

4.H Initial Study Topics

The comments and corresponding responses in this section cover topics in the initial study (draft SEIR Appendix B). These topics are related to:

- Plans and Policies [PP]
- Land Use and Land Use Planning [LU]
- Population and Housing [PH]
- Wind [WI]
- Shadow [SH]
- Utilities and Service Systems [UT]
- Public Services [PS]
- Biological Resources [BI]
- Geology and Soils [GE]

Plans and Policies

The comments and corresponding responses in this section cover topics in initial study Section C, Compatibility with Existing Zoning and Plans (draft SEIR Appendix B). These include topics related to:

- Comment PP-1: General Plan, Zoning Controls, Height Limits, Balboa Park Station Area Plan; SFPUC Land Use Framework

Comment PP-1: General Plan, Zoning Controls, Height Limits, Balboa Park Station Area Plan, SFPUC Land Use Framework

This response addresses comments from the commenter listed below; each comment on this topic is quoted in full below this list:

I-ADAMS-2	I-BARISH3-41	I-JA11-5
I-BARISH3-2	I-BARISH3-6	I-JA11-6
I-BARISH3-3	I-BERNSTEIN4-1	I-TARQUINO-11
I-BARISH3-36	I-HANSON4-1	I-TARQUINO-12
I-BARISH3-37	I-JA5-1	I-TARQUINO-8
I-BARISH3-4	I-JA11-4	I-WORLEY-4
I-BARISH3-40		

“We’ve heard remarks about zoning. This project’s going to require a zoning change. Spot zoning is the substance of federal lawsuits. When a neighborhood is zoned a certain way and people, developers, come in and capture a spot, and create a spot zone exception to the normal asset value of a consistently zoned neighborhood, that’s lawsuit material.”

(Michael Adams, CPC Hearing, September 12, 2019 [I-ADAMS-2])

“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."

(Jean Barish, Letter, September 23, 2019 [I-BARISH3-2])

"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."

(Jean Barish, Letter, September 23, 2019 [I-BARISH3-3])

"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."

(Jean Barish, Letter, September 23, 2019 [I-BARISH3-4])

"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."

(Jean Barish, Letter, September 23, 2019 [I-BARISH3-6])

"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."

(Jean Barish, Letter, September 23, 2019 [I-BARISH3-36])

“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?”

(Jean Barish, Letter, September 23, 2019 [I-BARISH3-37])

“The DSEIR must consider the option of leaving open space

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

(Jean Barish, Letter, September 23, 2019 [I-BARISH3-40])

“Objective 1.4 of the Balboa Park Station Area Plan, regarding Land Use--

‘This Plan encourages the owners of this site-to develop the reservoir in a manner that will best benefit the neighborhood, the city, and even the region as a whole.’

Housing is one recommendation, along with this excerpt from the Streets and Open Space Element of the Balboa Park Area Station Plan, p. 30:

‘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.’

(Harry Bernstein, Email, September 23, 2019 [I-BERNSTEIN4-1])

“Summary of Land Use Impacts in the PEIR (p. B-12)

This section omits the fact that a zoning change from P (Public) to a Special Use District is A BIG DEAL. Privatizing public land by a private developer is A BIG DEAL.

Since the certification of the BPS Final EIR, there has been a major change in the housing development environment for surplus public sites.

At the time of the PEIR, only non-profit agencies were able to buy and build on public surplus lands.

2015 Prop K Public Land for Housing ended the restriction that only non-profit builders could use public lands for housing. With the passage of Prop K, private for-profit developers were allowed to cash in on a bonanza to privatize public lands.

The change of zoning from P to SUD to enable privatization of public land is a new condition that did not exist at the time of the PEIR. A LTS determination based on conditions that did not exist at the time of the PEIR requires fresh treatment in SEIR."

(Alvin Ja, Email, September 11, 2019 [I-JA11-4])

"* The DRAFT SEIR must consider the impact of the change of zoning"

(Eve Tarquino, Email, September 12, 2019 [I-TARQUINO-8])

"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."

(Eve Tarquino, Email, September 12, 2019 [I-TARQUINO-11])

"The DRAFT SEIR is inadequate because it fails to consider the impact of the zoning change

The proposed zoning change from P (Public) to Reservoir Special Use District constitutes a qualitative change of land use from PUBLIC to PRIVATE with no analysis of the impact this would have. The change is justified by the fiction of offering "affordable housing" when, in reality, most of the units will be market-rate housing."

(Jennifer Worley, Email, September 23, 2019 [I-WORLEY-4])

"The entire Reservoir Project process has avoided discussion or application of the State Surplus Property Statute:

STATE SURPLUS PROPERTY STATUTE

The State Surplus Land Statute 54222 says:

Any local agency disposing of surplus land shall send, prior to disposing of that property, a written offer to sell or lease the property as follows:

(c) A written offer to sell or lease 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.

PUC's principle of market rate return is not absolute. SF Administrative Code 23 for Real Property Transactions calls for:

SF Administrative Code 23.20 states

Transfers of Real Property pursuant to this Article shall be paid for no less than 100% of the appraised value, except where the Board of Supervisors determines by resolution that a lesser sum will further a proper public purpose, and provided that the Public Utilities Commission shall be paid at least the historical cost of such Real Property.

SF Administrative Code 23.3 for Real Property Transactions calls for:

'... sales price of at least 100% of the appraised value of such Real Property, except where the Board determines either that (a) a lesser sum will further a proper public purpose, or...'

The Balboa Park Station Area Plan had called for developing the Reservoir to 'best benefit the Neighborhood, City, Region as a whole.' Yet any analysis of what constitutes 'best benefit' has been bypassed. Instead, by fiat, the City declared that the Reservoir would be used for housing to be developed by private developers. And despite the teacher shortage, consideration for teacher housing by school has been minimized.

The Reservoir Project has apparently ducked the State Surplus Property Statute's requirement that the property be offered for school facilities construction. This omission should trigger treatment in the SEIR."

(Alvin Ja, Email, September 11, 2019 [I-JA11-6])

SFPUC Land Use Framework

"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."

(Jean Barish, Letter, September 23, 2019 [I-BARISH3-41])

"This section of the SEIR provides a summary of the plans and policies of the City and County of San Francisco, and regional, state, and federal agencies that have policy and regulatory control over the project site.

3.B.5 as it is written in the SEIR, critically omits the Land Use Framework that was adopted by the San Francisco Public Utilities Commission in 2012. The lease and sale of PUC property is governed by this SFPUC document, 'FRAMEWORK FOR LAND MANAGEMENT AND USE.' The document lays down conditions for sale of SFPUC land to include Economic, Environmental, and Community criteria.

Here is the excerpt from the SFPUC Land Use Framework:

4. Use of the land sold will not to result in activities creating a nuisance.

The Balboa Reservoir Project fails enormously to uphold Condition 4 of 'Community Criteria.'"

(Christine Hanson, Email, September 23, 2019 [I-HANSON4-1])

"3.B.5 Regulatory Framework

This section provides a summary of the plans and policies of the City and County of San Francisco, and regional, state, and federal agencies that have policy and regulatory control over the project site. No federal regulations, plans, or policies are relevant to the project.

3.B.5 critically omits the Land Use Framework that was adopted by the Public Utilities Commission in 2012, attached (PUC Resolution 12-0044).

Balboa Reservoir in context of PUC's Land Use Framework

The lease and sale of PUC property is governed by the PUC document, 'FRAMEWORK FOR LAND MANAGEMENT AND USE.'

The document lays down conditions for sale of PUC land to include economic, environmental, and community criteria.

The Balboa Reservoir Project has been promoted as part of the Public Land for Housing Program whose purpose is to build affordable housing.

Public Land for Housing in the context of Balboa Reservoir, will fail its overarching goal of affordability. Instead, Balboa Reservoir will achieve 67% unaffordable housing, in exchange for 33% affordable housing.

The PUC Land Use document states:

COMMUNITY CRITERIA: Land may be sold or transferred when:

1. The sale or transfer is evaluated under SFPUC Community Benefit and Environmental Justice policies and objectives.

2. *The sale or transfer would not significantly adversely affect the implementation of an adopted resource agency plan for the area.*

3. *The sale would not increase the risk of loss, injury or death to SFPUC employees or others on or near the parcel.*

4. *Use of the land sold will not result in activities creating a nuisance.*

The Balboa Reservoir Project fails Condition 4 of ‘Community Criteria.’

The current plan removes existing parking for City College students. It deliberately limits parking within the Reservoir to 0.5 parking spaces per residential unit in the unrealistic expectation that this will discourage car ownership by new Reservoir residents.

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 that would inhibit student enrollment and attendance at City College [The word ‘nuisance’ understates the problem].

The Balboa Reservoir Project fails to comply with PUC’s ‘Framework for Land Management and Use.’

The sale of Balboa Reservoir to private developers would provide a short-term cash infusion to PUC Water Enterprise. However the short-term gain of quick cash doesn’t justify losing this valuable piece of public land in perpetuity to private developers in the guise of ‘affordable housing.’

The draft SEIR is deficient in its omission of the PUC Land Use Framework within the Regulatory Framework.”

(Alvin Ja, Email, August 26, 2019 [I-JA5-1])

“Impact LU-2: The proposed project would not conflict with any applicable land use plans, policies or regulations of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. (Less than Significant)

The Initial Study fails to assess the PUC Land Use Policy. The Land Use Framework adopted by the Public Utilities Commission in 2012 (PUC Resolution 12-0044) states: *‘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 [The word ‘nuisance’ understates the problem].

From earlier submission to the Reservoir CAC and City Team:

PUC LAND USE POLICY

1. The RFQ's section on Applicable Land Use Policies makes no reference to the PUC's own 'Framework for Land Use and Management.'
2. From the PUC website: By adoption of the Framework, the Commission is seeking to advance the analytical and decision-making process surrounding the administration of real estate assets under the SFPUC's exclusive jurisdiction.
3. PUC's Land Use Framework policy allows sale only if: *'Use of the land sold will not result in creating a nuisance.'*
4. Even though the PUC Land Use Framework was formulated to focus on 'Land Management Guidance for...Disposition of SFPUC Lands,' The City Team has dismissed the importance of this policy document: *'It is not necessary, or feasible, for an RFQ to name all of the City policies and procedures that apply to the project.'* [from Staff Response to *'Why doesn't the RFQ discuss the SFPUC Land Use Framework?'*]

Importantly, Staff misstated the essence of the question. **The real question was whether or not the intended disposition of the PUC Reservoir property complies with PUC's policy on 'Disposition of SFPUC Lands'; the question was not whether the Land Use Framework policy is 'named.'**

The PUC Land Use Framework was adopted post-PEIR. Its requirement that use of the Reservoir not result in a nuisance should be enforced."

(Alvin Ja, Email, September 11, 2019 [I-JA11-5])

"* The DRAFT SEIR 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 [The word 'nuisance' understates the problem]. Please listen to the people of S.F. and this neighborhood."

(Eve Tarquino, Email, September 12, 2019 [I-TARQUINO-12])

Response PP-1: General Plan, Zoning Controls, Height Limits, Balboa Park Station Area Plan, SFPUC Land Use Framework

Comments state that the project is not consistent with a number of plans, policies, and regulations including, but not limited to the Balboa Park Station Area Plan, zoning, disposition of surplus property, and SFPUC's "Framework for Land Management". Other comments also state that the draft SEIR did not evaluate impacts from rezoning and impacts on neighborhood character with respect to building scale and height.

Comments regarding shadow on public open space and non-public open space (such as Archbishop Riordan High School) are addressed in Response SH-1, Shadow Impacts on RTC p. 4.H-21, and Response SH-2, Non-CEQA Shadow Effects on RTC p. 4.H-23, respectively.

Concerning ~~traffic and~~ parking ~~and traffic~~ generally, please see Response TR-7, Parking, on RTC p. **Error! Bookmark not defined.** and Response TR-8, Increased Traffic Congestion, on RTC p. **Error! Bookmark not defined.** Comments regarding City College parking are addressed in Response PS-2, Public Services and Secondary Impacts, on RTC p. 4.H-59.

The response to plans and policies comments is organized by the following subtopics:

- General Plan, Zoning Controls, Height Limits
- Balboa Park Station Area Plan
- Disposition of Surplus Property

An EIR is required to discuss inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans; the EIR need not resolve them though.¹ The draft SEIR is compliant with these CEQA requirements.

General Plan, Zoning Controls, Height Limits

Draft SEIR Appendix B, Section C, Compatibility with Existing Zoning and Plans, discusses potential inconsistencies of the proposed project with applicable local plans and policies, as well as conflicts with regional policies. The draft SEIR acknowledges that the proposed project would not be consistent with the site's current P (Public) zoning and would require rezoning to a new Balboa Reservoir Special Use District; ~~however,~~ as stated on draft SEIR Appendix B, pp. B-14 to B-15, inconsistencies with existing plans and policies do not, in and of themselves, indicate a significant physical environmental effect; ~~however,~~ ~~to~~ the extent that adverse physical environmental impacts may result from such inconsistencies, the draft SEIR evaluates the environmental impacts resulting from such inconsistencies in draft SEIR Chapter 3 and draft SEIR Appendix B. To the extent that such substantial physical environmental impacts may result from such conflicts, the draft SEIR discloses and analyzes the physical impacts under the relevant topic sections, including, but not limited to, draft SEIR Section 3.B, Transportation and Circulation; draft SEIR Appendix B Section E.10, Wind and Section E.11, Shadow.

Commented [PJ(1)]: Add page number.

¹ CCR Title 14 section 15125

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. Physical environmental effects related to building height, such as wind and shadow, are discussed in the draft SEIR Appendix B, Sections E.10 and E.11, respectively. Concerning aesthetic impacts, including views and vistas, draft SEIR Appendix B, Section E.2, Aesthetics (B-16), explains that, pursuant to CEQA section 21099, “aesthetic impacts of a residential or mixed-use residential project on an in-fill site in a transit priority area *shall* not be considered significant impacts on the environment.” [Emphasis added.] Therefore, the draft SEIR does not evaluate the effects on neighborhood character or scale. It is acknowledged 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.” ~~However, this policy consideration will~~ may be evaluated by the decision-makers, including the planning commission and board of supervisors, along with other policy matters—including those set forth by Proposition M—in their deliberations on the project.

Concerning the allegation of “spot zoning,” a zoning change cannot, in itself, result in physical change. As stated above, to the extent that physical environmental effects could result from the proposed rezoning, these effects are analyzed in the applicable topic sections of the draft SEIR.

Concerning the comment that a “significant land use conflict can simply be mitigated by rezoning,” thereby resulting in “an abuse of legislative discretion,” this statement is incorrect. As discussed above, a project’s inconsistency with an applicable plan or policy does not, in itself, lead to a significant impact under CEQA unless the conflict would result in adverse changes in the physical environment. It is also within the purview of the board of supervisors, as the City and County of San Francisco’s legislative body, to make changes to various laws governing San Francisco, including the San Francisco Planning Code, ~~so long as the changes are supported by findings made on the basis of substantial evidence in the record of proceedings.~~

Balboa Park Station Area Plan

Regarding the statement that the Balboa Park Station Area Plan called for the SFPUC to consider, if water storage at the site were determined not to be needed, “development of a mixed-use residential neighborhood” on only “part of” the Balboa Reservoir west basin (Plan policy 1.4.2). The project would not be inconsistent with this policy. The proposed project is a mixed-use residential project on part of the site.

Concerning the area plan’s Streets and Open Space section, the area plan ~~calls for~~ identifies a new open space to be created on the project site (“the western portion of the Balboa Reservoir”). ~~However, the area plan clearly also calls for~~ identifies housing on the project site (“Policy 4.4.1—Develop housing on the West basin if it is not needed for water storage”), and therefore it cannot reasonably be assumed that the area plan proposed that the entire project site would be devoted to open space. The proposed project would include approximately 4 acres of publicly accessible open space, as stated on draft SEIR p. 2-21, including an approximately 2-acre park in the center of the site. The project would also include three pedestrian connections from and through the site to Ocean Avenue and pedestrian access to Unity Plaza, Frida Kahlo Way, and San Ramon Way.

Regarding the statement that the project site “is currently open space,” no portion of the project site is formally designated by San Francisco Recreation and Parks Department or other city agencies as open space under existing conditions. As described on draft SEIR p. 2-7, a large portion of the project site is occupied by an asphalt-paved 1,007-space parking lot. The parking lot is surrounded on three sides by sloping western, northern, and eastern edges. Much of the northern and western slopes are concrete-covered or, in the case of the access road to the parking lot, paved with asphalt. The tops of the northern and western slopes contain a paved pathway that is used for informal recreational purposes, while the eastern slope contains pathways and stairs that provide access to the parking lot. Further, as noted above, the proposed project would provide approximately 4 acres of publicly accessible open space as well as pedestrian connections to and through the site.

Disposition of Surplus Property

The proposed project would not be inconsistent with Proposition K, approved by San Francisco voters in 2015, which states that “surplus property developments with 200 or more units would allow mixed-income projects and would also require at least 33 percent of the housing in each such development to be made permanently affordable to low- and moderate-income households.” As stated on draft SEIR p. 2-13, up to 50 percent of the residential units to be developed pursuant to the project would be income-restricted; that is, affordable to persons earning between 55 and 120 percent of the area median income. As defined by the Mayor’s Office of Housing and Community Development, based on state and federal guidelines, families earning up to 80 percent of area median income are classified as “low income,”² while those earning between 80 percent and 120 percent of area median income are classified as “moderate income.” Therefore, the proposed project would exceed Proposition K’s requirement with respect to affordable housing.

Regarding the potential change in ownership of the project site from a public agency to a private entity, a transfer of ownership would not, in itself, result in any physical environmental impacts that would result from construction and implementation of the proposed project. Likewise, the nature of the developer—non-profit or for-profit or, as here, a combination thereof—has no bearing on a project’s physical environmental impacts.

Concerning state law governing disposition of surplus property, California Government Code section 54221(f)(1)(F)(ii) exempts from the definition of surplus property a “mixed-use development that is more than one acre in area, that includes not less than 300 housing units, and that restricts at least 25 percent of the residential units to lower income households ... for a minimum of 55 years for rental housing and 45 years for ownership housing.” This statute’s definition of “lower income households” is the same as low income households discussed above—those earning less than 80 percent of area median income. Regardless, this comment does not raise specific environmental issues about the adequacy or accuracy of the draft SEIR’s analysis of physical environmental impacts that require a further response.

Regarding the provisions in the San Francisco Administrative Code concerning the sales price of land disposed of by the City and County of San Francisco, the SFPUC and the board of supervisors,

² This category is further subdivided into “very low income,” meaning families earning less than 50 percent of area median income. For 2019, 80 percent of area median income for a family of four was \$98,500, while 120 percent of area median income was \$147,800.

Commented [w2]: We may have revisions at screencheck review.

in considering the sale of the project site to the project sponsor, would be bound by law to follow the administrative code. Regardless, the comment does not raise any issue with respect to the project's potential physical environmental impacts or the draft SEIR's analysis thereof, and no further response is required.

Finally, concerning the SFPUC Framework for Land Management and Use ("land use framework"), this document was adopted by the SFPUC in 2012 by Resolution 12-0042 (not the Resolution 12-0044 cited by the commenters; that resolution dealt with an agreement between the SFPUC and the San Francisco Unified School District for the installation of solar photovoltaic systems on school district sites). The analysis in the draft SEIR does not support the commenter's statement that the project would create a "nuisance" as defined in the California Civil Code, as it relates to the proposed project's traffic and parking, including elimination of the existing parking lot on the project site that is used by City College students, faculty, and others.³

Land Use and Land Use Planning

The comments and corresponding responses in this section cover topics in draft SEIR Appendix B, section E.1, Land Use and Land Use Planning. These include topics related to:

- Comment LU-1: Cumulative Land Use

Comment LU-1: Cumulative Land Use

This response addresses the comment from the commenter listed below; the comment is quoted in full below this list:

I-BARISH3-7

"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."

³ A nuisance is something that is "injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway" (California Civil Code, section 3479). Additionally, civil code Section 3482 states, "Nothing which is done or maintained under the express authority of a statute can be deemed a nuisance." Therefore, if the proposed project is approved through a legislatively approved special use district, traffic and parking demand generated by the project cannot be considered a nuisance under the law.

(Jean Barish, Letter, September 23, 2019 [I-BARISH3-2])

Response LU-1: Cumulative Land Use

The commenter states that the final SEIR must provide substantial evidence to support the conclusion that the project would not result in significant cumulative impacts to land use.

The physical environmental effects of the project are evaluated in the draft SEIR. As discussed in Response PP-1 on RTC p. 4.H-10, the project would have a significant land use impact if the project physically divides an established community or substantially conflicts with a land use plan or policy that was adopted for the purpose of avoiding or mitigating an environmental effect, such that a substantial adverse physical change in the environment related to land use would result. The initial study concluded that the project would not create physical barriers that would divide the Plan area; rather, the project would extend a network of pedestrian and bicycle facilities through the project site (see draft SEIR Appendix B, p. B-14). The draft SEIR did not identify any conflict with a land use plan or policy that was adopted for the purpose of avoiding or mitigating an environmental effect associated with cumulative development.

Regarding the comment that a quantitative analysis of all environmental impacts is required to determine that cumulative land use effects would be less than significant, the questions to be answered by the analysis are whether the project, along with cumulative development, would physically divide an established community or cause a significant effect due to a conflict with policies adopted to avoid environmental effects. With respect to the former, the draft SEIR states on draft SEIR Appendix B, p. B-15, that cumulative development, like the proposed project, would be infill development. Therefore, neither the project nor any of the cumulative projects would divide an established community. Regarding the latter, potentially significant physical environmental effects that may result from the project along with cumulative development are discussed in each topic's relevant cumulative scenario. The commenter [does not](#) provide evidence supporting the claim that the draft SEIR's less-than-significant cumulative land use conclusion is incorrect.

Population and Housing

The comments and corresponding response in this section cover draft SEIR Appendix B, Section E.3, Population and Housing:

- Comment PH-1: Population Growth

Comment PH-1: Population Growth

This response addresses comments from the commenter listed below; each comment on this topic is quoted in full below this list:

I-BARISH1-4
I-BARISH2-6
I-BARISH3-8

I-JA11-1
I-JA11-3

I-SIMON-14
I-TARQUINO-7

"The initial study says there would be a population increase of over 100 percent in the plan area, but then concludes there would be no significant cumulative population impacts because this is just a tiny increase compared to the total population of the City as a whole. This is a flawed apples and oranges comparison and should not be accepted."

(Jean Barish, CPC Hearing, September 12, 2019 [I-BARISH1-4])

"2) The Initial Study says there would be a population increase of over 100% in the plan area, but concludes there would be no significant cumulative population impact because this is a tiny increase compared to the population of the City as a whole. This is a flawed apples and oranges comparison, and should not be accepted."

(Jean Barish, Letter, September 12, 2019 [I-BARISH2-6])

"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."

(Jean Barish, Letter, September 23, 2019 [I-BARISH3-8])

"I have added the following addition to "Comment on Initial Study: Land Use":

The increase from 500 units contained in the program-level PEIR to 1,100 to 1,550 units of the current proposal constitutes "substantial unplanned growth." This increase should trigger SEIR review."

(Alvin Ja, Email, September 11, 2019 [I-JA11-1])

"Summary of Land Use Impacts in the PEIR (p. B-12)

The proposed project would not result in new or substantially more severe impacts than those identified in the PEIR.

For this to be accurate, the following question would have to be answered in the negative:

Would the project result in potentially significant effects not identified in the prior EIR? This question examines whether or not the proposed project would result in new significant or potentially significant environmental effects that were not identified in the PEIR. This could include significant effects that are due to:

Project-specific features of the proposed project.

Substantial changes with respect to the circumstances under which the project would be undertaken, such as real estate development trends in the surrounding area or major projects that were previously unanticipated.

I contend that the answer to the question is YES, thus triggering Impact treatment in the SEIR.

The section acknowledges: *The project site was located within the Balboa Reservoir Subarea and was assumed to include up to 500 residential units.*

A later paragraph states: *The PEIR concluded that implementation of the area plan would not result in significant land use impacts and did not require any mitigation measures.*

SF Planning Dept professionals are aware that a program-level determination is not the same as a project-level determination. Otherwise, the BPS FEIR would not have necessitated project-level reviews of the Kragen Project and the Phelan Loop Project within the FEIR.

It is professionally dishonest for the Planning Dept to pretend that the BPS FEIR's program-level determination for an BPS Area Plan **area-wide** target of 1,780 units could be legitimately used to insinuate that the Reservoir Project current numbers of 1,100-1,550 units had already gotten the thumbs-up from the PEIR.

Did you forget the earlier quote of the Reservoir sub-area *"assumed to include up to 500 residential units"*?

In the context of "Project-specific features of the proposed project", by any objective measure, jumping from 500 units in the program-level PEIR to 1,100-1,550 units in the current two Reservoir options is a big increase of 120% and 210% respectively.

The area-wide target of 1,780 units is shown on the Area Plan Development Status Sept 2018 Update pdf. It consists of 790 Tier 1 (0-5 yrs) units and 990 Tier 2 (5-20 yrs) units. The pdf shows 482 units built or underway. This leaves an area-wide shortfall of 1,298 units.

Although I can understand the desire to achieve this area-wide target, forcing a square peg into a round hole out of desperation will not succeed without imposing adverse impacts onto the

Reservoir vicinity. Trying to force the Reservoir Project-- targeted for 500 units in the PEIR--in order to fulfill the 1,298 unit area-wide shortfall is an objectively significant Reservoir impact.

The approval and certification of the program-level BPS Final EIR with an area-wide target of 1,780 units does not equate with a LTS determination for a project-level 1,100-1,550 Reservoir units. The Initial Study merely manipulates words and paragraphs to imply and assert, without evidence, that:

"The proposed project would not result in new or substantially more severe impacts than those identified in the PEIR."

The increase from 500 units contained in the program-level PEIR to 1,100 to 1,550 units of the current proposal constitutes "substantial unplanned growth." This increase should trigger SEIR review."

(Alvin Ja, Email, September 11, 2019 [I-JA11-3])

"The DRAFT SEIR does not 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.'"

(Leslie Simon, Email, September 17, 2019 [I-SIMON-14])

"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.'"

(Eve Tarquino, Email, September 12, 2019 [I-TARQUINO-7])

Response PH-1: Population Growth

Comments state the cumulative population impacts analysis is flawed and inappropriately compares population growth citywide as opposed to plan area. Comments also state the current proposal increasing the number of units between the PEIR and draft SEIR constitutes substantial unplanned growth.

As noted in Response CEQA-1, Type of EIR, Tiering, and Focusing Second-Tier Review, on RTC p. **Error! Bookmark not defined.**, the area plan does not place a cap on the number of units within the plan area or at the project site. The PEIR assumed 500 units at the project site for purposes of program-level analysis and ~~the reason for preparing the this~~ SEIR is to evaluate ~~ing, among other things, the~~ potential impacts associated with the greater number of units than assumed in the PEIR. The purpose of the SEIR is to provide project-level environmental review and analyze whether the proposed development at the project site (compared to the 500 residential units and 100,000 square feet of open space assumed in the PEIR) would be within the scope of the program-level analysis or if the project would result in new significant impacts or substantially more severe significant impacts identified in the PEIR. For topic areas where the increased number of units could cause environmental impacts not adequately covered by the PEIR, the SEIR analyzes those impacts. The use of the PEIR to focus the second-tier review and applicable principles in the CEQA Guidelines are further explained in Response CEQA-1.

The analysis relies in part on the citywide projections provided in the Plan Bay Area 2040 Final, which serve as *planned* City growth. Impact PH-2 (draft SEIR Appendix B, pp. B-19 to B-21) and draft SEIR Section 4.A, Growth-Inducing Impacts, evaluates whether the project would directly or indirectly induce substantial *unplanned* growth in the area. As discussed there, the Association of Bay Area Governments' (ABAG) population growth projection for the Balboa Park Priority Development Area is 9,855 by 2040, and the proposed project's maximum population increase would represent approximately 36 percent of this planned growth within the Balboa Park Priority Development Area during that period. The ABAG growth projections for the Balboa Park Priority Development Area represent planned growth in the area because Priority Development Areas are locally designated areas within existing communities that have been identified and approved by local cities or counties for future growth. The proposed project would result in a higher portion of anticipated growth to occur at the project site, which is within a designated regional Priority Development Area, rather than elsewhere in the city. Consistent with Plan Bay Area, development under the project would accommodate a portion of the city's share of anticipated regional growth.

Impact C-PH-1 (draft SEIR Appendix B, pp. B-21 to B-22) and draft SEIR Section 4.A, Growth-Inducing Impacts (draft SEIR pp. 4-1 to 4-3), provides an evaluation of potential cumulative growth-inducing impacts. The SEIR determines that the proposed project would not result in a significant growth-inducing impact, either directly or indirectly.

As stated on draft SEIR pp. 4-2 to 4-3, "[t]he increase in the residential and employment population on the project site would not result in a substantial or unplanned increase in the population of the project vicinity or the city because it would be located on an infill site in an urbanized area. Growth associated with the project site would be consistent with the City's identification of Balboa Park as an area of San Francisco where future growth will be focused." The proposed project would not result in substantial unplanned growth because while the project would increase the residential population on the site, this growth is accounted for within the planned growth for San Francisco.

Further, the purpose of the question is if such unplanned growth could result in physical environmental impacts. As addressed under their respective topics in the draft SEIR and draft SEIR Appendix B, this project-related growth would be served by existing infrastructure, and public

services. The proposed project also would not indirectly result in growth inducement because it would be located on an infill site in an urbanized area. Although the proposed project would involve extensions of Lee Avenue and other infrastructure, such facilities would not enable additional development in other currently undeveloped areas. The project also would not remove any existing barriers to growth in the surrounding area. Thus, for the reasons summarized above and described in the draft SEIR, the project's growth inducement impacts would be less than significant.

Wind

The comments and corresponding response in this section cover draft SEIR Appendix B, topic E.10, Wind:

- Comment WI-1: Wind Impacts

Comment WI-1: Wind Impacts

This response addresses comments from the commenter listed below; each comment on this topic is quoted in full below this list:

I-HEGGIE2-23
I-MUELLER2-4

"20. Wind Impacts:

The creation of wind tunnels is a risk of constructing buildings up to or over 80 feet. But the DEIR indicates there is no significant impact from wind. To anyone who lives, studies or works in the area, the power of the wind coming off the ocean is already well known. To mitigate the risk of tunneling already strong winds into educational and residential communities, no new building should exceed 79-80 feet. The developers' option does not exceed 80 feet, but the additional housing option is likely to create wind tunnels. If San Francisco wants to sweep the many young children who congregate in the area off their feet, the additional housing option will do it."

(Jennifer Heggie, Email, September 23, 2019 [I-HEGGIE2-23])

"Also, the particular situation of the land under consideration for this extremely dense proposed housing development was not fully researched in conjunction with the high wind velocity coming directly from the ocean to that property through what is commonly called The Gap. In this DSEIR, the only comments about wind concerned the effects that may be generated involving tall buildings. It did not describe the actual complex wind situation in this particular land area."

(Madeline Mueller, Email, September 23, 2019 [I-MUELLER2-4])

Response WI-1

The comments state that existing conditions in the project vicinity are windy and that the proposed project, particularly the Additional Housing Option, would result in adverse wind conditions.

The draft SEIR Appendix B, p. p. B-42, describes the existing wind environment at the project site, making specific reference to the fact that historical wind data from Fort Funston (generally due west, and thus upwind, of the site) “show that there is reasonable consistency between the Civic Center and the Fort Funston meteorological stations, regardless of their substantially different locations. Similar to Civic Center, the majority of strong winds at Fort Funston were recorded as blowing from the south-southwest through the north-northwest.” This is relevant because San Francisco’s most complete wind record is from the Civic Center meteorological station, and it is based on the Civic Center data that the initial study generally describes as the existing wind environment in San Francisco.

The question is whether the project would result in adverse changes to existing conditions. Thus, the draft SEIR Appendix B explains on p. B-42 that wind impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented so that a large, unarticulated wall catches a prevailing wind. In general, as noted above, new buildings less than 80 feet in height above ground surface are unlikely to result in substantial adverse effects on ground-level winds such that pedestrians would be uncomfortable. Under both project options, development would result in buildings up to five or six stories (up to about 65 feet) taller than most structures west of the project site. Project buildings would step up in height from west to east, in line with the prevailing westerly winds. As a result, upwind portions of the project would therefore provide some wind shelter to the taller downwind buildings. Thus, under the Developer’s Proposed Option and as stated on draft SEIR Appendix B, p. B-42, “the greatest difference in height between adjacent blocks, moving with the prevailing wind from west to east, would be less than 35 feet. This means that no portion of the proposed project, under the Developer’s Proposed Option, would present a wall into the prevailing winds at a height greater than about 35 feet, which is comparable to a three-story residential building.” The Additional Housing Option would add one more story, for a maximum unobstructed building wall about 45 feet tall. The design of the project under either option, with heights stepping up from west to east, would serve to limit the project’s potential effects on ground-level (pedestrian) winds. Therefore, wind effects of the proposed project, under either option, would be less than significant.

Shadow

The comments and corresponding responses in this section cover topics in draft SEIR Appendix B topic E.11, Shadow. These include topics related to:

- Comment SH-1: Shadow Impacts
- Comment SH-2: Non-CEQA Shadow Effects

Comment SH-1: Shadow Impacts

This response addresses comments from the commenter listed below; each comment on this topic is quoted in full below this list:

I-BARISH1-3
I-BARISH2-5
I-BARISH3-9

“There are numerous flaws in the draft SEIR. I’d like to highlight a few that are just representative of the problem in this document.

In the initial study, Appendix B, of the draft SEIR, these are just three examples of many problems with the SEIR.

The study concluded that the project would not create adverse shadow effects, despite the fact that there would be new shadow on Unity Plaza for over 25 percent of the year and there would be significant shadow on Riordan High School. No significant effect.”

(Jean Barish, CPC Hearing, September 12, 2019 [I-BARISH1-3])

“1) The DSEIR Initial Study eliminated many environmental impacts for review by concluding they were not potentially significant. But these conclusions are flawed. The Study concluded that the project would not create adverse shadow effects, despite the fact that there would be new shadow on Unity Plaza for over 25% of the year, and there would be significant shadow on Riordan High School.”

(Jean Barish, Letter, September 12, 2019 [I-BARISH2-5])

“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.”

(Jean Barish, Letter, September 23, 2019 [I-BARISH3-9])

Response SH-1: Shadow Impacts

The comments take issue with the draft SEIR’s conclusion that project shadow effects would be less than significant with respect to Unity Plaza and Riordan High School. In particular, the

commenter states that Unity Plaza would be newly shaded for “over 25 percent of the year.” Concerning shadow on Riordan High School, refer to Response SH-2, Non-CEQA Shadow Effects, on RTC p. 4.H-23.

The commenter’s assertion that new shadow would reach Unity Plaza for more than one-fourth (25 percent) of the year over-represents the proposed project’s impact. The project would add new shadow to the plaza about 29 percent of the number of days per year, but the project would not continuously add new shadow during the sunlight hours of those days.

As stated on draft SEIR Appendix B, p. B-50, the project would cast new shadow on Unity Plaza from about May 1 through August 15. The project would cast no new shadow on Unity Plaza for about 37 weeks of the year. When considering the hours analyzed under San Francisco Planning Code section 295, which considers times between one hour after sunrise and one hour before sunset, the project would cast new shadow on Unity Plaza for fewer days of the year—about 10 weeks between mid-May and late July.⁴ As stated on initial study p. B-47, project shadow would not reach Unity Plaza until shortly before 7:30 p.m. This means that the project would add new shadow to Unity Plaza for a maximum of a few minutes per day during the period governed by section 295 (and for a maximum of just over one hour per day overall, including non-section 295 hours of sunlight). Therefore, project shadow would fall on Unity Plaza during less than 0.5 percent of the yearly hours governed by section 295, which is far less than 25 percent of the year.⁵ And because the area shaded at any given minute would be no more than 20 percent of the plaza, the total shadow as a percentage of theoretical annual available sunlight on the plaza would be far less—on the order of 0.05 percent.

As stated on draft 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.” Draft SEIR Appendix B, concludes on p. B-50:

Given that the project would add net new shadow on Unity Plaza for a limited time of the day—early evening, during approximately the last hour or less before sunset—and limited period of the year—May through mid-August—the proposed project would not substantially affect the use of Unity Plaza, and the shadow impact would be considered *less than significant*.

The foregoing further substantiates the draft SEIR Appendix B conclusion of a less-than-significant shadow impact on Unity Plaza.

⁴ In early May and early August, project shadow would not reach Unity Plaza until a few minutes before sunset, outside the hours governed by section 295.

⁵ Calculation: 10 weeks per year x 7 days per week = 70 total days of shading during section 295 hours. At a conservative average of 15 minutes per day, this would represent a total of 17.5 hours of new shadow per year, which is just under 0.5 percent of the 3,721.4 hours in the section 295 year.

Comment SH-2: Non-CEQA Shadow Effects

This response addresses comments from the commenter listed below; each comment on this topic is quoted in full below this list:

O-ARHS-4
I-BARISH3-10

“The other thing is there’s not nearly enough detail about the blockage of light into our building. It was designed to have natural light coming in to warm the building, to enhance the culture of learning for our students in the classrooms. That’s all going to be blocked.”

(Andrew Currier, President, Archbishop Riordan High School, CPC Hearing, September 12, 2019 [O-ARHS-4])

“Impact C-SH-1 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.”

(Jean Barish, Letter, September 23, 2019 [I-BARISH3-10])

Response SH-2: Non-CEQA Shadow Effects

The comments state that the project would cast shadow on the Archbishop Riordan High School athletic field, that such shadow is not subject to CEQA because of the “technicality” that the field is not publicly accessible open space, and that this shadow impact should be significant. The comments also state that the project would block natural light from entering the Archbishop Riordan High School building.

The draft SEIR appropriately analyzes shadow impacts consistent with city guidelines. The CEQA Guidelines does not include a reference to shadow as a potential physical environmental effect. The City and County of San Francisco analyzes shadow impacts under CEQA, partially based on the City’s history of concern regarding the shading of publicly accessible space, as evidenced by voter passage of Proposition K, which added section 295 to the San Francisco Planning Code in 1985. The shadow analysis is consistent with the planning department’s shadow analysis guidance and Chapter 31 of the San Francisco Administrative Code. As explained on draft SEIR Appendix B, p. B-46, the planning department’s criterion for determining whether a project in San Francisco would result in a significant shadow impact is whether the project would “create shadow that

substantially and adversely affects the use and enjoyment of *publicly accessible open spaces*” (emphasis added). There is no CEQA requirement in San Francisco, or elsewhere in California, for analysis of effects with respect to shadow on private property. As indicated on draft SEIR Appendix B, p. B-51, this discussion is provided under the separate heading of “Supplemental Information.” This is precisely because, as explained above, effects on non-publicly accessible spaces and on private buildings are not subject to CEQA.

City decision-makers may consider the project’s shadow on Archbishop Riordan High School and other adjacent or nearby private properties during their deliberations on whether to approve the project. [\[Note to Reviewer: To be finalized between RTC-2 and RTC-Screencheck.\]](#)

Commented [PJ(3)]: The response is fine.

Utilities and Service Systems

The comments and corresponding responses in this section cover topics in draft SEIR Appendix B, Section E.13, Utilities and Service Systems. These include topics related to:

- Comment UT-1: Utilities and Service Systems – Water Supply
- Comment UT-2: Stormwater and Sewer
- Comment UT-3: Other Utilities and Service Systems Comments

Comment UT-1: Utilities and Service Systems - Water Supply

This response addresses comments from the commenter listed below; each comment on this topic is quoted in full below this list:

I-BARISH3-11	I-HEGGIE2-22	I-MUELLER2-2
I-FREY1-2	I-MARTINPINTO-5	I-MUELLER2-3
I-FREY2-2	I-MUELLER1-1	I-TIMA-4

“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.sfoxaminer.com/news/report-large-parts-of-sf-not-adequately-protected-from-firesafter-major-earthquake/?fbclid=IwAR145KV4GH_CNfBJvCogj0bPF__iAYdlgyWcrnV5PyZkhjN995GTKpG6AOc)

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."

(Jean Barish, Letter, September 23, 2019 [I-BARISH3-11])

"My second issue is density. This is a downtown style project, without the downtown style streets. And has Hedda mentioned, the firefighting infrastructure, water pipes that accommodate the dense housing in the other parts of the City that have dense housing, their water structure is totally different than what we have in this area. And that lack of firefighting infrastructure would be a hazard to the residents of the development itself, but it would also be a hazard to all of the surrounding neighborhoods."

(Laura Frey, CPC Hearing, September 12, 2019 [I-FREY1-2])

"Second issue is density. This is a very high density project--without the large streets or the firefighting infrastructure/water pipes to accommodate dense housing. (The fire-fighting infrastructure in dense parts of the City is different than in this area.) The lack of a sufficient fire-fighting infrastructure would be a hazard for the residents of any new dense housing project at Balboa Reservoir and for the residents in the surrounding areas."

(Laura Frey, Email, September 22, 2019 [I-FREY2-2])

"19. San Francisco ensures fire safety primarily through provisions of the building code and fire code. Do those codes take into account the lack of a water supply for emergencies for the western

part of the City and any need for water storage? The City has been through many fire emergencies, and it would be irresponsible to take these issues lightly. Ignoring or postponing the issue of a water supply for emergencies is not going to help us during an emergency. The potential housing loss due to a fire could be much greater than the housing gain from any one development. Is there a need for water storage for fire emergencies, and if so, there needs to be an evaluation of possible sites while they still exist, including at the Balboa Reservoir.”

(Jennifer Heggie, Email, September 23, 2019 [I-HEGGIE2-22])

“The loss of the 17.6 acre reservoir space will present a lost opportunity to store drinking water during an emergency, as was originally intended in 1957 when it was constructed. In San Francisco, there are three terminal reservoirs; the Sunset Reservoir, the University Mound Reservoir, and the Merced Manor Reservoir. Together, they contain about 327 000 000 gallons of water, which represents 79% of all the water in San Francisco Reservoirs. According to the November 2018 issue of the *Westside Observer*, only 33% of this water belongs to San Francisco. State Water Code 73503 states that the water is jointly owned by San Francisco and the 27 wholesale water customers (cities on the Peninsula). This means when a disaster occurs, San Francisco is legally obligated to share the water equitably with Peninsula cities. According to the August 12, 2003 minutes of the SF Public Utilities Commission, after a major Earthquake, San Francisco could have as little as 86 000 000 gallons of water to serve a 900 000 population, or slightly less than 100 gallons of water per person.

It is important to remember that our water comes to San Francisco from Hetch Hetchy reservoir, approximately 170 miles away via transmission lines, which must cross four significant faults in the SF Bay Area alone (the Calaveras, Greenville, Hayward, and San Andreas). If a 9.0 earthquake were to occur, which is the theoretical maximum magnitude of Earthquake to occur in San Francisco, it would be about 10 times stronger than the 1906 earthquake and 100 times stronger than the 1989 earthquake. This has the potential to sever all transmission of water from Hetch Hetchy to San Francisco.

The Balboa Reservoir represents an opportunity to store an additional 110 000 000 gallons approximately (based on 17 acres x depth of 20 feet). This water storage capacity is not insignificant.

What does the project propose to do to increase our water storage when it comes to firefighting capacity?”

(Stephen Martinpinto, Letter, September 23, 2019 [I-MARTINPINTO-5])

“San Francisco is listed as a city with housing more dense than Tokyo and Hong Kong. In America, San Francisco is second in density only to New York City. The proposed housing project for the lower Balboa Reservoir would have housing five times more dense than the surrounding area.

Thirty years ago a similar proposal involving a smaller number of housing units on the Reservoir site was rejected by San Francisco voters. One of the major concerns for housing at the site came

from the fire department. The Chief had many reasons to not recommend housing in the Balboa Reservoir, citing conditions which have become even more dangerous over the years.

Increasing drought and the extreme winds coming through the reservoir gulch make a perfect storm for the type of fires that we now see devastating entire towns in California. The situation was dire before and now it's impossible to overstate the fire danger involving that particular basin (and all surrounding neighborhoods), a basin which is being proposed for impossibly dense housing. The lack of immediate water sources made and still makes the situation very bad. We've all seen what fires fed by strong horizontal winds, minus enough water, can do to houses and buildings."

(Madeline Mueller, Email, September 23, 2019 [I-MUELLER1-1])

"In particular, the areas of water supply and safety have been largely ignored.

Appendix F: Water Supply Assessment contains the report given at a PUC hearing some months ago concerning the availability of water for the proposed development. I was at that hearing and clearly understood that such a supply was not actually assured except perhaps under the somewhat mythical consideration: "during normal years". However, it is pretty apparent that with climate change reality upon us, we cannot consider anything in the future to be 'normal years' (!)"

(Madeline Mueller, Email, September 23, 2019 [I-MUELLER2-2])

"At that hearing and in appendix F, it was also made clear that detailed research into water safety and the potential for urban fires was not addressed. Reports of lack of appropriate water supplies in the western half of San Francisco, should there be fires, has been reported as recently as a few days ago."

(Madeline Mueller, Email, September 23, 2019 [I-MUELLER2-3])

"Then, you need emergency water in case we have an earthquake to kill the fires. There is no emergency water supply for the west and south area of San Francisco. Would you please get busy before you start building and get that done?"

(EHa Tima, CPC Hearing, September 12, 2019 [I-TIMA-4])

Response UT-1: Utilities and Service Systems - Water Supply

Commenters state that the draft SEIR must provide substantial evidence that the project would not significantly impact utilities and service systems, specifically as it relates to the availability of water and emergency water supplies. Several comments express concern regarding the density of the project and state that there is lack of emergency water storage and supplies in the south and west side of the city, and question how an informed water supply decision can be determined in view

of uncertainties regarding the Bay Delta Plan Amendment. One comment states that the project will present a lost opportunity as a reservoir to store drinking water.

Impact UT-1 (draft SEIR Appendix B, pp. B-59 to B-73) provides background information about water supply reliability and drought planning for the city, along with three potential water supply scenarios that are evaluated in the project's water supply assessment. Updated water supply and demand projections, extending to 2040, are discussed in Impact UT-1.

In summary, the analysis on draft SEIR Appendix B, p. B-67, determines that sufficient water supplies would be available to serve the proposed project options and reasonably foreseeable future development in normal, dry, and multiple dry years unless the Bay-Delta Plan Amendment is implemented. If the Bay-Delta Plan Voluntary Agreement is implemented, the resulting regional water system supply shortfalls during dry years would be less than those under the Bay-Delta Plan Amendment and would require rationing of a lesser degree and closer in alignment to SFPUC's adopted level of service goal of no more than 20 percent system-wide during dry years (draft SEIR Appendix B, p. B-68). If the Bay-Delta Plan Amendment is implemented, the SFPUC may develop new or expanded water supply facilities to address shortfalls in single and multiple dry years, but this would occur with or without the proposed project.

The analysis concludes that construction and/or operation of new or expanded water supply facilities could result in a significant cumulative impact. However, the proposed project would not contribute considerably as it would represent 0.17 percent of the total water demand in San Francisco in 2040. Thus, new or expanded dry-year water supplies would be needed under the Bay-Delta Plan Amendment regardless of whether the proposed project is constructed. Any physical environmental impacts related to the construction and/or operation of new or expanded water supplies would occur with or without the proposed project.

The analysis also acknowledges on draft SEIR Appendix B, p. B-71 that given the long lead times associated with developing additional water supplies, the SFPUC would likely address supply shortfalls through increased rationing for the next 10 to 30 years (or more). The higher levels of rationing on a citywide basis could result in significant cumulative effects, but the proposed project would not make a considerable contribution to impacts from increased rationing. Therefore, regardless of whether the Bay-Delta Plan Amendment is implemented, the conclusion in the initial study that the proposed project would result in less-than-significant water supply impacts, both individually and cumulatively, remains the same.

Comments expressing concern regarding firefighting water supply infrastructure are noted. There is a well-established regulatory framework and permitting process in place, enforced through the fire department, building department, San Francisco Building Code, and San Francisco Fire Code. Additionally, concerning wildfire, as stated in draft SEIR Appendix B, Section E.22, San Francisco County does not contain any State Responsibility Area land or lands classified as very high fire severity zones.

The proposed project would include construction of auxiliary water supply system distribution lines and fire hydrants that would serve the project site for firefighting and other emergency uses (draft SEIR p. 2-36). As described in Impact UT-1, draft SEIR Appendix B, p. B-60, the "SFPUC City

Distribution Division would conduct a hydraulic analysis to confirm that the existing system is adequate to meet the project's water demands, including fire suppression system pressure and flow demands. If the existing infrastructure is found to be inadequate to meet the project's demand, the SFPUC would modify the water conveyance system, such as upsizing the water mains and appurtenances." The fire department and San Francisco Department of Building Inspection (building department) would also review building plans to ensure that the proposed project complies with the latest California Building Code requirements for fire and life safety measures as specified in the San Francisco Fire Code. As described under Impact PS-1 on draft SEIR Appendix B, p. B-83, "[t]hese requirements include measures related to emergency access and egress; fire hydrants and sprinkler systems; fire-rated design, construction, and materials; restrictions on occupant loads; emergency lighting; smoke alarms; and mechanical smoke control and emergency notification systems. The project sponsor would work with the fire department to determine utility and access requirements for fire protection and emergency services at the project site."

As discussed in Impact UT-1, the project site has not been identified as current or future water storage in San Francisco in the city's Urban Water Management Plan. The concept of developing the site for water storage was raised during the scoping period for the draft SEIR and described on draft SEIR p. 6-61. As described there, the Balboa Reservoir site does not contribute in any way to water supply or storage, as it is not and was never a functioning reservoir as was originally intended for the site.

Comment UT-2: Stormwater and Sewer

This response addresses comments from the commenter listed below; each comment on this topic is quoted in full below this list:

O-NAF-1
I-GOODMAN-4

"San Francisco's sewer collection system and storm drain system are a combined sewer system (CSS). The vast majority of stormwater should be conveyed through the CSS, which includes the streets and their curbs, catch basins, and underground storm drain, which is then collected and treated. However, the sewers on Ocean Avenue between Frida Kahlo Way (formerly Phelan Avenue) and Miramar are undersized and unable to convey the combined sewage from the sewers uphill from them. Excess combined sewage flow is discharged from the sewers into the streets causing heavy overland flow along Ocean Avenue during moderate storm situations which has resulted in combined sewage, including human waste, flooding downstream of the Balboa Reservoir.

The following CCSF EIR report excerpt from the EIR report (Page 4.6-5 of https://www.ccsf.edu/MP/Docs/046Services_DEIR.pdf) documents that:

"The area west of Phelan Avenue is served by a 30-inch reinforced concrete sewer in Phelan Avenue that carries flow south to Ocean Avenue. Although the sewer's condition is unknown, it is severely

undersized. According to the SFDPW, the sewers surrounding the Main Campus, while adequate for the dry weather flow from the campus, are inadequate for flows that occur in a 5-year storm event. Currently, the City does not have the funds to upgrade the under-sized sewers surrounding the campus. The SFPUC is in the process of revising its 1973 Wastewater Master Plan. Among other things, this Plan would include upgrading the City's hydraulically and structurally inadequate sewers."

In addition, low lying areas are already negatively impacted by flow from upstream projects like the 2011 Colon/Greenwood/Plymouth/Southwood/Wildwood/Miramar sewer system improvement project which resulted in a transfer of flood risk to Ingleside Terraces:

City and County of San Francisco 2030 Sewer System Master Plan TM505 (<http://sfwater.org/modules/showdocument.aspx?documentid=592>), Section 5.7.3.1, "Conveyance along Ocean Avenue (Upsizing and Auxiliary, page 107, "This alternative will lower the HGL and alleviate flooding in the upstream portions of the reach, along Ocean Avenue between Phelan and Miramar avenues. However, the extra conveyance capacity provided by the relief and auxiliary sewers serve to move larger peak flows downstream to the Legion Court area west of Ashton Avenue. Predictably, the higher arriving peak flows will cause elevated HGLs and effectively transfer the flooding problems to this area."

Even though the Balboa Reservoir project would not "substantially" alter the existing drainage pattern, any additional waste from additional residents would increase the quantity of human waste discharged during these events and increase the exposure to residents and businesses downstream in low lying areas. The Balboa Reservoir EIR fails to address this issue and fails to fully disclose the project's dry and wet-weather impact on the existing sewer system.

The constant expansion of lines upstream, continued development, and the failure to correct the defects in the existing sewer lines have created and continues to create a nuisance and public health risk by subjecting those residents in low lying areas to the risk of exposure to hazardous waste.

The sewer lines downstream of the Balboa Reservoir project must be enlarged, and all known and foreseeable deficiencies corrected, prior to the start of this development."

(Neighbors Against Flooding, Email, September 17, 2019 [O-NAF-1])

"I am for the design and proposal of the housing development as an individual, and feel the need for 100% affordable units and a more robust look at water-use and retention on the site for reclamation and sewage issues and infrastructure must be a part of both sites (Balboa Reservoir and CCSF land developments). My concerns were raised during meetings where I attended SFPUC water games planning charrettes and we indicated the importance of water/sewer systems above sea-level that can begin to alleviate lower down systems elevation wise."

(Aaron Goodman, Letter, September 12, 2019 [I-GOODMAN-4])

Response UT-2: Stormwater and Sewer

~~[Note to Reviewer: To be finalized between RTC-2 and RTC-Screencheck.]~~

The comments state that the draft SEIR does not address the increase in wastewater and stormwater caused by the project. The comments also express concern regarding the existing condition of and capacity of downstream combined sewer lines and how the proposed project would impact them.

Refer to Response AL-1, Range of Alternatives, on RTC p. **Error! Bookmark not defined.** for further information regarding consideration of 100 percent affordable housing.

Impacts UT-2 and UT-3 on draft SEIR Appendix B, pp. B-74 to B-76, and Impact HY-2 on draft SEIR Appendix B, pp. B-111 to B-112, analyze impacts associated with wastewater and stormwater generated by the project. The proposed project would be subject to several regulations that require onsite water re-use and decreasing the amount of stormwater runoff from the site. The proposed project could result in long-term changes in the volume of discharges to the City's combined sewer system in the sub-basin due to new residents, employees, and visitors who could increase the amount of wastewater generation (draft SEIR Appendix B, p. B-112). The draft SEIR Appendix B concludes on p. B-112 that all "wastewater discharges to the combined sewer system would be treated at the Oceanside Treatment Plant in compliance with the Oceanside NPDES permit ... because the stormwater and wastewater discharges from the project would not result in an increase in the frequency of combined sewer discharges, the project's impacts related to changes in combined sewer discharges would be less than significant."

Regarding concerns about the downstream overflow conditions, please refer to Impact UT-3, draft SEIR Appendix B, p. B-75, which acknowledges that the Ocean Avenue sewer main is designated as high risk and slated for replacement through SFPUC's Collections System Asset Management Program (CSAMP). A CASMP ranking of "high" indicated potential need for replacement. As further stated on page B-75, the "project team would be required to confirm with SFPUC and the San Francisco Department of Public Works' Engineering Hydraulics Division that adjacent sewer infrastructure has adequate capacity and integrity to serve the potential development program."

Sanitary sewage (wastewater) volumes flowing into the combined sewer system are considerably smaller than stormwater flows into the same system. For example, the City's wastewater treatment system treats approximately 70 million gallons per day (mgd) of sanitary sewage, but more than eight times that volume of combined sanitary sewage and stormwater—575 mgd—during storm conditions.⁶ During storm conditions, however, the ratio of stormwater to sanitary sewage from the project site, is substantially greater than 8:1. This is because stormwater runoff flow to the combined sewer system is highly irregular, whereas sanitary sewer flow is less so. That is, storm flow peaks during and shortly after heavy rainfall, and diminishes considerably as time elapses; as a result, stormwater volume, for purposes of sizing conveyance piping, is typically measured in cubic feet per second of peak flow, rather than gpd of total flow. Conversely, sanitary sewer flow may result in multiple peaks during the day, depending on land uses. For strictly residential areas,

⁶ San Francisco Public Utilities Commission, *Sewer System Improvement Program Fact Sheet*, June 5, 2019, <https://sfwater.org/modules/showdocument.aspx?documentid=13986>, accessed March 15, 2020.

flows are generally higher before and after the typical work day, although there is sewer flow throughout the day because not all working residents are on the same schedule, some residents may work at home, some residents do not work, some attend school, etc.

Moreover, under current conditions, according to the project engineer, stormwater flow from the project site (east basin) and the west (including both the lower and upper basins) drains to the combined sewer at a highly constrained rate due to the small capacity of the existing drain inlet and pipe. That is, the project site acts to retain peak stormwater flow into the combined sewer. The proposed project would make no changes to this storm drain system in order to not increase peak stormwater flow into the combined sewer during the 5-year, 3-hour, and 100-year, 3-hour storm conditions, as a requirement of the SFPUC for project implementation. Accordingly, with project implementation, during the 5-year and 100-year storms, and assuming the worst-case condition in which peak sanitary sewage flow would occur simultaneously with peak stormwater flow, the project would contribute less than two percent of the total volume of combined stormwater and sanitary sewage that would flow from the site into the combined sewer, as shown in Table RTC-X.⁷ This relatively small increase in total flow would not be considered to substantially affect the combined sewer system. Moreover, the proposed project's landscaping and open space features would serve to diminish stormwater flow, compared to existing conditions. While peak stormwater flow could, indeed, occasionally coincide with peak sanitary sewer flow, it is far more likely that the peak flows would not overlap, and therefore the project increase in total flow would be substantially less than noted in Table RTC-X. Finally, for the smaller 2-year, 24-hour storm, the project would be required to reduce peak stormwater flow by 25 percent, which would result in a decrease in total combined stormwater and sanitary sewer flow to the combined sewer system during this storm condition.

The analysis in Impact UT-3, as supplemented by the above, determines that impacts related to stormwater and wastewater would be less than significant through compliance with the Non-Potable Water Ordinance, the San Francisco Stormwater Ordinance, and SFPUC and public works infrastructure review.

TABLE RTC-X: PROJECT INCREASE IN COMBINED SEWER FLOW

Storm Condition	Existing Peak Stormwater Flow (cfs) ^a	Peak Sewer Flow (cfs) ^b	Total Site Flow to Combined Sewer (cfs) ^c	Percent of Total Flow
5-year, 3-hour	25.7	0.45	26.15	1.7%
100-year, 3-hour	38.2	0.45	38.65	1.2%
NOTES:				
^a cfs – cubic feet per second				
^b Assumes peaking factor of 3.0 (peak flow of three times average flow).				
^c Does not assume any decrease in existing peak stormwater flow due to project landscaping and open space and, therefore, is conservative.				
SOURCE: BKF Engineers, March 2019.				

⁷ Brian Scott, BKF Engineers, e-mail to Karl Heisler, ESA, March 12, 2020.

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Comment UT-3: Other Utilities and Service Systems

This response addresses comments from the commenter listed below; each comment on this topic is quoted in full below this list:

I-MUELLER1-2

“The recent MUB building at City College and soon-to-be-built Performing Arts Education Center on the college portion of the reservoir use geothermal energy sources. Has there been research on the compatibility of the college’s system with other projects?”

(Madeline Mueller, Email, September 23, 2019 [I-MUELLER1-2])

Response UT-3: Other Utilities and Service Systems

The commenter asks whether research has been done on the compatibility of the college’s proposed geothermal energy system with other projects.

The geothermal energy sources are not proposed as part of the Balboa Reservoir project. As described on draft SEIR p. 2-37, a portion of the Multi-Use Building hydronic wells were installed by City College beneath the location of the proposed Lee Avenue extension and right-of-way along the east side of the project site. The utility pipelines associated with the hydronic wells that extend beneath the project site would be removed during construction and the remainder of the system would be maintained. The hydronic wells under the Lee Avenue easement and project site would be removed or capped, in accordance with a Memorandum of Understanding with City College.

Public Services

The comments and corresponding responses in this section cover topics in draft SEIR Appendix B, topic E.14, Public Services. These include topics related to:

- Comment PS-1: Emergency Services
- Comment PS-2: Public Services and Secondary Impacts

Comment PS-1: Emergency Services

This response addresses comments from the commenter listed below; each comment on this topic is quoted in full below this list:

O-ARHS-3
I-MARTINPINTO-1
I-MARTINPINTO-4

“The other thing is we’re worried that fire trucks aren’t going to be able to get to our school in case of a fire. There’s not been enough detail or clarity about transportation. They’ve delayed that meeting. That was supposed to take place this week. That has not occurred. It’s been delayed until September 30th. I need more clarity on the impact of transportation on our school.”

(Andrew Currier, President, Archbishop Riordan High School, CPC Hearing, September 12, 2019 [O-ARHS-3])

“This Statement [that the proposed project “would not be expected to increase demand for public services (in order to maintain acceptable service ratios, response times, or other performance objectives for public services) to the extent that it would require new or physically altered governmental facilities, the construction of which could result in significant environmental impacts”] is an erroneous assumption. Response times for emergency vehicles located at Fire Station 15 (address 1000 Ocean Avenue) will be adversely affected, as well as response times from the next nearest three fire stations (Fire Station 33 at 8 Capitol Avenue, Fire Station 39 at 1091 Portola Drive, and Fire Station 19 at 290 Buckingham Way). It is generally assumed that with new residences comes new traffic, which will undoubtedly slow response times. Although response priority 3 emergency calls (also known as code 3 calls) permit the use of emergency lights and sirens to safely bypass traffic signals and other traffic control devices, response priority 2 calls (code 2 calls) do not. Because code 2 calls require that emergency vehicles negotiate traffic at regular speeds, code 2 calls have the potential to become severely extended. Furthermore, upon arrival to the scene of a code 2 call, often times the situation is found to be more severe than previously thought, and calls are often upgraded to code 3.

With the addition of 500 – 1550 new units, an additional 1000 – 3000 or more residents will arrive. This will undoubtedly increase demand on the emergency response system, depending on the demographics of the new residents (statistically, senior citizens and low-income people are more frequent users of 911). Increased demand of the emergency response system combined with increased response times puts a strain on the ability of the SFFD to meet their 4 minute response time criteria (4 minutes from dispatch of call to patient contact).”

(Stephen Martinpinto, Letter, September 23, 2019 [I-MARTINPINTO-1])

“what does the project propose to do to improve emergency vehicle response times?”

(Stephen Martinpinto, Letter, September 23, 2019 [I-MARTINPINTO-4])

Response PS-1: Emergency Services

Commenters request information about emergency vehicle access and express concern regarding emergency access to areas surrounding the project site and project impacts on emergency response times.

Draft SEIR Appendix B, Section E.14, Public Services, discusses the project's impacts related to the provision of public services associated with the project. As stated in Impact PS-1, the city's fire protection and medical emergency resources are regularly reassessed based on need in order to maintain acceptable service performance standards. The fire department and building department would review building plans to ensure that proposed buildings comply with the latest California Building Code requirements for fire and life safety measures as specified in the San Francisco Fire Code, including measures related to emergency access and egress. Such review also includes evaluating the project site's circulation and ensure that emergency access and egress to adjacent sites are not affected. Adherence to San Francisco Fire Code requirements as part of the project design would minimize demand for future fire protection services.

As noted under Impact PS-1, the project-related increase in residents would not be considered substantial or unplanned growth and would not result in a substantial increased demand for police services, fire protection, and emergency medical services. Police, fire protection, and emergency medical services are regularly assessed as part of the City's dynamic demand-based deployment of available resources and the need to maintain acceptable service ratios and response times. While demand might increase as a result of the implementation of the proposed project, the increased demand would not be substantial, nor would it require expansion of existing police or fire stations or construction of new facilities. Therefore, no significant environmental impacts from construction or operation of new or expanded public service facilities would occur as a result of the proposed project. Thus, the incremental increase in the demand for police, fire protection, and emergency medical services would be a less-than-significant impact.

Access to Archbishop Riordan High School north of the site would be maintained. There would be no change to access to the front entrance of Riordan High on Frida Kahlo Way, nor would there be any change in vehicular access into the Riordan campus from Judson Avenue. Egress from the Archbishop Riordan High School through the existing exit-only driveway that leads into the project site would also continue with project implementation. As described on draft SEIR p. 2-26, "the functionality of the existing 'exit only' driveway for Archbishop Riordan High School west of the Lee Avenue and north access road intersection would be maintained. The street connecting the 'exit only' driveway to Lee Avenue would be 20 feet wide and one-way eastbound." The emergency access impacts analysis is presented in draft SEIR Section 3.B, Transportation and Circulation, under Impact TR-3 (draft SEIR pp. 3.B-71 to 3.B-73). That analysis found that emergency access to the project site would be similar to existing conditions and that project implementation would not adversely affect fire apparatus responding from nearby San Francisco Fire Department station 15, despite the increase in traffic generated by the project. As stated on

draft SEIR p. 3.B-73, the fire department conducted a preliminary review of the development plans and streetscape changes as currently proposed. Prior to finalizing the design and dimensions of the internal street network, the fire department and police department would review and approve the internal roadway configurations and dimensions to ensure emergency access to the site is acceptable.

Comment PS-2: Public Services and Secondary Impacts

This response addresses comments from the commenter listed below; each comment on this topic is quoted in full below this list:

I-BARISH1-5	I-FREY1-1	I-MAGNUSON-1
I-BARISH2-7	I-FREY2-1	I-MAGNUSON-2
I-BARISH3-12	I-GOMEZ-2	I-MEDAL
I-BARISH3-13	I-HALFORD1-1	I-MEDAL-1
I-BARISH3-14	I-HALFORD1-2	I-MUELLER1-5
I-BARISH3-16	I-HALFORD2-2	I-NGUYEN-1
I-BARISH3-18	I-HALFORD2-3	I-RHINE-2
I-BARISH3-30	I-E. HANSON-3	I-SAPPHIRE-1
I-BARISH3-31	I-E. HANSON-6	I-SIMON-4
I-BARISH3-32	I-E. HANSON-7	I-SIMON-7
I-BARISH3-39	I-HOUWER-3	I-SIMON-8
I-BELBIN-2	I-JA2-1	I-SIMON-9
I-BERNSTEIN1-3	I-JA2-2	I-SIMON-10
I-BERNSTEIN4-4	I-JA3-1	I-TARQUINO-4
I-BERNSTEIN4-5	I-JA3-2	I-TIMA-1
I-BERNSTEIN5-1	I-JA3-3	I-VESSELENYI-2
I-BERNSTEIN5-3	I-JA4-2	I-VICKY-1
I-BERNSTEIN5-7	I-KAUFMYN2-1	I-WEYER-3
I-BRAD-1	I-KAUFMYN2-2	I-WILENSKY-4
I-COLLINS3-4	I-KAUFMYN2-4	I-WORLEY-6
I-EVBUOMA-1	I-KAUFMYN2-5	I-WORLEY-7
I-EVBUOMA-2	I-KOPP-2	I-ZELTZER-4
I-FISHER-2	I-KOWALSKI-2	
I-FISHER-4	I-LEGION-3	
I-FRAKNOI-1		
I-FRAKNOI-2		

“Finally, another example, the initial study, Appendix B, concludes the project would not result in cumulative impacts on public services, yet it did not analyze the impacts of the project on City College. Again, the draft SEIR review of this impact is inadequate.”

(*Jean Barish, CPC Hearing, September 12, 2019 [I-BARISH1-5]*)

“3) Finally, the Initial Study concludes the project would not result in cumulative impacts on public services. Yet it did not analyze the impacts of the project on City College. Again, the DSEIR review of this impact is inadequate.”

(Jean Barish, Letter, September 12, 2019 [I-BARISH2-7])

“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.”

(Jean Barish, Letter, September 23, 2019 [I-BARISH3-12])

“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.”

(Jean Barish, Email, September 12, 2019 [I-BARISH3-13])

“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.”

(Jean B. Barish, Esq., MS, Letter, September 23, 2019 [I-BARISH3-14])

“Removal of student parking will have significant impact on student enrollment and attendance.”

(Jean B. Barish, Esq., MS, Letter, September 23, 2019 [I-BARISH3-16])

“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.”

(Jean B. Barish, Letter, September 23, 2019 [I-BARISH3-18])

“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.”

(Jean B. Barish, Esq. MS, Letter, September 23, 2019 [I-BARISH3-30])

“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.”

(Jean Barish, Email, September 12, 2019 [I- BARISH3-31])

“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.”

(Jean Barish, Email, September 12, 2019 [I- BARISH3-32])

“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.”

(Jean B. Barish, Esq. MS, Letter, September 23, 2019 [I-BARISH3-39])

“City College is a universally recognized and unique treasure of the San Francisco Bay Area. It is an Appendix G CEQA Environmental Checklist Environmental Factor in the category of Public Services. And although having been repeatedly brought up by the public throughout the “public engagement process”, the SEIR fails to adequately address impacts on CCSF and other schools in the “full environmental context.”

I have attached a 2015 submission by the Save CCSF Coalition to the City Team (OEWD/Planning) and Reservoir CAC. Excerpt

Subject: Input for planning – CCSF must be considered

Comments:

CCSF is the central educational, economic, cultural focus of the neighborhood. Any planning and development at the PUC's west reservoir site cannot be allowed to impact CCSF negatively, whether it's in relation to the need for parking for students, faculty and staff; or the needs of PAEC.

Current Balboa Reservoir planning is focused on discouraging private auto use by making parking difficult and more expensive. This goal has the side effect of discouraging enrollment and attendance. Such a policy would only result in shifting car usage to other schools where parking is easier, or causing students to drop out!"

(Charles Belbin, Email, September 22, 2019 [I-BELBIN-2])

"So, the college really has not -- the impacts on the college, the secondary impacts from parking, not the parking itself because that's an issue that's being considered in other ways, but the impacts on the college, and the access to education, which should have some priority. Thank you."

(Harry Bernstein, CPC Hearing, September 12, 2019 [I-BERNSTEIN1-3])

"I feel that I cannot do better than quote another prior submission regarding the inadequacy of addressing the impact on public services in the vicinity of the Balboa Reservoir site—and public services significantly includes area schools.

"On page 7 of the ESA Scope of Work, under "Task 4. Administrative Draft Initial Study-1", the only mention of impact on schools is: "The public services section will include a discussion of public school capacity, the findings of the water supply assessment, and a discussion of the potential need for access to the SFPUC water/wastewater easement along the south side of the project site. EP will provide ESA with language regarding public schools..." This merging of two environmental effects categories of "Utilities and Service Systems" with "Public Services" is grossly deficient. The evaluation of adverse impacts on schools should not be legitimately bypassed:

The question, as per item 12a under Public Services is:

Would the project result in substantial adverse physical impacts associated with the provision of, or the 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 any public services such as fire protection, police protection, schools, parks, or other services?

The answer is objectively yes for schools and fire protection from this list."

(Harry Bernstein, Email, September 23, 2019 [I-BERNSTEIN4-4])

"Although New Public Resources Code Section 21099 exempts parking adequacy as a CEQA impact, it does not exempt the secondary impact of adequate parking on CCSF's public educational

service. 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."

(Harry Bernstein, Email, September 23, 2019 [I-BERNSTEIN4-5])

"1) there's little acknowledgement of the effect of the development on City College as well as other nearby schools in terms of public services"

(Harry Bernstein, Email, September 23, 2019 [I-BERNSTEIN5-1])

"3) The loss of parking in the Lower Reservoir lot is likely to have a significant impact on access to education, especially for those individuals who are tightly scheduled because they are working, going to school and perhaps having additional family responsibilities besides. That is, the loss of approximately 1000 spaces from the Lower Reservoir site will make it harder for many such people to get to the school in a timely manner. Even now many faculty members mention the difficulty that their students often have early in the semester getting to class on time because of traffic backing up and fewer spaces available, and those quite often located in the most distant lots."

(Harry Bernstein, Email, September 23, 2019 [I-BERNSTEIN5-3])

"Another part of the story not yet mentioned is the long promised Performing Arts Education Center (PAEC) at City College, which has been something of a political football. It was a strong component of the last two successful bond measures at the College—in 2001 and 2005—and is essential for the Music and Theatre Arts programs but also for the College as a whole. This project was shovel-ready in October, 2012, but final discussion about it was postponed and in less than a year, during a State takeover initiated in July, 2013, was abruptly canceled by the Special Trustee with Extraordinary Power. Some have doubted the legality of this takeover but the College community is still living with the consequences therefrom. That is why the future of the PAEC is still a current issue. Until about 2014, there was no doubt that the PAEC would eventually be built and that the majority of the parking for it would be in the Lower Reservoir lot. Trustees, when asked about their backup plan (in the event that the Lower Reservoir lot was sold or became otherwise unavailable) and seemed to say that they didn't know they needed such a plan. The Facilities Master Plan, which has had some interference from City agencies, has been inconsistent in pushing for the timely completion of the PAEC. After returning to power, the Board of Trustees once again advocated strongly for the PAEC's completion starting in 2016. City/City College meetings about land use, sometimes referred to as the City/City College Consortium have kept track of any progress on plans for the PAEC, and also on the Education Master Plan and Facilities Master Plan. (The former Mayor of San Francisco was in consultation with the State Chancellor of the College system at the time that the College was taken over by the State and did not oppose the maneuvers as he should have been willing to do.)

The PAEC is needed, partly because at present City College is an incomplete campus, lacking an auditorium as it does. This is an accreditation issue, but it has been so for more than 50 years. Plans for the College to complete the PAEC appear to be unclear, but the construction should begin before any housing development is approved. With or without the PAEC, it remains clear that a development of 1100 units or more is a threat to the survival of the College as presently constituted. That is one of the reasons that some have urged either to reduce the number of units of a projected Balboa Reservoir development—instead having 800 units or less, with greater emphasis on gardens and open space.”

(Harry Bernstein, Email, September 23, 2019 [I-BERNSTEIN5-7])

“Hi. My name’s Brad. I’ve lived here. I grew up here. I was born here. But you have to really think about this location. It’s City College. It’s the main campus. So, you really have to think about what this use is for and the impact.

I’m all for, you know, affordable housing. I believe in, you know, biking. But you really have to think about all the people that can’t bike here to that location. You know, it’s very valuable to be able to have a parking lot and so that it opens it to everybody that wants to be able to park there. And it’s frustrating and I’m sure you guys are frustrated, too, that it’s dragged on so long. But there’s a reason why it’s dragged on so long because people really, you know, that believe in this. I’m glad that we’re really taking time to make sure that this is. And also, so I’m also disabled, and so, you have to think about the mobility of the, you know, people that need to be able to get to campus and to get to class on time.

Obviously, you know, parking’s very limited. So, thanks for your time.”

(Brad, CPC Hearing, September 12, 2019 [I-BRAD-1])

“7. Low income CCSF students include many parents of two kids, one in day care, another miles away in school, two jobs, an academic course of study or a vocational one at the college. BART doesn’t serve all of them, most- even the commuters- aren’t on a BART line or within walking distance. BART fares are quite high for adults.

8. Harming these students by impacting/ threatening/ replacing that admittedly ugly and retro parking lot is a huge mistake. I’ve seen countless grads go from welfare to being happy independent taxpayers and they are tremendously proud and very very grateful to CCSF.”

(Monica Collins, Email, September 22, 2019 [I-COLLINS3-4])

“If this land is to be developed, plans should at least include parking for CCSF students.”

(Marria Ebuoma, Email, September 19, 2019 [I-EVBUOMA-1])

“Also, the land was supposed to have been the site for the Performing Arts Education Center. My son just started Kindergarten at Creative Arts Charter School in the Western Addition.”

(Marria Eobuoma, Email, September 19, 2019 [I-EVBUOMA-2])

“A lot of money will be made by for-profit corporation and banks, but I am deeply concerned about the negative effects on CCSF, a gem of a school that serves the community. CCSF students tend to be working class, low income, people of color and stressed between balancing school work, jobs and family life. Many need to drive to school. We must protect their parking.”

(Allan Fisher, Email, September 12, 2019 [I-FISHER-2])

“But this massive project will not be beneficial to the students who will not be able to afford these housing units. Instead they will suffer from reduced and more expensive parking and increased road congestion.”

(Allan Fisher, Email, September 12, 2019 [I-FISHER-4])

“To propose this project without a guarantee of more efficient mass-transit possibilities, and without compensation to CCSF is unconscionable.”

(Allan Fisher, Email, September 12, 2019 [I-FISHER-5])

“As a long-time San Francisco resident and voter, I am appalled that the environmental report on the plan to do away with the parking for students on the Reservoir at CCSF did NOT consider the impact it would have on the college, the students, and the neighborhood.”

(Andrew Fraknoi, Email, September 21, 2019 [I-FRAKNOI-1])

“City College, where I have taken classes, is a jewel in the crown of San Francisco, a vital community resource used by people of all economic and racial groups. It is wrong (and sneaky) to ignore its needs when planning to take away one of its key parking resources.

The planning for this project must take those issues into consideration. Not everyone has the luxury of being on a MUNI line to get to the college or the luxury of a schedule that allows waiting for a MUNI line.”

(Andrew Fraknoi, Email, September 21, 2019 [I-FRAKNOI-2])

“My name is Laura Frey, Westwood Park. Thanks for your patience with all these people. Three main concerns. My first concern, like a lot of people, is City College. I don’t think the impact on City College has been really addressed in this. And I want to remind the Planning Department that the timing of the development, the process began at the same time that the accreditation crisis began. So, City College, like Chris alluded to, was out of the loop and never really caught up.”

(Laura Frey, CPC Hearing, September 12, 2019 [I-FREY1-1])

“First is City College. This is public land. I have heard from City College people, as well as long-time SF residents that the reservoir area had been set aside for City College use, if it were to be developed. This draft EIR does not sufficiently examine the long-term impact of this project on City College. Also the timing of the development should be remembered. The process for this proposed development began at the same time as City College’s accreditation crisis began--this probably kept City College from having the time and resources to properly consider the impact of this development on its future at the very beginning... and it has probably been “behind” ever since.”

(Laura Frey, Email, September 22, 2019 [I-FREY2-1])

“2) Do you believe that the loss of parking, both during the construction of the new development as well as once the new, smaller parking lot is built will have an impact on enrollment and retention of students at city college?”

(Wilson Oswaldo Gomez, Email, August 28, 2019 [I-GOMEZ-2])

“The proposed housing would cost City College over a thousand parking spaces, thus denying access to education to thousands of CCSF students who cannot attend classes unless they drive. The typical CCSF student is a part-time student, meaning that s/he needs to drive in order to be able to juggle a job (or two jobs), family responsibilities and classes. Therefore eliminating parking spaces seriously limits access to education. City College is still recovering from the massive loss of students caused by the accreditation crisis; we simply cannot afford to lose more students.”

(Daniel T. Halford, Email, September 9, 2019 [I-HALFORD1-1])

“In 2001 and again in 2005 San Francisco voters approved bond measures to build the Performing Arts Education Center (PAEC), which was already shovel ready in fall 2013, when the state-appointed special trustee Robert Agrella put it on hold. The college has already invested \$30 million toward its construction, including the basement (which the PAEC shares with the Multi-Use Building), which is already finished. The latest revision of the PAEC construction plan has extensively downsized the education portion of the PAEC because it would remove too many parking spots! Sufficient parking is so crucial that it is actually endangering the award-winning design of a long-needed building. City College is the only community college in California without

a required auditorium. It also does not have the required facilities for students majoring in music. This is a disgrace in a city that is world-famous for performing arts.”

(Daniel T. Halford, Email, September 9, 2019 [I-HALFORD1-2])

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(Daniel T. Halford, Email, September 16, 2019 [I-HALFORD2-2])

“We all know that our city needs more affordable housing, but affordable for whom? The private developers define *affordable* as \$139,000 a year, single income! But building market-rate luxury housing on land that City College clearly needs, a need affirmed by the voters three times already, is more than immoral. It’s just crazy.”

(Daniel Halford, Email, September 16, 2019 [I-HALFORD2-3])

“2. Accompanying this is a SEIR document that does not address the potential impacts of the development on education or access to education.”

(Edward Simon Hanson, PhD, Email, September 23, 2019 [I-E.HANSON-3])

“4. Currently the site is the location of a motorcycle safety-training course, which is not mentioned in the SEIR. This is a direct educational use of the site, taking place right now, which would be displaced by the development.”

(Edward Simon Hanson, PhD, Email, September 23, 2019 [I-E.HANSON-6])

“5. Parking while not a mitigatable factor under CEQUA, is connected to historical use and the viability of the educational institutions that surround the site. If the impact of the development on parking has the potential to disrupt businesses surrounding the site causing them to close or significantly alters their future potential, than that impact needs to be documented in this report.

The current report minimizes the impact report on enrollment consequences inherent in the removal of access to education. Nobody wants to argue for parking but in reality due to the unique student population and constraints of the urban environment ease of parking is related to enrollment dynamics and this factor should be taken into account in the projects impact on the surrounding institutions. Comparisons to other equivalent educational institutions should be analyzed."

(Edward Simon Hanson, PhD, Email, September 23, 2019 [I-E.HANSON-7])

"Parking is already virtually impossible with the two existing parking lots for the college. If you were to take away the reservoir parking option this would further strain and impact students, the outlying community and other institutions in the area."

(Michell Houwer, Email, September 12, 2019 [I-HOUWER-3])

"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 schedule 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.

(Alvin Ja, Email, August 8, 2019 [I-JA2-1])

Transportation Demand Management As Mitigation

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.

(Alvin Ja, Email, August 8, 2019 [I-JA2-3])

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."

(Alvin Ja, Email, August 8, 2019 [I-JA2-2])

"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 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."

(Alvin Ja, Email, August 13, 2019 [I-JA3-1])

"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."

(Alvin Ja, Email, August 13, 2019 [I-JA3-2])

“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 an 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.”

(Alvin Ja, Email, August 13, 2019 [I-JA3-3])

“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."

(Alvin Ja, Email, August 26, 2019 [I-JA4-2])

"The DRAFT SEIR for the Balboa Reservoir Project is inadequate because it fails to consider the impacts of the project on the public service of CCSF

The Reservoir Project will have an adverse impact on higher public educational services offered by City College of San Francisco, a unique and treasured institution by all of San Francisco.

According to a CCSF Ocean Campus Survey of CCSF 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."

(Wynd Kaufmyn, Email, September 22, 2019 [I-KAUFMYN2-1])

"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 CCSF.

The impact on gig-working part-time Instructors who have to travel between multiple community college sites must also be considered as it will likely affect these workers' access to employment."

(Wynd Kaufmyn, Email, September 22, 2019 [I-KAUFMYN2-2])

"The DSEIR irresponsibly avoids assessing the possibility that students/contingent faculty will likely not be able to continue attending/working at CCSF.

Why is there no recommendation in the DSEIR to enhance public transit infrastructure?

The DRAFT SEIR notes that CCSF 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 CCSF. There is no evidence that TDM would resolve the effects of lost student parking on student access to higher education.”

(Wynd Kaufmyn, Email, September 22, 2019 [I-KAUFMAN2-4])

“Although New Public Resources Code Section 21099 exempts parking adequacy as a CEQA impact, it does not exempt the secondary impact on CCSF’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 CCSF.”

(Wynd Kaufmyn, Email, September 22, 2019 [I-KAUFMAN2-5])

“As a San Francisco resident since December 20, 1955, a 15-year member of the Board of Supervisors, and a 12-year State Senator representing the area in which the City College of San Francisco campus is located, a commencement speaker at City College, a lecturer in various City College classes since 1985, and public user of City College facilities, including its wellness center, the proposed EIR minimizes the effect of a horrendous private development of the Balboa Reservoir acreage. I am informed of a proposed construction of 1,100 residential units and a different plan for 1,550 residential units by the City and County of San Francisco, with heights from 25 feet to 88 feet. The affect upon City College will be enormous in terms of parking loss, and the EIR is limited to just the reservoir acreage.”

(Quentin Kopp, Email, September 23, 2019 [I-KOPP-2])

“I do not believe that the EIR takes into account the death that will happen to City College. City College needs different types of things. Some of them may be buildings. Some of them may be parking. Some of them may be an on ramp to the freeway. It needs a lot of different things. To not leads to the college animus.”

(Ken Kowalski, Member, Westwood Park Homeowners Association, CPC Hearing, September 12, 2019 [I-KOWALSKI-2])

“The Draft SEIR fails to address the fact that the Reservoir project will have a negative impact on public services, specifically City College of SF, which needs to re-grow enrollment. The proposed AvalonBay project will do this by reducing student access to education by eliminating over 1000 parking places on the lower reservoir, while hundreds of other parking places on the upper reservoir will be lost to new buildings. The DSEIR provides NO concrete plans for improving

public transportation. The 43 and 29 buses and BART all have serious capacity issues already, but no concrete proposals are made to increase capacity. In this context, reducing transportation demand by 15% will only limit student and faculty/staff access and shrink City College.”

(Vicki Legion, Email, September 22, 2019 [I-LEGION-3])

“What I had wanted to say was that I’m deeply disappointed in the Draft EIR. I feel it is tragic that it fails to consider City College of San Francisco and its viability, health and importance to the community as a critical and important element in any plans for development of the Balboa Reservoir.”

(Sally Magnuson, Email, September 22, 2019 [I-MAGNUSON-1])

“CCSF has had use of this public PUC land for many decades and it is necessary for the students of CCSF in order for them to be able to access this life changing education that CCSF offers. Students attending CCSF need easy comfortable access to their classes and if the Balboa Reservoir is sold off for private development it will kill CCSF as we know it.

As a low income working mom I needed to use the Balboa Reservoir all the time to be able to get to my child development classes. I could not take my kids to school on the bus and then bus to CCSF and arrive on time and then get to work. It would have been an impossible. I would have had to drop out of school and not pursue the career in education that I dreamt of.

Please let CCSF do the job it does best which is offering rich and valuable educations to the people of San Francisco. Let’s take care of this precious College and not threaten it all the time with greed based land grabs just because it’s happening ALL over the city. This is a place for future generations also ... Future generations that if they can have access to the education will be the ones able to envision and help create the changes humanity needs. Our future educators, social workers, artists, musicians, political representatives, gardeners chefs, nurses, doctors, scientists, ambassadors and parents will be able to come from this place, if we keep it safe and accessible.

Please don’t let these public lands be stolen from this community college that desperately t needs it. If CCSF were a Public Hospital would we consider selling off access to the hospital ... regarding it as frivolous and inconsequential and then provide no parking and thus no easy way to even BE at the hospital? Would we instead ask patients find their own way there on an erratic and congested public transit system?

CCSF offers a lifeline to at least 70,000 people per semester. It is a critical San Francisco resource and is part of the fabric of the city and it needs to be deeply considered FIRST in any type of “land grab” proposal that comes before you.”

(Sally Magnuson, Email, September 23, 2019 [I-MAGNUSON-2])

“Your SDEIR does not consider what would be the impact of this massive project on the Native American students, the Pacific Islander students, the Latina and Latino students, the Black students, the Asian students, and the disabled students of City College of San Francisco. All of these students desperately need the education that City College offers.

The SDEIR needs to consider what would be the impact of this project on the students of color, the working class students, and the disabled students of City College who need a place to park while they snatch a class among their many work and family obligations. **What will happen to them if they lose access to a parking lot that they need?”**

(Tomasita Medal, Email, September 23, 2019 [I-MEDAL-1])

“Not having parking would make attending classes for working class students who have family and work obligations impossible.”

(Tomasita Medal, Email, September 23, 2019 [I-MEDAL-3])

“Also, since over 1,000 units of affordable student parking (available via PUC leases to CCSF since 1958) will be lost under the proposed development, doesn't it become inappropriate that in order for a commuter school like City College to survive, it must ask San Francisco taxpayers to fund parking structures on the college land. This land is already the site of one of the most densely populated campuses in the State when comparing the number of students per acre (and many of these CCSF acres are vertical)?

The State Chancellor's office for Community Colleges will not fund parking structures. The cost must be borne by local residents. So in order to maintain a Community College that adult learners in San Francisco wish and need, citizens will need to pay hundreds of millions of dollars via bond measures for parking structures!

In effect the PUC is being asked to transfer public land to private profit makers while at the same time charging the public millions of dollars to do so if they wish to maintain their college -----that truly does not make sense (!)”

(Madeline Mueller, Email, September 23, 2019 [I-MUELLER1-5])

“Hi. Sorry, I'm a little nervous. This is my first time at any of these meetings and watching other people speak, it's incredibly inspiring -- sorry. My name is Jess Nguyen and I have been a student since January 2018 and a proud recipient of free City. I'm incredibly grateful for the opportunity to change my life and my career. And now, you help protect the access for future students.

I would like to echo the student disability advocate, Brad, for his statements on the already lack of available parking for disabled students. The parking lot is not just parking it's a representation of students, students carpool. They work two or three jobs just to go to school. Free city is their only

option to go and actually get to the next level. They can't afford to even live -- I would -- I've heard the pictures shown in the developer's plan, of the land in question, showing the CCSF parking lot as being under-utilized. The photo was said to be taken on a Sunday. I don't know about you, but we don't offer many Sunday classes at our school or on Ocean campus. The library isn't even open. I don't think it's a fair representation of the current service this public land provides.

Nearby, Riordan uses the parking lot during the school year for band practice. The upper CCSF lot is filled by 10:00 a.m. and the Balboa Reserved Public Land has been essential for students.

Students have been posting videos on Twitter of the Balboa Reservoir being occupied by students, at [ccsfstudentsays/#ccsfbottomlaw](#) and [ccsfcsaid](#).

Students are going to experience the pain and it's going to affect the success of the community. Neighborhoods are flooded with cars. And if students are rushing to find parking in residential, surrounding areas, then you're going to increase the risk of pedestrian fatalities.

SF is known as a premier city. During the transit week, associate students surveyed students on their MUNI commute to school. One tweeted result showed that a large number of students take over an hour to get to school on MUNI. Students commute over an hour just to come here to learn. And it's not a surprise that veteran students come in droves to San Francisco. The education and higher rate of reimbursement encourages them to come all the way from Hollister, Joshua Tree, Stockton and Sacramento just to go. Where will students go?

Pushing the responsibilities -- pushing the burden on neighbors seems irresponsible.

Is this the absolute best use of the land? The school isn't perfect. It had seven to eight chancellors in the last decade. I question its management of money and how the CCSF Transportation Report represented students.

I've sat on the land. I've organized. I've advocated and I've talked to students for hours at a time. Seventy percent of the CCSF teaching staff are now part-timers. Their salaries won't even cover affordable housing that Avalon claims to build."

(Jess Nguyen, CPC Hearing, September 12, 2019 [I-NGUYEN-1])

"This is a school that has been a part of the life of the City for generations. It's trained people for essential jobs and public services, provided enrichment to countless people through lifelong learning. And to not consider it, consider the impact seems to me a serious flaw that should be reexamined."

(Marcie Rhine, CPC Hearing, September 12, 2019 [I-RHINE-2])

"Hi. My name's Sophie Sapphire. I was born and raised in San Francisco and I've been a City College of San Francisco student since 2012.

I recently moved near campus, so I can walk to school. But for seven years I had to drive, and that was living in the City. I lived in the outer Richmond. And to take a bus from there to City College takes an hour and a half. That's the time it takes for me to walk out of my house until I'm in my classroom. And that was what it was like for me.

So, like Vicky said, over 40 percent of students who go to City College commute.

And for those seven years that I drove to school, I always had to drive straight down to the lower lot, the language -- or, excuse me, the location that is in question, because the upper lot is always full. And as the years have progressed, this has only continued to get more and more severe. There is no access to parking on campus and, frankly, it's a necessity for many of these students who do work part and fulltime jobs, like myself, to be able to attend school."

(Sophie Sapphire, CPC Hearing, September 12, 2019 [I-SAPPHIRE-1])

"1. Transportation

The DRAFT SEIR 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 Draft SEIR 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 stop attending CCSF. The report must consider the true impact on student attendance and enrollment and also on gig-working part-time instructors who have to travel between multiple community college sites."

(Leslie Simon, Email, September 17, 2019 [I-SIMON-3])

"The DRAFT SEIR claims that CCSF TDM/Sustainability Plan has a performance objective to reduce automobile trips, with which the removal of parking at the project site would not conflict. But just because it doesn't conflict with the TDM/Sustainability Plan doesn't mean there is no impact on the public service of CCSF. The current use of the Reservoir serves a public benefit in providing physical access to education."

(Leslie Simon, Email, September 17, 2019 [I-SIMON-4])

"Although New Public Resources Code Section 21099 exempts parking adequacy as a CEQA impact, it does not exempt the secondary impact of adequate parking on CCSF's public educational service. 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 DRAFT SEIR 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.”

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.” (February 12, 2019)

(Leslie Simon, Email, September 17, 2019 [I-SIMON-7])

“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 Balboa Reservoir Project will bring in 2,200 adult residents and will supplant all 1,007 spaces from the Lower Lot decreasing capacity parking for City College students by 50%. This will further erode enrollment at the College. The Balboa Reservoir Project will succeed in permanently shrinking City College, a deeply adverse impact on the College.”

(Leslie Simon, Email, September 17, 2019 [I-SIMON-8])

“FYI the proposed public parking by the Balboa Reservoir Project will be too expensive (estimated cost is \$12-\$20/day while students now pay \$3/day or \$40/semester) for City College students. Instead it will serve BART commuters with high paying jobs.”

(Leslie Simon, Email, September 17, 2019 [I-SIMON-9])

“The proposed Reservoir development has forced City College to include in its Facilities Master Plan two to three new parking structures to make up for the loss of existing parking in the PUC Reservoir. This secondary impact must be addressed.

To alleviate this impact consider these proposals:

--establish a shuttle to BART from Frida Kahlo Way and offer free public transportation for college students (won for K-12 students in 2013);

--increase service on the lines serving the Reservoir area: K, 29, 43, 54, 15, and 8 Bayshore, and 49.

Only then can students with multiple responsibilities consider public transit as a means of getting to and from jobs and children’s schools. Only then can they give up parking in the Balboa Reservoir allowing 100% affordable housing to be built on public land, leaving green space and enough parking for those students for whom even improved public transit will not alleviate their need to drive to school.”

“The Balboa Reservoir Project is forcing City College to include new parking garages in its Facilities Master Plan (FMP). But where will the funding for the ambitious FMP come from? One of the proposed sources is a nearly billion-dollar bond measure not even on the ballot yet, let alone approved by the voters. Why force this added burden on one of the most treasured of San Francisco’s institutions when it is struggling to regain its health?

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.

When the Performing Arts and Education Center (approved by voters in bond measures in 2001 and 2005) is built on the Upper Reservoir, aka Upper Lot, at least 200 spaces will be lost, boosting usage to 80% of available space. When the 25% drop in enrollment is restored, then approximately 400 more parking spaces will be needed **pushing the combined lot’s usage back to about 100% capacity.”**

(Leslie Simon, Email, September 17, 2019 [I-SIMON-10])

“* The DRAFT SEIR must consider the impacts on the public service of City College of San Francisco educational services. The elimination of over 1,000 student parking spaces by the Reservoir development will limit students’ access to CCSF-- a commuter school.”

(Eve Tarquino, Email, September 12, 2019 [I-TARQUINO-4])

“I thank you for your invitation. My name is Etta Tima. I’m a resident for 48 years and at times old age helps to understand something. I live on Plymouth Avenue. I view the parking lot every morning. It is full. And it is necessary. And it should remain because during Ed Lee’s time, he said he wanted to put another 100,000 people into the County of San Francisco.

Now, I’m asking you, where should they find education? If you reduce the parking space, this at this moment presents 4 percent of the student body. That is not very much.”

(Etta Tima, CPC Hearing, September 12, 2019 [I-TIMA-1])

“Plenty of students have no choice but to get to school by car and my peers who drive are already having a hard time finding parking on busy days.”

(Hold Sall Vesselenyi, Email, September 23, 2019 [I-VESSELENYI-2])

“Hi. My name is Vicky. I am a student at City College. And I’m here because -- I’m here to represent a lot of those who couldn’t come with me. If you can imagine the 20,000 students who will be impacted by this, who are currently enrolled at City College. Twenty thousand students, yeah.

We already, as is, are a commuter school. We know that when we did a survey in 2016, it showed that over 45 percent of the students have to commute to the college. Right. And so, we already -- we're serving a population where more than 80 percent are either employed or looking for paid jobs. So, they're part-time students. Or, really, they're actually maybe taking a full course load and just working part-time.

And we know of that, there's 26 percent who work 26 plus hours. That's a survey we did in 2019.

So, if we're thinking about the population that we serve at City College, how they live in the intersections of being marginalized, having disabilities, being of color, being trans, they're probably the ones who are working these jobs.

So, if you're taking away access, physical access to education, where they have to transport themselves to the college, we're probably not going to have the same level of enrollment. These students won't have access to educations. Is that something we're ready to take away from people? From a population that's already marginalized?"

(Vicky, CPC Hearing, September 12, 2019 [I-VICKY-1])

"Additionally, I am concerned about how the project might impact students at City College. I frequently see cars parked in the reservoir because the main parking lot is full. City College serves a huge number of students who are juggling full or part-time jobs and do not have the ability to depend on MUNI (which is notoriously unreliable) to get to campus. If all of this parking is removed, I fear that we will be limiting the types of students that we are trying to serve in our community. There is nothing more American than people putting in extra effort and working hard to better their situation in life, and I feel that this seemingly "minor" loss of parking could result in a significant negative impact on these individuals."

(Andy Weyer, Email, September 20, 2019 [I-WEYER-3])

"Please remember the current and future needs of City College students and faculty and the needs of the current residents of the neighborhood in regard to this plan for housing. Don't allow crisis thinking regarding the obvious need for affordable housing to push ahead with this ill-conceived plan that will have harmful consequences long into the future."

(Debra Wilensky, Email, September 23, 2019 [I-WILENSKY-4])

"The DRAFT SEIR is inadequate because it fails to consider the impact of monetary costs incurred to CCSF"

The proposed Reservoir development has already cost the college money due to the major redesign of the original PAEC (Performing Arts Education Center)."

(Jennifer Worley, President, AFT 2121, Email, September 23, 2019 [I-WORLEY-6])

“The DRAFT SEIR is inadequate because it fails to consider secondary environmental impacts

The significant secondary environmental impacts of potential new CCSF parking construction replacing spaces eliminated by the project must be addressed.”

(Jennifer Worley, Email, September 23, 2019 [I-WORLEY-7])

“The students at San Francisco City College need that parking. There’s no plans for parking for them. These are working class students who work at jobs. Where are they going to go? They’re going to be driven out of City College because they won’t have parking. They have to go to their jobs. They won’t be able to. They’ll go to other colleges. That’s part of the privatization and the destruction of City College, which is being pushed, really, by the developers and the mayor of San Francisco. And if the supervisors approve that, they’re part of this actual development process.”

(Steve Zeltzer, CPC Hearing, September 12, 2019 [I-ZELTZER-4])

Response PS-2: Public Services and Secondary Impacts

The comments assert that secondary impacts of the proposed project on City College [and](#), impacts on students, college enrollment, and [the](#) neighborhood were not addressed. Comments also disagree with the exemption from parking analysis allowed under CEQA section 21099, and state that the secondary impacts of a potential new City College parking construction replacing the spaces eliminated by the project must be addressed. Other comments disagree that because the project does not conflict with the City College TDM/Sustainability Plan does not mean the project would have no impact on the public service of City College.

Other commenters state that the project would result in shifting car usage to other schools where parking is easier, or causing students to drop out; and motorcycle safety training would be displaced by the project.

Comments regarding traffic congestion are addressed in Response TR-8, Vehicle Traffic Congestion, on RTC p. **Error! Bookmark not defined..** Concerning the SEIR cover photo, please see Response CEQA-2, Existing Setting and Baseline, on RTC p. **Error! Bookmark not defined..** Regarding a BART shuttle, see Response GC-4, Scope of Project, on RTC p. **Error! Bookmark not defined..**

The response to the public services and secondary impacts analysis comments is organized by the following topics:

- Loss of Parking
- CEQA Section 21099

Commented [PJ(6)]: Where appropriate in this response, reference RTC Section 5, DSEIR Revisions, where we discuss new City College assumptions/updates to DSEIR Section 3.A.6, Approach to Cumulative Impact Analysis

- City College Awareness of the Proposed Project
- City College Not Analyzed in Balboa Park Area Plan EIR
- Scope of Utilities and Service Systems and Public Services Analysis
- Other Issues Raised

Loss of Parking

The commenters do not present evidence supporting their claim that the secondary public services impact analysis is insufficient due to the project removal of parking that is currently used by City College.

Many comments state that the project would result in the loss of access to education due to the removal of parking. Concerning the Another comment states that the loss of on-site parking "has the potential to disrupt businesses surrounding the site causing them to close or significantly alters their future potential," were such an outcome to occur, the effect would be an economic one. Social and economic impacts, such as potential impacts on City College enrollment and disruption to businesses, need not be evaluated under CEQA. CEQA Guidelines sections 15064(e) and 15131 state economic and social effects are not considered significant impact under CEQA and need not be analyzed unless they could result in adverse physical effects on the environment. The commenters have provided no such evidence that such adverse physical effects could occur. The decision-makers, including the planning commission and the board of supervisors, may choose to consider such additional issues as part of their deliberations on the merits of the proposed project.

CEQA requires public agencies to identify all potential direct or indirect effects on the environment that could result from a project. Direct effects are effects that are caused by a project and occur in the same time and place. An indirect or secondary environmental effect is a change in the physical environment that is caused by the project but occurs later in time or further away from the project site and is still reasonably foreseeable. The focus of CEQA is to address whether and how a proposed project's physical changes to the environment could result in adverse physical impacts on the environment, such as impacts of a project on air quality, water quality, or wildlife habitat. CEQA Guidelines section 15360 defines "environment" for the purposes of CEQA as "the physical conditions which exist within the area which will be affected by the proposed project..." (emphasis added). The draft SEIR therefore appropriately analyzes potential direct physical effects on the environment, including the City College Ocean Campus under impacts in draft SEIR Section 3.B, Transportation and Circulation; Section 3.C, Noise; Section 3.D, Air Quality; and draft SEIR Appendix B, Section E.14, Public Services. Social and economic impacts, such as potential impacts on City College enrollment, need not be evaluated under CEQA.

Many comments state that the project would result in the loss of access to education due to the removal of parking. Social and economic impacts, such as potential impacts on City College enrollment, need not be evaluated under CEQA. However, it is not the purpose of CEQA to evaluate social issues such as the provision of or access to education or to analyze economic effects either on City College or its students or faculty. CEQA Guidelines sections 15064(e) and 15131 state economic and social effects are not considered significant impact under CEQA and need not be analyzed unless they could result in adverse physical effects on the environment. The commenters

~~have provided no such evidence that such adverse physical effects could occur. Comments concerning potential effects on City College, its ability to accommodate its students, and the ability of the students to receive educational services from City College are addressed herein only as they related to CEQA. The decision-makers, including the planning commission and the board of supervisors, may choose to consider such additional issues as part of their deliberations on the merits of the proposed project.~~

~~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. Because the wording of this question is somewhat awkward, the first part of the question is found at the end of the sentence:~~

- ~~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, or if it 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.”~~

The reason that this Appendix G question must be understood in this manner is that “Effects analyzed under CEQA must be related to a physical change” per CEQA Guidelines section 15358(b). This may include both direct and indirect effects; regardless, however, a CEQA impact must result from a physical change.

Accordingly, the reasoning with respect the potential effect of the removal of the surface parking lot on the project site as a parking ~~resource-use~~ for City College is as follows:

- ~~a) Would the loss of the existing use of the project site as for City College parking result in decreased access to City College for students, faculty, and/or staff or otherwise violate or breach conflict with one or more performance objectives established by City College?~~
- ~~b) If a) is yesse, would that require the need for new or physically altered City College facilities, such determine that there is a need to developas TDM or replacement parking?~~
- ~~c) If sob) 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, such as an increase in VMT, increased emissions of criteria pollutants and/or toxic air contaminants, increased noise, or other impacts, such that an applicable CEQA significance criterion would be exceeded?~~

Only if questions (a), (b), and (c) were all answered in the affirmative would a significant impact result under CEQA.

As shown in draft SEIR and reiterated and expanded below, the answer to question a) is no. Even if the answer to question a) and b) is yes, the answer to question c is no as explained below.

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. Commenters state that this is not sufficient evidence for the conclusion that the proposed project would have not significant effects on City College as a result of the removal of the project site's surface parking lot. However, this is not the sole basis of the draft SEIR's conclusion, as is described above in the detailed explanation of the logic behind the draft SEIR's analysis of public services impacts related to City College. Additionally, 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.

Indirect or secondary effects due to the loss of parking and this performance objective are analyzed on draft SEIR Appendix B, p. B-90. The analysis concludes that under the Developer's Proposed Option, the up to 750 ~~public parking spaces~~ ~~parking garage~~ could accommodate a hypothetical typical four-hour parking shortfall of 37 to 239 parking spaces during the period that City College classes are in session. This shortfall is based on a parking occupancy data survey conducted in 2017 and 2018. Thus, this hypothetical shortfall would not be expected to occur during the other 20 hours of the day or during periods that City College classes are not in session.

Under the Additional Housing Option with no public parking garage, the initial study concludes that (1) the additional time needed for drivers to find alternative spots or circling for parking would not result in significant secondary effects, and (2) it would be speculative to conclude the loss of parking would lead to substantial adverse impacts related to the construction of new or physical altered facilities at City College. Thus, the project would not result in significant impacts to the studied performance objective.

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. The study cited in footnote 131 on draft SEIR Appendix B, p. B-90, is included in the project's administrative record: City and County of San Francisco, *Transportation Demand Management Technical Justification*, June 2016, 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 (see p. 31). Additionally, this 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. Also refer to Response TR-7, Parking, on RTC p. **Error! Bookmark not defined.**

As further described under Impact C-PS-1 in draft SEIR Appendix B, the cumulative analysis assumes the proposed project and City College Facilities Master Plan, including the construction of

Commented [JP7]: Refer here to new project description text from the sponsor (which should be added in RTC Chapter 2): The proposed up to 750 public parking spaces could be provided in a garage that would be located under Blocks A and B, in an above garage in Block G under Variant 2, or in dedicated public parking areas within several of the residential garages, all of which would be separate from the residential parking.

a Performance Arts Education Center which would replace a portion of the City College parking on the east basin, and an east basin parking structure. The additional parking space shortfall from the facilities master plan should the east basin parking structure be developed. Additionally, according to Fehr & Peers City College of San Francisco Transportation Demand Management (TDM) and Parking Plan, the Performance Arts Education Center “performances would likely occur the evening hours, when parking is much more readily available.”⁸ The draft 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 draft SEIR Appendix B, pp. B-85 to B-91. Although unrelated to the public services analysis, refer to RTC Chapter 5, Draft SEIR Revisions, on RTC p. Error! Bookmark not defined., which updates the status of the potential City College east basin parking garage project.

Commented [PJ8]: Not a complete sentence.

Questions b and c): Because a significant effect on the environment can only result from a physical change relative to existing conditions. Thus, it is evident that 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.

Commented [JP9]: Update this to be consistent with RTC Section 5.C that includes a text change for DSEIR Section 3.A.6 (PAEC now a Diego Rivera Theater, a smaller STEAM building, and no parking garage).

The draft SEIR considers City College replacement parking on the east basin in its cumulative analysis (see discussion of City College Facilities Master Plan on draft SEIR pp. 3.A-10 to 3.A-14). As described in draft SEIR Section 3.A, Transportation and Circulation, cumulative transit delay and passenger/freight loading effects would be significant and unavoidable (Impacts C-TR-4 and C-TR-6b, respectively). Likewise, cumulative effects related to regional air quality would also be significant and unavoidable with mitigation (Impact C-AQ-1 in draft SEIR Section 3.D, Air Quality). With respect to construction impacts, as identified in draft SEIR Sections 3.C, Noise, and 3.D, Air Quality, cumulative construction noise impacts, including development of City College parking on the east basin, would be significant and unavoidable with mitigation with respect to noise (Impact C-NO-1) and air quality (health risk; Impact C-AQ-2).

Should Further, if replacement parking for City College or the proposed project does not be constructed, additional parking for City College users, however, there would be no effect of that construction or operation and, while this lack of additional parking would not result in direct or indirect physical environmental impacts not already described above or the proposed project would still have the impacts and contribute to the cumulative impacts set forth above, there would be no physical effect related to parking for City College explained earlier as it relates to the Appendix G public services question.

Based on the foregoing, the loss of the project site as a surface parking lot for City College would have no significant effect under CEQA that was not already analyzed in the draft SEIR.

Moreover, 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

⁸ Fehr & Peers, City College of San Francisco Transportation Demand Management (TDM) and Parking Plan, March 15, 2019; page 33. Available at: http://ab900balboa.com/EIR/References/2019-0315_fehr%20peers_CCSF%20TDM%20Plan_2019-03-15_FP.pdf. Reviewed February 26, 2020.

project site would not conflict. Commenters state that this is not sufficient evidence for the conclusion that the proposed project would have not significant effects on City College as a result of the removal of the project site's surface parking lot. However, this is not the sole basis of the draft SEIR's conclusion, as is stated above in the detailed explanation of the logic behind the draft SEIR's analysis of public services impacts related to City College. Additionally, 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 demand.

Indirect or secondary effects due to the loss of parking and this performance objective are analyzed on draft SEIR Appendix B, p. B-90. The analysis concludes that under the Developer's Proposed Option, the up to 750-space parking garage could accommodate a hypothetical typical four-hour parking shortfall of 37 to 239 parking spaces during the period that City College classes are in session. This shortfall is based on a parking occupancy data survey conducted in 2017 and 2018. Thus, this hypothetical shortfall would not be expected to occur during the other 20 hours of the day or during periods that City College classes are not in session.

Under the Additional Housing Option with no public parking garage, the initial study concludes that (1) the additional time needed for drivers to find alternative spots or circling for parking would not result in significant secondary effects, and (2) it would be speculative to conclude the loss of parking would lead to substantial adverse impacts related to the construction of new or physical altered facilities at City College. Thus, the project would not result in significant impacts to the studied performance objective.

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. The study cited in footnote 131 on draft SEIR Appendix B, p. B-90, is included in the project's administrative record: City and County of San Francisco, *Transportation Demand Management Technical Justification*, June 2016, 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 (see p. 31). Additionally, this 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. Also refer to Response TR-7, Parking, on RTC p. **Error! Bookmark not defined.** 4.C-53.

As further described under Impact C PS 1 in draft SEIR Appendix B, the cumulative analysis assumes the proposed project and City College Facilities Master Plan, including the construction of a Performance Arts Education Center which would replace a portion of the City College parking on the east basin, and an east basin parking structure. The additional parking space shortfall from the facilities master plan should the east basin parking structure be developed. Additionally, according to Fehr & Peers City College of San Francisco Transportation Demand Management (TDM) and Parking Plan, the Performance Arts Education Center "performances would likely occur the evening

hours, when parking is much more readily available.”⁹ The draft 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 draft SEIR Appendix B, pp. B-85 to B-91. Although unrelated to the public services analysis, refer to RTC Chapter 5, Draft SEIR Revisions, on RTC p. ~~Error! Bookmark not defined.~~ 5 4, which updates the status of the potential City College east basin parking garage project.

~~Concerning the comment that the loss of on-site parking “has the potential to disrupt businesses surrounding the site causing them to close or significantly alters their future potential,” were such an outcome to occur, the effect would be an economic one.~~ As noted above, economic and social effects are not considered significant impact under CEQA and need not be analyzed unless they could result in adverse physical effects on the environment, such as physical blight that could result from relatively long term abandonment of existing uses (CEQA Guidelines sections 15064(e) and 15131). The commenter has provided no evidence that the removal of the project site from its use as a surface parking lot could result in closure and/or abandonment of retail or other uses in the project vicinity, including City College. Such a conclusion would be speculative.

Regarding the comment that the draft SEIR should compare City College to comparable educational institutions, there is no requirement in CEQA for such an analysis, particularly with respect to parking, which as explained on draft SEIR p. 3.A-3, is not a CEQA impact in the case of the proposed project.

Commented [w10]: Please relocate this to elsewhere

CEQA Section 21099

CEQA section 21099, Senate Bill (SB) 743 was signed by Governor Jerry Brown in 2013. SB 743 added section 21099 to CEQA regarding analysis of aesthetics and parking impacts for urban infill projects. As described in draft SEIR Section 3.A (p. 3.A-3), CEQA section 21099(d)(1) states that “... parking 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.” Thus, it is state legislation, and not a unilateral City decision, that has eliminated the consideration of parking as a CEQA impact for infill projects; the City has merely acted at the direction of CEQA section 21099. The same holds true for ~~the conversion of traffic analysis removal of automobile delay from a (aka vehicular level of service) analysis to and inclusion of vehicle miles traveled analysis~~, a change also made pursuant to section 21099(b).

The proposed project meets the three criteria under CEQA section 21099 because the project site is (1) located within 0.5 mile of several Municipal Railway (Muni) transit lines and the Balboa Park Bay Area Rapid Transit (BART) station; (2) located on an infill site that is developed as surface parking, and adjacent to residential and mixed uses; and (3) would include residential, retail, and community center and childcare uses meeting the definition of a mixed-use residential project. This determination and supporting analysis is documented in “San Francisco Planning Department Eligibility Checklist CEQA Section 21099—Modernization of Transportation Analysis for the Balboa Reservoir Project” (November 15, 2018), which is available for review at 1650 Mission Street,

⁹ Fehr & Peers, *City College of San Francisco Transportation Demand Management (TDM) and Parking Plan*, March 15, 2019, page 23. Available at: http://ab900balboa.com/EIR_References/2019-0315_fehr%20peers_CCSF%20TDM%20Plan_2019_03_15_FP.pdf.pdf. Reviewed February 26, 2020.

Suite 400, San Francisco, California as part of Case No. 2017-007883ENV. Therefore, CEQA section 21099 applies to the proposed project.

City College Awareness of the Proposed Project

Concerning the allegation that City College staff and/or administrators may not have had “the time and resources to properly consider the impact of this development” due to the college’s threatened loss of accreditation, this comment does not raise physical environmental issues. For informational purposes, planning department staff has engaged in extensive communications with City College staff, as explained in the Response CEQA-3, Administrative Record, on RTC p. **Error! Bookmark not defined.**

City College Not Analyzed in Balboa Park Area Plan EIR

Concerning the comment that it is not appropriate to compare public services impacts to those effects analyzed in the Balboa Park Area Plan PEIR in that City College was not analyzed in the PEIR, CEQA Guidelines section 15162 states that an impact previously analyzed in an EIR need not be re-evaluated in an EIR unless one of several factors arises. One of these factors is that the project could have one or more significant effects not discussed in the previous EIR. In as much 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.

Scope of Utilities and Service Systems and Public Services Analyses

One comment states that the merging of the Utilities and Public Service Systems and Public Services initial study checklist categories in the consultant’s scope of work is deficient. The analysis contained in the draft SEIR is prepared in accordance with the CEQA Guidelines. The scope of work referred to is required as part of the project initiation phase, in accordance with the planning department’s “Environmental Review Guidelines.” However, the scope of work is not a replacement for the initial study checklist.

Draft SEIR Appendix B evaluates impacts on utilities and service systems in Section E.13 (starting on p. B-57) and impacts on public services in Section E.14 (starting on p. B-80), including effects on City College (Section E.14) and fire protection (Section E.13), which is also mentioned by the commenter. The scope of the public services analysis is limited by definition to services that are publicly funded pursuant to CEQA Guidelines Appendix G. Archbishop Riordan and Lick Wilmerding are private high schools. Similarly, the motorcycle classes are not publicly funded¹⁰ and therefore not considered public services. Effects on these facilities and uses would be considered social and/or economic effects, which, as explained above in this response, are not considered significant effects on the environment.

¹⁰ The Motorcycle Safety Foundation is a not-for-profit organization sponsored by U.S. manufacturers and distributors of motorcycles. <https://www.msf-usa.org/AboutMSF.aspx>.

Other Issues Raised

One commenter states that the 43 and 29 Muni lines and BART all have existing “capacity issues” and that “reducing transportation demand by 15 percent will only limit student and faculty/access and shrink City College.”

As explained on draft SEIR p. 3.B-77, the City does not consider transit ridership ~~versus capacity, by itself, in CEQA analysis of transit impacts,~~ consistent with state guidance to not treat the addition of new users as an adverse impact and to reflect enactment of new funding sources for and policies that encourage additional ridership. Nevertheless, the draft SEIR provides, in Appendix C2, Transit Assessment Memorandum, a discussion of project ridership and capacity. As shown there, while BART ridership does exceed capacity in the peak hours to and from downtown, neither the 29 Sunset nor the 43 Masonic Muni lines approach Muni’s 85 percent capacity utilization threshold. ~~Another comment calls for the project to include a shuttle between the Balboa Park BART station and the project site/City College.~~

Regarding the comment concerning reducing transportation demand by 15 percent, it is assumed that this refers to the proposed project’s Transportation Demand Management (TDM) program. Reducing project-generated vehicle trips would ~~mostly affect only project residents, and would have no effect on City College.~~ If the comment is intended to refer to City College’s TDM program, implementation of that plan would be the responsibility of City College, ~~and the project would have no impact thereon.~~

Concerning the “Nelson-Nygaard TDM Framework,” this is a document prepared by Nelson\Nygaard Consulting, Inc., in coordination with the San Francisco Planning Department and the San Francisco Municipal Transportation Agency, and with funding from the San Francisco County Transportation Authority (SFCTA) and the Metropolitan Transportation Commission. It was published by SFCTA in December 2017. The TDM Framework “was designed to initiate collaboration between the City, City College of San Francisco (CCSF), and surrounding neighborhoods in the effort to encourage sustainable transportation choices in the area,” but is not a plan but rather “a supportive resource” to provide “a common foundation for TDM within the Balboa Reservoir, City College, and the surrounding neighborhoods.”¹¹ As noted, the proposed project would be required under the San Francisco Planning Code to develop and implement a project-specific TDM Plan applicable to the project itself. Please see Response TR-2, Travel Demand, on RTC p. ~~Error! Bookmark not defined.,~~ for additional information concerning TDM.

¹¹ San Francisco County Transportation Authority, Metropolitan Transportation Commission, San Francisco Municipal Transportation Agency, San Francisco Planning Department, Nelson\Nygaard Associates, Inc., *Balboa Area Transportation Demand Management (TDM) Framework*, Final Draft, December 2017. Available on the internet at: http://default.sfplanning.org/plans-and-programs/planning-for-the-city/public-sites/balboareservoir/BalboaPark_TDM_Final_121117.pdf. Accessed February 27, 2020.

Biological Resources

The comment and corresponding response in this section cover draft SEIR Appendix B topic E.15, Biological Resources:

- Comment BI-1: Biological Resources

Comment BI-1: Biological Resources

This response addresses comments from the commenter listed below; each comment on this topic is quoted in full below this list:

I-HALL-1

"I'm greatly disappointed to learn that the Balboa Reservoir Draft Supplemental Environmental Impact Report fails to take into consideration San Francisco's vanishing biodiversity.

Although the reservoir was meant to be a hard surface where plants shouldn't grow, over the years native coyote brush (*Baccharis pilularis*), yellow bush lupine (*Lupinus arboreus*) and various non-native shrubs have colonized the area. The result is a patchy habitat that has attracted a thriving flock of Coastal Nuttall's white-crowned sparrows. I saw breeding evidence this Spring. About 60 of the birds were counted. A local resident, Greg Gaar, assures me that they've been breeding there since, at least, the 1970s. The attraction is the native coyote brush, an amazing plant that offers cover for our local birds and sustenance for over 54 insect species (https://plants.usda.gov/plantguide/pdf/pg_bapi.pdf). Also present are house finch, red tail hawk, California scrub jay, Anna's hummingbird, West Coast lady butterfly, bumblebee, grasshopper and various lichens.

A recent World Wildlife fund study points out that the world has lost 52% of its biodiversity since the 1970s (<https://www.cbsnews.com/news/world-wildlifefund-wwf-half-the-worlds-biodiversity-gone-over-last-40-years/>). This means that, in San Francisco, where habitat for biodiversity is at a premium, we need to be careful where we tread. City and state officials agree, with each entity rolling out biodiversity resolutions that have the goal of protecting flora and fauna.

(<https://sfenvironment.org/policy/resolution-adopting-citywide-biodiversitygoals>)

(<http://opr.ca.gov/docs/20180907-CaliforniaBiodiversityActionPlan.pdf>)

I urge you to hire an ecologist and make plans to mitigate by building new local native habitat in the immediate proximity of your development so biodiversity can adapt to the stark changes you're proposing. Most of the creatures on this property are non-migratory and have nowhere else to go. Please include biodiversity mitigation in your report."

(Bob Hall, Email, August 21, 2019 [I-HALL-1])

Response BI-1: Biological Resources

The commenter requests that biodiversity mitigation be included in the draft SEIR.

Draft SEIR Appendix B, Section E.15, Biological Resources, evaluates project impacts on biological resources, including the potential for adverse effects on special-status species, sensitive natural communities, protected wetlands, and wildlife movement and nursery sites. The impact of the loss of vegetation on the site was not identified as an impact on candidate, sensitive, or special-status species because on-site habitat is not suitable for those species and none were identified on the project site based on a review of the California Natural Diversity or California Native Plant Society databases (see draft SEIR Appendix B, p. B-94). Therefore, mitigation is not required.

Impact BI-4 (draft SEIR Appendix B, p. B-95) discusses potential impacts on the movement of resident or migratory wildlife species and acknowledges that trees and vegetation within the project site may provide suitable habitat for migratory and resident birds. The analysis concludes that should removal of the trees and vegetation and construction-related activities occur during the nesting season, compliance with the requirements of the Migratory Bird Treaty Act and the California Fish and Game Code would ensure that impacts associated with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors would be less than significant; for this reason, no mitigation is proposed.

Geology and Soils

The comment and corresponding response in this section cover draft SEIR Appendix B topic E.16, Geology and Soils:

- Comment GE-1: Geology and Soils

Comment GE-1: Geology and Soils

This response addresses comments from the commenter listed below; each comment on this topic is quoted in full below this list:

I-TIMA-3

“If you are building 1,200 units on an earthquake fault, and I’m sure you know because I have expressed this before, the earthquake fault runs right through City College, and Riordan High School, and Wildwood.”

(Etta Tima, CPC Hearing, September 12, 2019 [I-TIMA-3])

Response GE-1

The comment states that an earthquake fault runs through City College, Riordan High School, and Wildwood Way in the Westwood Park neighborhood.

The comment does not specify which fault is in the project area. As stated under Impact GE-1 on initial study p. B-100 of the initial study (SEIR Appendix B), “[i]n a seismically active area, such as

the San Francisco Bay Area, the remote possibility exists for future faulting in areas where no faults previously existed; however, the geotechnical investigation concluded that the risk of surface faulting and consequent secondary failure from previously unknown faults is very low.” In addition, no known active earthquake faults or fault zones cross the project area, and the area is not within an Alquist-Priolo Fault Zone or a Seismic Hazards Zone. There is a well-established regulatory framework and permitting process in place, enforced through the building department’s site permit process and the San Francisco Building Code. The project sponsor would work with qualified geotechnical engineers on a design-level geotechnical report as part of the building permit process. The report would reflect the latest iteration of the proposed project, and geotechnical recommendations where necessary to comply with the building code. The building department staff would review the construction plans for conformance with the recommendations in the geotechnical report as part of the building permit review process. The project sponsor and the design team would be required to follow the geotechnical report recommendations as part of the building permit process.
