

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

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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

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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

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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 ⓘ 🏠 🏠 🏠 • 🔊 🔕 📶 🔋

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](#)

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

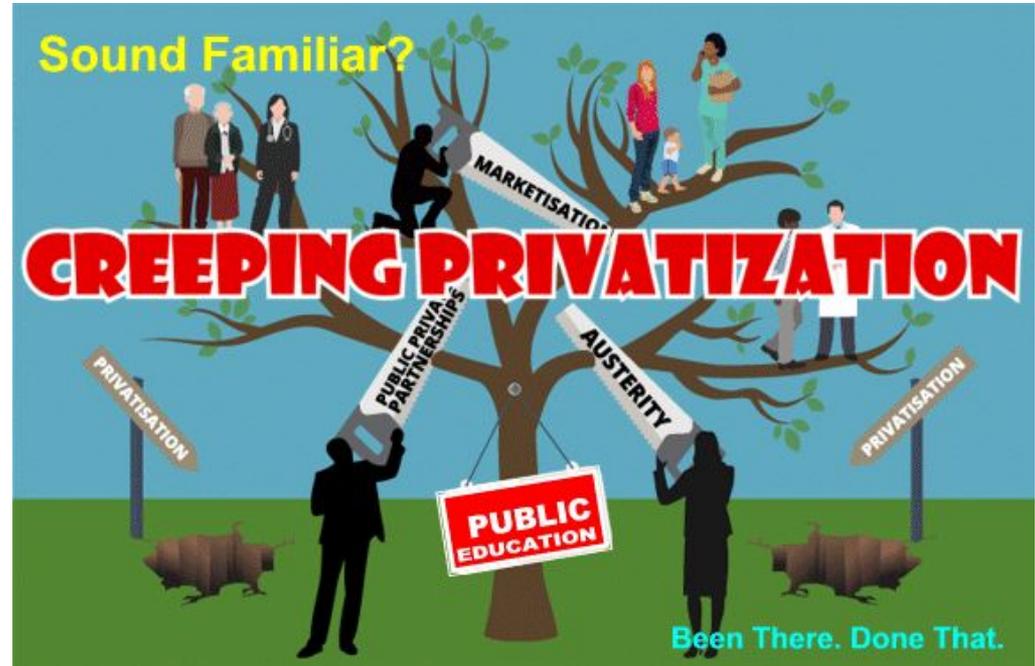
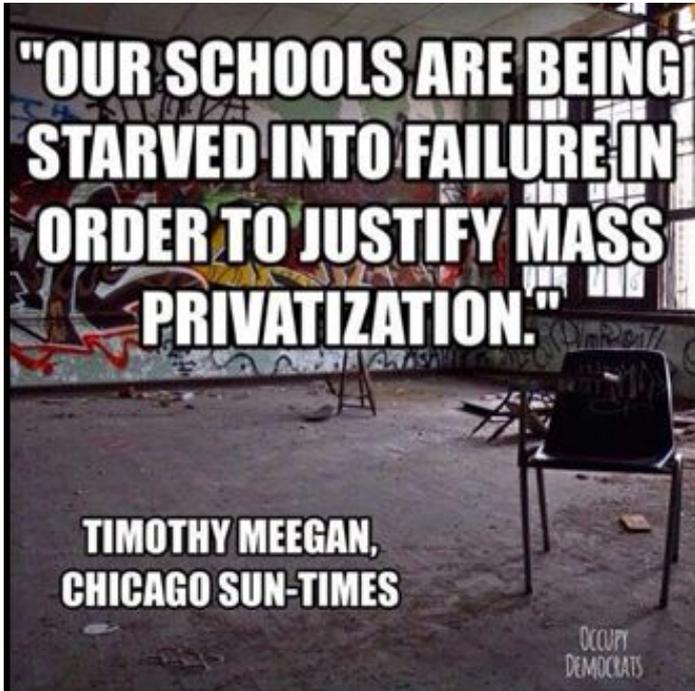
Attached is a City College stakeholder presentation.

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

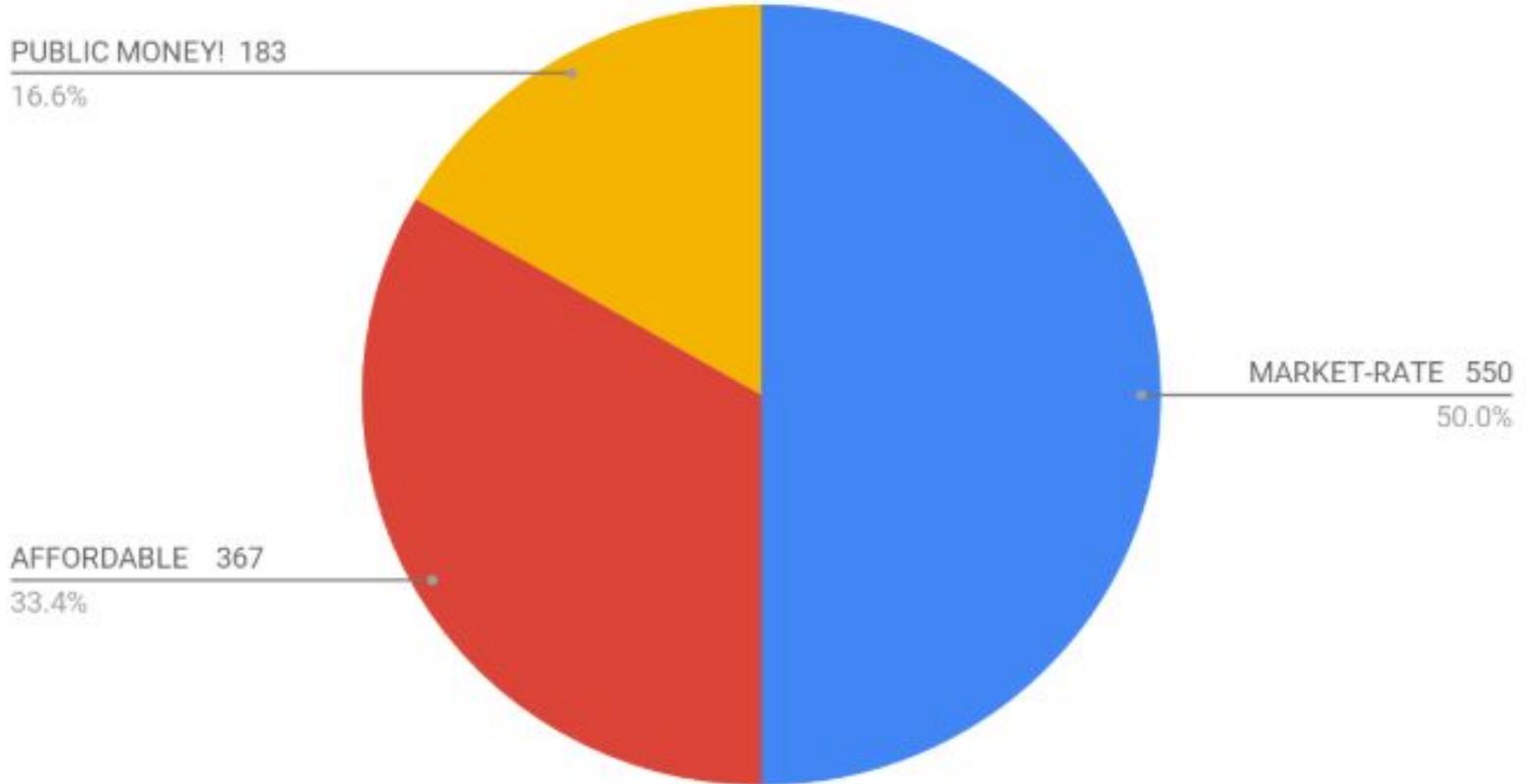
The reality is that public land (probably to be sold for cheap!) will be subsidizing 550 market-rate units.

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

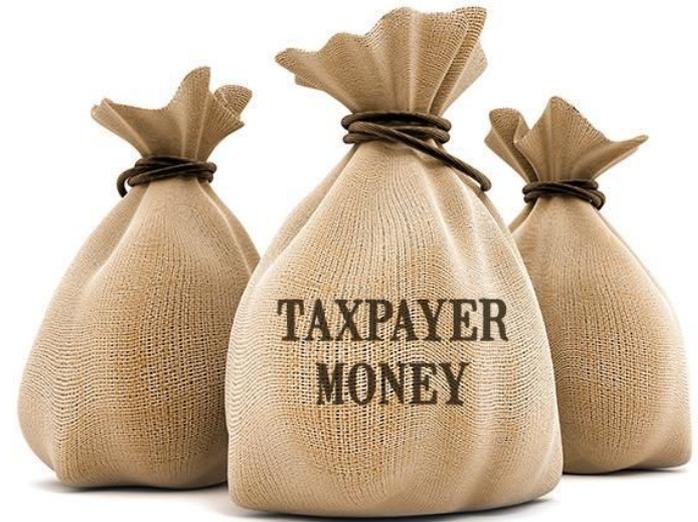


THE REALITY

Residential Units



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?



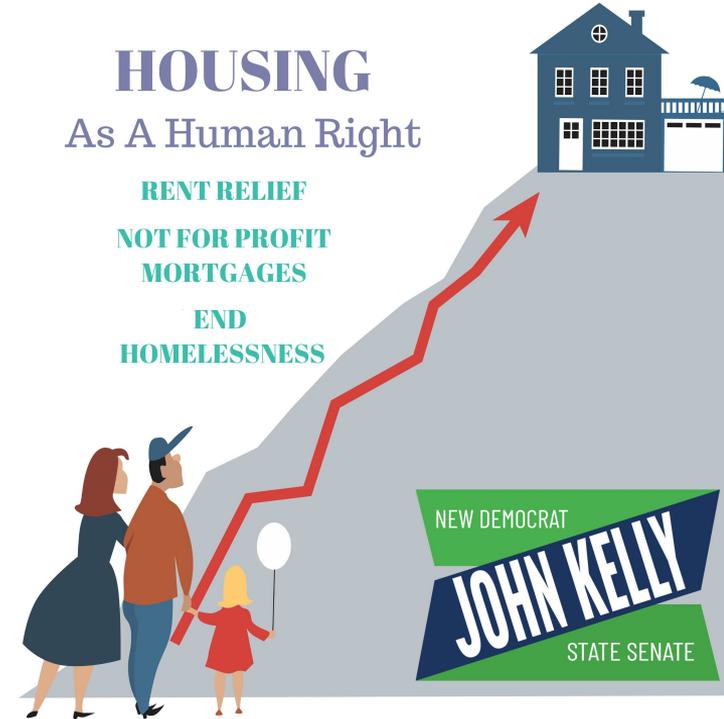
MAIN REASON FOR HOUSING SHORTAGE

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."

○ **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



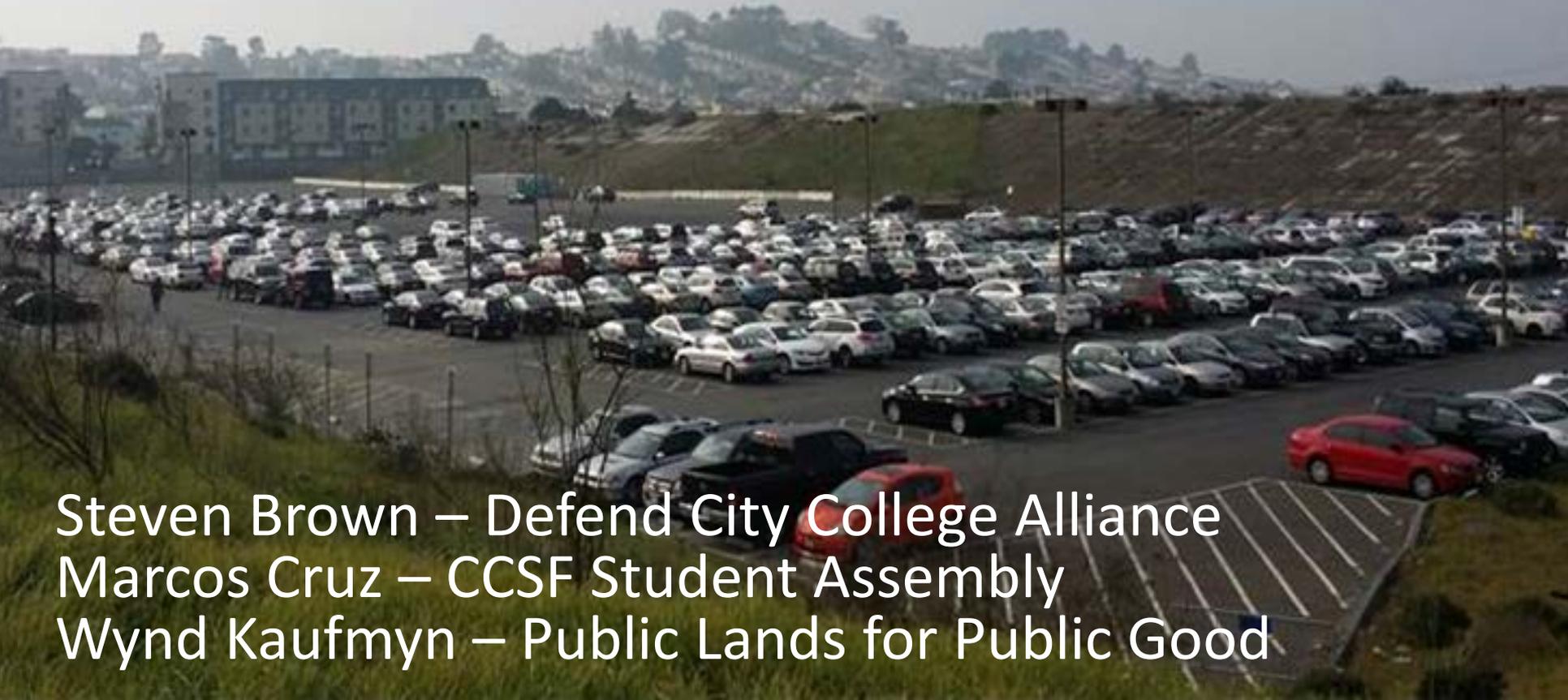
SF Planning Commission

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)

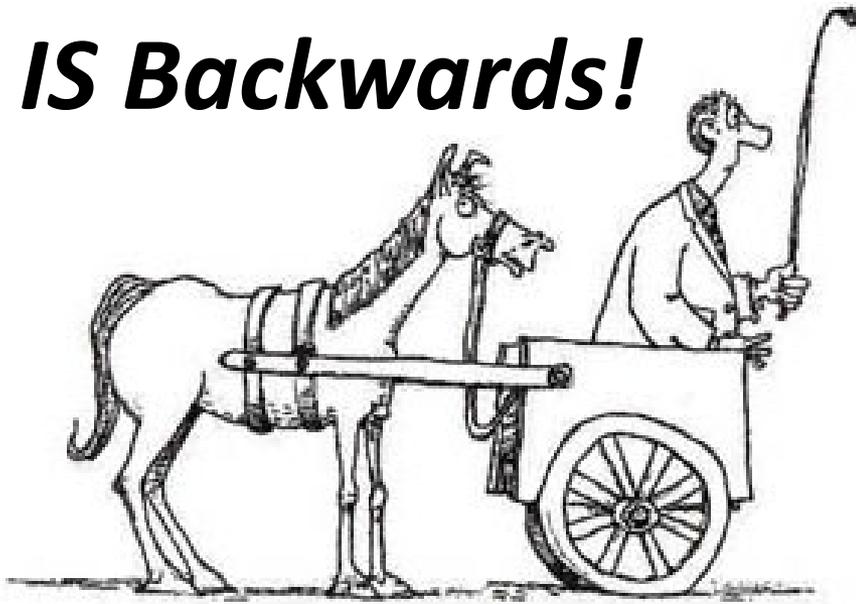
Any proposed development in the area of the BPS should conform with these plans.

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%**



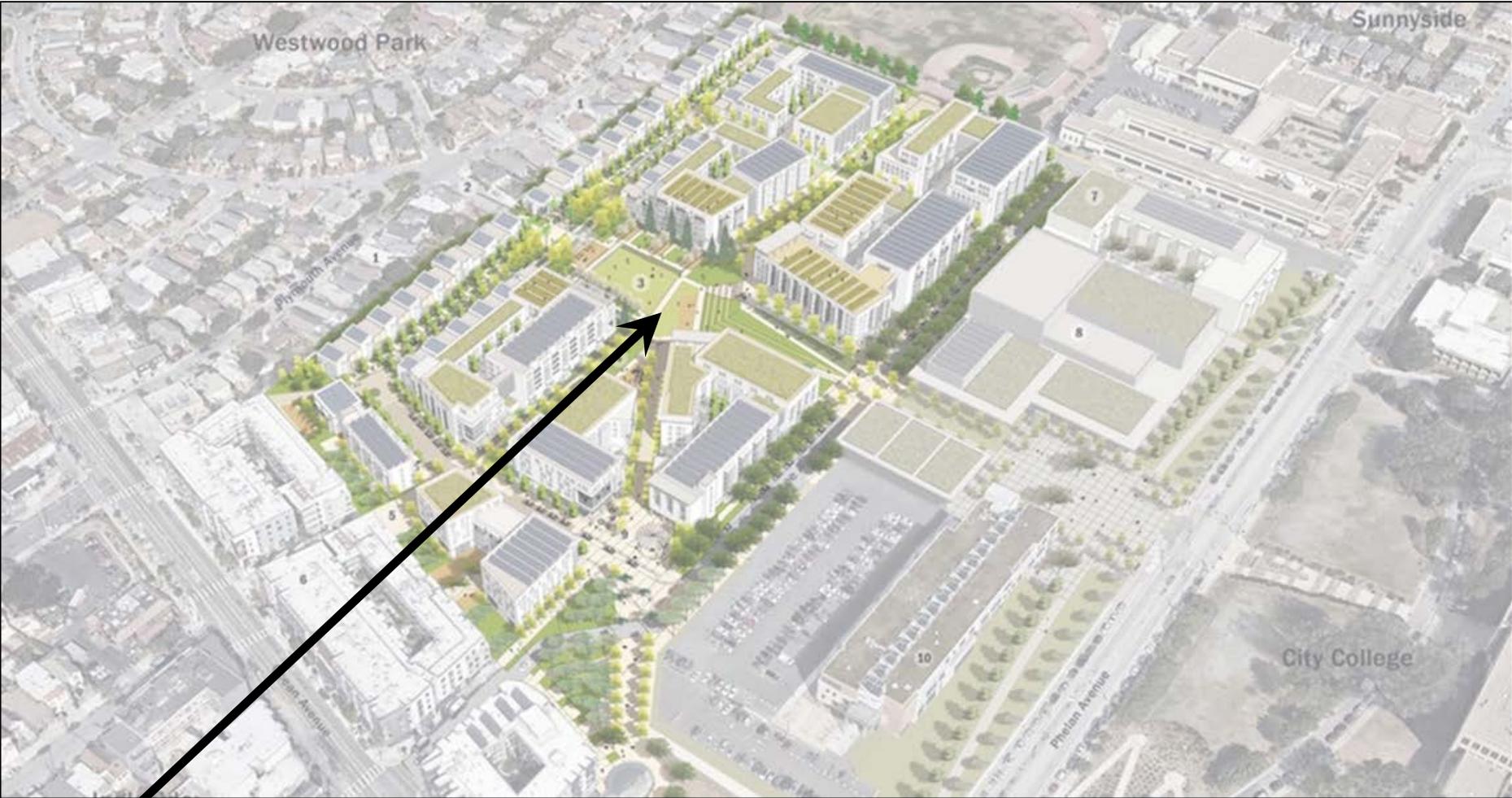
Open Space Improvements

- ↔ 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

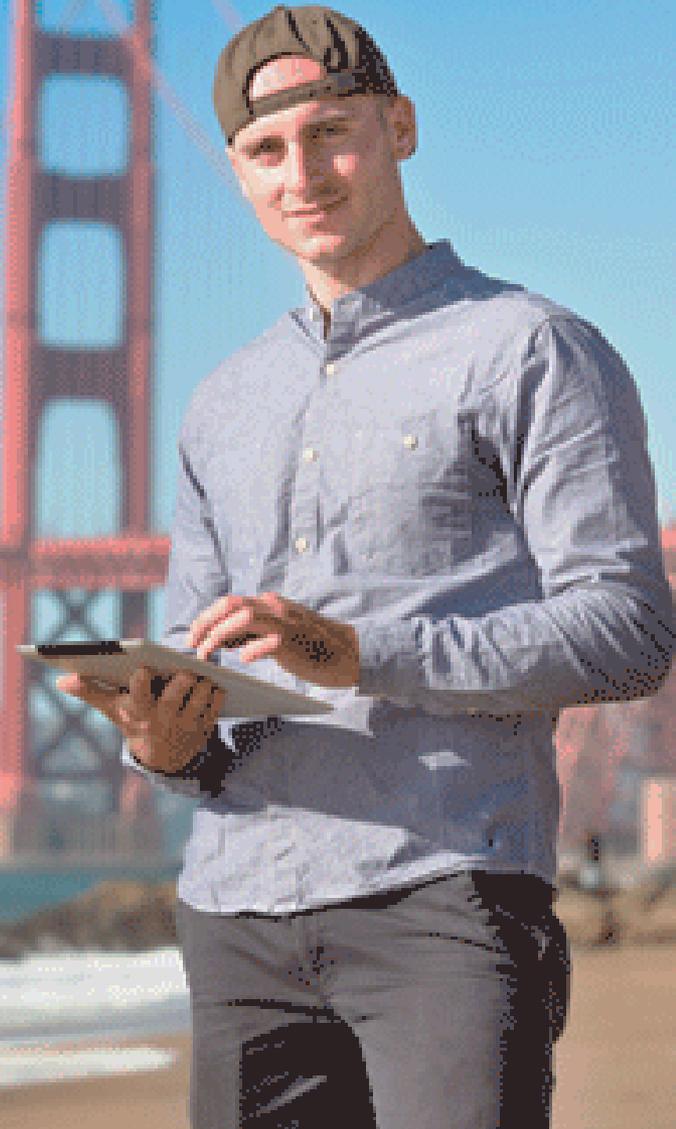
Of the proposed 1100 units, 550 (50%) will be market-rate and only 363 (33%) units from developer will be affordable.

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



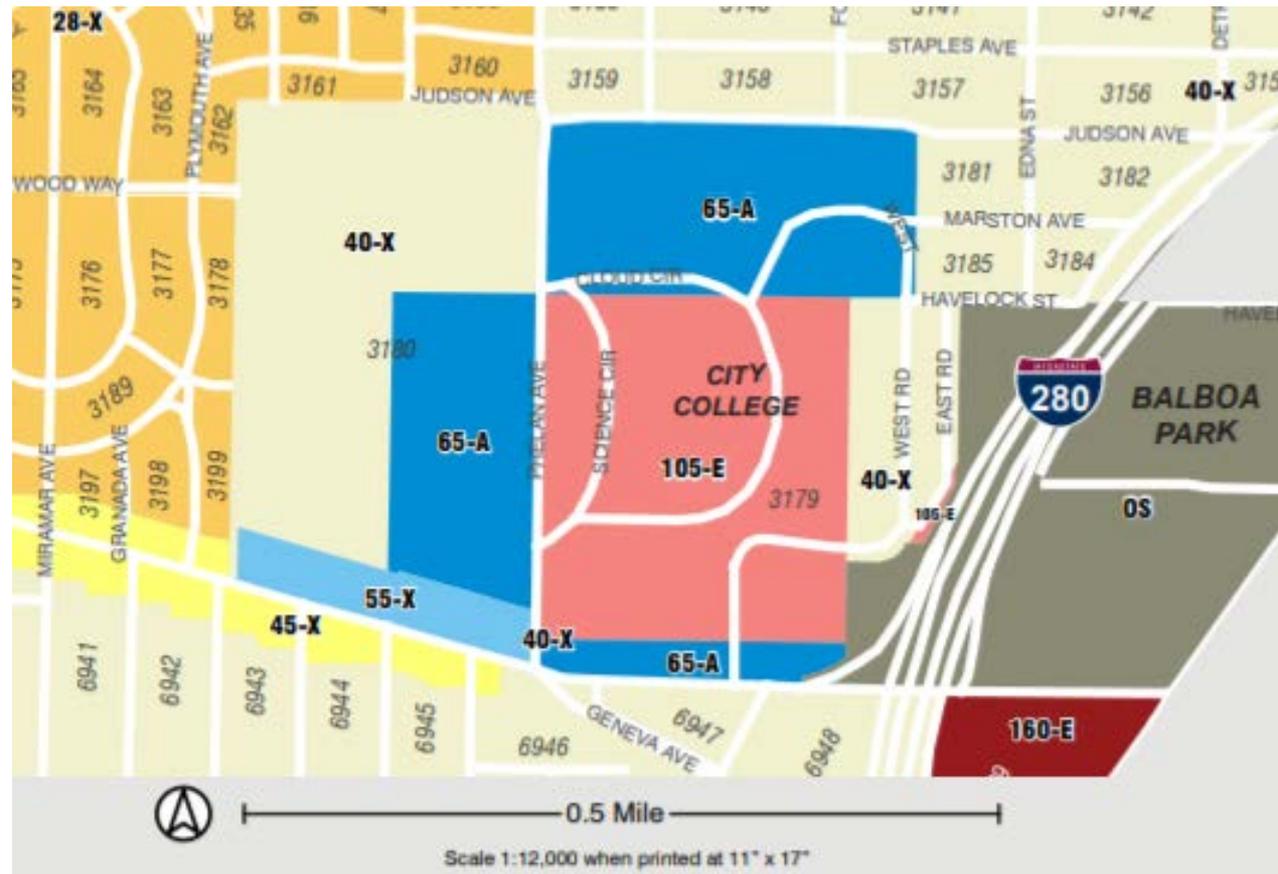
The biggest barrier to affordable housing construction is the price of land. Irreplaceable public land should not be turned over to private developers.

Amendments to the Height Limits

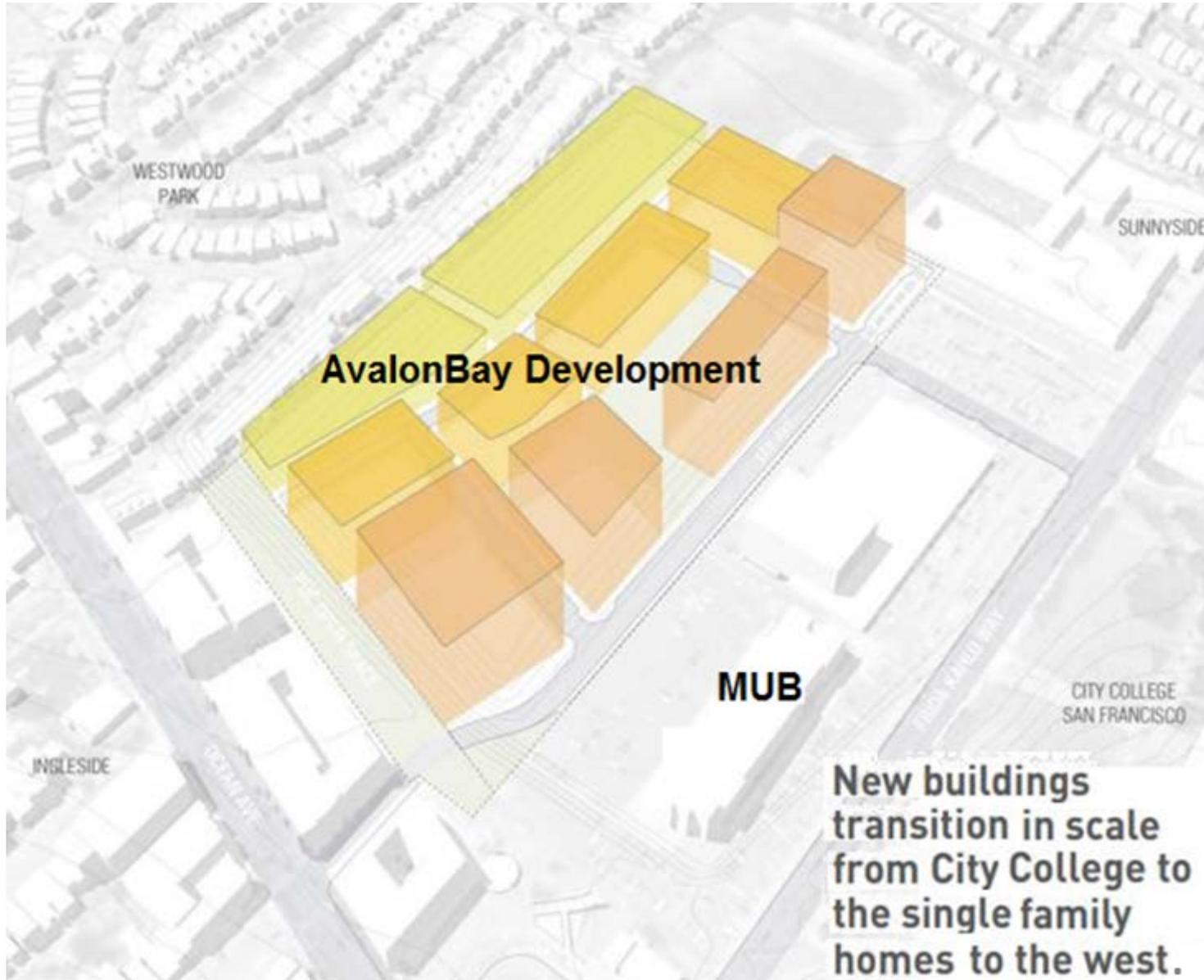
Planning Dept Staff asserts that the current PUC Reservoir bulk-height zoning is 40-X and 65-A.

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

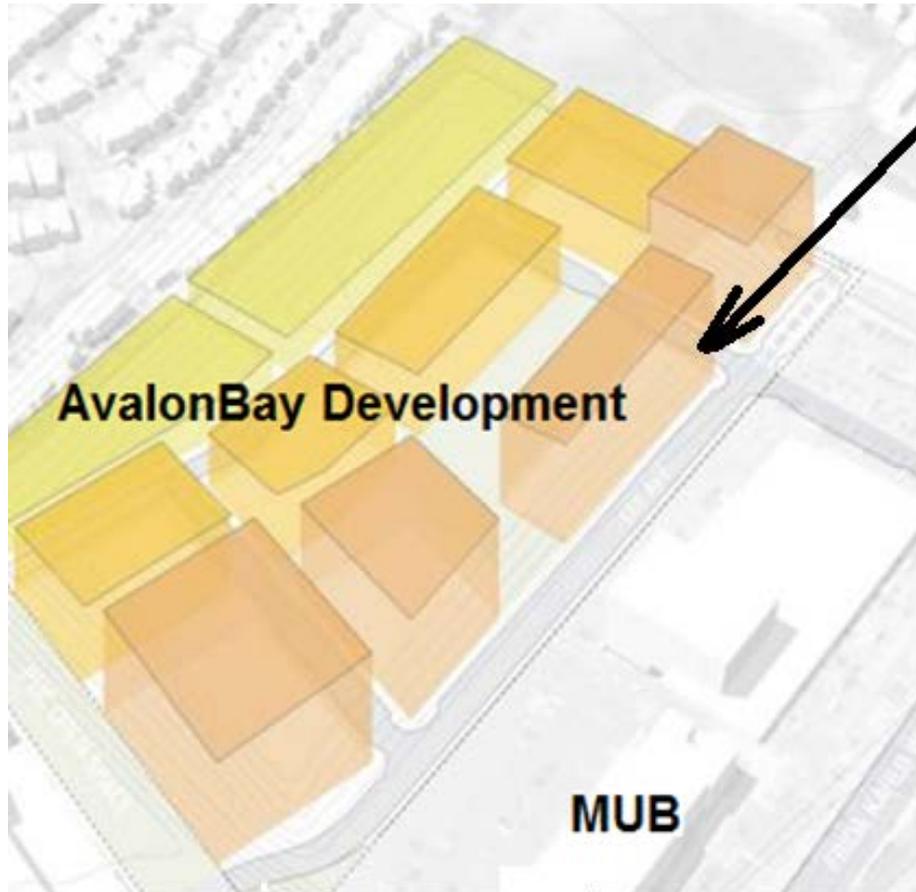
As shown in this Zoning Map, the 65-A zoning applies *solely* to the CCSF Reservoir; not to PUC Reservoir.



Avalon's Proposal: **The Hype**



Avalon's Proposal: **The Reality**

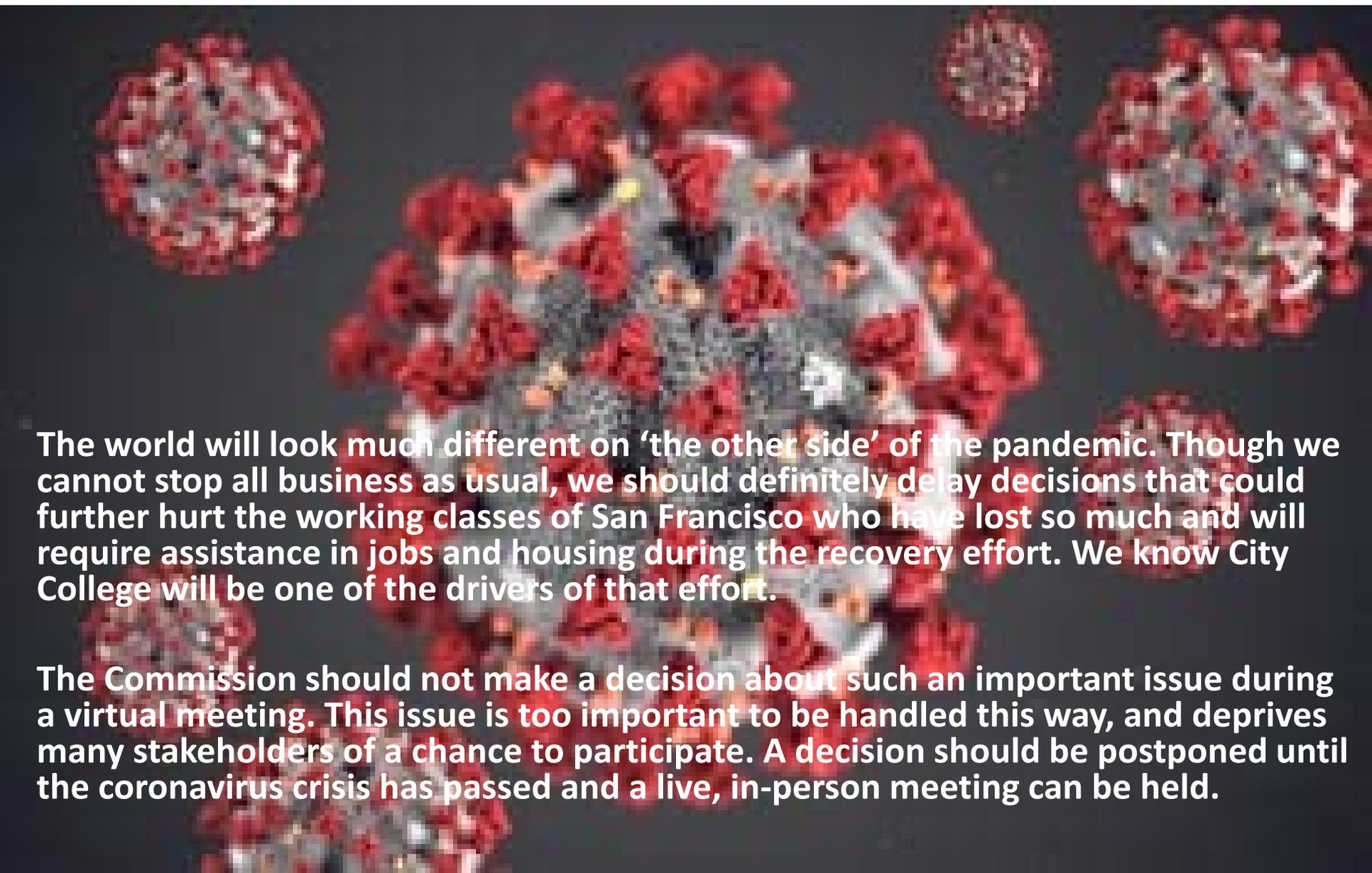


These buildings are almost 3 times higher than MUB

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.

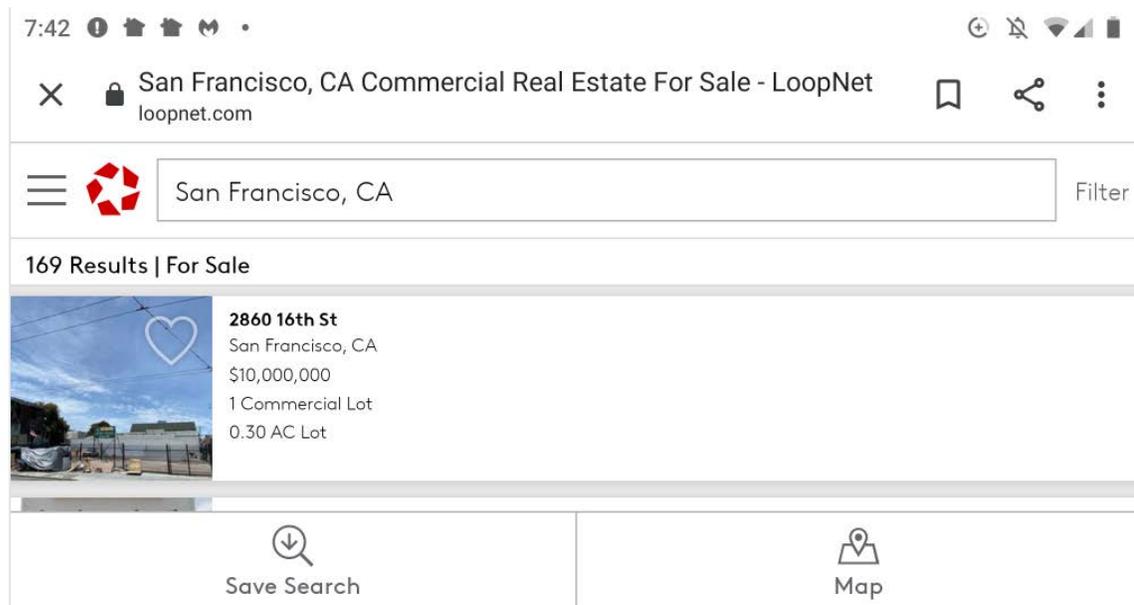
From: [aj](#)
To: [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#); [Maybaum, Erica \(BOS\)](#); [Hood, Donna \(PUC\)](#); [jdineen@sfcchronicle.com](#)
Cc: [Public Lands for Public Good](#); [ccsfheat@gmail.com](#); [CCSF Collective](#); [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](#)

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

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.

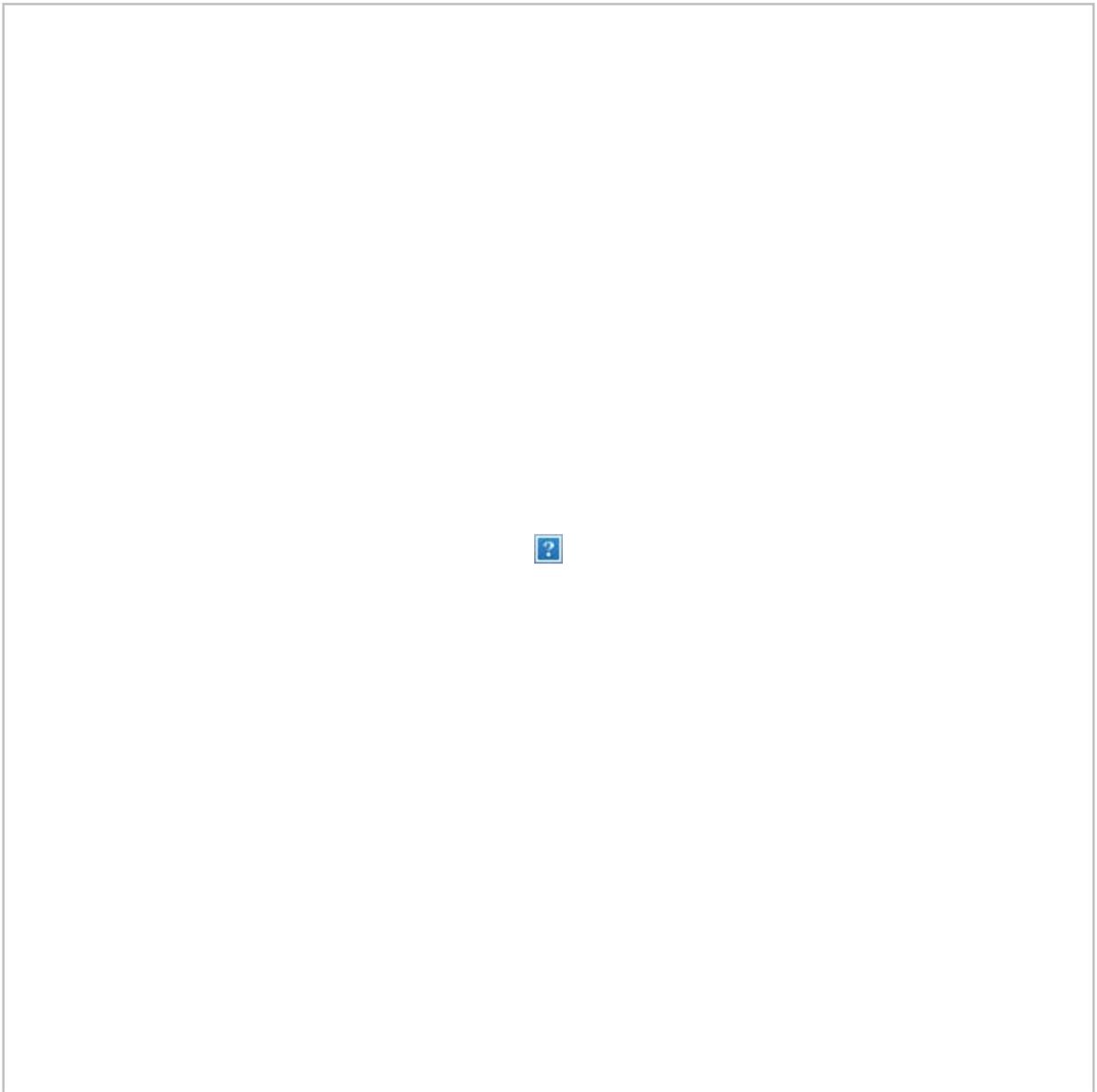
But, whether intentionally or not, they did reveal the estimated valuation for the 17.6 acre Reservoir lot.

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

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

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

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

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](#)

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

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

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

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

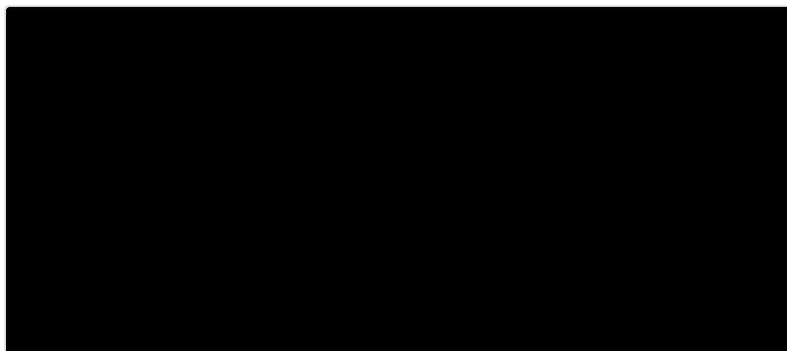
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Reservoir Project--EPS Feasibility Memo Profit-Loss Sheet

Sheet1 REVENUE (Sources) ...

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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.

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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.
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Sincerely,

Alvin Ja, District 7

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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

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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:

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 (16.4 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.
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@sfgov.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

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

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:

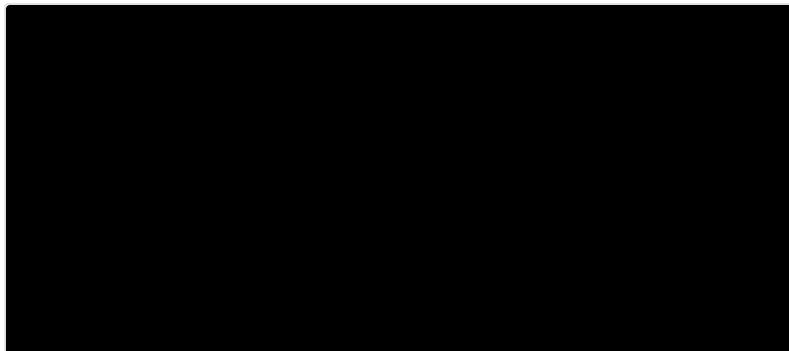
Contrary to "permanently affordable in perpetuity" the Development Agreement's Exhibit D 'AFFORDABLE HOUSING PROGRAM' states:

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

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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