

2	Land Use and Transportation Committee	07/27/2020	REFERRED WITHOUT RECOMMENDATION	Board of Supervisors	08/11/2020	Passed
<p><i>Heard in Committee. Speakers: Supervisor Norman Yee (Board of Supervisors); Leigh Lutenski (Office of Economic and Workforce Development); Susan Exline (Planning Department); Asim Khan (Office of the Controller); Joe Kirchofer, Project Sponsor (Balboa Reservoir Project); Amy Chan (Mayor's Office of Housing and Community Development); Jonathan Randolph; Elizabeth Dietrich (Office of City Attorney); presented information and answered questions raised throughout the discussion. Christopher Peterson; Jeremy Linden; Frank; John Ring; Steve; Theo Gordon (San Francisco Housing Action Coalition); Shahi Shaheman; John Winston; Derek Abraham; Theodore Randolph; Marcus Mau; Martin Munuez; Bob Tillman and Allen Ramsy (SF YIMBY); Speaker; Russell Davis; Dr. Adam Brack; Mary Harris (All My Neighbors in Action); Annie; Sarah Barge; Stephen Buff (SF YIMBY); Anita Theo Harris; Annette Billingspre; Harry Bernstein; LeShaun Kittle Corn; Speaker; Wess; Mike Shannan; spoke in support of the hearing matter. Jean Barish; Diane Ruiz (Mission District Rising); Wynd Kauffman; Evelyn; Speaker; spoke in opposition of the hearing matter. Macula Benson; Stewart Flashman; Maria Abulia; Jennifer Heggie; Michael Erins; Speaker; Joseph Smooke; Luke Karan; Corey Smith (San Francisco Housing Action Coalition); Kenneth Russell; Speaker; Milo Trauss; Francisco Da Costa; Hazel O'Neil; Ceiu; Robert Fruckman; Jessie Fernandez; Sarah Ogleby; Sam Dutch; Tam Tao Lee; Brian Wheat; Speaker; spoke on various concerns relating to the hearing matter.</i></p>						
2	Board of Supervisors	08/11/2020	AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE			Passed
3	Board of Supervisors	08/11/2020	PASSED ON FIRST READING AS AMENDED			Passed
2	Clerk of the Board	08/11/2020	RESPONSE RECEIVED			
<i>Received response from Planning Department.</i>						
3	Board of Supervisors	08/18/2020	FINALLY PASSED			Passed
3	Mayor	08/28/2020	APPROVED			



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 200422	File Type: Ordinance	Status: Passed
<hr/>		
Enacted: 141-20	Effective:	
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Version: 3	In Control: Clerk of the Board	
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File Name: Planning Code and Zoning Map - Balboa Reservoir Special Use District	Date Introduced: 07/07/2020	
<hr/>		
Requester:	Cost:	Final Action: 08/28/2020
<hr/>		
Comment: Economic Impact	Title: Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.	
<hr/>		
Sponsor: Yee		

History of Legislative File 200422

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	04/28/2020	ASSIGNED UNDER 30 DAY RULE	Land Use and Transportation Committee	05/28/2020	
1	Clerk of the Board	05/06/2020	REFERRED TO DEPARTMENT			
	<i>Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review.</i>					
2	President	07/07/2020	SUBSTITUTED AND ASSIGNED	Land Use and Transportation Committee		
	<i>Supervisor Yee introduced a substitute Ordinance bearing the same title.</i>					
2	Clerk of the Board	07/10/2020	REFERRED TO DEPARTMENT			
	<i>Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review.</i>					
2	Clerk of the Board	07/17/2020	NOTICED			
	<i>10-Day Notice for Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.</i>					

[Planning Code and Zoning Map - Balboa Reservoir Special Use District]

Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in single-underline italics Times New Roman font.
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Planning and Environmental Findings.

(a) The Balboa Reservoir Project (the "Project") addresses the City's housing challenges by contributing to the City's goal of creating 5,000 housing units each year. The Project site was specifically identified in the General Plan for additional housing in close proximity to local and regional public transportation. The Project implements the goals and objectives of the General Plan Housing Element and of the 2009 Balboa Park Station Area

1 Plan that calls for the development of a mixed-use residential neighborhood on the west
2 reservoir to address the citywide demand for housing. The Project also implements the goals
3 of the City's 2014 Public Land for Housing program and the Surplus Public Lands Initiative
4 (Proposition K), that the electorate passed in November 2015, by replacing an underused
5 surface parking lot located on surplus public land with a substantial amount of new housing,
6 including a high percentage of affordable housing.

7 (b) In companion legislation adopting a Development Agreement associated with the
8 Project, the Board of Supervisors adopted the Planning Commission's environmental findings
9 pursuant to the California Environmental Quality Act (CEQA) (California Public Resources
10 Code Sections 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Sections 15000 et
11 seq.), and Chapter 31 of the Administrative Code. For purposes of the actions contemplated
12 in this ordinance, the Board adopts these environmental findings as though fully set forth
13 herein. A copy of said companion legislation is in Board of Supervisors File No. 200423 and
14 its environmental findings are incorporated herein by reference.

15 (c) The Planning Commission, in Resolution No. 20732, adopted on May 28, 2020,
16 made findings that the Project and actions contemplated in this ordinance are consistent, on
17 balance, with the City's General Plan and eight priority policies of Planning Code Section
18 101.1. The Board incorporates these findings by reference and adopts these findings as
19 though fully set forth herein in relation to this ordinance. A copy of said Planning Commission
20 resolution is in Board of Supervisors File No. 200635.

21 (d) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
22 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
23 in Planning Commission Resolution No. 20733, adopted on May 28, 2020, and the Board
24 adopts such reasons as its own. A copy of said resolution is on file with the Clerk of the
25 Board of Supervisors in File No. 200422 and is incorporated herein by reference.

Section 2. The Planning Code is hereby amended by adding Section 249.88, to read as follows:

SEC. 249.88. BALBOA RESERVOIR SPECIAL USE DISTRICT.

(a) Purpose and Boundaries. *A Special Use District entitled the "Balboa Reservoir Special Use District" (the SUD) is hereby established, bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline that is adjacent to a mixed-use multifamily residential development along Ocean Avenue to the south. The precise boundaries of the SUD are shown on Sectional Map SU12 of the Zoning Map. The purpose of the SUD is to implement the land use controls for the Balboa Reservoir Project, which is subject to a Development Agreement, approved by the Board of Supervisors in the ordinance contained in Clerk of the Board of Supervisors File No. 200423. The intent of the SUD is to establish a child- and family-friendly mixed-use residential neighborhood. The Project will provide several benefits to the City, such as a significant amount of new housing, including a high percentage of affordable and educator housing, publicly accessible open space, a child care facility and community room, retail space, and extensive infrastructure improvements, while creating jobs and a vibrant environmentally sustainable community.*

(b) Relationship to Other Planning Code Provisions. *Applicable provisions of the Planning Code shall control except as otherwise provided in this Section 249.88. If there is a conflict between other provisions of the Planning Code and this Section 249.88, this Section 249.88 shall prevail.*

(c) Relationship to Design Standards and Guidelines. *The Design Standard and Guidelines ("DSG"), adopted by the Planning Commission by Motion No. 20734 on May 28, 2020, and as may be amended from time to time, sets forth design standards and guidelines applicable within the SUD. A copy of the DSG is on file with the Clerk of the Board of Supervisors in File No. 200423. Any capitalized term in this Section 249.88, and not otherwise defined in this Section or elsewhere in the*

1 Planning Code shall have the meaning ascribed to it in the DSG. This Section, the remainder of the
2 Planning Code, and the DSG shall be read and construed together so as to avoid any conflict to the
3 greatest extent possible. If there is a conflict between the DSG and either this Section or the remainder
4 of the Planning Code, this Section or the other provision of the Planning Code shall prevail. Subject to
5 this Section 249.88(c), if a later amendment to any provision of the Planning Code, including this
6 Section 249.88, results in a conflict with the DSG, such amended Planning Code provision shall
7 prevail. Amendments to the DSG may be made by the Planning Commission upon initiation by the
8 Planning Department or upon application by Developer, but if there is a conflict between an
9 amendment to the DSG and this Section or the remainder of the Planning Code, as applicable, this
10 Section or other provision of the Planning Code shall prevail unless and until such time as this Section
11 or the remainder of the Planning Code is amended to be consistent with the amendment to the DSG.
12 The Planning Director may approve minor amendments to the DSG to clarify its provisions. For the
13 purposes of this subsection (c), “minor amendments” shall be defined as amendments necessary to
14 clarify omissions or correct inadvertent mistakes in the DSG and are consistent with the intent of the
15 DSG, the SUD, the General Plan, and the Development Agreement.

16 (d) **Relationship to the Development Agreement.** This Section 249.88 shall be read and
17 construed consistent with the Development Agreement, and all development within the Project Site that
18 is subject to the Development Agreement shall satisfy the requirements of the Development Agreement
19 for so long as the Development Agreement remains in effect.

20 (e) **Definitions.** For purposes of this Section 249.88, the following definitions shall apply. If
21 not expressly superseded by definitions set forth in this subsection (e), all definitions of the Planning
22 Code shall apply.

23 “Active Use” means use that consists of a Retail Sales and Service, Entertainment, Arts,
24 Recreation, Child Care, Community Facility, or Residential use.

25 III

1 “Articulated Roof Form” means roof forms that consist of any shape with a minimum
2 average roof slope of not less than 2:12. Articulated roof forms include wall extensions of the
3 occupied enclosed space of the top floor and unoccupied architectural features, such as
4 parapets, extending above the roof of the topmost floor.

5 “Block” means a Building Project block or a Publicly Accessible Open Space block as depicted
6 on Figure 249.88-1.

7 “Building Project” or “Building” means the construction of a building or group of buildings
8 within the Project Site.

9 “Building Standards” means the standards applicable to Building Projects and any associated
10 privately-owned open spaces within the SUD, consisting of the standards specified in subsection (g)
11 below and the standards and guidelines designated as such in the DSG. It does not mean Building Code
12 requirements under either the California or San Francisco Building Codes, which this Section 249.88
13 and the DSG do not override.

14 “Cart” means a mobile structure used in conjunction with food service and/or retail uses, that
15 operates intermittently in a publicly accessible open space, and that is removed daily from such open
16 space during non-business hours.

17 “Design Standards and Guidelines” or “DSG” shall mean the Balboa Reservoir Design
18 Standards and Guidelines adopted by Planning Commission Motion No. 20734, and as may be
19 amended from time to time. The Design Standards and Guidelines is incorporated into this Section
20 249.88 by reference.

21 “Developer” means the BHC Balboa Builders, LLC, a California limited liability company, or
22 its successor(s). Developer also may be an applicant.

23 “Development Agreement” means the Development Agreement by and between the City and the
24 Developer, approved by the Board of Supervisors by the ordinance in Board File No. 200423, and as
25 may be amended from time to time.

1 “Development Phase Application” means an application for each Building phase of the Project
2 that describes at a minimum, the Block numbers, the Master Infrastructure Plan elements, and vertical
3 improvements proposed in the phase, including number and sizes of affordable housing units, number
4 and sizes of market rate housing units, and square footage of retail, arts activity, community facility
5 and child care square space, and publicly accessible open space. The Development Phase Application
6 also shall include a list of any requested Minor or Major Modifications that are contemplated to be
7 requested in the phase.

8 “Frontage” means the vertical exterior face or wall of a Building and its linear extent that is
9 adjacent to or fronts on a street, right-of-way, or open space.

10 “Kiosk” means a Building or other structure that is set upon the ground and is not attached to a
11 foundation, such as a shipping container, trailer, or similar structure, from which food service and/or
12 retail business is conducted. A Kiosk may operate in a Publicly Accessible Open Space, and remain in
13 place until the business operation is terminated or relocated.

14 “Major Modification” means a deviation of more than 10% from any dimensional or numerical
15 standard in the Planning Code, this Section 249.88, or in the DSG, except as explicitly prohibited per
16 subsection (g) below.

17 “Mass Reduction” means one or more breaks in a Building that reduce the horizontal scale of
18 the Building into discrete sections.

19 “Master Infrastructure Plan” or “MIP” shall mean the Balboa Reservoir Master
20 Infrastructure Plan approved by the Board of Supervisors as part of the Development Agreement and
21 found in Clerk of the Board of Supervisors File No. 200423, and as may be amended from time to time.

22 “Minor Modification” means a deviation of up to 10% from any dimensional or numerical
23 standard in the Planning Code, this Section 249.88, or in the DSG, except as explicitly prohibited per
24 subsection (g) below, or any deviation from any non-dimensional or non-numerical standard in the
25 DSG.

1 "Multifamily Housing" means a residential Building where multiple separate housing units for
2 residential inhabitants are contained within one Building.

3 "Privately-Owned Community Improvement," means those facilities and services that are
4 privately-owned and privately-maintained, at no cost to the City (other than any public financing set
5 forth in the Financing Plan, a Development Agreement exhibit), for the public benefit, but not
6 dedicated to the City. Privately-Owned Community Improvements include certain pedestrian paseos,
7 storm drainage facilities, publicly accessible open spaces.

8 "Project" means the Balboa Reservoir Project.

9 "Project Site" means the approximately 16.5 acre site shown on Figure 249.88-1 that is within
10 the SUD. The 80-foot wide strip of land along the southern boundary of the west basin that contains
11 SFPUC pipelines is regulated by the Development Agreement, but is not part of the Project Site or
12 within the SUD and remains within a P (Public) zoning district.

13 "Publicly Accessible Open Space" means a usable open space that is accessible to the public,
14 including an unenclosed park or garden at street grade or following the natural topography,
15 improvements to hillsides or other unimproved public areas, an unenclosed plaza at street grade, or an
16 unenclosed pedestrian pathway, or a shared pedestrian/vehicular right-of-way.

17 "Residential Use" means uses that provide housing for San Francisco residents, rather than
18 visitors, including Dwelling Units, Group Housing, Senior Housing, and Student Housing.

19 "Retail Sales and Services" means the use described in Section 102, except for Retail
20 Automobile Uses, Adult Business, Hotel, Motel, and Self-Storage.

21 "Step Back" means a reduction of one or more stories in a portion of one or more upper stories
22 of a Building.

23 "Streetwall" means a continuous façade of a Building and/or Buildings along a street
24 Frontage.

25 III

1 “Townhouse” means a single-family dwelling unit that shares a wall with another dwelling and
2 with direct access into the dwelling unit from a street or Publicly Accessible Open Space that does not
3 require access through a lobby, corridor, or other common indoor space shared with other housing
4 units.

5 (f) **Development Controls.** This SUD, as established in Section 249.88, and other Planning
6 Code Sections referenced herein establish all zoning controls for the Project Site.

7 (g) **Uses.**

8 (1) **Balboa Reservoir Special Use District Zoning Designations.** As shown on the
9 Zoning Map, the SUD is co-terminus with the Balboa Reservoir Mixed Use District (BR-MU). This
10 SUD, as established in Section 249.88, and other Planning Code Sections referenced herein establish
11 all zoning controls for the BR-MU district.

12 (2) **Permitted Uses.** The following Uses set forth in Table 249.88-1: Balboa Reservoir
13 Land Uses shall be permitted within the different Blocks of the SUD shown in Figure 249.88-1, where P
14 means Permitted Use and NP means Non-permitted Use. All other uses not stated are prohibited.

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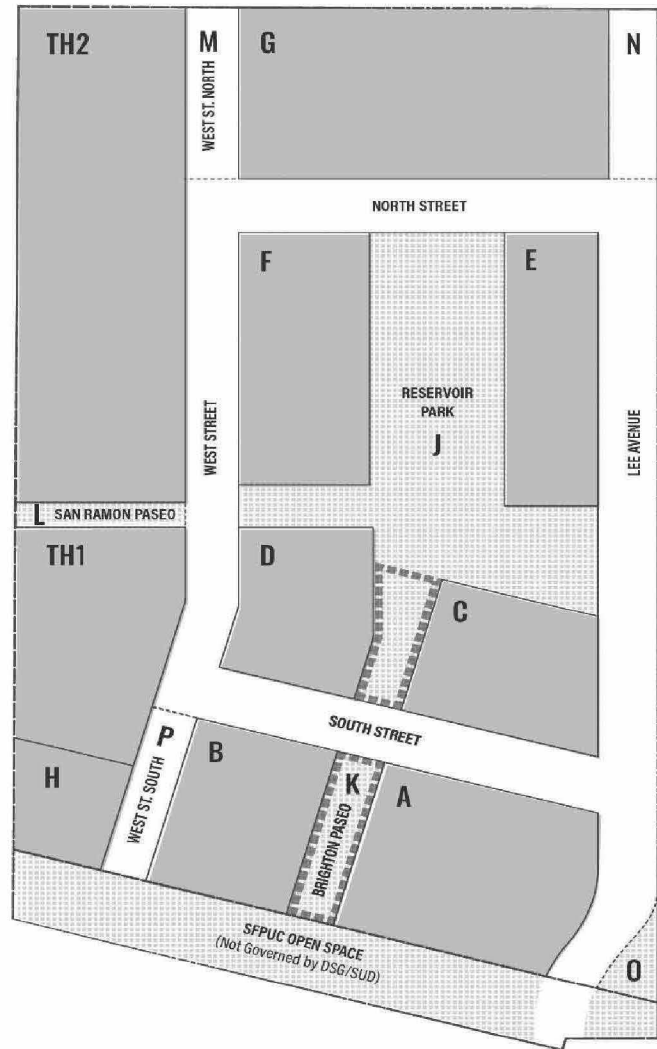
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Figure 249.88-1 Balboa Reservoir Land Use Map



LAND USE

Table 249.88-1 Balboa Reservoir Land Uses

<i>Permitted Use Category</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>TH1</i>	<i>TH2</i>	<i>J</i>	<i>K, L, O</i>
<i>Publicly Accessible Open Space</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Residential Use</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P(1)</i>	<i>P(1)</i>	<i>NP</i>	<i>NP</i>
<i>Child Care Facility</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P(4)</i>	<i>P(4)</i>
<i>Community Facility (2), (3)</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
<i>Retail Sales and Services (2)</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
<i>Arts Activities (2)</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
<i>Carts and Kiosks (5)</i>	<i>NP</i>	<i>NP</i>	<i>N P</i>	<i>N P</i>	<i>N P</i>	<i>N P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>P</i>	<i>NP</i>
<i>Public Parking Garage</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>P(6)</i>	<i>NP</i>

(1) Only Townhouse units are allowed

(2) All non-residential uses except multi-story parking garages are allowed only
on the ground floor and below

1 (3) As defined in Section 102, except Health Care uses are not allowed

2 (4) Child care open space only

3 (5) Carts and Kiosks are allowed in Block J subject to Subsection (g)(8)(N)

4 (6) Below grade only as shown in Figure 249.88-1

5 (3) **Temporary Uses.** Temporary Uses are permitted consistent with Planning Code
6 Sections 205.1 through 205.4 for Neighborhood Commercial Districts.

7 (4) **Interim Uses.**

8 (A) Prior to completion of the Project, one or more Public or Private Parking
9 Lots, including construction worker parking lots, shall be permitted without regard to the provisions
10 regulating automobile parking set forth in Sections 155, 156, 303(t) or (u), and other provisions of
11 Article 1.5 of this Code, and such parking lot(s) shall not be required to be surrounded by a fence or
12 wall.

13 (B) Prior to completion of the Project, certain other interim uses may be
14 authorized for a period not to exceed five years by the Planning Director, without a public hearing if
15 the Planning Director finds that such Interim Use will not impede orderly development consistent with
16 this Section 249.88, the DSG, and the Development Agreement. Any authorization granted pursuant to
17 this subsection 249.88(g)(4)(B) shall not exempt the Developer from obtaining any other permit
18 required by law. Additional time for such uses may be authorized upon a new application for the
19 proposed Interim Use. Permitted Interim Uses shall include, but are not limited to:

20 (i) Retail Sales and Services;

21 (ii) Entertainment, Arts, and Recreation, including but not limited to
22 temporary art installations, exhibits, and sales, recreational facilities and uses (such as play and
23 climbing structures and outdoor fitness classes), and temporary structures to accommodate events
24 (such as stages, seating, and support facilities for patrons and operations);

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1 (iii) Institutional Education Use, including but not limited to after-school
2 day camp and activities;

3 (iv) Site management service, administrative functions, and customer
4 amenities and associated loading;

5 (v) Rental or sales offices incidental to new development; and

6 (vi) Trailers, recreational vehicles, or other temporary housing for
7 construction workers, seasonal labor, or other workforce employment needs.

8 (5) Residential Density. The dwelling unit and group housing density limits applicable
9 in the RM-3 District, as it may be modified pursuant to Section 304, shall govern residential density
10 within the SUD. However, greater residential density than permitted in an RM-3 District may be
11 provided on individual Blocks, as long as the overall density of the SUD does not exceed the density
12 allowed in a RM-3 District, as it may be modified pursuant to Section 304, for the entire SUD.

13 (6) Minimum Dwelling Unit Mix. No less than 30% of the total aggregate number of
14 proposed dwelling units in the SUD shall contain at least two bedrooms, and no less than 10% of the
15 total aggregate number of proposed dwelling units in the SUD shall contain at least three bedrooms,
16 for a total of 40% of units with two bedrooms or more. The minimum dwelling unit mix may be less on
17 any individual Block than otherwise required provided the total dwelling unit mix in the SUD shall not
18 be less than the minimum dwelling unit mix upon completion of the Project.

19 (7) Floor Area Ratio. There shall be no floor-area-ratio limit within the SUD.

20 (8) Building Standards.

21 (A) Building Height. For purposes of the SUD, the height limits shall be as set
22 forth in Section Map HT12 of the Zoning Map and as further limited and detailed in Figure 249.88-2:
23 Building Height Maximums, and as further governed by this Section 249.88(g)(8)(A). The features

24 ~~set~~

25 ~~///~~

Figure 249.88-2 Height Limit Map

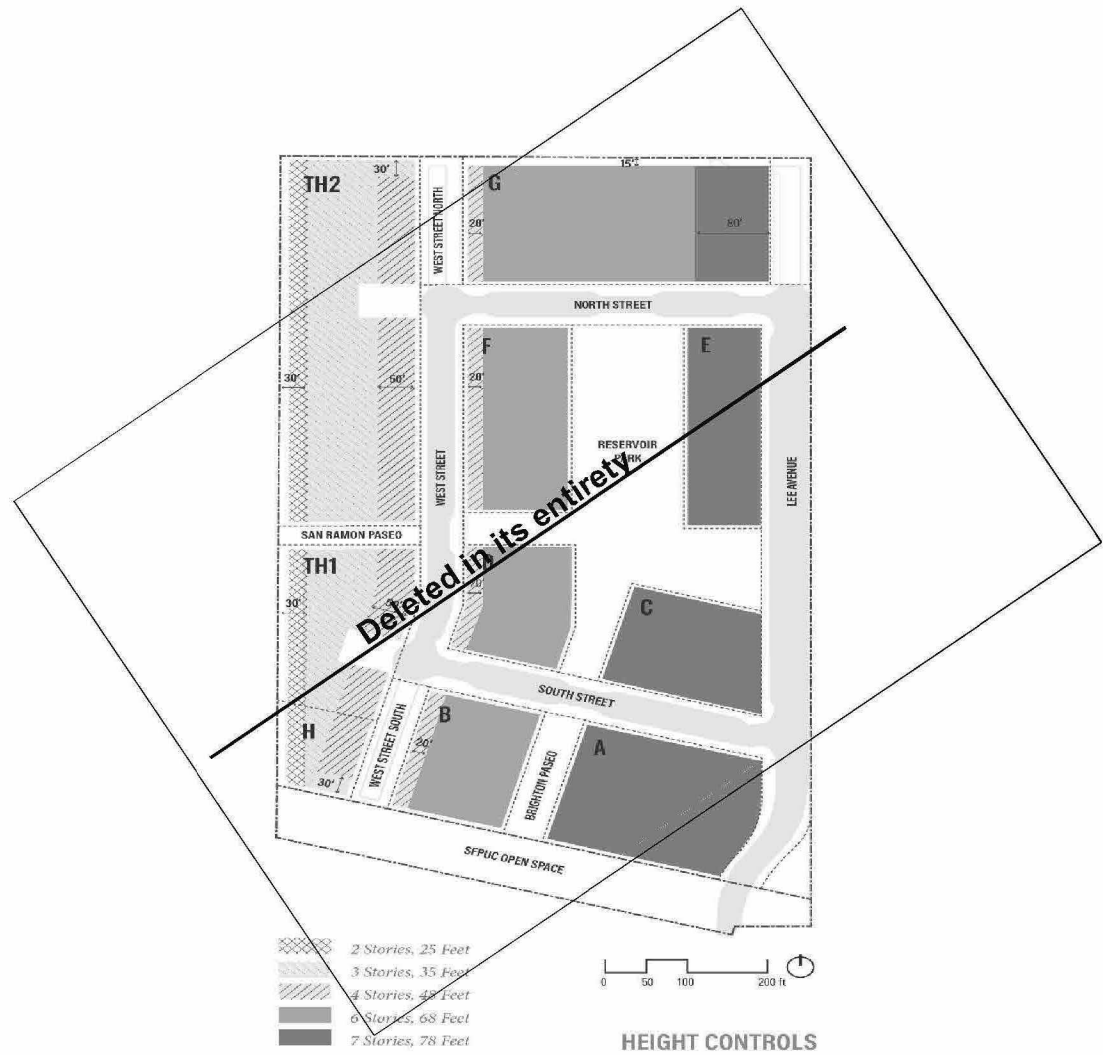
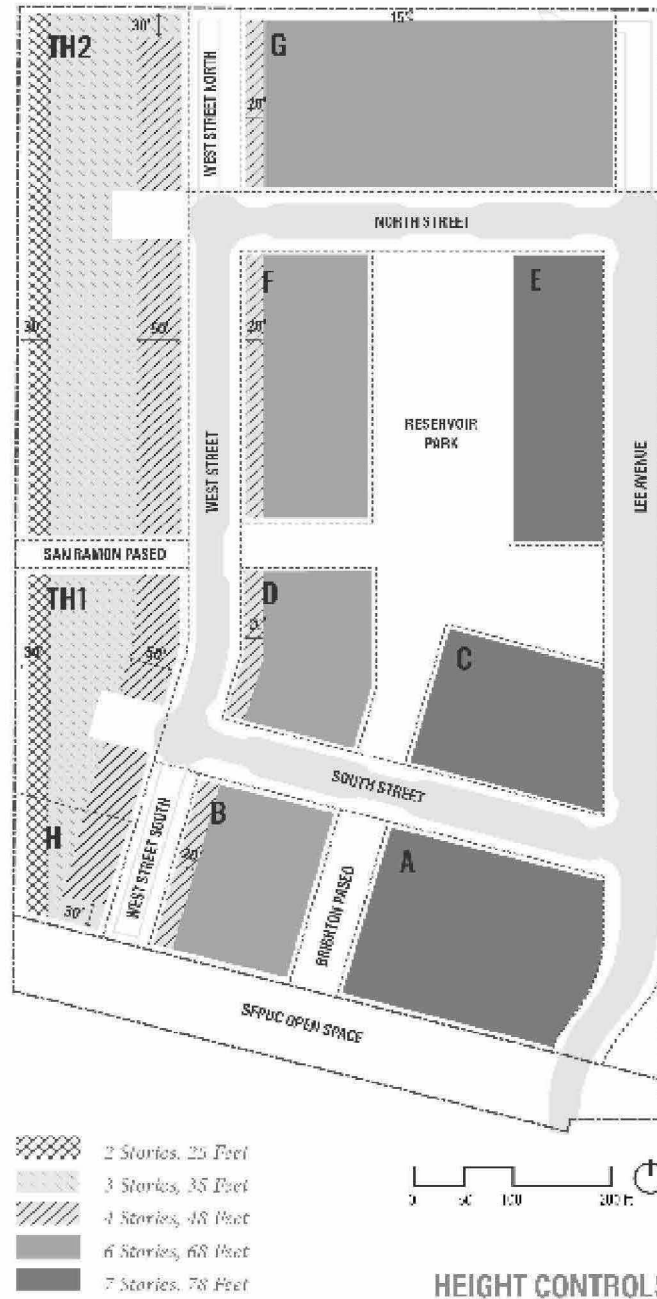


Figure 249.88-2 Height Limit Map (Note to Publisher this is an Amended Version Dated 8/11/20)



HEIGHT CONTROLS

1 ~~forth in Section 260(b)(1)~~ Section 260(b) applies to the SUD, except that ~~and those listed in~~
2 this subsection 8(A) below may extend above the maximum allowable height, ~~provided that~~ The sum
3 of the horizontal areas of said all features do not exceed 4020 percent of the horizontal area of the
4 roof above which they are situated ~~rooftop area and do not encroach into the required step~~
5 ~~back at upper floors as required below~~ as set forth in Section 260(b)(1):

6 (i) ~~Solar energy collection devices shall be allowed to a maximum~~
7 ~~height of 10 feet.~~

8 (ii) Rooftop enclosed utility sheds designed exclusively for the storage of
9 landscaping, gardening supplies, and related equipment for living roofs shall be are allowed to
10 extend above the maximum allowable height by not more than 10 feet, provided they do not
11 exceed 100 square feet of gross area and a maximum height of 10 feet.

12 (iii) Projections above the allowable height necessary to
13 accommodate additional ceiling height at common amenity spaces located on the top floor
14 immediately below the roof shall be are allowed to extend above the a maximum ceiling
15 allowable by not more than two feet. ~~height of 10 feet average measured to finished surface at~~
16 ~~ceiling.~~

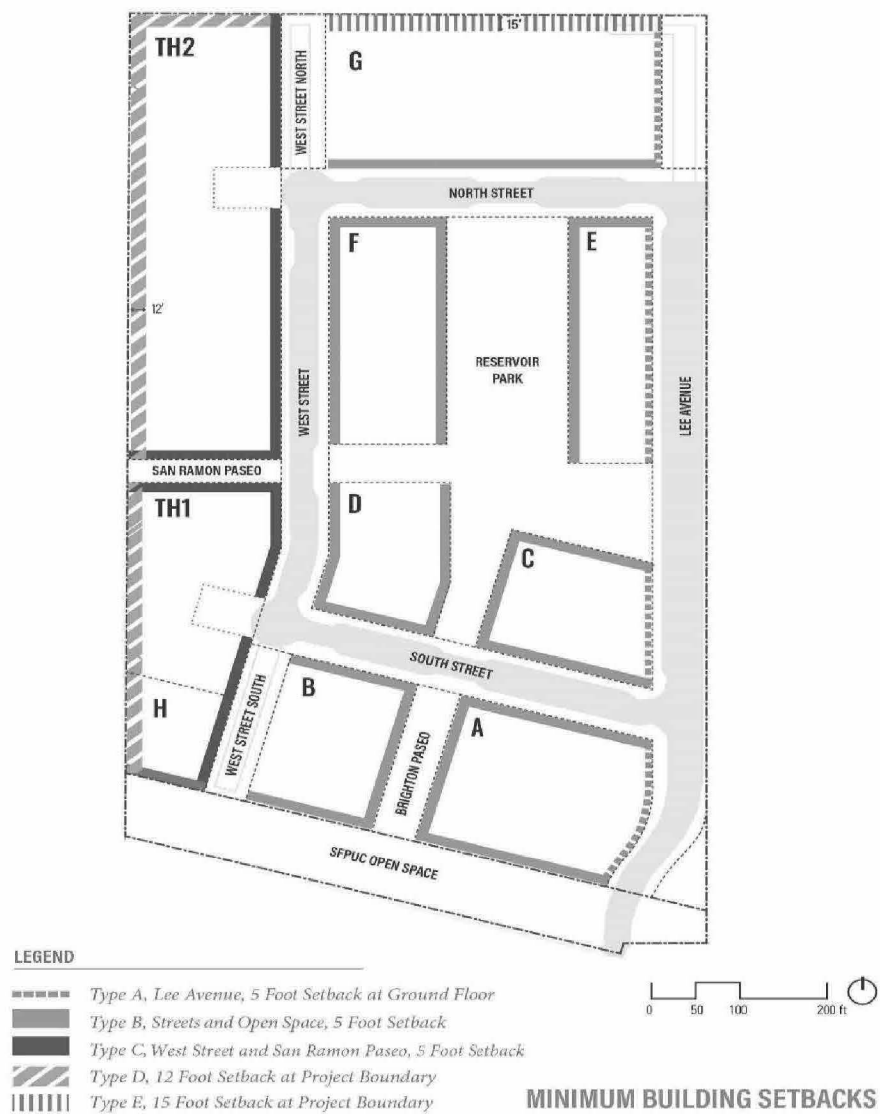
17 (iiiiv) Articulated Roof Forms are allowed to exceed the maximum
18 allowable height by a maximum of 6 feet, measured to the average height of rise as set forth
19 in Planning Code Section 260(a), provided that the sum of the horizontal areas of articulated
20 roof forms and features listed in Section 260(b)(1) and this subsection (8)(A) do not exceed 40
21 percent of the horizontal area of the roof above which they are situated. Additionally,
22 Articulated Roof Forms shall comply with the standards and guidelines set forth in the DSG
23 Chapter. ~~Non-occupied architectural features, including wind screens shall be allowed up to 8~~
24 ~~feet above the allowable height.~~

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1 (B) **Building Bulk.** *There are no bulk limits in this SUD.*

2 (C) **Setbacks.** *Minimum setbacks of the façade of Buildings from street rights of*
3 *way and from publicly accessible open space shall be provided in the locations and depth shown in*
4 *Figure 249.88-3.*

5 ***Figure 249.88-3 Minimum Building Setbacks***



1 (D) **Streetwall.** A streetwall is required at all Building frontages facing public
2 right of ways, publicly accessible open spaces, and paseos. The required streetwalls shall be located at
3 the setback line or at the property line where there is no setback control. Streetwalls may be offset
4 from the setback line or property line by not more than two feet towards the interior of the Block.
5 Streetwalls shall be provided at not less than 60% of the total area of the Building facade area.
6 Openings to interior courtyards and other breaks in the streetwall that are required under Mass
7 Reduction shall not count towards the required streetwall.

8 (E) **Mass Reduction.** Buildings taller than 48 feet with a frontage exceeding
9 180 feet in length shall incorporate at least one of the following Mass Reduction strategies:

10 (i) **Exterior Recess.** Provide a recess at Building exterior with a minimum
11 width of 15 feet and minimum depth of 10 feet from the Building wall extending vertically for height at least
12 75% of the height of the facade. The recess may start at second floor or may terminate at the top floor.

13 (ii) **Vertical Elements.** Provide a combination of elements consisting of
14 recess and/or projection with a minimum width of 10 feet, minimum depth of five feet, and extending
15 vertically for a height equal to at least 75% of the height of the facade. The cumulative base footprint area
16 of all vertical elements on a frontage shall equal a minimum of 150 square feet to qualify as a mass
17 reduction strategy. Balconies at vertical elements are allowed if the railings are visually differentiated from
18 the main facade.

19 (iii) **Alternative means of satisfying the mass reduction requirement for all**
20 Blocks shall be as set forth in the DSG.

21 (F) **Step Backs at Upper Floors.** Each of the Buildings on Blocks A, B, C, D, E,
22 E, and G shall provide one or more step backs at the top floor. The intent of the step backs is to
23 articulate Building silhouettes and to provide potential locations for roof terraces overlooking the
24 shared open space. The required height reduction along West Street shall not count towards the
25 required step back.

1 (i) Blocks A, C, and E shall provide a one-story contiguous step back
2 equal to 15% of the roof area or one-story non-contiguous step backs equal to 25% of the roof area.
3 The contiguous step backs shall have a minimum horizontal dimension of not less than 10 feet.

4 (ii) Blocks B, D, F, and G shall provide a top floor step back equal to
5 10% of the roof area. These step backs may be located in a single contiguous element or may be
6 comprised of multiple elements provided each step back area has a minimum horizontal dimension of
7 not less than 10 feet in all directions.

8 (G) Obstructions. At multifamily buildings, obstructions into setback areas
9 and/or public right of ways are allowed subject to compliance with Planning Code Section 136, in
10 accordance with the following exceptions: Obstructions into required setback areas and/or public right
11 of ways may be up to four feet in horizontal depth, subject to the other limitations set forth in Section
12 136.

13 (H) Setback Requirements; Waiver of Planning Code Sections 132, 133, and
14 134. Rear yard, side yard, or front yard setback requirements shall be set forth in the SUD and DSG in
15 lieu of the provisions of Section 132, 133, and 134.

16 (I) Unit Exposure. For all residential units, the required window (as defined by
17 Section 504 of the San Francisco Housing Code) of at least one room that meets the requirement of
18 Section 503 of the Housing Code shall face directly onto an open area of one of the following types:

19 (i) A public street, public alley, or paseo at least 25 feet in width in
20 Blocks A, B, C, D, E, F, and G, and 20 feet in width in Blocks TH1, TH2, and H.

21 (ii) An open area, an inner court, or a space between separate Buildings
22 on the same Block, which is unobstructed (except for obstructions listed in Planning Code Section 136)
23 and is no less than 25 feet in every horizontal dimension in Blocks A, B, C, D, E, F, and G or 20 feet in
24 every horizontal dimension in Blocks TH1, TH2, and H.

25 III

1 **(J) Usable Open Space.** *The usable open space requirement for dwelling units*
2 *shall be 40 square feet of private or common usable open space per unit. For Group Housing, the*
3 *minimum usable open space requirements shall be one-third the amount specified in this subsection (I)*
4 *for a dwelling unit. Required usable open space shall be on the same Block as the unit it serves.*
5 *Publicly Accessible Open Space, streets, and paseos on Blocks J, K, L, M, N, O, and P shall not count*
6 *towards the required on-site usable open space.*

7 *(i) Any space credited as private usable open space shall have a*
8 *minimum horizontal dimension of five feet and a minimum area of 35 square feet.*

9 *(ii) Any space credited as common usable open space shall have a*
10 *minimum horizontal dimension of 10 feet and a minimum area of 150 square feet and 30 percent of the*
11 *common usable open space shall be planted.*

12 *(iii) Inner courts in which the enclosing Building walls are four stories*
13 *or more in height shall be large enough to inscribe a rectangular area 30 feet by 40 feet within the*
14 *enclosing walls.*

15 *(iv) Outer courts in which enclosing Building walls are four stories or*
16 *more shall be large enough to inscribe a rectangular area 25 feet by 25 feet within the enclosing walls.*

17 *(v) Space that is accessible for automobiles shall not count towards*
18 *usable open space in any Block.*

19 **(K) Ground Floor Floor-to-Floor Height.** *The minimum ground floor floor-to-*
20 *floor height of non-residential uses, lobbies and residential common areas shall be 15 feet in Blocks A,*
21 *B, C, and D and 12 feet in Blocks E and F. The minimum ground floor floor-to-floor height for*
22 *residential uses shall be 10 feet, except for townhouse units which shall have no minimum floor-to-floor*
23 *height.*

24 **(L) Ground Floor Activation.** *The ground floor activation standards set forth in*
25 *the DSG Chapter 7 shall apply in the SUD.*

(M) **Parking Garages.** The standards and guidelines for the location, depth, and exterior frontages of parking garages set forth in the DSG Chapter 7 shall apply in the SUD. With the exception of space allowed for parking and loading access, Building egress, and Building services, above grade parking on any Block shall be wrapped at all stories with a liner of Active Use not less than 20 feet in depth from all facades facing streets and Publicly Accessible Open Spaces.

(N) **Signage.** One identifying sign shall be permitted for each residential Building, except for townhouse Blocks, where one identifying sign shall be permitted per Block. Sign controls set forth in Section 607.1 for RC Districts shall apply to signs for non-residential uses.

(O) **Carts and Kiosks.** The standards and guidelines for Kiosks and Carts set forth in the DSG shall apply in the SUD.

(9) **Off-Street Automobile Parking and Loading.** The location and design standards for off-street automobile parking shall be governed by the DSG. There is no minimum off-street parking or loading requirement for any use in the SUD, except that there shall be a minimum of 200 off-street parking spaces in the SUD, and that Buildings in Blocks A, B, C, D, E, F, and G containing 100,000 gross square feet or more of residential space and a parking garage shall provide at least one off-street loading space meeting the dimensional requirements of standard 7.24.2 of the DSG.

(A) **Maximum Off-Street Parking.** The number of off-street parking spaces within this SUD shall not exceed the following:

Table 249.88-2: Maximum Off-Street Parking Spaces per Land Use

<u>Land Use</u>	<u>Off-Street Parking Ratio</u>
<u>Dwelling Units</u>	<u>0.5 space per unit</u>
<u>Group Housing</u>	<u>1 space per three bedrooms</u>
<u>All Non-Residential Uses</u>	<u>1 space per 500 gross square feet of Occupied Floor Area</u>

1	<u>Public Parking</u>	<u>450 spaces</u>
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2

3 Parking amounts for dwelling units, group housing, and non-residential uses may be greater on any
4 individual Block than otherwise allowed by Table 249.88-2 provided the total number of spaces in the
5 SUD shall not exceed the maximum upon completion of the Project. The maximum number of spaces
6 for the Public Parking Garages shown in Table 249.88-2 shall be reduced by the number of parking
7 spaces for dwelling units or group housing that are allowed to be used as public parking during any
8 part of the day. In the event the Developer enters into an agreement with the adjacent property
9 owner(s) to fund or build off-site public parking on the property adjacent to the eastern edge of the
10 Project site, the maximum number of spaces for the Public Parking Garages also shall be reduced by
11 the number of such off-site parking spaces that the Developer provides. The Planning Director shall
12 determine whether these conditions are met pursuant to Transportation Exhibit, Exhibit J, of the
13 Development Agreement. Car share parking spaces shall be provided in the amounts set forth in
14 Section 166. The width and location of vehicular openings shall be as set forth in the DSG.

15 (B) Driveway and Loading Operations Plan. The purpose of a Driveway and
16 Loading Operations Plan (DLOP) is to reduce potential conflicts between driveway and loading
17 operations, such as passenger and freight loading activities, and pedestrians, bicycles, and vehicles.
18 The goal of the plan is to maximize utilization of off-street space to accommodate loading demand, and
19 to ensure that off-street loading is considered and attempted, to the extent physically and feasibly
20 possible, in the design of new Buildings. The Developer shall prepare a DLOP in accordance with the
21 Planning Code, Planning Department guidelines, and any standard environmental conditions.

22 (10) Bicycle Parking. Developer shall provide bicycle parking as required by the
23 Planning Code, except that there shall be a minimum of 30 Class I spaces that are designed to
24 accommodate oversized bicycles in the SUD.

25 ///

1 (11) Waiver of Planning Code Section 138.1. The streetscape design set forth in the
2 Master Infrastructure Plan and DSG sets forth the standards for pedestrian and streetscape
3 improvements in the SUD.

4 (12) Waiver of Planning Code Section 169. The provisions of the Transportation
5 Demand Management Program shall apply as required under Sections 169 et seq. and any successor
6 Sections, except that Section 169.4(a)-(d) shall not apply to the Project because the Project has already
7 completed a Transportation Demand Management Plan and it is included as part of the Development
8 Agreement, Exhibit J.

9 (13) Compliance with Article 4 of the Planning Code.

10 (A) Inclusionary Housing Requirements. The provisions of Sections 415 et
11 seq. shall not apply, except as otherwise stipulated in the Development Agreement.

12 (B) Other Impact Fees. For so long as the Development Agreement remains in
13 effect, the Developer impact fees payable for any Building Project will be determined in accordance
14 with the Development Agreement.

15 (14) Relationship to State or Local Density Bonus Programs. In exchange for the
16 benefits expressed in the Development Agreement and this Section 249.88, and as set forth in the
17 Development Agreement, any Building Projects within the SUD shall not be eligible for additional
18 density or modifications to development standards allowed in any State or local law allowing
19 additional density or modifications to development in exchange for on-site affordable housing,
20 including but not limited to the State Density Bonus Law (California Government Code Sections 65915
21 et seq.), the Affordable Housing Bonus Program (Planning Code Sections 206 et seq.), and Planning
22 Code Sections 207 et seq.

23 (15) Modifications to Building Standards and Use Requirements.

24 (A) No Modifications or Variances. No variances, exceptions, modifications, or
25 other deviations from the requirements and standards of the Planning Code, including the SUD, and of

1 the DSG are permitted except through the procedures for granting of Minor and Major Modifications
2 established in the SUD. No modifications or variances are permitted for maximum Building height or
3 maximum automobile parking spaces.

4 **(B) Modification of Other Building Standards and Use Requirements.** A
5 dimensional or numerical standard may be modified only as provided in subsection (i), on a project-by-
6 project basis. In order to grant a Minor or Major Modification, the Planning Director or Commission
7 must find that the proposed Minor or Major Modification achieves equal or superior design quality and
8 public benefit as strict compliance with the applicable standard and meets the intent of the SUD and
9 the DSG.

10 **(C) Minor Modifications.** The Planning Director may approve a Minor
11 Modification administratively in accordance with the procedures set forth in subsection (i).

12 **(D) Major Modifications.** The Planning Commission may approve an
13 application for a Major Modification in accordance with the procedures set forth in subsection (i).

14 **(h) Project Review and Approval.** In lieu of the procedures set forth in Planning Code Article
15 3, the following project review and approval procedures shall apply in the SUD.

16 **(1) Purpose.** The design review process for this SUD is intended to ensure that new
17 Building Projects are designed to complement the aesthetic quality of the development, exhibit high
18 quality architectural design, and promote the purpose of this SUD.

19 **(2) Development Phase Application.** Consistent with the Development Agreement, the
20 Developer shall submit a Development Phase Application to the Planning Director for approval, and
21 no development may be approved within a Development Phase until after the Planning Director issues
22 a Development Phase Application approval. The Development Phase Application process, as set forth
23 in the Development Agreement, is to ensure that all Publicly Accessible Open Space and Building
24 Projects within a development phase are consistent with the Development Agreement and the SUD.
25 Planning shall review Development Phase Applications within 30 days of receipt in order to determine

1 completeness. If the Planning Director fails to respond within such 30-day period, the Development
2 Phase Application will be deemed complete. The Planning Director shall act on a Development Phase
3 Application within 60 days after submittal of a complete Development Phase Application. Changes
4 proposed by the Planning Department will be reasonably considered by Developer, and changes
5 proposed by Developer will be reasonably considered by the Planning Department. If there are no
6 objections, or upon resolution of any differences, the Planning Director shall approve the Development
7 Phase Application with such revisions, comments, or requirements as may be permitted in accordance
8 with the terms of the Development Agreement and the phasing plan.

9 **(3) Concurrent Submittal of Development Phase Application and Design Review**

10 **Application.** Applications for design review may be submitted concurrently with or subsequent to a
11 Development Phase Application. When submitted concurrently, the time limits for the Planning
12 Department review of completeness and design review described in subsection (i) shall not commence
13 until after the Planning Director has issued a Development Phase Application approval. The Planning
14 Department shall approve only those applications for individual Buildings that are consistent with a
15 Development Phase Application approval. To ensure that Building Projects and Privately-Owned
16 Community Improvements meet the requirements of the Planning Code, including this Section 249.88,
17 and the DSG, Developer shall submit a Design Phase Application and receive approval from the
18 Planning Director, or, if required, the Planning Commission before obtaining any permits for the
19 applicable construction. Standards and limitations on design review approval are set forth in
20 subsection (i) below. Nothing in this Section 249.88 limits the Charter authority of any City
21 department or commission or the rights of City agencies to review and approve proposed infrastructure
22 as set forth in the Development Agreement.

23 **(i) Design Review Applications and Process.**

24 **(1) Applications.** Each design review application shall include the documents and
25 other materials necessary to determine consistency with the Planning Code, this Section 249.88, and

1 the DSG, including site plans, floor plans, sections, elevations, renderings, landscape plans, a DLOP,
2 and exterior material samples to illustrate the overall concept design of the proposed Buildings.
3 Design review applications also should contain information on dwelling unit count and type, parking,
4 and other building characteristics typical of Planning Department development applications. If
5 Developer requests a Major or Minor Modification, the application shall describe proposed changes in
6 reasonable detail, and to the satisfaction of the Planning Director, including narrative and supporting
7 images, if appropriate, and a statement of the purpose or benefits of the proposed Minor or Major
8 Modification(s). As part of design review application process, the Planning Director shall consult with
9 the San Francisco Municipal Transportation Agency regarding the Developer's DLOP.

10 (2) **Completeness.** Planning Department staff shall review the application for
11 completeness and advise the Developer in writing of any deficiencies within 30 days of the date of the
12 application or, if applicable, within 15 days after receipt of any supplemental information requested
13 pursuant to this section.

14 (3) **Design Review of Buildings and Privately-Owned Community Improvements.**

15 (A) **Building Pre-Application Meeting.** Prior to submittal of a design review
16 application for a Building, the Developer shall conduct a minimum of one pre-application public
17 meeting. The meeting shall be conducted at, or within a one-mile radius of, the Project Site, but
18 otherwise subject to the Planning Department's pre-application meeting procedures, including but not
19 limited to the submittal of required meeting documentation. A Planning Department representative
20 shall be invited to such meeting.

21 (B) **Publicly Accessible Open Space Outreach.** Prior to submittal of a design
22 review application for a Publicly Accessible Open Space, the Developer shall conduct a minimum of
23 one pre-application public meeting on design of the Publicly Accessible Open Space. The Developer
24 shall conduct a minimum of one additional public meeting prior to any approval action on the
25 application. Additional meetings may be required at the discretion of the Planning Director. The

1 meetings shall be conducted at, or within a one-mile radius of, the Project Site, and the pre-application
2 meeting shall be subject to the Planning Department's pre-application meeting procedures, including
3 but not limited to, the submittal of required meeting documentation. Developer shall invite a Planning
4 Department representative to such meetings.

5 (C) Design Review Process. Following submittal of the design review
6 application, upon a determination of completeness, Planning Department staff shall conduct design
7 review and prepare a staff report determining compliance with this Section 249.88, the Planning Code,
8 and the DSG, including a recommendation regarding any Minor or Major Modifications sought. The
9 Planning Department staff shall deliver the report to the Developer and any third parties requesting
10 notice in writing, shall be kept on file, and shall be posted on the Department's website for public
11 review within 60 days of the determination of completeness. If Planning Department staff determines
12 that the design is not compliant with this Section 249.88, the Planning Code, or the DSG, the Developer
13 may resubmit the application, in which case the requirements of this subsection (i) for determination of
14 completeness, staff review, and determination of compliance, and delivery, filing, and posting of the
15 staff report, shall apply anew.

16 (4) Approvals and Public Hearings for Buildings and Privately-Owned Community
17 Improvements.

18 (A) Buildings and Privately-Owned Community Improvements Seeking No
19 Modifications. Within 10 days after the delivery and posting of the staff report on the design review
20 application, the Planning Director shall approve or disapprove the design based on its compliance with
21 the Planning Code, including this Section 249.88, the DSG, and the General Plan. If the design review
22 application is consistent with the numeric standards set forth in this Section 249.88 and the DSG, the
23 Planning Director's discretion to approve or disapprove the design review application shall be limited
24 to the Developer's consistency with the non-numeric and non-dimensional elements of the DSG and
25 the General Plan.

1 (B) Buildings and Privately-Owned Community Improvements Seeking Minor
2 Modifications. Within 10 days after the delivery and posting of the staff report on the design review
3 application including a Minor Modification, the Planning Director, shall approve or disapprove any
4 Minor Modification based on its compliance with the Planning Code, including this Section 249.88, the
5 DSG, and the General Plan. Notwithstanding any other provisions of this Section 249.88, the Planning
6 Director, at his or her discretion, may refer any application that proposes a Minor Modification to the
7 Planning Commission if the Planning Director determines that the proposed Minor Modification does
8 not meet the intent of the DSG or the SUD.

9 (C) Buildings and Privately-Owned Community Improvements Seeking Minor
10 or Major Modifications. If the design review application seeks one or more Major Modifications, or if
11 the Planning Director refers a design review application that proposed a Minor Modification to the
12 Planning Commission, the Planning Commission shall calendar the item for a public hearing, subject
13 to any required noticing. For purposes of this subsection (C), Minor Modifications and Major
14 Modifications shall be collectively referred to as Major Modifications. The Planning Commission's
15 review shall be limited to the proposed Major Modification. The Planning Commission shall consider
16 all comments from the public and the recommendations of the staff report and the Planning Director in
17 making a decision to approve or disapprove the granting of any Major Modifications.

18 (D) Notice of Hearings. In addition to complying with the notice requirements
19 of the Brown Act and the Sunshine Ordinance, notice of Planning Commission hearings shall be
20 provided as follows:

21 (i) by mail not less than 20 days prior to the date of the hearing, to the
22 Developer, to residents within 300 feet of the exterior boundaries of the property that is the subject of
23 the application, using for this purpose the names and addresses as shown on the citywide assessment
24 roll in the Office of the Tax Collector, and to any person who has requested such notice; and

25 ///

1 (ii) by posting on the subject property not less than 10 days prior to the
2 date of the hearing.

3 (j) **Building Permits.** Each building permit application submitted to the Department of
4 Building Inspection for Buildings shall be forwarded to the Planning Department for review of the
5 application's consistency with the authorizations granted pursuant to this Section 249.88.

6 (k) **Discretionary Review.** The Planning Department shall not accept, and the Planning
7 Commission shall not hear, requests for discretionary review for projects subject to this Section 249.88.

8 (l) **Change of Use.** The Planning Department shall review each building permit application
9 that the Developer submits to the Department of Building Inspection for vertical improvements for
10 consistency with the authorizations granted pursuant to this Section 249.88. The Department of
11 Building Inspection shall not issue a permit for any vertical improvement or for occupancy that would
12 authorize a new use unless the Planning Department determines such permit is consistent with the
13 Building Standards set forth in the DSG.

14
15 Section 3. The Planning Code is hereby amended by adding Section 263.35, to read
16 as follows:

17 **SEC. 263.35. BALBOA RESERVOIR SPECIAL USE DISTRICT AND THE 48/78-X**
18 **HEIGHT AND BULK DISTRICTS.**

19 *In the Balboa Reservoir Special Use District and the 48-X and 78-X Height and Bulk Districts,*
20 *heights are more specifically prescribed for each Block, as defined in Section 249.88, pursuant to*
21 *Figure 249.88-2.*

22
23 Section 4. The Planning Code is hereby amended in accordance with Planning Code
24 Section 106 by revising Sectional Map ZN12, Height Map HT12, and Special Use District Map
25 SU12 of the Zoning Map, as follows:

(a) To change the Zoning Map ZN12 as follows:

Assessor's Parcels (Block/Lot Numbers)	Current Zoning to be Superseded	Proposed Zoning to be Approved
3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines	P	BR-MU

(b) To change the Height and Bulk Map HT12 as follows:

Assessor's Parcels (Block/Lot Numbers)	Height and Bulk Districts Superseded	New Height and Bulk Districts
3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines	40-X and 65-A	48-X for Blocks TH1, TH2, and H; 78-X for the remainder of the site

(c) To change the Special Use District Map SU12 by creating the new Balboa Reservoir Special Use District and assigning the following Parcels to be within the Balboa Reservoir Special Use District:

Assessor's Parcels (Block/Lot Numbers)	Special Use District
3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines	Balboa Reservoir Special Use District

Section 5. The Planning Code is hereby amended to revise Section 201 as follows:

To add the Balboa Reservoir Mixed Use District, after the "Potrero Power Station Mixed Use District", as follows:

///

<p style="text-align: center;"><i>Balboa Reservoir Mixed Use District</i></p> <p style="text-align: center;"><i>(Also See Section 249.88(g)(1))</i></p>	
<u><i>BR-MU</i></u>	<u><i>Balboa Reservoir Mixed Use District</i></u> <u><i>(Defined in Section 249.88(g)(1))</i></u>

Section 6. The Figures presented in this ordinance (Figures 249.88-1 through 249.88-3) have been placed in the Clerk of the Board of Supervisors File No. 200422, and are incorporated herein by reference.

Section 7. Effective Date and Operative Date.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

(b) This ordinance shall become operative only on (and no rights or duties are affected until) the later of (1) its effective date, as stated in subsection (a) above, or (2) the effective date of the ordinance approving the Development Agreement for the Project. A copy of said ordinance is on file with the Clerk of the Board of Supervisors in File No. 200423.

Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
 ///

1 additions, and Board amendment deletions in accordance with the “Note” that appears under
2 the official title of the ordinance.

3 APPROVED AS TO FORM:
4 DENNIS J. HERRERA, City Attorney

5 By: /s/ JOHN D. MALAMUT
6 JOHN D. MALAMUT
Deputy City Attorney

7 n:\legana\as2020\2000401\01469459.docx



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 200422

Date Passed: August 18, 2020

Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

July 27, 2020 Land Use and Transportation Committee - REFERRED WITHOUT RECOMMENDATION

August 11, 2020 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

August 11, 2020 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

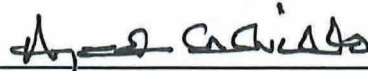
August 18, 2020 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton and Yee

Excused: 1 - Safai

File No. 200422

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
8/18/2020 by the Board of Supervisors of
the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

8.28.20

Date Approved

REVISED LEGISLATIVE DIGEST

(8/11/2020, Amended in Board)

[Planning Code and Zoning Map - Balboa Reservoir Special Use District]

Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

The Balboa Reservoir Project (Project) is proposed to be developed on a parcel currently designated as Public (P) and under the jurisdiction of the Public Utilities Commission. The Project is located immediately to the west of the City College of San Francisco Ocean Campus and just north of Ocean Avenue in the southwest part of San Francisco.

Amendments to Current Law

This Ordinance would add Section 249.88 to the Planning Code to establish the Balboa Reservoir Special Use District (SUD) for the entire Project site. The SUD would not apply to a retained Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south of the Project that will remain in Public zoning. The Ordinance would provide for permitted, non-permitted, temporary, and interim uses within the SUD. The legislation would create controls for development at the site, including ground floor and retail controls, building standards, maximum heights, off street parking including parking lot(s), dwelling unit exposure, bicycle parking, open space, streetscape improvements, inclusionary housing, and others. The SUD would provide mechanisms for modifying those standards in the future, on a case-by-case basis, and for reviewing and approving future development phases and vertical development.

The Ordinance also would add Planning Code Section 263.35 regarding the Balboa Reservoir SUD building heights and would amend the Zoning Map, to do the following:

- a) change the use of the site from P (Public) to BR-MU (Balboa Reservoir Mixed Use), with the exception of the Public Utilities Commission retained parcel which is excluded from the SUD ;
- b) change the height and bulk from 40-X and 65-A to 48-X or 78-X depending on the particular block in the SUD, and
- c) add the SUD to the sectional map number 12.

The Ordinance also makes environmental findings and findings of consistency with the General Plan, eight priority policies of Planning Code Section 101.1, and public necessity determination of Planning Code Section 302.

Background Information

The Project addresses the City's housing challenges by contributing to the City's goal of creating 5,000 housing units each year. The Project site was specifically identified in the General Plan for additional housing in close proximity to local and regional public transportation. The Project implements the goals and objectives of the General Plan Housing Element and of the 2009 Balboa Park Station Area Plan that calls for the development of a mixed-use residential neighborhood on the west reservoir to address the Citywide demand for housing. The Project also implements the goals of the City's 2014 Public Land for Housing program and the Surplus Public Lands Initiative (Proposition K from 2015), by replacing an underused surface parking lot located on surplus public land with a substantial amount of new housing, including a high percentage of affordable housing.

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Balboa Reservoir Project

DATE: August 11, 2020
TO: Norman Yee, President of the Board of Supervisors and Angela Calvillo, Clerk of the Board of Supervisors
FROM: Devyani Jain, Deputy Director of Environmental Planning
Wade Wietgreffe, Principal Planner
Jeanie Poling, Environmental Coordinator
RE: File No. 200804, 200422, and 200423 and, Planning Case No. 2018-007883
Balboa Reservoir Project
HEARING DATE: August 11, 2020
ATTACHMENTS: Summary of Amendments to the Special Use District and the Design Standards and Guidelines
Summary of Amendments to Development Agreement

The Planning Department is aware that the Board of Supervisors is considering amendments to the versions of the Balboa Reservoir Special Use District and Balboa Reservoir Development Agreement recommended for approval by the San Francisco Planning Commission at its May 28, 2020 hearing. The department has reviewed amendments attached herein. The department has determined that the amendments do not require recirculation of the Balboa Reservoir subsequent environmental impact report ("SEIR") pursuant to California Environmental Quality Act ("CEQA") guidelines section 15088.5 or another subsequent EIR pursuant to CEQA guidelines section 15162, and as explained further below.¹

Potential Special Use District Amendments (and associated amendments to Design Standards and Guidelines)

Two of the proposed amendments relate to physical characteristics of the project: maximum height of block G, and the allowable space of rooftop features. These potential amendments would reduce the envelope of the project analyzed in the Balboa Reservoir SEIR. Thus, these amendments would not require recirculation of the Balboa Reservoir SEIR or another subsequent EIR.

Potential Development Agreement Amendments

Three of the amendments could relate to physical environmental impacts not previously analyzed in the Balboa Reservoir SEIR. The first potential amendment would remove retail use from the project. This potential amendment would reduce the impacts from the project analyzed in the Balboa Reservoir SEIR (e.g., less trips). Thus, this amendment would not require recirculation of the Balboa Reservoir SEIR or another subsequent EIR.

¹ The department assumes the Board of Supervisors will determine whether to uphold the Balboa Reservoir SEIR certification prior to considering the amendments to the Balboa Reservoir Special Use District and Balboa Reservoir Development Agreement. If that occurs, CEQA guidelines section 15062 (subsequent EIR) will apply to the board's decision on the amendments. However, the department is also covering CEQA guidelines section 15088.5 (recirculation) in this memo in case the amendments are discussed during deliberation on the SEIR appeal and because the criteria between the two CEQA guidelines sections are similar.

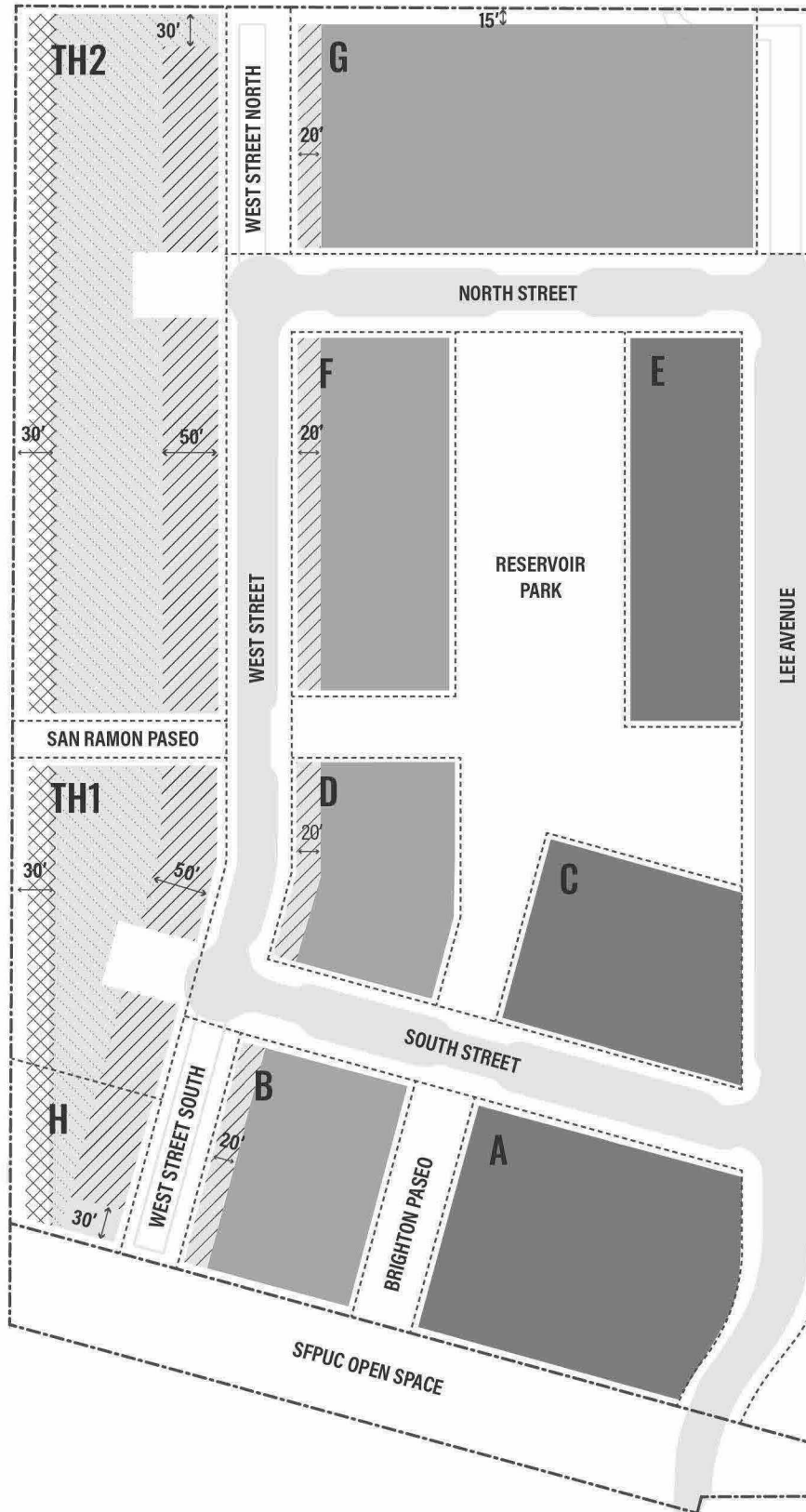
The second potential amendment would require the developer to provide funds to City College to use a valet service on the City College campus during the construction process when the project site is unavailable for parking and during the first two weeks of a City College fall or spring semester. The purpose of the valet service is to expand capacity of existing parking lots at City College, not to physically construct facilities, and the service would be temporary in nature. Thus, this amendment would not require recirculation of the Balboa Reservoir SEIR or another subsequent EIR.






The third potential amendment would require the developer to provide a one-time contribution to City College, in the amount of \$400,000, to help support the implementation and effectiveness of a new transportation demand management (TDM) program. This amount of money could not result in substantial physical changes at City College related to TDM and the money would not go towards construction of vehicular parking. Thus, this amendment would not require recirculation of the Balboa Reservoir SEIR or another subsequent EIR.

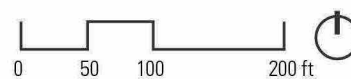
Balboa Reservoir – Summary of Amendments to the Special Use District and the Design Standards and Guidelines

August 10, 2020

1. Reduce maximum allowed height to 68' on Block G
 - a. **SUD:** Figure 249.88-2 Height Limit Map will be revised to reduce the maximum allowed height to 68' on Block G (see attached at the end of this document).
 - b. **DSG:** Figures and standards in the DSG will be adjusted accordingly.
2. Limit height exceptions on the project site
 - a. **SUD:** Amend Section 249.88 (g)(8)(A) so exempted features do not exceed 20% of the rooftop area, which would make it consistent with the Planning Code. (This was an unintentional error in the SUD.) In addition, add clarifications and limitations to exempted features, including articulated roof forms and additional ceiling height at common use amenity spaces. All of these amendments are more restrictive than the current SUD or are consistent with current Planning Code.
 - b. **DSG:** Amend Section 7.24 to add guidelines for the locations of elevator penthouse and rooftop equipment so that they are less visible from adjacent streets and properties. Add guidelines to limit the height of elevator penthouse structures, unless required by Building Code or other law or regulation.



-  2 Stories, 25 Feet
-  3 Stories, 35 Feet
-  4 Stories, 48 Feet
-  6 Stories, 68 Feet
-  7 Stories, 78 Feet



HEIGHT CONTROLS

Board of Supervisors
Balboa Reservoir - Summary of Amendments to the Development Agreement
August 11, 2020

City College Commitments

1. Memorialize the key developer commitments to City College in the Development Agreement –

- *DA new section 3.6: Key Obligations. The City strongly believes that the San Francisco Community College District (the “College”) is an extremely valuable public resource, and recognizes that the Project provides a unique opportunity for the City to provide a large amount of affordable housing while also supporting the mission of the College to provide accessible, quality education to all. Developer and the College have agreed upon certain key obligations of Developer that will support and enhance the College’s educational operations, development, and construction of new facilities pursuant to its Facilities Master Plan. Therefore, Developer shall comply with those key obligations to the College summarized in Exhibit S in its development of the Project Site.*
- *DA new Exhibit S, City College Commitments (exhibit follows at end of memo)*

Affordable Housing

- 2. Developer will Deed Back Three Affordable Housing Parcels to City –** To ensure permanent affordability for the project’s affordable housing units, the developer will convey to the City at nominal cost the three affordable housing parcels that will receive contributions of City gap funding (parcels A, B, E). *Added to DA Exhibit D, Affordable Housing Program*
- 3. Extend Affordability Agreement for the Affordable Educator Housing Parcel –** To ensure permanent affordability for the project’s affordable housing units, the Affordable Educator Housing parcel will require an extended regulatory agreement to maintain affordability for 99 years. The parcel will not be deeded back to the City due to the private developer financing and State tax exemption. *Added to DA Exhibit D, Affordable Housing Program*
- 4. Refine the AMI levels to serve the households of greatest need and a range of income levels –** *Added to DA Exhibit D, Affordable Housing Program*
- The proportion of low-income units to be provided in the project will increase from a minimum of 35% to a minimum of 50% (193 to 275 units). 20% of the low-income units will be provided at very low-income (between 30% and 55% of AMI).
 - The proportion of moderate-income units in the project will be maintained at a minimum of 30% with an AMI range of 80% to 120%. Moderate-income educator units will have an AMI range between 70% and 130% with an average of 100% of AMI.

- The remaining 20% may be low- or moderate-income units, but with further refinement to ensure that a diversity of households are served across the income range.
 - *DA Exhibit D, Sec B. 2. a. to be further amended with: The Developer shall make best efforts to serve households with children or multi-generational households, especially pursuing state funding sources that prioritize low income families.*
5. **Broaden the Neighborhood Preference area to include all neighboring residents, including Ingleside** – The Neighborhood Preference in City Affordable Housing Programs provides for 40% of a project’s affordable units to be offered to residents of the Supervisorial District in which the project is located, plus a ½-mile radius. For this project, the radius will be 1.15 miles. *Added to DA Exhibit D, Affordable Housing Program*
 6. **Ensure that the developer’s commitment to provide 33% affordable housing will not be amended** – The parties agree that the developer’s commitment to providing 33% affordable housing is of utmost importance and as such, agree that any future amendments to the DA will address alternatives to infrastructure, parks, and other cost or revenue items relative to the Project, and under no circumstance will any future amendment reduce the percentage of Affordable Units under the Affordable Housing Program. *Added to DA, Section 11*
 7. **Include provision to prevent delay on the developer’s commitment to build by providing a schedule of performance** – The schedule of performance will include a new obligation for the Developer to meet certain pre-development milestones by specified dates, subject to excusable delay including economic force majeure and litigation delay. *Added a new Schedule 3, Schedule of Performance*
 8. **Include a City repurchase option to encourage the swift production of the project’s community benefits and to provide additional security for the City** – The City will retain a right to repurchase the property if the developer has not commenced construction of the project after 15 years of the Development Agreement effective date, or if the Development Agreement terminates prior to the commencement of construction. Any termination of the Agreement will be made subject to the Board of Supervisors approval. *Added to DA, new Section 15 and Exhibit Q*

DA Section 9.4.2 Termination to be further amended with: Any termination of this Agreement by City prior to the date that Developer has Commenced Construction of the Project (as described in Section 15 of this Agreement) shall be made, if at all, only following a hearing at the City’s Board of Supervisors and shall be subject to the approval of the Board of Supervisors by ~~resolution~~ motion.

Project Uses

9. **Clarify that no retail use is permitted under the DA** - Per the amendment to the DA Ordinance that was made by the Budget & Finance Committee to remove reference to retail use in the project, the DA will be updated to clarify that no retail use is permitted. *DA Recital B and Exhibit B, Project Description will be amended to specify that no retail use is permitted in the Project.*

Child Care Program

10. **Set Child Care Center's rent at \$1 annually to support a nonprofit child care operator's ability to serve** – The developer will lease the child care facility for nominal rent (\$1.00). This is in addition to requirements that the operator be non-profit and reserve 50% of slots for children of low-income families. *Added to DA Exhibit L, Child Care Program*

Open Space

11. **Ensure that the Publicly Accessible Open Space is managed equitably with participation and representation from the public** –
- The developer will establish an open space advisory committee including representatives from nearby neighborhood associations and institutions, and host an annual meeting to provide for ongoing input on the use, maintenance, and operation of the open spaces. *Added to new DA Exhibit R, Community Engagement*
 - The governance of the open space manager will have equal, pro-rata representation from all buildings on site. *Added to DA Exhibit C-3, Open Space Regulations*

Ongoing Community Engagement

12. **Include further language in the Development Agreement evolving the role of the community after the sunset of the Balboa Reservoir Community Advisory Committee** – Added a new exhibit to the DA related to the developer's community engagement obligations throughout the construction of the project and during operation of the open space. Includes developer standards of communication, public participation in open space and building design, an open space advisory committee, and construction management commitments. *Added to new DA Exhibit R, Community Engagement*

DA Exhibit R will be further amended with: Prior to sunseting, the Balboa Reservoir Community Advisory Committee will provide recommendations to Developer on establishing ongoing communications and community engagement.

The Developer will provide continuity in the community engagement process across the various phases of the project, including pre-entitlement, design, pre-construction, construction, and ongoing operations. Specifically, community leaders and organizations, especially those who have served on the Balboa Reservoir Community Advisory Committee,

and established community groups shall continue to serve as liaisons to the broader community in regards to the Balboa Reservoir project, including meeting planning, community outreach, and project updates. The Developer is responsible for maintaining ongoing communication.

- 13. Clarify commitments to best-practices and robust coordination with the public during construction** – The new exhibit regarding community engagement includes construction management commitments to annual meetings, disclosure of timely information, and a community liaison. In addition, developer will comply with specific construction commitments around reducing the impact of noise, air quality, and emissions. *Added to new DA Exhibit R, Community Engagement*

DA Exhibit R will be further amended with:

Noise: *In order to ensure timeliness of response the weekly noise log shall be shared with the appropriate City departments no more than three days after the week in which a complaint or exceedance occurred.*

Dust: *The final Soil Management Plan will need to be approved by the SF Department of Public Health and will be shared with the community. That plan will outline public notification processes and requirements in the case that the particulate level has been exceeded. Dust monitoring logs/data will be available to the public upon request in a timely fashion. In addition, if excessive dust levels occur, mitigation must be immediately implemented, and when necessary, construction will be halted until action has been cured.*

Truck Travel: *The current assumption that was studied from the EIR assumed that the primary construction route would be from 280 and Ocean to the north access Road. If the route needs to change it will be approved by SFMTA in our construction plan and shared with the community as a part of ongoing coordination.*

Transportation

- 14. Include mention of City's investment for transit improvement and traffic mitigation in the neighboring project area** – The SFMTA has issued a memo describing the Agency's commitment to transit investments in the neighboring area. *See file 28 "SFMTA Memo 080520" included in the Development Agreement file 200423*

- 15. Update the TDM Plan menu of options to include contributions or incentives for sustainable transportation** –

DA Exhibit J-1 will be amended with the following TDM measure as an option:

HOV-1 Contributions or Incentives for Sustainable Transportation (2 points)

The Development Project (and subsequent property owner) shall closely consider developing a program which offers contributions or incentives to each Dwelling Unit at least once annually, for the Life of the Project. If requested by a resident or employee, the property

owner shall pay for contributions or incentives equivalent to the cost of a 25 percent of a monthly Muni only "M" pass², or equivalent value in e-cash loaded onto Clipper Card, per Dwelling Unit, and/or employee.

EXHIBIT S

CITY COLLEGE COLLABORATION AND COMMITMENTS

This Exhibit S describes key obligations of Developer and points of collaboration between the Developer and San Francisco Community College District (the “College”). All capitalized terms used in this Exhibit S and not specifically defined herein will have the meanings ascribed to them in the Development Agreement by and between the City and County of San Francisco, a municipal corporation, and Reservoir Community Partners LLC, a California Delaware limited liability company (the “**Agreement**”) to which it is attached. The Balboa Reservoir project is adjacent to the City College of San Francisco’s Ocean Avenue campus. City College has participated in the ongoing community planning process for the Balboa Reservoir, including participation in the developer selection process, representation by a College trustee on the Balboa Reservoir Community Advisory Committee (BRCAC), and ongoing conversations with City staff and the Developer. Additionally, the College currently leases a portion of the lower reservoir for parking.

This Exhibit summarizes the Developer’s agreement for ongoing collaboration with the College as well as specific commitments to provide community benefits to the College. The commitments detailed in this exhibit are consistent with a Memorandum of Understanding approved by the College Board of Trustees on August 6, 2020. Pursuant to Section 3.6 of the Agreement, Developer will comply with the key obligations to the College described below.

Educator Housing.

As detailed in Exhibit D of the Agreement, Developer will provide 150 units designated as affordable educator housing, serving households where at least one person is a full-time employee of the College or the San Francisco Unified School District (“SFUSD”), with priority to College Faculty and staff. Units that cannot be filled by the College will then be made available to SFUSD. Rents will be set for moderate-income household earning between 70%-130% AMI, with an average of 100% AMI. Occupancy will be no sooner than 2024. In addition, the 150 units of affordable educator housing will be of comparable construction and finishes similar to those market rate and affordable units, and with a similar suite of building amenities.

Culture and Climate.

As detailed in Exhibit R of this Agreement, Developer will create an Open Space Advisory Committee that will review the management, maintenance, operations, and programming of the public open spaces on the Balboa Reservoir property.

- The College will have two permanent seats on the Open Space Advisory Committee, alongside adjacent neighborhood groups and other community stakeholders.
- Developer and the Open Space Advisory Committee will collaborate with the College on bringing in College-centered and student-led programming as part of the activation and

programming of the Open Spaces.

Developer will incorporate the City's Caution Against Racially Exploitative Non-Emergencies (CAREN) Act upon adoption by the Board of Supervisors in the governing documents of the Open Space Advisory Committee and the rules and regulations that are developed for the open space.

Developer will work with the College to develop a program to commission student artists to create art/art exhibitions for the Development, with a goal of bringing College Art & Culture into the Development.

Parking.

As detailed in Exhibit J of this Agreement, Developer will provide up to 450 public parking spaces that will be available to the College community during weekday daytime hours.

Developer will provide parking solutions detailed herein to provide continuity of parking availability for the College community, particularly during peak parking demand period in the first two weeks of semesters.

- "Pinch Point" Parking. Due to the necessity of grading the Project Site, and of building the Phase 2 buildings, there may be times during the construction process when interim parking cannot be made available. In the event that one of these times coincides with the first two weeks of a College fall or spring semester (which are identified in the College's 2019 Fehr & Peers Transportation Analysis as the times of peak College parking demand), Developer will fund the reasonable cost for the College to use a valet service to expand the capacity of its other parking lots on campus during this period.
- Dedicated College parking spaces. Developer and the College will collaborate to develop a program by which a portion of the new public parking spaces can be reserved for members of the College community at certain days of the week and times of day. The intent of this program will be to ensure parking availability for the College at times of primary College activity, while also allowing for spaces to be utilized to serve other populations at off-peak times.
- College Parking Pricing. Developer and the College will collaborate to develop a pricing program and enforcement mechanism that recognizes the need for parking pricing to be affordable to the College students. The maximum amount charged to a College student under this program will be no more than the greater of: (i) the basic daily rate charged for daily parking in College campus lots, or (ii) \$6 per day, increasing annually by no more than the Consumer Price Index.

Transportation Benefits for College Students.

Developer will provide a one-time contribution to the College, in the amount of \$400,000, to help support the implementation and effectiveness of a new College Transportation Demand

Management program, particularly to benefit student transportation needs and planning.

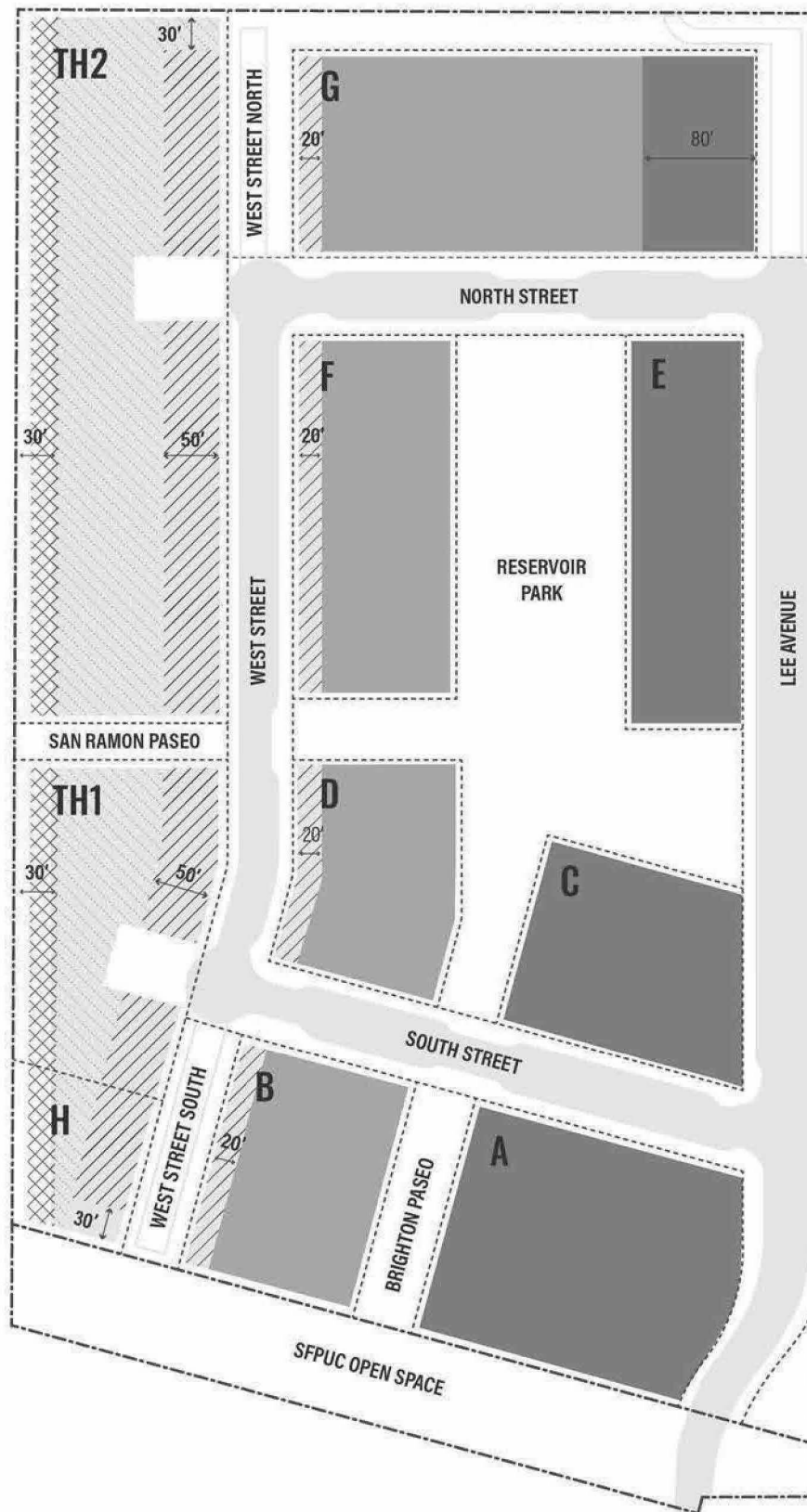
Coordinating Construction Activities






In addition to Developer's obligations described in Exhibit R, Community Engagement, and Exhibit F, the MMRP, Developer and the College will use best efforts to coordinate future construction of the Balboa Reservoir Project and the College Facilities Master Plan, including the Performing Arts and Education Center, The Diego Rivera theater and the STEAM building.

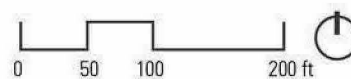
- Developer and the College will identify primary point(s) of contact who will manage construction coordination and planning efforts.
- Developer and the College will have regular meetings to coordinate schedules of construction activities, and update as to any changes in schedules, construction activities, and conditions.
- Developer will use diligent good faith efforts to collaborate with the City and the College to address and resolve all matters related to construction of the roads and subterranean infrastructure, geothermal wells and related considerations outlined in the Amended Access Easement Agreement and Deed between the City and the College.
- Developer and the College will use diligent good faith efforts to collaborate on scheduling for the utility and road construction work, with the goal of minimizing disruption to the College and the Project to the extent feasible.

Existing Geothermal Wells

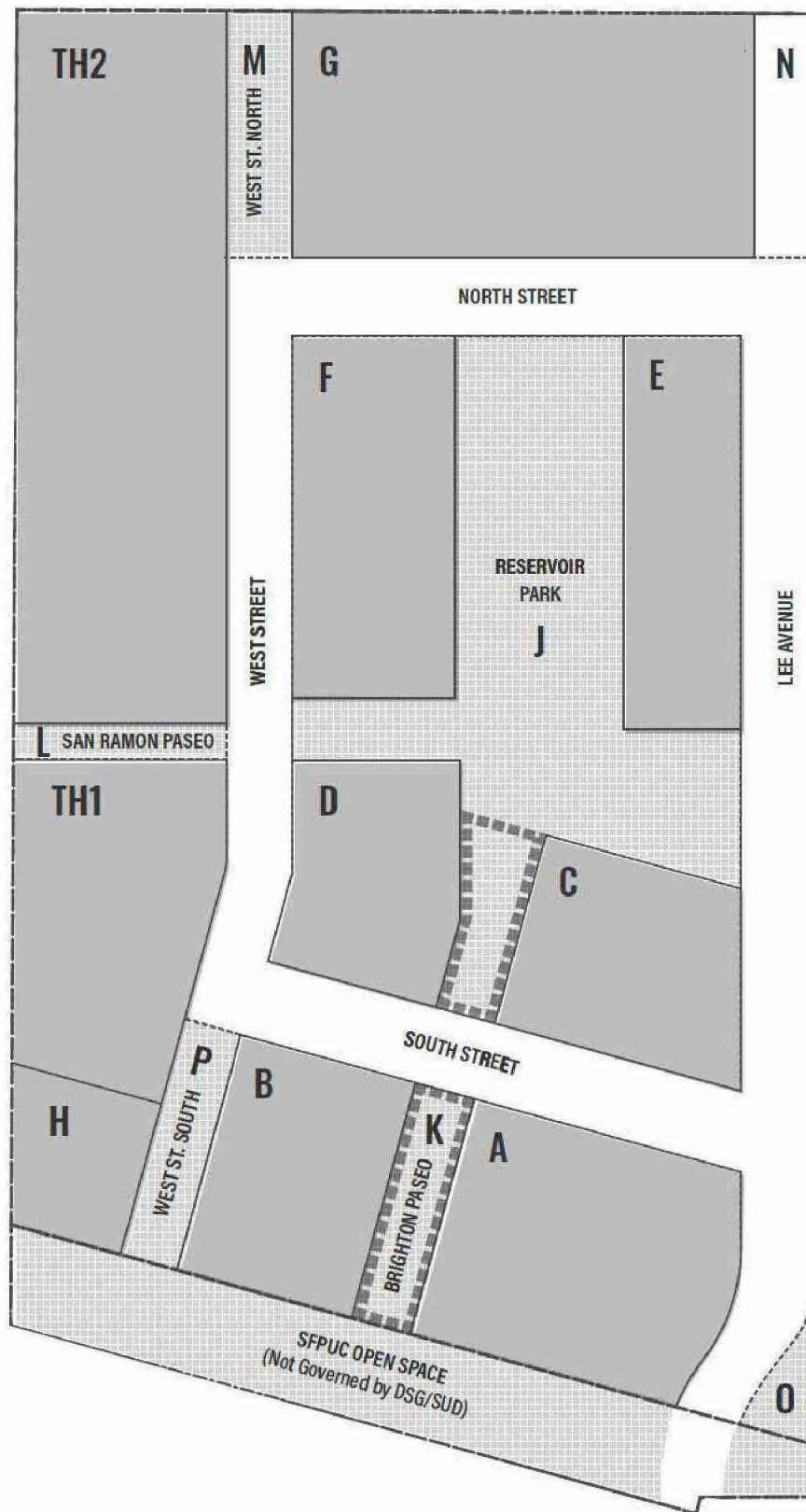
Developer will collaborate with the College engineering staff and consultants on the process for removal of the geothermal wells, and will use commercially reasonable efforts to remove or cap the wells in such a way that the remaining geothermal well system can remain in working order.



-  2 Stories, 25 Feet
-  3 Stories, 35 Feet
-  4 Stories, 48 Feet
-  6 Stories, 68 Feet
-  7 Stories, 78 Feet

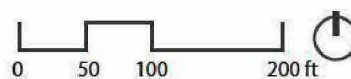


HEIGHT CONTROLS

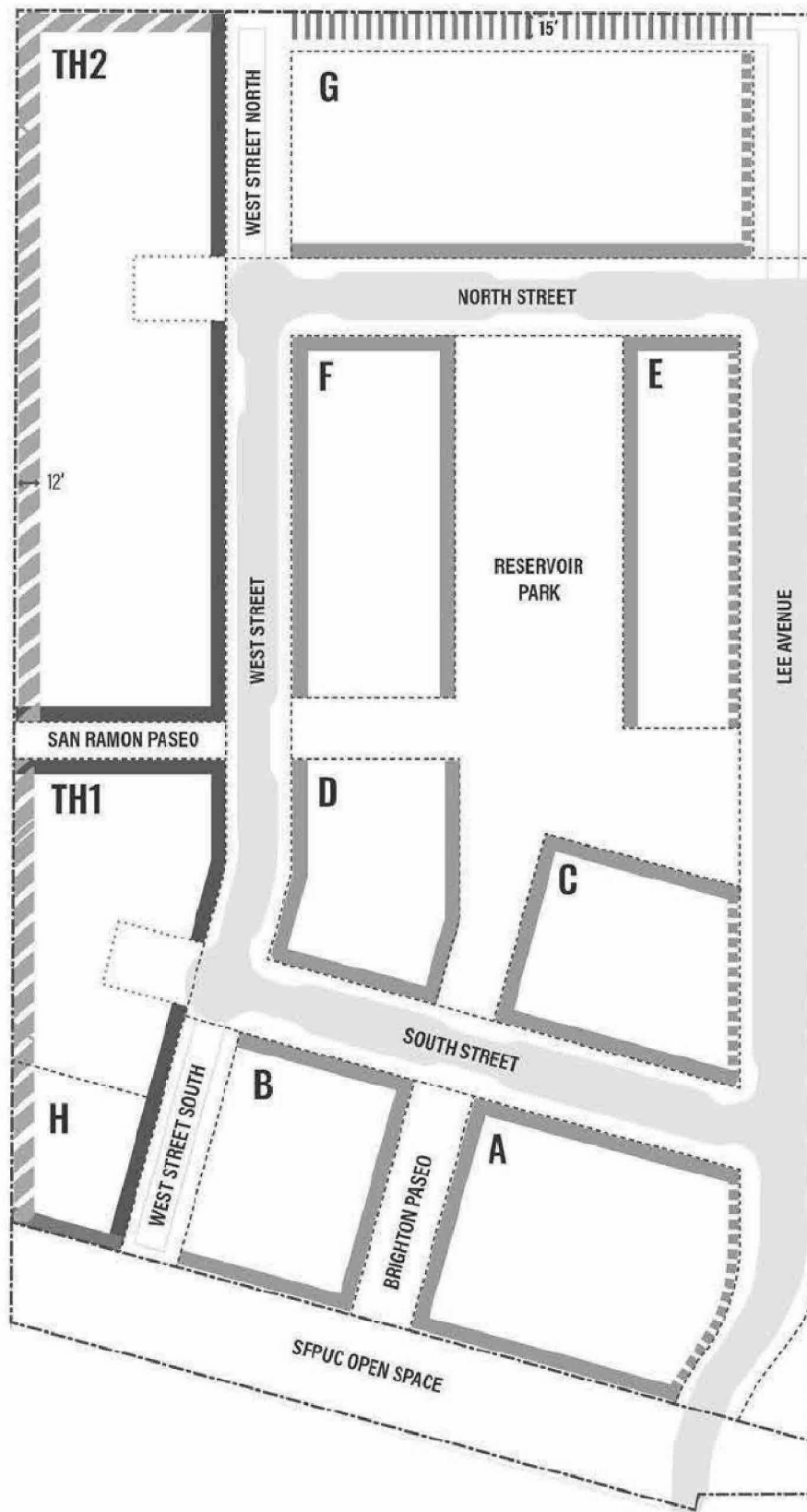


LEGEND

- Residential
- Publicly Accessible Open Space
- Garage Allowed Below Public Open Space

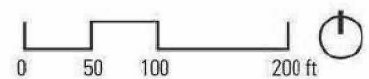


LAND USE



LEGEND

- Type A, Lee Avenue, 5 Foot Setback at Ground Floor
- ▬ Type B, Streets and Open Space, 5 Foot Setback
- ▬ Type C, Townhouses, 5 Foot Setback
- ▨ Type D, 12 Foot Setback at Project Boundary
- ||||| Type E, 15 Foot Setback at Project Boundary



MINIMUM BUILDING SETBACKS



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20733

HEARING DATE: MAY 28, 2020

Case No.: 2018-007883PCAMAP
Project: Balboa Reservoir Project
Existing Zoning: P (Public)
Height-Bulk: 40-X, 65-A
Proposed Zoning: Balboa Reservoir Mixed-Use District (BR-MU)
Balboa Reservoir Special Use District
Proposed Height: 48-X and 78-X
Blocks/Lots: Block 3180/Lot 190
Project Sponsor: Reservoir Community Partners LLC,
Kearstin Dischinger, (415) 321-3515, kdischinger@bridgehousing.com
Staff Contact: Seung Yen Hong – (415) 575-9026, seungyen.hong@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE AMENDMENTS TO THE PLANNING CODE TO: (1) ESTABLISH THE BALBOA RESERVOIR SPECIAL USE DISTRICT; (2) ESTABLISH THE BALBOA RESERVOIR MIXED USE DISTRICT; (3) AMEND ZONING MAP 12 TO REZONE THE PROJECT SITE FROM P (PUBLIC) TO BR-MU (BALBOA RESERVOIR-MIXED USE); (4) AMEND PLANNING CODE HEIGHT AND BULK MAP 12 TO INCREASE THE HEIGHT LIMIT AT THE PROJECT SITE FROM 40-X / 65-A TO 48-X / 78-X; (5) AMEND PLANNING CODE SPECIAL USE DISTRICT MAP 12 BY ZONING THE PROJECT SITE AS BALBOA RESERVOIR SPECIAL USE DISTRICT; AND (6) ADOPT FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1 AND FINDINGS UNDER PLANNING CODE SECTION 302, AND FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, On April 28, 2020, Supervisor Norman Yee introduced an ordinance (Board File 200422) for Planning Code Amendments to establish the Balboa Reservoir Special Use District (herein "SUD"), and for Zoning Map Amendments by amending Zoning Maps ZN12, SU12 and HT12, for the Assessor's Blocks and Lots as listed above; and

WHEREAS, The Planning Code and Zoning Map Amendments would enable the development of the Balboa Reservoir Project ("Project"). Reservoir Community Partners ("Project Sponsor") submitted an application to the San Francisco Planning Department ("Department") for environmental review on May 31, 2018. The Project is located north of the Ocean Avenue Neighborhood Commercial District, west of the City College of San Francisco Ocean Campus, east of the Westwood Park neighborhood, and south of Archbishop Riordan High School, also known as the Balboa Reservoir. The Project site, which is approximately 17.6 acres, is owned by the City and County of San Francisco ("City") under the jurisdiction of the San Francisco Public Utilities Commission ("SFPUC"). The Project site subject to Planning Code and Zoning Map Amendments does not include the 80-foot wide strip along the southern boundary containing SFPUC pipelines. The Project is a mixed-use development containing an integrated network of new publicly accessible parks and a mixed-use neighborhood. The Project includes up to 1.64

million gross square feet in new construction on 10 blocks and would provide approximately 1,100 residential units totaling about 1.3 million gross square feet. A total of up to 50 percent of the new units would be designated affordable to low- and moderate-income households and would include up to 150 units restricted to occupancy by educator households. The Project would contain approximately 10,000 gross square feet of childcare and community space, approximately 7,500 gross square feet of retail space, approximately 550 off-street residential parking spaces and up to 450 off-street parking spaces for use by the public. Maximum heights of new buildings would range between 25 feet and 78 feet. The tallest permitted building heights would generally be located toward Lee Avenue extension near the City College campus and step down westerly. The western side of the project site would build townhomes in order to provide a gradual transition to the lower prevailing heights in Westwood Park. The townhomes facing Westwood Park will be required to provide building setbacks to respect the character of Westwood Park. In addition, upper story setbacks will be required on almost every block on the Project site; and

WHEREAS, Approvals required for the Project include (1) certification of an Environmental Impact Report ("EIR"), (2) Planning Code and Zoning Map amendments, (3) General Plan Amendments, (4) Planning Code Text and Map Amendments, (5) the adoption of a Design Standards and Guidelines ("DSG") document to facilitate implementation, and (6) approval of the Project and a Development Agreement ("DA") between the Project Sponsor and the City and County of San Francisco; and

WHEREAS, These Planning Code Text Amendments would establish the BR-MU zoning district, establish the Balboa Reservoir SUD, would outline the land use controls for the Project site through the SUD, and would rezone the land currently zoned P (Public) to BR-MUD (Balboa Reservoir Mixed-Use District) designation that are more appropriate for the area and that allow the implementation of the Project. This rezoning also includes re-designating the height and bulk districts within the SUD from 40-X and 65-A to 48-X and 78-X; and

WHEREAS, On May 28, 2020, the Planning Commission reviewed and considered the Final EIR ("FEIR") for the Project and found the FEIR to be adequate, accurate and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and certified the FEIR for the Project in compliance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and Chapter 31 by Motion No. 20730; and

WHEREAS, On May 28, 2020, the Planning Commission adopted staff recommendations to approve the Project, as particularly defined in the Planning Commission's DA Resolution, and authorize the Planning Director to make a design decision on garage locations at the time of Development Phase Application approval; and

WHEREAS, On May 28, 2020, the Commission by Motion No. 20731 approved CEQA Findings, including adoption of a statement of overriding considerations and a Mitigation Monitoring and Reporting Program ("MMRP"), under Case No. 2018-007883ENV, for approval of the Project, which findings, statement of overriding considerations and MMRP are incorporated by reference as though fully set forth herein; and

WHEREAS, On May 28, 2020, the Commission by Resolution No. 20732 found that the Project, including the actions contemplated in this Resolution, is on balance consistent with the General Plan, as it is

proposed to be amended, and the eight Priority Policies of Planning Code Section 101.1. That Resolution is incorporated by reference as though fully set forth herein; and

WHEREAS, On May 28, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the proposed Planning Code Text and Map Amendments and has considered the information included in the Planning Commission's files for these Amendments, the staff reports and presentations, public testimony and written comments, as well as the information provided about the Project from other City departments; and.

WHEREAS, An ordinance, in the form attached hereto as Exhibit A, approved as to form by the City Attorney, would establish the Balboa Reservoir SUD, and make other related Planning Code Map amendments; and

WHEREAS, Supervisor Yee, the sponsor of the ordinance, has proposed additional amendments to the Balboa Reservoir SUD that are attached to the staff report and are before the Planning Commission as part of its record for consideration and recommendation.

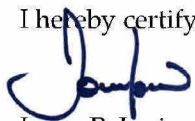
NOW THEREFORE BE IT RESOLVED, That the Planning Commission hereby adopts the CEQA Findings for purposes of this action and finds that the Planning Code Text Amendments and Zoning Map Amendments promote the public welfare, convenience and necessity for the following reasons:

1. The Planning Code Amendments would help implement the Balboa Reservoir Project development, thereby evolving currently under-utilized land for needed housing, parks and open space, community facilities and amenities, and other related uses.
2. The Planning Code Amendments would help implement the Balboa Reservoir Project, which in turn will provide employment opportunities for local residents during construction and occupancy, as well as community facilities and parks for new and existing residents.
3. The Planning Code Amendments would help implement the Balboa Reservoir Project by enabling the creation of a mixed-use and sustainable neighborhood, with new infrastructure.
4. The Planning Code Amendments would enable the construction of a new vibrant, safe, and connected neighborhood, including new parks and open spaces. The Planning Code Amendments would help ensure a vibrant neighborhood with active streets and open spaces, high quality and well-designed buildings, and thoughtful relationships between buildings and the public realm.
5. The Planning Code Amendments would enable construction of new housing, including new on-site affordable housing and educator housing. The Project would create a new mixed-use neighborhood that would strengthen and complement nearby neighborhoods.
6. The Planning Code Amendments would help promote child-friendly development in the Balboa Reservoir neighborhood by providing a higher portion of 2 plus bedroom units and a range of amenities like a childcare center, cargo bicycle parking, and an ample amount of well-designed open spaces.

AND BE IT FURTHER RESOLVED, That the Commission finds the Balboa Reservoir Planning Code Amendments are in conformity with the General Plan, as it is proposed to be amended, and Planning Code Section 101.1 as set forth in Resolution No. 20732.

AND BE IT FURTHER RESOLVED, That the Commission hereby recommends that the Board of Supervisors adopt the Balboa Reservoir Planning Code and Zoning Map Amendments, in substantially the form attached hereto as Exhibit A, including Supervisor Yee's proposed amendments as shown in the Planning Department staff report.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 28, 2020.



Jonas P. Ionin
Commission Secretary

AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore

NOES: None

ABSENT: None

ADOPTED: May 28, 2020

[Planning Code and Zoning Map - Balboa Reservoir Special Use District]

Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *~~striketrough italics Times New Roman font~~*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~striketrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Planning and Environmental Findings.

(a) The Balboa Reservoir Project (the "Project") addresses the City's housing challenges by contributing to the City's goal of creating 5,000 housing units each year. The Project site was specifically identified in the General Plan for additional housing in close proximity to local and regional public transportation. The Project implements the goals and objectives of the General Plan Housing Element and of the 2009 Balboa Park Station Area

1 Plan that calls for the development of a mixed-use residential neighborhood on the west
2 reservoir to address the citywide demand for housing. The Project also implements the goals
3 of the City's 2014 Public Land for Housing program and the Surplus Public Lands Initiative
4 (Proposition K), that the electorate passed in November 2015, by replacing an underused
5 surface parking lot located on surplus public land with a substantial amount of new housing,
6 including a high percentage of affordable housing.

7 (b) In companion legislation adopting a Development Agreement associated with the
8 Project, the Board of Supervisors adopted environmental findings pursuant to the California
9 Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et
10 seq.), the CEQA Guidelines (14 Cal. Code Reg. Sections 15000 et seq.), and Chapter 31 of
11 the Administrative Code. The Board adopts these environmental findings as though fully set
12 forth herein in relation to this ordinance. A copy of said companion legislation is in Board of
13 Supervisors File No. _____ and its environmental findings are incorporated herein
14 by reference.

15 (c) The Planning Commission, in its Motion No. _____ adopted on
16 _____, 2020, made findings that the Project and actions contemplated in this
17 ordinance are consistent, on balance, with the City's General Plan and eight priority policies of
18 Planning Code Section 101.1. The Board incorporates these findings by reference and
19 adopts these findings as though fully set forth herein in relation to this ordinance. A copy of
20 said Planning Commission Motion is in Board of Supervisors File No. _____.

21 (d) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
22 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
23 in Planning Commission Resolution No. _____ and adopted on _____,
24 2020, and the Board adopts such reasons as its own. A copy of said resolution is on file with
25 the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein

by reference.

Section 2. The Planning Code is hereby amended by adding Section 249.88, to read as follows:

SEC. 249.88. BALBOA RESERVOIR SPECIAL USE DISTRICT.

(a) Purpose and Boundaries. *A Special Use District entitled the "Balboa Reservoir Special Use District" (the SUD) is hereby established, bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline that is adjacent to a mixed-use multifamily residential development along Ocean Avenue to the south. The precise boundaries of the SUD are shown on Sectional Map SU12 of the Zoning Map. The purpose of the SUD is to implement the land use controls for the Balboa Reservoir Project, which is subject to a Development Agreement, approved by the Board of Supervisors in the ordinance contained in Clerk of the Board of Supervisors File No. . The Project will provide several benefits to the City, such as a significant amount of new housing, including a high percentage of affordable and educator housing, publicly accessible open space, a child care and community facility, retail space, and extensive infrastructure improvements, while creating jobs and a vibrant environmentally sustainable community.*

(b) Relationship to Other Planning Code Provisions. *Applicable provisions of the Planning Code shall control except as otherwise provided in this Section 249.88. If there is a conflict between other provisions of the Planning Code and this Section 249.88, this Section 249.88 shall prevail.*

(c) Relationship to Design Standards and Guidelines. *The Design Standard and Guidelines ("DSG"), adopted by the Planning Commission by Motion No. on , 2020, and as may be periodically amended, sets forth design standards and guidelines applicable within the SUD. A copy of the DSG is on file with the Clerk of the Board of Supervisors in File No. . Any capitalized term in this Section 249.88, and not otherwise defined in this Section*

1 or elsewhere in the Planning Code shall have the meaning ascribed to it in the DSG. This Section, the
2 remainder of the Planning Code, and the DSG shall be read and construed together so as to avoid any
3 conflict to the greatest extent possible. If there is a conflict between the DSG and either this Section or
4 the remainder of the Planning Code, this Section or the other provision of the Planning Code shall
5 prevail. Subject to this Section 249.88(c), if a later amendment to any provision of the Planning Code,
6 including this Section 249.88, results in a conflict with the DSG, such amended Planning Code
7 provision shall prevail. Amendments to the DSG may be made by the Planning Commission upon
8 initiation by the Planning Department or upon application by Developer, but if there is a conflict
9 between an amendment to the DSG and this Section or the remainder of the Planning Code, as
10 applicable, this Section or other provision of the Planning Code shall prevail unless and until such time
11 as this Section or the remainder of the Planning Code is amended to be consistent with the amendment
12 to the DSG. The Planning Director may approve minor amendments to the DSG to clarify its
13 provisions. For the purposes of this subsection (c), “minor amendments” shall be defined as
14 amendments necessary to clarify omissions or correct inadvertent mistakes in the DSG and are
15 consistent with the intent of the DSG, the SUD, the General Plan, and the Development Agreement.

16 (d) **Relationship to the Development Agreement.** This Section 249.88 shall be read and
17 construed consistent with the Development Agreement, and all development within the Project Site that
18 is subject to the Development Agreement shall satisfy the requirements of the Development Agreement
19 for so long as the Development Agreement remains in effect.

20 (e) **Definitions.** For purposes of this Section 249.88, the following definitions shall apply. If
21 not expressly superseded by definitions set forth in this subsection (e), all definitions of the Planning
22 Code shall apply.

23 “Active Use” means use that consists of a Retail Sales and Service, Entertainment, Arts,
24 Recreation, Child Care, Community Facility, or Residential use.

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1 “Block” means a Building Project block or a Publicly Accessible Open Space block as depicted
2 on Figure 249.88-1.

3 “Building Project” or “Building” means the construction of a building or group of buildings
4 within the Project Site.

5 “Building Standards” means the standards applicable to Building Projects and any associated
6 privately-owned open spaces within the SUD, consisting of the standards specified in subsection (g)
7 below and the standards and guidelines designated as such in the DSG. It does not mean Building Code
8 requirements under either the California or San Francisco Building Codes, which this Section 249.88
9 and the DSG do not override.

10 “Cart” means a mobile structure used in conjunction with food service and/or retail uses, that
11 operates intermittently in a publicly accessible open space, and that is removed daily from such open
12 space during non-business hours.

13 “Design Standards and Guidelines” or “DSG” shall mean the Balboa Reservoir Design
14 Standards and Guidelines adopted by Planning Commission Motion No. _____, as may be
15 amended from time to time. The Design Standards and Guidelines is incorporated into this Section
16 249.88 by reference.

17 “Developer” means the BHC Balboa Builders, LLC, a California limited liability company, or
18 its successor(s). Developer also may be an applicant.

19 “Development Agreement” means the Development Agreement by and between the City and the
20 Developer, approved by the Board of Supervisors by the ordinance in Board File No. _____,
21 and as the Development Agreement may be amended from time to time.

22 “Development Phase Application” means an application for each Building phase of the Project
23 that describes at a minimum, the Block numbers, the Master Infrastructure Plan elements, and vertical
24 improvements proposed in the phase, including number and sizes of affordable housing units, number
25 and sizes of market rate housing units, and square footage of retail, arts activity, community facility

1 and child care square space, and publicly accessible open space. The Development Phase Application
2 also shall include a list of any requested Minor or Major Modifications that are contemplated to be
3 requested in the phase.

4 “Frontage” means the vertical exterior face or wall of a Building and its linear extent that is
5 adjacent to or fronts on a street, right-of-way, or open space.

6 “Kiosk” means a Building or other structure that is set upon the ground and is not attached to a
7 foundation, such as a shipping container, trailer, or similar structure, from which food service and/or
8 retail business is conducted. A Kiosk may operate in a Publicly Accessible Open Space, and remain in
9 place until the business operation is terminated or relocated.

10 “Major Modification” means a deviation of more than 10% from any dimensional or numerical
11 standard in the Planning Code, this Section 249.88, or in the DSG, except as explicitly prohibited per
12 subsection (g) below.

13 “Mass Reduction” means one or more breaks in a Building that reduce the horizontal scale of
14 the Building into discrete sections.

15 “Master Infrastructure Plan” or “MIP” shall mean the Balboa Reservoir Master
16 Infrastructure Plan approved by the Board of Supervisors as part of the Development Agreement and
17 found in Clerk of the Board of Supervisors File No. _____, and as may be amended from time
18 to time.

19 “Minor Modification” means a deviation of up to 10% from any dimensional or numerical
20 standard in the Planning Code, this Section 249.88, or in the DSG, except as explicitly prohibited per
21 subsection (g) below, or any deviation from any non-dimensional or non-numerical standard in the
22 DSG.

23 “Privately-Owned Community Improvement,” means those facilities and services that are
24 privately-owned and privately-maintained, at no cost to the City (other than any public financing set
25 forth in the Financing Plan, a Development Agreement exhibit), for the public benefit, but not

1 dedicated to the City. Privately-Owned Community Improvements include certain pedestrian paseos,
2 storm drainage facilities, publicly accessible open spaces.

3 “Project” means the Balboa Reservoir Project.

4 “Project Site” means the approximately 16.5 acre site shown on Figure 249.88-1 that is within
5 the SUD. The 80-foot wide strip of land along the southern boundary of the west basin that contains
6 SFPUC pipelines is regulated by the Development Agreement, but is not part of the Project Site or
7 within the SUD and remains within a P (Public) zoning district.

8 “Publicly Accessible Open Space” means a usable open space that is accessible to the public,
9 including an unenclosed park or garden at street grade or following the natural topography,
10 improvements to hillsides or other unimproved public areas, an unenclosed plaza at street grade, or an
11 unenclosed pedestrian pathway, or a shared pedestrian/vehicular right-of-way.

12 “Residential Use” means uses that provide housing for San Francisco residents, rather than
13 visitors, including Dwelling Units, Group Housing, Senior Housing, and Student Housing.

14 “Multifamily Housing” means a residential Building where multiple separate housing units for
15 residential inhabitants are contained within one Building.

16 “Retail Sales and Services” means the use described in Section 102, except for Retail
17 Automobile Uses, Adult Business, Hotel, Motel, and Self-Storage.

18 “Step Back” means a reduction of one or more stories in a portion of one or more upper stories
19 of a Building.

20 “Streetwall” means a continuous façade of a Building and/or Buildings along a street
21 Frontage.

22 “Townhouse” means a single-family dwelling unit with at least two floors that shares a wall
23 with another dwelling and with direct access into the dwelling unit from a street or Publicly Accessible
24 Open Space that does not require access through a lobby, corridor, or other common indoor space
25 shared with other housing units.

1 (f) **Development Controls.** This SUD, as established in Section 249.88, and other Planning
2 Code Sections referenced herein establish all zoning controls for the Project Site.

3 (g) **Uses.**

4 (1) **Balboa Reservoir Special Use District Zoning Designations.** As shown on the
5 Zoning Map, the SUD is co-terminus with the Balboa Reservoir Mixed Use District (BR-MU). This
6 SUD, as established in Section 249.88, and other Planning Code Sections referenced herein establish
7 all zoning controls for the BR-MU district.

8 (2) **Permitted Uses.** The following Uses set forth in Table 249.88-1: Balboa Reservoir
9 Land Uses shall be permitted within the different Blocks of the SUD shown in Figure 249.88-1, where P
10 means Permitted Use and NP means Non-permitted Use. All other uses not stated are prohibited.

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Figure 249.88-1 Balboa Reservoir Land Use Map

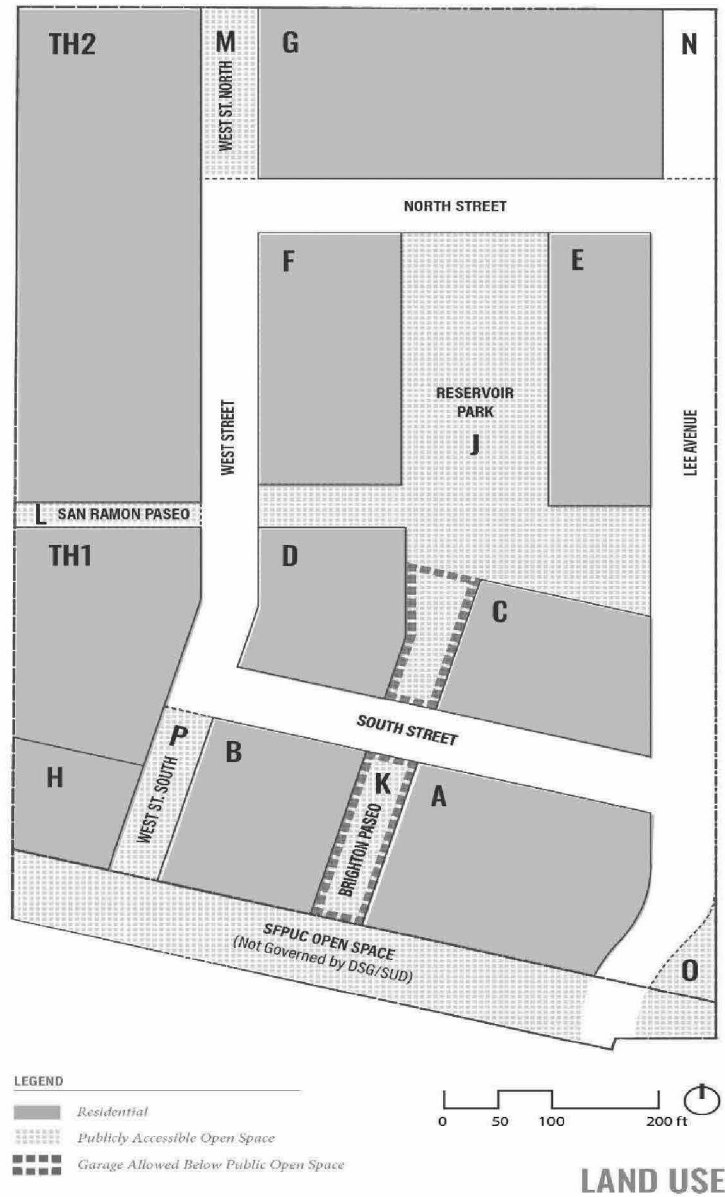


Table 249.88-1 Balboa Reservoir Land Uses

<i>Permitted Use Category</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>TH1</i>	<i>TH2</i>	<i>J</i>	<i>K, L, M, O, P</i>
<i>Publicly Accessible Open Space</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Residential Use</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P(1)</i>	<i>P(1)</i>	<i>NP</i>	<i>NP</i>
<i>Child Care Facility</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P(4)</i>	<i>P(4)</i>
<i>Community Facility (2), (3)</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
<i>Retail Sales and Services (2)</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
<i>Arts Activities (2)</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
<i>Carts and Kiosks (5)</i>	<i>NP</i>	<i>NP</i>	<i>N P</i>	<i>N P</i>	<i>N P</i>	<i>N P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>P</i>	<i>NP</i>
<i>Public Parking Garage</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>P(6)</i>	<i>NP</i>

(1) Only Townhouse units are allowed

(2) All non-residential uses except multi-story parking garages are allowed only

1 on the ground floor and below

2 (3) As defined in Section 102, except Health Care uses are not allowed

3 (4) Child care open space only

4 (5) Carts and Kiosks are allowed in Block J subject to Subsection (g)(8)(N)

5 (6) Below grade only as shown in Figure 249.88-1

6 (3) **Temporary Uses.** Temporary Uses are permitted consistent with Planning Code
7 Sections 205.1 through 205.4 for Neighborhood Commercial Districts.

8 (4) **Interim Uses.**

9 (A) Prior to completion of the Project, one or more Public or Private Parking
10 Lots, including construction worker parking lots, shall be permitted without regard to the provisions
11 regulating automobile parking set forth in Sections 155, 156, 303(t) or (u), and other provisions of
12 Article 1.5 of this Code, and such parking lot(s) shall not be required to be surrounded by a fence or
13 wall.

14 (B) Prior to completion of the Project, certain other interim uses may be
15 authorized for a period not to exceed five years by the Planning Director, without a public hearing if
16 the Planning Director finds that such Interim Use will not impede orderly development consistent with
17 this Section 249.88, the DSG, and the Development Agreement. Any authorization granted pursuant to
18 this subsection 249.88(g)(4)(B) shall not exempt the Developer from obtaining any other permit
19 required by law. Additional time for such uses may be authorized upon a new application for the
20 proposed Interim Use. Permitted Interim Uses shall include, but are not limited to:

21 (i) Retail Sales and Services;

22 (ii) Entertainment, Arts, and Recreation, including but not limited to
23 temporary art installations, exhibits, and sales, recreational facilities and uses (such as play and
24 climbing structures and outdoor fitness classes), and temporary structures to accommodate events
25 (such as stages, seating, and support facilities for patrons and operations);

1 (iii) Institutional Education Use, including but not limited to after-school
2 day camp and activities;

3 (iv) Site management service, administrative functions, and customer
4 amenities and associated loading;

5 (v) Rental or sales offices incidental to new development; and

6 (vi) Trailers, recreational vehicles, or other temporary housing for
7 construction workers, seasonal labor, or other workforce employment needs.

8 (5) Residential Density. The dwelling unit and group housing density limits applicable
9 in the RM-3 District, as it may be modified pursuant to Section 304, shall govern residential density
10 within the SUD. However, greater residential density than permitted in an RM-3 District may be
11 provided on individual Blocks, as long as the overall density of the SUD does not exceed the density
12 allowed in a RM-3 District, as it may be modified pursuant to Section 304, for the entire SUD.

13 (6) Minimum Dwelling Unit Mix. No less than 25% of the total aggregate number of
14 proposed dwelling units in the SUD shall contain at least two bedrooms, and no less than 10% of the
15 total aggregate number of proposed dwelling units in the SUD shall contain at least three bedrooms.
16 The minimum dwelling unit mix may be less on any individual Block than otherwise required provided
17 the total dwelling unit mix in the SUD shall not be less than the minimum dwelling unit mix upon
18 completion of the Project.

19 (7) Floor Area Ratio. There shall be no floor-area-ratio limit within the SUD.

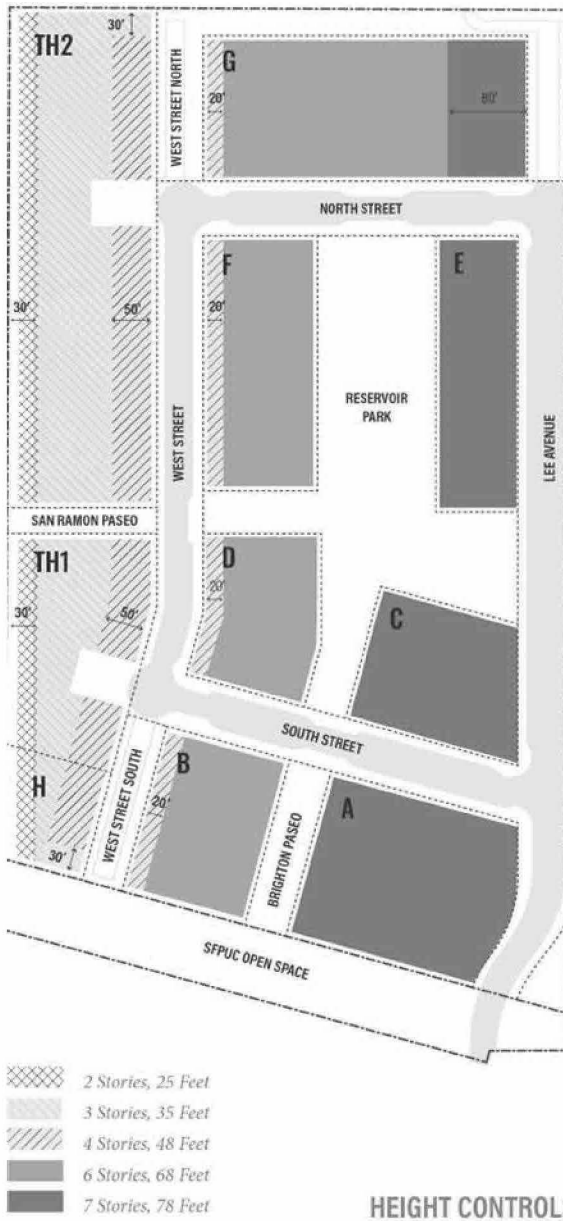
20 (8) Building Standards.

21 (A) Building Height. For purposes of the SUD, the height limits shall be as set
22 forth in Section Map HT12 of the Zoning Map and as further limited and detailed in Figure 249.88-2:
23 Building Height Maximums, and as further governed by this Section 249.88(g)(8)(A). The features set

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Figure 249.88-2 Height Limit Map



forth in Section 260(b)(1) and those below may extend above the maximum allowable height provided the sum of the horizontal areas of said features do not exceed 40 percent of the rooftop area and do not encroach into the required step back at upper floors as required below:

(i) Solar energy collection devices shall be allowed to a maximum height of 10 feet.

(ii) Rooftop enclosed utility sheds designed exclusively for the storage of landscaping, gardening supplies, and related equipment for living roofs shall be allowed, provided they do not exceed 100 square feet of gross area and a maximum height of 10 feet.

(iii) Projections above the allowable height necessary to accommodate additional ceiling height at common amenity spaces located on the top floor shall be allowed to a maximum ceiling height of 10 feet average measured to finished surface at ceiling.

(iv) Non-occupied architectural features, including wind screens shall be allowed up to 8 feet above the allowable height.

(B) **Building Bulk.** There are no bulk limits in this SUD.

(C) **Setbacks.** Minimum setbacks of the façade of Buildings from street rights of way and from publicly accessible open space shall be provided in the locations and depth shown in Figure 249.88-3.

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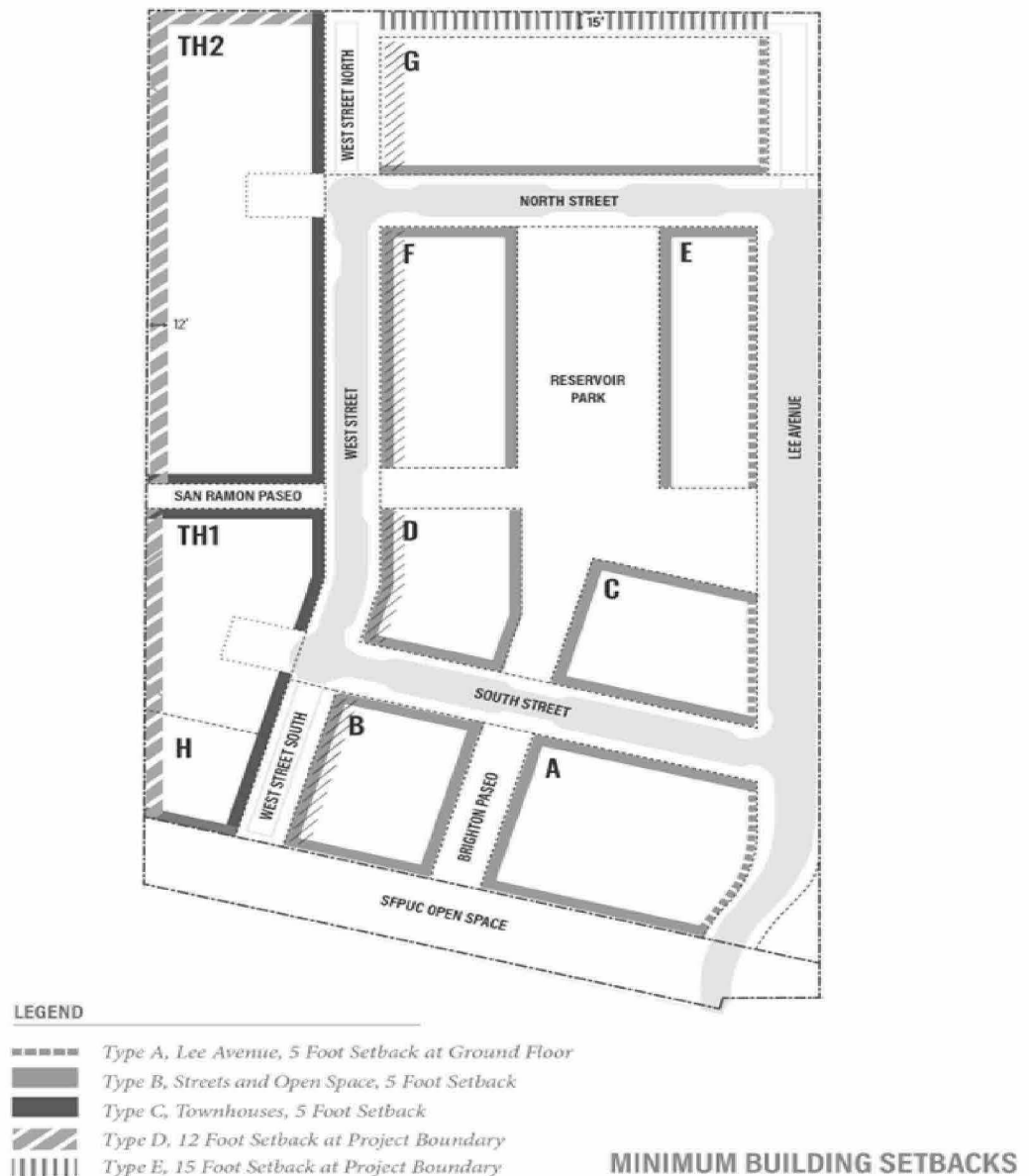
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Figure 249.88-3 Minimum Building Setbacks



(D) Streetwall. *A streetwall is required at all Building frontages facing public right of ways, publicly accessible open spaces, and paseos. The required streetwalls shall be located at*

1 the setback line or at the property line where there is no setback control. Streetwalls may be offset
2 from the setback line or property line by not more than two feet towards the interior of the Block.
3 Streetwalls shall be provided at not less than 60% of the total area of the Building facade area.
4 Openings to interior courtyards and other breaks in the streetwall that are required under Mass
5 Reduction shall not count towards the required streetwall.

6 (E) Mass Reduction. Buildings taller than 40 feet with a frontage exceeding
7 180 feet in length shall incorporate at least one of the following Mass Reduction strategies:

8 (i) Exterior Recess. Provide a recess at Building exterior with a minimum
9 width of 15 feet and minimum depth of 10 feet from the Building wall extending vertically for height at least
10 75% of the height of the facade. The recess may start at second floor or may terminate at the top floor.

11 (ii) Vertical Elements. Provide a combination of elements consisting of
12 recess and/or projection with a minimum width of 10 feet, minimum depth of five feet, and extending
13 vertically for a height equal to at least 75% of the height of the facade. The cumulative base footprint area
14 of all vertical elements on a frontage shall equal a minimum of 150 square feet to qualify as a mass
15 reduction strategy. Balconies at vertical elements are allowed if the railings are visually differentiated from
16 the main facade.

17 (iii) Alternative means of satisfying the mass reduction requirement for all
18 Blocks shall be as set forth in the DSG.

19 (F) Step Backs at Upper Floors. Each of the Buildings on Blocks A, B, C, D, E,
20 F, and G shall provide one or more step backs at the top floor. The intent of the step backs is to
21 articulate Building silhouettes and to provide potential locations for roof terraces overlooking the
22 shared open space. The required height reduction along West Street shall not count towards the
23 required step back.

24 (i) Blocks A, C, and E shall provide a one-story contiguous step back
25 equal to 15% of the roof area or one-story non-contiguous step backs equal to 25% of the roof area.

1 The contiguous step backs shall have a minimum horizontal dimension of not less than 20 feet.

2 (ii) Blocks B, D, F, and G shall provide a top floor step back equal to
3 10% of the roof area. These step backs may be located in a single contiguous element or may be
4 comprised of multiple elements provided each step back area has a minimum horizontal dimension of
5 not less than 10 feet in all directions.

6 (G) **Setback Requirements; Waiver of Planning Code Sections 132, 133, and**
7 **134.** Rear yard, side yard, or front yard setback requirements shall be set forth in the SUD and DSG in
8 lieu of the provisions of Section 132, 133, and 134.

9 (H) **Unit Exposure.** For all residential units, the required window (as defined
10 by Section 504 of the San Francisco Housing Code) of at least one room that meets the requirement of
11 Section 503 of the Housing Code shall face directly onto an open area of one of the following types:

12 (i) A public street, public alley, or paseo at least 25 feet in width in
13 Blocks A, B, C, D, E, F, and G, and 20 feet in width in Blocks TH1, TH2, and H.

14 (ii) An open area, an inner court, or a space between separate Buildings
15 on the same Block, which is unobstructed (except for obstructions listed in Planning Code Section 136)
16 and is no less than 25 feet in every horizontal dimension in Blocks A, B, C, D, E, F, and G or 20 feet in
17 every horizontal dimension in Blocks TH1, TH2, and H.

18 (I) **Usable Open Space.** The usable open space requirement for dwelling units
19 shall be 40 square feet of private or common usable open space per unit. For Group Housing, the
20 minimum usable open space requirements shall be one-third the amount specified in this subsection (I)
21 for a dwelling unit. Required usable open space shall be on the same Block as the unit it serves.
22 Publicly Accessible Open Space, streets, and paseos on Blocks J, K, L, M, N, O, and P shall not count
23 towards the required on-site usable open space.

24 (i) Any space credited as private usable open space shall have a
25 minimum horizontal dimension of five feet and a minimum area of 35 square feet.

1 (ii) Any space credited as common usable open space shall have a
2 minimum horizontal dimension of 10 feet and a minimum area of 150 square feet.

3 (iii) Inner courts in which the enclosing Building walls are four stories
4 or more in height shall be large enough to inscribe a rectangular area 30 feet by 40 feet within the
5 enclosing walls.

6 (iv) Outer courts in which enclosing Building walls are four stories or
7 more shall be large enough to inscribe a rectangular area 25 feet by 25 feet within the enclosing walls.

8 (v) Space that is accessible for automobiles shall not count towards
9 usable open space in any Block.

10 (J) Ground Floor Floor-to-Floor Height. The minimum ground floor floor-to-
11 floor height of non-residential uses, lobbies and residential common areas shall be 15 feet in Blocks A,
12 B, C, and D and 12 feet in Blocks E and F. The minimum ground floor floor-to-floor height for
13 residential uses shall be 10 feet, except for townhouse units which shall have no minimum floor-to-floor
14 height.

15 (K) Ground Floor Activation. The ground floor activation standards set forth
16 in Sections 7.10, 7.20, and 7.21 of the DSG shall apply in the SUD.

17 (L) Parking Garages. The standards and guidelines for the location, depth,
18 and exterior frontages of parking garages set forth in Section 7.20 and 7.21 of the DSG shall apply in
19 the SUD. With the exception of space allowed for parking and loading access, Building egress, and
20 Building services, above grade parking on any Block shall be wrapped at all stories with a liner of
21 Active Use not less than 20 feet in depth from all facades facing streets and Publicly Accessible Open
22 Spaces.

23 (M) Signage. One identifying sign shall be permitted for each residential
24 Building, except for townhouse Blocks, where one identifying sign shall be permitted per Block. Sign
25 controls set forth in Section 607.1 for RC Districts shall apply to signs for non-residential uses.

(N) Carts and Kiosks. The standards and guidelines for Kiosks and Carts set forth in the DSG shall apply in the SUD.

(9) Off-Street Automobile Parking and Loading. The location and design standards for off-street automobile parking shall be governed by the DSG. There is no minimum off-street parking or loading requirement for any use in the SUD, except that there shall be a minimum of 200 off-street parking spaces in the SUD, and that Buildings in Blocks A, B, C, D, E, F, and G containing 100,000 gross square feet or more of residential space and a parking garage shall provide at least one off-street loading space meeting the dimensional requirements of standard 7.24.2 of the DSG.

(A) Maximum Off-Street Parking. The number of off-street parking spaces within this SUD shall not exceed the following:

Table 249.88-2: Maximum Off-Street Parking Spaces per Land Use

<u>Land Use</u>	<u>Off-Street Parking Ratio</u>
<u>Dwelling Units</u>	<u>0.5 space per unit</u>
<u>Group Housing</u>	<u>1 space per three bedrooms</u>
<u>All Non-Residential Uses</u>	<u>1 space per 500 gross square feet of Occupied Floor Area</u>
<u>Public Parking</u>	<u>450 spaces</u>

Parking amounts for dwelling units, group housing, and non-residential uses may be greater on any individual Block than otherwise allowed by Table 249.88-2 provided the total number of spaces in the SUD shall not exceed the maximum upon completion of the Project. The maximum number of spaces for the Public Parking Garages shown in Table 249.88-2 shall be reduced if the parking spaces for dwelling units or group housing are allowed to be used as public parking during any part of the day. The maximum number of spaces for the Public Parking Garages also shall be reduced in the event the Developer enters into an agreement with adjacent property owner(s) to fund or build public parking on

1 the adjacent site to the east of the Project. The Planning Director shall determine whether these
2 conditions are met pursuant to Transportation Exhibit, Exhibit J, of the Development Agreement. Car
3 share parking spaces shall be provided in the amounts set forth in Section 166. The width and location
4 of vehicular openings shall be as set forth in the DSG.

5 (B) Driveway and Loading Operations Plan. The purpose of a Driveway and
6 Loading Operations Plan (DLOP) is to reduce potential conflicts between driveway and loading
7 operations, such as passenger and freight loading activities, and pedestrians, bicycles, and vehicles.
8 The goal of the plan is to maximize utilization of off-street space to accommodate loading demand, and
9 to ensure that off-street loading is considered and attempted, to the extent physically and feasibly
10 possible, in the design of new Buildings. The Developer shall prepare a DLOP in accordance with the
11 Planning Code, Planning Department guidelines, and any standard environmental conditions.

12 (10) Bicycle Parking. Bicycle parking shall be provided as required by the Planning
13 Code.

14 (11) Waiver of Planning Code Section 138.1. The streetscape design set forth in the
15 Master Infrastructure Plan and DSG sets forth the standards for pedestrian and streetscape
16 improvements in the SUD.

17 (12) Waiver of Planning Code Section 169. The transportation demand management
18 provisions included in the Development Agreement shall govern in the SUD in lieu of the provisions of
19 Section 169.

20 (13) Compliance with Article 4 of the Planning Code.

21 (A) Inclusionary Housing Requirements. The provisions of Sections 415 et
22 seq. shall not apply, except as otherwise stipulated in the Development Agreement.

23 (B) Other Impact Fees. For so long as the Development Agreement remains in
24 effect, the Developer impact fees payable for any Building Project will be determined in accordance
25 with the Development Agreement.

1 **(14) Relationship to State or Local Density Bonus Programs.** *In exchange for the*
2 *benefits expressed in the Development Agreement and this Section 249.88, and as set forth in the*
3 *Development Agreement, any Building Projects within the SUD shall not be eligible for additional*
4 *density or modifications to development standards allowed in any State or local law allowing*
5 *additional density or modifications to development in exchange for on-site affordable housing,*
6 *including but not limited to the State Density Bonus Law (California Government Code Sections 65915*
7 *et seq.), the Affordable Housing Bonus Program (Planning Code Sections 206 et seq.), and Planning*
8 *Code Sections 207 et seq.*

9 **(15) Modifications to Building Standards and Use Requirements.**

10 **(A) No Modifications or Variances.** *No variances, exceptions, modifications, or*
11 *other deviations from the requirements and standards of the Planning Code, including the SUD, and of*
12 *the DSG are permitted except through the procedures for granting of Minor and Major Modifications*
13 *established in the SUD. No modifications or variances are permitted for maximum Building height or*
14 *maximum automobile parking spaces.*

15 **(B) Modification of Other Building Standards and Use Requirements.** *A*
16 *dimensional or numerical standard may be modified only as provided in subsection (i), on a project-by-*
17 *project basis. In order to grant a Minor or Major Modification, the Planning Director or Commission*
18 *must find that the proposed Minor or Major Modification achieves equal or superior design quality and*
19 *public benefit as strict compliance with the applicable standard and meets the intent of the SUD and*
20 *the DSG.*

21 **(C) Minor Modifications.** *The Planning Director may approve a Minor*
22 *Modification administratively in accordance with the procedures set forth in subsection (i).*

23 **(D) Major Modifications.** *The Planning Commission may approve an*
24 *application for a Major Modification in accordance with the procedures set forth in subsection (i).*

25 *///*

1 (h) **Project Review and Approval.** In lieu of the procedures set forth in Planning Code Article
2 3, the following project review and approval procedures shall apply in the SUD.

3 (1) **Purpose.** The design review process for this SUD is intended to ensure that new
4 Building Projects are designed to complement the aesthetic quality of the development, exhibit high
5 quality architectural design, and promote the purpose of this SUD.

6 (2) **Development Phase Application.** Consistent with the Development Agreement, the
7 Developer shall submit a Development Phase Application to the Planning Director for approval, and
8 no development may be approved within a Development Phase until after the Planning Director issues
9 a Development Phase Application approval. The Development Phase Application process, as set forth
10 in the Development Agreement, is to ensure that all Publicly Accessible Open Space and Building
11 Projects within a development phase are consistent with the Development Agreement and the SUD.
12 Planning shall review Development Phase Applications within 30 days of receipt in order to determine
13 completeness. If the Planning Director fails to respond within such 30-day period, the Development
14 Phase Application will be deemed complete. The Planning Director shall act on a Development Phase
15 Application within 60 days after submittal of a complete Development Phase Application. Changes
16 proposed by the Planning Department will be reasonably considered by Developer, and changes
17 proposed by Developer will be reasonably considered by the Planning Department. If there are no
18 objections, or upon resolution of any differences, the Planning Director shall approve the Development
19 Phase Application with such revisions, comments, or requirements as may be permitted in accordance
20 with the terms of the Development Agreement and the phasing plan.

21 (3) **Concurrent Submittal of Development Phase Application and Design Review**
22 **Application.** Applications for design review may be submitted concurrently with or subsequent to a
23 Development Phase Application. When submitted concurrently, the time limits for the Planning
24 Department review of completeness and design review described in subsection (i) shall not commence
25 until after the Planning Director has issued a Development Phase Application approval. The Planning

1 Department shall approve only those applications for individual Buildings that are consistent with a
2 Development Phase Application approval. To ensure that Building Projects and Privately-Owned
3 Community Improvements meet the requirements of the Planning Code, including this Section 249.88,
4 and the DSG, Developer shall submit a Design Phase Application and receive approval from the
5 Planning Director, or, if required, the Planning Commission before obtaining any permits for the
6 applicable construction. Standards and limitations on design review approval are set forth in
7 subsection (i) below. Nothing in this Section 249.88 limits the Charter authority of any City
8 department or commission or the rights of City agencies to review and approve proposed infrastructure
9 as set forth in the Development Agreement.

10 **(i) Design Review Applications and Process.**

11 (1) Applications. Each design review application shall include the documents and
12 other materials necessary to determine consistency with the Planning Code, this Section 249.88, and
13 the DSG, including site plans, floor plans, sections, elevations, renderings, landscape plans, a DLOP,
14 and exterior material samples to illustrate the overall concept design of the proposed Buildings.
15 Design review applications also should contain information on dwelling unit count and type, parking,
16 and other building characteristics typical of Planning Department development applications. If
17 Developer requests a Major or Minor Modification, the application shall describe proposed changes in
18 reasonable detail, and to the satisfaction of the Planning Director, including narrative and supporting
19 images, if appropriate, and a statement of the purpose or benefits of the proposed Minor or Major
20 Modification(s). As part of design review application process, the Planning Director shall consult with
21 the San Francisco Municipal Transportation Agency regarding the Developer's DLOP.

22 (2) Completeness. Planning Department staff shall review the application for
23 completeness and advise the Developer in writing of any deficiencies within 30 days of the date of the
24 application or, if applicable, within 15 days after receipt of any supplemental information requested
25 pursuant to this section.

1 **(3) Design Review of Buildings and Privately-Owned Community Improvements.**

2 **(A) Building Pre-Application Meeting.** *Prior to submittal of a design review*
3 *application for a Building, the Developer shall conduct a minimum of one pre-application public*
4 *meeting. The meeting shall be conducted at, or within a one-mile radius of, the Project Site, but*
5 *otherwise subject to the Planning Department's pre-application meeting procedures, including but not*
6 *limited to the submittal of required meeting documentation. A Planning Department representative*
7 *shall be invited to such meeting.*

8 **(B) Publicly Accessible Open Space Outreach.** *Prior to submittal of a design*
9 *review application for a Publicly Accessible Open Space, the Developer shall conduct a minimum of*
10 *one pre-application public meeting on design of the Publicly Accessible Open Space. The Developer*
11 *shall conduct a minimum of one additional public meeting prior to any approval action on the*
12 *application. Additional meetings may be required at the discretion of the Planning Director. The*
13 *meetings shall be conducted at, or within a one-mile radius of, the Project Site, and the pre-application*
14 *meeting shall be subject to the Planning Department's pre-application meeting procedures, including*
15 *but not limited to, the submittal of required meeting documentation. Developer shall invite a Planning*
16 *Department representative to such meetings.*

17 **(C) Design Review Process.** *Following submittal of the design review*
18 *application, upon a determination of completeness, Planning Department staff shall conduct design*
19 *review and prepare a staff report determining compliance with this Section 249.88, the Planning Code,*
20 *and the DSG, including a recommendation regarding any Minor or Major Modifications sought. The*
21 *Planning Department staff shall deliver the report to the Developer and any third parties requesting*
22 *notice in writing, shall be kept on file, and shall be posted on the Department's website for public*
23 *review within 60 days of the determination of completeness. If Planning Department staff determines*
24 *that the design is not compliant with this Section 249.88, the Planning Code, or the DSG, the Developer*
25 *may resubmit the application, in which case the requirements of this subsection (i) for determination of*

1 completeness, staff review, and determination of compliance, and delivery, filing, and posting of the
2 staff report, shall apply anew.

3 **(4) Approvals and Public Hearings for Buildings and Privately-Owned Community**
4 **Improvements.**

5 **(A) Buildings and Privately-Owned Community Improvements Seeking No**
6 **Modifications.** Within 10 days after the delivery and posting of the staff report on the design review
7 application, the Planning Director shall approve or disapprove the design based on its compliance with
8 the Planning Code, including this Section 249.88, the DSG, and the General Plan. If the design review
9 application is consistent with the numeric standards set forth in this Section 249.88 and the DSG, the
10 Planning Director's discretion to approve or disapprove the design review application shall be limited
11 to the Developer's consistency with the non-numeric and non-dimensional elements of the DSG and
12 the General Plan.

13 **(B) Buildings and Privately-Owned Community Improvements Seeking Minor**
14 **Modifications.** Within 10 days after the delivery and posting of the staff report on the design review
15 application including a Minor Modification, the Planning Director, shall approve or disapprove any
16 Minor Modification based on its compliance with the Planning Code, including this Section 249.88, the
17 DSG, and the General Plan. Notwithstanding any other provisions of this Section 249.88, the Planning
18 Director, at his or her discretion, may refer any application that proposes a Minor Modification to the
19 Planning Commission if the Planning Director determines that the proposed Minor Modification does
20 not meet the intent of the DSG or the SUD.

21 **(C) Buildings and Privately-Owned Community Improvements Seeking Minor**
22 **or Major Modifications.** If the design review application seeks one or more Major Modifications, or if
23 the Planning Director refers a design review application that proposed a Minor Modification to the
24 Planning Commission, the Planning Commission shall calendar the item for a public hearing, subject
25 to any required noticing. For purposes of this subsection (C), Minor Modifications and Major

1 Modifications shall be collectively referred to as Major Modifications. The Planning Commission's
2 review shall be limited to the proposed Major Modification. The Planning Commission shall consider
3 all comments from the public and the recommendations of the staff report and the Planning Director in
4 making a decision to approve or disapprove the granting of any Major Modifications.

5 (D) **Notice of Hearings.** In addition to complying with the notice requirements
6 of the Brown Act and the Sunshine Ordinance, notice of Planning Commission hearings shall be
7 provided as follows:

8 (i) by mail not less than 20 days prior to the date of the hearing, to the
9 Developer, to residents within 300 feet of the exterior boundaries of the property that is the subject of
10 the application, using for this purpose the names and addresses as shown on the citywide assessment
11 roll in the Office of the Tax Collector, and to any person who has requested such notice; and

12 (ii) by posting on the subject property not less than 10 days prior to the
13 date of the hearing.

14 (j) **Building Permits.** Each building permit application submitted to the Department of
15 Building Inspection for Buildings shall be forwarded to the Planning Department for review of the
16 application's consistency with the authorizations granted pursuant to this Section 249.88.

17 (k) **Discretionary Review.** The Planning Department shall not accept, and the Planning
18 Commission shall not hear, requests for discretionary review for projects subject to this Section 249.88.

19 (l) **Change of Use.** The Planning Department shall review each building permit application
20 that the Developer submits to the Department of Building Inspection for vertical improvements for
21 consistency with the authorizations granted pursuant to this Section 249.88. The Department of
22 Building Inspection shall not issue a permit for any Vertical Improvement or for occupancy that would
23 authorize a new use unless the Planning Department determines such permit is consistent with the
24 Building Standards set forth in the DSG.

25 ///

Section 3. The Planning Code is hereby amended by adding Section 263.35, to read as follows:

SEC. 263.35. BALBOA RESERVOIR SPECIAL USE DISTRICT AND THE 48/78-X HEIGHT AND BULK DISTRICTS.

In the Balboa Reservoir Special Use District and the 48-X and 78-X Height and Bulk Districts, heights are more specifically prescribed for each Block, as defined in Section 249.88, pursuant to Figure 249.88-2

Section 4. The Planning Code is hereby amended in accordance with Planning Code Section 106 by revising Sectional Map ZN12, Height Map HT12, and Special Use District Map SU12 of the Zoning Map, as follows:

(a) To change the Zoning Map ZN12 as follows:

Assessor's Parcels (Block/Lot Numbers)	Current Zoning to be Superseded	Proposed Zoning to be Approved
3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines	P	BR-MU

(b) To change the Height and Bulk Map HT12 as follows:

Assessor's Parcels (Block/Lot Numbers)	Height and Bulk Districts Superseded	New Height and Bulk Districts
3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines	40-X and 65-A	48-X for Blocks TH1, TH2, and H; 78-X for the remainder of the site

(c) To change the Special Use District Map SU12 by creating the new Balboa Reservoir Special Use District and assigning the following Parcels to be within the Balboa Reservoir Special Use District:

Assessor’s Parcels (Block/Lot Numbers)	Special Use District
3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines	Balboa Reservoir Special Use District

Section 5. The Planning Code is hereby amended to revise Section 201 as follows:
To add the Balboa Reservoir Mixed Use District, after the “Potrero Power Station Mixed Use District”, as follows:

<i>Balboa Reservoir Mixed Use District</i> <i>(Also See Section 249.88(g)(1))</i>	
<u>BR-MU</u>	<u><i>Balboa Reservoir Mixed Use District</i></u> <u><i>(Defined in Section 249.88(g)(1))</i></u>

Section 6. The Figures presented in this ordinance (Figures 249.88-1 through 249.88-3) have been placed in the Clerk of the Board of Supervisors File No. _____, and are incorporated herein by reference.

Section 7. Effective Date and Operative Date.
(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.
///

(b) This ordinance shall become operative only on (and no rights or duties are affected until) the later of (1) its effective date, as stated in subsection (a) above, or (2) the effective date of the ordinance approving the Development Agreement for the Project. A copy of said ordinance is on file with the Clerk of the Board of Supervisors in File No. _____.

Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: /s/ JOHN D. MALAMUT
JOHN D. MALAMUT
Deputy City Attorney

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OFFICE OF THE CONTROLLER
CITY AND COUNTY OF SAN FRANCISCO

Ben Rosenfield
Controller
Todd Rydstrom
Deputy Controller

MEMORANDUM

TO: The Honorable Board of Supervisors
Angela Calvillo, Clerk of the Board of Supervisors

FROM: Asim Khan, Senior Economist

DATE: July 24, 2020

SUBJECT: Office of Economic Analysis Impact Report for File Numbers 200422 & 200423

Dear Madam Clerk and Members of the Board:

The Office of Economic Analysis is pleased to present you with its economic impact report on file numbers 200422 and 200423, "Balboa Reservoir Development Agreement: Economic Impact Report." If you have any questions about this report, please contact me at (415) 554-5369.

Balboa Reservoir Development Agreement: Economic Impact Report



CITY & COUNTY OF SAN FRANCISCO

Office of the Controller
Office of Economic Analysis

Items #200422 and 200423

07.24.2020

Introduction

2

- On April 24, 2020, Supervisor Yee introduced an ordinance to create the Balboa Reservoir Special Use District (SUD) and proposed ordinance approving the Development Agreement (DA) between the city and the Reservoir Community Partners, LLC, for about 17.6 acres site.
- The site does not contain any permanent structures, and currently contains 1,007 surface parking spaces.
- The purpose of the project is to fully utilize an underutilized public land parcel to add as much affordable housing as financially feasible. The site was identified among the first sites slated for San Francisco's Public Land for Housing Program.
- The Office of Economic Analysis has prepared this report after determining that the proposed ordinances could have a material economic impact on the city's economy.

Rezoning Details

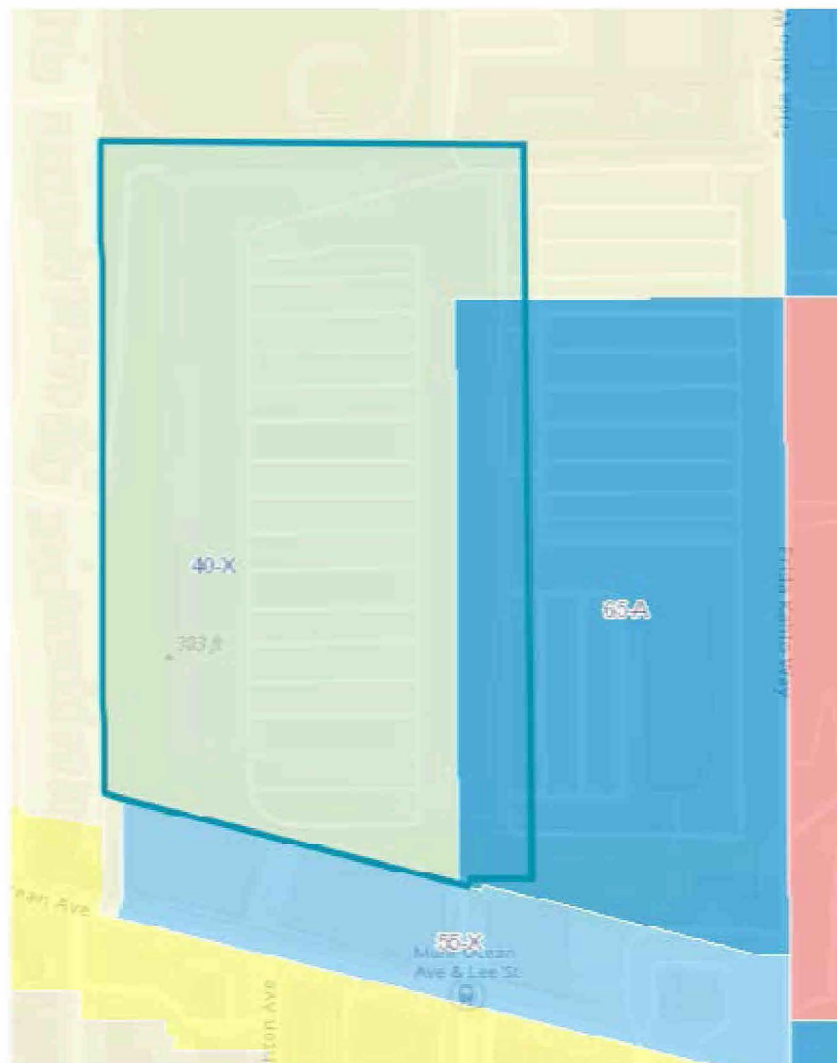
3

- The project site is considered underutilized and currently only has surface parking, providing overflow parking for City College students, faculty, and staff.
- The site's existing zoning is P (Public), and most of the height limit in the project area is 40 feet, except for a small (about 2.2 acres) easterly portion, which has 65 feet height limit (Slide 4).
- The SUD would change the height limit to 48 feet or 78 feet depending upon the particular bloc in the SUD. The maximum building height would range from 25 feet (2 stories) to 78 feet (7 stories).
- In the absence of any SUD changes and the development agreement, there is no financially feasible alternative use, and the site will likely continue to be used as surface parking.

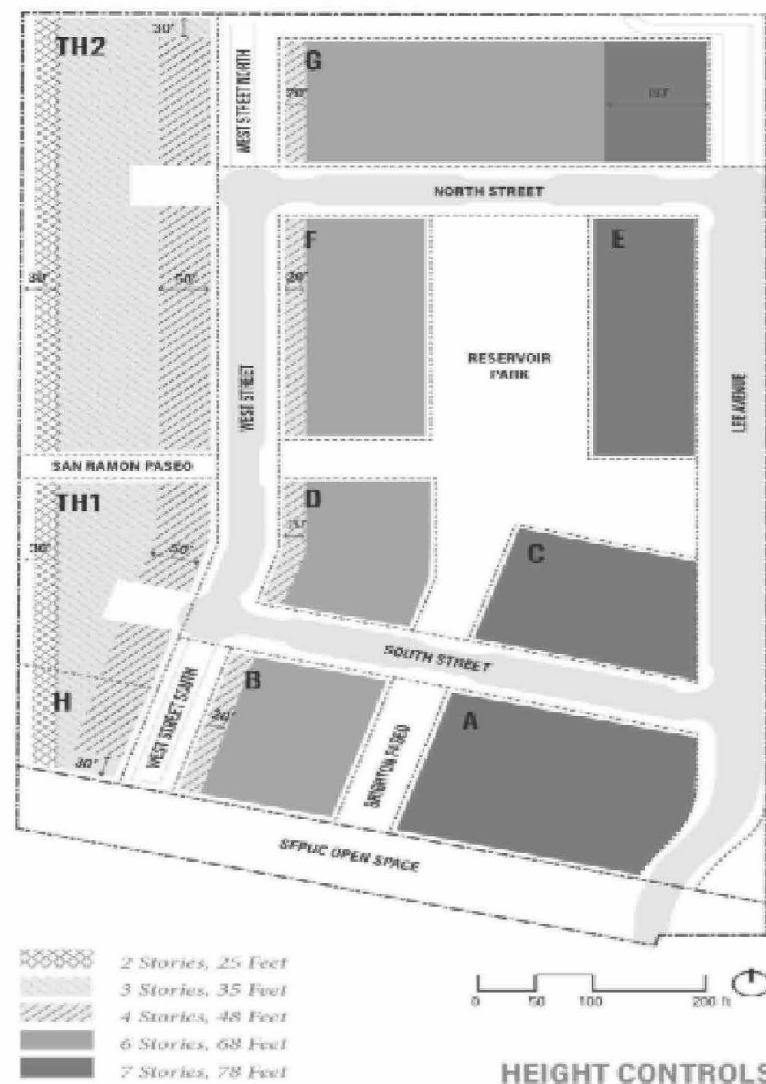
Existing and Proposed SUD Height Changes Maps

4

Existing Height Limits



Proposed Height Limits



Description and Overview of the Project

5

- The proposed project, authorized by the development agreement, is a mixed-use project that would construct up to approximately 1.8 million gross square feet (gsf) of uses. These uses include 1.3 million gsf of residential space (1,100 dwelling units), 10,000 gsf of community space (childcare and a community room for public use), 7,500 gsf of neighborhood-serving retail.
- The project proposes to build 1,000 parking spaces. The number of parking spaces currently existing on the site is 1,007, so there will be a potential loss of 7 spaces at buildout.
- Fifty percent (or 550) of the units will be affordable to low to moderate-income households, earning 30% to 120% AMI. These units are expected to be built on parcels A, B, E, F, and H, whereas 450 market-rate rental units will be built on parcels C, D, and G. The project would also include about 100 for-sale townhomes to be constructed on parcels TH-1 and TH-2.
- About 4 acres will be devoted to publicly accessible open space, including the approximately 2-acre "Reservoir Park."
- The SFPUC will retain ownership of an 80-foot-wide strip of a parcel located along the southern edge of the site where an underground water transmission pipeline is located. The piece of land will be used as a publicly-accessible open space.

Difference in Development Capacity at Buildout

6

Usage	Difference in Development Capacity
Parking Spaces (Compared to the existing 1,007 surface parking spaces)	-7
Community Facilities – Child Care Center (Sq. Ft.)	10,000
Retail (Sq. Ft.)	7,500
Residential	
Residential Space (Sq. Ft.)	1,300,000
Total Housing Units	1,100
<i>Affordable Units</i>	550
Total Development Capacity at Buildout (Sq. Ft.)	1,317,500

Economic Impact Factors

7

- The proposed development will affect the local economy in two ways:
 - The rezoning will increase the number of housing units on the site, putting downward pressure on housing prices and rents across the city.
 - There will be a modest increase in employment (30 direct jobs) in retail and childcare & community servicing space, serving the residential and neighboring population of the project area.
- The modest increase in retail and childcare space is intended to serve the new population, and therefore is not expected to affect city-wide rents for those spaces.

Impact of New Housing

8

- An increase in the housing supply will put downward pressure on residential asking rents and home prices in the city.
- Increasing the number of subsidized housing units will particularly benefit low- and moderate-income households, who generally face higher housing burdens than higher-income households in the city.
- Under the development agreement, the project will develop 50% (or 550 units) of all residential units built within the project site as below-market-rate units affordable to low to moderate-income households, earning between 30% to 120% area AMI.
- The 550 additional affordable units could reduce housing payments by as much as \$3.8 million annually, for the households who occupy these units.
- However, this could be a significant over-estimate, since it was developed for other City development agreements which featured less moderate-income housing.

REMI Model Inputs

9

- The OEA uses the REMI model to simulate the impact of the proposed re-zoning and the development agreement potential difference (as shown on slide 7) on the city's economy. The simulation inputs are presented below.

Inputs	Value
Housing Price Change	-0.44%
Affordable Housing Subsidy Value (\$ million)	\$3.8
Value of Residential Investment (\$ billion)	\$1.6
Direct Retail Employment	20
Direct Childcare Employment	10

Economic Impact Assessment

10

- The project is assumed to develop over twenty-five years (term of the agreement), from 2021-2045. The summary of the average city-wide impacts at buildout is shown below.

Citywide Impacts	REMI Simulation Results
Employment Change	556
Population Change	892
GDP Change (\$2020, million)	\$101
Housing Price Change	-0.45%

Conclusions

11

- The proposed rezoning and the associated project under the development agreement will expand the city's economy. Employment, population, and GDP are expected to rise as a result of the proposed project under the associated zoning, land use, and development agreement changes.
- The OEA estimates that over the forecast horizon (on average), the project would add 556 jobs or about \$101 million annually to the local GDP.
- The REMI simulation further shows that citywide housing prices will decline by 0.45 percent due to additional housing supply on the market.

Staff Contacts

12

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Senior Economist
asim.khan@sfgov.org

For press inquiries: CON.Media@sfgov.org

Balboa Reservoir Development Agreement: Economic Impact Report



CITY & COUNTY OF SAN FRANCISCO

Office of the Controller
Office of Economic Analysis

Items #200422 and 200423

07.24.2020

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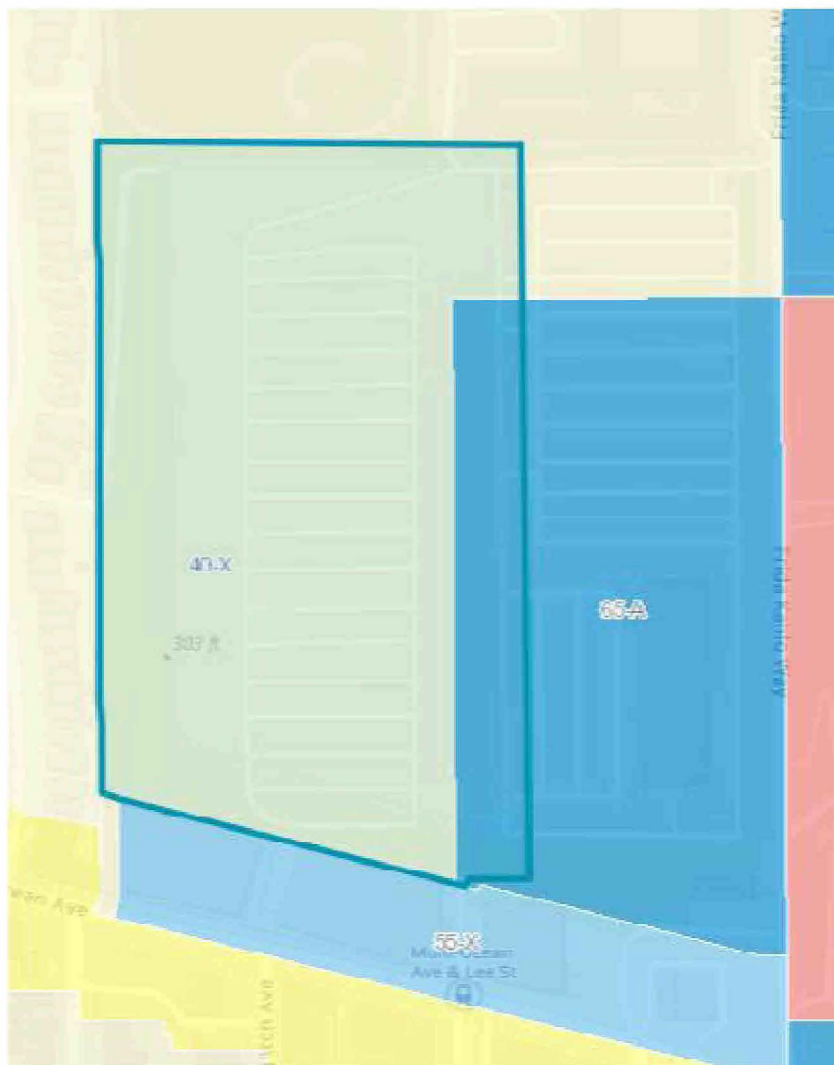
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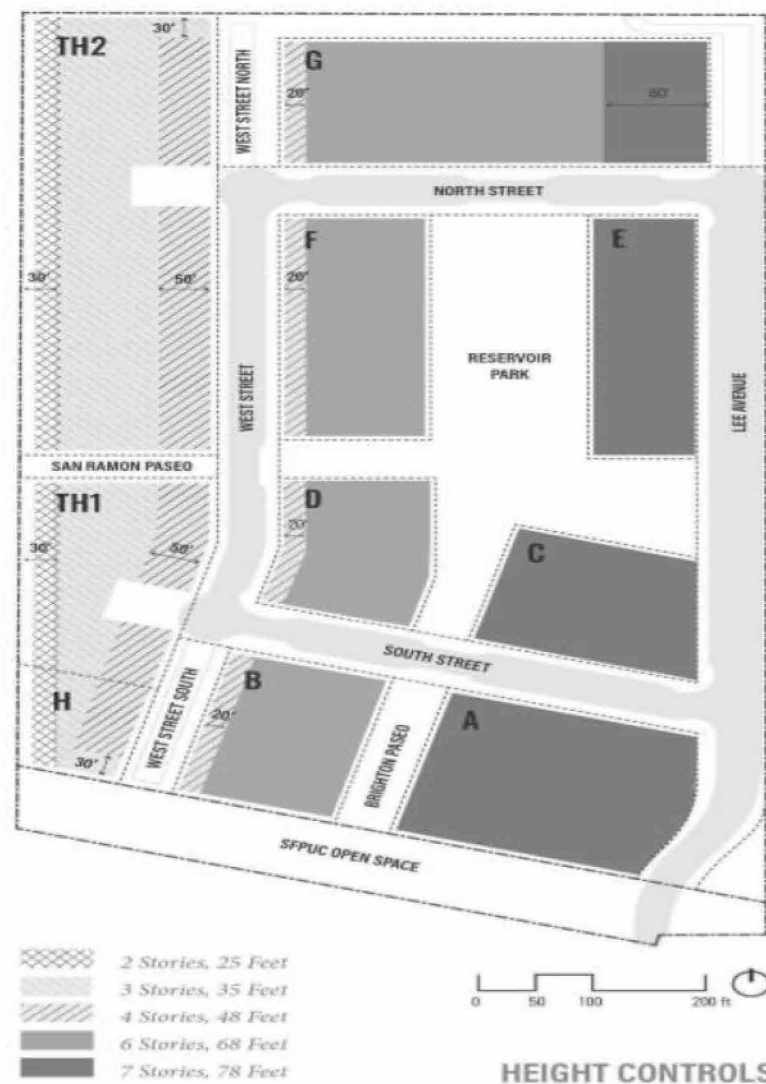
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July 27, 2020

Land Use and Transportation
Committee
San Francisco Board of Supervisors
San Francisco City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Re: Agenda items 3 (200213), 5 (200630), 7 (200635), and 8 (200422).

Dear Committee Members Peskin, Safai, and Preston,

I am the attorney representing appellants Madeline Mueller, Alvin Ja, and Wynd Kaufmyn, who have appealed the Planning Commission's certification of the Final Subsequent EIR for the Balboa Reservoir Project. However, this letter is not directly about that appeal. I will be writing separately to the entire Board of Supervisors on that issue. Instead, this letter addresses the merits of the Balboa Reservoir Project that is on your agenda today, as well as other items addressing the City's pressing need for more affordable housing, and specifically affordable housing for educators.

The Planning Department attempts to focus your attention on the 50% portion of the Balboa Reservoir Project's residential units that would be affordable (low or moderate, or middle-income households). However, given that the land is currently in public ownership, equal attention should be paid to the roughly 50% of the project site that would be devoted to market-rate units. Essentially, that 50% of the property will be permanently lost to the City and unavailable to build any affordable units. You will be sacrificing half of the project site to a for-profit developer in order to build a limited number of affordable units on the other half.

What the Planning Department has refused to consider is the option of building a phased, 100% affordable public project that could potentially build affordable units – and specifically affordable units for educators, staff, and students at City College of San Francisco, over the entire project site. Not only would this have far greater impact on the well-documented and unmet need for more affordable units, but those units, which would serve residents who could walk to their school/workplace, would have far less environmental impact than the proposed project.

At today's hearing, you will hear from Joseph Smooke, a well-known expert on affordable housing whom some of you may already know. He has studied this site and concluded that it can support a phased, 100% affordable, publicly-owned residential project. That conclusion should not be ignored.

Others will provide you with more of the details of this alternative project. My purpose in this letter is simply to urge you to not blindly accept the Planning Department's recommendation to move the currently proposed project forward towards final approval. Before considering approving this project, you should give serious consideration to a phased, public, 100% affordable alternative. It would provide far greater benefit to City College, and the City.

Respectfully,


Stuart M. Flashman

From: [Kirk Whitelaw](#)
To: [Major, Erica \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Monday, July 27, 2020 12:34:53 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Erica Major,

I am a resident of San Francisco and would like to register my support for the Balboa Reservoir project.

This is a rare opportunity for hundreds of families to secure an affordable place to live in our increasingly unaffordable city.

Making sure our essential workers are able to stay in San Francisco and continue to be part of the fabric of our community is more important than ever. Balboa Reservoir will be a huge help.

The inclusion of a childcare center on the site and the addition of public spaces for that everyone can use is also very welcome. I appreciate that great pains have been taken to keep these homes closely integrated with the wider neighborhood - this is a development where everyone will be included.

Placing these homes on the site of the CCSF overflow parking lot is a good use of public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

Kirk Whitelaw
kwhitela@gmail.com
538 38th Ave
San Francisco, California 94112

From: [Annie De Lancie](#)
To: [Major, Erica \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Monday, July 27, 2020 12:58:45 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Erica Major,

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I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

Annie De Lancie
annie@delancie.org
638 34th Ave
San Francisco, California 94121

From: [Paul Anderson](#)
To: [Major, Erica \(BOS\)](#)
Subject: Balboa Reservoir project
Date: Monday, July 27, 2020 1:44:00 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To The Board of Supervisors:

I am homeowner living about a mile from the Balboa Reservoir housing project. I would like to register my strong support for this project and the ordinances amending the General Plan and the Planning Code that are being considered by the Board of Supervisors today.

Covid 19 has not eliminated the long-standing housing shortage in San Francisco. The west side of San Francisco is under-developed. Most of its housing stock was built prior to 1940 and is rapidly aging with outdated wiring and plumbing. We need to encourage balanced new developments such as the Balboa Reservoir project that are close to public transportation and facilities like City College and which will bring additional business to the merchants on the West side.

Please allow this long-delayed project to move forward.

Thank you,

Paul Anderson

From: [Christina Yanuaria](#)
To: aft@aft2121.org
Subject: Oppose the Balboa Reservoir Project
Date: Monday, July 27, 2020 1:46:08 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Leaders and Elected Officials and Representatives,

I am writing to ask you to *support public education* by voting NO on the Balboa Reservoir Project.

Public land does not belong in the hands of private corporations, period.

While the project of providing affordable housing is absolutely noble and needed, *selling public land* is NOT necessary to achieve this goal. The end, in this case, does not justify the means.

At a time when real estate in San Francisco is easily 10x higher per square foot of its bay area neighbors, the City should not be selling land at a discount to a corporation.

Creating de facto segregation by building separate market rate and affordable units is not only inconsistent with San Francisco's inclusionary housing policy, but also *flies in the face of current calls for equity and end to discrimination and oppression on all fronts*. Furthermore the Home Owners Association would become the main owners of market rate, the [origins](#) of which are rooted in racism.

This project will also cause irreparable harm to a public institution of education: City College of San Francisco. The Balboa Reservoir is a critical point of accessibility and equity (!) for commuter students, staff, and faculty access to CCSF by providing essential parking. Without first ensuring viable (as defined by students, staff, and faculty) transportation options, *this project perpetuates the exclusive history of access to higher education- antithetical to the mission of public education and to the City College of San Francisco*.

To be clear, this issue is NOT about whether or not to provide affordable housing.

The issue IS NOT TO SELL public land to a private developer. There are OTHER options that would allow the land to remain in public domain while still providing accessible and affordable housing. Undoubtedly, this will take time; but please resist the urge to approve what appears to be the path of least resistance with the private developer.

Please oppose this project. Say Yes to **Public Lands for Public Good**- NO to the Balboa

Reservoir Project.

Sincerely,

Christina Yanuaria

Pronouns: She/Her

ESL City College of San Francisco

Womxn's Support Collective

[LinkedIn](#)

"If you have come here to help me, you are wasting your time. But if you have come because your liberation is bound up with mine, then let us work together." Lilla Watson

From: [Zoe Eichen](#)
To: [Major, Erica \(BOS\)](#); [Wong, Linda \(BOS\)](#)
Subject: Balboa Reservoir
Date: Monday, July 27, 2020 2:14:17 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello.

I am Zoellen Eichen, a resident of District 11 and CCSF student. I oppose the delegation of Balboa Reservoir to AvalonBay to build luxury housing.

I have been going to CCSF since the summer of 2019, and have deeply appreciated the existence of Balboa Reservoir, where my classmates have been able to park their cars and I have been able to take well needed walk breaks between classes. This space is crucial to the livelihoods of the students of CCSF, and even Riordan High School. Allowing a large, 8,000 square foot development of housing would disturb all the students of both schools and serve fewer people than it would benefit. AvalonBay claims to have affordable housing, but SF Examiner and AMI find that the housing units proposed will mostly not be affordable for the people with combined salaries under \$133,000 (only about 200/1100 units is not a promising majority). While we still need affordable housing, this is not affordable housing.

If CCSF is able to use the bond money they have to keep the reservoir, they will be able to serve crucial needs of education for the residents of San Francisco. Many students rely on FreeCity, making a valuable education affordable and accessible, and leading people to resources like jobs and where to find rent and community. Keeping Balboa Reservoir would be beneficial to the accessibility of the campus and therefore the community. I demand that the committee takes the importance of CCSF land, and allocate the budget to save Balboa Reservoir for the student body.

Sincerely,

Ms. Zoellen Eichen

From: [Justin Sun](#)
To: [Major, Erica \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Monday, July 27, 2020 5:03:43 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Erica Major,

I am a resident of San Francisco and would like to register my support for the Balboa Reservoir project.

This is a rare opportunity for hundreds of families to secure an affordable place to live in our increasingly unaffordable city.

Making sure our essential workers are able to stay in San Francisco and continue to be part of the fabric of our community is more important than ever. Balboa Reservoir will be a huge help.

The inclusion of a childcare center on the site and the addition of public spaces for that everyone can use is also very welcome. I appreciate that great pains have been taken to keep these homes closely integrated with the wider neighborhood - this is a development where everyone will be included.

Placing these homes on the site of the CCSF overflow parking lot is a good use of public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

Justin Sun
justinsun31@gmail.com
2363 24th Avenue
San Francisco, California 94116

From: [David Hecht](#)
To: [Major, Erica \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Monday, July 27, 2020 10:06:54 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Erica Major,

I am a thirty-three year resident of San Francisco and would like to register my support for the Balboa Reservoir housing project.

This is a rare opportunity for hundreds of families to secure an affordable place to live in our increasingly unaffordable and fractured city.

Making sure our essential workers are able to stay in San Francisco and continue to be part of the fabric of our community is more important than ever. Balboa Reservoir will be a huge help.

The inclusion of a childcare center on the site and the addition of public spaces for that everyone can use is also very welcome. I appreciate that great pains have been taken to keep these homes closely integrated with the wider neighborhood - this is a development where everyone will be included.

Placing these homes on the site of the CCSF overflow parking lot is a more efficient use of this public land. The City has proceeded wisely in assembling the mix of housing on the site and maximizing the number of affordable homes.

I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

David Hecht
dhechtca@gmail.com
475 Frederick Street
San Francisco, California 94117

From: [Hannah Behm](#)
To: [Major, Erica \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Tuesday, July 28, 2020 9:05:40 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Erica Major,

I am a resident of San Francisco and would like to register my support for the Balboa Reservoir project.

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I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

Hannah Behm
hannahbehm29@gmail.com
501 38th Ave #104
San Francisco, California 94121

From: [Kathy Howard](#)
To: [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Major, Erica \(BOS\)](#); [Wong, Linda \(BOS\)](#)
Subject: Balboa Reservoir Project -- should be 100% affordable housing and land should be retained by the City
Date: Tuesday, July 28, 2020 11:43:10 AM

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Supervisors,

It is very short-sighted to privatize such a large public parcel of land as the Balboa Reservoir for market rate housing.

The ONLY housing that should be built on public land must be deeply affordable to long-time residents and educators. The construction of mostly market-rate housing development on the Balboa Reservoir would be a major step backwards toward the gentrification of some of the last affordable neighborhoods in San Francisco. I think that the City will regret this in the future.

To repeat, any development on public land should be 100% affordable and the land should be retained by the City in perpetuity.

Thank you for your consideration.

Katherine Howard
District 4

From: [Stephanie Hill](#)
To: [Major, Erica \(BOS\)](#)
Subject: Letter in support of Balboa Reservoir
Date: Tuesday, July 28, 2020 4:35:55 PM

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I strongly encourage the Board of Supervisors to endorse this project.

Thank you for taking the time to consider this submission.

Sincerely,

Stephanie Hill
stephanie.e.hill@gmail.com
1496 Guerrero
San Francisco, California 94110

From: [Stuart Flashman](#)
To: [Major, Erica \(BOS\)](#)
Subject: Letter to Land Use and Transportation Committee on agenda items 3,4,7, & 8
Date: Monday, July 27, 2020 11:45:58 AM
Attachments: [7-27-20 letter to LUTC.pdf](#)
[PastedGraphic-1.png](#)
Importance: High

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please provide the committee members with the attached letter. I will be calling in under Item 7 to address the letter's subject.

Environmental, Land Use, and Elections Law Serving public interest and private clients since 1990	
Stuart Flashman <i>Attorney</i> stu@stuflash.com	Law Offices of Stuart Flashman 5626 Ocean View Drive Oakland, CA 94618-1533 tel: (510) 652-5373 fax: (510) 652-5373

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Law Offices of
Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618-1533
(510) 652-5373 (voice & FAX)
e-mail: stu@stuflash.com

Delivery via email to: Erica.Major@sfgov.org

July 27, 2020

Land Use and Transportation
Committee
San Francisco Board of Supervisors
San Francisco City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Re: Agenda items 3 (200213), 5 (200630), 7 (200635), and 8 (200422).

Dear Committee Members Peskin, Safai, and Preston,

I am the attorney representing appellants Madeline Mueller, Alvin Ja, and Wynd Kaufmyn, who have appealed the Planning Commission's certification of the Final Subsequent EIR for the Balboa Reservoir Project. However, this letter is not directly about that appeal. I will be writing separately to the entire Board of Supervisors on that issue. Instead, this letter addresses the merits of the Balboa Reservoir Project that is on your agenda today, as well as other items addressing the City's pressing need for more affordable housing, and specifically affordable housing for educators.

The Planning Department attempts to focus your attention on the 50% portion of the Balboa Reservoir Project's residential units that would be affordable (low or moderate, or middle-income households). However, given that the land is currently in public ownership, equal attention should be paid to the roughly 50% of the project site that would be devoted to market-rate units. Essentially, that 50% of the property will be permanently lost to the City and unavailable to build any affordable units. You will be sacrificing half of the project site to a for-profit developer in order to build a limited number of affordable units on the other half.

What the Planning Department has refused to consider is the option of building a phased, 100% affordable public project that could potentially build affordable units – and specifically affordable units for educators, staff, and students at City College of San Francisco, over the entire project site. Not only would this have far greater impact on the well-documented and unmet need for more affordable units, but those units, which would serve residents who could walk to their school/workplace, would have far less environmental impact than the proposed project.

At today's hearing, you will hear from Joseph Smooke, a well-known expert on affordable housing whom some of you may already know. He has studied this site and concluded that it can support a phased, 100% affordable, publicly-owned residential project. That conclusion should not be ignored.

Others will provide you with more of the details of this alternative project. My purpose in this letter is simply to urge you to not blindly accept the Planning Department's recommendation to move the currently proposed project forward towards final approval. Before considering approving this project, you should give serious consideration to a phased, public, 100% affordable alternative. It would provide far greater benefit to City College, and the City.

Respectfully,


Stuart M. Flashman

From: [Stuart Flashman](#)
To: [Major, Erica \(BOS\)](#)
Cc: [BOS Legislation, \(BOS\)](#)
Subject: Letter to Land Use and Transportation Committee on agenda items 3,4,7, & 8
Date: Monday, July 27, 2020 11:47:58 AM
Attachments: [7-27-20 letter to LUTC.pdf](#)
[PastedGraphic-1.png](#)
Importance: High

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Environmental, Land Use, and Elections Law Serving public interest and private clients since 1990	
Stuart Flashman <i>Attorney</i> stu@stuflash.com	Law Offices of Stuart Flashman 5626 Ocean View Drive Oakland, CA 94618-1533 tel: (510) 652-5373 fax: (510) 652-5373

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Stuart Flashman
stuflash2@gmail.com

Law Offices of
Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618-1533
(510) 652-5373 (voice & FAX)
e-mail: stu@stuflash.com

Delivery via email to: Erica.Major@sfgov.org

July 27, 2020

Land Use and Transportation
Committee
San Francisco Board of Supervisors
San Francisco City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Re: Agenda items 3 (200213), 5 (200630), 7 (200635), and 8 (200422).

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Respectfully,


Stuart M. Flashman

From: [Leslie Simon](#)
To: [Major, Erica \(BOS\)](#)
Subject: Fw: URGENT: Alternative Plan for the Balboa Reservoir including 550 100% affordable units
Date: Monday, July 27, 2020 1:38:54 PM
Attachments: [BalboaReservoir-Picture-Alternative-WithLinks.pdf](#)
[Att. 1 Smooke Letter & Resume.pdf](#)
[Att. 2 Berkson Report.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Erica Major,

Please file the following message into the official record of the July 27 Land Use and Public Transportation Committee.

Thanks!

Best,
Leslie Simon

Leslie Simon
Cell: 415-377-5330
San Francisco

----- Forwarded Message -----

From: Leslie Simon <simscha@sbcglobal.net>
To: Dean Preston <dean.preston@sfgov.org>; Ahsha Safai <ahsha.safai@sfgov.org>; Aaron Peskin <aaron.peskin@sfgov.org>
Cc: Gordon Mar <gordon.mar@sfgov.org>
Sent: Monday, July 27, 2020, 01:18:13 PM PDT
Subject: URGENT: Alternative Plan for the Balboa Reservoir including 550 100% affordable units

Dear Supervisors Peskin Preston, and Safai,

Though I know you cannot make recommendations today for the General Plan Amendments Balboa Reservoir Project (#200635) or the Planning Code and Zoning Map Balboa Reservoir Special Use District (#200422) because of the pending CEQA appeal, I hope you will consider information I am offering here as you contemplate these measures going forward.

Please consider the letter from community housing developer Joseph Smooke, whose attached letter outlines how 550 units of 100% more deeply affordable housing than Avalon Bay proposes can be funded WITHOUT cross financing from *unneeded* market rate development. I also have attached the Berkson Financial Feasibility Report, which Joseph references in his letter.

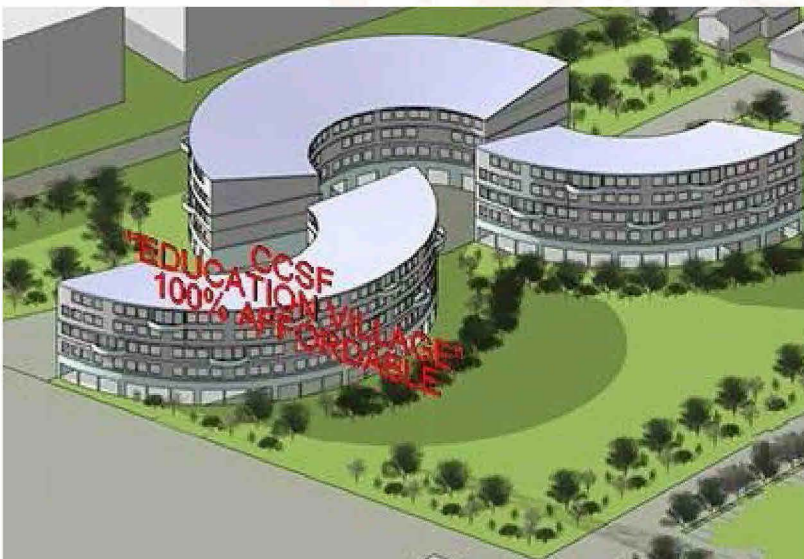
Below is an artist's rendering of what could be possible on the site and from a bird's eye. I have also attached a pdf with the bird-s eye view of this design and links to Joseph's letter as well as to the letter you received from Public Lands for Public Good and the Defend City

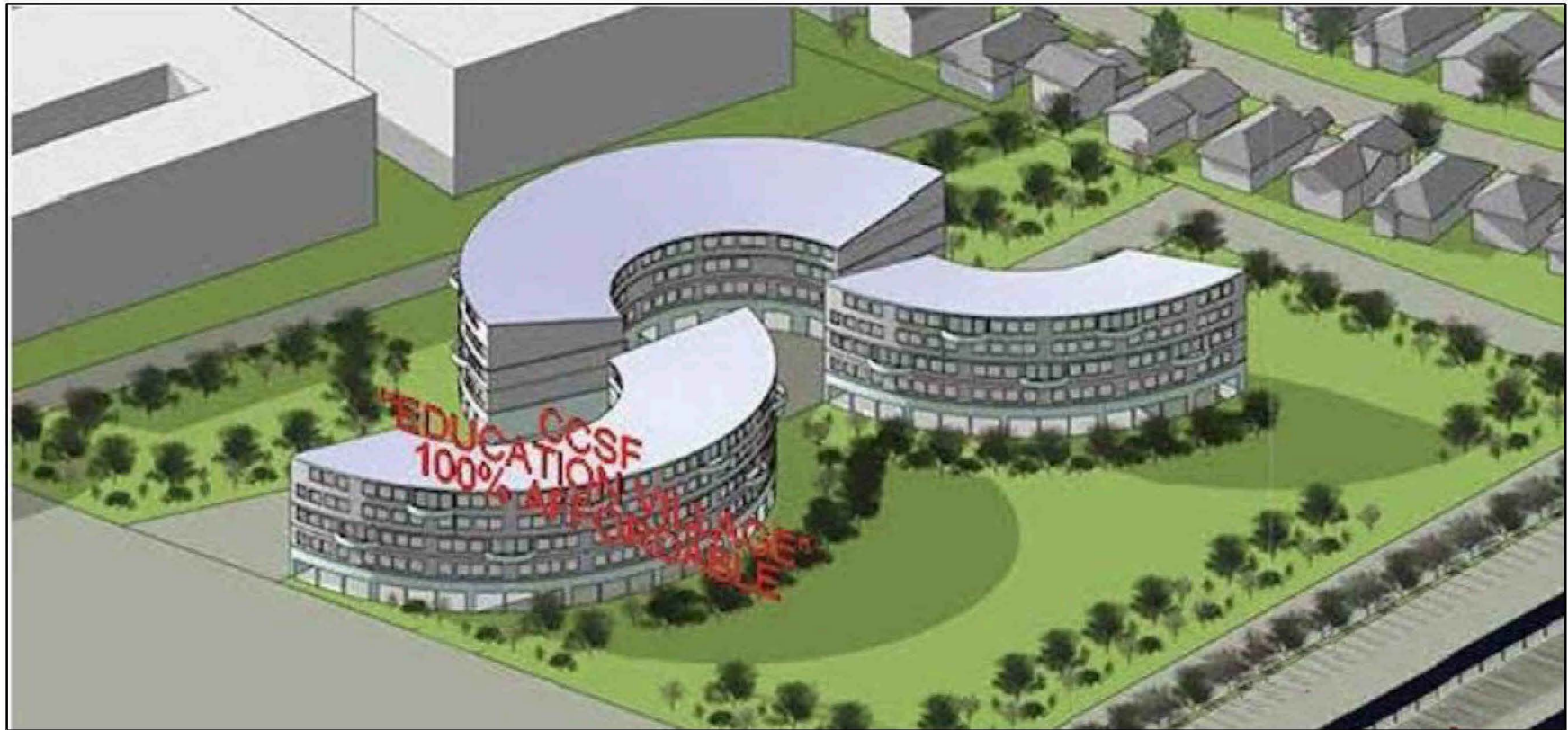
College Alliance.

Thank you for your kind consideration.

Best,
Leslie Simon
Faculty, City College of San Francisco

Leslie Simon
Cell: 415-377-5330
San Francisco





Link to Joseph Smooke's letter

<https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:35fcb4e9-20c6-40e4-a6bc-97ae2068f720>

Link to Berkson Financial Feasibility Study (referenced in Joseph's letter)

<https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:abe328e5-0319-476f-ad75-5e80ecafd5de>

Link to Public Lands for Public Good + Defend City College Alliance letter

<https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:92fe9a79-3fa3-4016-894a-ec077d8dc931>

21 July 2020

**Public Lands for Public Good
Defend City College Alliance**

Re: Balboa Reservoir Development Proposal
Legislative Files 200422, 200423, 200635, 200740

Dear Public Lands for Public Good and Defend City College Alliance:

Please accept this letter of my analysis as to why the Board of Supervisors should reject the Balboa Reservoir Project as proposed when the above referenced legislative files relating to this project come to the Board for a vote. I submit this letter as a professional with years of experience in many different facets of real estate development, primarily as a developer of affordable housing in San Francisco (resume attached).

Introduction

The Balboa Reservoir presents a unique opportunity for the people of this City. It is a large (16.4 acres), publicly owned site (SF Public Utilities Commission), adjacent to the main campus of City College of San Francisco and in close proximity to a major regional transit station. These are more than sixteen acres of blank canvas on which could be built something visionary. Instead the project that has been presented to the Board of Supervisors privatizes our public resources and lines a developer's pockets.

The proposed project describes 1,100 total units of which half (550 units) will be "below market rate" (affordable). What follows is a proposal for a project that would ensure that this public land is developed as 100% affordable housing.

One Hundred Percent Affordable Housing at the Balboa Reservoir

Affordable housing developers typically pay market price for land and then have to pay for their development to tie into existing infrastructure such as water, electricity, sewer, etc. This site has none of the typically available infrastructure to tie into, so building that infrastructure is a cost unique to this development. As we'll see, however, the narrative that these costs are a barrier to 100% affordable housing is false.

A typical affordable housing development budget assumes paying market value for the land. In this case, the PUC is required to sell the land for its full market value, unless the Board of Supervisors passes a resolution saying that the site should be sold for less than the market value in order to achieve a significant public benefit. There is a model for this type of transaction at 1100 Ocean where the MTA (another enterprise department) sold that site to MOHCD at a below market price in order to facilitate 100% affordable housing. This Balboa Reservoir site should follow that same template. This site should be sold to MOHCD for a below market price (as close to zero as possible) so the site stays in public ownership in order to facilitate 100% affordable housing.

Assuming the land is sold at or close to no cost to the affordable housing developer, they still have to deal with the infrastructure costs which are of course much higher than for a typical infill site. Thankfully, there are significant grant sources available from the State that can cover most of those costs. If the only State grant comes from the Infill Infrastructure Grant Program and is limited to \$30M, this would cover all but \$18M of the cost of the infrastructure which is estimated

to be \$48M over 3 phases. In order to cover those costs, if the project was 100% affordable housing, and the affordable housing developer paid \$18M to cover those infrastructure costs instead of paying for the land, this would still be a bargain at \$33,000/ unit for land associated costs (assuming 550 units).

Once the land and infrastructure have been paid for, the remaining financial challenge is to fund the construction of the affordable housing. Based on the Berkson Fiscal Feasibility Report (attached), the affordable housing construction should cost \$348,000 per unit. Assuming that there will be some inflation in materials and labor costs, let's use \$400,000 per unit for the purpose of this analysis. Since MOHCD typically provides roughly 35% of the total project cost, this would mean roughly \$77M coming from MOHCD to pay for their portion of 550 units. At \$140,000 per unit, this represents a bargain for the City because of the economy of scale and the low cost for land and infrastructure. If the City is not able to come up with \$77M all at once, then the project could be built in 2 phases. This would mean \$38.5M of MOHCD funding for each of 2 phases. If that's still too ambitious, it could be split into 3 phases of \$25.7M each.

The remainder of the funding for each phase would come from a combination of LIHTC (low income housing tax credits), State grants, and other affordable housing capital subsidies for a total of about 45% of the project cost. The final 20% would come from a bank loan or through the sale of tax exempt bonds (if using LIHTCs from the non-competitive pool). This is a typical leveraging structure that MOHCD expects when it invests in affordable housing.

100% affordable housing is both visionary and financially feasible- using City resources to meet a critical need for the long term viability of our City. Unfortunately, however, the City has chosen to present for approval a scheme for privatizing this site. This is a strategy that benefits the for-profit developer greatly, but creates financial and policy problems for both the City and the people who might live at this proposed development.

The Development Agreement Should Not Be Approved

Under the deal as proposed, the City is not only selling more than sixteen acres of public land to a private developer at a heavily discounted rate (\$11.4M), the Development Agreement says that the developer has no obligation to build anything at any time. Not only does the developer have no obligation to develop anything, but they have the ability to sell off any portion of the property. If the developer sells there is no requirement that they sell at a discounted amount. Most likely, if the current developer sells any portion of this development, the new developer would purchase at full market rate and might go back to the City to renegotiate this deal due to the different circumstances.

Rather than the City retaining ownership of the land and making sure that the housing gets built, and that the housing that is built is 100% affordable, under the proposed deal, the City literally gets a guaranty of nothing, while the developer gets a guaranty of future profits- either from the market rate housing they develop, or from selling the properties that have had a step up in market value because of the actions of the Board of Supervisors to enable this deal. The City potentially loses big, but the developer has no risk whatsoever and only stands to profit.

Additional Policy and Financial Concerns

If the developer does decide to proceed with building the housing that is outlined in the proposed project, the result will be a lesser public benefit than you think you are getting, which raises another level of financial and policy related problems.

This development has both rental and ownership components. The obligations for providing the affordable rental units seem fairly clear. On the ownership side, however, the developer has a few different options- one of which is not to provide the affordable units at all, but to pay a fee to the City in lieu of building any affordable ownership units. Therefore, we may get 530 affordable units at this site instead of 550.

Making matters worse, the affordable units don't even seem to meet the definition of "affordable" as defined in the City's "inclusionary" program. The inclusionary program sets "low income" rents as being affordable to households making 55% of AMI. This project is defining "low income" as 60% of AMI which is 5% more expensive. Low income is presented as a range of incomes, but the required average is 60%, not 55% of AMI.

The proposed project also has affordable units for "moderate income" households. The inclusionary program sets "moderate income" rents as being affordable to households earning 80% of AMI. This project is defining "moderate income" as 100% of AMI which is 20% more expensive. Moderate income is presented as a range of incomes, but the average is 100%, not 80% of AMI. Not only are these "low" and "moderate" income units more expensive than what are typically provided by developers providing "inclusionary" or "below market rate" units, but they set a bad policy precedent by redefining - or at least complicating- the definitions of "low income" and "moderate income."

Perhaps most insidious of all is the segregation and class divide that this project creates. Consider that the "affordable" units are all rental while there is a chance that there will be no affordable ownership units. The affordable units that are provided will all be built in buildings that are separate from the market rate units. In a typical market rate development with "inclusionary" units, those inclusionary (affordable) units are distributed throughout the building. They are literally "included" into the market rate development. What is proposed for this site should either be considered as "off site" inclusionary housing which would trigger a 30% requirement, or it should be viewed as a development with what is typically called a "poor door" situation where the upper income market rate residents go in through one door and the residents in the affordable units go in through a separate door. Inclusionary legislation is intentionally crafted to ensure that developers are not able to create these "poor door" conditions.

To make the segregation and class divide issues even worse, the open space at the center of the development is a privately owned public open space (POPOS). The owner and manager of this POPOS is the group of homeowners who live in the ownership units. What people do in the open space and at what hours are determined by the homeowners association for everyone who might live or visit.

For those who might be concerned about a 100% affordable housing development presenting a similar problem of segregation, this would be fallacy. A typical affordable housing development funded with Low Income Housing Tax Credits accommodates a range of residents' incomes. Large scale affordable housing developments are successful under nonprofit management and MOHCD oversight because of the high quality of the housing and the significant resources that are committed. These households like the ones at 1100 Ocean have a range of incomes and live in safe, high quality housing with dignity. Once residents move in, these developments invariably fit right in with the social and aesthetic fabric of the neighborhoods in which they are located.

The fact that this project has come so far through the approval in this form is beyond comprehension. The scheme of privatization without accountability, the confusing of definitions of what is "affordable" to guarantee higher levels of cash flow for the developer, and the segregation of wealthy and non-wealthy and of owner versus renter all add up to a misuse of public resources and of the public trust. As such my recommendation is to urge the Board of Supervisors to reject this development proposal and commit to a new development proposal that ensures 100% affordable housing is built at the Balboa Reservoir.

Sincerely,

Joseph Smooke
Consultant

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Joseph Smooke

[people. power. media]

Co-Founder, CEO, Producer, Photographer, Videographer

July 2012 to Present

Co-founded this nonprofit media organization that produces video news features and analyses about communities impacting public policy with a focus on housing and land use. Produced a six-part animation, “Priced Out” which has been featured in film festivals in San Francisco, Los Angeles, Chicago and New York City, and in workshops to more than 1,200 people.

Housing Rights Committee of San Francisco

Westside Program Director, 2015 - 2019

Led the expansion of Housing Rights Committee’s community organizing and tenant counseling to the Richmond and Sunset Districts.

Supervisor David Campos, District 9

Legislative Aide, 2013, 2014, 2015

Worked three temporary terms of employment as an Aide to Supervisor Campos, focusing primarily on housing and land use issues.

The Philippine Reporter

Photographer and Writer, 2011 - 2014

Worked as staff photographer and writer for this newspaper in Toronto, Canada.

Supervisor Eric Mar, District 1

Legislative Aide, 2011

Staffed Supervisor Mar primarily for his work as Chair of the Land Use Committee.

Bernal Heights Neighborhood Center

Executive Director, 2005 - 2011

Housing Director, 1997 - 2005

Promoted to Executive Director of this multi-service community based nonprofit organization after leading its housing development and asset management work. Led the housing program’s growth from small scale developments to being a citywide developer. Created the Small Sites Program and developed the first prototype small sites acquisition project. Also led the organization to become involved in land use planning.

Innovative Housing for Community

Housing Development Project Manager, 1993 - 1996

Developed and managed housing throughout San Francisco, Sonoma, Marin, San Mateo and Santa Clara Counties for this nonprofit provider of affordable, supportive, shared housing. Created the first affordable housing “green building” program in the Bay Area.

Skidmore Owings and Merrill
Job Captain, Architectural Designer
Los Angeles Office, 1988 - 1992
San Francisco Office, 1992 - 1993

Worked on all phases and aspects of large scale commercial and institutional buildings throughout the US and in Taiwan, including the Southern California Gas Company Tower and the Virginia State Library and Archives. Also worked on a large scale urban planning project in Changchun, China.

Awards and Recognitions

Outstanding Community Service, Coalition for San Francisco Neighborhoods, 2017

Dolores St Community Services Open Palm Award for BHNC, 2008

Central American Resource Center (CARECEN), 2007

Bank of America, Neighborhood Excellence Initiative, Local Hero Award, 2004

Education

University of California at Berkeley
Bachelor of Arts in Architecture, High Honors, 1988
Alpha Rho Chi, Departmental Award for Professional Promise

Boards of Directors and Active Affiliations

South of Market Community Action Network (SOMCAN), 2010 - Present
Chair of SOMCAN's Board

San Francisco Antidisplacement Coalition, 2016 - Present

Richmond District Rising, 2017 - Present
Steering Committee and Housing Committee

Westside Tenants Association, 2019 - Present

Community Housing Partnership, 2000 - 2006
Member, Board of Directors



**Berkson
Associates**

Urban Economics
Policy Forensics & Forecasting
Planning & Policy Analysis

REPORT

BALBOA RESERVOIR PROJECT

FINDINGS OF FISCAL RESPONSIBILITY AND FEASIBILITY

Prepared for the City and County of San Francisco

Prepared by Berkson Associates

February 9, 2018



TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	1
1. THE PROJECT & COSTS OF CONSTRUCTION.....	5
Construction Costs and Assessed Value	
2. AVAILABLE FUNDING FOR THE PROJECT	7
Horizontal & Vertical Development of the Site	
Funding of Affordable Housing	
Other Maintenance Funding	
3. FISCAL ANALYSIS: INFRASTRUCTURE MAINTENANCE & PUBLIC SERVICES.....	9
Maintenance and Service Costs	
Public Revenues	
Development Impact Fees	
4. DEBT LOAD TO BE CARRIED BY THE CITY AND THE SFPUC.....	17
5. BENEFITS TO THE CITY AND SFPUC.....	17
Fiscal Benefits	
Economic Benefits to the City	
Direct Financial Benefits to the City and SFPUC	
New Public Facilities	
Other Benefits	

Appendix A: Fiscal Analysis



FIGURES AND TABLES

Figure 1 Balboa Reservoir Project Areas	2
Table 1 Summary of Construction Costs and Assessed Value	6
Table 2 Estimated Annual Net General Revenues and Expenditures	9
Table 3 Estimated One-Time Fees and Revenues	10

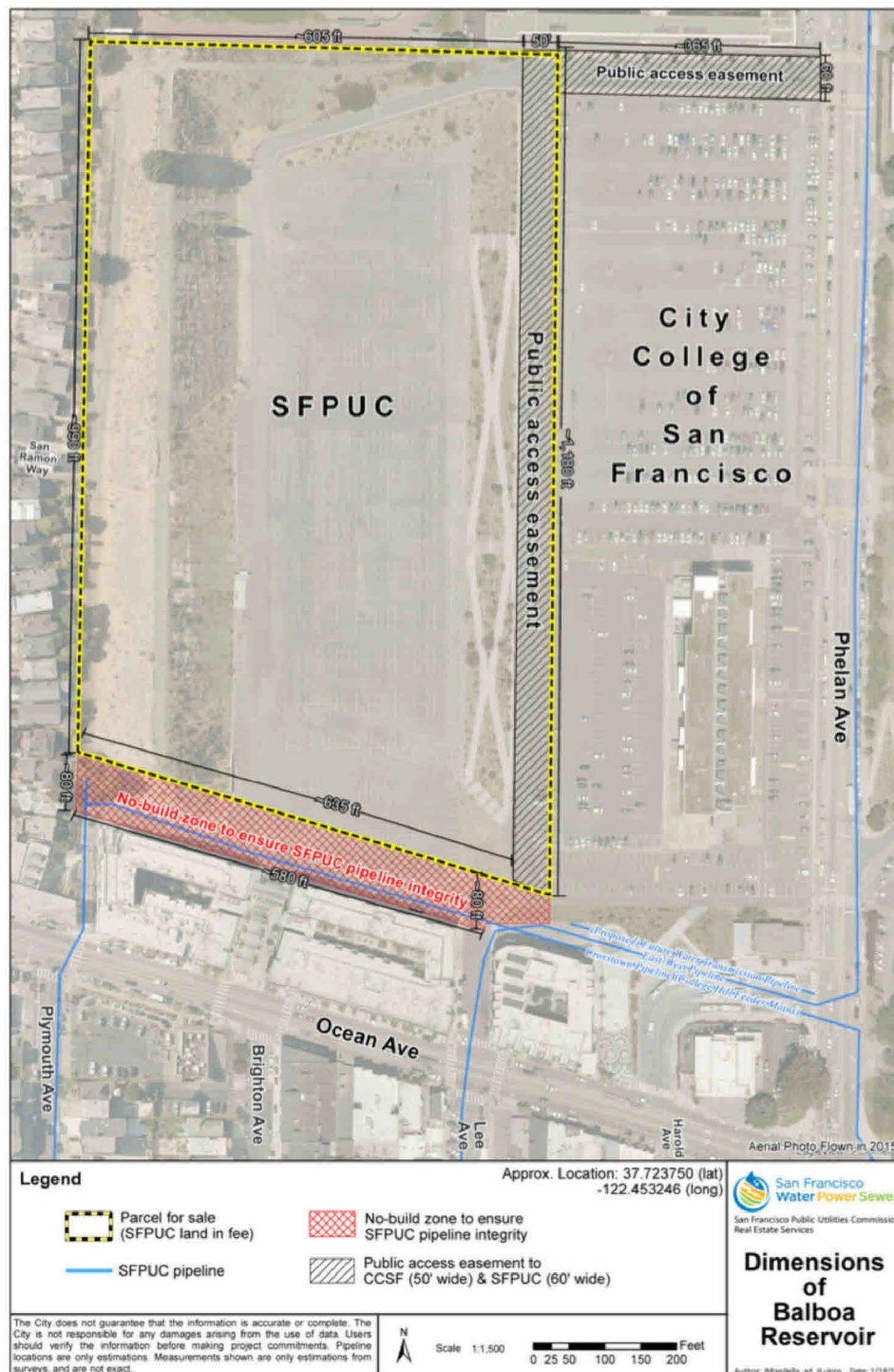
EXECUTIVE SUMMARY

Chapter 29 of the City's Administrative Code requires that the Board of Supervisors make findings of fiscal feasibility for certain development projects before the City's Planning Department may begin California Environmental Quality Act ("CEQA") review of those proposed projects. Chapter 29 requires consideration of five factors: (1) direct and indirect financial benefits of the project, including, to the extent applicable, cost savings and/or new revenues, including tax revenues generated by the proposed project; (2) the cost of construction; (3) available funding for the project; (4) the long term operating and maintenance cost of the project; and (5) debt load to be carried by the City department or agency.

This report provides information for the Board's consideration in evaluating the fiscal feasibility of a proposed development (the "Project") at the 17-acre Balboa Reservoir parcel shown in **Figure 1**. The City and County of San Francisco ("City"), under the jurisdiction of the San Francisco Public Utilities Commission ("SFPUC"), owns the parcel ("Site"). The City has entered into exclusive negotiations with a team of developers led by BRIDGE Housing Corporation and AvalonBay Communities (the "Development Team") to create a mixed-income housing project (the "Project") at the Site. The Development Team would purchase the Site and build a mix of apartments, condos and townhouses.

Up to half of the units will be affordable to a range of low, moderate, and middle-income households occupying apartments and the condo units. The first 33 percent of units will be affordable units funded by value created by the Project; the additional affordable units, or up to 17 percent of total units, will be funded by public sources that could potentially include tax credits and other state sources, project-generated sources, future bonds, or the proposed gross receipts tax increase. For the purpose of the current analysis, a scenario consisting of 1,100 units, consistent with the Development Team's initial proposal, is evaluated; it is anticipated that subsequent environmental analysis will consider a range of alternatives.

Figure 1 Balboa Reservoir Project Areas



All dollar amounts are expressed in terms of 2017 purchasing power, unless otherwise noted. Information and assumptions are based on data available as of February 2018. Actual numbers may change depending on Project implementation and future economic and fiscal conditions.

FISCAL BENEFITS

The proposed Balboa Reservoir Project, if approved, will create approximately \$4 million in new, annual ongoing general tax revenues to the City. After deducting required baseline allocations, and preliminary estimates of direct service costs described in **Chapter 3**, the Project as proposed will generate about \$1.7 million annually to the City, in addition to about \$1 million in other dedicated and restricted revenues. The fiscal results are largely proportional to the number of units, assuming the mix of affordable units remains constant. A reduction in the number of units would reduce the magnitude of the potential benefits, but the net impact on the City General Fund would remain positive.

The Project will generate an additional \$400,000 annually to various other City funds (children's fund, libraries, open space), and \$600,000 annually to other restricted uses including SFMTA (parking taxes), public safety (sales taxes), and San Francisco Transportation Authority (sales taxes).

Additional one-time general revenues, including construction-related sales tax and construction gross receipts tax, total \$3.3 million.

Based on standard fee rates, development impact fees total an estimated \$23 million, although the City may agree to credit some of these fees back to the Project in consideration of public-serving improvements that the Project provides in kind. In addition, certain development fees, including childcare fees and bicycle facility in-lieu fees, could be offset by facilities constructed onsite, according to the City's standard impact fee policy. No affordable housing or jobs housing linkage fees are assumed due to the provision of affordable housing onsite.

The new general revenues will fund direct services needed by the Project, including police and fire/EMS services, and maintenance of roads dedicated to the City. Other services, including maintenance and security of parks and open space, will be funded directly by tenants of the Project. The estimated \$1.7 million in net City general revenues, after deducting service costs and Charter-mandated baseline allocations of general revenues, will be available to the City to fund improved or expanded Citywide infrastructure, services and affordable housing. **Chapter 3** further describes fiscal revenue and expenditure estimates.

ECONOMIC BENEFITS

The Project will provide a range of direct and indirect economic benefits to the City. These benefits include a range of economic benefits such as new jobs, economic activity, and increased public and private expenditures as described in **Chapter 5** and summarized below:

- Over \$560 million of construction activity and approximately 2,800 construction-related job-years during development, in addition to indirect and induced jobs.
- Approximately 1,100 new residential units, including up to 550 permanently affordable units. This housing is critical to economic growth in San Francisco and the region.

The Project will also create a small number of permanent non-construction jobs onsite related to parking facilities, landscape maintenance, and various services associated with the residential units.

DIRECT FINANCIAL BENEFITS TO THE SFPUC

The SFPUC, which has exclusive jurisdiction over the Site, will benefit financially from the sale of the Site. The land sale price will be negotiated to reflect the final development and public benefits program. The SFPUC may also realize increased revenues by providing power to the Project's residents.

NEW PUBLIC FACILITIES

The Project will construct parks and open spaces available to the general public. The Project also includes a childcare center that will be accessible by the public as well as the Project's residents.

OTHER BENEFITS

The Project may fall within the Ocean Avenue Community Benefits District (CBD), which assesses property owners to provide funding for a range of services within the neighborhood, including maintenance and cleaning of public rights of way, sidewalk operations and public safety, and District identity and streetscape improvements. Parcels within the CBD pay for and receive these services as participants in the CBD. The CBD's applicability and associated tax rate will be determined prior to project approvals.

1. THE PROJECT & COSTS OF CONSTRUCTION

The Project will be constructed in two phases with Site preparation and construction planned to begin as early as 2021, Phase 1 units leased and sold as early as 2023, and Phase 2 units leased and sold by 2025, according to current plans. The Project and its development costs total at least \$560 million, as described below. The Development Team will be responsible for planning, construction, marketing and operating the Project. The Development Team will reimburse the City for its costs incurred during the Project planning and environmental review process, including City staff costs. **Chapter 2** describes sources of funding to pay for development costs.

PROJECT DESCRIPTION

The Balboa Reservoir Site is an approximately 17-acre parcel that the City owns under the SFPUC's jurisdiction. The Site is located in the central southern portion of San Francisco, bounded by City College of San Francisco's Ocean Campus to the east, Riordan High School to the north, the Westwood Park neighborhood to the west, and the Avalon Ocean Avenue apartments to the south.

Plans for the Site's development envision a mixed-income housing Project. The Development Team would purchase the Site and build a mix of apartments, condos and townhouses.

Residential – This fiscal analysis assumes a scenario consisting of 1,100 total residential units. This scenario is based on the Development Team's response to the SFPUC Request for Proposals; environmental analysis will evaluate a range of units that may differ from the scenario in this report, and the Project's final unit count may also differ accordingly.

Affordable Housing – The Project proposes 50 percent of total units to be affordable, including 18 percent affordable to low-income households,¹ and 15 percent affordable to moderate-income households², for a subtotal of 33 percent affordable housing units. An additional 17 percent of units are proposed to be affordable to a combination of low, moderate, and middle-income households.

Parking – The fiscal analysis evaluates 1,010 parking spaces. Of the total spaces, 500 will be constructed in a parking garage and shared with the City College community.

¹ Low-income rents would not exceed 55% of Area Median Income (AMI), and low-income for-sale prices would not exceed 80% of AMI.

² Moderate-income rents and sales prices would not exceed 120% of AMI.

CONSTRUCTION COSTS AND ASSESSED VALUE

Table 1 summarizes development costs totaling at least \$560 million,³ which will be phased through buildout by 2025 depending on future market conditions. Taxable assessed value is estimated based on development cost, with affordable rental housing exempted from property taxes if serving households who earn no more than 80% of AMI . These costs and values provide the basis for estimates of various fiscal tax revenues and economic impacts.

Table 1 Summary of Construction Costs and Assessed Value

Item	Development Cost
<u>Residential Buildings (1)</u>	
Townhouses (Market-rate)	\$60,598,000
Condos (Affordable)	\$15,360,000
Apartments (Market-rate)	\$169,412,000
Apartments (Moderate)	\$87,818,000
Apartments (Low-income)	<u>\$88,031,000</u>
Subtotal, Residential Buildings	\$421,219,000
<u>Other</u>	
Parking - shared (500 spaces)	\$13,830,000
Infrastructure (2)	\$38,000,000
Other Costs (3)	<u>\$86,787,000</u>
Total	\$559,836,000
(less) Property Tax-Exempt	
Low-income Rental Units (up to 80% AMI)	(\$88,031,000)
Net Taxable Assessed Value	\$471,805,000

- (1) Includes building hard costs, residential parking, and site development. Site acquisition and community benefits are to be negotiated and are not included.
 (2) Master infrastructure includes utilities, roads, grading, parks and open space.
 (3) "Other Costs" include soft costs (eg legal, design, finance, furnishings and fixtures).
 Permits & Fees not included for purposes of A.V. estimates. 2/9/18

³ Hard and soft development costs; land costs, community benefits and other mitigations are to be negotiated and are not estimated.

2. AVAILABLE FUNDING FOR THE PROJECT

As described in the prior chapter, development costs are anticipated to total \$560 million or more over the course of Project buildout. Several financing mechanisms and sources will assure funding of these costs and development of the Project.

HORIZONTAL & VERTICAL DEVELOPMENT OF THE SITE

The Development Team will be responsible for funding all horizontal Site improvements, infrastructure and public facilities needed to serve the Project, and vertical building construction with the exception of a portion of the affordable housing, as described in the section that follows. In addition to Developer equity and private financing, Project-based sources of funding and/or reimbursement could include (but may not be not limited to) the following:

- **Net sales proceeds and lease revenues** -- Revenues generated by the Project will help to fund improvements and repay private sources of investment and debt.
- **Mello-Roos Community Facilities District (CFD)** -- Bond proceeds secured by CFD special taxes may help to fund infrastructure costs. CFD special taxes not required for CFD debt service may fund horizontal Site development costs on a “pay-as-you-go” basis.
- **State sources** – No direct City subsidy will be used to build the 33% of the Project’s total housing units that must paid for by the Project. However, the Developer may access non-competitive state funding such as 4% tax credits and tax-exempt bonds

FUNDING OF AFFORDABLE HOUSING

As described above, 33% of the Project’s total housing units will be affordable housing paid for by the Project, such as with Developer equity or revenues generated by the market-rate portion of the Project, or non-competitive state sources. This baseline 33% rate is based on Proposition K (2015), which set the expectation that housing on property sold by the City will have no less than this amount of affordable housing.

Up to an additional 17% of the Project’s total housing units will be affordable housing paid for with non-Project funds. The Development Team’s initial proposal estimated that a subsidy of approximately \$26 million would be required to provide approximately 187 additional affordable housing units, although this cost is subject to change as a result of changes in construction costs, availability of state funding, the low income housing tax credit market, and the Project’s unit count or affordable housing program.

Funding sources for this additional affordable housing could potentially include:

- **Gross Receipts Tax.** In June, 2018, San Francisco voters will consider a ballot measure that would raise funds for affordable housing by increasing the gross receipts tax rate for commercial space. If this measure is approved, the Project would be eligible to utilize a portion of the new affordable housing funds.
- **Project-Generated Sources.** As determined by fiscal feasibility analysis, the Project will generate net new General Fund revenue of approximately \$1.7 million. A portion of this revenue could be reinvested back into the Project; the mechanism for this reinvestment could be an infrastructure financing district, an affordable housing investment plan pursuant to AB 1598, or a direct transfer from the City.
- **State Sources.** The Project could apply for one of several funding sources administered at the state level, such as the California's Affordable Housing and Sustainable Communities program and certain low income housing tax credit programs.
- **Bond Revenue.** In November, 2018, California voters will consider a \$4 billion state affordable housing bond. In addition, local affordable housing bonds are likely to be proposed in San Francisco in upcoming years; most recently, in 2015, San Francisco voters approved a \$310 million affordable housing bond.

OTHER MAINTENANCE FUNDING

In addition to the public tax revenues generated to fund public services and road maintenance, as described in the **Chapter 3** fiscal analysis, CFD special taxes (or HOA fees) will be paid by property owners to fund a range of public services including onsite parks and open space maintenance and operation.

3. FISCAL ANALYSIS: INFRASTRUCTURE MAINTENANCE & PUBLIC SERVICES

Development of the Project will create new public infrastructure including streets, parks and open space that will require ongoing maintenance. **Table 2** summarizes total annual general revenues created by the Project, and net revenues available after funding the Project's service costs. The fiscal results are largely proportional to the number of units, assuming the mix of affordable units remains constant. A reduction in the number of units would reduce the magnitude of the potential benefits and an increase in the number of units would increase their magnitude, but in either case the net impact on the City General Fund would remain positive.

Table 2 Estimated Annual Net General Revenues and Expenditures

Item	Annual Amount
Annual General Revenue	
Property Taxes (1)	\$2,682,000
Property Tax in Lieu of VLF	\$567,000
Property Transfer Tax	391,000
Sales Tax	261,000
Parking Tax (City 20% share)	95,000
Gross Receipts Tax	<u>63,000</u>
Subtotal, General Revenue	\$4,059,000
(less) 20% Charter Mandated Baseline	<u>(\$811,800)</u>
Revenues to General Fund above Baseline	\$3,247,200
Public Services Expenditures	
Parks and Open Space	<i>Project's taxes or fees</i>
Roads (maintenance, street cleaning)	76,000
Police (2)	855,000
Fire (2)	<u>607,000</u>
Subtotal, Services	\$1,538,000
NET Annual General Revenues	\$1,709,200
Annual Other Dedicated and Restricted Revenue	
Property Tax to Other SF Funds (1)	\$413,000
Parking Tax (MTA 80% share)	\$380,000
Public Safety Sales Tax	\$130,000
SF Cnty Transportation Auth'y Sales Tax	<u>\$130,000</u>
Subtotal	\$1,053,000
TOTAL, Net General + Other SF Revenues	\$2,762,200
Other Revenues	
Property Tax to State Education Rev. Fund (ERAF)	\$1,195,000

(1) Property tax to General Fund at 57%. Other SF funds include the Childrens' Fund, Library Fund, and Open Space Acquisition.

(2) Police and Fire costs based on Citywide avg. cost per resident and per job.

2/9/18

As noted in the prior **Table 2**, certain service costs will be funded through special taxes or assessments paid by new development and managed by a master homeowners association (HOA). Other required public services, including additional police, fire and emergency medical services (EMS), as well as the maintenance of any new roads that are built by the Project and transferred to the City, will be funded by increased General Fund revenues from new development. MUNI/transportation services may also be affected and will be offset by a combination of service charges, local, regional and State funds.

Table 3 summarizes development impact fees and other one-time revenues during construction. The impact fee revenue will be dedicated and legally required to fund infrastructure and facilities targeted by each respective fee. Credits may be provided against certain fees to the extent that the Project builds qualifying infrastructure and public facilities onsite, for example, bicycle parking and childcare facilities. The City may also agree to credit some of these fees back to the Project in consideration of public-serving improvements that the Project provides in kind. Certain impact fee revenues may be used Citywide to address needs created by new development. No affordable housing in-lieu fees or jobs housing linkage fees are assumed due to the Project providing affordable units equal to 50 percent of total units.

Table 3 Estimated Impact Fees and One-Time Revenues

Item	Total Amount
<u>City Development Impact Fees (1)</u>	
Balboa Park Community Infrastructure	\$9,371,000
Jobs Housing Linkage (2)	na
Affordable Housing (3)	provided onsite
Child Care (4)	\$2,308,000
Bicycle Parking In-lieu	provided onsite
Transportation Sustainability Fee	<u>\$11,315,000</u>
	\$22,994,000
<u>Other Fees</u>	
San Francisco Unified School District	\$3,957,000
<u>Other One-Time Revenues</u>	
Construction Sales Tax (1% Gen'l Fund)	\$1,419,000
Gross Receipts Tax During Construction	<u>\$1,892,000</u>
Total: Other One-Time Revenues	\$3,311,000

(1) Impact fee rates as of Jan. 1, 2018. Refer to Table A-3 for additional detail.

(2) Linkage fee (commercial uses only) assumed offset by Project's affordable housing.

(3) Affordable housing will be provided on site.

(4) Child Care impact fee may be waived in consideration for the Project's on-site childcare center.

2/9/18

MAINTENANCE AND SERVICE COSTS

Actual costs will depend on the level of future service demands, and Citywide needs by City departments at the time of development and occupancy.

Public Open Space

The Project will include at least 4.0 acres of public parks and open spaces. The parks consist of a large open space of approximately 2 acres, and at least 1.5 acres, along with “gateway” green spaces to serve as gathering places that unite the Site with the surrounding neighborhoods.

The Recreation and Parks Department (RPD) may express interest in assuming ownership and/or operations and maintenance responsibilities for the proposed large open space, subject to agreement between the Project developer and the City. The developer may engage in discussions with RPD about potentially entering into such an arrangement as part of the Development Agreement. However, absent such an arrangement, the Project will fund the parks and open spaces’ ongoing operating costs, including administration, maintenance, and utility costs using CFD services special taxes (or HOA fees) paid by property owners. A master homeowners association would be responsible for managing maintenance activities, as well as the programming of recreation activities not otherwise provided by the City. Specific service needs and costs will be determined based on the programming of the parks.

Police

The Project Site is served by the SFPD’s Ingleside Station. The addition of the Project’s new residents would likely lead the Ingleside Police District to request additional staffing. Over the past several decades, the SFPD has kept staffing levels fairly constant and manages changing service needs within individual districts by re-allocating existing capacity. If needed to serve new residents associated with the Project, additional officers would most likely be reassigned from other SFPD districts and/or hired to fill vacancies created by retirements.^{4 5} For purposes of this analysis, the Project’s police service cost is estimated using the City’s current per capita service rate.

Fire and EMS

The San Francisco Fire Department (SFFD) deploys services from the closest station with available resources, supplemented by additional resources based on the nature of the call. SFFD

⁴ Carolyn Welch, San Francisco Police Department, telephone interview, December 22, 2017.

⁵ Jack Hart, San Francisco Police Department, telephone interview, January 3, 2017.

anticipates that it will require additional resources to serve the Site and its vicinity as that area's population grows, but it has not yet determined the anticipated costs.⁶ The costs in this report have been estimated based on Citywide averages.

SFMTA

Using the City's Transportation Demand Management (TDM) Ordinance as a guide, the Project will include a TDM program that encourages the use of sustainable modes of transportation for residents and visitors. This approach will increase demand for and revenues to local public transit service, which includes the J, K, and M MUNI light rail lines and the 8, 29, 43, 49, and 88X bus lines. The Project will also be required to pay the Transportation Sustainability Fee and/or provide equivalent in-kind transportation benefits, as well as provide transportation mitigation measures required as a result of the environmental review process. Specific impacts on transit services, costs, and cost recovery will be studied and determined by the final development program, TDM plan, and environmental review findings.

Department of Public Works (DPW)

The Project will create new rights of way to provide access into and out of the Site and circulation within it. These improvements may be accepted by the City, provided that they are designed to standards approved by applicable City agencies, in which case DPW would be responsible for cleaning and maintaining them. Based on the anticipated type and intensity of these proposed rights of way, DPW is estimating annual maintenance costs⁷. For purposes of the current analysis, a Citywide average cost per mile of road provides an estimated cost.

The Project may also include some smaller roads and access points that would remain private, in which case the City would not be responsible for their ongoing operation and maintenance. Instead, special taxes paid by owners of Project buildings, for example as participants in a services CFD, could fund their maintenance. The services budget would be sized to pay for ongoing maintenance of facilities as well as periodic "life cycle" costs for repair and replacement of facilities.

⁶ Olivia Scanlon, San Francisco Fire Department, telephone interview, February 8, 2018.

⁷ Bruce Robertson, Department of Public Works, correspondence with City Project staff.

PUBLIC REVENUES

New tax revenues from the Project will include ongoing annual revenues and one-time revenues, as summarized in the prior tables. The revenues represent direct, incremental benefits of the Project. These tax revenues will help fund public improvements and services within the Project and Citywide. The following sections describe key assumptions and methodologies employed to estimate each revenue.

Charter Mandated Baseline Requirements

The City Charter requires that a certain share of various General Fund revenues be allocated to specific programs. An estimated 20 percent of revenue is shown deducted from General Fund discretionary revenues generated by the Project (in addition to the share of parking revenues dedicated to MTA, shown separately). While these baseline amounts are shown as a deduction, they represent an increase in revenue as a result of the Project to various City programs whose costs aren't necessarily directly affected by the Project, resulting in a benefit to these services.

Property Taxes

Property tax at a rate of 1 percent of value will be collected from the land and improvements constructed by the Project.⁸ The City receives up to \$0.65 in its General Fund and special fund allocations, of every property or possessory interest tax dollar collected. The State's Education Revenue Augmentation Fund (ERAF) receives \$0.25 of every property tax dollar collected.

The remaining \$0.10 of every property tax dollar collected, beyond the City's \$0.65 share and the \$0.25 State ERAF share, is distributed directly to other local taxing entities, including the San Francisco Unified School District, City College of San Francisco, the Bay Area Rapid Transit District and the San Francisco Bay Area Air Quality Management District. These distributions will continue and will increase as a result of the Project.

Upon the sale of a parcel, building, or individual unit constructed at the Project, the taxable value will be assessed at the new transaction price. The County Assessor will determine the assessed values; the estimates shown in this analysis are preliminary and may change depending on future economic conditions and the exact type, amount and future value of development.

⁸ Ad valorem property taxes supporting general obligation bond debt in excess of this 1 percent amount and other assessments are excluded for purposes of this analysis. Such taxes require separate voter approval and proceeds are payable only for uses approved by the voters.

Certain properties, including non-profits providing low-income rental housing, are exempt from property tax.

It is likely that property taxes will also accrue during construction of infrastructure and individual buildings, depending on the timing of assessment and tax levy. These revenues have not been estimated.

Property Tax In-Lieu of Vehicle License Fees

In prior years, the State budget converted a significant portion of Motor Vehicle License Fee (VLF) subventions into property tax distributions; previously these revenues were distributed by the State using a per-capita formula. Under the current formula, these distributions increase over time based on assessed value growth within a jurisdiction. Thus, these City revenues will increase proportionate to the increase in the assessed value added by the new development.

Sales Taxes

The City General Fund receives 1 percent of taxable sales. New residents will generate taxable sales to the City. In addition to the 1 percent sales tax received by every city and county in California, voter-approved local taxes dedicated to transportation purposes are collected. Two special districts, the San Francisco County Transportation Authority and the San Francisco Public Financing Authority (related to San Francisco Unified School District) also receive a portion of sales taxes (0.50 and 0.25 percent, respectively) in addition to the 1 percent local General Fund portion. The City also receives revenues from the State based on sales tax for the purpose of funding public safety-related expenditures.

Sales Taxes from Construction

During the construction phases of the Project, one-time revenues will be generated by sales taxes on construction materials and fixtures purchased in San Francisco. Sales tax will be allocated directly to the City and County of San Francisco in the same manner as described in the prior paragraph. Construction sales tax revenues may depend on the City's collection of revenues pursuant to a sub-permit issued by the State.

Transient Occupancy Tax (TOT)

Hotel Room Tax (also known as Transient Occupancy Tax or TOT) will be generated when hotel occupancies are enhanced by the residential uses envisioned for the Project, such as when friends and relatives come to San Francisco to visit Project residents but choose to stay at hotels. The City currently collects a 14 percent tax on room charges. However, given that no hotels are envisioned for the Project (out-of-town visitors to the Site will likely stay at hotels elsewhere in the City), the impact will not be direct and is excluded from this analysis.

Parking Tax

The City collects tax on parking charges at garages, lots, and parking spaces open to the public or dedicated to commercial users. The tax is 25 percent of the pre-tax parking charge. The revenue may be deposited to the General Fund and used for any purpose, however as a matter of City policy the SFMTA retains 80 percent of the parking tax revenue; the other 20 percent is available to the General Fund for allocation to special programs or purposes. This analysis assumes that parking spaces envisioned for the Project's 500-space shared parking garage will generate parking tax; no parking tax is assumed from the residential-only parking spaces. Off-site parking tax revenues that may be generated by visitors or new residents are not included.

Property Transfer Tax

The City collects a property transfer tax ranging from \$2.50 on the first \$500 of transferred value on transactions up to \$250,000 to \$15.00 per \$500 on transactions greater than \$25 million.

The fiscal analysis assumes that commercial apartment property sells once every ten to twenty years, or an average of about once every 15 years. For estimating purposes, it is assumed that sales are spread evenly over every year, although it is more likely that sales will be sporadic. An average tax rate has been applied to the average sales transactions to estimate the potential annual transfer tax to the City. Actual amounts will vary depending on economic factors and the applicability of the tax to specific transactions.

The for-sale units can re-sell independently of one another at a rate more frequent than rental buildings. This analysis conservatively assumes that the average condominium or townhouse will be sold to a new owner every ten years, on average.

Gross Receipts Tax

Commercial activity, including residential rental property, generates gross receipts taxes. Actual revenues from future gross receipt taxes will depend on a range of variables, including the amount of rental income. This analysis assumes the current gross receipts tax rate of 0.3% (applicable to revenues in the \$2.5 million to \$25 million range).

DEVELOPMENT IMPACT FEES

The Project will generate a number of one-time City impact fees including:

- **Balboa Park Community Infrastructure** (Planning Code Sec. 422) -- These fees "shall be used to design, engineer, acquire, improve, and develop pedestrian and streetscape improvements, bicycle infrastructure, transit, parks, plazas and open space, as defined in the

Balboa Park Community Improvements Program with the Plan Area. Funds may be used for childcare facilities that are not publicly owned or "publicly-accessible."⁹

- **Jobs Housing Linkage** (Planning Code Sec. 413)-- These fees apply only to commercial uses and are assumed to be offset by the affordable housing provided onsite.
- **Affordable Housing** (Planning Code Sec. 415) --All affordable housing will be provided on the Site, and therefore the Project will be exempt from the fees.
- **Child Care** (Planning Code Sec. 414, 414A) -- A fee per square foot is charged to residential uses. It is likely that all or some portion of these fees will be offset and reduced by the value of childcare facilities constructed onsite.
- **Bicycle Parking In-lieu Fee** (Planning Code Sec. 430) -- This fee is assumed to be offset by facilities provided onsite.
- **Transit Sustainability Fee (TSF)** (Planning Code Sec. 411A) -- This fee, effective December 25, 2015, replaced the Transit Impact Development Fee. It is a fee per square foot paid by residential and non-residential uses.

In addition to the impact fees charged by the City, utility connection and capacity charges will be collected based on utility consumption and other factors. Other fees will include school impact fees to be paid to the San Francisco Unified School District. The Project will also pay various permit and inspection fees to cover City costs typically associated with new development projects.

⁹ San Francisco Planning Code, Article 4, Sec. 422.5(b)(1) Balboa Park Community Improvements Fund, Use of Funds.

4. DEBT LOAD TO BE CARRIED BY THE CITY AND THE SFPUC

No debt is anticipated to be incurred by the City or the SFPUC in connection with the Project. However, public financing or other non-Project sources will be required to achieve the target affordable housing rate of 50%, as described above. The City could potentially issue bonds in conjunction with several of these sources, subject to regulatory and/or voter approval, but a number of other financing options would allow the City to avoid issuing new debt.

5. BENEFITS TO THE CITY AND SFPUC

The Project will provide a range of direct and indirect benefits to the City and the SFPUC. These benefits include tax revenues that exceed service costs, as well as a range of other economic benefits such as new jobs, economic activity, and increased public and private expenditures.

FISCAL BENEFITS

As described in **Chapter 3**, the Project is anticipated to generate a net \$1.7 million of annual general City tax revenues in excess of its estimated public service costs, in addition to about \$1 million in other dedicated and restricted revenues. These revenues would be available for expansion of local and/or Citywide services and public facilities. Approximately 20 percent of revenues are allocated to "Baseline" costs, which represents a benefit to the City.

ECONOMIC BENEFITS TO THE CITY

New Permanent Jobs - The Project will create a small number of new jobs related to the parking facilities and services, childcare services at the childcare center, and landscape and other onsite maintenance services. The residential uses will also create janitorial and domestic service jobs. Because the Project is entirely residential, its economic "multiplier" effects are minimal.

Temporary Jobs - The construction of the Project will create short-term construction spending and construction jobs, estimated at 2,800 job-years.

New Housing Supply - Completion of approximately 1,100 residential units also will have the positive economic benefit of adding a significant amount to the City's total supply of housing. This provides increased access to housing for existing City residents, as well employees working within the City. Importantly, these approximately 1,100 units will include up to 550 units of affordable to low, moderate, and middle-income households, which are populations with acute housing needs in San Francisco.

DIRECT FINANCIAL BENEFITS TO THE CITY AND SFPUC

The Project will result in several direct financial benefits:

Proceeds from Property Sale -- The sale of the property currently owned by the City will generate net proceeds. The SFPUC will receive fair market value for the sale of the property.

Increased Sale of Public Power -- The SFPUC may provide electrical power to the Project's residents, generating net revenues to the SFPUC.

NEW PUBLIC FACILITIES

The Project will construct parks and open spaces, a shared parking garage, and a community room available to the general public. The Project also includes a childcare center that will be accessible by the public as well as the Project's residents. These facilities are expected to be utilized by the City College community and residents of surrounding neighborhoods.

OTHER BENEFITS

The Project may participate in the Ocean Avenue Community Benefits District (CBD) that provides funding for a range of services within the neighborhood, including maintenance and cleaning of public rights of way, sidewalk operations and public safety, and District identity and streetscape improvements. The CBD's applicability and associated tax rate will be determined prior to project approvals.



APPENDIX A: FISCAL ANALYSIS

Table of Contents
Balboa Reservoir

Table 1	Fiscal Results Summary, Ongoing Revenues and Expenditures
Table 2	Fiscal Results Summary, One-Time Revenues
Table A-1a	Project Description Summary
Table A-1b	Project Description Summary -- Affordable Units
Table A-2	Population and Employment
Table A-3	San Francisco City Development Impact Fee Estimate
Table A-4	Assessed Value Estimate
Table A-5	Property Tax Estimate
Table A-6	Property Tax in Lieu of VLF Estimate
Table A-7	Property Transfer Tax
Table A-8	Sales Tax Estimates
Table A-9	Parking Tax
Table A-10	Gross Receipts Tax Estimates
Table A-11	Rental Income for Gross Receipts Tax Estimates
Table A-12	Estimated City Services Costs

Table 1
Fiscal Results Summary, Ongoing Revenues and Expenditures
Balboa Reservoir

Item	Annual Amount
Annual General Revenue	
Property Taxes (1)	\$2,682,000
Property Tax in Lieu of VLF	\$567,000
Property Transfer Tax	391,000
Sales Tax	261,000
Parking Tax (City 20% share)	95,000
Gross Receipts Tax	<u>63,000</u>
Subtotal, General Revenue	\$4,059,000
(less) 20% Charter Mandated Baseline	<u>(\$811,800)</u>
Revenues to General Fund above Baseline	\$3,247,200
Public Services Expenditures	
Parks and Open Space	<i>Project's taxes or fees</i>
Roads (maintenance, street cleaning)	76,000
Police (2)	855,000
Fire (2)	<u>607,000</u>
Subtotal, Services	\$1,538,000
NET Annual General Revenues	\$1,709,200
Annual Other Dedicated and Restricted Revenue	
Property Tax to Other SF Funds (1)	\$413,000
Parking Tax (MTA 80% share)	\$380,000
Public Safety Sales Tax	\$130,000
SF Cnty Transportation Auth'y Sales Tax	<u>\$130,000</u>
Subtotal	\$1,053,000
TOTAL, Net General + Other SF Revenues	\$2,762,200
Other Revenues	
Property Tax to State Education Rev. Fund (ERAF)	\$1,195,000

(1) Property tax to General Fund at 57%. Other SF funds include the
 Childrens' Fund, Library Fund, and Open Space Acquisition.

(2) Police and Fire costs based on Citywide avg. cost per resident and per job.

2/9/18

Table 2
Fiscal Results Summary, One-Time Revenues
Balboa Reservoir

Item	Total Amount
<u>City Development Impact Fees (1)</u>	
Balboa Park Community Infrastructure	\$9,371,000
Jobs Housing Linkage (2)	na
Affordable Housing (3)	provided onsite
Child Care (4)	\$2,308,000
Bicycle Parking In-lieu	provided onsite
Transportation Sustainability Fee	<u>\$11,315,000</u>
	\$22,994,000
<u>Other Fees</u>	
San Francisco Unified School District	\$3,957,000
<u>Other One-Time Revenues</u>	
Construction Sales Tax (1% Gen'l Fund)	\$1,419,000
Gross Receipts Tax During Construction	<u>\$1,892,000</u>
Total: Other One-Time Revenues	\$3,311,000

(1) Impact fee rates as of Jan. 1, 2018. Refer to Table A-3 for additional detail.

(2) Linkage fee (commercial uses only) assumed offset by Project's affordable housing.

(3) Affordable housing will be provided on site.

(4) Child Care impact fee may be waived in consideration for the Project's on-site childcare center.

2/9/18

Table A-1a
Project Description Summary
Balboa Reservoir

Item (1)	Units, Sq.Ft., or Spaces
Apartments	
Market Rate	483 units
Affordable	<u>502</u> units
Total, Apts	985 units
Condos and Townhouses	
Market Rate Townhouses	67 units
Affordable Condos	<u>48</u> units
Total, Condos and Townhouses	115 units
Total, Residential	units
Market Rate	50% 550 units
Affordable	50% <u>550</u> units
	1,100 units
Community Gathering Space	1,500 sq.ft.
Childcare Center (capacity for 100 children)	5,000 sq.ft.
Shared Garage	500 spaces
	175,000 sq.ft.

(1) Number of units and space are preliminary and for evaluation purposes only.
Further analysis may consider different development program scenarios.

2/9/18

Table A-1b
Project Description Summary -- Affordable Units
Balboa Reservoir

Housing Category	% of Total	Units (1)
<u>Baseline Affordable Apts.</u>		
Low-Income (Bridge/Mission <55% AMI)	16%	174
Moderate-Income (Bridge <120% AMI)	15%	<u>165</u>
Total Baseline Affordable		339
<u>Baseline Affordable Condos</u>		
Low-Income (Habitat <80% AMI)	2%	24
Total Baseline Affordable	33%	363
<u>Additional Affordable Apts.</u>		
Low-Income (Bridge <20% & <55% AMI)	15%	163
<u>Additional Affordable Condos</u>		
Moderate-Income (Habitat <105% AMI)	2%	24
Total Additional Affordable	17%	187
Total Affordable	50%	550
Market-Rate Apts		483
Market-Rate Townhouses		<u>67</u>
Total, Market Rate	50%	550
TOTAL UNITS	100%	1,100

(1) Number of units and space are preliminary and for evaluation purposes only;
Further analysis may consider different development program scenarios.

2/9/18

Table A-2
Population and Employment
Balboa Reservoir

Item	Assumptions	Total
Population	2.27 persons per unit (1)	2,497
<u>Employment (FTEs)</u>		
Residential (2)	27.9 units per FTE (2)	39
Parking	270 spaces per FTE (2)	<u>2</u>
Total		41
Construction (job-years) (5)	\$559,836,000 Construction cost	2,754
TOTAL SERVICE POPULATION		
Residents		2,497
Employees (excluding construction jobs)		<u>41</u>
Total Service Population (Residents plus Employees)		2,538
CITYWIDE		
Residents (3)		874,200
Employees (4)		<u>710,300</u>
Service Population (Residents plus Employees)		1,584,500

(1) ABAG 2015 estimate (citywide); actual Project density will vary depending on unit size and mix.

(2) Residential jobs include building management, janitorial, cleaning/repair, childcare, and other domestic services. Factors based on comparable projects.

(3) Cal. Dept. of Finance, Rpt. E-1, 2017

(4) BLS QCEW State and County Map, 2016Q3.

(5) Construction job-years based on IMPLAN job factors.

2/9/18

Table A-3
San Francisco City Development Impact Fee Estimate
Balboa Reservoir

Item		Total Sq.Ft. (1)	Total Fees
<u>Residential</u>	Units		
Market-Rate	550	605,000	
Moderate-Income	189	189,000	
Low-Income	<u>361</u>	<u>342,950</u>	
Total	1,100	1,136,950	
<u>Other</u>			
Childcare Facility	approximately	5,000	
Shared Parking (2)		175,000	
City Impact Fees (per gross building sq.ft.) (2)	Fee Rate		
Balboa Park Community Infrastructure			
Residential (3)	\$11.32 /sq.ft.	794,000	\$8,988,080
Non-Residential (3)	\$2.13 /sq.ft.	180,000	\$383,400
Jobs Housing Linkage (4)	na		na
Affordable Housing (5)	na		na
Child Care (6)	\$2.03 /sq.ft.	1,136,950	\$2,308,009
Bicycle Parking In-lieu Fee (7)	na		na
Transportation Sustainability Fee			
Residential (8)	\$9.71 /sq.ft.	794,000	\$7,709,740
Non-Residential (3)	\$20.03 /sq.ft.	180,000	<u>\$3,605,400</u>
Total			\$22,994,629
Other Impact Fees (9)			
San Francisco Unified School District	\$3.48 /sq.ft.	1,136,950	\$3,956,586

(1) Residential fees assume approximately 950 to 1,100 sq.ft./unit. Mix of sizes will vary in final program.

(2) All impact fees are as of January 2018.

(3) Units affordable to a maximum 80% AMI exempt from Balboa Park Community Infrastructure Fee.

100% of non-residential assumed to be subject to TSF & Community Infrastructure Fee.

(4) Jobs Housing Linkage not applicable to residential.

(5) Plans anticipate affordable units sufficient to offset fee requirement.

(6) Child Care impact fee may be waived in consideration for the Project's on-site childcare facility.

(7) Bicycle facilities provided onsite, not subject to fee.

(8) Units affordable to a maximum 80% AMI exempt from Transportation Sustainability Fee (TSF).

(9) Additional utility fees and charges will be paid, depending on final Project design.

Sources: City of San Francisco, and Berkson Associates.

2/9/18

Table A-4
Assessed Value Estimate
Balboa Reservoir

Item	Development Cost
<u>Residential Buildings (1)</u>	
Townhouses (Market-rate)	\$60,598,000
Condos (Affordable)	\$15,360,000
Apartments (Market-rate)	\$169,412,000
Apartments (Moderate)	\$87,818,000
Apartments (Low-income)	<u>\$88,031,000</u>
Subtotal, Residential Buildings	\$421,219,000
<u>Other</u>	
Parking - shared (500 spaces)	\$13,830,000
Infrastructure (2)	\$38,000,000
Other Costs (3)	<u>\$86,787,000</u>
Total	\$559,836,000
(less) Property Tax-Exempt	
Low-income Rental Units (up to 80% AMI)	(\$88,031,000)
Net Taxable Assessed Value	\$471,805,000

- (1) Includes building hard costs, residential parking, and site development. Site acquisition and community benefits are to be negotiated and are not included.
- (2) Master infrastructure includes utilities, roads, grading, parks and open space.
- (3) "Other Costs" include soft costs (eg legal, design, finance, furnishings and fixtures).
 Permits & Fees not included for purposes of A.V. estimates. 2/9/18

Table A-5
Property Tax Estimate
Balboa Reservoir

Item	Assumption	Total
Taxable Assessed Value (1)		\$471,805,000
Gross Property Tax	1.0%	\$4,718,000
Allocation of Tax		
General Fund	56.84%	\$2,682,000
Childrens' Fund	3.75%	\$177,000
Library Preservation Fund	2.50%	\$118,000
Open Space Acquisition Fund	<u>2.50%</u>	<u>\$118,000</u>
Subtotal, Other Funds	8.75%	\$413,000
ERAF	25.33%	\$1,195,000
SF Unified School District	7.70%	\$363,000
Other	<u>1.38%</u>	<u>\$65,000</u>
	34.41%	\$1,623,000
Total, 1%	100.00%	\$4,718,000
Other (bonds, debt, State loans, etc.)	17.23%	\$813,000
TOTAL	117.23%	\$5,531,000

Sources: City of San Francisco, and Berkson Associates

2/9/18

Table A-6
Property Tax in Lieu of VLF Estimate
Balboa Reservoir

Item	Total
Citywide Total Assessed Value (1)	\$231,000,000,000
Total Citywide Property Tax in Lieu of Vehicle License Fee (VLF) (2)	\$233,970,000
Project Assessed Value	\$559,836,000
Growth in Citywide AV due to Project	0.24%
TOTAL PROPERTY TAX IN LIEU OF VLF (3)	\$567,000

(1) Based on the CCSF FY2017 total assessed value, Office of the Assessor-Controller, July 21, 2017.

(2) City and County of San Francisco Annual Appropriation Ordinance for Fiscal Year Ending June 30, 2018, page 127.

(3) Equals the increase in Citywide AV due to the Project multiplied by the current Citywide Property Tax In Lieu of VLF.
No assumptions included about inflation and appreciation of Project or Citywide assessed values.

Sources: City of San Francisco, and Berkson Associates

2/9/18

Table A-7
Property Transfer Tax
Balboa Reservoir

Item	Assumptions	Total
<u>Annual Transfer Tax From Condo and Townhouses Sales</u>		
Assessed Value (AV)	\$75,958,000	
Annual Transactions	10.0% (avg. sale once/10 years)(4)	\$7,596,000
Transfer Tax From Condos and Townhouses	\$3.40 /\$500 (1)	\$52,000
<u>Market-Rate Apartments (5)</u>		
Assessed Value (AV)	\$169,400,000	
Avg. Sales Value	6.7% (avg.sale once/15 years)(3),(4)	\$11,293,000
Transfer Tax: Apartment Buildings (annual avg.)	\$15.00 /\$500 (2)	\$339,000
TOTAL ONGOING TRANSFER TAX		\$391,000

(1) Rates range from \$2.50 per \$500 of value for transactions up to \$250k, \$3.40 up to \$1 million, to \$3.75 per \$500 of value for transactions from \$1 million to \$5 million; applies to sale of affordable and market-rate ownership units.

(2) Assumes rate applicable to sales > \$25 million for market-rate apartment buildings.

(3) Actual sales will be periodic and for entire buildings; revenues have been averaged and spread annually for the purpose of this analysis.

(4) Turnover rates are estimated averages based on analysis of similar projects; actual % and value of sales will vary annually.

(5) No transactions assumed for low-income and moderate-rate apartments owned by non-profits.

2/9/18

Table A-8
Sales Tax Estimates
Balboa Reservoir

Item	Low-Income Apts (<55% AMI)		Moderate-Income Apts (<120% AMI)		Low-Income Condos (<80% AMI)	
	Assumptions	Total	Assumptions	Total	Assumptions	Total
Taxable Sales From New Residential Uses						
Sale Price						
Average Annual Rent or Housing Payment (1)						
Average Household Income	50% of AMI 2.27/hh	\$47,700	110% of AMI 2.27/hh	\$104,900	70% of AMI 2.27/hh	\$66,700
Average HH Retail Expenditure (3)	27%	\$12,900	27%	\$28,300	27%	\$18,000
New Households		337		165		24
Total New Retail Sales from Households		\$4,347,000		\$4,670,000		\$432,000
New Taxable Retail Sales Captured in San Francisco (4)	80% of retail expend.	\$3,477,600	80% of retail expend.	\$3,736,000	80% of retail expend.	\$345,600
Net New Sales Tax to GF From Residential Uses	1.0% tax rate	\$34,800	1.0% tax rate	\$37,400	1.0% tax rate	\$3,500
TOTAL Sales Tax to General Fund (1%)		\$34,800		\$37,400		\$3,500
Annual Sales Tax Allocation						
Sales Tax to the City General Fund	1.00% tax rate	\$34,800	1.00% tax rate	\$37,400	1.00% tax rate	\$3,500
Other Sales Taxes						
Public Safety Sales Tax	0.50% tax rate	\$17,400	0.50% tax rate	\$18,700	0.50% tax rate	\$1,800
San Francisco County Transportation Authority (6)	0.50% tax rate	\$17,400	0.50% tax rate	\$18,700	0.50% tax rate	\$1,800
SF Public Financing Authority (Schools) (6)	0.25% tax rate	\$8,700	0.25% tax rate	\$9,400	0.25% tax rate	\$900
One-Time Sales Taxes on Construction Materials and Supplies						
Total Development Cost						
Direct Construction Costs (exc. land, profit, soft costs, fees, etc.)						
Supply/Materials Portion of Construction Cost	60.00%					
San Francisco Capture of Taxable Sales	50.00%					
Sales Tax to San Francisco General Fund	1.0% tax rate					

(1) Incomes from "2017 MAXIMUM INCOME BY HOUSEHOLD SIZE derived from the Unadjusted Area Median Income (AMI) for HUD Metro Fair Market Rent Area (HMFA) that Contains San Francisco". Affordable rents adjusted for average household size of 2.27.

(2) Avg. market rate apartment rent based on average for comparable project (AxioMetrics 12/17 survey).

Estimated townhouse sale price from Berkson Associates, August 2017, avg. for new detached homes in San Francisco.

(3) Based on typical household spending as reported for the San Francisco MSA by the State Board of Equalization.

(4) Estimated portion of sales assumed to be captured within the City based on analyses prepared for comparable projects.

Source: Berkson Associates

2/9/18

Table A-8
Sales Tax Estimates
Balboa Reservoir

Item	Moderate-Income Townhouses (<105% AMI)		Market-Rate Apts		Market-Rate Townhouses	
	Assumptions	Total	Assumptions	Total	Assumptions	Total
Taxable Sales From New Residential Uses						
Sale Price					\$1,500,000 (2)	
Average Annual Rent or Housing Payment (1)			\$3,300 /unit (2)	\$39,600	\$7,300 per household	\$87,600
Average Household Income	100% of AMI 2.27/hh	\$95,400	30%	\$132,000	30%	\$292,000
Average HH Retail Expenditure (3)	27%	\$25,800	27%	\$35,600	27%	\$78,800
New Households		24		483		67
Total New Retail Sales from Households		\$619,000		\$17,195,000		\$5,280,000
New Taxable Retail Sales Captured in San Francisco (4)	80% of retail expend	\$495,200	80% of retail expend	\$13,756,000	80% of retail expend	\$4,224,000
Net New Sales Tax to GF From Residential Uses	1.0% tax rate	\$5,000	1.0% tax rate	\$137,600	1.0% tax rate	\$42,200
TOTAL Sales Tax to General Fund (1%)		\$5,000		\$137,600		\$42,200
Annual Sales Tax Allocation						
Sales Tax to the City General Fund	1.00% tax rate	\$5,000	1.00% tax rate	\$137,600	1.00% tax rate	\$42,200
Other Sales Taxes						
Public Safety Sales Tax	0.50% tax rate	\$2,500	0.50% tax rate	\$68,800	0.50% tax rate	\$21,100
San Francisco County Transportation Authority (6)	0.50% tax rate	\$2,500	0.50% tax rate	\$68,800	0.50% tax rate	\$21,100
SF Public Financing Authority (Schools) (6)	0.25% tax rate	\$1,300	0.25% tax rate	\$34,400	0.25% tax rate	\$10,600

(1) Incomes from "2017 MAXIMUM INCOME BY HOUSEHOLD SIZE derived from the Unadjusted Area Median Income (AMI) for HUD Metro Fair Market Rent Area (HMFA) that Contains San Francisco". Affordable rents adjusted for average household size of 2.27.

(2) Avg. market rate apartment rent based on average for comparable project (AxioMetrics 12/17 survey).
Estimated townhouse sale price from Berkson Associates, August 2017, avg. for new detached homes in San Francisco.

(3) Based on typical household spending as reported for the San Francisco MSA by the State Board of Equalization.

(4) Estimated portion of sales assumed to be captured within the City based on analyses prepared for comparable projects.

Source: Berkson Associates

2/9/18

Table A-8
Sales Tax Estimates
Balboa Reservoir

Item	TOTAL
Taxable Sales From New Residential Uses	
Sale Price	na
Average Annual Rent or Housing Payment (1)	na
Average Household Income	na
Average HH Retail Expenditure (3)	na
New Households	1,100
Total New Retail Sales from Households	
New Taxable Retail Sales Captured in San Francisco (4)	
Net New Sales Tax to GF From Residential Uses	\$260,500
TOTAL Sales Tax to General Fund (1%)	\$260,500
Annual Sales Tax Allocation	
Sales Tax to the City General Fund	\$260,500
Other Sales Taxes	
Public Safety Sales Tax	\$130,300
San Francisco County Transportation Authority (6)	\$130,300
SF Public Financing Authority (Schools) (6)	\$65,300
One-Time Sales Taxes on Construction Materials and	
Total Development Cost	\$559,836,000
Direct Construction Costs (exc. land, profit, soft costs, fees)	\$473,049,000
Supply/Materials Portion of Construction Cost	\$283,829,000
San Francisco Capture of Taxable Sales	\$141,914,500
Sales Tax to San Francisco General Fund	\$1,419,000

(1) Incomes from "2017 MAXIMUM INCOME BY HOUSEHOLD SIZE derived from the Unadjusted Area Median Income (AMI) for HUD Metro Fair Market Rent Area (HMFA) that Contains San Francisco". Affordable rents adjusted for average household size of 2.27.

(2) Avg. market rate apartment rent based on average for comparable project (AxioMetrics 12/17 survey).

Estimated townhouse sale price from Berkson Associates, August 2017, avg. for new detached homes in San Francisco.

(3) Based on typical household spending as reported for the San Francisco MSA by the State Board of Equalization.

(4) Estimated portion of sales assumed to be captured within the City based on analyses prepared for comparable projects.

Source: Berkson Associates

Table A-9
Parking Tax
Balboa Reservoir

Item	Assumption	Total
Garage Revenue (2)		\$1,900,000
Spaces (shared garage) (1)		500
<u>Parking Revenues</u>		
Annual Total (2)	\$3,800 per year/space	\$1,900,000
<u>San Francisco Parking Tax (3)</u>	25% of revenue	\$475,000
Parking Tax Allocation to General Fund/Special Programs	20% of tax proceeds	\$95,000
Parking Tax Allocation to Municipal Transp. Fund	80% of tax proceeds	\$380,000

(1) Shared spaces will be a mix of residents and City College parking.

(2) Based on estimated revenue from parking garage; actual hourly and daily revenue will vary depending on occupancy rates, turnover during the day, and long-term parking rates vs. hourly rates.

(3) 80 percent is transferred to the San Francisco Municipal Transportation Agency for public transit as mandated by Charter Section 16.110.

Source: Berkson Associates

2/9/18

Table A-10
Gross Receipts Tax Estimates
Balboa Reservoir

Item	Total Gross Receipts	up to \$1m	Gross Revenue Tier (1)			Gross Receipts Tax
			\$1m - \$2.5m	\$2.5m - \$25m	\$25m+	
<u>Business Income</u>						
Subtotal	na					na
<u>Rental Income (2)</u>						
Parking	\$1,900,000	0.285%	0.285%	0.300%	0.300%	\$5,700
Residential	<u>\$19,127,000</u>	0.285%	0.285%	0.300%	0.300%	<u>\$57,381</u>
Subtotal	\$21,027,000					\$63,081
Total Gross Receipts	\$21,027,000					\$63,081
<u>Project Construction</u>						
Total Development Value (3)	\$559,836,000					
Direct Construction Cost (4)	\$473,049,000	0.300%	0.350%	0.400%	0.450%	\$1,892,196

(1) This analysis applies highlighted tax rate in tier for each use.

(2) See tables referenced in Table A-11.

(3) Based on total development cost.

(4) Direct construction costs exclude soft costs, community benefits and land.

Source: Berkson Associates

2/9/18

Table A-11
Rental Income for Gross Receipts Tax Estimates
Balboa Reservoir

Item	Gross Sq.Ft. Units, or Space	Annual Avg. Rent	Total
Parking (excludes Gross Receipts Tax) (1)	500 spaces		\$1,900,000
Market-Rate Apartments (2)	483 units	\$39,600	<u>\$19,126,800</u>
TOTAL			\$21,026,800

(1) Refer to Table A-9 for additional parking detail.

(2) See Table A-8 for estimated market-rate apartment rents.

2/9/18

Table A-12
Estimated City Services Costs
Balboa Reservoir

Item	City Total Budget	Cost per Service Pop. (1) or Mile	Factor	Total Cost
Citywide Service Population (1)			1,584,500 service pop.	
Project Service Population (1)			2,538 service pop.	
Citywide DPW Miles of Road (4)			981 miles	
Miles of Road in Project (estimated)			0.66 miles	
Fire Department (2)	\$378,948,000	\$239	2,538 service pop.	\$607,000
Police Department (3)	\$533,899,000	\$337	2,538 service pop.	\$855,000
Roads (4)	\$112,200,000	\$114,373	0.66 miles	<u>\$75,815</u>
TOTAL				\$1,462,000

(1) Service Population equals jobs plus residents (see Table A-2).

(2) Total fire budget (FY17-18 Adopted) excludes "Administration & Support Services", assuming no impact or additional administrative costs required due to Project.

(3) Total police budget (FY17-18 Adopted) excludes "Airport Police".

(4) Road costs (FY16-17) for \$52.1 mill. street resurfacing capital expenditures and \$60.1 mill. environmental services (pothole repair, sidewalks, graffiti, street sweeping, etc.).

Road miles from SFdata, <https://data.sfgov.org/City-Infrastructure/Miles-Of-Streets/5s76-j52p/data>

2/9/18

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

May 6, 2020

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On April 28, 2020, Supervisor Yee introduced the following legislation:

File No. 200422

Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

File No. 200423

Ordinance approving a Development Agreement between the City and County of San Francisco and Reservoir Community Partners, LLC, for the Balboa Reservoir Project (at the approximately 17.6-acre site located generally north of the Ocean Avenue commercial district, west of the City College of San Francisco Ocean Campus, east of the Westwood Park neighborhood, and south of Archbishop Riordan High School), with various public benefits, including 50% affordable housing and approximately four acres of publicly accessible parks and open space; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b), and findings of public convenience, necessity, and welfare under Planning Code, Section 302; approving development impact fees and waiving any conflicting provisions in Planning Code, Article 4, or Administrative Code, Article 10; confirming compliance with or waiving certain provisions of Administrative Code, Section 6.22, and Chapters 14B, 23, 41B, 56, 82, and 83, Planning Code, Sections 169, 138.1, 414A, 415, and 422, Public Works Code, Section 806(d), Subdivision Code, Section 1348, and Health Code, Section 12B; and ratifying certain actions taken in connection therewith, as defined herein

Board of Supervisors
Land Use and Transportation Committee
Referral for Planning Commission
Page 2

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board



By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

- c: Rich Hillis, Director
Scott Sanchez, Zoning Administrator
Lisa Gibson, Environmental Review Officer
AnMarie Rodgers, Legislative Affairs
Devyani Jain, Deputy Environmental Review Officer
Adam Varat, Acting Director of Citywide Planning
Aaron Starr, Manager of Legislative Affairs
Andrea Ruiz-Esquide, Deputy City Attorney
Joy Navarrete, Major Environmental Analysis

BOARD of SUPERVISORS



**City Hall
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San Francisco 94102-4689
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Fax No. 554-5163
TDD/TTY No. 554-5227**

May 6, 2020

**File Nos. 200422
200423**

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On April 28, 2020, Supervisor Yee submitted the following legislation:

File No. 200422

Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

File No. 200423

Ordinance approving a Development Agreement between the City and County of San Francisco and Reservoir Community Partners, LLC, for the Balboa Reservoir Project (at the approximately 17.6-acre site located generally north of the Ocean Avenue commercial district, west of the City College of San Francisco Ocean Campus, east of the Westwood Park neighborhood, and south of Archbishop Riordan High School), with various public benefits, including 50% affordable housing and approximately four acres of publicly accessible parks and open space; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b), and findings of public convenience, necessity, and welfare under

Planning Code, Section 302; approving development impact fees and waiving any conflicting provisions in Planning Code, Article 4, or Administrative Code, Article 10; confirming compliance with or waiving certain provisions of Administrative Code, Section 6.22, and Chapters 14B, 23, 41B, 56, 82, and 83, Planning Code, Sections 169, 138.1, 414A, 415, and 422, Public Works Code, Section 806(d), Subdivision Code, Section 1348, and Health Code, Section 12B; and ratifying certain actions taken in connection therewith, as defined herein.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
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Fax No. 554-5163
TDD/TTY No. 554-5227

July 10, 2020

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On July 7, 2020, Supervisor Yee introduced the following legislation:

File No. 200422-2

Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

- c: Rich Hillis, Director
Scott Sanchez, Zoning Administrator
Lisa Gibson, Environmental Review Officer
AnMarie Rodgers, Legislative Affairs
Devyani Jain, Deputy Environmental Review Officer
Adam Varat, Acting Director of Citywide Planning
Aaron Starr, Manager of Legislative Affairs
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July 10, 2020

File No. 200422-2

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On July 7, 2020, Supervisor Yee submitted the following substitute legislation:

File No. 200422-2

Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

This substitute legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Major, Erica \(BOS\)](#)
Subject: FW: Support for Balboa Reservoir Special Use District (200422)
Date: Thursday, May 14, 2020 8:33:37 AM

From: Avinash Kar <avinashkar2@yahoo.com>
Sent: Wednesday, May 13, 2020 6:42 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Support for Balboa Reservoir Special Use District

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I write to express support for the planned development on what is currently the parking lot adjacent to City College. The plan to build significant affordable and market rate housing is a step in the right direction to make the city more affordable and to have private developers cover a significant part of the cost. I live within a mile of the location and am fully supportive of the proposal—I think it will add commercial activity, energy, and vitality to the area—and am glad that Supervisor Yee is representing that perspective for our supervisory district.

With my thanks,
Avinash Kar
141 Dorado Terrace
San Francisco, CA 94112

From: [aj](#)
To: [Major, Erica \(BOS\)](#)
Cc: [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Public Lands for Public Good](#)
Subject: For file # 200422 & 200423 Fw: 4/28/2020 Legislation Introduced: Balboa Reservoir Project SUD and Development Agreement
Date: Monday, May 18, 2020 8:07:33 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Erica,

Did you get this 4/28/2020 submission for Land Use & Transportation Committee? It was written before the SUD and DA legislation had been officially introduced.

Thanks for taking care of it.

Best,
Alvin

----- Forwarded Message -----

From: aj <ajahjah@att.net>
To: Board of Supervisors <board.of.supervisors@sfgov.org>; brent.jalipa@sfgov.org <brent.jalipa@sfgov.org>; jocelyn.wong@sfgov.org <jocelyn.wong@sfgov.org>; lisa.lew@sfgov.org <lisa.lew@sfgov.org>
Cc: Public Lands for Public Good <publiclandsforpublicgood@gmail.com>
Sent: Tuesday, April 28, 2020, 03:05:24 PM PDT
Subject: 4/28/2020 Legislation Introduced: Balboa Reservoir Project SUD and Development Agreement

BOS:

Several years ago, SFCTA had authorized Prop K monies for a Balboa Area TDM Study.

Out of that authorization, Nelson /Nygaard produced a Balboa Area TDM Framework.

Essentially, the TDM Framework is being promoted as providing measures that would effectively mitigate harms to the existing setting of City College and neighborhoods that would be generated by the Reservoir Project

However, the TDM measures are fundamentally aspirational without any enforceable means to prevent new Reservoir residents - - especially the well-heeled occupants of the 550 market-rate units-- from using, or owning cars.

Ultimately, despite the TDM measures, car use by the new residents will cause delays to MUNI service. The limited roadway network that surrounds the Reservoir parcel makes any effective practical improvements by SFMTA negligible.

Existing MUNI service in the Reservoir Project area is far from achieving the Charter-mandated 85% reliability performance.

The Reservoir Project will inevitably make MUNI service worse.

On 4/28/2020, legislation will be introduced to create a Special Use District that will replace the current P-Public zoning.

Despite the deceptive marketing of the Reservoir Project as 50% affordable, Reservoir Community Partners' breakdown will actually be 550 market-rate units, and only 363 affordable.

RCP cannot legitimately claim credit for the 187 "additional affordable" units that will come from public monies.

Don't facilitate stealth privatization of public lands with SUD.

Instead of the SUD, keep the Reservoir parcel #3180's zoned as Public..... Existing P zoning which already allows for 100% affordable housing.

There is no need to rezone to SUD, other than to facilitate privatization of public property.

Alvin Ja, District 7

From: [ai](#)
To: [CPC-Commissions Secretary](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Johnson, Milicent \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Hood, Donna \(PUC\)](#)
Cc: [Public Lands for Public Good](#); [ccsfheat@gmail.com](#); [CCSF Collective](#); [Joshua Sabatini](#); [JK Dineen](#); [Roland Li](#); [Tim Redmonds](#); [Joe Fitzgerald Rodriguez](#)
Subject: Balboa Reservoir Final SEIR: Not objective, not accurate
Date: Tuesday, May 26, 2020 4:22:42 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

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

From: [aj](#)
To: [CPC-Commissions Secretary](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Johnson, Milicent \(CPC\)](#); [Johnson, Milicent \(CPC\)](#); [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#); [Hood, Donna \(PUC\)](#); [Jon Winston](#); [sunnyside.balboa.reservoir](#); [cgodinez](#); [mikeahrens5](#); [Peter Tham](#); [jumpstreet1983](#); [marktang.cac@gmail.com](#)
Cc: [Public Lands for Public Good](#); [ccsfheat@gmail.com](#)
Subject: Sale price of PUC Reservoir--a scandal
Date: Monday, May 25, 2020 2:49:56 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Planning Commission, Land Use Committee (File 200422 & 200423), BOS, PUC:

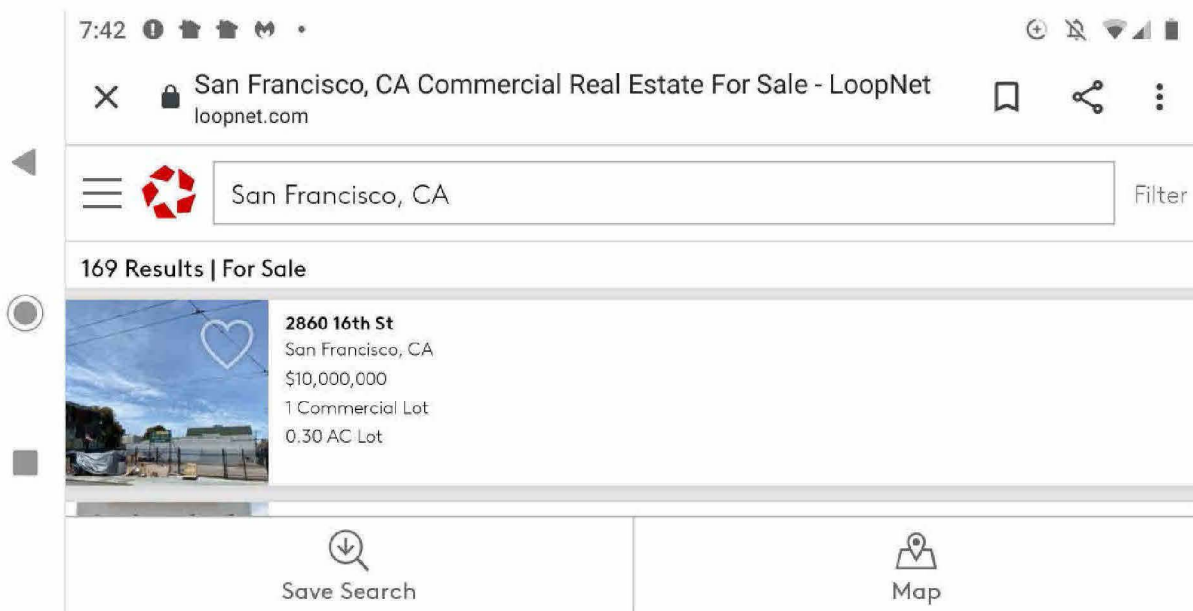
A hidden treasure for the developers is contained in Attachment A, "CEQA Findings" <https://commissions.sfplanning.org/cpcpackets/2018-007883GPAPCAMAPDVA.pdf>

The hidden treasure is the estimated price of the PUC Reservoir parcel 3180-190.

From page 21 of Attachment A (p. 1231 of the 2,256-page PDF):

"The expected land cost is estimated at approximately \$11.2 million."

In comparison a **0.3 acre** lot at 16th/Shotwell is selling for **\$10 million**.....while the 17.6 acre PUC parcel is \$11.2 million?!



The lot on 24th Street comes to \$33.33 million/acre; the Reservoir lot = a mere \$ 0.64 million/acre.

The PUC lot's estimated price computes to only **1.9% of the 24th Street** lot on a per acre basis!

Can you say Privatization Scam?!

Alvin Ja, District 7

From: [aj](#)
To: [CPC-Commissions Secretary](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Johnson, Milicent \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Hood, Donna \(PUC\)](#); [BRCAC \(ECN\)](#)
Subject: Balboa Reservoir--False Advertising
Date: Sunday, May 24, 2020 7:49:49 PM
Attachments: [FALSE ADVERTISING BAIT & SWITCH \(2\).pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Planning Commission, Land Use Committee (Files 200422 & 200423), BOS, PUC, BRCAC:

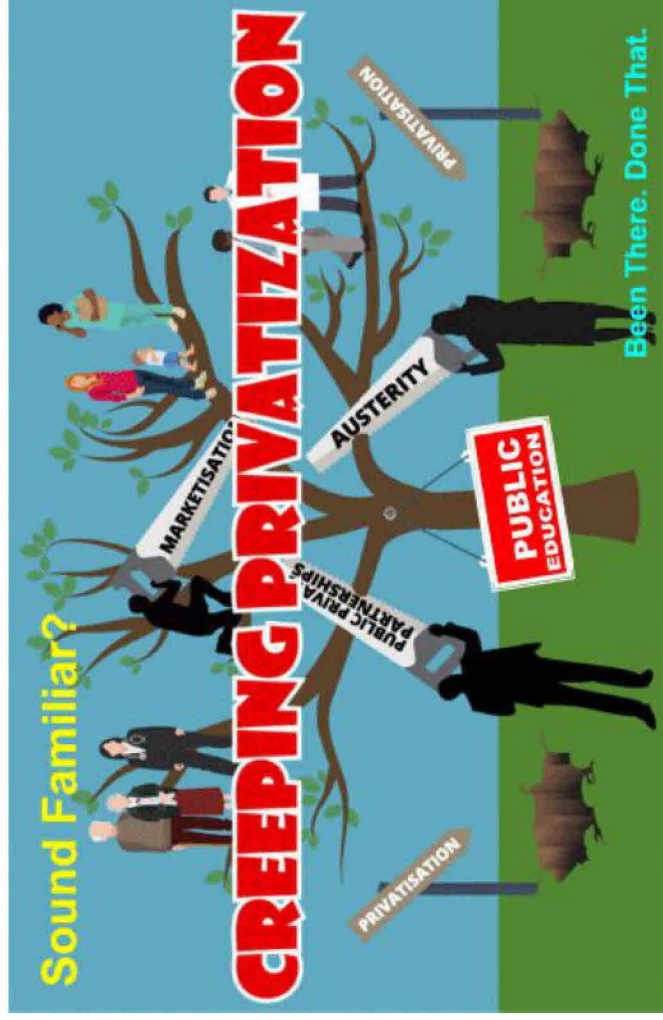
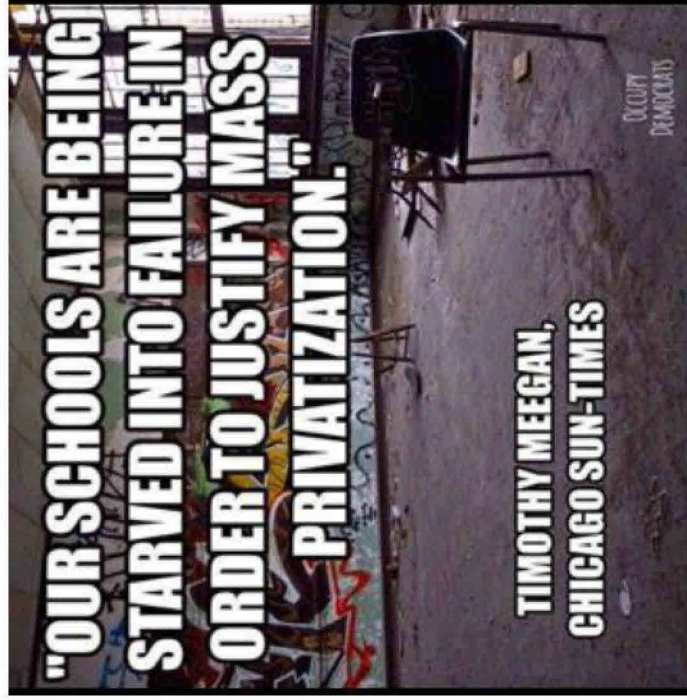
Attached is a City College stakeholder presentation.

BALBOA RESERVOIR PROJECT: FALSE ADVERTISING BAIT & SWITCH

Achieving Buy-In:
“Affordable Housing”
Affordable “In Perpetuity”



ACHIEVING BUY-IN: For a PRIVATIZATION SCAM



50% AFFORDABLE!!

The sales pitch:
550 market-rate
units will subsidize
550 affordable
units.

THE **GAP** THE PROBLEM:

The U.S. has a shortage of more than **7.2 MILLION** rental homes affordable and available to extremely low income renter households.



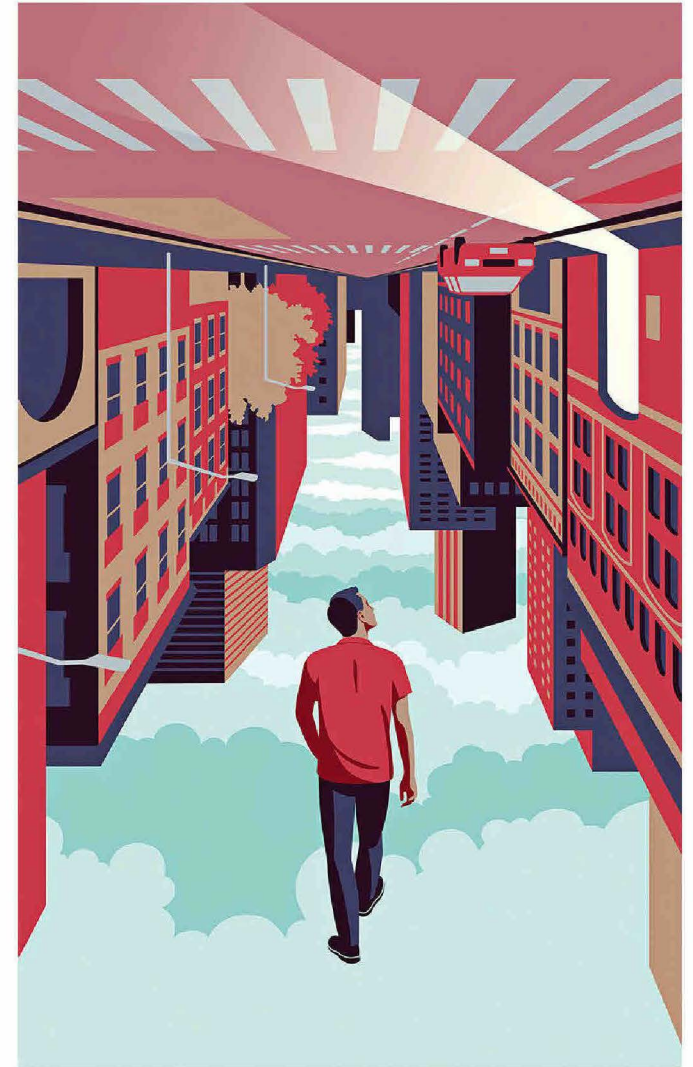
©2018 National Low Income Housing Coalition



REALITY IS TURNED ON ITS HEAD

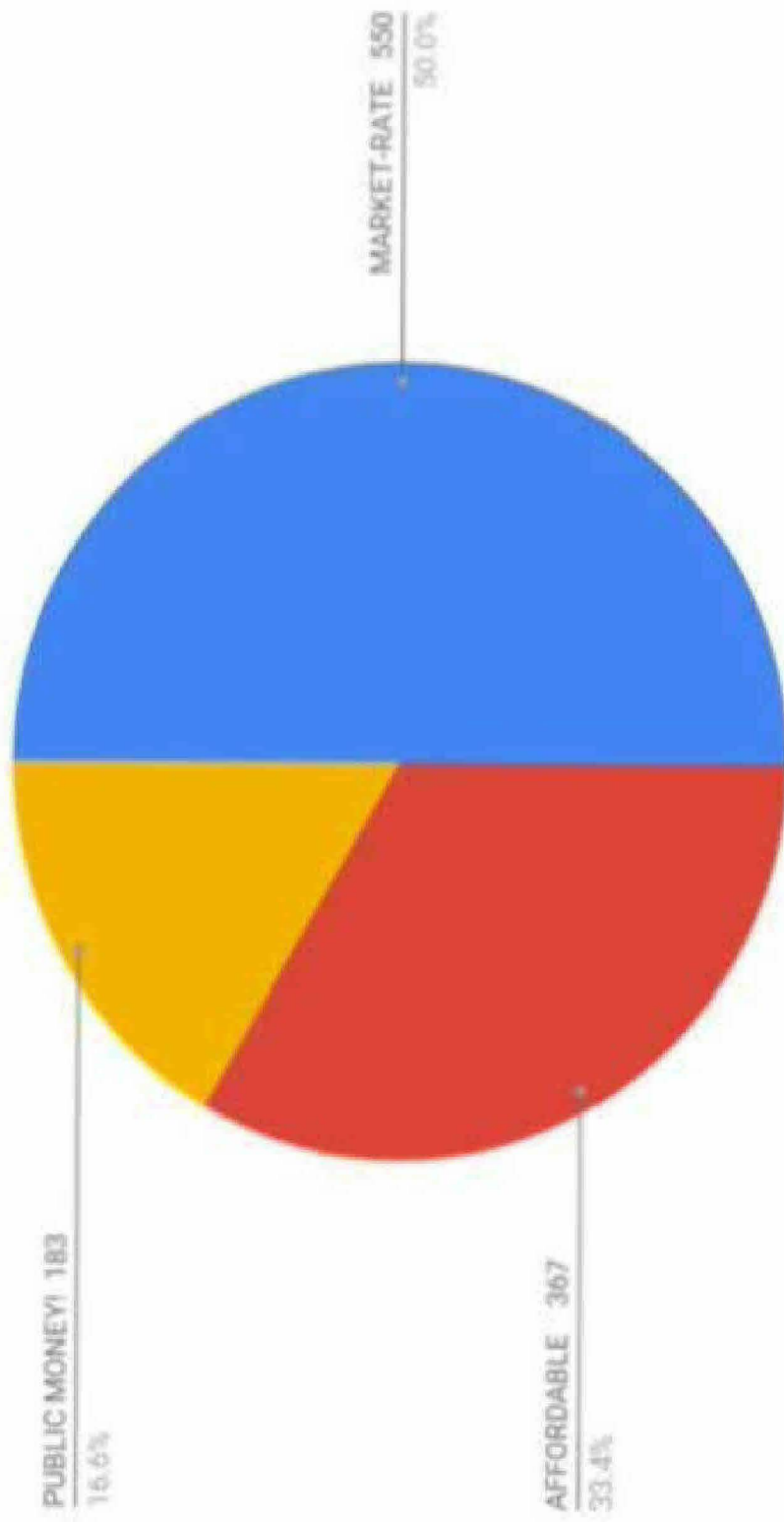
The reality is that public land (probably to be sold for cheap!) will be subsidizing 550 market-rate units.

“Affordable housing” is a marketing ploy to facilitate privatization.

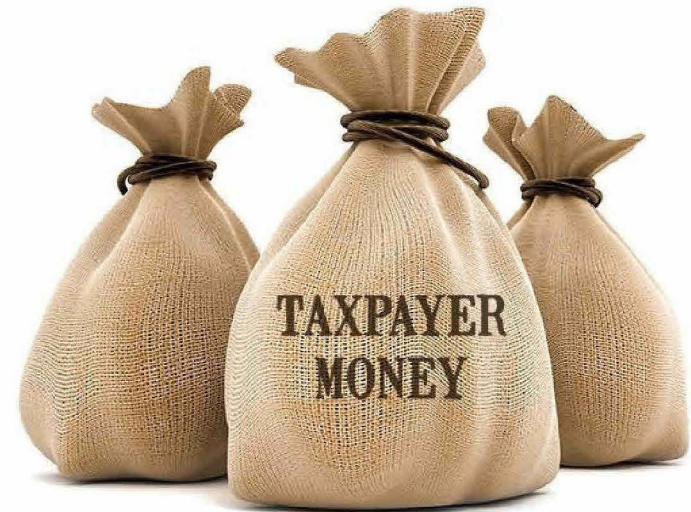


THE REALITY

Residential Units



OTHER PEOPLE'S (OUR!) MONEY



From the Development Agreement:

“Project’s ability to achieve an overall affordability level of 50% is predicated on **Developer’s receipt of City’s Affordable Funding Share.**”

AFFORDABLE “IN PERPETUITY”

The LIE from
Principles & Parameters:

Principle #1:

Build new housing for people
at a range of income levels.

Parameters: a. Make at least 50% of total housing units **permanently affordable in perpetuity** to low (up to 55% of Area Median Income (AMI)), moderate (up to 120% of AMI), and middle-income (up to 150% AMI) households, provided that this can be achieved while also ensuring project feasibility and providing the economic return to SFPUC ratepayers that is required by law...

1. Make at least 33% of total housing units **permanently affordable in perpetuity** to low or moderate-income households, consistent with Proposition K (2014).



Development Agreement: Affordable for 57 years

57 ≠ ∞

The TRUTH from Development Agreement:

“Affordability Restrictions. (a) Each Affordable Parcel will be subject to a recorded regulatory agreement approved by MOHCD to **maintain affordability levels for the life of the Project or fifty-seven (57) years, whichever is longer, ...**”

WHY A HOUSING SHORTAGE?

Is it because of:

- Excessive bureaucracy and regulations?
- NIMBY resistance?
- Insufficient supply relative to demand?



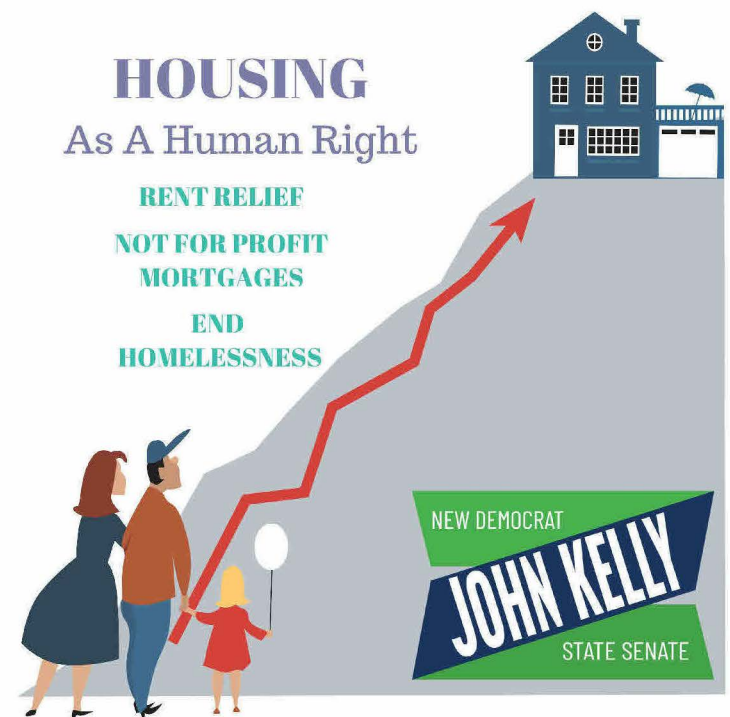
MAIN REASON FOR HOUSING SHORTAGE

Housing has a:

- USE VALUE for people as shelter;
- VALUE AS A COMMODITY for trading

HOUSING CONSTRUCTION IS CAPITAL INTENSIVE

- Investment goes to where there is high Rate-of-Return on Investment
 - There is little or no profit in affordable housing



NOT SIMPLY SUPPLY & DEMAND

YIMBY'S SAY: JUST BUILD MORE HOUSING!

This is simple-minded trickle-down economics.

What's important is what they call “financial feasibility.”

Affordable housing is not financially feasible. Affordable housing will not attract investment, simply because it is not profitable enough.

The “Build! Build! Build!” Argument:

Increase the supply of luxury housing. Affordable housing will trickle down.

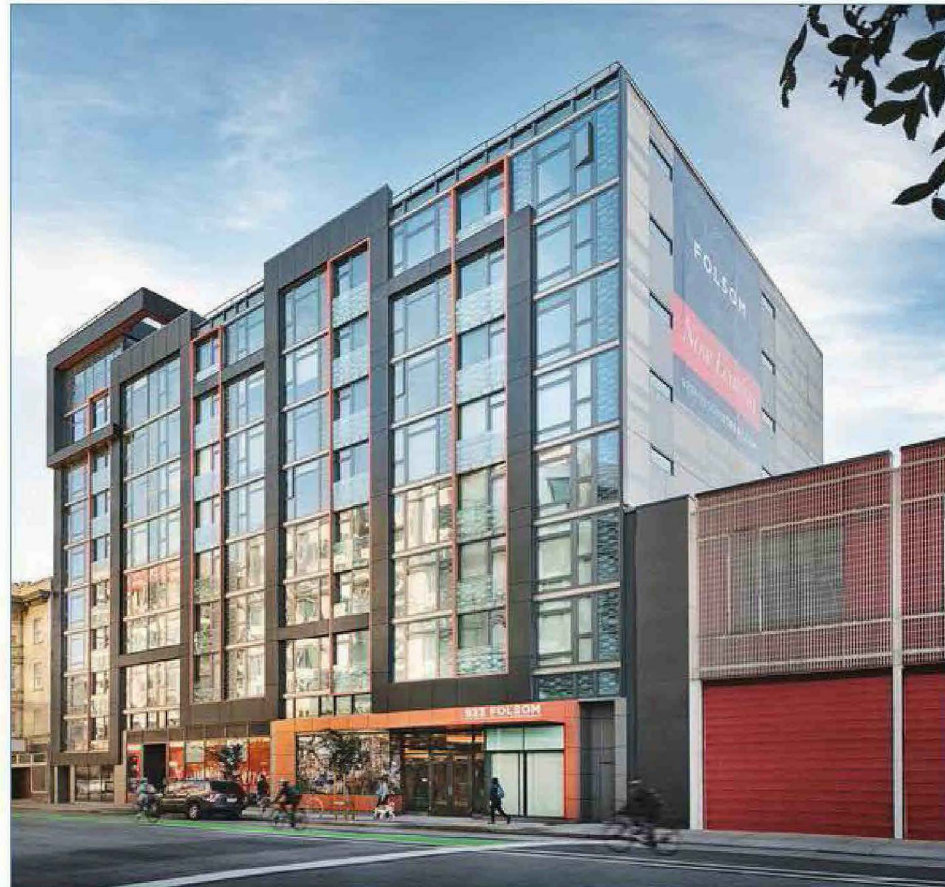
Have you noticed
affordable housing
trickling down in
the Mission?

Or SOMA?

Building more
luxury housing

just creates more
luxury housing!

And drives up
prices in
surrounding
neighborhoods.



PRIVATIZATION: “PUBLIC-PRIVATE PARTNERSHIP”

The Reservoir Project is an example of trickle-down economics.

Advantage accrues to the 1%, while crumbs (affordable units) fall to a mere handful of the multitudes of common people in need of basic shelter.

No matter how much profitable market-rate housing is built, the crumbs will be unable to satisfy the housing needs of the populace.

CRUMBS ARE NOT ENOUGH!



From: [aj](#)
To: [CPC-Commissions Secretary](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Johnson, Milicent \(CPC\)](#); [Major, Erica \(BOS\)](#); [Clerk of the Board Alberto Quintanilla](#); [MTABoard](#); [Boomer, Roberta \(MTA\)](#); [BRCAC \(ECN\)](#); [Jon Winston](#); [sunnyside.balboa.reservoir](#); [jumpstreet1983](#); [cgodinez](#); [Peter Tham](#); [marktang.cac@gmail.com](#); [rmuehlbauer](#); [mikeahrens5](#)
Cc: [Robert Feinbaum](#); [Cat Carter](#); [DPH - thea](#); [SNA BRC](#)
Subject: Balboa Reservoir Final EIR: Significance Threshold for Transit Delay
Date: Sunday, May 24, 2020 12:48:18 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Planning Commission, Land Use & Transportation Committee (File 200422, 200423), SFCTA, SFMTA, BRCAC:

Planning Dept Staff contends that its 4-minute Threshold of Significance for Transit Delay is supported by substantial evidence. This contention is false.

The claimed "substantial evidence" consists of a one-sentence assertion in the Planning Department's "Transportation Assessment Guideline" and in its Appendix I "Public Transit Memorandum." That one-sentence "substantial evidence", in its entirety, consists of:

"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."

o **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, again, in the Appendix I "Public Transit Memorandum." However, repetition of a one-sentence assertion does not constitute "substantial evidence."
- Planning Staff repeatedly cites the City Charter Section 8A.103 (c)1 as justification for the Project's 4-minute threshold of significance. 8A.103

(c)1 sets a lateness standard for MUNI at scheduled timepoints. The MUNI on-time performance criterion was not meant to allow the Reservoir Project to add an additional 4-minute delay on top of the pre-existing MUNI lateness standard. Isn't this simple common sense that a project that adds an additional 4-minute delay over and above pre-existing MUNI delay would be significant?!

- 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.

submitted by:
Alvin Ja, District 7

From: [Public Lands for Public Good](#)
To: [Board of Supervisors, \(BOS\)](#); [CPC-Commissions Secretary](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Johnson, Milicent \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Hood, Donna \(PUC\)](#); [Major, Erica \(BOS\)](#)
Cc: ajahiah@att.net
Subject: please be sure to complete the public record
Date: Wednesday, May 20, 2020 5:07:15 PM
Attachments: [BalboaReservoir-SF PlanningCommission 2020-04-09-FINAL.pptx](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please be sure to put the attached presentation that I gave at the 4/9/2020 Planning Commission meeting into the public record.

Thank you.

Wynd Kaufmyn

The Balboa Reservoir



SF Planning Commission

Thursday April 9, 2020

Presentation:

Opposition to Agenda Item 16b:

Initiation General Plan Amendment (GPA)

Steven Brown – Defend City College Alliance
Marcos Cruz – CCSF Student Assembly
Wynd Kaufmyn – Public Lands for Public Good

What is the purpose of Initiation GPA?

In the world of urban planning developments are guided by high level plans/policy.

1. City & County's General Plan
2. Balboa Park Station Area Plan (BPS Area Plan)

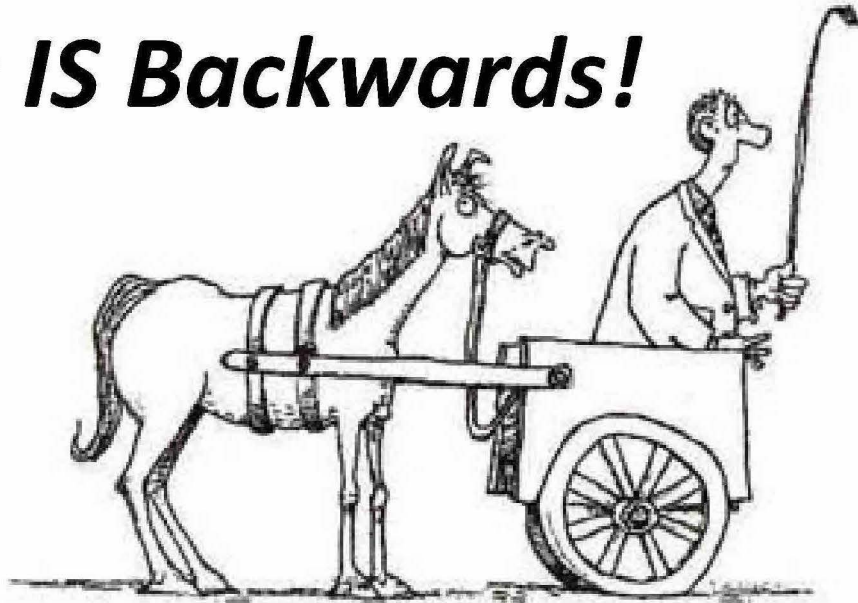
Any proposed development in the area of the BPS should conform with these plans.

The Proposed Balboa Reservoir Project does not.

So you are being asked to Initiate a General Plan Amendment which will make substantial changes to the City & County's General Plan and the associated Balboa Park Station Area Plan.

Isn't this backwards?

This IS Backwards!



The General Plan and BPS Area Plan are intended to serve as guidelines and directives for future development.

If a proposed development is non-conforming, then that development must be changed, not the overriding policy.

The project sponsors knowingly drew up the Reservoir Project's Principles & Parameters in conflict with higher level General Plan /BPS Area Plan specs.

In particular the developer's proposal deviates from the BPS Area Plan wrt:

1. Open Space
2. Housing
3. Height Limits

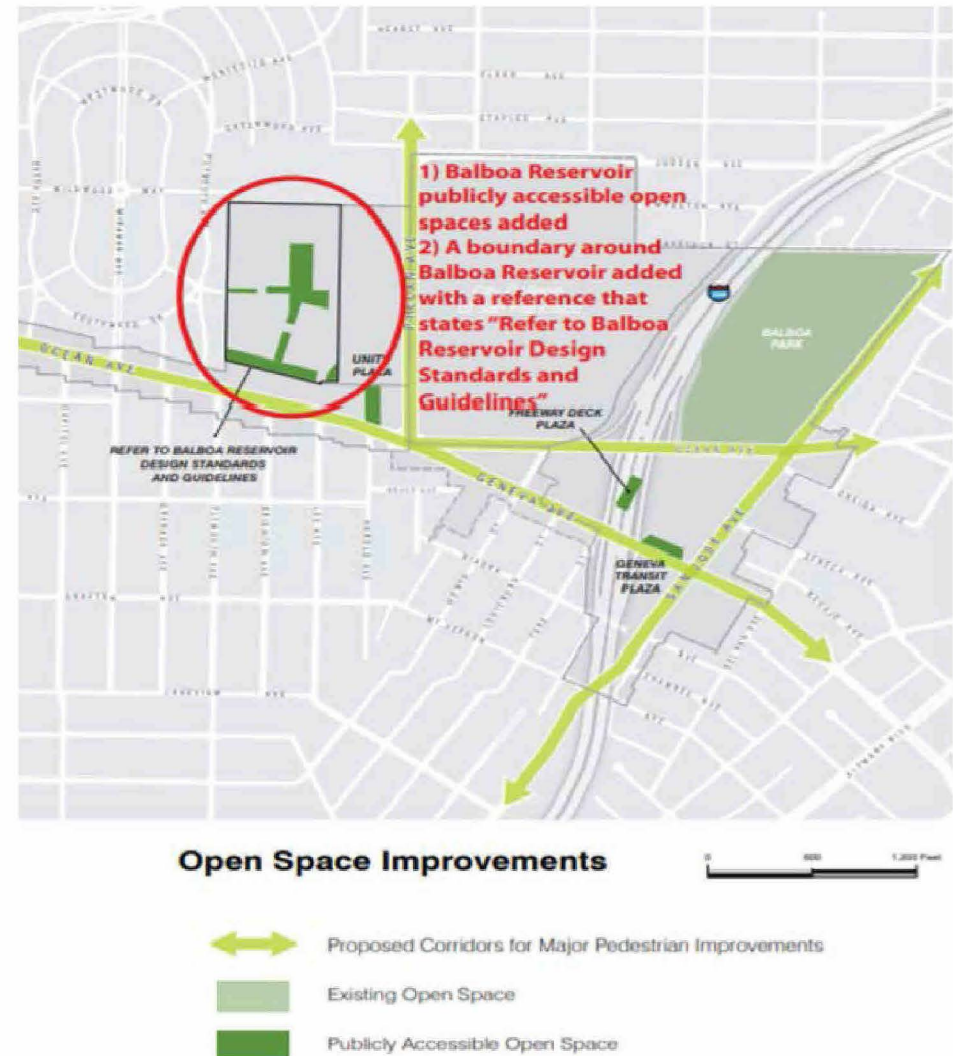
The GPA will have significant adverse effects on one of the city's most beloved and respected institutions.



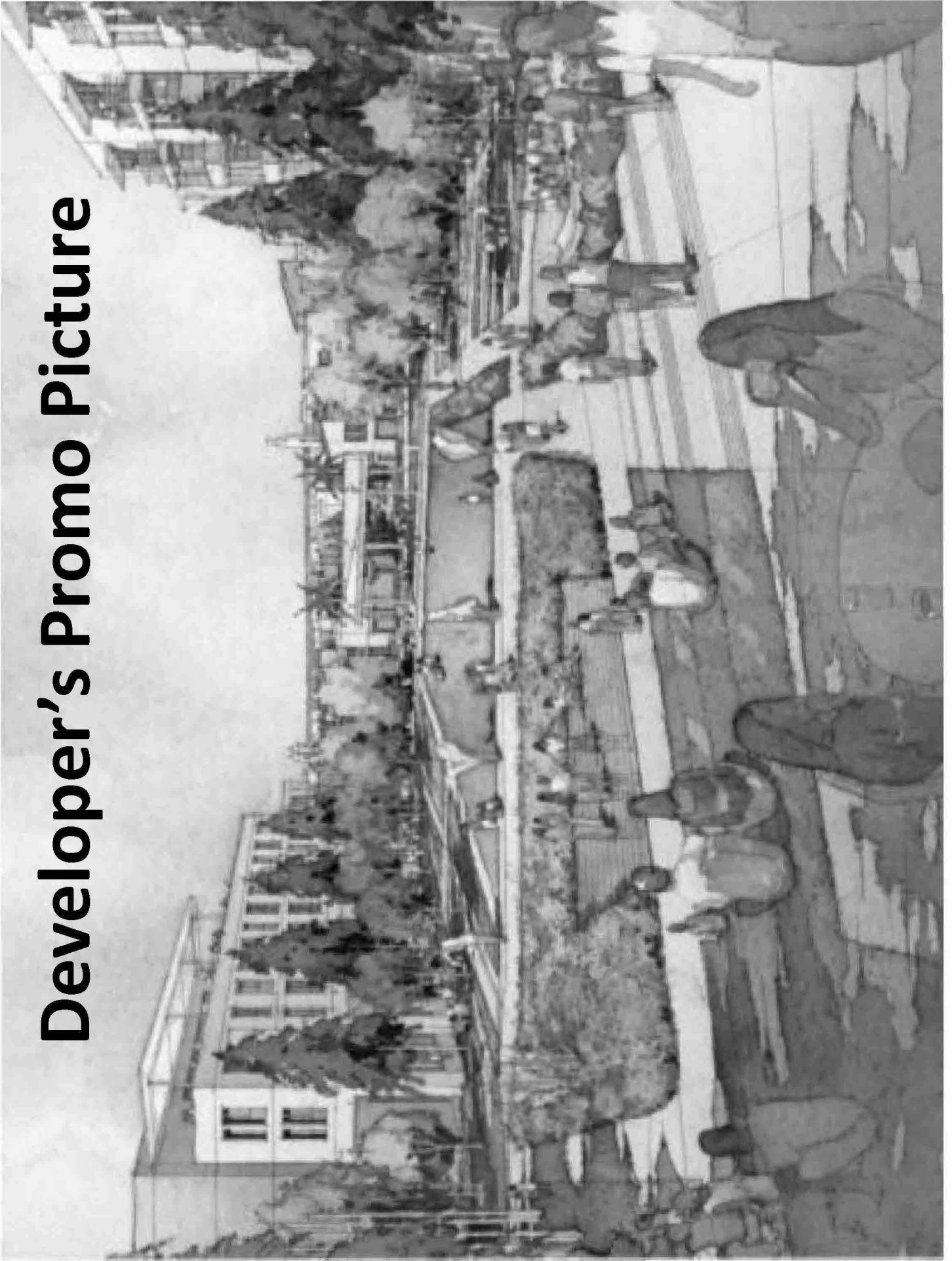
City College of San Francisco

Amendments to the Open Space Element

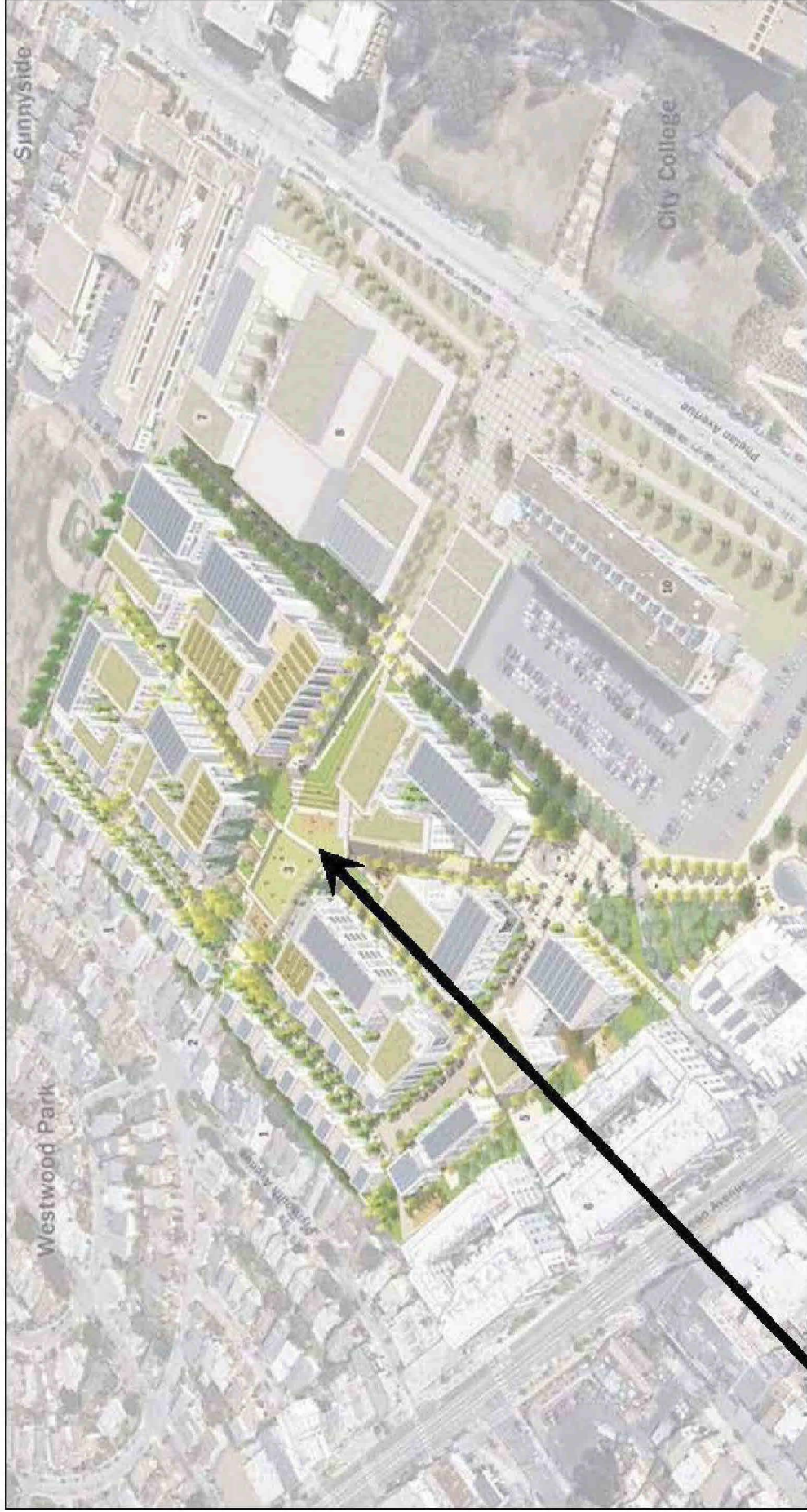
- The General Plan and BPS Area Plan have open space taking up at least **50% - 90%** of the 17.6 acre PUC Reservoir.
- The GPA shrinks it down to **11%**



Developer's Promo Picture



The Reality



This little sliver is the green space you saw in the previous slide.

Amendments to the Housing Element

- The Balboa Park Station Area Plan's Housing Element proposed 425-500 units.
- The General Plan Amendment allows for 1100+ units.
- This has environmental impacts that cannot be mitigated:
 1. Traffic congestion
 2. Construction pollution
 3. Noise

Developer's Claim



Up to 50% affordable!

The Facts

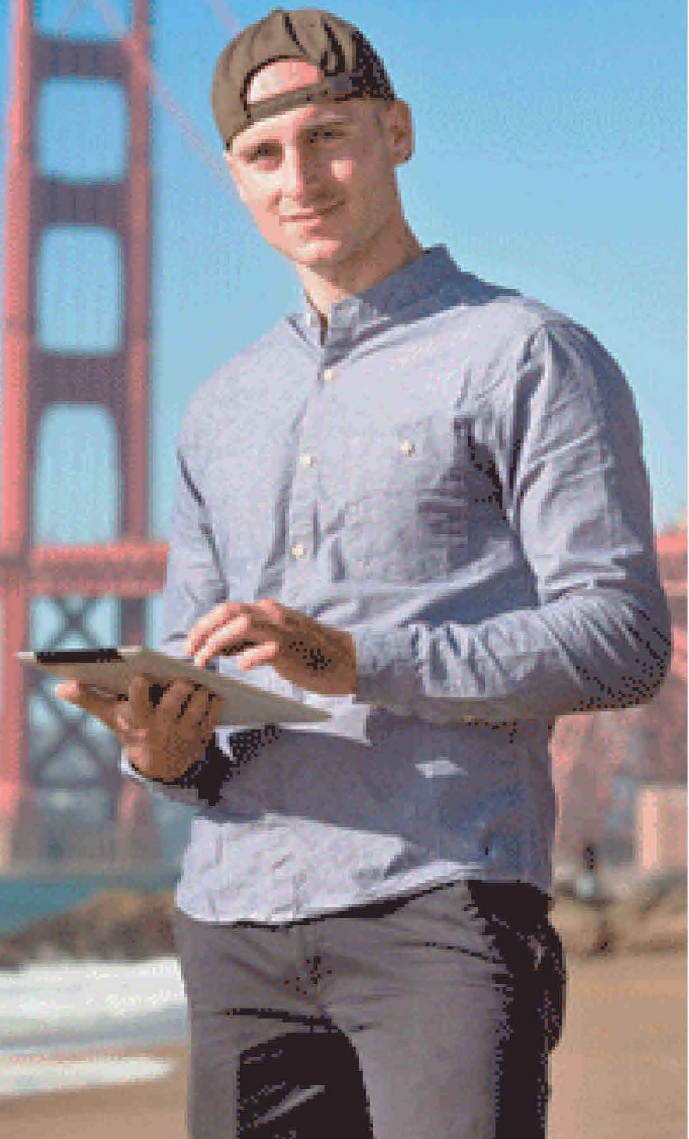
Of the proposed 1100 units, 550 (50%) will be market-rate and only 363 (33%) units from developer will be affordable.

Approximately 1,100 Units Total					
50% Market-Rate Units		50% Affordable Units			
		Developer Subsidy		City Subsidy	
		18% Low Income Units	15% Moderate Income Units	17% "Additional" Affordable Units	
Rental Apartments	For Sale Townhomes	Rental Apartments 55% AMI	Rental Apartments 120% AMI	Rental Apartments 55% AMI and 120% AMI	For Sale Units 105% AMI
AvalonBay	AvalonBay BRIDGE (Sell Lots)	BRIDGE Mission Housing	BRIDGE	BRIDGE Mission Housing	Habitat for Humanity

The remaining 187 (17%) units will be affordable only with not-yet-procured public financing.

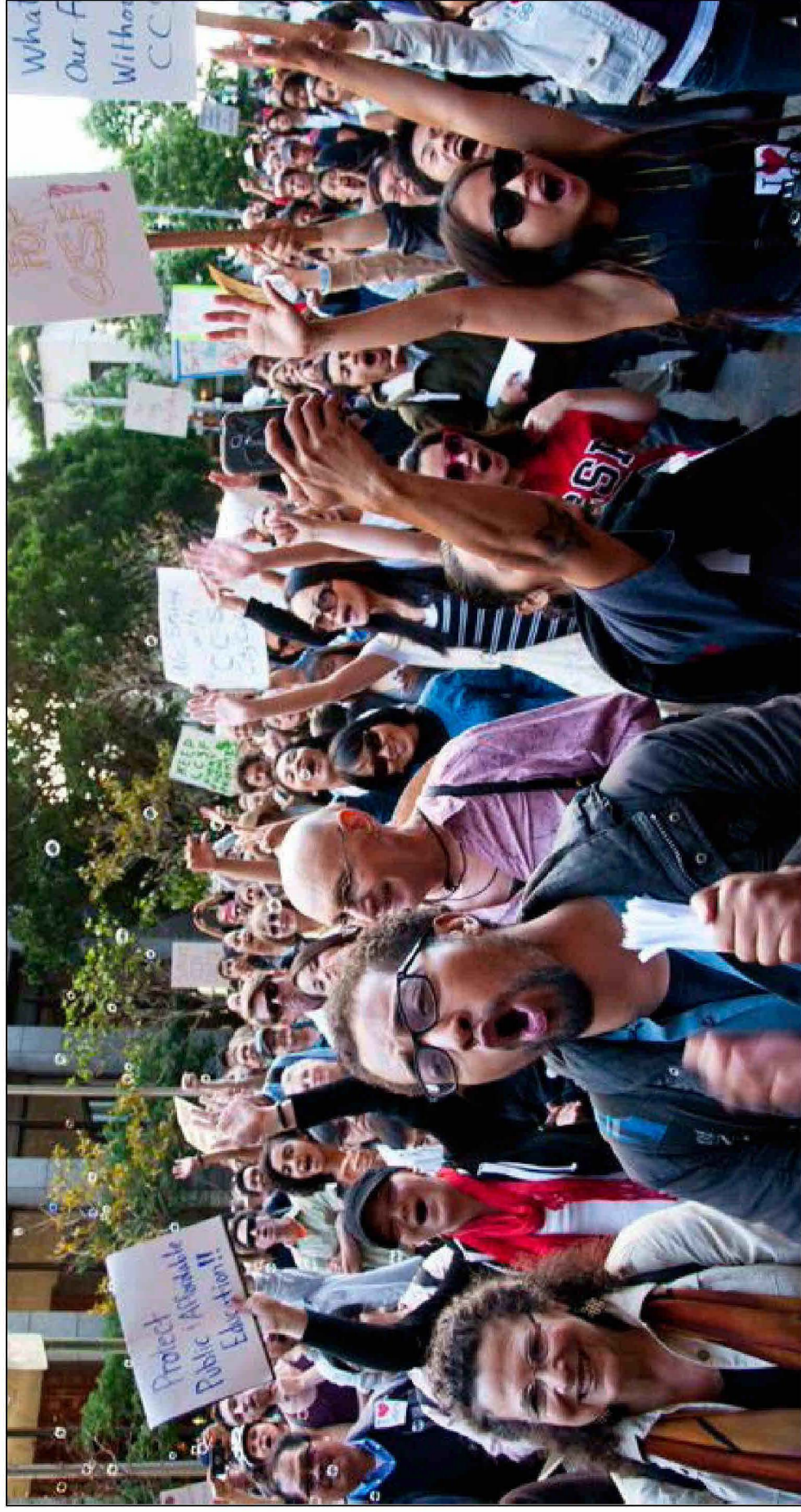
Affordable... TO WHOM?

- The definition of “affordable” has been heavily influenced by the SF Real Estate Association. It includes someone earning \$129,300/year.
- Avalon rents are \$3300-\$10,000/mo.
- They are NOT for longtime Excelsior, Ingleside, or Sunnyside residents. Or City College students or workers.



SF Needs Truly Affordable Housing for All

Rents less than 30% of a family income



Public Land should not be privatized



The housing crisis in SF is an *affordable* housing crisis.

Building market rate housing does not help the affordable housing crisis.

Public Land should not be privatized



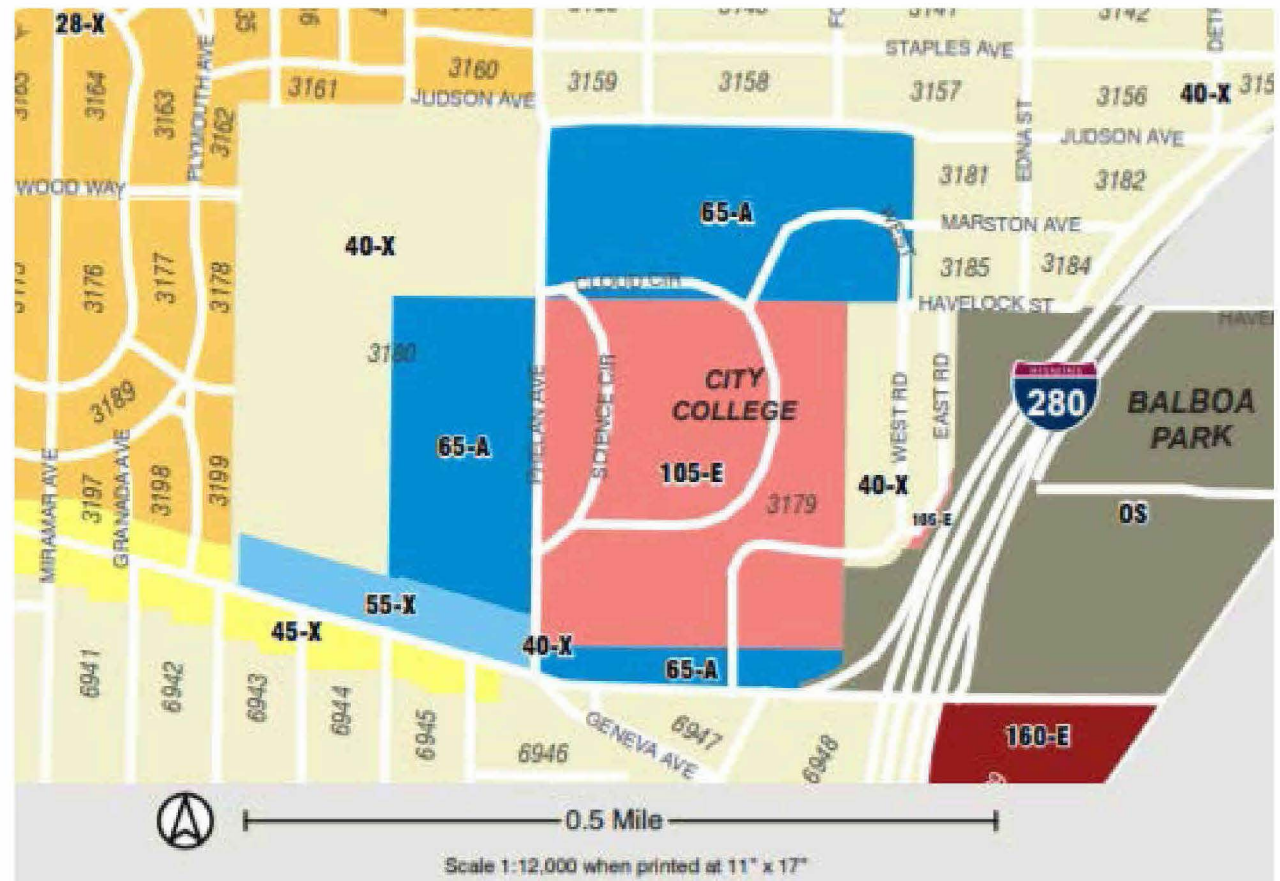
The biggest barrier to affordable housing construction is the price of land. Irreplaceable public land should not be turned over to private developers.

Amendments to the Height Limits

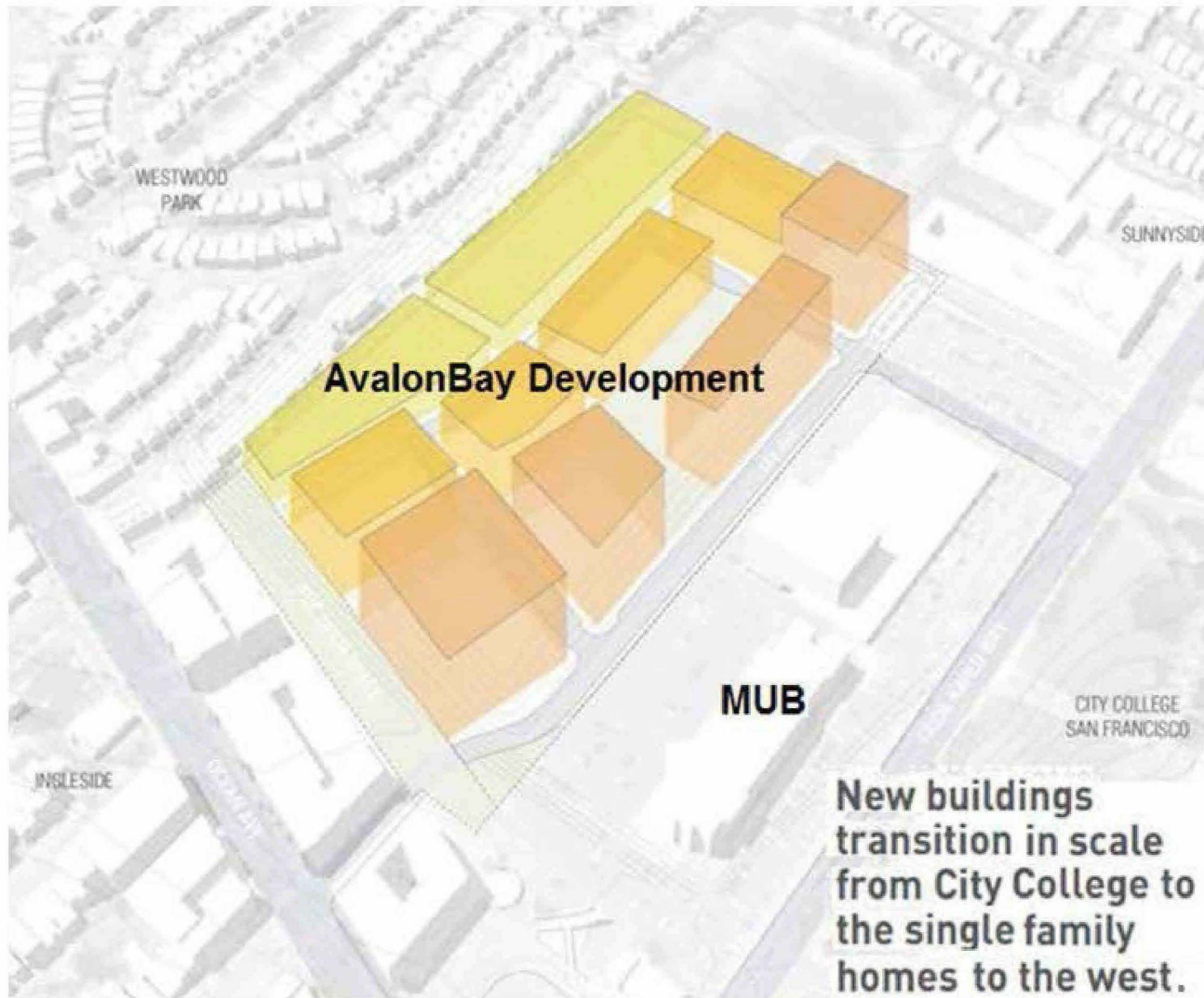
Planning Dept Staff asserts that the current PUC Reservoir bulk-height zoning is 40-X and 65-A.

But the BPS Area Plan shows the PUC Reservoir as only 40 ft, *not* 65 ft.

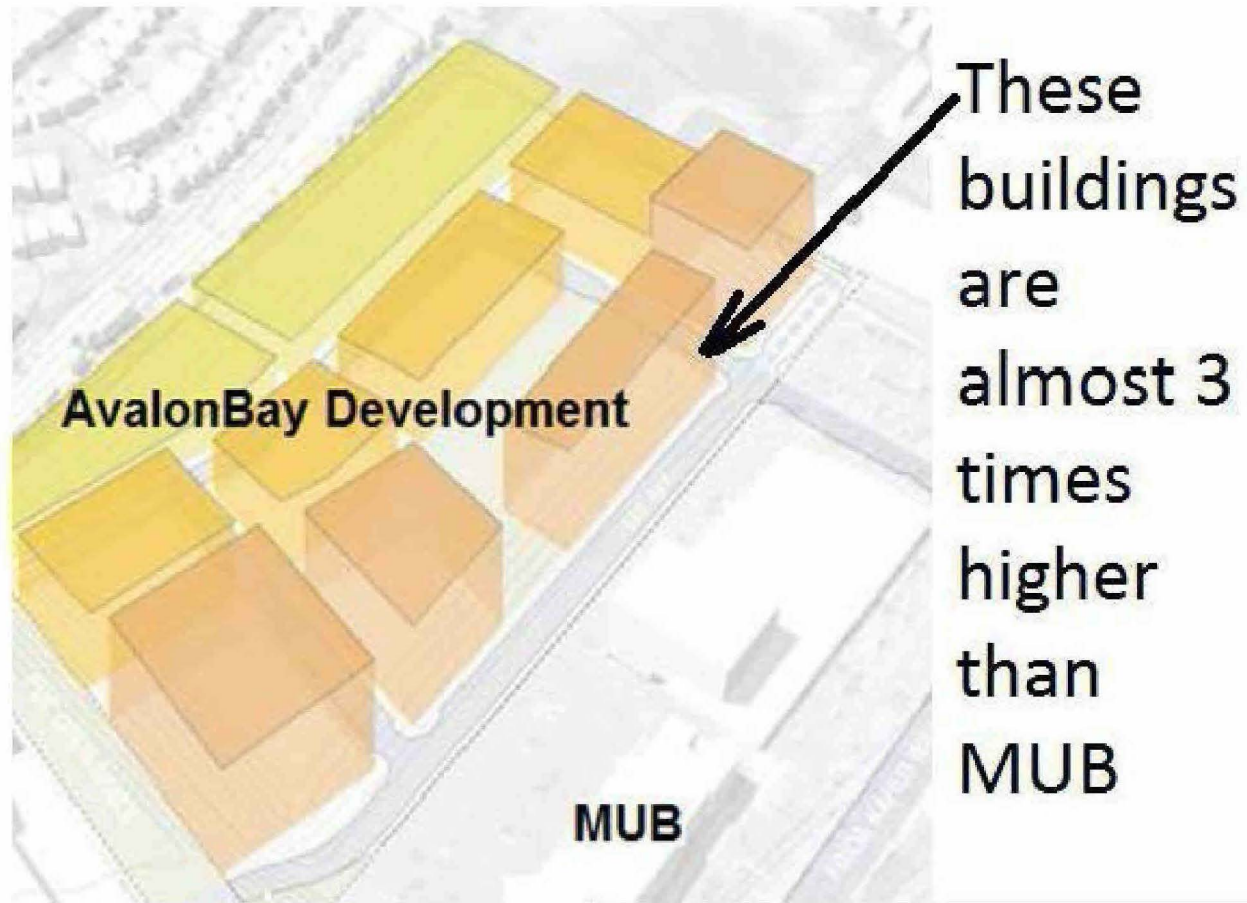
As shown in this Zoning Map, the 65-A zoning applies ***solely*** to the CCSF Reservoir; not to PUC Reservoir.



Avalon's Proposal: **The Hype**



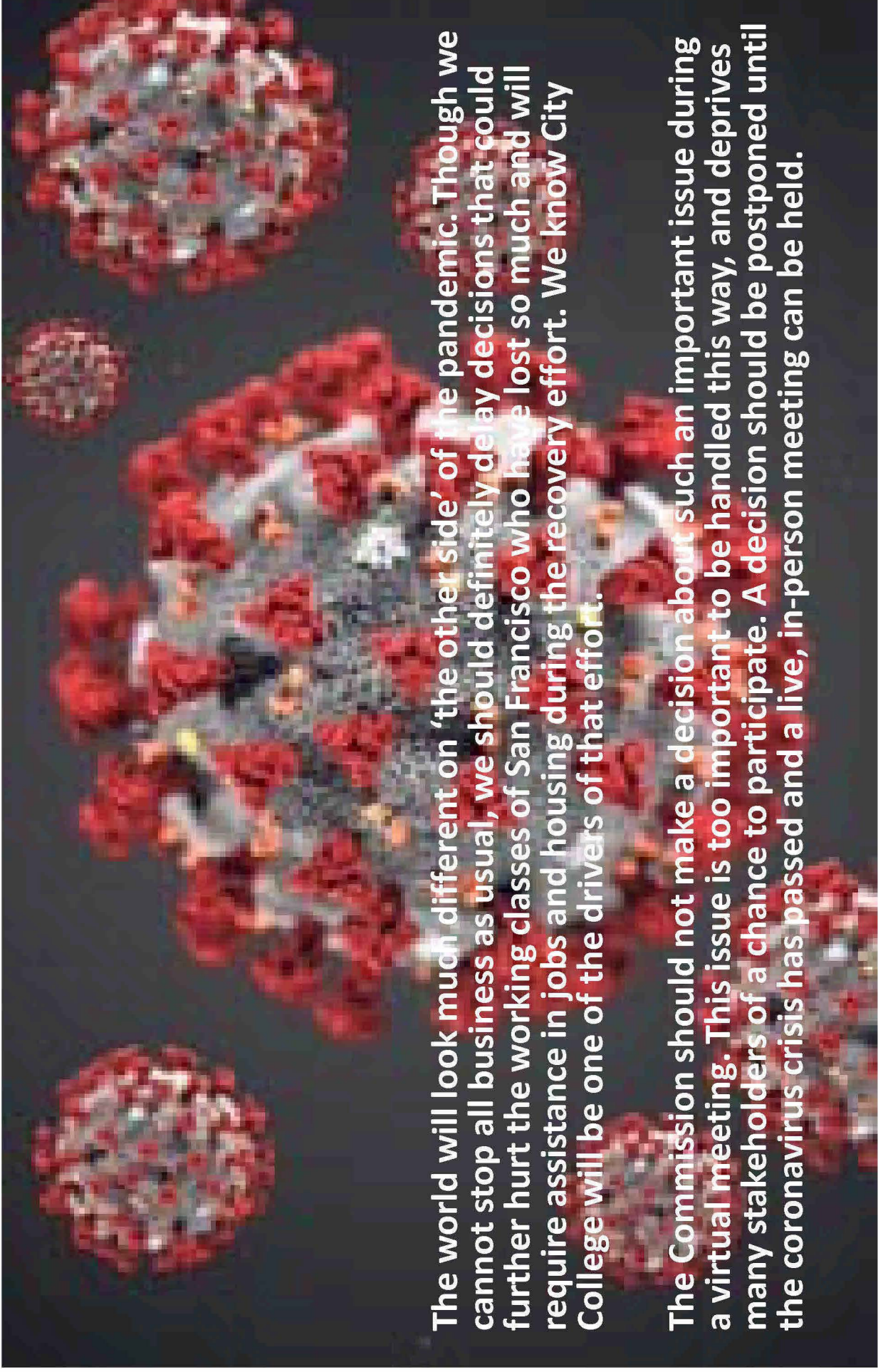
Avalon's Proposal: **The Reality**



MUB

Avalon Bay 8-story

Now is NOT the Time



The world will look much different on 'the other side' of the pandemic. Though we cannot stop all business as usual, we should definitely delay decisions that could further hurt the working classes of San Francisco who have lost so much and will require assistance in jobs and housing during the recovery effort. We know City College will be one of the drivers of that effort.

The Commission should not make a decision about such an important issue during a virtual meeting. This issue is too important to be handled this way, and deprives many stakeholders of a chance to participate. A decision should be postponed until the coronavirus crisis has passed and a live, in-person meeting can be held.

Vote NO on Initiation of GPA

Now is not the time.

The Reservoir Project should conform to the SF General Plan and BPS Area Plan.

These high-level plans should not be amended to fit the Reservoir Project.

There are too many adverse consequences of the currently proposed Balboa Reservoir Project.

The General Plan Amendment facilitates the privatization of public land.

MOST IMPORTANT:

**Public Land Must Stay in Public Hands
and used for the common good.**

FOREVER!



Not one square foot of irreplaceable public land to a private developer!

Not one square foot of irreplaceable public land for gentrification, privatization, or displacement.

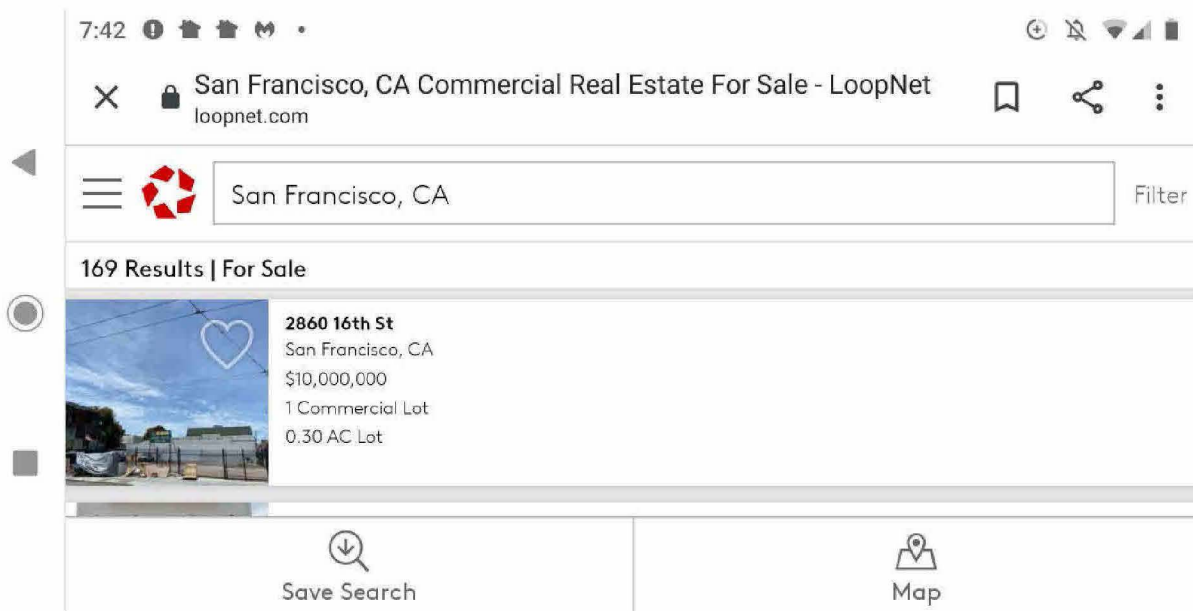
From: [aj](#)
To: [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#); [Maybaum, Erica \(BOS\)](#); [Hood, Donna \(PUC\)](#); [jdineen@sfchronicle.com](#)
Cc: [Public Lands for Public Good](#); [ccsfheat@gmail.com](#); [CCSF Collective](#); [SNA BRC](#); [JK Dineen](#); [Roland Li](#); [Joshua Sabatini](#)
Subject: Scandalous property valuation for Balboa Reservoir Project--Comps
Date: Saturday, May 30, 2020 2:54:32 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Land Use & Transportation Committee (Files 4200422 & 200423) , Supervisor Yee, BOS, PUC:

INFO REGARDING PROPERTY VALUATION IN RELATION TO BALBOA RESERVOIR:

1. The Balboa Reservoir Final EIR's CEQA Findings that were revealed last week showed that the estimated value of the 17.6 acre PUC property is \$11.2 million;
2. A 0.3 acre lot at 16th/Shotwell is going for \$10 million;



3. The new City College-Reservoir Project Access Easement Agreement's Lee Extension and North Street's 0.35 acre lot (\$15,032 sq ft.) is valued at \$3.8 million.
[Bal. Res., Access Easement agreement, 2020.tiff](#)





Comparing the three properties on a per-square foot basis, from low to high:

Reservoir Project: \$ 14.61 /sq ft

Lee Ext, North St: \$250. /sq ft

16th/Shotwell: \$765. /sq ft

Is something out of whack here?!

--aj

From: [aj](#)
To: [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Hood, Donna \(PUC\)](#); [BRCAC \(ECN\)](#)
Cc: [Public Lands for Public Good](#); [CCSF Collective](#); [ccsfheat@gmail.com](#); [roland.li@sfgchronicle.com](#); [Laura Waxmann](#); [imojadad@sfxaminer.com](#); [JK Dineen](#); [Joe Fitzgerald Rodriguez](#); [Joshua Sabatini](#); [SNA BRC](#)
Subject: Privatization giveaway price of Reservoir lot--98% discount
Date: Monday, June 1, 2020 5:51:36 PM
Attachments: [dataURI-1591059075092](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Land Use & Transportation Committee (File 200422 & 200423), BOS, PUC, BRCAC:

I've been contending since the beginning of the "public engagement process" that the Project is a privatization scam that uses "affordable housing" as a false advertising ploy.

The 'privatization scam' allegation has now been supported by documentation. The CEQA Finding that was released one week prior to the 5/28/2020 Planning Commission meeting revealed an estimated value for the PUC Reservoir.

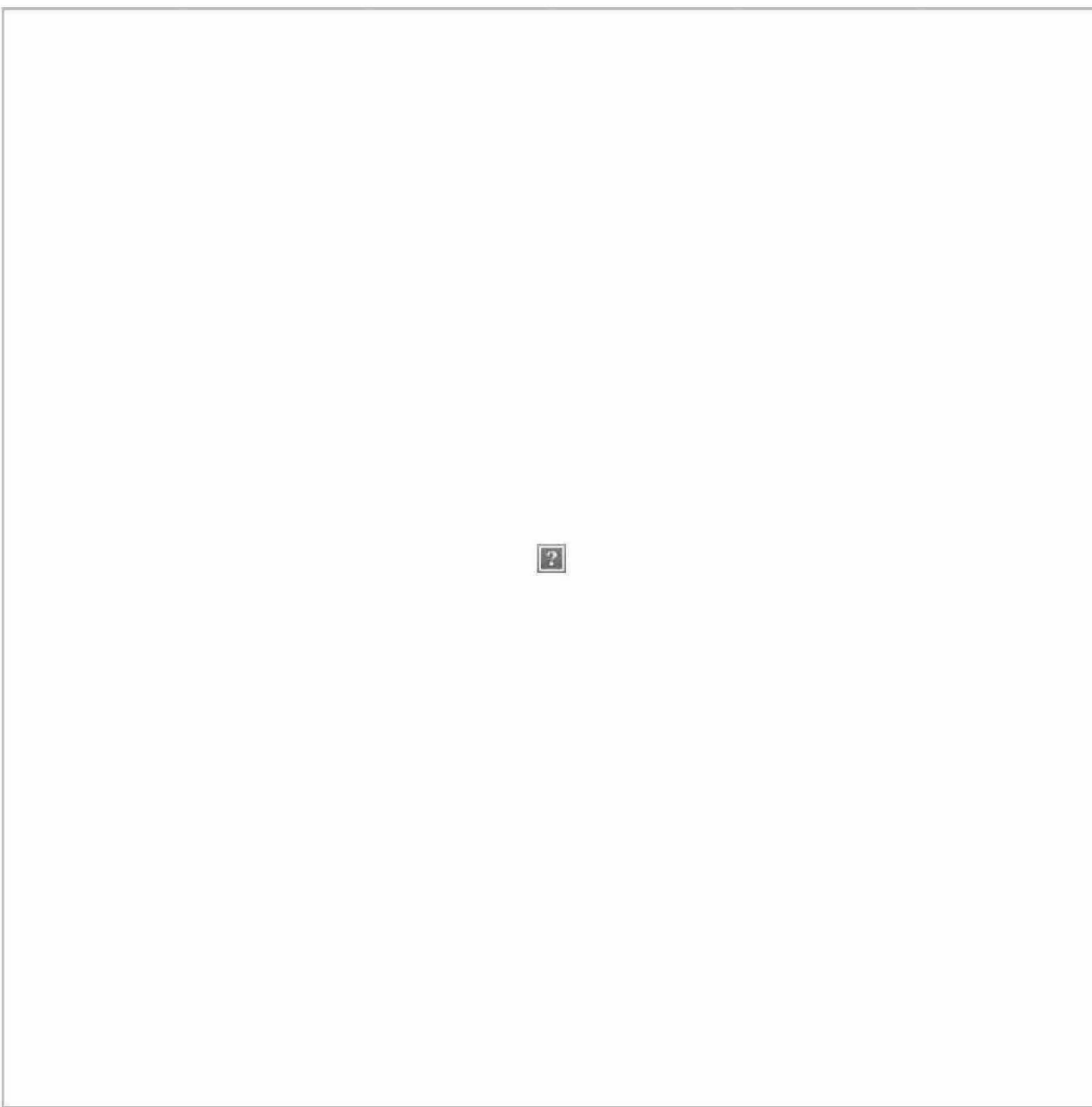
Actually, I was surprised that the estimated valuation was even contained in the packet that was prepared by Planning Dept Staff for the Planning Commission meeting. I thought they would keep it secret until PUC sale approval was on deck.

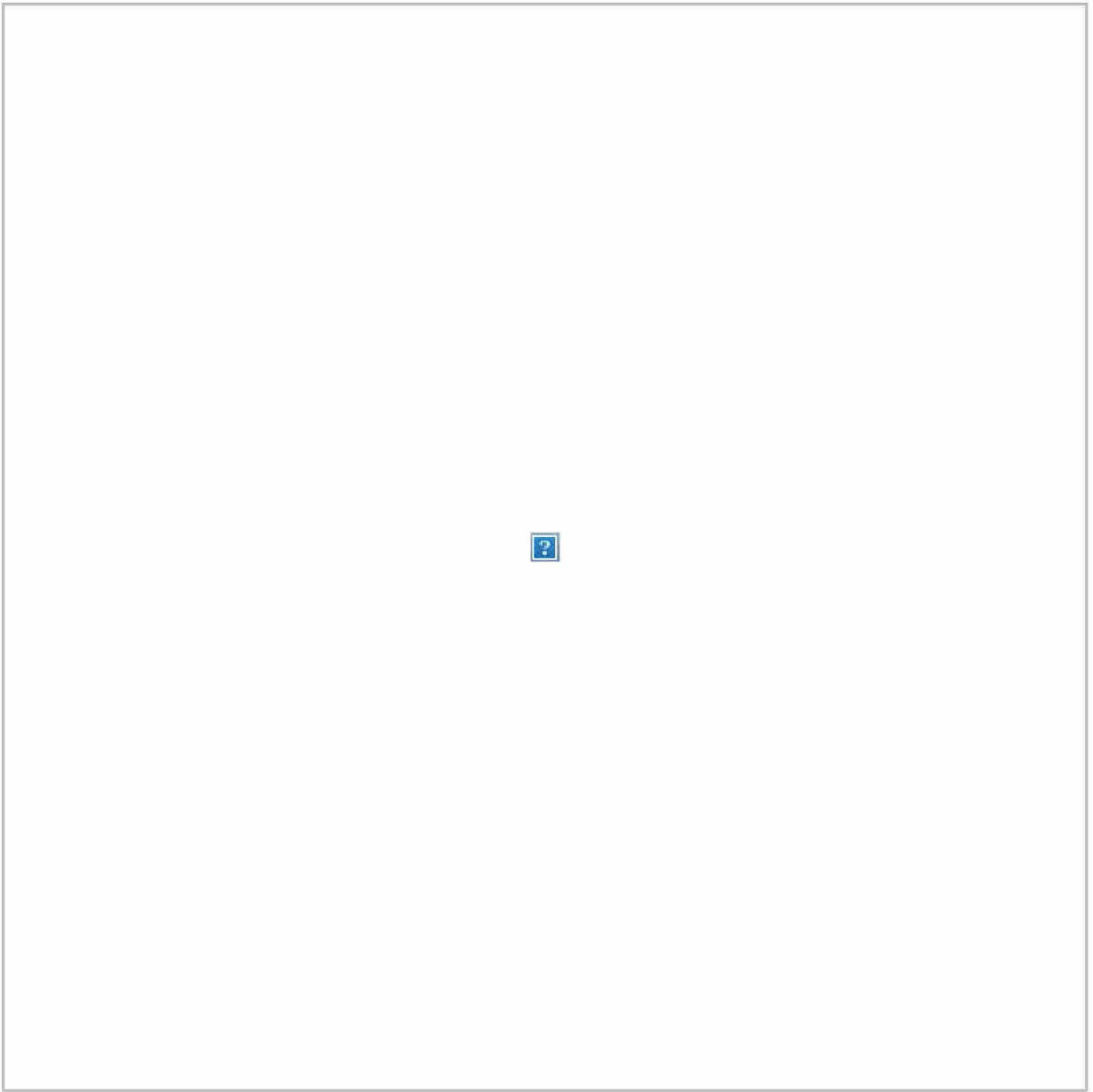
But, whether intentionally or not, they did reveal the estimated valuation for the 17.6 acre Reservoir lot.

For those who missed it, according to the CEQA Findings, the PUC Reservoir's estimated valuation is \$11.2 million.

Today, I found another for-sale property that can be used for comparison:

Subject: 636 Capp/21st & 22nd--\$618/sq ft





From low to high, I present valuations of four properties:

LOCATION	PRICE	AREA	PRICE/SQ FT
PUC Reservoir	\$ 11.2 Million	766,656 sq ft (17.6 acres)	\$ 14.61
SFCCD Reservoir (Lee Extension, North Street), to be ceded to Reservoir Project	\$ 3.8 Million	15,032 sq ft	\$253.
636 Capp Street	\$ 2.5 Million	4,046 sq ft	\$618.

16 th Street/Shotwell	\$ 10 Million	13,068 sq ft (0.30 acre)	\$768.

The Project's price-per-square foot is \$14.61. This is a mere 2% of market rate.

The \$11.2 Million sweetheart deal for the privatization scam must be opposed.

Gifting Avalon Bay a 98% discount off the actual land value will be criminal negligence and/or corruption by City Officials.

Do not be corrupted by developer forces.

Alvin Ja, District 7

From: [ai](#)
To: [Hood, Donna \(PUC\)](#); [Major, Erica \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#); [Maybaum, Erica \(BOS\)](#); [Board of Supervisors. \(BOS\)](#); [BRCAC \(ECN\)](#); [Cityattorney](#)
Cc: [Public Lands for Public Good](#); [CCSF Collective](#); [ccsfheat@gmail.com](#); [SNA BRC](#)
Subject: Balboa Reservoir Appraisal Required by Adm Code 23.3
Date: Tuesday, June 9, 2020 6:51:05 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

PUC, Land & Transportation Committee, BOS, BRCAC, City Attorney:

In previous submittals I had raised the issue of the \$ 11.2 Million valuation of the PUC Reservoir. It's a valuation that had been kept a secret from the public until about 5/21/2020.....And even then, it was still hidden deep within a 2,256-page Planning Commission packet.

This \$ 11.2 Million estimated valuation for the 17.6 acre (766,656 sq ft) equates to \$14.61 per square foot.

INDEPENDENT, OBJECTIVE APPRAISAL REQUIRED

\$14.61 per square foot pricing for the Reservoir parcel constitutes a 98% discount off market rate. This valuation is highly suspect in its provenance (backroom pay to play deal?) and requires an objective appraisal to avoid the public getting ripped off.

In line with the dubious \$ 11.2 Million valuation, Administrative Code 23.3 **REQUIRES** an appraisal:

*If the Director of Property determines the fair market value of Real Property that the City intends to Acquire or Convey exceeds \$10,000 and the proposed Acquisition is not a donation, the Director of Property **shall obtain an Appraisal** for the Real Property.*

Despite an objective need and Administrative Code requirement for an independent and objective appraisal of the 17.6 acre parcel, you as the Board of Supervisors, are being asked to approve the following language on page 10 of the proposed Development Agreement Ordinance which purposefully violates 23.3:

*The Board of Supervisors finds that due to current exigencies, the number of analyses of the Project that have been conducted, and the depth of analysis and sophistication required to appraise the Project Site, an Appraisal Review of the Project Site is **not necessary and waives the Administrative Code Section 23.3 requirement** of an Appraisal Review as it relates to the Project Site.*

CORRUPTION INVESTIGATION NEEDED

"Not necessary?!....Waive a requirement!? This is manifestation of pure criminality and corruption.

City Attorney Herrera:

Please initiate a full investigation of corruption in this Privatization Scam.

Alvin Ja, District 7

From: [aj](#)
To: [Boomer, Roberta \(MTA\); MTABoard](#)
Cc: [Major, Erica \(BOS\); CPC-Commissions Secretary; Cat Carter; DPH - thea; Robert Feinbaum; BRCAC \(ECN\); SNA BRC](#)
Subject: Comment #1 for 6/16/2020 SFMTA meeting--Item 11 Balboa Reservoir EIR on transit delay
Date: Monday, June 15, 2020 12:42:22 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

SFMTA Board, Balboa Reservoir CAC:

An EIR is supposed to be "adequate, accurate, and objective."

The Balboa Reservoir EIR fails the requirements for being accurate and objective. The Project's facts have been--like the facts to justify the Iraq War-- fixed around the policy.

- **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 Balboa Park Station 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.
 - In place of the removed data, the Final SEIR replaced the original unfavorable data with new data. The new, more favorable, data was collected on 12/18/2019—Finals Week, before Xmas. Finals Week just before Xmas is not representative of a normal school day.

- **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 Project. That is why the Balboa Park Station 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."

Don't just be an unthinking rubber stamp to an EIR that is neither objective nor accurate.

--Alvin Ja, retired MUNI Operator/Inspector/Dispatcher/Instructor; Main author of original 3rd Street Rail Operator Training manual

From: [aj](#)
To: [Jon Winston](#); [sunnyside.balboa.reservoir](#); [cgodinez](#); [tang.mark](#); [jumpstreet1983](#); [mikeahrens5](#); [Brigitte Davila](#); [Peter Tham](#)
Cc: [BRCAC \(ECN\)](#); [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#); [Major, Erica \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [PrestonStaff \(BOS\)](#); [Safai, Ahsha \(BOS\)](#)
Subject: 3rd comment for 6/15/2020 CAC--CA & City Subsidies totaling \$124.2 Million
Date: Saturday, June 13, 2020 10:08:01 PM
Attachments: [dataURI-1591059075092](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

CAC Members--

Please familiarized yourselves with the fine print that is contained in the 2256-page PDF Planning Commission packet. You will find that the fine print diverges from the marketing PR of the Reservoir Project.

Here are some examples of Bait & Switch that contrasts the marketing hype with the actual content of the Development Agreement:

- affordable in **perpetuity** vs. Development Agreement's **57 years**
- **50%** affordable vs. **33%** in DA [*17% will be from "City's Affordable Funding Share", which is our own public money--aj*]
- **market-rate subsidizing affordable** units vs. **\$124.2 Million in State and City subsidies** for affordable units
- **Fair market** return for ratepayers vs. **\$11.2M** giveaway price

The following was submitted on Friday 6/12/2020:

Sent: Friday, June 12, 2020, 11:17:37 PM PDT

Subject: EPS Feasibility Memo: Evidence of the myth of 'market-rate housing subsidizing affordable units'

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

Subject: EPS Feasibility Memo--Evidence of the myth/deception of market-rate housing subsidizing affordable units

Page 1250 of the 2256-page Planning Commission packet <https://commissions.sfplanning.org/cpcpackets/2018-007883GPAPCAMAPDVA.pdf> contains an EPS Feasibility Memo. Within the Memo is a "Table 1." Table 1 is essentially a profit-loss statement for the Reservoir Project.

Table 1 has two sections:

Uses (equivalent to 'Expenditures' plus 'Profit' of a standard profit/loss statement),

- **Sources** (equivalent to 'Revenue' of a standard P/L statement)

Table 1 is not in a standard profit/loss statement format.

Here, for clarity and transparency, I present Table 1 in a standard profit/loss statement format. Additionally, I have returned the \$40 Million CA grants (from MHP and AHSC Programs) amount back to the Revenue section where it belongs...instead of the \$40M amount being hidden in a footnote in Table 1: [Reservoir Project--EPS Feasibility Memo Profit-Loss Sheet](#)



The "Affordable Housing Program" (Exhibit D of the Development Agreement, on p. 1580 of 2256-page Planning Commission packet) specifies the City's Affordable Funding Share to be \$239K per unit. Thus for 187 City-subsidized units, RCP will receive \$44.693 Million (187 units X \$239K).

It is unclear if "Uses" in Table 1 includes the costs for the 187 "additional affordable" City-subsidized units.

Neither does Table 1 include the \$44.7 Million that Reservoir Community Partners is expecting to receive from the "City's Affordable Funding Share."

Despite the unclarity in Table 1, the "Affordable Housing Program" of the Development Agreement states:

Developer will cause at least 50% of the total number of dwelling units constructed on the Project Site to be Affordable Units. Developer will be responsible for the pre-development, planning, permitting, construction, and management of all Affordable Units. The Parties agree that the Project's ability to achieve an overall affordability level of 50% is predicated on Developer's receipt of City's Affordable Funding Share.

THE MYTH/DECEPTION OF MARKET-RATE HOUSING SUBSIDIZING AFFORDABLE UNITS

The Reservoir Project has been promoted as 550 units subsidizing 550 affordable units. With the recent release of the Development Agreement, this can be shown to be a myth and to be deceptive advertising.

The EPS Feasibility Memo and Development Agreement provides evidence for fact that the affordable units will be subsidized by public monies. State and City funding is expected to total \$124.2 Million:

- \$79.5 M from State grants
 - \$39.5M from Statewide Park Program (SPP) and Infill Infrastructure Grant (IIG) Program,
 - \$40.0M from Multifamily Housing Program (MHP) and Affordable Housing & Sustainable Communities Program (AHSC);
- \$44.7 M from "City's Affordable Funding Share."

PROPORTION OF PUBLIC FUNDING FOR PROJECT: 55-69%

Because of the unclarity of whether Table 1 covers the 187 City-subsidized units or not, here are two calculations: 1) for the Table 1 "Uses" figures that would cover all 550 units; 2) for the Table 1 "Uses" figures that would cover only the Developer's 363 affordable units:

In both cases, public sources of funds total \$124.2 Million (\$39.5M + \$40M + \$44.7M)

The proportion of public monies for the Project depends on whether or not the Table 1 figures cover the 187 City-subsidized units:

1. If 187 City-subsidized units are covered: $\$124.2\text{M} / \$180.6\text{M cost} = \mathbf{69\%}$
2. If 187 City units are not covered: $\$124.2\text{M} / (\$180.6\text{M} + \$44.7\text{M}) = \mathbf{55\%}$

So in either case, well over half (55- 69%) of the funding of affordable units will be paid for with public monies ,while Avalon Bay will get **at least half or more** of the total number of units.

From this, it should be evident that, in reality, the public will be subsidizing the private developer by:

- Privatization of public land, which will be given up in perpetuity for a scandalous 98%-discounted price of \$11.2 Million;
- Instead of the marketing sweet-talk of affordability "in perpetuity", affordability will only be assured for 57 years.

I urge all Supervisors to resist the temptations that the private developers dangle in front of you. Don't be a party to corruption and privatization of public lands at a giveaway price.

Sincerely,
Alvin Ja, District 7

From: [aj](#)
To: [Hood, Donna \(PUC\)](#); [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#); [Maybaum, Erica \(BOS\)](#); [BRCAC \(ECN\)](#); [CPC-Commissions Secretary](#)
Cc: [Public Lands for Public Good](#); [CCSF Collective](#); [ccsfheat@gmail.com](#); [Defend City College Alliance](#); [SNA BRC](#)
Subject: EPS Feasibility Memo: Evidence of the myth of "market-rate housing subsidizing affordable units"
Date: Friday, June 12, 2020 11:17:44 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

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

Subject: EPS Feasibility Memo--Evidence of the myth/deception of market-rate housing subsidizing affordable units

Page 1250 of the 2256-page Planning Commission packet
<https://commissions.sfplanning.org/cpcpackets/2018-007883GPAPCAMAPDVA.pdf> contains an EPS Feasibility Memo. Within the Memo is a "Table 1." Table 1 is essentially a profit-loss statement for the Reservoir Project.

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Sincerely,
Alvin Ja, District 7

From: [aj](#)
To: [Hood, Donna \(PUC\)](#)
Cc: [Major, Erica \(BOS\)](#); [Defend City College Alliance](#); [Board of Supervisors, \(BOS\)](#); [SNA BRC](#); [Public Lands for Public Good](#); ccsfheat@gmail.com; [CCSF Collective](#); [CPC-Commissions Secretary](#); [Laura Waxmann](#); [JK Dineen](#); [Roland Li](#); [Tim Redmonds](#); megan.cassidy@sfchronicle.com; [Phil Matier](#); [Joe Fitzgerald Rodriguez](#); [Ida Mojada](#); [Joshua Sabatini](#)
Subject: Valuation of Balboa Reservoir--Still scandalous
Date: Thursday, June 18, 2020 6:08:34 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Donna,

Thank you for taking care of this submission for Item 10 of the 6/23/2020 agenda.

Best,
aj

PUC Commissioners:

The estimated valuation for the PUC Reservoir was released in documents provided for the Planning Commission's May 28, 2020 meeting.

The valuation was very well hidden. The \$11.2 Million valuation was contained deep within the 2,256-page PDF document provided to the Planning Commission. Curiously, the valuation was not contained in any of the Executive Summaries.

There's another curious point in the 2256-page PDF document. The 2256-page PDF contains the proposed Ordinance for the approval of the Development Agreement. The proposed Ordinance curiously "waives" Administrative Code 23.3's requirement for an appraisal.....as being unneeded.

JUNE APPRAISAL

Apparently, 'the powers-that-be' have figured out that it would be better to have an appraisal to justify the Reservoir Project Privatization Scam, since the estimated valuation and the waiver of Section 23.3 had been uncovered/exposed.

The material released today (6/18) for the June 23 PUC meeting now shows that an appraisal was just done in June--this month. This more recent valuation shows a valuation of \$11.4 Million for 16.4 acres (714,637 sq ft.) This hurry-up June appraisal kicks up the valuation somewhat: From \$14.61/sq ft. to \$15.95/ Sq ft.

\$15.95/ Sq ft. is still ridiculously and scandalously low. Whatever lame "community benefits" that are touted as justification for the low price can't legitimize the giveaway price that benefits the private for-profit developer.

FRANCISCO RESERVOIR

PUC Resolution 14-0113 (7/8/2014) authorized the sale of Francisco Reservoir to the Park & Rec Dept. This was a sale of PUC property to another **public agency**.

Francisco Reservoir's 3.29 acres was sold to Rec & Park for \$9.9 Million. This equated to \$69.06/sq ft in 2014.

BALBOA RESERVOIR vs. FRANCISCO RESERVOIR

Does it make any sense that a **private developer would**, on a price per square foot basis, **pay only 23.1% of what a public agency had to pay 6 years ago?!** Can you spell "corruption"?

CURRENT COMPARABLES

I've already documented in detail how the Reservoir Project is actually a privatization scam. It's a Bait & Switch scam in which the marketing hype and PR diverges from the actual terms contained in the Development Agreement. Please review those earlier submissions.

For your convenience, I will just provide herein a comparative Table that was contained in an earlier submission. It has been updated to reflect the newer information contained in the 6/23 PUC meeting material.

The updated \$15.95/sq ft price is still a 98% discount off the market.

I, along with many others, urge you to vote against this giveaway of Public land to the private sector.

Do not subsidize Avalon Bay with public land and public monies.

LOCATION	PRICE	AREA	PRICE/SQ FT
PUC Reservoir (updated 6/18/2020)	\$ 11.4 Million	714,637 sq ft (17.6 acres)	\$ 15.95
SFCCD Reservoir (Lee Ext, North Street), Ceded to Reservoir Project in 2020	\$ 3.8 Million	15,032 sq ft	\$253.
636 Capp Street	\$ 2.5 Million	4,046 sq ft	\$618.
16 th Street/Shotwell	\$ 10 Million	13,068 sq ft (0.30 acre)	\$768.

Sincerely,

Alvin Ja, District 7

From: [aj](#)
To: [Hood, Donna \(PUC\)](#)
Cc: [Major, Erica \(BOS\)](#); [Defend City College Alliance](#); [Board of Supervisors, \(BOS\)](#); [SNA BRC](#); [Public Lands for Public Good](#); [ccsfheat@gmail.com](#); [CCSF Collective](#); [CPC-Commissions Secretary](#); [Laura Waxmann](#); [JK Dineen](#); [Roland Li](#); [Tim Redmonds](#); [megan.cassidy@sfchronicle.com](#); [Phil Matier](#); [Joe Fitzgerald Rodriguez](#); [Ida Mojada](#); [Joshua Sabatini](#)
Subject: CORRECTION Re: Valuation of Balboa Reservoir--Still scandalous
Date: Thursday, June 18, 2020 6:34:22 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

correction to Table to show: 16.4 ACRES (instead of 17.6 acres)

On Thursday, June 18, 2020, 06:08:26 PM PDT, aj <ajahjah@att.net> wrote:

Hi Donna,

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Best,
aj

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th	\$ 10 Million	13,068 sq ft	\$768.

16 Street/Shotwell		(0.30 acre)	

Sincerely,

Alvin Ja, District 7

From: [aj](#)
To: [Hood, Donna \(PUC\); Major, Erica \(BOS\); Board of Supervisors, \(BOS\)](#)
Cc: [Public Lands for Public Good; Defend City College Alliance; CCSF Collective; ccsfheat@gmail.com; SNA BRC](#)
Subject: Another comparison: sale of Burnett parcel, PUC Res 17-0088 (4/25/2017)
Date: Saturday, June 20, 2020 6:29:18 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

PUC Commissioners:

The proposed sale price of the Reservoir to Reservoir Community Partners is highly suspect.

In a previous submission I had presented the price per sq ft for the 2014 sale of the Francisco Reservoir to the Recreation & Park Dept, another public agency.

Here, I provide another comparison:

PUC Resolution 17-0088 (4/25/2017) sold PUC's Block 2719C Lot 23, a 3,429-sq ft "steep and irregularly undeveloped" parcel, located near 411 Burnett to a private party.

An appraisal was performed by Associated Right of Way Services, Inc:

*The \$1,500,000 sales price is based on a 2015 appraisal report by MAI appraiser Associated Right of Way Services (ARWS). The ARWS report stated that the fair market value at **SFPUC Parcel at \$1,200,000** and the combined SFPUC Parcel and SFPW Parcel at \$1,500,000.*

The PUC parcel 2719C-23 had an area of 3,429 square feet and was appraised at \$1.2 Million:

This computes to \$349.96/ sq ft for a steep, irregularly shaped parcel (\$1.2M / 3429 sq ft = \$349.96 / sq ft).

By any reasonable measure, the valuation for the sale to the private, for-profit Avalon Bay joint venture at \$15.95 / sq ft is way out of whack.

Do not give away the Reservoir in this Privatization Scam.

Do not be a party to corruption between developers and City officials.

Sincerely,
Alvin Ja, District 7 ratepayer

From: [ai](#)
To: [Major, Erica \(BOS\)](#)
Subject: Fw: Comment on Chron article: "S.F. to sell housing site at big discount."
Date: Sunday, June 21, 2020 6:05:53 PM
Attachments: [Appraisal for North Street, Lee Extension.PDF](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Subject: Comment on Chron article: "S.F. to sell housing site at big discount."

PUC Commissioners, Land & Transportation Committee, BOS:

The fact that the City & County is willing to part with the PUC at a scandalously low price has finally hit the Chron. The Chron carried a story today on the sale price of the Reservoir, "S.F. to sell housing site at big discount."

1. The article's "50% discount from fair market value" is but an opinion provided by Clifford Advisory. Objectively, the discount is much larger. According to Investopia: *"In its simplest sense, fair market value (FMV) is the price that an asset would sell for on the open market."*

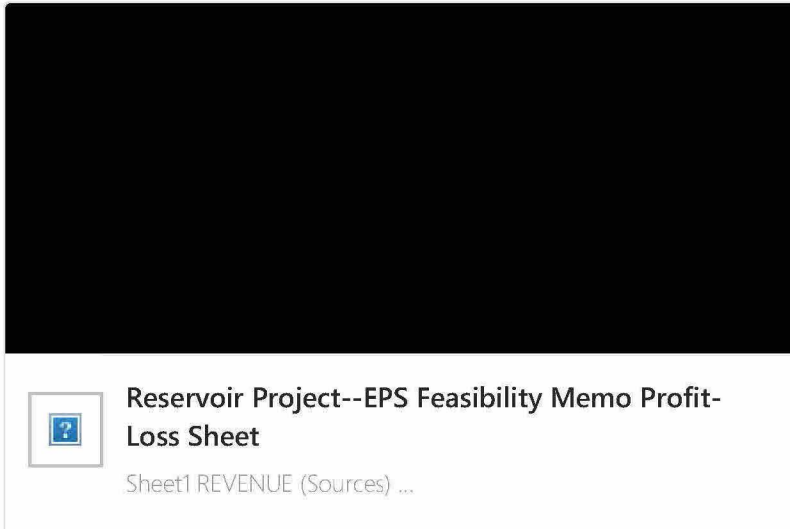
On the open market, a \$11.4 Million price tag would invite a feeding frenzy from potential buyers. On the open market, the price would be bid much, much higher than \$15.95/sq ft. Even doubling it to \$32/ sq ft would still be far off the mark in the open market.

Although hidden from public view until now, a scandalously low price was in all likelihood a 'wink, wink, nod, nod' understanding in backroom dealings from many years ago.

2. City College is being asked to cede property for the Reservoir Project's Lee Avenue Extension and North Street. An appraisal was performed for the transfer which equated to **\$250/ sq ft.** (Appraisal attached). Compare this to the PUC Reservoir Purchase and Sale Agreement at **\$15.95/ sq ft.**

3. The article says that 366 affordable units will cost the developers about \$91.5 Million. What the article fails to inform the reader is that a Financial Feasibility Memo conducted by Economic & Planning Systems, Inc. [Reservoir Project--EPS Feasibility Memo Profit-Loss Sheet](#) shows that the developers expect to receive \$79.5 Million in State grants for 363 (not 366) units: \$39.5M from CA Statewide Park Program & CA Infill Infrastructure Grant Program; and \$40M from CA Multifamily Housing Program & CA Affordable Housing & Sustainable Communities Program. What this means is that **87%** of the developers share of

363 units of affordable housing will be paid for with public funds anyway!



4. How long will affordability last? Contrary to the deceptive advertising of "permanent" affordability, the Development Agreement states:

Affordability Restrictions.

(a) Each Affordable Parcel will be subject to a recorded regulatory agreement approved by MOHCD to maintain affordability levels for the life of the Project or fifty-seven (57) years,

5. To make sure that this Privatization Scam goes through without too many problems, the Development Agreement's Schedule 2-2, Schedule of Code Waivers will bypass Administrative Code 23.3's REQUIREMENT for appraisal review:

In recognition of the Fiscal Feasibility Report adopted by the Board of Supervisor as Resolution 85-18 and the depth of analysis and sophistication required to appraise the Project Site in connection with the sale of the Project Site, the Appraisal Review required by Section 23.3 is waived.

What kind of sophistry is this?! So an Appraisal Review is not needed because it's too hard to do?! This is f.....g bullshit! And in regard to the BOS Budget Analyst Fiscal Feasibility Report, see my next item.

6. The BOS Budget Analyst's Fiscal Feasibility Report questioned ownership of the 17% "additional affordable."

The Development Agreement requires the City to pay for the 17% "additional

affordable," Yet the Development Agreement does not give ownership of the 187 "additional affordable" units or of the land to the City & County which is paying for it! Furthermore, affordability restrictions on these unit end in 57 years!

Also, ownership of the land on which the additional 17 percent of affordable housing would be built has not been defined. The Mayor's Office of Housing and Community Development (MOHCD) could potentially own the land and enter into long term ground leases with affordable housing developers, which is the current practice of MOHCD. The Board of Supervisors should request MOHCD to report back to the Board of Supervisors early in the process of negotiations between the City and Reservoir Community Partners on...(b) whether the City will own any land on which 100 percent affordable housing developments are constructed; and (c) conformance of the additional 17 percent affordable housing units to City policy and requirements.

7. The Reservoir Project has been effectively marketed as providing a big contribution to address our housing crisis. However the deceptive marketing diverges from the actual terms of the Development Agreement.

From this, it should be evident that, in reality, the public will be subsidizing the private developer by:

- Privatization of public land, which will be given up in perpetuity for a scandalous 98%-discounted price of \$11.4 Million;
- Instead of the marketing sweet-talk of affordability "in perpetuity", affordability will only be assured for 57 years.
- Providing \$124.2 Million in public monies (\$79.5M from State and \$ 124.2M from "City's Affordable Share") to fund the cost of 550 affordable units.
- Avalon Bay will be essentially be getting 550 market-rate units for free, plus practically free land from us, the 99%.....in exchange for 363 affordable-for-57-year units, for which 87% of costs will come from public funds.

Hiding the giveaway price of the PUC Reservoir until your 6/23/2020 meeting is highly suspicious. In any transaction, isn't common sense to ask about price in the early stages of any transaction?

The fact that price has been hidden until now points to there being a culture of corruption in high places in SF Government. You need to recognize that the Reservoir Project is objectively a Privatization Scam but deceptively and falsely marketed as "market-rate subsidizing affordable." Facts should matter to you in your deliberations, not deceptive advertising.

Don't be a party to corruption and privatization of public lands at a giveaway price.

Sincerely,
Alvin Ja, D7 ratepayer

From: [aj](#)
To: [Hood, Donna \(PUC\)](#); [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Cc: [JK Dineen](#); [Roland Li](#); [ttheadani@sfchronicle.com](#); [megan.cassidy@sfchronicle.com](#); [Joshua Sabatini](#); [Ida Mojada](#); [Laura Waxmann](#); [Joe Fitzgerald Rodriguez](#); [Tim Redmonds](#); [Public Lands for Public Good](#); [Defend City College Alliance](#); [CCSF Collective](#); [ccsfheat@gmail.com](#); [SNA BRC](#)
Subject: Fair market value of PUC Reservoir
Date: Monday, June 22, 2020 2:53:17 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

PUC, Land & Transportation Committee, BOS:

Chron's JK Dineen wrote yesterday about selling the Reservoir at a "bargain-basement price."

The Purchase and Sale Agreement would sell the Reservoir at \$15.95/ sq ft which the Avalon Bay joint venture would own in perpetuity. You cannot even get a one-month rental for anything at \$16/ sq ft!

Clifford Advisory's appraisal of the PUC property at \$11.4 Million is a concocted valuation. A valid real estate fair market valuation (FMV) is supposed to reflect its value on the open market. An FMV that is arrived at as a result of collusion and collaboration is not a valid FMV.

FMV is supposed to be arrived at in an "arm's length transaction." The PSA's FMV of \$11.4 Million fails this standard.

ATTEMPTED CIRCUMVENTION OF APPRAISAL and APPRAISAL REVIEW (Adm Code 23.3)

Indicative of the corruption and collusion in the entire Balboa Reservoir Project process is the fact the Ordinance for the Development Agreement, as well as the DA's own Schedule 2-2 "Waiver of Codes" call for circumventing Administrative Code 23.3's REQUIREMENT for appraisal and appraisal review.

The intent of City officials was to sneak through the bargain-basement price without ANY appraisal. The Clifford Advisory appraisal was commissioned only because the scandalously low price had unexpectedly been identified by the public deep within a 2256-page PDF Planning Commission packet.

The Clifford Advisory appraisal was only commissioned in June.....only a few weeks prior to the PUC meeting. The purpose of the Clifford Advisory appraisal was essentially an attempt to cover tracks.

Here, I provide you with definitions of "Fair Market Value" and "arm's length transaction."

Redfin:

Definition of Fair Market Value

Fair market value is the home price that a buyer and seller in an **arm's-length transaction** would be willing to agree upon on the open market. For example, if a son buys a home from his mother at an unusually low price, that price is not the fair market value because it was not an arm's-length transaction. The mother would sell the home at a much higher price if she sold it on the open market to an unrelated buyer.

Investopedia:

What Is an Arm's Length Transaction?

An arm's length transaction refers to a business deal in which buyers and sellers **act independently** without one party influencing the other. These types of sales assert that both parties act in their own self-interest and are not subject to pressure from the other party; furthermore, it assures others that there is **no collusion between the buyer and seller.**

If nothing else, this should ring alarms in your head about the validity of the Clifford Advisory appraisal. Secondly, this should have you wondering why language that bypasses both appraisal and appraisal review would appear in the DA Ordinance, and the Development Agreement itself.

What kind of alarms?.....CORRUPTION.

The main way FMV's are arrived at are via "comps." How does the Balboa Reservoir's **\$15.95/ sq ft** compare with:

- Francisco Reservoir to Rec & Park, 2014-- \$69.06/ sq ft
- SFCCD Lee Extension & North Road to Reservoir Project, 2020 --\$250/ sq ft
- 636 Capp -- asking \$618/ sq ft
- 16th/Shotwell-- asking \$768/ sq ft

Please don't join the culture of corruption in City offices. Do not approve the bargain-basement PSA.

If you're willing to sell it for cheap, sell to City College, instead. Not to a private, for-profit joint venture.

Sincerely,
Alvin Ja, D7 ratepayer

From: [Board of Supervisors, \(BOS\)](#)
To: [Major, Erica \(BOS\)](#)
Subject: FW: Balboa Reservoir
Date: Wednesday, June 24, 2020 10:34:12 AM

From: Zoe Eichen <zoellen@gmail.com>
Sent: Monday, June 22, 2020 1:51 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Johnson, Milicent (CPC) <milicent.johnson@sfgov.org>; commission@sfgov.org; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Balboa Reservoir

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Plans for privatizing the Balboa Reservoir land represents a willful contradiction and private undermining of the public interest as indicated by the support of Prop A, and evidence shows that building 1100 mostly market-rate homes on the Balboa Reservoir site will make the San Francisco affordable housing crisis worse, and building it without making sure the pollution is contained. Land, water, air pollution will endanger the health of the people and natural resources that are near the construction site. This includes TWO schools, Riordan High School and CCSF Ocean, and a local apartment complex.

The environmental impact report on the private Balboa Reservoir Project identified three significant damaging environmental impacts that cannot be mitigated: construction noise, air pollution, and transportation problems that will go on for as long as a decade or more, causing health and safety issues for neighbors, children, students, and district employees, and disrupting classroom effectiveness for both Riordan High School and CCSF, making education even more difficult and unsupported for students.

I demand that you reserve Balboa Reservoir and keep it safe for the sake of its environment and the people who inhabit the space nearby. At the very least, this project must be stopped unless there is a specific plan to mitigate pollution as much as possible.

Sincerely,

Zoellen Eichen, SF resident and CCSF student

From: [aj](#)
To: [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Yee, Norman \(BOS\)](#)
Cc: [BRCAC \(ECN\)](#); [SNA BRC](#); [Public Lands for Public Good](#); [CCSF Collective](#); [ccsfheat@gmail.com](#); [Safai, Ahsha \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [RonenStaff \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Walton, Shamann \(BOS\)](#)
Subject: Looking 57 years forward when affordability ends
Date: Saturday, June 27, 2020 7:35:23 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Land & Transportation Committee, BOS, BRCAC, D7 Supervisor Yee:

The Balboa Reservoir Development Agreement's affordability restriction expires after 57 years. 57 years is not "in perpetuity" as it had been deceptively marketed by OEWD, Planning Dept, and Avalon-Bridge.

The situation described in the San Mateo Daily Journal article below should serve as a warning of what lies ahead.

Foster City residents living in affordable units are encountering a crisis because of expiration of affordability restrictions. The same will happen at the Balboa Project.

After 57 years, the patient Reservoir developers will have hit the jackpot when they own everything without restrictions that they bought at a giveaway price.

Don't be party to this Privatization Scam!

Here's the Foster City story:

Affordable rents to expire at Foster City apartment building

More than 70 facing massive rent increases they say they can't afford

By Zachary Clark Daily Journal staff Mar 7, 2020

A Foster City apartment building's below-market rate program will soon expire, causing 74 renters, including seniors with disabilities and families, to face rent increases

with some more than six times what they currently pay.

Located at 700 Bounty Drive and owned by Essex Property Trust, the 490-unit Foster's Landing Apartments entered into an agreement with the city in 1986 to keep 15% of units affordable for more than three decades. That agreement will soon sunset.

On Dec. 31, 40 of the building's below-market rate units will become market-rate ones, while rents for the other 24 affordable units will become market rate over the next two years.

While the residents aren't being evicted from their apartments, the enormous rent increases will mean many if not all of them will have to relocate. They're fearful they'll be forced to leave an area that has been their home for decades and some are worried they'll soon be homeless.

"This leaves a lot of families in a very vulnerable place," said Corrine Warren, whose mother has been a resident at Foster's Landing for 33 years. "This has caused my mom a lot of stress. We're not sure what to do. We don't know what's going to happen."

Residents of the below-market rate units at Foster's Landing currently pay in rent 30% of their monthly income. For Warren's mother, that comes out to \$800 per month for a two-bedroom apartment. Starting Jan. 1, she'll have to pay around \$4,200 per month for it.

Barbara Grossetti, also a Foster's Landing resident, currently pays \$500 a month for an apartment that by the same time will likely cost about \$3,200 per month.

“We have disabled people, people in their 90s here, families, single parents and seniors like me living on Social Security,” she said. “They have nowhere to go. They’ll be homeless.

“Legally [Essex] has the right to do this, but morally they don’t,” she added. “It’s all about greed, that’s what it comes down to. They’ll get so much money for these apartments.”

Grossetti moved into Foster’s Landing three years ago after being on an affordable housing wait list for six years. She said at the time she wasn’t told her below-market rate rents will soon expire.

The tenants acknowledge Essex’s legal right to charge market rate rents, but feel they should at least be granted more time to find a new home.

“Since my mother has been there 33 years I think it’s fair to give her one to three years time before the new rates begin,” Warren said. “But even then it’d be really difficult to find anything. I’ve called a few places and the wait list is between five and 10 years.”

Essex only wanted to comment on the situation in a statement. In it, Barb Pak, a senior vice president for the company, said notifications were sent to residents over a year ago “to provide ample time to prepare for the transition” with follow-up notifications delivered recently.

“The city is aware of all tenants who have expiring leases and we hope the city will help provide alternatives,” the statement adds. Essex purchased the building and assumed the affordable housing agreement with the city in 2014.

At a meeting Monday, Charlie Bronitsky, a former Foster

City mayor and land use lawyer, asked the current council to discuss the situation at its next meeting and form a committee to explore potential solutions for the tenants. The council appeared amenable to his proposal.

Councilman Sam Hindi has already began working with the tenants as well as the office of U.S. Rep. Jackie Speier, D-San Mateo, to see what can be done to support the tenants.

“It’s a tragedy,” he said of the tenants’ uncertain future. “The city wants to preserve all these below-market rate units no question about it. We need all hands on deck and I will not leave any stone unturned to try to get safety and a roof over the heads of our residents.”

Bronitsky said he’s only in the beginning stages of researching what can be done to assist, but has already concluded recently-passed state laws, including Assembly Bill 1482, do not apply in this case. Assembly Bill 1482 created rent caps in California and went into effect in January.

He said some are asking charitable organizations to help with the tenants’ rent. Councilmembers are also exploring the feasibility of placing the tenants at the top of affordable housing lists elsewhere.

Other potential actions include the adoption of an urgency rent control ordinance or the council could choose to subsidize the tenant’s rents or provide relocation assistance, among other actions. Officials are also engaging the nonprofit community to see what can be done.

Bronitsky hopes a solution can be arrived at voluntarily and said he’s trying to arrange meetings with Essex to do so.

Assistant City Manager Dante Hall said the city has met with Essex representatives on multiple occasions and is still working with them on potential solutions.

“We don’t want to say they’re not being cooperative,” he said. “Essex is still thinking about it and we’re trying to find out if we can bring in some partners or if we can find some other ways to take care of families. Hopefully we find a resolution.”

On the bright side, Hindi said no other affordable apartment complex in the city will expire until 2050.

From: [aj](#)
To: [Major, Erica \(BOS\)](#); [Wong, Linda \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Cc: [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [RonenStaff \(BOS\)](#); [Hanev, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Fewer, Sandra \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [SNA BRC](#); [Public Lands for Public Good](#); [Defend City College Alliance](#); [CCSF Collective](#); [ccsfheat@gmail.com](#)
Subject: BOS Budget & Legislative Analyst Report vs. Reservoir Development Agreement
Date: Sunday, June 28, 2020 7:52:15 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Land Use and Transportation Committee, Budget & Finance Committee, BOS:

The enacting Ordinance for the Development Agreement states:

The Board of Supervisors finds that due to current exigencies, the number of analyses of the Project that have been conducted, and the depth of analysis and sophistication required to appraise the Project Site, an Appraisal Review of the Project Site is not necessary and waives the Administrative Code Section 23.3 requirement of an Appraisal Review as it relates to the Project Site.

Schedule 2-2 of the Development Agreement states:

In recognition of the Fiscal Feasibility Report adopted by the Board of Supervisor as Resolution 85-18 and the depth of analysis and sophistication required to appraise the Project Site in connection with the sale of the Project Site, the Appraisal Review required by Section 23.3 is waived.

Resolution 85-18's Budget & Legislative Analyst's Fiscal Feasibility Report is cited to support bypassing Appraisal Review. However, the Budget & Legislative Analyst Report says the exact opposite. This is what the 3/9/2018 Report **really** says:

The price that Reservoir Community Partners will pay SFPUC to acquire the site will be informed by a cash flow analysis that takes into account the development's 33 percent affordability requirement, and by an independent appraisal and appraisal review conducted in accordance with the requirements set out in Administrative Code Chapter 23.

RECOMMENDATION: Preparation of a rigorous, independent cash flow analysis...to ensure that land price paid to SFPUC ...are maximized.

The Budget & Legislative Analyst Report affirmatively calls for compliance with the requirements of Administrative Code 23.3 to protect the public interest. Instead, the Enacting Ordinance and the Development surrenders the public interest to by gifting public land to a private developer joint venture for dirt cheap.

Do not approve the enacting Ordinance for the Development Agreement. Do not waive the requirement of Administrative Code 23.3 for independent, objective Appraisal Review.

Protect the public interest. Do not be a party to a corrupt permanent giveaway of public land at \$15.95 per square feet.

Alvin Ja, D7

From: [aj](#)
To: [Major, Erica \(BOS\)](#); [Wong, Linda \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#)
Cc: [Phil Matier](#); [JK Dineen](#); [Roland Li](#); [Laura Waxmann](#); [Ida Mojada](#); [Joshua Sabatini](#); [Joe Fitzgerald Rodriguez](#); [Tim Redmonds](#)
Subject: No to a culture of corruption
Date: Monday, June 29, 2020 11:35:29 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Land Use & Transportation Committee, Budget & Finance Committee, BOS:

As you should know by now, Planning Commission, SFMTA, and PUC have all approved the necessary elements to facilitate the final approvals of the Balboa Reservoir Project.

You should also know by now that the Reservoir Project's Purchase & Sales Agreement (PSA) gives away 16.4 acres for a pittance, in the dirt-cheap amount of \$11.4 Million.

You should furthermore know that the Enacting Ordinance for the Development Agreement, as well as Schedule 2-2 of the Development Agreement itself, forego Administrative Code 23.3's appraisal requirements, which is in direct contradiction to your 2018 Budget & Legislative Analyst Report's recommendation.

The US Attorney and FBI Press Release of 6/24/2020 (incidentally, one day following PUC's approval of the \$11.4M sale) regarding corruption in SF City government stated:

He [US Attorney David Anderson] added, "As this investigation continues, the breadth and depth of the identified misconduct is widening. To everyone with a piece of public corruption in San Francisco, please understand that here in federal court we will distinguish sharply between those who cooperate and those who do not. If you love San Francisco, and regret your misconduct, you still have an opportunity to do the right thing. Run, don't walk, to the FBI, before it is too late for you to cooperate."

"Today's announcement is part of a complex, ongoing FBI investigation into public corruption in San Francisco city government," said FBI's Special Agent in Charge John F. Bennett. "This type of unscrupulous behavior erodes trust in our municipal departments and will not be tolerated. The FBI is committed to investigating any individual or company involved and hold them accountable."

Please, don't be foolish enough to be part of giving away public property for cheap in what amounts to be a Privatization Scam.

And please, even if you have no direct involvement, take up the advice of US Attorney Anderson to report what you know about the suspiciously low Reservoir valuation, and the 'who, how, why' of the waiver of Administrative Code 23.3:

".....we will distinguish sharply between those who cooperate and those who do not. If you love San Francisco, and regret your misconduct, you still have an opportunity to do the right thing. Run, don't walk, to the FBI, before it is too late for you to cooperate."

Please don't be a part of a culture of corruption.

Sincerely,
Alvin Ja, D7

From: [Michael Adams](#)
To: [Major, Erica \(BOS\)](#); [Wong, Linda \(BOS\)](#)
Subject: Fwd: Transit and traffic issues regarding CCSF
Date: Saturday, July 4, 2020 12:24:19 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To:
Erica Major, clerk for Land Use & Transportation Committee
Linda Wong, clerk for Budget & Finance Committee ,

Please include the message below in the official public comment files for the Balboa Reservoir Project.
This message was sent to all Supervisors. If you have questions, please let me know.
Thank you.
Michael Adams, San Francisco voter

-----Original Message-----

From: Michael Adams <facilitato@aol.com>
To: Dean.Preston@sfgov.org <Dean.Preston@sfgov.org>; Sandra.Fewer@sfgov.org <Sandra.Fewer@sfgov.org>; Matt.Haney@sfgov.org <Matt.Haney@sfgov.org>; MandelmanStaff@sfgov.org <MandelmanStaff@sfgov.org>; Gordon.Mar@sfgov.org <Gordon.Mar@sfgov.org>; Aaron.Peskin@sfgov.org <Aaron.Peskin@sfgov.org>; Hillary.Ronen@sfgov.org <Hillary.Ronen@sfgov.org>; Ahsha.Safai@sfgov.org <Ahsha.Safai@sfgov.org>; Catherine.Stefani@sfgov.org <Catherine.Stefani@sfgov.org>; Shamann.Walton@sfgov.org <Shamann.Walton@sfgov.org>; norman.yee@sfgov.org <norman.yee@sfgov.org>
Sent: Fri, Jul 3, 2020 7:45 pm
Subject: Transit and traffic issues regarding CCSF

Dear Supervisors,
Your role in the protection of City College access for students, faculty and staff is approaching, by way of the extremely questionable process of privatizing the CCSF West Parking lot, otherwise known as the Balboa Reservoir, in a suspiciously favorable deal with private developers.. Others have provided you with shortcomings of the impact studies, including traffic and transit issues. Now we have the new reality that Muni Bus lines will be severely and permanently impacted by current conditions in all of San Francisco.

On the front page of today's 'SF Chronicle'. (July 3). On the front page is a timely and relevant article: **"Most MUNI bus lines unlikely to return"** It projects a permanent loss of 40 of 68

bus lines as people decide to use cars to enhance social distancing rather than crowd onto buses and trains. The CCSF West Parking lot (Balboa) will be needed even more. This new existing condition is important. The most reasonable remedy is more clear than ever, that being the transfer of the CCSF west parking lot to CCSF. Please make this happen.

Michael Adams,,voter

From: [aj](#)
To: [BRCAC \(ECN\)](#); [Major, Erica \(BOS\)](#); [Wong, Linda \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Low, Jen \(BOS\)](#)
Cc: [Jon Winston](#); [cgodinez](#); [mikeahrens5](#); [sunnyside.balboa.reservoir](#); [Brigitte Davila](#); [Peter Tham](#); [marktang.cac@gmail.com](#); [jumpstreet1983](#); [rmuehlbauer](#); [SNA BRC](#)
Subject: Non-conformity of Development Agreement with Principles & Parameters
Date: Tuesday, July 7, 2020 2:26:53 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

BRCAC, Land Use & Transportation Committee, Budget & Finance Committee, BOS, Files 200422, 200423, 200635:

As the Reservoir Project approvals reach the final stages, I urge a review of how the Development Agreement conforms with the Principles & Parameters:

Preamble:

- **Transportation and Neighborhood Congestion:** Traffic congestion and the availability of street parking are already major problems facing the local community. No development proposal is likely to garner community support if it would worsen these conditions.

- **City College:** The community cares deeply about City College's long-term health and growth. We are especially concerned that the Balboa Reservoir development will displace a surface parking lot currently utilized by City College students. It will be critical for the Balboa Reservoir developer to work with City College to address parking needs by identifying alternative parking and transportation solutions that do not compromise students' ability to access their education.

- **Affordable Housing:** Members of the CAC and the community are deeply concerned about housing affordability. We would like to see a significant proportion of the housing at Balboa Reservoir be affordable to a combination of low, moderate, and middle-income people. However, housing cannot come at the cost of increased congestion.

Principles & Parameters:

HOUSING

Principle #1: Build new housing for people at a range of income levels. Parameters:

a. Make at least 50% of total housing units permanently affordable in perpetuity to low (up to 55% of Area Median Income (AMI)), moderate (up to 120% of AMI), and middleincome (up to 150% AMI) households, provided that this can be achieved while also ensuring project feasibility and providing the economic return to SFPUC ratepayers that is required by law.

1. Make at least 33% of total housing units permanently affordable in perpetuity to low or moderate-income households, consistent with Proposition K (2014).

aj comment:

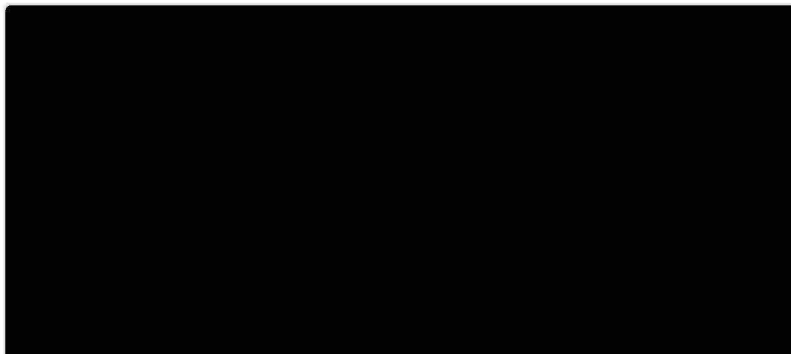
Contrary to "permanently affordable in perpetuity" the Development Agreement's Exhibit D 'AFFORDABLE HOUSING PROGRAM' states:

4. Affordability Restrictions.

(a) Each Affordable Parcel will be subject to a recorded regulatory agreement approved by MOHCD to maintain affordability levels for the life of the Project or fifty-seven (57) years,

A cautionary tale for people to look into the future, 57 years from now:

'There's nowhere to go:' Peninsula tenants face eviction as rent control expires



'There's nowhere to go:' Peninsula tenants face eviction as rent control...

The Foster's Landing complex has for years provided housing for low-income families.

https://www.smdailyjournal.com/news/local/affordable-rents-to-expire-at-foster-city-apartment-building/article_198deaa8-6024-11ea-9440-33aa98e33239.html

Principle #3: Help to alleviate City's undersupply of housing.

Parameters:

- b. Create housing without compromising the quality of design or construction or outpacing needed transportation infrastructure.

aj comment:

The Transit Mitigation Measures in the Development Agreement has 3 elements: 1) A boarding island for the southbound 43 Masonic at Frida Kahlo/Ocean-Geneva; 2) Signal timing changes at Ocean/Brighton with no westbound to southbound left turns, and protected EB to NB left turn phase; 3) Signal timing changes at Ocean/Plymouth (?! shouldn't this be Lee?!!) with no

WB to SB left turns, and protected EB to NB left turn phase.

These 3 mitigation measures are token measures that are incommensurate with transit delay that will be caused by the 1,100-unit project. The limiting factor is the fact that the 1100-unit project will only have ingress/egress at Lee and at one location on Kahlo Way. Tinkering with signal changes and adding a boarding island will not be able to solve the inherent problem of the limited roadway access to a landlocked parcel.

TRANSPORTATION

Principle #1: Manage parking availability for onsite residents while managing parking to meet City College enrollment goals and coordinating with City parking policies for the surrounding neighborhoods.

c. Working with City College and the City, describe an appropriate parking and transportation demand management plan that accommodates all appropriate City College student and employee demand at full enrollment, including access to the City College's future Performing Arts and Education Center. The TDM plan (including assumptions such as data and projections) should be coordinated with City College and consistent with recommendations in the forthcoming Balboa Area TDM Plan. If expert analysis demonstrates that shared parking is a viable approach, explore accommodating City College affiliates and other non-residents in shared parking facilities (garages where the same parking spaces are utilized by residents during non-peak hours and accessible to all others, including City College students and employees at other times).

aj comment:

The Development Agreement does not conform with this Principle. The Development Agreement calls for an absolute maximum of 450 spaces, deliberately ignoring "full enrollment, including access to the...future PAEC."

The Fehr & Peers CCSF TDM & Parking Plan--which accounts for PAEC--shows "there would be unserved demand for around 980 to 1,767 parking spaces."

PROJECT'S RELATIONSHIP TO CITY COLLEGE

Principle #3: In coordination with City College, design and implement the project's transportation program in such a way that also creates new sustainable transportation opportunities for City College students, faculty, and staff.

b. Working with City College and the City, develop an appropriate parking and TDM strategy that accommodates City College students and employees. If expert analysis demonstrates that shared parking is a viable approach, explore accommodating City College affiliates and other non-residents in shared parking facilities (garages where

the same parking spaces are utilized by residents during non-peak hours and accessible to all others, including City College students, faculty, and staff, at other times).

aj comment:

The Development Agreement does not conform with this Principle. The Development Agreement calls for an absolute maximum of 450 spaces. And if nobody had been looking at the fine print, the DA would only specify 220 spaces, based on a cherry-picked figure from the Fehr Peers TDM Study. Even the current 450 spaces deliberately ignores "full enrollment, including access to the...future PAEC."

The Fehr & Peers CCSF TDM & Parking Plan--which does account for PAEC-- shows " there would be unserved demand for around 980 to 1,767 parking spaces."

c. Phase the project in such a way that changes to the current parking lot can occur gradually, allowing for incremental adaptations rather than the wholesale removal of all parking spaces at once.

aj comment:

The Development Agreement does not conform with Principle 3c. Exhibit J of the DA, "Transportation" states:

b. Interim Parking

During the initial site-wide grading phase of construction of the Project no publicly-available parking spaces will be provided.

Principle #4: To ensure that the Balboa Reservoir project is sensitive to City College's mission and operations, work with City College and its master planning consultants to ensure that the Balboa Reservoir site plan and City College's forthcoming new Facilities Master Plan are well coordinated and complementary.

b. Assume that City College's planned Performing Arts & Education Center, designed for City College property immediately to the east of the Balboa Reservoir site, will be built. Working with City College and the City, describe an appropriate parking and transportation demand management plan that accommodates access to the future Performing Arts and Education Center (see Transportation parameter 1c).

aj comment:

The Development Agreement does not conform with this Principle. The Development Agreement calls for an absolute maximum of 450 spaces. And if nobody had been looking at the fine print, the DA would only specify 220 spaces, based on a cherry-picked figure from the Fehr Peers TDM Study. Even

the current 450 spaces deliberately ignores "full enrollment, including access to the...future PAEC."

The Fehr & Peers CCSF TDM & Parking Plan--which does account for PAEC--shows " there would be unserved demand for around 980 to 1,767 parking spaces."

--Alvin Ja

From: [ai](#)
To: [Major, Erica \(BOS\)](#); [Wong, Linda \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Low, Jen \(BOS\)](#)
Cc: [SNA BRC](#); [Public Lands for Public Good](#); [CCSF Collective](#); ccsfheat@gmail.com; [Defend City College Alliance](#)
Subject: Fallacy of "developer equity and project revenues" subsidizing affordable unit
Date: Wednesday, July 8, 2020 5:09:47 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Land Use & Transportation Committee, Budget & Finance Committee, BOS (Files 200422, 200423, 200635):

One of the key assumptions of the Balboa Reservoir Project is the concept of Public-Private Partnership in which market-rate housing would be subsidizing affordable housing.

However, this assumption that the citizenry would benefit substantially from the market-rate units helping to pay for the affordable units is not borne out by information contained in the Economic & Planning Systems, Inc's (EPS) 5/12/2020 Fiscal Feasibility Memo (p. 1247 of 2256-page PDF <https://commissions.sfplanning.org/cpcpackets/2018-007883GPAPCAMAPDVA.pdf>).

Here is a simple summary drawn from the EPS Memo regarding who's actually paying for the affordable units:

Of the 550 affordable units:

- Developer pays for 234 units (\$72.5 Million) = 42.5% of 550 affordable units
- State of CA pays for 129 units (\$40 Million) = 23.5% of 550 affordable units
- City of SF pays for 187 units (\$44.7 Million) = 34.0% of 550 affordable units

So, of the 550 affordable units, 316 units (57.5%) will be paid for with public funds, and only 42.5% will be paid for from "developer equity and project revenues"!

Budget & Legislative Analyst Report, File 18-0163 (3/9/2018)

The Budget & Legislative Analyst's determination of feasibility and responsibility rested on the assumption that, associated with the 550 market-rate units, developer equity and revenue would subsidize 363 affordable units.

The March 2018 Budget & Legislative Analyst's Fiscal Feasibility & Responsibility Report assumes--incorrectly-- that the developer's 363 affordable units would be financed by "developer equity and project revenues."

This assumption is not borne out in fact, based on information contained in the 5/12/2020 EPS Memo.

"Key Points" of the Budget & Legislative Analyst Report's Executive Summary states:

Key Points

- *The Balboa Reservoir is a 17-acre site adjacent to San Francisco City CollegeThe development is approximately 1,100 housing units, of which 50 percent would be market rate and 33 percent would be affordable to low- and moderate-income households, funded by developer equity and project revenues. The remaining 17 percent of housing units would be affordable housing, funded by City and other sources not yet identified.*

Information provided by the 5/12/2020 EPS Memo shows that the assumption that the developer's 363 affordable units **will not** really be funded fully by developer equity and revenue. The reality is that the developer is expecting its 363 affordable units to be subsidized substantially with public funding.

The EPS Memo estimates that its 363 affordable units to cost \$112.5 Million.

Of the \$112.5 Million cost, the developer expects to pay \$72.5 Million, and State grants to pay \$40.0 Million. In other words, instead of the market-rate units subsidizing 363 units, the State of California will be subsidizing 36% of the developer's responsibility for 363 affordable units.

Of the 550 affordable units:

- Developer pays for 234 units (\$72.5 Million) = 42.5% of 550 affordable units @ \$310K/ unit
- State of CA pays for 129 units (\$40 Million) = 23.5% of 550 affordable units @ \$310K/ unit
- City of SF pays for 187 units (\$44.7 Million) = 34.0% of 550 affordable units @ \$239K/ unit

The Reservoir Project's reliance on \$40 Million in public funds to subsidize the developer's 363 units invalidates the the 3/2018 Budget Analyst determination because the Report's assumption of "developer equity and project revuenues" is untrue.

Do not approve the Reservoir Project.

Do not facilitate this Privatization Scam.

Sincerely,
Alvin Ja, District 7

From: [aj](#)
To: [Major, Erica \(BOS\)](#)
Cc: [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [RonenStaff \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Fewer, Sandra \(BOS\)](#); [Walton, Shamann \(BOS\)](#)
Subject: CORRECTED NUMBERS FOR "Fallacy of "developer equity and project revenues" subsidizing affordable units"
Date: Thursday, July 9, 2020 5:50:45 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Erica,

I goofed on my previous submission. Here's the corrected version.

Sorry for the inconvenience!

--aj

Supervisors:

Here are **corrected numbers** for my 7/8/2020 submission of "Fallacy of 'developer equity and project revenues' subsidizing affordable units."

I had omitted **\$39.5 Million of CA funds** that is expected to subsidize the developer's 363 affordable units. The \$39.5M will come from CA Statewide Park Program and CA Infill Infrastructure Grant Program.

The corrected numbers show the following breakdown:

Of the 550 affordable units:

- Developer pays for **106** units (\$72.5M- **\$39.5M= \$33.0 Million**) = **19.3%** of 550 affordable units
- State of CA pays for **257** units (**\$79.5** Million) = **46.7%** of 550 affordable units
- City of SF pays for 187 units (\$44.7 Million) = 34.0% of 550 affordable units

Sorry for the error!

--aj

Land Use & Transportation Committee, Budget & Finance Committee, BOS (Files 200422, 200423, 200635):

One of the key assumptions of the Balboa Reservoir Project is the concept of Public-Private Partnership in which market-rate housing would be subsidizing affordable

housing.

However, this assumption that the citizenry would benefit substantially from the market-rate units helping to pay for the affordable units is not borne out by information contained in the Economic & Planning Systems, Inc's (EPS) 5/12/2020 Fiscal Feasibility Memo (p. 1247 of 2256-page PDF <https://commissions.sfplanning.org/cpcpackets/2018-007883GPAPCAMAPDVA.pdf>).

Here is a simple summary drawn from the EPS Memo regarding who's actually paying for the affordable units:

Of the 550 affordable units:

- Developer pays for **106** units (\$72.5M- **\$39.5M= \$33.0 Million**) = **19.3%** of 550 affordable units
- State of CA pays for **257** units (**\$79.5** Million) = **46.7%** of 550 affordable units
- City of SF pays for 187 units (\$44.7 Million) = 34.0% of 550 affordable units

So, of the 550 affordable units, **444** units (**80.7%**) will be paid for with public funds, and only **19.3%** will be paid for from "developer equity and project revenues"!

Budget & Legislative Analyst Report, File 18-0163 (3/9/2018)

The Budget & Legislative Analyst's determination of feasibility and responsibility rested on the assumption that, associated with the 550 market-rate units, developer equity and revenue would subsidize 363 affordable units.

The March 2018 Budget & Legislative Analyst's Fiscal Feasibility & Responsibility Report assumes--incorrectly-- that the developer's 363 affordable units would be financed by "developer equity and project revenues."

This assumption is not borne out in fact, based on information contained in the 5/12/2020 EPS Memo.

"Key Points" of the Budget & Legislative Analyst Report's Executive Summary states:

Key Points

- *The Balboa Reservoir is a 17-acre site adjacent to San Francisco City CollegeThe development is approximately 1,100 housing units, of which 50 percent would be market rate and 33 percent would be affordable to low- and moderate-income households, funded by developer equity and project revenues. The remaining 17 percent of housing units would be affordable housing, funded by City and other sources not yet identified.*

Information provided by the 5/12/2020 EPS Memo shows that the assumption that the developer's 363 affordable units **will not** really be funded fully by developer equity and revenue. The reality is that the developer is expecting its 363 affordable units to be subsidized substantially with public funding.

The EPS Memo estimates that its 363 affordable units to cost \$112.5 Million.

Of the \$112.5 Million cost, the developer expects to pay \$**33.0** Million (**\$72.5M less \$39.5M from CA Statewide Park Program & CA Infill Infrastructure Program**) , and for (**MHP & AHSC**) State grants to pay \$40.0 Million.

In other words, instead of the market-rate units subsidizing 363 units, the State of California will be subsidizing **70.7%** of the developer's responsibility for 363 affordable units.

Of the 550 affordable units:

- Developer pays for **106** units (\$**33.0** Million) = **19.3%** of 550 affordable units @ \$310K/ unit
- State of CA pays for **257** units (\$**79.5** Million) = **46.7%** of 550 affordable units @ \$310K/ unit
- City of SF pays for 187 units (\$44.7 Million) = 34.0% of 550 affordable units @ \$239K/ unit

The Reservoir Project's reliance on \$**79.5** Million in public funds to subsidize **70.7% of** the developer's 363 units invalidates the 3/2018 Budget Analyst determination of fiscal feasibility and responsibility because the Report's assumption of "developer equity and project revenues" is untrue.

Do not approve the Reservoir Project.

Do not facilitate this Privatization Scam.

Sincerely,
Alvin Ja, District 7

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARINGS
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO
Sent via U.S. Postal Service

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee of the City and County of San Francisco will hold a remote public hearing to consider the following matters and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: July 27, 2020

Time: 1:30 p.m.

Location: REMOTE MEETING VIA VIDEOCONFERENCE

Watch: www.sfgovtv.org

Watch: SF Cable Channel 26 once the meeting starts, the telephone number and access code will be displayed on the screen.

Public Comment Call-In: <https://sfbos.org/remote-meeting-call>

Subject: Balboa Reservoir Project

File No. 200635. Ordinance amending the General Plan to revise the Balboa Park Station Area Plan, the Recreation and Open Space Element, and the Land Use Index, to reflect the Balboa Reservoir Project; amending the Housing Element in regard to the design of housing for families with children; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making public necessity, convenience, and general welfare findings under Planning Code, Section 340.

File No. 200422. Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

DATED/MAILED/PUBLISHED/POSTED: July 17, 2020

012607

NOTICE IS HEREBY GIVEN THAT the Budget and Finance Committee of the City and County of San Francisco will hold a remote public hearing to consider the following matters and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: July 29, 2020

Time: 10:30 a.m.

Location: REMOTE MEETING VIA VIDEOCONFERENCE

Watch: www.sfgovtv.org

Watch: SF Cable Channel 26 once the meeting starts, the telephone number and access code will be displayed on the screen.

Public Comment Call-In: <https://sfbos.org/remote-meeting-call>

Subject: Balboa Reservoir Project

File No. 200423. Ordinance approving a Development Agreement between the City and County of San Francisco and Reservoir Community Partners, LLC, for the Balboa Reservoir Project (at the approximately 17.6-acre site located generally north of the Ocean Avenue commercial district, west of the City College of San Francisco Ocean Campus, east of the Westwood Park neighborhood, and south of Archbishop Riordan High School), with various public benefits, including 50% affordable housing and approximately 4 acres of publicly accessible parks and open space; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b), and findings of public convenience, necessity, and welfare under Planning Code, Section 302; approving development impact fees and waiving any conflicting provision in Planning Code, Article 4, or Administrative Code, Article 10; confirming compliance with or waiving certain provisions of Administrative Code, Section 6.22 and Chapters 14B, 23, 41B, 56, 82, and 83, Planning Code, Sections 169, 138.1, and 414A, 415, and 422, Public Works Code, Section 806(d), Subdivision Code, Section 1348, and Health Code, Article 12C; and ratifying certain actions taken in connection therewith.

File No. 200740. Resolution approving and authorizing the execution of an Agreement for Sale of Real Estate for the conveyance by the City, acting through the San Francisco Public Utilities Commission, to Reservoir Community Partners, LLC of approximately 16.4 acres of real property in Assessor's Parcel Block No. 3180, Lot 190, located near Ocean Avenue and Frida Kahlo Way, San Francisco, California for \$11.4 million; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the General Plan and the priority policies of Planning Code Section 101.1; authorizing the Director of Property and/or the SFPUC's General Manager to execute the Agreement for Sale of Real Estate and related documents for the sale of the property, including an Open Space License, Promissory Note, Deed of Trust, Amended and Restated Easement Agreement and Deed, Declaration of Restrictions, and Recognition Agreement; and authorizing the Director of Property and/or the SFPUC's General Manager to make certain modifications, and take certain actions in furtherance of this Resolution.

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely and allow for remote public comment due to the Coronavirus -19 pandemic. Therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings or watch them on demand.

PUBLIC COMMENT CALL-IN

WATCH: SF Cable Channel 26, once the meeting starts, and the telephone number and access code will be displayed on the screen; or

VISIT: <https://sfbos.org/remote-meeting-call>

Please visit the Board's website (<https://sfbos.org/city-board-response-covid-19>) regularly to be updated on the City's response to COVID-19 and how the legislative process may be impacted.

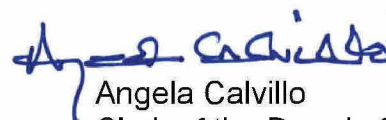
In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearings on these matters may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in these matters and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email (board.of.supervisors@sfgov.org). Information relating to these matters are available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to these matters will be available for public review on Friday, July 24, 2020.

For any questions about these hearings, please contact the Assistant Clerk for the Land Use and Transportation Committee and/or the Assistant Clerk for the Budget and Finance Committee:

Erica Major (Erica.Major@sfgov.org) – (415) 554-4441

Linda Wong (Linda.Wong@sfgov.org) – (415) 554-7719

Please Note: The Department is open for business, but employees are working from home. Please allow 48 hours for us to return your call or email.



Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning : "Supervisor inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☒ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Yee

Subject:

Planning Code and Zoning Map - Balboa Reservoir Special Use District

The text is listed:

See attached.

Signature of Sponsoring Supervisor: /s/Norman Yee

For Clerk's Use Only

File No. 200422 Committee Item No. 8
Board Item No. 16

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date July 27, 2020

Board of Supervisors Meeting Date August 18, 2020

Cmte Board

- | | | |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

(Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | PC Reso No. 20733 052820 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Height Limit Diagram |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Land Use Diagram |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | SetBack Diagram |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Referral PC 050620 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Referral CEQA 050620 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Referral PC 071020 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Referral CEQA 070720 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Hearing Notice 072720 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Planning Department Memo 081120 |
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Completed by: Erica Major Date July 23, 2020

Completed by: Erica Major Date _____