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**To:** [Poling, Jeanie \(CPC\)](#)  
**Cc:** [BRCAC \(ECN\)](#); [Shanahan, Thomas \(ECN\)](#); [Yee, Norman \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Hood, Donna \(PUC\)](#); [Rafael Mandelman](#)  
**Subject:** CEQA SCOPING for Reservoir: Contextualization of Existing Land Use and Public Services  
**Date:** Sunday, October 14, 2018 3:48:05 PM

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Dear Ms. Poling, Environmental Planning Division:

According to the Notice of Preparation, the Reservoir EIR will be a "Subsequent EIR", a lower tier of the top-tier Balboa Park Station Final EIR.

The program-level BPS FEIR (as opposed to the forthcoming project-level Reservoir Subsequent EIR) determined that-- on the broad area-wide program level--there would be no significant impacts on the CEQA environmental categories of LAND USE and PUBLIC SERVICES. This determination of non-significance cannot be validly extended to the Balboa Reservoir Project.

The Reservoir Project will impact the existing physical **land use** condition/setting of it being a parking lot that provides access to City College's educational **public service**. Developer forces have conveniently but inaccurately characterized the PUC Reservoir as "an unpleasant void in the neighborhood." Contrary to this mischaracterization, the PUC Reservoir has in fact served for a long time as a student parking lot. The lot has been utilized continuously to provide an important public purpose of providing access to the educational services of City College.

The proposed physical elimination of student parking has had the secondary effect of forcing City College's Facilities Master Plan (FMP) to add 2-3 new parking structures. These new physical structures in the FMP are necessitated to counteract the adverse impacts of the Reservoir Project on student access to the commuter college.

The NOP cites Public Resources Code 21099:

*(3) This subdivision does not relieve a public agency of the requirement to analyze a project's potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation. The methodology established by these guidelines shall not create a presumption that a project will not result in significant impacts related to air quality, noise, safety, or any other impact associated with transportation. Notwithstanding the foregoing, the **adequacy of parking for a project shall not support a finding of significance** pursuant to this section.*

The above-cited section of 21099 appears to unconditionally rule out parking

adequacy as an environmental factor. However, this apparent unconditionality of the stricture that it "shall not support a finding of significance", violates the concept of "contextualization."

Judicial rulings have determined that parking must be "contextualized." For example, an initial contextualization was the differentiation between parking in urban contexts vs. suburban contexts.

Proper contextualization in the Balboa Reservoir-City College context would acknowledge the actual existing condition/setting of student parking that contributes to furthering the public purpose of providing student access to public education at a commuter school.

So, despite the apparent "Heads I win, tails you lose" nature of the PRC 21099 citation, it believe it would fail the "contextualization" principle in judicial review.

I urge the Reservoir Developers to fully mitigate its adverse impact on City College. City College should not be forced to use hard-to-come-by, or non-existent, public funds to to make up for the privatization of public lands.

Please enter this into the administrative record for 2018-007883ENV.

--Alvin Ja