

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

**DOCUMENTS RECEIVED FROM
PUBLIC DURING
2/8/16 REGULAR MEETING**

AND

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

Period: 1/14/16 – 2/9/16

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

**DOCUMENTS RECEIVED FROM
PUBLIC DURING
2/8/16 REGULAR MEETING**

**City College of San Francisco
Multi-Use Building, Room 140
55 Phelan Avenue, San Francisco, CA 94112**

Monday, February 8, 2016

6:15 PM

Regular Meeting

(item xi)

1. What AJ just said, given the present circumstances, the present environment, how that will go forward?
2. Lower reservoir is for overflow parking.
3. The Lower reservoir's description is an area for dog-walking.
4. Parking should be mentioned.
5. This is part of the CEQA process.

3. 2014(?) study of current uses of the Reservoir site mentioned dog walking but ignored the present and historic use of site for student parking.

4. 45 - Those present uses of the land must be acknowledged to properly enable the proper environmental review process.

a. CAC

i. Lee.

1. In the First slide there are the amenities desired. How did you narrow into these 7 bullet points?
 1. Emily Lesk. Not a narrowing, this is exhaustive list from what we heard. We believe everything on this list is covered in the full set of the parameters. Highlighted that additional public benefits are a catch-all from this exhaustive list that weren't covered in the fall.
 2. Spinali. Mapped what was covered by other parameters and then additional items are not covered by other parameters.
 3. Emily Lesk. Let us know if anything was missed.

ii. Favetti.

1. Looks like a wish list.
2. We have a need for youth and childcare center and recreation facilities.
3. Glad to see housing for multi-generations.
4. My kids are millennials or Young Urban Creatives.

iii. Spinali.

1. Principle 2. Maximizing an active first floor.
2. We already see this on Ocean Avenue and there are vacancies where there shouldn't be.
3. We want to ensure there's vibrancy and mitigate vacancy.
4. Active things happening on the ground floor will be important for this site.

b. Public Comment

i. Sheila. Teacher, CCSF.

1. Live in Oakland.
2. Spoke at 12/15 meeting.
3. Parking is heavily used by CCSF students and faculty.
4. My students need a place to park.
5. Developer needs to create permanent parking for CCSF, that isn't shared that matches number of open spots that are there.
6. This area is land-locked, there is no way to access this plot of land.
7. It will be hard to get to these things because there is no access.

ii. Ray. Sunnyside.

WESTWOOD PARK



February 9, 2016

Via USPS and email to John.Avalos@sfgov.org

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

Re: Telephone Message Requesting Westwood Park to Support
100% Affordable Housing for the Proposed Balboa Reservoir Development

Dear Supervisor Avalos,

I am responding to your voicemail message requesting the support of the Westwood Park Association for 100% affordable housing.

Westwood Park supports an affordable housing component to whatever development occurs provided that it serves the needs of all those negatively impacted by rising housing costs.

The terms of that affordable component that the Board of Directors of the Westwood Park Association and over 95% of all property owners who responded to a survey stating our position support our position are as follows:

The City has proposed 33% affordable housing minimum (broken down by: 15% to low income and 18% to low and middle income) and wants the developer to maximize the amount of affordable housing for up to 50% affordable housing units on the site.

Westwood Park recommends that any amount of affordable housing over the 33% should be solely allocated to the Middle Class (between 120% and 150% AMI), since this is the income group that is being least served and is currently being pushed out of the City.

Sincerely yours,

A handwritten signature in cursive script that reads "Kate Favetti".

Kate Favetti, President

c: Norman Yee, Supervisor, District 7
Balboa Reservoir Community Advisory Committee
Westwood Park Association Board of Directors and Balboa Reservoir Committee



SAN FRANCISCO PLANNING DEPARTMENT

Carla Fry

Reissued Letter of Determination CORRECTED INTERESTED CALCULATION

1850 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

March 19, 2014

Sean Keighran
251 Rhode Island, Suite 111
San Francisco, CA 94107

Site Address:	248 Ocean Avenue
Assessor's Block/Lot:	3211/009
Zoning District:	NC-1 (Neighborhood Commercial, Cluster) District
Staff Contact:	Kate Conner, (415) 575-6914 or kate.conner@sfgov.org

Dear Mr. Keighran:

This letter is in response to your request for a Letter of Determination regarding the property at 248 Ocean Avenue ("Project"). This parcel is located in the NC-1 (Neighborhood Commercial, Cluster) Zoning District and 40-X Height and Bulk District. The Letter of Determination request is to resolve whether a previously approved five unit project may switch the method of compliance with the Inclusionary Affordable Housing Program ("Program") after issuance of the first construction document and first Certificate of Occupancy.

The Project was approved by the Planning Commission on May 15, 2008 (Case No. 2007.1470D - new construction and Case No. 2007.1417D - demolition) to demolish the existing two-story, single-family dwelling and construct a new four-story, mixed-use building with ground floor commercial and five dwelling units. A Notice of Special Restrictions ("NSR")¹ was recorded October 14, 2008 and included a condition which stated: "the project shall require an on-site affordable unit as the inclusionary requirement provided under Planning Code Section 315. To meet the inclusionary requirement, the two-bedroom unit #202 will be reserved as affordable." The Project received its first construction document on October 5, 2011.

In May, 2012, the Project Sponsor contacted the Planning Department about renting the affordable unit. Planning Department staff informed the Project Sponsor that the Project would have to enter in to an agreement with the City to allow the affordable unit to be rented. This agreement ("Costa Hawkins Agreement") would state that the Project's affordable unit is not subject to the Costa-Hawkins Rental Housing Act based upon a received density bonus or concessions (as defined in California Government Code Section 65915 et seq.).

based upon - why have to have

¹ NSR 20081665407 Recorded on October 14, 2008 Reel J748 Image 0484

Sean Keighran
251 Rhode Island, Suite 111
San Francisco, CA 94107

March 19, 2014
Letter of Determination
248 Ocean Avenue

The owners contacted the Planning Department in June 2012 to request a determination of the Project's eligibility to enter into a Costa-Hawkins Agreement. The Planning Department determined that the Project did not qualify for a Costa Hawkins Agreement because the Project did not receive a density bonus, concession, or incentive for the production of on-site inclusionary units. The Discretionary Review Application was mandatory to allow for the demolition and new construction. The Project complied with the Planning Code in all other respects. The Planning Commission did not grant a separate density bonus or any other significant concessions or incentives. ? ! !

don't make sense

to this
to ability
good

It should also be noted that the Letter of Determination request indicates that the Program threshold was raised to 10 units as part of Proposition C. Although part of the conversation regarding Proposition C, this particular change was made by Board of Supervisors Ordinance No. 219-12. This ordinance did not specifically apply to this project because it only applied to projects that had not received a first construction document prior to January 15, 2013.

As stated in the Letter of Determination request, on July 26, 2012, the Project Sponsor contacted the Mayor's Office of Housing and Community Development ("MOHCD") to pursue payment of the Affordable Housing Fee as an alternative to providing the affordable units on-site because it was a rental project. There is no mechanism within the Planning Code to allow for payment of the Affordable Housing Fee after the issuance of the first construction document. Planning Code Section 415.5(g)(3) states:

If a project sponsor fails to choose an Alternative before project approval by the Planning Commission or Planning Department or if a project becomes ineligible for an Alternative, the provisions of Section 415.5² shall apply.

In this case, the Zoning Administrator has determined that that the Project located at 248 Ocean Avenue is ineligible for the On-Site Alternative because it is a rental project that cannot qualify for a Costa Hawkins agreement. As such, the project is no longer eligible to provide units on-site and therefore must pay the Fee. Payment of the Fee is due prior to the issuance of first construction document or in this particular case: October 5, 2011; therefore, payment of the Fee is late. Planning Code Section 415.5(d) addresses recourse for late payment, including lien proceedings. Planning Code Section 415.5(d) states:

If, for any reason, the Affordable Housing Fee imposed pursuant to Section 415.5 remains unpaid following issuance of the first Certificate of Occupancy, the Development Fee Collection Unit at DBI shall institute lien proceedings to make the entire unpaid balance of the fee, plus interest and any deferral surcharge, a lien against all parcels used for the development project in accordance with Section 408 of this Article and Section 107A.13.15 of the San Francisco Building Code

This Letter of Determination request serves as written acknowledgement of the intent to pay the Fee. Interest on the Fee would begin accruing after the issuance of the first construction document, on October 5, 2011. Accrual would cease on November 18, 2013, when the Project Sponsor filed the Letter of

² Planning Code Section 415.5 refers to payment of the Affordable Housing Fee ("Fee").

Determination, formally requesting switching to payment of the Affordable Housing Fee. The Letter of Determination request suggests that interest and penalties should cease accrual on July 26, 2012, when the Project Sponsor contacted the Mayor's Office of Housing and Community Development (MOHCD). The Letter of Determination request serves as a formal commitment to pay the Affordable Housing Fee; thus that date of Letter of Determination request, November 18, 2013, will serve as the date when interest and penalty will cease accrual.

The Interest Rate is adjusted monthly and is based on the most current Pooled Fund Portfolio Statistic Report issued by the Treasurer/Tax Collector's Office. The Interest Rate used is the Earned Income Yield which represents the annualized rate based on one month of earnings. The interest rate applicable to this project is 0.002% per day.

MOHCD determines the Affordable Housing Fee and issued a Fee Determination Letter on January 28, 2014 stating that the Affordable Housing Fee for the Project is \$358,618. The first construction document for the Project was issued on October 5, 2011 and interest accrual ceased on November 18, 2013 (when the Project Sponsor filed the Letter of Determination request formally requesting switching to payment of the Affordable Housing Fee), resulting in 775 days subject to interest accrual. The interest total is: \$6,092. The table below includes the necessary payment due to MOHCD.

Affordable Housing Fee	\$358,618
Interest 0.002%/day for 775 days	\$6,092
Total due to MOHCD:\$364,710	

Planning Code Section 415.9 addresses enforcement procedures for projects that fail to meet Program requirements after issuance of first Certificate of Occupancy. The Project received its first Certificate of Occupancy on July 25, 2012. Planning Code Section 415.9 states:

If, after issuance of the first Certificate of Occupancy, the Commission or Department determines that a project sponsor has failed to comply with any requirement in Section 415.1et seq. or any reporting requirements detailed in the Procedures Manual, or has violated the Notice of Special Restrictions, the Commission, Department, or DBI may, until the violation is cured, (a) revoke the Certificate of Occupancy for the principal project or required affordable units, (b) impose a penalty on the project pursuant to Section 176(c) of this Code, and/or (c) the Zoning Administrator may enforce the provisions of Section 415.1et seq. through any means provided for in Section 176 of this Code.

Penalties may be assessed after the issuance of first Certificate of Occupancy under Section 176 of the Planning Code at a maximum rate of \$250.00 per day. The Project has failed to comply with the Program. As such, penalties began accrual on July 25, 2012 and ceased on November 18, 2013 (when the Project Sponsor filed the Letter of Determination request formally requesting switching to payment of the Affordable Housing Fee), resulting in 481 days subject penalty accrual. The Zoning Administrator and Director of Planning have determined that penalties should accrue at a reduced rate of \$50.00 per day for this violation. The reduced penalty rate is due to the size of the project. This Project would not be subject

Daniel Frattin
One Bush Street, Suite 600
San Francisco, CA 94104

June 25, 2014
Letter of Determination
1461 Pine Street

If a project sponsor fails to choose an Alternative before project approval by the Planning Commission or Planning Department or if a project becomes ineligible for an Alternative, the provisions of Section 415.5² shall apply.

In this case, the Zoning Administrator has determined that that the Project located at 1461 Pine Street is ineligible for the On-Site Alternative because it is a rental project that did not procure a Costa Hawkins agreement as currently required by Planning Code Section 415³. As such, the Project is no longer eligible to provide units on-site and must pay the Fee per Section 415.5(g)(3). Payment of the fee was due prior to the issuance of first construction document or in this particular case: August 24, 2011; therefore, payment of the Fee is late. Planning Code Section 408(a) addresses recourse for late payment, including lien proceedings. Planning Code Section 408(a) states:

Except in the case of a project for which MTA is responsible for the determination and collection of the TIDF under Section 411.9(d) of this Article, if a first construction document or first certificate of occupancy, whichever applies, is inadvertently or mistakenly issued prior to the project sponsor paying all development fees due and owing, or prior to the sponsor satisfying any development impact requirement, DBI shall institute lien proceedings to recover the development fee or fees, plus interest and any Development Fee Deferral Surcharge, under Section 107A.13.15 of the San Francisco Building Code.

The Project Sponsor contacted the Department on May 10, 2013 inquiring about switching the method of compliance with the Program to the Affordable Housing Fee. Department staff provided a preliminary interest and penalty calculation, which the Project Sponsor contested in a Memorandum submitted on September 11, 2013. After further discussion, the Department adopted a revised policy regarding the interest and penalty calculation. Your request suggests that interest and penalties should cease accrual on May 10, 2013, when the Project Sponsor first contacted the Planning Department. It has been determined that the Memorandum serves as a formal commitment to pay the Affordable Housing Fee; thus that date of Memorandum, September 11, 2013, will serve as the date when interest will cease accrual. The penalties will cease accrual on May 10, 2013, as requested.

Interest on the Fee commenced accrual after the issuance of the First Construction Document on August 24, 2011. The Interest Rate is adjusted monthly and is based on the most current Pooled Fund Portfolio Statistic Report issued by the Treasurer/Tax Collector's Office. The Interest Rate used is the Earned Income Yield which represents the annualized rate based on one month of earnings. The interest rate applicable to this project is 0.002% per day.

!!!
The Mayor's Office of Housing and Community Development (MOHCD) determines the Affordable Housing Fee and issued a Fee Determination Letter on May 6, 2014 stating that the Affordable Housing Fee for the Project is \$1,354,863. The first construction document for the Project was issued on August 24, 2011 and interest accrual ceased on September 11, 2013 (when the Project Sponsor filed the Memorandum

² Planning Code Section 415.5 refers to payment of the Affordable Housing Fee ("Fee").

³ A Costa Hawkins exception agreement may be pursued by the Project Sponsor to provide units on-site.



SAN FRANCISCO PLANNING DEPARTMENT

Reissued Letter of Determination

CORRECTED INTEREST CALCULATION

March 19, 2014

Melinda Arne Sarjapur
Reuben, Junius & Rose
One Bush Street, Suite 600
San Francisco, CA 94104

Site Address:	246 Ritch Street
Assessor's Block/Lot:	3776/092
Zoning District:	SLI (Service Light Industrial) District
Staff Contact:	Kate Conner, (415) 575-6914 or kate.conner@sfgov.org

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

Reception:
415.558.6378

Fac:
415.558.6488

Planning
Information:
415.558.6377

Dear Ms. Sarjapur:

This letter is in response to your request for a Letter of Determination regarding the property at 246 Ritch Street ("Project"). This parcel is located in the SLI (Service Light Industrial) Zoning District and 55-X Height and Bulk District. The Letter of Determination request is to resolve whether a previously approved Single Room Occupancy (SRO) Project may switch the method of compliance with the Inclusionary Affordable Housing Program ("Program") after issuance of the first construction document.

The Project was approved by the Planning Commission on June 17, 2010 (Case No. 2006.1348EKC - Motion No. 18108) to demolish the existing 4,130 square-foot building and to construct a five-story, 50-foot tall building with 19 market-rate SRO residential units. Conditions of Approval Nos. 6-11 of Motion 18108 address compliance with the Program and mandate that three of the SRO units be provided as on-site affordable units. Motion 18108 stated that the units are ownership-only unless the Project Sponsor enters in an agreement with the City in order to provide rental units. This agreement ("Costa Hawkins Agreement") would state that the Project is not subject to the Costa-Hawkins Rental Housing Act based upon a received density bonus or concessions (as defined in California Government Code Section 65915 et seq.) The Project received its first construction document on August 14, 2012.

As stated in the Letter of Determination Request, the owners contacted the Planning Department on August 13, 2013 to request a determination of the Project's eligibility to enter into a Costa-Hawkins Agreement. On August 21, 2013 the Planning Department determined that the Project did not qualify for a Costa Hawkins Agreement because the Project did not receive a density bonus, concession, or incentive for the production of on-site inclusionary units. The Conditional Use Application was to allow for a type of housing (SRO units) to be constructed within the SLI Zoning District. The Project complied with the Planning Code in all other respects. The Planning Commission did not grant a separate density bonus because SRO's are permitted by the Planning Code to have a higher density and the Planning Commission did not grant any other significant concessions or incentives.

Melinda Anne Sarjapur
Reuben, Junius & Rose
One Bush Street, Suite 600
San Francisco, CA 94104

March 19, 2014
Letter of Determination
246 Ritch Street

Subsequent to this decision, the Project Sponsor contacted the Planning Department to pursue payment of the Affordable Housing Fee as an alternative to providing the affordable units on-site because it was a rental project. There is no mechanism within the Planning Code to allow for payment of the Affordable Housing Fee after the issuance of the first construction document. Planning Code Section 415.5(g)(3) states:

If a project sponsor fails to choose an Alternative before project approval by the Planning Commission or Planning Department or if a project becomes ineligible for an Alternative, the provisions of Section 415.5 shall apply.

Planning Code Section 415.5 refers to payment of the Affordable Housing Fee ("Fee"). The Zoning Administrator has determined that that the Project located at 246 Ritch Street is ineligible for the On-Site Alternative because it is a rental project that cannot qualify for a Costa Hawkins agreement. The project is no longer eligible to provide units on-site and therefore must pay the Fee. Payment of the fee is due prior to the issuance of first construction document or in this particular case: August 14, 2012.¹ Payment of the Fee is late. Planning Code Section 415.5(d) addresses recourse for late payment, including lien proceedings. Planning Code Section 415.5(d) states:

If, for any reason, the Affordable Housing Fee imposed pursuant to Section 415.5 remains unpaid following issuance of the first Certificate of Occupancy, the Development Fee Collection Unit at DBI shall institute lien proceedings to make the entire unpaid balance of the fee, plus interest and any deferral surcharge, a lien against all parcels used for the development project in accordance with Section 408 of this Article and Section 107A.13.15 of the San Francisco Building Code

Although the Project has not received its first Certificate of Occupancy, this Letter of Determination request serves as written acknowledgement of the intent to pay the Fee. Interest on the Fee would begin accruing after the issuance of the first construction document, on August 14, 2012. Accrual would cease on September 23, 2013, when the Project Sponsor filed the Letter of Determination, formally requesting switching to payment of the Affordable Housing Fee.

The Interest Rate is adjusted monthly and is based on the most current Pooled Fund Portfolio Statistic Report issued by the Treasurer/Tax Collector's Office. The Interest Rate used is the Earned Income Yield which represents the annualized rate based on one month of earnings. The interest rate applicable to this project is 0.002% per day.

The Mayor's Office of Housing and Community Development (MOHCD) determines the Affordable Housing Fee and issued a Fee Determination Letter on August 1, 2013 stating that the Affordable Housing Fee for the Project is \$ 683,818.00. The first construction document for the Project was issued on

¹ Building Permit Application No. 2007.01.05.1074 received its first construction document on August 14, 2012. This fee cannot be deferred. In order to defer payment of the Affordable Housing Fee, the Project Sponsor would have had to submit a deferral request to the Department of Building Inspection. The deferral option expired on July 1, 2013.

GOVERNMENT CODE

SECTION 65915-65918

65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development as defined in Section 4100 of the Civil Code for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), the applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), or (D) of paragraph (1).

(3) For the purposes of this section, "total units" or "total dwelling units" does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of

Balboa Reservoir Survey Results

Total # of surveys collected=200 (as of 2-5-2016)

	Agree	Disagree
1. Number of Units	177	19
2. Open Space	185	12
3. Height	183	17
4. Affordability	185	14
5. Own vs. Rent	187	12
6. Parking	178	19
6 (a) Replacement Parking for CCSF	187	11
7. Balboa Park Station Area Plan & CCSF Master Plan Transportation Infrastructure	188	11

Notation: some surveys did not check agree or disagree on one or more items

WESTWOOD PARK



Survey:

1. **Number of Units:** The City Staff [i.e., *City Planning* and the *Mayor's Office of Economic and Workforce Development* ("MOEWD")] says 500 units on the BR site is only a 'starting point', not the maximum. Your WPA Board recommendation is a maximum of 500 units. The maximum of 500 units is part of the larger Balboa Park Station Park Area Plan which already agreed to a **65% increase in population density** for the Plan Area. Do you agree or disagree with the Board position:

Agree Disagree

2. **Open Space:** City Staff has proposed 4 acres of open space total (not including parking), which includes 1.5 contiguous acres of a 'large open space' (i.e., "Park"). The site is 17.7 acres. Your WPA Board recommendation is a minimum of 5 acres of open space, including a 1.5 acre Park. Do you agree or disagree with the Board position:

Agree Disagree

3. **Height:** How high should the new buildings be? The current zoning for the site is 40 feet across the site, with a small portion on the eastern boundary of 65 feet. The City wants 25 feet on the western part up to 85 feet on the eastern part. Your WPA Board recommendation is for a maximum of 28 feet closest to Plymouth Ave resident's backyards and 40 feet on the rest of the site. Do you agree or disagree with the Board position:

Agree Disagree

4. **Affordability:** The City has proposed 33% affordable housing minimum (broken down by: 15% to low income and 18% to low and middle income) and wants the developer to maximize the amount of affordable housing for up to 50% affordable housing units on the site. Your WPA Board recommendation is that any amount of affordable housing over the 33% should be solely allocated to the Middle Class (between 120% and 150% AMI), since this is the income group that is being least served, and is currently being pushed out of the City. Do you agree or disagree with the Board's recommendation:

Agree Disagree

5. **Own vs. Rent:** City Staff has indicated the developer should "provide a mix of rental and ownership units" for the full site. Your WPA Board's recommendation is that at least 50% of the affordable units should be owned. Do agree or disagree with the Board's recommendation?

Agree Disagree

(con't)

6. **Parking:** The City Staff has proposed 1 parking space for every two units, with a dedicated 1 space for 2 bedroom units (meaning some units will have no parking). Your WPA Board's recommendation is for 1 parking space for each unit, regardless of how many bedrooms the units have. Do you agree or disagree with the Board's recommendation?

Agree Disagree

6(a). Replacement Parking for CCSF: As it is now, there is no clear City Staff or CCSF policy for how the 1,000 CCSF parking spaces on the site will be replaced. If the 1,000 spaces are not replaced, it is very likely that CCSF students will park in Westwood Park and Sunnyside residential neighborhoods. Your WPA Board's recommendation is that City Staff, CCSF and MOEWD need to clearly define in the RFP how the 1,000 parking spaces now on the site are going to be replaced and by whom. Do you agree or disagree with the Board's recommendation?

Agree Disagree

7. **Balboa Park Station Area Plan and CCSF Master Plan Transportation Infrastructure:** As it is now, City Staff does not address funding or implementation of any necessary Master Plan Transportation and related Infrastructure improvements as a requirement of the development. This means the development could happen without the necessary transportation and infrastructure improvements, which would place an undue burden on surrounding neighborhoods parking, traffic and congestion conditions. Your WPA Board's recommendation is that the larger Transportation Infrastructure improvements need to be planned, funded, and implemented before any Balboa Reservoir residential or mixed use development is final. Do you agree or disagree with the Board's recommendation?

Agree Disagree

Additional Comments to Survey:

IF YOU WOULD LIKE US TO PROVIDE YOU WITH UPDATES ON THIS IMPORTANT MATTER, PLEASE PROVIDE YOUR CONTACT INFORMATION AND CIRCLE YOUR PREFERRED CONTACT METHOD:

E-mail address: _____

Mailing Address: _____

Telephone: _____

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

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

Period: 1/14/16 – 2/9/16

Wong, Phillip (ECN)

From: ajahjah@att.net
Sent: Saturday, January 30, 2016 8:49 AM
To: Rich, Ken (ECN); Lesk, Emily (ECN); Shaw, Jeremy (CPC); Martin, Michael (ECN); Exline, Susan (CPC); BRCAC (ECN); Wendy Aragon; Wong, Phillip (ECN)
Cc: SNA Brick; wpa.balboa.reservoir@westwoodpark.com; Low, Jen (BOS); Yee, Norman (BOS)
Subject: Fw: Written Comment for Item II.A Balboa Reservoir, 1/28/2016 BOT Meeting

FYI,

On Wed, Jan 27, 2016 at 4:05 PM, ajahjah@att.net
<ajahjah@att.net> wrote:

1/28/2016 BOT WRITTEN COMMENT:
AGENDA ITEM I.A: BALBOA RESERVOIR

Regarding Chancellor Lamb's presentation at the 12/14/2015 Balboa Reservoir Community Advisory Committee Meeting:

I was encouraged that Chancellor Lamb defended CCSF's educational mission against OEWD/Planning's single-minded attempt to steamroll Reservoir housing at the expense of student access to education. Chancellor Lamb forthrightly stated: "The removal of the reservoir site used for many years as student parking is potentially a huge impact to the college." Grassroots CCSF folks and neighbors have been repeating this over and over, but it has fallen on deaf ears.

The Mayor's Office may be putting strong pressure on CCSF Administration to cave in to what they want. CCSF Administration must be firm in protecting CCSF interests. CCSF Admin needs to represent the interests of the students, and not buckle under to developer interests.

At the December 2015 Reservoir CAC Meeting, Trustee Davila did not shy away from bringing up the fact that Admin had been meeting with City Staff without her knowledge.

I feel that the purpose of those "shadowy" meetings between SFCCD Admin and City agencies was for the City to pressure City College staff to go along with the Reservoir Project with minimal fuss. My guess is that OEWD/Planning want SFCCD to go along with their inappropriate push to invert the fundamental CEQA concept by having CCSF and the neighborhoods accommodate/mitigate the impacts of the BR Project, instead of the other way around.

Judging by the CCSF Principles & Parameters (P & P) put forward by OEWD/Planning, perhaps ex-administrators Tyler, Zacovic, and Sturner gave away the store. **The December 2015 CCSF P & P document does not substantively advocate or protect CCSF interests.** The P & P refers to collaboration, but I think it's

apparent that the document shows the BR Project to be the dominant party with CCSF doing the collaborating, against CCSF's own interests.

Regarding SFCCD's fundamental relationship/stance on Balboa Reservoir Project:

That Brigitte, a BR CAC member, was unaware of the Admin meetings with OEWD/Planning points to a problem that needs to be addressed.

As you should all know, ACCJC Standards requires BOT to let Chancellor/Admin Staff administer without BOT intervening in daily operations. However, ACCJC Standards also require Chancellor/ Admin to make decisions according to broad policy direction from BOT.

BOT needs to set broad policy directives regarding Reservoir Project for Chancellor/Admin to follow so that Admin doesn't buckle under Mayor's pressure at the expense of CCSF/student interests:

- CCSF is the central educational, economic, and cultural focus of the neighborhood. Its interests cannot be allowed to be made secondary to BR Project.
- CCSF's educational mission makes it a target destination for students, staff, faculty. This simple fact needs to be recognized as being desirable, even if CCSF students need to drive to school.
- Reservoir Project must take responsibility for mitigation of its own significant cumulative impacts on CCSF, traffic and parking. The burden of mitigation should not be shifted onto CCSF and the neighborhoods.
- Current Reservoir student parking is an existing physical condition. This physical reality cannot be allowed to be effectively ignored by OEWD /Planning. Removal of student parking will have significant impact on student enrollment and attendance.
- The "solutions" to circulation, parking, congestion problems proposed by OEWD/Planning cannot be simply based on wishful thinking and "creative solutions". Conjecture and hope is not a solution to student access to education.

SFCCD BOT and Administration must adhere to its fundamental responsibility to promote the interests of its students. The interests of students must come before developer/Mayoral interests.

Submitted by:

Alvin Ja, community member

Wong, Phillip (ECN)

From: Caryl Ito <carylito@aol.com>
Sent: Saturday, January 30, 2016 8:59 AM
To: ajahjah@att.net
Cc: BRCAC (ECN); sunnyside.president@gmail.com; Board@westwoodpark.com; bd@brigittedavila.com; Robert Muehlbauer; Howard Chung; Rebecca Lee; Christine Godinez; Jon Winston; Wendy Aragon; Lesk, Emily (ECN); Martin, Michael (ECN); Shaw, Jeremy (CPC); Rich, Ken (ECN); Exline, Susan (CPC); Shaw, Linda (MYR); R. Mandelman; Thea Selby; Amy Bacharach; Brigitte Davila; Steve Ngo; John Rizzo; Bouchra Simmons; Alex Randolph; Susan Lamb; Steve Bruckman; mlam@ccsf.edu; Ronald Gerhard; Jeff Hamilton; SNA Brick; wpa.balboa.reservoir@westwoodpark.com; Low, Jen (BOS); Yee, Norman (BOS)
Subject: Re: 1/28/2016 SF Community College Board of Trustees meeting

Thanks for sharing your observations about the CCSF trustee meeting

I have worked yrs with Ken Rich on another neighborhood preservation plan and Ken is very Sr and experienced , thoughtful planner.

Jon Winston is speaking his own views and the BRCAC has yet to fully discuss and move on their recommendations --- he has one vote on CAC and doesn't seem to get the enormity of the student parking issues.

Anyway , also the slow down of this process noted by Ken and the Mayor is also supported by Norman As you all recall the MOED staff thought the RFP would go out in Sept and here we are Feb and details of parameters have yet to be finalized by CAC

As others noted this is not a sprint but a marathon

Caryl

Sent from my iPhone

On Jan 30, 2016, at 8:36 AM, "ajahjah@att.net" <ajahjah@att.net> wrote:

BR CAC, OEWD, Planning--

The 1/28/2016 SFCCD Board of Trustees (BOT) meeting took up the issue of the Balboa Reservoir Project.

Planning and OEWD made a presentation at the meeting. Both the Board and members of the public presented their thoughts. The video of the BOT meeting is available at: http://ccsf.granicus.com/MediaPlayer.php?view_id=2&clip_id=570

This meeting was the first time that CCSF BOT had gotten engaged in the Reservoir Project.

Prior to this meeting the so-called collaboration between City Staff and CCSF had been with CCSF administrative staff who were acting independently-- without BOT oversight and direction. In fact, BRCAC member/SFCCDTrustee Davila did not even know about the meetings that had been taking place between City agencies and SFCCD Administration.

We were informed by Trustee Randolph that Mayor Ed Lee had asked that the pace of Balboa Reservoir Project be slowed down to accommodate engagement by the SFCCD Board.

As we know as ordinary citizens who don't pay to play, the Principles and Parameters have been presented to us, the community, essentially as fait accompli. The revisions that have been made to the Principles and Parameters have so far been only changes in minor details. Community input regarding big picture/ high-level changes to Principles & Parameters have essentially been ignored and bypassed.

Grassroots folks have been incessantly raising the issue of parking and traffic. Yet up until now, these concerns have been relegated by City Staff to simply be a matter of discouraging private automobile by making parking more difficult and expensive. This has constituted City Staff's simple-minded solution to the issue of parking and congestion impacts on City College stakeholders and neighbors.

At the 1/28/2016 BOT meeting, many trustees brought up the importance of parking and congestion for students. Trustees raised the concern about the impacts that removal of existing parking would have on the students that CCSF serves [CCSF, unlike 4-year schools, is a commuter school. Unlike 4-year college students, many CCSF students--especially those economically disadvantaged--have to juggle family, work and school within a highly constrained timeframe.]

In response to Trustees' input and concern for student parking at the BOT meeting, for the first time, OEWD has begun to give some attention to this concern. For the first time at last, the City agencies have expressed openness to go beyond OEWD/Planning's consistent position (blithely ignoring community concerns) of solving this issue by making parking difficult and expensive.

Ken Rich, OEWD Director of Development, stated to the Board that he:

- was cognizant of the needs of the college
- was looking for direction from SFCCD BOT
- "Nothing is set in stone; nothing is decided."
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However, contrary to what Director Rich said, BRCAC member Jon Winston held fast to the stance of getting rid of parking to achieve an ideal of reducing car usage without considering the real world effects on student attendance.

During public comment, BRCAC member Winston persisted in the original OEWD/Planning POV. Mr. Winston re-stated the done-deal stance of OEWD/Planning: "A lot of these parking spots are going away, no matter what happens...It is incumbent on City College to limit the amount of parking within the Reservoir. We're going to have 60% of residents not driving. That's reality."

My own assessment of Mr. Winston's statement:

1. This "reality" is actually an imposed dictate unsupported by the broad CCSF, Ingleside, Sunnyside, Westwood Park community.

2. This conflates parking with car ownership. Not driving very much is not the same as not owning a car. When a car owner takes transit, bike or walk, the car must still be parked somewhere.

(For instance, I almost always walked and use transit when I went to work, but I still own a car.)

3. CCSF, Riordan, Lick Wilmerding, Balboa High, Denman Middle, Sunnyside Elementary, St. Finn Barr are target destinations for education. Anti-car zealotry must not undermine educational access.

I expect that City staff will align their work with Ken Rich's acknowledgement of the needs of CCSF in providing student access to educational opportunity instead of restricting access.

FYI, I will forward my written public comment regarding Balboa Reservoir that was submitted to SFCCD BOT and Administration separately.

Submitted by:

Alvin Ja
Sunnyside resident

Wong, Phillip (ECN)

From: jonathan winston <jon.winston.brcac@outlook.com>
Sent: Saturday, January 30, 2016 4:16 PM
To: ajahjah@att.net; BRCAC (ECN); sunnyside.president@gmail.com; Board@westwoodpark.com; bd@brigittedavila.com; Robert Muehlbauer; Howard Chung; Rebecca Lee; Christine Godinez; Wendy Aragon; Lesk, Emily (ECN); Martin, Michael (ECN); Shaw, Jeremy (CPC); Rich, Ken (ECN); Exline, Susan (CPC)
Cc: Shaw, Linda (MYR); R. Mandelman; Thea Selby; Amy Bacharach; Brigitte Davila; Steve Ngo; John Rizzo; Bouchra Simmons; Alex Randolph; Susan Lamb; Steve Bruckman; mlam@ccsf.edu; Ronald Gerhard; Jeff Hamilton; SNA Brick; wpa.balboa.reservoir@westwoodpark.com; Low, Jen (BOS); Yee, Norman (BOS)
Subject: RE: CORRECTED VERSION: 1/28/2016 SF Community College Board of Trustees meeting

If I may respond,

My viewpoint is that to ask for less congestion and, at the same time demand lots of parking is contradictory. Every parking space we add to the mix will generate more traffic on streets that are already at capacity.

This is why the housing at Octavia Blvd is zoned to have a maximum of .5 parking spots per unit. The new apartments going up at Mission and 25th will have a ratio of .33:1 and parcel O at 455 Fell will have zero parking. Mercy Housing adjacent to the Reservoir is a five story building with seventy one units and only four parking spots.

The current parameters for the Reservoir call for an overall .5:1 ratio. Family housing is proposed to have 1:1 while other units will have less. Parking will be "unbundled." Car-free residents will not have to pay for parking but those who choose to house a car can pay for a spot. There has also been talk of sharing parking in the Reservoir among residents and students.

Impact fees levied to Reservoir developers must also be used at the point of impact-- right here in the neighborhood to beef up transit services and improve pedestrian conditions along the route to Bart.

My position at the BOT meeting was that CCSF will need to cope with less parking if this much needed housing is built. Exceptionally low fees for plentiful parking has over the years facilitated and encouraged driving to a campus that is served by Bart and six Muni lines. By promoting realistic parking pricing and instituting incentives like Class Passes, bike share, a shuttle system that will take students from Bart directly to class and childcare, CCSF could get its students and faculty to class efficiently and without causing congestion. Those that truly need to drive would still have that choice with the remaining parking.

At the meeting I said the development of the Reservoir is a reality for several reasons. Firstly, in a city that is in the midst of an affordable housing crises, it is a gross misallocation of resources for seventeen acres of public owned land in the middle of a city not to be used to ease the problem. Proposition K mandated lots of new and refurbished housing. While there might be some unease about change in the neighborhood, the city at large voted by seventy five percent to pass the proposition. (By the way, the city also defeated Proposition L in 2014 by the same majority, refuting an attack on the city's transit first policy) Also the land, which has never

been used as a reservoir and has been lent to CCSF rent free for years must be sold by the PUC at market. This is its legal responsibility to its ratepayers.

For these reasons I ask that we work together to accept the challenge as stewards of a city where people of all incomes can live, get around and improve themselves with an education.

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Seat 9, at large BRCAC

Here are some articles to read:

<http://goo.gl/p0Rzbc>
<http://goo.gl/g5omHx>

Date: Sat, 30 Jan 2016 18:23:57 +0000

From: ajahjah@att.net

To: brcac@sfgov.org; sunnyside.president@gmail.com; Board@westwoodpark.com; bd@briggitedavila.com; rmuehlbauer@live.com; hnychung@yahoo.com; tsaiweilee@hotmail.com; cgodinez@lwhs.org; jon.winston.brcac@outlook.com; wendolyn.aragon@gmail.com; emily.lesk@sfgov.org; michael.martin@sfgov.org; jeremy.shaw@sfgov.org; ken.rich@sfgov.org; susan.exline@sfgov.org

CC: lshaw@ccsf.edu; rafaelmandelman@yahoo.com; thea@nextstepsmarketing.com; abacharach@ccsf.edu; bdavila@ccsf.edu; stengengo@ccsf.edu; jrizzo@sprintmail.com; boucheron@europe.com; alex@alexrandolph.com; slamb@ccsf.edu; sbruckman@ccsf.edu; mlam@ccsf.edu; rgerhard@ccsf.edu; jhamilton@ccsf.edu; brc.sna@gmail.com; wpa.balboa.reservoir@westwoodpark.com; jen.low@sfgov.org; norman.yee@sfgov.org

Subject: CORRECTED VERSION: 1/28/2016 SF Community College Board of Trustees meeting

Hi Phillip and all--

I have corrected an error in my initial e-mail. Please use this submission for the BR Project record, instead of the version that I had sent out at 8:36 am on 1/30/2016.

Sorry for the inconvenience.

aj

From: "ajahjah@att.net" <ajahjah@att.net>

To: "brcac@sfgov.org" <brcac@sfgov.org>; "sunnyside.president@gmail.com" <sunnyside.president@gmail.com>; "

Subject: 1/28/2016 SF Community College Board of Trustees meeting

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Submitted by:

Alvin Ja
Sunnyside resident

Wong, Phillip (ECN)

From: ajahjah@att.net
Sent: Sunday, January 31, 2016 6:42 AM
To: jonathan winston; BRCAC (ECN); sunnyside.president@gmail.com; Board@westwoodpark.com; bd@brigittedavila.com; Robert Muehlbauer; Howard Chung; Rebecca Lee; Christine Godinez; Wendy Aragon; Lesk, Emily (ECN); Martin, Michael (ECN); Shaw, Jeremy (CPC); Rich, Ken (ECN); Exline, Susan (CPC)
Cc: Shaw, Linda (MYR); R. Mandelman; Thea Selby; Amy Bacharach; Brigitte Davila; Steve Ngo; John Rizzo; Bouchra Simmons; Alex Randolph; Susan Lamb; Steve Bruckman; mlam@ccsf.edu; Ronald Gerhard; Jeff Hamilton; SNA Brick; wpa.balboa.reservoir@westwoodpark.com; Low, Jen (BOS); Yee, Norman (BOS); Saveccsf Info
Subject: Trade-offs

BRCAC member Winston--

Thank you for your response.

On the global scale, I think our viewpoints might be possibly be similar:
I believe that our country's consumer culture promotes unnecessary, disproportionate and profligate use of the world's resources. And I believe our car culture constitutes a dominant part in depletion of global natural resources.

However, on the local scale, our viewpoints diverge significantly.

I believe the importance of CCSF to the entire Bay Area and its students overrides, by far, the importance of getting our CCSF students to stop driving single-occupancy vehicles.

Fundamental environmental review law and principles call for assessment of a project's impacts on the existing setting. SF Planning Dept has a guideline/Checklist for an Initial Study for projects to analyze "immediate and long-range specific and cumulative impacts of a proposed project on its surrounding physical environment" (source: SF Planning's 3/17/2011 document "Environmental Review Process Summary").

One of the environmental factors listed in the Planning Department's "Initial Study Checklist" is "Public Services."

The many schools (CCSF, Riordan, Lick-Wilmerding, Balboa, Denman, Sunnyside, St. Finn Barr, Aptos) near the Reservoir are public services. If the Checklist is followed, the Initial Study that lays the groundwork for the CEQA Environmental Impact Report should assess impacts on the many schools in the area.

FUNDAMENTAL FLAW: IMPACT ON PUBLIC SERVICES NOT ASSESSED

The 12/19/2014 AECOM Initial Study, "Balboa Reservoir Study, Task 1: Planning Context" fails to cover the category of "Public Services" in its analysis of impacts. This constitutes a fundamental and critical flaw in a foundational document of the Balboa Reservoir Project.

Jon,

Ken Rich correctly said: "**All parking is not alike**. City College is not like a highrise downtown, atop of BART." He was able to see the immediate context of parking's impact on CCSF's educational mission.

When you say "CCSF will need to cope with less parking", you mirror the OEWD/Planning's fundamental error of failing to see the importance of the various schools'--but especially CCSF's-- as critical public service.

I have repeatedly pointed out in written submissions, as well as in oral comments, that the various Principles & Parameters have been put forward with an insular point-of-view of seeing the Balboa Reservoir Project to be above reproach and untouchable, instead of properly assessing the BR Project within the context of the existing setting and surrounding environment.

OEWD/Planning has turned CEQA law and principles on its head by calling for CCSF students and stakeholders to accommodate impacts brought on by the BR Project. The BR Project's inversion of fundamental CEQA principles needs to be returned to right-side up to conform properly with environmental review law.

I ask that OEWD/Planning accept the challenge-- as required by fundamental Environmental Review principles and law-- to take responsibility in mitigating the substantial impacts that the BR Project will inflict on the **public service to the entire Bay Area** that CCSF and other schools provide in terms of access to education.

The single-minded and unrealistic expectation that residents will only own 250 cars out of 500 housing units (with 1,000 adult residents?) on top of the physical elimination of the existing student parking will surely cause students to go to other schools like Skyline, CSM....or worse yet, drop out of school.

Your references to the Streetsblog pieces actually support my contention. The Brustein piece "Parking: If You Build it They Will Come...In Their Cars" says: *"..when it is less convenient or more expensive to drive, traffic doesn't just pile up elsewhere. Rather, traffic disappears...When it is no longer convenient to drive, especially in a big city with lots of other travel options, a number of commuters will decide to take a different mode of transportation, travel at a different time of day, car-pool, make fewer, more efficient trips, or simply stay at home."*

In the context of CCSF, the Streetsblog passage would translate to this: Students who have to deal with juggling family, jobs, and chopped-up school schedules (due to cutbacks in class offerings) will drop out of school.

Is this a trade-off that you and the Mayor want? Is "Let them eat cake" your solution? I hope not.

You state: "... plentiful parking has over the years facilitated and encouraged driving to a campus." This statement fails to account for the fact--the reality--that when parking was minimal prior to the Reservoir being opened up for student parking, that students still drove to school causing blocked driveways in the neighborhood.

OEWD Director Ken Rich's more reality-based responses to BOT made some sense the other night. I hope his words will be followed by action.

FYI, here's an excerpt from my public comment to BOT which I hope you will consider with an open mind:

BOT needs to set broad policy directives regarding Reservoir Project for Chancellor/Admin to follow so that Admin doesn't buckle under Mayor's pressure at the expense of CCSF/student interests:

- *CCSF is the central educational, economic, and cultural focus of the neighborhood. Its interests cannot be allowed to be made secondary to BR Project.*

- *CCSF's educational mission makes it a target destination for students, staff, faculty. This simple fact needs to be recognized as being desirable, even if CCSF students need to drive to school.*
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- *The "solutions" to circulation, parking, congestion problems proposed by OEWD/Planning cannot be simply based on wishful thinking and "creative solutions". Conjecture and hope is not a solution to student access to education.*

SFCCD BOT and Administration must adhere to its fundamental responsibility to promote the interests of its students. The interests of students must come before developer/Mayoral interests.

And Jon, fyi, I am much more "Transit First" than you think. I probably have walked and used transit far more than most people have, long before sustainability got trendy, fashionable, politically correct. Furthermore, I worked as a MUNI Operator/Inspector/Instructor for 33 years and am intimately familiar with the lines and traffic conditions in the Balboa Park area: K, J, M, 29, 43, 8, 54, 88, 23, 36; not to mention city-wide.

Regarding housing: I'm also all for affordable housing. I was involved at the very beginning of the fight against evictions in the International Hotel struggle in 1969.

I also opposed the sale of public lands back in the late 1960's (the old Hall of Justice on Kearny across from Portsmouth Square) to private developers, perhaps at "market rate", (now a Hilton Hotel) in exchange for the "public benefit" of one (1) floor given to the Chinese Culture Foundation (which has since been reduced to half-a-floor). Who came out ahead in that exchange? The public, or the private interests?

You state: "Also the land, which has never been used as a reservoir and has been lent to CCSF rent free for years must be sold by the PUC at market."

Is this deja-vu of the old Hall of Justice-Hilton Hotel transfer of public assets to the private sector? Your statement is a local manifestation of neo-liberal economic thinking which has promoted transfer of public assets to private interests all over the world in Greece, Asia, Latin America.

I urge you, as an at-large representative of the people, to open your mind to seriously consider ideas and viewpoints that are different from your own individual POV.

Thank you for your consideration.

--aj

on.brcac@outlook.com>

To: "ajahjah@att.net" <ajahjah@att.net>; "brcac@sfgov.org" <brcac@sfgov.org>; "sunnyside.president@gmail.com" <sunnyside.president@gmail.com>; "Board@westwoodpark.com" <board@westwoodpark.com>; "bd@brigittedavila.com" <bd@brigittedavila.com>; Robert Muehlbauer <rmuehlbauer@live.com>; Howard Chung <hnchung@yahoo.com>;

Rebecca Lee <tsaiweilee@hotmail.com>; Christine Godinez <cgodinez@lwhs.org>; Wendy Aragon <wendolyn.aragon@gmail.com>; Emily Lesk <emily.lesk@sfgov.org>; Michael Martin <michael.martin@sfgov.org>; Jeremy Shaw <jeremy.shaw@sfgov.org>; "ken.rich@sfgov.org" <ken.rich@sfgov.org>; Exline Sue <susan.exline@sfgov.org>

Cc: Linda Shaw <lshaw@ccsf.edu>; R. Mandelman <rafaelmandelman@yahoo.com>; Thea Selby <thea@nextstepsmarketing.com>; Amy Bacharach <abacharach@ccsf.edu>; Brigitte Davila <bdavila@ccsf.edu>; Steve Ngo <stevengo@ccsf.edu>; John Rizzo <jrizzo@sprintmail.com>; Bouchra Simmons <boucheron@europe.com>; Alex Randolph <alex@alexrandolph.com>; Susan Lamb <slamb@ccsf.edu>; Steve Bruckman <sbruckman@ccsf.edu>; "mlam@ccsf.edu" <mlam@ccsf.edu>; Ronald Gerhard <rgerhard@ccsf.edu>; Jeff Hamilton <jhamilton@ccsf.edu>; SNA Brick <brc.sna@gmail.com>; "wpa.balboa.reservoir@westwoodpark.com" <wpa.balboa.reservoir@westwoodpark.com>; Low Jen BOS <jen.low@sfgov.org>; Norman Yee <norman.yee@sfgov.org>

Sent: Saturday, January 30, 2016 4:15 PM

Subject: RE: CORRECTED VERSION: 1/28/2016 SF Community College Board of Trustees meeting

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From: ajahjah@att.net

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jon.winston.brcac@outlook.com; wendolyn.aragon@gmail.com; emily.lesk@sfgov.org;

michael.martin@sfgov.org; jeremy.shaw@sfgov.org; ken.rich@sfgov.org; susan.exline@sfgov.org

CC: lshaw@ccsf.edu; rafaelmandelman@yahoo.com; thea@nextstepsmarketing.com; abacharach@ccsf.edu;

bdavila@ccsf.edu; stengengo@ccsf.edu; jrizzo@sprintmail.com; boucheron@europe.com;

alex@alexrandolph.com; slamb@ccsf.edu; sbruckman@ccsf.edu; mlam@ccsf.edu; rgerhard@ccsf.edu;

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Subject: CORRECTED VERSION: 1/28/2016 SF Community College Board of Trustees meeting

Hi Phillip and all--

I have corrected an error in my initial e-mail. Please use this submission for the BR Project record, instead of the version that I had sent out at 8:36 am on 1/30/2016.

Sorry for the inconvenience.

aj

From: "ajahjah@att.net" <ajahjah@att.net>

To: "brcac@sfgov.org" <brcac@sfgov.org>; "sunnyside.president@gmail.com" <sunnyside.president@gmail.com>; "

Subject: 1/28/2016 SF Community College Board of Trustees meeting

BR CAC, OEWD, Planning--

The 1/28/2016 SFCCD Board of Trustees (BOT) meeting took up the issue of the Balboa Reservoir Project.

Planning and OEWD made a presentation at the meeting. Both the Board and members of the public presented their thoughts. The video of the BOT meeting is available

at: http://ccsf.granicus.com/MediaPlayer.php?view_id=2&clip_id=570

This meeting was the first time that CCSF BOT had gotten engaged in the Reservoir Project.

Prior to this meeting the so-called collaboration between City Staff and CCSF had been with CCSF administrative staff who were acting independently-- without BOT oversight and direction. In fact, BRCAC member/SFCCD Trustee Davila did not even know about the meetings that had been taking place between City agencies and SFCCD Administration.

We were informed by Trustee Randolph that Mayor Ed Lee had asked that the pace of Balboa Reservoir Project be slowed down to accommodate engagement by the SFCCD Board.

As we know as ordinary citizens who don't pay to play, the Principles and Parameters have been presented to us, the community, essentially as fait accompli. The revisions that have been made to the Principles and Parameters have so far been only changes in minor details. Community input regarding big picture/ high-level changes to Principles & Parameters have essentially been ignored and bypassed.

Grassroots folks have been incessantly raising the issue of parking and traffic. Yet up until now, these concerns have been relegated by City Staff to simply be a matter of discouraging private automobile by making parking more difficult and expensive. This has constituted City Staff's simple-minded solution to the issue of parking and congestion impacts on City College stakeholders and neighbors.

At the 1/28/2016 BOT meeting, many trustees brought up the importance of parking and congestion for students. Trustees raised the concern about the impacts that removal of existing parking would have on the students that CCSF serves [CCSF, unlike 4-year schools, is a commuter school. Unlike 4-year college students, many CCSF students--especially those economically disadvantaged--have to juggle family, work and school within a highly constrained timeframe.]

In response to Trustees' input and concern for student parking at the BOT meeting, for the first time, OEWD has begun to give some attention to this concern. For the first time at last, the City agencies have expressed openness to go beyond OEWD/Planning's consistent position (blithely ignoring community concerns) of solving this issue by making parking difficult and expensive.

Ken Rich, OEWD Director of Development, stated to the Board that he:

- was cognizant of the needs of the college
- was looking for direction from SFCCD BOT
- "Nothing is set in stone; nothing is decided."
- "All parking is not alike. City College is not like a highrise downtown, atop of BART."
- would "work carefully to...incentivize those on the fence between driving and transit...while still making sure that there's room enough for people who do need to drive."

However, contrary to what Director Rich said, BRCAC member Jon Winston held fast to the stance of getting rid of parking to achieve an ideal of reducing car usage without considering the real world effects on student attendance.

During public comment, BRCAC member Winston persisted in the original OEWD/Planning POV. Mr. Winston re-stated the done-deal stance of OEWD/Planning: "A lot of these parking spots are going away, no matter what happens...It is incumbent on City College to limit the amount of parking within the Reservoir. We're going to have 60% of residents not driving. That's reality."

My own assessment of Mr. Winston's statement:

1. This "reality" is actually an imposed dictate unsupported by the broad CCSF, Ingleside, Sunnyside, Westwood Park community.

2. This conflates "not driving" with not owning a car. Lessening single-occupant vehicle usage is not the same as not owning a car. When a car owner takes transit, bike or walk, the car must still be parked somewhere. (For instance, I almost always walked and used transit when I went to work, but I still owned a car.)
3. CCSF, Riordan, Lick Wilmerding, Balboa High, Denman Middle, Sunnyside Elementary, St. Finn Barr are target destinations for education. Anti-car zealotry must not undermine educational access.

I expect that City staff will align their work with Ken Rich's acknowledgement of the needs of CCSF in providing student access to educational opportunity instead of restricting access.

FYI, I will forward my written public comment regarding Balboa Reservoir that was submitted to SFCCD BOT and Administration separately.

Submitted by:

Alvin Ja
Sunnyside resident

Wong, Phillip (ECN)

From: ajahjah@att.net
Sent: Wednesday, February 03, 2016 10:10 PM
To: BRCAC (ECN); Lisa Spinali; Westwood Park Association; BRCAC (ECN); Brigitte Davila; Robert Muehlbauer; Howard Chung; Rebecca Lee; Wendy Aragon; Christine Godinez; Jonathan Winston; Lesk, Emily (ECN); Martin, Michael (ECN); Exline, Susan (CPC); Shaw, Jeremy (CPC); Rafael Mandelman; Thea Selby; Brigitte Davila; Amy Bacharach; Alex Randolph; Steve Ngo; John Rizzo; Bouchra Simmons; Shaw, Linda (MYR); Susan Lamb; Steve Bruckman; Cynthia Dewar; Ronald Gerhard; mlam@ccsf.edu; Jeff Hamilton; Rich, Ken (ECN)
Cc: SNA Brick; wpa.balboa.reservoir@westwoodpark.com; Saveccsf Info
Subject: Road to Balboa Reservoir: Fatal Flaws in the Environmental Review Process
Attachments: FATAL FLAWS IN THE ENVIRONMENTAL REVIEW PROCESS.docx

BRCAC, OEWD, Planning, BOT, SFCCD Administration:

Attached is my submission: "The Road to the Balboa Reservoir Project: Fatal Flaws in the Environmental Review Process."

Thank you all in advance for your consideration.

--Alvin Ja

**THE ROAD TO THE BALBOA RESERVOIR PROJECT:
FATAL FLAWS IN THE ENVIRONMENTAL REVIEW PROCESS**

(2/3/2016)

The Balboa Reservoir Project is a project-level sub-section of the Balboa Park Station Area Plan's program-level Final EIR.

Analysis of a Balboa Reservoir project is minimal within the Balboa Park Station Area Plan. The Reservoir is relegated to Tier 2 (long-term, up to year 2025) development and lacks detail.

The program-level EIR allows for early consideration of possible area-wide impacts. This would minimize reinventing the wheel for every project within the BPS Area.

The Balboa Park Station Area plan, as a program-level plan, is unable to address the specifics and particularities of impacts on the project-level, except in the most general sense.

The fatal flaw of the current Balboa Reservoir Project is that it relies on the foundation of a very general determination contained in the BPS Final EIR.

ROOT OF THE PROBLEM: "EFFECT ON PUBLIC SERVICES LESS THAN SIGNIFICANT"

The Final BPS EIR determined that the Area Plan's effect of public services would be insignificant or less-than-significant:

"An Initial Study, published in July 2006, determined that implementation of the proposed Area Plan and its associated public improvements and development projects may result in potentially significant environmental impacts; therefore, preparation of an EIR was required. The Initial Study determined that the following effects of the Area Plan would either be insignificant or would be reduced to a less-than-significant level by mitigation measures included in the Area Plan and, thus, required no further analysis: land use; visual quality; climate (wind); utilities/public services (except hydrology and water quality); biology; geology/topography; water; energy/natural resources; and hazards (see Appendix A for a copy of the Initial Study).

"With the exception of land use, which is included in the EIR for informational purposes and to orient the reader to the Project Area, the EIR does not discuss the environmental topics listed above."

Here is the section in Appendix A of the FEIR which discusses public schools. No reference whatsoever is made to CCSF. The Initial Study and FEIR is not specific enough to deal with impacts on the project-level scale of the Balboa Reservoir Public Lands for Housing Project:

Public Schools

The San Francisco Unified School District (SFUSD) provides public primary and secondary education in San Francisco. The district is comprised of 78 elementary schools, 17 middle schools, and 21 high schools; the total enrollment is approximately 56,000 students.¹⁵ Schools in proximity of the Project Area include the Sunnyside Elementary School at 250 Foerster Street, about 0.5 mile north of the Project Area; the Commodore Sloat Elementary School at 50 Darien Way, about 1.5 mile northwest of the Project Area; the James Denman Middle School at 241 Oneida Avenue, about 0.5 miles east of the Project Area; Aptos Middle School at 105 Aptos Avenue, about 1.0 miles northwest of the Project Area; and Balboa High School at 1000 Cayuga Avenue about 0.5 miles east of the Project Area.¹⁶ The SFUSD is currently not a growth district. According to the *SFUSD Facilities Master Plan* of 2003, the District had excess capacity at most existing school facilities. Excess capacity is expected to increase district-wide as enrollment is projected to decline over the next 10 years.¹⁷ Several schools were closed by the School Board in 2006: Golden Gate Elementary, De Avila Elementary, Franklin Middle School, and Yoey Child Development Center. Despite this excess capacity overall, certain schools were overcrowded in 2003, such as Galileo High School, at 107 percent capacity, Lincoln High School, at 115 percent capacity, and Herbert Hoover Middle School, at 126 percent capacity. No construction of new schools is planned for the City. An increase in students associated with the Area Plan would not substantially change the demand for the schools that are likely to be attended by new residents in the Project Area, nor for the entire school system overall. For the above reasons, significant impacts to school facilities would not occur as a result of implementation of the Area Plan, including proposed development on the Kragen Auto Parts and Phelan Loop sites, and this topic will not be discussed in the EIR.

Recreation

Four new open spaces are planned for the Project Area: the Geneva Transit Plaza on the north side of Geneva Avenue between San Jose Avenue and I-280; the Phelan Loop plaza; Balboa Reservoir open space; and Brighton Avenue open space. The proposed Area Plan envisions the creation of a system of neighborhood open spaces, including active, passive, and informal gathering areas that would contribute to the overall neighborhood character of the Project Area. In addition, smaller publicly accessible neighborhood and transit-oriented parks, plazas, and a children's playground would be created, particularly in the Transit Station Neighborhood and Ocean Avenue Neighborhood Commercial District subareas.

The Project Area includes Balboa Park, a Recreation and Park Department property. It is located along the entire northern frontage of Ocean Avenue between I-280 and San Jose Avenue and

¹⁵ San Francisco Unified School District website, <http://orb.sfusd.edu/profile/prfl-100.htm>, accessed July 5, 2006.

¹⁶ San Francisco Unified School District website, <http://portal.sfusd.edu/apps/SCHFIND/showmap.cfm>, accessed June 29, 2006.

¹⁷ San Francisco USD, *SFUSD Facilities Master Plan*, January 2003, Section V, pp. 14-37.

AECOM BALBOA RESERVOIR INITIAL STUDY STANDS ON THE SHAKY FOUNDATION OF THE BPS FEIR

The AECOM Study's sections on Existing Conditions and Surrounding Development takes note of the many educational institutions near the Reservoir. Yet the AECOM Initial Study fails to assess the impact of the BR Project on the Bay area-wide public service that CCSF and other schools provide.

The AECOM Study's failure to assess the impact of the BR Project on the public service provided by CCSF and other schools is based on the BPS FEIR.

The AECOM Study states:

"The [BPS FEIR] finds that speculative development of 500 residential units on Balboa Reservoir would not result in significant land use impacts...Although any future proposed projects would require individual environmental review, development on Balboa Reservoir has received programmatic environmental clearance through the Balboa Park Plan FEIR."

This AECOM interpretation is wrong. Contrary to the quoted AECOM passage, the BPS FEIR did not refer specifically to Balboa Reservoir. The "less-than-significant" determination was for the program-level BPS Area Plan and for the specific project-level Kragen (Mercy housing) and Phelan Loop Projects.

There was insufficient detail contained in the FEIR for the Tier 2 Reservoir project to merit extension of the "less-than-significant" determination for the program-level FEIR to BR.

CALL FOR RESET

The fundamental assumptions for the BR Project rests on the shaky foundation of a generalized program-level determination of non-significance for the category of "Public Service" contained in the BPS FEIR.

OEWD/Planning's Principles & Parameters similarly rests on a shaky foundation because of its failure to address the fundamental environmental review concept of assessing "immediate and long-range specific and cumulative impacts of a proposed project on its surrounding physical environment."

So instead of continuing to call for CCSF and the neighborhood to accommodate the BR Project, OEWD/Planning needs to reset its MO to adhere to its own Initial Study Checklist guidelines to include "Public Services."

OEWD/Planning needs to adhere to its own 3/17/2011 Environmental Review Process Summary document instead of pushing on with its inversion of environmental review principles.

Submitted by:

Alvin Ja

Sunnyside resident

Wong, Phillip (ECN)

From: ajahjah@att.net
Sent: Friday, February 05, 2016 9:40 AM
To: BRCAC (ECN); Lisa Spinali; Westwood Park Association; mariafepicar@comcast.net; Brigitte Davila; Robert Muehlbauer; Howard Chung; Rebecca Lee; Wendy Aragon; Christine Godinez; Jonathan Winston; SNA Brick; wpa.balboa.reservoir@westwoodpark.com; Saveccsf Info; Shaw, Linda (MYR); R. Mandelman; Thea Selby; Amy Bacharach; Brigitte Davila; Steve Ngo; John Rizzo; Alex Randolph; Bouchra Simmons; Cynthia Dewar; Susan Lamb; Steve Bruckman; Jeff Hamilton; Ronald Gerhard; mlam@ccsf.edu; CFT; Danielle J. Harris; Lillian Marrujo-Duck; Dana Jae; Lisa Romano; Mandy Liang
Cc: Lesk, Emily (ECN); Martin, Michael (ECN); Shaw, Jeremy (CPC); Exline, Susan (CPC); Rich, Ken (ECN)
Subject: heads-up: Overall process of Reservoir Project
Attachments: Environmental Review Process Summary--SF Planning.pdf

CAC, SNA, WPA, SFCCD BOT/Admin, Academic Senate, AFT, Save CCSF Coalition--

I had never intended to get involved with the BR Project until I found out that the Project, as envisioned by OEWD/Planning, had made no plans to accommodate the current use of the PUC Reservoir as student parking. In fact their plan was to deliberately make parking more difficult for our CCSF students.

My personal concern was not with the housing aspect of the BR Project.

My concern was twofold:

1. how the BR Project would negatively affect the educational mission of CCSF;
2. how the removal of parking would push students and BR residents into the neighborhoods (more specifically, blocking my driveway: this had been a consistent, intractable problem prior the the Reservoir being reconfigured to allow for student parking).

When I first got into the BR Project, I got the impression--like many other community members--that this was a done-deal, fait accompli project. We were told that "that train has already left the station." The community meetings appeared to be just a procedural hurdle for the City to overcome.

I think that this "done-deal" assessment has been borne out by the way OEWD/Planning has bypassed and ignored big picture critiques of the Project. Despite substantive critiques of the Principles & Parameters, revisions to the P & P have essentially been limited to what I consider to be minor details and generalities/vaporware.

As a layman, I've been looking back into how the road to the BR Project was paved.

I have previously submitted to you my 2/3/2016 "The Road to the Balboa Reservoir Project: Fatal Flaws in the Environmental Review Process." In the submission, I assert that the validity of the BR Project rests on a program-level determination contained the Final EIR for the Balboa Park Station Area Plan.

This program-level determination is based on the 2006 Initial Study/Environmental Evaluation for the BPS Area Plan:

“An Initial Study, published in July 2006, determined that implementation of the proposed Area Plan and its associated public improvements and development projects may result in potentially significant environmental impacts; therefore, preparation of an EIR was required. The Initial Study determined that the following effects of the Area Plan would either be insignificant or would be reduced to a less-than-significant level by mitigation measures included in the Area Plan and, thus, required no further analysis: land use; visual quality; climate (wind); utilities/public services (except hydrology and water quality); biology; geology/topography; water; energy/natural resources; and hazards (see Appendix A for a copy of the Initial Study).

“With the exception of land use, which is included in the EIR for informational purposes and to orient the reader to the Project Area, the EIR does not discuss the environmental topics listed above.”

The 2014 BR Reservoir Initial Study/Environmental Evaluation--upon which the Balboa Reservoir EIR will be based-- uses the BPS FEIR determination of non-significance to bypass any assessment of the impact of the BR Project on the category of "Public Services."

I think this constitutes a fatal flaw in the environmental review process. The treatment of the BR project within the BPS Area Plan FEIR is too rudimentary and lacking in detail to allow for the BPS FEIR determination of non-significance to be validly transferred to the BR Project.

For your reference, I have attached:

- SF Planning's "Initial Study Checklist"
- SF Planning's "Environmental Review Process Summary"

The City agencies have finally stepped back just a little bit from the "full speed ahead mode" due to input from the SF Community College District Board of Trustees. Possibly, the City agencies have finally realized that it is the BR's responsibility to analyze and mitigate "immediate and long-range specific and cumulative impacts of a proposed project on its surrounding physical environment".

I urge all stakeholders at CCSF and the neighborhoods to call for a reset at the 2/8/2016 CAC meeting.

Submitted by:

Alvin Ja, Sunnyside resident



SAN FRANCISCO
PLANNING
DEPARTMENT

GENERAL PLANNING INFORMATION

Environmental Review Process Summary

Planning Department
1650 Mission Street
Suite 400
San Francisco, CA
94103-9425

T: 415.558.6378
F: 415.558.6409

Date:
March 17, 2011

Subject:
Environmental Review under the California
Environmental Quality Act

Cal. Pub. Res. Code Section 21000 et seq.; CCR Title 14,
Section 15000 et seq.; and San Francisco Admin. Code
Chapter 31

Introduction

The California Environmental Quality Act (CEQA) was enacted in 1970 in response to the growing awareness that environmental impacts must be carefully considered in order to avoid unanticipated environmental problems resulting from development or planning efforts. The environmental review process provides decision-makers and the general public with an objective analysis of the immediate and long-range specific and cumulative impacts of a proposed project on its surrounding physical environment. In California, environmental review is two-fold in purpose: to disclose the impacts of a project and to ensure public participation.

Environmental review under CEQA is administered for all departments and agencies of the City and County of San Francisco by the Environmental Planning division of the Planning Department (the Department). Projects subject to CEQA are those actions that have the potential for resulting in a physical change of some magnitude on the environment and that require a discretionary decision by the City, such as public works construction and related activities, developments requiring permits (which in San Francisco are discretionary and thus not exempt from CEQA), use permits, activities supported by assistance from public agencies, enactment and amendment of zoning ordinances, and adoption or amendment of the General Plan or elements thereof. No action to issue permits, allocate funds, or otherwise implement a discretionary project may be taken until environmental review is complete.

Projects requiring analysis in environmental impact reports (EIRs) are generally complex major public or private development proposals, or those projects that could potentially have a significant impact on the physical environment.

Exemption from Environmental Review

The environmental review process begins with a determination by the Department as to whether or not a discretionary action by the City falls within a class of projects that are exempt from environmental evaluation pursuant to CEQA Statutes and Guidelines. Projects that are exempt generally include small-scale new construction or demolition, some changes of use, some additions, and other generally small-scale projects. These projects are enumerated in the *Categorical Exemptions from the California Environmental Quality Act*, adopted by the San Francisco Planning Commission (the Commission) on August 17, 2000.

Some small projects may be issued environmental exemptions over the counter at the Planning Information Center (PIC), 1660 Mission Street, First Floor, or may be referred to Environmental Planning staff. In the latter case, the project sponsor (private applicant or government agency) submits an *Environmental Evaluation (EE) Application* to the Environmental Planning intake planner, along with a fee (see *Schedule of Application Fees*).

If the proposed project involves the major alteration or demolition of a property more than 50 years old, the project sponsor will need to file a *Historical Resource Evaluation – Supplemental Information Form* with the *EE Application* so that Department staff can evaluate whether the proposed project would result in impacts on historical resources.

Project sponsors also need to submit a Tree Disclosure Statement with the *EE Application*. Other materials, such as technical reports, may be required on a case-by-case basis. Refer to Special Studies, below.

Community Plan Exemption

Per Section 15183 of the State CEQA Guidelines, community plan exemptions from CEQA review may be issued for projects within adopted plan areas. These exemptions may be issued for larger projects that would not otherwise be exempt, if they are determined not to create significant impacts beyond those identified in the applicable area plan EIR.

Exemption Timeline

A determination of exemption is generally processed in a minimum of two weeks; however, projects that require historical review or other supplemental data may take two months or longer to process, based on factors such as changes in the proposed project, supplemental data requirements, and staff case load.

Appeal of Exemption

A determination of exemption may be appealed to the Board of Supervisors (the Board). The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Environmental Review

Please note that some moderate to large projects (e.g., those that create six or more dwelling units and those that create or add 10,000 square feet to a non-commercial building) are required to submit a *Preliminary Project Assessment (PPA) Application* prior to submitting an *EE Application*.

ENVIRONMENTAL EVALUATION APPLICATION

For projects not exempt from environmental evaluation, the project sponsor (private applicant or government agency) files a completed *EE Application* by appointment with the assigned Environmental Planning application intake planner along with a fee based on the construction cost of the proposed project. The Department's *Schedule of Application Fees* and contact information for the intake planner are available online at sfplanning.org, and at the PIC, 1660 Mission Street, First Floor, or by calling (415) 558-6377. The *EE Application* may be filed prior to or concurrently with the building permit application.

SPECIAL STUDIES

To assist Department staff in the environmental evaluation process, the project sponsor may be required to provide supplemental data or studies to the *EE Application* intake planner to address potential impacts on soils, transportation, biological resources, wind, hazards, shadows, noise, air quality, or other issue areas. If a shadow study is required, the project sponsor files a *Shadow Analysis Application* along with a fee (see *Schedule of Application Fees*), and Department staff prepares a shadow fan analysis. If a transportation study is required for impact analysis, the project sponsor submits two fees: one to the Department and one to the Municipal Transportation Agency (see the Department's *Schedule of Application Fees*). Fees are generally non-refundable and are in addition to costs paid by the project sponsor for consultant-prepared reports (see Consultants, below).

INITIAL STUDY

After the project sponsor submits a completed *EE Application*, Department staff prepares an initial study for the proposed project. Projects are evaluated on the basis of the information supplied in the *EE Application*,

any additional information required from the applicant, research, and contact with affected public agencies, citizens groups, and concerned individuals, all by or under the direction of Environmental Planning staff. Initial studies for some large or complex projects may need to be prepared by a consultant rather than by Department staff.

NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION

If the initial study determines that the proposed project would not have a significant effect on the environment, a preliminary negative declaration (PND) is issued, advertised in a local newspaper, posted at the Department, on its website, and on the subject site, and mailed to various parties as requested.

If the initial study determines that the project would result in significant impacts on the environment, but that such impacts could be reduced to a less-than-significant level through mitigation measures, Environmental Planning staff issues a preliminary mitigated negative declaration (PMND), provided that the project sponsor agrees to implement the mitigation measures.

Appeal of PND or PMND

During the 20 (or 30 if required by CEQA) calendar days after legal advertisement of the PND or PMND issued by the Department, concerned parties may comment on the adequacy of the PND or PMND, request revisions or appeal the determination, and/or request preparation of an EIR. Appeals must be in the form of a letter to the Environmental Review Officer stating the grounds for the appeal and must include an appeal fee (see *Schedule of Application Fees*). The Commission will decide the appeal at an advertised public hearing. The Commission may (1) sustain the PND or PMND as written, (2) amend the PND or PMND, or (3) require that an EIR be prepared.

If no appeal is filed within 20 or 30 calendar days, any substantive comments related to environmental effects will be incorporated into the final negative declaration (FND) or final mitigated negative declaration (FMND), which is signed by the Environmental Review Officer and issued. Approval decisions may then be made on the project.

Appeal of FND or FMND

FNDs and FMNDs are appealable to the Board. The procedures for filing an appeal of an FND or FMND determination may be obtained from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Negative Declaration Timeline

A minimum timetable for the negative declaration (ND) or mitigated negative declaration (MND) process is about six months; the timetable may be six to twelve months or longer based on factors such as changes in the proposed project, staff case load, supplemental data requirements, whether the document is appealed, and – where consultant work is required – quality of work.

ENVIRONMENTAL IMPACT REPORT

Before or during the initial study process, the Department may determine that the project could have a significant effect on the environment and that an EIR is required. The determination that an EIR is required is published in a local newspaper, posted at the Department, at the subject site, and on the sfplanning.org website, and mailed to various parties.

Administrative Draft EIR

If an EIR is required, the project sponsor must have an administrative draft EIR (ADEIR) prepared by a qualified environmental consultant and submitted to Department staff. Fees for processing the EIR are billed when staff advertises the EIR notice of preparation, and are payable upon submittal of the first ADEIR. This first administrative draft is reviewed by Environmental Planning staff in consultation with other relevant Department staff and public agencies. Two or three revisions of the ADEIR are often required for completion of research and verification of accuracy before the material is ready for publication.

Draft EIR Publication and Public Hearing

When staff determines that the ADEIR is acceptable for publication, the Department assumes authorship, authorizes publication of the draft EIR (DEIR), and advertises in a local newspaper and with on-site posting that the DEIR is available for public review, will be considered by the Commission at a specified public hearing, and what, if any, significant impacts are identified in the DEIR. The public hearing before the Commission occurs at least 30 days after publication of the DEIR. The purpose of the hearing is to receive

testimony related to the accuracy and completeness of the DEIR; written comments are also accepted during the review period, which extends at least five days beyond the hearing.

Final EIR Certification

Following the DEIR hearing, a comments and responses document is prepared to respond to all substantive issues raised in the written and oral testimony. The document is distributed to the Commission, commentors, and others as requested. After reviewing the comments and responses document, including any revisions to the DEIR and incorporation into the EIR of any further changes requested by the Commission, the Commission certifies at a public meeting that the final EIR (FEIR) has been completed in compliance with State law, and determines whether the project would or would not have a significant effect on the environment. It is important to note that certification does not approve or disapprove a project, but rather concludes that the EIR complies with CEQA and provides environmental information regarding the proposed project to serve as one of the elements upon which a reasoned decision is based.

If the Commission determines that the proposed project would have a significant effect on the environment, it may approve a project in one of two ways: (1) require changes in the project to reduce or avoid environmental damage if it finds such changes feasible (generally via alternatives and/or mitigation), or (2) find that changes are infeasible and make a statement of overriding considerations. CEQA requires decision-makers to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project would outweigh the unavoidable adverse environmental effects, those adverse effects may be considered “acceptable.” The Commission must, in such cases, state in writing the specific reasons to support its action based on the FEIR and/or other information in the record.

Appeal of EIR

The certification of an FEIR is appealable to the Board. Any person or entity that has submitted comments to the Commission or to the Environmental Review Officer may appeal the Commission’s certification of the FEIR to the Board within 20 calendar days after that certification. Appeals must be in the form of a letter to the Board stating the grounds of the appeal, with submittal of an appeal fee (see *Schedule of Application Fees*).

Upon review by the Department, the appeal fee may be reimbursed for neighborhood organizations that have been in existence for a minimum of 24 months. The Board may reject by motion an appeal that fails to state proper grounds for the appeal. The Board must act on valid appeals at an advertised public hearing, which must be scheduled within 30 calendar days after the Commission's certification of the FEIR, but may in certain circumstances extend such time period up to 90 calendar days from the date of filing the appeal. The Board may affirm or reverse the certification by the Commission by a majority vote. If the Board affirms the Commission's certification, the FEIR is considered certified on the date upon which the Commission originally certified the FEIR. If the Board reverses the Commission's certification, the Board must make specific findings and remand the FEIR to the Commission for further action consistent with the Board's findings. The Commission must take such action as may be required by the Board and consider recertification of the EIR. Only the new or revised portions of the FEIR may then be appealed again to the Board.

EIR Timeline

A minimum timeline for the EIR process is 18 months; the period is variable, however, based on factors such as changes in the proposed project, staff case load, supplemental data requirements, quality of consultant work submitted to the Department, nature and volume of the DEIR comments, and whether the FEIR is appealed.

NOTICES OF EXEMPTION/ DETERMINATION

For projects that are exempt from environmental evaluation, the project sponsor may request that a notice of exemption (NOE) be filed after the project is approved. Though not required, the NOE shortens the statute of limitations for legal challenges under CEQA from 180 calendar days to between 30 and 35 calendar days.

A notice of determination (NOD) may be filed upon approval of a project for which an ND, MND, or EIR has been prepared. The filing of an NOD starts a 30-calendar day statute of limitations on court challenges to the approval under CEQA. If no NOD is filed, the statute of limitations is 180 calendar days.

The NOE or NOD must not be filed until after the project is approved but within five working days of project approval. It is possible that several NODs may be needed for one project if the project requires multiple approvals at different times. To file an NOE or NOD, the project sponsor must submit a fee to the County Clerk. A higher fee established by the State Department of Fish and Game is required for filing an NOD for a project that may result in an adverse impact on sensitive species, sensitive habitat, or wildlife migration.

Consultants

The project sponsor may retain or be required to retain environmental consultants to prepare an initial study, ND, MND, EIR, and other environmental documents or studies. The Department has established pools of qualified consultants with expertise in the preparation of environmental, transportation, historical resource, and archeological resource documents. If required for project analysis, the document must be prepared by a consultant who is included in the respective consultant pool. While the project sponsor pays all costs for preparation of the necessary consultant-prepared documents, the Department scopes, monitors, reviews, and approves all work completed by consultants.

For More Information

The following reference materials, applications, and forms are currently available at the Planning Information Center, 1660 Mission Street, First Floor, and on the Department's website, sfplanning.org:

- **Preliminary Project Assessment (PPA) Application** – Must be submitted prior to the EE Application if the project would create six or more dwelling units or create/add 10,000 square feet to a non-residential building. The PPA process provides project sponsors with early feedback for environmental review and other Department requirements before development applications are filed. This early viewing of the project provides sponsors with early feedback and procedural instructions, and also allows staff to coordinate early in the development process.
- **Environmental Evaluation (EE) Application** – May need to be filed to determine whether projects are environmentally exempt or require environmental review.
- **Historical Resources – Supplemental Information Form** – May need to be filed with the EE Application.
- **Categorical Exemptions from the California Environmental Quality Act** – Lists the types of projects that are exempt from environmental evaluation.
- **San Francisco Preservation Bulletin No. 16: CEQA and Historical Resources** – Provides direction and guidance for the environmental evaluation of historic resources.
- **Initial Study Checklist** – Provides a template for the Initial Study, and also serves to scope an EIR by determining which topics require more extensive review and which do not.
- **Shadow Analysis Application** – Determines whether new structures above 40 feet in height would cast shadows on San Francisco Recreation and Parks Department properties.
- **Transportation Impact Analysis Guidelines for Environmental Review** – Aids consultants in preparing transportation impact analyses for NDs, MNDs, and EIRs.
- **Schedule of Application Fees** – Lists Department fees, including fees for exemptions, initial studies, environmental impact reports, and appeals of environmental determinations. Some fees are based on the construction cost of a proposed project, others are flat fees, and some are based on the cost of time and materials for environmental review processing.

General inquiries regarding environmental review should be directed to Environmental Planning at (415) 575 9025. For information regarding a specific project undergoing environmental review, contact the assigned planner (call the PIC at (415) 558-6377 to request the name and number of the assigned environmental planner).



SAN FRANCISCO
PLANNING
DEPARTMENT

FOR OTHER PLANNING INFORMATION: Call or visit the San Francisco Planning Department

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415.558.6409**
WEB: <http://www.sfplanning.org>

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**

*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*

Wong, Phillip (ECN)

From: Jessie Fernandez <jessie@podersf.org>
Sent: Monday, February 08, 2016 4:10 PM
To: BRCAC (ECN)
Cc: Avalos, John (BOS); Yee, Norman (BOS)
Subject: Towards a Just Balboa Reservoir
Attachments: FromOurHeartstoYours.docx

Greetings,

I am writing to urge equitable development on the Balboa Reservoir. From janitors to muni operators, the strain of rising housing costs have impacted services workers and civil servants alike. These 17 acres present a unique opportunity for our city to provide stability for our increasingly vulnerable San Franciscans. As our representatives, we hope that you will stand for justice as this critical project moves forward.

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Jessie Fernandez, Community Organizer
¡PODER! (People Organizing to Demand Environmental & Economic Rights)
474 Valencia Street, #125, SF, CA 94103
www.podersf.org

From Our Hearts to Yours

Our City has grossly over-produced market rate housing by following a narrow model of development. As San Franciscans yearn for affordable housing, status quo development is closing the door on low-income, working class residents. From janitors, to teachers, to nurses, the rising cost of housing has impacted our working families, civil servants, and service workers alike. Maximizing affordability at the Balboa Reservoir is critical in ensuring that everyday people can remain in the city they love.

At the Balboa Upper Yard, another publicly owned site near the Balboa Reservoir, the city partnered with community based organizations to achieve a more equitable and inclusive community planning process. They acquired the site at market rate value and are moving forward to build 100% affordable housing. In fact, 100% affordable housing that is accessible to a wide range of San Franciscans of diverse incomes is possible. Representing 24 affordable housing developers and advocates, the Council of Community Housing Organizations (CCHO) produced an independent analysis of the Balboa Reservoir. The report highlights:

“The political reality of achieving a viable consensus depends on pulling together the major themes and goals that have been raised, namely:

1. Maximizing affordable housing for a range of incomes and family sizes
2. Meeting CCSF's parking needs, and
3. Providing community benefits and open space.

It is possible to achieve these goals with a master plan that maximizes 100% affordable housing with adequate on-site parking, a parking structure to relieve the parking needs of CCSF's working-class students and faculty, a half-acre to one-acre open space plan, and improved transit access . . . ”

For months OWED has been playing to the lowest common denominator on affordable housing. They insist that a majority market-rate housing project is the only way to subsidize affordable units, and have led our community representatives on the Community Advisory Committee astray from equitable and community based development. But we know better and WE CAN DO BETTER!

This publicly owned site is an opportunity for equitable development that meets our community's needs. Raise your voice to ensure community control of the RFP, 100% affordable housing, open space, community programming, City College infrastructure, and transportation solutions!

Wong, Phillip (ECN)

Subject: FW: Response to Phone Message on Affordable Housing
Attachments: Letter to J Avalos 2-9-160001.pdf

From: r and k favetti <woloso1@yahoo.com>
Sent: Tuesday, February 9, 2016 8:13 PM
To: John.Avalos@sfgov.or; Yee, Norman (BOS)
Cc: Kathy Beitiks; Tim Emert; Caryl Ito; Linda Judge; Ravi Krishnaswamy; Anita Theoharis; Wong, Phillip
Subject: Response to Phone Message on Affordable Housing

Please find attached the Westwood Park recommendation on affordable housing.

Kate Favetti, President
Westwood Park Association

WESTWOOD PARK



February 9, 2016

Via USPS and email to John.Avalos@sfgov.org

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

Re: Telephone Message Requesting Westwood Park to Support
100% Affordable Housing for the Proposed Balboa Reservoir Development

Dear Supervisor Avalos,

I am responding to your voicemail message requesting the support of the Westwood Park Association for 100% affordable housing.

Westwood Park supports an affordable housing component to whatever development occurs provided that it serves the needs of all those negatively impacted by rising housing costs.

The terms of that affordable component that the Board of Directors of the Westwood Park Association and over 95% of all property owners who responded to a survey stating our position support our position are as follows:

The City has proposed 33% affordable housing minimum (broken down by: 15% to low income and 18% to low and middle income) and wants the developer to maximize the amount of affordable housing for up to 50% affordable housing units on the site.

Westwood Park recommends that any amount of affordable housing over the 33% should be solely allocated to the Middle Class (between 120% and 150% AMI), since this is the income group that is being least served and is currently being pushed out of the City.

Sincerely yours,

A handwritten signature in cursive script that reads "Kate Favetti".

Kate Favetti, President

c: Norman Yee, Supervisor, District 7
Balboa Reservoir Community Advisory Committee
Westwood Park Association Board of Directors and Balboa Reservoir Committee