



## Responses to Comments on the Draft Subsequent Environmental Impact Report

# EVENT CENTER AND MIXED-USE DEVELOPMENT AT MISSION BAY BLOCKS 29-32

Office of Community Investment and Infrastructure Case No. ER 2014-919-97  
San Francisco Planning Department Case No. 2014.1441E  
State Clearinghouse No. 2014112045

Draft SEIR Publication Date: June 5, 2015

Draft SEIR Public Hearing Date: June 30, 2015

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Responses to Comments Publication Date: October 23, 2015

Final SEIR Certification Date: November 3, 2015



*office of*  
COMMUNITY INVESTMENT  
and INFRASTRUCTURE

Volume 4



October 23, 2015

To: Community Investment and Infrastructure Commissioners and Interested Parties

From: Tiffany Bohee, Executive Director

Re: **Responses to Comments Document on the  
Draft Subsequent Environmental Impact Report on the  
Event Center and Mixed-Use Development at Mission Bay Blocks 29-32**

**OCII Case No. ER 2014-919-97**

**San Francisco Planning Department Case No. 2014.1441E**

**State Clearinghouse No. 2014112045**

Attached please find the Responses to Comments document for the Draft Subsequent Environmental Impact Report (SEIR) on the above-referenced project. This document together with the Draft SEIR constitute the Final SEIR on this project. **The Commission will consider certification of the Final SEIR on this project on November 3, 2015.**

The Commission does not conduct a hearing to receive comments on the Responses to Comments document, and no such hearing is required by the California Environmental Quality Act. The public review period on the Draft SEIR ended on July 27, 2015.

This Responses to Comments document, as well as the Draft SEIR, are available to view or download at either the OCII or the Planning Department's websites at the following URL internet addresses:

- <http://www.sfocii.org/index.aspx?page=61>
- <http://www.sf-planning.org/sfceqadocs>

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Printed paper copies of the Responses to Comments document and the Draft SEIR are available for viewing at the following locations: (1) OCII at 1 South Van Ness Avenue 5th Floor, San Francisco; (2) Planning Information Center counter on the first floor of 1660 Mission Street, San Francisco; (3) San Francisco Main Library at 100 Larkin Street, San Francisco; and (4) San Francisco Library, Mission Bay Branch at 960 4th Street, San Francisco. Printed paper copies of the Responses to Comments document can be obtained at the cost of 10 cents per page by contacting Brett Bollinger, San Francisco Planning Department, at (415) 575-9024.

If you have any questions concerning the Responses to Comments document or the environmental review process, please contact Brett Bollinger at the number above. Thank you for your interest in this project and your consideration of this matter.

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### *(Provided on CD only)*

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# LIST OF ABBREVIATIONS AND ACRONYMS

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3-D	three-dimensional
ABAG	Association of Bay Area Governments
AB 26	California Assembly Bill 26
AB 32	California Global Warming Solutions Act (California Assembly Bill 32)
AB 939	California Integrated Waste Management Act of 1989 (California Assembly Bill 939)
AB 900	California Assembly Bill 900
AB 1484	California Assembly Bill 1484
AC Transit	Alameda-Contra Costa Transit District
AEG	Anschutz Entertainment Group
AERMOD	American Meteorological Society/Environmental Protection Agency Regulatory Model
agl	above ground level
AQI	Air Quality Index
ATCM	Airborne Toxic Control Measure
AVI	Automatic Vehicle Identification
AWSS	Auxiliary Water Supply System
BAA	Basketball Association of America
BART	San Francisco Bay Area Rapid Transit District
BAAQMD	Bay Area Air Quality Management District
BCDC	San Francisco Bay Conservation and Development Commission
BMPs	best management practices
BOMA	Building Owners and Managers Association International
Btu	British thermal units
CAA	Clean Air Act
CAPCOA	California Air Pollution Officers Association

CARB	California Air Resources Board
CCSF	City and County of San Francisco
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDSM	Cement Deep Soil Mixing
CEQA	California Environmental Quality Act
CFA	continuous flight auger piles
CFR	Code of Federal Regulations
CHP	California Highway Patrol
CH <sub>4</sub>	methane
CMP	Congestion Management Program
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO	carbon monoxide
CO <sub>2</sub> E	carbon dioxide equivalent
CO-CAT	Coastal and Ocean Working Group of the California Climate Action Team
CPC	Capital Planning Committee
CRHR	California Register of Historical Resources
CSC	California Species of Concern
CSD	combined sewer discharges
CSO	combined sewer overflow
CWA	Federal Clean Water Act
cy	cubic yards
dB	decibel
DEM	digital elevation model
DPH	San Francisco Department of Public Health
DBI	San Francisco Department of Building Inspection
DNL	day-night noise level
DOA	Division of Aeronautics
DPM	diesel particulate matter
DPW	San Francisco Department of Public Works
EIR	Environmental Impact Report

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EO	Executive Order
EV	electric vehicle
FAA	Federal Aviation Administration
FAR	floor area ratio
FARR	Final Archaeological Resources Report
FATO	final approach and takeoff area
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FICON	Federal Interagency Committee on Noise
FTA	Federal Transit Administration
FTE	full-time equivalent
GHGs	Greenhouse gases
gpm	gallons per minute
gsf	gross square feet
GSW	Golden State Warriors Arena, LLC
HCM 2000	Highway Capacity Manual 2000
HEPA	High Efficiency Particulate Air Filter
HMBP	hazardous materials business plan
HRA	health risk assessment
HUD	U.S. Department of Housing and Urban Development
I-280	Interstate 280
I-80	Interstate 80
IPCC	Intergovernmental Panel on Climate Change
kWh	kilowatt-hours
$L_{eq}$	equivalent continuous sound level
$L_{max}$	maximum noise level
LEED®	Leadership in Energy and Environmental Design
LID	Low Impact Development
LiDAR	Light Detection and Ranging
LRDP	Long Range Development Plan
mgd	million gallons per day
Mission Bay FEIR	Mission Bay Final Environmental Impact Report

Mission Bay FSEIR	Mission Bay Final Subsequent Environmental Impact Report
Mission Bay TMA	Mission Bay Transportation Management Association
MLD	Most Likely Descendant
MMcf	million cubic feet
MMRP	Mitigation Monitoring and Reporting Program
MPO	Metropolitan Planning Organization
MS4	Municipal Separate Storm Sewer System
msl	mean sea level
MTC	Metropolitan Transportation Commission
MTCO <sub>2</sub> E	metric tons of carbon dioxide equivalent
MTS	Metropolitan Transportation System
Muni	San Francisco Municipal Railway
MW	megawatt
MWh	megawatt-hours
N <sub>2</sub> O	nitrous oxide
NAAQS	national ambient air quality standards
NAHC	Native American Heritage Commission
NAVD88	North American Vertical Datum of 1988
NBA	National Basketball Association
NBL	National Basketball League
ng/m <sup>3</sup>	nanograms per cubic meter
NIH	National Institutes of Health
NO <sub>2</sub>	nitrogen dioxide
NOP	Notice of Preparation
North Design for Development	Design for Development for the Mission Bay North Project Area
North Plan	Mission Bay North Redevelopment Plan
North Plan Area	Mission Bay North Redevelopment Plan Area
NPDES	National Pollutant Discharge Elimination System
NWIC	Northwest Information Center
NPDES	National Pollutant Discharge Elimination System
NRC	National Research Council
NRHP	National Register of Historic Places

NSR	New Source Review
O.co Coliseum	Oakland–Alameda County Coliseum
OCII	Office of Community Investment and Infrastructure
OEHHA	California Office of Environmental Health Hazard Assessment
OPA	Owners Participation Agreement
OPR	Governor’s Office of Planning and Research
OSHA	Occupation Safety and Health Administration
PCBs	polychlorinated biphenyls
PCOs	Parking Control Officers
PDA	Priority Development Area
PDR	Production, Distribution, and Repair
perc	perchloroethylene
PG&E	Pacific Gas and Electric Company
PM	particulate matter
PM10	particulate matter of 10 microns in diameter or less
PM2.5	particulate matter of 2.5 microns in diameter or less
POM	polycyclic organic matter
Port	Port of San Francisco
ppb	parts per billion
ppm	parts per million
pphm	parts per hundred million
PPV	peak particle velocity
RMP	Risk Management Plan
ROG	reactive organic gases
RPP	Residential Permit Parking
RPS	Renewable Porfolio Standard
RRMP	Revised Risk Management Plan
ROSE	San Francisco General Plan Recreation and Open Space Element
RWQCB	Regional Water Quality Control Board
SB 107	California Senate Bill 107
SB 352	California Senate Bill 352
SB 375	California Senate Bill 375

SB 743	California Senate Bill 743
SB 1048	California Senate Bill 1048
SCS	Sustainable Communities Strategy
SAAQS	state ambient air quality standards
Secretary's Standards	Secretary of the Interior's Standards for the Treatment of Historic Properties
SEIR	Subsequent EIR
SEWPCP	Southeast Water Pollution Control Plant
sf	square feet
SFO	San Francisco International Airport
SFCTA	San Francisco County Transportation Authority
SFBAAB	San Francisco Bay Area Air Basin
SFD	San Francisco City Datum
SFGH	San Francisco General Hospital
SFFD	San Francisco Fire Department
SFMTA	San Francisco Municipal Transportation Agency
SFPD	San Francisco Police Department
SFPUC	San Francisco Public Utilities Commission
SFSD	San Francisco Sheriff's Department
SFUSD	San Francisco Unified School District
SHPO	State Historic Preservation Officer
SO <sub>2</sub>	sulfur dioxide
SoMa	South of Market
South Design for Development	Design for Development for the Mission Bay South Project Area
South Plan	Mission Bay South Redevelopment Plan
South Plan Area	Mission Bay South Redevelopment Plan Area
SSIP	Sewer System Improvement Program
SWMP	Storm Water Management Plan
SWRCB	State Water Resources Control Board
STC	sound transmission class
SVP	Society of Vertebrate Paleontology
SWL	Seawall Lot
SWPPP	Stormwater Pollution Prevention Plan

TACs	toxic air contaminants
TASC	Transportation Advisory Committee
TDM	Transportation Demand Management
TEP	Transit Effectiveness Project
TMA	Transportation Management Association
TMC	Transportation Management Center
TMDL	total maximum daily load
TMP	Transportation Management Plan
TNC	Transportation Network Company
TOG	total organic gases
TPY	tons per year
TSP	Transit Service Plan
TTRP	Travel Time Reduction Proposal
UCPD	University of California Police Department
UCMP	University of California Museum of Paleontology
UCSF	University of California at San Francisco
U.S. 101	U.S. Highway 101
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
UWMP	Urban Water Management Plan
$\mu\text{g}/\text{m}^3$	micrograms per cubic meter
VdBs	vibration decibels
VDEC	Verified Diesel Emission Control Strategy
VMS	Variable Message Signs
VOC	volatile organic compounds
WAS	Water Availability Study
WETA	Water Emergency Transportation Authority
WHO	World Health Organization
WTA	Waterfront Transportation Assessment



# CHAPTER 10

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## Introduction to Responses to Comments

### 10.1 Purpose of the Responses to Comments Document

This Responses to Comments document completes the final supplemental environmental impact report (SEIR) analyzing potential environmental effects associated with the event center and mixed-use development at Mission Bay Blocks 29-32 as proposed by GSW Arena LLC (GSW), an affiliate of the Golden State Warriors, LLC. The San Francisco Office of Community Investment and Infrastructure (OCII), as lead agency responsible for administering the environmental review for private projects in the Mission Bay North and South Redevelopment Plan Area of San Francisco, published a Draft SEIR<sup>1</sup> on the proposed project on June 5, 2015, and the public review period ended on July 27, 2015. The Draft SEIR together with this Responses to Comments document constitute the Final SEIR for the proposed project in fulfillment of requirements of the California Environmental Quality Act (CEQA) and consistent with CEQA Guidelines Section 15132.

This Responses to Comments document provides written responses to comments received during the public review period. It contains the following: (1) a list of persons, organizations, and public agencies commenting on the Draft SEIR; (2) copies of comments received on the Draft SEIR; (3) written responses to those comments.

In addition, this document provides: (1) a description of project refinements and discussion of associated environmental effects; (2) a description and analysis of a new project variant (a minor variation of the proposed project); and (3) revisions to the Draft SEIR to clarify or correct information in the Draft SEIR. See Section 10.3, below, for a description of the overall contents and organization of the combined Draft SEIR and Responses to Comments document.

The Final SEIR has been prepared in compliance with CEQA (California Public Resources Code, Sections 21000 *et seq.*) and the CEQA Guidelines. It is an informational document for use by (1) governmental agencies and the public to aid in the planning and decision-making process by disclosing the physical environmental effects of the projects and identifying possible ways of reducing or avoiding their potentially significant impacts; and (2) the OCII prior to a decision to approve, disapprove, or modify the proposed project. If the OCII approves the proposed project, they will be required to adopt CEQA findings and the Mitigation Monitoring and Reporting Program (MMRP) to ensure that mitigation measures identified in the Final SEIR will be

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<sup>1</sup> State Clearinghouse No. 2014112045, OCII Case No. ER 2014-919-97, and San Francisco Planning Department Case No. 2014.1441E

implemented as part of the project. See Section 10.2, below, for further description of the environmental review process.

## 10.2 Environmental Review Process

### 10.2.1 Notice of Preparation and Public Scoping

As described in the SEIR, the OCII sent a Notice of Preparation (NOP) to governmental agencies and organizations and persons interested in the proposed project on November 19, 2014 (see Appendix NOP-IS of the SEIR). During a 30-day public scoping period that ended on December 19, 2014, the OCII accepted comments from agencies and interested parties identifying environmental issues that should be addressed in the SEIR. The comment letters received in response to the NOP are available for review at the OCII as part of Case File No. ER 2014-919-97. In addition, a public scoping meeting was held on December 9, 2014 at Mission Creek Senior Community, 225 Street, San Francisco to receive oral comments on the scope of the SEIR. The OCII has considered the comments made by the public and agencies in preparing the SEIR on the proposed project.

### 10.2.2 Draft SEIR Public Review

The Draft SEIR on the proposed project was published on June 5, 2015 and circulated to local, state, and federal agencies and to interested organizations and individuals from June 5, 2015 through July 27, 2015. Paper copies of the Draft SEIR were made available for public review at the following locations: (1) OCII, at 1 South Van Ness Avenue 5th Floor, San Francisco, California; (2) San Francisco Planning Department, 1660 Mission Street, 1st Floor, Planning Information Counter, San Francisco, California; (3) San Francisco Main Library, 100 Larkin Street, San Francisco, California; and (4) San Francisco Library, Mission Bay Branch, 960 4th Street, San Francisco, California.<sup>2</sup> On June 5, 2015, the Planning Department also distributed notices of availability of the Draft SEIR, published notification of its availability in a newspaper of general circulation in San Francisco, and posted notices at the project site.

During the public review period, the OCII conducted a public hearing to receive oral comments on the Draft SEIR. The public hearing was held before the OCII Commission on June 30, 2015 at San Francisco City Hall. A court reporter present at the public hearing transcribed the oral comments verbatim and prepared a written transcript. See Appendix PH of this Response to Comments document for the public hearing transcript. During the Draft SEIR public review period, the OCII received comments from approximately 9 public agencies, 11 non-governmental organizations, and 155 individuals. See Chapter 11 for a complete list of persons commenting on the Draft SEIR.

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<sup>2</sup> Electronic copies of the SEIR and the administrative record could be accessed through the internet on the OCII website, Mission Bay webpage starting on June 5, 2015 at the following address: <http://www.sfocii.org/index.aspx?page=61>, and on the Planning Department website, Environmental Impacts and Negative Declarations webpage at the following address: <http://www.sf-planning.org/index.aspx?page=1828>.

### 10.2.3 Comments and Responses Document and Final EIR

The OCII distributed this Responses to Comments document for review to the OCII Commission and in compliance with CEQA Guidelines Section 15088. The OCII Commission will hold a public hearing on November 3, 2015 at City Hall to consider the adequacy of the Final SEIR – consisting of the Draft SEIR and the Responses to Comments document – in complying with the requirements of CEQA. If the OCII Commission finds that the Final SEIR complies with CEQA requirements, it will certify the Final SEIR.

Following certification of the Final SEIR, the OCII will review and consider the certified Final SEIR and the associated MMRP before making a decision and taking an approval action on the proposed project. Consistent with CEQA Guidelines Section 15097, the MMRP is a program designed to ensure that the mitigation measures identified in the Final SEIR and adopted by decision-makers to mitigate or avoid the projects' significant environmental effects are implemented. CEQA also requires the adoption of findings prior to approval of a project for which a certified EIR identifies significant environmental effects (CEQA Guidelines Sections 15091 and 15092). If the SEIR identifies significant adverse impacts that cannot be mitigated to less-than-significant levels, the findings must include a statement of overriding considerations for those impacts (CEQA Guidelines Section 15093[b]) if the project is approved. The OCII will be required to adopt the CEQA findings and the MMRP as conditions of project approval actions.

## 10.3 Document Organization

This Responses to Comments document is organized to complement the Draft SEIR and follows the sequential numbering of chapters in the Draft SEIR. The Draft SEIR consists of Chapters 1 through 9 plus appendices as follows:

- **Chapter 1, Summary.** This chapter summarizes the contents of the entire SEIR by presenting a concise overview of the project description and providing in a tabular format a summary of the environmental impacts that would result from the project, mitigation measures identified to reduce or avoid significant impacts. It also briefly describes the project variant and its impacts, and the alternatives to the proposed project.
- **Chapter 2, Introduction.** This chapter describes the environmental review process, the previous environmental review of the Mission Bay Redevelopment Plans, the public and agency comments received on the scope of the SEIR, and the organization of the SEIR.
- **Chapter 3, Project Description.** This chapter discusses the project's background, objectives, and location; describes the physical characteristics of the project, including both the construction and operational phases; and identifies required project approvals.
- **Chapter 4, Plans and Policies.** This chapter provides a summary of the applicable plans, policies, and regulations of the local, regional, state, and federal agencies that have policy and regulatory control over the project site, and discusses the proposed project's consistency with those plans, policies, and regulations.

- **Chapter 5, Environmental Setting, Impacts, and Mitigation Measures.** This chapter describes the existing setting at the project site and vicinity and the project's environmental impacts with respect to transportation and circulation, noise and vibration, air quality, greenhouse gas emissions, wind and shadow, utilities and service systems, public services, and hydrology and water quality. Each environmental topic is discussed in a separate section within this chapter, and each section identifies the thresholds of significance used to assess the severity of the impacts. Within each section, there is a summary of the relevant sections of the Mission Bay FSEIR, descriptions of the setting and regulatory framework, and impact analyses of both project-specific and cumulative impacts of the proposed project and a determination of the significance of each impact. For impacts determined to be significant, mitigation measures that would reduce or avoid those impacts are presented.
- **Chapter 6, Other CEQA Issues.** This chapter addresses any growth-inducing impacts that would result from the proposed project, the significant environmental effects of the project that cannot be mitigated to a less-than-significant level, and areas of known controversy.
- **Chapter 7, Alternatives.** This chapter presents and evaluates alternatives to the proposed project that could feasibly attain most of the project's objectives as well as reduce identified significant adverse impacts of the project. It also identifies the environmentally superior alternative and describes other alternatives that were considered but rejected.
- **Chapter 8, Third Street Plaza Variant.** This chapter describes and analyzes a variant to the proposed project at an equal level of detail as the proposed project.
- **Chapter 9, Report Preparers.** This chapter identifies the SEIR authors and consultants; project sponsor and consultants; and agencies and persons consulted.
- **Appendices.** The appendices include the Notice of Preparation, the complete Initial Study, and supporting technical information for the SEIR.

This Responses to Comments document consists of Chapters 10 through 14 plus supplemental appendices, as follows:

- **Chapter 10, Introduction to Responses to Comments.** This chapter describes the purpose of the Responses to Comments document, the environmental review process, and the organization of this document.
- **Chapter 11, List of Persons Commenting.** This chapter describes the coding and organization of comments and lists the persons and organizations that submitted comments on the Draft SEIR.
- **Chapter 12, Project Refinements and New Variant.** This chapter describes a number of refinements that have evolved for the project since publication of the Draft SEIR. The project refinements consist of new information made available that updates, supplements, or replaces certain project description information and associated environmental analysis previously presented in the Draft SEIR. This chapter addresses all potential environmental impacts associated with the project refinements and discusses how the environmental impacts and mitigation measures are not substantially different from those identified in the Draft SEIR. This chapter also describes the Muni UCSF/Mission Bay Station Variant and its environmental impacts at an equal level of detail as the proposed project.

- **Chapter 13, Responses to Comments.** This chapter presents the substantive comments received on the Draft SEIR together with responses to those comments. The comments and responses in this chapter are organized by topic, including all of the same environmental topics addressed in Chapter 5 of the SEIR, and are generally presented in the same order of topics as presented in the Draft SEIR. Similar comments on the same topic received from multiple commenters are grouped together and a single, comprehensive response is provided, with each individual comment assigned a unique comment code. The complete letters, emails, and transcript containing the comments and assigned comment code are included in Appendices COM and PH to this document. The sub-sections in this chapter are as follows:

13.1 Organization of Responses to Comments	13.13 Air Quality
13.2 General Comments	13.14 Greenhouse Gas Emissions
13.3 Environmental Review Process	13.15 Wind and Shadow
13.4 AB 900 Process	13.16 Recreation
13.5 Project Description	13.17 Utilities and Service Systems
13.6 Plans and Policies	13.18 Public Services
13.7 Impact Overview	13.19 Biological Resources
13.8 Land Use	13.20 Geology and Soils
13.9 Population and Housing	13.21 Hydrology and Water Quality
13.10 Cultural Resources	13.22 Hazards and Hazardous Materials
13.11 Transportation and Circulation	13.23 Energy Resources
13.12 Noise and Vibration	13.24 Alternatives

- **Chapter 14, Draft SEIR Revisions.** This chapter presents changes and revisions to the Draft SEIR. The OCII has made changes and revisions to the Draft SEIR either in response to comments received on the Draft SEIR, to update information based on the project refinements, or as necessary to clarify statements and conclusions made in the Draft SEIR. In all cases, changes are provided to clarify or correct content in the Draft SEIR or to add information received after the release of the Draft SEIR. None of the changes and revisions in Chapter 14 substantially affect the analysis or conclusions presented in the Draft SEIR.
- **Comments and Responses Appendices.** The appendices include full copies of the written comments received on the Draft SEIR (Appendix COM, Comment Letters and Emails) and transcripts of the public hearing on the Draft SEIR (Appendix PH, Public Hearing Transcripts). Appendix COM and Appendix PH also show, in the margin of each letter or transcript, the bracketing and comment code used to identify comments and the topic code assigned to the corresponding response. Two studies conducted in support of the information in this Responses to Comments document are presented in Appendix TR-X (Supplemental Transportation Analysis, Off-Site Parking) and Appendix UD (Urban Decay). Additional technical appendices include Appendix AQ2 (Supplemental Air Quality Supporting Information), Appendix TR2 (Supplemental Transportation Supporting Information), and Appendix WS2 (Supplemental Wind Study). Finally, Appendix COM2 contains the complete uncoded written comments (including all attachments) on the Draft SEIR.

# CHAPTER 11

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## List of Persons Commenting

This Comments and Responses document provides written responses to comments received on the Draft SEIR during the public review period, including all written comments submitted either by letter or email and all oral comments presented at the public hearing on the Draft SEIR. This chapter lists all persons who submitted comments on the Draft SEIR. Persons who submitted written comments are grouped according to whether they represent a public agency, non-governmental organization, or an individual citizen, as shown in **Tables 11-1, 11-2, and 11-3**, respectively; these tables include several comment letters that were received after the close of the public review period. Persons who provided oral comments at the public hearing are listed in **Table 11-4**. The complete set of written and oral comments received on the Draft SEIR is provided in Appendix COM, Comment Letters and Emails, and Appendix PH, Public Hearing Transcripts.

For each commenter, Tables 11-1, 11-2, 11-3, and 11-4 present the person's name, agency or organization as applicable, comment format, comment date, and a commenter code. The commenter codes were assigned to facilitate the preparation of responses, and there is a unique commenter code for each comment letter, email, comment card, and public hearing transcript based on the name of the agency, organization, or individual submitting the comment. Comments submitted by mail, email, comment card, or orally at the public hearing (as transcribed in the official public hearing transcript) are all coded and numbered the same way. The commenter code begins with a prefix indicating whether the commenter represents a public agency (A), a non-governmental organization (O), an individual (I), or a speaker at the public hearing (PH). This is followed by a hyphen and the acronym of the agency or organization, or the individual's last name. Within each category, commenters are listed in alphabetical order by code.

As described further in Chapter 13, the commenter codes are used to identify individual comments on separate topics within each comment letter, email, comment card, or public hearing transcript. Each individual comment from each commenter are bracketed and numbered sequentially following the commenter code. The bracketed comments and corresponding comment codes are shown in the margins of the comments in Appendices COM and PH. There is a unique comment code for each distinct comment.

**TABLE 11-1  
PUBLIC AGENCIES COMMENTING ON THE DRAFT SEIR**

<b>Commenter Code</b>	<b>Name of Person and Agency Submitting Comments</b>	<b>Comment Format</b>	<b>Comment Date</b>
<i>State</i>			
A-Caltrans	Patricia Maurice, District Branch Chief, Local Development-Intergovernmental Review, State of California Department of Transportation	Letter	07/20/2015
A-CHP	C. Sherry, Captain, Commander San Francisco Area, California Highway Patrol	Letter	08/03/2015 *
A-SC1	Scott Morgan, Director, State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	Letter	07/20/2015
A-SC2	Scott Morgan, Director, State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	Letter	08/06/2015 *
A-UCSF	Lori Yamauchi, Associate Vice-Chancellor, Campus Planning, University of California San Francisco	Letter	07/27/2015
<i>Regional/Local</i>			
A-BAAQMD	Jean Roggencamp, Deputy Air Pollution Control Officer, Bay Area Air Quality Management District	Letter	07/20/2015
A-BART	Val Menotti, Chief Planning and Development Officer, BART Planning, Development and Construction, San Francisco Bay Area Rapid Transit District	Letter	07/27/2015
A-Caltrain	Marian Lee, Executive Officer, Caltrain Modernization Program, Peninsula Corridor Joint Powers Board	Letter	07/27/2015
A-SMCTD	Sebastian Petty, Senior Planner, CalMod Program Office, San Mateo County Transit District	Email	07/15/2015

\* NOTE: Comment letters with a date annotated with an asterisk were received after the close of the Draft SEIR public review period.

**TABLE 11-2  
NON-GOVERNMENTAL ORGANIZATIONS COMMENTING ON THE DRAFT SEIR**

<b>Commenter Code</b>	<b>Name of Person and Organization Submitting Comments</b>	<b>Comment Format</b>	<b>Comment Date</b>
O-Audubon	Cindy Margulis, Executive Director, Golden Gate Audubon Society	Letter	07/17/2015
O-BCTA	Multiple Authors, Bayview Community Truckers Association	Letter	07/24/2105
O-Fibrogen	Catherine Sharpe, Director, Community Affairs & Real Estate FibroGen, Inc.	Email	07/06/2015
O-Kane	Robert F. Kane, Law Offices of Robert F. Kane	Letter	06/18/2015
O-MBA1L1	Thomas N. Lippe, Law Offices of Thomas N. Lippe, APC, on behalf of Mission Bay Alliance	Letter	06/29/2015
O-MBA2S1	Osha R. Meserve, Soluri Meserve, on behalf of Mission Bay Alliance	Letter	07/09/2015
O-MBA3	Thomas N. Lippe, Susan Brandt-Hawley, Osha Meserve, and Patrick Soluri, on behalf of Mission Bay Alliance	Letter	07/26/2015
O-MBA4	Thomas N. Lippe, Susan Brandt-Hawley, Osha Meserve, and Patrick Soluri, on behalf of Mission Bay Alliance	Letter	07/26/2015
O-MBA5	Bruce Spaulding, on behalf of Mission Bay Alliance	Letter	07/27/2015
O-MBA6B1	Susan Brandt-Hawley, Skyla Olds, Brandt-Hawley Law Group, on behalf of Mission Bay Alliance	Letter	07/26/2015
O-MBA7S2	Patrick M. Soluri, Osha R. Meserve, Soluri Meserve, on behalf of Mission Bay Alliance	Letter	07/26/2015
O-MBA8L2	Thomas N. Lippe, Law Offices of Thomas N. Lippe, APC, on behalf of Mission Bay Alliance	Letter	07/26/2015
O-MBA9L3	Thomas N. Lippe, Law Offices of Thomas N. Lippe, APC, on behalf of Mission Bay Alliance	Letter	07/25/2015
O-MBA10L4	Thomas N. Lippe, Law Offices of Thomas N. Lippe, APC, on behalf of Mission Bay Alliance	Letter	07/27/2015
O-MBA11L5	Thomas N. Lippe, Law Offices of Thomas N. Lippe, APC, on behalf of Mission Bay Alliance	Letter	07/24/2015
O-MBA12S3	Osha R. Meserve, Soluri Meserve, on behalf of Mission Bay Alliance	Letter	08/07/2015 *
O-MBA13S4	Osha R. Meserve, Soluri Meserve, on behalf of Mission Bay Alliance	Letter	10/07/2015 *
O-MM	Mary Miles, Attorney at Law	Email	07/27/2015
O-PBNA	J.R. Eppler, President, Potrero Boosters Neighborhood Association	Letter	07/27/2015
O-Sabelli	Marin Antonio Sabelli, Law Offices of Martin A. Sabelli	Email	07/23/2015
O-SFBC	Paolo Cosulich-Schwartz, Business and Community Program Manager, San Francisco Bicycle Coalition	Letter	07/27/2015
O-SFBT	Maureen Gaffney, Bay Trail Planner, San Francisco Bay Trail	Letter	07/27/2015
O-Sierra	Susan Elizabeth Vaughan, Chair, San Francisco Group, Sierra Club	Letter	07/27/2015



**TABLE 11-3  
INDIVIDUALS COMMENTING ON THE DRAFT SEIR**

<b>Commenter Code</b>	<b>Name of Individual Submitting Comments</b>	<b>Comment Format</b>	<b>Comment Date</b>
I-Alberts	Alberts, Bruce	Letter	09/22/2015 *
I-Anagnostou	Anagnostou, Sula	Email	07/13/2015
I-Anavy	Anavy, Ralph	Email	07/27/2015
I-Anon	Anon, Josh	Email	07/13/2015
I-Arack	Arack, Patricia	Email	07/24/2015
I-Bartlett	Bartlett, Maylou	Email	07/17/2015
I-Barton	Barton, Jason	Email	07/27/2015
I-Beals	Beals, Sharon	Email	07/27/2015
I-Bilodeau	Bilodeau, Lynda	Email	07/26/2015
I-Bookstein	Bookstein, Norman	Email	07/13/2015
I-Bullard	Bullard, Cathy	Email	07/24/2015
I-Bunn	Bunn, Jessie	Email	07/06/2015
I-Burkhart	Burkhart, Karen	Email	07/16/2015
I-Cale	Cale, John	Email	07/27/2015
I-Carpinelli	Carpinelli, Janet	Email	08/04/2015 *
I-Cehand	Cehand, Jadine	Email	06/30/2015
I-Collins	Collins, Erin	Email	07/17/2015
I-Corey	Corey, Marcus	Email	07/23/2015
I-Cornwell1	Cornwell, John	Email	07/28/2015 *
I-Crosson	Crosson, Michael	Email	07/23/2015
I-Cunningham	Cunningham, Micki	Email	07/23/2015
I-Dalere	Dalere, Marian	Email	07/27/2015
I-deCastro1	deCastro, John	Email	07/27/2015
I-D'Harlingue	D'Harlingue, Arthur	Email	06/22/2015
I-Dhillon	Dhillon, Ragina	Email	06/24/2015
I-Dickey	Dickey, Helen	Email	07/13/2015
I-Dieste	Dieste, Desiree	Email	07/27/2015
I-Dorrance	Dorrance, Jean	Email	07/13/2015
I-Ellingham	Ellingham, Lewis	Email	07/13/2015
I-Faye	Faye, Janessa	Email	07/13/2015
I-Finkle	Finkle, Dan	Email	07/23/2015
I-Fischer	Fischer, Alaina	Email	06/10/2015
I-Freedman	Freedman, Peter	Email	07/26/2015
I-Grabe	Grabe, Michael	Email	07/27/2015
I-Grant	Grant, Max	Email	07/13/2015

**TABLE 11-3 (Continued)**  
**INDIVIDUALS COMMENTING ON THE DRAFT SEIR**

<b>Commenter Code</b>	<b>Name of Individual Submitting Comments</b>	<b>Comment Format</b>	<b>Comment Date</b>
I-Hansen	Hansen, Cassidy	Email	07/27/2015
I-Harvey	Harvey, Constance	Email	07/23/2015
I-Heath	Heath, Alison	Email	06/30/2015
I-Herda	Herda, Jay	Email	06/22/2015
I-Hestor	Hester, Sue	Email	06/22/2015
I-Hill_D	Hill, Dorothy	Email	07/27/2015
I-Hill_M	Hill, Mary	Email	07/01/2015
I-Hong	Hong, Dennis	Email	07/27/2015
I-Horn1	Horn, Stan	Email	07/10/2015
I-Horn2	Horn, Stan	Email	07/10/2015
I-Horn3	Horn, Stan	Email	07/10/2015
I-Hrones1	Hrones, Christopher	Email w/letter attachment	06/30/2015
I-Hurlstone	Hurlstone, Brynn	Email	07/23/2015
I-Hutson	Hutson, Richard	Email	06/29/2015
I-Hyde	Hyde, Kathryn	Email	07/15/2015
I-Jadeinsf	"Jadeinsf"	Email	07/23/2015
I-Jensen	Jensen, Lauris	Email	07/14/2015
I-Jones	Jones, Jackie	Email	07/01/2015
I-Kajiko	Kajiko, Jennie	Email	07/25/2015
I-Kornberg	Kornberg, Thomas	Letter	07/17/2015
I-Lange	Lange, Donna	Email	07/23/2015
I-Lanting	Lanting, Michelle	Email	07/20/2015
I-Laverdiere	Laverdiere, Amy	Email	07/27/2015
I-Leavitt	Leavitt, Rachel	Email	06/29/2015
I-Lee	Lee, Jeremiah	Email	07/20/2015
I-Lighty	Lighty, Michael	Email	07/27/2015
I-Lowe	Lowe, Denise	Email	07/26/2015
I-Ly	Ly, Tina	Email	07/02/2015
I-MacKenzie1	MacKenzie, Dennis	Email w/Letter Attachment	07/24/2015
I-Mason	Mason, Amber	Email	06/27/2015
I-McDougal	McDougal, Bruce	Email	07/27/2015
I-Mills	Mills, Russell	Email	07/13/2015
I-Mussetter	Mussetter, Jani	Email	07/27/2015
I-Osborn	Osborn, Kim	Email	07/27/2015
I-Pelly	Pelly, Steven	Email	07/23/2015

**TABLE 11-3 (Continued)**  
**INDIVIDUALS COMMENTING ON THE DRAFT SEIR**

<b>Commenter Code</b>	<b>Name of Individual Submitting Comments</b>	<b>Comment Format</b>	<b>Comment Date</b>
I-Pezzuto	Pezzuto, Mary	Email	07/13/2015
I-Pierce	Pierce, Elaine	Email	07/23/2015
I-Pollak	Pollak, Robert	Email	07/23/2015
I-Ramsdell	Ramsdell, Kay	Email	06/24/2015
I-Rosa	Rosa, Jana	Email	07/24/2015
I-Rowitch	Rowitch, David	Email	07/23/2015
I-Rynne	Rynne, Gavin	Email	07/27/2015
I-Schreiner	Schreiner, Christoph	Email	07/27/2015
I-Shull	Shull, Mark	Email	07/14/2015
I-Siegel1	Siegel, David	Email	07/14/2015
I-Simpson1	Simpson, Todd	Email	06/18/2015
I-Simpson2	Simpson, Todd	Comment Card	06/30/2015
I-Smith	Smith, Christine	Email	06/19/2015
I-Springer	Springer, Matt	Email	07/16/2015
I-Steiner	Steiner, Amy	Email	07/23/2015
I-Sterling	Sterling, Kaylah	Email	07/13/2015
I-Stryker	Stryker, Michael	Email w/Letter Attachment	07/26/2015
I-Sullivan	Sullivan, Jill	Email	07/09/2015
I-Tan	Tan, Judy	Email	07/27/2015
I-Trossbach	Trossbach, Joanne	Email	07/24/2015
I-Tsai	Tsai, Richard	Email	07/23/2015
I-Tuialu'ulu'u	Tuialu'ulu'u, R.	Email	07/14/2015
I-Vyas	Vyas, Girish	Email	07/15/2015
I-Waldron	Waldron, Elizabeth	Email	07/13/2015
I-Watson	Watson, Joanne	Email	06/15/2015
I-Wheeler1	Wheeler, Priscilla	Email	07/24/2015
I-Wheeler2	Wheeler, Priscilla	Email	07/24/2015
I-Wife	Wife, Johns	Email	07/14/2015
I-Williams	Williams, JoAnne	Email	07/23/2015
I-Woods	Woods, Corinne	Letter	07/27/2015
I-Woody	Woody, James	Email	07/14/2015
I-Yost	Yost, Dave	Email	07/13/2015
I-Zboralske	Zboralske, James	Email w/Letter Attachment	07/27/2015

\* NOTE: Comment letters with a date annotated with an asterisk were received after the close of the Draft SEIR public review period.

SOURCE: ESA, 2015

**TABLE 11-4  
INDIVIDUALS COMMENTING ON THE DRAFT SEIR, PUBLIC HEARING**

<b>Commenter Code</b>	<b>Name of Individual Submitting Comments</b>	<b>Comment Format</b>	<b>Comment Date</b>
PH-Agid	Agid, Bruce	Transcript	06/30/2015
PH-Aquino	Aquino, Vanessa	Transcript	06/30/2015
PH-Ballasteros	Ballasteros, Jon	Transcript	06/30/2015
PH-Battat	Battat, Andrew	Transcript	06/30/2015
PH-Belloini	Belloini, Nick	Transcript	06/30/2015
PH-Bleiman	Bleiman, Benjamin	Transcript	06/30/2015
PH-Boss	Boss, Joe	Transcript	06/30/2015
PH-Brookter	Brookter, D.J.	Transcript	06/30/2015
PH-Carroll	Carroll, Kevin	Transcript	06/30/2015
PH-Caine	Caine, John	Transcript	06/30/2015
PH-Cassolato	Cassolato, Stefano	Transcript	06/30/2015
PH-Conn	Conn, Sebastian	Transcript	06/30/2015
PH-Cornwell2	Cornwell, John	Transcript	06/30/2015
PH-Corpus	Corpus, Rudy	Transcript	06/30/2015
PH-Davis	Davis, Sheryl	Transcript	06/30/2015
PH-deCastro2	deCastro, John	Transcript	06/30/2015
PH-Donaldson	Donaldson, Drakari	Transcript	06/30/2015
PH-Doniach	Doniach, Alex	Transcript	06/30/2015
PH-Ellington	Ellington, Celestino	Transcript	06/30/2015
PH-Evans	Evans, Abe	Transcript	06/30/2015
PH-Fernandez	Fernandez, Anna	Transcript	06/30/2015
PH-Gisslow	Gisslow, Blaise	Transcript	06/30/2015
PH-Granowski	Granowski, Alexander	Transcript	06/30/2015
PH-Greenstein	Greenstein, Adam	Transcript	06/30/2015
PH-Hartnett	Hartnett, Diane	Transcript	06/30/2015
PH-Hrones2	Hrones, Christopher	Transcript	06/30/2015
PH-James	James, Oscar	Transcript	06/30/2015
PH-Johnson	Johnson, Silvia	Transcript	06/30/2015
PH-Karnilowicz	Karnilowicz, Henry	Transcript	06/30/2015
PH-Kies	Kies, Alyssa	Transcript	06/30/2015
PH-Kirk	Kirk, Elizabeth	Transcript	06/30/2015
PH-Kobasic	Kobasic, Kim	Transcript	06/30/2015
PH-Lazarus	Lazarus, Jim	Transcript	06/30/2015
PH-MacKenzie2	MacKenzie, Dennis	Transcript	06/30/2015
PH-Madi	Madi, Alejandro	Transcript	06/30/2015

**TABLE 11-4 (Continued)**  
**INDIVIDUALS COMMENTING ON THE DRAFT SEIR, PUBLIC HEARING**

<b>Commenter Code</b>	<b>Name of Individual Submitting Comments</b>	<b>Comment Format</b>	<b>Comment Date</b>
PH-Meserve	Meserve, Osha	Transcript	06/30/2015
PH-Mondejar	Mondejar, Marilyn (OCII Commissioner)	Transcript	06/30/2015
PH-Norman	Norman, Al	Transcript	06/30/2015
PH-Nyden	Nyden, Ray	Transcript	06/30/2015
PH-Ortiz	Ortiz, Annabel	Transcript	06/30/2015
PH-Osmundson	Osmundson, Paul	Transcript	06/30/2015
PH-Pan	Pan, David	Transcript	06/30/2015
PH-Paulson	Paulson, Tim	Transcript	06/30/2015
PH-Priesshoff	Priesshoff, Matt	Transcript	06/30/2015
PH-Rosales	Rosales, Mara (OCII Commission Chair)	Transcript	06/30/2015
PH-Scott	Scott, Damion	Transcript	06/30/2015
PH-Searby	Searby, Cathy	Transcript	06/30/2015
PH-Sesich	Sesich, Michael	Transcript	06/30/2015
PH-Siegel 2	Siegel, David	Transcript	06/30/2015
PH-Stearns	Stearns, Esther	Transcript	06/30/2015
PH-Taliaferro	Taliaferro, Jac	Transcript	06/30/2015
PH-Ushman	Ushman, Neal	Transcript	06/30/2015
PH-Valentino	Valentino, Patrick	Transcript	06/30/2015
PH-Van Horn	Van Horn, Scott	Transcript	06/30/2015
PH-Vaughan	Vaughan, Sarah	Transcript	06/30/2015
PH-Washington	Washington, Ace	Transcript	06/30/2015
PH-Yagi	Yagi, Curt	Transcript	06/30/2015

\* NOTE: Comment letters with a date annotated with an asterisk were received after the close of the Draft SEIR public review period.

# CHAPTER 12

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## Project Refinements and New Variant

### 12.1 Introduction

Since publication of the Draft Subsequent Environmental Impact Report (Draft SEIR) on June 5, 2015, the project sponsor, GSW Arena LLC (GSW), has refined several aspects of the proposed project as part of the on-going planning, development, and design process. In addition, the project sponsor has requested that a second variant to the proposed project—the Muni UCSF/Mission Bay Station Variant—be included in the SEIR for analysis and disclosure of potential environmental impacts to satisfy requirements under the California Environmental Quality Act (CEQA). This chapter presents a description of the project refinements and the new variant together with a discussion of their environmental effects.

### 12.2 Operational Refinements

Minor refinements to the project design and operations include: generator relocation, design features to reduce wind hazards, and transportation improvements. These are discussed below.

#### 12.2.1 Generator Relocation

##### Description

The Draft SEIR addressed the proposed use of on-site emergency standby generators. As presented in the Draft SEIR, Chapter 3, Project Description, all generators were proposed to be located within the parking structure on Lower Parking Level 1. The Draft SEIR assumed the proposed event center would have on-site generators capable of providing up to three megawatts (MW) of emergency, standby and optional power in the case of temporary loss of normal utility power. In addition, the Draft SEIR assumed that each office and retail building would have an on-site generator capable of approximately 0.75 MW, and the proposed food hall would have a generator capable of approximately 0.5 MW, to provide fire and life safety emergency power in the case of temporary loss of normal utility power in those uses. All generators would have Tier 4 motors.

Since publication of the Draft SEIR, the project sponsor has proposed to relocate the generators as discussed further below. Under the project as refined, the proposed Tier 4 generators for the event center would continue to be installed in the southwest portion of the site, although they would be located in the event center AHU (Air Handling Unit) on the Mezzanine Level at approximately 87 feet above ground level (agl). The proposed generators for the 16th Street office

and retail building, and the food hall, would continue to be located in the southwestern and northeastern portions of the site, respectively, but would be located in the at-grade Ground Level/Upper Parking Level. The generator for the South Street office and retail building would continue to be in the northern part of the site but would be located at the Plaza Level at approximately 10 feet agl. The power requirements for, and proposed use of, the generators for the event center, office and retail buildings, and food hall, would be identical to that described in the Draft SEIR. Furthermore, as was originally proposed, all proposed generators would be completely enclosed within dedicated generator rooms in the proposed buildings, and fitted with appropriate sound attenuation devices to limit generator noise.

## **Environmental Effects**

With the exception of potential noise and air quality operational impacts, relocation of the emergency standby generators would result in no changes to the environmental impacts of the project as presented in Chapter 5 of the SEIR and the Initial Study in Appendix NOP-IS.

### *Noise*

Section 5.3, Impact NO-4 of the Draft SEIR (pp. 5.3-27 to 5.3-28) qualitatively described potential operational noise impacts of the generators and concluded that the impact would be less than significant because in the sub-grade location, the generators would not increase ambient noise levels at the nearest existing residential land use about 300 feet away. Because the generators would no longer be in a sub-grade location with the project refinements, the potential noise impacts of the routine generator maintenance operations at the at- or above-grade locations were assessed quantitatively, as described below.

The two generators supporting the event center would be the largest (1.5 MW each) and would generate the highest sound levels. Maintenance operation of the generators would occur during daytime hours for a period of approximately one hour per week. The sources of noise associated with generator operations include fan and engine noise emanating from the air discharge vent as well as generator engine block noise emanating from the air intake screen and finally exhaust noise. The two 1.5 MW event center generators would be equipped with critical grade exhaust silencers and low pressure loss silencers at the intake and exhaust vents. Available data indicate<sup>1</sup> that the combination of low-pressure loss silencers on intake air and exhaust air and the industrial grade silencer at the exhaust port can achieve a reduction to 76 dBA at 50 feet.

The nearest sensitive receptor to the event center generators, which would vent on the south side of the event center, would be the UCSF hospital located approximately 650 feet to the southwest of the event center generator locations. At this distance, the noise-controlled generators at the event center would result in a daytime noise level from vents and exhaust of 54 dBA or 57 dBA if both generators were tested simultaneously; this would be less than 8 dBA above the existing

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<sup>1</sup> American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), Technical Committee 2.6 Sound and Vibration, Generator Noise Control, An Overview.2008 presentation

monitored daytime background noise level of 61 dBA ( $L_{90}$ ). Consequently, operational noise impacts from these generators would be *less than significant*.

Also, on the south side of the project site, the generator for the south office tower would be approximately 600 feet from the UCSF Hospital. This proposed south office tower generator would be 750 kilowatts, which typically generates a noise level on the order of 91 dBA at 23 feet, which would attenuate to 63 dBA at the UCSF Hospital; this would be less than 8 dBA above the existing monitored daytime background noise level of 61 dBA ( $L_{90}$ ). On the north side of the project site, the generator for the north office tower would be approximately 380 feet from the UCSF Hearst Tower housing building. This proposed north office tower generator would be 750 kilowatts, which typically produces a noise level on the order of 91 dBA at 23 feet, which would attenuate to 67 dBA at the UCSF Hearst Tower housing building; this would be less than 8 dBA above the existing monitored daytime background noise level of 61 dBA ( $L_{90}$ ). The proposed market hall generator would be 500 kilowatts, which typically produces a noise level on the order of 88 dBA at 23 feet, which would attenuate to 58 dBA at UCSF Hearst Tower housing building, approximately 700 feet away; this would be less than 8 dBA above the existing monitored daytime background noise level of 61 dBA ( $L_{90}$ ). Therefore, operational noise impacts from the proposed relocated generators would be *less than significant*.

Text changes reflecting the revised noise analysis associated with these project refinements for the event center generators are included in Chapter 14, Draft SEIR Revisions, of this document. The generator relocation and associated text changes do not affect the conclusions presented in the Draft SEIR with regard to operational noise impacts.

### ***Air Quality***

Air dispersion modeling was conducted for the generators using the approximate at or above-grade locations of each of the five proposed Tier 4 generators. The five generators include two generators to support the event center. The relocation of the generators would only affect the analysis of Impact AQ-3 regarding localized exposure to toxic air contaminants and not the analysis of Impact AQ-2 regarding operational emissions of criteria air pollutants, which used the same assumptions in the Draft SEIR to estimate daily and annual emissions from the generators in the assessment of regional operational air quality impacts.

In the Draft SEIR, localized risks and hazards from generator operations were assumed to comply with the maximum permitted risk level of the BAAQMD (10 in one million per permitted operator) and increases in localized cancer risks were not distinctly estimated for each generator. With the confirmation of the locations of the generators under the project refinements, the five engines were modeled as point sources in AERMOD, which is the recommended air dispersion model of the U.S. Environmental Protection Agency (U.S. EPA), as described in Appendix AQ of the Draft SEIR, using source parameters from the San Francisco City-wide Health Risk Assessment, as shown in Revised Table 2b (a complementary table for the operation period to Table 2: Modeling Parameters, of Appendix AQ of the SEIR, that describes the construction source parameters). The meteorological data and receptors used for construction modeling, as described in Section 3.2 of Appendix AQ of the SEIR, were also used for the operational



generator modeling. Generator diesel particulate matter (DPM) emissions were modeled conservatively assuming that emissions are distributed equally among all hours in the year modeled. Exposure parameters for the operational emissions are shown in Revised Table 6.1-7 of Appendix AQ2. Exposure over a 70-year lifetime is considered for residents, while exposure durations of one-year and 5.9 years are considered for a child (from 6 weeks of age to 6 years old) in the hospital and a child at daycare, respectively.

Results of the modeling are presented in Chapter 14 of this Responses to Comments document in revised Tables 5.4-10 and 5.4-11, as well as in revised Tables 6.1-2, 6.1-5, 6.1-6, 6.1-7, and 6.1-8 of Appendix AQ2 of the SEIR. The results show a substantial decrease in risk from the operation of standby generators with the source specific analysis. Therefore, the significance determination for Impact AQ-3 regarding the operational and cumulative health risk assessments due to the refined modeling of the five emergency generators, including other project corrections to the construction analysis,<sup>2</sup> would be *less than significant*, instead of less than significant with mitigation as reported in the Draft SEIR. This set of refined tables shows that the refined modeling does not result in an exceedance of the ambient PM<sub>2.5</sub> concentration threshold of significance, either during operation or on a cumulative basis. Although the revised analysis for Impact AQ-3 indicates that implementation of Mitigation Measure M-AQ-1 is not required to reduce the severity of this impact to less than significant, implementation of this measure would still be required under Impact AQ-1, which would, in turn, further reduce the severity of the less-than-significant health risk impact identified in the revised analysis for Impact AQ-3.

## Conclusion

The proposed relocation of the emergency standby generators would result in minor revisions to the operational noise and air quality impact analyses that were presented in the Draft SEIR, but the impact conclusions would remain the same or be less severe. Operational noise impacts associated with the relocation of the noise-controlled generators would not result in a substantial increase in background noise levels at the UCSF hospital or at the Hearst Tower residences. Revised and refined analysis of localized operational health risk impacts associated with the generator relocation indicates that the significance determination would change from less than significant with mitigation to less than significant, and mitigation would not be required for Impact AQ-3.

Thus, the proposed generator relocation would not result in any new or more severe impacts than previously identified in the Draft SEIR. Text changes to the Draft SEIR to reflect the revised analysis associated with the proposed generator relocation are included in Chapter 14, Draft SEIR Revisions, of this document.

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<sup>2</sup> The extension of the northbound Muni platform was inadvertently omitted from the air quality assumptions used in the Draft SEIR air quality analysis. Corrections for this omission are included in all revised air quality tables presented in this Responses to Comments document. However, this correction does not affect the air quality impact conclusions presented in the Draft SEIR.

## 12.2.2 Project Design to Reduce Wind Hazards

### Description

The SEIR Wind and Shadow section analyzed the potential for the project to alter wind in a manner that would substantially affect off-site public areas. Impact WS-1 in the Draft SEIR (pp. 5.6-10 to 5.6-14) indicated that the project would result in a net increase in the total duration of the wind hazard exceedance at off-site public walkways in the project vicinity, and determined this impact would be significant and unavoidable with mitigation. The SEIR identified Mitigation Measure M-WS-1, which states the following:

The project sponsor shall develop and implement design measures to reduce the identified project off-site wind hazards to the extent feasible. This may include on-site project design modifications or additions, additional on-site landscaping; and the implementation of potential additional off-site streetscape landscaping or other off-site wind-reducing features. Potential on- and/or off-site project site wind-reduction design measures developed by the sponsor would be coordinated with, and subject to review and approval, by OCII.

The impact analysis acknowledged that preliminary evaluation by the project sponsor of certain on-site design modifications indicated such modifications would be effective in reducing the project wind hazard impact to a less than significant level. However, given the preliminary development of the project design at that time, Impact WS-1 was conservatively determined to be significant and unavoidable with mitigation in the Draft SEIR.

Since publication of the Draft SEIR, the project sponsor pursued design measures as required by Mitigation Measure M-WS-1, and has identified an on-site design modification that would reduce the project wind hazard impact to less than significant. This design modification consists of the installation of a solid canopy with a porous vertical standoff at the ground level of the southwest corner of the proposed 16th Street office building.

### Environmental Effects

To provide context, a brief summary of the Draft SEIR analyses of existing and existing-plus-project wind hazard conditions is presented, based on the wind study prepared by Rowan Williams Davies & Irwin Inc. (RWDI) referenced in the Draft SEIR.<sup>3</sup> (Please refer to Section 5.6, Wind and Shadow in the SEIR for the full analyses.) This is followed by an analysis of the mitigated project design based on a supplemental wind study prepared by RWDI of potential design modifications (see Appendix WS2).<sup>4</sup>

<sup>3</sup> Rowan Williams Davies & Irwin Inc., *Warriors Arena, San Francisco California, Pedestrian Wind Study*, April 23, 2015.

<sup>4</sup> Rowan Williams Davies & Irwin Inc., *Warriors Arena, San Francisco California, Pedestrian Wind Study*, May 12, 2015.

Table 12-1 presents the results of the updated wind analysis for the proposed project, including the wind analysis of the project as refined with the identified design modification. It shows the 10 percent exceeded equivalent wind speeds and the number of hours per year the wind hazard criterion would be exceeded at 46 off-site study test points located on public walkways along the site perimeter and vicinity for the existing, existing-plus-project, and refined project wind scenarios.

**Table 12-1  
Refined Project Wind Hazard Conditions**

WIND HAZARD ANALYSIS - OFF-SITE STUDY POINTS												
References		Existing			Project				Refined Project			
Wind Test Location	Wind Hazard Criterion Speed	1-hr./yr. Equivalent Wind Speed	Wind Hazard Criterion Exceeded, hours/year	Source	1-hr./yr. Equivalent Wind Speed	Wind Hazard Criterion Exceeded, hours/year	Hazard Hours Relative to Existing	Source	1-hr./yr. Equivalent Wind Speed	Wind Hazard Criterion Exceeded, hours/year	Hazard Hours Relative to Existing	Source
1	36	41	13	e	42	12	-1	e	39	6	-7	e
2	36	28			23				29			
3	36	22			17				18			
4	36	14			21				18			
5	36	36			29				28			
6	36	36			44	39	39	p	43	30	30	p
7	36	39	6	e	34		-6	-	34		-6	-
8	36	35			24				25			
9	36	29			28				27			
10	36	24			24				22			
11	36	15			28				28			
12	36	24			23				23			
13	36	33			27				27			
14	36	30			28				30			
49	36	31			19				22			
50	36	35			40	5	5	p	40	7	7	p
51	36	34			33				23			
52	36	31			28				25			
53	36	23			27				28			
54	36	38	3	e	26		-3	-	24	0	-3	-
55	36	29			25				23			
56	36	22			28				19			
57	36	30			23				26			
58	36	19			23				23			
59	36	21			19				23			
82	36	31			24				26			
83	36	31			28				29			
84	36	34			20				20			
85	36	31			26				25			
86	36	32			22				20			
90	36	29			24				23			
91	36	34			25				24			
92	36	32			20				20			
93	36	31			30				27			
94	36	29			20				20			
95	36	35			29				24			
96	36	29			32				30			
97	36	34			23				21			
99	36	40	8	e	41	14	6	p	40	9	1	p
100	36	22			21				21			
101	36	32			29				28			
102	36	35			33				31			
103	36	37	1	e	35		-1	-	34		-1	-
104	36	33			35				32			
105	36	45	70	e	43	57	-13	e	42	40	-30	e
106	36	39	5	e	42	12	7	p	40	8	3	p
<b>Ave 1-hr. Equivalent Wind Speed</b>		<b>30.7</b>			<b>27.9</b>				<b>27.0</b>			
<b>Total Hours Winds Exceeds Criterion</b>			<b>106</b>			<b>139</b>	<b>33</b>			<b>100</b>	<b>-6</b>	
<b>Total Exceedances:</b>		<b>Total:</b>	<b>7</b>		<b>Total:</b>	<b>6</b>			<b>Total Exceedances:</b>	<b>6</b>		
<i>Subtotals by type:</i>		<i>Existing</i>	7	e	<i>Existing</i>	2	e		<i>Existing</i>	2	e	
					<i>New, or increased time</i>	4	p		<i>New, or increased time</i>	4	p	
					<i>New, at new location</i>	0	n		<i>New, at new location</i>	0	n	
					<i>Eliminated by Project</i>	3	-		<i>Eliminated by Project</i>	3	-	

**Existing Wind Hazard Conditions.** Under existing conditions, the wind hazard criterion is exceeded at seven test locations on public walkways in the project vicinity. Currently, five test locations with wind hazards occur along 16th Street at test points adjacent to, across the street from, or upwind of the project site, one wind hazard location occurs along Gene Friend Way upwind of the project site, and one wind hazard location occurs on South Street adjacent to the project site.

The total duration of the existing wind hazards at the seven locations on public walkways in the project vicinity is 106 hours per year, with 101 of those hours occurring at the five test points along 16th Street.

**Existing-Plus-Project Wind Hazard Conditions at Off-site Public Use Areas.** Development of the proposed project would alter wind speeds among individual study test points at off-site public walkways. Under existing-plus-project conditions, the total net number of off-site study test points at which wind speed would exceed the wind hazard criterion would be reduced from 7 to 6. However, there would also be a net increase in the total duration of wind hazards on the off-site public walkways in the project vicinity, increasing from 106 hours per year under existing conditions to 139 hours per year under existing-plus-project conditions (an increase of 33 hours). This included new exceedances of the wind hazard criterion at two test points (Test Point No. 6 at the southeast corner of Third Street and 16th Street; and Test Point No. 50 on the north side of South Street between Third Street and Bridgeview Way across from the project site); and an increase in the duration of two existing wind hazard exceedances (Test Point No. 99 at the southeast corner of 16th Street and Illinois Street; and Test Point No. 106 at the southwest corner of Third Street and 16th Street).

**Refined Project Wind Hazard Conditions at Off-site Public Use Areas.** Under the refined project conditions, there would be 6 total off-site study test points at which wind speed would exceed the wind hazard criterion, similar to the proposed project. However, under the refined project conditions, there would be a net decrease in the total duration of wind hazards on the off-site public walkways in the project vicinity, decreasing from 106 hours per year under existing conditions and 139 hours per year under existing-plus-project conditions to 100 hours per year under the refined project conditions (i.e., a decrease of 6 hours per year compared to existing conditions, and decrease of 39 hours per year compared existing-plus-project conditions, respectively).

When considering individual wind test points, the refined project would result in the following changes to the wind environment in the variant vicinity compared to existing conditions:

- Create new exceedances of the wind hazard criterion at two test points: at the southeast corner of Third Street and 16th Street (Test Point No. 6: 30 hours per year); and on the north side of South Street between Third Street and Bridgeview Way across from the project site (Test Point No. 50: 7 hours per year);
- Increase the duration of two existing wind hazard exceedances: at the southeast corner of 16th Street and Illinois Street (Test Point No. 99: 1 hour increase per year); and at the southwest corner of Third Street and 16th Street (Test Point No. 106: 3 hour increase per year);

- Decrease the duration of two existing wind hazards: at the northwest corner of Third Street and 16th Street (Test Point No. 1: 7 hour decrease per year); and on 16th Street between Third and Fourth Streets (Test Point No. 105: 30 hour decrease per year); and
- Eliminate three existing exceedances of the wind hazard criterion: at the northeast corner of Third Street and 16th Street (Test Point No. 7: 6 hours eliminated per year); on South Street adjacent to the site (Test Point No. 54: 3 hours eliminated per year); and on Gene Friend Way adjacent to UCSF Hearst Tower (Test Point No. 103: 1 hour eliminated per year).

It should be noted that the wind test results indicate that under the refined project conditions, as under the existing-plus-project conditions, no wind hazard exceedances would occur on public walkways located on the east side of the project site. Given that the planned Bayfront Park is located even farther east, it can also be inferred from the wind test data that the refined project would not cause a new wind hazard within the planned Bayfront Park.

In summary, the refined project would result in a net decrease in the total duration of the wind hazard exceedance at off-site public walkways in the project vicinity compared to existing conditions, and existing-plus-project conditions. Consequently, the refined project would not alter wind in a manner that would substantially affect off-site public areas. Accordingly, with this revised analysis, the significance determination for Impact WS-1 is revised from significant and unavoidable with mitigation, to *less than significant with mitigation*. Mitigation Measure M-WS-1 has also been revised as follows to reflect the project sponsor's selection of an on-site design modification that would reduce wind hazard impacts to less than significant (deleted text shown in ~~strike through~~ and new text in underline).

#### **Mitigation Measure M-WS-1: Develop and Implement Design Measures to Reduce Project Off-site Wind Hazards**

The project sponsor shall develop and implement design measures to reduce the identified project off-site wind hazards ~~to the extent feasible~~. The project sponsor has selected a specific on-site design modification (installation of a solid canopy with a porous vertical standoff at the ground level of the southwest corner of the proposed 16th Street office building) that is demonstrated to be effective in reducing the project wind hazard impact to a less than significant level. Other measures ~~This~~ may include additional on-site project design modifications or additions, additional on-site landscaping; and the implementation of potential additional off-site streetscape landscaping or other off-site wind-reducing features. Potential on- and/or off-site project site wind-reduction design measures developed by the sponsor would be coordinated with, and subject to review and approval, by OCII.

## **Conclusion**

Subsequent to the publication of the Draft SEIR, the project sponsor conducted additional testing of design measures as required under Mitigation Measure M-WS-1 and has identified a design modification that would reduce wind impacts to less than significant, as verified by wind tunnel testing. Therefore, the impact conclusion for Impact WS-1 has been revised from significant and unavoidable with mitigation, to *less than significant with mitigation*.

Text changes to the Draft SEIR to reflect the revised wind analysis associated with the identification of an on-site design modification that would reduce the significant project wind hazard impact to less than significant are included in Chapter 14, Draft SEIR Revisions, of this document.

### 12.2.3 Transportation Improvements

#### Description

SEIR Section 5.2, pp. 5.2-46 to 5.2-69, presents the transportation improvements that would be provided as part of the proposed project. These include improvements related to the physical transportation infrastructure adjacent to the project site including travel lanes, sidewalks, bicycle lanes, traffic signals, and the light rail platform, as well as transit service improvements including the expansion of the Mission Bay TMA shuttle system, provision of the Muni Special Event Transit Service Plan, and a Transportation Management Plan (TMP) for operations of the proposed project.

The TMP is summarized on SEIR pp. 5.2-55 to 5.2-69, and the entire document is included as SEIR Appendix TMP. As described on SEIR p. 5.2-55, the TMP is a working document that would be expanded and refined over time by the project sponsor and City agencies involved in implementing the TMP. If the project is approved, the requirement to implement and update the TMP would be incorporated into the project Mitigation Monitoring and Reporting Program (MMRP) as an enforceable condition of approval.

Subsequent to the publication of the Draft SEIR, the City and project sponsor have been working with UCSF and neighbors to add detail to the project TMP to better address concerns related to local access in the Mission Bay area prior to evening events. These refinements include:

- *Development of a Local/Hospital Access Plan*— The TMP would be expanded to include a Local/Hospital Access Plan (L/HAP) to facilitate movements in and out to residents and employees in the UCSF and Mission Bay Area. The L/HAP would be implemented by SFMTA for the pre-event period for all large weekday evening events at the event center (i.e., those events with more than 12,500 attendees that start between 6:00 and 8:00 p.m., on average, approximately 50 times per year). The L/HAP would be configured to discourage event attendees arriving by car from using portions of Fourth Street, Owens Street, UCSF campus internal roads such as Nelson Rising Lane, Campus Lane, Fifth Street, and local residential streets. As part of the L/HAP, special temporary and permanent signage would be positioned at appropriate locations to direct event traffic towards designated routes in order to access off-street parking facilities serving the event center and away from streets within the Local/Hospital Access Plan network. In addition, three PCOs would be stationed at key intersections (i.e., Fourth/16th, Owens/Mission Bay Traffic Circle, and Fourth/Nelson Rising Lane) before the start of an event to facilitate local driver access to their destinations. These three additional PCOs would also be available after the event to be positioned at the most effective locations to direct outbound pedestrians, bicyclists, and vehicles, as determined by the PCO Supervisor.
- *Expansion of TMP monitoring surveys*— The proposed monitoring methods and surveys in the TMP would be expanded to include surveys of UCSF patients and staff to obtain information on access to the UCSF campus and Medical Center. These surveys would be in addition to the surveys proposed for event attendees, event center employees, visitor surveys of Mission Bay neighbors, and UCSF emergency providers.

In addition to the revisions to the TMP described above, other refinements to the transportation improvements include:

- *Sidewalk Widening along Terry A. Francois Boulevard.* The proposed sidewalk width along the project frontage at Terry A. Francois Boulevard has been expanded from 12.5 to 22 feet by making minor adjustments to the project layout along the eastern frontage. The purpose of this refinement is to provide more space for pedestrians, and thus to provide an improved pedestrian experience.
- *Restriping of South Street—* South Street would be re-striped to maintain the two eastbound lanes currently present between Bridgeview Way and Terry A. Francois Boulevard. One westbound lane in the same section would remain. The previously-proposed parking lane and associated metered parking spaces at the northern side of the street are no longer part of the proposal for South Street. The purpose of this refinement is to better accommodate vehicles exiting the event center.
- *Central Subway/T Third Electrical Power Distribution System Expansion—*The existing power equipment for light rail service would be expanded to add two circuits at the King Substation, and the electrical power distribution system to the light rail segment in the vicinity of AT&T Park would be increased in the segment between the King Substation and Fourth Street.

The Central Subway/T Third Electrical Power Distribution System Expansion is part of the transit network improvements to be included in the proposed project (see SEIR pp. 5.2-49 to 5.2-50). The power distribution system expansion at the King Substation (located south of King Street at Second Street adjacent to the South Beach Harbor Yacht Club parking lot) would provide the additional traction power demanded by future growth and large events along the T Third/Central Subway corridor.<sup>5</sup> The electrical power distribution system to the light rail segment in the vicinity of AT&T Park would be increased in the segment between the King Substation and Fourth Street so that additional electrical power is available during peak demand periods to light rail vehicles operating along King and Fourth Streets.

The traction power expansion within the King Substation would provide two new circuits from the exiting King Substation for the inbound and outbound circuits of the new Central Subway. Construction would occur over a 12-month period. Provision of duct banks for the new electrical connection between the King Substation and the Central Subway line would involve construction of new duct banks on King Street, between Second and Fourth Streets, requiring trenching about 18 to 24 inches wide and about 36 inches deep within the eastbound or westbound travel lanes of King Street over a six-month period, although construction activities would not be continuous for the entire period. These construction activities would require temporary travel lane closure of one of the two through lanes on King Street, reducing the existing roadway capacity and requiring all vehicles to use the remaining lane. The SFMTA identifies King Street in the Blue Book as a Street of Major Importance, and no construction work is permitted on King Street Monday through Friday

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<sup>5</sup> The need for expansion to the electrical power distribution system for light rail operations within and to the south of Mission Bay to accommodate increased frequencies and additional trains related demands of Central Subway, future growth along the southeastern part of the city, and existing and new special event operations had previously been identified by the SFMTA as a long-term improvement.

between 7:00 and 9:00 a.m. and between 3:00 and 7:00 p.m. During these hours, a contractor working within King Street would not be permitted to leave any debris, or any material or equipment in any of the travel lanes. During the a.m. and p.m. peak commute periods the trench for the new duct banks would be plated over, and all travel lanes would be open to traffic. To the extent feasible, this work would be scheduled on weekends when traffic volumes on King Street are lower than during weekdays. In addition, the existing variable message system installed in the vicinity of King Street (i.e., on The Embarcadero, Third Street, and on the I-280 freeway) as part of AT&T Park event TMP could be used during construction to further inform motorists of congested traffic conditions in the area.

## Environmental Effects and Conclusion

All of the refinements to transportation improvements included in the proposed project would result in reducing the severity of impacts described in SEIR, Section 5.2, Transportation and Circulation, and as described below, would not result in any new or substantially more severe significant impacts. The Local/Hospital Access Plan and the re-striping of South Street would incrementally lessen the severity of identified traffic impacts, but would not be sufficient to reduce the impact to a less-than-significant level. The expanded survey program would provide more information that would enable the City, in consultation with the project sponsor and UCSF, to improve the effectiveness of the TMP. The widening of the sidewalk along Terry A. Francois Boulevard would improve pedestrian circulation, reducing the severity of an already less-than-significant impact. The expansion of the electrical power distribution system would ensure that the required electrical power would be available during peak demand periods to light rail vehicles operating along King and Fourth Streets.

Construction-related impacts of these refinements to the transportation improvements were included in the Draft SEIR Chapter 5, with the exception of the work along King Street. The electrical power expansion would involve work within the King Substation, as well as construction of duct banks between the King Substation and the Central Subway line along King Street. This work would incrementally add to the construction activities identified in the Draft SEIR, with temporary disruption of traffic along King Street during intermittent non-peak periods over the course of about six-months, but would not result in new or substantially more severe transportation impacts. Construction-related ground transportation impacts identified in Impact TR-1 would remain less than significant.

Similarly, the temporary impacts of construction noise would be limited to standard construction equipment such as a backhoe and jackhammer, which would not be expected to result in a significant construction noise impact, as these equipment types comply with the construction noise limits of the Sections 2907(a) and (b) of the Police Code, as discussed on page 5.3-14 of the SEIR and would occur in an area with elevated ambient background noise based on modeled baseline traffic volumes derived from the San Francisco County Transportation Authority travel demand model.<sup>6</sup>

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<sup>6</sup> San Francisco Department of Public Health (DPH), San Francisco City-wide Noise Map, August 2006, Available online at <http://www.sfdph.org/dph/files/EHSdocs/ehsPublSDocs/Noise/noisemap2.pdf> Accessed April 30, 2013.



Temporary trenching activities would add incrementally to the NO<sub>x</sub> and ROG air quality emission burden of the project. However, these incremental emissions would be small and the operational emissions which form the basis of offsets under **Mitigation Measure M-AQ-2b** (see Chapter 14 of this document) would still represent the greater emission amount to be offset. To ensure these transportation improvements would not substantially contribute further to the significant impact identified in the SEIR in Impact AQ-1, a text change has been added to **Mitigation Measure M-AQ-2b** to ensure that the increment from transportation improvements are considered in the calculation of emissions to determine the offset funding. Localized health risk impacts from construction emissions would also be less than significant because of the relatively brief window of activity and the over one half mile distance from the contribution of emissions from the project site.

Construction disturbance within the roadway would be minimal, and generally within recently or previously disturbed subsurface materials so that potential cultural resources and hazardous materials impacts would also be less than significant; if construction disturbance were to encounter cultural resources or hazardous materials, the contractors would be required to comply with the same mitigation measures and/or regulations applicable to the proposed project, as were described in the Initial Study (Appendix NOP-IS of the SEIR).

These proposed refinements to the transportation improvements are considered beneficial. These refinements would not result in any new or substantially more severe impacts than previously identified in the Draft SEIR, and do not change the analysis or impact conclusions presented in the Draft SEIR. Text changes to the Draft SEIR to reflect the refinements to the transportation improvements are included in Chapter 14, Draft SEIR Revisions, of this document.

## 12.3 Construction Refinements

Since publication of the Draft SEIR, the project sponsor has identified minor construction refinements, including the following: refined construction tower crane plan, on-site soil treatment system, dewatering pump generators, and removal of rapid impact compaction. These are discussed below.

### 12.3.1 Refined Construction Tower Crane Plan

#### Description

The Draft SEIR, Section 5.2.6: Project Impacts on the UCSF Helipad Operations addressed potential safety issues associated with construction and operation of the proposed project in the vicinity of the UCSF Benioff Children's Hospital helipad. Impact TR-9a in the Draft SEIR specifically addressed the potential for the proposed construction tower cranes to temporarily obstruct UCSF helipad airspace surfaces. Impact TR-9a reported that based on the preliminary project construction plan for the project, of the five construction tower cranes proposed, the central-west project construction tower crane would have the potential to result in a temporary penetration of a 49 CFR Part 77 Transitional Surface associated with the helipad, which would be

considered a potentially significant impact. Draft SEIR Mitigation Measure M-TR-9a, Crane Safety Plan for Project Construction, identified feasible measures that would reduce potential, temporary impacts associated with the use of cranes during the construction period to less than significant.

Since publication of the Draft SEIR, the project sponsor refined its construction crane plan with the goal to further reduce potential project effects on the UCSF helipad during construction. The project sponsor's refined construction tower crane plan modifies certain locations, maximum working elevations<sup>7</sup> and /or working radii of its five proposed construction tower cranes. An analysis of the potential effects of the refined construction tower crane plan on UCSF helipad airspace surfaces is provided below.

## Environmental Effects

### *Tower Crane Analysis - Project Effects*

Under the refined tower crane plan, as under the original tower crane plan, four tower cranes are anticipated to be required between months 3 through 5 of construction, and five tower cranes would be used starting in month 6 through approximately the end of construction. Under the refined tower crane plan, the maximum tower crane heights would range between 207 and 277 feet agl, depending on the tower crane and its location. Revised Figure 5.2-28 (see Chapter 14, Draft SEIR Revisions, of this document) illustrates the proposed construction tower crane locations, tower crane maximum working elevations [mean sea level (msl)] and tower crane working radii under the refined construction crane plan.<sup>8</sup> As shown in Revised Figure 5.2-28, the estimated maximum elevation of the cranes would range from 221 to 291 feet msl, with a working radii of between 208 and 274 horizontal feet, depending on the tower crane and its location.

When evaluating the project construction tower cranes, the varying crane elevation across each crane's working radius was considered. This accounts for the fact that the critical tower crane working elevations change from the highest point at the fixed tower crane's vertical mast to the lowest point at the outer end of the tower crane's horizontal jib arm. These critical working elevations were then assessed for each tower crane to determine if they had the potential to penetrate the airspace surfaces associated with the UCSF helipad.

Using the approach and methodology discussed under SEIR Section 5.2.6.4, *Approach to Analysis*, the project construction tower cranes were assessed to determine if they would have the potential to penetrate the Part 77 Approach and Transitional airspace surfaces established for the UCSF helipad. Revised Figure 5.2-28 illustrates the UCSF helipad and its existing airspace surfaces in relation to the proposed refined construction tower crane plan. Based on the information provided and the evaluation of potential obstructions conducted for this study, the following observations can be made:

<sup>7</sup> "Elevations" are expressed in mean feet above sea level (msl) referencing NAVD 88 datum, which is commonly used for airport and heliport drawings and conducting airspace evaluations.

<sup>8</sup> Physical crane "heights" are expressed feet above ground level (agl). "Elevations" in Figure 5.2-28 are expressed in mean feet above sea level (msl) referencing NAVD 88 datum, which is commonly used for airport and heliport drawings and conducting airspace evaluations.

- As illustrated in Revised Figure 5.2-28, three construction tower cranes ([Southwest Tower Crane (Crane A), South Crane (Crane B), and Southeast Crane (Crane C)]) would extend under the helipad's primary Approach and/or the adjacent Transitional Surface. However, no penetrations to the established Part 77 Approach and Transitional surfaces would occur from the construction tower cranes.
- The most critical locations for Cranes A, B and C, and associated vertical clearances, are illustrated in Revised Figure 5.2-28 and tabulated in Table 5.2-73A (see Chapter 14). The working radii of Crane A would experience a minimum vertical clearance of approximately 5 feet (see Point 3). The working radii of Crane B and Crane C would have minimum vertical clearances of 29 and 32 feet, respectively (see Points No. 6 and 11).
- None of the project construction tower crane masts would be located under the helipad's Approach Surfaces. However, the masts of Crane B and Crane C, would be located under the helipad's Transitional Surface adjacent to the primary Approach Surface, but with vertical clearances of 65 and 86 feet, respectively.
- As shown in Figure 5.2-26 in the Draft SEIR, one of UCSF's alternative arrival/departure flight paths follows along the alignment of South Street. As shown in Revised Figure 5.2-28, while the working radii of two construction tower cranes on the north side of the site [Northwest Tower Crane (Crane E) and Northeast Tower Crane (Crane D)] would extend over South Street, they are not located under any of the established Part 77 Approach or Transitional Surfaces. However, for purposes of analyzing the potential impact of the construction tower cranes on the use of the South Street alternate flight path, an 8:1 "curved" Approach Surface was assumed along this segment of the alternate flight path and it intercepted the existing northern approach surface for a 90 degree turn<sup>9</sup> at an elevation of approximately 250 feet msl. Under this assumed "curved" Approach Surface scenario, the minimum amount of clearance over Crane E would be approximately 64 feet and the minimum amount of clearance over Crane D would be approximately 65 feet.

### Conclusion – Project Effects

In summary, based on the analysis of the refined construction crane plan, none of the proposed tower construction cranes would penetrate the Part 77 Approach or Transitional Surfaces associated with the UCSF helipad. Furthermore, adequate clearance for the construction cranes would be provided for the South Street alternate flight path. However, if the refined construction crane plan details were to change with respect to proposed tower crane size, location or other factors, then the project would have the potential to result in greater and/or less effects than those reported above. Mitigation Measure M-TR-9a, Crane Safety Plan for Project Construction, identifies feasible measures that would reduce potential temporary impacts associated with the use of cranes during the construction period to less than significant. The objective of the crane safety plan is to ensure the safe use of the UCSF Benioff Children's Hospital helipad, and the safety for people residing or working in the project area during construction. Therefore, as was reported in the Draft SEIR, with implementation of Mitigation Measure M-TR-9a, this impact would be *less than significant with mitigation*.

<sup>9</sup> Curved approach/departure surfaces have not been established for the helipad. Although FAA criteria for curved approach/departure surfaces would require a wider turn radius, this analysis assumed a tighter turn radius based on the use of existing approach/departure flight paths.

### **Mitigation Measure M-TR-9a: Crane Safety Plan for Project Construction**

Prior to construction, the project construction contractor shall develop a crane safety plan for the project construction cranes that would be implemented during the construction period. The crane safety plan shall identify appropriate measures to avoid potential airspace conflicts that may be associated with the operation of the project construction cranes in the vicinity of the UCSF Benioff Children's Hospital helipad airspace. These safety protocols shall be developed in consultation with OCII (or its designated representative) and UCSF, and the crane safety plan shall be subject to approval by OCII or its designated representative. The crane safety plan shall include, but are not limited to, the following measures:

- Convey project crane activity schedule to UCSF and OCII
- If other projects on adjacent properties are under construction concurrently with the proposed project and are using tower cranes, the project sponsor shall participate in joint consultation with those project sponsors and OCII or its designated representative to ensure any potential cumulative construction crane effects on the UCSF helipad would be minimized.
- Use appropriate markings, flags, and/or obstruction lighting on all project construction cranes working in proximity to the helipad's airspace surfaces.
- Light all construction crane structures at night (e.g., towers, arms, and suspension rods) to enhance a pilot's ability to discern the location and height of the cranes.
- Inform crane operators of the location and elevation of the hospital helipad's Part 77 airspace surfaces and the need to avoid penetrations to the surfaces.
- Issue a Notice to Airmen (NOTAM) to advise pilots in the area of the presence of construction cranes at the project site.

Because project construction impacts to the UCSF helipad airspace discussed in this SEIR would be less than significant, the project would result in no new or substantially more severe significant impacts than was previously identified in the Mission Bay FSEIR, as addended.

### ***Cumulative Effects***

As discussed in Impact C-TR-9 in the SEIR, in the immediate project vicinity, cumulative building development is anticipated on the currently undeveloped portions of Blocks 27, 25, X3, and 33, located north, west, southwest and south of the project site, respectively. Depending on the construction schedules for these planned developments, the construction of the proposed project in combination with other planned development could result in a cumulative adverse impact to the UCSF helipad. Mitigation Measure M-TR-9a, Crane Safety Plan for Project Construction, would require that the project's crane safety plan include a measure to convey project crane activity schedule to UCSF and OCII. Furthermore, Mitigation Measure M-TR-9a would require that if other projects on adjacent properties are under construction concurrent with the proposed project and are using tower cranes, the sponsor would participate in joint consultation with those project sponsors and OCII to ensure any potential cumulative construction crane effects on the UCSF helipad would be minimized. With implementation of Mitigation Measures M-TR-9a, the

contribution to cumulative impacts by the project would not be considerable, and as was reported in the Draft SEIR, the impact would be *less than significant with mitigation*.

Because the proposed project's contribution to cumulative construction impacts of the project on the UCSF helipad operations would be less significant with mitigation, the project would result in no new or substantially more severe significant impacts than those previously identified in the Mission Bay FSEIR, as addended.

Please see Chapter 14, Draft SEIR Revisions, of this document for augmented text and graphics to the Draft SEIR to reflect the proposed refined construction tower crane plan and associated analysis of effects on UCSF helipad airspace surfaces.

As discussed in SEIR Chapter 3, Project Description, aside from the fixed tower cranes, the project also includes the use of mobile cranes on-site during construction. Specifically, the project proposes to use three mobile "crawler cranes," all of which would be comparatively shorter than the tower cranes. Nonetheless, in order to disclose all potential project construction-related effects on the UCSF helipad operations, Chapter 14 of this document augments text to the Draft SEIR to describe the type and use of the crawler cranes during construction, and associated analysis of potential effects on UCSF helipad airspace surfaces. Similar to the construction tower cranes as proposed in the refined tower crane plan, none of the proposed crawler construction cranes would penetrate the UCSF airspace surfaces associated with the helipad. The Draft SEIR addressed all other potential environmental effects associated with the proposed use of crawler cranes during construction, including the air quality and noise analyses. In addition, energy use associated with the use of crawler cranes during construction is addressed in Response EN-1 in this Response to Comments Document.

### **12.3.2 Other Construction Refinements**

Refinements to the proposed construction techniques that were described in the Draft SEIR include: addition of on-site soil treatment, possible use of dewatering pump generators, and removal of rapid impact compaction equipment.

#### **Description**

##### ***On-site Soil Treatment***

The Draft SEIR, Chapter 3: Project Description, Section 3.6.3: Proposed Construction, indicated that approximately 350,000 cubic yards (cy) of soils would be excavated and removed from the site during construction. The Draft SEIR, Initial Study, Section 16: Hazards and Hazardous Materials, discussed applicable hazardous materials agency oversight for the project site and proposed project; discussed relevant previous environmental investigation conducted for Mission Bay, project site and/or vicinity, [including the 1999 Mission Bay Risk Management Plan (RMP), 2006 Mission Bay Revised Risk Management Plan (RRMP), and a 2014 Phase I Environmental Site Assessment conducted in support of the project]; and documented applicable prior soil remediation and groundwater monitoring activities that have been conducted on the project site

and vicinity. The Initial Study Hazards and Hazardous Materials section concluded that the required implementation of RMP-specified risk management measures would ensure potential impacts to workers and the public associated with the handling of potentially contaminated soil at the project site during construction would be less than significant.

Subsequent to publication of the Draft SEIR, the project sponsor completed a Phase II Environmental Site Assessment<sup>10</sup> of the project site, a Site Mitigation Plan,<sup>11</sup> and a Dust Monitoring Plan<sup>12</sup> in accordance with the RMP and Article 22A of the San Francisco Health Code (Maher Ordinance). The Phase II Environmental Site Assessment classified and delineated hazardous materials at the project site that were planned for excavation and disposal, and characterized groundwater that would be discharged during construction dewatering. The Phase II Environmental Site Assessment determined that certain fill material at the project site contains elevated concentrations of chromium, lead, and nickel, petroleum hydrocarbons, and low concentrations of volatile organic compounds (VOCs) and semivolatile organic compounds (SVOCs).

As discussed in the recent Site Mitigation Plan, the project sponsor proposes to conduct on-site treatment of soils that exceed State hazardous waste criteria prior to off-site hauling to an appropriately regulated landfill. The on-site treatment of soils would be achieved by the installation and operation of a mobile "pug mill" at the project site. The pug mill is a self-contained treatment system, consisting of a 75 kilowatts (kW) motor, a screen unit (to remove cobbles and rocks), a conveyor belt, mixing tower, and bins to hold the treated soil. The pug mill would mix lime or cement material with the excavated soils requiring treatment. The additive used in the treatment process would stabilize the metals in the soil and reduce the solubility of the metals in the soil, thereby preventing transport of metals to stormwater and converting the soil from a Class I California hazardous waste to a Class II non-hazardous waste. This process would include post treatment soil sampling to confirm the treatment's effectiveness. Once this treatment process is completed, the treated soil would be loaded into trucks and hauled to a Class II non-hazardous regulated landfill.

The pug mill would be on the project site for approximately 3 months, operating 8 to 10 hours per day. The total estimated volume of on-site soil to be treated is approximately 98,000 cy. The pug mill would treat up to 3,100 cy of soil per day. The mobile pug mill would be moved within the interior of the project site as required to accommodate the proposed site excavation process. The proposed pug mill would be a Tier 4 emission unit, and permitted to operate under a Temporary Treatment Unit permit approved by the Department of Toxic Substances Control (DTSC) and the Bay Area Air Quality Management District (BAAQMD). The pug mill would be enclosed within a large canvas tent to control dust and noise generated by the plant.

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<sup>10</sup> Langan Treadwell Rollo, *Phase II Environmental Site Assessment, Golden State Warriors Arena, Blocks 29-32, Mission Bay, San Francisco, California*, June 2015.

<sup>11</sup> Langan Treadwell Rollo, *Site Mitigation Plan, Golden State Warriors Arena, Blocks 29-32, Mission Bay, San Francisco, California*, June 2015.

<sup>12</sup> Langan Treadwell Rollo, *Dust Monitoring Plan, Golden State Warriors Arena, Blocks 29-32, Mission Bay, San Francisco, California*, June 2015, as revised October 2015.

Soil stockpiles at the project site would include a stockpile of contaminated soils awaiting treatment, and multiple stockpiles of treated soil. The pug mill would be able to treat the contaminated soil faster than trucks would be able to haul the soil and return to the project site. As discussed above, there would be on-going testing of the treated soil prior to hauling off site, which would result in multiple treated soil stockpiles. Stockpiles would be uncovered for 8 to 10 hours during the workday. In accordance with the Dust Monitoring Plan, which is subject to approval by the San Francisco Department of Public Health (DPH) (see Section 13.22, Response HAZ-3, for further discussion), dust would be controlled by stockpile wetting, stopping work during high winds, and covering with plastic sheeting or tarp, and adequately securing stockpiles at the end of the work day. Active stockpiles would be thoroughly wetted and excess material would be removed and/or consolidated regularly to limit the size and extent of the stockpiles.

For those excavated soils that do not require on-site treatment (i.e., soils that have already been verified to be a Class II or Class III non-hazardous waste), the contractor would load that excavated soil directly into trucks for off-site disposal. If needed and requested by the regulated landfill or recycler, additional waste profiling of the Class II or Class III soil would be performed. If soil stockpiling of any suspected contaminated soil occurs, the excavation contractor would establish soil stockpile locations on the site and provide appropriate dust control per the approved Dust Monitoring Plan.

### *Dewatering Pump Generators*

The project sponsor is now considering an option to use a series of nine generators (25 and 45 kilovolt amps [kVA]) to power dewatering pumps at intermittent locations throughout the excavation pit during approximately six months of the construction period. These generators would be used should the availability of temporary electrical power be limited.

### *Rapid Impact Compaction*

The Draft SEIR, Chapter 3: Project Description, Section 3.6.3: Proposed Construction, described that the project sponsor proposed to compact soil on the site using rapid impact soil compaction equipment over approximately 30 work days. Since publication of the Draft SEIR, the project sponsor indicates that the use of rapid impact construction equipment is not required, and consequently, would not occur during construction.

## **Environmental Effects**

The construction refinements described above would result in minor changes to the noise and air quality construction impacts, which are described below. All other impacts of the project as presented in Chapter 5 of the SEIR and the Initial Study in Appendix NOP-IS remain essentially unchanged with these project refinements, and all mitigation measures remain the same. Although these construction refinements could result in an incremental increase in construction energy expended, the refined project would not result in the use of large amounts of fuel or energy or use these in a wasteful manner (see Section 13.23 of this document for further discussion).

## Noise

**On-site Soil Treatment.** Sound level monitoring data of the proposed pug mill operation was provided by the manufacturer indicating sound levels at four different locations surrounding the unit. The maximum recorded sound level at 7 meters from the unit was 80 dB, which is equivalent to 73 dB at a distance of 50 feet. This maximum measured value is generally consistent with other independent monitoring efforts of active pug mill operations,<sup>13</sup> which indicate 68 dBA at 50 feet. The SEIR presented an estimate of noise generated during shoring activities on page 5.3-21 based on simultaneous operation of two auger drills, two cranes, two slurry plants and two excavators, with resultant noise levels at the nearest receptor to be 73.6 dBA. The addition of pug mill operations to this noise level would result in a marginal increase to 73.8 dBA during the shoring/treatment phase. Table 5.3-8 on page 5.3-23 of the SEIR presents the combined noise levels that would result from simultaneous excavation, the now removed rapid impact compaction activity, pile installation, and shoring activities, which could take place concurrently during two months of the construction schedule. Increasing the shoring noise component to account for the pug mill results in the same estimate of combined construction noise of 80.8 dBA at the nearest receptor. Consequently, operations of the pug mill do not change the analysis or conclusions presented in the SEIR with regard to construction noise impacts.

A revised Table 5.3-8 (SEIR p. 5.3-23) is presented below (deleted text shown in ~~striketrough~~ and new text in underline). This table adds the contributions from the pug mill and generator operations and removes the contributions of rapid impact compaction, and the results indicate that predicted noise levels for all three receptors would be marginally decreased compared to the results previously presented in the Draft SEIR.

**TABLE 5.3-8  
CUMULATIVE WORST CASE NOISE LEVELS FROM  
CONSTRUCTION ACTIVITIES AT SENSITIVE RECEPTORS IN THE PROJECT AREA**

Location	Noise Levels in dBA (Hourly Leq)	
	Existing Leq	<u>Concurrent Excavation, Dewatering, Soil Treatment Compaction, Pile Installation and Shoring Activities</u>
1. Madrone Mission Bay Residential Towers Nearby residential receptor 800 feet north of project site	70.1	<del>70.9</del> <u>69.9</u>
2. UCSF Mission Bay Housing (Hearst Tower) Nearby residential receptor 200 feet from the project site	71.2	<del>80.8</del> <u>80.5</u>
3. UCSF Hospital Nearby receptor 560 feet from the project site	67.0	<del>72.8</del> <u>72.2</u>

<sup>13</sup> Olson Associates, *Sound Survey PDS Energy Inc. Caerul/Piceance LLC, Metcalf Soil Treatment Facility*. August 22, 2013.



**Dewatering Pump Generators.** Small portable generators, such as the proposed 25 and 45 kVA generators, produce noise levels on the order of 82 dBA at 23 feet with only a weather protective enclosure. Four of the nine generators would be located within the excavation pit, which would serve to shield the additional noise from surrounding uses. The remaining five 45 kVA generators would be located intermittently around the perimeter of the site, with one at the corner of Third Street and 16th Street, one at the corner of Third Street and South Street, and three on the eastern side of the site. The additional increment of noise experienced at the UCSF housing tower receptor would be primarily influenced by the nearest generator at Third Street and South Street, approximately 200 feet away, as the remaining perimeter generators would be over 500 feet farther away. Generator noise would be attenuated from 82 dBA at 23 feet to 63 dBA at 200 feet. The addition of this increment of generator noise would not meaningfully contribute (less than 0.1 dBA) to the predicted cumulative construction noise level. As indicated in the revised Table 5.3-9 (see Chapter 14 of this document), cumulative construction noise levels would decrease when the removal of rapid impact compaction activities is considered. Consequently, potential operations of the dewatering generators during the construction period would not change the analysis or conclusions presented in the Draft SEIR with regard to noise impacts.

**Removal of Rapid Impact Compaction.** Removal of rapid impact compaction from the construction activities would result in minor reduction in noise levels at sensitive receptors in the project area, but would not substantially change the estimated noise levels predicted in SEIR Impact NO-1 (pp. 5.3-20 to 5.3-24). As presented in the SEIR, the impact would remain less than significant.

In addition, removal of rapid impact compaction would reduce the severity of impacts related to groundborne vibration levels during construction, as presented in Impact NO-3 (pp. 5.3-24 to 5.3-26). Even though this impact was determined to be less than significant, removal of this vibration-inducing construction activity would substantially reduce the estimated vibration levels from the overall construction activities. This construction refinement also eliminates the need for Improvement Measure I-NO-3, which required advanced notification of neighbors of the start of rapid impact compaction activities.

### *Air Quality*

The methodology for the analysis of the additions of on-site soil treatment activities and the operation of dewatering pump generators are discussed individually below. After these discussions the cumulative result of these additions on the impact conclusions of Impact AQ-1 and Impact AQ-3 are assessed.

**On-site Soil Treatment.** Ramboll Environ conducted a screening-level human health risk assessment to evaluate the potential impacts of contaminants in fugitive dust from operation of the pug mill on offsite sensitive receptors (i.e., residents). This screening level assessment relies on the Site Mitigation and Dust Monitoring Plans prepared by Langan in June 2015 and revised in October 2015, which require monitoring for particulate matter (respirable particulate matter less than 10 micrometers [ $\mu\text{m}$ ] in aerodynamic diameter or  $\text{PM}_{10}$ ) in air at the site perimeter. Those plans delineate airborne dust action levels, which if exceeded, would require additional

actions to reduce PM<sub>10</sub> concentrations in air to below those levels. For the 30-minute average, the airborne dust action level for PM<sub>10</sub> is 50 micrograms per cubic meter (µg/m<sup>3</sup>) or baseline dust (i.e., the difference between upwind and downwind dust levels), whichever is higher. The plan also specifies that no visible dust shall cross the property boundary and requires additional actions if neighbor complaints are received.

To determine whether offsite air concentrations would be of concern during excavation activities, for all detected chemicals in soil, the 24-hour and 10-minute air concentrations at the site perimeter were calculated using the maximum detected soil concentrations and the PM<sub>10</sub> airborne dust action levels for the site described above. This calculation conservatively assumes the concentration in the soil is proportional to the concentration in the monitored dust. No dilution from the perimeter to any actual site receptors was assumed.

Operation of the pug mill could affect air quality in two ways: (1) additional diesel exhaust emissions from the generator associated with the pug mill and (2) airborne soil exposure associated with additional handling of contaminated soils. The screening-level human health risk assessment for airborne fugitive pre-treated soil, described above, directly applies to item 2 and, provided airborne dust action levels are not exceeded as required by the DPH-approved Dust Monitoring Plan (see Section 13.22, Response HAZ-3 for further description). This assessment shows that excavation activities at the site are not expected to cause significant adverse health effects to offsite sensitive receptors, and impacts associated with fugitive dust from the pug mill would not be significant.

To address item 1, a refined assessment of air pollutant emissions during construction was completed to include the operation of the pug mill. The methods used to analyze the impact of the pug mill emissions are the same as those in Appendix AQ of the SEIR. The pug mill consists of a 75-kW motor, assumed to be driven by a 335-hp Tier 4 diesel-fired engine (although in-line with previous methodology, emissions and resulting risks assuming use of both a Tier 2 (Uncontrolled) engine and a Tier 2 (Controlled) engine with ARB NO<sub>x</sub> VDECS are also disclosed).

**Dewatering Pump Generators and Removal of Rapid Impact Compaction.** The nine dewatering generators (25 and 45 kilovolt amps [kVA]) to power dewatering pumps would all be powered by Tier 4 engines and were lumped as an area source on the project site for purposes of modeling health risks and localized PM<sub>2.5</sub> concentrations. However, unlike other construction activities, which were assumed to occur during standard construction hours, dewatering generators were conservatively assumed to operate 24-hours a day. Since publication of the Draft SEIR, the project sponsor indicates that the use of rapid impact construction equipment is not required, and consequently, would not occur during construction.

### **Results of Construction Refinements with Regard to Impact AQ-1 (Construction Impacts from Fugitive Dust and Criteria Air Pollutant Emissions)**

Revised Tables 5.4-7 and 5.4-8 of Section 5.4, Air Quality, of the SEIR (see Chapter 14, Draft SEIR Revisions, of this document) show that expected off-road construction emissions with the

addition of the pug mill, dewatering generators and the elimination of rapid impact compaction do not change the impact conclusions of Impact AQ-1, which remains *significant and unavoidable with mitigation*. Even with implementation of Mitigation Measure M-AQ-1, air pollutant emissions from project construction activities, with refinements would exceed the applicable significance thresholds for ROG and NOx. The addition of the construction refinements would not substantially increase (approximately 2 percent for ROG and 4 percent for NOx) the average daily construction-related emissions disclosed in the Draft SEIR. This would not result in a substantial increase in the severity of the previously identified significant and unavoidable impact, and the same mitigation measures would apply requiring the project sponsor to minimize construction emissions.

### **Results of Construction Refinements with Regard to Impact AQ-3 (Health Risk Impacts Due to Toxic Air Contaminants)**

Revised Tables 5.4-10 and 5.4-11 of Section 5.4, Air Quality, of the SEIR and Revised Tables 6.1.2, 6.1.5, 6.1.6, 6.1.7, and 6.1.8 of Appendix AQ of the SEIR (see Chapter 14 and Appendix AQ2) show slight increases in the construction contribution to the predicted risk values and PM<sub>2.5</sub> concentrations. These increases are primarily the result of corrections to the construction analysis from what was presented in the Draft SEIR to account for the extension of the northbound Muni platform, which would occur closer to receptors than activity on the project site, and the addition of the pug mill and the dewatering generators. However, Impact AQ-3 analyzes the combined effects of construction and operation on health risk, with the substantial decrease in risk associated with the generator relocation described above, the revised impact analysis indicates that overall, Impact AQ-3 would be less severe than what was presented in the Draft SEIR; the impact would be *less than significant*, instead of less than significant with mitigation. This set of revised tables also shows that the addition of the pug mill and dewatering generators does not result in an exceedance of the ambient PM<sub>2.5</sub> concentration threshold of significance either during construction or on a cumulative basis. With the addition of the proposed pug mill during construction combined with the generator relocation, Impact AQ-3 would be *less than significant*. Although the revised analysis for Impact AQ-3 indicates that implementation of Mitigation Measure M-AQ-1 is not required to reduce the severity of this impact to less than significant, implementation of this measure would still be required under Impact AQ-1, which would in turn further reduce the severity of the less-than-significant health risk impact under Impact AQ-3.

### **Conclusion**

The proposed construction refinements would result in minor revisions to the construction noise and air quality impact analyses that were presented in the Draft SEIR, but the impact conclusions remain the same or less severe. The on-site soil treatment and operation of dewatering pump generators would result in a marginal increase in construction noise during the shoring/treatment phase, but the combined construction noise of simultaneous operation of multiple construction activities would decrease because rapid impact compaction would no longer occur, and construction noise impacts would be substantially the same as presented in the Draft SEIR and would remain less than significant. Removal of the vibration-inducing rapid impact compaction would substantially reduce the estimated vibration levels from the overall construction activities,

and this less-than-significant impact would remain less than significant. Analysis of construction air quality impacts associated with emissions of criteria air pollutants, fugitive dust, health risk, and cumulative health risk also indicates that the significance determinations would remain the same or less severe for all impacts as presented in the Draft SEIR, and the same mitigation measures would apply.

Thus, the proposed construction refinements would not result in any new or more severe impacts than previously identified in the Draft SEIR. Text changes to the Draft SEIR to reflect the proposed construction refinements are included in Chapter 14, Draft SEIR Revisions, of this document.

## 12.4 Muni UCSF/Mission Bay Station Variant

A new variant to the proposed project is being added for consideration as part of this Responses to Comments document. The project variant, the Muni UCSF/Mission Bay Station Platform Variant, is a minor variation of the proposed project at the same project site at Mission Bay Blocks 29-32, with all of the same objectives, background, and development controls, and same approvals as the proposed project. The Muni UCSF/Mission Bay Station Platform Variant is analyzed in this SEIR at an equal level of detail as the proposed project, and therefore the variant analysis satisfies all California Environmental Quality Act (CEQA) requirements, should this variant be selected for approval.

### Description

Under the Muni UCSF/Mission Bay Station Platform Variant, all aspects of design, uses, programming, construction, and operation would be identical to that of the proposed project with one exception: the existing high-level northbound and southbound passenger platforms at the UCSF/Mission Bay light rail stop would be removed, and replaced with a single high-level center platform to accommodate both northbound and southbound light rail service passengers, and the extension of northbound platform at the UCSF/Mission Bay stop would not be required. Under this variant, the new center platform would be located between the northbound and southbound light rail tracks in the general location of the existing UCSF/Mission Bay Station southbound platform. **Figure 12-1** presents the location of the existing northbound and southbound platforms, as well as the location of the proposed center platform south of South Street.

The platform would be approximately 320 feet long by 17 feet wide (the existing side platforms are about 160 feet long by 9 feet wide), and would allow for two, two-car light rail trains to simultaneously board or alight passengers along the platform. Access ramps between 40 and 50 feet in length and about 13 feet wide would be constructed at both ends of the platform. Passenger amenities on the platform would include covered shelter with seating, CCTV, 311 telephone, NextBus display, and trash receptacles. Passenger access to the center platform would generally be provided from a single point at the north end of the platform closest to South Street, although the second egress ramp at the south end would allow for passenger access flexibility during events (e.g., post-event when the northbound lanes of Third Street adjacent to the project site are closed to vehicular traffic).



— — — Project Site Boundary 
   Existing Muni UCSF/Mission Bay Northbound and Southbound Platforms

  Proposed Muni UCSF/Mission Bay Center Platform Under Variant

SOURCE: SFMTA, ESA, 2015

OClI Case No. ER 2014-919-97; Planning Department Case No. 2014.1441E:  
Event Center and Mixed-Use Development at Mission Bay Blocks 29-32

**Figure 12-1**  
Muni UCSF/Mission Bay Platform Variant

Similar to the proposed project, the Muni UCSF/Mission Bay Station Platform Variant includes crossover tracks to be constructed on Third Street near South Street within the existing light rail median to enable light rail vehicles to move from one set of tracks to another to reverse travel. The exact location (i.e., north and/or south of the UCSF/Mission Bay station) and the configuration of the crossover tracks (i.e., a single crossover, a double crossover, or a diamond crossover) have not been identified. In addition, similar to the proposed project, the existing power equipment for light rail service would be expanded to provide additional traction power for the Central Subway/T Third service. The new center platform would not require any changes to the number of northbound and southbound travel lanes on Third Street, and the existing southbound left turn lane at the Third Street approach to 16th Street would be maintained.

All other respects of the Muni UCSF/Mission Bay Station Platform Variant would be the same as the proposed project, including meeting LEED® Gold standards; total building square footage; number of above- and below-grade levels; building shapes, heights and massing; event center seating capacity; open space area; pedestrian, bicycle and vehicle facilities and access points; pervious/impervious surfaces; and utilities. All operational aspects of the Muni UCSF/Mission Bay Station Platform Variant would also be the same as those for the proposed project, including annual number, type and timing of games/events at the event center, site employment, and proposed implementation of a Transportation Management Plan. Moreover, proposed construction characteristics for the event center and mixed-use development on Blocks 29-32 would be the same as the proposed project, including proposed construction techniques, construction equipment, construction employment, and construction duration. However, construction of the extension of the northbound Muni platform would not occur, and therefore, there would be an incremental net increase in construction activities under this variant due to the removal of the existing light rail stop and construction of the center platform.

Demolition of the two existing side platforms and construction of the new center platform would occur over a 14-month period. Construction activities would not be continuous for the entire period and would be limited to shorter periods of construction, and generally on weekends. Construction of the track crossovers would occur over a three-day period. To the extent feasible, this work would be scheduled during periods of lower passenger demand, such as on weekends, when impacts on light rail service would be less than during the weekdays.

Construction would involve excavation at the new location, demolition of the existing platform, and reconstruction of the existing roadway, track and platform. Trenching would be required for new electrical and communication infrastructure conduits for the platform, traffic, and transit signals, as well as for relocation of above and below grade utilities as needed. Installation of the trackway and crossovers would occur within the concrete base. Construction equipment would include a digger, backhoe, jack hammer, dump truck, truck crane, bobcat, and saw cutter.

Construction activities would require temporary closures of one of the two northbound and/or southbound lanes on Third Street, depending on the phase of construction activity. The temporary lane closures would reduce the roadway capacity on Third Street and require all vehicles to use the remaining lane. Temporary lane closures would result in additional vehicle delay, and some drivers might shift to Terry A. Francois Boulevard to access their destinations. Construction activities that

involve track work or staging within the track area would require motor coach substitution for a portion of Muni's T Third service.

## **Environmental Effects**

In essentially all respects, the Muni UCSF/Mission Bay Station Platform Variant would have the same environmental impacts as those identified for the proposed project in the Initial Study (Appendix NOP-IS) and in Chapters 4, 5, and 6 of the SEIR. The environmental analyses of the proposed projects on topics presented in the Initial Study—Land Use, Aesthetics, Population and Housing, Cultural and Paleontological Resources, Recreation, Biological Resources, Geology and Soils, Hazards/Hazardous Materials, Mineral Resources, and Agricultural and Forest Resources—apply identically to the Muni UCSF/Mission Bay Station Platform Variant because the design change related to the light rail platform would not affect any of the identified effects on these resource areas. All identified mitigation measures identified for the proposed project would also apply to the Muni UCSF/Mission Bay Station Platform Variant. Therefore, no further analyses of these topics is required.

The discussion in Chapter 4, Plans and Policies, also applies to the Muni UCSF/Mission Bay Station Platform Variant the same as it does to the proposed project because the change in platform location to the south of South Street would not alter the discussion of consistency with applicable plans and policies, and therefore, Chapter 4, Plans and Policies, also applies to the Muni UCSF/Mission Bay Station Platform Variant, and no further discussion is required.

Furthermore, the impact analyses in Chapter 5 with respect to Wind, Greenhouse Gas Emissions, Shadow, Utilities and Service Systems, Public Services, and Hydrology and Water Quality also apply to the Muni UCSF/Mission Bay Station Platform Variant as they do to the proposed project, and the same mitigation and improvement measures apply. The minor modifications to Muni operations associated with the Muni UCSF/Mission Bay Station Platform Variant would not change any of the underlying assumption used in the impact analyses for these resource areas. All assumptions, conditions, setting, impacts, and mitigation measures would be the same as those identified in Chapter 5 for all of these resource areas, and therefore, all of these sections of Chapter 5 also apply to the Muni UCSF/Mission Bay Station Platform Variant, and no further discussion is required.

The impacts and conclusions of SEIR Chapter 6 also apply to this variant, including growth inducing impacts, significant and unavoidable impacts, effects found not to be significant, irreversible and irretrievable commitments of resources, and areas of known controversy and issues to be resolved. Furthermore, because implementation of the Muni UCSF/Mission Bay Station Platform Variant would result in the same significant impacts as the proposed project, the alternatives analysis presented in Chapter 7 of this SEIR also applies to the variant and no further alternatives analysis is required.

Therefore, the only resource areas with potentially different environmental effects from the proposed project are Transportation, Noise and Vibration, Air Quality, and Energy, as discussed below.

## *Transportation*

Chapter 5, Section 5.2, Transportation and Circulation also applies to the Muni UCSF/Mission Bay Station Platform Variant with respect to all aspects of the setting, approach to analysis, impacts, and mitigation and improvement measures, with one exception. Improvement Measure I-TR-4, Operational Study of the Southbound Platform at the T Third UCSF/Mission Bay Station, would not apply to this variant. The modification from extension of the northbound platform to construction of a new center platform would not affect the assumptions used for analyses of traffic, transit, bicycle, loading, emergency access, or helipad safety under any of the scenarios analyzed.

The only substantive change in the Muni UCSF/Mission Bay Station Platform Variant design relevant to the Transportation and Circulation section would be that instead of accessing the northbound platform to the north of South Street, as under existing conditions, passengers would instead access the platform south of South Street. For passengers traveling in the southbound direction, the new center platform would be located in a similar location as the existing southbound platform, and pedestrian access would not change from existing conditions.

As noted above, the center platform would be 320 feet long by 17 feet wide, and would provide adequate area to accommodate non-event transit riders, as well as two, two-car trains in both the northbound and southbound directions prior to or following a large event at the project site. Similar to the proposed project, prior to an event, PCOs would be stationed at the entrances to the light rail platforms on South Street to facilitate pedestrian crossings, and to minimize conflicts between pedestrians, light rail, and southbound vehicular traffic.

Similar to the proposed project, following an event, northbound Third Street would be closed to vehicular traffic between 16th Street and Mission Bay Boulevard South. As for pre-event conditions, PCOs would also be stationed at the entrances to the light rail platforms on South Street to facilitate pedestrian crossings, and to minimize conflicts between pedestrians, light rail, and northbound vehicular traffic. After an event, PCOs would stage passengers at a defined passenger waiting area within the closed portion of Third Street and would allow them to enter the center platform as soon as a train departs until the platform becomes reasonably full. Passenger loading onto the trains would be monitored by SFMTA Transit Fare Inspectors and Passenger Assistance Program Staff, who would be stationed at the light rail platforms.

The potentially significant pedestrian impacts of the Muni UCSF/Mission Bay Station Platform Variant at the intersection of Third/South during weekday and Saturday pre-event and post-event conditions for the Basketball Game scenario would be similar to those of the proposed project (see Impact TR-6, pp. 5.2-147 to 5.2-156). However, implementation of Mitigation Measure M-TR-6: Active Management of Pedestrian Flows at the Intersection of Third/South and the proposed TMP protocols for events would manage short-term peak pedestrian flows at adjacent intersections. Therefore, similar to the proposed project, this measure would mitigate the Muni UCSF/Mission Bay Station Platform Variant's pedestrian impacts to less-than-significant levels.



## Noise

Chapter 5, Section 5.3, Noise and Vibration also applies to the Muni UCSF/Mission Bay Station Platform Variant with respect to all aspects of the setting, approach to analysis, operational impacts, and mitigation and improvement measures. The only minor differences relate to Impact NO-5 regarding operational impacts due to crowd noise at the Muni T-Line platform before and after events and to Impact NO-1 regarding construction noise.

As discussed on SEIR pages 5.3-37 and 5.3-38 under Impact NO-5, under the proposed project with the current location of the northbound platform, there would be a significant and unavoidable noise impact from the predicted 3,000 people that would be using the northbound Muni T-Line platform before and after approximately 45 basketball games per year and up to 60 additional full capacity concerts and other sporting events per year.

Under this project variant, the loading area for northbound passengers would no longer be north of South Street, directly in front of the UCSF Hearst Tower housing building but, instead, extend from 50 feet to approximately 400 feet south of South Street. This relocation of queuing MUNI passengers egressing events could marginally decrease the severity of the noise impact that would be generated by these crowds, as they would no longer be queuing directly in front of a sensitive land use. However, even considering this shift of the northbound platform approximately 300 feet to the south, a majority of the egressing crowd would likely access the platform by crossing Third Street at South Street, resulting in crowd noise as close as 150 feet from the UCSF Hearst Tower housing building. Additionally, northbound crowds queuing on the platform would now be as close as 900 feet from the UCSF hospital, instead of 1,200 feet, which could result in a slight increase in noise audible at the hospital after events. It should be noted that, unlike the UCSF Hearst Tower housing building, the UCSF hospital does not have operable windows, and thus would be less sensitive to crowd noise. Although this project variant can be assumed to result in an incremental noise reduction at Hearst Tower and serve as mitigation to the crowd noise impact identified in the Draft SEIR, the incremental reduction could still result in a substantial increase in noise levels at the housing building and potentially at the hospital. These changes would not be sufficient to reduce the impact to a less-than-significant level. Therefore, similar to the proposed project, operational noise impacts from crowd noise under this variant would be considered *significant and unavoidable*.

The replacement of the existing high-level northbound and southbound passenger platforms at the UCSF/Mission Bay light rail stop with a single high-level center platform to accommodate both northbound and southbound light rail service passengers would also result in temporary noise increases from construction activities. Construction activities would require temporary travel lane closure of one of the two northbound lanes on Third Street. As described above, work on the Muni platform would generally be scheduled on weekends when impacts on light rail service would be less than during the weekdays, and therefore, it would not occur simultaneously with construction activities for the event center or office towers. Assuming use of a backhoe, jack hammer and truck crane, construction activities for the demolition of the existing northbound platform would generate noise levels of 79.4 dBA, Leq at the nearest receptor (Hearst Tower), 75 feet away, which would result in a less than 10 dBA increase over existing ambient noise levels of 71.2 dBA, Leq.

Similar to the proposed project, construction noise impacts of the Muni UCSF/Mission Bay Station Platform Variant would be *less than significant*.

### *Air Quality*

Chapter 5, Section 5.4, Air Quality, also applies to the Muni UCSF/Mission Bay Station Platform Variant with respect to all aspects of the setting, approach to analysis, operational impacts, and mitigation measures. The only minor differences relate to construction impacts, as discussed below.

#### **Construction Criteria Pollutant Emissions**

The Muni UCSF/Mission Bay Station Platform Variant would result in slightly different air quality impacts from those of the project with regard to project construction. Daily engine exhaust emissions from construction activities associated with the Muni UCSF/Mission Bay Station Platform Variant are compared with significance thresholds in **Table 12-2**. Total construction emissions were calculated in the same manner as for the proposed project in the Draft SEIR and total emissions were divided by the same number of construction days to derive average daily emissions for comparison against applicable significance thresholds. This is a conservative analysis of construction air quality impacts, as it is likely that platform work would be scheduled on weekends, which would increase the number of construction days and would result in a reduction in the calculation of average daily emissions.<sup>14</sup>

**TABLE 12-2  
MUNI VARIANT AVERAGE DAILY CONSTRUCTION-RELATED EMISSIONS**

	Average Daily Construction Emissions (pounds/day)			
	ROG	NOx	PM10	PM2.5
Off-road Equipment Emissions	13	187	7.1	7.1
Truck and Vehicle emissions	7.4	51	0.84	0.77
Architectural Coating Emissions	39	0	0	0
<b>Total<sup>a</sup></b>	60	238	7.9	7.9
Significance Threshold	54	54	82	54
<b>Above Threshold?</b>	<b>Yes</b>	<b>Yes</b>	No	No

NOTES:

<sup>a</sup> The total emissions may not sum precisely due to rounding of subtotals. The Project Sponsor has committed to Tier 4 Final engines for all construction generators used during construction, so those emissions are presented for the Uncontrolled and both mitigated scenarios. The Muni construction requires Tier 2 + NOx VDECS, so those emissions are presented for the Uncontrolled scenario.

SOURCE: Ramboll Environ, 2015

The construction significance thresholds for criteria pollutants are established in terms of average daily emissions, which is how emissions are reported in Table 12-2.

<sup>14</sup> Keinath, Michael and Mukai, Catherine, Ramboll-Environ, 2015. Letter to Paul Mitchell, Environmental Science Associates, regarding *Effect of Number of Construction Days on Emissions Impact*. October 19, 2015.

Similar to the proposed project, the estimated construction emissions of ROG and NO<sub>x</sub> under the Muni UCSF/Mission Bay Station Platform Variant would exceed the applicable significance threshold, which would be a *significant and unavoidable with mitigation* air quality impact. The Muni UCSF/Mission Bay Station Platform Variant would not substantially increase (approximately 2 percent for ROG and 5 percent for NO<sub>x</sub>) the average daily emissions disclosed in the Draft SEIR for the proposed project (see Table 5.4-7, page 5.4-31). Furthermore, **Mitigation Measure M-AQ-1 (Construction Emissions Minimization)** would also apply to the variant. While the estimated construction emissions under the variant shown in Table 12-2 are slightly higher than those identified for the proposed project in the Draft SEIR, this impact is not substantially more severe than the previously identified significant and unavoidable impact. Further, the estimated emissions shown in Table 12-2 assume concurrent weekday construction activities, but typically construction activities for the Muni platform would be on weekends to minimize disruption to Muni riders, while most construction activities on the project site would occur on weekdays. Thus, the analysis presented in Table 12-2 is conservative. Without concurrent construction, as would be typical, average daily construction emissions would be less than reported in the Draft SEIR.<sup>15</sup>

Mitigated daily engine exhaust emissions from construction activities associated with the Variant are compared with emission significance thresholds in **Table 12-3**, assuming both the maximum level and the minimum level of compliance (Tier 4 and Tier 2 with NO<sub>x</sub> VDECS). As can be seen in Table 12-3, construction-related emissions would be reduced to the applicable threshold for ROG with both the maximum and minimum levels of compliance. However, while NO<sub>x</sub> emissions would be reduced by as much as 65 percent with fully compliant mitigation and 34 percent with minimally compliant mitigation, as with the proposed project, emissions of NO<sub>x</sub> would remain significant (84 pounds per day) under the variant, even with maximum compliance with Mitigation Measure M-AQ-1. Therefore, similar to the proposed project, **Mitigation Measure M-AQ-2b (Emission Offsets)** would also be required to reduce emissions of ROG and NO<sub>x</sub> emissions to the extent feasible and the residual impact would be *significant and unavoidable with mitigation*.

### Construction TAC Emissions

Regarding construction emissions, a health risk assessment (HRA) was conducted for the proposed project's 26-month construction period under the Muni UCSF/Mission Bay Station Platform Variant and was performed using the same methodology as for the proposed project in the Draft SEIR. **Table 12-4** shows the results of the risk assessment for exposure to PM<sub>2.5</sub> during construction of this variant at the maximally impacted receptor. The Air Pollutant Exposure Zone standard for PM<sub>2.5</sub> is an annual average standard, and because construction and operational activities would not overlap, only the construction PM<sub>2.5</sub> concentrations are added to the background PM<sub>2.5</sub> concentrations to determine whether construction of the project would result in the project vicinity meeting the Air Pollutant Exposure Zone criteria. As shown in Table 12-4, cumulative PM<sub>2.5</sub> levels under the variant at the maximally impacted sensitive receptor would be 8.9 µg/m<sup>3</sup>, and would not exceed the 10 µg/m<sup>3</sup> significance threshold. Thus, localized PM<sub>2.5</sub> impacts from construction activities at sensitive receptor locations would be *less than significant*.

<sup>15</sup> Keinath, Michael and Mukai, Catherine, Ramboll-Environ, 2015. Letter to Paul Mitchell, Environmental Science Associates, regarding *Effect of Number of Construction Days on Emissions Impact*. October 19, 2015.

**TABLE 12-3  
MUNI VARIANT MITIGATED AVERAGE DAILY CONSTRUCTION-RELATED EMISSIONS**

	Average Daily Construction Emissions (pounds/day)			
	ROG	NOx	PM10	PM2.5
<b>With Tier 2 + NOx VDECS Off-road Equipment (minimum compliance for NOx)</b>				
Off-road Equipment Emissions	0.98	106	0.63	0.63
Truck and Vehicle Emissions	7.4	51	0.84	0.77
Architectural Coating Emissions	39	0	0	0
<b>Total<sup>a</sup></b>	<b>48</b>	<b>157</b>	<b>1.5</b>	<b>1.4</b>
Significance Threshold	54	54	82	54
<b>Above Threshold?</b>	No	Yes	No	No
<b>With Tier 4 Final Off-road Equipment (maximum compliance for NOx)</b>				
Off-road Equipment Emissions	3.0	33	0.40	0.40
Truck and Vehicle Emissions	7.4	51	0.84	0.77
Architectural Coating Emissions	39	0	0	0
<b>Total<sup>a</sup></b>	<b>49</b>	<b>84</b>	<b>1.2</b>	<b>1.2</b>
Significance Threshold	54	54	82	54
<b>Above Threshold?</b>	No	Yes	No	No

NOTES:

<sup>a</sup> The total emissions may not sum precisely due to rounding of subtotals. The Project Sponsor has committed to Tier 4 Final engines for all construction generators used during construction, so those emissions are presented for the Uncontrolled and both mitigated scenarios.

SOURCE: Ramboll Environ, 2015

**TABLE 12-4  
ANNUAL AVERAGE PM2.5 CONCENTRATIONS AT OFF-SITE RECEPTORS  
UNDER THE MUNI VARIANT**

Source	PM <sub>2.5</sub> Concentration (µg/m <sup>3</sup> , Annual Average)	
	UCSF Hearst Tower Receptor	UCSF Hospital Receptor
<b>Construction</b>		
Background at the maximally impacted receptor	8.5	8.6
Unmitigated Construction Contribution	0.32	0.31
Mitigated (Tier 2 + NOx VDECS) Construction Contribution	0.066	0.055
Cumulative Total (Unmitigated/with Mitigation) <sup>a</sup>	8.8 / 8.6	8.9 / 8.7
Significance Threshold	10	10
<b>Above Threshold?</b>	No	No
<b>Operation</b>		
Background at the maximally impacted receptor	8.5	8.6
Project Operations – Generators	0.0034	0.0048
Project Operations – Mobile Sources	0.32	0.32
Cumulative Total (Project, Unmitigated) <sup>a</sup>	8.8	8.9
Significance Threshold	10	10
<b>Above Threshold?</b>	No	No

NOTES:

<sup>a</sup> The total concentrations may not sum precisely due to rounding of subtotals.

SOURCE: Ramboll Environ, 2015

The results of the cancer risk assessment are presented in **Table 12-5** below for both the unmitigated and mitigated scenarios for this variant, the latter of which assumes the minimum level of compliance (Tier 2 engines with NOx VDECS) with implementation of **Mitigation Measure M-AQ-1 (Construction Emissions Minimization)** described in the Draft SEIR. Table 12-5 shows that under unmitigated conditions, the excess cancer risk for a child resident at the UCSF Hearst Tower and Hospital would not exceed the significance threshold of 100 per one million persons exposed. Implementation of Mitigation Measure M-AQ-1 (Construction Emissions Minimization) would reduce the impacts from standardized construction equipment for which “tiered” equipment is available, as shown in Table 5.4-11. With the minimum level of compliance with this mitigation measure (Tier 2 plus NOx VDECS), increased cancer risk as a result of project construction activities at the maximally impacted receptor would be approximately 11 in one million and cumulative excess cancer risk at all receptor locations would be below the significance threshold of 100 per one million.

**TABLE 12-5  
LIFETIME EXCESS CANCER RISK AT OFF-SITE RECEPTORS**

Source	Excess Cancer Risk (in one million)		
	UCSF Hearst Tower Receptor		UCSF Hospital Receptor
	Child Resident	Adult Resident	(Child Resident)
Background at the maximally impacted receptor	26	26	44
Unmitigated Construction Contribution	56	2.9	28
Mitigated (Tier 2 + NOx VDECS) Construction Contribution	11	0.59	5.0
Project Operations – Generators	0.24	0.14	0.056
Project Operations – Mobile Sources	7.2	7.2	7.2
Cumulative Total (Unmitigated/with Mitigation) <sup>a</sup>	89 / 45	36 / 34	79 / 56
Significance Threshold	100	100	100
<b>Above Threshold?</b> (Unmitigated/with Mitigation)	No / No	No/ No	No/ No

NOTES:

<sup>a</sup> The total risks may not sum precisely due to rounding of subtotals.

SOURCE: Ramboll Environ, 2015

At no off-site location would cumulative excess cancer risk exceed 100 per one million persons exposed with or without implementation of Mitigation Measure M-AQ-1. Therefore, the Muni UCSF/Mission Bay Station Platform Variant would not result in sensitive receptor locations meeting the Air Pollutant Exposure Zone criteria for excess cancer risk, and similar to the proposed project (as refined), construction and operational cancer risk impacts associated with this variant would be *less than significant*.

### *Energy*

Initial Study, Section 17, Mineral and Energy, as augmented by Section 13.23 of this Responses to Comments document, also applies to the Muni UCSF/Mission Bay Station Platform Variant with respect to all aspects of the setting, approach to analysis and operational impacts. This variant

would not change the operations of Muni, therefore there would be no increase in operational energy or water use. The only minor differences in energy impacts relate to construction impacts, as discussed below.

Similar to the proposed project, construction activities for this variant would require the use of diesel for the operation of off road construction equipment and on-road trucks for the off-site transport of soil and other wastes; electricity for electrical construction equipment and the use of dust control water; and gasoline for worker commute trips.

The estimated diesel usage for construction related to the Muni platform would be about 6,800 gallons, making the maximum annual construction-related diesel use about 576,900 gallons. Similar to the proposed project, the annual construction-related diesel consumption for this variant would be consistent with all fuel efficiency requirements, representing approximately 0.02 percent of the statewide annual totals.

Total gasoline consumption associated with worker commute trips for construction of the Muni platform would be approximately 500 gallons, but this would not increase the total annual maximum gasoline consumption for the variant as a whole (including construction of the event center and mixed use development) because of the timing of construction. As for the project, this estimate incorporate fuel efficiency improvements associated with implementation of the Pavley Clean Car Standards<sup>16</sup> and the Low Carbon Fuel Standard,<sup>17</sup> which promote the use of vehicles utilizing alternative fuel sources such as electricity and hydrogen. Annual gasoline usage would be consistent with all state and federal fuel efficiency requirements, and represents approximately 0.002 percent of the statewide totals.

Total electricity consumption associated with construction of the Muni platform would be about 40 kWh, but this would not increase the total maximum annual construction-related electrical use for the variant as a whole (including construction of the event center and mixed use development) because of the timing of construction. The project's annual construction-related electricity consumption would represent approximately 0.005 percent of the electricity purchased in San Francisco.

There would be no unusual project characteristics that would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in other parts of the state. Further, Mitigation Measure M-AQ-1, Construction Emissions Minimization, would require the use of late-model generators (Tier 2 through 4 with Verified Diesel Emissions Control Strategies) that would generally be more fuel efficient. Therefore, construction activities would not require the use of unusually large amounts of fuels, electricity, or water as demonstrated above and would not result in the inefficient, wasteful, or unnecessary use of these resources. As concluded in the 1998 Mission Bay FSEIR Initial Study Energy/Natural Resources

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<sup>16</sup> California Air Resources Board. Clean Car Standards – Pavley, Assembly Bill 1493. Accessed at <http://www.arb.ca.gov/cccms/ccms.htm> on September 15, 2015.

<sup>17</sup> California Air Resources Board. Low Carbon Fuel Standard Program. Accessed at <http://www.arb.ca.gov/fuels/lcfs/lcfs.htm> on September 15, 2015.

section and in Impact ME-1 of the Initial Study (p. 123), impacts related to the use of energy resources during construction would be *less than significant*.

## **Conclusion**

As indicated above, the impact analysis, conclusions, and significance determinations for the proposed project presented in the SEIR, with the exception of minor details of the Transportation, Noise, Air Quality, and Energy sections described above, would be similar under the Muni UCSF/Mission Bay Station Platform Variant. With the exception of Improvement Measure I-TR-4, Operational Study of the Southbound Platform at the T Third UCSF/Mission Bay Station, all impact conclusions and mitigation and improvement measures identified for the proposed project in the Draft SEIR, as revised in this Responses to Comments document, would also apply to the Muni UCSF/Mission Bay Station Platform Variant. The same alternatives analysis for the proposed project presented in the SEIR also applies to the Muni UCSF/Mission Bay Station Platform Variant.

# CHAPTER 13

## Responses to Comments

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### 13.1 Organization of Responses to Comments

The San Francisco Office of Community Investment and Infrastructure (OCII), as lead agency for the California Environmental Quality Act (CEQA) environmental review process, has reviewed all letters, emails, and oral testimony presenting comments received on the Draft SEIR, as listed in Chapter 11, List of Persons Commenting. This chapter presents the substantive comments received on the Draft SEIR and responses to those comments, organized by topic. The substantive comments contained in the letters, emails, and public hearing transcripts have been bracketed and numbered, and this chapter groups together comments on the same topic and provides a comprehensive response on that topic. Substantive comments are those comments that relate to the proposed project, the adequacy or accuracy of the SEIR, or the environmental review process; all other comments and written materials submitted to OCII during the public review period, while considered by OCII and the decision-makers, do not require a written response under CEQA. Appendices COM and PH contain the full text of all comments on the Draft SEIR and shows the bracketing and associated numbering of each comment.<sup>1</sup>

This chapter presents the topics of comments and responses generally in the same order as presented in the Draft SEIR. The order of the comments and responses in this chapter is shown below, along with the prefix to the topic codes (indicated in parenthesis):

- |   |   |
|---|---|
| 13.2 General Comments (GEN)               | 13.14 Greenhouse Gases Emissions (GHG)      |
| 13.3 Environmental Review Process (ERP)   | 13.15 Wind and Shadow (WS)                  |
| 13.4 AB 900 Process (AB)                  | 13.16 Recreation (RE)                       |
| 13.5 Project Description (PD)             | 13.17 Utilities and Service Systems (UTIL)  |
| 13.6 Plans and Policies (PP)              | 13.18 Public Services (PS)                  |
| 13.7 Impact Overview (IO)                 | 13.19 Biological Resources (BIO)            |
| 13.8 Land Use (LU)                        | 13.20 Geology (GEO)                         |
| 13.9 Population and Housing (PH)          | 13.21 Hydrology and Water Quality (HYDRO)   |
| 13.10 Cultural Resources (CULT)           | 13.22 Hazards and Hazardous Materials (HAZ) |
| 13.11 Transportation and Circulation (TR) | 13.23 Energy Resources (EN)                 |
| 13.12 Noise and Vibration (NOI)           | 13.24 Alternatives (ALT)                    |
| 13.13 Air Quality (AQ)                    |   |

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<sup>1</sup> Each bracketed comment is assigned a unique comment code that corresponds to the type of commenter (i.e., public agency [A], non-governmental organization [O], individual [I], and public hearing speaker [PH]); an acronym for the agency or organization (or, in the case of individuals, their last name); and the sequentially numbered, bracketed comment from that commenter. For example, the comment letter from the Bay Area Air Quality Management District is coded A-BAAQMD, and the first comment in the letter is coded A-BAAQMD-1, the second comment on a different subtopic is coded A-BAAQMD-2.



Within each section of this chapter under each topic area, similar comments are grouped together and numbered sequentially using the topic code prefix and sequential numbering for each subtopic. For example, General Comments (GEN) are listed as (GEN-1), (GEN-2), (GEN-3), and so on. Within each topic code and corresponding heading that introduces the comment subject, there is a list of the comments addressed using the unique comment code that identifies the commenter and the specific comment. Following the list of comment codes for each subtopic, the comments are presented verbatim.

Following each comment or group of comments on a specified subtopic, a comprehensive response is provided that addresses issues raised in the comments and clarifies or augments information in the Draft SEIR as appropriate. Response numbers correspond to the topic code; for example, the response to comments on topic GEN-1 is provided under Response GEN-1. In some cases, where a comment addresses more than one topical subject, the response includes a cross-reference to other responses. The responses provide clarification of the information presented in the Draft SEIR and may also include revisions or additions to the Draft SEIR. Revisions to the Draft EIR are shown as indented text. New or revised text is underlined; deleted material is shown in strikethrough (~~strikethrough~~).

## 13.2 General Comments

### 13.2.1 Overview of General Comments

The comments and corresponding responses in this section address topics that do not relate to any specific section of the SEIR or to the environmental review process, but rather relate to other aspects of the proposed project that are outside the purview of the California Environmental Quality Act (CEQA). These include topics related to:

- GEN-1: Funding
  - GEN-1a: City Funding
  - GEN-1b: Mitigation Funding
- GEN-2: Quality of Life
- GEN-3: Environmental Justice
- GEN-4: Urban Decay
- GEN-5: Opinions on the Project
- GEN-6: Miscellaneous Opinions

### 13.2.2 Funding (GEN-1)

#### Issues Raised by Commenters: City Funding (GEN-1a)

This response addresses all or part of the following comments, which are quoted below:

A-UCSF-21

A-UCSF-27

O-PBNA-4

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“The adoption of an effective mechanism to fully fund the City's operating costs to manage impacts as described above for the life of the Event Center would help to eliminate funding as a criteria for determining the feasibility of the measures that are the responsibility of the City.” (*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-21]*)

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“Page 3-36 through 37, UCSF appreciates the City and GSW' s commitment to the improvements listed. UCSF requests the DEIR include documentation to confirm these improvements are fully funded.” (*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-27]*)

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“For the Arena to coexist within its rapidly developing surrounding neighborhoods, the City must maintain dedicated funding of full time transit and transportation solutions and review the parking management programs throughout the adjacent areas. Proper attention must be paid to the travel needs of the populations that live and work (and who will soon live and work) in the area full time, and not be reserved for those few times a year when the confluence of San Francisco Giants and Arena events bring about the largest transportation challenges. New transit should be based on current data and SFMTA should be prepared to move away from more outdated transit planning.” (*Potrero Boosters Neighborhood Association, J.R. Eppler, letter, July 27, 2015 [O-PBNA-4]*)

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## **Response GEN-1a: City Funding**

The City and County of San Francisco (CCSF or City) has introduced a resolution for consideration by the San Francisco Municipal Transportation Agency (SFMTA) and an ordinance for the Board of Supervisors that are intended to secure funding for the project's transportation service plan and other services and to ensure that the incremental City costs of providing transit, traffic enforcement, street sweeping and public safety services outside the premises are fully funded through the life of the project. Both actions require certification of the Final Subsequent EIR prior to adoption.

The first, a resolution for adoption by the SFMTA Board, would do the following: (1) adopt the CEQA findings, including the specified mitigation and improvement measures and the Mitigation Monitoring and Reporting Program (MMRP); (2) approve the capital improvements and operating commitments described in the project's transportation service plan under the jurisdiction of the SFMTA Board (as described in Section 5.2.5.2 of the Draft SEIR and subsequent refinements as described in the Section 13.11 of this Responses to Comments document); (3) recommend that the Board of Supervisors approve an ordinance creating a Special Reserve Account to fund City services and capital improvements and establish an Advisory Committee to make funding recommendations for the Project; and (4) delegate to the Director of Transportation the authority to expend monies pursuant to the Special Reserve Account. The resolution would specify two funding sources: (1) project-generated revenues currently mandated by the Charter to accrue to the SFMTA's Municipal Transportation Fund; and (2) a portion of project-generated General Fund revenues required to fully fund agency costs. The capital improvements are anticipated in the Muni Special Event Transit Service Plan description (see SEIR, pp. 5.2-53 to 5.2-55), and the resolution will commit the funds to implement these improvements.

The second, an ordinance for adoption by the Board of Supervisors, would direct the Controller to create a Special Reserve Account setting aside the full annual amount of the General Fund portion of the cost of providing eligible City costs to service the project to address certain operational components of the Muni Special Event Transit Service Plan, other SFMTA services, and other City services. The ordinance would define eligible City costs including those specified in the SFMTA Board resolution as well as by the San Francisco Police, Fire, and Public Works departments. The Special Reserve Account deposits would be made annually based on department budget requests subject to a maximum funding amount certified by the San Francisco Controller's Office. In determining their proposed annual budgets for uses of the fund, the departments would be required to consult with an Advisory Committee consisting of representatives from the event center, the surrounding residential and commercial communities, and UCSF, and would be required to hold a public hearing on the proposed budget.

The ordinance would further include a Designated Overlapping Event Reserve Account in an amount estimated to be sufficient to cover the transit enhancements and traffic enforcement costs of servicing certain non-Golden State Warriors events at the event center that occur on the same weekday evening during the pre-event peak period as a San Francisco Giants regular season, evening game. The annual deposit of funds would remain in effect for the useful life of the Event Center.

While the deposit of funds to the Special Reserve Account would not be tied to projected tax revenues, the \$14.1 million in annual project-generated revenues projected by Economic & Planning Systems, Inc.'s Fiscal Feasibility Analysis<sup>1</sup> are expected to more than cover the expected total annual operating costs, capital financing costs, funds to replenish the Designated Overlapping Event Reserve Account as well as a balance to cover unanticipated costs or to add additional transit or traffic enforcement service as needed. If at the end of any fiscal year during the term of the Special Reserve Account, the balance in the Special Reserve Account exceeds expenditures, such excess monies would be carried forward as a reserve for uses consistent with the Special Reserve Account's purpose to the extent such excess monies do not exceed a specified percentage of the total expenditures from the Special Reserve Account for the previous fiscal year.

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### Issues Raised by Commenters: Mitigation Funding (GEN-1b)

This response addresses all or part of the following comments, which are quoted below:

I-Carpinelli-3  
PH-Gisslow-2

I-Springer-3  
PH-Rosales-2

I-Woods-4

I-Zboralske-13

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"3. Dogpatch Neighborhood mitigation projects/ funds need to be identified and funded by the Warriors:

"These could include:

- "a. 250 parking space garage located on Port land or south of 24th St. Dogpatch (with shuttle buses to the stadium). This lot would also serve workers and shoppers in Dogpatch while not sending traffic through the neighborhood. It could be designed such that it could be a park-like setting or off-leash dog park on non-game days.
- "b. Ongoing funds for Esprit Park maintenance and capital improvements
- "c. Ongoing maintenance and upgrading of neighborhood basketball court at the Historic Scott School (1060 Tennessee St) playground area on Minnesota St.
- "d. Ongoing cleaning/greening funds for public sidewalks and now neighborhood volunteer maintained spaces in and around Dogpatch.
- "e. Increased funding for more N/S T-Third cars and E/W MTA routes and ongoing funding/maintenance of these expansions
- "f. Ongoing funding for Blue Greenway
- "g. Ongoing educational scholarship funds for underprivileged Dogpatch/Potrero neighborhood children to attend Dogpatch and Mission Bay pre-schools, after school programs, and charter schools"

*(Janet Carpinelli, email, August 4, 2015 [I-Carpinelli-3])*

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<sup>1</sup> Keyser Marston Associates, Inc., 2015. Memorandum to Office of Community Infrastructure (OCII), Successor to the San Francisco Redevelopment Agency, regarding Peer Review of "San Francisco Multi-Purpose Venue Project: Fiscal Impact Analysis—Revenues" prepared by Economic & Planning Systems, Inc., September 25, 2015.

"3) The funding must be guaranteed for the mitigations outlined in the SEIR. Whether it comes from the City or the Warriors, the mitigations must not be reliant on there being sufficient funds; those funds should be identified and secured before the project is approved, or else the EIR is irrelevant."  
(*Matt Springer, email, July 16, 2015 [I-Springer-3]*)

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"It has been our experience that adequate funding and oversight of mitigations, and flexibility to amend the plan, is the key to success. While the project sponsors are supposed to be drafting a Special Reserve Account to set aside the operational costs of the impacts of the arena, there needs to be a specific and enforceable reference in the SEIR that funding of mitigations will be dedicated for the life of the plan and not subject to the vagaries of City General Fund budget cycles." (*Corinne Woods, email, July 27, 2015 [I-Woods-4]*)

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"The Warriors have a huge financial incentive to use the site extensively in order to generate revenue and help pay for the project and ultimately make more profits.

"The City should be a staunch steward of City resources and funds, taking appropriate measures to ensure we do not over-commit limited resources or over-spend for service delivery." (*James Zboralske, email, July 27, 2015 [I-Zboralske-13]*)

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"A problem, I think, with the EIR and the public's opinion is, people are very uninformed about what's actually going on with the costs going into this arena.

"Yes, the arena is publicly -- I mean, privately financed, but one thing they haven't talked about is the resulting public transportation improvements that will come along with this project.

"So, Caltrans had a proposed and approved line going through King Station, but the Mayor wants to change that line going to the new arena he's proposing, and that would cost \$2.5 billion.

"That is not privately funded. That would be taxpayer money. And I think that's a huge problem that's not addressed in the EIR. That's a huge amount of money not accounted for, let alone the \$40 million of proposed improvements to the public transportation, as well as \$6.6 million in annual upkeep fees to the public transportation.

"These are all costs that are not addressed at all in the EIR. These are all under the radar that no one talks about or knows about, and I think that's a huge problem with this project." (*Blaise Gisslow, public hearing transcript, June 30, 2015 [PH-Gisslow-2]*)

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"And we've heard a lot of concerns, and I will continue to read the document, but I want to make sure that the comments here regarding those impacts and the mitigation measures are kind of looked at in depth and to the extent of exploring funding mechanisms or recommended or suggested mechanisms, so that they don't go into the document -- that the Commission be told of potential funding mechanisms that we might be able to recommend to ensure that those mitigations are essentially guaranteed and those impacts are mitigated." (*Chairperson Rosales, public hearing transcript, June 30, 2015 [PH-Rosales-2]*)

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## Response GEN-1b: Mitigation Funding

Compliance with the Mitigation Monitoring and Reporting Program (MMRP) will be a condition of OCII Commission approval including full funding and implementation of all mitigation measures identified in the Final SEIR. If the project is approved, the project sponsor will bear responsibility for funding and implementing all mitigation measures assigned to the project other than those expressly assigned to the City. See Response GEN-1a above for a description of the Special Reserve Account for Board of Supervisors adoption and the resolution for SFMTA Board adoption to cover the full costs of all City responsibilities. As these actions would dedicate funds generated by the project, would not rely on existing discretionary City funds, and cannot predetermine the outcome of any approval actions adopting the project, action to create them must occur after the Final SEIR is certified.

In addition to these funding commitments, if the project is approved, OCII or its designated representative will track the current implementation status and responsible party for each measure in the MMRP. In addition, OCII or its designated representative will provide annual updates to the Advisory Committee described above, as well as the Mission Bay Ballpark Transportation Coordination Committee, Mission Bay Citizens Advisory Committee, or their citizen's advisory successor bodies as requested.

The commenters also raise concerns over the level of attention paid to the travel needs of the populations that live and work, or will live and work, in the area full time. In addition to the transportation improvements proposed as part of the project, the City is engaged in several efforts to improve public transportation in southeastern San Francisco, including but not limited to the following:

- **Muni Forward** – a multi-year planning and implementation process throughout San Francisco to align bus routes with updated population densities, travel routes, and modal decisions including realignment of the 22 Fillmore and the 10 Townsend bus routes, creation of the new 55-16th Street bus route (and future protected bus rapid transit lane on 16th Street between Third and Church Streets), the planned 11Downtown Connector and 33-Ashbury/18th bus routes, the recent extension of the E Embarcadero historic streetcar to Fourth and King Streets, and reduced headways and longer trains on the T Third light rail line.
- **Central Subway** – the \$1.6 billion second phase of the T Third light rail line currently under construction and scheduled to open in early 2019 which will extend the rail line north on Fourth Street to Market Street and then continue north on Stockton Street to Chinatown, with four new stations along the way.
- **Regional Transit Improvements** – including the 2017 opening of the new \$4.5 billion Transbay Terminal, 2017 fleet replacement to clean fuel ferries for the Water Emergency Transportation Agency, 2020 San Francisco Downtown Ferry Terminal Expansion, and 2020 conversion of Caltrain from diesel to electric power.

- **Local Right of Way Improvements** – including completion of the Mission Bay street grid, Terry A. Francois Boulevard cycletrack, and the Blue Greenway bicycle and pedestrian paths.
- **Bikeshare Expansion** – Bay Area Bikeshare, the region’s membership-based system for short-term bicycle rental, announced plans to expand San Francisco’s bikeshare fleet from 350 bicycles to nearly 5,000 bicycles in 2017, including expansion south of Mission Creek into Mission Bay and points south.
- **Waterfront Transportation Assessment** – an expansive planning process led by the SFMTA and the San Francisco County Transportation Agency to analyze existing transportation supply and deficiencies, project future growth patterns, and travel demand and make recommendations for service changes and capital improvements.

OCII acknowledges the commenter's list of Dogpatch neighborhood projects. The SEIR identifies mitigation measures to avoid or lessen impacts associated with physical environmental impacts of the project, and measures must be "roughly proportional" to the impacts of the project [CEQA Guidelines Section 15126.4(a)(4)]. Two of the projects suggested by the commenter could be considered mitigation for traffic impacts of the proposed project—parking lot on Port land and increased funding for T Third rail line; Section 13.11 describes and analyzes proposed off-site parking areas located on Port of San Francisco lands, and funding of additional Muni service including the T Third light rail line is discussed above. The other of Dogpatch neighborhood projects listed by the commenter would not serve as CEQA mitigation measures for adverse environmental impacts identified in the SEIR. Specifically, Esprit Park maintenance and upgrade of neighborhood basketball courts are not warranted as mitigation for the proposed projects because the Initial Study (Appendix NOP-IS of the SEIR) determined that recreation impacts would be less than significant. Similarly, funding of cleaning and greening for public sidewalks, or for the Blue Greenway, or for educational scholarships would not avoid or lessen any significant impacts of the proposed project, although as described above the City is engaged in completing the Blue Greenway bicycle and pedestrian paths.

See Chapter 10, Section 10.2.3, for further discussion of CEQA requirements for a MMRP.

### 13.2.3 Quality of Life (GEN-2)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

I-Cehand-2  
PH-Ortiz-4

I-Tuialu'ulu'u-1

I-Zboralske-8

PH-Battat-2

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“Public urination and discarded trash/alcohol bottles- fans urinating on our building and landscaping.”  
(Jadine Cehand, email, June 30, 2015 [I-Cehand-2])

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"Mission bay is a beautiful area where I go on a regular basis to take loved ones to medical appointments and visits. The arena being built here is going to be a huge inconvenience to many residents, commuters, and especially hospital visitors and staff in general. More than that, I feel it poses a safety issue to the community's children." (R. Tuialu'ulu'u, email, July 14, 2015 [I-Tuialu'ulu'u-1])

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"With regard to quality of life issues, they are of great importance and can be described as:

Those issues which affect the residents, businesses and visitors to the area by creating fear or adversely impacting their health, safety, and welfare.

"Some typical quality of life issues in Mission Bay and our surrounding areas include, but are not limited to:

- Aggressive panhandling
- Ticket scalpers hassling people and/or stepping into traffic
- Chronic public intoxication
- Drinking in Public and open containers
- Litter, graffiti and public nuisances such as urinating and defecating in public
- Incidents that involve the mentally ill
- Illegal encampments
- Illegal dumping
- Chronic noise complaints
- Illegally parked vehicles
- Dust and grime associated with on-going construction projects
- Significant numbers of California Vehicle Code violations being committed by motor vehicles, bicycles and pedestrians.
- Constant and often poorly designed and implemented road and/or lane closures and traffic modifications disrupt all modes of both public and private transportation with regularity."

(James Zboralske, email, July 27, 2015 [I-Zboralske-8])

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"While I appreciate these fans supporting our local Giants, I do not appreciate the out-of-town, In-N-Out Burger trash, nor the empty containers left in the streets. This speaks to the way that crowds rush into the games and are often not supporting the local" -- excuse me -- "and how the crowds are not supporting the local community since the games are already so expensive.

"Adding basketball season to the event calendar for this neighborhood will definitely have a negative impact on the traffic and parking in the surrounding neighborhoods, and residents will be hurt, along with business development and growth." (Andrew Battat, public hearing transcript, June 30, 2015 [PH-Battat-2])

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"And, lastly, I want to just leave you with a question about, What would responsible development look like in San Francisco?

"You know, it's not just a problem with the stadium, but in San Francisco in general. What does that really look like for the council members? And, you know, we can't deny that traffic is a problem in the quality of life for all of San Francisco." (Annabel Ortiz, public hearing transcript, June 30, 2015 [PH-Ortiz-4])

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## Response GEN-2: Quality of Life

This group of comments asserts that the proposed project would have an adverse effect on the quality of life to the local residents. As described in SEIR Section 5.8, Public Services (pp. 5.8-9 to 5.8-10), it is acknowledged that other effects could result from the proposed project—such as the potential for an increase in crime, public drinking, outdoor crowd noise, building defacement, public urination, ticket scalping, pan-handling, vandalism, litter, graffiti, and other activities that may result in a diminished quality of life for neighborhood residents. These effects are generally not considered impacts under CEQA unless such effects result in the need for the construction of new or physically altered governmental facilities in order to maintain acceptable levels of public services, *and* the construction of such facilities result in adverse physical environmental impacts. (See *Goleta Union School District v. Regents of University of California* (1995) 37 Cal.App.4th 1025, 1032 [school overcrowding is not an environmental impact, though new school construction might cause such impacts]; *City of Pasadena v. State of California* (1993) 810, 828-834 [court upholds use of categorical exemption for relocation of parole office, rejecting contentions that the presence of parolees in the affected neighborhood and associated “irregular activities” would lead to physical impacts subject to CEQA]; *Saltonstall v. City of Sacramento* (2015) 234 Cal.App.4th 549, 584-587 [court upholds EIR for new basketball arena, treating concerns about crowd control to be social issues outside the scope of CEQA]; and CEQA Guidelines Appendix G, Environmental Checklist Form, XIV, Public Services [questions generally focus not on adverse effects on services per se but on whether expanded facilities with physical impacts might be necessary]. With respect to potential noise and aesthetic impacts associated with these quality of life concerns see Sections 13.12.7 and 13.3.9, respectively, of this document.

Regardless, the proposed project would incorporate certain services, facilities, and site management practices that would minimize the project’s effects on the quality of life for the surrounding neighborhood. These include: the provision of on-site space, including a command center at the event center for use by the project sponsor's security personnel, the San Francisco Police Department (SFPD), the San Francisco Fire Department (SFFD), and the San Francisco Municipal Transportation Agency (SFMTA); provision of private security guards to regularly patrol buildings and grounds; increased security for games/events to provide on-site crowd management and public safety; inclusion of applicable on-site security equipment; use of traffic control personnel and implementation of a transportation management plan for games and other events to facilitate safe movement of, and minimize potential conflicts among, pedestrians, bicyclists, and vehicles; use of maintenance and cleaning staff to regularly clean and maintain the buildings and grounds and provide litter control; participation in the Mission Bay Commercial Maintenance Corporation to provide power washing, street-tree maintenance, graffiti removal, and other services; incorporation of public restroom facilities in proposed buildings and open space areas; and installation of recycling/trash/compost receptacles included in the Mission Bay Streetscape Plan.

In addition, the project sponsor must apply to the Entertainment Commission for an entertainment permit through a formal process as discussed on page 5.3-15 of the SEIR. Police Code Sections 1060.5(g) and 1060.31 require that all places of entertainment have a Security Plan approved by the Entertainment Commission Director or the Commission and that a condition of

approval of a place of entertainment permit include a Security Plan. A Security Plan is defined in Police Code Section 1060(n) as including, among other things “providing for the orderly dispersal of individuals and traffic from the premises of the Business and within 100 feet of any door that patrons use to enter or exit the premises”, as well as mandating certain ratios of Security Guards to the number of patrons.

Further, Police Code Section 1060.20.1(a) provides a procedure for suspension of Entertainment Permits by the Entertainment Commission where the Permittee has operated the Business “[i]n a manner that has harmed the public health, safety or welfare by significantly increasing pedestrian congestion, the incidence of disorderly conduct, or the level of noise in the area in which the premises are located...” and where the Permittee has refused or failed, upon request of the Police Department, Entertainment Commission or the Director to take reasonable steps to alleviate the conditions.

OCII would consider these quality of life issues as part of the City’s project planning and approval processes, outside of the CEQA environmental review process. For specific issues regarding traffic, transit, and parking, refer to discussions in SEIR Section 5.2 and Section 13.11 of this Responses to Comments document. For specific issues regarding noise, refer to discussion in SEIR Section 5.3 and Section 13.12 of this Responses to Comments document.

### 13.2.4 Environmental Justice (GEN-3)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-PBNA-11

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*“Impact AQ-2 and Mitigation M-AQ-2b*

“The air quality mitigation disbursement plan described in AQ-2 and M-AQ-2b is not adequate to meet the needs of the Potrero neighborhoods and our neighbors to the south. Given our proximity to freeways, industrial activities (including a UPS distribution center and a Recology recycling facility), heavy trucking, and the historical uses of our neighborhoods (including a recently decommissioned power plant), we feel that this represents a significant environmental justice issue.

“While the Bay Area Air Quality Management District (“BAAQMD”) may be able to use mitigation funding anywhere in the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara and portions of Solano, and the Arena is likely to draw automobile traffic from all of these areas, the bulk of the pollution by vehicles will be within two miles of the Arena. Mitigating pollution sources in Solano County will not go to reduce the impacts in our neighborhoods, which will experience additional car traffic at least 225 times per year.

“As pointed out by the San Francisco Department of Environment, “The City’s neighborhoods in the Southeast areas are heavily burdened by air pollution-not only from major industrial facilities, but also from the thousands of automobiles and heavy-duty diesel trucks that travel daily on nearby freeways and City streets.”

“The SEIR forecasts that 53% of Arena attendees on a weekday, and 59% on a weekend, will drive to the Arena. While those mobile sources of pollution will travel through other Bay Area counties, they will all

arrive in our neighborhood, the analysis of the BAAQMD seems to equate moving efficiently at freeway speeds to idling on our neighborhood off-ramps and our poor level-of-service intersections.

"As Arena traffic is the source of the impact, money should mitigate pollution sources near the Arena." (*Potrero Boosters Neighborhood Association, J.R. Eppler, letter, July 27, 2015 [O-PBNA-11]*)

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### Response GEN-3: Environmental Justice

The commenter states that Mitigation Measure M-AQ-2b, Emission Offsets, is inadequate and represents a significant environmental justice issue. The U.S. Environmental Protection Agency defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."<sup>2</sup> Similarly, California Government Code Section 65040.12(e) defines environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."

The purpose of Mitigation Measure M-AQ-2b, Emission Offsets, is to mitigate the project-generated increases in emissions of criteria air pollutants to the San Francisco Bay Area Air Basin (SFBAAB). Implementation of this measure would require the project sponsor to fund emissions reduction projects within the SFBAAB, which covers a nine-county region and including the project area. Implementation of this measure would not result in biased treatment of any specific group of people based on race, color, national origin, or income level; rather, this measure provides funding that would enable the Bay Area Air Quality Management District to implement projects within the SFBAAB. Furthermore, implementation of an emissions reduction project anywhere within the air basin would improve air quality throughout the air basin and would benefit everyone in the region including the residents of San Francisco and its neighborhoods.

The commenter quotes a statement from the San Francisco Department of the Environment regarding the "City's neighborhoods in the Southeast areas." The project site is located in the Mission Bay area, not in the southeast area of the City, so this quote is not relevant to the proposed project.

The commenter is also concerned that the project would result in localized impacts on air quality that would affect the local neighbors. As stated on SEIR Section 5.4, Impacts AQ-1 and AQ-2 (pp. 5.4-29 to 5.4-42), the proposed project would result in reactive organic gases (ROG) and nitrogen oxides (NOx) increases that could contribute to new or exacerbated air quality violations in the SFBAAB region by contributing to more days of ozone exceedance or result in air quality index values that are unhealthy for sensitive groups and other populations. Ozone is referred to as a regional air pollutant because its precursors are transported and diffused by wind concurrently with ozone production through the photochemical reaction process. Consequently,

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<sup>2</sup> U.S. Environmental Protection Agency, Environmental Justice. Accessed on September 8, 2015. <http://www.epa.gov/environmentaljustice/>

mitigation of this impact related to increased emissions of criteria air pollutants on a region-wide or air basin wide scale is appropriate.

SEIR Section 5.4, Impact AQ-3 (pp. 5.4-43 to 5.4-51), analyzes the potential for the proposed project to generate toxic air contaminants that could expose sensitive receptors to substantial air pollutant concentrations. This analysis considers the air quality effects of the project on the local residents and includes a health risk assessment to assess both increased cancer risk and localized PM<sub>2.5</sub> concentrations from both construction and operational sources. Chapter 12, Project Refinements and New Variant, updates the analysis provided in the Draft SEIR to account for project refinements. The updated analysis determined that with the project refinements, the project's impact on annual average PM<sub>2.5</sub> concentrations and lifetime excess cancer risk at the closest sensitive receptors (UCSF Hearst Tower and UCSF hospital) would not exceed the applicable significance thresholds. Therefore, the proposed project would not have a significant air quality impact on the local residents due to toxic air contaminants. Nevertheless, implementation of Mitigation Measure M-AQ-1, Construction Emissions Minimization, which would be required to mitigate construction emissions of criteria air pollutants, would also reduce the project's emissions of toxic air contaminants and associated cancer risk, further reducing this less-than-significant impact.

For further discussion on air quality impacts of the project, refer to SEIR Section 5.4, Air Quality, and Chapter 12 and Section 13.13 of this Responses to Comments document.

### 13.2.5 Urban Decay (GEN-4)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA7S2-37

O-MBA7S2-39

O-MBA7S2-91

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“As explained by Ph.D. economist Philip King, it would be unreasonable for Oracle Arena to continue to operate with so few events. Dr. King concludes that one likely scenario is that Oracle Arena would need to close as a result of the reduced demand, which in turn creates the potential for urban decay at the Oracle Arena site. The DSEIR never analyzed the resultant potential for urban decay. Nor did the DSEIR analyze the impacts associated with demolition of the existing Oracle Arena as a result of its shuttering.” (*Mission Bay Alliance, Soluri Meserve, letter, July 26, 2015 [O-MBA7S2-37]*)

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#### “9. The DSEIR Fails to Analyze Possible Urban Decay in Oakland.

“Under CEQA, a lead agency must address the issue of urban decay in an EIR when a fair argument can be made that the proposed project will adversely affect the physical environment.” (CCEC, *supra*, 225 Cal.App.4th at 188.) An EIR is to disclose and analyze the direct and the reasonably foreseeable indirect environmental impacts of a proposed project if they are significant. (CEQA Guidelines, §§ 15126.2, 15064, subd. (d)(3).) Economic and social impacts of proposed projects are outside CEQA’s purview. (Guidelines, § 15131.) However, when there is evidence that economic and social effects caused by a project could result

in a reasonably foreseeable indirect environmental impact, such as urban decay or deterioration, then the CEQA lead agency is obligated to assess this indirect environmental impact. (CCEC, *supra*, 225 Cal.App.4th at 188; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1182; *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 446 (“The potential economic problems caused by the proposed project could conceivably result in business closures and physical deterioration of the downtown area”).)

“Here, substantial evidence supports a fair argument that the Project will result in economic impacts that would foreseeably lead to urban decay in Oakland. The DSEIR explains that the project include relocating the Warriors home games from the existing Oracle Arena in Oakland to San Francisco. (DSEIR, p. 1-3.) In addition to relocating all NBA games from Oakland to San Francisco, the Project description also includes relocating half of all existing non-NBA games from Oakland to San Francisco. (AB 900 Application; DSEIR, p. 5.5-11.) Thus, a direct economic impact of the Project is to reduce Oracle Arena events from 89 to 21 per year. As explained by economist Philip King, this is a severe direct economic impact from the Project. (See Exhibit E, a memorandum from Philip King, Ph.D., dated July 13, 2015 (“King Report”), pp. 6-7.)

“Such a dramatic economic impact may reasonably be expected to have indirect impacts. Dr. King explains that revenues from a mere 21 events per year will not likely justify the ongoing operational costs of maintaining such a facility. (King Report, pp. 7- 8.) Accordingly, a likely indirect impact is the ultimate shuttering of Oracle Arena. Repurposing such a massive facility is difficult to impossible, and so it is very likely that the facility will likely stand dormant and invite the physical deterioration that is characteristic of urban decay. (King Report, pp. 8-9; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 184, 1212 [urban decay characteristic of “long-term vacancies that deteriorate and encourage graffiti and other unsightly conditions”).

“Despite acknowledging that the Project would have significant detrimental economic impacts in Oakland, which in turn may result in physical deterioration, the DSEIR ignores the issue of urban decay. It thus fails as an informational document on this issue. The recirculated DSEIR will need to provide an analysis of the economic impacts in Oakland resulting from the predicted reduction of events at Oracle Arena, the potential for physical deterioration to result, and feasible mitigation measures to address these potentially significant impacts. (CCEC, *supra*, 225 Cal.App.4th at 188-190.)” (*Mission Bay Alliance, Soluri Meserve, letter, July 26, 2015 [O-MBA7S2-39]*)

“However, the project’s EIR took an inconsistent approach to the scope of the project, and did not analyze the potential for urban decay resulting from these significant event reductions, which has been recognized as an environmental impact that should be analyzed under the California Environmental Quality Act (CEQA).

“My analysis (Table A below and described in more detail in this memo) indicates that the move from Oakland to San Francisco would lead to a direct loss of \$44.9 million and 494 jobs. When one also includes the indirect and induced impacts, this impact increases to \$86.6 million and 805 jobs.

“Although Oakland has benefited from the recent economic recovery, it’s well known that the City suffers from high crime rates as well as high levels of blight and urban decay. Indeed, the Oracle Arena is located in a former Redevelopment Area (RDA) that the City declared blighted. Removing these jobs and this economic activity will exacerbate existing urban decay and seriously impact the City’s ability to respond to this decay.

**Table A: Economic Impact of the Golden State Warriors in Alameda County**

Economic Impact in Alameda County			
Impact Type	Employment	Labor Income	Output
Direct Effect	494.3	\$28,490,621	\$43,900,000
Indirect Effect	110.8	\$6,084,031	\$13,153,869
Induced Effect	200.6	\$10,746,179	\$29,546,005
<b>Total Effect</b>	<b>805.6</b>	<b>\$45,320,831</b>	<b>\$86,599,874</b>

### **“The Economics of Moving a Basketball Team**

“A convenient starting point to examine the economic impact of the Golden State Warriors’ relocation to San Francisco from Oakland is the Seattle Supersonics’ relocation to Oklahoma City. An economic report prepared in conjunction with the move indicated that the departure of the team would result in the loss of 1,200 – 1,300 jobs and \$188 million in economic activity, slightly larger than the \$170 million that the City of Oklahoma projected it would gain from the arrival of the team. Contrary to both of these projections, a sports economist for the Supersonics testified to the broad consensus within the economics literature that the departure or arrival of a professional sports team has no significant economic impact whatsoever upon the larger metropolitan area as a whole. When pressed by the city’s legal team, this economist did, however, concede that the arrival, departure or relocation of a professional sports team can have a measureable effect upon the distribution of economic activity within the larger metropolitan area.<sup>2</sup>

“There are two primary reasons given within the sports economics literature for why the presence of a professional sports team within a metropolitan area has no significant economic impact: substitution and leakage.

“Promotional impact studies ignore or underestimate the effects of consumer substitution and leakages from the local economy connected to sports facilities... These studies rely largely on the assumption that all (or much of the) spending on sports teams is new to the local economy and that this spending has a similar effect on the local economy as spending on other consumption goods and services. Both of these assumptions are false.”<sup>3</sup>

“When a sports team relocates to a city, the money that is spent at its games does not come from outside the metropolitan area, but instead generally comes from money that is already being spent on leisure activity within that same metropolitan area. Similarly, when the team departs, the money that was previously being spent at the games will now be spent on other leisurely activities within the same area. The amount of money that people spend on leisurely activity is relatively fixed and spending at a sports venue only comes as a substitute for and thus at the expense other venues within the area. “The net effect on spending within the metropolitan area then is zero, or very close to zero. While sports teams may rearrange the spending and economic activity in an urban area, they are not likely to add much to it.”<sup>4</sup>

“In addition to the high degree of substitution associated with spending on professional sports, a high degree of economic leakage is also cited as a reason for the low impact that a professional sports team has upon a metropolitan area. The professional sports industry almost always involves the large transfer of money from local spectators to highly paid athletes and investors whose households typically do not reside and thus do not frequent businesses within the same metropolitan area. This outward flow of money typically cancels out whatever economic activity the team might bring from outside the metropolitan area.

“The high degrees of economic substitution and leakage associated with the professional sports industry are responsible for the negligible economic impact that results from the relocation of a professional team from one metropolitan to another. **However, the same cannot be said for the relocation of a professional sports team within the same metropolitan area as in the case of the Golden State Warriors.**

“Even though it is difficult to justify new stadium construction on economic growth grounds, it is possible that such construction would facilitate efforts to redevelop an urban core... [I]t is possible for sports facilities to reposition economic activity within a metropolitan area.”<sup>5</sup>

“Since the Warriors are relocating within the larger San Francisco/Oakland metropolitan area we can reasonably assume both substitution and leakage will remain constant before and after the move. Whereas we could not say that Oklahoma City was taking economic activity from the City of Seattle since the same fans would no longer be attending Supersonic games, we can, however, say that the City of San Francisco will take economic activity from the City of Oakland since the same fans will continue to attend Warriors games.

### **“Reversing Directions across the Bay Bridge**

“After the relocation of the Warriors from Oakland to San Francisco, spectators from the East Bay will then choose between finding a local substitute within the East Bay and traveling to the West Bay to watch the Warriors games. While it is the case that leisureed spending has a high substitution effect over a large

community such as a metropolitan area, the same cannot be said for more narrowly deigned areas, such as the East Bay industrial area.

“A stadium or arena will have more added effects on a very narrowly defined community than on a largely encompassing community. The reason for this is that the more narrowly the host community is defined, the more of the spending at the stadium and the nearby restaurants, bars, and hotels will come from outside the community. However, that spending will come largely at the expense of the home communities of the fans that travel into the stadium from outlying areas. The substitution effect for the broadly defined area is quite large, but for the narrowly defined stadium community it is much smaller. What this points out is that stadiums and sports teams may be a tool for redistributing income in which the people from suburbs subsidize businesses in the city.”<sup>6</sup>

“Consequently, we can expect that most Warriors fans will continue attending games after the relocation rather than seeking local substitutes. The relocation of the Warriors, then, constitutes a significant redistribution of economic activity within the larger Bay Area.

“During the Warriors’ 2014/15 season 803,436 fans attended home games in Oakland (34% more than the Supersonic their last season in Seattle) and took in \$168 million dollars in total revenue.<sup>7</sup> Table 1 (below) shows that, assuming that the distribution of Warriors spectators is proportionate to the distribution of residents within the larger metropolitan area, \$99 million in Warriors revenue came from the East Bay while \$69 million came from San Francisco and the Peninsula. It is worth emphasizing, however, that the Warriors relocation to San Francisco does not merely entail that the \$69 million will cease coming into the East Bay from the West, but that the additional \$99 million that was being spent by local East Bay residents will be lost to San Francisco. Spending in Oakland will decrease by \$168 million regardless of where the fans actually reside.

**Table 1. Attendance and Revenue for Warriors' 2014/15 Season**

Attendance and Revenue for Golden State Warriors Home Games (2014/15 Reg. Season)			
	Total	East Bay (59%)	West Bay (41%)
Attendance	803,436	475,538	327,898
Spending	\$168,000,000	\$99,435,935	\$68,564,065

**“Leakage**

“In the last section we discussed where the money that is spent on Warriors games comes from within the larger Bay Area. In this section we will briefly consider where the money goes after these games, as well as the effect of economic leakage.

**Table 2. The Redistribution of Economic Activity due to the Warriors’ Relocation**

The Redistribution of Economic Activity due to the Golden State Warriors' Relocation			
	Total (millions)	Percent	Redistributed (millions)
Operating Income:	\$44.9	0%	\$0.0
Players' Salary:	\$78.0	10%	\$7.8
Other Expenses:	\$45.1	80%	\$36.1
<b>Total:</b>	<b>\$168.0</b>	<b>26%</b>	<b>\$43.9</b>

“Table 2 (above) divides up the Warriors’ \$168 million in total revenue into three categories: operating income, players’ salary and other expenses. \$44.9 million in operating income is the money that goes to the owners and investors of the Warriors. Since we have little reason to assume that these people live within the larger metropolitan area, let alone the East Bay, we can assume that relocating the team will not redistribute this money to any significant degree. Similarly, only 29% of NBA players live within the same larger metropolitan area as the team they play for<sup>8</sup>. We can also expect a large amount of the \$78.0 in Warriors players’ salary to be spent outside of, and thus “leak” from the larger San Francisco/Oakland

metropolitan area leaving 10%, or \$7.8 million to be redistributed within the Bay Area. This leaves \$45.1 million that went to other expenses (wages, inventory, etc.) during the 2014/15 season. We assume that 80%, or \$36.1 million, was spent within the larger metropolitan area.

“While \$168 million was spent by fans within the Bay Area on Warriors games, we estimate that only 26% or \$43.9 million stayed within the area. It is this \$43.9 million that will be redistributed from the East Bay to the West with the Warriors’ relocation. Table 3 (below) lists the most popular professions among the 3,432 Bay Area residents that are employed within the sports spectator industry and gives a general idea regarding how a professional sports team such as the Warriors spend their money<sup>9</sup>.

**Table 3. Occupations within the Sports Spectator Industry**

Employed	Sports Spectator Industry within the San Francisco/Oakland Metropolitan Area	Hourly Wage	Annual Salary
878	Personal Care and Service Occupations	\$12.06	\$25,080
572	Arts, Design, Entertainment, Sports, and Media Occupations	\$31.60	\$65,730
559	Entertainment Attendants and Related Workers	\$11.32	\$23,540
455	Entertainers and Performers, Sports and Related Workers	\$33.10	\$68,850
402	Athletes, Coaches, Umpires, and Related Workers	*	\$72,060
324	Sales and Related Occupations	\$15.70	\$32,660
285	Office and Administrative Support Occupations	\$16.91	\$35,170
258	Protective Service Occupations	\$15.76	\$32,790
251	Food Preparation and Serving Related Occupations	\$10.28	\$21,380
243	Other Protective Service Workers	\$15.26	\$31,730
243	Animal Care and Service Workers	\$12.49	\$25,980
233	Ushers, Lobby Attendants, and Ticket Takers	\$10.21	\$21,230
<b>3,432</b>	<b>Industry Total</b>	<b>\$20.45</b>	<b>\$42,540</b>

#### “Economic Impact

“In addition to the direct loss of \$43.9 million in economic activity to the City of Oakland, there are also indirect and induced effects which are associated with this loss. However, in addition to this direct spending, there are indirect and induced impacts, often referred to as “multiplier effects” –since arena and team spending also generate other jobs and economic activities in the region, and without the Warriors’ spending other economic sectors of the Alameda County would shrink as well.

“IMPLAN is standard Input/Output software specifically design to project the indirect and induced multiplier effects associated with the Warriors’ direct spending in Alameda County. Table 4 (below) lists the economic impact of the Golden State Warriors within Alameda County by impact type. With indirect and induced impacts included, the Warriors generate 805 jobs and \$86.6 million in economic activity. Table 5 (below) lists 10 most impacted industries within the county. In addition to the 547 jobs and \$48.6 million in economic activity created within spectator sports industry, food and drinking places, real estate establishments, private hospitals and other physicians are significantly affected by the East Bay presence of the Warriors.

**Table 4. Economic Impact of the Golden State Warriors in Alameda County**

Economic Impact in Alameda County			
Impact Type	Employment	Labor Income	Output
Direct Effect	494.3	\$28,490,621	\$43,900,000
Indirect Effect	110.8	\$6,084,031	\$13,153,869
Induced Effect	200.6	\$10,746,179	\$29,546,005
<b>Total Effect</b>	<b>805.6</b>	<b>\$45,320,831</b>	<b>\$86,599,874</b>



**Table 5. Industries in Alameda County Impacted by the Golden State Warriors**

Industries in Alameda County Impacted by the Golden State Warriors			
Description	Employment	Labor Income	Output
Spectator sports companies	547.3	\$31,541,779	\$48,601,401
Food services and drinking places	25	\$617,563	\$1,701,992
Real estate establishments	13.1	\$299,013	\$2,820,104
Promoters and agents for public figures	12.9	\$133,694	\$717,837
Private hospitals	11.6	\$1,363,445	\$2,336,587
Physicians and other health practitioners	10.4	\$886,704	\$1,498,858
Employment services	7.2	\$287,482	\$370,425
Retail Stores - Food and beverage	7.2	\$290,137	\$520,763
Nursing and residential care facilities	6.5	\$274,706	\$490,435
Private household operations	6.5	\$77,727	\$82,572
<b>All Industries</b>	<b>805.6</b>	<b>\$45,320,831</b>	<b>\$86,599,874</b>

**“Urban Decay**

“Although the EIR ignores the issue in the context of urban decay impacts, the EIR and AB900 Application conclude that that Oracle Arena will continue to operate with approximately 21 events per year. This is an impractical assumption from an economic perspective. As a practical matter, one of two outcomes will occur. The first possible outcome is that the Oracle Arena will continue to operate by attracting more than 21 non-NBA events per year.

“The second possible outcome is that Oracle Arena will close without the Golden State Warriors. I spoke with Alexander Michael, an expert on the business and financing of sporting arenas. Based on that information, a strong argument exists that the Oracle Arena (or indeed any similar venue in a similar situation) will not be viable without the Golden State Warriors and there are no other sports teams in the offing for this venue. A similar case is the IZOD center located in East Rutherford, New Jersey. The IZOD center housed the New Jersey Devils hockey team Nets NBA basketball team until they left in 2007. The IZOD arena also hosted the New Jersey Nets basketball team, who left in 2010. The State of New Jersey attempted to keep the IZOD arena open for many years. However, the demand for other events such as concerts, ice shows, etc., was insufficient. As with the Oracle arena in Oakland, the IZOD arena is located near a number of other sports venues and near Manhattan, which offers a wide variety of venues. The IZOD arena shutdown earlier this year after an official forecast that the center would lose \$8.5 million a year.<sup>10</sup>

“It is difficult to determine which outcome is more likely since the EIR ignored the issue of potential urban decay associated with reduced events at Oracle Arena. The EIR should have included an economic impacts analysis that would have provided more information about the ultimate fate of Oracle Arena and, by extension, impacts to the physical environment.

“Once the Oracle arena has been shutdown, it would be extremely difficult and expensive to repurpose the arena for other activities and thus it will almost certainly be shuttered and perhaps demolished at some future date. A closed arena will be a magnet for graffiti, crime, drug deals and other signs of urban decay. The City of Oakland can mitigate for this urban decay, but it would involve a costly increase in police and other public safety officials.

“The City of Oakland and Alameda County are obligated to a \$79.7 million dollar Lease Revenue Bond that must be paid or default. Without revenues from the Oracle Arena the bond would either go into default or the City/County would have to pay the principal and interest on the bond. If the City/County pay out of their General Fund dollars, it will reduce their ability to fund other needed public services. If the default it could damage their credit rating and make it more difficult to finance other future (non-sports) projects which could enhance the welfare of the City and County

“Oakland was rated the third most dangerous City in the Country in 2012.<sup>11</sup> According to the FBI, Oakland had the highest crime rate of any major City in California<sup>12</sup> and this year (2015) homicides in Oakland are on track to exceed 2014.<sup>13</sup>

“The City declared the area blighted and formed a redevelopment area (see Figure 1 below). Although Redevelopment Areas have been disbanded, the blight issues remain. Indeed, the suspension of RDAs eliminates a funding stream for the City to help ameliorate urban decay and blight.

“The reduction in economic activity also significantly reduces the tax base for the City that reduces its ability to mitigate for urban decay and provide police and other public safety officials.

**“In my professional opinion, this issue (urban decay) should have been identified in any environmental analysis and mitigated where possible. A number of mitigation options are available including: (1) paying a mitigation fee to the City of Oakland, (2) preserving some of the jobs for Oakland residents; (3) shifting some of the taxes/fees to the City of Oakland. Without any kind of urban decay analysis none of these mitigation options are possible.**

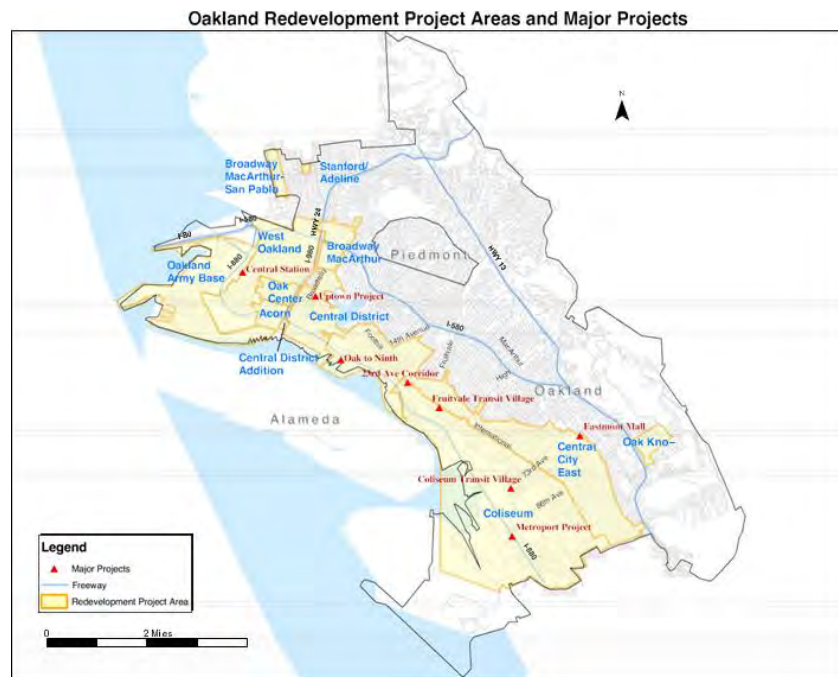


Figure 1: Oakland Redevelopment Area

**Footnotes:**

- 2 <http://sports.espn.go.com/nba/news/story?id=3452509>  
<http://www.seattletimes.com/sports/nba/sonics-argue-team-has-little-economic-impact-on-seattle/>  
[http://www.forbes.com/2008/06/25/seattle-supersonics-nba-biz-sports-cx\\_mw\\_0625seattle.html](http://www.forbes.com/2008/06/25/seattle-supersonics-nba-biz-sports-cx_mw_0625seattle.html)
- 3 Siegfried, John and Zimbalist, Andrew, “A Note on the Local Economic Impact of Sports Expenditures” Journal of Sports Economics, Vol. 3 No. 4, November 2002, 361-366, <http://web.centre.edu/johnsonb/eco406/Apr%2021/seigfried.pdf>
- 4 Siegfried, John and Zimbalist, Andrew, “The Economics of Sports Facilities and Their Communities”, The Journal of Economic Perspectives, Vol. 14, No. 3, (Summer 2000), 95-114,  
[http://www.csus.edu/indiv/h/howellj/econ145\\_s2009/Assignments/SportsStadiumFunding.pdf](http://www.csus.edu/indiv/h/howellj/econ145_s2009/Assignments/SportsStadiumFunding.pdf) See also:  
[http://www.forbes.com/2008/06/25/seattle-supersonics-nba-biz-sports-cx\\_mw\\_0625seattle.html](http://www.forbes.com/2008/06/25/seattle-supersonics-nba-biz-sports-cx_mw_0625seattle.html)
- 5 Siegfried, John and Zimbalist, Andrew, “The Economics of Sports Facilities and Their Communities”, The Journal of Economic Perspectives, Vol. 14, No. 3, (Summer 2000), 95-114,  
[http://www.csus.edu/indiv/h/howellj/econ145\\_s2009/Assignments/SportsStadiumFunding.pdf](http://www.csus.edu/indiv/h/howellj/econ145_s2009/Assignments/SportsStadiumFunding.pdf)
- 6 Coates, Dennis and Humphreys, Brad R., “The Stadium Gambit and Local Economic Development” Regulation, Volume 23, No. 2, July 2000, 15-20, <http://object.cato.org/sites/cato.org/files/serials/files/regulation/2000/7/coates.pdf>
- 7 <http://www.forbes.com/teams/golden-state-warriors/>  
<http://www.census.gov/popest/data/counties/totals/2013/CO-EST2013-01.html>

- <sup>8</sup> Siegfried, John and Zimbalist, Andrew, "A Note on the Local Economic Impact of Sports Expenditures" *Journal of Sports Economics*, Vol. 3 No. 4, November 2002, 361-366, <http://web.centre.edu/johnsonb/eco406/Apr%2021/seigfried.pdf>
- <sup>9</sup> [http://www.bls.gov/opub/ted/2014/ted\\_20140131.htm](http://www.bls.gov/opub/ted/2014/ted_20140131.htm)
- <sup>10</sup> See [http://www.nytimes.com/2015/01/16/nyregion/deserted-by-devils-nets-and-profits-izod-center-in-northjersey-is-to-close.html?\\_r=0](http://www.nytimes.com/2015/01/16/nyregion/deserted-by-devils-nets-and-profits-izod-center-in-northjersey-is-to-close.html?_r=0).
- <sup>11</sup> See <http://www.forbes.com/sites/danielfisher/2012/10/18/detroit-tops-the-2012-list-of-americas-most-dangerous-cities/>.
- <sup>12</sup> See [https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-8/table-8-state-cuts/table\\_8\\_offenses\\_known\\_to\\_law\\_enforcement\\_california\\_by\\_city\\_2013.xls](https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-8/table-8-state-cuts/table_8_offenses_known_to_law_enforcement_california_by_city_2013.xls).
- <sup>13</sup> See [https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-8/table-8-state-cuts/table\\_8\\_offenses\\_known\\_to\\_law\\_enforcement\\_california\\_by\\_city\\_2013.xls](https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-8/table-8-state-cuts/table_8_offenses_known_to_law_enforcement_california_by_city_2013.xls).

*(Mission Bay Alliance, Soluri Meserve, letter, July 26, 2015 [O-MBA7S2-91])*

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## Response GEN-4: Urban Decay

In the opinion of the commenter, the SEIR did not analyze the potential for urban decay resulting from event reductions at the Oracle Arena, and the comment further states that the issue of "urban decay should have been identified in any environmental analysis and mitigated where possible."

Urban decay is not an explicit CEQA topic identified in CEQA Guidelines Appendix G. Economic impacts are not required to be analyzed in a CEQA document unless they have the reasonably foreseeable indirect effect of leading to physical changes in the environment, such as urban decay. The information provided by the commenter does not reasonably lead to the conclusion that the relocation of the Warriors from Oakland will lead to urban decay. The commenter speculates that the relocation of the Warriors would result in a loss of employment and revenue in the East Bay, which cannot reasonably be verified at this time. And regardless, the commenter does not demonstrate that any loss of employment and revenue to the East Bay will lead to urban decay at the Oracle Arena site. The commenter attributes the SEIR as saying that the Oracle Arena site will experience a substantial reduction in events, but bases that statement on assumptions used in the AB 900 process for the proposed project, which is separate from the CEQA environmental review process, with a separate public review process; the assumptions used in the AB 900 application are not necessarily the same as those used for the CEQA environmental review (see Section 13.4, Response AB-1, of this document). Finally, the one example of the closure of a sports stadium provided by a commenter does not necessarily indicate that the Oracle Arena site will turn into an urban decay location.

The discretionary action that is the subject of this SEIR includes only the construction and operation of the event center and mixed use development at Mission Bay Blocks 29-32 and does not include any actions associated with the future uses of the Oracle Arena. The SEIR does, however, analyze the impacts of the No Project Alternative (see SEIR Chapter 7), and in that context points out (SEIR page 7-23) that in March 2015, the City of Oakland certified a Final EIR on the Coliseum Area Specific Plan, in which various future scenarios for the Oracle Arena are analyzed. Those scenarios include future use of the Oracle Arena by parties other than the Warriors as well as a new mixed use development at the Oracle Arena site.

Although the commenter does not present a supportable argument that the project will lead to urban decay, nevertheless, ALH Urban & Regional Economics has prepared a response to the commenter's concerns, which is included in Appendix UD of this Responses to Comments document. In brief, the study presented in Appendix UD points out that the comment includes a number of fallacies, misinterpretations, overstatements, and inappropriate comparisons.

Although not indicative of whether urban decay would occur at the Oracle Arena site, the commenter estimates losses of employment and revenues to the East Bay as a result of the Warriors' relocation. One significant fallacy is the implicit assumption that 100 percent of the Golden State Warriors revenues are derived from spectators, or essentially ticket sales; in contrast, ticket sales are only one revenue source of many, including merchandise bearing the team name or logo, media revenues, game day temporary signage and advertising revenues, a share of game day food and drink sales, and a share of parking revenues. Based on a 2011 study of NBA teams for the 2010-2011 season, it is estimated that ticket sales represent 41 percent of revenues. Thus, a significant portion of revenues come from sources other than patrons.

The ALH Economics study also demonstrates, based on data obtained from the Golden State Warriors, that the commenter significantly overestimates the percent of patrons from the East Bay. ALH Economics further explains why the commenter overstates by a significant factor the potential loss of employment for East Bay residents as a result of the Warriors relocation from Oakland to San Francisco. This analysis is based on a review of the Bay Area commute patterns and Bay Area housing costs, and concludes that most Warriors' employees who reside in the East Bay will continue to do so. Moreover, for Golden State Warriors employees living in San Francisco and the Peninsula, commutes may improve. The combination of erroneous estimates on the sources of revenues combined with erroneous assumptions about the location of patrons and the effect of a locational move on where employees live results in a seriously flawed estimate as to the degree to which the Golden State Warriors relocation would cause revenues to "reverse directions across the Bay Bridge."

ALH Economics further identifies inappropriate use of the IMPLAN model by the commenter in his economic impact analysis. The commenter uses an outdated version of the model, misrepresents his findings, and applies inappropriate datasets, resulting in limited validity in his findings.

Finally, in sharp contrast to the commenter's assertion, based on one example, that the relocation of the Warriors will result in the closure of Oracle Arena, ALH Economics presents seven case studies that provide examples of indoor arenas that continued to meet with success after losing sports teams that were historically associated with the arenas. This includes two arenas similar to the Oracle Arena, in that they are located relatively close to the new facility where their former sports teams currently play. ALH Economics also establishes that no urban decay exists now at the Oracle Arena site, and that numerous factors support the reasoned conclusion that the area will continue to be a desirable site in the future either as an arena site or for new mixed use development; both potential scenarios are listed in Oakland's recently adopted Specific Plan for the area.

In summary, the commenter's concerns about urban decay appear unfounded and unwarranted. Please see Appendix UD of this document for further discussion.

## 13.2.6 Opinions on the Project (GEN-5)

### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-Kane-1	O-MBA5-1	O-MBA8L2-1	O-MBA9L3-1
O-MBA10L4-1	O-MBA11L5-1	O-PBNA-3	O-Sabelli-1
O-SFBC-1	I-Alberts-3	I-Anagnostou-1	I-Arack-1
I-Bartlett-1	I-Barton-1	I-Barton-7	I-Beals-2
I-Bilodeau-1	I-Bookstein-1	I-Bullard-1	I-Burkhart-1
I-Corey-1	I-Crosson-1	I-Cunningham-8	I-D'Harlingue-2
I-Dickey-1	I-Faye-1	I-Fischer-2	I-Freedman-1
I-Grant-1	I-Hansen-2	I-Harvey-1	I-Heath-10
I-Hill_D-1	I-Hill_D-3	I-Hill_M-1	I-Hong-12
I-Hong-18	I-Horn1-1	I-Horn2-1	I-Horn3-1
I-Hutson-4	I-Hyde-1	I-Jadeinsf-1	I-Jones-3
I-Kajiko-1	I-Kornberg-2	I-Lanting-1	I-Leavitt-2
I-Lowe-1	I-Ly-3	I-Mason-1	I-McDougal-1
I-McDougal-4	I-Mills-1	I-Musser-1	I-Pelly-1
I-Pezzuto-1	I-Pierce-1	I-Ramsdell-1	I-Rosa-1
I-Shull-1	I-Siegel1-1	I-Steiner-1	I-Sterling-1
I-Stryker-8	I-Sullivan-2	I-Tan-7	I-Tan-10
I-Trossbach-1	I-Tuialu'ulu'u-3	I-Waldron-1	I-Wheeler2-1
I-Wife-1	I-Woody-3	I-Yost-1	I-Zboralske-1
I-Zboralske-9	I-Zboralske-34	PH-Agid-1	PH-Aquino-1
PH-Ballasteros-1	PH-Battat-3	PH-Belloini-1	PH-Bleiman-1
PH-Brookter-1	PH-Caine-1	PH-Carroll-1	PH-Cassolato-1
PH-Conn-1	PH-Corpus-1	PH-Davis-1	PH-Donaldson-1
PH-Doniach-2	PH-Ellington-1	PH-Evans-1	PH-Greenstein-1
PH-Greenstein-3	PH-Hartnett-1	PH-James-1	PH-Karnilowicz-1
PH-Kies-1	PH-Kirk-1	PH-Kobasic-1	PH-Lazarus-3
PH-Mackenzie2-1	PH-Madi-1	PH-Meserve-1	PH-Norman-1
PH-Nyden-1	PH-Ortiz-1	PH-Osmundson-4	PH-Paulson-1
PH-Priesshoff-1	PH-Priesshoff-3	PH-Scott-8	PH-Searby-1
PH-Sesich-1	PH-Stearns-1	PH-Valentino-3	PH-VanHorn-1
PH-Yagi-1			

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"Professor Richard Zitrin is absolutely correct in his June 18th op ed that the Warriors need to stay in Oakland. What he did not address is what one of my law professors said you always need to examine: "cui bono", to whose benefit. Moving the Warriors to San Francisco is all about getting more money for the out-of-state owner of the Warriors. Think luxury boxes and increased ticket prices. Just like Larry Ellison after extracting concessions for the America's Cup abandoned San Francisco and chose to go to San Diego for the next Cup, do you think the Warrior's owners are acting in the best interest of the Bay Area. The ads they have placed in the Chronicle using sports figures like Joe Montana to promote their scheme is pure hypocrisy. Where was Joe when the 49ers moved, looking to invest in real estate in Santa Clara. Remember how San Francisco felt when the Yorks moved the 49ners. Let's put a stop to such behavior. Maybe we should be talking about with public ownership of sports teams such as in Green Bay and demand the owners provide that as a condition of locating in a city. Over the 40 years between championships, the arena in

Oakland has been sold out regardless of the Warrior's record. There is no reason to move the Warriors from Oakland. The Coliseum site has much better access, particularly to public transportation than the proposed Mission Bay site adjacent to a new hospital. One only needs to go to ATT Park and recognize the traffic problems when the Giants are playing. Hopefully, you do not need to see a doctor when the Warrior's are playing. Its about time that we see professional sports teams as a benefit to the entire Bay Area and that we plan for multiple venues so all cities can share the benefit and burdens. This is the true "sharing" economy." (*Law Offices of Robert F. Kane, letter, June 18, 2015 [O-Kane-1]*)

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"The Mission Bay Alliance objects to approval of this Project and certification of this EIR for the reasons stated in this letter.

"The Alliance opposes this Project because it will change the Mission Bay community and environment in ways never envisioned when the Mission Bay Redevelopment Plan was adopted in 1998 ..." (*Mission Bay Alliance, Bruce Spalding, letter, July 27, 2015 [O-MBA5-1]*)

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"The Mission Bay Alliance objects to approval of this Project and certification of this EIR for the reasons stated in this letter." (*Mission Bay Alliance, Thomas Lippe, letter, July 26, 2015 [O-MBA8L2-1]*)

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"The Mission Bay Alliance objects to approval of this Project and certification of this EIR for the reasons stated in this letter." (*Mission Bay Alliance, Thomas Lippe, letter, July 25, 2015 [O-MBA9L3-1]*)

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"The Mission Bay Alliance objects to approval of this Project and certification of this EIR for the reasons stated in this letter." (*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-1]*)

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"The Mission Bay Alliance objects to approval of this Project and certification of this EIR for the reasons stated in this letter." (*Mission Bay Alliance, Thomas Lippe, letter, July 24, 2015 [O-MBA11L5-1]*)

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"As a result, we are compelled to comment on the SEIR. We do so not with an eye to preventing the Arena from being built. We do so based on our belief that the City is capable, with the right measures in place, of making this development an asset to not just the City as a whole, but to its direct neighbors as well." (*Potrero Boosters Neighborhood Association, J.R. Eppler, letter, July 27, 2015 [O-PBNA-3]*)

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"I am a San Francisco resident and I am dismayed that the city would devote substantial resources, obstruct views, and congest an already highly over-used area for the sake of a sports franchise. I happen to be a major sports fan, but this type of municipal support (financial and political) is profoundly inconsistent with the needs of the vast majority of San Franciscans." (*Martin Sabelli, email, July 23, 2015 [O-Sabelli-1]*)

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#### **"Background**

"Over the course of nearly a year, GSW Arena LLC, an affiliate of Golden State Warriors, LLC ("Warriors") and the San Francisco Bicycle Coalition ("SFBC") have had on-going discussions, outside of the formal EIR

process, to address bicycle access and infrastructure at the proposed arena site. Discussions thus far between SFBC and the Warriors have led to strong plans and support of existing and future bicycle travel to and from the Project, as well as plans to address enhanced bicycle infrastructure in and around the Project site, including publicly accessible bicycle parking, bicycle valet and additional secure bicycle parking for special events, secure commercial bike parking for employees. These discussions have also led to the Warriors and SFBC's commitment to work with appropriate agencies to add public bike share to the project vicinity, intersection management during special events to maximize bicycle and pedestrian safety, ongoing bicycle encouragement for special events, and a commitment to expanding bicycle capacity if/when need increases over the life of the Project.

"We would like to commend the Warriors for being receptive and responsive partners that have demonstrated a strong commitment to promoting bicycle trips to the Project site in this Draft Subsequent Environmental Impact Review document (DSEIR) and in their goals beyond this document. Both the Warriors and SFBC acknowledge that bicycle infrastructure and promotion on and near the Event Center site are critical and cost-effective investments for the immediate and long-term success of the project and help to reduce neighborhood congestion, improve local environmental quality, support positive health outcomes, and drive local economic development." (*San Francisco Bicycle Coalition, Paolo Cosulich-Schwartz, letter, July 27, 2015 [O-SFBC-1]*)

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In summary, we urge you and the city to reconsider the wisdom of proceeding with current construction plans. (*Bruce Alberts, et. al, letter and email, September 22, 2015 [I-Alberts-3]*)

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"I am very concerned about the new warrior stadium in San Francisco...The health and well being of patients and people are at risk here..."

"Please help with the new stadium NOT coming to San Francisco!!!" (*Sula Anagnostou, email, July 13, 2015 [I-Anagnostou-1]*)

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"I think putting a sporting arena that close to a hospital with very sick people is not only bad planning, it is greedy and selfish. The hospital and the UCSF buildings were there first." (*Patricia Arack, email, July 24, 2015 [I-Arack-1]*)

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"Warriors stadium should remain in Oakland where accessibility to the entirety of the Bay Area is best" (*Maylou Bartlett, email, July 17, 2015 [I-Bartlett-1]*)

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"I live in the surrounding area, Potrero Hill, of the future Warriors Arena and I am writing this email in support of the new arena. I believe the stadium is the perfect choice for this neighborhood. The Mission Bay has been poorly planned up to this point as outlined in this video clip comparing SF and Vancouver <https://vimeo.com/86566866>. The Mission Bay has become a sterile business park without any character or life. It needs something that can give it some kind of character and a major NBA sporting arena can help do just that. The arena alone will not give it a character, but the businesses that will sprout up once it is developed to support the people coming and going should reflect more character than another office building that closes down at 5 pm. I am excited for the bars, restaurants, and other small businesses that will come to this area to support the weekend and after 5 pm events (note: I am a parent of two, not a single kid just looking for parties)" (*Jason Barton, email, July 27, 2015 [I-Barton-1]*)

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"This is private land and it will be developed along with the traffic. Please approve this project so we do not get another boring business park and a neighborhood without character and turns into a ghost town on weekends and evenings." (*Jason Barton, email, July 27, 2015 [I-Barton-7]*)

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"Can you imagine what it will be like with Warriors games and the events that will certainly be held their off season year round? I think this is absolutely the wrong place for a new stadium and yet another development to be built." (*Sharon Beals, email, July 27, 2015 [I-Beals-2]*)

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"As a second generation San Franciscan, I am writing to voice my opposition to the building of the proposed Golden State Warriors Arena and Events Center at Mission Bay. This is the worst idea and it would not be a welcome addition to the neighborhood." (*Lynda Bilodeau, email, July 26, 2015 [I-Bilodeau-1]*)

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"As the most congested city in the US, we have seen what a mess ensues with each game by observing the ball park." (*Norman Bookstein, email, July 13, 2015 [I-Bookstein-1]*)

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"Please do not go forward with this project. It is not good for the neighborhood nor for the Warriors to move out of Oakland." (*Cathy Bullard, email, July 24, 2015 [I-Bullard-1]*)

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"They belong in Oakland!!!" (*Karen Burkhart, email, July 16, 2015 [I-Burkhart-1]*)

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"We dont need a new stadium we need to help out earth nd community's survive and live" (*Marcus Corey, email, July 23,2015 [I-Corey-1]*)

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"What a total worthless crock of s\*\*\* [expletive deleted]!" (*Michael Crosson, email, July 23, 2015 [I-Crosson-1]*)

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"This project is not a welcome addition and will only burden the city in the years to come; creating an impossibly hellish situation in an environment that is already unlivable and unsustainable! Again, I appeal to you to you please DO NOT place your support behind this project." (*Micki Cunningham, email, July 23, 2015 [I-Cunningham-8]*)

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"The Warriors already have an excellent facility for its games in Oakland. Why compromise the care of children for the sake of a basketball team? The City of San Francisco needs to get its priorities straight. The City needs to be more concerned about children and families, and not the financial goals of the rich owners of the Warriors." (*Arthur D'Harlingue, email, June 22, 2015 [I-D'Harlingue-2]*)

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"I am writing to express my opposition to building a stadium at Mission Bay." (*Helen Dickey, email, July 13, 2015 [I-Dickey-1]*)

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".....NOT!

"don't do it. Please understand what the effects on our community would be. Specifically the destruction of the environment, and encouraging people to spend money they don't have.

"What does the Warriors team, or the basketball league as a whole do for their community? How do they give back? I only see children who have been pummeled by their parents and coaches, happened to be the best of the best, to be paid exorbitantly to "entertain" the crowds, only to piddle it away on childish things, go into debt, and be expected to be perfect spouses and parents as well as players. What kind of upside down world do we live in ?

"Please see that we really don't need another stadium around. It is unfortunate football and soccer got their stadium around here but please respect where our lives are and our environment.

"Please do not turn your cheek to the extremely fragile state the earth is in.

"Please understand and choose to be the honorary example of a man who chooses to put the earth he lives on, the great great grandchildren he doesn't know yet, a fighting chance at survival." (*Janessa Faye, email, July 13, 2015 [I-Faye-1]*)

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"DO NOT BUILD IT IN SF!!! Please! Think of the families and the people that live there!" (*Alaina Fischer, email, June 20, 2015 [I-Fischer-2]*)

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"Danger to Medical care. Please relocate." (*Peter Freedman, email, July 26, 2015 [I-Freedman-1]*)

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"I am greatly oppose to having the Warriors move to San Francisco. I am opposed to this move for several reasons, but more importantly the Warriors are where they are supposed to be. They are in a city that love them--win or loose, support them, and are very loyal to them, not a city that only want them when they are at there best for financial gains.

"In addition, San Francisco is becoming overly crowded with parking being a major problem and the city is becoming a city only for the wealthy. And despite of the wealth in the city, no one wanted to spend the money to repair Candlestick park and keep San Francisco 49ers in San Francisco. So , it's an enigma to me as to why it is okay to spend the money to build a new arena to steal the Warriors from Oakland?

"Vehicle manslaughter is on the rise in San Francisco, parking is a nightmare, and traffic is a nightmare so a Warriors Arena is not a welcoming addition." (*Max Grant, email, July 13, 2015 [I-Grant-1]*)

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"There is hardly room in this tiny city for one sports team. The 49ers move although sentimentally disappointing made sense which is proving to be beneficial for San Francisco, I believe." (*Cassidy Hansen, email, July 27, 2015 [I-Hansen-2]*)

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"Do not build a new WARRIORS arena in SF; we have too much traffic, the Giants, and all the glorification SF needs! Oakland needs the Warriors, and it gives their young people role models to look up to." (*Constance Harvey, email, July 23, 2015 [I-Harvey-1]*)

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“Thus, we ask that the City of San Francisco avoid the disastrous impacts of the proposed entertainment center on the Mission Bay community, including the health and welfare of patients, families, employees and neighbors.” (*Alison Heath, email, June 30, 2015 [I-Heath-10]*)

“Please note that I am opposed to the building of a monster stadium in San Francisco’s South of Market area. I moved to Potrero Hill in 1987 and, since then, every inch of land has been taken over by the developers and big money interests.” (*Dorothy Hill, email, July 27, 2015 [I-Hill\_D-1]*)

**“We are tired of broken promises!**

“I have no faith that this is going to be a good move. There is nowhere for the traffic to go. We have run out of land, folks, and also air space and all I see in the area now is one high rise after the other. Those movies now showing San Francisco destroyed are depicting what is going to happen when the next earthquake hits and it is not a pleasurable thing.

“Ed Lee and the Board of Supervisors need to get back to taking care of the people who pay the taxes and love San Francisco for its unique qualities. Stop selling our streets to the highest bidder – remember the America’s Cup...” (*Dorothy Hill, email, July 27, 2015 [I-Hill\_D-3]*)

“I live in Potrero Hill and totally support the new Warriors arena.” (*Mary Hill, email, July 1, 2015 [I-Hill\_M-1]*)

“8. The new Arena will be an economic boom to both the city and local business, including UCSF, the Dogpatch area and others in the South Eastern part of town.

“9. The proposed location is in an ideal part of town. The Sponsor has already done a diligent job in selecting this new site from the original Pier 30-32 which was voted down.” (*Dennis Hong, email, July 27, 2015 [I-Hong-12]*)

“13. It would be a true shame if the sponsor should abandon this Project. Lets not loose this opportunity of a life time.

“In Conclusion: Based on my comments and evaluation of this Draft SEIR, case 2014.1441E of June 5, 2015; I have concluded there is sufficient information and I fully support this Project and this Draft SEIR.” (*Dennis Hong, email, July 27, 2015 [I-Hong-18]*)

“There’s a win-win way around a potential Warriors /UCSF-land-bankers quarrel whose aim is to thwart the basketball team’s Third Street arena plans until a distant time when UCSF may need additional space for research -- and then junk the arena altogether.

“In this win-win scenario, the **Warriors** would get an arena a year ahead of when they would have if the mysterious non-UCSF-affiliated group sued “until the cows come home,” as they’ve threatened. Plus, the Warriors would have an assured income stream from office leasing, leading to the best financing rate available in the commercial real estate market; **UCSF and biotech firms** would get access to a half-million square feet of research space accommodating 2000 workers, at a timing of the university’s or biotech companies’ choosing; the **anti-arena crowd** would get to claim a victory plus save at least \$228 million in cash in the first year and earn untold millions later in a few years; and **non-basketball-fan San Franciscans** wouldn’t have to travel 100 miles to San Jose and back to see a concert.

“Here’s how the idea would work:

“The property upon which the arena and two 250,000 square foot office/research buildings would be built was purchased by Salesforce in 2010 for \$278 million, according to Bloomberg Business News. So UCSF’s benefactors would presumably have to pay that sum or more to acquire and land-bank the property. But suppose they land-banked it by leasing all 500,000 square feet now and then sub-leased completed, ready-to-occupy space as researchers needed it over the next several years. At the going rate of \$60 per square foot for Class A San Francisco office space, the benefactors would have an expense of \$30 million a year. That’s as opposed to a minimum \$278 million cost of buying-and-banking it...a savings of at least a cool \$248 million. The cream upon this cake is that the benefactors would almost certainly be able to sublease the space for more than they leased it, thereby making a neat profit on their good deeds.

“In such a scenario, the only losers would be the delay-delay lawyers whose salivating over the prospect of years of fees would suddenly dry up.” (*Stan Horn, email, July 20, 2015 [I-Horn1-1]*)

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“Because San Francisco couldn’t get its act together and build an arena 40 years ago -- the proposed arena site at 4th and Howard was turned into low-cost housing -- the Warriors defaulted to the nearest suitable place, the Oakland Coliseum. Oakland has had a good run. But now the party’s over.

“There are many good reasons why the Warriors belong in San Francisco.

- San Francisco has twice the population of Oakland. So it should have twice the fan base.
- San Francisco is much wealthier per capita, so it should provide the Warriors with a bigger potential.
- San Francisco’s cachet alone will make the team more valuable as it basks in the reflections of one of the world’s most popular cities.
- According to FBI statistics, fans visiting the Coliseum must forge through some of the nation’s highest-crime zip codes. In San Francisco, the site is bounded by the bay, a world-renowned university, and some of the highest-priced real estate in America...none of which are known as highcrime breeders.
- Before and after games, there are nothing but acres of asphalt parking and concrete freeways and raw gray elevated train stations to greet fans in Oakland. Across the bay the arena would be surrounded by scores of cafes, night-spots, restaurants, bars, bayside parks, and pleasant walks in attractive, lively neighborhoods.

“But perhaps the main reason the Warriors belong in the City is that it will finally bring San Francisco a modern events center. San Francisco is the only big city in America that doesn’t have one. San Franciscans who want to see a concert, for example, must make a 100-mile round trip to San Jose or a 40-mile round trip to Oakland. No other residents of America’s principal cities have to go through that.

“Dozens of cultural, entertainment, artistic, educational, and sports experiences that are not now available to San Franciscans would be if there were an arena. In that sense, the events center would be as much a cultural addition to the region as our great museums. And not only San Franciscans would benefit: because of the new Muni-to-BART subway, Caltrain, future high-speed rail, ferry service, and thousands of parking spaces, the arena would be much more accessible to all Northern Californians than the freeway-and-parking-girded Coliseum is.

“And don’t cry for Oakland. The forever-wannabe has gone after -- and won -- virtually all of San Francisco’s port jobs, more than a thousand former San Francisco BART headquarters jobs, more than a thousand former San Francisco Caltrans District IV headquarters jobs, more than a thousand former San Francisco federal government jobs, and more. Some would say that giving a little back is not unreasonable.” (*Stan Horn, email, July 10, 2015 [I-Horn2-1]*)

"A Chronicle letter-writer pointed out that more than a dozen cities have arenas near hospitals and co-exist well.

"Perhaps the best such example is right here in San Francisco.

"For three generations, the 60,000-seat Kezar Stadium was closer to the main entrance of the UCSF Hospital on Parnassus than the proposed 18,000-seat Warriors arena will be to the main entrance of UCSF Mission Bay. Yet never in those generations -- and thousands of 49er, USF, and high school games and traffic --were there reported complaints about ambulance access. With 200 events per year scheduled and perhaps an hour or two of heavy traffic at each, that means that **96% of each year will be free of arena traffic that might affect ambulances.**

"As for parking, there was none at Kezar. The Warriors will build almost 1000 spaces and the Giants are about to build several thousand spaces virtually adjacent to the new arena. Several thousand spaces already exist in UCSF garages, largely empty at nights and weekends when events will be scheduled." (Stan Horn, email, July 10, 2015 [I-Horn3-1])

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"Thus, I ask that the City of San Francisco avoid the disastrous impacts of the proposed entertainment center on the Mission Bay community, including the health and welfare of patients, families, employees and neighbors." (Richard Hutson, email, June 29, 2015 [I-Hutson-4])

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"To be brief and to the point, I am totally opposed to the Warriors Stadium being located in San Francisco for these reasons:

**"OAKLAND**

Oakland needs the Warriors and the jobs.

BART goes to Oakland, it is efficient and has long term sustainability

The City of Oakland and the Warriors can easily enhance the stadium with activities, shops, museums, and other businesses." (Kathryn Hyde, email, July 15, 2015 [I-Hyde-1])

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"Warriors owner Joe Lacob admits that SF waterfront arena is 'going to be a challenge and "waterfront arena starting in 2017 might not be ... can not comply with the public trust doctrine." (No name, email, July 23, 2015 [I-Jadeinsf-1])

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"Also it monopolizes the waterfront. I object to this choice of location. It would best be put somewhere else. Let's stop it now before the trouble begins.

"Please record me as being against the Warriors Stadium at the Mission Bay location." (Jackie Jones, email, July 1, 2015 [I-Jones-3])

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"I would like to register my opposition to the planned Warrior Stadium Complex in Mission Bay. I work at UCSF and am a nurse in the outpatient department." (Jennie Kajiko, email, July 25, 2015 [I-Kajiko-1])

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**"No new major projects should be approved unless and until a solution to the existing problem is solved."**

"I ask that the City of San Francisco recognize the health and welfare of patients, families, employees and neighbors of the Mission Bay area and avoid the disastrous impacts of the proposed entertainment center." (*Thomas Kornberg, email, July 17, 2015 [I-Kornberg-2]*)

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"The Golden State Warriors have given new inspiration to sports fans this year.

"This inspiration will be even more appreciated when the team decides to build their arena elsewhere, rather than at Mission Bay.

"That is an unwelcome addition and will supersede the needed protection of the bay.

"Please ask the warriors to choose another site and leave Mission Bay alone." (*Michelle Lanting, email, July 20, 2015 [I-Lanting-1]*)

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"Having a sick child is stressful enough, I would hope that adding this extra burden to families and staff caring for them, is something you would consider as a serious negative impact that the stadium would have in its current proposed location.

"I hope that the children and their families would hold a higher priority than a "nice to have" new stadium." (*Rachel Leavitt, email, June 29, 2015 [I-Leavitt-2]*)

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"I signed the petition to try and stop the stadium but it was a mistake. I honestly do not find any problem with building a new stadium even if it is near a hospital. I want to change my vote and I support the stadium project." (*Denise Lowe, email, July 26, 2015 [I-Lowe-1]*)

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"And what about Oakland? Sure, we can think about all the benefits this has for Oakland, but taking 20 steps back and looking at the bigger picture, we are taking away a positive force from Oakland. A city that needs more positivity in the community. San Francisco has the Giants, we have the techies, we have the city that everyone wants to be in, why not allow Oakland to keep the Warriors and provide them with a new stadium? Because after all, they are our neighbors and as San Francisco continues to grow and spill over, our communities will be shared. Let's allow the Bay Area to grow and flourish together so people have more incentive to stay close and not feel like SF is the ONLY option. Because THAT is what makes people move to other states." (*Tina Ly, email, July 2, 2015 [I-Ly-3]*)

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"I am a nurse at UCSF BCH. I have major concerns regarding the warriors stadium location proposal in San Francisco.

"I have heard the debates both for and against the proposal. However, having two stadiums so close to the hospital would be detrimental to our patients, families, and employees.

"I am less concerned with my personal commuting problems." (*Amber Mason, email, June 27, 2015 [I-Mason-1]*)

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“Thank you for the opportunity to comment on the proposed Warriors Arena project and related office buildings in Mission Bay. As a local resident (I live by the Ballpark at 2nd and King) I strongly support the proposed development as a sport and entertainment destination for our neighborhood.” (*Bruce McDougal, email, July 27, 2015 [I-McDougal-1]*)

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“3. Neighborhood benefits. Just as with the Giants ballpark, the presence of the Arena in Mission Bay will attract and encourage the development of restaurants, bars, and other entertainment facilities, more than would be drawn to the simple residential and office neighborhood that’s been built around UCSF. As in the South Beach neighborhood, those bars and restaurants will attract more residents to the area and will generate taxes and activities even when the Arena is dark.” (*Bruce McDougal, email, July 27, 2015 [I-McDougal-4]*)

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“We don't need or want another congestion-producing sports palace in San Francisco. This city has a very limited geographical area which is already far too built-up. Please think about the consequences to the residents of the city --instead of catering to the money-grubbers who would gladly turn the city into a dysfunctional ants' nest if they can make money from it.” (*Rusty Mills, email, July 13, 2015 [I-Mills-1]*)

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“I AM 100 PERCENT AGAINST THE IDEA OF BUILDING A WARRIORS STADIUM ON 3RD ST AND 16TH STREET!!!!!!!!!!!!!!

“WE DO NOT WANT THAT STADIUM BUILT HERE IN SAN FRANCISCO!!!!!!!!!!

“KEEP YOUR TEAM IN OAKLAND!!!!!!

“The Oracle arena in Oakland is a PERFECT place for that team!!!

“WE HAVE BEEN BOMBARDED WITH AN INSANE AMOUNT OF DEVELOPMENT HERE IN THE EASTERN NEIGHBORHOOD. PLEASE GIVE US A FLIPPEN BREAK!! FOR GOD’S SAKES!!!!!!!!!!” (*Jani Mussetter, email, July 27, 2015 [I-Mussetter-1]*)

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“New York City went through the same process when a stadium was proposed for Manhattan . It was defeated, sensibly, as incompatible with Manhattan.

“Same logic-different city, it doesn't belong in the Mission.” (*Steven Pelly, email, July 23, 2015 [I-Pelly-1]*)

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“I'm writing to offer my perspective on the proposed Golden State Warriors Arena and Events Center at Mission Bay.

“The Warriors have been Oakland's team for decades, and they belong here. This is where the heart is. You will lose a significant portion of your regular ticketholders with the move, and derail the (current and ongoing) accessibility of East Bay youth and community to continue to afford and gain access to the team we love.

“Moving to SF may seem strategically great from a financial/investment perspective, but that's not everything. It's not that I dislike change, it's that if you saw the turnout that came to the parade, or the energy in the playoffs and the finals, you know that Oakland doesn't just support, Oakland needs and loves this team. And Oakland needs a team to love.

“I was born in SF, and my family has been here for 5 generations. I love the city. It's not about that. San Francisco has plenty of reason to party and celebrate, with all the attractions and civic and community

pride. I'm thinking Pride Parade, BatKid, St. Paddy's day parade, not to mention the Giants and the 49ers (Okay, so they've left or may leave. You'll still have their parades in SF, and ATT park will continue to be a hip destination and tourist destination.) SF doesn't need more congestion to already overstressed transit, street parking, and street and ramp traffic. It also doesn't need the kind of regentrification that displaces hundreds or thousands of hardworking San Franciscans who keep the lights on and do much of the heavy lifting in the local economy. It needs to fine-tune the garden it's growing, by helping the homeless, supporting underserved neighborhoods, cleaning up the urine-soaked streets and entryways, and providing more grassroots community events to engage the public and energize neighborhood continuity.

“Oakland deserves to keep the Warriors. The spirit of connection and civic pride that's evolved from this championship is beyond compare. People here are talking to each other in supermarkets, gas stations, banks, cafes. It's such a happy vibe, and it's pulling Oakland together. Don't hijack one of the most significant bright spots this east bay community has seen in years.” *(Mary Pezzuto, email, July 13, 2015 [I-Pezzuto-1])*

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“am writing to plea that you do not approve construction of the planned sports arena at Mission Bay. Such a facility would have a devastating impact on the Mission Bay Environment and the workers who must travel there to go to work and home again, as well as to the accessibility of U.C. Medical Center.” *(Elaine Pierce, email, July 23, 2015 [I-Pierce-1])*

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“I am a nurse practitioner at UCSF Benioff Children's Hospital, and I am strongly opposed to building a new Warriors stadium at Mission Bay.” *(Kay Ramsdell, email, June 24, 2015 [I-Ramsdell-1])*

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“ABSOLUTELY NOT!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!” *(Jana, email, July 24, 2015 [I-Rosa-1])*

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“The San Francisco water front is a national treasure. We don't need an ugly visually polluting stadium or the cluster of bars and fan excesses that go along with the highly commercialized and hyped up nature of professional sports today.

“Stadiums can go anywhere. There is only one San Francisco Bay. It should be a place where anyone can walk, enjoy sweeping views and feel the power and healing nature of the ocean and tides. Do not ruin this national treasure by giving into crass commercial interests who what to take this treasure from all of us, to put up a massive building that cannot but be ugly, polluting, noisy and the equivalent of trading paradise for a parking lot.” *(Mark Shull, email, July 14, 2015 [I-Schull-1])*

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“We are supportive of the Warriors development if proper steps are taken to guarantee parking and traffic will be mitigated in the Dogpatch neighborhood.” *(David Siegel, email, July 14, 2015 [I-Siegel1-1])*

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“Building the stadium at Mission Bay is a bad idea. Many of us think so and we vote. Please find somewhere else or send them back to Oakland.” *(Amy Steiner, email, July 23, 2015 [I-Steiner-1])*

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“I'm against building the Warriors stadium at its proposed site ...” *(Kaylah Sterling, email, July 13, 2015 [I-Sterling-1])*

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"I ask that the City of San Francisco avoid the disastrous impacts of the proposed entertainment center on the Mission Bay community, including the health and welfare of patients, families, neighbors, and university students and employees including faculty members like me." (*Michael Stryker, email, July 26, 2015 [I-Stryker-8]*)

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"3. I believe that this event center will be a very positive addition to San Francisco." (*Jim Sullivan, email, July 9, 2015 [I-Sullivan-2]*)

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"The current health care and research center is a hub of care and innovation, the future of this world-class medical center should not be jeopardized by billionaires seeking to double the value of the Warriors as a sports franchise on the backs of San Francisco residents." (*Judy Tan, email, July 27, 2015 [I-Tan-7]*)

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"Thus, we ask that the City of San Francisco avoid the disastrous impacts of the proposed entertainment center on the Mission Bay community, including the health and welfare of patients, families, employees and neighbors." (*Judy Tan, email, July 27, 2015 [I-Tan-10]*)

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"I think it would be another great enhancement to and for the City of San Francisco to have the stadium here in the City" (*JoAnn Trossbach, email, July 24, 2015 [I-Trossbach-1]*)

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"Entertaining this idea is reckless and irresponsible. As the local SF government you have a responsibility to the health and public safety of the community and that MUST come first!" (*R. Tuialu'ulu'u, email, July 14, 2015 [I-Tuialu'ulu'u-3]*)

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"An arena is not a welcome addition to the neighborhood in which it is proposed to be located. It does not fit well into an areaa [*sic*] where families reside and should be placed in a more business dedicated locale." (*Elizabeth Waldron, email, July 13, 2015 [I-Waldron-1]*)

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"... I am writing to request that you do not approve a stadium to be built in Mission Bay right next to a busy hospital." (*P. Wheeler, comment type, date [I-Wheeler2-1]*)

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"I feel that the City is congested enough and that adding another arena will make it worse. Let the Warriors stay in Oakland!" (*Johns Wife, email, July 14, 2015 [I-Wife-1]*)

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"The Warriors, as spoiled as they are right now, are perfectly accommodated in Oakland right now! I don't care how much these rich, little whiners piss and moan about it - screw 'em! They are doing well enough, right where they are!!



“DO NOT BRING THEM TO SAN FRANCISCO!! THEY DON'T BELONG TO SAN FRANCISCO!! THEY BELONG TO THE ENTIRE STATE! KEEP THEM PLAYING IN OAKLAND (in a fine, modern venue)! THEY ARE DOING VERY WELL, RIGHT WHERE THEY ARE .....” (*James Woody, email, July 14, 2015 [I-Woody-3]*)

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“Don’t ruin Mission Bay!

“and certainly don’t subsidize any stadiums!” (*Dave Yost, email, July 13, 2015 [I-Yost-1]*)

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“I am a current resident of Mission Bay and am submitting the attached letter to voice my concerns and opposition to the planned Warriors Arena Project in my neighborhood.” (*James Zboralske, email, July 27, 2015 [I-Zboralske-1]*)

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“Based on my direct observations, review of the EIR and my prior experience, I have many concerns and do not believe the City should allow this development to proceed as designed.” (*James Zboralske, email, July 27, 2015 [I-Zboralske-9]*)

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“We need to focus on, and remedy, the current pressing problems that we face before embarking on additional major projects that will only exacerbate the situation.

“In summary, I urge you to prohibit the Warriors Arena project in Mission Bay. The area simply cannot handle a project of this magnitude, especially given all the other major developments currently underway or on the drawing board. The over-all negative impact to the local residents, and ultimately the City, is very concerning. There are far too many unknowns, uncertainties and ambiguities in the report.” (*James Zboralske, email, July 27, 2015 [I-Zboralske-34]*)

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“I’m a supporter of the arena project and look forward to the Warriors coming home to San Francisco.” (*Bruce Agid, public hearing transcript, June 30, 2015 [PH-Agid-1]*)

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“I proudly support the Warriors mixed-used development, because it will serve as a community hub for performing arts, retail space, restaurants, and a wide range of community events, and the Warriors have outreached to us and communicate within our community.” (*Vanessa Aquino, public hearing transcript, June 30, 2015 [PH-Aquino-1]*)

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“... I’m here today to express our strong support for the Warriors arena in Mission Bay.

“Throughout the EIR process, the City has done a thorough analysis of the project and every conceivable impact it could have on the city. The team has been above board and maintained complete transparency in their plans since they've been talking about this project many, many years ago.

“We have confidence in the City's assessment that traffic be manageable, and we believe that the benefits of having a multipurpose arena that will serve all of San Francisco will far outweigh any potential impacts.” (*Jon Ballasteros, public hearing transcript, June 30, 2015 [PH-Ballasteros-1]*)

"I am in favor of neighborhood growth, but unfortunately, I think this stadium will only profit the developer, and I would rather have long-term business growth that this neighborhood is already invested in." (*Andrew Battat, public hearing transcript, June 30, 2015 [PH-Battat-3]*)

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"I'm going to weigh in on this proposal.

"I think that's it's a wonderful idea to have an arena here in the San Francisco. The area has gone through an extensive EIR early on, when it became the Mission Bay.

"I remember hearing my dad's stories -- who used to be a part of customs, going through the warehouses that used to be there. And, trust me, there's some things you never want to hear that happened down that way.

"But the issue is, it had that EIR that made it the great possible [sic] that it is now. And now we're doing a second EIR that is turning into making it so that the Warriors can have the arena here, which is a true gem for San Francisco.

"It will complement the hospital, it will complement everything there, and it will be a great thing for San Francisco. So, I fully want to say I support this project and I support the arena with all of my existence." (*Nick Belloini, public hearing transcript, June 30, 2015 [PH-Belloini-1]*)

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"I want to talk today about the impact that this stadium, this arena, will have on San Francisco's nightlife.

"It is -- all those groups that I spoke of, it's our job to support vibrant, world-class nightlife in San Francisco, and we feel that this arena will contribute in a very meaningful way to bringing San Francisco up to a world-class city in terms of nightlife, not just from the events that will be there, from sporting events to A-list concerts and music events such as the Red Hot Chili Peppers or Beyoncé, which now have a chance of actually playing in our city, but also in all the people that it'll draw from the outside areas, who will then stay in the city, some of them, and go in the City and spend their time and their money and their joyous smiles at our nightlife venues. So, we're very excited about that.

"They've outlined the existing parking near the venue and the extensive of public transportation that will serve the site, and the traffic management plan that I've looked at is very thoughtful and thoroughly done, and it gives us no reason for concern.

"So, we want to go on record to support the arena in the strongest possible terms." (*Benjamin Bleiman, public hearing transcript, June 30, 2015 [PH-Bleiman-1]*)

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"... I'm here to express my strong support for the Warriors and the arena at Mission Bay.

"Pat actually stated -- I was extremely impressed on how green the project itself is based off the EIR. The arena emission rate will be LEED gold certified and will truly set a standard for sustainable building design, I think, here in the City.

"And the Warriors are more than just a basketball team, as we've seen, especially with the championship that we just had. And what the team will actually do is be a partner in the community.

"I know just that Young Community Developers alone, within the past two seasons, we've been able to employ well over 200 individuals from Bayview-Hunters Point that we actually transported from Bayview-Hunters Point to Oakland to work in the arena. So, just imagine how many more folks, from an economic standpoint, that will be able to work once those guys are here in Mission Bay." (*D.J. Brookter, public hearing transcript, June 30, 2015 [PH-Brookter-1]*)

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"I support the Warriors arena project in San Francisco, knowing that it will have a positive impact on our Mission Bay Community. I've reviewed the arena plan, and what really stands out to me is the steps that the architects have taken to minimize the impact that this project has on our environment." (*John Caine, public hearing transcript, June 30, 2015 [PH-Caine-1]*)

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"We do believe that by having the arena there, we will continue to attract more events and other activities to the City that will help not only those who are participating in the events, but those who are working in industries like the hotel industry that will get extra hours and be able to work to be able to support the events as well." (*Kevin Carroll, public hearing transcript, June 30, 2015 [PH-Carroll-1]*)

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"This City is going to have something that they've needed desperately for years. We have a big venue, we have many small venues, but we don't have a an arena. If we want to call ourselves a world-class city, we're going to need a venue that they're proposing today. More than just basketball. Concerts. Events.

"I remember, in 2001, I worked with Bob Arum of Top Rank to bring Mayweather-Chavez before Mayweather was money. And we had that event at the Civic. And I remember how important that was. We can attract more venues like this.

"This EIR is very thorough, well thought out, and this arena will be nestled in Mission Bay, which many people will embrace." (*Stefano Cassolato, public hearing transcript, June 30, 2015 [PH-Cassolato-1]*)

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"I'm a student here in San Francisco, and like so many San Franciscans, I rely on riding my bicycle everywhere. I'm excited for the Warriors to move to Mission Bay, because I think this venue will have tremendous bicycle access, with the abundant bike parking as outlined in the EIR. It has over 300 valet spots, over 100 secure bike parking spots in the office buildings, and dozens more around the site. Plus this project will bring new bike lanes on Terry Francois and 16th Street, making it simple and safe to get to." (*Sebastian Conn, public hearing transcript, June 30, 2015 [PH-Conn-1]*)

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"I'm here just in support for the Warriors to be here in our neighborhood and in San Francisco. It would create an enormous amount of opportunity for our people in the community." (*Rudy Corpus, public hearing transcript, June 30, 2015 [PH-Corpus-1]*)

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"And, first and foremost, I just wanted to thank you for the time and deliberation that you have already taken into looking at the EIR, and then also to express just gratitude for the way that the Warriors and the City have worked together to address some of the issues identified." (*Sheryl Davis, public hearing transcript, June 30, 2015 [PH-Davis-1]*)

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"I'm a student, I'm a bicycle advocate, and I'm very impressed by how bike friendly this venue will be.

"Furthermore, the project promises to bring new bike lanes to Terry Francois Boulevard and 16th Street, making it simple and easy to get in and out of the area. By making the venue so accessible to bicyclists, they are reducing carbon emissions in cars and traffic congestion in the area as well." (*Drakari Donaldson, public hearing transcript, June 30, 2015 [PH-Donaldson-1]*)

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"We've also launched a petition, calling for the City to reject this project. In the past few weeks alone, we've collected more than 4,600 signatures from residents, U.C.S.F. healthcare workers, employees, and neighbors who are concerned about the impact of this 18,500-seat arena." (*Alex Doniach, public hearing transcript, June 30, 2015 [PH-Doniach-2]*)

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"I'd just like to acknowledge my support on record that I do support this project, and if we'd been able to do this with a relationship across the Bay, imagine how many more organizations that the Warriors can affect right here in the City.

"And I really do believe that the Warriors' mission, outside of basketball, is community. We've been a direct result and have been privileged to experience those things, and we're looking forward to those in the future as well." (*Celestino Ellington, public hearing transcript, June 30, 2015 [PH-Ellington-1]*)

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"... I'm really excited about this stadium and arena, because it's really bike-friendly, and I bike everywhere in the City." (*Abe Evans, public hearing transcript, June 30, 2015 [PH-Evans-1]*)

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"... I'm here to support the Warriors arena in Mission Bay." (*Adam Greenstein, public hearing transcript, June 30, 2015 [PH-Greenstein-1]*)

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"I'd also like to point out there were similar concerns when the San Francisco Giants built their stadium, but I've witnessed how that stadium has revitalized the SOMA area. And as a future homeowner in Mission Bay, because I plan to buy a place this year, I'd like to see that same transformation happen in Mission Bay." (*Adam Greenstein, public hearing transcript, June 30, 2015 [PH-Greenstein-3]*)

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"I have worked with hundreds of people renting, purchasing, developing in the area, and I am here to support the progress.

"I know change is difficult, and I believe, witnessing, attending meetings, talking to people that I have worked with, for the most part they're supportive of a responsible vote.

There is no place in the City that does not have a traffic headache at this moment in time, that I, too, have witnessed. I, too, live in a neighborhood with retail. That comes with some pros and cons, but the majority of the people with this vision for this neighborhood moved here knowing this change was inevitable. And I think that the outcome, if people will collaborate, could be very, very positive for the entire City, not just Mission Bay." (*Dianne Hartnett, public hearing transcript, June 30, 2015 [PH-Hartnett-1]*)

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"But I want to just thank the Warriors for doing what they have done. Prior to coming into our community, they've hired peoples in our community, and we hope and we really believe that they will hire minority contractors, 50 percent out of Bayview-Hunters Point, 100 percent citywide, following our Memorandum of Understanding we wrote in 1970, which had a grandfather clause in our community.

"I support them 100 percent. I would like the U.C., since the nurses are talking about all they're talking about -- traffic and what have you -- is to come up with some scholarships that they should have done getting that free property -- for scholarships in our community to train peoples in our community for nursing, being doctors, and what have you. Do the same thing that the Golden State Warriors are doing.

"I was living and I was -- I once went to the games at Kezar Pavilion when the Warriors were there a long time ago, and I'm saying today welcome back to the San Francisco Warriors, and I support this 100 percent." (*Oscar James, public hearing transcript, June 30, 2015 [PH-James-1]*)

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"I am in full support of the Warriors arena project in San Francisco, knowing it will have a positive impact not only on Mission Bay, but also on our gem of a city. I want to thank the City for taking the time and energy to create a world-class project that is deserving of a world-class city." (*Henry Karnilowicz, public hearing transcript, June 30, 2015 [PH-Karnilowicz-1]*)

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"We've been involved with planning in Mission Bay for many decades, and while we understand that the idea of putting an arena in Mission Bay is a change, we think it's going to be very positive overall for the neighborhood. It's how cities work.

"Over the years, different people bring you ideas, and places evolve through the layering process of each generation contributing something different. It's going to make Mission Bay a more interesting place than have it all being one thing." (*Alyssa Kies, public hearing transcript, June 30, 2015 [PH-Kies-1]*)

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"I've come today to fully support the Warriors' plan to move to Mission Bay.

"I'd like to express my support, mostly because of some of the environmental plans that have been made for this project. In reviewing those plans and by looking at many of the renditions, I'm impressed with the emphasis on landscaping and green space, as well as the incorporation of the natural environment with the site.

"From trees and grass lawns and all of the green rooftops that have been designed, I think that this project will have a big impact on making our City more green." (*Elizabeth Kirk, public hearing transcript, June 30, 2015 [PH-Kirk-1]*)

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"... I am here to express my support for the Warrior's arena in Mission Bay.

"After taking some time to review the EIR, I am excited about the open pedestrian accessibility in the arena. The walk is going to be flat. It's going to be easy and beautiful along the waterfront.

"The venue's proximity to public transportation means that anyone who lives near BART, Muni, or a Caltrain line can walk to a stop or station and arrive at the arena's doorstep within minutes.

"The new arena also triggers the construction of the new bayfront park, which will make Mission Bay more hospitable for runners, families, and allow people to enjoy the waterfront. Right now, that is not currently possible." (*Kim Kobasic, public hearing transcript, June 30, 2015 [PH-Kobasic-1]*)

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"... we urge this Commission to support that EIR and to move this project forward as quickly as possible." (*Jim Lazarus, public hearing transcript, June 30, 2015 [PH-Lazarus-3]*)

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"... and first of all, I am wholeheartedly in support of this arena and believe all City family leaders can get together and find solutions to this traffic part." (*Dennis Mackenzie, public hearing transcript, June 30, 2015 [PH-Mackenzie2-1]*)

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"I'm here today to express our union's strong support for the Warriors project. From the prospective of creating good, quality, working-class jobs, the proposed arena is probably the most important development we have seen in San Francisco in the last 15 years.

"At a time when working-class families are being squeezed out of our City through a combination of stagnant incomes and rising rents, we should be doing everything we can to promote projects like this one.

"As you may know, our union represents 800 concession workers at the AT&T park. While we struggle hard to raise wages and benefits at the ballpark, those remain very part-time jobs because of the nature of the baseball season.

"The prospect of a basketball and event center close by holds out the possibility that food service workers could string jobs at these facilities together to something that gives them a real pathway to middle-class jobs. That would be a game changer for food service workers in San Francisco.

"The Warriors reached out to our union early on to ensure that workers who currently staff their concessions are guaranteed a place at the new arena, and that the addition of positions created here will be the kind of jobs that raise the bar in San Francisco. That's exactly the kind of development that our City should be investing in." (*Alejandro Madi, public hearing transcript, June 30, 2015 [PH-Madi-1]*)

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"The Alliance believes the proposed entertainment center will not work for the site and does not warrant the massive public investment planned by the State." (*Osha Meserve, public hearing transcript, June 30, 2015 [PH-Meserve-1]*)

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"Bayview Merchants Association, and we're here in support of the EIR for the Warriors, and we think it would be one big jewel of an anchor tenant for all small businesses in and out of the area, and we support it wholeheartedly and support the other associations who are in favor of you passing this EIR so we can go ahead and go to work and establish a relationship that will benefit everyone economically associated with this project." (*Al Norman, public hearing transcript, June 30, 2015 [PH-Norman-1]*)

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"One of the many reasons I support the project is because it's -- it is so pedestrian friendly. I will be able to actually walk to the arena events from my home, as well as be able to take dogs the new green area that's going to be developed because of this arena.

"I also like the fact that they're gonna have year-round retail as well as restaurants for local residents. So, it's going to be a new meeting place and a place for us to enjoy." (*Ray Nyden, public hearing transcript, June 30, 2015 [PH-Nyden-1]*)

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"... I am here to talk about the opposition, because we do not want the stadium to be built at the Mission Bay.

"So, over the past two weeks, I have been canvassing the Mission Bay area, and I've been speaking with residents and employees, and I've been speaking to the relatives who are visiting patients at the hospital, and I've been asking them, What are your views on building the stadium in such a closed unit?

"And overwhelmingly, the response that I received frequently was, Do not build it. I do not want the stadium here." (*Annabel Ortiz, public hearing transcript, June 30, 2015 [PH-Ortiz-1]*)

"This a great use for this location. I urge you to approve the project, certify the EIR, and move forward.

"It's a great -- we're very lucky to have an organization like the Golden State Warriors willing to come to this City and invest in our City." (*Paul Osmundson, public hearing transcript, June 30, 2015 [PH-Osmundson-4]*)

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"... there still were concerns that people had about traffic mitigation next to a hospital.

"And we take that very seriously, and we take the nurses very seriously. But I've been assured by the Warriors and the City as we go through this ongoing process that those mitigations will take place.

"Again, this is an evolving neighborhood, and it's a wonderful neighborhood, and it's exciting that the Warriors are coming here, and I think that we will get to the right place at the right time to make sure that this happens." (*Tim Paulson, public hearing transcript, June 30, 2015 [PH-Paulson-1]*)

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"We're strong supporters of the proposed arena in the Mission Bay area, in large part because there's no major arena in San Francisco, and this great city deserves a great arena, and we know the Warriors have planned for one.

"As San Francisco's first ever multipurpose arena, the Warriors will attract people from around the Bay Area, from around the state, and around the world for major events." (*Matt Prieshoff, public hearing transcript, June 30, 2015 [PH-Prieshoff-1]*)

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"We want to go on record to you to voice our enthusiastic support of this arena plan, and we hope you will consider our recommendation throughout this process." (*Matt Prieshoff, public hearing transcript, June 30, 2015 [PH-Prieshoff-3]*)

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"Thus, we ask the City of San Francisco, avoid the disastrous impacts of the proposed entertainment center at the Mission Bay community, including the health and welfare of patients, families, employees and neighbors." (*Damion Scott, public hearing transcript, June 30, 2015 [PH-Scott-8]*)

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"We're very excited as a family, not only to watch the championship Warriors basketball team in the arena, but we feel strongly that San Francisco needs this entertainment destination, with the family shows such as "Disney on Ice," the Globetrotters, and concerts we can attend together.

"I'm also excited about the waterfront park as there's nothing like this currently in the south neighborhoods, and it provides a place for kids and families to enjoy the beautiful views, have fun in a safe environment.

"The Warriors and the City have gone through thorough analysis of the project, including extensive meetings -- the Mission Bay CAC, U.C.S.F., and our neighborhood -- to address our concerns. They have made good progress with all of us, especially U.C.S.F., in coordinating their respective operations so both can function productively in our neighborhood.

"As a result, the Warriors team have come up with a project that fits well in the community and that we, as neighbors, are very excited about, if you would put us down for three." (*Cathy Searby, public hearing transcript, June 30, 2015 [PH-Searby-1]*)

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"I find the Warriors a good attraction to San Francisco. I'm not opposed to the team moving back to San Francisco or even a new arena in Oakland ..." (*Michael Sesich, public hearing transcript, June 30, 2015 [PH-Sesich-1]*)

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"We think the arena is an unexpected bonus for our neighborhood, with the bike paths, with the new parks, with the holiday ice arena as a possibility. All of these things are things that we think enhance our neighborhood for families in a way that few alternatives really could achieve.

"So, in that sense, we are excited about the arena. Of course, we support the Warriors, but we're also excited about what the arena can mean for our neighborhood, and particularly, children in our neighborhood. And there are now 250 new children in our neighborhood. We're very excited for them to have access to all of this." (*Esther Stearns, public hearing transcript, June 30, 2015 [PH-Stearns-1]*)

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"Again, we shouldn't look through the lense of the automobile and what might have been construction in the 1950's, but look forward to what we're doing today.

"I very much support this project, and so does our association." (*Patrick Valentino, public hearing transcript, June 30, 2015 [PH-Valentino-3]*)

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"As others have talked about this document, this document is incredibly thorough, and I applaud the City for looking at all the issues so carefully and demonstrating attention to the impacts to my neighborhood.

"I'm especially pleased about the new businesses and parks that will go in within walking distance.

"As you know, the Warriors and the City have been working very closely with neighbors like myself, listening to our feedback and incorporating the community suggestions into their plan. As a result, they've come up with a project that perfectly fits into the Mission Bay, Dogpatch, and other surrounding communities.

"Most of the neighbors that I've talked about [sic] are extremely excited about it. I'd like to go on record that I am personally in support of the new arena." (*Scott Van Horn, public hearing transcript, June 30, 2015 [PH-VanHorn-1]*)

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"I'm a big supporter of the Warriors and their move to Mission Bay. I know the team and the City have worked really hard to take feedback from the community, address their needs, and put this into a plan. I think this is great for that community." (*Curt Yagi, public hearing transcript, June 30, 2015 [PH-Yagi-1]*)

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## **Response GEN-5: Opinions on the Project**

This group of comments consists of opinions and observations of numerous commenters expressing support for or opposition to the proposed project. These comments are presented herein for consideration by OCII and the decision-makers as part of the project approval process.

None of these comments refer to the adequacy or accuracy of the SEIR or to environmental effects of the proposed project. For specific issues regarding traffic, transit, and parking, refer to discussions in SEIR Section 5.2 and Section 13.11 of this Responses to Comments document.



## 13.2.7 Miscellaneous Opinions (GEN-6)

### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-BCTA-1	O-BCTA-5	I-Barton-3	I-Lee-1
I-Lee-2	I-Lee-3	I-Zboralske-30	PH-Boss-1
PH-Johnson-1	PH-Pan-1	PH-Ushman-1	PH-Washington-1

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“The undersigned small business owner/operators of trucks locally based in Bayview-Hunters Point want to thank you and OCII for giving us the opportunity to comment on the Draft SEIR for the proposed Golden State Warriors Arena at Mission Bay. Our group of highly qualified hazardous certified truckers are made up of local minority truck owners who reside in and/or hire our drivers and other employees from the local community. We park our vehicles at the Port of San Francisco railyard off Third Street, which also hires exclusively from the local community. Our member truckers transport contaminated and hazardous waste to the railyard from remediation projects all over San Francisco and the Bay Area. The local truck-to-rail system offers the following benefits to projects like the Warriors Arena project:

- Railyard is just a few blocks from arena site compared to 250 miles one-way for long-haul truck trip to Southern California landfills;
- Excavation phase impacts can be reduced months by using truck-to-rail option;
- Reduced fuel consumption by hundreds of thousands of gallons and reduced toxic air emissions (CO<sub>2</sub>) by millions of pounds per project;
- Reduced liability of hazardous waste at high speeds down public highways;
- Economic development dollars stay in our neighborhood.”

*(Bayview Community Truckers Association, letter, July 24, 2015 [O-BCTA-1])*

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“Other projects that our team of local truckers have successfully hauled hazardous and contaminated soils to the railyard at the Port, in addition to the adjacent Shorenein project, include: UCSF Medial [*sic*] Center at Mission Bay; Kaiser Medical Center @ Mission Bay; Transbay Terminal; Pac Bell Park; The Gap Headquarters; SFMT A Third Street Light Rail; Hunters Point Naval Shipyard; Equity Potrero - 16th Street; Embarcadero Waterfront Improvement; A val on Bay Communities; SFMTA Central Subway; and hundreds more that have chosen the local truck-to-rail option as the best option.

“We would like that our community truckers be able to take part in this exciting and historic project using our successful truck-to-rail approach. And again, we appreciate the opportunity to comment on the EIR.”  
*(Bayview Community Truckers Association, letter, July 24, 2015 [O-BCTA-5])*

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-The space is for bio science

I'd say there is an ample amount of research space provided for research between the hospital and UCSF campus. *(Jason Barton, email, July 27, 2015 [I-Barton-3])*

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"I lived in Mission Bay for two years at the Radiance Building on Mission Bay Blvd and recently moved out of the neighborhood. I left Mission Bay primarily because AT&T Park and its crowds wrecked havoc on the burgeoning neighborhood. Anytime there was a Giants game, it became impossible to get home using the inbound T line. Fans would transfer to the T line starting at Civic Center and fill it beyond capacity. Working in SoMa, it became impossible to board a train home." (*Jeremiah Lee, email, July 20, 2015 [I-Lee-1]*)

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"Driving was also impaired. Just trying to leave my home or return to it during a game sometimes meant planning an additional half hour to get through the few blocks of traffic." (*Jeremiah Lee, email, July 20, 2015 [I-Lee-2]*)

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"After games, the neighborhood sidewalks were covered in trash, vomit, and urine of drunken fans." (*Jeremiah Lee, email, July 20, 2015 [I-Lee-3]*)

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"The City's Public Works Department admittedly struggles now to deal with keeping our streets, sidewalks and neighborhoods clean." (*James Zboralske, email, July 27, 2015 [I-Zboralske-30]*)

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"So, I just want to express the opinion that if we really, as a community at San Francisco, wanted to get something done, you would probably crack a whip and have the Warriors have to work with the Giants all on Lot A and B.

"And, you know, maybe I'm whistling "Dixie," but you do not have a method of taking care of the traffic. You can say MTA is going to take care of it. MTA couldn't even, in a ten-year period, get a turnaround movement planned and executed. Very, very terrible." (*Joe Boss, public hearing transcript, June 30, 2015 [PH-Boss-1]*)

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"(Unintelligible) put the BART system to where it can go to the stadium, and that way, we would have a lot impact with our plans than when we go to see the Warriors.

"And I think there's more solutions to those problems -- is that we need to agree with the Warriors, which would eliminate a lot of these impacts. Maybe put that in thought, that -- to build a BART over there behind the mountains there. You see on this picture right there." (*Silvia Johnson, public hearing transcript, June 30, 2015 [PH-Johnson-1]*)

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"I have a dream of working on creating a non-profit that can create paid jobs for people coming out of hardship. The idea is to open a café, eatery, and meeting spaces, community spaces where people can use for meet-up groups, conferences, study groups, and have them adjoining a café so it's free, just buy some food and some drinks.

"Making it a non-profit would allow people to have a reintegration into the workforce, would allow the community a place to gather.

"And the idea of doing something like this would be hugely tremendous, because there aren't a lot of 9- or 10,000-square-foot plates that are available to be custom-built out in San Francisco. We all know the retail spaces aren't available.

“So, I'm working on trying to propose this with the Warriors, and I've had some very good feedback from members of the community, from Urban Solutions to Cafe La Vie, to Hayes Valley Bakeworks, Delancey Street Crossroads Café, some of the non-profits that have succeeded on a business model similar to this, and others.

“I've spoken with Jane Kim, District Supervisor, District 6. I'd like to say thank you very much for your time.

“I very much support the Warriors coming to San Francisco. I think it would help a lot of people in a lot of different ways.” (*David Pan, public hearing transcript, June 30, 2015 [PH-Pan-1]*)

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“I find it difficult to believe that the Nurses Association believes that the City, U.C.S.F., and the Warriors have turned a blind eye to the legitimate traffic concerns surrounding the new arena and have not taken steps to deal with this issue. After all, we are talking about approximately 200 events per year.

“Salesforce would have brought in at least that number of people into the area five days a week, 52 weeks a year.

“Let's not use traffic concerns that have been or are being addressed as a foil for other people's agendas.” (*Neal Ushman, public hearing transcript, June 30, 2015 [PH-Ushman-1]*)

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“But right now, let's talk about the players we've got here. The players. This is all about dollar bills. You know, you talk about the EIR. This is about dollar bills.

“Right here. Let's talk about the players, the bases. Let's talk about who is representing who. One side is an ex-member of the Mayor's, and then you got a next side that's a -- what -- he's a community or -- he works for consultants for the big Lennar out there. So, you've got big two big consultants. We're talking about money now. We don't mention that in the EIR, but I'm here to tell you, that A-C-E has been studying it.

“So, we're going to put all these things together and we're gonna up with a solution, Mr. Warrior. It's called "community reform," to get -- you know, flip-flop and drop all this other stuff.

“We, as community people, must be involved with the growth of this city for the next 10 years for the generation in the back. So, therefore, I've got a method to all this pollution.

“You need to have some kind of conversations about how we're going to put things together. And the only way to do that is you've got to collectively deal with our legislators out here, with our supervisors -- London Breed and Cohen.” (*Ace Washington, public hearing transcript, June 30, 2015 [PH-Washington-1]*)

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## Response GEN-6: Miscellaneous Opinions

This group of comments consists opinions and observations of various commenters on miscellaneous issues that may or may not be related to the proposed project. These comments are presented herein for consideration by OCII and the decision-makers as part of the project approval process.

None of these comments refer to the adequacy or accuracy of the SEIR or to environmental effects of the proposed project. For specific issues regarding traffic, transit, and parking, refer to discussions in SEIR Section 5.2 and Section 13.11 of this Responses to Comments document. For specific issues regarding quality of life, see Section 13.2.2, above.

## 13.3 Environmental Review Process

### 13.3.1 Overview of Comments on the Environmental Review Process

The comments and corresponding responses in this section cover topics generally discussed in SEIR Chapter 2, Introduction, regarding the process and requirements of the California Environmental Quality Act (CEQA). These include topics related to:

- ERP-1: State Clearinghouse Review
- ERP-2: Noticing and Mailing List
- ERP-3: Request for Documents
- ERP-4: Public Review Period
- ERP-5: Recirculation
- ERP-6: CEQA Standards of Adequacy
- ERP-7: Tiering
- ERP-8: Aesthetics
- ERP-9: General Comments on the SEIR and Environmental Topics

### 13.3.2 State Clearinghouse Review (ERP-1)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

A-SC1-1

A-SC2-1

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“This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.” (*State Clearinghouse, Scott Morgan, letter, July 21, 2015 [A-SC1-1]*)

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“The enclosed comment (s) on your Supplemental EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on July 20, 2015. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

“The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.” (*State Clearinghouse, letter, August 6, 2015 [A-SC2-1]*)

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## Response ERP-1: State Clearinghouse Review

As required by CEQA Guidelines Section 15085 and acknowledged by the commenter, a Notice of Completion was filed with the Office of Planning and Research (State Clearinghouse) on June 5, 2015. Comment letters from Caltrans and the California Highway Patrol were received during the public review period through this process. Copies of those letters are included in Appendix COM, and responses to their comments are all addressed in Section 13.11, Transportation, of this Responses to Comments document.

### 13.3.3 Noticing and Mailing List (ERP-2)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

A-SMCTD-1  
I-Hutson-6

O-SFBT-6  
I-Kornberg-4

I-Heath-12  
I-Stryker-10

I-Hestor-1  
I-Tan-12

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“Who at Caltrain (or Samtrans) was the notice of availability sent to?” (*San Mateo County Transit, Sebastian Petty, email, July 15, 2015 [A-SMCTD-1]*)

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“While the Bay Trail Project was a commenter on the Notice of Preparation for this project, we were not notified regarding the availability of the Draft EIR. Please add us to your list of interested parties so that we will be notified when the Final EIR is available for review.” (*San Francisco Bay Trail, Maureen Gaffney, letter, July 27, 2015 [O-SFBT-6]*)

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“Additionally, please place my name on the notice list for this project so that I may receive notice of any future actions by the City with respect to this project.” (*Alison Health, email, June 30, 2015 [I-Heath-12]*)

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“In other words I can wait in line for an hour or so to pick up the EIR CDs at 1660. The people I talked to in Potrero Hill/Dogpatch had no mailed notice of this EIR even though the parking lots are in their neighborhood.” (*Sue Hestor, email, June 22, 2015 [I-Hestor-1]*)

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“Additionally, please place my name on the notice list for this project so that I may receive notice of any future actions by the City with respect to this project.” (*Richard Hutson, email, June 29, 2015 [I-Hutson-6]*)

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“Additionally, please place my name on the notice list for this project so that I may receive notice of any future actions by the City with respect to this project.” (*Thomas Kornberg, email, July 17, 2015 [I-Kornberg-4]*)

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“Finally, please place my name on the notice list for this project so that I may receive notice of any future actions by the City concerning this project.” (*Michael Stryker, email, July 26, 2015 [I-Stryker-10]*)

“Additionally, please place my name on the notice list for this project so that I may receive notice of any future actions by the City with respect to this project.” (*Judy Tan, email, July 27, 2015 [I-Tan-12]*)

## Response ERP-2: Noticing and Mailing List

OCII conducted public noticing of the availability of the Draft SEIR at the start of the public review period on June 5, 2015, consistent with CEQA Guidelines Section 15087. The public noticing process included: (1) publication of the Notice of Availability in the *San Francisco Examiner* on June 3 and 5, 2015, (2) posting of notices on all sides of the project site on June 5, 2015, (3) direct mailings and emails to over 800 persons (including the Dogpatch Neighborhood Association and the Potrero Hill Neighbors/Save the Hill) on June 5, 2015. In addition, notice of the availability and the Draft SEIR itself were posted on the OCII website and on the San Francisco Planning Department website on June 5, 2015, and paper copies of the Draft SEIR were available at the OCII and Planning Department offices and at the San Francisco Main Library and Mission Bay Library. The distribution list for the Notice of Availability and affidavit of mailing can be found at the following website: <http://gsweventcenter.com>.

Although Caltrain (or Samtrans) was not specifically included in the direct mailing of the Notice of Availability of the Draft SEIR, the information was posted in multiple media accessible to the public. Names of all persons who submitted comments on the Draft SEIR will receive notice of availability of the Response to Comments documents, including those commenters who have made this specific request.

### 13.3.4 Request for Documents and Documents Received (ERP-3)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA2S1-3  
I-Hong-13

O-MBA2S1-4

O-MBA5-11

O-Fibrogen-1

“Thank you for your call. The date of the report linked below is March 28, 2008, whereas the date of the document referenced on p. 3 of the April 11, 2014 Updated Phase I Assessment is March 7, 2008. The document title appears to be the same, but if there was a prior draft, we would request that as well.

“Here are the additional source documents citations to references that my consultant has identified as essential to his review of the DSEIR:

1. The September 17, 1998 SEIR, Section V.H.5 cites a 1995 geotechnical investigation by Treadwell & Rollo, Inc. The reference listed “/15/” for that report cites to “The results of earlier geotechnical

investigations are discussed in the 1990 FEIR, Volume One, pp. II.76 II.77, and Volume Two, pp. VI.K. 1-VI.K. 11, VI.K.24-VI.K.30.\*”

The 1995 Treadwell & Rollo report is needed for review.

2. Reference “/16/” cites to the following:

Treadwell & Rollo, Inc., Environmental and Geotechnical Consultants, Lori A. Simpson, PE, and Frank L. Rollo, PE, Proposed UCSF Site, Mission Bay, San Francisco, CA, letter report to Kerstin Magary, Catellus Development Corporation, 31 October 1994, 2 pages accompanied by 38 figures; Treadwell & Rollo, Inc., Environmental and Geotechnical Consultants, Loft A. Simpson, PE, letter to EIP Associates, March 12, 1997, 1 page accompanied by 6 figures.

The 1994 Treadwell & Rollo report letter report and 1997 letter report are needed for review.

3. Recent Geotechnical Reports: The only geotechnical report that is listed on the <http://www.gsweventcenter.com/> site is a March 28, 2014 Preliminary Geotechnical Evaluation by Langan Treadwell Rollo. This letter report is lacking any site data or analysis. The report presents conclusions and recommendations based on unidentified previous site investigations. The supporting data/reports/analysis should be identified and presented for review.

4. According to the June 2015 Phase II ESA by Langan Treadwell Rollo, the following geotechnical reports have been completed for the site:

Langan, 2011. Geotechnical Investigation, Blocks 29-32, Mission Bay, San Francisco, California. 21 December.

5. According to the April 11, 2014, Update Phase I, ESA by Langan Treadwell Rollo, the following geotechnical reports have been completed for the site:

Treadwell & Rollo (T&R), 2007. Geotechnical Investigation, Block 30, Mission Bay, San Francisco, California. 17 October.

T&R, 2008. Preliminary Geotechnical Evaluation, Blocks 29-32, Mission Bay, San Francisco, California. 7 March.

T&R, 2008. Preliminary Geotechnical Evaluation, Blocks 33-34, Mission Bay, San Francisco, California. 29 May.”

*(Mission Bay Alliance, Soluri Meserve, letter, July 9, 2015 [O-MBA2S1-3])*

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“We are trying to locate the references listed below from pp. 3-4 the Phase I Environmental Site Assessment dates April 11, 2014 that was prepared by Langan Treadwell Rollo that is posted at the Record website (<http://www.gsweventcenter.com/>). The direct link to the document is: [http://www.gsweventcenter.com/Draft\\_SEIR\\_References/2014\\_0411\\_Updated\\_Phase\\_1\\_ESA.pdf](http://www.gsweventcenter.com/Draft_SEIR_References/2014_0411_Updated_Phase_1_ESA.pdf).

“Treadwell & Rollo (T&R), 2007. Geotechnical Investigation, Block 30, Mission Bay, San Francisco, California. 17 October.

“T&R, 2008. Preliminary Geotechnical Evaluation, Blocks 29-32, Mission Bay, San Francisco, California. 7 March.

“T&R, 2008. Preliminary Geotechnical Evaluation, Blocks 33-34, Mission Bay, San Francisco, California. 29 May.

“Would you please provide these documents to me?” *(Mission Bay Alliance, Soluri Meserve, letter, July 9, 2015 [O-MBA2S1-4])*

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“A list of the Alliance’s counsels’ and consultants’ comment letters follow.

**“Thomas Lippe, Susan Brandt-Hawley, Patrick Soluri, and Osha Meserve have jointly submitted the following comment letters on Alliance letterhead:**

1. July 26, 2015, letter regarding EIR tiering; and
2. July 26, 2015, letter regarding litigation streamlining under AB 900.

**“Thomas Lippe has submitted the following comment letters and consultant reports:**

3. July 24, 2015, letter regarding impacts on Hydrology, Water Quality, and Biological Resources including:
  - a. July 21, 2015, letter report authored by Matt Hageman, P.G., C.Hg., QSD, QSP; and
  - b. July 21, 2015, letter report authored by Erik Ringelberg, B.Sc., M.Sc., Ph.D candidate; and Kurt Balasek, PG, CHg, QSD.
4. July 25, 2015, letter regarding impacts on Noise and Vibration, including:
  - a. July 24, 2015, letter report authored by acoustic engineer Frank Hubach.
5. July 26, 2015, letter regarding impacts on Air Quality, including:
  - a. July 19, 2015, letter report authored by Greg Gilbert; and
  - b. July 20, 2015, letter report authored by Paul Rosenfeld, Ph.D, and Jessie Jaeger.
6. July 27, 2015, letter regarding impacts on Transportation, including:
  - a. July 23, 2015, letter report authored by traffic engineer Dan Smith; and
  - b. July 21, 2015, letter report authored by traffic engineer Larry Wymer.
7. June 29, 2015, letter requesting an extension of the public comment period on the DSEIR.

**“Susan Brandt-Hawley has submitted the following comment letter:**

8. July 26, 2015, letter regarding impacts on Land Use, Aesthetics, Cultural Resources, and Project Alternatives.

**“Patrick Soluri and Osha Meserve have submitted the following comment letters and consultant reports:**

9. July 26, 2015, letter regarding impacts on Geology and Soils, Recreation, Hazardous Materials, Greenhouse Gases, Wind and Shadow, Utilities and Service Systems, Public Services, Energy and Urban Decay, including:
  - a. July 22, 2015, letter report authored by air quality professionals Patrick Sullivan, CPP, REPA, and Joh Henkelman, regarding Greenhouse Gas Emissions;
  - b. July 22, 2015, letter report authored by geotechnical engineer Lawrence Karp, CE, CEG, regarding Geology and Soils impacts;
  - c. July 22, 2015, letter report authored by engineering geologist Marin Cline, CEG, and hydrogeologist Kurt Balasek, PG, CHg, QSD, regarding Geology and Soils impacts);
  - d. July 22, 2015, letter report authored by geotechnical engineer Martin Cline, GEG and Kurt Balasek, PG, CHg, QSD, regarding Hazardous Materials; and
  - e. July 22, 2015, letter report authored by economist Philip King, Ph.D., regarding Urban Decay.
10. June 29, 2015, letter regarding the City’s failure to comply with AB 900 record keeping procedures and the resultant ineligibility of the Project for AB 900’s litigation fast track procedures.”

*(Mission Bay Alliance, Bruce Spalding, letter, July 27, 2015 [O-MBA5-11])*



“We are reading through the Warrior’s DEIR and encountering major heartburn with the noise and vibration analysis and mitigation. First, we see continuing reference to the MB Good Neighbor Policy and the SFEIR for MB completed in 1998. None of us in the MB life science community have seen those documents much less participated in the development of same. Life science and specifically sophistication of instrumentation and evolution of preclinical work has changed dramatically since 1998.

“Could you please forward a copies of at least the Good Neighbor Policy as soon as is possible.” (*FibroGen, Catherine Sharpe, email, July 6, 2016 [O-Fibrogen-1]*)

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“10. Include any other comments made to the (RTC) Response to Comments made during any of the public Planning Commission meetings, i.e., Planning Commission hearing held on June 30, 2015.” (*Dennis Hong, email, July 27, 2015 [I-Hong-13]*)

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### Response ERP-3: Request for Documents and Documents Received

These comments either request additional documents for review as part of the Draft SEIR public review process or indicate submittal of documents as part of comments on the Draft SEIR.

**Request for Documents.** With the exception of the Mission Bay Good Neighbor Policy, none of the documents that are identified by the commenters were relied upon by OCII in the preparation of the Draft SEIR, nor are they cited in the Draft SEIR. Nevertheless, on July 6, July 16 and August 5, 2015, OCII and the San Francisco Planning Department responded to all requests for additional documentation to the extent that the requested documents are available.<sup>1,2,3</sup>

Furthermore, all documents referenced in the Draft SEIR and all additional documents made available during the public review period are available at the following website: <http://gsweventcenter.com>. Disagreements regarding the scope of the administrative record for an AB 900 project do not affect a project’s eligibility; rather, as explained in CEQA §21186, a party challenging a project in court may file a motion to augment the record. (CEQA §21186(i).)

**Documents and Comments Received During the Public Review Period.** OCII acknowledges receipt of all materials submitted during the public review period relevant to the Draft SEIR, including oral testimony submitted during the public hearing before the OCII Commission (not the Planning Commission, as indicated in comment I-Hong-13) on June 30, 2015. All written comments on the Draft SEIR—including those listed in comment O-MBA5-11—are included in Appendix COM, and transcripts of the public hearing are included in Appendix PH. Additional supplemental written materials submitted during the public review period (such as resumes of persons preparing the comments or background reports referenced in the comments but not directly pertinent to the proposed project) are described in Appendix COM and are available for

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<sup>1</sup> Myall, Hilde, OCII. Email to Catherine Sharpe regarding Mission Bay CAC Agenda -- July 9th Meeting, dated July 6, 2015.

<sup>2</sup> Bollinger, Brett, San Francisco Planning Department. Letter to Osha Meserve regarding Notice Regarding Incomplete Record for Warriors Event Center Environmental Review, dated July 16, 2015.

<sup>3</sup> Bollinger, Brett, San Francisco Planning Department. Email to Osha Meserve regarding GSW Document and Draft EIR Comment Period Extension Requests, dated August 5, 2015.

review at OCII and the Planning Department. All of these documents are also available at the following website: <http://gsweventcenter.com>.

### 13.3.5 Public Review Period (ERP-4)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA1L1-1

O-MBA2S1-2

PH-Meserve-5

PH-Meserve-7

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"I write to request a 45-day extension, to September 3, 2015, of the public comment period on the Draft Subsequent Environmental Impact Report ("DSEIR"), currently set to expire on July 20, 2015. This extension is necessary for the public, including my client, to meaningfully comment on the DSEIR.

"The Project is a large, multifaceted sports, entertainment, and office complex situated in a densely populated metropolitan area. The Project vicinity is expected to experience large increases in traffic even without this Project. (See San Francisco Transportation Plan, 2040.) Also, the Project setting has a long history of industrial and chemical pollution, yet retains a wide diversity of environmental resources and amenities that are threatened by further development.

"As a result, this DSEIR has a long and complex environmental review history under CEQA, including the 1990 FEIR for the Mission Bay Plan, the 1998 FSEIR for the Mission Bay North Redevelopment Plan and the Mission Bay South Redevelopment Plan, and nine addenda to the 1998 Mission Bay FSEIR (completed between 2000 and 2013) for specific developments within Mission Bay that required additional environmental review beyond the 1998 FSEIR. (See DSEIR, p. 2-4 - 2-5.)

"Consequently, 45-days is simply not enough time to meaningfully review and comment on the DSEIR. Indeed, in recognition of the depth and complexity of the environmental review needed for the Project, the City recently obtained a one year extension (from January 1, 2016, to January 1, 2017),<sup>1</sup> from the state legislature of the deadline by which the City must certify the Project's Final SEIR in order to qualify for the "super fast track" litigation schedule provided in AB 900 (codified at Public Resources Code section 21178 et seq.).

"The City has been engaged in the environmental review of development in Mission Bay for over 25 years. The City has also been engaged in the environmental review of the Warriors Arena Project for over a year, since April 29, 2014,<sup>2</sup> or at least since preparing the June 24, 2015, Administrative Draft of the DSEIR. Further, with the comment period ending on July 20, 2015, the City will have almost a year and a half to respond to public comments and issue the Final SEIR, and process any appeal of the FSEIR certification to the Board of Supervisors and still take advantage of AB 900's "super fast track" litigation schedule.<sup>3</sup>

"These facts reveal an EIR preparation schedule that confers a vast advantage on the City over members of the public who do not share the City's strong desire to locate the Warriors arena in Mission Bay. In the interests of fairness and meaningful public participation in the EIR process, the City should extend the comment period on the DSEIR for at least 45 additional days, to September 3, 2015. Indeed, public participation in the EIR process is fundamental state policy:

An EIR is an "environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." [citations omitted] The EIR is also intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." [citations omitted] Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public,

being duly informed, can respond accordingly to action with which it disagrees. [citation omitted]  
The EIR process protects not only the environment but also informed self-government.

Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 392.”

**Footnotes:**

<sup>1</sup> See Public Resources Code section 21189.1.

<sup>2</sup> See April 29, 2014, CCII Agenda, Item # \*.

<sup>3</sup> The deadline for filing the EIR appeal is 30-days after OCII certifies it. The clerk is required to schedule the hearing on the appeal no earlier than 21-days and no later than 45-days after the 30-day appeal period expires. (San Francisco Administrative Code § 31.16.)

*(Mission Bay Alliance, Thomas Lippe, letter, June 29, 2015 [O-MBA1L1-1])*

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“AB 900 expressly mandates that a complete record be posted online at the time of release of the DSEIR in order to receive streamlining benefits. (Pub. Resources Code, § 21167.6, subd. (b).) As those documents already in existence that comprise the record have not yet been posted, the 45-day comment period has not properly commenced, and may only commence when all of the documents now in the City/OCII’s possession that constitute the record are posted. The current comment deadline of July 20, 2015, will need to be extended accordingly. Until there is compliance with the record posting requirements of Public Resources Code section 21086, this project cannot proceed under the AB 900 process.

“Please feel free to call me to discuss proper resolution of the issue of the posting of a complete record as required under the AB 900 process. I also request immediate confirmation that the 45-day DEIR comment period will not commence until the necessary documents, as set forth above, are posted in compliance with AB 900. We look forward to your prompt response.” *(Mission Bay Alliance, Soluri Meserve, letter, July 9, 2015 [O-MBA2S1-2])*

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“With analysis scattered throughout the EIR and other documents prepared over the course of 25 years, the fast-tracking of this project’s environmental review process is precluding meaningful public participation.” *(Osha Meserve, public hearing transcript, June 30, 2015 [PH-Meserve-5])*

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“For this reason, we have requested an extension of the public review period to better match the complexity of this project, and we look forward to further informing the Commission to review this important project.” *(Osha Meserve, public hearing transcript, June 30, 2015 [PH-Meserve-7])*

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## **Response ERP-4: Public Review Period**

On July 15, 2015, OCII extended the public review period for the Draft SEIR from July 20, 2015 to July 27, 2015, adding seven days to the original 45-day public review period. OCII determined that under the circumstances of this project, the 45-day period is adequate time for the public to provide meaningful comment on the Draft SEIR but that the extra seven days should sufficiently account for the Independence Day holiday that occurred during the review period. Notwithstanding the fact that some documents were made available to the public after the start of the public review period, as noted in Response ERP-3 above, OCII determined that none of the documents were relied upon in the preparation of the Draft SEIR and that the availability of these specific documents does not affect the ability of the public to provide meaningful comment on the Draft SEIR.

CEQA Guidelines Section 15105(a) provides that "[t]he public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except in unusual circumstances." Consistent with these guidelines, the City's standard public review period for a draft EIR that is submitted to the State Clearinghouse for review by state agencies is 45 days. OCII, in consultation with the San Francisco Planning Department, determined that the conditions under which the public review period for the Draft SEIR on the proposed project occurred are not considered "unusual circumstances" for the following reasons: (1) the project would not affect multiple sites in various locations or an area larger than a single site; (2) an Initial Study on the project was prepared; (3) multiple major federally-recognized holidays did not occur during the 45-day comment period; (4) there were no particular circumstances in which a population that might have interest in the project would, as a group, have difficulty accessing or reviewing the Draft SEIR (i.e., the project is not located in an area with a high concentration of non-English speakers or parties with limited online access); and (5) the public review period did not need to align with other review periods, such as review under the National Environmental Policy Act. Thus, OCII has determined that the total public review period of 52 days is adequate time for the public to provide meaningful comments on the Draft SEIR and no further extension is warranted.

It should be noted that the Initial Study on the proposed project was published on November 14, 2014, over six months prior to publication of the Draft SEIR, which provided ample opportunity for the public to review and comment on the scope of the Initial Study and SEIR. The Initial Study included a description of the site's historical land uses and associated soil and groundwater contamination and provided a detailed impact analysis of the potential impacts of the proposed project related to hazards and hazardous materials. As indicated in SEIR, Chapter 2, Table 2-1, no comments on hazards or hazardous materials were received during the scoping period for the Draft SEIR.

Please see Section 13.4, AB 900 Process, for responses associated with posting of the administrative record for the SEIR.

### 13.3.6 Recirculation (ERP-5)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA5-12

O-MBA6B1-1

O-MBA10L4-38

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"The Board of Directors of the Mission Bay Alliance fully supports and endorses the comment letters and reports listed above, and respectfully urges the City to remedy the DSEIR's informational deficiencies and circulate a Revised DSEIR for a 45 day public comment period." (*Mission Bay Alliance, Bruce Spalding, letter, July 27, 2015 [O-MBA5-12]*)

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“On behalf of the Mission Bay Alliance (“the Alliance”), please respond to these enumerated comments on the Draft Subsequent EIR vis-à-vis project alternatives as well as the analysis and mitigation of aesthetics, land use, and cultural resources impacts. Substantial omissions in these topic areas require revision and recirculation of the EIR to inform the discretion of the City and to apprise the concerned public.” (*Mission Bay Alliance, Susan Brandt-Hawley, letter, July 26, 2015 [O-MBA6B1-1]*)

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“Hence, the document should be recirculated in draft status for a full 45 day review period.” (*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-38]*)

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### **Response ERP-5: Recirculation**

The commenters request that the Draft SEIR be revised and recirculated for public review. CEQA Guidelines Section 15088.5(a) sets forth the conditions under which recirculation of an EIR is warranted prior to certification. These conditions do not apply to the Draft SEIR on the proposed project for the reasons described below. Thus, OCII has determined that recirculation of the Draft SEIR is not warranted.

**New information is added to the EIR including changes in the project.** As described in Chapter 12 of this Responses to Comments document, the project sponsor has developed several project refinements subsequent to publication of the Draft SEIR, but all of the refinements are minor changes (generator relocation, project design to reduce wind hazards, transportation improvements, revised construction tower crane plan, modification of certain construction techniques, and modification of sources of electricity during construction). As also described in Chapter 12, none of these refinements would result in changes to the impact conclusions presented in the Draft SEIR. Chapter 12 also introduces a new variant to the project, a minor variation of the proposed project that would generally have the same impacts as those identified for the proposed project in the Draft SEIR and all impact significance determinations would be the same. These additions to the SEIR are considered insignificant modifications, and do not warrant recirculation.

**New information is added to the EIR including changes in the environmental setting as well as additional data or other information.** There have been no changes to the environmental setting since publication of the Draft SEIR. In addition to the project refinements and other information presented in Chapter 12 described above, supplemental data and information have been developed since publication of the Draft SEIR to further support the information already presented in the SEIR. None of this supplemental information affects the conclusions or results in substantive changes to the information presented in the Draft SEIR. This supplemental information and study results are considered insignificant modifications to the SEIR and do not warrant recirculation. (See *Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 221 [incorporation of technical studies in the FEIR did not involve a new significant impact, a substantial increase in the severity of an environmental impact, or the rejection of a feasible project alternative or mitigation measure].) The supplemental data and

information are described in various places in this Responses to Comments document as appropriate, including in Chapter 14, Draft SEIR Revisions, and are summarized below:

- *Off-site Parking Lots Analysis.* Appendix TR-X of this Responses to Comments document includes a technical memorandum describing a follow-up study to support Mitigation Measure M-TR-11c, Additional Strategies to Reduce Transportation Impacts of Overlapping Events, identified in the Draft SEIR, Section 5.2 (page 5.2-180). Changes to the Draft SEIR resulting from this study are included in Chapter 14, Draft SEIR Revisions, of this Responses to Comments document. See Appendix TR-X for further discussion.
- *Phase II Environmental Site Assessment, Site Mitigation Plan, and Dust Monitoring Plan.* As described further in Section 13.22 of this report, the project sponsor completed these reports subsequent to the publication of the Draft SEIR in accordance with 1999 Mission Bay Risk Management Plan, Article 22A of the San Francisco Health Code, and Building Code Section 106A.3.2.6. Results of these studies have helped refine the construction methods for the proposed project, and have not changed the impact conclusions of the SEIR or the Initial Study.
- *Design Refinements to Reduce Wind Hazards.* The Draft SEIR identified Mitigation Measure M-WS-1, which described potential design measures that would serve to reduce or avoid the significant wind hazard impact. Since publication of the Draft SEIR, the project sponsor selected an on-site design modification from the list of potential measures that reduces the project wind hazard impact to less than significant, as verified by wind tunnel testing. See Chapter 12 for further discussion.
- *Archeological Testing Program.* Since publication of the Draft SEIR, the sponsor conducted an archeological testing program to: (1) to determine if buried soils representing former stable and livable land surfaces during the Early to Middle Holocene period are intact or if the upper surfaces were eroded in antiquity; and (2) to assess the presence or absence of previously unidentified buried prehistoric archeological resources. An Archeological Testing Report (ATR) prepared indicates that the testing program revealed no evidence of intact, livable Early to Middle Holocene land surfaces underlying the project area. In addition, the ATR indicates the testing program did not identify any archeological resources or other evidence of past human use and/or occupation associated with buried deposits on the project site. See Section 13.10, Cultural Resources, for further discussion.
- *Additional Reconnaissance-level Surveys of Biological Resources.* Additional reconnaissance-level surveys of the project site were conducted by professional biologists in September and October 2015, and no substantial changes to biological site conditions were observed from what was documented in the Initial Study. See Section 13.19, Biological Resources, for further discussion.
- *Tsunami Hazard Mapping.* In August 2015, a more detailed analysis of tsunami risks at the project site was conducted to determine the maximum inundation level. The results determined that the project site elevation would be above the maximum tsunami inundation level, corroborating the conclusion in the Initial Study that the project impact related to tsunami risk would be less than significant. See Section 13.21, Hydrology and Water Quality, for further discussion.

**A new significant impact would result from the project or from a new mitigation measure proposed to be implemented.** No new significant impacts and no new mitigation measures have been identified since publication of the Draft SEIR.

**A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.** No substantial increase in the severity of an environmental impact has been identified since publication of the Draft SEIR.

**A feasible project alternative or mitigation measure considerably different from other previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.** No new feasible alternatives or mitigation measures that would lessen the impacts of the project have been identified since publication of the Draft SEIR that the project sponsor has declined to adopt.

**The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.** As described further in Response ERP-6 below, the Draft SEIR meets the standards of adequacy of an EIR consistent with CEQA Guidelines Section 15151. The Draft SEIR, including the Initial Study presented in Appendix NOP-IS, provides a complete analysis of the physical environmental effects of the proposed project at a project-level of detail and covering all of the environmental topics required under CEQA and in full compliance with CEQA (California Public Resources Code, Sections 21000 *et seq.*) and the CEQA Guidelines. Based on the nature and volume of public comment received on the Draft SEIR, as evidenced by the list of persons commenting in Chapter 11 of this document and the comments presented in Appendices COM and PH, meaningful public review and comment did indeed occur.

As described in Response ERP-3 above, some documents were made available to the public after the start of the public review period in response to specific requests from the public. However, as noted in Responses ERP-3 and ERP-4, OCII determined that none of the documents were relied upon in the preparation of the Draft SEIR and that the availability of these specific documents did not affect the ability of the public to provide meaningful comment on the Draft SEIR during the 52-day public review period. Similarly, for the same reasons, availability of these documents to the public after the start of the public review period does not warrant recirculation.

In response to Comment O-MBA6B1-1 regarding specific environmental topics, please refer to the following sections of the SEIR: Alternatives, see SEIR Chapter 7 and Responses to Comments Section 13.24; Aesthetics, see SEIR Chapter 2, Appendix NOP-IS Initial Study Section E.2, and Response ERP-8, below; Land Use, see Appendix NOP-IS Initial Study Section E.1 and Responses to Comments Section 13.8; and Cultural Resources, see Appendix NOP-IS Initial Study Section E.4 and Responses to Comments Section 13.10.

## 13.3.7 CEQA Standards of Adequacy (ERP-6)

### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA5-2  
O-MM-20

O-MBA5-9  
O-MM-21

O-MBA6B1-2  
I-Lighty-8

O-MM-7  
PH-Sesich-3

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“... the City’s Draft Subsequent Environmental Impact Report (“DSEIR”) for the project does not present a good faith, adequate analysis of these impacts.” (*Mission Bay Alliance, Bruce Spalding, letter, July 27, 2015 [O-MBA5-2]*)

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“These are but a few of dozens of legal defects the Alliance’s counsel found in the DSEIR. The volume, scope, and depth of the DSEIR’s legal flaws demand, and suggest, an explanation. It appears the Warriors and the City have been in such a rush to get this Project approved and built that they have ignored elementary principles of environmental analysis and CEQA law in the process. The sources of this haste are presumably the previous January 1, 2016, deadline, now extended to January 1, 2017, to certify the EIR in order to obtain the litigation streamlining benefits of AB 900, and the expiration, in late September of 2015, of the Warriors option to purchase the site from Salesforce.com.” (*Mission Bay Alliance, Bruce Spalding, letter, July 27, 2015 [O-MBA5-9]*)

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#### “1. Mission Bay EIRs Did Not Consider an Event Center

“EIRs, including the Draft Subsequent EIR (“the DSEIR”), are measured for “adequacy, completeness, and a good faith effort at full disclosure.” (CEQA Guidelines, § 15151.) Whether the Event Center EIR analysis meets that measure presents a question of law. (*E.g., Vineyard Area Citizens v. City of Rancho Cordova* (2007) 40 Cal.4th 412, p. 435.)

“An overarching problem with the DSEIR is its misapplication of CEQA via a conclusory reliance on earlier CEQA documents — the 1990 Mission Bay EIR and 1998 Mission Bay Subsequent EIR — prepared for the Redevelopment Plan for the Mission Bay South Redevelopment Project and its related Design for Development. The City cannot now rely on those EIRs because both the Redevelopment Plan and the Design for Development contemplated no uses comparable to the Event Center. Its environmental effects were not “adequately examined by an earlier EIR.” (Pub. Resources Code, § 21094; Guidelines, § 15063.) (*Mission Bay Alliance, Susan Brandt-Hawley, letter, July 26, 2015 [O-MBA6B1-2]*)

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“These defects make the DSEIR legally inadequate, since it fails to inform the public and decisionmakers of the Project’s true impacts and fails to mitigate them. Further, the DSEIR’s conclusory statements are in many instances unsupported. The large number of references to other EIR’s and documents on other projects make the document user-unfriendly and its conclusions unsupported. The minimal public comment period on the DSEIR from June 5 to July 27, 2015, is inadequate for a Project of this size, regional importance, magnitude, and severity of impact, and a DSEIR of this complexity. The location of the Project area in downtown San Francisco and the large number of affected travelers and residents in the area make this Project of regional and statewide importance. Therefore, this public comment is necessarily incomplete, and other comment may be submitted later on issues not addressed here. The following are some inadequacies of the DSEIR.” (*Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-7]*)



**"11. The SDEIR Lacks Objectivity.**

"The DSEIR fails to fulfill CEQA's requirement of objectivity, instead advocating for the Project sponsor. The lack of objective analysis flaws the DSEIR as an informational document and violates CEQA. (See e.g., *Citizens for Ceres v. Superior Court* (2013) 217 Cal.App.4th 889, 918-919.)" (*Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-20]*)

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"For the foregoing and other reasons, the DSEIR is legally inadequate in violation of CEQA." (*Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-21]*)

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"Overall, we are disappointed in the City's approach to environmental review of this project, which fails to fully assess the impacts of the project and fails to provide adequate mitigation for the impacts that are identified in the Draft EIR." (*Michael Lighty, email, July 27, 2015 [I-Lighty-8]*)

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"And I must praise the organization of the Warriors too. I think they've done a good job of reaching out. But when I read the Environmental Report, I came across terms like "provide adequate," "various management strategies," "encourage," "should not," "commercially reasonable efforts." All that could be sidestepped and not get what you want." (*Michael Sesich, public hearing transcript, June 30, 2015 [PH-Sesich-3]*)

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**Response ERP-6: CEQA Standards of Adequacy**

Commenters' opinions regarding the objectivity or adequacy of the Draft SEIR are noted. Because many of these comments are general in character, and do not provide specific examples of the lack of objectivity of the Draft SEIR, or cite particular inadequacies in the analysis, specific responses to these comments are not provided. (*City of Irvine v. County of Orange* (2015) 238 Cal.App.4th 526, 546-548; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 878; *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal.App.4th 911, 937.) OCII provides the following, general responses to these general comments.

***Objectivity of Analysis***

OCII believes that claims regarding lack of objectivity are incorrect. The Draft SEIR has been prepared by consultants working at the direction of OCII. The Draft SEIR identifies these consultants. These consultants are experts in their respective fields, and are qualified to perform the analyses set forth in the Draft SEIR. Staff from various City departments have also participated in the preparation of the Draft SEIR. Consultants and City staff assisting with the preparation of the Draft SEIR are listed in Chapter 9, pages 9-1 and 9-2, and the qualifications of the consultants are on file at OCII and the Planning Department.

The project sponsor has also provided information relied upon by OCII in the preparation of the Draft SEIR. Project sponsor representatives and consultants include those listed at SEIR page 9-3. Information provided by the project sponsor is located in OCII's files, and (pursuant to AB 900) has been posted on the web site maintained by OCII for the project. The web site is located at:

<http://www.gsweventcenter.com/>. This same web site includes all other documents received by OCII. Thus, the information available to OCII in preparing the Draft SEIR is also available to the public. In this respect, OCII's evaluation of the project has been transparent and publicly accessible in accordance with AB 900.

Prior to taking action on the project, the OCII Commission will determine whether to certify the SEIR. To certify the document, the OCII Commission must, among other things, certify that the SEIR reflects the independent judgment of OCII. (Pub. Resources Code, § 21082.1, subd. (c)(3).) If the Commission determines that the SEIR has not been prepared in an objective manner, then the Commission will not certify the SEIR. The certification process provides further assurance of the objectivity of the analysis, in that it provides decision-maker oversight of the work performed by consultants and staff.

### *Time Frame within which CEQA Analysis has been Performed*

OCII does not believe that the environmental review process has been truncated or "rushed." OCII released a "Notice of Preparation of an Environmental Impact Report" on November 19, 2014. OCII held a scoping meeting on December 9, 2014, and accepted comments on the Notice of Preparation (NOP) through December 19, 2014. A copy of the NOP is provided at Appendix NOP-IS, a summary of comments received on the NOP is presented in the SEIR pages 2-11 to 2-21, and copies of all comments received on the NOP are available at <http://www.gsweventcenter.com/>. This process meets the requirements of CEQA (CEQA Guidelines, § 15082.) OCII released the Draft SEIR on June 5, 2015. OCII held a public hearing to receive comments on the Draft SEIR on June 30, 2015. Initially, the comment period ended on July 20, 2015. In response to requests, OCII extended the comment period to July 27, 2015. The public review process meets the requirements of CEQA. (CEQA Guidelines, §§ 15085, 15087, 15105.)

CEQA identifies certain projects as of "statewide, regional, or areawide significance." (CEQA Guidelines, § 15206.) The comment period for EIRs for such projects must be not less than 45 days. (CEQA Guidelines, § 15105, subd. (a).) The public review period for the project's Draft SEIR exceeds this time period.

CEQA provides agencies with discretion to seek to shorten the public review period. (CEQA Guidelines, § 15105, subd. (d), Appendix K.) OCII has not sought to shorten the public review period for the project. Comments speculating about the reasons why the environmental review process has been truncated or rushed are based on an incorrect premise.

The project has been certified by Governor Brown as an environmental leadership development project under AB 900. As a result of such certification, the project is subject to the requirements of Public Resources Code section 21185. This section provides that litigation involving OCII's approval of the project will be subject to rules adopted by the Judicial Council with respect to such projects. These rules do not address the CEQA process performed by OCII; rather, these rules pertain only to litigation involving the project. (See Pub. Resources Code, § 21189.) In particular, Governor Brown's certification of the project under AB 900 does not alter the rules applicable to OCII with respect to the substance of its environmental analysis. The time lines that

apply to EIRs generally are the same as those that apply to OCII for the proposed project. CEQA provides that lead agencies should generally complete the CEQA process within one year after the date the lead agency determines that the project application is complete. (CEQA Guidelines, § 15108.) In this case, the CEQA process has been carried out in a manner that is consistent with this requirement, and OCII disagrees that the process has been “rushed.”

### ***Advocacy***

The SEIR does not advocate for or against the project. The SEIR does not contain any general statements of support for the project, or urge OCII to approve the project. Instead, the SEIR provides a detailed, objective analysis of the impacts that may result in the event the OCII Commission approves the project, and identifies mitigation measures to address those impacts determined to be significant. OCII has received a number of comments on the SEIR that express opinions in favor of or opposition to the project (see Section 13.2, Response GEN-5). Opinions regarding the merits of the project will be considered by OCII as part of its decision-making process. (*Twain Harte Homeowners Assn. v. County of Tuolumne* (1982) 138 Cal.App.3d 664, 686.) Those comments are included in the Final SEIR, however, so they will be available to decision-makers.

### ***Reliance on, and Citation to, Other Documents***

The SEIR describes the Mission Bay Redevelopment Plan, and the 1990 EIR and 1998 SEIR certified in connection with the approval of that plan. (Draft SEIR, pp. 1-1 to 1-3, 2-2 to 2-8, 3-6 to 3-9; Notice of Preparation / Initial Study, pp. 4 to 6.) These prior EIRs have been relied upon by the Redevelopment Agency and, following its dissolution, by OCII to approve various projects in the Mission Bay area. These projects have generally been approved based upon addenda to the 1990 and 1998 EIRs. (See Draft SEIR, p. 2-5.) The SEIR being prepared for the proposed project is noteworthy in that it represents the first time OCII has prepared a subsequent or supplemental EIR, rather than an addendum, for a specific project within the Mission Bay Redevelopment Plan area.

OCII’s reliance on the 1990 EIR and 1998 SEIR and the Mission Bay Redevelopment Plan is appropriate. The Plan is the governing statement of land-use policy in the area in which the proposed project is located. The 1990 EIR and 1998 SEIR analyze the impacts of development of the area, including development of the project site. The Draft SEIR is clear regarding those areas in which OCII has relied on the analysis set forth in the 1990 EIR and 1998 SEIR. To the extent the Draft SEIR relies on the 1990 EIR and 1998 SEIR, those documents are readily available, and can be reviewed for information regarding those subjects addressed by the 1990 EIR and 1998 SEIR.

OCII has reviewed the project against the analysis set forth in the 1990 EIR and 1998 SEIR to determine whether the project’s impacts were adequately addressed in the prior EIRs. OCII has determined that certain impacts were adequately addressed in the prior EIRs. This analysis is reflected in the Initial Study prepared for the project, which is included at Appendix NOP - IS to the Draft SEIR. OCII circulated the NOP - IS for a 30-day comment period, as required by CEQA, and also held a public scoping meeting. (CEQA Guidelines, § 15082.) OCII did not receive comments regarding its reliance on the 1990 EIR and 1998 SEIR during the scoping period. Lead

agencies routinely use Initial Studies in the preparation of EIRs to determine which, if any, topics do not require further, detailed analysis in the EIR.

In response to the comment regarding the Mission Bay EIR considering an event center, please refer to the discussion on the consistency of the project with applicable land-use policies, including the Mission Bay Redevelopment Plan, as provided in Sections 13.5, 13.6, and 13.8 of the Response to Comments document.

OCII acknowledges that the Draft SEIR contains a number of references to other documents, including the 1990 EIR and 1998 SEIR. The documents referenced in the Draft SEIR are publicly available and, as required by Public Resources Code section 21186, subdivision (b), posted to the web site maintained by OCII at <http://gsweventcenter.com>. OCII disagrees that the conclusions in the Draft SEIR are unsupported, or that the Draft SEIR is “user unfriendly.” Because no specifics are provided in the comment on this point, no further response is provided.

### ***Standard of Review in Litigation***

Comments regarding the standard of judicial review do not address the analysis in the Draft SEIR, and therefore do not require a detailed response. In addition, the standard of judicial review will not be determined by commenters, or by OCII, but by the courts. OCII provides the following general observations regarding the applicable standard of review.

A party challenging agency action under CEQA has the burden to show the agency abused its discretion. (Pub. Resources Code, § 21168.5; *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564.) If the court finds the agency has abused its discretion, then the court considers whether that abuse of discretion is prejudicial. (Pub. Resources Code, §§ 21168.5, 21005; *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 463 (*Neighbors*) [court first considers whether respondent agency abused its discretion, then separately considers whether abuse of discretion was prejudicial].)

In reviewing the record for abuse of discretion, the court presumes the agency complied with the law. (Evid. Code, § 664; *Al Larson Boat Shop, Inc. v. Bd. of Harbor Comm.* (1993) 18 Cal.App.4th 729, 740.) The court presumes the EIR is adequate (Pub. Resources Code, § 21167.3) and “the party challenging the EIR has the burden of showing otherwise.” (*Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2007) 157 Cal.App.4th 149, 158.) An abuse of discretion is shown if (1) the agency failed to proceed in a manner required by law, or (2) the agency’s determination or decision is not supported by substantial evidence. (Pub. Resources Code, § 21168.5; see also *id.*, § 21168 [“the court shall not exercise its independent judgment on the evidence”]; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376, 392, fn. 5.)

“Judicial review of these two types of errors differs significantly”; the “court must adjust its scrutiny to the nature of the alleged defect, depending on whether the claim is predominantly one of improper procedure or a dispute over the facts.” (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.) The court determines *de novo*

whether the agency has employed the correct procedures, “scrupulously enforc[ing] all legislatively mandated CEQA requirements.” (*Ibid.*, internal citations omitted.) If the claim focuses on facts or methodology, then the court upholds the agency’s conclusions if supported by substantial evidence. (*Ibid.*; *Santa Monica Baykeeper v. City of Malibu* (2011) 193 Cal.App.4th 1538, 1546 (*Santa Monica Baykeeper*).

With respect to process, the statute and Guidelines outline broad categories of information that an EIR must include. (e.g., Pub. Resources Code, §§ 21100, 21002.1, subd. (a), 21003, subds. (b)-(c), 21061; CEQA Guidelines, §§ 15122-15132.) A court determines *de novo* whether the agency “failed to proceed in the manner required by law” by omitting from an EIR one or more of CEQA’s required topics. (See, e.g., *Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215, 1236 [board failed to proceed in the manner required by law by approving timber harvest plans despite the absence of any site-specific information on the plans’ impacts on special status species, based on the false premise that the board lacked authority to require the applicant to provide such information]; *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 406 (*Laurel Heights I*) [agency failed to analyze foreseeable future phase of project and to analyze project alternatives].)

By contrast, CEQA and the Guidelines provide the lead agency with discretion regarding how to fulfill the requirements of the statute and Guidelines for a particular project. (See Pub. Resources Code, §§ 21061, 21003.1; CEQA Guidelines, § 15064, subds. (b)-(c).) Thus, where a claim goes to the substance of the EIR’s analysis, “[t]he highly deferential substantial evidence standard of review . . . [is applied] to such determinations.” (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 984-985 [quoting *Western States Petroleum Assn. v. Super. Ct.* (1995) 9 Cal.4th 559, 572].) Under the substantial evidence test, the court does not rule on the correctness of an EIR’s conclusions, but only on its sufficiency as an informational document. (*Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1066-1067.) “Substantial evidence” means “enough relevant information and reasonable inferences from the information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (CEQA Guidelines, § 15384, subd. (a).) In reviewing for substantial evidence, the court “may not set aside an agency’s approval of an EIR on the ground that an opposite conclusion would have been equally or more reasonable,” for, on factual questions, [the court’s] task “is not to weigh conflicting evidence and determine who has the better argument.” (*Laurel Heights I, supra*, 47 Cal.3d at p. 393.) Rather, the court’s role is to “scrutinize the record and determine whether substantial evidence supports the administrative agency’s findings and whether these findings support the agency’s decision. In making these determinations, the reviewing court must resolve reasonable doubts in favor of the administrative findings and decision.” (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 514.)

The petitioner bears the burden of showing that no substantial evidence in the administrative record supports the agency’s actions. To meet this burden, the petitioner must describe the evidence favorable to the agency and show why it is lacking. (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1064; *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1266.) If the record contains any substantial evidence

supporting the agency’s decision, the court must reject the CEQA claim. (*Barthelemy v. Chino Basin Mun. Water Dist.* (1995) 38 Cal.App.4th 1609, 1620.)

As one of the comments states, an EIR is reviewed for “adequacy, completeness, and a good faith effort at full disclosure.” (CEQA Guidelines, § 15151.) Whether an EIR meets that standard is a question, not of procedure, but of substance. For this reason, the “substantial evidence” standard applies to judicial review of whether the agency has met that standard. (See *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 898; *Santa Monica Baykeeper, supra*, 193 Cal.App.4th at p. 1546.) Treating this issue as one of procedure, reviewed *de novo*, would turn CEQA compliance into a purely legal exercise to be determined, not by the lead agency, but by the courts. In OCII’s view, such an application of CEQA’s standard of judicial review is inconsistent with the statute. (See Pub. Resources Code, § 21083.1.)

OCII recognizes that in the event of litigation, the appropriate standard of review will be determined, not by the parties to the litigation, but by the court.

### 13.3.8 Tiering (ERP-7)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA3-1	O-MBA3-3	O-MBA5-4	O-MBA6B1-3
O-MBA7S2-1	O-MBA11L5-11	I-Heath-8	I-Hutson-2
I-Tan-8	PH-Meserve-6		

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“The undersigned counsel for the Mission Bay Alliance write on the Alliance’s behalf regarding a threshold procedural issue affecting the Draft Subsequent EIR (“DSEIR”) for the Warriors Event Center & Mixed Use Development (the “Project”). The DSEIR unlawfully tiers to prior CEQA documents.

“The Mission Bay Alliance objects to the improper use of “tiering” to avoid analysis of important environmental issues in the DSEIR. Both the NOP/IS and the DSEIR announce that they “tier” to the 1998 Mission Bay EIR pursuant to CEQA Guideline 15168(c). (NOP/IS, pp. 23-24; DSEIR, pp. 1-1, 5.1-2, 3.) Both the NOP/IS and the DSEIR exclude resource topics from the DSEIR based on standards CEQA provides to determine when a subsequent EIR is required under Public Resources Code (“CEQA”) section 21166 and Guideline section 15162. (See NOP/IS, pp. 23-25; DSEIR, p. 5.1-3.)

“Based on these predicates, the City prepared a focused EIR and conducted no environmental review regarding Biological Resources, Aesthetics, Land Use, Cultural Resources, Paleontological Resources, Geology and Soils, Recreation, Hazardous Materials, and Population and Housing. The exclusion of those topics from the DSEIR is erroneous as a matter of law and precludes informed public review.

“Tiering” under CEQA is not permitted where the later project is a separate project from the earlier project, where the EIR for the earlier project did not include an analysis of the environmental impacts of the later project, or where the later project is inconsistent with the “program, plan, policy, or ordinance for which an environmental impact report has been prepared and certified” or is inconsistent with “applicable local land use plans and zoning of the city, county, or city and county in which the later project would be located.” (*Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th

1156, 1173 (*Sierra Nevada Conservation*); *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318; CEQA, § 21094(b.) (*Mission Bay Alliance, letter, July 26, 2015 [O-MBA3-1]*)

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“These major differences between the project described in the 1998 FSEIR (that evaluated the effects of developing the Mission Bay plan area as described in 1998 [see DSEIR Figure 3-7]) and the Warriors Event Center and Mixed Use Development now being proposed, preclude tiering under CEQA section 21094. Therefore, the City cannot use a “tiered” EIR and the DSEIR must be reissued in “non-tiered” form.

“Further, the exclusion of resource topics from the DSEIR is not, as the NOP/IS and DSEIR presume, governed by CEQA section 21166 and Guideline section 15162 or their standards. Pursuant to section 21151, the DSEIR must analyze the Project’s impacts on any environmental resource for which substantial evidence supports a fair argument of significant impact. (Protect the *Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099 [“EIRs must “consider and resolve every fair argument that can be made about the possible significant effects of a project.”]; see also, *Sierra Nevada Conservation, supra*, 202 Cal.App.4th 1156, 1173 [“If a proposed new activity is a separate project, the “fair argument” test should apply to an agency’s decision whether to require a tiered EIR.] *Sierra Nevada Conservation* cited the holding of *Sierra Club v. County of Sonoma, supra*, 6 Cal.App.4th 1307, 1318, that under the fair argument test, “deference to the agency’s determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary.” (Ibid.) *Sierra Club* applied the fair argument standard to a proposed project that was not “either the same as or within the scope of” the program described in the EIR.

“As discussed in comment letters submitted on behalf of the Mission Bay Alliance, evidence relating to these excluded resource topics meets the “fair argument” standard. Although CEQA section 21166 does not apply here, its standards are also met. Therefore, the City must prepare and recirculate for public review a Revised Draft EIR addressing all Project-related environmental impacts. (Since this is a stand-alone EIR, the title ‘Subsequent’ is a misnomer.)

“To the extent the City chooses to use data from the 1990 or 1998 Mission Bay EIRs, that information must be restated in the Revised Draft EIR in a manner that results in a single, cohesive, understandable document meeting CEQA’s mandates for adequacy, completeness, and a good faith effort at full disclosure. (Guideline § 15151.) (*Sierra Club, supra*, 6 Cal.App.4th 1307, 1321.)” (*Mission Bay Alliance, letter, July 26, 2015 [O-MBA3-3]*)

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“For example, based on the incorrect premise that the DSEIR is permitted to “tier” to a seventeen year old prior EIR, the DSEIR fails to even discuss half of the environmental topics that an EIR would ordinarily include. One of these excluded topics is “land use.” This is truly remarkable considering that the 1998 Redevelopment Plan to which this DSEIR attempts to tier never contemplated a major sports and entertainment center of this type and scale. Instead, the Arena will divert land and civic resources away from the land uses, i.e., health sciences and biotechnology, that the 1998 Redevelopment Plan was intended to promote.” (*Mission Bay Alliance, Bruce Spalding, letter, July 27, 2015 [O-MBA5-4]*)

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“Every environmental issue that has potentially significant impacts must be addressed in a project---specific EIR for the Event Center, and feasible mitigations and alternatives must be identified. The City instead improperly “tiered” the DSEIR from the prior Mission Bay EIRs to evade full environmental analysis, as counsel for the Alliance have explained in a separate letter. Consequently, the DSEIR fails to analyze many of the potentially significant project-specific environmental impacts of the Event Center. As in *Center for Sierra Nevada Conservation v. County of El Dorado* (2013) 202 Cal.App.4th 1156, a revised stand---alone EIR must do so.” (*Mission Bay Alliance, Susan Brandt-Hawley, letter, July 26, 2015 [O-MBA6B1-3]*)

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“The comments set forth in this letter and its attachments address deficiencies contained in the DSEIR’s analyses as well as subject areas where the DSEIR impermissibly failed to provide any substantive analysis. The Notice of Preparation / Initial Study (“NOP/IS”) for the Project determined that nine topical areas were adequately analyzed in the 1990 and 1998 EIRs prepared for the Mission Bay Redevelopment Plan, and therefore no additional analysis was required in the present DSEIR for these specific areas. A fundamental problem with this approach is that the Mission Bay Plan was 303 acres and lacked site-specific review of the current 11-acre site. In the Mission Bay Redevelopment Plan, the four-block Project area was designated as “Commercial Industrial (Mixed Use including Retail).” (DSEIR, Figure 3-3.) This land use was then analyzed at a very general level. As described in the letter as shown in the “Land Use” section of the July 27, 2015 letter from the Brandt-Hawley Law Group, the Project is not consistent with the Mission Bay Redevelopment Plan or with the land use plans and zoning controls that are subordinate to the Mission Bay Redevelopment Plan.

“In addition to the Project itself being different, the conditions under which the Project is undertaken, as compared to 1998, have changed substantially. Changed conditions include both changes in standards and practices for analyzing impacts, changes in overall environmental conditions, and changes to the site itself. As described in the comment letter submitted by the Mission Bay Alliance regarding tiering, all of these changes, in combination with the massive and impactful Project now being proposed, require preparation of a new EIR that examines every resource area at project-level detail. The City’s strategy of relying on a very general environmental review document that is over 17 years old for topics required to be analyzed and mitigated in detail does not work for the public, nor is it compliant with CEQA’s most basic requirements.” (*Mission Bay Alliance, Soluri Meserve, letter, July 26, 2015 [O-MBA7S2-1]*)

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**“III. The DSEIR Is Not Sufficient as an Informational Document with Respect to Project Impacts on Biological Resources, Including Wetlands and Wildlife.**

**“A. The City’s decision to exclude the Project’s impacts on biological resources from the DSEIR is erroneous.**

“The City’s decision to exclude the Project’s impacts on biological resources from the DSEIR (see DSEIR, p. 5.1-1) is erroneous as a matter of law. Both the NOP/IS and the DSEIR announce that their analyses are “tiered” to the 1998 Mission Bay FSEIR pursuant to CEQA Guideline 15168(c). (IS, p. 23-24; DSEIR, pp. 1-1, 5.1-2, 3.) Both the NOP/IS and the DSEIR also announce that the standards used to exclude resource topics from the DSEIR are the standards used to determine if a subsequent EIR is required under CEQA section 21166 and Guideline section 15162. (See NOP/IS, pp. 23-25; DSEIR, p. 5.1-3.)

“Based on these predicates, the City decided to prepare a focused EIR, and to conduct no environmental review with respect to the following resources: Biological Resources, Aesthetics, Land Use Cultural Resources, Paleontological Resources, Geology and Soils, Recreation, Hazardous Materials, and Population and Housing. As discussed in more detail in the July 27, 2015, letter from the Mission Bay Alliance’s legal counsel regarding “tiering,” the City’s assumption that it may prepare an EIR for this Project that tiers to the 1998 Mission Bay FSEIR is legally incorrect. As discussed in several comment letters submitted on behalf of the Mission Bay Alliance, and below regarding the Project’s impacts on biological resources, the evidence relating to these excluded resource topics meets both the “fair argument” standard, as well as the CEQA section 21166 standards. Therefore, the City must prepare and recirculate for public review a Revised Draft EIR addressing all of the Project’s environmental impacts.” (*Mission Bay Alliance, Thomas Lippe, letter, July 24, 2015 [O-MBA11L5-11]*)

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“Overall, we are disappointed in the City’s approach to environmental review of this project, which fails to fully assess the impacts of the project and fails to provide adequate mitigation for the impacts that are identified in the Draft EIR. Specifically, reliance on the 1998 EIR prepared for entirely different land uses for several important impact areas defies common sense and CEQA’s review requirements.” (*Alison Heath, email, June 30, 2015 [I-Heath-8]*)

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“Overall, I am disappointed in the City’s approach to environmental review of this project, which fails to fully assess the impacts of the project and fails to provide adequate mitigation for the impacts that are identified in the Draft EIR. Specifically, reliance on the 1998 EIR prepared for entirely different land uses for several important impact areas defies common sense and CEQA’s review requirements.” (*Richard Hutson, email, June 29, 2015 [I-Hutson-2]*)

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“Overall, we are disappointed in the City’s approach to environmental review of this project, which fails to fully assess the impacts of the project and fails to provide adequate mitigation for the impacts that are identified in the Draft EIR. Specifically, reliance on the 1998 EIR prepared for entirely different land uses for several important impact areas defies common sense and CEQA’s review requirements.” (*Judy Tan, email, July 27, 2015 [I-Tan-8]*)

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“And the document is not -- because it is not thorough, in that people have said it's thorough, but there are important issues that are relegated to these other 1998 and 1990 documents that the public must also review in order to understand the project. Land use, geology, soils, recreation, and hazardous materials are some of those topics.” (*Osha Meserve, public hearing transcript, June 30, 2015 [PH-Meserve-6]*)

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### **Response ERP-7: Tiering**

The comments above question whether OCII has properly relied on the 1990 and 1998 Mission Bay EIRs, and properly applied tiering principles, to focus the analysis of the project in the Draft SEIR. To the extent these comments focus on a particular resource area, responses are provided elsewhere, in the various sections of Chapter 13, which respond to comments pertaining to that particular resource area. Thus, for example, comments regarding the use of tiering principles to focus the SEIR’s analysis of biological resources are provided in responses to comment O-MBA11 L5-11 in Section 13.19, Biological Resources. Here, OCII provides overall responses regarding the use of tiering principles, and their applicability to the SEIR prepared for the project.

#### ***Program EIRs and Tiering***

An EIR should “be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (CEQA Guidelines, § 15151; see *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 25-28; *Citizens for a Sustainable Treasure Island, supra*, 227 Cal.App.4th at p. 1052.) At the same time, the level of detail in an EIR should “correspond” to the “degree of specificity involved in the underlying activity which is described in the EIR.” (CEQA Guidelines, § 15146; see *Al Larson Boat Shop, supra*, 18 Cal.App.4th at pp. 741-742 [level of specificity required in an EIR is determined by the nature of the project and the rule of reason].) Thus, an EIR for a construction project will necessarily be more detailed than an EIR prepared for a large-scale plan, “because the effects of the construction can be predicted with greater accuracy.” (CEQA Guidelines, § 15146, subd. (a); see also CEQA Guidelines, § 15161 [project EIR focuses impacts of constructing and operating project].)

A program EIR, by contrast, is commonly used in conjunction with “tiering” – “the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussion from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.” (CEQA Guidelines, § 15152, subd. (a); see Pub. Resources Code, § 21068.5; CEQA Guidelines, § 15385.) Tiering is appropriate where an EIR is completed for a large-scale plan at an early stage, and further analyses will be prepared at later stages as individual projects are proposed that implement the plan, enabling the agency to consider broad policy alternatives and cumulative impacts early in the process, and to defer analysis of project-level details until specific projects are proposed. (Pub. Resources Code, § 21093, subd. (a) [tiering “helps a public agency to focus upon the issues ripe for decision at each level of environmental review”]; CEQA Guidelines, §§ 15168, subd. (b) [advantages of programmatic review], 15385, subd. (b).) Thus, a program-level EIR, “need not be as detailed as an EIR on the specific construction projects that might follow.” (CEQA Guidelines § 15146, subd. (b).) As the California Supreme Court explained in the leading case on tiering and program EIRs:

[T]he CEQA Guidelines state that “[w]here a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof ... , the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographic scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.”

(*In re Bay-Delta Programmatic Environmental Impact Report* (2008) 43 Cal.4th 1143, 1169-1170 (*In re Bay-Delta*), quoting CEQA Guidelines, § 15152, subd. (c).)

Courts have explained that “[t]iering is properly used to defer analysis of environmental impacts and mitigation measures to later phases when the impacts or mitigation measures are not determined by the first-tier approval decision but are specific to the later phases.” (*In re Bay-Delta*, *supra*, 43 Cal.4th at pp. 1169-1170 (*In re Bay-Delta*); see *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 234 Cal.App.4th 214, 232-240 [upholding program EIR for state-wide fish stocking program]; *Town of Atherton v. California High-Speed Rail Authority* (2014) 228 Cal.App.4th 314, 343-346 (*Town of Atherton*) [upholding program EIR that deferred analysis of construction details]; *Al Larson Boat Shop, supra*, 18 Cal.App.4th 729 [upholding first-tier EIR prepared for amendments to Port Master Plan, and rejecting claims that the EIR contained insufficient analysis of alternatives and cumulative impacts]; *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 371-373 (*Rio Vista*) [upholding EIR for county’s hazardous waste management plan]; see also *Koster v. County of San Joaquin* (1996) 47 Cal.App.4th 29, 35-38 [general discussion of concept of “tiering” under CEQA].)

In this case, the 1990 EIR and 1998 SEIR are both “program” EIRs. Further, the 1998 SEIR was identified as a program EIR under State CEQA Guidelines section 15168 for a redevelopment plan EIR under Public Resources Code Section 21090 and CEQA Guidelines Section 15180. (1998 FSEIR at I.1.) Both of these EIRs provide first-tier, plan-level analysis of the impacts of

development envisioned under the Mission Bay North and South Plans. Both EIRs have been certified, and the statute of limitations for those plans expired years ago. (Pub. Resources Code, § 21167, subd. (c).) For this reason, both EIRs are presumed to be adequate (Pub. Resources Code, § 21167.2), and comments that these EIRs are not adequate are legally immaterial and do not require a response.

The South Plan authorizes development of the project site, and the 1990 EIR and 1998 SEIR analyze the impacts of development in the area, including the project site. The 1990 EIR and 1998 SEIR therefore provide relevant information for purposes of addressing the impacts of development of the project site.

### ***Use of Program EIR for Purposes of Focusing Second-Tier Review***

The CEQA Guidelines address how a lead agency is to use a certified first-tier EIR when analyzing a specific development proposal within the area covered by the plan. CEQA Guidelines section 15152 provides general guidance regarding tiering. Section 15152 states in pertinent part:

- (d) Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:
  - (1) Were not examined as significant effects on the environment in the prior EIR; or
  - (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.
- (e) Tiering under this section shall be limited to situations where the project is consistent with the general plan and zoning of the city or county in which the project is located, except that a project requiring a rezone to achieve or maintain conformity with a general plan may be subject to tiering.
- (f) A later EIR shall be required when the initial study or other analysis finds that the later project may cause significant effects on the environment that were not adequately addressed in the prior EIR. A negative declaration shall be required when the provisions of Section 15070 are met.
  - (1) Where a lead agency determines that a cumulative effect has been adequately addressed in the prior EIR, that effect is not treated as significant for purposes of the later EIR or negative declaration, and need not be discussed in detail.
  - (2) When assessing whether there is a new significant cumulative effect, the lead agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects. At this point, the question is not whether there is a significant cumulative impact, but whether the effects of the project are cumulatively considerable. For a discussion on how to assess whether project impacts are cumulatively considerable, see Section 15064(i).
  - (3) Significant environmental effects have been “adequately addressed” if the lead agency determines that:

- (A) they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental report; or
  - (B) they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.
- (g) When tiering is used, the later EIRs or negative declarations shall refer to the prior EIR and state where a copy of the prior EIR may be examined. The later EIR or negative declaration should state that the lead agency is using the tiering concept and that it is being tiered with the earlier EIR.

(See also Pub. Resources Code, §§ 21068.5, 21094.)

To the extent that commenters oppose OCII's decision to call the SEIR a tiered EIR, such commenters "improperly focus[] on the EIR's title rather than its substance . . . courts strive to avoid attaching too much significance to titles in ascertaining whether a legally adequate EIR has been prepared for a particular project." (*Citizens for a Sustainable Treasure Island, supra*, 227 Cal.App.4th at p. 1048.) All lead agencies may, prior to preparing any type of EIR, prepare an Initial Study to "[a]ssist in the preparation of an EIR, if one is required, by . . . [f]ocusing the EIR on the effects determined to be significant . . . [and] [e]xplaining the reasons for determining that potentially significant effects would not be significant. . . ." (CEQA Guidelines, § 15063, subds. (c)(3)(A), (C).) Thereafter, CEQA only requires the EIR to "contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Such a statement may be contained in an attached copy of an Initial Study." (CEQA Guidelines, § 15128.)

Here, the Initial Study determined that the proposed project would have no new significant impacts or no substantially more severe significant impacts than those previously found significant in the 1998 SEIR on the following resources: Land Use (Initial Study Section E1); Population and Housing (Initial Study Section E3); Cultural and Paleontological Resources (Initial Study Section E4); Air Quality (odors) (Initial Study Section E7); Recreation (Initial Study Section E10); Utilities and Services Systems (water supply and solid waste) (Initial Study Section E11); Public Services (schools, parks, and other services) (Initial Study Section E12); Biological Resources (Initial Study Section E13); Geology and Soils (Initial Study Section E14); Hydrology and Water Quality (construction water quality, groundwater, drainage, flooding, and inundation) (Initial Study Section E15); Hazards and Hazardous Materials (Initial Study Section E16); Mineral and Energy Resources (Initial Study Section E17); and Agricultural and Forest Resources (Initial Study Section E18). In each of these Initial Study sections, the Initial Study properly explains why the project would not have new significant impacts or substantially more severe significant impacts than those previously identified in the 1998 SEIR. The SEIR (pp. 5.1-1 to 5.1-2) acknowledges the conclusions of the Initial Study and refers to the Initial Study, included as Appendix NOP-IS, for further details. Therefore, while OCII finds that the proposed project constitutes a later project within the scope of the prior 1990 EIR and 1998 SEIR, because OCII did not rely on this conclusion to avoid preparing a project-specific EIR for the proposed project or to scope out any impact that

remained potentially significant after mitigation identified in the Initial Study or the 1998 SEIR, OCII's approach to the environmental analysis fully complies with CEQA.

CEQA Guidelines section 15168 provides similar guidance regarding the use of a program EIR to focus analysis of a later project carried out under the plan for which the program EIR was prepared. Section 15168 states:

- (c) Use With Later Activities. Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.
  - (1) If a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration.
  - (2) If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.
  - (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.
  - (4) Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.
  - (5) A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.
- (d) Use With Subsequent EIRS and Negative Declarations. A program EIR can be used to simplify the task of preparing environmental documents on later parts of the program. The program EIR can:
  - (1) Provide the basis in an initial study for determining whether the later activity may have any significant effects.
  - (2) Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.
  - (3) Focus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before.
- (e) Notice With Later Activities. When a law other than CEQA requires public notice when the agency later proposes to carry out or approve an activity within the program and to rely on the program EIR for CEQA compliance, the notice for the activity shall include a statement that:
  - (1) This activity is within the scope of the program approved earlier, and

- (2) The program EIR adequately describes the activity for the purposes of CEQA.

An agency may determine that a proposed project is within the scope of a program EIR. In that instance, no further environmental analysis is required, and the agency's conclusion will be upheld if supported by substantial evidence. (*Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1316; *Citizens for Responsible Equitable Environmental Development v. City of San Diego Redevelopment Agency* (2005) 134 Cal.App.4th 598.)

### ***Application of Tiering Principles to Project***

One premise underlying the use of either tiering or program EIRs is that the specific project under consideration is consistent with the larger project that was the subject of the first-tier or program EIR. Some commenters state the rules governing tiering ought not to apply because, in their view, the proposed project is not consistent with the Mission Bay South Plan or, alternatively, not within the scope of the program EIRs certified for the Mission Bay area.

OCII disagrees. As discussed above, the Mission Bay Redevelopment Plan analyzed under the 1998 SEIR permits all of the project uses as either principally permitted uses (Office, Retail, Arts Activities, Open Recreation / Outdoor Activity Areas, Parking) or as secondary uses (Assembly and Entertainment Uses, including Nighttime Entertainment and Recreation building uses, as well as other uses such as Public Structures and Uses of a Nonindustrial Character). To permit the project's secondary uses, the OCII Executive Director will be required to make a determination that the proposed secondary use makes a positive contribution to the character of the Plan area, and that the secondary use "will provide a development that is necessary or desirable for, and compatible with, the neighborhood or community." (South Plan, § 302.)

In determining the categories of environmental impacts to address in the SEIR, OCII relied on processes and principles drawn from section 15152, section 15168, and section 15180 of the CEQA Guidelines, with the goal of determining whether the proposed project could cause potentially significant effects not adequately addressed in the prior EIRs. This thought process is embodied in the Initial Study prepared in connection with the Notice of Preparation for the proposed project.

In the Initial Study, OCII's analysis focused on how current the prior analysis remained and whether the proposed project would cause site-specific impacts not anticipated by the previously-prepared programmatic analysis. To the extent that the prior "big picture" analysis (e.g., of the general consequences of developing the overall Mission Bay South Redevelopment Plan area) remained valid, OCII concluded that there was no need for additional, duplicative analysis. Where existing analyses or existing standards or mitigation requirements were insufficient to ensure the avoidance of significant effects or the mitigation of such effects to less than significant levels, OCII opted to address a subject matter in detail in the Draft SEIR, as explained more fully below. In doing so, OCII used an "existing conditions" baseline (see SEIR page 5.1-2), rather than a baseline that assumed full buildout of the original Redevelopment Plan as assumed in the prior EIRs. This approach is environmentally protective insofar as mitigation proposals are addressed at on-the-ground conditions rather than potential future conditions that

might exist at buildout of the Redevelopment Plan as previously conceived. Nothing about this approach represents an insufficiently robust and transparent public process.

Comments cite cases in which the courts have ruled that an agency misapplied the rules governing tiering and second-tier review. Specifically, the comments cite *Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156 and *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307.

In *Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, the county certified a program EIR and adopted a general plan. The plan included a policy to develop an integrated natural resources management plan. The plan had two options to protect woodlands: "Option A" required adherence to canopy retention standards and replacing woodland habitat at a 1:1 ratio; and "Option B" required payment of an in lieu fee into the county's integrated plan's conservation fund. Four years later, the county adopted an oak woodland management plan, which laid the groundwork for the "Option B" fee program. To analyze the environmental effects of the management plan, the county prepared an initial study and negative declaration that tiered from the 2004 program EIR. The court ruled that this approach violated CEQA because (1) the oak woodland management plan and Option B fee program were not encompassed in the 2004 program EIR, and (2) the record showed the oak woodland management plan and Option B fee program might have significant effect on the environment. The county erred in relying on a second-tier negative declaration, and should have prepared an EIR.

Similarly, in *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, the county certified a program EIR for a long-term plan to manage aggregate resources. The county later amended the plan and issued a use permit so that a gravel operation could expand. The litigation focused not on the adequacy of the program EIR, but on whether the gravel operation was within the scope of the long-term plan. Because the proposed gravel mine was proposed within a geographic area designated for agricultural uses and not mining within the long-term plan, the court held the county could not use a negative declaration to approve the mine and instead should have prepared a tiered EIR. (*Id.* at pp. 1320-1321.) The case thus illustrates the sort of review an agency must perform when a developer proposes a project that is not consistent with a plan for which the agency certified a program EIR. (See also *Natural Resources Defense Council v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 284-285 [city had to perform project-specific review for port improvement project that was not within the scope of program EIR].)

The current circumstances differ from those at issue in *Center for Sierra Nevada Conservation* and *Sierra Club v. County of Sonoma* in at least two key respects:

First, the 1990 EIR and 1998 SEIR both contemplated development of the project site in a manner consistent with the Mission Bay Plan. (See, e.g., 1998 Mission Bay FSEIR, Figure III.B.3.) The Mission Bay Plan does not need to be amended for the project to proceed. In *Sierra Club v. County of Sonoma*, in contrast, the county attempted to tier off a program EIR for a project that was located outside the plan area addressed by the program EIR. Moreover, because the court concluded the project in *Sierra Club v. County of Sonoma* was not "the same as or within the project, program, or plan described in the program EIR[.]" the court concluded that "the County should have required a tiered EIR..." (*Id.* at

p. 1321.) Here, consistent with the approach recommended by the court in *Sierra Club v. County of Sonoma*, OCII directed that a tiered EIR be prepared to evaluate potentially significant project-specific impacts that were not adequately examined in the prior program EIR.

Second, in *Center for Sierra Nevada Conservation* the county relied on a negative declaration to analyze the impacts of the oak woodland management plan, which was impermissible in light of evidence in the record that the plan might result in significant environmental effects. Here, by contrast, OCII does not propose to rely on a negative declaration. Rather, OCII has prepared a Subsequent EIR. Thus, OCII has responded to the potential for significant environmental effects in the manner contemplated by CEQA Guidelines sections 15152 and 15168.

OCII recognizes that, although the project is consistent with the Mission Bay Plan, neither previous EIR expressly contemplated the development of the event center, and that the event center may result in impacts that differ from those contemplated in the 1990 EIR and 1998 SEIR. In many respects, however, the nature of the development that occurs on the site is not relevant to the environmental consequences that will result from development of the site. For example, development of the site will affect cultural resources, if any, that are present there. Those impacts are associated with construction activities such as excavation. The impact will be identical, regardless of whether the project consists of an office building, a research laboratory, an event center, or some other development. In this instance, the nature of the ultimate use does not bear on the underlying impact that the project will cause.

In each instance, the Initial Study explains why the 1990 EIR and 1998 SEIR provide an adequate analysis of these issues. In the language of the CEQA Guidelines, second-tier, project specific review should focus on those impacts that were not “adequately addressed” in the first-tier document (CEQA Guidelines, § 15152, subd. (f)) or “not examined in the program EIR” (CEQA Guidelines, § 15168). That is the approach that OCII has followed here. The Initial Study addresses each resource area, and examines whether the 1990 EIR and 1998 SEIR provide an adequate analysis of the project’s impact on that resource area. Where the project might have significant impacts that have not been adequately addressed in the 1990 EIR and 1998 SEIR, either due to the nature of the project, or due to new information that was not previously available, those issues were carried forward for detailed analysis. Where the 1990 EIR and 1998 SEIR provided adequate analysis of a particular resource or the Initial Study determined that the impacts would be less than significant (with or without mitigation), those issues were “scoped out” from analysis in the SEIR. That is generally consistent with the scoping process (whether or not the EIR tiers from prior EIRs), and with the approach called for under CEQA Guidelines sections 15152 and 15168.

As noted above, OCII circulated the NOP / IS for public review from November 19, 2014 to December 19, 2014. This public review period allowed agencies and other interested people and organizations the opportunity to provide comments regarding the appropriate scope of environmental review in the SEIR. No comments were received indicating that tiering principles do not apply, or suggesting that OCII ought not to rely on the 1990 EIR and 1998 SEIR. OCII first



received comments on these issues in comments on the Draft SEIR. The Final SEIR includes responses to these comments.

Comments state the SEIR must address every resource area in which a “fair argument” exists that the project may have a significant environmental effect, citing *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099.) The Initial Study sets forth OCII’s analysis regarding those issues adequately addressed in the 1990 and 1998 EIRs, and explains the basis for OCII’s conclusion that further, detailed analysis is not required with respect to certain resource areas. By including this analysis, the Draft SEIR complied with CEQA Guidelines section 15128, which requires that a draft EIR “contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Such a statement may be contained in an attached copy of an Initial Study.” To the extent comments on the Draft SEIR raise concerns about these resource areas, OCII has responded to those concerns. Under such circumstances, the “fair argument” standard of review does not apply. When an agency determines that a particular impact would not be significant, and therefore does not warrant further discussion in an EIR, those determinations are reviewed under the “substantial evidence” test.

Notably, in *Protect the Historic Amador Waterways v. Amador Water Agency*, *supra*, 116 Cal.App.4th at p. 1113, the Court of Appeal explained that, if an EIR contains a brief statement of reasons for concluding an impact is less than significant, then the petitioner has the burden of demonstrating “the conclusion was not supported by substantial evidence in the administrative record.” The court applied this principle in rejecting the petitioner’s contention that the EIR had not dealt sufficiently with the subject project’s potential impacts on riparian habitat on local streams. (*Id.* at pp. 1113-1114; see also *North Coast Rivers Alliance v. Marin Municipal Water District* (2013) 216 Cal.App.4th 614, 638-639 [lead agencies’ brief statements under CEQA Guidelines section 15128 that impacts are less than significant must be upheld if supported by substantial evidence]; *Eureka Citizens for Responsible Government v. City of Eureka* (2007) 47 Cal.App.4th 357, 375-376 [same].) The Initial Study is part of the Draft SEIR, and therefore may be relied upon by OCII to support its conclusions. Because the Initial Study is part of the EIR, the “substantial evidence” test applies to OCII’s conclusions regarding whether the project will have significant environmental effects.

It should also be noted that in many instances the Initial Study includes detailed analysis of potential environmental impacts equivalent to the level of detail required for EIRs. And the Initial Study is included as part of the Draft SEIR. (See SEIR Vol. 3.) Thus, the standard of review applicable to EIRs, also applies to the analysis in the Initial Study.

Comments state the rules applicable to supplemental review under Public Resources Code section 21166 are inapplicable. These comments are incorrect. (Pub. Resources Code, § 21094, subd. (b)(3) [rules governing tiering require further review where standard set forth in section 21166 are met]; CEQA Guidelines, § 15168, subd. (c)(2) [refers to CEQA Guidelines section 15162, which deals with the standards that trigger the preparation of subsequent EIRs, in stating that agencies may dispense with further review where a subsequent activity is determined to be “within the scope of the project covered by the program EIR”].) The same standard applies under both Public Resources Code

section 21166 and CEQA Guidelines section 15168 to determine whether further review is required for an activity covered by a program EIR. (*Citizens for a Sustainable Treasure Island, supra*, 227 Cal.App.4th at p. 1051.)

### 13.3.9 Aesthetics (ERP-8)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA6B1-8

I-Hong-11

I-McDougal-3

I-Pollack-2

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“While the Initial Study and the DSEIR rely upon Public Resources Code section 21099 to excuse the lack of analysis of aesthetics, claiming that such impacts of a mixed-use project on an infill site within a transit priority area are not subject to CEQA review, the DSEIR acknowledges that the Mission Bay South urban design standards apply to the Event Center project. The DSEIR must still consider aesthetic impacts that are addressed and protected by the City’s design review ordinances.

“These impacts are significant. The height and bulk of the project, sited directly on the waterfront, will disrupt views and alter the aesthetics and community character carefully planned for Mission Bay South for many years. The City’s fundamental vision for Mission Bay would be forever compromised by dropping a tall, bulky sports arena at the water’s edge, destroying planned vara blocks and historic view corridors.” (*Mission Bay Alliance, Susan Brandt-Hawley, letter, July 26, 2015 [O-MBA6B1-8]*)

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“7. Aesthetics of the project, both the sponsor and the architects have done an wonderful job. However, I do disagree with some of the comments made on the describing the Area. The use of color Photosimulations has done an excellent job in showing what this arena may look like. As the design, color and material could have an impact on the visual skyline. I also realize CEQA does not require this step. (*Dennis Hong, email, July 27, 2015 [I-Hong-11]*)

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“2. Aesthetics. The Arena, with its round, gleaming design, will be a striking presence on the waterfront and in the neighborhood. The Mission Bay neighborhood has been built, for better or worse, with a very standardized, stucco-box and concrete aesthetic, and the proposed arena will shake that up quite a bit. When the building is empty, which will be most of the time, it will be an enhancement to have a modern building in our midst. Also, the landscaping of the waterfront park will help extend the beautiful jogging/bike trail that’s been started further north.” (*Bruce McDougal, email, July 27, 2015 [I-McDougal-3]*)

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“2. The water front view belongs to all, and the stadium will deprive us of this pleasure” (*Robert Pollak, email, July 23, 2015 [I-Pollack-2]*)

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## Response ERP-8: Aesthetics

These comments relate to various commenters' views on the aesthetics of the event center and mixed-use development in Mission Bay, with some in favor of and others opposed to the proposed design. As described in the Initial Study, Section E.2 (pp. 36 to 37) and reiterated in SEIR Chapter 2, Introduction (pp. 2-23 to 2-24), the proposed project qualifies as an infill project located within a transit priority area under CEQA Public Resources Code Section 21099 (also known as Senate Bill 743 or SB 743), and as a result of this determination, aesthetics—including effects on scenic vistas and visual character of the site within its surroundings—are not considered in the SEIR in determining the significant environmental impacts of the project.

Nevertheless, outside of the context of CEQA compliance, OCII must still consider aesthetic impacts pursuant to applicable design review ordinances and urban design standards and guidelines. These include the Mission Bay South Redevelopment Plan, Mission Bay South Design for Development, and Mission Bay South Signage Plan. Furthermore, OCII has design review approval authority over the project with respect to the Major Phase and Basic Concept/Schematic Designs for all structures and open space areas.

### 13.3.10 General Comments on the SEIR and Environmental Topics (ERP-9)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

A-UCSF-1	O-MBA5-3	O-MBA6B1-1	O-MBA6B1-4
O-MM-1	O-MM-2	O-PBNA-14	I-Anavy-2
I-Arack-2	I-Heath-1	I-Hrones1-1	I-Lighty-1
I-Stryker-1	I-Tan-1	PH-Doniach-1	PH-Doniach-3
PH-Doniach-5	PH-Meserve-3	PH-Mondejar-1	PH-Osmundson-3
PH-Scott-1			

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“We also appreciate the City's and GSW's commitment to identify and mitigate negative impacts that could result from the Project. After a careful review of the DEIR, UCSF continues to be concerned about the Project's potential impacts on UCSF's Mission Bay campus and Medical Center, the greater Mission Bay area and its environs.” (*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-1]*)

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“The DSEIR is noteworthy because it concedes the Project will cause numerous significant impacts on the Mission Bay community and environment (e.g., traffic, air pollution, noise pollution, and many others). Nevertheless, the Alliance's counsel have discovered many deep flaws in the DSEIR that obscure the true scope and severity of the Project's impacts.” (*Mission Bay Alliance, Bruce Spalding, letter, July 27, 2015 [O-MBA5-3]*)

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“On behalf of the Mission Bay Alliance (“the Alliance”), please respond to these enumerated comments on the Draft Subsequent EIR vis-à-vis project alternatives as well as the analysis and mitigation of aesthetics, land use, and cultural resources impacts. Substantial omissions in these topic areas require revision and recirculation of the EIR to inform the discretion of the City and to apprise the concerned public.” (*Mission Bay Alliance, Susan Brandt-Hawley, letter, July 26, 2015 [O-MBA6B1-1]*)

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“This letter will address the DSEIR’s omitted analyses of critical project---specific impacts relative to land use, aesthetics, and cultural resources.” (*Mission Bay Alliance, Susan Brandt-Hawley, letter, July 26, 2015 [O-MBA6B1-4]*)

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“This is Public Comment on the Draft Supplemental Environmental Impact Report (“DSEIR”) for the "Golden State Warriors Event Center and Mixed Use Development at Mission Bay Blocks 29-32" ("the Project"). The Project proposes placing a championship basketball team drawing capacity crowds of more than 18,000 for every game in a new sports arena and "event space" with drastically inadequate parking and access for vehicles, inadequate public transportation, less than one mile from the AT&T baseball stadium with overlapping events and already-existing severe traffic congestion. The proposed Project location is directly adjacent to the largest medical facility in San Francisco, creating blocked access for both existing staff, visitors, and emergency vehicles.” (*Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-1]*)

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“The Project proposes a sports arena for the Golden State Warriors in San Francisco, relocating that arena and "event center" from its present location in Oakland California to the Mission Bay complex adjacent to new medical centers and residential developments, where the Warriors would then host capacity crowds of 18,000 from all over the Bay Area. (DSEIR, pp.1-8; 5.2-235.) The "events" would be held 225 times per year. (DSEIR p. 1-8.) Even the severely flawed SDEIR admits the Project will generate significant traffic and transit impacts affecting travel throughout the City and the entire region "at multiple intersections and freeway ramps" with "regional transit providers exceeding capacity," "noise and crowd noise affecting sensitive receptors," air quality impacts, wind impacts, and impacts on public utilities, including wastewater facilities with existing already-"inadequate capacity to serve the project's wastewater demand." (SDEIR, p. 1-9.) The SDEIR proposes no effective or publicly enforceable mitigation for those significant impacts.” (*Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-2]*)

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“The Potrero Boosters Neighborhood Association believes that, without mitigation, the Arena would significantly impact our neighborhoods for the worse. The SEIR, with its failure to identify reasonable mitigations to predicted impacts, causes us significant concern. That said, we are still optimistic that, with dedicated funding and enforceable agreements between the City and the Warriors, and with appropriate air quality management, there are opportunities to not only accommodate the Arena, but to address concerns with the context in which it is proposed to be built.” (*Potrero Boosters Neighborhood Association, J.R. Eppler, letter, July 27, 2015 [O-PBNA-14]*)

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“Many have commented on parking, traffic congestion and the impact on nearby hospitals, UCSF and businesses. I fully concur and will not add to the discussion here, except in voicing my support for the filed objections.” (*Ralph Anavy, email, July 27, 2015 [I-Anavy-2]*)

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“The traffic, noise, pollution, and general crowding and confusion that this plan would bring should be obvious to everyone concerned. I vote no on the arena in Mission Bay.” (*Patrick Arack, email, July 24, 2015 [I-Arack-2]*)

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Since we've launched our efforts, we've been out talking to employees and residents in the Mission Bay neighborhood. We've heard from hundreds, if not thousands, of people who are concerned about this project and its significant impacts on traffic, parking, access, and quality of life in Mission Bay. (*Alex Doniach, public hearing transcript, June 30, 2015 [PH-Doniach-1]*)

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I am submitting that petition today. We have received letters, too, which we're also submitting, from neighbors who are concerned about the impacts of this project on parking, access to hospitals, traffic, and air quality... (*Alex Doniach, public hearing transcript, June 30, 2015 [PH-Doniach-3]*)

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“The Draft EIR shows that the project would cause severe traffic gridlock, noise and air pollution in Mission Bay, right next to UCSF and other medical facilities.” (*Alison Heath, email, June 30, 2015 [I-Heath-1]*)

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“Good afternoon and thank you for the opportunity to comment on this draft SEIR. I am a new resident to San Francisco who has followed this project with interest. Prior to this year I lived and worked in Brooklyn, New York, where I had the opportunity to participate professionally in the planning and public discussion of the Barclays Center arena and associated Atlantic Yards development, which saw the relocation of the Nets basketball team from New Jersey to Brooklyn. Although there are obviously differences between that development and this proposal, there are also some interesting parallels, namely, the creation of a new 18,000 seat multiuse arena at an urban infill site accessible by transit, with major concerns initially expressed by some about traffic and parking impacts.

“I would like to offer some observations on my experience in Brooklyn that can be instructive as we think about how to plan for the Warriors arena development.” (*Christopher Hrones, email, June 30, 2015 [I-Hrones1-1]*)

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“The Draft EIR shows that the project would cause severe traffic gridlock, noise and air pollution in Mission Bay, right next to UCSF and other medical facilities.” (*Michael Lighty, email, July 27, 2015 [I-Lighty-1]*)

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“As a professor at UCSF-Mission Bay, I believe that the proposed Warriors Arena will have a devastating impact on the faculty and students of UCSF and on the health care professionals and patients in our hospital. The impact of this project on traffic and transportation is not appropriately analyzed in the portions of the Draft EIR that I have read.” (*Michael Stryker, email, July 26, 2015 [I-Stryker-1]*)

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“The Draft EIR shows that the project would cause severe traffic gridlock, noise and air pollution in Mission Bay, right next to UCSF and other medical facilities.” (*Judy Tan, email, July 27, 2015 [I-Tan-1]*)

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"Since we've launched our efforts, we've been out talking to employees and residents in the Mission Bay neighborhood. We've heard from hundreds, if not thousands, of people who are concerned about this project and its significant impacts on traffic, parking, access, and quality of life in Mission Bay." (Alex Doniach, public hearing transcript, June 30, 2015 [PH-Doniach-1])

"I am submitting that petition today. We have received letters, too, which we're also submitting, from neighbors who are concerned about the impacts of this project on parking, access to hospitals, traffic, and air quality ..." (Alex Doniach, public hearing transcript, June 30, 2015 [PH-Doniach-3])

"Just yesterday, the California Nurses Association expressed their concerns about this project. In the weeks and months to come, more people will be joining the growing numbers who are coming to understand just how bad this will be for the neighborhood, U.C.S.F. access to emergency care, and traffic throughout the entire east side of the City." (Alex Doniach, public hearing transcript, June 30, 2015 [PH-Doniach-5])

"In our review of the Draft EIR so far, we have found that the traffic, parking, and associated health impacts of the facility will be even more devastating than disclosed in the EIR, and there's inadequate mitigation." (Osha Meserve, public hearing transcript, June 30, 2015 [IPH-Meserve-3])

"So, I just wanted to say that I hope that all of the comments will be taken into consideration and carefully examined. I know I have reviewed the documents that have been presented to us as Commissioners." (Commissioner Mondejar, public hearing transcript, June 30, 2015 [IPH-Mondejar-1])

"There's definitely going to be impacts that have to be mitigated or can't be dealt with --unavoidable impacts. That's always the situation." (Paul Osmundson, public hearing transcript, June 30, 2015 [PH-Osmundson-3])

"I have serious concerns regarding the environmental impacts of the proposed Warriors arena which are not fully disclosed or fully analyzed in the Draft EIR.

"The Draft EIR shows that the project would cause severe traffic gridlock, noise, and air pollution in Mission Bay, right next to the U.C.S.F. and other medical facilities ..." (Damion Scott, public hearing transcript, June 30, 2015 [PH-Scott-1])

## **Response ERP-9: General Comments on the SEIR and Environmental Topics**

The comments in this category are general statements regarding overall concerns with the Draft SEIR or potential impacts on various environmental topics. Due to the lack of specific information in these comments, the responses to these comments are incorporated in the responses to specific comments on the same general topics. The reader is referred to other sections of the SEIR for the following topics that are mentioned in this group of comments:

- Air Quality, including health risk: see SEIR Section 5.4 and Responses to Comments Section 13.13
- Alternatives: see SEIR Chapter 7 and Responses to Comments Section 13.24
- Aesthetics: see SEIR Chapter 2, Appendix NOP-IS Initial Study Section E.2, and Response ERP-8, above
- Cultural Resources: see Appendix NOP-IS Initial Study Section E.4 and Responses to Comments Section 13.10.
- Land Use: see Appendix NOP-IS Initial Study Section E.1 and Responses to Comments Section 13.8
- Noise: see SEIR Section 5.3 and Responses to Comments Section 13.12
- Quality of Life: see SEIR Section 5.8, Public Services, and Responses to Comments Section 13.2, Response GEN-2
- Transportation, including traffic, transit, emergency vehicle access and parking: see SEIR Section 5.2 and Responses to Comments Section 13.11
- Utilities: see Appendix NOP-IS Initial Study Section E.11, SEIR Section 5.7, and Responses to Comments Section 13.17
- Wind: see SEIR Section 5.6 and Responses to Comments Section 13.15

## 13.4 AB 900 Process

### 13.4.1 Overview of Comments on the AB 900 Process

The comments and corresponding responses in this section cover topics related to the Jobs and Economic Improvement through Environmental Leadership Act (Assembly Bill 900 or AB 900), which is discussed in SEIR Chapter 2, Introduction, Section 2.7, Assembly Bill 900. These include topics related to:

- AB-1: AB 900 Environmental Leadership Certification
- AB-2: AB 900 Administrative Record

For comments and corresponding responses related to the greenhouse gases (GHG or GHGs) emissions impact analysis in the SEIR, please see Section 13.14, Greenhouse Gases Emissions, of this Responses to Comments document.

### 13.4.2 AB 900 Environmental Leadership Certification (AB-1)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA7S2-2	O-MBA7S2-3	O-MBA7S2-4	O-MBA7S2-35
O-MBA7S2-40	O-MBA7S2-41	O-Sierra-1	O-Sierra-9
O-Sierra-10	O-Sierra-11	PH-Greenstein-2	PH-Meserve-4
PH-Mondejar-2	PH-Vaughan-1		

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“Under AB 900, a “Leadership Project” receives an expedited CEQA review process and other streamlining benefits. (Pub. Resources Code, § 21178 et seq.) Leadership projects are supposed to create high quality permanent jobs and innovative measures to reduce environmental impacts, including greenhouse gas (“GHG”) emissions. As a result of the certification received under AB 900, the DSEIR claims that the Project will “not result in any net additional GHG emissions.” (DSEIR, p. 5.5-10.)

“As explained below and in the attached technical comments by SCS Engineers, dated July 20, 2015 (“SCS” attached as Exhibit A), the AB 900 Application process does not meet minimum standards for calculation of GHG emissions, nor does it provide a substitute for CEQA’s EIR process or substantive standards. The DSEIR relies entirely on the existence of the AB 900 certification for its analysis of the Project’s contribution to the cumulative impact to GHG emissions. While the AB 900 certification is not subject to judicial review (Pub. Resources Code, § 21184, subd. (b)(1)), the content of the Application for AB 900 certification does not substitute for an adequate analysis of GHG emissions in the DSEIR. As a result, the DSEIR fails to meet minimum standards of disclosure and also incorrectly concludes that GHG emissions are less than significant. These flaws in the DSEIR require revision and recirculation of the DSEIR with an adequate GHG analysis.” (*Mission Bay Alliance, Soluri Meserve, letter, July 26, 2015 [O-MBA7S2-2]*)

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**“a. The AB 900 Application Conflicts with State GHG Policies.**

“As explained in the SCS Memo (pp. 4-6), the AB 900 Application severely underestimated the emissions from this Project. It did so by overestimating the baseline for comparison, and then by underestimating Project emissions. The AB 900 Application made several unsupported assumptions to minimize the baseline conditions against which the Project’s GHG emissions would be compared, including:

- Assuming a 76 percent reduction in baseline GHG emissions from Oracle arena due to relocation of the team to San Francisco, potentially omitting emissions that would occur if Oracle continues to emit more than 24 percent of its current GHG emissions (SCS, p. 4); and
- Overestimating, possibly by a factor of two, the trip linking benefits provided by location of the arena adjacent to other uses (SCS, p. 5). The AB 900 Application then underestimated the Project’s GHG emissions by:
- Omitting from its analysis entirely the GHG emissions for structures other than the arena that are planned as part of the Project, including the two 160 foot office towers, the gatehouse, the food hall, Warriors Headquarters, and retail uses, which comprise approximately 730,000 square feet of new uses that clearly will emit GHG (SCS, p. 5; see also NOP/IS, p. 11).

*(Mission Bay Alliance, Soluri Meserve, letter, July 26, 2015 [O-MBA7S2-3])*

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“Additionally, the GHG mitigation offered in the AB 900 Application is not effective. After miscalculating the GHG emissions of the Project, the Application simply states that “with offsets purchased, there will be no net greenhouse gas emissions from the operation of the project.” (Leadership Application, p. 9.) Yet, as explained by SCS Engineers (pp. 6-8), there are several flaws with this approach, including:

- Not requiring that any GHG emissions offsets be purchased unless the Project has a 90 percent utilization rate, raising the possibility that GHG emissions offsets would not be purchased at all (SCS, p. 7);
- The failure to require that purchased GHG emissions offsets are verified by the California Air Resources Board (“CARB”), consistent with California GHG reduction policies and AB 32, to ensure that they are real, permanent, quantifiable, verifiable, enforceable, and additional and thus will actually result in GHG emissions reductions (SCS, pp. 2-3, 8; see also Health & Saf. Code, § 38562, subd. (d)(1),(2));
- Not requiring that the emissions offsets purchased as mitigation for the Project be retired so that the offsets cannot be reused later to allegedly mitigate other projects’ GHG emissions (SCS, pp. 2, 8);
- Only requiring that GHG emissions from the Project be offset for the first 30 years, ignoring GHG emissions that the Project would continue to produce after that point (SCS, p. 7);
- Using the faulty GHG inventory to estimate total GHG emissions from the Project over a 30-year period now, and allowing the applicant to purchase 30 years of GHG emissions offsets now, rather than continuing to use updated data regarding actual Project GHG emissions (SCS, p. 6); and
- Not including ongoing monitoring to ensure that estimated Project GHG emissions are similar to actual emissions and that purchased GHG offsets are actually effective in reducing GHG emissions (SCS, pp. 7-8).

“In addition to these technical flaws (described in more detail by SCS Engineers in Exhibit A), the reliance on offsets to reduce GHG emissions is inconsistent with the intent of AB 900 to promote use of innovative measures to reduce GHG emissions. (Pub. Resources Code, § 21178, subd. (g).) Design features and/or mitigation measures could actually reduce the project’s GHG emissions and create other environmental benefits. Instead, the Project simply plans to write a check to an unknown entity to supposedly “offset” GHG emissions.

“Further, the deduction for GHG emissions based on the assumption that Oracle will only host 21 events into the foreseeable future is unwarranted in light of the City of Oakland’s express plans to turn “Coliseum City” into an economically viable sports and entertainment hub. (See pp. 10-12 of July 19, 2015 Comments Regarding Air Quality Impact Analysis and Mitigation; Event Center and Mixed-Use Development at Mission Bay Blocks 29 – 32 by Autumn Wind Associates, Inc., attached as Exhibit 1 to the July 26, 2015 letter from the Law Offices of Thomas N. Lippe regarding the Project’s Air Quality Impacts.” (Mission Bay Alliance, Soluri Meserve, letter, July 26, 2015 [O-MBA7S2-4])

“Consistent with this approach, the Project’s AB 900 Application expressly incorporates into the project description reduced events at the existing Oracle Arena in order to reduce the Project’s greenhouse gas emissions. This strategy is depicted both textually and graphically in the AB 900 Application:

Though the Oracle Arena will no longer host GSW games, it is assumed that approximately 50% of the non-game events will still occur at the Oracle Arena, or 24% of a typical year’s game and non-game events will still occur at the Oracle Arena. Thus, emissions calculations for the remaining non-game events at Oracle Arena use a 24% scaling factor to account for this reduction in number of events.

(AB 900 Application, p. 63.)

**Table 1. Project Description**

Element	Oracle Arena and GSW Oakland Headquarters	Event Center Project
First Operational Year Considered	2017	2017
Oracle Arena	500 KSF	500 KSF
GSW Games <sup>1</sup>	100%, 47 games	No games
Non-game Events <sup>2</sup>	100%, 42 events	50%, 21 events
Mission Bay Event Center	-	750 KSF
GSW Games <sup>1</sup>	-	100%, 47 games
Non-game Events <sup>3</sup>	-	100%, 161 events
GSW Headquarters	Oakland	Mission Bay, 25 KSF

1. Number of GSW games in both scenarios is based on the 2013-2014 season. Averages for the previous years were skewed by the 2011 NBA lockout.

2. Number of non-game events at Oracle Arena is based on the schedule from recent years. In the Event Center Project scenario, half of the non-game events are assumed to remain at Oracle Arena while the other half are transferred to the Mission Bay Event Center.

3. Number of non-game events at Mission Bay Event Center is based on the Notice of Preparation dated 11/19/2014.

“Consistent with the DSEIR’s discussion of project objectives on page 1-3 as well as in the AB 900 Application, the DSEIR’s analysis of greenhouse gas emissions incorporated event reductions at Oracle Arena for purposes of decreasing the Project’s carbon footprint. (DSEIR, p. 5.5-11.) Page 5.5-11 of the DSEIR provides in relevant part:

As part of the AB 900 application, the project sponsor has committed to purchase carbon credits from a qualified GHG emissions broker in an amount sufficient to offset all GHG emissions from project construction and operations, as reiterated in Improvement Measure I-C-GG-1, Purchase Voluntary Carbon Credits. Net additional GHG emissions would be calculated in accordance with the methodology agreed upon by CARB in connection with the AB 900 certification of the project.<sup>6</sup>

“Thus, while not expressly stated in the text of the DSEIR’s analysis of GHG emissions, the analysis nonetheless incorporates reduced events at Oracle Arena for purposes of calculating the project’s net GHG emissions.

**“Footnote:**

<sup>6</sup> Curiously absent from the DSEIR’s discussion is any reference that the “net additional GHG emissions” from the AB 900 certification expressly relies upon credits from reduced events at Oracle Arena.

*(Mission Bay Alliance, Soluri Meserve, letter, July 26, 2015 [O-MBA7S2-35])*

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“SCS does not agree with the conclusion of the AB900 determination letter from the California Air Resources Board (CARB) dated April 20, 2015 stating that the Project would not result in any net additional GHG emissions for purposes of certification under AB900. The methodology used to conclude there would be no increase in GHG emissions is inconsistent CARB GHG policies such as the First Update to the Climate Change Scoping Plan (CARB 2014) and furthermore does not substitute for an adequate analysis of GHG under CEQA.

“The Project quantified the expected GHG emissions for the construction and operating phases of the Project. The construction emissions were quantified using the California Emissions Estimator Model (CalEEMod) with some site-specific inputs. Operational emissions analysis includes the emissions from the existing Oracle Arena, the existing GSW headquarters, and the proposed Event Center in the analysis. The emissions from the Oracle Arena were quantified using some site-specific values and some intensity factors obtained from CalEEMod and projected electricity intensity factors from CalEEMod. GHG emissions for the proposed Event Center were calculated using a similar methodology, but all electricity and utility use must be projected using CalEEMod factors. The GHG emission calculations for the Event Center also include GHG reductions for energy efficiency and trip linking.

“The Project proposes to achieve GHG neutrality through the acquisition of GHG emission offsets equal to the projected GHG emissions from the Project over a 30-year Project life. The Project includes Mitigation Measure (MM) I-C-GG-1, which requires offsets for GHG emissions from construction and operation of the proposed Event Center.

“The GHG analysis provided and proposed MM I-C-GG-1 are not sufficient to demonstrate that the Project will result in no net increase in GHG emissions for the following reasons:

- GHG methodology includes inappropriate Project operational emission baseline
- Monitoring of GHG emissions is not sufficient to demonstrate that GHG emissions are net zero
- MM I-C-GG-1 does not require use of offsets consistent with California GHG policy

“As a result, the determination in the Draft Subsequent Environmental Impact Report (DSEIR) that GHG emissions are a less than significant impact is erroneous.

**“GHG OFFSETS BACKGROUND**

“GHG offsets are a critical element of the MM I-C-GG-1, which the GHG evaluation indicates would result in net zero GHG emissions from the Project. The concept behind a GHG offset is that a project developer creates GHG emission reductions above and beyond what is considered to be “business as usual” (BAU), meaning that the GHG reduction would not have occurred in the absence of the GHG reduction project. For a GHG reduction offset to be generated for use in the CARB Cap and Trade (C&T) program, the reduction must be *real, additional, quantifiable, permanent, verifiable, and enforceable*. The GHG reduction registries that may create GHG offsets under the C&T program, Climate Action Reserve<sup>1</sup> (CAR), the American Carbon Registry<sup>2</sup> (ACR), and the Verified Carbon Standard<sup>3</sup> (VCS), also adhere to similar principles when creating their GHG offset protocols.

The “Real” requirement for eligible offset sources means that reductions must result from demonstrable action and the methodology used to quantify that reduction must account for appropriate GHG emission sources, sinks, and reservoirs. “Real” assures that GHG generated by GHG offset projects is accounted for and that projects emitting more GHG than they reduce do not generate offsets.

“Offset “additionality” means that the GHG reduction activity must produce a result better than BAU. The activity cannot be the normal practice. For example, destruction of ozone depleting substances (ODS) by

governments is common practice but that destruction is not commonplace for commercial or industrial facilities. Thus, destruction of ODS is not additional when the ODS is sourced from a government but it is additional when the ODS comes from a company facility.

“Quantifiable, verifiable, and enforceable assure that the GHG reduction can be measured, that a third party can confirm the quantification, and that CARB can hold a party liable for performing the GHG offset activity if necessary. These principles provide assurance that GHG reductions are calculated accurately and the supporting data have been reviewed by CARB and a third party verifier.

“The principles of real, additional, quantifiable, permanent, verifiable, and enforceable are critical to achieving the goal of reducing GHG in the atmosphere. The need for these assurances is shown by problems with some markets and programs, such as the Clean Development Mechanism (CDM) and Chicago Carbon Exchange (CCX), which have suffered from a lack of confidence in the legitimacy of the generated GHG reduction offsets.

“CARB currently allows GHG reduction credits for forest projects, livestock projects, ozone depleting substance (ODS) projects, and mine methane capture (MMC). CARB has proposed the adoption of a rice cultivation project type. The livestock, ODS, and MMC projects achieve GHG reduction through the destruction of gases with a high potential for global warming (methane or ODS). For forest projects, the carbon reduction occurs by setting aside forested land where trees remove carbon from the atmosphere and store it as wood and plant material.

“When the GHG offset developer wishes make the offsets available for purchase on the market, the developer uses a third-party verifier to confirm that the project meets program requirements and that reductions have been accurately quantified. The offset registry (CAR, ACR, or VCS) then issues the offsets to the developer. If the protocol was one of those eligible under the C&T regulation, those offsets are traded in the CARB offset market and used for regulatory compliance under the C&T regulation. If those GHG offsets are not generated under a C&T protocol, as apparently intended with the Warriors Arena, they are traded through environmental offset brokers. Non-C&T GHG offsets can be retired at the request of the offset holder to remove those offsets from the market, thereby finalizing the GHG reduction.

#### **“FLAWS IN PROJECT OPERATIONAL EMISSIONS CALCULATION**

“The GHG analysis in the AB900 Certification by CARB and the Application for *CEQA Streamlining: GHG Emissions Methodology and Documentation* makes several assumptions about the Project operational emissions that are not appropriate, including an assumption that the number of events at the Oracle Arena will be limited to 21 and in the reduction of emissions from the Oracle Arena by a factor of 76 percent.

#### **“Unsupported Oracle Arena Emission Reductions**

“The GHG analysis underestimates GHG emissions from the Project by using the operation of the Oracle Arena as the baseline emissions (*Application for CEQA Streamlining: GHG Emissions Methodology and Documentation*, Environ 2015). The new arena Project emissions are then calculated by subtracting the projected Oracle Arena emissions from the proposed Project emissions. Operational emissions for the Oracle Arena in the Project scenario assume that all GSW games plus 50 percent of all non-GSW events that occur at the Oracle Arena will be held at the new arena location in San Francisco. This assumption results in a reduction of emissions from Oracle Arena by 76 percent (based on the current 47 GSW games and non-GSW 42 events per year).

“No basis for the validity of this assumption is provided in the GHG analysis. The GHG analysis includes the Oracle Arena in the baseline condition then limits the number of events at the Oracle Arena in the Project scenario, providing the Project with a large and unenforceable GHG credit at the outset of the calculation.

“When assumptions are made that limit impacts from a Project, those assumptions must be the result of enforceable conditions. In this case, MM I-C-GG-1 does not limit the events at the Oracle Arena to a maximum of 21. With no enforceable condition limiting the number of events at the Oracle Arena, it is not appropriate to assume that the number of events will decrease. The GHG analysis has already assumed that arena events will be generated by the Project based on the 89 events at Oracle Arena in the baseline scenario and 229 events in the Project scenario (21 at Oracle Arena, 47 GSW games at the Event Center,

161 non-GSW events at the Event Center). The GHG Analysis provides no justification for the reduced number of events at the Oracle Arena while assuming that the total number of events will increase.

“If an enforceable condition were to be added to limit the number of events at Oracle Arena to only 21, it would be appropriate to reduce GHG emissions in the Project scenario. However, the methodology used to calculate the reduction in emissions associated with the reduced number of events at the Oracle Arena is not appropriate.

“The emissions from the Oracle Arena are also directly scaled using the 76 percent reduction factor based on the number of events. This is unreasonable because it assumes that no emissions occur when events are not scheduled. It is unlikely that the Oracle Arena will cease all energy and utility use while not holding an event. It is even more unlikely that the emissions from area sources (e.g. landscaping equipment) will directly scale with the number of events.

#### **“Application Omits GHG Non-Arena Buildings**

“The AB900 Application does not include any GHG emissions from the non-Arena buildings that are included in the Project. Only the GHG emissions from the proposed Event Center were included in the AB900 Analysis. Emissions from other structures, including the two 160-foot office towers, the gatehouse, the food hall, GSW headquarters and retail uses for instance, are not included in the analysis, which are 730,000 square feet of space. (DSEIR, p. 2-18 to 2-19, Figure 3-5 and Table 3-1.) This omitted square footage is comparable to the square footage of the Event Center (750,000 square feet), and the emissions could equal or exceed the emissions from the Event Center. The AB900 analysis for the Project scenario omits any GHG emissions from these structures because they are assumed to be “fully vested legal rights” in the Project scenario. (Application, pp. 2, 8.)

“This approach of omitting the GHG emissions from non-Arena facilities in the Project scenario because it is a “fully vested legal right” is inappropriate because those buildings have been included in the Project Description and they do not already exist. Excluding those buildings because of “fully vested legal rights” is inconsistent with CEQA requirements that impacts be evaluated based on the actual (i.e. existing) baseline condition, not a possible (i.e. permitted) condition. Also, since the AB900 certification is for the entire Project, GHG emissions from all project components must be included for the inventory to be complete.

#### **“Double Counting of Emission Reductions from Trip Linking**

The Project includes a significant GHG emission reduction (7 percent of total before reductions) from trip linking. This GHG reduction accounts for some trips which would combine retail trips and trips to the arena. Some of the project operational GHG emissions were calculated with CalEEMod, and CalEEMod already includes factors for trip linking in its emission calculations for mobile sources. The GHG analysis offers no justification for why the trip linking described in the GHG analysis is not already accounted for in the CalEEMod emission calculation. This error overestimates the benefits of trip linking.

#### **“Project Methodology is Not Rigorous and is Poorly Defined**

The description of the Project in the AB900 Application performed by Environ and relied upon in the GSW AB900 Application is internally inconsistent. The Environ document describes the Project as “development of a new arena.” (Application p. 1.) The Environ Project Description shows the proposed land uses near the proposed Event Center, but does not clearly include the buildings in the Project. The Environ AB900 Application then proceeds with the GHG analysis from only the proposed Event Center, omitting emissions from all other buildings and implying that the Project consists of only the Event Center. That Project described in the Environ Application does not discuss the two office buildings, a gatehouse, food hall, GSW headquarters, and retail uses, and consequently uses inappropriate boundaries when analyzing the GHG emissions from the Project.

“The Project described in the DSEIR consists of the proposed event center as well as two office buildings, a gatehouse, food hall, GSW headquarters, and retail uses.

“That Project Description is consistent with the Project description in the CARB Analysis, and the GSW Application, which includes the Event Center plus several other buildings including the two office buildings, the gatehouse, food hall, and retail uses; however, no emissions from these other sources are included in the evaluation.

“Throughout the AB900 Analysis, the boundaries of the analysis are poorly defined and no justification for the boundaries is provided. The CARB Analysis confirmed the GHG calculations are accurate but failed to analyze the appropriateness of the boundaries or the concept of “vested legal rights” used in the AB900 Analysis.

“The baseline scenario includes the Oracle Arena, though the Project itself involves no modifications to the Oracle Arena. The Project scenario assumes a 76 percent reduction in the emissions from Oracle Arena without proposing modifications to the facility or limiting activity at the Oracle Arena. The Project excludes GHG emissions from towers included in the Project Description from the Project GHG emission calculation. All of these inconsistencies serve to increase the baseline scenario GHG emissions while reducing the Project scenario GHG emissions, resulting in an artificially small increase in GHG emissions from the Project. The actual GHG emissions increase is likely to be significantly larger than the projected increase due to these inconsistent boundaries.

#### **“THE ALLEGED PROJECT EMISSIONS REDUCTIONS LACK MONITORING AND ENFORCEABILITY**

“The AB900 Application and the 2015 DSEIR refer to mitigation in the form of the acquisition of GHG offsets. MM I-C-GG-1 requires that the Project acquire GHG offsets for the GHG emissions for a 30-year period. As described above, the GHG emissions methodology utilized relied on CalEEMod and projected emissions forward for 30 years. This mitigation is insufficient because it is based on modeled emissions rather than actual emissions, and GHG emissions are projected well into the future with no confirmation that predicted emissions are accurate.

#### **“30-Year Evaluation Period**

“The evaluation of the Project’s operational emissions for purposes of offset purchases is for a 30-year period, which is too long to be consistent with California’s GHG policy. Evaluating the GHG emissions for such a long period is not reasonable and not consistent with California’s GHG offset program. GHG offsets generated for use in California’s C&T program only have a ten year crediting period, with the exception of forestry offsets. This ten year accounting period is consistent with other GHG evaluation programs such as the CAR, ACR, and VCS. Similarly, the California GHG Scoping Plan requires updates every five years. Projecting GHG emissions 30 years into the Project lifetime, and then purchasing offsets for 30 years into the future from an unverified source is unreasonable and will certainly be inaccurate in terms of matching the actual GHG emissions of the Project.

“While the 30-year evaluation period is too long to be consistent with accepted GHG accounting periods, there is no reason to arbitrarily end the Project’s GHG emissions after the 30-year period. Oracle Arena opened in 1966, 49 years ago. The proposed Event Center should have a similar operating lifespan of 49 or more years. The analysis of GHG emissions after 30 years is unaccounted for in the GHG evaluation. The conclusion that the Project results in no net GHG emissions is based on MM I-C-GG-1, which requires that the Project acquire GHG offsets for the GHG emissions for a 30-year period. Any GHG emissions after this 30-year period would not be offset, resulting in emissions greater than zero from the Project. The Project must include enforceable conditions to require offsetting of emissions beyond the 30-year period or require cessation of emission after that period.

#### **“Operational Mitigation Trigger Requirement too Lenient**

“As discussed above, MM I-C-GG-1 requires that operational GHG emissions be offset. The offset requirement is triggered when the Event Center reaches 90 percent utilization. Thus, it is possible that the offset requirement is never triggered. Oracle Arena currently holds 89 events per year. Even if every one of these events were moved to the proposed Event Center, it would be at only 42 percent of the number of events in the Project GHG evaluation. There is no mechanism in the Project or mitigation measures that would require that offsets from the Project be offset if the Project does not reach 90 percent utilization.

#### **“No GHG Monitoring Plan**

“Monitoring of the mitigation for GHG emissions is inadequate. It has been the experience of SCS that Projects that result in GHG emissions prior to mitigation should be required to submit GHG monitoring plans for relatively small periods of time, typically three to five years. Such periodic reevaluation of GHG emissions is consistent with the California Scoping Plan, which must be updated every five years. Such a plan must

require quantification of GHG emissions since the previous GHG monitoring plan and a projection of GHG emissions until the next GHG monitoring plan. The quantification of historical GHG emissions in each plan must rely on as much site-specific data as feasible. At a minimum, those data must include the electricity use, natural gas use, other utility and fuel use, the number of events, and the event attendance or trip count.

“Such monitoring is also needed to confirm that the energy efficiency assumed in the GHG evaluation due to the Leadership in Energy and Environmental Design (LEED) gold certification is accurate. By using actual measured electricity use to calculate GHG emissions, uncertainties in the actual energy efficiency of the structures would be removed. This monitoring is critical due to the failure of many LEED certified buildings to achieve expected energy use reduction predictions.

“The GHG monitoring plan must also include all facilities included in the GHG emission calculations, including the Oracle Arena. If the Oracle Arena is included in the GHG monitoring plan, GHG emissions resulting from more than 21 events in a year would be then captured by the evaluation. An ongoing GHG monitoring plan would also resolve the issue of GHG emissions after the 30-year evaluation period.

**“MITIGATION APPROACH INCONSISTENT WITH STATE GHG POLICIES**

“The AB900 Application and MM I-C-GG-1 require that the Project proponents obtain GHG emission offsets for the GHG emissions resulting from the Project. However, there is no assurance that the GHG offsets will be consistent with CARB GHG reduction goals.

“The Project is only required to purchase GHG offsets from a “qualified GHG emissions broker.” To be consistent with state GHG policy, the offsets should meet California GHG reduction goals and be required to be real, additional, quantifiable, permanent, verifiable, and enforceable. The offsets purchased to meet mitigation requirements should also be thereafter retired and removed from circulation. As written, this “mitigation” allows the credits to be sold again, allowing those same offsets to be used again as mitigation on other projects.

“Because neither the AB900 Document nor MM I-C-GG-1 require that the GHG offsets be obtained from a registry that demonstrates that the offset will result in real, additional, quantifiable, permanent, verifiable, and enforceable GHG offsets, and the language allows the GHG offsets to be sold after acquisition, the measure does not provide any assurance that the Project GHG emissions will be net zero or less than significant.

**“Footnotes:**

- <sup>1</sup> Climate Action Reserve Program Manual (CAR October 2011)
- <sup>2</sup> American Carbon Registry Standard v4.0 (ACR January 2015)
- <sup>3</sup> VCS Program Guide (October 2013)

*(Mission Bay Alliance, Soluri Meserve, letter, July 26, 2015 [O-MBA7S2-40])*

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“The GHG analysis used to support the determination that the Project met the requirements of AB900 is insufficient to demonstrate that the GHG emissions from the Project will be net zero and less than significant under CEQA for the following reasons:

- The GHG analysis makes unsupported assumptions about Oracle Arena, trip linkage, and energy use which artificially lower the expected GHG emissions from the Project and do not provide an accurate evaluation of the GHG emissions that can be expected to result from the Project.
- The GHG analysis does not require project monitoring and periodic GHG reporting to assure the accuracy of the projected emissions.
- The GHG offsets proposed as a mitigation measure are not required to be consistent with California GHG reduction goals and policies, could be used for other projects, and may not ever be required for the operational emissions.”

*(Mission Bay Alliance, Soluri Meserve, letter, July 26, 2015 [O-MBA7S2-41])*

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“The Sierra Club does not agree that this project fits the definition of an AB 900 Leadership project. The state legislature passed, and the governor signed, AB 900 as an economic boost during the Great Recession. It was designed to fast track infill projects through any CEQA litigation proceedings if those projects created good permanent jobs while at the same time minimizing environmental impacts, including GHG emissions, as determined by the CARB. We are well past the Great Recession, and California’s economy is booming. In this midst of this boom, the project sponsors have proposed constructing a venue to nearly match the current Oracle Arena in capacity.” (*Sierra Club, Susan E. Vaughan, letter, July 27, 2015 [O-Sierra-1]*)

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“The Sierra Club does not agree that the purchase of carbon credits is an adequate method for reducing greenhouse gases, in this case, or that the purchase of carbon credits, in this case, render the project “GHG neutral.” (*Volume 2, 5-5-11: As part of the AB 900 application, the project sponsor has committed to purchase carbon credits from a qualified GHG emissions broker in an amount sufficient to offset all GHG emissions from project construction and operations, as reiterated in Improvement Measure I-C-GG-1, Purchase Voluntary Carbon Credits.*) The Sierra Club believes mitigations should be implemented at the point of impact.” (*Sierra Club, Susan E. Vaughan, letter, July 27, 2015 [O-Sierra-9]*)

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“The Sierra Club is also concerned that there is no requirement to purchase carbon credits until the site is 90 percent leased and occupied, and, for the arena, until 90 percent of the available booking dates are utilized. (*Volume 2, 5-5-12*). If more than 10 percent of the facility remains vacant and/or more than 10 percent of the available booking dates are never filled, the project sponsors will never have to purchase carbon credits – let alone mitigate for the impacts of all the additional car traffic and transit use on the ground. The Sierra Club believes that the project sponsors should mitigate for all GHG emissions.” (*Sierra Club, Susan E. Vaughan, letter, July 27, 2015 [O-Sierra-10]*)

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“Additionally, the Sierra Club thinks that the requirement to mitigate for greenhouse gas emissions should not end after 30 years, as the project sponsors propose, but should continue as long as the facility is in use.” (*Sierra Club, Susan E. Vaughan, letter, July 27, 2015 [O-Sierra-11]*)

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“They made a promise to offset 100 percent of the arena's greenhouse gas emissions by paying to the state's Carl Moyer program, which funds the upgrade of vehicles such as dirty school buses, in terms of getting clean, fuel-burning buses. This focus on climate-change mitigation is the future of responsible building, and I'm proud that the Golden State Warriors are leading the way.” (*Adam Greenstein, public hearing transcript, June 30, 2015 [PH-Greenstein-2]*)

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“The project is also being mis-advertised as greenhouse gas neutral. Purchasing unverified assets from a broker for 4,000 tons per year of carbon dioxide is not mitigation and doesn't do anything to help the localized air pollution that will become so much worse under the gridlocked conditions.” (*Osha Meserve, public hearing transcript, June 30, 2015 [PH-Meserve-4]*)

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“And one other thing that just occurred to me -- that the purchasing of carbon offsets is something that was new to me this afternoon. That, I didn't get out of -- I need a little bit more of an understanding of that, but I'm sure that you could respond to that.” (*Commissioner Mondejar, public hearing transcript, June 30, 2015 [PH-Mondejar-2]*)

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"I'm very concerned that a piece of State legislation, AB 900, was extended purely for the reason just to get this project -- and apparently one in L.A. -- through the fast-track process so that there are fewer hearings, maybe, for the public. And I'm very concerned about that." (*Susan Vaughan, Public Hearing Transcript, June 30, 2015 [PH-Vaughan-1]*)

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## Response AB-1: AB 900 Environmental Leadership Certification

Many commenters confuse the greenhouse gases (GHG) analysis conducted for the AB 900 process with the GHG emissions impact analysis conducted for the SEIR as part of the CEQA environmental review process. As described in the response below, the AB 900 process and the Governor's certification of the proposed project as an environmental leadership project is a separate process from the CEQA process with different requirements. Even though both the AB 900 process and the CEQA process require analysis of GHGs, the two processes have separate and distinct requirements and purposes. For further discussion of the SEIR analysis for GHG emissions as required under CEQA, please refer to SEIR Section 5.5 and Section 13.14 of this Responses to Comments document.

SEIR Chapter 2, Section 2.7 (pp. 2-21 to 2-23), describes the Jobs and Economic Improvement through Environmental Leadership Act (Assembly Bill 900 or AB 900). The project sponsor (GSW Arena LLC, an affiliate of the Golden State Warriors LLC) applied to the governor of California for certification of the proposed project as a leadership project under AB 900, and the application was subject to public review from March 2, 2015 through April 1, 2015. On March 21, 2015, the California Air Resources Board (CARB) issued Executive Order G-15-022 determining that the proposed project would not result in any net additional GHGs for purposes of certification under AB 900. On April 30, 2015, Governor Jerry Brown certified the proposed project as an eligible project under AB 900,<sup>1</sup> and the Governor's Office of Planning and Research (OPR) forwarded the Governor's determination to the Joint Legislative Budget Committee. OPR prepared an independent evaluation of the transportation efficiency analysis.<sup>2</sup> On May 22, 2015, the State Legislative Analyst's Office indicated that the project aligns with the intent of AB 900, and recommended to the Joint Legislative Budget Committee that they concur with the Governor's determination. On May 27, 2015, the Joint Legislative Budget Committee concurred with the Governor's determination that the project is an eligible project under AB 900.<sup>3</sup>

The AB900 process included a public comment period from March 2, 2015, to April 1, 2015, prior to the Governor's Certification on April 30, 2015. AB 900 does not, however, affect the local project approval process, which has included numerous informational and public hearings, and which will require additional public hearings prior to a decision on the merits of the project. As discussed in Response AB-2 below, the AB 900 administrative record is complete, sufficient, and publically available (hosted at <http://gsweventcenter.com/>).

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<sup>1</sup> [http://opr.ca.gov/docs/GSW\\_determination.pdf](http://opr.ca.gov/docs/GSW_determination.pdf)

<sup>2</sup> <http://opr.ca.gov/docs/ex2.pdf>

<sup>3</sup> [http://opr.ca.gov/docs/warriors\\_final.pdf](http://opr.ca.gov/docs/warriors_final.pdf)

The process of certifying a proposed project as an environmental leadership project pursuant to AB 900, including quantification of GHG emissions, is a separate process from the preparation of an EIR under CEQA, with separate and distinct review and approval requirements. In order to qualify for AB 900 judicial streamlining a project must meet certain criteria. First, the project must be “residential, retail, commercial, sports, cultural, entertainment, or recreational in nature” and second, it must “entail a minimum investment of \$100 million in California upon completion of construction.” Additional requirements include consistency with a Sustainable Communities Strategy if adopted by the applicable metropolitan planning organization and accepted by CARB, that the project be located at an infill site, that the project qualify for LEED Silver certification, that the project achieve at least ten percent greater transportation efficiency than comparable projects, and that the project does not result in “any net additional” GHG emissions, as determined by CARB (PRC 21178 et seq.).

The proposed event center and mixed use development complies with all AB 900 criteria, as certified by the Governor, with the assistance of the Governor’s Office of Planning and Research. The proposed project is, by design, retail, commercial, sports, cultural, entertainment, and recreational in nature, meeting the first criterion of an AB 900 project. All other criteria are supported in the Application for Environmental Leadership Development Project.<sup>4</sup> The project, as described in Exhibit F of the AB 900 application, would invest \$100 million in California upon completion of construction and satisfy the prevailing and living wage requirements of Public Resources Code section 21183(b). The project design aims for LEED Gold certification (exceeding LEED silver qualifications), generating LEED points through, for example, site selection and density, stormwater and landscaping water controls, and waste diversion. Alternative transportation measures would contribute to anticipated LEED points (final LEED certification is not granted until a project is completed and operational) and would also contribute to the 10 percent increase in transportation efficiency over comparable projects. The project would be served by local public transit via Muni and regional public transit via Caltrain and BART. In addition, the project would include a number of transportation improvements that would reduce the automobile mode share, including the Mission Bay TMA Shuttle Program improvements and the Muni Special Event Transit Service Plan (see SEIR pp. 5.2-46 to 5.2-69).

The AB 900 GHG emissions analysis of the project uses a methodology established by CARB for purposes of determining whether the project would result in any net additional emissions of greenhouse gases, which is different from the approach used for the SEIR GHG emissions analysis under CEQA. The AB 900 GHG analysis required by CARB is a quantitative analysis of GHG emissions, while the SEIR GHG impact analysis required by OCII for CEQA purposes is a qualitative analysis (see SEIR page 5.5-9 and Section 13.14 of the Responses to Comments document for a description of the SEIR GHG approach to analysis).

The commenter's assertion that the AB 900 application "does not clearly include the buildings in the Project" is acknowledged. As described above, the AB 900 GHG analysis was conducted consistent with CARB requirements and has been approved by CARB. The GHG emissions for

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<sup>4</sup> Available online at [http://opr.ca.gov/docs/2015.02.17\\_GSW\\_Blocks29-32\\_AB900\\_Application\\_Submission.pdf](http://opr.ca.gov/docs/2015.02.17_GSW_Blocks29-32_AB900_Application_Submission.pdf)

the AB 900 application were estimated using standard methods that were confirmed by CARB to be in accordance with AB 900. The methodology included the use of CalEEMod® and emission factors developed by CARB for use in AB 900 projects.<sup>5</sup> For discussion of the GHG analysis used in this SEIR, please see SEIR Section 5.5 and Section 13.14 of the Responses to Comments document.

In addition, the AB 900 analysis for GHG emission uses purchased offsets to achieve "no net additional" GHG emissions. This offsets program involves the purchase of voluntary carbon credits and follows AB 900 precedent, based on the Soitec Solar Energy Project, McCoy Solar Energy Project, and 8150 Sunset Boulevard determinations. The Golden State Warriors (GSW) have committed to retiring the offsets once purchased so they cannot be used for other projects. As set forth in the CARB staff evaluation approved by CARB as part of the AB 900 process, "[t]he Applicant has committed to execute a contract to offset the net increase in GHG emissions generated during project operation no later than six months after the arena component of the project is 90 percent leased and occupied. The Applicant will enter into a binding and enforceable agreement with the project's lead agency (OCII) to offset all GHG emissions associated with project operation and will purchase any necessary offsets from a qualified GHG emissions broker." (ARB Staff Evaluation, p. 2.) The requirement to purchase carbon credits to offset operational GHG emissions is a binding and enforceable condition of approval of the project, as this amendment to the project sponsor's AB 900 application was accepted as part of the Governor and Joint Legislative Budget Committee approvals. As explained further in Section 13.14, the requirement to purchase carbon credits to offset operational GHG emissions is not relied upon in the SEIR as a basis for the conclusion that the proposed project's GHG emissions are less than significant. However, as the requirement to purchase such credits is, pursuant to the AB 900 process, a binding and enforceable obligation, the requirement to purchase offsets is identified as an improvement measure in the SEIR that will further reduce the proposed project's less-than-significant GHG emissions impact (see Section 5.5, p. 5.5-12). If the project is approved, this improvement measure will be incorporated into the Mitigation Monitoring and Reporting Program and will thereby become an enforceable condition of the project's approval.

Comments state this requirement may not be enforceable if the project never becomes 90 percent leased and occupied. CARB established the timing of this obligation – at "project stabilization" – to ensure that operational GHG emissions are calculated when the project is fully operational, and thus, offsets will reflect actual, operational GHG emissions. If operational GHG emissions were to be calculated prior to project stabilization, the quantity of offsets acquired by the project sponsor may be insufficient to offset emissions of the project.

Comments question whether the project will ever meet "project stabilization," as defined in the AB 900 application. OCII acknowledges this comment. The terms of this commitment were approved, not by OCII, but by the Governor, in consultation with CARB, as part of the AB 900 certification process. CARB performed a thorough review of the GHG analysis performed on the

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<sup>5</sup> <http://opr.ca.gov/docs/ARBDeterminationAppleCampus2.pdf>

proposed project for the AB 900 process. As detailed in its determination letter of April 20, 2015, CARB Executive Officer Richard Corey writes:

ARB staff conducted a technical evaluation of the GHG emission estimates and voluntary mitigation submitted by GSW and confirmed the documentation provides an adequate technical basis for estimating total GHG emissions and voluntary mitigation for the Event Center. Based on the documentation submitted by GSW, ARB has determined the Event Center does not result in any net additional GHG emissions for purposes of certification under AB 900.<sup>6</sup>

OCII acknowledges that the commenter (O-MBS7S2-4) disagrees with GHG mitigation developed as part of the AB 900 application and finds flaws with the approach to analysis. However, OCII concurs with the determination of CARB and the Governor's certification. Given that the GHG analysis for the AB 900 certification was subject to public review from March 2, 2015 to April 1, 2015 and that the GHG analysis and results for the AB 900 process have been reviewed and approved by CARB (the state agency charged with developing and implementing statewide policies), no further response is required in this document regarding the assumptions and methodology used for the GHG emissions analysis for the AB 900 process.

OCII acknowledges that the commenter (Comment O-MBA7S2-40) disagrees with the CARB determination letter on the AB 900 application for the project, but OCII defers to the conclusions of CARB as stated in that letter. Similarly, OCII acknowledges that the commenter (Comment O-Sierra-1) does not agree that this project fits the definition of an AB 900 leadership project, but OCII defers to the Governor's certification of the project as an eligible project under AB 900 and the Joint Legislative Budget Committee's concurrence with the Governor's determination.

OCII's environmental review process under CEQA is not affected by the Governor's decision to designate the project an "Environmental Leadership Project." OCII has performed the CEQA analysis of the project in the same manner as it would for a project that is not so designated. The attributes of the project that qualify it for designation by the Governor are described in the SEIR, and the project sponsor will be required to carry them out. The sole "benefit" associated with the project's designation as an environmental leadership project is that, if OCII approves the project and a lawsuit is filed challenging that decision, then the litigation will be subject to certain deadlines that would not apply to a project that is not so designated. (See Pub. Resources Code, § 21178 et seq.)

For responses to comments concerning the adequacy of the GHG analysis in the SEIR, see Section 13.14, Response GHG-2. For responses to comments concerning the impacts of future uses of the Oakland Coliseum, see Section 13.7, Response IO-1.

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<sup>6</sup> [http://opr.ca.gov/docs/ARB\\_AB\\_900\\_Determination\\_Mission\\_Bay\\_Event\\_Center.pdf](http://opr.ca.gov/docs/ARB_AB_900_Determination_Mission_Bay_Event_Center.pdf)

### 13.4.3 AB 900 Administrative Record (AB-2)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA2S1-1

O-MBA4-1

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“This firm represents the Mission Bay Alliance with respect to the Warriors Event Center project. Under Public Resources Code section 21186, which pertains to preparation of the administrative record for projects under the AB 900 “Environmental Leadership” process:

- (a) The lead agency for the project shall prepare the administrative record pursuant to this division concurrently with the administrative process.
- (b) All documents and other materials placed in the administrative record shall be posted on, and be downloadable from, an Internet Web site maintained by the lead agency commencing with the date of the release of the draft environmental impact report.
- (c) The lead agency shall make available to the public in a readily accessible electronic format the draft environmental impact report and all other documents submitted to, or relied on by, the lead agency in the preparation of the draft environmental impact report.

“Upon review of the records posted at [www.gsweventcenter.com](http://www.gsweventcenter.com) it is apparent that all of the available documents that would be part of the record as defined by Public Resources Code section 21167.6, subdivision (e) are not included. For instance, references cited in the 2015 DSEIR, 2014 NOP/Initial Study, the 1998 Mission Bay SEIR and the 1990 Mission Bay EIR are not included. These references would fall under both Public Resources Code section 21186, subdivision (c) (documents relied upon by lead agency) as well as Public Resources Code section 21167.7, subdivision (e)(10) (materials relevant to compliance with CEQA). (See also CEQA Guidelines, § 15150, subd. (b) (“Where part of another document is incorporated by reference, such other document shall be made available to the public . . . .”))

“As just one example, a cultural resources evaluation that was prepared for the 1990 Mission Bay EIR and referenced in the 2014 NOP/Initial Study that is the basis of the entire cultural resources section is also missing.<sup>1</sup> Since the 2015 DSEIR completely relies on analyses found in prior environmental review documents for analysis of cultural impacts (and several other resources), it is essential that the public have access to all of the documents that form the basis for this analysis. Additionally, some references in the 2015 DSEIR are not yet included on the website. For instance, the 2015 DSEIR cites to “54 Federal Register 38044, September 14, 1989.” (DSEIR, p. 5.4-13, fn. 21.) This office has also already requested several reference documents cited in the NOP/Initial Study and other reference documents that are critical to analysis of seismic hazards for the site and appreciates your attempts to locate those documents. (See email attached as Exhibit A.)

“Moreover, we believe that not all of the correspondence regarding the project has been posted. (See Pub. Resources Code, §§ 21167.6, subd. (e)(7), (10), 21186, subd. (c).) Specifically, all of the documents responsive to Mr. Spaulding’s May 18, 2015 Sunshine Act/Public Records Act request would properly be included in the record and appear to not yet be posted on the record website.

**“Footnote:**

<sup>1</sup> “Cultural Resources Evaluation for the Mission Bay Project, San Francisco, CA” Dec. 1987, prepared by David Chavez & Associates. This report is cited at page VI.J.30 of the 1990 EIR and referenced on page 46 of the November 19, 2014 NOP/Initial Study. There is also a 1997 Archaeological resources review, also prepared by David Chavez & Associates, and referenced in the Initial Study that is not included in the online record.

*(Mission Bay Alliance, Soluri Meserve, letter, July 9, 2015 [O-MBA2S1-1])*

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“The undersigned counsel for the Mission Bay Alliance write on the Alliance’s behalf regarding the Draft Subsequent EIR (“DSEIR”) for the Warriors Event Center & Mixed Use Development (the “Project”). The City’s failure to post online administrative record documents before starting the DSEIR comment period renders the Project ineligible for the litigation streamlining provisions of AB 900.

“On July 9, 2015, the Mission Bay Alliance advised the City that it had failed to post available portions of the administrative record online as required by CEQA section 21186, subdivision (b), and as a result, the 45-day comment period on the DSEIR could not commence. The City responded on July 16, 2015, stating that the record was complete and that the documents alleged to be missing were not considered by the City in preparing the DSEIR. The City also extended the public comment period by a mere seven days, a decision it explained elsewhere was to “account for any time off that the public may have enjoyed over the Independence Day holiday.” (July 15, 2015, Letter from OCII to Tom Lippe.)

“The City’s position ignores CEQA’s statutory language regarding the required content of the record. Under CEQA section 21186, subdivision (a), preparing the “administrative record pursuant to this division” means that the record posted must include all of the available documents that are part of the record as defined by section 21167.6, subdivision (e).<sup>1</sup> The 45-day public comment period cannot begin until all existing administrative record documents are posted to the City’s record website.

“Regarding specific documents the City has omitted from its record website, the City has taken the position that references cited in the 2015 DSEIR, 2014 NOP/Initial Study, the 1998 Mission Bay SEIR and the 1990 Mission Bay EIR are not part of the record and that the online record is complete. But this position is entirely at odds with the City’s reliance on a tiered SEIR. Since the 2015 DSEIR relies completely on analyses found in prior environmental review documents to avoid analysis in the DSEIR of at least half the CEQA mandated resource areas, it is essential that the public have access to all of the documents that form the basis for these analyses.

“Additionally, the online record is missing additional categories of documents. For example, the City has failed to post correspondence among City employees and with consultants regarding the project. The Mission Bay Alliance understands that several different consultants and City agencies are involved in the project, yet there is not even a category on the record website for this correspondence. These materials are part of the record. (CEQA § 21167.6, subd. (e)(2).) The City has also failed to post agendas and staff notes from ongoing weekly City meetings regarding this Project and its environmental review.<sup>2</sup>

“There has also been staff correspondence regarding the procedures applicable to the online record, such as a June 10, 2015, ESA memorandum entitled: AB 900 Administrative Record Update Procedures for the Golden State Warriors Event Center and Mixed Use Development at Mission Bay Blocks 29-32.

“These are just a few examples of how the City has not carried out its obligation to post all available record documents online before commencing the 45-day comment period. Contrary to the position taken in the City’s July 16, 2015, letter, which implies the public must identify the missing documents, it is the City’s duty to locate, index, and post the documents comprising the record.

“AB 900 requires the City to post all available record documents online when the DSEIR is issued in order to receive its litigation streamlining benefits. For this purpose, “record documents” is defined in CEQA section 21167.6, subdivision (e). The City cannot have it both ways. It cannot violate AB 900’s record posting requirements and at the same time enjoy the benefits of AB 900’s litigation streamlining provisions. Therefore, in order to take advantage of AB 900’s litigation streamlining provisions, the City must post all existing record documents before commencing the 45-day comment period. Otherwise, the Project is ineligible for the streamlining provisions of AB 900. (*Sierra Club, supra*, 6 Cal.App.4th 1307, 1321.)

“Footnotes:

<sup>1</sup> The City cannot argue AB 900 implicitly repealed section 21167.6 because the Legislature is presumed aware of existing law when it acts (see, e.g., *Voters for Responsible Retirement v. Board of Supervisors* (1994) 8 Cal.4th 765, 779, fn. 3). This is especially true here, where the relevant definition is within the same statute the Legislature amended.

<sup>2</sup> To the extent these documents are posted, they are not individually indexed as required. (See Cal. Rules Court, rule 3.2205.)

(*Mission Bay Alliance, letter, July 26, 2015 [O-MBA4-1]*)

## Response AB-2: AB 900 Administrative Record

On June 5, 2015, the date of publication of the Draft SEIR, OCII posted the complete administrative record for the proposed project and associated CEQA review process in accordance with the requirements of AB 900. All documents and other materials in the administrative record were posted in a downloadable format at the following website: <http://gsweventcenter.com>. The posted documents included over 300 separate files as well as project correspondence dating back to June 2012. The administrative record contains the Draft SEIR and all other documents submitted to, directly cited or relied on by, the lead agency and its environmental consultants in the preparation of the Draft SEIR and Initial Study.

The commenters cite a number of examples of reference materials that they believe should be part of the administrative record. Documents submitted to or, relied upon by the lead agency, including documents referenced in the Draft SEIR and 2014 Notice of Preparation/Initial Study were made available on the date of release of the Draft SEIR, as required by AB 900. Additional documents identified in the comment are not part of the administrative record that must be posted online for this project and, as such, they were not posted to the website at the time OCII released the Draft SEIR. OCII does not believe that all references included *within* sources relied upon must also be included in the online record. Moreover, to the extent a commenter disagrees with the content of the record that may ultimately be certified by OCII pursuant to AB 900, Public Resources Code section 21186(i) provides the remedy that may be pursued. Specifically, "[a]ny dispute arising from the administrative record shall be resolved by the superior court. Unless the superior court directs otherwise, a party disputing the content of the record shall file a motion to augment the record at the time it files its initial brief." (*Ibid.*)

Since publication of the Draft SEIR and the original posting of the administrative record, OCII has continually added documents to the website as they have been received or produced in accordance with the requirements of AB 900.

The specific responses to the documents identified are presented below:

- "A cultural resources evaluation that was prepared for the 1990 Mission Bay EIR." The commenter is correct that this study is mentioned in the Initial Study prepared for the proposed project. However, the commenter is mistaken that this report "is the basis of the entire cultural resources section." This report in question is mentioned in the Initial Study as the background study used for the historic and prehistoric archaeological resources analysis in the 1998 Mission Bay Final SEIR, but it is not cited as a reference document for the Initial Study. The Initial Study acknowledges the conclusions of the programmatic 1998 Mission Bay Final SEIR, but it also provides a project-level, site specific analysis of potential impacts of the proposed project on archaeological resources based on current, site-specific data collected as part of an archaeological testing and monitoring program. The impact analysis in the Initial Study does not rely on the previous cultural resources evaluation that was prepared for the 1990 Mission Bay EIR.

As requested by the commenter during the public review period, OCII has provided a copy of the subject cultural resources report to the commenter and has also posted the report on the AB 900 administrative record website for the project.

- Correspondence among City and OCII employees and with consultants regarding the project. All substantive correspondence to and from City and OCII employees that are relevant to the preparation of the Draft SEIR, compliance with CEQA, or the decision on the merits on the project, have been posted on the AB 900 website.
- Agendas and staff notes from ongoing weekly City and OCII meetings regarding this project and its environmental review. Agendas and staff notes that are relevant to the preparation of the Draft SEIR, compliance with CEQA, or the decision on the merits on the project, have been posted on the AB 900 website. OCII has determined that beyond the information posted in City and OCII correspondence, the specific agendas and staff notes from project meetings were not materially relied upon in the preparation of the Draft SEIR. California Rules of Court 3.2205, cited in the comment, applies to organization of CEQA administrative records lodged with a superior court, and does not require separate indexing of agendas or notes from staff meetings.
- Staff correspondence regarding the procedures applicable to the online record. As stated above, all substantive correspondence to and from City and OCII employees regarding the proposed project and relevant to the preparation of the Draft SEIR have been posted on the on line AB 900 administrative record website, including the particular memo referenced by the commenter.
- The commenter is correct in noting that the following reference is cited in the Draft SEIR but is excluded from the on-line AB 900 administrative record website: 54 Federal Register 38044, September 14, 1989. The online administrative record need not, and does not, include all of the codified laws and legal regulations that guide preparation of the Draft SEIR. These documents are already available to the public, including from many online sources.
- Mr. Spaulding's May 18, 2015 Sunshine Act/Public Records Act request sought documents regarding multiple land use projects, including a Railyard Alternatives and I-280 Boulevard Feasibility study, which is not related to the proposed project. Thus, the documents responsive to that request are not a part of this project's administrative record. Because the commenter does not note any specific documents that the commenter believes should be included in the proposed project's administrative record, this response cannot provide any more specific details.

Please refer to Section 13.3, Environmental Review Process, Response ERP-4 regarding the public review period for the Draft SEIR.



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## 13.5 Project Description

### 13.5.1 Overview of Comments on the Project Description

The comments and corresponding responses in this section cover topics discussed in SEIR Chapter 3, Project Description. These include topics related to:

- PD-1: Mission Bay Redevelopment Plan, South Plan Area Development Controls
- PD-2: Assumptions for SEIR impact analysis
- PD-3: Construction Assumptions
- PD-4: Project Characteristics—Sustainability

### 13.5.2 Mission Bay Redevelopment Plan, South Plan Area Development Controls (PD-1)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA3-2  
I-Anavy-1  
I-Woods-9

O-MBA5-1  
I-Anavy-4  
I-Zboralske-28

O-MBA5-10  
I-Barton-4

O-MBA6B1-6  
I-Osborn-2

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“Here, as shown in the “Land Use” section of the July 26, 2015, letter from the Brandt-Hawley Law Group, the Project is not consistent with the Mission Bay Redevelopment Plan or with the land use plans and zoning controls that are subordinate to the Mission Bay Redevelopment Plan. None of them include, anticipate, or allow a 750,000 square foot Event Center! The 2015 DSEIR also states that the Project requires “amendments to the Mission Bay South Design for Development, and modifications to the Mission Bay South Signage Master Plan and Mission Bay South Streetscape Plan, and conditions of approval,” among other changes, in the list of approvals required for the Project.” (DSEIR, p. 3-51.) (*Mission Bay Alliance, letter, July 26, 2015 [O-MBA3-2]*)

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“The Mission Bay Alliance objects to approval of this Project and certification of this EIR for the reasons stated in this letter.

“The Alliance opposes this Project because it will change the Mission Bay community and environment in ways never envisioned when the Mission Bay Redevelopment Plan was adopted in 1998 ...” (*Mission Bay Alliance, Bruce Spalding, letter, July 27, 2015 [O-MBA5-1]*)

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**“a. The Event Center is not ‘Nighttime Entertainment’ as Defined in the Mission Bay South Redevelopment Plan.** The primary objective of the Warriors Event Center is to “[c]onstruct a state-of-the-art multi-purpose event center in San Francisco that meets NBA requirements for sports facilities [...]” (DSEIR, p. 1-3.) The Mission Bay South Redevelopment Plan designates Blocks 29-32 as Commercial Industrial/Retail. While the mixed-use commercial/retail development portion of the project is an allowed

primary use, the Event Center itself would have to qualify as “Assembly and Entertainment: Nighttime Entertainment” in order to be approved as an allowed “secondary use” under the Plan.

“The Initial Study pronounces that the Event Center — the primary project use — is encompassed within the secondary “nighttime entertainment” use analyzed in the Mission Bay EIR and is thus allowed on the Commercial Industrial/Retail site. The City contends that the Event Center is a nighttime entertainment use per the 1998 EIR, although “the size and intensity of the event center use was not previously analyzed.” (NOP/IS, p. 33.)

“This is not based on fact. Aside from being a “secondary” use of the site, the Warriors Event Center does not meet the plain language of the “nighttime entertainment” designation that anticipates and encompasses small--scale clubs, restaurants, and bars.

“(Mission Bay South Redevelopment Plan, p. 50.) At the time of the 1998 EIR, several small neighborhood bars occasionally offered nighttime entertainment. This minor “secondary” use that existed in the area thus appeared to be compatible with the 3rd Street Corridor and the waterfront. Nothing in the definition of “nighttime entertainment” anticipates or allows a venue of the type or at the scale now proposed for the Event Center.

“The 1998 Mission Bay EIR focused on entertainment-oriented commercial development in Mission Bay North, “intended to complement” the San Francisco Giants Ballpark. The 1998 EIR anticipated almost 400,000 square feet of related entertainment-oriented retail ancillary to the ballpark, including a theater complex of up to 25 screens. If a regional event venue had been anticipated in Mission Bay South, the 1998 EIR would have called it out. It is also telling that “entertainment-oriented retail” in Mission Bay South was projected at only 56,000 square feet, 15% of the size anticipated in Mission Bay North. (1998 Mission Bay EIR, pp. III.2, 10-11; see also 1998 CEQA Findings, Mission Bay Plan [projecting only 50,000 square feet of entertainment-oriented retail].)

“And while professional basketball games are nighttime events, the Event Center also anticipates 31 annual events “related to conventions, conferences, civic events, corporate events and other gatherings,” with an estimated attendance of between 9,000 and 18,500 patrons. (NOP/IS, p. 15.) “[T]he majority of events are expected to occur during day time hours.” (Ibid.) The definition of “nighttime entertainment” cannot reasonably stretch to consider over a month of daytime events never contemplated or considered by the 1990 and 1998 Mission Bay EIRs.

“In these many respects, the Event Center is inconsistent with the adopted land use plan and has potentially significant impacts that require revision of the EIR.” (*Mission Bay Alliance, Susan Brandt-Hawley, letter, July 26, 2015 [O-MBA6B1-6]*)

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“Given the Arena’s many severe environmental and community impacts, and the DSEIR’s attempt to sweep many of these issues under the rug, the Alliance urges the City to slow down and carefully consider both the legality of siting the Arena in Mission Bay as well as the lack of wisdom in doing so.” (*Mission Bay Alliance, Bruce Spalding, letter, July 27, 2015 [O-MBA5-10]*)

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“Mission Bay is a planned community with specific businesses allowed in the Master plan.

“Mission Bay is subject to strict usage and zoning rules, in particular for type of business, building heights, density, open space. It is a planned community and all buildings must fit within the guidelines of the Master plan.

“While the Mission Bay master plan should be respected in its entirety, one can visualize needs for minor modifications. Any requested for variances to the Master plan should be fully justified, and provide offsets.” (*Ralph Anavy, email, July 27, 2015 [I-Anavy-1]*)

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“Second the Usage issue: The Mission Bay plan is quite explicit about the type of businesses it allows. An arena and entertainment center are not considered as valid developments in the Master Plan. If an exception is granted, it should be for cause. And the impact on the rest of Mission Bay should be minimized.

“But more than just an arena, aspects of the design, not properly addressed in the EIR are of great concern. In particular, the so called "viewing deck" or "sky bar" which it really is.

“Usage and reason for the "viewing deck" or "sky bar".

“In addition to asking that the height limitations of the Master Plan be raised to 130 ft for the arena on lots zoned 90 ft, (understandable if an arena is to be built, as an arena does require a certain height), the Warriors plan adds a "viewing deck" at 110 ft elevation (on lots zone maximum 90 ft) for the sole purpose of gaining views of the downtown and bridge for their sky bar patrons. This would put the "sky bar", well above the adjacent buildings which are all built within code! Gaining views is an outrageous request for a height variance, one of at least 20 ft, and more like 30 ft! These views are not even guaranteed as the Giants may yet build higher than allowing them to the North! But the impact will not change!

“No one gets to climb higher than allowed by code just to get views, especially if it impacts the nearby buildings! And for what? a "sky bar"! Are they also contemplating a restaurant, as it was once described during preliminary meetings? The plans are devoid of any specifics for it, and should be disallowed just for this cause alone. Its impact is not measured. It is being swept under the rug! The views on the Bay are just as spectacular on the East side. If the Warriors want to add a "viewing deck" or "sky bar", justifying its use which is not allowed in the Mission Bay plan, it should not tower above adjacent buildings, encroaching even more than the arena on the 90 ft maximum height limit of lots 30 & 32.

“Furthermore the open deck now looks straight into office and residential buildings windows next to it. These, built specifically within the Mission Bay Master Plan will now have this new invasive intrusion, a few hundred feet [sic] away. Above all it is not allowed in the plan.

“And its stated usage occupancy of thousands of guests, its hours of occupation (conceivably until 11pm, 365 days per year), its ill-defined and open ended purpose, the bright light pollution impact and the potential noise pollution impact (it is an open deck) on nearby residences is just unjustifiable.

“And it is totally ignored in the EIR study. No impact discussed, no offsets, no specifics... a quick underhanded way of trying to slip in this totally unjustifiable aspect of the project!

“There are no "sky decks", "sky bars", "sky restaurants" or "sky lounges" allowed in the Mission Bay plan. That aspect of the Arena project should be cut out. Not modified. Just cut out! There are no functional justifications for it, except the Warriors wanting it, at the height they chose!” (*Ralph Anavy, email, July 27, 2015 [I-Anavy-4]*)

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“-The original plan did not call for a stadium

While the very original plan did not include a stadium, the Giants have been kicking around the idea of putting a stadium across the ball park since 2001” (*Jason Barton, email, July 27, 2015 [I-Barton-4]*)

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“The original city plan for the area included more EVENING entertainment space, not a massive new stadium with hundreds of events at all times of day, all year long.” (*Kim Osborn, email, July 27, 2015 [I-Osborn-2]*)

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“Some of the proposed mitigations in the Mission Bay SEIR still haven’t been implemented, and without specific designated authority and responsibility for implementation, there is no assurance that important

mitigations for the impacts of the GSW Arena will actually occur or be maintained.” (Corinne Woods, email, July 27, 2015 [I-Woods-9])

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“The overwhelming majority of responses cite great concern about too much growth in Mission Bay. They raised concerns about inadequate public transportation and infrastructure, the immense scope and scale of the arena and all the other developments that are underway or planned. Specific objections usually involved: traffic congestion, noise and nuisance problems and some mention of one of the quality of life issues I referenced earlier.” (James Zboralske, email, July 27, 2015 [I-Zboralske-28])

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## **Response PD-1: Mission Bay Redevelopment Plan, South Plan Area Development Controls**

Commenters reference the land use development programs presented in the 1998 Mission Bay FSEIR project description and the 1998 Mission Bay FSEIR CEQA findings, which assumed certain amounts of entertainment-oriented retail land use in the Mission Bay North and South Redevelopment areas, but did not specifically account for an event center, and assert that if a regional event venue had been anticipated in Mission Bay South, the 1998 Mission Bay FSEIR would have called it out. OCII disagrees. “Redevelopment is... a process which occurs over a period of years. These realities dictate that a redevelopment plan be written in terms that enhance a redevelopment agency’s ability to respond to market conditions, development opportunities and the desires and abilities of owners and tenants.” (*Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 539; *County of Santa Cruz v. City of Watsonville* (1985) 177 Cal.App.3d 831, 841 [same].) As stated in the SEIR, Chapter 3 (p. 3-1), development is allowed with the Mission Bay South Redevelopment Plan Area, including Blocks 29-32, consistent with the land use program and subject to the development controls of the Mission Bay South Redevelopment Plan (South Plan), Mission Bay South Design for Development, and other related documents. Please refer to the adopted South Plan’s land use map, which assigns the proposed land uses to be permitted in the Plan area. See also Figure 3-3 in the SEIR, which updates certain land uses within the Plan area that have occurred. These designated land uses include a mix of the land use development program uses identified by the commenter. As a long term planning document, the South Plan does not identify specific uses but rather permits a broad range of uses that would conform to general land use designations to enhance OCII’s “ability to respond to market conditions, development opportunities and the desires and abilities of owners and tenants.” (*Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 529 [stating a redevelopment plan “cannot always outline in detail each project that a redevelopment agency will undertake during the life of the plan”].)

The South Plan identifies principal uses that are permitted without further specific findings by OCII. The South Plan also provides OCII with the discretion to approve secondary uses authorized in a land use district subject to the Director’s finding of consistency. As discussed in the SEIR Chapter 3, Project Description, (SEIR pp. 3-6 to 3-9), the Initial Study Project Description, South Plan Area Development Controls (Initial Study pp. 7 to 9), and Impact LU-3 (Initial Study pp. 32 to 34), the South Plan designates the permitted land use for the project site as Commercial

Industrial/Retail, which provides for either principal or secondary uses at this site. The Commercial Industrial/Retail land use district permits a broad array of uses under the South Plan. It identifies allowed secondary uses, including Public Structures and Uses of a Nonindustrial Character as well as Assembly and Entertainment Uses, including Nighttime Entertainment and Recreation building uses. To the extent event center uses are not principally permitted uses, the proposed event center would qualify as a secondary use under the South Plan, provided the OCII Executive Director makes a determination that the secondary uses generally conform with redevelopment objectives and planning and design controls established pursuant to this plan and the secondary uses will make a positive contribution to the character of the plan area based on a finding that the secondary use, at the size and intensity contemplated and at the proposed location, "will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community." (South Plan, § 302.)

The Mission Bay South Redevelopment area objectives and policies are set forth in sections 103 and 104 of the Redevelopment Plan. These objectives and policies include, for example, the "major objectives" of (1) eliminating blighting influences and correcting environmental deficiencies in the Plan Area, including, but not limited to, abnormally high vacancies, abandoned buildings, incompatible land uses, depreciated or stagnant property values, and inadequate or deteriorated public improvements, facilities and utilities, (2) retaining and promoting, within the City and County of San Francisco, academic and research activities associated with the University of California San Francisco, (3) assembling land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Plan Area, (4) replanning, redesigning and developing undeveloped and underdeveloped areas which are improperly utilized, and (5) providing flexibility in the development of the Plan Area to respond readily and appropriately to market conditions.

Evidence supports the conclusion that the proposed project is consistent with these and other objectives in the Plan. Moreover, the proposed project would further diversify the economic base of the Mission Bay South Redevelopment Plan area and add retail and entertainment amenities to the area and provide Mission Bay employees and residents with additional opportunities to recreate near their homes and jobs. For these reasons, the proposed project also promotes the Plan Bay Area's objective to create "neighborhoods where transit, jobs, schools, services and recreation are conveniently located near people's homes." (Association of Bay Area Governments (ABAG) / Metropolitan Transportation Commission (MTC) Plan Bay Area, p. 42.) However, the final determination of consistency with the Mission Bay South Redevelopment Plan must be made by OCII's Executive Director.

In the context of general plan consistency, the court in *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, explained that "a project is consistent with the general plan 'if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.' A given project need not be in perfect conformity with each and every general plan policy. To be consistent, a ... development must be 'compatible with' the objectives, policies, general land uses and programs specified in the general plan." (*Id.* at p. 238 [internal citations omitted].) Because policies in the Mission Bay South Redevelopment Plan "reflect a

range of competing interests,” OCII “must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” (*Save Our Heritage Organisation v. City of San Diego* (2015) 237 Cal.App.4th 163, 185-186 [explaining further “courts have repeatedly recognized that, when reviewing a ... project’s alleged inconsistency with the relevant land use documents, a court must ‘accord great deference to a local governmental agency’s determination of consistency ...’.”]; see also *Sequoiah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 717 [a lead agency’s determination of consistency with its land use plans comes with a “strong presumption of regularity”].)

Furthermore, as explained in the SEIR, policy conflicts do not, in and of themselves, indicate a significant environmental effect within the context of CEQA environmental review, in that the intent of CEQA is to determine physical environmental effects associated with a project. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1207.) Additionally, the mere fact that a project may have “some elements that conflict[] with a few of the policies embodied in the applicable land use plans does not preclude... [the lead agency] from finding the project as a whole was consistent with the objectives, policies, general land uses, and programs specified in the applicable plans.” (*Save Our Heritage Organization v. City of San Diego* (2015) 237 Cal.App.4th 163, 187.) See also Sections 13.8.2 (Response LU-1) to 13.8.3 (Response LU-2) and Section 13.6.2 (Response PP-1) of this document for further discussion of land use compatibility, land use plan consistency, and project consistency with environmental plans and policies. As stated, the ultimate determination of consistency is made by the designated decision-maker, in this case, the Executive Director.

A commenter mischaracterizes that the Initial Study indicates that the proposed event center is the primary project use encompassed within the secondary use analyzed in the Mission Bay FSEIR. The Initial Study makes no such specific statement. Certainly, the event center and office and retail buildings are all proposed key land use components. However, in the context of describing the proposed event center use as a permitted use within the Commercial Industrial/Retail district, the SEIR (p. 3-51) and Initial Study (p. 21) appropriately refer to the proposed event center as a secondary use. It should also be noted that the South Plan does not require that a project include a principal use in order for a secondary use to be permitted on a specific parcel within the redevelopment plan area. Although, as noted by commenters, the proposed project includes mixed-use commercial / retail development which is an allowed principal use on the project site. Therefore, the proposed project includes both principal and secondary uses as defined by the Plan, as shown in **Table 13.5-1**, below.

The South Plan includes several broad secondary use categories including “assembly and entertainment” uses such as “nighttime entertainment” and “recreation buildings” as well as “public structures or uses of a nonindustrial character.” Each of these secondary use categories may be reasonably interpreted to permit the Events Center. (*Paris v. Community. Redevelopment Agency* (1985) 167 Cal.App.3d 489, 496 [“[n]ecessarily some of the statements in a redevelopment plan will be general and tentative, and formal amendment of the plan is not required for a subsequent administrative interpretation and filling in of details.”].) The ultimate determination as to the secondary use(s) that cover the event center is a policy question that will be made by the

**TABLE 13.5-1  
 SUMMARY OF PROPOSED PROJECT FACILITIES AND DESIGN FEATURES**

Project Component	Area <sup>1</sup>	Principal or Secondary Use under the South Plan
Event Center	750,000 GSF	Principal and Secondary Use
Golden State Warriors Office Space	25,000 GSF	Principal Use
Office Space	580,000 GSF	Principal Use
Retail Space	125,000 GSF	Principal Use
Parking and Loading	475,000 GSF	Principal Use
Open Space	3.2 acres	Principal Use

<sup>1</sup> GSF = gross square feet. See SEIR Table 3-1 for definitions.

OCII Executive Director and the Commission on Community Investment and Infrastructure as OCII’s land use decision-making body. As discussed further in Section 13.8.3 of this document OCII’s interpretation of its Plan and the uses permitted therein is accorded substantial deference.

Some commenters suggest the event center is not a nighttime entertainment use pursuant to the Mission Bay South Redevelopment Plan. As noted above, nighttime entertainment is only one of several examples of a secondary use authorized on the project site that OCII may reasonably conclude covers the event center. The Plan defines nighttime entertainment to include “an assembly and entertainment use that includes dance halls, discotheques, nightclubs, private clubs, and other similar evening-oriented entertainment activities, excluding Adult Entertainment, which require dance hall keeper police permits or place of entertainment police permits which are not limited to non-amplified live entertainment, including Restaurants and Bars which present such activities, but shall not include any arts activities or spaces as defined by this Plan, any Theater performance space which does not serve alcoholic beverages during performances, or any temporary uses permitted by this Plan.” (Plan, p. 50 (Attachment 5).) The proposed project is an “evening-oriented entertainment [use]... which requires... place of entertainment police permits which are not limited to non-amplified live entertainment...” (*Ibid.*) Furthermore, as permitted by the definition of nighttime entertainment, the proposed project would generally serve alcoholic beverages during events.

Commenters assert that the proposed event center does not qualify as a “nighttime entertainment” use that anticipates and encompasses small-scale clubs, restaurants, and bars in order to be approved as an allowed “secondary use” under the Plan. Commenters assert that the “nighttime entertainment” use does not anticipate or allow a venue of the type or scale proposed for the event center, and that the “nighttime entertainment” use description does not apply since the event center would include events that would occur during daytime hours. OCII disagrees. The South Plan’s examples of “nighttime entertainment” uses are just that: examples, not an exhaustive list of the uses that may be permitted. Further, the definition of the “nighttime entertainment” use does not use the term “small-scale” as the commenter claims. Where the South Plan intends to limit the size of a use, the Plan expressly includes such a size limitation. For



example, in the Mission Bay South Residential land use designation only “small” residential care, social service / philanthropic, and vocational / job training facilities are permitted. (South Plan, § 302.1(B).) No such size limitations are included for any primary or secondary use permitted within the Commercial Industrial / Retail land use designation. Moreover, as is evident throughout the City, dance halls, night clubs, and private clubs can be very large facilities or complex of facilities. While the Plan does not limit the size of any individual nighttime entertainment use included within the Plan area, the Plan establishes general limitations on overall development within the Mission Bay South Redevelopment area. As discussed in the SEIR, on a plan-wide basis the Mission Bay South Redevelopment Plan area will not exceed any of the development limitations set forth in the Plan if the proposed project is approved. (SEIR, pp. 4-5 to 4-6.) Therefore, the proposed project is consistent with the overall scale of development contemplated within the Mission Bay South Redevelopment Plan.

Some commenters also suggest that because the proposed project would include daytime events at the event center, the event center cannot constitute a nighttime entertainment use. This is incorrect. Nighttime entertainment includes, for example, uses such as private clubs that, like the event center, may include daytime hours of operation. Nothing in the Mission Bay South Redevelopment Plan suggests daytime hours of operation are prohibited. The definition of nighttime entertainment only requires the use be “evening-oriented.” As discussed in the SEIR, pp. 3-38 to 3-42, the majority of events anticipated at the event center would occur in the evening hours. Therefore, the event center constitutes an “evening-oriented” assembly and entertainment use. Further, the Mission Bay South Redevelopment Plan allows Arts Activities as well as Art Spaces as a principal use, defined in the South Plan to include such performance arts as dance, music, and dramatic art, such as daytime, family-focused live shows proposed as part of the event center activities.

Commenters indicate the proposed project will change the Mission Bay community and environment in ways never envisioned when the Mission Bay Redevelopment Plan was adopted in 1998; that the project will have many severe environmental and community impacts; and that the event center is inconsistent with the adopted land use plan and has potentially significant impacts that require revision of the EIR; and general comments about inadequate public transportation and infrastructure, traffic congestion, noise and cumulative effects. OCII disagrees. The commenters are referred to the land use impact analysis contained in Impacts LU-1, LU-2, LU-3, and C-LU-1 in the Initial Study (Appendix NOP-IS), and as summarized in Section 13.8, Responses LU-1 and LU-2. The land use impact analysis explained that all project land use impacts would be less than significant, and furthermore, that the project would not have any new or substantially more severe effects than those identified in the Mission Bay FSEIR related to conflict with land use. Aside from land use effects, the physical impacts with all other environmental topics, including those cited above, are appropriately addressed in the applicable sections of the SEIR and Initial Study. The commenter is also referred to Section 13.3: Environmental Review Process, Response ERP-5, which explains that no environmental issues have been raised that would require recirculation of the Draft SEIR under CEQA.

A commenter also makes a general comment about project effect on quality of life. The commenter is referred to SEIR Section 5.8.5.2, Approach to Analysis (pp. 5.8-9) and Section 13.2, Response GEN-2; quality of life issues are not considered impacts under CEQA unless such effects result in the need for the construction of new or physically altered governmental facilities in order to maintain acceptable levels of public services, *and* the construction of such facilities result in adverse physical environmental impacts. (See CEQA Guidelines, § 15384, subd. (a).)

A number of comments were made regarding the proposed event center “bayfront terrace” (which the commenter refers to as a “viewing deck,” “sky deck,” “sky bar,” “sky restaurant” and “sky lounge”). As described in the SEIR Project Description, the bayfront terrace would be an extension of the event center (pedestrian deck would be 97 feet in height, and terrace roof would be 122 feet in height) that would provide views of the San Francisco skyline, Bay Bridge, Bay waters and East Bay shoreline. Portions of the bayfront terrace would connect to the interior of event center, and other portions of the Bayfront terrace would connect to the main pedestrian path at the base of the event center, and to a lobby located on Terry Francois Boulevard, via elevators.

A commenter states that the bayfront terrace would be situated above adjacent buildings built within code. The South Plan includes a maximum building height within the Plan area of 160 feet. The proposed project would not exceed this maximum building height limit. However, as explained in the SEIR, additional height criteria included in the Mission Bay South Design for Development would need to be amended as part of the proposed project; with the amendments to the Mission Bay South Design for Development that would occur as part of the project approvals for the proposed event center, the proposed bayfront terrace would be in compliance with the applicable design standards and guidelines governing height limits in Mission Bay. The fact that the proposed project requires an amendment to the design guidelines does not, in itself, demonstrate that a project may have a significant impact on the environment. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1207; Pub. Resources Code, § 21083, subd. (b); CEQA Guidelines, §§ 15063, subd. (d)(5), 15065, subd. (a).)

A commenter indicates that the bayfront terrace would allow views into the office and residential buildings next to it. First, it should be noted that while the project-proposed office and retail buildings would be located on-site adjacent to the event center, and existing office uses would be located directly north and south of the event center, there would be no existing or proposed residential buildings directly adjacent to the proposed event center, consistent with the land use designations in the South Plan. The nearest residential use (UCSF residential housing) is located northwest of (and over 500 feet from) any portion of the proposed bayfront terrace; furthermore, the proposed bayfront terrace viewing deck is oriented such that the predominant views from it would be to the north and east (see aerial renderings in Figure 3-17, p. 3-54, and Figure 3-22, p. 3-59 in the SEIR Project Description).

A commenter also indicates that the bayfront terrace would generate noise pollution; and the commenter inquires if a restaurant is proposed at the bayfront terrace. While, as indicated above, the bayfront terrace would provide an observation deck, no other specific uses have been identified

at this time for the bayfront terrace. However, any other potential uses that could be developed at the bayfront terrace, including potential restaurant, bar and/or lounge, would be subject to the applicable design standards and guidelines governing development in Mission Bay, and subject to approval by OCII. As indicated above, the open deck portion of the event center bayfront terrace would be oriented away from the nearest sensitive receptor, and correspondingly, any incidental noise generated from the open portion of the bayfront terrace would similarly be oriented away from this receptor. Potential noise impacts of the proposed event center are discussed in SEIR Section 5.3, Impact NO-4 (pp. 5.3-27 to 5.3-32), which identifies Mitigation Measure M-NO-4a, Noise Control Plan for Outdoor Amplified Sound, and Mitigation Measure M-NO-4b, Noise Control Plan for Place of Entertainment Permit. Implementation of these mitigation measures would ensure that noise levels at the proposed event center would be less than significant.

A commenter also indicates that the bayfront terrace would generate light pollution. This comment is noted. With respect to aesthetic effects associated with event center bayfront terrace, including light and glare, the commenter is referred to SEIR Chapter 2 and Section 13.3, Response ERP-8, in the SEIR. Pursuant to CEQA Public Resources Code Section 21099 (Senate Bill 743), aesthetics are not considered in the SEIR in determining the significant environmental impacts of the project; and consequently potential project impacts on aesthetics are not analyzed in this SEIR. However, aesthetics and lighting effects of the proposed project would still be considered by decisionmakers as part of the design review approvals. The commenter is also referred to the Initial Study Section E.13, Biological Resources, Impact BI-4, which addresses potential effects of project nightlighting effects on birds, and SEIR Section 5.3 Transportation and Circulation, Impact TR-9d which addresses potential project effects on UCSF helipad operations from project specialized exterior lighting. In both cases, feasible mitigation is identified to ensure these lighting impacts would be mitigated to a less than significant level.

A commenter indicates that proposed mitigations identified in the Mission Bay FSEIR still have not been implemented, and without specific designated authority and responsibility for implementation, there is no assurance that important mitigations for the impacts of the proposed project will actually occur or be maintained. The commenter is mistaken. As indicated in SEIR Chapter 3 (pp. 3-6 to 3-9), the authority to implement the Mission Bay FSEIR mitigation measures applicable to individual projects in the Mission Bay Plan area occurs as part of the development controls for each project through conditions of approval. Accordingly, Mission Bay FSEIR mitigation measures that are applicable to the proposed project would similarly be implemented as part of conditions of approval for this project. Moreover, as a legal matter, it is presumed that OCII will comply with its official duty to act in accordance with adopted mitigation measures. (*Bus Riders Union v. Los Angeles County Metropolitan Transportation Agency* (2009) 179 Cal.App.4th 101, 108 [“[a]ll presumptions of law are in favor of the good faith of public officials”]; *San Joaquin River Exchange Contractors Water Authority v. State Water Resources Control Bd.* (2010) 183 Cal.App.4th 1110, 1135; Evid. Code, § 664.)

### 13.5.3 Assumptions for SEIR Impact Analysis (PD-2)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA7S2-34

O-MBA7S2-36

O-MBA7S2-38

I-Zboralske-11

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#### **"8. The DSEIR's Project Description is Inconsistent.**

"The DSEIR is fundamentally flawed because the project description is internally inconsistent, thwarting intelligent public participation relating to the Project and its impacts. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 197.) As described more fully below, the DSEIR appears to variously include and exclude the departure of the Warriors from the existing Oracle Arena.

DSEIR section 1.1.2 (Project Objectives) provides in relevant part:

The Golden State Warriors currently play their home games at Oracle Arena, located at 7000 Coliseum Way in Oakland, California and lease their management offices and practice facility at the Oakland Convention Center at 1011 Broadway in downtown Oakland. The proposed project would consolidate these facilities in one location."

(DSEIR, p. 1-3.) (*Mission Bay Alliance, Soluri Meserve, letter, July 26, 2015 [O-MBA7S2-34]*)

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"While taking the environmental "benefit" of lower mobile-source GHG emissions resulting from reduced events at Oracle Arena, the DSEIR deftly avoids analysis of the environmental consequences of this component of the overall Project. For example, the project description includes continued operation of Oracle Arena even though it is predicted to host merely 21 events per year." (AB 900 Application, pp. 63, 81 of 155.) (*Mission Bay Alliance, Soluri Meserve, letter, July 26, 2015 [O-MBA7S2-36]*)

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"The DSEIR is thus flawed because the project description is internally inconsistent. The project description includes reduced events at Oracle Arena when doing so helps to minimize the Project's environmental impacts, but excludes operation of Oracle Arena in order to avoid addressing its problematic environmental impacts. This inconsistency misleads the public about the Project and its impacts. (See, e.g., *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655- 656 ("By giving such conflicting signals to decision makers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading".))

"The same analysis applies to the DSEIR's inconsistent treatment of the construction of Bayfront Park and realignment of Terry Francois Blvd. The DSEIR notes, consistent with the redevelopment plan, that both the Bayfront Park and realignment are triggered by the Project, which makes them "reasonably foreseeable consequence[s] of the initial project" requiring analysis in the DSEIR. (Laurel Heights, supra, 47 Cal. 3d at 396.) Even though these are components of the Project as a matter of law, the DSEIR purports to characterize Bayfront Park and the roadway alignment as separate projects for purposes of CEQA. (DSEIR, p. 3-37.) As a result of this inconsistent project description, the DSEIR fails to address potentially significant hazardous materials impacts associated with construction and occupancy of Bayfront Park.

"In summary, a lead agency may not concurrently expand and contract the described scope of a proposed project – and may certainly not do so when the result is to avoid analysis of potentially significant impacts.

The recirculated DSEIR will need to provide a stable and consistent project description.” (*Mission Bay Alliance, Soluri Meserve, letter, July 26, 2015 [O-MBA7S2-38]*)

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“The report fails to adequately address many of the actual event usage plans. The Warriors intend to have up to an additional 200+ events at the site. In total, the arena may easily host more than 250+ events a year. This is only an estimate. This number of events is excessive. The area cannot handle these events without significant negative impacts affecting local residents and other people that work in the area.

“The plan focuses on the Warriors games and potential overlap with some San Francisco Giants home games. It refers vaguely to other events, but offers no specificity on the types of events, the days or hours of the events and/or any realistic estimate of the number of people expected to attend. Possible events seem to have a classified threshold of whether they expect to attract over 12,500 attendees or not. This is pure guesswork.” (*James Zboralske, email, July 27, 2015 [I-Zboralske-11]*)

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## **Response PD-2: Assumptions for SEIR Impact Analysis**

A commenter states that the SEIR Project Description is internally inconsistent because it both includes and excludes the departure of the Warriors from the existing Oracle Arena. This statement is incorrect. The SEIR Project Description clearly describes existing and project conditions related to the disposition of the Golden State Warriors facilities, games and operations. First, the SEIR Project Description states that under existing conditions, the Golden State Warriors currently play their home games and lease their management offices and practice facility in Oakland (see pp. 3-14 to 3-15). The SEIR Project Description then states that under the project, the proposed event center at Blocks 29-32 would serve as the new venue for the Golden State Warriors home games, and provide a year round venue for a variety of other uses, including concerts, family shows, other sporting events, cultural events, conferences and conventions (see p. 3-1, and pp. 3.38 to 3-42). The SEIR Project Description also states that existing Golden State Warriors operations, including management offices and practice facility, would relocate from their existing facilities in Oakland to the new event center at Blocks 29-32. In addition, the SEIR Project Description describes the other proposed new office and retail facilities and other supporting facilities that would be developed under the project at Blocks 29-32 (see p. 3-1, and pp. 3-42 to 3-43). Nonetheless, the text in the SEIR, Chapter 1, Summary, that is cited by the commenter in the comment is rephrased to be more consistent with the description of the project presented in the SEIR, Chapter 3, Project Description. Please see Chapter 14, Draft SEIR Revisions, for appropriate revisions made to this text.

The commenter incorrectly compares the project description in the SEIR with assumptions used to describe the project in the sponsor’s greenhouse gases (GHG) analysis in support of its AB 900 application. As discussed in Section 13.4, Response AB-1, the process of certifying a proposed project as an environmental leadership project pursuant to AB 900, including quantification of GHG emissions, is a separate process from the preparation of an EIR under CEQA, with separate and distinct review and approval requirements. As such, the AB 900 GHG emissions analysis of the project used assumptions specifically applicable to the AB 900 requirements, which are not necessarily the same as those used in the SEIR impact analysis. For instance, the commenter

references the AB 900 GHG emissions analysis assumption that half the non-Golden State Warriors game events would remain at Oracle Arena while the other half would transfer to the proposed event center at Blocks 29-32. In contrast, the SEIR air quality analysis (see Impact AQ-2 in Section 5.4) conservatively assumed that under the project, the Oracle Arena would maintain its current levels of non-Golden State Warriors events, and therefore was based on a higher estimate of net new vehicle trips to the air basin.

For responses concerning the adequacy of the GHG analysis in the SEIR, see Section 13.14, Response GHG-2. For responses concerning the impacts of future uses of the Oakland Coliseum, see Section 13.7, Response IO-1.

The commenter asserts that the construction of Bayfront Park and realignment of Terry A. Francois Boulevard require analysis in the SEIR. Potential cumulative impacts of constructing the Bayfront Park and realignment of Terry A. Francois Boulevard are considered in the SEIR. As discussed in the SEIR Project Description, pursuant to the Mission Bay South Plan and the Mission Bay BCDC Permit No. 5-00, as amended, development of Blocks 29-32 would trigger the realignment of Terry A. Francois Boulevard to extend adjacent to the east side of Blocks 29-32, and the construction of public access improvements at Bayfront Park east of this realigned roadway (see pp. 3-37 to 3-38). Therefore, the SEIR correctly explains that, independent of the proposed project, construction of Bayfront Park and realignment of Terry A. Francois Boulevard are requirements of the Mission Bay Plan, temporally tied to any proposal to develop Blocks 29-32. With the exception of potential cumulative construction impacts not otherwise considered in the 1998 Mission Bay FSEIR, the 1998 Mission Bay FSEIR addressed the environmental impacts of the development of Bayfront Park and realignment of Terry A. Francois Boulevard in the context of the overall Mission Bay Plan. As discussed in SEIR Section 5.1, page 5.1-10, Bayfront Park and realignment of Terry A. Francois Boulevard are evaluated in this SEIR with respect to the potential to contribute to cumulative construction-related impacts. Consequently, all potential cumulative environmental effects of these independently approved projects are appropriately addressed in this SEIR. With respect to potential hazard materials impacts with Bayfront Park, please see Section 13.22, Response HAZ-9. Please see Response REC-1 for additional information regarding Bayfront Park.

A commenter asserts that a recirculated Draft SEIR will be need to be prepared providing a stable and consistent project description will need to be provided. OCII disagrees. For the reasons discussed above, the SEIR Project Description does not contain internal inconsistencies, and meets all requirements for adequacy under CEQA. The commenter is also referred to Section 13.3: Environmental Review Process, Response ERP-5, which explains that no environmental issues have been raised that would require recirculation of the Draft SEIR under CEQA.

A commenter asserts that the SEIR does not adequately address actual usage plans, and that the arena may host more than 250 events a year. As explained in the SEIR Project Description (pp. 3-38 to 3-42), the event center is expected to be used for up to approximately 225 events per year, including up to 60 Warriors basketball home games, and approximately 45 concerts, 55 family shows, 30 other sporting events, and 31 conventions/corporate events. This estimate is based on usage data for other, similar venues in comparable locations and assumes a full post-season

schedule for the Warriors, which would not be a regular occurrence. This data represents the best available evidence on the nature and extent of events that will occur at the site, and necessarily involves a degree of forecasting about events that will occur in the future. (CEQA Guidelines, § 15144.) The commenter makes a general comment that the area cannot handle these events without significant negative impacts affecting local residents and other people that work in the area. All potential project and cumulative environmental impacts of the project are disclosed in the SEIR based on the number and types of event presented in the SEIR Project Description, and the SEIR identifies mitigation measures for all significant impacts that would mitigate those impacts to the extent feasible.

A commenter indicates that the discussion of project overlap (besides Warriors games) with San Francisco Giants homes games is vague and does not provide specificity on these types, days, times and attendance associated with those other events. It is currently not possible to specify the dates, hours, and types of events that could overlap with San Francisco Giants home baseball games because future scheduling of such events have not yet been developed. However, the SEIR does provide an estimate of the anticipated frequency and type of overlapping events. The commenter is referred to SEIR Section 5.2, Transportation and Circulation on pp. 5.2-80 to 5.2-81, which provides detail on the type and number of project events besides Warriors games that could overlap with San Francisco Giants homes. As discussed, it is anticipated that approximately 10 concerts, 10 family shows, 7 other non-Golden State Warriors sporting events, and 3 conventions/corporate events – for a total of approximately 30 project events besides Golden State Warrior games – could overlap with San Francisco Giants homes annually. Even including Warriors games, only about nine large events (i.e., at least 12,500 attendees) are anticipated to overlap with San Francisco Giants evening games annually. The project sponsor, based on market projections, anticipates approximately two basketball and seven large non-basketball events overlapping with San Francisco Giants evening games. In any particular year, however, the number may be smaller or larger. The number of such events, however, does not affect the impact analysis, which addresses conditions that could occur during individual days and evenings. The commenter is referred to SEIR Project Description, Table 3-3 on p. 3-39 for additional detail on the expected temporal characteristics and attendance associated with other project events besides Warriors games.

### 13.5.4 Construction Assumptions (PD-3)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

I-Hong-14

I-Hong-16

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“14. Construction Phase, request that the Final EIR provide time lines of this Project.” (*Dennis Hong, email, July 27, 2015 [I-Hong-14]*)

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- “b. Provide the following for controls, signs and etc., for pedestrians and traffic during the construction; traffic control officers, signs, control barriers, etc.
- “c. Communicate with the local merchants, residences in the area of the dates, construction schedules. Especially if certain streets will be closed. A contact i.e., Project Manager to call if needed.
- “d. Provide provisions for dust controls, safety barriers and control signs.
- “e. Can the use of dust barriers be used to control the dust from getting in to the restaurants, business and residences and the hospital?
- “f. Can any of the recent/current legislation under consideration (regarding construction dust) be used here? I believe there was something the Board of Supervisors were looking at on this matter. “

*(Dennis Hong, email, July 27, 2015 [I-Hong-16])*

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### **Response PD-3: Construction Assumptions**

A commenter requests the SEIR provide a timeline of construction. The commenter is referred to SEIR Project Description, Section 3.6.3, Proposed Construction. As discussed in Section 3.6-3, construction of the proposed project would occur over an approximate 26-month period, which was originally anticipated to begin in late 2015. Based on information provided by the sponsor’s construction contractor, a preliminary project construction schedule is also provided (Table 3-5 on page 3-47) showing additional detail on estimated duration for major construction components for each proposed building. At this time, the scheduled start date of construction is pending project approval.

The commenter requests use of signage, barriers and traffic control officers during construction, and communication with the local merchants, residences in the area of the dates, and construction schedules. Impact TR-1 in the SEIR, Section 5.2, Transportation and Circulation addresses potential construction-related ground transportation impacts, including a discussion of anticipated temporary street land and curb closures, and construction staging. As an improvement measure, the SEIR identifies the sponsor to implement a Construction Management Plan that would require the project sponsor/construction contractor(s) to meet with DPW, SFMTA, the Fire Department, Muni Operations and other City agencies to coordinate feasible measures to reduce traffic congestion, including temporary transit stop relocations and other measures to reduce potential traffic, bicycle, and transit disruption and pedestrian circulation effects during construction of the proposed project. As indicated on SEIR page 5.1-4, this improvement measure would be included as a condition of project approval. In addition, to minimize construction impacts on access to nearby institutions and businesses, the Construction Management Plan could provide nearby residences and adjacent businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures if applicable, and parking lane and sidewalk closures. A regular email notice could be distributed by the project sponsor that would provide current construction information of interest to neighbors, as well as contact information for specific construction inquiries or concerns.



The commenter requests that provisions be provided for dust control during construction; inquires if the use of dust barriers can be used to control the dust from getting in to the restaurants, business and residences and the hospital; and inquires if any of the recent/current legislation under consideration regarding construction dust be used. All potential impacts associated with the potential for the project to generate fugitive dust during construction are addressed in Impact AQ-1 in Section 5.4, Air Quality, in the SEIR (see p. 5.4-29). The SEIR reports that the San Francisco Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08).<sup>1</sup> Project construction would be subject to the requirements of this ordinance. Dust suppression activities identified in the Construction Dust Control Ordinance include watering all active construction areas sufficiently to prevent dust from becoming airborne; wet sweeping or vacuuming streets, sidewalks, paths, and intersections where work is in progress at the end of the workday; covering or using other equivalent soil stabilization techniques on inactive stockpiles; or other practices that result in equivalent dust control.

In addition, because the project site is over one-half acre, the Dust Control Ordinance requires that the project sponsor implement a Dust Control Plan that would require the project sponsor to: submit a map to the Director of Public Health showing all sensitive receptors within 1,000 feet of the site; wet down areas of soil at least three times per day; provide an analysis of wind direction and install upwind and downwind particulate dust monitors; record particulate monitoring results; hire an independent, third-party to conduct inspections and keep a record of those inspections; establish shut-down conditions based on wind, soil migration, etc.; establish a hotline for surrounding community members who may be potentially affected by project-related dust; limit the area subject to construction activities at any one time; install dust curtains and windbreaks on the property lines, as necessary; limit the amount of soil in hauling trucks to the size of the truck bed and securing with a tarpaulin; enforce a 15 mph speed limit for vehicles entering and exiting construction areas; sweep affected streets with water sweepers at the end of the day; install and utilize wheel washers to clean truck tires; terminate construction activities when winds exceed 25 mph; apply soil stabilizers to inactive areas; and sweep off adjacent streets to reduce particulate emissions; and designate an individual to monitor compliance with these dust control requirements. As required by the Construction Dust Control Ordinance, the dust control plan must be reviewed and approved by the Director prior to commencement of construction.

Implementation of dust control measures in compliance with the regulations and procedures set forth by the Construction Dust Control Ordinance would ensure that potential dust-related construction air quality impacts of the proposed project would be less than significant.

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<sup>1</sup> Dust Control Ordinance (Ordinance Number 176-08) underwent its own CEQA review in 2007 prior to its approval.

## 13.5.5 Project Characteristics—Sustainability (PD-4)

### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

I-Heath-9

I-Hutson-3

I-Tan-9

PH-Valentino-2

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“Moreover, the Draft EIR does not reflect a commitment to in innovative and sustainable development, and rather represents a step backward from environmental stewardship.” (*Alison Heath, email, June 30, 2015 [I-Heath-9]*)

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“Moreover, the Draft EIR does not reflect a commitment to in innovative and sustainable development, and rather represents a step backward from environmental stewardship.” (*Richard Hutson, email, June 29, 2015 [I-Hutson-3]*)

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“Moreover, the Draft EIR does not reflect a commitment to in innovative and sustainable development, and rather represents a step backward from environmental stewardship.” (*Judy Tan, email, July 27, 2015 [I-Tan-9]*)

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“As far as quality of life goes, you know, we're evolving and finding out that cities are some of the greenest places that we can be, and this is where we have a chance to put housing next to work, next to play.

“And the event center is a sense of place that can happen in Mission Bay. It can create a very new and exciting place for us that is environmentally very aware and sensitive to our surroundings.

“It's going to be a LEED gold-certified construction -- that's significantly important -- with offers to mitigate 100 percent of any greenhouse gas emissions.” (*Patrick Valentino, Public Hearing Transcript, June 30, 2015 [PH-Valentino-2]*)

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### Response PD-4: Project Characteristics—Sustainability

Several commenters state that the SEIR does not reflect a commitment to innovative and sustainable development, but rather represents a step backward from environmental stewardship. The commenters are referred to the discussion of project sustainability on page 35 in the SEIR, Chapter 3. As discussed, the proposed development would be subject to a number of sustainability requirements, including the California CalGreen Code, City of San Francisco Green Building Code, South Design for Development for the Mission Bay South Area, and the 2012 NBA Arena Design Standards – Sustainability Requirements. The project would be designed to Leadership in Energy and Environmental Design (LEED®) Gold standards using a campus approach, whereby each individual proposed structure as well as the overall site would qualify for individual Gold ratings. It should be noted the proposed event center would be only the second basketball venue in the

NBA to achieve this level of LEED certification for New Construction (after Amway Center), and that this is the highest LEED certification level achieved by any NBA venue to date (i.e., there are no Platinum buildings in the league). This would be achieved through incorporation of a variety of design features and implementation of practices during construction and operation to provide energy and water conservation and efficiency, encourage alternative transportation, promote a healthy indoor environment, minimize waste, and maximize recycling opportunities.

SEIR Chapter 4, *Plans and Policies*, discussed consistency of the project with applicable plans and policy documents including *Plan Bay Area*. As discussed in Chapter 4, the *Plan Bay Area*, the Plan calls for concentrating housing and job growth around transit corridors, particularly within areas identified by local jurisdictions as Priority Development Areas (PDAs). *Plan Bay Area* also specifies strategies and investments to maintain, manage, and improve the region's multi-modal transportation network and proposes transportation projects and programs to be implemented with reasonably anticipated revenue. The project site, like much of eastern San Francisco, is within a PDA, where growth is anticipated and planned for in proximity to transit (see also the discussion on Population and Housing, in Appendix NOP-IS, Initial Study, Section E.3). The proposed project would not conflict with any projects in the regional transportation plan. Therefore, the proposed project would be consistent with *Plan Bay Area*.

The commenters are also referred to Section 13.23, Response EN-1, which provides a detailed analysis regarding the goals of CEQA Guidelines Appendix F, available energy supplies, and the project's energy use. This analysis discusses a range of project-proposed and/or required design features and/or strategies that the project would implement to ensure the project would not result in the use of unusually large amounts of, nor would it result in the inefficient, wasteful, or unnecessary use of fuel, electricity, water and or natural gas during construction and/or operation. See also Chapter 14, Draft SEIR Revisions which augments the project description for sustainability to acknowledge specific energy conservation features proposed in the project design.

The commenters are also referred to Chapter 5.5 of the Draft SEIR, and to Section 13.14, which discuss the project's consistency with the City's *Strategies to Address Greenhouse Gas Emissions*.

## 13.6 Plans and Policies

### 13.6.1 Overview of Comments on the Plans and Policies

The comments and corresponding responses in this section cover topics discussed in SEIR Chapter 4, Plans and Policies. These include topics related to:

- PP-1: Design for Development for the Mission Bay South Project Area

### 13.6.2 Design for Development for the Mission Bay South Project Area (PP-1)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA6B1-7

O-MBA6B1-9

I-Anavy-3

I-Ellingham-1

**“b. The Event Center Conflicts with Mission Bay South Design Criteria.** Despite the Initial Study’s contention that the Event Center would be consistent with adopted area land use policies established by the Mission Bay South Redevelopment Plan and the Design for Development, it concedes that the project sponsors seek material changes. The DSEIR anticipates amendments to the Mission Bay South Design for Development, the Mission Bay South Signage Master Plan, and the Mission Bay South Streetscape Plan. The Initial Study notes that the “unique nature of the proposed event center would require the sponsor to receive [City] approval of variations or amendments to some of these standards.” (NOP/IS, p. 31.)

“The Mission Bay South Redevelopment Plan codifies objectives and policies for urban design that must be applied to the Event Center, including:

**Objective 3:** Emphasize in Mission Bay South the characteristic San Francisco development patterns ...

**Policy 2:** Design in consideration of protecting major views of the Bay, the Bay Bridge and the Downtown skyline from Mission Bay South ... using street view corridors, open space, the careful placement of building forms and building massing.

Policy 3: Create a visual and physical access to San Francisco Bay and the channel of China Basin.

Policy 4: Recognize that buildings, open spaces and view corridors, seen together, will create the character of Mission Bay South.

Objective 4: Create a building form for the Mission Bay South area such that the scale of new development relates to the adjacent waterfront and to adjacent buildings.

Policy 1: Building heights should decrease as they approach water’s edge.

“The Event Center proposal creates at least 16 inconsistencies with the Design for Development (D4D), and its Appendix A recites amendments for:

- Raising maximum arena height limits from 90 to 135 feet
- Construction of a 160+ foot tower<sup>1</sup> close to another tower
- Increasing the bulk of the arena

- Changing arena setbacks, street wall heights, view corridors, public rights of way, and parking standards

“The addition of large signage, electronic advertising, and nighttime light and searchlight effects that accompany basketball games and other large events also conflicts with design review standards and further impacts aesthetics/view corridors. The Commercial Industrial/Retail zone prohibits flashing signs, moving signs, and roof signs as well as business signs “above 1/2 of the base height of the building.” (D4D, p.45.)

“Even if amendments to the Design for Development could avoid legal inconsistencies, the proposed removal of codified urban design protections significantly impacts the design of the Mission Bay community and aesthetic environment and requires EIR analysis and mitigation.

“The Design for Development also delineates urban design concepts that protect the community character of Mission Bay South via view corridors and a planned street grid that extends “San Francisco’s historic urban pattern of Spanish measure Vara blocks.”

“(D4D, p. 39.) “A Vara is an early Spanish unit of measure equal to 2.75 feet.” (D4D, p.16.)

First is an urban street grid which builds off of the primary existing streets and a traditional San Francisco pattern of Vara blocks, to allow for the transformation of an industrial pattern to one which welcomes the buildings and open spaces of a living/working/shopping neighborhood. In the tradition of cities by the water, this same framework of streets serves as view corridors that visually connect Mission Bay to the Bay and the City’s downtown.

View corridors are based on the following principles: to preserve the orientation and visual linkages to the Bay and Channel; as well as vistas to hills, the Bay Bridge and the downtown skyline; to preserve orientation and visual linkages that provide a sense of place within Mission Bay.

“(D4D, pp. 39, 47.) The Design for Development specifies that “no building or portion thereof shall block a view corridor.” (D4D, p. 39.)

“As explained in the statewide planning out by Vioget in 1839.” (CP&DR, 1 September 1998, *attached*.) The vara block is not only of historic importance but “has near---ideal dimensions for an urban block” and “helps clarify, if clarity were needed, what precisely makes San Francisco the most walkable city in America: the dimensions of the grid ...” publication *California Planning & Development Report* in a 1998 article praising the Mission Bay South Redevelopment Plan, “a ‘vara block’ is the same dimension as the first 10 blocks of San Francisco laid “This new plan ... promises to extend the pedestrian experience of San Francisco to the newest part of the city.”

“CP&DR marvels that the Redevelopment Plan takes a “giant canvas of largely undeveloped waterfront acreage” and uses vara blocks “to integrate this former railyard into the cultural and business life of the larger city.” And “what is most remarkable about this scheme is how thoroughly the [UCSF] campus has been integrated into the grid ... likened [] to residential blocks in Paris.”

“The Warriors Event Center proposes to eliminate four blocks, including two vara blocks and two smaller blocks, creating one large single block for the Event Center with structures that obscure both a north-south and east-west view corridor. The DSEIR must be revised to analyze and mitigate the environmental impacts of required amendments to adopted land use plans and policies, addressing the destruction of vara blocks and the related adverse impacts to aesthetics, view corridors, and pedestrian amenities.

**Footnote:**

<sup>1</sup> The tower heights exceed 160 feet with the 16-foot mechanical parapet.

(*Mission Bay Alliance, Susan Brandt-Hawley, letter, July 26, 2015 [O-MBA6B1-7]*)

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“The EIR must be revised to analyze and mitigate the project’s inconsistencies with plans and policies in Mission Bay South adopted for environmental protection.” (*Mission Bay Alliance, Susan Brandt-Hawley, letter, July 26, 2015 [O-MBA6B1-9]*)

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“This addresses specific design flaws that are totally ignored in the EIR and are in complete disagreement with the Mission Bay Master plan.

“First the height issue: Lots 30 and 32 are zone 90 ft. Lots 29 and 31 are zoned 160 ft and height density is spelled out. Not all the lot surface can be built to 160 ft.

“The Warriors could have put the arena that has a peak height of 130 ft on the lots zoned 160 ft max height. Instead they chose to located mostly of it to the east, on the lots zoned maximum 90 feet. This is counter to the Master plan for Mission Bay. Yet they chose to put it on the 90 ft max height lots asking for variances and offering no offsets by lowering the height of buildings on lot 29 and 32. In order to get conditional approval to the plan, and stay within the Master plan intent for Mission Bay, they should either move the arena to lots 29 & 31( the lots zoned to the proper height for the arena) or offset their request for the height variance (necessitated by placing the arena on lots 30 & 32), by lowering significantly the remaining buildings.” (*Ralph Anavy, email, July 27, 2015 [I-Anavy-3]*)

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“I oppose this project for two reasons: (1) height-limit increases ...” (*Lewis Ellingham, email, July 13, 2015 [I-Ellingham-1]*)

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## **Response PP-1: Design for Development for the Mission Bay South Project Area**

The commenter asserts that the project sponsor’s request for amendments to the Mission Bay South Design for Development demonstrates that the Project conflicts with applicable land use policies. As acknowledged and discussed in the SEIR, the proposed project is requesting some amendments to the Design for Development for the Mission Bay South Area. (See, e.g., SEIR, pp. 4-7 to 4-8.) A request to amend the Mission Bay South Design for Development, however, does not establish that a proposed project is inconsistent with the land use policies of the Mission Bay South Redevelopment Plan.

As required under the California Community Redevelopment Law, the South Plan establishes the essential land use and design controls for the Project Area. Cal. Health & Safety Code §§ 33330 et seq. The South Plan contains a Land Use Map providing the location of Plan Area boundaries and permitted land uses. Attachment 2 to the Redevelopment Plan. Section 304 (General Controls and Limitations) of the South Plan establishes, among other things, the number of permitted buildings and dwelling units, open space requirements, and limitations on type, size and height of buildings. In particular, Section 304.5 establishes the amount of square footage that can be developed in each of several land use districts, floor area ratios, and a maximum height of 160 feet; it also provides that “[t]he type of buildings may be as permitted in the Building Code as in effect from time to time.” Furthermore, the South Plan authorizes secondary uses, as described in Section 302, if they generally conform to the redevelopment objectives and planning and design controls established pursuant to the Plan. As part of the project review process, OCII will consider the project and its event center in the context of these objectives and controls of the Mission Bay South Redevelopment Plan.

Significantly, OCII’s exercise of discretion in considering Project approvals will be guided by the principle that “[a] redevelopment plan is typically a very general document providing the agency

with maximum flexibility.” (Coomes, et al., *Redevelopment in California* (2009) at p. 35; see also *County of Santa Cruz v. City of Watsonville* (1985) 177 Cal. App. 3d 831, 841. [redevelopment plans are “written in terms that enhance a redevelopment agency’s ability to respond to market conditions, development opportunities and the desires and abilities of owners and tenants”].) The dissolution of redevelopment agencies has not diminished the authority of OCII over this project because OCII is acting pursuant to an enforceable obligation, the Mission Bay South Owner Participation Agreement, which the California Department of Finance has finally and conclusively determined to be in effect and which incorporates the land use authority of the South Plan and the Community Redevelopment Law.

In addition, OCII will consider amendments to the Mission Bay South Design for Development, an ancillary set of standards that apply to all development within the Plan Area and that must be consistent with the South Plan. As noted in the Design for Development, “[i]n the event of any conflict between this Design for Development and the Redevelopment Plan, the Redevelopment Plan provisions shall control.” (Design for Development at p. 7 [as amended March 17, 2015].) As explained in the Initial Study, the project would be generally consistent with the major development standards of the Mission Bay South Design for Development with the required approval of the variations and amendments to certain standards of that document. (See *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 142 [“the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes”].) In undertaking this evaluation, OCII must consider whether the proposed project is “‘in agreement or harmony with’ the terms of the applicable plan, not in rigid conformity with every detail thereof.” (*San Franciscans Upholding Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 678, quoting *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993), 23 Cal.App.4th 704, 718.) As discussed further in Section 13.8.3 of this document OCII’s interpretation and application of its regulations to a project is accorded substantial deference. Moreover, amendments to the Mission Bay South Design for Development, and modifications to the Mission Bay South Signage Plan and Mission Bay South Streetscape Plan would occur as part of the project approvals, and with these amendments and modifications, the project would be in compliance with the applicable design standards and guidelines governing Mission Bay.

Another commenter indicates that Blocks 30 and 32 are zoned for 90 feet height limit, Lots 29 and 31 are zoned for 160 feet height limit, that height density is spelled out in the Mission Bay South Design for Development, and that not all lot surface can be built to 160 feet. The commenter indicates the sponsor chose to locate most of the event center to the east on the lots zoned for maximum 90 feet height and requested variances with no offsets by lowering the height of proposed buildings on Blocks 29 and 32. The commenter suggests that the sponsor should either relocate the event center to Blocks 29 and 31, or offset their request for the height variance by substantially lowering the remaining buildings. Another commenter also notes their opposition to the proposed height-limit increases. As noted above, the Redevelopment Plan establishes the basic zoning for the Plan Area and provides for an overall height limit of 160 feet. The event center would comply with this standard, but would require amendments to the Design for

Development document, which is an action subject to OCII approval and the consent of the Owner under the Owner Participation Agreement.

The SEIR (see Chapter 3, Project Description, and Chapter 4, Plans and Policies) and Initial Study (see Section A, Project Description, and Section E.1, Land Use and Land Use Planning) discussed South Plan area development controls on height, including those contained in the South Design for Development document. As discussed in the SEIR Plans and Policies, the project site falls within Height Zone 5 of the South Design for Development. Height Zone 5 has a maximum base height of 90 feet and a maximum tower height of 160 feet, and commercial/industrial uses must be consistent with those two heights. Further, towers (buildings taller than 90 feet) are not permitted on Blocks 30 and 32. The proposed project would include amendments to the Design for Development that would allow an "Event Center" on the project site at a height not to exceed 135 feet.

Also as discussed in the SEIR Chapter 4, Plans and Policies, a maximum of three towers are permitted with a maximum height and bulk within Height Zone 5; towers must be separated by at least 100 feet when located on the same block, and tower widths on Third Street cannot exceed 160 feet. In addition, no intersection can have more than two towers within 50 feet of the corner. To accommodate the proposed project, the Design for Development would be amended to reallocate an undeveloped tower contemplated in the Design for Development from Height Zone 2 to Height Zone 5 consistent with the project's proposal to develop two office and retail towers in addition to the event center. The amendment would also clarify the tower separation requirements to accommodate the proposed distances between the towers and the event center building. The amendment would increase to four the number of towers allowed within 50 feet of the intersection of 16th Street and Third Street.

While the project proposes some amendments to the South Design for Development, OCII staff has reviewed the requested amendments and believes that the proposed project generally conforms to the South Design for Development. The Executive Director and OCII Commission will consider these issues further during the decisionmaking process. Furthermore, as discussed above, with approval of the above discussed amendments, the project would be in compliance with development standards of the South Design for Development. The commenter's suggestion to either relocate the event center to Blocks 29 and 31, or to lower the two office and retail building is noted; however, as discussed above these suggestions would not be required for the proposed project to generally conform with redevelopment objectives and planning and design controls established pursuant to this Plan. Nevertheless, the commenter's suggestion will be considered by OCII as part of their decisionmaking process.

A commenter states that the Initial Study concedes that the project sponsor seeks "material changes." The commenter also states the SEIR anticipates amendments to the Mission Bay South Design for Development, Mission Bay South Signage Master Plan and the Mission Bay South Streetscape Plan. The commenter is misinterpreting the Initial Study. With respect to the first statement, both the Initial Study (p. 21) and the SEIR (p. 3-52) list the following under Approvals Required: " Approval by Mayor, Department of Public Works Executive Director and OCII



Executive Director of any non-material changes [emphasis added] to Mission Bay South Infrastructure Plan." The fact that approval would be required for non-material changes does not mean that the project is seeking "material changes." With respect to the second statement, the Initial Study (p. 21) and SEIR (p. 3-52) indicate as a matter of disclosure that approvals would be required for amendments to the Mission Bay South Design for Development, the Mission Bay South Signage Master Plan, and the Mission Bay South Streetscape Plan.

A commenter indicates that the addition of large signage, electronic advertising, and nighttime light and searchlight effects that accompany basketball games and other large events would conflict with design review standards and further impacts aesthetics/view corridors. Comments further assert that the proposed removal of codified urban design protections would significantly impact the design of the Mission Bay community and aesthetic environment and requires EIR analysis and mitigation. Other comments assert that the Draft SEIR must be revised to analyze and mitigate the environmental impacts of required amendments to adopted land use plans and policies, addressing the elimination of planned Vara blocks on the project site and related adverse impacts to aesthetics, view corridors, and pedestrian amenities. Another comment asserts the SEIR must analyze and mitigate the project's inconsistencies with plans and policies in Mission Bay South adopted for environmental protection.

First, with respect to potential aesthetic effects of project nighttime lighting and signage, and potential view blockage from new structures and elimination of planned blocks, the commenter is referred to SEIR Chapter 2 and Section 13.3, Response ERP-8, in the SEIR. Pursuant to CEQA Public Resources Code Section 21099 (Senate Bill 743), aesthetics impacts of a mixed-use or employment center project on an infill site located within a transit priority area are not, as a matter of law, considered significant impacts on the environment; and consequently potential project impacts on aesthetics are not analyzed in this SEIR. However, aesthetics and lighting effects of the proposed project would still be considered by decisionmakers as part of the design review approvals. The commenter is also referred to the Initial Study Section E.13, Biological Resources, Impact BI-4, which addresses potential effects of project nightlighting effects on birds, and SEIR Section 5.3 Transportation and Circulation, Impact TR-9d which addresses potential project effects on UCSF helipad operations from project specialized exterior lighting. In both cases, feasible mitigation is identified to ensure these lighting impacts would be mitigated to a less-than-significant level.

Secondly, the SEIR addresses potential conflicts with plans, policies and design standards adopted for the purpose of avoiding environmental effects, and project effects on the Mission Bay community, to the extent that any such conflict would result in physical environmental impacts. As such, the commenter is referred to the land use impact analysis contained in Impacts LU-1, LU-2, LU-3, and C-LU-1 in the Initial Study (Appendix NOP-IS). As explained in Impact LU-1, the proposed project would be incorporated within the overall planned street network of Mission Bay (i.e., South Street, Third Street, extended 16th Street and realigned Terry A. Francois Boulevard). The project would also include a number of features to encourage and promote public access and circulation, including setbacks along the 16th Street frontage that would serve as a connector to Bayfront Park; and proposed plazas, pedestrian walkways and other open space

within the project site. The land use impact analysis explained that all project land use impacts would be less than significant, and furthermore, that the project would not have any new or substantially more severe effects than those identified in the 1998 Mission Bay FSEIR related to land use conflicts. Aside from land use effects, the physical impacts with all other environmental topics are appropriately addressed in the applicable sections of the SEIR and Initial Study.

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## 13.7 Impact Overview

### 13.7.1 Overview of Comments on the Impact Overview

The comments and corresponding responses in this section cover topics discussed in SEIR Section 5.1, Impact Overview. These include topics related to:

- IO-1: Scope of Analysis
- IO-2: Mitigation Measures
- IO-3: Assumptions for Cumulative Analysis

### 13.7.2 Scope of Analysis (IO-1)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA7S2-37

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“As explained by Ph.D. economist Philip King, it would be unreasonable for Oracle Arena to continue to operate with so few events. Dr. King concludes that one likely scenario is that Oracle Arena would need to close as a result of the reduced demand, which in turn creates the potential for urban decay at the Oracle Arena site. The DSEIR never analyzed the resultant potential for urban decay. Nor did the DSEIR analyze the impacts associated with demolition of the existing Oracle Arena as a result of its shuttering.” (*Mission Bay Alliance, Soluri Meserve, letter, July 26, 2015 [O-MBA7S2-37]*)

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#### Response IO-1: Scope of Analysis

The proposed project — the subject of the environmental impact analysis in the SEIR— consists of the construction and operation of a multi-purpose event center and mixed-use development at Blocks 29-32 in Mission Bay. As described in SEIR Chapter 3 (p. 3-14), the Golden State Warriors currently play their home games at Oracle Arena, which is owned by the Oakland-Alameda County Coliseum Authority and operated by Anschutz Entertainment Group (AEG). The Golden State Warriors currently maintain a lease agreement to play their basketball games at Oracle Arena through the NBA 2016-2017 season. Outside the terms of their lease agreement, the Golden State Warriors organization (or the project sponsor) does not have control over operation or management of Oracle Arena. Furthermore, upon termination of their lease agreement, all operations and management of Oracle Arena would be beyond the control of the Golden State Warriors and the project sponsor.

As described in SEIR Chapter 7, Alternatives (pp. 7-20 to 7-22), under the analysis of the No Project Alternative, the SEIR acknowledges that if the proposed project were not approved, then it is likely that the Warriors organization would either build a new arena at its current location or relocate and build a new facility elsewhere. The SEIR notes that the City of Oakland certified a

Final EIR on the Coliseum Area Specific Plan, which discloses the environmental impacts of a sports venue at the current location of Oracle Arena and the surrounding area.

CEQA provides that “[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.” (CEQA Guidelines, § 15064, subd. (d)(3).) Demolition of the existing Oracle Arena is not appropriate to include in this SEIR since it is not part of the proposed project, nor is it a reasonably foreseeable outcome of project approval. For a discussion regarding urban decay, see Section 13.2 of this Responses to Comments document under Response GEN-4.

### 13.7.3 Mitigation Measures (IO-2)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

A-UCSF-20  
I-Woods-8

O-MM-6  
PH-Scott-7

O-MM-14

I-Springer-3

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#### “D. Inadequate Mitigation Measures

“An EIR shall describe feasible mitigation measures which could minimize significant adverse impacts ... ” CEQA Guidelines section 15126.4(a)(l). “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments.” CEQA Guidelines sections 15126.4(a)(2).

“Many of the Mitigation Measures contained in the DEIR, as summarized in Table 1-2, are conditioned upon language such as “if feasible.”

“In addition, some Mitigation Measures lack implementation or enforcement mechanisms or performance standards include TR- 2 (“if feasible”, “if available”, “working in good faith”, “make good faith efforts”), TR- 4, TR-5, TR-9a, TR-11 (“make good faith efforts”, “if feasible”, “shall exercise commercially reasonable efforts”), NO-4, and WS-1.

“We suggest that the significance determination for each of these impacts be reassessed assuming a worst-case scenario in which the proposed mitigation measures are not feasible. Also, the Final EIR should identify whom at OCII or other City agencies will be responsible for determining “feasibility,” “availability,” “good faith,” and “commercially reasonable efforts.” We respectfully submit that GSW should not be allowed to make these determinations.” (*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-20]*)

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“The DSEIR also fails comply with CEQA’s mandate to mitigate the Project’s impacts by proposing in a separate section of the EIR feasible, effective, and enforceable mitigation measures for each impact identified, and to present a full range of alternatives, including off-site alternatives, to the Project to eliminate or reduce the Project’s impacts.” (*Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-6]*)

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#### “6. The DSEIR Fails To Propose Effective And Feasible Mitigation Measures For The Project’s Impacts.

“Under CEQA, “An EIR is an informational document which will inform public agency decisionmakers and the public generally of the significant environmental effect of a project, identify possible ways to minimize

the significant effects, and describe reasonable alternatives to the project.” (14 Cal. Code Regs. [“Guidelines”] §15121(a); PRC §21002.1(a),(b).) CEQA requires specific content in the EIR, including either a separate chapter on mitigation measures proposed to minimize the significant effects or a table showing where that subject is discussed. (Guidelines §15126.) The DSEIR contains no chapter on mitigation and no table showing where mitigation, including feasibility analyses, are discussed. (Id.)

“Proposed mitigation measures include “[a]voiding the impact altogether by not taking a certain action or parts of an action.” (Guidelines, §15370(a).) The EIR should propose effective, enforceable mitigation measures for each impact it identifies. The effectiveness of proposed mitigation measures should be supported by substantial evidence.

“Claiming a significant impact is “unavoidable” does not excuse the failure to propose effective mitigation, but that is what this DSEIR assumes it may do, including significant transportation and circulation impacts, noise impacts, air quality impacts, wind impacts, and utilities impacts. (DSEIR 6-1 - 6-4.) That does not comply with CEQA.” (*Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-14]*)

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“3) The funding must be guaranteed for the mitigations outlined in the SEIR. Whether it comes from the City or the Warriors, the mitigations must not be reliant on there being sufficient funds; those funds should be identified and secured before the project is approved, or else the EIR is irrelevant.” (*Matt Springer, email, July 16, 2015 [I-Springer-3]*)

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“As an active participant in the development of Mission Bay, Chair of the Mission Bay Citizens Advisory Committee, 30 year resident of the neighborhood, and MBCAC representative to the B/MBTCC, I am very concerned that resources for mitigations are overestimated, enforcement and funding are underestimated, and authority and responsibility for implementation of mitigations is vague and unenforceable as expressed in the SEIR.” (*Corinne Woods, email, July 27, 2015 [I-Woods-8]*)

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“Overall, we are disappointed with the City's approach to the environmental review of the project, which fails to fully assess the impacts of the project and fails to provide adequate mitigation for the impacts that are identified in the Draft EIR.” (*Damion Scott, public hearing transcript, June 30, 2015 [PH-Scott-7]*)

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## Response IO-2: Mitigation Measures

This group of comments question the general feasibility, effectiveness, enforceability, and adequacy of mitigation measures. For the reasons described below, OCII disagrees with these assertions. Because these comments do not identify specific mitigation measures, this response provides a general response regarding the overall approach to identifying and implementing mitigation measures.

As indicated in SEIR Section 5.1, Impact Overview (page 5.1-4), for impacts determined to be significant, the SEIR impact analysis identifies mitigation measures that would avoid or reduce the severity of the identified impact and describes how the measures would accomplish this. The analysis describes all mitigation measures that are applicable to the proposed project, whether they are the same as those previously specified in the 1998 Mission Bay FSEIR, are updated versions of those measures, or new site-specific measures. All mitigation measures identified in the SEIR are consistent with CEQA Guidelines Section 15126.4 and are considered feasible or

potentially feasible. Also described in SEIR Section 5.1, for some impacts, the SEIR identifies "improvement measures," which are feasible measures that would reduce the severity of impacts that were determined to be less than significant.

The project sponsor has reviewed the mitigation and improvement measures identified in the SEIR and has agreed to implement all mitigation measures and all improvement measures as a condition of project approval. The sponsor has therefore waived its chance to argue that any of the measures are infeasible and should be rejected, at the time of project approval, for that reason. (See CEQA Guidelines, § 15091, subd. (a)(3) [agency decision-makers can reject proposed mitigation measures as infeasible].) Even though CEQA does not require mitigation for less-than-significant impacts, the project sponsor has agreed to implement the identified improvement measures as well as the mitigation measures, if the project is approved. As described in Section 13.2, under Response GEN-1b, the project sponsor will bear responsibility for funding and implementing all mitigation and improvement measures included in the SEIR other than those expressly assigned to the City.

For impacts determined to be significant or potentially significant, the impact discussions for all impacts in SEIR Chapter 5 and in the Initial Study include an explanation of how the identified mitigation measure would reduce the severity of the impact, including whether or not the measure would effectively reduce the severity of the impact from significant to less than significant. In many cases, mitigation measures are standard measures that have been required and implemented for many projects in San Francisco and have been demonstrated to be feasible and effective. Mitigation measures are listed directly following the corresponding impacts, providing a direct connection between the impact and mitigation measure. If the measure would reduce the impact to a less-than-significant level, then the overall significance determination is designated as *less than significant with mitigation*. If there is uncertainty in the effectiveness or feasibility of a mitigation measure or in the ability of the project sponsor to implement the measure, then the impact is designated as *significant and unavoidable with mitigation*.

In the latter case, the text of the mitigation measure might include terms such as "if feasible" or "if available" in acknowledgment of the uncertainty in the effectiveness, feasibility or implementability of the measure. The determination as to whether or not an impact is *significant and unavoidable with mitigation* is made only after review and analysis of the nature and severity of the impact, availability of feasible measures, and the reasonable ability of the project sponsor to implement the measure. This approach represents OCII's best effort to explore and implement the maximum reasonable mitigation for any impacts determined to be significant. Thus, in many cases, the SEIR identifies mitigation measures that the project sponsor will be required to implement—even though there is some degree of uncertainty as to the effectiveness of the measure—in order to reduce the severity of impacts deemed to be significant and unavoidable, even with mitigation. In each such instance, if a measure ultimately proves to be ineffective or infeasible, that determination would be made, not by the project sponsor, but by the public agency department or entity responsible for enforcing that measure, as set forth in the Mitigation Monitoring and Reporting Program (MMRP), described below. All mitigation measures adopted by OCII must be carried out. If a measure cannot be carried out, then OCII would have to revise

or delete that measure, following appropriate review under CEQA. In a few cases, there is no mitigation available for a significant impact that would be within the ability of the project sponsor to implement, and those impacts are designated as *significant and unavoidable*.

Table 1-2, Summary of Impacts and Mitigation Measures, on SEIR pages 1-14 to 1-63 lists all mitigation and improvement measures identified in the SEIR and specifies the corresponding impact and where the impact discussion can be located in the SEIR or Initial Study.

If the project is approved, the project sponsor will be required to implement all mitigation and improvement measures identified in the SEIR as part of the conditions of approval. The conditions of project approval will include a MMRP, consistent with CEQA Guidelines section 15097(a), which requires that "In order to ensure that the mitigation measures and project revisions identified in the EIR ... are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects." The MMRP will include the full text of all mitigation and improvement measures in the SEIR and Initial Study and is a fully enforceable legal mechanism for ensuring that all mitigation and improvement measures will be implemented. The MMRP will identify the entity responsible for carrying out each measure and the specific department responsible for monitoring to confirm compliance. As shown in the MMRP, many of the identified measures will be carried out by the project sponsor, and the project sponsor's compliance would be monitored by a public agency. Thus, all of the mitigation measures described in the SEIR are enforceable. OCII will adopt a mitigation monitoring program at the time of project approval to ensure that the mitigation measures committed to in the action are carried out. (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097.)

For Comment O-MM-6, refer to Section 13.24 for a response to the portion of the comment pertaining to alternatives.

### 13.7.4 Assumptions for Cumulative Analysis (IO-3)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

I-deCastro1-4  
I-Zboralske-7

I-Hong-3  
I-Zboralske-10

I-Hong-15

I-Zboralske-3

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"The concept of a "lock box" for ticket tax revenue is a good idea. However I am waiting for legislative action to make it a reality. Given that the Eastern Neighborhoods Plan called for improved transit 5 years ago. We have seen little progress on that front." (*John deCastro, email, July 27, 2015 [I-deCastro1-4]*)

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"3. Under Cumulative Projects 5.1.5.2, were the following projects considered? HOPE, possible removal of the 280 freeway, Giants Project-Pier 70, 590 Minnesota-UCSF proposed Student Housing and 600 Minnesota-UCSF proposed Student Housing? Several of these Projects may be identified as another name –



specifically the HOPE Project. For clarity purposes, could all of these cumulative projects be shown on a map, similar to fig 5-2-12?" (Dennis Hong, email, July 27, 2015 [I-Hong-3])

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"a. A construction time line showing all ongoing/current, cumulatively or upcoming projects in the vicinity of this project must be considered." (Dennis Hong, email, July 27, 2015 [I-Hong-15])

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"Over the past years things have changed significantly in Mission Bay and throughout a large portion of San Francisco. Specifically, in Mission Bay many large residential buildings have been completed and occupied. Others are in various states of construction. The new UCSF Children's Hospital project has been built and opened in early 2015. The new Public Safety Building has been completed and occupied. The San Francisco Giants' plan for significant development on Lot A is working its way through a process and has yet to be finalized. It does call for significant proposed changes on that parcel. Proposed changes to Pier 48 are in the works. High-profile businesses plan to build and locate their corporate offices in the area. A significant amount of newly planned residential developments are in the proverbial "pipeline" in Mission Bay, Dogpatch, Potrero Hill and Showplace Square.

"Virtually all of these projects impact local residents by causing traffic congestion, noise pollution, taxing public transit and affecting important quality of life issues in the area. As the projects are completed, the influx of new residents living in the area has increased significantly and at a rapid rate. The influx of new workers (in significant numbers) also impacts traffic and public transportation ridership. This will only be accelerated over the next couple of years as thousands of new residential units and many large-scale new retail and commercial buildings will be built and occupied. The scope and pace of development in Mission Bay and its surrounding areas is astonishing." (James Zboralske, email, July 27, 2015 [I-Zboralske-3])

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"The article did not mention the proliferation of commercial and retail developments and their significant impacts on San Francisco over the last five years. It is the cumulative impacts of all of these changes that affect our daily lives, our health and our outlook on the City." (James Zboralske, email, July 27, 2015 [I-Zboralske-7])

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"The construction of the Warriors arena is only one piece of the local puzzle. Multiple major projects are in various states of planning and/or development. These include:

- Expanding UCSF – Several projects
- Developing Pier 50 – Anchor Steam
- Building a hotel in Mission Bay
- Developing Seawall Lot 337 – Lot A – A massive project
- Pier 70 – A large mixed use development
- The Eastern Neighborhood Program
- The Uber Headquarters Project
- Realignment of Terry A. Francois Boulevard and Mission Bay Park
- The construction of many new residential complexes that will contain several thousand new units in Mission Bay, Dogpatch, Potrero and Showplace Square

"In congested urban areas like San Francisco, no new development can be evaluated in isolation. For that reason you need to consider the total cumulative impacts these projects will have. The Warriors Arena was never originally intended to be built in Mission Bay. It was never included in any previous plan for Mission Bay. It would, however, be arguably the biggest and most impactful project ever built in the area.

It was thrust and forced on San Francisco when the owners of the Warriors went into contract to buy parcels of land in Mission Bay. This was after the failed attempt to build the arena along the Embarcadero." (*James Zboralske, email, July 27, 2015 [I-Zboralske-10]*)

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### Response IO-3: Assumptions for Cumulative Analysis

This group of comments address the assumptions used in the analysis of cumulative impacts. SEIR Section 5.1.5 (pp. 5.1-6 to 5.1-11) presents the general approach and assumptions used for analyzing cumulative impacts of the proposed project. Cumulative impacts, as defined in CEQA Guidelines Section 15355, refer to two or more individual effects that, when taken together, are "considerable" or that compound or increase other environmental impacts. A cumulative impact from several projects is the change in the environment that would result from the incremental impact of the project added to the impacts of other closely related past, present, or reasonably foreseeable future projects. The cumulative impact analysis in the SEIR is consistent with CEQA Guidelines Section 15130.

Two approaches to a cumulative impact analysis are provided in CEQA Guidelines Section 15130(b)(1): (a) the analysis can be based on a list of past, present, and probable future projects producing related or cumulative impacts; or (b) a summary of projections contained in a general plan or related planning document can be used to determine cumulative impacts. The projections model includes individual projects and applies a quantitative growth factor to account for other growth that may occur in the area. The analyses in the SEIR employ both the list-based approach and a projections-based approach, depending on which approach best suits the individual resource topic being analyzed. For those topics using the list-based approach, a list of projects considered in the cumulative analysis is provided on SEIR pages 5.1-8 to 5.1-11.

In response to the specific project identified by the commenters, the SEIR has considered all of these projects as part of the cumulative analysis as described below:

- **Eastern Neighborhoods Program.** This program is described on SEIR pages 5.1-8 to 5.1-9 and is considered in the cumulative analysis for operational impacts for topics using the list-based approach. For the Transportation analysis, the cumulative traffic and transit analyses are based on cumulative development and growth identified by the San Francisco County Transportation Authority SF-CHAMP travel demand model (see SEIR pp. 5.2-108 to 5.2-111), which incorporates broad assumptions for all projects included on the cumulative list, including the Eastern Neighborhood Program. While the Eastern Neighborhood Program called for transit improvements, no specific improvements were specified. However, a number of transit improvements have been implemented in the project area (see SEIR pp. 5.2-16 to 5.2-20) including the Muni Forward program.
- **Residential development projects in Mission Bay, Dogpatch, Potrero Hill, and Showplace Square.** These projects are all part of the Eastern Neighborhoods Program described above.

- **HOPE public housing revitalization projects.** These projects are included in the SF-CHAMP model used for the projections-based cumulative analysis for transportation impacts.
- **Removal of I-280 Freeway.** This project is included in the SF-CHAMP model used for the projections-based cumulative analysis for transportation impacts.
- **Seawall Lot 337 and Pier 48 Mixed Use project** (also known as Mission Rock, Giants Project, or Lot A). This project is described on SEIR page 5.1-9 and is considered in the cumulative analysis for operational impacts for topics using the list-based approach. This includes the Anchor Steam project, which is part of the Pier 48 development and not Pier 50. For the Transportation analysis, this project is included in the SF-CHAMP model used for the projections-based cumulative analysis.
- **Pier 70 Mixed-Use Development.** This project is described on SEIR page 5.1-9 and is considered in the cumulative analysis for operational impacts for topics using the list-based approach. For the Transportation analysis, this project is included in the SF-CHAMP model used for the projections-based cumulative analysis.
- **UCSF Children's Hospital.** This project, completed in spring 2015, was included as part of the baseline, existing conditions analysis, and is not considered a cumulative project (see SEIR page 5.2-8).
- **UCSF student housing projects.** These UCSF projects are included as part of the UCSF Long Range Development Plan (LRDP), which is described on SEIR page 5.1-9 and is considered in the cumulative analysis for operational impacts for topics using the list-based approach. For the Transportation analysis, the UCSF LRDP is included in the SF-CHAMP model used for the projections-based cumulative analysis.
- **New Public Safety Building.** This project, completed in spring 2015, was included as part of the baseline, existing conditions analysis, and is not considered a cumulative project (see SEIR page 5.2-8).
- **Hotel in Mission Bay.** A hotel project on Mission Bay Block 1 is described on SEIR page 5.1-11 and is considered in the cumulative analysis for construction impacts for topics using the list-based approach. Operational impacts of this project were considered as part of the 1998 Mission Bay Final SEIR. For the Transportation analysis, this project is included as part of the overall Mission Bay Development in the SF-CHAMP model used for the projections-based cumulative analysis.
- **Uber Headquarters project.** This project is described on SEIR page 5.1-10 and is considered in the cumulative analysis for construction impacts for topics using the list-based approach. Operational impacts of this project were considered as part of the 1998 Mission Bay Final SEIR. For the Transportation analysis, this project is included as part of the overall Mission Bay Development in the SF-CHAMP model used for the projections-based cumulative analysis.
- **Realignment of Terry A. Francois Boulevard and Mission Bay Park.** This project is described on SEIR pages 5.1-10 to 5.1-11 and is considered in the cumulative analysis for construction impacts for topics using the list-based approach. Operational impacts of this project were considered as part of the 1998 Mission Bay Final SEIR. For the Transportation

analysis, this project is included as part of the overall Mission Bay Development in the SF-CHAMP model used for the projections-based cumulative analysis.

Comment I-deCastro1-4 regarding the commenter's favorable opinion of a "lock box" for ticket tax revenue is acknowledged.

Comment I-Hong-3 requests a map showing the location of cumulative projects. The SEIR elected not to include a map of the locations of projects used in the cumulative analysis because some of these analyses, such as Transportation, are based on projections rather than specific projects, and a map could be misleading. For those projects used in the list-based approach, the descriptions of projects include clear identification of geographic locations that can then be located on project vicinity maps such as Figure 3-2 (page 3.3) or Figure 3-3 (page 3.7).

Comment I-Hong-15 requests a construction time line showing cumulative projects in the vicinity of the project. SEIR Section 5.1.5.3 (pp. 5.1-10 to 5.1-11) describes the cumulative construction projects in the vicinity of Blocks 29-32, including the estimated construction period for each project.

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## 13.8 Land Use

### 13.8.1 Overview of Comments on Land Use

The comments and corresponding responses in this section cover topics analyzed in the Initial Study, Section E.1, Land Use, which is included in Appendix NOP-IS of the SEIR. These include topics related to:

- LU-1: Land Use Character and Compatibility
- LU-2: Land Use Plan Consistency

### 13.8.2 Land Use Character and Compatibility (LU-1)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA6B1-10	O-MM-18	O-MM-19	I-Alberts-1
I-Cunningham-1	I-Dickey-3	I-Heath-2	I-Hyde-5
I-Jensen-1	I-Jones-1	I-Kajiko-3	I-Lee-4
I-Lighty-2	I-Lighty-10	I-Osborn-5	I-Rynne-2
I-Tan-2	PH-Cornwell2-1	PH-Meserve-2	PH-Osmundson-2
PH-Scott-2	PH-Siegel2-1		

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**“c. The Event Center Will Destroy Planned Community Character.** Development of Mission Bay South has been the subject of intensive planning for 25 years, as reflected in the 1990 EIR, the 1998 EIR, and the Mission Bay Redevelopment Plans. The character of the community revolves around medical and biotechnology development. “Because a major UCSF site would likely be a magnet for biotechnology research, an emphasis on biotechnology is anticipated.” (1998 Mission Bay EIR, p. IA.89.)

“The Warriors Event Center proposes a signature disruption in the long---planned development of Mission Bay South as a biotechnology and medical hub, and EIR analysis of that planned land use change is required. In comments on the Initial Study, research---based biotechnology company FibroGen, located adjacent to the project site, raised concerns about the Event Center’s likely disturbance of the company’s “operations, sensitive instrumentation, laboratories, and chemicals,” all highly sensitive to noise and vibration. “... [G]iven the Project’s significant scope coupled with the sensitivity of FibroGen’s use and ongoing operations, ... it is critical that the EIR thoroughly disclose and evaluate any potential land use incompatibilities with surrounding land uses.”

“This major planning detour requires EIR revision and recirculation.” (*Mission Bay Alliance, Susan Brandt-Hawley, letter, July 26, 2015 [O-MBA6B1-10]*)

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**“10. The SDEIR Fails to Address The Project’s Direct and Cumulative Land Use Impacts.”** (*Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-18]*)

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“The DSEIR incorrectly claims that an "Initial Study" can substitute for the analysis and mitigation of the Project's land use impacts, claiming the Project "would not physically divide an established community; conflict with land use plans, policies, or regulation adopted for the purpose of avoiding or mitigating an environmental effect; or have impacts on the existing character of the vicinity." (DSEIR 6-4.) In fact, the Project is plainly incompatible with existing uses in the immediate vicinity, including a major medical center, research and hospital facility, and residential uses. The Project's significant impacts clash with and affect all of those other land uses. Indeed a "subsequent" environmental impact report is inappropriate for this Project, since it drastically departs from existing land uses.” (*Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-19]*)

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“As you know, the plan for Mission Bay approved by the Board of Supervisors (October 1998) states, as one of the major objectives of this visionary project:

Facilitating emerging commercial and industrial sectors including those expected to emerge or expand due to the proximity to the new UCSF site, such as research and development, bio-technical research, telecommunications, business service, multi-media services, and related light industrial...

“And indeed, Mission Bay has rapidly become one of the most prominent academic-industry biotechnology/medical complexes in the world. But we cannot stop here: we face increasing competition from other rapidly growing complexes of this type, both in the US and abroad. It will be critical to keep moving aggressively forward, if we are to continue to attract the very best talent – both academic and private sector – to San Francisco.

“It is absolutely clear to us that the planned new Golden State Warriors Arena and Events Center in Mission Bay would severely degrade the environment for the many thousands of researchers and private sector biomedical scientists who come to work at Mission Bay each day. It would also curtail the beehive-like, daily exchanges of personnel – from the South Bay and elsewhere – on which the success of the Mission Bay biomedical complex depends. Our major fear is that the Mission Bay site will lose its appeal – not only for the new biomedical enterprises that the city would like to attract here, but also for most of its current occupants. The result could critically harm not only UCSF, but also the enormously promising, larger set of biomedical enterprises that currently promises to make San Francisco the envy of the world.” (*Bruce Alberts, et. al, letter and email, September 22, 2015 [I-Alberts-1]*)

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“I am San Francisco homeowner and a local (4th and Townsend) worker concerned about the impact of the proposed Golden State Warriors stadium on the future of the close-knit, surrounding neighborhood communities and the medical campus at Mission Bay.” (*Micki Cunningham, email, July 23, 2015 [I-Cunningham-1]*)

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“... and is not a good fit with the surrounding medical establishment.” (*Helen Dickey, email, July 13, 2015 [I-Dickey-3]*)

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“A new massive entertainment center is inconsistent with these current and previously planned future uses, previously proposed under the carefully developed Mission Bay Plan. Yet, the Draft EIR does not even discuss the land use impacts of the project, which were not analyzed in the Mission Bay Plan EIR.” (*Alison Heath, email, June 30, 2015 [I-Heath-2]*)

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“Regular events at the stadium will have a negative impact for the neighborhood, businesses and UCSF hospitals in the area.

“We do not need more sports and events in that area of the city.” (*Kathryn Hyde, email, July 15, 2015 [I-Hyde-5]*)

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“I think the Warriors need a new home outside of SF...it wasn't okay to over-develop at the waterfront/exceeding height limits, and it's not okay to bring huge crowds into an area that is rapidly becoming overcrowded and already houses a major new hospital ...” (*Lauris Jensen, email, July 13, 2015 [I-Jensen-1]*)

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“This is an incompatible combination and should be allowed to proceed. The UCSF Medical Center is there already. Adding a sports stadium next to it would be detrimental to UCSF. It would be wiser to seek another location for the Stadium, not nextdoor to UCSF Medical center hospital.” (*Jackie Jones, email, July 1, 2015 [I-Jones-1]*)

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“I am disappointed that the land set aside for this is not being used for the biotech or health science industry rather than entertainment.” (*Jennie Kajiko, email, July 25, 2015 [I-Kajiko-3]*)

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“Adding a basketball stadium to Mission Bay would make this nightmare a year round nuisance. Stadiums don't belong in urban centers. Don't let the Warriors ruin the neighborhood with the most potential in San Francisco.” (*Jeremiah Lee, July 20, 2015 [I-Lee-4]*)

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“A new massive entertainment center is inconsistent with these current and previously planned future uses, previously proposed under the carefully developed Mission Bay Plan. Yet, the Draft EIR does not even discuss the land use impacts of the project, which were not analyzed in the Mission Bay Plan EIR.” (*Michael Lighty, email, July 27, 2015 [I-Lighty-2]*)

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“Given these impacts, which the SEIR fails to identify and/or mitigate, and which may not be possible to mitigate, point to the incompatibility of locating the project across the street from a hospital serving some of the most sensitive patients in the region.” (*Michael Lighty, email, July 27, 2015 [I-Lighty-10]*)

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“We could use a lot more retail establishments around here, and smaller restaurants would do well. The thousands of us working out here don't have a lot of choices to walk to at lunch time. That would be a welcome addition. And that is the type of thing that was on the original plan I believe.” (*Kim Osborn, email, July 27, 2015 [I-Osborn-5]*)

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“The arena development is completely ill-suited to a university campus and medical center location--not to mention a prime waterfront site. The scale is ill judged and it just does not fit with a world class research institution.” (*Gavin Rynne, email, July 27, 2015 [I-Rynne-2]*)

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“A new massive entertainment center is inconsistent with these current and previously planned future uses, previously proposed under the carefully developed Mission Bay Plan. Yet, the Draft EIR does not even discuss the land use impacts of the project, which were not analyzed in the Mission Bay Plan EIR.” (*Judy Tan, email, July 27, 2015 [I-Tan-2]*)

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“I respect the Warriors. They're a good organization, but they're not this non-profit organization that should be exempt from smart urban planning; right?”

“If we had a bank headquarters that was going to go in that spot with that traffic density as it now exists, and you're going to have 20,000-some-odd visitors, you would write that off immediately. That's awful urban planning.”

“They're not a non-profit. They're a multibillion-dollar asset and a very profitable organization. And it does not make sense for a company that is going to put that kind of burden on the community and the region; right?” (*John, public hearing transcript, June 30, 2015 [PH-Cornwell2-1]*)

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“In particular, we're concerned about the compatibility of the center with the existing health and research facilities in Mission Bay, and while health and related biosciences was planned to expand under the Mission Bay Redevelopment Plan, this project takes this area in a completely new and incompatible direction.” (*Osha Meserve, public hearing transcript, June 30, 2015 [PH-Meserve-2]*)

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“The project is a perfect fit for this neighborhood. Mission Bay was envisioned as a mixed-use development project. The Port worked -- we worked on it for many years in the late '80's and early '90's. It's a mixed-use development project. It's not just a life science center. So, this is use fits into the City's plan for this area.” (*Paul Osmundson, public hearing transcript, June 30, 2015 [PH-Osmundson-2]*)

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“The Draft EIR shows that the project would cause severe traffic gridlock, noise, and air pollution in Mission Bay, right next to the U.C.S.F. and other medical facilities, yet the Draft EIR does not even discuss the land-use impacts of the project. They were not analyzed in the mission of the planned EIR.” (*Damion Scott, public hearing transcript, June 30, 2015 [PH-Scott-2]*)

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“The D.N.A. [Dogpatch Neighborhood Association] is not opposed to the stadium. However, the development will have direct and lasting impact on our neighborhood, and of course, is of grave concern to the Dogpatch Neighborhood Association and residents of the community.” (*David Siegel, public hearing transcript, June 30, 2015 [PH-Siegel2-1]*)

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## **Response LU-1: Land Use Character and Compatibility**

Several comments assert that the proposed project would be inconsistent with, and would result in direct and/or cumulative impacts to, existing and/or planned nearby UCSF-related medical uses, UCSF and non-UCSF biotechnical uses, and residential uses in the vicinity, and that the SEIR and the Mission Bay FSEIR did not address land use impacts.

The impact significance criteria used in the SEIR are based on San Francisco Planning Department protocol and CEQA Guidelines, Appendix G. For the purposes of analyzing land use, CEQA Guidelines Appendix G, asks whether a project would:

- (a) Physically divide an established community?
- (b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- (c) Have a substantial impact upon the existing character of the vicinity?

As discussed further below, the Initial Study addresses each of the above issues and concludes the proposed project would not have the potential to result in any potentially significant land use impacts. As explained by CEQA Guidelines section 15128, where an effect is found to be less than significant, a “statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant... may be contained in an attached copy of an Initial Study.”

The Initial Study, Section E.1: Land Use and Land Use Planning first summarized the land use impacts analysis of the Mission Bay Plan from the Mission Bay FSEIR, including its conclusion that the implementation of the Mission Bay Plan would not result in any significant land use impacts. Specifically, the Initial Study observed that the Mission Bay FSEIR determined that the Mission Bay Plan would not physically disrupt or divide an established community, or have a substantial impact upon the existing character of the vicinity.

The Initial Study then addressed all potential land use impacts of the proposed project. With respect to the potential to physically divide an established community, in *Cathay Mortuary, Inc. v. San Francisco Planning Com.* (1989) 207 Cal.App.3d 275, the court held that similar language in subdivision (u) of former Guidelines Appendix G (“A project will normally have a significant effect on the environment if it will . . . [d]isrupt or divide the physical arrangement of an established community”)<sup>1</sup> was intended to apply to projects, such as highway construction, that would constitute physical barriers dividing a community. (*Id.* at p. 280; see also *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359, 1419.) The Initial Study considers the potential for the proposed project to cause such an impact, Impact LU-1 (pp. 29 to 30), and explains that the proposed project would be incorporated within an established street plan, would not include any physical barriers or obstacles to pedestrian or vehicle circulation, and that any temporary disruption to traffic/pedestrian flow related to events at the event center would be minimized to the extent feasible with implementation of the proposed Transportation Management Plan. On the basis of these factors, as explained in the Initial Study, the project would not have any new or

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<sup>1</sup> Former Appendix G to the CEQA Guidelines, a list of impacts “normally” considered significant, was repealed as part of the 1998 update to the CEQA Guidelines. At that time, the sample Initial Study Checklist, formerly found in Appendix I to the Guidelines, was modified and retitled Appendix G.

substantially more severe effects than those identified in the Mission Bay FSEIR related to physical division of an established community.

With respect to potential project conflicts with plans and policies adopted for the purpose of mitigating environmental effects, the Initial Study Impact LU-2 (pp. 30-32) discussed that the project would not conflict with the Mission Bay South Redevelopment Plan, under which the proposed office and retail uses are considered primary uses, and the proposed event center is considered a secondary use. As explained in the Initial Study, the project would be generally consistent with the major development standards of the Mission Bay South Design for Development with approval of the required variations and amendments to certain standards contained in that document.

The Initial Study also explained that the project would not substantially conflict with the other applicable regional planning documents, including the *Plan Bay Area*, 2010 Clean Air Plan, *San Francisco Bay Plan*, and the *San Francisco Basin Plan*. With respect to *Plan Bay Area*, as discussed in SEIR Chapter 4, Plans and Policies, the project site is located within a Priority Development Area (PDA) of Plan Bay Area where growth is anticipated and planned for in proximity to transit. The proposed project would not conflict with any projects in the Regional Transportation Plan, and accordingly, would be consistent with *Plan Bay Area*. With respect to 2010 Clean Air Plan (2010 CAP), as discussed in SEIR Chapter 4 notes that the proposed project would include appropriate transportation, energy, and sustainability measures to reduce automobile trips, energy usage, and associated emissions and would not disrupt or hinder implementation of control measures identified in the 2010 CAP. Furthermore, the project sponsor has agreed to implement mitigation measures that would reduce pollutant emissions, including offsetting emissions generated by construction and operations of the project. (See e.g., Mitigation Measure M-AQ-2b in SEIR Section 5.4, page pp. 5.4-42 to 5.4-43.) Therefore, as described in detail in Section 5.4, Air Quality, the project would not conflict with the 2010 CAP. With respect to the *San Francisco Basin Plan* and *San Francisco Bay Plan*, as described in Chapter 5, Section 5.9, Hydrology and Water Quality, as well as Section E.14 of the Initial Study, the proposed project would not result in substantial water quality effects; thus the project would not conflict with the Basin Plan. Accordingly, the project would not substantially conflict with these other regional planning documents, and in fact would promote or assist achieving in the goals of those plans.

The Initial Study noted that aside from land use effects, the physical environmental impacts of potential policy conflicts were addressed in other applicable sections of the Initial Study and SEIR; see Initial Study Section E.13 (Biological Resources), and SEIR Section 5.2 (Transportation and Circulation), Section 5.4 (Air Quality), Section 5.4 (Greenhouse Gas Emissions), and Section 5.9 (Hydrology and Water Quality). This approach is consistent with established CEQA case law. As explained in *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1207, planning inconsistency is “merely a factor to be considered in determining” the significance of changes in the physical environment caused by the project.

In addition, the Initial Study notes that there were no substantial changes with respect to circumstances under which the project is undertaken nor has any new information become

available (e.g., the 2014 UCSF Long Range Development Plan) that would result in new or more severe impacts associated with the proposed project. On the basis of these factors, as explained in the Initial Study, the project would not have any new or substantially more severe effects than those identified in the Mission Bay FSEIR related to conflict with land use plans or policies adopted for the purpose of avoiding or mitigating an environmental effect.

With respect to potential project impacts on the existing character of the vicinity, the Impact LU-3 (pp. 32 to 34) explained that the proposed retail and office uses would generally be consistent with the previously proposed uses for the site, such that no new or more severe conflicts with land use character would occur. The Initial Study acknowledged that although the Mission Bay FSEIR did not directly contemplate development of an event center, it did analyze the potential for secondary “nighttime entertainment uses.” The Initial Study states that the proposed event center would increase the intensity of the site’s use and would thus alter the land use character of the project site from that analyzed in the Mission Bay FSEIR, and the presence of event center-associated spectators in the surrounding Mission Bay neighborhood would be noticeable compared to existing conditions. However, the Initial Study also explains that the proposed project would not hinder operation of those existing uses such that adverse land use impacts may occur. The Initial Study acknowledged other changes in land use conditions that have occurred since preparation of the Mission Bay FSEIR, including the expanded UCSF Mission Bay campus (including the establishment of the medical center, which like the proposed event center, is a secondary “public structure” and “use of a nonindustrial character” land use). But, the Initial Study concluded that the operation of office, entertainment and retail uses at the project site would not conflict with the changed land use character. On the basis of these factors, as explained in the Initial Study, the project would not have any new or substantially more severe effects than those identified in the Mission Bay FSEIR upon the existing character of the vicinity.

The Impact C-LU-1 (pp. 34 to 36) addressed potential cumulative land use impacts resulting from additional planned development in Mission Bay South Plan Area and nearby vicinity, including the Pier 70 project, Seawall Lot 337 and Pier 48 Mixed-Use project, and other reasonably foreseeable development. The Initial Study explained that these projects, in combination with the proposed project, would create a wider mix of uses than currently exists in this portion of the City, but such change would not result in significant adverse cumulative effects to land use character. On the basis of the factors discussed above, the Initial Study stated that cumulative land use impacts would be less than significant.

A commenter indicates that, in response to the Notice of Preparation to prepare a SEIR, the biotechnology company FibroGen raised concerns about the potential for the project’s construction noise and vibration to disturb the company’s operations, sensitive instrumentation, laboratories, and chemicals. SEIR Section 5.3, Noise and Vibration, Impacts NO-1 and NO-3 did not identify any significant construction noise or vibration impacts to sensitive equipment in nearby land uses under CEQA. As discussed in the SEIR, no pile driving is proposed during construction; rather, all piles would be cast in place with drilled auger holes, reducing potential project construction-related noise and vibration effects. In addition, please refer to SEIR Chapter 12, Project Refinements and New Project Variant, which documents that the project

sponsor now no longer proposes to use Rapid Impact Compaction during construction of the proposed project, which would further reduce project construction noise and vibration effects. For additional information regarding vibration impacts during construction, see Sections 13.12.4 and 13.12.6. Finally, please note the Mission Bay Plan contemplates a diverse array of uses to address blight and enhance economic development in the area.

A commenter claims the project's effect on community character would require SEIR revision and recirculation. As discussed above, there were no significant project impacts to community character identified in the Initial Study. The commenter is also referred to Chapter 13.3: Environmental Review Process, Response ERP-5, which explains that no environmental issues have been raised that would require recirculation of the Draft SEIR under CEQA.

A commenter mischaracterizes the use of the Initial Study prepared for the proposed project, claiming that the Initial Study substitutes for the analysis and mitigation of the project's land use impacts. As discussed in the Initial Study, Section A.1, the Initial Study, consistent with CEQA Guidelines Sections 15063(b)(1)(C) and 15168(d)(1), provides documentation to determine which of the project's effects were adequately examined in the Mission Bay FSEIR and which topics warrant more detailed environmental analysis. For the topics which warrant more detailed environmental analysis (i.e., those resulting in either new significant effects or substantially more severe impacts than were previously identified in the Mission Bay FSEIR), a focused SEIR was prepared. The Initial Study identified no significant land use impacts, and consequently, no additional analysis of this environmental topic was warranted in the SEIR. Please see also Response LU-2, below.

Several commenters suggested that the project should be developed at another location. The SEIR Chapter 7, Alternatives, included a detailed analysis of potential alternatives to the proposed project, including a No-Project Alternative and an Off-site Alternative. See also Section 13.24 of this document for further discussion of alternatives.

Finally, several commenters offered various opinions of the proposed project. These include comments that more sports and events were not needed in this area of the City; that the Golden State Warriors need a new home outside of San Francisco; that the project site should be set aside for the biotech and health science industry rather than for entertainment uses; that stadiums do not belong in urban centers; that more retail and small restaurants are needed in the area; that the arena is ill-suited to a university campus and medical center location and prime waterfront site; that the scale of the project is ill-sized; that the project sponsor should not be exempt from smart urban planning; and that other potential projects that would generate the similar visitorship as the proposed project would be written off immediately. These comments manifest the concern by some commenters that the project may alter the local lifestyle and result in other social impacts within the Mission Bay area. "[E]vidence of social . . . impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence" that a project may have a significant environmental effect. (CEQA Guidelines, § 15384, subd. (a).) Therefore, these comments do not address the adequacy of the SEIR, and consequently, no response is required. However, the commenters' opinions will be forwarded to the decision-makers.

### 13.8.3 Land Use Plan Consistency (LU-2)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA6B1-5

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#### **"2. The Draft Subsequent EIR Must Address Land Use**

"The Notice of Preparation and Initial Study ("NOP/IS" or "Initial Study") acknowledges that, per the 1998 Mission Bay EIR, "the Mission Bay Redevelopment Plans and Design for Development documents ... constitute the regulatory land use framework for the Mission Bay plan area." (NOP/IS, p. 30.) The Initial Study finds no need to address land use issues in the DSEIR, contending that the Event Center would not conflict with land use policy, divide a community, or substantially impact area character. (NOP/IS, p. 27). Without additional discussion, the DSEIR agrees, reiterating that project land use impacts are insignificant and that no environmental analysis is required. (DSEIR, pp. 1---49, 5.1.1.)

"While clearly aware that CEQA requires revision of the DSEIR to address the project's conflicts with Mission Bay land use policies and significant adverse impacts to community character, the City simply kicks the can down the road:

As part of the project approval process, OCII, the San Francisco Planning Commission, and other relevant regulatory agencies would determine whether the proposed project is consistent with their respective plans as applicable to the proposed project. Thus, the proposed project would have a less---than---significant impact with regard to conflicts with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

"(NOP/IS, p. 31, italics added.) This statement implicitly acknowledges the requirements of Appendix G of the CEQA Guidelines. Under Appendix G, Section X, a project's potentially---significant conflicts with land use plans that were adopted for environmental protection or mitigation must receive environmental review in an EIR. A rote finding by a lead agency that simply assumes that a project will comply with such land use plans via future action by involved regulatory agencies cannot substitute for the analysis contemplated by Appendix G. (*The Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903.)

"The Event Center's Draft Subsequent EIR does just that; unlawfully deferring the analysis and enforcement of land use plan consistency. The DSEIR must be revised and recirculated to provide environmental analysis and mitigation. EIRs must "consider and resolve every fair argument that can be made about the possible significant effects of a project." (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099.) Here, the record illustrates many inconsistencies with land use plans and policies that have potentially significant environmental impacts:" (*Mission Bay Alliance, Susan Brandt-Hawley, letter, July 26, 2015 [O-MBA6B1-5]*)

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#### **Response LU-2: Land Use Plan Consistency**

Commenter claims that the Initial Study finds no need to address land use issues in the Draft SEIR, contending that the event center would not divide a community, conflict with a land use policy, or substantially impact area character. The Initial Study analyzed all potential land use impacts, including the three land use topics stated on page 27 of the Initial Study [i.e., would the project: 1) physically divide an established community?; 2) conflict with any applicable land use

plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?; or 3) have a substantial impact upon the existing character of the vicinity?]. The commenter is referred to the land use impact analysis contained in Impacts LU-1, LU-2, LU-3, and CU-LU-1 in the Initial Study, and as summarized in Response LU-1, above.

With respect to Land Use Issue No. 2, the Initial Study correctly notes that as part of the project approval process, OCII, and other relevant regulatory agencies would determine whether the proposed project is consistent with their respective plans as applicable to the proposed project. Commenters misinterpret this statement to mean that the Initial Study did not provide an impact analysis of conflict with plans and policies adopted for the purpose of avoiding or mitigating an environmental effect, and defers analysis.

To the contrary, as discussed in additional detail in Response LU-1, above, the Initial Study Impact LU-2 described general consistency of the project with the Mission Bay planning documents and applicable regional planning documents. Initial Study Impact LU-2 also appropriately noted that aside from land use effects, that the physical environmental impacts of potential policy conflicts would be addressed in the other applicable sections of the SEIR and its Initial Study. In addition, the Initial Study Impact LU-2 noted that there were no substantial changes with respect to circumstances under which the project is undertaken nor has any new information become available that would result in new or more severe impacts associated with the proposed project. On the basis of these factors, the Initial Study determined that the project would not have any new or substantially more severe effects than those identified in the Mission Bay FSEIR related to conflict with land use plans or policies adopted for the purpose of avoiding or mitigating an environmental effect.

In summary, the SEIR properly acknowledges and considers land use consistency considerations and acknowledges that the final determination is left to OCII, the San Francisco Planning Commission, and other relevant regulatory agencies. The approach taken in the SEIR is consistent with CEQA and general principle that the ultimate determination of consistency with applicable land use plans is left the decisionmaker. (*North Coast Rivers Alliance v. Marin Municipal Water Dist.* (2013) 216 Cal.App.4th 614, 632-633; *Sequoiah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719 [“it is the province of elected city officials to examine the specifics of a proposed project to determine whether it would be ‘in harmony’ with the policies stated in the plan”].) That decision once made by OCII is accorded substantial deference. (See *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1192 [“When we review an agency’s decision for consistency with its own general plan, we naturally accord great deference to the authoring agency’s determination.... If the agency’s decision is not arbitrary, capricious, unsupported, or procedurally unfair, it is upheld.”]; *Sequoiah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719-720 [“It is, emphatically, not the role of the courts to micromanage these development decisions.... [A reviewing court’s role] is simply to decide whether the city officials considered the applicable policies and the extent to which the proposed project conforms with those policies.”] (original emphasis); *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 142 [In reviewing an agency’s

decision for consistency with its own plan, “we accord great deference to the agency’s determination. This is because the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in its adjudicatory capacity. [Citation omitted.] Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.”]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1509-1510 [same]; *Families Unafraid to Uphold Rural etc. County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1338 [“[I]t has been said that a determination of general plan consistency will be reversed only if, based on the evidence before the local governing body, ‘. . . a reasonable person could not have reached the same conclusion.’”], quoting *No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal.App.3d 223, 243; *San Franciscans Upholding Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 677 [“A city’s findings that [a] project is consistent with its general plan can be reversed only if [they are] based on evidence from which no reasonable person could have reached the same conclusion.”], quoting *A Local & Regional Monitor v. City of Los Angeles* (1993) 16 Cal.App.4th 630, 648; *Ross v. California Coastal Com.* (2011) 199 Cal.App.4th 900, 929 [“we grant broad deference to the commission’s interpretation of the local coastal program it prepared”]; *Albertstone v. California Coastal Com.* (2008) 169 Cal.App.4th 859, 864 [In interpreting a local coastal program, a court “will not depart from the Commission’s interpretation unless it is clearly erroneous.”]; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1129 [“It is well settled that a county is entitled to considerable deference in the interpretation of its own general plan.”]; *County of Sacramento v. State Water Resources Control Bd.* (2007) 153 Cal.App.4th 1579, 1587 [“[W]here the language of the regulation is ambiguous, it is appropriate to consider the agency’s interpretation. [Citation omitted.] Indeed, we defer to an agency’s interpretation of a regulation involving its area of expertise, ‘unless the interpretation flies in the face of the clear language and purpose of the interpretive provision.’”], quoting *Divers’ Environmental Conservation Organization v. State Water Resources Control Bd.* (2006) 145 Cal.App.4th 246, 252; *Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 273 fn. 23 [“To the extent that the Plan contains any ambiguity, we defer to the City’s interpretation of its own Plan.”]; *State Water Resources Control Bd. Cases* (2006) 136 Cal.App.4th 674, 726 [“the court generally will not depart from the agency’s interpretation [of its own regulations] unless it is clearly erroneous or unauthorized.’ (Citation omitted)”].)

The cases cited by the commenter are easily distinguished. In *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, the court reviewed the adequacy of a Mitigated Negative Declaration (MND) and therefore applied the “fair argument” standard of review. Here, the City has prepared an EIR so the “fair argument” standard does not apply. Further, the MND at issue in that case was “devoid of reasoning and evidence” supporting its conclusion that the project would not conflict with land use plans that were adopted to avoid or mitigate environmental effects. (*Id.* at p. 932.) Here, in contrast, the SEIR describes the reasoning for its consistency determination and the determination is supported by substantial evidence. (See Initial Study, pp. 30-32; see also Response LU-1.)



*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, does not address the issue of land use plan or policy consistency. That case stands for the proposition that, where an agency concludes that an impact is less than significant pursuant to CEQA Guidelines section 15128 and therefore does not warrant further analysis, it must provide a statement briefly indicating the reasons for its determination. (*Id.*, at pp. 1109-1112.) Here, the Initial Study analyzes whether the project would conflict with land use plans or policies adopted for the purpose of avoiding or mitigating an environmental effect and its determination that the impact would be less than significant is supported by substantial evidence. (See Initial Study, pp. 30-32; see also Response LU-1.)

## **13.9 Population/Housing/Growth**

The Initial Study, Section E.3, Land Use, included in Appendix NOP-IS of the SEIR, analyzed issues associated with population, housing, and growth inducement. No comments were received on this topic.

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## 13.10 Cultural Resources

### 13.10.1 Overview of Comments on Cultural Resources

The comments and corresponding responses in this section cover topics analyzed in the Initial Study, Section E.4, Cultural and Paleontological Resources, which is included in Appendix NOP-IS of the SEIR. These include topics related to:

- CULT-1: Archeological Resource

### 13.10.2 Archaeological Resources (CULT-1)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA6B1-14

#### **"4. The EIR must assess Cultural Resources**

"The Initial Study and DSEIR contend that cultural resources were sufficiently addressed in the 1990 and 1998 Mission Bay EIRs. The Alliance disagrees. The DSEIR should be revised to provide project-specific analysis and mitigation as well as an updated investigation of resources as part of the environmental setting. The DSEIR description of the environmental setting is critical to provide a baseline of physical conditions from which to measure the significance of project impacts. (Guidelines, § 15125.)<sup>2</sup>

"To address impacts to paleontological and archaeological resources, the DSEIR proposes adoption of the mitigation measures recommended in the 1998 Mission Bay EIR, and concludes that environmental impacts will thereby be mitigated via standard archaeological testing, monitoring, and data recovery. (DSEIR, pp. 1-51, 1-57.)

"The 1998 Mission Bay EIR relied on the 1990 Mission Bay EIR that in turn consulted a *Cultural Resources Evaluation for the Mission Bay Project* prepared in 1987 by David Chavez & Associates. (1990 EIR, p. VI.J.30, NOP/IS, p. 46.) As reflected in the prior EIRs, the shallows of Mission Bay were filled beginning in the 1860s and the Event Center site at Blocks 29-32 is on that filled land. The Initial Study references the Chavez report as stating that the filled land in Mission Bay had "no substantial potential for archaeological resources." (NOP/IS, p. 46; 1990 EIR, pp. II.64, VI.J.1-30.) However, the 1990 EIR nonetheless concluded that development could cause "significant impacts to subsurface prehistoric or historic archaeological resources ... within the vicinity of Blocks 29-32," and identified mitigation measures. (*ibid.*)

"David Chavez and historian Jan Hupman subsequently prepared an *Archaeological Resources Review* report in 1997 for the 1998 Mission Bay EIR, concluding that "[t]he entire Mission Bay project area has at least some sensitivity for the presences of unknown archeological remains. Prehistoric cultural deposits could be encountered in three identified areas and unknown historical features, artifact caches and debris areas could be located anywhere in the project area." (Chavez & Hupman, *Archaeological Resources Review for the Mission Bay Project Subsequent EIR*, 1997, p. 7, italics added.)

"Since then, geotechnical investigations at the project site in March 2014 identified a "medium dense to very dense sand, sand with clay, clayey sand, silty sand and sand with silt, known as the Colma Formation, [] encountered below the sand and clay in portions of the site." (Langan Treadwell Rollo Preliminary Geotechnical Evaluation, p. 2---3.) The Colma Formation involved sand between 5 and 35 feet thick, more

than 19 feet below the ground surface. (Ibid.) That is a greater depth than the Event Center's projected excavations, but a 2014 report by ESA Associates Cultural Resources team suggest a pre-construction boring strategy as part of an Archaeology Testing Program ("ATP"):

The ATP will need to include a pre-construction geoarchaeological boring strategy across the project area to determine: (a) whether the upper surface of the Colma Formation is intact or was eroded away in antiquity (and therefore whether there is even the potential for archaeological materials to be present); and (b) if the upper surface of the Colma Formation is intact, whether there are, in fact, any archaeological materials present.

"The actual boring strategy is not known. A firm called Archeo-Tec made a proposal, but it was criticized by the ESA team: "The Archeo-Tec proposal only specifies trenching beginning at a depth of 10-15 feet below ground surface (after mass excavation has already started)." ESA noted that the Archeo-Tec plan did "not correlate with ERO standards" and was "not in line with Planning Department requirements for the project area." Further, "trenching will not address [City archaeologist Randall Dean's] specific concerns ..."

"The 1987 Chavez report had conceded that "[w]ith the exception of some limited archaeological testing in sensitive areas" the "actual areal extent, specific nature and location of historic features and artifact caches, and depositional integrity of the archaeological deposits" in South Mission Bay are unstudied. Further, "specific information of that nature is important in determining the actual significance of archaeological resources and in developing appropriate mitigation plans." (Chavez, Cultural Resource Evaluation For the Mission Bay Project, p. 105.)

"Years later, archaeologist Dean properly criticized the Initial Study's cursory review of archaeological impacts, pointing out that:

... [w]e know a lot more than we did 20 years ago about both buried and submerged potential horizontal and vertical locations and types of prehistoric deposits that may be present throughout SF. The project site lies within the mudflats of Mission Bay subject to shallow tidal waters but well within the paleoshorelines of 5,000 B.P. [...] the type of prehistoric deposits that might be affected would be within the Middle Holocene epoch which would make them of significant scientific value.

"Incomplete information regarding cultural resources conflicts with CEQA's requirements for an adequate environmental setting/baseline to provide "special emphasis" on "resources that are rare or unique ..." (Guidelines, § 15125 (c).) Mitigation measures proposed in the Initial Study and DSEIR, including the Archaeological Testing Program, must be preceded by updated analysis of affected resources and performance standards. Since the Initial Study and the DSEIR rely on outdated information from the 1990 Mission Bay EIR, there is a higher potential for subsurface archaeological resources at the site than previously evaluated. The EIR must be revised to include a current analysis of cultural resources, potentially significant impacts, and performance-based mitigation.

**Footnote:**

<sup>2</sup> Inadequacies in the EIR environmental setting and baseline led to inadequate analysis of environmental issues that will be addressed in other Alliance comment letters, including the jurisdictional wetlands identified on the project site.

*(Mission Bay Alliance, Susan Brandt-Hawley, letter, July 26, 2015 [O-MBA6B1-14])*

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## Response CULT-1: Archaeological Resources

Contrary to the commenter's assertions, the SEIR Initial Study sufficiently addressed potential impacts to archaeological resources by summarizing relevant analyses conducted as part of the program-level Mission Bay FEIR and Mission Bay FSEIR, addressing potential project-level impacts of the proposed project, and identifying feasible project-level mitigation measures, including certain new mitigation measures, to reduce potential impacts to less than significant.

The analysis included in the SEIR Initial Study updates the analyses presented in the Mission Bay FEIR and Mission Bay FSEIR by incorporating knowledge gained through recent San Francisco investigations of deeply buried prehistoric archaeological resources in areas previously thought to have low potential for prehistoric archaeological resources. In addition, subsequent to the publication of the Draft SEIR, new archaeological testing and monitoring of the project site was conducted in support of the project, as described below.

As discussed in the SEIR Initial Study, Section E.4 (pp. 45 to 57), the Mission Bay FSEIR Initial Study Cultural Resources section summarized information from the Mission Bay FEIR on historic and prehistoric resources within the Mission Bay plan area, including information from a Cultural Resources Evaluation conducted in 1987 by David Chavez & Associates, and supplemented with an archaeological resources review conducted in 1997 also by David Chavez & Associates. The Mission Bay FSEIR Initial Study indicated that in 1997 the overall potential for prehistoric Native American sites within the Mission Bay plan area was considered to be low.

Blocks 29-32 were also identified as having a low potential for the presence of historic-period archaeological resources, although other portions of the Mission Bay plan area outside of Blocks 29-32 were identified as sensitive for historic-period archaeological resources.

The Mission Bay FSEIR Initial Study concluded that the entire Mission Bay plan area, including Blocks 29-32, has some sensitivity for the presence of unknown historic or prehistoric archaeological resources, and development and associated construction within the plan area would result in potentially significant impacts to subsurface prehistoric or historic archaeological resources. The Mission Bay FSEIR identified Mitigation Measures D.3, D.4, and D.6, which when implemented would reduce the impacts to a less-than-significant level.

As discussed in the SEIR Initial Study, the proposed project includes subsurface construction activities that could disturb potentially significant subsurface prehistoric and historic archaeological resources, should such resources be present. These types of subsurface construction activities were anticipated and analyzed in the Mission Bay FSEIR, and there is nothing specific to the proposed subsurface construction activities at the project site that would result in new significant impacts or substantially increase the severity of previously-identified significant impacts to archaeological resources. Thus, impacts of the proposed project on archaeological resources would be potentially significant, but impacts could be reduced to less than significant with identified mitigation measures.

The SEIR Initial Study identified Mitigation Measure M-CP-2a (Archaeological Testing, Monitoring and/or Data Recovery Program), which is consistent with the City's current standard protocols, and this measure would in effect implement the requirements of FSEIR Mitigation Measures D.3 and D.4 as applied to include Blocks 29-32. In addition to Mitigation Measure M-CP-2a for archaeological testing, monitoring, and/or data recovery, Mitigation Measure M-CP-2b (Accidental Discovery of Archaeological Resources) replaces and implements Mission Bay FSEIR Mitigation Measure D.6. This replacement does not imply that there would be a new more severe significant impact or an impact of greater severity than was analyzed and disclosed in the Mission Bay FSEIR. Consistent with the conclusions of the FSEIR, FSEIR Mitigation Measure D.6, as implemented

through Mitigation Measure M-CP-2b, would reduce the proposed project's impact to a less-than-significant level. As such, the proposed project would not result in any new or substantially more severe impacts on archaeological resources than were analyzed and disclosed in the Mission Bay FSEIR.

The SEIR Initial Study, including Mitigation Measure M-CP-2a, updated the analysis of the Mission Bay FSEIR Initial Study by incorporating knowledge gained from recent archaeological investigations in San Francisco that have identified deeply buried prehistoric archaeological resources associated with the Colma Formation. Therefore, the SEIR sufficiently addressed potential impacts to unidentified archaeological resources in Blocks 29-32.

Subsequent to the publication of the Draft SEIR, archaeological testing was conducted at Blocks 29-32 consistent with the requirements of the approved and adopted FSEIR Mitigation Measures D.3 and D.4. As required by these mitigation measures, an archaeological testing program was conducted in accord with an archaeological testing plan<sup>1</sup> by an archaeological consultant on the San Francisco Planning Department Qualified Archaeological Consultant List (QACL). No archaeological deposits or potential stable land surfaces available for occupation by prehistoric populations (palesols) were identified in the archaeological testing program<sup>2</sup>, confirming the finding of no potential effect to legally-significant archaeological resources by the proposed project.

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<sup>1</sup> Environmental Science Associates. *Event Center and Mixed Use Development at Mission Bay Blocks 29-32 Archaeological Testing Plan*. May 1, 2015.

<sup>2</sup> Environmental Science Associates. *Event Center and Mixed Use Development at Mission Bay Blocks 29-32 Archaeological Testing Results Report*. October 2015.

## 13.11 Transportation

### 13.11.1 Overview of Comments on Transportation

The comments and corresponding responses in this section cover topics analyzed in SEIR Section 5.2, Transportation. These include topics related to:

- **TR-1: Setting**
- **TR-2: Methodology**
  - TR-2a: Analysis Scenarios
  - TR-2b: Analysis Locations
  - TR-2c: Baseline Conditions
  - TR-2d: Trip Generation
  - TR-2e: Travel Modes
  - TR-2f: Traffic LOS Methodology
  - TR-2g: Transit Capacity Utilization
  - TR-2h: Cumulative Analysis Year and Context
  - TR-2i: Significance Thresholds
  - TR-2j: Adequacy of Transportation Analysis
- **TR-3: Project Transportation Improvements**
  - TR-3a: Transportation Management Plan
  - TR-3b: PCOs
  - TR-3c: Transportation Impact Fees
- **TR-4: Traffic Impacts**
- **TR-5: Transit Impacts**
  - TR-5a: Muni
  - TR-5b: BART
  - TR-5c: Caltrain
  - TR-5d: Other Transit
- **TR-6: Pedestrian Impacts**
- **TR-7: Bicycle Impacts**
- **TR-8: Loading Impacts**
- **TR-9: Emergency Vehicle Access Impacts**
- **TR-10: Construction-related Transportation Impacts**
- **TR-11: Improvement Measures**
- **TR-12: Mitigation Measures**
  - TR-12a: Traffic Mitigation Measures
  - TR-12b: Transit Mitigation Measures
  - TR-12c: Mission Bay FSEIR Mitigation Measures
  - TR-12d: Implementation of Mitigation Measures
- **TR-13: Parking Conditions**
- **TR-14: Helipad Impacts**



## 13.11.2 Setting (TR-1)

### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

A-BART-2  
O-SFBT-4

O-SFBT-1  
I-Zboralske-2

O-SFBT-2

O-SFBT-3

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"2. BART should be represented on the Ballpark/Mission Bay Transportation Coordinating Committee. BART looks forward to working with the City to identify appropriate short-term and long-term mitigation strategies and operational actions to address identified transportation shortcomings." (*BART, Val Menotti, letter, July 27, 2015 [A-BART-2]*)

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"Page 5.2-3, under "Local Access" states "As part of the Mission Bay Plan, Terry A. Francois Boulevard will be realigned to the west to be adjacent to the east side of Blocks 30 and 32, and a buffered two-way cycle track (Class II)<sup>3</sup> will be provided as part of the San Francisco Bay Trail on the east side of the street." The term "Class II" is a Caltrans standard that refers to a striped bicycle lane as opposed to the buffered two-way cycletrack referenced here. Cycletracks do not currently have a Caltrans classification, though it is our understanding that one may be forthcoming. The footnote at the bottom of this page also erroneously defines both a bike lane and a cycletrack as a Class II bikeway." (*San Francisco Bay Trail, Maureen Gaffney, letter, July 27, 2015 [O-SFBT-1]*)

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"Page 5.4-4 states that Fourth Street between King and Mission is part of the Bay Trail alignment. It is not. The Bay Trail alignment in this area is on Terry Francois, Lefty O'Doul Bridge, waterside of AT&T Park, and north along the Embarcadero. See attached map." (*San Francisco Bay Trail, Maureen Gaffney, letter, July 27, 2015 [O-SFBT-2]*)

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"Page 5.2-28 states "At various locations, the Bay Trail consists of paved multi-use paths, dirt trails, bike lanes, sidewalks or city streets signed as bicycle routes." The vision and goal of the Bay Trail is a Class I, multi-use pathway for cyclists and pedestrians, separated from traffic, as close to the shoreline as possible. While in certain locations, on a case-by-case-basis, the Bay Trail can consist of Class II bike lanes and sidewalks where there is no possibility for a multi-use path, city streets signed as bike routes are never proposed or accepted as complete segments of Bay Trail." (*San Francisco Bay Trail, Maureen Gaffney, letter, July 27, 2015 [O-SFBT-3]*)

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"On page 5.2-43, the DEIR states that the Bay Trail is a 400-mile pathway, and that 338 miles are complete. Please note the Bay Trail's total length is 500 miles, and we are happy to report that 341 miles are complete." (*San Francisco Bay Trail, Maureen Gaffney, letter, July 27, 2015 [O-SFBT-4]*)

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"During these walks I am constantly evaluating vehicular traffic flow, pedestrian and bicycle traffic patterns, signal light timing, traffic signage effectiveness, the impacts of on-going construction projects

and observing, when possible, traffic control and mitigation efforts by police officers, parking control officers and employees of construction companies.” (James Zboralske, email, July 27, 2015 [I-Zboralske-2])

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“The report indicates in section 5.2.3.7 that bicycle conditions were observed to be operating acceptably, with no conflicts, between bicyclists, pedestrians and vehicles. I dispute this.

“It is actually fairly common for bicyclists to ride their bikes on the sidewalk northbound on 3rd Street from South Street up to AT&T Park. They choose to do this because the pavement is wide and 3rd Street has no delineated bike lane in the roadway. Apparently, shifting over to Terry Francois Boulevard or 4th Street, which both have established bike lanes is cumbersome.” (James Zboralske, email, July 27, 2015 [I-Zboralske-25])

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### Response TR-1: Setting

In response to the request that BART be represented at the Ballpark/Mission Bay Transportation Coordinating Committee, it should be noted that BART, along with Caltrain, AC Transit and Golden Gate Transit, were members of the original committee created in early 1999 (i.e., prior to the opening of AT&T Park in April 2000). The Ballpark/Mission Bay Transportation Coordinating Committee membership included numerous San Francisco agencies and departments (i.e., SFMTA, Port), State (i.e., Caltrans, UCSF), the regional transit agencies noted above, as well as neighborhood, ballpark, and Mission Bay representatives. In response to the request, in August 2015 SFMTA has renewed the invitation to BART to actively participate in the committee.

In response to the comment regarding the accuracy of the description of cycle tracks as a Class II facility, the text and footnote on SEIR p. 5.2-3 was clarified as follows (deleted text is shown as ~~strikethrough~~ and new text is underlined):

**Terry A. Francois Boulevard** is a two-way, north-south roadway to the east of Third Street, extending between Third Street and Mariposa Street (at Illinois Street). The roadway generally has two travel lanes each way, with on-street parking on both sides of the street. As part of the Mission Bay Plan, Terry A. Francois Boulevard will be realigned to the west to be adjacent to the east side of Blocks 30 and 32, and a buffered two-way cycle track ~~(Class II)~~<sup>3</sup> will be provided as part of the San Francisco Bay Trail on the east side of the street. A bicycle lane (Class II facility) currently runs on each side of Terry A. Francois Boulevard between Illinois Street and Third Street.

<sup>3</sup> Class I bikeways are bike paths with exclusive right-of-way for use by bicyclists. Class II bikeways are bike lanes striped within the paved areas of roadways and established for the preferential use of bicycles. Class III bikeways are signed bike routes that allow bicycles to share the travel lane with vehicles. A cycle track ~~is a Class II bikeway, and~~ is an exclusive bicycle facility that is separated from vehicle traffic and parked cars by a buffer zone. Cycle tracks offer safer and calmer cycling conditions for a much wider range of cyclists and cycling purposes, especially on street with greater traffic volumes traveling at relatively high speeds. Assembly Bill 1193 (Assembly Member Ting; Chapter 495 Statures of 2014) categorizes cycle tracks, or separated bikeways, as Class IV bikeways and requires Caltrans to establish and publish minimum safety design criteria for Class IV bikeways by January 1, 2016. Information on AB 1193 available online at: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201320140AB1193](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140AB1193). Accessed August 24, 2015.

The revision does not change the analysis or conclusions presented in the SEIR.

In response to the comment that the Bay Trail alignment of the Bay Trail on Fourth Street was described incorrectly in the SEIR, the text on p. 5.2-4 was corrected as follows (deleted text is shown as ~~striketrough~~ and new text is underlined):

**Fourth Street** is a principal north-south arterial between Market and Mariposa Streets. Between Market and King Streets, Fourth Street runs southbound and has four southbound travel lanes. From King Street to Berry Street, Fourth Street has two lanes each way. Between Berry and 16th Streets, Fourth Street is two-way and has one travel lanes each way. South of 16th Street, Fourth Street provides local access to the UCSF Medical Center; there is no through motor-vehicle access between 16th and Mariposa Streets. Fourth Street is classified as a Congestion Management Network Major Arterial and a part of the Metropolitan Transportation System. Fourth Street is designated as a Primary Transit Important Preferential Street; is a part of the Citywide Pedestrian Network from Market Street to Folsom Street; ~~is part of the Bay Trail between King and Mission Streets;~~ and is designated as a Neighborhood Commercial Pedestrian Street. The T Third Street light rail line runs northbound on Fourth Street within mixed-flow lanes between Channel and Berry Streets, and in a semi-exclusive center median right-of-way between Berry and King Streets. Fourth Street has bicycle lanes (Class II) both ways between Channel and 16th Streets.

The revision does not change the analysis or conclusions presented in the SEIR.

In response to the comment regarding the description of the Bay Trail, a footnote was added on SEIR p. 5.2-28 to the clarify the vision and goal of the Bay Trail, as follows (deleted text is shown as ~~striketrough~~ and new text is underlined):

**Figure 5.2-7** also presents the San Francisco Bay Trail. The San Francisco Bay Trail is designed to create recreational pathway links to the various commercial, industrial and residential neighborhoods that surround the San Francisco Bay. In addition, the trail connects points of historic, natural and cultural interest; recreational areas such as beaches, marinas, fishing piers, boat launches, and numerous parks and wildlife preserves. At various locations, the Bay Trail consists of paved multi-use paths, dirt trails, bike lanes, sidewalks or city streets signed as bicycle routes.<sup>1</sup> In the project vicinity, an improved Bay Trail path follows the shoreline of San Francisco Bay, east of Terry A. Francois Boulevard within the area that will be developed as part of the Mission Bay Plan as the Bayfront Park.

<sup>1</sup> The vision and goal of the Bay Trail is a Class I, multi-use pathway for cyclists and pedestrians, separated from traffic, as close to the shoreline as possible. While in certain locations, on a case-by-case basis, the Bay Trail can consist of Class II bicycle lanes and sidewalks, where there is no possibility for a multi-use path, city streets signed as bicycle routes are never proposed or accepted as complete segments of the Bay Trail.

The revision does not change the analysis or conclusions presented in the SEIR.

In response to the comment that the description of the Bay Trail's total length and miles completed is incorrect, the text on SEIR p. 5.2-43 was corrected as follows (deleted text is shown as ~~strikethrough~~ and new text is underlined):

***San Francisco Bay Trail Plan***

The Association of Bay Area Governments (ABAG) administers the San Francisco Bay Trail Plan (Bay Trail Plan). The Bay Trail is a multi-purpose recreational trail that, when complete, would encircle San Francisco Bay and San Pablo Bay with a continuous 500~~400~~-mile network of bicycling and hiking trails; to date, 341~~338~~ miles of the alignment have been completed. The 2005 Gap Analysis Study, prepared by ABAG for the entire Bay Trail area, attempted to identify the remaining gaps in the Bay Trail system; classify the gaps by phase, county, and benefit ranking; develop cost estimates for individual gap completion; identify strategies and actions to overcome gaps; and present an overall cost and timeframe for completion of the Bay Trail system.

The revision does not change the analysis or conclusions presented in the SEIR.

The comments regarding observations of existing conditions in Mission Bay is noted. The existing transportation setting is presented on SEIR pp. 5.2-3 – 5.2-42, and presents conditions without and with a SF Giants evening game at AT&T Park. As noted in a comment, some bicyclists may ride northbound on the east Third Street sidewalk because of the wider sidewalks and low pedestrian volumes in the area. As Mission Bay builds out, and pedestrian presence on the sidewalks increases, it is anticipated that bicyclists would be less inclined to ride on the sidewalks. Note that the San Francisco Transportation Code prohibits bicycling on sidewalks, except by children under the age of 13.<sup>1</sup> As noted SEIR p. 5.2-29, bicycle volume counts indicate that more bicyclists travel on Terry A. Francois Boulevard than on Third Street.

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<sup>1</sup> San Francisco Transportation Code Section 1007. Bicycle Riding on Sidewalks, Available online at: [http://www.amlegal.com/nxt/gateway.dll/California/transportation/transportationcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco\\_ca\\$sync=1](http://www.amlegal.com/nxt/gateway.dll/California/transportation/transportationcode?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sync=1) (accessed on September 28, 2015).

### 13.11.3 Methodology (TR-2)

#### Issues Raised by Commenters: Analysis Scenarios (TR-2a)

This response addresses all or part of the following comments, which are quoted below:

A-Caltrans-2  
O-MBA10L4-17

A-Caltrans-4

A-Caltrans-6

O-MBA10L4-15

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“Please clarify or revise the report. The report should identify traffic turning movements per study intersection under Basketball Game Only, Convention Only Conditions separately.” (*Department of Transportation, Patricia Maurice, letter, July 20, 2015 [A-CALTRANS-2]*)

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“• Please elaborate how the AT&T Park Post-Game Event Traffic Plan is incorporated within the Project's Transportation and Circulation analysis regarding parking impacts on the surrounding neighborhood and roadways. According to the Post-Game Event Traffic Plan and noted in the report, some streets near AT&T Park and its parking lots are closed beginning in the 7th inning to approximately one hour post-event. Given the Project's additional number of vehicles seeking parking, potential safety issues for all road users should be identified and fully mitigated.” (*Department of Transportation, Patricia Maurice, letter, July 20, 2015 [A-CALTRANS-4]*)

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“The AT&T Park Post-Game Event Traffic Plan is available at the webpage above.” (*Department of Transportation, Patricia Maurice, letter, July 20, 2015 [A-CALTRANS-6]*)

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**“H. The DSEIR’s Discussion of Transportation Impacts Is Incomplete.**

“The DSEIR analyzes transportation impacts in two broad scenarios: with and without implementation of the Special Events Transit Service Plan.

“In the scenario ‘With Implementation of the Special Events Transit Service Plan’ the DSEIR analyzes two narrower scenarios: with and without a Giants game. In each Giants game scenario, the DSEIR analyzes three narrower scenarios: no event, convention event, and basketball game. The result is six scenarios applied to ten different transportation resources, as shown in Table 2.

Table 2

With Implementation of the Special Events Transit Service Plan					
Without Giants game			With Giants game		
No event	Convention event	Basketball game	No event	Convention event	Basketball game
TR-1 Construction - Traffic		LS	TR-1 Construction - Traffic		LS
TR-2 Traffic - Intersections		SUM	TR-11 Traffic - Intersections		SUM
TR-3 Traffic - Freeway Ramps		SUM	TR-12 Traffic - Freeway Ramps		SUM
TR-4 Transit - Muni		LS	TR-13 Transit - Muni		LSM
TR-5 Transit - Regional – Caltrain		SUM	TR-14 Transit - Regional -All		SUM
TR-6 Pedestrian		LSM	TR-15 Pedestrian		LSM
TR-7 Bicycle		LS	TR-16 Bicycle		LS
TR-8 Loading		LS	TR-17 Emergency Vehicle Access		LS
TR-9a Construction Helipad		LSM			
TR-9b Const. Lights Helipad		LS			
TR-9c Operation Helipad		LS			
TR-9b Operation Lights Helipad		LSM			
TR-10 Emergency Vehicle Access		LS			

“In the scenario ‘Without Implementation of the Special Events Transit Service Plan’ the DSEIR analyzes only one narrower scenario: without a Giants game and with a basketball game. The result is one scenario applied to ten different transportation resources, but the omission of the other five scenarios, as shown in Table 3.

Table 3

Without Implementation of the Special Events Transit Service Plan	
Without Giants game	
Basketball Game	
TR-1 Construction - Traffic	LS
TR-18 Traffic - Intersections	SUM
TR-19 Traffic - Freeway Ramps	SUM
TR-20 Transit - Muni	SUM
TR-21 Transit - Regional	SUM
TR-22 Pedestrian	LSM
TR-23 Bicycle	LS
TR-24 Loading	LS
TR-25 Emergency Vehicle Access	LS

“Since the scenario ‘Without Implementation of the Special Events Transit Service Plan’ is likely enough to justify including it in the DSEIR, the DSEIR should include the other five omitted scenarios.

“In addition, the DSEIR’s cumulative impact analysis does not even inform the reader if it is performed for the ‘with’ or ‘without’ scenario for ‘Implementation of the Special Events Transit Service Plan.’ The cumulative impact analysis should include both scenarios, and should inform the reader which is which.”  
(*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-15]*)

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**“The DSEIR Only Analyzes Impacts of Weeknight Basketball Games That Start at 7:30 PM, Not at Other Start Times Closer to the PM Peak.**

“The only scenarios analyzed involving weeknight basketball games assume a start time of 7:30 pm. But this is not the only times that weeknight basketball games start although it does account for a majority. In the three preceding full seasons to the time of the NOP, 6 percent of the weeknight home games started at 6 PM (average 2.5 games per season) and over the three seasons there were individual games starting at 5 PM and 7 PM. However, the recently completed season proves that earlier games than 7:30 PM start times are not likely to be just a rarity in future years. In the three regular seasons considered in the DSEIR, the Warriors team was mediocre to ‘emerging’. However, after this year’s excellent regular season, the team played 11 home playoff games, seven of which were weekday games that started at 6 PM. With an outstanding young team, the prospects are that the team could play similar numbers of home 6 PM weeknight playoff games (6 PM being the time nationally broadcast weeknight games normally start) for several seasons hence. Moreover, the national attention this team has attracted could result in several more national broadcasts of regular season home games (also normally starting at 6 PM). So there is a substantial likelihood that weeknight 6 PM games could become a frequent occurrence rather than a rarity. There might easily be 16 out of 54 or so combined regular season and playoff home games that start at 6 PM, or just under 30 percent of the total weeknight home games. Obviously, the 6 PM start puts more travel pressure on the 4 – 6 PM peak. The DSEIR should analyze this basketball start time as a separate scenario rather than dismissing it as an anomaly” (*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-17]*)

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## **Response TR-2a: Methodology, Analysis Scenarios**

In response to the comment that the SEIR should identify traffic turning movements for the study intersections for Basketball Game only and Convention only conditions separately, please refer to SEIR Appendix TR Figures 6a and 6b, which present the existing plus project traffic volumes for the weekday p.m. peak hour for the Convention Event scenario, and Figures 7a and 7b for the weekday p.m. peak hour for the Basketball Game scenario. As these figures show, the traffic volumes for the two scenarios are presented separately. Appendix TR also includes figures presenting the volumes for the No Event scenario and the Basketball Game scenarios for additional analysis days and hours (i.e., weekday p.m., weekday evening, weekday late evening, and Saturday evening peak hours). It should be noted that the analysis for both the Basketball Game and Convention scenarios include the travel demand associated with the office and retail uses.

SEIR section 5.2.5.3, Approach to analysis on SEIR pp. 5.2-69 – 5.2-79 presents the approach to the impact analysis, including analysis scenarios, analysis periods, analysis years, and analysis methodology. For each of the event scenarios and analysis periods, the transportation analysis considered the impact of the project on vehicle traffic, transit, pedestrians, bicycles, loading, emergency vehicle access, as well as parking conditions. As part of the transportation impact analysis of the various modes, the safety of all transportation network users was considered.

Existing transportation network conditions with a SF Giants Evening Game at AT&T Park are described on SEIR pp. 5.2-35 – 5.2-42, and include a description of the pre-game and post-game travel lane closures. This setting is used for the analysis of proposed project conditions with an overlapping SF Giants evening game at AT&T Park addressed in Impact TR-11 through Impact TR-17 on SEIR pp. 5.2-170 – 5.2-208. Impact TR-11 on SEIR pp. 5.2-171.2 – 180 presents the analysis of a project event with an overlapping evening event at AT&T Park. As noted on SEIR p. 5.2-171, due to the restricted access on the Third and Fourth Street bridges, no project-generated vehicles were assumed to travel northbound on Third and Fourth Street bridges during overlapping events. Project-generated vehicles would instead be directed west and south to avoid roadway closures and congestion on Third Street near Lot A and AT&T Park. See Response TR-13: Parking for a discussion of parking conditions.

A comment presents tables summarizing analysis scenarios and states that analysis of conditions without implementation of the Muni Special Event Transit Service Plan should have been conducted for five additional scenarios. The No Event and Convention Event scenarios analyzed in the SEIR do not include implementation of any special transit service plan by Muni or other transit operations. Therefore analysis of four of the five scenarios referred to in the comment (i.e., No Event without an overlapping SF Giants evening game at AT&T Park, Convention Event without an overlapping SF Giants evening game at AT&T Park, No Event with an overlapping SF Giants evening game at AT&T Park, Convention Event with an overlapping SF Giants evening game at AT&T Park) are already analyzed in the SEIR; further analysis is not necessary or required. Only the Basketball Game scenario without an overlapping SF Giants evening game at AT&T Park was analyzed in the SEIR both without and with implementation of the Muni Special Event Transit Service Plan. The purpose of analyzing conditions without the Muni Special Event

Transit Service Plan was to be conservative in the assessment of transportation impacts, in the unanticipated event that Muni would reduce or eliminate the proposed Muni Special Event Transit Service Plan. Thus, the only scenario referred to in the comment that was not included in the SEIR is the Basketball Game scenario without the Muni Special Event Transit Service Plan with an overlapping SF Giants evening game at AT&T Park.

As indicated on SEIR p. 5.2-191, the proposed project includes provision of the Muni Special Event Transit Service Plan, and the impact analysis in Impacts TR-2 through TR-17 analyze the project assuming that the Muni Special Event Transit Service Plan would be implemented. However, as stated in the SEIR, because the Muni Special Event Transit Service Plan would be provided by the City, rather than the project sponsor, as a conservative assessment of impacts, an analysis was conducted to disclose the potential impacts that could occur for the transportation topics if all or a portion of the Muni Special Event Transit Service Plan is not provided. Mitigation Measure M-TR-18: Auto Mode Share Performance Standard and Monitoring identifies measures that could be implemented by the project sponsor to meet specific performance standards. The purpose of this analysis is to identify the potential impacts of a reasonable worst-case scenario – i.e., if the project did not include the Muni Special Event Transit Service Plan and to establish performance standards that the project sponsor would be required to meet to reduce traffic, transit, and pedestrian impacts.

The quantitative analysis of the Basketball Game scenario with an overlapping SF Giants evening game at AT&T Park without the Muni Special Event Transit Service Plan was not included in the SEIR as it represents a worst-of-the-worst scenario, which would be expected to occur, on average, about nine times a year, and then only if Muni was unable to provide the additional services included in the Muni Special Event Transit Service Plan. As indicated on SEIR p. 5.2-80, the City fully anticipates implementation of this plan and has identified sufficient funding. See Response GEN-1a: City Funding for the resolution to the SFMTA and ordinance to the Board of Supervisors which are intended to secure funding for the City's contribution to the Muni Special Event Transit Service Plan. While a quantitative analysis of traffic impacts was not conducted for conditions with a SF Giants evening game at AT&T Park, Impact TR-18 and Impact TR-19, which present the traffic impacts for conditions without implementation of the Muni Special Event Transit Service Plan for the Basketball Game scenario without an overlapping SF Giants evening game, state that the additional impacts at intersections and freeway ramps would be in addition to the significant impacts identified in Impact TR-2 and Impact TR-3 for conditions without a SF Giants evening game at AT&T Park and in Impact TR-11 and Impact TR-12 for conditions with a SF Giants evening game at AT&T Park.

Impact TR-20 presents the Muni transit impacts for conditions without implementation of the Muni Special Event Transit Service Plan for the Basketball Game scenario without an overlapping SF Giants evening game, and identifies impacts to both the T Third and 22 Fillmore. Similar impacts would be anticipated for conditions with overlapping SF Giants evening games. The following text on SEIR page 5.2-202 was clarified as follows (deleted text is shown as ~~strikethrough~~ and new text is underlined):



Overall, under existing plus project conditions without the Muni Special Event Transit Service Plan, the proposed project would result in *significant* project-specific transit impacts, as follows:

- T Third during the weekday evening, weekday late evening, and Saturday evening peak hours.
- 22 Fillmore during the weekday late evening, and Saturday evening peak hours.

Impacts to the T Third and 22 Fillmore would be in addition to the significant impacts identified for the proposed project with implementation of the Muni Special Event Transit Service Plan in Impact TR-13 for conditions with an overlapping SF Giants evening game.

The revision does not change the analysis or conclusions presented in the SEIR.

For regional transit, without implementation of the Muni Special Event Transit Service Plan, the number of attendees arriving by regional transit is projected to decrease, as travel by public transit would become less attractive (there would be fewer or slower options connecting the regional transit hubs in San Francisco with the project site). Because additional regional transit service is not proposed as part of the project or as part of the Muni Special Event Transit Service Plan, regional transit impacts without the Muni Special Event Transit Service Plan would be similar to or less than those identified in Impact TR-14 for conditions with the Muni Special Event Transit Service Plan and with a SF Giants evening game at AT&T Park.

Project impacts related to bicycles (Impact TR-7 and Impact TR-16), loading (Impact TR-8), emergency vehicle access (Impact TR-10 and Impact TR-17) were identified as less than significant for conditions without and with a SF Giants evening game at AT&T Park, and impacts related to pedestrians (Impact TR-6 and Impact TR-15) were identified as less than significant with mitigation for conditions without and with a SF Giants evening game at AT&T Park. For these topics (i.e., bicycle, pedestrian, loading, and emergency vehicle access) the Basketball Game scenario without an overlapping SF Giants evening game at AT&T Park and without the Muni Special Event Transit Service Plan identified similar impacts and impact determinations as the Basketball Game scenario without a SF Giants evening game at AT&T Park and with the Muni Special Event Transit Service Plan. Therefore, impacts and the impact determination for a Basketball Game scenario with an overlapping SF Giants evening game at AT&T Park and without the Muni Special Event Transit Service Plan would also be expected to be the same as those for the Basketball Game scenario with an overlapping SF Giants evening game at AT&T Park with implementation of the Muni Special Event Transit Service Plan as presented in the SEIR. Therefore, for the above reasons, discussion and disclosure of potential impacts of the project provided in the SEIR for conditions without implementation of the Muni Special Event Transit Service Plan is complete and additional analysis scenarios are not required.

In response to the comment, the following clarifications are provided on SEIR page 5.2-87 (deleted text is shown as ~~struckthrough~~ and new text is underlined):

The mode split assumptions for the daytime convention/corporate event did not assume implementation of the Muni Special Event Transit Service Plan. Mode split assumptions for convention/corporate events attendees were based on data provided by the Moscone Center Operator and documented in the Moscone Center Expansion EIR...

The revision does not change the analysis or conclusions presented in the SEIR.

A comment suggests that the future year 2040 cumulative conditions analysis should have included analysis of conditions without implementation of the Muni Special Event Transit Service Plan. Such an analysis not only would have been inconsistent with reasonably foreseeable conditions in 2040, but was also unnecessary from an impact disclosure standpoint. Impacts TR-18 to TR-24 on SEIR pp. 5.2-190 – 5.2-208, which address “existing plus project” (as opposed to cumulative) conditions, already present the potential impacts that could occur for the transportation topics if all or a portion of the Muni Special Event Transit Service Plan is not provided. Mitigation Measure M-TR-18: Auto Mode Share Performance Standard and Monitoring identifies measures that could be implemented by the project sponsor to meet specific performance standards. The purpose of this analysis is to identify the potential impacts if the project did not include the Muni Special Event Transit Service Plan and to establish performance standards that the project sponsor would be required to meet to reduce traffic, transit, and pedestrian impacts, and analysis of cumulative conditions without the Muni Special Event Transit Service Plan is not required.

In response to the comment, and to clarify that the 2040 cumulative analysis of the Basketball Game scenarios includes implementation of the Muni Special Event Transit Service Plan, the following clarifications are provided on SEIR page 5.2-210 (deleted text is shown as ~~striketrough~~ and new text is underlined):

As described in Section 5.2.5.3 above, future 2040 cumulative traffic, transit and pedestrian forecasts were estimated based on cumulative development and growth identified by the SFCTA SF-CHAMP travel demand model. The 2040 cumulative analysis for the Basketball Game scenarios include implementation of the Muni Special Event Transit Service Plan.

The revision does not change the analysis or conclusions presented in the SEIR.

A comment stated that the transportation analysis should have included analysis of events starting at 6:00 p.m. Table 3-3 on SEIR page 3-39 presents the event characteristics at the proposed event center, and as stated in a comment, the regular season basketball game start at 7:30 p.m., which is the start time assumed for the impact analysis for the Basketball Game scenario for conditions without and with an overlapping SF Giants evening game. As indicated on Table 3-3, the Golden State Warriors preseason and postseason games (i.e., two to three preseason games, and up to 16 postseason games) would have variable start times, and could include start time of 6:00 p.m., which could overlap with the commute peak hour, and would worsen the weekday p.m. peak period traffic conditions from those reported in the SEIR. The variability of preseason and postseason games’ timing is due in part to TV deals, opposing team traveling schedules, and/or outcomes of postseason series that are beyond the scope of Golden State Warriors control. The two to three preseason games that could start at 6:00 p.m. would be rare and represent a

minor portion of the evening events that would occur throughout the year with lower expected attendance (an average attendance of 11,000 attendees at pre-season games, versus 17,000 attendees at regular season games). If the Golden State Warriors make it to the playoffs, the number of evening events starting at 6:00 p.m. could increase; however, given the normal NBA cycles by which teams typically rise and fall in the standings over time as player lineups change, it is unlikely that this scenario would occur on a regular basis during the time horizon addressed in the SEIR. Consistent with common practice in the transportation planning profession, the SEIR includes an analysis of the highest demand with the most frequent conditions for evening events, and identifies mitigation measures to reduce impacts associated with pre-event and post-event conditions. These mitigation measures would also be applicable to events that start earlier than the typical 7:30 p.m. start time considered in the analysis.

### Issues Raised by Commenters: Analysis Locations (TR-2b)

This response addresses all or part of the following comments, which are quoted below:

A-Caltrans-5

O-MBA5-5

O-MBA10L4-2

O-MBA10L4-20

O-MBA10L4-39A

I-Cornwell1-2

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“Project-related queuing impacts on nearby State facilities should be analyzed.” (*Department of Transportation, Patricia Maurice, letter, July 20, 2015 [A-CALTRANS-5]*)

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“In another example, the DSEIR’s analysis of the Arena’s severe traffic impacts is artificially and arbitrarily limited to the Mission Bay area plus a handful of additional intersections and freeway ramps. The Alliance’s traffic engineers demonstrate, in a more objective analysis, that the Arena’s traffic snarling influence will extend much farther into SOMA, Downtown, and Dogpatch areas.” (*Mission Bay Alliance, Bruce Spalding, letter, July 27, 2015 [O-MBA5-5]*)

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#### A. The DSEIR Fails to Assess the Project Traffic Impacts on the Entire Affected Environment.

The DSEIR studies Project-induced increases in congestion and delay, for both incremental and cumulative impacts, at twenty-two (22) intersections and six (6) freeway ramps, as shown in Table 1.

**Table 1**

Incremental Impact Assessment (With Implementation of the Special Events Transit Service Plan)	Incremental Impact Assessment (Without Implementation of the Special Events Transit Service Plan)	Cumulative Impact Assessment
Intersections at DSEIR, p. 5.2-18, Table 5.2-34 p. 5.2-121, Table 5.2-35 p. 5.2-123, Table 5.2-36 p. 5.2-172, Table 5.2-47 p. 5.2-174, Table 5.2-48	Intersections at DSEIR, p. 5.2-192, Table 5.2-53 p. 5.2-193, Table 5.2-54	Intersections at DSEIR, p. 5.2-214, Table 5.2-59 p. 5.2-217, Table 5.2-60.
Freeway ramps at DSEIR, p. 5.2-133, Table 5.2-37	Freeway ramps at DSEIR, p. 5.2-198, Table 5.2-55	Freeway ramps at DSEIR, p. 5.2-221, Table 5.2-61

**Table 1**

Incremental Impact Assessment (With Implementation of the Special Events Transit Service Plan)	Incremental Impact Assessment (Without Implementation of the Special Events Transit Service Plan)	Cumulative Impact Assessment
p. 5.2-133, Table 5.2-38 p. 5.2-134, Table 5.2-39	p. 5.2-198, Table 5.2-66	p. 5.2-221, Table 5.2-62
p. 5.2-181, Table 5.2-49 p. 5.2-181, Table 5.2-50		

Remarkably, the DSEIR fails to disclose the criteria the City used to select these intersections and freeway ramps. More importantly, the DSEIR fails to disclose the criteria the City used to exclude other intersections and freeway ramps. The omission of this fundamentally important information renders the DSEIR so legally inadequate as an informational document that it frustrates CEQA's goal of providing the public with a meaningful opportunity to comment on the DSEIR.

Also, as shown in the attached report from traffic engineers Larry Wymer and Dan Smith, the DSEIR omitted from its area of study numerous intersections and freeway ramps that will also suffer potentially substantial increases in traffic congestion and delay. The omission of these intersections and freeway ramps from the DSEIR's analysis of the Project's effect on traffic also renders the DSEIR so legally inadequate as an informational document that it frustrates CEQA's goal of providing the public with a meaningful opportunity to comment on the DSEIR.

How did this happen? The DSEIR simply states: "The traffic impact assessment for the proposed project was conducted for 23 study intersections and six freeway ramp locations in the vicinity of the project site" (DSEIR, p. 5.2-72),<sup>1</sup> with no further explanation. The same is true for the six freeway ramps. (DSEIR, p. 5.2-74.)

The DSEIR does inform the reader that:

The impacts of the proposed project on the surrounding transportation network were analyzed using the Transportation Impact Analysis Guidelines issued by the Planning Department in 2002 (SF Guidelines 2002), which provides direction for analyzing transportation conditions and in identifying the transportation impacts of a proposed project.

(DSEIR, p. 5.2-69.) These Guidelines provide:

## 2. Project Setting

The setting information shall be presented immediately following the Project Description as a discrete chapter or report section. The goal is to provide a brief but complete description of existing transportation infrastructure and conditions in the vicinity of the project. Normally, the described vicinity is a radius between two blocks and 0.25 mile, however, a larger area may be determined in the scoping process. *The specific perimeters of the study area, for both setting and project impact analysis, are to be confirmed as part of the approval for the scope of work.*

(Transportation Impact Analysis Guidelines (October 2002), pp.6-7 (italics added).) Based on this text, the reader would expect to find the criteria and rationale for delimiting "the specific perimeters of the study area" in the Scope of Work which the City approved pursuant to these Guidelines as a prerequisite to preparation of the DSEIR. Unfortunately, this expectation is disappointed, because the City-approved Scope of Work is also silent on the topic. (DSEIR, Appendix TR, pp. TR-8 to TR 14.)

Consequently, the City must revise the DSEIR to include an analysis of the Project's congestion and delay impacts on the excluded intersections and freeway ramps and then recirculate the Revised DSEIR for at least 45 days for public review and comment.

### Footnote:

<sup>1</sup> The DSEIR actually studies 22 intersections, not 23, in the tables listed in footnote 1.

(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-2])

**The City's Selections of Intersections (and Freeway Ramps) Studied in the DSEIR Excludes Intersections it Knew or Should Have Known Would Potentially Be Significantly Impacted by the Project**

Intersections selected for study in the DSEIR for the subject Project exclude a number of intersection that were to be subject to analysis in the DEIR for the prior proposal for essentially the same project but located on the Piers 30/32 site. Among the intersections slated for study in the prior edition of the project but not studied in the current work are the 9 major intersections along Embarcadero from and including that with Brannan all the way to that with Broadway, plus those at Main with Harrison, Main with Bryant, Beale with Mission, Beale with Bryant, Delancy and the 80 on ramp, Fremont with each of Mission, Harrison and Folsom/80 off, Third with Harrison, Third with Mission, Second and Bryant, Second and Brannan, Second and King, Second and Bryant, First with Harrison and the 80 on ramp, Fourth and Howard, Fourth and Harrison/80 on ramp, Fourth and Bryant/80 off ramp, Bryant with Sterling/80 on ramp. Virtually all of these excluded intersections are heavily congested in the pm peak.

Although the Project location is now shifted to a site approximately 6800 feet south, and the DSEIR has added study intersections in that direction, the excluded intersections are still on the likely paths of traffic coming from the Northbay, Eastbay and northern parts of San Francisco. The project is fundamentally the same size and will generate fundamentally the same amount of traffic. The amount of traffic through the excluded intersections approaching from and departing to the Northbay, Eastbay and northern parts of San Francisco is essentially unchanged from the totals that would have occurred with the Piers 30/32 site. So there is no reasonable logic for excluding these intersections from the current DSEIR analysis.

That the excluded intersections are at risk to be impacted by the Project is demonstrated in the DSEIR's own analysis of Alternatives to the Project. One of the alternatives it analyzes is putting the Project back on the previously proposed Piers 30-32 /Seawall Lot 330 site. Appendix TR at page TR-783 analyzes the project on the alternate (or formerly proposed site) at the intersections formerly proposed for evaluation. It shows the Existing + Project with Basketball Event would have significant project-specific impacts at 8 intersections, 5 of which are intersections excluded from the current DSEIR analysis of the Project at its current site, and would make significant contributions to traffic at 4 intersections already at LOS E or F, 3 of which are among the intersections excluded from the analysis of the Project at its currently proposed site. We reiterate, it is clear that most of the traffic contributory to the impacted intersections with the Project on the formerly proposed site would still pass through these intersections with the Project located at the currently proposed site. So the DSEIR is deficient for excluding these intersections from the analysis of the Project.<sup>7</sup>

We also note that DSEIR Figures 5.2-14 E and 5.2-14 F indicate that approximately 31 percent of Warriors game weekday and Saturday attendees would approach and depart two [sic] and from the northwest via 7th Street at times when there are no overlapping Giants games. Although the DSEIR does not specifically present usage of this corridor by Warrior's attendee traffic at times of overlapping Giants home games, it would doubtless be considerably greater. In both cases, this suggests that the capacity-challenged intersections of Seventh and Townsend, Seventh and Brannan, Eighth and Brannan and Eighth and Bryant should have been analyzed in the DSEIR. Please do so.

There is a similar situation with the study of freeway ramps. The current DSEIR analyzes 6 ramps. The study for the prior site analyzed 12 ramps. Four of the six ramps studied in the current work are new (not considered in the analysis of the former proposed site). In other words, ten of the ramps to be studied in the analysis of the prior site, all problematic in peaks, are eliminated from consideration. There is no reasonable justification for their elimination.

**Footnote:**

<sup>7</sup> Our colleague, Mr. Larry Wymer of Larry Wymer and Associates Traffic Engineering has provided a separate letter of comment on this DSEIR (dated July 21,2015) that concurs in the need for study of additional intersections and provides supporting data.

*(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-20])*

**OPINION 1 - The DSEIR's Transportation and Circulation analysis does not adequately analyze the entirety of the study area impacted by the development**

The defined study area for the DSEIR is taken to be a subsection of the study area identified for the "Mission Bay Final Subsequent Environmental Impact Report", from which the DSEIR was tiered. Since the Mission Bay FSEIR was completed in 1998, the assumptions included therein are presently 17 years old and require appropriate revisions, and possibly expansions beyond those assumed within that report, to provide a similar level of impact analysis as provided therein.

Numerous San Francisco regional planning documents conclude that auto trips within and adjacent to the DSEIR's study area will increase significantly up to the 2040 cumulative year horizon. Specifically, the "2040 San Francisco Transportation Plan" concludes that daily auto trips within the "SoMa/Mission Bay" (South of Market/Mission Bay) regions along roadways arena traffic would travel will grow by the following percentages between 2012 and 2040:<sup>1</sup>

- Overall SoMa/Mission Bay auto trips (2012-2040) = +82% (+125,000 vehicles)
- So/Ma between Downtown Core & I-80 (2012-2040) = +42%
- So/Ma (south of I-80) to Mission Bay = +174%

The DSEIR provides six figures showing "Project Vehicle Trip Patterns to Major Parking Facilities" serving the arena. **Table 1** summarizes the information within these figures establishing the trip percentages that travel to/from or through the SoMa and North Mission Bay areas.

**Table 1**  
**Project Vehicle Trip Patterns to Major Parking Facilities**  
**North Mission Bay & South SoMa**

Figure	Page	Figure Title	Trip Assignment Along Roadway			
			Seventh St s/o Townsend St	Fourth St s/o Townsend St	King St e/o Third St	from WB I-80 to Fifth St
5.2-14A	5.2-95	Project Vehicle Trip Patterns to Major Parking Facilities - Inbound Weekday PM Peak Hour - No Event and Convention Event	18% / 22%	7% / 7%	5% / 11%	8% / 7%
5.2-14B	5.2-96	Project Vehicle Trip Patterns to Major Parking Facilities - Outbound Weekday PM Peak Hour - No Event and Convention Event	19% / 19%	7% / 12%	5% / 5%	8% / 8%
5.2-14C	5.2-97	Project Vehicle Trip Patterns to Major Parking Facilities - Inbound Saturday Evening Peak Hour - No Event	20%	8%	5%	9%
5.2-14D	5.2-98	Project Vehicle Trip Patterns to Major Parking Facilities - Outbound Saturday Evening Peak Hour - No Event	20%	8%	5%	7%
5.2-14E	5.2-99	Project Vehicle Trip Patterns to Major Parking Facilities - Inbound Weekday and Saturday Peak Hours - Basketball Game Without a SF Giants Evening Game	31% / 32%	13% / 13%	9% / 11%	29% / 30%
5.2-14F	5.2-100	Project Vehicle Trip Patterns to Major Parking Facilities - Outbound Weekday Late Evening Peak Hour - Basketball Game Without a SF Giants Evening Game	31%	13%	11%	20%

Source: "Event Center and Mixed Use Development at Mission Bay Blocks 29-32" DSEIR (June 5, 2015)

The table above establishes that the arterials within the northern portion of the study area will experience significant increases in traffic volumes ranging from 9% to 32%. At issue for much of this traffic is where the traffic will originate.

Table 5.2-23 (page 5.2-85), and corresponding text on pages 5.2-84 to 5.2-86, describes expected trip distribution patterns to the project site from attendees arriving from the downtown area, with increased numbers on weekdays due to attendees traveling to the study area directly from their jobs downtown:

*The origin/destination distribution range for a weekday basketball game reflects an adjustment for event attendees who would travel to the event center directly from work rather than from their place of residence. The adjustment was based on a survey of Golden State Warriors season ticket holders (see Appendix TR). As shown in Table 5.2-23, the number of trips starting in San Francisco on a weekday is projected to be about 7.5 percentage points greater than on a weekend, with the corresponding*

*reductions in trips arriving from the East Bay (2 percentage points), North Bay (4 percentage points), and South Bay (1.5 percentage points) areas. The majority of visitor trips to a convention event, retail, office, and restaurant uses would be from within San Francisco (70 to 81 percent), followed by South Bay (9 to 10 percent), and then East Bay (3 to 9 percent) origins/destinations.*

Because these attendees will be arriving largely from the high employment areas in and near downtown, significant numbers of attendees would be required to pass through the SoMa area and northern portion of the DSEIR's defined study area to arrive at either the stadium or one of the ancillary land uses (i.e. restaurants) in the vicinity of the proposed arena. And because these attendees will be travelling to the arena directly from work, it can be reasonably assumed many (if not most) would initiate their trip within the later part of the PM peak period (i.e. 5:00/5:30 to 6:00 pm). Thus it can be expected many intersections north of those studied within the DSEIR (i.e. from north of Market Street to south of King Street) will experience large increases in PM peak hour traffic volumes as a result of this Project.

When these project volumes are combined with the 42% to 174% increases within this same area (from north of Market Street to south of King Street), the potential impacts are compounded necessitating the need to widen the study area northward towards downtown. Thus the increases in both cumulative background and project traffic volumes, particularly during weekday PM peak hour periods, requires widening the study area beyond that included within the Mission Bay Blocks 29-32 DSEIR, and beyond the study area within the 1998 "Mission Bay Final Subsequent Environmental Impact Report" from which the more recent DSEIR was tiered.

A revised SEIR should expand the study area northward to at least Market Street, an area henceforth referred to as the "expanded study area". For planning purposes, the expanded study area into north Mission Bay and SoMa is assumed to be northward from the existing study area within an area bounded generally by 8th Street to the west, Market Street to the north between 8th Street and The Embarcadero, northward along The Embarcadero to Broadway, and the San Francisco Bay to the east. A few additional intersections are included in the neighborhood east of the I80/US-101 interchange.

Further justification for expanding the study area northward is provided in Opinion 2 below.

The following opinion will almost exclusively focus on weekday PM peak hour conditions since that is the time period my proposed expanded analysis is assumed will largely experience the most significant impacts.

**OPINION 2 - The DSEIR's Transportation and Circulation analysis does not analyze impacted study intersections and ramps in the SoMa and North Mission Bay areas, most notably those between Market Street and King Street**

To assist in reviewing the adequacy of the DSEIR's study area limits, I reviewed the draft traffic study (in memorandum format) for the previous proposed arena site. That memorandum report was titled "*Travel and Parking Demand Estimates for the Proposed Event Center and Mixed Use Development at Piers 30-32 and Seawall Lot 330*"; stamped "Draft-Subject to Revisions; dated August 9, 2013; submitted by Jose I. Farran of Advant Consulting; and submitted to the San Francisco Planning Department (Brett Bollinger, Chris Kern and Viktoriya Wise), Orion Environmental (Joyce Hsiao), and Environmental Science Associates (Paul Mitchell). The traffic study for this earlier proposed arena will henceforth be referred to as the "2013 memorandum traffic study," or "2013 arena study" within tables.

Although the arena analyzed in the 2013 memorandum traffic study was also originally proposed to be located south of I-80 (same as the currently proposed arena), trip distribution patterns and intersections identified as critical intersections warranting study stretches significantly further northward into and through the entire SoMa area, with a few even included north of Market Street. Since both versions of the arena project are located south of I-80, traffic arriving at the respective arena sites would include traffic originating from the downtown areas as described in Opinion 1, traffic would travel southeastward along SoMa arterials and through SoMa intersections to both sites, and traffic would also pass through still more intersections within the first several blocks south of I-80. The original 2013 memorandum traffic study analyzed 12 intersections north of I-80 and 10 intersections between I-80 and King Street, whereas none of these 22 intersections were analyzed within the DSEIR. A review of trip distribution patterns for both versions of the project reveal that trip distribution and assignment patterns are not substantially different between the two, however the DSEIR fails to reflect this reality with a noticeable absence of much needed analysis of the critical intersections identified in the traffic study for the earlier site.

**Table 2** provides a summary of 27 study intersections located within the SoMA area and blocks north and south of I- 80 which were analyzed within the 2013 memorandum traffic study, and the PM peak hour levels of service which were established therein for Existing (No Project), Existing Plus Project, and Existing Plus “No Event” Project conditions. The table also notes that 10 of these 27 intersections were analyzed within the 1998 Mission Bay DSEIR, yet only 5 of those 10 intersections (and 5 of the 27) were analyzed within the DSEIR. And finally, the table shows that 13 of the 22 intersections neglected in the DSEIR would operate at deficient level of service (LOS) E or F operations for no project and/or plus project conditions.

**Table 2**  
**Expanded Study Area LOS Analysis**

Intersection	Original Arena Study LOS Operations Weekday PM Peak Hour (4:00-6:00)						LOS Analysis Intersection # if Analyzed w/in Study		
	Existing (No Project)		Existing Plus Project		Existing Plus No Event		2013 Arena Study [1]	1998 Mission Bay FSEIR [2]	2015 DSEIR Arena Study [3]
	Delay	LOS	Delay	LOS	Delay	LOS			
The Embarcadero / Broadway	36.70	D	37.40	D	36.90	D	1		
The Embarcadero / Washington St	30.50	C	38.00	D	31.50	C	2		
The Embarcadero / Mission St	79.50	E	>80 (1.13)	F	>80 (1.06)	F	3		
The Embarcadero / Howard St	>80 (1.13)	F	>80 (1.38)	F	>80 (1.18)	F	4		
The Embarcadero / Folsom St	61.90	E	>80 (1.39)	F	66.80	E	5		
The Embarcadero / Harrison St	71.00	E	>80 (1.01)	F	>80 (0.93)	F	6		
The Embarcadero / Bryant St	>80 (1.51)	F	>80 (1.08)	F	>80 (2.17)	F	7		
The Embarcadero / Brannon St	39.10	D	42.40	D	37.60	D	9		
The Embarcadero / Townsend St	58.10	E	70.40	E	62.60	E	10		
2nd St / King St	55.80	E	63.10	E	59.60	E	11	X	
3rd St / King St	72.70	E	>80 (0.99)	F	>80 (0.95)	F	12	X	1
4th St / King St	51.90	D	59.50	E	56.00	E	13	X	2
5th St / King St / I-280 Ramps	59.20	E	72.80	E	56.00	E	14	X	3
Main St / Harrison St	>80 (0.91)	F	>80 (1.07)	F	>80 (0.93)	F	15		
Main St / Bryant St	21.20	C	24.20	C	32.50	C	16		
Beale St / Mission St	33.80	C	41.80	D	37.10	D	17		
Beale St / Bryant St	54.00	D	>80 (1.15)	F	>80 (1.13)	F	18		
Fremont St / Harrison St	32.40	C	38.80	D	34.40	C	19	X	
Fremont St / Folsom St	53.60	D	>80 (0.75)	F	54.00	D	20		
1st St / Harrison St / I-80 Ramps	>80 (1.13)	F	>80 (1.28)	F	>80 (1.17)	F	21	X	
4th St / Howard St	52.20	D	54.40	D	53.10	D	22		
4th St / Harrison St / I-80 Ramps	41.80	D	44.50	D	42.00	D	23		
4th St / Bryant St / I-80 Ramps	>80 (0.76)	F	>80 (0.87)	F	>80 (0.77)	F	24	X	
5th St / Harrison St / I-80 Ramps	48.40	D	>80 (1.07)	F	60.90	E	25	X	4
2nd St / Brannon St	20.20	C	28.20	C	21.30	C	27		
2nd St / Bryant St	>80 (1.23)	F	>80 (1.27)	F	>80 (1.24)	F	28	X	
5th St / Bryant St / I-80 Ramps	see note [4]		see note [4]		see note [4]		? [4]	X	5

**NOTES:**

Deficient LOS E or F within 2015 DSEIR LOS analysis.

[1] = Analyzed in Original 2013 Arena Study - "Event Center & Mixed-Use Development at Piers 30-32 & Seawall Lot 330" (GSW P30-32 LOS\_Table 052815\_FP.xlsx)(pg TR-783) [2] = Analyzed in 1998 "Mission Bay Final Subsequent Environmental Impact Report"

[3] = Analyzed in 2015 "Event Center and Mixed Use Development at Mission Bay Blocks 29-32" (SCN:2014112045).

Table only considers study intersections north of the proposed project site, thus study intersections #6 through #22 of the DSEIR are neglected herein.

[4] = Incomplete data from memorandum traffic study indicates deficient LOS E &/or F but no specifics regarding intersection #, delays, and which scenarios are projected to experience LOS E/F.



The information provided in the Table above supports Opinion 1 that the DSEIR's Transportation and Circulation analysis does not adequately analyze the entirety of the study area impacted by the development, and that by extension the DSEIR's Transportation and Circulation analysis also does not adequately analyze impacted study intersections and ramps in the SoMa and North Mission Bay areas.

Based on the deficient levels of service identified in the table above which the proposed project would potentially add significant traffic volumes, a revised SEIR should add (at a minimum) the following 13 study intersections from the expanded study area identified above.

- 1) Mission Street / The Embarcadero
- 2) Howard Street / The Embarcadero
- 3) Folsom Street / The Embarcadero
- 4) Harrison Street / The Embarcadero
- 5) Bryant Street / The Embarcadero
- 6) Townsend Street / The Embarcadero
- 7) King Street / Second Street
- 8) Harrison Street / Main Street
- 9) Bryant Street / Beale Street
- 10) Folsom Street / Fremont Street
- 11) Harrison Street / First Street
- 12) Bryant Street / Fourth Street
- 13) Bryant Street / Second Street

Further justification for adding these 13 intersections is provided below.

**Table 3** (divided into 3 sections 3a, 3b and 3c) summarizes a review of all of the CEQA Documents and notices for non-SFPUC projects consisting of Environmental Impact Reports, Negative Declaration, NOPs, etc. which were listed on the City/County of San Francisco's Planning Department Website as of July 17, 2015.<sup>2</sup> Each of the projects were reviewed to establish the location of the project relative to the arena, and more importantly if traffic generated by the project would impact any intersections the arena might also impact.

If a cumulative project is located both well outside of the expanded study area, and it can be reasonably concluded the project would add little to no traffic to potential study intersections within the expanded study area, the project was eliminated from further consideration and not included in Table 3.

If the cumulative project was located near the expanded study area with the potential to add traffic volumes to potential study intersections within the expanded study area, the project was reviewed further to make a determination whether or not it should be added to Table 3.

If a cumulative project was located within the general boundaries of the expanded study area, it was included in Table 3 regardless of whether an EIR had been prepared or the project was at the initial NOP stage with study intersections yet to be determined.

For those projects which have an EIR and corresponding traffic impact study, I reviewed the traffic impact study with particular attention to trip distribution and study intersection graphics, and LOS intersection and freeway ramp operations analysis tables. I noted any study intersections located within the expanded study area described in Opinion 1 which were found to operate at a deficient level of service for weekday PM peak hour conditions for any scenario whether it be existing, cumulative, no project, plus project, etc. These intersections, along with corresponding deficient delays and LOS E and/or F operations, are noted in Table 3.

If the proposed project was located within the expanded study area itself, it is included in Table 3 whether it has completed an EIR with corresponding LOS tables, or simply an NOP with no traffic analysis yet. They were included because the project will obviously add some level of (yet to be determined) traffic to (yet to be determined) study intersections in the expanded study area, some of which might be newly added study intersections for the arena project. Cumulative NOP projects without an EIR or traffic impact study are included for future planning purposes with the assumption an EIR and traffic impact study might be

**Table 3a  
Approved & Cumulative Projects  
with Designated Study Intersections at LOS E or F  
from SoMa to Mission Bay**

Case #	Project Name and Document	Study Intersections at LOS E or F (No Project Delay/LOS) > (Plus Project Delay/LOS)		Latest Update	Construction Status	Pgs in Report	Pgs in PDF	Study Link
		Existing Conditions	Cumulative Conditions					
2007.1275E and 2014.118	San Francisco 2004 and 2009 Housing Element	10) ----- 11) ----- 13) 1st S/Market St (>80 / F) 14) 1st S/Mission St (>80 / F) 15) 1st S/Harrison St (>80 / F) 16) ----- 17) 2nd S/Bryant St (>80 / F) 18) ----- 19) ----- 20) 4th S/Harrison St (>80 / F) 22) ----- 23) ----- 24) 6th S/Branman St (>80 / F) 25) -----	10) The Embarcadero / Broadway (>80 / F) 11) The Embarcadero / Washington St (>80 / F) 12) The Embarcadero / Harrison St (>80 / F) 13) 1st S/Market St (>80 / F) 14) 1st S/Mission St (>80 / F) 15) 1st S/Harrison St (>80 / F) 16) 2nd S/Folsom St (>80 / F) 17) 2nd S/Bryant St (>80 / F) 18) 3rd S/King St (>80 / F) 19) 4th S/King St (>80 / F) 20) 4th S/Harrison St (>80 / F) 22) 6th S/Market St (>80 / F) 23) 6th S/Mission St (>80 / F) 24) 6th S/Branman St (>80 / F) 25) 3rd S / Cesar Chavez St (>80 / F)	7/14/2015	CONSTRUCTION ONGOING (thru 2019)	V.F-31 V.F-31	363 363	<a href="http://sfmea.sfpplanning.org/2007.1275E_PDF.pdf">http://sfmea.sfpplanning.org/2007.1275E_PDF.pdf</a>
2014.0198E	850 Bryant Street -- Hall of Justice - Rehabilitation and Detention Facility	Bryant Street/Sixth Street (>80 / F)	Bryant Street/Sixth Street (>80 / F)	5/13/2015	Construction Planned <b>2016-2020</b> <small>(http://www.sfpplanning.org/2014.0198E_PDF.pdf)</small>	84 84	92 92	<a href="http://sfmea.sfpplanning.org/2014.0198E_PDF.pdf">http://sfmea.sfpplanning.org/2014.0198E_PDF.pdf</a>
2014-001272ENV	Pier 70 Mixed-Use District Project	NOP Stage - No study intersections identified	NOP Stage - No study intersections identified	5/6/2015	Construction Planned <b>2018-2029</b> <small>(http://www.sfpplanning.org/2014-001272ENV_NOP.pdf)</small>	NA	NA	<a href="http://sfmea.sfpplanning.org/2014-001272ENV_NOP.pdf">http://sfmea.sfpplanning.org/2014-001272ENV_NOP.pdf</a>
2013.1407E	Academy of Art University Project	Bryant Street/Fifth Street (>80 / F) (>80 / F)	Eighth S/Market St (>80 / F) (>80 / F) Sixth S/Market St (>80 / F) (>80 / F) Sixth S/Mission St (>80 / F) (>80 / F) Second S/Folsom St (>80 / F) (>80 / F) Fifth S/Bryant St (>80 / F) (>80 / F) Sixth S/Branman St (>80 / F) (>80 / F) Sixth S/Folsom St (>80 / F) (>80 / F)	4/10/2015	???	4, 6-11 4, 6-131	295 415	<a href="http://sfmea.sfpplanning.org/2008.0586E_PDF_Vol1-3.pdf">http://sfmea.sfpplanning.org/2008.0586E_PDF_Vol1-3.pdf</a>
2009.0291E and 2010.0275E	San Francisco Museum of Modern Art (SFMOMA) Expansion/Fire Station Relocation and Housing Project	1) Third/Market (56.2 / E) (>80 / F) 2) ----- 3) ----- 11) ----- 14) Sixth/S Lappley Streets (WB) (37.3 / E) (>80 / F)	1) Third/Market Streets (>80 / F) 2) Third/Mission Streets (>80 / F) 3) Third/Howard Streets (>80 / F) 11) Fifth/Harrison Streets (>80 / F) (On-Ramp) (>80 / F) 14) Sixth/S Lappley Streets (WB) (60.3 / F)	2/24/2015	CONSTRUCTION ONGOING (2013-spring 2016) <small>(http://www.sfpplanning.org/2010.0275E_PDF.pdf)</small>	261 301	300 340	<a href="http://sfmea.sfpplanning.org/2010.0275E_PDF.pdf">http://sfmea.sfpplanning.org/2010.0275E_PDF.pdf</a>
2007.0347E	Second Street Improvement Project	1) Market S/Montgomery St (S) (>80 / F) (>80 / F) 2) New Montgomery S/Mission St (61.3 / E) (>80 / F) 3) Howard S/New Montgomery St (39.5 / D) (>80 / F) 4) Howard S/Hawthorne St (19.6 / E) (>80 / F) 5) Hawthorne S/Folsom St (74.5 / E) (>80 / F) 6) Harrison S/Hawthorne St (43.4 / D) (>80 / F) 7) ----- 8) ----- 9) ----- 10) Third S/King St (>80 / F) (>80 / F) 14) ----- 15) Second S/Folsom St (64.6 / E) (>80 / F) 16) ----- 17) Second S/Bryant St (>80 / F) (>80 / F) 18) South Park St/Second St (EB) (>80 / F) (4.6 / A) 20) ----- 21) ----- 22) ----- 23) Harrison S/Essex St (>80 / F) (>80 / F) 26) ----- 27) Folsom S/First St (>80 / F) (>80 / F) 28) Harrison S/First St (>80 / F) (>80 / F) 29) Fifth/Bryant-80 EB on-ramp (>80 / F) (>80 / F)	1) Market S/Montgomery St (>80 / F) (>80 / F) 2) Mission S/New Montgomery St (>80 / F) (>80 / F) 3) Howard S/New Montgomery St (17.5 / E) (>80 / F) 4) Howard S/Hawthorne St (12.0 / E) (>80 / F) 5) Folsom S/Hawthorne St (>80 / F) (>80 / F) 6) Harrison S/Hawthorne St (20.5 / C) (>80 / F) 7) Bryant S/Third St (>80 / F) (>80 / F) 8) Branman S/Third St (>80 / F) (>80 / F) 9) Townsend S/Third St (>80 / F) (>80 / F) 10) King S/Third St (>80 / F) (>80 / F) 14) Howard S/Second St (>80 / F) (>80 / F) 15) Folsom S/Second St (>80 / F) (>80 / F) 16) Harrison S/Second St (>80 / F) (>80 / F) 17) Bryant S/Second St (>80 / F) (>80 / F) 18) South Park S/Second St (EB) (>80 / F) (>80 / F) 20) Townsend S/Second St (73.3 / E) (>80 / F) 21) King S/Second St (>80 / F) (>80 / F) 22) Folsom S/Essex St (>80 / F) (>80 / F) 23) Harrison S/Essex St (>80 / F) (>80 / F) 26) Howard S/First St (>80 / F) (>80 / F) 27) Folsom S/First St (>80 / F) (>80 / F) 28) Harrison S/First St (>80 / F) (>80 / F) 29) Fifth S/Bryant S/80 EB On-Ramp (>80 / F) (>80 / F)	2/11/2015	Construction Planned <b>Fall 2016-late 2017</b> <small>(http://www.sfpplanning.org/2007.0347E_PDF.pdf)</small>	54 90	70 106	<a href="http://sfmea.sfpplanning.org/2007.0347E_PDF.pdf">http://sfmea.sfpplanning.org/2007.0347E_PDF.pdf</a>
2014.0012E	Better Market Street Project	NOP Stage - MARKET'S TREET intersections between Octavia Boulevard and The Embarcadero	NOP Stage - MARKET'S TREET intersections between Octavia Boulevard and The Embarcadero	1/14/2015	Construction Planned <b>2018</b> <small>(http://www.sfpplanning.org/index.aspx?page=4003)</small>	NA	NA	<a href="http://www.sfpplanning.org/index.aspx?page=4003">http://www.sfpplanning.org/index.aspx?page=4003</a>

**Table 3b  
Approved & Cumulative Projects  
with Designated Study Intersections at LOS E or F  
from SoMa to Mission Bay**

Case #	Project Name and Document	Study Intersections at LOS E or F (No Project Delay/LOS) > (Plus Project Delay/LOS)		Latest Update	Construction Status	Pgs in Report	Pgs in PDF	Study Link
		Existing Conditions	Cumulative Conditions					
2011.0409E	5M Project, 925-967 Mission Street	Existing No Project > Existing Plus Project 1) Fourth/Market/Stockton (56.1 / E) > (64.6 / E) 2) ----- 3) Fourth/Howard (52.5 / D) > (74.8 / E) 4) Fourth/Folsom (> 80 / F) > (> 80 / F) 5) Fifth/Market (55.9 / E) > (56.8 / E) 6) Fifth/Natomas (EB) (38.2 / E) > (40.9 / E) 9) ----- 10) ----- 11) Fifth/Harrison (38.7 / E) > (60.7 / E) 12) Fifth/Bryant (> 80 / F) > (> 80 / F) 13) Sixth/Market (44.6 / D) > (45.3 / D) 15) Sixth/Mimms (WB) (> 50 / F) > (> 50 / F) 16) Sixth/Natomas (EB) (> 50 / F) > (> 50 / F) 17) ----- 18) Sixth/Folsom (43.3 / D) > (> 80 / F) 19) ----- 20) Sixth/Bryant (> 80 / F) > (> 80 / F) 21) Sixth/Braman (74.4 / E) > (> 80 / F)	Existing No Project > Cumulative Plus Project 1) Fourth/Market/Stockton (56.1 / E) > (> 80 / F) 2) Fourth/Mission (28.1 / C) > (> 80 / F) 3) Fourth/Howard (52.5 / D) > (> 80 / F) 4) Fourth/Folsom (> 80 / F) > (> 80 / F) 5) Fifth/Market (55.9 / E) > (> 80 / F) 6) Fifth/Natomas (38.2 / E) > (> 50 / F) 9) Fifth/Howard (15.1 / E) > (> 80 / F) 10) Fifth/Folsom (27.7 / E) > (> 80 / F) 11) Fifth/Harrison (77.1 / E) > (> 80 / F) 12) Fifth/Bryant (> 80 / F) > (> 80 / F) 13) Sixth/Market (44.6 / D) > (62.4 / E) 15) Sixth/Mimms (WB) (> 50 / F) > (18.5 / B) 16) Sixth/Natomas (EB) (> 50 / F) > (> 80 / F) 17) Sixth/Howard (35.5 / D) > (> 80 / F) 18) Sixth/Folsom (43.3 / D) > (> 80 / F) 19) Sixth/Harrison (31.6 / C) > (> 80 / F) 20) Sixth/Bryant (> 80 / F) > (> 80 / F) 21) Sixth/Braman (74.4 / E) > (> 80 / F)	10/15/2014	Construction Planned <b>Phase 1: 2017-2021</b> <b>Phase 2: 2020-2025</b> <small>(http://sfmta.sfpplanning.org/2011/04/09/E_PIR.pdf)</small>	310 351	386 427	<a href="http://sfmta.sfpplanning.org/2011/04/09/E_PIR.pdf">http://sfmta.sfpplanning.org/2011/04/09/E_PIR.pdf</a>
2013.0154E	Moscone Center Expansion Project	1) Market St/N. Montgomery St (66.8 / E) > (66.8 / E) 2) ----- 3) Market St/Fourth St (57.7 / E) > (38.0 / E) 4) Market St/Fifth St (59.3 / E) > (60.0 / E) 5) Mission St/N. Montgomery St (70.7 / E) > (70.9 / E) 6) Mission St/Third St (71.9 / E) > (74.9 / E) 7) ----- 9) ----- 11) Howard St/Third St (> 80 / F) > (> 80 / F) 12) Howard St/Fourth St (65.7 / E) > (69.5 / E) 13) ----- 14) Folsom St/Hawthorne St (78.4 / E) > (79.2 / E) 15) Folsom St/Third St (> 80 / F) > (> 80 / F) 16) Folsom St/Fourth St (> 80 / F) > (> 80 / F) 17) ----- 18) ----- 19) ----- 20) ----- 21) Harrison St/Fifth St (80.4 / E) > (60.7 / E) 22) ----- 23) ----- 24) Bryant St/Fifth St (> 80 / F) > (> 80 / F)	1) Market St/N. Montgomery St (> 80 / F) 2) Market St/Third St (> 80 / F) 3) Market St/Fourth St (> 80 / F) 4) Market St/Fifth St (> 80 / F) 5) Mission St/N. Montgomery St (> 80 / F) 6) Mission St/Third St (> 80 / F) 7) Mission St/Fourth St (> 80 / F) 9) Howard St/N. Montgomery St (58.6 / E) 11) Howard St/Third St (> 80 / F) 12) Howard St/Fourth St (> 80 / F) 13) Howard St/Fifth St (> 80 / F) 14) Folsom St/Hawthorne St (> 80 / F) 15) Folsom St/Third St (> 80 / F) 16) Folsom St/Fourth St (> 80 / F) 17) Folsom St/Fifth St (> 80 / F) 18) Harrison St/Hawthorne St (> 80 / F) 19) Harrison St/Third St (> 80 / F) 20) Harrison St/Fourth St (> 80 / F) 21) Harrison St/Fifth St (> 80 / F) 22) Bryant St/Third St (> 80 / F) 23) Bryant St/Fourth St (> 80 / F) 24) Bryant St/Fifth St (> 80 / F)	9/16/2014	Construction Planned <b>2014-2018</b> <small>(http://sfmta.sfpplanning.org/2013/01/54/E_PIR.pdf)</small>	IV.A-54 IV.A-54	155 155	<a href="http://sfmta.sfpplanning.org/2013/01/54/E_PIR.pdf">http://sfmta.sfpplanning.org/2013/01/54/E_PIR.pdf</a>
2013.0208E	Seawall Lot 337 and Pier 48 Mixed-Use Project	NOP Stage - No intersections identified	NOP Stage - No intersections identified	12/11/2013	Construction Planned <b>2015-2021</b> <small>(http://sfmta.sfpplanning.org/2013/02/08/E_PIR.pdf)</small>	NA	NA	<a href="http://sfmta.sfpplanning.org/2013/02/08/E_PIR.pdf">http://sfmta.sfpplanning.org/2013/02/08/E_PIR.pdf</a>
2005.0424E	465 Tehama/468 Clementina Street	Mitigated Neg Dec (No Intersection LOS Analysis)	Mitigated Neg Dec (No Intersection LOS Analysis)	11/19/2013	???	NA	NA	<a href="http://sfmta.sfpplanning.org/2005/04/24/E_PIR.pdf">http://sfmta.sfpplanning.org/2005/04/24/E_PIR.pdf</a>
2011.0702E	101 Polk Street	Mitigated Neg Dec (No Intersection LOS Analysis)	Mitigated Neg Dec (No Intersection LOS Analysis)	3/27/2013	CONSTRUCTION ONGOING <b>(thru early 2016)</b> <small>(http://www.sfmta.com/01/pdfs/20110702E_PIR.pdf)</small>	NA	NA	<a href="http://www.sfmta.com/01/pdfs/20110702E_PIR.pdf">http://www.sfmta.com/01/pdfs/20110702E_PIR.pdf</a>
2007.0385E	345 Brannan Street	Mitigated Neg Dec (No Intersection LOS Analysis)	Mitigated Neg Dec (No Intersection LOS Analysis)	3/20/2013	CONSTRUCTION ONGOING <b>(thru late 2015)</b> <small>(http://www.sfmta.com/01/pdfs/20070385E_PIR.pdf)</small>	NA	NA	<a href="http://www.sfmta.com/01/pdfs/20070385E_PIR.pdf">http://www.sfmta.com/01/pdfs/20070385E_PIR.pdf</a>



**Table 3b  
Approved & Cumulative Projects  
with Designated Study Intersections at LOS E or F  
from SoMa to Mission Bay**

Case #	Project Name and Document	Study Intersections at LOS E or F (No Project Delay/LOS) > (Plus Project Delay/LOS)		Latest Update	Construction Status	Pgs in Report	Pgs in PDF	Study Link
		Existing Conditions	Cumulative Conditions					
2008.1084E	706 Mission Street – The Mexican Museum and Residential Tower Project	Existing No Project > Existing Plus Project Third / Market (56.2 / E) > (65.2 / E)  Fourth / Market (>80 / F) > (>80 / F)	Existing No Project > Cumulative Plus Project Third / Market (56.2 / E) > (>80 / F) Third / Stevenson (12.1 / E) > (>80 / F) Third / Mission (20.1 / C) > (>80 / F) Third / Howard (36.1 / D) > (>80 / F) Fourth / Market (>80 / F) > (>80 / F) Fourth / Mission (41.8 / D) > (>80 / F) Fourth / Howard (42.5 / D) > (>80 / F)	3/7/2013	CONSTRUCTION ONGOING (thru September 2018)	IV.E.37 IV.E.60	149 172	<a href="http://sfmea.sfpplanning.org/2008.1084E_DIR_Part_3.pdf">http://sfmea.sfpplanning.org/2008.1084E_DIR_Part_3.pdf</a>
2000.618E	801 Brannan and One Henry Adams Streets Project	1) ----- 2) ----- 3) ----- 4) ----- 5) Division/Brannan/Potrero/Tenth (57.8 / E) > (61.5 / E) 6) Eighth/Brannan (55.4 / E) > (77.5 / E) 7) ----- 8) ----- 9) ----- 10) Division/Rhode Island (NE) (24.6 / C) > (39.2 / E) 11) ----- 12) ----- 13) ----- 14) ----- 15) ----- 16) Sixteenth/Kansas/Rhode Island (NE) (48.7 / E) > (>50 / F)	1) Seventh/Harrison (>80 / F) 2) Ninth/Bryant (80.6 / E) 3) Eighth/Bryant (>80 / F) 4) Seventh/Bryant (>80 / F) 5) Division/Brannan/Potrero/Tenth (>80 / F) 6) Eighth/Brannan (>80 / F) 7) Seventh/Brannan (75.7 / E) 8) Seventh/Townsend (>80 / F) 9) Division/Rhode Island (NE) (>50 / F) 10) Division/Kansas/Henry Adams (>80 / F) 11) Sixteenth/Kansas/Rhode Island (NE) (>80 / F) 12) Sixteenth/Kansas/Rhode Island (NE) (>80 / F)	1/9/2013	CONSTRUCTION ONGOING One Henry Adams (thru 2016)  801 Brannan (thru Spring 2017)	177 205	271 299	<a href="http://sfmea.sfpplanning.org/2000.618E_DIR1.pdf">http://sfmea.sfpplanning.org/2000.618E_DIR1.pdf</a>
2011.1381E	Art & Design Educational Special Use District (1111 8th Street)	Mitigated Neg Dec (No Intersection LOS Analysis)	Mitigated Neg Dec (No Intersection LOS Analysis)	9/26/2012	?????	NA	NA	<a href="http://sfmea.sfpplanning.org/2011.1381E">http://sfmea.sfpplanning.org/2011.1381E</a>
2011.1086E	752 Carolina Street	Mitigated Neg Dec (No Intersection LOS Analysis)	Mitigated Neg Dec (No Intersection LOS Analysis)	9/5/2012	?????	NA	NA	<a href="http://sfmea.sfpplanning.org/2011.1086E_PMND-CPE.pdf">http://sfmea.sfpplanning.org/2011.1086E_PMND-CPE.pdf</a>
2008.0586E	Academy of Art University Project	NOP Stage - No study intersections identified	NOP Stage - No study intersections identified	9/29/2010	?????	NA	NA	<a href="http://www.sfpplanning.org/modules/ShowDocument.aspx?documentid=8389">http://www.sfpplanning.org/modules/ShowDocument.aspx?documentid=8389</a>
2006.1106E	222 Second Street	1) ----- 2) ----- 3) ----- 4) ----- 5) ----- 6) ----- 7) ----- 8) Folsom Street / Second Street (36.8 / D) > (60.5 / E) 9) Harrison Street / Fourth Street (62.0 / E) > (68.1 / E) 10) Harrison Street / Second Street (55.7 / E) > (64.2 / E) 11) Harrison Street / First Street (>80 / F) > (>80 / F) 12) Second Street / Tehama Street (28.7 / D) > (>50 / F)	1) Mission Street / Third Street (>80 / F) 2) Howard Street / Third Street (>80 / F) 3) Howard St / New Montgomery St (>80 / F) 4) Howard Street / Second Street (>80 / F) 5) Howard Street / First Street (>80 / F) 6) Howard Street / Fremont Street (>80 / F) 7) Folsom St / Hawthorne St. (76.6 / E) 8) Folsom Street / Second Street (>80 / F) 9) Harrison Street / Fourth Street (>80 / F) 10) Harrison Street / Second Street (>80 / F) 11) Harrison Street / First Street (>80 / F) 12) Second Street / Tehama Street (>50 / F)	7/8/2010	CONSTRUCTION ONGOING (thru 2016)	81 81	109 109	<a href="http://www.sfpplanning.org/modules/ShowDocument.aspx?documentid=8070">http://www.sfpplanning.org/modules/ShowDocument.aspx?documentid=8070</a>
2006.1506E	749 Wisconsin Street	NOP Stage - No study intersections identified	NOP Stage - No study intersections identified	6/30/2010	?????	NA	NA	<a href="http://www.sfpplanning.org/files/MEA/2006.1506E_749_Wisconsin_NDP.pdf">http://www.sfpplanning.org/files/MEA/2006.1506E_749_Wisconsin_NDP.pdf</a>
2004.0588E	255 Seventh Street Project	Reduction in Traffic Volumes	Reduction in Traffic Volumes	2/24/2007	?????	NA	NA	<a href="http://www.sfpplanning.org/modules/ShowDocument.aspx?documentid=408">http://www.sfpplanning.org/modules/ShowDocument.aspx?documentid=408</a>

ready when a review is initiated to establish a revised scope and study area for a revised DSEIR. In the meantime, Table 3 includes an “NA” (not applicable) notation in place of a list of intersections operating at deficient levels of service.

Note that Table 3 is considered a planning level tool. Because a more detailed analysis will need to be performed at a later time to establish trip distribution and assignment patterns through the expanded study area, there is at present some uncertainty regarding the complete list of intersections within the expanded study area which will warrant study. Although an initial list of additional study intersections is provided below which in my opinion satisfies that criteria, it is not comprehensive and requires additional planning level analysis to expand to a full list. Thus without foresight regarding what intersections may or may not be included within that final list, and in the interest of providing an initial list of potential study intersections, Table 3 simply lists any and all study intersections identified as operating deficiently within the expanded study area within any EIR or traffic study.

Table 4 (divided into tables 4a and 4b due to length) combines and refines information provided within Tables 2 and 3 to provide a better planning level focus on the selection of study intersections within the expanded study area. It includes all of the intersections identified and included within Table 2 and/or Table 3. The table is organized with intersections separated into five different categories with those within the top most section being those which in my opinion absolutely satisfy the criteria of requiring analysis within a revised DSEIR, and those at the bottom of the list not requiring analysis unless a future screening analysis included them. A full and complete list of additional study intersections should be determined through a planning level analysis which considers trip distribution and assignment through the SoMa and northern Mission Bay areas north and south of I-80.

For clarity, intersections are organized within Table 4 with a specific order. For example, intersection “A”/”B” is such that street “A” consists of the northwest-southeast street (i.e. The Embarcadero, 1<sup>st</sup> St, 2<sup>nd</sup> St, ..., 7<sup>th</sup> St, 8<sup>th</sup> St, etc.) and street “B” consists of the southwest-northeast street (i.e. Market St, Mission St, ... , Harrison St, Bryant St, Brannan St, Bryan St, King St, Berry St, etc.). Additionally, lists of intersections are ordered beginning in the northeast (i.e. The Embarcadero/Broadway) and ending in the southwest (i.e. 8<sup>th</sup> St/Berry St).

The first five intersections (included within Table 4a) were already included within the DSEIR and are assumed would be included within the revised DSEIR. They are included simply to provide a full list of the intersections included in the 2013 memorandum traffic study.

The second set of intersections (also included within Table 4a) are comprised of the same thirteen intersections identified above as those which a revised SEIR should add (at a minimum) into the traffic analysis, all of which were also included within the 2013 memorandum traffic study.

The third set of intersections (also included within Table 4a) are comprised of the nine remaining intersections analyzed within the 2013 memorandum traffic study which may or may not be established as being included within a revised SEIR depending on the outcome of a refined trip distribution/assignment process.

The fourth set of intersections (also included within Table 4a) are comprised of the eleven remaining intersections analyzed within the 1998 Mission Bay FSEIR excluded from the 2015 DSEIR which may or may not be established as being included within a revised SEIR depending on the outcome of a refined trip distribution/assignment process.

The fifth and final set of intersections (comprising the entirety of Table 4b) are all of the remaining intersections included within Table 3, some of which may be established as being included within a revised SEIR depending on the outcome of a refined trip distribution/assignment screening process.

**Table 4a**  
**Potentially Impacted Intersections in Expanded Study Area**

Intersection	Approved/Cumulative Projects LOS E/F (E=Existing)(C=Cumulative)											2013 Arena Study [1]					2015 DSEIR Arena Study [2]	1998 Mission Bay FSEIR [3]	Note	
	Project ID Code (see notes)											#	ENP	E+P	E+P (NE)	LOS E/F				
	A	B	C	D	E	F	G	H	I	J	#									
3rd St / King St	-C				EC							2	12	E	F	F	E/F	1	X	KEEP
4th St / King St	-C											1	13	D	E	E	E/F	2	X	KEEP
5th St / King St / I-280 Ramps												0	14	E	E	E	E/F	3	X	KEEP
5th St / Harrison St / I-80 Ramps				-C		EC	EC					3	25	D	F	E	E/F	4	X	KEEP
5th St / Bryant St / I-80 Ramps			EC		EC	EC	EC					4	see note [4]			E/F	5	X	KEEP	
The Embarcadero / Mission St												0	3	E	F	F	E/F			ADD 1
The Embarcadero / Howard St												0	4	F	F	F	E/F			ADD 2
The Embarcadero / Folsom St												0	5	E	F	E	E/F			ADD 3
The Embarcadero / Harrison St	-C											1	6	E	F	F	E/F			ADD 4
The Embarcadero / Bryant St												0	7	F	F	F	E/F			ADD 5
The Embarcadero / Townsend St												0	10	E	E	E	E/F			ADD 6
Main St / Harrison St												0	15	F	F	F	E/F			ADD 7
Beale St / Bryant St												0	18	D	F	F	E/F			ADD 8
Fremont St / Folsom St												0	20	D	F	D	E/F			ADD 9
1st St / Harrison St / I-80 Ramps	EC				EC					EC		3	21	F	F	F	E/F		X	ADD 10
2nd St / Bryant St	EC				EC							2	28	F	F	F	E/F		X	ADD 11
2nd St / King St					-C							1	11	E	E	E	E/F		X	ADD 12
4th St / Bryant St / I-80 Ramps								-C				1	24	F	F	F	E/F		X	ADD 13
The Embarcadero / Broadway	-C											1	1	D	D	D				
The Embarcadero / Washington St	-C											1	2	C	D	C				
The Embarcadero / Brannon St												0	9	D	D	D				
Main St / Bryant St												0	16	C	C	C				
Beale St / Mission St												0	17	C	D	D				
Fremont St / Harrison St												0	19	C	D	C			X	
2nd St / Brannon St												0	27	C	C	C				
4th St / Howard St						EC	EC	-C				3	22	D	D	D				
4th St / Harrison St / I-80 Ramps	EC							-C				2	23	D	D	D				
Essex St / Harrison St / I-80 Ramps					EC							1							X	
2nd St / Harrison St					-C					EC		2							X	
3rd St / Townsend St					-C							1							X	
3rd St / Berry St												0							X	
4th St / Townsend St												0							X	
4th St / Berry St												0							X	
6th St / Brannon St / I-280 ramps	EC		-C			EC						3							X	
7th St / Harrison St										-C		1							X	
7th St / Bryant St										-C		1							X	
7th St / Brannon St										-C		1							X	
7th St / Townsend St										-C		1							X	

NOTES:

**Approved/Cumulative Projects**

A = (2007.1275E & 2014.1327E) = San Francisco 2004 and 2009 Housing Element  
 B = (2014.0198E850 Br yant Street -- Hall of Justice - Rehabilitation and Detention Facility  
 C = (2013.1407E) = Academy of Art University Project  
 D = (2009.0291E & 2010.0275E) = San Francisco Museum of Modern Art (SFMOMA)  
 Expansion/Fire Station Relocation and Housing Project  
 E = (2007.0347E) = Second Street Improvement Project

F = 2011.0409E) = (SM Project, 925-967 Mission Street  
 G = 2013.0154E) = (Moscone Center Expansion Project  
 H = (2008.1084E) = 706 Mission Street – The Mexican Museum and Residential Tower  
 Project I = (2000.618E) = 801 Brannon and One Henry Adams Streets Project  
 J = (2011.1381E) = Art & Design Educational Special Use District (1111 8th Street)  
 K = (2006.1106E) = 222 Second Street

**Original Arena Study LOS Operations - Weekday PM Peak Hour (4:00-6:00)**

# = Study Intersection # in Study / ENP = Existing No Project / E+P = Existing Plus Project / E+P(NE) = Existing Plus No Event  
 [1] = Analyzed in Original 2013 Arena Study - "Event Center & Mixed-Use Development at Piers 30-32 & Seawall Lot 330" (GSW P30-32 LOS\_Table 052815\_FP.xlsx)(pg TR-783)  
 [2] = Analyzed in 2015 "Event Center and Mixed Use Development at Mission Bay Blocks 29-32" (SCN:2014112045).  
 Table only considers study intersections north of the proposed project site, thus study intersections #6 through #22 of the DSEIR are neglected herein.  
 [3] = Analyzed in 1998 "Mission Bay Final Subsequent Environmental Impact Report"  
 [4] = Incomplete data from memorandm traffic study indicates deficient LOS E &/or F but no specifics regarding intersection #, delays, and which scenarios are projected to experience LOS E/F.

**Table 4b  
Potentially Impacted Intersections in Expanded Study Area**

Intersection	Approved/Cumulative Projects LOS E/F (E=Existing)(C=Cumulative)											2013 Arena Study [1]					2015 DSEIR Arena Study [2]	1998 Mission Bay FSEIR [3]	Note
	Project ID Code (see notes)											#	ENP	E+P	E+P (NE)	LOS E/F			
	A	B	C	D	E	F	G	H	I	J	#								
Fremont St / Howard St											-C	1							
1st St / Market St	EC											1							
1st St / Mission St	EC											1							
1st St / Howard St					-C						-C	2							
1st St / Folsom St					EC							1							
Essex St / Folsom St					-C							1							
2nd St / Howard St					-C						-C	2							
2nd St / Tehama St											EC	1							
2nd St / Folsom St	-C		-C		EC						EC	4							
2nd St / South Park St					EC							1							
2nd St / Townsend St					-C							1							
New Montgomery St / Market St					EC		EC					2							
New Montgomery St / Mission St					EC		EC					2							
New Montgomery St / Howard St					EC		-C				-C	3							
Hawthorne St / Howard St					EC							1							
Hawthorne St / Folsom St					EC		EC				-C	3							
Hawthorne St / Harrison St					EC		-C					2							
3rd St / Market St				EC			-C	EC				3							
3rd St / Stevenson St								-C				1							
3rd St / Mission St				-C			EC	-C			-C	4							
3rd St / Howard St				-C			EC	-C			-C	4							
3rd St / Folsom St							EC					1							
3rd St / Harrison St							-C					1							
3rd St / Bryant St					-C		-C					2							
3rd St / Brannan St					-C							1							
3rd St / Cesar Chavez St	-C											1							
4th St / Market St / Stockton						EC	EC	EC				3							
4th St / Mission St						-C	-C	-C				3							
4th St / Folsom St						EC	EC					2							
4th St / Harrison St											EC	1							
5th St / Market St						EC	EC					2							
5th St / Natoma St						EC						1							
5th St / Howard St						-C	-C					2							
5th St / Folsom St						-C	-C					2							
6th St / Market St	-C		-C			EC						3							
6th St / Mission St	-C		-C									2							
6th St / Minna St						EC						1							
6th St / Natoma St						EC						1							
6th St / Howard St						-C						1							
6th St / Folsom St				-C		EC						2							
6th St / Shipley St				EC								1							
6th St / Harrison St						-C						1							
6th St / Bryant St		EC				EC						2							
8th St / Market St				-C								1							
8th St / Harrison St / I-80 Ramps												0							
8th St / Bryant St											-C	1							
8th St / Brannan St											EC	1							
9th St / Bryant St											-C	1							
10th St / Brannan St / Division / Potrero											EC	1							
16th St / Kansas St / Henry Adams St											-C	1							
Rhode Island St / Division St											EC	1							
Sixteenth / Kansas St / Rhode Island St											EC	1							

**Footnotes:**

- 1 San Francisco Transportation Plan 2040, Appendix K: SF Travel At a Glance
- 2 <http://www.sf-planning.org/index.aspx?page=3562>

*(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-39A])*

I believe a wider traffic study area needs to be defined for mitigation analysis. (*John Cornwell, email, July 27, 2015 [I-Cornwell1-2]*)

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## Response TR-2b: Methodology, Analysis Locations

A comment requests that potential project impacts on nearby State freeways (I-80 and I-280) be analyzed in the SEIR.

The SEIR does include analysis of ramp touchdowns (off-ramps) at two locations (i.e., the I-80 westbound off-ramp at Fifth/Harrison, and the I-280 northbound off-ramp at Mariposa Street), and includes the analysis of three intersections where freeway on-ramps are located (i.e., the I-80 eastbound on-ramps at Fifth/Bryant and at Sterling/Bryant, and the I-280 southbound on-ramp at Mariposa Street). The depth and approach of the analysis of freeway conditions presented in the SEIR is consistent with similar evaluations of transportation conditions conducted as part of recently completed or ongoing large planning studies in San Francisco, including the Central Corridor EIR, UCSF 2014 Long Range Development Plan (LRDP) EIR, California Pacific Medical Center LRDP EIR, etc. The 1998 Mission Bay FSEIR also did not address freeway ramp operation or queuing as a distinct transportation topic.

The I-80 westbound off-ramp at the intersection of Fifth/Harrison and the I-280 northbound off-ramp at Mariposa Street have multiple lanes at the approach to the street network. As explained on SEIR pp. 5.2-6 – 5.2-7, the I-280 northbound off-ramp will soon be expanded as part of the Mission Bay Area South infrastructure plan from the existing two to future three lanes at the approach to Mariposa Street. This off-ramp extends about 600 feet from Mariposa Street to the ramp gore point, and has multiple lanes for about 300 feet. In addition, the lane feeding into the Mariposa ramp is not part of the mainline freeway, rather an auxiliary exit lane that extends for approximately 1,500 additional feet to the south.

As indicated in Tables 5.2-37 and 5.2-38 on SEIR p. 5.2-133, under existing plus project conditions (No Event, Convention Event, and Basketball Game scenarios), the off-ramp (northbound approach) to the intersection would operate at LOS D or better for all scenarios without an overlapping evening baseball game at AT&T Park. During the overlapping of a large event at the event center with a SF Giants evening game (which would be infrequent), the northbound off-ramp would generally operate at LOS D or better (Tables 5.2-49 and 5.2-50, SEIR p. 5.2-181), except during the weekday evening peak hour when it would operate at LOS F, while the eastbound and westbound approaches (Volume 3, p. TR-349) would operate at LOS B (eastbound) and LOS C (westbound). As part of Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events, a PCO would be stationed at this intersection and would be able to facilitate right-turns from the freeway off-ramp onto Mariposa Street (i.e., right-turning vehicles would not have to perform a full stop and look for oncoming traffic when waved by the PCO), thus improving the ramp LOS to an acceptable condition.

The I-80 westbound off-ramp at Fifth/Harrison also has multiple lanes at the approach to Fifth and Harrison Streets. There are about 1,600 feet between the Fifth/Harrison intersection and the



I-80 westbound mainline, with two travel lanes for approximately 88 percent (1,400 feet) of this distance. Similar to the I-280 northbound off-ramp at Mariposa Street, the off-ramp (westbound approach) to the intersection would operate at LOS D or better for all scenarios without or with an overlapping evening baseball game at AT&T Park, except during the weekday evening peak hour when the approach would operate at LOS E. Given the length and configuration of the Fifth/Harrison off-ramp with two dedicated lanes, it is expected that the project-generated vehicles during the evening peak hour would be accommodated at the off-ramp without affecting mainline operations. In addition, as stated on SEIR p. 5.2-135, implementation of Mitigation M-TR-2b: Additional Strategies to Reduce Transportation Impacts would encourage non-auto modes of travel to the event center through parking pricing and enhanced regional transit access to the area, which would reduce the project traffic increase on the freeway mainline and ramps, particularly during the evening peak hour.

Several comments state that the selection of study intersections and freeway ramps in the SEIR was arbitrary and geographically limited to the vicinity of the project site, which precludes the SEIR from disclosing additional potential traffic impacts. The commenters express particular concern that sufficient intersections in the South of Market (SoMa) area have not been evaluated, citing as references previous or ongoing transportation analyses for other development projects in the area as well as the partially completed transportation analysis conducted for the previously proposed event center at Piers 30-32.

Per the CEQA Guidelines section 15130, the identification of the geographic context within which probable future projects considered in the cumulative analysis are located is within the lead agency's reasonable discretion. As noted in CEQA case law related to the analysis of cumulative impacts, a geographic scope that is too extensive may dilute the significance of potential impacts (*Ebbetts Pass Forest Watch v. Dept. of Forestry & Fire Protection* (2004) 123 Cal. App. 4th 1331, 1352). Therefore, in identifying the geographic context for the cumulative analysis, the SEIR attempts to limit the scope to an area wherein other projects with similar impacts are reasonably expected to occur.

Within the identified geographic context, the SEIR considers the impacts of the project, in combination with other past, present, and reasonably anticipated relevant projects, and in the context of previously analyzed area plans governing the project and surrounding development. This approach adequately reflects "the severity of impacts and their likelihood of occurrence." [CEQA Guidelines § 15130(b).] Further, insofar as the CEQA Guidelines stipulate that the discussion of cumulative impacts "need not provide as great detail as is provided for the effects attributable to the project alone" [Guidelines § 15130(b)], the level of quantitative analysis recommended by some of the commenters is not required under CEQA.

A comment states that the SEIR does not disclose the criteria the City used to select the intersections and freeway ramps included in the transportation analysis; this is not correct. As stated on SEIR p. 5.2-7, the study intersections were selected because they a) represent access points to the regional highway system, b) are located along major street corridors serving the Mission Bay Area, or c) are located in the immediate vicinity of the project site, and because they are the intersections most likely to be potentially affected by traffic generated by the proposed

project. As stated on SEIR p. 5.2-15, the freeway ramps were selected for ramp operations analysis (i.e., four on-ramps and two off-ramp) as they represent the regional highway facilities most likely to be impacted by traffic generated by the proposed project.

As noted by one of the commenters, the *Transportation Impact Analysis Guidelines* issued by the Planning Department in 2002 (*SF Guidelines*) suggests that a project study area would encompass a radius between two blocks and 0.25 miles, but that a larger area may be determined depending on the type of project. Of the 22 project study intersections, 10 are located in the vicinity of the project site within a 0.25-mile radius, 10 are located between a 0.25 and a 1-mile distance to the project site, and two are located more than 1 mile away from the project site. In addition, about one quarter (five of 22) of the study intersections are located at freeway ramps providing access to I-80 or I-280. Thus, the selected study intersections provide a wide range of geographical distribution and access characteristics within the study area.

One comment refers to 27 study intersections located within the SoMa area that were analyzed as part of the previous Event Center project at Piers 30-32 and suggests that they should all be analyzed as part of this SEIR as well. The previously proposed center at Piers 30-32 was located at the intersection of The Embarcadero and Bryant Street, with very different access patterns compared to the proposed project. Most of the vehicle access to the Piers 30-32 site would have taken place through the SoMa and Waterfront areas. As such, of the 27 intersections listed by the commenter, nine are located along The Embarcadero north of Pier 40, and 15 are located in the SoMa area at or east of Fourth Street. The 27 intersections were selected for the Piers 30-32 project because they represented major access points to the regional highway system or were located along major street corridors serving Piers 30-32, which is not true for the proposed project site located in the Mission Bay area. The same criteria applied to the selection of intersections for the Mission Bay location, but given the change in location, intersections studied for the Piers 30-32 project were no longer major access points to the regional highway system or located along major street corridors serving the project site.

As noted by the commenter, the proposed project is located approximately 1.3 miles to the south of Piers 30-32. Access from the northeast quadrant of the City and from I-80 to the proposed project site would be different than for Piers 30-32, and would likely occur further to the west, away from the evening commute congestion that typically occurs near the Financial District and the Rincon Hill areas (drivers on I-80 westbound would exit at ramps further west, such as at Fifth Street, and those coming from the northern part of the City would use Van Ness Avenue, as well as Tenth, Eighth and Sixth Streets, rather than The Embarcadero or other north-south streets in the Financial District). Thus, the study intersections would necessarily have to be different. It should be noted that the SEIR considered five of these 27 intersections (King/Third, King/Fourth, Fifth/King, Fifth/Harrison, and Fifth/Bryant) for evaluation of potential traffic impacts, and these intersections are included in the traffic analysis presented in the SEIR.

A comment noted that because some of the basketball game attendees would be arriving from the San Francisco downtown and Financial District areas, they would be required to pass through SoMa to arrive at the project site, so that additional intersections in the SoMa area would have to be evaluated. Mode of travel and place of origin surveys of baseball game attendees conducted

by the SF Giants, as well as available parking occupancy surveys, suggest that many of those game attendees that drove to work at their jobs in the Financial District and SoMa areas, tend to walk, ride transit, or take a taxi to AT&T Park, leaving their cars at their commuter parking locations in order to avoid the evening commute congestion that typically occurs near I-80 and AT&T Park and having to re-park their cars at game-day rates. It is likely that a similar condition would occur with the proposed project, with many of those working in downtown riding Muni or special event shuttles, and taking taxis or TNC vehicles<sup>2</sup>, such as Uber or Lyft to the event center, rather than driving and having to park again with limited space availability.

It should also be noted that the number and locations of study intersections presented in the SEIR is also consistent with those selected for evaluation in other studies of proposed development in the Mission Bay Area. For example, the recently completed UCSF Long Range Development Plan EIR<sup>3</sup> identified 21 study intersections for the analysis of transportation impacts in the vicinity of the Mission Bay Campus and Medical Center. The majority of the intersections selected by UCSF (13 of 21) coincide with those evaluated in the SEIR for the proposed project; the remaining eight study intersections analyzed as part of the UCSF LRDP were either intersections in close proximity to proposed UCSF facilities within Mission Bay, or intersections along likely travel paths, and impacted by UCSF related vehicle travel (e.g., intersections further west along 16th Street).

Notwithstanding the above, an additional intersection in the SoMa area was evaluated as part of this Response to Comment document to evaluate potential project impacts in this area. The intersection of Eighth/Brannan was selected as most relevant for additional analysis compared to the numerous other additional intersections enumerated in the comments because: a) it is located in close proximity to two I-80 ramps (the I-80 eastbound on-ramp and westbound off-ramp are located at Bryant Street and Harrison Street, respectively), b) provides access to Mission Bay from the SoMa and Mid-Market areas via Eighth Street, and c) was recently evaluated as part of a transportation impact study<sup>4</sup> in the Western SoMa area. Approximately 25 percent of the inbound project traffic arriving from the northeast quadrant of the City or the East Bay would travel through the intersection of Eighth/Brannan. The remainder of this traffic would distribute along multiple parallel southbound streets such as Van Ness Avenue, Tenth Street, Sixth Street, Fifth Street, Fourth Street, and The Embarcadero.

The results of the intersection LOS conducted for the weekday p.m., evening, and late evening conditions with and without an overlapping SF Giants evening game are summarized in **Table 13.11-1** below. As indicated in the table, the signalized intersection of Eighth/Brannan is currently operating at an acceptable LOS and would continue to do under existing plus project conditions. Other SoMa intersections to the east and to the north suggested by the commenter

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<sup>2</sup> Transportation Network Company (TNC) is a company or organization that provides transportation services using an online-enabled platform to connect passengers with drivers using their personal vehicles (e.g., Lyft, SideCar, Uber).

<sup>3</sup> UCSF 2014 LRDP Final Environmental Impact Report, certified by the Board of Regents of the University of California in November 2014 (<http://www.ucsf.edu/content/lrdp-environmental-impact-report-downloads>).

<sup>4</sup> 510-520 Townsend Street Transportation Impact Study, August 2015. A copy of this document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0679E.

(e.g., north of I-80 up to Market Street, along The Embarcadero, etc.) would be more remote to the project site and would experience lower, more dispersed project-related traffic volumes. LOS results for many of these intersections are presented in the analysis of the project alternative at Pier 30-32, which describes background traffic conditions at some of these intersections as congested. The analysis of the more relevant example of Eighth/Brannan, which has higher concentrated volumes of project-related inbound traffic, demonstrates that these other, more remote intersections – with lower volumes of project-related traffic – would not be expected to significantly contribute to existing or cumulative traffic impacts.

See also Response TR-2d regarding the SEIR transportation cumulative impact analysis.

**TABLE 13.11-1  
INTERSECTION LEVEL OF SERVICE – WEEKDAY CONDITIONS  
EXISTING AND EXISTING PLUS BASKETBALL GAME SCENARIO CONDITIONS  
INTERSECTION OF EIGHTH/BRANNAN**

Scenario	Without a SF Giants Game		With a SF Giants Game	
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
<i>Weekday PM Peak Hour</i>				
Existing	22.9	C	21.5	C
Existing plus Basketball Game	23.3	C	21.8	C
<i>Weekday Evening Peak Hour</i>				
Existing	21.9	C	24.3	C
Existing plus Basketball Game	21.8	C	32.2	C
<i>Weekday Late Evening Peak Hour</i>				
Existing	18.1	B	17.8	B
Existing plus Basketball Game	18.2	B	18.1	B

### Issues Raised by Commenters: Baseline Conditions (TR-2c)

This response addresses all or part of the following comments, which are quoted below:

O-MBA10L4-21

O-MBA10L4-22

O-MM-4

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The DSEIR does not comply with CEQA's requirements to accurately state existing (baseline) conditions of traffic, thus negating the impacts analysis, the mitigations analysis, and the alternatives analysis on these crucial impacts affecting traffic, transit, air quality, safety, and human health throughout the affected area. The DSEIR contains no traffic counts or other traffic indicators and inadequate analysis of operational air quality impacts from the congestion inevitably caused by removing traffic lanes and parking. (*Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-4]*)

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**The Transit Analysis Understates Impacts Because It Relies On Stale Transit Baseline Data**

This DSEIR's Notice of Preparation was filed on November 19, 2014. The DSEIR's transit impact analysis relies upon transit ridership data published in a City Planning Department memo dated June 21, 2013 entitled Transit Data for Transportation Impact Studies<sup>8</sup>. However, the data published in that memo is from counts taken in the fall of 2010 and in 2011. Between 2010/11 and late 2014 when the NOP was filed there have been a large number of significant development projects that have been completed and occupied in the C-3, SOMA and Mission Bay and numerous others approved and placed under construction. These render the transit database collected in 2010/11 stale for evaluation of a Project whose NOP was filed in late 2014. Hence, the transit analysis is inadequate for relying on stale data.

Similarly, for the regional transit corridor screenlines, the cited Transit Data for Transportation Impact Studies memo relies on data from a SFMTA TEP Project document produced in October, 2012. Obviously, the transit ridership data in that document reflects observations some time before October, 2012. Again, significant development has occurred in the C-3, SOMA and Mission Bay between whenever the data published in October 2012 was collected and the date of the NOP for the subject Project. This would result in significantly heavier loadings on the regional transit carriers in the peak periods at the time of the NOP than represented in the Transit Data for Transportation Impact Studies memo. For example, the data relied on in the DSEIR indicates BART's Transbay peak hour ridership is 19,716. BART Sustainable Communities Operations Analysis report<sup>9</sup> indicates peak hour Transbay ridership at 21,600 passengers in 2012 and projects 21,815 peak hour peak direction riders by 2015. BART's ridership values would respectively put BART at 98 percent of capacity in 2012 and at 98.9 percent currently. This leaves considerably less capacity for peak hour travelers to the Project to be accommodated without impact.

The DSEIR transit analysis should be redone based on updated estimates of baseline transit ridership, taking into account projections of transit use from the environmental documents for all projects known to the City to have been completed since the time of the actual transit ridership counts or known to be reasonably certain, at the time of this Project's NOP, of being completed by the estimated time of completion of this Project

**Footnote:**

<sup>8</sup> *Transit Data For Transportation Impact Studies* is reproduced in DSEIR Appendix TR at pages TR-624 thru TR-632.

<sup>9</sup> *BART Sustainable Communities Operations Analysis*, Bay Area Rapid Transit District, June, 2013.

*(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-21])*

**The Traffic Analysis Underestimates Impacts Because It Relies on Stale Baseline Data**

The traffic impact component of the DSEIR relies on a number of traffic counts taken in 2013 and others in June, 2014. It adjusts those counts to account for traffic from the UCSF Medical Center Phase 1 and the Public Safety Building that are located close to the Project site and were under construction when the counts were taken but were occupied about the time of the NOP. However, it seems likely that there was other development in C-3, SOMA and Mission Bay completed in the period between when the 2013 counts were taken and the date of the NOP that would logically affect baseline traffic at some of the intersections analyzed in the DSEIR and still more that is known to the City to be reasonably certain of completion by the time of completion of the subject project. Please list all such developments and adjust the baseline traffic used in the DSEIR analysis accordingly.<sup>10</sup>

**Footnote:**

<sup>10</sup> The aforementioned separate comment letter on this Project by Mr. Larry Wymer includes a spreadsheet reflecting, to the best of Mr. Wymer's ability based on culling the posting of environmental documents of development projects on the City Planning Department's web site, a listing of such projects and the traffic they would contribute to locations that were or should have been studied in this DSEIR's traffic analysis. However, responsibility for developing a comprehensive list of such projects and adjusting the baseline for their effects rests with the City Planning Department that is charged with generating and maintaining these records, not to an independent party attempting to do so from the outside.

*(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-22])*

## **Response TR-2c: Methodology, Baseline Conditions**

### ***Traffic Baseline Data***

The SEIR did not rely on stale baseline data. Rather, the City's staff and consultants took steps to ensure that the data on which they relied was as up-to-date as feasible and subject to ongoing review and reappraisal. Further reassessment has occurred in response to public comment on the Draft SEIR; and, as will be explained below, the City's conclusions regarding the significance of impacts remain unchanged.

The existing conditions used for the traffic impact analyses are presented on SEIR pp. 5.2-7 – 5.2-15. As discussed in that section, the existing conditions at the study intersections were developed for four peak hours (i.e., weekday p.m., weekday evening, weekday late evening, and Saturday evening peak hours) for conditions without and with a SF Giants evening game at AT&T Park, for a total of eight analysis hours. Intersection turning movement counts were collected during multiple weeks in June, July, October, November and December 2013, and May and June 2014. As stated on SEIR p. 5.2-8, because the UCSF Medical Center Phase 1 and the Public Safety building were under construction when the counts were taken, the estimated vehicle travel demand associated with these uses was added to the counts to reflect full occupancy and operation of these facilities (both facilities opened in early 2015). In April 2015, additional weekday p.m., evening and late evening counts were conducted at key intersections (i.e., Third/16th, Fourth/16th, and Fourth/Mariposa) and compared to the adjusted traffic volumes (as described above) to confirm that the adjustments to the traffic volumes accurately reflected traffic volumes and patterns associated with the newly opened facilities. Because the adjusted volumes used in the analysis were similar to or higher than those collected in the field in April 2015, it can reasonably be inferred that the traffic volumes used in the existing and existing plus project analyses also adequately reflect any changes that may be associated with recently completed projects further afield (e.g., in SoMa).

SEIR Appendix TR includes traffic volume figures for all of the analysis scenarios – Figure 1a/1b through Figure 12a/12b on SEIR Appendix TR pages TR-125 to TR-169. These traffic volumes were used in the air quality analyses. See Section 13.3, Response AQ-5 for additional information regarding the proposed project's air quality analysis and impacts.

Intersection LOS conditions were analyzed for the various existing plus project and cumulative conditions, and the intersection LOS analysis results are documented in Impact TR-2 (for conditions with a SF Giants evening game at AT&T Park), Impact TR-11 (for conditions with a SF Giants evening game), Impact TR-18 (for conditions without the Muni Special Event Transit Service Plan), and Impact C-TR-2 (for cumulative conditions).

### ***Transit Baseline Data***

The existing conditions for the transit impact analysis were based on information currently used in the assessment of transit impacts by the San Francisco Planning Department, and the data was supplemented to account for the additional analysis peak hours (i.e., weekday evening, weekday late evening, and Saturday evening), and to reflect the Muni service that would be available upon completion of the Central Subway project.

The San Francisco and regional screenline analysis for the weekday p.m. peak hour were used for the project impact analysis of outbound trips from the event center for the No Event and Convention Event scenarios. The San Francisco Planning Department and SFMTA periodically update the weekday p.m. peak hour Muni downtown and regional screenlines for existing conditions as part of larger planning-level studies (e.g., the SFMTA Transit Effectiveness Project EIR). The Muni downtown screenline analysis presented in SEIR Table 5.2-43 was based on the screenlines included in the San Francisco Planning Department's memorandum *Transit Data for Transportation Impact Studies* dated June 21, 2013, which represented the official screenline analysis at the time of the impact analysis. In May 2015, the SFMTA updated the downtown screenline analysis based on the most recently-available data, as documented in the San Francisco Planning Department's Memorandum *Transit Data for Transportation Impact Studies* dated May 15, 2015.

In response to the comment, as shown in Table 5.2-43 as modified, the Muni downtown screenline analysis was updated to reflect the data that was made available in May 2015 for existing plus project conditions for the weekday p.m. peak hour for the No Event and the Convention Event scenarios. The Muni downtown screenline analysis was conducted for these two scenarios because they would generate more outbound transit trips during the weekday p.m. peak hour than the Basketball Game scenario (see Table 5.2-26 on SEIR p. 5.2-92). With the updated baseline transit data for the Muni downtown screenlines, two corridors operate under existing conditions at more than the 85 percent capacity utilization standard: the Fulton/Hayes corridor of the Northwest screenline, and the Third Street corridor of the Southeast screenline. Under existing plus project conditions for the No Event and the Convention Event scenarios, as updated with the May 2015 information, the Fulton/Hayes corridor of the Northwest screenline would operate at 91.1 percent, and the Third Street corridor of the Southwest screenline would operate at 102.8 percent. The project's contributions to these two corridors would be less than 1.5 percent for the Fulton/Hayes corridor ( $16/1,204 = 1.33$  percent,  $18/1,206 = 1.49$  percent), and less than 3.7 percent for the Third Street corridor ( $30/815 = 3.68$  percent,  $27/813 = 3.32$  percent), and, therefore, project impacts on the Muni screenlines would be less than significant. Note that the T Third data in the updated screenlines reflects conditions prior to operation of the Central Subway project, and the line analysis presented in Table 5.2-40 on SEIR p. 5.2-136 for weekday p.m. peak hour conditions, presents a more detailed analysis of impacts on the T Third light rail line and 22 Fillmore bus route serving the project site.

Use of the updated Muni downtown screenlines does not result in any changes to the impact determination for Muni transit presented in Impact TR-4.

As discussed on SEIR p. 5.2-76, the Muni transit ridership and capacity data for the T Third light rail line and the 22 Fillmore bus route were obtained from the SFMTA, and reflect conditions that would occur following completion of the Central Subway project and the 22 Fillmore Transit Priority Project. Thus, the ridership at the maximum load point and related capacity of the 22 Fillmore and T Third reflect 2020 conditions for the Central Subway (i.e., conditions for the year following the start of revenue service on the light rail lines, and when the 22 Fillmore Transit Priority Project is completed and replaces the 55 16th Street route.) Hence, the ridership used in the analysis accounts for development that occurred and is projected to occur by 2020.

**TABLE 5.2-43**  
**UPDATED USING DATA IN SAN FRANCISCO PLANNING DEPARTMENT MAY 2015 MEMO**  
**DOWNTOWN TRANSIT SCREENLINES - EXISTING PLUS PROJECT - NO EVENT AND**  
**CONVENTION EVENT SCENARIOS - WEEKDAY P.M. PEAK HOUR**

Scenario/Screenline/Corridor <sup>a</sup>	Existing Ridership	Project Trips	Existing plus Project Ridership	Existing Capacity	Capacity Utilization
<b>No Event</b>					
<i>Northeast</i> Kearny/Stockton Corridor	<u>2,260</u>	<u>34</u>	<u>2,294</u>	<u>3,327</u>	<u>69.0%</u>
All Other Lines	<u>683</u>	<u>10</u>	<u>693</u>	<u>1,078</u>	<u>64.3%</u>
<i>Subtotal</i>	<u>2,943</u>	<u>45</u>	<u>2,988</u>	<u>4,405</u>	<u>67.8%</u>
<i>Northwest</i> Geary Corridor	<u>1,971</u>	<u>27</u>	<u>1,998</u>	<u>2,623</u>	<u>76.2%</u>
California	<u>1,327</u>	<u>18</u>	<u>1,346</u>	<u>1,752</u>	<u>76.8%</u>
Sutter/Clement	<u>427</u>	<u>6</u>	<u>433</u>	<u>630</u>	<u>68.7%</u>
Fulton/Hayes	<u>1,188</u>	<u>16</u>	<u>1,204</u>	<u>1,323</u>	<u>91.0%</u>
Balboa	<u>628</u>	<u>9</u>	<u>636</u>	<u>974</u>	<u>65.3%</u>
<i>Subtotal</i>	<u>5,541</u>	<u>76</u>	<u>5,617</u>	<u>7,302</u>	<u>76.9%</u>
<i>Southeast</i> Third Street	<u>785</u>	<u>30</u>	<u>815</u>	<u>793</u>	<u>102.8%</u>
Mission Street	<u>1,417</u>	<u>53</u>	<u>1,470</u>	<u>2,601</u>	<u>56.5%</u>
San Bruno/Bayshore	<u>1,544</u>	<u>58</u>	<u>1,602</u>	<u>2,134</u>	<u>75.1%</u>
All Other Lines	<u>1,090</u>	<u>41</u>	<u>1,131</u>	<u>1,675</u>	<u>67.5%</u>
<i>Subtotal</i>	<u>4,837</u>	<u>182</u>	<u>5,018</u>	<u>7,203</u>	<u>69.7%</u>
<i>Southwest</i> Subway Lines	<u>4,923</u>	<u>40</u>	<u>4,963</u>	<u>6,164</u>	<u>80.5%</u>
Haight/Noriega	<u>981</u>	<u>8</u>	<u>989</u>	<u>1,554</u>	<u>63.7%</u>
All Other Lines	<u>556</u>	<u>5</u>	<u>561</u>	<u>700</u>	<u>80.1%</u>
<i>Subtotal</i>	<u>6,460</u>	<u>52</u>	<u>6,513</u>	<u>8,418</u>	<u>77.4%</u>
<i>Total All Muni Screenlines</i>	<u>19,781</u>	<u>355</u>	<u>20,136</u>	<u>27,328</u>	<u>73.7%</u>
<b>Convention Event</b>					
<i>Northeast</i> Kearny/Stockton Corridor	<u>2,260</u>	<u>193</u>	<u>2,453</u>	<u>3,327</u>	<u>73.7%</u>
All Other Lines	<u>683</u>	<u>58</u>	<u>741</u>	<u>1,078</u>	<u>68.8%</u>
<i>Subtotal</i>	<u>2,943</u>	<u>251</u>	<u>3,194</u>	<u>4,405</u>	<u>72.5%</u>
<i>Northwest</i> Geary Corridor	<u>1,971</u>	<u>29</u>	<u>2,001</u>	<u>2,623</u>	<u>76.3%</u>
California	<u>1,327</u>	<u>20</u>	<u>1,347</u>	<u>1,752</u>	<u>76.9%</u>
Sutter/Clement	<u>427</u>	<u>6</u>	<u>433</u>	<u>630</u>	<u>68.8%</u>
Fulton/Hayes	<u>1,188</u>	<u>18</u>	<u>1,206</u>	<u>1,323</u>	<u>91.1%</u>
Balboa	<u>628</u>	<u>9</u>	<u>637</u>	<u>974</u>	<u>65.4%</u>
<i>Subtotal</i>	<u>5,541</u>	<u>82</u>	<u>5,623</u>	<u>7,302</u>	<u>77.0%</u>
<i>Southeast</i> Third Street	<u>785</u>	<u>27</u>	<u>813</u>	<u>793</u>	<u>102.5%</u>
Mission Street	<u>1,417</u>	<u>49</u>	<u>1,466</u>	<u>2,601</u>	<u>56.4%</u>
San Bruno/Bayshore	<u>1,544</u>	<u>54</u>	<u>1,598</u>	<u>2,134</u>	<u>74.9%</u>
All Other Lines	<u>1,090</u>	<u>38</u>	<u>1,128</u>	<u>1,675</u>	<u>67.4%</u>
<i>Subtotal</i>	<u>4,837</u>	<u>169</u>	<u>5,006</u>	<u>7,203</u>	<u>69.5%</u>
<i>Southwest</i> Subway Lines	<u>4,923</u>	<u>53</u>	<u>4,976</u>	<u>6,164</u>	<u>80.7%</u>
Haight/Noriega	<u>981</u>	<u>11</u>	<u>992</u>	<u>1,554</u>	<u>63.8%</u>
All Other Lines	<u>556</u>	<u>6</u>	<u>562</u>	<u>700</u>	<u>80.3%</u>
<i>Subtotal</i>	<u>6,460</u>	<u>70</u>	<u>6,530</u>	<u>8,418</u>	<u>77.6%</u>
<i>Total All Muni Screenlines</i>	<u>19,781</u>	<u>572</u>	<u>20,353</u>	<u>27,328</u>	<u>74.5%</u>

NOTE:

<sup>a</sup> Muni downtown screenlines reflect outbound trips from downtown San Francisco.

SOURCE: Advant Consulting/Fehr &amp; Peers/LCW Consulting, 2015



The regional screenline data for the weekday p.m. peak hour conditions has not been updated by the Planning Department. However, in May 2015, BART provided updated transit ridership and capacity for the East Bay and South Bay cordons, based on transit ridership from April 2015.<sup>5</sup> Thus, BART's impact determination is based on the most up to date data provided by BART, and accounts for development that occurred in SoMa through April 2015. Thus, this April 2015 data is more up to date than the data presented in the BART Sustainable Communities Operations Analysis cited in a comment.

As indicated on SEIR p. 5.2-110, the 2040 cumulative analysis takes into account the cumulative development projects in the project vicinity, in Mission Bay, as well as growth in the rest of San Francisco and the region.

Overall, the transit impact analysis presents a reasonable representation of transit conditions based on available data for both the Muni and regional transit providers, and additional analysis is not required. Nor have commenters identified any flaws in the analyses that built upon the transit impact analysis. Although a somewhat different, and yet technically plausible, approach might have been possible, the City's approach is abundantly supported by substantial evidence and represents a reasonable exercise of technical judgment. In general, a lead agency's determination regarding how "existing physical conditions without the project" could "most realistically be measured" is "quintessentially a discretionary determination[.]" (*Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 337.) "Neither CEQA nor the CEQA Guidelines mandates a uniform, inflexible rule for determination of the existing conditions baseline. Rather, an agency enjoys the discretion to decide, in the first instance, exactly how the existing physical conditions without the project can most realistically be measured, subject to review, as with all CEQA factual determinations, for support by substantial evidence." (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 328.) As the California Supreme has recognized, "'the date for establishing baseline cannot be a rigid one. Environmental conditions may vary from year to year and in some cases it is necessary to consider conditions over a range of time periods.' In some circumstances, peak impacts or recurring periods of resource scarcity may be as important environmentally as average conditions. Where environmental conditions are expected to change quickly during the period of environmental review for reasons other than the proposed project, project effects might reasonably be compared to predicted conditions at the expected date of approval, rather than to conditions at the time analysis is begun. A temporary lull or spike in operations that happens to occur at the time environmental review for a new project begins should not depress or elevate the baseline; overreliance on short-term activity averages might encourage companies to temporarily increase operations artificially, simply in order to establish a higher baseline." (*Id.*, pp. 327-328, citations omitted.) Also see Response TR-5a through Response TR-5d for additional discussion of the SEIR transit impact analysis.

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<sup>5</sup> April 2015 BART ridership data for South Bay and East Bay, Val Menotti, BART Chief Planning & Development Officer, May 1, 2015.

## Issues Raised by Commenters: Trip Generation (TR-2d)

This response addresses all or part of the following comments, which are quoted below:

A-Caltrans-1  
I-Hrones1-2

O-MBA10L4-7  
I-Sullivan-1

O-MBA10L4-16

O-MBA10L4-39B

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Please clarify why there is only minor difference in volumes at Study Intersections 9, 10, 11, 12, and 13 between Cumulative Project-No Event and Cumulative Project-With Basketball Game Conditions, as shown in Figures 13a and 15a (SEIR, Appendix TR, pgs. TR-156, TR-152). Additionally, Study Intersection 12 shows greater southbound and eastbound volumes in Figure 13a than 15a. The volumes of inbound vehicle trips during the weekday 4-6 and 6-8 peak hour periods are estimated 379 & 2,489 respectively and 2,797 outbound vehicle trips during the 9-11 PM peak period (pg. TR-37). This would appear to show significant Cumulative volumes. (*Department of Transportation, Patricia Maurice, letter, July 20, 2015 [A-CALTRANS-1]*)

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### **E. The DSEIR's Analysis of the Project's Operational Traffic and Transit Congestion and Delay Impacts Is Legally Flawed.**

#### **1. The DSEIR understates traffic and transit volumes in the PM peak period of 4:00 to 6:00 PM by using "time of arrival" at the Arena as a proxy measurement for "time of travel."**

In modeling traffic and transit impacts, the DSEIR assumes only 5% of basketball game attendees will be traveling in the "study area" in the PM peak period of 4:00 to 6:00 p.m. Table 5.2- 21 states that 5% of arrivals are expected before 6:00 p.m. for 7:30 p.m. weekday basketball games; another 11% will arrive between 6:00 and 6:30 p.m. (DSEIR, p. 5.2-83.) This data is based on turnstile counts of people entering the arena.

As explained by Dan Smith in his attached report, this proxy measurement does not provide reliable data as to when game or event attendees are actually traveling through affected intersections or freeway ramps or using affected transit routes:

These considerations are so obvious to any transportation professional knowledgeable about sports stadium transportation issues that the analysis presented in the DSEIR cannot be said to constitute the good faith effort to disclose impact that the California Environmental Quality Act demands. Since the entire analysis of transportation impacts flows from the estimate of trip generation and time-of-travel analysis, the entire transportation impact component of the DSEIR must be redone to accurately reflect the time that event attendees are actually traveling on the transportation system instead of the time they enter the event venue.

(Exhibit 1, p. 3.)

In his analysis, Mr. Smith found:

it seems highly probable that as much as one-third or more of the trips that the DSEIR considers to take place in the 6 to 7 PM period and the 7 to 8 PM period would actually be on the transportation system in the more critical 5 to 6 PM commute peak hour. That would put 7,466 event-related travelers on the transportation system in the 5 PM to 6 PM period instead of the 1,866 assumed in the DSEIR, a difference that would likely result in transportation impacts not disclosed in the DSEIR and/or intensification of impacts and mitigation needs of those that were disclosed.

(Exhibit 1, p. 3.)

Even just applying common sense to the DSEIR's data indicates that many or most of the 11% that the DSEIR says arrive at the turnstile between 6:00 and 6:30 p.m. would be traveling to the event in the PM

peak period of 4:00 to 6:00 pm. This minimal adjustment alone changes the assumption on which the modeling is based from 5% to 16% traveling in the “study area” in the PM peak period of 4:00 to 6:00 pm. As shown by Mr. Smith, this minimal adjustment more than doubles the Project’s contribution of traffic to affected intersections, and would change the DSEIR’s determination from less-than-significant to significant at some intersections. (Exhibit 1, p. 4.)

This issue was flagged in public scoping comments on the DSEIR. (DSEIR, p. 2-15.) Yet, somehow, the DSEIR did not adjust its reliance on turnstile data to develop a reliable metric to use instead. Instead, the DSEIR offers a series of weak or irrelevant rationales for its methodology, including:

because basketball games typically start at 7:30 p.m. a higher percentage of inbound event attendees would travel to the event center during the 6:00 to 8:00 p.m. period than during the 4:00 to 6:00 p.m. commute peak period.

(DSEIR p. 5.2-71); and

the SF Guidelines do not include travel demand characteristics for the specialized uses (e.g., sports events, conventions, and other events) that would take place at the proposed event center. Similarly, standard trip generation resources, such as the Institute of Transportation Engineer’s Trip Generation Manual, do not include sufficiently detailed trip generation data for such specialized uses. Therefore, the travel demand for the event center component of the proposed project was based on the estimated attendance, as well as information on current travel characteristics of Golden State Warriors basketball attendees at the Oracle arena in Oakland.

(DSEIR, p. 5.2-81); and

The data are based on information provided by the Golden State Warriors for their current facility, which was then adjusted to provide for earlier arrival patterns based on comparable information collected at similar NBA facilities to account for the increased availability of retail and restaurant uses at the proposed project site compared to Oracle Arena in Oakland. A summary of this data is provided in the travel demand technical memorandum included in Appendix TR.

(DSEIR, p. 5.2-82.)<sup>5</sup>

A discussion and summary of the data from other venues than Oracle is provided in DSEIR, Appendix TR, at pp. TR-21 to TR-25 and TR-37 [Appendix A, p. A-9]. The table at page TR-37 provides time of arrival data from, in addition to Oracle, six purportedly “comparable” venues, namely: Icon Venue Group, Houston, Phoenix, Sacramento, Brooklyn (2013-2014), and Brooklyn (2014-2015). An interesting fact about this table is that the data for 4:00 to 6:00 p.m. arrivals at four of these six venues (i.e., Icon Venue Group, Houston, Phoenix, Sacramento) is “included in” the data for later time periods. So, in fact, the only purportedly comparable venue for which the DSEIR presents supporting data is Brooklyn (2013-2014 and 2014-2015). The venue with the largest proportion of arrivals in the 4:00 to 6:00 p.m. period is Brooklyn (2014-2015), with 4.1%.

In short, the City and the Warriors failed to develop reliable accurate, reliable data on the key variable in the entire transportation analysis, i.e., the number of people traveling to events in the peak PM time period when traffic and transit crowding are at their worst. A lead agency “must use its best efforts to find out and disclose all that it reasonably can.” (CEQA Guideline, § 15144.)

The above quoted rationales do not excuse this failure. The scoping comments flagging this issue were submitted to the City between November 19, 2014, and December 19, 2014, during the middle of the basketball season. (DSEIR, p. 2-8 and 2-9, 2-15.) The Warriors played fifty-seven (57) games between December 19, 2014, through the close of the regular season on April 15, 2015.<sup>6</sup> There are thirty (30) teams in the NBA.<sup>7</sup> That means there were approximately eight-hundred and fifty five (i.e.,  $15 \times 57 = 855$ ) regular season games played in the 2014-2015 regular season after December 19, 2014. In the playoffs following the regular season, sixteen teams played a total of seventy-nine games after April 15, 2015.<sup>8</sup>

Therefore, both the Warriors and the City had ample opportunity to conduct market research by interviews and exit polling of a sample of the hundreds of thousands of fans attending these games to discover how far in advance of arriving at the turnstile they traveled through the traffic and transit

impacted area surrounding the venue. The City's and Warriors' decision to pass up this opportunity after being informed of the issue does not satisfy their duty to use best efforts to find out and disclose all they reasonably can.

Indeed, the City was fully aware of the need to gather information more relevant to fans "time of travel" than turnstile counts and made some efforts to do so. But it failed to disclose that there are alternative metrics for "time of travel" or the results of its efforts in this regard. For example, an email exchange dated January 12, 2015, between the City's EIR consultant (ESA) and City Planning officials includes data on arrivals before 6:00 p.m. at the Arco Arena parking lot for a 7:00 p.m. Sacramento Kings game and arrivals before 6:00 p.m. in buildings for other NBA venues. Thus, the City was aware of other measurements (e.g., parking lot entry rather than turnstile counts) that could more accurately predict peak PM period travel to games.

Also, the arrival numbers cited in this email exchange show 14% arriving at the Arco Arena parking lot before 6 p.m. for one 7 p.m. game and 9% arriving before 6 p.m. in buildings for other NBA venues. These numbers indicate the DSEIR's assumption that 5% of fans will be traveling through the study area before 6 p.m. for 7:30 p.m. games is vastly understated. Yet the DSEIR fails to reference these numbers.

The DSEIR must be revised to provide accurate peak period traffic data and analysis

**Footnotes:**

<sup>5</sup> In the "Travel Demand Methodology and Results" section of Chapter 5.2, the DSEIR states:

The Basketball Game scenario reflects the travel demand of the office, retail and restaurant uses, plus an evening basketball game. The transportation impact analysis of the Basketball Game scenario was conducted for four analysis hours (weekday p.m., weekday evening, weekday late evening, and Saturday evening), for conditions without and with an overlapping SF Giants evening game at AT&T Park.

Table 5.2-21 presents the expected temporal distribution of arrival and departure patterns for basketball game attendees of the proposed project. The data are based on information provided by the Golden State Warriors for their current facility, which was then adjusted to provide for earlier arrival patterns based on comparable information collected at similar NBA facilities to account for the increased availability of retail and restaurant uses at the proposed project site compared to Oracle Arena in Oakland. A summary of this data is provided in the travel demand technical memorandum included in Appendix TR. Based on this information, it was assumed that approximately 5 percent of arrivals to a basketball game would occur during the p.m. peak hour (5:00 to 6:00 p.m.), and up to 66 percent of arrivals would occur during the evening peak hour (7:00 to 8:00 p.m.). Similarly, up to 70 percent of the departures would occur during the late evening peak hour (9:00 to 10:00 p.m.).

Event staff for basketball games would be expected to arrive between 4:30 and 5:00 p.m. and would be on post prior to the gate opening time; event staff would leave between 11:00 and 11:30 p.m.

(DSEIR, p. 5.2-82.)

<sup>6</sup> <http://www.nba.com/warriors/schedule>,

<sup>7</sup> <http://www.nba.com/teams/?ls=iref:nba:gnav>

<sup>8</sup> <http://www.nba.com/playoffs/>

(*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-7]*)

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**The DSEIR's Transportation Impact Analysis Understates and Fails To Disclose and Mitigate Arena Event Impacts on PM Commute Peak Hour Travel Because It Fails to Consider the Time and Duration of Attendees Travel In Advance of Passing Through Venue Entry Turnstiles**

The DSEIR considers turnstile data on time of arrival at the Golden State Warriors current venue site (Oracle Arena) and other basketball venues to estimate how many attendees traveling to a game with a 7:30 PM start time would be traveling on the area transportation system in the 4 to 6 PM peak commute period versus in the 6 to 8 PM early evening peak shoulder period. However, it uses an overly simplistic relationship between turnstile arrival data and whether the attendee traveled in the 4 to 6 peak or in the 6 to 8 shoulder: If the attendee arrives at the turnstiles more than 1.5 hours before the 7:30 event start, they are assumed to have traveled in the 4 to 6 peak; if they hit the turnstiles less than 1.5 hours in advance of the event start, they are presumed to have traveled in the 6 to 8 shoulder. The problem with this is it fails to take into account the duration of each attendee's travel (which varies by where each person is coming from, the

mode or modes they choose and the travel time on that mode or modes). It also fails to consider the substantial portion of attendees who, rather than passing through the turnstiles immediately, choose to remain outside for a while (such as stopping at a nearby restaurant / bar for a meal or drinks, or just waiting outside, as in the circumstance where 2 or more people are going to sit together but are traveling independently from different points and one person has all the tickets). Turnstile data is only a weak surrogate measure for end-time of trip for travel to stadium and arena event venues. It is weak and non-representative of the actual times attendees may be traveling on the transportation system for the following reasons. Many attendees at weeknight Warriors games will be coming from places where they will have to travel more than 45 minutes or an hour to get there. Many attendees, when they reach the area of the Project will choose to patronize nearby bars or restaurants or need to wait outside to meet up with others. In reality, someone who has traveled an hour to get to the Project site and passes through the turnstile directly on arrival at 6:30, say, will have actually completed a substantial portion of their trip within the PM peak hour. Another person who has only traveled for, say, 45 minutes but spends a half-hour in a nearby bar before passing through the turnstiles at 6:45 will also have completed most of their trip in the PM peak hour. These offsets of actual time-of-travel on the transportation system from time of passage through the turnstiles are not adequately considered in the DSEIR.

The DSEIR States that 5 percent of arriving 7:30 PM basketball event attendees arrive between 5:00 and 6:00 PM (per Table 5.2-21) which would be 903 person trips for 18,064 maximum attendance. However, Table 5.2-22 shows a total of 1,803 person trips within the 4-6 PM peak hour. Presumably, this discrepancy accounts for roughly 900 trips of the assumed 1100 day-of-game workers (ushers, ticket-takers, vendors, event-level security personnel and other day-of-game functionaries who generally need to be in place when the turnstiles open). Some 95 percent of the attendees are assumed to arrive in the 6 – 8 PM early evening peak shoulder per Table 5.2-21 with the maximum arrival hour between 7 and 8 pm involving 11,742 trips (65 percent of attendees per Appendix TR Table 3).

But, considering the facts that:

- over 70 percent of the attendees will be coming from outside San Francisco (including 31.1 percent from the East Bay, 8.9 percent from the North Bay, 26.7 percent from the South Bay and 4 percent from completely outside the Bay Region)<sup>1</sup> meaning many of their trips to the Project site will take 45 minutes to an hour or more,
- many attendees will, after traveling to the vicinity of the Project site, stop in neighboring restaurants and bars for drinks or a meal, thereby advancing the actual time of their trip ahead of their time of passage through the arena turnstiles by 30 minutes to an hour or more. This would apply to attendees coming from points in San Francisco as well as those making longer trips.
- many of the attendees, after completing their trip to the site, may need to wait to meet with others before passing through the turnstiles, thereby advancing the actual time of their trip ahead of their time of passage through the arena turnstiles. While some waits to meet are of short duration, the arrivals may often be disparate by 30 minutes or more. This would apply to attendees coming from points in San Francisco as well as those making longer trips.

When all of these factors are considered, it seems highly probable that as much as one-third or more of the trips that the DSEIR considers to take place in the 6 to 7 PM period and the 7 to 8 PM period would actually be on the transportation system in the more critical 5 to 6 PM commute peak hour. That would put 7,466 event-related travelers on the transportation system in the 5 PM to 6 PM period instead of the 1,866 assumed in the DSEIR, a difference that would likely result in transportation impacts not disclosed in the DSEIR and/or intensification of impacts and mitigation needs of those that were disclosed.

These considerations are so obvious to any transportation professional knowledgeable about sports stadium transportation issues that the analysis presented in the DSEIR cannot be said to constitute the good faith effort to disclose impact that the California Environmental Quality Act demands.<sup>2</sup> Since the entire analysis of transportation impacts flows from the estimate of trip generation and time-of-travel analysis, the entire transportation impact component of the DSEIR must be redone to accurately reflect the time that event attendees are actually traveling on the transportation system instead of the time they enter the event venue.

In order to illustrate how consequential is the DSEIR's failure to consider the time difference between the time when event attendees pass through the arena turnstiles and the time when they are actually travelling on the transportation system, we review a simplified scenario. Undisputedly, people who pass through the arena turnstiles in the half-hour between 6:00 AND 6:30 PM were traveling on the transportation system before 6 PM – that is, within the 5 to 6 PM peak period. DSEIR Table 5.2-21 at page 5.2-83 estimates that 11 percent of turnstile arrivals do so in the 6:00 to 6:30 PM half-hour, amounting to 1987 person trips at capacity basketball attendance of 18,064. When these trips are added to the 1803 trips the DSEIR already estimates are traveling in the 5 to 6 pm peak hour<sup>3</sup>, there would really be a total of 3790 Project basketball-related trips traveling in the pm peak hour. In other words, the Project's basketball-related trips in the PM peak hour would be more than doubled (actual factor 2.102).

The effects of a doubling of PM peak hour travel attributable to adding the Project with a 7:30 PM basketball game as compared to what the DSEIR estimates would be most evident at the intersection of Seventh Street with Mission Bay Drive where, instead of operating at LOS D as projected in table 5.2-24, it would operate at deficient LOS E, a significant impact. The effect on outbound MUNI lines T Third and 22 Filmore requires some special attention because Table 5.2-40 is obviously in error, showing the ridership on each of these lines as being less with a basketball game than without one. This is completely inconsistent with the text in the first bullet point on page 5.2-141 which states that a basketball game would add 681 new outbound transit trips to these lines in the PM peak hour. If we correct the table to be consistent with the text of the DSEIR analysis, the DSEIR's analysis of these two lines in the "with basketball" scenario should show a total outbound ridership of 3862 trips (or 81.3 percent of capacity).<sup>4</sup> If we add to that the riders who pass through the turnstiles in just the 6 to 6:30 PM period who, because of the offset between overall ride time and the 6-to 6:30 turnstile entry count, must have been riding on the transportation system in the 5 to 6 PM commute peak hour, the analysis would show an added ridership due to basketball of 1431, a net ridership in that situation of 4612, and a capacity utilization of 97.1, extremely close to crush capacity.<sup>5</sup>

**Footnotes:**

- <sup>1</sup> Per DSEIR Appendix TR Table 8 at page TR 25.
- <sup>2</sup> This commenter has consulted regarding transportation issues related to many professional sports stadiums and arenas. In addition, by being an attendee at a very large number of professional sports events and concert events, this writer has observed with a professional eye the transportation and pre-event behavior of attendees at nearly 1200 major league stadium and arena events at various venues. The writer has held season tickets to the Giants at their current venue for 8 years, to the 49ers for 33 years, to the Oakland Raiders for 20 years and a quarter-share of season tickets to the San Jose Sharks.
- <sup>3</sup> See DSEIR Table 5.2-24 at page 5.2-90.
- <sup>4</sup> Regardless of whether the City agrees with our further analysis of the PM peak ridership with a basketball game, it must correct this table to make it consistent with the analysis findings in the text.
- <sup>5</sup> Under the City's normal impact threshold, which is riders exceeding 85 percent of screenline capacity, this would be a significant impact on transit. However, because the City has improperly created a Project-specific impact threshold of 100 percent of screenline capacity for this Project, the ridership would fall just below the gerrymandered impact threshold. The impropriety of creating a specially relaxed threshold of impact for this one Project is discussed in a subsequent section.

*(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-16])*

**OPINION 3 –The DSEIR's Transportation and Circulation analysis understates and fails to disclose and mitigate arena event impacts on PM commute peak travel because it fails to consider the time and duration of attendees travel in advance of passing through venue entry turnstiles**

I have reviewed Dan T. Smith Jr.'s opinion within his report dated July 15, 2015 regarding The DSEIR's failure to adequately consider PM peak hour impacts due to its failure to consider the time and duration of attendees travel in advance of their arrival at the turnstile. I agree particularly with his statement that:

*"many attendees will, after traveling to the vicinity of the Project site, due to their this stop in neighboring restaurants and bars for drinks or a meal, thereby advancing the actual time of their trip ahead of their time of passage through the arena turnstiles by 30 minutes to an hour or more."*

I can personally attest to this dynamic. I have personal experience with 'time of arrival' issues pertaining to the NBA arena where the Sacramento Kings play, presently called 'Sleep Train Arena', but historically called (and still commonly called) 'Arco Arena'. I lived in Sacramento for sixteen years (1996-2012), and during seven of those years (1996-2003) I literally lived within 100 ft of the I-80/Truxel Road interchange. The I-80/Truxel Road interchange is presently 1 of 3 main interchanges providing primary access to the arena, and during the time I lived near the interchange I witnessed the building of the interchange (about 1998, which at the time became the 2nd main interchange providing primary access to the arena). I also witnessed and experienced the development of nearly ALL of the ancillary commercial developments (including restaurants, bars, shopping, etc.) surrounding the arena following the completion of the Truxel interchange. Throughout those seven years I commuted to/from work along the highways and arterials surrounding the arena, and frequented the commercial developments surrounding the arena during and immediately after the PM peak hour period. Thus on each and every game day, whether I personally went to a game myself or not, I experienced first-hand the increased trip generation to ancillary land uses during the later part of the PM peak hour (i.e. 5:00-6:00), experienced increased traffic volumes on I-80 and connecting arterials near the arena, and experienced worsening levels of service and increased delays. In addition to living for a time in the immediate vicinity of the arena, I also attended over 200 NBA games at the arena (as well as dozens of other special events at the arena) throughout the sixteen years I lived in Sacramento. Although I moved to and lived in the Rocklin area between 2003 and 2012, I continued to visit the arena for games, concerts, etc. and would often arrive early to meet with friends and/or frequent one of the many restaurants in the area. Through this experience, I can personally attest to the fact that the ancillary commercial uses surrounding the arena most definitely experiences a significant uptick beginning about 5:00/5:30 pm on game days (and other special events), and that this uptick most definitely increases traffic volumes along I-80, on I-80 freeway ramps to the three interchanges providing primary access to the arena, and along the arterials (and surface streets) surrounding the arena. As part of my research to provide opinions of the sufficiency of review for the proposed Golden State Warriors Arena in Mission Bay, I contacted one of the traffic engineers in the City of Sacramento's Department of Transportation to discuss this 'early arrival' dynamic. He was in agreement that the area most definitely experiences an uptick in traffic and resulting worsening in levels of service during the end of the PM peak period.

**Footnotes:**

<sup>1</sup> San Francisco Transportation Plan 2040, Appendix K: SF Travel At a Glance

<sup>2</sup> <http://www.sf-planning.org/index.aspx?page=3562>

*(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-39B])*

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"First, the traffic congestion impact feared by many at the Barclays Center site for the most part did not materialize. As a transportation professional involved in the project from the government agency side, the biggest story for me was that the fear of congestion generated by the arena so greatly exceeded the actual impact that when the facility opened traffic congestion was more or less a non-story. This was due to a number of factors, but the two most important were that transit utilization did meet the project goals, and that vehicle arrivals to the arena were more spread out than projected, as many people who drove came early to the area to go to nearby restaurants, bars, etc. Given this, I am happy to see that this EIR does focus on transit investments. Also, developing retail at the site as proposed will encourage some people to arrive early and eat or drink before an event. This should among, other potential benefits, disperse traffic impacts" *(Christopher Hrones, email, June 30, 2015 [I-Hrones1-2])*

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1) The planned event center will hold less than half of AT&T Park's capacity and by far the majority of events at the new arena will be held on days/times when the Giants will not be playing.

2) As at AT&T Park, the arrival times of attendees will be occur over a longer period than at other venues in the country because of the various attractions and amenities (food and otherwise) that will exist

around the arena site. Traffic of all types (autos, public, walking) will not all occur right before the start of the events easing the various traffic flows. (*Jim Sullivan, email, July 9, 2015 [I-Sullivan-1]*)

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## Response TR-2d: Methodology, Trip Generation

### *Trip Generation for the Weekday PM Peak hour*

Several comments indicate that the number of basketball game attendees assumed in the SEIR to arrive at the arena during the weekday 4:00 to 6:00 p.m. period is underestimated, and therefore additional significant transportation impacts might occur beyond those identified in the transportation impact analysis. One comment indicates that about 7,450 event attendees (more than 40 percent of the maximum capacity of the event center) should be assumed traveling through the study intersections and riding the transit lines in the vicinity of the project site within one and a half to two and a half hours prior to the start of an event. For reasons explained below, the City disagrees with these comments and stands by its analysis, which reflects a number of evidence-backed, conservative assumptions. Though some of the points raised in the comments seem intuitively believable, actual data from comparable situations show that the comments have exaggerated the likely numbers of people would arrive before 6:00 p.m. for a 7:30 p.m. event.

The transportation analysis in the SEIR assumes that 5 percent of the basketball attendees would arrive at the event center between 5:00 and 6:00 p.m. (more than one and a half hours prior to the start of a basketball game), which was derived from information obtained from other NBA venues. The comments state that because this information is based on the time that attendees arrive at the event center, it would be necessary to also include attendees that might arrive later (e.g., between 6:00 and 6:30 p.m.) to account for those who might be using the transportation network before 6:00 p.m. but have not yet arrived at the event center, as well as those who might stop at a nearby restaurant/bar for a meal or drinks, or are just waiting outside. The comments suggest, but do not provide supporting evidence, that one-third or more of the attendees would arrive during the 5:00 to 6:00 p.m. peak hour.

As shown in the table on SEIR p. TR-37 of Volume 3 of the SEIR, multiple basketball venues from various sources were evaluated to derive the arrival patterns at the proposed project arena. Of these, two locations (Oracle Arena in Oakland and Barclays Center in Brooklyn) separately reported arrivals occurring more than one and a half hour prior to the start of a basketball game. The remaining facilities reported all arrivals occurring more than one hour before to the start of a game, most likely because those occurring more than one and a half hour prior to the game represent a small fraction of the total attendance. The average percentage of arrivals occurring between 5:00 and 6:00 p.m. for those instances where arrivals occurring more than one and a half hour prior to the start of a basketball game (i.e., between 5:00 and 6:00 p.m. for a typical game starting at 7:30 p.m.) is less than 2.5 percent. Thus, to account for potential daily variability in arrival patterns, as well as the additional time it may take for attendees to enter to the event center after their arrival at the site or nearby vicinity, the SEIR conservatively assumed that more than twice as many attendees as the average (i.e., 5 percent) would arrive between 5:00 and 6:00 p.m.



In addition, the transportation analysis locations (intersections and freeway ramps) evaluated in the SEIR are located within relatively close proximity of the project site, necessitating only a short, relatively quick walk to the event center, so that the assumed 5 percent of game attendees arriving at the event center adequately accounts for those using the transportation infrastructure between 5:00 and 6:00 p.m.

Furthermore, in order to avoid understating impacts, the transportation analysis assumes an exact overlap between the peak hour for background traffic and the arrival of game attendees (i.e., between 5:00 and 6:00 p.m.). In reality, at various study locations, the highest peak hour traffic volumes actually occur earlier (e.g., from 4:30 to 5:30 p.m. or from 4:45 to 5:45 p.m.), resulting in a more conservative assessment of potential traffic impacts in the SEIR.

Additional surveys of attendee arrivals at the Oracle Arena where the Golden State Warriors currently play or other NBA facilities, as suggested in a comment, were deemed unnecessary, because, as noted above, arrivals to the Oracle Arena during the 5:00 to 6:00 p.m. peak hour are low (about 1 percent of the total) and because data from another location with similar urban and development conditions to the proposed project (i.e., Barclays Center in Brooklyn, New York) was already available. The Barclays Center, a 19,000-seat arena at the intersection of Atlantic and Flatbush Avenues in Brooklyn, New York is located within a mixed-use neighborhood. Office, retail, and restaurant uses are located on the major arteries, within walking distance of the arena, while residential buildings are located on the minor streets further away. The Atlantic Terminal and Atlantic Center shopping malls are located across from Barclays Center with a combined area of approximately 750,000 square feet. Major retail and restaurant tenants include Target, Best Buy, Old Navy, Marshalls, Starbucks, Uniqlo, Applebee's, Buffalo Wild Wings, Chuck E. Cheese's, Coldstone Creamery, and McDonald's.

In response to the comment, the following clarification was made to SEIR p. 5.2-82 (deleted text is shown as ~~striketrough~~ and new text is underlined).

**Table 5.2-21** presents the expected temporal distribution of arrival and departure patterns for basketball game attendees of the proposed project, representing the percentages and time period when attendees would be expected to be on the transportation network in the study area. The data are based on information provided by the Golden State Warriors for their current facility, which was then adjusted to provide for earlier arrival patterns based on comparable information collected at similar NBA facilities to account for the increased availability of retail and restaurant uses at the proposed project site compared to Oracle Arena in Oakland

The revision does not change the analysis or conclusions presented in the SEIR.

### *Traffic Volumes*

The following responds to Caltrans's questions regarding why there are only minor differences in traffic volumes in certain Study Intersections, as shown in Figures 13a and 15a of Appendix TR, which present the 2040 Cumulative traffic volumes for the weekday PM (4:00 to 6:00 p.m.) and

Saturday evening peak hour (7:00 to 9:00 p.m.) conditions for the No Event and Basketball Game scenarios. The minor differences between the No Event and the Basketball Game scenarios at the intersections adjacent to the project site are primarily due to the following: the slight reduction in project-generated outbound trips under the Basketball Game scenario during these two analysis hours (see Table 5.2-25 on SEIR p. 5.2-91); the fact that the project parking supply of 950 spaces remains unchanged between No Event and Basketball Game conditions; and the use of other publicly accessible parking facilities to accommodate the project-generated parking demand (and the associated assignment of vehicle trips to off-site parking rather than to the project site). Overall, as shown in Table 5.2-25 on SEIR p. 5.2-91, total vehicle trip generation during the p.m. peak hour would not be very different (125 vehicles higher or 26 percent) during a basketball game compared to No Event conditions. This somewhat reduced increase is due to the relatively low amount of event traffic during this period (5 percent), as well as an expected reduction in unlinked demand in retail and sit-down restaurant customers (those customers unrelated to an event with only one destination at the project site; see SEIR Volume 3, Appendix TR, p. 23).

In addition, travel patterns would be different in the hours prior to a basketball game compared to No Event conditions, particularly at those intersections that provide access to the project garage. As stated in the project TMP, on a basketball game day, the project garage would be reserved for designated event attendees who had pre-purchased their parking space. Typical garage customers, hourly and daily parkers, would be prevented from parking at the project garage from several hours prior to the start of the game and would either have had to arrive at the site by other means (e.g., transit), leave the garage earlier in the day, or park at other nearby facilities not reserved for game attendees (e.g., UCSF Third St garage). Furthermore, because those attendees parking at the site garage would have a guaranteed space, they would not need to arrive early to find parking, resulting in somewhat lower volumes during the 4:00 to 6:00 p.m. period in the immediate vicinity of the project garage entrances.

### *Transit Ridership*

The weekday p.m. peak hour transit analysis of the T Third and 22 Fillmore on Table 5.2-40 on SEIR p. 5.2-136 is correct. The existing plus project ridership presented in the table indicate that Muni's transit ridership departing the project site during a basketball game during the p.m. peak hour (3,137 riders) is comparable to those occurring under the No Event scenario (3,181 riders), a 44-transit rider (or less than 1.5 percent) difference. This is consistent with the expected project travel behavior as described in the SEIR methodology section starting on SEIR p. 5.2-81. Basketball game attendees would travel inbound towards the project site during the p.m. peak hour, while office employees would primarily travel outbound from the project site. Table 5.2-40 presents the number of outbound trips only, which are unaffected by game attendees. The difference in the number of transit trips between the No Event and the Basketball Game scenarios is more clearly indicated in Table 5.2-24 on SEIR p. 5.2-90, which shows 881 project-generated total transit riders (inbound and outbound) during the p.m. peak hour under the No Event scenario, versus 1,625 total transit riders under the Basketball Game scenario.

Furthermore, as described in the travel demand analysis methodology memorandum (SEIR Volume 3, Appendix TR, starting on Appendix TR p. TR-17), trip generation for the project retail

and sit-down restaurant uses would be different during a No Event compared to a Basketball Game scenario. As described on page Appendix TR p. TR-23, fewer retail and sit-down restaurant no-event customers would be expected to visit the project site ahead of a game, reducing the trip generation for those uses, thus somewhat reducing outbound ridership taking Muni from the project site (less than 1.5 percent) during the p.m. peak hour. Table 5.2-24 on SEIR p. 5.2-90 shows that total transit trips not attending an event during the p.m. peak hour for retail and sit-down restaurant uses would be 285 trips during a No Event scenario and 170 trips during a Basketball Game scenario.

SEIR p. 5.2-141 states that the Basketball Game scenario would generate 681 outbound transit trips. Of the 681 outbound transit trips, 647 trips were assigned to the T Third line (496 trips) and the 22 Fillmore route (151 trips), and 34 trips would walk to the Caltrain station (about 50 percent of the outbound trips assigned to Caltrain). In response to the comment, the following clarification was made to SEIR p. 5.2-141 (deleted text is shown as ~~struckthrough~~ and new text is underlined).

- During the weekday p.m. peak hour, the Basketball Game scenario would generate 1,625 new transit trips (944 inbound and 681 outbound). About 73 percent of the outbound transit demand would be on the T Third (496 trips), about 22 percent on the 22 Fillmore (151 trips), and 5 percent would walk to Caltrain (34 trips). As indicated in **Table 5.2-40**, the additional outbound trips would be accommodated on the T Third line and 22 Fillmore.

The revision does not change the analysis or conclusions presented in the SEIR.

Also refer to Response TR-2g regarding transit capacity utilization analysis, including definition of crush load conditions.

### Issues Raised by Commenters: Travel Modes (TR-2e)

This response addresses all or part of the following comments, which are quoted below:

O-Sierra-7

I-Zboralske-12

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The Sierra Club notes that project sponsors intend to rely on the availability of livery and TNC vehicles after events to transport people (*Volume 1 – TR-2*). No analysis, to the knowledge of the Sierra Club, has ever yet been done on the environmental impact of TNCs in San Francisco. No one knows how many additional vehicle miles are being traveled in the City due to the availability of TNCs. No study, to the knowledge of the Sierra Club, has been done on the impact of TNCs on congestion or air quality, including GHG emissions. And yet the project sponsors propose to rely on TNCs for an unspecified portion of transportation needs of people going to and getting from events. Project sponsors should include an analysis of the GHG and other air pollution impacts of the TNCs they intend to rely on for transporting people to and from events. (*Sierra Club, Susan E. Vaughn, letter, July 27, 2015 [O-Sierra-7]*)

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The Warriors, to my knowledge, have never publicly released any demographic information about their season ticket holder base. It would be easy for them to acknowledge, for instance, how many of their season ticket holders reside or work in various postal codes in the Bay Area. This measure, would at least

offer a starting point to evaluate the efficiency and effectiveness of current public transportation options for their large base to use as many presumably would need to travel to San Francisco from other communities. The following issues could, at least, preliminarily be looked into:

- Are viable public transportation options currently available?
- How would the scheduling work for transferring between agencies?
- Would it be convenient for those individuals to take public transit?
- How many transfers would the average rider to need make?
- What would the average cost for a round-trip fare likely be?
- How long would a sampling of journeys take each way on average?
- Would the transit options run late enough for attendees staying in the area after a game to still use public transportation to get home?

*(James Zboralske, email, July 27, 2015[I-Zboralske-12])*

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## **Response TR-2e: Methodology, Travel Modes**

As noted in a comment, it is correct that an analysis of the overall environmental impacts of transportation network company (TNC) vehicles in San Francisco, as a kind of vehicle fleet, has not been conducted separate from this SEIR. This SEIR, however, does account for that portion of the fleet that would likely be involved in transporting persons to and from basketball games at the event center. The use of TNC vehicles as a mode of travel to the event center was incorporated into the travel demand estimates, including estimates of vehicle trips. As indicated on SEIR p. 5.2-89, person trips made by ridershare, such as taxis, shuttle buses, Uber and similar other smart phone application-based transportation services, were included in the vehicle trip analysis as two vehicle trips during the analysis hour (i.e., one inbound and one outbound trip). Thus, the traffic volumes provided for use in the air quality and noise analyses reflect TNC trips, as they relate to the proposed project.

As discussed on SEIR p. 5.2-85, the distribution of basketball game attendees was derived from information provided by the Golden State Warriors. The origin/destination distribution range for a weekday basketball game (which was used in the development of the Muni Special Event Transit Service Plan and for the impact analysis) reflects an adjustment for event attendees who would travel to the event center directly from work in downtown San Francisco rather than from their place of residence. The adjustment was based on a survey of Golden State Warriors season ticket holders.

The methodology used to estimate mode of travel for the proposed project is presented on SEIR pp. 5.2-87 – 5.2-94. The issues raised in the comment were considered in developing the estimated transit mode share for events at the project site. The mode of travel for basketball game attendees was derived from similar data obtained from surveys conducted by the San Francisco Giants of baseball game attendees at AT&T Park. The transit mode for evening events at the project site was assumed to be lower than for a baseball game, given that transit access to the project site is more limited than at AT&T Park. Similarly, given that the project site is located further away from downtown and from the Market Street corridor, the component of event center attendees either walking to the event center or taking transit to downtown and then walking to the project site would also be lower than at AT&T Park.

## Issues Raised by Commenters: Traffic LOS Methodology (TR-2f)

This response addresses all or part of the following comments, which are quoted below:

O-MBA10L4-3  
O-MBA10L4-27

O-MBA10L4-4

O-MBA10L4-23

O-MBA10L4-24

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### **B. The DSEIR Fails to Disclose the Severity of the Project's Impacts on Intersections and Freeway Ramps which the Project Will Cause to Deteriorate to Level of Service (LOS) F.**

As explained by Dan Smith in his attached report, the DSEIR fails to disclose the severity of the Project's congestion and delay impacts on intersections and freeway ramps which the Project will cause to deteriorate to Level of Service (LOS) F.

The DSEIR discloses the Project will cause significant congestion and delay impacts at numerous intersections and freeway ramps in the "study area," where Project-induced increases in congestion and delay will cause deterioration in Level of Service (LOS) to LOS E or F. (See intersections and freeway ramps listed in footnote 1.) For the intersections and freeway ramps in the "study area" where Project-induced increases in congestion and delay will cause deterioration to LOS E, the DSEIR provides a measurement of the degree of severity of the significant impact (i.e., average delay for intersections or average density for freeway ramps).

However, for the intersections and freeway ramps in the study area where Project-induced increases in congestion and delay will cause deterioration to LOS F, the DSEIR fails to provide a full measurement of the degree of severity of the significant impact. Instead, for intersections pushed to LOS F, instead of presenting a measure of average delay, the DSEIR provides a "greater than" measurement of "80 seconds per vehicle." (See 5.2-74 and Tables cited above.) For freeway ramps pushed to LOS F, instead of providing the average density, the DSEIR provides no measurement of "existing plus project" density. Instead, the severity of the Project's impacts at intersections and freeway ramps pushed to LOS F has no upper limit, and remains undisclosed, other than to note that "demand exceeds capacity." (See 5.2-75, Table 5.2-19 and Tables cited above.)

Thus, the DSEIR fails to comply with CEQA because, beyond making the binary determination that the Project's impacts on these intersections and freeway ramps are significant, the DSEIR fails to disclose the severity of these significant impacts. (See *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831 ["The conclusion that one of the unavoidable adverse impacts of the project will be the 'increased demand upon water available from the Santiago County Water District' is only stating the obvious. What is needed is some information about how adverse the adverse impact will be".]) Consequently, the City must revise the DSEIR to include this missing information, then recirculate the Revised DSEIR for at least 45 days for public review and comment. (*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-3]*)

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### **C. The DSEIR Fails to Identify the Significance and Severity of the Project's Impacts on Intersections Where the Project Will Use Parking Control Officers.**

In its impact assessment tables for "Intersection Level of Service - Existing plus Project Conditions - With a SF Giants Evening Game - Weekday PM and Saturday Evening Peak Hour" (DSEIR, p. 5.2-172, Table 5.2-47) and "Intersection Level of Service - Existing plus Project Conditions - With a SF Giants Evening Game - Weekday Evening and Late Evening Peak Hour" p. 5.2-174, Table 5.2-48), the DSEIR measures the significance of impacts by the use of Level of Service (LOS) and delay measurements.

But for two intersections, King and Third streets, and King and Fourth streets, the DSEIR provides no LOS or delay measurements, and therefore, no information on whether the Project's congestion and delay impacts on these intersections are significant, and if so, the severity of these significant impacts.

Instead, the DSEIR indicates that the Project calls for posting Parking Control Officers (PCOs) at these intersections at the times indicated. But the adoption of a mitigation measure cannot substitute for disclosing whether the Project's impacts on these intersections are significant or their severity.<sup>2</sup>

**Footnote:**

<sup>2</sup> CEQA does not permit an agency to simply adopt mitigation measures in lieu of fully assessing a project's potentially significant environmental impacts because mere acknowledgment that an impact would be significant is inadequate; the EIR must include a detailed analysis of "how adverse" the impact would be. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-56' *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1123; *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831.)

(*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-4]*)

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### **The DSEIR Fails to Evaluate Impacts at Intersections Under PCO Control**

The DSEIR does not report LOS or delay at intersections that are under PCO control in certain situations, claiming that LOS cannot be calculated for intersections under PCO control. However, this interpretation evades the issue of why PCO control is employed in the first place. The reason is because it is assumed or known through experience that these locations would become gridlocked (deep LOS F conditions) if left to automated traffic control. In theory, the PCO or group of PCOs is/are smarter than an automated traffic signal in such circumstances. In particular, the human controllers can observe downstream blockages and give advantage to movements with unblocked downstreams and alter phase sequences to give green to movements as their downstreams become unblocked. But fundamentally, any intersection under PCO control should be regarded as being at LOS F. But this poses another issue. There is no determination of how much worse (more impacted) conditions are in the Existing + Giants game + Warriors game situation than in the Existing + Giants game alone scenario. This determination is an essential purpose of this DSEIR and it is not being evaluated. (*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-23]*)

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### **The DSEIR Fails To Evaluate Quantitatively the Severity of the Project's Traffic Impacts at Locations That Are Already In LOS F Condition**

The DSEIR tables reporting intersection delay and intersection LOS for the various locations and scenarios analyzed fail to report the actual delay at intersections experiencing delay at or above the threshold of LOS F. They merely report the delay as being greater than 80 seconds of delay per vehicle. This manner of reporting prevents the public from knowing the severity of the Project's traffic impacts when it affects intersections already in impacted condition.

Most commercially available intersection LOS/delay calculation programs do calculate the actual delay of intersections that are above the LOS F threshold. It is the analyst's option to display the actual value in the program output or to suppress reporting it and display the >80 symbol. Some analysts claim that once an intersection is in LOS F, the delay value is irrelevant. But that is nonsense. If an existing condition is, say, just at the 80 second delay LOS threshold and a project causes the delay value to increase to 81 seconds, in that instance the degradation caused by the project may be almost imperceptible. But if the computation shows that the project increases delay to, say, 120 seconds per vehicle, then the degradation caused by the project is clearly quite severe and seriously impactful. Since an essential objective of an EIR is to disclose how adverse or severe a project's impacts are, the DSEIR is deficient in failing to disclose information relative to severity that it easily could have disclosed.

The same considerations apply to the freeway ramp analysis where, once a ramp has reached the average vehicle density threshold of LOS F operations<sup>11</sup>, the DSEIR presents a special character symbol instead of the actual density compiled, thereby thwarting the ability of the public or professional reviewers to

understand how severe and adverse the impacts of the project really are. We also note that DSEIR Table 5.2-2 contains an apparent error in the entry for the I- 80 eastbound ramp at Sterling for the weekday evening (6-8 PM) period. It reports that vehicle density is 38 vehicles per vehicle lane-mile but a LOS of C. If the density really is 38, this ramp would be in the LOS E-F range; if the LOS really is C, the density would have to be less than 28. Please correct the error.

**Footnote:**

<sup>11</sup> Vehicle density, the number of vehicles per lane mile, is the logical measure of either congestion or high quality service on freeways and ramps in merge and diverge areas. In free-flowing conditions, vehicles operate with substantial space between them so the number of vehicles per lane mile is low. At highly congested conditions, stop-and-go or crawl speed operations, vehicles are closely spaced and the number of vehicles per lane mile is high. Per Highway Capacity Manual 2000 the threshold for LOS E and F operations is 35 passenger car equivalents per lane-mile per hour. With true scientific caution, Highway Capacity Manual 2000 counsels against reporting vehicle densities in the LOS E-F range because flow rates, a principle factor in calculating vehicle density, vary radically in LOS E-F situations. Nevertheless, the computed vehicle densities are what they are, and constitute the only reasonable way to measure weather the Project's effects on an already unacceptable ramp situation are significantly deleterious or not.

*(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-24])*

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**There Is No Evidence The DSEIR Considered the Disruptive Impacts of the At-Grade Rail Crossing of 16th Street on Intersection LOS at the Intersections of 16<sup>th</sup> and 3rd and 16<sup>th</sup> and 7<sup>th</sup> Streets.**

The Caltrain rail mainline crosses Sixteenth Street in an at-grade crossing between the study intersections of Sixteenth with Third and with Seventh Streets. In the 5 to 6 PM peak hour, gate closure protection to allow train passage blocks Sixteenth Street traffic 10 times and another 10 times in the 6 to 7 PM early evening peak shoulder period. Increased rail traffic and increased train lengths will increase the blockage time. There is no evidence this blockage has been taken into account in the LOS calculations for the nearby intersections.

If it has, please explain how. If it hasn't, please adjust the calculations or explain why not. *(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-27])*

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## Response TR-2f: Traffic LOS Methodology

### *Intersections and Freeway Ramps Operating at LOS F conditions*

"Level of Service," or "LOS," is used widely in the City and County of San Francisco, and elsewhere, as a means of identifying whether an intersection, road segment or freeway ramp operates, or would operate, in a free-flowing or congested condition. (See City and County of San Francisco, *Transportation Impact Analysis Guidelines for Environmental Review*, Appendix B (October 2002).)

LOS is designated with a letter – from A to F – ranging from less to more congested conditions. The Draft EIR identifies the meaning of each of these designations. (See SEIR, Table 5.2-18.) The "significance thresholds" used in the traffic analysis focus on the extent to which the project would cause, or substantially contribute to, an unacceptable LOS. (See SEIR pp. 5.2-45 – 5.2-46.)

"LOS F" means an intersection, road segment, or ramp would operate with "excessive delays." Delay is considered excessive if "average control delay" would be more than 80 seconds per vehicle. (SEIR, Table 5.2-18.)

This designation provides sufficient information to disclose whether the project's impact would be significant, as well as the relative severity of that impact. Having provided this quantitative information, the EIR has fulfilled its function as an information document. Many published decisions involve EIRs that use similar "level of service" designations to indicate whether a project's traffic impacts would be significant. (See, e.g., *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 361-362; *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 541-545; *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4th 316; *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439; cf. *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1336 fn. 5 [LOS as qualitative description of intersection operations]; *Citizen Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748 755-756 [upholding negative declaration for school closure].)

The comment appears to state that an EIR, having determined that a project would cause or contribute to LOS F conditions, must also identify the specific number of seconds of delay expected to occur. That is, the comment appears to state that the EIR must state not merely that delay would be in excess of 80 seconds per vehicle, and therefore unacceptable; rather, the comment states the EIR must also identify how many seconds of delay, beyond the 80 seconds of average control delay signified by "LOS F," would occur.

CEQA does not require this. The case cited in the comment – *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818 – did not address traffic impacts. Rather, that case involved an EIR prepared for a proposed gravel mine. The EIR estimated the amount of water that would be needed in order to operate the mine. The EIR did not, however, provide any information regarding whether the local water district had sufficient supplies to serve the mine, or the impact of supplying water to the mine on existing customers. (118 Cal.App.3d at pp. 830-831.)

The City's approach is consistent with its adopted *Transportation Impact Analysis Guidelines for Environmental Review* (October 2002). The analysis is also consistent with EIRs prepared by the City for other development projects, including the EIRs prepared for the Treasure Island/Verba Buena Island Redevelopment Plan and Parkmerced projects.

Traffic LOS techniques have been developed primarily to enable traffic engineers to design and operate intersections to improve traffic flows. The original LOS analysis techniques were based on volume to capacity (v/c) ratios that estimated how close to fully using the capacity of an intersection existing and projected traffic volumes were, with additional traffic lanes typically prescribed to increase capacity when there was a mismatch between traffic volumes and an intersection's carrying capacity. Over the years since 1985, traffic LOS techniques have been refined to emphasize delay as a measure of effectiveness that more accurately reflects traffic conditions. LOS based on delay incorporates signal timing and progression, intersection design geometrics, the relative influence of transit, pedestrians, bicycles, and trucks, and other factors into the calculations of delay. These techniques also show LOS results not only for the overall intersection but also for particular directional through and turning movements. These tools can be used to pinpoint primary sources of conflict that create delay, thereby facilitating



identification of effective improvements that include changes to signal timing and intersection redesign as well as construction of additional lanes to expand capacity.

LOS has also commonly been used in evaluations of environmental impacts as a metric to measure traffic conditions. When unsatisfactory LOS conditions are indicated (e.g., generally LOS E or LOS F in San Francisco and many other jurisdictions), LOS analysis tools are applied to identify unsatisfactory traffic conditions and to measure the effects of implementing appropriate mitigation measures to the extent that this is feasible. When improvements or mitigation measures are feasible with respect to an intersection operating with average delays greater than 80 seconds per vehicle, the mitigated results are shown in seconds of delay within the LOS A to LOS E range for which traffic LOS has primarily been validated. These techniques have been fully applied in the traffic analysis in this SEIR such that all conclusions about the infeasibility of mitigation for adverse or significant traffic impacts reflect the author's sense of how traffic operations can best be optimized within the feasibility constraints of local conditions.

LOS F reflects unstable traffic conditions whose severity is not reliably replicated for future conditions by the traffic LOS analysis tools used for traffic impact studies. Traffic LOS techniques were developed primarily to enable traffic engineers to apply a variety of tools to improve traffic flows to achieve satisfactory conditions and the mathematical formulae used are grounded in extensive empirical data that reliably reflects intersections operating at or below their maximum capacity (LOS A to LOS E conditions). The equations used to determine vehicle delay have been validated for conditions when an intersection is below, or slightly above capacity, and therefore do not properly represent oversaturated (i.e., beyond LOS F) conditions. For example, Exhibit 16-14 on page 16-24 of the *Highway Capacity Manual 2000 (HCM 2000)*<sup>6</sup> which relates delay calculations with vehicle capacity shows that once a delay of 80 seconds per vehicle is reached, maximum capacity ( $v/c=1$ ) is also attained. For calculated delay values above 80 seconds, the exhibit shows corresponding  $v/c$  values above 1.0 (the traffic volume is over the intersection capacity), which are not possible in the field. Thus, while LOS calculation sheets can produce outputs that show seconds of delay in excess of 80 seconds and these are available in the transportation analysis background files for this SEIR,<sup>7</sup> these calculations should not be used to indicate the degree of "worseness" for traffic LOS F conditions due to these methodological limitations. Moreover, CEQA does not require specification of degrees of "worseness" so long as significant traffic impacts are identified according to established significance standards. Consistent with the methodological strengths of LOS analysis techniques, these techniques have been appropriately used in this SEIR to apply all feasible mitigation measures and to identify all significant traffic impacts when mitigation was not feasible.

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<sup>6</sup> Transportation Research Board, National Research Council, Highway Capacity Manual, Washington D.C., 2000.

<sup>7</sup> In all cases, the actual number of seconds of delay are reported for all intersections and scenarios in SEIR Appendix TR. It is in the summary tables presented in the main body of the SEIR, that the average delay value at those intersections operating at LOS with an average vehicle delay of more than 80 seconds per vehicle are reported as "> 80".

It bears mentioning in this context that transportation-related impacts differ from other categories of environmental impacts in certain respects. For some environmental resources, a relatively precise sense of the degree to which a proposed project would worsen already unacceptable conditions could be relevant to a complete CEQA analysis. Thus, for example, where an air basin or a body of water already suffers from ambient conditions that are unhealthy for human beings or plants or animals, the release of additional pollutants could exacerbate existing health or ecological problems; and having a relatively precise sense of the *degree* of the impacts involved might contribute meaningfully to an informed discussion of whether such effects should be endured. The need for such relatively detailed information in such circumstances is consistent with the CEQA definition of “environment,” which refers to “the *physical conditions* which exist within the area which would be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance.” (CEQA Guidelines, § 15360, italics added.) In contrast, describing the precise degree of congestion already designated as LOS F would add little to a discussion of impacts on “land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance,” in that what is being measured is not a project’s consequences to resources of this kind but rather, as noted above, the movement of vehicles through an urban transportation system designed to function most efficiently at certain levels of use and congestion. In general, the effects of worsened congestion translate primarily into increased inconvenience to people, but not into adverse effects on public health or ecosystems. CEQA demands less of lead agencies when they are attempting to measure human inconvenience than when they are trying to understand the severity of harms to public health, wildlife, and more traditional ecological resources. (See *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 697 [city acted within its discretion in determining that, in urban setting, parking is not an environmental issue under CEQA].)

Recent legislative and regulatory developments indicate that, in the near future, the City’s CEQA documents may no longer be required to consider LOS for many projects, at least in areas effectively served by transit. Public Resources Code section 21099, enacted in 2013, requires the Governor’s Office of Planning and Research (OPR) to develop and transmit to the Secretary of the Natural Resources Agency proposed CEQA Guidelines revisions establishing new criteria for determining the significance of transportation impacts of projects within “transit priority areas” which include areas within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program. If and when the Secretary of Resources adopts such Guidelines revisions, “automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall *not* be considered a significant impact on the environment pursuant to [CEQA], except in locations specifically identified in the guidelines, if any.” (*Id.*, subd. (b)(2), italics added.) OPR and the Secretary of Resources have the option to abolish the use of LOS as a CEQA impact measurement throughout the State. (*Id.*, subd. (c)(1).)

As of the fall of 2015, the Secretary of Natural Resources has not yet formally proposed for adoption any proposed revisions addressing these issues. In December 2013, however, as part of its efforts required by Public Resources Code section 21099, OPR published a document entitled,

“Preliminary Evaluation of Alternative Methods of Transportation Analysis.”<sup>8</sup> This preliminary evaluation discusses why LOS is not the best measure of a project’s environmental impacts and describes the extent to which too great a focus on LOS can undermine other environmental goals, such as the need to facilitate urban infill development as part of larger efforts to combat climate change. For example, the preliminary evaluation explains:

**LOS is biased against “last in” development.** Typical traffic analyses under CEQA compare future traffic volumes against LOS thresholds. A project that pushes LOS across the threshold triggers a significant impact. In already developed areas, existing traffic has already lowered LOS closer to the threshold. Because the LOS rating used to determine significance of the project’s impact is determined by total traffic (existing traffic plus traffic added by the project), infill projects disproportionately trigger LOS thresholds compared to projects in less developed areas.

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**As a measurement of delay, LOS measures motorist convenience, but not a physical impact to the environment.** Other portions of an environmental analysis will account for vehicular emissions, noise and safety impacts.

These observations support the conclusion that the project’s traffic analysis includes a legally sufficient level of quantitative precision in the expression of significant unavoidable effects on transportation levels of service. In short, as explained above, the transportation analysis satisfies existing CEQA requirements and adequately analyzes LOS impacts at study intersections.

See Section 13.3, Response AQ-5 for information regarding the proposed project’s air quality analysis and impacts.

#### ***Analysis of PCO-controlled intersections during SF Giants Games***

Two comments raise issues regarding impact analysis for conditions with a SF Giants evening game at AT&T Park. One comment states that the SEIR does not provide LOS or delay measurements for two intersections, King/Third streets and King/Fourth streets, for the existing plus project conditions with a SF Giants evening game at AT&T Park scenario, that the project calls for Parking Control Officers (PCOs) at these intersections at specified times, and that the adoption of mitigation measures cannot substitute for disclosing whether the Project’s impacts at these intersections are significant or their severity. Another comment states that because the SEIR does not report LOS or delay at intersections that are currently under PCO control during SF Giants evening games, there is no determination of the extent that conditions would worsen with the proposed project.

The comment that states that the project calls for PCOs at the intersections of King/Third and King/Fourth as mitigation, instead of providing LOS, is incorrect. The intersections of King/Third and King/Fourth are already controlled by PCOs during peak hours on SF Giants game days,

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<sup>8</sup> *Preliminary Evaluation of Alternative Methods of Transportation Analysis*, December 30, 2013. Available online at: / <http://www.opr.ca.gov/docs/PreliminaryEvaluationTransportationMetrics.pdf>. Accessed October 4, 2015.

including during all of the timeframes included in the SEIR transportation analysis. Assignment of PCOs or additional PCOs above those already being deployed during SF Giants games is not being proposed at the intersection of King/Third because no project impacts were identified at this location. **Mitigation Measure M-TR-2a: Additional PCOs during events** calls for additional PCOs to be deployed at the intersection of King/Fourth, but only on event days with no overlapping events at AT&T Park (and thus, on days when there would not already be PCOs stationed at that intersection). In any case, the intersection LOS and delay values for the intersections of King/Third and King/Fourth are provided on SEIR Table 5.2-34 through Table 5.2-36 for the various analysis hours.

In San Francisco, PCOs, also known as Traffic Control Officers, are deployed to manage and direct vehicular, transit, bicycle, and pedestrian flows, in an effort to better manage peak traffic and pedestrian flows, increase safety and reduce congestion. As explained in the SEIR p. 5.2-38 in the section describing existing conditions with a SF Giants evening game, intersection LOS cannot be calculated at the intersections where PCOs are currently deployed and direct traffic flow prior to or following SF Giants games (i.e., at the intersections of King/Third, King/Fourth, Third/Channel, Fourth/Channel, Illinois/Mariposa, and Third/Mariposa). (SEIR, p. 5.2-38.) The SEIR explains that the Highway Capacity Manual (HCM) methodology used to calculate intersection LOS at signalized intersections is based on the peak 15-minute period of the one hour with the greatest traffic volume, and it assumes that during the analysis period, the traffic signal operation and traffic movements and flow would generally operate under the same regular pattern. This is not the case at intersections managed by PCOs before or after events at AT&T Park. At those locations, the normal operation of the traffic signal is interrupted due to travel lane or roadway closures, PCOs providing longer crossing times for pedestrians, PCOs halting traffic flow temporarily to clear out the intersection or to allow transit to move, among other event-related transportation management strategies. These real-time responses to unfolding events allow for improved levels of traffic control compared with what mechanized traffic-light systems can deliver. Mechanized systems operate with less flexibility, and are unable to respond immediately, in real time, to observed traffic conditions. As a result, the analytical tools and measurements appropriate for assessing the effectiveness of mechanized systems do not apply to PCO-controlled intersections. For all of these reasons, the intersection LOS at PCO-controlled intersections does not provide meaningful information and is not presented for those locations where PCOs already actively manage intersection operations. (SEIR p. 5.2-38, fn. 19.)

The SEIR estimates the number of days that a project-related event might overlap with a SF Giants game at AT&T Park. Specifically, there would only be about 32 events per year that would overlap with a SF Giants game and in rare circumstances there could be as many as 40 events in one year. (SEIR p. 5.2-80, 5.2-170.)

The use of PCOs at intersections alleviates congestion and improves safety compared to exclusively signalized or sign-controlled intersections. Using PCOs allows the officers to respond to real-time traffic conditions and minimize queues, prevent blockages or avoid unsafe conditions. Thus, PCOs are an effective way to minimize traffic impacts that may occur otherwise.

Because the Draft SEIR does not adopt mitigation measures in lieu of assessing the project's environmental impacts as alleged in the comment, the cases cited in the comment are inapposite. In *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, the court determined that the discussion of certain impacts in an EIR was inadequate because the EIR did not identify any standards of significance or apply such standards to its analysis of the project. The problem was compounded because the EIR relied on certain "Avoidance Minimization and/or Mitigation Measures" in the project description to conclude that the project would have no significant environmental impacts. The court noted that these measures, which included restorative re-planting, invasive plant removal, and use of specialized precision construction equipment, were intended to mitigate or offset impacts of the road construction on the adjacent redwood trees, and were not part of the project itself. As explained above, that did not occur here. PCOs are already deployed at the King/Third and King/Fourth intersections during SF Giants game-days and are not proposed as mitigation for the project for conditions with overlapping baseball games at AT&T Park.

The comment also cites *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109. In that case, the court found an EIR inadequate where it failed to discuss certain traffic and construction-related impacts, including the impact of fugitive dust on viticultural and horticultural enterprises. Instead, the EIR merely acknowledged that impacts from fugitive dust will be significant and unavoidable generally, without addressing the impact of fugitive dust on viticultural and horticultural enterprises. The court held that a more detailed account of the impacts was required to comply with CEQA Guidelines section 15151, which states that "[a]n EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences."

Similarly, in *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818, also cited in the comment, the court held that the EIR failed to provide sufficient information concerning the delivery of water to a proposed sand and gravel mine. In its discussion of water demand, the EIR simply stated that there would be an "increase" in demand for water available from the Santiago County Water District and that this was a significant and unavoidable impact. But there was no information about what the specific impact would be; the EIR was "silent" on this issue. (*Id.* at p. 831.)

In contrast, the SEIR at issue describes the potential impacts at the study intersections in detail without the implementation of any of the proposed mitigation measures. The City followed the methodology in the HCM and in the City's Transportation Impact Analysis Guidelines. (See *Saltonstall v. City of Sacramento* (2015) 234 Cal.App.4th 549, 579, 582-583 [upholding traffic analysis that used methodology described in the Highway Capacity Manual].) As explained above, and in the SEIR, it was not possible to provide meaningful information regarding LOS at intersections where PCOs are currently deployed during peak hours on SF Giants game days, including the intersections of King/Third and King/Fourth. "CEQA 'does not demand what is not realistically possible[.]'" (*Id.* at p. 543, quoting *Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 910.) Further, as recognized by the Supreme

Court in *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 415, “[a] project opponent or reviewing court can always imagine some additional study or analysis that might provide helpful information. It is not for them to design the EIR. That further study ... might be helpful does not make it necessary.”

### ***At-grade Caltrain Crossing***

A comment requests information on how the Caltrain crossings of 16th Street at Third Street and at Seventh were incorporated into the LOS analysis, and how the analysis accounts for increased delay associated with more frequent and longer trains, presumably due to Caltrain’s Peninsula Corridor Electrification Project.

It is noted that Caltrain does not cross 16th Street at Third Street, and therefore is not reflected in the LOS analysis for the intersection of Third/16th. The SEIR analysis did not explicitly include the delay associated with the at-grade crossing of Caltrain at the study intersections of Seventh/Mississippi/16th and Seventh/Mission Bay Drive, but the delay and LOS presented in the summary tables does reflect traffic conditions, including automatic gate operations. As noted on SEIR page 5.2-6, the analysis of existing conditions assumes implementation of the 22 Fillmore Transit Priority Project, which includes converting one of the two mixed-flow travel lane in each direction on 16th Street to a side-running transit-only lane. Prior to incorporating the 22 Fillmore Transit Priority Project into the intersection LOS analysis, the LOS conditions were verified based on field surveys of intersection operations conducted as part of this project and the UCSF Long Range Development Plan (LRDP) analysis. The results were also compared to the LOS analysis for existing conditions presented in the EIR prepared for the Caltrain electrification project<sup>9</sup>. The LOS results obtained for these two study intersections for the weekday p.m. peak hour were found to be generally consistent with field observations and the analyses presented at the two aforementioned reports. At the intersection of Seventh/Mississippi/16th, the SEIR and both analysis efforts identified LOS D for weekday p.m. peak hour conditions for conditions without a SF Giants evening game. With the implementation of the 22 Fillmore Transit Priority, the weekday p.m. peak hour LOS for existing conditions without a SF Giants evening game at the study intersection of Seventh/Mississippi/16th would be LOS E conditions (see Table 5.2-1 on SEIR page 5.2-10).

Under existing plus project conditions, the addition of project-generated vehicles would worsen the existing LOS conditions at these two intersections where Caltrain operates. As indicated in Impact TR-2 for conditions without a SF Giants evening game at AT&T Park, the proposed project would result in significant traffic impacts at the intersections of Seventh/Mississippi/16th (weekday p.m. and weekday evening peak hours) and Seventh/Mission Bay Drive (weekday evening and Saturday evening peak hours). With an overlapping SF Giants evening game presented in Impact TR-11, the proposed project would also result in significant traffic impacts at Seventh/Mississippi/16th (weekday p.m., weekday evening, and Saturday evening peak hours)

<sup>9</sup> Peninsula Corridor Electrification Project, Final EIR, January 2015. SCH # 3013012079. Available online at: [http://www.caltrain.com/projectsplans/CaltrainModernization/Modernization/PeninsulaCorridorElectrificationProject/PCEP\\_FEIR\\_2014.html](http://www.caltrain.com/projectsplans/CaltrainModernization/Modernization/PeninsulaCorridorElectrificationProject/PCEP_FEIR_2014.html). Accessed September 15, 2015.

and Seventh/Mission Bay Drive (weekday p.m., weekday evening, weekday late evening, and Saturday evening peak hours).

Under 2040 cumulative conditions (Impact C-TR-2), the proposed project would result in project-specific impacts or contribute considerably to the LOS E conditions during the weekday p.m. peak hour at the two intersections. Since the LOS intersection analysis methodology becomes unreliable for replicating actual conditions once average vehicles delays exceed 80 seconds per vehicle, it is also not possible to quantify additional delays associated with Caltrain operations at these two at-grade crossings. See Response TR-2f: Traffic LOS Methodology for additional discussion of the LOS methodology.

As a reference, the Peninsula Corridor Electrification Project Final EIR included an analysis of the impacts associated with Caltrain electrification, including the additional delay associated with the extra trains that would be implemented as part of that project. At the intersection of Seventh/Mississippi/16th, the average aggregate gate down time during the weekday p.m. peak hour, which is currently about 8 minutes 6 seconds, is projected to increase to 11 minutes 38 seconds. These represent an additional average delay of approximately five seconds per vehicle per traffic signal cycle (212 additional seconds of delay divided by 45 cycles per hour). Project vehicles would also be subject to the increased delay.

### **Issues Raised by Commenters: Transit Capacity Utilization (TR-2g)**

This response addresses all or part of the following comments, which are quoted below:

O-MBA10L4-13A      O-MBA10L4-18

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#### **F. The DSEIR's Methodology for Analyzing Project Impacts on the Transit System Is Legally Flawed.**

The DSEIR summarizes its methodology for analyzing Project Impacts on the transit system, as follows:

The impact of additional transit ridership generated by the proposed project on local and regional transit providers was assessed by comparing the projected ridership to the available transit capacity at the maximum load point. Transit "capacity utilization" refers to transit riders as a percentage of the capacity of the transit line, or group of lines combined and analyzed as screenlines across which transit lines travel. The transit analyses were conducted for the peak direction of travel for each of the analysis time periods.

(DSEIR, p. 5.2-75.)

##### **1. The DSEIR's use of transit screenline and route capacities is misleading and unsupported.**

For its Project specific (or incremental) transit impact analysis, the DSEIR uses the following thresholds of significance:

The proposed project was determined to have a significant transit impact if project-generated transit trips would cause downtown or regional screenlines, and, where applicable, directly affected routes, operating at less than its capacity utilization standard under existing conditions, to operate at more than capacity utilization standard. For Muni, the capacity utilization standard is 85 percent for conditions without an event at the project site, and 100 percent for conditions with an

event at the project site. For regional operators, the capacity utilization standard is 100 percent for conditions without and with an event at the project site.

(DSEIR, p. 5.2-76, 77.)

For its cumulative transit impact analysis, the DSEIR uses the following thresholds of significance:

Under 2040 cumulative conditions, the proposed project was determined to have a significant cumulative impact if its implementation would cause the capacity utilization at the Muni and regional screenlines and/or corridors within the screenlines to exceed the capacity utilization standard noted above for conditions without and with an event at the project site, or if its implementation would contribute considerably to a screenline or corridor projected to operate at greater than the capacity utilization standard under 2040 cumulative plus project conditions (i.e., a contribution of 5 percent or more to the transit ridership on the screenline or route). In addition, if it was determined that the proposed project would have a significant project-specific transit impact under existing plus project conditions, then the impact would also be considered a significant cumulative impact under 2040 cumulative conditions.

(DSEIR, p. 5.2-76, 77.)

For both Project specific (incremental) and cumulative impacts, the DSEIR uses “capacity utilization standards” as baselines against which to measure the Project’s impacts. Capacity utilization standards are specific percentages of the theoretical maximum capacity of a transit screenline or transit line.

For Project specific (or incremental) thresholds of significance for Muni, the DSEIR uses two different capacity utilization standards against which to measure the Project’s impacts. For conditions without an event at the Project site, the capacity utilization standard is 85 percent of maximum theoretical capacity of the transit screenline or line. For conditions with an event at the Project site, the capacity utilization standard is 100 percent of maximum theoretical capacity.

If the question to be answered by the transit impact analysis is whether the Project will inflict significant suffering on people riding Muni, why does the DSEIR use two different baselines for its impact assessment. If exceeding 85% inflicts suffering without an event, then exceeding 85% will inflict suffering with an event.

The DSEIR does not examine this use of inconsistent baselines. However, the June 21, 2013, Planning Department Memorandum “Transit Data for Transportation Impact Studies” (at Appendix-TR, p. TR-624) states:

The SFMTA Board has adopted an “85 percent” capacity utilization standard for transit vehicle loads. In other words, transit lines should operate at or below 85 percent capacity utilization. The SFMTA Board has determined that this threshold more accurately reflects actual operations and the likelihood of “pass-ups” (i.e., vehicles not stopping to pick up more passengers). The Planning Department, in preparing and reviewing transportation impact studies, has similarly utilized the 85 percent capacity utilization as a threshold of significance for determining peak period transit demand impacts to the SFMTA lines.

(DSEIR, Appendix-TR, p. TR-624.) Thus, the 85 percent capacity utilization threshold apparently has nothing to do with the suffering of Muni’s passengers; it simply reflects the reality of Muni’s operations. And even if 85% of capacity is the break point at which Muni drivers tend to refuse to pick up more passengers due to overcrowding, then using 100% of capacity as a threshold of significance is entirely unsupportable. (*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-13a]*)

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### **The City’s Process for Evaluating a Project’s Impacts on Public Transit Evades Disclosure of Significant Impacts**

The City’s process for evaluating transit impacts for projects in the “greater downtown area” (the C-3, SOMA and Mission Bay districts) is to consider peak hour ridership on the routes that cross designated screen lines across portions of the City or, for regional routes, on its perimeters versus the aggregate



capacity of the peak hour services crossing those screenlines. There are several problems with this procedure that result in failure to disclose impacts.

- Considering aggregate capacity across screen lines versus aggregate patronage does not reasonably disclose impacts. For the routes inside San Francisco served by the San Francisco Municipal Railway (MUNI), a standard has been established that there is significant impact when ridership crossing the screen line exceeds 85 percent of capacity on that screen line. But this standard of significance involves an underlying assumption that individual travelers could use any of the routes crossing a particular screen line to accomplish their trip. But in actual fact, an individual traveler's particular trip is most often only well served by one route. When some routes crossing a screen line are heavily patronized while others are less patronized, the excess capacity on the less popular routes does not cancel out the overcrowding on the most popular routes. It is noted that the City Planning Department can request that transit impacts be analyzed on an individual line basis. When this is done, if the individual line ridership exceeds 85 percent of capacity and the project's contribution exceeds 5 percent of the total ridership at its maximum load point (MLP), then the project would be found to have significant transit impact.
- MUNI's capacity standards per vehicle involve percentages of standees above seating capacity ranging from 30% to 80% of seating capacity (depending on vehicle type); therefore, the above addition of 5 percent ridership to the impact threshold in analysis of individual lines represents a substantial crush loading.
- The capacity as considered in the analysis is the theoretical capacity of the services as scheduled. However, rarely, if ever, does MUNI deliver all of its scheduled service. San Francisco Municipal Transportation Authority statistics show that MUNI typically delivers an average of between 95 and 98 percent of scheduled services although on some days the percentage of missed runs can be much worse. MUNI's goal is to only deliver 98.5 percent of scheduled service. Principal causes of missed runs include driver unavailability, insufficient vehicle availability and in-service breakdowns. On the light rail lines, the percentage of weekdays when enough light rail vehicles were operationally available to deliver scheduled service averaged only 61.7 percent in fiscal year 2014 and was well under 50 percent in the two preceding years.
- Difficulty maintaining schedule reliability (on-time performance) exacerbates capacity problems. Muni's on-time performance is normally less than 20 percent. As a result, there is difficulty maintaining planned headways between vehicles on a given route. Bunching occurs. When that happens, the lead vehicle in a bunch becomes overcrowded while the one or more closely following vehicles in the bunch are underutilized. Muni experiences bunching on about 4 percent of its trips overall; in excess of 5 percent on its "Rapid Network".

If the threshold of impact were measured at 85 percent of the capacity of actual effective service delivered instead of theoretical schedule-based service capacity, more of the individual lines and screen lines would be found to be closely approaching or above the 85 percent of capacity criterion. And as a consequences of these circumstances in the City's procedures and policy criteria, it is rare for a project to be found to have significant impact on MUNI transit services despite the fact that the public perception is that MUNI is overburdened and dysfunctional.

We also note that for scenarios involving arena events at this Project, the DSEIR alters the City's normal criterion for evaluating transit impacts, changing the threshold of significant impact from 85 percent of capacity to 100 percent of capacity. Its basis for making this alteration, which tends to shield the Project from disclosure of significant transit impacts, is that event-goers accept a higher level of crowding than normal riders. However, "accept" is too generous a word. Nobody wants to ride in 'crush load' conditions. Event attendees grudgingly tolerate 'crush loads' as the least undesirable of their other options of a) walking long distances, b) paying much more for taxis or shared ride services, c) paying even much more to drive and park or d) (only in the post-event exit) waiting until the crowding has dissipated. Moreover, this shift in acceptability criterion is impactful of itself in that it imposes the values and tolerances of event-attendees upon normal riders who use the involved lines at that particular time of day. Furthermore, the DSEIR is unclear whether the change in impact criterion is operative only for lines directly serving the Project site, or system-wide, which would have a far greater impact on normal riders.

The City's action to alter its normal thresholds of impact in the case of one particular project to lessens the chance of findings of significant impact and is not consistent with the good faith effort to disclose impact that CEQA demands. The City should faithfully disclose impacts as measured by its normal criteria, and, if it still wants to approve the Project, make findings of overriding considerations. (*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-18]*)

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## Response TR-2g: Transit Capacity Utilization Methodology

The transit capacity utilization analysis methodology, and specifically the transit screenline analysis, used for the impact analysis of the proposed project, is the standard methodology documented in the *SF Guidelines* and has been used for Transportation Impact Studies in San Francisco since the early 1990s.<sup>10</sup> The Planning Department requires line analysis for projects where downtown screenlines analysis is not appropriate (the screenline analysis is for trips into or out of the downtown area), or where transit serving the project site is limited.

The transit analysis for the proposed project was expanded from the standard screenline analyses to also include individual line analysis of the T Third light rail line and the 22 Fillmore bus route that each serve the project site. The line-specific analysis was conducted for the standard weekday p.m. peak hour as well as for the weekday evening, weekday late evening, and Saturday evening peak hours. For the weekday p.m. peak hour analysis, all project-generated outbound transit trips were first assigned to the T Third or 22 Fillmore route, and then distributed to the various corridors within the four screenlines.

Hourly Muni ridership for bus routes is estimated by multiplying the average maximum load at the maximum load point based on counts obtained from Automated Passenger Counter (APC) devices installed on buses, by the number of scheduled trips during the analysis hour. The average maximum load is the average ridership of the transit vehicle trips that occur during the peak 30 minutes with the greatest ridership during the peak period, and would reflect higher ridership when transit headways are not met. Therefore, the ridership used in the analysis accounts for actual operations, including the extent of crowding when transit headways are not met. The estimation of peak hour ridership using the greatest ridership for the peak 30 minutes of the peak period reflects the impact of the Muni issues related to on-time performance and scheduled service that were raised in a comment. Hourly ridership for light rail lines is estimated based on manually collected ridership data, adjusted for observed service gaps, and therefore also reflects the possibility of missed service. For Muni bus and light rail service, the peak hour service capacity is estimated by multiplying the passenger capacity of the transit vehicle by the scheduled number of trips during the analysis hour.

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<sup>10</sup> The concept of screenlines is used to describe the magnitude of travel to or from the greater downtown area, and to compare estimated transit ridership to available capacities. Screenlines are hypothetical lines that would be crossed by persons traveling between downtown and its vicinity (i.e. the Northeast, Northwest, Southeast, and Southwest screenlines) and other parts of San Francisco and the region (i.e., the East Bay, North Bay, and South Bay screenlines).

With respect to the capacity of the transit vehicles, the capacity used in the analysis is the planning capacity that represents seated passengers as well as a substantial number of standees, and differs based on the transit vehicle size and configuration. Appendix E of the *SF Guidelines* identifies the planning capacity values for the various Muni transit vehicles. The planning capacity is not the maximum theoretical capacity or a crush load capacity referred to in a number of comments. The SFMTA identifies the crush load capacity as 125 percent of the planning capacity used in the analysis.

Muni's capacity utilization standard of 85 percent is related to provision of a desirable level of transit service related to comfort, rather than maximum capacity. It is not, as stated in some comments, the break point at which Muni drivers tend to refuse to pick up more passengers, or the point at which more riders inflict suffering.

The use of the 100 percent capacity utilization for the event scenarios was not to lessen the chance of finding significant impacts, as stated in a comment, but instead to most efficiently accommodate peak ridership loads prior to and following an event. The use of different capacity utilization thresholds for transit analysis related to pre-event and post-event conditions is not uncommon and reflects riders' higher tolerance for near-capacity loads following big events. In San Francisco, the 100 percent capacity utilization for Muni for special events was previously used for the event-related transit analysis in The 34<sup>th</sup> America's Cup and James R. Herman Cruise Terminal and Northeast Wharf Plaza EIR<sup>11</sup>. In New York City, the *CEQR Technical Manual*<sup>12</sup> states that for some large-scale special events, such as during entrance and exit periods for a special event, it is expected that ridership may temporary exceed off-peak loading guidelines, but not the maximum load guidelines. In other words, in New York City, the maximum planning capacity of the transit vehicle (i.e., 100 percent of planning capacity) is used for peak hour transit analyses, as compared to 85 percent of the planning capacity used in San Francisco.

SEIR p. 5.2-76 states that a capacity utilization standard of 100 percent was used only for analysis of events at the project site. For the weekday p.m. peak hour, the T Third and 22 Fillmore line analysis for the No Event, Convention Event, and Basketball Game scenarios is presented on Table 5.2-40 (on SEIR p. 5.2-136), and the downtown screenline analysis is presented on Table 5.2-43 (on SEIR p. 5.2-139). As indicated in these tables, during the weekday p.m. peak hour, the 85 percent capacity utilization standard is not exceeded on either the T Third light rail line, the 22 Fillmore bus route, or on any screenlines or corridors. For the weekday evening, weekday late evening, and Saturday evening analysis hours the analysis was conducted for the T Third light rail, the 22 Fillmore route, and the Muni Special Event Shuttles (i.e., the 16th Street BART shuttle, the Van Ness Avenue shuttle, and the Transbay Terminal/Ferry Building/Caltrain shuttle). The existing plus project analysis is presented on Table 5.2-41 (on SEIR p. 5.2-137) for the weekday evening and weekday late evening conditions, and Table 5.2-42 (on SEIR p. 5.2-138) for the Saturday evening conditions. For

<sup>11</sup> The 34th America's Cup and James R. Herman Cruise Terminal and Northeast Wharf Plaza EIR, A copy of this document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2010.0493E.

<sup>12</sup> New York City Mayor's Office of Environmental Coordination, *CEQR Technical Manual*, March 2014 Edition, Chapter 16, Transportation.

the weekday evening peak hour for inbound trips to the event center, with the additional service provided as part of the Muni Special Event Transit Service Plan, both the T Third and Muni Special Event Shuttles would operate at 93 to 94 percent of planning level capacity, and during the weekday late evening the Muni Special Event Transit Shuttles would operate at 96 percent of capacity. During the weekday evening and weekday late evening the 22 Fillmore would not exceed the 85 percent capacity utilization standard. The operating conditions of 93 to 96 percent indicate that the transit vehicle is almost fully occupied, approaching the capacity of the vehicle. However, as described above, it does not indicate “crush load” conditions, which are conditions when ridership exceeds 125 percent of the planning capacity of the vehicle.

The use of the 85 percent utilization standard for line analysis and for the screenline analysis consistently applies the SFMTA standard, and a different criteria is not required for the transit impact analysis.

### Issues Raised by Commenters: Cumulative Analysis Year and Context (TR-2h)

This response addresses all or part of the following comments, which are quoted below:

O-MBA5-6	O-MBA10L4-9	O-MBA10L4-10	O-MBA10L4-11
O-MBA10L4-12	O-MBA10L4-26	O-MBA10L4-36	O-MM-9
I-deCastro1-5	I-Hong-2	I-Stryker-7	

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The DSEIR also ducks revealing more bad news about the Arena’s cumulative impact on traffic in the years following its construction. Instead of projecting cumulative traffic effects 5 to 10 years out, the DSEIR offers up a virtually meaningless projection for the year 2040, fully 25 years in the future. (*Mission Bay Alliance, Bruce Spalding, letter, July 27, 2015 [O-MBA5-6]*)

#### **b. The year 2040 baseline for assessing the significance of the Project’s cumulative impacts violates CEQA.**

The DSEIR assesses the Project’s incremental traffic and transit impacts and its cumulative traffic and transit impacts pegged to the year 2040, which is 25 years in the future.<sup>11</sup> While the Alliance supports such long range forecasting in general, as used in this DSEIR the year 2040 baseline for assessing the significance of the Project’s cumulative impacts is misleading, for two reasons.

First, this approach overlooks the Project’s cumulative traffic and transit impacts pegged to its first 1 to 10 years of operations. This time period is of immediate interest to the citizens of San Francisco because the traffic mess predicted by the DSEIR will be upon them then. And who among them know whether they will even be in the City by the year 2040. Thus, while including a year 2040 baseline is not in itself objectionable, the omission of a baseline 5 to 10 years in the future renders the DSEIR informationally defective.

#### **Footnote:**

<sup>11</sup> “Future 2040 cumulative traffic volumes were estimated based on cumulative development and growth identified by the San Francisco County Transportation Authority SF-CHAMP travel demand model, using model output that represents Existing conditions and model output for 2040 cumulative conditions.” (DSEIR, p. 5.2-110.)

(*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-9]*)

Second, by using a baseline projected to the year 2040, the DSEIR inflates the denominator in the 5% “ratio” it uses to determine the significance of Project cumulative impacts at LOS E and F intersections, thereby masking actual significant effects. (See Exhibit 2 (D. Smith), p. 25.) (*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-10]*)

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**c. The DSEIR’s use of a “projection” based approach to the Project’s cumulative impacts is misleading.**

The DSEIR states that:

Future 2040 cumulative traffic volumes were estimated based on cumulative development and growth identified by the San Francisco County Transportation Authority SF-CHAMP travel demand model, using model output that represents Existing conditions and model output for 2040 cumulative conditions. .... The 2040 cumulative traffic volumes take into account cumulative development projects in the project vicinity, such as the build-out of the Mission Bay Area, completion of the UCSF Research Campus and the UCSF Medical Center, the Mission Rock Project at Seawall Lot 337, Pier 70, etc., as well as the additional vehicle trips generated by the proposed project.

(DSEIR, p. 5.2-110.)<sup>12</sup>

**Footnote:**

<sup>12</sup> In the section titled “Approach to Cumulative Impact Analysis” (DSEIR 5.1-6, § 5.1.5), the DSEIR asserts that the CEQA Guidelines provide “two approaches to a cumulative impact analysis ... (a) the analysis can be based on a list of past, present, and probable future projects producing related or cumulative impacts; or (b) a summary of projections contained in a general plan or related planning document can be used to determine cumulative impacts. The projections model includes individual projects and applies a quantitative growth factor to account for other growth that may occur in the area.” (DSEIR, p. 5.1-7.) The DSEIR asserts that “The analyses in this SEIR employ both the list-based approach and a projections-based approach, depending on which approach best suits the individual resource topic being analyzed ... the Transportation and Circulation analysis relies on a citywide growth projection model that also encompasses many individual projects anticipated in and surrounding the project site vicinity, which is the typical methodology the San Francisco Planning Department applies to analysis of transportation impacts.” (DSEIR, p. 5.1-7.)

(*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-11]*)

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The DSEIR presents no evidence supporting the DSEIR’s assumption that the year 2040 projection is reliable for predicting future traffic and transit demand, other than the vague assertion that the “SF-CHAMP travel demand model, using model output that represents Existing conditions and model output for 2040 cumulative conditions ... has been validated to represent future transportation conditions in San Francisco.” (DSEIR, p. 5.2-110.) But, as explained by Mr Smith, the SF-CHAMP model’s margin of error is greater than the 5% threshold used to determine the significance of Project cumulative impacts at LOS E and F intersections. (See Exhibit 2 (D. Smith), p. 25.) Therefore, SF-CHAMP is the wrong tool for the task.

Further, given the sheer number of developments in this area of the City (see table 3 of Mr. Wymer’s report) and the breakneck pace of their approval and implementation, the projection approach is misleading, not informative. Therefore, the DSEIR’s cumulative impact assessment must use a list based approach to forecast reasonably foreseeable travel demand, and do so in a meaningful time frame.

(*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-12]*)

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Since at least as long ago as 2012, the City has been actively considering a proposal to demolish the northern portion of I-280 as far south as the Mariposa Interchange, eliminating the on- and off -ramp connections to King Street and to Sixth Street<sup>12</sup>. If carried out, the I-280 truncation would shift much of the traffic that now uses those ramps to surface streets in the immediate vicinity (including two of the frontage streets) of the subject Project. Moreover, development of the site freed up would add to demands on the traffic and transit system. In view of the City’s continuing active consideration and refined development of this proposed

major change in transportation infrastructure<sup>13</sup> both well before and after the NOP for the subject Project, this DSEIR should have, at a minimum, in addition to the cumulative scenarios studied, analyzed the proposed Project in the context of an alternative transportation network scenario that reflects the truncation of I-280 as far south as the Mariposa Interchange. However, the DSEIR's only mentions the I-280 truncation project in two places. One is a single short background paragraph about ongoing projects in the vicinity of the site in the Appendix TMP introductory section. The other is a lengthier two-paragraph description at DSEIR pages 5.2-109 and 5.2-110. That section concludes by stating that the information on the 280 truncation is provided for information purposes only and that because that project is not fully designed, has not received the approval of other responsible agencies and is not funded, it is speculative and is not considered in the DSEIR cumulative 2040 analysis. However, since the City has already spent in excess of \$ 1.7 million in design and feasibility studies, has already approached other responsible agencies for funding involvement and approvals and since it has such a vast potential consequence for the transportation network in the immediate area of the subject Project by the forecast year of the cumulative analysis, and since that forecast year, 2040, is 25 years hence, it is evasive, irresponsible, improper for the City to have failed to at least considered an alternative cumulative scenario that assumes the latest design concept from the Railyard Alternatives and I-280 Boulevard Feasibility Study in addition to the cumulative scenario that was analyzed. The DSEIR should be revised to include such a cumulative alternative and recirculated in draft status for the 45 day review period.

**Footnotes:**

<sup>12</sup> Evidence of this is the unveiling by the Mayor's Transportation Policy Director, Gillian Gillett, at a San Francisco Planning and Urban Renewal Association (SPUR) forum on January 10, 2013, releasing a City study deceptively named Fourth and King Street Railyards, Final Summary Memo dated December, 2012 and a related request dated January 7, 2013 by the Office of the Mayor to Steve Hemminger. Executive Director of the Metropolitan Transportation Commission.

<sup>13</sup> The City's continuing interest in the I-280 truncation is demonstrated by the initiation of the San Francisco Planning Department's Railyard Alternatives and I-280 Boulevard Feasibility Study, which began in June, 2014 and in the May 11, 2015 San Francisco Chronicle column by Matier & Ross lead by the statement "San Francisco Mayor Ed Lee is quietly shopping plans to tear down Interstate 280 at Mission Bay and build an underground rail tunnel through the area – complete with a station between the proposed Warriors arena and AT&T Park."

*(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-26])*

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**Excessively Distant Time Frame and Massive Development Assumptions Masks Significance of Project's Nearer Term Cumulative Impacts**

The cumulative analysis of the Project's transportation and circulation impacts is done in the context of a Year 2040 (25 years hence) plan-based development scenario. That scenario assumes development in Downtown, the SOMA and Mission Bay that would add 162,000 new PM peak hour trips over existing<sup>15</sup>. Per DSEIR Table 5.2-22, the Project, at its highest PM peak hour trip generation intensity (with an evening capacity basketball game scheduled) would generate some 4599 person trips. This is only 2.84 percent of the new downtown-SOMA-Mission Bay trips projected in the 2040 cumulative analysis. As previously noted, San Francisco transportation impact thresholds require a project to add 5 percent to critical movements at an intersection already at unacceptable LOS, 5 percent to vehicle density on freeway ramps already at unacceptable levels, and 5 percent to MUNI ridership on screen lines and specific routes already exceeding acceptable percentages of capacity. Because the Project comprises only 2.84 percent of the PM peak hour core area trip growth contemplated in the cumulative analysis, it is highly unlikely that this Project, or any project of similar size, or even nearly double its size, could ever be found to cause transportation impacts that are cumulatively significant, given the nature of the impact thresholds and the distant and bloated development scenario that is the context of the cumulative transportation impact analysis of the Project. A more reasonable cumulative analysis would consider a future analysis year of, say, 10 years forward, and consider other development projects and transportation infrastructure projects that are reasonably foreseeable in that time frame. The cumulative analysis should be redone in that or similar context.

While on this subject, it is worthwhile considering the transportation forecast model relied upon in the cumulative analysis – SF Champ. This is a model that, by its nature, is intended to provide information

guiding major planning development policy decisions and major transportation investment decisions. It is not intended, or suitable, for providing microscale information at the level of transportation impact assessment of individual development projects on intersections, freeway ramps, individual transit lines and so on. This is evident in the validation statistics of the model. On traffic screenlines its validation accuracy is within 10 percent on only 80 percent of the screenlines tested<sup>16</sup>. Its accuracy on individual roadways and intersections would be significantly less. Since the criterion of significant cumulative impact at unsatisfactory intersections and ramps is a 5 percent contribution to the traffic at that location, the accuracy of the model is less than the impact threshold that the environmental analysis is attempting to measure. So using this forecast model for an EIR type micro- analysis is like using a sledge hammer or pile driver to drive a common pin. The lesson in this is that the City should be using a project-based build-up analysis over a shorter term future to develop the cumulative scenario.

**Footnotes:**

<sup>15</sup> *San Francisco Transportation Plan 2040, Appendix C, Core Circulation Study*, SFMTA, 2013.

<sup>16</sup> See San Francisco Transportation Forecasting Model Final Report, Executive Summary, San Francisco County Transportation Authority by Cambridge Systematics, October 1, 2002.

*(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-36])*

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**2. The Cumulative Traffic Analysis Is Factually and Legally Defective.**

Even though its cumulative analysis is severely flawed, the DSEIR admits that the Project will cause cumulative traffic impacts at 16 "study intersections" including I-80 and I- 280 freeway ramps. (DSEIR 5.2-219-221.) The DSEIR then fails to propose any effective mitigation measures for those impacts.

The DSEIR's cumulative traffic impacts analysis legally inadequate and unsupported. The document claims that it assessed cumulative impacts "by calculating the project-generated traffic conditions at intersections that are projected to operate at LOS E or LOS F under 2040 cumulative conditions for the No Event scenario for the weekday p.m. and Saturday evening peak hours." (DSEIR 5.2-212-213.) However, that "methodology" is irrelevant to, and does not meet the legal requirements of, CEQA for assessing cumulative impacts. Rather, the DSEIR was required to identify the Project's impacts in combination with other past, present, and reasonably foreseeable future projects that would also result in traffic impacts. The baseline for assessing cumulative traffic impacts is not conditions existing in 2040 but is conditions existing now. The DSEIR's pointless computer exercise thus does not comply with CEQA. (DSEIR 5.2-212-215.) Further, the DSEIR fails to include in the cumulative analysis many other reasonably foreseeable future projects that will also result in traffic impacts, such as the "Second Street Bicycle Plan project," a major project that will eliminate two traffic lanes, turning facilities, and all parking on Second Street from Market Street to King Street to create raised separated bicycle lanes, and similar bicycle plan "road diet" features proposed by the City in the "Central Soma Plan" on Third, Fourth, and Fifth Streets and the closure of Market Street to vehicles in August, 2015, and large private development projects in the project area, all of which should have been included in the cumulative analysis. In short, the Project's impacts today and in the future will contribute significantly to the creation of severe congestion and gridlock throughout the downtown area, the freeway system, and the Project area. The failure to identify and mitigate these foreseeable cumulative impacts violates CEQA. *(Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-9])*

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Finally, traffic caused by on going development of thousands of units has not been addressed. How can I believe that the Warriors & City will follow through with their promises? *(John deCastro, email, July 27, 2015 [I-deCastro1-5])*

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2. My main concern is making sure that the traffic issues with pedestrian, vehicle, public transit (Muni, Cal Trains), are worked out with UCSF's master Plan. If the removal of the 280 freeway happens as proposed,

it needs to be part of the EIR/plan. Removing this major link and rerouting it under ground as proposed may have a major impact to the project and this area. As I understand it a tunnel would be under Third street which happens to be land fill. (*Dennis Hong, email, July 27, 2015 [I-Hong-2]*)

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None of the assessments of traffic take account of the huge increase in the residential population of the Mission Bay community that will take place when the many apartment blocks under construction are occupied. The transit-first philosophy of the City assumes, I suppose, that the public transit system that is already overburdened and frequently dysfunctional can accommodate the thousands of additional patrons without further deterioration. Given features like the transit constriction at the 4th street bridge, such a view is unreasonable. The transit system and traffic will surely become worse even before the proposed Warriors Arena is in place. No reasonable assessment of the traffic impact of the proposed Arena can be made without measuring that of the new residential developments, something that will be possible only in a year or two. (*Michael Stryker, email, July 26, 2015 [I-Stryker-7]*)

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## Response TR-2h: Methodology, Cumulative Analysis Year and Context

One of the fundamental purposes of CEQA is to “[e]nsure that the *long term* protection of the environment . . . shall be the guiding criterion in public decisions.” (Pub. Resources Code, § 21001, subd. (d) [emphasis added].) Consistent with this purpose, CEQA requires agencies to consider the cumulative impacts of a project viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. (CEQA Guidelines, § 15064, subd. (h)(1).) Thus, the need to consider long-term future conditions is especially important where the evaluation of cumulative impacts is concerned. Aside from general guidance in the CEQA Guidelines, CEQA provides agencies discretion to determine the appropriate approach for analyzing a project’s cumulative impacts. (CEQA Guidelines, §§ 15064, subd. (b), 15130, subd. (b)(3).) CEQA contains no rule fixing the time horizon for cumulative impacts analyses.

To evaluate cumulative traffic and circulation impacts, the SEIR analyzes a “2040 Cumulative plus Project” scenario, which assesses the long-term impacts of the proposed project in combination with other reasonably foreseeable development. The methodology for the development of 2040 cumulative travel demand forecasts is described in detail on SEIR pp. 5.2-72; 5.2-108 – 5.2-111. The SEIR follows the City’s standard methodology for cumulative analysis, which is based on the *CEQA Guidelines*, and is not a departure from other environmental review documents. *CEQA Guidelines* Section 15130(b)(1)(A)-(B) provides the authority for two alternative approaches (list of projects and summary of projections). Under either method, an EIR must summarize the expected environmental effects of a project and related projects, provide a reasonable analysis of cumulative impacts, and examine reasonable options for mitigating or avoiding the project’s contribution to any significant cumulative impacts, *CEQA Guidelines* 15130(b)(4)-(5).

The list of projects approach is based on a list of past, present and probable future projects that is identified and used to assess where impacts of the proposed project, combined with similar impacts of identified cumulative projects, would result in significant cumulative impacts. The summary of projections method is based on projections from adopted local, regional, or statewide plans, a related planning document, or a certified environmental document. When a plan or



environmental document describes or evaluates conditions contributing to a cumulative impact, the EIR may use the projections for its cumulative impacts. These projections may be supplemented with additional information such as a regional modeling program that includes a uniform database such as a traffic model. For example, the SEIR transportation analysis relies on a summary of projections approach, which is also validated by a list-based approach to ensure that major projects are accounted for, as detailed below.

Cumulative impact analysis in San Francisco generally employs both a list-based approach and a projections approach, depending on which approach best suits the individual resource topic being analyzed. For topics such as aesthetics, shadow, and wind, the analysis typically considers large, individual projects that are anticipated in the project area. By comparison, and as described below, transportation analysis relies on a citywide growth projection model that also encompasses individual projects anticipated in the project vicinity. Factors considered in determining which cumulative projects to consider in an EIR include the resources affected, the geographic scope and location relative to the affected resource, and the timing and duration of implementation of the proposed and cumulative projects.

Pursuant to the requirements in the *SF Guidelines*, the analysis of the transportation impacts was conducted for existing and 2040 cumulative conditions. As stated on SEIR p. 5.2-72k, year 2040 was selected as the future analysis year because 2040 is the latest year for which travel demand forecasts were available from the San Francisco County Transportation Authority (SFCTA) SF-CHAMP travel demand forecasting model, and because the use of 2040 provides a 25 year horizon year for the impact analysis. The SF-CHAMP model was originally developed by SFCTA in the mid-1990s and has been expanded, improved, and refined on a regular basis over the years. In addition to using demographic and socio-economic data inputs for San Francisco that are consistent with regional forecasts, the methodology and results of the SF-CHAMP model are reviewed regularly by the San Francisco Bay Area Metropolitan Transportation Commission (MTC) for consistency with accepted modeling practices as part of City's Congestion Management Program.

The model starts with regional population and employment data consistent with regional assumptions (described below) and predicts person travel for a full day based on assumptions of growth in population, housing units, and employment, which are then allocated to different periods throughout the day, using time of day sub-models. Future 2040 Cumulative traffic volumes and transit ridership were estimated based on cumulative development and growth identified by the SF-CHAMP travel demand model, using model outputs that represent existing conditions and model output for 2040 cumulative conditions that is validated and updated regularly with new projects and intersections conditions. The 2040 Cumulative forecasts include the additional trips generated by the proposed project.

The SFCTA model divides San Francisco into approximately 981 geographic areas, known as Traffic Analysis Zones (TAZs). The SF-CHAMP model also includes zones outside of San Francisco for which data is obtained through the current MTC Model. For each TAZ, the SF-CHAMP model estimates the travel demand based on TAZ population and employment

growth assumptions developed by the ABAG for year 2040 using the Sustainable Communities Strategy Preferred Scenario Projections.

The transportation analysis is based on a summary of projections approach, but is also validated and refined to reflect known major projects. Within San Francisco, the San Francisco Planning Department is responsible for allocating ABAG's countywide population and employment growth forecast to each SF-CHAMP model TAZ, based upon existing zoning and approved plans, using an area's potential zoning capacity, and the anticipated extent of redevelopment of existing uses. The SF-CHAMP land use inputs developed by the Planning Department for the 2040 cumulative analysis account for major projects in and around downtown and SoMa such as the Central SoMa Plan rezoning, Moscone Center Expansion, San Francisco Giants project at Seawall Lot 337, Pier 70 development, and UCSF LRDP, as well as development throughout San Francisco.

Therefore, the 2040 cumulative analyses provided in the SEIR reasonably represent the future cumulative conditions in the project vicinity, given the economic forecasts for San Francisco and the Bay Area.

In addition, the SF-CHAMP model takes into consideration the planned roadway infrastructure improvements within Mission Bay that are being implemented by the Mission Bay Development Group (i.e., MBDG, the infrastructure master developer), consistent with the 1998 Mission Bay South Area Plan, as well as the transportation network improvements throughout the City, such as Muni Forward, the Second Street bicycle lane, the electrification and extension of Caltrain, expanded WETA, etc. The SF-CHAMP model used in the development of the 2040 Cumulative conditions also incorporates the Central SoMa Plan roadway network changes. The recent turn restrictions onto Market Street (and not closure, as indicated in a comment) are unlikely to affect traffic patterns or operations at any of the study intersections as the effects are localized to one to two blocks north and south of Market Street. However, the SF-CHAMP model includes the planned improvements to the transit-only lanes on Market Street and a reduction in capacity for vehicular travel along Market Street. The potential removal of I-280 north of Mariposa or 16th Street noted in some comments was not included as a future transportation network improvement for the 2040 cumulative conditions, because, as stated on SEIR p. 5.2-110, a substantial amount of additional discussion and analyses is required before the details of the feasibility and potential design and removal of I-280 and construction of California planned high speed rail network and related components within San Francisco are developed to a level at which that project's effect on the transportation system could be understood. Because feasibility and alternative options are currently being studied, there is no "latest design concept," as suggested in a comment. While the preliminary feasibility study is currently underway, as noted on SEIR p. 5.2-110, funding has not been secured to study the potential options beyond the alternatives development phase (such as environmental review), or to undertake or implement any aspect of the project, and thus the project is speculative and not reasonably foreseeable in the cumulative analysis. (See *City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 399-401 [EIR for school project was not inadequate for failing to address cumulative impacts related to proposed future freeway off-ramp, as the off-ramp proposal was not sufficiently well-defined at the time of EIR preparation to allow for meaningful analysis].)

Some comments state the SEIR was required to also include an analysis of cumulative impacts during interim years before 2040 (e.g., 2020 or 2025). There is no such requirement under CEQA. A similar argument was recently rejected in *City of Irvine v. County of Orange* (2015) 238 Cal.App.4th 526. In that case, an EIR prepared for a jail facility upgrade project analyzed traffic impacts by comparing the project to both 2014 and 2030 “baseline” traffic conditions. Conditions in 2014 were intended to describe conditions at the end of the first phase of the project. The petitioner argued that, because the project schedule had slipped over the course of the lengthy environmental review process with the result that the first phase was subsequently projected to be completed by as late as 2018, the EIR should have been modified to analyze an additional short- or medium-term condition reflecting changed assumptions about the first phase (i.e., that it would not be built until 2018). (*Id.* at pp. 543-544.) The court rejected this argument, stating that CEQA “does not require multiple, intersection-by-intersection, studies of traffic impacts on all nearby intersections on a year-by-year basis, plugging the multiple variables of not only the completion of the project itself, but of any nearby projects.” (*Ibid.*)

The same principles apply here. CEQA requires that a cumulative impacts analysis address the cumulative impacts by considering reasonably foreseeable future conditions. CEQA does not require multiple iterations of reasonably foreseeable future conditions, involving interim horizon years. Here, the SEIR explains why 2040 was selected as the horizon year. That is sufficient.

Courts have emphasized that “perfection in a cumulative impact analysis is not required.” (*Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 320; see also *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 906 [good-faith effort to disclose cumulative impacts is sufficient]; CEQA Guidelines, § 15151 [reviewing courts do not look for perfection in determining the adequacy of an EIR].) As explained in the CEQA Guidelines, “[t]he discussion of cumulative impacts should be guided by a standard of practicality and reasonableness.” (CEQA Guidelines, § 15064.) “A project opponent or reviewing court can always imagine some additional study or analysis that might provide helpful information. It is not for them to design the EIR. That further study [] might be helpful does not make it necessary.” (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 415; see also *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1033 [rejecting argument that agency failed to adequately address cumulative traffic impacts despite a comment letter from Caltrans requesting additional analysis]; *Saltonstall v. City of Sacramento* (2015) 234 Cal.App.4th 549, 578-583 [upholding traffic analysis for proposed arena as supported by substantial evidence, despite claims that city had to expand geographic scope of analysis]; *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 543-546 [agency’s chosen methodology to assess traffic impacts entitled to substantial deference].)

The 2040 cumulative horizon year is preferable to shorter period because the 25-year horizon year more accurately accounts for land use changes and their associated transportation network changes, as well as other planned transportation improvements. Future growth occurs according to the vagaries of variable economic conditions, development trends, changing sponsor development priorities, and legal actions that delay or curtail proposed development, and therefore, short-term land use growth patterns cannot be accurately predicted in five-year

increments. In particular, redevelopment projects such as those included in the 2040 growth forecasts (e.g., Mission Bay Plan, Candlestick Point-Hunters Point Shipyard Plan, redevelopment of Pier 70 and Seawall Lot 337), often take longer than anticipated to be completed. For example, the Mission Bay Plan was anticipated to be substantially built-out by 2015, which is the cumulative analysis year for transportation conditions in the Mission Bay FSEIR; however, construction of development is still underway and the UCSF Mission Bay campus is anticipated to be completed by 2019. Nearby, the Candlestick Point-Hunters Point Shipyard Phase II Development Plan identified completion of about 3,100 residential units by 2017; however, only about 240 of the 3,100 residential units are anticipated to be completed by the end of 2015. Construction of development part of the Pier 70 project is anticipated to continue through 2030. Thus, because larger multi-year development proposals would be built over a number of years, a future cumulative analysis year considers completion of buildout of these projects. Therefore, the cumulative impact analysis presented on SEIR pp. 5.2-208 – 5.2-232 (i.e., Impact C-TR-1 though Impact C-TR-10) adequately reflects the proposed project's impacts in combination with other past, present, and reasonably foreseeable future projects, and a different or additional cumulative analysis year is not warranted.

Also see Response TR-2b regarding extent of the study area and analysis locations, Response TR-2f regarding significance thresholds used for cumulative impact analyses, and Response TR-12d regarding implementation of mitigation measures identified in the SEIR.

## Issues Raised by Commenters: Significance Thresholds (TR-2i)

This response addresses all or part of the following comments, which are quoted below:

O-MBA10L4-8

O-MBA10L4-13A

### 2. The DSEIR's Analysis of the Project's Cumulative Impacts Does Not Comply With CEQA.

#### a. The 5% threshold of significance for impacts at intersections and freeway ramps operating at LOS E or F violates CEQA.

For intersections operating at LOS E or F, the DSEIR uses a threshold of significance of "a contribution of 5 percent or more to the traffic volumes at the critical movements operating at LOS E or LOS F" (DSEIR, p. 5.2-73-74.) For freeway ramps operating at LOS E or F, the DSEIR uses a threshold of significance of "a contribution of 5 percent or more to the traffic volumes on the ramp." (DSEIR, p. 5.2-74.)<sup>9</sup>

No rationale for the 5% threshold is provided. Indeed, blind reliance on this number ignores the law governing the assessment of cumulative impacts, which requires a fact based assessment that takes into account the severity of preexisting impacts. A one-size-fits-all "ratio" violates CEQA. (See *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120 ("Communities"); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720-21 (*Kings County*). *Communities and Kings County* teach that the significance of a cumulative impact depends on the environmental setting in which it occurs, especially the severity of existing environmental harm, and that focusing on the magnitude (i.e., "ratio") of the Project's incremental contribution to severe preexisting harm is inconsistent with the definition of cumulative impacts under CEQA.<sup>10</sup>

**Footnotes:**

- <sup>9</sup> “The project may result in significant adverse impacts at intersections that operate at LOS E or LOS F under existing conditions depending upon the magnitude of the project’s contribution to the worsening of the average delay per vehicle.” (DSEIR, p. 5.2-45.)
- <sup>10</sup> (Communities, 103 Cal.App.4th at p. 120 [“[T]he relevant question”... is not how the effect of the project at issue compares to the preexisting cumulative effect, but whether “any additional amount” of effect should be considered significant in the context of the existing cumulative effect. [footnote omitted] In the end, the greater the existing environmental problems are, the lower the threshold should be for treating a project’s contribution to cumulative impacts as significant. [footnote omitted]”]; Kings County, 221 Cal.App.3d at pp. 720-21 [“They contend in assessing significance the EIR focuses upon the ratio between the project’s impacts and the overall problem, contrary to the intent of CEQA.... We find the analysis used in the EIR and urged by GWF avoids analyzing the severity of the problem and allows the approval of projects which, when taken in isolation, appear insignificant, but when viewed together, appear startling. Under GWF’s ‘ratio’ theory, the greater the overall problem, the less significance a project has in a cumulative impacts analysis. We conclude the standard for a cumulative impacts analysis is defined by the use of the term ‘collectively significant’ in Guidelines section 15355 and the analysis must assess the collective or combined effect of energy development”].)

(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-8])

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For its cumulative impact analysis, the DSEIR uses the same baselines and thresholds of significance discussed above plus one more if the Project “would contribute considerably to a screenline or corridor projected to operate at greater than the capacity utilization standard under 2040 cumulative plus project conditions (i.e., a contribution of 5 percent or more to the transit ridership on the screenline or route).”

The 5% threshold for determining a Project’s contribution to be “considerable” is stated at Appendix-TR, p. TR-625. No rationale for this number is provided. A Project contributing 1% more capacity utilization to a screenline that usually operates at 84%, resulting in a total capacity utilization of 85%, may not contribute considerably to a significant impacts, while a Project contributing 1% more capacity utilization to a screenline that usually operates at 94%, resulting in a total capacity utilization of 95%, may well contribute considerably to a significant impact. A one-size-fits-all “ratio” violates CEQA. (See *Communities, supra*; *Kings County, supra*.) (Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-13b])

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## Response TR-2i: Significance Thresholds

The comments states using a “5 percent contribution” as the threshold of significance for cumulative impacts at intersections and freeway ramps operating at LOS E or LOS F, and transit impacts exceeding the capacity utilization standard violates CEQA. The comment states that no rationale for the 5 percent threshold is provided, and that reliance on this number ignores the law governing the assessment of cumulative impacts, which requires a fact-based assessment that takes into account the severity of pre-existing impacts.

“The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonable foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (CEQA Guidelines, § 15355, subd. (b).) A cumulative impact analysis under CEQA involves a two-step process. First, the EIR must determine whether an impact is cumulatively significant; that is, whether the project when added to other closely related past, present, and reasonable foreseeable probable future projects, would result in a significant cumulative impact. Second, if the impact is cumulatively significant, the EIR must determine whether the project’s incremental contribution

to the impact is itself cumulatively considerable. (See CEQA Guidelines, § 15130; see also *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal App 4th 98, 120 [endorsing two-step process for cumulative impact analysis].) “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. (CEQA Guidelines, § 15065, subd (a)(3).)

As explained in the CEQA Guidelines, “[t]he discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.” (CEQA Guidelines, § 15130, subd. (b).) “[A] good faith and reasonable disclosure of such impacts is sufficient.” (*Fairview Neighbors v. County of Ventura* (1999) 70 Cal.App.4th 238, 245 [upholding EIR’s analysis of cumulative traffic impacts]; *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1228 [“traffic cumulative impact analysis was reasonable and practical”].) Further, “[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project’s incremental effects are cumulatively considerable.” (CEQA Guidelines, § 15064, subd. (h)(4).)

The SEIR’s discussion of cumulative transportation impacts fulfills these requirements. On SEIR p. 5.2-74, the SEIR explains that LOS E and F are considered unacceptable levels of service and are therefore used in the thresholds of significance for determining whether there would be a cumulatively significant impact. The SEIR then explains the methodology used to determine whether the project’s contribution to a cumulatively significant impact is cumulatively considerable: “At signalized intersections that operate at LOS E or LOS F under 2040 cumulative conditions and would continue to operate at LOS E or LOS F under 2040 cumulative plus project conditions, the proposed project would have a significant impact if it would contribute considerably to delays at intersections operating at LOS E or LOS F. The increases in project-related vehicle trips were reviewed at the critical movements to determine whether these increases would contribute considerably to the critical movements (i.e., a contribution of 5 percent or more to the traffic volumes at the critical movements operating at LOS E or LOS F).”

Similarly, on SEIR p. 5.2-77, the SEIR explains that a cumulatively significant effect would result if the project’s “implementation would contribute considerably to a screenline or corridor projected to operate at greater than the capacity utilization standard under 2040 cumulative plus project conditions (i.e., a contribution of 5 percent or more to the transit ridership on the screenline or route).”

“An ironclad definition of significant effect is not possible because the significance of an activity may vary with the setting.” (Guidelines, § 15064, subd. (b).) Agencies are therefore generally afforded broad discretion in determining appropriate thresholds of significance to measure the severity a particular impact. (Guidelines § 15064, subd. (b) [“The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of

the public agency involved....”]; *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 362 [significance threshold for traffic impacts developed by drafters of EIR upheld]; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 493 [agency has discretion to determine whether to classify impacts as “significant” depending on the circumstances and nature of affected area].) This discretion extends to the thresholds used to determine whether a project’s contribution to a significant cumulative impact is cumulatively considerable. (See, e.g., *Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 211-212 [upholding threshold of significance used to determine that project’s contribution to cumulatively significant noise impacts was not cumulatively considerable].)

A comment seems to disagree with the SEIR’s methodology for assessing contributions to cumulative impacts, but does not provide any evidence that the “5 percent contribution” threshold is not appropriate. To the extent the comment is suggesting that *any* contribution to a cumulatively significant impact is necessarily cumulatively considerable (and therefore significant), such an argument has been rejected by the courts. For example, in *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120, which is cited in the comment, the court noted that the “relevant question” in a cumulative impacts analysis is not how the effect of the project at issue compares to the preexisting cumulative effect, but whether “any additional amount” of effect should be considered significant in the context of the existing cumulative effect. (*Id.* at p. 120.) The court was careful to clarify, however, that this does not mean that any contribution necessarily creates a significant impact and explained that “one [additional] molecule rule” is not the law.” (*Ibid.*; see also CEQA Guidelines § 15064, subd. (h)(4) [“[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project’s incremental effects are cumulatively considerable”].)

Here, the SEIR described the methodology for determining whether traffic impacts are cumulatively significant (i.e., LOS E or F) and whether the project’s contribution to those impacts would be cumulatively considerable (i.e., contribution of 5 percent or more to the traffic volumes at the critical movements operating at LOS E or LOS F). Using their expertise regarding traffic analysis in the city, the City and its traffic consultants determined that using a “5 percent contribution” as the threshold of significance was appropriate. (See *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 362 [agency has the discretion to rely on the advice of experts in determining significance of traffic impacts].)

The methodology used to evaluate this project’s contributions to cumulative transportation impacts is fully consistent with long-standing practices in San Francisco. To this end, the Planning Department developed guidelines for analyzing cumulative traffic impacts and to calculate if the project contribution at the critical movements is above or below a 5 percent threshold (i.e., *Guidelines for analyzing project specific and cumulative traffic impacts at signalized intersections*, May 24, 2010). For intersections, the threshold of significance of 5 percent or more project volumes of critical movements operating at LOS E or LOS F, is both reasonable and exacting. Critical movements are the highest volume conflicting movements that are used to

determine LOS. Even if a project's volumes were less than 5 percent of overall intersection volumes, a significant cumulative contribution could result if project traffic was concentrated in the movements that matter, i.e., critical movements, that determine how well or how poorly an intersection operates. The evaluation of cumulative contributions for freeway ramps similarly focuses on project volumes affecting the ramp density used to calculate LOS conditions.

The 5 percent threshold is well within the range of daily variability in travel demand (including traffic volumes and transit ridership) in San Francisco. This occurs for travel downtown even for land uses dominated by offices and retail that have fairly consistent travel patterns. For an event center with episodic events, variability may be more pronounced than for offices or retail because event center attendees may alter how they travel based on whether travelling from home or from work or if they are combining an event center visit with other activities before or after an event. The transportation analysis assumes that event center travel would temporally affect locations near the event center with considerable more daily variability than office or retail travel. Therefore, the transportation analysis conservatively concentrates event impacts despite likely differences in how visitors may travel to each event.

Using 5 percent contribution as the threshold of significance represented a conservative assessment of the project's cumulative impact because a variation of 5 percent or less is unlikely to be perceptible to the average motorist or transit rider. Moreover, as noted above, this is a commonly used threshold in the City of San Francisco.

The law does not compel the conclusion that, where projected cumulative traffic or transit conditions are already bad or would be bad even without the project, *any* additional trips from a proposed project necessarily represents a cumulatively considerable contribution to a significant cumulative impact. This is especially so with respect to transportation-related impacts, as opposed to other categories of environmental impact involving public health or ecological concerns. Worsened congestion or crowding might cause inconvenience to people, but not any adverse effects on public health or ecosystems. Thus, the addition of relatively small amounts of air pollution in a polluted air basin might worsen the adverse health effects of air pollution. Similarly, the loss of relatively small amounts of the habitat of an endangered or threatened species might cause ecological consequences of note. Worsened traffic congestion, by contrast, has no such intrinsic consequences to public health or biological resources. In fact, in many areas of California, "mitigation" for traffic impacts often has its own adverse consequences on biological resources (i.e., road widening often removes habitat areas). In short, a "one car" or "one transit rider" threshold of significance for impacts on already-congested transportation facilities is neither practical nor desirable from a policy standpoint. Nor is such an approach mandated by CEQA or CEQA case law. While the 5 percent threshold might require drivers to endure minor additional delays, or transit riders to experience crowded conditions which do not exceed the maximum capacity of the transit vehicle, these purely human inconveniences need not, as a matter of law, be treated as a "significant effect on the environment."

See also Response TR-2f regarding the traffic intersection LOS methodology.



## Issues Raised by Commenters: Adequacy of Transportation Analysis (TR-2j)

This response addresses all or part of the following comments, which are quoted below:

O-MBA10L4-37

O-MM-3

I-deCastro1-1

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Due to all of the foregoing, the DSEIR transportation and circulation section is inadequate. The document must be completely revised, a revision that will involve disclosure of significant new information. (*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-37]*)

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Instead of improving severely congested traffic and already substandard air quality conditions, the Project proposes to make them worse throughout the Project area, which includes the entire downtown area cumulatively, freeway ingress and egress, and AT&T Ballpark. The Project therefore directly and facially conflicts with the mandates of the California Environmental Quality Act ("CEQA," Pub. Res. Code [PRC] § 21000 et seq.) to "enhance the environmental quality of the state," to mitigate the Project's impacts, and to "consider alternatives to proposed actions affecting the environment." (PRC § 21001.) The DSEIR fails propose feasible mitigation measures or alternatives for the admitted impacts of the Project, and therefore violates not only those mandates but the legal requirements of CEQA to inform the public of the Project's impacts and mitigate them. The DSEIR fails propose feasible mitigation measures or alternatives for the admitted impacts of the Project, and therefore violates not only those mandates but the legal requirements of CEQA to inform the public of the Project's impacts and mitigate them.

The SDEIR fails to accurately identify the magnitude of the obvious congestion, transportation and parking impacts of the proposed Project, has no coherent or accurate cumulative impacts analysis, and no accurate direct or cumulative analysis of the Project's impacts on air quality, and fails to meet other requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code ("PRC") §§21000 et seq. (*Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-3]*)

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I am disappointed that the City is calling traffic, transit and parking issues "significant and unavoidable". (*John deCastro, email, July 27, 2015 [I-deCastro1-1]*)

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## Response TR-2j: Adequacy of Transportation Analysis

State CEQA Guidelines Section 15121(a) states that an EIR is an informational document for decision-makers and the general public that analyzes the significant environmental effects of a project, identifies possible ways to minimize significant effects, and describes reasonable alternatives to the project that could reduce or avoid its adverse environmental impacts. Neither CEQA nor the CEQA Guidelines requires any kind of project to *improve* baseline environmental conditions such as severely congested traffic or substandard air quality conditions, as suggested in a comment. Rather, CEQA is concerned with the avoidance or mitigation, where feasible, of significant *adverse* environmental changes. (See Pub. Resources Code, §§ 21068 [defining "significant effect on the environment"], 21002 [state policy "that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects"].)

The SEIR's analysis of Transportation and Circulation impacts was prepared within this legal framework. SEIR section 5.2, Transportation and Circulation, on SEIR pp. 5.2-1 – 5.2-274 provides a summary of the Mission Bay FSEIR transportation section, an overview of existing transportation conditions in the project vicinity, a description of the applicable transportation regulations and policies, methodologies and assumptions used in the impact analysis, and impact assessment and mitigation measures. The section analyzes the potential project-level and cumulative impacts on transportation and circulation during construction and operation of the proposed project; and the transportation-related issues of study include transit, vehicle traffic on local and regional roadways, bicycles, pedestrians, loading, emergency vehicle access, parking, construction-related transportation activities. The SEIR includes mitigation measures to reduce impacts on traffic, transit, and pedestrians, although even with implementation of these mitigation measures, the impacts would remain significant and unavoidable. Mitigation measures addressing project construction period impacts on UCSF helipad operations would reduce these impacts to less than significant levels. (See also Response TR-14, below) In addition, the SEIR identifies improvement measures to further reduce the proposed project's less than significant impacts related to construction-related ground transportation impacts, transit operations, emergency vehicle access, and loading operations. Alternatives to the proposed project are described and analyzed in Chapter 7, SEIR pp. 7.1 – 7-116.

The transportation analysis conducted for the SEIR was prepared according to a scope of work approved by the San Francisco Planning Department on August 19, 2014, and follows the *SF Guidelines*, as appropriate. Specific comments regarding the adequacy of the transportation analysis are addressed in Responses TR-3 through TR-14, below.

The responses do not include significant new information, and no new or substantially more severe environmental impact has been identified; nor has any new feasible project alternative or mitigation measure been identified that would lessen significant transportation impacts of the project. The SEIR adequately provides supporting evidence and explanation of the methodology to accurately analyze impacts and to support its conclusions. Therefore, recirculation of the Draft SEIR is not required. The OCII Commission would consider the adequacy and accuracy of the SEIR, including Section 5.2, Transportation and Circulation, based on the administrative record as a whole (including all comments submitted on the Draft SEIR and responses to them) at the SEIR certification hearing.

See SEIR Section 5.4 regarding project impacts on air quality conditions. Refer also to Section 13.3, Response ERP-6, concerning the general adequacy of the SEIR. See SEIR Chapter 7 regarding alternatives to the project that would avoid or lessen significant impacts of the project.

### 13.11.4 Project Transportation Improvements (TR-3)

#### Issues Raised by Commenters: Transportation Management Plan (TR-3a)

This response addresses all or part of the following comments, which are quoted below:

A-BART-3	A-BART-6	A-Caltrans-9	A-UCSF-2
A-UCSF-3	A-UCSF-5	A-UCSF-11	O-PBNA-1
O-SFBT-5	I-Hong-17	I-Hrones1-4	I-McDougal-2
I-Springer-2	I-Woods-3	PH-Agid-2	PH-deCastro2-2
PH-Kies-2	PH-Lazarus-2	PH-Osmundson-1	PH-Priesthoff-2
PH-Valentino-1	PH-Vaughan-6		

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3. The proposed Transportation Management Plan's (TMP) objective is to mitigate surface traffic impacts by shifting trips from personal vehicles to other modes. Given the significant traffic impact of the project under all scenarios analyzed and the subsequent need for a successful implementation of the TMP, the impacts of the target mode shift to transit on BART capacity should be anticipated, quantified and closely monitored. (*BART, Val Menotti, letter, July 27, 2015 [A-BART-3]*)

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6. The project sponsor should work with regional transit providers to encourage inbound event patrons to consider AC Transit Transbay service during the Inbound PM Peak. In general, all transit information should be seamlessly integrated with proposed dissemination of parking information so patrons understand all travel options simultaneously, including transit. (*BART, Val Menotti, letter, July 27, 2015 [A-BART-6]*)

#### **Transportation Management Plan**

We commend the City's Transportation Management Plan (TMP) to encourage sustainable mode shares and reduce single vehicle occupancy trips. The Project's participation in the Waterfront Transportation Assessment reflects comprehensive early planning efforts and ongoing coordination between agencies to assess the mobility needs of travelers and provide additional services within the Mission Bay Area. We agree the TMP should include documentation for monitoring vehicle trip reduction, including annual reports to demonstrate the ongoing reduction of vehicle trips while continuing to survey the travel patterns of residents and employees within the project area. We recommend the TMP elaborate future coordination between nearby proposed large-scale development projects and their associated Transportation Management Agencies and various Transportation Demand Management measures to ensure the TMP is thoughtfully planned. (*Department of Transportation, Patricia Maurice, letter, July 20, 2015 [A-CALTRANS-9]*)

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UCSF acknowledges and appreciates the efforts made by the City and GSW to date to address concerns that UCSF has expressed about the impacts of the proposed Event Center on UCSF patients, patient visitors, patient care givers, and emergency vehicles. In the spirit of cooperation that has marked those conversations between UCSF, the City and GSW, UCSF offers the following comments on the DEIR, with the understanding that the City will continue to work with UCSF, GSW, and neighbors to develop more detailed plans to address and mitigate the negative impacts of the Project. We understand that these more detailed plans will be included in the Final EIR and incorporated into the Event Center's conditions of project approval, which will result in a project that will fit well in the neighborhood, be supported by UCSF, and be an asset for the City. (*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-2]*)

Driven by its commitment to patient care and public safety, UCSF's primary goal is to ensure that patients, patient visitors and patient care workers, as well as emergency vehicles, have 24/7 unimpeded access to its Mission Bay hospitals. This goal may be impeded by traffic congestion and parking impacts of the proposed Event Center, especially when there are dual and/or overlapping large events at the Event Center and AT&T Park. The DEIR indicates that there would be an average of nine dual and/or overlapping large events at the Event Center per year, comprised of two basketball games and seven concerts with an average attendance of 12,500 or more (DEIR p. 5.2-171). As such, large dual and/or overlapping events at AT&T Park and the Events Center should be managed judiciously. In addition, the impacts of such events-particularly on traffic flow-should be monitored and the City should have the ability to employ additional mitigation measures to ensure traffic can be maintained at acceptable levels and access to the Mission Bay hospitals is assured. Should the City's efforts to maintain acceptable traffic levels fail and access to the hospitals be impeded, UCSF supports a trigger mechanism giving the City the ability to manage the scheduling of dual and/or overlapping large events until such time that traffic can operate during such events at acceptable levels. Further, UCSF encourages City efforts to ensure funding is secured to manage these impacts and to ensure a robust monitoring program. (*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-3]*)

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We support the City's efforts to optimize public transit service to and from the Event Center. Toward that end, we offer the following comments:

“Page 5.2-51, funding of incremental event-only Mission Bay shuttles is left to the discretion of GSW. Please consider making it a requirement that GSW fund additional shuttles if the Mission Bay TMA requests such service.

“Page 5.2-52, Table 5.2-14, we suggest Mission Bay TMA shuttle hours be expanded to cover post-game as well as pre-game (6-8 pm) hours.

“Page 5.2-53, it is unclear whether GSW or the City will pay for the four additional light rail vehicles. The Final EIR should specify.

“Page 5.2-56, we would appreciate the City/GSW consulting UCSF when the number and location of PCOs are refined after Year 1.

“Page 5.2-57 through 58, the text indicates that the listed transportation management strategies would apply to concerts with more than 12,500 attendees, but Table 5.2-16 (footnote b) says more than 14,000 attendees. UCSF believes that the lower number should be used.

“Page 5.2-64 through 68, it is unclear who will decide which TOM measures will be implemented. We recommend that this not be solely at the discretion of GSW. Please describe which City agency will have the authority to order specific additional TDM measures.

“Page 5.2-67 through 68, UCSF appreciates the performance standards set forth in the TMP. Please describe how the City would enforce these measures. In addition, we would appreciate receiving copies of the monitoring reports upon their submittal to OCII.

“Page 5.2-68, third bullet, in addition to event traffic not blocking access to the UCSF emergency room entrance, please consider deploying PCOs to ensure vehicle queuing does not block access to the UCSF hospital and hospital garage for medical staff, patients and visitors.

“Page 5.2-80, the TSP should apply to all large events (+12,500).

“Page 5.2-130, we request that marquee events, such as National Hockey League regular season games, not be allowed to be regularly scheduled as overlapping events given the significant traffic impacts posed by such overlapping events and the unknown transportation mode profile of those attending such events.

(*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-5]*)

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**“Comments on May 2015 TMP**

Section 10.2.8, UCSF surveys need not be limited to only emergency access, but also could include surveys of general patient and staff access to the UCSF campus and Medical Center.

Section 10.4.4, we request that this performance standard be expanded to require that event traffic not block patient, staff and visitor access to the UCSF hospitals, not just emergency room access.” (*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-11]*)

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When the Golden State Warriors announced the acquisition of the rights to Mission Bay blocks 29-32, the Potrero Boosters Neighborhood Association was carefully optimistic that the City, with its stated desire to lure the Warriors to San Francisco, would provide additional transportation and transit infrastructure to our neighborhoods.<sup>1</sup> Indeed, we saw the Warriors as a tremendous opportunity, as the City has lagged in developing the infrastructure to accommodate the growth, both residential and commercial, experience by our neighborhoods over the last decade. (*Potrero Boosters Neighborhood Association, J.R. Eppler, letter, July 27, 2015 [O-PBNA-1]*)

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The San Francisco Bay Trail should be included in wayfinding signage on and around the project site. We would be happy to provide either the physical signs or our logo in electronic format for incorporation into the Warriors Arena signage and wayfinding plans. (*San Francisco Bay Trail, Maureen Gaffney, letter, July 27, 2015 [O-SFBT-5]*)

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12. Will this plan include some of Muni’s “Traffic Calming” measures such as some of the intersections along Market Street? This might be a great project to include some of these concept along Market and the Van Ness Corridor. (*Dennis Hong, email, July 27, 2015 [I-Hong-17]*)

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Third, inappropriate staging and idling by for-hire vehicles was a major community quality of life concern that the Barclays Arena plan did not in my opinion adequately address. Subsequent to the arena opening, a curbside area was designated for staging in response to this concern and efforts were made to reach out to the for hire vehicle industry. However, limousines and other vehicles idling in bus stops, no standing zones, etc. continues to remain an issue well after the arena opening. With this in mind, I was pleased to see that the SDEIR calls for a specific plan to stage these types of vehicles. Early and thorough communication with the for-hire vehicle industry will be important to ensure that utilization of the designated staging areas actually occurs. (*Christopher Hrones, email, June 30, 2015 [I-Hrones1-4]*)

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1. Traffic. The original proposal to locate the Warriors Arena at Pier 32/34 was far preferable from a traffic perspective as it would have permitted visitors to the Arena to use the multiple public transit lines that pass within a few blocks of that location. However, in view of the significant politics and expense associated with that proposal, I feel the current proposal is the “next best thing” while still providing our neighborhood the benefits of the vibrancy and activity that will be generated by the Arena. I call on Muni and Caltrans, in particular, to take whatever steps they can to enhance service in and around the proposed arena and understand that the Arena would use extra traffic-control officers during events in the same way that Giants games do. (*Bruce McDougal, email, July 27, 2015 [I-McDougal-2]*)

2. Page 5.2-68 states that preferred performance standards include that “event traffic does not block access to the UCSF emergency room entrance for emergency vehicles or patients on Mariposa Street between I-280 and Third Street” and says “In the event that ongoing monitoring shows at any time that the performance standards outlines above are not being met,...” It is crucial that lack of blocking of patient access to the UCSF hospital will never be a performance standard that isn’t being met. That is, monitoring of the blocking of access to the hospital to identify a problem is not sufficient; rather, monitoring should be in place to prevent that from ever occurring and to actively control event traffic to allow patient access at all times. (*Matt Springer, email, July 16, 2016 [I-Springer-2]*)

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Creation of a Transportation Management Plan and coordination and implementation of the TMP demand oversight and authority to enforce and if necessary, amend the plans to respond to “lessons learned”, conflicts and changing conditions. While the Ballpark/Mission Bay Transportation Coordinating Committee (see Mitigation Measure M-TR-11b) has been helpful in both interagency coordination of traffic and transportation impacts of the ballpark and expression of neighborhood issues, the BMBTCC has no official authority or standing to enforce or amend plans, or ensure adequate funding for required mitigations. The OCII is in no position to become an enforcing agency, and leaving implementation to “the City” is too vague – there’s no authority or accountability. The SEIR should clearly designate a responsible authority to enforce, amend and access funding for mitigations. (*Corrine Woods, email, July 27, 2015 [I-Woods-3]*)

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“My comments today are focused on the transportation aspect of the EIR and the associated mitigation plans.

“A review of the Draft EIR clearly indicates a detailed account regarding the traffic and transit impacts on Mission Bay. There is no sugarcoating of the assumptions, and all the impacts of the traffic and traffic congestion appear to have been identified.

“Those of us who live in the area understand the congestion that exists today, can anticipate the impacts of events at the arena, and the assumptions outlined in the EIR seem to align with my intuitive perspective on the subject.

“With that said, I've attended public meetings and have reviewed the mitigation measures outlined in the Event Management Plan. Some of those included transit improvements, supplemental service, a robust Traffic Management Plan, and the bike and ped improvements, again, just to name a few -- and have confidence that with the appropriate event coordination, resource availability, and effective implementation of these mitigation measures, the traffic and transit congestion can be managed effectively.” (*Bruce Agid, public hearing transcript, June 30, 2015 [PH-Agid-2]*)

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“We talk about a “Transportation Management Plan” in 6.5. Where is it? I don't trust the City or the MTA to come forward with a decent Transportation Management Plan when my wife and I tried to go to a Giants game on Sunday, and we waited -- we checked the next Muni -- 58 minutes to the 10. My wife is disabled. I had to call a taxi so we could make our ballgame. That was the only way we could get there, because she couldn't walk down to the T. It was way too far.” (*John deCastro, public hearing transcript, June 30, 2015 [PH-deCastro2-2]*)

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“And on the issue involving transportation impacts, we believe the Warriors are doing pretty much everything we could hope for. Between the transit investments, the existing transit infrastructure, and the fact that some people will be able to walk from Caltrans or from their neighborhood, the impacts are going to be manageable. The City is making the proper investments in transportation infrastructure to support the project.” (*Alyssa Kies, public hearing transcript, June 30, 2015 [PH-Kies-2]*)

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"The Draft EIR outlines a mitigation plan for traffic and congestion management that will work for U.C.S.F., it will work for the residents, and it will work for the businesses in Mission Bay ..." (*Jim Lazarus, public hearing transcript, June 30, 2015 [PH-Lazarus-2]*)

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"I've reviewed the EIR, and I can tell you that the -- when the City and MTA has made commitments to manage the traffic to and from the waterfront, these special-event venues, the Giants system works the way they said it would -- the way the Giants said it would, the way the City said it would. That system works. It has worked day in and day out, all 81 home games and the playoff games. It works." (*Paul Osmundson, public hearing transcript, June 30, 2015 [PH-Osmundson-1]*)

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"As a city, we should be pushing transit first, and we believe that the Warriors EIR plan does that. We believe that this is a transit-rich area and -- that they've done a phenomenal job studying all the potential parking areas around the arena as well." (*Matt Prieshoff, public hearing transcript, June 30, 2015 [PH-Prieshoff-2]*)

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"I've taken some time to look at the Traffic Management Plan and the Draft EIR, and a couple of things, I think, are very important to point out.

"Number one, if you start to compare traffic management plans of arenas that have been constructed in the recent decade, you'd see that this is probably one of the most in-depth and forward-looking plans, moving to a transit-first plan, as opposed to prioritizing the automobile, which I think is extremely important. This one talks about having the most bike parking spaces that we'll ever see for an arena.

"Also, in discussions, as I understand it from attending a lot of the public meetings, is that there's talk about having direct right-of-way for hospital workers and emergency vehicles. And I think that's extremely important to consider.

"It is not the case that the hospital and the emergency issues have been taken off the table. That is very much part of the discussions, and we should pay deference to that." (*Patrick Valentino, public hearing transcript, June 30, 2015 [PH-Valentino-1]*)

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"And I would add that I don't think a lot of public transit enhancements are happening in this project, and that really does need to happen. We're not interested in seeing more parking. It's got to be --we're really serious about dealing with climate change. It's got to be public transportation." (*Susan Vaughan, public hearing transcript, June 30, 2015 [PH-Vaughan-6]*)

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### **Response TR-3a: Transportation Management Plan**

SEIR pp. 5.2-46 – 5.2-69 present the transportation improvements that would be provided as part of the project. These include improvements related to the physical transportation infrastructure adjacent to the project site - including travel lanes, sidewalks, bicycle lanes, traffic signals, and light rail platform. These improvements also include transit service improvements such as the expansion of the Mission Bay TMA shuttle system, provision of the Muni Special Event Transit Service Plan, and a Transportation Management Plan (TMP) for operations of the proposed project. The TMP provides for, among other things, pre-event and post-event operation of the curbs adjacent to the project site to accommodate shuttles stops, and taxi zone, and private vehicle and TNC passenger

loading/unloading zones. The TMP also includes Transportation Demand Management (TDM) strategies designed to reduce use of single-occupant vehicles and to increase the use of rideshare, transit, bicycle, and walk modes for trips by employees and visitors to and from the project site.

The TMP is summarized on SEIR pp. 5.2-55 – 5.2-69, and the entire document is included as SEIR Appendix TMP. As described on SEIR p. 5.2-55, the TMP is a working document that would be expanded and refined over time by the project sponsor and City agencies involved in implementing the plan. If the project is approved, the TMP would be incorporated into the project Mitigation Monitoring and Reporting Report (MMRP) as an enforceable condition of approval, and mitigation measures and additional changes identified in this RTC document would be incorporated into the TMP, as necessary.

SEIR pp. 5.2-53 – 5.2-55 present the additional service on the T Third light rail and Muni Metro light rail and three shuttle bus routes that would be provided on event days. The shuttle bus routes would serve the 16th Street BART station, Van Ness Avenue with limited stops at key transfer point, and a shuttle serving the Transbay Terminal, the Ferry Building, and the Caltrain station. The amount of additional service would vary depending on the event size, as presented on Table 5.2-15 on SEIR p. 5.2-55. The additional transit service, as well as the cost for the four light rail vehicles required to increase the light rail capacity on the T Third line, would be funded via the proposed Special Reserve Account. Also please see Section 13.2, Response GEN-1a: City Funding regarding funding of project improvements, and mitigation and improvement measures. Responsibility for implementation and enforcement of individual mitigation measures would be set forth in the adopted MMRP.

With implementation of the project, the existing Mission Bay TMA shuttle service would be expanded with more frequent service, and a new TMA shuttle stop would be located on South Street adjacent to the project site. The proposed Mission Bay TMA shuttle service improvements are presented on SEIR pp. 5.2-51 - 5.2-52, and the shuttles would continue to be free of charge. In addition to the project-related transit improvements described above and included in the project's TMP, SFMTA has ongoing and planned transit service improvements that would serve the project vicinity, which are described on SEIR pp. 5.2-19 – 5.2-20. These include the Central Subway project, which is currently under construction, and the Muni Forward service improvements, including on the 22 Fillmore, 10 Townsend, 38 Stanyan, and 58 24th Street.

The project sponsor has indicated that it would incorporate San Francisco Bay Trail logo into the event center signage and wayfinding signs, as appropriate. In addition, updates to the TMP, such as changes to the location of PCOs for pre-event and post-event periods, and submittal of monitoring reports would be coordinated with UCSF directly, as well as through the Ballpark/Mission Bay Transportation Coordinating Committee.

### ***Event Transportation Management Plan Refinements***

As acknowledged in a number of comments, the City and project sponsor have been working with UCSF and neighbors to add detail to the project TMP in order to better address concerns related to local access in the Mission Bay area prior to evening events. These refinements include:



- Development of a Local/Hospital Access Plan
- Expansion of TMP monitoring surveys to include surveys of UCSF general patients and staff access to the UCSF campus and Medical Center

**Local/Hospital Access Plan.** The TMP would be expanded to include more detailed Local/Hospital Access Plan for the Mission Bay area. The TMP would include a description of the Plan, including supplemental guidance signage, physical controls (if any), and likely location and duties of deployed PCOs. Similar to the other elements of the TMP, the Local/Hospital Access Plan would be reviewed by SFMTA on a regular basis, in coordination with the project sponsor, UCSF and local residents and employers, to assess its effectiveness and implement appropriate changes when necessary.

In addition, SEIR p. 5.2-64 is revised to include the addition of the Local/Hospital Access Plan (deleted text is shown as ~~strickethrough~~ and new text is underlined).

**Local/Hospital Access Plan.** A Local/Hospital Access Plan (L/HAP) to facilitate movements in and out to residents and employees in the UCSF and Mission Bay Area would be implemented by SFMTA for the pre-event period for all large weekday evening events at the event center (i.e., those events with more than 12,500 attendees that start between 6:00 and 8:00 p.m., on average, approximately 50 times per year). The L/HAP would be configured to discourage event attendees arriving by car from using portions of Fourth Street, Owens Street, UCSF campus internal roads such as Nelson Rising Lane, Campus Lane, Fifth Street, and local residential streets. As part of the L/HAP, special temporary and permanent signage would be positioned at appropriate locations to direct event traffic towards designated routes in order to access off-street parking facilities serving the event center and away from streets within the Local/Hospital Access Plan network. In addition, three PCOs would be stationed at key intersections (i.e., Fourth/16th, Owens/Mission Bay Traffic Circle, and Fourth/Nelson Rising Lane) before the start of an event to facilitate local driver access to their destinations. These three additional PCOs would also be available after the event to be positioned at the most effective locations to direct outbound pedestrians, bicyclists, and vehicles, as determined by the PCO Supervisor.

The revision does not change the analysis or conclusions presented in the SEIR.

**TMP Monitoring Surveys.** In response to the comments, SEIR p. 5.2-67 is revised to include the addition of the UCSF patient surveys as well as additional clarifications regarding SFMTA review and approval of the surveying and reporting program (deleted text is shown as ~~strickethrough~~ and new text is underlined).

### **Monitoring, Refinement, and Performance Standards**

The TMP outlines the process to monitor and refine the strategies within the TMP in conjunction with the City throughout the life of the project. Monitoring methods include field monitoring of operations during the first four years and an annual surveying and reporting program to be approved by the SFMTA, thereafter. Surveys of event attendees and event center employees would be conducted annually, and visitor surveys of

Mission Bay neighbors and UCSF patients and staff, and emergency providers would be conducted in the initial years of operation. Prior to conducting data collection and surveys, the project sponsor would develop a Survey methodology and implementation plan that would be approved by the SFMTA.

The revisions do not change the analysis or conclusions presented in the SEIR.

### *Attendance Levels and Event Type*

As noted in a comment, the correct level of attendees at which implementation of the Muni Special Event Transit Service Plan would be implemented is 12,500 attendees, and not 14,000 attendees. In response to the comment, the following edits have been made (deleted text is shown as ~~strikethrough~~ and new text is underlined).

On SEIR p. 5.2-52:

- One Event Express route (the Fourth/King Caltrain route) with limited stops, would be provided prior to and following a peak event (i.e., events with more than ~~14,000~~ 12,500 attendees).

On SEIR p. 5.2-57:

- <sup>b</sup> Refers to an evening concert with more than ~~14,000~~ 12,500 attendees.

On SEIR pp. 5.2-79 to 5.2-80:

- Conditions *without* implementation of the Muni Special Event Transit Service Plan, **Impact TR-18 to Impact TR-25**. The two overarching scenarios above assume implementation of the Muni Special Event Transit Service Plan, as described above in Section 5.2.5.2 and on Table 5.2-15, which indicate that the SFMTA intends to provide additional transit service to accommodate peak evening events, including basketball games and concerts with more than ~~14,000~~ 12,500 attendees. The City and County of San Francisco fully anticipates implementation of this plan and has identified sufficient funding to implement this plan.<sup>13</sup> However, in order to provide a conservative CEQA analysis as well as information to the public and decision-makers, this group of impacts discloses the impacts of the proposed project if for some unknown reasons in the future, the City is unable to implement the Muni Special Event Transit Service Plan. This group of impacts analyzes only the Basketball Game scenario as the representative worst-case scenario.

On SEIR p. 5.2-126:

...Specifically, the TMP specifies that for all events with more than ~~14,000~~ 12,500 attendees, up to 17 PCOs would be stationed in the project vicinity to manage vehicular, transit, bicycle and pedestrian flows (see **Figure 5.2-11**), including at the intersections of

<sup>13</sup> Letter to Tiffany Bohee, Executive Director, OCII, from Edward D. Reiskin, Director of Transportation, SFMTA, Re: SFMTA Transit Service Plan, Enforcement Support and Capital Investment Funding for the Golden State Warriors Multipurpose Arena, dated May 15, 2015.

Fourth/Channel, Third/Channel, Third/South, Bridgeview/South, Terry A. Francois/South, Third/16th, Illinois/16th, Terry A. Francois/16th, I-280 northbound ramps/Owens/Mariposa, Fourth/Mariposa, Third/Mariposa, and Illinois/Mariposa.

On SEIR p. 5.2-128:

...TMP measures, such as street closures for events with more than ~~44,000~~ 12,500 attendees, would not be required for many of the other events. See **Table 5.2-16** for the TMP measures associated with various events at the proposed event center.

On SEIR p. 5.2-141:

#### ***Basketball Game Scenario***

**Capacity Utilization.** As indicated in Section 5.2.5.2, in addition to the existing scheduled transit service in the project vicinity, the SFMTA would provide additional service to accommodate peak evening events, including basketball games and concerts with more than ~~44,000~~ 12,500 attendees (see **Table 5.2-15** for the proposed frequencies).

On SEIR p. 5.2-143:

#### ***Other Events***

Transit conditions during other events at the project site would be similar to or better than described above for the Basketball Game scenario which assessed the maximum attendance event for evening conditions, and which would also be representative of conditions for sell-out concert events. The proposed Muni Special Event Transit Service Plan would be provided for other large events (i.e., with more than ~~44,000~~ 12,500 attendees), and the service levels of the additional service would be adjusted to reflect the anticipated attendance level.

On SEIR p. 5.2-160:

**Other Events.** Bicycle conditions during other events at the project site would be similar to or better than described above for the Basketball Game scenario, which assessed the maximum attendance event, and which is also representative of conditions for sell-out evening concert events. TMP measures, such as street closures for events with more than ~~44,000~~ 12,500 attendees, would not be required for many of the other events.

On SEIR p. 5.2-168:

...For events that necessitate closure of the northbound travel lanes of Third Street between 16th and South Streets (generally events with ~~44,000~~ 12,500 or more attendees) for post-game conditions for a period of one to two hours depending on the size of the event, emergency vehicles traveling on Third Street southbound would not be affected, and if necessary, emergency vehicles traveling northbound on Third Street would be permitted to continue through the closed segment between 16th and South Streets, as PCOs would be able to remove the temporary barriers...

On SEIR p. 5.2-191:

As described in Section 5.2.5.3, the project sponsor is working with the City to secure funding for the Muni Special Event Transit Service Plan as part of the project improvements, and which would be implemented by the SFMTA during large evening events with more than ~~14,000~~ 12,500 attendees at the project site.

The revisions do not change the analysis or conclusions presented in the SEIR.

In response to a comment requesting clarification whether National Hockey League games would be held at the event center, the project sponsor has confirmed that NHL games would not be held at the event center. In response to the comment, the following edit has been made on SEIR p. 5.2-130 (deleted text is shown as ~~strikethrough~~ and new text is underlined):

- The City and the project sponsor to meet to discuss transportation and scheduling logistics following signing any marquee events (national tournaments or championships, political conventions, or tenants interested in additional season runs: ~~NHL~~, NCAA, etc.).

The revision does not change the analysis or conclusions presented in the SEIR.

### ***Mission Bay TMA***

In response to a comment regarding coordinating with the proponents of future development projects and their associated Transportation Management Agencies, it is noted that the project site is located within the Mission Bay South Plan area with a Transportation Management Association and a TMP. The Mission Bay Transportation Management Association (referred to in the SEIR document as the Mission Bay TMA) is the non-profit organization that was formed to meet the requirements of the Mission Bay FSEIR Mitigation Measure E.46: Transportation Management Organization. As indicated on SEIR p. 5.2-131, the Mission Bay South TMP and the Mission Bay North TMP are part of the Mission Bay Ownership Participation Agreement, and all development within Mission Bay is subject to the Ownership Participation Agreement. The proposed project's TMP builds upon the requirements within the Mission Bay South TMP. For example, as stated on SEIR p. 5.2-51, with implementation of the project, the existing Mission Bay TMA shuttle service would be expanded with more frequent service, and a new TMA shuttle stop would be located on South Street east of Third Street adjacent to the project site. The project sponsor would join the Mission Bay TMA and the project's required contribution to the association would enable the expanded shuttle service. The Mission Bay TMA would determine any additional changes to the shuttle service, including extending the hours of shuttle service. The TMP includes a section on Monitoring, Refinement, and Performance Standards that outlines the process to monitor and refine the strategies within the TMP in conjunction with the City and the Mission Bay TMA throughout the life of the project. As noted above, the TMP would be incorporated into the project MMRP as an enforceable condition of approval.

### *Other*

As noted in a number of comments, the City, project sponsor, and UCSF have been working on developing Local/Hospital Access Plan strategies (see above) to ensure that inbound access to the Mission Bay Area by residents, employees and UCSF staff during the weekday 6:00 to 7:00 p.m. evening period, when the maximum inbound project demand is expected to occur and which coincides with the UCSF staff shift, is not substantially delayed as a result of event-related traffic. In addition to the Local/Hospital Access Plan, additional strategies have been identified by the City, UCSF, and the project sponsor that could be implemented during non-Golden State Warriors overlapping events to minimize the impacts during the pre-event period. As described in Response GEN-1a: City Funding, the City has introduced a resolution for consideration by the SFMTA and an ordinance for the Board of Supervisors that are intended to secure funding for its contribution to the project's transportation service plan and ensuring that the incremental City costs of providing transit, traffic enforcement, street sweeping and public safety services outside the premises are fully funded through the life of the project. If adopted, the ordinance would establish a Designated Overlapping Event Reserve Account to fund transit enhancements and traffic enforcement costs of servicing non-Golden State Warriors events at the event center that occur on the same weekday evening as a SF Giants evening game. The ordinance would authorize an annual deposit of funds for the useful life of the event center. The Designated Overlapping Event Reserve Account would be used to implement supplemental transportation management actions, including a number of measures noted in comments, such as providing additional Mission Bay TMA and event-specific shuttle service. General categories of the types of measures that would be implemented include: separation of traffic destination, increased transit capacity, increased capacity of other modes, reduction in transit costs, disincentives to driving, incentives for alternative modes, and increased marketing efforts.

Thus, in response to comments, Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts during Overlapping Events was expanded to include additional strategies. Collectively, these measures may reduce traffic congestion in the project vicinity, but would not reduce traffic impacts to less than significant levels, and traffic impacts in Impact TR-11 would remain *significant and unavoidable with mitigation*. See Response TR-12a: Traffic Mitigation Measures for the additional strategies included in Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts during Overlapping Events.

Additional PCOs are not proposed to monitor queues at entrances to UCSF parking facilities, as suggested in a comment, and performance standards would not be expanded to include operations at UCSF parking facilities. Instead, the supplemental actions identified above would be implemented to address concerns raised by UCSF.

A comment inquired if the project includes turn prohibitions such as those recently implemented on Market Street. The project does not propose any permanent turn prohibitions at intersections in the project vicinity; however, during events, some temporary turn restrictions would be implemented. These temporary turn restrictions are described on SEIR p. 5.2-63, and include left turn restrictions from westbound 16th Street onto Third, Owens, and Mississippi Streets through signage, temporary barriers, and/or PCOs.

A comment noted that vehicle queues on City streets blocking access to the UCSF emergency room entrance on Mariposa Street should not be subject to a performance standard, but rather should be monitored during events to ensure that access is available at all times. In addition to satisfying the performance standard included in the TMP, the pre-event and post-event management plan include stationing of additional PCOs as well as additional improvement measures (e.g., Improvement Measure M-TR-10b: Mariposa Street Restriping Study), and mitigation measures to reduce the potential for queues, to monitor conditions, and to intervene if the emergency room entrance is blocked.

Comments regarding monitoring and coordinating with regional transit agencies, including BART and AC Transit, in developing and implementing strategies to accommodate event-related travel demand, particularly in response to the monitoring of event attendee travel characteristics, are noted. Such monitoring and inter-agency coordination are proposed to be part of the implementation of the TMP.

### Issues Raised by Commenters: PCOs (TR-3b)

This response addresses all or part of the following comments, which are quoted below:

A-Caltrans-7

I-Carpinelli-2

I-Hong-7

I-Zboralske-19

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- Please quantify how many additional Parking Control Officers (PCOs) will be utilized when there are overlapping events. Mitigation Measure M-TR-1 la, under Conditions With a SF Giants Evening Game at AT&T Park, states the Project's Transportation Management Plan shall be expanded to include additional PCOs that shall be deployed at some specific intersections (pg. 1-22). Mitigation Measure M-TR-2a, under Conditions Without a SF Giants Game at AT&T Park, states "four additional PCOs shall be deployed to intersection where the proposed project would result in significant impacts, as conditions warrant during events (pg. 1-15). (*Department of Transportation, Patricia Maurice, letter, July 20, 2015 [A-CALTRANS-7]*)

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2. Need for more PCO's pre and post game/event located throughout Dogpatch and south to Cezar Chavez to avoid traffic going through neighborhood to/from 23rd St. on/off ramp at 280 N. Traffic should be kept off Tennessee, Minnesota, Indiana, 22nd St and 20th streets as these are mainly residential in nature. (*Janet Carpinelli, email, August 4, 2015 [I-Carpinelli-2]*)

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b. Provide additional traffic control officers before and after the events. (*Dennis Hong, email, July 27, 2015 [I-Hong-7]*)

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In my opinion, the proposed number of parking control officers (PCOs) slated for deployment is not nearly sufficient.

The report identifies PCO controlled intersections during the various scenarios. Table 5.2-10 gives an example in which only six of 22 locations are staffed. There is no mention of how many PCOs are assigned to each location and no indication of what traffic control measures they will utilize to expedite the safe

flow of all modes of traffic. My observations tell me that much PCO intervention focuses on monitoring traffic from a distance and/or controlling the signals via the override function. I do not see a lot of engagement and interaction. Pedestrians and bicyclists regularly do what they want on many of the local streets. The intersections of King Street and 3rd Street, King Street and 4th Street and King Street and 2nd Street are staffed with more personnel. The staff working those intersections appears to be much more engaged and interactive in their efforts to safely control the various modes of traffic. If you do not facilitate the flow of traffic all the way to freeway on-ramps and other major exit routes, traffic will always “bottleneck upstream” and clog its way back toward the event site.

Over the past three years, I’ve often observed one and sometimes two PCOs at intersections who were simply controlling the traffic signals (manual override) to facilitate vehicular traffic. They were not adequately engaging with pedestrians to prevent jaywalking, pedestrians crossing against red lights and people crowding into the roadway. They also weren’t able to control bicyclists that were weaving through traffic. The focus was on cycling the lights rather than a comprehensive effort to facilitate all modes of traffic. PCOs must engage with people to control the intersection and make it clear how the manual traffic flow cycle will be handled and monitored. Each mode of transportation must be addressed independently, but within the context of a master plan, during times of heavy congestion to promote safe traffic movement for all modes.

Traffic control duties can be quite difficult and require significant resources and constant engagement. Simply standing at a signal light control box and manually controlling the light cycle at signalized intersections is not sufficient to ensure the safe movement of vehicles, bicyclists and pedestrians. Active engagement and proper use of traffic control devices (cones, barricades, signs, flares, reflective sleeves and message boards) is also required. Many of the intersections listed in the report indicate “a PCO” will be used. In my opinion, most of these intersections would require between two-three PCOs to safely facilitate the movement of vehicles, bicyclists and pedestrians.

Remember, many attendees may not be familiar with the area. Many events will conclude at night when it is dark. Some people leaving the venue will have consumed alcohol. Existing lighting at some of the critical intersections is not robust. There may be inclement weather. It is likely that with the ongoing construction of other projects that roadway modifications may need to be navigated, which only makes facilitating traffic more difficult. I view the plan as significantly understaffing the traffic control aspect.

According to the plan during overlapping events, due to restricted access on the 3rd Street and 4th Street bridges, it is assumed that no vehicles will travel north on either street during overlapping events. This will be a self-induced “double bottleneck” that will force traffic south and west. The plan calls for “a PCO to be stationed at the intersection of 4th and 16th Streets to “discourage the use of this street except for local access.” Good luck with that!

The intersection would require minimally two and maybe three PCOs to safely facilitate all modes of traffic and respond to inquiries made by individuals on congested days. People will stop and ask PCOs questions. When they do stop or at least slow down, traffic disruption occurs. This is predictable and inevitable to some degree. (*James Zboralske, email, July 27, 2015 [I-Zboralske-19]*)

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### **Response TR-3b: Transportation Improvements, PCOs**

The number of PCOs who would be stationed at intersections in the project vicinity during overlapping events would vary depending on the event size at the proposed event center for basketball games and large concert events with more than 12,500 attendees. As indicated on SEIR p. 5.2-58, the TMP includes up to 17 PCOs stationed at adjacent intersections in the project vicinity (see SEIR p. 5.2-58). Note that subsequent to the publication of the Draft SEIR, a Local/Hospital Access Plan was developed for the pre-event period on weekdays for events with more than 12,500 attendees, and on those days three additional PCOs would be stationed at the

intersections of Fourth/16th, Owens/Mission Bay Traffic Circle, and Fourth/Nelson Rising during the pre-event period, and would be stationed as determined most effective during the post-event period.

- **Without a SF Giants Game at AT&T Park** – For project events with more than 12,500 attendees that do not overlap with a SF Giants evening game at AT&T Park, 17 PCOs would be stationed in the project vicinity, as indicated on SEIR p. 5.2-58. In addition, as part of Mitigation Measure M-TR-2a: Additional PCOs during Events (as described on SEIR p. 5.2-128) four additional PCOs would be deployed, for a total of 21 PCOs during large events. As noted above, the Local/Hospital Access Plan would add three additional PCOs during weekday events with more than 12,500 attendees. Thus, up to 24 PCOs would be provided during weekday events and 21 PCOs would be provided during weekend events.
- **With a SF Giants Game at AT&T Park** – For project events with more than 12,500 attendees that overlap with a SF Giants evening game at AT&T Park, 17 PCOs would be stationed in the project vicinity, as stated on SEIR p. 5.2-58. In addition, six additional PCOs identified in Mitigation Measure M-TR-2a: Additional PCOs during Events (four PCOs) and Mitigation Measure M-TR-11a: Additional PCOs during Overlapping Events (two PCOs) would be provided for pre-event and post-event conditions. As noted above, the Local/Hospital Access Plan would add three PCOs during weekday events with more than 12,500 attendees. Thus, on days with overlapping evening events, up to 26 PCOs would be associated with the proposed project TMP and mitigation measures during overlapping weekday events and 23 PCOs would be provided during overlapping weekend events. These PCOs would be in addition to the 22 to 24 PCOs that are typically assigned by the SFMTA on a game day at AT&T Park.

Table 5.2-10 presents the intersection LOS for existing conditions with a SF Giants evening game at AT&T Park, and identifies the intersections where PCOs are currently stationed during SF Giants evening games. SEIR p. 5.2-58 identifies that for large events, up to 17 PCOs would be stationed in the project vicinity, and identifies likely intersections.

Although the preliminary list of intersections at which PCOs would be stationed was identified in the TMP in consultation with SFMTA staff based on experience during events at AT&T Park, as noted in the SEIR, the exact location during each event would be determined by the PCO Supervisor, and would be responsive to actual traffic conditions. At some intersections, more than one PCO may be warranted for a brief period, or for just pre-event or post-event periods (and not both pre-event and post-event).

The comments regarding observations of PCO activity before and after an event at AT&T Park are noted. As indicated on SEIR p. 5.2-58, PCOs would be responsible for managing vehicular, transit, bicycle, and pedestrian flows. In particular, the PCO would be responsible for ensuring that vehicles do not block intersections or crosswalks, conditions that result in gridlock and cause delay to vehicles and transit, as well as unsafe conditions for pedestrians and bicyclists. Types of activities that are typically conducted by PCOs during special events include such things, among others, as keeping intersection and sidewalks clear of stopped vehicles, discouraging double parking, enforcing taxi zones, stopping traffic to allow pedestrians to cross the street, stopping



pedestrians to allow transit and vehicles to cross the street, and directing transit riders to queuing areas. In July through September 2014, SFMTA conducted the *South of Market Intersection Gridlock Enforcement Pilot Study*<sup>14</sup>, which determined that the incidence of vehicles blocking intersections and crosswalks is lower when PCOs are present compared to when no traffic enforcement activity is happening. The study found that hand signals were more effective at reducing instances of crosswalk and intersection blocking than issuing citations. Overall, the data from the pilot study show a reduction by more than 50 percent in intersection and crosswalk blocking during traffic enforcement by SFMTA.

PCOs are not anticipated to be stationed within the residential areas south of Mariposa Street, as it is not anticipated that project-generated vehicle trips would travel on these residential streets for access to or from I-280. However, during major events, at least one roving PCO would be available to monitor general parking issues and respond to complaints called in throughout adjacent neighborhoods<sup>15</sup>. The proposed event center would accommodate substantially fewer attendees than AT&T Park (i.e., proposed maximum of 18,500 attendees at the event center, compared to a maximum of 42,000 attendees at AT&T Park), the number of vehicle trips traveling to and from the I-280 ramps would be accommodated at the Mariposa Street ramps (see intersection LOS on Tables 5.2-34 to 5.2-36, and Figures 2.5-15 to 5.2-17 on SEIR pp. 5.2-118 – 5.2-123). As discussed in Impact TR-11, events overlapping with a SF Giants evening game at AT&T Park would result in increased congestion at the intersection of Mariposa/I-280 during the evening peak hour (i.e., pre-event condition). The projected increase in congestion and LOS E conditions at this intersection, however, do not reflect the fact that, as part of the proposed project, a PCO would be stationed at this location to facilitate the northbound right-turn movement from the I-280 northbound off-ramp onto Mariposa Street eastbound.

To the extent that traffic congestion associated with overlapping events results in substantial diversions onto the residential streets south of 18th Street, the PCO Supervisor would reassign PCOs to direct vehicles to the primary routes and not divert through the residential neighborhoods. This would be conducted through the proposed TMP, and additional PCOs are not anticipated to be required.

### **Issues Raised by Commenters: Transportation Impact Fees (TR-3c)**

This response addresses all or part of the following comments, which are quoted below:

A-Caltrans-10

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#### ***Transportation Impact Fees***

Please identify any transportation impact fees to be used for project mitigation. Consider including information from the City's local and any relevant regional impact fee program and identify if those programs include improvements to alternative modes. Caltrans encourages the City to ensure sufficient

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<sup>14</sup> SFMTA, *South of Market Intersection Gridlock Enforcement Pilot Study*, Final Report, December 2014.

<sup>15</sup> Final TMP, 6.4.3 Pre-Event Controls, p. 81

allocation of contributions toward regional transit improvements in order to better mitigate and plan for the impact of future cumulative growth on the regional transportation system. We support projects and measures to reduce vehicle miles traveled and to increase sustainable mode shares. (*Department of Transportation, Patricia Maurice, letter, July 20, 2015 [A-CALTRANS-10]*)

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### Response TR-3c: Transportation Impact Fees

The proposed project would be subject to San Francisco's Transit Impact Development Fee (TIDF). The TIDF attempts to recover the cost of carrying additional riders generated by new development by obtaining fees on a square footage basis. TIDF funds may be used to increase revenue service hours reasonably necessary to mitigate the impacts on non-residential development on public transit. Although the City and County of San Francisco does not have a regional development impact fee, San Francisco does fund a large number of transportation improvements to both City-owned and state-operated transportation facilities. Funding for these improvements comes from a variety of sources including state and federal grants, tolls collected from Bay Area bridges, and a countywide ½ cent sales tax dedicated toward funding transportation improvements authorized under Proposition K. Please see Section 13.2, Response GEN-1a: City Funding regarding funding of improvements included as part of the proposed project and mitigation measures.

### 13.11.5 Traffic Impacts (TR-4)

This response addresses all or part of the following comments, which are quoted below:

A-CHP-1	A-CHP-4	O-MM-8	O-PBNA-2
O-PBNA-8	I-Alberts-2	I-Anon-1	I-Anon-3
I-Barton-2	I-Beals-1	I-Bilodeau-2	I-Bookstein-2
I-Bunn-1	I-Cehand-4	I-Cehand-6	I-Collins-1
I-Cornwell1-1	I-Cunningham-2	I-Cunningham-4	I-Cunningham-6
I-Dalere-1	I-D'Harlingue-1	I-Dhillon-1	I-Dickey-2
I-Dieste-1	I-Dorrance-1	I-Fischer-1	I-Grabe-1
I-Hansen-1	I-Hansen-3	I-Harvey-2	I-Heath-3
I-Hill_D-2	I-Hong-9	I-Hong-19	I-Hrones1-2
I-Hurlstone-1	I-Hutson-1	I-Hyde-2	I-Hyde-4
I-Jensen-2	I-Kajiko-2	I-Kornberg-1	I-Lange-1
I-Laverdiere-1	I-Leavitt-1	I-Ly-1	I-Osborn-1
I-Osborn-3	I-Osborn-4	I-Pollak-1	I-Ramsdell-2
I-Rowitch-1	I-Rynne-1	I-Simpson1-1	I-Simpson2-1
I-Smith-3	I-Springer-4	I-Sterling-2	I-Stryker-3
I-Tsai-1	I-Vyas-1	I-Wheeler1-1	I-Wheeler2-3
I-Williams-1	I-Williams-3	I-Woods-2	I-Zboralske-18
I-Zboralske-21	I-Zboralske-23	PH-Battat-1	PH-Cornwell2-2
PH-deCastro2-1	PH-deCastro2-2	PH-deCastro2-3	PH-Fernandez-1
PH-Hrones2-1	PH-Lazarus-1	PH-Ortiz-2	PH-Rosales-1
PH-Scott-3	PH-Sesich-2		

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Thank you for the opportunity to review the "Notice of Completion" environmental document from the State Clearinghouse regarding the Golden State Warriors multi-purpose event center project, State Clearinghouse #2014112045. The California Highway Patrol is the primary agency that provides traffic law enforcement, safety and traffic management on Interstate 80, Interstate 280 and US I 01 within the city limits of San Francisco, California. The San Francisco Area is responsible for these functions and will be affected by the implications of this project. To that end, we offer the following comment:

Our concerns relate to the final design of the proposed 18,064 seat multi-purpose event center with regard to the potential increase in traffic congestion, changes in traffic congestion patterns and the additional enforcement demands on freeways and transition ramps at and near the proposed event center. (*Department of California Highway Patrol, C. Sherry, letter, August 3, 2015 [A-CHP-1]*)

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Our recommendation would be to further analyze traffic patterns and schedule events appropriately with other event centers and/or city organizers in order to reduce traffic congestion to the greatest extent possible. (*Department of California Highway Patrol, C. Sherry, letter, August 3, 2015 [A-CHP-4]*)

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### **1. Traffic Impacts Are Neither Adequately Analyzed Nor Mitigated.**

Even though it drastically underestimates the vehicle traffic generated by the Project, the DSEIR concludes that the Project will have significant "project-specific" impacts at seven study intersections, including King/Fourth; Fifth/Harrison; I-80 westbound off-ramp; Fifth/Bryant/I-80 eastbound on-ramp; Third/Channel; Seventh/Mission Bay Drive; and seventh/Mississippi/16th. (DSEIR 5.2-128.) The DSEIR then claims that it will not provide proposed mitigation measures for the Project's gridlock-creating mess throughout downtown San Francisco and on major freeways in violation of CEQA's fundamental mandate, claiming that any mitigation of the Project's impacts would have to increase lane capacity, which the DSEIR claims would "generally be infeasible," providing no substantial evidence to support the conclusion of infeasibility. (DSEIR 5.2-128.)

The Project description in the DSEIR fails to include an accurate description of The Project area, since the Project's impacts extend far beyond the Project site and will affect citywide and regional streets, freeways, and transit lines.

There appears to be no accurate traffic count data supporting the baseline (existing) conditions from which the impacts analysis proceeds. Further, even if only seven of the analyzed intersections streets were impacted by the Project, the backup from those intersections would affect many entire streets and other intersections that the DSEIR claims would not be degraded. An EIR that fails to inform the public and decisionmakers of the Project's impacts is legally defective.

The DSEIR proposes admittedly ineffective "mitigation," such as on-site "PCO's that shall be deployed," without saying where and when they would be "deployed," who would pay for them (the public), and how they would affect the intersections where impacts are identified. (DSEIR 5.2-128.) Instead of proposing effective mitigation measures for the identified impacts, the DSEIR then claims that "strategies to reduce traffic congestion"

"could" include more ineffective "outreach" to urge people not to drive, urging the project sponsor to buy up more parking spaces, and other vague "strategies." (DSEIR 5.2-129.) The DSEIR then proposes a "Strategy to Enhance Non-auto Modes," which also would not mitigate the Project's impacts on traffic, including traffic that is not attending a basketball game or a "special event," which is not even considered in the DSEIR. (DSEIR 5.2-129.) The "Non-auto Mode" strategy includes, e.g., a "promotional incentive...for public transit use and/or bicycle valet use at the event center." (Id.) The "Non-auto Mode" strategy, however, again fails to address the traffic impacts of the Project, and does nothing to mitigate them.

Regardless of whether the City provides additional Muni "Special Event Transit Service," a central assumption of the DSEIR, the document admits that traffic impacts will affect the entire Project area, freeway ingress/egress, and Bay Bridge travel. (DSEIR 5.2-118 - 129, 5.2-191-207.)

The DSEIR's analysis and the proposed "mitigation" fall far short of the requirements of CEQA to identify significant impacts and mitigate them. (*Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-8]*)

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However, upon reading the Supplemental Environmental Impact Report (the "SEIR") for the Golden State Warriors Event Center and Mixed Use Development (the "Arena"), we have some significant concerns. We are distressed by the volume of identified impacts on traffic transit and parking identified as "significant and unavoidable." A failure to avoid significant impacts will directly reduce the day-to-day quality of life for the residents living and moving into the Potrero neighborhoods. (*Potrero Boosters Neighborhood Association, J.R. Eppler, letter, July 27, 2015 [O-PBNA-2]*)

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#### *Impact TR-5: Traffic*

Traffic is perhaps the Boosters greatest concern; increased traffic drives every other discussion in this letter. The intersection of 7th and 16th Streets is already at an "F" grade for level of service, creating danger to bicycles and pedestrians at all hours of the day. New drivers, not familiar with the area, will only compound the difficulties of an intersection where four modes (Caltrain's tracks run adjacent to 7th Street) of traffic come together. Prior to the Arena's opening, this intersection should be reworked under the City's Vision Zero plan. (*Potrero Boosters Neighborhood Association, J.R. Eppler, letter, July 27, 2015 [O-PBNA-8]*)

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Much attention has been properly focused on how traffic gridlock caused by the new stadium would affect access to the three new UCSF hospitals that are immediately adjacent to the site, one of which houses one of only two Children's Emergency rooms in San Francisco. It is unavoidable that terrible, and possibly even life-threatening, traffic congestion will be associated with the planned complex, given that it is intended to be the site of some 220 events per year, held both in the evening and during the day (New York Times, September 6, 2015; business section, pages 1, 4 and 5). Many of us have experienced the hours-long gridlock that paralyzes all Mission Bay streets before and after San Francisco Giants home games. The absolute paralysis that it creates is already a non-trivial problem, which the planned stadium promises to both greatly expand and intensify.

The presence of the 41,000-seat AT&T Park less than a mile (a 15-minute walk) from UCSF Mission Bay has not been sufficiently factored into the plans to build the Warriors' huge new sports/entertainment complex. The ballpark already significantly impacts life and work at Mission Bay, with nearly 50 San Francisco Giants home weekday games per season. Due to these events, it can take cars and UCSF shuttle buses over an hour to exit from the UCSF parking lot onto the streets, and a 20-minute trip may require two hours.

The widespread traffic impact of AT&T Park games is noted on the website for the San Francisco Municipal Transportation Agency (SFMTA):

"Motorists are advised to avoid the increased congestion in downtown San Francisco related to these special events and advises commuters to use transit, taxis, bicycles or walk and to avoid using the Bay Bridge in the two hours before or after these games. ... As a reminder to fans, in order to reduce congestion on city streets after all events at AT&T Park, the SFMTA will close eastbound King Street between 3rd and 2nd streets from the seventh inning until after the post-game traffic has died down. Additionally, the northbound portion of the 4th Street (Peter R. Maloney) Bridge will be closed to all traffic except streetcars, buses, taxis and bicycles during the post-game period.  
(<https://www.sfmta.com/news/press-releases/sfmta-weekend-transit-and-traffic-advisory>)

Adding an 18,500-seat Warriors complex on top of what is already a transportation mess is asking for disaster. We are highly skeptical of any plan that proposes to segment traffic by restricting 4th street and other routes for "UCSF business only," since those of us at Mission Bay have experienced the unruly behavior of frustrated drivers stuck for long times in traffic jams. In fact, there is no believable transportation solution for two very large complexes placed in such close proximity at Mission Bay.

Imagine dropping a 41,000-seat stadium anywhere within a 1-mile radius of San Francisco City Hall, and then tripling the capacity of Bill Graham Civic Auditorium. It would make no sense, for the same reason that it makes no sense to squeeze the planned Warriors facility into the Mission Bay neighborhood. The resulting perfect storm of traffic would make it miserable for both the existing neighborhood and for sports fans – in addition to threatening the entire future of UCSF as the center of a world-class academic/biotech/medical complex. (*Bruce Alberts, et. al, letter and email, September 22, 2015 [I-Alberts-2]*)

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I own a unit in the Madrone and have lived here since December, 2012. I'm rather concerned about the traffic implications of the new Warriors stadium. Frankly, it feels like SF doesn't understand traffic flow and density in Mission Bay in general, and I'm concerned that the Warrior's impact is totally unknown/inaccurately-planned. For example:

- \* I frequently seeing fire trucks driving the wrong way on 3rd St so that they can get to China Basin St.
- \* Around game times, the traffic on 3rd st backs up so much it's faster to walk downtown and catch a cab than try to drive somewhere.
- \* The light timing, especially around Berry St and 3rd/4th, makes it very hard to get out of Mission Bay during games. I've had it take me 50 minutes to go from the Madrone to 4th & King because of the light timing.

Right now, during a Giants game, the only way to get out of Mission Bay is to head towards 3rd & 16th, and if the Warriors are there, with 200 events/year at least, we'll basically be trapped. Yes, I know if Salesforce had been there we would've had additional traffic, but I suspect the number of employees would be significant less than the people at a game, and tech busses + people biking to work take even more cars off the road. (*Josh Anon, email, July 13, 2015 [I-Anon-1]*)

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I've also heard the mayor wants to add additional public transit into the area, reducing road space, but I'm sure many people will still drive, and this will just make the roads more congested. (*Josh Anon, email, July 13, 2015 [I-Anon-3]*)

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-The traffic will be horrible

The traffic is already horrible because of the Giants game. The addition of additional cars are not going to make traffic worse it will just be traffic more frequently something that will happen no matter what is built there. The detractors make it seem like the traffic will be analogous to a flood where cars are going to pile on top of each other and block every nook and cranny preventing any kind of human movement (*Jason Barton, email, July 27, 2015 [I-Barton-2]*)

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As someone who has lived on Potrero Hill for over 25 years, I must comment on the proposed Warriors project. Traffic getting in and out of our neighborhood has already increased and slowed to a crawl during rush hour, and is even worse before and after Giant's games. Third to Cesar Chavez is impossible, and the other directions to 80 on 3rd and 5th are a half hour crawl to get on the freeway. All despite the promise of better public transportation that were made before the Giants moved into town. (*Sharon Beals, email, July 27, 2015 [I-Beals-1]*)

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The area is already congested with traffic and this structure would only add more congestion. (*Lynda Bilodeau, email, July 26, 2015 [I-Bilodeau-2]*)

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We really do not need a new stadium, especially in an area that impacts the whole bay area. (*Norman Bookstein, email, July 13, 2015 [I-Bookstein-2]*)

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I'm writing to oppose the construction of the Warriors new stadium at the currently proposed site in Mission Bay. I'm a neighbor in the area, already affected by the great increase in traffic on game days from the Giants Stadium. We often have complete gridlock NOW on home game days. An additional arena for a very popular team (!) would make the area impassable on Warriors game days. I have read the traffic solution currently being considered by the City and the Warriors, and find it laughable. (*Jessie Bunn, email, July 6, 2015 [I-Bunn-1]*)

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- People driving the wrong way down \*one-way\* Mission Bay Blvd. North and South

(*Jadine Cehand, email, June 30, 2015 [I-Cehand-4]*)

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- Mission Bay shuttles stuck in traffic, mainly due to the next:
  - No traffic officers at Mission Bay Blvd N. and S.; cars blocking the intersection in bumper to bumper traffic. Cross traffic not getting through.
  - Local traffic diverted off China Basin St. down Mission Bay Blvd. North to accommodate SFPD Southern Station during games.
  - People double parked/idling in the "mews" on Bridgeview (our garage entrance).
  - Cars idling across our driveway entrance- blocking access to our homes.

(*Jadine Cehand, email, June 30, 2015 [I-Cehand-6]*)

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keep the warriors arena out! We have enough congestion in our neighborhood as is....Wishing that the residents of mission bay have a voice in this! (*Erin Collins, email, July 17, 2015 [I-Collins-1]*)

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1) The additional auto trips generated by this project will have far-reaching impacts across the entire SOMA district, including on the Embarcadero, and the on-ramps to the eastbound lanes of the Bay Bridge from Bryant, Harrison and First Streets. These are already heavily congested freeway access points.

2) Indeed, it will have a regional impacts on highways, including the Bay Bridge/580/880 maze and 101/92 interchanges, much as Giant's games currently do. On dates with overlapping events at AT&T and the proposed project, traffic will likely be negatively impacted for 8+ hours, including the main auto egress points out of the Financial District.

(*John Cornwell, email, July 27, 2015 [I-Cornwell1-1]*)

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I believe that the proposed stadium will unequivocally add unbearable congestion and stress to the current neighborhood environment, besides creating an impossible situation for the local services including Fire Stations, and healthcare providers such as USCF and Kaiser Permanente.

My co-workers, many of whom are also homeowners in the Soma/Mission Bay have already been impacted by the traffic caused just by the SF GIANTS' home games! Many of us have had to adjust our work hours to

avoid the traffic gridlock. This congestion has also impacted the health and welfare of our outside environment and has impeded our enjoyment of daily walks and outside lunching— which we deem necessary to keep up our health and sanity. (*Micki Cunningham, email, July 23, 2015 [l-Cunningham-2]*)

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This stadium project absolutely promises additional traffic logjams and parking nightmares. (*Micki Cunningham, email, July 23, 2015 [l-Cunningham-4]*)

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I DO NOT HAVE ANY FAITH, that the City Officials will be able to provide any traffic control that will alleviate the hellish congestion created by this proposed project. (*Micki Cunningham, email, July 23, 2015 [l-Cunningham-6]*)

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I wish to comment on the Warriors/Mission Bay project. I was recently informed that Kaiser Permanente medical offices will be moving in the Mission Bay Area early 2016. My doctor and my elderly mother's doctor will be located there. My concern is the traffic especially during game days/special events. Yes, I can plan in advance my appointments but in case of an emergency or urgent care appointment I do not want to be stuck in traffic. I am not a basketball fan and I would not know when game days /special events are. I prefer to drive my mother to her appointments and I would not consider taking an 80 year old woman in a wheelchair on MUNI. I was born and raised in San Francisco and I respect the development of The City. So I hope the necessary steps will be considered to make automobile traffic flow better in the areas of the UC hospital and Kaiser Permanente Medical offices in the Mission Bay Area most of the time and especially during game days and special events. (*Marian Dalere, email, July 27, 2015 [l-Dalere-1]*)

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I am writing to express my concern about the proposed new stadium for the Golden State Warriors in the Mission Bay area. I feel that this new complex will have a huge negative impact upon the UCSF Mission Bay medical center and upon the patients which it serves. The traffic congestion created by this new sports complex will make it very difficult for patients and their families to reach the medical center, which could delay urgent or emergency medical care. It is far more important to be able to provide care for the children and families of San Francisco and the larger Bay Area, than to meet the needs of the Golden State Warriors. (*Art D'Harlingue, email, June 22, 2015 [l-D'Harlingue-1]*)

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I am concerned about the dangerous impact of having the warriors stadium/concert hall across the street from the ucsf childrens hospital. I feel like this part of the city already has issues during the baseball games at ATT park, sometimes hidering [sic] staff from getting where they are vitally needed in a timely manner. I also think its a burden stressed parents should not have to deal with. These streets cant handle much more congestion. I hope these concerns are looked at before anything is built because I think it will have a very negative impact on our facility. (*Ragina Dhillon, email, June 24, 2015 [l-Dhillon-1]*)

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It would cause too much traffic for the area; is too remote and difficult to access; (*Helen Dickey, email, July 13, 2015 [l-Dickey-2]*)

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I am an employee at UCSF and mother to a small child. I am writing today to share my very serious concerns for the Warriors stadium planned for the Mission Bay area of San Francisco. I commute every

day to work along both the Bart and Muni lines (either T or 55). I have literally lost sleep about the commute home on days where the Giants are playing as it makes the commute home absolutely terrible and I am often late to pick my child up from daycare. Commuter trains are packed, late, or they get stuck after on a few stops due to the huge foot and car traffic that results on game days. Busses that were added that can sometimes avoid the Giant's stadium (55, Mission Bay Shuttle, UCSF Shuttles) are no better as cars in the area are desperate to find ways around the traffic and they clog up every side street and major through way for blocks around. (*Desiree Dieste, email, July 27, 2015 [I-Dieste-1]*)

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Kindly refrain from pursuing a plan to build an enormous arena and event center in such close proximity to UCSF Mission Bay. My daughter is a patient at UCSF Mission Bay and I can see that traffic congestion would likely impede patient access to critical care medical services. (*Jeanie Dorrance, email, July 13, 2015 [I-Dorrance-1]*)

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Keep the Warriors in Oakland. This is an incredibly ill conceived plan and will result in traffic beyond belief! You propose a few traffic cops to help with the congestion and a few hundred parking spaces?

Surely you must be insane! Have you been in that neighborhood now with the gridlock? No point in directing traffic in complete gridlock. (*Alaina Fischer, email, June 10, 2015 [I-Fischer-1]*)

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I am writing to express my personal concerns over the planned stadium at Mission Bay. I am a professor and faculty member at the University of California, San Francisco, and my research lab and office are located on the Mission Bay Campus. The traffic in this region of the city is terrible on many days, especially those that have an event at the baseball stadium. A few months ago it took me 2 hours and 40 minutes to drive a car from Mission Bay across the Bay Bridge. This is completely unacceptable, and it highlights that the growth in this region of the city is outpacing the infrastructure for transport into and out of the region. As you know, this traffic problem is only going to get worse if this new proposed stadium is built in Mission Bay. Therefore, I oppose this new stadium, and I believe that the city should oppose this new construction also. (*Michael Grabe, email, July 27, 2015 [I-Grabe-1]*)

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3rd street is a parking lot when Giants' games get out. When the two seasons overlap, it will be catastrophic to the locals and those trying to reach the Bay Bridge. (*Cassidy Hansen, email, July 27, 2015 [I-Hansen-1]*)

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Unless a way could be devised to inhibit/divert the majority of extra cars coming into the city with some sort of shuttle service (we know Muni cannot handle it), Mission Bay is going to suffer. Let's also remember there is a hospital with emergency capabilities there. It would be devastating to generate a bunch of gridlock right around a major hospital. (*Cassidy Hansen, email, July 27, 2015 [I-Hansen-3]*)

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The proposed arena would be a major contributor to an already overly congested area. (*Constance Harvey, email, July 23, 2015 [I-Harvey-2]*)

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Additionally, the project will further hinder access to other parts of the City and the Bay Bridge to Mission Bay. Even with the improvements promised by the City, Mission Bay cannot handle up to 18,500 fans at 225 events per year, especially when both stadiums have games. Parking will also be a nightmare, with less than



200 dedicated parking spaces for the 18,500-seat entertainment center. While restricting the number of parking spaces may be considered a means of traffic management under the City's regulations, the practical effect will be yet more gridlock ... (Alison Heath, email with letter attachment, date [I-Heath-3])

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Meantime, our quality of living has suffered and it is now impossible to even go to the grocery store without encountering traffic jams. When there is a game at AT&T, traffic is a nightmare and getting worse every day. We were told that measures would be taken to alleviate traffic problems when that stadium was proposed – that has not happened. At the beginning, there were traffic cops to assist with the traffic flow but they disappeared pretty quickly. **My street has become a thoroughfare before and after the games and I take my life in my hands trying to back out with cars racing up and down the hill.** On Sunday, the cars used my street to bypass the runners during the San Francisco Marathon—one after the other coming up the hill from 3rd Street to get onto the 280 south freeway. They are not polite and slide through the stop signs! (Dorothy Hill, email, July 27, 2015 [I-Hill\_D-2])

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- d. Restrict traffic along some of the main streets during the events for a smother flow of traffic.
  - e. During game/event time, work with Caltrans and the city to use a electronic freeway/street type of sign to help direct the traffic before they get in to the Mission Bay area, these events. They are doing this now when freeway sections and the bridge/s close and it works fine.

(Dennis Hong, email, July 27, 2015 [I-Hong-9])

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With all that said; a little more work needs to be done with communicating and working on the traffic issues, especially how this will or will not impact the Hospitals operations. (Dennis Hong, email, July 27, 2015 [I-Hong-19])

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“First, the traffic congestion impact feared by many at the Barclays Center site for the most part did not materialize. As a transportation professional involved in the project from the government agency side, the biggest story for me was that the fear of congestion generated by the arena so greatly exceeded the actual impact that when the facility opened traffic congestion was more or less a non-story. This was due to a number of factors, but the two most important were that transit utilization did meet the project goals, and that vehicle arrivals to the arena were more spread out than projected, as many people who drove came early to the area to go to nearby restaurants, bars, etc. Given this, I am happy to see that this EIR does focus on transit investments. Also, developing retail at the site as proposed will encourage some people to arrive early and eat or drink before an event. This should among, other potential benefits, disperse traffic impacts” (Christopher Hrones, email, June 30, 2015 [I-Hrones1-2])

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Aren't things bad enough already? How can you consciously decide to add yet one more traffic creating, system clogging stadium to an area already mired by traffic jams. It should not take us 1.5 hours to get to the east bay during game time, or an hour and a half to get to the embarcadero from the Bayview if there is a game at any point that day, but it does and we endure. Now you're going to add to the infrastructural nightmare? And for what? We already know that the residents of the Bayview neighborhood factor the least in all city planning decisions, but to essentially ensure gridlock along the only pathway from it to the main segment of the city, and along the least efficient public transit line to boot (the T?) When do the concerns of the constituents finally stack up against the dollar signs? Where is the city planner who has chosen to do this to our city? Have they been to the neighborhood during game time? Have they commuted to and from the Bayview during a 6:00 Giants let-out? Only 2 months ago it took me two and a

half hours to make it from the Bayview to the Exploratorium for a presentation, attempted arrival time 5pm. The game had let out at 3! If this city does not have the wherewithal to make it stop and improve our already laughable traffic conditions, can we not at least stop actively making it worse? Please, don't shut down transit for all. Find another location! (*Brynn Hurlstone, email, July 23, 2015 [I-Hurlstone-1]*)

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I have serious concerns regarding the environmental impacts of the proposed Warriors Arena, which are not fully disclosed or fully analyzed in the Draft EIR.

have lived on Potrero Hill for a long time, and while it is perhaps a better place to live now than it was 50 years ago, recent development has drastically increased traffic and threatens to make parking impossible for residents. Building the Warriors Arena in this neighborhood will only exacerbate these problems. We already have serious gridlock at certain times of the day at the bottom of Mississippi Street where 7<sup>th</sup> and 16<sup>th</sup> Street come together. Soon we will become prisoners in our own neighborhood. (*Richard Hutson, email, June 29, 2015 [I-Hutson-1]*)

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SF does not need more congestion and traffic problems; Parking lots and a new bus line will not solve the problem (*Kathryn Hyde, email, July 15, 2015 [I-Hyde-2]*)

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The traffic has changed dramatically for the worse at Mission Bay (*Kathryn Hyde, email, July 15, 2015 [I-Hyde-4]*)

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... the access to which could easily become compromised when traffic backs up. (*Lauris Jensen, email, July 13, 2015 [I-Jensen-2]*)

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I am concerned about the impact on traffic and access for our patients. I also live in the area and feel that one sports complex in a crowded urban area is enough. (*Jennie Kajiko, email, July 25, 2015 [I-Kajiko-2]*)

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#### Unmanageable Traffic Flow

Based on the dEIR, I have significant concerns about how the traffic will be monitored, handled, and directed around the proposed stadium. The idea that busses will transport people from more distant parking structures ignores the immediate problem of the complete gridlock in the area that blocks all movement in and around Mission Bay for 2-3 hours after Giants games. In looking at another recent stadium example that was also executed poorly, the busses that transport people to the train station from the 49ers Levi's stadium are overcrowded, infrequent and delayed by gridlock, making the trip between Santa Clara and San Francisco a four-hour journey after events. I fear that the proposed Warriors stadium will devolve into a similar unmanageable outcome.

I believe that two dedicated traffic lanes will be insufficient to handle the surge of traffic to this small, landlocked site. I recall all too well that the traffic lanes at Candlestick Park that were specifically directed and reconfigured to handle pre- and post-game traffic did not solve the problem of gridlock and congestion. And Candlestick had direct access to the freeway with no traffic contributing other than game traffic. In contrast, traffic along 3rd Street is already a problem. There is a major traffic flow every afternoon through the area along 3rd Street toward the Giants stadium that contributes significantly to the gridlock that follows every afternoon Giants games. Traffic congestion in the Mission Bay area is certain to continue to worsen as other already approved construction projects are completed and is likely

to be devastating to our environment if the Warriors project is approved. I am aware of businesses that have already moved from the area to escape the existing traffic problems, and it is certainly not wise public policy to contribute further to them.

The dEIR appears to assume that scheduling events in the evening will avoid traffic issues, but this seems unlikely if projections of traffic flow have not considered the contributions of all the approved projects that bring new residents and new businesses to the area, or the many occasions when there are coincident events at both the Giants and Warriors stadiums. Does the planning anticipate that attendees will arrive earlier and earlier as traffic and parking problems increase, so that the traffic to night games will inevitably encounter afternoon rush hour traffic? Does the planning address whether TV networks will be able to require earlier than normal Warriors game times? Will there be a stipulation that no event can be scheduled earlier than a certain night hour?

Other major cities with stadiums and sports arenas in urban centers have infrastructure to handle traffic. Madison Square Garden in New York City is serviced almost entirely by public transport. Cincinnati, which has adjacent football and baseball stadiums in its downtown, has adjacent ample parking lots with direct freeway access. By contrast, Mission Bay has no infrastructure to support the increased traffic. The claim recently made on the Michael Krasny forum that the number of attendees to Warriors games is 20% of Giants games does not compute—18,500 is closer to 50% of 42,000. The notion that Warriors' games would only overlap with Giants games on rare occasions ignores the larger number of other events the facility will host – and the combination of other events happening in the City in large spaces such as the Moscone Center that draw traffic through this area. It is not just the Giants games that impact the area and must be considered.

It must be understood as a given that traffic and parking issues will reduce access for emergency and urgent care for patients seeking health care services and will add to the existing commute challenges for the nurses, doctors and medical staff who work at the Mission Bay medical campus. The dEIR ignores the health and safety impacts of interfering with access to essential medical facilities.

Additionally, the project will further hinder access to other parts of the City and the Bay Bridge to Mission Bay. Even with the improvements promised by the City, Mission Bay cannot handle a surge of up to 18,500 fans, especially when both stadiums have games. Parking will be a nightmare, with less than 200 dedicated parking spaces for the 18,500-seat entertainment center. While restricting the number of parking spaces may be considered a means of traffic management under the City's regulations, the practical effect will be yet more gridlock and unhealthy air emissions.

I am disappointed by the City's failure to realistically consider the inevitable traffic problems and the compatibility of the project with the homes, businesses and hospitals already located in the area. There is already a major problem with traffic that the City has not addressed and the modest improvements to public transport and efficiency of existing traffic lanes that have been proposed solution seem to be woefully insufficient. Certainly, the claim that there is already ample infrastructure and public transport to handle traffic is false, and the problem will only be exacerbated by the growth that is already approved. *(Thomas Kornberg, email, July 17, 2015 [l-Kornberg-1])*

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The stadium would impact the already overloaded traffic/parking ... in the city. Regardless of proposed income incentives from this project, I feel we have too many outsiders coming into the city and they only add to the traffic/parking ... *(Donna Lange, email, July 23, 2015 [l-Lange-1])*

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I fully agree with John deCastro's position on the Warriors project (I've pasted a copy of his letter below). I am already concerned with the level of traffic and congestion in our neighborhood and on the highway exits that bring us home. The city has not presented solutions to our current problems, and so I have no confidence in any action in the future. Also, these traffic and parking troubles won't only affect the residents here, they will affect the potential ticketholders and event-goers. If the arena develops a reputation of being difficult to get to and relentlessly hard and expensive to park at the attendance

numbers will be affected. I currently oppose the new arena because of the lack of planning for transit. (Amy Laverdiere, email, July 27, 2015 [I-Laverdiere-1])

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The infrastructure is not in place to accomodate [sic] the immense increase in traffic to the area, if a new stadium is built in the proposed location. I am concerned that staff, patients and families will have an undue amount of stress and increased travel time to and from the hospital on game days (already experienced on Giant's home game days). It took more than an hour to go 2 miles on the last Giant's home game day, and I would expect this issue to occur routinely if the proposed stadium is built. (Rachel Leavitt, email, June 29, 2015 [I-Leavitt-1])

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Having the Stadium built across from the medical center will surely impact the quality of life for all the employees in how they get to and from work. I commute across the Bay Bridge, which isn't bad now (30min average commute), but am very afraid that the numerous game days will extend this. Public transportation is not efficient enough to get me to work in the same amount of time or less. I work 12-hour night shifts from 7pm to 7:30am the next morning and when i get off work, i just want to be home and in bed. (Tina Ly, email, July 2, 2015 [I-Ly-1])

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We who work in Mission Bay already face many days a year in which a normally 35 minute commute home takes 60 minutes or more due to traffic congestion from Giants' games. Even if we like baseball, it makes us glad whenever the Giants are away or baseball season is over. For those away or off season days we actually get a sensible commute time. (Kim Osborn, email, July 27, 2015 [I-Osborn-1])

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If the traffic were more congested after dark, that would probably be fine. During the day time, however, the Giants' stadium congestion is already enough of a challenge. (Kim Osborn, email, July 27, 2015 [I-Osborn-3])

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It really isn't [sic] fair to take a neighborhood already seriously damaged by the congested traffic around AT&T ballpark events to endure a doubling of the traffic with the Warriors' stadium. (Kim Osborn, email, July 27, 2015 [I-Osborn-4])

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1. Traffic to stadium may occasionally during game days impede or interfere with traffic flow to SF Hospital nearby (Robert Pollak, email, July 23, 2015 [I-Pollak-1])

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It is already very difficult to commute in and out of the area, so much so that some co-workers have resigned their positions since we left the Parnassus campus. I will also likely resign if this stadium is built. I work in an Intensive Care Unit, and cannot withstand the additional stress of negotiating gridlock at the end of my workday.

The report that traffic can be managed in the area when the new stadium is built is not realistic, and leads me to suspect financial motives/bias in the 'experts' generating this report.

I also cannot imagine adding to the stress of parents with sick children, who already find it difficult to travel to the new Benioff campus. (Kay Ramsdell, email, June 24 2015 [I-Ramsdell-2])

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As a medical practitioner, I think it is important to ensure that there are adequate provisions for traffic to and from the Mission Bay hospital site in normal and emergency conditions, that parking for hospital employees and patient-families is prioritized and that there is attention to very sensitive environment of a high-acuity hospital, where many patients and their families are under terrific stress. In this regard, behavior of attendees leaving sports or concert events in the neighborhood of the hospital vicinity is an important concern.

I think that clear plans to address these issues are needed to determine suitability of the Warriors Stadium located across the road from a busy hospital. (*David Rowitch, email, July 23, 2015 [l-Rowitch-1]*)

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I work at UCSF Mission Bay and am convinced that the proposed arena development is a huge mistake. I am fortunate to be able to walk to work, but for my colleagues game days at AT&T Park already involve forward planning, changes to schedules, or work from home. Traffic is awful and the already glacial Muni cars are further slowed. (*Gavin Rynne, email, July 27, 2015 [l-Rynne-1]*)

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- The post-game traffic planning involves shutting down 3rd Street to northbound traffic. This is justified to allow pedestrian traffic to get onto Muni.
- Therefore, all northbound traffic will go on TAF northbound.
- The Giants development plan calls for closing TAF north of Mission Rock Street. TAF is currently often closed at the north intersection with 3rd.
- The Police and Fire station limits cross traffic on Mission Rock and China Basin Streets. They limit traffic when there are ball games; it is reasonable to expect that they will do likewise during arena events.
- Thus, **all northbound TAF traffic will need to funnel through Mission Bay Blvd North.**
- Mission Bay Blvd North is a single lane road adjacent to residences and a park. It is the only reasonable ingress/egress point for residents of the Radiance and the Madrone.

My question: Has this untenable situation been discussed, and accepted as the correct approach? Or, has this not yet been fully considered? If the later, I hope to raise awareness and effect a change to this plan. (*Todd Simpson, email, June 18, 2015 [l-Simpson1-1]*)

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All northbound traffic after arena events will end up on a one way one lane residential street (Mission Bay Blvd North) as all other connectors to 3<sup>rd</sup> Street from Terry A. Francois are blocked or closed (due to Giants and/or PSB).

This is unacceptable [sic]. (*Todd Simpson, speaker card, June 30, 2015 [l-Simpson2-1]*)

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I am from NY City, I realize change happens, areas get rejuvenated! There needs to be thorough and realistic approach to any considerations of any further developments. Quite frankly, lives are at stake. The area already has enough congestion and lack of insightfulness around how to alleviate the already cramped roadways in the Mision [sic] Bay area. The impact of such a large stadium in this hospital area would be multifold. I am writing this letter in hopes for more to gain insight into actually what we are doing here everyday at UCSF, this isn't about money, getting stuck in traffic on the way to /from work, this is about providing efficient, reliable, state of the art healthcare. The city of SF needs to reevaluate what its primary goals are and be thoughtful about how major decisions such as an arena could single handedly increase the mortality and morbidity of its citizens. Is this really worth it? (*Christine Smith, email, June 19, 2015 [l-Smith-3]*)

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4. Egress from Mission Bay South to the west occurs via the traffic circle and via 16th/Mariposa corridors. The arena attendees will be encouraged to use the 16th and Mariposa corridors or to exit to the north, but I suggest that they be actively diverted away from Mission Bay Blvd. MB Blvd doesn't show up as a preferred route but it is hard to interpret from the maps whether the traffic will be kept away from it. The residents of Mission Bay South, and those of Mission Bay North via the west end of Berry St, will rely on the traffic circle to be able to get in and out of their homes during pre- and post-event times. If arena traffic is pouring westward through the traffic circle, the residents will be trapped in Mission Bay or prevented from reaching it, especially as the Caltrains come through. The traffic circle should be reserved for non-event traffic. Please note that from my experience on Berry St before the west end was completed through Mission Bay Drive to 7th St, we were trapped on Berry whenever there was pre- or post-AT&T Park traffic, and we had to plan to not leave home or come home during those times via car or transit. If the traffic circle becomes held hostage to event traffic as well, then everyone in Mission Bay will experience unacceptable access limitations to their homes. (*Matt Springer, email, July 16, 2015 [l-Springer-4]*)

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I'm not in favor of:

- More traffic near the UCSF hospital/medical offices
- More traffic in SOMA
- More traffic on the bay bridge
- Parking issues

(*Kaylah Sterling, email, July 13, 2015 [l-Sterling-2]*)

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The idea that there would be more than 225 traffic-generating events per year at the proposed Warriors Arena, which is much closer to our campus and hospital than AT&T Park, is a nightmare that can not be alleviated by having policemen direct traffic. The fact that events at AT&T Park and the proposed Warriors Arena would coincide more than 30 times a year is truly horrible. No one will be able to go to or from work on those days, or get to our hospital, without delays that are completely unreasonable.

Access to the Bay Bridge and to the south, as well as to the hospitals, will also be tremendously compromised by the gridlock that will ensue when fans come to the stadium. Bay Bridge commuters have to go north, and 3<sup>rd</sup> and 4<sup>th</sup> streets will be impassible or perhaps closed to cars in order to allow the Muni to run. The Mariposa freeway entrance and exit can take only very low traffic flows, nothing like the freeway entrances and exits at the present Warriors arena in Oakland. (*Michael Stryker, email, July 26, 2015 [l-Stryker-3]*)

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I am a physician at UCSF Mission Bay (research buildings, not the recently opened hospital) and am concerned about the impact to traffic a new Warriors stadium will bring to the area. I commute daily to Mission Bay by car and have already noted a significant increase in traffic since the hospital opened. On days with Giant's games or other events, traffic is pretty much a stand still.

There are currently only really 4 options into and out of Mission Bay for the vast majority of people coming from the city, or bay bridge. When one consults a map, you can see that you need to take either 16<sup>th</sup> street west, Mariposa West, or you can take 3<sup>rd</sup> or 4<sup>th</sup> street north. The entire Portrero Hill area cannot exit west unless at 16<sup>th</sup>, 17<sup>th</sup> street or all the way south to Cesar Chavez. This creates huge bottle necks at 16th and Mariposa, which are at times only single lanes due to construction or people making left turns.

7<sup>th</sup> street or Owens street to 7<sup>th</sup> street will NOT be a viable option. The intersection of Owens to 7<sup>th</sup> Street is very complicated, spanning 2 lights and a busy Cal Train crossing. People who want to turn onto

7<sup>th</sup> from Owen often cannot because during rush hours, 7th street is a parking lot and the Cal train is frequently passing by.

Let's not even try using 3<sup>rd</sup> and 4<sup>th</sup> street to exit/enter Mission Bay during a Giant's game, let alone a Giant's game and/or other events at the proposed Warriors stadium.

The ability for patients and healthcare givers to access Mission Bay in a timely manner is of paramount importance, and another giant, busy public venue such as the Warrior's stadium will certainly impede that. (*Richard Tsai, email, July 23, 2015 [l-Tsai-1]*)

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Considering the new UCSF hospital and current traffic jams in the Mission Bay Area locating the Warrior Stadium in the area is absurd and should not be allowed by city. Certainly, the owners of the 12 acre parcel have a profit motive with utter disregard for the crowded development around the area. Hope that the civic minded authorities in the city hall will prevent this from happening. (*Girish Vyas, email, July 15, 2015 [l-Vyas-1]*)

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"Please do not allow a stadium to be built next to the hospital. This is a crazy plan. The MTA says it will have solutions for traffic. Does anyone who lives in this city believe the MTA about anything? Just look at the job they are doing now with traffic 'solutions'. I am a native San Franciscan and enough is enough!!!" (*Priscilla Wheeler, email, July 24, 2015 [l-Wheeler1-1]*)

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"The idea that the MTA will come up with traffic solutions is laughable on the face of it. (*Priscilla Wheeler, email, July 24, 2015 [l-Wheeler2-3]*)

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I am a San Francisco native, a UCSF employee of 10 years at the UCSF Mission Bay campus and a Warriors fan. I am concerned about how traffic will be directed during Warriors games if the stadium is built at Mission Bay. We already have severe traffic congestion during SF Giants game time. (*Joanne Williams, email, July 23, 2015 [l-Williams-1]*)

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What will happen when there is a Giants and a Warriors game during rush hour? I can't see how this will work, especially for the UCSF patients. (*Joanne Williams, email, July 23, 2015 [l-Williams-3]*)

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Impact TR-2 and TR-3. While parking in and of itself is not considered a significant environmental impact (based on SB743), the traffic caused by searching for (acknowledged inadequate) parking, or drop-off/pick-ups around the Arena, will create a significant and unavoidable impact, even with mitigation. If this neighborhood is to survive the impact of the arena in addition to the already unacceptable conditions that result from ballpark events, there needs to be effective mitigation of the unavoidable impacts. The SEIR suggests mitigation strategies that "could" be implemented "if feasible", but there are no teeth in the recommendations. Mitigation measures must be specific and enforceable through permits, conditions, agreements or other measures. Mitigations contingent upon further (required) discretionary approvals may not be enforceable, and cannot be deferred. The SEIR mitigation strategies need to be tightened up so that "could" becomes "shall", and the necessary mitigations are stated as conditions of project approval. (*Corrine Woods, email, July 27, 2015 [l-Woods-2]*)

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Geographical constraints make access to the area problematic already. To the east is the Bay. To the north there are only two access routes, namely 3rd and 4th Streets.

To the west, the Mission Bay Boulevard extension to 7th Street has not been completed. Sixteenth Street also runs east/west. It crosses the railroad tracks at 7th Street and dead ends at Illinois. Much of the local traffic uses 16th Street to access retail establishments in Potrero, the Mission and beyond. Access to the new UCSF Medical facilities is accomplished by taking 16th Street. Seventh Street extends south, crossing 16th Street and becomes Mississippi Street. This is taken to access southbound Highway 280 from Mariposa Street.

Mariposa Street also runs east/west. It is a primary entrance and exit point for traffic using Highway 280. The ramp northbound frequently gets backed up for up to one-half mile during normal commute times. The ramp to southbound 280 is heavily used and traffic on Mariposa during normal days can be brutal during the afternoon commute. From the south, 3rd Street and Illinois Street allow access to César Chavez and Pennsylvania to access Highway 280 south.

In reality, there are limited points of ingress and egress to the project area. The streets are either one or two lanes in each direction. Many are controlled by signalized intersections and the freeway entrance and exit ramps are poorly designed to handle significant traffic. These ramps were built decades ago and have not been modernized to reflect current demands.

To make modifications would be costly and is in conflict with the City's transit first policy. The old adage, "you can't have it both ways" comes to mind. The City would resist making improvements and modifications that might actually increase vehicle traffic efficiency and effectiveness because it contradicts established policy.

The City would also have to coordinate with other local and state agencies to accomplish any improvements to freeway on and off ramps. It is unknown what funding sources would exist to do this type of work. Local community groups would surely oppose such measures. In short, this appears to be a non-starter, which bodes poorly for the proposed arena attendees, local residents in the area and other merchants or businesses that are reliant on the use of these public roadways. (*James Zboralske, email, July 27, 2015 [I-Zboralske-18]*)

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Twice this last week, for example, between 2:00 – 2:30 p.m. I observed northbound 3rd Street backed up (bumper to bumper) from South Street all the way to King Street and beyond. In both instances it took vehicles over 35 minutes to traverse this short distance. Yes, I stayed, watched and timed a truck. Terry Francois Boulevard was no better, being backed up around the bend all the way to Pier 50. It was an absolute mess and the drivers were frustrated.

Oftentimes when the traffic lights at the signalized intersections turned green no more than a dozen or so cars could get through. This is because the signal light cycles are not long enough and may not be synchronized. The "bottleneck upstream" that was causing the congestion clearly wasn't being handled properly. The "bottleneck upstream" in this instance was the temporary closure of King Street between 3rd and 4th Streets. One closure (or other incident that blocks a road) had the cumulative ripple effect of bringing an entire section of town to a virtual grind for a period of hours. I have gone out to this location on five occasions and spent an hour or two watching traffic, watching the efforts of traffic control personnel and have been unimpressed. It's not uncommon for the traffic control staff to simply stand on the sidewalk and watch the gridlock. They only seem to intervene when somebody tries to do something unsafe.

At the intersection of 3rd Street and Townsend I found two PCOs manually overriding the signal in an effort to facilitate traffic flow. Unfortunately, neither was engaging and controlling the pedestrians and bicyclists in the area. At that location, 3rd Street has four lanes of traffic (one way) heading north. There were so many pedestrians in the area crossing the street that vehicles wanting to make left or right hand turns onto Townsend, Brannan or Bryant could not turn and had to wait. This means two of the four lanes did not flow. No efforts were being made to stop all pedestrians, at some point, and allow vehicles to



proceed and turn. The City's effort to mitigate this street closure (planned for about a month during weekday hours) is pretty dismal.

All it takes is one incident to bottleneck and clog any of these arteries for hours. It is blatantly irresponsible and defies logic to believe that hundreds if not thousands of cars will descend on the Mission Bay, Dogpatch and Potrero areas over 260+ times a year without a level of congestion and disruption

To reiterate, traffic control duties can be quite difficult and require significant resources and constant engagement. Simply standing at a signal light control box and manually controlling the light cycle at signalized intersections is not sufficient to ensure the safe movement of vehicles, bicyclists and pedestrians. Active engagement and proper use of traffic control devices (cones, barricades, signs, flares, reflective sleeves and message boards) is also required. (*James Zboralske, email, July 27, 2015 [I-Zboralske-21]*)

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"I am amazed at the congestion and traffic gridlock trying to access the Bay Bridge. I also see Giants fans parking in lots and on the streets along the way. Once again, on a normal non-game day, the traffic gridlock on these streets is often remarkable. On game days it can be worse. I see people in their Giants garb driving, parking and wandering the area hours before the opening pitch. There is no reason to believe Warriors fans and other event attendees will not come to the area hours before an event. When "newbies" to the area discover how bad navigating the City can be they will likely: adjust schedules to arrive even earlier, decide not to come as often or look at public transportation options." (*James Zboralske, email, July 27, 2015 [I-Zboralske-23]*)

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"I am very concerned about the negative impact of traffic and parking in the neighborhood by the proposed stadium at 3rd and 16th Streets.

"Currently, when there is an event at the Giants Stadium, my commute to the Financial District is doubled, be it by car, T-train, or bicycle, due to the influx of people to the neighborhood. Furthermore, parking in the neighborhood is filled with fans, and makes it difficult for residents returning from work." (*Andres Battat, public hearing transcript, June 30, 2015 [PH-Battat-1]*)

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"I only ask that you guys go out to that area during commutes and see how bad the traffic is now. The Third Street corridor already is saturated.

"And, you know, this isn't about the surface streets in the that [sic] area. That's bad enough. But you're talking about the Bay Bridge. We all know that the Bay Bridge rush hour starts at 2:30 and goes to 8:30. So, now are we ready to basically have there be no non-rush hour, for the morning rush hour to run into the afternoon rush hour?

"Even if you have 80 percent traffic utilization, already traffic is at a breaking point in San Francisco. I think we all know that from everyday experience. It's not smart urban planning.

"These EIR statements about, There will be adequate -- yeah, there may be transparency, but that still doesn't change the fact that it is a huge impact, and it's not a proper use. And you can do all the mitigation you want, but there's not the ability to add bandwidth and traffic capabilities around there. That's common sense." (*John Cornwell, public hearing transcript, June 30, 2015 [PH-Cornwell2-2]*)

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"And my biggest concerns are, as I look at 6.2, "significant unavoidable impacts, specifically transportation and transit." Those are a mess today.

“And I echo the other speaker that suggested that you might want to come down there between 4:00 and 6:00 in the evening and take a look at that 280 and Mariposa interchange – Mariposa and Pennsylvania Street, 16th and 7th Street. It is a disaster four nights out of five, especially Thursday night. Every time the Giants have a day game, the traffic starts backing up at 2:00 – 1:30 or two o’clock and never quits” (*John deCastro, public hearing transcript, June 30, 2015 [PH-deCastro2-1]*)

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“We talk about a "Transportation Management Plan" in 6.5. Where is it? I don't trust the City or the MTA to come forward with a decent Transportation Management Plan when my wife and I tried to go to a Giants game on Sunday, and we waited -- we checked the next Muni -- 58 minutes to the 10. My wife is disabled. I had to call a taxi so we could make our ballgame. That was the only way we could get there, because she couldn't walk down to the T. It was way too far.” (*John deCastro, public hearing transcript, June 30, 2015 [PH-deCastro2-2]*)

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“6.2 calls traffic "an unavoidable impact." Today, without a game, the traffic is backed up every night and almost every morning at the 280. I have learned ways around the neighborhood and some way to do that.” (*John deCastro, public hearing transcript, June 30, 2015 [PH-deCastro2-3]*)

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“As you know, the area around the hospital and clinic facilities at Mission Bay is almost like a small island unto itself, with a very narrow corridor between the Bay and the highways. It is an increasingly dense community with little public transportation that can become easily congested.

“A major additional project such as this will undoubtedly increase congestion during the events it is intended to house. We know that the games or other special events -- in those narrow corridors, the traffic can result in gridlock and can limit access for everyone, and that is our major concern.

“What will the City do to ensure the patients who need the highly specialized care that we provide, and other patients coming to Mission Bay -- will they have access in a timely manner when they need it -- 24 hours a day, every day of the year, including during games, concerts, or other special events?

“What will the City do to ensure the parents of the children I care for and members of other patients --will they be able to get to the hospital to be by the side of the -- of their loved ones?

“What will the City do to ensure that nurses like myself and doctors and other healthcare professionals and personnel will be able to get to the hospital and clinics at Mission Bay to care for our patients?

“In a small, densely-packed city such as ours, congestion that affects public health and safety must always be addressed, and the needs of the whole community, not just the wealthy developers, must always be addressed.” (*Anna Fernandez, public hearing transcript, June 30, 2015 [PH-Fernandez-1]*)

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“In the interest of time, I'm going to focus on three things which seem to come up the most today, which are traffic congestion, parking, and emergency vehicle access.

“As far as traffic congestion goes, the impact feared by many of the Barclays Center site, for the most part, did not materialize.

“As a transportation professional involved in the project from the government agency side, the biggest story for me was that the fears of congestion greatly --were greatly -- were exceeded by -- greatly exceeded the actual impact, so that when the facility opened, traffic congestion was more or less a nonstory.

“This was due to a number of factors, but the two most important were that transit utilization did not meet the project goals, and that vehicle arrivals to the arena were more spread out than projected.” (Christopher Hrones, public hearing transcript, June 30, 2015 [PH-Hrones2-1])

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“If the issue is traffic congestion, it can be managed. Hospitals throughout San Francisco are in locations that deal with access issues every day.” (Jim Lazarus, public hearing transcript, June 30, 2015 [PH-Lazarus-1])

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“We do not need the traffic. We do not have enough parking/

“Again, you know, the BART station doesn't go in that direction, so more people are going to be driving in. So, number one, the concern is to definitely avoid the traffic congestion.

“One employee said that when he's driving out of the parking area to go home, and if there's a Giant's game, it takes him about 30 minutes just to drive one block, and it takes about two hours or two-and-a-half hours just to get out of the area and to catch the freeway. So, in thinking about that, the infrastructure is not suited for a stadium. It's not suited to bring 18,000 fans into this area.” (Annabel Ortiz, public hearing transcript, June 30, 2015 [PH-Ortiz-2])

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“The only comment I'd like to make is consistent with all the comments I have made in the prior workshops regarding this project, and it deals with two things: Primarily, the traffic impacts and the neighborhood impacts, which are related.” (Chairperson Rosales, public hearing transcript, June 30, 2015 [PH-Rosales-1])

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“Additionally, the project will further hinder access to other parts of the City and the Bay Bridge to Mission Bay. Even with the improvements proposed by the City, Mission Bay cannot handle up to 18,500 fans and 225 events per year, especially when both stadiums have games.” (Damion Scott, public hearing transcript, June 30, 2015 [PH-Scott-3])

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“The proximity to the hospital, which the nurses' association is pointing out, makes it difficult to get to that location. And I know from living two blocks away from the proposed site how bad the traffic is now with just the AT&T traffic in that area.” (Michael Sesich, public hearing transcript, June 30, 2015 [PH-Sesich-2])

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## Response TR-4: Traffic Impacts

The comments generally raise concerns that the vehicular traffic generated by the proposed project would result in a substantial increase in existing congestion levels in the project vicinity, and express concern for visitors to the nearby UCSF medical facilities and residents within Mission Bay and Potrero Hill. A number of comments express concerns regarding existing congestion associated with events at AT&T Park, particularly afternoon baseball games that start around 1:00 p.m. and end around 4:00 p.m., and concerns regarding increased commute times.

### ***Proposed Project TMP and Mission Bay Plan Infrastructure Improvements***

SEIR pp. 5.2-46 – 5.2-69 present the project transportation improvements that would be provided as part of the project. These include improvements related to the physical transportation infrastructure adjacent to the project site, including travel lanes, sidewalks, bicycle lanes, traffic signals, and light rail platform, as well as transit service improvements such as the expansion of the Mission Bay TMA shuttle system, provision of the Muni Special Event Transit Service Plan, and a Transportation Management Plan (TMP) for operations of the proposed project. The TMP provides for, among other things, pre-event and post-event operation of the curbs adjacent to the project site to accommodate shuttles stops, and taxi zone, and passenger loading/unloading zones. The TMP also includes Transportation Demand Management (TDM) strategies designed to reduce use of single-occupant vehicles and to increase the use of rideshare, transit, bicycle, and walk modes for trips by employees and visitors to and from the project site. Thus, the project includes a comprehensive plan, developed with the SFMTA, to accommodate access to and from the project site during events. As noted on SEIR p. 5.2-60, temporary lane closures would be implemented on Third Street between Mariposa Street and Mission Bay Boulevard South, on South Street between Third Street and Bridgeview Way, on 16th Street between Third Street and Terry A. Francois Boulevard, and on Illinois Street between Mariposa and 16th Streets. As indicated on SEIR p. 5.2-60, the temporary lane closures would be implemented prior to the end of the event, and would remain in place for approximately 30 to 45 minutes after the end of the event, or until vehicular traffic dissipates and most event attendees taking transit have boarded. The SFMTA PCO Supervisor would determine when the temporary lane closures would end based on traffic conditions following an event.

Some comments refer to the roadway infrastructure in Mission Bay as incomplete and the I-280 freeway ramps configuration as obsolete, and identify coordination with local and state agencies, funding issues, as well as community opposition, as obstacles to implementing improvements in a timely manner. Although, as of today, several roadway links in Mission Bay are not completed, such as the extension of Owens Street between 16th and Mariposa Streets, the extension of Mission Bay Boulevard to the west to connect with Mission Bay Circle, or the extension of Channel Street to Owens Street, as discussed in the SEIR (pp. 5.2-6 - 5.2-7) these improvements are all part of the Mission Bay South Infrastructure Plan, are approved and funded, and are expected to be completed prior to the opening of the proposed project. Similarly, the Mission Bay South Infrastructure Plan, as described on SEIR p. 5.2-7, includes the widening of the I-280 off-ramp at Mariposa Street and the signalization of the adjacent I-280 on-ramp. These freeway ramp improvements have been approved by Caltrans, are funded, and are expected to be completed by spring 2016, before the anticipated opening of the proposed event center.

### ***Proposed Event Center Size and Event and Travel Demand Characteristics***

A number of comments incorrectly state that the proposed event center would have 18,500 attendees for 225 events per year. The event characteristics at the proposed event center are presented on Table 3-3 on SEIR p. 3-39. It is currently anticipated that about 90 of the 225 events (i.e., 40 percent of events) would have an average attendance of 12,500 or more attendees, about 65 events (i.e., 29 percent of events) would have an average attendance of between 7,000 and

11,000 attendees, and about 70 events (i.e., 31 percent of events) would have an average attendance of between 3,000 and 5,000 attendees.

A number of comments incorrectly state that the project would provide 200 on-site parking spaces. The proposed project would provide a total of 950 on-site vehicle parking spaces, and, as part of the project, the sponsor has also acquired the right to park at 132 existing off-street parking spaces in the 450 South Street parking garage, accessed from South Street and Bridgeview Way directly north of the project site. Combined, the proposed project would have 1,082 vehicle parking spaces serving the project uses. Also see Response TR-13: Parking Conditions for a discussion of study area parking supply and demand assumptions used in the traffic analysis, which includes, in addition to the 1,082 parking spaces that would be provided as part of the project, the use of other nearby public parking facilities, including UCSF and Port-owned facilities. Response TR-12a: Traffic Mitigation Measures for discussion and impact analysis of two off-site parking facilities included as part of Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts during Overlapping Events.

Several comments incorrectly refer to the proposed event center arena as a stadium and compare the potential project impacts on traffic congestion to those experienced in the vicinity of the 49ers Levi's Stadium in Santa Clara, or the recently demolished Candlestick Park in San Francisco. Some comments also suggest that traffic conditions before or after an event at the center would be comparable to those currently experienced before or after a SF Giants game at AT&T Park. As described in Table 3-3 on SEIR p. 3-39, the maximum capacity of the proposed event center for Golden State Warriors games would be about 18,000 seats. Most large concerts would be configured to accommodate up to 14,000 attendees, but certain, rare configurations (expected to occur no more than four times per year) could accommodate up to 18,500 attendees. As noted above, the total number of large events (those with an average attendance of 12,500 or more attendees) expected at the event center is estimated at about 90 per year. The maximum capacity at AT&T Park is 42,000 attendees, and the typical attendance at AT&T Park when traffic data was collected for the SEIR analysis was about 41,000. Maximum capacity at the event center (18,000) constitutes 43 percent of the maximum capacity at AT&T Park. Additionally, the event center's maximum capacity is 26 percent of Levi's Stadium (which has a capacity of 68,500 seats) and 25 percent of Candlestick Park (which had a capacity of 70,200 seats). Thus the proposed event center would have a maximum attendee capacity of between 25 and 43 percent of the three sport venues cited in the comments, and therefore, the extent of transit service, parking facilities, and roadway infrastructure required to provide access and parking to the project would be less for the event center. Thus, the proposed project would not result in a doubling of the traffic generated by a SF Giants game during overlapping events, as stated in a number of comments.

In response to the comment regarding arrivals to the event center, Table 5.2-21 on SEIR p. 5.2-83 indicates that only about 5 percent of basketball game attendee arrivals are anticipated to occur during the weekday p.m. peak hour. Please see Response TR-2d: Trip Generation regarding anticipated arrivals and departure assumptions used for analysis of basketball games at the proposed event center.

### ***Existing Traffic Conditions without and with SF Giants Game***

Existing traffic conditions for the four peak hours of analysis (i.e., weekday p.m., weekday evening, weekday late evening, and Saturday evening) at the study intersections and ramps are presented on SEIR pp. 5.2-7 – 5.2-16 for conditions without a SF Giants evening game, and on SEIR pp. 5.2-35 – 5.2-40 for conditions with a SF Giants evening game at AT&T Park. As indicated in the SEIR, level of service conditions at the study intersections are generally less congested during the weekday evening peak hour than during the weekday p.m. peak hour, although intersection LOS designations are similar at the intersections at the approaches to the I-80 and I-280 ramps. During the weekday late evening and Saturday evening peak hours, traffic volumes decrease substantially from weekday p.m. peak hour conditions and all intersections operate at LOS C or better. Intersection conditions in Mission Bay are affected by traffic associated with special events and during baseball season when the SF Giants have home games at AT&T Park. Transportation impacts associated with game day conditions at AT&T Park are most severe prior to games and after the conclusion of games. The greatest traffic congestion occurs after weekday afternoon sellout events (i.e., day games) that start around 1:00 p.m. and end around 3:30 to 4:30 p.m. Traffic, transit, and pedestrian flows exiting the ballpark (and game-day street closures near the park) coincide in time and direction with the evening commute traffic already on the transportation network. As a result, as noted in a number of comments, on days when the SF Giants play home games at AT&T Park, existing service levels at the study intersections are worse than on days with SF Giants evening games or when no SF Giants game takes place. The number of SF Giants day games at AT&T Park (i.e., those starting around 1:00 p.m.) is limited to about 9 to 12 per year (10 day games took place at AT&T Park during the 2015 season).

### ***Proposed Project Traffic Impacts without Overlapping SF Giants Game***

Analysis of existing plus project traffic impact analysis at the study intersections is presented in Impact TR-2 on SEIR pp. 5.2-117 – 5.2-132 for the No Event, Convention Event, and Basketball Game scenarios for conditions without an overlapping SF Giants evening game at AT&T Park for four analysis hours (i.e., weekday p.m., weekday evening, weekday late evening, and Saturday evening peak hours). Overall, under existing plus project conditions without a SF Giants game at AT&T Park, the proposed project would result in *significant* project-specific impacts at seven study intersections:

- King/Fourth (weekday p.m., weekday evening)
- Fifth/Harrison/I-80 westbound off-ramp (weekday evening, Saturday evening)
- Fifth/Bryant/I-80 eastbound on-ramp (weekday late evening)
- Third/Channel (weekday evening, Saturday evening)
- Fourth/Channel (weekday evening, weekday late evening)
- Seventh/Mission Bay Drive (weekday evening, Saturday evening)
- Seventh/Mississippi/16th (weekday p.m., weekday evening)

Regarding the comment from the California Highway Patrol about potential increased traffic congestion and the need for additional enforcement demands as a result of the project, the analysis identified Impact TR-2 in the SEIR. As summarized above, analysis of the proposed

project indicates that the additional vehicle trips associated with evening events at the project site would result in a worsening of intersection LOS conditions from LOS D or better to LOS E or LOS F, or from LOS E to LOS F, at two of the 22 study intersections during the weekday p.m. peak hour and at six intersections during the weekday evening peak hour.

Mitigation Measure M-TR-2a: Additional PCOs during Events would reduce the proposed project's impacts related to event traffic conditions, and Mitigation Measure M-TR-2b: Additional Measures to Reduce Transportation Impacts would require the project sponsor to continue to work with the City to establish additional feasible measures to reduce transportation impacts. These measures would reduce traffic congestion in the project vicinity by providing drivers information on traffic conditions and alternate routes, providing information on on-street and off-street parking conditions, discouraging use of on-street parking through the Residential Permit Parking program, encouraging non-auto modes through parking pricing, and enhancing regional transit access to the area, and would not result in adverse secondary transportation impacts. However, even with implementation of these measures, the arrival and departure peak of vehicle trips to and from the event center through these intersections would continue to occur, and therefore, the proposed project's significant traffic impacts would remain significant and unavoidable with mitigation.

Impact TR-3 on SEIR pp.5.2-132 – 5.2-135 presents the proposed project impact at the six freeway ramps analyzed for the four analysis peak hours. The proposed project would add vehicle trips to I-80 and I-280 facilities, including during the weekday p.m. peak hour. The proposed project would not result in significant traffic impacts at the freeway ramp locations for the No Event and Convention Event scenarios. However, for the Basketball Game scenario, the proposed project would result in a significant traffic impact at the I-80 westbound off-ramp at Harrison Street during the weekday evening peak hour (i.e., attendees driving to San Francisco from the East Bay). As discussed in the SEIR, Mitigation Measure M-TR-2b (described above) would be implemented to address this significant traffic impact. However, the impact would remain significant and unavoidable with mitigation. For issues related to additional enforcement demand, please see SEIR Section 5.8 and Responses to Comments Section 13.18, Response PS-1.

### ***Proposed Project Traffic Impacts with Overlapping SF Giants Game***

Comments regarding increased congestion that currently occurs during SF Giants games, particularly weekday day games starting around 1:00 p.m., are noted. SEIR pp. 5.2-80 – 5.2-81 presents the potential for proposed project events overlapping with SF Giants evening games. As stated on SEIR p. 5.2-80, there would be a potential for about 32 overlapping events per year, and in rare circumstances as many as 40 overlapping events in a year. However, based on an assessment of the event types, projected distribution throughout the year, and start times, it is anticipated that in a regular year, on average, there would be approximately nine large events (i.e., events with more than 12,500 attendees) at the event center overlapping with a SF Giants evening game at AT&T Park (i.e., two basketball games and seven concerts). If either or both teams make it further into their sports' respective playoffs or to their respective championships, the number of large events overlapping could moderately increase from the average of nine per year; however, it is unlikely that this scenario would occur on a regular basis.

The existing traffic conditions for days with a SF Giants game are discussed on SEIR pp. 5.2-35 – 5.2-42, and the existing plus project impacts for conditions with a SF Giants evening game are presented in Impact TR-11 and Impact TR-12 for intersection and freeway ramps, respectively. As described in Impact TR-11, on days with overlapping evening events at the project site and at AT&T Park, intersections in the project vicinity would become more congested prior to and following the events, and the proposed project would result in significant traffic impacts at the following ten study intersections: King/Fifth/I-280 ramps, Fifth/Harrison/I-80 westbound off-ramp, Fifth/Bryant/I-80 eastbound on-ramp, Third/South, Seventh/Mission Bay Drive, Fourth/16th, Owens/16th, Seventh/Mississippi/16th Street, Illinois/Mariposa, and Mariposa/I-280 northbound off-ramp.

The SEIR identifies Mitigation Measure M-TR-11a: Additional PCOs During Overlapping Events and Mitigation Measure M-TR-11b: Regular Participation in Ballpark/Mission Bay Transportation Coordinating Committee, which, in combination with Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts, would minimize the severity of traffic impacts at these intersections, but would not improve intersection LOS to LOS D or better, and the identified traffic impacts during overlapping events would be significant and unavoidable with mitigation. See Response TR-12a: Traffic Mitigation Measures regarding project mitigation measures meeting CEQA requirements.

Impact TR-12 on SEIR pp. 5.2-180 – 5.2-182 presents the proposed project's impacts at the six freeway ramps analyzed for the four analysis peak hours for the Basketball Game scenario for conditions with an overlapping SF Giants evening game at AT&T Park. The analysis represents conditions for high attendance events (including but not limited to Golden State Warriors games) at both the proposed event center and at AT&T Park, which, as discussed above, are estimated to occur an average of nine times a year. For the remaining days during which events at both facilities could overlap, the average attendance levels for the event center events would be less than 12,500 attendees, and therefore, the number of vehicle trips generated by these smaller events would be less, as would the impact on freeway ramp operating conditions. For the Basketball Game scenario with an overlapping SF Giants evening game, in addition to the significant traffic impact at the I-80 westbound off-ramp at Harrison Street, the proposed project would result in significant traffic impacts at the I-280 northbound off-ramp at Mariposa Street (pre-event during the weekday evening peak hour), and I-80 eastbound on-ramp at Fifth/Bryant (post-event during the weekday late evening peak hour).

As noted in a comment, in addition to SF Giants games at AT&T Park, a number of special events also take place in the City, including conventions and exhibits at the Moscone Center, which could potentially overlap with an event at the project site. Conventions, exhibits and other special events are typical in San Francisco. These non-SF Giants events generally only occur on limited days throughout the year (excluding move-in and break-down days, the Moscone Center has a scheduled event approximately 50 percent of the days in a given year), generally take place during the daytime hours, and are further north and west of the project site. Therefore, conditions in the project vicinity are not substantially affected by these events. Event attendance data gathered as part of the Moscone Center Expansion Project indicates that the average daily



attendance at the Moscone Center during a convention, exhibit, or other special event is about 15,600 attendees, with 85 percent of the event days having less than 22,000 attendees. Nevertheless, these other events could overlap with events at the project site, and impacts of the proposed project overlapping with these events would vary depending on time of day and day of week, size, location, and access routes to the event. Moscone Center conventions primarily occur during the daytime hours, and, with the exception of two events that include a one-block closure of Howard Street for approximately one week, do not substantially affect transportation conditions in Mission Bay. These two events – Oracle’s Open World and Salesforce’s Dreamforce – occur in August and either September or October, prior to the NBA regular season, which begins in the last week of October. Therefore, it is not anticipated that these large Moscone Center conventions would overlap with Golden State Warriors games at the project site. Sunday Streets events in the Bayview/Dogpatch area have included daytime closures of Mariposa Street and Terry A. Francois Boulevard in the project vicinity (i.e., generally between 11:00 a.m. and 4:00 p.m.; however, it is anticipated that the annual Sunday Streets roadway closures would be coordinated with events at the project site, similar to what is currently done with events at AT&T Park, to avoid overlap. Transportation impacts during other events would be similar to or better than described in Impact TR-11 and Impact TR-12 for the project scenarios that assessed the maximum attendance event for evening conditions at the project site and at AT&T Park for weekday and Saturday conditions. Generally, other special events in the vicinity of the project site would lead to an increase in parking demand in their vicinity, as event attendees would try to park within walking distance of their final destination. Special events would also lead to a temporary increase in vehicle trips and transit demand on the T Third light rail and 22 Fillmore bus route serving the project site.

It should be noted that the purpose of the environmental analysis is to determine if a proposed project would result in significant adverse changes to the existing physical conditions in the project vicinity. At locations where problems exist now, the proposed project’s contributions to the existing problems are examined, and the proposed project’s contributions to worsening conditions are assessed to determine if the proposed project would result in significant transportation impacts. CEQA does not require analysis of existing conditions unrelated to the proposed project that would continue to occur, as these activities are reflected in the baseline conditions. Mitigation of existing transportation problems is also not required under CEQA.

### ***Impacts of Traffic Congestion on Adjacent Intersections***

One comment indicates that traffic back-ups and queuing from study intersections identified in the SEIR as operating poorly would also affect nearby intersections and other locations, causing significant traffic impacts not identified in the SEIR. As stated on SEIR p. 5.2-7, the selection of the study intersections presented in the SEIR was performed based, among other criteria, on those locations most likely to be potentially affected by traffic generated by the project. As such, other locations would experience lower project traffic volumes. See Response TR-2b: Analysis Locations above, for additional discussion regarding study area and intersections included in the impact analysis, and Response TR-2c: Baseline Conditions regarding the baseline conditions assumed for the traffic impact analysis.

In response to the comment regarding backups from intersections identified as operating at LOS E or LOS F conditions, it should be noted that traffic conditions at the study intersections were evaluated using the nationally observed Transportation Research Board's Highway Capacity Manual 2000 (HCM 2000) for both signalized and unsignalized intersections. The use of HCM 2000 is directed by the *SF Guidelines*, and adherence to this methodology provides a consistent basis for land use and environmental determinations by City agencies. The traffic impact analysis was based on a conservative approach, in which project traffic was routed along the appropriate most direct paths to the project site, without any option for background traffic to divert from expected areas of congestion. The results of this conservative analysis reveal the potential for significant impacts at a number of study area intersections in all time periods.

Regarding intersections outside of the study area that are currently operating at LOS E and LOS F conditions, it is already SFMTA's practice to install appropriate signage and pavement markings at locations with chronic queuing problems (e.g., at freeway on-ramps in the SoMa area during the evening commute period) in order to keep intersections clear and permit cross-traffic to flow, as well as to assign PCOs where necessary to avoid, to the extent practicable, areawide congestion and any resulting traffic spillback. These SFMTA's effort would continue once the project is implemented, and would be expanded as provided in the project TMP.

As part of the proposed project's TMP, up to 17 PCOs would be stationed at adjacent intersections and in the project vicinity, and the Local/Hospital Access Plan would provide three additional PCOs during large weekday events. Mitigation Measure M-TR-2a: Additional PCOs During Events as described on SEIR p. 5.2-128 includes the deployment of four additional PCOs, for a total of 24 PCOs during large weekday events and 21 PCOs during large weekend events. Mitigation Measure M-TR-11a: Additional PCOs during Overlapping Events identified the need for PCOs at six intersections, of which two would be in addition to those identified in Mitigation Measure M-TR-2a. Thus, on days with large overlapping evening events, the number of PCOs that would be associated with the proposed project TMP and mitigation measures would be 26 PCOs during weekday events and 23 PCOs during weekend events. These PCOs would be in addition to the PCOs already assigned to key intersections (e.g. freeway ramps) during the weekday p.m. peak hour, as well as the 22 to 24 PCOs that are typically assigned by the SFMTA on a game day at AT&T Park. PCOs would be responsible for ensuring that vehicles do not block intersections or crosswalks, conditions that result in gridlock and cause delay to automobiles and transit vehicles, as well as unsafe conditions for pedestrians and bicyclists. Types of activities that are typically conducted by PCOs during special events include such things as keeping intersection and sidewalks clear of stopped vehicles, prioritizing the movement of transit vehicles, deterring vehicles from stopping within a travel lane or bicycle lane, discouraging illegal parking at passenger loading/unloading zones, enforcing taxi zones, stopping traffic to allow pedestrians to safely cross the street, stopping pedestrians to allow transit and vehicles to cross the street, and directing transit riders to queuing areas. Traffic cones, barricades, signs, and message boards, among other traffic control devices, would be used, as appropriate.

### *Traffic Impacts on Adjacent Neighborhoods*

Some comments expressed concerns about expected traffic congestion related to the proposed project to prevent adequate access to the residences, and jobs such as those at the UCSF Research Campus, UCSF Medical Center, and planned Kaiser Medical Office Building (MOB). See Response TR-9: Emergency Vehicle Access Impacts, which discusses the proposed project's impacts related to emergency vehicle access and access to UCSF Medical Facilities. In addition, as described in Response TR-3a: Transportation Management Plan, the TMP would be expanded to include more detailed Local/Hospital Access Plan for the Mission Bay area. The TMP would include the Local/Hospital Access Plan, including supplemental guidance signage, physical controls (if any), and likely location and duties of deployed PCOs. Similar to the other elements of the TMP, the Local/Hospital Access Plan would be reviewed by SFMTA on a regular basis, in coordination with the project sponsor, UCSF and local residents and employers, to assess its effectiveness and implement appropriate changes when necessary. See Response TR-3a: Transportation Management Plan for a description and discussion of the Local/Hospital Access Plan.

A few comments expressed concern that northbound traffic on Third Street would be redirected towards Terry A. Francois Boulevard following an event, when northbound Third Street is closed between 16th Street and Mission Bay Boulevard South, and that these vehicles would end up on local residential streets such as Mission Rock Street, China Basin Street, or Mission Bay Boulevard North. The statement that northbound traffic on Third Street would be detoured towards Terry A. Francois Boulevard and then through residential neighborhoods in Mission Bay is incorrect. As described on SEIR p. 5.2-127, prior to the end of a large event, temporary travel lane closures would be implemented on northbound Third Street between Mariposa Street and Mission Bay Boulevard South. These temporary lane closures would be implemented prior to the end of the event, and would remain in place for approximately 30 to 45 minutes after the end of the event, or until vehicular traffic dissipates and most event attendees taking transit have boarded. The SFMTA PCO Supervisor would determine when the temporary lane closures would end based on traffic conditions following an event. As a result of the northbound lane closures, approximately 140 vehicles currently traveling northbound on Third Street and continuing north of 16th Street during the late evening peak hour would be rerouted westbound onto 16th Street (i.e., left turn only at the northbound approach to 16th Street). The projection that 140 northbound vehicles would be rerouted is based on existing volumes at the intersection, but the actual number of vehicles that would need to be diverted would likely be lower, since drivers not associated with an event would likely avoid the area after an event (e.g., they would use I-280, U.S. 101, or Potrero Avenue instead). Some of the rerouted vehicles would be expected to turn left at Mariposa Street, while others would continue to 16th Street where they would be rerouted. Southbound traffic flow on Third Street would not be affected by these temporary northbound travel lane closures.

It is not expected that the approximately 140 rerouted vehicles would travel east on Mariposa Street and then north on Terry A. Francois Boulevard as stated in the comment, as the drivers of such vehicles would have to contend with project vehicles exiting nearby garages. It is expected however, that some project vehicles would exit the 450 South Street garage via Bridgeview Way,

then travel north on Bridgeview Way to Mission Bay Boulevard North, and then west on Mission Bay Boulevard North on their way out of the Mission Bay area. For issues related to additional enforcement demand, please see SEIR Section 5.8 and Responses to Comments Section 13.18, Response PS-1.

The intersection of Seventh/Mississippi/16th, as presented on SEIR p. 5.2-10, currently operates at LOS E conditions during the weekday p.m. and evening peak hours, and LOS B conditions during the weekday late evening and Saturday evening peak hours for conditions without a SF Giants game at AT&T Park. On days with a SF Giants evening game at AT&T Park, the intersection of Seventh/Mississippi/16th, as presented on SEIR 5.2-39, operates at LOS F conditions during the weekday p.m. peak hour, at LOS E conditions during the weekday evening peak hour, and at LOS C conditions during the weekday late evening and Saturday evening peak hours. These LOS conditions include the implementation of the 22 Fillmore Transit Priority Project, which includes converting one mixed-flow lane each way on 16th Street to a side-running transit-only lane. As presented in Impact TR-2 (without an overlapping SF Giants evening game) and Impact TR-11 (with an overlapping SF Giants evening game), the proposed project would result in significant traffic impacts at the intersection of Seventh/Mississippi/16th for sell-out events on days without and with a SF Giants game at AT&T Park.

Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts and Mitigation Measure M-TR-11a: Additional PCOs During Overlapping Events were identified to minimize the severity of traffic impacts. Even with implementation of these measures, however, the arrival and departure peak of vehicle trips to and from the event center would continue to occur, and therefore the proposed project's traffic impact at this intersection was determined to be significant and unavoidable with mitigation. While the intersection of Seventh/Mississippi/16th was not identified among the intersections in San Francisco as a Vision Zero High Priority intersection (the closest Vision Zero High Priority intersection is 17th/Vermont Streets, located about 0.9 miles to the west of the project site), 16th Street between Seventh/Mississippi and Castro Streets is included as a Vision Zero High Priority network.<sup>16</sup> Engineering plans for the segment of 16th Street within the Vision Zero High Priority network have not been developed, and it is uncertain whether the intersection of Seventh/Mississippi/16th would be included as part of improvements to that segment of 16th Street. However, design of the 22 Fillmore Transit Priority Project, which, as noted above, would convert one mixed-flow lane each way of 16th Street to a side-running transit-only lane, would incorporate strategies to enhance pedestrian and bicycle travel along 16th Street.

See Response TR-12a: Traffic Mitigation Measures and Response GEN-1a: City Funding for discussion regarding feasibility and implementation of traffic mitigation measures.

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<sup>16</sup> The City and County of San Francisco adopted Vision Zero as a policy in 2014, committing to build better and safer streets, educate the public on traffic safety, enforce traffic laws and adopt policy changes that save lives. The goal is to create a culture that prioritizes traffic safety and to ensure that mistakes on San Francisco roadways don't result in serious injuries or death. The result of this collaborative, citywide effort will be a safer, more livable streets, with traffic fatalities eliminated by 2024. Available online at <http://visionzerosf.org/about/what-is-vision-zero/>. Accessed August 24, 2015.

## 13.11.6 Transit Impacts (TR-5)

### Issues Raised by Commenters: Muni (TR-5a)

This response addresses all or part of the following comments, which are quoted below:

O-MBA10L4-25	O-MM-10	I-Barton-6	I-Cehand-5
I-deCastro1-3	I-Ellingham-2	I-Hong-6	I-Rynne-3
I-Stryker-2	I-Zboralske-6	PH-deCastro2-4	PH-Gisslow-1

#### Complex Interrelated Issues Are Not Addressed in the DSEIR

At present, persons traveling between BART or the MUNI LRT lines and the Project site can make a simple in-station transfer to/from the K-T line from any of the downtown Market Street stations. Once the Central Subway is completed, the T-Third line will no longer be directly inter-routed with the K-Ingleside line in the Market Street subway. Instead, access from BART and the Market Street LRT lines to the T line that serves the proposed Project site will only be via the Powell Street station and only via a 1,000 foot tunnel in the wrong direction that connects Powell to the Union Square station where T LRT trains can be boarded – an unattractive and slower transfer than at present. Although other MUNI LRT lines from the Market Street subway will continue to connect to 4<sup>th</sup> and King via the Embarcadero, passengers on those lines or those from BART who transfer to them at the Market Street stations will be faced with another transfer to the T-Third at that point or a walk of .8 miles to the Project site. These are less attractive options than what is available at present. With the rise of ride-share services like Uber and Lyft that can be summoned via a cell phone application – a new phenomenon, the percentage of persons who take ride share services or conventional taxi instead of transit all the way to the site may be far more than for AT&T Park events (which will continue to be served by LRT lines that stop directly in all the Market Street BART stations). This is detrimental as each time people use ride-share or conventional taxi services to access the Project, they cancel the environmental savings of direct transit access usage and double the number of motor vehicle trips to the area as compared to if they drove and parked in the area (because the ride-share or taxi vehicle drives away after dropping passengers off). The DEIR does not appear to address these considerations. Please do so. (*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-25]*)

### 3. The Project Will Overwhelm Transit Capacity With No Effective Mitigation.

There is no accurate analysis of transit impacts in the SDEIR. The SDEIR says that "the project sponsor is working with the City to secure funding for the Muni Special Event Transit Service Plan as part of the project improvements." (SDEIR 5-2.191.) That vague promise is not a legally adequate project description or baseline assumption. The SDEIR then engages in an argument to secure that funding, which requires public subsidy in an unstated amount, with a series of claims showing how much worse vehicle traffic will be if that funding isn't provided. However, that strong-arm tactic is irrelevant to CEQA's required analysis and mitigation of the Project's transit impacts. (DSEIR 5-2-192 - 194)

The DSEIR fails to properly identify and propose mitigation for the Project's specific impacts on Muni, concluding that "the project would result in no new or substantially more severe significant effects than those identified in the Mission Bay FSEIR related to transit impacts." (DSEIR 5.2-224.) That conclusion improperly relies on an EIR that is both outdated and irrelevant to the Project, which was not included in that EIR.

Transit will also be delayed by queuing and gridlock caused by the project, since buses and vehicles will have to share the congested streets resulting from the Project. (*Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-10]*)

-It will be difficult for employees to drive to work

SFMTA has been employing a policy of making driving worse for years and years

-The infrastructure is not adequate to support this arena.

I am not aware of SFMTA being proactive in creating infrastructure for a neighborhood. You need to build it first and then use the funds to create the infrastructure (*Jason Barton, email, July 27, 2015 [I-Barton-6]*)

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- Full Muni cars as I am trying to get home from work. I now ride a Vespa because of this. (*Jadine Cehand, email, June 30, 2015 [I-Cehand-5]*)

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Second, transit is promised to be improved as a result of the Warriors Event Center. However plans are very fluid and not well described to the neighborhood. The only minor improvement is the 55 line which is an interim measure until the only reliable bus line (22) is removed from 18th St. The 22 is proposed to be replaced by the unreliable 33. (*John deCastro, email, July 27, 2015 [I-deCastro1-3]*)

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I oppose this project ... congestion. I am a frequent user of the UCSF Mission Bay campus, by public transportation. The 3rd Street MUNI line and local bus service is already strained. This huge add-on would be very damaging to both my concerns. (*Lewis Ellingham, email, July 13 2015 [I-Ellingham-2]*)

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“a. During the Events at the arena, add a MUNI shuttle/service to and from the two BART stations 16<sup>th</sup> and 24<sup>th</sup> Mission Street to the arena.” (*Dennis Hong, email, July 27, 2015 [I-Hong-6]*)

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“The site is poorly served by public transport, just two routes--it only functions now because of extensive private shuttle links.” (*Gavin Rynne, email, July 27, 2015 [I-Rynne-3]*)

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“We who work at UCSF Mission Bay and use public transportation (the T line and the Golden Gate ferry) know that the transportation system frequently fails during Giants games, extending commute times unreliably often by hours as a result of missed connections in the intermodal travel. The overall impact of the Giants home games on public transportation (and on alternatives like Uber and taxis) are such that I personally, along with many others, choose to drive a car back and forth to Marin when there are events at AT&T Park during the times I would travel. The failure of public transportation can not be remedied when the Muni shares right of way with cars and the intersections are blocked. The proposed Warriors Arena would exacerbate this situation beyond measure.” (*Michael Stryker, email, July 26, 2015 [I-Stryker-2]*)

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“City officials and the public have long recognized that the City’s public transportation system is not as efficient, effective and robust as it needs to be. Complaints about the system have been occurring for decades. Former Mayor Willie Brown vowed to fix Muni within his first 100 days in office and we all know how that turned out.” (*James Zboralske, email, July 27, 2015 [I-Zboralske-6]*)

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“The transit doesn't work today. We need better plans in that area if the Warriors are going to come to Mission Bay.” (*John deCastro, public hearing transcript, June 20, 2015 [PH-deCastro2-4]*)

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“And I know we've all heard a lot of statistics about parking and stuff, so I'm going to start with a quote I read from an SF Gate article. The quote was from a City official. It said:

“Will there be traffic?”

“Yes.”

“Will we be able to handle it?”

“Yes.”

“Well, I look around the City, and I don't think it's been handled at all. I don't see the credibility in an official who says they know how to handle traffic in a city that's been overrun with traffic for years now.” (*Blaise Gisslow, public hearing transcript, June 20, 2015 [PH-Gisslow-1]*)

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### **Response TR-5a: Transit Impacts, Muni**

The Muni Special Event Transit Service Plan, which would be provided as part of the proposed project, is intended to avoid the possibility that special events would overwhelm the existing transit system. It would do so by providing additional options to accommodate attendees traveling to and from the event center. The Muni Special Event Transit Service Plan is described in detail on SEIR pp. 5.2-53 - 5.2-55, where the additional light rail service and special event shuttles are described; Table 5.2-15 presents the proposed service levels for the various event sizes; and Figure 5.2-10 presents the routes proposed Muni Special Event Shuttles. The three primary components of the Muni Special Event Transit Services Plan are (i) the “Muni Special Event 16th Street BART Shuttle,” which would run on 16th Street between the event center and the 16th Street BART station; (ii) the “Muni Special Event Van Ness Avenue Shuttle,” which would run between the event center and Fort Mason; and (iii) the “Muni Special Event Transbay Terminal/Caltrain/Ferry Building Shuttle,” which would loop between the event center, the new Transbay Terminal, and the Ferry Building via Fourth, King, Third, Folsom, Fremont, and Mission Streets.

The transit travel demand used in the analysis assumes that a system of transit shuttles and increased light rail service would be provided to supplement the T Third light rail line and the 22 Fillmore bus route that are the primary transit service in the area (see SEIR pp. 5.2-87 – 5.2-90 regarding estimate of mode of travel). The Muni Special Event Transit Service Plan is part of the project transportation improvements, as described on SEIR pp. 5.2-53, and includes increased service on the Central Subway/T Third, as well as additional light rail service via The Embarcadero (i.e., a short line, which would turn around south of the project site). The majority of passengers, however, would be expected to take the Central Subway/T Third line and would need to walk between the Union Square/Market Street Central Subway station and the Powell Street BART station. The Central Subway project will provide a below-grade pedestrian connection between the two stations for this purpose. A portion of passengers could make an in-station transfer at the Embarcadero station between BART or other Muni light rail lines and the shuttles to the project site. Attendees would also have the option to take the Muni Special Event

16th Street BART station shuttle or the Ferry Building/Caltrain/Transbay Terminal shuttle to either the 16th Street or Embarcadero stations, respectively. It is possible that some attendees taking transit would use TNC services for a portion of the trip, as noted in a comment. The use of these services is a new phenomenon and although such services are similar to taxi services, the precise percentage of attendees who might use TNC services is not possible to determine at this time. The transportation impact analysis assumes that some portion of attendees would arrive by taxis or TNC vehicles (about 3 percent on weekdays), and these trips were accounted for as two vehicle trips (one to the site and one leaving the site) in the traffic analysis. The TDM Plan, however, encourages event center visitors to use transit. As described on SEIR p. 5.2-66, TDM strategies include promotional incentives for those arriving via transit, determining the market feasibility of bundling the cost of a round-trip Muni fare into the cost of all ticketed events, marketing strategies to use transit, and real-time transit information.

Impacts of the proposed project on Muni transit is presented in Impact TR-4 for conditions without a SF Giants evening game at AT&T Park, and Impact TR-13 for conditions with a SF Giants game at AT&T Park. Impacts TR-18 to TR-24 on SEIR pp. 5.2-190 – 5.2-208 present the potential impacts that could occur for the transportation topics if all or a portion of the Muni Special Event Transit Service Plan is not provided. Mitigation Measure M-TR-18: Auto Mode Share Performance Standard and Monitoring identifies measures that could be implemented by the project sponsor to meet specific performance standards. The purpose of this analysis was not to support an argument for securing funding for the Muni Special Event Transit Service Plan, as stated in a comment, but to identify the potential impacts if the project did not include the Muni Special Event Transit Service Plan and to establish performance standards that the project sponsor would be required to meet to reduce traffic, transit, and pedestrian impacts.

The projected increase in travel time delay at study intersections is presented in Impact TR-2 for conditions without an overlapping SF Giants evening game, and in Impact TR-11 for conditions with an overlapping SF Giants evening game. As presented in the tables, figures and supporting discussion, the addition of project-generated vehicles to the roadway network would result in traffic impacts at one of the 22 study intersections for the No Event scenario (i.e., office and retail uses, no event), two intersections under the Convention Event scenario (office and retail uses, plus daytime convention event with about 9,000 attendees), and at seven intersections for the Basketball Game scenario (i.e., office and retail uses, plus a basketball game with 18,000 attendees). The intersections operating at LOS F conditions would not result in gridlock conditions in Mission Bay. In the project vicinity, the T Third light rail operates in a semi-exclusive center median right-of-way, and would not be subject to increased vehicle delays at intersections along Third Street. The Central Subway project will eliminate a pinch point on the existing T Third route at the intersection of Fourth/King (i.e., the left turn from westbound King Street onto southbound Fourth Street and vice versa). The Central Subway route will run northbound and southbound on Fourth Street across King Street and will no longer include this turn, thereby reducing travel times and enhancing reliability. In addition, with implementation of the Central Subway service, two-car trains, instead of the existing one-car train, will run on the T Third with increased frequencies throughout the day. With implementation of the 22 Fillmore Transit Priority Project, the 22 Fillmore will also be operating within exclusive transit lanes and will be activating signal priority on 16th Street and



would not be subject to increased vehicle delays at intersections. In addition, with implementation of Muni Forward, the frequency of service on the 22 Fillmore throughout the day will increase. During large events, the TMP includes up to 17 PCOs stationed at adjacent intersections in the project vicinity (see SEIR p. 5.2-58). The PCOs would focus on managing queuing at key intersections and use their expertise to ensure that potential transit delays due to traffic congestion are avoided. PCOs would use various methods such as manually controlling the light cycle at signalized, active engagement of pedestrians, bicycles and vehicles using hand signals, as well as cones, barricades, and Variable Message Signs, and possibility ticketing for intersection blocking, double parking, or other parking violations as traffic management tools.

For all impact topics, a comparison is provided to the impact determination for that topic from the Mission Bay FSEIR impact analysis to identify whether the proposed project would result in new significant impacts not previously identified in the Mission Bay FSEIR. As described on page 5.1-3, the comparison is provided because the SEIR is a subsequent EIR to the Mission Bay FSEIR. The comparison of SEIR impacts to those identified in the Mission Bay FSEIR is provided for informational purposes, and the proposed project's impact determination does not rely on the comparison. Thus, the SEIR properly identifies transit impacts and mitigation measures, and does not rely on the MB FSEIR.

### **Issues Raised by Commenters: BART (TR-5b)**

This response addresses all or part of the following comments, which are quoted below:

A-BART-1	A-BART-4	A-BART-5	A-BART-7
A-BART-8	A-BART-9	O-MBA10L4-19	O-Sierra-2
PH-Vaughan-4			

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"1. System capacity improvements (i.e., rail car fleet expansion, stations, train control modernization, and additional shop & yard facilities) are needed to alleviate peak period constraints from projected ridership, but are unfunded. The BART Fleet Management Plan (FMP) (2010) service levels shared with the City in our January 23, 2013 Scoping Comments on the NOP are based on projected demand. The BART FMP indicates that BART will need to increase base service frequency from to 12-minute headways, and have approximately 1,100 vehicles by 2025 in order to adequately serve the demand generated in San Francisco. BART's current funding, however, leaves us more than 300 rail cars short of this total. The DEIR should take this information into account in analyzing projected transit capacity and crowding." (BART, Val Menotti, letter, July 27, 2015 [A-BART-1])

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"4. The DSEIR analysis does not sufficiently detail its methodology and assumptions to enable the reader to interpret the analysis and the extent of impact for both BART operations and station capacity. For all scenarios, assumptions should be documented, including numbers of trains, train capacity, transfer (station) locations and directions of travel, average travel times to each station (to better understand passenger arrival times at the stations and their impact on station and operation capacity), etc." (BART, Val Menotti, letter, July 27, 2015 [A-BART-4])

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“5. Timing of Central Subway Service: Currently, the arena is scheduled to open prior to commencement of Central Subway service. If that sequence holds, Warriors fans taking BART will rely almost solely upon the Embarcadero Station - with nearly 38,000 daily boardings, the most heavily patronized station in the BART system. BART currently experiences heavy congestion at both Embarcadero and Montgomery Stations (and is working with the City to develop capacity improvements to these stations). Embarcadero Station also has the narrowest platform width of the Market Street stations. To ensure that BART can safely deliver patrons to events (in addition to accommodating peak commute loads), the City should work with BART to mitigate the short-term impact to ridership at these stations. BART seeks mitigation measures in the both short and long term to divert trip generation at Montgomery and Embarcadero stations.” (BART, Val Menotti, letter, July 27, 2015 [A-BART-5])

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“7 BART is concerned about Transbay operating capacity in the eastern direction during the late evenings after events, especially after simultaneous events throughout the city on Friday and Saturday nights. Analysis for this scenario (OUTBOUND from project site) was not included in the DSEIR. Given the timing of the ends of basketball games and large events, and the time required to travel to BART stations, event patrons may be using the last trains of the evening when stations and trains are already crowded. For this scenario, the DSEIR needs a broader definition of " simultaneous events" that are known to significantly increase BART ridership. This includes other events occurring and ending simultaneously throughout the city and along the Market Street Corridor (i.e. concert venues), as well as the "ambient" increase in ridership on weekend late evenings. At a minimum, the project should call for monitoring transit capacity during this condition (late evening OUTBOUND to East Bay on Fridays and Saturdays).” (BART, Val Menotti, letter, July 27, 2015 [A-BART-7])

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“8. Station Capacity: BART's NOP comment letter stated that the City needs to work with BART to analyze the impacts of the proposed Project on peak period travel for station capacity as well as line haul capacity to ensure that BART can safely deliver patrons to and from events. However, there was no station level ridership forecast, or analysis, to determine the impacts to individual stations.” (BART, Val Menotti, letter, July 27, 2015 [A-BART-8])

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“9. 16th Street Station: BART is particularly aware of station loading capacity constraints at the 16th St. station. It is unclear from the analysis how many patrons would need to transfer to Muni service at this station, or what impacts that could have at the station plazas. This station does not have faregates on the concourse level nearest the entrance on the north-east corner of Mission St. and 16th St. To accommodate passengers that will be dropped off at this entrance from either MUNI #22 buses or supplementary shuttles, a new fare area may need to be added, including faregates, station booth and support infrastructure such as CCTV. Staffing needs include a station agent, police and possibly staff to meter passengers at the concourse and platform level.” (BART, Val Menotti, letter, July 27, 2015 [A-BART-9])

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“With regard to regional transit services, considering capacity versus ridership at San Francisco perimeter screenlines (North Bay, East Bay, South Bay) as the sole criterion of impact on the regional systems results in the analysis failing to address other significant impacts that are unrelated to corridor screenline ridership to capacity relationships. For example, in the case of BART, while Transbay capacity (the screen line analyzed) is a concern, an equal concern is the peak period platform capacity at the Embarcadero and Montgomery Street stations. These stations each individually serve 22 percent of all BART travelers and in the peaks are simultaneously serving peak-direction travelers to/from both eastbound and westbound corridors as well as serving contra-peak direction travelers in both directions. The platform congestion at both these stations is a serious operational and safety concern, has been documented in public<sup>6</sup>, is visibly worse in the pm peak hour when the Giants have weekday night games scheduled and would presumably

be similarly affected by weekday evening Warriors games and other large events at the Project. BART is actively developing designs for adding outboard platforms at both of these stations – a mitigation measure that the Project (and others) could make fair share contributions toward if the Project’s impacts at these locations were properly analyzed. But for the present, the DSEIR’s is deficient because it completely fails to analyze, disclose and mitigate the Project’s impacts on this situation.”

**Footnote:**

<sup>1</sup> See *BART Sustainable Communities Operations Analysis*, June 2013

(*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-19]*)

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“However, the project sponsors are proposing a project in Mission Bay without proposing adequate transportation infrastructure to match the capacity of BART in Oakland, especially when events are happening simultaneously at AT&T Park and in Mission. (*Volume 1, TR-2 through TR-6.*)” (*Sierra Club, Susan E. Vaughn, letter, July 27, 2015 [O-Sierra-2]*)

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“And on that line, I want to add that I think that probably most of the people who work that venue in Oakland right now work -- don't live in San Francisco. So, I'm wondering about the impact to BART ...” (*Susan Vaughan, public hearing transcript, June 20, 2015 [PH-Vaughan-4]*)

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## **Response TR-5b: Transit Impacts, BART**

The significance thresholds and methodology used in the analysis of regional transit is presented on SEIR pp. 5.2-75 – 5.2-77, and additional information is provided in Appendix TR. This methodology is consistent with analysis of all development projects in San Francisco and focuses on BART capacity utilization at the East Bay and South Bay cordons. Existing BART ridership and capacity for the analysis hours were provided by BART in May 2015 and are based on April 2015 data. These BART assumptions regarding trains and train capacity were incorporated into the data that was provided for use in this SEIR. The ridership and capacity presented in the SEIR are at the maximum load point for trips between San Francisco and the East Bay and the South Bay: the maximum load point to and from the East Bay is at the Embarcadero and West Oakland stations, respectively, while the maximum load point for trips to and from the South Bay is at the Civic Center and 16th Street stations, respectively.

Table 5.2-26 on SEIR p. 5.2-92 presents the total transit trips by origin/destination for the seven analysis scenarios. **Table 13.11-2** presents the project-generated inbound and outbound trips assigned to BART to and from the East Bay and South Bay for the peak hours of analysis (from information contained in the SEIR Appendix TR). These project-generated BART ridership data by direction were used in analysis of BART in Impact TR-5 for conditions without an overlapping SF Giants evening game, in Impact TR-14 for conditions with an overlapping SF Giants evening game, in Impact TR-21 for conditions without the Muni Special Event Transit Service Plan, and Impact C-TR-5 for the cumulative impact analysis.

**TABLE 13.11-2**  
**PROPOSED PROJECT-GENERATED BART RIDERSHIP TO AND FROM THE EAST BAY AND**  
**SOUTH BAY – WEEKDAY AND SATURDAY PEAK HOURS**

Direction/Analysis Peak Hour/Analysis Scenario	Inbound	Outbound	Total
<i>East Bay</i>			
Weekday PM Peak Hour - No Event	16	188	205
Weekday PM Peak Hour – Convention Event	36	299	335
Weekday PM Peak Hour – Basketball Game	276	187	463
Weekday Evening Peak Hour – Basketball Game	1,373	67	1,440
Weekday Late Evening Peak Hour – Basketball Game	0	1,834	1,834
Saturday Evening Peak Hour – No Event	35	77	112
Saturday Evening Peak Hour – Basketball Game	1,604	49	1,653
<i>South Bay</i>			
Weekday PM Peak Hour - No Event	1	22	23
Weekday PM Peak Hour – Convention Event	3	31	34
Weekday PM Peak Hour – Basketball Game	36	22	58
Weekday Evening Peak Hour – Basketball Game	203	8	212
Weekday Late Evening Peak Hour – Basketball Game	0	239	239
Saturday Evening Peak Hour – No Event	1	7	8
Saturday Evening Peak Hour – Basketball Game	831	23	854

SOURCE: Adavant Consulting/Fehr & Peers/LCW Consulting, 2015

Table 4.5-40 on SEIR p. 5.2-136 presents the capacity utilization analysis for the weekday p.m. peak hour for the peak direction of travel for the regional agencies, which is outbound from San Francisco for the No Event, Convention Event, and Basketball Game scenarios. Table 4.5-41 on SEIR p. 5.2-137 presents the capacity utilization analysis for weekday evening for the inbound direction (i.e., attendees traveling to the event center), as well as for the weekday late evening period for the OUTBOUND direction (i.e., attendees leaving the event center). Table 4.5-42 on SEIR p. 5.2-138 presents the capacity utilization analysis for the Saturday evening for the inbound direction.

The transit analysis assumed that riders taking BART to and from the East Bay would primarily use the Embarcadero and Powell Street Muni/BART stations and the T Third/Central Subway light rail between the event center and the Muni/BART stations, while riders taking BART to and from the South Bay would primarily use the 16th Street BART station and the Muni Special Event 16th Street BART Shuttle between the event center and the 16th Street BART station.

As indicated on Table 13.11-2, during the weekday late evening peak hour, about 240 passengers are projected to access the 16th Street BART station for the return trip to the South Bay, and about 1,850 passengers would access the Embarcadero and Powell Street BART/Muni stations for the return trip to the East Bay. The 240 late evening peak hour passengers accessing the 16th Street BART station would be accommodated by the existing seven fare gates, and it is not anticipated that additional fare gates, station booths or supporting infrastructure and staffing would be needed to accommodate the increased demand. As a comparison, for the peak one-hour during

the 7:00 to 9:00 a.m. morning commute period approximately 400 riders entered and 360 riders exited the station via the stairs at the northeast corner of the intersection of Mission/16th Street (total of 760 persons), while 1,300 riders entered the paid area and 1,360 riders exited the paid area through the seven fare gates (total of 2,680 persons). While commute riders may be more familiar than event attendees with ticketing and use of the fare gates, the processing capacity of the fare gates would be adequate to accommodate the demand without resulting in substantial overcrowding on the concourse or platform levels. Similar to existing conditions, passengers entering the concourse level via the entrance on the northeast corner of the intersection of Mission/16th Street would walk to the existing fare gates to access the paid concourse area and stairs/escalators/elevator to the platform.

As indicated in Impact TR-14 on SEIR pp. 5.2-14 – 5.2-185, under existing plus project conditions with an overlapping SF Giants evening game at AT&T Park, additional BART capacity would be required to accommodate the combined BART travel demand to the East Bay, and as a result, the proposed project would result in a significant impact on BART. Mitigation Measure M-TR-14: Additional BART Service to the East Bay during Overlapping Events was identified to accommodate the transit demand following weekday and weekend evening events. The need for additional service would be based on the characteristics of the overlapping events (e.g., event type, projected attendance levels, and anticipated start and end times), and the additional service by event type would be developed and refined based on ongoing monitoring and surveys of conditions as part of the TMP. Because full funding for the additional service has not been identified, and because additional transit service relies on future discretionary actions by the board of directors for each agency, implementation of the mitigation measure remains uncertain. Accordingly, impacts to BART would be considered significant and unavoidable.

In response to the comment related to BART's January 2013 scoping comments on the NOP, it should be noted that BART's comments were for the prior NOP when the event center was proposed to be located at Piers 30-32. Attendees traveling to and from an event center at Piers 30-32 would all use the Embarcadero Muni/BART station, raising BART's concerns regarding the ability to process the additional peak loads during a project event overlapping with a SF Giants game. With the project now proposed to be located at Mission Bay Blocks 29-32, and with the Muni Special Event Transit Service Plan, attendees taking BART would be distributed among the three stations: 16th Street BART station and the Powell Street and Embarcadero Muni/BART stations, with the greatest number of attendees destined to and from the Powell Street Muni/BART station. As indicated on Table 13.11-2, during the weekday late evening peak hour, about 1,850 passengers are projected to access the Powell Street and Embarcadero Muni/BART stations for the return trip to the East Bay. The number of passengers destined to the East Bay following a full-capacity event at the event center (i.e., 18,000 attendees) would be substantially less than a full capacity event at AT&T Park (i.e., 42,000 attendees). Furthermore, trips to and from the event center would utilize the Central Subway line, and would therefore primarily use the Powell Street Muni/BART station, and not the Embarcadero Muni/BART station. Prior to operation of the Central Subway, special event shuttles would be deployed for attendee access between the event center and the Powell Street Muni/BART station. With the Central Subway, the new Union Square/Market Street station will include a direct concourse-to-concourse connection

to the Powell Street Muni/BART station. Therefore, because only a small portion of the attendees taking BART during overlapping events would use the Embarcadero Muni/BART station, the limited number of additional transit trips accessing the Embarcadero Muni/BART station post-event would be accommodated without substantially affecting station operations, and a station capacity analysis was therefore not conducted.

A station capacity analysis was not conducted for the Powell Street Muni/BART station because the project-generated peak pre-event and post-event demands are anticipated to be less than existing commute ridership demands that are currently accommodated at the station during the weekday a.m. and p.m. peak hours. Post-event arrivals at the Powell Street Muni/BART station would be spread out as passengers arrive in separate Muni trains and then walk between the Central Subway Union Square/Market Street station and the Powell Street Muni/BART station. Overall, the Powell Street Muni/BART station has a lower passenger demand than the Embarcadero and Montgomery Street Muni/BART stations, a more spacious concourse and platforms, and has not been identified by BART as constrained or requiring additional capacity. Therefore, a station capacity analysis was not conducted for this station. It is not anticipated that the project attendees would use the Montgomery Street Muni/BART station in quantifiable numbers for travel to and from the East Bay and South Bay, as transfers to Muni routes connecting with the event center are not convenient from this station.

The comment regarding needed systemwide BART capacity improvements, as well as station capacity improvements is noted. As stated in the comment, the City is working with BART on the Embarcadero-Montgomery Capacity Implementation Plan study in a regionally coordinated approach to develop improvements to accommodate the current and increased ridership at the Montgomery Street and Embarcadero Muni/BART stations. The SFMTA and SFCTA are working with BART to develop concepts to increase platform capacity at these two stations, including a potential project to build new side platforms on the opposite side of the existing tracks. Matching funds for this study were provided by the SFMTA (Proposition K), the Golden State Warriors, and the San Francisco Giants.<sup>17</sup> The SFMTA was part of the Project Steering Committee and the Technical Advisory Committee for the Metropolitan Transportation Commission's (MTC's) regional Transit Sustainability Project (TSP), which included recommendations to provide investment for fund service improvements on major regional bus and rail corridors within the San Francisco Bay Area.

Regarding funding for BART's systemwide needs, San Francisco does fund a large number of transportation improvements to local and regional transportation facilities. Funding for these improvements comes from a variety of sources including state and federal grants, tolls collected from Bay Area bridges, and a countywide ½-cent sales tax dedicated toward funding transportation improvements authorized under San Francisco's Proposition K. The MTC, as the transportation planning, coordinating and financing agency for the nine-county San Francisco Bay Area, administers and distributes federal, state and regional moneys among the various regional transit

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<sup>17</sup> Embarcadero-Montgomery Capacity Implementation Plan, Available online at: [http://www.bart.gov/about/planning/embarcadero-montgomery\\_capacity\\_implementation\\_plan](http://www.bart.gov/about/planning/embarcadero-montgomery_capacity_implementation_plan). Accessed on September 30, 2015.

operators. For example, MTC's Core Capacity Challenge Grant Program commits \$7.5 billion (including federal, state and regional funds) over 15 years to fund high-priority transit capital improvements to the region's largest transit systems, including BART. The grant program will fund transit vehicle replacement fleet expansion, and key facility upgrades noted in the comments.

### Issues Raised by Commenters: Caltrain (TR-5c)

This response addresses all or part of the following comments, which are quoted below:

A-Caltrain-1

A-SMCTD-2

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"The Project site is located 0.8 miles south of the Caltrain terminal at Fourth/King and 0.9 miles northeast of Caltrain's station at 22<sup>nd</sup> Street and the analysis in the DSEIR indicates that travel demand generated by the project on event days will result in a substantial addition of riders to the Caltrain system. Specifically Caltrain notes that Impacts TR-5 and TR-14 identify Caltrain service as being significantly capacity-impacted to and from the South Bay during the weekday evening, weekday late evening, and Saturday evening peak hours during both the "Basketball Game Scenario" (Impact TR-5) and the "Basketball Game with Overlapping SF Giants Game at AT&T Park Scenario" (Impact TR-14) evaluated in the DSEIR.

"In response to the above impacts the DSEIR identifies mitigation measure M-TR-5a "Additional Caltrain Service," noting that implementation of this measure would reduce or minimize the severity of the capacity utilization exceedances for Caltrain and would not result in secondary transportation impacts. The DSEIR also notes, however, that the provision of additional Caltrain service is uncertain and full funding for the service has not yet been identified. Implementation of the mitigation measure thus remains uncertain and impacts TR-5 and TR-14 are found to be significant and Unavoidable with mitigation.

"Caltrain agrees with the DSEIR's analysis of capacity impacts to our service, the conclusion that additional service has the potential to mitigate a portion of these impacts, and the statement that additional Caltrain service has not yet been defined, funded or agreed to. Caltrain understands the importance of the regional transportation services we provide and we look forward to working collaboratively with the City and County of San Francisco and the project sponsors to address the transportation challenges and opportunities presented by this unique project. As the project advances through the environmental process we encourage the City and the project sponsors to engage with us directly to more formally define, analyze and identify funding for any contemplated increase in Caltrain service." (*Caltrain, Marian Lee, letter, July 27, 2015 [A-CALTRAIN-1]*)

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"Did the EIR analyze capacity impacts to Caltrain inbound service during the PM (pre-event) condition?" (*San Mateo County Transit, email, July 15, 2015 [A-SMCTD-2]*)

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### Response TR-5c: Transit Impacts, Caltrain

The acknowledgement of the proposed project's impact on Caltrain service during the weekday and Saturday evening and late evening periods, and associated mitigation measure (i.e., Mitigation Measure M-TR-5c: Additional Caltrain Service on SEIR p. 5.2-147) is noted. The City and project sponsor would work with Caltrain, as well as BART, which also provides transit service to the South Bay, to determine the actual need for additional Caltrain service for different events (e.g., event type, projected attendance levels, and anticipated start and end times). As

indicated on SEIR p. 5.2-146, the additional capacity needed to accommodate the transit demand to the South Bay during the weekday and Saturday evening conditions is projected to be one train car on at least one inbound train per hour, and for the weekday late evening period, two additional train cars on at least one outbound train per hour (or via the provision of at least one special outbound train similar to that provided following a SF Giants evening game). Because funding for the additional service has not been identified, implementation of the mitigation measure remains uncertain, and the proposed project's transit impact on Caltrain was determined to be significant and unavoidable.

As indicated on SEIR p. 5.2-75, the weekday p.m. peak hour transit analysis was conducted for the outbound direction of travel (i.e., away from the project site and outbound from San Francisco). The weekday p.m. peak hour coincides with the peak evening commute period, and with the time when most employees at the project site would be departing from work. This weekday p.m. peak hour thus represents the analysis hour most likely to be impacted by project-generated transit trips. During that time period, capacity for incoming event attendees traveling towards the project site is comparatively more available, given the greater percentage of transit riders traveling in the opposite direction. In contrast, for weekday and Saturday evening peak hours, the transit analysis was conducted for the inbound direction of travel (i.e., towards the project site and inbound into San Francisco). The evening peak hour coincides with the period when most attendees would be traveling to the event center for an evening event, and represents the analysis hour most likely to be impacted by project-generated transit trips.

**Table 13.11-3** presents the project-generated inbound and outbound trips assigned to Caltrain to and from the South Bay for the peak hours of analysis (from the information in the SEIR Appendix TR). As indicated in the table, the proposed project would generate about 110 inbound transit trips on Caltrain during the weekday p.m. peak hour, and 610 inbound transit trips during the evening peak hour. Therefore, the analysis of the weekday evening period, as well as the weekday p.m. peak hour, represents a conservative analysis of project impacts on Caltrain.

**TABLE 13.11-3  
PROPOSED PROJECT-GENERATED CALTRAIN RIDERSHIP TO AND FROM THE SOUTH BAY –  
WEEKDAY AND SATURDAY PEAK HOURS**

Analysis Peak Hour/Analysis Scenario	Inbound	Outbound	Total
<i>South Bay</i>			
Weekday PM Peak Hour - No Event	3	67	70
Weekday PM Peak Hour – Convention Event	10	93	103
Weekday PM Peak Hour – Basketball Game	108	67	175
Weekday Evening Peak Hour – Basketball Game	610	24	635
Weekday Late Evening Peak Hour – Basketball Game	0	718	718
Saturday Evening Peak Hour – No Event	4	21	25
Saturday Evening Peak Hour – Basketball Game	616	17	634

SOURCE: Adavant Consulting/Fehr & Peers/LCW Consulting, 2015



As noted in Response TR-5c: Transit Impacts, BART above, San Francisco contributes funding for local and regional transportation improvements from a variety of sources including state and federal grants, tolls collected from Bay Area bridges, and a countywide ½-cent sales tax dedicated toward funding transportation improvements authorized under San Francisco’s Proposition K. As noted above, MTC administers and distributes federal, state and regional moneys among the various regional transit operators, including Caltrain.

### Issues Raised by Commenters: Other Transit (TR-5d)

This response addresses all or part of the following comments, which are quoted below:

O-PBNA-6

I-Zboralske-33

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#### *“Impact TR-4: Traffic*

“We would celebrate the introduction of ferry service to the Arena site, and would hope that an electrified Caltrain would provide additional service to and from the Peninsula. We consider both improvements to be part of the critical path to the Arena opening—that is, they must be operational prior to the Arena’s first tip-off. That parochial interests on the Peninsula have tied-up Caltrain electrification is of great concern. Ridership is already at capacity levels throughout much of the weekday schedule. Without additional trains on the schedule, we question the extent that Caltrain can be depended on in the Arena rideshare models.” (*Potrero Boosters Neighborhood Association, J.R. Eppler, letter, July 27, 2015 [O-PBNA-6]*)

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“The City may have admirable intentions by implementing a transit first policy. The City cannot, however, impose this policy on the region. There are about 26 different public transportation entities in the Bay Area. Oftentimes, their systems do not operate on schedule and delays occur. Any glitch on one system will negatively affect an individual’s ability to make transfers. Until the entire public transportation system in the region is improved and integrated more cohesively, traveling throughout the region by linking multiple systems can be problematic.

“Trying to force a transit first policy on people throughout the region is problematic. To try and impose your will, and policy, on people throughout the region will not be successful. In my view, the City is mistaken if it believes the transit first policy and existing public transportation system will be able to alleviate traffic congestion and disruptions in Mission Bay.

“Many patrons attending events at the proposed arena will come from cities throughout the greater Bay Area. Most will want to see events with friends and family. People want to go together so they can socialize, hang out and perhaps dine before or after events. Many people have friends and coworkers that live in different cities, have different work hours and may not have robust public transportation options immediately available to them. In the end, much of what we choose to do or not do really involves details, logistics and convenience.

“So what inevitably happens? Often groups of attendees make a decision to carpool and drive to the event together. This allows them to share costs. They can decide if they want to leave early or stay late without the constraints of an unpredictable transit schedule. They keep their options open. This is modern day life. This is what happens. This is predictable.

“Although not related to the arena project, take a look at recent incidents at Dolores Park. Recently, newspaper articles have reported the park has been besieged by people on weekends, vandalized multiple times and is a filthy mess. Garbage has been strewn about and an inadequate number of trash

receptacles were installed. Apparently, the City thought if they didn't put a significant number of trash receptacles in the park that park goers would responsibly haul their trash out and pick up their own mess. How did that work out?

"The City is also grappling with measures to curb people urinating and defecating on City streets. So far that effort has not been successful. These issues are the types of quality of life issues that are so important to residents." (*James Zboralske, email, July 27, 2015 [I-Zboralske-33]*)

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## Response TR-5d: Transit Impacts, Other Transit

There is no ferry terminal in the vicinity of the project site, and therefore the proposed project does not include the provision of new ferry service. Instead, in order to take advantage of existing ferry service available at the San Francisco Ferry Building about 2.0 miles northwest of the project site, the project includes within its Muni Special Event Transit Service Plan a commitment to shuttle attendees between the event center and the Ferry Building, as well as several other regional transit stations in San Francisco. Furthermore, in the event that the proposed project does not meet the performance standards outlined in the project TMP, provision of additional ferry service would be among the measures that the project sponsor could implement to help meet the performance standards. As stated on SEIR p. 5.2-69, under this performance standard the project sponsor would be required to offer special event ferry service to the closest ferry stop to the project site (similar to the existing service provided between AT&T Park and Alameda, Marin and Solano Counties by Golden Gate Transit, Alameda/Oakland and Vallejo ferry service). In addition, as part of Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts on SEIR p. 5.2-129, the City would work with the Water Emergency Transportation Agency (WETA), the project sponsor, UCSF, and other interested parties to explore the possibility of construction of a ferry landing near the terminus of 16th Street, and provision of ferry service during events.

As described in Response TR-5c above, the assessment of transit impacts against existing baseline environmental conditions was conducted assuming the current schedule and ridership characteristics of Caltrain service during the analysis hours. The 2040 cumulative analysis, however, accounts for the planned electrification of Caltrain as part of the Caltrain Modernization Project, which is scheduled to be operational by 2020.<sup>18</sup> This future electrification will create the opportunity for Caltrain to provide additional service capacity (i.e., add additional trains during the a.m. and p.m. commute periods) that was not assumed in the project-specific transit impact analysis but was assumed in the cumulative analysis.

As presented in Impact TR-5, under existing plus project conditions without a SF Giants game at AT&T Park, the proposed project would result in significant project-specific regional transit impacts on Caltrain to and from the South Bay during the weekday evening, weekday late evening, and Saturday evening peak hours. Additional service to the South Bay would be required for conditions without and with overlapping events at AT&T Park. As stated on Mitigation Measure M-TR-5a:

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<sup>18</sup> Caltrain Modernization Program will electrify and upgrade the performance, operating efficiency, capacity, safety and reliability of Caltrain's commuter rail service. Available online at <http://www.caltrain.com/projects/plans/CaltrainModernization.html>. Access August 24, 2015.

Additional Caltrain Service on SEIR p. 5.2-147, as a mitigation measure to accommodate transit demand to and from the South Bay for weekday and weekend evening events, the project sponsor shall work with the Ballpark/Mission Bay Transportation Coordinating Committee to consult with Caltrain to provide additional Caltrain service to and from San Francisco on weekdays and weekends.

The comment stating that the City cannot impose a transit first policy on the region is noted. The City recognizes the limitations of the ability of local governments to alter private behavior but nevertheless stands behind the transit ridership assumptions it has used. They are based in large part on empirical information derived from comparable circumstances and thus should be realistic to use for planning purposes. The analysis of the event center assumes that all modes of travel, including transit and driving, would be used to access the site. SEIR pp. 5.2-87 – 5.2-88 present the methodology used to estimate the proposed project's trip generation by mode. As described in the SEIR, access to the event center by transit (i.e., about 35 percent for both local and regional transit combined) is anticipated to be similar to, but slightly lower proportionally, than the current transit mode share for AT&T Park baseball games.

## 13.11.7 Pedestrian Impacts (TR-6)

### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

I-Cehand-8

I-Cunningham-3

I-Hrones-6

I-Woods-5

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“Also- anything you can do to route foot traffic away from our homes [420 Mission Bay Boulevard North] would be appreciated.” (*Jadine Cehand, email, June 30, 2015 [I-Cehand-8]*)

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“My co-workers, many of whom are also homeowners in the Soma/Mission Bay have already been impacted by the traffic caused just by the SF GIANTS’ home games! Many of us have had to adjust our work hours to avoid the traffic gridlock. This congestion has also impacted the health and welfare of our outside environment and has impeded our enjoyment of daily walks and outside lunching— which we deem necessary to keep up our health and sanity. During home games, it is virtually impossible to navigate the sidewalks and cars around 4th and Townsend not to mention the continuous bombardment of pedestrians who have parked in Mission Bay for the game. This creates sidewalk congestion even when walking on the San Francisco Bay Trail (one of our favorite walking trails) that runs along the Bay near Terry A Francois Blvd, RIGHT at the site of the proposed Warriors Stadium and other mixed-use buildings. This stadium project absolutely promises additional traffic logjams and parking nightmares.” (*Micki Cunningham, email, July 23, 2015 [I-Cunningham-3]*)

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“Fifth, management of pedestrian flows, especially immediately after events, can be challenging. Barclay’s Center has an excellent pedestrian safety record; however, there was a need to make adjustments after the opening, which in addition to pedestrian management by operational personnel, included creating more effective sidewalk space, adding crosswalks, and installing barriers to prevent midblock crossing. The SDEIR is correct to propose solutions to prevent mid-block crossings to the southbound light rail platform at 3rd Street, and to acknowledge that the intersection of 3rd Street and South Street requires active operational management. I would suggest in addition to this that permanent physical infrastructure to adequately accommodate pedestrian flows, especially at 3rd Street and South Street, be included in the project. It is much easier to implement measures such as pedestrian bulbouts and additional crosswalks as part of the project than trying to create retrofits after the arena has opened.” (*Christopher Hrones, email, June 30, 2015 [I-Hrones-6]*)

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“Impact TR-6, TR-21, TR-22 While the SEIR addresses active management of pedestrian flows, it needs to be tied to priority for transit. Pedestrians need to be controlled so that transit vehicles have priority over vehicles exiting garages and pedestrian movement.” (*Corrine Woods, email, July 27, 2015 [I-Woods-5]*)

### Response TR-6: Pedestrian Impacts

The primary pedestrian routes between the event center and destinations to the north (e.g., Caltrain, Lot A parking) would be via Third Street, as the primary pedestrian access to the event center is at the northwest side of the block via the Third Street Plaza. Terry A. Francois Boulevard

would serve as a secondary pedestrian access route, as the food hall in the northeast corner of the site would be accessed directly via Terry A. Francois Boulevard. Therefore, it is anticipated that some project-generated pedestrians would walk past the residential buildings bordering Third Street and Terry A. Francois Boulevard. Routing these pedestrians to other streets to the west would not be practical. It is not anticipated, however, that pedestrians would use Bridgeview Way, as this street is not continuous between China Basin and Mission Rock Streets (while a pathway would be provided between China Basin and Mission Rock Streets, it would not be aligned with Bridgeview Way, and would therefore not be as visible and attractive as a pedestrian route). As described on SEIR p. 3-46, the project would be subject to the San Francisco Entertainment Commission's Place of Entertainment permits, and the sponsor would develop and implement Event Center Site Management practices to minimize potential disruption associated with event center operations to the quality of life for the surrounding neighborhood.

The additional pedestrians generated by the proposed project would be accommodated on the sidewalks adjacent to the project site, which would be designed to meet the peak pre-event and post-event demand. Pedestrian volumes further from the project site would be lower, and minimal increases would be expected north of King Street (i.e., north of the Caltrain station). Further, the number of pedestrians generated by the largest event at the event center (i.e., 18,500 attendees) would be less than half of the number generated by the typical attendance at a baseball game at AT&T Park (i.e., 41,000 attendees). While development of the project would result in increases in the number of pedestrians on the Bay Trail, it is not anticipated that the Bay Trail would be a primary or secondary route to and from the event center.

During pre-event and post-event conditions, pedestrian flows at the adjacent intersections and crosswalks would be managed to ensure that pedestrians could safely cross the streets and access light rail and shuttle buses. As indicated on SEIR p. 5.2-64, following an event, when pedestrian volumes are greatest, PCOs would be located at key locations adjacent to the project site and at the 16th Street garage driveway. They would manage alternating traffic flow of vehicle traffic exiting the garage with pedestrians and bicycle flow along and crossing 16th Street, managing alternating flows of vehicle traffic exiting the garage with the Muni Special Event 16th Street BART shuttle accessing 16th Street eastbound from Illinois Street northbound, and with the Muni Special Event Van Ness Avenue shuttles traveling westbound on 16th Street, as well as managing pedestrians crossing 16th Street. PCOs would also manage alternating pedestrian, bicycle, and/or traffic flows at the intersections of Terry A. Francois Boulevard/16th, Terry A. Francois Boulevard/South, and Third/South (the primary pedestrian access point between the project site and the T Third UCSF/Mission Bay light rail station would be at the intersection of Third/South).

## 13.11.8 Bicycle Impacts (TR-7)

### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-PBNA-9

O-SFBC-2

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“Additional bicycle infrastructure may also be appropriate. Both 16th Streets and Mariposa Streets experience significant automobile traffic, and with dedicated bus lanes coming to 16th Street, neither are ideal for bicycles. A pedestrian and bicycle connector at 17th Street, including an overpass over the Caltrain tracks, would extend the bicycle routes already on 17th Street through the Mission and the western part of Potrero Hill. Such improvements should be evaluated so that bicycling can be a safer, more prevalent means of reaching the Arena.” (*Potrero Boosters Neighborhood Association, J.R. Eppler, letter, July 27, 2015 [O-PBNA-9]*)

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“SFBC, working in close partnership with the Warriors, supports the following activities to create better biking at the Project Site. These recommendations, if not already included in the DSEIR, should be addressed under Mitigation Measure M-TR-2b, Impact TR-7, or wherever appropriate in the DSEIR document:

#### “New and Enhanced On-Street Bicycle Facilities

SFBC supports the Warriors’ and this DSEIR’s inclusion of new and/or enhanced on-street bicycle facilities, to be designed in coordination with SFBC, the San Francisco Municipal Transportation Agency (SFMTA), Port of San Francisco, Office of Community Investment and Infrastructure (OCII), and Mission Bay Development Group (MBDG). These priority streets for bicycle infrastructure include:

- Terry Francois Boulevard, two-way protected bikeway on the East side of the roadway from Lefty O’Doul Bridge to Mariposa Street;
- 16th Street between 3rd and Terry Francois Boulevard: one-way buffered and/or parking protected bike lanes on North and South side;
- Enhanced intersection designs around the arena, with special attention paid to bicycle and pedestrian safety at 16th and Illinois Streets and 16th Street and Terry Francois Boulevard and;
- Managed intersections around the site during special events, with special attention paid to 16th and Illinois Streets.

“The Warriors should encourage Mission Bay Development Group and public agencies to construct or implement these improvements prior to the opening of the event center.

#### “Bicycle Parking

Adequate bicycle parking is critical to support the mode share goals of the project. SFBC encourages the Warriors to provide ample bicycle parking at the Project for special events, as well as for everyday commercial and neighborhood use. SFBC appreciates the Warriors commitment in on-going discussions to expand bicycle capacity as needed over the life of the development to meet additional capacity requirements that may arise.

#### “Valet Bicycle Parking

The Warriors and this DSEIR indicate a need for enclosed bicycle valet space with a minimum capacity of 300 bikes. SFBC supports and encourages the current allocation of roughly 2,000 square feet for the operation and management of on-site bicycle valet, which would allow proper space for expansion, as noted above. The valet space should be designed to maximize the amount of bike storage available and to

be consistent with current and projected neighborhood transportation plans. The bicycle valet should be sited as close to a main entrance to the Event Center as reasonably possible and located along one of the new or enhanced on-street bicycle facilities described above. The bicycle valet space should be completed and fully operational in conjunction with the opening of the Project.

“We are pleased that valet bicycle parking will be provided at special events at the Event Center, including concerts and performances throughout the year, and at other events with an expected attendance past a threshold size to be reasonably determined in consultation with the SFBC, and revisited annually, as needed. Bicycle valet services could also be scaled up or down based on expected attendance levels on a per-event basis.

“SFBC could plan to promote the availability of bicycle valet parking in communications and in programs to drive use. This could include promotion on the SFBC website, newsletters and social media with a reach of over 30,000 San Franciscans, and through programs and events as outlined below.

#### **“Commercial Bicycle Parking**

As indicated in the DSEIR, the Warriors should provide secure (Class 1) bicycle parking for commercial office tenants and short-term bike parking (Class 2) for retail tenants, customers and guests at or above the requirements of applicable law including the City of San Francisco Planning Code Section 155.2, which sets standards for the provision of bike parking in new commercial development.

#### **“Other Bicycle Parking and As-Needed Expansion**

SFBC supports the Warriors’ and this DSEIR’s proposal for an approximately 100-bike “pop-up” corral in a publicly accessible and highly visible location at the Event Center for special events on an as-needed basis. The pop-up corral should be monitored by event security staff and should be set up no less than one hour before such events.

“SFBC also supports the Warriors’ intention to identify on-site locations for additional pop-up corrals and/or additional bike parking facilities if/when the need for expanded bicycle parking capacity should arise. This additional bike parking capacity should be provided as additional pop-up corrals, expanded valet, and/or other forms of secure, monitored bicycle parking.

“SFBC is encouraged by the Warriors’ plan to identify additional future bike parking capacity to achieve a total of up to 900 potential spaces available to the general public during full-capacity special events (the sum of on-site bicycle valet spaces, on-site Class 2 spaces, pop-up corral spaces, and other publicly accessible secure bike parking spaces in the project vicinity). The Warriors should assess the need for expanded event bicycle parking facilities up to this number on a yearly basis and in consultation with SFBC to meet projected growth in bicycle trips. These spaces would be in addition to the permanent bike rooms in each on-site office building, which together with expanded event bicycle parking as described above, may in the future exceed 1,000 total available bike spaces for varied users at the project site.

“SFBC is committed to continue working with the Warriors to find secure, public, and appropriate locations and systems to accommodate future bicycle capacity at the Project site.

#### **“Bay Area Bike Share Stations**

SFBC supports the Warriors and this DSEIR’s inclusion of Bay Area Bike Share stations at and/or around the Project site.

#### **“Marketing and Bicycle Promotion**

We are pleased that the Warriors and this DSEIR acknowledge that increasing the number of bicycle trips to and from the Project will support the Citywide goal of a 8% bicycle mode share by 2023. As such, trends in bicycle trip generation and mode split should be studied and evaluated on at least a yearly basis, with bicycle parking expansion, marketing, and promotion adjusted, to support this goal.

“The Warriors and this DSEIR discuss integrating bicycle transportation into marketing and promotional activities for the Event Center to support the above stated goals. SFBC is supportive and committed to work with the Warriors on an on-going basis to further develop, implement, and promote the programs outlined below.

“The Warriors and this DSEIR note that marketing and promotion are possible mitigations under *Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts* for enhancing non-auto modes. As consistent with on-going discussions with the Warriors, SFBC encourages the Warriors to also consider marketing the Event Center as a bicycle-friendly destination in other press and marketing materials that may include but are not limited to:

- Warriors players and employees on bicycles at Warriors events and at SFBC events
- Feature bicycle facilities and programs in sustainability or environmental promotional materials or media
- Encourage bicycle travel information in non-Warriors special event promotions and marketing, such as concerts and performances

“Promotions to enhance the bicycle experience should also include a recurring, season-long program that encourages more people to arrive to basketball games by bicycle. Similar promotions could also be used to promote bicycle trips at other events at the Event Center throughout the year.

“The Warriors should design a plan prior to the opening of the Project for promoting bicycling to the Event Center that may include but is not limited to:

- Regular “Bike to Game” nights that include group rides from various starting locations in San Francisco and the region, rides with GSW staff prior to the game, and/or special offers for people who bike to the game;
- Bike-related raffles or prizes for people who bike to games. Giveaways could include branded lights, stickers, discount tickets, etc.;
- Special services and programs for people who bike to games. These could include monthly free or discounted tune-ups and minor repairs, and other incentives for people who frequently ride their bikes to games, such as a Bike Fan of the Month/Year program, and;
- Special events leading up to and during NBA “Green Week”, in coordination with the Green Sports Alliance.

“SFBC could help organize, implement and promote bicycle-related events and promotions, ensuring strong attendance and participation. SFBC could promote the plan and the Warriors’ commitment through existing email and social media channels, through partners, and on our website.

“The Warriors and SFBC, through both the EIR process and on-going discussions, are committed to continued refinement of the plans and roles described in this letter and in the DSEIR.

“Thank you for considering these comments as part of a truly collaborative effort to make the proposed Mission Bay Arena and Event Center the most bicycle-friendly sports venue in the country and an addition to the neighborhood that supports current city and neighborhood transportation goals.” (*San Francisco Bicycle Coalition, Paolo Cosulich-Schwartz, letter, July 27, 2015 [O-SFBC-2]*)

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## Response TR-7: Bicycle Impacts

The bicycle improvements noted in the San Francisco Bicycle Coalition (SFBC) comment letter are included in the SEIR as part of the proposed project, either as physical characteristics of the project and adjacent transportation network, or as part of the proposed Transportation Management Plan (TMP). Specifically, the bicycle improvements noted in the comment letter include:

- **New and Enhanced On-street Bicycle Facilities** – As noted on SEIR p. 5.2-51, new bicycle lanes are part of the proposed project or are roadway infrastructure improvements that would be completed prior to the opening of the event center.



- **Bicycle Parking, Valet Parking, Commuter Bicycle Parking, and Other Bicycle Parking As Needed Expansion** – The proposed Class 1 and Class 2 bicycle parking spaces provided as part of the proposed project are described on SEIR p. 5.2-157. When defining the project, the sponsor worked with the SFBC to determine the bicycle strategies and number of bicycle parking spaces that would be appropriate for events, and would continue to work with the SFBC to refine the event-related needs based on the varying attendance levels and event types.
- **Bay Area Bike Share Stations** – As noted on SEIR p. 5.2-67, the location of the bike share station sponsored by the project would be determined through coordination between the project sponsor, the SFMTA, the Port of San Francisco, and the bicycle share operator. The project sponsor would also consult with the SFBC regarding location and sizing of the station.
- **Marketing and Bicycle Promotion** – The project TMP described on SEIR pp. 5.2-55 – 5.2-69 includes TDM strategies, including communications/marketing for non-auto modes, including bicycling. Therefore the suggested promotional activities do not need to be added to Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts. In response to this comment, the project sponsor has indicated that they would work with the SFBC to develop and implement a plan to promote bicycle trips to the event center.

In response to the comment that states that additional bicycle infrastructure for east-west bicycle travel might be appropriate, please see SEIR p. 5.2-29, which describes the existing bicycle network and planned improvements. As indicated on SEIR p. 5.2-29, bicycle lanes are currently provided in both directions of 16th Street between Kansas and Third Streets. As part of SFMTA's 22 Fillmore Transit Priority Project, the existing bicycle lanes on 16th Street (Bicycle Route 4) between Seventh and Kansas Streets, will be relocated to 17th Street between Seventh and Kansas Streets. On 17th Street at Kansas Street, the relocated bicycle lanes will connect with the existing bicycle lane on the same street to the west, while at the east end, the bicycle lanes will connect with the existing north-south bicycle lanes on Mississippi Street that run between Mariposa and 16th Streets.

The proposed project also includes numerous improvements that would enhance bicycle access to the project vicinity. As described on SEIR p. 5.2-51, with implementation of the proposed project, 16th Street between Illinois Street and Terry A. Francois Boulevard would be completed, and Class II bicycle lanes on 16th Street would be extended east to the reconfigured Terry A. Francois Boulevard. In addition, with relocation of Terry A. Francois Boulevard, the existing bicycle lanes on both sides of the street would be replaced with a 12-foot to 13-foot wide two-way protected bicycle lane, known as a cycle track on the east side of the street. Where new traffic signals are proposed, bicycle signals would be provided, and at the intersection of Terry A. Francois Boulevard/16th Street, two-stage turn queue boxes would be installed to facilitate turns between the bicycle lanes on 16th Street and the two-way cycle track on the east side of Terry A. Francois Boulevard.

Construction of a pedestrian and bicycle overpass over the Caltrain tracks at 17th Street connecting Pennsylvania Avenue with Owens Street would not be feasible since it would have to traverse private property within Mission Bay (Development Block 40) in order to reach Owens

Street. Furthermore, Owens Street, where the new path would end, is a major arterial street without bicycle lanes where substantial traffic is expected. The concept of building a pedestrian and bicycle overpass over the Caltrain tracks on the north side of Mariposa Street, connecting Pennsylvania Avenue with Owens Street and Mariposa Park, has been raised before as part of various past planning efforts in the area. However, such a concept is considered speculative since its construction feasibility is unclear due to the presence of the I-280 freeway support columns and the adjacent Mariposa Street bridge over the Caltrain tracks. Furthermore, this concept is not part of the San Francisco Bicycle Plan and no funding has been allocated for its analysis, design, or construction.

## 13.11.9 Loading Impacts (TR-8)

### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-MBA10L4-28      I-Zboralske-4

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#### **“The Project’s Truck Loading and Truck Staging Provisions Appear Inadequate.**

“With regard to loading facilities, the Project Description narrative at DSEIR page 3- 20 states: *“The loading and service areas, including 13 truck loading docks, would be located on the Lower Parking Level 1”. After describing dimensions of those loading dock spaces, the narrative continues: “In addition to the 13 on-site below grade loading area, 17 on-street commercial loading spaces would be provided on South Street (8 spaces), Terry A Francois Boulevard south of South Street (8 spaces) and 16th Street (1 space) ...”.*

This statement in the Project Description has multifold inaccuracies:

- The accompanying scale drawing of Lower Parking Level 1 actually shows 14 off street truck loading spaces but about half of them cannot be accessed or egressed if trucks, especially the 70± foot tractor trailer rigs, are occupying nearby spaces.
- Other docks, if not completely blocked by vehicles in other loading docks, involve extremely difficult backing maneuvers.
- Some docks involve “blind” right hand backing turns from the “hammerhead” area that are ordinarily avoided in truck loading area design.
- The Project does not provide 17 on-street commercial loading spaces. It does not provide any. It simply asserts claim to enough on-street parking area to park 17 large trucks, taking use of area that otherwise would be available for public parking.
- In addition to the above, the Project does not appear to have sufficient area for staging of trucks that have already been unloaded. Headliner rock concerts and family shows are often supported by large numbers of trucks. For instance, concerts for U-2’s current tour are supported by 26 tractor-trailer rigs. The Rolling Stones are supported by about the same number. A national political convention would involve many more. It is obvious that this many trucks cannot be staged within the proposed site plan, especially since the loading docks also need to be used for the truck loading that is routine for any event (such as delivery of food, drink and souvenir supplies for the concessions, removal of garbage and support for the other uses in the proposed Project. It appears that the Project will either stash those trucks, when not actively loading or unloading, by preempting public on-street parking areas in the Project vicinity or by obtaining a formal off-site staging area. Which of these is planned and if a formal staging area is planned, where is it and what is its capacity?”

*(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-28])*

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“New local residents use many services that draw additional traffic to our neighborhood. Many of these services use or even require the use of vehicles such as: taxis and ride share companies, delivery services (UPS, FedEx), moving services, pet walkers, house cleaners, nannies, home repair and remodel services and meal delivery companies. In my building alone there are 50-70 of these occurrences on most days. Many of the local businesses also receive deliveries and they face the same problem.

“Few of the streets have any commercial loading zones or parking spaces for these vehicles and as a result vehicles frequently circle the area looking for parking, double-park, park in front of fire hydrants, block

driveways, and illegally park in turn lanes and the like. This is a regular and predictable practice that is only going to get worse. Although most of these indiscretions last for short periods of time, there is a cumulative effect on the neighborhood and its residents.” (*James Zboralske, email, July 27, 2015 [I-Zboralske-4]*)

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## Response TR-8: Loading Impacts

The proposed project’s estimated freight delivery and service vehicle demand (i.e., the number of daily trucks generated by the use and the average and peak loading space required to accommodate the demand) is presented by land use (i.e., event center, office, retail, and restaurant) on SEIR pp. 5.2-101 – 5.2-102.

In San Francisco, the use of on-street curbs is regulated to support multiple needs, including bus stops, passenger loading/unloading zones, commercial loading spaces, travel lanes (i.e., red zones), bicycle lanes, and not just vehicle parking spaces. Figure 5.2-9 on SEIR p. 5.2-48 presents the proposed curb regulations for the streets adjacent to the project site. SEIR pp. 5.2-47 – 5.2-49 describe the proposed curb regulations for the curb adjacent to the project site, and indicate that the proposed curb regulations, including the proposed 17 on-street commercial loading spaces, would be subject to SFMTA and Port Commission approval. Overall, adjacent to the project site, 17 on-street commercial loading spaces, 58 vehicle parking spaces, a TMA shuttle stop, a taxi zone, and a paratransit stop are proposed. The proposed 17 on-street commercial loading spaces were considered part of the proposed project supply because the proposed curb regulations were developed in consultation with SFMTA staff to ensure that standard curbside activities such as parking, commercial vehicle loading/unloading, transit stops, and passenger loading/unloading activities are adequately accommodated without adversely affecting adjacent bicycle and/or travel lanes and, therefore, are anticipated to be approved by SFMTA and the Port Commission.

Impact TR-8 on SEIR pp. 5.2-161 – 5.2-166 describes the proposed on-site loading area containing 13 trucks and on-street commercial loading spaces adjacent to the project site, and compares the proposed supply with the projected demand. The loading spaces are designed to accommodate trucks of varying size and would be accessible even if the larger spaces (designed for the larger tractor trailer rigs) are occupied. Lower Parking Level 1 also provides sufficient room for trucks to back into the loadings docks, including from the hammerhead area, if necessary. Impact TR-8 also presents a discussion of the passenger loading/unloading for conditions without and with an event on the project site.

The on-site loading area was designed to accommodate trucks accessing all loading spaces. In response to the comment that the on-site loading spaces would not be accessible if nearby loading spaces are occupied, truck turning diagrams were developed for each loading space and are presented on the attached figures. Large semi-trailer trucks serving the event center would not be staged on-street adjacent to the project site. As described on SEIR p. 5.2-164, the proposed temporary curb regulations for pre-event and post-event conditions do not include provisions for any commercial vehicle loading spaces, with the exception of television truck staging on 16th Street. As indicated on SEIR p. 5.2-162, television trucks would be staged within the north curb

parking lane of 16th Street adjacent to the project site, between Third Street and the driveway to the project site.

Project-related semi-trailer trucks would stage off-site at the Western Pacific site on the waterfront (i.e., adjacent to and north of Pier 80, located approximately one mile south of the project site) and/or Pier 96 (located about two miles southeast of the project site). The Western Pacific site is currently used for construction staging for development projects and staging of trucks associated with the Moscone Center, while the Pier 96 site is currently used as a bulk cargo facility. After unloading within the project site, project-related trucks needing to stage during an event would travel to the Port of San Francisco's Western Pacific site or Pier 96. Both sites are identified as potential staging areas and would be available, even in the event that the Western Pacific site is used for off-site vehicle parking during overlapping events at AT&T Park as part of Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events. The Port of San Francisco has confirmed that if the Western Pacific site is unavailable due to parking demand during overlapping events, Pier 96 would be available to accommodate both the Moscone Center and project truck staging demand. Also see Response TR-12a for additional information on the analysis of off-site parking as part of Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events.

A freight operator manages the freight marshaling and staging for the Moscone Center on a portion of the Western Pacific site, and currently parks about 100 trailers year round within the lease area of the Western Pacific Site. During the largest Moscone Center events, 60 or more trucks come through marshaling at the site. In addition to the Moscone Center demand, the Western Pacific site would be able to accommodate the additional demand of at least 25 semi-trailer trucks, and would therefore accommodate staging demand for large concerts such as the Rolling Stones, or a national political convention. Pier 96 could accommodate substantially more trucks than the projected combined demand for the maximum number of Moscone Center trucks and the project-related demand of about 25 semi-trailer trucks. Thus, project-related semi-trailer trucks that would need to stage off-site would be accommodated on nearby off-street surface lots that would be large enough to accommodate the staging needs for project-generated trucks.

In the event that Pier 96 is not available for staging both Moscone Center and project-related semi-trailer trucks, a conceptual facility layout was prepared that confirmed that the maximum truck staging demand (i.e., 100 trailer plus 60 semi-trailer trucks for the Moscone Center operations and 25 project-generated semi-trailer trucks) and the proposed 800-vehicle surface parking facility could be accommodated entirely within the Western Pacific site.<sup>19</sup>

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<sup>19</sup> Western Pacific Site Conceptual Lot Study, Walter P. Moore and Associates, Inc., October 8, 2015.

## 13.11.10 Emergency Vehicle Access Impacts (TR-9)

### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

A-CHP-2	O-MBA5-7	O-MBA10L4-30	O-MM-5
O-MM-16	O-PBNA-10	I-Anon-2	I-Barton-2
I-Bunn-3	I-Dieste-2	I-Heath-5	I-Hong-10
I-Hrones1-5	I-Lighty-5	I-Lighty-9	I-Ly-2
I-Mason-2	I-Smith-1	I-Smith-2	I-Stryker-6
I-Tan-5	I-Tuialu'ulu'u-2	I-Williams-2	I-Woody-2
I-Zboralske-16	PH-deCastro2-5	PH-Hrones2-3	PH-Ortiz-3
PH-Scott-5			

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“A year-round event center of this magnitude could potentially affect emergency response times for Area personnel during peak commute times which may have a negative impact on departmental services.”  
(*Department of California Highway Patrol, C. Sherry, letter, August 3, 2015 [A-CHP-2]*)

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“The DSEIR also offers no data to support its conclusion that Arena events will not interfere with emergency access to UCSF Hospital. Instead, it offers weak rationalizations, such as the idea that drivers are supposed to get out of the way of emergency vehicles. But it is common knowledge that in special event situations, and even on normal days in SOMA, vehicles are often queued bumper-to-bumper and pedestrians are swarming the crosswalks. In these situations, drivers often cannot clear the way for emergency vehicles. Regardless of the DSEIR’s prevarications to the contrary, this scenario will occur during basketball games and ambulances will be delayed.” (*Mission Bay Alliance, Bruce Spalding, letter, July 27, 2015 [O-MBA5-7]*)

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#### **“The DSEIR Concludes, Without Adequate Foundation, That the Project Would Not Have Adverse Impact on Emergency Access**

“The emergency entrance to the newly opened UCSF Benioff Children’s Hospital is located on Fourth Street near its intersection with Mariposa, about 1050 feet (as the crow flies) from the nearest corner of the Project site. At two locations in the Transportation and Circulation section the DSEIR states that if a project were to result in inadequate emergency access, the project would be found to have a significant impact on the environment. Yet incredibly, it concludes that the subject Project would not result in inadequate emergency access when capacity events are taking place at the Project on weekday evenings, weekend afternoons or weekend evenings, regardless of whether or not the Giants or other events at AT&T park are taking place at overlapping times. The DSEIR offers no objective data to support its conclusion that emergency access would not be adversely impacted in event travel peaks – such as relative emergency vehicle travel time data with and without event traffic<sup>14</sup>. Instead, the DSEIR relies on its own rationalizations of why emergency vehicles might not be slowed during event travel peaks to justify concluding the Project would not have significant impact.

“The DSEIR notes drivers’ obligations to get out of the way of emergency vehicles under the vehicle code. However, it fails to note that in special event access/egress situations, when vehicles are queued bumper to bumper and pedestrians are swarming the crosswalks, drivers abilities to clear the way for emergency vehicles are impaired and the emergency vehicles will inevitably be delayed more than in a normal traffic situation. The DSEIR notes that the presence of PCOs will help clear paths or emergency vehicles through

event traffic. PCOs can help, but when event traffic is jammed up with scant maneuvering space and pedestrians are swarming about, PCOs can only do so much and the emergency vehicle(s) will inevitably be delayed compared to normal traffic. The DSEIR also claims emergency vehicles can utilize the proposed exclusive transit lane on 16th Street to bypass normal vehicles in event jams. This will be fine until an emergency vehicle overtakes a transit vehicle, at which time a more confusing than normal maneuvering will have to take place. And not all the emergency vehicles will be approaching from points from which 16th Street is the best route. Finally, not all vehicles traveling in emergencies are official emergency vehicles equipped with emergency lights and sirens. Quite often, parents, caregivers or friends attempt to rush a person requiring emergency care to the emergency room in private vehicles. Private vehicles on an emergency mission are often not recognized as such by other drivers, pedestrians, or PCOs and consequently, in event traffic, suffer even more delay than official emergency vehicles.

“Because of these considerations, the DSEIR’s conclusions about emergency access impacts are not only unsupported by objective data but incorrect and implausible.

**Footnote:**

<sup>14</sup> Emergency responders ordinarily log the time calls are received by dispatch, the time the subject is reached and the time the subject is delivered to an emergency care facility. So there is an objective data base that could have been examined to assess the consequences when special events currently take place in the area versus times when special events are not taking place.

*(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-30])*

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“The DSEIR’s disingenuous conclusion that the Project will have no impact on emergency services is false and dangerous. With the gridlock created by bottlenecked traffic, those emergency vehicles will not be able to climb over the backed up cars and buses.” *(Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-5])*

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**“8. There Is No Accurate Analysis or Mitigation of Impacts on Emergency and Public Services on the Directly Adjacent Major Medical Complex.**

“The DSEIR’s conclusions that the Project will not cause significant impacts for emergency vehicles is false, dangerous, and irresponsible. The false implication that the entire area would not be gridlocked is silly, since the backup from gridlocked intersections would prevent any vehicles from moving anywhere during “events.” *(Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-16])*

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*“Impact TR-10: Emergency Vehicle Access*

“The SEIR should provide greater clarity as to how emergency vehicles, patients and hospital staff will access the UCSF medical facilities adjacent to the Arena. Mariposa Street between 101 and 280 has an increasingly residential character and a three-ton vehicle weight limit, and runs adjacent to a school and Jackson Park. It should not be depended upon as a route from the 101 Freeway to UCSF. Emergency traffic along this stretch would be dangerous and inconvenient to residents and patients alike.

“Early discussions on UCSF transportation showed Minnesota Street through the Dogpatch Historic District serving the hospital. The SEIR should make clear that this routing has been abandoned, and show an alternative route that allows ease of access to the hospital under the heaviest of traffic conditions.” *(Potrero Boosters Neighborhood Association, J.R. Eppler, letter, July 27, 2015 [O-PBNA-10])*

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“I can’t imagine the fire department, police departments, and UCSF are terribly happy about having to get through even more traffic to get to an emergency, and in some emergencies, seconds can make the

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difference between life and death. It seems like a lack of foresight to have built this new station if they can't function at 100% efficiency." (*Josh Anon, email, July 13, 2015 [I-Anon-2]*)

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"-The traffic will be horrible

"The traffic is already horrible because of the Giants game. The addition of additional cars are not going to make traffic worse it will just be traffic more frequently something that will happen no matter what is built there. The detractors make it seem like the traffic will be analogous to a flood where cars are going to pile on top of each other and block every nook and cranny preventing any kind of human movement" (*Jason Barton, email, July 27, 2015 [I-Barton-2]*)

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"I'm also a nurse, and completely agree with the California Nurses Association's opposition to the new Warriors stadium. The traffic congestion will make it difficult or impossible for patients, families and emergency responders to reach the new UCSF Hospital on game days. Emergency access to the Hospital is critical to the survival of patients. The gridlock produced by the proposed Warriors stadium would result in patient deaths." (*Jessie Bunn, email, July 6, 2015 [I-Bunn-3]*)

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"Beyond the commute, imagine being in labor and getting stuck in the traffic or having a child critically ill and needing to get to ER immediately. I have heard of ambulances getting stuck in traffic and have noticed that families are very late to their appointments on days where there are day games. As a mother and patient, I cannot even fathom the anxiety this would produce and would never plan any of my care at UCSF Mission Bay if any additional traffic hazards (like the stadium) were added to an already clogged area.

"I feel like the planned stadium would be a huge liability to the City of San Francisco, the Warriors franchise, UCSF, and Kaiser (who is also building in the area) - imagine if the traffic held up an ambulance and a child died? Please consider the patients, employees, and families of San Francisco when considering this proposed development and the true cost it would have to our community." (*Desiree Dieste, email, July 27, 2015 [I-Dieste-2]*)

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"The traffic and parking impacts will reduce access for emergency and urgent care for patients seeking health care services and add to the existing commute challenges for the nurses, doctors and medical staff who work at the Mission Bay medical campus. The Draft EIR also ignores the health and safety impacts of interfering with access to essential medical facilities." (*Alison Heath, email, June 30, 2015 [I-Heath-5]*)

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"f. Consider closing off some of the streets for emergency only access to the hospitals." (*Dennis Hong, email, July 27, 2015 [I-Hong-10]*)

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"Fourth, emergency vehicle access, which has been raised as a potential concern by some with this project, was effectively accommodated in Brooklyn, where police and fire stations are located immediately adjacent to Barclay's Center. There were no significant issues that I am aware of with fire or police vehicle response. However, close coordination between these agencies and the project owner was necessary to ensure things went smoothly." (*Christopher Hrones, email, June 30, 2015 [I-Hrones1-5]*)

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“The traffic and parking impacts will reduce access for emergency and urgent care for patients seeking health care services and add to the existing commute challenges for the nurses, doctors and medical staff who work at the Mission Bay medical campus. The Draft EIR also ignores the health and safety impacts of interfering with access to essential medical facilities.” *(Michael Lighty, email, July 27, 2015 [I-Lighty-5])*

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“For example, the assertion that there will be no significant impact on access to Emergency Services during events at the project lacks plausibility given the traffic volume and restricted road network. Traffic patrol officers will not be sufficient to identify non-ambulance patients coming to the Medical Center with an emergency, including women in labor. The ambulances themselves may be delayed, which is of course a matter of life and death.” *(Michael Lighty, email, July 27, 2015 [I-Lighty-9])*

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“While the Medical Center has a heli-pad, we are limited in the hours we are allowed to use it because of the noise it would create for our resident neighbors. Therefore, we need to rely on efficient ambulance transfers of sick patients in order to get them care. When you are THAT sick, EVERY MINUTE COUNTS.” *(Tina Ly, email, July 2, 2015, [I-Ly-2])*

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“I am less concerned with my personal commuting problems. More so, I am concerned with the fact that critically ill patients will not receive the care and attention they deserve and are now able to receive. I have spoken with several AMR employees as well who have major concern regarding the transportation of patients to the hospital when there are events. I am also a transport nurse that works closely with AMR and I have seen first hand how badly traffic can impact our patient care.

“Often patients are in a Code III situation, where lights and sirens are permitted. Most often, however, our patients are getting transported because they are very very ill and are near code status. It is imperative that we not sit in heavy traffic and get in and out of the hospital very quickly. Our resources are limited on the ambulance and we simply need to get back in a safe manner of time.

“I am afraid that our patient's safety will be compromised and also that patient and family satisfaction will dramatically decrease and therefore the hospital will eventually lose the funding we need to continue to be one of the top hospitals.” *(Amber Mason, email, June 27, 2015 [I-Mason-2])*

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“My greatest concern regarding the proposed development of an arena in such close proximity to the hospital is that it would prevent the ambulances/personal cars transporting patients from reaching the hospital in a timely matter, potentially creating life threatening situations for a mother or child that is in urgent need of medical care. The importance of this cannot be understated.” *(Christine Smith, email, June 19, 2015 [I-Smith-1])*

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“I have personally witnessed the traffic jams from an afternoon game getting out from SF Giants Stadium, which is actually further away than the proposed stadium would be. I was outside the UCSF Benioff Children's Hospital after a day of work at approximately 4:30 pm, waiting for muni. There was complete gridlock, no T train was able to easily move and people in their independent cars were stuck, people were acting aggressively, honking, yelling, and actually driving up on the designated muni sectioned off train path to break out of the gridlock. UCSF Shuttle buses downloaded their passengers to get on the T train towards downtown since they were unable to move for at least 30 minutes. Although I was frustrated to not be able to get home from work, I was feeling relieved that I wasn't in the back of an ambulance providing life sustaining care to a child that needed further care that I cannot provide in the back of an ambulance. To say that we have a helipad, transports will fly in, is an inaccurate statement. Contact our

transport team and you will see that the majority of our transports are ambulance based, some from even here within our own city. Children often need life sustaining treatments that only UCSF can provide, such as ECMO. In fact, there are limitations on the number of helicopter landings we can do per month per the community board. I remember also thinking, I hope there is not a laboring mother in any of these cars, because I certainly wouldn't want to be in her shoes. Now what if there was an event at this new proposed arena and an event at Giants stadium? It is already so bad as it is! Not to mention there was not one security or police presence in the entire area near UCSF. It is literally an accident and lawsuit waiting to happen!" (*Christine Smith, email, June 19, 2015 [I-Smith-2]*)

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"Finally, the traffic situation will surely impair ambulance access to our hospitals. I have seen this happen during occasional Giants game gridlock, as ambulances get stuck on 3rd Street for more than 5 minutes through 3 lights. This problem will be unimaginably worse with the addition of the proposed arena. The Draft EIR ignores the health and safety impacts of interfering with access to essential medical facilities." (*Michael Stryker, email, July 26, 2015 [I-Stryker-6]*)

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"The traffic and parking impacts will reduce access for emergency and urgent care for patients seeking health care services and add to the existing commute challenges for the nurses, doctors and medical staff who work at the Mission Bay medical campus. The Draft EIR also ignores the health and safety impacts of interfering with access to essential medical facilities." (*Judy Tan, email, July 27, 2015 [I-Tan-5]*)

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"I demand that the powers that be understand and truly consider the implications of building an arena in this area. The new children's hospital and its EMERGENCY ROOM are located there. The traffic that this arena will bring to the area will devastate any chances of parents, in a true emergency, being able to get to the hospital in time. By building this arena here, you are putting the lives of children unnecessarily at risk all so you can have one more sports team in the city." (*R. Tuialu'ulu'u, email, July 14, 2015 [I-Tuialu'ulu'u-2]*)

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"We already have severe traffic congestion during SF Giants game time. How will the patients get access to the new medical center, especially in an emergency?" (*Joanne Williams, email, July 23, 2015 [I-Williams-2]*)

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"How would you expect an ambulance to transport a patient facing death to get to the UCSF Emergency Room at the Hospital there?" (*James Woody, email, July 14, 2015 [I-Woody-2]*)

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"With respect to emergency vehicle access (5.2.3.6) and parking conditions (5.2.3.7) the report is woefully lacking.

"The report indicates the primary access for emergency vehicles would be 3rd Street because it has two lanes of traffic in each direction. Although 3rd Street has two lanes in each direction, they are separated by raised curbs and Municipal rail tracks. The lanes on 3rd Street are standard width and there are no shoulders, delineated bike lanes, loading zones, parking spots or any place to pull out of traffic between intersections.

"Subsequently, should any disruption occur mid-block that impedes any lane of traffic, all vehicles behind it will be negatively affected and congestion will begin occurring almost immediately. In essence a

“bottleneck” will occur. There are many scenarios in which this could happen; a traffic collision, a stalled vehicle, or any type of police, fire or medical response to a fixed location along the corridor – to name only a few of the likely possibilities.

“If a traffic collision occurred where an individual needed immediate medical assistance and transport to a hospital and/or have their disabled vehicle towed, it could easily take an hour or longer to clear the scene. The traffic back-up associated with this type of incident and closure would be stifling. Emergency responders, in vehicles, would have a difficult time getting to the incident. Police on motorcycles and bicycles would be able to get there, but they don’t have the ability to transport injured parties or move and tow disabled vehicles.” (*James Zboralske, email, July 27, 2015 [I-Zboralske-16]*)

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“I agree with the nurses. It is going to be a serious problem. And you're trying to route traffic, I believe, through the Minnesota Street area and through the Dogpatch neighborhood, to get people -- emergency vehicles to the hospital, or people that are in trouble that need to get to the hospital. That is not an acceptable alternative.” (*John deCastro, public hearing transcript, June 30, 2015 [PH-deCastro2-5]*)

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“And finally, for emergency vehicle access, which has been raised as a potential concern here, this was effectively accommodated in Brooklyn, where police and fire stations are located immediately adjacent to Barclays Center, and there are no significant issues that I'm aware of.” (*Christopher Hrones, public hearing transcript, June 30, 2015 [PH-Hrones2-3]*)

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“A nurse also mentioned her concerns, which are, How are the emergency vehicles going to access? How can they come in and out of the area?

“Well, there's really no plan, and if there is, it hasn't been communicated, and that's a problem.” (*Annabel Ortiz, public hearing transcript, June 30, 2015 [PH-Ortiz-3]*)

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“...traffic and parking impacts will reduce access for emergency and urgent care for patients and add to the existing commute challenges for the nurses, doctors, and medical staffs who work at the Mission Bay medical campus.” (*Damion Scott, public hearing transcript, June 30, 2015 [PH-Scott-5]*)

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## **Response TR-9: Emergency Vehicle Access Impacts**

Proposed project impacts on emergency vehicle access, including emergency vehicle access by the Police Department, Fire Department, and ambulances, is presented on SEIR pp. 5.2-166 – 5.2-170. Conditions for the No Event and With Event scenarios are presented, along with improvement measures (Improvement Measure I-TR-10a: UCSF Emergency Vehicle Access and Garage Signage Plan and Improvement Measure I-TR-10b: Mariposa Street Restriping Study) for consideration by City decision makers to further reduce the proposed project’s less-than-significant impacts related to emergency vehicle access. Discussion of potential emergency vehicle access impacts is also presented in Impact TR-17 for conditions with an overlapping SF Giants evening game at AT&T Park (SEIR pp. 5.2-189 – 5.2-190), and Impact TR-25 for conditions without implementation of the Muni Special Event Transit Service Plan (SEIR p. 5.2-208). Access to UCSF Medical Center facilities is a focus of the impact discussion.

In response to comments that raise concerns regarding access to medical facilities, key sections of the Impact TR-10 discussion are provided in this response.

It is not possible to provide emergency vehicle travel times with and without an event for the proposed project, as suggested in a comment, for a number of reasons: the roadway infrastructure supporting the UCSF hospital facilities is currently incomplete (buildout of Owens Street and I-280 off-ramp improvements, restriping of Mariposa Street, etc.); conditions during a SF Giants evening game with 42,000 attendees is not representative of conditions that would occur with a 18,000-attendee event at the event center; the UCSF Medical Center Phase 1 and the Public Safety Building (i.e., Police Department and Fire Department stations, and Police Department headquarters) opened in early 2015; and conditions with a SF Giants game occurred only shortly before publication of the SEIR, and as noted above, do not reflect conditions that would be present with the proposed project. Instead, as described below, the SEIR includes a qualitative assessment of project impacts on emergency vehicle access.

Pre-event and post-event vehicular traffic destined to the on-site garage containing 950 parking spaces would be managed to minimize impacts on UCSF facilities. The TMP for the event center includes strategies to provide attendees with suggested driving routes to and from the garage. Examples of strategies include website, emails, and smart phone applications. For example, during pre-game conditions, attendees driving from the south of the project site exiting at the I-280 northbound off-ramp would be directed to use Mariposa Street, rather than Owens Street and 16th Street, to reduce congestion during UCSF's shift changes. For post-event, attendees destined to the south would be encouraged to use Mariposa, Illinois or Third Streets, and not 16th or Owens Streets, to access the I-280 southbound on-ramp. As specified in the TMP, the pre-event and post-event recommended routes would be subject to revision based on monitoring during the first year of operation.

Event attendees driving to the site would park within the on-site parking garage containing 950 spaces, as well as in multiple parking facilities in the vicinity of the project site. The majority of the parking spaces available to event attendees would be located to the north of the project site, with the majority located in Lot A. However, it is anticipated that event attendees may also park within UCSF facilities to the west and southwest of the project site. Thus, travel to and from the event center would be dispersed over a broader area, reducing the effect of traffic associated with an event, particularly following an event.

During pre-event and post-event conditions, with implementation of the TMP and project mitigation measures between 21 and 26 PCOs would be stationed in the project vicinity to direct and facilitate vehicular and pedestrian travel. Locations where PCOs would be stationed in the vicinity of the UCSF Children's Hospital emergency room and urgent care facility include the intersections of Third/16th, Mariposa/I-280 northbound off-ramp/Owens (pre-game only), Mariposa/Third, Mariposa/Illinois, and 16th/Owens (post-game only). No roadway closures are proposed for pre-event conditions for any events. For events that necessitate closure of the northbound travel lanes of Third Street between 16th and South Streets (generally events with 14,000 or more attendees) for post-game conditions for a period of one to two hours depending on the size of the event, emergency vehicles traveling on Third Street southbound would not be

affected, and if necessary, emergency vehicles traveling northbound on Third Street would be permitted to continue through the closed segment between 16th and South Streets, as PCOs would be able to remove the temporary barriers. If necessary, emergency vehicles would also be able to travel on Muni's light rail right-of-way in the median or northbound within the southbound lanes on Third Street. The Event Center Transportation Coordinator would provide emergency service providers, including the fire stations and UCSF facilities, with a list of dates and times during which temporary closure of Third Street would be required following an event. Furthermore, all drivers must comply with the California Vehicle Code § 21806, which requires that drivers yield right-of-way to authorized emergency vehicles, drive to the right road curb or edge, stop, and remain stopped until the emergency vehicle has passed.

In addition, as described above, with implementation of the planned 22 Fillmore Transit Priority Project, transit-only lanes will be implemented adjacent to the curb on 16th Street west of Third Street, and emergency vehicles (i.e., Police Department and Fire Department vehicles and ambulances) will be permitted use of the transit-only lanes. The transit-only lanes on 16th Street would have fewer vehicles in them than the adjacent mixed-flow lanes, and the emergency vehicles would not be subject to any turn restrictions. Persons accessing the UCSF Medical Center emergency room and urgent care center in their personal vehicles during an emergency would, if necessary, also be able to utilize the transit-only lanes to bypass congested segments on 16th Street. In addition, when PCOs are deployed for an event, they would have the capability to radio ahead to other PCOs down the street regarding the approaching vehicle requiring emergency access. The SFMTA has indicated that PCO training for event center detail would include anticipation that some drivers destined to the UCSF Medical Center emergency room and urgent care center may require emergency access, and would be trained on identifying and facilitating these emergency trips in personal vehicles through the project vicinity. As described above, on Mariposa Street, emergency vehicles and others accessing the emergency room and urgent care center in their personal vehicles during an emergency would be able to travel within the eastbound center left-turn lane to access the intersection of Fourth/Mariposa. For smaller events, PCOs would be stationed at key intersections, monitoring traffic conditions, and could be reassigned to respond to conflicts between event center traffic and UCSF hospital access.

Under existing plus project conditions, the majority of the study intersections in the vicinity of the project site and the UCSF Medical Center Phase 1 are projected to operate at LOS D or better (the exception would be the intersection of Seventh/Mississippi/16th which would change from LOS E to LOS F conditions), and the gridlock conditions noted in the comments is not anticipated. Therefore, for these reasons, the proposed project would not result in a substantial increases in vehicle delay for emergency vehicles or other persons accessing the emergency room and urgent care center in their personal vehicles, and impacts of the proposed project on emergency vehicle access would be less than significant. Closing down streets to provide for emergency vehicle access to the hospitals, as noted in a comment, would not enhance emergency vehicle access to the area, as it may result in additional congestion on the streets leading up to the closed streets.

The proposed project would not change any planned or possible emergency vehicle access routes between US 101 and the UCSF hospitals, including the possible use of Mariposa Street by vehicles

traveling to UCSF facilities. With implementation of the proposed project, emergency vehicles would not be restricted from traveling on any street. However, it is likely that it would be quicker for emergency vehicles on US 101 northbound to access I-280 northbound and exit I-280 at Mariposa Street, than traveling on US 101 northbound to Vermont Street and then eastbound on Mariposa Street to Fourth Street.

### 13.11.11 Construction-related Transportation Impacts (TR-10)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

O-BCTA-3  
I-Hrones1-7

O-MBA10L4-5  
I-Wheeler2-2

O-MBA10L4-6  
I-Woods-1

O-MBA10L4-29

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"2. The project plans show the arena building being sunken down into the site, which means the soils currently there will need to be excavated and removed. Since the arena site is at least as big as the adjacent Shorenstein site, and since the fill material is likely similar, in excess of 100,000 tons of soils will likely need to be removed. The traffic, air and other impacts from this soil removal activity during the construction period should be discussed in the EIR. We believe using the same very successful approach as used on the Shorenstein project, mass excavation and 1-mile haul down Illinois Street to the rail yard - would result in the least environmental impacts of all options." (*Bayview Community Truckers Association, letter, July 24, 2015 [O-BCTA-3]*)

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#### **"D. The DSEIR's Analysis of the Project's Construction-Related Traffic Congestion and Delay Impacts Is Legally Flawed.**

"The DSEIR's analysis of the Project's construction related traffic congestion and delay impacts is legally flawed because it is based on invalid criteria, it fails to lawfully assess the Project's cumulative construction period impacts, and it improperly defers the development of mitigation measures to reduce the Project's construction-related traffic impacts to less than significant.

"The DSEIR states "Construction related impacts generally would not be considered significant due to their temporary and limited duration." (DSEIR, p. 5.2-46.) This statement is placed in the section describing the DSEIR's thresholds of significance. Therefore, it appears this conclusion reflects a policy decision rather than a fact-based assessment.

"In the impacts analysis section, the DSEIR states: "Construction related impacts generally would not be considered significant due to their temporary and limited duration." (DSEIR p 5.2- 111). Elsewhere the DSEIR quantifies the construction period's "temporary and limited duration" as 26 months. (DSEIR, p. 5.2-112.) However, the notion that the DSEIR can determine the Project's construction related traffic impacts to be "less than significant" based primarily on their temporary duration is legally and logically flawed because from a cumulative standpoint, the Project's construction impacts are part of an essentially permanent, not temporary, condition of ongoing construction in this part of San Francisco." (*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-5]*)

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"Indeed, the DSEIR's discussion of the Project's cumulative construction period impacts recognizes there are numerous other construction projects planned in Mission Bay and that the construction related traffic impacts of these projects will combine with this Project's construction related impacts. (DSEIR, p. 5.2-210 (Impact C-TR-1.)

"However, the DSEIR's discussion of the Project's cumulative construction period impacts is flawed because it is constrained by several artificial limits.

"First, as discussed in section I.A above, the impact assessment is limited to impacts and intersections and freeway ramps within the artificially restricted geographic "study area."

“Second, the impact assessment considers only construction projects within the Mission Bay neighborhood without regard to whether other “past, present, or reasonably foreseeable future projects” may be “closely related” because their impacts may combine with the Project’s impacts.

“Third, the DSEIR’s analysis of cumulative traffic impacts for construction of the project only references a handful of foreseeable projects located very close to the Project, and the DSEIR’s discussion of these projects is solely in terms of whether their construction periods overlap with construction of this Project, as if the operational impacts of other “past, present, and reasonably foreseeable future projects” are not “closely related.” (See DSEIR, p. 5.2-10 and 11.)<sup>3</sup> This is incorrect because “closely related” simply means the other projects’ impacts may combine with the Project’s impacts.

Table 3 in the attached report by Larry Wymer shows that it is possible to include a broader range of projects - across both time and area - in the assessment of the Project’s cumulative construction period traffic impacts, and that when this is done, there are many Projects that will be under construction or operational in the period before, during, and after construction of the Project whose effects will combine with those of the Warriors Arena construction. Therefore, the Project’s construction impacts are part of an essentially permanent, not temporary, condition of ongoing construction in this part of San Francisco and the DSEIR errs by basing its determination of significance on the “limited duration” of the construction period. (DSEIR, p. 5.2-212.)

“The second basis for the DSEIR’s less-than-significant determination is the DSEIR’s statement that “construction activities would be ... required to be conducted in accordance with City requirements.” (DSEIR, p. 5.2-212.) This vague assurance is meaningless because the DSEIR does not specify what these “City requirements” are, does not specify a performance standard that these City requirements would either impose or achieve, and presents no evidence that these unspecified “City requirements” are likely to avoid significant cumulative construction related traffic effects. (See *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 95 (CBE); *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; 1394 (*Gentry*)).

“The third and final basis for the DSEIR’s less-than-significant determination is “Improvement Measure I-TR-1: Construction Management Plan and Public Updates.” The DSEIR suggests this Plan would help avoid significant cumulative construction related traffic effects. (DSEIR, p. 5.2-212.) But it is improper for the DSEIR to rely on Improvement Measure I-TR-1 to help reduce impacts to less than significant because it is not identified as a mitigation measure necessary to substantially reduce significant Project impacts; therefore, it is not enforceable. (CEQA Guideline 15126.4(a)(4).)

“Finally, the DSEIR fails to quantify the Projects’ construction period impacts, presumably based on its qualitative conclusion that unspecified “City requirements” and “Improvement Measure I-TR-1” will avoid significant impacts. This puts the cart before the horse.”<sup>4</sup>

**Footnote:**

<sup>3</sup> These projects are:

- 1.13 million gsf of UCSF LRDP projects under construction at the Mission Bay Campus, including, the UCSF East Campus project on Blocks 33/34,
- Construction of Bayfront Park,
- realignment of Terry A. Francois Boulevard,
- construction of a neighborhood park on the north side of Mariposa Street east of Owens Street,
- the Exchange project on Mission Bay Block 40,
- the Family House project on Mission Bay Block 7 East,
- the Residential and Hotel project on Mission Bay Block 1,
- the 360 Berry Street project on Mission Bay Block N4/P3, and
- Caltrain’s Peninsula Corridor Electrification Project.

<sup>4</sup> See footnote 2 above.

(*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-6]*)



**“Construction Impacts on Transportation and Circulation Are Not Adequately Addressed**

“In its section describing thresholds of significance, the DSEIR’s transportation and circulation analysis declares that “Construction related impacts generally would not be considered significant due to their temporary and limited duration”. This assessment by fiat rather than by a reasonable effort to measure or estimate the Project’s construction impacts on the transportation and circulation system is inconsistent with the good faith effort to disclose impact demanded by CEQA. It also flies in the face of common sense. For example:

- A project that is located on a heavily trafficked street, a street with highvolume transit service or a street with heavy pedestrian flows would tend to have much more construction impacts on transportation than a project on a minor street that has none of those characteristics.
- A project whose construction causes closures of traffic lanes or closures of continuous sidewalks or temporarily eliminates or relocates transit stops has more construction impact on transportation than one that does not. A project that does those things on busy streets has more construction impact on transportation than one on lesser-used streets.
- A project that is large tends to involve more workers commuting daily, more daily import of supplies and construction materials, more export of demolition and construction refuse and, as a consequence of its size, tends to be of longer duration, tends to have greater construction impacts on transportation than a smaller one.

“These considerations that distinguish the severity of construction impacts on transportation can be defined or measured both qualitatively and quantitatively. The DSEIR is deficient in failing to do so.

“Despite its “by fiat” finding that the Project’s construction impacts on transportation and circulation are less than significant (LS in the Summary Of Impacts And Mitigation Measures), the DSEIR identifies “Improvement Measure I-TR-1: Construction Management Plan and Public Updates”. This so called ‘Improvement Measure’ is a surrogate ‘Mitigation Measure’ and, by its very existence, is de facto admission that the Project does have construction impacts on transportation and circulation that should have been disclosed as such.

“Unfortunately, the measure is in part, vague and yet to be defined (deferred mitigation that is improper under CEQA, and in other parts, defies common sense. We discuss these subjects in a subsequent section.” (*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-29]*)

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“Finally, the phased nature of the buildout of the Atlantic Yards/Barclays Arena project led to prolonged and repeated construction impacts that overlapped with arena events. This including suboptimal temporary conditions for pedestrians, cyclists, and motorists. I was therefore pleased to see that the plan here is to complete all construction on the site including the office towers prior to the opening of the arena, and I would urge that course of action be maintained.” (*Christopher Hrones, email, June 30, 2015 [I-Hrones1-7]*)

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“We are already experiencing gridlock on our streets and constant disruption from construction site everywhere.” (*Priscilla Wheeler, email, July 24, 2015 [I-Wheeler2-2]*)

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“Impact TR-1. While the SEIR states that the project would not result in construction-related ground transportation impacts because of their temporary and limited duration, the use of Terry Francois Boulevard for construction staging will have a significant impact on traffic flow to and from AT&T ballpark parking lots. Improvement Measure 1-TR-1 needs to be stronger. Where suggested mitigations “could” be required, the word should be changed to “shall”, and enforcement must be incorporated in the plans. When there are events at AT&T Park, Terry Francois Boulevard needs to be vacated by construction

staging and equipment to allow clear traffic flow, as is done by Mission Bay infrastructure developers to clear roads on event days to allow free traffic flow.” (*Corrine Woods, email, July 27, 2015 [I-Woods-1]*)

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## Response TR-10: Construction-related Transportation Impacts

As part of the significance criteria for construction-related transportation impacts on SEIR pp. 5.2-44 – 5.2-46, the Planning Department acknowledges that construction-related impacts would generally not be considered significant due to their temporary and limited duration. This statement is not a policy decision, as suggested in a comment, but rather an acknowledgement that construction activities associated with many projects would result in less travel demand than the project operation, and would only temporarily affect the transportation network. Every project subject to environmental review at the Planning Department includes an assessment of construction-related transportation impacts, and a qualitative assessment of construction-related transportation impacts is typically conducted for development projects. While in most instances, construction-related transportation impacts are determined to be less than significant, some projects involving concurrent construction of multiple buildings on a constrained site, prolonged construction period, high intensity of construction activities, and with likely impacts to adjacent or nearby traffic, transit, pedestrian, and bicycle circulation have been determined to have significant and unavoidable construction-related transportation impacts (e.g., 5M Project).

Project construction-related ground transportation impacts are presented in Impact TR-1 for project construction (on SEIR pp. 5.2-111 to 5.2-117), and in Impact C-TR-1 for cumulative impacts (on SEIR pp. 5.2-210 to 5.2-212), and construction-related ground transportation impacts under existing plus project and cumulative conditions were determined to be less than significant. Although no mitigation is necessary because the impact would be less than significant, Improvement Measure I-TR-1: Construction Management Plan and Public Updates was identified to further reduce the proposed project’s less-than-significant existing plus project and cumulative impacts related to potential conflicts between construction activities and pedestrians, transit and autos. Improvement Measure I-TR-1 includes provisions for construction truck traffic management, a construction worker parking plan, project construction updates for adjacent businesses and residents, and carpool, transit, and non-motorized modes of access for construction workers. If the project is approved, Improvement Measure I-TR-1 would be incorporated into the project MMRP as an enforceable condition of approval.

The construction impact assessment was based on preliminary information provided by the project sponsor on the construction program, including construction phasing and duration, construction vehicles and equipment, site staging and construction plans, and the City’s understanding of similar construction projects throughout the City. Because detailed construction plans have not yet been developed, the SEIR identifies the procedures that would occur before the construction contractor is issued permits for the construction activities. These are not included as reasons for the impact determination, but rather as information for the decision-makers and the public showing that construction activities affecting the transportation network are subject to further review by City agencies prior to initiation of construction activities.

Prior to project construction, as part of the construction application phase, the project sponsor and construction contractors would meet with staff from DPW and SFMTA to develop and review the truck routing plans for the disposal of excavated materials, materials delivery and storage, and staging for construction vehicles. Construction contractors would be required to meet the City of San Francisco's Regulations for Working in San Francisco Streets, including those regarding sidewalk and lane closures, and would meet with SFMTA staff to determine if any special traffic permits would be required. In addition to the Regulations for Working in San Francisco Streets, the contractor would be responsible for complying with all City, state and federal codes, rules, and regulations. Construction activities that require use of any portion of the adjacent sidewalk are required to maintain pedestrian access for all users, and where complete sidewalk closures are required, alternate pedestrian access routes and detours are required to be implemented. See Section 13.3, Response AQ-5 for additional information regarding the proposed project's air quality analysis and impacts.

Impact TR-1 provides information on projected construction schedule (i.e., phasing and duration), construction hours, the number of construction vehicles (vehicles by phase), construction staging areas, potential travel lane and sidewalk closures, location of access driveways and routes between the project site and the regional facilities, construction worker parking demand, and potential overlap with other nearby projects primarily in Mission Bay that could be under construction at the same time as the project. This assessment, therefore, is consistent with the construction impact considerations identified in a comment that should be used to determine whether a project would result in significant construction impacts: roadway type, pedestrian and traffic volumes, lane closures, size of project, and number of construction-related vehicles. Based on the assessment of project construction activity impacts on the transportation network, it was determined that the proposed project's construction-related transportation impacts would be less than significant. For example, the following assessments were considered in developing the less than significant determination for construction-related ground transportation impacts:

- Travel lane closures associated with the project construction would be limited to the curb lane on South Street adjacent to the project site; however, both eastbound and westbound traffic flow on South Street would be maintained. Given the current low volumes on South Street throughout the day, the reduction in one travel lane would not substantially affect traffic operating conditions adjacent to the project site or elsewhere in the project vicinity, or at intersections further afield.
- Construction staging would occur off-street, on-site and between the existing alignment of Terry A. Francois Boulevard and the west face of the proposed event center. Therefore, traffic flow on Terry A. Francois Boulevard would not be affected.
- The sidewalk on Third Street adjacent to the project site would need to be closed during the building steel erection phase, and a temporary protected walkway cannot be provided because the existing Third Street sidewalk is too narrow to accommodate the construction needs and a protected walkway (i.e., 12 feet wide). In addition, because the northbound travel lane on Third Street is located directly adjacent to the sidewalk, a temporary protected walkway in the travel lane would result in only one travel lane on Third Street between 16th and South Streets. Pedestrians would be directed to use the west side of Third Street for north/south travel. While the temporary disruption of pedestrian access on the east side of

Third Street may be an inconvenience for some pedestrians, the low pedestrian volumes could be accommodated on the west side of the street, and therefore the temporary closure would not substantially affect pedestrians in the project vicinity or further afield.

- The number of construction trucks would generally be limited to less than 14 trucks per hour during the peak of the construction phase, and less than 10 per hour on average. These additional trucks traveling to and from the project site would not substantially affect traffic operations. The preliminary truck routes are described in the SEIR on page 5.2-114. Access to and from I-280 would be via the Mariposa Street and Cesar Chavez Street ramps, while access to and from I-80 would be via the Eighth Street (inbound to site) and Fifth Street (outbound from site) ramps. As indicated in the SEIR, the truck access routes would be reviewed with the SFMTA as part of the permit process during construction. As documented in Table 5.2-1 and Table 5.2-10, most study intersections currently operate at LOS D or better during the p.m. peak hour, and the addition of 10 to 14 trucks between the project site and I-80 and I-280, would not substantially change the intersection operations of the study intersection, or intersections further afield, or contribute considerably to intersections operating at LOS E or LOS F conditions. Also see Response TR-2b regarding definition of study area and selection of study intersections.
- Similarly, a portion of the construction workers are expected to drive; however, the number of construction workers driving to or from the project area would be less than generated by the project (i.e., 703 vehicle trips under the No Event scenario). During peak overlapping construction periods, the number of construction workers would range between 330 and 705, and only a portion of these workers would be driving from the site during the p.m. peak hour.

As the discussion above demonstrates, the SEIR accurately assessed construction-related ground transportation impacts and disclosed potential impact of construction activities, and did not rely on impacts being less than significant based solely on their temporary duration or on the fact that construction activities need to be conducted in accordance with City requirements. The assessment of the project-related construction activities on the ground transportation network did not identify substantial conflicts or safety issues with traffic, transit, pedestrian, or bicycle circulation in the area, and therefore, Impact TR-1 correctly identifies construction-related ground transportation impacts as less than significant. In response to the comments, though, the following clarifications are made to the summary paragraph on SEIR p. 5.2-116 (deleted text is shown as ~~striketrough~~ and new text is underlined).

Overall, because construction activities would be temporary and limited in duration, they would not substantially affect traffic, transit, pedestrians or bicycle conditions or circulation in the area, and are required to be conducted in accordance with City requirements, construction-related ground transportation impacts of the proposed project would be *less than significant*.

The revision does not change the analysis or conclusions presented in the SEIR.

One comment states that the SEIR relies on Improvement Measure I-TR-1: Construction Management Plan and Public Updates to help reduce the project impacts to less than significant, and because it is not identified as a mitigation measure, it is not enforceable. As noted above,

because the proposed project's construction-related ground transportation impacts were determined to be less than significant, a mitigation measure is not required. This does not mean, however, that Improvement Measure I-TR-1 would not be enforceable. Improvement Measure I-TR-1 would be incorporated into the project MMRP as an enforceable condition of approval. Therefore, the manner in which the SEIR described Improvement Measure I-TR-1 is appropriate and no additional changes are required. Also see Response TR-11 regarding inclusion of Improvement Measure I-TR-1: Construction Management Plan and Public Updates.

A comment also states that the cumulative construction impact analysis is flawed for the following reasons: the impact assessment is limited to an artificially restricted study area; the analysis only considers projects in the Mission Bay area as part of the cumulative projects; and only considers construction-impacts, and not the operational impacts, of cumulative projects in the project vicinity.

As explained on SEIR p. 5.2-211 localized cumulative construction-related transportation impacts could occur as a result of reasonably foreseeable projects in the vicinity of the project site that would generate increased traffic at the same time and on the same roads as the proposed project. The SEIR further explains on SEIR pp. 5.2-211 – 5.2-212 that as part of the construction permitting process, each development project would be required to work with the various departments of the City to develop a detailed and coordinated plan that would address construction vehicle routing, traffic control, and pedestrian movement adjacent to the construction area. The cumulative construction-related transportation impacts of the multiple nearby construction projects would occur over an extended duration, and the project sponsor would coordinate with various City departments such as SFMTA and San Francisco Department of Public Works (DPW) through the SFMTA Transportation Advisory Committee (TASC), a multi-agency review body, to develop coordinated plans that would address construction-related vehicle routing and pedestrian movements adjacent to the construction area for the duration of construction overlap.

See Response TR-2b: Analysis Locations regarding the extent and scope of the study area. In assessing cumulative construction-related transportation-related impacts, the SEIR appropriately focused on other projects with construction periods overlapping with that of the proposed project. Under CEQA, there was no need for the City to consider the potential construction-related effects of potential future projects for which construction would not even commence until after the proposed project is already built and operational. The cumulative effects of concern under CEQA are the *combined* or *additive* effects of multiple projects, and not the independently occurring effects of multiple different projects with no compounding or overlapping effects. (See CEQA Guidelines, §§ 15064, subd. (i)(5) ["the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable"], 15130, subd. (a)(1) ["[a]n EIR should not discuss impacts which do not result in part from the project evaluated in the EIR"]; see also *Robinson v. City and County of San Francisco* (2012) 208 Cal.App.4th 950, 959; *San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1030-1031.) See Response TR-2b: Analysis Locations regarding the extent and scope of the study area. The SEIR states that construction activities would be required to be conducted in accordance with "City requirements." A comment states this assurance is inadequate because the SEIR does not describe

“City requirements,” does not specify a performance standard that these requirements would impose or achieve, and does not present evidence that these requirements are likely to avoid significant cumulative construction-related traffic effects.

The “City requirements” that the project would be required to comply with are described in the cumulative impacts analysis and are described in greater detail under Impact TR-1. As explained in Impact TR-1 on SEIR pp. 5.2-111 – 5.2-112, prior to construction, as part of the construction application phase, the project sponsor and construction contractor(s) would be required to meet with DPW and SFMTA staff to develop and review truck routing plans for disposal of excavated materials, materials delivery and storage, as well as staging for construction vehicles. The construction contractor would be required to meet the City of San Francisco’s Regulations for Working in San Francisco Streets (the Blue Book), including those regarding sidewalk and lane closures, and would meet with SFMTA staff to determine if any special traffic permits would be required. Prior to construction, the project contractor would meet with Muni’s Street Operations and Special Events Office to coordinate construction activities and avoid any impacts to transit operations. In addition to the regulations in the Blue Book, the contractor would be responsible for complying with all City, State and federal codes, rules and regulations.

The requirements described above, and in the SEIR, are mandatory for all construction projects in the City. It is therefore reasonable to assume that all projects, including the proposed project, would comply with these requirements. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884 [holding it was reasonable for agency to expect that environmental regulations would be followed]; *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 411-412 [citing compliance with regulatory standards as adequately addressing hazardous materials at school site].) Moreover, although they are not project-specific mitigation measures, these existing regulatory requirements would be included in the MMRP for the project, which would further ensure that these requirements are complied with. (Pub. Resources Code, § 21081.6, subd. (a); *Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 446.)

California courts recognize that an agency may rely on compliance with existing regulations or requirements in finding a project’s impacts would be less than significant. (See, e.g., *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 1933 [holding agency could rely on project’s compliance with Building Code’s energy efficiency standards for conclusion that project would not have significant energy impacts, and therefore did not require mitigation]; *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884 [project’s compliance with existing laws and regulations provided substantial evidence that seismic impacts would be less than significant]; see also *San Francisco Tomorrow v. City and County of San Francisco* (2014) 228 Cal.App.4th 1239, 1252 [in determining general plan consistency, the City’s reliance on building codes and regulations to assist in its determination that a project will reduce potential hazards was proper].) Reliance on compliance with the applicable regulatory framework is a common and widely accepted practice. (See *ibid.*; see also *City of Maywood v. Los Angeles Unified School Dist.*, *supra*, 208 Cal.App.4th at pp. 411-412.)

The comment cites *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 95 (*Communities for a Better Environment*), and *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th

1359, 1394 (*Gentry*). Neither of those cases are relevant to the points raised in the comment. The issue in both of those cases was whether the agency had improperly deferred formulation of mitigation measures until after project approval. Here, as the comment notes, the SEIR determined that cumulative construction-related transportation impacts would be less than significant, and therefore, no mitigation is required. Therefore, *Communities for a Better Environment* and *Gentry* do not apply.

In addition, the implementation of Improvement Measure I-TR-1: Construction Management Plan and Public Updates would be effective in managing construction traffic. Construction projects are of limited duration. Construction traffic tends to be dynamic, and varies depending on the construction activities that are occurring at any particular stage of construction. For this reason, the appropriate approach to addressing construction traffic is to put in place a flexible plan that allows for managing construction traffic on an ongoing basis, as the construction project proceeds. This approach is consistent with the *SF Guidelines*, which include the following “typical” mitigation measures for projects located in the downtown area:

During the construction period, the project sponsor would cause to limit construction truck movement to the hours between 9:00 a.m. and 3:30 p.m., and to prohibit staging or unloading of equipment and materials during the periods of 7:30 a.m. to 9:00 a.m. and 3:30 p.m. to 6:00 p.m., to minimize peak period traffic conflicts and to accommodate queuing of Muni buses prior to the peak hours of service. The project sponsor and construction contractor would meet with the SFMTA, the Fire Department, Muni, and the Planning Department to determine feasible traffic management and mitigation measures to reduce traffic congestion during construction of this project and other nearby projects. To minimize cumulative traffic impacts due to lane closures during construction, the project sponsor would coordinate with construction contractors for any concurrent nearby projects that are planned for construction or which later become known.

Thus, the City’s guidance emphasizes coordination on an ongoing basis with appropriate City departments. That is the approach reflected in Improvement Measure I-TR-1: Construction Management Plan and Public Updates.

In response to the comment regarding transporting excavated soils, Table 5.2-33 on SEIR p. 5.2-113 presents the estimated daily construction trucks and construction workers by project phase, including excavation and shoring activities, and these construction vehicle trips were included in the assessment of construction-related transportation impacts. See Section 13.3, Response AQ-5 for additional information regarding the proposed project’s air quality analysis and impacts.

The comment that states that concurrent construction of the proposed event center and two office buildings, with all construction on the project site completed prior to opening of the event center, would facilitate access for pedestrians, bicyclists, and motorists to the event center (i.e., rather than a phased development as occurred at the Barclay’s Center in New York), is noted.

The comment that states that there is ongoing construction activities within Mission Bay is noted. As described on SEIR pp. 2-6 to 2-8, the Mission Bay Plan area of approximately 303 acres is

currently being built out, both in terms of the roadway network and new development. The project site, Mission Bay Blocks 29-32, is part of the Mission Bay Plan area. As noted above, Improvement Measure I-TR-1: Construction Management Plan and Public Updates would ensure the coordination of the traffic management plans for the overlapping construction projects, including those in Mission Bay.

In response to the comment concerning the possible use of Terry A. Francois Boulevard for construction staging, proposed project construction staging activities would not use the travel lanes on Terry A. Francois Boulevard. Instead, as described above and on SEIR p. 5.2-112, the proposed construction staging for the majority of the project construction would take place between the existing alignment of Terry A. Francois Boulevard and the west face of the proposed event center (i.e., west of the existing Terry A. Francois Boulevard travel lanes). The staging area would be used until such time the planned realignment of Terry A. Francois Boulevard by the master MB developer occurs. Project construction would not close any travel lanes on Terry A. Francois Boulevard or Third Street, and would therefore not affect traffic flows to or from AT&T Park on game days. Therefore, an addition to Improvement Measure I-TR-1: Construction Management Plan and Public Updates, as suggested in a comment, is not required.



## 13.11.12 Improvement Measures (TR-11)

### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

A-UCSF-8

O-MBA10L4-32

I-Hong-5

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“Page 5.2.169, Improvement Measure 1-TR-IOb, we request that the traffic engineering study for Mariposa Street be completed prior to, not after, certification of the Final EIR and that it be implemented and included as a condition of project approval, if determined feasible.” (*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-8]*)

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“A number of the mitigation measures (and de facto mitigation measures identified as “improvement measures”) identified in the DSEIR are vague, insubstantive, unresponsive to the impact purportedly addressed or offer no basis for the DSEIR’s conclusion. Measure having these characteristics, which disqualify them as adequate mitigation under CEQA, are not limited to those cited as egregious examples highlighted below.

“De Facto Mitigation Measure: Improvement Measure I-TR-1: Construction Management Plan and Public Updates

“The first section of this measure states as follows:

*Construction Coordination – To reduce potential conflicts between construction activities and pedestrians, bicyclists, transit and vehicles at the project site, the project sponsor shall require that the contractor prepare a Construction Management Plan for the project construction period. The preparation of a Construction Management Plan could be a requirement included in the construction bid package. Prior to finalizing the Plan, the project sponsor (construction contractor(s)) shall meet with DPW, SFMTA, the Fire Department, Muni Operations and other City agencies to coordinate feasible measures to include in the Construction Management Plan to reduce traffic congestion, including temporary transit stop relocations and other measures to reduce potential traffic, bicycle, and transit disruption and pedestrian circulation effects during construction of the proposed project. This review should consider other ongoing construction in the project vicinity, such as construction of the nearby UCSF LRDP projects and construction on Blocks 26 and 27.*

While expressing good intention, what will be done as the result of this measure is so vague and subject to future determination as to constitute deferred mitigation. To be an effective measure, it should commit to explicit features such as the following examples:

A continuous protected sidewalk will be maintained at all times on the Project’s frontage on the east side of Third Street. Third Street will not be subject to lane closures at any time during the construction period. All access to the Project for workers, import of construction materials and equipment and export of demolition and construction debris shall be from the Sixteenth Street, South Street or Terry Francois Boulevard frontages. All connections to underground utilities shall be made from the Sixteenth Street, South Street or Terry Francois Boulevard frontages.

“The second section of this measure states as follows:

*Carpool, Bicycle, Walk and Transit Access for Construction Workers – To minimize parking demand and vehicle trips associated with construction workers, the construction contractor could include as part of the Construction Management Plan methods to encourage carpooling, bicycle, walk and transit access to the project site by construction workers (such as providing transit subsidies to construction workers, providing secure bicycle parking spaces, participating in free-to-employee ride matching program from [www.511.org](http://www.511.org), participating in emergency ride home program through the City of San Francisco ([www.storm.org](http://www.storm.org)), and providing transit information to construction workers.*

“This section contradicts common sense and common knowledge. It is common knowledge that few construction workers will use a bicycle, walk or use transit to travel to and from work - for compelling reasons. Many workers carry their personal tools and equipment with them each day; it is impractical to do this while walking, bicycling or riding transit. Construction work often involves strenuous physical labor.

Consequently, even if not carrying tools and equipment, construction workers are normally disinclined to walk or bike to and from work. Because of the physical labor aspect, construction workers are frequently dirty and sweaty on the homebound commute. Because of this, construction workers are themselves uncomfortable and make other riders uncomfortable if they ride transit. Because these considerations are well known, it is ridiculous and cynical for the City to pad the DSEIR with useless statements such as that reproduced above." (*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-32]*)

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5. The Draft SEIR does a good job trying to identify the Traffic issues. However, as I mentioned above, since it's publication additional thoughts from the community, MTA, UCSF and others came up are good, these comments should be part of the RTC / Final EIR. All stakeholders have done a relatively good job here. Most importantly the new Arena Facility needs to work with UCSF's Master Plan. (*Dennis Hong, email, July 27, 2015 [I-Hong-5]*)

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## **Response TR-11: Improvement Measures**

### ***Improvement Measure I-TR-1: Construction Management Plan and Public Updates***

One comment states that Improvement Measure I-TR-1: Construction Management Plan and Public Updates is a de facto mitigation measure because impacts of project construction activities on the transportation network should be significant impacts, and states that improvements were vague, insubstantive, and unresponsive. The first two components of this improvement measure (Construction Coordination and Carpool, Bicycle, Walk and Transit Access for Construction Workers) are specifically noted in the comment.

Because the proposed project's construction-related ground transportation impacts were determined to be less than significant, a mitigation measure is not required and Improvement Measure I-TR-1 is accurately identified as an improvement measure. Also see Response TR-10 regarding the analysis conducted for construction-related ground transportation impacts and the impact determination of less than significant.

Regarding the Construction Coordination component of Improvement Measure I-TR-1, because it is not possible to know either what specific projects in the vicinity of the project site would be under construction at the time the proposed project would be under construction or what the construction traffic control plans for such projects would require, it is not possible to prepare a coordinated construction management plan as part of the SEIR. Thus, this improvement measure requires that the construction contractor prepare a Construction Management Plan that would be responsive to the refined project construction schedule, phasing, and duration, as well as incorporate the actual construction activities of nearby projects that may share the same truck access routes or staging area. For example, as noted in the SEIR on page 5.2-211, construction of the UCSF East Campus project on Blocks 33/34, located directly south of the project site across 16th Street, is anticipated to start in 2016, but it is unknown what phase of construction would be occurring at the time construction on the proposed project starts. The Construction Management Plan would require coordination between these two projects which would share 16th Street as a primary truck access route.

Regarding the Carpool, Bicycle, Walk and Transit Access for Construction Workers component of Improvement Measure I-TR-1: Construction Management Plan and Public Updates, the comment states that a measure to encourage construction workers to carpool, bicycle, walk, and take transit, rather than drive, contradicts common sense and common knowledge. The comment states that it is well known that few construction workers use non-auto modes because many carry their personal tools and equipment with them each day, construction workers are normally disinclined to walk or bicycle to and from work, and are frequently dirty and sweaty on the homebound commute making other riders uncomfortable if they ride transit. Perhaps such generalizations are accurate in some places, but not in San Francisco. In San Francisco, many construction workers do take transit, walk, and bicycle to and from the job site. In San Francisco many construction workers carry a change of clothes to address the issue related to leaving work dirty and sweaty, and construction workers at big projects with extended construction schedules are also often able to store tools at the site; and City policy is to further encourage transit and other non-auto modes for all trips in San Francisco. Thus, inclusion of this measure for the construction contractor to implement strategies to encourage non-auto modes by construction workers is appropriate, and further, it is realistic, based on experience in San Francisco, to expect compliance.

Therefore, inclusion of Improvement Measure I-TR-1: Construction Management Plan and Public Updates in the SEIR, as currently presented on SEIR pp. 5.2-116 – 5.2-117 is appropriate, and no additional changes are required. Also see Response TR-10 regarding construction-related ground transportation impacts.

#### ***Improvement Measure I-TR-10b: Mariposa Street Restriping Study***

In response to the comment on Improvement Measure I-TR-10b: Mariposa Street Restriping Study, additional coordination between City staff and SFMTA determined that the Mariposa Street restriping associated with the Owens Street extension and I-280 ramp improvements will be conducted in 2016, and that the SFMTA will evaluate the feasibility of extending the left turn pocket on eastbound Mariposa Street at Fourth Street west from its existing length of about 150 feet to provide for additional queuing area. Therefore, the improvement measure was clarified to reflect the SFMTA effort prior to opening of the event center, while allowing for additional review of the length of the left turn pocket after the event center opens. The project sponsor has agreed to all of the transportation improvement measures identified in the SEIR, including Improvement Measure I-TR-10b: Mariposa Street Restriping Study, and this measure would be included in the proposed project's MMRP. In response to this comment, Improvement Measure I-TR-10b: Mariposa Street Restriping Study on SEIR p. 5.2-169 was clarified as follows (deleted text is shown as ~~strikethrough~~ and new text is underlined):

#### **Improvement Measure I-TR-10b: Mariposa Street Restriping Study**

In connection with the Mission Bay Plan improvements to the I-280 on-ramp and off-ramp at Mariposa Street and the Owens Street extension, the SFMTA will be reevaluating the travel lane striping plan for Mariposa Street between Pennsylvania Avenue and Fourth Street. As part of this evaluation, the SFMTA will assess the feasibility of lengthening the dedicated left turn lane from eastbound Mariposa Street onto

northbound Fourth Street. The evaluation is anticipated to take place in 2016, two years prior to the opening of the proposed event center. A re-evaluation may be needed following the opening of the event center. Therefore, ~~As~~ as an improvement measure to enhance access to the UCSF Medical Center Children's Hospital, subsequent to the opening of the event center, the project sponsor shall retain a qualified transportation professional approved by SFMTA to conduct a traffic engineering study to evaluate potential changes to the travel lane configuration and related signage on Mariposa Street between the I-280 ramps and Fourth Street. The study, to be conducted in ~~coordination~~ consultation with UCSF and SFMTA, would be used to determine if the dedicated eastbound left turn lane into Fourth Street/UCSF passenger loading/unloading and emergency vehicle entrance to the UCSF Children's Hospital should ~~could~~ be extended west from its existing length of about 150 feet to provide for a longer additional queuing area separated from event-related traffic flow. If the study recommends restriping, the project sponsor shall fund SFMTA's cost of the design and implementation of the restriping.

The revision does not change the analysis or conclusions presented in the SEIR.

### 13.11.13 Mitigation Measures (TR-12)

#### Issues Raised by Commenters: Traffic Mitigation Measures (TR-12a)

This response addresses all or part of the following comments, which are quoted below:

A-Caltrans-8	A-Caltrans-11	A-UCSF-7	A-UCSF-9
A-UCSF-10	O-MBA10L4-31	O-MBA10L4-33	I-Carpinelli-1
I-Cehand-7	I-deCastro1-6	I-Hong-1	I-Woods-6
I-Zboralske-26	I-Zboralske-27	I-Zboralske-31	PH-Siegel2-2

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#### ***“Interstate 280 Mitigation***

Please explain the possible interventions on the I-280 Mariposa Street on-ramp, listed under Contraflow Lane Mitigation in Table 2-1 (pg. 2-17).” (*Department of Transportation, Patricia Maurice, letter, July 20, 2015 [A-CALTRANS-8]*)

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#### ***“Mitigation Responsibility***

As the lead agency, the City and County of San Francisco is responsible for identifying and ensuring the coordinated implementation of all project mitigations. The project’s fair share contribution, financing, scheduling, implementation responsibilities associated with planned improvements on Caltrans ROW should be listed, in addition to identifying viable funding sources per General Plan Guidelines.” (*Department of Transportation, Patricia Maurice, letter, July 20, 2015 [A-CALTRANS-11]*)

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“Page 5.2-167 and page 5.2-181, Table 5.2-50, the fact that the 1-280 northbound off-ramp at Mariposa is projected at LOS F during the evening peak hour during overlapping events is significant. This off ramp is an important access path to the UCSF hospitals and to neighboring land uses, and cannot be in a failing condition on a regular basis. We request a mitigation measure requiring the City to investigate the reconfiguration of the 1-280 Mariposa Street northbound off-ramp lanes to better segregate Event Center traffic from UCSF and other non-Event Center traffic.” (*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-7]*)

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“Page 5.2-180, Mitigation Measure M-TR-11c, UCSF encourages efforts to avoid scheduling non-Warriors events at the Event Center of 12,500 or more attendees that start within 60 minutes of the start of events at AT&T Park, as stated in this mitigation measure. We suggest that the mitigation measure be modified to limit large overlapping non-GSW events to what was analyzed in the DEIR-- no more than seven large Arena concerts per year. In 2014, the City imposed a numeric limit on large concerts at the Masonic Auditorium, providing a precedent for this type of condition.” (*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-9]*)

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Page 5.2-249, we request that the City commit to the additional parking lots south of the Event Center in order to minimize traffic and parking impacts of overlapping events. The total projected shortfall of about 2,000 spaces in the cumulative condition during overlapping events is substantial.” (*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-10]*)

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**“Mitigation Measures Are Vague, Insubstantive, Unresponsive to the Impact Purportedly Addressed or Do Not Qualify as Mitigation Under CEQA”** (*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-31]*)

“Mitigation Measure M-TR-2

“This sequence of mitigation measures purportedly reduces the effects of Impact TR- 2 (that the proposed Project would result in significant traffic impacts at multiple intersections that would operate at LOS E or LOS F under Existing plus Project conditions without a SF Giants game at AT&T Park) even though the impacts are still classified Significant and Unavoidable with Mitigation (SUM). While many of the measures sound potentially useful, close consideration reveals they do not have quantifiable effects, they affect conditions that are not part of the original quantification of impact or they are ineffective in changing the behavior of the problem traveler population. We consider the mitigation measures for Impact TR-2 in sequence.

**Mitigation Measure M-TR-2a: Additional PCOs during Events**

This measure involves providing four more PCOs during events than the Project’s proposed TMP and suggests 5 intersections where they may be deployed. The problem with this is that while PCOs can help prevent unnecessary degeneration of conditions (such as drivers ‘blocking the box’ or jaywalkers obstructing lanes on the green phase, they cannot cure fundamental LOS E or F conditions.

**Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts**

This measure involves fourteen itemized strategies in four subgroups. The lead in states:

“The project sponsor shall work with the City to pursue and implement, if feasible, additional strategies to reduce transportation impacts. In addition, the City shall pursue and implement, if feasible, additional strategies that could be implemented by the City or other public agency (e.g., Caltrans).”

Critical words here are “if feasible”. CEQA requires that “feasible mitigation” be developed. If there is any doubt at this point about the feasibility of the mitigation proposals, they cannot be presented in the DSEIR as mitigation.

**Strategies to Reduce Traffic Congestion**

Variable message signing only helps LOS if there are uncongested routes to which traffic can be directed. The variable message signs placed on the freeway approaches to Candlestick Park when the 49ers still played there were noteworthy in their uselessness because there were no uncongested routes to which traffic could be directed.

The City to provide coordinated outreach efforts to surrounding neighborhoods to explore the need/desire for new on-street parking management strategies, which could include implementation of time limits and Residential Parking Permit program areas.

Neighborhood parking conditions and parking permit programs have nothing to do with the LOS E and F conditions at major intersections that are the object of mitigation in this item. The proposal is irrelevant.

The project sponsor to offer for pre-purchase substantially all available on-site parking spaces not otherwise committed to office tenants, retail customers or season ticket holders, and to cooperate with neighboring private garage operators to presell parking spaces, as well as notify patrons in advance that nearby parking resources are limited and travel by non-auto modes is encouraged.

Preselling parking so that drivers have a fixed destination they can travel to directly instead of circling blocks looking for parking is a good idea. But it solves a problem not accounted for in the DSEIR’s original measurement of impact. The DSEIR’s underlying traffic assignments all assume

drivers are destined for explicit destinations, not milling about looking for one. So this would not reduce the LOS impacts forecast.

The project sponsor to create a smart phone application, or integrate into an existing smart phone application, transportation information that promotes transit first, allows for pre-purchase of parking and designates suggested paths of travel that best avoid congested areas or residential streets such as Bridgeview north of Mission Bay Boulevard and Fourth Street.

The problem with this entry is similar to some of the prior entries. At event times, there really are no uncongested paths to the Project vicinity, pre-purchase of parking helps solve a problem unaccounted for in the intersection LOS computations, keeping people out of residential streets is inconsistent with the supposed objective of reducing congestion at major intersections and people driving and using the app to find parking or avoid most congested routes are likely inured to transit first promotional messages.

The City and the project sponsor to work to identify off-site parking lot(s) in the vicinity of the event center, if available, where livery and TNC vehicles could stage prior to the end of an event.

This is a worthwhile action. But it avoids an on-street clutter of pick-up activity that was not accounted for in the original intersection LOS impact estimates. Hence, it does not mitigate the impact disclosed.

The City to include on-street parking spaces within Mission Bay in the expansion and permanent implementation of SFpark, including installation of sensors, dynamic pricing, and smart phone application providing real-time parking availability and cost.

This is a worthwhile action. But again, it helps solve a problem that is not reflected in the DSEIR intersection LOS analysis – that of vehicles cruising the area searching for parking. The ‘searching’ traffic would be additive to the traffic that was considered in compiling the LOS impacts.

The City shall work to include the publicly accessible off-street facilities into the permanent implementation of SFpark, and incorporate data into a smart phone application and permanent dynamic message signs.

The problem with this is the same issue as above – the ‘searching’ traffic it may reduce was never considered in the DSEIR’s analysis. Hence, it does not reduce the LOS impacts as disclosed.

If necessary to support achievement of non-auto mode shares for the project, the project sponsor shall cooperate with future City efforts for active interventions to effectively manage and price the parking supply in the project vicinity to reduce travel by automobile, thus improving traffic conditions.

The problem with this proposed mitigation measure is twofold. First, the project sponsor does not control most of the parking event attendees may use in the Project vicinity. Hence, it cannot meaningfully “manage and price” the parking supply. Second, for the 2015-16 basketball season, Warriors individual game tickets at season ticketholder prices range from \$30 to \$60 in the upper deck and from \$85 to \$550 in the lower deck. Season ticketholder per game prices for the recent 2015 playoffs ranged from \$100 to \$165 (upper deck) and from \$210 to \$1050 (lower deck) in the first round to, in the final round, from \$230 to \$345 (upper deck) and \$525 to \$2000 (lower deck). At these ticket prices, very few of the attendees who haven’t already chosen to ride transit for other reasons are going to be sensitive enough to parking pricing to change mode. So this strategy is unlikely to be effective.

The project sponsor to seek partnerships with car-sharing services.

Given the above ticket pricing inference as to the economics of event goers, it is doubtful that car-sharing partnerships would have quantifiable effect on travel habits or the ultimate intersection LOS impacts. Hence, there is no mitigation.

**Strategy to Enhance Non-auto Modes**

The project sponsor to provide a promotional incentive (e.g., show Clipper card or bike valet ticket for concession savings, chance to win merchandise or experience, etc.) for public transit use and/or bicycle valet use at the event center.

Given the above ticket pricing inference as to the economics of event goers, it is doubtful that the suggested incentives would have any effect on travel habits or the ultimate intersection LOS impacts. Hence, there is no mitigation.

**Strategies to Enhance Transportation Conditions in Mission Bay and Nearby Neighborhoods**

The project sponsor to participate as a member of the Mission Bay Ballpark Transportation Coordination Committee (MBBTCC) and to notify at least one month prior to the start of any non-GSW event with at least 12,500 expected attendees. If commercially reasonable circumstances prevent such advance notification, the GSW shall notify the MBBTCC within 72 hours of booking.

The notification provided herein is useful to set the ordinary event traffic management procedures in place for the scheduled date. However, there is no inference that this would change the intersection LOS impacts disclosed in the DSEIR. Hence, there is no mitigative effect.

The City and the project sponsor to meet to discuss transportation and scheduling logistics following signing any marquee events (national tournaments or championships, political conventions, or tenants interested in additional season runs: NHL, NCAA, etc.).

Again, the notification provided herein is useful to set the ordinary event traffic management procedures in place for the scheduled date. However, there is no inference that this would change the intersection LOS impacts disclosed in the DSEIR. Hence, there is no mitigative effect.

**Strategies to Increase Transit Access**

The City to coordinate with regional providers to encourage increased special event service, particularly longer BART and Caltrain trains, and increased ferry and bus service.

If the City really wanted to mitigate the significant impacts on intersection LOS, instead of just asking the regional service providers for more services, it should condition the Project to pay the regional providers for the incremental cost of such services over fare revenue generated. Otherwise, the measure as constituted is unenforceable and ineffective.

The City to work in good faith with the Water Emergency Transportation Agency, the project sponsor, UCSF, and other interested parties to explore the possibility of construction of a ferry landing at the terminus of 16th Street, and provision of ferry service during events.

Discussing possibilities is not mitigation. If the City wants to have this measure as an effective mitigation, it must condition the Project to contribute a fair-share payment to the ferry landing, if developed, and to pay fair share incremental costs over fare revenues for ferry operations.

*(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-33])*

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“1. No added parking at 19th St./Illinois St because it will:

a. add to Dogpatch traffic congestion while not serving the neighborhood in any way.

“2. It will draw game and function day Peninsula parkers through Dogpatch via 280 N. 23rd St off/on ramp, and THIRD St., crowd out the official Traffic route for trucks and bikes on Illinois St. and interfere with the planned but also opposed MTA turn-around loop at 19th and Illinois St as well as the proposed and opposed 19th St. extension and egress for 10 wheeler trucks from BAE ship repair business on SFPort land.

“3. It will interfere with/cause safety issues for pedestrians, park users of the upcoming Crane Cove Park at 19th St./Illinois and Blue Greenway along Illinois St and Pier 70.” *(Janet Carpinelli, email, August 4, 2015 [I-Carpinelli-1])*

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And now there will be “traffic lanes” with the new stadium? Please make sure we can get across 3rd Street to get to our homes. I strongly recommend/request stickers for our vehicles to make passing through traffic lanes an easier process.” (Jadine Cehand, email, June 30, 2015 [I-Cehand-7])

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“Potrero Hill is an island with only two east - west streets on the north slope of the Hill that cross the 101. Most of our intersections are gridlocked twice a day during morning and evening commute. Add a Giants game to the mix and we get a third rush hour gridlock.

“I am not optimistic that the City is going to be able to implement an effective traffic management plan. The promised traffic officers will disappear during the next economic downturn, never to return unless the ticket tax money is in a “lock box” in the City budget.” (John deCastro, email, July 27, 2015 [I-deCastro1-6])

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“1. TRAFFIC- I am writing to express my sincere and significant concern with the impact of the additional traffic to this area; both pedestrians and vehicles; both during and after construction. Especially when the project is completed. I have been tracking this project as best as I could. Both the sponsor (GSW) and UCSF have been doing the best possible and with other involved stake holders to resolve some of these issues. This Draft SEIR captures some of that. However, it did not include some of the recent comments and or concessions that came up since it’s publication. The recent concerns are mainly with traffic; during and after the games. The possibilities of these issues seem endless. But it looks like all stakeholders are on the same page and are closer than ever to resolving these issues. Most of these issues have been vented, but a compromised plan still needs to be made, the best part is, we are getting there.” (Dennis Hong, email, July 27, 2015 [I-Hong-1])

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“The most important mitigation for traffic congestion is to reduce the number of private passenger vehicles attempting to access the arena through Mission Bay’s limited and congested street network. It is important that the SEIR require off-site parking, shuttle access to off-site parking, link ticket sales to off-site parking or transportation alternatives, create smart phone or other electronic links to available parking (including reactivation of SFPark), and actively discourage private passenger vehicle access to the Mission Bay neighborhood by providing better transit service.” (Corrine Woods, email, July 27, 2015 [I-Woods-6])

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“For example, the report openly acknowledged that many intersections would have significant traffic impacts that would remain “significant and unavoidable with mitigation,” under specified scenarios. Accordingly, the report says the City and the project sponsor should work together to seek feasible mitigation measures to reduce transportation impacts.

“One strategy being considered is to use additional off-site parking lots south of the project (not within walking distance) and providing a free shuttle service to patrons.

“The report says location sites (yet to be identified) that could provide up to 250 parking spaces for events drawing less than 12,500 patrons and up to 1,000 total spaces on days with overlapping events would be used to accomplish this. Working details regarding to this traffic mitigation option have yet to be specified and defined. Unfortunately, no sites have been identified as possibilities to date. There is no guarantee the sponsor and City could negotiate acceptable terms that would be feasible in the long term.

“The report says the sponsor would need to provide, as needed, up to six (6) shuttle trips per hour both before and after the events. There is no mention of the types of shuttles being considered or their capacity. These shuttles would be required to navigate to and from drop-off and pick-up points and be subject to traffic disruptions like other vehicles. If, in the extreme, the maximum 1,000 cars were to use

this service it is likely a minimum of 2,000 people (two people per vehicle average) would be shuttled to and from.

“Most shuttles (airport rental car and hotel type) probably hold a maximum of 25 people. Doing that math, it could take up to 80 shuttle trips to accommodate the patrons. At six shuttle trips per hour there would be a significant capacity shortfall to move patrons in a timely fashion. Using a lower number of only 500 cars and 1,000 patrons would require up to 40 shuttle trips (given full capacity for each trip) and would also result in capacity shortages, delays and disruptions.

“Given the lack of specifics and details about this option, I believe patrons using this mode of transportation will incur significant delays both before and after games.

“As the report continues other notable references to traffic problems are aptly addressed. Some of these include:

“Page 5.2-178 of the report addresses other factors that affect traffic mitigation efforts. These include physical limitations of the City’s street grid and the City’s Transit First policies and goals that seek to limit private vehicle usage.” (*James Zboralske, email, July 27, 2015 [I-Zboralske-26]*)

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“Page 5.2-182 of the report specifically and clearly states, “for conditions without an overlapping SF Giants evening game, no feasible mitigations are available for the freeway ramp impacts because there is insufficient physical space for additional capacity without redesign of the I-80 and I-280 ramps and mainline structures, and which may require acquisition of additional right-of-way, and other potential measures would not adequately address the short term peak travel patterns associated with special events.” Later it states, “Thus, for these reasons, the proposed project’s impacts related to freeway ramp operations would be significant and unavoidable with mitigation.” (*James Zboralske, email, July 27, 2015 [I-Zboralske-27]*)

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“Traffic mitigation options that include concepts like private shuttles, identifying and using new parking lots and increasing public transportation services lack details, specificity, funding sources and could take many years to build.” (*James Zboralske, email, July 27, 2015 [I-Zboralske-31]*)

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“Today, specifically, I want to direct my remarks to the proposed parking lot at Crane Cove. There are a number of issues that we're concerned about regarding this parking lot location.

“First of all, Illinois Street is the official route for trucks and bikes as part of the Transportation Plan of the City. This street would be the nearest street to the proposed parking lot. The Port is also planning on having a 19th Street extension serve as a BAE heavy large-truck route, and Muni is also planing a turnaround loop, as well, directly in that area. Further, Crane Cove is a small patch of green space on the waterfront that serves the community and needs to be protected.” (*David Seigel, public hearing transcript, June 30, 2015 [PH-Siegel2-2]*)

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## Response TR-12a: Traffic Mitigation Measures

### *Traffic Impacts*

Traffic impacts identified at study intersections and ramps are primarily associated with pre-event evening and post-event late evening conditions for large events. A number of mitigation measures were identified that would reduce, but not eliminate, the significant traffic impacts associated with the proposed project. As stated on SEIR p. 5.2-130, the identified measures would

reduce traffic congestion in the project vicinity by providing drivers information on traffic conditions and alternate routes, providing information on on-street and off-street parking conditions, discouraging use of on-street parking through the Residential Permit Parking program, encouraging non-auto modes through parking pricing, and enhancing regional transit access to the area. However, even with implementation of these measures, the arrival and departure peak of vehicle trips to and from the event center through these intersections would continue to occur, and the proposed project's traffic impacts would be significant and unavoidable.

The Transportation Management Plan includes provision of 17 PCOs, the Local/Hospital Access Plan includes provision for three additional PCOs during weekday events with more than 12,500 attendees, and as part of Mitigation Measure M-TR-2a: Additional PCOs during Events and Mitigation Measure M-TR-11a: Additional PCOs during Overlapping Events, six additional PCOs would be required. As part of the proposed project, the City is proposing legislation to the SFMTA and the Board of Supervisors that would establish a Special Reserve Account for project improvements, improvement measures, and mitigation measures that would be implemented by the City. Also see Section 13.2, Response GEN-1a regarding funding of the Muni Special Event Transit Service Plan and other project improvements, improvements measures, and mitigation measures.

#### ***Mitigation Measure M-TR-2a and M-TR-2b***

A comment questions the usefulness and effectiveness of Mitigation Measure M-TR-2a: Additional PCOs during Events and each of the measures included in Mitigation Measure M-TR-2b: Additional Measures to Reduce Transportation Impacts in mitigating the significant traffic impacts identified in the SEIR. The comment further asserts that these mitigation measures do not qualify as valid mitigation measures under CEQA.

Both mitigation measures included in Impact TR-2 were developed following review of the intersection operations at the seven intersections where significant impacts were identified. While physical changes to the intersections in terms of additional capacity would not be possible to reduce the intersection LOS to less than significant levels, transportation management strategies, including travel demand strategies would lessen the impact of additional vehicle trips generated by the proposed project. Under CEQA, a mitigation measure need not reduce impacts to less than significant levels in order to be legally adequate. As case law makes clear, it is better to mitigate significant impacts to the degree that is feasible, even if they remain significant and unavoidable, than not to try to mitigate at all. (See, e.g., *Masonite Corporation v. County of Mendocino* (2014) 218 Cal.App.4th 230, 239; *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 324.)

As stated above and on SEIR p. 5.2-130, the identified measures would reduce traffic congestion in the project vicinity by providing drivers information on traffic conditions and alternate routes, providing information on on-street and off-street parking conditions, discouraging use of on-street parking through the Residential Permit Parking program, encouraging non-auto modes through parking pricing, and enhancing regional transit access to the area. The SEIR acknowledges that even with implementation of these measures, the arrival and departure peak of vehicle trips to and

from the event center through these intersections would continue to occur, and the proposed project's significant traffic impacts at the intersections would remain. Still, the measures include many worthwhile elements and would be helpful in reducing, if not totally eliminating, the severity of traffic-related impacts. Because the SEIR does not state that these measures would reduce the significant impacts to less than significant levels, and because the significant traffic impacts were identified as significant and unavoidable with mitigation, the SEIR accurately presents the impact determination, and the mitigation measure is appropriate under CEQA as presented.

A number of the measures address parking. The cost and availability of parking are key considerations in individual decisions related to mode choice; the ability to affect parking pricing would be most effective in discouraging single-occupant auto mode. The identified measures would provide the City flexibility to implement these measures in the future if technology and other considerations make them financially and practically feasible. The concern that some strategies are not currently feasible, for example, because the project sponsor does not control the parking in the vicinity of the project site and cannot be implemented in the near term is noted. However, this does not preclude the potential that the strategy may become feasible in the future (e.g., Seattle's downtown parking program includes both publicly owned and privately owned public parking garages, but overcame similar challenges related to managing both publicly-owned and privately-owned publicly-accessible parking facilities). The commenter cited no legal authority for the assertion that "[i]f there is any doubt at this point about the feasibility of the mitigation proposals, they cannot be presented in the DSEIR as mitigation." Indeed, such a legal position is contrary to public policy, as it would require lead agencies to offer no mitigation of any kind unless they are certain at the time of project approval that all of the details are feasible. It is better to approve measures that *may* be feasible than not to approve any measures at all. Here, the inclusion of such measures in the MMRP would ensure that they would be pursued by the City, and they can be reevaluated in the future based on the result of the annual monitoring of event conditions and attendee travel characteristics. If determined to be feasible, the measures would be fully implemented.

In response to the comment regarding the variable message sign, SFMTA's experience with SF Giants game conditions indicated that a variable message sign on I-280 northbound would be useful following overlapping evening events to direct drivers on I-280 northbound to use the off-ramp at the intersection of Sixth/Brannan events rather than the King Street off-ramp that terminates close to AT&T Park or the Mariposa Street ramps located near the project site. The I-280 Sixth Street off-ramp is a viable alternative for drivers during the late evening hours following overlapping events. In addition, a variable message sign, as opposed to a fixed message sign, could be used to provide additional, more accurate, information to motorists in real time.

### ***Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events - Analysis of Off-site Parking***

The proposed off-site parking facilities included in Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts during Overlapping Events have been further defined by the City, and additional analysis was conducted as part of this Response to Comments

document to determine the potential environmental impacts of the use of two surface parking lots south of the project site as part of this mitigation measure. The two sites include: a surface lot containing 250 vehicle spaces on Port property within the Pier 70 area located about half-mile south of the event center (referred to as the 19th Street parking lot) that is currently being planned for by the Port; and a surface lot containing 800 vehicle spaces on Port property adjacent to and north of Pier 80 located about 1.2 miles south of the event center (referred to as the Western Pacific parking lot). Both of these options would be included as part of this mitigation measure.

The transportation impact analysis conducted for the use of the two off-site lots is in Appendix TR-X of SEIR Appendix TR.

The discussion of the Mitigation Measure M-TR-11c on SEIR pp. 5.2-178 – 5.2-179 was revised as follows (deleted text is shown as ~~struckthrough~~ and new text is underlined):

In addition to the mitigation measures describe above, **Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events**, has been identified to ~~would~~ require the project sponsor to continue to work with the City to pursue ~~seek~~ additional strategies ~~feasible mitigation measures~~ to reduce transportation impacts during overlapping events. The feasibility of these ~~measures~~ strategies has not yet been determined. One strategy involves using off-site parking lot(s) south of the event center and providing shuttles to the event center if the location of off-site parking is not within walking distance to the event center. ~~If this strategy were to become feasible, the City would identify one or more off site parking lot(s) on Port of San Francisco or other lands to the south of the event center to provide approximately 250 additional parking spaces for all events and up to an approximately 750 additional parking spaces (for a total of approximately 1,000 spaces) during dual events of 12,500 or more event center attendees or for other circumstances if needed, and the project sponsor shall provide free shuttles from such off site parking lot(s) to the event center on a maximum 10 minute headway (i.e., six shuttles per hour) before and after events. Preliminary discussions with the Port have identified potential parking lot locations at an area northwest of Pier 70 in the vicinity of the intersection of Illinois/19th and an area near Pier 80 referred to as the Western Pacific site. These locations are approximate only and subject to change based on a variety of factors including, but not limited to, proximity to the event center, infrastructure and development cost, and availability. In addition, any specific locations identified for this purpose would be subject to subsequent review, design, and approvals that may involve both local and State agencies.~~

~~Given the current uncertainties regarding the availability, location, and size of one or more off site parking lots, the effectiveness of this strategy cannot be quantified at this time. If such an off-site parking lot(s) were to be determined to be feasible, it is possible that use of this off-site parking could reduce traffic impacts in the project vicinity. However, drivers who may use these potential additional parking facilities could travel along different routes, which could result in significant traffic impacts south of the project site such as along Third Street, Cesar Chavez Street, 25th Street or other streets that may be used as access to or from affected freeway on-ramps and off-ramps and~~

approaches in the vicinity of the parking lot(s). Mitigation for such traffic impacts may be available depending on the areas affected. ~~Standard mitigation techniques that could be employed involve temporary or permanent removal of on-street parking to accommodate traffic flow, addition of stop signs or traffic signals, adjustment to signal timing where signals exist, addition of dedicated turn lanes or turning lane traffic indicators if the physical constraints of the intersection or adjoining streets could accommodate such changes, and other available traffic control devices. These measures could be implemented where feasible to maintain a LOS D or better. Similar physical or geometric constraints to fully mitigating traffic impacts may also be applicable at affected freeway on-ramps, off-ramps and approaches. However, due to the physical limitations of the City's street grid, land may not be available for City purchase that would allow for the expansion of street width to accommodate additional travel lanes or other design techniques to achieve the standard of LOS D or better, and City policies disfavor expansion of roadway capacity in order to achieve the City's Transit First and other goals that attempt to limit private vehicle use. Consequently, until a site-specific analysis of the identified parking lot(s) is conducted, it cannot be determined what mitigation measures may be available for affected areas, and then whether the measures would be feasible given the physical constraints of the street network and the availability of funding to implement the measures. Under the circumstances, the~~ The City would implement those measures that it deems feasible to achieve a LOS D or better in the affected areas, but regardless, secondary traffic impacts associated with Mitigation Measure M-TR-11c, Additional Strategies to Reduce Transportation Impacts of Overlapping Events, involving the use of one or more off-site parking lot(s) at this time would be considered potentially *significant and unavoidable with mitigation*.

The City has identified two sites located south of the project site: a surface lot containing 250 vehicle spaces on Port property within the Pier 70 area located less than a half-mile south of the event center (referred to as the 19th Street parking lot) that is currently being planned for by the Port; and a surface lot containing 800 vehicle spaces on Port property adjacent to and north of Pier 80 located about one mile south of the event center (referred to as the Western Pacific parking lot) included as part of this mitigation measure. Environmental review and Port approval is required for implementation of these parking facilities.

- At the 19th Street site, a 24-hour parking facility is currently being pursued by the Port, and the facility is proposed to be operational prior to the operation of the event center. Thus, the facility would likely be available for use during all events at the project site. Vehicular access to the facility would be via 20th Street from the planned Georgia Street (i.e., to the west of Michigan Street). Attendees would walk approximately one half mile between the parking lot and the event center, or they could take the T Third. Pedestrian access to the site would be either via 20th Street or via the planned 19th Street extension (as part of the Crane Cove Park project).
- The Western Pacific site would be converted into a temporary parking facility for use during large events (i.e., more than 12,500 attendees) that overlap with SF Giants evening games at AT&T Park (i.e., on average about nine times per year).

Vehicular access to this site would be via Cesar Chavez Street and Michigan Street. The facility would open two hours prior to the start of an event, and close two hours following the end of an event. Free bus service procured by the project sponsor would shuttle event attendees between the project site and the Western Pacific parking lot before and after the event.

The following edits are made to the text of the mitigation measure on page 5.2-180 (deleted text is shown as ~~strikethrough~~ and new text is underlined):

### **Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events**

The project sponsor shall work with the City to pursue and implement, ~~if feasible,~~ additional strategies to reduce transportation impacts associated with overlapping events at AT&T Park and the proposed event center. These strategies ~~could~~ include the following:

- The project sponsor shall exercise commercially reasonable efforts to avoid scheduling non-Golden State Warriors events of 12,500 or more event center attendees that start within 60 minutes of the start (respectively) of events at AT&T Park.
- When overlapping non-Golden State Warriors events of 12,500 or more event center attendees and evening SF Giants games cannot be avoided ~~through commercially reasonable efforts,~~ the project sponsor shall exercise commercially reasonable efforts to negotiate with the event promoter ~~as feasible~~ to stagger start times such that the event headliner starts no earlier than 8:30 p.m.
- The City has identified two ~~shall identify one or more~~ off-site parking lot(s) on Port of San Francisco or other lands to the south of the event center (19th Street and Western Pacific sites) that can accommodate ~~to provide~~ approximately 250 additional parking spaces for all events and up to approximately ~~950-800~~ additional parking spaces for use during dual events of 12,500 or more event center attendees (for a total of approximately ~~1,000~~ 1,050 additional off-site parking spaces). As long as the Port of San Francisco takes all necessary actions to make the land available for public parking, the The project sponsor shall: (1) make commercially reasonable efforts to negotiate with the Port of San Francisco or its designee to acquire sufficient rights for the use of such parking lot(s) through lease, purchase, or other means as necessary; and (2) pay its fair share contribution towards any improvements required for the use of such parking lot(s), including but not limited to grading, paving, striping, fencing, lighting, drainage, stormwater pollution prevention measures, curb cuts, and ramps; and (3) (if such negotiations are successful) provide free shuttles to the event center from such off-site parking lot(s) that are more than 1/2 mile from the event center on a maximum 10-minute headway before and after events.
- In the event that the off-site parking lots at 19th Street and the Western Pacific site are implemented, the SFMTA shall consult with Caltrans in assessing the feasibility of signaling the intersection of Pennsylvania/I-280 southbound off-ramp. If determined feasible by the SFMTA and Caltrans, the SFMTA and Caltrans shall establish the level of traffic volumes that would trigger the need for a signal, and the project sponsor shall fund its fair share cost of the design and implementation

of the new signal, based on project contributions to annual average weekday traffic volumes at this intersection.

In addition, as part of monitoring of traffic conditions during overlapping events, the SFMTA shall consult with Caltrans regarding the need to deploy an SFMTA PCO or CHP officer to expedite traffic exiting I-280 southbound (i.e., waving vehicles exiting I-280 southbound and turning left onto southbound Pennsylvania Street through the existing stop sign) during overlapping events when the Western Pacific parking lot is used for project event parking. The PCO or CHP officer would be deployed during those events prior to installation of a traffic signal or if signalization of this intersection is determined not to be feasible.

### **Impacts of Mitigation Measure M-TR-11c, Off-site Parking**

As required by CEQA Guidelines Section 15126.4, this section presents a summary of the potential effects of implementation of the proposed off-site parking facilities at the 19th Street site, located at the southeast corner of Illinois and 19th Streets less than one-half mile from the project site, and at the Western Pacific site, located adjacent to Pier 80, approximately one mile south of the project site. More detailed discussion and supporting data for the information below is included in Appendix TR-X of SEIR Appendix TR. Environmental review and Port approval is required for implementation of these two parking facilities.

**Traffic.** With implementation of the 19th Street and Western Pacific parking facilities, project vehicle trips would be dispersed over a broader area south of the project site, reducing the effect of increased traffic at intersections closer to the project site. Attendees traveling to the facilities from the south would be encouraged to park at these facilities instead of seeking parking closer to the event center. Intersection LOS analysis was conducted for the Basketball Game scenario for conditions without and with a SF Giants evening game at AT&T Park for the weekday p.m. weekday evening, weekday late evening, and Saturday evening peak hours (see Appendix TR-X in Appendix TR). In addition to the 22 study intersections analyzed for the proposed project, nine additional study intersections in the vicinity of the two parking lots were analyzed. The additional study intersections include 18th/I-280 southbound off-ramp, 18th/I-280 northbound on-ramp, Third/20th, Pennsylvania/I-280 southbound off-ramp, Pennsylvania/I-280 southbound on-ramp, Indiana/25th/I-280 northbound on-ramp, Third/25th, Pennsylvania/Cesar/I-280 northbound off-ramp, and Illinois/Cesar Chavez. The four intersections with the I-280 ramps on 18th and Pennsylvania Streets are unsignalized intersections, and the others are signalized intersections. Traffic counts for conditions without and with a SF Giants evening game at AT&T Park were obtained from earlier counts conducted in June 2013 and January 2014, supplemented with new counts conducted in July and August 2015.

For the Basketball Game scenario without a SF Giants evening game at AT&T Park, the analysis assumed that all of the 250 parking spaces within the 19th Street parking lot would be available to event center attendees. For these analyses, vehicles that had been



assigned to UCSF parking facilities (i.e., specifically the vehicles assigned to the Medical Center and Community Center garages) were reassigned to the 19th Street parking lot. The intersection LOS analysis results for the weekday p.m., weekday evening, weekday late evening, and Saturday evening indicate that the nine additional study intersections would continue to operate at LOS D or better, with minimal changes in delay. At the original 22 study intersections, average vehicle delay would change minimally and LOS conditions would generally remain the same as identified in Impact TR-2 above. Use of the 19th Street parking lot would not result in new significant traffic impacts, or eliminate the significant traffic impacts identified in Impact TR-2 (i.e., at King/Fourth, Fifth/Harrison/I-80 westbound off-ramp, Fifth/Bryant/I-80 eastbound on-ramp, Third/Channel, Fourth/Channel, Seventh/Mission Bay Drive, Seventh/Mississippi/16th). Thus, without or with the use of the 19th Street parking lot, the project would result in significant and unavoidable traffic impacts at seven study intersections that would operate at LOS E or LOS F conditions under existing plus project conditions without a SF Giants evening game at AT&T Park. This impact is no more severe than described above.

For the Basketball Game scenario with a SF Giants game at AT&T Park, the analysis assumed use of both parking lots by event attendees, for an additional parking supply of 1,050 vehicle spaces. Similar to the conditions without a SF Giants evening game, vehicles that were assigned to UCSF parking facilities were reassigned to both parking lots. In addition, vehicles that had conservatively been previously assumed to park at Mission Bay garages that were close to or slightly over capacity, such as the 450 South Street or the 1670 Owens Street garages, were also reassigned to the two lots. Due to the two parking facilities south of the project site, vehicle access to/from I-280 would shift from the Mariposa Street ramps to those located at Pennsylvania Avenue and Cesar Chavez Street. The analysis also assumes that for post-event late evening conditions, one to two PCOs would be stationed at the intersection of Third/Cesar Chavez, and that both travel lanes on the westbound approach of Cesar Chavez Street would be westbound through lanes (i.e., westbound left turns would not be permitted, drivers destined to destinations south on Third Street would be required to make a westbound left turn at Illinois Street). West of Third Street there are two westbound travel lanes, and the temporary post-event travel lane configuration can be accommodated. With implementation of the off-site parking facilities, the intersection LOS analysis results indicate that for conditions with overlapping events, intersections LOS would remain similar to those reported for the proposed project, with the following exceptions:

*Weekday p.m. peak hour* – Implementation of the off-site parking facilities would cause the intersection of Pennsylvania/Cesar Chavez/I-280 northbound off-ramp to operate at LOS E rather than LOS D; however, with use of the off-site parking facilities, the intersection of Fourth/16th Street would operate at LOS D rather than LOS E.

*Weekday evening peak hour* - Implementation of the off-site parking facilities would cause the intersection of Pennsylvania/Cesar Chavez/I-280 northbound off-ramp to operate at LOS F rather than LOS D; however, with use of the off-site parking

facilities, the intersection of Mariposa/I-280 northbound off-ramp would operate at LOS C rather than LOS E.

Weekday late evening peak hour – With implementation of the off-site parking facilities, intersection LOS conditions and identified impacts would remain the same as described in Impact TR-11. As described above, with implementation of traffic management strategies to provide for two westbound through lanes at the intersection of Third/Cesar Chavez, the intersection would operate at overall LOS D conditions.

As described above, traffic impacts for the Basketball Game scenario with an overlapping SF Giants evening game at AT&T Park were identified as significant and unavoidable at ten study intersections. With implementation of this mitigation measure, the significant project impacts at the intersection of Fourth/16th during the weekday p.m. peak hour, and at the intersection of Mariposa/I-280 northbound off-ramp would not occur. With implementation of the mitigation measure, the proposed project would result in traffic impacts at nine, rather than ten intersections.

The change in location of traffic impacts at intersections (i.e., no project impact at the intersections of Fourth/16th and Mariposa/I-280 northbound off-ramp, and a project impact at the intersection of Pennsylvania/Cesar Chavez/I-280) is consistent with the determination noted above, that it is possible that use of this off-site parking lots during overlapping events could reduce traffic impacts in the project vicinity, but that drivers who may use these additional parking facilities could travel along different routes, which could result in traffic impacts south of the project site, such as along Third Street, Cesar Chavez Street, 25th Street, or other streets that may be used as access to or from affected freeway on-ramps and off-ramps and approaches in the vicinity of the parking lots. Thus, use of off-site parking facilities identified in Mitigation Measure M-TR-11c would not result in a substantial increase in the severity of the proposed project's traffic impacts identified for conditions without this measure. Therefore, with implementation of Mitigation Measure M-TR-11c, Impact TR-11 conclusion remains the same: the proposed project would result in significant traffic impacts at multiple intersections that would operate at LOS E or LOS F under existing plus project conditions with an overlapping SF Giants evening game at AT&T Park. Impact TR-11 would be considered potentially significant and unavoidable with mitigation.

**Transit.** The additional parking facilities would serve to reduce the number of attendees seeking and finding parking at parking facilities closer to the project site, and are not expected to result in a mode shift for access to and from the event center. Therefore, with the two additional facilities accommodating a total of 1,050 vehicle parking spaces, the transit impact analysis related to capacity utilization would remain the same as presented in Impact TR-4 and Impact TR-5 for conditions without an overlapping SF Giants evening game at AT&T Park, and in Impact TR-13 and Impact TR-14 for conditions with an overlapping SF Giants evening game at AT&T Park.

Shuttle buses would connect the event center with the Western Pacific site. Prior to an event, shuttle buses would travel to the event center via Cesar Chavez Street westbound, Illinois Street northbound, and would return via 16th Street westbound, Third Street southbound to Cesar Chavez Street eastbound. Pre-event, the shuttle buses would drop off passengers on the east side of Illinois Street between 16th and Mariposa Streets. The shuttle zone on the east curb of Illinois Street would be used by the Muni Special Event 16th Street BART station shuttle post-event, and therefore, would not result in additional temporary parking displacement during overlapping events. Following an event, shuttle buses would travel to the event center via Cesar Chavez Street westbound, Third Street northbound, 16th Street eastbound, Illinois Street southbound, and would return via Illinois Street southbound, Mariposa Street westbound, Third Street southbound, to Cesar Chavez Street eastbound. Post-event, buses would use the west curb of Illinois Street between 16th and Mariposa Streets to load passengers, which would require temporary parking prohibition for a portion of the west side of Illinois Street between 16th and Mariposa Streets during overlapping events (currently there are about 40 on-street parking spaces on this section of Illinois Street). The shuttle zone on the east curb of Illinois Street would be used by the Muni Special Event 16th Street BART station shuttle post-event, and therefore, would not result in additional temporary parking displacement during overlapping events.

The project sponsor would be responsible for accommodating the passenger demand on the shuttles. The majority of the arrivals and departures would occur within one hour of the start and end of the event, and would be greater during the post-event period. Assuming a shuttle capacity of 60 passengers per bus, about eight buses making three round trips between the event center and the Western Pacific parking lot would be needed to accommodate the peak post-event passenger demand of 1,400 passengers (i.e., 800 vehicles each with an average vehicle occupancy of 2.52 passengers, and about 70 percent of the demand occurring within a one-hour period). If shuttle buses with less capacity are used, more shuttle buses would be required to accommodate the passenger demand. Impacts would be less than significant.

**Pedestrians.** The 19th Street site is located about 0.45 miles south of the project site, and it is anticipated that given this short distance attendees would walk between the event center and the parking lot. Pedestrian access to the 19th Street lot would be via 20th Street, where a sidewalk is currently provided on the north side of 20th Street, or via the planned extension of 19th Street as part of the Phase 1 of Crane Cove Park. Because a sidewalk is not currently provided on the east side of Illinois Street between 20th and Mariposa Streets (it is being built out as development on the east side of Illinois Street occurs), pedestrians would walk on the west side of Illinois Street. At Mariposa Street, pedestrians would most likely continue north on Terry A. Francois Boulevard to access the main entrance to the site. Some pedestrians may choose to walk between the event center and the 19th Street site on Third Street. The ultimate configuration of the sidewalk on the west side of Terry A. Francois Boulevard is 12.5 feet wide, on the west side of Illinois Street is generally 10.5 feet wide, and on the east side of Third Street is 12 feet

wide. Pedestrian volumes during the evening and late evening periods are generally low, and the additional pedestrians walking between the event center and the 19th Street parking lot would be accommodated on the sidewalks and at the crosswalks at intersections without substantially affecting pedestrian flows.

Travel for event attendees between the Western Pacific parking lot and the event center would be via a shuttle bus. Pedestrians would enter the shuttle bus within the Western Pacific parking lot (e.g., similar to a shuttle bus system at an airport parking lot), and exit at a temporary stop on the east side (pre-event) and west side (post-event) of Illinois Street between 16th and Mariposa Streets. For pre-event and post-event conditions, PCOs would be stationed at the intersection of Illinois/16th to manage pedestrian, transit, traffic, and bicycle flows through the intersection.

The two parking lots would result in fewer pedestrians accessing the project site, particularly from parking facilities located primarily west of the project site (i.e., fewer attendees would park at UCSF parking facilities that were assumed to be available for parking during events at the project site), which would instead travel via shuttle. This would reduce the effect of additional pedestrians at the intersections of Third/South and Third/16th. Impacts would be less than significant.

**Bicyclists.** Illinois Street in the vicinity of both parking facilities is part of Bicycle Route 5 and a bicycle lane is provided in each direction. The additional vehicles traveling to and from the parking lots would primarily travel on Third Street and turn onto or from 20th Street and Cesar Chavez Street to access the lots. Therefore, it is not anticipated that the parking lots would result in a substantial number of project-generated vehicles on Illinois Street. In addition, the use of the sites would result in a reduction in the number of vehicles on streets in the project vicinity, where bicycle lanes are also located, but it would result in an increase of bus shuttles on 16th Street between Third and Illinois Streets, and on the west side of Illinois Street, both of which include bicycle facilities. Pre-event, the Western Pacific parking lot shuttle bus would unload passengers on the east curb of Illinois Street between 16th and Mariposa Streets, and post-event would load passengers at the west curb of Illinois Street between 16th and Mariposa Streets. On both sides of Illinois Street, the passenger loading/unloading zones would be adjacent to existing bicycle lanes. Post-event both the Muni Special Event 16th Street BART shuttle and the Western Pacific parking lot shuttle bus would load passengers along Illinois Street between 16th and Mariposa Streets, which could result in an increased potential for bus-bicycle conflicts and bicycle safety concerns. As described in the SEIR, post-event 16th Street between Illinois Street and Terry A. Francois Boulevard, as well as northbound Illinois Street between Mariposa and 16th Streets, would be closed to vehicular traffic to facilitate Muni Special Event Shuttle operations (local access to adjacent building from Mariposa Street would be permitted). As the event center bicycle valet parking would be accessed from the north sidewalk along 16th Street in this segment, signage, cones and PCOs would be used to direct departing bicyclists towards the signalized intersection of Terry A. Francois Boulevard/16th Street, where they can

safely mount their bicycles and travel northbound and southbound on Terry A. Francois Boulevard within the planned cycle track. At the intersection of Illinois/16th, a PCO would be stationed to facilitate transit, vehicle and bicycle travel along 16th Street, as well as direct southbound pedestrians and vehicles across 16th Street. Thus, post-event bicyclists traveling southbound would be directed towards Terry A. Francois Boulevard, away from Illinois Street between 16th and Mariposa Streets, which would be extensively used by event shuttle buses and vehicles departing the project garage, and instead directed towards the cycle track on Terry A. Francois Boulevard. Thus, implementation of TMP measures during events would facilitate bicycle access and minimize conflicts. Impacts would be less than significant.

**Loading.** Implementation of the two parking lots would not affect on-site loading operations. However, the Western Pacific site is currently used to stage semi-trailer trucks serving the Moscone Center. With implementation of the parking lot, the staging of trucks would either continue on-site or be relocated to Pier 96. A conceptual facility layout was prepared for the Western Pacific site that confirmed that the maximum truck staging demand (i.e., 100 trailer plus 60 semi-trailer trucks for the Moscone Center operations and 25 project-generated semi-trailer trucks) and the proposed 800-vehicle surface parking facility could be accommodated within the Western Pacific site. Therefore, the existing uses on the Western Pacific site would continue to be accommodated. During overlapping events when the Western Pacific site is proposed to be used for parking, the semi-trailer trucks staging at the Western Pacific site would be parked, and not circulating, and therefore conflicts between pedestrians, vehicles, and the staging trucks would not occur. Impacts would be less than significant.

**Emergency Vehicle Access.** With implementation of the off-site parking lots on Port of San Francisco properties, the project-generated vehicles would be dispersed over a broader area south of the project site, reducing the effect of increased vehicle traffic on the roadway network closer to the project site. The operation of the two facilities would not block access to 20th, Illinois, or Cesar Chavez Streets. Impacts would be less than significant.

**Construction-related Transportation Impacts.** Construction activities associated with the Western Pacific lot would include minimal construction activities, and would primarily include application of organic surfactant to reduce dust, installation of temporary night-lighting stands, and signage. The improvements would occur over a six months to a year. The 19th Street parking lot would be constructed as part of a separate environmental review and permitting process. Impacts would be less than significant.

**Air Quality Impacts.** The off-site parking lot refinement does not affect the operational traffic health risk assessment (HRA) as presented in the SEIR. As shown in the Air Quality Appendix Tables 6.1-3 and 6.1-4, a screening level HRA was conservatively performed assuming that each of the trips generated circled a city block, and the highest possible resulting risk from the four roadways was presented. Since the total number of

trips generated does not change, this screening level analysis still represents a hypothetical maximum impact.

**Noise Impacts.** The additional availability of parking at these locations would result in a subtle redistribution of vehicle traffic on the local roadways which could affect the predicted roadway noise impacts. Roadway noise modeling was conducted to evaluate increases in roadside noise levels along local roadways where sensitive receptors exist (see Appendix TR-X). In addition to the six roadway segments that were analyzed for the proposed project, two new roadway segments were analyzed to assess potential impacts to Third Street between 20th Street and 23rd Street and to 20th Street between Illinois Street and 3rd Street, both of which have residential uses adjacent to roadways. Roadside noise level increases at all of the roadway segments would be less than 5 dBA, and therefore, the impact would be less than significant. The severity of the significant and unavoidable noise impact along Illinois Street between Mariposa Street and 20th Street would be marginally decreased with this mitigation measure, but the overall impact (Impact NO-5) would remain significant and unavoidable with mitigation.

In addition, noise modeling was conducted in the cumulative (Year 2040) scenario assuming a basketball game event and a simultaneous Giants Game event at AT&T Park and operation of both the 19th Street lot and the Western Pacific lot, the results of which are presented in Appendix TR-X. There would still be significant and unavoidable noise impacts along Illinois Street and Mariposa Street as was identified in the SEIR even with the off-site parking lot mitigation.

**Cultural Resources Impacts.** The 19th Street site is located within the Union Iron Works Historic District (Historic District), a maritime industrial district listed on the National Register of Historic Places. The approximately 8,300-square foot Building 40 (former Employment Office Annex) located in the southwest corner of the 19th Street site was determined to be a contributing resource to this Historic District; however it was not hierarchically rated as significant or significant among the 41 buildings in the Historic District. The Port plans to remove Building 40 as a part of the construction phase of the rehabilitation of the 20th Street Historic Buildings in order to permit the future development of a continuous sidewalk on the east side of the Illinois Street frontage. The Port determined, and the Planning Department concurred, that Building 40's removal would not affect the historic significance of the Historic District.<sup>49a,49b</sup> If Building 40 were to remain, it would not affect the capacity (number of spaces) or access points of the proposed parking lot. At the Western Pacific site, there would be no impacts on historic resources because there would be no demolition or excavation required for construction of the parking lot. While construction of either parking lot would only involve minor grading, there would be the potential to encounter archaeological resources in the shallow soils; but this potentially significant impact would be subject to and reduced to less than significant with implementation of the same mitigation measure as the proposed project.

**Hydrology and Water Quality Impacts.** At the 19th Street site, construction of the parking lot would need to comply with San Francisco's Stormwater Guidelines, including the installation of stormwater controls to reduce the volume and rate of stormwater runoff from the site by 25 percent; thus, impacts related to constructing new stormwater infrastructure, exceeding the capacity of a stormwater system or providing an additional source of polluted runoff would be less than significant. For this site, the project sponsor would be required to obtain a Construction Site Runoff Control Permit and implement an Erosion and Sediment Control Plan for construction activities, in accordance with the Construction Site Runoff requirements of Article 4.2 of the *San Francisco Public Works Code*, Section 146. The Western Pacific site is located within an area served by a separate storm sewer system. There would be no changes to the surface conditions that would result in a change in stormwater runoff from the site. Construction activities at the Western Pacific site would be required to comply with the State Water Resources Control Board General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, so construction impacts would also be less than significant.

**Flooding and Tsunami Impacts** – The 19th Street site is not located within a 100-year flood zone,<sup>49c</sup> therefore there would be no impact related to flooding. The Western Pacific site is partially located within a 100-year flood zone,<sup>49d</sup> but the parking lot project does not include construction of any structures that could be damaged by flood flows or impede flood flows. Both sites are located within a tsunami inundation zone,<sup>49e</sup> but the parking lots would not include the construction of any structures in this zone that could be damaged. Neither site would be permanently inundated with 11-inches of sea level rise by 2050 or with 36-inches of sea level rise by 2100.<sup>49f</sup> Even if flooding were to occur in the future, the parking lots do not include the construction of structures that could be damaged. Further, no people would be put at risk because of the intermittent use of the site. Therefore, impacts related to flooding as a result of sea level rise would be less than significant.

**Hazardous Materials Impacts** – The 19th Street site is also located within the Pier 70 Master Plan Area and soil may have been contaminated as a result of historic land uses. However, similar to the proposed project, impacts related to exposure to hazardous materials in the soil would be less than significant with implementation of the requirements of the Pier 70 Risk Management Plan.<sup>49g</sup> Impacts related to the potential to encounter naturally-occurring asbestos would be substantially the same or less than that of the proposed project, and the same mitigation measure would apply. The Western Pacific site was a former switchyard for Western Pacific, and the soil and groundwater are contaminated with inorganic and organic chemicals as a result of past activities. The City and County of San Francisco recorded a deed restriction<sup>49h</sup> on the property in 2002, which reports that a 2000 Human Health and Ecological Risk Assessment (approved by the RWQCB) determined that the chemicals in the soil would not pose a human health risk under most land uses. In addition, construction of the parking lot at this site would

not involve any excavation, so workers and the public would not be exposed to hazardous materials or naturally occurring asbestos potentially present in the soil.

**Other Impacts.** Implementation of these two surface parking lots would result in no impacts on wind/shadow, recreation, utilities, public services, and geology, because none of these resources would be affected. Impacts associated with land use, population/housing, GHG emissions, biological resources and energy resources would be substantially the same or less than those disclosed for the proposed project and the same mitigation measures would apply.

Overall, as described above, the use of the parking facilities at the 19th Street site (planned by the Port of San Francisco) and Western Pacific site (implemented as part of this mitigation measure) during evening events at the project site would not result in any new or substantially more severe transportation impacts associated with the proposed project related to vehicular traffic, transit, pedestrians, bicycles, emergency vehicle access, or construction-related transportation impacts. Potential impacts on other resources would be less than significant, assuming implementation of the same mitigation measures as those identified for the proposed project. However, as discussed above, even with implementation of the off-site parking facilities included in Mitigation Measure M-TR-11c, the identified traffic impacts in Impact TR-11 would remain significant and unavoidable with mitigation.

As with the Impact TR-11, without or with implementation of the off-site parking facilities included in Mitigation Measure M-TR-11c, under 2040 cumulative conditions described in Impact C-TR-2, the proposed project in combination with other past, present, and reasonably foreseeable future projects would result in significant cumulative traffic impacts at 16 intersections in the project vicinity. To further address traffic impacts of the proposed project after implementation of the parking facilities at the 19th Street site and Western Pacific site, Mitigation Measure M-TR-11c is augmented as shown above. With implementation of Mitigation Measure M-TR-11c, cumulative Impact C-TR-2 would remain significant and unavoidable.

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49a Carey and Company, *Analysis of Proposed Demolitions within the Union Iron Works Historic District at Pier 70*, February 20, 2015.

49b Richard Sucre, Preservation Planner, San Francisco Planning Department, *Historic Resource Evaluation Response Pier 70 BAE Ship Repair*, February 20, 2015.

49c City and County of San Francisco, *San Francisco Interim Floodplain Map, East, Final Draft*, July, 2008.

49d *Ibid.*

49e California Emergency Management Agency, California Geological Survey, University of Southern California, *Tsunami Inundation Map for Emergency Planning, San Francisco North Quadrangle/San Francisco South Quadrangle (SF Bay)*, June 15, 2009.

49f San Francisco Water, Power, Sewer, *Climate Stressors and Impact: Bayside Sea Level Rise Mapping, Final Technical Memorandum*, June 2014.

49g Treadwell & Rollo, *Pier 70 Risk Management Plan, Pier 70 Master Plan Area, San Francisco, California*, July 25, 2013.

49h San Francisco Assessor-Recorder, *Covenant and Environmental Restriction on Property (Re: Former Western Pacific Property)*, City and County of San Francisco, April 30, 2002.



Impact C-TR-2 on SEIR page 5.2-219, second and third full paragraphs, were revised as follows to reflect the detailed analysis of off-site parking locations associated with implementation of Mitigation Measure M-TR-11c (deleted text is shown as ~~striketrough~~ and new text is underlined):

Generally, to mitigate poor operating conditions of study intersections, additional travel lane capacity would be needed on one or more approaches to the intersection, particularly at intersections with the I-80 ramps. The provision of additional travel lane capacity by narrowing sidewalks, removal of on-street parking, and/or removal of bicycle lanes would generally be infeasible and inconsistent with the transit, bicycle, and pedestrian environment encouraged by the City's *Transit First* Policy by removing space dedicated to pedestrians, and/or bicycles and increasing the distances required for pedestrians to cross streets. Implementation of **Mitigation Measure M-TR-2a: Additional PCOs during Events, Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts, Mitigation Measure M-TR-11a: Additional PCOs During Overlapping Events, Mitigation Measure M-TR-11b: Participation in Ballpark/Mission Bay Transportation Coordinating Committee, and Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events**, as revised, would reduce the proposed project's contribution to cumulative impacts related to event-related traffic conditions but would not reduce the contribution to less-than-significant levels.

Overall, combined for all analysis peak hours, the proposed project would result in cumulative impacts, or contribute to 2040 cumulative impacts at the following 16 study intersections: King/Third, King/Fourth, King/Fifth/I-280 ramps, Fifth/Harrison/I-80 westbound off-ramp, Fifth/Bryant/I-80 eastbound on-ramp, Third/Channel, Fourth/Channel, Seventh/Mission Bay Drive, Third/South, Third/16th, Fourth/16th, Owens/16th, Seventh/Mississippi/16th, Illinois/Mariposa, Mariposa/I-280 northbound off-ramp, Third/Cesar Chavez. As noted above, the proposed project would result in project-specific impacts or contribute considerably to cumulative impacts at nine intersections during the weekday p.m. peak hour, and at the eight intersections during the Saturday evening peak hour, and these impacts would be *significant and unavoidable with mitigation*. With implementation of Mitigation Measure M-TR-11c, the proposed project would result in cumulative impacts, or contribute to 2040 cumulative impacts at 16 study intersections; however, significant traffic impacts would not occur at the intersections of Fourth/16th or Mariposa/I-280 northbound off-ramp, and instead would occur at the intersections of Pennsylvania/Cesar Chavez/I-280 northbound off-ramp and Pennsylvania/I-280 southbound off-ramp, and these impacts would be significant and unavoidable with mitigation. Thus, under 2040 cumulative conditions, implementation of Mitigation Measure M-TR-11c would not result in a substantial increase in the severity of the proposed project's traffic impacts identified for conditions without this measure.

The revision does not change the analysis or conclusions presented in the SEIR.

A number of comments expressed opposition to the off-site parking lots due to conflicts with the planned light rail turnaround, the 19th Street extension east of Illinois Street, and increased traffic on streets west of Third Street. The comments also expressed opposition to the planned light rail turnaround and the 19th Street extension east of Illinois Street. The operation of the 19th Street parking lot would not conflict with the planned light rail turnaround loop at 19th and Illinois Streets because light rail vehicles using the loop will access 18th Street eastbound from Third Street southbound, turn right onto Illinois Street southbound, and then right onto 19th Street westbound to Third Street. The primary access to the parking lot would be from Third Street northbound and southbound at 20th Street, where a left turn pocket is provided (southbound left turn pockets are provided at 18th and 20th Streets, but not 19th Street). In addition, few vehicles exiting I-280 southbound at 18th Street would continue through on 18th Street to Illinois Street and continue south on Illinois Street.

The 19th Street parking lot would not conflict with the proposed 19th Street extension for access to the BAE ship repair because 19th Street is not anticipated to be a primary access point to the parking lot. As indicated above, left turns from southbound Third Street onto 19th Street are not permitted, and the vehicles traveling southbound on Third Street would turn left onto 20th Street, and vehicles traveling northbound on Third Street would turn right onto 20th Street. Access to the parking lot from 20th Street east of Illinois Street would not affect access or use of the bicycle lanes on Illinois Street.

Crane Cove Park, along with the 19th Street extension, and the 19th Street parking lot would be developed as part Phase I construction of the planned Crane Cove Park. Sidewalks would be provided as part of the improvements, and therefore pedestrians traveling in the vicinity of the 19th Street parking lot would not experience substantial conflicts or substandard pedestrian conditions. In addition, because the facility would be available for public parking throughout the day, it would support access by people driving to the Crane Cove Park.

***Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events - Additional Measures***

As noted in a number of comments, the City, project sponsor and UCSF have been working on developing Local/Hospital Access Plan strategies (see above) to ensure that inbound access to the Mission Bay Area by residents, employees and UCSF staff during the weekday 6:00 to 7:00 p.m. evening period, when the maximum inbound project demand is expected to occur and which coincides with the UCSF staff shift occurs, is not substantially delayed as a result of event-related traffic. In addition to the Local/Hospital Access Plan, additional strategies have been identified by the City, UCSF, and the project sponsor that would be implemented during non-Golden State Warriors overlapping events to minimize the impacts during the pre-event period. As described in Response GEN-1a: City Funding, the City has introduced a resolution for consideration by the SFMTA and an ordinance for the Board of Supervisors that are intended to secure funding for its contribution to the project's transportation service plan and ensuring that the incremental City costs of providing transit, traffic enforcement, street sweeping and public safety services outside the premises are fully funded through the life of the project. If adopted, the ordinance would establish a Designated Overlapping Event Reserve Account to fund transit enhancements and

traffic enforcement costs of servicing non-Golden State Warriors events at the event center that occur on the same weekday evening as a SF Giants evening game. The ordinance authorizes an annual deposit of funds for the useful life of the event center. The Designated Overlapping Event Reserve Account would be used to implement supplemental transportation management actions, including a number of measures noted in comments, such as providing additional Mission Bay TMA and event-specific shuttle service. General categories of the types of measures that would be implemented include: separation of traffic destination, increased transit capacity, increased capacity of other modes, reduction in transit costs, disincentives to driving, incentives for alternative modes, and increased marketing efforts.

Thus, in response to comments, additional strategies were added to Mitigation Measure M-TR-11c: Additional Measures to Reduce Transportation Impacts of Overlapping Events. These measures may reduce traffic congestion in the project vicinity, but would not reduce traffic impacts to less than significant levels, and traffic impacts in Impact TR-11 would remain *significant and unavoidable with mitigation*.

Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events on SEIR page 5.2-180, was revised as follows to include additional strategies that would be implemented by the City and the project sponsor; the following is added as the final bullet (deleted text is shown as ~~strikethrough~~ and new text is underlined):

- To manage traffic flows and minimize congestion associated with non-Golden State Warriors events overlapping with events at AT&T Park, and to incentivize event attendees and UCSF employees to use alternatives to the private automobile, the City and the project sponsor shall pursue and implement additional transportation management actions, during the pre-event period during overlapping events. This measure shall be implemented in coordination with and in addition to Mitigation Measure M-TR-11a: Additional PCOs during Events and Mitigation Measure M-TR-11b: Additional Strategies to Reduce Transportation Impacts. Strategies shall include one or more of the following:

**Strategies to Increase Use of Non-auto Modes**

- Encouraging coordinated parking pricing strategies among nearby facilities designed to discourage driving for event attendees and employees.
- Marketing "No drive" events.
- Installing Clipper Card add-value machines on-site at the event center to facilitate purchase and value-adding, and to minimize impacts on transit "dwell times" of paying cash fares.
- Exploring implementation of congestion pricing tools to charge event-related fees for driving and parking in the immediate area.
- Establishing event-sponsored promotions to encourage additional use of transit, such as event-branded Clipper Cards, bundled discounts and subsidies for transit

ticket purchases, or automatic prize/raffle entries/merchandise discounts for event attendees taking transit.

- Exploring implementation of priority access or fast-track security clearance to the event center for attendees arriving by transit or bicycling to the event center.
- Promoting the above strategies through event tickets and ticketholder emails, website transit information, and real-time updates.
- Consulting with local TMAs targeting employees who might drive during the peak pre-event period to provide increased shuttle service, alternative travel mode promotions, and advertising the use of real-time information and technology applications.
- Sponsoring use of taxis, TNCs, or pedicabs by event sponsor to facilitate and subsidize the connection between the regional transit hubs and the event center, as well as between the regional transit hubs and AT&T Park.

***Strategies to Increase Transit, Capacity of Alternative Modes, and Enhance Pedestrian Safety***

- Providing additional PCOs to manage and direct local traffic, and to favor circulation of pedestrians, cyclists, and persons arriving or departing by transit.
- Expanding the network of PCO-controlled intersections during the peak pre-event period beyond those identified in the Local/Hospital Access Plan.
- Exploring implementation of a program to require employees driving in the vicinity during the peak pre-event period to produce vehicle badges (e.g., rearview hanger, sticker) by employer for access to local employment sites, and coordinating with SFMTA and SFPD to honor said badges.
- Using the Western Pacific site for off-site parking for all events, not only large overlapping events.
- Increasing transit or High Occupancy Vehicle (HOV) capacity by operating additional SFMTA buses and/or additional private shuttle buses.
- Supporting WETA analysis of the feasibility and operational benefits of a ferry/water taxi landing near 16th Street.
- Increasing capacity and use of alternative modes, such as secure or valet bicycle parking, bicycle sharing, or bicycle infrastructure along the east-west corridors.
- Expanding the SFMTA's Vision Zero treatments to nearby intersections to improve the physical pedestrian environment to enhance pedestrian safety.

A comment requests that Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events be modified to limit the number of large non-Warriors events overlapping with SF Giants evening games at AT&T Park, similar to limits imposed by the City for the Masonic Center. It should be noted that limits on Masonic Center

events were part of political negotiations facilitated by former Supervisor Chiu, and were not mitigation measures included in the Masonic Center Renovation Project EIR.

### ***Request for Additional Mitigation Measures***

A comment notes the LOS F operating conditions for the I-280 northbound off-ramp at Mariposa Street during the weekday evening peak hour during overlapping events (Table 5.2-50), and suggests a mitigation measure to reconfigure (i.e., restripe) the travel lanes on the I-280 off-ramp. The suggested change to the off-ramp where the single off-ramp lane widens to three lanes at the approach to the intersection of Mariposa/I-280 Northbound off-ramp (a distance of about 550 feet) would not change the analysis for either the freeway diverge analysis, as only one off-ramp lane would still be provided at the freeway ramp diverge location. Nor would such an improvement alter the SEIR's impact conclusions with respect to the intersection with Mariposa Street. Therefore, the suggestion would not be appropriate as a mitigation measure for the project. It is possible, however, that the suggested changes to the ramp lane configuration could be incorporated into the upcoming Owens Street extension project, which also includes a planned widening of the northbound I-280 off-ramp to provide for an additional lane and to better align with the Owens Street extension between 16th and Mariposa Streets. The City has initiated discussion with the Mission Bay Development Group (i.e., MBDG, the Mission Bay Area Plan infrastructure master developer), UCSF, and Caltrans to determine whether the restriping can be incorporated into this upcoming I-280 northbound off-ramp widening project.

A comment requested clarification if there would be "traffic lanes", and recommended stickers to make sure that drivers, presumably referring to residents in Mission Bay, can get across Third Street. The TMP for pre-event or post-event conditions does not propose any special use lanes, and access across Third Street would be maintained at all times north and south of the project site (e.g., at Mission Bay Boulevard South and Mission Bay Boulevard North). Post-event, Third Street between Mariposa Street and Mission Bay Boulevard South, and portions of South and 16th Streets adjacent to the project site would be closed to provide for transit passenger loading activities.

### ***Mitigation Measures included in Public Scoping Comments***

Table 2-1 on SEIR pp. 2-11 – 2-19 identifies comments received on the project during the public scoping period. The public scoping comment on SEIR p. 2-17 suggested the use of contraflow lanes on Mariposa Street as a mitigation or improvement measure to facilitate access to the I-280 on-ramp at Mariposa Street. The suggested measure in the comment for post-event conditions proposes to cone off one lane of eastbound Mariposa Street to temporarily enable three (rather than the existing two) westbound travel lanes, and possibly include interventions on the I-280 on-ramp. The suggested contraflow lane was not considered as part of the development of the TMP by City staff and the project sponsor, as only two lanes are provided on the I-280 southbound on-ramp at Mariposa Street, which then merge to one lane prior to the merge with the I-280 southbound mainline travel lane. A contraflow lane would not result in increased throughput onto I-280 southbound, and was therefore not considered as a feasible traffic management strategy.

### ***Mitigation Responsibility***

None of the project's planned improvements or mitigation measures in the SEIR would occur on Caltrans right-of-way (ROW), and therefore, there is no need to identify the project's fair share contribution, financing, scheduling, or implementation responsibilities for any projects on Caltrans ROW. However, as part of Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts, the City would communicate with Caltrans regarding installation of changeable message signs upstream of key entry points onto the San Francisco street network, such as on I-280 northbound upstream from the Mariposa Street off-ramp. If implemented, the changeable message signs would be installed by Caltrans. As part of project approvals, a Mitigation Monitoring and Reporting Program (MMRP) will be prepared and adopted to ensure proper implementation of the mitigation measures identified in the Final SEIR. Consistent with *CEQA Guidelines* Section 15097, the MMRP is designed to ensure implementation of the mitigation measure identified in the Final SEIR and adopted by decision makers to mitigate or avoid the project's significant environmental effects. CEQA also requires the adoption of findings prior to approval of a project for which a certified EIR identifies significant environmental effects (*CEQA Guidelines* Sections 15091 and 15092). Because this SEIR identifies significant adverse impacts that cannot be mitigated to less-than-significant levels, the findings must include a Statement of Overriding Considerations for those impacts (*CEQA Guidelines* Section 15093[b]). As noted above, the project sponsor would be required to implement the MMRP as a condition of approval.

Regarding comments that suggest that the project should provide fair share incremental costs over fare revenues for regional transit service, such as BART, Caltrain, and ferry service, it is noted that these regional agencies have not established any fair share program for such contributions. Also see Section 13.2, Response GEN-1 regarding funding of project mitigation measures, as well as several projects to improve public transportation in southeast San Francisco.

### **Issues Raised by Commenters: Transit Mitigation Measures (TR-12b)**

This response addresses all or part of the following comments, which are quoted below:

A-UCSF-6

O-MBA10L4-35

O-MM-11

O-PBNA-7

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"Page 5.2-146 through 147 and 5.2-185, given the relatively high auto mode share by South Bay and North Bay event attendees, can funding be secured for additional South Bay and North Bay transit service needs? Mitigation Measures M-TR-5a and b require GSW to "work with the Ballpark/Mission Bay Transportation Coordinating Committee to coordinate" with Caltrain, Golden Gate Transit and WETA to provide additional service; how can this mitigation measure be strengthened?" (*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-6]*)

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#### **"Impact and Mitigation Measure TR-5**

The DSEIR finds that the Project would result in a substantial increase in transit demand that could not be accommodated by regional transit capacity and finds it significant and unavoidable with mitigation (SUM). However, many of the purported mitigations disclosed are fatally flawed as demonstrated below.

**Mitigation Measure M-TR-5a: Additional Caltrain Service**

As a mitigation measure to accommodate transit demand to and from the South Bay for weekday and weekend evening events, the project sponsor shall work with the Ballpark/Mission Bay Transportation Coordinating Committee to coordinate with Caltrain to provide additional Caltrain service to and from San Francisco on weekdays and weekends. The need for additional service shall be based on surveys of event center attendees conducted as part of the TMP.

Coordination does not qualify as mitigation. Doing something substantial such as offering to pay for incremental cost of additional services over revenues is necessary to consider this as mitigation. And determining the need for special service should have been done in this DSEIR, not deferred to subsequent surveys.

**Mitigation Measure M-TR-5b: Additional North Bay Ferry and/or Bus Service**

As a mitigation measure to accommodate transit demand to the North Bay following weekday and weekend evening events, the project sponsor shall work with the Ballpark/Mission Bay Transportation Coordinating Committee to coordinate with Golden Gate Transit and WETA to provide additional ferry and/or bus service from San Francisco following weekday and weekend evening events. The need for additional service shall be based on surveys of event center attendees conducted as part of the TMP.

The same comment as immediately above applies. M-TR -5b does not qualify as mitigation under CEQA.

“In summary, as these examples demonstrate, the measures proposed in an attempt to mitigate the Project’s significant impacts lack substance, and their feasibility is still undetermined. Hence, the attempt at disclosing feasible mitigation is inadequate under CEQA.” (*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-35]*)

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“The DSEIR admits that the Project will cause significant impacts due to exceeding capacity on other transit services, including BART, proposing no mitigation. (DSEIR 5.2-226.)

“The SDEIR also admits that the Project would result in significant cumulative transit impacts on BART, Caltrain, Golden Gate Transit, and WETA, particularly with overlapping events, again proposing no mitigation. (DSEIR 5.2-226.)” (*Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-11]*)

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“Transit improvements should be funded from dedicated sources, regardless of whether those funds come from the incremental property, sales or ticket taxes arising from the Arena. With a current estimate of \$14 million being collected by the City annually, at least half that amount should be funding improvements to our transportation system intended to move people out of cars. Our neighborhood intersections are overburdened as they are, with many graded a “D” or an “F” under level of service standards. We do not have any excess capacity to accommodate more drivers.

Transit funding can go to infrastructure and operations that, when not deployed for the largest of events, can mitigate the day-to-day concerns of the neighborhood. We have identified the following necessary enhancements:

- Connecting the 11 North Point-Mission Bay line through to the commercial districts on 17th, 18th, and 20th streets in Potrero Hill, to the 22nd Street Caltrain Station, and terminating adjacent to the Pier 70 and NRG Power Plant development projects. This line can serve as an outlet for residents and business to move around, rather than through, the greatest Arena impacts.
- Increased running of the 10 Townsend to three times an hour during events.
- Making the E Embarcadero a seven-days-a-week line, turning south from its current 4th and King terminus to serve the Arena, with a terminus at the 25th Street Muni Yard.

- Moving the proposed Muni Turnaround from the congestion inducing 18th and 19th Streets to the 25th Street Muni Yard, where staging could be done more efficiently and more residents to the south of the Arena could be served on a daily basis.
- Keeping the 55 16th Street line as a dedicated connector from 16th Street BART to Mission Bay, and perhaps extending the line to incorporate transfers from the J Church.

“This list of improvements is not intended to be exhaustive. But they represent the need for a global transit plan for the area—one with a growing population and growing businesses—and one that has additional transit decreases planned, exacerbating cuts made in 2008-2009.” (*Potrero Boosters Neighborhood Association, J.R. Eppler, letter, July 27, 2015 [O-PBNA-7]*)

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## Response TR-12b: Transit Mitigation Measures

On the subject of why it is permissible under CEQA to adopt mitigation measures that are not able to reduce significant impacts to less than significant levels, please see the Response TR-12a, Traffic Mitigation Measures.

As discussed in Impact TR-5, for analysis scenarios that assume a sell-out basketball game at the project site, the capacity utilization of Caltrain and ferries to the North Bay are projected to operate at more than the 100 percent capacity utilization threshold. The SEIR identifies the additional capacity that would be required to accommodate the demand for the Basketball Game scenario. However, because some or all of the additional demand could be accommodate by other transit providers serving the East Bay, North Bay, and South Bay (e.g., BART also serves the South Bay and is not projected to operate at more than 100 percent capacity utilization), the actual additional service needed to accommodate the demand may be less than identified in the SEIR. Thus, in order to provide additional transit most efficiently, the amount of additional service should be responsive to the actual travel patterns, as determined during monitoring of events.

Neither the project sponsor nor the City has the legal authority and logistical ability to provide the additional service to and/or from the North Bay and South Bay, or to commit to funding of the additional service. However, the proposed TMP and Mitigation Measures require that the City and project sponsor to work with the regional transit agencies to provide additional service. Despite the lack of any guaranteed outcome, such efforts might well bear fruit, based on past experience. The provision of additional regional transit service during special events is common in San Francisco. As noted in the SEIR, additional service can include adding cars to scheduled trains, or provision of special event trains.

As described on SEIR pp. 5.2-53 – 5.2-55, the project includes the provision of additional bus and light rail service to accommodate the transit demand associated with the event center, and this transit demand would be accommodated within the existing and proposed Muni service. On days without events, the additional transit demand generated by the proposed office and retail uses would also be accommodated within the planned transit service. Thus the following additional Muni service and infrastructure identified in a comment would not be required to accommodate the project-generated transit riders.



- The 11 Downtown Connector was approved by the SFMTA Board in March 2015 and does not include the streets and neighborhoods suggested in a comment. The 11 Downtown Connector is planned to run on North Point, Powell, Columbus, Sansome, Second, Folsom/Harrison Streets, and then extend into the Mission via the current 12 Folsom routing. As part of the Rincon Hill Transit Study, SFMTA staff have proposed an alternative route for the 11 Downtown Connector into Mission Bay. They are also evaluating community input to extend the route further into Potrero Hill. At this time, however, the 11 Downtown Connector is not proposed to be called the 11 North Point-Mission Bay route, or travel on 17th, 18th, or 20th Streets in Potrero Hill, access the 22nd Caltrain station or the proposed development at Pier 70. As part of ongoing public outreach and planning for implementation of the 11 Downtown Connector, the SFMTA may revise the planned route to address issues raised in the comments.
- As described on SEIR p. 5.2-19, as part of Muni Forward, the 10 Townsend motor coach line will be renamed the 10 Sansome, with a new alignment within Mission Bay. Service would be rerouted off of Townsend down Fourth Street. From Fourth Street the route will extend through Mission Bay to new proposed street segments on Seventh Street between Mission Bay Boulevard and Irwin Street, on Irwin Street between Seventh and 16th Streets, on 16th Street between Irwin and Connecticut Streets, and on Connecticut Street between 16th and 17th Streets. Peak period headways will be reduced from 20 to 6 minutes. Midday headways will be reduced from 20 to 12 minutes.
- The E Embarcadero route would provide minimal additional capacity to service the event center compared to the planned additional capacity that would be provided via light rail shuttles via The Embarcadero. Extending two-car light rail vehicles from King Street south to serve the event center would add capacity and provide a direct connection to BART and other light rail lines at the Embarcadero station.
- The planned Muni light rail turnaround on 18th, Illinois, and 19th Streets would adequately service the additional light rail service proposed for the event center.
- The planned 22 Fillmore Transit Priority route will replace the 55 16th Street route, and the 22 Fillmore will run on 16th Street between Church and Third Streets. As described on SEIR p. 5.2-19, as part of the 22 Fillmore Transit Priority Project, the 22 Fillmore trolley bus line will be rerouted to continue along 16th Street east of Kansas Street, creating new connections to Mission Bay from the Mission neighborhood. The route change will add transit to 16th Street between Kansas and Third Streets, and to Third Street between 16th Street and Mission Bay Boulevard North. Muni Forward will change the a.m. peak period headway on the 22 Fillmore from 9 minutes to 6 minutes between buses. The service improvements will require upgrading and extending the overhead wire system on 16th Street between Potrero Avenue and Third Street. In addition to the service improvements, side-running transit-only lanes will be implemented on 16th Street between Seventh and Third Streets, and either side-running or center-running transit-only lanes will be implemented between Church and Seventh Streets by converting a mixed-flow lane to a transit-only lane. The 22 Fillmore Transit Priority Project will also include corridor-wide transit network improvements such as transit bulbs, new traffic signals, pedestrian signals, sidewalk widening, and upgrading of the bicycle infrastructure on 17th Street between Church and Seventh Streets to provide a parallel, contiguous, and safe bicycle route for traveling in the east-west direction.

## Issues Raised by Commenters: Mission Bay FSEIR Mitigation Measures (TR-12c)

This response addresses all or part of the following comments, which are quoted below:

O-MBA10L4-34

O-Sierra-4

O-Sierra-5

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“Have the sponsors estimated how many FTEs will take advantage of the proposed transportation subsidies described in FSEIR Mitigation Measure E47.c: *Employee Transit Subsidies - Provide a system of employee transportation subsidies for major employers?*” (Sierra Club, Susan E. Vaughn, letter, July 27, 2015 [O-Sierra-4])

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“... And will part-time employees who are not actually employees of the Warriors or other event sponsors (but who may work for food and souvenir concessions that have contracts with event sponsors) be eligible for these subsidies?” (Sierra Club, Susan E. Vaughn, letter, July 27, 2015 [O-Sierra-5])

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“The next section of mitigation for Project Impact TR-2 counts on the Mission Bay FSEIR Mitigation Measure E.47: the Transportation System Management Plan. However, the effects of those portions of that TSM Plan that have been implemented have been absorbed and are reflected in the existing baseline counts that underlie this DSEIR’s disclosures of impact TR-2. To constitute effective mitigation for the subject Project, this DSEIR should identify the specific elements of the hypothetical Mission Bay FSEIR Mitigation Measure E.47 that have actually been implemented and what enhancements to it this Project needs to carry out. For instance, considering the elements of Mission Bay FSEIR Mitigation Measure E.47 the following observations can be made.

*“FSEIR Mitigation Measure E.47.a: Shuttle Bus - Operate shuttle bus service between Mission Bay and regional transit stops in San Francisco (e.g., BART, Caltrain, Ferry Terminal, Transbay Transit Terminal), and specific gathering points in major San Francisco neighborhoods (e.g., Richmond and Mission Districts).*

“To be effective mitigation, the DSEIR must disclose what additions to shuttle routes and times of service would be needed to alter conditions reported in Impact TR-2 and commit the Project to implement them.

*“FSEIR Mitigation Measure E.47.b: Transit Pass Sales - Sell transit passes in neighborhood retail stores and commercial buildings in the Project Area.*

“The effect of this measure is not quantifiable as mitigation. It is doubtful that anyone who might use transit to and from the Project site is deterred from doing so for want of a convenient location selling transit passes.

*“FSEIR Mitigation Measure E.47.c: Employee Transit Subsidies - Provide a system of employee transportation subsidies for major employers.*

“While transit subsidies might alter the commute modes of some daytime employees at the Project, given the composition of uses proposed, it is unclear how many employers would be characterized as “major” and consequently, how many employees would be qualified for subsidies. Hence, the effect of this measure cannot be quantified.

*“FSEIR Mitigation Measure E.47.e: Secure Bicycle Parking - Provide secure bicycle parking area in parking garages of residential buildings, office buildings, and research and development facilities. Provide secure bicycle parking areas by 1) constructing secure bicycle parking at a ratio of 1 bicycle parking space for each 20 automobile parking spaces, and 2) carry out an annual survey program*

during project development to establish trends in bicycle use and to estimate actual demand for secure bicycle parking and for sidewalk bicycle racks, increasing the number of secure bicycle parking spaces or racks either in new buildings or in existing automobile parking facilities to meet the estimated demand. Provide secure bicycle racks throughout Mission Bay for the use of visitors.

“This measure might change the mode of choice of a few daytime employees or visitors to the site who would otherwise not use bicycle but it is not likely to change the choices of event attendees, particularly in the evening or evening workers.

*“FSEIR Mitigation Measure E.47.f: Appropriate Street Lighting - Ensure that streets and sidewalks in Mission Bay are sufficiently lit to provide pedestrians and bicyclists with a greater sense of safety, and thereby encourage Mission Bay employees, visitors and residents to walk and bicycle to and from Mission Bay.*

“Since adequate lighting is a prerequisite of any modern urban development, it is unlikely that this measure would change the mode splits the DSEIR already projects in disclosing impact TR-2. The measure has no quantifiable mitigation effect.

*“FSEIR Mitigation Measure E.47.g: Transit and Pedestrian and Bicycle Route Information - Provide maps of the local and citywide pedestrian and bicycle routes with transit maps and information on kiosks throughout the Project Area to promote multi-modal travel.*

“The amount of change in the mode choice pattern the DSEIR already projects that provision of this information would result in is not quantifiable. Hence, there is no clear mitigation of Impact TR-2.

*“FSEIR Mitigation Measure E.47.h: Parking Management Strategies - Establish parking management guidelines for the private operators of parking facilities in the Project Area.*

“This measure is so vague that consequences of it are not quantifiable. Hence, there is no clear mitigation of Impact TR-2.

*“FSEIR Mitigation Measure E.47i: Flexible Work Hours/Telecommuting - Where feasible, offer employees in the Project Area the opportunity to work on flexible schedules and/or telecommute so they could avoid peak hour traffic conditions.*

“This FSEIR mitigation measure does nothing to address the Project’s special event transportation impacts in the PM peak and Early Evening hours.

*“FSEIR Mitigation Measure E.49: Ferry Service - Make a good faith effort to assist the Port of San Francisco and others in ongoing studies of the feasibility of expanding regional ferry service. Make good faith efforts to assist in implementing feasible study recommendations.*

“As previously noted in the context of other mentions of ferry service, this item does not qualify as mitigation for the DSEIR subject project since the DSEIR has failed to determine that ferry service is feasible and since it does not condition the Project to take qualifying actions such as paying fair share contributions to development of a ferry landing serving the Project or paying a fair share of the incremental cost of ferry operations over revenue.”

*(Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-34])*

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## **Response TR-12c: Mission Bay FSEIR Mitigation Measures**

As stated on SEIR pp. 2-7 and 5.2-2, the Mission Bay FSEIR mitigation measures, their current status, and their applicability to the proposed project are described in Appendix TR and Appendix MIT. The majority of the infrastructure improvements contemplated by those measures have been completed or partially built out, while some are pending with planned development (e.g., Mission Bay Boulevard North, Mission Bay Boulevard South, and Nelson Rising Lane between Fifth and Owens Streets). Consistent with the Mission Bay South Owner’s

Participation Agreement, the master developer, FOCIL-MB, LLC, is responsible for the infrastructure serving the Mission Bay South Plan area, including implementation of the Mission Bay South Infrastructure Plan. The Mission Bay South OPA includes triggers for the phasing of required infrastructure improvements based on adjacency, ratios, and performance standards to ensure that the master developer phases the required infrastructure to match the phasing of private development occurring on adjacent blocks.

One comment provides a qualitative assessment on whether the FSEIR Mitigation Measures 47a – 47c and 47e – 47i, listed on SEIR p. 5.2-131, would be effective, and asserts that the SEIR should identify the specific elements of the measure that have already been implemented and what elements would be carried out by the project. As described on SEIR p. 5.2-131, the Mission Bay FSEIR Mitigation Measures were adopted as part of the Mission Bay Plan to encourage use of alternate modes and reduce auto mode. The Mission Bay South TMP incorporates these mitigation measures, and the TMP is part of the Mission Bay South Owner Participation Agreement for development within Mission Bay South. Because development on Mission Bay Blocks 29-32 would be subject to the Owner Participation Agreement, the Mitigation Measures were assumed as part of the proposed project, and were listed for informational purposes. It should be noted that these measures were developed for the entire Mission Bay Plan area and are not specific to the Blocks 29-32 site. Therefore, the SEIR does not delineate between components of the measure that have already been implemented and those that would be implemented by the project. Rather, additional measures are identified as part of this SEIR to mitigate impacts resulting from implementation of the proposed project.

The project-specific TDM strategies included in the project's TMP are summarized on SEIR p. 5.2-65 and include strategies such as participation in pre-tax commuter benefits, free to employee Emergency Ride Home program, compliance with California's parking cash-out program, the Mission Bay TMA shuttle program, among others. The project sponsor has confirmed that it would provide these programs and incentives to its employees. The project sponsor would also encourage all other on-site employers to make these strategies available to their employees. At this time, it is not known how many employees would take advantage of the transportation subsidies included in the TMP. As part of the project, the TMP includes annual surveys of employees to determine travel modes and determine their awareness of TDM programs that are available to them as an alternative to driving to work. The results of the surveys would be part of the TMP monitoring report submitted to OCII annually.

Because, as described above, the Mission Bay FSEIR mitigation measures are required for all development within Mission Bay, the comments are noted, but do not result in any changes to the analysis or mitigation measures included in the SEIR.

## Issues Raised by Commenters: Implementation of Mitigation Measures (TR-12d)

This response addresses all or part of the following comments, which are quoted below:

O-MBA10L4-14

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### **“G. The DSEIR Unlawfully Defers the Development of Mitigation Measures.**

“The DSEIR sketches out a number of concepts for mitigating the Project’s significant transportation effects where it defers the development of specific mitigation measure until a future date. The DSEIR’s deferral all of the mitigation measures listed below in this section does not meet CEQA requirements to identify specific mitigation measures in the Draft EIR so the public may meaningfully review and comment on them. These measures violate CEQA’s requirements for deferred mitigation because the DSEIR does not specify binding performance standards by which the measures’ success can be judged, there is no evidence it is impracticable to develop and include the specific measures in the DSEIR, there is no evidence the measures will be effective, there is no evidence the measures are feasible, there is no evidence the measures will be implemented because the Project Sponsor may deem them infeasible, and the measures are not enforceable. (See *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 95 (CBE); *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; 1394 (*Gentry*).

“The listed measures are qualified by language such as “if feasible” or “could include” (e.g., Measure M-TR-2b). Such qualifications render the measures illusory, unenforceable, and ineffective for purposes of the DSEIR’s claim of substantial reductions in impact or reductions in impact to less-than-significant levels. (See *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260-1262; *Lincoln Place Tenants Association v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508 [“mitigating conditions are not mere expressions of hope...”].)

“Even the listed measures that include performance standards (e.g., Measure M-TR-18) do not require they be achieved. For example, Measure M-TR-18 only requires that the Project Sponsor “work to achieve” the performance standards. CEQA requires that deferred mitigation measures include binding performance standards.

- Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts. (DSEIR, p. 1-15.)
- Mission Bay FSEIR Mitigation Measure E.47: Transportation System Management Plan. (DSEIR, p. 1-17.)
- Mitigation Measure M-TR-5a: Additional Caltrain Service. (DSEIR, p. 1-18.)
- Mitigation Measure M-TR-5b: Additional North Bay Ferry and/or Bus Service. (DSEIR, p. 1-19.)
- Mitigation Measure M-TR-9a: Crane Safety Plan for Project Construction. (DSEIR, p. 1-20.)
- Mitigation Measure M-TR-9d: Event Center Exterior Lighting Plan. (DSEIR, p. 1-21.)
- Mitigation Measure M-TR-11b: Participation in the Ballpark/Mission Bay Transportation Coordinating Committee. (DSEIR, p. 1-22.)
- Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events. (DSEIR, p. 1-23.)
- Mitigation Measure M-TR-13: Additional Muni Transit Service during Overlapping Events. (DSEIR, p. 1-24.)
- Mitigation Measure M-TR-14: Additional BART Service to the East Bay during Overlapping Events. (DSEIR, p. 1-24.)
- Mitigation Measure M-TR-18: Auto Mode Share Performance Standard and Monitoring. (DSEIR, p. 1-25.)”

(*Mission Bay Alliance, Thomas Lippe, letter, July 27, 2015 [O-MBA10L4-14]*)

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## Response TR-12d: Implementation of Mitigation Measures

The comment states the SEIR unlawfully defers the development of mitigation measures. The comment lists several mitigation measures that allegedly constitute improper deferral of mitigation because commenter asserts that the measures do not specify binding performance standards or lack evidence that they will be effective, are feasible, will be implemented, or are enforceable.

In general, the adequacy of mitigation measures depends on whether a lead agency's administrative record, taken as a whole, includes substantial evidence supporting the agency's conclusions regarding the significance of impacts. This analysis turns in part on whether the lead agency finds the measure will or will not reduce impacts to less than significant levels; whether the lead agency relies on the measure by itself to address a particular environmental impact, or instead relies on the measure as a part of a larger package of measures that, taken together, address the impact; whether the measure, and perhaps others that complement it, are sufficiently detailed that they do not need performance standards to achieve impact reduction; whether, if a measure or set of measures lacks sufficient detail to effectively mitigate impacts, at least one of the measures contains a performance standard that, if satisfied, would support the agency's ultimate factual conclusion; and, finally, whether the administrative record, viewed as a whole, supports the lead agency's ultimate factual conclusion regarding the effectiveness of the measure, or a package of measures, to reduce an environmental impact to a less than significant level or not.

Improper deferral of mitigation occurs when an agency concludes that a project's significant impacts would be reduced to a less than significant level or avoided with the implementation of a mitigation measure that has not yet been formulated and for which success is uncertain. (See, e.g. *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296; *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 234 Cal.App.4th 214, 240.) Conversely, improper deferral of mitigation generally does not occur where the agency finds that the proposed mitigation measures would not reduce the identified impact to a less than significant level, or where the allegedly deferred mitigation is only one of several mitigation measures designed to address a particular impact, and there is evidence in the record that the mitigation measure or measures would be effective to the extent described in the EIR. (See e.g., *Fairview Neighbors v. County of Ventura* (1999) 70 Cal.App.4th 238, 244-245 [although mitigation measure called for future preparation of a plan, measure did not constitute impermissible deferral because impact addressed by plan remained "significant and unavoidable"].)

In this case, most of the mitigation measures cited in the comment are not relied on to reduce an impact to a less than significant level. Rather, in recognition that these mitigation measures entail a degree of uncertainty, the SEIR identifies the impacts addressed by these measures as significant and unavoidable. For this reason, the cases cited in the comments – *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93-95 (*City of Richmond*) and *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1394-1396 (*Gentry*) – are distinguishable. In both cases, the court found the mitigation was improperly deferred because there was no evidence that the mitigation would be effective, or that it would reduce the impact to a less than significant level as claimed in the environmental document. That is not the case here; most of the mitigation measures cited in the comment letter are not relied on to reduce impacts to a less than

significant level. The SEIR acknowledges that the mitigation measures would *not* reduce the impacts to a less than significant level and therefore concludes that the impacts are significant and unavoidable. For example, as described in the SEIR, implementation of Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts, M-TR-11b: Participation in the Ballpark/Mission Bay Transportation Coordinating Committee, and Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events would reduce traffic congestion in the project vicinity by providing drivers information on traffic conditions and alternate routes, providing information on on-street and off-street parking conditions, discouraging use of on-street parking through the Residential Permit Parking program, encouraging non-auto modes through parking pricing, and enhancing regional transit access to the area. The SEIR acknowledges, however, that even with implementation of these measures, the arrival and departure peak of vehicle trips to and from the event center through intersections where significant impacts were identified would continue to occur, and the proposed project's significant traffic impacts at the intersections would remain.

Measures such as Mitigation Measure M-TR-5a: Additional Caltrain Service, Mitigation Measure M-TR-5b: Additional North Bay Ferry and/or Bus Service, and Mitigation Measure M-TR-14: Additional BART Service to the East Bay during Overlapping Events identify specific actions that would reduce or minimize the severity of various capacity utilization exceedances, but the SEIR recognizes that the provision of additional service by regional agencies is uncertain and full funding has not yet been identified. Therefore, the SEIR does not rely on these measures to find the corresponding impacts less than significant, but rather determines the impacts would be significant and unavoidable with mitigation.

Mitigation Measure M-TR-18: Auto Mode Share Performance Standard and Monitoring was developed as part of the portion of the transportation impact analysis that discloses the impacts of the proposed project if for some unknown reasons in the future, the City is unable to implement the Muni Special Event Transit Service Plan. As part of this mitigation measure, the project sponsor would be responsible for implementing TDM measures intended to reach an auto mode share performance standard for different types of events. This mitigation measure provides the flexibility for the project sponsor to implement whatever measures they determine feasible to meet the performance standards, and identifies the monitoring and reporting program for assessing compliance. The performance standard itself, however, must be achieved. As indicated in Impact TR-18 through Impact TR-21, though, even if the performance standards are met, the proposed project would result in significant traffic and transit impacts. Also see Section 13.2, Response GEN-1a: City Funding regarding funding of the project transportation improvements that would be implemented by the City, including the Muni Special Event Transit Service Plan.

Moreover, it is well recognized that formulation of precise mitigation measures is not always required for a project pre-approval, even when those measures are relied on to reduce an impact to a less than significant level. (CEQA Guidelines, § 15126.4 subd. (a)(1)(B).) The courts have developed legal principles regarding the extent to which an agency can rely on a mitigation measure that defers some amount of environmental problem-solving until after project approval. In particular, deferral is permissible where the adopted mitigation measure commits the agency

to a performance standard or criterion that would ensure the mitigation of the significant effect or lists alternative means of mitigating an impact that must be considered, analyzed, and possibly adopted in the future. (See CEQA Guidelines, § 15126.4 subd. (a)(1)(B) [“measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way”]; *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 793-794 [deferral is permissible where the agency commits itself to mitigation and either (1) adopts a performance standard and makes further approvals contingent on finding a way to meet the standard or (2) lists alternative means of mitigating the impact which must be considered, analyzed, and possibly adopted in the future]; *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1448-1450 [a deferred approach may be appropriate where it is not reasonably practical or feasible to provide a more complete analysis before approval and the EIR otherwise provides adequate information of the project’s impacts].)

Whether the performance standards included in a particular mitigation strategy are sufficiently definite and specific to satisfy CEQA’s mitigation requirements would generally depend on the circumstances surrounding the agency approval or even the particular impact at issue. In any event, the performance criteria must be sufficiently definite to ensure that the potential impacts would be mitigated. (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 945 (*Rialto Citizens*); *Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 524-525; *North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors* (2013) 216 Cal.App.4th 614, 629-631, 646-648; *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 237.) In determining whether a particular mitigation strategy is sufficient, reviewing courts do not look at just the measure itself, but consider all of the evidence in the administrative record. (See, e.g., *Laurel Heights Improvement Association v. Regents of the University of California*, supra, 47 Cal.3d at p. 408.)

The only mitigation measures cited in the letter that the SEIR relies on, even partially, to reduce a potential significant impact to a less than significant level are (1) Mitigation Measure M-TR-9a: Crane Safety Plan for Project Construction; (2) Mitigation Measure M-TR-9d: Event Center Exterior Lighting Plan; and (3) Mitigation Measure M-TR-13: Enhanced Muni Transit Service During Overlapping Events.<sup>20</sup> These measures do not constitute improper deferral of mitigation.

### ***Mitigation Measure M-TR-9a: Crane Safety Plan for Project Construction***

The SEIR analyzed potential impacts to UCSF helipad airspace surfaces and described the impacts in detail (Impact TR-9a and Impact C-TR-9a). The SEIR concludes that, based on the preliminary project construction plan for the project construction cranes, one of the project construction cranes would have the potential to result in a temporary penetration of a Part 77 Transitional Surface associated the helipad, which would be considered a potentially significant impact.

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<sup>20</sup> Note that the Mitigation Measure M-TR-13 title has been changed from “Additional Muni Transit Service During Overlapping Events” to “Enhanced Muni Transit Service During Overlapping Events.” Please see Chapter 14 for corresponding revisions to the Draft SEIR.



As discussed in Response TR-14, below, the commenter is referred to Section 12.3.1, Refined Construction Crane Plan. Since publication of the Draft SEIR, the project sponsor refined its construction crane plan (described and analyzed in Section 12.3.1; Chapter 14, Draft SEIR Revisions provides associated augmented text and graphics to the Draft SEIR), the analysis of which demonstrates that none of the proposed project construction cranes would penetrate the UCSF helipad airspace. However, if the refined construction crane plan details were to change with respect to proposed tower crane size, location or other factors, then the project would have the potential to result in greater and/or less effects than those reported above. Mitigation Measure M-TR-9a, Crane Safety Plan for Project Construction, identifies feasible measures that would reduce potential temporary impacts associated with the use of cranes during the construction period to less than significant. Therefore, with implementation of Mitigation Measure M-TR-9a, this impact would be *less than significant with mitigation*.

Mitigation Measure M-TR-9a, Crane Safety Plan for Project Construction (see Chapter 14), sets forth a performance standard (avoidance of potential conflicts with helipad airspace) and then identifies individual feasible measures that would reduce potential temporary impacts associated with the use of cranes during the construction period to less than significant. The crane safety plan is required to identify appropriate measures to avoid potential conflicts that may be associated with the operation of the construction cranes in the vicinity of the UCSF Benioff Children's Hospital helipad airspace. This need to avoid conflicts with airspace used by helicopters seeking the helipad is a performance standard that must be satisfied, and represents what is needed to reduce impacts to less than significant levels. The contemplated safety protocols must be developed in consultation with OCII (or its designated representative) and UCSF, and the crane safety plan would be subject to approval by OCII or its designated representative. The measure also lists numerous specific measures that can be included in the plan that would reduce the impact. The objective of the crane safety plan is to provide assurance of the safe use of the UCSF Benioff Children's Hospital helipad, and the safety for people residing or working in the project area during construction. OCII's experts have reviewed the list of measures to be incorporated into the Crane Safety Plan for Project Construction and has confirmed that implementation of such measures would avoid potential conflicts that may be associated with the operation of the project construction cranes in the vicinity of the helipad airspace. Therefore, there is sufficient evidence that this mitigation measure would be effective and would reduce the impact to a less than significant level as described in the SEIR.

#### ***Mitigation Measure M-TR-9d: Event Center Exterior Lighting Plan***

The SEIR analyzes the potential for specialized lighting systems to adversely affect UCSF helipad flight operations and describes the impact in detail (Impact TR-9d and Impact C-TR-9). The SEIR concludes that lights that adversely affect the night vision of pilots and interfere with the execution of a visual nighttime approach to the helipad would endanger the pilot, passengers, and people on the ground. Therefore, as stated on SEIR p. 5.2-272, the possible use of these specialized lighting systems would be considered a potentially significant impact.

Mitigation Measure M-TR-9d identifies feasible measures that would reduce potential impacts associated with potential specialized lighting systems to less than significant. Under this measure,

the project sponsor must develop an exterior lighting plan that incorporates measures to ensure specialized exterior lighting systems would not result in a substantial air safety risk and/or create a safety hazard on helipad operations. This performance standard would be achieved through a number of proposed individual measures. The plan would be developed in consultation with San Francisco International Airport (SFO) staff knowledgeable of the effects of lighting on pilots and safe air navigation, and OCII (or its designated representative), and the exterior lighting plan would be subject to approval by OCII or its designated representative. As noted, the measure lists numerous specific measures that can be included in the plan that would reduce the severity of the impact. See also, Response TR-14 and Chapter 14, Draft SEIR Revisions, for additional measures included in Mitigation Measure M-TR-9d. Although a detailed lighting plan has yet to be developed by the sponsor, OCII's experts have reviewed the list of measures and has confirmed that impacts could be avoided through the measures identified. Therefore, there is sufficient evidence that this mitigation measure would be effective and would reduce the impact as described in the SEIR.

### ***Mitigation Measure M-TR-13: Enhanced Muni Transit Service During Overlapping Events***

The SEIR analyzes potential impacts to Muni transit service during overlapping events and describes the impacts in detail (Impact TR-13 and Impact C-TR-4). The SEIR explains that the project could result in a substantial increase in transit demand that could not be accommodated by adjacent Muni transit capacity such that significant adverse impacts to Muni transit service would occur under existing plus project conditions with an overlapping SF Giants evening game at AT&T Park. Mitigation Measure M-TR-13 is provided to accommodate Muni transit demand to and from the project site and AT&T Park on the T Third light rail line during overlapping evening events. It requires the project sponsor to work with the Ballpark/Mission Bay Transportation Coordinating Committee and with the SFMTA to provide additional Muni light rail service and/or shuttle buses between key Market Street locations and the project. Examples of the additional service include Muni bus shuttles between Union Square and/or Powell Street Muni/BART station and the project site. This measure does not constitute impermissible deferral of mitigation. Rather, this measure requires the project sponsor to work with the transit agencies to provide additional service to accommodate demand during overlapping events and allows the agencies the flexibility necessary to do so. For example, the measure states that the need for additional Muni service would be based on characteristics of the overlapping events (e.g., projected attendance levels, and anticipated start and end times). Therefore, there is sufficient evidence that this mitigation measure would be effective and would reduce the impact as described in the SEIR. As described in Response TR-12: Traffic Mitigation Measures above, all of the mitigation measures described in the SEIR are enforceable. OCII would adopt a mitigation monitoring program at the time of project approval to ensure that the mitigation measures committed to in the action are carried out. (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097.)

As indicated on SEIR p. 5.2-131, Mission Bay FSEIR Mitigation Measure E.47: Transportation System Management Plan was adopted as part of the Mission Bay Plan to encourage use of alternate modes and reduce auto mode. A Mission Bay South Transportation Management Plan was developed which incorporates the measures included as part of Mitigation Measures 47a – 47c and 47e-47i, and it is part of the Mission Bay South Owner Participation Agreement for development within Mission Bay. Because the project sponsor would be subject to the Owner Participation Agreement, these mitigation measures are assumed to be part of the proposed project.

### 13.11.14 Parking Conditions (TR-13)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

A-Caltrans-3	A-UCSF-4	O-MBA5-8	O-MM-12
O-PBNA-5	I-Anon-4	I-Bunn-2	I-Cale-1
I-Cehand-3	I-Cunningham-4	I-deCastro1-2	I-Herda-1
I-Hong-8	I-Hrones1-3	I-Lighty-3	I-Siegel1-2
I-Springer-1	I-Sterling-3	I-Stryker-4	I-Tan-3
I-Watson-1	I-Woods-7	I-Woody-1	I-Zboralske-5
I-Zboralske-17	I-Zboralske-20	I-Zboralske-22	I-Zboralske-24
PH-Granowski-1	PH-Hrones2-2	PH-Sesich-4	

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- Given the Project is located on AT&T Parking Lots B & E, please clarify if Mitigation Measure M-TR-1 Ic, which provides additional off-site parking from the Project Plus Overlapping Giants Evening Game Scenario, should be revised from 1,000 to 1,600 spaces to account for AT&T Park's displaced 600 parking spaces. Table 1-1, which presents the Summary of Proposed Project Facilities, shows the arena will have seating capacity of maximum 18,500 patrons. Approximately 950 vehicle parking spaces are proposed from the combined Blocks 29-32 and the existing off-site 450 South Street Parking Garage (SEIR, Vol. 1, pg. 1-7). Mitigation Measure M-TR-11 c states the City shall identify one or more off-site parking lots to provide approximately 250 additional parking spaces for all events and up to approximately 750 additional parking spaces for use during dual events of 12,500 or more event center attendees, for a total of 1,000 additional offsite parking spaces (pg. 1-23). The AT&T Park Post-Grune Event Traffic Plan, courtesy of the Mission Bay Transportation Management Agency, is available at the following webpage and identifies AT&T Parking Lots B & E: [http://sanfrancisco.giants.mlb.com/sf/downloads/y2015/postgrune map.pdf](http://sanfrancisco.giants.mlb.com/sf/downloads/y2015/postgrune%20map.pdf)." (*Department of Transportation, Patricia Maurice, letter, July 20, 2015 [A-CALTRANS-3]*)

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"Page 5.2-32, Table 5.2-8, and page 5.2-237, Table 5.2-68 of the DEIR assumes that four UCSF lots and garages, totaling 2,590 parking spaces, will be available to event attendees. UCSF has informed the City that it should not include any of UCSF's parking spaces in the baseline parking supply in the DEIR because UCSF's current use and projected demand demonstrate that UCSF needs its parking spaces for its staff, patients and visitors. UCSF's future parking demand is expected to increase over existing demand. We appreciate that the parking supply/demand analysis in the DEIR does include tables showing the parking surplus/shortfall when UCSF's garages are not included in the parking supply." (*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-4]*)

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"Even the DSEIR's assumptions made about the available parking supply present a stark departure from the reality of parking conditions at Mission Bay and underscore the high level of wishful thinking involved in selling a project wholly incompatible with this region. The project itself only includes 200 onsite parking spaces specifically dedicated for the arena's use. Yet, rather than concede the limited onsite parking, the DSEIR suggests that ample parking will be available to serve the arena's needs by listing all 9,135 possible parking spaces in the Mission Bay region, including street parking. Unfortunately, the vast majority of those spots are currently reserved by UCSF hospitals, UCSF facilities, the Giant's stadium and neighboring businesses, and the DSEIR lacks any evidence to support the assumption that any of these spaces - let alone the majority - will be available for use by arena patrons. It also fails to explore the impact on

neighboring communities in the Dogpatch and Potrero Hill areas that will bear the burden of accommodating the thousands of additional cars seeking, but unable, to park in Mission Bay." (*Mission Bay Alliance, Bruce Spalding, letter, July 27, 2015 [O-MBA5-8]*)

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#### **"4. Direct, Indirect, Secondary, and Cumulative Parking Impacts Are Not Analyzed or Mitigated**

"The DSEIR claims that it need not analyze or mitigate the Project's direct, indirect, secondary, and cumulative impacts from creating a shortfall of thousands of parking spaces throughout the area, falsely claiming that the Project is either a "residential, mixed-use residential, or employment center project on an infill site within a transit priority area." (DSEIR 5.2-233, citing PRC §21099(d).) The Project fits none of those categories, and the DSEIR must therefore analyze and propose effective mitigation for the Project's significant parking impacts.

"The parking analysis understates the drastic parking shortfall created by the Project and misleadingly overstates the number of available parking spaces outside the Project area on which it irresponsibly relies.

"Warriors games will always draw peak attendance of 18,000 (DSEIR, pp.1-5 [stadium capacity of 18,064 seats]; 1-8.) with most attendees driving and parking at the arena. The Project admits that it will supply only 1,082 parking spaces, including 950 in the "on-site parking garage" and 132 "within the 450 South Street Parking Garage for which the project sponsor has acquired parking rights to serve the project." (DSEIR 5.2-235.)

"Admitting that the Project's proposed on-site parking is grossly inadequate and that there are few metered parking spaces in the Project area, the DSEIR claims to include parking lots within a mile of the Project, and still comes up drastically short of the parking capacity needed for the "events" in the stadium.

"The parking availability baseline is outdated and inaccurate, particularly since it incorrectly lists in its offsite parking inventory the "SF Giants Facilities," which are slated for removal and development under the "Mission Rock Project." Therefore, where the DSEIR claims there are "2,530" available parking spaces at "SF Giants facilities," no such spaces will be available under the planned development, and those spaces are not available when Project "events" overlap with "events" at the AT&T stadium. (DSEIR 5.2-236-238.) The baseline (existing conditions) thus grossly overestimates the existing parking supply, disregarding the reality of ongoing development throughout the downtown and Project area.

"The baseline also grossly underestimates existing parking demand for its proposed "events," claiming without support that, with 18,000 event attendees, the parking space

"demand" would be only 5,937 spaces for midday events, and 9,614 spaces for evening events. (DSEIR 5.2-242.) The DSEIR does not state how those baseline "demand" figures were derived. The failure to set forth either an accurate baseline supported by evidence and an accurate description of the Project demand not surprisingly results in the DSEIR's implausible and irresponsible conclusions that it need not realistically assess and effectively mitigate the Project's significant parking and traffic impacts due to a lack of parking.

"Instead, we are told that by creating a parking shortfall, attendees "may instead use transit to arrive at the site because the perceived convenience of driving is lessened by a shortage of parking" (DSEIR 5.2-241) is completely unsupported, and evades the Project's impacts on other travelers who are not attending a Project "event" who must also contend with the secondary impacts of snarled traffic, congestion, delays, and lack of parking throughout the area. That conclusion is even more dubious in view of the DSEIR's admission that existing transit cannot accommodate Project demand. (DSEIR 5.2-140-147.)

"The DSEIR concludes that, "By promoting carpooling, providing parking attendant services, providing clear direction to alternative parking locations in advance of events, and adjusting event parking rates (raising them), the parking supply would likely be more efficiently utilized during the event days and the potential parking deficit would be eliminated." (DSEIR 5.2-241.) That absurd conclusion is again completely unsupported.

“The same error that flaws all of the cumulative impacts analyses in the DSEIR also applies to the cumulative parking impacts analysis, which again mistakenly begins with a baseline of “existing” conditions in 2040, instead of present existing conditions. (DSEIR 5.2-248)” (*Mary Miles, Attorney at Law, email, July 27, 2015 [O-MM-12]*)

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*“Impact TR-2b: Parking*

“Parts of northeast Potrero Hill and Dogpatch are currently part of Residential Parking Permit (“RPP”) Zone X. RPP enforcement is from Monday to Friday, from 8:00 am to 6:00 pm reflecting the out-of-City commuter concerns RPP was designed to remedy. These hours do not correspond with the weekend and evening operations of the Arena. Due to proximity to the Arena and existing transit options, Zone X is well within the parking shed for the Arena.

“Extension of RPP enforcement hours should be considered. Yet mere extension of enforcement may not be enough. RPP areas marked with four-, rather than two-, hour limits, which may serve local businesses well, would not generally provide protection from Arena parking. Areas in our neighborhoods not currently under RPP, but which are otherwise residential in character, cannot be allowed to suffer the pressures of Arena parking. And, of course, enforcement must have the resources behind it to provide appropriate ticketing and towing for violators.

“A plan needs to be developed to prevent our neighborhoods from becoming a free parking zone for Arena event attendees. Metering by itself will not provide an adequate solution given the day-to-day mixed uses of the areas in question. A meeting with community stakeholders would ensure the adequacy of a plan and help garner the support necessary to make it a reality.

“We also believe that parking for the Arena should be bundled with the tickets sold. No person driving to an event at the Arena should have to guess about where they will be parking. Remote, satellite parking served by shuttles and taking advantage of mobile application technology should be required under the SEIR.” (*Potrero Boosters Neighborhood Association, J.R. Eppler, letter, July 27, 2015 [O-PBNA-5]*)

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“Last, I have additional concerns about parking. We’re fortunate enough to have 1 space per unit, but we don’t have guest parking and some units have multiple cars. It’s quite difficult to find parking during a game, and it’s expensive for me to have a driving guest over given how expensive the meters are during games. That hassle will only increase with the Warriors. (Plus guests hate having to drive over here because of the game traffic!)” (*Josh Anon, email, July 13, 2015 [I-Anon-4]*)

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“The neighborhood simply doesn’t have enough parking to support TWO major stadiums within blocks of each other.” (*Jessie Bunn, email, July 6, 2015 [I-Bunn-2]*)

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“I’m a homeowner on Mississippi St and would love the Arena in my Neighborhood. For people who are concerned with parking issues maybe we can extend the permit parking hours.” (*John Cale, email, July 27, 2015 [I-Cale-1]*)

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- “• All public parking around the building taken up by sports fans. Try having friends over.” (*Jadine Cehand, email, June 30, 2015 [I-Cehand-3]*)
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"This stadium project absolutely promises additional traffic logjams and parking nightmares." (*Micki Cunningham, email, July 23, 2015 [I-Cunningham-4]*)

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"First many of our blocks already have Residential Permits. What is the City going to do to keep people hunting for parking in our residential neighborhoods? We already suffer daily commuter parking problems cause by UCSF, Mission Bay and Caltrain that have not been addressed for years." (*John deCastro, email, July 27, 2015 [I-deCastro1-2]*)

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"While I'm very excited for the Warriors on their 2015 Championship - I am concerned with the impact that having their new stadium at their proposed SF location.

"I live in the neighborhood nearby - Dogpatch - and street parking is already limited by the new hospital, university, private business and Giants fans (why use the paid parking when street is free?).

"I would like to see the neighborhood parking restrictions extended later in the day for those without a permit to discourage game goers from using all the street parking before residents get home from work. We see this impact already with the AT&T stadium events and the continuing growth of the neighborhood - it will no doubt occur more with another event center nearby." (*Jay Herda, email, June 22, 2015 [I-Herda-1]*)

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"c. Possibly use other near by garages for additional parking." (*Dennis Hong, email, July 27, 2015 [I-Hong-8]*)

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"A second observation from Brooklyn is that off-street parking supply provided by the project, combined with existing nearby off-street parking, far exceeded demand, and parking availability was therefore not an issue. The 541 parking spaces provided on site were never at full capacity and the lot was typically less than half full for major events such as basketball games. This was due, in addition to high transit mode share, to the availability of many nearby parking lots and garages that had capacity after the workday was over, as well as free and low cost on street parking. Many of the same conditions are present at the Warriors site and therefore I do not believe parking availability will be an issue here either. I will mention one negative impact associated with parking in Brooklyn -- there has been some concern from residents about parking becoming more difficult in surrounding neighborhoods as a result of arena patrons parking on street. The investigation into Residential Permit Parking zone expansion referenced in the EIR will be important if this type of impact is to be minimized in Mission Bay." (*Christopher Hrones, email, June 30, 2015 [I-Hrones1-3]*)

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"Parking will also be a nightmare, with less than 200 dedicated parking spaces for the 18,500-seat entertainment center. While restricting the number of parking spaces may be considered a means of traffic management under the City's regulations, the practical effect will be yet more gridlock and unhealthy air emissions." (*Michael Lighty, email, July 27, 2015 [I-Lighty-3]*)

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"We are concerned about the negative impact the new stadium will have on our already over taxed neighborhood parking.

"Hospital workers and patients at the newly opened UCSF Hospital are currently parking on Minnesota and Tennessee streets further taxing street parking already at capacity. This is happening in spite of UCSF promising to provide traffic mitigation for 5 years prior to the hospital opening. In addition to the hospital, Giants fans are also parking in the neighborhood during games both day and night.

“The addition of the Warriors stadium and other events planned at the site will only worsen an already untenable situation.

“The Warriors and the City must take the necessary steps to limit further street parking in Dogpatch. Muni and Caltrain and the City must commit to writing upgrading existing public transport to accommodate increased traffic and pressure on Dogpatch parking.” (*David Siegel, email, July 14, 2015 [I-Siegel1-2]*)

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“1) Use of third-party parking structures: In Figure 5-2 in the Transportation Management Plan, it appears that several UCSF or residential parking structures are being provided as examples of where fans might park. A note in accompanying text states that the figure does not reflect actual third-party agreements, but residential parking garages should not be used for fan parking, and while perhaps the UCSF parking garage closest to the arena could potentially be incorporated into a deal of some sort with the university, the parking structure on the other side of campus in the Rutter Center should not be used as a preferred fan parking structure because that would result in a horde of fans, sometimes drunken fans, pouring through the campus. This is not acceptable at any time of day, as the research mission of the university is not confined to business hours.” (*Matt Springer, email, July 16, 2015 [I-Springer-1]*)

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“I'm not in favor of: ... Parking issues” (*Kaylah, email, July 13, 2015 [I-Sterling-3]*)

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“The proposed parking restriction, with 200 spaces for 18,000 fans at the proposed Warriors Arena, is also ludicrous, and will result in further gridlock ... as fans cruise the neighborhoods in search of a place to park.” (*Michael Stryker, email, July 26, 2015 [I-Stryker-4]*)

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“Additionally, the project will further hinder access to other parts of the City and the Bay Bridge to Mission Bay. Even with the improvements promised by the City, Mission Bay cannot handle up to 18,500 fans at 225 events per year, especially when both stadiums have games. Parking will also be a nightmare, with less than 200 dedicated parking spaces for the 18,500-seat entertainment center. While restricting the number of parking spaces may be considered a means of traffic management under the City's regulations, the practical effect will be yet more gridlock ...” (*Judy Tan, email, July 27, 2015 [I-Tan-3]*)

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“I live 2 blocks away from the proposed site (18th and Tennessee). Street parking is already limited by the new hospital (why use the paid parking when street is free?).

“I would like to see the restrictions extended later in the day for those without a permit to discourage game goers from using all the street parking before residents get home from work. (Some already happens with ATT, even though not as close.). Or maybe restricted sections on each street for only permit holders. Or some other solution.

“People are not going to pay for parking in those "many" available spots if they can park on street. And that will cause untold problems for residents.” (*Joanne Watson, email, June 15, 2015 [I-Watson-1]*)

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“The assumption that UCSF or Alexandria (ARE) parking garages or private parking lots in Mission Bay will be available for Arena patrons is faulty. This incorrect assumption, which inaccurately overstates available parking in the neighborhood, makes it even more critical to discourage “at will” attempts by arena patrons to drive and hope to find parking or the congestion caused by ride-hailing services (TNC's).” (*Corrine Woods, email, July 27, 2015 [I-Woods-7]*)

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“NO WAY!!! Look at the logistics!! Suppose there is a Warriors game and a Giants game going on at the same time!!

“Uhhh.....think about the traffic and think about the parking nonsense.....THERE IS NO MORE PARKING - ANYWHERE!!!!

“ARE YOU KIDDING?

“There is NO room to put up an arena for the Warriors! There are NO PARKING SPACES AVAILABLE!!!”  
(James Woody, email, July 14, 2015 [I-Woody-1])

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“Parking in the area is very restrictive. Some of the area is controlled by the Port Authority and metered on a sliding pricing model. Other streets have abusive (in my view) parking restrictions which include two-hour parking zones from 7 a.m. – 10 p.m. daily. On many weekdays (non SF Giant game days) after 6 p.m. and most weekend days, the immediate area around my building is a virtual ghost town. It is not uncommon to have dozens upon dozens of vacant parking spaces on nearby streets throughout the day. Terry Francois Street often has 50 – 75, if not more, open spaces alone. Yet restrictive parking restrictions are in place. The Port Authority does not make it a practice to offer residential parking permits in our area. Residents understand the need for parking restrictions, but in our area the two-hour parking hours should be relaxed to a more realistic timeframe of perhaps between 8 a.m. – 7 p.m. on non-event days.”  
(James Zboralske, email, July 27, 2015 [I-Zboralske-5])

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“The existing parking was looked at in the parking study area. That area was defined to include off-street parking facilities located within a reasonable walking distance from the project site – one-half (.5) mile with easy access to major street corridors that provide access to Mission Bay.” (James Zboralske, email, July 27, 2015 [I-Zboralske-17])

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“The parking lot assessment in section 5.2.3.7 is flawed in my opinion. It claims the 15 off-street parking facilities are located in areas “with easy access from the major street corridors that provide access to the Mission Bay Area.” Unfortunately, given the geographical constraints in the area, and the limited points of ingress and egress, everybody that needs to access Mission Bay for any reason will be on the same few roads. There is no such thing as “easy access” in this area today. To claim “easy access to the major street corridors” is a blatant misrepresentation. Existing conditions do not warrant that description. In theory, by looking at a map, one would expect simple access. In practice this is simply not true.” (James Zboralske, email, July 27, 2015 [I-Zboralske-20])

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“With respect to the timeframes used to evaluate parking and occupancy rates, the evening hours used in the study were from 7:00 – 8:30 p.m. This timeframe is flawed. I have seen, with the San Francisco Giants games, fans are often arriving very early to the area. In fact, people come several hours early regardless of transportation mode; hang out, walk the waterfront, and frequent local eating establishments.

“If this trend holds, the people looking to park in these 15 facilities will be arriving hours before the 7:00 p.m. threshold. Spots will not be available because day workers will not have vacated them yet. These people will circle the area looking for other options or decide to park further away in residential areas.” (James Zboralske, email, July 27, 2015 [I-Zboralske-22])

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“At any rate, limiting the survey hours in the evening from 7:00 – 8:30 p.m. is flawed. The survey should look at parking supply and occupancy rates in the 15 lots beginning as early as 4:30 p.m. and starting no



later than 5:30 p.m. to accurately assess parking availability.” (*James Zboralske, email, July 27, 2015 [I-Zboralske-24]*)

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“Although I support the quest for an event arena that might serve as the Warriors' home in San Francisco, the site proposed to cross the U.C.S.F. Mission Bay is not appropriate.

“The lack of parking, coupled with the proximity to both the Medical Center and AT&T park is a recipe for congestion and a potential disturbance for the quiet care of patients at the Medical Center.” (*Alexander Granowski, public hearing transcript, June 30, 2015 [PH-Granowski-1]*)

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“In terms of parking, the main observation is that off-street parking supply provided by the project, combined with existing nearby off-street parking, far exceeded demands. And so, parking availability was not an issue there either.” (*Christopher Hrones, public hearing transcript, June 30, 2015 [PH-Hrones2-2]*)

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“When the AT&T park went in, we were told that people would take the train and people would take public transportation, yet the parking lots of that park are overflowing, and they're looking for new space now that there's a building going in.

“So, I'm very concerned about the project's impact on the neighborhood parking and traffic, but not opposed to the Warriors.” (*Michael Sesich, public hearing transcript, June 30, 2015 [PH-Sesich-4]*)

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## **Response TR-13: Parking Conditions**

### ***Inclusion of Parking Analysis in SEIR***

Parking conditions for existing plus project and cumulative conditions are presented on SEIR pp. 5.2-233 – 5.2-251. As indicated on SEIR p. 5.2-233, SB 743 amended CEQA by adding Public Resources Code Section 21099 regarding the analysis of parking impacts for certain urban infill projects in transit priority areas. Public Resources Code Section 21099(d), effective January 1, 2014, provides that “parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” The proposed project meets each of the above three criteria of SB 743: it is in a transit priority area because of its location within ½ mile of a major transit stop; it is an infill site because it is located on a previously developed site in an urban area; and it is an employment center because it would be an expansion of existing commercial support uses, located in a transit priority area on a site already developed and zoned for commercial uses. (See Pub. Resources Code, §§ 21061.3 [defines “infill site”], 21064.3 [defines “major transit stop”], 21099, subd. (a)(1) [defines “employment center”], 21099, subd. (a)(7) [defines “transit priority area”]; see also *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 697 [“[p]arking deficits are an inconvenience to drivers, but not a significant *physical impact on the environment*”] [emphasis in original].) Thus, the SEIR does not consider adequacy of parking in determining the significance of project impacts under CEQA. However, OCII acknowledges that parking conditions may be of interest to the public and the decision makers, and a parking demand analysis is presented for informational purposes and

considers secondary physical impacts associated with constrained supply (e.g., queuing by drivers waiting for scarce onsite parking spaces that affects the public right-of-way).

### ***Proposed Project Parking Supply***

A number of comments stated that the project would provide 200 on-site parking spaces; this is incorrect. The proposed project would provide a total of 950 on-site vehicle parking spaces, and, as part of the project, the sponsor has also acquired the right to park at 132 existing off-street parking spaces in the 450 South Street parking garage, accessed from South Street and Bridgeview Way directly north of the project site. Combined, the proposed project would have 1,082 vehicle parking spaces serving the project uses.

The two existing surface parking lots on the project site are temporary public parking facilities that would be eliminated with the project. As described on SEIR p. 5.2-101, the traffic analysis for conditions without and with a SF Giants evening game at AT&T Park assumed that the vehicles currently traveling to and from these two surface lots would park instead at nearby public parking garages (e.g., USCF Third Street Garage, 450 South Street Garage), following similar travel paths to these alternate parking facilities. As presented in Table 5.2-9 on SEIR p. 5.2-33, the two surface parking lots are about 40 percent occupied during the weekday midday period on days without a SF Giants evening game at AT&T Park, and on days with a SF Giants evening game at AT&T Park (Table 5.2-13, SEIR p. 5.2-42) about 35 percent occupied during the weekday evening and 95 percent occupied during the Saturday evening.

Replacement parking for these 610 spaces on the two surface lots would not be provided as part of the project. As discussed in SEIR p. 5.2-233, the SEIR does not consider the adequacy of parking in determining the significance of project impacts under CEQA, and therefore, the provision of replacement parking in Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events, is not required or considered. However, OCII acknowledges that parking conditions may be of interest to the public and decision makers, and therefore, a parking demand analysis is included on SEIR pp. 5.2-233 – 5.2-251. The existing parking supply of 610 spaces within the two surface parking lots on the project site was removed from the areawide parking supply used in the analysis and its associated parking demand reallocated to other nearby facilities.

### ***Off-Street Parking Supply in Study Area***

The parking supply used in the analysis includes publicly-accessible parking generally within the parking study area, which is bounded by Townsend to the north, Seventh and Mississippi Streets to the west, 18th Street to the south, and San Francisco Bay to the east. The parking study area was defined to include those off-street parking facilities located within a reasonable walking distance from the project site for an event, up to 0.5 miles, with access from the major streets that provide access to the Mission Bay Area. Studies of sport facilities and special events have documented that most attendees will walk up to about 0.3 miles between their parking location and the nearest

entrance to their destination, with greater distances being acceptable at high attendance events.<sup>21</sup> This acceptable walking distance for event attendees is supported by SF Giants game attendees that currently park at the project site and then walk to AT&T Park, located approximately 0.6 miles to the north. The off-street parking supply does not include any residential parking spaces, or the parking demand associated with those spaces, nor does the off-street parking supply include spaces reserved for other uses. For the analysis of overlapping events, the parking supply on Lot A and other parking lots directly catering to the SF Giants fans such as Pier 48 or Lot C (Figure 5.2-8, page 5.2-31) was not assumed to be available for event center parking. However, as described on SEIR p. 5.2-236, a number of parking facilities currently open, or remain open, during games at AT&T Park to accommodate attendees driving to a baseball game. Specifically, parking facilities at 185 Berry Street, Pier 48 Sheds A and B, and Lot C with about 1,100 parking spaces overall are closed in the evening or on Saturdays on no game days but become available for public parking during a SF Giants game on weekday evenings, while Pier 48 Sheds A and B and Lot C become available for public parking on Saturdays. As a result of this variation in the operation of existing parking facilities during SF Giants games at AT&T Park, the parking supply would also vary for existing plus project conditions without and with an event at the project site, and without and with an overlapping SF Giants evening game at AT&T Park.

As described on SEIR pp. 5.2-32 – 5.2-33, existing off-street parking supply and utilization data were obtained from available studies conducted in Mission Bay for the UCSF LRDP EIR (with surveys conducted in March and September 2013), and supplemented with additional field surveys in March 2013 and September and October 2014. The parking supply and demand survey data from 2013 and 2014 were adjusted to reflect changes in the parking conditions since the surveys were conducted. Specifically, the parking supply includes the new garage and surface lot associated with the recently-opened UCSF Medical Center Phase 1 (a total of 1,050 parking spaces), and the elimination of 320 spaces in the surface parking lot at 1000 Third Street (referred to as Lot D on Block 1 through Block 4), elimination of 300 spaces in the surface parking lot at Lot C South (Block 7), and reduction of 100 spaces in Lot A where development projects are pending in early 2015, and an increase in parking supply on Lot C (physically two lots located at Blocks 3E and 4E) from 160 to 320 spaces. The weekday parking occupancy for the analysis hours for the new UCSF Medical Center Phase 1 garage and lot was based on the parking demand at full occupancy identified in the UCSF LRDP EIR as well as information on parking utilization at other UCSF parking facilities; this assumption was later confirmed by parking occupancy surveys conducted in April 2015. Because the UCSF LRDP EIR did not include an analysis of Saturday conditions, the Saturday parking occupancy for the analysis hours for the new UCSF Medical Center Phase 1 garage and lot was based on surveys of UCSF facilities conducted in April 2015. The parking demand associated with the eliminated parking spaces (project site, portion of Lot A, Lot C South, and Lot D), was redistributed to other nearby facilities.

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<sup>21</sup> Edward M. Whitlock, *Parking for Institutions and Special Events*, Eno Foundation for Transportation, 1982, and, Mary S. Smith and Thomas Butcher. "How Far Should Parkers Have to Walk," *Parking*, National Parking Association, May 2008.

Parking demand at the parking facilities within the study area was collected for the 7:00 to 8:30 p.m. period because this time frame represents the maximum occupancy at the time that the entire parking demand for an evening event would need to be accommodated (i.e., the maximum number of available parking spaces to accommodate project parking demand can be determined). The attendees who arrive several hours prior to the event are accounted for in the parking demand assessment. As noted in Response TR-2d, about 5 percent of event attendees are anticipated to travel to the event center between 5:00 and 6:00 p.m., resulting in a parking demand of about 200 vehicles, and it is anticipated that these vehicles would occupy parking spaces vacated by people leaving work at the end of the day. Because of the limited number of event attendees arriving at the site before 6 p.m., another analysis period in addition to the midday and evening periods is therefore not required.

The 2040 Cumulative parking conditions are presented on SEIR pp. 5.2-245 – 5.2-251. A summary of the planned cumulative increases in non-residential development and corresponding parking supply and demand changes in the Mission Bay South area are presented on SEIR p. 5.2-246. These developments include buildout of the UCSF campuses per the UCSF 2014 LRDP, Seawall Lot 337 and Pier 48 Mixed-Use Project (Mission Rock Project), and the buildout of the Mission Bay Plan. Thus the 2040 cumulative parking analysis takes into account the additional new non-residential parking supply and demand, as well as the loss of existing surface parking facilities that would be displaced as a result of the development.

### ***On-Street Parking Supply in Study Area***

On-street parking conditions are described on SEIR pp. 5.2-34 – 5.2-35. On-street parking in the project vicinity is primarily metered one-hour, four-hour and unlimited time restricted parking spaces. Exceptions include portions of Terry A. Francois Boulevard, Mission Bay Boulevard North, Mission Bay Boulevard South, 16th Street, and Mariposa Street. Parking is prohibited on 16th Street west of Third Street. Metered parking regulations are in effect Monday through Saturday between 9:00 a.m. and 10:00 p.m., and between 9:00 a.m. and 6:00 p.m. on Sundays. The SFMTA and the Port of San Francisco have established Mission Bay as a metered district, and installation of meters is ongoing, as street construction and parcel development is completed. In February 2012, the Port Commission reconfirmed its approval for parking meters in Mission Bay. These new meters will have no time limit, thereby removing the two-hour time limited parking restrictions currently in effect in much of Mission Bay. Thus, streets with unrestricted and unmetered parking spaces, such as Terry A. Francois Boulevard, South Street, and 16th Street adjacent to the project site, will be metered, regardless of whether the proposed project is constructed. Special event pricing is in effect for all parking meters within Mission Bay South; rates are higher for meters located closer to AT&T Park.

### ***Project Parking Demand***

The methodology used to estimate parking demand for the various land uses and analysis scenarios is presented on SEIR pp. 5.2-102 – 5.2-105, and are summarized by land use in Table 5.2-28 on SEIR p. 5.2-103. Parking demand for attendees at a basketball game was estimated based on the total number of attendee vehicle trips expected at the event (i.e., the maximum number of vehicles

arriving at Mission Bay for the event, not just those arriving during the analysis hours). Vehicle trips themselves are estimated as part of overall trip generation, which includes assumptions of travel using various modes (e.g., transit, walk, bicycle, and other modes).

A comment states that the proposed event center would have 18,500 attendees for 225 events per year; this is incorrect. The event characteristics at the proposed event center are presented on Table 3-3 on SEIR p. 3-39. It is currently anticipated that only about 90 of the 225 events would have an average attendance of 12,500 or more attendees.

### *Assessment of Parking Conditions*

As noted in a comment, the existing plus project parking demand analysis presents conditions as if the UCSF parking facilities currently available for public parking remain open for all drivers, as well as, per the request from UCSF, for conditions as if UCSF's public parking facilities were not made available for events at the event center.

The transportation analysis assumes that current operating characteristics of the public parking facilities supporting the SF Giants evening game at AT&T Park do not change, and that the existing facilities currently open to the general public on weekdays and weekends would remain available to the public (e.g., most UCSF public parking facilities currently operate 24 hours a day every day), including employees and visitors to the proposed project site.

The discussion on page 5.2-241 of the SEIR acknowledges that south of the proposed event center, the streets between Mariposa and 18th Streets and between Indiana and Third Streets are subject to the RPP "X" regulation, which restricts on-street parking Monday through Friday, to a two- or four-hour period between the hours of 8:00 a.m. and 4:00 p.m. unless an RPP "X" permit is displayed, in which case there is no time limit enforced. On these streets, the RPP regulation is not in effect during the weekday evenings, thus residents arriving to these areas could have difficulty parking on-street.

The SEIR also states that if residents in adjacent residential areas to the south perceive an increased challenge in finding on-street parking in their neighborhoods, residents can request the establishment of a new or expand the existing RPP Area "X" through the SFMTA. They may also explore other possible parking management strategies to address spillover parking in residential areas. The extent of spillover into the nearby residential neighborhoods to the south could be minimized by extending the RPP regulations to a larger area, reducing all non-residential on-street parking to two hours, adding parking meters at key locations, and increasing weekday midday enforcement. Changes to the designation of the RPP hours and additional streets would need to be initiated by the residents on those streets, and the project sponsor cannot request these changes. The extension and changes in RPP regulations in the residential neighborhoods south of Mariposa Street (e.g., 18th, Minnesota, and Tennessee Streets) would also serve to improve parking conditions for residents currently affected by visitors to, and employees of, the UCSF facilities parking on the residential streets south of Mariposa Street.

In August 2015, the SFMTA initiated coordination regarding on-street parking conditions in the Dogpatch and Potrero Hill neighborhoods. The Potrero Boosters and the Dogpatch Neighborhood Association recommended working with the SFMTA to design and implement a comprehensive on-street parking management plan for the north side of the Dogpatch and Potrero neighborhoods that would feature RPP time limits that operate into the evening and on weekends, would include all streets within the area, and would consider the existing weekday daytime commute pressures as well as evening and weekend event pressures. The RPP Area X area would be expanded rationally, based on resident petition. As these two neighborhood organizations only represent a portion of the community (other organizations include the Potrero-Dogpatch Merchants Association, a number of condominium homeowners associations, and other groups and individuals), the SFMTA, the Potrero Boosters, and the Dogpatch Neighborhood Association would consult with and work with the overall community to bring forward to the community a neighborhood curb management plan. In response to the comment that parking for the event center should be bundled with the tickets, Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts, described on SEIR p. 5.2-129, includes a measure that would require the project sponsor to offer for pre-purchase substantially all available on-site parking spaces not otherwise committed to office tenants, retail customers or season ticket holders, and to cooperate with neighboring private garage operators to pre-sell parking spaces, as well as notify patrons in advance that nearby parking resources are limited and travel by non-auto modes is encouraged.

In response to the comment that satellite parking with shuttle service should be required, Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events, described on SEIR page 5.2-180, includes a measure that would require the City to identify one or more off-site parking lot(s) on Port of San Francisco or other lands to the south of the event center to provide approximately 250 additional parking spaces for all events and up to approximately 750 to 800 additional parking spaces for use during dual events of 12,500 or more event center attendees (for a total of approximately 1,000 to 1,050 additional off-site parking spaces). See Response TR-12a: Traffic Mitigation Measures for a summary of the analysis of the potential implementation of the proposed off-site parking facilities.

The cumulative parking demand analysis is presented on SEIR pp. 5.2-249 – 5.2-251, and, as noted above, discusses the planned and proposed changes to the off-street parking supply in the project vicinity due to development projects, and in particular, buildout of the UCSF campus per the UCSF 2014 LRDP, Seawall Lot 337 and Pier 48 Mixed-Use Project, and the buildout of the Mission Bay Plan. Thus the 2040 cumulative parking analysis takes into account the additional new non-residential parking supply and demand, as well as the loss of existing surface parking facilities that would be displaced as a result of the development.

### 13.11.15 Helipad Impacts (TR-14)

#### Issues Raised by Commenters

This response addresses all or part of the following comments, which are quoted below:

A-UCSF-12  
A-UCSF-28

A-UCSF-13

A-UCSF-14

A-UCSF-15

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“After a review of the DEIR, UCSF remains concerned about the projected impact on UCSF's medical helipad, and about the DEIR's analysis of this matter. UCSF's helipad provides access to critical emergency care for children and pregnant women in distress. UCSF undertook an extensive community process and received helipad and access route approval by various regulatory agencies, including the Federal Aviation Administration, the California Department of Transportation's Aeronautics Division, and the San Francisco Board of Supervisors. Any activities proposed by GSW that would render UCSF's flight paths unusable or that would compromise the safety of air medical access are unacceptable to UCSF.

“UCSF understands and appreciates that the City and GSW continue to work on addressing the impacts. Nonetheless, the DEIR identifies the following:

- There would be 5 construction cranes at the Event Center construction site (see DEIR Figure 5.2-28), which would extend over all streets surrounding the project site, Third Street, 16th Street, Terry Francois Boulevard, and South Street.
- One crane would penetrate the airspace of UCSF's primary flight path --the flight path over 16th Street that is most frequently used, which arrives from and departs to the east. The DEIR concluded that this constitutes a potentially significant impact.
- Other cranes could penetrate the airspace of one or more of UCSF's secondary flight paths.

“We understand that GSW may have a revised plan that relocates the construction cranes so that no penetration of the UCSF flight path airspace would occur, and we appreciate GSW's efforts on this matter. However, there is no commitment to avoid penetration of the flight path airspace at this time. We would appreciate GSW working toward a commitment to avoid penetration of the UCSF flight path, which we want included in the Final EIR.” (*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-12]*)

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“• Page 5.2-265, the mitigation measure calls for the development of a Crane Safety Plan. The DEIR provides that the safety plan would identify appropriate measures "to reduce, and where possible, avoid, potential conflicts", by, among other things, seeking to "minimize penetrations" or "the duration of penetrations" into helicopter flight airspace. As currently written, the mitigation measure would allow for construction cranes to penetrate the flight path's airspace, which potentially compromises the ability of the helipad to operate 24/7. Accordingly, UCSF does not concur that Mitigation Measure MTR-9a reduces this impact to less than significant levels. Rather, UCSF requests that the mitigation measure be revised with the objective to ensure safe, 24/7 operation of the UCSF medical helipad by requiring GSW to locate their construction cranes so that no penetrations of airspace occur during the construction of the Project.” (*University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-13]*)

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“• Page 5.2-263, the discussion of impacts on the alternative flight path over South Street is unclear. The text states that the working radii of the two construction cranes over South Street are not located

under any part of UCSF's alternative arrival/departure flight path. However, the text also identifies the minimum amount of vertical clearance anticipated between the cranes and the approach and transitional surfaces of the flight path. It is extremely important that the analysis of impacts be clear." *(University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-14])*

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- Page 5.2-270 through 272, while the DEIR does require GSW to develop an exterior lighting plan, it does not discuss the impact of laser pointers and drones which could present a real danger to helicopter pilots and passengers. Both UCSF's helipad consultant and pilots whom we have consulted agree that this is a real safety issue.

"Although incidents are rare, it seems that in an event/crowd atmosphere, especially if there were an outdoor activity at the Third Street Plaza, the likelihood would be increased that an incident could occur. UCSF requests that mitigation measures be identified to reduce or eliminate this potential. Mitigation Measure M-TR-9d does not go far enough. It promises to develop an exterior lighting plan that incorporates measures to ensure specialized exterior lighting systems "would not have an undue impact on helipad operations." Any impact to a helicopter pilot transporting a critically-ill patient should be considered an undue and unacceptable impact, and further mitigation should be imposed." *(University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-15])*

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"Page 3-49, as discussed in greater detail in Section B, above, contractor compliance with all codes, rules and regulations is not enough to ensure that tower cranes do not interfere with helicopter flight path." *(University of California San Francisco, Lori Yamauchi, letter, July 27, 2015 [A-UCSF-28])*

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## Response TR-14: Helipad Impacts

The commenter expresses concern over the potential project construction impacts on UCSF's helipad. The commenter also indicates that the project sponsor may have a revised construction crane plan, and requests that the Final SEIR include a commitment by the project sponsor to avoid construction crane avoid penetration of UCSF's helipad flight paths. The commenter is referred to Section 12.3.1, Refined Construction Crane Plan, in this SEIR. Since publication of the Draft SEIR, the project sponsor refined its construction crane plan with the goal to further reduce potential project effects on the UCSF helipad during construction. The project sponsor's refined construction crane plan modifies certain construction tower crane locations, tower crane maximum working elevations and/or tower crane working radii. Section 12.3.1 provides a detailed description of the refined construction tower crane plan, and an analysis of the potential for the refined construction crane plan to obstruct UCSF helipad airspace surfaces. Chapter 14, Draft SEIR Revisions provides associated augmented text and graphics to the Draft SEIR.

As discussed in SEIR Chapter 3, Project Description, aside from the fixed tower cranes, the project also includes the use of mobile cranes on-site during construction. Specifically, the project proposes to use of three "crawler cranes," all of which would be comparatively smaller than the tower cranes. Nonetheless, in order to disclose all potential project construction related effects on the UCSF helipad operations, Chapter 14 provides augmented text to the Draft SEIR that describe the type and use of the crawler cranes during construction, and the associated analysis of the potential for the crawler cranes to obstruct UCSF helipad airspace surfaces.



In summary, based on the analysis of the refined construction crane plan, none of the proposed tower construction cranes would penetrate the Part 77 Approach or Transitional Surfaces associated with the UCSF helipad. Furthermore, adequate clearance for the construction cranes would be provided for the South Street alternate flight path. However, if the refined construction crane plan details were to change with respect to proposed tower crane size, location or other factors, then the project would have the potential to result in greater and/or less effects than those reported above. Mitigation Measure M-TR-9a, Crane Safety Plan for Project Construction, identifies feasible measures that would reduce potential temporary impacts associated with the use of cranes during the construction period to less than significant. The objective of the crane safety plan is to ensure the safe use of the UCSF Benioff Children's Hospital helipad, and the safety for people residing or working in the project area during construction. Therefore, with implementation of Mitigation Measure M-TR-9a, this impact would be *less than significant with mitigation*.

As discussed in Impact C-TR-9 in the SEIR, in the immediate project vicinity, cumulative building development is anticipated on the currently undeveloped portions of blocks located north, west, southwest and south of the project site. Depending on the construction schedules for these planned developments, the construction of the proposed project in combination with other planned development could result in a cumulative adverse impact to the UCSF helipad. Mitigation Measure M-TR-9a, Crane Safety Plan for Project Construction, would require that the project's crane safety plan include a measure to convey project crane activity schedule to UCSF and OCII. Furthermore, Mitigation Measure M-TR-9a would require that if other projects on adjacent properties are under construction concurrent with the proposed project and are using tower cranes, the sponsor would participate in joint consultation with those project sponsors and OCII to ensure any potential cumulative construction crane effects on the UCSF helipad would be minimized. With implementation of Mitigation Measures M-TR-9a, the contribution to cumulative impacts by the project would not be considerable, and the impact would be *less than significant with mitigation*.

The commenter indicates the Crane Safety Plan measures as presented in the Draft SEIR would not avoid penetrations to the airspace, and therefore do not reduce the impact to less than significant. As discussed above, based on the analysis of the refined construction crane plan, none of the proposed construction cranes would penetrate the Part 77 Approach or Transitional Surfaces associated with the UCSF helipad. Furthermore, the Crane Safety Plan outlined in Mitigation Measure M-TR-9a as revised in this Response to Comment document specifies that the crane safety plan shall "identify appropriate measures to avoid-potential conflicts that may be associated with the operation of the project construction cranes in the vicinity of the UCSF Benioff Children's Hospital helipad airspace" and "(i)nform crane operators of the location and elevation of the hospital helipad's Part 77 airspace surfaces and the need to avoid-penetrations to the surfaces." Consequently, the project would not compromise the ability for the UCSF helipad to operate 24 hours a day, 7 days a week. The commenter is referred to Section 12.3.1 and Chapter 14 for additional detail.

The commenter indicates that the discussion of impacts on the alternative flight path over South Street is unclear. Specifically, the commenter indicates that the Draft SEIR states that the working

radii of the two construction cranes over South Street are not located under any part of UCSF's alternative arrival/departure flight path. However, the Draft SEIR does not specifically state that; rather, it states that "while the working radii of two project cranes would extend over South Street, they are not located under any of the Part 77 Approach or Transitional Surfaces." Stated differently, the construction tower cranes over South Street are not located under any part of the *established* Part 77 Approach or Transitional Surfaces (i.e., those airspace surfaces illustrated in Figure 5.2-27 and Figure 5.2-28). However, for purposes of analyzing the potential impact of the construction tower cranes on the use of the South Street alternate flight path, an *assumed* curved Approach Surface was estimated for the alternate flight path on South Street; and the SEIR acknowledges that the northern crane working radii would extend under that assumed curved Approach Surface. However, please note that based on the refined construction crane plan discussed above, the description of analysis results has been revised; the commenter is referred to Section 12.3.1 and Chapter 14 for additional detail and associated text that augments the Draft SEIR.

The commenter indicates the Draft SEIR does not discuss the impact of laser pointers and drones which could present a danger to helicopter pilots and passengers. The commenter indicates that an event/crowd atmosphere, especially associated with outdoor activities at the proposed Third Street Plaza would increase the likelihood of hazards to pilots involving laser pointers or drones. It should be noted there is nothing inherent to the proposed project that would increase the likelihood of potential lasers and/or drones compared to any other areas in the City that provide open space and opportunities for outdoor events. Nevertheless, the commenter is referred to Chapter 14 for additional detail and associated Draft SEIR revisions made to address the potential for use by the public of laser pointers and/or drones at the project site. First, Section 5.2.6.3, Regulatory Framework of the Transportation section is revised to include applicable federal regulations governing use of laser pointers. Secondly, Mitigation Measure M-TR-9d is revised to specify that the event center exterior lighting plan shall 1) identify appropriate management policies and procedures to respond to the use of handheld laser pointers by the public on the project site which may pose a hazard to pilots; and 2) identify appropriate management policies regarding the use of drones on the project site and procedures to respond to aerial drone activity that may pose a hazard to pilots.

The commenter takes issue with language in Mitigation Measure M-TR-9d that indicates the project sponsor shall develop an exterior lighting plan that incorporates measures to ensure specialized exterior lighting systems "would not have an undue impact on helipad operations." In response to this comment, the language in Mitigation Measure M-TR-9d is reworded that "(t)he project sponsor shall develop an exterior lighting plan that incorporates measures to ensure specialized exterior lighting systems would not result in a substantial air safety risk and/or create a safety hazard on helipad operations." The commenter is referred to Chapter 14 for applicable Draft SEIR revisions.

Finally, the commenter indicates that contractor compliance with all codes, rules and regulations is not enough to ensure that tower cranes do not interfere with helicopter flight path. The Draft SEIR does not solely rely on mere compliance with codes, rules and regulations in its

determination of significance of project impacts to the UCSF helipad flight paths. As discussed in SEIR Section 5.2.6, Section 12.3.1, and Chapter 14, a project specific analysis of the refined crane plan demonstrates that all potential significant project and cumulative impacts from project construction and operation on UCSF helipad operations can be mitigated to a less than significant level. Therefore, with implementation of the mitigation measures identified above, the project would result in no new or substantially more severe impacts than those previously identified in the Mission Bay FSEIR, as addended.