

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 27-28, 2012

Reference No.: 2.2c.(11)
Action



From: BIMLA G. RHINEHART
Executive Director

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE BALBOA PARK STATION AREA
PLAN: PHELAN LOOP PEDESTRIAN AND STREET BEAUTIFICATION PROJECT
(RESOLUTION E-12-44)**

ISSUE:

Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR), Findings of Fact and Statement of Overriding Considerations for the Balboa Park Station Area Plan in San Francisco County and approve the Phelan Loop Pedestrian and Street Beautification Project (Phelan Loop Project) for future consideration of funding?

RECOMMENDATION:

Staff recommends that the Commission accept the FEIR, Findings of Fact and Statement of Overriding Considerations for the Balboa Park Station Area Plan and approve the Phelan Loop Project for future consideration of funding.

BACKGROUND:

The San Francisco Planning Department (agency) is the CEQA lead agency for the Balboa Park Station Area Plan. The Balboa Park Station Area Plan is a policy document that presents an overall concept for enhancing the existing neighborhood, as well as encouraging infill development in the surrounding Balboa Park Station and along Geneva, Ocean, and San Jose Avenues. The Phelan Loop Project programmed by the Commission is an element of the Balboa Park Station Area Plan and, therefore, the scope of this project was included in the FEIR. The Environmental Impact Statement (EIS)/FEIR, was approved and certified by the San Francisco Planning Department on December 4, 2008.

The overall Balboa Park Station Area Plan for which the FEIR covers will result in significant unavoidable impacts to transportation/circulation and historical resources. However the Phelan Loop project element was not found to contribute to these impacts. Specifically, the overall project would result in traffic impacts at three intersections and cumulative impacts to a potential historic district along Ocean Avenue.

Mitigation measures and/or alternatives to the proposed Balboa Park Station Area Project that would substantially reduce or avoid these significant unavoidable impacts are infeasible.

The agency adopted the FEIR, Findings of Fact and a Statement of Overriding Considerations for the Balboa Park Station Area Plan on December 4, 2008. The agency found that there were several benefits that outweigh the unavoidable adverse environmental effects of the Balboa Park Station Area Project. These benefits include, but are not limited to, improvement in the overall operation of the project area's multi-modal transit system; revitalizing the Project Area's Public Realm by incorporating traffic-calming strategies, tree planting, sidewalk expansions, and new public open spaces; and integrating the development of underused parcels in the project area as well as the City College Main campus into the surrounding neighborhood. The agency identified a series of mitigation measures that are to be followed as specified for each development project as they are built-out.

On May 23, 2012 the agency provided written confirmation that the preferred alternative set forth in the final environmental document is consistent with the Phelan Loop Project programmed by the Commission. The agency also provided written confirmation of its commitment to all of the mitigation measures stipulated in the FEIR and Mitigation Monitoring Program.

The Phelan Loop Project is estimated to cost \$718,000 and is funded with State (\$574,000) and Local (\$144,000) funds. Construction is estimated to begin in fiscal year 2011/12.

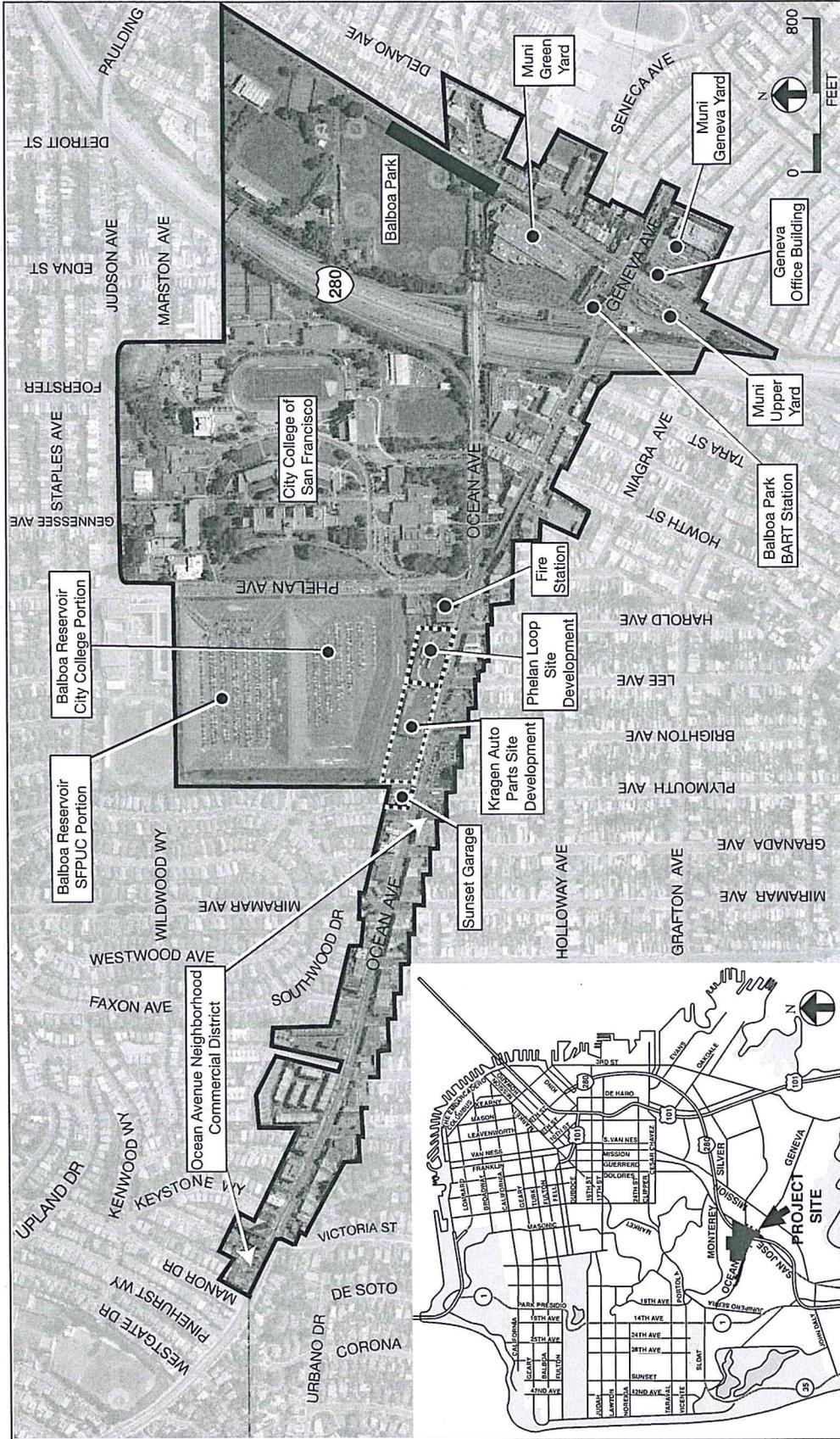
Attachment

- Resolution E-12- 44
- Findings of Fact & Statement of Overriding Considerations
- Project Location

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding 04 – San Francisco County Resolution E-12-44

- 1.1 **WHEREAS**, the San Francisco Planning Department (agency) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
 - Balboa Park Station Area Plan: Phelan Loop Pedestrian and Street Beautification Project
- 1.2 **WHEREAS**, the agency has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3 **WHEREAS**, the project will create a 210-acre Project Area Plan including the Phelan Loop Pedestrian and Street Beautification Project; and
- 1.4 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report; and
- 1.5 **WHEREAS**, Findings of Fact made pursuant to CEQA guidelines indicate that specific unavoidable significant impacts related to transportation/circulation and historical resources make it infeasible to avoid or fully mitigate to a less than significant level the effects associated with the project; and
- 1.6 **WHEREAS**, the agency adopted a Statement of Overriding Considerations for the project; and
- 1.7 **WHEREAS**, the agency adopted a Mitigation Monitoring Program for the project; and
- 1.8 **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Final Environmental Impact Report, Findings of Fact and Statement of Overriding Considerations and approve the above referenced project to allow for future consideration of funding.



SOURCE: San Francisco Planning Department, ED&W, Turnstone Consulting

BALBOA PARK STATION AREA PLAN EIR

2004.1059E

FIGURE 1: PROJECT LOCATION



SAN FRANCISCO PLANNING DEPARTMENT

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ADOPTING ENVIRONMENTAL FINDINGS (AND A STATEMENT OF OVERRIDING CONSIDERATIONS) UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE GUIDELINES IN CONNECTION WITH THE ADOPTION OF THE BALBOA PARK STATION AREA PLAN AND RELATED ACTIONS NECESSARY TO IMPLEMENT SUCH PLANS. THE PLAN AREA GENERALLY INCLUDES THE AREA SURROUNDING THE BALBOA PARK STATION, AND ALONG GENEVA, OCEAN, AND SAN JOSE AVENUES.

Whereas, the Planning Department, the Lead Agency responsible for the implementation of the California Environmental Quality Act ("CEQA") has undertaken a planning and environmental review process for the proposed Balboa Park Station Area Plan ("Area Plan" or "Project") and provided for appropriate public hearings before the Planning Commission.

Whereas, The San Francisco Planning Department is seeking to implement the Balboa Park Station Area Plan. The Plan aims to improve upon the existing land use pattern, improve transit facilities and services, create balanced parking policies, provide new housing and increase opportunities for affordable housing, enhance streets through public realm improvements, retain and reuse the area's historic properties, and create opportunities to integrate art into the community.

Whereas, the Planning Department initiated a public planning process and, with help from the community, developed a vision for the Balboa Park area as described in "The Balboa Park Station Area Plan: Draft for Public Review." The Balboa Park Area Plan formalizes this community vision through objectives, policies, and implementing actions. The Plan addresses land use, transportation, parking, housing, streets and open space, built form, historic preservation, and the arts. The Plan includes a Community Improvements Program Document, which guides the implementation of the Plan's goals.

Whereas, the Balboa Park Station Area Plan proposes two new zoning districts in the area of San Francisco generally located in south central San Francisco as described in the preamble, including the following: Ocean Avenue Neighborhood Commercial Transit District, and the Neighborhood Commercial Transit Cluster District.

Whereas, the above-mentioned use districts would eliminate the existing density cap and minimum parking requirement as described in detail in the *Balboa Park Station Area Plan Initiation Package*, dated November 6, 2008, transmitted to the City Planning

Commission and made available to the general public on November 6, 2008. These use districts would replace existing Neighborhood Commercial Districts within the Project Area.

Whereas, the Planning Commission will consider—in conjunction with the proposed new use districts—adoption of General Plan amendments, including new and/or amended goals, objectives, and policies as part of the Balboa Park Station Area Plan. These include, but are not limited to, zoning map amendments, a community benefits fee program, and other applicable zoning changes.

Whereas, the actions listed in Attachment A hereto (“Actions”) are part of a series of considerations in connection with the adoption of the Balboa Park Station Area Plan and various implementation actions (“Project”), as more particularly described in Attachment A hereto.

Whereas, the Planning Department determined that an Environmental Impact Report (“EIR”) was required for the proposed Balboa Park Station Area Plan, and provided public notice of that determination by publication in a newspaper of general circulation on July 29, 2006.

Whereas, the Planning Department on September 21, 2007, published the Draft Environmental Impact Report (“DEIR”). The DEIR was circulated for public review in accordance with the California Environmental Quality Act, California Public Resources Code section 21000 *et seq.* (“CEQA”), the State CEQA Guidelines, 14 California Code of Regulations, Section 15000 *et seq.*, (“CEQA Guidelines”), and Chapter 31 of the San Francisco Administrative Code (“Chapter 31”). The Planning Commission held a public hearing on the DEIR on October 25, 2007.

Whereas, the Planning Department prepared responses to comments on the DEIR and published the Comments and Responses document on October 30, 2008, which together with the DEIR, background studies and materials, and additional information that became available, constitute the Final Environmental Impact Report (“FEIR”).

Whereas, the Planning Commission, on December 4, 2008, by Motion No. 17774, reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the provisions of CEQA, the CEQA Guidelines, and Chapter 31.

Whereas, the Planning Commission by Motion No. 17774, also certified the FEIR and found that the FEIR was adequate, accurate, and objective, reflected the independent judgment of the Planning Commission and that the Comments and Responses document contains no significant revisions to the DEIR that would have required recirculation under CEQA Guidelines Section 15088.5, and adopted findings of significant impacts associated with the Project and certified the completion of the FEIR for the Project in compliance with CEQA and the CEQA Guidelines.

Whereas, the Planning Department prepared proposed Findings, as required by CEQA, regarding the alternatives, mitigation measures, and significant environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, including all of the actions listed in Attachment A hereto, and a proposed mitigation monitoring and reporting program, attached as Exhibit 1 to Attachment A, which material was made available to the public and this Planning Commission for the Planning Commission's review, consideration, and actions.

THEREFORE BE IT RESOLVED, that the Planning Commission has reviewed and considered the FEIR and the actions associated with the Balboa Park Station Area Plan Rezoning and hereby adopts the Project Findings attached hereto as Attachment A including a statement of overriding considerations, and the Mitigation Monitoring and Reporting Program.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of December 4, 2008.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Moore, Sugaya
NOES:
ABSENT: Commissioners Lee, Miquel, Olague
EXCUSED:

ACTION: Adoption of CEQA Findings

VI. OTHER CEQA CONSIDERATIONS

A. SIGNIFICANT ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

In accordance with Section 21067 of the California Environmental Quality Act (CEQA), and with Section 15126(b) of the State CEQA Guidelines, the purpose of this section is to identify impacts that could not be eliminated or reduced to an insignificant level by mitigation measures included as part of the proposed Area Plan, or by other mitigation measures that could be implemented as identified in Chapter V, Mitigation and Improvement Measures. The findings of significant impacts are subject to final determination by the Planning Commission as part of the certification process for the EIR. If necessary, this chapter will be revised in the Final EIR to reflect findings of the Commission.

With implementation of the mitigation measures outlined in Chapter V, Mitigation and Improvement Measures, most potentially significant impacts associated with the proposed Area Plan and its specific development projects at the Phelan Loop and Kragen Auto Parts Sites would be reduced to less-than-significant levels. However, some transportation and historic impacts would continue to be significant and unavoidable if the Area Plan and its specific development projects were implemented.

Full build-out of the Area Plan's development program by 2025 can be expected to result in potentially significant and unavoidable traffic impacts at three Project Area intersections that would operate at LOS F: 1) Ocean Avenue/Junipero Serra Boulevard; 2) Ocean Avenue/I-280 NB On-Ramp; and 3) Ocean Avenue/San Jose Avenue. Mitigation measures have been developed to reduce impacts at these intersections to less-than-significant levels (LOS D), except for the Ocean Avenue/Junipero Serra Boulevard intersection, which would operate at LOS E, unacceptable conditions. However, these measures are not included as part of the Area Plan adoption, as it is not certain whether the identified traffic measures are feasible and acceptable to the San Francisco Municipal Transportation Agency (MTA). Therefore, these traffic impacts would be considered potentially significant unavoidable impacts. In addition, reconfiguration of intersections and I-280 ramps proposed in the Area Plan would cause the following study intersections to operate at unacceptable levels of service in 2025: 1) Ocean Avenue/Geneva Avenue/Phelan Avenue; and 2) Geneva Avenue/I-280 Ramps. The proposed reconfiguration of these two intersections would result in poor operating conditions. Queues on the Geneva Avenue and Ocean Avenue off-ramps would spill onto I-280, resulting in operations at LOS F on these

VI. Other CEQA Considerations

ramps. No feasible mitigation measures have been identified to reduce the resulting significant unavoidable impacts to less-than-significant levels at these intersections and on these off-ramps.

In 2025, implementation of the Area Plan would result in significant unavoidable impacts on the K-Ingleside Muni Metro line. Capacity would be exceeded on the K-Ingleside, both with and without the addition of transit riders generated by the proposed Area Plan. However, the Area Plan would contribute about six percent to the future ridership at the maximum load point, which would be considered a significant contribution to cumulative adverse transit conditions on this line. Mitigation measures (e.g., running double-trains during p.m. peak hours) have been examined that could reduce this impact; however, at a program level of analysis, there is no assurance that MTA would be able to fund or implement these measures. Therefore, for purposes of CEQA, no feasible mitigation measures have been identified, and the impact on the K-Ingleside line would remain significant and unavoidable.

The proposed bicycle lane on westbound Ocean Avenue approaching the Ocean/Geneva/Phelan intersection would reduce the capacity of the intersection to carry vehicular traffic. No mitigation measures have been identified to reduce this impact and retain the bicycle lane; therefore, this impact would be significant and unavoidable.

Implementation of the Area Plan could encourage demolition of contributing resources to a potential historic district identified along Ocean Avenue, and encourage new construction and alteration within this potential historic district. It is not yet known which, if any, such contributors would be demolished in the future, nor is it possible to know the location and character of new development in the potential Ocean Avenue historic district. Implementation of the proposed Area Plan could, therefore, have a significant cumulative impact on the integrity of a potential historic district. The proposed Area Plan could also encourage the demolition of potential individually significant historical resources, meriting further study of their individual historic significance under CEQA. Should the City determine, upon further project-level study, that a resource is an historical resource for the purposes of CEQA, the demolition of such a resource would be a significant adverse impact under CEQA. Therefore, demolition of such a resource would require project-level review, and retention and reuse of the resource would have to be considered as an alternative to demolition.

With implementation of the mitigation measures listed in Chapter V, Mitigation and Improvement Measures, all other potentially significant Area Plan-related impacts, as well as impacts related to the specific development projects at Phelan Loop and Kragen Auto Parts Sites, would be reduced to less-than-significant levels or eliminated.

B. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES THAT WOULD BE CAUSED BY THE PROPOSED PROJECT SHOULD IT BE IMPLEMENTED

The proposed Area Plan would intensify development in the Project Area consistent with development in San Francisco's urban environment. The Area Plan would commit future generations to the same land uses and transportation and open space improvements for at least the life of the Area Plan. Implementation of the proposed Area Plan would result in an irreversible commitment of energy resources, primarily in the form of fossil fuels, including fuel oil, natural gas, and gasoline or diesel fuel for construction equipment and automobiles during demolition, construction, and ongoing use of the development site. Because development under the Area Plan would comply with California Code of Regulations Title 24, it would not use energy in a wasteful, inefficient or unnecessary manner (see the discussion of Energy in the Initial Study, Appendix A). The consumption or destruction of other non-renewable or slowly renewable resources would also result during construction, occupancy, and use of individual development sites under the Area Plan. These resources include, but are not limited to, lumber, concrete, sand, gravel, asphalt, masonry, metals, and water. Development under the Area Plan would also irreversibly use water and solid waste landfill resources. However, development under the Area Plan would not involve a large commitment of those resources relative to supply, nor would it consume any of those resources wastefully, inefficiently, or unnecessarily. Development under the Area Plan would contribute both directly and indirectly to long-term increases in greenhouse gas emissions, albeit to a lesser extent than if the same growth and development were to occur outside of the central city where transit is less available and average trip lengths are longer.