

File No. 200807

Committee Item No. _____

Board Item No. 39

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: August 11, 2020

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

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Prepared by: Lisa Lew

Date: August 7, 2020

Prepared by: _____

Date: _____

1 [Preparation of Findings to Reverse the Final Environmental Impact Report Certification –
2 Proposed Balboa Reservoir Project]

3 **Motion directing the Clerk of the Board to prepare findings related to reversing the**
4 **Planning Commission’s certification of the Final Environmental Impact Report**
5 **prepared for the proposed Balboa Reservoir Project.**

6
7 WHEREAS, The proposed Balboa Reservoir Project (“Project”) proposes
8 redevelopment of the Balboa Reservoir site with mixed-income housing, open space, a
9 childcare facility/community room available for public use, on- and off-street parking, and new
10 streets, utilities, and other infrastructure; and

11 WHEREAS, The Project site is owned by the City and County of San Francisco (“City”)
12 under the jurisdiction of the San Francisco Public Utility Commission and is an approximately
13 17.6-acre piece of land, located north of the Ocean Avenue Neighborhood Commercial
14 District, west of the City College of San Francisco Ocean Campus, east of the Westwood Park
15 neighborhood, and south of the Archbishop Riordan High School; and

16 WHEREAS, The City, acting by and through its San Francisco Public Utilities
17 Commission, selected Reservoir Community Partners LLC (a joint venture between BRIDGE
18 Housing Corporation and Avalon Bay Communities), to act as developer and sponsor for the
19 Project; and

20 WHEREAS, The sponsor and City considered two options for the Project’s density: 1.)
21 1,100 residential units, and 2.) 1,550 residential units; both with approximately 1.8 million
22 gross square feet of uses at the site, including 1.3 million to 1.5 million gross square feet of
23 residential uses, 10,000 square feet of community space, up to 7,500 gross square feet of
24 retail, 650 residential parking spaces (option 2) to 1,300 parking spaces (550 residential and
25

1 750 public spaces in option 1), and building heights from 25 to 78 (option 1) or 25 to 88 feet
2 (option 2); and

3 WHEREAS, The Planning Department determined that a Subsequent Environmental
4 Impact Report (hereinafter "SEIR") tiered to the Balboa Park Station Area Plan Environmental
5 Impact Report was required for the proposed Project and provided public notice of that
6 determination by publication in a newspaper of general circulation on October 10, 2018; and

7 WHEREAS, The Draft SEIR was published on August 7, 2019, and circulated to
8 governmental agencies and to interested organizations and individuals for a 47-day review
9 period that started on August 7, 2019, and ended on September 23, 2019; and

10 WHEREAS, The Planning Commission held a public hearing on the Draft SEIR on
11 September 12, 2019, and planning commissioners, organizational representatives, and
12 individual members of the public made oral comments at that hearing; and

13 WHEREAS, The Planning Department prepared a Responses to Comments ("RTC")
14 document, published on April 29, 2020, distributed to the Planning Commission and all parties
15 who commented on the Draft SEIR, and made available to others upon request at the
16 Planning Department offices; and

17 WHEREAS, The RTC included responses to comments on environmental issues
18 received at the Draft SEIR public hearing that was held on September 12, 2019, and in writing
19 during the 47-day public review period for the Draft SEIR, as well as text changes or revisions
20 that were proposed to the Project, in response to comments received or based on additional
21 information that became available during the public review period and that represent a
22 refinement or clarification to the text of the SEIR; and

23 WHEREAS, The comments and revisions addressed in the RTC did not identify new
24 significant impacts or a substantial increase in the severity of previously identified impacts, nor
25 did they identify feasible project alternatives or mitigation measures that are considerably

1 different from those analyzed in the Draft SEIR and that the Project sponsor has not agreed to
2 implement, and no significant new information that would require recirculation of the Draft
3 SEIR under section 21092.1 of the California Environmental Quality Act, California Public
4 Resources Code, Sections 21000 et seq. (“CEQA”), and CEQA Guidelines, Section 15088.5,
5 was identified; and

6 WHEREAS, On May 28, 2020, the Planning Commission, by Motion No. 20731,
7 certified a Final Subsequent Environmental Impact Report (“Final SEIR”) for the proposed
8 Project under CEQA, the CEQA Guidelines, and San Francisco Administrative Code Chapter
9 31, finding that the Final SEIR reflects the independent judgment and analysis of the City and
10 County of San Francisco, that it is adequate, accurate and objective, and contains no
11 significant revisions to the Draft SEIR; and

12 WHEREAS, By letter to the Clerk of the Board by Stuart M. Flashman on behalf of
13 appellants Madeline Mueller, Alvin Ja, and Wynd Kaufmyn (“the Appellant”), received by the
14 Clerk's Office on June 18, 2020, the Appellant appealed the Final SEIR certification; and

15 WHEREAS, The Planning Department’s Deputy Environmental Review Officer, by
16 memorandum to the Clerk of the Board dated July 24, 2020, determined that the appeals had
17 been timely filed; and

18 WHEREAS, On August 11, 2020, this Board held a duly noticed public hearing to
19 consider the appeal of the Final SEIR certification filed by Appellant and, following the public
20 hearing, conditionally reversed the Final SEIR certification, subject to the adoption of written
21 findings in support of such determination; and

22 WHEREAS, In reviewing the appeal of the Final SEIR certification, this Board reviewed
23 and considered the determination, the appeal letter, the responses to the appeal documents
24 that the Planning Department prepared, the other written records before the Board of
25 Supervisors and all of the public testimony made in support of and opposed to the appeal; and

1 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
2 conditionally reversed the Final SEIR certification, subject to the adoption of written findings of
3 the Board in support of such determination, based on the written record before the Board of
4 Supervisors as well as all of the testimony at the public hearing in support of and opposed to
5 the appeal; and

6 WHEREAS, The written record and oral testimony in support of and opposed to the
7 appeal and deliberation of the oral and written testimony at the public hearing before the
8 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
9 the Final SEIR certification is in the Clerk of the Board of Supervisors File No. 200804 and is
10 incorporated in this motion as though set forth in its entirety; now, therefore, be it

11 MOVED, That this Board of Supervisors directs the Clerk of the Board to prepare the
12 findings specifying the basis for its decision on the appeal of the Planning Commission's
13 certification of the Final SEIR for the project.

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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