

JEAN B BARISH
5758 Geary Boulevard, Suite 341
San Francisco, CA 94121
jeanbbarish@hotmail.com **415-752-0185**

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Via Electronic Mail

San Francisco Planning Department
Attn: Jeanie Poling, Senior Planner
1650 Mission Street, Suite 400
San Francisco, CA 94103
CPC.BalboaReservoir@sfgov.Org

Re: **Case No. 2018-007883ENV**
 Balboa Reservoir Project
 Draft Subsequent Environmental Impact Report

Dear Ms. Poling:

I am writing in response to the Draft Subsequent Environmental Impact Report ("DSEIR") for the Balboa Reservoir Project (the "Project") referenced above.

After reviewing the DSEIR it is clear there will be many significant environmental impacts to that cannot be mitigated if this project is approved. Additionally, the DSEIR is flawed because it fails to consider numerous environmental impacts that should have been considered.

Following are my questions and comments regarding this DSEIR.

Definitions

"Substantial Evidence," as used in this letter, shall mean: "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." (14 Cal Code Regs Sec. 15384(a)) "Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." (14 Cal Code Regs Sec. 15384 (b)) "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence." (14 Cal Code Regs. Sec 15064(f)(5))

"Feasible Alternatives", as used in this letter, shall mean: "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Public Resources Code section 21061.1; 14 CCR section 15364)

BALBOA PARK AREA PLAN

This DSEIR is a project-level EIR that is tiered from a previously certified program-level EIR (“PEIR”)

The Project is a portion or sub-set of the Balboa Park Station Area Plan (the “Plan”). To better understand some of the defects with the DSEIR, it is important to refer to the Plan and several of its Objectives and Policies.

(http://generalplan.sfplanning.org/Balboa_Park_Station.htm#BPS_HSG)

Policy 1.4.2 states: *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. The development on the site should recognize the opportunity to knit the surrounding neighborhoods together through the creation of a community open space and pedestrian connections.*

Policy 1.4.2, therefore, states that at best, only part of the west basin would be used for housing. The development of a project with up to 1,550 units goes far beyond partial development of the reservoir. It should be scaled back to be compliant.

Policy 4.4.1 states: *“If the PUC should decide that the west basin is not needed for water storage, it should consider development of a mixed-use residential neighborhood on part of the site to address the city-wide demand for housing. Affordable housing should be considered a high priority per Policy 4.5.1.”*

and

Policy 4.5.1 states: *“...Where publicly-owned parcels are being developed, . . . city policy directs that surplus public property be considered for development of affordable housing. Thus, when offering their land for development, first consideration should be given by these agencies to the development of housing affordable to individuals or families making less than 120 percent of the area median income.*

Since the Project only requires the developer to provide less than 1/3 affordable units, it is not compliant with the Plan policies. This must be considered when the Final SEIR (“FSEIR”) is prepared.

Policy 6.4.1 states: *Regardless of scale, new development should add to the district’s character, create a human scale public realm, and fit within the city’s traditional fabric; regardless of architectural style. Larger-scale development efforts must take great care to not overwhelm the scale of the area and to positively establish a pedestrian-scale pattern. Urban design guidelines have been developed for the plan area and compliance with the guidelines is mandatory.*

The Project is massive and out of scale with the surrounding neighborhoods. It will have buildings up to 8 stories high, casting shadows on public open space and Archbishop Riordan High School. It will dwarf the single family homes surrounding it, and it will remove open space that is used by City College of San Francisco (“City College”) for both parking and recreational purposes. A Feasible Alternative must be considered.

In view of the foregoing, the Project is not in accord with the Plan and needs to be revised accordingly.

INITIAL STUDY – APPENDIX B

Introduction

Balboa Park Station Area Plan (p. B-3)

The area plan's land use map designates the site's land use as P (Public), and the height map indicates a 40-foot height limit (Maps 3 and 6). However, the Project will include buildings up to 78 feet in the Developer's Proposed Option and up to 88 feet in the Additional Housing Option. (B-4) The FSEIR must provide substantial evidence explaining why this increase in height limit will not have an unanticipated and significant environmental impact.

The Accountable Planning Initiative (p. B-5)

Under Proposition M, planning policies must include conservation and protection of existing housing and neighborhood character (B-5). The DSEIR fails to discuss how the will impact neighborhood character. In accordance with Proposition M, the FSEIR must provide substantial evidence explaining this analysis.

Effects Found Not to be Potentially Significant (p. B-10)

In some cases, the Initial Study identified mitigation measures in CEQA topic areas that would reduce potentially significant impacts to a less-than-significant level, supporting the conclusion that these topic areas do not need CEQA review under this SEIR.

The Initial Study found that the only effects found to be potentially significant in the Project were Transportation and Circulation; Noise; and Air Quality. All other potential individual and cumulative environmental effects considered in the PEIR were found to be either less than significant or would be reduced to a less-than-significant level through recommended mitigation measures in the DSEIR. These impacts that are not studied in this DSEIR are: Land use and land use planning; Population and housing; Cultural resources; Tribal cultural; resources; Greenhouse gas emissions; Wind; Shadow; Utilities and service systems; Public services; Biological resources; Geology and soils; Hydrology and water quality; Hazards and hazardous materials; Mineral resources; Energy; Agricultural and forestry resources; Wildfire.

However, for the reasons set forth below, the basis for these determinations are flawed. The effects below should, in fact, be analyzed in this DSEIR.

Land Use Impacts

Impact LU-2: No conflict with applicable land use plans (p. B-14)

According to this section, the proposed project would require rezoning to permit structures up to 88 feet tall. It would appear, therefore, that any significant land use conflict can simply be

mitigated by rezoning the land. This appears to be an abuse of legislative discretion. The FEIR must consider the appropriateness of this rezoning option.

Impact C-LU-1: The proposed project, in combination with reasonably foreseeable future projects, would not result in significant cumulative impacts to land use. (Less than Significant) (p. B-15)

There is no objective data to support this conclusion. Rather, the DSEIR simply states that in combination with reasonably foreseeable future projects, the Project would have less-than-significant cumulative land use impacts. But absent a quantitative analysis of all the CEQA environmental impacts, it is improper to reach such a conclusion. The FSEIR must provide substantial evidence to support its conclusion. Absent an analysis of the substantial evidence, the FSEIR will be insufficient.

Population and Housing Impacts

Impact C-PH-1 The proposed project, in combination with reasonably foreseeable future projects, would not result in significant cumulative population and housing impacts. (Less than Significant) (p. B-21)

The Developer's Proposed Option and Additional Housing Option would increase the onsite residential populations by 2,530 and 3,565 respectively. Compared to the increase in population analyzed in the PEIR or 1,150 residents (Table 1, p. B-19) this is an increase of over 100% in the plan area. Yet, despite this significant increase in population compared to the PEIR, the DSEIR concludes it is not significant. It justifies this decision by saying it would not be substantial for the City as a whole. While that may be true, it improperly fails to consider the impact on the immediate neighborhood. The FEIR must thoroughly analyze this population increase within the Area Plan, not within the entire City.

Shadow Impacts

Impact SH-1 The proposed project would not create shadow that substantially and adversely affects the use and enjoyment of publicly accessible open spaces (Less than Significant) (p. B-46)

The DSEIR states that there would be new shadow between May 1 and August 15 (B-47-50). Fig. 3 illustrates this new shadow. These are the warmer, drier summer months, when people are more likely to be outside closer to sunrise and sunset. Yet, despite any objective measure of significance and any substantial evidence, the DSEIR states that any new shadow would not be significant. The FSEIR must provide substantial evidence that such an increase in shadow is not significant.

Impact C-SH-I The proposed project . . . would not result in cumulatively considerable impacts related to shadow. (Less than Significant) (p. B-50)

The DSEIR discloses that the project would cast new shadow on the athletic field at Archbishop Riordan High School Athletic Field. (p. 51) But it appears this shadow is not subject to CEQA analysis since it is not a publicly accessible open space. That, however, is a technicality which should not justify disregarding this significant shadow impact on a high school adjacent to the project. The FSEIR should evaluate and determine if the shadow on Archbishop Riordan High School's Athletic Field is a significant environmental impact.

Utilities and Service Systems Impacts

Impact UT-1 Sufficient water supplies are available to serve the proposed project ... unless the Bay Delta Plan Amendment is implemented...Impacts related to new or expanded water supply facilities cannot be identified at this time or implemented in the near term . . . (Less than Significant) (p. B-59)

According to the DSEIR, page B-57, SFPUC Resolution 02-0084 determined that there was sufficient water supply to serve expected development projects in San Francisco through the year 2020, and the implementation of the Area Plan was not expected to have any substantial impact on water supply. Since the Project will not be completed until approximately 2027, it appears this projection is obsolete. Please explain.

Further, in the Conclusion on page B-73, the DSEIR states that there is too much uncertainty related to the possible implementation of the Bay-Delta Plan Amendment to identify environmental effects, and such effects are, therefore, speculative at this time. Please explain how an informed decision regarding the availability of an adequate water supply for the Project can be determined in view of these uncertainties, and why, in view of these uncertainties, the DSEIR states the environmental impact is less than significant.

Further, according to a September 22, 2019 article in the *San Francisco Examiner*, a recent civil grand jury report, "Act Now Before It Is Too Late: Aggressively Expand and Enhance Our High-Pressure Emergency Firefighting Water System," raised the alarm about the lack of coverage for western San Francisco neighborhoods. According to the report, The City's high-pressure emergency water supply system "does not cover large parts of Supervisorial Districts 1, 4, 7 and 11, roughly one-third of the City's developed area," the report said. "As a result, these districts are not adequately protected from fires after a major earthquake."

(https://www.sfexaminer.com/news/report-large-parts-of-sf-not-adequately-protected-from-fires-after-major-earthquake/?fbclid=IwAR145KV4GH_CNfBJvCogj0bPF_iAYdlgyWcrmV5PyZkhjN995GTKpG6AOc)

The Project is in D 7. In view of the grand jury's report, the DSEIR is inadequate for not reviewing the environmental impact of building a massive development on a reservoir that could serve the area in case of an emergency. The DSEIR must provide substantial evidence that covering the Balboa Reservoir will not significantly impact Utilities and Service Systems.

Public Services Impacts – Failure to Consider Impact on City College of San Francisco ("City College")

Impact C-PS-1: The proposed project, in combination with reasonably foreseeable future projects, would not result in cumulative impacts on public services. (Less than Significant)

By way of the Initial Study, the DSEIR offhandedly dismisses impacts on City College. The Initial Study fails entirely to address the impact on student attendance and enrollment and on 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 the Project's 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.*

...

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 incorrect. Removing parking would clearly increase demand for public services in the form of, among others, demand for increased public transit, demand for more TNC's, and demand for alternative parking in other areas of the City College campus. For the reasons set forth in the review below of the Kittelson TDM, DSEIR Appendix C, there are no effective mitigations proposed for the loss of parking due to this Project.

City College is the central educational, economic, and cultural focus of the neighborhood. Its interests cannot be allowed to be made secondary to the Project.

City College's educational mission makes it a target destination for students, staff, faculty. This simple fact needs to be recognized as being desirable, even if CCSF students need to drive to school and need parking.

The Project must take responsibility for mitigation of its own significant cumulative impacts on City College, traffic and parking. The burden of mitigation should not be shifted onto City College and neighborhoods.

Current Reservoir student parking is an existing physical condition. This physical reality cannot be ignored. Removal of student parking will have significant impact on student enrollment and attendance.

The proposed "solutions" to circulation, parking, and congestion problems be simply based on wishful thinking and "creative solutions". Conjecture and hope is not a solution for student access to education.

The substantial impact on City College's educational mission must be comprehensively and objectively examined in the DSEIR. The omission of this examination renders the DSEIR and Initial Study inadequate.

DSEIR

The following flaws in the DSEIR must be considered.

Figures in DSEIR

Figures 2-1 through 2-8; Figures 2-9 through 2-12; Figure 2-16; Figures 2-18 through 2-21; Figure 3.B-4; Figures 5-1 through 5-4; Figure 6-1; and Figure 6-2 are inadequate and incorrect. They do not show the alterations to the Upper Lot, where the CCSF Multi Use Building is located, that are included in the Facilities Master Plan, approved by the CCSF Board of Trustees in March, 2018, and the subsequent Plan that was presented to the Board of Trustees for consideration of a San Francisco Bond Measure. Table 3.A-2 describes the New Facilities planned for this area. (P. 3,A-13). Accordingly, these Figures are all misleading and do not accurately represent buildings on the land adjoining the proposed project. The FSEIR must use accurate, updated Figures.

Chapter 2, Project Description

Size of the Balboa Park Reservoir Project

According to 2.D.1, the area plan PEIR estimated the area plan would result in a net increase of 1,780 residential units, and that as of Sept., 2018, 273 units have been built and excluding the Balboa Reservoir project, an addition 209 units are planned. (P. 2-6) Therefore, of the 1,780 total number of units, 482 are already accounted for, leaving 1,295 units as the maximum number that could be built at the Balboa Reservoir and still comply with the PEIR. Yet the DSEIR considers one option that would have 1,550 units, 255 more than allowed in the PEIR. A Balboa Reservoir project with more than 1,298 units, therefore, would be inconsistent with the PEIR, and should not be permitted.

Project Overview, 2.A

The DSEIR does not conform to California Code of Regulations, Title 14, 15125 (a) and (c).

According to the DSEIR, p. 2-1: *The proposed Balboa Reservoir Project is located on a 17.6-acre site in the West of Twin Peaks area of south central San Francisco (see Figure 2-1, Location Map). The site is north of the Ocean Avenue commercial district, west of the City College of San Francisco Ocean Campus, east of the Westwood Park neighborhood, and south of Archbishop Riordan High School. The project site is owned by the City and County of San Francisco (City) under the jurisdiction of the San Francisco Public Utilities Commission (SFPUC).*

This Project Overview is inadequate, and does not conform to California Code of Regulations, Title 14, 15125 (a) which states: *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 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.*

City College, Archbishop Riordan High School, and Lick Wilmerding High School are all large institutions in the vicinity of the Project. But the DSEIR does not always consider impacts of the Project on these institutions. Accordingly, the DSEIR is inadequate and must be revised to comprehensively review all the environmental impacts on these locations.

Further, *Antioch v. Pittsburg* (1986) 187 Cal. App. 3d 1325
(http://resources.ca.gov/ceqa/cases/1986/antioch_121686.html)

Stands for the proposition that an EIR must consider cumulative impacts on future projects. CCSF is planning to do additional construction on the upper parking lot adjacent to the Project, namely a Performing Arts Education Center and a STEAM building. But the DSEIR failed to consider the impact of the Project on this future construction. The FSEIR must review and evaluate this impact.

Further, California Code of Regulations, Title 14, 15125 (c) states: *Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.*

City College is a unique educational institution that provides services for tens of thousands of students daily, and employment for many more thousands. It is the only Community College in San Francisco, with a long and storied history of serving the entire City of San Francisco. There is no question that the Project will impact City College. The DSEIR is inadequate since it fails to comprehensively consider the environmental impacts of the Project on City College. The FSEIR must rigorously review all the substantial environmental impacts on City College in accordance with CEQA. Failure to do so would result in a flawed and inadequate FSEIR.

Approach to Cumulative Impact Analysis (p. 3.A-8)

The DSEIR states: *At the time of this DSEIR preparation, the project description detail for the facilities master plan projects for the Ocean Campus is limited, City College may change those projects or their details depending on funding availability, and City College has not conducted CEQA analysis for those projects. Therefore, the cumulative analysis for this SEIR will qualitatively assess the impacts of these Ocean Campus projects identified in Table 3.A-2 collectively as the "City College Facilities Master Plan" using best available information at the time of this SEIR preparation. (P. 3.A-14)*

An analysis based on "best available information" is inadequate. CEQA reviews should not be based on speculation, but on quantifiable, objective data. The fact that the City College FMP is ambiguous and uncertain at this time raises serious questions about the validity of any conclusions about Cumulative Impact Analyses.

3.B Transportation and Circulation

Transportation Demand Management (TDM) Plan (-p. 3B-38)

The Project will significantly impact transportation and traffic in the neighborhood. The EIR must include a comprehensive traffic study of trip generation and parking supply, and evaluate the indirect and cumulative impact of the Project on transportation and traffic impacts on the people living in and traveling to both the Project as well as City College of San Francisco. The DSEIR

must also consider these substantial impacts on lower income students who likely reside further away and must use automobiles. This study must also include the impact of increased traffic on congestion and parking in the neighborhoods impacted by the Project, and propose feasible alternative to these impacts.

The Notice of Preparation states that: "The proposed project would include a transportation demand management (TDM) program that would implement measures to reduce vehicle trips and encourage sustainable modes of transportation. TDM measures may include both physical (e.g., bicycle and carshare parking) and programmatic (e.g., incentives)." (Oct. 10, 2018 NOP, p. 20)

In a December 31, 2017, memo to the Commissioners of the SF County Transportation Authority, Supervisor Norman Yee stated: "The TDM Framework is a first step in planning TDM efforts for the Balboa Area. As the Reservoir developer and City College begin to draft implementable plans, community input will continue to play a significant role. Transportation and TDM will be discussed in ongoing public meetings for the City College Facilities Master Plan, Balboa Reservoir and other Community Advisory Committees. Only after further public engagement and exploration of TDM programs will the Reservoir developer and City College draft more detailed, implementable TDM plans."

Accordingly, the FSEIR must include a completed TDM. A Final SEIR should not be circulated until this completed TDM has been incorporated into the FSEIR.

Project travel demand refers to the number, type, and common destinations of new trips that people would take to and from the project. The memorandum containing the detailed methodology and results for the project travel demand is included in DSEIR Appendix C1, Travel Demand Memorandum.

The TDM Plan that was submitted by Kittelson in Appendix C1 is incomplete. It is a survey of trip generation and parking, but there is no analysis of alternative sources of travel or transit use. This omission is unacceptable. A complete and competent TDM Plan must be included in the FSEIR. Failure to do so would result in an inadequate EIR which should not be certified. Additionally, for the reasons set forth herewith, the Kittleson report is flawed, and does not provide a competent basis for transportation mitigation:

- The Kittelson TDM does not engage with important current transportation characteristics in the project area which would likely be impacted and transformed by the scale and intensity of the proposed development alternatives.
- The report indicates that the trip generation manual being employed is somewhat out of date but the most recent available.
- Recent academic studies in the last year have observed that there has been a very substantial increase in trips and congestion over the past two Years. They estimate that 40% of this increased congestion may be estimated to be attributed to Lyft and Uber car service trips. In the mode choice allocations the report models car service trips are treated as a small segment, less than 10%?

- Even if one estimates that car service trips are both a mode choice switch and a cause of changing traffic through increased trip generation... there are no level of service discussions LOS for morning and afternoon peaks and for off peak mid day... for the main streets serving the project. What is traffic like and what might be the impacts of increased trips on the level of service in the project area and on adjacent arteriales serving the project area. And how might one assess the cumulative transportation impacts of this project and planned development adjacent to the project area?
- The expected distribution of trips for residents seems very light for peak period travel. Is there any current transportation trip generation and travel diary data that might be employed to validate the time of day assumptions for residents of the new development?
- The current assumptions for residents are quite variant from the conceptual estimate of student trips that might be estimated from the parking lot driveway analysis... where we see a high density of trips around the morning and afternoon peaks. If the apartment dwellers trip characteristics more clearly follow the patterning of student car trips there may be serious congestion and LOS impacts. How might you assess this possible outcome? Particularly where you don't provide LOS data for main circulation routes.
- There is an aerial analysis of parking lot volumes by time of day. But there is no assessment of the current on-street parking supply. It is known from other campuses and from parking lots serving rail transit like Bart and Cal Train or from light rail in other cities that campuses and large developments put pressure on parking supply, particularly when TOD seeks to provide less parking to support alternative mode choice and to lower development costs. The scoping section has no assessments of the interactive impacts of the college, new apartments and regional parking supply/demand on neighborhood parking conditions post-Development.

Public Transit Delay (p. 3.B – 51 et seq)

There are significant and unavoidable cumulative transit impacts identified by the DSEIR.

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)

Impact 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. (Significant and Unavoidable)

The DSEIR also states:

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

However, the DSEIR's determination of less-than-significant impact on transit delay (TR-4) is not based on the standard of substantial evidence.

The City Charter/SFMTA late criterion is a 4 minute delay relative to the MUNI schedule.

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 DSEIR 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 the DSEIR reinterprets the MUNI 4-minute lateness standard to allow the Project itself to independently contribute an additional 4 minutes of transit delay before the Project's impact "might" be considered significant. This is an invalid, flawed analysis of acceptable transit delays. The FSEIR must recalculate transit delays validly.

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

NOVEMBER 12, 2018 SCOPING LETTER

Included in this letter as Attachment 1 is the November 12, 2018 Scoping Letter submitted for this Project. Many of these issues were not addressed in the DSEIR. These comments should all be addressed during the preparation of the FSEIR.

ADDITIONAL COMMENTS

The following additional comments regarding the DSEIR are submitted for your consideration.

The DSEIR must consider the option of using this public land to build 100% affordable housing

The DSEIR states the need to "Develop the reservoir in a manner that will best benefit the neighborhood, the city, and the region as a whole.

San Francisco is woefully behind in creation of affordable housing, and yet, this DSEIR does not study or offer the option of dedicating this publicly owned property to affordable housing only. It does not even consider the recommended option of its own PEIR of 500 housing units for the lower Balboa Reservoir dedicated to those earning less than 120 percent of median area income.

Instead it accepts the premise of creating market rate housing in order to obtain affordable housing without exploring possible funding for a greater number of affordable units, without the market rate housing—which would be have a smaller environmental impact to the areas already identified: noise, air quality and transportation.

One of the greatest obstacles to building affordable housing is the price of land. In San Francisco this obstacle is even more formidable than in other areas of the country. The City of San Francisco already owns this parcel, so why is the City of San Francisco planning to sell

public land that it already owns to a private developer that will build mostly market rate housing in a neighborhood where affordable housing makes more sense?

Policy 4.5.1 in the Balbo Park Station Area Plan says that when offering public land for development, first consideration should be given by these agencies to the development of housing affordable to individuals or families making less than 120 percent of the area median income.

The DSEIR is inadequate because it fails to consider the impacts on the public service of City College of San Francisco.

The Reservoir Project will have an adverse impact on higher public educational services offered by City College. According to a City College Ocean Campus Survey of City College students and workers conducted in May 2016, 45.7% commuted by car. Inside Higher Ed reported on a survey that detailed Community College students' challenges. The researcher said, "The biggest surprise we had was parking [rated at #5]. This is a big issue for them because of personal schedules or work schedules."

Hence, the elimination of over 1,000 student parking spaces by the Reservoir development without first putting viable alternatives into place will limit students' access to higher education services offered by City College.

The impact on gig-working part-time Instructors who have to travel between multiple community college sites must also be considered.

The DSEIR says: "... it would be speculative to conclude that the loss of parking would lead to substantial adverse impacts..." and concludes that loss of parking for City College would be "less than significant, and no mitigation measures are necessary." Yet the DSEIR 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 schedule to travel at other times of day..." It avoids assessing the possibility that students might not be able to continue attending City College.

The DSEIR notes that the City College TDM/Sustainability Plan has a performance objective to reduce automobile trips, with which the removal of parking at the project site would not conflict. This is a moot point. Just because the DSEIR does not conflict with the TDM/Sustainability Plan does not mean the project has no impact on the public service of City College. There is no evidence that TDM would resolve the effects of lost student parking on student access to higher education.

Although New Public Resources Code Section 21099 exempts parking adequacy as a CEQA impact, it does not exempt the secondary impact on City College's ability to provide public higher educational services. It is erroneous to extend 21099's parking exemption onto the elimination of the public benefit of providing access to higher education.

The Reservoir Project's elimination of the baseline environmental setting of the 1,000-space student parking lot without first ensuring viable alternatives will have the undesirable effect of limiting students' access to higher education services offered by City College.

The DSEIR must consider the impact of increasing the number of units from the original recommendation in the PEIR

The Reservoir Project's two options are for 1,100 units and for 1,550 units. The Balboa Park Station PEIR's Housing option for the Reservoir referred to 425-500 units. From the 425-500 units indicated in the PEIR to the 1,100-1,550 units indicated in the Draft SEIR constitutes an increase of 109.9% to 264.7% over and above the Balboa Park Station PEIR.

The increased number of units between the BPS Program EIR to the Reservoir Subsequent EIR constitutes "substantial unplanned growth."

The DSEIR must consider the impact of market-rate units in working-class neighborhoods

The Draft SEIR also does not consider or compare the potential for gentrification impacts to the residents of the Ingleside, the neighborhood located across Ocean Avenue from the proposed development. A development solely devoted to affordable housing would better blend with the residents of this working class neighborhood. The proposed development of mostly market rate units leaves these residents vulnerable to displacement due to gentrification. The adjacent neighborhood, Excelsior, is also a working class neighborhood vulnerable to displacement due to gentrification.

The DSEIR must consider the possibility of using this public land to build dedicated educator housing

Since approval of the PEIR the City of San Francisco has also identified a great need for housing dedicated to educators. The lower Balboa Reservoir is surrounded by schools whose teachers would be able to walk to work if they lived there.

The DSEIR must consider the impact of the change of zoning

The proposed zoning change from P (Public) to Reservoir Special Use District constitutes a qualitative change of land use from PUBLIC to PRIVATE. This is being done under the aegis of "affordable housing" when, in reality, most of the units will be market-rate housing.

The DSEIR must consider the option of leaving open space

The Balboa Reservoir is currently open space that allows for vistas of the Pacific Ocean to the Farralones from the CCSF Science Building. The BPS Area Plan contains a Streets and Open Space Element. Why is this consideration left out?

The DSEIR must consider the impact of reduced parking without first putting viable transportation options in place

According to a CCSF Ocean Campus Survey of CCSF students and workers conducted in May 2016, 45.7% commuted by car. City College is a commuter school.

The goal of increasing ridership levels on the nearby public transportation services is laudable but not realistic. 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.

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 DSEIR must consider the impact of costs incurred to CCSF

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 secondary impact must be addressed.

The project has already cost the college. The original PAEC (Performing Arts Education Center) is going through a major re-design to accommodate the loss of parking.

The DSEIR must consider the option of leaving open space

The BPSAP contains a Streets and Open Space Element. Why is this left out?

The DSEIR must consider the impact of creating a nuisance

The Land Use Framework adopted by the Public Utilities Commission in 2012 (PUC Resolution 12-0044) states that *Land may be sold or transferred when....*
Use of the land sold is not to result in activities creating a nuisance.

Given the limited street parking in the surrounding neighborhoods, and the fact that the main ingress/egress to the Reservoir Housing project will be Kahlo Way, the 1100-1550 unit Balboa Reservoir Project will result in creating a substantial traffic and parking nuisance.

Conclusion

The Balboa Reservoir Project will significantly impact City College of San Francisco and the surrounding neighborhoods. Your preparation of the Final Environmental Impact Report should assure that any project on this land will both benefit the community as well as not harm the environment or community.

Thank you for considering the foregoing issues. Please continue to keep me informed by email of all documents and notices regarding this project.

Sincerely,

Jean B Barish, Esq., MS
jeanbbarish@hotmail.com
415-752-0185

cc: San Francisco Board of Supervisors
City College of San Francisco Board of Trustees
San Francisco MTA Board of Directors
San Francisco Planning Commission
San Francisco Public Utilities Commission
San Francisco Office of Workforce and Economic Development

ATTACHMENT 1

JEAN B BARISH, Esq., MS
5758 Geary Boulevard, #341
San Francisco, CA 94121 jeanbbarish@hotmail.com

Via Electronic Mail

November 12, 2018

Jeanie Poling
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Balboa Reservoir Project
EIR Case No. 2018-007883ENV
Scoping Requests

Dear Ms. Poling:

Thank you for the opportunity to submit comments regarding the environmental review for the referenced project. Following are requests for your consideration during the Environmental Impact Report process.

Introduction

The proposed Balboa Reservoir Project (the "Project") would be a large housing development built on approximately 17 acres of land adjoining City College of San Francisco, Riordan High School, the Westwood Park neighborhood, and Ocean Avenue. According to the Planning Department's October 10, 2010 Notice of Preparation, this project could have up to 1,550 dwelling units. It will also include community space, retail space, and no more than 750 public parking spaces, almost half as many parking spaces now available. Buildings could be up to 88 feet tall.

Following are the Project impacts that should be studied in the Environmental Impact Report:

Transportation/Traffic Impacts

The Project will significantly impact transportation and traffic in the neighborhood. The EIR should include a comprehensive traffic study of trip generation and parking supply, and evaluate the indirect and cumulative impact of the Project on transportation and traffic impacts on the people living in and traveling to both the Project as well as City College of San Francisco. The EIR should consider these impacts on lower income students who likely reside further away and must use automobiles. This study should also include the impact of increased traffic on congestion and parking in the neighborhoods impacted by the Project.

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Transportation Demand Management - The Notice of Preparation states that: "The proposed project would include a transportation demand management (TDM) program that would implement measures to reduce vehicle trips and encourage sustainable modes of transportation. TDM measures may include both physical (e.g., bicycle and carshare parking) and programmatic (e.g., incentives)." (Oct. 10, 2018 NOP, p. 20)

In a December 31, 2017, memo to the Commissioners of the SF County Transportation Authority Supervisor Norman Yee stated: "The TDM Framework is a first step in planning TDM efforts for the Balboa Area. As the Reservoir developer and City College begin to draft implementable plans, community input will continue to play a significant role. Transportation and TDM will be discussed in ongoing public meetings for the City College Facilities Master Plan, Balboa Reservoir and other Community Advisory Committees. Only after further public engagement and exploration of TDM programs will the Reservoir developer and City College draft more detailed, implementable TDM plans."

Accordingly, the EIR must include a completed TDM, and a Draft EIR should not be circulated until this completed TDM has been incorporated into the EIR.

MTA and BART Impacts - The Project will significantly alter the demand for public transit in the area. This is especially true since up to 1,500 student parking spaces may be lost. The EIR should study the following impacts on public transit:

- The impact of road changes on the reliability and frequency in the neighborhood of all bus and streetcar lines servicing the neighborhood
- The impact of increased demand on BART
- The impact of changes proposed in the City College Facilities Master Plan on transit reliability and frequency

Additional Impacts - The EIR should also study the following transportation and traffic impacts:

- The impact of the City College of San Francisco Facilities Master Plan on traffic and transportation in areas adjoining the Project
- The impact of the Project on increased traffic from ride sharing companies such as Uber and Lyft
- The impact of the Project on access of emergency vehicles, such as fire trucks and ambulances, in the neighborhood
- The impact of the Project on pedestrian, bicycle, and other alternative modes of transportation
- The impact of the Project on traffic congestion in the neighborhood

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Community Resources

Impact of Reduced Parking on CCSF - The Project will significantly reduce parking for City College of San Francisco students, faculty, and staff. Additionally, it is expected that parking fees in a replacement parking structure will be more expensive. The EIR should study the impacts of this reduced parking and increased cost on:

- student enrollment at City College of San Francisco, especially the impact on lower income students
- faculty employment at City College of San Francisco
- staff employment at City College of San Francisco

Project Impact on the Performing Arts Education Center - City College of San Francisco is planning to construct a Performing Arts Education Center (PAEC) on property adjoining the Project. The EIR should study the impact of the Project on:

- The commencement of the construction of the PAEC
- The completion of the construction of the PAEC
- The location of the PAEC
- The availability of parking for the PAEC

Additional impacts – The EIR should study the following additional impacts on community resources

- The impact of the Project on the City College of San Francisco Facilities Master Plan
- The impact of increased retail on the Project site on retail businesses in the surrounding neighborhoods
- The impact of Project construction activities on the surrounding neighborhoods
- The impact of significantly increasing market-rate housing on the cost of housing in the adjoining neighborhoods, especially housing for minorities, low-income, elderly, disabled, transit-dependent and other interest groups
- The impact of a large, market-rate housing project on the character and stability of the surrounding neighborhoods

Hydrology and Water Quality – The EIR should study the following impacts on hydrology and water quality:

- The impact on the availability of potable water, especially during emergencies and natural disasters
- The impact on the availability of emergency water for fighting fires during natural disasters such as earthquakes
- The impact of increased demand for water on the groundwater supply
- The impact of increased demand of stormwater runoff

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Cultural Resources

In 1995, Westwood Park became San Francisco's only Residential Character District, providing the neighborhood with protection for its architectural integrity. The Project does not conform to the density or height of the neighborhood. The EIR should study how the Project will impact the character of the neighborhood, especially the Residential Character of Westwood Park and any other neighborhoods or homes that have an historical designation.

Public Services - The EIR should study the following impacts on public services:

- The impact of the Project on the supply of water during an emergency such as an earthquake or fire
- The impact of the Project on enrollment at City College of San Francisco
- The impact of the Project on the availability of adequate access to K-12 education in the neighborhood
- The impact of the Project on the availability of adequate access to police, fire protection, public libraries, post offices, and other public services in the neighborhood

Air Quality – The EIR should study the following impacts on air quality:

- The impact of increased automobile traffic on air quality in the neighborhood
- The impact of construction on air quality in the neighborhood

Alternative Projects

Additional Housing Option - The Notice of Preparation identifies two options for the site's residential density. One would have 1,100 units and the other would have 1,550 units. The 1,550 unit project, defined as the Additional Housing Option, was never considered by the Balboa Reservoir Project CAC, which met for approximately two years. Nor was it ever presented to the general public. It is unclear why a larger project was never publicly considered. In view of this lack of transparency and due process, the EIR should defer the review of this project until it has been fully reviewed by the CAC and other members of the public.

The EIR should also study several alternative projects.

No Build Alternative - The EIR should study a No Build Alternative. The EIR should review keeping the land under public or non-profit control rather than allowing a private development company to purchase it from the SF Public Utilities Commission for their personal gain. A No Build Alternative would allow the land to continue to be used for any number of public uses, including the expansion of City College of San Francisco, which has used the land for decades and which voters have consistently determined should be zoned Public.

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Additionally, the impact of the No Build Alternative should be considered in light of the commitment of CCSF and the citizens of San Francisco to building a Performing Arts Education Center on land adjoining the Project site.

Smaller Project – In view of the significant environmental impacts the Project will have, the EIR should also study reducing the number of units in the Project to no more than 400 and no more than 3 floors. A smaller project will be compatible with the surrounding neighborhoods, and will mitigate many environmental impacts, including but not limited to traffic congestion, infrastructure problems, and loss of enrollment at City College of San Francisco due to loss of parking and inadequate public transit.

Attached is an architect's rendering of a proposed smaller project that the EIR should consider.

100% Affordable Housing – The need for affordable housing in San Francisco is undeniable. While there has been an increase in the construction of units in San Francisco, most of them are market rate units which are too expensive for the majority of the people living and working in San Francisco.

The public land on which the Project will be built should be used to build a development that is 100% affordable. The October 10, 2018 Notice of Preparation addresses the importance of affordable housing, stating that the Balboa Park Station Area Plan should "prioritize affordable housing." (NOP, p. 4)

The EIR should study building 100% affordable housing on the Project land.

Conclusion

The Balboa Reservoir Project will significantly impact City College of San Francisco and the surrounding neighborhoods. Your preparation of the Environmental Impact Report should assure that any project on this land will both benefit the community as well as not harm the environment or community.

Thank you for considering the foregoing issues. Please continue to keep me informed by email of all documents and notices regarding this project.

Sincerely,

Jean B Barish, Esq., MS

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