

File No. 200804

Committee Item No. _____

Board Item No. 36

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: August 11, 2020

Cmte Board

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OTHER

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appeal Letter - 06/18/20</u> |
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Prepared by: Lisa Lew

Date: August 7, 2020

Prepared by: _____

Date: _____

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June 18, 2020

To the Honorable President Yee and Members of the San Francisco Board of Supervisors

RE: APPEAL OF PLANNING COMMISSION CERTIFICATION OF FINAL
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR BALBOA
RESERVOIR PROJECT. (Case No. 2018-007883ENV)

I am an attorney representing Madeline Mueller, Alvin Ja, and Wynd Kaufmyn (hereinafter, "Appellants"). On behalf of the Appellants, and pursuant to San Francisco Administrative Code Section 31.16, I hereby appeal the Planning Commission's certification of the Final Subsequent Environmental Impact Report ("FSEIR") for the Balboa Reservoir Project ("Project") and its adoption of findings supporting that certification on May 28, 2020. All of the Appellants participated in the administrative process for the preparation and approval of the FSEIR, and all submitted both oral and written comments on the Draft SEIR during the public review period. Due to the unusual present circumstances, this appeal is being submitted both electronically via email and in "hard copy" via the U.S. Mail. A check for the \$640 appeal fee is being submitted with the hard copy of the appeal.

The reasons for the appeal are substantive and procedural violations of the California Environmental Quality Act in the preparation and certification of the Final EIR, inadequate findings adopted by the Planning Commission in support of that certification, and an inadequate statement of overriding considerations. Details of the bases for this appeal are laid out below and in the attached exhibits, which exhibits are incorporated into this appeal by this reference. I expect to submit further explanation and amplification on these points in subsequent submittals to the Board prior to the hearing on this appeal.

A. Substantive Violations of the California Environmental Quality Act ("CEQA")

CEQA contains numerous provisions about what is required to be contained in an EIR. The FSEIR for this project violated a number of these provisions, making its certification improper and a violation of CEQA.

1. The Description of the Project area and existing conditions is incomplete and inaccurate. While the EIR makes passing mention of the surrounding major uses in the Project, notably the Ocean Campus of City College of San Francisco ("CCSF"), Archbishop Riordan High School, and Lick Wilmerding High School, it does not provide adequate information on the extent and nature of those uses, both present and

reasonably foreseeable, and the way they would be affected by the proposed Project. Further, while the EIR does mention that CCSF is planning to expand its Ocean Campus, and that the expansion includes the addition of new buildings, including a Performing Arts Education Building (Diego Rivera Theater) and a STEAM (science, technology, engineering, arts, and mathematics) Building, it does not mention that these buildings, which have now been funded by a bond measure passed by San Francisco voters in March 2020, would occupy a good portion of the parking lot just to the east of the Project site, which the EIR relies upon to accommodate most of the student parking needs for CCSF. The tentative construction schedule for those buildings would overlap with construction of the Project, resulting in unanalyzed potentially significant cumulative construction impacts (see attached Exhibit A – CCSF Phasing Plan). Nor does it consider that the expansion of the CCSF Ocean Campus will increase the student enrollment at that campus, and can therefore be expected to further increase the need for space to accommodate parking for its entirely commuter San Francisco student population.

2. The project description is inaccurate and inconsistent. “An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199.) The Project is described as including 1,100 residential housing units, half of which (550) would be market rate and half of which would be divided between units permanently affordable to low or moderate-income tenants. However, the description of the project actually states that “up to 50 percent” of the units would be designated as affordable units. (See, Notice of Preparation at p. 14.; DSEIR at p. 6-59.) Nowhere in the EIR does it disclose exactly what percentage of the project *will* be affordable units. In fact, the DEIR makes clear that it has not yet been determined, but would depend on future “market surveys, funding source restrictions and other stakeholder input on the affordable housing plan.” (DSEIR at p. 2-13.) Not only does this not comply with the requirements that the project description be stable, accurate, and finite, but it also implicates the Project’s impact analysis. It is well known that lower income households are more likely to use public transit for a higher percentage of their household trips than are upper income households of the type who would occupy market rate, or even moderate-income, units. Consequently, leaving the final percentage of affordable units, as well as their level of affordability, unspecified makes the analysis of vehicle miles traveled for the Project indeterminate and hence inaccurate. That, in turn, also affects the Project’s other impacts, including air quality, pedestrian and bicyclist safety, and transit delay impacts.
3. Failure to identify and mitigate significant impacts, including: 1) cumulative construction impacts (noise, air quality, transit delay, pedestrian and bicyclist safety) from construction of the Project and adjoining CCSF construction projects. 2) transportation (VMT) and air quality impacts due to cumulative parking shortage and resulting “cruising” by students and other searching for available on-street parking spaces.¹ 3) land use impacts, including not disclosing that the proposed project is

¹ This impact was grossly underestimated, as the number of marking spaces available for CCSF students and faculty were grossly overestimated by not considering the increased parking demand

fundamentally inconsistent with priority policies adopted by the voters of San Francisco in Proposition M, specifically: Policy #2 – That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods, and Policy #7 – That our parks and open space and their access to sunlight and vistas be protected from development. Both of these policies were adopted to protect the environment. 4) Noise impacts on the adjoining CCSF Multi-Use Building, which houses childcare classes, as well as on other childcare facilities and schools in the vicinity of the Project site. The children in these childcare facilities and schools are sensitive receptors who will be especially harmed by construction and operational noise impacts. This impact was neither identified, nor was mitigation of the impact considered. In addition, the FSEIR erroneously identified the time of least noise sensitivity as between 9 AM and 4 PM. Yet this is the time when classes are being held at CCSF, and childcare facilities are in operation, including time for naps for very young children. These are NOT times on minimum sensitivity.

4. Failure to include a reasonable range of feasible alternatives, including specifically alternatives that would reduce significant impacts so as to allow all decision makers and the public to make reasoned choices. The FEIR, with no supporting evidence, asserts that an alternative that would construct a 100% affordable housing project is infeasible. As justification, the City asserts that a 100% affordable project would not meet the project objective of building “a mixed-income community with a high percentage of affordable units to provide housing options at a range of income levels.” However, a 100% affordable project could include both moderate and low-income units. If that was not a sufficient range, some very low-income units could be added. It should be noted that the area surrounding the project already includes significant amounts of moderate upper income households; so removing market rate units would still result in a mixed-income community.

The City also claims that SFPUC ratepayers need to be provided fair market value for the land PUC owns.² However, if the land remains in the hands of the City and County, there has been no change in ownership, so the ratepayers would not have been “short-changed.” Finally, the City claims that a 100% affordable project would be a different project. Of course, that is correct, but noting in CEQA requires that a project alternative be no more than a variant on the proposed project. A 100% affordable city-owned project is still an alternative that should have been given serious consideration. Not only would it have been a smaller project (with at roughly the same amount of affordable housing), and therefore have reduced transit delay, air quality, and construction noise impacts, but because it is well documented that lower income households use transit more, the transit delay impacts due to auto use in the Project would be further reduced. Further, if some of the low and moderate income units were dedicated to faculty at CCSF and other nearby schools and residents who

from implementation of the CCSF Master Plan. (Compare Tables 13 and 14 in the attached traffic analysis (Exhibit B). The SEIR used Table 13 when Table 14 was the proper table.)

² It is highly questionable whether the price at which the property is being offered to the Project developers, \$11 million, represents the fair market value for this 17 acre parcel.

work nearby, those residents would walk to work, totally eliminating their impacts on transit. In short, a 100% affordable project was a feasible alternative with lower impacts that was unjustifiably excluded from consideration.

5. Ignoring the cumulative impacts of the Project, taken together with impacts associated with implementation of the City College of San Francisco Master Plan, and specifically the long-planned Diego Rivera Theater and STEAM Building, located directly adjacent to the Project site, and which will significantly exacerbate air quality, transit delay, and bicyclist safety impacts that have already been identified as significant and unavoidable.

B. Procedural violations of CEQA – failure to recirculate DSEIR based on changed circumstances and new information that will require substantial modifications to the EIR. (CEQA Guidelines § 15088.5; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal. 4th 1112.)

The circulation of the DSEIR was completed on September 23, 2019. However, the Responses to Comments was not issued until April 29, 2020. During the intervening period, the COVID-19 pandemic began, resulting in a shelter-in-place order that has extended from March 2020 to the present. During that time, public transit availability and usage has dramatically decreased – by over 90%. Concomitantly, there has been a dramatic increase in the use of telecommuting by employees, both in San Francisco, the Bay Area, and throughout California. Further, the hiring of new employees in San Francisco had been reduced practically to zero, and the vacancy rate for rental housing has dramatically increase due to residents leaving the City because they no longer need to or want to continue living here. While one can expect to see some hiring/rehiring once the shelter in place order is lifted, and there will likely be some return to use of public transit, it is likely that many of the changes induced by the pandemic will result in permanent changes to San Francisco’s lifestyle, including less public transit use and far more telecommuting. All of these are facts of general knowledge that the Board of Supervisors, and the San Francisco Planning Department and well aware of.

Nevertheless, the Planning Department released a Response to Comments Document that totally ignored the circumstances of the COVID 19 pandemic and its implications for what makes sense for the use of this site. In essence, the San Francisco Planning Department has attempted to ignore the dramatically altered circumstances surrounding this project. Those circumstances make the analysis presented in the FSEIR essentially irrelevant. A new analysis taking into account these changes circumstances is needed before an informed decision can be made about whether this Project still makes sense.

C. Inadequate Findings to support certification of the FSEIR.

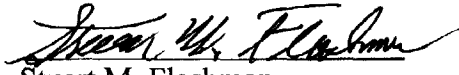
The findings made in support of the certification of the FSEIR, including the CEQA findings, are inadequate in that they do not adequately support the certification of the EIR and they are not supported by substantial evidence in the record. In addition, the Statement of Overriding Considerations approved in support of the EIR’s certification

and the Project's approval is invalid because it understates the Project's significant and unavoidable impacts, thus making any attempt to balance those impacts against the Project's putative benefits invalid. Further, many of the claimed benefits are not supported by substantial evidence in the record and the claim that any one of the claimed benefits would suffice to outweigh the Project's impacts is conclusory and unsupported by any explanation or justification, especially when several of the significant and unavoidable Project impacts would adversely affect human health and safety for inhabitants of the area surrounding the Project, including bicyclists, students, and young children.

Finally, I would like to request, as a matter of procedural fairness, the following when this matter is brought to hearing before the Board of Supervisors: 1) That the time allotted to City staff and the project proponent in opposing the appeal be equal to the amount of time allotted to the appellants to present their appeals; 2) that the appellants be allowed a reasonable amount of time for rebuttal of the arguments presented by staff and the project proponent; and 3) that the appeal be scheduled early enough in the day that members of the public who wish to speak on the appeal have a reasonable time available to make their comments without having the hearing run on until the early morning hours, when those with daytime jobs will have had to leave in order to get up for work the next morning.

We hope that the Board of Supervisors will give this appeal the serious attention and consideration that the many questions surrounding this large and impactful project deserve.

Respectfully Submitted:



Stuart M. Flashman
Attorney for Appellants

Attachments:

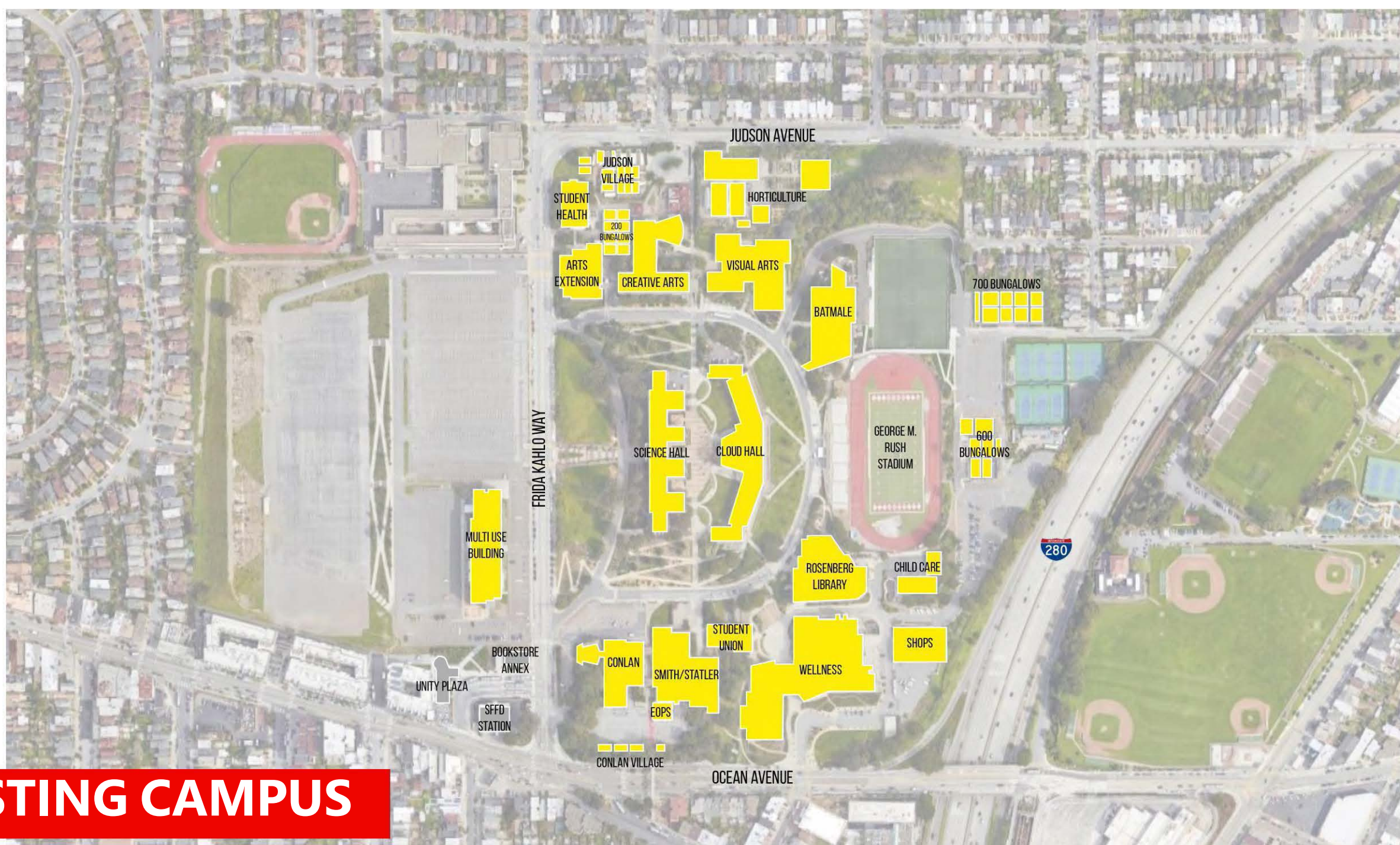
Exhibits A & B
Planning Commission Resolutions M-20730, M-20731
Check for appeal fee

CC:

San Francisco Environmental Review Officer
Ms. J. Poling, S.F. Planning Dept.
San Francisco Public Utilities Commission

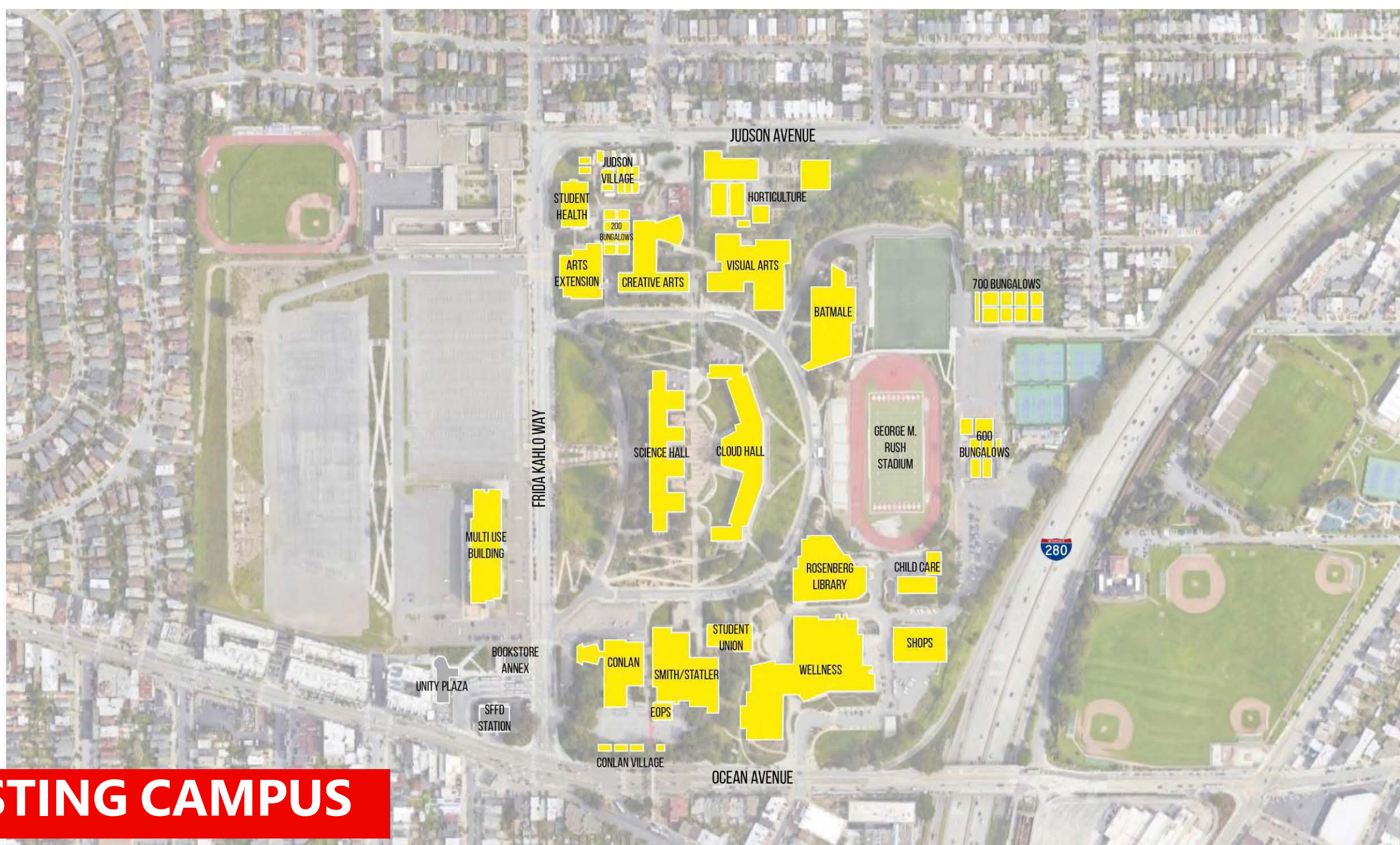
Exhibit A

HIGH LEVEL PROGRAM REVIEW



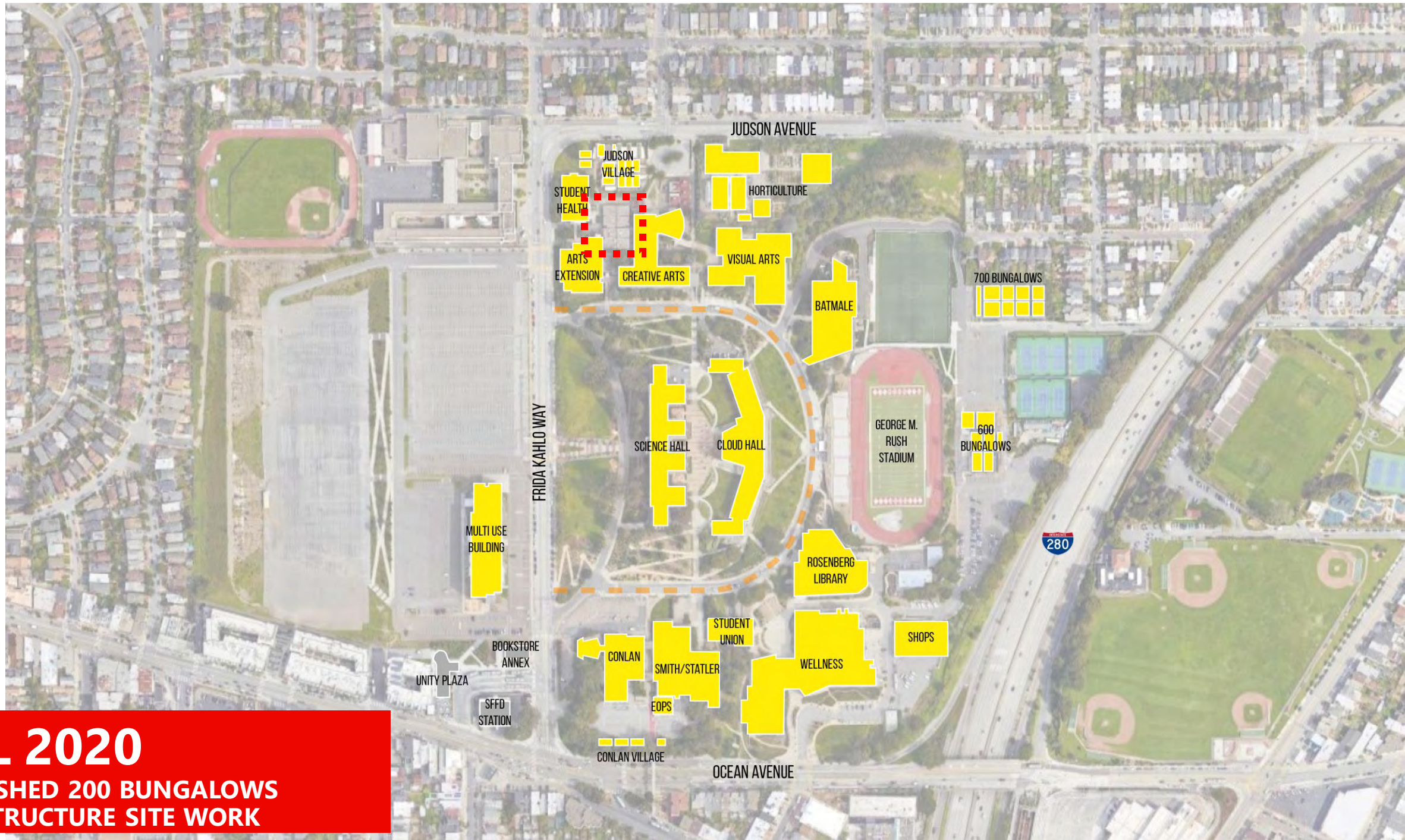
EXISTING CAMPUS

FIVE YEAR PHASING PLAN

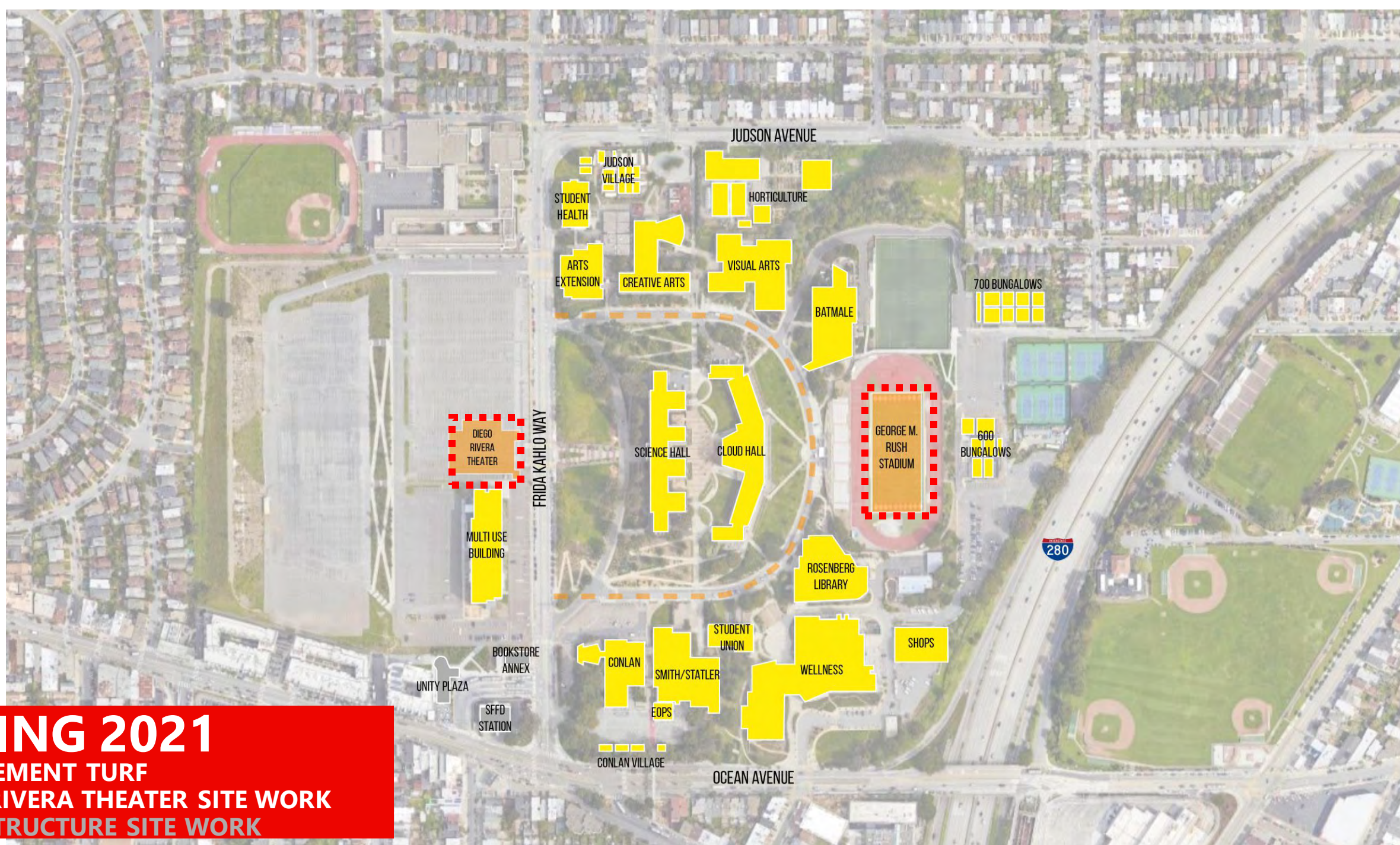


EXISTING CAMPUS

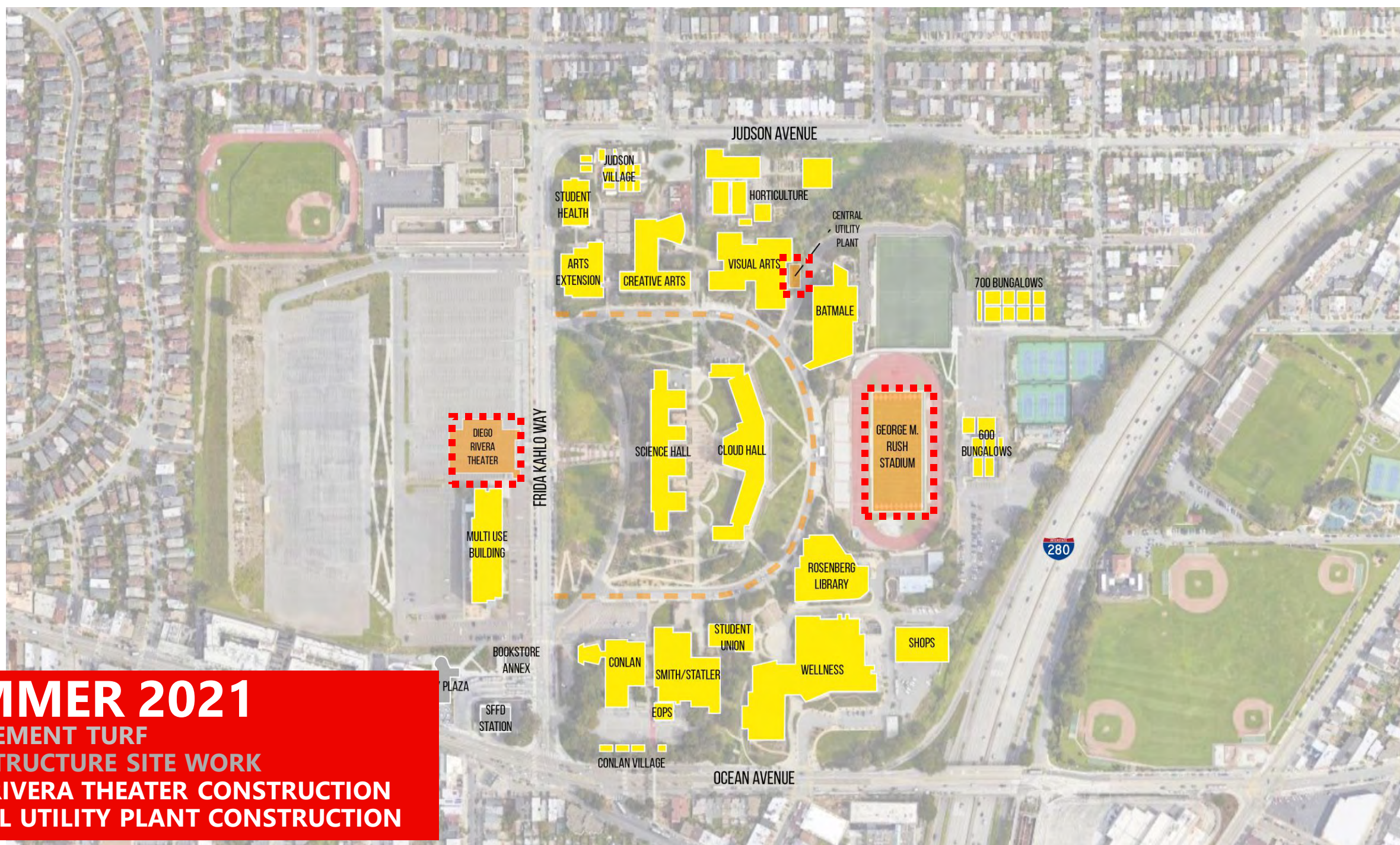
FALL 2020
DEMOLISHED 200 BUNGALOWS
INFRASTRUCTURE SITE WORK



SPRING 2021
REPLACEMENT TURF
DIEGO RIVERA THEATER SITE WORK
INFRASTRUCTURE SITE WORK



SUMMER 2021
REPLACEMENT TURF
INFRASTRUCTURE SITE WORK
DIEGO RIVERA THEATER CONSTRUCTION
CENTRAL UTILITY PLANT CONSTRUCTION



FALL 2021

**DIEGO RIVERA THEATER CONSTRUCTION
INFRASTRUCTURE SITE WORK
CENTRAL UTILITY PLANT CONSTRUCTION
REPLACEMENT TURF FINISHED
STUDENT SUCCESS CENTER SITE WORK**



SPRING 2022

DIEGO RIVERA THEATER CONSTRUCTION
STUDENT SUCCESS CENTER SITE WORK
CENTRAL UTILITY PLANT FINISHED
STEAM BUILDING SITE WORK

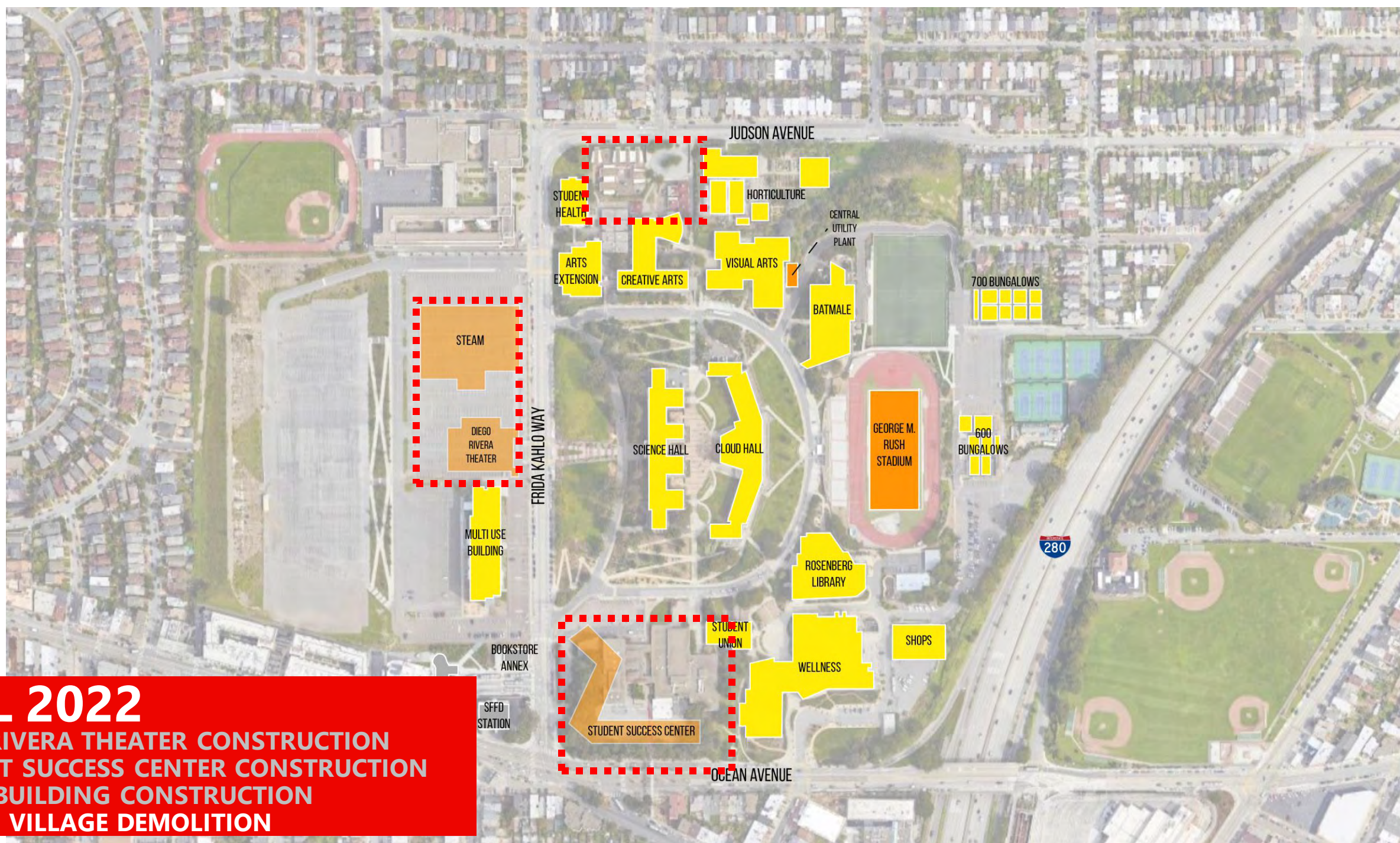


SUMMER 2022
DIEGO RIVERA THEATER CONSTRUCTION
STUDENT SUCCESS CENTER CONSTRUCTION
STEAM BUILDING CONSTRUCTION



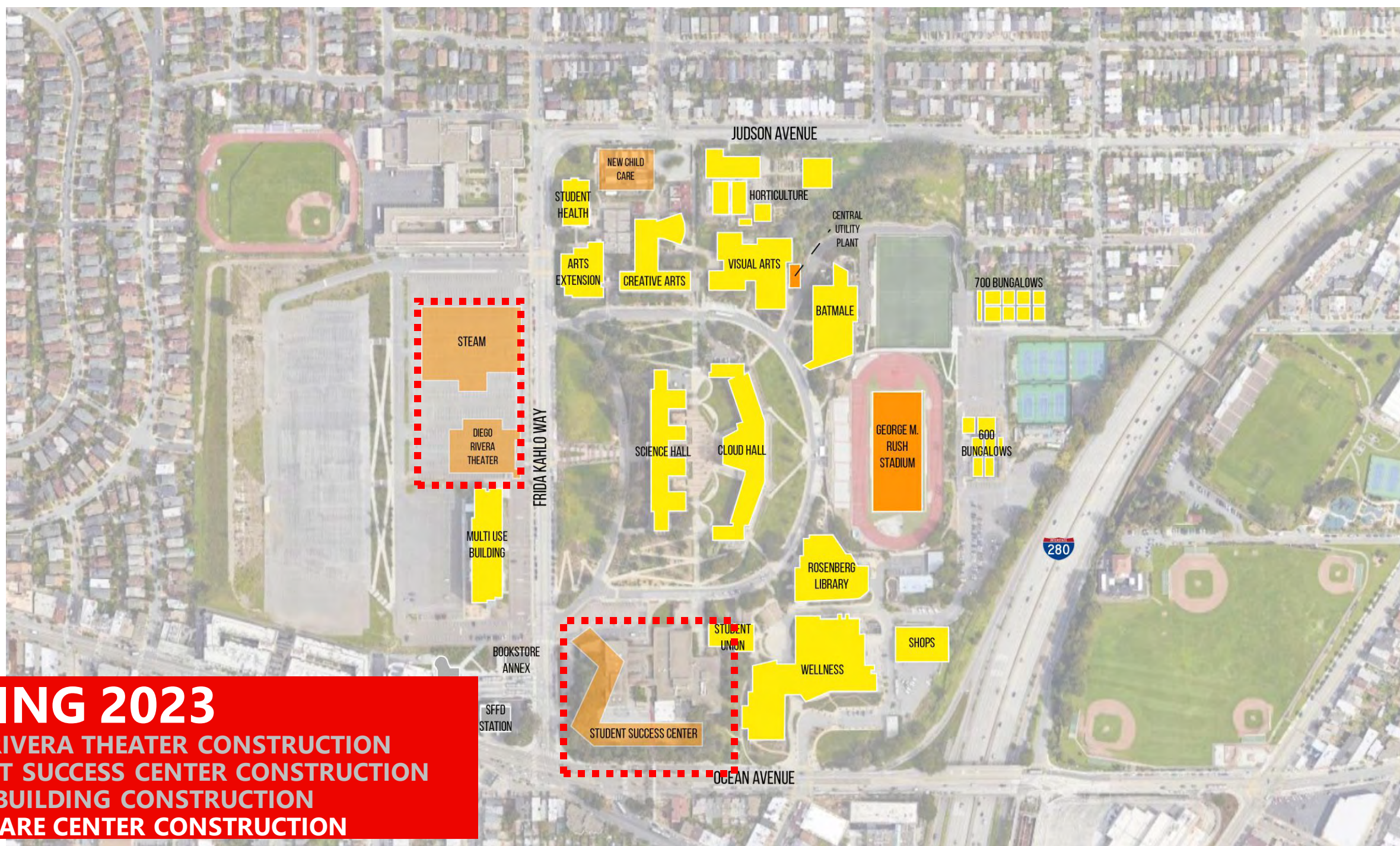
FALL 2022

DIEGO RIVERA THEATER CONSTRUCTION
STUDENT SUCCESS CENTER CONSTRUCTION
STEAM BUILDING CONSTRUCTION
JUDSON VILLAGE DEMOLITION



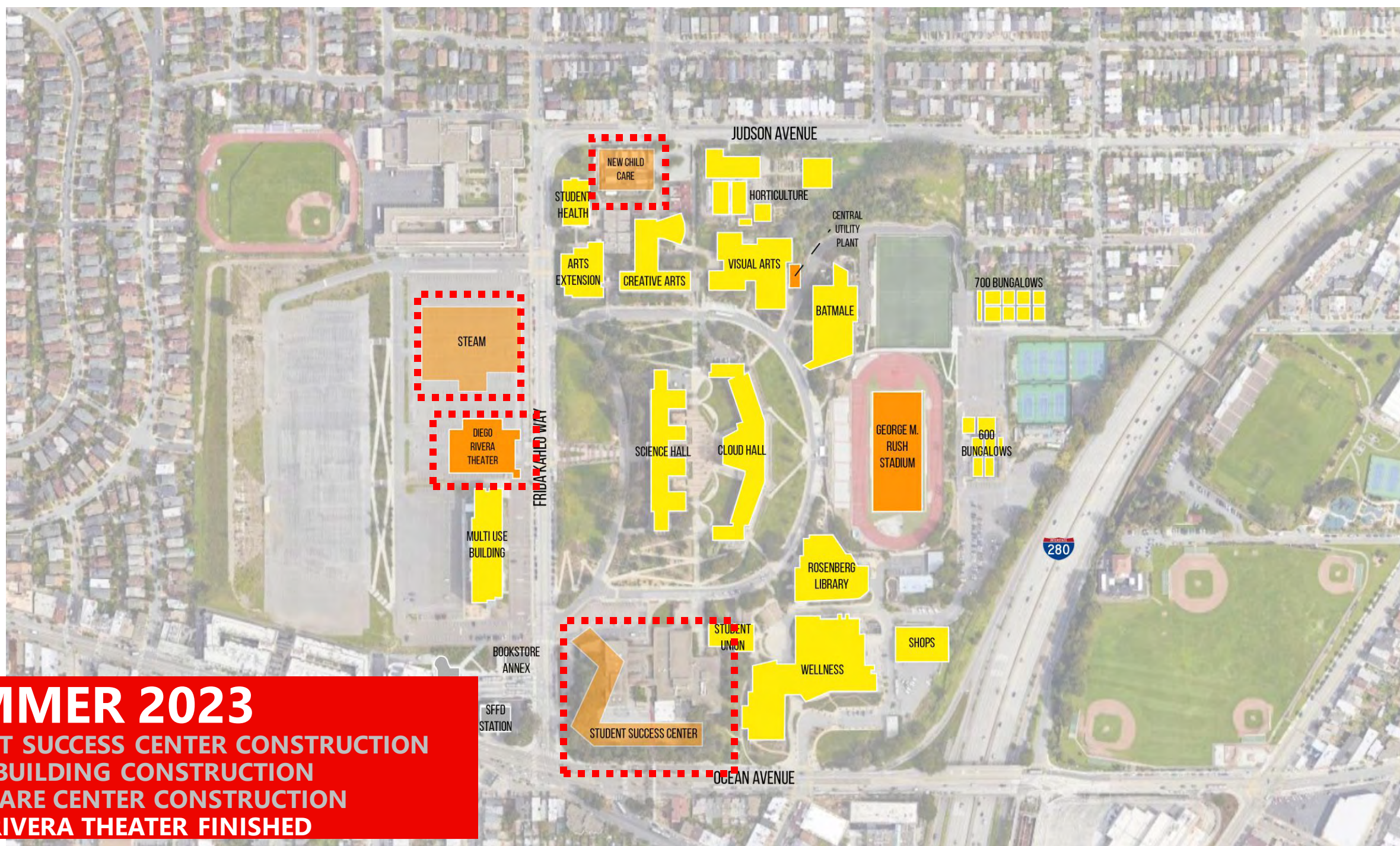
SPRING 2023

**DIEGO RIVERA THEATER CONSTRUCTION
STUDENT SUCCESS CENTER CONSTRUCTION
STEAM BUILDING CONSTRUCTION
CHILD CARE CENTER CONSTRUCTION**



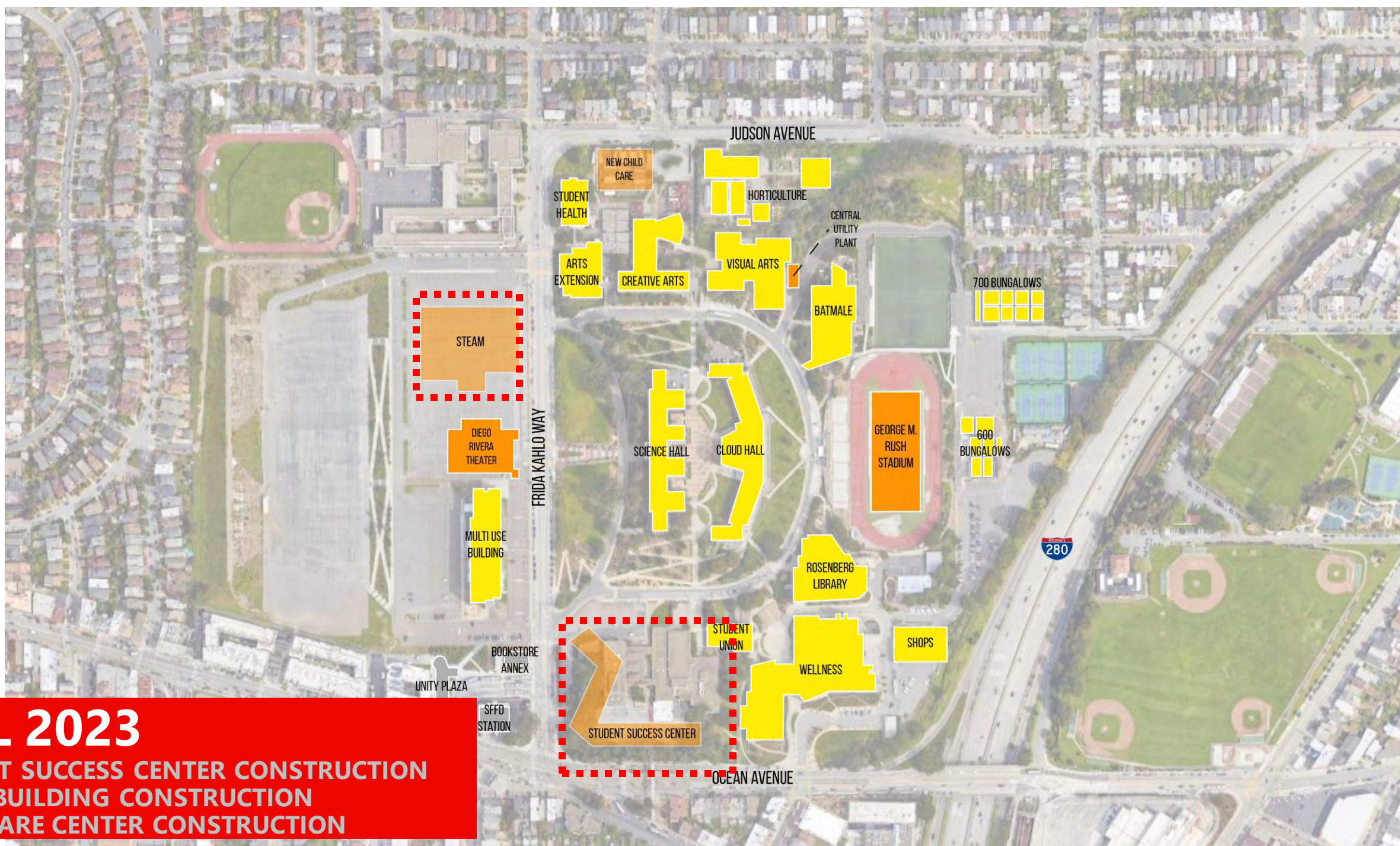
SUMMER 2023

STUDENT SUCCESS CENTER CONSTRUCTION
STEAM BUILDING CONSTRUCTION
CHILD CARE CENTER CONSTRUCTION
DIEGO RIVERA THEATER FINISHED



FALL 2023

STUDENT SUCCESS CENTER CONSTRUCTION
STEAM BUILDING CONSTRUCTION
CHILD CARE CENTER CONSTRUCTION



SPRING 2024

STUDENT SUCCESS CENTER CONSTRUCTION

STEAM BUILDING CONSTRUCTION

CHILD CARE CENTER FINISHED

SCIENCE HALL RENOVATION

MULTIMEDIA BUILDING RENOVATION



SUMMER 2024

SCIENCE HALL RENOVATION
MULTIMEDIA BUILDING RENOVATION
STUDENT SUCCESS CENTER FINISHED
STEAM BUILDING FINISHED



FALL 2024
SCIENCE HALL RENOVATION
MULTIMEDIA BUILDING RENOVATION
CLOUD HALL RENOVATION



SPRING 2025
CLOUD HALL RENOVATION
SCIENCE HALL RENOVATION
MULTIMEDIA BUILDING FINISHED



SUMMER 2025

CLOUD HALL RENOVATION
SCIENCE HALL RENOVATION



FALL 2025
CLOUD HALL RENOVATION
SCIENCE HALL RENOVATION



SPRING 2026

**CLOUD HALL RENOVATION FINISHED
SCIENCE HALL RENOVATION FINISHED
CREATIVE ARTS AND VISUAL ARTS DEMO
600 AND 700 BUNGALOW DEMO**



Exhibit B



Prepared by

FEHR & PEERS

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March 15, 2019

City College of San Francisco

Transportation Demand Management (TDM) and Parking Plan

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Executive Summary

This plan outlines a strategy for City College of San Francisco (CCSF) to implement a suite of transportation demand management (TDM) measures and parking management strategies at its Ocean Campus, located in the Outer Mission neighborhood of San Francisco. As CCSF prepares its upcoming Ocean Campus Facilities Master Plan (FMP), begins construction on a new Performing Arts and Education Center (PAEC), and as housing development proceeds in the Balboa Reservoir, there will be changes in student enrollment, the number of employees on campus, and campus parking supply. These changes will necessitate proactive management of parking and transportation facilities, as growth in enrollment will likely lead to an increase in demand for travel to campus, while development in the Lower Reservoir and Upper Reservoir parking facilities will likely decrease available parking supply, absent construction of additional parking facilities.

CCSF Facilities staff have set the following goals for this TDM plan:

Maintain just and equitable access to a CCSF Education: While demand for driving to campus could potentially be addressed through market-rate parking, CCSF is concerned with the effects that such a program would have on lower income students, or those students who rely on a car due to their home location or need to get to a job. As such, strategies are included that help address these concerns while still working to reduce vehicle trips to campus.

Manage demand for parking: Due to anticipated development by neighbors and pursuant to the FMP, parking will likely become less readily available at CCSF's Ocean Campus. As such, managing parking demand will help maintain strong relationships with surrounding neighborhoods and help insure students can access educational facilities. Additionally, there are some secondary effects, which may include fewer individuals searching for on-campus parking as it becomes less readily available.

Make progress towards sustainability goals: Under the CCSF Sustainability Plan, managing drive alone trips is a key aspect to reducing the Campus's carbon footprint. As such, this plan proposes to reduce student and employee driving trips by approximately 20 percent and 10 percent, respectively. Further reductions in driving trips may be possible under an expanded TDM program, which could help CCSF meet more ambitious or updated climate change prevention goals. This document may also serve to help update the transportation portions of the CCSF Sustainability Plan, which was published in 2009.

Create a TDM plan that is financially viable to implement: Finally, the cost of the program is one key constraint; as such, measures have been prioritized based on cost and ease of implementation, while other measures are identified but not recommended for short-term implementation.

Existing Transportation Conditions

Based on 2018 travel survey results, the majority of both employees and students live within the City of San Francisco, with many living within three miles of CCSF. The majority of CCSF employees commute by driving alone, while the majority of students do not drive to campus (**Figure E-1**); relatedly, students must pay for parking on campus, while employees are provided free parking as a benefit to employment. The primary barrier named by employees and students in traveling to campus is one of time: they choose to drive because it is the fastest available commute option. Other concerns include the cost of transportation, particularly for students, and safety when connecting to BART or walking to existing parking facilities (**Figures E-2 and E-3**). Therefore, efforts to help reduce the number of people driving to CCSF would ideally help address concerns regarding the relative travel time for different modes, safety and connectivity, and the relative cost of different modes.

Figure E-1: Mode of Travel by Population, 2018 Survey

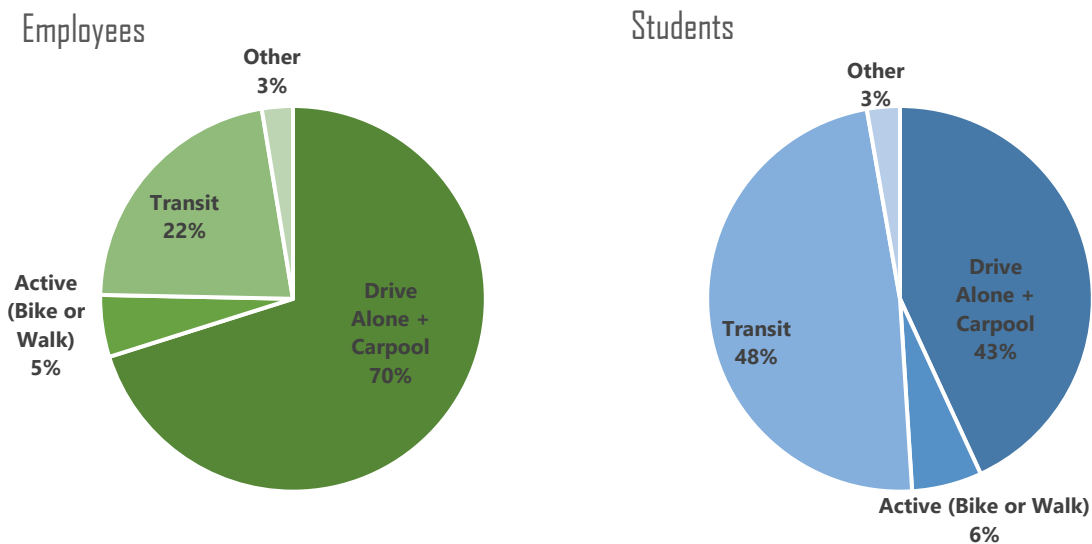
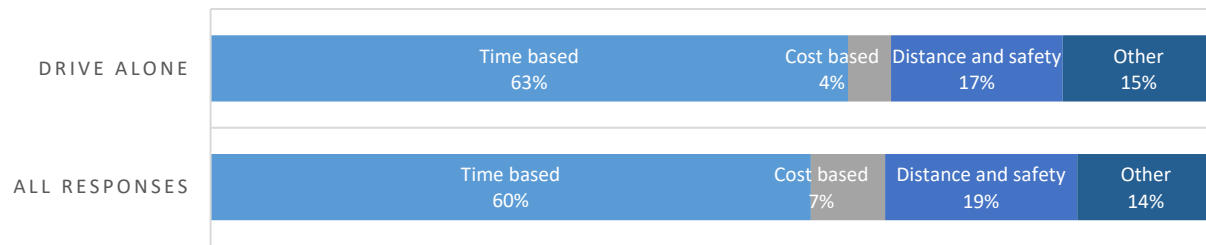




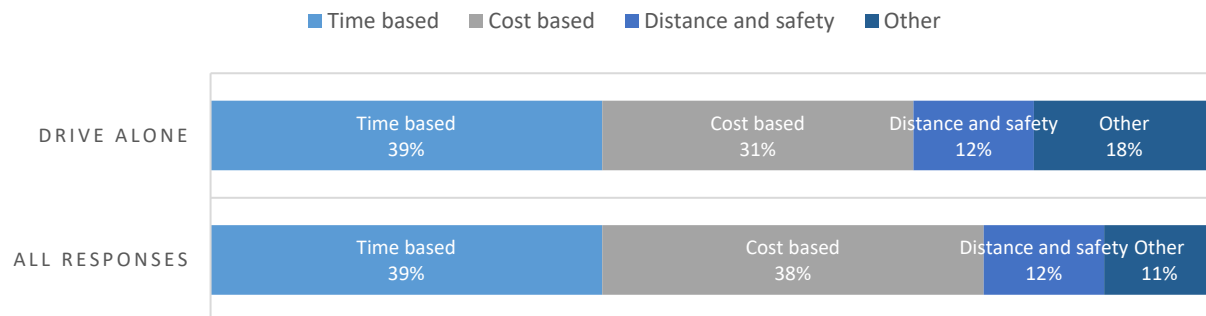
Figure E-2: Employee Transportation Barriers and Concerns



"Distance" includes both long walking distances to and from parking facilities or transit facilities, distance from home to CCSF, or general comfort and safety when walking or driving longer distances.

Source: Fehr & Peers, 2019

Figure E-3: Student Transportation Barriers and Concerns



"Distance" includes both long walking distances to and from parking facilities or transit facilities, distance from home to CCSF, or general comfort and safety when walking or driving longer distances.

Source: Fehr & Peers, 2019

However, TDM strategies cannot typically reduce travel times for transit, walking, or bicycling relative to driving. Transit subsidies and adjusting parking pricing can both address the relative costs of individual mode choices, but can be expensive, unpopular or infeasible (as a result of State laws governing student parking rates). Furthermore, many employees commented to indicate that they placed a high value on their free parking benefit.

TDM Strategies

The resulting TDM strategies recommended for CCSF reflect both the ease and cost of implementation, as well as addressing certain key barriers related to travel choices, as discussed above. The list of strategies, which begins on page 24, is separated into five strategy types:



1. **Maintain Equitable Access to a CCSF Education:** Equity and access are key values to CCSF and its mission. This objective suggests secondary strategies to support students with limited financial resources.
2. **Create a variety of affordable options to encourage use of transit:** CCSF is in a transit-rich city; however, additional support can help students and employees address key barriers such as long walks, extended wait times, or high costs of transit passes.
3. **Support Walking and Bicycling, especially for those living within three miles of campus:** Many students and employees live within bicycling distance of campus, but commute via car. These strategies help promote walking and bicycling.
4. **Advertise and Incentivize Sustainable Transportation:** The barriers to changing transportation behavior are high, so direct support and encouragement are key elements to the TDM Plan
5. **Manage Existing Parking Supply:** Through carefully adjusting pricing, revising the permit system, and more stringent enforcement, CCSF can manage demand for parking spaces. Additional measures to help shift driving behavior by faculty and staff may be necessary, including pricing employee parking.

The overall TDM Plan is divided into two groups of measures: Core TDM Measures, which represent low and moderate cost options to help address parking and travel demand, and Additional TDM Measures, which represent higher cost options. The anticipated reduction to driving trips from the Core Measures is around 5 to 10 percent for employees and 15 to 20 percent for students; with additional measures, the estimated reduction increases to a 15 to 20 percent reduction for employees and a 25 to 30 percent reduction for students.

Parking Analysis

Parking demand associated with CCSF is anticipated to increase as college enrollment grows; current projections estimate a 25 percent increase in enrollment and FTEs by 2026. **Table E-1** shows the baseline parking demand at both current enrollment levels, at future enrollment levels, and at future enrollment levels with the TDM Plan in place.

Table E-1: Baseline Parking Demand and Supply

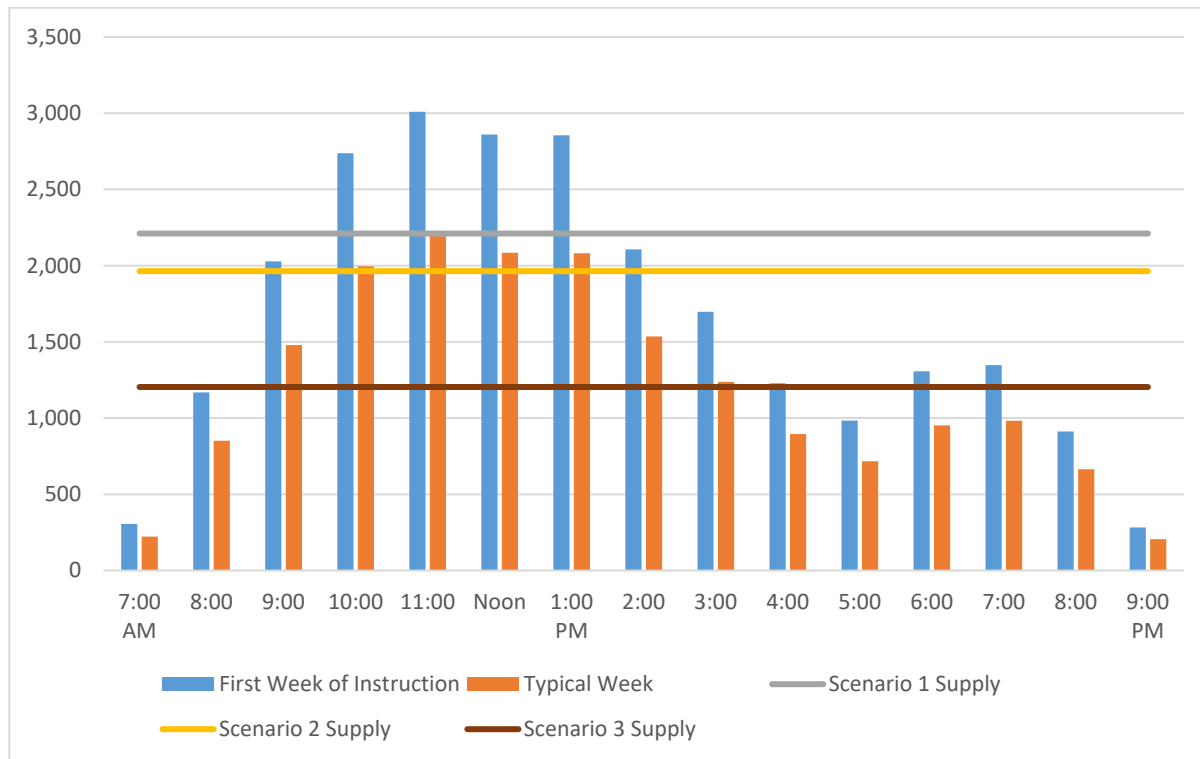
Enrollment/ TDM Scenario	Peak Day Parking Demand (First Week of Instruction)	Non-Peak Demand (Typical Day in Semester)	Supply	Unserved Demand - Baseline Peak Day of First Week of Instruction	Unserved Demand - Baseline Typical Day in Semester
2018	2,835	2,066	3,010	0	0
2026 (25% growth) without TDM	3,543	2,583	3,010	572	0
2026, with core TDM	3,010	2,194	3,010	39	0
2026, with additional TDM	2,294	1,672	3,010	0	0

In addition to changes in demand, the total supply of parking on campus is expected to change due to two projects: the construction of housing on the Lower Reservoir parking lot and the addition of a Performance and Education Center (PAEC) on the Upper Reservoir parking lot. Fehr & Peers provided supply and demand analysis for the following scenarios:

- Scenario 0: Baseline Conditions (i.e., no changes to campus or Lower Reservoir; shown in Table E-1)
- Scenario 1: Baseline Conditions + PAEC
- Scenario 2: Baseline Conditions + Balboa Reservoir Housing
- Scenario 3: Baseline Conditions + PAEC + Balboa Reservoir Housing

Results of the parking analysis by time of day are presented in **Figure E-4**, for both the peak time in the semester (during the first week of school) and during a more typical week. During the peak demand hour from 11:00 AM to 12:00 PM, the potential unserved parking demand with a TDM program in place ranges from zero spaces under Scenario 1 during a typical week, to more than 1,800 spaces under Scenario 3 during the first week of school.

Figure E-4: Projected Demand and Supply by Time of Day (25% Enrollment Increase + Core TDM Strategies)



However, these projections do not take into account changes to parking demand as a result of reductions in supply, such as individuals choosing to change travel mode when parking becomes more difficult. Based on survey responses, we estimate that sixty percent of students and employees would change their travel patterns if parking were more difficult to find. When accounting for this shift, the shortfall of spaces under the most intensive scenario (with both the PAEC and the Balboa Reservoir Housing) is reduced to around 400 spaces with implementation of a TDM plan.

Next Steps

Based on this analysis, CCSF administrative staff will need to address several key questions to determine how to address potential changes in parking demand and supply on campus over time. These questions include:

What level of investment does CCSF want to make in providing affordable transportation alternatives? The Core TDM Strategies represent cost-effective means of reducing demand for parking and for driving alone to campus. However, the more effective strategies include higher costs, particularly if CCSF wishes to consider subsidizing transit.

How will CCSF balance parking demand with sustainability goals and minimizing the impact of vehicle trips? As noted above, the parking demand numbers presented here represent the latent demand for parking, or the number of people wishing to drive to campus and park during the peak hours *all else being equal*. The Core TDM Strategies represent cost-effective means of reducing demand for parking and for driving alone to campus. However, the more effective strategies include higher costs, particularly if CCSF wishes to consider subsidizing transit. Fehr & Peers recommends adopting and implementing the drive alone trip reduction targets provided in the Core TDM Measure list and assessing changes in travel and parking patterns over time as parking availability fluctuates during construction of the PAEC and Balboa Reservoir Housing Project.

Is meeting parking demand a financial investment priority for the College? Constructing parking structures is a costly venture, and so this question goes hand-in-hand with the question of whether CCSF can accept some level of unmet parking demand. Feedback from employees indicates that they place a high value on the parking benefits provided to them; conversely, students were more likely to request investment in alternative transportation or in educational facilities rather than in parking.

In considering these questions, Fehr & Peers recommends that CCSF adopt a phased approach to building new parking facilities, with the first phase reflecting unmet parking demand after implementation of Core TDM measures. CCSF should also incorporate a feedback loop for assessing parking demand over time including reviewing the effectiveness of TDM measures and any changes in travel and parking patterns. Based on feedback from those affected, as well as the trade-offs of constructing a parking structure, an informed decision can be made on whether and when to proceed with building additional parking.



Chapter 1. Introduction

As City College of San Francisco (CCSF) prepares its upcoming Ocean Campus Facilities Master Plan (FMP), begins construction on a new Performing Arts and Education Center (PAEC), and as housing development proceeds in the Balboa Reservoir, there will be significant changes in student enrollment, the number of employees on campus, and campus parking supply. Growth in enrollment will likely lead to an increase in demand for travel to campus, while development in the Lower Reservoir and Upper Reservoir parking facilities will likely decrease available parking supply, absent construction of additional parking facilities.

This document outlines current transportation and parking conditions at the CCSF Ocean Campus, located in the Balboa Park neighborhood of San Francisco, and analyzes how conditions may change in the future, and what steps CCSF can take to manage its parking and transportation facilities. It then presents a plan for both transportation demand management (TDM), as well as analysis of potential parking demand under a variety of future conditions. This plan is intended to lay out a strategy to proactively manage parking and transportation facilities, in both the near term and the long term.

CCSF Facilities staff have set the following goals for this TDM plan:

Reduce Demand for Parking: Due to anticipated development by neighbors and under the FMP, parking will likely become less readily available at CCSF's Ocean Campus. As such, managing demand for this parking will help maintain strong relationships with surrounding neighborhoods, maintain current benefits provided to employees, and help insure students can access their educational facilities.

Reduce Drive Alone Trips to Campus: Under the CCSF Sustainability Plan, managing drive alone trips is a key aspect to reducing the Campus's carbon footprint. As such, this plan proposes to reduce student and employee driving trips by approximately 20 percent and 10 percent, respectively.

Maintain just and equitable access to a CCSF Education: While demand for driving to campus could potentially be addressed through market-rate parking, CCSF is concerned with the effects that such a program would have on lower income students, or those students who rely on a car due to their home location. As such, strategies are included that help address these concerns while still working to reduce vehicle trips to campus.

Create a Financially Sustainable Program: Finally, the cost of the program is one key constraint; as such, measures have been prioritized based on cost and ease of implementation, while other measures are identified but not recommended for short-term implementation.



This report begins by summarizing existing transportation conditions at CCSF Ocean Campus, discusses potential TDM measures that help meet CCSF's goals, and estimates the potential effectiveness of that plan in reducing driving trips, as well as demand for parking on campus. A more detailed analysis of parking supply and demand is included in Chapter 4. Finally, recommendations regarding next steps for CCSF are presented, based on the analysis contained in this Plan.

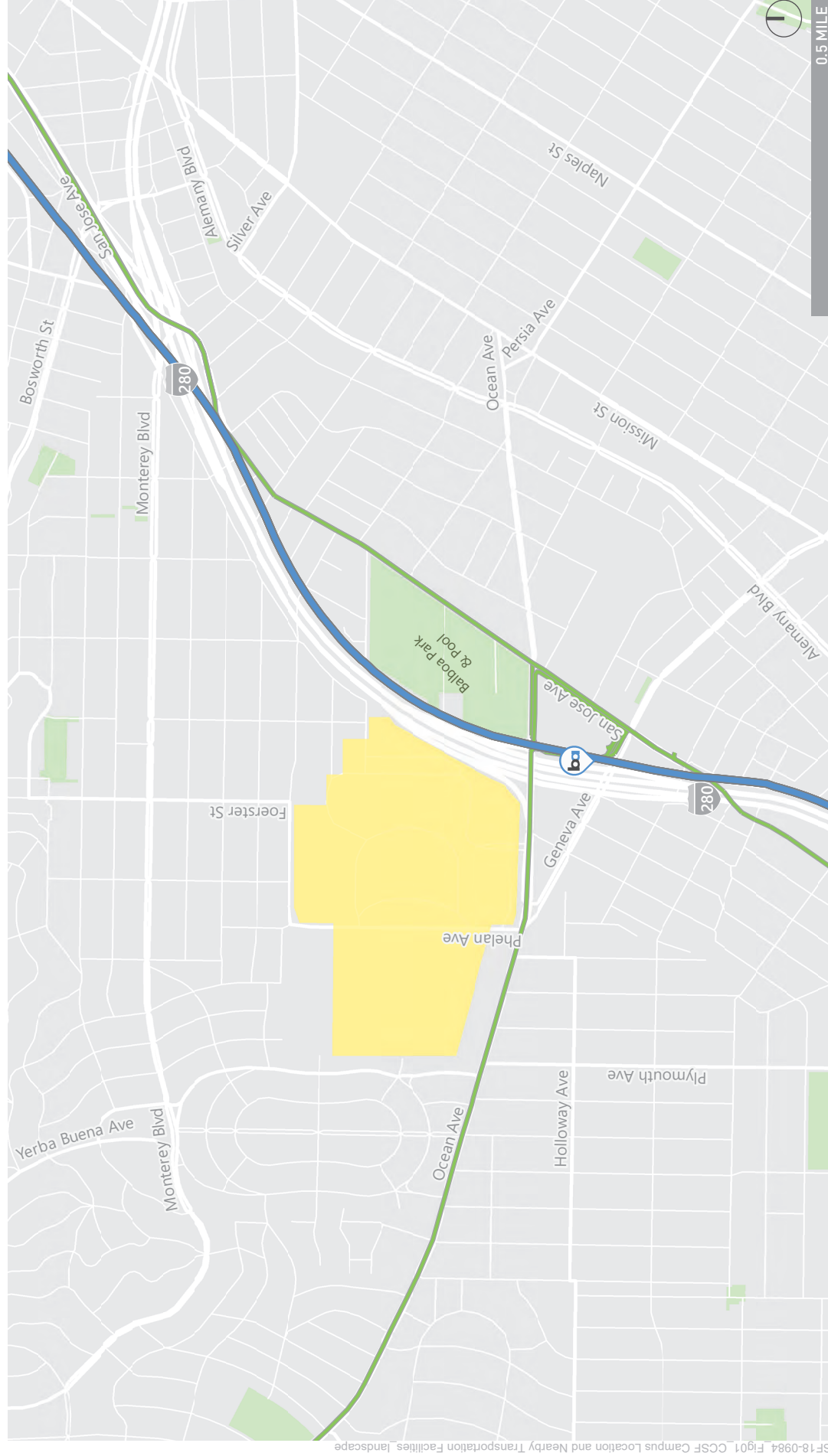
Chapter 2. Existing Setting and Transportation Conditions

CCSF is a public, two-year community college located in the City of San Francisco. It operates across multiple campuses within San Francisco, and enrolled a total of 63,000 students in the 2017-2018 academic year. Many students attend classes on a part-time or non-credit basis; the number of “full-time equivalent” (FTE) students was around 22,000 in 2017-2018, with around 12,000 FTEs attending courses at Ocean Campus. CCSF employs a total of 2,200 employees, consisting primarily of part-time faculty and classified staff.

2.1 Transportation Offerings

Regional vehicular access is provided via Interstate 280 through the Ocean Avenue interchange. Local vehicular access is primarily provided via the Ocean Avenue and Frida Kahlo Way intersection. Ocean Campus currently provides around 3,000 parking spaces, available to employees free of charge, and to students at a cost of \$5.00 per day, via purchase of a daily vending machine permit. Employees display a permit allowing them to park for free, and in restricted employee-only areas. Students can purchase a semester-long sticker indicating their status, or pay for parking each day they park, at a rate of \$5 per day.

Nearby transportation facilities include the Balboa Park BART Station (0.5 miles from the center of campus), the J-Church Muni Light Rail line on San Jose Avenue (0.5 miles from the center of campus), the M-Ocean View Muni Light Rail line on San Jose Avenue and Geneva Street, the K-Ingleside Muni Light Rail line on Ocean Avenue (0.25 miles from the center of campus), and Muni bus lines 8, 8BX, 29, 43, 49 and 91, which all operate on Ocean Avenue and stop on or near Frida Kahlo Way. **Figure 1** illustrates the campus location and nearby transportation facilities.



- City College of San Francisco
- Balboa Park BART Stations
- BART Route
- MUNI Metro



Figure 1
CCSF Campus Location and Nearby Transportation Facilities

2.2 Existing Transportation Policies

CCSF currently administers several policies that affect how students and employees use the transportation facilities available at or near the campus; due to the current high supply of parking spaces, parking demand does not typically overflow into the neighborhood under current conditions, and employees and students both indicate that parking is easy to find. Even so, a substantial share of employees and students travel to the campus via public transportation.

The primary transportation policies set by CCSF administration that influence mode choice to and from the campus are:

- **Free parking available to all employees:** All faculty and categorized employees are provided free parking by CCSF; this benefit is included in the current labor contract.
- **Pre-tax commuter benefit withholding:** Employees are provided the option to withhold a portion of their pay on a pre-tax basis for use on public transit. The extent to which this program is taken advantage of should be assessed.
- **Campus Police Escort Program:** On request, campus police accompany employees and students to their parked vehicle or to public transit stops on campus. The extent to which this program is taken advantage of should be assessed.
- **CCSF Sustainability Plan:** CCSF's Sustainability Plan has set a goal of reducing drive-alone trips by 15 to 20 percent, campus-wide. It includes suggestions for TDM measures that are included in this Plan, and reports on progress towards meeting the Plan's vehicle trip reduction goals.

2.3 Existing Parking Conditions

Currently, parking is provided primarily through two surface lots immediately west of Frida Kahlo Way, and through a collection of surface lots and on-street parking spaces east of Frida Kahlo Way. **Figure 2** illustrates the parking facilities and designations. The surface lots west of Frida Kahlo Way are collectively referred to as the "Upper Reservoir" lot and "Lower Reservoir" lot. Additional parking, primarily for employees or other specific uses (such as bookstore parking, loading, or maintenance vehicle parking), is provided east of Frida Kahlo Way. Total parking supply across the campus is around 3,000 spaces and summarized in **Table 1**; spaces are roughly equally distributed between the lower reservoir, upper reservoir, and East of Frida Kahlo Way areas; however, as shown on **Figure 2**, parking lots closer to the campus center (i.e., Cloud Hall) are primarily reserved for employees.



- Employee Parking
- Student Parking
- Disabled Parking
- Motorcycle Parking
- Bicycle Parking
- Fuel Efficient Parking
- Car Share
- Bus Stop
- Construction Area

CCSF Ocean Campus Parking Locations

Figure 2

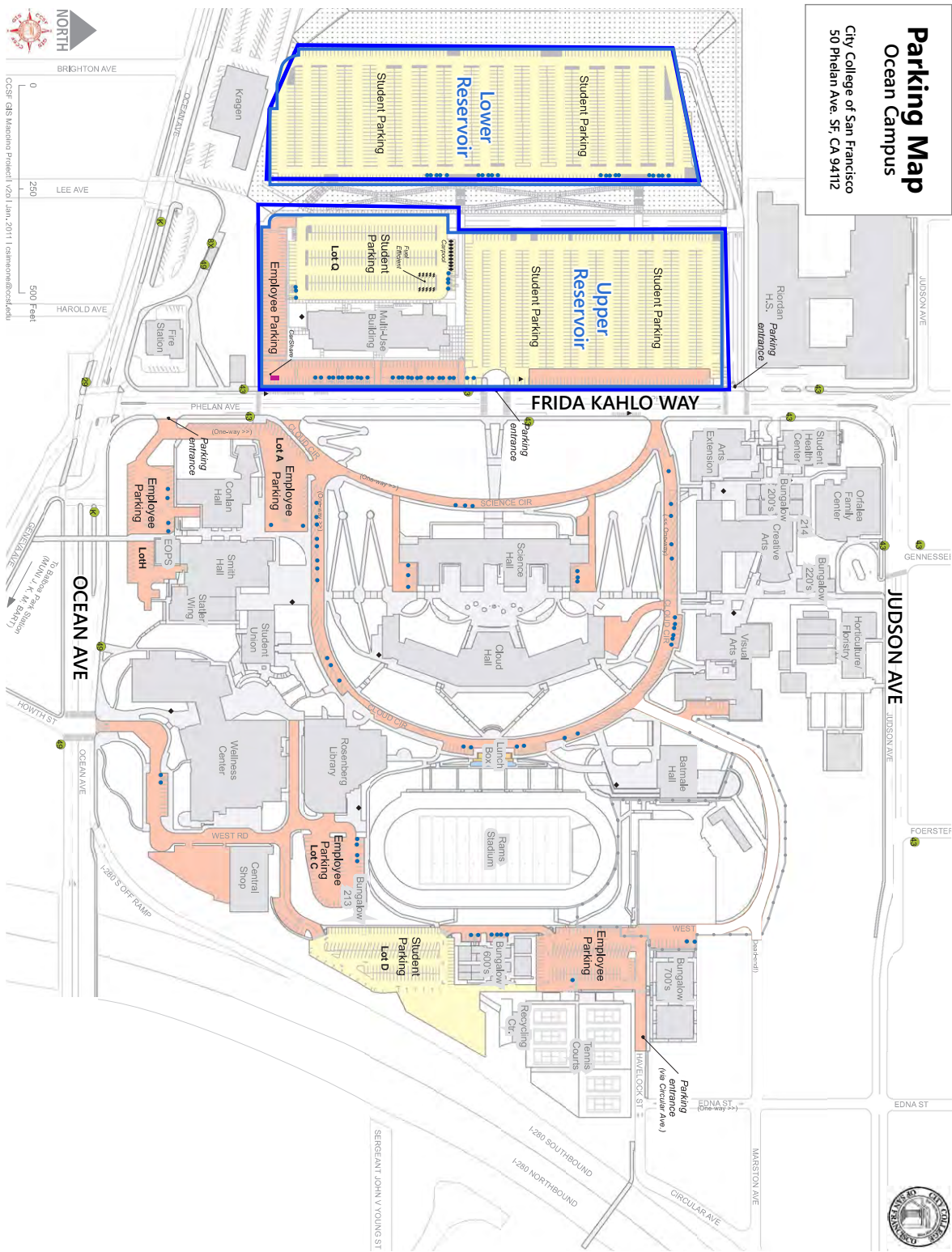


Table 1: Parking Supply, CCSF Ocean Campus

Location	Employee Permit Parking	General Parking	Motorcycle Parking	ADA Parking	Other Parking	Total
East of Frida Kahlo Way	472	332	55	90	47	996
Lower Reservoir	0	987	0	20	0	1,007
Upper Reservoir	83	890	0	7	27	1,007
Total	555	2,209	55	117	74	3,010

Source: Fehr & Peers, 2018; CCSF Facilities Department, 2018; IDAX Data Solutions, 2018

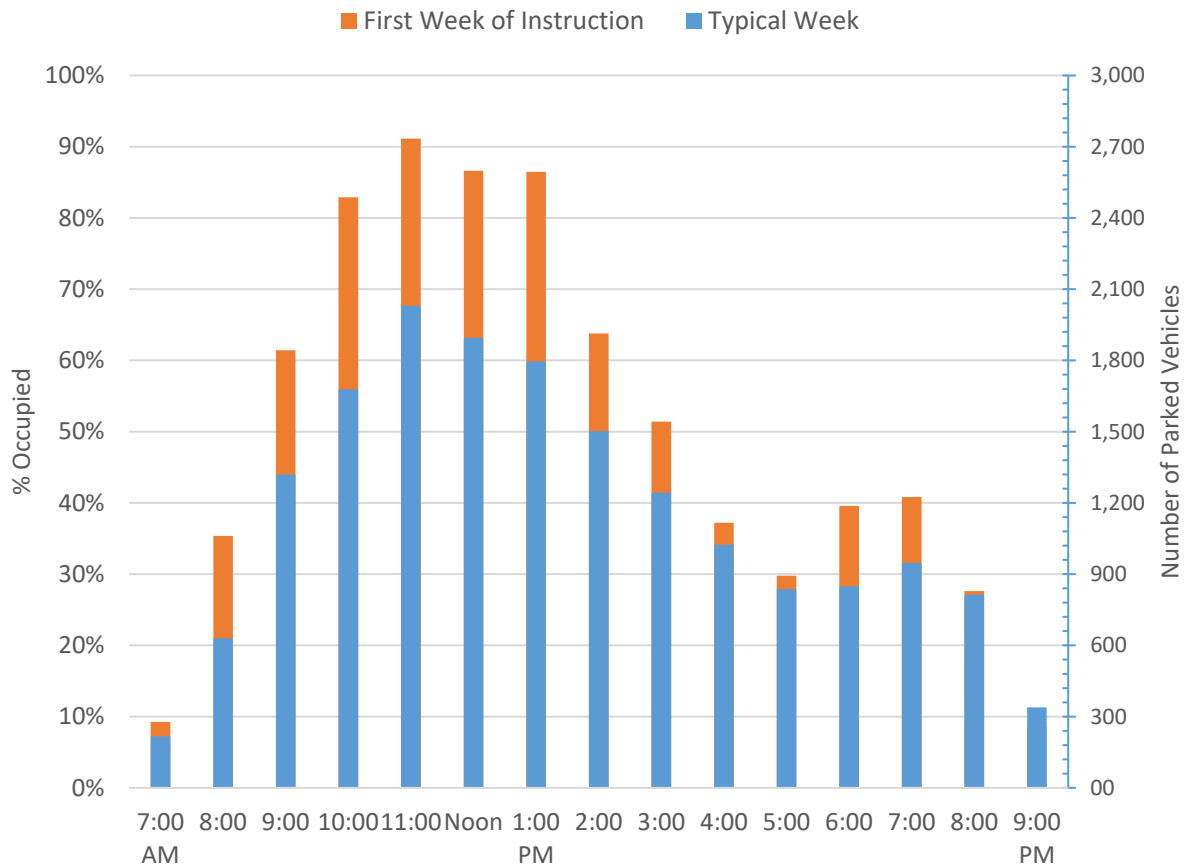
"Other Parking" includes spaces reserved for Chancellor's Office, Police Vehicles, Loading Zones, or other restricted uses. On-street parking within the campus is included in the counts for East of Frida Kahlo Way.

Currently, the roughly 3,000 spaces available at CCSF provide adequate supply to meet demand throughout the year. However, demand does fluctuate widely from the beginning of the academic semester to the end of each semester; it also varies by time of day. Based on data collected in October 2017, April 2018, and May 2018, **Figure 3** shows parking demand on a typical weekday¹ is highest during the mid-day periods. The peak parking demand spans from 11:00 AM to 2:00 PM, with the highest demand from 11:00 AM to 12:00 PM. In addition, based on data collected in August 2018 during the first week of instruction, parking demand is substantially higher during that time; counts taken in August were on average 36 percent higher than those taken during May 2018. **Figure 3** illustrates parking occupancy by time of day and school year by hour.

Most areas east of Frida Kahlo Way and in the Upper Reservoir were well-utilized during both the first week of school and during a more typical week, however occupancy in the Lower Reservoir peaked at only 20 percent of spaces occupied in May, compared to a peak of 82 percent occupancy at 11:00 AM during the first week of instruction. Data collected in May and August of 2018 are included as **Appendix A**.

¹ Typical weekday is defined as a weekday after the first two weeks of instruction during the Fall or Spring Semester. This report uses counts collected in May 2018; counts were validated to occupancy during the 11AM hour at both the Lower Reservoir Lot and Upper Reservoir Lot during additional weeks in April and October; May counts were found to be typical (within 3 percent of October counts).

Figure 3: Parking Occupancy by Time of Day, First Week of Instruction vs. Typical Week



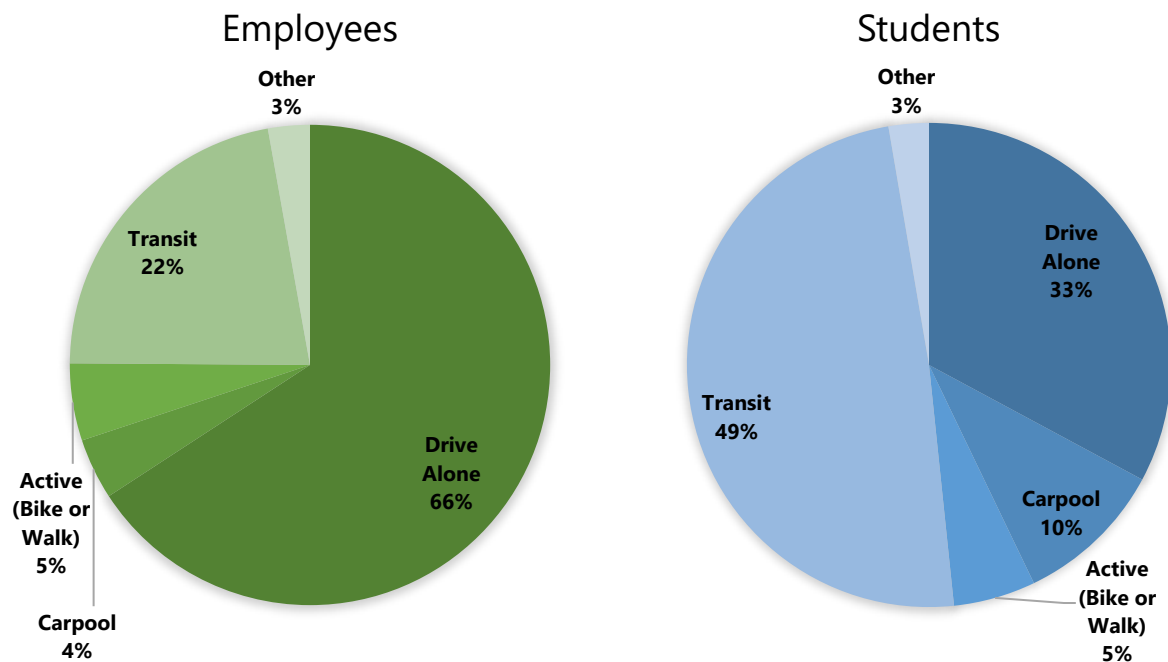
2.4 Existing Transportation Mode of Travel

Two online surveys were conducted to determine how students and employees currently travel to CCSF: an employee survey was conducted in Summer 2018, with a student survey following in Fall 2018. The survey asked individuals for their primary means of travel to the campus, their typical arrival and departure times, and questions about why they choose to travel the way they do. Surveys were conducted using the online survey platform SurveyMonkey, and were promoted via email to all employees (for the employee survey) and all registered students at Ocean campus (for the student survey). As an incentive, a \$5 gift card was offered to the first hundred responses to each survey. The survey garnered over 400 employee responses and over 2,000 student responses, representing a 15-20 percent sample of the population; as such, the number of responses is believed to represent a well-rounded profile of the campus population.

2.4.1 Mode of Travel

Overall, CCSF employees have a drive alone mode share of around 66 percent; an additional 4 percent carpool to work. In comparison, only around a third of students drive alone and ten percent carpool, with a larger share of them using transit (approximately 50 percent). A modest share (<10 percent) of employees and students use other modes like walking and bicycling (~5 percent), taxi, or Lyft/Uber (~3 percent). These findings are shown in **Figure 4**. Full results of the employee and student surveys are attached as **Appendix B** and **Appendix C**, respectively.

Figure 4: Mode of Travel by Population



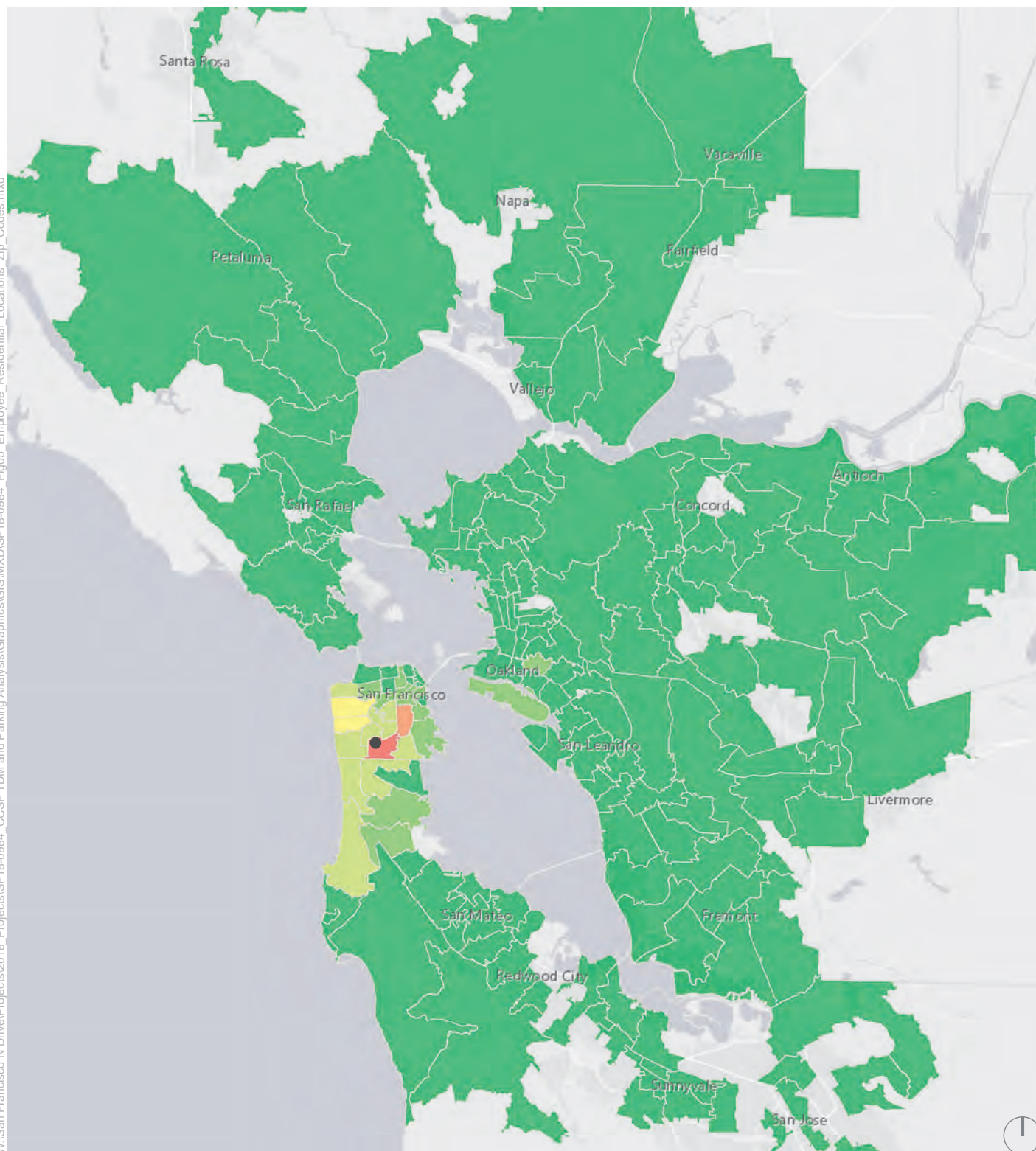
2.4.2 Home Location

By mapping the home location of CCSF students and employees, as well as only those who drive or carpool, a few patterns emerge. The majority of both employees and students live within the City of San Francisco, with many living in the zip codes closest to CCSF. **Figure 5** illustrates employee home locations throughout the Bay Area and **Figure 6** illustrates student home locations within the City of San Francisco.² However, as shown in **Figure 7**, which shows survey responses indicating the employee drove alone, there are a significant number of employees (around 5 to 10 percent of all survey respondents) who live near campus

² Figure 6 shows full-time students only; however, all other data collection efforts included any student enrolled in at least one class at Ocean campus.



(within 3 miles) and drive to work. This likely reflects that transit service, while available, would take more time than driving. Additionally, responses to questions about why individuals drive indicate that many times the convenience of driving extends to other aspects of life: running errands, picking up or dropping off family members, etc; these issues are further discussed later in this report.



Employee Count by Zip Code

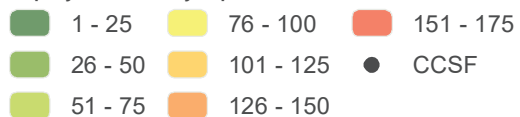


Figure 5
Employee Home Location by Zip Code

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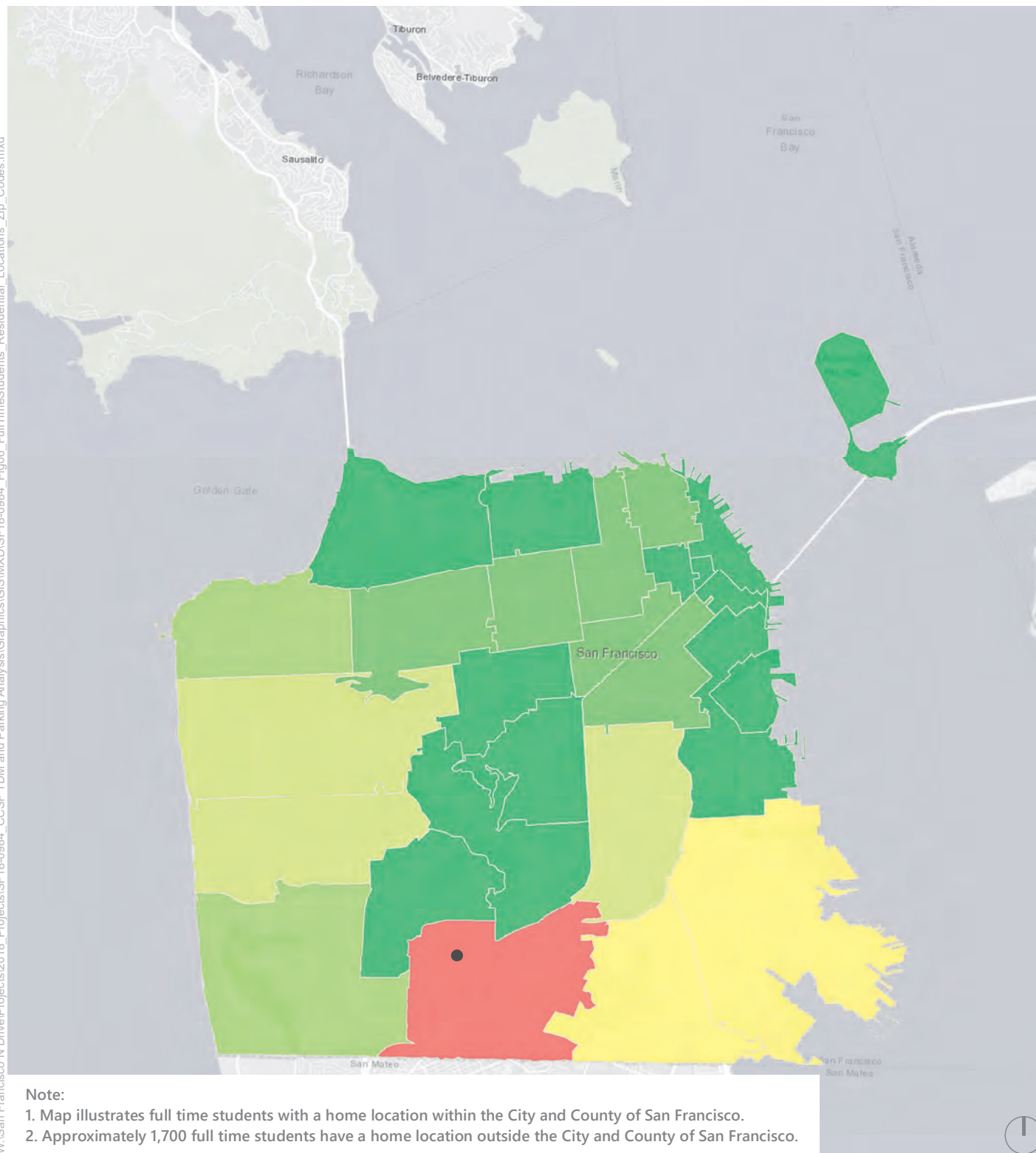
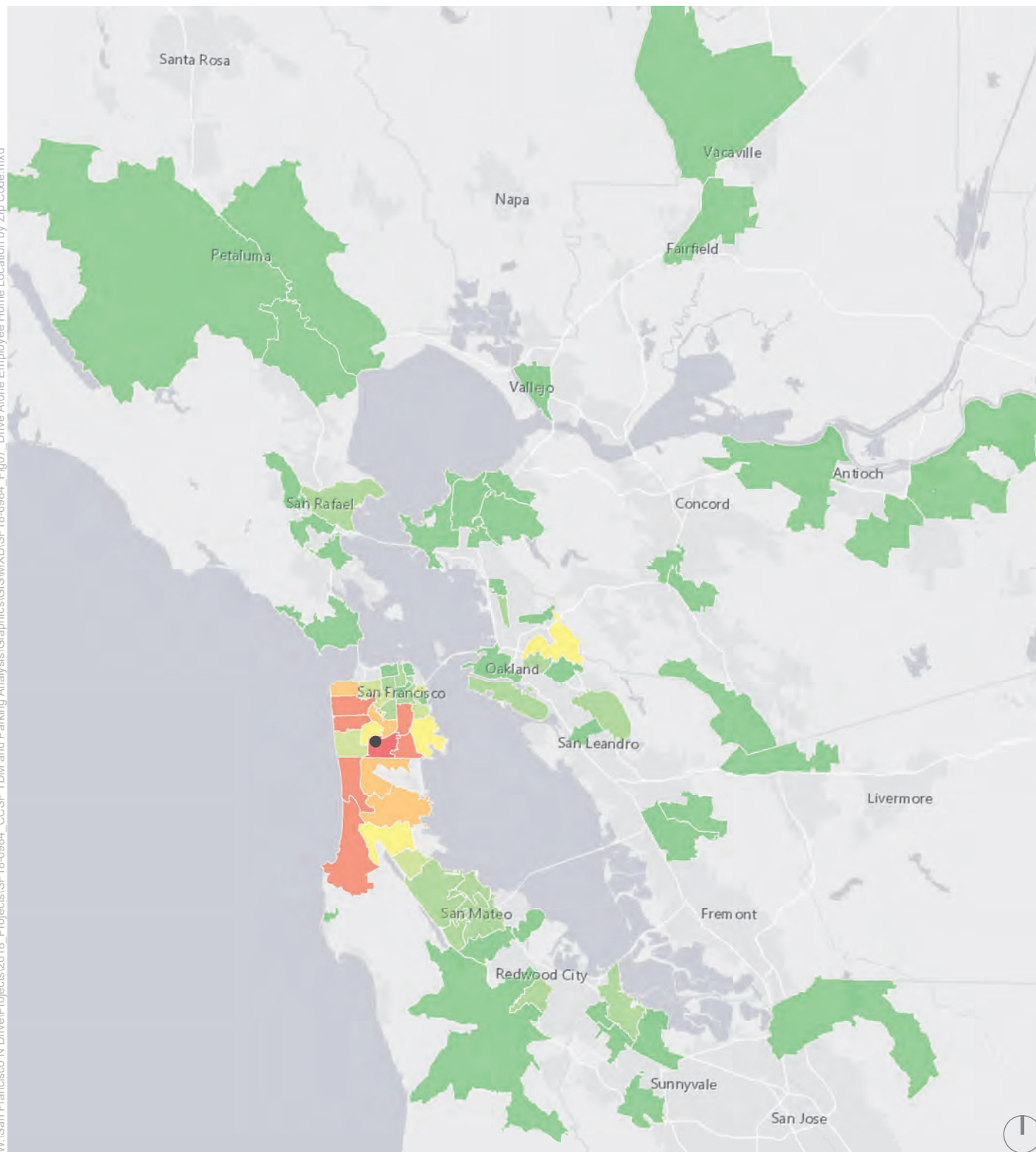


Figure 6
Full Time Student Home Location by Zip Code

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Drive Alone Count by Zip Code



Figure 7

Drive Alone Employee Home Location by Zip Code



2.4.3 Transportation Concerns

In addition to general demographic information, the survey asked about some of the most common transportation barriers faced by both employees and students. Generally, these barriers fall into four groups: travel time/commute time, cost, physical barriers such as long distances or safety concerns, and all other concerns (including family duties, students needing their car for work, etc). **Figure 8** shows employee responses to questions about their primary concerns, while **Figure 9** summarizes student responses to the same questions.

Figure 8: Employee Transportation Barriers and Concerns

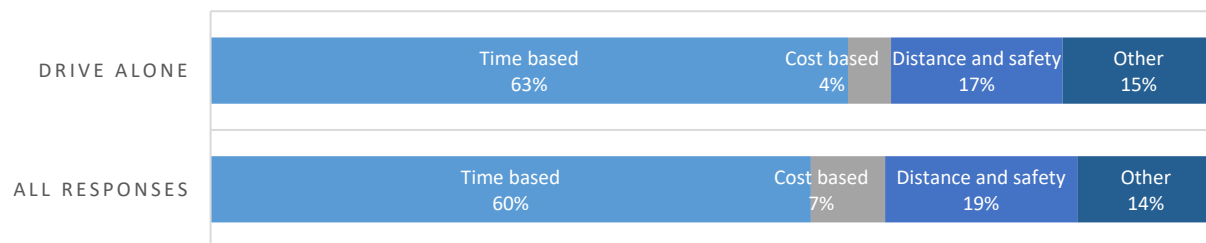
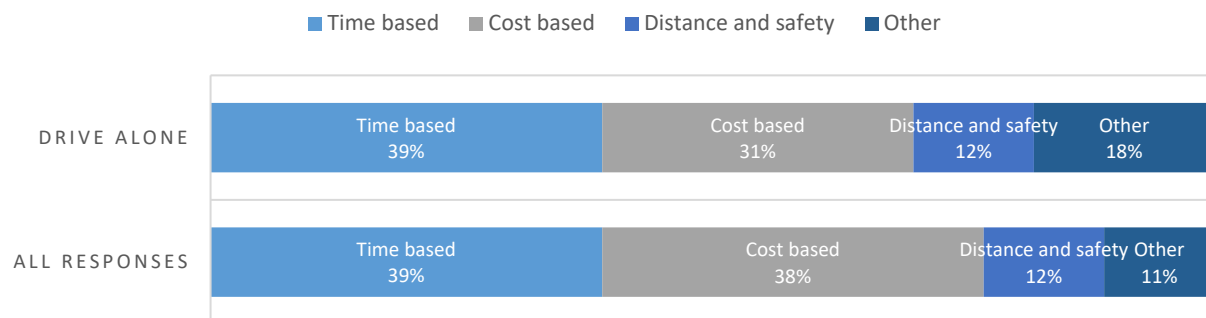


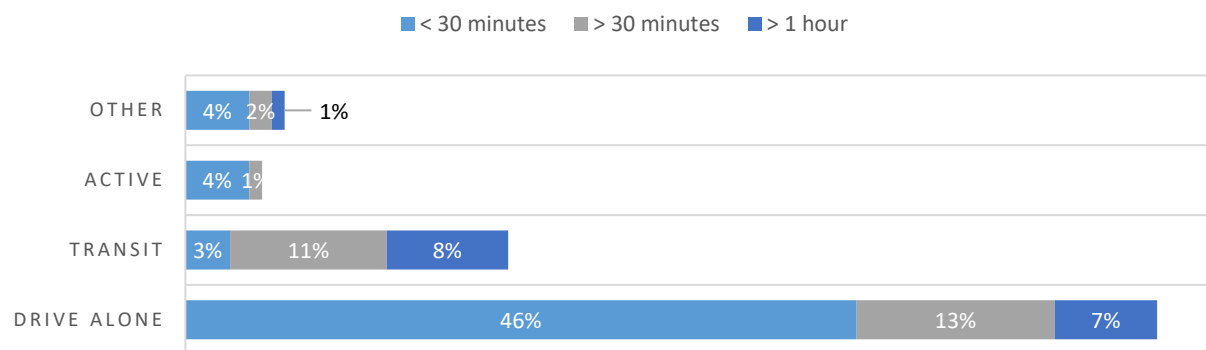
Figure 9: Student Transportation Barriers and Concerns



Generally, employees are very sensitive to the amount of time their commute takes, with nearly two-thirds of respondents listing it as their primary concern. In contrast, while students also indicated they were concerned with travel times, they were also very concerned with the cost of travel. This could include the cost of riding transit, parking, etc. Distance, safety, and other concerns such as trip chaining (making multiple stops during the commute) were also substantially important to both groups. Notably, concerns and barriers were similar for drivers and for all other responses, with non-drivers slightly more likely to be concerned with their commute cost than drivers.

The employee sensitivity to factors like commute travel time likely explains the high auto mode share, as shown in **Figure 10**. While most people who drive have a commute less than 30 minutes in length, individuals using transit are much more likely to have a longer commute, with eight percent of all employees spending more than one hour taking transit to work. While **Figure 10** does not indicate whether individuals who currently drive or take transit would spend more or less time commuting while using another mode, it does reflect a pattern that corroborates one of the primary comments received via the survey: that for many employees and students, using transit would substantially increase their commute time.

Figure 10: Employee Travel Time by Mode



Finally, the survey provided a chance for respondents to list their general concerns and provide comments and input on travel options to and from campus. Full comments are included in **Appendix B** and **Appendix C**; however, six general themes arose, as summarized in **Table 2**. While several of these comments cannot be fully addressed through transportation demand management or parking management, others helped to inform the selection of strategies that may benefit the CCSF community.

Table 2: Common Survey Comments

Comment Theme	Common Employee Response	Common Student Response	Within Scope of TDM Plan?	Within Scope of Parking Plan?
<i>Parking Cost & Availability</i>	Very negative response to CCSF not providing free parking to employees	Mostly concerned with affordability of parking	No	Yes
<i>Concern with Balboa Reservoir Development</i>	Generally driven by its effect on parking	Generally driven by its effect on parking	No	Yes
<i>Concerns with safety</i>	Primarily surrounding journey to BART, especially when working late hours	Primarily surrounding journey to BART	Yes	No
<i>Concerns with accessibility</i>	Concerns with transporting class materials and personal mobility	Very few responses	Yes	Yes
<i>Travel time and convenience</i>	Major concern, and often listed as the primary reason for their mode choice	Major concern, and often listed as the primary reason for their mode choice	Partial	No
<i>Escorting kids / additional stops</i>	Primarily named family duties	Primarily named work/schedule issues	No	No

Source: Fehr & Peers, 2018; Employee and Student Travel Survey, 2018.

2.5 Community Outreach Event

In addition to the online survey, Fehr & Peers conducted an outreach event targeting students and employees on-campus. This event occurred in the Student Union on Thursday, November 29th 2018.³ Students and employees passing by the outreach table were asked to share their thoughts on transportation issues they face, as well as CCSF, and indicate how they would prioritize transportation programs. This event reached around 200 individuals, most of them students.

³ While outreach was planned to occur in RAM Plaza, heavy rain on the day of the event lead to relocation to inside the Student Union.



Outreach Event, November 2018

Table 3 summarizes the transportation mode used by respondents, and the total number of responses for each mode; the mode of respondents to the outreach event was generally similar to the results of the student and employee surveys, although the share of individuals using transit was slightly higher.

Table 3: Outreach Results: How do you get to Campus?

Mode	Students		Employees	
<i>Drive Alone</i>	44	26%	7	70%
<i>Carpool</i>	8	5%	0	0%
<i>Transit</i>	104	61%	3	30%
<i>Dropped off / Picked up</i>	7	4%	0	0%
<i>Bike or Walk</i>	7	4%	0	0%
<i>Total</i>	171	100%	10	100%

Source: Fehr & Peers, 2018

Note: Dropped off / Picked up includes both personal vehicles and Uber / Lyft rides.

Individuals who replied that they drove or carpoolled to campus were then asked whether they would change the way they travel if parking became more difficult to find, such as if the supply were decreased. Around 60 percent of current drivers, or three in five, indicated they would change how they travel if parking were less readily available on campus (**Table 4**). This indicates that a reduction in parking supply at CCSF could potentially lead to fewer driving trips. While this question did not include an option for potentially choosing a different school, there may be some students whose enrollment at CCSF is contingent on ease of parking. However, as discussed below, student participants generally valued transit access and educational facilities above parking.

Table 4: Outreach Results: If Parking On Campus were More Difficult to Find, How Would you Travel?

Mode	Students		Employees	
<i>Continue to Drive or Carpool</i>	21	36%	3	38%
<i>Dropped off / Picked up</i>	5	9%	0	0%
<i>Transit</i>	28	48%	5	63%
<i>Bike or Walk</i>	4	7%	0	0%
<i>Total</i>	58	100%	8	100%

Source: Fehr & Peers, 2018

Note: Dropped off / Picked up includes both personal vehicles and Uber / Lyft rides. This question was posed only to individuals who responded that they drove or carpoolled to campus. Not all participants answered at every board.

To help inform how CCSF should allocate resources for transportation, respondents were asked how they would distribute funds across different potential programs. Participants were given five “dots”, each representing CCSF’s investment in a TDM and/or Parking program; they placed the dots however they thought the resources would best be allocated. Results, tallying the total number of “dots” in each category are shown in **Table 5**. Generally, students had the strongest levels of support for improved connections to BART and Muni (such as better access pathways, lighting, crosswalks, and improvements to bus stop facilities) and subsidizing transit passes. Employees were most interested in improving connections, but also providing safety improvements (such as enhanced lighting on key pathways, or adjusted signal phasing at Ocean Avenue and Frida Kahlo Way) and proactively managing parking, particularly during the busiest times of the year.

Table 5: Outreach Results: How should CCSF Allocate Available Resources to Transportation?

Mode	Students		Employees		Total	
Improving connections to BART and MUNI	236	29%	12	24%	248	29%
Subsidized transit passes for all students	218	27%	8	16%	226	27%
Safety Improvements	118	15%	13	26%	131	15%
Parking Management	115	14%	11	22%	126	15%
More Bicycle infrastructure	56	7%	2	4%	58	7%
Encourage carpooling	49	6%	1	2%	50	6%
Other: Housing	6	1%	0	0%	6	1%
Other: TNC	1	0%	2	4%	3	0%
Other: More Parking	2	0%	0	0%	2	0%
Other: Subsidized passes for employees	0	0%	1	2%	1	0%
Total	801	100%	50	100%	851	100%

Source: Fehr & Peers, 2018

Note: Responses scoring more than 20 percent are shown in **bold**.

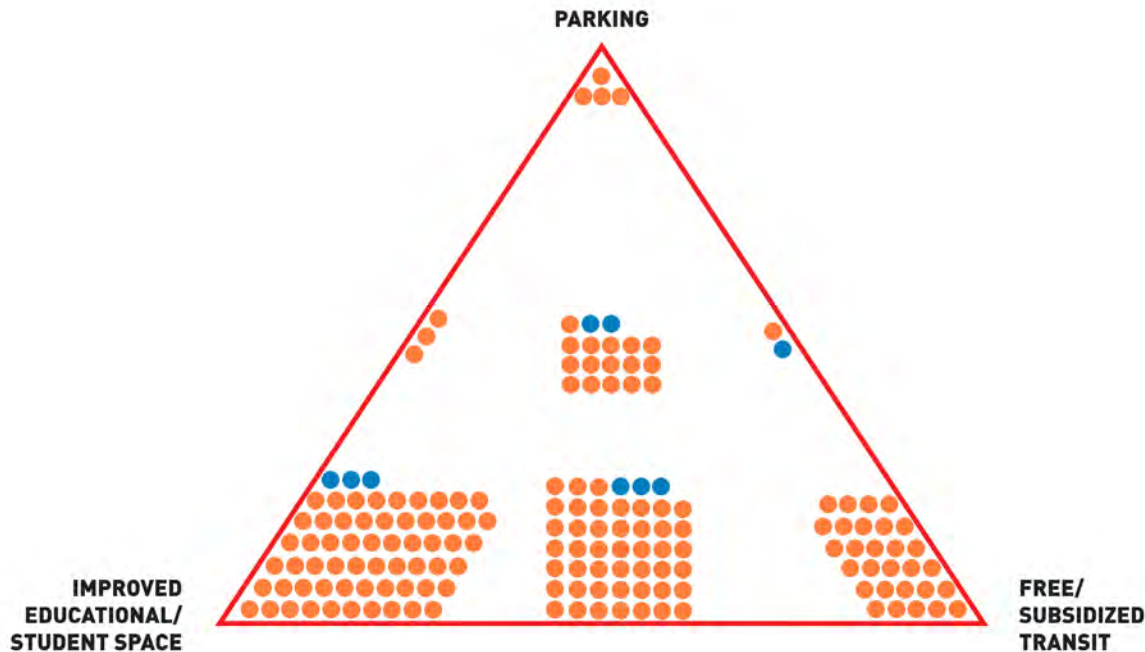
Similarly, an additional question asked students to weigh in on a College-wide Muni pass program, such as that offered by San Francisco State University, which would provide a Muni “M” pass to all students meeting some enrollment threshold (likely full-time or half-time). This would be funded through a new student fee, which would apply to all students.

Just over half of respondents indicated they would definitely like to have such a program, with 23 percent indicating they had no interest. The remainder of responses were primarily concerned with the effect of a student fee on a population that largely does not pay substantial fees or tuition; the cost of a semester Muni pass could, for instance, be more than the cost of a semester’s tuition for many students. Several students indicated they would participate only if the program included BART, or if it were made into an opt-in program.

Finally, to assess how important students felt transportation barriers and parking are relative to other potential facilities projects, such as educational and student space, participants were asked to indicate on a three-sided figure roughly how they would prioritize parking, free/subsidized transit, and improved educational and student space. An image of the final distribution is shown as **Figure 11**; generally, a plurality of students (38 percent) would rather see investment focused entirely on educational and student spaces on campus. However, just over half of respondents indicated that they would like some level of investment

in transit subsidies. In contrast, only 15 percent of students (and one-third of employees) indicated they wanted any portion of resources to be dedicated to providing parking at the school.

Figure 11: How Should CCSF Allocate Its Resources?



Respondents were asked where they felt the “balance” between these three priorities lies. Stickers placed in the middle indicate that the three are roughly equal, and those placed between two priorities along the edge indicate that the respondent believed those two priorities important, but not the third. Blue responses indicate faculty and staff.

2.6 Summary of Findings

Based on the online surveys and in-person outreach event, Fehr & Peers staff have summarized findings into the following themes:

1. **CCSF Relies on Public Transit:** While most employees drive to work, a substantial number use BART or Muni to commute. Among students, half of trips to campus are made on transit. This occurs in spite of the distance from campus to BART, which many students and employees cited as a barrier; many comments also indicated that some respondents felt unsafe walking to the BART station.
2. **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. While CCSF cannot address the relative travel time on different modes of travel, it can help individuals plan a more seamless transit trip, or perhaps try walking or bicycling. Overcoming this

barrier is difficult, and will require proactive outreach and marketing. Even so, a substantial share of the population will likely continue to drive, even if parking becomes less readily available.

3. **Cost Matters, Especially to Students:** Students indicated that the cost of traveling to and from classes was a major concern. This was shown in both direct survey responses, as well as in student reactions to potential programs to help subsidize the cost of transit. Because CCSF students are often drawn in by the tuition-free program, they may be even more cost sensitive than other populations.
4. **Many Drivers Live Near Campus:** Among both employees and students, many drivers live within two to three miles of campus, and could potentially walk or bicycle to CCSF. While this option is not available to many people due to mobility or accessibility concerns, or because employees must carry materials, promoting bicycling and walking and creating a safe environment connecting campus to the surrounding neighborhoods could help accommodate more active travel.
5. **Transportation is Important, but Secondary to Education:** While this plan focuses on improving transportation options, it is key to remember that while transportation is important to students, it is often secondary to their overall student experience. While commuting to and from campus may be difficult, or a source of stress, students generally indicated that they wanted to see balance between transportation investments and investments to facilities and the student experience.
6. **Parking is Important to Employees, but Students Value Transit Access:** Employee responses generally placed a high value on parking as an employee benefit. However, while students also value the availability of parking, they were less concerned with future changes, and more willing to shift to other modes if parking were to become more difficult to find. In addition, because students are more price sensitive, changes to the cost of parking will likely lead them to change transportation mode at a higher rate than employees.

Chapter 3. TDM Plan, Implementation, and Mode Share Targets

Using data gathered from the online survey, community outreach, and discussions with CCSF administrative staff, Fehr & Peers has compiled a list of potential TDM strategies that could help manage the number of students and employees driving alone to campus. Based on the themes identified above, strategies are grouped into the following objectives:

1. **Maintain Equitable Access to a CCSF Education:** Equity and access are key values to CCSF and its mission. This objective suggests secondary strategies to support students with limited financial resources.
2. **Create a variety of affordable options to encourage use of transit:** CCSF is in a transit-rich city; however, additional support can help students and employees address key barriers such as long walks, extended wait times, or high costs of transit passes.
3. **Support Walking and Bicycling, especially for those living within three miles of campus:** Many students and employees live within bicycling distance of campus, but commute via car. These strategies help promote walking and bicycling.
4. **Advertise and Incentivize Sustainable Transportation:** The barriers to changing transportation behavior are high, so direct support and encouragement are key elements to the TDM Plan
5. **Manage Existing Parking Supply:** Through carefully adjusting pricing, revising the permit system, and more stringent enforcement, CCSF can manage demand for parking spaces. Additional measures to help shift driving behavior by faculty and staff may be necessary, including pricing employee parking.

3.1 Transportation Strategies

Individual strategies to help meet each objective have been further divided into two groups: Core TDM Measures, or measures that provide support at a low cost to CCSF, preserving resources for other projects; and additional TDM measures, which include options that are higher cost, but may be substantially more effective at reducing the number of vehicle trips to campus. Each measure also includes an estimate of its effectiveness, based on the California Air Pollution Control Officers Association (CAPCOA) publication *Quantifying Greenhouse Gas Mitigation Measures*. CAPCOA represents a review of research, and includes

data-backed strategies to reduce vehicle miles traveled and associated vehicle trips and greenhouse gas emissions.

3.1.1 Core TDM Measures

Core TDM measures include measures that have a low to moderate annual cost *and* meet at least two of the following criteria:

- Address the key commute barriers named by students and staff, including cost, commute time, and safety/walking comfort.
- Provide a quantifiable reduction in drive-alone trips to campus.
- Assist drivers who live within walking or biking distance of CCSF to adopt walking, bicycling, or other active modes.
- Support CCSF's already high levels of transit use

Table 6 summarizes the measures in the TDM plan, and categorizes them by their potential to reduce drive alone trips. Where applicable, potential mode share reductions are provided based on CAPCOA; other measures largely serve to support other measures, and may not have a quantifiable effect on travel behavior. In general, measures will be most effective if marketed to individuals who live near existing transit service, or who drive alone and live within a few blocks of campus. Through monitoring and ongoing adjustment to programs, a TDM Coordinator can identify how best to adapt each strategy to CCSF's students and employees.

Table 6: Core TDM Measures

Measure	Detail	Student Drive Trip Reduction Potential	Employee Drive Trip Reduction Potential
<i>Maintain Equitable Access to a CCSF Education</i>			
Revise permit system to reflect student need	Provide a pathway for students with financial hardship to obtain a reduced cost parking pass, or to receive priority for a parking pass	0%	0%
Assist students in applying for Muni Lifeline passes or other low-income programs	As part of the transportation coordinator position, assist students with application for Muni lifeline service and other subsidized transit pass programs	2%	0%

Table 6: Core TDM Measures

Measure	Detail	Student Drive Trip Reduction Potential	Employee Drive Trip Reduction Potential
Create a Variety of Affordable Options to Encourage Use of Transit			
Install real-time transit information at key locations	Provide real time information at the primary transit center on Frida Kahlo way, but also on screens in central buildings (Student Union, Cafeteria, etc)	Supportive	Supportive
Improve connections with BART station by working with the City to address sidewalks, crosswalks, and other issues	Primary focus should be around direct, safe, secure access to BART station and Muni bus stops, including enhanced lighting, shelters, etc. May require coordination with SFMTA.	<1%	<1%
Support Walking and Bicycling			
Provide additional secure bicycle parking and lockers	Provide additional covered bicycle parking or bike station on campus at location easily accessible from multiple locations, ideally not requiring a bike ride up a steep hill	<1%	<1%
Provide bicycle repair stations at key Campus locations	Provide bicycle repair at central location with heavy bicycle activity	<1%	<1%
Improve signage and wayfinding, particularly for accessible pathways	To help connect the campus with the surrounding streets, improve the most commonly used accessible pathways through campus, and maintain a pedestrian-first feel at common gateways to campus. Also include visible signage supporting bikeways.	Supportive	Supportive
Provide additional improvements to the bicycle and pedestrian network on campus	Provide bicycle lanes or marked bicycle pathways, and maintain high quality sidewalks and pathways through campus for pedestrians.	1%	1%

Table 6: Core TDM Measures

Measure	Detail	Student Drive Trip Reduction Potential	Employee Drive Trip Reduction Potential
<i>Advertise and Incentivize Sustainable Transportation</i>			
Hire a dedicated on-site transportation coordinator and engage in proactive outreach to students and employees	Hire, or provide existing FTE with authority to advertise, improve, and host events promoting sustainable transportation. Common marketing events may include bike/walk/roll days, issuing climate challenges to reduce drive alone trips, assisting individual students and employees with trip planning, and helping employees enroll in commute benefits.	5%	5%
Expand transportation resources on CCSF website	Provide direct, easy-to-use links to transit schedules and fare information; advertise potential student discounts on transit; advertise supportive programs such as Guaranteed Ride Home and Campus Escort services.	Supportive	Supportive
Provide transportation information to students when they enroll	Upon enrollment each semester, either direct students to a transportation website, or provide opportunities for them to discuss transportation options with CCSF staff.	Supportive	Supportive
<i>Manage Existing Parking Supply</i>			
Establish drop-off and pick-up zones	By providing additional drop-off and pick-up zones, the school can facilitate vehicle trips that do not require parking supply. This measure works in conjunction with changes to parking permitting, supply, or cost.	Supportive	Supportive
Create and advertise a carpool program	Partially included in transportation outreach; provide dedicated platform or partner with platform to advertise carpooling opportunities, and perhaps allow for preferential carpool parking	5%	<i>Included in "Hire dedicated on-site transportation coordinator" reduction. Less effective for employees due to free parking benefit.</i>

Table 6: Core TDM Measures

Measure	Detail	Student Drive Trip Reduction Potential	Employee Drive Trip Reduction Potential
Adjust student parking prices	Increase the cost of student parking as the parking supply decreases. This reduction assumes that daily parking costs to students would increase from \$5 per day to \$7 per day.	5.5%	N/A
Revise permit system	Consider a suite of potential changes to how parking permitting operates on campus, ranging from further restricting certain spaces for employees or students, providing priority permits based on student need or class schedules, or limiting the number of permits issued. This could potentially be a means of reducing student parking demand without necessarily increasing parking cost, but would require active management of the program	Varies	Varies

Source: Fehr & Peers, 2018; CAPCOA Quantifying Greenhouse Gas Mitigation Measures, 2010

The total expected reduction in drive-alone trips from these core measures would be **up to a 19 percent reduction** in student drive alone trips, and **up to an 8 percent reduction** in employee drive alone trips. These totals are slightly lower than the simple addition of all measures, due to diminishing effectiveness as additional people shift to other modes; they also represent the high end of the range of expected reductions in drive alone trips.

3.1.2 Additional TDM Measures to Consider

The following TDM measures, summarized in **Table 7**, meet the criteria for the core measures, but would result in a higher cost to CCSF on an annual basis. The highest financial cost measures, however, also have high levels of support based on findings from outreach. For example, providing subsidized Muni passes is estimated to reduce student drive alone trips by up to 10 percent; however, it would cost up to \$240 per student per semester. Eligibility requirements would need to be determined, likely based on the number of courses a student is enrolled in for the quarter. Implementation of a bulk transit pass program would require ongoing negotiations with SFMTA, as Muni currently does not have an option for bulk pass purchasing at a reduced cost to employers or institutions; other organizations who offer this benefit have engaged in one-on-one negotiations with SFMTA staff.

These measures also include subsidized memberships to two services: carshare, which allows employees access to a car for errands or quick trips during the day, and bikeshare or scootershare, which can help connect the campus to Balboa Park BART Station, as well as potentially encouraging students and employees who live near the campus to bicycle or scoot to CCSF.

Finally, this set of measures includes charging a daily price for employee parking. While this measure is currently precluded under existing labor contracts, parking pricing is an effective way to manage parking supply in cases where there is significant unserved demand.

Table 7: Additional TDM Measures

Measure	Detail	Student Drive Trip Reduction Potential	Employee Drive Trip Reduction Potential
Create a Variety of Affordable Options to Encourage Use of Transit			
Provide Student Muni Pass Program	Provide Muni pass to all full-time students, via either subsidy or student fee	10%	0%
Provide Employee Muni Pass Program	Provide Muni pass to all full-time employees via subsidy for transit benefits	0%	10%
Support Walking and Bicycling			
Provide bike share (or scooter share) membership to students & employees	Provide bike or scooter share subsidies to students and employees, allowing them to use services such as LimeBike or scooters to help connect to public transit. This measure would be implemented at the time that such services are available at Ocean Campus.	1%	1%
Manage Existing Parking Supply			
Provide space for carshare vehicles and subsidize carshare for employees	Allocate parking spaces on campus for ZipCar or similar services, and provide subsidized memberships to employees. These services allow for the ability to use a car for official business or errands, even if the employee did not drive to work that day.	0%	1%

Table 7: Additional TDM Measures

Measure	Detail	Student Drive Trip Reduction Potential	Employee Drive Trip Reduction Potential
Price employee parking appropriately	Charge employees a daily fee to park on campus, in conjunction with implementation of additional transportation benefits and support. Consider providing promotional pricing for carpooling or off-peak parking.	0%	5%
Provide managed parking during peak demand periods	Because parking demand peaks during the first week of instruction, provide valet parking at parking lots to help increase effective supply during peak times. Cost of parking should be adjusted accordingly during these times.	Supportive	Supportive
Provide shuttle to BART during peak demand periods	During the first week of each semester, when parking demand is highest, provide shuttle service from Balboa Park BART station to Cloud Drive to help reduce parking demand.	Supportive / up to 5% during peak demand	Supportive / up to 5% during peak demand

Source: Fehr & Peers, 2018; CAPCOA Quantifying Greenhouse Gas Mitigation Measures, 2010

Incorporating these additional TDM strategies into the CCSF TDM Plan would increase the potential reduction in drive alone trips to up to a **27 percent reduction** for students, and up to a **22 percent reduction** for employees. These totals are slightly lower than the simple addition of all measures, due to diminishing effectiveness as additional people shift to other modes; they also represent the high end of the range of expected reductions in drive alone trips.

3.2 Mode Share Targets

To establish mode share targets, we have assessed the reduction potential of both the core TDM measures and the additional measures using data from CAPCOA. As shown in **Table 8**, the TDM Plan could result in an average student vehicle mode share of 24 to 27 percent, and an employee vehicle mode share of 52 to 61 percent. As such, this TDM Plan should set an initial (short-term) mode share target of **27 percent** for students and **61 percent** for employees. As enrollment is expected to increase and parking supply reduced due to proposed changes on campus (described in the next section), CCSF should aim to reach a more aggressive goal by completion of the Facilities Master Plan, of **25 percent vehicle mode share** for students and **52 percent** for employees.

Table 8: Vehicle Mode Share Targets

Mode	Students		Employees	
	Core Measures	Core + Additional	Core Measures	Core + Additional
Existing Drive Alone Mode Share	33%		66%	
Reduction due to TDM Plan	19%	27%	8%	22%
Vehicle Mode Share Target	27%	24%	61%	52%

Source: Fehr & Peers, 2018

Note: Vehicle mode share refers to drive alone and carpool users.

Chapter 4. Parking Analysis

While reducing the number of driving trips to campus would result in less vehicle congestion in local neighborhoods, fewer greenhouse gas emissions, and lower parking demand, one of the primary concerns voiced by CCSF employees, students, and leadership has been the management of parking supply and demand in light of expected campus development and operational changes. These changes include:

- Construction of a Performing Arts and Entertainment Center (PAEC), removing up to 760 parking spaces in the Upper Reservoir parking area
- Construction of the planned Balboa Reservoir Housing development at the Lower Reservoir parking area, removing 1,007 parking spaces
- Enrollment increases of up to 25 percent
- Implementation of the TDM Plan, as described in Chapter 3.

These changes have been consolidated into three key scenarios analyzed below:

- Scenario 0: Baseline Conditions (i.e., no changes to campus or Lower Reservoir)
- Scenario 1: Baseline Conditions + PAEC
- Scenario 2: Baseline Conditions + Balboa Reservoir Housing
- Scenario 3: Baseline Conditions + PAEC + Balboa Reservoir Housing

For each of these scenarios, parking was analyzed based on an enrollment growth of 25 percent, both with and without the core and additional TDM measures in place. Reduction in parking demand due to TDM measures assumed that reductions in the drive alone rate would correspond to similar reductions in parking rates.

4.1 Parking Demand

For this analysis, baseline parking demand was calculated using two data sources: employee and student survey data, and counts of parking occupancy during May 2018 (average weekday) and August 2018 (first week of school). Parking demand was calculated using survey data regarding mode of travel, number of days on campus per week, and arrival/departure times, to calculate the peak parking demand during the 11:00 AM to 2:00 PM period. Counts of Full Time Equivalent (FTE) students and employees were then applied to the parking demand rates to reach an estimated peak parking demand, which was then validated to actual parking counts.

Because the survey asks for a “typical” mode, and includes a long period of time for students to report peak period arrivals (11:00 AM to 2:00 PM), it likely overestimates the share of students parked on campus during

the peak period from 11:00 AM to 12:00 PM. As an example, students arriving at 1:00 PM would be included in the peak parking demand for 11:00 AM, due to the large reporting window. **Table 9** shows results of this analysis, and a peak day parking demand of **0.15 spaces per FTE Student** and **0.43 spaces per FTE Employee** during the peak hour of the day.

Table 9: Calculating Parking Demand Rates, Peak Hour (11:00 AM – 12:00 PM) of Peak Day (Tuesday August 21, 2018)

Mode	Students	Employees
<i>% Driving, Weighted by Days on Campus</i>	37%	66%
<i>% On Campus, 11:00 AM – 2:00 PM</i>	68%	95%
<i>Average Vehicle Occupancy</i>	1.22	1.08
<i>Parking Demand per FTE</i>	0.21	0.58
<i>2018 FTEs at Ocean Campus</i>	12,336	2,178
<i>Estimated Parking Demand</i>	2,538	1,260
<i>Total Estimated Parking Demand</i>	3,798	
<i>Actual Parking Occupied, Peak Hour of Peak Day</i>	2,808	
<i>Parking Adjustment Factor</i>	0.74	
<i>Final Peak Parking Demand per FTE</i>	.15	.43

Source: Fehr & Peers, 2018; IDAX Data Solutions, 2018; CCSF, 2018

However, these rates were validated on the highest parking demand day of the year. Parking demand varies substantially throughout the year, as shown in **Figure 3**. An additional adjustment to account for variations between a peak day (during the first week of school) and a more “typical” day (late in the Spring semester) is shown in **Table 10**. The resulting peak hour parking demand rates based on late semester parking occupancy are **0.11 spaces per FTE student** and **0.31 spaces per FTE employee**.

Table 10: Calculating Parking Demand Rates, Peak Hour (11:00 AM – 12:00 PM) of Typical Day (Monday May 14, 2018)

Mode	Students	Employees
<i>Demand on Peak Day</i>	.15	.43
<i>Actual Parking Occupied, Peak Hour of Peak Day</i>	2,808	
<i>Actual Parking Occupied, Peak Hour of Typical Day</i>	2,047	
<i>Typical Day Adjustment Factor</i>	0.73 ⁴	
<i>Typical Day Parking Demand per FTE</i>	0.11	0.31

Source: Fehr & Peers, 2018; IDAX Data Solutions, 2018

Based on the parking demand rates calculated above, parking demand was estimated for the baseline and future enrollment scenarios without and with TDM. **Table 11** summarizes the peak parking demand and non-peak parking demand, supply and unserved demand for the base scenario (no changes in parking supply). As shown, by 2026 the Baseline conditions would result in a shortfall of 572 parking spaces during the peak week of demand; however, there would be no shortfall during a typical day. If core TDM programs are provided, Baseline conditions would result in a shortfall of 39 spaces during the first week of instruction and no shortfall during a typical day.

⁴ Both employee and student parking demand were scaled down proportionately to provide a typical day demand. Employee parking demand is likely more stable throughout the academic year; however, this analysis provides a conservative / higher parking demand estimate than adjusting student parking alone.

Table 11: Baseline Parking Demand and Supply

Enrollment/ TDM Scenario	Peak Day Parking Demand (First Week of Instruction)	Non-Peak Demand (Typical Day in Semester)	Supply	Unserved Demand - Baseline Peak Day of First Week of Instruction	Unserved Demand - Baseline Typical Day in Semester
2018	2,835	2,066	3,010	0	0
2026 (25% growth) without TDM	3,543	2,583	3,010	533	0
2026, with core TDM	3,010	2,194	3,010	0	0
2026, with additional TDM	2,245	1,636	3,010	0	0

Source: Fehr & Peers, 2018; IDAX Data Solutions, 2018; CCSF Draft Facilities Master Plan, 2016

4.1.1 Scenario 1: Parking Demand with PAEC

Construction of the PAEC is anticipated to occur on the northern portion of the Upper Reservoir parking lot, and would result in removal of 760 existing parking spaces. However, the PAEC is not anticipated to generate new parking demand during the peak hour of 11:00 AM to 12:00 PM that is not otherwise accounted for by the student and employee populations; additional parking demand for performances would likely occur during the evening hours, when parking is much more readily available, as shown in Figure 3 above.

Table 12: Scenario 1 (Baseline + PAEC) Parking Demand and Supply

Enrollment/ TDM Scenario	Peak Day Parking Demand (First Week of Instruction)	Non-Peak Demand (Typical Day in Semester)	Supply	Unserved Demand - Baseline Peak Day of First Week of Instruction	Unserved Demand - Baseline Typical Day in Semester
2018	2,835	2,094	2,250	585	0
2026 (25% growth) without TDM	3,543	2,617	2,250	1,293	367
2026, with core TDM	3,010	2,223	2,250	760	0
2026, with additional TDM	2,245	1,658	2,250	0	0

Source: Fehr & Peers, 2018; IDAX Data Solutions, 2018; CCSF Draft Facilities Master Plan, 2016

Table 12 summarizes the unserved parking demand under Scenario 1, with student growth and with either the core TDM Plan or with the Additional TDM Measures. As noted above, demand fluctuates widely throughout the year; however, to accommodate the peak demand at 11:00 AM, by 2026 the loss of parking resulting from construction of the PAEC would lead to a shortfall of **367 to 1,293 parking spaces** during the 11:00 AM hour. If core TDM programs were provided, demand would be accommodated during much of the year, with a shortfall of **760 spaces** during the first week of school.

4.1.2 Scenario 2: Parking Demand with Balboa Reservoir Housing Project

Scenario 2 accounts for the Balboa Reservoir Housing Project, slated to add a new housing development to the land currently occupied by the Lower Reservoir parking lot. This would result in the reduction of CCSF parking supply by 1,007 spaces. This does not account for any future shared parking arrangements in conjunction with the Balboa Reservoir Housing project sponsors.

Table 13 summarizes the unserved parking demand under Scenario 2, with student growth and with either the core TDM Plan or with the Additional TDM Measures. As noted above, demand fluctuates widely throughout the year; however, to accommodate the peak demand at 11:00 AM, by 2026 the removal of the Lower Reservoir parking facilities would lead to a shortfall of **614 to 1,540 parking spaces** during the 11:00 AM hour. If core TDM programs were provided, there would be unserved demand for around **220 to 1,007** parking spaces during the peak hour.

Table 13: Scenario 2 (Baseline + Balboa Reservoir Housing) Parking Demand and Supply

Enrollment/ TDM Scenario	Peak Day Parking Demand (First Week of Instruction)	Non-Peak Demand (Typical Day in Semester)	Supply	Unserved Demand - Baseline Peak Day of First Week of Instruction	Unserved Demand - Baseline Typical Day in Semester
2018	2,835	2,094	2,003	832	91
2026 (25% growth) without TDM	3,543	2,617	2,003	1,540	614
2026, with core TDM	3,010	2,223	2,003	1,007	220
2026, with additional TDM	2,245	1,658	2,003	242	0

Source: Fehr & Peers, 2018; IDAX Data Solutions, 2018; CCSF Draft Facilities Master Plan, 2016

4.1.3 Scenario 3: Parking Demand with PAEC and Balboa Reservoir Housing Project

Scenario 3 provides the combined parking demand analysis for a future scenario where the PAEC and Balboa Reservoir Housing Project are both constructed and active, leading to the removal of 1,767 parking spaces on campus. This does not account for any future shared parking between CCSF and the Balboa Reservoir housing project.

Table 14 summarizes the unserved parking demand under Scenario 3, with enrollment growth and with either the Core TDM or additional TDM measures. As noted above, demand fluctuates widely throughout the year; however, to accommodate the peak demand at 11:00 AM, by 2026 this scenario would lead to a shortfall of **1,374 to 2,300 parking spaces** during the 11:00 AM hour. If core TDM programs were provided, there would be unserved demand for around **980 to 1,767** parking spaces during the peak hour.

Table 14: Scenario 3 (Baseline + PAEC + Balboa Reservoir Housing) Parking Demand and Supply

Enrollment/ TDM Scenario	Peak Day Parking Demand (First Week of Instruction)	Non-Peak Demand (Typical Day in Semester)	Supply	Unserved Demand - Baseline Peak Day of First Week of Instruction	Unserved Demand - Baseline Typical Day in Semester
2018	2,835	2,094	1,243	1,592	851
2026 (25% growth) without TDM	3,543	2,617	1,243	2,300	1,374
2026, with core TDM	3,010	2,223	1,243	1,767	980
2026, with additional TDM	2,245	1,658	1,243	1,002	415

Source: Fehr & Peers, 2018; IDAX Data Solutions, 2018; CCSF Draft Facilities Master Plan, 2016

4.2 Effects of Limited Parking Supply on Daily Demand

As discussed in Chapter 2.6, many students and employees indicated they might change their mode of travel to campus if they knew parking would be more difficult to find. Specifically, around 60 percent of both student and employee respondents indicated that they would carpool, use Lyft/Uber, walk, bike, or take transit if parking became more difficult.

Table 15 shows how many individuals would likely change mode on a daily basis, by applying this 60 percent mode shift factor to the total unserved demand for parking among employees and students under the most intensive growth scenario, including both the PAEC and the Balboa Reservoir Housing Project proceeding.⁵ Based on this 60 percent shift in mode, daily unserved demand during the school year could be as few as 166 parking spaces, if all additional TDM measures are adopted, including charging for employee parking. Under a more typical TDM plan, the total unserved demand is expected to be around 400 parking spaces.

Table 15: Scenario 3 Assuming Mode Shift (Baseline + PAEC + Balboa Reservoir Housing) Parking Demand and Supply

Enrollment/ TDM Scenario	Unserved Demand, Typical Day	Employee Unserved Demand	Student Unserved Demand	Employees Shifting to Other Modes	Students Shifting to Other Modes	Predicted Unserved Demand
2018	851	282	569	169	341	341
2026 (25% growth) without TDM	1,374	456	918	274	551	549
2026, with core TDM	980	354	626	212	376	392
2026, with additional TDM	415	156	259	94	155	166

Source: Fehr & Peers, 2019

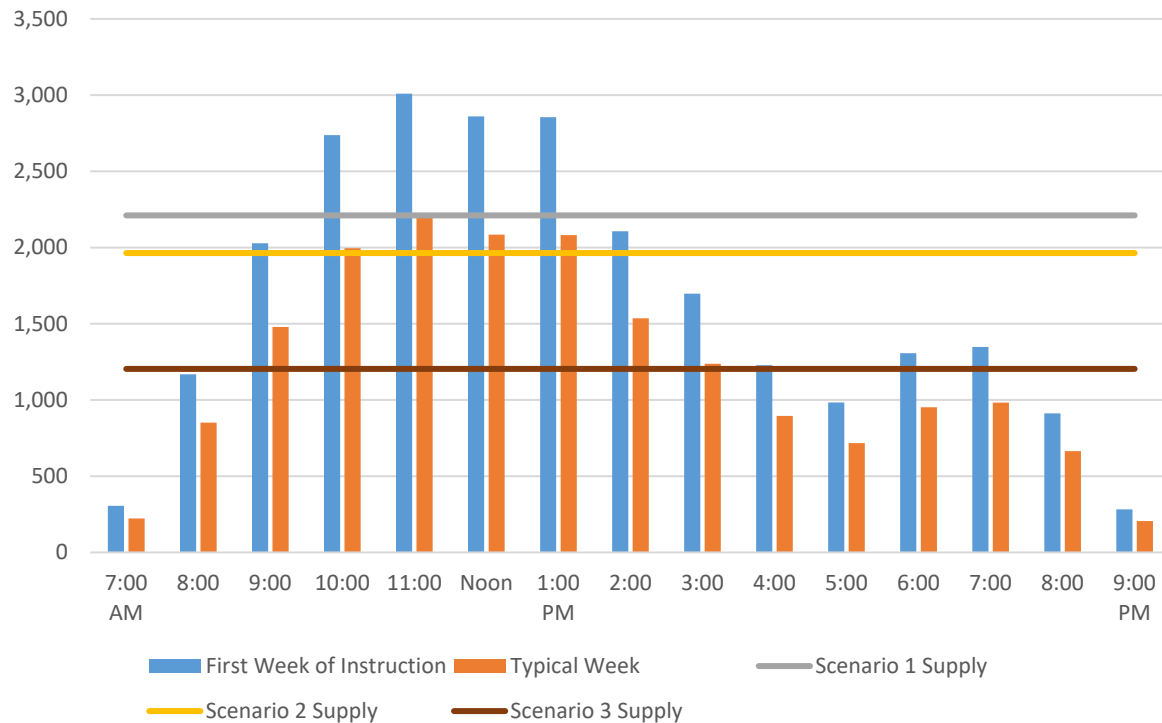
4.3 Peak vs. Average Parking Demand

As presented above, the individual scenarios result in potential unserved parking demand for hundreds of students and/or employees. However, the demand numbers presented are those for only the peak hour of demand, from 11:00 AM to 12:00 PM. As shown in **Figure 12**, under Scenario 3 supply would still be sufficient to meet demand before 9:00 AM and after 4:00 PM, even during the busiest weeks of school. Similarly, under Scenarios 1 and 2, implementation of a TDM program would lead to accommodating all estimated parking demand during most hours of the day, except for during the peak demand period at the

⁵ This analysis assumes that only 60 percent of *unmet* demand would shift; for instance, rather than reducing total parking demand by 60 percent for each scenario, only the portion of demand exceeding the projected supply was reduced.

start of the school year. This analysis does *not* incorporate the potential additional mode shift due to limited parking supply from Section 4.2.

Figure 12: Projected Demand and Supply by Time of Day (25% Enrollment Increase + Core TDM Strategies)



Interpreting the data another way, under each scenario the provided parking facilities would be expected to fill by a certain time of day. Under Scenario 1, parking would fill by 11:00 AM during a typical week, and between 9:00 AM and 10:00 AM during the first week of instruction. Under scenario 2, parking would fill by 10AM during a typical week and by 9:00 AM during the first week of instruction. Finally, under scenario 3, parking would be expected to fill by 9:00 AM during a typical week, and by 8:00 AM during the first week of instruction.

The large difference in expected parking demand across the school year results in the need to more proactively manage parking facilities during the first week of school. A variety of strategies, some of which are listed in the TDM plan, can help with this. They may include:

- Advertising that parking will be in short supply during enrollment
- Providing temporary valet services to increase capacity of parking facilities
- Increasing the cost of parking for students during the first week of instruction
- Providing shuttles to and from major transit stations to help reduce demand for driving

- Allowing for a larger share of enrollment and administrative tasks to be completed online, or at other Centers
- Staggering availability of certain tasks for certain groups of students, such as orientation

4.4 Additional Factors Affecting Parking Demand

The parking demand analysis presented above represents the latent, unserved demand that would be expected with an overall increase in enrollment. However, many factors other than the provision of TDM programs and enrollment can affect demand for parking.

First, as indicated in Section 2.5, around two-thirds of outreach participants who drive to campus indicated they would change their behavior if parking were harder to find. While stated preference surveys such as this may slightly overestimate the behavioral change due to reduced parking supply, a significant number of individuals may very well shift to other modes of travel, or to drop-off based modes that do not involve a parking instance, if there was less parking on campus.

Second, research on changes in travel behavior due to parking price is limited, and estimates for how changes in permit pricing would change student behavior are simply estimates. A higher parking price, in conjunction with lower parking supply, could potentially lead additional students to change their travel patterns.

Finally, as overall development continues in San Francisco and the larger Bay Area, more students may be located proximate to high quality transit services. These macro-level changes in the Bay Area land use setting could result in overall changes in travel patterns that cannot be foreseen at this time. Similarly, the increase in prevalence of Lyft and Uber, which allow for auto mobility without needing parking, may help shift parking demand away from CCSF facilities. Use of these services in lieu of driving (and parking) a personal vehicle come with tradeoffs, namely additional vehicle trips and demand for curbspace or areas to pick-up and drop-off passengers.

Chapter 5. Conclusions and Next Steps

In general, CCSF's location in a transit-rich environment provides it with an advantage in shifting travel away from vehicles and in managing the related parking demand. However, as a mission-focused institution serving a wide variety of student types, any changes to campus access – including changes to parking and transportation – should be considered carefully in light of concerns regarding equity, mobility, and quality of the student experience.

This study presents several options for TDM strategies, as well as the general finding that absent any other changes, there will be some unmet demand for parking following development of the PAEC and the Balboa Reservoir Housing Project. In order to proactively address this unmet demand, CCSF staff will need to answer a number of core questions.

How will CCSF balance parking demand with sustainability goals and minimizing the impact of vehicle trips? As noted above, the parking demand numbers presented here represent the latent demand for parking, or the number of people wishing to drive to campus and park during the peak hours *all else being equal*. The Core TDM Strategies represent cost-effective means of reducing demand for parking and for driving alone to campus. However, the more effective strategies include higher costs, particularly if CCSF wishes to consider subsidizing transit. Fehr & Peers recommends adopting and implementing the drive alone trip reduction targets provided in the Core TDM Measure list and assessing changes in travel and parking patterns over time as parking availability fluctuates during construction of the PAEC and Balboa Reservoir Housing Project.

Table 16 summarizes the anticipated unmet parking demand for each scenario under the core TDM program, additional TDM program, and if some mode shift is assumed based on the reduction in parking supply. Generally, during typical school operations, there could be an unmet parking demand of between 392 spaces and 980 spaces, depending on the level of investment in TDM, and potential mode shift changes. During the first week of school, when demand for parking is highest, there could potentially be an unmet parking demand of between 700 and 1,800 spaces, although additional TDM measures and scheduling adjustments in the first week of school may help reduce this shortfall. Parking demand at peak periods can be met via temporary solutions such as valet parking.

Table 16: Summary of Unmet Parking Demand by Scenario

Scenario	With Core TDM Programs		With Additional TDM Programs		With Core TDM Programs and Additional Mode Shift with Lower Parking Supply	
	Peak Week	Typical Week	Peak Week	Typical Week	Peak Week	Typical Week
Scenario 1 - PAEC Only	760	0	0	0	304	0
Scenario 2 - Balboa Reservoir Housing Only	1,007	220	242	0	403	88
Scenario 3 - PAEC + Balboa Reservoir Housing	1,767	980	1,002	415	707	392

Is meeting parking demand a financial investment priority for the College? Constructing parking structures is a costly venture, and so this question goes hand-in-hand with the question of whether CCSF can accept some level of unmet parking demand. Feedback from employees indicates that they place a high value on the parking benefits provided to them; conversely, students were more likely to request investment in alternative transportation or in educational facilities rather than in parking.

In considering these questions, Fehr & Peers recommends that CCSF adopt a phased approach to building new parking facilities, with the first phase reflecting unmet parking demand after implementation of Core TDM measures. CCSF should also incorporate a feedback loop for assessing parking demand over time including reviewing the effectiveness of TDM measures and any changes in travel and parking patterns. Based on feedback from those affected, as well as the trade-offs of constructing a parking structure, an informed decision can be made on whether and when to proceed with building additional parking.

Appendix A

City of San Francisco
City College, 50 Phelan Ave.
Parking Supply and Demand Survey
Monday, 5/14/2018

Start Time	Faculty / Staff Permit Parking																Other Parking												Total																
	Area C				Area D				Area G				Area H				Area J				Area L				Area E Maintenance					Phelan - West side				Phelan - East side				Area F				Area I			
	R	Chanc ellor	ADA		R	Chanc ellor	ADA		R	ADA		R	Reserv ed ⁽¹⁾	ADA		R	M	ADA		R	M	ADA		R	M	ADA		R		M	ADA		R	Reserv ed ⁽²⁾	ADA	R	Reserv ed ⁽¹⁾								
Supply	79	2	4	64	1	3	24	2	30	5	8	137	1	10	10					34	33	30	21	33	6	29	209	15								800									
7:00 AM	3	0	0	11	0	0	17	0	5	0	0	2	0	0	1					9	30	0	28	1	14	4	0	33	0							158									
8:00	32	0	0	33	0	0	20	1	9	0	2	38	1	2	10					9	34	1	28	3	29	4	4	101	0							361									
9:00	59	1	1	64	0	1	24	2	22	1	7	87	1	2	10					8	34	2	28	7	32	5	14	186	6							604									
10:00	79	1	4	64	0	1	24	1	27	1	8	118	3	2	10					7	33	8	28	11	32	6	25	199	13							705									
11:00	78	1	4	64	0	1	24	0	29	0	6	124	3	3	10					6	34	7	28	14	31	6	21	205	15							714									
Noon	78	1	4	64	0	2	24	1	24	5	6	116	3	3	10					8	33	8	28	11	33	5	23	200	15							705									
1:00 PM	75	1	2	64	0	3	21	2	25	1	5	108	3	2	10					8	33	6	29	11	33	6	19	191	12							670									
2:00	79	1	3	58	0	1	18	2	25	0	5	99	1	1	10					8	34	6	30	7	33	6	21	167	10							625									
3:00	72	1	1	58	0	2	19	1	24	0	5	78	0	1	7					9	33	6	29	5	33	5	19	124	11							543									
4:00	68	1	1	57	0	1	20	0	23	0	4	46	1	1	10					9	32	5	28	3	29	2	16	86	6							449									
5:00	50	1	1	37	0	0	20	0	17	2	4	38	0	0	6					8	31	2	27	5	29	1	9	75	3							366									
6:00	41	1	1	17	0	0	22	0	15	0	4	46	1	1	9					9	34	3	30	5	25	3	12	62	2							343									
7:00	57	0	0	8	0	0	21	1	18	3	2	64	1	1	6					8	31	4	30	6	30	4	16	62	1							374									
8:00	52	0	0	5	0	0	22	2	21	3	1	28	0	1	6					8	27	3	26	5	26	4	12	45	2							299									
9:00 PM	20	0	0	2	0	0	18	1	16	4	0	13	0	1	6					8	13	3	26	2	19	4	5	31	1							193									

R - Regular spaces

M - Motorcycles spaces

ADA - Handicapped spaces

⁽¹⁾ Children drop off only, Mon. - Fri., 7am - 10am

⁽²⁾ Police Vehicles only

Area K - No Parking

City of San Francisco
City College, 50 Phelan Ave.
Parking Supply and Demand Survey
Monday, 8/20/2018

	Faculty / Staff Permit Parking																				
Start Time	Area C			Area D			Area G			Area H			Area J			Area L			Area P		
	R	Chanc ellor	ADA	R	Chanc ellor	ADA	R	ADA	R	Reserv ed ⁽¹⁾	ADA	R	M	ADA	R	R	ADA	Bookst ore	Car Share		
Supply	79	2	4	64	1	3	24	2	30	5	8	137	1	10	10	128	27	1	1		
7:00 AM	7	0	0	11	0	1	14	0	9	0	0	5	0	0	3	16	2	1	1		
8:00	41	1	0	44	0	3	23	0	22	1	4	43	0	2	10	38	3	1	1		
9:00	79	1	4	64	0	3	24	2	26	1	6	113	1	4	10	117	13	1	1		
10:00	79	1	4	64	0	3	24	2	26	1	8	137	1	4	10	128	18	1	1		
11:00	78	1	4	64	0	3	24	1	26	2	8	130	1	6	10	123	17	1	1		
Noon	79	1	3	63	0	1	24	2	24	4	6	122	1	5	10	126	18	1	1		
1:00 PM	79	1	2	64	0	2	24	1	26	2	7	122	1	7	10	127	25	1	1		
2:00	79	1	3	63	0	3	23	1	25	2	7	104	1	6	10	124	20	1	1		
3:00	79	1	1	60	0	2	23	1	25	5	8	92	1	5	10	104	14	0	1		
4:00	77	1	0	55	0	1	24	1	22	2	6	83	1	4	7	88	6	0	1		
5:00	61	1	2	33	0	0	24	1	22	5	3	52	1	4	4	70	10	0	1		
6:00	57	1	2	18	0	0	24	2	22	4	6	63	1	5	10	53	15	1	1		
7:00	47	0	0	8	0	0	22	2	22	5	5	64	1	2	8	36	12	1	1		
8:00	36	0	0	6	0	0	22	1	16	2	3	52	1	1	7	28	6	1	1		
9:00 PM	16	0	0	3	0	0	16	1	14	1	1	15	0	0	2	16	3	1	1		

R - Regular spaces

M - Motorcycles spaces

ADA - Handicapped spaces

⁽¹⁾ Children drop off only, Mon. - Fri., 7am - 10am

⁽²⁾ Police Vehicles only

Area K - No Parking

Other Parking																													
Phelan - West side				Phelan - East side				Area B				Area E		Area F		Area I		Area N				Area O				Area M			
R	M			R	M			ADA		Loading	Reserv ed ⁽²⁾	Mainte nance	R	Reserv ed ⁽²⁾	ADA	R	Reserv ed ⁽¹⁾	Students	Faculty	Students	Faculty	ADA	Carpool	Fuel efficient vehicle	R	ADA	Total		
34	33			30	21			7		3	3	10	33	6	29	209	15	709	56	181	27	7	9	18	987	20	3010		
34	0			26	1			0		0	0	9	23	4	1	23	0	127	0	10	0	0	0	0	1	0	341		
34	1			25	5			1		1	0	9	30	2	9	88	0	378	22	30	0	1	2	2	4	0	901		
34	5			27	17			4		2	0	8	33	3	21	184	4	704	56	138	9	2	7	6	108	1	1868		
34	9			26	21			4		1	0	7	33	3	29	209	15	704	56	181	22	2	9	15	381	1	2300		
34	11			27	19			3		2	0	10	33	4	27	208	14	707	55	166	27	0	9	16	583	1	2482		
34	11			26	16			5		1	0	10	33	5	26	196	13	703	54	143	25	0	8	11	457	0	2294		
31	11			25	12			1		1	0	6	32	4	25	209	15	683	53	134	23	0	8	10	326	0	2137		
34	8			25	10			2		1	1	10	32	5	21	178	10	625	56	109	19	2	6	5	244	0	1903		
34	6			22	8			3		0	1	10	32	4	19	138	10	559	52	174	17	1	3	6	112	0	1666		
30	6			25	5			3		0	0	9	30	3	3	125	6	353	41	57	15	2	3	3	82	0	1204		
32	5			26	4			2		1	0	9	33	4	11	103	4	308	30	41	14	1	0	4	34	0	974		
33	5			25	11			5		2	0	10	33	3	20	109	5	525	50	45	8	1	2	2	18	0	1223		
32	5			23	15			5		3	0	10	27	4	23	88	4	481	52	33	5	0	2	1	11	0	1080		
25	3			22	12			1		3	0	10	25	5	20	64	2	360	42	23	2	0	0	1	5	0	826		
9	0			16	1			1		0	0	10	14	4	3	26	1	79	14	7	1	0	0	0	3	0	288		



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20730

HEARING DATE: MAY 28, 2020

Case No.: 2018-007883ENV
Project Title: **Balboa Reservoir Project**
Zoning: P (Public)
40-X and 65-X Height District
Balboa Park Station Plan Area
Block/Lot: Assessor's Block 3180/Lot 190
Project Sponsors: Reservoir Community Partners, LLC
Joe Kirchofer, Avalon Bay Communities
(415) 284-9082 or Joe_Kirchofer@avalonbay.com
Brad Wiblin, Bridge Housing
(415) 321-3565 or bwiblin@bridgehousing.com
Staff Contact: Jeanie Poling
(415) 575-9072 or jeanie.poling@sfgov.org

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ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED BALBOA RESERVOIR PROJECT. THE SUBSEQUENT EIR EVALUATES TWO DIFFERENT OPTIONS FOR THE SITE'S RESIDENTIAL DENSITY: (1) THE DEVELOPER'S PROPOSED OPTION (1,100 DWELLING UNITS), PROPOSED BY RESERVOIR COMMUNITY PARTNERS LLC; AND (2) THE ADDITIONAL HOUSING OPTION (1,550 DWELLING UNITS), PROPOSED BY THE CITY. OVERALL, THE PROPOSED PROJECT WOULD CONSTRUCT UP TO APPROXIMATELY 1.8 MILLION GROSS SQUARE FEET OF USES, INCLUDING BETWEEN APPROXIMATELY 1.3 AND 1.5 MILLION GROSS SQUARE FEET OF RESIDENTIAL SPACE, APPROXIMATELY 10,000 GROSS SQUARE FEET OF COMMUNITY SPACE, APPROXIMATELY 7,500 GROSS SQUARE FEET OF RETAIL, UP TO 550 RESIDENTIAL PARKING SPACES AND 750 PUBLIC PARKING SPACES IN THE DEVELOPER'S PROPOSED OPTION, AND UP TO 650 RESIDENTIAL PARKING SPACES IN THE ADDITIONAL HOUSING OPTION. THE BUILDINGS WOULD RANGE IN HEIGHT FROM 25 TO 78 FEET IN THE DEVELOPER'S PROPOSED OPTION AND FROM 25 TO 88 FEET IN THE ADDITIONAL HOUSING OPTION.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the final subsequent environmental impact report identified as Case No. 2018-0078838ENV, the "Balboa Reservoir Project" (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin.

Code Title 14, Section 15000 *et seq.*, (hereinafter “CEQA Guidelines”), and Chapter 31 of the San Francisco Administrative Code (hereinafter “Chapter 31”).

- A. The Department determined that an environmental impact report (hereinafter “EIR”) was required and provided public notice of that determination by publication in a newspaper of general circulation on October 10, 2018.
 - B. The Department held a public scoping meeting on October 30, 2018, in order to solicit public comment on the scope of the Project’s environmental review.
 - C. On August 7, 2019, the Department published the draft subsequent environmental impact report (hereinafter “DSEIR”) and provided public notice in a newspaper of general circulation of the availability of the DSEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DSEIR; this notice was mailed to the Department’s list of persons requesting such notice.
 - D. Notices of availability of the DSEIR and of the date and time of the public hearing were posted near the project site on August 7, 2019.
 - E. On August 7, 2019, copies of the DSEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DSEIR, and to government agencies, the latter both directly and through the State Clearinghouse.
 - F. A Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on August 7, 2019.
- 2. The Commission held a duly advertised public hearing on said DSEIR on September 12, 2019, at which opportunity for public comment was given, and public comment was received on the DSEIR. The period for acceptance of written comments ended on September 23, 2019.
 - 3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 47-day public review period for the DSEIR, prepared revisions to the text of the DSEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DSEIR. This material was presented in a responses to comments (RTC) document published on April 29, 2020 and distributed to the Commission; other boards, commissions and departments that will carry out or approve the project; and all parties who commented on the DSEIR. The RTC document was also made available to others upon request.
 - 4. A final subsequent environmental impact report (hereinafter “FSEIR”) has been prepared by the Department, consisting of the DSEIR, any consultations and comments received during the review process, any additional information that became available, and the RTC document, all as required by law.

5. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at <http://ab900balboa.com/>, and are part of the record before the Commission.
6. On May 28, 2020, the Commission reviewed and considered the information contained in the FSEIR and hereby does find that the contents of said report and the procedures through which the FSEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
7. The Planning Commission hereby does find that the FSEIR concerning File No. 2018-007883ENV reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate, and objective, and that the RTC document contains no significant revisions to the DSEIR that would require recirculation of the document pursuant to CEQA Guideline section 15088.5, and hereby does CERTIFY THE COMPLETION of said FSEIR in compliance with CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
8. The Commission, in certifying the completion of said FSEIR, hereby does find that the Project described in the FSEIR would have the following significant unavoidable environmental impacts, which cannot be mitigated to a level of insignificance:
 - A. **TR-6b:** Operation of the proposed project, including proposed street network changes, would impact existing passenger and freight loading zones along Lee Avenue between Ocean Avenue and the project site, and may create potentially hazardous conditions for people bicycling and may substantially delay public transit.
 - B. **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.
 - C. **C-TR-6b:** Operation of the proposed project, including proposed street network changes, in combination with reasonably foreseeable future projects, would impact existing passenger and freight loading zones along Lee Avenue between Ocean Avenue and the project site, and may create potentially hazardous conditions for people bicycling and may substantially delay public transit.
 - D. **NO-1:** Project construction would cause a substantial temporary or periodic increase in ambient noise levels at noise-sensitive receptors above levels existing without the project.
 - E. **C-NO-1:** Cumulative construction of the proposed project, in combination with construction of reasonably foreseeable future projects, could cause a substantial temporary or periodic increase in ambient noise levels.
 - F. **AQ-2a:** During construction, the proposed project would generate criteria air pollutants which would violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants.

- G. **AQ-4:** Construction and operation of the proposed project would generate toxic air contaminants, including DPM, which could expose sensitive receptors to substantial pollutant concentrations.
 - H. **C-AQ-1:** The proposed project, in combination with reasonably foreseeable future projects, would contribute to cumulative regional air quality
 - I. **C-AQ-2:** The proposed project, in combination with reasonably foreseeable future projects, could contribute to cumulative health risk impacts on sensitive receptors.
9. The Commission reviewed and considered the information contained in the FSEIR prior to approving the Project.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting May 28, 2020.



Jonas P. Ionin
Commission Secretary

AYES: Koppel, Moore, Chan, Diamond, Fung, Imperial, Johnson
NOES: None
ABSENT: None
ADOPTED: May 28, 2020



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20731

HEARING DATE: MAY 28, 2020

Case No.: 2018-007883ENV
Project Title: Balboa Reservoir Project
Zoning: P (Public)
40-X and 65-X Height District
Balboa Park Station Plan Area
Block/Lot: Assessor's Block 3180/Lot 190
Project Sponsors: Reservoir Community Partners, LLC
Joe Kirchofer, Avalon Bay Communities
(415) 284-9082 or Joe_Kirchofer@avalonbay.com
Brad Wiblin, Bridge Housing
(415) 321-3565 or bwiblin@bridgehousing.com
Staff Contact: Seung Yen Hong
(415) 575-9026 or seungyen.hong@sfgov.org

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ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") AND THE CEQA GUIDELINES INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, THE ADOPTION OF A MITIGATION, MONITORING AND REPORTING PROGRAM AND THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH APPROVALS FOR THE BALBOA RESERVOIR PROJECT.

PREAMBLE

The Balboa Reservoir project site is a 17.6-acre rectangular parcel and encompasses Assessor's Block 3180/Lot 190. The site is bounded by City College to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and mixed-use multifamily residential development along Ocean Avenue to the south. The site is less than 0.25 mile north of Ocean Avenue, the primary retail corridor in the Ingleside-Westwood Park neighborhood. The project site is within a P (Public) District and located in 40-X and 65-A Height and Bulk Districts. The project site is within the central portion of the Balboa Park Station Plan Area. The City adopted the area plan in 2009, but the City did not rezone the site as part of plan adoption.

The project site is bounded on three sides by sloping western, northern, and eastern edges that surround a sunken paved surface at the center. It is bounded on the southern side by mixed-use development along Ocean Avenue. An approximately 30-foot-tall earthen berm is located at the western edge of the property. The asphalt-paved surface is relatively level with a slope of 0 to 5 percent, sloping gently up from west to east. There is an approximately 18- and 30-foot increase in elevation between the project site bottom and the top of the eastern and northern slopes, respectively. Along the southern boundary of the site is an 80-foot-wide section of the parcel where a high-pressure underground pipeline maintained by the SFPUC is located

(SFPUC right-of-way). The site does not contain any permanent structures and currently contains 1,007 surface vehicular parking spaces. The lot provides overflow vehicular parking for City College students, faculty, and staff. A cargo storage container is located on the west side of the site, at the foot of the berm slope. The parking lot is entirely paved with no vegetation. The western and northern slopes contain scattered trees and shrubs, with paved pathways along the tops of these slopes. Paved walkways, stairs, vegetation, and lighting are located on the eastern slope, providing pedestrian connections between the project site and adjacent City College property containing parking and the College's Multi-Use Building.

The Project is analyzed as the "Developer's Proposed Option" in the Balboa Reservoir Final Subsequent Environmental Impact Report (hereafter, "FSEIR"), except that the height limit of the easternmost 58 feet of Blocks TH1, TH2 and H is 48 feet, as analyzed in the Additional Housing Option in the FSEIR, rather than 35 feet as analyzed in the Developer's Proposed Option. There would be no additional units associated with this change in height limit. The Project would rezone the site and establish development controls for the development of mixed-income housing, open space, community facilities, small retail, parking, streets, and other infrastructure. The project would include amendments to the General Plan and the Planning Code, and would create a new Balboa Reservoir Special Use District ("SUD"). The special use district would establish land use zoning controls and incorporate design standards and guidelines for the site. The Zoning Map would be amended to show changes from the current use district (P [Public]) to the proposed special use district, except for the SFPUC Right-of-Way which would remain in the P district. The existing height limits of 40 to 65 feet would be modified to varying heights up to 78 feet, as measured by the Planning Code. The Project would include new publicly accessible open space, transportation and circulation changes, and new utilities and other infrastructure. Transportation and circulation changes would include the extension of the existing north-south Lee Avenue across the site and a new internal street network. The project would include a roadway network to be accessible for people walking, including people with disabilities, bicycling, and driving.

The Project would include up to 1.64 million gross square feet in new construction on 10 Blocks and provide approximately 1,100 residential units totaling about 1.3 million gross square feet. A total of up to 50 percent of the new units would be designated affordable to low- and moderate-income households and would include up to 150 units restricted to occupancy by educator households. The Project would contain approximately 10,000 gross square feet of childcare and community space, approximately 7,500 gross square feet of retail space, approximately 550 off-street residential parking spaces and up to 450 off-street public parking spaces for use by the public.

The Planning Department determined that a subsequent environmental impact report (hereinafter "SEIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on October 10, 2018.

The Department held a public scoping meeting on October 30, 2018, in order to solicit public comment on the scope of the Project's environmental review.

On August 7, 2019, the Department published the draft subsequent environmental impact report (hereinafter "DSEIR") and provided public notice in a newspaper of general circulation of the availability

of the DSEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DSEIR; this notice was mailed to the Department's list of persons requesting such notice.

Notices of availability of the DSEIR and of the date and time of the public hearing were posted near the project site on August 7, 2019.

On August 7, 2019, copies of the DSEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DSEIR, and to government agencies, the latter both directly and through the State Clearinghouse.

A Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on August 7, 2019.

The Commission held a duly advertised public hearing on said DSEIR on September 12, 2019, at which opportunity for public comment was given, and public comment was received on the DSEIR. The period for acceptance of written comments ended on September 23, 2019.

The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 47-day public review period for the DSEIR, prepared revisions to the text of the DSEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DSEIR. This material was presented in a responses to comments (RTC) document published on April 29, 2020, and distributed to the Commission, other boards, commissions, and departments that will carry out or approve the project, and all parties who commented on the DSEIR. The RTC document was also made available to others upon request.

A FSEIR has been prepared by the Department, consisting of the DSEIR, any consultations and comments received during the review process, any additional information that became available, and the RTC document, all as required by law.

Project SEIR files have been made available for review by the Commission and the public. These files are available for public review at <http://ab900balboa.com>, and are part of the record before the Commission.

The Commission reviewed and considered the FSEIR for the Project and found the contents of said report and the procedures through which the FSEIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (Public Resources Code sections 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. sections 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code.

The Commission found the FSEIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the DEIR, and certified the FSEIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31 by its Motion No. 20730.

The Commission, in certifying the completion of said FSEIR, found that the Project described in the FSEIR would have the following significant unavoidable environmental impacts that cannot be mitigated to a level of insignificance:

- A. **TR-6b:** Operation of the proposed project, including proposed street network changes, would impact existing passenger and freight loading zones along Lee Avenue between Ocean Avenue and the project site, and may create potentially hazardous conditions for people bicycling and may substantially delay public transit.
- B. **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.
- C. **C-TR-6b:** Operation of the proposed project, including proposed street network changes, in combination with reasonably foreseeable future projects, would impact existing passenger and freight loading zones along Lee Avenue between Ocean Avenue and the project site, and may create potentially hazardous conditions for people bicycling and may substantially delay public transit.
- D. **NO-1:** Project construction would cause a substantial temporary or periodic increase in ambient noise levels at noise-sensitive receptors above levels existing without the project.
- E. **C-NO-1:** Cumulative construction of the proposed project, in combination with construction of reasonably foreseeable future projects, could cause a substantial temporary or periodic increase in ambient noise levels.
- F. **AQ-2a:** During construction, the proposed project would generate criteria air pollutants which would violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants.
- G. **AQ-4:** Construction and operation of the proposed project would generate toxic air contaminants, including DPM, which could expose sensitive receptors to substantial pollutant concentrations.
- H. **C-AQ-1:** The proposed project, in combination with reasonably foreseeable future projects, would contribute to cumulative regional air quality
- I. **C-AQ-2:** The proposed project, in combination with reasonably foreseeable future projects, could contribute to cumulative health risk impacts on sensitive receptors.

The Commission reviewed and considered the information contained in the FSEIR prior to approving the Project.

The Commission Secretary is the Custodian of Records for the Planning Department materials, located in the File for Case No. 2018-007883ENV. Such records are available at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103.

On May 28, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2018-007883ENV to consider the approval of the Project. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written

materials and oral testimony presented on behalf of the Project, the Planning Department staff, expert consultants and other interested parties.

The Commission has reviewed the entire record of this proceeding, the CEQA Findings, attached to this Motion as Attachment A and incorporated fully by this reference, regarding the rejection of alternatives, mitigation measures, environmental impacts analyzed in the FSEIR and overriding considerations for approving the Project, and the proposed Mitigation Monitoring and Reporting Program ("MMRP") attached as Attachment B and incorporated fully by this reference. These material were made available to the public as part of the records on file with the Commission Secretary.

MOVED, That the Commission finds that the FSEIR addressed the full scope of the Project under consideration and hereby adopts these findings under CEQA, including rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations, as further set forth in Attachment A hereto, and adopts the MMRP attached as Attachment B, based on substantial evidence in the entire record of this proceeding.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting May 28, 2020.



Jonas P. Ionin
Commission Secretary

AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore
NOES: None
ABSENT: None
ADOPTED: May 28, 2020

Attachment A

California Environmental Quality Act Findings

PREAMBLE

In determining to approve the Balboa Reservoir project described in Section I below (the "Project"), the San Francisco Planning Commission (the "Commission") makes and adopts the following findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Sections 15000 et seq. ("CEQA Guidelines"), in particular Sections 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopts these findings in conjunction with the Approval Actions described in Section I(c), below, as required by CEQA, separate and apart from the Commission's certification of the Project's final subsequent environmental impact report ("FEIR"), which the Commission certified prior to adopting these CEQA findings.

These findings are organized as follows:

Section I provides a description of the proposed Balboa Reservoir Project, the environmental review process for the Project, the City approval actions to be taken, and the location and custodian of the record.

Section II lists the Project's less-than-significant impacts that do not require mitigation.

Section III identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures.

Section IV identifies significant project-specific or cumulative impacts that would not be eliminated or reduced to a less-than-significant level and describes any applicable mitigation measures as well as the disposition of the mitigation measures. The FEIR identified mitigation measures to address these impacts, but implementation of the mitigation measures will not reduce the impacts to a less than significant level.

Sections III and IV set forth findings as to the mitigation measures proposed in the FEIR. (The draft subsequent EIR ("DEIR") and the comments and responses document together comprise the FEIR.) Attachment B to the Planning Commission Motion contains the mitigation monitoring and reporting program ("MMRP"), which provides a table setting forth each mitigation measure listed in the FEIR that is required to reduce a significant adverse impact.

Section V identifies the project alternatives that were analyzed in the DEIR and discusses the reasons for their rejection.

Section VI sets forth the Planning Commission's Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093.

The MMRP for the mitigation measures that have been proposed for adoption is attached with these findings as **Attachment B** to this Motion. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. Attachment B provides a table setting forth each mitigation measure listed in the FEIR that is required to reduce a significant adverse impact. Attachment B also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures is set forth in Attachment B.

These findings are based upon substantial evidence in the entire record before the Commission. The references set forth in these findings to certain pages or sections of the DEIR or the responses to comments document, with together comprise the FEIR, are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

I. PROJECT DESCRIPTION AND PROCEDURAL BACKGROUND

A. Project Description

The project site is a 17.6-acre rectangular parcel and encompasses Assessor's Block 3180/Lot 190. The site is bounded by City College to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and mixed-use multifamily residential development along Ocean Avenue to the south. The site is less than 0.25 mile north of Ocean Avenue, the primary retail corridor in the Ingleside-Westwood Park neighborhood. The project site is within a P (Public) District and located in 40-X and 65-A Height and Bulk Districts. The project site is within the Balboa Park Station Plan Area. The City adopted the area plan in 2009, but the City did not rezone the site as part of plan adoption.

The project site is bounded on three sides by sloping western, northern, and eastern edges that surround a sunken paved surface at the center. It is bounded on the southern side by mixed-use development along Ocean Avenue. An approximately 30-foot-tall earthen berm is located at the western edge of the property. The asphalt-paved surface is relatively level with a slope of 0 to 5 percent, sloping gently up from west to east. There is an approximately 18- and 30-foot increase in elevation between the project site bottom and the top of the eastern and northern slopes, respectively. Along the southern boundary of the site is an 80-foot-wide section of the parcel where a high-pressure underground pipeline maintained by the SFPUC is located (SFPUC right-of-way). The site does not contain any permanent structures and currently contains 1,007 surface vehicular parking spaces. The lot provides overflow vehicular parking for City College students, faculty, and staff. A cargo storage container is located on the west side of the site, at the foot of the berm slope. The parking lot is entirely paved with no vegetation. The western and northern slopes contain scattered trees and shrubs, with paved pathways along the tops of these slopes. Paved walkways, stairs, vegetation, and lighting are located on the eastern slope, providing pedestrian connections between the project site and adjacent City College property containing parking and the college's four-story Multi-Use Building.

The Project would include up to 1.64 million gross square feet in new construction on 10 blocks and would provide approximately 1,100 residential units totaling about 1.3 million gross square feet. A total of up to 50 percent of the new units would be designated affordable to persons earning between 55 and 120 percent of the area median income and would include up to 150 units restricted to occupancy by educator

households with an average income of 100 percent of the area median income. The Project would contain approximately 10,000 gross square feet of childcare and community space, approximately 7,500 gross square feet of retail space, approximately 550 off-street residential parking spaces and up to 450 off-street public parking spaces for use by the public. Maximum heights of new buildings would range between 25 feet and 78 feet. The Project is analyzed as the “Developer’s Proposed Option” in the FEIR, except that the height limit of the easternmost 58 feet of Blocks TH1, TH2 and H is 48 feet. The 48-foot height on these blocks is consistent with the analysis for the Additional Housing Option in the FEIR, rather than 35 feet as analyzed in the Developer’s Proposed Option in the FEIR. There would be no additional units in the Project associated with this change in height limit. On December 30, 2019, the Project was certified as an eligible project under the Jobs and Economic Improvement Through Environmental Leadership Act of 2011.

The Project would rezone the site and establish development controls for the development of mixed-income housing, open space, community facilities, small retail, parking, streets, and other infrastructure. The project would include amendments to the General Plan and the Planning Code and would create a new Balboa Reservoir Special Use District (“SUD”). The special use district would establish land use zoning controls and incorporate design standards and guidelines for the site. The Zoning Map would be amended to show changes from the current use district (P [Public]) to the proposed special use district, except for the SFPUC right-of-way, which would remain in the P district. The existing height limits of 40 to 65 feet would be modified to varying heights up to 78 feet, as measured by the Planning Code. The Project would include new publicly accessible open space, transportation and circulation changes, and new utilities and other infrastructure. Transportation and circulation changes would include the extension of the existing north-south Lee Avenue across the site and a new internal street network. The project would include a roadway network to be accessible for people walking, including people with disabilities, bicycling, and driving.

B. Project Objectives

The City and County of San Francisco and the SFPUC, as the current owner of the project site, and be BHC Balboa Builders LLC, the project sponsor, seek to fulfill the following shared objectives associated with the Balboa Reservoir project:

- Implement the goals of the City’s 2014 Public Land for Housing program and the Surplus Public Lands Initiative (Proposition K), passed by the voters in November 2015, by replacing an underused surface parking lot located on surplus public land with a substantial amount of new housing, including a high percentage of affordable housing.
- Implement the objectives and goals of the General Plan Housing Element and of the 2009 Balboa Park Station Area Plan that calls for the development of a mixed-use residential neighborhood on the west reservoir to address the citywide demand for housing.
- Contribute to the City’s goal of creating 5,000 housing units each year on a site specifically identified in the General Plan for additional housing in close proximity to local and regional public transportation by maximizing the number of housing units in the project.
- Build a high-quality residential community with a wide range of building types and heights, and a range of dwelling unit type and tenure, which will provide new residents with the greatest variety of housing options.

- Build a mixed-income community with a high percentage of affordable units to provide housing options for households at a range of income levels, and by doing so facilitate a neighborhood that fosters personal connections across income ranges.
- Replace the reservoir's abandoned infrastructure with new infrastructure improvements, including new streets and sidewalks, bicycle and pedestrian amenities, pedestrian paseos and multiuse paths, water, sewer and gas/electric utilities, new fire hydrant infrastructure and an extension of the City's Auxiliary Water Supply System (AWSS), and community facilities including one new public park, another major open space, a community center, and a childcare facility.
- Establish pedestrian and bicycle connections from the project site to adjacent neighborhoods including City College of San Francisco, Ocean Avenue, Sunnyside and Westwood Park, and increase and improve pedestrian access to transit connections in the area including Bay Area Rapid Transit (BART), Municipal Railway (Muni) light-rail and bus lines, and Muni's City College Terminal.
- As stated in the City's Balboa Reservoir Request for Proposals, work with City College to address parking needs by identifying substitute parking and transportation solutions.
- Develop a project that is financially feasible and able to support the financial investment that will be required to realize it, including equity and debt return levels that will be required by investors and lenders to finance residential developments, as well as eligibility for required federal, state, regional, and local sources of subsidy for infrastructure and utility construction and affordable housing.

The City and SFPUC have the following additional objective:

- Provide SFPUC's water utility ratepayers with fair market value for this utility land asset as required by the city's charter and applicable law.

C. Project Approvals

The Project requires the following public agency approvals:

California Regional Water Quality Control Board – San Francisco Bay Region

- Approval of Section 401 water quality certification
- Approval of General Construction Stormwater Permit

Bay Area Air Quality Management District

- Approval of any necessary air quality permits (e.g., Authority to Construct and Permit to Operate) for individual air pollution sources, such as emergency diesel generators

San Francisco Community College District

- Act as responsible agency under CEQA
- Approval of an amended easement and access agreement

San Francisco Board of Supervisors

- Adoption of CEQA findings

- Approval of General Plan amendments
- Approval of Planning Code amendments (SUD) and associated zoning map and height map amendments
- Approval of a development agreement
- Approval of dedications and easements for public improvements, and acceptance of public improvements, as necessary
- Approval of an amended easement and access agreement with the San Francisco Community College District for roadway access and any joint development of streets, if applicable
- Approval of a resolution(s) authorizing the sale of property under SFPUC jurisdiction and various license agreements for use, construction, and open space on SFPUC property

San Francisco Planning Commission

- Certification of the FEIR
- Adoption of CEQA findings
- Initiation and recommendation to the San Francisco Board of Supervisors to approve amendments to the General Plan
- Recommendation to the San Francisco Board of Supervisors to approve Planning Code amendments adopting an SUD and associated zoning map amendments
- Approval of Design Standards and Guidelines
- Approval of the Project as part of the development agreement and recommendation to the San Francisco Board of Supervisors to approve a development agreement

San Francisco Public Utilities Commission or General Manager

- Adoption of CEQA findings
- Actions and approvals related to a development agreement and an agreement for the sale of property under SFPUC jurisdiction, and various license agreements for use, construction, and open space on SFPUC property and other actions and approvals related to its jurisdictional authority
- Approval of an amended easement and access agreement with the San Francisco Community College District for roadway access and any joint development of streets, if applicable

San Francisco Department of Public Works

- Actions and approvals related to its jurisdictional authority

San Francisco Municipal Transportation Agency

- Actions and approvals related to a development agreement and approval of transit improvements, public improvements and infrastructure, including certain roadway improvements, stop controls, bicycle infrastructure and loading zones, to the extent included in the project

San Francisco Fire Department

- Actions and approvals related to its jurisdictional authority

San Francisco Department of Building Inspection

- Approval and issuance of demolition, grading, and site construction permits
- Nighttime construction permit, if required

San Francisco Department of Public Health

- Actions and approvals related to its jurisdictional authority

D. Environmental Review

The project sponsor filed an environmental evaluation application with the Planning Department on May 31, 2018. This filing initiated the environmental review process. The EIR process includes an opportunity for the public to review and comment on the Project's potential environmental effects and to further inform the environmental analysis.

On October 10, 2018, the Planning Department issued the notice of preparation (NOP) of an EIR on the proposed Balboa Reservoir project and made the NOP available on its website. The NOP was sent to governmental agencies, organizations, and persons interested in the Project, and publication of the NOP initiated the 30-day public scoping period for this DEIR, which started on October 10, 2018, and ended on November 12, 2018. The NOP included a description of the Project and a request for agencies and the public to submit comments on the scope of environmental issues.

The Planning Department held a public scoping meeting on Tuesday, October 30, 2018, at the Lick Wilmerding High School Cafeteria, 755 Ocean Avenue, San Francisco, to receive oral comments on the scope of the DEIR. During the scoping period, a total of 84 comment letters and emails were submitted to the Planning Department and 16 speakers provided oral comments at the public scoping session. The Planning Department considered all of these comments in preparing the FEIR for the Project.

On August 7, 2019, the Department published a draft environmental impact report (hereinafter "DEIR"), including an initial study, and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

Notices of availability of the DEIR and of the date and time of the public hearing were posted near the Project site by the project sponsor on August 7, 2019.

On August 7, 2019, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.

A Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on August 7, 2019.

The Commission held a duly advertised public hearing on the DEIR on September 12, 2019, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the DEIR ended on September 23, 2019.

The Department prepared responses to comments on environmental issues received during the 47-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR. This material was presented in a responses to comments document, published on April 29, 2020, distributed to the Commission and all parties who commented on the DEIR, to any board(s), commission(s) or department(s) that will carry out or approve the project, and made available to others upon request at the Department.

A final environmental impact report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the responses to comments document all as required by law. The initial study is included as Appendix B to the DEIR and is incorporated by reference thereto.

Project FEIR files have been made available for review by the Commission and the public. These files are available for public review at <http://ab900balboa.com/> and are part of the record before the Commission.

On May 28, 2020, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on May 28, 2020, by adoption of its Motion No. 20730.

E. Content and Location of Record

The record upon which all findings and determinations related to the adoption of the Project are based include the following:

- The FEIR, and all documents referenced in or relied upon by the FEIR, including the initial study;
- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the FEIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the FEIR;
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the FEIR, or incorporated into reports presented to the Planning Commission;
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the project or the FEIR;
- All applications, letters, testimony, and presentations presented to the City by the Project Sponsor and its consultants in connection with the Project;

- All information (including written evidence and testimony) presented at any public hearing or workshop related to the Project and the DEIR;
- The MMRP; and,
- All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

The public hearing transcripts and audio files, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are available at <http://ab900balboa.com/>. The Planning Department, Jonas P. Ionin, is the custodian of these documents and materials.

F. Findings about Environmental Impacts and Mitigation Measures

The following Sections II, III, and IV set forth the Commission's findings about the FEIR's determinations regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide the written analysis and conclusions of the Commission regarding the environmental impacts of the Project and the mitigation measures included as part of the FEIR and adopted by the Commission as part of the Project. To avoid duplication and redundancy, and because the Commission agrees with, and hereby adopts, the conclusions in the FEIR, these findings will not repeat the analysis and conclusions in the FEIR but instead incorporate them by reference and rely upon them as substantial evidence supporting these findings.

In making these findings, the Commission has considered the opinions of staff and experts, other agencies, and members of the public. The Commission finds that (i) the determination of significance is a judgment decision within the discretion of the City and County of San Francisco; (ii) the significance determinations used in the FEIR are supported by substantial evidence in the record, including the expert opinion of the FEIR preparers and City staff; and (iii) the significance determinations used in the FEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project. Thus, although, as a legal matter, the Commission is not bound by the significance determinations in the FEIR (see Public Resources Code, Section 21082.2, subdivision (e)), the Commission finds them persuasive and hereby adopts them as its own.

These findings do not attempt to describe the full analysis of each environmental impact contained in the FEIR. Instead, a full explanation of these environmental findings and conclusions can be found in the FEIR, and these findings hereby incorporate by reference the discussion and analysis in the FEIR supporting the determination regarding the project impact and mitigation measures designed to address those impacts. In making these findings, the Commission ratifies, adopts and incorporates in these findings the determinations and conclusions of the FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings, and relies upon them as substantial evidence supporting these findings.

As set forth below, the Commission adopts and incorporates the mitigation measures set forth in the FEIR, which are set forth in the attached MMRP, to reduce the significant and unavoidable impacts of the Project. The Commission intends to adopt the mitigation measures proposed in the FEIR. Accordingly, in the event a mitigation measure recommended in the FEIR has inadvertently been omitted in these findings or the

MMRP, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measures in the FEIR due to a clerical error, the language of the policies and implementation measures as set forth in the FEIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the FEIR.

In Sections II, III and IV below, the same findings are made for a category of environmental impacts and mitigation measures. Rather than repeat the identical finding to address each and every significant effect and mitigation measure, the initial finding obviates the need for such repetition because in no instance is the Commission rejecting the conclusions of the FEIR or the mitigation measures recommended in the FEIR for the Project.

These findings are based upon substantial evidence in the entire record before the Planning Commission. The references set forth in these findings to certain pages or sections of the DEIR or responses to comments in the FFEIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

II. LESS-THAN-SIGNIFICANT IMPACTS

The FEIR finds that implementation of the Project would result in less-than-significant impacts in the following environmental topic areas: Land Use and Land Use Planning, Population and Housing, Greenhouse Gas Emissions, Wind, Shadow, Recreation, Utilities and Services Systems, Public Services, Biological Resources, Hydrology and Water Quality, Hazards and Hazardous Materials, Energy, Mineral Resources, Agriculture and Forestry Resources, and Wildfire.

III. FINDINGS OF SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL THROUGH MITIGATION AND THE DISPOSITION OF THE MITIGATION MEASURES

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible. The findings in this section concern eight impacts and nine mitigation measures identified in the FEIR. These mitigation measures are in the MMRP, which is included as Attachment B to the Planning Commission Motion adopting these findings.

The project sponsor has agreed to implement the following mitigation measures to address the potential noise, air quality, cultural resources, tribal cultural resources, and geology and soils identified in the FEIR. As authorized by CEQA Section 21081 and CEQA Guidelines Section 15091, 15092, and 15093, based on substantial evidence in the whole record of this proceeding, the Planning Commission finds that, unless otherwise stated, the Project will be required to incorporate mitigation measures identified in the FEIR into the Project to mitigate or to avoid significant or potentially significant environmental impacts. Except as otherwise noted, these mitigation measures will reduce or avoid the potentially significant impacts described in the FEIR, and the Commission finds that these mitigation measures are feasible to implement and are within the responsibility and jurisdiction of the City and County of San Francisco to implement or enforce.

Additionally, the required mitigation measures are included as conditions of project approval and will be enforced through conditions of approval in any building permits issued for the Project by the San Francisco Department of Building Inspection. With the required mitigation measures, these impacts would be avoided or reduced to a less-than-significant level:

Noise Impacts

Impact NO-3: Operation of the fixed mechanical equipment on the project site could result in a substantial permanent increase in ambient noise levels in the immediate project vicinity, and permanently expose noise-sensitive receptors to noise levels in excess of standards in the San Francisco Noise Ordinance. However, implementation of the following mitigation measure would reduce operational noise impacts to less than significant for the reasons cited on DEIR pages 3.C-35 through 3.C-36. :

M-NO-3: Fixed Mechanical Equipment Noise Controls

Impact C-NO-3: Cumulative mechanical equipment noise of the proposed project, in combination with reasonably foreseeable future projects, could cause a substantial permanent increase in ambient noise levels in the project vicinity; however, the proposed project would not contribute considerably with implementation of the following mitigation measure for the reasons cited on DEIR pages 3.C-41 through 3.C-42:

M-NO-3: Fixed Mechanical Equipment Noise Controls

Impacts to Air Quality

Impact AQ-2b: During construction phases that overlap with project operations, the proposed project would generate criteria air pollutants which would violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. However, this impact would be reduced to less than significant with the following mitigation measures for the reasons cited on DEIR pages 3.D-61 through 3.D-62:

M-AQ-2a: Construction Emissions Minimization

M-AQ-2b: Low-VOC Architectural Coatings

Impact AQ-5: The Project could conflict with implementation of the Bay Area 2017 Clean Air Plan; however, this impact would be reduced to a less-than-significant level with the following mitigation measures for the reasons cited on DEIR page 3.D-86:

M-AQ-2a: Construction Emissions Minimization

M-AQ-2b: Low-VOC Architectural Coatings

M-AQ-4a: Diesel Backup Generator Specifications

M-AQ-4b: Install MERV 13 Filters at the Daycare Facility

Impacts to Cultural Resources

Impact CR-2: The Project could cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section 15064.5(f); however, for the reasons cited on DEIR page B-29, this impact would be reduced to a less-than-significant level with the following mitigation measure:

M-CR-2: Accidental Discovery of Archeological Resources

Impact CR-3: The Project may disturb human remains, including those interred outside of formal cemeteries. However, for the reasons cited on DEIR page B-30, this impact would be reduced to less than significant with the following mitigation measure:

M-CR-3: Accidental Discovery of Human Remains and of Associated or Unassociated Funerary Objects

Tribal Cultural Resource Impacts

Impact TC-1: The Project may result in a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code section 21074. However, for the reasons stated on DEIR page B-34, this impact would be reduced to less than significant with the following mitigation measure:

M-TC-1: Tribal Cultural Resources Interpretive Program

Impacts to Geology and Soils

Impact GE-6: The Project could directly or indirectly destroy a unique paleontological resource or site. However, for the reasons stated on DEIR page B-105, this impact would be reduced to less than significant with the following mitigation measure:

M-GE-6: Inadvertent Discovery of Paleontological Resources

IV. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL

Based on substantial evidence in the whole record of these proceedings, the Planning Commission finds that there are nine significant project-specific and cumulative impacts that would not be eliminated or reduced to an insignificant level by the mitigation measures listed in the MMRP. The FEIR identified three significant and unavoidable impacts on transportation and circulation, two significant and unavoidable impacts on noise, and four significant and unavoidable impacts on air quality.

The Planning Commission further finds based on the analysis contained within the FEIR, other considerations in the record, and the significance criteria identified in the FEIR, that feasible mitigation measures are not available to reduce the significant Project impacts to less-than-significant levels, and thus those impacts remain significant and unavoidable. The Commission also finds that, although measures were considered in the FEIR that could reduce some significant impacts, certain measures, as described in this Section IV below, are infeasible for reasons set forth below, and therefore those impacts remain significant and unavoidable or potentially significant and unavoidable.

Thus, the following significant impacts on the environment, as reflected in the FEIR, are unavoidable. But, as more fully explained in Section VI, below, under Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, the Planning Commission finds that these impacts are acceptable for the legal, environmental, economic, social, technological and other benefits of the Project. This finding is supported by substantial evidence in the record of this proceeding.

The FEIR identifies the following impacts for which no feasible mitigation measures were identified that would reduce these impacts to a less than significant level:

Impacts to Transportation and Circulation

Impact TR-6b: Operation of the Project, including proposed street network changes, would impact existing passenger and freight loading zones along Lee Avenue between Ocean Avenue and the Project site, and may create potentially hazardous conditions for people bicycling and may substantially delay public transit. No feasible mitigation measures were identified that would reduce this impact to a less than significant after consideration of several potential mitigation measures. The Commission finds that, for the reasons set forth in the FEIR, this impact would remain significant and unavoidable.

Impact C-TR-4: The 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. No feasible mitigation measures were identified that would reduce this impact to a less than significant level after the City considered several potential mitigation measures. The project sponsor has agreed to implement the following mitigation measure:

- *Mitigation Measure M-C-TR-4: Implement Measures to Reduce Transit Delay*

Implementation of these measures would reduce transit delay for the identified segments of the K/T Third/Ingleside, 29 Sunset, and 43 Masonic. However, given the uncertainty of SFMTA approval of these measures, and because SFMTA cannot commit funding to these capital improvements, the impact of the proposed project options would remain significant and unavoidable with mitigation, even with implementation of Mitigation Measure M-C-TR-4.

Impact C-TR-6b: Operation of the Project, including proposed street network changes, in combination with reasonably foreseeable future projects, would impact existing passenger and freight loading zones along Lee Avenue between Ocean Avenue and the project site, and may create potentially hazardous conditions for people bicycling and may substantially delay public transit. No feasible mitigation measures were identified that would reduce this impact to a less than significant after the City considered several potential mitigation measures. The Commission finds that, for the reasons set forth on pages 3.b-100 through 3.B-101 of the FEIR, this impact would remain significant and unavoidable.

Impacts to Noise

Impact NO-1: Project construction would cause a substantial temporary or periodic increase in ambient noise levels at noise-sensitive receptors above levels existing without the project. No feasible mitigation measures were identified that would reduce this impact to a less-than-significant level after consideration of several potential mitigation measures. The project sponsor has agreed to implement the following mitigation measure; ; however, as cited on page 3.C-40 of the DEIR, the mitigation measure would reduce the impact but not to a less-than-significant level:

- *Mitigation Measure M-NO-1: Construction Noise Control Measures*

Impact C-NO-1: Cumulative construction of the Project, in combination with construction of reasonably foreseeable future projects, could cause a substantial temporary or periodic increase in ambient noise levels. No feasible mitigation measures were identified that would reduce this impact to a less-than-significant level after consideration of several potential mitigation measures. The project sponsor has agreed to implement the following mitigation measure; however, as cited on page 3.C-31 of the DEIR, the mitigation measure would reduce the impact but not to a less-than-significant level:

- *Mitigation Measure M-NO-1: Construction Noise Control Measures*

FEIR Impact to Air Quality

Impact AQ-2a: During construction, the Project would generate criteria air pollutants that would violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants). No feasible mitigation measures were identified that would reduce this impact to a less than significant level after consideration of several potential mitigation measures. The project sponsor has agreed to implement the following mitigation measures that, for the reasons stated on DEIR page 3.D-54, would reduce impacts but not to a less-than-significant level:

- *Mitigation Measure M-AQ-2a: Construction Emissions Minimization*
- *Mitigation Measure M-AQ-2b: Low-VOC Architectural Coatings*
- *Mitigation Measure M-AQ-2c: On-Road Truck Emissions Minimization for the Compressed Construction Schedule*
- *Mitigation Measure M-AQ-2d: Offset Construction Emissions for the Compressed Schedule*

Impact AQ-4: Construction and operation of the Project would generate toxic air contaminants, including DPM, which could expose sensitive receptors to substantial pollutant concentrations. No feasible mitigation measures were identified that would reduce this impact to a less -than -significant level after consideration of several potential mitigation measures. The project sponsor has agreed to implement the following mitigation measures; however, for the reasons stated on DEIR pages 3.D-71 through 3.D-78, these mitigation measures would reduce impacts but not to a less-than-significant level:

- *Mitigation Measure M-AQ-2a: Construction Emissions Minimization*
- *Mitigation Measure M-AQ-4a: Diesel Backup Generator Specifications*
- *Mitigation Measure M-AQ-4b: Install MERV 23 Filters at the Daycare Facility*

Impact C-AQ-1: The Project, in combination with reasonably foreseeable future projects, would contribute to cumulative regional air quality impacts. No feasible mitigation measures were identified that would reduce this impact to a less-than-significant level after consideration of several potential mitigation measures. The project sponsor has agreed to implement the following mitigation measures; however, for the reasons cited on DEIR page 3.D-90, these mitigation measures would not reduce the impact to a less-than-significant level:

- *Mitigation Measure M-AQ-2a: Construction Emissions Minimization*
- *Mitigation Measure M-AQ-2b: Low-VOC Architectural Coatings*
- *Mitigation Measure M-AQ-2c: On-Road Truck Emissions Minimization for the Compressed Construction Schedule*
- *Mitigation Measure M-AQ-2d: Offset Construction Emissions for the Compressed Schedule*
- *Mitigation Measure M-AQ-4a: Diesel Backup Generator Specifications*

Impact C-AQ-2: The Project, in combination with reasonably foreseeable future projects, could contribute to cumulative health risk impacts on sensitive receptors. No feasible mitigation measures were identified that would reduce this impact to a less-than-significant level after consideration of several potential mitigation measures. The project sponsor has agreed to implement the following mitigation

measures; however, for the reasons cited on DEIR pages 3.d-91 through 3.D-92, these mitigation measures would reduce impacts but not to a less-than-significant level:

- *Mitigation Measure M-AQ-2a: Construction Emissions Minimization*
- *Mitigation Measure M-AQ-4a: Diesel Backup Generator Specifications*
- *Mitigation Measure M-AQ-4b: Install MERV 13 Filters at the Daycare Facility*

V. EVALUATION OF PROJECT ALTERNATIVES

A. Alternatives Analyzed in the FEIR

This section describes the alternatives analyzed in the Project FEIR and the reasons for rejecting the alternatives as infeasible. CEQA mandates that an EIR evaluate a reasonable range of alternatives to the project or the project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR also evaluate a “No Project” alternative. Alternatives provide a basis of comparison to the Project in terms of their significant impacts and their ability to meet project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the Project.

The Planning Department considered a range of alternatives in Chapter 6 of the FEIR. The FEIR analyzed the No Project Alternative, the Reduced Density Alternative, the San Ramon Way Passenger Vehicle Access Alternative, and the Six-Year Construction Schedule Alternative. Each alternative is discussed and analyzed in these findings, in addition to being analyzed in the FEIR, including Chapter 6. The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the FEIR and in the record. The FEIR reflects the Planning Commission’s and the City’s independent judgment as to the alternatives. The Planning Commission finds that the Project provides the best balance between satisfaction of project objectives and mitigation of environmental impacts to the extent feasible, as described and analyzed in the FEIR.

B. Reasons for Approving the Project

- To implement the goals of the City’s 2014 Public Land for Housing program and the Surplus Public Lands Initiative (Proposition K), passed by the voters in November 2015, by replacing an underused surface parking lot located on surplus public land with a substantial amount of new housing, including a high percentage of affordable housing.
- To implement the objectives and goals of the General Plan Housing Element and of the 2009 Balboa Park Station Area Plan that calls for the development of a mixed-use residential neighborhood on the west reservoir to address the citywide demand for housing.
- To contribute to the City’s goal of creating 5,000 housing units each year on a site specifically identified in the General Plan for additional housing in close proximity to local and regional public transportation by maximizing the number of housing units in the project.
- To build a high-quality residential community with a wide range of building types and heights, and a range of dwelling unit type and tenure, which will provide new residents with the greatest variety of housing options.
- To build a mixed-income community with a high percentage of affordable units to provide housing options for households at a range of income levels, and by doing so facilitate a neighborhood that fosters personal connections across income ranges.

- To replace the reservoir's abandoned infrastructure with new infrastructure improvements, including new streets and sidewalks, bicycle and pedestrian amenities, pedestrian paseos and multiuse paths, water, sewer and gas/electric utilities, new fire hydrant infrastructure and an extension of the City's Auxiliary Water Supply System (AWSS), and community facilities including one new public park, another major open space, a community center, and a childcare facility.
- To establish pedestrian and bicycle connections from the project site to adjacent neighborhoods including City College of San Francisco, Ocean Avenue, Sunnyside and Westwood Park, and increase and improve pedestrian access to transit connections in the area including Bay Area Rapid Transit (BART), Municipal Railway (Muni) light-rail and bus lines, and Muni's City College Terminal.¹
- As stated in the City's Balboa Reservoir Request for Proposals, to work with City College to address parking needs by identifying substitute parking and transportation solutions.
- To develop a project that is financially feasible and able to support the financial investment that will be required to realize it, including equity and debt return levels that will be required by investors and lenders to finance residential developments, as well as eligibility for required federal, state, regional, and local sources of subsidy for infrastructure and utility construction and affordable housing.
- To provide SFPUC's water utility ratepayers with fair market value for this utility land asset as required by the city's charter and applicable law.

C. Evaluation of Project Alternatives

CEQA provides that alternatives analyzed in an EIR may be rejected if "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible . . . the project alternatives identified in the EIR." (CEQA Guidelines § 15091(a)(3).) The Commission has reviewed each of the alternatives to the Project as described in the FEIR that would reduce or avoid the impacts of the Project and finds that there is substantial evidence of specific economic, legal, social, technological and other considerations that make these Alternatives infeasible, for the reasons set forth below.

In making these determinations, the Planning Commission is aware that CEQA defines "feasibility" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors." The Commission is also aware that under CEQA case law the concept of "feasibility" encompasses (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project, and (ii) the question of whether an alternative is "desirable" from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

Five additional alternatives were considered as part of the FEIR's overall alternatives analysis but were rejected from detailed analysis for the following reasons:

Alternative Location. CEQA Guidelines section 15126.6(f)(2) states that alternative locations should be considered if they would avoid or substantially lessen any of the significant effects of a project. While an alternative location might lessen or avoid the operational impacts associated with transportation and

circulation and construction impacts associated with noise and air quality, it was rejected from further consideration because the project objectives are specific to the Balboa Reservoir site, based on policy considerations evaluated by the city. Construction noise and air quality impacts would occur regardless of the site of the project, and no alternative location would eliminate these effects. These impacts are associated with any project that involves demolition, grading, excavation, and/or building construction activities. For this reason, an alternative location for the same number of dwelling units would likely result in the same potential noise and air quality impacts and require the same mitigation measures if demolition, grading, and excavation were required, and because the same number of units would be built. Moreover, no feasible alternative locations within the Balboa Park Station Area Plan area exist for an equivalent or similar level of housing development, including affordable housing. No comparable parcel of land is available within the plan area that the project sponsor could reasonably acquire, control, or otherwise have access. An alternative location, if one were available, would not be consistent with the project objectives related to developing the reservoir site with a mixed-use residential neighborhood, including a substantial number of affordable housing units, site infrastructure, and bicycle and pedestrian connections. Furthermore, an alternative location would not meet the project objective related to developing an underutilized site under the Public Land for Housing program.

One site identified under the Public Land for Housing in the plan area was the 2-acre site at 2340 San Jose Avenue, known as the Upper Yard. A developer for the Upper Yard was selected in 2016 and a building permit was issued in 2018 for the construction of 131 residential units; thus, the Upper Yard location, which is an order of magnitude smaller than the Project, is not available to the project sponsor for development. For these reasons, an alternative location was rejected from further consideration.

Higher Density Alternative. Variations of a higher density alternative (greater than 1,550 units) were raised during the scoping process for this DEIR. A higher density alternative could meet all project objectives; however, this alternative would not address any of the significant and unavoidable environmental impacts. Therefore, this alternative was rejected from further consideration.

Lee Avenue Exit Only Alternative. This alternative would allow southbound egress from the project site onto Ocean Avenue via Lee Avenue and prohibit northbound ingress to the site from Ocean Avenue via Lee Avenue. Two-way operations of Lee Avenue between Ocean Avenue and the project site would be maintained only for delivery vehicles that require access to the Whole Foods off-street loading dock. This alternative would reduce the number of project-generated vehicles on Ocean Avenue, thereby reducing transit delay along the corridor; however, it would limit access to the project site and add vehicle traffic to Frida Kahlo Way and, potentially, to San Ramon Way, if the San Ramon Way Passenger Vehicle Access Alternative were selected. The westbound right-turn lane at Ocean Avenue/Frida Kahlo Way/Geneva Avenue and the northbound left-turn lane at Frida Kahlo Way/North Access Road currently operate near or over capacity during the peak hours, and the additional vehicle traffic under this alternative could cause spillover into the through lanes, which would cause delays to transit on Ocean Avenue and Frida Kahlo Way.

The alternative would not reduce conflicts between people bicycling southbound on Lee Avenue and loading vehicles accessing the loading dock or conducting curbside loading on Lee Avenue. Additionally, people unfamiliar with the site access and circulation may attempt to enter the site from northbound Lee Avenue and would either: (1) complete a U-turn maneuver and continue to the Frida Kahlo Way/North Access Road

entrance or (2) ignore the one-way operations and continue north to enter the site. These actions would result in potentially hazardous conditions and conflicts between vehicles making a U-turn and vehicles exiting the Whole Foods driveway or accessing the loading dock and between vehicles continuing north on Lee Avenue and oncoming southbound traffic.

For these reasons, southbound exit-only operations on Lee Avenue was rejected from further consideration.

Open Space Only Alternative. This alternative would develop the project site with only open space uses, and no residential uses. The Open Space Only Alternative was rejected from further consideration because it would not meet any of the key project objectives related to providing housing to address citywide demand for housing and building a mixed-income community including affordable units.

Fully Affordable Housing Alternative. FEIR A Fully Affordable Housing Alternative would include 100 percent affordable housing at the project site. A 100 percent affordable housing alternative would not meet the project objective to build “a mixed-income community with a high percentage of affordable units to provide housing options for households at a range of income levels.” This alternative also would potentially fail to meet, or at least fully meet, the following project objective:

- Develop a project that is financially feasible and able to support the financial investment that will be required to realize it, including equity and debt return levels that will be required by investors and lenders to finance residential developments, as well as eligibility for required federal, state, regional, and local sources of subsidy for infrastructure and utility construction and affordable housing.
- Provide SFPUC’s water utility ratepayers with fair market value for this utility land asset as required by the city’s charter and applicable law.

This alternative would be a fundamentally different project given the request for qualifications process that occurred for the project site. As noted on DEIR, 100 percent affordable housing developments in San Francisco are typically sponsored by the Mayor’s Office of Housing and Community Development, which provides substantial financial support for such projects and which typically seeks out not-for-profit developers who specialize in the production of fully affordable residential projects. Accordingly, it has never been the case that the planning for this project assumed or required a 100 percent affordable housing development, which would require a substantially different financial structure and City development partner(s).

Finally, this alternative would not eliminate or substantially lessen the project’s significant, unavoidable impacts because it would contain the same amount of development as the Project. For these reasons, fully affordable housing alternative was rejected from further consideration.

The following alternatives and option were fully considered and compared in the FEIR:

1. No Project Alternative (Alternative A)

Under Alternative A, the Balboa Reservoir site would not be developed with the Project. Under Alternative A, there would be no change to the existing site circulation. The surface parking lot would not be altered, and the existing 1,007 surface vehicular parking spaces would remain. The project site would be

accessed from the North Access Road as under existing conditions. In addition, the Lee Avenue extension, new infrastructure, and streetscape and open space improvements would not be constructed.

The existing development controls on the project site would continue to govern site development and would not be changed. There would be no amendments to the General Plan, Planning Code, or zoning map. No changes related to a new Balboa Reservoir Special Use District or design standards and guidelines would occur. The project site would remain under the existing P (Public) District and the 40-X and 65-A Height and Bulk Districts. Any specific detail about the characteristics of future development under the No Project Alternative would be speculative.

The Planning Commission rejects the No Project Alternative as infeasible because it would fail to meet the project objectives for the following reasons:

- 1) The No Project Alternative would not meet any of the project objectives;
- 2) The No Project Alternative would not implement the goals of the City's 2014 Public Land for Housing program and the Surplus Public Lands Initiative by replacing an underused surface parking lot located on surplus public land with a substantial amount of new housing, including a high percentage of affordable housing.
- 3) The No Project Alternative would not implement the objectives and goals of the General Plan Housing Element and of the 2009 Balboa Park Station Area Plan that calls for the development of a mixed-use residential neighborhood on the west reservoir to address the citywide demand for housing.
- 4) The No Project Objective would not contribute to the City's goal of creating 5,000 housing units each year on a site specifically identified in the General Plan for additional housing in close proximity to local and regional public transportation by maximizing the number of housing units in the project, would not build a high-quality residential community with a wide range of building types and heights, and a range of dwelling unit type and tenure, with a high percentage of affordable units..
- 5) The No Project Objective would not replace the reservoir's abandoned infrastructure with new infrastructure improvements and community facilities including one new public park, another major open space, a community center, and a childcare facility, nor establish pedestrian and bicycle connections from the project site to adjacent

For the foregoing reasons, the Planning Commission rejects the No Project Alternative as infeasible.

2. Reduced Density Alternative (Alternative B)

Alternative B would be identical to the Project options with respect to the types of land uses, street configurations, and site plan block configurations. Under Alternative B, the site would be developed with approximately 936,590 gross square feet of residential uses (800 dwelling units). This alternative would include 7,500 gross square feet of retail space and 10,000 gross square feet of childcare and community space. Alternative B would not include a public parking garage. There would be approximately 143,930 gross square feet of parking, providing 400 residential parking spaces. The total building area would be about 66 percent of the Project. Building heights on Blocks A through G would be reduced by one story compared to the project. Blocks TH1, TH2, and H would remain the same as under the Developer's

Proposed Option, with building heights up to 35 feet. The building heights for Blocks A through G for Alternative B would range in height from 25 to 68 feet.

Similar to the Project, this alternative would include approximately 4 acres of open space. The open spaces and parks would be connected by new internal networks such as pedestrian passages, sidewalks, and roadways. The SFPUC would retain ownership of an 80-foot-wide strip of land located along the southern edge of the site where an underground water transmission pipeline is located.

The transportation and circulation improvements under Alternative B would be identical to those under the Project, including the Lee Avenue extension, interior streets, streetscape improvements, bicycle facilities, and Ocean Avenue streetscape modifications.

Operations of the retail, childcare and community facilities space under Alternative B would be the same as that for the Project. The reduction in the number of residential units under Alternative B would also reduce the number of vehicle, pedestrian, and bicycle trips compared to the Project.

Construction of Alternative B would be similar to the Project, though reduced in both magnitude and duration. In general, the same types of construction activities and equipment would be required. It is anticipated that construction would start in 2021 and be completed in 2027. The initial phase (Phase 0) for Alternative B would include demolition of the west side berm and north and east embankments, followed by grading, excavation, and construction of site infrastructure over 12 months from 2021 to 2022. Two phases of vertical construction would follow, each lasting approximately 24 to 30 months. The construction activities during Phases 1 and 2 would include, but not be limited to, finish grading, excavation for subgrade parking, construction of building foundations, building construction, architectural coatings, and paving. Construction of Phase 1 (400 units) would occur from 2022 to 2024. Construction of Phase 2 (400 units) would occur from 2024 to 2027, after Phase 1 is complete. Buildings constructed in Phase 1 would be occupied during construction of Phase 2. Like the Project, the phasing of project implementation would be subject to changes due to market conditions and other unanticipated factors. Therefore, construction could be accelerated and complete as early as 2023 or extend beyond 2027.

The Planning Commission rejects the Reduced Density Alternative as infeasible because it would not eliminate any of the significant unavoidable individual impacts of the Project and it would not meet the project objectives as well as the Project for reasons including, but not limited to, the following:

- 1) The Reduced Density Alternative would limit the Project to 800 dwelling units; whereas the Project would add 1,100 units to the City's housing stock and maximize the creation of new residential units. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City.
- 2) The Reduced Density Alternative would also limit the Project to 400 total affordable units; whereas the Project would add approximately 550 affordable units to the City's stock of affordable housing. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the affordable housing stock whenever possible to address a shortage of housing in the City.

- 3) The subsidy required to build each affordable dwelling unit in the Reduced Density Alternative would be higher than for the Proposed Project because the scale of the affordable housing buildings in the Reduced Density Alternative would be less efficient than the affordable housing buildings in the Project.
- 4) The Reduced Density Alternative would not further the City's housing policies to create more housing, particularly affordable housing opportunities as well as the Project does.
- 5) The Reduced Density Preservation Alternative would create a project with fewer housing units in an area well-served by transit, services and shopping, which would then push demand for residential development to other sites in the City or the Bay Area. This would result in the Reduced Density Alternative not meeting, to the same degree as the Project, the City's *Strategies to Address Greenhouse Gas Emissions* or the Bay Area Air Quality Management District's ("BAAQMD") requirements for GHG reductions, by not maximizing housing development in an area with abundant local and region-serving transit options.
- 6) The Reduced Density Alternative would not implement as well as the Project the goals of the City's 2014 Public Land for Housing program and the Surplus Public Lands Initiative by replacing an underused surface parking lot located on surplus public land with a substantial amount of new housing, including a high percentage of affordable housing.
- 7) The Reduced Density Alternative would not implement as well as the Project the objectives and goals of the General Plan Housing Element and of the 2009 Balboa Park Station Area Plan that calls for the development of a mixed-use residential neighborhood on the west reservoir to address the citywide demand for housing.
- 8) The Reduced Density Alternative would not contribute as well as the Project to the City's goal of creating 5,000 housing units each year on a site specifically identified in the General Plan for additional housing in close proximity to local and regional public transportation by maximizing the number of housing units in the project.
- 9) The Reduced Density Alternative is economically infeasible. The Developer retained Economic and Planning Systems, Inc. (EPS), a qualified real estate economics firm, to evaluate the financial feasibility of the Reduced Density Alternative, compared to the Project. In a memorandum dated May 12, 2020, which is included in the record and is incorporated herein by reference, EPS concluded that the Reduced Density Alternative is not financially feasible for the following reasons.

The project sponsor is evaluating the types of outside funding sources that may be appropriate to help fund the horizontal improvements required to support the Project, including the state's Infill Infrastructure Grant (IIG), a state Park Grant, the California Housing and Community Development's Affordable Housing and Sustainable Communities Program (AHSC), as well as the subsidies required from the City to achieve an affordable housing goal of 50 percent. Eligibility criteria and competitiveness for many of these sources is tied to project density, and the Project Sponsor estimates the Proposed Project is optimizing competitiveness in this regard and at the limit of the potential grant and subsidy amounts that may be awarded.

The reduction in the number of units occurs by reducing the density of each pad (through reduced building heights) rather than by concentrating development on fewer pads. With the reduction in the number of residential units, the number of parking spaces is reduced to 400 spaces that would serve the residential uses only. The remainder of the program, including leasable space for commercial and nonprofit uses and parks and open space remains the same.

The expected land cost is estimated at approximately \$11.2 million. SFPUC requires the land payment for the site to reflect fair market value. In this case the fair market value will be determined through an appraisal process; however, it is not expected that SFPUC would accept less than \$11.2 million for the land under a reduced development scenario. The site-wide infrastructure costs (e.g., utility infrastructure, roads/curbs/gutters, earthwork and grading, and parks and open space) are estimated at approximately \$43.6 million in Phases 0 and 1 and \$4.7 million in Phase 2, for a total of \$48.3 million (in uninflated 2019 dollars). Unless development is reduced to the point that not all pads are developed, this investment in horizontal infrastructure is relatively fixed. The “per door” infrastructure cost is \$45,000 per door for the Proposed Project and \$60,000 per door for Reduced Density Alternative, a 33 percent increase. This additional cost burden (on a per door basis) would be in addition to vertical development costs that already cannot be supported by project revenues alone (see next finding).

Since, development fees (including profits) are included as a use of funds, a “Net Surplus/Deficit” of \$0 or greater represents a feasible project, while a negative number represents a project deficit and an infeasible project. The Reduced Density Alternative is \$26.7 million short of feasibility. This deficit is significantly larger than the \$11.2 million land acquisition cost, so, even if the SFPUC were willing to accept a reduced land payment, no amount of reduction in land cost would result in feasibility.

As the development program is reduced, many sources are subject to decreases. Reducing the number of units reduces the amount of outside funding that can be reasonably expected, as it is anticipated that the reduced density project may not compete as well for the grant funding as the Project.

The Office of Economic and Workforce Development engaged Century Urban, a qualified real estate economics firm, to independently review the EPS analysis of the financial feasibility of the Reduced Density Alternatives on behalf of the City. Century Urban produced a memorandum entitled “Financial Feasibility of Balboa Reservoir Project Alternative B,” dated May 12, 2020, which is included in the record and is incorporated herein by reference. Century Urban verified that the methodology and assumptions used by EPS were reasonable and verified the conclusion of the EPS analysis that the Reduced Density Alternative is financially infeasible.

- 10) The Reduced Density Alternative would not avoid or substantially lessen any of the significant and unavoidable impacts of the Project.

For the foregoing reasons, the Planning Commission rejects the Reduced Density Alternative as infeasible.

3. San Ramon Way Passenger Vehicular Access Alternative (Alternative C)

The San Ramon Way Passenger Vehicle Access Alternative would provide access for light vehicles (i.e., passenger cars and vans, but not heavy trucks) to the project site from the west. Alternative C would have the same mix of land uses, site plans, building footprints, building heights, square footages, and construction characteristics as the Project. Vehicle, bicycle, and pedestrian circulation to and from the site from the south and east would not change. However, instead of bicycle and pedestrian-only access at San Ramon Way, Alternative C would also include vehicular (non-truck) access, providing access to and from the west.

San Ramon Way currently terminates just west of the project site; it does not extend all the way to the project site boundary, as the Westwood Park Association (homeowners' association for the Westwood Park neighborhood that is west of the project site) owns an approximately 10-foot-wide parcel between the end of the San Ramon Way and the Project site.

San Ramon Way is approximately 26 feet wide with a 6-foot-wide sidewalk on the north side and a 7- to 10-foot-wide sidewalk on the south side. Parking is currently allowed on both sides of the street. Under Alternative C, the current dimensions of San Ramon Way would be retained and extended through the project site, ending at West Street. Given the San Francisco Fire Department requirement² for a 26-foot-wide clear path of travel, the need to accommodate two-way vehicle traffic and increase in vehicle traffic along San Ramon Way associated with Alternative C, six on-street parking spaces each on the north and south sides of San Ramon Way (a total of 12) would be removed under this alternative. San Ramon Way would have a 13-foot-wide single lane of travel in each direction, a 6-foot-wide sidewalk on the north side, and a 7- to 10-foot-wide sidewalk on the south side. San Ramon Way from West Street to Plymouth Avenue would be a shared roadway that would include class III bicycle facilities (sharrows) within the vehicular lanes.

Alternative C would have the same land uses as the Project. Therefore, this alternative would provide 1,100 residential units, 7,500 square feet of commercial space, and 10,000 square feet of community space, along with between off-street parking spaces in buildings up to 78 feet in height.

The Planning Commission rejects the San Ramon Way Passenger Vehicle Access Alternative as infeasible because it would not eliminate any of the significant unavoidable impacts of the Project and for the following reasons:

- 1) Plymouth Avenue is 24-feet wide. Between Ocean and Greenwood avenues (just north of Archbishop Riordan campus), Plymouth Avenue includes approximately 118 on-street parking spaces along both sides of the street. The FEIR estimated that under this alternative, 31 vehicles (approximately 12 percent of Project-generated vehicle trips) would utilize the San Ramon Way access during the weekday a.m. peak hour and 48 vehicles (15 percent of Project-generated vehicle trips) would utilize the San Ramon Way access during the weekday p.m. peak hour. The FEIR also noted that it's possible that this alternative could encourage some existing drivers to use this new connection to avoid traveling on portions of Ocean Avenue. The addition

of project-generated vehicle traffic and redirected existing traffic to the surrounding streets, including Plymouth Avenue, Southwood Drive, and San Ramon Way west of Plymouth Avenue, would increase instances of oncoming traffic and locations where there is not space for vehicles to pass side-by-side. While Alternative C would not eliminate any of the significant unavoidable impacts of the Project nor cause any significant impacts itself, the additional traffic under this alternative could cause inconvenience to drivers and cyclists using these streets.

- 2) The Planning Department received a comment letter on the DEIR from the Westwood Park Association concerning this alternative. The association stated they object this alternative and will not sell the 10-foot-wide parcel to make this alternative feasible. The Planning Department received other comment letters also opposing this alternative.
- 3) The cost of acquiring the 10-foot-wide parcel between the end of San Ramon Street and the Project site from the Westwood Park Association is not part of the Project budget and Development Agreement components. This additional cost burden and the owner of the parcel's opposition to selling it could make the project infeasible in light of the other Project Sponsor commitments under the Development Agreement.

For the foregoing reasons, the Planning Commission rejects the San Ramon Way Passenger Vehicle Access Alternative as infeasible.

4. Six Year Construction Alternative (Alternative D)

The Six Year Construction Alternative would have the same mix of land uses, site plans, circulation, building footprints, building heights, square footages, and construction characteristics as the Project. This alternative would not allow a compressed construction schedule. Therefore, under Alternative D, construction phasing for the Project would be phased under the six-year construction schedule. The initial phase (Phase 0) would include demolition of the parking lot, west side berm, and north and east embankments, followed by grading, excavation, and construction of site infrastructure over 12 months from 2021 to 2022. After Phase 0 is complete, construction of Phase 1 would occur from 2022 to 2024. Construction of Phase 2 would occur from 2024 to 2027, after Phase 1 is complete. Alternative D could be combined with the Project options, variants, and Alternatives B and C. Thus, under Alternative D, there would be no compressed construction schedule scenario and Phases 1 and 2 would not be constructed concurrently.

The Planning Commission rejects the Six Year Construction Alternative as infeasible because it would reduce the project's flexibility to schedule construction phases in less than six years in response to market conditions and the availability of public subsidies for affordable housing and infrastructure improvements.

For the foregoing reason, the Planning Commission rejects the Six Year Construction Alternative as infeasible.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Planning Commission finds that, notwithstanding the imposition of all feasible mitigation measures, impacts related to transportation and circulation, construction noise and construction air quality will remain significant and unavoidable. Pursuant to CEQA section 21081 and CEQA Guideline Section 15093, the Planning Commission hereby finds, after consideration of the FEIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs these significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings regarding the rejection of alternatives, which are incorporated by reference into this Section, and in the documents found in the record, as defined in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Planning Commission specifically finds that there are significant benefits of the Project to support approval of the Project in spite of the unavoidable significant impacts, and therefore makes this Statement of Overriding Considerations. The Commission further finds that, as part of the process of obtaining Project approvals, significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All mitigation measures in the FEIR and MMRP are adopted as part of the Approval Actions described in Section I, above.

The Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technological, legal, social and other considerations.

The Project will have the following benefits:

1. The Project implements the goals of the City's 2014 Public Land for Housing program and the Surplus Public Lands Initiative (Proposition K), passed by the voters in November 2015, by replacing an underused surface parking lot located on surplus public land with 1,100 new dwelling units, including a high percentage of affordable housing
2. The Project contributes to the City's goal of creating 5,000 housing units each year on a site specifically identified in the General Plan for additional housing in close proximity to local and regional public transportation.
3. The Project implements the City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan to increase the housing stock whenever possible to address a shortage of housing in the City.
4. The Project would increase the stock of permanently affordable housing by creating approximately 550 dwelling units affordable to low-income and moderate -income households, including units targeted to educators employed by City College of San Francisco and the San Francisco Unified School District.

5. The subsidy required to build each affordable dwelling unit is low relative to the average subsidy required for other buildings in the Mayor's Office of Housing and Community Development's affordable housing portfolio because the Project's affordable housing buildings are of a scale that provides greater building efficiency than other smaller affordable housing buildings in the City.
6. The Project provides extensive open space, including the 4-acre Reservoir Park and other active and passive open space amenities, all accessible to the public.
7. The Project provides community facilities, including an on-site childcare facility and an on-site community room.
8. The Project replaces the reservoir's abandoned infrastructure with new infrastructure improvements, including new streets and sidewalks, bicycle and pedestrian amenities, pedestrian paseos and multiuse paths, water, sewer and gas/electric utilities, new fire hydrant infrastructure and an extension of the City's Auxiliary Water Supply System (AWSS).
9. The Project establishes pedestrian and bicycle connections from the project site to adjacent neighborhoods including City College of San Francisco, Ocean Avenue, Sunnyside and Westwood Park, and increases and improves pedestrian access to transit connections in the area including Bay Area Rapid Transit (BART), Municipal Railway (Muni) light-rail and bus lines, and Muni's City College Terminal.
10. The Project is consistent with the City's Transit First Policy by limiting off-street residential parking to .5 space per unit, provides ample bicycle parking spaces, and will implement a Transportation Demand Management Program to reduce single-occupy vehicle trips.
11. The Project will assist City College accommodate the parking use of its faculty, staff and students.
12. The Project meets the City's *Strategies to Address Greenhouse Gas Emissions* and the BAAQMD requirements for a GHG reductions by maximizing development on an infill site that is well-served by transit, services and shopping and is suited for dense residential development, where residents can commute and satisfy convenience needs without frequent use of a private automobile, in an area with abundant local and region-serving transit options. The Project would leverage the site's location and proximity to transit by building a dense mixed-use project that allows people to live and work close to transit sources.
13. The Project is consistent with the implements numerous Balboa Park Station Area Plan Objectives and Policies, including the following: Objective 1.4 to develop the Balboa Reservoir in a manner that will best benefit the neighborhood, the city, and the region as a whole; Objective 2.4 to encourage walking, biking, and public transit as the primary means of transportation; Policy 2.4.2 to improve and expand bicycle connections throughout the plan area; Objective 3.1 to establish parking standards and controls that promote quality of place, affordable housing, and transit-oriented development; Policy 3.1.1 to provide flexibility for new residential development by eliminating minimum off-street parking requirements and establishing reasonable parking caps; Policy 3.1.3 to make parking costs visible to users by requiring parking to be rented, leased or sold separately from residential and commercial space for all new major development; Policy 3.2.3 to promote car-sharing programs as an important way to reduce parking needs while still providing

residents with access to an automobile when needed; Objective 4.1 to maximize opportunities for residential infill throughout the plan area; Policy 4.1.2 to eliminate dwelling unit density maximums; Objective 4.3 to establish an active, mixed-use neighborhood around the Balboa Park transit station that emphasizes the development of housing; Objective 4.4 to consider housing as a primary component to any development on the Balboa Reservoir; Policy 4.4.1 to develop housing on the West basin of the reservoir if it is not needed for water storage; Objective 4.5 to provide increased housing opportunities affordable to a mix of households at varying income levels; Policy 4.5.1 to give first consideration to the development of affordable housing on publicly-owned sites; Objective 5.1 to create a system of public parks, plazas and open spaces in the plan area; Objective 5.2 to create open space within new development that contributes to the open space system; Policy 5.2.1 to require good quality public open space as part of major new developments; Objective 5.3 to promote an urban form and architectural character that supports walking and sustains a diverse, active and safe public realm; Objective 5.4 to create a space system that both beautifies the neighborhood and strengthens the environment; Objective 6.2 to knit together isolated sections of the plan area with new mixed-use infill buildings; Objective 6.4 to respect and build from the successful established patterns and traditions of building massing, articulation, and architectural character of the area and the city; Policy 6.4.1 to create urban design guidelines that ensure that new development contributes to and enhances the best characteristics of the plan area; Policy 6.4.2 that new buildings should epitomize the best in contemporary architecture, but should do so with full awareness of the older buildings that surround them; Policy 6.4.4 that height and bulk controls should maximize opportunities for housing development while ensuring that new development is appropriately scaled for the neighborhood; Objective 6.5 to promote the environmental sustainability, ecological function and the overall quality of the natural environment in the plan area; Policy 6.5.1 that the connection between building form and ecological sustainability should be enhanced by promoting use of renewable energy, energy-efficient building envelopes, passive heating and cooling, and sustainable materials; and Policy 6.5.2 that new buildings should comply with strict environmental efficiency standards.

14. The Project is consistent with and implements numerous objectives and policies of the General Plan, particularly the Housing Element, including the following Housing Element objectives and policies: Objective 1 to identify and make available for development adequate sites to meet the city's housing needs, especially permanently affordable housing; Policy 1.1 to plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing; Policy 1.8 to promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects; Policy 1.10 to support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips; Objective 12 to balance housing growth with adequate infrastructure that serves the city's growing population; Policy 12.1 to encourage new housing that relies on transit use and environmentally sustainable patterns of movement; Policy 12.2 to consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units; Policy 12.3 to ensure new housing is sustainably supported by the City's public infrastructure systems; Objective 13 to prioritize sustainable development in planning for and constructing new housing; and Policy 13.3 to promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

15. The MMRP imposes all feasible mitigation measures that would mitigate the Project's potentially significant impacts to less-than-significant levels, except for a limited number of impacts on transportation and circulation, construction noise and construction air quality.

Having considered the above, the Planning Commission finds that the benefits of the Project outweigh the unavoidable adverse environmental effects identified in the FEIR, and that those adverse environmental effects are therefore acceptable.

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MITIGATION MONITORING AND REPORTING PROGRAM FOR BALBOA RESERVOIR PROJECT

Measures Adopted as Conditions of Approval	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
MITIGATION MEASURES FOR THE BALBOA RESERVOIR PROJECT				
Transportation and Circulation Mitigation Measures				
<p>Mitigation Measure M-C-TR-4: Implement Measures to Reduce Transit Delay. The project sponsor, under either project option, shall implement feasible measures (as developed in consultation with SFMTA) to reduce transit delay for the identified segments of the K/T Third/Ingleside, 29 Sunset, and 43 Masonic.</p> <p>Routes and Study Segments. The following routes and study segments would most likely experience cumulative transit delay impact to which the project would have a considerable cumulative contribution:</p> <ul style="list-style-type: none">K/T Third/Ingleside (outbound): Jules Avenue/Ocean Avenue to Balboa Park Bay Area Rapid Transit (BART)K/T Third/Ingleside (inbound): San Jose Avenue/Geneva Avenue to Dorado Terrace/Ocean Avenue29 Sunset (outbound): Plymouth Avenue/Ocean Avenue to Mission St/Persia Avenue29 Sunset (inbound): Mission St/Persia Avenue to Plymouth Avenue/Ocean Avenue43 Masonic (outbound): Gennessee Street/Monterey Boulevard to Geneva Avenue/Howth Street43 Masonic (inbound): Geneva Avenue/Howth Street to Foerster Street/Monterey Boulevard <p>Implement Capital Improvement Measures. The project sponsor shall contribute funds for the following capital improvement measures that reduce transit travel times:</p> <ol style="list-style-type: none">Signal Timing Modifications at Ocean Avenue/Brighton Avenue. The project sponsor shall fund the design and construction of signal timing modifications and restriping, as needed, at the Ocean Avenue/Brighton Avenue intersection. The existing traffic signal shall be modified to prohibit eastbound left turns and provide a protected green arrow signal phase for westbound left turns.Signal Timing Modifications at Ocean Avenue/Plymouth Avenue. The project sponsor shall fund the design and construction of signal timing modifications and restriping, as needed, at the Ocean Avenue/Plymouth Avenue intersection. The existing traffic signal shall be modified to prohibit eastbound left turns and provide a protected green arrow signal phase for westbound left turns.Bus Boarding Island on Southbound Frida Kahlo Way. The project sponsor shall fund the design and construction of a bus boarding island on southbound Frida Kahlo Way, north of the Frida Kahlo Way/Geneva Avenue/Ocean Avenue intersection, and restriping, as needed. <p>The cost of these capital improvement measures is \$200,000 (in 2020 dollars; cost shall be escalated using consumer price index (CPI) to year of payment), and shall be considered the project's fair share toward mitigating this significant cumulative impact. The fair share contribution, as documented by SFMTA¹, shall not exceed this amount (with CPI escalation) across both payment phases. The project sponsor shall pay \$110,000 (plus CPI escalation) to SFMTA prior to issuance of the first construction document for the first project building in phase 1, and \$90,000 (plus CPI escalation) to SFMTA prior to issuance of the first construction document for the first project building in phase 2.</p> <p>If SFMTA adopts a strategy to reduce transit travel times to the K/T Third/Ingleside, 29 Sunset, and 43 Masonic that does not involve signal timing modifications or bus boarding islands, the project's total contribution shall remain the same, and may be used for other transit travel time saving strategies on these routes, as deemed appropriate by the SFMTA.</p> <p>The schedule for implementing capital improvement measures shall be at the discretion of SFMTA, as designated in the SFMTA's capital improvements plan.</p>	Project sponsor	Project sponsor shall submit the \$110,000 (plus CPI escalation) payment prior to issuance of the first construction document for the first project building in Phase 1. The project sponsor shall submit the \$90,000 (plus CPI escalation) payment prior to issuance of the first construction document for the first project building in Phase 2.	SFMTA	<p>Documentation of compliance.</p> <p>Considered complete when the project sponsor has contributed \$200,000 (plus CPI escalation) to fund the SFMTA capital improvement measures.</p>
Noise Mitigation Measures				
<p>Mitigation Measure M-NO-1: Construction Noise Control Measures.</p> <p>The project sponsor shall implement a project-specific noise control plan that has been prepared by a qualified acoustical consultant and approved by the planning department. The noise control plan may include, but not limited to, the following construction noise control measures:</p> <ul style="list-style-type: none">To the extent that it does not extend the overall schedule, conduct demolition of the parking lot at the northern portion of the project site during periods when Archbishop Riordan High School is not in session.Require the general contractor to ensure that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).Require the general contractor to locate stationary noise sources (such as the rock/concrete crusher, or compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and/or to construct barriers around such sources	Project sponsor and contractor	<p>Draft noise control plan submittal to Planning Department: prior to issuance of the first demolition or site permit.</p> <p>Draft construction noise monitoring program submittal to Planning Department: prior to start of excavation of all construction phases.</p> <p>Implementation of measures: throughout construction period.</p>	<p>San Francisco Department of Building Inspection (DBI), Planning Department, Department of Public Health (on complaint basis), Police Department (on complaint basis).</p> <p>Planning Department to review and approve noise control plan and construction noise monitoring programs.</p> <p>Project sponsor, qualified consultant, and/or construction contractor(s) to prepare a weekly noise monitoring log which shall be</p>	<p>Considered complete at the completion of construction for each subsequent phase of the project and submittal of final noise monitoring report.</p>

¹ Henderson, Tony, SFMTA, e-mail communication to Elizabeth White, San Francisco Planning Department, and Leigh Lutenski, Office of Economic and Workforce Development on March 30, 2020.

MITIGATION MONITORING AND REPORTING PROGRAM FOR BALBOA RESERVOIR PROJECT

Measures Adopted as Conditions of Approval	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>and/or the construction site, which could reduce construction noise by as much as 5 dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, to the maximum extent practicable.</p> <ul style="list-style-type: none">Require the general contractor to use impact tools (e.g., jackhammers and pavement breakers) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which would reduce noise levels by as much as 10 dBA.Include noise control requirements for construction equipment and tools, including specifically concrete saws, in specifications provided to construction contractors. Such requirements could include, but are not limited to, erecting temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses; utilizing noise control blankets on a building structure as the building is erected to reduce noise levels emanating from the construction site; performing all work in a manner that minimizes noise; and using equipment with effective mufflers. Moveable sound barrier curtains can provide up to 15 dBA of sound attenuation.Undertake the noisiest activities (e.g., demolition using hoe rams) during the hours of 9 a.m. to 4 p.m.; and select or construct haul routes that avoid the North Access Road and the adjacent Archbishop Riordan High School and residential uses along Plymouth Avenue and Lee Avenue, such as the temporary or permanent relocation of North Street.Postpone demolition of the west side berm to the end of Phase 0, to the extent that it does not extend the overall schedule, so that it may serve as a noise attenuation barrier for the receptors to the west for earlier Phase 0 demolition and construction activities.Notify the planning department's development performance coordinator at the time that night noise permits are requested or as soon as possible after emergency/unanticipated activity causing noise with the potential to exceed noise standards has occurred. <p>The general contractor or other designated person(s) shall prepare a weekly noise monitoring log report that shall be made available to the planning department upon request. The log shall include any noise complaints received, whether in connection with an exceedance or not, as well as any noise complaints received through calls to 311 or DBI if the contractor is made aware of them (for example, via a DBI notice, inspection, or investigation). Any weekly report that includes an exceedance or for a period during which a complaint is received shall be submitted to the planning department within three business days following the week in which the exceedance or complaint occurred. A report also shall be submitted to the planning department at the completion of each construction phase. The report shall document noise levels, exceedances of threshold levels, if reported, and corrective action(s) taken.</p>			<p>made available to the Planning Department when requested. Any weekly report that includes an exceedance or for a period during which a complaint is received shall be submitted to the development performance coordinator within 3 business days following the week in which the exceedance or complaint occurred.</p> <p>Project sponsor, qualified consultant, and/or construction contractor(s) to submit final noise monitoring report to the Planning Department development performance coordinator at the completion of each construction phase.</p>	
<p>Mitigation Measure M-NO-3: Fixed Mechanical Equipment Noise Controls.</p> <p>Noise attenuation measures shall be incorporated into all fixed mechanical equipment (including HVAC equipment) installed on all buildings that include such equipment as necessary to meet noise limits specified in Police Code section 2909. Interior noise limits shall be met under both existing and future noise conditions.</p> <p>Noise attenuation measures could include provision of sound enclosures/barriers, addition of roof parapets to block noise, increasing setback distances from sensitive receptors, provision of louvered vent openings, location of vent openings away from adjacent residential uses, and restriction of generator testing to the daytime hours.</p> <p>After completing installation of the HVAC equipment but before receipt of the Certificate of Occupancy for each building, the project sponsor shall conduct noise measurements to ensure that the noise generated by fixed mechanical equipment complies with section 2909(a) and (d) of the San Francisco Noise Ordinance. No Final Certificate of Occupancy shall be issued for any building until the standards in the Noise Ordinance are shown to be met for that building.</p>	Project sponsor	Prior to receipt of any certificate of final occupancy for each building.	San Francisco Department of Building Inspection (DBI). Project sponsor to provide copies of project construction plans to the Planning Department that show incorporation of noise attenuation measures.	Considered complete upon DBI review and issuance of final certificate of occupancy.
Air Quality Mitigation Measures				
<p>Mitigation Measure M-AQ-2a: Construction Emissions Minimization.</p> <p>The project sponsor or the project sponsor's contractor shall comply with the following:</p> <p>A. <i>Engine Requirements.</i></p> <ol style="list-style-type: none">All off-road equipment greater than 25 horsepower shall have engines that meet Tier 4 Final off-road emission standards.Since grid power will be available, portable diesel engines shall be prohibited.Renewable diesel shall be used to fuel all diesel engines unless it can be demonstrated to the Environmental Review Officer (ERO) that such fuel is not compatible with on-road or off-road engines and that emissions of ROG and NOx from the transport of fuel to the project site will offset its NOx reduction potential.Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.The contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications. <p>B. <i>Waivers.</i> The ERO may waive the equipment requirements of subsection (A)(1) if: a particular piece of off-road equipment is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the</p>	Project sponsor and project sponsor's construction contractor	<p>Submit construction emissions minimization plan to Planning Department prior to issuance of construction site permit.</p> <p>Implement plan throughout construction period.</p> <p>Submit final plan after completion of construction activities and prior to receiving a final certificate of occupancy.</p>	<p>Planning Department (ERO) or their designee must review draft construction emissions minimization plan prior to issuance of first demolition or construction permit and approve final plan prior to the start of demolition or construction.</p> <p>ERO to review quarterly and final monitoring reports.</p>	Considered complete upon Planning Department review and approval of documentation and completion of construction.

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Measures Adopted as Conditions of Approval	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use other off-road equipment. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to the table below.</p> <p>The ERO may waive the equipment requirements of Item A.1 if: a particular piece of off-road equipment with an engine meeting Tier 4 Final emission standards is not regionally available to the satisfaction of the ERO. If seeking a waiver from this requirement, the project sponsor must demonstrate to the satisfaction of the ERO that the health risks from existing sources, project construction and operation, and cumulative sources do not exceed a total of 10 µg/m3 or 100 excess cancer risks for any onsite or offsite receptor.</p> <p>The ERO may waive the equipment requirements of Item A.2 if: an application has been submitted to initiate onsite electrical power, portable diesel engines may be temporarily operated for a period of up to three weeks until onsite electrical power can be initiated or, there is a compelling emergency.</p> <p>C. <i>Construction Emissions Minimization Plan.</i> Before starting onsite ground disturbing, demolition, or construction activities, the contractor shall submit a Construction Emissions Minimization Plan to the ERO for review and approval. The plan shall state, in reasonable detail, how the contractor will meet the requirements of Section A, Engine Requirements.</p> <ol style="list-style-type: none">The Construction Emissions Minimization Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.The project sponsor shall ensure that all applicable requirements of the Construction Emissions Minimization Plan have been incorporated into the contract specifications. The plan shall include a certification statement that the contractor agrees to comply fully with the plan.The contractor shall make the Construction Emissions Minimization Plan available to the public for review onsite during working hours. The contractor shall post at the construction site a legible and visible sign summarizing the plan. The sign shall also state that the public may ask to inspect the plan for the project at any time during working hours and shall explain how to request to inspect the plan. The contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way. <p>D. <i>Monitoring.</i> After start of construction activities, the contractor shall submit quarterly reports to the ERO documenting compliance with the Construction Emissions Minimization Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the plan.</p>				
<p>Mitigation Measure M-AQ-2b: Low-VOC Architectural Coatings.</p> <p>The project sponsor shall use low- and super-compliant VOC architectural coatings during construction. “Low-VOC” refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District rule 1113; however, many manufacturers have reformulated to levels well below these limits. These are referred to as “Super-Compliant” architectural coatings.</p>	Project sponsor	During construction	Planning Department (ERO)	Considered complete upon Planning Department review and approval of documentation of compliance
<p>Mitigation Measure M-AQ-2c: On-Road Truck Emissions Minimization for the Compressed Construction Schedule. Under the compressed three-year construction schedule for either the Developer’s Proposed Option or the Additional Housing Option, the project sponsor or the project sponsor’s contractor shall comply with the following:</p> <p>A. <i>Engine Requirements.</i> The project sponsor shall ensure that all on-road heavy-duty diesel trucks with a gross vehicle weight rating of 19,500 pounds or greater used at the project site (such as haul trucks, water trucks, dump trucks, concrete trucks, and vendor trucks) be model year 2014 or newer.</p> <p>B. <i>Waivers.</i> The ERO may waive the engine year requirements of Subsection (A)(1) for on-road heavy duty diesel vendor trucks delivering materials to the project site, which could include window, door, cabinet, or elevator equipment if each vendor truck entering the project site is used only once for a single delivery of equipment or material. If the ERO grants the waiver, the contractor must demonstrate that that vendor truck would only be used once for a single delivery to the project site.</p> <p>Waivers to the engine year requirements of Subsection (A)(1) shall not be included for vendor trucks that import or off-haul soil, transport heavy earthmoving equipment, or ready-mix concrete, or deliver lumber.</p> <p>C. <i>Construction Emissions Minimization Plan.</i> The construction minimization requirements of Mitigation Measure M-AQ-2a item (C).</p> <p>D. <i>Monitoring.</i> The monitoring requirements of Mitigation Measure M-AQ-2a item (D).</p>	Project sponsor and contactor	Implement prior to and during construction activities for the compressed construction schedule	Planning Department (ERO). ERO to review draft construction emissions minimization plan prior to issuance of first demolition or construction permit and final plan at the start of demolition or construction. ERO to review quarterly and final monitoring reports.	Considered complete upon Planning Department review and approval of documentation and completion of construction.
<p>Mitigation Measure M-AQ-2d: Offset Construction Emissions for the Compressed Schedule.</p> <p>Under the compressed three-year construction schedule for either the Developer’s Proposed Option or the Additional Housing Option, the project sponsor shall implement this measure. Prior to issuance of the final certificate of occupancy for the final building associated with Phase 1, the project sponsor, with the oversight of the Environmental Review Officer (ERO), shall either:</p>	Project sponsor	<i>Offset program:</i> Prior to issuance of final certificate of occupancy for final building constructed, notify the ERO within six months of completion of the offset project(s)	<i>Offset program:</i> Planning Department (ERO)	<i>Offset program:</i> Considered complete upon approval of documentation of offset projects implemented

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<p>1. Directly fund or implement a specific offset project within San Francisco if available to achieve the equivalent to a one-time reduction of 2.0 tons per year of ozone precursors for the Developer's Proposed Option or 3.2 tons per year of ozone precursors for the Additional Housing Option. To qualify under this mitigation measure, the specific emissions offset project must result in emission reductions within the San Francisco Bay Area Air Basin that would not otherwise be achieved through compliance with existing regulatory requirements. A preferred offset project would be one implemented locally within the City and County of San Francisco. Prior to implementing the offset project, it must be approved by the ERO. The project sponsor shall notify the ERO within six months of completion of the offset project for verification; or</p> <p>2. Pay mitigation offset fees to the Bay Area Air Quality Management District Bay Area Clean Air Foundation or other governmental entity or third party. The mitigation offset fee shall fund one or more emissions reduction projects within the San Francisco Bay Area Air Basin. The fee will be determined by the ERO, the project sponsor, and the governmental entity or third party responsible for administering the funds, and be based on the type of projects available at the time of the payment. This fee is intended to fund emissions reduction projects to achieve reductions of 2.0 tons per year of ozone precursors for the Developer's Proposed Option or 3.2 tons per year of ozone precursors for the Additional Housing Option, which is the amount required to reduce emissions below significance levels after implementation of other identified mitigation measures as currently calculated.</p> <p>The agreement that specifies fees and timing of payment shall be signed by the project sponsor, the governmental entity or third party responsible for administering the funds, and the ERO prior to issuance of the first site permit. This offset payment shall total the predicted 2.0 tons per year of ozone precursors for the Developer's Proposed Option or 3.2 tons per year of ozone precursors for the Additional Housing Option above the 10-ton-per-year threshold after implementation of Mitigation Measures M-AQ-2a, M-AQ-2b, and M-AQ-2c.</p> <p>The total emission offset amount presented above was calculated by summing the maximum daily construction of ROG and NOx (pounds/day), multiplying by 260 work days per year, and converting to tons. The amount represents the total estimated operational and construction-related ROG and NOx emissions offsets required. No reductions are needed for operations or overlapping construction and operations.</p>		<p>and/or</p> <p><i>Mitigation Fee:</i></p> <p>Sign agreement prior to issuance of first site permit.</p> <p>Pay amount determined at time of impact</p>	<p><i>Mitigation Fee:</i> BAAQMD or other governmental entity or third party</p>	<p><i>Mitigation Fee:</i> Considered complete upon BAAQMD/other governmental entity/third party confirmation of receipt of payment</p>
<p>Mitigation Measure M-AQ-4a: Diesel Backup Generator Specifications.</p> <p>To reduce ROG and NOx associated with operation of the proposed project, the project sponsor shall implement the following measures:</p> <p>A. All new diesel backup generators shall:</p> <p>1. Have engines that meet or exceed California Air Resources Board Tier 4 off-road emission standards which have the lowest NOx emissions of commercially available generators; and</p> <p>2. Be fueled with renewable diesel, if commercially available, which has been demonstrated to reduce NOx emissions by approximately 10 percent.</p> <p>B. All new diesel backup generators shall have an annual maintenance testing limit of 50 hours, subject to any further restrictions as may be imposed by the Bay Area Air Quality Management District in its permitting process.</p> <p>C. For each new diesel backup generator permit submitted to Bay Area Air Quality Management District for the project, the project sponsor shall submit the anticipated location and engine specifications to the San Francisco Planning Department ERO for review and approval prior to issuance of a permit for the generator from the San Francisco Department of Building Inspection. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall be required to maintain records of the testing schedule for each diesel backup generator for the life of that diesel backup generator and to provide this information for review to the planning department within three months of requesting such information.</p>	<p>Project sponsor and facility operator, Planning Department.</p>	<p>Prior to issuance of a permit for diesel backup generator specifications.</p> <p>Ongoing for maintenance, testing, and records keeping.</p>	<p>Planning Department (ERO) and DBI</p>	<p>Equipment specifications portion considered complete when equipment specifications approved by ERO.</p> <p>Maintenance portion is ongoing and records are subject to Planning Department review upon request.</p>
<p>Mitigation Measure M-AQ 4b: Install MERV 13 Filters at the Daycare Facility.</p> <p>If the daycare facility is constructed as part of Phase 1 and is operational while Phase 2 is under construction, the project sponsor shall install a mechanical ventilation system at the onsite daycare facility located in Block B capable of achieving the protection from particulate matter (PM2.5) equivalent to that associated with a Minimum Efficiency Reporting Value (MERV) 13 filtration (as defined by American Society of Heating, Refrigerating and Air-Conditioning Engineers [ASHRAE] standard 52.2). The system must meet the requirements of San Francisco Health Code article 38 and San Francisco Building Code section 1203.5.</p>	<p>Project sponsor</p>	<p>Prior to issuance of final certificate of occupancy for building containing daycare.</p>	<p>Planning Department (ERO) and DBI.</p>	<p>Considered complete upon ERO and DBI acceptance of documentation of compliance prior to issuance of a certificate of occupancy.</p>
Cultural Resources (Archeological Resources) Mitigation Measures				
<p>Mitigation Measure M-CR-2: Accidental Discovery of Archeological Resources (PEIR Mitigation Measure AM-1).</p> <p>The project sponsor shall distribute the planning department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils-disturbing activities within the project site. Prior to any soils-disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project</p>	<p>Project sponsor, contractor, qualified archaeological consultant, and Planning Department (ERO).</p>	<p>During soil-disturbing activities.</p>	<p>Planning Department (ERO).</p>	<p>Considered complete upon ERO's approval of FARR.</p>

MITIGATION MONITORING AND REPORTING PROGRAM FOR BALBOA RESERVOIR PROJECT

Measures Adopted as Conditions of Approval	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p> <p>Should any indication of an archeological resource be encountered during any soils-disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p> <p>If the ERO determines that an archeological resource may be present within the project area, the project sponsor shall retain the services of an archeological consultant from the pool of qualified archeological consultants maintained by the planning department archeologist. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p> <p>Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.</p> <p>The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound copy, one unbound copy and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>				
<p>Mitigation Measure M-CR-3: Accidental Discovery of Human Remains.</p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity shall comply with all applicable state and federal laws. This shall include immediate notification of the Medical Examiner of the City and County of San Francisco and, in the event of the Medical Examiner's determination that the human remains are Native American remains, notification of the Native American Heritage Commission, which shall appoint a Most Likely Descendant (MLD).The MLD shall complete his or her inspection and make recommendations or preferences for treatment and disposition within 48 hours of being granted access to the site (Public Resources Code section 5097.98). The Environmental Review Officer (ERO) shall also be notified immediately upon discovery of human remains.</p> <p>The project sponsor and the ERO shall make all reasonable efforts to develop a Burial Agreement ("Agreement) with the MLD, as expeditiously as possible for the treatment and disposition, with appropriate dignity, of the human remains and associated or unassociated funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). The Agreement shall take into consideration the appropriate excavation, removal, recordation, scientific analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If the MLD agrees to scientific analyses of the remains and/or associated or unassociated funerary objects, the archeological consultant shall retain possession of the remains and associated or unassociated funerary objects until completion of any such analyses, after which the remains and associated or unassociated funerary objects shall be reinterred or curated as specified in the Agreement.</p> <p>Nothing in existing state regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. However, if the ERO, project sponsor, and MLD are unable to reach an agreement on scientific treatment of the remains and associated or unassociated funerary objects, the ERO, in cooperation with the project sponsor, shall ensure that the remains and associated or unassociated funerary objects are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance (Public Resources Code section 5097.98).</p> <p>Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during soil-disturbing activity additionally shall follow protocols laid out in the project's archeological treatment documents, and any agreement established between the project sponsor, the Medical Examiner and the ERO.</p>	<p>Project sponsor and contractor, archaeological consultant, ERO in consultation with the Coroner of the City and County of San Francisco, Native American Heritage Commission, and Most Likely Descendant.</p>	<p>In the event human remains and/or funerary objects are encountered, during soil-disturbing activity; immediately, upon each such discovery</p>	<p>Planning Department (ERO)</p>	<p>Considered complete on notification of the San Francisco County Coroner and ERO, and if Native American remains are discovered, then notification to NAHC, and MLD, and completion of treatment agreement and/or analysis and reporting.</p>
Tribal Cultural Resources Mitigation Measures				
<p>Mitigation Measure M-TC-1: Tribal Cultural Resources Interpretive Program.</p> <p>If the Environmental Review Officer (ERO) determines that a significant archeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource and that the</p>	<p>Planning Department (ERO), Native American tribal representatives, archaeological consultant, project sponsor.</p>	<p>In the event tribal cultural resources are encountered during soil-disturbing activity.</p>	<p>Planning Department (ERO).</p>	<p>Considered complete if no Tribal Cultural Resource is discovered or Tribal Cultural Resource is discovered and either preserved in-</p>

MITIGATION MONITORING AND REPORTING PROGRAM FOR BALBOA RESERVOIR PROJECT

Measures Adopted as Conditions of Approval	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>resource could be adversely affected by the proposed project, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible.</p> <p>If the ERO determines that preservation-in-place of the tribal cultural resource is both feasible and effective, then the archeological consultant shall prepare an archeological resource preservation plan (ARPP). Implementation of the approved ARPP by the archeological consultant shall be required when feasible.</p> <p>If the ERO, in consultation with the affiliated Native American tribal representatives and the project sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the project sponsor shall implement an interpretive program of the tribal cultural resource in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.</p>				<p>place or project effects to Tribal Cultural Resource are mitigated by implementation of Planning Department approved interpretive program.</p>
Geology and Soils Mitigation Measures				
<p>Mitigation Measure M-GE-6: Inadvertent Discovery of Paleontological Resources.</p> <p>Before the start of excavation activities, the project sponsor shall retain a qualified paleontologist, as defined by the Society of Vertebrate Paleontology, who is experienced in on-site construction worker training. The qualified paleontologist shall complete an institutional record and literature search and train all construction personnel who are involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils that are likely to be seen during construction, the proper notification procedures should fossils be encountered, and the laws and regulations protecting paleontological resources. If potential vertebrate fossils are discovered by construction crews, all earthwork or other types of ground disturbance within 25 feet of the find shall stop immediately and the monitor shall notify the Environmental Review Officer. The fossil should be protected by an "exclusion zone" (an area approximately 5 feet around the discovery that is marked with caution tape to prevent damage to the fossil). Work shall not resume until a qualified professional paleontologist can assess the nature and importance of the find. Based on the scientific value or uniqueness of the find, the qualified paleontologist may record the find and allow work to continue, or recommend salvage and recovery of the fossil. The qualified paleontologist may also propose modifications to the stop-work radius and the monitoring level of effort based on the nature of the find, site geology, and the activities occurring on the site, and in consultation with the Environmental Review Officer. If treatment and salvage is required, recommendations shall be consistent with Society of Vertebrate Paleontology's 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources, and currently accepted scientific practice, and shall be subject to review and approval by the Environmental Review Officer. If required, treatment for fossil remains may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection (e.g., the University of California Museum of Paleontology), and may also include preparation of a report for publication describing the finds. Upon receipt of the fossil collection, a signed repository receipt form shall be obtained and provided to the planning department. The qualified paleontologist shall prepare a paleontological resources report documenting the treatment, salvage, and, if applicable, curation of the paleontological resources. The project sponsor shall be responsible for the costs necessary to prepare and identify collected fossils, and for any curation fees charged by the paleontological repository. The planning department shall ensure that information on the nature, location, and depth of all finds is readily available to the scientific community through university curation or other appropriate means.</p>	<p>Prior to excavation: project sponsor and qualified paleontological consultant</p> <p>During construction: project sponsor and contractor</p>	<p>Institutional record and literature search: before issuance of a demolition permit.</p> <p>Worker training: before the start of excavation activities</p> <p>During construction</p>	<p>Planning Department (ERO)</p> <p>Planning Department (ERO)</p>	<p>Considered complete upon ERO acceptance of documentation of compliance</p> <p>Considered complete upon ERO acceptance of documentation of compliance</p>

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LAW OFFICES OF
STUART FLASHMAN

5626 OCEAN VIEW DR. 652-5373
OAKLAND, CA 94618-1533

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11-4288/1210 4039

June 18, 2020

Date

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For

Appeal fee Balboa Res. EIR

Stuart M. Flashman

MP

From: [BOS Legislation, \(BOS\)](#)
To: "Stuart Flashman"; [joe_kirchofer](#); [Brad Wiblin](#); [Russell, Rosanna \(PUC\)](#); [Steven Vettel](#); [ajahjah@att.net](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [MALAMUT, JOHN \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Poling, Jeanie \(CPC\)](#); [Hong, Seung Yen \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: APPELLANT SUPPLEMENTAL MATERIAL: Appeal of CEQA Final Environmental Impact Report - Proposed Balboa Reservoir Project - Appeal Hearing - August 11, 2020
Date: Thursday, August 6, 2020 5:10:40 PM
Attachments: [image001.png](#)

Hello,

The Office of the Clerk of the Board received the following supplemental material from one of the appellants, Alvin Ja, regarding the appeal of the CEQA Final Environmental Impact Report for the proposed Balboa Reservoir project.

[Appellant Supplemental Material - August 6, 2020](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 200804](#)

Best regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

From: [aj](#)
To: [Board of Supervisors, \(BOS\)](#); [Wong, Jocelyn \(BOS\)](#); [Lew, Lisa \(BOS\)](#)
Subject: For EIR Appeal-- Balboa Reservoir Final SEIR: Not objective, not accurate (file 200804)
Date: Thursday, August 6, 2020 3:42:25 PM

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

BOS:

I had submitted Documents 1 through 9, as well as a critique of the Planning Dept Response to Appeal. Those submissions focused on the inadequacy of the SEIR.

Here, I focus on the objectivity the SEIR.

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

It would be hard to dismiss the parallel to the SEIR.

INITIAL STUDY

Starting with the critically important Initial Study (Appendix B), the central feature of the existing setting of the Reservoir vicinity, City College, has been minimized. Using faulty arguments (*Question a*, *Question b*, *Question c*), the Initial Study dismisses the possibility of adverse impacts on City College. In doing so, a thorough assessment of effects on City College had been circumvented.

Another requirement for the Initial Study is: *"An examination of whether the project would be consistent with existing zoning, plans..."* per CCR 15063 (d)(5). Instead of an examination, the Initial Study states:

The proposed project would not be obviously inconsistent with the area plan objectives and policies regarding housing, open space, and connectivity, but would require Maps 3 and 6 to be amended.

How objective is that phrasing? Does the Project conform to existing zoning, as had been specified in the existing BPS Area Plan/FEIR? Yes, or no?

It's only "not obviously inconsistent" because the sentence doesn't refer to the substance of the amendments to (zoning) Maps 3 and 6. Amendments to Maps 3 and 6 means rezoning from Public to SUD (which allows for privatization) and increase of height limits from 40X to 78.

The phrasing of the referenced Initial Study sentence is an indication of lack of objectivity.

RESPONSE TO COMMENTS

Examination of Response To Comments will show that the Responses are made to support and defend the Project and to dismiss unfavorable comments. It would be hard to find an instance in which an unfavorable comment is accepted as valid.

Environmental Review is supposed to be an objective process. In actual fact, the Environmental Planning Staff worked OEWD, PUC, Developers worked together as a Team to craft the SEIR.

The following had been submitted to the Planning Commission for their 5/28/2020 meeting and had also been sent to BOS at the time. Please review.

Submitted by:
Alvin Ja, appellant

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

From: aj <ajjahjah@att.net>

To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Joel Koppel <joel.koppel@sfgov.org>; Moore Kathrin (CPC) >

Sent: Tuesday, May 26, 2020, 04:22:34 PM PDT

Subject: Balboa Reservoir Final SEIR: Not objective, not accurate

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

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

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

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

NOT OBJECTIVE

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

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

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

NOT ACCURATE

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

- No significant impact on City College
- Cherry-picking of 220 public parking spaces from the City College TDM Study
- Project will not contribute significantly to Transit Delay
- Cumulative Transit Delay will be significant only after City College's Facilities Master Plan (which is a replacement program)
- CEQA Findings estimates the 17.6 acre parcel's value at \$11.2 million; while a comp shows a 0.3 acre parcel at 16th/Shotwell to be \$10 million. On a per-acre basis, the **Reservoir is a minuscule 1.9% of the 16th Street parcel's value.** How accurate could that be?!

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

TRANSIT DELAY

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

"...ingress...from Lee Avenue [westbound right turn-only ingress to Lee Extension] would result in significant adverse transportation impacts. As a consequence, Access Option #1 is rejected from further consideration as part of the Area Plan. (FEIR, p.191)
- **4-MINUTE THRESHOLD OF SIGNIFICANCE FOR TRANSIT DELAY IS AN UNSUPPORTED ASSERTION, LACKING SUBSTANTIAL EVIDENCE**

- The Final SEIR uses a quantitative threshold of significance of 4-minute Reservoir-related Transit Delay. In other words, Transit Delay is considered insignificant unless the Project contributes 4 minutes of delay to a MUNI line. In the real world of MUNI passengers and operators, a 4-minute delay in a short stretch near the Reservoir is extremely significant.
 - The establishment of a quantitative threshold of significance is required to be based on "substantial evidence." The Final SEIR claims that substantial evidence for the 4-minute threshold of significance is contained in Planning Dept's "Transportation Impact Assessment Guidelines." Contrary to the claim of "substantial evidence", the 4-minute significance criterion contained in the TIA Guidelines is only an assertion, without any evidence whatsoever. The "substantial evidence" for the 4-minute delay significance criterion consists of this one sentence: *"For individual Muni routes, if the project would result in transit delay greater than or equal to four minutes, then it might result in a significant impact."* This one sentence constitutes the entirety of the claimed "substantial evidence" in the TIA Guidelines. This one sentence appears in the body of the TIA Guidelines and in the Appendix I "Public Transit Memorandum." However, repetition of a one-sentence assertion does not constitute "substantial evidence."
 - The 4-minutes late significance threshold only serves as a "Get Out of Jail Free card" for the Project's real-world significant contribution to Transit Delay.
- **REMOVAL OF UNFAVORABLE DATA IN FINAL SEIR**
- The draft SEIR contained Transit Delay data that was found to be unfavorable to the Project.
 - Kittelson Associates (EIR Transportation Analysis contractor) data from Table 3.B-18 "Transit Delay Analysis" was computed to show Reservoir-related delay of 1 minute 55 seconds for a 7-minute running time route segment--a 27.4% increase over the scheduled 7-minute running time between two 43 Masonic scheduled timepoints. Table 3.B-18 was replaced in the Final SEIR to eliminate the unfavorable Reservoir-related Transit Delay.
 - The draft SEIR assessed Transit Delay for Geneva Avenue between City College Terminal and Balboa Park Station. This segment is travelled by the 8 Bayshore and the 43 Masonic. The data for this segment has been eliminated and Table 3.B-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.
- **INADEQUATE MITIGATION MEASURES**
- The Final SEIR contains three new Transit Delay Mitigation

Measures: 1) Signal timing modifications at Ocean/Brighton, 2) Signal timing modifications at Ocean/**Plymouth** (the Kittelson studies evaluated **Lee**, not Plymouth for signal modification--sloppiness!), 3) Boarding island for southbound 43 at Frida Kahlo/Ocean.

- These mitigation measures are "finger in the dyke" measures that are incommensurate with the root problem. The fundamental unsolvable problem is the limited roadway network surrounding the landlocked Project. That is why the Balboa Park Area Final Program EIR had determined that a Lee Extension ingress "would result in *significant adverse transportation impacts*. *As a consequence, Access Option #1 is rejected from further consideration as part of the Area Plan.*"

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

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

If based on quality, it does not deserve certification.

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

Sincerely,
Alvin Ja

o

From: [BOS Legislation, \(BOS\)](#)
To: "Stuart Flashman"; [joe_kirchofer](#); [Brad Wiblin](#); [Russell, Rosanna \(PUC\)](#); [Steven Vettel](#); [ajahjah@att.net](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [MALAMUT, JOHN \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Poling, Jeanie \(CPC\)](#); [Hong, Seung Yen \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: APPELLANT SUPPLEMENTAL MATERIAL: Appeal of CEQA Final Environmental Impact Report - Proposed Balboa Reservoir Project - Appeal Hearing - August 11, 2020
Date: Thursday, August 6, 2020 2:39:43 PM

Good afternoon,

The Office of the Clerk of the Board received the following supplemental material from the appellants' attorney, Stuart Flashman, on behalf of the appellants, regarding the appeal of the CEQA Final Environmental Impact Report for the proposed Balboa Reservoir project.

[Appellant Supplemental Material - August 6, 2020](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 200804](#)

Best regards,

Jocelyn Wong

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

jocelyn.wong@sfgov.org | www.sfbos.org

Law Offices of
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5626 Ocean View Drive
Oakland, CA 94618-1533
(510) 652-5373 (voice & FAX)
e-mail: stu@stufash.com

August 6, 2020

San Francisco Board of Supervisors
San Francisco City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: Reply to Planning Department response to Appeal of Balboa
Reservoir Mixed-Use Project Final Subsequent Environmental
Impact Report (Case No. 2018-007883ENV)

Dear Board President Yee and Supervisors,

I am writing as the attorney for appellants Madeline Mueller, Alvin Ja, and Wynd Kaufmyn to reply to the Planning Department's response to my appeal letter in anticipation of the upcoming hearing before the Board of Supervisors on the above-referenced appeal. I have read through the Planning Department's response. I am also aware that you will likely also be receiving letters opposing the appeal from other San Francisco administrative departments, as well as various interest groups that would benefit from the Project's approval. They will all, I am sure, urge you to reject this appeal and approve the Project.

By this letter, I hope to explain to you why, in spite of all their urgings, you should grant the appeal and return the Project to the Planning Department for revisions to the Final Subsequent EIR ("FSEIR"), as well as to the Program-level EIR upon which it depends. In one sentence, the reason for granting the appeal is that the FSEIR is not "ready for prime time."

The FSEIR does not provide you the necessary complete and up-to-date information you need to evaluate whether this Project, or perhaps some alternative Project, merits your approval. In particular, the FSEIR does not provide you with a full, fair, and up-to-date evaluation of the Project's impacts, and whether and to what extent they can be mitigated or avoided. Nor does it provide you with a reasonable range of feasible alternatives against which you can compare this project – especially alternatives that might have fewer significant unavoidable impacts – of which this project has quite a few – and/or greater potential benefits to the City.

I will not address in great detail each of the many issues raised by the appeal. Instead, this letter will focus on two of the most important and pressing issues: affordable housing and the COVID-19 pandemic. These are both issues that neither the FSEIR nor the Planning Departments appeal response adequately address. They are also both issues that urgently need to be addressed before you make any final decisions. Making the wrong decision based on faulty and incomplete information would damage the City, and especially City College of San Francisco, for many years to come.

THE FSEIR FAILED TO CONSIDER A PUBLICLY-OWNED 100% AFFORDABLE HOUSING ALTERNATIVE.

There is little question that San Francisco, and indeed the entire Bay Area, is suffering from an acute shortage of affordable housing. While the City has, over the past few years, seen tremendous growth in the amount of market-rate housing being built – (See, e.g., S.F. Planning Department PowerPoint presentation to Board of Supervisors Land Use and Transportation Committee on July 27, 2020, showing that San Francisco had already achieved 140% of its current RHNA goal for market-rate housing) to the point where there is now a large excess of supply over demand – housing for lower income households has lagged far behind.

With that in mind, the FSEIR should have included a project alternative involving construction of a publicly-owned 100% affordable housing project on the Balboa Reservoir site. The Balboa Reservoir site would seem a particularly appropriate site for such a project. Not only is it a relatively large site, located close to major transit routes and the Balboa Park BART station and literally right next to the Ocean Campus of City College of San Francisco, the City's primary higher education resource for low-income but upwardly mobile households, but it is already publicly owned, meaning that there would not be the need to aggregate and purchase land from private owners for a permanently affordable project.

Nevertheless, even though numerous comments on the Draft SEIR suggested including such an alternative (see, FSEIR, Responses to Comments pp. 4.F-2 through 4.F-12), City Planning Staff rejected its inclusion. The FSEIR's dismissive response was the following:

This alternative would arguably be a fundamentally different project given the request for qualifications process that occurred for the project site. As noted on draft SEIR p. 6-59, "... 100 percent affordable housing developments in San Francisco are typically sponsored by the Mayor's Office of Housing and Community Development, which provides substantial financial support for such projects and which typically seeks out not-for-profit developers who specialize in the production of fully affordable residential projects. Accordingly, it has never been the case that the planning for this project assumed or required a 100 percent affordable housing development, which would require a substantially different financial structure and City development partner(s). (FSEIR at p. 4.F-15.)

The FSEIR went on to say:

An alternative dedicating all of the site to City College uses would not meet the basic objective of implementing the City's 2014 Public Land for Housing program and the Surplus Public Lands Initiative (Proposition K), by replacing an underused surface parking lot located on surplus public land with a substantial amount of new housing, including a high percentage of affordable housing. (*Id.*)

Essentially, the Planning Department's response says that the Planning Department has planned this project to be a combination of market-rate and affordable housing. A 100% affordable project would be very different and not what we've planned, so we needn't consider it. But that is not what CEQA requires in a project alternative. The aim of an EIR's discussion of project alternatives is to describe a reasonable range of alternative that will foster informed decision-making and public participation and allow the decision makers to make a reasoned choice. (CEQA Guidelines § 15126.6 [consideration and discussion of alternatives to proposed project]; *In re Bay-Delta et al.* (2008) 43 Cal.4th 1143, 1163.) Identification of project alternative is required to focus on three things:

1) The alternatives must be feasible. The Planning Department has never said that a 100% affordable project would be infeasible. Indeed, 100% affordable projects are done all the time, and especially when the land involved is already in public ownership. Submitted herewith is a report prepared by Mr. Joseph Smooke, a professional in real estate development with years of experience at developing affordable housing in San Francisco. That report, and the accompanying background report, show that a 100% affordable project is feasible, especially if it is built in phases.

2) It must avoid or substantially lessen one or more of the proposed project's significant impacts,

The FSEIR identified several such impacts: 1) the extension of Lee Street along the west side of the Project Site (adjacent to the existing CCSF parking lot) would result in significant freight and passenger loading impacts as well as potential bicyclist safety impacts and transit delay impacts; 2) The extension of Lee Street would also contribute to a cumulatively significant freight and passenger loading impact, as well as potential bicyclist safety impacts and transit delay impacts; 3) The construction would result in significant temporary construction noise impacts in spite of available mitigation; 4) The construction would also contribute to a cumulatively significant construction noise impact; 5) construction would result in significant criteria air pollution and toxic air contaminant impacts and/or contribute to cumulatively significant criteria air pollution and toxic air contaminant impacts. The latter two impacts would also contribute to cumulatively significant regional air quality impacts and health risk impacts to sensitive populations.(See, DSEIR at pp. S-44 to S-45.)

How would a 100% affordable housing project affect these impacts? Assuming that the alternative project would build 500 affordable units, but no market rate units, it would result in far fewer auto trips than the proposed project, as it is well documented (and even admitted in the Planning Dept. response) that the lower income residents who occupy affordable units have fewer cars and use them less than market-rate residents. Both transit and auto use (and ownership) would be even lower if the units would be primarily for CCSF faculty, students, and staff, and secondarily for other qualifying households already working in the vicinity of the Project site (e.g., faculty and staff at Archbishop Riordan High School, Lick Wilmerding High School, employees at Whole Foods Market, etc.). These residents would, for the most part, walk to and from their workplaces, and many, if not most, residents could be expected to forego the expenses of car ownership entirely. As a consequence, the extension of Lee Street

through to the north end of the Project site would not be necessary, as the current access road along the north end of the site would provide sufficient vehicle access for the much smaller number of vehicles. This would eliminate the direct and cumulative freight and pedestrian loading impacts, as well as the potential bicycle safety and transit delay impacts.

In addition, because the project alternative would involve much less construction, would occur in three much smaller phases, and would be located further from sensitive receptors at Archbishop Riordan High School, the air quality and construction noise impacts of the alternative would be significantly reduced – potentially to a level where they could be mitigated to a level of insignificance. Because the FSEIR never studied this alternative, a detailed evaluation remains to be done.

3) It must feasibly attain most of the basic objectives of the proposed project, even if the alternatives would impede to some degree the attainment of all the proposed project's objectives, or would be more costly.

Here, the DSEIR list of project objectives can be summarized as follows:

- Implement the goals of Proposition K – replacing underused surface parking on surplus public land with a substantial amount of new housing, *including a high percentage of affordable housing*. [emphasis added]
- Implement the objectives and goals of the Housing Element and 2009 Balboa Park Station Area Plan by developing a mixed-use residential neighborhood to address citywide demand for housing.
- Contribute to the City's goal of providing 5,000 housing units per year at sites identified in the General Plan for additional housing close to local and regional public transit.
- Build a mixed-income community with a range of building types and heights etc., providing new residents with a variety of housing options.
- Replace the reservoir infrastructure with new infrastructure improvements, including a public park, open space, and a community center, and a childcare facility.
- Provide pedestrian and bicycle connections to adjacent neighborhoods, including CCSF, and improve pedestrian access to public transit.
- Work with CCSF to address its parking needs
- Develop a financially feasible project, including eligibility for federal, state, regional and local subsidy sources.

None of these objectives are precluded by an alternative producing 100% permanently affordable housing on the Reservoir site.¹ Indeed, some of the principal

¹ Providing several levels of affordability would satisfy the desire for a diverse community while maximizing the amount of badly needed affordable units.

objectives, notably the first, would be better fulfilled by a 100% affordable project than by the Proposed Project.

In short, despite the protestations of the Planning Department, a 100% affordable, phased, 500-unit, publicly owned residential project would not only be eminently feasible, it would also produce far fewer impacts and far greater benefit for the City, especially if it were closely linked to the adjacent CCSF campus. For that reason alone, the FSEIR should be rejected and returned for revision.

The FSEIR is inadequate because it failed to address the changed circumstances and new information related to the COVID-19 pandemic, which requires major revisions to the Program EIR upon which the FSEIR relies.

The Planning Department response to the appeal claims that the City had no duty to address the major effects that the COVID-19 pandemic has had on the City and on the circumstances surrounding the Balboa Reservoir Project. It claims that any attempt to address those changes would require speculation about changes that might happen in the three years between now and when the first residential phase of that project is completed. However, it is the Planning Department itself that is engaged in speculation by asserting that nothing will significantly change because of the COVID-19 pandemic.

The SFMTA itself has candidly admitted that the COVID-19 pandemic has wreaked havoc on San Francisco's, and the entire Bay Area's public transportation systems. Just recently SFMTA announced major changes to MUNI routes and operations to take into account the reduced ridership, need for social distancing, increased cleaning requirements, and need to reduce delays and the time lengths of MUNI trips to take into account the fast-increasing knowledge of how threatening COVID-19 transmission is to public transit riders. (See attached articles taken from the SFMTA official website.)

While one might like to hope that in the near future we would have an effective and long-lasting vaccine that could be administered throughout the world, allowing populations in San Francisco and elsewhere to gain "herd immunity" to COVID-19 and be able to resume "normal" life as it was before this pandemic, there is, as yet, no hard evidence to support that hope. To the contrary, it is sheer speculation to presume that the major effects of this pandemic on the circumstances surrounding this project will effectively disappear within the next three years. Nothing about the current state of this pandemic or our knowledge of the coronavirus responsible for it justifies that rose-colored vision of the future.

To the contrary, our current knowledge of that coronavirus indicates the following: 1) It is extremely infectious and, if anything, is likely to gain in infectivity as it evolves while continuing to infect more and more of the world's human population; 2) If it is anything like the other known coronaviruses that infect humans (and there is nothing to indicate it is not), any immunity gained through the use of a vaccine is likely to be incomplete and relatively short-lived, requiring repeated vaccinations perhaps as frequently as every two to three years. No mass vaccination effort in human history has

ever come close to being able to achieve that goal. 3) While efforts are underway to find effective treatments for the severe and sometimes lethal effects of COVID-19, and especially its extremely high degree of mortality for those over the age of sixty-five, as of yet there are no strong candidates for effective treatments. That is not to say that none will be developed, but it would be speculative to assume that effective, and cost-effective, treatments will be found. That means that the more likely outcome – and the outcome upon which analysis should be based – is that COVID-19 will remain a major public health threat for the foreseeable future, and human society will have to adapt accordingly.

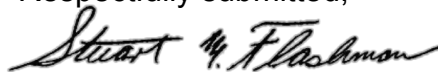
CEQA does, and often depends on, forecasting of future events and circumstances. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 428.) However, the case law under CEQA is extremely clear that speculation or opinion unsupported by evidence is not substantial evidence and cannot be used to support decisions under CEQA. (*Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497, 517.) Yet that is precisely what the Planning Department asks you to do in disregarding the need to address the effects of COVID-19 on not only this project EIR, but the entire planning framework created by the Balboa Park Area Plan.

That plan relies for its effectiveness on San Francisco's public transit systems; not just MUNI but also BART, ferries, and various ridesharing options, to replace private cars as the predominant transportation mode in the City. COVID-19 and its effects call all that into question. This project, and other projects relying on the Balboa Park Area Plan, need to first address how COVID-19 affects that Plan's continued viability. That means reopening the Program EIR and re-evaluating its impact analysis and whether its conclusions remain valid. Until that is done, it would be improper to base any decisions on the Area Plan Final Program EIR.

I am sure this is not something that you, the Supervisors that govern this City, want to hear. Clearly the Planning Department very much doesn't want to hear it – so much so that they have figuratively put their fingers into their ears to avoid hearing that their plans for further densification of San Francisco based on ever more pervasive public transit use are open to question. Nevertheless, it is a question that you, as the decision makers for this City, need to confront head-on.

There are times when the proper thing to do is to persevere in the face of overwhelming odds, and hope for a miracle. This is not one of those times. It is emphatically not the time to say, "Damn the torpedoes and full speed ahead!" CEQA is not about hope or miracles. It is about facts, logic, and rational analysis. Applying the available facts and evidence rationally and logically requires that you reject this FSEIR's certification and return it to the Planning Department for revisions, both to it and its underlying Program EIR.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stuart M. Flashman".

Stuart M. Flashman
Attorney for Appellants

21 July 2020

**Public Lands for Public Good
Defend City College Alliance**

Re: Balboa Reservoir Development Proposal
Legislative Files 200422, 200423, 200635, 200740

Dear Public Lands for Public Good and Defend City College Alliance:

Please accept this letter of my analysis as to why the Board of Supervisors should reject the Balboa Reservoir Project as proposed when the above referenced legislative files relating to this project come to the Board for a vote. I submit this letter as a professional with years of experience in many different facets of real estate development, primarily as a developer of affordable housing in San Francisco (resume attached).

Introduction

The Balboa Reservoir presents a unique opportunity for the people of this City. It is a large (16.4 acres), publicly owned site (SF Public Utilities Commission), adjacent to the main campus of City College of San Francisco and in close proximity to a major regional transit station. These are more than sixteen acres of blank canvas on which could be built something visionary. Instead the project that has been presented to the Board of Supervisors privatizes our public resources and lines a developer's pockets.

The proposed project describes 1,100 total units of which half (550 units) will be "below market rate" (affordable). What follows is a proposal for a project that would ensure that this public land is developed as 100% affordable housing.

One Hundred Percent Affordable Housing at the Balboa Reservoir

Affordable housing developers typically pay market price for land and then have to pay for their development to tie into existing infrastructure such as water, electricity, sewer, etc. This site has none of the typically available infrastructure to tie into, so building that infrastructure is a cost unique to this development. As we'll see, however, the narrative that these costs are a barrier to 100% affordable housing is false.

A typical affordable housing development budget assumes paying market value for the land. In this case, the PUC is required to sell the land for its full market value, unless the Board of Supervisors passes a resolution saying that the site should be sold for less than the market value in order to achieve a significant public benefit. There is a model for this type of transaction at 1100 Ocean where the MTA (another enterprise department) sold that site to MOHCD at a below market price in order to facilitate 100% affordable housing. This Balboa Reservoir site should follow that same template. This site should be sold to MOHCD for a below market price (as close to zero as possible) so the site stays in public ownership in order to facilitate 100% affordable housing.

Assuming the land is sold at or close to no cost to the affordable housing developer, they still have to deal with the infrastructure costs which are of course much higher than for a typical infill site. Thankfully, there are significant grant sources available from the State that can cover most of those costs. If the only State grant comes from the Infill Infrastructure Grant Program and is limited to \$30M, this would cover all but \$18M of the cost of the infrastructure which is estimated

to be \$48M over 3 phases. In order to cover those costs, if the project was 100% affordable housing, and the affordable housing developer paid \$18M to cover those infrastructure costs instead of paying for the land, this would still be a bargain at \$33,000/ unit for land associated costs (assuming 550 units).

Once the land and infrastructure have been paid for, the remaining financial challenge is to fund the construction of the affordable housing. Based on the Berkson Fiscal Feasibility Report (attached), the affordable housing construction should cost \$348,000 per unit. Assuming that there will be some inflation in materials and labor costs, let's use \$400,000 per unit for the purpose of this analysis. Since MOHCD typically provides roughly 35% of the total project cost, this would mean roughly \$77M coming from MOHCD to pay for their portion of 550 units. At \$140,000 per unit, this represents a bargain for the City because of the economy of scale and the low cost for land and infrastructure. If the City is not able to come up with \$77M all at once, then the project could be built in 2 phases. This would mean \$38.5M of MOHCD funding for each of 2 phases. If that's still too ambitious, it could be split into 3 phases of \$25.7M each.

The remainder of the funding for each phase would come from a combination of LIHTC (low income housing tax credits), State grants, and other affordable housing capital subsidies for a total of about 45% of the project cost. The final 20% would come from a bank loan or through the sale of tax exempt bonds (if using LIHTCs from the non-competitive pool). This is a typical leveraging structure that MOHCD expects when it invests in affordable housing.

100% affordable housing is both visionary and financially feasible- using City resources to meet a critical need for the long term viability of our City. Unfortunately, however, the City has chosen to present for approval a scheme for privatizing this site. This is a strategy that benefits the for-profit developer greatly, but creates financial and policy problems for both the City and the people who might live at this proposed development.

The Development Agreement Should Not Be Approved

Under the deal as proposed, the City is not only selling more than sixteen acres of public land to a private developer at a heavily discounted rate (\$11.4M), the Development Agreement says that the developer has no obligation to build anything at any time. Not only does the developer have no obligation to develop anything, but they have the ability to sell off any portion of the property. If the developer sells there is no requirement that they sell at a discounted amount. Most likely, if the current developer sells any portion of this development, the new developer would purchase at full market rate and might go back to the City to renegotiate this deal due to the different circumstances.

Rather than the City retaining ownership of the land and making sure that the housing gets built, and that the housing that is built is 100% affordable, under the proposed deal, the City literally gets a guaranty of nothing, while the developer gets a guaranty of future profits- either from the market rate housing they develop, or from selling the properties that have had a step up in market value because of the actions of the Board of Supervisors to enable this deal. The City potentially loses big, but the developer has no risk whatsoever and only stands to profit.

Additional Policy and Financial Concerns

If the developer does decide to proceed with building the housing that is outlined in the proposed project, the result will be a lesser public benefit than you think you are getting, which raises another level of financial and policy related problems.

This development has both rental and ownership components. The obligations for providing the affordable rental units seem fairly clear. On the ownership side, however, the developer has a few different options- one of which is not to provide the affordable units at all, but to pay a fee to the City in lieu of building any affordable ownership units. Therefore, we may get 530 affordable units at this site instead of 550.

Making matters worse, the affordable units don't even seem to meet the definition of "affordable" as defined in the City's "inclusionary" program. The inclusionary program sets "low income" rents as being affordable to households making 55% of AMI. This project is defining "low income" as 60% of AMI which is 5% more expensive. Low income is presented as a range of incomes, but the required average is 60%, not 55% of AMI.

The proposed project also has affordable units for "moderate income" households. The inclusionary program sets "moderate income" rents as being affordable to households earning 80% of AMI. This project is defining "moderate income" as 100% of AMI which is 20% more expensive. Moderate income is presented as a range of incomes, but the average is 100%, not 80% of AMI. Not only are these "low" and "moderate" income units more expensive than what are typically provided by developers providing "inclusionary" or "below market rate" units, but they set a bad policy precedent by redefining - or at least complicating- the definitions of "low income" and "moderate income."

Perhaps most insidious of all is the segregation and class divide that this project creates. Consider that the "affordable" units are all rental while there is a chance that there will be no affordable ownership units. The affordable units that are provided will all be built in buildings that are separate from the market rate units. In a typical market rate development with "inclusionary" units, those inclusionary (affordable) units are distributed throughout the building. They are literally "included" into the market rate development. What is proposed for this site should either be considered as "off site" inclusionary housing which would trigger a 30% requirement, or it should be viewed as a development with what is typically called a "poor door" situation where the upper income market rate residents go in through one door and the residents in the affordable units go in through a separate door. Inclusionary legislation is intentionally crafted to ensure that developers are not able to create these "poor door" conditions.

To make the segregation and class divide issues even worse, the open space at the center of the development is a privately owned public open space (POPOS). The owner and manager of this POPOS is the group of homeowners who live in the ownership units. What people do in the open space and at what hours are determined by the homeowners association for everyone who might live or visit.

For those who might be concerned about a 100% affordable housing development presenting a similar problem of segregation, this would be fallacy. A typical affordable housing development funded with Low Income Housing Tax Credits accommodates a range of residents' incomes. Large scale affordable housing developments are successful under nonprofit management and MOHCD oversight because of the high quality of the housing and the significant resources that are committed. These households like the ones at 1100 Ocean have a range of incomes and live in safe, high quality housing with dignity. Once residents move in, these developments invariably fit right in with the social and aesthetic fabric of the neighborhoods in which they are located.

The fact that this project has come so far through the approval in this form is beyond comprehension. The scheme of privatization without accountability, the confusing of definitions of what is "affordable" to guarantee higher levels of cash flow for the developer, and the segregation of wealthy and non-wealthy and of owner versus renter all add up to a misuse of public resources and of the public trust. As such my recommendation is to urge the Board of Supervisors to reject this development proposal and commit to a new development proposal that ensures 100% affordable housing is built at the Balboa Reservoir.

Sincerely,

Joseph Smooke
Consultant

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San Francisco, CA 94118
415-831-9177
josephsmooke@gmail.com

Joseph Smooke

[people. power. media]

Co-Founder, CEO, Producer, Photographer, Videographer

July 2012 to Present

Co-founded this nonprofit media organization that produces video news features and analyses about communities impacting public policy with a focus on housing and land use. Produced a six-part animation, “Priced Out” which has been featured in film festivals in San Francisco, Los Angeles, Chicago and New York City, and in workshops to more than 1,200 people.

Housing Rights Committee of San Francisco

Westside Program Director, 2015 - 2019

Led the expansion of Housing Rights Committee’s community organizing and tenant counseling to the Richmond and Sunset Districts.

Supervisor David Campos, District 9

Legislative Aide, 2013, 2014, 2015

Worked three temporary terms of employment as an Aide to Supervisor Campos, focusing primarily on housing and land use issues.

The Philippine Reporter

Photographer and Writer, 2011 - 2014

Worked as staff photographer and writer for this newspaper in Toronto, Canada.

Supervisor Eric Mar, District 1

Legislative Aide, 2011

Staffed Supervisor Mar primarily for his work as Chair of the Land Use Committee.

Bernal Heights Neighborhood Center

Executive Director, 2005 - 2011

Housing Director, 1997 - 2005

Promoted to Executive Director of this multi-service community based nonprofit organization after leading its housing development and asset management work. Led the housing program’s growth from small scale developments to being a citywide developer. Created the Small Sites Program and developed the first prototype small sites acquisition project. Also led the organization to become involved in land use planning.

Innovative Housing for Community

Housing Development Project Manager, 1993 - 1996

Developed and managed housing throughout San Francisco, Sonoma, Marin, San Mateo and Santa Clara Counties for this nonprofit provider of affordable, supportive, shared housing. Created the first affordable housing “green building” program in the Bay Area.

Skidmore Owings and Merrill
Job Captain, Architectural Designer
Los Angeles Office, 1988 - 1992
San Francisco Office, 1992 - 1993

Worked on all phases and aspects of large scale commercial and institutional buildings throughout the US and in Taiwan, including the Southern California Gas Company Tower and the Virginia State Library and Archives. Also worked on a large scale urban planning project in Changchun, China.

Awards and Recognitions

Outstanding Community Service, Coalition for San Francisco Neighborhoods, 2017

Dolores St Community Services Open Palm Award for BHNC, 2008

Central American Resource Center (CARECEN), 2007

Bank of America, Neighborhood Excellence Initiative, Local Hero Award, 2004

Education

University of California at Berkeley
Bachelor of Arts in Architecture, High Honors, 1988
Alpha Rho Chi, Departmental Award for Professional Promise

Boards of Directors and Active Affiliations

South of Market Community Action Network (SOMCAN), 2010 - Present
Chair of SOMCAN's Board

San Francisco Antidisplacement Coalition, 2016 - Present

Richmond District Rising, 2017 - Present
Steering Committee and Housing Committee

Westside Tenants Association, 2019 - Present

Community Housing Partnership, 2000 - 2006
Member, Board of Directors



**Berkson
Associates**

Urban Economics
Policy Forensics & Forecasting
Planning & Policy Analysis

REPORT

BALBOA RESERVOIR PROJECT

FINDINGS OF FISCAL RESPONSIBILITY AND FEASIBILITY

Prepared for the City and County of San Francisco

Prepared by Berkson Associates

February 9, 2018



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Appendix A: Fiscal Analysis



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EXECUTIVE SUMMARY

Chapter 29 of the City's Administrative Code requires that the Board of Supervisors make findings of fiscal feasibility for certain development projects before the City's Planning Department may begin California Environmental Quality Act ("CEQA") review of those proposed projects. Chapter 29 requires consideration of five factors: (1) direct and indirect financial benefits of the project, including, to the extent applicable, cost savings and/or new revenues, including tax revenues generated by the proposed project; (2) the cost of construction; (3) available funding for the project; (4) the long term operating and maintenance cost of the project; and (5) debt load to be carried by the City department or agency.

This report provides information for the Board's consideration in evaluating the fiscal feasibility of a proposed development (the "Project") at the 17-acre Balboa Reservoir parcel shown in **Figure 1**. The City and County of San Francisco ("City"), under the jurisdiction of the San Francisco Public Utilities Commission ("SFPUC"), owns the parcel ("Site"). The City has entered into exclusive negotiations with a team of developers led by BRIDGE Housing Corporation and AvalonBay Communities (the "Development Team") to create a mixed-income housing project (the "Project") at the Site. The Development Team would purchase the Site and build a mix of apartments, condos and townhouses.

Up to half of the units will be affordable to a range of low, moderate, and middle-income households occupying apartments and the condo units. The first 33 percent of units will be affordable units funded by value created by the Project; the additional affordable units, or up to 17 percent of total units, will be funded by public sources that could potentially include tax credits and other state sources, project-generated sources, future bonds, or the proposed gross receipts tax increase. For the purpose of the current analysis, a scenario consisting of 1,100 units, consistent with the Development Team's initial proposal, is evaluated; it is anticipated that subsequent environmental analysis will consider a range of alternatives.

Legend

- Parcel for sale (SFPUC land in fee)
- No-build zone to ensure SFPUC pipeline integrity
- SFPUC pipeline
- Public access easement to CCSF (50' wide) & SFPUC (60' wide)

Approx. Location: 37.723750 (lat) -122.453246 (long)

San Francisco Water Power Sewer Commission
Real Estate Services

Dimensions of Balboa Reservoir

The City does not guarantee that the information is accurate or complete. The City is not responsible for any damages arising from the use of data. Users should verify the information before making project commitments. Pipeline locations are only estimations. Measurements shown are only estimations from surveys, and are not exact.

Scale 1:1,500

0 25 50 100 150 200 Feet

Author: Mandella, et al. Date: 1/1/2015

All dollar amounts are expressed in terms of 2017 purchasing power, unless otherwise noted. Information and assumptions are based on data available as of February 2018. Actual numbers may change depending on Project implementation and future economic and fiscal conditions.

FISCAL BENEFITS

The proposed Balboa Reservoir Project, if approved, will create approximately \$4 million in new, annual ongoing general tax revenues to the City. After deducting required baseline allocations, and preliminary estimates of direct service costs described in **Chapter 3**, the Project as proposed will generate about \$1.7 million annually to the City, in addition to about \$1 million in other dedicated and restricted revenues. The fiscal results are largely proportional to the number of units, assuming the mix of affordable units remains constant. A reduction in the number of units would reduce the magnitude of the potential benefits, but the net impact on the City General Fund would remain positive.

The Project will generate an additional \$400,000 annually to various other City funds (children's fund, libraries, open space), and \$600,000 annually to other restricted uses including SFMTA (parking taxes), public safety (sales taxes), and San Francisco Transportation Authority (sales taxes).

Additional one-time general revenues, including construction-related sales tax and construction gross receipts tax, total \$3.3 million.

Based on standard fee rates, development impact fees total an estimated \$23 million, although the City may agree to credit some of these fees back to the Project in consideration of public-serving improvements that the Project provides in kind. In addition, certain development fees, including childcare fees and bicycle facility in-lieu fees, could be offset by facilities constructed onsite, according to the City's standard impact fee policy. No affordable housing or jobs housing linkage fees are assumed due to the provision of affordable housing onsite.

The new general revenues will fund direct services needed by the Project, including police and fire/EMS services, and maintenance of roads dedicated to the City. Other services, including maintenance and security of parks and open space, will be funded directly by tenants of the Project. The estimated \$1.7 million in net City general revenues, after deducting service costs and Charter-mandated baseline allocations of general revenues, will be available to the City to fund improved or expanded Citywide infrastructure, services and affordable housing. **Chapter 3** further describes fiscal revenue and expenditure estimates.

ECONOMIC BENEFITS

The Project will provide a range of direct and indirect economic benefits to the City. These benefits include a range of economic benefits such as new jobs, economic activity, and increased public and private expenditures as described in **Chapter 5** and summarized below:

- Over \$560 million of construction activity and approximately 2,800 construction-related job-years during development, in addition to indirect and induced jobs.
- Approximately 1,100 new residential units, including up to 550 permanently affordable units. This housing is critical to economic growth in San Francisco and the region.

The Project will also create a small number of permanent non-construction jobs onsite related to parking facilities, landscape maintenance, and various services associated with the residential units.

DIRECT FINANCIAL BENEFITS TO THE SFPUC

The SFPUC, which has exclusive jurisdiction over the Site, will benefit financially from the sale of the Site. The land sale price will be negotiated to reflect the final development and public benefits program. The SFPUC may also realize increased revenues by providing power to the Project's residents.

NEW PUBLIC FACILITIES

The Project will construct parks and open spaces available to the general public. The Project also includes a childcare center that will be accessible by the public as well as the Project's residents.

OTHER BENEFITS

The Project may fall within the Ocean Avenue Community Benefits District (CBD), which assesses property owners to provide funding for a range of services within the neighborhood, including maintenance and cleaning of public rights of way, sidewalk operations and public safety, and District identity and streetscape improvements. Parcels within the CBD pay for and receive these services as participants in the CBD. The CBD's applicability and associated tax rate will be determined prior to project approvals.

1. THE PROJECT & COSTS OF CONSTRUCTION

The Project will be constructed in two phases with Site preparation and construction planned to begin as early as 2021, Phase 1 units leased and sold as early as 2023, and Phase 2 units leased and sold by 2025, according to current plans. The Project and its development costs total at least \$560 million, as described below. The Development Team will be responsible for planning, construction, marketing and operating the Project. The Development Team will reimburse the City for its costs incurred during the Project planning and environmental review process, including City staff costs. **Chapter 2** describes sources of funding to pay for development costs.

PROJECT DESCRIPTION

The Balboa Reservoir Site is an approximately 17-acre parcel that the City owns under the SFPUC's jurisdiction. The Site is located in the central southern portion of San Francisco, bounded by City College of San Francisco's Ocean Campus to the east, Riordan High School to the north, the Westwood Park neighborhood to the west, and the Avalon Ocean Avenue apartments to the south.

Plans for the Site's development envision a mixed-income housing Project. The Development Team would purchase the Site and build a mix of apartments, condos and townhouses.

Residential – This fiscal analysis assumes a scenario consisting of 1,100 total residential units. This scenario is based on the Development Team's response to the SFPUC Request for Proposals; environmental analysis will evaluate a range of units that may differ from the scenario in this report, and the Project's final unit count may also differ accordingly.

Affordable Housing – The Project proposes 50 percent of total units to be affordable, including 18 percent affordable to low-income households,¹ and 15 percent affordable to moderate-income households², for a subtotal of 33 percent affordable housing units. An additional 17 percent of units are proposed to be affordable to a combination of low, moderate, and middle-income households.

Parking – The fiscal analysis evaluates 1,010 parking spaces. Of the total spaces, 500 will be constructed in a parking garage and shared with the City College community.

¹ Low-income rents would not exceed 55% of Area Median Income (AMI), and low-income for-sale prices would not exceed 80% of AMI.

² Moderate-income rents and sales prices would not exceed 120% of AMI.

CONSTRUCTION COSTS AND ASSESSED VALUE

Table 1 summarizes development costs totaling at least \$560 million,³ which will be phased through buildout by 2025 depending on future market conditions. Taxable assessed value is estimated based on development cost, with affordable rental housing exempted from property taxes if serving households who earn no more than 80% of AMI . These costs and values provide the basis for estimates of various fiscal tax revenues and economic impacts.

Table 1 Summary of Construction Costs and Assessed Value

Item	Development Cost
<u>Residential Buildings (1)</u>	
Townhouses (Market-rate)	\$60,598,000
Condos (Affordable)	\$15,360,000
Apartments (Market-rate)	\$169,412,000
Apartments (Moderate)	\$87,818,000
Apartments (Low-income)	<u>\$88,031,000</u>
Subtotal, Residential Buildings	\$421,219,000
<u>Other</u>	
Parking - shared (500 spaces)	\$13,830,000
Infrastructure (2)	\$38,000,000
Other Costs (3)	<u>\$86,787,000</u>
Total	\$559,836,000
(less) Property Tax-Exempt	
Low-income Rental Units (up to 80% AMI)	(\$88,031,000)
Net Taxable Assessed Value	\$471,805,000

- (1) Includes building hard costs, residential parking, and site development. Site acquisition and community benefits are to be negotiated and are not included.
- (2) Master infrastructure includes utilities, roads, grading, parks and open space.
- (3) "Other Costs" include soft costs (eg legal, design, finance, furnishings and fixtures).
Permits & Fees not included for purposes of A.V. estimates. 2/9/18

³ Hard and soft development costs; land costs, community benefits and other mitigations are to be negotiated and are not estimated.

2. AVAILABLE FUNDING FOR THE PROJECT

As described in the prior chapter, development costs are anticipated to total \$560 million or more over the course of Project buildout. Several financing mechanisms and sources will assure funding of these costs and development of the Project.


HORIZONTAL & VERTICAL DEVELOPMENT OF THE SITE

The Development Team will be responsible for funding all horizontal Site improvements, infrastructure and public facilities needed to serve the Project, and vertical building construction with the exception of a portion of the affordable housing, as described in the section that follows. In addition to Developer equity and private financing, Project-based sources of funding and/or reimbursement could include (but may not be not limited to) the following:

- **Net sales proceeds and lease revenues** -- Revenues generated by the Project will help to fund improvements and repay private sources of investment and debt.
- **Mello-Roos Community Facilities District (CFD)** -- Bond proceeds secured by CFD special taxes may help to fund infrastructure costs. CFD special taxes not required for CFD debt service may fund horizontal Site development costs on a “pay-as-you-go” basis.
- **State sources** – No direct City subsidy will be used to build the 33% of the Project’s total housing units that must paid for by the Project. However, the Developer may access non-competitive state funding such as 4% tax credits and tax-exempt bonds

FUNDING OF AFFORDABLE HOUSING

As described above, 33% of the Project’s total housing units will be affordable housing paid for by the Project, such as with Developer equity or revenues generated by the market-rate portion of the Project, or non-competitive state sources. This baseline 33% rate is based on Proposition K (2015), which set the expectation that housing on property sold by the City will have no less than this amount of affordable housing.

Up to an additional 17% of the Project’s total housing units will be affordable housing paid for with non-Project funds. The Development Team’s initial proposal estimated that a subsidy of approximately \$26 million would be required to provide approximately 187 additional  affordable housing units, although this cost is subject to change as a result of changes in construction costs, availability of state funding, the low income housing tax credit market, and the Project’s unit count or affordable housing program.

Funding sources for this additional affordable housing could potentially include:

- **Gross Receipts Tax.** In June, 2018, San Francisco voters will consider a ballot measure that would raise funds for affordable housing by increasing the gross receipts tax rate for commercial space. If this measure is approved, the Project would be eligible to utilize a portion of the new affordable housing funds.
- **Project-Generated Sources.** As determined by fiscal feasibility analysis, the Project will generate net new General Fund revenue of approximately \$1.7 million. A portion of this revenue could be reinvested back into the Project; the mechanism for this reinvestment could be an infrastructure financing district, an affordable housing investment plan pursuant to AB 1598, or a direct transfer from the City.
- **State Sources.** The Project could apply for one of several funding sources administered at the state level, such as the California's Affordable Housing and Sustainable Communities program and certain low income housing tax credit programs.
- **Bond Revenue.** In November, 2018, California voters will consider a \$4 billion state affordable housing bond. In addition, local affordable housing bonds are likely to be proposed in San Francisco in upcoming years; most recently, in 2015, San Francisco voters approved a \$310 million affordable housing bond.

OTHER MAINTENANCE FUNDING

In addition to the public tax revenues generated to fund public services and road maintenance, as described in the **Chapter 3** fiscal analysis, CFD special taxes (or HOA fees) will be paid by property owners to fund a range of public services including onsite parks and open space maintenance and operation.

3. FISCAL ANALYSIS: INFRASTRUCTURE MAINTENANCE & PUBLIC SERVICES

Development of the Project will create new public infrastructure including streets, parks and open space that will require ongoing maintenance. **Table 2** summarizes total annual general revenues created by the Project, and net revenues available after funding the Project's service costs. The fiscal results are largely proportional to the number of units, assuming the mix of affordable units remains constant. A reduction in the number of units would reduce the magnitude of the potential benefits and an increase in the number of units would increase their magnitude, but in either case the net impact on the City General Fund would remain positive.

Table 2 Estimated Annual Net General Revenues and Expenditures

Item	Annual Amount
Annual General Revenue	
Property Taxes (1)	\$2,682,000
Property Tax in Lieu of VLF	\$567,000
Property Transfer Tax	391,000
Sales Tax	261,000
Parking Tax (City 20% share)	95,000
Gross Receipts Tax	<u>63,000</u>
Subtotal, General Revenue	\$4,059,000
(less) 20% Charter Mandated Baseline	<u>(\$811,800)</u>
Revenues to General Fund above Baseline	\$3,247,200
Public Services Expenditures	
Parks and Open Space	<i>Project's taxes or fees</i>
Roads (maintenance, street cleaning)	76,000
Police (2)	855,000
Fire (2)	<u>607,000</u>
Subtotal, Services	\$1,538,000
NET Annual General Revenues	\$1,709,200
Annual Other Dedicated and Restricted Revenue	
Property Tax to Other SF Funds (1)	\$413,000
Parking Tax (MTA 80% share)	\$380,000
Public Safety Sales Tax	\$130,000
SF Cnty Transportation Auth'y Sales Tax	<u>\$130,000</u>
Subtotal	\$1,053,000
TOTAL, Net General + Other SF Revenues	\$2,762,200
Other Revenues	
Property Tax to State Education Rev. Fund (ERAF)	\$1,195,000

(1) Property tax to General Fund at 57%. Other SF funds include the Childrens' Fund, Library Fund, and Open Space Acquisition.

(2) Police and Fire costs based on Citywide avg. cost per resident and per job.

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As noted in the prior **Table 2**, certain service costs will be funded through special taxes or assessments paid by new development and managed by a master homeowners association (HOA). Other required public services, including additional police, fire and emergency medical services (EMS), as well as the maintenance of any new roads that are built by the Project and transferred to the City, will be funded by increased General Fund revenues from new development. MUNI/transportation services may also be affected and will be offset by a combination of service charges, local, regional and State funds.

Table 3 summarizes development impact fees and other one-time revenues during construction. The impact fee revenue will be dedicated and legally required to fund infrastructure and facilities targeted by each respective fee. Credits may be provided against certain fees to the extent that the Project builds qualifying infrastructure and public facilities onsite, for example, bicycle parking and childcare facilities. The City may also agree to credit some of these fees back to the Project in consideration of public-serving improvements that the Project provides in kind. Certain impact fee revenues may be used Citywide to address needs created by new development. No affordable housing in-lieu fees or jobs housing linkage fees are assumed due to the Project providing affordable units equal to 50 percent of total units.

Table 3 Estimated Impact Fees and One-Time Revenues

Item	Total Amount
City Development Impact Fees (1)	
Balboa Park Community Infrastructure	\$9,371,000
Jobs Housing Linkage (2)	na
Affordable Housing (3)	provided onsite
Child Care (4)	\$2,308,000
Bicycle Parking In-lieu	provided onsite
Transportation Sustainability Fee	<u>\$11,315,000</u>
	\$22,994,000
Other Fees	
San Francisco Unified School District	\$3,957,000
Other One-Time Revenues	
Construction Sales Tax (1% Gen'l Fund)	\$1,419,000
Gross Receipts Tax During Construction	<u>\$1,892,000</u>
Total: Other One-Time Revenues	\$3,311,000

(1) Impact fee rates as of Jan. 1, 2018. Refer to Table A-3 for additional detail.

(2) Linkage fee (commercial uses only) assumed offset by Project's affordable housing.

(3) Affordable housing will be provided on site.

(4) Child Care impact fee may be waived in consideration for the Project's on-site childcare center.

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MAINTENANCE AND SERVICE COSTS

Actual costs will depend on the level of future service demands, and Citywide needs by City departments at the time of development and occupancy.

Public Open Space

The Project will include at least 4.0 acres of public parks and open spaces. The parks consist of a large open space of approximately 2 acres, and at least 1.5 acres, along with “gateway” green spaces to serve as gathering places that unite the Site with the surrounding neighborhoods.

The Recreation and Parks Department (RPD) may express interest in assuming ownership and/or operations and maintenance responsibilities for the proposed large open space, subject to agreement between the Project developer and the City. The developer may engage in discussions with RPD about potentially entering into such an arrangement as part of the Development Agreement. However, absent such an arrangement, the Project will fund the parks and open spaces’ ongoing operating costs, including administration, maintenance, and utility costs using CFD services special taxes (or HOA fees) paid by property owners. A master homeowners association would be responsible for managing maintenance activities, as well as the programming of recreation activities not otherwise provided by the City. Specific service needs and costs will be determined based on the programming of the parks.

Police

The Project Site is served by the SFPD’s Ingleside Station. The addition of the Project’s new residents would likely lead the Ingleside Police District to request additional staffing. Over the past several decades, the SFPD has kept staffing levels fairly constant and manages changing service needs within individual districts by re-allocating existing capacity. If needed to serve new residents associated with the Project, additional officers would most likely be reassigned from other SFPD districts and/or hired to fill vacancies created by retirements.^{4 5} For purposes of this analysis, the Project’s police service cost is estimated using the City’s current per capita service rate.

Fire and EMS

The San Francisco Fire Department (SFFD) deploys services from the closest station with available resources, supplemented by additional resources based on the nature of the call. SFFD

⁴ Carolyn Welch, San Francisco Police Department, telephone interview, December 22, 2017.

⁵ Jack Hart, San Francisco Police Department, telephone interview, January 3, 2017.

anticipates that it will require additional resources to serve the Site and its vicinity as that area's population grows, but it has not yet determined the anticipated costs.⁶ The costs in this report have been estimated based on Citywide averages.

SFMTA

Using the City's Transportation Demand Management (TDM) Ordinance as a guide, the Project will include a TDM program that encourages the use of sustainable modes of transportation for residents and visitors. This approach will increase demand for and revenues to local public transit service, which includes the J, K, and M MUNI light rail lines and the 8, 29, 43, 49, and 88X bus lines. The Project will also be required to pay the Transportation Sustainability Fee and/or provide equivalent in-kind transportation benefits, as well as provide transportation mitigation measures required as a result of the environmental review process. Specific impacts on transit services, costs, and cost recovery will be studied and determined by the final development program, TDM plan, and environmental review findings.

Department of Public Works (DPW)

The Project will create new rights of way to provide access into and out of the Site and circulation within it. These improvements may be accepted by the City, provided that they are designed to standards approved by applicable City agencies, in which case DPW would be responsible for cleaning and maintaining them. Based on the anticipated type and intensity of these proposed rights of way, DPW is estimating annual maintenance costs⁷. For purposes of the current analysis, a Citywide average cost per mile of road provides an estimated cost.

The Project may also include some smaller roads and access points that would remain private, in which case the City would not be responsible for their ongoing operation and maintenance. Instead, special taxes paid by owners of Project buildings, for example as participants in a services CFD, could fund their maintenance. The services budget would be sized to pay for ongoing maintenance of facilities as well as periodic "life cycle" costs for repair and replacement of facilities.

⁶ Olivia Scanlon, San Francisco Fire Department, telephone interview, February 8, 2018.

⁷ Bruce Robertson, Department of Public Works, correspondence with City Project staff.

PUBLIC REVENUES

New tax revenues from the Project will include ongoing annual revenues and one-time revenues, as summarized in the prior tables. The revenues represent direct, incremental benefits of the Project. These tax revenues will help fund public improvements and services within the Project and Citywide. The following sections describe key assumptions and methodologies employed to estimate each revenue.

Charter Mandated Baseline Requirements

The City Charter requires that a certain share of various General Fund revenues be allocated to specific programs. An estimated 20 percent of revenue is shown deducted from General Fund discretionary revenues generated by the Project (in addition to the share of parking revenues dedicated to MTA, shown separately). While these baseline amounts are shown as a deduction, they represent an increase in revenue as a result of the Project to various City programs whose costs aren't necessarily directly affected by the Project, resulting in a benefit to these services.

Property Taxes

Property tax at a rate of 1 percent of value will be collected from the land and improvements constructed by the Project.⁸ The City receives up to \$0.65 in its General Fund and special fund allocations, of every property or possessory interest tax dollar collected. The State's Education Revenue Augmentation Fund (ERAF) receives \$0.25 of every property tax dollar collected.

The remaining \$0.10 of every property tax dollar collected, beyond the City's \$0.65 share and the \$0.25 State ERAF share, is distributed directly to other local taxing entities, including the San Francisco Unified School District, City College of San Francisco, the Bay Area Rapid Transit District and the San Francisco Bay Area Air Quality Management District. These distributions will continue and will increase as a result of the Project.

Upon the sale of a parcel, building, or individual unit constructed at the Project, the taxable value will be assessed at the new transaction price. The County Assessor will determine the assessed values; the estimates shown in this analysis are preliminary and may change depending on future economic conditions and the exact type, amount and future value of development.

⁸ Ad valorem property taxes supporting general obligation bond debt in excess of this 1 percent amount and other assessments are excluded for purposes of this analysis. Such taxes require separate voter approval and proceeds are payable only for uses approved by the voters.

Certain properties, including non-profits providing low-income rental housing, are exempt from property tax.

It is likely that property taxes will also accrue during construction of infrastructure and individual buildings, depending on the timing of assessment and tax levy. These revenues have not been estimated.

Property Tax In-Lieu of Vehicle License Fees

In prior years, the State budget converted a significant portion of Motor Vehicle License Fee (VLF) subventions into property tax distributions; previously these revenues were distributed by the State using a per-capita formula. Under the current formula, these distributions increase over time based on assessed value growth within a jurisdiction. Thus, these City revenues will increase proportionate to the increase in the assessed value added by the new development.

Sales Taxes

The City General Fund receives 1 percent of taxable sales. New residents will generate taxable sales to the City. In addition to the 1 percent sales tax received by every city and county in California, voter-approved local taxes dedicated to transportation purposes are collected. Two special districts, the San Francisco County Transportation Authority and the San Francisco Public Financing Authority (related to San Francisco Unified School District) also receive a portion of sales taxes (0.50 and 0.25 percent, respectively) in addition to the 1 percent local General Fund portion. The City also receives revenues from the State based on sales tax for the purpose of funding public safety-related expenditures.

Sales Taxes from Construction

During the construction phases of the Project, one-time revenues will be generated by sales taxes on construction materials and fixtures purchased in San Francisco. Sales tax will be allocated directly to the City and County of San Francisco in the same manner as described in the prior paragraph. Construction sales tax revenues may depend on the City's collection of revenues pursuant to a sub-permit issued by the State.

Transient Occupancy Tax (TOT)

Hotel Room Tax (also known as Transient Occupancy Tax or TOT) will be generated when hotel occupancies are enhanced by the residential uses envisioned for the Project, such as when friends and relatives come to San Francisco to visit Project residents but choose to stay at hotels. The City currently collects a 14 percent tax on room charges. However, given that no hotels are envisioned for the Project (out-of-town visitors to the Site will likely stay at hotels elsewhere in the City), the impact will not be direct and is excluded from this analysis.

Parking Tax

The City collects tax on parking charges at garages, lots, and parking spaces open to the public or dedicated to commercial users. The tax is 25 percent of the pre-tax parking charge. The revenue may be deposited to the General Fund and used for any purpose, however as a matter of City policy the SFMTA retains 80 percent of the parking tax revenue; the other 20 percent is available to the General Fund for allocation to special programs or purposes. This analysis assumes that parking spaces envisioned for the Project's 500-space shared parking garage will generate parking tax; no parking tax is assumed from the residential-only parking spaces. Off-site parking tax revenues that may be generated by visitors or new residents are not included.

Property Transfer Tax

The City collects a property transfer tax ranging from \$2.50 on the first \$500 of transferred value on transactions up to \$250,000 to \$15.00 per \$500 on transactions greater than \$25 million.

The fiscal analysis assumes that commercial apartment property sells once every ten to twenty years, or an average of about once every 15 years. For estimating purposes, it is assumed that sales are spread evenly over every year, although it is more likely that sales will be sporadic. An average tax rate has been applied to the average sales transactions to estimate the potential annual transfer tax to the City. Actual amounts will vary depending on economic factors and the applicability of the tax to specific transactions.

The for-sale units can re-sell independently of one another at a rate more frequent than rental buildings. This analysis conservatively assumes that the average condominium or townhouse will be sold to a new owner every ten years, on average.

Gross Receipts Tax

Commercial activity, including residential rental property, generates gross receipts taxes. Actual revenues from future gross receipt taxes will depend on a range of variables, including the amount of rental income. This analysis assumes the current gross receipts tax rate of 0.3% (applicable to revenues in the \$2.5 million to \$25 million range).

DEVELOPMENT IMPACT FEES

The Project will generate a number of one-time City impact fees including:

- **Balboa Park Community Infrastructure** (Planning Code Sec. 422) -- These fees "shall be used to design, engineer, acquire, improve, and develop pedestrian and streetscape improvements, bicycle infrastructure, transit, parks, plazas and open space, as defined in the

Balboa Park Community Improvements Program with the Plan Area. Funds may be used for childcare facilities that are not publicly owned or "publicly-accessible."⁹

- **Jobs Housing Linkage** (Planning Code Sec. 413)-- These fees apply only to commercial uses and are assumed to be offset by the affordable housing provided onsite.
- **Affordable Housing** (Planning Code Sec. 415) --All affordable housing will be provided on the Site, and therefore the Project will be exempt from the fees.
- **Child Care** (Planning Code Sec. 414, 414A) -- A fee per square foot is charged to residential uses. It is likely that all or some portion of these fees will be offset and reduced by the value of childcare facilities constructed onsite.
- **Bicycle Parking In-lieu Fee** (Planning Code Sec. 430) -- This fee is assumed to be offset by facilities provided onsite.
- **Transit Sustainability Fee (TSF)** (Planning Code Sec. 411A) -- This fee, effective December 25, 2015, replaced the Transit Impact Development Fee. It is a fee per square foot paid by residential and non-residential uses.

In addition to the impact fees charged by the City, utility connection and capacity charges will be collected based on utility consumption and other factors. Other fees will include school impact fees to be paid to the San Francisco Unified School District. The Project will also pay various permit and inspection fees to cover City costs typically associated with new development projects.

⁹ San Francisco Planning Code, Article 4, Sec. 422.5(b)(1) Balboa Park Community Improvements Fund, Use of Funds.

4. DEBT LOAD TO BE CARRIED BY THE CITY AND THE SFPUC

No debt is anticipated to be incurred by the City or the SFPUC in connection with the Project. However, public financing or other non-Project sources will be required to achieve the target affordable housing rate of 50%, as described above. The City could potentially issue bonds in conjunction with several of these sources, subject to regulatory and/or voter approval, but a number of other financing options would allow the City to avoid issuing new debt.

5. BENEFITS TO THE CITY AND SFPUC

The Project will provide a range of direct and indirect benefits to the City and the SFPUC. These benefits include tax revenues that exceed service costs, as well as a range of other economic benefits such as new jobs, economic activity, and increased public and private expenditures.

FISCAL BENEFITS

As described in **Chapter 3**, the Project is anticipated to generate a net \$1.7 million of annual general City tax revenues in excess of its estimated public service costs, in addition to about \$1 million in other dedicated and restricted revenues. These revenues would be available for expansion of local and/or Citywide services and public facilities. Approximately 20 percent of revenues are allocated to "Baseline" costs, which represents a benefit to the City.

ECONOMIC BENEFITS TO THE CITY

New Permanent Jobs - The Project will create a small number of new jobs related to the parking facilities and services, childcare services at the childcare center, and landscape and other onsite maintenance services. The residential uses will also create janitorial and domestic service jobs. Because the Project is entirely residential, its economic "multiplier" effects are minimal.

Temporary Jobs - The construction of the Project will create short-term construction spending and construction jobs, estimated at 2,800 job-years.

New Housing Supply - Completion of approximately 1,100 residential units also will have the positive economic benefit of adding a significant amount to the City's total supply of housing. This provides increased access to housing for existing City residents, as well employees working within the City. Importantly, these approximately 1,100 units will include up to 550 units of affordable to low, moderate, and middle-income households, which are populations with acute housing needs in San Francisco.

DIRECT FINANCIAL BENEFITS TO THE CITY AND SFPUC

The Project will result in several direct financial benefits:

Proceeds from Property Sale -- The sale of the property currently owned by the City will generate net proceeds. The SFPUC will receive fair market value for the sale of the property.

Increased Sale of Public Power -- The SFPUC may provide electrical power to the Project's residents, generating net revenues to the SFPUC.

NEW PUBLIC FACILITIES

The Project will construct parks and open spaces, a shared parking garage, and a community room available to the general public. The Project also includes a childcare center that will be accessible by the public as well as the Project's residents. These facilities are expected to be utilized by the City College community and residents of surrounding neighborhoods.

OTHER BENEFITS

The Project may participate in the Ocean Avenue Community Benefits District (CBD) that provides funding for a range of services within the neighborhood, including maintenance and cleaning of public rights of way, sidewalk operations and public safety, and District identity and streetscape improvements. The CBD's applicability and associated tax rate will be determined prior to project approvals.



APPENDIX A: FISCAL ANALYSIS

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Table 1
Fiscal Results Summary, Ongoing Revenues and Expenditures
Balboa Reservoir

Item	Annual Amount
Annual General Revenue	
Property Taxes (1)	\$2,682,000
Property Tax in Lieu of VLF	\$567,000
Property Transfer Tax	391,000
Sales Tax	261,000
Parking Tax (City 20% share)	95,000
Gross Receipts Tax	<u>63,000</u>
Subtotal, General Revenue	\$4,059,000
(less) 20% Charter Mandated Baseline	<u>(\$811,800)</u>
Revenues to General Fund above Baseline	\$3,247,200
Public Services Expenditures	
Parks and Open Space	<i>Project's taxes or fees</i>
Roads (maintenance, street cleaning)	76,000
Police (2)	855,000
Fire (2)	<u>607,000</u>
Subtotal, Services	\$1,538,000
NET Annual General Revenues	\$1,709,200
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Property Tax to Other SF Funds (1)	\$413,000
Parking Tax (MTA 80% share)	\$380,000
Public Safety Sales Tax	\$130,000
SF Cnty Transportation Auth'y Sales Tax	<u>\$130,000</u>
Subtotal	\$1,053,000
TOTAL, Net General + Other SF Revenues	\$2,762,200
Other Revenues	
Property Tax to State Education Rev. Fund (ERAF)	\$1,195,000

(1) Property tax to General Fund at 57%. Other SF funds include the
 Childrens' Fund, Library Fund, and Open Space Acquisition.

(2) Police and Fire costs based on Citywide avg. cost per resident and per job.

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Table 2
Fiscal Results Summary, One-Time Revenues
Balboa Reservoir

Item	Total Amount
<u>City Development Impact Fees (1)</u>	
Balboa Park Community Infrastructure	\$9,371,000
Jobs Housing Linkage (2)	na
Affordable Housing (3)	provided onsite
Child Care (4)	\$2,308,000
Bicycle Parking In-lieu	provided onsite
Transportation Sustainability Fee	<u>\$11,315,000</u>
	\$22,994,000
<u>Other Fees</u>	
San Francisco Unified School District	\$3,957,000
<u>Other One-Time Revenues</u>	
Construction Sales Tax (1% Gen'l Fund)	\$1,419,000
Gross Receipts Tax During Construction	<u>\$1,892,000</u>
Total: Other One-Time Revenues	\$3,311,000

(1) Impact fee rates as of Jan. 1, 2018. Refer to Table A-3 for additional detail.

(2) Linkage fee (commercial uses only) assumed offset by Project's affordable housing.

(3) Affordable housing will be provided on site.

(4) Child Care impact fee may be waived in consideration for the Project's on-site
childcare center.

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Table A-1a
Project Description Summary
Balboa Reservoir

Item (1)	Units, Sq.Ft., or Spaces
Apartments	
Market Rate	483 units
Affordable	<u>502</u> units
Total, Apts	985 units
Condos and Townhouses	
Market Rate Townhouses	67 units
Affordable Condos	<u>48</u> units
Total, Condos and Townhouses	115 units
Total, Residential	units
Market Rate	50% 550 units
Affordable	50% <u>550</u> units
	1,100 units
Community Gathering Space	1,500 sq.ft.
Childcare Center (capacity for 100 children)	5,000 sq.ft.
Shared Garage	500 spaces
	175,000 sq.ft.

(1) Number of units and space are preliminary and for evaluation purposes only.
Further analysis may consider different development program scenarios.

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Table A-1b
Project Description Summary -- Affordable Units
Balboa Reservoir

Housing Category	% of Total	Units (1)
<u>Baseline Affordable Apts.</u>		
Low-Income (Bridge/Mission <55% AMI)	16%	174
Moderate-Income (Bridge <120% AMI)	15%	<u>165</u>
Total Baseline Affordable		339
<u>Baseline Affordable Condos</u>		
Low-Income (Habitat <80% AMI)	2%	24
Total Baseline Affordable	33%	363
<u>Additional Affordable Apts.</u>		
Low-Income (Bridge <20% & <55% AMI)	15%	163
<u>Additional Affordable Condos</u>		
Moderate-Income (Habitat <105% AMI)	2%	24
Total Additional Affordable	17%	187
Total Affordable	50%	550
Market-Rate Apts		483
Market-Rate Townhouses		<u>67</u>
Total, Market Rate	50%	550
TOTAL UNITS	100%	1,100

(1) Number of units and space are preliminary and for evaluation purposes only;
Further analysis may consider different development program scenarios.

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Table A-2
Population and Employment
Balboa Reservoir

Item	Assumptions	Total
Population	2.27 persons per unit (1)	2,497
<u>Employment (FTEs)</u>		
Residential (2)	27.9 units per FTE (2)	39
Parking	270 spaces per FTE (2)	<u>2</u>
Total		41
Construction (job-years) (5)	\$559,836,000 Construction cost	2,754
TOTAL SERVICE POPULATION		
Residents		2,497
Employees (excluding construction jobs)		<u>41</u>
Total Service Population (Residents plus Employees)		2,538
CITYWIDE		
Residents (3)		874,200
Employees (4)		<u>710,300</u>
Service Population (Residents plus Employees)		1,584,500

(1) ABAG 2015 estimate (citywide); actual Project density will vary depending on unit size and mix.

(2) Residential jobs include building management, janitorial, cleaning/repair, childcare, and other domestic services. Factors based on comparable projects.

(3) Cal. Dept. of Finance, Rpt. E-1, 2017

(4) BLS QCEW State and County Map, 2016Q3.

(5) Construction job-years based on IMPLAN job factors.

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Table A-3
San Francisco City Development Impact Fee Estimate
Balboa Reservoir

Item		Total Sq.Ft. (1)	Total Fees
<u>Residential</u>	Units		
Market-Rate	550	605,000	
Moderate-Income	189	189,000	
Low-Income	<u>361</u>	<u>342,950</u>	
Total	1,100	1,136,950	
<u>Other</u>			
Childcare Facility	approximately	5,000	
Shared Parking (2)		175,000	
City Impact Fees (per gross building sq.ft.) (2)	Fee Rate		
Balboa Park Community Infrastructure			
Residential (3)	\$11.32 /sq.ft.	794,000	\$8,988,080
Non-Residential (3)	\$2.13 /sq.ft.	180,000	\$383,400
Jobs Housing Linkage (4)	na		na
Affordable Housing (5)	na		na
Child Care (6)	\$2.03 /sq.ft.	1,136,950	\$2,308,009
Bicycle Parking In-lieu Fee (7)	na		na
Transportation Sustainability Fee			
Residential (8)	\$9.71 /sq.ft.	794,000	\$7,709,740
Non-Residential (3)	\$20.03 /sq.ft.	180,000	<u>\$3,605,400</u>
Total			\$22,994,629
Other Impact Fees (9)			
San Francisco Unified School District	\$3.48 /sq.ft.	1,136,950	\$3,956,586

(1) Residential fees assume approximately 950 to 1,100 sq.ft./unit. Mix of sizes will vary in final program.

(2) All impact fees are as of January 2018.

(3) Units affordable to a maximum 80% AML exempt from Balboa Park Community Infrastructure Fee.
100% of non-residential assumed to be subject to TSF & Community Infrastructure Fee.

(4) Jobs Housing Linkage not applicable to residential.

(5) Plans anticipate affordable units sufficient to offset fee requirement.

(6) Child Care impact fee may be waived in consideration for the Project's on-site childcare facility.

(7) Bicycle facilities provided onsite, not subject to fee.

(8) Units affordable to a maximum 80% AML exempt from Transportation Sustainability Fee (TSF).

(9) Additional utility fees and charges will be paid, depending on final Project design.

Sources: City of San Francisco, and Berkson Associates.

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Table A-4
Assessed Value Estimate
Balboa Reservoir

Item	Development Cost
<u>Residential Buildings (1)</u>	
Townhouses (Market-rate)	\$60,598,000
Condos (Affordable)	\$15,360,000
Apartments (Market-rate)	\$169,412,000
Apartments (Moderate)	\$87,818,000
Apartments (Low-income)	<u>\$88,031,000</u>
Subtotal, Residential Buildings	\$421,219,000
<u>Other</u>	
Parking - shared (500 spaces)	\$13,830,000
Infrastructure (2)	\$38,000,000
Other Costs (3)	<u>\$86,787,000</u>
Total	\$559,836,000
(less) Property Tax-Exempt	
Low-income Rental Units (up to 80% AMI)	(\$88,031,000)
Net Taxable Assessed Value	\$471,805,000

(1) Includes building hard costs, residential parking, and site development. Site acquisition and community benefits are to be negotiated and are not included.

(2) Master infrastructure includes utilities, roads, grading, parks and open space.

(3) "Other Costs" include soft costs (eg legal, design, finance, furnishings and fixtures).

Permits & Fees not included for purposes of A.V. estimates.

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Table A-5
Property Tax Estimate
Balboa Reservoir

Item	Assumption	Total
Taxable Assessed Value (1)		\$471,805,000
Gross Property Tax	1.0%	\$4,718,000
Allocation of Tax		
General Fund	56.84%	\$2,682,000
Childrens' Fund	3.75%	\$177,000
Library Preservation Fund	2.50%	\$118,000
Open Space Acquisition Fund	<u>2.50%</u>	<u>\$118,000</u>
Subtotal, Other Funds	8.75%	\$413,000
ERAF	25.33%	\$1,195,000
SF Unified School District	7.70%	\$363,000
Other	<u>1.38%</u>	<u>\$65,000</u>
	34.41%	\$1,623,000
Total, 1%	100.00%	\$4,718,000
Other (bonds, debt, State loans, etc.)	17.23%	\$813,000
TOTAL	117.23%	\$5,531,000

Sources: City of San Francisco, and Berkson Associates

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Table A-6
Property Tax in Lieu of VLF Estimate
Balboa Reservoir

Item	Total
Citywide Total Assessed Value (1)	\$231,000,000,000
Total Citywide Property Tax in Lieu of Vehicle License Fee (VLF) (2)	\$233,970,000
Project Assessed Value	\$559,836,000
Growth in Citywide AV due to Project	0.24%
TOTAL PROPERTY TAX IN LIEU OF VLF (3)	\$567,000

(1) Based on the CCSF FY2017 total assessed value, Office of the Assessor-Controller, July 21, 2017.

(2) City and County of San Francisco Annual Appropriation Ordinance for Fiscal Year Ending June 30, 2018, page 127.

(3) Equals the increase in Citywide AV due to the Project multiplied by the current Citywide Property Tax In Lieu of VLF.
No assumptions included about inflation and appreciation of Project or Citywide assessed values.

Sources: City of San Francisco, and Berkson Associates

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Table A-7
Property Transfer Tax
Balboa Reservoir

Item	Assumptions	Total
<u>Annual Transfer Tax From Condo and Townhouses Sales</u>		
Assessed Value (AV)	\$75,958,000	
Annual Transactions	10.0% (avg. sale once/10 years)(4)	\$7,596,000
Transfer Tax From Condos and Townhouses	\$3.40 /\$500 (1)	\$52,000
<u>Market-Rate Apartments (5)</u>		
Assessed Value (AV)	\$169,400,000	
Avg. Sales Value	6.7% (avg. sale once/15 years)(3),(4)	\$11,293,000
Transfer Tax: Apartment Buildings (annual avg.)	\$15.00 /\$500 (2)	\$339,000
TOTAL ONGOING TRANSFER TAX		\$391,000

(1) Rates range from \$2.50 per \$500 of value for transactions up to \$250k, \$3.40 up to \$1 million, to \$3.75 per \$500 of value for transactions from \$1 million to \$5 million; applies to sale of affordable and market-rate ownership units.

(2) Assumes rate applicable to sales > \$25 million for market-rate apartment buildings.

(3) Actual sales will be periodic and for entire buildings; revenues have been averaged and spread annually for the purpose of this analysis.

(4) Turnover rates are estimated averages based on analysis of similar projects; actual % and value of sales will vary annually.

(5) No transactions assumed for low-income and moderate-rate apartments owned by non-profits.

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Table A-8
Sales Tax Estimates
Balboa Reservoir

Item	Low-Income Apts (<55% AMI)		Moderate-Income Apts (<120% AMI)		Low-Income Condos (<80% AMI)	
	Assumptions	Total	Assumptions	Total	Assumptions	Total
Taxable Sales From New Residential Uses						
Sale Price						
Average Annual Rent or Housing Payment (1)						
Average Household Income	50% of AMI 2.27/hh	\$47,700	110% of AMI 2.27/hh	\$104,900	70% of AMI 2.27/hh	\$66,700
Average HH Retail Expenditure (3)	27%	\$12,900	27%	\$28,300	27%	\$18,000
New Households		337		165		24
Total New Retail Sales from Households		\$4,347,000		\$4,670,000		\$432,000
New Taxable Retail Sales Captured in San Francisco (4)	80% of retail expend	\$3,477,600	80% of retail expend	\$3,736,000	80% of retail expend.	\$345,600
Net New Sales Tax to GF From Residential Uses	1.0% tax rate	\$34,800	1.0% tax rate	\$37,400	1.0% tax rate	\$3,500
TOTAL Sales Tax to General Fund (1%)		\$34,800		\$37,400		\$3,500
Annual Sales Tax Allocation						
Sales Tax to the City General Fund	1.00% tax rate	\$34,800	1.00% tax rate	\$37,400	1.00% tax rate	\$3,500
Other Sales Taxes						
Public Safety Sales Tax	0.50% tax rate	\$17,400	0.50% tax rate	\$18,700	0.50% tax rate	\$1,800
San Francisco County Transportation Authority (6)	0.50% tax rate	\$17,400	0.50% tax rate	\$18,700	0.50% tax rate	\$1,800
SF Public Financing Authority (Schools) (6)	0.25% tax rate	\$8,700	0.25% tax rate	\$9,400	0.25% tax rate	\$900
One-Time Sales Taxes on Construction Materials and Supplies						
Total Development Cost						
Direct Construction Costs (exc. land, profit, soft costs, fees, etc.)						
Supply/Materials Portion of Construction Cost	60.00%					
San Francisco Capture of Taxable Sales	50.00%					
Sales Tax to San Francisco General Fund	1.0% tax rate					

(1) Incomes from "2017 MAXIMUM INCOME BY HOUSEHOLD SIZE derived from the Unadjusted Area Median Income (AMI) for HUD Metro Fair Market Rent Area (HMFA) that Contains San Francisco". Affordable rents adjusted for average household size of 2.27.

(2) Avg. market rate apartment rent based on average for comparable project (AxioMetrics 12/17 survey).

Estimated townhouse sale price from Berkson Associates, August 2017, avg. for new detached homes in San Francisco.

(3) Based on typical household spending as reported for the San Francisco MSA by the State Board of Equalization.

(4) Estimated portion of sales assumed to be captured within the City based on analyses prepared for comparable projects.

Source: Berkson Associates

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Table A-8
Sales Tax Estimates
Balboa Reservoir

Item	Moderate-Income Townhouses (<105% AMI)		Market-Rate Apts		Market-Rate Townhouses	
	Assumptions	Total	Assumptions	Total	Assumptions	Total
Taxable Sales From New Residential Uses						
Sale Price					\$1,500,000 (2)	
Average Annual Rent or Housing Payment (1)			\$3,300 /unit (2)	\$39,600	\$7,300 per household	\$87,600
Average Household Income	100% of AMI 2.27/hh	\$95,400	30%	\$132,000	30%	\$292,000
Average HH Retail Expenditure (3)	27%	\$25,800	27%	\$35,600	27%	\$78,800
New Households		24		483		67
Total New Retail Sales from Households		\$619,000		\$17,195,000		\$5,280,000
New Taxable Retail Sales Captured in San Francisco (4)	80% of retail expen	\$495,200	80% of retail expen	\$13,756,000	80% of retail expen	\$4,224,000
Net New Sales Tax to GF From Residential Uses	1.0% tax rate	\$5,000	1.0% tax rate	\$137,600	1.0% tax rate	\$42,200
TOTAL Sales Tax to General Fund (1%)		\$5,000		\$137,600		\$42,200
Annual Sales Tax Allocation						
Sales Tax to the City General Fund	1.00% tax rate	\$5,000	1.00% tax rate	\$137,600	1.00% tax rate	\$42,200
Other Sales Taxes						
Public Safety Sales Tax	0.50% tax rate	\$2,500	0.50% tax rate	\$68,800	0.50% tax rate	\$21,100
San Francisco County Transportation Authority (6)	0.50% tax rate	\$2,500	0.50% tax rate	\$68,800	0.50% tax rate	\$21,100
SF Public Financing Authority (Schools) (6)	0.25% tax rate	\$1,300	0.25% tax rate	\$34,400	0.25% tax rate	\$10,600

(1) Incomes from "2017 MAXIMUM INCOME BY HOUSEHOLD SIZE derived from the Unadjusted Area Median Income (AMI) for HUD Metro Fair Market Rent Area (HMFA) that Contains San Francisco". Affordable rents adjusted for average household size of 2.27.

(2) Avg. market rate apartment rent based on average for comparable project (AxioMetrics 12/17 survey).

Estimated townhouse sale price from Berkson Associates, August 2017, avg. for new detached homes in San Francisco.

(3) Based on typical household spending as reported for the San Francisco MSA by the State Board of Equalization.

(4) Estimated portion of sales assumed to be captured within the City based on analyses prepared for comparable projects.

Source: Berkson Associates

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Table A-8
Sales Tax Estimates
Balboa Reservoir

Item	TOTAL
Taxable Sales From New Residential Uses	
Sale Price	na
Average Annual Rent or Housing Payment (1)	na
Average Household Income	na
Average HH Retail Expenditure (3)	na
New Households	1,100
Total New Retail Sales from Households	
New Taxable Retail Sales Captured in San Francisco (4)	
Net New Sales Tax to GF From Residential Uses	\$260,500
TOTAL Sales Tax to General Fund (1%)	\$260,500
Annual Sales Tax Allocation	
Sales Tax to the City General Fund	\$260,500
Other Sales Taxes	
Public Safety Sales Tax	\$130,300
San Francisco County Transportation Authority (6)	\$130,300
SF Public Financing Authority (Schools) (6)	\$65,300
One-Time Sales Taxes on Construction Materials and	
Total Development Cost	\$559,836,000
Direct Construction Costs (exc. land, profit, soft costs, fees)	\$473,049,000
Supply/Materials Portion of Construction Cost	\$283,829,000
San Francisco Capture of Taxable Sales	\$141,914,500
Sales Tax to San Francisco General Fund	\$1,419,000

(1) Incomes from "2017 MAXIMUM INCOME BY HOUSEHOLD SIZE derived from the Unadjusted Area Median Income (AMI) for HUD Metro Fair Market Rent Area (HMFA) that Contains San Francisco". Affordable rents adjusted for average household size of 2.27.

(2) Avg. market rate apartment rent based on average for comparable project (AxioMetrics 12/17 survey).

Estimated townhouse sale price from Berkson Associates, August 2017, avg. for new detached homes in San Francisco.

(3) Based on typical household spending as reported for the San Francisco MSA by the State Board of Equalization.

(4) Estimated portion of sales assumed to be captured within the City based on analyses prepared for comparable projects.

Source: Berkson Associates

Table A-9
Parking Tax
Balboa Reservoir

Item	Assumption	Total
Garage Revenue (2)		\$1,900,000
Spaces (shared garage) (1)		500
<u>Parking Revenues</u>		
Annual Total (2)	\$3,800 per year/space	\$1,900,000
<u>San Francisco Parking Tax (3)</u>	25% of revenue	\$475,000
Parking Tax Allocation to General Fund/Special Programs	20% of tax proceeds	\$95,000
Parking Tax Allocation to Municipal Transp. Fund	80% of tax proceeds	\$380,000

(1) Shared spaces will be a mix of residents and City College parking.

(2) Based on estimated revenue from parking garage; actual hourly and daily revenue will vary depending on occupancy rates, turnover during the day, and long-term parking rates vs. hourly rates.

(3) 80 percent is transferred to the San Francisco Municipal Transportation Agency for public transit as mandated by Charter Section 16.110.

Source: Berkson Associates

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Table A-10
Gross Receipts Tax Estimates
Balboa Reservoir

Item	Total Gross Receipts	Gross Revenue Tier (1)				Gross Receipts Tax
		up to \$1m	\$1m - \$2.5m	\$2.5m - \$25m	\$25m+	
<u>Business Income</u>						
Subtotal	na					na
<u>Rental Income (2)</u>						
Parking	\$1,900,000	0.285%	0.285%	0.300%	0.300%	\$5,700
Residential	<u>\$19,127,000</u>	0.285%	0.285%	0.300%	0.300%	<u>\$57,381</u>
Subtotal	\$21,027,000					\$63,081
Total Gross Receipts	\$21,027,000					\$63,081
<u>Project Construction</u>						
Total Development Value (3)	\$559,836,000					
Direct Construction Cost (4)	\$473,049,000	0.300%	0.350%	0.400%	0.450%	\$1,892,196

(1) This analysis applies highlighted tax rate in tier for each use.

(2) See tables referenced in Table A-11.

(3) Based on total development cost.

(4) Direct construction costs exclude soft costs, community benefits and land.

Source: Berkson Associates

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Table A-11
Rental Income for Gross Receipts Tax Estimates
Balboa Reservoir

Item	Gross Sq.Ft. Units, or Space	Annual Avg. Rent	Total
Parking (excludes Gross Receipts Tax) (1)	500 spaces		\$1,900,000
Market-Rate Apartments (2)	483 units	\$39,600	<u>\$19,126,800</u>
TOTAL			\$21,026,800

(1) Refer to Table A-9 for additional parking detail.

(2) See Table A-8 for estimated market-rate apartment rents.

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Table A-12
Estimated City Services Costs
Balboa Reservoir

Item	City Total Budget	Cost per Service Pop. (1) or Mile	Factor	Total Cost
Citywide Service Population (1)			1,584,500 service pop.	
Project Service Population (1)			2,538 service pop.	
Citywide DPW Miles of Road (4)			981 miles	
Miles of Road in Project (estimated)			0.66 miles	
Fire Department (2)	\$378,948,000	\$239	2,538 service pop.	\$607,000
Police Department (3)	\$533,899,000	\$337	2,538 service pop.	\$855,000
Roads (4)	\$112,200,000	\$114,373	0.66 miles	<u>\$75,815</u>
TOTAL				\$1,462,000

(1) Service Population equals jobs plus residents (see Table A-2).

(2) Total fire budget (FY17-18 Adopted) excludes "Administration & Support Services", assuming no impact or additional administrative costs required due to Project.

(3) Total police budget (FY17-18 Adopted) excludes "Airport Police".

(4) Road costs (FY16-17) for \$52.1 mill. street resurfacing capital expenditures and \$60.1 mill. environmental services (pothole repair, sidewalks, graffiti, street sweeping, etc.).

Road miles from SFdata, <https://data.sfgov.org/City-Infrastructure/Miles-Of-Streets/5s76-j52p/data>

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SFMTA

San Francisco Municipal Transportation Agency

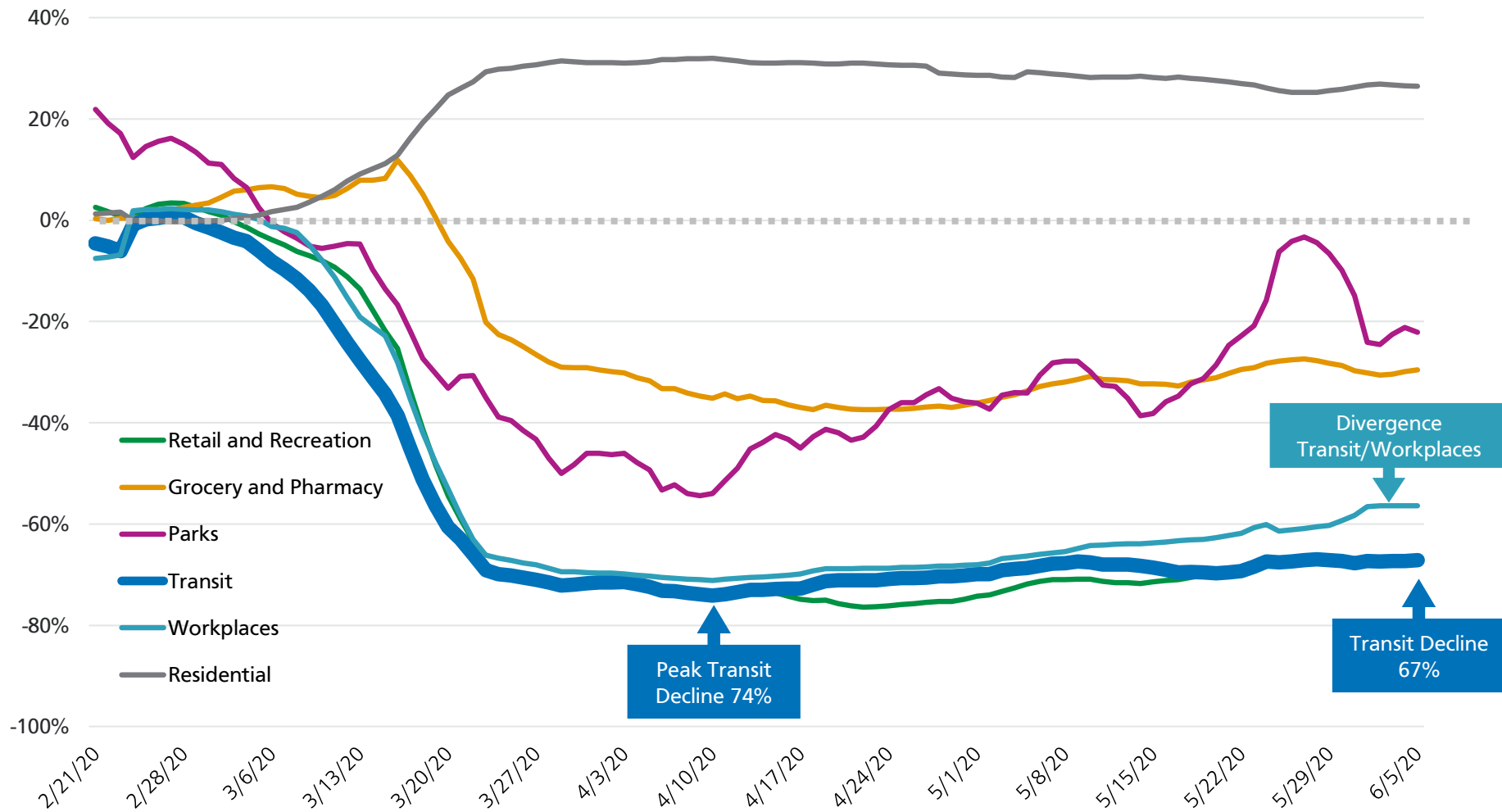
Fiscal Year 2021 – 2022

Budget & Fiscal Update

SFMTA Board of Directors

June 30, 2020

Google COVID-19 Community Mobility Reports – Destinations within San Francisco

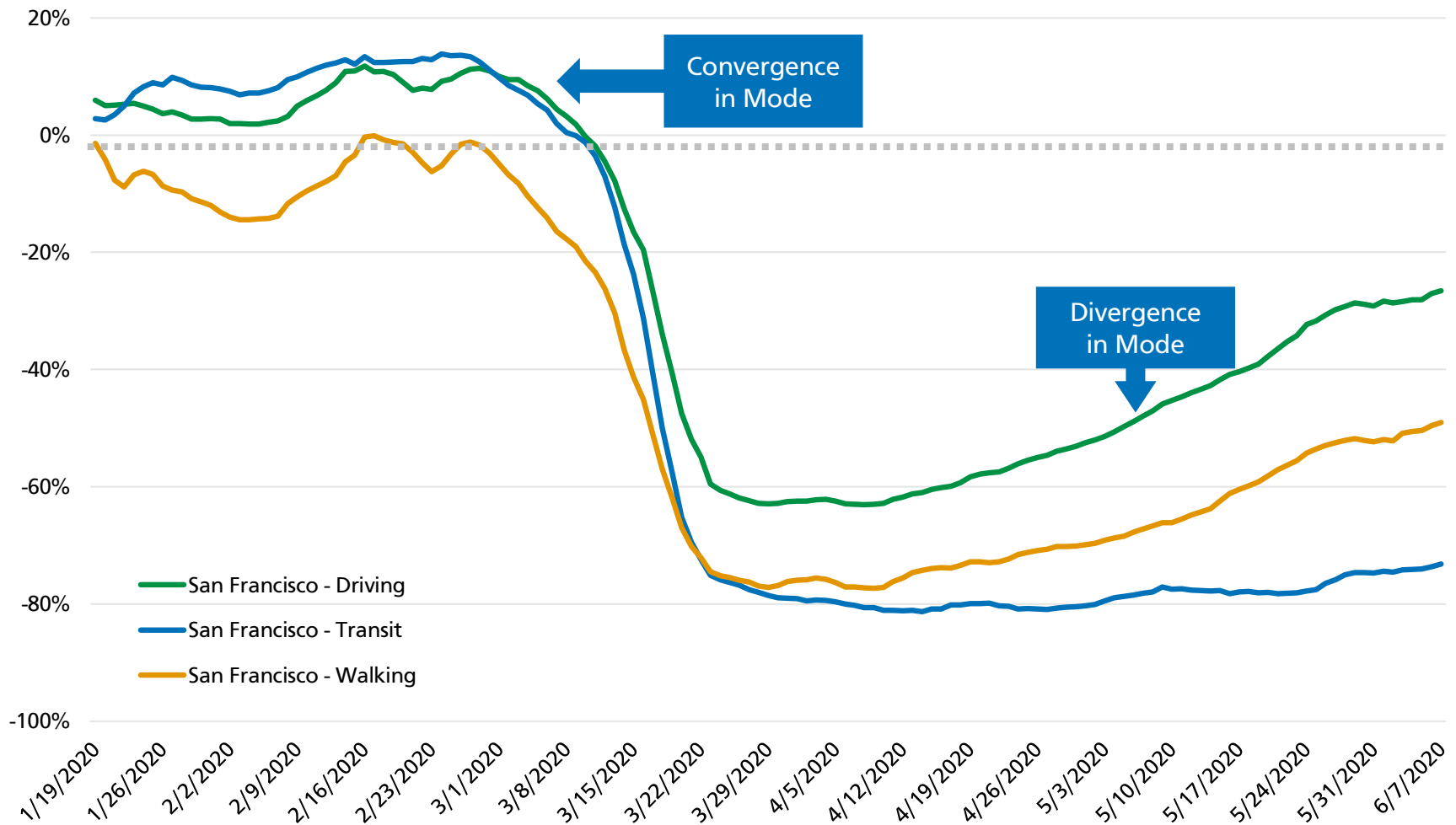


Source: Google LLC "Google COVID-19 Community Mobility Reports".

<https://www.google.com/covid19/mobility/> Accessed: June 9, 2020.

The baseline is the median value, for the corresponding day of the week, during the 5-week period Jan 3–Feb 6, 2020. Data is a rolling 7-day average versus the baseline.

Apple COVID-19 Mobility Trends - San Francisco All Modes/Choice

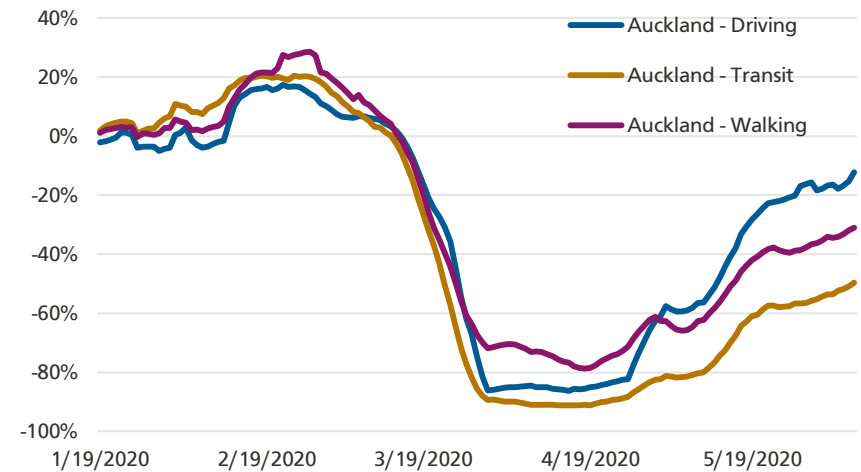
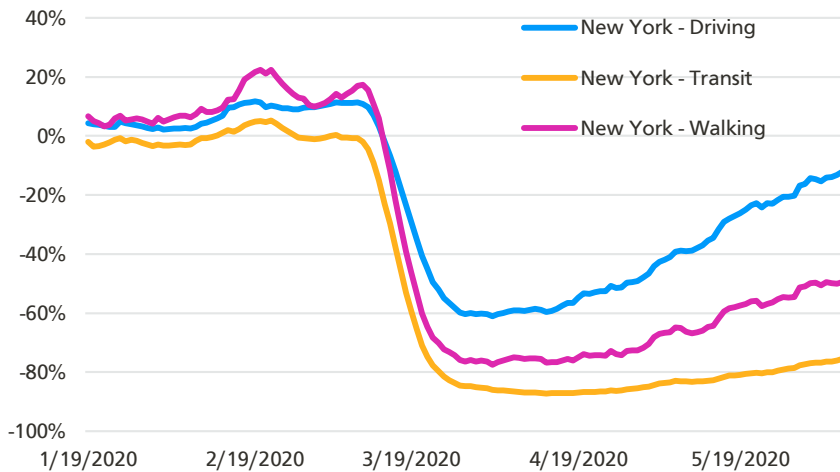
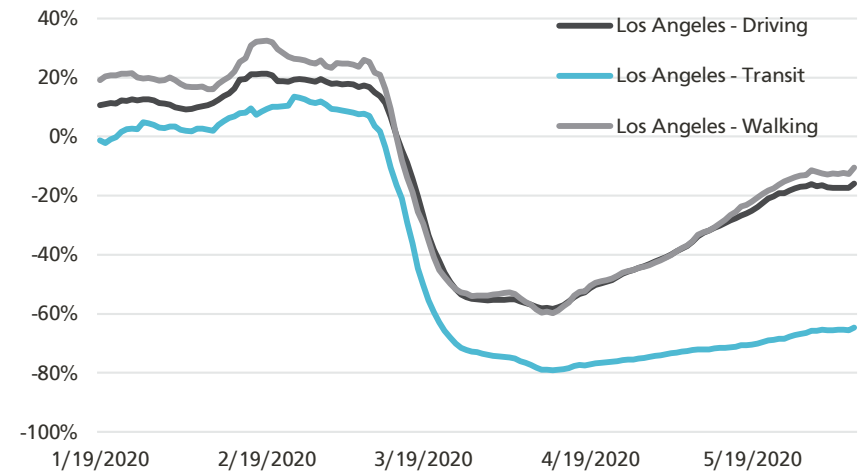
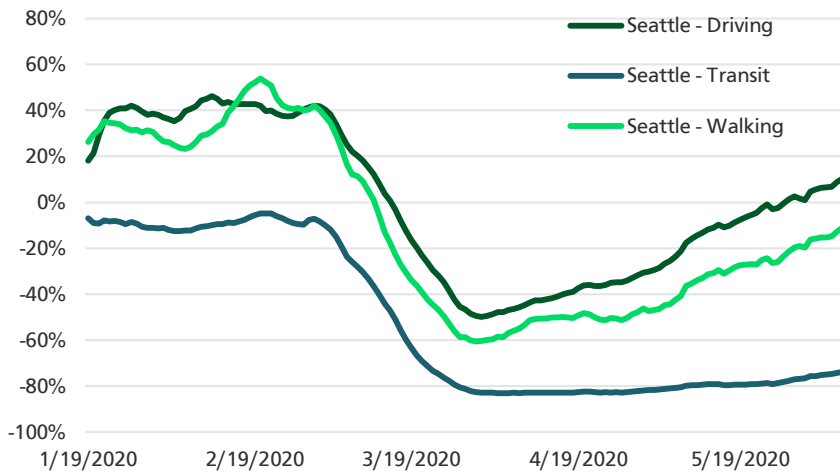


Source: Apple "Mobility Trends Reports".

<https://www.apple.com/covid19/mobility>

The baseline is as of January 13, 2020. Data is a rolling 7-day average versus the baseline.

Apple COVID-19 Mobility Trends - Peer Cities (Consistent Divergence – Mode)



Source: Apple "Mobility Trends Reports" <https://www.apple.com/covid19/mobility>
The baseline is as of January 13, 2020. Data is a rolling 7-day average versus the baseline.

COVID-19 Data Dashboard

Share this: [Facebook](#) [Twitter](#) [Email](#)

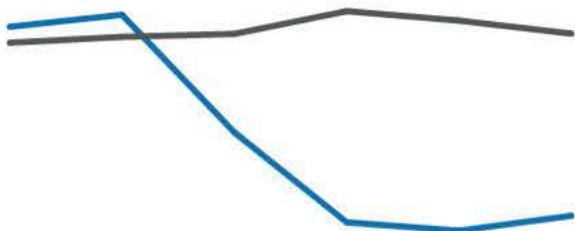
The SFMTA is responding to the COVID-19 crisis. This dashboard provides data that informs our service delivery and budget decisions.

Key points below are displayed as year-over-year (2019 vs. 2020) monthly comparison with the most recent available data. Goods and services expenses related to COVID-19 are displayed as a running total. Navigate to each area of focus by clicking on one of the buttons below.



Bus Boardings
MTD: July

▼ -69%

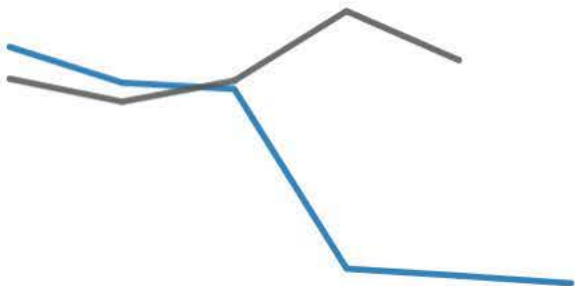


Updated through July 2020



Transit Revenue
MTD: June

▼ -93%

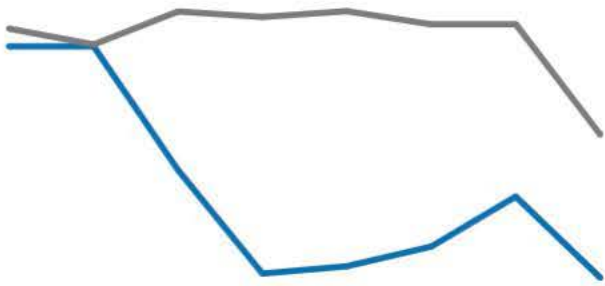


Most recent month of full settlement.



Parking Revenue
MTD: July

▼ -64%



Data through yesterday.

The Future of Transit Service Through the Health and Budget Crisis

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By

[Jeffrey Tumlin](#)

Friday, July 10, 2020

The pandemic has upended every aspect of our society, and the SFMTA is no exception. The COVID-related health and financial crises have resulted in deep and painful cuts to Muni service. We will be draining our fund reserve and spending one-time money just to sustain the service we have. Absent new outside funding, we fall off a financial cliff in 2023, just as the city needs us the most to support its economic recovery. As your Director of Transportation, I want to be open and transparent about how we got here and what it means for you.

When I took this job six months ago, our mobility systems were strong but inefficient, the result of too many years of avoiding hard or politically unpopular choices. This crisis has now forced us to make those hard choices. It has also demonstrated the SFMTA workforce's depth of talent and creativity, and its capacity for collaboration and strategic risk-taking. The effects of this crisis will continue for years, and so I'm pushing all of us to learn from our successes and failures. Our approach is simple: be thoughtful and strategic and try new things without fear; listen carefully to feedback; quickly adjust what we are doing if it is not working; and, build upon the experiments that succeed.

Pandemic's Impact

At the pandemic's onset, health concerns among our drivers and front-line workers coupled with a massive drop in ridership and fare revenue necessitated that we cut back Muni service dramatically. To help fill in the transit service gaps, our agency has rapidly rolled out new programs and promoted existing programs to respond to the need of San Franciscans for additional mobility options:

- [Slow Streets](#), expanding spaces for walking, cycling and playing;
- The new [Essential Trip Card](#) that helps many people with disabilities and older adults access discounted taxi rides;
- The Department of the Environment's [Essential Worker Ride Home](#) program, and
- The [Shop-a-Round](#) subsidized taxi ride to help seniors and people with disabilities get to and from the grocery store.

Because of the financial impact of COVID-19 on so many San Franciscans, the SFMTA, the mayor and the Board of Supervisors came together and agreed not to raise transit fares for the coming two years. However, this decision contributes to our dire financial outlook and requires tough tradeoffs about which services the agency can continue to provide or how quickly we can provide them.

The combined pandemic and financial crisis mean the SFMTA must do more with less. We are doing everything we can to save money while maintaining as much of our service as possible. This means:

- Eliminating most unscheduled overtime work;
- Reducing the purchasing of goods and services to just the immediately needed essentials;
- Significantly slowing down hiring; and,
- Creating emergency temporary transit lanes to maximize the amount of service our buses can provide in the face of rising car congestion ([read more about the data here](#)).

Restoring Transit Service

As the economy slowly reopens, we are bringing some of the transit service back. In May and June we increased service, and by mid-August we expect to have additional service hours restored. However, the SFMTA won't be able to restore more than 70 percent of pre-COVID service hours for at least the next six months, and probably even longer.

With physical distancing requirements, we need three times the number of vehicles to move the same number of passengers. This means that even with 70% of service hours, our riders may feel like there is only 20 or 25 percent of our pre-COVID service available, because buses quickly reach their capacity limit. This results in essential workers being passed up at stops, even though we are offering better frequency and reliability on our highest ridership line than we had pre-COVID. When Metro Muni service returns in August, we will be deploying close to the maximum number of available operators and vehicles to serve our riders. Unless we are able to use those vehicles to carry more people, we will not be able to increase service any further.

Even if physical distancing constraints were relaxed, SFMTA would not be able to return to full transit service in the near future. This is because pre-COVID, the agency was already short on the number of operators needed to provide the scheduled service levels and our budget crisis prevents us from filling those positions or from backfilling positions that become vacant. Moreover, the health crisis means more of our employees are on long-term leave.

In deciding how the 70 percent of service is restored, we are focused on:

1. Meeting ridership demands identified during the pandemic; and
2. Prioritizing service for people who need it most—our obligation is to serve people that depend on transit for their daily survival.

We are working hard to make sure that we are serving all communities, particularly low-income and minority populations, and neighborhoods with the least access to services. With limited resources, providing better service to those who most need it requires changes to service to those with the most choices. While we cannot bring back 100% of the prior Muni service levels, what we can do is bring service back in a way that shifts resources to routes most heavily used by those who depend on transit. Real equity work requires difficult trade-offs. Equity has long been a goal of the SFMTA, but under COVID it is a necessity.

First, we cannot reinstate overlapping transit service in one part of town, while neglecting to serve another. In areas where we have duplicative service, we need to refocus those routes to improve overall city access, making sure we take care of riders that don't have another option. Some Muni lines will see higher service levels than before the pandemic while others may not return.

Second, when Muni Metro service starts up again in August, it [will be different](#). While we want to restore as much coverage as possible, we simply cannot afford to run every train to their full prior length, only to have them become stuck underground due to the congestion caused when all lines converge in the subway, increasing risk of exposure to COVID-19. We can provide the same access and significantly decrease expensive delays by running fewer, longer trains in the subway and keeping some routes above ground with transfers to the quick subway service.

In the long term, of course, the subway should be modernized to run more trains, but those investments have been cut back for now because of the budget crisis. This plan will keep trains moving, though we know transferring between surface and subway trains will be an inconvenience and an adjustment.

Finally, as with everything else with this pandemic, how our service is allocated throughout the city beyond August is uncertain. It will depend on the physical distancing requirements and revenues. We are making many temporary changes to adjust to rapidly evolving circumstances. We know that permanent long-term service changes will require additional analysis and public input and we look forward to engaging on these issues with our elected officials and communities.

These are hard choices that involve trade-offs. But they are the right way to provide core service in the face of these immense challenges.

A Path Forward

This crisis is reshaping the services every San Franciscan depends on. Our budget will get us through the coming months, and for those who crave more details, our agency created a [COVID-19 Data Analytics Dashboard](#), and you can see our [budget presentation here](#).

But for us to break through this crisis, restore more service and expand progressive and innovative policies, we'll need more resources.

The federal government, through the CARES Act, bought us time. But the money only covered the pandemic's immediate impact and without further action by Congress, our city is on its own.

We, as San Franciscans, own the Muni system and the rest of the transportation network. As the owners of it, I know we need it to be equitable, efficient and safe. We need the transportation system to help our city correct for many inequalities, including growing income disparities, and support the economic recovery of all San Franciscans. Across city agencies, there is work being done to sow the seeds for a resurgence of neighborhood life and vitality -- transportation is a key part of doing that.

I, and the SFMTA team, are the stewards of these goals and are committed to working with all of you on finding creative solutions, including financial ones, to deliver a system San Franciscans are proud to own. To this end, we are committed to:

- being thoughtful in trying new things and not letting the fear of imperfection keep us from trying new things, listening to feedback, and quickly adjusting what we're doing if it is not working;
- Making tough decisions now to avoid expensive fixes later, and being transparent about what these decisions and trade-offs are; and,
- Identifying new funding sources to keep our transportation moving over the long run.

I know that change is hard, particularly during these uncertain times when we're having to make so many adjustments across all aspects of our lives. I am confident that we can work through these adjustments together and build a stronger transportation system worthy of San Francisco's legacy.

We may be able to introduce some additional service changes in the fall, but looking further ahead, future service increases depend largely on additional revenue and the potential relaxation of COVID-19 distancing requirements.

The SFMTA's revenues have fallen while costs of providing service have dramatically increased, largely due to the new physical distancing and cleaning requirements. [The pandemic and the financial crisis](#) mean the SFMTA must do more with less. Amid these deep budget shortfalls and public health capacity limits, our staff – especially our operators, cleaning crews, facilities staff, service planners, and COVID response team – have been working hard to restore more routes with resources, including staff, vehicles and funds, stretched thin.

Focusing on our customers, equity and efficiency as we restore service

To provide our customers with the best service we must reduce duplicate service and costly sources of delay. In deciding how service is restored, we are focused on:

- Meeting ridership demands identified during the pandemic; and
- Prioritizing service for people who need it most—our obligation is to serve people that depend on transit.

We have steadily restored service from the 17 core routes that were in place in April to 42 routes by August, retaining or returning full or modified service to:

- All rail routes, with [a new reconfiguration to improve reliability](#) and time savings
- Key Rapid lines like the 9R San Bruno Rapid, 14R Mission Rapid and 38R Geary Rapid with high ridership and crosstown service
- Almost all our Frequent Service routes that have high ridership and provide important crosstown connections
- Close to half of our Grid routes – our most common, regular service neighborhood routes – prioritizing those that provide important crosstown service
- Almost all the Owl network – late-night service traditionally from 1:00 a.m. to 5:00 a.m. but currently operating between the hours of 10:00 p.m. to 5:00 a.m.
- And 29 of our 41 equity service routes — the August 22 service changes will improve transit access through all of the neighborhoods identified in [Muni's Service Equity Strategy](#). These neighborhoods rely on transit service the most based on the percentage of households with low incomes, private vehicle ownership and concentrations of people of color.

We continue to hear about overcrowding and pass ups on specific lines, which is why we are increasing frequencies and adding vehicles and operators to those routes. Because of physical distancing, it now takes three times as many vehicles to move the same amount of people as pre-COVID. This significantly limits the resources available to bring back additional routes. Our August 22 service changes will put close to the maximum number of available operators and vehicles out on the street to serve our customers. At the same time, our budget shortfalls prevent us from hiring more operators and cleaners or purchasing more vehicles.

As with everything else with this pandemic, our service allocation throughout the city beyond August is uncertain. The routes that are not being prioritized to bring back into service in the near term consist of routes that:

- Provide parallel, duplicative, service to our existing network
- Connector, historic and specialized routes, that are important and beloved, but provide shorter service to a smaller number of people

These service changes are temporary. Longer-term service changes would require additional analysis and public input. We look forward to engaging on these issues with our elected officials and communities.

From: [BOS Legislation, \(BOS\)](#)
To: "Stuart Flashman"; [joe_kirchofer](#); [Brad Wiblin](#); [Russell, Rosanna \(PUC\)](#); [Steven Vettel](#); [ajahjah@att.net](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [MALAMUT, JOHN \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Poling, Jeanie \(CPC\)](#); [Hong, Seung Yen \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: APPELLANT SUPPLEMENTAL MATERIAL: Appeal of CEQA Final Environmental Impact Report - Proposed Balboa Reservoir Project - Appeal Hearing - August 11, 2020
Date: Thursday, August 6, 2020 2:16:21 PM
Attachments: [image001.png](#)

Hello,

The Office of the Clerk of the Board received the following supplemental material from one of the appellants, Alvin Ja, regarding the appeal of the CEQA Final Environmental Impact Report for the proposed Balboa Reservoir project.

[Appellant Supplemental Material - August 6, 2020](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 200804](#)

Best regards,

Lisa Lew
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(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



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From: [aj](#)
To: [Board of Supervisors, \(BOS\)](#); [Lew, Lisa \(BOS\)](#); [Wong, Jocelyn \(BOS\)](#)
Subject: Doc. 9 for EIR Appeal-- COMMENT ON "Summary of Impacts of Proposed Project—Disclosed in SEIR including Initial Study" Table...
Date: Thursday, August 6, 2020 1:27:43 PM
Attachments: [Comment 14a-SOUTHBOUND 43 MASONIC DELAY.docx](#)
[Comment 14b-SEIR Project Delay.docx](#)
[Comment 14c-Reservoir-Related Delay In Relation to Reservoir Area MUNI Characteristics.docx](#)

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

BOS:

On 9/20/2019, I submitted a comment on the Draft EIR regarding 'Summary of Impacts of Proposed Project, Table s-2'.

Since I had already made comments in my Documents 1-8 on the subject matter of TR-4 and C-TR-4 (Transit Delay, Cumulative Transit Delay, Mitigation Measures), I present no new comments herein.

I wish to note that the second attachment is the **original** Table 3.B-18 'Transit Delay Analysis'. The original data was replaced in the Final EIR with more favorable data that was collected on Finals Week (12/17 & 12/18/2019), the week before Xmas 2019.

--aj

On Friday, September 20, 2019, 10:24:15 PM PDT, aj <ajjah@att.net> wrote:

COMMENT ON

“Summary of Impacts of Proposed Project—Disclosed in SEIR including Initial Study” Table s-2

IMPACT TR-4 (Operation of proposed project would not substantially delay public transit)

Table S-2 shows for Impact TR-4 **Less-than-significant** Level of Significance.

I summarize how this determination is incorrect.

1. The threshold of significance that is used to come to the LTS determination is based on an inordinately low standard for the threshold. The establishment of a 4-minute late threshold before Reservoir-related transit delay “might” be considered significant is big enough for a tank to go through. By defining the transit delay threshold to be 4 minutes, the Reservoir Project is issued a “get out of jail free card”.
2. The City Charter establishes performance criteria for MUNI. Section 8.A 103 (c) establishes that a MUNI bus/car that arrives over 4 minutes late to a timepoint is considered to be late, for the purposes of the City Charter mandate.
3. The SEIR/Reservoir Project threshold of significance gives the Project the privilege of independently adding 4 minutes of additional delay to MUNI before the Reservoir Project transit delay “might” be considered significant. This freedom and privilege to independently add 4 minutes Reservoir-related delay flies in the face of the intent of the Transit First Policy.
4. Attached for your convenience, I include 3 tables:
 - a. SB 43 Masonic Delay: MUNI Standard v. Reservoir Standard
 - This Table relates to the 43 line between the Monterey/Gennessee timepoint and the Balboa Park Station timepoint:
 - o The running time between the two timepoints is 7 minutes;
 - o The MUNI late standard is 11 minutes;
 - o The SEIR/Project threshold of significance is 19 minutes: a **171% increase over the scheduled 7 minutes.**
 - b. SEIR Table 3.B-18 Transit Delay Analysis
 - This Table presents SEIR’s own numbers for “Project-Related Increase in Delay”
 - o The Table lowballs the actual delay for the 43 Masonic. The SEIR presents delays of 73 seconds and 83 seconds for Options 1 and 2, respectively. The numbers presented by the SEIR omit the 43 segment between City College Bookstore and Balboa Park Station. When the Bookstore-BPS segment (Geneva Ave EB) is factored in properly, the delays come out instead to 115 seconds (1.9 minutes) and 141 seconds (2.4 minutes) for Options 1 and 2, respectively. 115 seconds and 141 seconds of **Project-related delay constitute increases of 27.4% and 33.6% over the 7-minute Monterey/Gennessee-BP Station segment’s running time.**
 - o Comparing the Reservoir-related delay for the 43’s Monterey/Gennessee-BP Station segment to the City-Charter-mandated 4-minute late allowance:
 - **Option 1’s delay of 115 seconds consumes**

48.0% of the 4 minutes of lateness allowed to MUNI;

▪ Option 2's delay of 141 seconds **consumes 58.8% of the 4 minutes of lateness allowed to MUNI**

- These percentages of 171%, 27.4%, 33.6%, 48.0%, and 58.8% are objectively significant. These percentages can only be made “less than significant” by the establishment of a threshold of significance of 4 minutes, which is constructively a “get out of jail free card.”

c. Reservoir-Related Delay In Relation to Reservoir Area MUNI Characteristics

- This Table is compiled from current (effective 9/5/2019) MUNI schedules for KT, 8/8BX, 29, 43, 49, 54 lines. For weekday AM Peak, Mid-day, and PM Peak, I have compiled headways and running times.
- Using the SEIR's 4-minute threshold of significance, the last two columns provide Reservoir Project-related contribution percentages to running time delay and to MUNI's 4-minute late allowance:
 - o K Ingleside: **23.5% - 30.8% delay contribution** between BP Station-St. Francis Circle;
 - o 8/8BX Bayshore (IB only): **50% - 66.7%** delay contribution between Unity Plaza-Geneva/Mission;
 - o 29 Sunset: **25.0% - 33.3%** delay contribution between 19th/Holloway- Balboa Park Station;
 - o 43 Masonic: **44.4% - 57.1%** delay contribution between Monterey/Gennessee- Balboa Park Station;
 - o 49 Van Ness: **50.0% - 57.1%** delay contribution between Mission/Ocean- Unity Plaza

The LTS determination for Impact TR-4 cannot be objectively sustained. The LTS determination is a case of “intelligence and facts being fixed around policy.”

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.)

C-TR-4 is founded on a distortion of reality. Via manipulation of the threshold of significance for evaluating transit delay, the impact of the Balboa Reservoir Project has been determined to be less-than-significant **for Impact TR-4.**

It is only with willful disregard for reality that the SEIR can come to a conclusion that a

1,110- 1,550 unit project will have less than significant impact on an area which the Nelson-Nygaard TDM Study described as having “limited roadway space, transit infrastructure, ...” **in Impact TR-4.**

But ,the SEIR **then** finds significant cumulative impact for C-TR-4. In the topsy-turvy Red Queen world of the Planning Dept, the 1,100- 1,550 unit Reservoir Project is determined to have LTS impact on transit delay. Yet, the SEIR portrays the CCSF Facilities Master Plan as being a big contributor to future cumulative transit delay despite the fact that the FMP is primarily a replacement and renovation program. A replacement and renovation program will have much less of an impact in increasing travel demand than an 1,100- 1,550 unit new development of mostly market-rate/unaffordable housing.

Mitigation Measure M-C-TR-4:

As discussed in earlier submissions, Table M-C-TR-4 “Transit Travel Time Performance Standard” provides the Reservoir Project an extremely generous allowance of 4 minutes of Reservoir-related transit delay. Merry Christmas!

The damage to transit delay by the Project itself will already have been done before M-C-TR-4’s Monitoring and Implementing Feasible Measures for cumulative impacts even gets rolling.

Given the Nelson-Nygaard TDM Study’s recognition of limited roadway space and transit infrastructure, there will be no feasible measures to implement, other than hoping for success of TDM measures.

Regarding the effectiveness of TDM as mitigation, please examine the attached “Balboa Reservoir’s TDM Non Sequitur.”

Submitted by:

Alvin Ja

9/20/2019

SOUTHBOUND 43 MASONIC DELAY:

MUNI STANDARD v. RESERVOIR PROJECT STANDARD

SOUTHBOUND 43 MASONIC DELAY: MUNI STANDARD v. RESERVOIR STANDARD					
ROUTE SEGMENT		TIME POINT	ON-TIME	ADDITIONAL DELAY TIME	
			MUNI on-time	MUNI late standard (4 min)	Reservoir Late standard (additional 4 min)
ELAPSED TIME:		Monterey/Genessee	0:00	0:00	0:00
Monterey/Genessee 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

Transit Assessment Memorandum.

TABLE 3.B-18
TRANSIT DELAY ANALYSIS

Corridor	Weekday a.m. Peak Hour (seconds of delay)		Weekday p.m. Peak Hour (seconds of delay)	
	Northbound/ Eastbound	Southbound/ Westbound	Northbound/ Eastbound	Southbound/ Westbound
Transit Delay				
Existing Conditions				
Frida Kahlo Way	5	15	5	28
Ocean Avenue	121	143	124	144
Geneva Avenue	79	53	75	46
Existing plus Developer's Proposed Option				
Frida Kahlo Way	18	74	29	101
Ocean Avenue	187	182	182	244
Geneva Avenue	99	127	117	127
Existing plus Additional Housing Option				
Frida Kahlo Way	21	87	46	111
Ocean Avenue	183	207	208	272
Geneva Avenue	109	137	133	137
Project-Related Increase in Delay				
Developer's Proposed Option				
Frida Kahlo Way	13	59	24	73
Ocean Avenue	66	39	58	100
Geneva Avenue	20	74	42	81
Additional Housing Option				
Frida Kahlo Way	16	72	41	83
Ocean Avenue	62	64	84	128
Geneva Avenue	30	84	58	91

SOURCE: Kittelson & Associates, Inc. 2018.

NOTES:

Transit delay includes corridor delay, transit reentry delay, and passenger boarding delay.

Developer's Proposed Option

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

Reservoir-Related Delay In Relation to Reservoir Area MUNI Characteristics

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 Ingleside	AM PEAK	MID- DAY	PM PEAK	KT 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		
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!)	
29 Sunset	AM PEAK	MID- DAY	PM PEAK	29 19 TH /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/ Genessee- 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		
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!)	
49 Van Ness	AM PEAK	MID- DAY	PM PEAK	49 Mission/Ocean- Unity Plaza	50.0% to 57.1%	100%	
	IB: 8	IB & OB:	IB: 8	AM: 8-9 MID-DAY: 8 PM: 9			
	OB: 10	9	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			

From: [BOS Legislation, \(BOS\)](#)
To: "Stuart Flashman"; [joe_kirchofer](#); [Brad Wiblin](#); [Russell, Rosanna \(PUC\)](#); [Steven Vettel](#); [ajahjah@att.net](#)
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Subject: APPELLANT SUPPLEMENTAL MATERIAL: Appeal of CEQA Final Environmental Impact Report - Proposed Balboa Reservoir Project - Appeal Hearing - August 11, 2020
Date: Thursday, August 6, 2020 8:36:44 AM
Attachments: [image001.png](#)

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[Appellant Supplemental Material - August 5, 2020](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 200804](#)

Best regards,

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PLANNING DEPT's 8/3/2020 RESPONSE TO APPEAL:
IRRETRIEVABLE FATAL ERROR THAT COMPELS REVERSAL OF OF SEIR
CERTIFICATION

Planning Dept's 8/3/2020 Response to the Appeal correctly describes the relationship between a Program EIR (PEIR) and Subsequent EIR (SEIR).

For this case, the PEIR is the Balboa Station Area Final EIR and the SEIR is the Balboa Reservoir SEIR.

The Planning Dept Response states how the Balboa Reservoir SEIR is supposed to supplement the BPS Area PEIR:

The SEIR is a project-level environmental review that includes more details on the currently proposed project at the Balboa Reservoir than were in the PEIR. The SEIR analyzed the proposed development at the project site compared to the development assumed in the PEIR to determine whether it would be within the scope of the program-level analysis or whether the project would result in new significant impacts or substantially more severe significant impacts than those identified in the PEIR. The initial study (SEIR Appendix B), explains why the project would not have new significant impacts or substantially more severe significant impacts than those previously identified in the PEIR for 19 of the 22 resource topic areas.

PLANNING DEPT's 8/3/2020 RESPONSE 4: "The SEIR adequately and accurately analyzes secondary impacts related to parking."

The Planning Dept presents two legs for their argument:

1. SEIR Appendix B (Initial Study)
2. RTC Response PS-2

The importance of the Initial Study (Appendix B) cannot be overstated. Its importance lies in the fact that because the Initial Study had already determined that impact on City College was insignificant, the SEIR had no obligation to perform a thorough assessment of the Project's potential impact on City College.

1. ANALYZING THE INITIAL STUDY'S DETERMINATION OF IMPACT ON CITY COLLEGE

The 8/3 Planning Dept Response 4 addresses the secondary effects of the Project's elimination of student parking by denying the existence of such.

THE SEIR APPENDIX B (INITIAL STUDY) ARGUMENT

The Response 4 first trots out (by reference only) SEIR Appendix B (Initial Study) as appropriate evaluation. The Initial Study dismisses impact on City College:

Furthermore, it would be speculative to conclude that the loss of parking would lead to substantial adverse impacts related to the construction of new or physically altered facilities at City College. 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. *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 conclusion of no significant impacts on Public Services demands dissection.

Dismissing impact on City College rests on two elements:

1. PEIR determination on City College (Public Services-schools);
2. SEIR Appendix B (Initial Study).
 - It is factually incorrect that the PEIR had identified lack of impact on City College. The PEIR did not assess City College as an Environmental Factor AT ALL. Thus, the reference to what the PEIR had “identified” is absolutely meaningless. The reference to impacts “identified in the PEIR” serves only to attribute a **non-existent** determination to the PEIR.
 - The Initial Study SPECULATES that demand would not require “new or physically altered public facilities.”
 - In fact, the City College Facilities Master Plan contains new parking facilities. The **CCSF FMP** contains the following:

Potential Parking Sites

Sites for potential parking are identified on the Facilities Master Plan graphic for the Ocean Campus

- *Parking will be located adjacent to the Performing Arts Education Center.*

Facilities Master Plan Projects (p. 4-34)

New Facilities

1. *Performing Arts and Education Center**
2. *Central Utility Plant*
3. *STEAM Complex (Science, Technology, Engineering, Art, and Math)*
4. *Student Development Center**
5. *Childcare Center*
6. *Parking Structure*
7. *East Surface Parking*

The citations from the City College FMP directly controverts the Initial Study’s own SPECULATION that it is “*speculative to conclude that the loss of parking would lead to substantial adverse impacts related to the construction of new or physically altered facilities at City College*”.

CONCLUSION ON INITIAL STUDY

- The Initial Study’s reference to the PEIR is literally groundless. No assessment of impact on City College was contained in the PEIR.

- Secondly, the FMP, as well as the City College Fehr-Peers TDM & Parking Study, controvert the Initial Study's speculation that "new or physically altered public facilities" resulting from the Project's elimination of student parking is speculative.

2. ANALYZING THE RTC RESPONSE PS-2's 'Public Services and Secondary Impacts

Page 14 of the 8/3 Planning Dept Response to the Appeal reiterates RTC Response PS-2:

RTC Response PS-2 explains that with regard to 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." It is the foregoing analysis that the SEIR relies upon to determine that effects on City College resulting from the loss of parking on the project site would result in a less-than-significant impact.

This argument for "Question a" is so ludicrous that Environmental Planning should be ashamed to take credit for it. "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." The planners are saying that the main—if not the only!—performance objective that City College has in providing parking is to reduce auto trips.

Contrary to what the Planning Dept puts into City College's mouth, this is what **City College's Facilities Master Plan actually says:**

VEHICULAR PARKING (FMP Page 2-31)

Parking is an important resource for City College. Users come and go at all times, to and from everywhere in the city and the Bay Area. Some travel between destinations that may or may not be served by transit. Stakeholders agree that there will always be a need for parking at the Ocean campus. Parking is a necessity for attracting new students.

RECOMMENDATIONS

Vehicles and Parking at the Perimeter (FMP Page 4-29)

There will always be a need for vehicle parking on the Ocean Campus. While many parts of the San Francisco Bay Area are well-served by public transit, there will always be users for whom vehicles are the most practical mode of transportation.

City College's FMP and Fehr-Pehr's TDM & Parking Plan shoot down this ridiculous 'question a' argument out of the water.

But RTC-PS-2 isn't done yet! There's still 'question b' and 'question c', any one of which would result in a finding of insignificant impact by the Project!

Question b: *b) If a) is yes, would that require the need for new or physically altered City College facilities, such as TDM or replacement parking?*

Reiterating from FMP:

Potential Parking Sites

Sites for potential parking are identified on the Facilities Master Plan graphic for the Ocean Campus

- **Parking will be located adjacent to the Performing Arts Education Center.**

Facilities Master Plan Projects (FMP p. 4-34)

New Facilities

1. Performing Arts and Education Center*
2. Central Utility Plant
3. STEAM Complex (Science, Technology, Engineering, Art, and Math)
4. Student Development Center*
5. Childcare Center
6. **Parking Structure**
7. East Surface Parking

Question c: *If b) is yes, would the construction or operation of such new or physically altered City facilities, such as TDM or replacement parking, result in any adverse physical effects? Examples include an increase in VMT, increased emissions of criteria pollutants and/or toxic air contaminants, increased noise, or other impacts.*

RTC PS-2 answers its own question with sophistry in order to arrive at a desired conclusion:

Questions b and c): A significant effect on the environment can only result from a physical change relative to existing conditions. Thus, the operational effects of replacing the existing City College parking on the project site with new parking at a nearby location such as the east basin, in and of itself, would result in little or no effect because it would effectively replace existing City College parking with replacement parking at a location close enough so as to not meaningfully change travel patterns.

The RTC's answer to *Question c* is that—even if the proximate cause for construction of new City College parking facilities is the Reservoir Project's elimination of student parking—the Project has no significant effect. Why? Because all the new City College parking is merely replacing the lost parking. **“Relative** to the existing condition (of current student parking), new City College parking (can you follow the logic?) provides equivalent parking; therefore there is no significant “operational effect.”

Wow! What a powerful argument.....for suckers!

Instead of the RTC phrasing of “physical change relative to existing conditions”, CEQA law states:

CCR 15064 (d)(2): *An **indirect physical change** in the environment is a physical change in the environment which is not immediately **related** to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment.*

CCR 15064 (d)(2) means that the Reservoir Project (direct physical change) that causes City College to build new parking structures (physical change), then the new City College structures constitute “indirect physical change.”

“Operation effect” is nowhere in the picture other than as a device to come to an insignificant impact finding in the Initial Study.

CONCLUSION ON RTC Response PS-2

Question a is controverted by the City College FMP that show three new parking facilities.

Question b is also controverted by the CCSF FMP.

Question c is based on a faulty interpretation of CCR 15064 (d)(2) that describes “indirect physical change”, NOT “ *A significant effect on the environment can only result from a physical change relative to existing conditions.*”

RTC PS-2 fails on all counts.

CONCLUSION ON PLANNING DEPT’S 8/3 RESPONSE 4

Response 4’s two legs of 1) SEIR Appendix B (Initial Study), and 2) RTC Response PS-2 have been shown to be defective and inadequate.

The certification of the SEIR should be reversed.

Submitted by:

Alvin Ja, appellant

From: [BOS Legislation, \(BOS\)](#)
To: "Stuart Flashman"; [joe_kirchofer](#); [Brad Wiblin](#); [Russell, Rosanna \(PUC\)](#); [Steven Vettel](#); [jahjah@att.nnet](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [MALAMUT, JOHN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [KAPLA, ROBB \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Poling, Jeanie \(CPC\)](#); [Hong, Seung Yen \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: PLANNING DEPARTMENT RESPONSE: Appeal of CEQA Final Environmental Impact Report - Proposed Balboa Reservoir Project - Appeal Hearing - August 11, 2020
Date: Wednesday, August 5, 2020 9:38:23 AM
Attachments: [image001.png](#)

Good morning.

The Office of the Clerk of the Board received the following response from the Planning Department, regarding the appeal of the CEQA Final Environmental Impact Report for the proposed Balboa Reservoir project.

[Planning Department Response - August 3, 2020](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 200804](#)

Best regards,

Jocelyn Wong

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

jocelyn.wong@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that

a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.



Appeal of Final Subsequent Environmental Impact Report – Balboa Reservoir Project

DATE: August 3, 2020
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa M. Gibson, Environmental Review Officer – (415) 575-9032
Wade Wietgreffe, Principal Environmental Planner – (415) 575-9050
Jeanie Poling, Environmental Coordinator – (415) 575-9072
RE: File No. 200804, Planning Case No. 2018-007883ENV
Appeal of the Final Subsequent Environmental Impact Report for the Balboa Reservoir Project
HEARING DATE: August 11, 2020

PROJECT SPONSOR: Joe Kirchofer and Brad Wiblin, Reservoir Community Partners LLC
APPELLANT: Stuart M. Flashman on behalf of Madeline Mueller, Alvin Ja, and Wynd Kaufmyn

DEPARTMENT'S RECOMMENDATION: Uphold the SEIR certification and deny the appeal

INTRODUCTION

This memorandum is a response to the letter of appeal to the Board of Supervisors (the “Board”) regarding the Planning Department’s (the “department”) issuance of a final subsequent environmental impact report (“final SEIR”) under the California Environmental Quality Act (“CEQA Determination”) for the Balboa Reservoir Project (the “proposed project” or the “project”). The final SEIR (provided via email to the Board on April 29, 2020) was certified by the Planning Commission (the “Commission”) on May 28, 2020.

The appeal to the Board was filed on June 18, 2020 by Stuart M. Flashman on behalf of appellants Madeline Mueller, Alvin Ja, and Wynd Kaufmyn (“the appellant”). The five-page appeal letter from Mr. Flashman incorporates by reference the following evidence in support of the appeal: Undated set of graphics entitled “High Level Program Review” showing the five-year construction phasing plan for City College (Exhibit A), City College of San Francisco Transportation Demand Management (TDM) and Parking Plan prepared by Fehr & Peers, dated March 15, 2019 (Exhibit B), and Planning Commission Motions M-20730 and M-20731. The appeal letter and supporting exhibits and attachments are part of Board of Supervisors File No. 200804 and can be accessed here: <https://sfgov.legistar.com/Legislation.aspx>.

The decision before the Board is whether to uphold the certification of the final SEIR by the Commission and deny the appeal, or overturn the Commission’s decision to certify the final SEIR and return the project to the Planning Department for additional environmental review.

PROJECT DESCRIPTION

The City and County of San Francisco (the City), acting by and through its San Francisco Public Utilities Commission (SFPUC), selected Reservoir Community Partners LLC (a joint venture between BRIDGE Housing Corporation and Avalon Bay Communities), to act as master developer for the redevelopment of a 17.6-acre site in the West of Twin Peaks area of south central San Francisco known as the Balboa Reservoir. The proposed project would develop the site with mixed-income housing, open space, a childcare facility/community room available for public use, retail space, on- and off-street parking, and new streets, utilities, and other infrastructure.

The SEIR studied two different options for the site's residential density to capture a range of possible development on the project site as shown in **Table 1. Project Characteristics**. The project that the Planning Commission adopted in Motion No. 20731 is analyzed in the SEIR as the Developer's Proposed Option, except that the height limit of the easternmost 58 feet of Blocks TH1, TH2 and H is 48 feet, as analyzed in the Additional Housing Option, instead of 35 feet, as analyzed in the proposed project.

TABLE 1. PROJECT CHARACTERISTICS

Project Characteristic	Developer's Proposed Option	Additional Housing Option
Proposed Land Use Program	Area (gross square feet)	Area (gross square feet)
Residential	1,283,000	1,588,000
Commercial (retail)*	7,500	7,500
Community facilities (childcare and community room for public use)	10,000	10,000
Parking	339,900 (residential and public)	231,000 (residential only)
Total Building Area	1,640,400	1,836,500
Proposed Dwelling Units	1,100	1,550
Proposed Vehicle Parking Spaces	1,300 [550 residential + 750 public garage]	650 [residential only]
Publicly Accessible Open Space	4 acres	4 acres
Building Characteristics		
Stories	2 to 7 stories	2 to 8 stories
Height	25 to 78 feet	25 to 88 feet

*At hearings during the week of July 27, 2020, various committees of the Board of Supervisors discussed eliminating retail use from the project. This project change would not change the CEQA analysis presented in the SEIR or elsewhere in this appeal response. Removal of 7,500 square feet of retail space would slightly reduce vehicle trips and related impacts, such as vehicle and transit trips, and air pollutant emissions; however, it would not change the SEIR impact conclusions.

The project would include transportation and circulation changes, including the extension of existing north-south Lee Avenue across the site, and a new internal street network. The project would also include Ocean Avenue streetscape modifications consisting of the conversion of five 21-foot-long metered parking spaces along the frontage of 1150 Ocean Avenue to metered loading spaces between the hours of 6 a.m. and 2 p.m. (subject to SFMTA approval). The project would include a roadway network that would be accessible for people walking, including people with disabilities, bicycling, and driving. The project would also add new utility infrastructure

to supply the site with potable water, wastewater collection, stormwater collection and treatment, electricity, natural gas, and communications. The SFPUC would retain ownership of an 80-foot-wide strip of land located along the southern edge of the site where an underground water transmission pipeline is located.

PROJECT BACKGROUND

Balboa Park Station Area Plan Environmental Review

The department initiated the Balboa Park Station Area Plan (“area plan”) planning process in 2000. The area plan covers an approximately 210-acre area generally bounded by parcels along the northern edge of Ocean Avenue, the southern boundary of Archbishop Riordan High School, Judson Avenue and Havelock Street to the north; the northeastern edge of City College, and San Jose and Delano avenues to the east; Niagara and Mount Vernon avenues, and parcels along the southern edges of Geneva and Ocean avenues to the south; and Manor Drive to the west. The area plan’s objectives and policies were developed to implement a set of land use and zoning controls; urban design and architectural guidelines; and transportation/infrastructure, streetscape, and open space improvements that would enhance the overall urban environment and encourage new development, particularly housing and neighborhood-serving commercial uses.

The department prepared the Balboa Park Station Area Plan [Program] Environmental Impact Report (the “area plan PEIR” or “PEIR”), which analyzed transportation/infrastructure and public space improvements and potential future development in the plan area expected in the near future (2009–2010) or within the long-term (2010–2025) timeline. The near-future development program analyzed also included two individual near-term projects named “Phelan Loop Site” and “Kragen Auto Parts Site,” which are now built.¹ On April 7, 2009, the San Francisco Board of Supervisors adopted the area plan. The Mayor subsequently signed the legislation for the area plan, which was enacted on May 18, 2009.

The PEIR provided a first-tier, plan-level analysis of the environmental impacts associated with the development program proposed for the entire plan area, including the Balboa Reservoir project site. The area plan and the PEIR do not place a cap on the number of housing units within the plan area or the project site. In order to conduct a program-level analysis, the department made appropriate development assumptions at the time of the PEIR. The PEIR analyzed a development program of 500 residential units and 100,000 square feet of open space for the Balboa Reservoir site.

Balboa Reservoir Project EIR

The SEIR is tiered from the previously certified PEIR in accordance with CEQA Guidelines section 15168(c), which provides for environmental review of subsequent activities under the same program. The proposed project at the Balboa Reservoir site is the first development project under the adopted area plan in which conditions triggering a subsequent EIR are met pursuant to CEQA Guidelines section 15162.

¹ The “Phelan Loop Site” (1100 Ocean Avenue) is bounded by Lee Avenue to the west, Ocean Avenue to the south, San Francisco Fire Department Station 15 to the east, and Balboa Reservoir to the north. (It is noted that Phelan Loop is now referred to as the City College Terminal. The terminology here is from the PEIR.) This site is a mixed-use development with residential above ground-floor retail and public open space (Unity Plaza). The “Kragen Auto Parts Site” (1150 Ocean Avenue) is bounded by Ingleside Branch Library to the west, Ocean Avenue to the south, Lee Avenue to the east, and the Balboa Reservoir to the north. This site is a mixed-use development with residential above ground-floor retail.

The SEIR is a project-level environmental review that includes more details on the currently proposed project at the Balboa Reservoir than were in the PEIR. The SEIR analyzed the proposed development at the project site compared to the development assumed in the PEIR to determine whether it would be within the scope of the program-level analysis or whether the project would result in new significant impacts or substantially more severe significant impacts than those identified in the PEIR.

The initial study (SEIR Appendix B), explains why the project would not have new significant impacts or substantially more severe significant impacts than those previously identified in the PEIR for 19 of the 22 resource topic areas.

Where the project might have significant impacts that have not been adequately addressed in the PEIR, either due to the nature of the project, or due to new information that was not previously available, those issues were carried forward for detailed analysis. The department determined that the proposed project would result in new significant impacts and substantially more-severe significant impacts than previously identified in the PEIR for transportation and circulation, air quality, and noise.

PROCEDURAL BACKGROUND

Table 2. CEQA Procedural Background, identifies the dates of the major CEQA milestones for the Balboa Reservoir Project's environmental analysis.

TABLE 2. CEQA PROCEDURAL BACKGROUND	
CEQA Milestone	Date
Notice of preparation (NOP) of a subsequent EIR published	October 10, 2018
<i>NOP public scoping period</i>	October 10, 2018 – November 12, 2018 (33 days)
<i>Public scoping meeting</i>	October 30, 2018
Draft SEIR published	August 7, 2019
<i>Draft SEIR public review period</i>	August 8, 2019 – September 23, 2019 (46 days)
<i>Public hearing on draft SEIR</i>	September 12, 2019
Responses to comments (RTC) document published	April 29, 2020 (30 days prior to certification hearing; local requirement is 10 days)
Final subsequent EIR certified	May 28, 2020
Appellant files appeal of SEIR certification ^a	June 18, 2020
a. Alvin Ja, of the appellant, submitted supplemental materials to the clerk of the board on August 1, 2020, past the deadline for the appellant to submit supplemental materials pursuant to chapter 31 of the Administrative Code. Even so, the late supplemental materials raise no new issues not previously responded to the final SEIR and/or this appeal response.	

CEQA GUIDELINES

The department prepared the final SEIR in accordance with CEQA, the CEQA Guidelines, and local CEQA procedures under chapter 31 of the San Francisco Administrative Code. The purpose of the final SEIR is to disclose any potential impacts on the physical environment resulting from implementation of the proposed project and provide an opportunity for public review and comment before decision-makers

decide to approve or deny the project. The SEIR is an informational document intended to inform public agency decision-makers and the public of the significant environmental effects of a project proposal, identify possible ways to minimize the significant effects, and describe feasible alternatives to the project to reduce or eliminate those significant effects. Certification of an environmental document does not constitute a project approval of any kind.

STANDARDS OF ADEQUACY FOR CERTIFICATION OF AN EIR

On May 28, 2020, the Planning Commission reviewed and considered the final SEIR at a duly noticed public hearing. The Commission found that the final SEIR reflected the independent judgment and analysis of the City and County of San Francisco. The Commission found that the final SEIR was adequate, accurate and objective, and that the responses to comments (“RTC”) document contained no significant revisions to the draft SEIR. The Commission certified the final SEIR in compliance with the requirements of CEQA, the CEQA Guidelines, and chapter 31 of the San Francisco Administrative Code.

Under San Francisco Administrative Code section 31.16(c)(3), the grounds for appeal of an EIR:

“shall be limited to whether the EIR complies with CEQA, including whether it is adequate, accurate and objective, sufficient as an informational document, correct in its conclusions, and reflects the independent judgment and analysis of the City and whether the Planning Commission certification findings are correct.”

The standards for adequacy of an EIR are set forth in CEQA Guidelines section 15151, which provides:

“An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.”

San Francisco Administrative Code section 31.16(b)(6) provides that in reviewing a CEQA decision on appeal, the Board of Supervisors “shall conduct its own independent review of whether the CEQA decision adequately complies with the requirements of CEQA. The Board shall consider anew all facts, evidence and issues related to the adequacy, accuracy and objectiveness of the CEQA decision, including, but not limited to, the sufficiency of the CEQA decision and the correctness of its conclusions.”

CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

As described in CEQA Guidelines section 15093, if the final EIR identifies significant effects for a proposed project, but the effects are not avoided or reduced to a less-than-significant level (i.e., significant and unavoidable impacts), a decision-maker that approves the project must find that any such unavoidable significant effects are acceptable due to overriding economic, legal, technological, social, or other policy considerations. This is known as a statement of overriding considerations. In making these findings, the decision-maker must balance the benefits of the proposed project against its unavoidable environmental effects.

The Commission has authority to recommend to the Board of Supervisors approval of the Balboa Reservoir Project development agreement; to approve associated General Plan and Planning Code amendments, including amendments to the Zoning Map to create a new Balboa Reservoir Special Use District; and to approve the Balboa Reservoir Design Standards and Guidelines. The Commission was the first decision-maker under CEQA that was required to adopt CEQA findings, including a statement of overriding considerations, when it approved the project. On May 28, 2020, following Commission certification of the final SEIR, the Commission approved the project and adopted CEQA findings as part of its approval action in Planning Commission Motion M-20731.

PLANNING DEPARTMENT RESPONSES

One appeal letter was timely filed concerning certification of the final SEIR for the Balboa Reservoir Project. The concerns raised in the letter are responded to below.

Response 1: The SEIR adequately and accurately describes the project area and existing conditions and appropriately analyzes impacts on schools.

The appellant contends that the SEIR does not provide adequate information concerning surrounding uses, both present and future, for the City College Ocean Campus, Archbishop Riordan High School, and Lick Wilmerding High School, as well as how they would be affected by the project.

The SEIR meets CEQA requirements for describing the existing or baseline physical conditions and evaluates the impacts of the project on public services, including nearby schools and City College Ocean Campus. The adjacent land uses in the site vicinity, including City College and Archbishop Riordan High School, are adequately described on SEIR pp. 2-9 to 2-12, consistent with CEQA Guidelines section 15125, which states, “[t]he description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives.” As described in RTC Response CEQA-2 (p. 4.A-23), pursuant to CEQA Guidelines section 15125(a)(1), the physical conditions existing when the notice of preparation was published (October 10, 2018) were used to establish the baseline for the project-level analysis in the SEIR and initial study. The SEIR reflects the existing conditions in the vicinity, including City College and nearby high schools, as of 2018.

The appellant’s statement that future City College projects should be included in the project setting is incorrect, as the future City College projects are considered under cumulative future conditions and do not represent existing or near-term baseline conditions. The SEIR adequately analyzes cumulative impacts, including potential impacts associated with future City College facilities master plan projects funded by the March 2020 bond, and this topic is addressed in Response 3 below.

In addition, each SEIR section and initial study section also describes the existing context of the project site and vicinity relevant to the topic’s impact discussions, consistent with CEQA Guidelines section 15125. **Table 3. Location of Existing Setting Descriptions for Each Topic Area** (the same as Table RTC-4 in the RTC document) provides the location of the existing setting discussion for each topic area in the SEIR.

TABLE 3. LOCATION OF EXISTING SETTING DESCRIPTIONS FOR EACH TOPIC AREA

Topic	Location in Draft SEIR
Transportation and Circulation	Draft SEIR pp. 3.B-5 to 3.B-31
Noise	Draft SEIR pp. 3.C-6 to 3.C-11
Air Quality	Draft SEIR pp. 3.D-3 to 3.D-21
Land Use and Land Use Planning	Draft SEIR Appendix B, p. B-13
Aesthetics	Not Applicable. Public Resources Code section 21099(d) provides that aesthetic impacts of a residential mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.
Population and Housing	Draft SEIR Appendix B, p. B-18 (construction jobs) Draft SEIR Appendix B, p. B-19 to B-21 for the Balboa Park Priority Development Area and citywide (population, housing, and employment)
Cultural Resources	Draft SEIR Appendix B, p. B-27 (site history and past reconfiguration) Draft SEIR Appendix B, p. B-28 (archeological resources)
Tribal Cultural Resources	Draft SEIR Appendix B, p. B-34
Greenhouse Gas Emissions	Draft SEIR Appendix B, pp. B-37 to B-28
Wind	Draft SEIR Appendix B, p. B-42
Shadow	Draft SEIR Appendix B, pp. B-46 to B-47
Recreation	Draft SEIR Appendix B, pp. B-52 to B-54
Utilities and Service Systems	Draft SEIR Appendix B, pp. B-59 to B-60 (water supply) Draft SEIR Appendix B, pp. B-73 to 75 (wastewater/stormwater collection and treatment) Draft SEIR Appendix B, pp. B-76 to B-77 (solid waste)
Public Services	Draft SEIR Appendix B, p. B-82 (fire protection services) Draft SEIR Appendix B, p. B-83 (police protection services) Draft SEIR Appendix B, p. B-85 to B-86 (public schools) Draft SEIR Appendix B, p. B-87 (public libraries) Draft SEIR Appendix B, pp. B-87 to B-89 (other public facilities – City College)
Biological Resources	Draft SEIR Appendix B, pp. B-93 to B-94
Geology and Soils	Draft SEIR Appendix B, pp. B-100 to B-101, B-104
Hydrology and Water Quality	Draft SEIR Appendix B, pp. B-108 to B-110
Hazards and Hazardous Materials	Draft SEIR Appendix B, pp. B-121 to B-123
Mineral resources	Not Applicable
Energy	Draft SEIR Appendix B, pp. B-126 to B-127
Agriculture and Forest Resources	Not Applicable
Wildfire	Not Applicable

The SEIR analyzes impacts of the proposed project on public services, including schools, and determines that the project would not result in the need for new facilities, the construction of which could result in significant impacts on the environment (SEIR Appendix B, pp. B-82 to B-90). As stated in RTC Response PS-2 on RTC p. 4.H-60, “[t]he 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....” [emphasis added]. It is noted that Response PS-2 was provided in response to a comment alleging that the loss of the project site’s use as a parking lot for City College would decrease access to educational opportunities. Please see Response 4, below, for a discussion of secondary impacts related to parking.

Concerning Archbishop Riordan High School, the SEIR adequately describes the school and thoroughly analyzes construction period noise and air quality effects on that institution; please refer to Response 6 below for a discussion of noise impacts. There are no reasonably foreseeable future construction projects on the high school campus that would require cumulative impact analysis. Regarding Lick Wilmerding High School, this institution is more than 1,000 feet from the project site and very close to I-280. Therefore, the proposed project would be unlikely to result in any noise, air quality, or other impacts on Lick Wilmerding. The appellant has not made any specific allegation as to any specific impacts on either Archbishop Riordan or Lick Wilmerding high schools and, therefore, no more specific response is possible. Moreover, the appellant has provided no evidence that the project would require the construction of new off-site public service facilities, or that any such facilities would have significant environmental effects not already disclosed in the SEIR.

Response 2: The affordable housing percentage is adequately identified in the SEIR.

The appellant contends that the affordable housing percentage in the project description is inaccurate and inconsistent. The appellant states that lower income households are more likely to use public transit; thus, the unspecified final percentage of units and level of affordability makes VMT, air quality, pedestrian and bicyclist safety, and transit delay analysis inaccurate.

It is true that affordable residential units tend to generate lesser vehicle travel than moderate- and above-moderate income units based on research of households throughout California that live within one quarter-mile of high-quality transit.²

The SEIR transportation analysis follows the travel demand methodology presented in the department’s San Francisco Transportation Impact Analysis Guidelines for Environmental Review in 2019 (2019 TIA Guidelines), which do not distinguish between below-market-rate residential units and other residential units in their travel demand calculations. This is because the San Francisco data collection and analysis used to create the travel demand methodology did not separate market rate and affordable housing. Accordingly, the quantitative analysis assumes, for example, a one-bedroom market-rate unit would have the same trip generation rate and mode split as a one-bedroom affordable unit.³

² City and County of San Francisco, *Transportation Demand Management Technical Justification*, updated January 2018, http://default.sfplanning.org/transportation/tdm/TDM_Technical_Justification_update2018.pdf, page 31. Accessed July 24, 2020.

³ The supporting trip generation and travel demand data is provided in SEIR Appendix C1, Travel Demand Memorandum.

As detailed in the 2019 TIA Guidelines, trip generation rate methodology accounts for the size and type of land use to estimate the number of project person trips. Residential trip generation rates are based on the number of bedrooms in a dwelling unit.⁴

The ways people travel, also known as mode split, refers to the estimated way or method people travel, which include automobile, taxi, TNC, walking, public transit, and bicycling. The department developed mode splits based on data collection at typical office, retail, residential, and hotel land use sites throughout San Francisco in 2017. The mode split ratios are different depending on the land use type and place type (urban low density, urban medium density, and urban high density), due to factors that influence travel behavior. Whether a dwelling unit is below-market-rate or not was not accounted for in the San Francisco data collection and is therefore not considered in the mode split percentages.⁵

Developments that provide 100 percent affordable housing are exempt from the City's TDM Program. According to the TDM program technical justification, this is because most new affordable housing developments are constructed with little or no off-street parking. The technical justification documents research finding that decreased parking availability results in decreased driving, other factors being equal, and concluded that "a reduced Parking Supply is the most effective TDM measure available."⁶ It is this link between parking supply and driving that provides the justification for excluding 100 percent affordable housing developments from the TDM program.⁷ However, as noted above, housing occupancy based on the number or level of affordable units alone may decrease driving. Accordingly, the SEIR analysis may somewhat overstate vehicle trips and VMT and to somewhat understate transit demand. However, because the 2019 TIA Guidelines do not quantify the differences in mode split based on affordability, it is not possible in this SEIR to quantify the potential differences using local data.

The travel demand analysis for the proposed project is therefore conservative in that it assumes the same trip rates and mode splits for market rate and affordable housing. This is because it may somewhat overestimate vehicle trips and VMT, thereby somewhat overestimating potential transportation, air quality, and noise effects, but not to unrealistic levels. These effects could be incrementally overstated because vehicle trips contribute to potentially hazardous conditions (including those resulting from conflicts due to passenger loading activity), transit delay resulting from congestion, emissions of criteria air pollutants, and traffic noise. Of these impacts, the SEIR identified significant and unavoidable impacts related to potentially hazardous conditions (as a result of loading along the existing segment of Lee Avenue north of Ocean Avenue), transit delay, and emissions of criteria air pollutants. Even if vehicle trips were changed to account for the overestimation of trips, all these impacts would remain significant and unavoidable, although their severity could be incrementally reduced. It is noted that the potential overestimation of vehicle trips would mean that the analysis slightly underestimated transit trips and transit trips factor into the transit delay analysis too.

⁴ San Francisco Planning Department, *Transportation Impact Analysis Guidelines for Environmental Review*, Updated October 2019, Appendix F: Travel Demand, <https://sfplanning.org/project/transportation-impact-analysis-guidelines-environmental-review-update#impact-analysis-guidelines>, accessed July 24, 2020.

⁵ Ibid.

⁶ City and County of San Francisco, *Transportation Demand Management Technical Justification*, updated January 2018, http://default.sfplanning.org/transportation/tdm/TDM_Technical_Justification_update2018.pdf, page 33. Accessed July 24, 2020.

⁷ City and County of San Francisco, *Transportation Demand Management Technical Justification*, updated January 2018, http://default.sfplanning.org/transportation/tdm/TDM_Technical_Justification_update2018.pdf, page 11. Accessed July 24, 2020.

Construction period air quality and noise impacts are based on the scale of the project and location of nearby sensitive receptors. As a result, the SEIR provides a conservative, worst-case assessment of potential environmental effects from the construction of the new housing units regardless of whether those units are affordable or market rate. Refer to Response 7 below, which explains why noise, air quality, and transportation impacts would remain regardless of the affordable housing percentage.

The appellant is correct that the SEIR notes “up to 50 percent” of the units would be designated affordable; however, as explained below, the project’s affordable housing share has now been confirmed to be 50 percent. The SEIR specifies on p. 2-13 that the units would be designated affordable to persons earning between 55 and 120 percent of the area median income. The RTC document on p. 5-11 further updates the project description to state that as part of the project’s 50 percent affordable housing element, 150 of the units would be deed-restricted to occupancy by educator households with an average income of 100 percent of the area median income. The development agreement that the Commission recommended for approval by the Board of Supervisors would obligate the developer to cause 50 percent of the units constructed on the project site to be affordable.⁸

Response 3: Cumulative impacts on noise, air quality, transit delay, and pedestrian and bicycle safety are adequately identified in the SEIR. The SEIR adequately and accurately identifies all feasible mitigation measures to reduce the project’s transportation, noise, and air quality impacts.

The appellant contends that the SEIR fails to identify and mitigate significant impacts related to cumulative impacts on noise, air quality, transit delay, pedestrian and bicycle safety from construction of the project and adjacent City College construction projects (e.g., Science, Technology, Engineering, Art, and Math [STEAM] building and Diego Rivera Theater, both of which would be built on City College property on the Balboa Reservoir “east basin,” which is between the project site and Frida Kahlo Way). The appellant argues that the cumulative impacts of the proposed project combined with those of the City College Facilities Master Plan (facilities master plan) projects are ignored and would exacerbate the already identified significant and unavoidable impacts in the SEIR.

The cumulative impact analysis in the SEIR is consistent with the requirements of CEQA and the state CEQA Guidelines. CEQA Guidelines section 15355 defines cumulative impacts as “two or more individual effects which, when considered together are considerable or which compound or increase other environmental impacts. (a) The individual effects may be changes resulting from a single project or a number of separate projects. (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present and reasonably foreseeable future projects.”

Potential cumulative impacts of the City College east basin facilities master plan projects are considered in the SEIR, and the approach to the analysis is described on SEIR pp. 3.A-10 and 3.A-14.⁹ Contrary to the appellant’s

⁸ City and County of San Francisco and Reservoir Community Partners, LLC, *Balboa Reservoir Draft Development Agreement, Exhibit D – Affordable Housing Program*. This document is found by searching Board of Supervisors File No. 200423 here: <https://sfgov.legistar.com/Legislation.aspx> and selecting document 17.

⁹ The Planning Department is aware that the City College Board of Trustees at its August 6, 2020, hearing will be considering terms to include in a future memorandum of understanding (MOU) with the project sponsor. A draft MOU prepared by City College staff represents internal staff discussions. The project sponsor has not agreed to or committed to MOU terms that exceed the physical improvements that have been specifically identified in the final SEIR. Consequently, any such potential improvements that may go beyond those identified in the final SEIR could not have been known at time of the Planning Commission certification of the final SEIR, are considered speculative at this time, and are not addressed further herein.

assertion, the RTC document acknowledges the passage of the City College bond measure in March 2020 (RTC p. 4.G-4). RTC Response CU-1: Cumulative Analysis describes the range of projects that could be funded by the bond, including the STEAM building and fine and visual arts and performing arts facilities (RTC p. 4.G-4).

The RTC document thoroughly responds to the appellant's points regarding cumulative construction impacts on noise, air quality, transit delay, and pedestrian and bicycle safety. The following summarizes where each topic is analyzed in the SEIR, the mitigation measures identified to reduce those impacts, and further discussed in the RTC document:

- Cumulative construction-related transportation impacts are discussed under Impact C-TR-1 starting on SEIR p. 3.B-91. As stated on SEIR p. 3.B-91 "construction of the proposed project or variant may overlap with construction of other cumulative development and transportation infrastructure projects, including new development and/or modernization of existing buildings as part of the City College Facilities Master Plan...." The SEIR explains that as part of the construction permitting process, development projects are required to work with various City departments to develop detailed and coordinated construction logistics and contractor parking plans, as applicable, that would address construction vehicle routing, traffic control, transit movement, pedestrian movement, and bicycle movement adjacent to the construction area. The SEIR concludes that through compliance with the City's requirements and adherence to the blue book regulations, construction-related transportation impacts would be less than significant and no mitigation measures are required.
- Cumulative transit impacts are discussed under Impacts C-TR-4 to C-TR-6b on SEIR pp. 3.B-92 to 3.B-102. As discussed on SEIR p. 3.B-95, the transit delay contribution from the project, City College facilities master plan projects, and other cumulative development is expected to cumulatively increase transit delay and could exceed the threshold of significance for individual Muni routes. The SEIR analysis identifies a significant impact related to cumulative transit delay and contains Mitigation Measure M-C-TR-4 (Implement Measures to Reduce Transit Delay) requiring the project sponsor to fund several SFMTA projects in the project vicinity to reduce transit delay. The SEIR concludes that even with implementation of Mitigation Measure M-C-TR-4, the impact would be significant and unavoidable, given the uncertainty of SFMTA approval of the identified capital improvement measures in the future. The SEIR identifies a significant impact related to cumulative secondary effects on people bicycling and public transit delay due to potential conflicts associated with the existing off-site freight loading activities on Lee Avenue between Ocean Avenue and the project site that are associated with Whole Foods and other Ocean Avenue businesses. No feasible mitigation measures are identified, given the uncertainty regarding the ability of Whole Foods and other businesses to manage their loading activities to avoid pedestrian and bicycle conflicts and potential transit delay; thus, the SEIR concludes that cumulative impacts would be significant and unavoidable.
- Cumulative construction-related noise impacts are discussed under Impact C-NO-1 starting on SEIR p. 3.C-38. As explained on RTC p. 4.G-6, the analysis is conservative in that it considers the worst-case cumulative noise scenario in which the facilities master plan project closest to Archbishop Riordan High School (the East Basin Parking Structure) is constructed at the same time that noise-generating construction is occurring at the project site. The SEIR analysis identifies a significant impact related to cumulative noise impacts on sensitive receptors and identifies Mitigation Measure M-NO-1

(Construction Noise Control Measures). The SEIR concludes that even with implementation of Mitigation Measure M-NO-1, the impact would be significant and unavoidable.

- Cumulative operational noise impacts related to traffic increases of the project in combination with cumulative projects are discussed under Impact C-NO-2 on SEIR p. 3.C-40. The SEIR analysis concluded that the proposed project, in combination with the City College facilities master plan projects could result in significant cumulative substantial permanent increase in ambient noise levels; however, the proposed project's contribution would not be cumulatively considerable and the impact would be less than significant. No mitigation measures are identified for operational noise impacts related to increases in traffic because the cumulative impact is less than significant.
- Cumulative mechanical equipment noise impacts of the project in combination with cumulative projects, including the City College facilities master plan projects, are discussed under Impact C-NO-3 on SEIR p. 3.C-41. The SEIR analysis concludes that the proposed project in combination with the City College facilities master plan projects and other nearby projects could result in a significant cumulative permanent noise impact related to mechanical equipment; however, the proposed project's contribution would not be cumulatively considerable with the implementation of Mitigation Measure M-NO-3 (Fixed Mechanical Equipment Noise Controls) and the impact would be less than significant with mitigation.
- Cumulative construction-related air quality impacts are discussed under Impact C-AQ-2 starting on SEIR p. 3.D-91. As explained on RTC pp. 4.G-5 to 4.G-6, the "project-level health risk assessment identified sensitive receptors that are close to where the new City College facilities master plan projects might be located, and acknowledges the possibility that these projects could generate construction-related toxic air contaminant emissions *at the same time as the proposed project* (emphasis added)." The SEIR analysis identifies a significant impact related to cumulative health risk on offsite and onsite sensitive receptors with respect to increased cancer risk and identifies Mitigation Measures M-AQ-2a (Construction Emissions Minimization), M-AQ-4a (Diesel Backup Generator Specifications), and M-AQ-4b (Install MERV 13 Filters at the Daycare Facility). The SEIR concludes that even with implementation of Mitigation Measures M-AQ-2a, M-AQ-4a, and M-AQ-4b, such impacts would be significant and unavoidable, because such mitigation doesn't reduce air pollutants to below thresholds of significance.
- As discussed on SEIR pp. 3.A-3 and 3.B-31, the proposed project meets the Public Resources Code section 21099(d) criteria as a residential, mixed-use infill project in a transit priority area; therefore, parking, and/or its displacement, is not considered a significant impact on the environment pursuant to CEQA. Refer to Response 4 below regarding how indirect parking effects are addressed in the SEIR and RTC document.

In conclusion, the SEIR's cumulative analysis appropriately considers the growth and development information available for City College, including the future buildings on the east basin and passage of the March 2020 bond measure. As explained in RTC Response CEQA-3, Administrative Record (RTC p. 4.A-31), the planning department staff engaged in communications with City College staff regarding the cumulative projects.

Although not a concern raised by the appellant, department staff acknowledges that City College, as a separate lead agency, has conducted separate CEQA analysis for its facilities master plan projects, including its 2004 facilities master plan EIR and a recent addendum to that EIR. Subsequent to the publication of the Balboa

Reservoir RTC document on April 29, 2020, the San Francisco Community College District filed a Notice of Determination on June 29, 2020 for Addendum No. 2 to the City College of San Francisco 2004 Facilities Master Plan EIR. Addendum No. 2 (the addendum) addressed proposed changes to the projects analyzed in the 2004 facilities master plan EIR, which involved revisions to the Arts Center (now known as the Diego Rivera Theater), the Child Development Center (now known as the Childcare Center), and the Advanced Technology Learning Center and Administration Building (together now known as the STEAM Building).¹⁰ The projects analyzed in the addendum are consistent with the facilities master plan projects considered in the SEIR's cumulative analysis. For example, the facilities master plan Childcare Center is included as a sensitive receptor in the SEIR's air quality analysis. The SEIR's noise analysis is conservative in that it considers the worst-case scenario at sensitive receptor locations nearest to the project site where the maximum noise levels from construction equipment would occur. The SEIR analyzes cumulative noise impacts from construction of the potential east basin parking garage on a sensitive receptor 80 feet away (Archbishop Riordan High School), whereas the Diego Rivera Theater and STEAM Building would be approximately 300 feet from that receptor. Therefore, noise impacts of Diego Rivera Theater and STEAM Building on Archbishop Riordan High School would be less than that identified in the SEIR.

The appellant does not identify any additional feasible mitigation measures to reduce cumulative impacts beyond those identified in the SEIR. For the reasons stated above in the SEIR and RTC document, including but not limited to the responses identified above, the final SEIR meets the standards of adequacy of an EIR, as set forth in CEQA Guidelines Section 15151.

Response 4: The SEIR adequately and accurately analyzes secondary impacts related to parking.

The appellant contends that the SEIR does not take into consideration (1) that expansion of the City College campus would increase student enrollment and require more student parking, and (2) VMT and air quality impacts due to cumulative parking shortage.

The SEIR discloses that the project would displace the existing parking that currently occupies the project site, some of which is used as overflow parking by City College students, faculty, and staff on SEIR p. 2-7. It should also be noted that the development agreement recommended for approval by the Planning Commission requires the project sponsor to replace a portion of the existing parking spaces used as overflow parking by City College such that some overflow parking would remain available to students, faculty and staff. The SEIR appropriately evaluates impacts to public services, including secondary impacts related to the loss of City College parking, as discussed in Impact PS-1 on SEIR Appendix B, pp. B-85 to B-91. RTC Response PS-2 (beginning on p. 4.H-59) thoroughly addresses the appellant's concerns regarding indirect or secondary effects due to the loss of parking. RTC Response TR-7: Parking (beginning on p. 4.C-61) addresses concerns regarding parking supply and utilization for informational purposes.

As noted on SEIR Appendix B p. B-87, a parking loss or deficit in and of itself does not result in direct changes to the environment. In 2013, Governor Brown signed California SB 743, which amended the CEQA statute itself with respect to parking, among other things. Specifically, the bill stated that, effective January 1, 2014, parking (and aesthetics) shall not be considered significant impacts on the environment for residential, mixed-used residential, or employment center projects on an infill site within a transit priority area, as defined in CEQA. In 2018, the Office of Planning and Research (OPR) developed a *Technical Advisory on Evaluating Transportation*

¹⁰ City College of San Francisco, *Addendum No. 2 to the City College of San Francisco 2004 Facilities Master Plan EIR*, May 2020; and Notice of Determination filed with the California Office of Planning and Research, SCH No. 2003102086 on June 25, 2020.

Impacts in CEQA (technical advisory), which contains OPR's technical recommendations regarding a project's effects on vehicle travel. The technical advisory states that projects that remove off-street parking spaces would not likely lead to a substantial or measurable increase in vehicle travel, and therefore generally should not require an induced travel analysis.¹¹ As described in Response 2 above, the department issued the 2019 TIA Guidelines, which included guidance regarding methodology and impact analysis related to a suite of transportation topics including VMT and induced automobile travel. And, as also noted in Response 2, less parking leads to less vehicle travel, other things being equal. The 2019 TIA Guidelines documents existing research on travel behavior that supports and furthers substantial evidence in OPR's technical advisory document regarding the removal of off-street parking not requiring additional induced travel analysis.¹² The department adequately assessed transportation impacts in accordance with the methodology presented in the 2019 TIA Guidelines.

RTC Response PS-2: Public Services and Secondary Impacts, explains that CEQA Guidelines Appendix G question relates to public services, and that per CEQA Guidelines section 15358(b), effects under CEQA must be related to a physical change. As further stated in RTC Response PS-2, 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...." RTC Response PS-2 explains in detail, on p. 4.H-61, that the reasoning with respect to the potential effect of the removal of the surface parking lot and the Appendix G question as it relates to public services is as follows:

"a) Would the loss of the existing use of the project site for City College parking conflict with one or more performance objectives established by City College?

b) If a) is yes, would that require the need for new or physically altered City College facilities, such as TDM or replacement parking?

c) If b) is yes, would the construction or operation of such new or physically altered City facilities, such as TDM or replacement parking, result in any adverse physical effects? Examples include an increase in VMT, increased emissions of criteria pollutants and/or toxic air contaminants, increased noise, or other impacts.

Only if questions a), b), and c) were all answered in the affirmative would a significant impact result under CEQA."

RTC Response PS-2 explains that with regard to 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

¹¹ California Office of Planning and Research, *Technical Advisory on Evaluating Transportation Impacts in CEQA*, December 18, 2018, p. 21, http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf, accessed July 24, 2020.

¹² San Francisco Planning Department, *Transportation Impact Analysis Guidelines for Environmental Review*, Updated October 2019, Appendix L: Vehicle Miles Traveled/Induced Automobile Travel, <https://sfplanning.org/project/transportation-impact-analysis-guidelines-environmental-review-update#impact-analysis-guidelines>, accessed July 24, 2020.

serve to decrease parking use.” It is the foregoing analysis that the SEIR relies upon to determine that effects on City College resulting from the loss of parking on the project site would result in a less-than-significant impact.

Although the answer to question a) is no, the department provided additional discussion regarding questions b) and c) for informational purposes. Indirect or secondary effects due to the loss of parking and City College’s performance objective to reduce automobile trips are appropriately analyzed on SEIR Appendix B, p. B-90. The 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. As stated above in Response 2, the City’s *Transportation Demand Management Technical Justification* explains that evidence supports a direct connection between a reduction in parking and a reduction in vehicle travel. Therefore, the removal of parking would likely cause some drivers to shift to another mode of travel; thus, the information in the SEIR regarding this shift is based on substantial evidence. As explained in RTC Response PS-2, the *Transportation Demand Management Technical Justification* references research that has been used to confirm that the availability of parking increases private car ownership and vehicle travel and that parking supply can undermine incentives to use transit and travel by other modes.¹³ Additionally, the technical justification document summarizes research conducted in San Francisco that found that reductions in off-street vehicular parking for office, residential, and retail developments reduce the overall automobile mode share associated with those developments, relative to projects with the same land uses in similar context that provide more off-street vehicular parking.

The appellant claims that the facilities master plan will significantly increase City College enrollment, and as a result, parking demand would increase. RTC Response PS-2 includes for informational purposes a summary of past and future enrollment projections. The data reviewed shows that the projections vary, and as noted in RTC Response PS-2, neither California Community Colleges nor City College uses parking availability as a variable for projecting future enrollment or as an enrollment strategy (p. 4.H-61).

The appellant provides no new information to substantiate the claim that secondary impacts related to parking would result in significant impacts. For the reasons stated above in the SEIR and RTC document, including but not limited to the responses identified above, the final SEIR meets the standards of adequacy of an EIR, as set forth in CEQA Guidelines Section 15151.

Response 5: The SEIR adequately and accurately analyzes the project’s land use impacts.

The appellant contends that the SEIR fails to identify and mitigate significant impacts associated with land use, further stating that the project is inconsistent with two of San Francisco’s priority policies; specifically priority policy 2 (conservation and protection of existing housing and neighborhood character to preserve the cultural and economic diversity of neighborhoods) and priority policy 8 (protection of parks and open space and their access to sunlight and vistas).¹⁴

The SEIR adequately and accurately analyzes the project’s land use impacts. The potential impacts of the project with regard to land use are analyzed under Topic E.1 of the initial study, on SEIR Appendix B, pp. B-12 to B-15. Under CEQA, a project would result in a significant land use impact if it (1) would physically divide an established community, or (2) would cause a significant environmental impact due to a conflict with any land

¹³ City and County of San Francisco, *Transportation Demand Management Technical Justification*, updated January 2018, http://default.sfplanning.org/transportation/tdm/TDM_Technical_Justification_update2018.pdf, accessed July 24, 2020.

¹⁴ The appellant incorrectly lists policy number 7 in the appeal letter.

use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. As discussed on p. B-14 of SEIR Appendix B, the proposed project would not divide an established community; instead the project would add connections through the community by extending pedestrian and bicycle facilities through the project site, and extending Lee Avenue to connect to the proposed interior streets.

Compatibility with existing zoning and plans and land use impacts are analyzed in SEIR Appendix B pp. B-2 to B-7 and pp. B-12 to B-15. CEQA Guidelines section 15125(d) requires an EIR to “discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans.” This consideration of plan inconsistency is part of the discussion of the project’s environmental setting, pursuant to CEQA Guidelines section 15125(d). As discussed on SEIR Appendix B, pp. B-3 and B-14, a conflict between a proposed project and plans, policies, and regulations do not, in and of itself, indicate a significant effect on the environment within the context of CEQA. CEQA Guidelines section 15382 defines a significant effect on the environment as “a substantial or potentially adverse change in the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” Therefore, for a project to result in a significant impact under CEQA with respect to a conflict with the general plan or other policies, the project must be inconsistent or otherwise conflict with a plan or policy adopted for the purpose of mitigating an environmental effect *and* result in a physical environmental effect related to the identified policy conflict. As stated in RTC Response PP-1 (p. 4.H-10), to the extent that such physical environmental impacts may result from such conflicts, the SEIR discloses and analyzes the physical impacts under the relevant resource topic.

RTC Response PP-1 (p. 4.H-11) explains that changes to neighborhood character are not considered significant environmental effects under CEQA unless the changes would result in a substantial adverse physical change in the environment. That response explains that physical environmental effects related to building height, such as wind and shadow, are discussed in the SEIR Appendix B, Sections E.10 and E.11, respectively. As stated on SEIR Appendix B p. B-12, aesthetic impacts of residential or mixed-use residential project on an infill site in a transit priority area shall not be considered significant impacts on the environment, pursuant to CEQA Guidelines section 21099; therefore, the environmental review does not consider aesthetics in determining the significance of a project’s impacts under CEQA. RTC Response PP-1 acknowledges that the Balboa Park Station Area Plan includes language accompanying Policy 6.4.1 stating that “new development should add to the district’s character, create a human scale public realm, and fit within the city’s traditional fabric.” Consistency with land use policies may be evaluated by the Board of Supervisors in its deliberations on the project.

The potential shadow impacts of the project are analyzed under Topic E.11 of the initial study, in SEIR Appendix B, pp. B-45 to B-51. As stated on SEIR Appendix B, p. B-46, the significance of shadow impacts is evaluated based on whether a project would “create shadow that substantially and adversely affects the use and enjoyment of publicly accessible open spaces.” The analysis concludes that the proposed project would not substantially affect the use of Unity Plaza (approximately 200 feet from the project site’s southeastern border), and the shadow impact would be considered less than significant (SEIR Appendix B, p. B-50). No other publicly accessible open spaces would be shaded by the project, and project shadow would not reach any City parks.

The SEIR has not failed to analyze and disclose significant environmental impacts in regards to land use. The appellant has provided no information to demonstrate that the proposed project is inconsistent with any priority policy, or that such an inconsistency would result in significant environmental effects not already disclosed and evaluated in the SEIR. For the reasons stated above in the SEIR and RTC document, including but not limited to

the responses identified above, the final SEIR meets the standards of adequacy of an EIR, as set forth in CEQA Guidelines Section 15151.

Response 6: The SEIR adequately and accurately analyzes the project's construction and operational noise impacts on sensitive receptors.

The appellant contends that the SEIR fails to identify and mitigate significant impacts related to construction and operational noise impacts on children participating in child behavior observation classes in the City College Multi-Use Building and other childcare facilities and schools. The appellant also states that the SEIR erroneously identifies the time of least noise sensitivity as between 9 a.m. and 4 p.m., stating that these are during City College class times and childcare facility operations.

Construction noise impacts are evaluated under Impact NO-1 on SEIR pp. 3.C-23 to 3.C-31. Operational noise impacts are evaluated under Impact NO-3 on SEIR pp. 3.C-33 to 3.C-38 and Impact NO-4 on SEIR pp. 3.C-36 to 3.C-38. The appellant incorrectly asserts that the SEIR does not disclose and mitigate the project's impact. The department fully responded to comments on the draft SEIR regarding children attending child behavior observation classes in the Multi-Use Building, and schools in RTC Response NO-1: Noise Baseline (pp. 4.D-2 to 4.D-5), RTC Response NO-3: Construction Noise Impacts (pp. 4.D-11 to 4.D-17), RTC Response NO-5: Operational Noise (pp. 4.D-20), and RTC Response NO-6: Noise Mitigation Measure (pp. 4.D-21 to 4.D-23).

As described on SEIR p. 3.C-25 and in RTC Response NO-1: Noise Baseline, the construction noise analysis is based on the closest sensitive receptors to the project site and include residences along Plymouth Avenue, San Ramon Way, and 1100-1150 Ocean Avenue, and Archbishop Riordan High School. As stated in RTC Response NO-1 (RTC p. 4.D-3), the "predicted construction-related noise levels at sensitive receptors are evaluated to determine whether the project would result in a (1) an increase in sustained noise levels that are 10 dBA above the ambient background noise levels over a substantial period of time, or (2) noise levels above the Federal Transit Administration's limit of 90 dBA. The analysis and disclosure of maximum potential project-specific increases over existing ambient environments (i.e., a 'worst-case' assessment) follows standard methodology for the evaluation of noise impacts."

RTC Response NO-1 explains that construction-related noise levels are measured at the nearest sensitive receptor locations to identify the maximum combined noise impacts from construction equipment. No childcare facilities were included in the impact table because they are substantially more distant than the nearest sensitive receptors shown in Table 3.C-8 of the SEIR (p. 3.C-27). Tables RTC-5 and RTC-6 provide for informational purposes construction-related noise levels at other childcare locations such as Mighty Bambinis Childcare and the future City College daycare at Judson Avenue and Frida Kahlo Way (see RTC pp. 4.D-4 to 4.D-4). As shown in Tables RTC-5 and RTC-6, the resultant construction noise levels at childcare receptors more distant from the project site would not exceed the FTA's 90 dBA daytime standard or the "Ambient + 10 dBA" standard.

The appellant asserts that the hours between 9 a.m. and 4 p.m. are not times of least noise sensitivity due to classes held at City College and childcare facilities in operation. As explained in RTC Response NO-3 on p. 4.D-12, City College classes are not defined as noise-sensitive receptors based on the Governor's Office of Planning and Research's *General Plan Guidelines 2017*. The child behavior observation classes are held daily inside of the Multi-Use Building for three-hour durations and are distinct from a traditional school or daycare facility. The RTC document conservatively provides the potential noise impacts at the exterior of the Multi-Use Building nonetheless.

As explained in RTC Response NO-3, “construction noise heard inside the building would be further attenuated by the building which is of recent construction”. Additionally, Mitigation Measure M-NO-1: Construction Noise Control Measures would further reduce the construction noise impact heard inside the building at this receptor. Nevertheless, as stated on SEIR p. 3.C-31, the overall construction noise impact of the proposed project is significant and unavoidable with mitigation.” The SEIR appropriately analyzes construction impacts on sensitive receptors and concluded that impacts would be significant and unavoidable with mitigation.

Operational noise impacts from fixed mechanical equipment are analyzed in the SEIR under Impact NO-3, pp. 3.C-33 to 3.C-38. The SEIR identifies Mitigation Measure M-NO-3 (Fixed Mechanical Equipment Noise Controls) to reduce potentially significant operational noise impacts to a less-than-significant-level. Impact NO-4 presents the operational traffic analysis associated with implementation of the proposed project. The SEIR concludes on p. 3.C-41 that there would be no substantial traffic noise increase from the project along any roadways adjacent to sensitive land uses, and impacts would be less than significant.

The appellant provides new information to support the assertions that the SEIR fails to identify and mitigate significant noise impacts related to sensitive receptors in the vicinity of the site. For the reasons stated above in the SEIR and RTC document, including but not limited to the responses identified above, the final SEIR meets the standards of adequacy of an EIR, as set forth in CEQA Guidelines Section 15151.

Response 7: The SEIR adequately evaluates a reasonable range of feasible alternatives.

The appellant contends that the SEIR fails to include a range of feasible alternatives, and that there is no supporting evidence that a 100 percent affordable project is infeasible. The appellant argues that a 100 percent affordable City-owned project with fewer than 1,100 units and no market-rate units is an alternative that should be given consideration. The appellant specifically states that a smaller project alternative with roughly the same amount of affordable housing and no market-rate housing would have reduced transit delay, air quality, and noise impacts.

The SEIR alternatives analysis is consistent with CEQA Guidelines section 15126.6. Pursuant CEQA Guidelines section 15126.6(a), an EIR is required to set forth alternatives necessary to permit a reasoned choice and shall be limited to alternatives that would avoid or substantially lessen any of the significant physical effects of the project on the environment and that would meet most of the project sponsor’s basic objectives.

An EIR need not consider every conceivable alternative to a project but instead “must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.” (CEQA Guidelines section 15126.6(a).) That is, an EIR does not have to identify and analyze alternatives that would not meet most of the project sponsor’s basic objectives, nor does it have to discuss every possible variant or permutation of alternatives, or alternatives that do not further reduce or eliminate significant environmental impacts of the project. (*Id.*) Under the “rule of reason” governing the selection of the range of alternatives, the EIR is required “to set forth only those alternatives necessary to permit a reasoned choice.” (CEQA Guidelines Section 15126.6(f).) CEQA generally describes “feasible” to mean the ability to be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. Site suitability, economic viability, availability of infrastructure, General Plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and the ability of the proponent to attain site control

may also be taken into consideration when assessing the feasibility of alternatives (CEQA Guidelines section 15126.6(f)(1)).

The analysis presented in Chapter 6 of the SEIR represents a reasonable range of alternatives and complies with the CEQA Guidelines. The main purpose of presenting a range of alternatives to a proposed project is to focus on alternatives that are capable of reducing or eliminating any significant environmental effects of the proposed project identified in an EIR (CEQA Guidelines section 15126.6(b)), not to focus on other issues such as potential socioeconomic effects. The SEIR identifies and analyzes four alternatives to the project: (1) the CEQA-required No Project Alternative; (2) the Reduced Density Alternative of 800 units; (3) the San Ramon Way Passenger Vehicle Access; and (4) the Six-Year Construction Schedule Alternative. The alternatives selection process consisted of several steps, consistent with CEQA, and described in the SEIR on pp. 6-3 to 6-7 as follows:

- The first step is to use the project objectives in the identification, selection, and evaluation of the alternatives;
- The second step presents a summary of all the significant and unavoidable environmental impacts that are identified in SEIR Chapter 3, which consist of secondary operational loading impacts, transit delay impacts, and noise and air quality impacts during construction (SEIR pp. 6-3 to 6-5);
- The third step focuses on strategies to address the significant and unavoidable impacts:
 - Alternative Strategy to Address Secondary Loading Impacts (SEIR p. 6-5 to 6-6)
 - Alternative Strategy to Address Transit Delay Impacts (SEIR p. 6-6 to 6-7)
 - Alternative Strategy to Address Construction-Related Impacts (SEIR p. 6-7)
- The strategies to address the significant and unavoidable impacts are screened for their feasibility and ability to meet most of the project objectives

RTC Response AL-1: Range of Project Alternatives (pp. 4.F-12 to 4.F-17) contains a detailed analysis of why the SEIR need not evaluate a 100 percent affordable housing alternative or a smaller project with the same number of affordable housing units. The following summarizes the RTC document's findings in this regard. As described on SEIR p. 6-59 and repeated in RTC Response AL-1, a 100 percent affordable housing project would be a fundamentally different project. In addition, housing ownership issues are not, on their own, related to the physical environment that is the subject of CEQA review. Among the project objectives is "[b]uild a mixed income community with a high percentage of affordable units to provide housing options for household at a range of income levels" and "[r]eplace the reservoir's abandoned infrastructure with new infrastructure improvements." As described in the CEQA findings adopted by the Planning Commission, the financial structure for the project assumes that the market-rate units, combined with various state funding sources, would finance the required new infrastructure improvements and two-thirds of the affordable units, with the City subsidizing one-third of the affordable units.

The Mayor's Office of Housing and Community Development (MOHCD) provided the following information regarding funding of affordable housing:

The affordable housing will be funded using a typical mixture of sources such as Low-Income Housing Tax Credits, state grants, and “gap funding” provided by the developer and the City. The developer requirement for on-site affordable housing per the Planning Code would otherwise be 18 percent. But for this project, the developer is responsible for funding the “gap” amount for 33 percent affordable units (363 units) and the City will provide “gap” funding for 17 percent affordable units (187 units). This funding collaboration was stipulated in the City’s request for proposals for the Balboa Reservoir and ensures that the SFPUC will receive fair market value for the sale of their land based on a basis of 33 percent affordability.

City funding will come through MOHCD in the same way that the City funds the “gap” on affordable developments throughout the City. MOHCD will use funding acquired through the 2019 affordable housing bond and the affordable housing trust fund. The developer will fund their “gap” amount using funds generated from the market rate housing component of the project. The 150 educator units will be funded solely by the developer using equity and conventional debt, with no City funding or external subsidy.

For the same reasons explained in RTC Response AL-1 (pp. 4.F-16 to 4.F-17), a 100 percent affordable project (including housing for educators), or a reduced density project as explained in RTC Response AL-4: Alternative B, Reduced Density Alternative (pp. 4.F-24 to 4.F-28), would not reduce the significant and unavoidable transportation, noise, and air quality impacts identified in the SEIR. As explained in Response 2 above, based on the City’s transportation analysis methodology, affordable housing does not have different impacts (e.g., mode splits) than market-rate housing. Response 2 explains that affordable housing may generate slightly fewer vehicle trips; however, it is not possible to precisely quantify the potential difference. A project at a smaller scale may lead to less vehicular travel. However, for the same reasons explained on RTC p. 4.F-27 to 4.F-27, the impacts under such a scenario would likely remain significant and unavoidable for the following reasons:

- The construction air quality and noise impacts would occur regardless of the scale of the project or the income levels of its future residents, as these impacts are associated with demolition of the existing reservoir berms and asphalt paving, grading, excavation, and/or building construction activities and proximity to sensitive receptors. As explained on RTC p. 4.F-26, regardless of the number of units, construction would require the initial phase to prepare the project site. The construction equipment and use characteristics would not change and the air quality and noise impacts would still occur (discussed on SEIR pp. 6-21 to 6-24).
- Cumulative impacts related to public transit delay are based on the addition of vehicle and transit trips generated by the proposed project *in combination with the City College facilities master plan projects and other cumulative development*. Due to the uncertainty surrounding the development at City College’s Ocean Campus and the uncertainty of SFMTA approval of other measures under its jurisdiction, cumulative transit delay impacts would be significant and unavoidable. The impacts to transit delay would occur irrespective of potential changes in travel demand or patterns from affordable housing.
- The cumulative impact to passenger and freight loading (Impact C-TR-6b, discussed on SEIR pp. 3.B-101 to 3.B-102) is determined based on the impact to existing loading zones along Lee Avenue between Ocean Avenue and the project site. Under all build alternatives or a 100 percent affordable projects, the Lee Avenue extension would still occur, and impacts to loading on Lee Avenue would occur irrespective of

potential changes to travel demand or patterns from affordable housing. Thus, the impact conclusion would be significant and unavoidable.

As explained in RTC Response AL-1 and RTC Response AL-4, a 100 percent affordable project or a reduced density alternative would neither meet the basic objectives of the proposed project nor avoid or substantially lessen significant effects of the proposed project. Per CEQA Guidelines section 15126.6(b) and (e), the SEIR evaluates the No Project Alternative, and three other alternatives with the intention of reducing the environmental impacts of the proposed project while still meeting most of the project objectives.

Response 8: The SEIR is adequate and complete, and complies with CEQA, the CEQA Guidelines, and chapter 31 of the San Francisco Administrative Code. The COVID-19 pandemic and shelter-in-place order does not result in new significant environmental effects not previously disclosed, would not change the SEIR's conclusions, and does not require recirculation.

Citing CEQA Guidelines section 15088.5, the appellant contends that the SEIR should have been recirculated due to changed circumstances and new information as a result of the COVID-19 pandemic and shelter-in-place order. The appellant states that the RTC document ignores the changed circumstances such as decrease in public transit availability and usage, increase in telecommuting, reduction in hiring, and increase in rental housing vacancy rates. The appellant claims that by releasing the RTC document, the department ignores the changed circumstances and the analysis does not take these changes into account.

The SEIR is adequate, complete, and complies with CEQA, the CEQA Guidelines, and chapter 31 of the administrative code. Pursuant to CEQA Guidelines section 15088.5, new information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect. Significant new information requiring recirculation include disclosure showing that:

- (1) a new significant environmental impact would result from the project or from a new mitigation proposed to be implemented;
- (2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of significance;
- (3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it;
- (4) the draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (CEQA Guidelines section 15088.5(a)(1)-(4)).

The SEIR does not require recirculation because none of the standards articulated in CEQA Guidelines section 15088.5(a)(1)-(4) are met. Furthermore, the appellant has provided no evidence demonstrating how the changed circumstances would result in new significant environmental impacts or an increase in severity of impact.

The SEIR describes the conditions at the time the Notice of Preparation was published in October 2018, in accordance with CEQA Guidelines section 15125. CEQA Guidelines section 15144 acknowledges that drafting an

EIR involves some degree of forecasting and “[w]hile foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that is reasonably can.” The analysis in the SEIR reflects a reasonable, good faith effort by the department and its outside experts and is based on substantial evidence consisting of recent data and research of travel behavior. The recent research trends are consistent with decades of data of how people travel in cities.

In reviewing for changed circumstances, CEQA does not require a review of the nature, scope, or extent of the changed circumstances, but rather on whether the changed circumstances will lead to new significant environmental impacts not previously considered. In the case of the proposed project, although COVID-19 has changed certain aspects of our daily lives, COVID-19 does not alter the environmental impact of the proposed project. Further, the proposed project would not be operational before 2023, and because long-term effects of the pandemic on the transportation system are unknown at this time, it would be unreasonable to speculate how travel behavior will change in the future. Thus, COVID-19 is not a changed circumstance that would necessitate EIR recirculation.

Changes in hiring practices or housing vacancy rates are not considered environmental impacts under CEQA unless there would be a physical impact on the environment resulting from such effects, or if such effects result in the need for the construction of new or physically altered facilities that would result in significant physical environmental impacts. There is no evidence that speculative long-term changes related to COVID-19 would lead to adverse physical effects or necessitate construction of new or altered facilities leading to significant effects.

The SEIR and RTC satisfy the best efforts requirement of CEQA and present the best available information at the time. For the reasons stated above in the SEIR and RTC document, including but not limited to the responses identified above, the final SEIR meets the standards of adequacy of an EIR, as set forth in CEQA Guidelines Section 15151.

Response 9: CEQA procedures have been followed appropriately, and the CEQA Findings and Statement of Overriding Considerations are outside the scope of this appeal.

The appellant contends that the findings made in support of the SEIR certification in Planning Commission Motion M-20730, and the CEQA findings in Motion M-20731, are inadequate. As noted above under Standards of Adequacy for Certification of an EIR, Chapter 31 of the City’s Administrative Code establishes the types of environmental review decisions that may be subject to appeal as well as the grounds for such an appeal.

Chapter 31.16(c)(3) states that the grounds for appeal of an EIR shall be limited to whether the EIR complies with CEQA, including whether it is adequate, accurate and objective, sufficient as an informational document, correct in its conclusions, and reflects the independent judgment and analysis of the City, and whether the Planning Commission certification findings (Motion M-20730) are correct. The appellant does not specify how the certification findings are inadequate.

The CEQA Findings and Statement of Overriding Considerations (Motion M-20731) support the project approvals, are separate from certification of the SEIR, and are not subject to this appeal. The final SEIR provides a full and complete analysis, and the Board of Supervisors’ role in this appeal is to conclude whether the final SEIR itself was prepared appropriately and adequately, as stated in the Commission’s certification findings.

The Board will consider whether the Planning Commission's CEQA Findings and Statement of Overriding Considerations are correct and adequate when it considers the project approvals, including the development agreement and rezoning actions. However, the following is provided for informational purposes.

The appellant has not specified in what way the CEQA Findings and Statement of Overriding Considerations are inadequate and incomplete and not supported by substantial evidence. The CEQA Findings attached to Planning Commission Motion 20731 adopting Environmental Findings pursuant to CEQA (motion attached to the appeal letter) are consistent with the requirements of CEQA Guidelines Section 15091. Within Planning Commission Motion 20731, the Section III findings regarding significant impacts identified in the SEIR that can be avoided or reduced to a less-than-significant level through mitigation are supported by substantial evidence. Within Planning Commission Motion 20731, the Section IV findings regarding significant impacts that cannot be avoided or reduced to a less-than-significant level are also supported by substantial evidence. As required by Public Resources Code Section 21083, separate findings are made for each significant effect and the findings are supported by substantial evidence related directly to the facts presented in the SEIR. CEQA findings regarding rejection of the SEIR alternatives as infeasible are also supported by substantial evidence, including an economic feasibility report prepared by Economic and Planning Systems, Inc. (EPS) and independently review by the City through its economic consultant.

CEQA Guidelines Section 15093(a) provides that "[i]f the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'" Per CEQA Guidelines Section 15093(a), if significant and unavoidable impacts are to be accepted with approval of a project, the lead agency must "balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project." The Statement of Overriding Considerations provided in Section VI of Planning Commission Motion 20731 complies with CEQA Guidelines Section 15093(b) by stating the specific reasons why the Commission finds, after consideration of the final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the project independently and collectively outweighs the significant and unavoidable impacts of the project. Those benefits are listed on pages 24 through 27 of Attachment A to Planning Commission Motion 20731 (motion attached to the appeal letter).

In conclusion, although the Commission's adoption of CEQA Findings and a Statement of Overriding Considerations for the proposed project are outside the scope of the appeal per Administrative Code Section 31.16(c)(3), they are nevertheless consistent with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15093.

Response 10: The appeal hearing schedule and cost of property are outside of the scope of the grounds for appeal.

The appellant makes several requests related to the appeal hearing time and allotted times. The appellant also questions whether the negotiated price of the parcel represents fair market value.

Chapter 31.16(c)(3) states that the grounds for appeal of an EIR shall be limited to whether the EIR complies with CEQA, including whether it is adequate, accurate, and objective, sufficient as an informational document, correct in its conclusions, and reflects the independent judgment and analysis of the City, and whether the Planning Commission certification findings are correct. Therefore, requests regarding the appeal hearing schedule and

statements regarding the cost of the project site are not comments on the adequacy or accuracy of the SEIR, are outside of the scope of the grounds for appeal, and do not require further response from the department.

CONCLUSION

For all the reasons provided in this appeal response, the final SEIR complies with the requirements of CEQA and the CEQA Guidelines and provides an adequate, accurate, and objective analysis of the potential impacts of the proposed project. The appellant has not demonstrated that the Planning Commission's certification of the final SEIR was not supported by substantial evidence in the record. Therefore, the department respectfully recommends that the Board uphold the Planning Commission's certification of the final SEIR and deny the appeal.

From: [BOS Legislation, \(BOS\)](#)
To: "Stuart Flashman"; [joe_kirchofer](#); [Brad Wiblin](#); [Russell, Rosanna \(PUC\)](#); [Steven Vettel](#); [jahjah@att.net](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [MALAMUT, JOHN \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Poling, Jeanie \(CPC\)](#); [Hong, Seung Yen \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: APPELLANT SUPPLEMENTAL MATERIAL: Appeal of CEQA Final Environmental Impact Report - Proposed Balboa Reservoir Project - Appeal Hearing - August 11, 2020
Date: Monday, August 3, 2020 8:57:46 AM
Attachments: [image001.png](#)

Hello,

The Office of the Clerk of the Board received the following supplemental material from one of the appellants, Alvin Ja, regarding the appeal of the CEQA Final Environmental Impact Report for the proposed Balboa Reservoir project.

[Appellant Supplemental Material - August 3, 2020](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 200804](#)

Best regards,

Lisa Lew
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(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



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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](#)

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

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.

Transportation Demand Management As Mitigation

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.

Impact on Public Service of City College and Other Schools

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 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.

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:

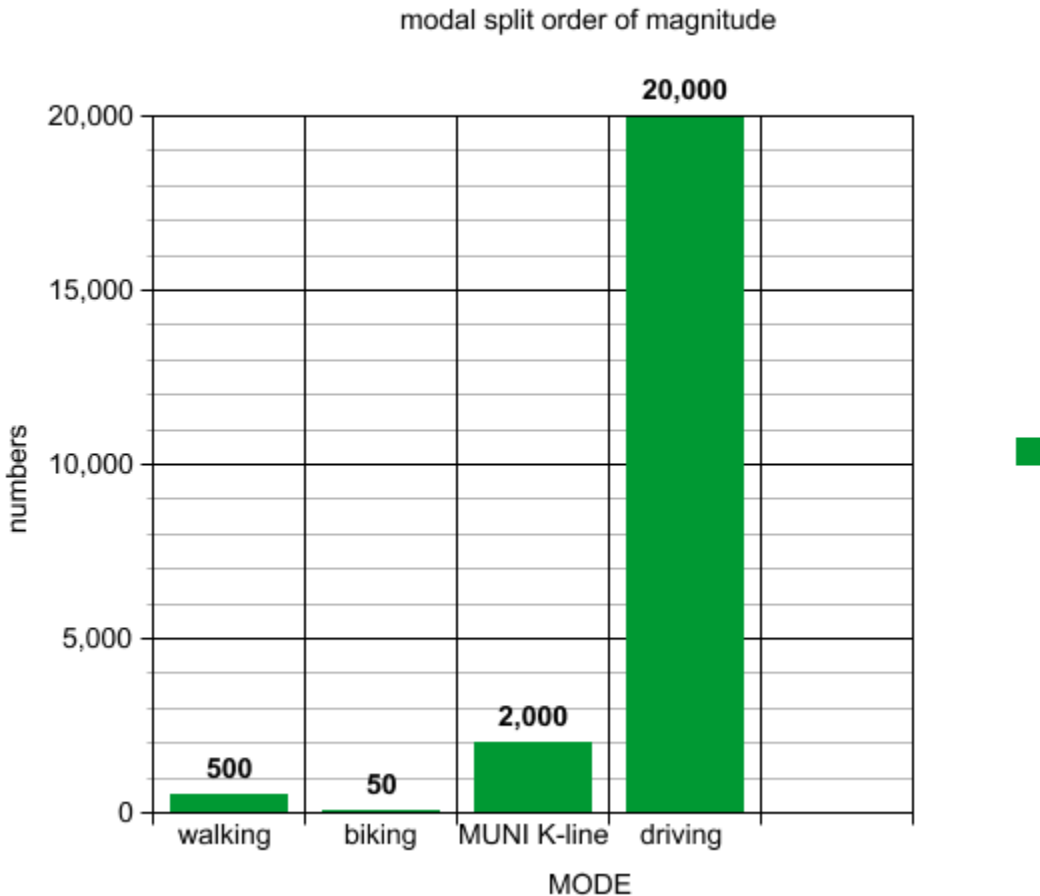
- Ocean Avenue east of Phelan (**over 20,000** vehicles)
- Ocean Avenue west of Phelan (**17,500- 20,000** vehicles)
- Geneva Avenue west of Phelan (**12,500- 15,000** vehicles)
- Phelan Avenue south of CCSF entrance (**10,000- 12,500** vehicles)
- Phelan Avenue north of CCSF entrance and onto Judson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

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

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



XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

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

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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 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-bound 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

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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.

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 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 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

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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

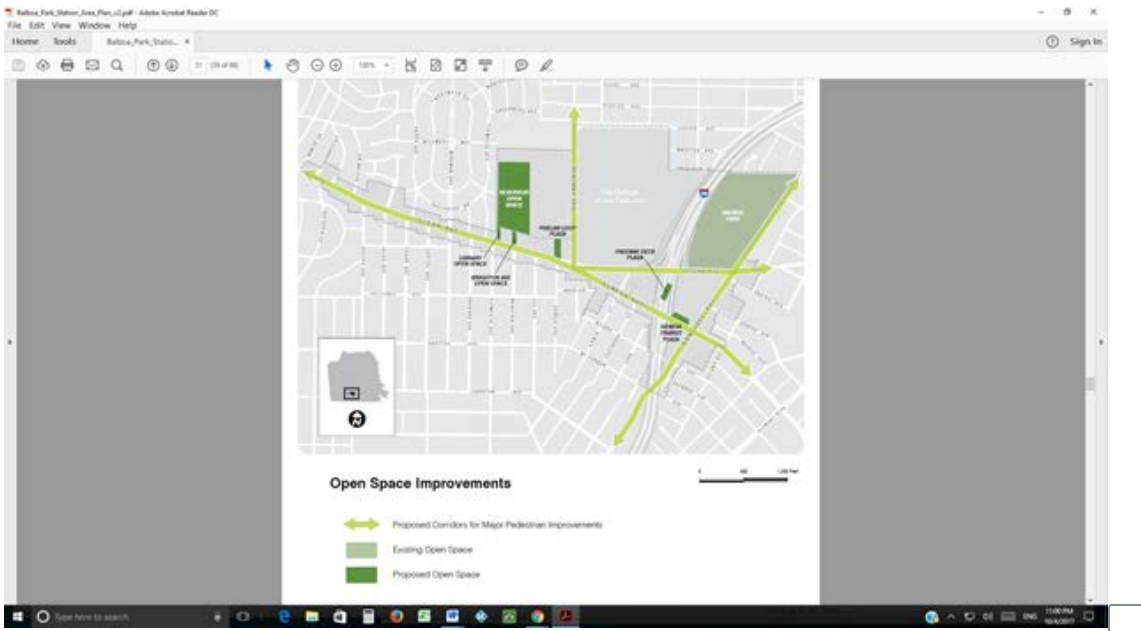
The Balboa Reservoir Project is frequently misrepresented as being called for by Balboa Park Station Area Plan. In reality, the BPS Area Plan actually calls for housing to “be considered” as a use for the PUC Reservoir. This is contained in the Housing Element of the Area Plan.

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.

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 Yoev 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

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.

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

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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 Threshold 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/Genessee 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/Genessee 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 Reservoir (4 min standard NOT allowed to be cumulative) (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

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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 VIII.A. 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/Genessee 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/Genessee 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/Genessee to Balboa Park Station.

A 115-141 second delay for this short 43 segment (from Monterey/Genessee 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 Transportation Section, 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." Kittelson 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

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

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	Gennesssee 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

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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/ Genessee- 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:	IB: 8	AM: 8-9 MID-DAY: 8 PM: 9			
	OB: 10	9	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:			AM: 4 MID-DAY: 4 PM: 5			
	20 min			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/Genessee 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

From: [Aaron Goodman](#)
To: [Board of Supervisors, \(BOS\)](#)
Cc: cac@sfmta.com; mtaboard@sfmta.com
Subject: Balboa Reservoir Item at SFBOS (comment) - A.Goodman (individual) resident D11
Date: Sunday, July 26, 2020 10:19:46 PM
Attachments: [Balboa Reservoir Site memo AGoodman.pdf](#)

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

Please find my memo and comments attached on the concerns on transit.

Thank you for your time and forwarding to the committee chair and members on the SFBOS Land-Use and SFBOS Budget and Finance.

I have cc'd the CAC SFMTA and MTA Board as they need to be involved in both project more heavily to deter auto use and promote a more solid connection between the reservoir proposal, CCSF and the Balboa Park Station as a revamped future project and proposal to instill a better future planning endeavor for the population growth indicated, and for the south side of SF due to multiple larger scaled projects in D7/D10/D11.

Thank you for your time and including in the docket for the project hearing items.

Aaron Goodman

From: [Kathy Howard](#)
To: [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Major, Erica \(BOS\)](#); [Wong, Linda \(BOS\)](#)
Subject: Balboa Reservoir Project -- should be 100% affordable housing and land should be retained by the City
Date: Tuesday, July 28, 2020 11:43:10 AM

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

Supervisors,

It is very short-sighted to privatize such a large public parcel of land as the Balboa Reservoir for market rate housing.

The ONLY housing that should be built on public land must be deeply affordable to long-time residents and educators. The construction of mostly market-rate housing development on the Balboa Reservoir would be a major step backwards toward the gentrification of some of the last affordable neighborhoods in San Francisco. I think that the City will regret this in the future.

To repeat, any development on public land should be 100% affordable and the land should be retained by the City in perpetuity.

Thank you for your consideration.

Katherine Howard
District 4

From: [Zoe Eichen](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Balboa Reservoir
Date: Monday, July 27, 2020 2:09:57 PM

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

Hello.

I am Zoellen Eichen, a resident of District 11 and CCSF student. I oppose the delegation of Balboa Reservoir to AvalonBay to build luxury housing.

I have been going to CCSF since the summer of 2019, and have deeply appreciated the existence of Balboa Reservoir, where my classmates have been able to park their cars and I have been able to take well needed walk breaks between classes. This space is crucial to the livelihoods of the students of CCSF, and even Riordan High School. Allowing a large development of housing would disturb all the students of both schools and serve fewer people than it would benefit. AvalonBay claims to have affordable housing, but SF Examiner and AMI find that the housing units proposed will mostly not be affordable for the people with combined salaries under \$133,000 (only about 200/1100 units is not a promising majority). While we still need affordable housing, this is not affordable housing.

If CCSF is able to use the bond money they have to keep the reservoir, they will be able to serve crucial needs of education for the residents of San Francisco. Many students rely on FreeCity, making a valuable education affordable and accessible, and leading people to resources like jobs and where to find rent and community. Keeping Balboa Reservoir would be beneficial to the accessibility of the campus and therefore the community. I demand that the board of supervisors takes this into consideration and allows CCSF to use the bond money for the good of the City.

Sincerely,

Ms. Zoellen Eichen

From: [Charlie Hinton](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Balboa reservoir
Date: Tuesday, July 28, 2020 12:15:47 PM

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

Dear Supervisors, I TOTALLY OPPOSE selling the reservoir to a private corporation to build mostly market rate housing. CCSF advocates have alternative plans that preserve some parking for students who need to drive + affordable housing. Now is not the time to privatize public land for market rate housing development. Please oppose this sale.

Charlie Hinton

72 Germania Street

SF, CA 94117

No one ever hurt their eyes by looking on the bright side

From: [Stuart Flashman](#)
To: [BOS Legislation, \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [MALAMUT, JOHN \(CAT\)](#)
Subject: Board of Supervisors" consideration of development agreement for Balboa Reservoir Project
Date: Monday, August 3, 2020 5:13:34 PM
Attachments: [Letter to Board of Supervisors re - Balboa Reservoir Project DA approval.pdf](#)
[PastedGraphic-1.png](#)
Importance: High

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

Please see attached letter.

Environmental, Land Use, and Elections Law Serving public interest and private clients since 1990	
Stuart Flashman <i>Attorney</i> stu@stuflash.com	Law Offices of Stuart Flashman 5626 Ocean View Drive Oakland, CA 94618-1533 tel: (510) 652-5373 fax: (510) 652-5373

The information in this message is confidential information which may also be legally privileged and is intended only for the use of the individual or entity to which it is addressed. Any dissemination, distribution or copying of this communication to anyone other than the party for whom it is intended is prohibited. If you have received this e-mail in error, please notify me immediately by telephone or return e-mail.

From: [Harry Bernstein](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Budget and Finance Committee hearing, July 19, Balboa Reservoir
Date: Thursday, July 23, 2020 5:03:17 PM
Attachments: [SFPUC Property Disposition Notification Chart 7.21.2016.xlsx](#)
[BalboaReservoirSale_Nov2016_JU.pdf](#)

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

Dear Supervisors Fewer, Walton, Mandelman and their colleagues

The Balboa Reservoir Development Agreement and the PUC Reservoir Sale Agreement are up for your consideration on July 29. It has been a long route to get here. (Sorry this isn't more fully fleshed out but I ran out of time.)

One required step on that path was the Surplus Declaration. Even though the Water Department forty years ago often said that they planned to retain the North Basin of the Balboa Reservoir and would never declare it surplus. But now they have. Michael Carlin talked about plans to declare it surplus back in 2015. I have since heard him say it. There was an announcement from John Updike of San Francisco's Real Estate Department dated November 9, 2016 about the "Sale and Development of Surplus City Property.

This statement was sent to me by:
Claudia J. Gorham
Deputy Managing Director
Real Estate Division
City and County of San Francisco

The deadline for submitting responses to the RFQ was January 18, 2017.
Was it really an offer that complied with the State Surplus Lands Act, specifically sub-section (c)?

ARTICLE 8. Surplus Land [54220 - 54234] (*Heading of Article 8 amended by Stats. 1982, Ch. 1442, Sec. 1.*)

54222. Except as provided in Division 23 (commencing with Section 33000) of the Public Resources Code, any local agency disposing of surplus land shall send, prior to disposing of that property or participating in negotiations to dispose of that property with a prospective transferee, a written notice of availability of the property to all of the following:

[sub-section] (c) A written notice of availability of land suitable for school facilities construction or use by a school district for open-space purposes shall be sent to any school district in whose jurisdiction the land is located.

=====

I just learned yesterday that City College of San Francisco did not receive notice of the sale of the Balboa Reservoir on November 9, 2016--I am attaching a copy of the notice today. Here is the statement sent to me:

> From review of the Real Estate Division's files, City College did not receive a copy of the written November 9, 2016 Notice regarding "Sale and Development of Surplus City Property" from John Updike, Director of the Real Estate Division.

=====

There were other means of discovering that the Balboa Reservoir land was for sale, such as the BR Community Advisory Committee or the RFQ process. However, over years of questions about the process of surplus declaration, it was not stated, as you see below in the response from Rosanna Russell of the Real Estate Department that the College had opportunity to be aware of the impending sale and offer a bid. This is not clear. What is clear from the Department's own records that the opportunity was not offered for the College to buy or submit an offer. However, the PUC, according to real estate law and lease agreement, is required to allow City College of San Francisco right of first-refusal to purchase the reservoir property.

In earlier materials from the Public Records Department, I received an Excel spreadsheet with SFPUC Property Disposition. This identified the school districts and other agencies contacted with Mr. Updike's announcement--see attachment.

I am planning to submit my information about failure of the City to reach out officially and send a notice to City College while sending it to a number of other school districts, including Millbrae, Burlingame, Sunnyvale, Sunol, Fremont and Pleasanton, plus other agencies (housing, park and recreation departments, etc.).

At the June 23 SFPUC meeting, the Balboa Reservoir (Lower Reservoir site) was declared surplus to the needs of the Water Department; it was also provisionally sold to the for-profit developer, AvalonBay, pending final approval by the Board of Supervisors (at meetings coming up in July and August, 2020).

A long-standing question which has never really been addressed is, was City College ever notified of an opportunity to acquire the property, as guaranteed under the State Surplus Lands Act? (Government Code 54222 (c) may be the appropriate reference for this.)

Rosanna Russell (SFPUC) and Leigh Lutenski (OEWD) both said the answer to this question was yes. When I wrote to ask for evidence of this, I was sent the attached document from November 9, 2016, which was simply addressed to "All Relevant City, County and State Agencies."

(question by SFPUC Commissioner at June 23 hearing)--

Commissioner Sophie Maxwell: > ...A number of people have mentioned City College, so did City College have an opportunity to bid or ask for this property or be a part of the agreement at all?

...

Response from Rosanna Russell of the SFPUC Real Estate Department--

> Commissioner Maxwell, we gave notice to all public agencies in 2016 and City College sat on the request, on the panel that judged the request for qualifications and the request for proposals, and also observed the voting when we awarded this development. City College had full notice of this project and the opportunity to bid.

To add to the above, here is Ms. Gorham's response casting doubt on the need to send a notice about the sale of the surplus land to be to CCSF:

You posed the following question to me in your July 10th email: *Did the District (City College) receive notification of the legally required opportunity to acquire the Balboa Reservoir, as a number of City employees have recently claimed? If so, what was the response to this offer, when was it given and by whom?*

I cannot respond to your question as posed which I believe misrepresents the law and perhaps the facts as I understand them.

From review of the Real Estate Division's files, City College did not receive a copy of the written November 9, 2016 Notice regarding "Sale and Development of Surplus City Property" from John Updike, Director of the Real Estate Division. The applicable Government Code section 54222 (2016) did not require the City to give City College notice because it did not fall under the definition of "local public entity" as defined by California Health and Safety Code section 50079 (as required in section 54222(a) and set forth below). In addition, a member of the SF City College Board of Trustees was on the Balboa Reservoir Citizens Advisory Committee (since its inception I believe); City College's Board issued its July 28, 2016, Resolution on the Development of the Balboa Reservoir Property (copy attached within the RFQ) offering support of the housing development and a desire for student and faculty housing which was attached to the RFP but with no mention of a request for notice or availability of funding for development of affordable housing in light of the financial issues it was having at the time; and, ultimately a representative of City College was to sit on the RFP evaluation panel which would have been a direct conflict to also being a respondent.

==

I add this lack of opportunity as another reason to oppose the sale of the Balboa Reservoir and the other documentation.

Respectfully submitted,

Harry Bernstein

From: [Kirk Palmer](#)
To: [Fewer, Sandra \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Walton, Shamann \(BOS\)](#); [Wong, Linda \(BOS\)](#)
Cc: [Board of Supervisors, \(BOS\)](#)
Subject: Budget and Finance Committee Meeting re: File No. 200423 and File No. 200740
Date: Monday, July 27, 2020 9:28:36 PM
Attachments: [BoS Budget Balboa.pdf](#)

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

Dear Supervisors and Members of the Budget and Finance Committee,

I am writing to provide public comment in advance of Wednesday's meeting (29 July 2020) wherein the above-referenced two files shall be discussed. My input is attached in the form of a PDF letter. Thank you very much for your consideration of this input and your thoughtful deliberations on these important matters.

Best regards,
Kirk Palmer
1405 Plymouth Avenue
SF, CA 94112

From: [Diana](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Do not approve Balboa Resivor Project!
Date: Saturday, July 25, 2020 3:37:21 PM

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

Plese do not approve the Balboa Resivor Project!@
Thank you. Sincerely,
Diana Bohn

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: City College must be protected! Postpone Approvals of the Balboa Reservoir Project Until Outstanding Issues are Resolved
Date: Thursday, August 6, 2020 2:47:00 PM

From: Ausberto Beltran <ausbeltrane@gmail.com>
Sent: Monday, August 3, 2020 1:32 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>
Subject: City College must be protected! Postpone Approvals of the Balboa Reservoir Project Until Outstanding Issues are Resolved

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

Good afternoon,

Dear Board of Supervisors and CCSF Trustees & administration,

My name is Ausberto Beltran, a former CCSF student.

Please do not harm City College of San Francisco! You must postpone the approvals of the Balboa Reservoir Project until outstanding issues that will harm our beloved City College are resolved. Some of the issues are:

- maintaining the geothermal wells that were built on then-CCSF-owned land but will reside under the developers land. These costly wells were built to provide green heating for the Multi-use Building, but also the soon to be built Diego Rivera Theater and STEAM buildings.
- ensuring adequate affordable educator housing
- loss of parking, without first ensuring other viable transportation options, will make it difficult, if not impossible, for many of the low-income students and students of color to access the campus and get the education and professional training they need. 40% of City College students must drive to school, rushing between work and family obligations. This project would profoundly downsize City College.

Please protect City College. Be sure that all outstanding issues are resolved before you approve this project.

In addition to City College, the City of San Francisco is at risk by this sale of public land to a

corporate housing developer whose CEO makes \$13 M/year. The developer claims that by building 550 market rate units it will be able to subsidize an additional 550 affordable, or below market rate units. In reality, it is mainly city and state funds that will subsidize the affordable units, not the developer.

The housing crisis in San Francisco is an affordable housing crisis. This Project, built on public land, should be a 100% truly affordable development.

Even worse, the City is selling the land at a deep discount to this private developer, subsidizing a wealthy corporation with tax payers' dollars. It's a sweetheart deal, corporate welfare at its worst and should not be tolerated.

An additional concern is that by building separate market rate and affordable units, the Project results in a development that creates de facto segregation. This is inconsistent with San Francisco's inclusionary housing policy, which mandates that affordable and market rate units should all be under the same roof, creating a diverse housing community.

This is a city-wide issue, not solely a District 7 issue! We need a City government that fights for housing justice and education.

Please oppose this project. Say No to Corporate Welfare – Yes to CCSF.

Sincerely,

Ausberto Beltran, former student.

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: This Entire Sale, of PUBLIC land to a PRIVATE developer, is Utterly WRONG
Date: Thursday, August 6, 2020 2:44:00 PM

From: Dina Wilson <321dina@gmail.com>

Sent: Monday, August 3, 2020 9:14 AM

To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>

Cc: swilliams <swilliams@ccsf.edu>; ttemprano@ccsf.edu; davila <davila@sfsu.edu>; ivylee@ccsf.edu; alexrandolph <alexrandolph@ccsf.edu>; jrizzo@ccsf.edu; tselby <tselby@ccsf.edu>; studenttrustee@mail.ccsf.edu; rvurdien@ccsf.edu; lmilloy@ccsf.edu

Subject: This Entire Sale, of PUBLIC land to a PRIVATE developer, is Utterly WRONG

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

Please **do not harm City College of San Francisco!** You must postpone the approvals of the Balboa Reservoir Project until outstanding issues that will harm our beloved City College are resolved. Some of the issues are:

- maintaining the geothermal wells that were built on then-CCSF-owned land but will reside under the developers land. These costly wells were built to provide green heating for the Multi-use Building, but also the soon to be built Diego Rivera Theater and STEAM buildings.
- ensuring adequate affordable educator housing
- loss of parking, without first ensuring other viable transportation options, will make it difficult, if not impossible, for many of the low-income students and students of color to access the campus and get the education and professional training they need. 40% of City College students must drive to school, rushing between work and family obligations. **This project would profoundly downsize City College.**

Please protect City College. Be sure that all outstanding issues are resolved before you approve this project.

In addition to City College, the City of San Francisco is at risk by this sale of public land to a corporate housing developer whose CEO makes \$13 M/year. The developer claims that by building 550 market rate units it will be able to subsidize an additional 550 affordable, or below market rate units. In reality, it is mainly city and state funds that will subsidize the affordable units, not the developer.

The housing crisis in San Francisco is an affordable housing crisis. This Project, built on public

land, should be a 100% truly affordable development.

Even worse, the City is selling the land at a deep discount to this private developer, subsidizing a wealthy corporation with tax payers' dollars. It's a sweetheart deal, corporate welfare at its worst and should not be tolerated.

An additional concern is that by building separate market rate and affordable units, the Project results in a development that creates de facto segregation. This is inconsistent with San Francisco's inclusionary housing policy, which mandates that affordable and market rate units should all be under the same roof, creating a diverse housing community.

This is a city-wide issue, not solely a District 7 issue! We need a City government that fights for housing justice and education.

Please oppose this project. Say No to Corporate Welfare – Yes to CCSF.

Sincerely,

Dina Wilson
ESL Instructor, Mission Campus
City College of San Francisco
she/her/hers

From: [Hannah Behm](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Tuesday, July 28, 2020 9:03:54 AM

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

I am a resident of San Francisco and would like to register my support for the Balboa Reservoir project.

This is a rare opportunity for hundreds of families to secure an affordable place to live in our increasingly unaffordable city.

Making sure our essential workers are able to stay in San Francisco and continue to be part of the fabric of our community is more important than ever. Balboa Reservoir will be a huge help.

The inclusion of a childcare center on the site and the addition of public spaces for that everyone can use is also very welcome. I appreciate that great pains have been taken to keep these homes closely integrated with the wider neighborhood - this is a development where everyone will be included.

Placing these homes on the site of the CCSF overflow parking lot is a good use of public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

Hannah Behm
hannahbehm29@gmail.com
501 38th Ave #104
San Francisco, California 94121

From: [David Hecht](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Monday, July 27, 2020 10:06:54 PM

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

I am a thirty-three year resident of San Francisco and would like to register my support for the Balboa Reservoir housing project.

This is a rare opportunity for hundreds of families to secure an affordable place to live in our increasingly unaffordable and fractured city.

Making sure our essential workers are able to stay in San Francisco and continue to be part of the fabric of our community is more important than ever. Balboa Reservoir will be a huge help.

The inclusion of a childcare center on the site and the addition of public spaces for that everyone can use is also very welcome. I appreciate that great pains have been taken to keep these homes closely integrated with the wider neighborhood - this is a development where everyone will be included.

Placing these homes on the site of the CCSF overflow parking lot is a more efficient use of this public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

David Hecht
dhechtca@gmail.com
475 Frederick Street
San Francisco, California 94117

From: [Justin Sun](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Monday, July 27, 2020 5:03:56 PM

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

I am a resident of San Francisco and would like to register my support for the Balboa Reservoir project.

This is a rare opportunity for hundreds of families to secure an affordable place to live in our increasingly unaffordable city.

Making sure our essential workers are able to stay in San Francisco and continue to be part of the fabric of our community is more important than ever. Balboa Reservoir will be a huge help.

The inclusion of a childcare center on the site and the addition of public spaces for that everyone can use is also very welcome. I appreciate that great pains have been taken to keep these homes closely integrated with the wider neighborhood - this is a development where everyone will be included.

Placing these homes on the site of the CCSF overflow parking lot is a good use of public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

Justin Sun
justinsun31@gmail.com
2363 24th Avenue
San Francisco, California 94116

From: [Annie De Lancia](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Monday, July 27, 2020 12:58:46 PM

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

I am a resident of San Francisco and would like to register my support for the Balboa Reservoir project.

This is a rare opportunity for hundreds of families to secure an affordable place to live in our increasingly unaffordable city.

Making sure our essential workers are able to stay in San Francisco and continue to be part of the fabric of our community is more important than ever. Balboa Reservoir will be a huge help.

The inclusion of a childcare center on the site and the addition of public spaces for that everyone can use is also very welcome. I appreciate that great pains have been taken to keep these homes closely integrated with the wider neighborhood - this is a development where everyone will be included.

Placing these homes on the site of the CCSF overflow parking lot is a good use of public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

Annie De Lancia
annie@delancia.org
638 34th Ave
San Francisco, California 94121

From: [Kirk Whitelaw](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Monday, July 27, 2020 12:34:54 PM

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

I am a resident of San Francisco and would like to register my support for the Balboa Reservoir project.

This is a rare opportunity for hundreds of families to secure an affordable place to live in our increasingly unaffordable city.

Making sure our essential workers are able to stay in San Francisco and continue to be part of the fabric of our community is more important than ever. Balboa Reservoir will be a huge help.

The inclusion of a childcare center on the site and the addition of public spaces for that everyone can use is also very welcome. I appreciate that great pains have been taken to keep these homes closely integrated with the wider neighborhood - this is a development where everyone will be included.

Placing these homes on the site of the CCSF overflow parking lot is a good use of public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

Kirk Whitelaw
kwhitela@gmail.com
538 38th Ave
San Francisco, California 94112

From: [Liam Foley](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Monday, July 27, 2020 9:18:44 AM

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

I am a resident of San Francisco and would like to register my support for the Balboa Reservoir project.

This is a rare opportunity for hundreds of families to secure an affordable place to live in our increasingly unaffordable city.

Making sure our essential workers are able to stay in San Francisco and continue to be part of the fabric of our community is more important than ever. Balboa Reservoir will be a huge help.

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Placing these homes on the site of the CCSF overflow parking lot is a good use of public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,
Liam

Liam Foley
liamjamesfoley@gmail.com
1625 Leavenworth St, 305
San Francisco, California 94109

From: [Tim Armstrong](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Sunday, July 26, 2020 11:07:26 PM

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

,

I am a resident of San Francisco and would like to register my support for the Balboa Reservoir project.

We need more housing for everyone, including essential workers, in San Francisco. Let's get it done!

Tim Armstrong
tim.g.armstrong@gmail.com
355 1ST ST
SAN FRANCISCO, California 94105

From: [Hani Alawneh](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Saturday, July 25, 2020 6:08:59 PM

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

I am a resident of San Francisco and would like to register my support for the Balboa Reservoir project.

This is a rare opportunity for hundreds of families to secure an affordable place to live in our increasingly unaffordable city.

Making sure our essential workers are able to stay in San Francisco and continue to be part of the fabric of our community is more important than ever. Balboa Reservoir will be a huge help.

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Placing these homes on the site of the CCSF overflow parking lot is a good use of public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

Hani Alawneh
ifred2000@hotmail.com
180 Howard street
San Francisco , California 94105

From: [Allan Robles](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Friday, July 24, 2020 2:13:41 PM

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

I am a resident of San Francisco and would like to register my support for the Balboa Reservoir project.

This is a rare opportunity for hundreds of families to secure an affordable place to live in our increasingly unaffordable city.

Making sure our essential workers are able to stay in San Francisco and continue to be part of the fabric of our community is more important than ever. Balboa Reservoir will be a huge help.

The inclusion of a childcare center on the site and the addition of public spaces for that everyone can use is also very welcome. I appreciate that great pains have been taken to keep these homes closely integrated with the wider neighborhood - this is a development where everyone will be included.

Placing these homes on the site of the CCSF overflow parking lot is a good use of public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

Allan Robles

Allan Robles
allan.g.robles@gmail.com
776 BUSH ST, APT 409
San Francisco, California 94108

From: [Stephanie Kung](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Friday, July 24, 2020 2:02:00 PM

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

I am a resident of San Francisco and would like to register my support for the Balboa Reservoir project.

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Placing these homes on the site of the CCSF overflow parking lot is a good use of public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

Stephanie Kung
stephaniejkung@gmail.com
538 38th Ave. Apt. A
San Francisco, California 94121

From: [Kyle Sherin](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Friday, July 24, 2020 1:47:07 PM

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

I am a resident of San Francisco and would like to register my support for the Balboa Reservoir project.

This is a rare opportunity for hundreds of families to secure an affordable place to live in our increasingly unaffordable city.

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Placing these homes on the site of the CCSF overflow parking lot is a good use of public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

Kyle Sherin
ksherin@gmail.com
3110 Ocean Avenue
San Francisco, California 94132

From: [Irene Morales](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Thursday, July 23, 2020 6:51:34 PM

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

I am a resident of San Francisco and would like to register my support for the Balboa Reservoir project.

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Making sure our essential workers are able to stay in San Francisco and continue to be part of the fabric of our community is more important than ever. Balboa Reservoir will be a huge help.

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Placing these homes on the site of the CCSF overflow parking lot is a good use of public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

Irene Morales
irenelmorales17@gmail.com
835 Olive Ave Unirlt #5
South San Francisco , California 94080

From: [Genna Yarkin](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Thursday, July 23, 2020 1:30:14 PM

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

I am a land use attorney and passionate housing advocate practicing in San Francisco, and I would like to register my support for the Balboa Reservoir project.

This is a rare opportunity for hundreds of families to secure an affordable place to live in our increasingly unaffordable city.

Making sure our essential workers are able to stay in San Francisco and continue to be part of the fabric of our community is more important than ever. Balboa Reservoir will be a huge help.

The inclusion of a childcare center on the site and the addition of public spaces that everyone can use is also wonderful. I know that great pains have been taken to keep these homes closely integrated with the wider neighborhood - this is a development where everyone will be included.

Placing these homes on the site of the CCSF overflow parking lot is a good use of public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project. We simply NEED more housing, especially affordable housing, and this project is consistent with City requirements.

Thank you very much for taking the time to consider this submission - this is a wonderful opportunity to work with affordable housing partners to right an ongoing wrong in our State and in San Francisco.

Sincerely,
Genna Yarkin

Genna Yarkin
gyarkin89@gmail.com
50 California Street Suite 2800
San Francisco, California 94111

From: [Stephanie Hill](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Tuesday, July 28, 2020 4:35:55 PM

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

I am a resident of San Francisco and would like to register my support for the Balboa Reservoir project.

This is a rare opportunity for hundreds of families to secure an affordable place to live in our increasingly unaffordable city.

Making sure our essential workers are able to stay in San Francisco and continue to be part of the fabric of our community is more important than ever. Balboa Reservoir will be a huge help.

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Placing these homes on the site of the CCSF overflow parking lot is a good use of public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

Stephanie Hill
stephanie.e.hill@gmail.com
1496 Guerrero
San Francisco, California 94110

From: [Christina Yanuaria](#)
To: aft@aft2121.org
Subject: Oppose the Balboa Reservoir Project
Date: Monday, July 27, 2020 1:46:08 PM

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

Dear Leaders and Elected Officials and Representatives,

I am writing to ask you to *support public education* by voting NO on the Balboa Reservoir Project.

Public land does not belong in the hands of private corporations, period.

While the project of providing affordable housing is absolutely noble and needed, *selling public land* is NOT necessary to achieve this goal. The end, in this case, does not justify the means.

At a time when real estate in San Francisco is easily 10x higher per square foot of its bay area neighbors, the City should not be selling land at a discount to a corporation.

Creating de facto segregation by building separate market rate and affordable units is not only inconsistent with San Francisco's inclusionary housing policy, but also *flies in the face of current calls for equity and end to discrimination and oppression on all fronts*. Furthermore the Home Owners Association would become the main owners of market rate, the [origins](#) of which are rooted in racism.

This project will also cause irreparable harm to a public institution of education: City College of San Francisco. The Balboa Reservoir is a critical point of accessibility and equity (!) for commuter students, staff, and faculty access to CCSF by providing essential parking. Without first ensuring viable (as defined by students, staff, and faculty) transportation options, *this project perpetuates the exclusive history of access to higher education- antithetical to the mission of public education and to the City College of San Francisco*.

To be clear, this issue is NOT about whether or not to provide affordable housing.

The issue IS NOT TO SELL public land to a private developer. There are OTHER options that would allow the land to remain in public domain while still providing accessible and affordable housing. Undoubtedly, this will take time; but please resist the urge to approve what appears to be the path of least resistance with the private developer.

Please oppose this project. Say Yes to **Public Lands for Public Good**- NO to the Balboa

Reservoir Project.

Sincerely,

Christina Yanuaria

Pronouns: She/Her

ESL City College of San Francisco

Womxn's Support Collective

[LinkedIn](#)

"If you have come here to help me, you are wasting your time. But if you have come because your liberation is bound up with mine, then let us work together." Lilla Watson

From: [aeboken](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#)
Subject: OPPOSING Budget and Finance Committee Agenda Item #5 Sale of Real Estate - Reservoir Community Partners LLC - Balboa Reservoir - \$11,400,000. File #200740
Date: Tuesday, July 28, 2020 10:44:12 AM

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

TO: Board of Supervisors members

I am strongly opposed to the sale of the Balboa Reservoir property.

I strongly believe that the City should enter into a long term lease rather than sell the property. A long term lease would provide a revenue stream for the City for years to come.

If the property is sold, I believe it should be sold at fair market value. A price of \$11,400,000. is significantly below fair market value.

Eileen Boken
Coalition for San Francisco Neighborhoods*

* For identification purposes only.

Sent from my Verizon, Samsung Galaxy smartphone

From: [Donna Davies](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Support for Balboa Park Project
Date: Wednesday, July 29, 2020 12:36:07 PM

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

Regarding parking: I found on the project website that they propose a ratio of one parking space for every two homes. The public parking garage would also make available a proposed 500 spaces to City College students, staff and faculty, and existing neighbors. There is a *huge* parking lot next to the project for City College and that will remain.

Donna Davies

Hello Board of Supervisors, San Francisco,

I am a member of the ad hoc group *Advocates for Affordable Housing* (AAH) in Mountain View that promotes the development of housing in the Bay Area. We encourage the best possible developments built in the Bay Area, ones designed to serve *the highest public good*.

That's why I'm especially excited about the Balboa Park Project. Currently, the property is one vast, hot island of asphalt and cars. The project is within walking distance of BART. The cars will move under cover to 750 new spaces, 110 for residents and 90 for public parking. Buildings will rise to accommodate 1100 new homes, half of which will be affordable. Many of the new homes will have 2-3 bedrooms so families can be accommodated more easily and there will be a large onsite day care center half of which is dedicated to low and middle income workers. The project includes four acres of public open space and recreational parkland with 400 new trees. Coupled with an onsite community room, these resources will promote the building of community among the residents and their neighbors in Sunnyside, Westwood Park, and Ocean Avenue. 150 apartments are reserved for CCSF faculty and staff, eliminating their commutes and some of the difficulty CCSF has in recruiting and retaining teachers. Finally, the project includes \$10 million in fees to the city for transit and infrastructure improvements thus freeing up city money to be used for other affordable projects elsewhere.

By building the Balboa Park Project, San Francisco will be 1100 units closer to its goal of planned new homes which not only serves the *highest public good* but helps ensure compliance with state mandates. Finally, it will provide many construction jobs during the coming economic recovery.

Donna Davies

32 year resident of Mountain View

my son lives in San Francisco

From: [Donna Davies](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Support for the Balboa Park Reservoir Project
Date: Tuesday, July 28, 2020 11:12:03 AM

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

Hello Board of Supervisors, San Francisco,

I am a member of the ad hoc group *Advocates for Affordable Housing* (AAH) in Mountain View that promotes the development of housing in the Bay Area. We encourage the best possible developments built in the Bay Area, ones designed to serve *the highest public good*.

That's why I'm especially excited about the Balboa Park Project. Currently, the property is one vast, hot island of asphalt and cars. The project is within walking distance of BART. The cars will move under cover to 750 new spaces, 110 for residents and 90 for public parking. Buildings will rise to accommodate 1100 new homes, half of which will be affordable. Many of the new homes will have 2-3 bedrooms so families can be accommodated more easily and there will be a large onsite day care center half of which is dedicated to low and middle income workers. The project includes four acres of public open space and recreational parkland with 400 new trees. Coupled with an onsite community room, these resources will promote the building of community among the residents and their neighbors in Sunnyside, Westwood Park, and Ocean Avenue. 150 apartments are reserved for CCSF faculty and staff, eliminating their commutes and some of the difficulty CCSF has in recruiting and retaining teachers. Finally, the project includes \$10 million in fees to the city for transit and infrastructure improvements thus freeing up city money to be used for other affordable projects elsewhere.

By building the Balboa Park Project, San Francisco will be 1100 units closer to its goal of planned new homes which not only serves the *highest public good* but helps ensure compliance with state mandates. Finally, it will provide many construction jobs during the coming economic recovery.

Donna Davies
32 year resident of Mountain View
my son lives in San Francisco

From: [Major, Erica \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Subject: FW: Balboa Reservoir Final SEIR Appeal - PRESS RELEASE
Date: Monday, July 20, 2020 6:09:23 PM
Attachments: [BalboaReservoir-PressRelease-CEQA-Appeal_FINAL.pdf](#)

For appeal files, Balboa Reservoir Project.

ERICA MAJOR

Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102

Phone: (415) 554-4441 | Fax: (415) 554-5163

Erica.Major@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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---

**From:** Jean Barish <jeanbbarish@hotmail.com>  
**Sent:** Monday, July 20, 2020 2:55 PM  
**To:** Major, Erica (BOS) <erica.major@sfgov.org>  
**Subject:** Balboa Reservoir Final SEIR Appeal - PRESS RELEASE

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

Dear Members of the BOS Land Use and Transportation Committee:

Attached is a copy of a press release announcing the filing of an Appeal of the Planning Commission Certification of the FSEIR for the Balboa Reservoir Project.

Although you may have already received a copy of the appeal, you may find the information in this press release helpful in focusing on some of the major topics covered in the longer appeal document.

Thank you,

*Jean*

*Jean B Barish*

[jeanbbarish@hotmail.com](mailto:jeanbbarish@hotmail.com)

*415-752-0185*

*Stay safe and be well*

Press Release  
For Immediate Release  
San Francisco, CA - July 15, 2020

Contact: Wynd Kaufmyn (510) 714-8687  
Stuart Flashman (510) 652-5373  
Madeline Mueller (415) 816-1515

**City College Stakeholders File CEQA Appeal for Balboa Reservoir Project  
They identify legal violations and Irreparable Damage to City College**

On June 19th, 2020, attorney Stuart Flashman, representing appellants Alvin Ja, Wynd Kaufmyn, and Madeline Mueller, officially filed an appeal of the Planning Commission Certification of Final Subsequent Environmental Impact Report (FSEIR) for the proposed Balboa Reservoir Project.(Case No.2018-007883ENV).

The appeal, scheduled to be heard by the Board of Supervisors sometime in August, alleges substantive and procedural violations of the California Environmental Quality Act (CEQA.)

Some of the key issues contained in the appeal:  
(See supplemental page for details of each of these.)

- 1) The Project EIR fails to give an accurate and complete description of the project area and existing conditions.
- 2) The Project EIR fails to analyze the significant impacts of the Balboa Reservoir Project's significant impacts on the construction schedule of planned City College of San Francisco buildings.
- 3) The Project EIR fails to give stable, accurate, and finite descriptions of the affordable units it promises.
- 4) The Project EIR fails to fully identify and mitigate significant impacts on noise, air quality, transit delay, pedestrian and bicyclist safety.
- 5) The Project EIR fails to include feasible alternatives, such as 100% truly affordable housing.
- 6) The EIR ignored the changed circumstances presented by the COVID-19 Pandemic.

The conclusion of the appeal says,

"The project's approval is invalid because it understates the project's significant and unavoidable impacts. Many of the claimed benefits are not supported by substantial evidence in the record and the claim that any one of the claimed benefits would suffice to outweigh the project's impacts is conclusory and unsupported by any explanation or justification, especially when several of the significant and unavoidable project impacts would adversely affect human health and safety for inhabitants of the area surrounding the project including bicyclists, students, and young children."

There is no reason to rush through the approval of a Project that would have been highly flawed and suspect even before the deep game-change of the COVID-19 Pandemic and the need to analyze its future effects.

This is NOT the time for any Project to go forward that will all but destroy the access for 70,000 college students, most of them from working class, immigrant, black or brown communities.

###

## **Supplemental Details for Key Issues**

### **1) The Project EIR fails to give an accurate and complete description of the project area and existing conditions.**

The report lacks adequate information on the present and future needs of City College of San Francisco and two adjacent high schools. The combined enrollments represent approximately 70,000 students.

### **2) The Project EIR fails to give an analysis of the significant impacts on the construction schedule of planned City College of San Francisco buildings.**

In the recent March 2020 election, San Francisco voters, by an 80% majority, approved an \$845 million bond for City College facilities. As a result, planned new construction will start almost immediately to complete City College's West Campus, located on the eastern portion of the reservoir property - directly adjacent to the Balboa Reservoir Project. The EIR fails to assess the significant impacts the Balboa Reservoir Project construction will have on the construction schedule of these planned City College of San Francisco buildings, and surrounding conditions, when the two construction schedules appear to overlap.

### **3) The Project EIR fails to give stable, accurate, and finite descriptions of the affordable units it promises.**

The Project describes the affordable units as "up to 50% of the units". This is vague and aspirational. It does not comply with the requirements of a legally sufficient EIR. Project descriptions under CEQA must be stable, accurate, and finite. Instead, this Project's EIR depends on future surveys, future funding restrictions, and other input before committing to an actual affordable housing plan.

### **4) The Project EIR fails to fully identify and mitigate significant impacts on noise, air quality, transit delay, pedestrian and bicyclist safety.**

The EIR shockingly lacks adequate consideration of the many childcare facilities and classes scheduled at immediately adjacent City College buildings.

### **5) The Project EIR fails to include feasible alternatives, including 100% truly affordable housing.**

The EIR examines only a Project built under a private for-profit umbrella requiring amending the existing community plan in order to allow building market rate housing. However, the Balboa Park Station Area Plan mandated, "first consideration to the development of affordable housing on publicly-owned sites." Construction of a 100% affordable housing was not ever considered, let alone given first consideration.

The EIR promotes the development by claiming it will provide up to 50% affordable housing. However the developer will only fund 19.3% of the affordable units (which is less than 10% of the total units.) There are several funding possibilities available to build more deeply affordable units in greater numbers than described in the EIR. Such possibilities do not depend on privatizing public land for developers' profits, and would also have much lower negative impacts on the environment. It is unacceptable not to consider feasible alternatives whereby public land stays in public control.

### **6) The EIR ignored the changed circumstances presented by the COVID-19 Pandemic.**

Public Comments on the draft SEIR were completed on 9/23/2019 and responses to comments were not issued by the SF Planning Department until 4/29/2020. This was more than a month after San Francisco entered its first shelter-in-place order and roughly three months after San Francisco's first Corona virus cases, but Planning ignored the circumstances of the COVID- 19 pandemic and its implications for the for the future use of the Balboa Reservoir site and the surrounding area.

The circumstances of the ongoing pandemic demand that the analysis presented in the EIR be re-evaluated. A new analysis is needed before an informed decision can be made about the true impacts of the Project.

## What can you do?

Further discussions of the Balboa Reservoir Project and its impact will be on the agendas of upcoming Board of Supervisors Committee Meetings. The public can email written comments in advance of meetings and call in during meetings to give oral comments.

### **Land Use & Transportation Committee** (Supervisors – Peskin, Safai, Preston)

Monday, July 20, at 1:30pm

Gordon Mar will be a guest while the Committee considers affordable and market-rate housing, an especially important conversation for the Balboa Reservoir project.

### **Land Use & Transportation Committee** (Supervisors – Peskin, Safai, Preston)

Monday, July 27, at 1:30pm

The Committee will consider:

- File number 200422 – Changing P (Public) zoning to SUD (Special Use District)
- File number 200635 – General Plan, Balboa Park Station Area Plan Amendments

### **Budget and Finance Committee** (Supervisors Fewer, Walton, Mandelman)

Wednesday, July 29, at 10:30am

The Committee will consider:

- File Number 200423 – Approval of Development Agreement
- File Number 200740 – PUC Reservoir Sale Agreement

To see File Content enter file numbers into “Search” box: <https://sfgov.legistar.com/Legislation.aspx>

For agendas, how to log in to meetings, and how to give public comment:

[https://sfbos.org/sites/default/files/bag062320\\_agenda.pdf](https://sfbos.org/sites/default/files/bag062320_agenda.pdf)



**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [Stuart Flashman](#)  
**Cc:** [Gibson, Lisa \(CPC\)](#); [Poling, Jeanie \(CPC\)](#); [commission@sfgwater.org](mailto:commission@sfgwater.org); [BOS Legislation, \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#)  
**Subject:** RE: Appeal of Final Subsequent Environmental Impact Report certification for Balboa Reservoir Project  
**Date:** Monday, June 22, 2020 9:10:08 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hello,

I am writing to confirm receipt of an appeal of the CEQA Final Environmental Impact Report certification for the proposed Balboa Reservoir project. At this time, local deadlines for scheduling and acting on such appeals have been suspended by mayoral order. Upon expiration of the health emergency order, our office will provide appellants with updates regarding the statuses of their appeals.

Warm regards,

**Lisa Lew**  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.*



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**From:** Stuart Flashman <stu@stufash.com>  
**Sent:** Thursday, June 18, 2020 4:30 PM  
**To:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Cc:** Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Poling, Jeanie (CPC) <jeanie.poling@sfgov.org>; [commission@sfgwater.org](mailto:commission@sfgwater.org)  
**Subject:** Appeal of Final Subsequent Environmental Impact Report certification for Balboa Reservoir Project  
**Importance:** High

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

To the Clerk of the San Francisco Board of Supervisors:

Attached please find an appeal of the above-referenced certification of the Final Subsequent EIR for the Balboa Reservoir Project (with two exhibits), as well as copies of the Planning Commission resolutions certifying the EIR and approving the accompanying CEQA findings and a scan of my check for the \$640 appeal fee. Printed copies of all these documents, and the original check, are being mailed to your office at:

Angela Calvillo  
Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

**Environmental, Land Use, and Elections Law**

Serving public interest and private clients since 1990

**Stuart Flashman**  
*Attorney*

[stu@stuflash.com](mailto:stu@stuflash.com)

**Law Offices of Stuart Flashman**  
5626 Ocean View Drive  
Oakland, CA 94618-1533

tel: (510) 652-5373

fax: (510) 652-5373

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**From:** [BOS Legislation. \(BOS\)](#)  
**To:** "Stuart Flashman"; [joe\\_kirchofer](#); [Brad Wiblin](#); [Russell, Rosanna \(PUC\)](#); [Steven Vettel](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Poling, Jeanie \(CPC\)](#); [Hong, Seung Yen \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation. \(BOS\)](#)  
**Subject:** HEARING NOTICE: Appeal of CEQA Final Environmental Impact Report - Proposed Balboa Reservoir Project - Appeal Hearing - August 11, 2020  
**Date:** Tuesday, July 28, 2020 11:24:31 AM  
**Attachments:** [image001.png](#)

---

Greetings,

The Office of the Clerk of the Board has scheduled a remote hearings for Special Order before the Board of Supervisors on **Tuesday, August 11, 2020, at 3:00 p.m.**, to hear the appeal of the CEQA Final Environmental Impact Report certification for the proposed Balboa Reservoir project.

Please find linked below the letter of appeal filed against the proposed Balboa Reservoir project, as well as a direct link to the Planning Department's Timeliness for appeal, and an information letter from the Clerk of the Board.

[CEQA Appeal Letter - June 18, 2020](#)

[Planning Department Memo - July 24, 2020](#)

[Clerk of the Board Letter - July 27, 2020](#)

**Please find the following link to the hearing notice for these matters.**

[Public Hearing Notice - July 28, 2020](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 200804](#)

Best regards,

**Lisa Lew**

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.*



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BOARD of SUPERVISORS



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

## NOTICE OF PUBLIC HEARING

**BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO**  
**Sent via Email and/or U.S. Postal Service**

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a remote public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Tuesday, August 11, 2020

**Time:** 3:00 p.m.

**Location:** REMOTE MEETING VIA VIDEOCONFERENCE

Watch: [www.sfgovtv.org](http://www.sfgovtv.org)

SF Cable Channel 26 once the meeting starts, the telephone number and Meeting ID will be displayed on the screen.

Public Comment Call-In: <https://sfbos.org/remote-meeting-call>

**Subject:** **File No. 200804.** Hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for a the proposed Balboa Reservoir Project, identified in Planning Case No. 2018-007883ENV, issued by the Planning Commission through Motion No. 20730, dated May 28, 2020; to construct up to approximately 1,800,000 gross square feet of uses, including between approximately 1,300,000 and 1,500,000 gross square feet of residential space; approximately 10,000 gross square feet of community space, approximately 7,500 gross square feet of retail, up to 550 residential parking spaces and 750 public parking spaces, in the developer's proposed option, and up to 650 residential parking spaces in the additional housing option; the buildings would range in height from 25 to 78 feet developer's proposed option, and from 25 to 88 feet in the additional housing option. (District 7) (Appellant: Stuart Flashman of the Law Offices of Stuart M. Flashman, on behalf of Madeline Mueller, Alvin Ja, and Wynd Kaufmyn.) (Filed: June 18, 2020)

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely and allow for remote public comment due to the Coronavirus - 19 pandemic. Therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment. Visit the SFGovTV website ([www.sfgovtv.org](http://www.sfgovtv.org)) to stream the live meetings or watch them on demand.

**PUBLIC COMMENT CALL-IN**

**WATCH:** SF Cable Channel 26, once the meeting starts, and the telephone number and Meeting ID will be displayed on the screen; or

**VISIT:** <https://sfbos.org/remote-meeting-call>

Please visit the Board's website (<https://sfbos.org/city-board-response-covid-19>) regularly to be updated on the City's response to COVID-19 and how the legislative process may be impacted.

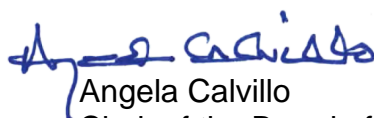
In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email ([board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)). Information relating to this matter is available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to this matter will be available for public review on Friday, August 7, 2020.

For any questions about this hearing, please contact one of the Legislative Clerks:

Lisa Lew ([lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org)) ~ (415) 554-7718)

Jocelyn Wong ([jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org)) ~ (415) 554-7702)

**Please Note:** *The Department is open for business, but employees are working from home. Please allow 48 hours for us to return your call or email.*



Angela Calvillo  
Clerk of the Board of Supervisors  
City and County of San Francisco



BOARD of SUPERVISORS



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

July 27, 2020

Stuart Flashman  
Law Offices of Stuart M. Flashman  
5626 Ocean View Drive  
Oakland, CA 94618-1533

**Subject: File No. 200804 - Appeal of CEQA Final Environmental Impact Report - Balboa Reservoir Project**

Dear Mr. Flashman:

The Office of the Clerk of the Board is in receipt of a memorandum dated July 24, 2020, from the Planning Department regarding their determination on the timely filing for an appeal of the CEQA Final Environmental Impact Report (FEIR) for the proposed Balboa Reservoir Project.

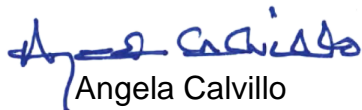
The Planning Department has determined that the CEQA FEIR appeal was filed in a timely manner (copy attached).

Pursuant to Administrative Code, Section 31.16, a remote hearing date has been scheduled for **Tuesday, August 11, 2020, at 3:00 p.m.**, at the Board of Supervisors meeting.

The Planning Department has provided a list of interested parties with mailing and email contact information to individuals and organizations who will be receiving a copy of the public hearing notice. If you have additional names and addresses of interested parties to be notified of the hearing, and if there is supporting documentation you wish to include for the hearing, please email an electronic copy by Thursday, August 6, 2020, at noon to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org). Any materials received after this date, will still be distributed to all parties and be included as part of the official file.

If you have any questions, please feel free to contact Legislative Clerks Lisa Lew at (415) 554-7718, Jocelyn Wong at (415) 554-7702, or Brent Jalipa at (415) 554 7712.

Very truly yours,



Angela Calvillo  
Clerk of the Board of Supervisors  
City and County of San Francisco

c: Anne Pearson, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
Rich Hillis, Director, Planning Department  
Corey Teague, Zoning Administrator, Planning Department  
Scott Sanchez, Acting Deputy Zoning Administrator, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department  
Devyani Jain, Deputy Environmental Review Officer, Planning Department  
Joy Navarette, Environmental Planning, Planning Department  
Don Lewis, Environmental Planning, Planning Department  
Adam Varat, Acting Director of Citywide Planning, Planning Department  
Dan Sider, Director of Executive Programs, Planning Department  
Aaron Starr, Manager of Legislative Affairs, Planning Department  
AnMarie Rodgers, Director of Citywide Planning, Planning Department  
Jonas Ionin, Director of Commission Affairs, Planning Department  
Jeanie Poling, Staff Contact, Planning Department  
Seung Yen Hong, Staff Contact, Planning Department  
Julie Rosenberg, Executive Director, Board of Appeals  
Katy Sullivan, Legal Assistant, Board of Appeals  
Alec Longaway, Legal Process Clerk, Board of Appeals

BOARD of SUPERVISORS



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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## PROOF OF MAILING

Legislative File No. 200804

Description of Items: Hearing - Appeal of Determination of Exemption From Environmental Review - Appeal of Final Environmental Impact Report - Balboa Reservoir Project - 35 Notices Mailed

I, Jocelyn Wong, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: July 28, 2020

Time: 3:30 p.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [Ko, Yvonne \(CPC\)](#); [Yeung, Tony \(CPC\)](#)  
**Cc:** [BOS-Operations](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** CHECK PICKUP: Appeal of CEQA Final Environmental Impact Report - Proposed Balboa Reservoir Project - Appeal Hearing - August 11, 2020  
**Date:** Tuesday, July 28, 2020 2:32:50 PM  
**Attachments:** [image001.png](#)

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Hi Yvonne,

The check for appeal filing fee for the CEQA Final Environmental Impact Report appeal of the proposed Balboa Reservoir project is ready to be picked up here in the Clerk's Office. Please coordinate with our BOS-Operations team copied here to set up a date and time for pickup. Please be advised a fee waiver was not filed for this appeal.

Operations,

This check should be in the pick-up drawer in an envelope marked "Planning Department". Kindly have Planning sign the appeal check pickup form, and confirm by scanning back the signed form.

Thank you.

**Lisa Lew**  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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---

**From:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Sent:** Tuesday, July 28, 2020 11:24 AM  
**To:** 'Stuart Flashman' <stu@stuflash.com>; joe\_kirchofer <joe\_kirchofer@avalonbay.com>; Brad Wiblin <bwiblin@bridgehousing.com>; Russell, Rosanna (PUC) <RSRussell@sfgwater.org>; Steven Vettel <SVettel@fbm.com>  
**Cc:** PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; STACY, KATE (CAT)

<Kate.Stacy@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Jain, Devyani (CPC) <devyani.jain@sfgov.org>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>; Lewis, Don (CPC) <don.lewis@sfgov.org>; Varat, Adam (CPC) <adam.varat@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Poling, Jeanie (CPC) <jeanie.poling@sfgov.org>; Hong, Seung Yen (CPC) <seungyen.hong@sfgov.org>; Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>; Sullivan, Katy (BOA) <katy.sullivan@sfgov.org>; Longaway, Alec (BOA) <alec.longaway@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>

**Subject:** HEARING NOTICE: Appeal of CEQA Final Environmental Impact Report - Proposed Balboa Reservoir Project - Appeal Hearing - August 11, 2020

Greetings,

The Office of the Clerk of the Board has scheduled a remote hearings for Special Order before the Board of Supervisors on **Tuesday, August 11, 2020, at 3:00 p.m.**, to hear the appeal of the CEQA Final Environmental Impact Report certification for the proposed Balboa Reservoir project.

Please find linked below the letter of appeal filed against the proposed Balboa Reservoir project, as well as a direct link to the Planning Department's Timeliness for appeal, and an information letter from the Clerk of the Board.

[CEQA Appeal Letter - June 18, 2020](#)

[Planning Department Memo - July 24, 2020](#)

[Clerk of the Board Letter - July 27, 2020](#)

**Please find the following link to the hearing notice for these matters.**

[Public Hearing Notice - July 28, 2020](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 200804](#)

Best regards,

**Lisa Lew**

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T 415-554-7718 | F 415-554-5163

[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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TDD/TTY No. 554-5227

July 28, 2020

**File Nos. 200804**

**Planning Case No. 2018-007883ENV**

Received from the Board of Supervisors Clerk's Office one check, in the amount of Six Hundred Forty Dollars (\$640), representing the filing fee paid by Law Offices of Stuart Flashman for the appeal of the Final Environmental Impact Report under CEQA for the proposed Balboa Reservoir project:

**Planning Department**

**By:**

*Tony Yeung*

Print Name

*[Signature]* 7/30/20

Signature and Date



## Environmental Impact Report Appeal Timeliness Determination

**DATE:** July 24, 2020

**TO:** Angela Calvillo, Clerk of the Board of Supervisors

**FROM:** Lisa Gibson, Environmental Review Officer –  
Lisa.Gibson@sfgov.org

**RE:** Appeal Timeliness Determination – Balboa Reservoir Project  
EIR, Planning Department Case No. 2018-007883ENV

The Law Offices of Stuart M. Flashman, on behalf of Madeline Mueller, Alvin Ja, and Wynd Kaufmyn (the “Appellants”), filed an appeal of the Planning Commission’s certification of the final subsequent environmental impact report (EIR) for the Balboa Reservoir Project with the Office of the Clerk of the Board of Supervisors on June 18, 2020.

As explained below, the Planning Department finds the appeal to be timely filed.

| Date of Approval Action             | 30 Days after Approval Action | First Business Day after Appeal Deadline | Date of Appeal Filing | Timely? |
|-------------------------------------|-------------------------------|------------------------------------------|-----------------------|---------|
| May 28, 2020<br>(EIR certification) | Saturday,<br>June 27, 2020    | Monday,<br>June 29, 2020                 | June 18, 2020         | Yes     |

**Timeline:** On August 7, 2019, the Planning Department published the draft subsequent EIR for the Balboa Reservoir Project with a public review and comment period from August 7, 2019 through September 23, 2019. On September 12, 2019, the Planning Commission held a duly advertised public hearing on the draft subsequent EIR. The Planning Department published a responses to comments document on April 29, 2020. The Planning Commission held a duly noticed hearing on May 28, 2020 to consider certification of the final EIR. The Planning Commission certified the final EIR on May 28, 2020.

**Appeal Deadline:** Sections 31.16(a) and (c) of the San Francisco Administrative Code state that any person or entity that has submitted comments to the Planning Commission or the Environmental Review Officer on a draft EIR, either in writing during the public review

period, or orally or in writing at a public hearing on the EIR, may appeal the Planning Commission's certification of the final subsequent EIR up to 30 days after the certification of the final EIR. The 30<sup>th</sup> day after the certification of the final subsequent EIR was June 27, 2020. The next date when the Office of the Clerk of the Board was conducting business was June 29, 2020 (Appeal Deadline).

**Appellant Standing:** The Appellants issued written and oral comments on the draft subsequent EIR; therefore, the Appellants have standing to appeal the certification of the final subsequent EIR.

**Appeal Filing and Timeliness:** The Law Offices of Stuart M. Flashman on behalf of Madeline Mueller, Alvin Ja, and Wynd Kaufmyn filed an appeal on June 18, 2020. The appeal was filed prior to the Appeal Deadline and therefore, the appeal is considered timely.

**From:** [BOS Legislation. \(BOS\)](#)  
**To:** [Hillis, Rich \(CPC\)](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Poling, Jeanie \(CPC\)](#); [Hong, Seung Yen \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation. \(BOS\)](#)  
**Subject:** Appeal of CEQA Certification of FEIR - Proposed Project - Balboa Reservoir  
**Date:** Friday, July 24, 2020 5:28:55 PM  
**Attachments:** [image001.png](#)  
[Appeal Ltr 061820.pdf](#)  
[COB Ltr 072420.pdf](#)

---

Dear Director Hillis,

The Office of the Clerk of the Board is in receipt of an appeal of the CEQA Final Environmental Impact Report for the proposed Balboa Reservoir project. The appeal was filed by Stuart Flashman of the Law Offices of Stuart M. Flashman, on behalf of Madeline Mueller, Alvin Ja, and Wynd Kaufmyn.

We realize that the timeliness determination has been already received, but for recordation purposes to meet the proper requirements, please find the attached letter of appeal and timely filing determination request letter from the Clerk of the Board. Kindly respond with the timely determination. Thank you in advance.

Regards,

**Jocelyn Wong**

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T: 415.554.7702 | F: 415.554.5163  
[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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*public documents that members of the public may inspect or copy.*


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TDD/TTY No. 554-5227

July 24, 2020

To: Rich Hillis  
Planning Director

From:  Angela Calvillo  
Clerk of the Board of Supervisors

**Subject: Appeal of California Environmental Quality Act (CEQA) Certification of the Final Environmental Impact Report - Balboa Reservoir Project**

An appeal of the CEQA Final Environmental Impact Report certification for a proposed Balboa Reservoir project was filed with the Office of the Clerk of the Board on June 18, 2020, by Stuart Flashman of the Law Offices of Stuart M. Flashman, on behalf of Madeline Mueller, Alvin Ja, and Wynd Kaufmyn.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Legislative Clerks Lisa Lew at (415) 554-7718, Jocelyn Wong at (415) 554-7702, or Brent Jalipa at (415) 554-7712.

c: Anne Pearson, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
Corey Teague, Zoning Administrator, Planning Department  
Scott Sanchez, Acting Deputy Zoning Administrator, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department  
Devyani Jain, Deputy Environmental Review Officer, Planning Department  
Joy Navarette, Environmental Planning, Planning Department  
Don Lewis, Environmental Planning, Planning Department  
Adam Varat, Acting Director of Citywide Planning, Planning Department  
Dan Sider, Director of Executive Programs, Planning Department  
Aaron Starr, Manager of Legislative Affairs, Planning Department  
AnMarie Rodgers, Director of Citywide Planning, Planning Department  
Jonas Ionin, Director of Commission Affairs, Planning Department  
Jeanie Poling, Staff Contact, Planning Department  
Seung Yen Hong, Staff Contact, Planning Department  
Julie Rosenberg, Executive Director, Board of Appeals  
Katy Sullivan, Legal Assistant, Board of Appeals  
Alec Longaway, Legal Process Clerk, Board of Appeals



**Introduction Form**

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☒ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning : "Supervisor  inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No.  from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission      ☐ Youth Commission      ☐ Ethics Commission
- ☐ Planning Commission      ☐ Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for a the proposed Balboa Reservoir Project, identified in Planning Case No. 2018-007883ENV, issued by the Planning Commission through Motion No. 20730, dated May 28, 2020; to construct up to approximately 1,800,000 gross square feet of uses, including between approximately 1,300,000 and 1,500,000 gross square feet of residential space; approximately 10,000 gross square feet of community space, approximately 7,500 gross square feet of retail, up to 550 residential parking spaces and 750 public parking spaces, in the developer's proposed option, and up to 650 residential parking spaces in the additional housing option; the buildings would range in height from 25 to 78 feet developer's proposed option, and from 25 to 88 feet in the additional housing option. (District 7) (Appellants: Stuart Flashman of the Law Offices of Stuart M. Flashman, on behalf of Madeline Mueller, Alvin Ja, and Wynd Kaufmyn.) (Filed: June 18, 2020)

Signature of Sponsoring Supervisor:

**For Clerk's Use Only**