

[Affirming the Final Environmental Impact Report Certification - Proposed Balboa Reservoir Project]

Motion affirming the Planning Commission’s certification of the Final Environmental Impact Report prepared for the proposed Balboa Reservoir Project.

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

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

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

WHEREAS, The sponsor and City considered two options for the Project’s density: 1.) 1,100 residential units, and 2.) 1,550 residential units; both with approximately 1.8 million gross square feet of uses at the site, including 1.3 million to 1.5 million gross square feet of residential uses; 10,000 square feet of community space; up to 7,500 gross square feet of retail; 650 residential parking spaces (option 2) to 1,300 parking spaces (550 residential and 750 public spaces in option 1); and building heights from 25 to 78 (option 1) or 25 to 88 feet (option 2); and

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

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

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

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

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

21 WHEREAS, The comments and revisions addressed in the RTC did not identify new
22 significant impacts or a substantial increase in the severity of previously identified impacts, nor
23 did they identify feasible project alternatives or mitigation measures that are considerably
24 different from those analyzed in the Draft SEIR and that the Project sponsor has not agreed to
25 implement, and no significant new information that would require recirculation of the Draft

1 SEIR under section 21092.1 of the California Environmental Quality Act, California Public
2 Resources Code, Sections 21000 et seq. ("CEQA"), and CEQA Guidelines, Section 15088.5,
3 was identified; and

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

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

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

16 WHEREAS, On August 11, 2020, this Board held a duly noticed public hearing to
17 consider the appeal of the Final SEIR certification filed by Appellant and, following the public
18 hearing, the Board of Supervisors affirmed the Planning Commission's certification of the
19 Final SEIR based on the written record before the Board of Supervisors as well as all of the
20 testimony at the public hearing in support of and opposed to the appeals; and

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

1 MOVED, That this Board of Supervisors hereby affirms the decision of the Planning
2 Commission in its Motion No. 20730 to certify the Final SEIR and finds the Final SEIR to be
3 complete, adequate, and objective and reflecting the independent judgment of the City and in
4 compliance with CEQA, the CEQA Guidelines, and San Francisco Administrative Code
5 Chapter 31; and, be it

6 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
7 record before it there are no substantial project changes, no substantial changes in project
8 circumstances, and no new information of substantial importance that would change the
9 conclusions set forth in the Final SEIR; and, be it

10 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
11 record before it there is no significant new information that would require recirculation of the
12 Final SEIR under section 21092.1 of CEQA and CEQA Guidelines, Section 15088.5.

13
14 n:\land\as2020\1900434\01468319.docx
15
16
17
18
19
20
21
22
23
24
25