



## The Yerba Buena Neighborhood Consortium

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A Council of the Yerba Buena Neighborhood's Residents and Community Organizations

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RE: Moscone Center Expansion Project 2013.0154E  
EIR Scoping Comments – Part 1

As the City is aware, TODCO and the Yerba Buena Neighborhood Consortium take the MEP and its EIR with absolutely the greatest possible seriousness. The two key issues from our 40-year Yerba Buena Neighborhood perspective are pedestrian safety impacts and impacts on Yerba Buena Gardens. There are also local noise and air quality issues of consequence.

The current NOP would result in an EIR that is incomplete or legally insufficient in several critical aspects.

### 1. Projections of Total Attendance

A critical metric in assessing the MEP's Pedestrian Safety Impacts is of course the total of convention attendance used to evaluate potential environmental impacts.

First, regarding total attendee trips, the NOP relies on the 1/14/14 Estimate of Travel Demand by Avant Consulting. That Memo states the projected increase in trips is based on the overall increase of additional MEP "exhibit space," which is appropriate, but Avant does not make clear if that is the 42% increase in Total space (625,600 to 888,300) or some other % factor. This must be clarified now prior to the NOP comment deadline. The Memo's comments that actual growth is not likely to be that great per Moscone Management are rhetorical and highly debatable – for as the Memo notes elsewhere, the MEP will enable Large conventions to be substituted for Small conventions in the future. And since the prime objective of Moscone Management is to maximize attendance for the benefit of the City's Visitor Industry, it is reasonable to assume it will maximize this strategy in the future as much as it practically can.

Second, also regarding total attendee trips, the assumption of the Base Year total attendance to use as the starting point for applying this growth factor is of course crucial. Here the Memo uses the average Moscone attendance for the last 11 years. But

this is an arbitrary methodology and wrong for the purpose of an EIR. As the Memo notes, national economic conditions have very significant impacts on actual convention attendance, and in the last 11 years two anomalous national events strongly impacted attendance – the post-9/11 contraction of the Visitor Industry in 2002-03, and the Great Recession of 2008-11. Thus the average annual attendance proposed as the base year by the Memo – 925,969 - is about the same as annual attendance during the Great Recession period. But the data also show that peak attendance – and hence the true capacity of Moscone Center today – was 1,279,000 in 2007-08 when the national economy was expanding. That was 38% more than the Memo’s proposed base year! While CEQA allows some reasonable adjustment to projected use levels, setting a base year factor at such a huge discount to known and proven capacity and experienced convention demand is certainly legally inadequate, even if not intended to knowingly understate potential impacts. Because of course it is that capacity and only that capacity that truly sets a cap on environmental impacts of the MEP – not varying economic conditions. Yes, maximum attendance will occur only in years of economic growth – but certainly there will be such years, this will happen, and then those impacts will actually occur. The EIR must evaluate those elevated levels of impacts (evaluating a range of minimum/maximum would be appropriate, honest, and useful). In addition, 2012-13 Moscone attendance data is not included although it should be available by now, and that up to date information must be included in the EIR itself later this year.

Third, the Memo limits all its analysis to Moscone Center travel demand only. This clearly fails to address the cumulative impacts of other events that occur frequently in Yerba Buena Gardens at essentially the same location. The NOP does not make clear what data is being utilized for that additional cumulative travel demand from YBG events. This must be clarified now prior to the NOP comment deadline.

## **2. Projections of Pedestrian Travel Trips and Loads**

First, estimating the modal split of Moscone attendee trips is clearly a crucial metric for the EIR’s evaluation of MEP impacts on Pedestrian Safety. Here the Memo cites as its only factual experience data source “estimates provided by the Moscone Center operator,” which estimates only 30% of the trips are via the “walk” mode. But this “estimate” document is not included in the Appendix and so its validity cannot be reviewed or commented upon. This document must be provided for public review now prior to the NOP comment deadline.

Second, the “auto” and “other” modes are projected to account for 15% of Moscone attendee trips combined. “Other” includes transit. But the Memo fails to note and factor into the data the obvious fact that all such trips necessarily also include a final short “walk” trip to the Moscone Center entrances from those nearby garages, transit stops, etc.! Which means the actual “walk” travel demand on the very local pedestrian routes adjacent to Moscone Center is at least 45% of attendance – 50% greater. Thus any evaluation of MEP impacts on pedestrian safety in the local Yerba Buena Neighborhood based simply on the 30% modal Walk split will be legally inadequate.

Third, the Memo projects that “each event attendee would generate three trips to and from the Moscone Center [per day].” But for pedestrian travel this omits the clearly observable short distance walks a very large % of attendees also make during the day

on public sidewalks between the Moscone North/South/West entrances, and also adjacent convention support hotels such as the Marriott, W, and others. Thus the actual numbers of pedestrian trips on local sidewalks is greater than just 3 trips per day times 45% of all attendees. These actual more intensive patterns of convention attendee local pedestrian travel must be fully evaluated for the EIR to be legally adequate.

Fourth, the Memo applies an 85% factor against any such projected trip demand for the purpose of “design capacity,” presumably – there is no clear statement – including pedestrian impacts. This would be flagrantly legally inadequate. The absolutely crucial real life pedestrian safety impact of Moscone Center that the MEP will certainly further exacerbate in number are the crush pedestrian loads that occur episodically during large and very large conventions, exceeding the physical capacity of local pedestrian routes. As a matter of law, this is directly analogous to flooding in river systems – no EIR involving development in such settings would dare ignore the realities and impacts of episodic flooding, even if rare. Yet here the Memo apparently assumes this is not relevant to “design” capacity, even though it actually occurs dozens of days a year now. Any EIR analysis that fails to fully and accurately evaluate such “crush loads” in both the Settings and Impacts of the MEP, and thus fails to include Mitigations to sufficiently address those impacts, will be absolutely unacceptable to our organizations.

Fifth, in recent years Moscone Center has begun to host “mega-conventions” – Oracle World and Dreamforce – that expand convention activity space to include Howard Street and facilities in Yerba Buena Gardens for 8-10 event days per year. These events are in an impact class by themselves, and there is in fact no limit on how many such events can occur in future – there could be many more in the future. Thus the MEP EIR must include a “worst case” evaluation of such mega-convention impacts and the additional Mitigation measures to be deployed when they do occur, especially regarding Pedestrian Safety impacts when the local sidewalks become virtually impassable for much of the day.

Sixth, it is established law that Safety impacts on identifiably vulnerable sub-populations must be evaluated for projects such as the MEP. In the case of Pedestrian Safety it is beyond question that the elderly and persons with disabilities have significantly greater vulnerability. But there is no demographic data in the NOP – as there certainly must be in the EIR – regarding this especially vulnerable population – how many live in the Neighborhood and thus are so impacted. But it is readily available. As of December 2013, 780 elders live in the TODCO Group’s four apartment complexes with 577 total housing units in the Yerba Buena Neighborhood, 174 (22%) of whom have physical or developmental disabilities. Extrapolating those stats to also include the other 888 senior housing units in the other four senior residences in the YBN, the total senior population is about 1,980, of whom about 435 are especially vulnerable persons with disabilities. And this does not include the numbers of additional elders living in YBN market rate housing.

Finally, with regard to the general question of MEP impact analysis of all Pedestrian Safety impacts, aside from the methodology matters discussed above the NOP “punts” by merely noting that there will be a detailed “transportation impact study” as part of

the EIR itself, and notes that the impacts may be “potentially significant,” (Initial Study 4.f et al) resulting in possible Mitigation measures yet to be identified.

That lack of any detail on this complex topic is understandable at this point. But then in the NOP’s ultimate “Mandatory Findings of Significance” discussion, the NOP presumes that those impacts will somehow be “Less Than Significant With Mitigations Incorporated.” That is clearly an illegitimate premature conclusion, since those MEP impacts have not yet been determined by the forthcoming “study” and their Mitigation measures have not yet even been identified, let alone evaluated by the EIR. The NOP cannot leap to that optimistic conclusion at this time with no factual foundation for it whatsoever, and so instead 18.c of the Initial Study must be checked as a “Potentially Significant Impact,” consistent with 4.f.

### **3. Noise and Air Quality Impacts**

The authors of the NOP lack local knowledge of everyday Moscone Center operations. The entire discussions of both Air Quality and Noise completely omit the biggest local such problem we all live with – the convention shuttle buses.

During large and very large conventions during the day dozens of contracted buses shuttling attendees to their hotels and special event venues queue on either /both Folsom Street between Third /Fourth (directly across the street from TODCO’s Mendelsohn House) and /or on Howard Street adjacent to Moscone West (directly across the street from TODCO’s Woolf House). These queues can last hours at a time. The bus operators are supposed to turn off their motors while waiting, in compliance with Moscone Center Management policy, but they often do not. The resulting impacts are the noxious bus exhaust fumes which blow downwind across the street toward those senior housing living units, and especially the low-frequency rumbling motor noise that permeates the area and is disturbingly audible even inside the adjacent apartments with their windows shut. Again, this can go on for hours at a time.

As the Memo notes, the MEP will increase the numbers of shuttle buses overall, and thus very likely increase these local bus queue Air Quality and Noise impacts. And in this case the effective Mitigation Measure is clearly identifiable – Moscone Management needs to post a staff person at such queues whenever they are permitted to ensure the bus operators comply with Management policy and turn off their motors while waiting – this is not being done now.

Sincerely,

John Elberling  
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