From: BRCAC (ECN)
Sent: Tuesday, September 10, 2019 8:19 PM
To: CPC.BalboaReservoir; Balboa Reservoir Compliance (ECN)
Subject: FW: Comment on 3.B.6 Transportation & Circulation Impacts & Mitigation Measures
Attachments: 3.B.6.docx

From: aj [mailto:ajahjah@att.net]
Sent: Monday, September 09, 2019 5:44 PM
To: BRCAC (ECN) <brcac@sfgov.org>
Cc: Yee, Norman (BOS) <norman.yee@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>; Maybaum, Erica (BOS) <erica.maybaum@sfgov.org>
Subject: Comment on 3.B.6 Transportation & Circulation Impacts & Mitigation Measures

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BRCAC:

The Balboa Reservoir draft SEIR concludes that the Project will have insignificant adverse impact on Transit Delay. This LTS determination is based on incomplete analysis and on improper authority.

In my comment below (also attached as WORD file), I present an example of the 43 Masonic which has two time point-to-time point route segments in the Balboa Park Station Area plan area. The SEIR examines only one route segment to arrive at its LTS determination.

Most importantly, in order to arrive at its LTS determination, the SEIR inappropriately, in the name of SF's Transit First Policy, grants the Reservoir Project the privilege of adding an additional Reservoir-related 4 minutes on top of the City Charter-specified 4-minute late standard for MUNI. I have discussed this in my 9/5/2019 submission to you entitled "Inappropriate SEIR Definition of Transit Delay." I hope that you have read it.

I present findings based on the SEIR/Kittelson Travel Demand Memo, Transit Delay Memo's own "quantitative" figures, below.

The SEIR's "less-than-significant" determination requiring "no mitigation" is not supported by a more comprehensive analysis of the information.

The SEIR violates the intent of the City's Transit First Policy by creating a "threshhold of significance" for the Balboa Reservoir Project to add an 4 additional minutes on top of the City Charter's 4-minute late performance criterion at a MUNI time point. What this means is that only when a MUNI vehicle is **over 8 minutes late** at a time point would the transit delay impact be considered significant.

--aj

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.)

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Operational Impacts (p. 3.B-46)

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

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

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

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

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

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

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

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

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

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

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

The draft SEIR is fundamentally flawed in highjacking and misapplying the SFMTA/MUNI 4-minute lateness standard. The 4-minute lateness standard is relative to MUNI schedules. The Project's self-entitled contribution of an additional 4-minutes of lateness to transit delay is

neither permitted or acceptable--by law, legislative intent, and especially by common sense--in City Charter VIIIA. This constitutes a fundamentally arbitrary and capricious arrogation of authority to substantively and substantially worsen transit reliability for the broader public.

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

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

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Impact Evaluation

Existing plus Project

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

Transit Delay

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

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

RESERVOIR-RELATED DELAY FOR 43 MASONIC

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

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

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

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

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

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

Option 2's contribution of 141 seconds (2,4 minutes) of Reservoir-related delay represents a **33.6% increase in travel time** over the scheduled 7 minute running time between Monterey/Gennessee to Balboa Park Station.

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

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

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

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

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

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

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

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

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

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

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

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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.

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

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

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

- **Transit**

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

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

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

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

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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