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**From:** Poling, Jeanie (CPC)  
**Sent:** Monday, September 16, 2019 7:11 PM  
**To:** Balboa Reservoir Compliance (ECN)  
**Subject:** FW: Balboa Reservoir: MISREPRESENTATION OF THE REQUIREMENTS OF 14CCR 15125(a)  
**Attachments:** Comment 13-MISREPRESENTATION OF THE REQUIREMENTS OF 14CCR 15125.docx

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**From:** aj <ajahjah@att.net>  
**Sent:** Monday, September 16, 2019 5:19 AM  
**To:** Poling, Jeanie (CPC) <jeanie.poling@sfgov.org>; CPC.BalboaReservoir <CPC.BalboaReservoir@sfgov.org>; BRCAC (ECN) <brcac@sfgov.org>; Hood, Donna (PUC) <DHood@sfgwater.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Yee, Norman (BOS) <norman.yee@sfgov.org>; Maybaum, Erica (BOS) <erica.maybaum@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>  
**Subject:** Balboa Reservoir: MISREPRESENTATION OF THE REQUIREMENTS OF 14CCR 15125(a)

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Planning Commission, PUC, BOS:

From the very beginning, the Planning Dept/OEWD has consistently minimized and downplayed the Reservoir Project's impacts on City College.

The draft EIR for the Reservoir Project provides an example of the deliberate downplaying of City College's position in the vicinity of the Project.

The SEIR's description of the baseline environmental omits any mention of City College. In doing so, the SEIR violates the requirements of 14 CCR 15125 (a).

#### MISREPRESENTATION OF THE REQUIREMENTS OF 14CCR 15125(a)

**The Planning Dept has made what I can only interpret to be a deliberate misrepresentation of the requirements of Title 14, Division 6, Chapter 3, Article 9, Section 15125, "Environmental Setting."**

**The SEIR substitutes "project site" for "vicinity of the project" when it describes its proclaimed "consistency" with §15125(a).**

**A proclaimed consistency is not the same as compliance with a REQUIREMENT.**

**THE SEIR VIOLATES THE REQUIREMENTS OF §15125(a).**

The SEIR's 3.A.2, *Overall Approach to Impact Analysis* provides the following misrepresentation of §15125(a):

As described in SEIR Chapter 1, Introduction, this SEIR is a project-level EIR that is tiered from a previously certified program-level EIR, namely the PEIR. As a project-level EIR and consistent with CEQA Guidelines section 15125(a), the impact analysis is generally based on potential physical effects of the project compared to existing or baseline conditions of the physical environment **at the project site** at the time of publication of the NOP, which was in October 2018.

Comment:

- §15125(a) is not just a "CEQA Guideline"; it is the LAW.
- The language of the §15125(a) law uses the term "must", which is a REQUIREMENT.
- The law states: *(a) An EIR must include a description of the physical environmental conditions **in the vicinity of the project**.*
- The SEIR's substitution of "project site" in place of the required "in the vicinity of the project" invalidates the Balboa Reservoir Impact Analysis.

Here is §15125(a):

*(a) An EIR **must include a description** of the physical environmental conditions **in the vicinity of the project**. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The 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. The **purpose of this requirement** is to give the public and decision makers the **most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts**.*

**FAIL AND FUBAR.**

Submitted by:

Alvin Ja