
CHAPTER 1

Introduction

1.A Purpose of This Responses to Comments Document

The purpose of this responses to comments (RTC) document is to present comments on the draft subsequent environmental impact report (draft SEIR) for the Balboa Reservoir Project (proposed project), to respond in writing to comments on environmental issues, and to revise the draft SEIR as necessary to provide additional clarity. Comments were made in written form during the public comment period from August 8, 2019, to September 23, 2019, and as oral testimony received before the San Francisco Planning Commission at the public hearing on the draft SEIR held on September 12, 2019. A complete transcript of proceedings from the public hearing on the draft SEIR and all written comments are included herein in their entirety. A complete list of commenters is provided in Chapter 3, Public Agencies, Organizations, and Individual Persons Commenting on the Draft SEIR. Note that some commenters re-submitted their comments on the Notice of Preparation (NOP); these comments are included in RTC Attachment 2, Comment Letters and Emails on the Draft SEIR.

Pursuant to the California Environmental Quality Act¹ (CEQA) Public Resource Code section 21091(d)(2)(A) and (B) and the CEQA Guidelines,² the San Francisco Planning Department (planning department) has considered the comments received on the draft SEIR, evaluated the issues raised, and provides written responses that fully address each substantive physical environmental issue that has been raised. CEQA Guidelines section 15088 requires the evaluation of all public comments received on the draft SEIR and the identification of comments that raise significant environmental issues requiring a good faith, reasoned analysis in the written response. As further stated in CEQA Guidelines section 15088(c), the level of detail in response may correspond to the level of detail provided in the comment. Where appropriate, this RTC document also includes SEIR text changes made in response to comments.

In accordance with CEQA, the responses to comments focus on clarifying the project description and addressing physical environmental issues associated with the proposed project. "Significant effects on the environment" means substantial, or potentially substantial, adverse changes in any of the physical conditions within the area affected by the project. Economic or social changes alone

¹ Public Resources Code sections 21000–21189 (the California Environmental Quality Act, or CEQA).

² *California Code of Regulations*, title 14, division 6, chapter 3, sections 15000–15387, Guidelines for Implementation of the California Environmental Quality Act (the CEQA Guidelines).

are not considered a significant effect on the environment.³ Therefore, this document focuses primarily on responding to comments that relate to physical environmental issues, in compliance with CEQA.⁴ However, for informational purposes, this RTC document also provides limited responses to general comments on the draft SEIR received during the public review period that were not related to physical environmental issues.

The comments do not identify any new significant environmental impacts, or substantial increases in the severity of previously identified environmental impacts, from those analyzed in the SEIR. Nor do the comments identify feasible project alternatives or mitigation measures that are considerably different from those analyzed in the SEIR that would clearly lessen the significant environmental impacts of the proposed project or project variant, but which the project sponsor has not agreed to study or implement.

The planning department is the Lead Agency under CEQA responsible for administering the environmental review of projects within the City and County of San Francisco. The draft SEIR and this RTC document together constitute the final SEIR for the proposed project, in fulfillment of CEQA requirements and consistent with CEQA Guidelines section 15132. The final SEIR has been prepared in compliance with CEQA, the CEQA Guidelines, and San Francisco Administrative Code chapter 31. This final SEIR is an informational document for use by (1) governmental agencies (such as the planning department) and the public to aid in the planning and decision-making process by disclosing the physical environmental effects of the project and identifying possible ways of reducing or avoiding the potentially significant impacts; and (2) the San Francisco Planning Commission, other commissions/departments, and the Board of Supervisors prior to their decision to approve, disapprove, or modify the project. If the San Francisco Planning Commission, Board of Supervisors, or other City entities approve the proposed project, they would be required to adopt CEQA findings and a mitigation monitoring and reporting program (MMRP or mitigation program) to ensure that mitigation measures identified in the final SEIR are implemented.

1.B Environmental Review Processes

Notice of Preparation of an EIR and Public Scoping

On October 10, 2018, the planning department published a Notice of Preparation (NOP) of an Environmental Impact Report and Notice of Public Scoping Meeting (draft SEIR Appendix A), announcing its intent to solicit public comments on the scope of the environmental analysis and to prepare and distribute an SEIR on the Balboa Reservoir Project. The planning department mailed the Notice of Availability of an NOP and Notice of Public Scoping Meeting to the State Clearinghouse and relevant state and regional agencies; occupants of adjacent properties; property owners within 300 feet of the project site; and other potentially interested parties, including neighborhood organizations and individuals who have requested such notice. A legal notice in the newspaper was also published on Wednesday October 10, 2018.

³ CEQA Guidelines section 15064 (e).

⁴ CEQA Guidelines sections 15382, 15064(c), and 15064 (d).

Publication of the NOP initiated a 30-day public review and comment period that ended on November 12, 2018. Pursuant to CEQA section 21083.9 and CEQA Guidelines section 15206, the planning department held a public scoping meeting on October 30, 2018, to receive input on the scope of the environmental review for this project.⁵ During the NOP review and comment period, a total of 84 comment letters and emails were submitted to the planning department and 16 speakers provided oral comments at the public scoping meeting. The comment letters received in response to the NOP and a copy of the transcript from the public scoping meeting are available for review at the planning department offices as part of Case File No. 2015-014028ENV.⁶ The planning department considered the comments made by the public in preparation of the draft SEIR for the proposed project.

Draft SEIR Public Review

The planning department prepared the Balboa Reservoir Project Draft SEIR in accordance with CEQA, the CEQA Guidelines, and San Francisco Administrative Code chapter 31. The draft SEIR was published on August 7, 2019. The draft SEIR identified a 45-day public comment period from Thursday August 8, 2019, through Monday September 23, 2019, to solicit public comment on the adequacy and accuracy of the information presented in the draft SEIR. Paper copies of the draft SEIR were made available for public review at the following locations: (1) San Francisco Planning Department, 1650 Mission Street, and Planning Information Counter, 1660 Mission Street, and (2) the San Francisco Main Library, 100 Larkin Street.⁷ The planning department also distributed notices of availability (NOAs) of the draft SEIR; published the NOA in a newspaper of general circulation in San Francisco (*San Francisco Examiner*); posted the NOA at the San Francisco County Clerk's office; and posted NOAs at multiple locations within and adjacent to the project site.

Comments on the draft SEIR were made in written form during the public comment period and as oral testimony received at the public hearing on the draft SEIR before the San Francisco Planning Commission on September 12, 2019. A court reporter was present at the public hearing to transcribe the oral comments verbatim and provide a written transcript.

Responses to Comments Document and Final SEIR

The comments received during the public review period are the subject of this RTC document, which addresses all substantive written and oral comments on the draft SEIR. Under CEQA Guidelines section 15201,⁸ members of the public may comment on any aspect of the project. Further, CEQA Guidelines section 15204(a) states that the focus of public review should be "on the sufficiency of the [Draft EIR] in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated." In addition, "when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is

⁵ The public scoping meeting was held at the Lick Wilmerding High School Cafeteria at 755 Ocean Avenue, San Francisco on Tuesday October 30, 2018, between 6 p.m. and 8 p.m. A transcript of the proceedings is available as part of Case No. 2018-007883.

⁶ The administrative record is also online at <http://www.ab900balboa.com>.

⁷ Electronic copies of the draft SEIR can be accessed online at <https://sfplanning.org/environmental-review-documents>.

⁸ CEQA section 21082.1(b).

made in the EIR.” CEQA Guidelines section 15088 specifies that the lead agency is required to respond to the comments raising significant environmental issues received during the public review period. Therefore, this RTC document is focused on the sufficiency and adequacy of the draft SEIR in disclosing the significance of the environmental impacts of the proposed project or project variant that were evaluated in the draft SEIR.

The planning department distributed this RTC document for review to the San Francisco Planning Commission as well as to the other public agencies and commissions, non-governmental organizations including neighborhood associations, and individuals who commented on the draft SEIR. The San Francisco Planning Commission will consider the adequacy of the final SEIR – consisting of the draft SEIR and the RTC document – in complying with the requirements of CEQA, the CEQA Guidelines, and San Francisco Administrative Code chapter 31. If the San Francisco Planning Commission finds that the final SEIR is adequate, accurate, and complete and complies with CEQA requirements, it will certify the final SEIR and will then consider the associated MMRP, and the requested approvals for the proposed project.

Consistent with CEQA Guidelines section 15097,⁹ the MMRP is designed to ensure implementation of the mitigation measures identified in the final EIR and adopted by decision-makers to mitigate or avoid the proposed project’s significant environmental effects. CEQA also requires the adoption of findings prior to approval of a project for which a certified EIR identifies significant environmental effects (CEQA sections 21002, 21002.1, and 21081 and CEQA Guidelines sections 15091 and 15092). The draft SEIR identifies six significant impacts that can be mitigated to less-than-significant levels with mitigation measures; these six impacts are related to:

- noise (project-level and cumulative operational noise from fixed mechanical equipment),
- air quality (consistency with the Clean Air Plan),
- cultural resources (archeological resources),
- tribal cultural resources, and
- geology and soils (paleontological resources).

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This SEIR also identifies nine significant impacts that cannot be mitigated to less-than-significant levels even with mitigation measures; these impacts are related to:

- cumulative transit impact related to public transit delay;
- project-level and cumulative loading effects along Lee Avenue;
- project-level and cumulative construction noise; and

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⁹ CEQA Guidelines section 15097 cites CEQA section 21081.6 as the authority for the CEQA Guidelines section.

- project-level and cumulative criteria pollutant emissions and health risks under the compressed three-year construction schedule;

Thus, the San Francisco Planning Commission must adopt findings that include a statement of overriding considerations for relevant significant unavoidable impacts (CEQA sections 21081(a)(3) and (b) and CEQA Guidelines section 15093(b)) if the proposed project would be approved. The project sponsor would be required to implement the MMRP as a condition of project approval.

The project sponsor, Reservoir Community Partners, LLC, applied to the Governor of California for certification of the Balboa Reservoir Project as an Environmental Leadership Development Project (ELDP), pursuant to Assembly Bill (AB) 900, the Jobs and Economic Improvement through Environmental Leadership Act of 2011, as amended effective January 1, 2018, and codified in Public Resources Code section 21178 et. seq., with public review commencing on June 25, 2019. The AB 900 process included a public comment period from June 25, 2019, to July 28, 2019. The ELDP application is available at <http://opr.ca.gov/ceqa/california-jobs.html> (see "201802028 – Balboa Reservoir Project"). The AB 900 Record of Proceedings is available at <http://www.ab900balboa.com>.

The ELDP application was certified. On December 30, 2019, the California Air Resources Board (CARB) issued Executive Order G-19-195 determining that the proposed project would not result in any net additional greenhouse gases with payment of offsets for purposes of certification under AB 900. On December 30, 2019, Governor Gavin Newsom, with assistance from the Governor's Office of Planning and Research, certified the proposed project as an eligible project under AB 900, and the Governor's Office of Planning and Research forwarded the Governor's determination to the Joint Legislative Budget Committee. The State Legislative Analyst's Office indicated that the project aligns with the intent of AB 900, and recommended to the Joint Legislative Budget Committee that they concur with the Governor's determination. On January 27, 2020, the Joint Legislative Budget Committee concurred with the Governor's determination that the project is an eligible project under AB 900.

1.C Document Organization

This RTC document is organized into the following chapters:

- **Chapter 1, Introduction** – This chapter discusses the purpose of the RTC document, the environmental review processes, and the organization of the RTC document.
- **Chapter 2, Revisions and Clarifications to the Proposed Project** – This chapter summarizes changes to the description of the proposed project, as described in draft SEIR Chapter 2, that the project sponsor has initiated since publication of the draft SEIR. The revisions and clarifications consist of minor updates to the project description and the associated environmental analysis previously presented in the draft SEIR. RTC Chapter 2 analyzes and concludes that these revisions and clarifications to the proposed project would not result in any new environmental impacts not already discussed in the draft SEIR or a substantial increase in the severity of previously identified significant environmental impacts.
- **Chapter 3, Public Agencies, Organizations, and Individual Persons Commenting on the Draft SEIR** – This chapter provides tables that list the public agencies, organizations, and individual persons who submitted written comments during the public review period or

spoke at the public hearing for the draft SEIR. The tables identify whether the persons submitted comments in writing (i.e., via letter) during the public comment period or verbally at the draft SEIR public hearing. Commenters within each category are listed in alphabetical order. These lists also show the comment code (described below) and the format (i.e., public hearing transcript, letter, or email) and date of each set of comments.

- **Chapter 4, Comments and Responses** – This chapter presents the substantive comments excerpted verbatim from the public hearing transcript and comment letters. The complete transcript, letters, and emails containing the comments are provided in Attachments 1 and 2 of this RTC document. The comments and responses in this chapter are organized by topic and, where appropriate, by subtopic, including the same environmental topics addressed in draft SEIR Chapter 4 and draft SEIR Appendix B. The comments appear as single-spaced text and are coded in the following way:
 - Comments from public agencies and commissions are designated by “A-” and an acronym of the agency’s name
 - Comments from non-governmental organizations including neighborhood associations are designated by “O-” and an acronym of the organization’s or association’s name
 - Comments from individuals are designated by “I-” and the individual’s last name

In cases where a commenter spoke at the public hearing and also submitted written comments, or submitted more than one letter or email, the individual’s last name or the acronym of the organization’s name is followed by a sequential number by date of submission. A final number at the end of the code keys each comment to the order of the bracketed comments within each written communication or set of transcript comments. Thus, each discrete comment has a unique comment code. The coded comment excerpts in Chapter 4 tie in with the bracketed comments presented in Attachments 1 and 2 of this RTC document.

Preceding each group of comments is a summary introduction of issues raised about the specific topic. Following each comment or group of comments on a topic are the planning department’s responses. The responses generally provide clarification of the draft SEIR text. In some instances, the responses may result in revisions or additions to the draft SEIR. Text changes to the draft SEIR are shown as indented text, with new text double underlined and deleted material shown as ~~strikethrough~~ text.

- **Chapter 5, Draft SEIR Revisions** – This chapter presents the text changes to the draft SEIR made as a result of a response to comments, and/or staff-initiated text changes identified by planning department staff to update, correct, or clarify the draft SEIR text. This chapter also includes revisions to the text of the draft SEIR described in RTC Chapter 2 relating to changes to the proposed project initiated by the project sponsor, shown as indented text, with new text double underlined and deletions shown with ~~strikethrough~~. In addition, as described in RTC Chapter 2, the proposed project has been revised, and text and graphic changes are limited to the minor modifications.

Staff-initiated text changes are identified by an asterisk (*) in the margin. These changes and minor errata do not result in significant new information with respect to the proposed project or project variant, including the level of significance of project impacts or any new significant impacts. Therefore, recirculation of the draft SEIR pursuant to CEQA Guidelines section 15088.5 is not required.

- **Attachments** – The following attachments (called “attachments” to distinguish them from the draft SEIR appendices) are included as part of this document:
 - Attachment 1: Planning Commission Hearing Transcript
 - Attachment 2: Comment Letters and Emails on the Draft SEIR
 - Attachment 3: Non-CEQA Transportation Analysis
 - Attachment 4: Travel Demand Workbook
 - Attachment 5: Transit Delay Analysis and Capital Improvements Memorandum

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