From:	aj
To:	Board of Supervisors, (BOS); Lew, Lisa (BOS); Wong, Jocelyn (BOS)
Subject:	Doc 1. for EIR certification appeal--Impact on City College (File 200804)
Date:	Saturday, August 1, 2020 3:07:31 PM
Attachments:	Comment 14d- TDM NON SEQUITUR.pdf

BOS:

You will be judging the adequacy and objectivity of the Reservoir EIR on 8/11. I only ask that you judge impartially based on merit.

On 8/8/2019, I had submitted a comment regarding the Project's impact on City College. Please consider the following:
1. 8/8/2019 aj comment on draft EIR
2. Response To Comment (RTC)
3. Inadequacy of response: In **red** within body of "2. RTC"

1. 8/8/2019 aj COMMENT

Comment on Reservoir Draft EIR:

The Draft EIR concludes that loss of parking for City College would be "less than significant, and no mitigation measures are necessary."

It says: "Furthermore, it would be speculative to conclude that the loss of parking would lead to substantial adverse impacts..."

Yet to justify the "less than significant" determination, the Draft EIR itself relies on the speculation that "likely, the shortfall in parking supply would cause some drivers to shift to another mode of travel, Others to rearrange their shcedule to travel at other times of day..."

The draft EIR avoids assessing the possibility that students might stop attending CCSF.

And, as predicted, TDM/Sustainability Program is trotted out as justification: "The City College sustainability plan has a performance objective to reduce automobile trips, with which the removal of parking at the project site would not conflict."

The following had been submitted during the Scoping period before the City College Fehr& Peers TDM Plan came out. My October 2018 submission refers to the Nelson/Nygaard Balboa Area TDM, but the comment still pertains.

The DEIR's assumption of the success of TDM to obviate student parking is purely speculative.

DEFICIENT MITIGATIONS FOR ADVERSE IMPACTS ON PUBLIC SERVICES OF SCHOOLS, TRANSIT

1. SCHOOLS, ESPECIALLY CITY COLLEGE

There are many schools in the surrounding area: City College, Riordan, Sunnside, Aptos, Lick Wilmerding, Denman, Balboa.

City College is a commuter school. City College students, faculty, and staff commute to school. According to a CCSF Ocean Campus Survey conducted in May 2016, these City College stakeholders—in addition to those using public transit (42%) and walking/biking (9.4%), 45.7% commuted by car.

The mission of any school is to provide education. But if access to an institution is made difficult, the goal of providing education will be curtailed due to impaired physical access.

Although reducing car usage in general is a commendable goal, the Reservoir Project's elimination of the baseline environmental setting of the 1,000-space student parking lot will have the undesirable effect of discouraging enrollment at City College.

The interests of students, faculty, and staff will inevitably be harmed by the Reservoir Project. Unless willfully blind, the 1100-1550 unit Reservoir Project will obviously create significant adverse impact on the public service provided by the area's schools, especially City College.

<u>Transportation Demand Management As Mitigation</u>

From the beginning of the Reservoir Project's public engagement process, The City Team had already substantively disregarded community concern about parking and transportation. Disregard for community concerns regarding parking and circulation was due to the realignment in the assessment of Transportation from Level of Service (LOS) to Vehicle Miles Travelled (VMT). The City Team has relied on the interpretation of parking and circulation impacts to merely be social and/or economic effects not covered by CEQA.

Consequently, the City Team ponied out a Balboa Area Area TDM Framework in response to community concern. The City Team misled the public by giving the impression that it would be an objective study of parking and circulation issues. But in reality the result was a foregone conclusion. The SFCTA contract specified the parameters of this study: "*The Planning Department and SFMTA are proposing a Transportation Demand Management (TDM) study in coordination with CCSF Ocean Campus to reduce single-occupant vehicle trips by college staff, faculty, students, and neighborhood residents.*"

In other words, the burden of dealing with the adverse impacts on City College and the neighborhoods of 2,200 to 3,100 new adult Balboa Reservoir residents would be shifted onto the victims.

The Nelson-Nygaard TDM Framework will undoubtedly be brought forth as support for TDM as appropriate mitigation.

The Nelson-Nygaard TDM Framework fails to rise to the standard of providing substantial evidence that TDM would be able to resolve the effects of lost student parking on student enrollment.

The Nelson-Nygaard TDM Framework, lacking substantial evidence of its efficacy, falls back on speculation and wishful thinking. Its dubious evidence in support of the efficacy of a TDM solution for City College are a couple case studies: University of Louisville's Earn-a-Bike Program and Santa Monica College's Corsair Commute Program which provide financial incentives for using sustainable transportation.

NO EVIDENCE IS PROVIDED THAT A SIMILAR FINANCIAL INCENTIVE PROGRAM WOULD SUCCEED IN MAINTAINING ENROLLMENT AT CITY COLLEGE.

Please refer to the attached critique of the Nelson-Nygaard TDM Framework entitled "Balboa Reservoir's TDM Non Sequitur" (attached) and enter it into the Administrative Record, as well.

<u>Impact on Public Service of City College and Other Schools</u>
From my 10/11/2018 submission "Comment on Balboa Reservoir NOP re: "Summary of Potential Environmental Issues":
Although 21099 exempts parking adequacy as a CEQA impact "for the (Reservoir Project itself) project", 21099 does not exempt the secondary parking impact on CCSF's public educational service to students from assessment and consideration.

Student parking, being the existing condition and setting, cannot be be bypassed by extending 21099's parking exemption onto the elimination of the public benefit of providing access to a commuter college.

The proposed Reservoir development has forced City College to include in its Facilities Master Plan 2-3 new parking structures to make up for the loss of existing parking in the PUC Reservoir. This is the secondary [physical--aj] impact that must be addressed in the Subsequent EIR.
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2. RESPONSE TO COMMENT (quoted)

The draft SEIR adequately addresses the direct and indirect impacts of the project. The CEQA Guidelines Appendix G question for public services, with respect to educational facilities, asks whether the project would "result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts,
in order to maintain acceptable service ratios, response times, or other performance objectives for … schools…."

This question is perhaps best looked at as a two-part question:
1. Would there be any change, as a result of the project, in a public agency's ability to "maintain acceptable service ratios, response times, or other performance objectives for … schools…?"
2. If the answer to the above inquiry is or could be yes, the second part of the Appendix G question asks whether "the provision of new or physically altered governmental facilities [or the] need for new or physically altered governmental facilities" would "result in substantial adverse physical impacts" or if "the construction of [such facilities] could cause significant environmental impacts."

Question a): As discussed on draft SEIR Appendix B, p. B-90, the City College sustainability plan has a performance objective to reduce automobile trips, with which the removal of parking at the project site would not conflict. City College does not have performance objectives or other standards related to the provision of parking, except insofar as it seeks to reduce automobile trips, which would serve to decrease parking use. **This avoids mention of the performance objective of student education.**

The draft SEIR states that the hypothetical shortfall in parking supply "would cause some drivers to shift to another mode of travel," among other things such as rearranging travel or parking elsewhere. Studies show that the removal of parking would likely cause some drivers to shift to another mode of travel; thus, the information in the draft SEIR regarding this shift is based on substantial evidence.
A general citation of "Studies show" does not constitute substantial evidence. The SEIR suggests that the shift to other modes due to TDM measures would be sufficient to mitigate the loss of parking. Although TDM will cause a shift in mode of travel, the "studies show" argument cannot support the idea that TDM would adequately offset loss of parking as it relates to student access to education.

Contrary to the RTC's response, City College's Fehr-Peers TDM & Parking Analysis states:

> ***Time and Convenience are Key Drivers of Behavior: Among all populations, but particularly employees, the amount of time spent commuting is a key consideration in making travel choices... Overcoming this barrier is difficult, and will require proactive outreach and marketing. Even so*** [with TDM measures--aj] ***, a substantial share of the population will likely continue to drive, even if parking becomes less readily available.*** **-- aj**

Inasmuch as the PEIR identified no significant effects on public services and the draft SEIR Appendix B concludes that public services impacts would be less than significant, this topic—Public Services—would have no new significant impacts or no substantially more severe significant impacts than those previously identified in the PEIR.
The PEIR, as a program-level EIR, did not address impact of the Reservoir

Project on City College and other neighboring schools. This was because the PEIR had relegated the Reservoir Project to be a "Tier 2 Long-term" project. As such, the Reservoir Project is only given superficial treatment in the PEIR. And as such, the SEIR Appendix B conclusion of "*this topic—Public Services—would have no new significant impacts or no substantially more severe significant impacts than those previously identified in the PEIR.*" is a circular, tautological argument. --aj

Sincerely,
Alvin Ja, appellant

BALBOA RESERVOIR'S TDM NON SEQUITUR (5/23/2017)

Nelson-Nygaard's "Balboa Area Transportation Demand Management (TDM) Plan: Existing Conditions" is available at http://default.sfplanning.org/plans-and-programs/planning-for-the-city/public-sites/balboareservoir/Nelson_Nygaard_Balboa_TDM-Existing_Conditions_Memo.pdf

IDENTIFYING TRANSPORTATION NEEDS FOR BALBOA PARK AREA

The Nelson-Nygaard TDM Report reports on existing conditions. Using a variety of resource materials and data, the Report, in the main, accurately describes the existing conditions.

This section of the Report correctly identifies "limited roadway space, transit infrastructure, and financial resources" as problems. Yet despite the obvious fact that the elimination of student parking and new Reservoir residents will increase demand placed on limited transportation resources, the Balboa Reservoir Project Team proposes no amelioration for adverse impacts other than TDM.

The TDM Plan/solution is not a logical outcome of an objective analysis of fact, evidence and common sense. The proposed TDM Plan is a pre-ordained, ideologically-driven solution. It is based on hope, wishful thinking and generalities; not on fact and evidence.

The 4/13/2016 TDM presentation to the Reservoir CAC followed the "logic" of the non sequitur.

The TDM Report's shortcomings are significant. Here is an attempt to point out such shortcomings and their negative implications and consequences.

LAND USE

The Report's very first paragraph in the "Land Use" section describes City College in one sentence: *"The CCSF Ocean Campus, zoned as public space, is located at the center of the study area and provides publically-accessible sports facilities."*

- **The Report's characterizes CCSF as only being a provider of "publicly-accessible sports facilities." This characterization undermines and ignores CCSF's primary importance as a critical provider of educational services to the broader Bay Area community.**

  It leads to minimizing the need for the Reservoir Project to mitigate its adverse impacts on CCSF enrollment and attendance.

  The Report itself admits that the "*information presented herein …essentially "sets the stage" for what TDM strategies and supporting measures will be considered… "*

MY CONCLUSION: The Land Use section of the Report sets the stage to downplay adverse impacts to CCSF's educational mission.

MULTIMODAL CONDITIONS

"Multimodal conditions" is fancy jargon for various modes of transportation. The four modes of transportation examined in the Report are walking, biking, public transit, and driving.

Walking

Highest pedestrian activity during AM and PM peak (rush) hours were at:

- Balboa Park BART entrance on Geneva near San Jose Avenue (**over 500** pedestrians/peak hours counted or modeled)
- Ocean Avenue CCSF entrance (Wellness Center) at Howth (**over 500** pedestrians/peak hours counted or modeled)
- Ocean/Phelan (**201-500** pedestrians)

Biking

Highest bike activity during AM peak (rush) hours [PM Peak bike counts/modeling were substantially lower] were at:

- Geneva/San Jose (**over 40** bike riders)
- Monterey/Congo (**30-39** riders)
- Ocean/Phelan (**20-29** riders)
- Ocean/Howth (**20-29** riders)

Transit

MUNI passenger data from SFMTA was only modeled for the MUNI Metro K line with no boarding data for the rubber tire lines.

K-line Peak hour boardings:

- Ocean/Lee (**501-1000** riders)
- Ocean/Phelan (**251-500** riders)

Driving

Highest auto activity:

- Ocean Avenue east of Phelan (**over 20,000** vehicles)
- Ocean Avenue west of Phelan (**17,500- 20,000** vehicles)
- Geneva Avenue west of Phelan (**12,500- 15,000** vehicles)
- Phelan Avenue south of CCSF entrance (**10,000- 12,500** vehicles)
- Phelan Avenue north of CCSF entrance and onto Judson (**less than 10,000** vehicles)

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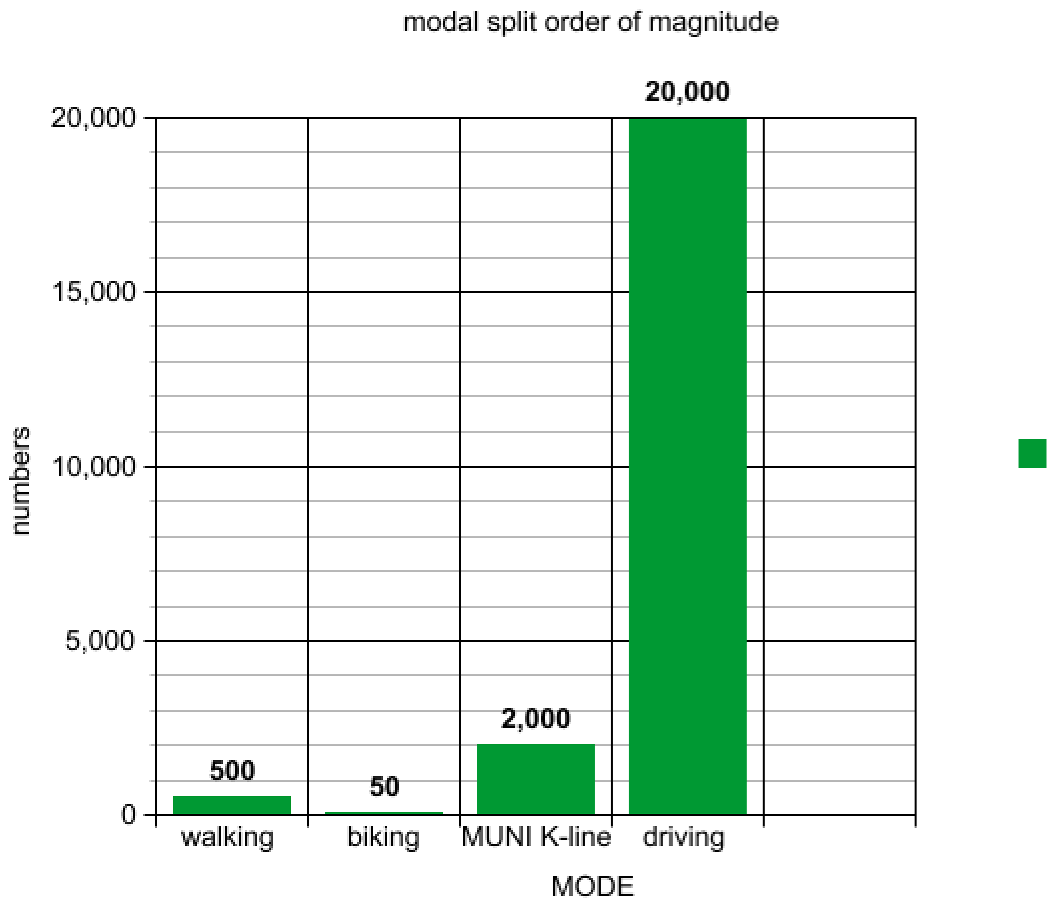
Modal split order of magnitude

Sensible use of the data contained in the TDM Report requires an understanding of the order of magnitude of the various modes:

- Walking is on the scale of 500 max (walkers also include transit users and drivers who have to walk to reach their final destinations)
- Biking is on the scale of 50 max
- MUNI Metro K line is on the scale of 2000
- Driving is on the scale of 20,000



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After providing a picture of the general traffic patterns for the Balboa Park Area, the Report continues on to address "CCSF Ocean Campus Vehicle Trip Generation." The Report accurately states that the Ocean Campus "is a major generator of person and auto traffic in the Balboa Area."

- **That the Ocean Campus is a major generator of traffic is an indisputable truth. However no context is provided regarding this truth. Without providing context, the implication Is that people who drive to CCSF harm society.**

  What is the unstated appropriate context? The appropriate context is that the people who drive are going to a destination to learn, teach and support the educational needs of society.

The Balboa Reservoir has utterly failed to weigh the trade-offs involved between the educational needs and housing needs of the community.

More importantly, although this is an existing conditions report, the Report fails to mention the future trip generation that the Reservoir Project itself will add to the TDM Study Area.

COMMUNITY ENGAGEMENT/SURVEYS

In the build-up to the Iraq War, the head of British Secret Intelligence Service (M16) recorded in the 'Downing Street Memo' how the war could be justified to the public: *"... the intelligence and facts were being fixed around the policy."*

The Balboa Reservoir Project does something similar. To its credit, the Nelson-Nygaard Report presents legitimate surveys of the neighboring community. But the survey data is not used to objectively formulate conclusions regarding transportation and parking. Rather, the solution/policy had already been fixed. To its credit, the Report admits:

> " the survey findings also assessed peak utilization rates. They indicated that, during the midday period, five off-street parking lots at CCSF Ocean Campus experience peak utilization that are above the average peak parking demand. For example, the survey findings indicated that Res. 1 and Lots A, H, S, U all experience peak parking occupancies between 98% and 100%. Therefore, on any given day, the majority of employee-only lots and the student lot (Res. 1) are completely full during the midday period. The weekday peak parking utilization for Res. 2 Lot was 9%."

The policy of TDM had already been fixed, prior to, and regardless of the evidence contained in the surveys that were conducted subsequent to the TDM policy decision.

THE TDM NON SEQUITUR

The City Team, instead of formulating the Development Parameters based on evidence and data, had *a priori* concluded that TDM is the solution to adverse impacts that would be generated by new Reservoir residents and by the eviction of student parking.

TDM is a legitimate part of an overall Transportation Sustainability Program for the City as a whole. However, TDM as applied to the proposed Balboa Reservoir Project is not a suitable or realistic solution. TDM in the context of Balboa Reservoir will not be able to solve the problem of student access to education created by the Development Parameters. Nor will TDM measures be able to meaningfully solve transportation and parking problems generated by the Project.

Based on the survey results, TDM is a non sequitur:

CCSF TRANSPORTATION SURVEY

The most telling question in the CCSF Transportation Survey was: "**When choosing how you typically travel to/from CCSF Ocean Campus, what are you most concerned about?**"

The question listed the valid concerns of cost, distance, travel time, arriving on time, and comfort/safety of trip for CCSF stakeholders.

· "Travel time" and "Arrival on time" were overwhelmingly most important concerns (90% and 73.2 % respectively)

Most of us want to be "green" and support the idea and practice of walking, biking and public transit. However the response to **"What would encourage you to use other transportation modes? (select all that apply")** is grounded in the real-world needs of CCSF stakeholders.

Overwhelmingly, the most important consideration for respondents was "reducing travel time." That efficient use of time is important should not be surprising to the City Team.

The CCSF Ocean Campus Transportation Survey results just confirm common sense. The survey confirms the common sense input that ordinary citizens have been trying to communicate to the Mayor's Office and Planning Department to little effect—because the City Team's "sustainable" Transportation Demand Management (TDM) "solution" had been pre-ordained in contradiction and opposition to the real world lives of CCSF and neighborhood stakeholders.

TDM is the City Team's solution for transportation and parking problems that will be generated by the Balboa Reservoir Project. According to Planning Department's Transportation Sustainability Program, "*TDM is the "Shift" component of the Transportation Sustainability Program. A series of development focused TDM measures incentivize on-site amenities intended to provide sustainable alternatives to driving – or "shifting" people's usual practice of driving alone in their cars – by providing residents, business tenants, and visitors with sustainable alternative travel options."*

However, instead of just applying TDM measures to the beneficiaries ("residents, business tenants, and visitors") of the Balboa Reservoir Project, the City Team has shifted the brunt of the application of TDM to the pre-existing stakeholders of CCSF, Riordan, Sunnyside Elementary, St. Finn Barr, Lick Wilmerding, and the Ingleside, Westwood Park and Sunnyside neighborhoods.

No matter how the City Team tries to convince the public that its TDM Study will be comprehensive in nature, the fact remains that TDM is self-defined within its own parameters. The Reservoir Project's TDM solution is straightforwardly documented: *"The Planning Department and SFMTA are proposing a Transportation Demand Management (TDM) study in coordination with CCSF Ocean Campus to reduce single-occupant vehicle trips by college staff, faculty, students, and neighborhood residents."*

One of the components of the City's Transportation Sustainability Program is "Shift." The idea is to shift car drivers onto other more sustainable modes of transportation. However, in the Balboa Reservoir context, "shift" has another more important meaning.

The different and more important real-world meaning of "shift" is: shifting the burden of mitigation of CEQA-related adverse impacts onto school stakeholders and neighborhood residents. This is unacceptable.

COMMUNITY SURVEY (Dept of Environment)

The section on the Community Survey conducted by the Dept of Environment highlighted two survey questions. The two questions pertained to the Existing Mode Split and to "Willingness to Try Different Modes of Transportation."

The main concept of TDM is to get car drivers to walk, bike and take public transit. However the Nelson-Nygaard Report failed to show survey results for a critical question that would show the likelihood of

respondents changing mode of travel. The Report does not show the survey results for Question #9-- ***What is most important to you when you choose how you get to work?***

Although the Report fails to provide survey results for this question, I bet it would be similar to the results for the CCSF Survey: that 'Travel Time' would be one of the most important. I would also guess that 'Reliability' would also be close to the top. If my guess about responses to this question is right, how effective would the Balboa Reservoir Project's TDM measures be able to resolve Travel Time and Reliability concerns?

- **Since the data for Question 9 of the survey has not been presented in the Nelson-Nygaard Report, I will venture this unsubstantiated (but probably correct) conclusion:**

The TDM objective of shifting substantial numbers of car drivers onto public transit and biking will be unsuccessful because of the real-world importance of Travel Time, Reliability, and Convenience for people leading busy lives…….and who are not privileged to be members of the leisure class.

--aj 1/3/2017, updated 5/23/17

From: aj
To: Board of Supervisors, (BOS); Lew, Lisa (BOS); Wong, Jocelyn (BOS)
Subject: Doc. 2 for EIR certification appeal--Initial Study, Overall Approach, PEIR Findings (File 200804)
Date: Saturday, August 1, 2020 6:05:07 PM

BOS:

On 8/13/2019, I had submitted a comment regarding the Initial Study, Overall Approach to Analysis, and the Impacts and Mitigations contained in the PEIR. Please consider the following:

1. 8/13/2019 aj comment on draft EIR
2. Response To Comment (RTC)
3. Inadequacy of response: In **red** within body of "2. RTC"

1. 8/13/2019 aj comment on draft EIR

Here are comment on 3.A.1, 3.A.2, 3.B.3:

3.A.1 Scope of Analysis

Initial Study

> *In some cases, the initial study identified mitigation measures in these topic areas that would reduce potentially significant impacts to a less-than-significant level to support the determination that under these resource areas, the proposed project would have no In some cases, the initial study identified mitigation measures in these topic areas that would reduce potentially significant impacts to a less-than-significant level to support the determination that under these resource areas, the proposed project would have no new significant impacts or no substantially more severe significant impacts than those previously identified in the PEIR. Therefore, the topics addressed in the initial study are listed below and are not analyzed in this SEIR chapter.*

Under Public Services, the PEIR did not analyze the impacts of a Reservoir Project on City College.

By way of the Initial Study, the SEIR offhandedly dismisses impacts on City College. The Initial Study fails entirely to address impact on student attendance and enrollment and on gig-working part-time Instructors who have to travel between multiple community college sites.

The Initial Study cites City College's TDM/Sustainability Plan's goal to reduce car travel as justification for the "less-than-significant" conclusion of impact on City College. The Initial Study states:

> *The City College sustainability plan has a performance objective to reduce automobile trips, with which the removal of parking at the project site would not conflict.*

- Removal of parking would not conflict with CCSF sustainability plan.....**but it would conflict with access to education.**

Thus, the proposed project would not – in order to maintain acceptable service ratios, response times, or other performance objectives – be expected to increase demand for public services to the extent that would require new or physically altered public facilities, the construction of which could result in significant environmental impacts, and the proposed project would not result in new or substantially more-severe impacts than those identified in the PEIR.

- This is a non sequitur. Just because CCSF TDM doesn't conflict with loss of existing parking, does not mean that TDM measures will be able to solve the problem of student access to education. The success of TDM is speculative. Finally, reference to the PEIR is mystifying because CCSF was not assessed in the BPS Final EIR's Public Services section to begin with.

The SEIR/Initial Study implicitly considers TDM to be the overriding goal of City College instead of recognizing that the main purpose of CCSF is education, with TDM being a secondary consideration.

The SEIR's speculative possibility of success of TDM to alleviate loss of student parking in the Initial Study is an inadequate justification to come to a conclusion of less-than-significant impact on CCSF.

Instead of being relegated to the Initial Study, impact on City College's educational mission and on access to education must be comprehensively and objectively examined. The SEIR and Initial Study are inadequate.

3.A.2 Overall Approach to Impact Analysis

As a subsequent EIR to the PEIR certified in 2008, this SEIR, including the initial study, identifies and considers all mitigation measures that were identified in the PEIR and determines their applicability to the currently proposed project.

Considering mitigation measures contained in the PEIR is insufficient. The Initial Study and DEIR has failed to identify and consider the PEIR rejection of the Lee Extension that had been proposed by CCSF.

The fact that the PEIR had rejected the Lee Extension has direct relevance and "applicability to the currently proposed project."

Here's what the PEIR says about the Lee Extension (westbound Ocean onto northbound Lee into Reservoir):

Access Option #1: Under this option, CCSF would be allowed westbound right-turn-only ingress on Lee Avenue.

It should also be noted that Option #1, the provision of westbound right-turn-only ingress to CCSF, would be expected to result in secondary design and

operational issues at the Ocean/Lee intersection. With access provided into CCSF from Lee Avenue, it would not be possible to fully restrict access from other directions, such as the eastbound left-turn movement or the northbound through movement. As a result, vehicles would be unable to directly access the Phelan Loop or the Balboa Reservoir development sites from the west. Instead, these vehicles (approximately 44 vehicles during the weekday PM peak hour) would be required to divert into the residential neighborhood south of Ocean Avenue to be able access Lee Avenue from the south or the west. In addition, approximately 75 vehicles destined to CCSF during the weekday PM peak hour are anticipated to come from the west. With the restriction of the eastbound left-turn movement, it is likely that a portion of these vehicles would also divert into the residential neighborhood south of Ocean Avenue instead of using the Phelan Avenue access. The prohibition of the eastbound left turn movement would affect the access and circulation patterns of residents and visitors of the Phelan Loop and Balboa Reservoir development sites. In addition, the rerouted traffic from these two projects and CCSF would noticeably increase traffic volumes on the adjacent neighborhood streets, potentially affecting access into individual residences and resulting in other secondary impacts.

To discourage these vehicles from using neighborhood streets as a means to enter Lee Avenue, the northbound and southbound approaches to the Ocean/Lee intersection would need to be reconfigured to provide left-turn and right-turn movements only, precluding northbound through movements altogether. This would require the installation of a physical barrier (such as a channelizing island) at both approaches. Conversely, it may be possible to turn the south leg of the Ocean/Lee intersection into a right-in/right-out configuration. By prohibiting these through movements on Lee Avenue, it would no longer be advantageous for CCSF-destined vehicles to cut through the neighborhood south of Ocean Avenue. However, such a restriction in access would negatively affect access and circulation for the adjacent residences and would further complicate access routes for the Phelan Loop Site and Balboa Reservoir development traffic from the west by requiring these vehicles to cut further into the neighborhood south of Ocean Avenue to make a northbound left turn from Harold Avenue, and enter the westbound right-turn queue at Lee Avenue.

Therefore, as a result of the excessive queuing that would affect operations at the Ocean/Phelan/Geneva intersection and the secondary effects that the provision of westbound right-turn-only ingress would cause, the provision of CCSF westbound right-turn ingress at the Ocean/Lee intersection would result in substantial adverse transportation impacts. Restricting CCSF ingress would allow normal access to Area Plan projects and would avoid potential spillover effects on neighborhoods south of Ocean Avenue. As a consequence, Access Option #1 is rejected from further consideration as part of the Area Plan.

3.B.3 Summary of Balboa Park Station Area Plan PEIR

Transportation Section

Balboa Park Station Area Plan PEIR Impacts and Mitigation Measures

Program-Level Impacts

Transit

Significant transit impacts were also identified under the 2025 with Area Plan scenario on the K Ingleside line and at Ocean Avenue/Geneva Avenue/Frida Kahlo Way and the new Geneva Avenue/I-280 NB Off-Ramp and Geneva Avenue/I-280 SB On-Ramp intersections.

The BPS Area Plan PEIR contains a comprehensive analysis of the Lee Extension. The Lee Extension analysis is directly applicable to the Balboa Reservoir Project.

Crucially, all Lee Extension options were eliminated from the BPS Area Plan.

Although the Lee Extension is referenced in the "Traffic" Section, the "Transit" Section of the draft SEIR only mentions Ocean/Geneva/Kahlo and the two Geneva/I-280 on/off ramps.

It is only with willful disregard for objectivity that the BPS Final EIR's rejection of a Lee Extension has not been incorporated into the Reservoir SEIR and Initial Study as it relates to transit delay.

The Kittelson Memorandum pales in comparison to the analysis that had been contained in the BPS PEIR.

The Lee Extension analysis contained in the PEIR cannot be legitimately omitted from Transit Delay analysis. Thus the SEIR/Initial Study is defective and inadequate.

2. RESPONSE To COMMENT (quoted) : No response provided regarding Lee Extension!

Nowhere in the RTC is there a response to this 8/13/2019 submission regarding the Lee Extension. The Lee Extension had been REJECTED BY THE Balboa Park Station Area Plan PEIR due to significant impact to transit delay:
"*westbound right-turn ingress at the Ocean/Lee intersection would result in substantial adverse transportation impacts. ..As a consequence, Access Option #1 is rejected from further consideration as part of the Area Plan.*"

To ignore assessment of this important determination of significant transit delay contained in the higher-level Balboa Park Station Area Plan FEIR is indicative of its inadequacy.

The failure to cite and assess this major finding of transit delay in the higher-level PEIR, in conjunction with the reality of the limited roadway network surrounding the Project, is sufficient grounds for remanding the EIR back to the Planning Commission.

From: aj
To: Board of Supervisors, (BOS); Wong, Jocelyn (BOS); Lew, Lisa (BOS)
Subject: Doc. 3 for EIR certification appeal--Transportation & Circulation Existing Conditions (File 200804)
Date: Saturday, August 1, 2020 7:02:33 PM

BOS:

On 8/26/2019, I had submitted a comment regarding 3.B.4. 'Existing Conditions, Transportation & Circulation'.

Please consider the following:
1. 8/26/2019 aj comment on draft EIR
2. Response To Comment (RTC)
3. Inadequacy of response: In **red** within body of "2. RTC"

1. 8/26/2019 aj comment on draft EIR

My comment on 3.B.4:

3.B.4 Existing Conditions [Transportation & Circulation]

> *The project site is a 17.6-acre rectangular parcel and encompasses Assessor's Block 3180/Lot 190 in San Francisco's West of Twin Peaks neighborhood. The project location and site characteristics are described in SEIR Section 2.A, Project Overview, p. 2-1, and Section 2.D.2, Project Site, p. 2-7. The existing land use setting is described in Appendix B, Initial Study, Section E.1, Land Use and Land Use Planning, p. B-12.*

This description of the existing condition is less than adequate. This description avoids and evades the existing condition of the project site being a student parking lot that furthers a public purpose and benefit by providing physical access to a commuter school's educational public service.

Although 2.D.2, 'Project Site' notes the site's use by CCSF stakeholders, it fails to acknowledge the reality that the current use of the Reservoir serves a public benefit in providing physical access to education.

CEQA requires a baseline determination of existing conditions upon which environmental impact of a project will be assessed.

From the Association of Environmental Professional's (AEP) CEQA Portal:

> *What Are Baseline and Environmental Setting?*
> *Under CEQA, the impacts of a proposed project must be evaluated by comparing expected environmental conditions after project implementation to conditions at a point in time referred to as the baseline. The changes in environmental conditions between those two scenarios represent the environmental impacts of the proposed project. The description of the environmental conditions in the project study area under baseline conditions is referred to as the environmental setting.*
>
> *Why Is Baseline Important?*
> *Establishing an appropriate baseline is essential, because an inappropriately defined baseline can cause the impacts of the project either to be under-reported or over-reported. A considerable number of CEQA documents have been litigated over the choice of a baseline for a given project, and many CEQA documents have been invalidated for the use of an inappropriate baseline (see Important Cases below).*

The draft SEIR is inadequate because it fails to recognize the baseline condition of the Reservoir's current use by City College to serve a public benefit for its students.

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Parking Conditions

> *The proposed project meets all of the criteria, and thus the transportation impact analysis does not consider the adequacy of parking in determining the significance of project impacts under CEQA. Parking is not discussed further in this SEIR.*

My 10/11/2018 scoping comment stated:

> *Although 21099 exempts parking adequacy as a CEQA impact "**for the** (Reservoir Project itself) **project**", 21099 does not exempt the secondary parking impact on CCSF's public educational service to students from assessment and consideration.*
>
> *Student parking, **being the existing condition and setting**, cannot be be bypassed by extending 21099's parking exemption onto the elimination of the public benefit of providing access to a commuter college.*

The proposed Reservoir development has forced City Colllege to include in its Facilities Master Plan 2-3 new parking structures to make up for the loss of existing parking in the PUC Reservoir. This is the secondary impact that must be addressed in the Subsequent EIR.

The draft SEIR is inadequate and defective in failing to treat parking in the main body of the SEIR. Although the Initial Study does discuss the subject, the Initial Study's assessment is similarly inadequate and defective.

Submitted by:
Alvin Ja

2. RESPONSE To COMMENT (quoted):
The draft SEIR adequately and accurately describes the existing traffic, transit, pedestrian, bicycle, loading, and emergency access conditions around the project site in section 3.B.4,...

My 8/26/2019 submission had argued the failure of 3.B.4 to properly establish 1) the baseline existing condition, and 2) the secondary impact of new City College parking that would be necessitated by the Project's impact. The RTC response is merely an assertion of "*adequately and accurately describes the existing traffic, transit, pedestrian, bicycle, loading, and emergency access conditions...in section 3.B.4,...*" with no reference to City College. The RTC regarding issues raised in my comment on 3.B.4 is inadequate.

Submitted by:
Alvin Ja, appellant

From:	aj
To:	Board of Supervisors, (BOS); Lew, Lisa (BOS); Wong, Jocelyn (BOS)
Subject:	Doc. 4--for EIR certification appeal: Inadequacy of Initial Study/PEIR
Date:	Saturday, August 1, 2020 7:53:32 PM

BOS:

On 8/30/2019, I submitted a comment regarding the Initial Study and PEIR. Although my Appeal Document 1 discusses Initial Study/PEIR, the 8/30 submission goes into more detail. It includes my early analysis of the relationship between the Reservoir Project and the Balboa Park Station Area Plan that was first written in February 2016.

Please consider the following:
1. 8/30/2019 aj comment on draft EIR
2. Response To Comment (RTC)
3. Inadequacy of response: In **red** within body of "2. RTC"

1. 8/30/2019 aj COMMENT

Comment on Initial Study:

The Initial Study discounts almost all environmental factors as needing assessment except for Transportation, Air Quality, and Noise.

The Initial Study erroneously carries over the program-level determinations of the Balboa Park Station FEIR/PEIR to the project-level Balboa Reservoir SEIR.

I had already written about this several years ago in "The Road to the Balboa Reservoir Project: The Balboa Park Station Area Plan in Relation to the Reservoir Project".

"The Road to the Balboa Reservoir Project: The Balboa Park Station Area Plan in Relation to the Reservoir Project" has been submitted at multiple stages throughout the Project's "public engagement process." It has been submitted to the Reservoir CAC, the Reservoir City Team (Planning, OEWD, PUC), Reservoir Community Partners, Environmental Planning Scoping.

Here it is again (also attached as pdf):

THE ROAD TO THE BALBOA RESERVOIR PROJECT:

THE BALBOA PARK STATION AREA PLAN IN RELATION TO THE RESERVOIR

(2/3/2016, updated 10/5/2017)

The Balboa Park Station Area Plan is one of the foundational justifications for the Balboa Reservoir Project.

The City Team commissioned AECOM to do a 2014 preliminary study for the Balboa Reservoir Project. The AECOM study for the Reservoir used the Balboa Park Station Area Plan in making their findings. Yet there are substantial shortcomings contained in the Balboa Park Station Area Plan as it relates to the Reservoir.

In addition to the shortcomings, AECOM further complicates the matter by misinterpreting the contents of the Balboa Park Station Area Plan.

LAND USE: BEST USE OF THE RESERVOIR

The First Element of the Balboa Park Station Area Plan contains:

> *OBJECTIVE 1.4 DEVELOP THE RESERVOIRS IN A MANNER THAT WILL BEST BENEFIT THE NEIGHBORHOOD, THE CITY, AND THE REGION AS A WHOLE.*

Despite this "best benefit" objective, no discussion or analysis has been made regarding what constitutes the best use of the western Reservoir.

Then drilling down further:

> *POLICY 1.3.2* [sic--This should more correctly read Policy 1.**4**.2—aj] *Develop the west basin of the reservoir* [for] *the greatest benefit of the city as a whole as well as for the surrounding neighborhoods. If the PUC should decide that the west basin is not needed for water storage, it should consider facilitating the development of a mixed-use residential neighborhood on part of the site to address the city-wide demand for housing.*

Policy 1.3.2 [sic] suggests that PUC "consider" developing the site for housing. There is no documentation or evidence presented in the 2004 BPS Initial Study or in the Balboa Park Station Area Plan itself to arrive at a conclusion that 425-500 housing units would be the best use of the property.

The Fourth Element of the BPS Area Plan contains:

> *OBJECTIVE 4.4 CONSIDER HOUSING AS A PRIMARY COMPONENT TO ANY DEVELOPMENT ON THE RESERVOIR.*
>
> *The Balboa Reservoir represents one of the largest remaining undeveloped sites in San Francisco and currently forms an unpleasant void in the neighborhood. Developing housing on this site would help fill this void in two ways. First, housing here would add more people to the area; enlivening the commercial district and increasing ridership levels on the nearby public transportation services.*

Objective 4.4, just like Policy 1.3.2 [sic] asks PUC to "consider" using the Reservoir for housing. It does not mandate that it do so. Despite this, the City has made Reservoir housing appear to be a mandate.

Furthermore the arguments used in support for housing at the Reservoir are weak:

- "*currently forms an unpleasant void in the neighborhood"*

This characterization is totally subjective. In reality it serves an important public purpose of providing student parking that enables community access to education. It also keeps students away from parking in the neighborhoods, blocking residential driveways. It is also objectively open space that allows for vistas of the Pacific Ocean to the Farralones from the CCSF Science Building.

- "*increasing ridership levels on the nearby public transportation services"*

Both MUNI and BART have problems with capacity. They have more riders than they can handle. Regular riders of the 43 and 29 will be able to recount stories of crowded conditions and being passed up by buses. New Reservoir residents will only aggravate unreliable service on public transit.

PUC RESERVOIR AS OPEN SPACE IS ALSO PROPOSED IN THE BPS AREA PLAN; HOUSING WAS NOT THE SOLE PROPOSAL

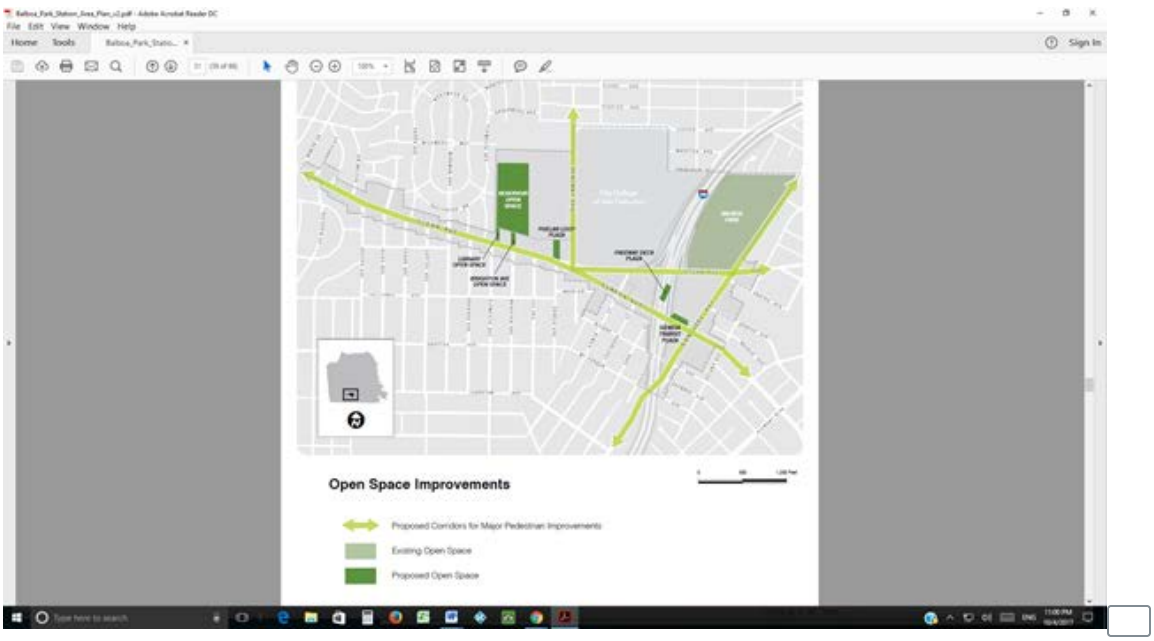
The Balboa Reservoir Project is frequently misrepresented as being called for by Balboa Park Station Area Plan. In reality, the BPS Area Plan actually calls for housing to "be considered" as a use for the PUC Reservoir. This is contained in the Housing Element of the Area Plan.

In addition to the Housing Element, the BPS Area Plan also contains a Streets and Open Space Element.

The Streets and Open Space Element contains this:

> *A number of open spaces are proposed in the plan area,including the Phelan Loop Plaza, the Geneva Plaza, open space associated with the proposed freeway deck, Brighton Avenue, the Library playground, and the* ***proposed Balboa Reservoir open space.*** (page 30)

Page 31 of the BPS Area Plan shows this map:



What this shows is that housing was not the sole possibility offered by the BPS Area Plan for the use of the Reservoir. This BPS Area Plan map shows the entire PUC Reservoir as open space.

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THE AECOM STUDY'S MISINTERPRETATION OF BPS AREA PLAN

The Balboa Reservoir Project is a project-level sub-section of the Balboa Park Station Area Plan's program-level Final EIR.

Analysis of a Balboa Reservoir project is minimal within the Balboa Park Station Area Plan. The Reservoir is relegated to Tier 2 (long-term, up to year 2025) development and lacks detail.

The program-level EIR allows for early consideration of possible area-wide impacts. This would minimize reinventing the wheel for every project within the BPS Area.

The Balboa Park Station Area plan, as a program-level plan, is unable to address the specifics and particularities of impacts on the project-level, except in the most general sense.

The fatal flaw of the current Balboa Reservoir Project is that it relies on the foundation of a very general determination contained in the BPS Final EIR.

ROOT OF THE PROBLEM: "EFFECT ON PUBLIC SERVICES LESS THAN SIGNIFICANT"

The Final BPS EIR determined that the Area Plan's effect on public services would be insignificant or less-than-significant:

> *"An Initial Study, published in July 2006, determined that implementation of the proposed Area Plan and its associated public improvements and development projects may result in potentially significant environmental impacts; therefore, preparation of an EIR was required. The Initial Study determined that the following effects of the Area Plan would either be insignificant or would be reduced to a less-than-significant level by mitigation measures included in the Area*
>
> *Plan and, thus, required no further analysis: land use; visual quality; climate (wind); utilities/public services (except hydrology and water quality); biology; geology/topography; water; energy/natural resources; and hazards (see Appendix A for a copy of the Initial Study).*
>
> *"With the exception of land use, which is included in the EIR for informational purposes and to orient the reader to the Project Area,* ***the EIR does not discuss the environmental topics listed above."***

Here is the section in Appendix A of the FEIR which discusses public schools. No reference whatsoever is made to CCSF. The Initial Study and FEIR is not specific enough to deal with impacts of the project-level scale of the Balboa Reservoir Public Lands for Housing Project:

Public Schools

The San Francisco Unified School District (SFUSD) provides public primary and secondary education in San Francisco. The district is comprised of 78 elementary schools, 17 middle schools, and 21 high schools; the total enrollment is approximately 56,000 students.[15] Schools in proximity of the Project Area include the Sunnyside Elementary School at 250 Foerster Street, about 0.5 mile north of the Project Area; the Commodore Sloat Elementary School at 50 Darien Way, about 1.5 mile northwest of the Project Area; the James Denman Middle School at 241 Oneida Avenue, about 0.5 miles east of the Project Area; Aptos Middle School at 105 Aptos Avenue, about 1.0 miles northwest of the Project Area; and Balboa High School at 1000 Cayuga Avenue about 0.5 miles east of the Project Area.[16] The SFUSD is currently not a growth district. According to the *SFUSD Facilities Master Plan* of 2003, the District had excess capacity at most existing school facilities. Excess capacity is expected to increase district-wide as enrollment is projected to decline over the next 10 years.[17] Several schools were closed by the School Board in 2006: Golden Gate Elementary, De Avila Elementary, Franklin Middle School, and Yoey Child Development Center. Despite this excess capacity overall, certain schools were overcrowded in 2003, such as Galileo High School, at 107 percent capacity, Lincoln High School, at 115 percent capacity, and Herbert Hoover Middle School, at 126 percent capacity. No construction of new schools is planned for the City. An increase in students associated with the Area Plan would not substantially change the demand for the schools that are likely to be attended by new residents in the Project Area, nor for the entire school system overall. For the above reasons, significant impacts to school facilities would not occur as a result of implementation of the Area Plan, including proposed development on the Kragen Auto Parts and Phelan Loop sites, and this topic will not be discussed in the EIR.

Recreation

Four new open spaces are planned for the Project Area: the Geneva Transit Plaza on the north side of Geneva Avenue between San Jose Avenue and I-280; the Phelan Loop plaza; Balboa Reservoir open space; and Brighton Avenue open space. The proposed Area Plan envisions the creation of a system of neighborhood open spaces, including active, passive, and informal gathering areas that would contribute to the overall neighborhood character of the Project Area. In addition, smaller publicly accessible neighborhood and transit-oriented parks, plazas, and a children's playground would be created, particularly in the Transit Station Neighborhood and Ocean Avenue Neighborhood Commercial District subareas.

The Project Area includes Balboa Park, a Recreation and Park Department property. It is located along the entire northern frontage of Ocean Avenue between I-280 and San Jose Avenue and

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[15] San Francisco Unified School District website, http://orb.sfusd.edu/profile/prfl-100.htm, accessed July 5, 2006.
[16] San Francisco Unified School District website, http://portal.sfusd.edu/apps/SCHFIND/showmap.cfm, accessed June 29, 2006.
[17] San Francisco USD, *SFUSD Facilities Master Plan*, January 2003, Section V, pp. 14-37.

AECOM BALBOA RESERVOIR INITIAL STUDY STANDS ON THE SHAKY FOUNDATION OF THE BPS FEIR

The AECOM Study's sections on Existing Conditions and Surrounding Development takes note of the many educational institutions near the Reservoir. Yet the AECOM Initial Study fails to assess the impact of the BR Project on the Bay area-wide public service that CCSF and other schools provide.

The AECOM Study's failure to assess the impact of the BR Project on the public service provided by CCSF and other schools is based on an incorrect interpretation of the BPS FEIR.

The AECOM Study states:

> *"The* [BPS FEIR] *finds that speculative development of 500 residential units on Balboa Reservoir would not result in significant land use impacts…Although any future proposed projects would require individual environmental review, development on Balboa Reservoir has received programmatic environmental clearance through the Balboa Park Plan FEIR."*

This AECOM interpretation is wrong. Contrary to the quoted AECOM passage, the BPS FEIR did not refer specifically to Balboa Reservoir. The "less-than-significant" determination was for the program-level BPS Area Plan and for the specific project-level Kragen (Mercy housing) and Phelan Loop Projects.

There was insufficient detail contained in the FEIR for the Tier 2 Reservoir project to merit extension of the "less-than-significant" determination for the program-level FEIR to the project-level Balboa Reservoir.

CALL FOR RESET

The fundamental assumptions for the BR Project rests on the shaky foundation of a generalized program-level determination of non-significance for the category of "Public Service" contained in the BPS FEIR.

OEWD/Planning's Principles & Parameters similarly rests on a shaky foundation because of its failure to address the fundamental environmental review concept of assessing "immediate and long-range specific and cumulative impacts of a proposed project on its surrounding physical environment."

So instead of continuing to call for CCSF and the neighborhood to accommodate the BR Project, OEWD/Planning needs to reset its MO to adhere to its own Initial Study Checklist guidelines to include "Public Services."

OEWD/Planning needs to adhere to its own 3/17/2011 Environmental Review Process Summary document instead of pushing on with its inversion of environmental review principles.

Submitted by:Alvin Ja, Ratepayer
****

2. RESPONSE TO COMMENT (quoted)

The draft SEIR adequately addresses the direct and indirect impacts of the project. The CEQA Guidelines Appendix G question for public services, with respect to educational facilities, asks whether the project would "result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for … schools…." This question is perhaps best looked at as a two-part question:
1. Would there be any change, as a result of the project, in a public agency's ability to "maintain acceptable service ratios, response times, or other performance objectives for … schools…?"
2. If the answer to the above inquiry is or could be yes, the second part of the Appendix G question asks whether "the provision of new or physically altered governmental facilities [or the] need for new or physically altered governmental facilities" would "result in substantial adverse physical impacts" or if "the construction of [such facilities] could cause significant environmental impacts."

Question a): As discussed on draft SEIR Appendix B, p. B-90, the City College sustainability plan has a performance objective to reduce automobile trips, with which the removal of parking at the project site would not conflict. City College does not have performance objectives or other standards related to the provision of parking, except insofar as it seeks to reduce automobile trips, which would serve to decrease parking use. **This avoids mention of the performance objective of student education.**

The draft SEIR states that the hypothetical shortfall in parking supply "would cause some drivers to shift to another mode of travel," among other things such as rearranging travel or parking elsewhere. Studies show that the removal of parking would likely cause some drivers to shift to another mode of travel; thus, the information in the draft SEIR regarding this shift is based on substantial evidence.
A general citation of "Studies show" does not constitute substantial evidence. The SEIR suggests that the shift to other modes due to TDM measures would be sufficient to mitigate the loss of parking. Although TDM will cause a shift in mode of travel, the "studies show" argument cannot support the idea that TDM would adequately offset loss of parking as it relates to student access to education.

Contrary to the RTC's response, City College's Fehr-Peers TDM & Parking Analysis states:

> ***Time and Convenience are Key Drivers of Behavior: Among all populations, but particularly employees, the amount of time spent commuting is a key consideration in making travel choices... Overcoming this barrier is difficult, and will require proactive outreach and marketing. Even so*** [with TDM measures--aj] ***, a substantial share of the population will likely continue to drive, even if parking becomes less readily available. --***

aj

Inasmuch as the PEIR identified no significant effects on public services and the draft SEIR Appendix B concludes that public services impacts would be less than significant, this topic—Public Services—would have no new significant impacts or no substantially more severe significant impacts than those previously identified in the PEIR.
The PEIR, as a program-level EIR, did not address impact of the Reservoir Project on City College and other neighboring schools. This was because the PEIR had relegated the Reservoir Project to be a "Tier 2 Long-term" project. As such, the Reservoir Project is only given superficial treatment in the PEIR. And as such, the SEIR Appendix B conclusion of "*this topic—Public Services—would have no new significant impacts or no substantially more severe significant impacts than those previously identified in the PEIR.*" is a circular, tautological argument. Comprehensive assessment of impact on City College is missing from the EIR. City College is the central feature of the Reservoir area.

Treating City College as a side issue in the Initial Study is a fundamental flaw of the Reservoir EIR. City College is the elephant in the room, but the EIR pretends not to see it. The EIR is inadequate and does not deserve certification.--aj

Sincerely,
Alvin Ja, appellant

From: aj
To: Board of Supervisors, (BOS); Lew, Lisa (BOS); Wong, Jocelyn (BOS)
Subject: Doc. 5--INAPPROPRIATE SEIR DEFINITION OF TRANSIT DELAY (File 200804)
Date: Sunday, August 2, 2020 7:58:55 AM

BOS:

On 9/5/2019, I submitted a comment regarding Inappropriate definition of transit delay in the SEIR

Please consider the following:
1. 9/5/2019 aj comment on draft EIR's Threhold of significance for transit delay
2. Response To Comment (RTC)
3. Inadequacy of response: In **red** within body of "2. RTC"

1. 9/5/2019 aj comment on draft EIR's threshold of significance for transit delay

INAPPROPRIATE SEIR DEFINITION OF TRANSIT DELAY

The City Charter/SFMTA late criterion is a 4 minute delay relative to MUNI schedule for the 43 Masonic at the Balboa Park Station (BPS). [The 4 minute lateness criterion is relative to MUNI schedule for any particular MUNI time point.]

In comparison, the Reservoir late standard as applied for the segment from Monterey/Gennessee to Balboa Park Station allows for a 12 minute delay relative to MUNI schedule.

The Reservoir Project SEIR, apparently without proper authority, appropriates a 4-minute delay standard for the each of the 43's segments (Judson-Ocean and Ocean-Geneva/San Jose) in the BPS Area, thus giving the Project the privilege of contributing 8 minutes of Reservoir-related delay before its delay is considered significant.

EXAMPLE:

If a 43 is running on time until the Reservoir Project, but the Project-related delay is allowed to be up to 8 minutes, then instead of 7 minutes to get to BPS, it would be considered by SEIR definition to be insignificant if a 43 gets to BPS in 19 minutes—an additional 12 minutes.

This constitutes a 171% increase over the scheduled running time of 7 minutes between Monterey/Gennessee and Balboa Park Station. Yet the SEIR deems a **171% increase** (from a scheduled 7 minutes to a travel time of 19 minutes to be insignificant.

SOUTHBOUND 43 MASONIC DELAY: MUNI STANDARD v. RESERVOIR STANDARD						
		TIME POINT		ON-TIME	ADDITIONAL DELAY TIME	
				MUNI on-time	MUNI late standard (4 min)	Reservoir Late standard (additional 4 min)
		Monterey/Gennessee		0:00	0:00	0:00
Monterey/Genn to Bookstore Running time (r.t.)		**4 min running time**		+4 r.t.	+4 r.t. + 4 late	+4 r.t. +4 MUNI +4 Reservoir
ELAPSED TIME: **Monterey/Genn to Bookstore**		CCSF Bookstore (City College Terminal)		**0:04**	**0:08**	**0:12**
Bookstore to BPS Running time		**3 min running time**		+3 r.t.	+3 r.t. (4 min standard NOT allowed to be cumulative)	+3 r.t. + 4 Reservoir (4 min standard construed to accumulate)
ELAPSED TIME: **Monterey/Gen** **to BPS**		Balboa Park Station (Geneva/San Jose)		**0:07**	**0:11**	**0:19**

The SEIR justifies its arbitrary and capricious use of a generously defined 4-minute delay standard by citing the MUNI on-time performance standard contained in the City Charter:

> *The department uses a quantitative threshold of significance and qualitative criteria to determine whether the project would substantially delay public transit. For individual Muni routes, if the project would result in transit delay greater than equal to four minutes, then it might result in a significant impact.*[96]

Footnote 96:
96 The threshold uses the adopted the Transit First Policy, City Charter section 8A.103 85 [sic--should be 8A.103 (c)1--aj], *percent on-time performance service standard for Muni, with the charter considering vehicles arriving more than four minutes beyond a published schedule time late.*

It is critically important to understand of the meaning and (mis)interpretation of the citation of SF Charter's MUNI 85% on-time performance standard. The critical language in City Charter 8A.103 (c)1 is as follows:

> *1. On-time performance: at least 85 percent of vehicles must run on-time, where a vehicle is considered on-time if it is no more than one minute early or four minutes late as measured against a published schedule that includes time points*

The draft SEIR engages in an egregiously unsupported case of overreach. The SEIR reinterprets the MUNI 4-minute lateness standard to allow the Reservoir Project itself to independently contribute an additional 4 minutes of transit delay before the Project's impact "might" be considered significant.

The SEIR is inadequate and defective in its use of an egregiously generous definition of acceptable Reservoir-related transit delay. The SEIR's "less-than-significant" determination for Impact TR-4, Transit Delay cannot be considered valid.

The Project's self-entitled contribution of an additional 4-minutes of lateness to transit delay is neither permitted or acceptable--by law, legislative intent, or by common sense--in City Charter VIIIA. This constitutes a fundamentally arbitrary and capricious arrogation of authority to substantively and substantially worsen transit reliability for the broader public.

There is no substantive rationale to justify a 4-minute contribution by the Project to transit delay. There is no substantial evidence--if any evidence at all-- to permit the Reservoir Project to consider its own 4-minute delay standard to be non-significant.

Submitted by:
Alvin Ja
****

2. RESPONSE To COMMENT (quoted from RTC document in black):
In particular, the proposed project could have a significant transit impact if transit travel time increases on a specific route would be greater than, or equal to, four minutes...The threshold for transit impacts is based on the adopted City Charter section 8A.103 (c)1, which established an 85 percent on-time performance service standard for Muni,...The RTC fails to address my comment that 8A.103(c) 1 is a MUNI performance standard for scheduled time points. Nowhere does 8A.103(c)1 authorized a non-MUNI entity or project to piggyback an additional 4 minutes of delay on top of SFMTA/City Charter's own performance standard for MUNI on-time performance. --aj
The 2019 TIA Guidelines indicate that a significant impact could occur if a project would result in transit delay greater than or equal to four minutes. This criterion is based on substantial evidence provided in Appendix I of the 2019 TIA Guidelines (p. I-26) and is explained in a July 20, 2018, SFMTA memorandum included as RTC Attachment 5. The RTC contends that its 4-

minute Threshold of Significance for Transit Delay is supported by substantial evidence. This contention is false. 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 merely 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." The legal definition of "substantial evidence" refers** ***"to evidence that a reasonable mind could accept as adequate to support a conclusion."*** **The referenced 7/20/2018 SFMTA Memo only provides an assertion of a four-minute threshold of significance but fails to provide anything close to "substantial evidence." --aj**

The commenters provide no substantial evidence to demonstrate that the information used to develop the criterion is flawed or inadequate. My comment provided an example of the SB 43 Masonic line which provided hard numbers. The Table provided shows that, using a 4-minute threshold of significance, the significance criterion allows for a 57.1% increase (from a scheduled 7 minutes to 11 minutes) in the time for a 43 bus to travel from Monterey/Gennessee to Balboa Park Station to be considered insignificant! In comparison to the RTC's "substantial evidence" that is in actuality just an assertion based on inappropriate interpretation of 8A.103(c)1, the official MUNI Rotations (schedules) provide hard evidence that a 4-minute delay caused by the Reservoir Project constitutes a significant real-world 57.1% transit delay for passengers and Operators. --aj

- **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.--aj**

Sincerely,
Alvin Ja, appellant
Retired MUNI Operator/Inspector/Instructor with front-line expertise on K, 8, 23, 29, 43, 49, 54.

From:	aj
To:	Board of Supervisors, (BOS); Wong, Jocelyn (BOS); Lew, Lisa (BOS)
Subject:	Doc. 6 for EIR Appeal--Comment on 3.B.6 Transportation Impacts & Mitigation Measures (p. 3.B-34)
Date:	Sunday, August 2, 2020 1:37:30 PM

BOS:

On 9/7/2019, I submitted a comment regarding 3.B.6 Transportation Impacts & Mitigation Measures.

Please consider the following:
1. 9/7/2019 aj comments on draft EIR 3.B.6
2. Response To Comment (RTC)
3. Inadequacy of response: In **red** within body of "2. RTC"

1. 9/7/2019 aj COMMENT

Comment on 3.B.6 Impacts & Mitigation Measures (p. 3.B-34)

Operation (p. 3.B-35)

Approach to Analysis

Roadway Network Features (p. 3.B-36)

Circulation changes implemented by the proposed project include the extension of Lee Avenue...

The operational impact analysis includes the following significance criteria:

- *Cause substantial additional VMT or substantially inducing additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow travel lanes) or by adding new roadways to the network;...*

- *Result in a loading deficit and the secondary effects would create potentially hazardous conditions for people walking, bicycling, or driving; or substantially delay public transit*

Despite the fact that the Lee Extension would induce "additional automobile travel by increasing physical roadway capacity in a congested area" and would substantially delay many MUNI lines on Ocean Avenue, no mention is made here regarding impacts on these significance criteria. (And as mentioned before, the PEIR had already rejected a Lee Extension from being included in the BPS program-level

FEIR because its adverse impact on transit. The PEIR's discussion regarding the Lee Extension is brought up in 3.B.3. Yet, its relevance and applicability to the Reservoir Project's Lee Extension is omitted.)

****

Operational Impacts (p. 3.B-46)

Public Transit Delay (p. 3.B-52)

> *The department uses a quantitative threshold of significance and qualitative criteria to determine whether the project would substantially delay public transit. For individual Muni routes, if the project would result in transit delay greater than equal to four minutes, then it might result in a significant impact.96*
>
> Footnote 96:
> *96 The threshold uses the adopted the Transit First Policy, City Charter section 8A.103 85* [sic--should be 8A.103 (c)1--aj], *percent on-time performance service standard for Muni, with the charter considering vehicles arriving more than four minutes beyond a published schedule time late.*

It is critically important to understand the meaning and (mis)interpretation of the citation of SF Charter's MUNI 85% on-time performance standard. The critical language in City Charter 8A.103 (c)1 is as follows:

1. On-time performance: at least 85 percent of vehicles must run on-time, where a vehicle is considered on-time if it is no more than one minute early or four minutes late as measured against a published schedule that includes time points

The draft SEIR engages in an egregiously unsupported case of overreach. The SEIR reinterprets the MUNI 4-minute lateness standard to allow the Reservoir Project itself to independently contribute an additional 4 minutes of transit delay before the Project's impact "might" be considered significant.

Example: The 43 line runs on a 12 minute headway. A four-minute Project-related contribution to delay added to a City Charter defined 4-minute late standard for a MUNI line's on-time performance would create an eight-minute delay. So, for the 43 line, instead of a 12-16 wait, the Project interprets that a wait of 16-20 minutes at Kahlo/Ocean (City College Bookstore time point) is acceptable and less-than-significant.

NO! It is NOT OK to consider this to be non-significant.

The City Charter's Section 8A.103 (c)1 does not authorize the Project to impose an additional Reservoir-related 4 minutes of delay at the City College Bookstore time point.

The SEIR's self-defined threshold of significance would grant the Project the privilege of doubling the lateness standard relative to the MUNI schedule from 4 minutes to 8 minutes.

This violates both the language and intent of City Charter Article VIIIA's Section on Service Standards and Accountability--8A.103 (c)1.

The draft SEIR is fundamentally flawed in highjacking and misapplying the SFMTA/MUNI 4-minute lateness standard. The 4-minute lateness standard is relative to MUNI schedules. The Project's self-entitled contribution of an additional 4-minutes of lateness to transit delay is neither permitted or acceptable--by law, legislative intent, and especially by common sense--in City Charter VIIIA. This constitutes a fundamentally arbitrary and capricious arrogation of authority to substantively and substantially worsen transit reliability for the broader public.

There is no substantive rationale to justify a 4-minute contribution by the Project to transit delay.

There is no substantial evidence--if any evidence at all-- to permit the Reservoir Project to consider its own 4-minute delay standard to be non-significant.

****

Impact Evaluation

Existing plus Project

Impact TR-4: Operation of the proposed project would not substantially delay public transit. (Less than Significant)

Transit Delay

Developer's Proposed Option (p. 3.B-74)

> *As shown in Table 3.B-18, vehicle and transit trips generated by the Developer's Proposed Option would increase transit delay by a maximum of 73 seconds along Frida Kahlo Way (southbound direction, weekday p.m. peak hour), a maximum of 100 seconds along Ocean Avenue (westbound direction, weekday p.m. peak hour), and a maximum of 81 seconds along Geneva Avenue (westbound direction, weekday p.m. peak hour). The majority of the transit delay increase is attributable to the increase in passenger boarding delay resulting from the project-generated transit riders. The Developer's Proposed Option would not create additional transit reentry delay during the a.m. or p.m. peak hours.*
>
> *The Developer's Proposed Option would not result in transit delay greater than or equal to four minutes. Therefore, the Developer's Proposed Option would result in a less-than-significant impact related to transit delay.*
>
> *The Additional Housing Option would not result in transit delay greater than or equal to four Minutes.* [123] *Therefore, the Additional Housing Option would result in a less-than-significant impact related to transit delay.* [FOOTNOTE 123 refers back to Footnote 122 which then refers to Fire Code 503.2.1 which has nothing to do with transit delay.—aj]

RESERVOIR-RELATED DELAY FOR 43 MASONIC

The SB Kahlo figures of **73 sec** (for Option 1), and **83 sec** (for Option 2 are presented in the SEIR as the applicable 43 delay between Judson and Ocean.

These figures fail to reflect the Transit Delay for the 43 route segment between CCSF Bookstore (Ocean) to Balboa Park Station (Geneva/San Jose). This route segment is located in the Area Plan area and must be included to properly assess Reservoir-related delay for the 43 Masonic.

In order to reflect the full effect of Reservoir-related delay in the Balboa Park Station Area Plan area, another 42 seconds (using Table 3.B-18 Transit Delay Analysis) for the 43's EB Geneva segment must be added to the 73 seconds cited by the SEIR. So instead of just 73 seconds of delay, Reservoir-related delay totals **115 seconds (1.9 min) of for Option 1.**

For Option 2, the 43's delay (using Table 3.B-18 Transit Delay Analysis) should be the sum of SB Kahlo (83 sec) and EB Geneva (58 sec), which totals **141 seconds (2.4 min) of Reservoir-related delay in the BPS Area Plan area.**

The scheduled running time between Monterey/Gennessee to Balboa Park Station is 7 minutes.

Option 1's " Project-Related Increase in Delay" of 115 seconds (1.9 minutes) represents a **27.4% increase in travel time** for the 7-minute running time segment.between Monterey/Gennessee and Balboa Park Station.

Option 2's contribution of 141 seconds (2.4 minutes) of Reservoir-related delay represents a **33.6% increase in travel time** over the scheduled 7 minute running time between Monterey/Gennessee to Balboa Park Station.

A 115-141 second delay for this short 43 segment (from Monterey/Gennessee to BP Station) is substantial. it is NOT insignificant as the SEIR purports. Only with willful disregard for reality could a 27.4% to 33.6% increase in travel time be considered less than significant.

Relative to the City Charter-mandated MUNI on-time standard of 4 minutes:

- Option 1's 115 second contribution to MUNI delay constitutes **48.0%** of the 4 minutes of lateness allowed the SB 43 at the Geneva/San Jose time point;

- Option 2's 141 second contribution to MUNI delay constitutes **58.8%** of the 4 minutes of lateness allowed the SB 43 at the Geneva/San Jose time point.

Unless willfully blind, a 48.0% or a 58.8% contribution towards a 4-minute late standard is SIGNIFICANT.

The way that the SEIR tries to evade this problem of objectively contributing significantly towards MUNI's 4-minute standard is ingenious.

Incorporating Footnote 96 on p. 3.B-52, the SEIR, **insinuating City Charter and "quantitative" authority**, proclaims:

> *The department uses a quantitative threshold of significance and qualitative criteria to determine whether the project would substantially delay public transit. For individual Muni routes, if the project would result in*

transit delay greater than equal to four minutes, then it might result in a significant impact.

The SEIR blows open a gigantic hole of an extra four minutes for itself before a delay "**might**" (!!) be significant. But contrary to the Project's arrogation to itself of a four-minute privilege to hold up MUNI before its contribution to delay counts to be significant, the City Charter citation of a 4 minute is relative to the MUNI schedule--not relative to the Reservoir Project SEIR's own standard.

So, the "less-than significant impact" to transit delay is a result of an inappropriate definition and standard of "transit delay."

I discuss this in more detail in my 9/5/2019 submission "INAPPROPRIATE SEIR DEFINITION OF TRANSIT DELAY". Please refer to it.

****

City College Terminal

Given the considerations described above, the Developer's Proposed Option and Additional Housing Option would have a ***less-than-significant*** *impact on transit delay.*

Mitigation: *None required.*

The TR-4 section ends with the pronouncement of less-than-significant impact requiring no mitigation. This overall TR-4 conclusory statement misleadingly follows and is slid into a section that actually discusses City College Terminal.
This concluding determination regarding TR-4 Transit Delay is invalid for the reasons already presented above:

The SEIR is egregiously deficient in formulating its less-than-significant determination of the Project's contribution to transit delay:

- **It omits applicability of the PEIR's analysis of the Lee Extension causing significant impact;**
- **It arrogation of a four-minute Project-related delay standard is based on misapplication of City Charter 8A.103 (c)1 whose 4-minute standard is relative to the MUNI schedule;**
- **In the example of the 43 Masonic, the SEIR's fails to account for the route segment between CCSF Bookstore and Balboa Park Station, thus grossly lowballing the Project's contribution to transit delay.**
- **The Kittelson Travel Demand Memo and Kittelson Transit Delay Memo fail to evaluate EB left turns at Brighton. It fails to assess the (high--aj) probability that BR residents will turn left at Brighton, cut through Whole Foods ingress/egress, and then turn left again onto Lee.**

Finally, the TR-4 determination fails the substantial evidence standard of the Significance Criteria:

The guidelines implementing CEQA direct that this determination be based on scientific and factual data,

including the entire record for the project, and not on argument, speculation, or unsubstantiated evidence.

****

Comparison of Impact TR-4 to PEIR Impact Analysis (p. 3.B-77)

As discussed in SEIR Section 3.B.3, Summary of Balboa Park Station Area Plan PEIR TransportationSection, p. 3.B-1, under the 2025 with Area Plan scenario, ….. Project operation would result in a less-than significant impact related to public transit. Therefore, the proposed project would not have any new or substantially more severe effects than those identified in the PEIR.

The statements that "*Project operation would result in a less-than-significant impact related to public transit. Therefore, the proposed project would not have any new or substantially more severe effects than those identified in the PEIR*" is **unsupported by anything contained in SEIR 3.B.3**. It appears out of thin air. In fact, 3.B.3 states the opposite:

- **Transit**

Significant transit impacts were also identified under the 2025 with Area Plan scenario on the K Ingleside line and at Ocean Avenue/Geneva Avenue/Frida Kahlo Way and the new Geneva Avenue/I-280 NB Off-Ramp and Geneva Avenue/I-280 SB On-Ramp intersections.

Furthermore, the claimed L-T-S impact of the Introductory paragraph for this section is contradicted once again in the body on p. 3.B-78:

- *The PEIR identified significant impacts to transit delay under the 2025 with Area Plan scenario and project-level analysis of 1150 Ocean Avenue (former Kragen Auto Parts site).*

The introductory paragraph expresses a desired outcome of less–than-significant impact on public transit in the form of an unsupported assertion/conclusion. The SEIR is deficient by making unsupported conclusions.

****

Operation of the Balboa Reservoir Project would result in a less-than-significant impact related to transit delay. Therefore, the proposed project would not have any new or substantially more-severe effects than those identified in the PEIR related to transit delay impacts.

This concluding paragraph for TR-4 is nothing but a claim unsupported by evidence. It's a tautology: The Reservoir Project results in less-than-significant impact on transit delay……Therefore (?!!) it will not have new transit delay impacts.

Where is the logic in this conclusion?!!!

The SEIR Significance Criteria states:

The guidelines implementing CEQA direct that this determination be based on scientific and factual data, including the entire record for the project, and not on argument, speculation, or unsubstantiated evidence.

SEIR's determination of less-than-significant impact on transit delay (TR-4) is not based on the standard of substantial evidence. Rather it is based on tautology. FAIL…FUBAR!

This SEIR does not qualify for certification.

Submitted by:
Alvin Ja
****

2. RESPONSE To COMMENT (quoted from RTC document in black):
RTC fails totally to respond to my comment regarding transit delay due to the extension of Lee Avenue in "Roadway Network Features." As I had pointed out in my Document 2, the PEIR had determined that a Lee Extension would cause significant transit delay. Consequently, the BPS Area FEIR had rejected the Lee Extension. The RTC is deficient and inadequate because it fails to address the rejection of the Lee Extension by the PEIR.--aj

One commenter notes that the transit delay analysis does not consider the 43 Masonic line segment between the City College Bookstore and the Balboa Park Bay Area Rapid Transit (BART) Station. The transit delay analysis has been clarified to include the segment between the City College Bookstore (50 Frida Kahlo Way) and the Geneva Avenue/Howth Street stop in both directions, which captures the geographic extent of project-related transit delays to the 43 line. The Project-Related Change data presented in draft SEIR Table 3.B-18 below thus accounts for this extended segment through the Ocean Avenue/Geneva Avenue/Frida Kahlo Way intersection. The Existing Conditions, Transit Travel Times data presented in the same table were based on travel time runs for the former analysis segment beginning or ending at the City College Bookstore and have not been reconstructed to match. Thus, the Existing Conditions, Transit Travel Time and Project-Related Changes columns in Table 3.B-18 represent the 43 line between Foerster Street/Monterey Boulevard and the City College South Entrance, with a lower estimate of existing travel times and thresholds than if they represented the segment extending to Geneva Avenue/Howth Street. The Project-Related Change columns in Table 3.B-18 represent increases for the whole segment and are sufficient to reach a conclusion. The revised analysis does not change the draft SEIR analysis conclusions.

The following clarifies the transit travel times in the draft SEIR in response to the comments...

- **REMOVAL OF UNFAVORABLE DATA IN FINAL SEIR**
  - **The draft SEIR contained Transit Delay data that was found to be unfavorable to the Project. Instead of addressing the comment, the RTC "clarifies" the data by replacing unfavorable data with new data collected on Finals Week on the week before Christmas of 2019. I**

conveniently fails to collect data for the SB segment of the 43 Masonic between Monterey/Gennessee and City College Bookstore.

- **Kittelson Associates (EIR Transportation Analysis contractor) provided the data for the original Table 3.B-18 "Transit Delay Analysis." Kitttelson data from Table 3.B-18 'Transit Delay Analysis' in conjunction with official SFMTA Rotations (schedules) demonstrated SB 43 Masonic "Project-Related Increase in Delay of 115 seconds (1.9 min) for Option 1 for the time point- to-timepoint running time of 7 minutes between Monterey/Gennessee and Balboa Park Station. The 115 second "Project-Related Increase in Delay" constitutes 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. New data was collected during Finals Week, the week before Christmas week (!) of 2019. The December 2019 Finals Week data was substituted for the original data. Moreover, in addition to the new unrepresentative data, SB 43 delay was changed to evaluate delay at only one point Kahlo/Ocean/Geneva) between the Monterey/Gennessee and Balboa Park Station time points. Assessment of transit delay at the single location of Kahlo/Ocean/Geneva is unable to reflect transit delay due to ingress/egress on Kahlo/Reservoir. The single location off delay assessment is unrepresentative of 'Project-Related Increase in Delay'. The 8/1/2019 Kittelson Operations Analysis Memo admitted that the important 43 Masonic segment between Monterey/Genessee and City College Bookstore had not been assessed. Because of this, Project-Related Transit Delay at Kahlo Way ingress/egress is conveniently avoided.**
- **The draft SEIR had originally provided Reservoir-related Transit Delay data 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-18 has been replaced. The new Table 3.B-18 eliminates the 8 Bayshore from assessment entirely--disappeared! Once again, unfavorable data has been eliminated from the Final SEIR.**

I had made comments regarding faulty logic/reasoning for:

- ***Comparison of Impact TR-4 to PEIR Impact Analysis* (p. 3.B-77)**

  The statements that "*Project operation would result in a less-than-significant impact related to public transit. Therefore, the proposed project would not have any new or substantially more severe effects than those identified in the PEIR*" is unsupported by anything contained in SEIR 3.B.3. It appears out of thin air. In fact, 3.B.3 states the opposite:....

- *Operation of the Balboa Reservoir Project would result in a less-than-significant impact related to transit delay. Therefore, the proposed project would not have any new or substantially more-severe effects than those identified in the PEIR related to transit delay impacts.*

This concluding paragraph for TR-4 is nothing but a claim unsupported by evidence. It's a tautology: The Reservoir Project results in less-than-significant impact on transit delay……Therefore (?!!) it will not have new transit delay impacts.

Neither of these challenges to faulty logic was answered in the RTC.

Sincerely,
Alvin Ja, appellant
Retired MUNI Operator/Inspector/Instructor with front-line expertise on K, 8, 23, 29, 43, 49, 54.

From: aj
To: Board of Supervisors, (BOS); Lew, Lisa (BOS); Wong, Jocelyn (BOS)
Subject: Doc. 7 for EIR Appeal (200804)--3.B.6 Transportation Impact and Mitigation Measure
Date: Sunday, August 2, 2020 3:04:18 PM

BOS:

On 9/10/2019, I submitted a comment regarding 3.B.6 Transportation Impacts & Mitigation Measures.

Please consider the following:
1. 9/10/2019 aj comments on draft EIR 3.B.6
2. Response To Comments (RTC) on Cumulative Impacts and Mit Measures
3. Inadequacy of response: In **red** within body of "2. RTC"

1. 9/10/2019 aj COMMENT

COMMENT ON 3.B.6 IMPACT AND MITIGATION MEASURES

2040 Cumulative Conditions

Impact C-TR-4: The proposed project, in combination with reasonably foreseeable future projects, may result in a potentially significant cumulative impact related to public transit delay and the project could contribute considerably. (Significant and Unavoidable with Mitigation) (p. 3.B-94)

> *In the PEIR, under the 2025 with Area Plan scenario, transit delay impacts were identified at Ocean Avenue/Geneva Avenue/Frida Kahlo Way and the new Geneva Avenue/I-280 NB Off-Ramp and Geneva Avenue/I-280 SB On-Ramp intersections. However, as discussed under Impact TR-4, p. 3.B-73, operation of the proposed project would not substantially delay public transit, and this impact would be less than significant.*

In my previous submission of 9/7/2019, I had presented a picture of the real-life impact, based on SEIR/Kittelson's figures of Reservoir-related delay on the 43 Masonic. Instead of just using the delay figures for the restrictive limits of geographic context in the Figure 3.B-2 map, the submission showed **27.4 to 33.6% increases in Reservoir-related travel time** within the BPS Area Plan "Project Area".

Relative to the MUNI on-time-performance's late criterion of 4 minutes, **Reservoir-related delay contributes 48 to 58.8% of the 4 minutes of lateness.**

The only way that the SEIR can conclude a less-than-significant transit delay impact is to change the standards.

It did this by creating a quantitative "threshold of significance" of an **additional 4 minutes over and above the SF Charter's 4 minutes**. Thus, with this this creatively invented threshold of significance that totals 8 minutes, objectively significant delay relative to MUNI schedules are magically transformed into "less-than-significant."

Here's copy & paste from my previous submission:

> **This concluding determination regarding TR-4 Transit Delay is invalid for the reasons already presented above:**
>
> > **The SEIR is egregiously deficient in formulating its less-than-significant determination of the Project's contribution to transit delay:**
> >
> > - **It omits applicability of the PEIR's analysis of the Lee Extension causing significant impact;**
> > - **It arrogation of a four-minute Project-related delay standard is based on misapplication of City Charter 8A.103 (c)1 whose 4-minute standard is relative to the MUNI schedule;**
> > - **In the example of the 43 Masonic, the SEIR's fails to account for the route segment between CCSF Bookstore and Balboa Park Station, thus grossly lowballing the Project's contribution to transit delay.**
> > - **The Kittelson Travel Demand Memo and Kittelson Transit Delay Memo fail to evaluate EB left turns at Brighton. It fails to assess the (high--aj) probability that BR residents will turn left at Brighton, cut through Whole Foods ingress/egress, and then turn left again onto Lee.**
>
> **Finally, the TR-4 determination fails the substantial evidence standard of the Significance Criteria:**
>
> > *The guidelines implementing CEQA direct that this determination be based on scientific and factual data, including the entire record for the project, and not on argument, speculation, or unsubstantiated evidence.*

****

> *As discussed in Table 3.B-18, p. 3.B-74, under Impact TR-4, under existing plus project conditions, the increase in transit delay associated with either the Developer's Proposed Option and the Additional Housing Option would not result in significant transit delay impacts. However, the transit delay contribution from City College's Ocean Campus, in combination with the proposed project options, is unknown. For the purposes of a more conservative analysis, the addition of vehicle and transit trips generated by the proposed project options in combination with the City College facilities master plan projects and other cumulative developments is expected to increase transit delay and could exceed the four-minute threshold of significance for individual Muni routes described in the Approach to Impact Analysis Methodology.*
>
> As shown previously, that Reservoir-related delay "would not result in significant transit delay Impacts" has been shown to be objectively false.

After the false assertion that portrays the Reservoir Project as blameless for transit delay, C-TR-4 then throws the blame for cumulative Transit Delay on City College when its Facilities Master Plan gets up and running in the future. The phrasing of the passage essentially shifts the blame for cumulative transit delay impacts on City College, instead of admitting that the primary/proximate cause for transit delay is the Project itself.

The main error in C-TR-4 is that the Reservoir is presumed to be the baseline condition when in fact City College should be treated as the baseline condition.

Crucially, City College's Facilities Master Plan is essentially a **renovation and replacement program** for existing deteriorated, end-of-useful life buildings/facilities. Other than normal growth, build-out of the FMP will not generate new, appreciably substantial vehicle trips above what exists today as the existing condition. Furthermore any parking structures in FMP would be a direct result of the Reservoir Project's elimination of student parking. Although the Planning Dept would want to categorize FMP parking as new, objectively the FMP parking will be replacement parking, not "new."

In contrast, it is the Reservoir Project's new residents that will generate new vehicle trips that would cause transit delay.

The SEIR reverses cause and effect in C-TR-4. It does this by treating the Reservoir Project as if it's the existing setting in its assessment of cumulative effects and treats CCSF as the new kid on the block. The fact of the matter is that CCSF must be treated as the baseline condition, and the Reservoir Project as the new kid on the block. I offer as an example a critique of a 11/17/2016 Planning Dept letter that was sent to City College authorities:

HYPOCRISY OF BALBOA RESERVOIR PROJECT PLANNERS

In reviewing Sunshine Ordinance documents, I have come across a 11/17/2016 Planning Dept letter addressed to City College BOT signed by its Director, John Rahaim (attached for your convenience).

The 11/17/2016 letter provided the City's input on the City College draft FMP.

Under the heading of "Access, Parking, and Transportation Demand Management", the letter states:

> *"CCSF has stated that it anticipates maintaining or increasing the number of parking spaces associated with the campus as on-and off-campus surface parking is replaced with buildings. This level of parking provision would have negative consequences for neighborhood congestion…"*

Further down in the letter, under the heading “Balboa Reservoir Development Access & Interface”, the letter states:

> *“While the design of the Reservoir site has not yet begun, roadway access to the Reservoir site* [cutting through City College property—aj] *is a critical element that needs to be considered now as part of CCSF's master planning process…”*

Back in November 2016 when you first read this letter, I assume that BOT and Administration were able to discern the brazen hypocrisy contained in this letter to SFCCD.

ONE STANDARD FOR CITY COLLEGE…….
The City had the audacity in this letter to blame the FMP for negative consequences of proposed FMP parking. The City shows lack of self-awareness and dishonesty when the reason for needing replacement parking is ultimately the Balboa Reservoir’s own elimination of student parking—parking which constitutes the existing condition.

……..ANOTHER STANDARD FOR BALBOA RESERVOIR PROJECT
The Planning Dept letter raises the importance for SFCCD to provide roadway access for the Reservoir Project. The letter says “roadway access is a critical element that needs to be considered now…”

Since the City planners say that the parking needs of CCSF stakeholders can be resolved with TDM, the TDM solution should obviate the need for roadway access for the Reservoir Project , too, doncha think?

But, no. A double standard applies.

Did you notice that the City’s concern for “negative consequences for neighborhood congestion” only applied to City College, but not to the Reservoir Project? FYI, throughout the “public engagement process”, Reservoir Project has not shown serious concern for its own negative consequences.

If BOT and Administration allow the City to abuse the City College stakeholders whose interests you are supposed to represent, you are failing in your compliance with Accreditation Standard IV.C4.

--aj 10/9/2017

****

To reduce the project's considerable contribution, implementation of ***Mitigation Measure M-C-TR-4, Monitor Cumulative Transit Travel Times and Implement Measures to Reduce Transit Delay*** *was identified. This mitigation measure would require the project sponsor to monitor transit travel times and coordinate with the planning department and SFMTA to implement measures to keep transit travel times within four minutes of existing levels.*

> ***Mitigation Measure M-C-TR-4: Monitor Cumulative Transit Travel Times and Implement Measures to Reduce Transit Delay.*** *The project sponsor, under either project option, shall monitor cumulative transit travel times for the identified route segments of the K/T Third/Ingleside, 29 Sunset, 43 Masonic, and 49 Van Ness/Mission lines to determine if a route does not meet its performance standard. If applicable, the project sponsor shall implement feasible measures (as developed in consultation with SFMTA) to reduce transit delay and meet the transit travel time performance standard.*
>
> ***Transit Travel Time Performance Standard.*** *Existing transit travel times and performance standards for the routes subject to this measure, including study segment and time periods,are shown in Table M-C-TR-4. The routes and study segments shown in Table M-C-TR-4 represent routes and study segments most likely to have a cumulative impact to which the project would have a considerable cumulative contribution.*

What is the "transit travel time performance standard" that is to be met?

The SEIR presents Table M-C-TR-4 Transit Travel Time Performance Standard that, by appearance looks oh, so impressive and credible, and "quantitative"! The Table presents "Existing Transit Travel Time" and "Performance Standard." And it looks SOOO legitimate and objective!

But the key is literally in the fine print of Performance Standards' Footnote "b".

Footnote "b" states: b The performance standard is calculated as the existing transit travel time plus four minutes, or half the headway of a route with headways of less than eight minutes.

As presented in earlier submissions this Performance Standard of "existing travel time plus four minutes" is based on the misappropriation and misuse of the Charter Section 8A.103 (c)1.

Here I present some examples of the increase in travel time that results from the generous "plus four minutes" Performance Standard based on figures from Table M-C-TR-4:

Transit Line	**Study Segment**	**Existing Transit Travel Time--PM**	**Performance Standard--PM**	**Percent Increase in Travel Time**
K/T	Jules Ave/Ocean Ave to Balboa Park BART	8:42	12:42	**46.0%**
29	Mission St/Persia Ave to Plymouth Ave/ Ocean Ave	9:55	15:10	**52.9%**
43	Gennessee St/Monterey Blvd	4:23	8:23	**91.3%**

	to Frida Kahlo Way/CCSF South Entrance			
49	Frida Kahlo Way/CCSF South Entrance to Mission St/Persia Ave	10:04	14:04	**39.7%**

The Planning Dept-created threshold of significance of an additional 4 minutes results in **increases in Reservoir-related travel times of 46%, 52.9%, 91.3%, and 39.7% respectively for the K-T, 29, 43, and 49 line segments in the Table. By any objective measure, these would be extremely substantial contributions to transit delay.**

The only legitimate standard to be used to comply with the Transit First Policy is: four minutes late as measured against a MUNI time point…….Not a "plus 4" creatively designed qualitative threshold of significance.

Regarding Mitigation Measure M-C-TR-4's "*The project sponsor, under either project option, shall monitor cumulative transit travel times for the identified route segments…. the project sponsor shall implement feasible measures (as developed in consultation with SFMTA) to reduce transit delay and meet the transit travel time performance standard.*

ARE YOU KIDDING ME?!! Monitor and implement "**feasible"** measures?!!

Once the Project has been approved and built, monitoring will only confirm what people who have actual ground-level, real-life based experience in the area have been saying all along about traffic issues that would ultimately cause severe MUNI delay.

And at that point, there will be no **feasible** measures to implement because the damage will have already been done.

There will be no feasible measures because the Reservoir Project the project area is characterized by streets that cannot be widened. There will be no feasible way to effectively reduce transit delay. A 2012 Haas School of Business study about a possible Reservoir Project recognized the difficulties of "*... limited access points and large influx of new residents".* for such a project.

To think that monitoring transit delay and implementing "feasible" measures such as TDM will be able to satisfactorily mitigate the impact of the Reservoir would be ludicrous.

Thankfully, the SEIR arrives at a realistic determination (except for the undue blame given to a City College contribution to future transit delay) for C-TR-4:

> *In consideration of the uncertainty surrounding the development at City College's Ocean Campus, the uncertainty of the Balboa Reservoir Project's TDM measure effectiveness, and the uncertainty of SFMTA approval of other measures under their jurisdiction, the impact of the proposed project options would remain* ***significant and unavoidable with mitigation,*** *even with*

implementation of Mitigation Measure M-C-TR-4.

Significance after Mitigation: *Significant and Unavoidable.*

Submitted by:
Alvin Ja

2. RESPONSE To COMMENT (quoted from RTC document in black):
Cumulative Conditions Transit Delay
As discussed on draft SEIR p. 3.B-95, the transit delay contribution from the project, City College facilities master plan projects and other cumulative developments is expected to increase transit delay...Based on a review of the project-related increase in delay under existing plus project conditions and the potential for increased delay under cumulative conditions, the proposed project options could have a cumulatively considerable contribution to transit impacts.
I had pointed out in my comment that the determination of significant and unavoidable cumulative impact even with mitigation essentially blames City College. The RTC fails to address the issue of how replacement facilities for worn-out and out-of-date buildings (Diego Rivera Theatre and Science Building) which would not substantially increase student population would have a greater effect than the influx of at least 2500-3000 new residents in relation to transit delay.
The RTC fails to answer the comment of "The SEIR reverses cause and effect in C-TR-4. It does this by treating the Reservoir Project as if it's the existing setting in its assessment of cumulative effects and treats CCSF as the new kid on the block."

Sincerely,
Alvin Ja, appellant
Retired MUNI Operator/Inspector/Instructor with front-line expertise on K, 8, 23, 29, 43, 49, 54

From: aj
To: Board of Supervisors, (BOS); Lew, Lisa (BOS); Wong, Jocelyn (BOS)
Subject: Doc. 8 for EIR Appeal--Consequences of Transit Delay Threshold of Significance
Date: Sunday, August 2, 2020 3:30:41 PM

BOS:

On 9/14/2019, I submitted a comment regarding Consequences of Transit Delay Threshold of Significance.

Please consider the following:
1. 9/14/2019 aj comments on Consequences of Threshold of Significance
2. Response To Comments (RTC) on Cumulative Impacts and Mit Measures
3. Inadequacy of response: In **red** within body of "2. RTC"

1. 9/14/2019 aj COMMENT

CONSEQUENCES OF THRESHOLD OF SIGNIFICANCE USED FOR TRANSIT DELAY

The "less-than-significant" determination for Impact TR-4 is invalid. It is invalid because its 4-minute threshold of significance/Performance Standard is arbitrarily high and has been arrived at with neither proper authority nor substantial evidence.

Allowance of a 4-minute Reservoir-related Transit Delay threshold of significance would violate the Transit First Policy.

Although the SEIR finds potentially significant impact for C-TR- 4, the potential impact is unfairly attributed to City College's FMP.

The actual real-world impact will be from the Reservoir Project; not City College. As such, the Reservoir Project's true impact to Transit Delay has been covered up by an egregiously liberal 4-minute threshold of significance. As such, the LTS determination for Impact TR-4 should objectively be invalid.

City College's future plans are fundamentally renovation projects to replace worn-out facilities. These renovation projects will not, in and of themselves—unlike the Reservoir Project—induce substantially greater demand for education services and resultant travel demand.

The SEIR blames the victim in its discussion of Impact C-TR-4.

I wish to reinforce my earlier analysis of the inappropriateness of using a 4-minute threshold

of significance in reaching a “less-than-significant” determination for Impact TR-4.

I have already provided several critiques of various aspects of the SEIR’s analyses contained in Section 3.B, Transportation & Circulation.

I have already compared the numbers for “Project-Related Increase in Delay” provided in Table 3.B-18, *Transit Delay Analysis*. I compared the Project-Related Delay to scheduled MUNI running times for the 43 line.

My analysis showed:

> *Option 1’s “ Project-Related Increase in Delay” of 115 seconds (1.9 minutes) represents a **27.4% increase in travel time** for the 7-minute running time segment between Monterey/Gennessee and Balboa Park Station.*
>
> *Option 2’s contribution of 141 seconds (2.4 minutes) of Reservoir-related delay represents a **33.6% increase in travel time** over the scheduled 7 minute running time between Monterey/Gennessee to Balboa Park Station.*

I have analyzed the latest MUNI schedule information. I have attached a Table entitled “Reservoir-Related Delay in Relation to Reservoir Area MUNI Characteristics.”

The Table compiles information gathered from official MUNI scheduling documents. The documents are “Rotations” and “Trains” that contain information on headways and timepoints.

The Table shows the percentage contribution of real-world Reservoir-related delay relative to current MUNI timepoint-to-timepoint running times, using the SEIR’s 4-minute threshold of significance.

LINE	WEEKDAY HEADWAY (minutes)			BPS AREA RUNNING TIME ROUTE SEGMENT (between MUNI timepoints)	RESERVOIR-RELATED TRANSIT DELAY THRESHOLD OF SIGNIFICANCE = 4 minutes		
SOURCE OF MUNI DATA: **CURRENT OFFICIAL MUNI RAILWAY ROTATIONS AND TRAINS, effective 9/5/2019**					**Percentage of delay contribution to BPS Area route segment (deemed to be insignificant!)**	**Percentage of delay contribution to City Charter’s MUNI 4-minute late criterion (deemed to be insignificant!)**	
K	**AM**	**MID-**	**PM**	**KT**			

Ingleside	PEAK	DAY	PEAK	Geneva/San Jose- St. Francis Circle	23.5% to 30.8%	100%	
	IB: 9-12	IB & OB: 10	IB: 9-10	AM: 14 MID-DAY: 13 PM: 17			
	OB: 8-10		OB: 8-10	AM: 15 MID-DAY: 15 PM: 16			
8/8BX Bayshore	AM PEAK	MID-DAY	PM PEAK	8/8BX Geneva/Mission– Unity Plaza	(For Inbound only) 50% to 66.7%	100%	
	IB: 6-7	IB: 7	IB: 6-7	AM: 8 MID-DAY: 6 PM: 8			
	OB: 7	OB: 7-8	OB: 7	(not available) AM: MID-DAY: PM:			
LINE	WEEKDAY HEADWAY (minutes)			BPS AREA RUNNING TIME FOR ROUTE SEGMENT (between MUNI timepoints)	RESERVOIR-RELATED TRANSIT DELAY THRESHOLD OF SIGNIFICANCE = 4 minutes		
					Percentage of delay contribution to BPS Area route segment (deemed to be insignificant!)	Percentage of delay contribution to City Charter's MUNI 4-minute late criterion (deemed to be	

						insignificant!)	
29 Sunset	AM PEAK	MID-DAY	PM PEAK	29 19TH/Holloway-Ocean BART	25% to 33.3%	100%	
	IB: 9	IB & OB: 12	IB: 10-12	AM: 12 MID-DAY: 14 PM: 15-17			
	OB: 10		OB: 10	AM: 15-16 MID-DAY: 15 PM: 16			
43 Masonic	AM PEAK	MID-DAY	PM PEAK	43 Monterey/ Gennessee-Geneva BART	44.4% to 57.1%	100%	
	IB: 9	IB & OB: 12	IB: 10	AM: 9 MID-DAY: 8 PM: 8			
	OB: 10		OB: 10	AM: 7-8 MID-DAY: 7 PM: 7			
LINE	WEEKDAY HEADWAY (minutes)			BPS AREA RUNNING TIME ROUTE SEGMENT (between MUNI timepoints)	RESERVOIR-RELATED TRANSIT DELAY THRESHOLD OF SIGNIFICANCE = 4 minutes		
					Percentage of delay contribution to BPS Area route segment (deemed to be	Percentage of delay contribution to City Charter's MUNI 4-minute late criterion	

					insignificant!)	**(deemed to be insignificant!)**	
49 Van Ness	**AM PEAK**	**MID-DAY**	**PM PEAK**	**49 Mission/Ocean-Unity Plaza**	**50.0% to 57.1%**	**100%**	
	IB: 8	**IB & OB: 9**	**IB: 8**	**AM: 8-9 MID-DAY: 8 PM: 9**			
	OB: 10		**OB: 7-8**	**AM: 8 MID-DAY: 7 PM: 8**			
54 Felton	**AM PEAK**	**MID-DAY**	**PM PEAK**	**54 Geneva/Mission-Geneva BART**			
	IB & OB: 20 min			**AM: 4 MID-DAY: 4 PM: 5**			
				AM: 4-5 MID-DAY: 4 PM: 5			

Percentage of increase in travel time over the existing MUNI running times are:

- K Ingleside (between Geneva/San Jose and St. Francis Circle): 23.5% to 30.8%
- 8/ 8BX Bayshore/ Bayshore Express (Geneva/Mission-Unity Plaza) 50.0% to 66.7%
- 29 Sunset (19th/Holloway – Ocean/BART) 25.0% to 33.3%
- 43 Masonic (Monterey/Gennessee – Geneva BART) 44.4% to 57.1%
- 49 Van Ness (Mission/Ocean – Unity Plaza) 50.0% to 57.1%

The lowest end of the range of Reservoir-related delay "authorized" by the SEIR is 23.5% increase over the K segment between Balboa Park Station and St. Francis Circle.

A threshold of significance that would allow 23.5% to 66.7% increases over existing running times is an egregiously poor threshold. FAIL and FUBAR.

Submitted by:
Alvin Ja

2. RESPONSE To COMMENT (quoted from RTC document in black):

In particular, the proposed project could have a significant transit impact if transit travel time increases on a specific route would be greater than, or equal to, four minutes...The threshold for transit impacts is based on the adopted City Charter section 8A.103 (c)1, which established an 85 percent on-time performance service standard for Muni,...The RTC fails to address my comment that 8A.103(c) 1 is a MUNI performance standard for scheduled time points. Nowhere does 8A.103(c)1 authorized a non-MUNI entity or project to piggyback an additional 4 minutes of delay on top of SFMTA/City Charter's own performance standard for MUNI on-time performance. --aj
The 2019 TIA Guidelines indicate that a significant impact could occur if a project would result in transit delay greater than or equal to four minutes. This criterion is based on substantial evidence provided in Appendix I of the 2019 TIA Guidelines (p. I-26) and is explained in a July 20, 2018, SFMTA memorandum included as RTC Attachment 5. The RTC contends that its 4-minute Threshold of Significance for Transit Delay is supported by substantial evidence. This contention is false. 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 merely 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." The legal definition of "substantial evidence" refers *"to evidence that a reasonable mind could accept as adequate to support a conclusion."* The referenced 7/20/2018 SFMTA Memo only provides an assertion of a four-minute threshold of significance but fails to provide anything close to "substantial evidence." --aj
The commenters provide no substantial evidence to demonstrate that the information used to develop the criterion is flawed or inadequate. My comment provided an example of the SB 43 Masonic line which provided hard numbers. The Table provided shows that, using a 4-minute threshold of significance, the significance criterion allows for a 57.1% increase (from a scheduled 7 minutes to 11 minutes) in the time for a 43 bus to travel from Monterey/Gennessee to Balboa Park Station to be considered insignificant! In comparison to the RTC's "substantial evidence" that is in actuality just an assertion based on inappropriate interpretation of 8A.103(c)1, the official MUNI Rotations (schedules) provide hard evidence that a 4-minute delay caused by the Reservoir Project constitutes a significant real-world 57.1% transit delay for

passengers and Operators.

The RTC merely keeps repeating the much less than substantial "substantial evidence" of an assertion. The RTC fails to address the actual number involved in the application of Threshold of Significance on actual MUNI lines. The RTC fails to address the 23.5% to 66.7% increases over scheduled running times from timepoint to-timepoint for MUNI lines K, 29, 43, 8, 49.

Sincerely,
Alvin Ja, appellant
Retired MUNI Operator/Inspector/Instructor with front-line expertise on K, 8, 23, 29, 43, 49, 54