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Subject:	Public Comment on SDEIR
Date:	Monday, July 27, 2015 5:01:05 PM

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DATE: July 27, 2015

RE: "Golden State Warriors Event Center and Mixed-Use Development at Mission Bay Blocks 29-32" OCII File No. ER 2014-919-97; San Francisco Planning Department No. 2014.1441E

PUBLIC COMMENT ON DRAFT SUPPLEMENTAL EIR

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.

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.

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.*

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. 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. 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.

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.

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.

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.

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.

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.)

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.)

5. There Is No Accurate or Legally Adequate Analysis and Mitigation of the Project's Air Quality Impacts or GHG Impacts.

The DSEIR fails to quantify or coherently analyze air quality impacts, complaining, for example, that "it is difficult to predict the magnitude of health effects from the project's exceedance of significance criteria for regional ROG and NOx emissions. (DSEIR 5.4-40.) The DSEIR also admits that its proposed "mitigation" of reducing vehicle trips by not providing adequate parking or transportation capacity "would be difficult to quantify." The

DSEIR may not hide behind its failure to gather the necessary data to analyze these and other air quality impacts, because that failure also violates CEQA's requirement to inform the public and decisionmakers of the Project's impacts and to mitigate them.

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.

7. The DSEIR Fails To Adequately Evaluate Alternatives To The Project, Including Offsite Alternatives.

The DSEIR fails to evaluate a "range of reasonable alternatives to the project, or the location of the project, which…would avoid or substantially lessen any of the significant effects." (Guidelines, §15126.6(a).) The DSEIR proposes instead analyzes only three alleged "alternatives": "Alternative A: No Project Alternative," "Alternative B: Reduced Intensity Alternative," and "Alternative C: Off-Site Alternative at Piers 30-32 and Seawall Lot 330."

The "No-Project Alternative" may not be counted as an "alternative," because it will be rejected as not satisfying the "Project-Sponsor's Objectives." The other two alternatives do not substantially lessen any of the significant impacts, and could even make them worse. (SDEIR 7-48, 7-73 - 109. Indeed, "Alternative C" met with such intense public outcry that it resulted in the land deal that moved the proposed Project to the present location. The only proposed alternative that should be considered is the No Project alternative, which is also the environmentally superior alternative.

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."

9. There Is No Proposed Mitigation Of The Project's Impacts On Wastewater.

10. The SDEIR Fails to Address The Project's Direct and Cumulative Land Use

Impacts.

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 it 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.

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.)

For the foregoing and other reasons, the DSEIR is legally inadequate in violation of CEQA.