

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

**DOCUMENTS RECEIVED FROM  
PUBLIC DURING  
7/9/18 REGULAR MEETING**

**AND**

**EMAILS RECEIVED FROM  
PUBLIC VIA [BRCAC@SFGOV.ORG](mailto:BRCAC@SFGOV.ORG)**

**Period: 4/9/18 – 7/9/2018**

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**[No Documents Received]**

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PUBLIC VIA BRCAC@SFGOV.ORG**

**Period: 4/9/18 – 7/9/2018**

## Shanahan, Thomas (ECN)

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**From:** [REDACTED]  
**Sent:** Monday, July 09, 2018 4:00 PM  
**To:** Shaw, Jeremy (CPC); Shanahan, Thomas (ECN); BRCAC (ECN)  
**Cc:** Lesk, Emily (ECN); [REDACTED]  
[REDACTED]  
**Subject:** role of City Staff / zoning

Jeremy, BRCAC--

Once again, thanks for your response, Jeremy.

Several days ago, SF Chronicle had an article about 1550 Evans and the role of City Staff.

The Chronicle article regarding proposed housing at 1550 Evans said:

*Word that the city had been piecing together an alternative plan for 1550 Evans sparked anger and dismay among Bay-view residents, who felt as though officials were working behind closed doors to derail the long-planned vision for the community center without seeking their contributions or consent.*

Similar to 1550 Evans, well before the BRCAC and public engagement process was established, the City was working behind closed doors to set up ducks-in-a row for the Reservoir Project. The ducks-in-a-row were set up to delimit the parameters of discussion by the public to facilitate a foregone conclusion that City officials had already pre-ordained.

You indicate that one of the purposes of a PPA would be to evaluate zoning issues. Your response indicates that evaluation of zoning issues in a PPA is obviated by City Staff working closely with the developer. However, City Staff does not necessarily reflect the public interest. As far as I know, even though I know that I had brought up zoning questions in the BRCAC process, City Staff has not seriously discussed zoning issues with the public.

Zoning discussion has been inadequate. The Reservoir is currently zoned "P" (public). The Reservoir Project will undoubtedly ask for the elimination of the "P" zoning. The significance of the elimination of "P" zoning is that public land will be privatized. Discussion of the issue of privatization of public land has never been solicited nor allowed by City Staff.

The PUC Reservoir is currently zoned 40-X. The Reservoir Project will undoubtedly also ask for elimination of the 40-X zoning.

The Balboa Reservoir City Team consists of PUC, Planning, OEWD--with Planning Dept being the lead agency. How can the Planning Dept objectively conduct environmental review of a development which it is itself leading?

--aj

**From:** "Shaw, Jeremy (CPC)" <jeremy.shaw@sfgov.org>  
**To:** [REDACTED] "Shanahan, Thomas (ECN)" <thomas.shanahan@sfgov.org>  
**Cc:** [REDACTED]  
[REDACTED]

**Sent:** Monday, July 9, 2018 11:41 AM  
**Subject:** RE: Public records for PPA

AJ,

The intent of the Preliminary Project Assessment (PPA) is to streamline the project review process by preliminarily evaluating medium-sized to large projects against the zoning code and City policy in order to provide applicants with feedback and procedural instructions prior to a development application submittal.

While the main purpose of the PPA is to streamline the review process, the Planning Department can waive the requirement for a PPA if the review can be accelerated by other means. The Balboa Reservoir project is waived from its PPA requirement for the following reasons:

- The SFPUC (the owner of the land) and the development team have been working closely with City staff to solicit feedback that exceeds the level of detail a PPA letter would have provided
- City staff will continue to provide project review and procedural instructions well beyond the level of review in a typical PPA
- The Balboa Reservoir process will ultimately lead to a Development Agreement between the SFPUC and the developer team. This entails Planning Code and zoning amendments, agreements between City agencies, and contractual obligations from the developer – all of which will undergo review and procedures beyond the level of review for which the PPA process is designed. There will, however, be a preliminary urban design review of their proposal. A memorandum summarizing the review will be completed before the NOP.

Jeremy

**JEREMY SHAW** | Senior Planner | [SF PLANNING](#) | 415.575.9135

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**From:** [REDACTED]  
**Sent:** Friday, July 06, 2018 8:35 PM  
**To:** Shaw, Jeremy (CPC); Shanahan, Thomas (ECN)  
**Cc:** [REDACTED]  
[REDACTED]

**Subject:** Public records for PPA

Hi Jeremy,

Thank you for your response to inform us that the EEA was received on June 1.

According to Planning Dept's new April 2018 PPA procedure, the EEA is to be accepted only after the Planning Dept has responded to the owner/authorized agent's PPA (Preliminary Project Assessment).

That the Reservoir Project's EEA was received on June 1, 2018 means that the PPA had already been submitted by the owner/authorized agent and that Planning Dept's Environmental Planning Division has issued a letter/response to the PPA.

Pursuant to Sunshine Ordinance requirements, please provide the following to the public:

1. Reservoir Project PPA
2. Planning Dept's PPA response/letter

Thank you in advance for sharing the PPA and Planning Dept's response to the PPA, as well as the EEA, with the community.

Sincerely,  
aj

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**From:** "Shaw, Jeremy (CPC)" <jeremy.shaw@sfgov.org>  
**To:** [REDACTED] "Shanahan, Thomas (ECN)" <thomas.shanahan@sfgov.org>

**Sent:** Friday, July 6, 2018 5:16 PM  
**Subject:** RE: EEA, NOP, NOS

Hi AJ,

We received the environmental application on June 1<sup>st</sup> and are still reviewing it for acceptance/completion. Since the NOP and scoping meeting cannot be scheduled until the application is accepted, we do not have dates for them yet. I expect them to be in the fall.

You can see content of the developer's proposal in the April 9<sup>th</sup> CAC presentation at <http://sf-planning.org/brcac> . When the application is accepted, it will also be posted online.

I agree with your suggestion, we can share these updates with the public at the July 9<sup>th</sup> CAC meeting.

Jeremy

**JEREMY SHAW** | *Senior Planner* | [SF PLANNING](#) | 415.575.9135

## **Shanahan, Thomas (ECN)**

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**From:** [REDACTED]  
**Sent:** Saturday, July 07, 2018 9:36 AM  
**To:** BRCAC (ECN); Shanahan, Thomas (ECN); [REDACTED]  
[REDACTED]  
[REDACTED] Joe Kirchofer  
**Subject:** additional comment for 7/9/2018 BPCAC Transportation meeting

BPCAC:

A few days ago I had sent you a Written Comment on Transportation that cited a UCB Haas School of Business "Westwook Terrace" study/ proposal.

The Written Comment quoted "Key Challenges" from that study proposal. I urge you to examine how the Reservoir Project has addressed those "Key Challenges" --in particular:

*2. As the largest student parking area on-campus, preservation of parking capacity on the Balboa Reservoir is a focal point for both the City College and the local community.*

*3. Due to limited access points and large influx of new residents, traffic impact and flow is a primary concern for the project.*

The Reservoir Community Partners, LLC's (Avalon-Bridge) Base Plan shows motor vehicle access at two points: Lee Avenue (Whole Foods exit) and North Street (adjacent to Riordan High). This confirms the Haas Business School study's observation of "limited access points and large influx of new residents."

Yet the Reservoir Project's solution has been TDM and Residential Permit Parking which is totally deficient in addressing a "Key Challenge."

To refresh your memory, please consider and review the following (from an earlier submission regarding the Nelson-Nygaard TDM Framework) for your Transportation discussion:

**The main significance of the TDM Framework is that it functions as a means for the Reservoir Project to avoid its responsibility to mitigate its adverse impacts:**

**INHERENT INEQUITY IN THE BALBOA AREA TDM FRAMEWORK:  
DUMPING THE BALBOA RESERVOIR PROJECT'S RESPONSIBILITY TO MITIGATE ITS  
ADVERSE IMPACTS ONTO ITS VICTIMS**



CEQA principles call for new projects like the Balboa Reservoir Project to mitigate adverse impacts on the existing setting.

Being a public service, City College has CEQA standing as an “environmental factor” that would require the proposed Reservoir Project to mitigate its adverse impacts.

From the very beginning of the Reservoir Project's public engagement process, CCSF stakeholders have complained about the adverse impacts on student enrollment and attendance that would be generated by the Project's eviction of existing student parking.

#### GENESIS OF BALBOA AREA TDM FRAMEWORK STUDY

In order to assuage community concerns regarding parking and traffic, the Reservoir Project initiated the Balboa Area TDM Study.

People in the community were expecting the study to be an all-around and objective analysis of transportation issues. What people in the community did not realize was that the TDM Study's general conclusions had already been pre-ordained.

The Balboa Area TDM Study had been given its marching orders:

*“The Planning Department and SFMTA are proposing a Transportation Demand Management (TDM) study in coordination with CCSF Ocean Campus to reduce single-occupant vehicle trips by college staff, faculty, students, and neighborhood residents.”*

#### WILLFUL DISREGARD FOR HARD DATA

The City Agencies have managed the Reservoir Project in a manner similar to how the Iraq War had been promoted. Just like the Iraq War in which, according to British Intelligence's Downing Street Memo, “... *the intelligence and facts were being fixed around the policy*”, the recommendations and conclusions of the Nelson-Nygaard study have been fixed around the pre-determined TDM policy.

The Balboa Area TDM Framework has been fixed..... with willful disregard for the hard data from surveys that would refute the pre-determined TDM dogma.

#### WILLFUL EXCLUSION OF COMPREHENSIVE PARKING ASSESSMENT

Sunshine Ordinance documents reveal the following:

In 2014, the AECOM Transportation Analyst had proposed performing a comprehensive supply & demand assessment for all on-street and off-street parking in the neighboring vicinities. Jeremy Shaw of the Planning Dept put a stop to AECOM's proposal to perform this comprehensive assessment.

Instead, in a 2014 email to the AECOM Transportation Analyst, Planning Dept told AECOM to confine their study to the Reservoir parking lots alone:

*“...edits made in the attached word document reflect the current thinking in SF transportation analysis...  
“Comment [JS4]: We'd recommend just looking at the [Balboa Reservoir parking lots--aj] parking lots. --- Off-site parking analysis is nice to have. But really we want to focus the effort on what will drive the on-site design and what kind of trips that design will generate – rather than worry about off-site impacts and mitigations...”*

So from the very beginning, starting with the AECOM Existing Conditions' Transportation Analysis, a full and objective assessment and analysis had already been stopped in its tracks by the Reservoir Project Staff.

## “THE CURRENT THINKING IN SF TRANSPORTATION ANALYSIS”

What was--and is--the “current thinking?”.....The thinking is: **Don’t “worry about off-site impacts and mitigations.”**

## MANIPULATION AND BIAS IN CITY’S SURVEY OF CITY COLLEGE PARKING

The Reservoir Project's data collection was deliberately skewed to minimize apparent parking demand at City College. It did this by collecting PM data from 10 pm to 12:30 am when no classes are in session. From the Reservoir Project's Balboa Area TDM Existing Conditions

Report: *"The surveys were conducted during two periods; midday, between 10:00 AM to 4:00 PM; and late evening, between 10:00 PM to 12:30 AM."*

Why would a parking survey be performed between 10pm and 12:30am when any fool could tell you that the CCSF parking lot would be empty?

## DELIBERATELY OBSCURED: CONTEXT OF RESERVOIR BEING A NEW PROJECT

The TDM Study was a response to community concerns about transportation issues that would be generated by the new Reservoir Project that would impact the existing setting of City College and the surrounding neighborhoods.

The TDM Framework obscures this context by placing the new Reservoir Project on an equal footing with City College and the surrounding neighborhoods. The Balboa Area TDM Framework delineates three sub-areas: 1) City College Ocean Campus, 2) Balboa Reservoir , and 3) Balboa Area neighborhoods.

The TDM Framework fails to acknowledge the fact that the Balboa Reservoir sub-area, as a new proposed project, is responsible for mitigation of its adverse impacts. Instead, the TDM Framework presents the Reservoir Project as a fact-on-the-ground with importance equal to--if not greater than--City College and the neighborhoods.

## THROWN OVERBOARD: STUDENT INTERESTS OF ACCESS TO EDUCATION

By putting the Reservoir Project on equal footing with City College and the neighborhoods, the Reservoir Project has been, with a sleight-of-hand, absolved of its CEQA responsibility to mitigate its adverse impacts on the existing setting.

Instead, mitigation has been dumped onto the Reservoir Project's victims. Instead of the Reservoir Project being held responsible for providing replacement parking for students, City College's FMP has had to respond by proposing new parking structures on SFCCD property.....but with no realistic funding sources for such structures necessitated by eviction of student parking.

## INEQUITY IN BALBOA AREA TDM FRAMEWORK

Page 18 of the TDM Framework has a section entitled "Parking availability." The section brings up Balboa Park Station and City College as mahor trip generators. The section says that concerns have been expressed about parking during class times. **Yet this "Parking availability" section pointedly avoids any mention whatsoever of the impact of 2,200 new residents in a new residential project projected to contain about 550 parking spaces!**

On page 25, the TDM Framework has set up car-use reduction targets for the City College students and employees, and for the new Reservoir residents. It has also proposed Residential Permit Parking for the neighborhoods:

- The target for City College is **20%**.

- o According to Figure 4 “Current and Recommended Mode Split, CCSF’s Ocean Campus”, the TDM Framework calls for student drivers be cut back from 35% to 20% (a reduction of 43%).
- o The TDM Framework calls for CCSF employee drivers to be cut back from 45% to 20% (a reduction of 56%).
- The TDM Framework sets an initial car use target for new Balboa Reservoir residents to be **60%**.
  - o In comparison, CCSF student car use is already down to **35%** and CCSF employee car use is already down to **45%**. Further cuts to 20% mean that **CCSF students and employees are being expected to sacrifice access to City College in order to benefit new Reservoir residents.**
- The TDM Framework has called for neighborhood residents to initiate Residential Permit Parking to mitigate spillover parking generated by students who will no longer be able to park in the Reservoir and to discourage new Reservoir residents to park in the surrounding neighborhoods.
  - o This is another shameless example of dumping mitigation responsibilities onto the victims of the Reservoir Project instead of the new Project taking responsibility for its own adverse impacts.

## OVERARCHING GOALS

The TDM Framework sets up 4 overarching goals:

1. Reduce vehicle-miles traveled
2. Reduce auto trips
3. Reduce traffic congestion
4. Reduce transportation costs to preserve housing affordability

## FALSE EQUIVALENCE: REDUCING CAR USE vs. STUDENT ACCESS

Conspicuously missing from the list of overarching goals is: ENSURING STUDENT ACCESS TO EDUCATION. Other than providing Orwellian vacuous and perfunctory talk about “*the importance of accessible education and striv[ing] to establish equitable transportation choices...*” the TDM Framework proffers no realistic or effective solution to the priorities shown to be important to CCSF stakeholders in data collected in the CCSF Transportation Survey.

Hard data from the survey shows that “Reducing Travel Time” and “Arriving on Time” are overwhelmingly the most important considerations in choosing transportation mode.

## CONFLATING MEANS WITH ENDS: THE OVERARCHING IMPORTANCE OF THE DESTINATION

A fundamental flaw of the TDM Framework is that it only treats the issue of reducing car usage in isolation.

It should not take a lot of smarts to realize that transportation is an issue only when there’s a destination involved. Lacking a desired destination, transportation and parking are a non-issues.

The TDM Framework fails to recognize the fact that transportation is just a way to get to a desired destination. Instead, it dogmatically asserts that parking in and of itself generates traffic.

## TDM FRAMEWORK: SPEAR-CARRIER AND PROPAGANDA FOR BALBOA RESERVOIR PROJECT

The Nelson-Nygaard TDM documents serve as spearhead documents to advocate for the interests of the Balboa Reservoir Project, NOT for the interests of City College stakeholders or for the neighborhoods.

**The main significance of the TDM Framework is that it functions as a means for the Reservoir Project to avoid its responsibility to mitigate its adverse impacts.**

## **Shanahan, Thomas (ECN)**

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**From:** Aaron Goodman [REDACTED]  
**Sent:** Saturday, July 07, 2018 9:18 AM  
**To:** BRCAC (ECN)  
**Subject:** Balboa Reservoir CAC Meeting Monday July 9th 6:00pm - Comments

Balboa Reservoir CAC Members

I am unable to attend to listen and provide input on the Transportation Updates, and input on the CCSF planning as well.

I do believe my thoughts and concerns have been raised sincerely on the issues of long-term planning for Ocean ave and the adjacency to the Balboa Park Station. But to relay this and to ensure that transit long-term planning is not only thought of but supported, planned for and financed, it is critical to get projects on the agenda and designed in full to achieve the system changes to relieve traffic and congestion along Ocean and around the major connectors between districts.

1) The balboa reservoir project should support and improve direct connection via pedestrian and bike, or shuttle to Balboa Park Station.

2) The CCSF future proposal(s) should include a "high-line" solution on the south-side of campus along ocean using topography and possibly the elimination of the existing cross-over pedestrian bridge with a better well designed "high-line" route that brings people from Phelan down across the freeway and into the BART station north entry ramp. Connection can be provided on the SE corner of the CCSF site, with a direct "off-ramp" into an east side garage. The land is there and housing and new buildings could be infilled along the eastern and south-eastern segment of the site. The garage proposal at phelan only adds traffic to the west-side and impedes the corner entry to the Balboa Reservoir. A better designed, housing and retail area should be considered near the PAEC building.

3) Pedestrian bridges along the eastern edge of CCSF and the freeway need improvements physically and structurally, this includes safety, lighting and aesthetics to improve walking to Ocean from the mission and vice-versa.

4) Extension of the Ocean Ave designs and merging of the merchant areas in the mission and ocean to improve the walking zones between shopping areas will improve pedestrian and bike routes, by lessening auto use.

5) Do not let Caltrans ignore the freeway zones and the impacts of lacking changes in public infrastructure. Demand that they improve the off-ramps to allow for a direct off-ramp into a parking garage at CCSF to lessen auto impacts on Ocean ave.

6) look seriously at micro-shuttle bus systems that could bring people across the reservoir site to CCSF and over to Balboa Park station as a micro-linked system. (See Germany auto-micro-bus concepts) and look at how these loops around the reservoir and ccsf can perform a figure "8" loop down and past the Balboa Park Station.

7) Request that CCSF be adventurous in mind on the designs of future buildings, current "parti" designs for the SW corner of the site are "mundane" and do not indicate a more adventurous design concept. Make sure that they are pressured on the issues of good modern design concepts that link/loop and connect with and using topography on the site. The focus on the western edge of campus leaves other areas lacking in vision.

Thank you for reading and sending these comments to the appropriate parties involved in the BRCAC Planning.

Sincerely

Aaron Goodman D11

## Shanahan, Thomas (ECN)

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**From:** aj [REDACTED]  
**Sent:** Monday, July 02, 2018 11:27 PM  
**To:** BRCAC (ECN); Shanahan, Thomas (ECN); [REDACTED]  
[REDACTED]  
[REDACTED]  
**Cc:** Yee, Norman (BOS); Low, Jen (BOS); Maybaum, Erica (BOS); Board of Supervisors, (BOS)  
**Subject:** COMMENT ON TRANSPORTATION FOR 2018-7-9 BR CAC MEETING

### COMMENT ON TRANSPORTATION FOR 2018-7-9 BR CAC MEETING

Much of the City Team's strategy to promote the Reservoir Project is derived from a 2012 study/development proposal sponsored by NAIOP (National Association of Industrial and Office Properties). Much of Avalon-Bridge's Base Plan for the Reservoir is also derived from this NAIOP-sponsored study/proposal.

The study/development proposal was done as a project by UC Berkeley's Haas School of Business students. The development proposal was part of a competition for a "Golden Shovel" award.

The development proposal was entitled "Westwood Terrace in Balboa Park."

#### FRAMING/ MARKETING.....DECEPTIVE ADVERTISING

The "Westwood Terrace" development proposal offered a marketing/PR approach:

*... Given the depth of anti-development sentiment related to the site and the coordination of the local neighborhood groups, it is **vital that the project be framed as a solution to current problems** and an asset to the local community.*

The Reservoir Project has been skillfully framed/marketed as "50% affordable housing". But what are the facts?

The truth of the matter is that that the Reservoir Project's own Development Overview provides only for:

- 50% (550 units) market-rate;
- 18% (198 units) low-income (80% AMI-- \$66,300)
- 15% (165 units) moderate-income (120% AMI-- \$99,500)
- **17% (187 units) HYPOTHETICAL (not funded or planned by the private developer)**  
"additional affordable" middle-income (150% AMI-- \$124,350)

SINCE RESERVOIR COMMUNITY PARTNERS, LLC HAS NO RESPONSIBILITY TO ACTUALIZE THE 17% "ADDITIONAL AFFORDABLE" (for individuals of up to \$124,350 annual income per Mayor's Office of Housing & Community Development's 4/1/2018 max income table), the marketing hype of "50% affordable" is a lie.

#### KEY CHALLENGES: PARKING & TRAFFIC

The "Westwood Terrace" development proposal identified "Key Challenges" for the proposed development:

1. *The Site will need to overcome a difficult entitlement process. In order to maximize the value of this unique Site, rezoning and increased density will be required. Obtaining these entitlements in the City of San Francisco can be a drawn-out process spanning multiple years.*

2. *As the largest student parking area on-campus, preservation of parking capacity on the Balboa Reservoir is a focal point for both the City College and the local community.*

3. *Due to limited access points and large influx of new residents, traffic impact and flow is a primary concern for the project.*

4. *Development of the Site will require significant infrastructure costs*

Points #2 and #3 of “Key Challenges” reflect the real world. Yet throughout the City Team’s public engagement process, the City Team has sought to ignore the real world and has downplayed the adverse impacts of the Project on parking and traffic.

The City Team’s solution consists of TDM (Transportation Demand Management) and Residential Permit Parking. The TDM and RPP solutions fundamentally dump the burden and responsibility to mitigate adverse traffic and parking impacts from the new Reservoir Project onto existing City College and neighborhood stakeholders.

Furthermore, the biggest contributing factor in demand would be the influx of 2,200 new Reservoir residents—something which Key Challenge #3, unlike the City Team’s Development Parameters, acknowledges.

The 2012 “Westwood Terrace” development proposal, unlike the City Team’s TDM solution, offered a more real-world solution to Key Challenges #2 and #3.

The “Westwood Terrace” proposal’s “Core Programmatic Concepts” to address key challenges of parking and transportation included these more sensible ideas (compared to the City Team’s TDM/RPP solution):

2. *Maintain majority of student parking on-site; a **major** consideration of both CCSF and the surrounding neighborhood group. Current Site layout allows for developer to build below the natural grade without incurring significant excavation costs.*

3. *Inclusion of “car-free” Student Housing units allows Site to reach revenue and absorption potential while minimizing traffic impacts highlighted as major concern due to Site’s limited ingress/egress points.*

## CITY COLLEGE

The “Westwood Terrace” proposal included a section on “Primary Neighborhood Stakeholders”, among which was City College.

The “Westwood Terrace” development proposal’s section on City College stated:

*Conversations with City College representatives suggest that the predominant concern that the school has for the site pertain to reduction in parking. The Reservoir is the school’s primary parking facility and with over 32% of students and 63% of faculty driving to school, any substantial reduction of parking would create serious problems for the campus. If the parking issue can be resolved, the City College would be likely to support on-site development that*



*provides student or faculty housing. To-date, the City College has not been an active advocate or opponent of nearby development but we believe that dynamic is likely to change should new development be proposed that substantially impacts the school's supply of parking.*

It should be noted that the SFCCD authorities have appointed and re-appointed a Program Manager to represent City College interests vis a vis the Reservoir Project. It should also be noted that the Program Manager is a Principal of Curtis Development who was co-developer in the Related California Proposal for the Reservoir. Because of this background, it may be difficult for the Program Manager to unequivocally advocate for grassroots CCSF stakeholders.

The grassroots CCSF stakeholders' position can only be for full mitigation of loss of student parking. The costs of any and all replacement parking necessitated by the loss of parking in the Reservoir must be borne by Avalon-Bridge and not by SFCCD.

This written comment on Transportation repeats what has been brought up constantly by many at BRCAC meetings and in written submissions over the past several years. The only thing new here is the citation of content from the NAIOP Golden Shovel proposal.

--aj  
7/2/2018

**Shanahan, Thomas (ECN)**

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**From:** aj [REDACTED]  
**Sent:** Tuesday, June 19, 2018 8:54 PM  
**To:** [REDACTED] BRCAC (ECN); Hood, Donna (PUC); Secretary, Commissions (CPC); Board of Supervisors, (BOS)  
**Cc:** Yee, Norman (BOS); Low, Jen (BOS); Maybaum, Erica (BOS); Choy, Jarlene (BOS); Rafael Mandelman  
**Subject:** Written comment on Reservoir Open Space  
**Attachments:** 2018-6-19 WRITTEN COMMENT ON BALBOA RESERVOIR OPEN SPACE.pdf; 2017-10-25 updated version-- UNADDRESSED FLAWS IN BALBOA RESERVOIR PROJECT.docx

PUC, Planning Commission, Board of Supervisors, BRCAC, Reservoir Community Partners, LLC:

Attached is comment on Balboa Reservoir Open Space, solicited by Reservoir Community Partners, LLC for 6/23/2018 meeting.

## WRITTEN COMMENT ON BALBOA RESERVOIR OPEN SPACE

The fundamental issue of privatization of public assets has never been addressed throughout the Reservoir Project's public engagement process.

The PUC Reservoir parcel 3180 is zoned as a P (Public) District according to the Planning Code. The use of this "P" parcel for private ownership is not allowed under the Planning Code.

The Planning Code further requires that:

If the accessory **nonpublic use** is located on a lot with an OS Height and Bulk designation per Section [290](#) of this Code, it shall occupy a *de minimis* amount of space so that it does not detract from the lot's principal or exclusive purpose as open space. In no case may accessory nonpublic uses occupy more than 1/3 of the total lot area occupied by the principle use;

Also, being adjacent to the Westwood Park Residential Character District, the Planning Code furthermore requires that:

If the accessory nonpublic use is located within 1/4 mile of a Restricted Use Subdistrict listed in [Article 2](#) or [7](#), then no use prohibited in such Subdistrict may be permitted as an accessory nonpublic use;

I expect that the Reservoir Project intends to rezone the PUC Reservoir from public "P" zoning and for removal of the 40-X height limit zoning to a substantially higher bulk-height zoning. The Planning Commission and Board of Supervisors should not allow this. Planning Commission and Board of Supervisors should not be facilitating the privatization of public property.

The Balboa Park Station Area Plan has been used to justify the development of the Reservoir by Reservoir Community Partner, LLC. However, the citation of the BPS Area Plan has been selective and distorted. From my submission entitled "Unaddressed Flaws in Balboa Reservoir Project" (attached), I had written the following which relates to the BPS Area Plan's call to consider Housing and Open Space:

### 10. Best use of PUC Reservoir:

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

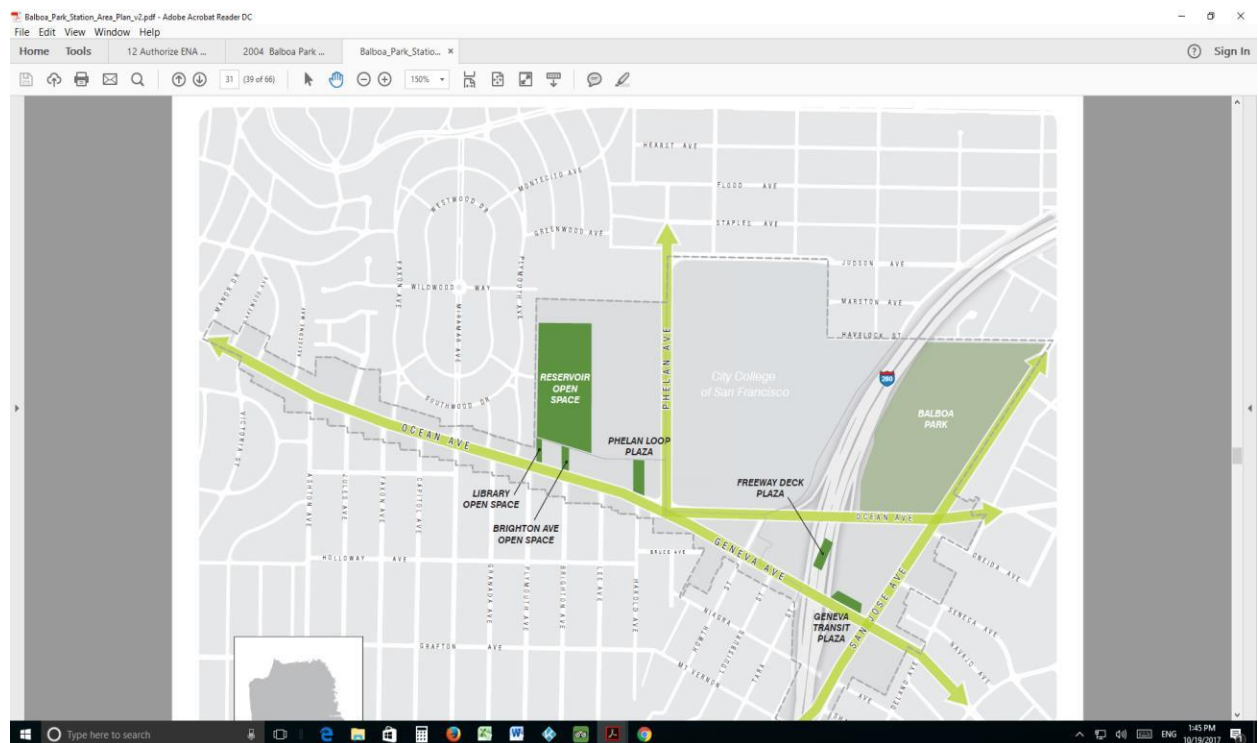
☐ There has never been any discussion about what constitutes "greatest benefit." The City/Mayor simply declared by fiat that it would be used for housing (without mandating compliance with the intent of State and City Public Lands laws regarding legally-defined Affordable Housing).

It can be legitimately argued that **using the west basin for educational purposes would be the "greatest benefit."**

#### 11. Balboa Station Area Plan does not mandate housing at Reservoir

Proponents of the Reservoir Project refer to the Balboa Park Station Area Plan as calling for housing on the Reservoir. This is inaccurate. The BPS Area Plan actually used the term "consider." It called for housing to be considered. It was not a mandate. In addition to housing, there was something else that the BPS Area Plan asked to be considered: OPEN SPACE. The BPS Area Plan contains several elements, among which are the Housing Element and the Open Space Element.

The Open Space Element of the BPS Area Plan includes discussion of the western Reservoir as open space and includes this map, yet this section of the BPS Area Plan has been ignored.



And then again, on a broader perspective, the BPS Area Plan has asked that the "best use" be considered for the Reservoir. Instead of "best use" or "open space" as presented by the BPS Area Plan, the City jumped directly to housing as the sole consideration.

I took an Anthropology class that was taught on the 3<sup>d</sup> floor of the Science Building in Fall 2017. From the classroom, we were able to take in the view of the Pacific Ocean out to the Farallon Islands. This view will be lost with the high-density Reservoir development.

Avalon-Bridge's plan to offer 4 acres of open space out of the Reservoir's 17.4 fails to address the Reservoir Project's impact on the existing neighborhood character, context and setting.

CALL FOR RESERVOIR COMMUNITY PARTNERS, LLC, OEWD, PLANNING DEPT, and PUC TO DESIST IN THE MISREPRESENTATION OF "50% AFFORDABLE"

The Reservoir Project has been able to gain traction because of the deceptive marketing of "50% affordable." The fact is that the Reservoir Project's own Development Overview provides only for:

- 50% (550 units) market-rate;
- 18% (198 units) low-income (80% AMI-- \$64,500)
- 15% (165 units) moderate-income (120% AMI-- \$97,000)
- **HYPOTHETICAL (not funded or planned by the private developer)** "additional affordable" middle-income (150 AMI-- \$121,000)

SINCE RESERVOIR COMMUNITY PARTNERS, LLC HAS NO RESPONSIBILITY TO ACTUALIZE THE 17% "ADDITIONAL AFFORDABLE" (for those of up to \$121,000 annual income), the deceptive misrepresentation of "50% affordable" needs to be corrected. "50% affordable" is fundamentally deceptive advertising.

Submitted by:

Alvin Ja

Sunnyside resident, City College stakeholder

June 19, 2018

## **UNADDRESSED FLAWS IN BALBOA RESERVOIR PROJECT (updated 10-25-2017)**

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

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

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

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

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

### **CONCEPTUAL FRAMEWORK: PUBLIC LAND FOR THE PUBLIC GOOD**

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

follows: "The project's affordable housing units must remain affordable in perpetuity (i.e. throughout the useful lives of the buildings in which those units are located), ..." What this really means is that after 55-75 years, or even sooner--depending on how the developer defines "useful life"-- even the 33% Affordable will no longer be in existence. The entire Reservoir property will be owned free and clear by private interests with no requirements for affordability: It's the pot at the end of the rainbow for private interests that are willing to make a short-term sacrifice in exchange for a long-term bonanza.

10. Best use of PUC Reservoir:

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

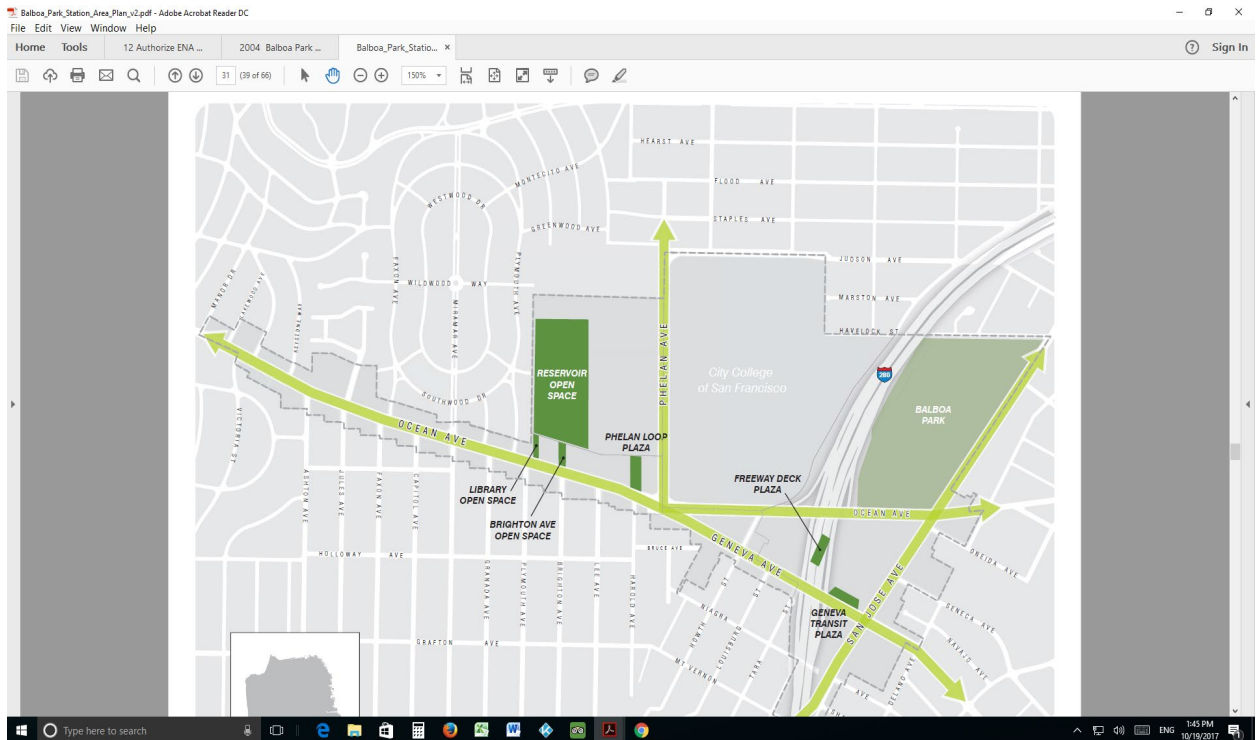
- There has never been any discussion about what constitutes "greatest benefit." The City/Mayor simply declared by fiat that it would be used for housing (without mandating compliance with the intent of State and City Public Lands laws regarding legally-defined Affordable Housing).
- It can be legitimately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

11. Balboa Station Area Plan does not mandate housing at Reservoir

Proponents of the Reservoir Project refer to the Balboa Park Station Area Plan as calling for housing on the Reservoir. This is inaccurate. The BPS Area Plan actually used the term "consider." It called for housing to be considered. It was not a mandate. In addition to housing, there was something else that the BPS Area Plan asked to be considered: OPEN SPACE.

The BPS Area Plan contains several elements, among which are the Housing Element and the Open Space Element.

The Open Space Element of the BPS Area Plan includes discussion of the western Reservoir as open space and includes this map, yet this section of the BPS Are Plan has been ignored.



And then again, on a broader perspective, the BPS Area Plan has asked that the "best use" be considered for the Reservoir. Instead of "best use" or "open space" as presented by the BPS Area Plan, the City jumped directly to housing as the sole consideration.

## CEQA CONSIDERATIONS

1. CEQA requires public agencies to avoid or mitigate significant adverse environmental impacts caused by a project.
2. City College is a critical public service that serves the entire Bay Area. CCSF is the central economic, educational and cultural feature of the Reservoir vicinity. However the Balboa Reservoir Project has failed to acknowledge CCSF's primacy.
3. Housing on Balboa Reservoir is a component of the Balboa Park Station Area Plan, based on an Initial Study conducted in 2006, referenced in the BPS Final EIR.
4. The proposal of 425-500 units in the Reservoir was arbitrary. There was no documentation, evidence, or argumentation presented to support the proposal for 425-500 units in the 2006 BPS Initial Study/BPS Final EIR/BPS Area Plan.
5. The BPS Area Plan, Final EIR/Initial Study determined that, on the BPS Program-Level, that there would be no significant impact to school facilities.



6. The BR Project's 2014 AECOM Study incorrectly extended the Program-Level determination of non-significance to the Balboa Reservoir Project's Plan-Level. This has caused the BR Project to ignore adverse impacts that the Project will have on City College and neighboring schools.
7. The City Team has refused to acknowledge the reality that the use of the Reservoir for student parking is an existing public benefit. It is a benefit that helps provide access to quality education.
8. Instead, the Balboa Park Station Area Plan mischaracterizes the Reservoir as simply being an "unpleasant void in the neighborhood " despite the reality that it serves an important and needed public purpose for students.
9. The Balboa Reservoir Project can be characterized as constituting an **eviction of an important Bay Area-wide public service**--City College. A public good is being eliminated for the benefit of private developer interests.
10. The City Team operates on the unfounded assumption that housing on the Reservoir is of higher importance than the importance of City College to the community.
  - The City Team shifts the burden of mitigation of impending adverse impacts of the Project onto the surrounding neighborhoods and CCSF stakeholders. It addresses the BR Project's adverse impacts by calling for the impacttees to bear the burden by practicing TDM ("*reduce single-occupant vehicle trips by college staff, faculty, students, and neighborhood residents*") and requesting Residential Permit Parking.
11. The City Team argues that it is too expensive to build parking. If the Reservoir were to be left as-is to provide student access to education, there would be no need to build new parking. It's cheaper to keep it as-is.
12. Eviction of CCSF from western Reservoir will harm student access to education.
13. The State Surplus Property Statute (Govt Code 54220) targets use of housing for those of "low" or "moderate" income (up to 120% of Area AMI). It was under this concept that San Francisco's Public Lands for Housing Program was originally formulated. The idea was for surplus public property to be used for the public good to create Affordable Housing (120% AMI).
14. "Affordable Housing" is legally defined as up to 120% AMI (Administrative Code 23.A.4) The Principles & Parameters only requires 33% to be legally-defined Affordable Housing.
15. In reality 67% will be unaffordable housing. Although the City Team presents the Project as market-rate housing subsidizing affordable housing, this is an inversion of reality. In reality, the 33% affordable housing is cover for the reality that this transfer of public property will benefit private interests at the expense of the public. The reality is that the 33% "affordable housing" will be subsidizing private interests.

## PUC LAND USE POLICY

1. The RFQ's section on Applicable Land Use Policies makes no reference to the PUC's own "Framework for Land Use and Management."

2. From the PUC website: By adoption of [the Framework](#), the Commission is seeking to advance the analytical and decision-making process surrounding the administration of real estate assets under the SFPUC's exclusive jurisdiction.
3. PUC's Land Use Framework policy allows sale only if: *"Use of the land sold will not result in creating a nuisance."*
4. Even though the PUC Land Use Framework was formulated to focus on "Land Management Guidance for...Disposition of SFPUC Lands," The City Team has dismissed the importance of this policy document: *"It is not necessary, or feasible, for an RFQ to name all of the City policies and procedures that apply to the project."* [ from Staff Response to *"Why doesn't the RFQ discuss the SFPUC Land Use Framework?"* ]

Importantly, Staff misstated the essence of the question. **The real question was whether or not the intended disposition of the PUC Reservoir property complies with PUC's policy on "Disposition of SFPUC Lands"; the question was not whether the Land Use Framework policy is "named."**

## **PARKING vs. TDM**

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

## ○ **PROJECT DESCRIPTION AND BENEFITS**

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

*existing transportation investments perform better, extending the life of existing infrastructure and improving the outcomes for new transportation investments.*

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

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

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

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

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

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

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

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

- "Spillover [parking] from City College"
- Both Sunnyside Neighborhood Assn and Westwood Park Assn have made clear that the neighborhood supports CCSF and its students. The Nelson-Nygaard Study calls for

preventing "spillover from City College" by making parking for them difficult via RPP and enforcement. Rather than making parking difficult for students, the neighbors have called for the Balboa Reservoir Project to provide adequate on-site parking for student needs.

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

--aj