

**From:** aj <ajahjah@att.net>  
**Sent:** Tuesday, May 26, 2020 4:23 PM  
**To:** CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Johnson, Milicent (CPC) <milicent.johnson@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Hood, Donna (PUC) <DHood@sfgov.org>  
**Cc:** Public Lands for Public Good <publiclandsforpublicgood@gmail.com>; ccsfheat@gmail.com; CCSF Collective <kien.eira@gmail.com>; Joshua Sabatini <jsabatini@sfgov.org>; JK Dineen <jdineen@sfgov.org>; Roland Li <roland.li@sfgov.org>; Tim Redmonds <timredmondsf@gmail.com>; Joe Fitzgerald Rodriguez <fitzthereporter@gmail.com>  
**Subject:** Balboa Reservoir Final SEIR: Not objective, not accurate

---

**CAUTION:** This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Commission, Land Use & Transportation Committee, BOS, PUC:

Certification requires that the EIR be "adequate, accurate, and objective."

The Final Supplemental EIR fails the requirements of being accurate, and objective.

The two volumes of the Final Supplemental EIR look impressive if judged by heft and size. However, heft and size do not equate to being accurate and objective. Quantity does not equal quality.

#### NOT OBJECTIVE

The Reservoir Project is sponsored by the Planning Department. Environmental Review has been performed by the Environmental Planning Division of the same Planning Department sponsor. Will the dog bite the hand that feeds it?

The EIR is not objective. The conclusions of the EIR are driven by the desired outcome of facilitating the sponsor's (Planning Dept) Project. Just as for the Iraq War, the "facts" are fixed around the policy. (See below for details)

The Response To Comments consisted entirely of figuring out ways to dismiss unfavorable comments. Comments were not evaluated on their merits, but on how to dismiss them. The AB900 records show that no independent evaluation of comments were done. The Environmental Planning Division worked closely with the OEWD and Avalon Bay to craft appropriately favorable Responses.

#### NOT ACCURATE

Driven by "facts" being needed to be fixed around the policy, "facts" are not accurate. Examples:

- No significant impact on City College
- Cherry-picking of 220 public parking spaces from the City College TDM Study
- Project will not contribute significantly to Transit Delay
- Cumulative Transit Delay will be significant only after City College's Facilities Master Plan (which is a replacement program)
- CEQA Findings estimates the 17.6 acre parcel's value at \$11.2 million; while a comp shows a 0.3 acre parcel at 16th/Shotwell to be \$10 million. On a per-acre basis, the **Reservoir is a minuscule 1.9% of the 16th Street parcel's value.** How accurate could that be?!

\*\*\*\*\*

- The EIR concludes that there is no significant impact on City College. How plausible is that?!
- The EIR concludes that there is no significant Transit Delay due to the **new** Project. It concludes that Cumulative Transit Delay will happen only due to City College's future Facilities Master Plan, which consists of **replacement** projects. What the EIR does is **reverse cause and effect**.
- The EIR uses tautological/circular argument in responding to comments on the draft EIR. The method used is:
  - EIR--"A";
  - Comment--not "A" due to xyz;
  - Response To Comment--reiterate "A", **without addressing xyz.**
- The Final EIR has replaced unfavorable data regarding Transit Delay (see TR-4 Transit Delay critique, below)

## TRANSIT DELAY

- **SUPPLEMENTAL EIR CONTRADICTS PROGRAM EIR's FINDING OF SIGNIFICANT TRANSIT DELAY**
  - The SEIR concludes that there will less-than-significant impact on transit delay (Impact TR-4) from the Reservoir Project. This directly contradicts the Program EIR's conclusion:
 

*"...ingress...from Lee Avenue [westbound right turn-only ingress to Lee Extension] would result in significant adverse transportation impacts. As a consequence, Access Option #1 is rejected from further consideration as part of the Area Plan. (FEIR, p.191)*
- **4-MINUTE THRESHOLD OF SIGNIFICANCE FOR TRANSIT DELAY IS AN UNSUPPORTED ASSERTION, LACKING SUBSTANTIAL EVIDENCE**
  - The Final SEIR uses a quantitative threshold of significance of 4-minute Reservoir-related Transit Delay. In other words, Transit Delay is considered insignificant unless the Project contributes 4 minutes of delay to a MUNI line. In the real world of MUNI passengers and operators, a 4-minute delay in a short stretch near the Reservoir is extremely significant.
  - The establishment of a quantitative threshold of significance is required to be based on "substantial evidence." The Final SEIR claims that substantial evidence for the 4-minute threshold of significance is contained in Planning Dept's "Transportation Impact

Assessment Guidelines." Contrary to the claim of "substantial evidence", the 4-minute significance criterion contained in the TIA Guidelines is only an assertion, without any evidence whatsoever. The "substantial evidence" for the 4-minute delay significance criterion consists of this one sentence: *"For individual Muni routes, if the project would result in transit delay greater than or equal to four minutes, then it might result in a significant impact."* This one sentence constitutes the entirety of the claimed "substantial evidence" in the TIA Guidelines. This one sentence appears in the body of the TIA Guidelines and in the Appendix I "Public Transit Memorandum." However, repetition of a one-sentence assertion does not constitute "substantial evidence."

- The 4-minutes late significance threshold only serves as a "Get Out of Jail Free card" for the Project's real-world significant contribution to Transit Delay.
- **REMOVAL OF UNFAVORABLE DATA IN FINAL SEIR**
  - The draft SEIR contained Transit Delay data that was found to be unfavorable to the Project.
    - Kittelson Associates (EIR Transportation Analysis contractor) data from Table 3.B-18 "Transit Delay Analysis" was computed to show Reservoir-related delay of 1 minute 55 seconds for a 7-minute running time route segment--a 27.4% increase over the scheduled 7-minute running time between two 43 Masonic scheduled timepoints. Table 3.B-18 was replaced in the Final SEIR to eliminate the unfavorable Reservoir-related Transit Delay.
    - The draft SEIR assessed Transit Delay for Geneva Avenue between City College Terminal and Balboa Park Station. This segment is travelled by the 8 Bayshore and the 43 Masonic. The data for this segment has been eliminated and Table 3.B-8 has been replaced. The new Table 3.B-8 eliminates the 8 Bayshore from assessment entirely, disappeared! Once again, unfavorable data has been eliminated from the Final SEIR.
- **INADEQUATE MITIGATION MEASURES**
  - The Final SEIR contains three new Transit Delay Mitigation Measures: 1) Signal timing modifications at Ocean/Brighton, 2) Signal timing modifications at Ocean/Lee, 3) Boarding island for southbound 43 at Frida Kahlo/Ocean.
    - These mitigation measures are "finger in the dyke" measures that are incommensurate with the root problem. The fundamental unsolvable problem is the limited roadway network surrounding the landlocked Project. That is why the Balboa Park Area Final Program EIR had determined that a Lee Extension ingress *"would result in significant adverse transportation impacts. As a consequence, Access Option #1 is rejected from further consideration as part of the Area Plan."*

The Final SEIR is not objective; it is not accurate.

The Final SEIR should not be judged on quantity. It must be judged on

quality.

If based on quality, it does not deserve certification.

Please think independently and critically. Don't just be a rubber stamp to Staff.

Sincerely,  
Alvin Ja

o 