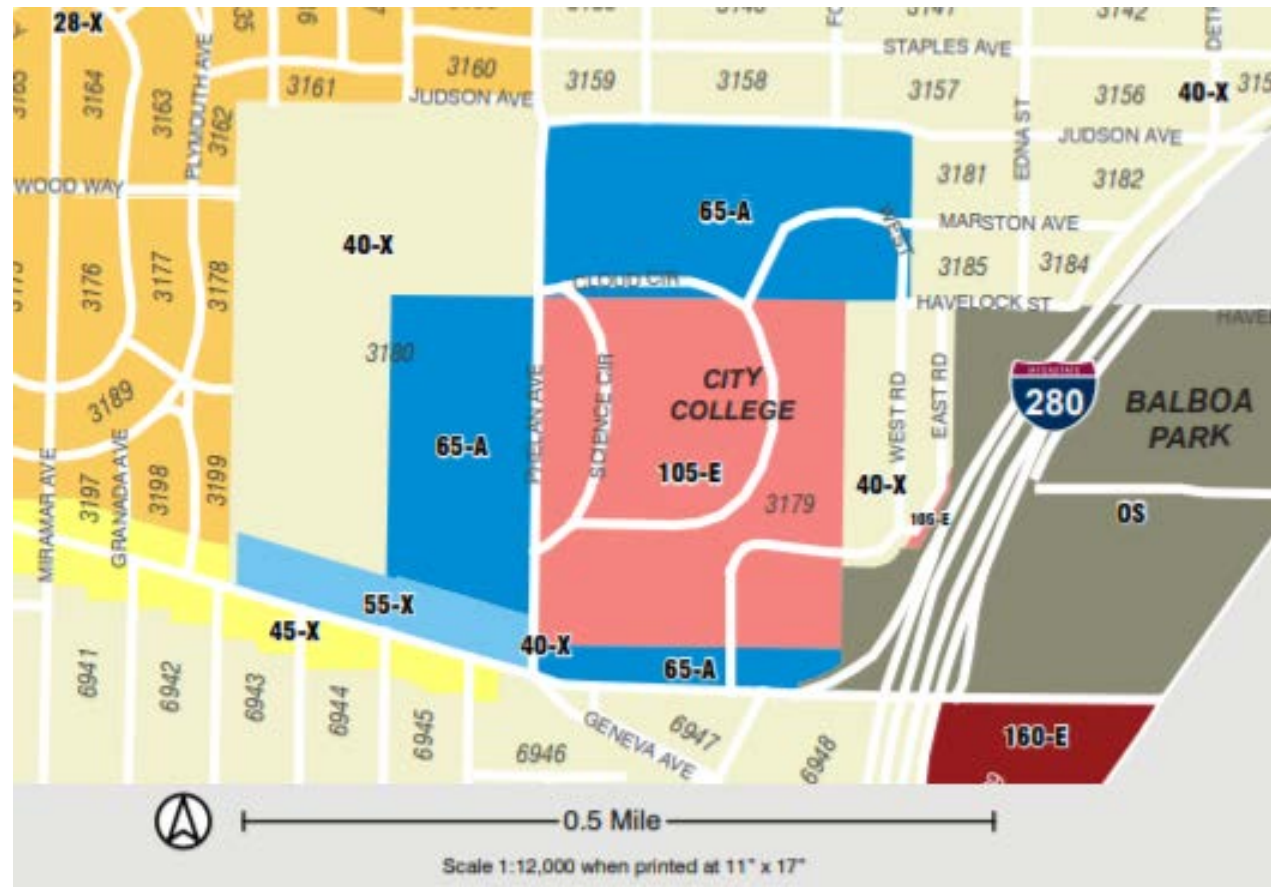
The biggest barrier to affordable housing construction is the price of land. Irreplaceable public land should not be turned over to private developers.

Amendments to the Height Limits

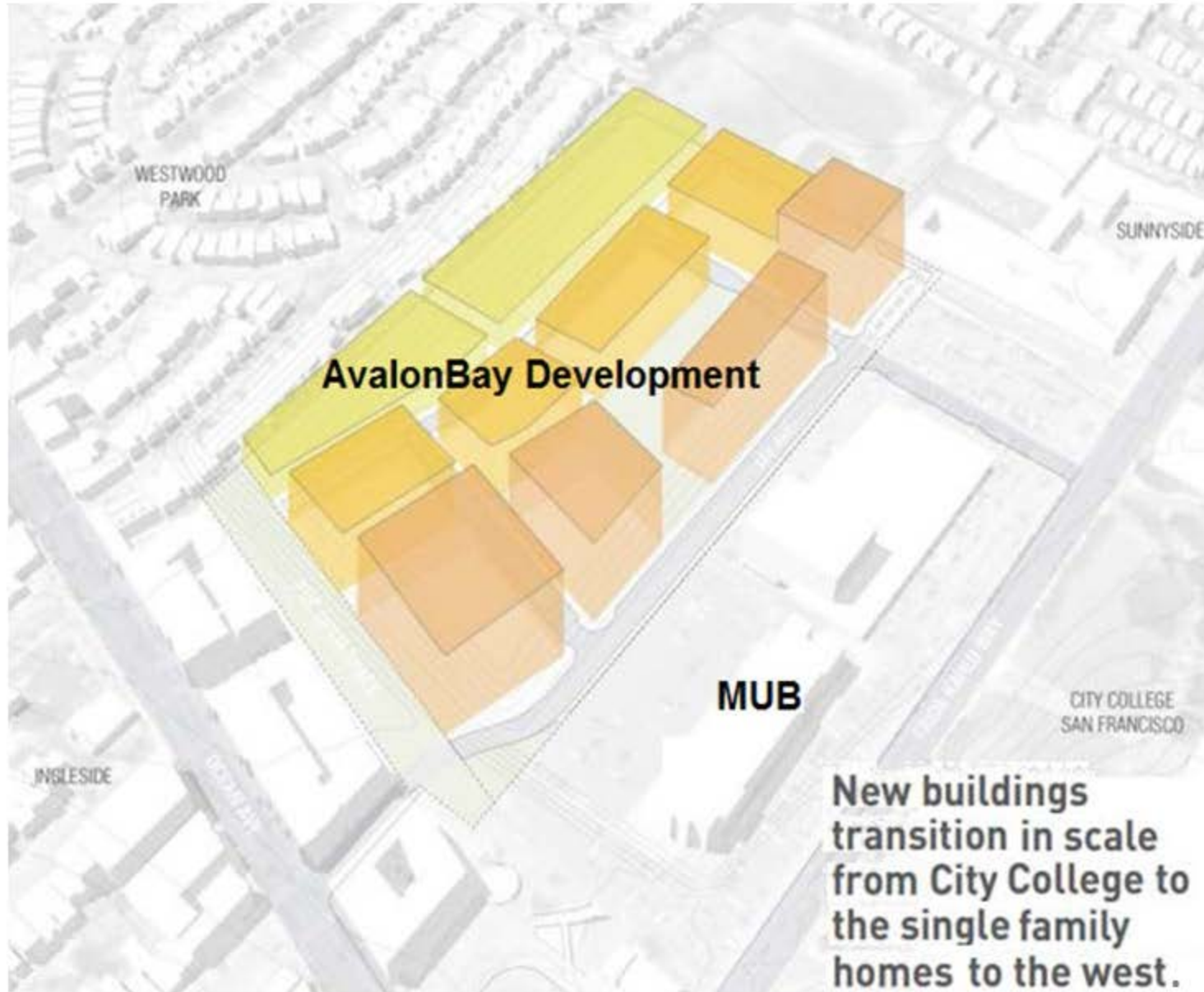
Planning Dept Staff asserts that the current PUC Reservoir bulk-height zoning is 40-X and 65-A.

But the BPS Area Plan shows the PUC Reservoir as only 40 ft, *not* 65 ft.

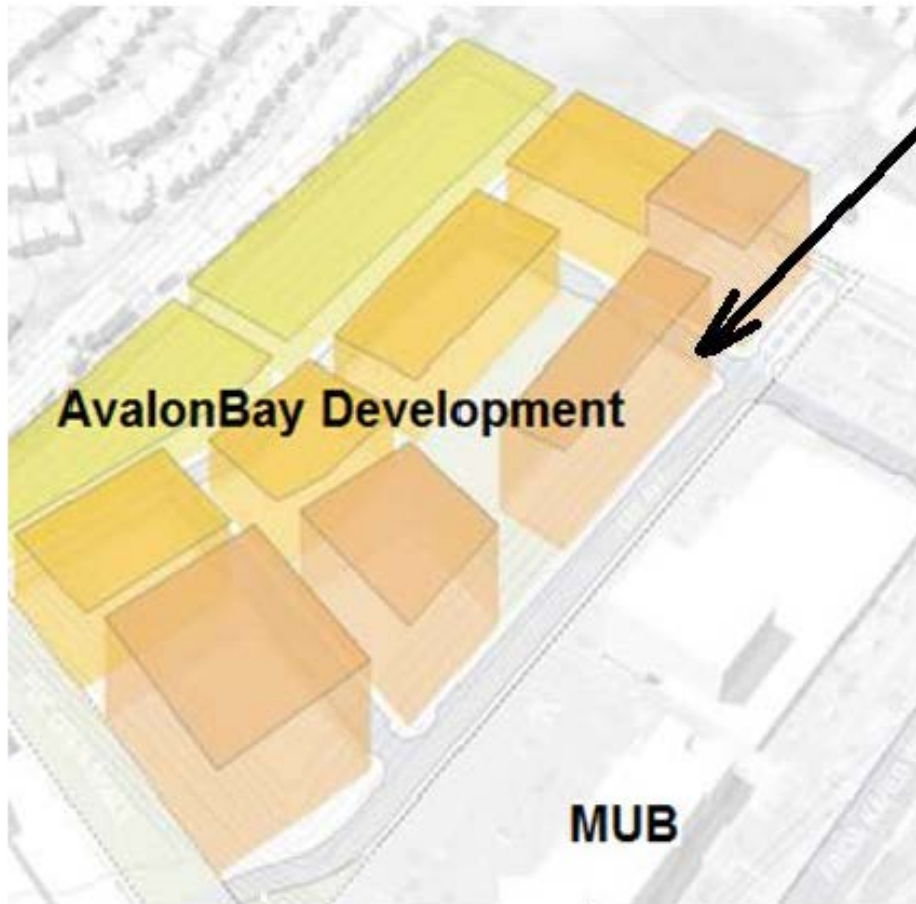
As shown in this Zoning Map, the 65-A zoning applies *solely* to the CCSF Reservoir; not to PUC Reservoir.



Avalon's Proposal: **The Hype**



Avalon's Proposal: **The Reality**

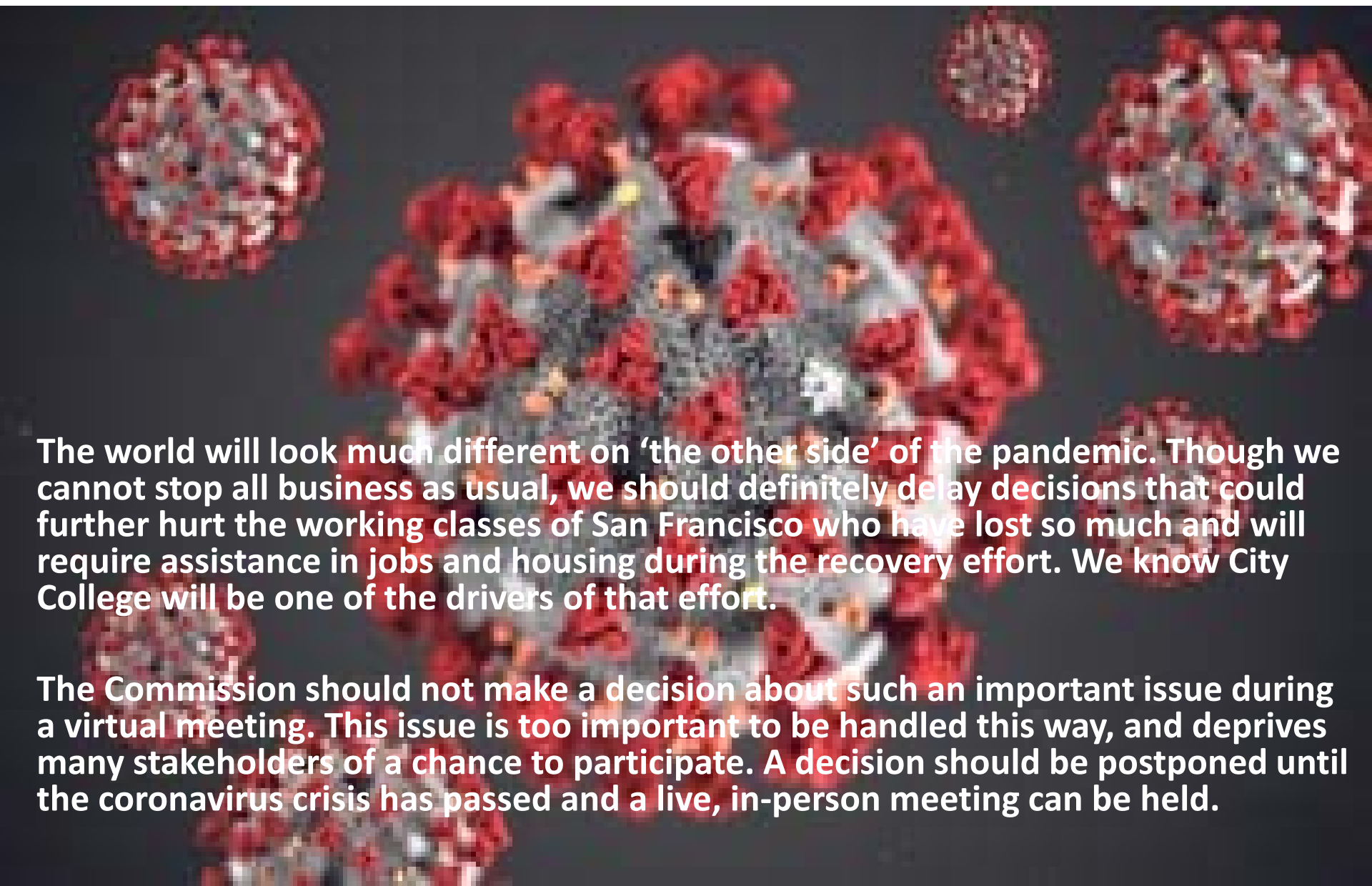


These buildings are almost 3 times higher than MUB

MUB

Avalon Bay 8-story

Now is NOT the Time



The world will look much different on 'the other side' of the pandemic. Though we cannot stop all business as usual, we should definitely delay decisions that could further hurt the working classes of San Francisco who have lost so much and will require assistance in jobs and housing during the recovery effort. We know City College will be one of the drivers of that effort.

The Commission should not make a decision about such an important issue during a virtual meeting. This issue is too important to be handled this way, and deprives many stakeholders of a chance to participate. A decision should be postponed until the coronavirus crisis has passed and a live, in-person meeting can be held.

Vote NO on Initiation of GPA

Now is not the time.

The Reservoir Project should conform to the SF General Plan and BPS Area Plan.

These high-level plans should not be amended to fit the Reservoir Project.

There are too many adverse consequences of the currently proposed Balboa Reservoir Project.

The General Plan Amendment facilitates the privatization of public land.

MOST IMPORTANT:

**Public Land Must Stay in Public Hands
and used for the common good.**

FOREVER!



Not one square foot of irreplaceable public land to a private developer!

Not one square foot of irreplaceable public land for gentrification, privatization, or displacement.

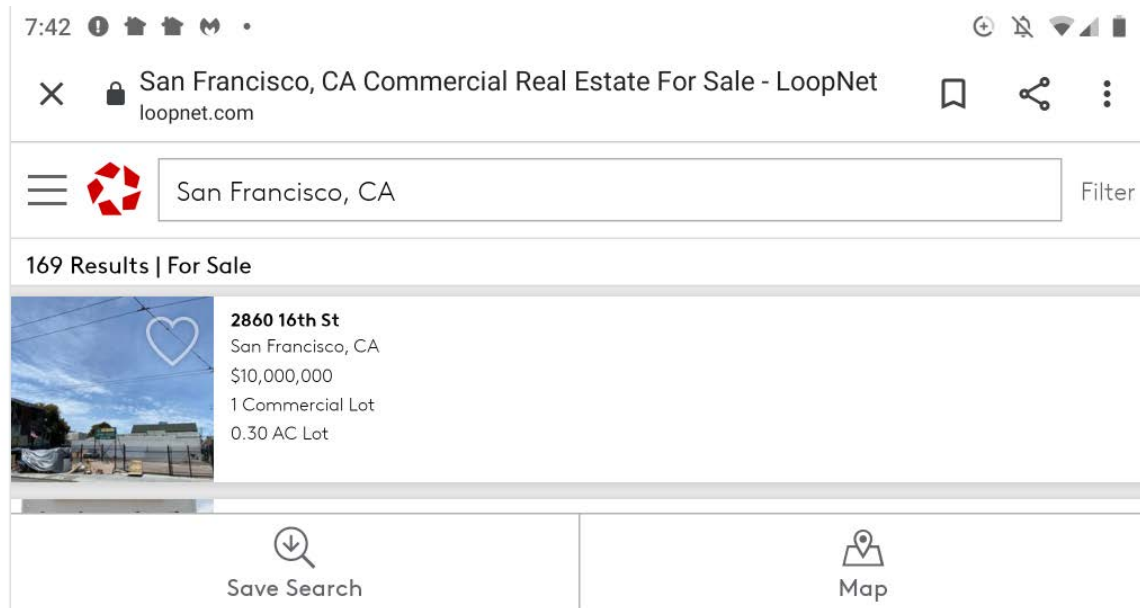
From: [aj](#)
To: [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#); [Maybaum, Erica \(BOS\)](#); [Hood, Donna \(PUC\)](#); [jdineen@sfcronicle.com](#)
Cc: [Public Lands for Public Good](#); [ccsfheat@gmail.com](#); [CCSF Collective](#); [SNA BRC](#); [JK Dineen](#); [Roland Li](#); [Joshua Sabatini](#)
Subject: Scandalous property valuation for Balboa Reservoir Project--Comps
Date: Saturday, May 30, 2020 2:54:32 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

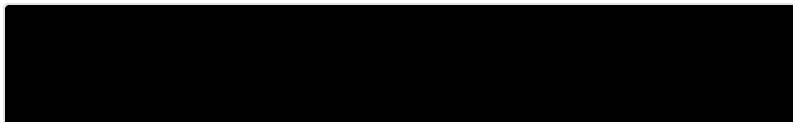
Land Use & Transportation Committee (Files 4200422 & 200423) , Supervisor Yee, BOS, PUC:

INFO REGARDING PROPERTY VALUATION IN RELATION TO BALBOA RESERVOIR:

1. The Balboa Reservoir Final EIR's CEQA Findings that were revealed last week showed that the estimated value of the 17.6 acre PUC property is \$11.2 million;
2. A 0.3 acre lot at 16th/Shotwell is going for \$10 million;



3. The new City College-Reservoir Project Access Easement Agreement's Lee Extension and North Street's 0.35 acre lot (\$15,032 sq ft.) is valued at \$3.8 million.
[Bal. Res., Access Easement agreement, 2020.tiff](#)





Bal. Res., Access Easement agreement, 2020.tiff

Comparing the three properties on a per-square foot basis, from low to high:

Reservoir Project: \$ 14.61 /sq ft

Lee Ext, North St: \$250. /sq ft

16th/Shotwell: \$765. /sq ft

Is something out of whack here?!

--aj

From: [aj](#)
To: [Major, Erica \(BOS\)](#); [Board of Supervisors. \(BOS\)](#); [Hood, Donna \(PUC\)](#); [BRCAC \(ECN\)](#)
Cc: [Public Lands for Public Good](#); [CCSF Collective](#); ccsfheat@gmail.com; roland.li@sfchronicle.com; [Laura Waxmann](#); imoadad@sfexaminer.com; [JK Dineen](#); [Joe Fitzgerald Rodriguez](#); [Joshua Sabatini](#); [SNA BRC](#)
Subject: Privatization giveaway price of Reservoir lot--98% discount
Date: Monday, June 1, 2020 5:51:36 PM
Attachments: [dataURI-1591059075092](#)

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Land Use & Transportation Committee (File 200422 & 200423), BOS, PUC, BRCAC:

I've been contending since the beginning of the "public engagement process" that the Project is a privatization scam that uses "affordable housing" as a false advertising ploy.

The 'privatization scam' allegation has now been supported by documentation. The CEQA Finding that was released one week prior to the 5/28/2020 Planning Commission meeting revealed an estimated value for the PUC Reservoir.

Actually, I was surprised that the estimated valuation was even contained in the packet that was prepared by Planning Dept Staff for the Planning Commission meeting. I thought they would keep it secret until PUC sale approval was on deck.

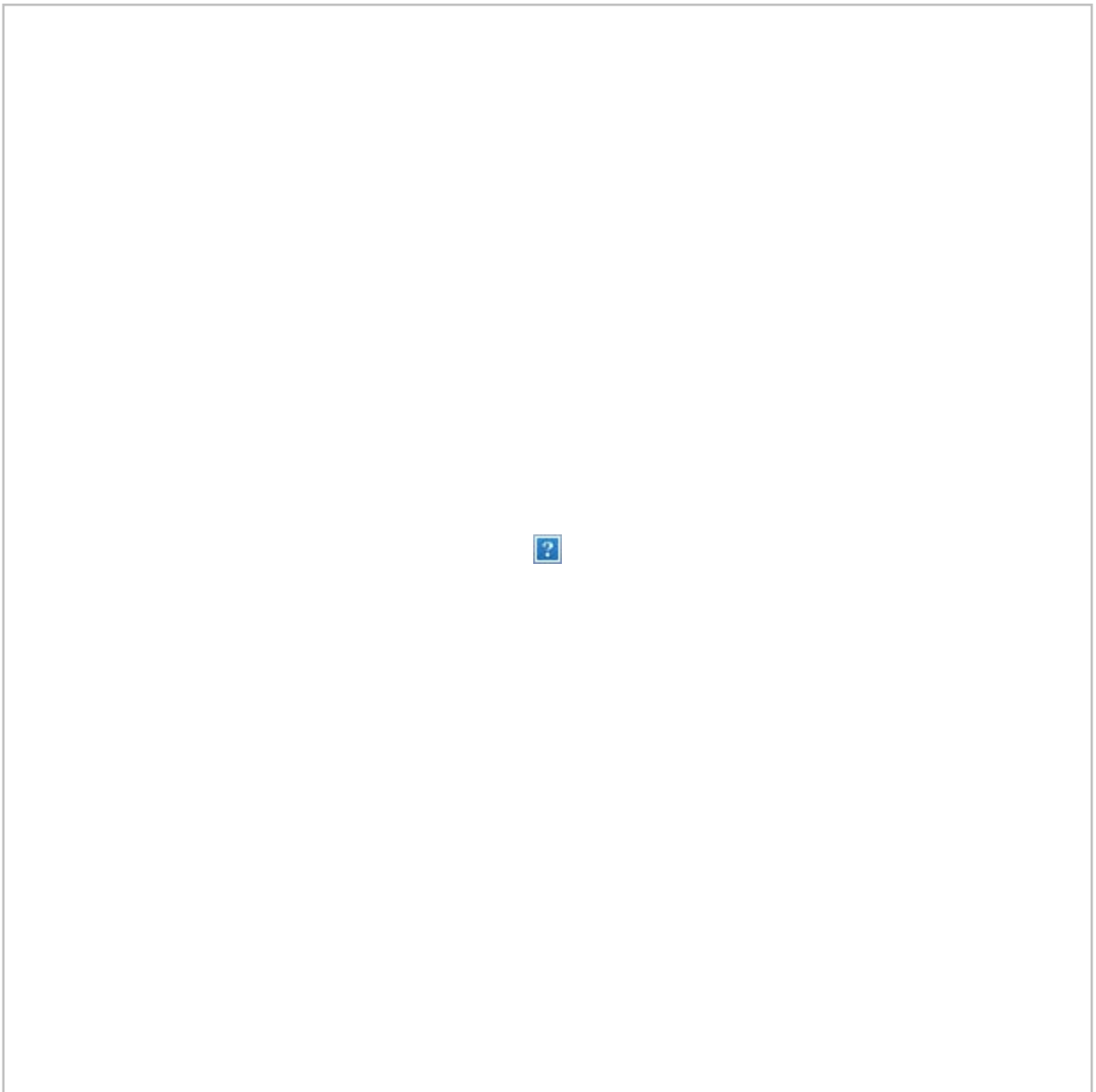
But, whether intentionally or not, they did reveal the estimated valuation for the 17.6 acre Reservoir lot.

For those who missed it, according to the CEQA Findings, the PUC Reservoir's estimated valuation is \$11.2 million.

Today, I found another for-sale property that can be used for comparison:

Subject: 636 Capp/21st & 22nd--\$618/sq ft





From low to high, I present valuations of four properties:

LOCATION	PRICE	AREA	PRICE/SQ FT
PUC Reservoir	\$ 11.2 Million	766,656 sq ft (17.6 acres)	\$ 14.61
SFCCD Reservoir (Lee Extension, North Street), to be ceded to Reservoir Project	\$ 3.8 Million	15,032 sq ft	\$253.
636 Capp Street	\$ 2.5 Million	4,046 sq ft	\$618.

16 th Street/Shotwell	\$ 10 Million	13,068 sq ft (0.30 acre)	\$768.

The Project's price-per-square foot is \$14.61. This is a mere 2% of market rate.

The \$11.2 Million sweetheart deal for the privatization scam must be opposed.

Gifting Avalon Bay a 98% discount off the actual land value will be criminal negligence and/or corruption by City Officials.

Do not be corrupted by developer forces.

Alvin Ja, District 7

From: [aj](#)
To: [Hood, Donna \(PUC\)](#); [Major, Erica \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#); [Maybaum, Erica \(BOS\)](#); [Board of Supervisors \(BOS\)](#); [BRCAC \(ECN\)](#); [Cityattorney](#)
Cc: [Public Lands for Public Good](#); [CCSF Collective](#); ccsfheat@gmail.com; [SNA BRC](#)
Subject: Balboa Reservoir Appraisal Required by Adm Code 23.3
Date: Tuesday, June 9, 2020 6:51:05 PM

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PUC, Land & Transportation Committee, BOS, BRCAC, City Attorney:

In previous submittals I had raised the issue of the \$ 11.2 Million valuation of the PUC Reservoir. It's a valuation that had been kept a secret from the public until about 5/21/2020.....And even then, it was still hidden deep within a 2,256-page Planning Commission packet.

This \$ 11.2 Million estimated valuation for the 17.6 acre (766,656 sq ft) equates to \$14.61 per square foot.

INDEPENDENT, OBJECTIVE APPRAISAL REQUIRED

\$14.61 per square foot pricing for the Reservoir parcel constitutes a 98% discount off market rate. This valuation is highly suspect in its provenance (backroom pay to play deal?) and requires an objective appraisal to avoid the public getting ripped off.

In line with the dubious \$ 11.2 Million valuation, Administrative Code 23.3 REQUIRES an appraisal:

*If the Director of Property determines the fair market value of Real Property that the City intends to Acquire or Convey exceeds \$10,000 and the proposed Acquisition is not a donation, the Director of Property **shall obtain an Appraisal** for the Real Property.*

Despite an objective need and Administrative Code requirement for an independent and objective appraisal of the 17.6 acre parcel, you as the Board of Supervisors, are being asked to approve the following language on page 10 of the proposed Development Agreement Ordinance which purposefully violates 23.3:

*The Board of Supervisors finds that due to current exigencies, the number of analyses of the Project that have been conducted, and the depth of analysis and sophistication required to appraise the Project Site, an Appraisal Review of the Project Site is **not necessary and waives the Administrative Code Section 23.3 requirement** of an Appraisal Review as it relates to the Project Site.*

CORRUPTION INVESTIGATION NEEDED

"Not necessary?!....Waive a requirement!?! This is manifestation of pure criminality and corruption.

City Attorney Herrera:

Please initiate a full investigation of corruption in this Privatization Scam.

Alvin Ja, District 7

From: [aj](#)
To: [Boomer, Roberta \(MTA\); MTABoard](#)
Cc: [Major, Erica \(BOS\); CPC-Commissions Secretary; Cat Carter; DPH - thea; Robert Feinbaum; BRCAC \(ECN\); SNA BRC](#)
Subject: Comment #1 for 6/16/2020 SFMTA meeting--Item 11 Balboa Reservoir EIR on transit delay
Date: Monday, June 15, 2020 12:42:22 PM

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SFMTA Board, Balboa Reservoir CAC:

An EIR is supposed to be "adequate, accurate, and objective."

The Balboa Reservoir EIR fails the requirements for being accurate and objective. The Project's facts have been--like the facts to justify the Iraq War-- fixed around the policy.

- **SUPPLEMENTAL EIR CONTRADICTS PROGRAM EIR's FINDING OF SIGNIFICANT TRANSIT DELAY**

- The SEIR concludes that there will less-than-significant impact on transit delay (Impact TR-4) from the Reservoir Project. This directly contradicts the Balboa Park Station Program EIR's conclusion:

"...ingress...from Lee Avenue [westbound right turn-only ingress to Lee Extension] would result in significant adverse transportation impacts. As a consequence, Access Option #1 is rejected from further consideration as part of the Area Plan." (FEIR, p.191)

- **4-MINUTE THRESHOLD OF SIGNIFICANCE FOR TRANSIT DELAY IS AN UNSUPPORTED ASSERTION, LACKING SUBSTANTIAL EVIDENCE**

- The Final SEIR uses a quantitative threshold of significance of 4-minute Reservoir-related Transit Delay. In other words, Transit Delay is considered insignificant unless the Project contributes 4 minutes of delay to a MUNI line. In the real world of MUNI passengers and operators, a 4-minute delay in a short stretch near the Reservoir is extremely significant.
- The establishment of a quantitative threshold of significance is required to be based on "substantial evidence." The Final SEIR claims that substantial evidence for the 4-minute threshold of significance is contained in Planning Dept's "Transportation Impact Assessment Guidelines." Contrary to the claim of "substantial evidence", the 4-minute significance criterion contained in the TIA Guidelines is only an assertion, without any evidence whatsoever. The "substantial evidence" for the 4-minute delay significance criterion consists of this one sentence: *"For individual Muni routes, if the project would result in transit delay greater than or equal to four minutes, then it might result in a significant impact."* This one sentence constitutes the entirety of the claimed "substantial evidence" in the TIA Guidelines. This one sentence appears in the body of the TIA Guidelines and in the Appendix I "Public Transit Memorandum." However, repetition of a one-sentence assertion does not constitute "substantial evidence."
- The 4-minutes late significance threshold only serves as a "Get Out of Jail Free card" for the Project's real-world significant contribution to Transit Delay.

- **REMOVAL OF UNFAVORABLE DATA IN FINAL SEIR**

- The draft SEIR contained Transit Delay data that was found to be unfavorable to the Project.
 - Kittelson Associates (EIR Transportation Analysis contractor) data from Table 3.B-18 "Transit Delay Analysis" was computed to show Reservoir-related delay of 1 minute 55 seconds for a 7-minute running time route segment--a 27.4% increase over the scheduled 7-minute running time between two 43 Masonic scheduled timepoints. Table 3.B-18 was replaced in the Final SEIR to eliminate the unfavorable Reservoir-related Transit Delay.
 - The draft SEIR assessed Transit Delay for Geneva Avenue between City College Terminal and Balboa Park Station. This segment is travelled by the 8 Bayshore and the 43 Masonic. The data for this segment has been eliminated and Table 3.B-8 has been replaced. The new Table 3.B-8 eliminates the 8 Bayshore from assessment entirely, disappeared! Once again, unfavorable data has been eliminated from the Final SEIR.
 - In place of the removed data, the Final SEIR replaced the original unfavorable data with new data. The new, more favorable, data was collected on 12/18/2019—Finals Week, before Xmas. Finals Week just before Xmas is not representative of a normal school day.

- **INADEQUATE MITIGATION MEASURES**

- The Final SEIR contains three new Transit Delay Mitigation Measures: 1) Signal timing modifications at Ocean/Brighton, 2) Signal timing modifications at Ocean/Lee, 3) Boarding island for southbound 43 at Frida Kahlo/Ocean.
 - These mitigation measures are "finger in the dyke" measures that are incommensurate with the root problem. The fundamental unsolvable problem is the limited roadway network surrounding the Project. That is why the Balboa Park Station Area Final Program EIR had determined that a Lee Extension ingress "would result in *significant adverse transportation impacts*. *As a consequence, Access Option #1 is rejected from further consideration as part of the Area Plan.*"

Don't just be an unthinking rubber stamp to an EIR that is neither objective nor accurate.

--Alvin Ja, retired MUNI Operator/Inspector/Dispatcher/Instructor; Main author of original 3rd Street Rail Operator Training manual

From: [aj](#)
To: [Jon Winston](#); [sunnyside.balboa.reservoir](#); [cgodinez](#); [tang.mark](#); [jumpstreet1983](#); [mikeahrens5](#); [Brigitte Davila](#); [Peter Tham](#)
Cc: [BRCAC \(ECN\)](#); [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#); [Major, Erica \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [PrestonStaff \(BOS\)](#); [Safai, Ahsha \(BOS\)](#)
Subject: 3rd comment for 6/15/2020 CAC--CA & City Subsidies totaling \$124.2 Million
Date: Saturday, June 13, 2020 10:08:01 PM
Attachments: [dataURI-1591059075092](#)

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CAC Members--

Please familiarized yourselves with the fine print that is contained in the 2256-page PDF Planning Commission packet. You will find that the fine print diverges from the marketing PR of the Reservoir Project.

Here are some examples of Bait & Switch that contrasts the marketing hype with the actual content of the Development Agreement:

- affordable in **perpetuity** vs. Development Agreement's **57 years**
- **50%** affordable vs. **33%** in DA [*17% will be from "City's Affordable Funding Share", which is our own public money--aj*]
- **market-rate subsidizing affordable** units vs. **\$124.2 Million in State and City subsidies** for affordable units
- **Fair market** return for ratepayers vs. **\$11.2M** giveaway price

The following was submitted on Friday 6/12/2020:

Sent: Friday, June 12, 2020, 11:17:37 PM PDT

Subject: EPS Feasibility Memo: Evidence of the myth of 'market-rate housing subsidizing affordable units'

PUC, Land Use & Transportation Committee, BOS, **BRCAC**, Planning Commission:

Subject: EPS Feasibility Memo--Evidence of the myth/deception of market-rate housing subsidizing affordable units

Page 1250 of the 2256-page Planning Commission packet <https://commissions.sfplanning.org/cpcpackets/2018-007883GPAPCAMAPDVA.pdf> contains an EPS Feasibility Memo. Within the Memo is a "Table 1." Table 1 is essentially a profit-loss statement for the Reservoir Project.

Table 1 has two sections:

Uses (equivalent to 'Expenditures' plus 'Profit' of a standard profit/loss statement),

- **Sources** (equivalent to 'Revenue' of a standard P/L statement)

Table 1 is not in a standard profit/loss statement format.

Here, for clarity and transparency, I present Table 1 in a standard profit/loss statement format. Additionally, I have returned the \$40 Million CA grants (from MHP and AHSC Programs) amount back to the Revenue section where it belongs...instead of the \$40M amount being hidden in a footnote in Table 1: [Reservoir Project--EPS Feasibility Memo Profit-Loss Sheet](#)



The "Affordable Housing Program" (Exhibit D of the Development Agreement, on p. 1580 of 2256-page Planning Commission packet) specifies the City's Affordable Funding Share to be \$239K per unit. Thus for 187 City-subsidized units, RCP will receive \$44.693 Million (187 units X \$239K).

It is unclear if "Uses" in Table 1 includes the costs for the 187 "additional affordable" City-subsidized units.

Neither does Table 1 include the \$44.7 Million that Reservoir Community Partners is expecting to receive from the "City's Affordable Funding Share."

Despite the unclarity in Table 1, the "Affordable Housing Program" of the Development Agreement states:

Developer will cause at least 50% of the total number of dwelling units constructed on the Project Site to be Affordable Units. Developer will be responsible for the pre-development, planning, permitting, construction, and management of all Affordable Units. The Parties agree that the Project's ability to achieve an overall affordability level of 50% is predicated on Developer's receipt of City's Affordable Funding Share.

THE MYTH/DECEPTION OF MARKET-RATE HOUSING SUBSIDIZING AFFORDABLE UNITS

The Reservoir Project has been promoted as 550 units subsidizing 550 affordable units. With the recent release of the Development Agreement, this can be shown to be a myth and to be deceptive advertising.

The EPS Feasibility Memo and Development Agreement provides evidence for fact that the affordable units will be subsidized by public monies. State and City funding is expected to total \$124.2 Million:

- \$79.5 M from State grants
 - \$39.5M from Statewide Park Program (SPP) and Infill Infrastructure Grant (IIG) Program,
 - \$40.0M from Multifamily Housing Program (MHP) and Affordable Housing & Sustainable Communities Program (AHSC);
- \$44.7 M from "City's Affordable Funding Share."

PROPORTION OF PUBLIC FUNDING FOR PROJECT: 55-69%

Because of the unclarity of whether Table 1 covers the 187 City-subsidized units or not, here are two calculations: 1) for the Table 1 "Uses" figures that would cover all 550 units; 2) for the Table 1 "Uses" figures that would cover only the Developer's 363 affordable units:

In both cases, public sources of funds total \$124.2 Million (\$39.5M + \$40M + \$44.7M)

The proportion of public monies for the Project depends on whether or not the Table 1 figures cover the 187 City-subsidized units:

1. If 187 City-subsidized units are covered: $\$124.2\text{M} / \$180.6\text{M cost} = \mathbf{69\%}$
2. If 187 City units are not covered: $\$124.2\text{M} / (\$180.6\text{M} + \$44.7\text{M}) = \mathbf{55\%}$

So in either case, well over half (55- 69%) of the funding of affordable units will be paid for with public monies ,while Avalon Bay will get **at least half or more** of the total number of units.

From this, it should be evident that, in reality, the public will be subsidizing the private developer by:

- Privatization of public land, which will be given up in perpetuity for a scandalous 98%-discounted price of \$11.2 Million;
- Instead of the marketing sweet-talk of affordability "in perpetuity", affordability will only be assured for 57 years.

I urge all Supervisors to resist the temptations that the private developers dangle in front of you. Don't be a party to corruption and privatization of public lands at a giveaway price.

Sincerely,
Alvin Ja, District 7

From: [aj](#)
To: [Hood, Donna \(PUC\)](#); [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#); [Maybaum, Erica \(BOS\)](#); [BRCAC \(ECN\)](#); [CPC-Commissions Secretary](#)
Cc: [Public Lands for Public Good](#); [CCSF Collective](#); [ccsfheat@gmail.com](#); [Defend City College Alliance](#); [SNA BRC](#)
Subject: EPS Feasibility Memo: Evidence of the myth of "market-rate housing subsidizing affordable units"
Date: Friday, June 12, 2020 11:17:44 PM

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PUC, Land Use & Transportation Committee, BOS, BRCAC, Planning Commission:

Subject: EPS Feasibility Memo--Evidence of the myth/deception of market-rate housing subsidizing affordable units

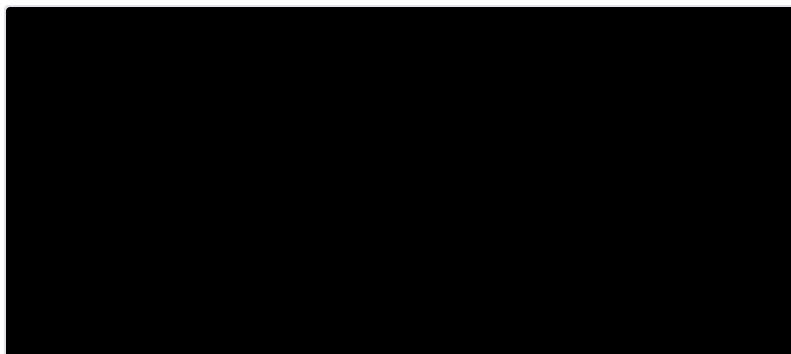
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Reservoir Project--EPS Feasibility Memo Profit-Loss Sheet

Sheet1 REVENUE (Sources) ...

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The proportion of public monies for the Project depends on whether or not the Table 1 figures cover the 187 City-subsidized units:

1. If 187 City-subsidized units are covered: $\$124.2\text{M} / \180.6M cost = **69%**
2. If 187 City units are not covered: $\$124.2\text{M} / (\$180.6\text{M} + \$44.7\text{M}) =$ **55%**

So in either case, well over half (55- 69%) of the funding of affordable units will be paid for with public monies ,while Avalon Bay will get **at least half** of the total number of units.

From this, it should be evident that, in reality, the public will be subsidizing the private developer by:

- Privatization of public land, which will be given up in perpetuity for a scandalous 98%-discounted price of \$11.2 Million;
- Instead of the marketing sweet-talk of affordability "in perpetuity", affordability will only be assured for 57 years.

I urge all Supervisors to resist the temptations that the private developers dangle in front of you. Don't be a party to corruption and privatization of public lands at a giveaway price.

Sincerely,
Alvin Ja, District 7

From: [aj](#)
To: [Hood, Donna \(PUC\)](#)
Cc: [Major, Erica \(BOS\)](#); [Defend City College Alliance](#); [Board of Supervisors, \(BOS\)](#); [SNA BRC](#); [Public Lands for Public Good](#); ccsfheat@gmail.com; [CCSF Collective](#); [CPC-Commissions Secretary](#); [Laura Waxmann](#); [JK Dineen](#); [Roland Li](#); [Tim Redmonds](#); megan.cassidy@sfcchronicle.com; [Phil Matier](#); [Joe Fitzgerald Rodriguez](#); [Ida Mojadad](#); [Joshua Sabatini](#)
Subject: Valuation of Balboa Reservoir--Still scandalous
Date: Thursday, June 18, 2020 6:08:34 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Donna,

Thank you for taking care of this submission for Item 10 of the 6/23/2020 agenda.

Best,
aj

PUC Commissioners:

The estimated valuation for the PUC Reservoir was released in documents provided for the Planning Commission's May 28,2020 meeting.

The valuation was very well hidden. The \$11.2 Million valuation was contained deep within the 2,256-page PDF document provided to the Planning Commission. Curiously, the valuation was not contained in any of the Executive Summaries.

There's another curious point in the 2256-page PDF document. The 2256-page PDF contains the proposed Ordinance for the approval of the Development Agreement. The proposed Ordinance curiously "waives" Administrative Code 23.3's requirement for an appraisal.....as being unneeded.

JUNE APPRAISAL

Apparently, 'the powers-that-be' have figured out that it would be better to have an appraisal to justify the Reservoir Project Privatization Scam, since the estimated valuation and the waiver of Section 23.3 had been uncovered/exposed.

The material released today (6/18) for the June 23 PUC meeting now shows that an appraisal was just done in June--this month. This more recent valuation shows a valuation of \$11.4 Million for 16.4 acres (714,637 sq ft.) This hurry-up June appraisal kicks up the valuation somewhat: From \$14.61/sq ft. to \$15.95/ Sq ft.

\$15.95/ Sq ft. is still ridiculously and scandalously low. Whatever lame "community benefits" that are touted as justification for the low price can't legitimize the giveaway price that benefits the private for-profit developer.

FRANCISCO RESERVOIR

PUC Resolution 14-0113 (7/8/2014) authorized the sale of Francisco Reservoir to the Park & Rec Dept. This was a sale of PUC property to another **public agency**.

Francisco Reservoir's 3.29 acres was sold to Rec & Park for \$9.9 Million. This equated to \$69.06/sq ft in 2014.

BALBOA RESERVOIR vs. FRANCISCO RESERVOIR

Does it make any sense that a **private developer would**, on a price per square foot basis, **pay only 23.1% of what a public agency had to pay 6 years ago?! Can you spell "corruption"?**

CURRENT COMPARABLES

I've already documented in detail how the Reservoir Project is actually a privatization scam. It's a Bait & Switch scam in which the marketing hype and PR diverges from the actual terms contained in the Development Agreement. Please review those earlier submissions.

For your convenience, I will just provide herein a comparative Table that was contained in an earlier submission. It has been updated to reflect the newer information contained in the 6/23 PUC meeting material.

The updated \$15.95/sq ft price is still a 98% discount off the market.

I, along with many others, urge you to vote against this giveaway of Public land to the private sector.

Do not subsidize Avalon Bay with public land and public monies.

LOCATION	PRICE	AREA	PRICE/SQ FT
PUC Reservoir (updated 6/18/2020)	\$ 11.4 Million	714,637 sq ft (17.6 acres)	\$ 15.95
SFCCD Reservoir (Lee Ext, North Street), Ceded to Reservoir Project in 2020	\$ 3.8 Million	15,032 sq ft	\$253.
636 Capp Street	\$ 2.5 Million	4,046 sq ft	\$618.
16 th Street/Shotwell	\$ 10 Million	13,068 sq ft (0.30 acre)	\$768.

Sincerely,

Alvin Ja, District 7

From: [aj](#)
To: [Hood, Donna \(PUC\)](#)
Cc: [Major, Erica \(BOS\)](#); [Defend City College Alliance](#); [Board of Supervisors, \(BOS\)](#); [SNA BRC](#); [Public Lands for Public Good](#); ccsfheat@gmail.com; [CCSF Collective](#); [CPC-Commissions Secretary](#); [Laura Waxmann](#); [JK Dineen](#); [Roland Li](#); [Tim Redmonds](#); megan.cassidy@sfcchronicle.com; [Phil Matier](#); [Joe Fitzgerald Rodriguez](#); [Ida Mojada](#); [Joshua Sabatini](#)
Subject: CORRECTION Re: Valuation of Balboa Reservoir--Still scandalous
Date: Thursday, June 18, 2020 6:34:22 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

correction to Table to show: 16.4 ACRES (instead of 17.6 acres)

On Thursday, June 18, 2020, 06:08:26 PM PDT, aj <ajahjah@att.net> wrote:

Hi Donna,

Thank you for taking care of this submission for Item 10 of the 6/23/2020 agenda.

Best,
aj

PUC Commissioners:

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th	\$ 10 Million	13,068 sq ft	\$768.

16 Street/Shotwell		(0.30 acre)	

Sincerely,

Alvin Ja, District 7

From: [aj](#)
To: [Hood, Donna \(PUC\)](#); [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Cc: [Public Lands for Public Good](#); [Defend City College Alliance](#); [CCSF Collective](#); ccsfheat@gmail.com; [SNA BRC](#)
Subject: Another comparison: sale of Burnett parcel, PUC Res 17-0088 (4/25/2017)
Date: Saturday, June 20, 2020 6:29:18 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

PUC Commissioners:

The proposed sale price of the Reservoir to Reservoir Community Partners is highly suspect.

In a previous submission I had presented the price per sq ft for the 2014 sale of the Francisco Reservoir to the Recreation & Park Dept, another public agency.

Here, I provide another comparison:

PUC Resolution 17-0088 (4/25/2017) sold PUC's Block 2719C Lot 23, a 3,429-sq ft "steep and irregularly undeveloped" parcel, located near 411 Burnett to a private party.

An appraisal was performed by Associated Right of Way Services, Inc:

*The \$1,500,000 sales price is based on a 2015 appraisal report by MAI appraiser Associated Right of Way Services (ARWS). The ARWS report stated that the fair market value at **SFPUC Parcel at \$1,200,000** and the combined SFPUC Parcel and SFPW Parcel at \$1,500,000.*

The PUC parcel 2719C-23 had an area of 3,429 square feet and was appraised at \$1.2 Million:

This computes to \$349.96/ sq ft for a steep, irregularly shaped parcel (\$1.2M / 3429 sq ft = \$349.96 / sq ft).

By any reasonable measure, the valuation for the sale to the private, for-profit Avalon Bay joint venture at \$15.95 / sq ft is way out of whack.

Do not give away the Reservoir in this Privatization Scam.

Do not be a party to corruption between developers and City officials.

Sincerely,
Alvin Ja, District 7 ratepayer

From: [aj](#)
To: [Major, Erica \(BOS\)](#)
Subject: Fw: Comment on Chron article: "S.F. to sell housing site at big discount."
Date: Sunday, June 21, 2020 6:05:53 PM
Attachments: [Appraisal for North Street, Lee Extension.PDF](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Subject: Comment on Chron article: "S.F. to sell housing site at big discount."

PUC Commissioners, Land & Transportation Committee, BOS:

The fact that the City & County is willing to part with the PUC at a scandalously low price has finally hit the Chron. The Chron carried a story today on the sale price of the Reservoir, "S.F. to sell housing site at big discount."

1. The article's "50% discount from fair market value" is but an opinion provided by Clifford Advisory. Objectively, the discount is much larger. According to Investopia: *"In its simplest sense, fair market value (FMV) is the price that an asset would sell for on the open market."*

On the open market, a \$11.4 Million price tag would invite a feeding frenzy from potential buyers. On the open market, the price would be bid much, much higher than \$15.95/sq ft. Even doubling it to \$32/ sq ft would still be far off the mark in the open market.

Although hidden from public view until now, a scandalously low price was in all likelihood a 'wink, wink, nod, nod' understanding in backroom dealings from many years ago.

2. City College is being asked to cede property for the Reservoir Project's Lee Avenue Extension and North Street. An appraisal was performed for the transfer which equated to **\$250/ sq ft.** (Appraisal attached). Compare this to the PUC Reservoir Purchase and Sale Agreement at **\$15.95/ sq ft.**

3. The article says that 366 affordable units will cost the developers about \$91.5 Million. What the article fails to inform the reader is that a Financial Feasibility Memo conducted by Economic & Planning Systems, Inc. [Reservoir Project--EPS Feasibility Memo Profit-Loss Sheet](#) shows that the developers expect to receive \$79.5 Million in State grants for 363 (not 366) units: \$39.5M from CA Statewide Park Program & CA Infill Infrastructure Grant Program; and \$40M from CA Multifamily Housing Program & CA Affordable Housing & Sustainable Communities Program. What this means is that **87%** of the developers share of

363 units of affordable housing will be paid for with public funds anyway!



4. How long will affordability last? Contrary to the deceptive advertising of "permanent" affordability, the Development Agreement states:

Affordability Restrictions.

(a) Each Affordable Parcel will be subject to a recorded regulatory agreement approved by MOHCD to maintain affordability levels for the life of the Project or fifty-seven (57) years,

5. To make sure that this Privatization Scam goes through without too many problems, the Development Agreement's Schedule 2-2, Schedule of Code Waivers will bypass Administrative Code 23.3's REQUIREMENT for appraisal review:

In recognition of the Fiscal Feasibility Report adopted by the Board of Supervisor as Resolution 85-18 and the depth of analysis and sophistication required to appraise the Project Site in connection with the sale of the Project Site, the Appraisal Review required by Section 23.3 is waived.

What kind of sophistry is this?! So an Appraisal Review is not needed because it's too hard to do?! This is f.....g bullshit! And in regard to the BOS Budget Analyst Fiscal Feasibility Report, see my next item.

6. The BOS Budget Analyst's Fiscal Feasibility Report questioned ownership of the 17% "additional affordable."

The Development Agreement requires the City to pay for the 17% "additional

affordable," Yet the Development Agreement does not give ownership of the 187 "additional affordable" units or of the land to the City & County which is paying for it! Furthermore, affordability restrictions on these unit end in 57 years!

Also, ownership of the land on which the additional 17 percent of affordable housing would be built has not been defined. The Mayor's Office of Housing and Community Development (MOHCD) could potentially own the land and enter into long term ground leases with affordable housing developers, which is the current practice of MOHCD. The Board of Supervisors should request MOHCD to report back to the Board of Supervisors early in the process of negotiations between the City and Reservoir Community Partners on...(b) whether the City will own any land on which 100 percent affordable housing developments are constructed; and (c) conformance of the additional 17 percent affordable housing units to City policy and requirements.

7. The Reservoir Project has been effectively marketed as providing a big contribution to address our housing crisis. However the deceptive marketing diverges from the actual terms of the Development Agreement.

From this, it should be evident that, in reality, the public will be subsidizing the private developer by:

- Privatization of public land, which will be given up in perpetuity for a scandalous 98%-discounted price of \$11.4 Million;
- Instead of the marketing sweet-talk of affordability "in perpetuity", affordability will only be assured for 57 years.
- Providing \$124.2 Million in public monies (\$79.5M from State and \$ 124.2M from "City's Affordable Share") to fund the cost of 550 affordable units.
- Avalon Bay will be essentially be getting 550 market-rate units for free, plus practically free land from us, the 99%.....in exchange for 363 affordable-for-57-year units, for which 87% of costs will come from public funds.

Hiding the giveaway price of the PUC Reservoir until your 6/23/2020 meeting is highly suspicious. In any transaction, isn't common sense to ask about price in the early stages of any transaction?

The fact that price has been hidden until now points to there being a culture of corruption in high places in SF Government. You need to recognize that the Reservoir Project is objectively a Privatization Scam but deceptively and falsely marketed as "market-rate subsidizing affordable." Facts should matter to you in your deliberations, not deceptive advertising.

Don't be a party to corruption and privatization of public lands at a giveaway price.

Sincerely,
Alvin Ja, D7 ratepayer

From: [aj](#)
To: [Hood, Donna \(PUC\)](#); [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Cc: [JK Dineen](#); [Roland Li](#); [tthadani@sfchronicle.com](#); [megan.cassidy@sfchronicle.com](#); [Joshua Sabatini](#); [Ida Mojadad](#); [Laura Waxmann](#); [Joe Fitzgerald Rodriguez](#); [Tim Redmonds](#); [Public Lands for Public Good](#); [Defend City College Alliance](#); [CCSF Collective](#); [ccsfheat@gmail.com](#); [SNA BRC](#)
Subject: Fair market value of PUC Reservoir
Date: Monday, June 22, 2020 2:53:17 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

PUC, Land & Transportation Committee, BOS:

Chron's JK Dineen wrote yesterday about selling the Reservoir at a "bargain-basement price."

The Purchase and Sale Agreement would sell the Reservoir at \$15.95/ sq ft which the Avalon Bay joint venture would own in perpetuity. You cannot even get a one-month rental for anything at \$16/ sq ft!

Clifford Advisory's appraisal of the PUC property at \$11.4 Million is a concocted valuation. A valid real estate fair market valuation (FMV) is supposed to reflect its value on the open market. An FMV that is arrived at as a result of collusion and collaboration is not a valid FMV.

FMV is supposed to be arrived at in an "arm's length transaction." The PSA's FMV of \$11.4 Million fails this standard.

ATTEMPTED CIRCUMVENTION OF APPRAISAL and APPRAISAL REVIEW (Adm Code 23.3)

Indicative of the corruption and collusion in the entire Balboa Reservoir Project process is the fact the Ordinance for the Development Agreement, as well as the DA's own Schedule 2-2 "Waiver of Codes" call for circumventing Administrative Code 23.3's REQUIREMENT for appraisal and appraisal review.

The intent of City officials was to sneak through the bargain-basement price without ANY appraisal. The Clifford Advisory appraisal was commissioned only because the scandalously low price had unexpectedly been identified by the public deep within a 2256-page PDF Planning Commission packet.

The Clifford Advisory appraisal was only commissioned in June.....only a few weeks prior to the PUC meeting. The purpose of the Clifford Advisory appraisal was essentially an attempt to cover tracks.

Here, I provide you with definitions of "Fair Market Value" and "arm's length transaction."

Redfin:

Definition of Fair Market Value

Fair market value is the home price that a buyer and seller in an **arm's-length transaction** would be willing to agree upon on the open market. For example, if a son buys a home from his mother at an unusually low price, that price is not the fair market value because it was not an arm's-length transaction. The mother would sell the home at a much higher price if she sold it on the open market to an unrelated buyer.

Investopedia:

What Is an Arm's Length Transaction?

An arm's length transaction refers to a business deal in which buyers and sellers **act independently** without one party influencing the other. These types of sales assert that both parties act in their own self-interest and are not subject to pressure from the other party; furthermore, it assures others that there is **no collusion between the buyer and seller.**

If nothing else, this should ring alarms in your head about the validity of the Clifford Advisory appraisal. Secondly, this should have you wondering why language that bypasses both appraisal and appraisal review would appear in the DA Ordinance, and the Development Agreement itself.

What kind of alarms?.....CORRUPTION.

The main way FMV's are arrived at are via "comps." How does the Balboa Reservoir's **\$15.95/ sq ft** compare with:

- Francisco Reservoir to Rec & Park, 2014-- \$69.06/ sq ft
- SFCCD Lee Extension & North Road to Reservoir Project, 2020 --\$250/ sq ft
- 636 Capp -- asking \$618/ sq ft
- 16th/Shotwell-- asking \$768/ sq ft

Please don't join the culture of corruption in City offices. Do not approve the bargain-basement PSA.

If you're willing to sell it for cheap, sell to City College, instead. Not to a private, for-profit joint venture.

Sincerely,
Alvin Ja, D7 ratepayer

From: [Board of Supervisors, \(BOS\)](#)
To: [Major, Erica \(BOS\)](#)
Subject: FW: Balboa Reservoir
Date: Wednesday, June 24, 2020 10:34:12 AM

From: Zoe Eichen <zoellen@gmail.com>
Sent: Monday, June 22, 2020 1:51 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Johnson, Milicent (CPC) <milicent.johnson@sfgov.org>; commission@sfgwater.org; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Balboa Reservoir

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Plans for privatizing the Balboa Reservoir land represents a willful contradiction and private undermining of the public interest as indicated by the support of Prop A, and evidence shows that building 1100 mostly market-rate homes on the Balboa Reservoir site will make the San Francisco affordable housing crisis worse, and building it without making sure the pollution is contained. Land, water, air pollution will endanger the health of the people and natural resources that are near the construction site. This includes TWO schools, Riordan High School and CCSF Ocean, and a local apartment complex.

The environmental impact report on the private Balboa Reservoir Project identified three significant damaging environmental impacts that cannot be mitigated: construction noise, air pollution, and transportation problems that will go on for as long as a decade or more, causing health and safety issues for neighbors, children, students, and district employees, and disrupting classroom effectiveness for both Riordan High School and CCSF, making education even more difficult and unsupported for students.

I demand that you reserve Balboa Reservoir and keep it safe for the sake of its environment and the people who inhabit the space nearby. At the very least, this project must be stopped unless there is a specific plan to mitigate pollution as much as possible.

Sincerely,

Zoellen Eichen, SF resident and CCSF student

From: [aj](#)
To: [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Yee, Norman \(BOS\)](#)
Cc: [BRCAC \(ECN\)](#); [SNA BRC](#); [Public Lands for Public Good](#); [CCSF Collective](#); [ccsfheat@gmail.com](#); [Safai, Ahsha \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [RonenStaff \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Walton, Shamann \(BOS\)](#)
Subject: Looking 57 years forward when affordability ends
Date: Saturday, June 27, 2020 7:35:23 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Land & Transportation Committee, BOS, BRCAC, D7 Supervisor Yee:

The Balboa Reservoir Development Agreement's affordability restriction expires after 57 years. 57 years is not "in perpetuity" as it had been deceptively marketed by OEWD, Planning Dept, and Avalon-Bridge.

The situation described in the San Mateo Daily Journal article below should serve as a warning of what lies ahead.

Foster City residents living in affordable units are encountering a crisis because of expiration of affordability restrictions. The same will happen at the Balboa Project.

After 57 years, the patient Reservoir developers will have hit the jackpot when they own everything without restrictions that they bought at a giveaway price.

Don't be party to this Privatization Scam!

Here's the Foster City story:

Affordable rents to expire at Foster City apartment building

More than 70 facing massive rent increases they say they can't afford

By Zachary Clark Daily Journal staff Mar 7, 2020

A Foster City apartment building's below-market rate program will soon expire, causing 74 renters, including seniors with disabilities and families, to face rent increases

with some more than six times what they currently pay.

Located at 700 Bounty Drive and owned by Essex Property Trust, the 490-unit Foster's Landing Apartments entered into an agreement with the city in 1986 to keep 15% of units affordable for more than three decades. That agreement will soon sunset.

On Dec. 31, 40 of the building's below-market rate units will become market-rate ones, while rents for the other 24 affordable units will become market rate over the next two years.

While the residents aren't being evicted from their apartments, the enormous rent increases will mean many if not all of them will have to relocate. They're fearful they'll be forced to leave an area that has been their home for decades and some are worried they'll soon be homeless.

"This leaves a lot of families in a very vulnerable place," said Corrine Warren, whose mother has been a resident at Foster's Landing for 33 years. "This has caused my mom a lot of stress. We're not sure what to do. We don't know what's going to happen."

Residents of the below-market rate units at Foster's Landing currently pay in rent 30% of their monthly income. For Warren's mother, that comes out to \$800 per month for a two-bedroom apartment. Starting Jan. 1, she'll have to pay around \$4,200 per month for it.

Barbara Grossetti, also a Foster's Landing resident, currently pays \$500 a month for an apartment that by the same time will likely cost about \$3,200 per month.

“We have disabled people, people in their 90s here, families, single parents and seniors like me living on Social Security,” she said. “They have nowhere to go. They’ll be homeless.

“Legally [Essex] has the right to do this, but morally they don’t,” she added. “It’s all about greed, that’s what it comes down to. They’ll get so much money for these apartments.”

Grossetti moved into Foster’s Landing three years ago after being on an affordable housing wait list for six years. She said at the time she wasn’t told her below-market rate rents will soon expire.

The tenants acknowledge Essex’s legal right to charge market rate rents, but feel they should at least be granted more time to find a new home.

“Since my mother has been there 33 years I think it’s fair to give her one to three years time before the new rates begin,” Warren said. “But even then it’d be really difficult to find anything. I’ve called a few places and the wait list is between five and 10 years.”

Essex only wanted to comment on the situation in a statement. In it, Barb Pak, a senior vice president for the company, said notifications were sent to residents over a year ago “to provide ample time to prepare for the transition” with follow-up notifications delivered recently.

“The city is aware of all tenants who have expiring leases and we hope the city will help provide alternatives,” the statement adds. Essex purchased the building and assumed the affordable housing agreement with the city in 2014.

At a meeting Monday, Charlie Bronitsky, a former Foster

City mayor and land use lawyer, asked the current council to discuss the situation at its next meeting and form a committee to explore potential solutions for the tenants. The council appeared amenable to his proposal.

Councilman Sam Hindi has already began working with the tenants as well as the office of U.S. Rep. Jackie Speier, D-San Mateo, to see what can be done to support the tenants.

“It’s a tragedy,” he said of the tenants’ uncertain future. “The city wants to preserve all these below-market rate units no question about it. We need all hands on deck and I will not leave any stone unturned to try to get safety and a roof over the heads of our residents.”

Bronitsky said he’s only in the beginning stages of researching what can be done to assist, but has already concluded recently-passed state laws, including Assembly Bill 1482, do not apply in this case. Assembly Bill 1482 created rent caps in California and went into effect in January.

He said some are asking charitable organizations to help with the tenants’ rent. Councilmembers are also exploring the feasibility of placing the tenants at the top of affordable housing lists elsewhere.

Other potential actions include the adoption of an urgency rent control ordinance or the council could choose to subsidize the tenant’s rents or provide relocation assistance, among other actions. Officials are also engaging the nonprofit community to see what can be done.

Bronitsky hopes a solution can be arrived at voluntarily and said he’s trying to arrange meetings with Essex to do so.

Assistant City Manager Dante Hall said the city has met with Essex representatives on multiple occasions and is still working with them on potential solutions.

“We don’t want to say they’re not being cooperative,” he said. “Essex is still thinking about it and we’re trying to find out if we can bring in some partners or if we can find some other ways to take care of families. Hopefully we find a resolution.”

On the bright side, Hindi said no other affordable apartment complex in the city will expire until 2050.

From: [aj](#)
To: [Major, Erica \(BOS\)](#); [Wong, Linda \(BOS\)](#); [Board of Supervisors. \(BOS\)](#)
Cc: [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [RonenStaff \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Fewer, Sandra \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [SNA BRC](#); [Public Lands for Public Good](#); [Defend City College Alliance](#); [CCSF Collective](#); ccsfheat@gmail.com
Subject: BOS Budget & Legislative Analyst Report vs. Reservoir Development Agreement
Date: Sunday, June 28, 2020 7:52:15 PM

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Land Use and Transportation Committee, Budget & Finance Committee, BOS:

The enacting Ordinance for the Development Agreement states:

The Board of Supervisors finds that due to current exigencies, the number of analyses of the Project that have been conducted, and the depth of analysis and sophistication required to appraise the Project Site, an Appraisal Review of the Project Site is not necessary and waives the Administrative Code Section 23.3 requirement of an Appraisal Review as it relates to the Project Site.

Schedule 2-2 of the Development Agreement states:

In recognition of the Fiscal Feasibility Report adopted by the Board of Supervisor as Resolution 85-18 and the depth of analysis and sophistication required to appraise the Project Site in connection with the sale of the Project Site, the Appraisal Review required by Section 23.3 is waived.

Resolution 85-18's Budget & Legislative Analyst's Fiscal Feasibility Report is cited to support bypassing Appraisal Review. However, the Budget & Legislative Analyst Report says the exact opposite. This is what the 3/9/2018 Report **really** says:

*The price that Reservoir Community Partners will pay SFPUC to acquire the site will be informed by a cash flow analysis that takes into account the development's 33 percent affordability requirement, and by **an independent appraisal and appraisal review conducted in accordance with the requirements set out in Administrative Code Chapter 23.***

RECOMMENDATION: Preparation of a rigorous, independent cash flow analysis...to ensure that land price paid to SFPUC ...are maximized.

The Budget & Legislative Analyst Report affirmatively calls for compliance with the requirements of Administrative Code 23.3 to protect the public interest. Instead, the Enacting Ordinance and the Development surrenders the public interest to by gifting public land to a private developer joint venture for dirt cheap.

Do not approve the enacting Ordinance for the Development Agreement. Do not waive the requirement of Administrative Code 23.3 for independent, objective Appraisal Review.

Protect the public interest. Do not be a party to a corrupt permanent giveaway of public land at \$15.95 per square feet.

Alvin Ja, D7

From: [aj](#)
To: [Major, Erica \(BOS\)](#); [Wong, Linda \(BOS\)](#); [Board of Supervisors. \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#)
Cc: [Phil Matier](#); [JK Dineen](#); [Roland Li](#); [Laura Waxmann](#); [Ida Mojadad](#); [Joshua Sabatini](#); [Joe Fitzgerald Rodriguez](#); [Tim Redmonds](#)
Subject: No to a culture of corruption
Date: Monday, June 29, 2020 11:35:29 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Land Use & Transportation Committee, Budget & Finance Committee, BOS:

As you should know by now, Planning Commission, SFMTA, and PUC have all approved the necessary elements to facilitate the final approvals of the Balboa Reservoir Project.

You should also know by now that the Reservoir Project's Purchase & Sales Agreement (PSA) gives away 16.4 acres for a pittance, in the dirt-cheap amount of \$11.4 Million.

You should furthermore know that the Enacting Ordinance for the Development Agreement, as well as Schedule 2-2 of the Development Agreement itself, forego Administrative Code 23.3's appraisal requirements, which is in direct contradiction to your 2018 Budget & Legislative Analyst Report's recommendation.

The US Attorney and FBI Press Release of 6/24/2020 (incidentally, one day following PUC's approval of the \$11.4M sale) regarding corruption in SF City government stated:

He [US Attorney David Anderson] added, "As this investigation continues, the breadth and depth of the identified misconduct is widening. To everyone with a piece of public corruption in San Francisco, please understand that here in federal court we will distinguish sharply between those who cooperate and those who do not. If you love San Francisco, and regret your misconduct, you still have an opportunity to do the right thing. Run, don't walk, to the FBI, before it is too late for you to cooperate."

"Today's announcement is part of a complex, ongoing FBI investigation into public corruption in San Francisco city government," said FBI's Special Agent in Charge John F. Bennett. "This type of unscrupulous behavior erodes trust in our municipal departments and will not be tolerated. The FBI is committed to investigating any individual or company involved and hold them accountable."

Please, don't be foolish enough to be part of giving away public property for cheap in what amounts to be a Privatization Scam.

And please, even if you have no direct involvement, take up the advice of US Attorney Anderson to report what you know about the suspiciously low Reservoir valuation, and the 'who, how, why' of the waiver of Administrative Code 23.3:

".....we will distinguish sharply between those who cooperate and those who do not. If you love San Francisco, and regret your misconduct, you still have an opportunity to do the right thing. Run, don't walk, to the FBI, before it is too late for you to cooperate."

Please don't be a part of a culture of corruption.

Sincerely,

Alvin Ja, D7

From: [Michael Adams](#)
To: [Major, Erica \(BOS\)](#); [Wong, Linda \(BOS\)](#)
Subject: Fwd: Transit and traffic issues regarding CCSF
Date: Saturday, July 4, 2020 12:24:19 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To:
Erica Major, clerk for Land Use & Transportation Committee
Linda Wong, clerk for Budget & Finance Committee ,

Please include the message below in the official public comment files for the Balboa Reservoir Project. This message was sent to all Supervisors. If you have questions, please let me know.
Thank you.
Michael Adams, San Francisco voter

-----Original Message-----

From: Michael Adams <facilitato@aol.com>
To: Dean.Preston@sfgov.org <Dean.Preston@sfgov.org>; Sandra.Fewer@sfgov.org <Sandra.Fewer@sfgov.org>; Matt.Haney@sfgov.org <Matt.Haney@sfgov.org>; MandelmanStaff@sfgov.org <MandelmanStaff@sfgov.org>; Gordon.Mar@sfgov.org <Gordon.Mar@sfgov.org>; Aaron.Peskin@sfgov.org <Aaron.Peskin@sfgov.org>; Hillary.Ronen@sfgov.org <Hillary.Ronen@sfgov.org>; Ahsha.Safai@sfgov.org <Ahsha.Safai@sfgov.org>; Catherine.Stefani@sfgov.org <Catherine.Stefani@sfgov.org>; Shamann.Walton@sfgov.org <Shamann.Walton@sfgov.org>; norman.yee@sfgov.org <norman.yee@sfgov.org>
Sent: Fri, Jul 3, 2020 7:45 pm
Subject: Transit and traffic issues regarding CCSF

Dear Supervisors,

Your role in the protection of City College access for students, faculty and staff is approaching, by way of the extremely questionable process of privatizing the CCSF West Parking lot, otherwise known as the Balboa Reservoir, in a suspiciously favorable deal with private developers.. Others have provided you with shortcomings of the impact studies, including traffic and transit issues. Now we have the new reality that Muni Bus lines will be severely and permanently impacted by current conditions in all of San Francisco.

On the front page of today's 'SF Chronicle'. (July 3). On the front page is a timely and relevant article: **"Most MUNI**

bus lines unlikely to return" It projects a permanent loss of 40 of 68

bus lines as people decide to use cars to enhance social distancing rather than crowd onto buses and trains. The CCSF West Parking lot (Balboa) will be needed even more. This new existing condition is important. The most reasonable remedy is more clear than ever, that being the transfer of the CCSF west parking lot to CCSF. Please make this happen.

Michael Adams, voter

From: [aj](#)
To: [BRCAC \(ECN\)](#); [Major, Erica \(BOS\)](#); [Wong, Linda \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#)
Cc: [Jon Winston](#); [cgodinez](#); [mikeahrens5](#); [sunnyside.balboa.reservoir](#); [Brigitte Davila](#); [Peter Tham](#); [marktang.cac@gmail.com](#); [jumpstreet1983](#); [rmuehlbauer](#); [SNA BRC](#)
Subject: Non-conformity of Development Agreement with Principles & Parameters
Date: Tuesday, July 7, 2020 2:26:53 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

BRCAC, Land Use & Transportation Committee, Budget & Finance Committee, BOS, Files 200422, 200423, 200635:

As the Reservoir Project approvals reach the final stages, I urge a review of how the Development Agreement conforms with the Principles & Parameters:

Preamble:

- **Transportation and Neighborhood Congestion:** Traffic congestion and the availability of street parking are already major problems facing the local community. No development proposal is likely to garner community support if it would worsen these conditions.

- **City College:** The community cares deeply about City College's long-term health and growth. We are especially concerned that the Balboa Reservoir development will displace a surface parking lot currently utilized by City College students. It will be critical for the Balboa Reservoir developer to work with City College to address parking needs by identifying alternative parking and transportation solutions that do not compromise students' ability to access their education.

- **Affordable Housing:** Members of the CAC and the community are deeply concerned about housing affordability. We would like to see a significant proportion of the housing at Balboa Reservoir be affordable to a combination of low, moderate, and middle-income people. However, housing cannot come at the cost of increased congestion.

Principles & Parameters:

HOUSING

Principle #1: Build new housing for people at a range of income levels. Parameters:

a. Make at least 50% of total housing units permanently affordable in perpetuity to low (up to 55% of Area Median Income (AMI)), moderate (up to 120% of AMI), and middleincome (up to 150% AMI) households, provided that this can be achieved while also ensuring project feasibility and providing the economic return to SFPUC ratepayers that is required by law.

1. Make at least 33% of total housing units **permanently affordable in perpetuity** to low or moderate-income households, consistent with Proposition K (2014).

aj comment:

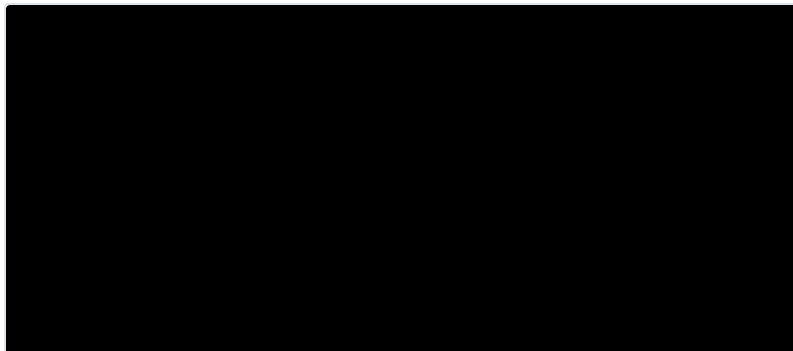
Contrary to "permanently affordable in perpetuity" the Development Agreement's Exhibit D 'AFFORDABLE HOUSING PROGRAM' states:

4. Affordability Restrictions.

*(a) Each Affordable Parcel will be subject to a recorded regulatory agreement approved by MOHCD to maintain affordability levels for the life of the Project or **fifty-seven (57) years,***

A cautionary tale for people to look into the future, 57 years from now:

['There's nowhere to go:' Peninsula tenants face eviction as rent control expires](#)



'There's nowhere to go:' Peninsula tenants face eviction as rent control...

The Foster's Landing complex has for years provided housing for low-income families.

https://www.smdailyjournal.com/news/local/affordable-rents-to-expire-at-foster-city-apartment-building/article_198deaa8-6024-11ea-9440-33aa98e33239.html

Principle #3: Help to alleviate City's undersupply of housing.

Parameters:

b. Create housing **without** compromising the quality of design or construction or **outpacing needed transportation infrastructure.**

aj comment:

The Transit Mitigation Measures in the Development Agreement has 3 elements: 1) A boarding island for the southbound 43 Masonic at Frida Kahlo/Ocean-Geneva; 2) Signal timing changes at Ocean/Brighton with no westbound to southbound left turns, and protected EB to NB left turn phase;3) Signal timing changes at Ocean/Plymouth (?! shouldn't this be Lee?!!) with no

WB to SB left turns, and protected EB to NB left turn phase.

These 3 mitigation measures are token measures that are incommensurate with transit delay that will be caused by the 1,100-unit project. The limiting factor is the fact that the 1100-unit project will only have ingress/egress at Lee and at one location on Kahlo Way. Tinkering with signal changes and adding a boarding island will not be able to solve the inherent problem of the limited roadway access to a landlocked parcel.

TRANSPORTATION

Principle #1: Manage parking availability for onsite residents while managing parking to meet City College enrollment goals and coordinating with City parking policies for the surrounding neighborhoods.

c. Working with City College and the City, describe an appropriate parking and transportation demand management plan that accommodates all appropriate City College student and employee demand at full enrollment, including access to the City College's future Performing Arts and Education Center. The TDM plan (including assumptions such as data and projections) should be coordinated with City College and consistent with recommendations in the forthcoming Balboa Area TDM Plan. If expert analysis demonstrates that shared parking is a viable approach, explore accommodating City College affiliates and other non-residents in shared parking facilities (garages where the same parking spaces are utilized by residents during non-peak hours and accessible to all others, including City College students and employees at other times).

aj comment:

The Development Agreement does not conform with this Principle. The Development Agreement calls for an absolute maximum of 450 spaces, deliberately ignoring "full enrollment, including access to the...future PAEC." The Fehr & Peers CCSF TDM & Parking Plan--which accounts for PAEC--shows "there would be unserved demand for around 980 to 1,767 parking spaces."

PROJECT'S RELATIONSHIP TO CITY COLLEGE

Principle #3: In coordination with City College, design and implement the project's transportation program in such a way that also creates new sustainable transportation opportunities for City College students, faculty, and staff.

b. Working with City College and the City, develop an appropriate parking and TDM strategy that accommodates City College students and employees. If expert analysis demonstrates that shared parking is a viable approach, explore accommodating City College affiliates and other non-residents in shared parking facilities (garages where

the same parking spaces are utilized by residents during non-peak hours and accessible to all others, including City College students, faculty, and staff, at other times).

aj comment:

The Development Agreement does not conform with this Principle. The Development Agreement calls for an absolute maximum of 450 spaces. And if nobody had been looking at the fine print, the DA would only specify 220 spaces, based on a cherry-picked figure from the Fehr Peers TDM Study. Even the current 450 spaces deliberately ignores "full enrollment, including access to the...future PAEC."

The Fehr & Peers CCSF TDM & Parking Plan--which does account for PAEC-- shows " there would be unserved demand for around 980 to 1,767 parking spaces."

c. Phase the project in such a way that changes to the current parking lot can occur gradually, allowing for incremental adaptations rather than the wholesale removal of all parking spaces at once.

aj comment:

The Development Agreement does not conform with Principle 3c. Exhibit J of the DA, "Transportation" states:

b. Interim Parking

During the initial site-wide grading phase of construction of the Project no publicly-available parking spaces will be provided.

Principle #4: To ensure that the Balboa Reservoir project is sensitive to City College's mission and operations, work with City College and its master planning consultants to ensure that the Balboa Reservoir site plan and City College's forthcoming new Facilities Master Plan are well coordinated and complementary.

b. Assume that City College's planned Performing Arts & Education Center, designed for City College property immediately to the east of the Balboa Reservoir site, will be built. Working with City College and the City, describe an appropriate parking and transportation demand management plan that accommodates access to the future Performing Arts and Education Center (see Transportation parameter 1c).

aj comment:

The Development Agreement does not conform with this Principle. The Development Agreement calls for an absolute maximum of 450 spaces. And if nobody had been looking at the fine print, the DA would only specify 220 spaces, based on a cherry-picked figure from the Fehr Peers TDM Study. Even

the current 450 spaces deliberately ignores "full enrollment, including access to the...future PAEC."

The Fehr & Peers CCSF TDM & Parking Plan--which does account for PAEC-- shows " there would be unserved demand for around 980 to 1,767 parking spaces."

--Alvin Ja

From: [aj](#)
To: [Major, Erica \(BOS\)](#); [Wong, Linda \(BOS\)](#); [Board of Supervisors. \(BOS\)](#); [Low, Jen \(BOS\)](#)
Cc: [SNA BRC](#); [Public Lands for Public Good](#); [CCSF Collective](#); ccsfheat@gmail.com; [Defend City College Alliance](#)
Subject: Fallacy of "developer equity and project revenues" subsidizing affordable unit
Date: Wednesday, July 8, 2020 5:09:47 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Land Use & Transportation Committee, Budget & Finance Committee, BOS (Files 200422, 200423, 200635):

One of the key assumptions of the Balboa Reservoir Project is the concept of Public-Private Partnership in which market-rate housing would be subsidizing affordable housing.

However, this assumption that the citizenry would benefit substantially from the market-rate units helping to pay for the affordable units is not borne out by information contained in the Economic & Planning Systems, Inc's (EPS) 5/12/2020 Fiscal Feasibility Memo (p. 1247 of 2256-page PDF <https://commissions.sfplanning.org/cpcpackets/2018-007883GPAPCAMAPDVA.pdf>).

Here is a simple summary drawn from the EPS Memo regarding who's actually paying for the affordable units:

Of the 550 affordable units:

- Developer pays for 234 units (\$72.5 Million) = 42.5% of 550 affordable units
- State of CA pays for 129 units (\$40 Million) = 23.5% of 550 affordable units
- City of SF pays for 187 units (\$44.7 Million) = 34.0% of 550 affordable units

So, of the 550 affordable units, 316 units (57.5%) will be paid for with public funds, and only 42.5% will be paid for from "developer equity and project revenues"!

Budget & Legislative Analyst Report, File 18-0163 (3/9/2018)

The Budget & Legislative Analyst's determination of feasibility and responsibility rested on the assumption that, associated with the 550 market-rate units, developer equity and revenue would subsidize 363 affordable units.

The March 2018 Budget & Legislative Analyst's Fiscal Feasibility & Responsibility Report assumes--incorrectly-- that the developer's 363 affordable units would be financed by "developer equity and project revenues."

This assumption is not borne out in fact, based on information contained in the 5/12/2020 EPS Memo.

"Key Points" of the Budget & Legislative Analyst Report's Executive Summary states:

Key Points

- *The Balboa Reservoir is a 17-acre site adjacent to San Francisco City College ...The development is approximately 1,100 housing units, of which 50 percent would be market rate and 33 percent would be affordable to low- and moderate-income households, funded by developer equity and project revenues. The remaining 17 percent of housing units would be affordable housing, funded by City and other sources not yet identified.*

Information provided by the 5/12/2020 EPS Memo shows that the assumption that the developer's 363 affordable units **will not** really be funded fully by developer equity and revenue. The reality is that the developer is expecting its 363 affordable units to be subsidized substantially with public funding.

The EPS Memo estimates that its 363 affordable units to cost \$112.5 Million.

Of the \$112.5 Million cost, the developer expects to pay \$72.5 Million, and State grants to pay \$40.0 Million. In other words, instead of the market-rate units subsidizing 363 units, the State of California will be subsidizing 36% of the developer's responsibility for 363 affordable units.

Of the 550 affordable units:

- Developer pays for 234 units (\$72.5 Million) = 42.5% of 550 affordable units @ \$310K/ unit
- State of CA pays for 129 units (\$40 Million) = 23.5% of 550 affordable units @ \$310K/ unit
- City of SF pays for 187 units (\$44.7 Million) = 34.0% of 550 affordable units @ \$239K/ unit

The Reservoir Project's reliance on \$40 Million in public funds to subsidize the developer's 363 units invalidates the the 3/2018 Budget Analyst determination because the Report's assumption of "developer equity and project revenues" is untrue.

Do not approve the Reservoir Project.

Do not facilitate this Privatization Scam.

Sincerely,
Alvin Ja, District 7

From: [aj](#)
To: [Major, Erica \(BOS\)](#)
Cc: [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [RonenStaff \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Fewer, Sandra \(BOS\)](#); [Walton, Shamann \(BOS\)](#)
Subject: CORRECTED NUMBERS FOR "Fallacy of "developer equity and project revenues" subsidizing affordable units"
Date: Thursday, July 9, 2020 5:50:45 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Erica,

I goofed on my previous submission. Here's the corrected version.

Sorry for the inconvenience!

--aj

Supervisors:

Here are **corrected numbers** for my 7/8/2020 submission of "Fallacy of 'developer equity and project revenues' subsidizing affordable units."

I had omitted **\$39.5 Million of CA funds** that is expected to subsidize the developer's 363 affordable units. The \$39.5M will come from CA Statewide Park Program and CA Infill Infrastructure Grant Program.

The corrected numbers show the following breakdown:

Of the 550 affordable units:

- Developer pays for **106** units (\$72.5M- **\$39.5M= \$33.0 Million**) = **19.3%** of 550 affordable units
- State of CA pays for **257** units (**\$79.5** Million) = **46.7%** of 550 affordable units
- City of SF pays for 187 units (\$44.7 Million) = 34.0% of 550 affordable units

Sorry for the error!

--aj

Land Use & Transportation Committee, Budget & Finance Committee, BOS (Files 200422, 200423, 200635):

One of the key assumptions of the Balboa Reservoir Project is the concept of Public-Private Partnership in which market-rate housing would be subsidizing affordable

housing.

However, this assumption that the citizenry would benefit substantially from the market-rate units helping to pay for the affordable units is not borne out by information contained in the Economic & Planning Systems, Inc's (EPS) 5/12/2020 Fiscal Feasibility Memo (p. 1247 of 2256-page PDF <https://commissions.sfplanning.org/cpcpackets/2018-007883GPAPCAMAPDVA.pdf>).

Here is a simple summary drawn from the EPS Memo regarding who's actually paying for the affordable units:

Of the 550 affordable units:

- Developer pays for **106** units (\$72.5M- **\$39.5M= \$33.0 Million**) = **19.3%** of 550 affordable units
- State of CA pays for **257** units (**\$79.5** Million) = **46.7%** of 550 affordable units
- City of SF pays for 187 units (\$44.7 Million) = 34.0% of 550 affordable units

So, of the 550 affordable units, **444** units (**80.7%**) will be paid for with public funds, and only **19.3%** will be paid for from "developer equity and project revenues"!

Budget & Legislative Analyst Report, File 18-0163 (3/9/2018)

The Budget & Legislative Analyst's determination of feasibility and responsibility rested on the assumption that, associated with the 550 market-rate units, developer equity and revenue would subsidize 363 affordable units.

The March 2018 Budget & Legislative Analyst's Fiscal Feasibility & Responsibility Report assumes--incorrectly-- that the developer's 363 affordable units would be financed by "developer equity and project revenues."

This assumption is not borne out in fact, based on information contained in the 5/12/2020 EPS Memo.

"Key Points" of the Budget & Legislative Analyst Report's Executive Summary states:

Key Points

- *The Balboa Reservoir is a 17-acre site adjacent to San Francisco City CollegeThe development is approximately 1,100 housing units, of which 50 percent would be market rate and **33 percent would be affordable to low- and moderate-income households, funded by developer equity and project revenues.** The remaining 17 percent of housing units would be affordable housing, funded by City and other sources not yet identified.*

Information provided by the 5/12/2020 EPS Memo shows that the assumption that the developer's 363 affordable units **will not** really be funded fully by developer equity and revenue. The reality is that the developer is expecting its 363 affordable units to be subsidized substantially with public funding.

The EPS Memo estimates that its 363 affordable units to cost \$112.5 Million.

Of the \$112.5 Million cost, the developer expects to pay \$**33.0** Million (**\$72.5M less \$39.5M from CA Statewide Park Program & CA Infill Infrastructure Program**) , and for (**MHP & AHSC**) State grants to pay \$40.0 Million.

In other words, instead of the market-rate units subsidizing 363 units, the State of California will be subsidizing **70.7%** of the developer's responsibility for 363 affordable units.

Of the 550 affordable units:

- Developer pays for **106** units (\$**33.0** Million) = **19.3%** of 550 affordable units @ \$310K/ unit
- State of CA pays for **257** units (**\$79.5** Million) = **46.7%** of 550 affordable units @ \$310K/ unit
- City of SF pays for 187 units (\$44.7 Million) = 34.0% of 550 affordable units @ \$239K/ unit

The Reservoir Project's reliance on \$**79.5** Million in public funds to subsidize **70.7%** **of** the developer's 363 units invalidates the 3/2018 Budget Analyst determination of fiscal feasibility and responsibility because the Report's assumption of "developer equity and project revenues" is untrue.

Do not approve the Reservoir Project.

Do not facilitate this Privatization Scam.

Sincerely,
Alvin Ja, District 7

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARINGS
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO
Sent via U.S. Postal Service

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee of the City and County of San Francisco will hold a remote public hearing to consider the following matters and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: July 27, 2020

Time: 1:30 p.m.

Location: REMOTE MEETING VIA VIDEOCONFERENCE

Watch: www.sfgovtv.org

Watch: SF Cable Channel 26 once the meeting starts, the telephone number and access code will be displayed on the screen.

Public Comment Call-In: <https://sfbos.org/remote-meeting-call>

Subject: Balboa Reservoir Project

File No. 200635. Ordinance amending the General Plan to revise the Balboa Park Station Area Plan, the Recreation and Open Space Element, and the Land Use Index, to reflect the Balboa Reservoir Project; amending the Housing Element in regard to the design of housing for families with children; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making public necessity, convenience, and general welfare findings under Planning Code, Section 340.

File No. 200422. Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

NOTICE IS HEREBY GIVEN THAT the Budget and Finance Committee of the City and County of San Francisco will hold a remote public hearing to consider the following matters and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: July 29, 2020

Time: 10:30 a.m.

Location: REMOTE MEETING VIA VIDEOCONFERENCE

Watch: www.sfgovtv.org

Watch: SF Cable Channel 26 once the meeting starts, the telephone number and access code will be displayed on the screen.

Public Comment Call-In: <https://sfbos.org/remote-meeting-call>

Subject: Balboa Reservoir Project

File No. 200423. Ordinance approving a Development Agreement between the City and County of San Francisco and Reservoir Community Partners, LLC, for the Balboa Reservoir Project (at the approximately 17.6-acre site located generally north of the Ocean Avenue commercial district, west of the City College of San Francisco Ocean Campus, east of the Westwood Park neighborhood, and south of Archbishop Riordan High School), with various public benefits, including 50% affordable housing and approximately 4 acres of publicly accessible parks and open space; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b), and findings of public convenience, necessity, and welfare under Planning Code, Section 302; approving development impact fees and waiving any conflicting provision in Planning Code, Article 4, or Administrative Code, Article 10; confirming compliance with or waiving certain provisions of Administrative Code, Section 6.22 and Chapters 14B, 23, 41B, 56, 82, and 83, Planning Code, Sections 169, 138.1, and 414A, 415, and 422, Public Works Code, Section 806(d), Subdivision Code, Section 1348, and Health Code, Article 12C; and ratifying certain actions taken in connection therewith.

File No. 200740. Resolution approving and authorizing the execution of an Agreement for Sale of Real Estate for the conveyance by the City, acting through the San Francisco Public Utilities Commission, to Reservoir Community Partners, LLC of approximately 16.4 acres of real property in Assessor's Parcel Block No. 3180, Lot 190, located near Ocean Avenue and Frida Kahlo Way, San Francisco, California for \$11.4 million; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the General Plan and the priority policies of Planning Code Section 101.1; authorizing the Director of Property and/or the SFPUC's General Manager to execute the Agreement for Sale of Real Estate and related documents for the sale of the property, including an Open Space License, Promissory Note, Deed of Trust, Amended and Restated Easement Agreement and Deed, Declaration of Restrictions, and Recognition Agreement; and authorizing the Director of Property and/or the SFPUC's General Manager to make certain modifications, and take certain actions in furtherance of this Resolution.

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely and allow for remote public comment due to the Coronavirus -19 pandemic. Therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings or watch them on demand.

PUBLIC COMMENT CALL-IN

WATCH: SF Cable Channel 26, once the meeting starts, and the telephone number and access code will be displayed on the screen; or

VISIT: <https://sfbos.org/remote-meeting-call>

Please visit the Board's website (<https://sfbos.org/city-board-response-covid-19>) regularly to be updated on the City's response to COVID-19 and how the legislative process may be impacted.

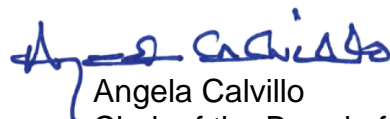
In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearings on these matters may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in these matters and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email (board.of.supervisors@sfgov.org). Information relating to these matters are available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to these matters will be available for public review on Friday, July 24, 2020.

For any questions about these hearings, please contact the Assistant Clerk for the Land Use and Transportation Committee and/or the Assistant Clerk for the Budget and Finance Committee:

Erica Major (Erica.Major@sfgov.org) – (415) 554-4441

Linda Wong (Linda.Wong@sfgov.org) – (415) 554-7719

Please Note: *The Department is open for business, but employees are working from home. Please allow 48 hours for us to return your call or email.*



Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only