

**BALBOA RESERVOIR COMMUNITY ADVISORY COMMITTEE
CITY & COUNTY OF SAN FRANCISCO**

**DOCUMENTS RECEIVED FROM
PUBLIC DURING
2/13/17 REGULAR MEETING**

AND

**EMAILS RECEIVED FROM
PUBLIC VIA BRCAC@SFGOV.ORG**

Period: 12/13/16 – 2/13/17

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GUIDING TDM GOALS: CITY COLLEGE

Among the Guiding TDM Goals listed for City College under the TDM framework are 1) Optimize parking resources, and 2) Continue to accommodate vehicles by ensuring right-sized parking facilities. Both of these are laudable goals and Sunnyside neighborhood residents are pleased that the critical matter of continuing to provide parking for City College is recognized in these goals.

When it comes to the Draft Recommendations, however, we see very little that gives us any confidence that the goals can be achieved. In particular, we note under Policy, "Parking pricing management" and "Support TDM program with parking revenue" and under Infrastructure, "Right size parking supply." The implication is that parking demand will partly be addressed through demand pricing, that is, charging more when the demand is greatest. But demand pricing has two serious flaws in the context of City College students.

First, there is an assumption that CCSF students will respond to higher parking prices by seeking alternatives such as biking, carpooling or using public transit. With so many students also working, and perhaps working more than one job, or having children, however, those transportation options simply may not work. And rather than paying higher parking fees they may not be able to afford, we can assume that many students will instead look for free parking on the already clogged neighborhood streets.

Second, asking CCSF students to underwrite the TDM program through their parking fees is targeting a group that is already under financial pressure. This is upside down: the Balboa Reservoir development will remove student access to reasonably priced parking and instead of requiring the developer to replace that parking, those same students will be asked to provide the subsidy.

We note that these are "Draft Recommendations under Consideration" and ask that there be significant modifications that reflect the reality of life for CCSF students before these recommendations are made final.

From the *Balboa Area TDM Progress Update*, I'm going to address one of the "Guiding TDM Goals for Balboa Neighborhoods" and strategies to achieve those "Goals in the Draft Recommendations under Consideration."

The first Goal is, "Make it easier to find on-street parking for residents through parking management techniques." That certainly sounds good, but what specific strategies are being proposed to meet those goals? The only strategy that directly addresses parking on neighborhood streets is, "Expand Residential Parking Permit zones."

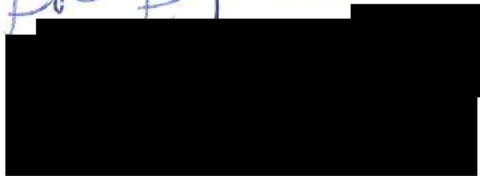
The Residential Parking Permit program is a nice panacea for our city representatives to point to, but there is no evidence that this program delivers parking relief. The city conducted a survey in 2015 and of respondents who indicated that they have an annual permit, more than 60% reported that it took them more than 5 minutes to find parking, with 15% reporting that it took 16-30 minutes or more. Does that sound effective to you? Only 40% of permit holders reported that they found parking within one block of their home. Does that sound effective to you?

Permits cost \$111 per year, an expensive proposition when there's no guarantee at all that you'll find a space in a reasonable amount of time less than a block from your house.

In addition, if you don't already live in a designated parking permit program, the process for expanding an existing zone involves gathering signatures from more than half the households on your block. That's right, you get to go out and solicit signatures. If you're unfortunate to not be adjacent to an existing area, you'll get to go through an arduous process to establish a new permit area. This involves getting signatures from at least 250 households!

The ineffective, expensive RPP program is no answer to the parking demand experienced by neighbors living near the proposed development. The city needs to identify real solutions instead of pointing to something that sounds good but doesn't deliver.

Bob Byrne



SNA Balboa Reservoir committee member

I've been attending ~~these~~ BRCAC meetings since its inception, and during that time, I and others have repeatedly suggested that an important part of any transportation solution is a developer-funded shuttle which would run between the Balboa Reservoir property and the Balboa Park Station. This is a strategy which would actually address this stated goal from the *Balboa Area TDM Progress Update*:

Reduce traffic congestion on neighborhood streets, particularly major arterials.

Unlike other vague strategies, such as "Transit stop improvements," a shuttle, which would serve students and staff at CCSF in addition to the new residents of the BR development, would provide an immediate, concrete benefit. Yet nowhere in the draft recommendations do we see any mention of shuttles, let alone one funded by the developer. Shuttles are everywhere in SF, used by hospitals, universities, and, of course, tech employers. Why has the city elected to completely ignore this idea? If the Strategy listed under City College, "First/last mile transportation measures" is intended to encompass a shuttle, why isn't this explicitly stated? Why isn't a shuttle included in the RFP that will be presented to prospective developers?

As a neighborhood resident who will be directly affected by the development and who ^{has} ~~have~~ actively participated in every opportunity to provide public input, it is very disheartening to see this suggestion ^{largely} ~~completely~~ ignored. Instead, we're offered little more than suggestions such as a website with transportation information.

These are Draft Recommendations under Consideration. Before these recommendations are adopted, make sure that the developer-funded shuttle is part of the package of solutions.

Rita Evans

Sunnyside Neighborhood Assn

Balboa Reservoir Committee

Feb 13, 2017

As someone who has been actively involved in this process for the past 2 years:
Hold the next BRCAC meeting in March - it is much more important that there be sufficient time for outreach than it is that any individual CAC member be present.

10% reduction leads to traffic flow is valid

BALBOA RESERVOIR'S TDM NON SEQUITUR (2/13/2017)

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IDENTIFYING TRANSPORTATION NEEDS FOR BALBOA PARK AREA

The Nelson-Nygaard TDM Report reports on existing conditions. Using a variety of resource materials and data, the Report, in the main, accurately describes the existing conditions.

This section of the Report correctly identifies "limited roadway space, transit infrastructure, and financial resources" as problems. Yet despite the obvious fact that the elimination of student parking and new Reservoir residents will increase demand placed on limited transportation resources, the Balboa Reservoir Project Team proposes no amelioration for adverse impacts other than TDM.

The TDM Plan/solution is not a logical outcome of an objective analysis of fact, evidence and common sense. The proposed TDM Plan is a pre-ordained, ideologically-driven solution. It is based on hope, wishful thinking and generalities; not on fact and evidence.

The 4/13/2016 TDM presentation to the Reservoir CAC followed the "logic" of the non sequitur.

The TDM Report's shortcomings are significant. Here is an attempt to point out such shortcomings and their negative implications and consequences.

LAND USE

The Report's very first paragraph in the "Land Use" section describes City College in one sentence: *"The CCSF Ocean Campus, zoned as public space, is located at the center of the study area and provides publically-accessible sports facilities."*

- **The Report's characterizes CCSF as only being a provider of "publicly-accessible sports facilities." This characterization undermines and ignores CCSF's primary importance as a critical provider of educational services to the broader Bay Area community.**

It leads to minimizing the need for the Reservoir Project to mitigate its adverse impacts on CCSF enrollment and attendance.

The Report itself admits that the "information presented herein ...essentially "sets the stage" for what TDM strategies and supporting measures will be considered... "

MY CONCLUSION: The Land Use section of the Report sets the stage to downplay adverse impacts to CCSF's educational mission.

COMMUNITY ENGAGEMENT/SURVEYS

In the build-up to the Iraq War, the head of British Secret Intelligence Service (M16) recorded in the 'Downing Street Memo' how the war could be justified to the public: "... *the intelligence and facts were being fixed around the policy.*"

The Balboa Reservoir Project does something similar. To its credit, the Nelson-Nygaard Report presents legitimate surveys of the neighboring community. But the survey data is not used to objectively formulate conclusions regarding transportation and parking. Rather, the solution/policy had already been fixed. To its credit, the Report admits:

" the survey findings also assessed peak utilization rates. They indicated that, during the midday period, five off-street parking lots at CCSF Ocean Campus experience peak utilization that are above the average peak parking demand. For example, the survey findings indicated that Res. 1 and Lots A, H, S, U all experience peak parking occupancies between 98% and 100%. Therefore, on any given day, the majority of employee-only lots and the student lot (Res. 1) are completely full during the midday period. The weekday peak parking utilization for Res. 2 Lot was 9%."

The policy of TDM had already been fixed, prior to, and regardless of the evidence contained in the surveys that were conducted subsequent to the TDM policy decision.

THE TDM NON SEQUITUR

The City Team, instead of formulating the Development Parameters based on evidence and data, had *a priori* concluded that TDM is the solution to adverse impacts that would be generated by new Reservoir residents and by the eviction of student parking.

TDM is a legitimate part of an overall Transportation Sustainability Program for the City as a whole. However, TDM as applied to the proposed Balboa Reservoir Project is not a suitable or realistic solution. TDM in the context of Balboa Reservoir will not be able to solve the problem of student access to education created by the Development Parameters. Nor will TDM measures be able to meaningfully solve transportation and parking problems generated by the Project.

Based on the survey results, TDM is a non sequitur:

CCSF TRANSPORTATION SURVEY

The most telling question in the CCSF Transportation Survey was: **"When choosing how you typically travel to/from CCSF Ocean Campus, what are you most concerned about?"**

The question listed the valid concerns of cost, distance, travel time, arriving on time, and comfort/safety of trip for CCSF stakeholders.

· "Travel time" and "Arrival on time" were overwhelmingly most important concerns (90% and 73.2 % respectively)

Most of us want to be "green" and support the idea and practice of walking, biking and public transit. However the response to **"What would encourage you to use other transportation modes? (select all that apply)"** is grounded in the real-world needs of CCSF stakeholders.

Overwhelmingly, the most important consideration for respondents was “reducing travel time.” That efficient use of time is important should not be surprising to the City Team.

The CCSF Ocean Campus Transportation Survey results just confirm common sense. The survey confirms the common sense input that ordinary citizens have been trying to communicate to the Mayor’s Office and Planning Department to little effect—because the City Team’s “sustainable” Transportation Demand Management (TDM) “solution” had been pre-ordained in contradiction and opposition to the real world lives of CCSF and neighborhood stakeholders.

TDM is the City Team’s solution for transportation and parking problems that will be generated by the Balboa Reservoir Project. According to Planning Department’s Transportation Sustainability Program, *“TDM is the “Shift” component of the Transportation Sustainability Program. A series of development focused TDM measures incentivize on-site amenities intended to provide sustainable alternatives to driving – or “shifting” people’s usual practice of driving alone in their cars – by providing residents, business tenants, and visitors with sustainable alternative travel options.”*

However, instead of just applying TDM measures to the beneficiaries (“residents, business tenants, and visitors”) of the Balboa Reservoir Project, the City Team has shifted the brunt of the application of TDM to the pre-existing stakeholders of CCSF, Riordan, Sunnyside Elementary, St. Finn Barr, Lick Wilmerding, and the Ingleside, Westwood Park and Sunnyside neighborhoods.

No matter how the City Team tries to convince the public that its TDM Study will be comprehensive in nature, the fact remains that TDM is self-defined within its own parameters. The Reservoir Project’s TDM solution is straightforwardly documented: *“The Planning Department and SFMTA are proposing a Transportation Demand Management (TDM) study in coordination with CCSF Ocean Campus to reduce single-occupant vehicle trips by college staff, faculty, students, and neighborhood residents.”*

One of the components of the City’s Transportation Sustainability Program is “Shift.” The idea is to shift car drivers onto other more sustainable modes of transportation. However, in the Balboa Reservoir context, “shift” has another more important meaning.

The different and more important real-world meaning of “shift” is: shifting the burden of mitigation of CEQA-related adverse impacts onto school stakeholders and neighborhood residents. This is unacceptable.

COMMUNITY SURVEY (Dept of Environment)

The section on the Community Survey conducted by the Dept of Environment highlighted two survey questions. The two questions pertained to the Existing Mode Split and to “Willingness to Try Different Modes of Transportation.”

The main concept of TDM is to get car drivers to walk, bike and take public transit. However the Nelson-Nygaard Report failed to show survey results for a critical question that would show the likelihood of respondents changing mode of travel. The Report does not show the survey results for Question #9-- ***What is most important to you when you choose how you get to work?***

Although the Report fails to provide survey results for this question, I bet it would be similar to the results for the CCSF Survey: that ‘Travel Time’ would be one of the most important. I would also guess that ‘Reliability’ would also be close to the top. If my guess about responses to this question is right, how effective would the Balboa Reservoir Project’s TDM measures be able to resolve Travel Time and Reliability concerns?

- Since the data for Question 9 of the survey has not been presented in the Nelson-Nygaard Report, I will venture this unsubstantiated (but probably correct) conclusion:

The TDM objective of shifting substantial numbers of car drivers onto public transit and biking will be unsuccessful because of the real-world importance of Travel Time, Reliability, and Convenience for people leading busy lives.....and who are not privileged to be members of the leisure class.

--aj 1/3/2017

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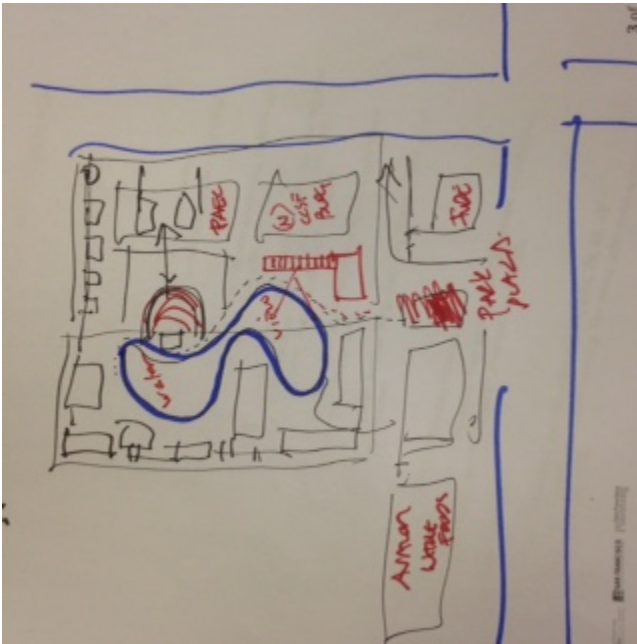
**EMAILS RECEIVED FROM
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Period: 12/13/17 – 2/13/17

Wong, Phillip (ECN)

From: Aaron Goodman <[REDACTED]>
Sent: Tuesday, December 20, 2016 3:37 PM
To: BRCAC (ECN)
Subject: Simple sketch unifying vs dividing

A prior sketch submitted of the Balboa Reservoir housing dispersed and surrounding , PAEC building per original design , water retention and walking path. And a mixed use building with walkway/covered glass enclosed lineal feature and exterior a performance space and larger water/tempietto feature . Buildings can be all shapes and sizes



Sent from my iPhone

Wong, Phillip (ECN)

From: [REDACTED]
Sent: Tuesday, January 03, 2017 10:10 AM
To: BRCAC (ECN); Carlin, Michael (PUC); Russell, Rosanna (PUC); Rahaim, John (CPC); Shaw, Jeremy (CPC); Exline, Susan (CPC); Lesk, Emily (ECN); Martin, Michael (ECN); Rich, Ken (ECN); Hood, Donna (PUC); Linda Da Silva; Ronald Gerhard; Susan Lamb; Shaw, Linda (MYR); Steve Bruckman; Secretary, Commissions (CPC)
Cc: Phil Newsom; Amy Frater; Gary Moon
Subject: Balboa Reservoir's TDM Non Sequitur
Attachments: 2017-1-3 TDM NON SEQUITUR.pdf

BRCAC, PUC, Planning Commission, BOS, SFCCD:

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The Report itself admits that the *“information presented herein ...essentially “sets the stage” for what TDM strategies and supporting measures will be considered... “* **CONCLUSION:** The Report sets the stage to downplay adverse impacts to CCSF’s educational mission.

MULTIMODAL CONDITIONS

“Multimodal conditions” is fancy jargon for various modes of transportation. The four modes of transportation examined in the Report are walking, biking, public transit, and driving.

Walking

Highest pedestrian activity during AM and PM peak (rush) hours were at:

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The question listed the valid concerns of cost, distance, travel time, arriving on time, and comfort/safety of trip for CCSF stakeholders.

· “Travel time” and “Arrival on time” were overwhelmingly most important concerns (90% and 73.2 % respectively)

Most of us want to be “green” and support the idea and practice of walking, biking and public transit. However the response to **“What would encourage you to use other transportation modes? (select all that apply)”** is grounded in the real-world needs of CCSF stakeholders.

Overwhelmingly, the most important consideration for respondents was “reducing travel time.” That efficient use of time is important should not be surprising to the City Team.

The CCSF Ocean Campus Transportation Survey results just confirm common sense. The survey confirms the common sense input that ordinary citizens have been trying to communicate to the Mayor’s Office and Planning Department to little effect—because the City Team’s “sustainable” Transportation Demand Management (TDM) solution had been pre-ordained in contradiction and opposition to the real world lives of CCSF and neighborhood stakeholders.

TDM is the City Team’s solution for transportation and parking problems that will be generated by the Balboa Reservoir Project. According to Planning Department’s Transportation Sustainability Program, *“TDM is the “Shift” component of the Transportation Sustainability Program. A series of development focused TDM measures incentivize on-site amenities intended to provide sustainable alternatives to driving – or “shifting” people’s usual practice of driving alone in their cars – by providing residents, business tenants, and visitors with sustainable alternative travel options.”*

However, instead of just applying TDM measures to the beneficiaries (“residents, business tenants, and visitors”) of the Balboa Reservoir Project, the City Team has expanded the application of TDM to the pre-existing stakeholders of CCSF, Riordan, Sunnyside Elementary, St. Finn Barr, Lick Wilmerding, and the Ingleside, Westwood Park and Sunnyside neighborhoods.

No matter how the City Team tries to convince the public that its TDM Study will be comprehensive in nature, the fact remains that TDM is self-defined within its own parameters. The Reservoir Project’s TDM solution is straightforwardly documented: *“The Planning Department and SFMTA are proposing a Transportation Demand Management (TDM) study in coordination with CCSF Ocean Campus to reduce single-occupant vehicle trips by college staff, faculty, students, and neighborhood residents.”*

One of the components of the City’s Transportation Sustainability is “Shift.” The idea is to shift car drivers onto other more sustainable modes of transportation. However, in the Balboa Reservoir context, “shift” has another more important meaning:

- **The different and more important meaning of “shift” is: shifting the burden of amelioration of CEQA-related adverse impacts onto school stakeholders and neighborhood residents. This is wrong.**

COMMUNITY SURVEY (Dept of Environment)

The section on the survey conducted by the Dept of Environment highlighted two survey questions. The two questions pertained to the Existing Mode Split and to “Willingness to Try Different Modes of Transportation.”

The Nelson-Nygaard Report failed to show survey results for a critical question that would show the likelihood of respondents changing mode of travel: Question #9-- ***What is most important to you when you choose how you get to work?***

Although the Report fails to provide survey results for this question, I bet it would be similar to the results for the CCSF Survey: that ‘Travel Time’ would be one of the most important. I would also guess that ‘Reliability’ would also be close to the top. If my guess about responses to this question is right, how effective would the Balboa Reservoir Project’s TDM measures be able to resolve Travel Time and Reliability concerns?

- **Since the data for Question 9 of the survey has not been presented in the Nelson-Nygaard Report, I will venture this unsubstantiated (but probably correct) conclusion: The TDM solution of shifting substantial numbers of car drivers onto public transit and biking will be unsuccessful because of the importance placed on Travel Time, Reliability, Convenience.**

--aj 1/3/2017

Wong, Phillip (ECN)

From: [REDACTED]
Sent: Tuesday, January 10, 2017 11:11 PM
To: BRCAC (ECN); Hood, Donna (PUC); planning@rodneymfong.com; Richards, Dennis (CPC); richhillissf@yahoo.com; Johnson, Christine (CPC); Koppel, Joel (CPC); Melgar, Myrna (CPC); Moore, Kathrin (CPC); Rahaim, John (CPC); Board of Supervisors, (BOS); cascoe@sfusd.edu; Shaw, Linda (MYR)
Cc: Yee, Norman (BOS); Low, Jen (BOS)
Subject: Chronicle article

BRCAC, PUC, Planning Commission, BOS, Board of Ed, BOT:

Today's (1/10/2017) Chronicle had an article about a Glen Park Elementary teacher. The article included talking about the teacher shortage. The acting SFUSD Superintendent was paraphrased to say: *"He added that the district is still planning to build teacher housing, though the search for usable land has taken years, and **no site has yet been identified.**"*

Excuse me, but how about Balboa Reservoir?!! Instead of transferring the Reservoir public land to private developers in the guise of "affordable housing", how about transferring it to SFUSD or SFCCD to keep the land in the public domain?

The transfer of public land to another public agency can be made at "historical cost" (I think this means the same as "cost basis") pursuant to SF Administrative Code.

The 'affordable housing' portion of the Reservoir Project only requires 33% to be legally-defined Affordable Housing, with the remaining 67% non-Affordable/ market rate.

Furthermore, the Affordable Housing component will only last for "useful life of the buildings" (50 to 75 years) after which the entire Reservoir housing stock will be owned free and clear by private interests with NO affordability requirements. It's actually a privatization scam that subsidizes private developers!

Submitted by:
Alvin Ja, District 7 resident

Wong, Phillip (ECN)

From: [REDACTED]
Sent: Thursday, January 12, 2017 10:39 AM
To: BRCAC (ECN); Carlin, Michael (PUC); Rich, Ken (ECN); Rahaim, John (CPC); Cityattorney, (CAT); Ambrose, Noreen (CAT); Board of Supervisors, (BOS); Hood, Donna (PUC); Tracy Zhu; Jennifer Clary; Wendy Aragon
Cc: Yee, Norman (BOS); Low, Jen (BOS); Linda Da Silva; Steve Bruckman; Brigitte Davila; Ronald Gerhard; John Rizzo; Alex Randolph; R. Mandelman; Bouchra Simmons; Thea Selby; Susan Lamb; Tomtemprano Info; Shanell Williams; Tom Temprano
Subject: Market value for Reservoir and teacher housing

BRCAC, City Staff, City Attorney Herrera, BOS, PUC, PUCCAC:

In a 1/10/2017 Chronicle article, the acting SFUSD Superintendent was paraphrased to say: *"He added that the district is still planning to build teacher housing, though the search for usable land has taken years, and no site has yet been identified."*

I was not alone in thinking: "Excuse me, but how about the Balboa Reservoir?!!!"

The City Team overseeing the Balboa Reservoir Project has justified private development of the Reservoir by saying that private developers would be able to 1) subsidize Affordable Housing and 2) achieve market rate return on sale of the Reservoir.

A Sunnyside neighbor said: "It would be helpful to know how to get an exception to the PUC rule requiring the PUC to receive market rate reimbursement.....Without ownership of the land by the SFUSD or City College, we've been led to believe that that land cannot be designated for housing for educators. Would love to learn otherwise."

Here's my take on this line of inquiry: Before selling public land to private developers, PUC is supposed to provide school districts, as well as other public agencies, the opportunity to buy/lease the Reservoir property. Furthermore, the market-rate return principle does have an exception-- if it "furthers a public purpose" with a floor price of "at least historical cost."

A transfer of the Reservoir public asset would serve a much greater public purpose for another public agency and for citizens than it would for the Reservoir public property to be transferred *in toto* to private interests 55 to 75 years down the line when affordability requirements expire. It is imperative that people understand the fine print regarding how long the Affordable Housing requirement will last before giving away this large public asset to private developers.

In the real world, rules, policies and laws are selectively applied and/or ignored. The Reservoir case is no exception.

The State Surplus Land Statute 54222 says:

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

(c) A written offer to sell or lease land suitable for **school facilities construction or use** by a school district **for open-space purposes** shall be sent to any school district in whose jurisdiction the land is located.

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

SF Administrative Code 23.20 states

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

SF Administrative Code 23.3 for Real Property Transactions calls for:

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

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

PUC has a Land Use Framework Policy: *"By adoption of the Framework, the Commission is seeking to advance the analytical and decision-making process surrounding the administration of real estate assets under the SFPUC's exclusive jurisdiction;..."*

But here's what the City Team said about it in their "Responses to Questions"

Why doesn't the RFQ discuss the SFPUC Land Use Framework?

- *It is not necessary, or feasible, for an RFQ to name all of the City policies and procedures that apply to the project*

[Please note that Staff refers to "RFQ" but avoids referencing the lack of discussion about "Land Use Framework" Policy by the City Team itself--aj]

- *SFPUC management and legal counsel were involved in writing the RFQ and feel that it is consistent with SFPUC policies and practices*

Here's what I think is the real deal: the Reservoir Project is driven by juice and politics/political players in which rules, policies, laws are selectively applied/ignored.

--Alvin Ja

Wong, Phillip (ECN)

From: [REDACTED]
Sent: Friday, January 27, 2017 10:15 AM
To: BRCAC (ECN); Hood, Donna (PUC); Tracy Zhu; Wendy Aragon; Jennifer Clary; Iwata, Ryan (PUC); Russell, Rosanna (PUC); Carlin, Michael (PUC); Secretary, Commissions (CPC); [REDACTED]; Richards, Dennis (CPC); [REDACTED]; Johnson, Christine (CPC); Koppel, Joel (CPC); Melgar, Myrna (CPC); Moore, Kathrin (CPC); Rahaim, John (CPC); Board of Supervisors, (BOS); Yee, Norman (BOS); Low, Jen (BOS); Cityattorney, (CAT); Ambrose, Noreen (CAT); Shaw, Linda (MYR); Ronald Gerhard; Steve Bruckman; Susan Lamb; R. Mandelman; Thea Selby; Brigitte Davila; John Rizzo; Alex Randolph; Bouchra Simmons; swilliams@ccsf.edu; ttemprano@ccsf.edu; Marian Lam; leighm@sfusd.edu; cascoe@sfusd.edu; matthaney@sfusd.edu; EmilyMurase@sfusd.edu; Rich, Ken (ECN); Linda Da Silva; Rufo, Todd (ECN)
Cc: Save CCSF Coalition; PODER; CCHO--fernando; SNA Brick; Wpa Balboa. Reservoir; JK Dineen; Laura Dudnick; Michael Howerton; Nanette Asimov; Joe Fitzgerald Rodriguez; Bob Egelko; hknight@sfchronicle.com; CFT; Marcy Rein
Subject: Cart before the horse: Balboa Reservoir RFQ/RFP, ENA and a case of a Done-deal
Attachments: 2016-12-10 final version-- UNADDRESSED FLAWS IN BALBOA RESERVOIR PROJECT.pdf

BRCAC, City Team, PUC, PUC CAC, Planning Commission, BOS, City Attorney, SFCCD, SFUSD:

From Day One of the Balboa Reservoir Project, it has reeked with the stench of a done-deal-- a done-deal of privatizing invaluable public land in the guise of offering "affordable housing."

When push come to shove, only 33% of the Reservoir housing will be legally-defined Affordable Housing. The City has also misrepresented this 33% Affordable Housing to be deed-restricted "in perpetuity." Here's what "in perpetuity" really means from RFQ Section 7.3: "The project's affordable housing units must remain affordable in perpetuity (i.e. throughout the useful lives of the buildings in which those units are located)..." Since when did "in perpetuity" come to mean 55 to 75 years--or possibly even less?!

Despite the Balboa Park Station Area Plan's Objective 1.4 of using the Balboa Reservoir for the "best benefit of the neighborhood, the city, and the region as a whole," no discussion or public input has been accepted by the City regarding what constitutes the best use of the Reservoir. Given its geographic particularities and constraints, the western Reservoir is arguably better used to further educational purposes for the community, to include possibly teacher housing instead.

PUTTING THE CART BEFORE THE HORSE

The deadline for developer responses to the City Team's RFQ expired last week at the end of the day on 1/18/2017. RFQ finalists are scheduled to be announced on 2/17/2017.

According to the RFQ document, once a developer has been selected through the RFQ/RFP process, "the Developer will enter into a SFPUC Commission-approved Exclusive Negotiating Agreement ("ENA").

Disposition of public lands is supposed to be governed by:

Government Code 54222 State Surplus Land Statute
SF Administrative Code Chapters 23 and 23A (Real Property Transactions, Surplus Public Lands Ordinance).

Public Utilities Commission's own Land Use Framework policy which is supposed to guide "Disposition of SFPUC Owned Lands".

The City has already leaped ahead to talk about entering into an ENA with a private developer without the PUC having even declared the Reservoir to be surplus property. What kind of backroom pay-to-play deals have been going on?

Prior to launching the public engagement process, the City Team had commissioned AECOM to do a preliminary study for the Balboa Reservoir Project. However instead of having gotten an upfront PUC approval for the AECOM Reservoir study, the City Team contracted the Reservoir study using PUC Contract CS 229 which is ostensibly for PUC's Water Service Improvement Program. How does the Reservoir Project promote "water service improvement?"

Govt Code 54222 would require PUC to offer to sell or lease its surplus property to--in addition to low and moderate-income housing developers--park and recreation departments and school districts.

Last year, City College's Participatory Governance Council and Trustees Davila, Rizzo, Randolph had called for the PUC to transfer the property to SFCCD pursuant to provisions of State and SF law. The City Team said that it would be unrealistic because of the need for PUC to achieve market rate return for the disposition of the property:

The State Surplus Land Statute 54222 says:

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

(c) A written offer to sell or lease land suitable for school facilities construction or use by a school district for open-space purposes shall be sent to any school district in whose jurisdiction the land is located.

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

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SF Administrative Code 23.3 for Real Property Transactions calls for:

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

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

PUC has a Land Use Framework Policy: *"By adoption of the Framework, the Commission is seeking to advance the analytical and decision-making process surrounding the administration of real estate*

assets under the SFPUC's exclusive jurisdiction;..."

But here's what the City Team said about it in their "Responses to Questions"

Why doesn't the RFQ discuss the SFPUC Land Use Framework?

- *It is not necessary, or feasible, for an RFQ to name all of the City policies and procedures that apply to the project*
[Please note that Staff refers to "RFQ" but avoids referencing the lack of discussion about "Land Use Framework" Policy by the City Team itself--aj]
- *SFPUC management and legal counsel were involved in writing the RFQ and feel that it is consistent with SFPUC policies and practices*

Here's what I think is the real deal: the Reservoir Project is driven by "juice" and politics/political players in which rules, policies, laws are selectively applied/ignored. Putting the cart before the horse is not a problem for those with "juice."

Submitted by:
Alvin Ja

UNADDRESSED FLAWS IN BALBOA RESERVOIR PROJECT (revised for RFQ , 12/10/2016)

The Balboa Reservoir Project has been presented to the community essentially as a done-deal. It has been justified by referencing the Balboa Park Station Area Plan and the Public Land for Housing Program.

However, there has been no fact or evidence-based analysis of the assumptions and premises involved in the Reservoir Project's so-called affordable housing. The Project has been framed as an affordable housing effort; it has also been framed as providing affordable housing "in perpetuity." Yet when deeper analysis is made, only 33% of the housing on public land will be legally-defined Affordable Housing. When you read the fine print, "in perpetuity" only means "for the useful life of the buildings."

Objective 1.4 of the Balboa Park Station Area Plan called for using the Reservoir for the "best benefit of the neighborhood, the city, and the region as a whole." Yet the Balboa Reservoir Project has failed to assess the relative harms and benefits of the proposed housing development versus the educational needs of the city and the Bay Area. As envisioned, the Reservoir Project will harm City College of San Francisco which serves the broadest public interest and benefit to the entire Bay Area.

During the course of the public engagement process, much input has been provided to the City Team regarding flaws in the Reservoir Project. However, fundamental questions and concerns regarding the validity of the Project have not been addressed.

Here is an updated digest of critiques have remained unaddressed by the City Team.

CONCEPTUAL FRAMEWORK: PUBLIC LAND FOR THE PUBLIC GOOD

1. Public land should be used for the public good.
2. Affordable housing for homeless, low-income and moderate-income people contributes to the public good.
3. The California State Surplus Land Statute and the City's Surplus City Property/Public Lands Ordinance were set up to help address housing targeted for homeless, low-income and moderate-income people.
4. The intent of both State and City laws were not meant to subsidize high-cost housing.
5. As defined by law, "Affordable Housing" covers moderate-income housing going up to 120% Area Median Income only.
6. Balboa Reservoir Project only requires that 33% of the BR housing to be legally-defined "Affordable Housing." The remaining 67% of housing falls outside the bounds of the original intent of State and City targets of Affordable Housing--as defined by law--for low-income, and moderate-income people.
7. The result of this 33% Affordable Housing/67% non-Affordable Housing ratio is that public land will be transferred to private interests/higher income owners in the guise of "Affordable Housing."
8. Using 33% "Affordable Housing" to subsidize the 67% high-cost housing is contrary to the intent of the original legislation.

9. Distorted meaning of "in perpetuity": Affordable units are supposedly going to be deed-restricted "in perpetuity." Yet, contrary to the normal meaning of "in perpetuity", the City/RFQ defines it as follows: "The project's affordable housing units must remain affordable in perpetuity (i.e. throughout the useful lives of the buildings in which those units are located), ..." What this really means is that after 50-75 years, or even sooner--depending on how the developer defines "useful life"-- even the 33% Affordable will no longer be in existence. The entire Reservoir property will be owned free and clear by private interests with no requirements for affordability: It's the pot at the end of the rainbow for private interests that are willing to make a short-term sacrifice in exchange for a long-term bonanza.

10. Best use of PUC Reservoir:

Under Objective 1.4 of the Balboa Park Station Area Plan, Policy 1.3.2 [sic] states "*POLICY 1.3.2 Develop the west basin of the reservoir [for] the greatest benefit of the city as a whole as well as for the surrounding neighborhoods.*"

- There has never been any discussion about what constitutes "greatest benefit." The City/Mayor simply declared by fiat that it would be used for housing (without mandating compliance with the intent of State and City Public Lands laws regarding legally-defined Affordable Housing).
- It can be legitimately argued that **using the west basin for educational purposes would be the "greatest benefit."**

CEQA CONSIDERATIONS

1. CEQA requires public agencies to avoid or mitigate significant adverse environmental impacts caused by a project.
2. City College is a critical public service that serves the entire Bay Area. CCSF is the central economic, educational and cultural feature of the Reservoir vicinity. However the Balboa Reservoir Project has failed to acknowledge CCSF's primacy.
3. Housing on Balboa Reservoir is a component of the Balboa Park Station Area Plan, based on an Initial Study conducted in 2006, referenced in the BPS Final EIR.
4. The proposal of 425-500 units in the Reservoir was arbitrary. There was no documentation, evidence, or argumentation presented to support the proposal for 425-500 units in the 2006 BPS Initial Study/BPS Final EIR/BPS Area Plan.
5. The BPS Area Plan, Final EIR/Initial Study determined that, on the BPS Program-Level, that there would be no significant impact to school facilities.
6. The BR Project's 2014 AECOM Study incorrectly extended the Program-Level determination of non-significance to the Balboa Reservoir Project's Plan-Level. This has caused the BR Project to ignore adverse impacts that the Project will have on City College and neighboring schools.
7. The City Team has refused to acknowledge the reality that the use of the Reservoir for student parking is an existing public benefit. It is a benefit that helps provide access to quality education.

8. Instead, the Balboa Park Station Area Plan mischaracterizes the Reservoir as simply being an “unpleasant void in the neighborhood ” despite the reality that it serves an important and needed public purpose for students.
 9. The Balboa Reservoir Project can be characterized as constituting an **eviction of an important Bay Area-wide public service**--City College. A public good is being eliminated for the benefit of private developer interests.
 10. The City Team operates on the unfounded assumption that housing on the Reservoir is of higher importance than the importance of City College to the community.
- The City Team shifts the burden of mitigation of impending adverse impacts of the Project onto the surrounding neighborhoods and CCSF stakeholders. It addresses the BR Project’s adverse impacts by calling for the impactees to bear the burden by practicing TDM (“*reduce single-occupant vehicle trips by college staff, faculty, students, and neighborhood residents*”) and requesting Residential Permit Parking.
11. The City Team argues that it is too expensive to build parking. If the Reservoir were to be left as-is to provide student access to education, there would be no need to build new parking. It’s cheaper to keep it as-is.
 12. Eviction of CCSF from western Reservoir will harm student access to education.
 13. The State Surplus Property Statute (Govt Code 54220) targets use of housing for those of “low” or “moderate” income (up to 120% of Area AMI). It was under this concept that San Francisco’s Public Lands for Housing Program was originally formulated. The idea was for surplus public property to be used for the public good to create Affordable Housing (120% AMI).
 14. “Affordable Housing” is legally defined as up to 120% AMI (Administrative Code 23.A.4) The Principles & Parameters only requires 33% to be legally-defined Affordable Housing.
 15. In reality 67% will be unaffordable housing. Although the City Team presents the Project as market-rate housing subsidizing affordable housing, this is an inversion of reality. In reality, the 33% affordable housing is cover for the reality that this transfer of public property will benefit private interests at the expense of the public. The reality is that the 33% “affordable housing” will be subsidizing private interests.

PUC LAND USE POLICY

1. The RFQ’s section on Applicable Land Use Policies makes no reference to the PUC’s own “Framework for Land Use and Management.”
2. From the PUC website: By adoption of [the Framework](#), the Commission is seeking to advance the analytical and decision-making process surrounding the administration of real estate assets under the SFPUC’s exclusive jurisdiction.
3. PUC’s Land Use Framework policy allows sale only if: “*Use of the land sold will not result in creating a nuisance.*”

PARKING vs. TDM

1. The City Team argues that it is too expensive to build parking. If the Reservoir were to be left as-is to provide student access to education, there would be no need to build new parking. If construction cost is the consideration, then the best option is to leave the western Reservoir as-is.
2. TDM is the third component of the City's Transportation Sustainability Program. TDM requires new developments to provide on-site amenities that prioritize sustainable alternatives to driving.
3. The Balboa Reservoir Project will not exist in isolation from the surrounding neighborhoods. The TDM outcomes within the boundaries of the Project itself will probably be highly successful. However, BR Project's internal TDM success will come at the expense of the surrounding neighborhoods when BR residents park their privately-owned vehicles and drive their privately-owned vehicles outside the Reservoir Project's own boundaries.
4. FROM EARLIER SUBMISSION TO CAC REGARDING TDM:
 - Most importantly: TDM Study is not a comprehensive and unbiased assessment of parking and circulation issues in the Reservoir vicinity; and it was never meant to be a comprehensive study. The scope/parameters of Nelson-Nygaard's study were very specific according to SFCTA documentation:
 - *The Planning Department and SFMTA are proposing a Transportation Demand Management (TDM) study in coordination with CCSF Ocean Campus to reduce single-occupant vehicle trips by college staff, faculty, students, and neighborhood residents.*

○ PROJECT DESCRIPTION AND BENEFITS

The Balboa Area Transportation Demand Study will develop clear strategies for reducing single-occupant vehicle trips and outline a coordinated framework for future TDM programs and policies between CCSF, the Balboa Reservoir project, and the City of San Francisco. Potential TDM activities will produce a wide-range of benefits to individuals and the transportation system as a whole, from reducing traffic congestion, vehicle emissions, and fuel consumption to supporting physical activity and enhancing safety. Additionally, TDM activities will make existing transportation investments perform better, extending the life of existing infrastructure and improving the outcomes for new transportation investments.

- **TDM Program:** *proposing TDM solutions unique to the area comprising CCSF Ocean campus, Balboa Reservoir and neighborhoods as consistent with emerging TDM policy.*

Bottom-line: TDM solutions, by definition and intent, exclude parking. Within TDM parameters, the issue of parking is given significance only via the TDM solution of making parking "more difficult and expensive." That's why the elimination of student parking is ignored. That's why the City Team promotes 0.5 parking spaces per residential unit.

- Fatuous TDM arguments:
 - "Parking Produces Traffic Congestion--Every parking space is a magnet for cars" and "If you build it.....they will come."
 - In earlier submissions I had written:

As I have pointed out in another e-mail, there are 3 main traffic magnets in our area: schools, freeway entrance/exits, and the BP Station transit hub. If reduction of car traffic in the area is the goal, these magnets need to be removed. Obviously, this is neither an appropriate nor realistic solution.

BP Station and freeway entrance/exits are part of transportation infrastructure. However CCSF is different. CCSF is not transportation infrastructure. People are not just passing through on the way to someplace else. CCSF is a destination in and of itself.

Rather than parking producing congestion, it's the existence of a desired destination that induces traffic. Parking is but a means to accommodate those who want to get to the desired destination.

Case-in-point: When school is not in session, there are very few cars in the Reservoir parking lot and there's very little traffic on Phelan. This demonstrates the falsehood of the "parking produces traffic congestion" premise.

Bottom line: Parking, in and of itself, does not promote congestion. Rather, congestion is the product of people trying to get to a desired destination. Student access to education, which includes driving and parking, should not be subordinate to the Balboa Reservoir Project.

- "Spillover [parking] from City College"
- Both Sunnyside Neighborhood Assn and Westwood Park Assn have made clear that the neighborhood supports CCSF and its students. The Nelson-Nygaard Study calls for preventing "spillover from City College" by making parking for them difficult via RPP and enforcement. Rather than making parking difficult for students, the neighbors have called for the Balboa Reservoir Project to provide adequate on-site parking for student needs.

Bottom line: Instead of shifting the burden of mitigation for the elimination of student parking by the TDM solution of "reducing single-occupant trips by college staff, faculty, students, and neighborhood residents", the Reservoir Project needs to take responsibility for replacing lost student parking.

--aj