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November 25, 2015

SENT BY PERSONAL DELIVERY
AND VIA EMAIL (boardofappeals@sfgov.org)

Board of Appeals
City and County of San Francisco
1650 Mission Street, Suite 304
San Francisco, CA 94103

**RE: City and County of San Francisco Board of Appeals, Appeal number 15-187
Appellants' Appeal Brief for Entertainment Permit**

Dear Members of the Board:

This appeal brief is filed on behalf of the Mission Bay Alliance (“Alliance”), an organization dedicated to preserving the environment in the Mission Bay area of San Francisco, regarding the project known as the Event Center and Mixed Use Development at Mission Bay Blocks 29-32 (“Warriors Arena Project” or “Project”).

On November 10, 2015, the City’s Entertainment Commission conditionally granted a place of entertainment (“POE”) permit to GSW Arena, LLC, regarding its proposed event center in Mission Bay. On November 19, 2015, the Alliance timely appeal the Entertainment Commissions action, which was assigned appeal number 15-187 and an appeal hearing date of December 9, 2015. This brief is submitted on behalf of the Alliance in support of that appeal.

As set forth more fully below, the Entertainment Commission’s granting of a POE permit for the Project, conditional or otherwise, should be reversed because the Project’s application does not, and cannot, meet the requirements of Police Code section 1060.5, subdivision (f).

1. The Permit Violates Police Code Section 1060.5, Subdivision (f)(1) Because the Project Violates Governing Land Use Controls.

Police Code section 1060.5, subdivision (f)(1) provides that a POE permit cannot be issued where “[t]he premises or the proposed operation of the Business does not comply with the health, zoning, fire and safety requirements of the laws of the State of California or ordinances of the City and County of San Francisco applicable to the Business.” Here, the Project does not comply with the City’s applicable zoning and land use restrictions because it is inconsistent with the Mission Bay South Redevelopment Plan.

As the Project site is located within a redevelopment area, applicable zoning restrictions are governed by the applicable redevelopment plan, which is the Mission Bay South Redevelopment Plan (“Redevelopment Plan”). As explained more fully in a letter on behalf of the Alliance by the Brandt-Hawley Law Group dated November 2, 2015, which is posted on the gsweventcenter.com website and incorporated by reference, the Project is inconsistent with the Redevelopment Plan and therefore does not comply with applicable zoning restrictions.¹

The Redevelopment Plan designates uses allowed at a “Commercial Industrial/Retail” site. It is undisputed that the Project is not within the allowed “principal uses” in that zoning. In an attempt to side-step that zoning inconsistency, OCII contends that the Project is consistent with “secondary uses.” However, this position has no merit.

The Project is not an allowed “Nighttime Entertainment” secondary use. The Redevelopment Plan describes Nighttime Entertainment in terms of small-scale local uses like

¹ This letter is attached as Exhibit 1 to Exhibit 1 to the November 25, 2015, letter from Thomas Lippe to the Entertainment Commission. The November 25, 2015, letter from Thomas Lippe to the Entertainment Commission is submitted herewith as Exhibit 5.

dance halls, bars, nightclubs, discotheques, nightclubs, private clubs, and restaurants.

(Redevelopment Plan, p. 50.) Such minor uses were compatible with the 3rd Street Corridor and the waterfront. Clearly, no mammoth regional entertainment venue was anticipated in the Redevelopment Plan. And while professional basketball games are held at night, the Event Center also projects 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. “[T]he majority of events are expected to occur during day time hours.” Such events are not “Nighttime Entertainment.”

The Project is also not an allowed “Recreation Building” secondary use. First, it is noted that the Redevelopment Plan does not actually define “recreation building.” Instead, the Redevelopment Plan describes “Outdoor Recreation” as “an area, not within a building, which is provided for the recreational uses of patrons of a commercial establishment.” (Redevelopment Plan, p. 50.) To state the obvious: there is a difference between “recreation” and “entertainment.” Both involve enjoyment and leisure, and may involve ancillary eating and drinking, consistent with OCII’s reference to recreation as “something people do to relax or have fun; activities done for enjoyment.” (OCII Proposed Secondary Use Determination, p. 6.) But myriad dictionary definitions confirm and it cannot readily be denied that “recreation” is commonly understood to involve one’s personal physical activities while “entertainment” refers to events or performances designed to entertain others. None of the Redevelopment Plan’s various references to “entertainment” include athletic activities normally considered “recreation.” Adult Entertainment [bookstore or theater], Amusement Enterprise [video games], Bar [drinking and theater], Theater [movies and performance]. (Redevelopment Plan,

Attachment 5, pp. 44-51.) In context, the Redevelopment Plan's reference to "Recreation building" as a secondary use contemplates participatory recreational uses like the 'recreation facilities' referenced in the 1998 Plan EIR for the existing golf driving range and in-line hockey rink, with the expressed expectation that the size of recreational 'facilities' would decrease as redevelopment of the Plan area progressed. (OCII Proposed Secondary Use Determination, p. 6.) Thus, reliance on the secondary use of "Recreation building" is unsupported.

Finally, the Project is also not an allowed "public use of a nonindustrial character." The privately-owned Project is in no way a public use. "Public" is not defined in the Redevelopment Plan and so its common meaning is assumed. To interpret a "public" use as simply requiring that the public be somehow "served" would encompass every kind of principal and secondary use listed in the Plan, from child care to animal care to hotel, etc., and thereby rendering the category meaningless. Instead, a public structure or use is commonly understood to be under the control and management of a public agency for the benefit of its constituency — such as the University of California or the City of San Francisco. The Redevelopment Plan provides a description of a range of anticipated public improvements in Attachment 4, and the secondary use category may allow other public uses as well. The Project is in no way a public use contemplated in the Redevelopment Plan.

In summary, the Project is not within the scope of any secondary use category allowed by the Redevelopment Plan. Accordingly, the Project does not comply with applicable zoning and approval of a POE permit is prohibited by Police Code section 1060.5, subdivision (f)(1).

In the alternative, as shown in Thomas Lippe's November 2, 2015 [2 of 2], letter to the OCII (incorporated herein by reference), if the Project is an allowable secondary use under the

Redevelopment Plan, then it requires a variance under section 305 of the Plan before Project approval.²

2. The Permit Violates Police Code Section 1060.5, subdivisions (f)(2) and (4) Because the Project Lacks an Adequate Transportation Plan and Cannot Provide Orderly Dispersal of Vehicle and Pedestrian Traffic.

Police Code section 10605, subdivision (f)(2) provides that a POE permit cannot be issued where “[n]otwithstanding the mitigation provided under the Security Plan submitted by the applicant, the building, structure, equipment or location of the proposed Business cannot adequately accommodate the type and volume of vehicle and pedestrian traffic anticipated.” Similarly, subdivision (f)(4) provides that a POE permit cannot be issued where “The permit applicant has not provided a Security Plan that adequately addresses the safety of persons and property and provides for the orderly dispersal of individuals and traffic.” Here, the Project’s CEQA documentation as well as the City’s own CEQA Findings confirm that the Project will be unable to accommodate the type and volume of vehicle and pedestrian traffic anticipated. Further, the applicant’s Security Plan in no way addresses the “orderly dismissal of individuals and traffic” in light of this acknowledged impact. Therefore, the POE permit must be denied.

The Alliance has submitted extensive written documentation demonstrating that the Project’s EIR is flawed and the Project will result in significantly greater transportation impacts than acknowledged by the City, which are publicly available on the gsweventcenter.com website and incorporated by reference. (See November 10, 2015, letter from Smith Engineering and Management (2 letters); November 2, 2015, letter from Larry Wymer & Associates; November

² This letter is attached as Exhibit 2 to Exhibit 1 to the November 25, 2015, letter from Thomas Lippe to the Entertainment Commission. The November 25, 2015, letter from Thomas Lippe to the Entertainment Commission is submitted herewith as Exhibit 5.

2, 2015, letter from Smith Engineering & Management; July 27, 2015, letter from Thomas N. Lippe (re transportation impacts).) However, it is not necessary to accept these arguments and expert evidence in order to find that the Project fails under Police Code section 1060.5, subdivision (f)(2). Instead, one need only need to refer to the SFMTA's CEQA Findings, which the Entertainment Commission adopted as its own, to establish that the Project will be unable to accommodate the anticipated type and volume of pedestrian traffic. More specifically, SFMTA Resolution 15-154 specifically found that the Project would result in no less than ten distinct transportation impacts that are significant and unavoidable. "Significant and unavoidable impacts" are significant environmental impacts for which no feasible mitigation can avoid or substantially lessen the impact. (CEQA Guidelines, § 15091.) These acknowledged significant and unavoidable transportation impacts are set forth with specificity in SFMTA Resolution 15-154, and include impacts to many different roadway intersections, freeway on-ramps and multiple transit services. An excerpt of the SFMTA Findings describing these transportation impacts is attached. (See Exhibit 1, SMFTA Findings, pp. 39-46.)

These ten "significant and unavoidable impacts" are each very broad and, in many instances, include several different transportation facilities. For example, Impact TR-18 concerns five different roadway intersections. Impact TR-2 concerns seven different roadway intersections. Impact TR-11 concerns ten different roadway intersections at which impacts are significant and unavoidable. Yet the acknowledged transportation impacts are not limited to vehicle traffic. Several of these significant and unavoidable impacts relate to demand for transit that will exceed capacity, which means that pedestrian traffic can also not be accommodated. (See Impacts TR-5, TR-14, TR-20, TR-21.) Indeed, Impact TR-5 explains, "The Project would

result in a substantial increase in transit demand that could not be accommodated by regional transit capacity such that significant adverse impacts to regional transit service would occur.”

These transit impacts are the direct result from pedestrian traffic to and from the Project, which plainly cannot be accommodated by existing facilities.

All together, these ten acknowledged categories of significant and unavoidable transportation impacts represent wide-ranging vehicle and pedestrian impacts resulting from the Project, which constitute *prima facie* evidence that the Project location simply cannot accommodate the anticipated type and volume of vehicle and pedestrian traffic pursuant to Police Code section 1060.5, subdivision (f)(2).

Notwithstanding evidence of the Project’s acknowledged inability to accommodate traffic and pedestrian traffic as set forth above, the applicant’s four-page Security Plan completely fails to address how it will provide for the safety of persons and orderly dismissal in light of these congested and challenging conditions. The Security Plan does not even address the significant traffic and transit impacts, much less “provide[] for the orderly dispersal of individuals and traffic.” For example, Impact TR-20 acknowledges a significant and unavoidable impact to the T Third line resulting in part from the predicted 3,000 people who would be using the northbound line. Further, the FSEIR explains that these 3,000 people would be utilizing this Muni T-Line platform approximately 105 days per year. (FSEIR Response to Comments, p. 12-28.) Incredibly, however, the Security Plan is devoid of any information about security at that transit stop or how to provide for the orderly dispersal of these 3,000 people occurring approximately every third day throughout the year. By completely failing to address this

acknowledged significant impact, there is literally no evidence in the record to support a finding that the Security Plan provides for the orderly dispersal of individuals and traffic.

In sum, approval of the POE permit violates Police Code section 1060.5, subdivisions (f)(2) and (4) because the Project is unable to address the anticipated type and volume of vehicle and pedestrian traffic, and the Security Plan completely ignores the issue.

3. The Permit Violates Police Code Section 1060.5, subdivision (f)(3) Because the Project Lacks Adequate Safeguards to Prevent Emissions of Noise.

Police Code section 1060.5, subdivision (f)(3) provides that a POE permit cannot be issued where “[t]he premises or the proposed operation of the Business lacks adequate safeguards to prevent emissions of noise . . . that would substantially interfere with the public health, safety and welfare or the peaceful enjoyment of neighboring property.” As with vehicle and pedestrian traffic discussed immediately above, the Project’s acknowledged significant and unavoidable noise impacts prohibit the issuance of a POE permit for the Project. Further, there is no basis to conclude that the applicant’s Noise Control Plan will address this acknowledged significant noise impact.

In order to determine whether a project’s noise impacts are significant with respect to a POE application, Police Code section 2090, subdivision (b) uses a significance threshold of 8 dBA or 8 dBC above the local ambient at any point outside the property plan. The letter from Frank Hubach of Frank Hubach Associates, dated November 23, 2015, which is incorporated by reference and attachment to this appeal, demonstrates that this type of “ambient plus increment” threshold is not a valid, science-based threshold because it discounts the significance or severity of pre-existing noise levels. (See Exhibit 2, letter from Frank Hubach dated November 23, 2015; see also letter from Frank Hubach dated November 2, 2015, submitted to the Entertainment

Commission.) In the expert opinion of Mr. Hubach, issuing a POE permit for the Project “will substantially interfere with the public health, safety and welfare or the peaceful enjoyment of neighboring property.” (Exhibit 2, p. 2.)

Yet it is unnecessary to rely on Mr. Hubach’s expert opinion in order to conclude that the POE should be denied based on noise impacts. The Project’s SEIR and associated CEQA Findings squarely acknowledge that the Project will result in significant and unavoidable noise impacts. As explained in the SFMTA’s CEQA Findings, which were adopted by the Entertainment Commission:

Impact NO-5: Noise Impacts from Project Traffic and Crowd Noise. (GSW DSEIR p. 5.3-32; RTC, Response NOI-2b; Response NOI-3a; Response NOI-6.) Noise levels generated by crowds prior to, during, and after events could result in a substantial increase in noise levels at the receptor adjacent to the northbound Muni T-Line transit platform, particularly during nighttime egress hours of 9 p.m. to 11 p.m., and this impact would be significant and unavoidable. Operation of the Project would introduce new mobile noise sources that would contribute to ambient noise levels in the Project vicinity. Increases in roadway traffic noise would be significant and unavoidable during events either with or without implementation of the Muni Special Event Transit Service Plan, even with implementation of Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts and Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events. Therefore, the Project’s effect on crowd and traffic noise remains significant and unavoidable with mitigation.

(SFMTA Resolution 15-154, p. 46.)

This Finding, put simply, compels a conclusion that that the Project lacks adequate safeguards to prevent the emission of noise that would substantially interfere with the public health, safety and welfare or the peaceful enjoyment of neighboring property. Further, no analysis or findings were adopted by the Entertainment Commission purporting to distinguish

this Finding from the requirement to deny a POE based on Police Code section 1060.5, subdivision (f)(3). Thus, the POE permit must be denied.

There is also no evidence whatsoever in the record to support a finding that compliance with the applicant's noise control plan will alleviate the Project's acknowledged noise impacts. As with the Project's transportation impacts, the applicant's noise control plan simply does not address the Project's acknowledged traffic and crowd noise impacts. Indeed, a careful review of the applicant's half-page noise control plan demonstrates that it merely restates the requirements of the City's Good Neighbor Policy ("GNP"), with literally no additional detail regarding how the Project will actually comply with the requirements of the GNP. As just one example, the GNP requires:

Permit holder shall take all reasonable measures to insure the sidewalk adjacent to the premises are not blocked or unnecessarily affected by patrons or employees due to the operation of the premises and shall provide security whenever patrons gather outdoors.

(See Exhibit 3, GNP number 10.)

The entirety of the applicant's treatment of this requirement in the noise control plan includes the following:

The Applicant shall take all reasonable measures to ensure the sidewalks adjacent to the premises are not blocked or unnecessarily affected by patrons or employees due to the operations of the premises and shall provide security whenever patrons gather outdoors.

(Exhibit 4, applicant's approved noise control plan.)

It is readily apparent that the applicant's noise control plan merely restates the legal requirement with no additional information whatsoever regarding the specific measure that will be implemented to satisfy the legal requirement. This specific policy concerning outdoor

activities is particularly problematic for the Project in light of the acknowledged transportation and noise impact associated with the routine gathering of 3,000 Project patrons at the northbound Muni T-Line platform. The GNP requires the applicant to provide security whenever patrons gather outdoors. (GNP number 10.) By merely restating the GNP with no additional detail, it is unknown whether the applicant will provide security for these 3,000 patrons gathering at the T-Line platform.

The same strategy of merely restating the City's GNP is followed in four out of the five provisions of the applicant's one-half page noise control plan – paragraph 2 merely restates GNP number 7, paragraph 3 restates GNP number 8, paragraph 4 restates GNP number 10, and paragraph 5 restates GNP number 11. The law is well settled that an agency's factual findings cannot merely restate legal requirements. (*Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 517 n.1 (*Topanga*) (findings must contain more than just "the language of the applicable legislation").) Here, the violation of *Topanga* is even more egregious because it is not just the findings that restate the legal requirements but also the substantial evidence in the record itself.

In summary, substantial evidence in the record overwhelmingly establishes that the POE should be denied because the Project lacks adequate safeguards to prevent emissions of noise from substantially interfering with the public health, safety and welfare or peaceful enjoyment of neighboring property.

* * *

For the foregoing reasons, the Alliance urges the Board of Appeals to reverse the Entertainment Commissions approval of a POE permit for the Project. The Project does not

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meet the requirements necessary for a POE permit under Police Code section 1060.5, subdivision (f). Further, the Entertainment Commission has failed to make the necessary findings of fact to support approval of the POE.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 

Patrick M. Soluri

cc: Mary Murphy, Counsel for GSW Arena, LLC (via email mgmurphy@gibsondunn.com)

Attachments:

- Exhibit 1: Excerpt from SFMTA Findings regarding significant and unavoidable transportation impacts
- Exhibit 2: Letter from Frank Hubach of Frank Hubach Associates, Inc., dated November 23, 2015
- Exhibit 3: San Francisco Entertainment Commission's Good Neighbor Policy for Nighttime Entertainment Activities
- Exhibit 4: Project applicant's noise control plan
- Exhibit 5: Letter from Thomas Lippe to Entertainment Commission dated November 10, 2015 and exhibits

EXHIBIT 1

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No.15-154

WHEREAS, GSW Arena LLC (GSW), an affiliate of Golden State Warriors, LLC, which owns and operates the Golden State Warriors National Basketball Association (NBA) team (including any successor owner or operator of the Event Center) (the "Project Sponsor"), has proposed to construct a multi-purpose event center and a variety of mixed uses, including office, retail, open space and structured parking on an approximately 11-acre site on Blocks 29-32 within the Mission Bay South Redevelopment Plan Area of San Francisco; and,

WHEREAS, The Office of Community Investment and Infrastructure, successor to the former Redevelopment Agency of the City and County of San Francisco ("OCII"), in accordance with the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq. ("CEQA"), and acting in its capacity as lead agency as defined in Public Resources Code Section 21067, prepared a Final Subsequent Environmental Impact Report ("FSEIR") for the proposed Golden State Warriors Event Center and Mixed-Use Development at Mission Bay Blocks 29-32 (the "Event Center Project") consisting of the Draft Subsequent Environmental Impact Report ("GSW DSEIR"), the comments received during the review period, any additional information that became available after the publication of the GSW DSEIR, and the Draft Summary of Comments and Responses, all as required by law, copies of which are available through the Secretary of the SFMTA Board of Directors and at www.gsweventcenter.com, and are incorporated herein by reference; and,

WHEREAS, On November 3, 2015, the Commission on Community Investment and Infrastructure reviewed and considered the FSEIR and certified the FSEIR in compliance with CEQA; and,

WHEREAS, The FSEIR files, other Project-related OCII files, and other materials have been available for review by the SFMTA Board of Directors and the public with the OCII Board Secretary at One South Van Ness Avenue, 5th Floor, San Francisco, CA 94103, through the SFMTA Board Secretary, which files are incorporated herein by reference and made part of the record before this Board; and,

WHEREAS, The SFMTA Board of Directors, acting in its capacity as a responsible agency under CEQA, Public Resources Code Section 21069, has reviewed and considered the information contained in the FSEIR for the Event Center Project; and,

WHEREAS, The SFMTA Board of Directors has also reviewed and considered a Transportation Service Plan, Local/Hospital Access Plan, and Designated Overlapping Event Transportation Strategies, as such terms are described below, and other measures, including measures by the Event Center Project's sponsor, to address transportation conditions relating to the Event Center Project; and,

C. Noise and Vibration

1. Impact C-NO-1: Contribution to Cumulative Construction Noise Impacts (GSW DSEIR p. 5.3-39; FSEIR, Chapter 12, Sections 12.2.3, 12.3.2; Response NOI-2.) Cumulative construction noise in the Project area could cause a substantial temporary or periodic increase in ambient noise levels during Project construction. The Project's contribution to this cumulative impact would be avoided or substantially reduced by the implementation of Mitigation Measure C-NO-1: Construction Noise Control Measures, which requires site-specific noise attenuation measures during construction to reduce the generation of construction noise. Consequently, with implementation of this mitigation measure, the Project would not make a considerable contribution to the cumulative impact, and this impact would be less than significant with mitigation.

Mitigation Measure M-C-NO-1: Construction Noise Control Measures

VII. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR REDUCED TO A LESS THAN SIGNIFICANT LEVEL

Based on substantial evidence in the whole record of these proceedings, SFMTA finds that, where feasible, changes or alterations have been required, or incorporated into, the Project to reduce the significant environmental impacts listed below as identified in the GSW FSEIR. SFMTA agrees that the mitigation measures in the FSEIR and described below are appropriate, and that changes have been required in, or incorporated into, the Project that, to use the language of Public Resources Code section 21002 and CEQA Guidelines section 15091, may substantially lessen, but do not avoid (i.e., reduce to less than significant levels), the potentially significant or significant environmental effects associated with implementation of the Project.

SFMTA adopts all of the mitigation measures it is responsible for adopting and implementing as proposed in the FSEIR that are relevant to the Project and set forth in the MMRP, attached hereto as **Exhibit 1**, and also set forth in **Exhibit 2**, which includes the Mitigation Measures that are within the responsibility and jurisdiction of SFMTA to implement. With respect to Mitigation Measures M-TR-2a, M-TR-2b, M-TR-11a, and M-TR-11c, SFMTA Board of Directors anticipates funding will be available for it to implement and maintain each of these mitigation measures. However, the SFMTA Board of Directors cannot ensure funding for these mitigation measures will be available in perpetuity given that, for example, funding is subject to the discretion of future Boards of Supervisors and SFMTA Boards as well as other budgetary factors and considerations. For this and other reasons discussed further in the FSEIR and OCII CEQA Findings, SFMTA agrees that for the impacts listed below, no feasible mitigation is currently available to render the effects less than significant. The effects therefore remain significant and unavoidable. Based on the analysis contained within the FSEIR, other considerations in the record and stated herein, and the standards of significance, the SFMTA agrees that because some aspects of the Project would cause potentially significant impacts for which feasible mitigation

measures are not available to reduce the impact to a less-than-significant level, the impacts are significant and unavoidable.

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law requires that those decisions be informed, and therefore balanced." (*Goleta II, supra*, 52 Cal.3d at p. 576.) SFMTA agrees that the following significant impacts on the environment, as reflected in the GSW FSEIR, are unavoidable, but under Public Resources Code Section 21081, subdivisions (a)(3) and (b), and CEQA Guidelines 15091, subdivision (a)(3), 15092, subdivision (b)(2)(B), and 15093, SFMTA determines that the impacts are acceptable due to the overriding considerations described in Section IX below. This finding is supported by substantial evidence in the record of this proceeding.

A. Transportation and Circulation

1. Impact TR-2: Effects on Vehicle Traffic on Multiple Intersections without SF Giants game. (GSW DSEIR p. 5.2-117; FSEIR, Chapter 12; Response TR-2; Response TR-4; Response TR-12.) The Project would result in significant traffic impacts at seven intersections that would operate at LOS E or LOS F under Existing plus Project conditions without a SF Giants game at AT&T Park. These include the intersections of King/Fourth Streets, Fifth/Harrison Streets/I-280 westbound off-ramp, Fifth/Bryant Streets/I-280 eastbound on-ramp, Third/Channel Streets, Fourth/Channel Streets, Seventh Street/Mission Bay Drive, and Seventh/Mississippi/16th Streets. Mitigation Measure M-TR-2a: Additional PCOs during Events would reduce the Project's impacts related to event-related traffic conditions, and would not result in secondary transportation-related impacts, but would not reduce impacts to less-than-significant levels. Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts would require the Project Sponsor to work with the City to pursue and implement commercially reasonable strategies to reduce transportation impacts. The measures identified above would reduce traffic congestion in the Project vicinity and would not result in 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 Project's significant traffic impacts would remain significant and unavoidable with mitigation.

The Project would result in significant and unavoidable impacts at intersections not previously identified in the Mission Bay FSEIR due to event-related vehicles that would result in exceedance of the intersection LOS threshold. Mission Bay FSEIR Mitigation Measures 47a - 47c, and 47e – 47i would minimize traffic impacts but would not reduce them to less-than-significant levels, and traffic impacts would remain significant and unavoidable with mitigation.

Mitigation Measure M-TR-2a: Additional PCOs during Events

Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts

Mission Bay FSEIR Mitigation Measure E.47: Transportation System Management Plan

2. Impact TR-3: Effect of Project on Traffic Volumes at Freeway Ramps without SF Giants game. (GSW DSEIR p. 5.2-132; RTC, Response TR-2; Response TR-4; Response TR-12.) The Project would result in significant traffic impacts at the I-80 eastbound on-ramp at Fifth/Bryant Streets that would operate at LOS E or LOS F under Existing plus Project conditions without a SF Giants game at AT&T Park. MM TR-2b: Additional Strategies to Reduce Transportation Impacts would help reduce the Project traffic increase on regional freeway mainline and ramps. However, the reduction in Project-generated vehicle trips would not reduce impacts to less-than-significant levels. Thus, for these reasons, the Project's impacts related to freeway ramp operations would be significant and unavoidable with mitigation.

Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts.

3. Impact TR-5: Effect of Project Regional Transit Service Demand without SF Giants game. (GSW DSEIR p. 5.2.144, RTC, Response TR-2; Response TR-5; Response TR-12.) The Project would result in a substantial increase in transit demand that could not be accommodated by regional transit capacity such that significant adverse impacts to regional transit service would occur under Existing plus Project conditions without a SF Giants game at AT&T Park. Implementation of Mitigation Measures M-TR-5a: Additional Caltrain Service and Mitigation Measure M-TR-5b: Additional North Bay Ferry and/or Bus would help reduce or minimize the severity of the capacity utilization exceedances for the regional transit service providers, and would not result in secondary transportation impacts. However, since the provision of additional South Bay and North Bay service is uncertain and full funding for the service has not yet been identified, the Project's significant impacts remain significant and unavoidable with mitigation.

Mitigation Measure M-TR-5a: Additional Caltrain Service

Mitigation Measure M-TR-5b: Additional North Bay Ferry and/or Bus Service

4. Impact TR-11: Effect of Project Traffic at Multiple Intersections with SF Giants game.

(GSW DSEIR p. 5.2-171; RTC, Response TR-2; Response TR-4; Response TR-12.) 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 Project would result in significant traffic impacts at the following ten study intersections: King/Fifth/I-280 ramps, Fifth/Harrison Streets/I-80 westbound off-ramp, Fifth/Bryant Streets/I-80 eastbound on-ramp, Third/South Streets, Seventh Street/Mission Bay Drive, Fourth/16th Streets, Owens/16th Streets, Seventh/Mississippi/16th Streets, Illinois/Mariposa Streets, and Mariposa Street/I-280 northbound off-ramp.

Implementation of Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts, Mitigation Measure M-TR-11a: Additional PCOs during Overlapping Events, and Mitigation Measure M-TR-11b: Participation in the Ballpark/Mission Bay Transportation Coordinating Committee would minimize the severity of traffic impacts at these intersections and would not result in secondary transportation impacts, but would not improve intersection LOS to LOS D or better. Thus, traffic impacts at the ten study intersections would remain significant and unavoidable with mitigation.

In addition to the mitigation measures described above, Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events would require the Project Sponsor to continue to work with the City to pursue and implement additional strategies to reduce transportation impacts. One potential 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; but regardless, secondary traffic impacts associated with Mitigation Measure M-TR-11c, involving the use of one or more off-site parking lot(s) would contribute to the same significant and unavoidable impact (with mitigation) that would be caused by the Project-generated traffic described in the first paragraph in this impact statement above. With implementation of off-site parking lots during overlapping events as part of Mitigation Measure M-TR-11c, the significant traffic impacts identified above at the intersections of Fourth/16th Streets and Mariposa Street/I-280 northbound off-ramp would not occur, and instead a significant and unavoidable traffic impact would occur at the intersection of Pennsylvania/Cesar Chavez Streets/I-280 northbound off-ramp. Thus, with implementation of off-site parking lots during overlapping events as part of Mitigation Measure M-TR-11c, significant traffic impacts would occur at nine rather than ten intersections; however, impacts in the Project vicinity during overlapping evening events

at the project site and at AT&T Park would remain significant and unavoidable with mitigation.

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: Regular Participation in Ballpark/Mission Bay Transportation Coordinating Committee

Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events

5. Impact TR-12: Effect of Project Traffic at Freeway Ramps with SF Giants game. (GSW DSEIR p. 5.2-180; RTC, Response TR-2; Response TR-4; Response TR-12.) The Project, under the Basketball Game scenario with an overlapping SF Giants evening game at AT&T Park, would result in a significant impact at the I-80 westbound off-ramp at Fifth/Harrison Streets during the weekday evening and Saturday evening peak hours (i.e., attendees driving to San Francisco from the East Bay), and at the I-280 northbound off-ramp at Mariposa Street during the weekday evening peak hour (i.e., attendees driving to the event center and AT&T Park from the south of the Project site). The Project would also result in a significant impact at the I-80 eastbound on-ramp at Fifth/Bryant Streets during the weekday late evening peak hour (i.e., attendees returning to the East Bay). As discussed in Impact TR-3 for conditions without an overlapping SF Giants evening game, no feasible mitigation measures 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, 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. Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts and Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events would reduce the Project traffic increase on regional freeway mainline and ramps. However, the mitigation measures would not reduce impacts related to freeway ramp operations to less-than-significant levels. Thus, for these reasons, the Project's impacts related to freeway ramp operations would be significant and unavoidable with mitigation.

Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts

Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events

6. Impact TR-14: Effect of Project on Regional Transit Demand with SF Giants game. (GSW DSEIR p. 5.2-184, RTC, Response TR-2; Response TR-4; Response TR-12.) Under existing plus Project conditions with an overlapping SF Giants evening game at AT&T Park, the Project would result in significant Project-specific transit impacts to East Bay, North Bay, and South Bay transit service. Implementation of Mitigation Measure M-TR-5a: Additional Caltrain Service, Mitigation Measure M-TR-5b: Additional North Bay Ferry and Bus Service, and Mitigation Measure M-TR-14: Additional BART Service to the East Bay during Overlapping Events would reduce or minimize the severity of the capacity utilization exceedances for the regional transit service providers, and would not result in secondary transportation impacts. However, since the provision of additional South Bay, North Bay and BART service is uncertain and full funding for the service has not yet been identified, the mitigation measures would not reduce the impact to a less-than-significant level. Accordingly, the Project's significant impacts to regional transit demand would be significant and unavoidable with mitigation.

Mitigation Measure M-TR-5a: Additional Caltrain Service during Events

Mitigation Measure M-TR-5b: Additional North Bay Bus and Ferry Service during Events

Mitigation Measure M-TR-14: Additional BART Service to the East Bay during Overlapping Events

7. Impact TR-18. Effect of Project on Traffic Without Muni Special Event Transit Service Plan. (GSW DSEIR p. 5.2-191, RTC, Response TR-2.) The Project without implementation of the Muni Special Event Transit Service Plan would result in significant traffic impacts at the following additional study intersections, or analysis periods: Third/Channel Streets (weekday late evening), Fourth/Channel Streets (Saturday evening), Seventh Street/Mission Bay Drive (weekday late evening), Illinois/Mariposa Streets (weekday evening, Saturday evening), and Owens/16th Streets (weekday late evening). Mitigation Measure M-TR-2a: Additional PCOs during Events, Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts, and Mitigation Measure M-TR-18: Auto Mode Share Performance Standard and Monitoring, would reduce the severity of the impact and would not result in secondary transportation impacts. Even with implementation of the mitigation measures, however, the Project's traffic impacts would remain significant and unavoidable with mitigation.

Mitigation Measure M-TR-2a: Additional PCOs during

Mitigation Measure M-TR-2b: Additional Measures to Reduce Transportation Impacts

Mitigation Measure M-TR-18: Auto Mode Share Performance Standard and Monitoring

8. Impact TR-19: Effect of Project Traffic on Freeway Ramps Without Muni Special Event Transit Service Plan. (GSW DSEIR p. 5.2-197.) The Project without implementation of the Muni Special Event Transit Service Plan would result in significant traffic impacts at the following three additional freeway ramp locations: I-80 eastbound on-ramp at Fifth/Bryant Streets (weekday late evening), I-80 westbound off-ramp at Fifth/Harrison Streets (Saturday evening), I-280 northbound off-ramp at Mariposa Street (weekday evening). Mitigation Measure M-TR-2b: Auto Mode Share Performance Standard and Monitoring, and Mitigation Measure M-TR-18: Auto Mode Share Performance Standard and Monitoring, would reduce the severity of the impact, and would not result in secondary transportation impacts. Even with implementation of the mitigation measures, however, the Project's impacts related to freeway ramp operations would remain significant and unavoidable with mitigation.

Mitigation Measure M-TR-2b: Additional Measures to Reduce Transportation Impacts

Mitigation Measure M-TR-18: Auto Mode Share Performance Standard and Monitoring

9. Impact TR-20: Effect of Project Transit Demand Without Muni Special Event Transit Service Plan. (GSW DSEIR p. 5.2-99; RTC, Response TR-2; Response TR-5.) Under existing plus Project conditions without the Muni Special Event Transit Service Plan, the 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. Mitigation Measure M-TR-18: Auto Mode Share Performance Standard and Monitoring would reduce the severity of the impact, and would not result in secondary transportation impacts. Even with implementation of this mitigation measure, however, the Project's impacts related to transit operations would remain significant and unavoidable with mitigation.

Mitigation Measure M-TR-18: Auto Mode Share Performance Standard and Monitoring

10. Impact TR-21: Effect of Project Regional Transit Demand Without Muni Special Event Transit Service Plan. (GSW DSEIR p. 5.2-202, RTC, Response TR-2.) Under existing plus Project conditions without a SF Giants game at AT&T Park and

without the Muni Special Event Transit Service Plan, the Project would result in significant Project-specific transit impacts on Water Emergency Transportation Authority and Golden Gate Transit service during the weekday late evening peak hours. Implementation of Mitigation Measure M-TR-5a: Additional Caltrain Service and Mitigation Measure M-TR-5b: Additional North Bay Ferry and Bus Service would reduce or minimize the severity of the impact, but not to a less than significant level. Accordingly, the Project's significant impacts to regional transit capacity would remain significant and unavoidable with mitigation.

Mitigation Measure M-TR-5a: Additional Caltrain Service

Mitigation Measure M-TR-5b: Additional North Bay Ferry and Bus Service

B. Noise

1. Impact NO-5: Noise Impacts from Project Traffic and Crowd Noise. (GSW DSEIR p. 5.3-32; RTC, Response NOI-2b; Response NOI-3a; Response NOI-6.) Noise levels generated by crowds prior to, during, and after events could result in a substantial increase in noise levels at the receptor adjacent to the northbound Muni T-Line transit platform, particularly during nighttime egress hours of 9 p.m. to 11 p.m., and this impact would be significant and unavoidable. Operation of the Project would introduce new mobile noise sources that would contribute to ambient noise levels in the Project vicinity. Increases in roadway traffic noise would be significant and unavoidable during events either with or without implementation of the Muni Special Event Transit Service Plan, even with implementation of Mitigation Measure M-TR-2b: Additional Strategies to Reduce Transportation Impacts and Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events. Therefore, the Project's effect on crowd and traffic noise remains significant and unavoidable with mitigation.

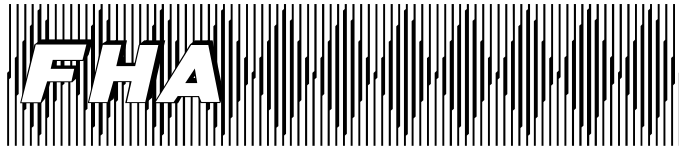
Mitigation Measure M-TR-2c: Additional Strategies to Reduce Transportation Impacts

Mitigation Measure M-TR-11c: Additional Strategies to Reduce Transportation Impacts of Overlapping Events

C. Air Quality

1. Impact AQ-1: Impacts of Criteria Air Pollutants from Construction Activities. (GSW DSEIR p. 5.4-28; FSEIR, Chapter 12, Sections 12.2.3, 12.3.2; Response AQ-1; Response AQ-2; Response AQ-3; Response AQ-4; Response AQ-6; Response PD-3.) Construction of the Project would generate emissions of fugitive dust and criteria air pollutants. The Project Sponsor, through its contractors, would be required to implement dust control measures in compliance with the requirements of the

EXHIBIT 2



23 November 2015

Mr. Tom Lippe, Esq.
Law Offices of Thomas N. Lippe APC
201 Mission Street, 12th Floor
San Francisco, CA 94105

Project: Warriors Event Center in Mission Bay
FHA # 648-02

Dear Mr. Lippe,

You requested that I review the Noise Control Plan of this Project's Place of Entertainment Permit Application dated 8 October 2015. This letter report summarizes my comments and responds to your specific question. Also refer to my previous letters of 22 July 2015 and 2 November 2015.

Does the project lack adequate safeguards to prevent emissions of noise that would substantially interfere with the public health, safety and welfare or the peaceful enjoyment of neighboring property?

The Place of Entertainment Permit Application page 4 states "*The engineering and design for the new structure are incorporating state of the art sound attenuation features*". However, there are no specific details given and the Noise Control Plan only states compliance with Section 2900 of the Police Code.

The San Francisco Police Code Section 2909 (b) for a licensed Place of Entertainment limits noise intrusion to 8 dBA or 8 dBC above the local ambient at any point outside the property plane.

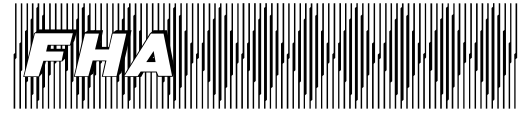
Accordingly, one would expect an 8 dBA or 8 dBC above the local ambient for this place of entertainment. This issue is similar to discussions in my previous two reports regarding the use of a reliable methodology to determine the significance of facility operation (Impact NO-5). As cited in my previous letters Impact NO-5 is "Operation of the proposed project would cause a substantial permanent increase in ambient noise levels in the project vicinity. (Significant and Unavoidable with Mitigation)." (DSEIR, pp. 5.3-32 to 5.3-39.)

Frank Hubach Associates, Inc

Acoustics and Vibration
Engineering Consultants

4905 Central Ave, Ste 100
Richmond, CA 94804

Phone 510-528-1505
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Email: info@fha-eng.com



In my opinion the Police Code does not use a reliable methodology to determine whether noise impact from operation of this place of entertainment is significant. Section 2909 uses a threshold of significance of the “ambient plus increment” type. This type of threshold discounts the significance or severity of pre-existing noise levels and treats them as if they are irrelevant to whether the incremental change caused by the Project is “significant.”

Using these “ambient plus increment” thresholds where existing noise levels are already too high, as shown in Tables 5.3-9 and 5.3-10 (DSEIR, pp. 5.3-34, 36), disregards the fact that the Project will make already severe conditions worse. In addition, using these “ambient plus increment” thresholds for operational noise results in an unsustainable gradual increase in ambient noise. It is a formula for ever-increasing noise levels because each new project establishes a new, higher, baseline; then when the next project is approved, the incremental change will be added to the new baseline.

Therefore, the operational impact assessment needs to be redone using valid, science-based thresholds that relate to actual human health and welfare effects of noise.

In my opinion, the proposed place of entertainment will cause a significant increase in operational noise above levels existing without the project. It is also my opinion that the proposed place of entertainment will substantially interfere with the public health, safety and welfare or the peaceful enjoyment of neighboring property.

Very truly yours,

A handwritten signature in black ink that reads 'Frank J. Hubach'. The signature is written in a cursive, flowing style.

Frank J. Hubach
President

FJH:fjh

EXHIBIT 3



SAN FRANCISCO ENTERTAINMENT COMMISSION

Good Neighbor Policy

GOOD NEIGHBOR POLICIES FOR NIGHTTIME ENTERTAINMENT ACTIVITIES.

Where nighttime entertainment activities, as defined by this permit are conducted, there shall be procedures in place that are reasonable calculated to insure that the quiet, safety and cleanliness of the premises and vicinity are maintained. Such conditions shall include, but not limited to, the following:

- 1** Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful and orderly fashion and to please not litter or block driveways in the neighborhood.
- 2** Employees of the establishment shall be posted at all entrances and exits to the establishment during the period from 10:00 pm to such time past closing that all patrons have left the premises. These employees shall insure that patrons waiting to enter the establishment and those exiting the premises are urged to respect the quiet and cleanliness of the neighborhood as they walk to their parked vehicle or otherwise leave the area.
- 3** Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 am the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons.
- 4** Sufficient toilet facilities shall be made accessible to patrons within the premises, and toilet facilities shall be made accessible to prospective patrons who may be lined up waiting to enter the establishment.
- 5** The establishment shall provide outside lighting in a manner that would illuminate outside street and sidewalk areas and adjacent parking, as appropriate.
- 6** The establishment shall provide adequate parking for patrons that would encourage use of parking by establishment patrons. Adequate signage shall be well-lit and prominently displayed

to advertise the availability and location of such parking resources for establishment patrons.

- 7** The establishment shall provide adequate ventilation within the structures such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises.
- 8** There shall be no noise audible outside the establishment during the daytime or nighttime hours that violates the San Francisco Municipal Code Section 49 or 2900 et. seq. Further, absolutely no sound from the establishment shall be audible inside any surrounding residences or businesses that violates San Francisco Police code section 2900.
- 9** The establishment shall implement other conditions and/or management practices necessary to insure that management and/or patrons of the establishments maintain the quiet, safety and cleanliness of the premises and the vicinity of the use, and do not block driveways of neighboring residents or businesses.
- 10** Permit holder shall take all reasonable measures to insure the sidewalks adjacent to the premises are not blocked or unnecessarily affected by patrons or employees due to the operations of the premises and shall provide security whenever patrons gather outdoors.
- 11** Permit holder shall provide a cell phone number to all interested neighbors that will be answered at all times by a manager or other responsible person who has the authority to adjust volume and respond to other complaints whenever entertainment is provided.
- 12** Permit holder agrees to be responsible for all operation under which the permit is granted including but not limited to a security plan as required.
- 13** In addition, a manager or other responsible person shall answer a cell phone for at least two hours after the close of business to allow for police and emergency personnel or other City personnel to contact that person concerning incidents.

EXHIBIT 4

Noise Control Plan

GSW Arena, LLC, the Applicant for that certain Place of Entertainment Permit (POE) at the Golden State Warriors Event Center at Mission Bay South Redevelopment Project Area Blocks 29-32 (the "Applicant") proposes to implement the following measures as a Noise Control Plan.

1. The Applicant shall comply with noise controls and restrictions in applicable entertainment permit requirements.
2. The Applicant shall provide adequate ventilation within the Event Center such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises.
3. The Applicant shall take measures to ensure that there shall be no noise audible outside the establishment during the daytime or nighttime hours that violates the San Francisco Police Code Section 49 or 2900 et seq. Further, no sound from the establishment shall be audible inside any surrounding residences or businesses that violates San Francisco Police Code section 2900 et seq.
4. The Applicant shall take all reasonable measures to ensure the sidewalks adjacent to the premises are not blocked or unnecessarily affected by patrons or employees due to the operations of the premises and shall provide security whenever patrons gather outdoors.
5. The Applicant shall provide a cell phone number to all interested neighbors that will be answered at all times by a manager or other responsible person who has the authority to adjust volume and respond to other complaints whenever entertainment is provided.

EXHIBIT 5

Law Offices of
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November 10, 2015

Bryant Tan, President
and Members of the Entertainment Commission
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102

Re: Comments on November 10, 2015, Regular Agenda Item (a); Golden State Warriors
Event Center: Place of Entertainment or other Entertainment Permits

Dear President Tam and Commissioners:

This office represents the Mission Bay Alliance ("Alliance"), an organization dedicated to preserving the environment in the Mission Bay area of San Francisco, regarding the project known as the Event Center and Mixed Use Development at Mission Bay Blocks 29-32 ("Warriors Arena Project" or "Project"). The Mission Bay Alliance objects to approval of Place of Entertainment or other Entertainment Permits for the Project because the application does not meet the requirements of Police Code 1060.5(f) for the following reasons.

Police Code 1060.5(f) provides:

(f) The Entertainment Commission shall grant or conditionally grant a permit for a Place of Entertainment pursuant to this Article unless it finds that:

- (1) The premises or the proposed operation of the Business does not comply with the health, zoning, fire and safety requirements of the laws of the State of California or ordinances of the City and County of San Francisco applicable to the Business; or
- (2) Notwithstanding the mitigation provided under the Security Plan submitted by the applicant, the building, structure, equipment or location of the proposed Business cannot adequately accommodate the type and volume of vehicle and pedestrian traffic anticipated; or
- (3) The premises or the proposed operation of the Business lacks adequate safeguards to prevent emissions of noise, glare, dust and odor that would substantially interfere with the public health, safety and welfare or the peaceful enjoyment of neighboring property; or
- (4) The permit applicant has not provided a Security Plan that adequately addresses the safety of persons and property and provides for the orderly dispersal of individuals and traffic.

With respect to paragraph (1) of section 1060.5(f), the Project does not comply with governing land use controls. The Project does not comply with the Mission Bay South

Bryant Tan, President
and Members of the Entertainment Commission
Re: Warriors Event Center: Place of Entertainment or other Entertainment Permits
November 10, 2015
Page 2

Redevelopment Plan as discussed in my November 5, 2015, letter to the Planning Commission attached as Exhibit 1. The Project does not comply with the San Francisco General Plan as discussed in my November 5, 2015, letter to the Planning Commission attached as Exhibit 1. The Project does not comply with Proposition M, as codified at Planning Code Section 320 et seq and Planning Commission Motion 17709, and is it is ineligible for allocation of any office space under Planning Code section 321 and Motion 17709, as discussed in my November 5, 2015, letter to the Planning Commission attached as Exhibit 1.

With respect to paragraphs (2) and (4) of section 1060.5(f), the Project does not have an adequate transportation plan, nor does it adequately provide for the orderly dispersal of individuals and traffic, for the reasons discussed in the following letters regarding transportation that are attached to the letter to you of today's date from my co-counsel, Patrick Soluri:

- November 10, 2015, Letter from Smith Engineering & Management (2 letters);
- November 9, 2015, Letter from Soluri Meserve, A Law Corporation;
- November 2, 2015, Letter from Larry Wymer & Associates;
- November 2, 2015, Letter from Smith Engineering & Management;
- July 27, 2015, Letter from Thomas N. Lippe (re transportation impacts);

as well as the following exhibits attached hereto:

- July 23, 2015, letter report authored by traffic engineer Dan Smith (Exhibit 2.)
- July 21, 2015, letter report authored by traffic engineer Larry Wymer (Exhibit 3.)

With respect to paragraph (3) of section 1060.5(f), the Project lacks adequate safeguards to prevent emissions of noise that would substantially interfere with the public health, safety and welfare or the peaceful enjoyment of neighboring property. For example, the FSEIR's Responses to Comments (RTC) states:

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.

(RTC, p. 12-28.)

Even this impact is understated because the SEIR's analysis of noise impacts injects the question of what is "allowed" into the determination of "significance." The question of what is allowed is the final step in the CEQA process, and involves weighing considerations relating to the social and economic benefits of the Project. Injecting it into the first step subverts the integrity of

Bryant Tan, President
and Members of the Entertainment Commission
Re: Warriors Event Center: Place of Entertainment or other Entertainment Permits
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the entire analysis. For projects for which an EIR has been prepared, both the EIR and the mandatory findings required by CEQA section 21081, the analysis starts with whether an impact is significant. A finding of significance triggers the obligation to identify and adopt feasible mitigation measures that are effective in substantially reducing the significant impact. Once all feasible and effective mitigation measures have been identified and adopted, if the impact remains significant, the agency may approve the project if it finds that social or economic considerations outweigh environmental harm. Each of these steps in the analysis is distinct. The RTC's responses to comments conflate and confuse these steps, and thereby undermine the integrity of the analysis. This conflation of the distinct steps in the analysis explains why the FSEIR/RTC's insistence on using the San Francisco Police Code's regulatory requirements (i.e., the City's final resolution of what is allowed and what is not allowed) as thresholds of significance is inconsistent with CEQA. The Police Code's regulatory requirements reflect the City's effort to balance the protection of people from harmful noise against the need for social and economic activity. That balance does not necessarily reflect the point at which impacts become significant. Under CEQA, such balancing is also required, but not where significance is determined. In short, even where the lead agency believes an activity should be "allowed" because the social or economic considerations outweigh the environmental harm, the EIR must still disclose whether the impact is significant.

The Projects' lack of adequate safeguards to prevent emissions of noise that would substantially interfere with the public health, safety, and welfare or the peaceful enjoyment of neighboring property is also discussed in the following comment letters attached hereto:

- Exhibit 4: July 25, 2015, Letter from Thomas N. Lippe (re noise impacts), including a July 22, 2015, letter from Acoustical Engineer Frank Hubach.

In addition, The RTC's reliance on Appendix G to the CEQA Guidelines as support for its use of Police Code's regulatory requirements (RTC, p. 13.12-15) is misplaced because the Guidelines cannot authorize a violation of CEQA.

Thank you for your attention to this matter.

Very Truly Yours,



Thomas N. Lippe

List of Exhibits

Exhibit 1: November 5, 2015, Letter from Thomas N. Lippe to Planning Commission.

Exhibit 2: July 23, 2015, letter report authored by traffic engineer Dan Smith.

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and Members of the Entertainment Commission
Re: Warriors Event Center: Place of Entertainment or other Entertainment Permits
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Exhibit 3: July 21, 2015, letter report authored by traffic engineer Larry Wymer.

Exhibit 4: July 25, 2015, Letter from Thomas N. Lippe (re noise impacts), including a July 22, 2015, letter from Acoustical Engineer Frank Hubach.

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EXHIBIT 1

Law Offices of
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November 5, 2015

President Rodney Fong and Members of the Planning Commission
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

**Re: Warriors Arena Project: Planning Codes section 321 and 305, General Plan
Inconsistency and CEQA Findings.**

Dear Commission President Fong and Members of the Commission:
:

This office represents the Mission Bay Alliance (“Alliance”), an organization dedicated to preserving the environment in the Mission Bay area of San Francisco, regarding the project known as the Event Center and Mixed Use Development at Mission Bay Blocks 29-32 (“Warriors Arena Project” or “Project”). The Mission Bay Alliance objects to approval of this Project and certification of the Project SEIR.

1. The Project is ineligible for any office space allocation under Planning Code section 321 and Motion 17709.

a. This Project does not comply with the Design for Development.

Resolution 14702 and Motion 17709 require that any project in the Alexandria District must comply with the Mission Bay South Design for Development in order to be eligible for any office space allocation. (See Motion 17709, p. 9, Finding 9,¹ Finding 10².)

¹“This schedule of phased authorization will ensure that, in accord with Resolution 14702, adequate office space can be allocated to those projects within the Development District that are determined to be in compliance with the D for D requirements, while also complying with Section 321 of the Planning Code forbidding exceedance of the square footage available for allocation in any given annual cycle.”

²“Pursuant to Resolution 14702, the Commission is charged with determining whether a project seeking authorization conforms to applicable standards in the D for D Document, which supersedes the criteria set forth in Section 321 and other provisions of the Code except as provided in the MBS Plan. The projects previously approved were determined to have met the MBS Redevelopment Plan and the D for D Document standards and guidelines, and requirements for childcare, public art, and other provisions of the Plan Documents, and retain

This Project does not comply with the Design for Development, as evidenced by the many amendments that the Successor Agency made to the Design for Development to accommodate the Project. Therefore, it is ineligible for allocation of any office space under Planning Code section 321 and Motion 17709.

b. This Project is inconsistent with the Redevelopment Plan.

A basic premise of the Planning Commission decisions in Resolution 14702 and Motion 17709, and a fundamental rationale for “superseding” section 321’s guidelines in favor of the Redevelopment Plan and Redevelopment Plan documents, were the Commission’s findings that the Redevelopment Plan met standards set in section 321, the San Francisco Master Plan, the priority policies in Planning Code section 101.1, and the requirements of redevelopment law. In short, in order to be eligible for the office space allocation available under motion 17709, the Project must be consistent with the Redevelopment Plan.

This Project is inconsistent with the Redevelopment Plan because, as demonstrated in the November 2, 2015, letter from Susan Brandt-Hawley, my co-counsel for the Alliance (attached as Exhibit 1), this Project is not an allowable secondary use under the Redevelopment Plan. However, in the alternative, as shown in my November 2, 2015, letter (attached as Exhibit 2), if the Project is an allowable secondary use under the Redevelopment Plan, then it requires a variance under section 305 of the Plan before Project approval.

2. The office space allocation requested for this Project exceeds the amount authorized for the Alexandria District.

In 1986, San Francisco voters passed Proposition M, a referendum limiting the amount of office space that can be approved each year. Codified as Section 321 of the San Francisco Planning Code, it provides that “[n]o office development may be approved during any approval period if the additional office space in that office development, when added to the additional office space in all other office developments . . . would exceed 950,000 square feet.” (San Francisco Planning Code § 321(a)(1).) Office space is defined to mean “construction . . . of any structure” that has the “effect of creating additional office space.”

The current Project plans call for the construction of two office towers on Mission Bay South Parcels 29 and 31, comprising 309,436 square feet and 267,486 square feet of office space, respectively, for

that design approval, along with all previously imposed conditions of approval. Future projects requesting authorization will be brought before the Commission for design review in accord with Resolution 14702, and upon determination by the Commission that such proposals are in conformity with the D for D and other applicable requirements, office space may be allocated for such new structures from the unassigned amount available in the Development District.”

a total of 576,922 square feet of office space. (Executive Summary, p. 2.)

In 2008, the Planning Commission adopted Motion No. 17709. Motion 17709 approved a cumulative total office space allocation for all projects within the Alexandria Development District of 1,350,000 gross square feet. (Motion 17709, p. 9, Finding 9.) Of that amount, 1,222,980 was allocated before the adoption of Motion 17709. (Motion 17709, p. 5, Finding 4, Table 1.) Therefore, at the time Motion 17709 was proposed, 227,020 gsf of unallocated office remained for allocation. (Motion 17709, p. 9, Finding 9, Table 4.)

According to Motion 17709, there were three pending projects at that time, at 600 Terry Francois, 650 Terry Francois, and 1450 Owens Street. Motion 17709 states that these projects represented 665,880 square feet of “potential office space.” (Motion 17709, p. 5, Finding 5, Table 2.) Motion 17709 also states an intent to authorize only 57% of “potential office space” for actual office space after 10/18/09, 53% of “potential office space” for actual office space after 10/18/10, and 50% of “potential office space” for actual office space after 10/18/11.

Motion 17709 does not state how much actual office space was approved for the three pending projects at 600 Terry Francois, 650 Terry Francois, and 1450 Owens Street. The Planning Department’s Office Development Annual Limitation Program record (attached as Exhibit 3) shows “0*” in the “size” column for these projects. (Exhibit 3, p. 19.) Assuming the Planning Commission allocated office space to these projects at the 57% ratio, that amount is 379,552 gsf (665,880 x .5). **This amount exceeds the remaining office space available for allocation at that time (i.e., 227,020 gsf).**

According to Motion 17709, there were two additional areas where the applicant indicated an intent to develop “potential office space,” namely, MB South Blocks “29 and 31” and “33-34.” (Motion 17709, p. 5, Finding 6, Table 3.) Motion 17709 states that these possible future projects represented 915,700 square feet of “potential office space,” with Blocks “29 and 31” at 515,700 GSF. (Motion 17709, p. 5, Finding 6, Table 3.)

Assuming, again, that the Planning Commission allocated office space to these areas at the 50% ratio, that amount is 457,850 GSF (915,700 x .5), with 257,850 allocated to Blocks “29 and 31” at 257,850 gsf (515,700 x .5).

The Draft Motion proposed for adoption at today’s hearing states that “Blocks 29-32 are included in the Development District and have been allocated a total of 677,020 sf of office space pursuant to Motion No. 17709.” (Draft Motion, p. 3.) This is incorrect in at least four ways.

First, it is unclear and unstated how Planning staff derived the 677,020 gsf number.

Second, after approval of the office space allocation for the three pending projects at 600 Terry Francois, 650 Terry Francois, and 1450 Owens Street, there was no office space left in the

Alexandria District to allocate - as discussed above.

Third, even if one adds together the “potential office space” numbers for Blocks 29-32 in Motion 17709, the sum is 1,119,999 gsf, and 50% of that is only 560,000 gsf. The two office towers proposed for this Project require 576,922 gsf. (See Executive Summary, pp. 1-2: 309,436 gsf in the South tower and 267,486 gsf in the 16th Street tower). This number exceeds 560,000 gsf.

Fourth, when one adds the 25,000 gsf for office space in the arena building (see SEIR p. 3-17), the office space for this project totals 601,922 gsf (i.e., 576,922 plus 25,000), which also exceeds 560,000 gsf.

Fifth, to the extent there was any office space left for Motion 17709 to allocate after approval of the office space allocation for the three pending projects at 600 Terry Francois, 650 Terry Francois, and 1450 Owens Street, Motion 17709 allocated only 257,850 gsf to Blocks 29 and 31 (i.e., 50% of 515,700) pursuant to Finding 6, Table 3. **The 576,922 gsf of office space in the two office towers for this Project are located in Blocks 29 and 31; and the total of 576,922 gsf vastly exceeds the 257,850 gsf that may arguably be available.**

Because the office towers called for in the Project exceed the allowable office space cap, Section 321(a)(1) and Motion 17709 require the Planning Commission to deny approval of the Project and of the requested allocations of office space.

3. General Plan Inconsistency: BAAQMD.

San Francisco Master Plan Policy 4.1 states:

Support and comply with objectives, policies, and air quality standards of the Bay Area Air Quality Management District.

Regionwide monitoring of air quality and enforcement of air quality standards constitute the primary means of reducing harmful emissions. The conservation of San Francisco's air resource is dependent upon the continuation and strengthening of regional controls over air polluters. San Francisco should do all that is in its power to support the Bay Area Air Quality Management district in its following operations:

- Monitoring both stationary and mobile sources of air pollution within the region and enforcing District regulations for achieving air quality standards.
- Regulating new construction that may significantly impair ambient air quality.
- Maintaining alert, permit, and violations systems.
- Developing more effective controls and method of enforcement, as necessary

The attached letter from the Bay Area Air Quality Management District (Exhibit 4) and the City's response (Exhibit 5) show that this Project does not comply with this policy.

The Alliance previously commented on the Draft SEIR (Comment AQ-7) that the per ton charge for emission offsets is too low to achieve complete offset of the Project's emissions. The City's response to comments on this point is cagey, but it does suggest what now turns out to be fact - that the BAAQMD agreed with the comment - because the response states:

SF Planning has been in communication with BAAQMD with regard to its suggestion that a higher fee may be warranted to offset project emissions to a less than significant level and found that BAAQMD could not establish that an increased rate beyond that of the Carl Moyer Program plus a five percent administrative fee could meet the "rough proportionality" standard required under CEQA.

(RTC, p. 13.13-67.) The RTC's rationale for contending that a higher offset fee would not meet the "rough proportionality" standard is that offset fees in other areas of the state are not higher than the offset fee proposed in the DSEIR. This is an error of law. The "rough proportionality" requirement requires a comparison of the cost of the mitigation to the degree of severity of the impact. The fees charged in other areas of the state are irrelevant to "rough proportionality."

4. CEQA Findings: General

The Commission cannot make any CEQA findings required by CEQA section 21081 or CEQA Guidelines 15091, 15093, 15096(f), because the Project SEIR does not comply with CEQA and is not certifiable, for the reasons described in the Alliance's comments on the SEIR.

5. CEQA Findings: BAAQMD.

The Commission cannot find that "Impact AQ-4: Potential conflicts with BAAQMD's 2010 Clean Air Plan" is less than significant with mitigation because the City and Project Sponsor refuse to agree to BAAQMD's offset fees per Mitigation Measure M-AQ-2b. (See Exhibits 4 and 5.) There is also no evidence that the "Option 2" offset idea within Mitigation Measure M-AQ-2b is feasible. There are too many unanswered questions regarding Option 2, including lack of assured verification of offsets to ensure their effectiveness, and lack of assurance that offset sources are available in the quantity required. BAAQMD's offset program at least answers some, if not all, of these questions.

The Commission cannot find that all feasible mitigation measures that would substantially reduce "Impact AQ-1: Impacts of Criteria Air Pollutants from Construction" have been adopted as required by CEQA section 21081, because there is no evidence that paying the offset fees demanded by BAAQMD is infeasible. Also, as discussed above, there is no evidence that the "Option 2" offset idea within Mitigation Measure M-AQ-2b is feasible; therefore, it is not an adequate substitute for BAAQMD's offset program. This also applies to

- Impact AQ-2: Impacts of Criteria Air Pollutants from Project Operations"; Impact C-AQ-1: Project Contribution to Regional Air Quality Impacts;

Planning Commission
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Re: Warriors Arena Project DSEIR
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Page 6

- Impact C-AQ-1: Project Contribution to Regional Air Quality Impacts.

6. CEQA Findings: Pier 80 Alternate Site.

The Commission cannot find that feasible alternatives that would substantially reduce the Project's significant impacts have been adopted. The SEIR does not analyze the alternate site proposed by the Alliance near Pier 80, and did not circulate that analysis for public comment. Neither OCII nor this Commission has the basis to make conclusory findings rejecting the alternative. Among the relevant facts not considered in the findings is that the site is three times as large as would be required for the Event Center project and need not utilize any of the City-owned property nor any particular configuration of the privately-owned lots should there be an unwilling seller. There is no evidence provided that the site could not be acquired within a reasonable time period.

Case law confirms that assuring a site's consistency with city plans and zoning is within the City's power. Similarly, the scheduling of transportation services to the site can be increased, and the findings provide no studies to back up conclusory statements regarding traffic, air quality, hydrology, or water quality impacts. Since only a third of the site is needed to accommodate the event center, all of the impacts (if shown to have concern after sufficient technical review) can be avoided or mitigated. As stated in the Alliance letter to OCII that proposes this site for consideration as an alternative, here incorporated by reference, the SEIR failed to consider a potentially-feasible off-site alternative and must be revised and recirculated to do so before findings of infeasibility may be considered or adopted. The site suggested by the Alliance is potentially feasible and deserving of study.

Thank you for your attention to this matter.

Very Truly Yours,



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November 2, 2015

Tiffany Bohee, OCII Executive Director
c/o Brett Bollinger, San Francisco Planning Department
via email warriors@sfgov.org

Subject: Warriors Event Center & Mixed Use Development
Inconsistency with Mission Bay South Redevelopment Plan
'Secondary Use' Classification

Dear Director Bohee and Mr. Bollinger:

The Mission Bay Alliance (the Alliance) contends that the Warriors' Event Center is unlawfully inconsistent with every use allowed by the Mission Bay South Redevelopment Plan (the Plan). Although the Alliance raised this issue in comments on the Draft Subsequent EIR (DSEIR), both the Responses to Comments in the Final SEIR and OCII's findings of project consistency remain materially inadequate.

The Plan designates uses allowed at a 'Commercial Industrial/Retail' site. The Alliance notes that while OCII now concedes that a sports arena is not within the scope of allowed 'principal uses' in that zoning, OCII contends that an arena is consistent with 'secondary uses.' As this letter will explain, all such secondary uses are similarly and demonstrably insufficient to permit the Warriors' sports arena.

Nighttime Entertainment. The Initial Study concluded, in error, that the DSEIR did not need to address land use issues — at all. It asserted that the entire Event Center, including the sports arena use, somehow met the secondary 'Nighttime Entertainment' use analyzed in the 1998 Plan EIR. Secondary uses were then generally referenced in the DSEIR (*e.g.*, pp. 3-8, 3-51, 4-5, 5.2-115), but there was no discussion of which category of secondary use would be allocated to the Event Center, inferring acceptance of the Nighttime Entertainment category.

The Plan describes Nighttime Entertainment in terms of small-scale local uses like dance halls, bars, nightclubs, discotheques, nightclubs, private clubs, and

restaurants. (Plan, p. 50.) At the time of the 1998 EIR, several small neighborhood bars occasionally offered nighttime entertainment, consistent with the secondary use category. Such minor uses were compatible with the 3rd Street Corridor and the waterfront. Clearly, no mammoth regional entertainment venue was anticipated in Mission Bay South and no such use was considered in the 1998 Plan EIR.

And while professional basketball games are held at night, the Event Center also projects 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. “[T]he majority of events are expected to occur during day time hours.” Such events are not ‘Nighttime Entertainment.’

The Director’s currently-proposed findings that the sports arena is ‘Nighttime Entertainment’ contemplated as a secondary use in the Plan are unsupported. The findings fail to match the scope and impacts of a professional sports venue with the analysis or description of uses in the Plan or in the 1998 EIR. The findings are fatally conclusory; that somehow a professional sports venue would be “similar” to a nightclub or bar use in the ‘Nighttime Entertainment’ category “because” it will serve alcohol, provide amplified live entertainment, and provide a venue for evening gatherings. The findings fail to address the core inconsistency of a regional sports arena with the intent of the adopted Plan and the Design for Development, which focus on commercial entertainment uses in Mission Bay North to complement the Giants’ ballpark.

OCII’s reliance on the negative; to wit, that the ‘Nighttime Entertainment’ secondary use has no specific size limitations, is not enough. The Plan provides for the continued development of Mission Bay South as a walkable urban community intended to facilitate world-class medical and biotechnology development. The Event Center project violates the Plan Area Map carefully designed in classic, walkable Vara Blocks. (Plan, Attachment 2, p. 40.) Neither the Plan nor the Design for Development contemplate any uses comparable in scope or impact to the Event Center as ‘Nighttime Entertainment.’

That being said, in fact in the Final SEIR and as reflected in the proposed Plan consistency findings, OCII now implicitly agrees with the Alliance that the ‘Nighttime Entertainment’ secondary use standing alone does not encompass a sports arena. Now, OCII additionally relies on the Plan’s alternate ‘secondary uses.’ No such uses are consistent with the Plan, as explained below.

Recreation Building. One of the Plan's secondary use categories is for an undefined 'Recreation building.' (Plan, p. 15.) The Plan describes 'Outdoor Recreation' as "an area, not within a building, which is provided *for the recreational uses of patrons* of a commercial establishment." (Plan, p. 50, italics added.)

OCII's proposed findings as to the 'Recreation building' category stretch the regional sports arena use not only beyond what was contemplated by the Plan or studied in the 1998 EIR, but beyond logic. To state the obvious: there is a difference between 'recreation' and 'entertainment.' Both involve enjoyment and leisure, and may involve ancillary eating and drinking, and the Alliance has no quarrel with the Director's reference to recreation as "something people do to relax or have fun; activities done for enjoyment." (OCII Proposed Secondary Use Determination, p. 6.) But myriad dictionary definitions confirm and it cannot readily be denied that 'recreation' is commonly understood to involve one's personal physical activities while 'entertainment' refers to events or performances designed to entertain others.

None of the Plan's various references to 'entertainment' include athletic activities normally considered 'recreation:' Adult Entertainment [bookstore or theater], Amusement Enterprise [video games], Bar [drinking and theater], Theater [movies and performance]. (Plan, Attachment 5, pp. 44-51.) Consistently, the 1998 EIR's discussion of 'recreational' land uses focused in turn on open space, bicycles, parks, and water-based activities. (Mission Bay EIR, Volume IIB, pp. V.M. 15-28.).

In context, the Plan's reference to 'Recreation building' as a secondary use contemplates participatory recreational uses like the 'recreation facilities' referenced in the 1998 Plan EIR for the existing golf driving range and in-line hockey rink, with the expressed expectation that the size of recreational 'facilities' would decrease as redevelopment of the Plan area progressed. (OCII Proposed Secondary Use Determination, p. 6.)

Reliance on the secondary use of 'Recreation building' is unsupported.

Public Structure or Use of a Nonindustrial Character. As presented in the Plan, the category of "other secondary uses" labeled 'Public structure or use of a nonindustrial character' references *one* secondary use, not *two*. (Plan, p. 13.) The use is required to be public, and either a structure *or* a use.

The interpretation urged by the Director is, again, strained beyond the plain words of the Plan. 'Public' is not defined in the Plan and so its common meaning is assumed. But as proposed in the consistency findings, OCII interprets a 'public' use as simply requiring that the public be somehow 'served.' That would encompass every kind of principal and secondary use listed in the Plan, from child care to animal care to hotel, *etc.*, and renders the category meaningless: *i.e.*, "Any use is ok."

Instead, a public structure or use is commonly understood to be under the control and management of a public agency for the benefit of its constituency — such as the University of California¹ or the City of San Francisco. The Plan provides a description of a range of anticipated public improvements in Attachment 4. This list includes both public buildings and public uses. None of the public improvements listed in Attachment 4 include anything like a private professional sports arena.

The Event Center is a private project and is not within the scope of the secondary use category for a public structure or use of a nonindustrial character.

Director's Findings. As explained, the sports arena uses that are the impetus for the Event Center project are not allowed by the Plan's allowed principal or secondary uses. An allowed use is prerequisite for a finding of Plan consistency. The Alliance will not belabor the myriad other inconsistencies with the Plan's objectives, design, incompatibility with UCSF, and creation of significant environmental impacts, as those have been described in the DSEIR comments and throughout the administrative record, but hereby objects to their insufficiencies and lack of supporting substantial evidence for the Plan consistency finding.

Consideration of the Event Center project must be preceded by amendment of the Plan to be consistent with the delineated principal and secondary uses and the adopted Plan Area Map of the Mission Bay South Redevelopment Plan.

Thank you.

Sincerely yours,


Susan Brandt-Hawley
Attorney for Mission Bay Alliance

¹ See attached 2005 Resolution and Secondary Use finding regarding the "UCSF hospital" as a "public structure or use of a non-industrial character" for "a public body specifically created by the California Constitution."

RESOLUTION NO. 176-2005

Adopted November 1, 2005

APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, A CALIFORNIA PUBLIC CORPORATION, AND ACKNOWLEDGING THE EXECUTIVE DIRECTOR'S FINDINGS OF CONSISTENCY WITH THE MISSION BAY SOUTH REDEVELOPMENT PLAN, FOR THE EXPANSION OF UCSF FACILITIES IN THE MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. On September 17, 1998, by Resolution No. 193-98, the Redevelopment Agency of the City and County of San Francisco's (the "Agency") Commission (the "Agency Commission") conditionally approved the Mission Bay South Owner Participation Agreement (the "South OPA") and related documents between Catellus Development Corporation (the "Owner") and the Agency for development in the Mission Bay South Redevelopment Project Area (the "Project Area").
2. On November 2, 1998, the Board of Supervisors of the City and County of San Francisco (the "Board") by Ordinance No. 335-98 approved and adopted the Redevelopment Plan for the Mission Bay South Redevelopment Project Area (the "Plan"). The Board's adoption of the Plan satisfied the conditions to the effectiveness of Agency Resolution No. 193-98.
3. On November 16, 1998, the Agency entered into the South OPA with the Owner. The South OPA sets forth phasing principles that govern the development of property in the Project Area. Those principles include the Owner's obligations to deliver to the Agency affordable housing sites as market rate housing is built in the Project Area. They also include the Owner's commitments to construct public open space and other public infrastructure adjacent to – or otherwise triggered by – development on any of the private parcels governed by the South OPA.
4. Under the South OPA and the related Mission Bay South Tax Increment Allocation Pledge Agreement (the "Pledge Agreement"), dated as of November 16, 1998, between the Agency and the City and County of San Francisco (the "City"), approximately 20% of the total property tax increment (plus certain excess tax increment) generated by development in the Project Area is contractually dedicated to develop affordable housing units on parcels that the Owner will contribute to the Agency, to achieve the affordable housing program contemplated by the Plan.

5. The South OPA requires the Owner to construct the public infrastructure directly related to each of the major phases in accordance with the incremental build-out of each project. Under the South OPA and the Pledge Agreement, the Agency is obligated to fund, repay or reimburse the Owner, subject to certain conditions, for the direct and indirect costs of constructing the infrastructure. The Agency has established a Community Facilities District ("CFD") for infrastructure in the Project Area. The Agency has also established a separate CFD to pay the costs of maintaining the public open space in the Project Area.
6. The South OPA provides that as a condition to any transfer of property in the Project Area, the Owner must obtain the agreement of the transferee to assume all of Owner's obligations under the South OPA with respect to the transferred parcels.
7. The Project Area includes an approximately 43-acre biomedical research and educational campus site (the "Campus Site") for the University of California, San Francisco ("UCSF"). UCSF has already invested about \$675 million on projects completed or underway on the Campus Site within the Plan Area and has plans to invest another \$225 million on projects in design.
8. The Regents of the University of California, a California public corporation ("The Regents") wishes to lease or acquire, and the Owner wishes to transfer Parcels 36, 37, 38 and 39 in the Project Area, comprising approximately 9.65 acres of land for the possible expansion of UCSF in Mission Bay (the "Expansion Parcels"). These parcels are not part of the 43 acres that the Plan originally designated as the Campus Site.
9. On November 30, 2004, The Regents released proposed amendments in draft form to its long range development plan, as LRDP Amendment #2. Those amendments contemplate an expansion of UCSF facilities onto the Expansion Parcels, including the possibility of developing by 2012 new integrated specialty Children's, Women's and Cancer hospitals containing about 210 beds, together with ambulatory and research facilities. In March 2005, The Regents approved LRDP Amendment #2 (the "Project") and certified a related final environmental impact report (the "LRDP #2 FEIR") which analyzed the environmental effects of the proposed UCSF development on the Expansion Parcels. Copies of the LRDP #2 FEIR are on file with the Agency Secretary.
10. The Owner and The Regents have entered into an Option Agreement and Grant of Option to Lease, dated as of January 1, 2005 (the "Option to Lease"), which provides that upon the satisfaction of certain conditions and the exercise by The Regents of its option (i) Catellus, as landlord, and The Regents, as tenant, will enter into a long-term ground lease of the Expansion Parcels (the "Lease") and (ii) the Owner and The Regents will at the same time enter into an Option Agreement and Grant of Option to Purchase (the

"Option to Purchase") under which The Regents will have an option to purchase the Expansion Parcels.

11. If The Regents exercises the Option to Lease within the option term, the Lease would allow for The Regents to develop up to 1,020,000 leasable square feet on the Expansion Parcels, provided that (a) any development of those parcels is the subject of further environmental review under the California Environmental Quality Act ("CEQA"), and (b) the Owner does not lose any of its entitled development potential for the balance of its land nor lose any of its other rights and privileges under the South OPA.
12. Pursuant to Section 302 of the Plan, the development of the contemplated UCSF facilities on the Expansion Parcels is permitted as a subset of "Other Uses" as a secondary use. Such secondary uses are permitted provided that such use generally conforms with redevelopment objectives and planning and design controls established pursuant to the Plan and based on certain findings of consistency by the Agency's Executive Director (the "Consistency Findings"). The Executive Director has made the Consistency Findings, and such findings are hereby incorporated herein by this reference as if fully set forth.
13. The City must make substantial improvements to San Francisco General Hospital ("SFGH") by 2013 and is evaluating a number of alternatives, including rebuilding on site and co-locating a new SFGH with new UCSF medical facilities in Mission Bay.
14. As a State agency, The Regents is exempt under the State Constitution from local land use regulation and property taxes to the extent it uses property exclusively in furtherance of its educational mission.
15. The Agency, City and The Regents negotiated a non-binding term sheet to guide the preparation of final transactional and related documents, such as a Disposition and Development Agreement ("DDA") for The Regents to acquire property for, and to construct and subsidize, affordable housing for low-income workers of UCSF, which DDA is being considered by the Agency Commission concurrently with this Resolution, pursuant to Resolution No. 160-2005, and provided terms for a Memorandum of Understanding regarding design standards and cooperation on the development of the Expansion Parcels (the "MOU"). The Agency Commission approved the non-binding term sheet on May 17, 2005 by Resolution No. 81-2005.
16. The proposed MOU addresses, among other things: the potential loss of tax increment from the transfer of the Expansion Parcels to a tax-exempt entity; the obligations to build infrastructure associated with development on the Expansion Parcels; the potential assistance of UCSF in the planning of the co-location, if any, of SFGH with the new UCSF facilities; the standards for design review for construction on the Expansion Parcels; local hiring and

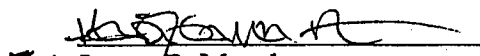
equal opportunity for jobs associated with the development on the Expansion Parcels; and other matters designed to provide the Agency and City with significant public benefits.

17. Agency staff is recommending that the Agency Commission approve the MOU, and the associated Consistency Findings.
18. The Agency Commission has reviewed and considered the information contained in the LRDP #2 FEIR.
19. The Agency Commission hereby finds that the MOU is an action in furtherance of the implementation of the Project for purposes of compliance with CEQA.
20. By Resolution 175-2005, the Agency Commission adopted environmental findings related to the LRDP #2 FEIR, pursuant to CEQA and the CEQA Guidelines (the "Findings"). Such Findings are made pursuant to the Agency's role as the responsible agency under CEQA for the Project. The Findings are hereby incorporated herein by this reference as if fully set forth.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the findings of consistency with the Mission Bay South Redevelopment Plan are approved and the Executive Director is authorized to execute the "Expansion of UCSF Facilities in Mission Bay South Redevelopment Project Area (Blocks 36-39) Memorandum of Understanding", substantially in the form lodged with the Agency General Counsel; Mission Bay South Redevelopment Project Area.

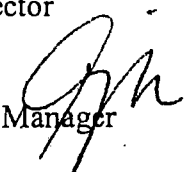
APPROVED AS TO FORM:


James B. Morales
Agency General Counsel

MEMORANDUM

126-03405-001
October 12, 2005

To: Marcia Rosen
Executive Director

From: Amy Neches 
Senior Project Manager

Re: Secondary Use Finding Recommendation for UCSF Hospital in Mission Bay South Redevelopment Area

Pursuant to a Term Sheet dated as of August 1, 2005 between the City, the Agency and The Regents of the University of California, which was endorsed by the Commission on May 17, 2005 (Resolution No. 81-2005), the Agency is considering agreements, including a Memorandum of Understanding ("MOU"), under which the University of California at San Francisco ("UCSF") may develop a hospital in the Mission Bay South Redevelopment Area ("Redevelopment Area").

The UCSF hospital would be located on Blocks 36-39 within the Commercial Industrial land use district of the Redevelopment Area, as described in the Mission Bay South Redevelopment Plan (the "Plan"). The UCSF hospital development may also include all or portions of Block X3 within the Commercial Industrial/Retail land use district. In both of these land use districts "public structure or use of a non-industrial character" is permitted as a subset of "Other Uses" as a secondary use.

The University of California, of which UCSF is a component, is a public body specifically created by the California Constitution. A hospital or medical center is described in §790.44 of the San Francisco Planning Code as a "public or private institutional use which provides medical facilities for inpatient care, medical offices, clinics, and laboratories." The proposed UCSF hospital development will include these components. The hospital will not including manufacturing, warehousing, or distribution of goods, and can reasonably be considered a "non-industrial use." This interpretation is supported by the San Francisco Planning Code, under which hospitals are permitted as a conditional use in all C districts and NC-3 districts.

Section 302 of the Plan provides as follows:

"Secondary uses shall be permitted in a particular land use district...provided that such use generally conforms with redevelopment objectives and planning and design controls established pursuant to this Plan and is determined by the Executive Director to make a positive contribution to the character of the Plan Area, based on

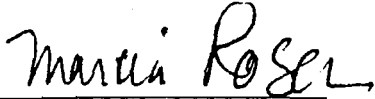
a finding of consistency with the following criteria: the secondary use, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.”

Staff believes that the UCSF hospital is appropriate as a secondary use, based on the following:

- 1) The proposed hospital will be located on approximately 10 to 14 acres of land adjacent to the Mission Bay UCSF research campus that have been determined to be blighted and are affected by environmental contamination. UCSF plans close integration of its basic academic research activities with the teaching, research and patient care activities within the planned hospital. The plan for development of the UCSF hospital generally conforms to the Redevelopment Project Objectives as described in §103 of the Plan, particularly with objective A of eliminating blight and correcting environmental deficiencies, and objective B of retaining and promoting UCSF's research and academic activities within the City and County of San Francisco.
- 2) Under the MOU, the UCSF hospital development will generally conform to the planning and design controls established pursuant to the Plan, including the street layout, setbacks, and streetscape plan. To accommodate the needs of the hospital, the MOU will include specific adjustments to the existing height and bulk standards of the Commercial Industrial and Commercial Industrial/Retail land use zones of the Mission Bay South Design for Development. These changes will lower the maximum height of a hospital to 105 feet, compared to the existing 160 foot limit, but would allow for somewhat greater bulk in the mid-rise area. These changes have been studied and presented to the public at two well-noticed public meetings. In staff's opinion, the proposed adjustments represent reasonable variation from the existing standards, which will have little if any negative effect on the surrounding community in the context of overall Mission Bay development.
- 3) The hospital will contain no more development, as calculated under the Plan in leasable square feet, than would have been permitted under the principal uses permitted in these land use districts, and there will be no net increase in the overall size of development within the Redevelopment Area. The hospital will be developed on parcels that would otherwise likely have been developed with commercial office or life science/biotechnology uses. These uses would have been constructed in buildings of reasonably similar size and appearance as the proposed hospital use.
- 4) The proposed hospital will allow UCSF to continue to provide needed tertiary health care to the residents of San Francisco in a modern seismically safe hospital, and will assist UCSF in furthering its research and academic mission.

Based on these factors, staff believes that it is appropriate to make the finding of consistency cited above, and recommends that the Executive Director permit the development of the UCSF hospital as a secondary use in Mission Bay, subject to the approval of the MOU by the Commission.

Approved on October 12, 2005:

A handwritten signature in cursive script that reads "Marcia Rosen". The signature is written in dark ink and is positioned above a horizontal line.

Marcia Rosen
Executive Director

Law Offices of
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By personal delivery at Nov. 3, 2015, hearing to: Commission on Community Investment and Infrastructure Attn: Claudia Guerra, Commission Secretary Office of Community Investment and Infrastructure 1 South Van Ness Avenue, 5th Floor San Francisco, CA 94103 and email to: claudia.guerra@sfgov.org	By email to: warriors@sfgov.org : Ms Tiffany Bohee OCII Executive Director c/o Mr. Brett Bollinger San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103
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Re: Warriors Arena Project: Violation of Variance Requirement.

Dear Ms Bohee and Mr. Bollinger:

This office represents the Mission Bay Alliance (“Alliance”), an organization dedicated to preserving the environment in the Mission Bay area of San Francisco, regarding the project known as the Event Center and Mixed Use Development at Mission Bay Blocks 29-32 (“Warriors Arena Project” or “Project”). The Mission Bay Alliance objects to approval of this Project and certification of the Project SEIR.

I write today regarding the OCII’s failure to require a variance or “variation” for this Project under section 305 of the Mission Bay South Redevelopment Plan (“Plan”). The November 2, 2015, letter from Susan Brandt-Hawley, my co-counsel for the Alliance, demonstrates this Project is not an allowable secondary use under the Plan. Thus, a variance is not available because, as shown by Brandt-Hawley, the Project “will change the land uses on this Plan.” (Plan, § 305.) However, in the alternative, if the Project is an allowable secondary use under the Plan, then the OCII must process this Project application as a variance and make the findings required by Plan section 305 before Project approval.

Both California and San Francisco planning law provide a process for landowners to obtain a “variance” from the “uniformity” of zoning limits that, while appropriate for the zone district in general, would impose undue hardship due to unique characteristics of a specific parcel. Government Code section 65906 governs the grant of zoning variances by municipalities and prohibits local agencies from granting “special privileges” to individual landowners. Similarly, San

Commission on Community Investment and Infrastructure
Ms Tiffany Bohee
Mr. Brett Bollinger
Re: Warriors Arena Project DSEIR: Violation of Variance Requirement
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Francisco Planning Code, section 305, subdivision (a), provides that a variance permit must be approved for any exception to the requirements of the Planning Code. Subdivision (c) thereof mirrors the requirements of state law, and requires a finding that “owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship”

Similarly, the Plan includes a variance provision that reflects the same substantive requirements as Government Code section 65906 and Planning Code section 305:

The Agency may modify the land use controls in this Plan where, owing to unusual and special conditions, enforcement would result in undue hardships or would constitute an unreasonable limitation beyond the intent and purposes of these provisions. Upon written request for variation from the Plan’s land use provisions from the owner of the property, which states fully the grounds of the application and the facts pertaining thereto, and upon its own further investigation, the Agency may, in its sole discretion, grant such variation from the requirements and limitations of this Plan. The Agency shall find and determine that the variation results in substantial compliance with the intent and purpose of this Plan, provided that in no instance will any variation be granted that will change the land uses on this Plan.

(Plan, § 305.)

Because the Plan’s variance provision imposes virtually identical requirements as Planning Code section 305, both apply. (Plan, §’s 101 [“Regardless of any future action by the City or the Agency, whether by ordinance, resolution, initiative or otherwise, the rules, regulations, and official policies applicable to and governing the overall design, construction, fees, use or other aspect of development of the Plan Area shall be (i) this Plan and the other applicable Plan Documents, (ii) to the extent not inconsistent therewith or not superseded by this Plan, the Existing City Regulations and (iii) any new or changed City Regulations permitted under this Plan”]; 304.9.C.(iv)).

Here, the Project creates at least sixteen inconsistencies with the Design for Development (D4D). The OCII now proposes to amend the D4D, the Owner’s Participation Agreement (OPA), and other Plan documents to resolve these inconsistencies by, including but not limited to, raising maximum height limits from 90 to 135 feet, allowing a second 160+ foot tower, increasing bulk limits to accommodate the arena, and changing arena setbacks, street wall heights, view corridors, public rights of way, and parking standards. (See e.g., Draft SEIR, pp. 4-7 - 4-9, § 4.2.4; Proposed Resolution 2015, exhibit A; Memorandum to the OCII from Executive Director Tiffany Bohee for Items 5(a), 5(b), 5(c), 5(d) & 5(e) the November 3, 2015, CCII meeting agenda, pp. 4, 22.)

Even if the Project’s land uses are allowable secondary uses, these amendments “modify the land use controls in this Plan” as provided in Plan section 305. But the Project Sponsor has made

no showing that due to “unusual and special conditions, enforcement would result in undue hardships or would constitute an unreasonable limitation beyond the intent and purposes of these provisions.” (Plan, § 305.)

“Variances are, in effect, constitutional safety valves to permit administrative adjustments when application of a general regulation would be confiscatory or produce unique injury.” (Curtin’s California Land Use and Planning Law, p. 55.) Variance requirements also implement the State Planning and Zoning Law’s requirement of “uniformity” of zoning rules within zoning districts. (See Gov. Code, § 65852 [“All such [zoning] regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulation in one type of zone may differ from those in other types of zones;” *Neighbors in Support of Appropriate Land Use v. Cnty. of Tuolumne* (2007) 157 Cal.App.4th 997, 1008 (*Neighbors*).) The State Planning and Zoning Law also requires vertical consistency between local agencies general plans, zoning ordinances, and land use permits. (Gov. Code, § 65860, subd. (c) [“County or city zoning ordinances shall be consistent with the general plan of the county or city... .”]; see *DeVita v. Cnty. of Napa* (1995) 9 Cal.4th 763, 772 [“A general plan is a ‘constitution’ for future development [citation omitted] located at the top of ‘the hierarchy of local government law regulating land use’”].)

California courts have vigorously enforced the requirements for granting a variance, and have developed extensive jurisprudence to corral the many stratagems local agencies have used to avoid its requirements. (See e.g., *Topanga Association v. County of Los Angeles* (1974) 11 Cal.3d 506, 511-12 (*Topanga*); *Orinda Assn. v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1166 (*Orinda Assn*) [“A zoning scheme, after all, is similar in some respects to a contract ... If the interest of these parties in preventing unjustified variance awards for neighboring land is not sufficiently protected, the consequence will be subversion of the critical reciprocity upon which zoning regulation rests...”].)

Variance findings must focus on a comparison of the subject property to other properties in the zone district with which the variance is intended to bring it into parity, and the benefits to the community or “public interest” associated with a zoning exception are irrelevant. (*Orinda Assn, supra*, at p. 1166.) By amending the Plan documents to accommodate this Project, the OCII would cast these requirements aside and grant a “special privilege” to this Project Sponsor.

In *Neighbors*, rather than adopt a rezone or grant a variance, the County created a special exception to the zoning ordinance for one landowner by including it in a development agreement adopted under the development agreement law. (*Neighbors, supra*, 157 Cal.App.4th at p. 1003.) In rejecting this stratagem, the Court in *Neighbors* noted that there are limits on the power to rezone: “The foundations of zoning would be undermined, however, if local governments could grant favored treatment to some owners on a purely ad hoc basis ... [R]ezoning, even of the smallest parcels, still necessarily respects the principle of uniformity.” (*Id.* at pp. 1009-10.)

Commission on Community Investment and Infrastructure
Ms Tiffany Bohee
Mr. Brett Bollinger
Re: Warriors Arena Project DSEIR: Violation of Variance Requirement
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A similar result occurred in *Trancas Prop. Owners Assn. v. City of Malibu* (2006) 138 Cal.App.4th 172 (*Trancas*). In *Trancas*, the court held an exemption from a city's zoning requirements accomplished by contract functionally resembled a variance, and held that "such departures from standard zoning by law require administrative proceedings, including public hearings ... followed by findings for which the instant [density] exemption might not qualify... Both the substantive qualifications and the procedural means for a variance discharge public interests. Circumvention of them by contract is impermissible." (Id. at p. 182.)

In sum, the OCII's proposed grant of zoning exceptions to this Project by way of amending the Plan documents rather than by variance violates the Plan, the variance requirements of the San Francisco Planning Code and state law, and the uniformity requirement of state law.

Thank you for your attention to this matter.

Very Truly Yours,



Thomas N. Lippe

Office Development Annual Limitation ("Annual Limit") Program

The Office Development Annual Limit (Annual Limit) Program became effective in 1985 with the adoption of the Downtown Plan Amendments to the Planning Code (Sections 320–325) and was subsequently amended by Propositions M (1986) and C (1987). The Program defines and regulates the allocation of any office development project that exceeds 25,000 gross square feet (gsf) in area.

A total of 950,000 gsf of office development potential becomes available for allocation in each approval period, which begins on October 17th every year. Of the total new available space, 75,000 gsf is reserved for Small Allocation projects (projects with between 25,000 and 49,999 gsf of office space), and the remaining 875,000 gsf is available for Large Allocation projects (projects with at least 50,000 gsf of office space). Any available office space not allocated in a given year is carried over to subsequent years.

This document reflects the status of the Annual Limit Program, including current availability and summaries of previously approved and pending projects.

Information in this document was last updated on **September 1, 2015**. Inquiries should be directed to Corey Teague at (415) 575-9081 or corey.teague@sfgov.org.

Summary of Key Figures

Small Allocation Projects (<50,000 gsf of office space)	Current Availability 1,188,805 gsf	Pending Availability 903,255 gsf	Pipeline Availability 776,280 gsf
	<i>Current total square footage available for allocation.</i>	<i>Currently available square footage less 285,550 gsf of pending* projects.</i>	<i>Currently available square footage less 285,550 gsf of pending* projects and 126,975 gsf of pre-application** projects.</i>
Large Allocation Projects (≥50,000 gsf of office space)	Current Availability 1,429,763 gsf	Pending Availability -1,678,791 gsf	Pipeline Availability -8,529,408 gsf
	<i>Current total square footage available for allocation.</i>	<i>Currently available square footage less 3,108,554 gsf of pending* projects.</i>	<i>Currently available square footage less 3,108,554 gsf of pending* projects and 6,850,617 gsf of pre-application** projects.</i>

* A 'pending project' is one for which an office allocation application has been submitted but not yet acted upon.

** A 'pre-application' project is one for which an environmental review application, preliminary project assessment application, or other similar application has been submitted but for which no office allocation application has yet been submitted.

EXHIBIT 3

PENDING OFFICE PROJECTS*

*Projects that have submitted an application (B or OFA) pursuant to Planning Code Section 321 (Office Development Annual Limit) but on which no Commission action has yet occurred.

Small Office Cap					
Case No.	Address	Sq. Ft.	Status	Staff	Comments
2009.0065	3433 Third Street	49,229	B filed 1/27/09	Julian Banales	New 5-story office building for Carpenter's Union on vacant lot. May be cancelled due to inactivity (2/18/14).
2014.0567	2101 Mission Street	48,660	B filed on 4/17/14	Brittany Bendix	Legalize change of use from retail and warehouse to office. Planning Commission hearing scheduled for 9/3/15.
2012.1410	77-85 Federal Street	49,730	B filed on 6/5/14	Scott MacPherson	Demo two existing office buildings and construct a 5-story building with ground floor retail and office above.
2015-000509	1125 Mission Street	37,944	B filed on 1/15/15	Julian Banales	Change of use from auto repair.
2014.1315	135 Townsend Street	49,995	B filed on 3/11/15	Rich Sucre	Conversion of existing self storage building.
2013.1511	360 Spear Street (aka 100 Harrison St)	49,992	B filed on 4/3/15	Rich Sucre	Partial conversion of existing ISE.
Subtotal		285,550			

Large Office					
Case No.	Address	Sq. Ft.	Status	Staff	Comments
2012.0640	598 Brannan Street	700,456	B filed on 10/24/12	Elizabeth Purl	Demo of 2 industrial buildings; 2 new office buildings (Central SoMa Project).
2013.1545	645 Harrison Street	99,698	B filed on 7/18/13	Kimberly Durandet	LoD confirmed 14,520gsf as existing legal office space. Revised proposal to convert additional 99,698gsf, plus retain 33,758gsf of PDR on first and second floors.
2013.1593	2 Henry Adams	245,697	B filed on 2/6/14	Rich Sucre	Owner-initiated Article 10 Landmark designation and an Office Allocation. Eligible area limited by recent legislation.
2011.0409	925 Mission Street	803,300	B filed on 8/19/14	Kevin Guy	"5M" Project. Planning Commission informational hearing scheduled for 9/3/15.
2006.1523	50 First Street	1,050,000	B filed on 6/4/14	Kevin Guy	Demo and construction of a mixed-use building with two towers.
2014-002701	GSW Development	0	B filed on 12/12/14	David Winslow	Design approval only. Allocation already approved in Alexandria District.
2014.1063	633 Folsom Street	89,804	B filed on 12/23/14	Mark Luellen	Four story office addition to existing seven story building.
2014.0154	1800 Mission Street	119,599	OFA filed on 1/27/15	Rich Sucre	Conversion in the Armory.
Subtotal		3,108,554			

PRE-APPLICATION OFFICE PROJECTS*

*Projects that have submitted for initial Department review (e.g. environmental review (EE) or Preliminary Project Assessment [PPA]), but have not submitted an application pursuant to Planning Code Section 321 (Office Development Annual Limit).

Small Office Cap					
Case No.	Address	Sq. Ft.	Status	Staff	Comments
2014.1616	1200 Van Ness Ave	27,000	PPA issued 1/14/15.	Mary Woods	Exact office square footage TBD.
2015-010219	462 Bryant Street	49,995	PPA filed on 8/12/15.		An existing single story office building and basement will remain, and five stories of new office space will be added (approximately 49,995 gsf of new office space).
2015-010374	598 Bryant Street	49,980	PPA filed on 8/12/15.	Kansai Uchida	Demo existing gas station and construct a 9-story mixed-use office building with underground parking.
Subtotal		126,975			

Large Office Cap					
Case No.	Address	Sq. Ft.	Status	Staff	Comments
2005.0759	725-735 Harrison	730,940	PPA letter issued 5/16/2013. Revised EE pending.	Debra Dwyer	"Harrison Gardens" (Central SoMa Project). Original proposal changed to office per 2/21/13 application amendment.
2014.0416	610-620 Brannan Street	561,065	EE filed 6/19/14	Elizabeth Purl	Demo and new 11-story mixed use bldg (Central SoMa Project).
2013.0478	559 6th Street	123,972	PPA issued on 6/17/13. PPA expired on 12/17/14.	Kimia Haddadan	Demolish 3 bldgs and construct a mixed-use project (Central SoMa Project)
2013.0970	Pier 70 (Forest City Only)	1,810,000	EE filed on 11/10/14	Andrea Contreras	SF Port project
n/a	2525 16th Street	60,980	Legitimization request filed 11/30/12	Corey Teague	EN Legitimization
2014.0858	565-585 Bryant Street	188,280	PPA issued on 7/25/14	Jeremy Shaw	Demo four existing bldgs and construct an 11-story mixed-use bldg. 2nd PPA proposes only 46,990sf of office (Central SoMa Project).
2014.0405	330 Townsend Street	394,300	PPA issued on 5/15/14	Steve Wertheim	Demo existing bldg and construct a 21-story office bldg. 2nd PPA proposes only 212,300sf of office (Central SoMa Project).
2013.0208	SWL 337 ("Mission Rock")	1,300,000	EE filed on 6/4/13	Josh Switzky	Large mixed-use project on Port property.
2015-004256	630-698 Brannan St	1,512,260	PPA issued on 7/24/15. EE filed 7/24/15.	Lisa Chen	Flower Mart replacement project (Central SoMa Project). Two Previous PPAs. 2015-001903 analysed proposed 1,492,450gsf. 2013.0370 was under different ownership, only included Lot 5, and analysed 655,150gsf.

2014.1208	1500 Mission Street	0	EE filed on 10/23/14	Chelsea Fordham	Demo and new construction of mixed use bldg with 462,800gsf of City office space.
2015-009704	505 Brannan Street	168,820	PPA filed on 7/27/15	Steve Wertheim	"Phase II" addition (165', 11 stories) of office space onto an approved 85' "Phase I" office building approved by the Planning Commission on 12/11/14. With this newly planned addition, total building height would now be 250' and contain a total of 306,266 sf.
Subtotal		6,850,617			

ANNUAL LIMIT FOR "SMALL" SAN FRANCISCO OFFICE DEVELOPMENT

Amount Currently Available:	1,188,805
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Approval Period ¹	Unallocated Sq. Ft. ²	"Small" Office Annual Limit	Adjusted Annual Limit	Project Address	Case No.	Project Allocation	Total Allocated	Comments
1985-1986	0	75,000	75,000	No Projects	N/A	0	0	
1986-1987	75,000	75,000	150,000	1199 Bush	1985.244	46,645	46,645	
1987-1988	103,355	75,000	178,355	3235-18th Street	1988.349	45,350	45,350	aka 2180 Harrison Street
1988-1989	133,005	75,000	208,005	2601 Mariposa	1988.568	49,850	49,850	
1989-1990	158,155	75,000	233,155	No Projects	N/A	0	0	
1990-1991	233,155	75,000	308,155	No Projects	N/A	0	0	
1991-1992	308,155	75,000	383,155	1075 Front	1990.568	32,000	32,000	
1992-1993	351,155	75,000	426,155	No Projects	N/A	0	0	
1993-1994	426,155	75,000	501,155	No Projects	N/A	0	0	
1994-1995	501,155	75,000	576,155	No Projects	N/A	0	0	
1995-1996	576,155	75,000	651,155	No Projects	N/A	0	0	
1996-1997	651,155	75,000	726,155	No Projects	N/A	0	0	
1997-1998	726,155	75,000	801,155	No Projects	N/A	0	0	
1998-1999	801,155	75,000	876,155	1301 Sansome	1998.362	31,606	31,606	
1999-2000	844,549	75,000	919,549	435 Pacific	1998.369	32,500	169,550	
				2801 Leavenworth	200.459	40,000		
				215 Fremont	1998.497	47,950		
				845 Market	1998.090	49,100		
2000-2001	749,999	75,000	824,999	530 Folsom	2000.987	45,944	173,339	
				35 Stanford	2000.1162	48,000		
				2800 Leavenworth	2000.774	34,945		
				500 Pine	2000.539	44,450		See also 350 Bush Street - Large
2001-2002	651,660	75,000	726,660	No Projects	N/A	0	0	
2002-2003	726,660	75,000	801,660	501 Folsom	2002.0223	32,000	32,000	
2003-2004	769,660	75,000	844,660	No Projects	N/A	0	0	
2004-2005	844,660	75,000	919,660	185 Berry Street	2005.0106	49,000	49,000	
2005-2006	870,660	75,000	945,660	No Projects	N/A	0	0	
2006-2007	945,660	75,000	1,020,660	No Projects	N/A	0	0	
2007-2008	1,020,660	75,000	1,095,660	654 Minnesota	no case number	43,939	0	UCSF
2008-2009	1,095,660	75,000	1,170,660	No Projects	N/A	0	0	
2009-2010	1,170,660	75,000	1,245,660	660 Alabama Street	2009.0847	39,691	39,691	
2010-2011	1,205,969	75,000	1,280,969	No Projects	N/A	0	0	
2011-2012	1,280,969	75,000	1,355,969	208 Utah / 201 Potrero	2011.0468	48,732		EN Legitimization

ANNUAL LIMIT FOR "SMALL" SAN FRANCISCO OFFICE DEVELOPMENT

Amount Currently Available:	1,188,805
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Approval Period ¹	Unallocated Sq. Ft. ²	"Small" Office Annual Limit	Adjusted Annual Limit	Project Address	Case No.	Project Allocation	Total Allocated	Comments
				808 Brannan Street	2012.0014	43,881		EN Legitimization
				275 Brannan Street	2011.1410	48,500		
				385 7th/1098 Harrison	2011.1049	42,039		EN Legitimization
				375 Alabama Street	2012.0128	48,189	231,341	EN Legitimization
2012-2013	1,124,628	75,000	1,199,628	No Projects	N/A	0	0	
2013-2014	1,199,628	75,000	1,274,628	3130 20th Street	2013.0992	32,081		
				660 3rd Street	2013.0627	40,000	72,081	
2014-2015	1,202,547	75,000	1,277,547	340 Bryant Street	2013.1600	47,536		
				101 Townsend Street	2014-002385	41,206	88,742	
Total						1,105,134		

¹ Each approval period begins on October 17

² Carried over from previous year

ANNUAL LIMIT FOR "LARGE" SAN FRANCISCO OFFICE DEVELOPMENT

Amount Currently Available: **1,429,763**

Approval Period ¹	Unallocated Sq. Ft. ²	"Large" Office Annual Limit ³	Reduction per Section 321.1	Adjusted Annual Limit	Project Address	Case No.	Project Allocation	Total Allocated	Comments
1985-1986	0	875,000	(475,000)	400,000	No Projects	N/A	0	0	
1986-1987	400,000	875,000	(475,000)	800,000	600 California	1986.085	318,030		
					235 Pine	1984.432	147,500		
					343 Sansome	1985.079	160,449	625,979	
1987-1988	174,021	875,000	(475,000)	574,021	No Projects	N/A	0	0	
1988-1989	574,021	875,000	(475,000)	974,021	No Projects	N/A	0	0	
1989-1990	974,021	875,000	(475,000)	1,374,021	150 California	1987.613	195,503	195,503	
1990-1991	1,178,518	875,000	(475,000)	1,578,518	No Projects	N/A	0	0	
1991-1992	1,578,518	875,000	(475,000)	1,978,518	300 Howard	1989.589	382,582	382,582	aka 199 Fremont Street
1992-1993	1,595,936	875,000	(475,000)	1,995,936	No Projects	N/A	0	0	
1993-1994	1,995,936	875,000	(475,000)	2,395,936	No Projects	N/A	0	0	
1994-1995	2,395,936	875,000	(475,000)	2,795,936	No Projects	N/A	0	0	
1995-1996	2,795,936	875,000	(475,000)	3,195,936	No Projects	N/A	0	0	
1996-1997	3,195,936	875,000	(475,000)	3,595,936	101 Second	1997.484	368,800	368,800	
1997-1998	3,227,136	875,000	(37,582)	4,064,554	55 Second Street	1997.215	283,301		aka One Second Street
					244-256 Front	1996.643	58,650		aka 275 Saramento Street
					650 Townsend	1997.787	269,680		aka 699-08th Street
					455 Golden Gate	1997.478	420,000		State office building - see also Case No. 1993.707
					945 Battery	1997.674	52,715		
					475 Brannan	1997.470	61,000		
					250 Steuart	1998.144	540,000	1,685,346	aka 2 Folsom/250 Embarcadero
1998-1999	2,379,208	875,000	0	3,254,208	One Market	1998.135	51,822		
					Pier One	1998.646	88,350		Port office building
					554 Mission	1998.321	645,000		aka 560/584 Mission Street
					700 Seventh	1999.167	273,650		aka 625 Townsend Street
					475 Brannan	1999.566	2,500	1,061,322	addition to previous approval - 1997.470
1999-2000	2,192,886	875,000	0	3,067,886	670 Second	1999.106	60,000		
					160 King	1999.027	176,000		
					350 Rhode Island	1998.714	250,000		
					First & Howard	1998.902	854,000		First & Howard bldg #2 (405 Howard), #3 (505-525 Howard) & #4 (500 Howard)
					235 Second	1999.176	180,000		
					500 Terry Francois	2000.127	280,000		Mission Bay 26a
					550 Terry Francois	2000.329	225,004		Mission Bay 28
					899 Howard	1999.583	153,500	2,178,504	
2000-2001	889,382	875,000	0	1,764,382	First & Howard	1998.902	295,000		First & Howard bldg #1 (400 Howard)
					550 Terry Francois	2000.1293	60,150	355,150	Additional allocation (see also 2000.329)
2001-2002	1,409,232	875,000	0	2,284,232	350 Bush	2000.541	344,500		See also 500 Pine Street - Small
					38-44 Tehama	2001.0444	75,000		

ANNUAL LIMIT FOR "LARGE" SAN FRANCISCO OFFICE DEVELOPMENT

Amount Currently Available: **1,429,763**

Approval Period ¹	Unallocated Sq. Ft. ²	"Large" Office Annual Limit ³	Reduction per Section 321.1	Adjusted Annual Limit	Project Address	Case No.	Project Allocation	Total Allocated	Comments
					235 Second	2000.319	64,000		modify 1999.176
					250 Brannan	2001.0689	113,540		
					555 Mission	2001.0798	549,000		
					1700 Owens	2002.0300	0*	1,146,040	Alexandria District - West Campus (160,100)
2002-2003	1,138,192	875,000	0	2,013,192	7th & Mission GSA	No Case	514,727	514,727	Federal Building
2003-2004	1,498,465	875,000	0	2,373,465	Presidio Dig Arts	No Case	839,301	839,301	Presidio Trust
2004-2005	1,534,164	875,000	0	2,409,164	No Projects	N/A	0	0	
2005-2006	2,409,164	875,000	0	3,284,164	201 16th Street	2006.0384	430,000	430,000	aka 1409/1499 Illinois
2006-2007	2,854,164	875,000	0	3,729,164	1500 Owens	2006.1212	0*	736,832	Alexandria District - West Campus (158,500)
					1600 Owens	2006.1216	0*		Alexandria District - West Campus (228,000)
					1455 Third Street/455 Mission Bay South Blvd/450 South Street	2006.1509	0*		Alexandria District - North Campus (373,487)
					1515 Third Street	2006.1536	0*		Alexandria District - North Campus (202,893)
					650 Townsend	2005.1062	375,151		
					120 Howard	2006.0616	67,931		
					535 Mission	2006.1273	293,750		
2007-2008	2,992,332	875,000	0	3,867,332	100 California	2006.0660	76,500		
					505-525 Howard	2008.0001	74,500		Additional allocation for First & Howard Building #3
					680 Folsom Street	No Case	117,000		Redevelopment - Yerba Buena
					Alexandria District	2008.0850	1,122,980		Establishes Alexandria Mission Bay Life Sciences and Technology Development District ("Alexandria District") for which previously allocated office space and future allocations would be limited to 1,350,000 gsf to be distributed among designated buildings within district.
					600 Terry Francois	2008.0484	0*		Alexandria District - East Campus (312,932)

ANNUAL LIMIT FOR "LARGE" SAN FRANCISCO OFFICE DEVELOPMENT

Amount Currently Available: **1,429,763**

Approval Period ¹	Unallocated Sq. Ft. ²	"Large" Office Annual Limit ³	Reduction per Section 321.1	Adjusted Annual Limit	Project Address	Case No.	Project Allocation	Total Allocated	Comments
					650 Terry Francois	2008.0483	0*		Alexandria District - East Campus (291,367)
					1450 Owens	2008.0690	0*	1,390,980	Alexandria District - West Campus (61,581)
2008-2009	2,476,352	875,000	0	3,351,352	No Projects	N/A	0	0	
2009-2010	3,351,352	875,000	0	4,226,352	850-870 Brannan Street	2009.1026	138,580		aka 888 Brannan Street
					222 Second Street	2006.1106	430,650	569,230	LEED
2010-2011	3,657,122	875,000	0	4,532,122	350 Mission Street	2006.1524	340,320		
					Alexandria District	n/a	200,000		under terms of Motion 17709
					Treasure Island	2007.0903	0	540,320	Priority Resolution Only
2011-2012	3,991,802	875,000	0	4,866,802	Alexandria District	n/a	27,020		under terms of Motion 17709
					850-870 Brannan St	2011.0583	113,753		aka 888 Brannan Street
					444 DeHaro St	2012.0041	90,500		
					460-462 Bryant St	2011.0895	59,475		
					185 Berry St	2012.0409	101,982		aka China Basin Landing
					100 Potrero Ave.	2012.0371	70,070		EN Legitimization
					601 Townsend Street	2011.1147	72,600	535,400	EN Legitimization
2012-2013	4,331,402	875,000	0	5,206,402	101 1st Street	2012.0257	1,370,577		Transbay Tower; aka 425 Mission
					181 Fremont Street	2007.0456	404,000		new office/residential building
					1550 Bryant Street	2012.1046	108,399		EN Legitimization
					1100 Van Ness Ave	2009.0885	242,987		CPMC Cathedral Hill MOB
					3615 Cesar Chavez	2009.0886	94,799		CPMC St. Luke's MOB
					345 Brannan Street	2007.0385	102,285		
					270 Brannan Street	2012.0799	189,000		
					333 Brannan Street	2012.0906	175,450		
					350 Mission Street	2013.0276	79,680		Salesforce (No. 2)
					999 Brannan Street	2013.0585	143,292		EN Legitimization - Dolby
					1800 Owens Street	2012.1482	700,000	3,610,469	Mission Bay Block 40
2013-2014	1,595,933	875,000	0	2,470,933	300 California Street	2012.0605	56,459		
					665 3rd Street	2013.0226	123,700		
					410 Townsend Street	2013.0544	76,000		
					888 Brannan Street	2013.0493	10,000		AirBnB - See Also 2011.0583B
					81-85 Bluxome Street	2013.0007	55,000	321,159	
2014-2015	2,149,774	875,000	0	3,024,774	501-505 Brannan Stree	2012.1187	137,446		
					100 Hooper Street	2012.0203	284,471		
					390 Main Street	n/a	137,286		MTC Project - Verified on 4/14/15
					250 Howard Street	2014-002085	766,745		aka Transbay Block 5 (195 Beale St)
					510 Townsend Street	2014.0679	269,063	1,595,011	
Total							19,082,655		

¹ Each approval period begins on October 17

ANNUAL LIMIT FOR "LARGE" SAN FRANCISCO OFFICE DEVELOPMENT

Amount Currently Available:	1,429,763
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Approval Period ¹	Unallocated Sq. Ft. ²	"Large" Office Annual Limit ³	Reduction per Section 321.1	Adjusted Annual Limit	Project Address	Case No.	Project Allocation	Total Allocated	Comments
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² Carried over from previous year
³ Excludes 75,000 gsf dedicated to "small" projects per Section 321(b)(4)

SMALL OFFICE APPROVALS - STATUS OF ALL PROJECTS

COMPLETE
REVOKED
18 MOS. EXPIRED
NO INFORMATION / NOT APPLICABLE
UNDER CONSTRUCTION
AWAITING ADDITIONAL INFORMATION

Date	Case No.	Address	APN	Size	Motion	Status	Completion	Comments
1986-1987	1985.244	1199 Bush	0280-031	46,645	11026	complete	1991	St. Francis Hospital
1987-1988	1988.349	3235-18th Street	001/030	45,350	11451	complete		PG&E, aka 2180 Harrison Street
1988-1989	1988.568	2601 Mariposa	4016-001	49,850	11598	complete	1991	KQED
	1988.287	1501 Sloat	7255-002	39,000	11567	doesn't count	n/a	revoked 12/00
1989-1990								
1990-1991	1990.238	350 Pacific	0165-006	45,718	13114	doesn't count	n/a	revoked 12/00
1991-1992	1990.568	1075 Front	0111-001	32,000	13381	complete	1993	
	1987.847	601 Duboce	3539-001	36,000	13254	doesn't count	n/a	revoked 12/00
1992-1993								No Projects Approved During Allocation Period
1993-1994								No Projects Approved During Allocation Period
1994-1995								No Projects Approved During Allocation Period
1995-1996								No Projects Approved During Allocation Period
1996-1997								No Projects Approved During Allocation Period
1997-1998								No Projects Approved During Allocation Period
1998-1999	1998.362	1301 Sansome	0085-005	31,606	14784	complete	1999	
1999-2000	1998.369	435 Pacific	0175-028	32,500	14971	complete	2003	
	2000.459	2801 Leavenworth	0010-001	40,000	15922	complete	2001	The Cannery
	1998.497	215 Fremont	3738-012	47,950	15939	complete	2002	
	1999.668	38-44 Tehama	3736-111	49,950	15967	doesn't count	n/a	reapproved as large project
	1998.090	845 Market	3705-09:18 into 3705-049	49,100	15949	complete	2006	Bloomingdale's
2000-2001	1999.821	178 Townsend	3788-012	49,002	16025	doesn't count	n/a	18mos exp 5/2/02; 2005.0470 new E & K appl for residential, building permit application no.200608290851 for residential submitted on 8/29/07; 9/4/08 CPC approves conversion to Residential (M17688) - Revoked on 1/23/09
	2000.987	530 Folsom	3736-017	45,944	16023	complete	2006	
	1999.300	272 Main	3739-006	46,500	16049	doesn't count	n/a	18mos exp 6/7/02; permit 200502185810 filed 2/05. 12/15/08 - Building Permit Application No. 200811136470 issued for demolition of two buildings on property. To be used for temp Transbay facility. REVOCATION LETTER ISSUED 3/16/09
	2000.1162	35 Stanford	3788-038	48,000	16070	complete	2007	
	2000.774	2800 Leavenworth	007/008	34,945	16071	complete	2001	The Anchorage
	2000.552	199 New Montgomery	3722-021	49,345	16104	doesn't count	n/a	revoked 1/6/05
	2000.1269	3433 Third	5203-23	42,000	16107	doesn't count	n/a	building permit application no. 200011014657 withdrawn on 11/9/06. REVOCATION LETTER ISSUED 9/25/07

SMALL OFFICE APPROVALS - STATUS OF ALL PROJECTS

COMPLETE
REVOKED
18 MOS. EXPIRED
NO INFORMATION / NOT APPLICABLE
UNDER CONSTRUCTION
AWAITING ADDITIONAL INFORMATION

Date	Case No.	Address	APN	Size	Motion	Status	Completion	Comments
	1999.795	177 Townsend	3794-4,7	46,775	16122	doesn't count	n/a	revoked 1/6/05
	2000.539	500 Pine	258-4 to 9/033	44,450	16113	approved	n/a	18mos exp 9/15/02 - CPC received project status update on 10/11/07 (project is associated with 350 Bush Street - Large Office Approval). Building permit application no. 200011024683 approved by CPB on 9/4/08. Building permit application no. 200806275535 submitted for shoring work (9/4/08 - under review by DPW-BSM)
	2000.986	150 Powell	327-22	39,174	16118/164 23	doesn't count	n/a	time limit for construction extended (see Case No. 2002.0363B). Project converted to residential use (see Case No. 2006.1299)
	1998.281	185 Berry	3803-005	49,500	16143	doesn't count	n/a	new approval 2005
	2000.190	201 Second	3736-097	44,500	16148	doesn't count	n/a	converted to residential use
	2000.660	35 Hawthorne	3735-047	40,350	16174	doesn't count	n/a	converted to residential use - see 2004.0852 and building permit application no. 200509082369
	2000.122	48 Tehama	3736-084/085	49,300	16235	doesn't count	n/a	revoked at Planning Commission hearing on 6/9/11
	2000.723	639 Second	3789-005/857:971	49,500	16241	doesn't count	n/a	revoked 1/6/05
	1999.423	699 Second	3789-004/857:971	49,500	16240	doesn't count	n/a	revoked 1/10/05
2001-2002	2001.0050	3251 18th Street	3591-018	49,500	16451	doesn't count	n/a	6/28/07 - building permit application no. 200706285450 submitted to revise project and reduce office space to approx. 10,000 gsf. - REVOCATION LETTER ISSUED 8/16/07
2002-2003	2002.0223	501 Folsom Street	3749-001	32,000	16516	complete	2006	
2003-2004								No Projects Approved During Allocation Period
2004-2005	2005.0106	185 Berry Street	3803-005	49,000	17070	complete	2008	
2005-2006								No Projects Approved During Allocation Period
2006-2007	No Case	654 Minnesota	042-003 & 004	43,939	none	complete	2009	Confirmed by UCSF via 7/13/2007 letter from UCSF and associated LoD
2007-2008								No Projects Approved During Allocation Period
2008-2009	2006.1294	110 The Embarcadero	3715-002	41,940	17804	doesn't count	n/a	18mos exp 7/14/10 - E appealed to BoS and overturned on 3/17/09. Application withdrawn and case closed on 12/30/09.
2009-2010	2009.0847	660 Alabama Street	4020-002	39,691	17973	complete	2011	CFC for building permit application no. 201001144798 issued on 3/23/11
2010-2011								No Projects Approved During Allocation Period
2011-2012	2011.0468	208 Utah / 201 Potrero	3932-017	48,732	18608	complete	2012	BPA No. 201205090093
	2012.0014	808 Brannan Street	3780-004D	43,881	18559	complete	2013	BPA No. 201201031584
	2012.0128	375 Alabama Street	3966-002	48,189	18574	complete	2013	BPA No. 201209210308
	2011.1049	385 7th / 1098 Harrison	3754-017	42,039	18700	complete	2013	BPA No. 201212115895
	2011.1410	275 Brannan Street	3789-009	48,500	18672	complete	2013	BPA No. 201207164925
2012-2013								No Projects Approved During Allocation Period
2013-2014	2013.0992	3130 20th Street	4083-002	32,081	19188			BPA No. 201409297604 for change of use approved by Planning on 1/6/15 and now awaiting changes from architect as requested by DBI as of 2/3/15.
	2013.0627	660 3rd Street	3788-008	40000	19234	complete	2015	BPA No. 201411252480 issued on 2/24/15.

SMALL OFFICE APPROVALS - STATUS OF ALL PROJECTS

COMPLETE
REVOKED
18 MOS. EXPIRED
NO INFORMATION / NOT APPLICABLE
UNDER CONSTRUCTION
AWAITING ADDITIONAL INFORMATION

Date	Case No.	Address	APN	Size	Motion	Status	Completion	Comments
2014-2015	2013.1600	340 Bryant Street	3764-061	47536	19311	under construction		BPA 201305177189 issued 7/15/15.

LARGE OFFICE APPROVALS - STATUS OF ALL PROJECTS

COMPLETE
REVOKED
18 MOS. EXPIRED
NO INFORMATION / NOT APPLICABLE
UNDER CONSTRUCTION
AWAITING ADDITIONAL INFORMATION

Date	Case No.	Address	APN	Size	Motion	Status	Completion	Comments
1986-1987	1986.085	600 California	0241-003 into 0241-027	318,030	11077	complete	1992	
	1984.432	235 Pine	0267-015	147,500	11075	complete	1991	
	1984.274	33 Columbus	0195-004	81,300	11070	doesn't count	n/a	revoked 12/00
	1985.079	343 Sansome	0239-002	160,449	11076	complete	1991	
1987-1988								No Projects Approved During Allocation Period
1988-1989	1984.199	524 Howard	3721-013	199,965	11683	doesn't count	n/a	reapproved in 1998 under Case No. 1998.843.
1989-1990	1987.613	150 California	0236-003 into 0236-019	195,503	11828	complete	2001	
1990-1991	1989.589	300 Howard	3719-005 into 3719-018	382,582	13218	complete	2001	aka 199 Fremont Street
1991-1992								No Projects Approved During Allocation Period
1992-1993								No Projects Approved During Allocation Period
1993-1994								No Projects Approved During Allocation Period
1994-1995	1994.105	101 Second Street	3721-072	386,655	13886	doesn't count	n/a	Reapproved in 1997 under Case No. 1997.484.
1995-1996								No Projects Approved During Allocation Period
1996-1997	1997.484	101 Second Street	3721-72:75 into 3721-089	368,800	14454	complete	2000	
1997-1998	1997.215	55 Second Street	3708-019A/033/034 into 3708-096	283,301	14542	complete	2002	aka One Second Street
	1996.643	244-256 Front	0236-018	58,650	14601	complete	2001	aka 275 Sacramento Street
	1997.787	650 Townsend	3783-009	269,680	14520	complete	2001	aka 699-08th Street
	No Case	455 Golden Gate	0765-002/003	420,000	none	complete	1998	State office building. See also case no. 1993.707.
	1997.674	945 Battery	0135-001	52,715	14672	complete	1998	
	1997.470	475 Brannan	3787-031	61,000	14685	complete	2001	
	1998.144	250 Steuart	3741-028 into 3741-035	540,000	14604	complete	2002	aka 2 Folsom/250 Embarcadero
1998-1999	1998.135	One Market	3713-006	51,822	14756	complete	2000	
	1998.843	524 Howard	3721-013	201,989	14801	doesn't count	n/a	revoked 6/11 under Case No. 2011.0503
	1998.646	Pier One	9900-001	88,350	none	complete	2003	Port office building

LARGE OFFICE APPROVALS - STATUS OF ALL PROJECTS

COMPLETE
REVOKED
18 MOS. EXPIRED
NO INFORMATION / NOT APPLICABLE
UNDER CONSTRUCTION
AWAITING ADDITIONAL INFORMATION

Date	Case No.	Address	APN	Size	Motion	Status	Completion	Comments
	1998.321	554 Mission	3708-015/017/018 into 3708-095	645,000	14893	complete	2003	aka 560/584 Mission
	1999.167	700 Seventh	3799-001 into 3799-008	273,650	14895	complete	2006	aka 625 Townsend
	1999.566	475 Brannan	3787-031	2,500	14884	complete	2001	addition to previous approval - 1997.470
	1998.268	631 Folsom	3750-090	170,000	14750	doesn't count	n/a	project converted to residential - allocation revoked 12/00.
1999-2000	1999.106	670 Second	3788-043/044	60,000	14907	complete	2001	
	1999.027	160 King	3794-025	176,000	14956	complete	2002	
	1998.714	350 Rhode Island	3957-001	250,000	14988	complete	2004	
	1998.902	First & Howard	3721; 3736; 3737	854,000	15006	complete/approved	2003	18 mos exp 9/2/01. Includes 3 of 4 buildings at First & Howard (see bldg #1 - 400 Howard - below): bldg #2 - 405 Howard (3737-030) - 460,000 gsf office - 200002172133 - complete); bldg #3 - 505-525 Howard (3736-121/114) - 178,000 gsf office - 200610316514 currently (8/4/08) under review by Planning (see also 2008.0001 for additional allocation); bldg #4 -500 Howard (3721-119) - 216,000 gsf office - 200006172952 - complete).
	1999.176	235 Second	3736-061 into 3736-123	180,000	15004	complete	2002	

LARGE OFFICE APPROVALS - STATUS OF ALL PROJECTS

COMPLETE
REVOKED
18 MOS. EXPIRED
NO INFORMATION / NOT APPLICABLE
UNDER CONSTRUCTION
AWAITING ADDITIONAL INFORMATION

Date	Case No.	Address	APN	Size	Motion	Status	Completion	Comments
	2000.127	500 Terry Francois	3838; 3839 into 8721-001/010	280,000	15010	complete	2008	MB 26a
	1998.766	535 Mission	3721-068	252,000	15027	doesn't count	n/a	revoked and reapproved as residential
	1998.635	2101 Bryant	4080-007	148,000	15044	doesn't count	n/a	project converted to residential - allocation revoked 1/10/05
	2000.329	550 Terry Francois	3839; 3840 into 8721-001/011	225,004	15055	complete	2002	MB 28
	1999.583	899 Howard	3733-079	153,500	15062	complete	2005	
2000-2001	1998.902	First & Howard	3720-008	295,000	16069	complete	2008	First & Howard - Building #1 (400 Howard)
	2000.1293	550 Terry Francois	3839; 3840 into 8721-001/011	60,150	16110	complete	2002	addition to 2000.329.
	2000.1295	Mission Bay 26/2	3840; 3841 into 8721-001-012	145,750	16111	doesn't count	n/a	AKA MB 26 East. returned to cap for approval of 2002.0301
	1999.603	555 Mission	3721-69,70,78...	499,000	16130	doesn't count	n/a	project revised - allocation revoked and reapproved under Case No. 2007.0798.
	2000.277	801 Market	3705-48	112,750	16140	doesn't count	n/a	project abandoned per letter from sponsor
2001-2002	2000.541	350 Bush	269-2,2a,3,22...	344,500	16273	approved	n/a	18mos exp 5/8/03 - CPC received project status update on 10/11/07 (associated with 500 Pine Street - Small Office Approval). Sponsor email reports that 18-month period expired May 22, 2005 due to appeals. Building permit application no. 200708078938 currently under review by DBI/FD/DPW.
	2001.0444	38-44 Tehama	3736-111	75,000	16280	complete	2003	
	2000.319	235 Second	3736-61,62,64-67	64,000	16279	complete	2002	modify 1999.176 - convert warehouse from PDR to office.
	2001.0689	250 Brannan	3774-25	113,540	16285	complete	2002	
	2001.0798	555 Mission	3721-69,70,78-81, 120	549,000	16302	complete	2008	
	2002.0301	Mission Bay 42/4	8709-10	80,922	16397	doesn't count	n/a	revoked and reapproved as 2002.1216 (1600 Owens)
	2002.0300	1700 Owens	8709-007	0*	16398	complete	2007	Alexandria District (160,100). West Campus. 164,828
2002-2003	No Case	7th/Mission GSA	3702-15 ...	514,727	none	complete	2007	Federal Building
	2002.0691	499 Illinois/201-16th Street	3940-001	429,542	16483	doesn't count	n/a	revoked and reapproved as 2006.0384 (201 16th Street) MB Block X4

LARGE OFFICE APPROVALS - STATUS OF ALL PROJECTS

COMPLETE
REVOKED
18 MOS. EXPIRED
NO INFORMATION / NOT APPLICABLE
UNDER CONSTRUCTION
AWAITING ADDITIONAL INFORMATION

Date	Case No.	Address	APN	Size	Motion	Status	Completion	Comments
2003-2004	2001.1039	55 9th Street	3701-063	268,000	16760	doesn't count	n/a	200408111247 issued 5/19/05 - Authorization REVOKED by Planning Commission Motion Nos. 17521 and 17522 for proposal to convert project to residential use.
	2000.1229	Pier 30-32	3770-001	370,000	none	doesn't count	n/a	E, K & ! Cases created, no B case created. BCDC permit approved in 2003 and allocation made for accounting purposes, but permit never acted upon. 2/09 - 370,000 added back to cap because project does not appear to be moving forward.
	No Case	Presidio - Letterman Digital Arts		839,301	none	complete	2006	
2004-2005								No Projects Approved During Allocation Period
2005-2006	2006.0384	201-16th Street	3940-001	430,000	17223	complete	2008	aka 1409-1499 Illinois/MB Block X-4. 18 mos exp 10/6/07. Project (200607186938) complete 11/19/08
2006-2007	2006.1212	1500 Owens	8709-006	0*	17333	complete	2009	Alexandria District - West Campus (158,500); 200611298694 issued 5/24/07 (aka MBS Blk 41-43, Parcel 5). Under construction. Estimated completion in March 2009.
	2006.1216	1600 Owens	8709-004/010	0*	17332	approved	n/a	Blk 41-43, Parcel 4. 200711097802 issued 6/3/08. Piles driven, no further work performed. Not currently active 5/18/2011
	2006.1509	Alexandria District - North Campus (MB 26/1-3; 1455 Third Street/455 Mission Bay South Blvd/450 South Street)	8721-012/8720-011/016/017	0*	17401	complete/approved	n/a	MBS Blk 26, Parcels 1-3, project proposes 3 buildings - building permit application no. 200704279921 (455 Mission Bay South Blvd.) COMPLETE on 11/17/09 for 5 story office/lab; 200705090778 (450 South Street) COMPLETE on 10/23/09 for "parking garage with 7 stories new building." 200806104062 filed on 6/10/08 for new 10-story office building - Issued 4/23/10, but not under construction.
	2006.1536	1515 Third Street	8721-012	0*	17400	approved	n/a	MBS Blk 27, Parcel 1 see also 2006.1509. 200806265407 filed 6/26/08 for 6-story office building - currently (9/29/08) being reviewed by SFFD. Sold to salesforce.com with 202,983 sf allocation as of April 2011.
	2005.1062	650 Townsend	3783-009	375,151	17440	complete	2009	18 mos exp 12/7/08. 200705151356 issued 2/20/08 - Conversion of existing structure into office - no major construction required. Final Inspection (3/16/09)

LARGE OFFICE APPROVALS - STATUS OF ALL PROJECTS

COMPLETE
REVOKED
18 MOS. EXPIRED
NO INFORMATION / NOT APPLICABLE
UNDER CONSTRUCTION
AWAITING ADDITIONAL INFORMATION

Date	Case No.	Address	APN	Size	Motion	Status	Completion	Comments
	2006.0616	120 Howard	3717-019	67931	17466	complete	n/a	Construction completed in 2012
	2006.1273	535 Mission	3721-068, 083	293,750	17470	approved	n/a	18 mos exp 2/2/09; 2/12/08 - 200508049463 issued by CPB on 8/21/08. Appealed to Board of Permit Appeals on 8/29/08 (Appeal No. 08-137) - appeal withdrawn and permit reinstated on 8/29/08. Separate permits issued for pile indicators, site cleanup and fencing. 10/24/08 - Construction started in early 2013.
2007-2008	2006.0660	100 California	0236-017	76,500	17544	approved	n/a	18 mos exp 7/31/09. No building permit on file as of 5/18/11. Beacon Capital started the process and then allegedly sold to Broadway Partners, who are reputed to be current owners- no current status 6/16/14 update - Broadway Partners website lists the property as theirs. No building permits relating to project on file. Site visit on 6/17/14 shows no signs of upcoming construction activity.

LARGE OFFICE APPROVALS - STATUS OF ALL PROJECTS

COMPLETE
REVOKED
18 MOS. EXPIRED
NO INFORMATION / NOT APPLICABLE
UNDER CONSTRUCTION
AWAITING ADDITIONAL INFORMATION

Date	Case No.	Address	APN	Size	Motion	Status	Completion	Comments
	2008.0001	505-525 Howard	3736-001:004/114/121	74,500	17641	approved	n/a	18 mos exp 12/26/09. 200610316514 for new construction COMPLETED on 3/11/14. "First & Howard" bldg 3 - see 1998.902. 2005.0733 on file to legalize existing surface parking lot.
	No Case	680 Folsom Street	3735-013	117,000	none	approved	n/a	Redevelopment (Yerba Buena)
	2008.0850	Alexandria District	various	1122980	17709	approved	n/a	Establishes Alexandria Mission Bay Life Sciences and Technology Development District ("Alexandria District") to consolidate previous and future allocations.
	2008.0484	600 Terry Francois	8722-001	0*	17710	approved	n/a	Alexandria District - East Campus (312,932) - schematic design.
	2008.0483	650 Terry Francois	8722-001	0*	17711	approved	n/a	Alexandria District - East Campus (291,367) - schematic design.
	2008.0690	1450 Owens	8709-006	0*	17712	approved	n/a	Alexandria District - West Campus (61,581) - schematic design as of 4/2011
2008-2009								No Projects Approved During Allocation Period
2009-2010	2009.1026	850-870 Brannan Street	3780-006/007/007A/072	138,580	18095	complete	2013	aka 888 Brannan Street
	2007.0946	Candlestick Point - Hunter's Point	Candlestick Point and Hunter's Point Shipyard	800000	18102	approved	n/a	NO ALLOCATION GRANTED YET. First 800,000 gsf of office development within the Candlestick Point - Hunter's Point Project Area to receive priority office allocation over all projects except the Transbay Transit Tower or those within Mission Bay South.
	2006.1106	222 Second Street	3735-063	430,650	18170	approved	n/a	BPA No. 200711309386
2010-2011	No Case	Alexandria District	various	200000	17709	approved	n/a	additional allocation per terms of Motion 17709 by Letter of Determination
	2006.1524	350 Mission Street	3710-017	335,000	18268	approved	n/a	
	2007.0903	Treasure Island	1939-001/002	0	18332	approved	n/a	Priority Resolution Only for 100,000gsf.
2011-2012	No Case	Alexandria District	various	27020	17709	approved	n/a	additional allocation per terms of Motion 17709 by Letter of Determination
	2011.0583	850-870 Brannan Street	3780-006, 007, 007A, and 072	113,753	18527	approved	2013	aka 888 Brannan Street
	2011.1147	601 Townsend Street	3799-001	72,600	18619	approved	n/a	BPA No. 201408063120 approved by Planning on 8/8/14, but not yet issued by DBI.
	2009.0885	1100 Van Ness Ave	0694-010	242,987	18599	doesn't count	n/a	CPMC - Cat Hill MOB; rescinded & reallocated in 2013 cycle
	2011.0895	460-462 Bryant St	3763-015A	59,475	18685	under construction	n/a	BPA No. 201312194664 issued on 5/22/14.
	2012.0041	444 DeHaro St	3979-001	90500	18653	under construction	2013	BPA No. 201312194626 issued on 12/31/13.
	2012.0409	185 Berry St	3803-005	101,982	18690	under construction	n/a	aka China Basin Landing.

LARGE OFFICE APPROVALS - STATUS OF ALL PROJECTS

COMPLETE
REVOKED
18 MOS. EXPIRED
NO INFORMATION / NOT APPLICABLE
UNDER CONSTRUCTION
AWAITING ADDITIONAL INFORMATION

Date	Case No.	Address	APN	Size	Motion	Status	Completion	Comments
	2012.0371	100 Potrero Ave.	3920-001	70070	18704	complete	2013	EN Legitimization. BPA No. 201212286973 issued 5/6/13.
	2009.0886	3615 Cesar Chavez	6576-021	99,848	18595	doesn't count	n/a	CPMC - St. Luke's MOB; rescinded & reallocated in 2013 cycle
2012-2013	2012.0257	101 1st Street	3720-001	1,370,577	18725	under construction	n/a	Transbay Tower; aka 425 Mission St. BPA No. 201303132080.
	2007.0456	181 Fremont Street	0308-001	361038	18764	under construction	n/a	BPA No. 201305015894 issued 12/26/13.
	2012.1046	1550 Bryant Street	3923-006	108,399	18732	complete	2013	EN Legitimization. BPA No. 201302069627
	2012.1482	1800 Owens	8727-005	700000	18807	approved	n/a	currently under review at OCII, DBI and SFFD. Approved 2/14/13
	2009.0885	1100 Van Ness Ave	0694-010	242987	18890	under construction	n/a	CPMC - Cat Hill MOB
	2009.0886	3615 Cesar Chavez	6576-021	94,799	18886	approved	n/a	CPMC - St. Luke's MOB
	2007.0385	345 Brannan Street	3788-039	102285	19000	under construction	n/a	Construction started in early 2014.
	2012.0799	270 Brannan Street	3774-026	189000	18988	under construction	n/a	BPA No. 201312174402 issued on 4/25/14. Foundation and Superstructure Addendum approved. Architectural Addendum under review by DBI/DPW/PUC. "Groundbreaking" in August 2014.
	2012.0906	333 Brannan Street	3788-042	175,450	18952	under construction	n/a	BPA No. 201306280744 issued 1/5/14. Planning approved Arch addendum on 2/20/14.
	2013.0276	350 Mission Street	3710-017	79,680	18956	under construction	n/a	Salesforce (No. 2). BPA No. 201108011461 issued 9/5/12. Planning approved Arch addendum on 9/11/14.
	2013.0585	999 Brannan Street	3782-003	143292	18950	complete	2014	EN Legitimization. BPA No. 201306280728 issued 4/28/14.
2013-2014	2012.0605	300 California Street	0238-002	56459	19034	approved	n/a	Approved 12/5/13. No BPA filed.
	2013.0226	665 3rd Street	3788-041	123,700	19012	complete	2013	BPA No. 201311222636 issued on 12/31/13 to legalize office space.
	2013.0544	410 Townsend Street	3785-002A	76000	19062	approved	n/a	BPA No. 201306260587 approved by Planning on 7/30/14, but now "in hold" at DBI as of 12/3/14.
	2013.0493	888 Brannan Street	3780-006, 007, 007A, and 072	10000	19049	complete	2014	AirBnB (No. 2) to convert GF parking to office.
	2013.0007	81-85 Bluxome Street	3786-018	55,000	19088	under construction	n/a	BPA No. 201404072588 issued 12/17/14. Arch addendum approved by all agencies except Planning.
2014-2015	2012.1187	501-505 Brannan Street	3786-038	137446	19295	approved	n/a	No BPA filed. The approved six-story office building project recently submitted a PPA to Planning proposing a "Phase II" for an additional 11 stories and 168,820 sf of office space.
	2012.0203	100 Hooper Street	3808-003	284471	19315	approved	n/a	BPA Nos. 201410239735 and 201410209377 approved by Planning on 4/13/15, approved by DBI 6/24/15. Currently under review by SFFD and SFPUC.



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

November 2, 2015

Tiffany Bohee
Executive Director
Office of Community Investment and Infrastructure
One S. Van Ness Ave., 5th Floor
San Francisco, CA 94103

ALAMEDA COUNTY
Tom Bates
Margaret Fujioke
Scott Haggerty
Nate Milley

Subject: Response to Comments on the DSEIR for the Event Center & Mixed-Use Development at Mission Bay Blocks 29-32 (Project).

Dear Ms. Bohee:

CONTRA COSTA COUNTY
John Gioia
David Hudson
Karen Mitchoff
Mark Ross

The Bay Area Air Quality Management District (Air District) is willing to assist the City and County of San Francisco (City) by administering an off-site mitigation program to reduce this Project's significant air quality impacts to the extent feasible. As we have discussed extensively with City staff, the \$321,646 identified in M-AQ-2b is not sufficient to achieve the 17 tons per year of ozone precursor emission reductions needed for this Project. Due to the nature of air quality impacts that need to be mitigated, comparison of the Air District off-site mitigation program identified for this Project to other air district programs is inappropriate and incorrect.

MARIN COUNTY
Katie Rice

NAPA COUNTY
Brad Wagenknecht

SAN FRANCISCO COUNTY
John Avalos
Edwin M. Lee
Eric Mar
(Vice-Chair)

The amount of funds required to reduce 4.4 tons of reactive organic gases (ROG) and 12.6 tons of oxides of nitrogen (NOx), including a 5 percent administration fee, is \$620,922. This amount is based on a study of the Air District's Vehicle Buy Back (VBB) program funds spent over the last 3 years and represents the average cost of reducing ROG and NOx during that three year period. Only through the VBB program can the Air District achieve the contemporaneous emission reductions and other conditions set forth in M-AQ-2b.

SAN MATEO COUNTY
David J. Canepa
Carole Groom
(Chair)

SANTA CLARA COUNTY
Cindy Chavez
Liz Kniss
(Secretary)
Jan Pepper
Rod G. Sinks

SOLANO COUNTY
James Sperring

SONOMA COUNTY
Teresa Barrell
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Air District staff continues to be willing to assist the City in implementing an off-site mitigation program. However, the Final Environmental Impact Report Response to Comments includes the following statement: "Acceptance of this fee by the BAAQMD shall serve as an acknowledgement and commitment by the BAAQMD to: (1) implement an emissions reduction project(s) within one year of receipt of the mitigation fee to achieve the emission reduction objectives specified above [i.e. 17 tons of ozone precursors per year]". Given this language, unless the City amends M-AQ-2b to fund this feasible mitigation measure at the \$620,922 level previously discussed with City staff, the Air District will be unable to participate in offsetting this Project's air quality impacts.

EXHIBIT 4

If you have any questions, please contact Alison Kirk, Senior Environmental Planner, at (415) 749-5169 or akirk@baaqmd.gov.

Sincerely,


Jean Roggenkamp
Deputy Executive Officer

cc: BAAQMD Vice Chair Eric Mar
BAAQMD Director John Avalos
BAAQMD Director Edwin M. Lee



DATE: November 2, 2015

TO: Tiffany Bohee, OCII Executive Director

FROM: Chris Kern, City Planning Department
Sally Oerth, OCII Staff

SUBJECT: BAAQMD November 2, 2015 letter re Ozone Precursors Offset Mitigation Fee

The City Planning Department and the staff of the Office of Community Investment and Infrastructure (OCII) have reviewed the November 2, 2015 letter from the Bay Area Air Quality Management District regarding the Warriors Event Center and Mixed Use Development Subsequent Environmental Impact Report (SEIR). The letter states that the \$18,030 per weighted ton per year plus a 5% administrative fee mitigation fee identified in Mitigation Measure M-AQ-2b of the SEIR is insufficient to achieve the required reduction of 17.0 tons per year of ozone precursors. The letter proposes that the mitigation fee should be based on the BAAQMD's Vehicle Buy Back Program, at a cost of \$620,922 (or approximately \$36,525 per weighted ton per year) to achieve the required emissions reduction.

As discussed in the Draft SEIR (pages 5.4-41 through 5.4-42) and the Responses to Comments document (pages 13.13-65 through 13.13-69), the offset fee identified in Mitigation Measure M-AQ-2b is based on the California Air Resources Board (CARB) Carl Moyer program cost-effectiveness criteria. These criteria were developed by CARB to establish the upper limit for emissions offset projects eligible to receive funding through the Carl Moyer program.

Planning staff has been in communication with BAAQMD with regard to its suggestion that a higher fee may be warranted to offset project emissions to a less than significant level and found that BAAQMD could not establish that an increased rate beyond that of the Carl Moyer Program plus a five percent administrative fee could meet the "rough proportionality" standard required under CEQA. The Carl Moyer fee structure was reviewed and updated by CARB in March of 2015 and became fully implemented on July 1, 2015. The offset costs cited in Mitigation Measure M-AQ-2b Emission Offsets are consistent with those of the CARB and other operating California air districts. For example, in the Sacramento Metropolitan Air Quality Management District, the off-site construction mitigation fee rate is \$18,030 per ton of excess NOx emissions as of July 1, 2015 (plus an administrative fee of 5 percent) and is based on the cost effectiveness formula established in California's Carl Moyer Incentive Program. In the San Joaquin Valley Air Pollution Control District, the Indirect Source Review (ISR) program requires that an offsite reduction fee of \$9,350/ton plus a 4 percent administration fee be applied

Edwin M. Lee
MAYOR

Tiffany Bohee
EXECUTIVE DIRECTOR

Mara Rosales
CHAIR

Miguel Bustos
Marilyn Mondejar
Leah Pimentel
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One S. Van Ness Ave.,
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EXHIBIT 5

for NOx emission reductions that cannot be achieved through onsite emission reduction measures. Furthermore, the offset costs in Mitigation Measure M-AQ-2b is consistent or even higher than comparable offset programs in the SFBAAB.¹

The BAAQMD's November 2, 2015, letter does not establish that the CARB cost-effectiveness criteria are inappropriate for determining the offset costs under Mitigation Measure M-AQ-2b. Based on the information and analysis presented in the Draft SEIR, the Responses to Comments and supporting technical analyses, Planning Department and OCII staffs continue to believe that the offset fee established in Mitigation Measure M-AQ-2b is sufficient to achieve the required emissions offsets. In addition, as discussed in the Responses to Comments document, Mitigation Measure M-AQ-2b has been revised since publication of the Draft SEIR to allow the project sponsor to directly implement an emissions offset project as an alternative to entering into an agreement with the BAAQMD.

Therefore, for the reasons summarized above and discussed in greater detail in the SEIR and Responses to Comments, the November 2, 2015, letter from the BAAQMD does not alter the analysis or conclusions reached in the SEIR.

¹ Keinath, Michael, Rambol Environ, 2015. Analysis of the Proposed Offset Program for the Golden State Warriors. October 19, 2015.

EXHIBIT 2



July 26, 2015

Mr. Tom Lippe
Law Offices of Thomas N. Lippe, APC
201 Mission Street, 12th Floor
San Francisco, CA 94105

**Subject: Draft Subsequent Environmental Impact Report for Event Center and
Mixed Use Development at Mission Bay Blocks 29-32.
SCN:2014112045**

P15003

Dear Mr. Lippe:

Per your request, I have reviewed the Draft Subsequent Environmental Impact Report (hereinafter "the DSEIR") on the above referenced Project in the City and County of San Francisco (hereinafter "the City"). The focus of my review is in regard to matters involving transportation and circulation. My qualifications to perform this review include registration as both a Civil and Traffic Engineer in California and 47 years professional consulting practice in these fields. I have prepared, reviewed, and commented on the traffic and circulation components of numerous environmental impact documents under the California Environmental Quality Act (hereinafter "CEQA"), working for Lead Agencies, Responsible Agencies and private citizens and organizations. I am familiar with the Project vicinity, having lived and worked in the Bay Area since 1967 and having been involved in numerous significant projects affecting the San Francisco Waterfront including a decade of planning studies for the Mission Bay development. My professional resume is attached. My comments follow.

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)¹ 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.² 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

¹ Per DSEIR Appendix TR Table 8 at page TR 25.

² 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.

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 hour³, 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).⁴ 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.⁵

³ See DSEIR Table 5.2-24 at page 5.2-90.

⁴ 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.

⁵ 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.

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

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.

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 public⁶, 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

⁶ See *BART Sustainable Communities Operations Analysis*, June 2013

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.

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.⁷

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 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.

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*⁸. 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

⁷ 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.

⁸ *Transit Data For Transportation Impact Studies* is reproduced in DSEIR Appendix TR at pages TR-624 thru TR-632.

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* report⁹ 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

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.¹⁰

⁹ *BART Sustainable Communities Operations Analysis*, Bay Area Rapid Transit District, June, 2013.

¹⁰ 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

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.

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

records, not to an independent party attempting to do so from the outside.

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 operations¹¹, 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.

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 4th 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

¹¹ 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 whether the Project's effects on an already unacceptable ramp situation are significantly deleterious or not.

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.

The DSEIR Cumulative Analysis Fails To Consider and Analyze the Project in the Context of the City's Proposal to Remove the Northern Portion of I-280 As Far South As the Mariposa Street Interchange

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 Street¹². 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 infrastructure¹³ 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

¹² 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.

¹³ 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."

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.

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 16th and 3rd and 16th and 7th 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.

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?

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 high-volume 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.

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 traffic¹⁴. 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

¹⁴ 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.

normal traffic situation. The DSEIR notes that the presence of PCOs will help clear paths for 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, it 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.

Mitigation Measures Are Vague, Insubstantive, Unresponsive to the Impact Purportedly Addressed or Do Not Qualify as Mitigation Under CEQA

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, participating in emergency ride home program through the City of San Francisco (www.sferh.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.

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

☐ The City to work with Caltrans to install changeable message signs upstream of key entry points onto the street network, such as on I-280 northbound.

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 goes, 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 goes, 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.

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.

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.

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 existing¹⁵. 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 tested¹⁶. 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.

Conclusion

¹⁵ *San Francisco Transportation Plan 2040, Appendix C, Core Circulation Study*, SFMTA, 2013.

¹⁶ See *San Francisco Transportation Forecasting Model Final Report, Executive Summary*, San Francisco County Transportation Authority by Cambridge Systematics, October 1, 2002.

Mr. Tom Lippe
July 26, 2015
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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. Hence, the document should be recirculated in draft status for a full 45 day review period.

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.





SMITH ENGINEERING & MANAGEMENT

DANIEL T. SMITH, Jr. **President**

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)
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PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

TRAFFIC • TRANSPORTATION • MANAGEMENT

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Transportation Centers. Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking .

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al.* Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard *et al.*, U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

EXHIBIT 3



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July 21, 2015

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**RE: Draft Subsequent EIR Informational Sufficiency Review for Golden State Warriors Arena
aka - Event Center and Mixed Use Development at Mission Bay Blocks 29-32 (SCN:2014112045)**

Mr. Lippe,

This letter summarizes the professional opinions of Larry Wymer, licensed California Traffic Engineer (#1955), on the informational sufficiency of the Draft Subsequent Environmental Impact Report (DSEIR) for the proposed Golden State Warriors Arena. Henceforth, "DSEIR" will refer to the arena project's DSEIR

Per your request, I reviewed specific aspects of the DSEIR focusing on transportation and circulation. My Curriculum Vitae is attached outlining my 26 years of consulting experience in traffic engineering/transportation planning.

My opinions are outlined below.

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 2040:¹

- 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%

¹ San Francisco Transportation Plan 2040, Appendix K: SF Travel At a Glance

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 DSEIRs 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 / Freemont 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, 2015.² 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

² <http://www.sf-planning.org/index.aspx?page=3562>

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 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 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 2014.13	San Francisco 2004 and 2009 Housing Element	10) ----- 11) ----- 12) ----- 13) 1st St/Market St (67.7 / E) 14) 1st St/Mission St (>80.0 / F) 15) 1st St/Harrison St (>80.0 / F) 16) ----- 17) 2nd St/Bryant St (60.3 / E) 18) ----- 19) ----- 20) 4th St/Harrison St (63.2 / E) 22) ----- 23) ----- 24) 6th St/Brannan St (>80 / F) 25) -----	10) The Embarcadero / Broadway (>80.0 / F) 11) The Embarcadero / Washington St (69.1 / E) 12) The Embarcadero / Harrison St (55.0 / E) 13) 1st St/Market St (>80.0 / F) 14) 1st St/Mission St (>80.0 / F) 15) 1st St/Harrison St (>80.0 / F) 16) 2nd St/Folsom St (>80.0 / F) 17) 2nd St/Bryant St (>80.0 / F) 18) 3rd St/King St (>80 / F) 19) 4th St/King St (57.3 / E) 20) 4th St/Harrison St (67.4 / E) 22) 6th St/Market St (60.2 / E) 23) 6th St/Mission St (>80.0 / F) 24) 6th St/Brannan St (>80.0 / F) 25) 3rd St / Cesar Chavez St (>80.0 / F)	7/14/2015	CONSTRUCTION ONGOING (thru 2019)	V.F-31 V.F-31	363 363	http://sfmea.sfplanning.org/2007.1275E_D_EIR.pdf
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 2016-2020 <small>(http://www.cdprp.org/index.aspx?page=1836)</small>	84 84	92 92	http://sfmea.sfplanning.org/2014.0198E_P_MND.pdf
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 2018-2029 <small>(http://sfmea.sfplanning.org/2014-001272ENV_NOP.pdf)</small>	NA	NA	http://sfmea.sfplanning.org/2014-001272ENV_NOP.pdf
2013.1407E	Academy of Art University Project	----- ----- ----- Bryant Street/Fifth Street (64.3 / E) > (63.3 / E) ----- -----	Eighth St/Market St (70.8 / E) > (72.7 / E) Sixth St/Market St (>80 / F) > (>80 / F) Sixth St/Mission St (71.2 / E) > (72.8 / E) Second St/Folsom St (55.4 / E) > (60.4 / E) Fifth St/Bryant St (>80 / F) > (>80 / F) Sixth St/Brannan St (>80 / F) > (>80 / F) Sixth St/Folsom St (63.6 / E) > (69.2 / E)	4/10/2015	???	4.6-11 4.6-131	295 415	http://sfmea.sfplanning.org/2008.0586E_D_EIR_VolI-3.pdf
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) > (58.0 / E) 2) ----- 3) ----- 11) ----- 14) Sixth/Shipley Streets (WB) (37.3 / E) > (37.5 / E)	1) Third/Market Streets (>80 / F) 2) Third/Mission Streets (>80 / F) 3) Third/Howard Streets (>80 / F) 11) Fifth/Harrison Streets/I-80 off-ramp (>80 / F) 14) Sixth/Shipley Streets (WB) (60.3 / F)	2/24/2015	CONSTRUCTION ONGOING (2013-spring 2016) <small>(http://www.sfmoma.org/about-us_expansion/expansion_project_highlights/041013e75)</small>	261 301	300 340	http://sfmea.sfplanning.org/2010.0275E_D_EIR1.pdf
2007.0347E	Second Street Improvement Project	1) Market St/ Montgomery St (51.0 / D) > (77.8 / E) 2) New Montgomery St/Mission St (61.3 / E) > (>80 / F) 3) Howard St/New Montgomery St (39.5 / D) > (77.2 / E) 4) Howard St/Hawthorne St (19.6 / B) > (61.9 / E) 5) Hawthorne St/Folsom St (74.5 / E) > (>80 / F) 6) Harrison St/ Hawthorne St (43.4 / D) > (71.0 / E) 7) ----- 8) ----- 9) ----- 10) Third St/King St (>80 / F) > (>80 / F) 14) ----- 15) Second St/Folsom St (64.6 / E) > (30.7 / C) 16) ----- 17) Second St/Bryant St (>80 / F) > (>80 / F) 18) South Park St/Second St (EB) (>80 / F) (4.6 / A) 20) ----- 21) ----- 22) ----- 23) Harrison St/Essex St (>80 / F) > (>80 / F) 26) ----- 27) Folsom St/ First St (>80 / F) > (>80 / F) 28) Harrison St/ First St (>80 / F) > (>80 / F) 29) Fifth/Bryant/I-80 EB on-ramps (>80 / F) > (>80 / F)	1) Market St/Montgomery St (>80 / F) > (>80 / F) 2) Mission St/New Montgomery St (>80 / F) > (>80 / F) 3) Howard St/New Montgomery St (17.5 / B) > (55.9 / E) 4) Howard St/Hawthorne St (12.0 / B) > (42.7 / D) 5) Folsom St/Hawthorne St (>80 / F) > (>80 / F) 6) Harrison St/Hawthorne St (30.5 / C) > (>80 / F) 7) Bryant St/Third St (>80 / F) > (>80 / F) 8) Brannan St/Third St (>80 / F) > (>80 / F) 9) Townsend St/Third St (>80 / F) > (>80 / F) 10) King St/Third St (>80 / F) > (>80 / F) 14) Howard St/Second St (>80 / F) > (>80 / F) 15) Folsom St/Second St (>80 / F) > (>80 / F) 16) Harrison St/Second St (>80 / F) > (>80 / F) 17) Bryant St/Second St (>80 / F) (>80 / F) 18) South Park St/Second St (61.0 / F) > (10.7 / B) 20) Townsend St/Second St (73.3 / E) > (>80 / F) 21) King St/Second St (>80 / F) > (>80 / F) 22) Folsom St/Essex St (>80 / F) > (>80 / F) 23) Harrison St/Essex St (>80 / F) > (>80 / F) 26) Howard St/First St (>80 / F) > (>80 / F) 27) Folsom St/First St (>80 / F) > (>80 / F) 28) Harrison St/First St (>80 / F) > (>80 / F) 29) Fifth St/Bryant St/I-80 EB On-Ramp (>80 / F) > (>80 / F)	2/11/2015	Construction Planned Fall 2016-late 2017 <small>(http://sfmea.sfplanning.org/2007.0347E_Draft%20SEIR.pdf)</small>	54 90	70 106	http://sfmea.sfplanning.org/2007.0347E_Draft%20SEIR_Appx.pdf
2014.0012E	Better Market Street Project	NOP Stage - MARKET STREET intersections between Octavia Boulevard and The Embarcadero	NOP Stage - MARKET STREET intersections between Octavia Boulevard and The Embarcadero	1/14/2015	Construction Planned 2018 <small>(http://www.bettermarketstreet.org/docs/0001_Foundation.pdf)</small>	NA	NA	http://www.sf-planning.org/index.aspx?page=4003

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) 8) Fifth/Natoma (EB) (38.2 / E) > (40.9 / E) 9) ----- 10) ----- 11) Fifth/Harrison (58.7 / E) > (60.7 / E) 12) Fifth/Bryant (> 80 / F) > (> 80 / F) 13) Sixth/Market (44.6 / D) > (45.3 / D) 15) Sixth/Minna (WB) (< 50 / F) > (< 50 / F) 16) Sixth/Natoma (EB) (< 50 / F) > (< 50 / F) 17) ----- 18) Sixth/Folsom (43.3 / D) > (> 80 / F) 19) ----- 20) Sixth/Bryant (> 80 / F) > (> 80 / F) 21) Sixth/Brannan (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 / B) > (> 80 / F) 8) Fifth/Natoma (38.2 / E) > (< 50 / F) 9) Fifth/Howard (15.1 / B) > (< 80 / F) 10) Fifth/Folsom (27.7 / B) > (> 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/Minna (WB) (< 50 / F) > (18.5 / B) 16) Sixth/Natoma (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/Brannan (74.4 / E) > (> 80 / F)	10/15/2014	Construction Planned Phase 1: 2017-2021 Phase 2: 2020-2025 <small>(http://sfpdproject.com/sgfmain/documents/190403_sfpdmain_attach.pdf) (http://sfplanning.org/ftp/Sfmea/CommissionReports/5M%20Project%20Public%20Draft%20EIR.pdf) (pg 59)</small>	310 351	386 427	http://sfmea.sfplanning.org/2011.0409E_D_EIR.pdf
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) > (58.0 / 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 (60.4 / 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 2014-2018 <small>(http://mosconexpansion.com/fig)</small>	IV.A-54 IV.A-54	155 155	http://sfmea.sfplanning.org/2013.0154E_D_EIR.pdf
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 2015-2021 <small>(http://sfport.com/Modules/ShowDocument.aspx?DocumentID=5666)</small>	NA	NA	http://sfmea.sfplanning.org/2013.0208E_NOP.pdf
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	http://sfmea.sfplanning.org/2005.0424E_F_MND.pdf
2011.0702E	101 Polk Street	Mitigated Neg Dec (No Intersection LOS Analysis)	Mitigated Neg Dec (No Intersection LOS Analysis)	3/27/2013	CONSTRUCTION ONGOING (thru early 2016) <small>(http://www.shrp.com/101-polk-street-architectural-construction-analysis-continues)</small>	NA	NA	http://sfmea.sfplanning.org/2011.0702E_P_MND1.pdf
2007.0385E	345 Brannan Street	Mitigated Neg Dec (No Intersection LOS Analysis)	Mitigated Neg Dec (No Intersection LOS Analysis)	3/20/2013	CONSTRUCTION ONGOING (thru late 2015) <small>(http://www.dbauildingradecouncil.org/news/top-stories/177-developers-working-together-on-brannan-street-project)</small>	NA	NA	http://sfmea.sfplanning.org/2007.0385E_P_MND.pdf

Table 3c
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) > (63.2 / E) Fourth / Market (>80 / F) > (>80 / F)	Existing No Project > Cumulative Plus Project Third / Market (56.2 / E) > (>80 / F) Third / Stevenson (12.1 / B) > (>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) <small>(http://www.sfplanning.org/transportation/record-breaking-rain-project-coming-to-soma-612645.php)</small>	IV.E.37 IV.E.60	149 172	http://sfmea.sfplanning.org/2008.1084E_DEIR_Part_3.pdf
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 (NB) (24.6 / C) > (39.2 / E) 15) 16) Sixteenth/Rhode Island (NB) (48.7 / E) > (>50 / F)	1) Seventh/Harrison (>80 / F) 2) Ninth/Bryant (60.6 / 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) Eighth/Brannan (>80 / F) 9) Seventh/Townsend (>80 / F) 10) Division/Rhode Island (NB) (>50 / F) 15) Sixteenth/Kansas/Henry Adams (>80 / F) 16) Sixteenth/Kansas/Rhode Island (NB) (>80 / F)	1/9/2013	CONSTRUCTION ONGOING One Henry Adams (thru 2016) <small>(http://www.threebayplanning.org/equity-residential-break-ground-on-one-henry-adams-in-san-francisco/801-brannan)</small> 801 Brannan (thru Spring 2017) <small>(http://www.hipjournals.com/sanfrancisco/blog/real-estate/2015/05/equity-residential-home-apartments-801-brannan.html)</small>	177 205	271 299	http://sfmea.sfplanning.org/2000.618E_DEIR1.pdf
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	http://sfmea.sfplanning.org/2011.1381E
2011.1086E	752 Carolina Street	Mitigated Neg Dec (No Intersection LOS Analysis)	Mitigated Neg Dec (No Intersection LOS Analysis)	9/5/2012	?????	NA	NA	http://sfmea.sfplanning.org/2011.1086E_PMND-CPE.pdf
2008.0586E	Academy of Art University Project	NOP Stage - No study intersections identified	NOP Stage - No study intersections identified	9/29/2010	?????	NA	NA	http://www.sfplanning.org/modules/ShowDocument.aspx?documentid=8289
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) <small>(http://www.threebayplanning.org/articles/2014/04/23/third-street-and-fully-lease-tikvah-in-san-francisco-tower)</small>	81 81	109 109	http://www.sfplanning.org/modules/ShowDocument.aspx?documentid=8070
2006.1506E	749 Wisconsin Street	NOP Stage - No study intersections identified	NOP Stage - No study intersections identified	6/30/2010	?????	NA	NA	http://www.sfplanning.org/ftp/files/MEA/2006.1506E_749_Wisconsin_NOP.pdf
2004.0588E	255 Seventh Street Project	Reduction in Traffic Volumes	Reduction in Traffic Volumes	2/24/2007	?????	NA	NA	http://www.sfplanning.org/modules/ShowDocument.aspx?documentid=408

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, 1st St, 2nd St,, 7th St, 8th 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. 8th 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 Bryant 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) = (5M 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 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.

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								

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.

Please feel free to give me a call if you have any questions.

Sincerely,

Larry Wymer & Associates Traffic Engineering



Larry Wymer, CA T.E. 1955

Larry Wymer & Associates Traffic Engineering provides traffic/transportation engineering and transportation planning consulting services for development projects, public agencies, and others requiring solutions to their transportation challenges.

Owner Larry Wymer is a licensed traffic engineer with over twenty years of diverse experience covering a full range of traffic and transportation issues, including completion of over 100 traffic impact studies ranging from small single-use developments to large multi-use developments having regional impact. His experience includes working with private clients, as well as public sector clients including Caltrans, numerous Cities and Counties throughout California, and California tribal governments. This experience with both the private and public sectors, and the establishment of successful, positive, working relationships with both private entities and public agency officials, helps to assure that fair and equitable traffic mitigation measures will be identified and/or negotiated when project induced traffic impacts are identified within our client's traffic impact studies. Mr. Wymer is known for his skillful report writing and strict attention to detail which assures that all traffic studies conform to CEQA, Caltrans, and local agency standards, and include well researched, thorough, and detailed analysis which meet the expectation of reviewing agencies.

In addition to his involvement in typical transportation engineering projects, Mr. Wymer brings three years of distinctive experience working with attorneys and expert witnesses to analyze impacts, design conceptual mitigated alternative site designs, and formulate opinions for use in depositions and expert witness testimony for over 100 properties undergoing eminent domain proceedings; as well as investigating, analyzing, reconstructing, and formulating opinions for over 100 accidents.

SERVICES PROVIDED

- Traffic/Transportation Engineering Consulting
- Transportation Planning Consulting
- Traffic Impact Studies (including CEQA level for EIR's)
- Circulation Elements
- Traffic Operations and Flow Analysis
- Project Access & Internal Circulation Analysis
- Traffic Signal Warrant Analysis
- Speed Studies
- Traffic Data Collection (including Peak Hour Intersection Turning Movement Counts)

LARRY C. WYMER

Curriculum Vitae

PROFESSIONAL REGISTRATION

- California T.E. (Traffic Engineer) #TR-1955, February, 1998
- Florida P.E. (Professional Engineer) #47692, February 1994
- Professional Traffic Operations Engineer (P.T.O.E.) #2187, June, 2007

PROFESSIONAL ORGANIZATIONS

- Institute of Transportation Engineers – Northern California Section
 - President (2007-08)
 - Section Administrator (2008-present)
 - Board Member (2004-Present) through positions as Treasurer (2004-05), Secretary (2005-06), Vice President (2006-07), President (2007-08), Past President (2008-09), Section Administrator (2008-present)
 - Various Chairs: Career/Student Guidance Chairperson (1997-2000), Technical Chairperson (1999-2000), Membership Chairperson (2004-present), Archivist (2007-08).
- Institute of Transportation Engineers – Western District (aka District 6 / Western United States)
 - Current Vice Chair for Student Initiatives (2008-present)
 - Current N. CA Section Representative of ITE District 6 Student Endowment Fund Grassroots Committee
 - Candidate for ITE International Director representing Western District (2009-12 term)
 - Candidate for ITE Western District Secretary-Treasurer (2008-09 term)

EDUCATION / HONORS

- University of Texas at Arlington. B.S. in Civil Engineering, 1989
 - President - American Society of Civil Engineers Student Chapter
 - Distinguished Senior Award - Civil Engineering Department
 - Chi Epsilon National Civil Engineering Honor Society
 - Omicron Delta Kappa National Leadership Honor Society
- Recipient of ITE District 6 (Western US District) Presidential Proclamation (2008)

PROFESSIONAL EXPERIENCE

Owner, Larry Wymer & Associates Traffic Engineering , El Dorado Hills, CA	Jan 2009 – Present
Manager, Traffic Engineering , <i>Gene E. Thorne and Associates</i> , Cameron Park, CA	Oct 2006 – Jan 2009
Senior Transportation Engineer , <i>Omni Means</i> , Roseville, CA	Feb 2004 – Sept 2006
Senior Transportation Engineer , <i>Analytical Environmental Services</i> , Sacramento, CA	July 2002 – Feb 2004
Manager, Traffic Engineering , <i>David Evans & Associates</i> , Roseville, CA	Aug 1999 – July 2002
Senior Transportation Engineer , <i>CCS Planning & Engineering</i> , Sacramento, CA	May 1996 – Aug 1999
Transportation Engineer , <i>Zook, Moore & Associate</i> , West Palm Beach, FL	Dec 1992 – Nov 1995
Transportation Analyst , <i>Kimley-Horn & Associates</i> , Orange, CA	Jan 1992 – Dec 1992
Associate Transportation Engineer , <i>DKS Associates</i> , Oakland & Santa Ana, CA	June 1989 – Nov 1991
 <u>College Internships</u>	
Transportation Technician , <i>Texas Transportation Institute</i> , Arlington, TX	Aug 1988 – May 1989
Environmental Technician , <i>Environmental Protection Agency</i> , Dallas, TX	Summer 1987

RELEVANT SKILLS / REPRESENTATIVE PROJECTS

OFFICE/BUSINESS MANAGEMENT SKILLS

- Owner of Larry Wymer & Associates Traffic Engineering (2009-present).
- Developed and managed Transportation Engineering Department at Gene E. Thorne & Associates in Cameron Park (2006-2009).
- Managed newly established Transportation Engineering Department of David Evans & Associates' Roseville office (2000-2002).
- Served as interim office manager of CCS Planning and Engineering's Sacramento office during the summer of 1997.
- Former licensed irrigator in Texas - Owner and operator of Forever Green Lawn Irrigation (June 1986 - June 1989) and Co-Operations Manager/Salesman at Sprinkler Engineering Corporation (Feb. 1982-June 1986).

TRANSPORTATION PLANNING

- Project manager/engineer on over 100 traffic impact studies ranging from small single-use developments requiring simple hand trip assignments and operations analysis to large regionally impacting multi-use developments requiring detailed computer analysis. (*NOTE: See attached list of selected traffic impact studies*)
- Project manager/engineer studying the feasibility of potential bypass alternatives for SR-49 traffic between I-80 and North Auburn, as well as traffic continuing to/from Nevada County. Analyzed existing travel patterns through use of video surveys and an associated DMV license plate check, oversaw the development and calibration of a MINUTP traffic model to simulate these patterns, tested ten alternative routes and various improvement strategies to alleviate congestion along the S.R. 49 corridor, and compared and contrasted the relative benefits and impacts associated with each of these alternatives, particularly in terms of how it eases congestion and improves operation of SR-49. Was an integral part of the SR-49 Bypass Study Technical Advisory Committee (TAC).
- Project manager/engineer of transportation/circulation studies for various design options associated with development of the Shingle Springs Rancheria in El Dorado County, a 160 acre site located adjacent to US-50 belonging to the Shingle Springs Band of the Miwok Indians. The latest proposed project includes a 238,500 sq. ft. casino and 250 room hotel with access via a new US-50 interchange. The various studies conformed to both CEQA/NEPA criteria and included: (1) Shingle Springs Hotel-Casino Environmental Assessment (EA), (2) Shingle Springs Medical Clinic-Residential EA, (3) Shingle Springs Interchange Project Study Report (PSR), and (4) Shingle Springs Interchange Project EIR/EA. Worked with El Dorado County traffic engineering personnel to establish analysis methodologies consistent with the El Dorado County General Plan, including helping the County to establish a matrix which outlines specific significant impact thresholds and criteria. The analysis investigated impacts to roadways and highways throughout all of El Dorado County through use of the El Dorado County MINUTP traffic model. The analysis also involved extensive research regarding recreational activity options within El Dorado County which resulted in an establishment of the likely distribution of recreation oriented trips to and from the hotel component of the project. Also an active member of the Project Development Team (PDT).
- Project engineer for Project Study Reports (PSR) for I-80/Elkhorn-Greenback interchange in Sacramento and SR-99/Hammer Lane and SR-99/Wilson Way interchanges in Stockton. Assisted with development of traffic forecasts, performed traffic operation analyses for various alternatives and helped establish final recommended geometrics.
- Project manager/engineer assisting the developer of the Pheasant Run development in the City of Dixon by providing justification to the City of Dixon to change the parcel's zoning from light industrial to residential. Prepared a traffic study using the City's MINUTP model. Presented findings to the city council showing the lessened impacts which would accompany the proposed change in zoning. The city council subsequently approved the project.
- Project engineer performing numerous screenline analyses of fatal impacts associated with the development of Indian gaming casinos at various locations to help casino developers and tribes with the selection or elimination of potential casino locations in and around the San Francisco Bay metropolitan area.
- Project engineer in responsible charge of preparing the first circulation element for the newly incorporated City of Diamond Bar, California. The project included development of a corresponding forecast transportation demand model using EMME/2. Also organized and oversaw a license plate survey which quantified the through traffic along all of the city's arterials. Also prepared circulation element updates for the cities of South Pasadena and Chino Hills.
- Project engineer performing analysis of added trips within various San Diego County sub-regions which would be

generated by new housing and commercial development associated with growth induced by development of the Jamul Indian gaming casino. Trips were established based on the number of jobs which would be established and the number of new homes which would be built to accommodate newly created jobs, with consideration for commutes occurring between and within each sub-region.

- Project engineer involved in the development and post-processing of the Riverside-San Bernardino Regional Transportation Model (RIVSAN) for the Riverside County Transportation Commission (RCTC) using TRANPLAN.
- Assistant project manager/project engineer for initial stages of preparation of the South San Diego County Impact Fee Study.

TRAFFIC ENGINEERING

- Extensive experience analyzing intersection and roadway operations using a variety of methodologies, software applications, and traffic impact study guidelines. Operations analysis includes detailed methodologies requiring use of TRAFFIX and HCM software; more simple critical movement analysis methodologies (i.e. Circular 212, CMA); and straight volume-to-capacity analysis. Experience includes detailed research and surveys for purposes of collecting and establishing existing, proposed and future year field conditions including traffic volumes, geometrics, and signal timings; supplemented as necessary by experienced engineering judgment to establish reasonable assumptions when data is not available.
- Owned and operated business performing traffic data collection services, including peak hour intersection turning movement counts. Organized and supervised data collection crews, summarized traffic data for clients.
- Project manager/engineer for Ridge Road speed study to analyze 85th percentile speeds and safety consideration for establishment of a speed zone in the vicinity of the Jackson Rancheria, including testimony to Amador County Board of Commissioners.
- Project manager/engineer for traffic control analysis of Lincoln Boulevard/Wyandotte Avenue intersection in the City of Oroville. Analyzed the feasibility of various traffic control measures to improve traffic operations at the intersection including signalization, all-way stop, and a round-about, along with opinions of costs for each alternative.
- Project manager/engineer for traffic operations and capacity analysis of design alternatives for a new roundabout intersection providing access to the new Grand Canyon Transit Center.
- Project engineer involved in the traffic engineering element of the Long Beach-Los Angeles Metro Blue Line Light Rail Transit Project. Field manager overseeing the bench and field testing and installation of modified local and central traffic signal control and surveillance software for all 27 traffic signals within the City of Los Angeles. Continued to provide system fine tuning, modifications, and on-call troubleshooting during actual operation of the system. Modified design specifications and prepared final as-built functional specifications and users manuals for the software. Also assisted in the development of the automated traffic signal testing programs created specifically for the project.
- Project engineer in responsible charge of overseeing data collection and analysis of traffic related data for the Contra Costa Transportation Authority's (CCTA) Traffic Service Objective (TSO) Monitoring Study. The study was the first detailed study performed to gauge the degree to which the County's traffic goals were met as compared to specific TSO's developed eight years earlier by CCTA, the five sub-County districts, Contra Costa County, Caltrans, BART and other local transit agencies, and the 20 incorporated cities within the County. Traffic Engineering analysis included level of service analysis for 120 intersection and numerous roadways, travel time studies and vehicle occupancy studies along freeways and dozens of major arterials, transit ridership, park and ride lot utilization, reduction of accidents, and reduction of through truck traffic.
- Project engineer assisting in the redesign of Tropicana Avenue in Las Vegas, Nevada to an 8-lane facility by analyzing intersection design alternatives, and assisting with preparation of final intersection, signal, and roadway designs.
- Principal project engineer for a corridor traffic improvement study for Spring Mountain Road in Las Vegas, Nevada.
- Experience and classroom training in use of TSIS/CORSIM (including TRAF-NETSIM, FRESIM), with ability to construct simulation models using ITRAF or write input code from scratch, and calibrate model with actual field conditions; applications include use in analyzing vehicle progression, signal coordination, and alternatives testing.

CALTRANS INITIAL STUDIES

- Project manager/engineer on seven Initial Studies analyzing impacts associated with roadway and intersection improvements along SR-16 associated with the expansion of the Cache Creek Casino in Yolo County. The first of

seven Initial Studies analyzed impacts associated with revised project access to the casino including a new signalized entrance, two new additional access driveways, and the widening and realigning of SR-16 adjacent to the casino. The other six Initial Studies analyzed impacts associated with improvements at six off-site intersections along SR-16 to accommodate increased traffic volumes associated with the expansion. Also active member of Project Development Team (PDT), and participated in public meeting in the affected community accepting comments on the first of the seven Initial Studies.

BICYCLE ROUTE STUDIES

- Completed the Safety and Transportation Analysis section of the City of Sacramento Bikeway Master Plan Update EIR which addressed safety and traffic related impacts which would be associated with adoption of the proposed plan amendments studied. Issues which were addressed included cyclist safety including shared use of roadways, potential conflicts with traffic, adequacy of roadways to accommodate proposed bikeways, and impacts associated with barriers such as freeways, freeway interchanges, rivers, railroad crossings, and major intersections. The analysis also addressed the consistency of the Bikeway Master Plan Amendment with local and regional transportation plans and programs.

CONSTRUCTION TRAFFIC HANDLING

- Project engineer responsible for evaluating traffic impacts and preparing preliminary traffic handling strategies for SRCSD pipeline construction projects along major arterials in Sacramento County including the 8 mile long Folsom 2 Interceptor and the 34 mile long Northwest Interceptor.
- Project engineer responsible for performing field inspections and assisting in the preparation of PS&E for traffic handling, construction area signing, and pavement delineation along the project corridor for the US-50 Storm Damage Repair Project in Caltrans District 3.

SPECIAL EVENT TRAFFIC MANAGEMENT

- Project engineer responsible for aspects of traffic and parking for the first annual Wings over Stockton Air Show with an attendance of over 100,000 people. Responsibilities included designing and overseeing creation and placement of signing designating routes into and through the City of Stockton to off-site shuttle lots and on-site parking; design of on-site parking including public parking, handicap, and various special pass lots; overseeing actual parking and traffic during the show including coordinating the activities of approximately 250 volunteers and troubleshooting.

EMINENT DOMAIN / SITE DEVELOPMENT & ANALYSIS

- Project engineer involved with analyzing the impacts to over 100 properties undergoing eminent domain proceedings for use in expert witness testimony. Analysis of impacts and design of mitigating cures requires investigation and analysis of numerous issues encompassing many disciplines of civil engineering in addition to traffic engineering, transportation planning, and roadway design. Civil and traffic engineering issues which are typically addressed include site access and circulation, parking, building setbacks and landscape buffers, site drainage, adjacent roadway design, conceptual site redesigns, and preparation of construction cost estimates. Transportation planning issues include concurrency reviews and conceptual traffic impact analysis for both vacant sites and fully developed sites with alternative land use concepts. Work with attorneys as well as marketing experts, appraisers, contractors, and engineers acting as expert witnesses to help formulate final opinions and courtroom defense tactics.

ACCIDENT STUDIES & ACCIDENT RECONSTRUCTION

- Project engineer involved with the investigation and reconstruction of over 100 accidents for use in expert witness testimony. Analyze accident dynamics through hand calculations, graphical analysis, and the utilization of accident reconstruction computer programs such as EDVAP. Investigate potential deficiencies in roadway designs and traffic control. Research accident histories and conduct cost-benefit analysis for potential improvements at high accident risk locations. Work with attorneys and engineer acting as expert witness to help formulate final opinions and courtroom defense tactics.

SELECTED TRAFFIC IMPACT STUDIES

Penobscot Ranch Subdivision TIS (El Dorado County) – 331.54 acre site with 33 single family residences.

Diamond Plaza TIS (El Dorado County) – 1.80 acre site with 10,389 sq. ft. retail, 5,603 sq. ft. office, 3,644 sq. ft. restaurant, and 7 single family residential lots.

Wild Chaparral Offices TIS (El Dorado County) – 2.00 acre site with 18,000 sq. ft. office.

Lakeside Avenue Sub-division TIS (City of Redding) – 25.9 acre site with 40 single family residences.

Willows Wal-Mart Expansion TIS (City of Willows) – Replacement of existing Wal-Mart store with 187,348 sq. ft. Wal-Mart Supercenter, plus 3,206 sq. ft. fast food restaurant with drive through, and gas station.

Sierra College Center TIS (City of Rocklin) – 9.83 acre site with 77,588 sq. ft. of retail/office development.

West Ridge MP TIS (City of Redding) - 400 acre site with 296 single family residences.

Chico Wal-Mart South TIS (City of Chico) – Expansion of existing 97,124 sq. ft. Wal-Mart store to a 223,013 sq. ft. Wal-Mart Superstore, plus a 5,000 sq. ft. fast food restaurant with drive through, and gas station.

Woodcreek Terraces TIS (City of Roseville) – 10 acre site with 30,420 sq. ft. of mixed retail, and 53 single family dwelling units.

Tierra Oaks TIS (City of Redding) – Expansion of subdivision to include an additional 57 single family residences.

Oroville Retail NW of SR-70 & Nelson TIS (City of Oroville) – 15.56 acres with 271,117 sq. ft. of retail/business.

Martin Ranch TIS (City of Oroville) – 70 acres with 238 single family residences.

Fiddler Green TIS (Placer County) - 18.5 acre site 116 single family residences.

Butte Woods 2 TIS (City of Oroville) - 55 acre site with 169 single family residences.

Bella Ceda TIS (City of Oroville) - 24.1 acre site with 22,000 sq. ft. medical-dental office, 7,000 sq. ft. restaurant, and 87 single family residences.

Javani Estates TIS (Sacramento County) - 7.67 acre site with 74,527 sq. ft. of grocery/retail.

Oroville Los Olivos & Ceraolo TIS (City of Oroville) - 35 acre site 132 single family residences.

Mercy San Juan Medical Center TIS (Sacramento County) – Expansion of existing hospital to include new 142,683 sq. ft. hospital tower, and a new 40,000 sq. ft. medical office building, as well as two new parking structures.

Auburn Fitness TIS (Placer County) – 3.5 acre site with 35,000 sq. ft. fitness center.

West Tuolumne Rd Subdivision (City of Turlock) – 48 single family residences.

California Waste Recovery & Transfer Station (City of Galt) – 5 acre waste/recycling transfer facility.

Walnut Avenue Theater / Retail Project (City of Galt) – 15.5 acre site with 117,000 sq. ft. retail and 43,000 sq. ft. (11 screen / 1,800 seat) movie theatre.

Rocklin Pavilion (City of Rocklin) – 41.9 acre site with 415.1 sq. ft. of retail shopping center and 15,000 sq. ft. office.

Cache Creek Casino-Hotel (Yolo County) – 262,137 sq. ft. casino and 200 room hotel.

Enterprise Rancheria Casino-Hotel (Yuba County) – 40 acre site including a 207,760 sq. ft. casino and 170 room hotel.

Auburn Rancheria School (Placer County) – 2.84 acre site including 19,354 sq. ft. facility with school, administrative and tribal offices, health center, and assembly hall.

Guenoc Winery (Lake and Napa County) – Expansion of irrigated winery vineyard, pasture, and forage cropland from 1,819 acres to 6,847 acres.

Lincoln Gateway Development (City of Lincoln) – Analysis of three alternatives for 18 acre site: (1) Proposed Project: 52,500 sq. ft. retail, 5,000 sq. ft. restaurant, 12,500 sq. ft. fast food, 75,000 sq. ft. professional office, 25,000 sq. ft. medical office, and 150 affordable senior residences; (2) Reduced Commercial/Reduced Residential Alternative: 39,375 sq. ft. retail, 12,500 sq. ft. fast food, 56,250 sq. ft. professional office, 18,750 sq. ft. medical office, and 112 affordable senior residences; (3) Reduced Commercial/Increased Residential Alternative: 52,500 sq. ft. retail, 12,500 sq. ft. fast food, 5,000 sq. ft. restaurant, 44 single family residences, and 138 affordable senior residences.

Latrobe Self Storage (El Dorado County) – Rezone of 7.0 acre site from Research/Development to self-storage facility containing 104,880 sq. ft. of enclosed storage space (containing up to 693 storage units), 121 RV parking spaces, and a 4,052 sq. ft. manager office/residence.

Horizon Church (San Joaquin County) – 10, 880 sq. ft. church.

Timbisha Shoshone Casino-Hotel (City of Hesperia) – 58.1 acres including 182,500 sq. ft. casino and 300 room hotel.

Ione Casino-Hotel (City of Plymouth) – 120,000 sq. ft. casino and 250 room hotel.

Sacramento Mormon Temple (Sacramento County) – 47 acre site containing 17,500 sq. ft. the Church of Jesus Christ of Latter-Day Saints temple, a clothing and curriculum supply distribution center, and two caretakers' residences.

Evans Creek Storage (El Dorado County) – 122,000 sq. ft. of enclosed storage space consisting of up to 752 storage units.

Travis Crossing Apartments (Solano County) – 9.52 acres with 181 apartments.

All Outdoor Whitewater Rafting (El Dorado County) – Modification of existing 7.5 acre site to provide for commercial whitewater rafting put-ins and take-outs at the site.

Chapa De Indian Health Program Medical Center (City of Grass Valley) – 26,980 sq. ft. medical clinic.

Shingle Springs Casino-Hotel (El Dorado County) – 238,500 sq. ft. casino complex and 250 room hotel.

Shingle Springs Clinic and Residential Development (El Dorado County) – 14,335 sq. ft. health clinic and six single family residences.

Paskenta (Rolling Hills) Reservation Casino (Tehama County) – 50 acres including 60,000 sq. ft. casino.

Santa Rosa Rancheria Fire Station (King County) – Relocation of Kings County Fire Station #7 to Santa Rosa Rancheria adjacent to The Palace Casino.

Greenville Rancheria Casino (Tehama County) – Analysis of 2 alternatives: (1) 120,000 sq. ft. casino; (2) 122,250 sq. ft. commercial development.

Mechoopda/Chico Rancheria Casino (Butte County) – 7.58 acres with 41,600 sq. ft. casino.

Sienna Vista PCD Development (City of Phoenix, Arizona) – 260.6 acre mixed use development including 805 single family residences, elementary school, convenience market/gas station, and 13.5 acre park.

North Coast Business Park (Clatsop County, Oregon) – Master plan of 270 acre community with analysis of 2 alternatives: (1) 59.4 acres light industrial, 80 bed youth correctional facility and county animal shelter; (2) 59.4 acres light industrial, 326,700 sq. ft. shopping center, 170 county jail, 80 bed youth correctional facility county animal shelter, and 2,100 student junior college.

San Jose Continuation High School (City of San Jose)

Coachella-Augustine Rancheria Casino (Riverside County) – Two studies: (1) 162,500 sq. ft. Casino, 200,000 sq. ft. Retail, 400 room hotel, and an 18 hole golf course; (2) scaled down development with a 31,200 sq. ft. casino.

Sybil Women's Prison (Los Angeles County) – renovation of 900 bed Sybil Brand Institute and Correction Facility.

5-Star Storage (El Dorado County) – 3.34 acres with 295 storage units.

Cameron Park Storage (El Dorado County) – 5.9 acres with 90,790 sq. ft. of enclosed storage and 105 RV parking spaces.

Rios Labor Farm Camp (San Joaquin County) – existing 80 acre farm with 75 proposed housing units to accommodate approximately 400 employees/labor camp residents.

Delta Church (San Joaquin County) – 37,580 sq. ft. church including a 499 seat worship area, education, and administration facilities, as well as outdoor recreational facilities.

Central Valley Baptist Church (San Joaquin County) – 10,000 sq. ft. church and 2,400 sq. ft. multi-purpose building.

Granade Automotive (El Dorado County) – 4,000 sq. ft. automotive repair garage.

March Industrial Park (City of Roseville) – 5.25 acres of light industrial development.

Arbor View Development (City of Roseville) – 6.8 acres with 29,909 sq. ft. retail, 7,477 sq. ft. office, and 4,500 sq. ft. restaurant.

Lincoln Terrace Apartments (City of Lincoln) – 5.1 acres with 80 apartments.

6th Street Extension (City of Lincoln) – Impacts associated with abandonment of proposed westward extension of 6th Street to accommodate 190 dwelling unit apartment complex.

Warmington Homes (City of Auburn) – 16.98 acre rezone from commercial to residential to accommodate 83 single family residences.

Forest Hill Retirement Community (Placer County) – 1700 unit active retiree community.

Peabody Green Residential Development (City of Fairfield) – 17.9 acres with 146 single family residences.

Pleasant Valley Executive Homes (City of Vacaville) – 629 acre single family residential development with planning level analysis of 500 units vs. 700 units vs. 900 units vs. 1,200 units.

Pheasant Run (City of Dixon) – 37 acre rezone from light industrial to 132 single family residences and 4.71 acres of highway commercial development.

Second Street Senior Apartments (City of Dixon) – 3.8 acres containing 81 affordable senior apartments.

Vineyard Springs Comprehensive Plan Update (Sacramento County) – 2,560 acre community with analysis of 2 alternatives: (1) 5,409 single family residences, 1,160 multi-family residences, 100,000 sq. ft. medical/dental office, 100,000 sq. ft. general office, 2 elementary schools, 18-hole golf course, 10 neighborhood parks; (2) 5,399 single family

residences, 1,170 multi-family residences, 14 acres shopping center, 5 acres limited commercial, 146,000 sq. ft. medical/dental office, 146,000 sq. ft. general office, 2 elementary schools, 18-hole golf course, 10 neighborhood parks.

Arcadian Village Community Plan Amendment Update (Sacramento County) – 268 acres including 883 single family residences, 300 multi-family residences, 22 acres commercial, 11 acres office, 1 elementary school, 3 neighborhood parks, 1 community park.

Riverwalk General Plan/Community Plan Amendment (Sacramento County) – 677 acres including 305 single family residences, 18-hole golf course, 35 acre equestrian center, swim/tennis club.

Deer Creek Hills Community Plan (Sacramento County) – 1,892 acre seniors community including 2,224 single family residences, 775 multi-family residences, 150 dwelling unit congregate care facility, 50 bed nursing home, 80,000 sq. ft. shopping center, 30,000 sq. ft. medical/dental office, 18-hole golf course.

Embassy Suites Waterfront Hotel (Downtown City of Sacramento) – 248 room hotel with meeting rooms, restaurant, bar, retail.

Capitol East End Office Development (Downtown City of Sacramento) – 1.45 million sq. ft. state office park immediately east of State Capitol.

Capitol Area Plan Update (Downtown City of Sacramento) – Master plan for downtown Sacramento including development of 2.8 million sq. ft. of new office, 4,211 new parking spaces, 90,000 sq. ft. of new commercial, and 725 new residential dwelling units.

Neighborhood Preservation Transportation Plan (NPTP) Alternative Analysis (Downtown City of Sacramento) – Recirculation of traffic following implementation of complex network of traffic calming measures.

Coral Business Park (City of Sacramento) – 18 acres including 360,000 sq. ft. office park, gas station/restaurant, 2 restaurants, 240 room hotel.

Farmer's Market IV (City of Sacramento) – 90,000 sq. ft. office.

Calvary Christian School (City of Sacramento) – 300 student elementary school/day care center.

Citgo 7-11 Convenience Store (City of Sacramento)

Taco Bell at Folsom/53rd (City of Sacramento)

South Sacramento Streams (City of Sacramento) – Area wide levee improvement project.

Arch Road Industrial Site (San Joaquin County) – 103 acres including 2,700,000 sq. ft. light industrial/warehouse.

Woodson Road Trucking Facility (San Joaquin County) – 15 acre agricultural trucking facility.

Morada Ranch (City of Stockton) – 265 acre rezone including 107 single family residences, 413,000 sq. ft. commercial.

University of the Pacific Campus Plan (City of Stockton) – Reconfiguration of campus roadways and circulation.

Sacramento Valley (Bill Graham Presents) Amphitheater (Yuba County) – 20,000 seat concert amphitheater.

City of Dixon Multi-Modal Station (City of Dixon) – Commuter Rail Station.

San Joaquin River Conservancy EIR (Fresno and Madera Counties) – Development of recreational facilities along 45 miles of San Joaquin River.

Pleasant Grove/Foothills Commercial Center - Woodcreek Plaza (City of Roseville) – 14 acres including 12,300 sq. ft. shopping center, 16,800 sq. ft. quality restaurant, 2,000 sq. ft. fast food restaurant, 8,400 sq. ft. medical office, 8,400 sq. ft. general office, 7,800 sq. ft. day care center.

Lifescan 2 Corporate Expansion (City of Milpitas) – 85,000 sq. ft. add on of administrative office to corporate park.

Peery-Arrilliga Business Park (City of Milpitas) – 144 acres including 1,945,000 sq. ft. of research and development center, 150,000 sq. ft. general office, 110,000 sq. ft. commercial.

Treefarm Condominium/Office Development (City of Los Altos) – Includes 90 multi-family residences, 72,000 sq. ft. office, 28,000 sq. ft. retail.

Phil Lewis Property (West Palm Beach, Florida) – 100,000 sq. ft. light industrial development.

Parkway Center (Downtown City of Las Vegas, Nevada) – 250 acres including 3 hotel/casinos (5,404,000 sq. ft.), 1,642,000 sq. ft. office, 1,690,000 sq. ft. County Administration Center, 773,000 sq. ft. commercial, 78,000 sq. ft. fast food, 65,000 sq. ft. quality restaurant, 65,000 sq. ft. high turnover restaurant.

The Orchards Development (City of Las Vegas, Nevada) – 432 acres including 1,750 single family residences, 1,250 multi-family residences, 11.3 acres commercial, 600 student elementary school, 15,400 sq. ft. church, 13 acre city park.

Meadow Valley Development – North & South (Clark County, Nevada) – 75 acres including 294 single family residences, 376 multi-family residences, 3,700 sq. ft. bank, and 58,000 sq. ft. commercial.

Greenway Gardens Development (City of Henderson, Nevada) – 89 single family residences.

Foothills North Development (City of Henderson, Nevada) – 43 acres including 205 single family residences.

Wilson Tower Development (City of San Gabriel) – 25,000 sq. ft. 3-story commercial/office building.

Huntington Plaza Development (City of South Pasadena) – 23,000 sq. ft. 2-story commercial/office building.

Guasti Community (City of Ontario/Ontario International Airport) – 74 acres including 2,038,000 sq. ft. of office, 422,000 sq. ft. of office/industrial, 3 hotels with 1,100 rooms and commercial uses.

Beach Blvd./La Mirada Blvd. Shopping Center (City of Buena Park) – 11 acres including 53,000 sq. ft. supermarket and 78,000 sq. ft. commercial.

Villages of Palm Springs (City of Palm Springs) – 348 single family residences.

Duoc Su Buddhist Temple (City of Garden Grove)

San Juan Meadows Development (City of San Juan Capistrano) – Residential development with 18-hole golf course and driving range.

Bixby Old Ranch Development (City of Seal Beach) – 231 acres including 168 single family residences, 125 multi-family residences, 15,000 sq. ft. restaurant, 180 room hotel.

Santa Monica College Satellite Campus - Madison School Site (City of Santa Monica) – Use of old elementary school to accommodate 8 college classrooms and a day care center for 24 children.

South Gate New Elementary and High Schools (City of South Gate) – 100 classroom (2,700 student) high school and 21 classroom (600 student) elementary school.

EXHIBIT 4

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July 25, 2015

Ms Tiffany Bohee
OCII Executive Director
c/o Mr. Brett Bollinger
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
warriors@sfgov.org

Re: **Noise Impacts** - Comments regarding on Draft Subsequent Environmental Impact Report for the Event Center and Mixed Use Development at Mission Bay Blocks 29-32 (Warriors Arena Project); San Francisco Planning Department Case No. 2014.1441E; State Clearinghouse No. 2014112045

Dear Ms Bohee and Mr. Bollinger:

This office represents the Mission Bay Alliance (“Alliance”), an organization dedicated to preserving the environment in the Mission Bay area of San Francisco, regarding the project known as the Event Center and Mixed Use Development at Mission Bay Blocks 29-32 (“Warriors Arena Project” or “Project”). The Mission Bay Alliance objects to approval of this Project and certification of this EIR for the reasons stated in this letter.

This letter incorporates by reference, as comments on the DSEIR, all of the comments on the DSEIR contained in the July 22, 2015, letter report authored by acoustical engineer Frank Hubach (attached as Exhibit 1).

I. The DSEIR Is Not Sufficient as an Informational Document with Respect to Noise Impacts.

A fundamental defect in the DSEIR’s analysis of noise impacts is its use of thresholds of significance that do not actually measure the impacts that matter. This is readily demonstrated by comparing the two impacts that relate to the consistency of the Project with governing noise standards or plans (i.e., Impacts NO-2 (construction) and NO-4 (operations)) with the two impacts that relate to how noise affects people (i.e., Impacts NO-1 (construction) and NO-5 (operations)). Even in its discussion of the impacts that affect people, the DSEIR uses thresholds of significance that conflate compliance with non-CEQA regulatory programs with less-than-significant impacts under CEQA. This is error.

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The DSEIR uses several general thresholds of significance for noise impacts:

- Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels;
- Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

(DSEIR, p. 5.3-16.)

Impact NO-1 is described as “Construction of the proposed project would not cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. (Less than Significant).” (DSEIR 5.3-20.) For construction impacts, the DSEIR uses several more specific thresholds of significance, including:

- Non-impact equipment. The impact is considered less than significant as long as construction noise from non-impact equipment is less than 80dba at 100 feet from the noise generating equipment.¹
- Impact equipment. The impact is considered less than significant as long as the 1-hour Leq is less than 90 dBA for daytime and 80 dBA for nighttime construction noise exposure at residential uses,

¹ DSEIR, p. 5.3-16 - 5.3-17 [“Proposed construction activities would be required to comply with the San Francisco Noise Ordinance and the Mission Bay Good Neighbor Construction Noise Policy. The San Francisco Noise Ordinance prohibits construction activities between 8:00 p.m. and 7:00 a.m. and limits noise from any individual piece of construction equipment, except impact tools approved by the Department of Public Works, to 80 dBA at 100 feet. The Mission Bay Good Neighbor Construction Noise Policy limits pile driving or other extreme noise generating activity (80 dBA at a distance of 100 feet) to 8:00 a.m. to 5:00 p.m., Monday through Friday. As long as project construction activities comply with the noise ordinance, construction noise impacts from non-impact equipment would be considered less than significant. If construction activities using non-impact equipment would exceed these standards and the restrictions of the Mission Bay Good Neighbor Policy, then the noise effects would be potentially significant and mitigation measures would be required.”]

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and 100 dBA for commercial and industrial uses.²

The DSEIR then rigidly adheres to the regulatory scheme of the San Francisco Noise Ordinance in assessing the significance of noise from non-impact equipment, erroneously assuming the noise ordinance's regulatory scheme provides an appropriate threshold for determining whether impacts are significant under CEQA. Subdivision (d) of section 2909 of the San Francisco Noise Ordinance establishes thresholds for determining significance of noise impacts on nearby residents of 45 dBA nighttime/55 dBA daytime noise, stating:

Fixed Residential Interior Noise Limits. In order to prevent sleep disturbance, protect public health and prevent the acoustical environment from progressive deterioration due to the increasing use and influence of mechanical equipment, no fixed noise source may cause the noise level measured inside any sleeping or living room in any dwelling unit located on residential property to exceed 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. or 55 dBA between the hours of 7:00 a.m. to 10:00p.m. with windows open except where building ventilation is achieved through mechanical systems that allow windows to remain closed.

These standards (i.e., 45 dBA nighttime/55 dBA daytime noise) are based on the actual health and welfare of people. But the DSEIR does not use them for construction noise or operational traffic or crowd noise because this provision of the City's noise ordinance only applies to fixed noise sources. The DSEIR thus conflates compliance with the noise ordinance for less-than-significant impacts under CEQA.

The EIR's assumption in this regard violates CEQA, because compliance with regulatory standards cannot be used as a substitute for a fact-based analysis of whether an impact is significant. While San Francisco is free to adopt a noise ordinance that exempts specific noise sources from its regulatory effect, it is not free, under CEQA, to fail to disclose the significance of noise that exceeds these interior noise limits.³

² DSEIR, p. 5.3-17 ["The San Francisco Noise Ordinance does not identify any quantitative noise limit standard for impact equipment. To assess the potential impacts related to rapid impact compaction, this analysis employs the general construction noise assessment methodology and criteria suggested by the Federal Transit Administration (FTA). This guidance identifies a 1-hour Leq of 90 dBA for daytime and 80 dBA for nighttime construction noise exposure at residential uses. Commercial and industrial land use exposure to construction noise of 100 dBA is suggested as an assessment criterion."]

³ See, e.g., *Californians for Alternatives to Toxics v. Department of Food & Agriculture* (2005) 136 Cal.App.4th 1, 16 (lead agencies must review the site-specific impacts of pesticide applications under their jurisdiction, because "DPR's [Department of Pesticide Regulation] registration does not

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Because the DSEIR did not use the thresholds stated in section 2909(d), the noise impact assessment does not present relevant information that is necessary for determining whether the impact is significant. Instead, we have an impact assessment that is constrained by a series of arbitrary distinctions (i.e., the source fixed or not, the equipment impact or non-impact, the receptors are located in residences or hospitals) that have nothing to do with whether the affected community will suffer significant noise impacts.

The DSEIR refers to the World Health Organization (WHO) as “perhaps the best source of current knowledge regarding the health effects of noise impacts because European nations have continued to study noise and its health effects, while the United States Environmental Protection Agency all but eliminated its noise investigation and control program in the 1970s.” (DSEIR, p. 5.3-4.) The DSEIR also cites WHO’s Guidelines for Community Noise and its thresholds for adverse effects of noise on people.

In contrast to many other environmental problems, noise pollution continues to grow and it is accompanied by an increasing number of complaints from people exposed to the noise. The growth in noise pollution is unsustainable because it involves direct, as well as cumulative, adverse health effects.

(WHO, Guidelines for Community Noise, p. vii.)

Specific effects to be considered when setting community noise guidelines include:

and cannot account for specific uses of pesticides..., such as the specific chemicals used, their amounts and frequency of use, specific sensitive areas targeted for application, and the like”); *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109 [“the fact that a particular environmental effect meets a particular threshold cannot be used as an automatic determinant that the effect is or is not significant ... a threshold of significance cannot be applied in a way that would foreclose the consideration of other substantial evidence tending to show the environmental effect to which the threshold relates might be significant”]; *Citizens for Non-Toxic Pest Control v. Department of Food & Agriculture* (1986) 187 Cal.App.3d 1575, 1587-1588 (state agency applying pesticides cannot rely on pesticide registration status to avoid further environmental review under CEQA); *Oro Fino Gold Mining Corporation v. County of El Dorado* (1990) 225 Cal.App.3d 872, 881-882 (rejects contention that project noise level would be insignificant simply by being consistent with general plan standards for the zone in question). See also *City of Antioch v. City Council of the City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1331-1332 (EIR required for construction of road and sewer lines even though these were shown on city general plan); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 712-718 (agency erred by “wrongly assum[ing] that, simply because the smokestack emissions would comply with applicable regulations from other agencies regulating air quality, the overall project would not cause significant effects to air quality.”).

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interference with communication; noise-induced hearing loss; sleep disturbance effects; cardiovascular and psycho-physiological effects; performance reduction effects; annoyance responses; and effects on social behaviour.

(WHO, Guidelines for Community Noise, p. v.)

The scope of WHO's effort to derive guidelines for community noise is to consolidate actual scientific knowledge on the health impacts of community noise and to provide guidance to environmental health authorities and professionals trying to protect people from the harmful effects of noise in non-industrial environments.

(WHO, Guidelines for Community Noise, p. iii.)

As discussed by Mr. Hubach:

WHO's night-time standard for sleep disturbance inside bedrooms is 30 dBA, and outside bedrooms with "window open (outdoor values)" is 45 dBA. WHO's night-time and daytime standard for "speech intelligibility and moderate annoyance" for inside dwellings is 35 dBA. For outdoor living areas, WHO's daytime and evening standard for moderate annoyance is 50 dBA and for serious annoyance is 55 dBA.

(Exhibit 1, p. 3.) Yet, despite citing the WHO Guidelines, the DSEIR fails to use these standards as its thresholds of significance, and finds that "ambient plus project" noise levels much higher than the WHO's standards for harmful noise are less than significant.

Another human health and welfare based standard is provided by the State of California:

State regulations include requirements for the construction of new hotels, motels, apartment houses, and dwellings other than detached single-family dwellings that are intended to limit the extent of noise transmitted into habitable spaces. These requirements are collectively known as the California Noise Insulation Standards and are found in Title 24 of the California Code of Regulations.

The State of California updated its Building Code requirements with respect to sound transmission, effective January 2014. Section 1207 of the California Building Code (Title 24 of the California Code of Regulations) establishes material requirements in terms of sound transmission class (STC) 13 rating of 50 for all common interior walls and floor/ceiling assemblies between adjacent dwelling units or between dwelling units and adjacent public area. The previous code requirements (before 2014) set an interior performance standard of 45 dBA from exterior noise sources. This requirement will be re-instated in July of 2015.

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(DSEIR, p. 5.3-10.) DSEIR does not tell us what buildings in area comply with this code. (See DSEIR § 5.3.3.4 [Sensitive Receptors], and Table 5.3-4.) However, as Mr. Hubach observes:

Table 5.3-8 shows that all three receptors chosen for analysis will add construction noise to pre-existing ambient noise levels that already exceed the health and welfare based standards discussed above. As a result of construction operations (assuming all noise producing construction operations occur at the same time, noise levels at the Madrone Residential Tower will rise from 70.1 to 70.9 dBA (hourly Leq), at the Hearst Residential Tower from 71.2 to 80.8 dBA (hourly Leq), and at UCSF Hospital from 67 to 72.8 dBA (hourly Leq).

(Exhibit 1, p. 4.) Since the Project's noise, when added to background or ambient noise, exceeds the above health and welfare based standards, the impact is significant even if the impact does not violate the San Francisco Police Code.

For operational traffic noise, the DSEIR states:

Traffic noise level significance is determined by comparing the increase in noise levels (traffic contribution only) to increments recognized by Caltrans as representing a perceptible increase in noise levels. Additionally, it is widely accepted methodology by both FTA18 and the Federal Interagency Committee on Noise (FICON)¹⁹ that thresholds should be more stringent for environments that are already noise impacted. Consequently, for noise environments where the ambient noise level is 65 dBA DNL or less, the significance threshold applied is an increase of 5 dBA or more, which Caltrans recognizes as a readily perceptible increase. In noise environments where the ambient noise level exceeds 65 dBA DNL, the significance threshold applied is an increase of 3 dBA or more, which Caltrans recognizes as a barely perceptible increase.

(DSEIR, p. 5.3-19.)

Operational noise from non-transportation sources such as egress of patrons from events or sound amplification equipment in common areas are assessed based on noise increases of 8 dBA (for noise generated by commercial uses) over existing ambient (L90) levels and any applicable restrictions of the City's noise ordinance and Police Code. Although these operational noise increases would be of limited duration, they would be expected to occur throughout the life of the project and are therefore considered permanent changes in noise conditions.

(DSEIR, p. 5.3-19.)

As described by Mr. Hubach, for operational noise impacts (Impact NO-5), the DSEIR uses

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a series of “ambient plus increment” thresholds. As discussed by Mr. Hubach, using “ambient plus increment” thresholds where existing noise levels are already high:

disregards the fact the Project will make severe conditions worse. In addition, using these “ambient plus increment” thresholds for operational noise results in an unsustainable gradual increase in ambient noise. It is a formula for ever-increasing noise levels because each new project establishes a new, higher, baseline; then when the next project is approved, the incremental change will be added to the new baseline.

(Exhibit 1, p. 5.)

By ignoring the severity of existing noise levels and only looking to the “de minimis” nature of the Project’s incremental effect, the DSEIR’s noise impact determinations violate CEQA. (See *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120 (“CBE”) “[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]”).⁴ *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.

With respect to vibration impacts, as Mr. Hubach states:

The DSEIR omits important information about the environmental setting. In particular, the DSEIR acknowledges that “Sensitive receptors to vibration include ... vibration-sensitive equipment.” (DSEIR, p. 5.3-8.) But the DSEIR does not provide any evidence relating to the use of such equipment in the vicinity. Such information should include the type of equipment, the purpose of its use, its degree of sensitivity, and its distance from Project related sources of vibration.

⁴*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 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”].)

Ms Tiffany Bohee

c/o Mr. Brett Bollinger

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In its impact assessment, the DSEIR inexplicably excludes also the users of vibration sensitive equipment from the category of sensitive receptors, and based on this policy decision, concludes that construction vibration effects are not significant, stating:

“As discussed in the 1998 FSEIR, construction vibration effects on sensitive equipment would be a concern for users of research buildings and could be an inconvenience. However, these users are not considered sensitive receptors, and therefore, construction vibration effects are not considered a significant environmental effect under CEQA.” (DSEIR, p. 5.3-25.)

The DSEIR cannot omit an analysis of potentially significant effects by the simple expedient of arbitrarily defining the receptors of such effects as non-sensitive.

Thank you for your attention to this matter.

Very Truly Yours,

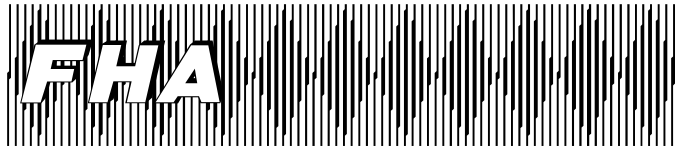


Thomas N. Lippe

List of Exhibits

1. Letter dated July 22, 2015, from Acoustical Engineer Frank Hubach.

EXHIBIT 1



22 July 2015

Mr. Tom Lippe, Esq.
Law Offices of Thomas N. Lippe APC
201 Mission Street, 12th Floor
San Francisco, CA 94105

Project: Warriors Event Center in Mission Bay
FHA # 648-02

Dear Mr. Lippe,

You requested that I review the analysis of this Project's noise impacts in the Draft Subsequent EIR dated 5 June 2015, Chapter 3.5. This letter report responds to your specific questions. My CV is attached.

1. Does the DSEIR use a reliable methodology to determine the significance of Impact NO-1 and Impact NO-5.

Impact NO-1 is "Construction of the proposed project would not cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. (Less than Significant)." (DSEIR, pp. 5.3-20 to 5.3-23.)

Impact NO-5 is "Operation of the proposed project would cause a substantial permanent increase in ambient noise levels in the project vicinity. (Significant and Unavoidable with Mitigation)." (DSEIR, pp. 5.3-32 to 5.3-39.)

In my opinion the DSEIR does not use a reliable methodology to determine whether Impact NO-1 or NO-5 is significant.

The DSEIR omits important information about the environmental setting.

For example, to judge the noise impact on residents of the Hearst Tower, it is important to know whether these residents typically open their window to get fresh air or, conversely, whether the building is subject to any requirements to keep windows closed. This is because closed windows provide significant sound transmission loss.

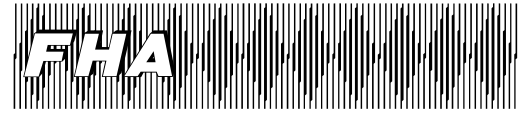
It also important to know what kind of windows nearby buildings have, because standard windows provide much less sound transmission loss than acoustically-rated windows.

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California State Building Code Section 1207 requires an interior performance standard of 45 dBA DNL. Given that windows in the Hearst Tower, and adjacent residences, are operable and ostensibly used for ventilation, achieving 45 dBA interior may be in jeopardy. It is unknown if the Hearst Tower has mechanical ventilation to allow the windows to be closed for noise control. Even if they do already have mechanical ventilation, their windows may not have sufficient sound transmission loss for the predicted increased noise levels.

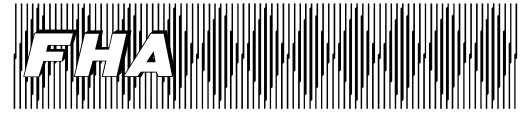
The Title 24 compliance for Hearst Towers may have permitted windows to be open and not have required mechanical ventilation systems. If that is the case, they would need to keep windows open for fresh air and then suffer the increased noise.

I tried to find out if there is a ventilation system mandated by code for Hearst Tower. This is Section 1207.11 of the California State Building Code, which says in noisy settings, windows must be closed to achieve the state's 45 dB interior standard, in which case a mechanical ventilation system must be installed. I searched for an acoustical report typically filed with Planning and/or Department of Building Inspection (DBI) to see what original design requirements were in place. I visited DBI and spoke with Dwayne Farrell who said they had no record of Hearst Tower at 1560 3rd St, and only a crane permit for the parking garage on the opposite corner. He suggested I visit the inspectors and planners in the building to see if they could find a permit number or block and lot information. I did, to no avail. However, it was suggested that perhaps since it is a State building, the State Architect might have all records. So I contacted Luke Molinar, DSA, who did a records search but came up empty on this topic (See Attachment 1 [email exchange with Luke Molinar].)

Nevertheless, I visited the Project site on 8 July 2015, to make visual and aural observations. I walked along 3rd St from South St to 16th St, and South St to Terry Francois Blvd. The predominant noise is due to traffic – largely Muni, trucks and the occasional motorcycle. It was noticeably quieter away from 3rd St approaching the waterfront to the east. I spent some time in the pedestrian mall along Gene Friend Way.

I observed many of the windows in Hearst Tower and adjacent Mission Bay Housing were open. (See Attachment 2 [a photograph I took on 8 July 2015, showing part of the Mission Bay Housing building on the left and part of the Hearst Tower on the right], and Attachment 3 [a photograph I took on 8 July 2015, showing part of the Hearst Tower on the right].)

Therefore, regardless of whether the buildings are required to keep windows closed. The residents are opening them, presumably for fresh air.



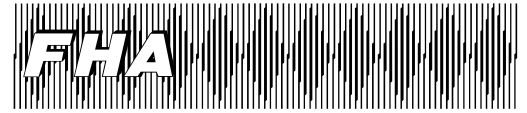
For Impact NO-1 and Impact NO-5, the DSEIR uses a threshold of significance of the “ambient plus increment” type. For Impact No-1, the “ambient plus increment” threshold of significance is whether the “the increase in noise levels over existing conditions would be less than 10 dBA.” (DSEIR, p. 5.3-23.)

This type of threshold discounts the significance or severity of pre-existing noise levels and treats them as if they are irrelevant to whether the incremental change caused by the Project is “significant.” The DSEIR finds that “Peak cumulative construction activities would occur during a 3-month period in 2015–2016 and during this time, the increase in noise levels over existing conditions would be less than 10 dBA (without mitigation). All other periods of construction would similarly be under 10 dBA. Therefore, this impact would be less than significant.” (DSEIR, p. 5.3-23.)

This conclusion is based on Table 5.3-8, which shows that all three receptors chosen for analysis have pre-existing ambient noise levels that are very loud already (i.e., Madrone Residential Tower is at 70.1 dBA (hourly Leq), Hearst Residential Tower is at 71.2 dBA (hourly Leq), and UCSF Hospital is at 67 dBA (hourly Leq).

As a point of reference for these noise levels, the World Health Organization’s (WHO) standards for harmful noise are much lower than these pre-existing noise levels. WHO’s night-time standard for sleep disturbance inside bedrooms is 30 dBA, and outside bedrooms with “window open (outdoor values)” is 45 dBA. WHO’s night-time and daytime standard for “speech intelligibility and moderate annoyance” for inside dwellings is 35 dBA. For outdoor living areas, WHO’s daytime and evening standard for moderate annoyance is 50 dBA and for serious annoyance is 55 dBA.

Another point of reference for the pre-existing noise levels at the three “sensitive receptor locations” selected by the DSEIR is the San Francisco Noise Ordinance. As the DSEIR describes it, section 2909(d) provides “maximum noise levels at any sleeping or living room in any dwelling unit located on residential property must not exceed 45 dBA between 10:00 p.m. and 7:00 a.m., and 50 dBA between 7:00 a.m. and 10:00 p.m” where source of the noise is “fixed sources of noise, such as building mechanical equipment and industrial or commercial processing machinery.” (DSEIR, pp. 5.3-13, 14.)



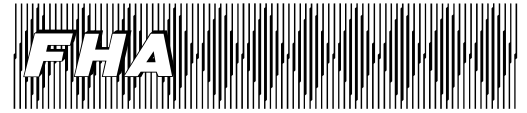
The DSEIR does not use the WHO standards at all. With respect to the San Francisco Noise Ordinance, the DSEIR does not use the 45 dBA between 10:00 p.m. and 7:00 a.m., and 50 dBA between 7:00 a.m. and 10:00 p.m standard for any aspect of the Project's noise except the fixed machinery (e.g. generators) because the noise ordinance does not use this standard to regulate the Project's noise from construction equipment or operational noise from increased traffic, crowds, concerts, etc.¹

This approach may be useful to the City for Impacts NO-2 and NO-4, which assess the Project's consistency with other applicable plans and laws, but it does not makes sense for assessing the construction or operational impacts of the Project on actual people.

Table 5.3-8 shows that all three receptors chosen for analysis will add construction noise to pre-existing ambient noise levels that already exceed the health and welfare based standards discussed above. As a result of construction operations (assuming all noise producing construction operations occur at the same time, noise levels at the Madrone Residential Tower will rise from 70.1 to 70.9 dBA (hourly Leq), at the Hearst Residential Tower from 71.2 to 80.8 dBA (hourly Leq), and at UCSF Hospital from 67 to 72.8 dBA (hourly Leq). Since the Project's

The DSEIR's use of compliance with the San Francisco Noise Ordinance as a threshold for judging the significance of the Project's construction noise impacts (see DSEIR p. 5.3-17) appears to reflect a policy decision, because it is not based on science.

¹The DSEIR states that: "The HUD regulations also include a goal (not a standard) that interior noise levels not exceed 45 dB DNL" (DSEIR, p. 5.3-9.) But HUD's goal of 45 DNL interior, is 10 dB greater than the 35 dB Leq level the DSEIR cites as a threshold for sleep disturbance (see DSEIR, 5.3-2), and 15 dB greater than the 30 dB Leq guideline given by WHO. noise, when added to background or ambient noise, exceeds these health and welfare based standards, the impact is significant even if the impact does not violate the San Francisco Police Code standard.



The same is true of the DSEIR's use, for operational noise impacts, of a threshold of 8 dBA or 8 dBC above ambient noise, based on the San Francisco Noise Ordinance. (DSEIR, p. 5.3-13). The same is true of the DSEIR's use, for mobile sources of operational noise impacts, of "ambient plus increment" thresholds of significance:

"Traffic noise level significance is determined by comparing the increase in noise levels (traffic contribution only) to increments recognized by Caltrans as representing a perceptible increase in noise levels. Additionally, it is widely accepted methodology by both FTA18 and the Federal Interagency Committee on Noise (FICON)¹⁹ that thresholds should be more stringent for environments that are already noise impacted. Consequently, for noise environments where the ambient noise level is 65 dBA DNL or less, the significance threshold applied is an increase of 5 dBA or more, which Caltrans recognizes as a readily perceptible increase. In noise environments where the ambient noise level exceeds 65 dBA DNL, the significance threshold applied is an increase of 3 dBA or more, which Caltrans recognizes as a barely perceptible increase."

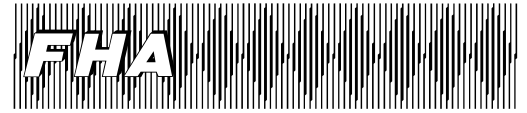
(DSEIR, p. 5.3-17).

"Consequently, for noise environments where the ambient noise level is 65 dBA DNL or less, the significance threshold applied is an increase of 5 dBA or more, which Caltrans recognizes as a readily perceptible increase. In noise environments where the ambient noise level exceeds 65 dBA DNL, the significance threshold applied is an increase of 3 dBA or more, which Caltrans recognizes as a barely perceptible increase."

(DSEIR, p 5.3-19)

Using these "ambient plus increment" thresholds where existing noise levels are already too high, as shown in Tables 5.3-9 and 5.3-10 (DSEIR, pp. 5.3-34, 36), disregards the fact that the Project will make already severe conditions worse. In addition, using these "ambient plus increment" thresholds for operational noise results in an unsustainable gradual increase in ambient noise. It is a formula for ever-increasing noise levels because each new project establishes a new, higher, baseline; then when the next project is approved, the incremental change will be added to the new baseline.

Therefore, the operational impact assessment needs to be redone using valid, science-based thresholds that relate to actual human health and welfare effects of noise.



In my opinion, is the Project will cause a significant increase in Impact NO-1 and Impact NO-5 above levels existing without the project.

2. Does the DSEIR use a reliable methodology to determine the significance of Impact NO-3?

Impact NO-3 is "Construction of the proposed project would not expose people and structures to or generate excessive groundborne vibration levels. (Less than Significant)." (DSEIR, pp. 5.3-24 to 5.3-26.)

In my opinion the DSEIR does not use a reliable methodology to determine whether Impact NO-3 is significant.

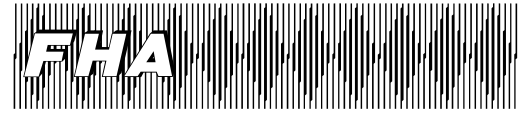
The DSEIR omits important information about the environmental setting. In particular, the DSEIR acknowledges that "Sensitive receptors to vibration include ... vibration-sensitive equipment." (DSEIR, p. 5.3-8.) But the DSEIR does not provide any evidence relating to the use of such equipment in the vicinity. Such information should include the type of equipment, the purpose of its use, its degree of sensitivity, and its distance from Project related sources of vibration.

In its impact assessment, the DSEIR inexplicably excludes also the users of vibration sensitive equipment from the category of sensitive receptors, and based on this policy decision, concludes that construction vibration effects are not significant, stating:

"As discussed in the 1998 FSEIR, construction vibration effects on sensitive equipment would be a concern for users of research buildings and could be an inconvenience. However, these users are not considered sensitive receptors, and therefore, construction vibration effects are not considered a significant environmental effect under CEQA."

(DSEIR, p. 5.3-25.)

Since UCSF is a "research hospital" is it safe to assume that scanning electron-beam microscopes are used by researchers and pathologists. These devices are extremely sensitive to low level vibration. It is common for them to have environmental criteria specifically for vibration. If the specified vibration levels are exceeded the image will blur rendering the instrument useless. Therefore, in my opinion, the DSEIR should include users of vibration-sensitive equipment in the category of sensitive receptors, and then assess the Project's impact on the users.



For “Human annoyance” from groundborne vibration, the DSEIR uses a threshold of significance of : "For adverse human reaction, this analysis applies the “strongly perceptible” threshold of 0.1 inches per second PPV." (DSEIR, p. 5.3-25.) In my opinion, this threshold should be “perceptible, not “strongly perceptible.”

In applying its “strongly perceptible” threshold, the DSEIR says:

“The closest residence would be the UCSF Mission Bay Housing (Hearst Tower), approximately 200 feet from the project site while the nearest hospital would be approximately 560 feet away. A recent study of vibration induced by rapid impact compaction indicated that at a distance of 30 meters (100 feet), cumulative vibration energy results in maximum vibration level of 2.3 millimeters per second (0.09 inches per second). Because sensitive land uses would be more than 100 feet away, worst-case cumulative vibration levels generated by rapid impact compaction would be below the strongly perceptible threshold.”

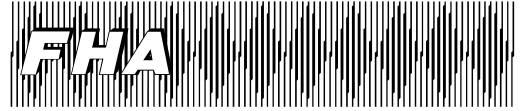
(DSEIR, p. 5.3- 25.)

In my opinion, this conclusion is incorrect because the DSEIR’s calculation of vibration does take into account the increased vibration on upper floors of this building. Soil attenuation varies with the type of soil and moisture content, and distance attenuation from 100 to 200 feet may only be a factor of 0.5, or less. Accordingly, actual PPV at the Hearst Tower is likely to be 0.045 ips, or considerably greater depending on site-specific parameters. In addition, the DSEIR’s calculation does not take into account building resonance effects for above-grade floors which amplify vibration at certain frequencies. Recalculating to take this factor into account indicates vibration on upper floors would certainly be “perceptible” and likely “strongly perceptible.”

Alternate Calculation:

rapid impact compaction - 0.09 ips PPV @ 100 feet
distance attenuation factor - x 0.5 from 100 to 200 feet
rapid impact compaction - 0.045 ips PPV @ 200 feet
soil attenuation variation - x 2 (6 dB) ground floor
result at Hearst Tower - 0.09 ips PPV @ 100 feet
resonant amplification - x 3 (10 dB)
result at Hearst Tower - 0.27 ips PPV upper floors
criterion for humans - 0.1 ips PPV “strongly perceptible”

Warriors Event Center in Mission Bay
Noise Impact
22 July 2015



In my opinion, the Project likely to cause a significant increase in Impact NO-3 above levels existing without the project, particularly when compaction is occurring during construction.

Very truly yours,

A handwritten signature in black ink, which appears to read 'Frank J. Hubach', is written over a horizontal line.

Frank J. Hubach
President

attached: Attachment 1 [email exchange with Luke Molinar] (Attachment 1 to FHA Report.pdf)
 Attachment 2 [photograph - Mission Bay Housing & Hearst Tower] (Attachment 2.pdf)
 Attachment 3 [photograph - Hearst Tower] (Attachment 3.pdf)
 Frank Hubach CV (FJHresume.pdf; expertCVfjh3.pdf)

FJH:fjh

J:\64802\AcousticReport3.wpd

ATTACHMENT 1

From: Molinar, Luke@DGS [mailto:Luke.Molinar@dgs.ca.gov]
Sent: Monday, July 20, 2015 9:56 AM
To: Frank Hubach
Subject: RE: Acoustical Report

Hello Frank,

I've done some digging, and the attached is all I have that deals with windows/hvac at the address you gave me.

I'm afraid we don't really have much documentation on noise control, as it does not fall within our remit.

We were not involved with any other projects that occurred at this address.

Hopefully the information I sent over helps.

Thank you,

Luke Molinar
Office Technician (General)

Division of the State Architect

Department of General Services

Phone (510) 286-0711

Fax (510) 622-3140

Email Luke.Molinar@dgs.ca.gov



From: Frank Hubach [<mailto:frank@fha-eng.com>]
Sent: Tuesday, July 14, 2015 12:01 PM
To: Molinar, Luke@DGS
Subject: Acoustical Report

Luke,

You asked me to email my document request.

Project: UCSF Hearst Towers 1560 3rd St, San Francisco, CA

Primary Documents: Acoustical Report for Title 24 & State Building Code Section 1207.11

Additional Documents: Window schedule, HVAC duct drawings, HVAC ventilation schematics, etc.

Purpose: Determine the need to close windows to control noise. If windows are closed, mechanical ventilation must be provided. I want to confirm that design and implementation.

Thank you for assisting me today.

Regards,

Frank Hubach

510 528 1505

ATTACHMENT 2



ATTACHMENT 3



N TRAIN

RESUME



FRANK J. HUBACH

Frank J. Hubach, President of FHA, has over twenty years experience in noise and vibration control for advanced technology, industrial and commercial projects. Design and testing of facilities where micro-vibration is of great concern for metrology and lithography has been his focus. Projects range from comprehensive campus master planning to remodeling in the private, public and institutional sectors. Structural dynamics and mechanical systems for cleanrooms and laboratories have been the specialty. His musical and audio engineering background also makes him well suited for acoustic design of critical listening rooms for recording, broadcast and performance.

Mr. Hubach has over thirty years experience in construction, electronics and audio engineering. He is considered a leading authority on noise and vibration control for microelectronics manufacturing. Mr. Hubach has published several papers and been a speaker at numerous conferences and seminars. He has given expert witness testimony in state and federal courts for acoustic forensics, noise control and construction.

EDUCATION

1971 Bachelor of Engineering
Electrical Engineering

New York University
Bronx, NY

1970 to 1972 Coursework
Graduate Studies in Acoustics and
Electronics

New York University
Bronx, NY

PROFESSIONAL HISTORY

1984 to Present
President

Frank Hubach Associates, Inc.
Richmond, CA

1978 to 1984
Associate/V.P./Treas./President

Acoustical Consultants, Inc.
San Francisco, CA

1975 to 1978
President/Owner/Audio Engineer

Pacific Application Systems
Mill Valley, CA

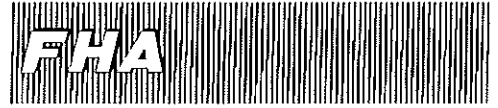
1974 to 1975
V.P./Commercial Contractors

American Wall Systems, Inc.
Middletown, NY

1971 to 1974
Recording Engineer

Record Plant Recording/Freelance
New York, NY

SEMINARS/PAPERS



SEMINARS (contributing speaker)

UNIVERSITY OF WISCONSIN

"Controlling Vibration in Microelectronic Manufacturing Facilities" - 1989 and 1990

UNIVERSITY OF GLASGOW

"Design of Vibration Free Environments for Precision Manufacturing" - 1986

PAPERS

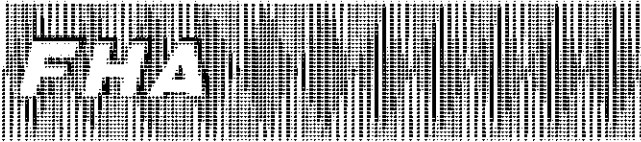
Advanced Techniques for Controlling Building Vibration. 1993 CleanRooms West Convention Conference in Santa Clara, CA, September 1993.

Hubach, Frank J. and Edwards, Bob, Empirical Determination of Sound Isolation Requirements for Recording Studio Isolation Booths. 93rd Audio Engineering Society (AES) Convention in San Francisco, CA, October 1992.

Controlling Horizontal Microscale Vibration in Building Floor Entablatures. 1991 Symposium on Optical Science and Engineering (for SPIE) in San Jose, CA, October 1991.

Vibration Attenuation in Soil. National Conference on Noise Control Engineering (for INCE) in Tarrytown, NY, July 1991.

Neal, Stephen R.W. and Hubach, Frank J., Historic Artwork Preservation and Vibration Mitigation During Building Renovation. National Conference on Noise Control Engineering (for INCE) in Tarrytown, NY, July 1991.



Frank J. Hubach - Expert Witness Experience

- 2007 Bendahan v. Dovichi, Superior Court, Sacramento County. Residential noise nuisance case. Conducted acoustical tests of air-conditioning equipment at residence as related to noise code and advised counsel. (case settled)
- 2007 500 Bryant Street HOA v. 500 Bryant Street Partners, Superior Court, San Francisco County. Conducted acoustical tests in condominiums and analyzed data related to traffic noise control and California Building Code. Made recommendations to counsel and participated in Joint Expert Meeting. (case pending)
- 2007 Paseo Plaza Homeowners' Assoc. v. SFC Block 4 Residential Associates, et al, Superior Court, Santa Clara County. Reviewed acoustical tests, construction documents and depositions of other experts. Gave deposition related to urban noise control for condominiums and California Building Code. (case settled)
- 2006 Smolich v. Meritage Homes and Sierra Pacific Industries v. Meritage Homes, Superior Court, Placer County. Reviewed test reports and conducted acoustical test related to City of Lincoln Conditions of Use for industrial noise and residential subdivision adjacency. Conducted noise mitigation analyses and offered design solutions. Provided extensive consultation to counsel and participated in acousticians meeting. (case pending)
- 2006 Lyle v. Bogavich, Superior Court, Sacramento County. Residential noise nuisance case. Conducted acoustical tests of wood working tools at residence as related to noise code.
- 2003 Seagate Technology LLC and CH2M Hill Industrial Design Corporation and Tasso Katselas Associates, Pittsburgh, PA. Reviewed construction documents, test reports and design reports relative to excessive vibration, structural dynamics and mechanical equipment vibration control for sensitive electronics cleanroom. Supervised independent design analyses using Finite Element Analyses. Provided consultation to counsel regarding industry standards, design criteria and procedures, and potential for mitigation.
- 2001 Retained by counsel for pre-filing investigation. Conducted acoustical tests of interior noise at residence in San Jose, California. Civil case regarding construction deficiency and noise code.
- 2001 Retained by counsel for pre-filing investigation. Conducted acoustical tests of interior noise at residence in Oakland, California. Civil case regarding mechanical equipment noise control and industry standards.

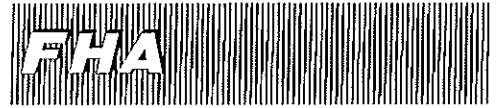
Frank Hubach Associates, Inc

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Acoustics and Vibration
Engineering Consultants

Phone 510-528-1505
Fax 510-528-1509
Email: fha@ix.netcom.com

Frank J. Hubach
Expert Witness Experience



- 2000 OC America Construction, Inc. v. KCH Services, Inc., Superior Court, State of Washington. Reviewed acoustical tests, construction documents and depositions. Gave deposition in arbitration proceedings for construction litigation regarding specifications for noise control of large industrial exhaust systems.
- 1999 Kidd v. City of Fairfield, et al, United States District Court, Eastern District of California. Reviewed depositions and investigated crime site regarding speech intelligibility during incident. Provided consultation to counsel.
- 1997 Orlando v. Robbins, Superior Court, San Francisco County. Conducted acoustical tests in apartment and analyzed data related to noise ordinance. Consulted with counsel before and during deposition of acoustical expert.
- 1993 Lakeside v. State of California, Superior Court, Alameda County. Conducted acoustical tests regarding noise impact to residences from proposed CalTrans freeway construction. Gave deposition.
- 1991 Retained as expert in Municipal Court, San Francisco. Conducted acoustical tests and testified in Civil case regarding nightclub noise and noise ordinance.
- 1989 Retained as expert in Municipal Court, Berkeley, CA. Conducted acoustical tests. Civil case regarding acoustical privacy, neighbor's noise and noise ordinance.
- 1983, 1987 Retained as expert by Alameda County Public Defender. Conducted acoustical tests at crime scene. Criminal case regarding speech intelligibility at crime scene.
- 1986 Retained as expert in Superior Court, Marin County. Criminal case regarding acoustical privacy and intelligibility in courtroom between counsel and handcuffed client in murder case (shackles motion). Advised counsel regarding acoustical standards and test methodologies.
- 1984 Stephens v. Stephens, Superior Court, Marin County. Conducted acoustical tests at crime scene. Criminal case regarding speech intelligibility at crime scene.
- 1982 "Wrongful Death Case" v. Richmond Police ("Richmond Cowboys"), Federal Court, San Francisco. Retained as expert in high profile case. Conducted objective and subjective acoustical tests and recreated crime scene. Provided extensive court room testimony regarding speech intelligibility at crime scene.

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