June 29, 2012

Environmental and Land Use Management Department
San Diego Unified Port District
Attn: Anna Buzaitis
3165 Pacific Highway
San Diego, CA 92101-1128

Dear People:

These are comments submitted by the Alliance for a Cleaner Tomorrow concerning the Draft Environmental Impact Report (EIR) for the San Diego Convention Center Phase III Expansion and Expansion Hotel Project. It contains the following comments:

1. The Report Confuses the Public Because It Clumsily Tries to Combine Two Separate Projects into One Report

2. The Report Confuses the Public about Which Entities Have Oversight of Environmental Mitigation and the Roles and Responsibilities of Public and Private Parties Involved with the Project

3. The Report Does Not Explain to the Public How and Why the United Port of San Diego Became the CEQA Lead Agency for the EIR and Which Public and Private Entities are Responsible for Complying with the Conditions for Environmental Mitigation Listed in the Report

4. The Report Does Not Clarify to the Public the Role of the Convention Center Facilities District No. 2012-1 in Environmental Mitigation

5. The Report Does Not Address for the Public How the Project Owners Will Address the Increased Disposal of Food and Drink Waste Material by Convention and Hotel Attendees into the Harbor

6. The Report Provides Sparse Information to the Public about the Hotel Fitness Center and Pool
7. The Report Does Not Allow the Public to Consider the Potential Additional Work Burden on Police and Ambulance Services Resulting from Petty Crimes and Disorder at Larger Events .................................................................................................................................................. 9
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The Report Confuses the Public Because It Clumsily Tries to Combine Two Separate Projects into One Report

Perhaps to avoid accusations of so-called “piecemealing,” the San Diego Unified Port District incorporated both the San Diego Convention Center Phase III Expansion and the San Diego Hilton Bayfront Hotel expansion into one Draft EIR, as if this is one project. It also throws in some theoretical retail space (up to 45,000 square feet) and a theoretical pedestrian bridge, which may be built if there is enough funding for the project.

While there is obvious merit in considering the collective impact of two adjacent projects, in this case the San Diego Unified Port District intertwines statistics about both projects throughout the report in a way difficult for the public to understand. It is unlikely that an ordinary citizen could use this Draft EIR to easily define and assess one project, define and assess the other project, and then assess the cumulative effect of both projects.

Here is an attempt to classify the Project, using the Project Description on page ES-3:

<table>
<thead>
<tr>
<th>“Accommodate an Increase in Demand” for “Convention Center Space and Accommodations”</th>
<th>Expansion of the existing San Diego Convention Center (Phase III Expansion)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Expansion of the existing Hilton San Diego Bayfront Hotel (Expansion Hotel)</td>
</tr>
<tr>
<td>Supplemental Infrastructure</td>
<td>Approximately 5 acres of rooftop park/plaza for public use</td>
</tr>
<tr>
<td></td>
<td>Realignment of Park Boulevard and Convention Way</td>
</tr>
<tr>
<td></td>
<td>Up to 45,000 square feet of visitor-serving retail opportunities</td>
</tr>
<tr>
<td></td>
<td>Relocation of the existing water transportation center</td>
</tr>
<tr>
<td></td>
<td>Utility upgrades to serve the proposed Phase III Expansion and Expansion Hotel (the Draft EIR combines these as one project even though there are two different buildings with two different owners)</td>
</tr>
<tr>
<td>Possible Infrastructure (Depending on Funding)</td>
<td>Pedestrian Bridge Over Harbor Drive and Railroad Right-of-Way</td>
</tr>
</tbody>
</table>
To get a grasp of the dimensions of both projects, we attempted to create a separate table for compiling and classifying the expansion by square footage of exhibition space, meeting rooms, ballrooms, guestrooms, guest amenity space, and retail space. (See chart on next page.) This is properly the job of the EIR.

Creation of this chart revealed deficiencies in the data provided in the Draft EIR. For example, while the Draft EIR seems to adequately describe the current status of the San Diego Convention Center and the changes that would occur with the Project, never does the Draft EIR state clearly how much meeting room and ballroom space is currently located at the San Diego Bayfront Hilton. Neither does the Draft EIR state the current total square footage of the San Diego Bayfront Hilton. It does not state how much of the expansion of the hotel will be space for support services. In addition, the Draft EIR is not always consistent in the figures it uses for square footage, and it is loose with its descriptive categories of the types of space.

The Draft EIR should be rewritten to provide a clear distinction between the two projects. A first report should specifically and only address the environmental impact of the San Diego Convention Center Phase III Expansion, a second report should specifically and only address the environmental impact of the Expansion Hotel, and a third report should specifically and only address environmental impact of both projects built and operated simultaneously.
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Chart Based on Project Description - Phase III Expansion and Expansion Hotel (Page ES-2), Phase III Expansion – Proposed Convention Center Features (Page 3-7), Project Objectives (Page ES-3 and Page 3-6 and Page 7-2), Phase III Expansion - Proposed Convention Center Features: Visitor-Serving Retail (only mentioned on Page 3-12), and Project Description - Hotel (Page 3-16 and 3-17)

### Phase III Expansion

<table>
<thead>
<tr>
<th>Exhibition Space/Prime Exhibit Hall</th>
<th>Meeting Rooms</th>
<th>Ballrooms</th>
<th>Retail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adding approximately 415,000 gross square feet of enclosed area for a combined total of 1,126,220 square feet. (Note: Page 6-7 indicates that “the Proposed Project proposes to expand the existing San Diego Convention Center by approximately 422,500 new net square feet” and Page 4-13 claims the expansion will be 569,555 square feet.</td>
<td>Objective of 225,000 square feet (Actual: 220,150 square feet for a combined total of approximately 745,850 square feet.)</td>
<td>Objective of 100,000 square feet (Actual approximately 101,500 square feet for a combined total of approximately 220,200 square feet.)</td>
<td>Objective of 80,000 square feet. (Actual approximately 78,470 square feet for a combined total of approximately 160,170 square feet.)</td>
</tr>
</tbody>
</table>

### Expansion Hotel

<table>
<thead>
<tr>
<th>Guestrooms</th>
<th>Guest Amenities</th>
<th>Ballroom and Meeting Facility Expansion</th>
<th>Retail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum of 500 guestrooms.</td>
<td>10,000-square-foot fitness/spa facility.</td>
<td>55,000 net square feet of total meeting space: a grand ballroom of approximately 35,000 square feet and about 20,000 square feet of break-out meeting space.</td>
<td>Up to 2,500 square feet.</td>
</tr>
</tbody>
</table>

### Complete Project as Treated in Draft EIR

<table>
<thead>
<tr>
<th>Category</th>
<th>Now</th>
<th>Proposed</th>
<th>Total if Built</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhibition Space</td>
<td>525,700</td>
<td>220,150</td>
<td>745,850</td>
</tr>
<tr>
<td>Meeting Rooms &amp; Ballrooms</td>
<td>454,405*</td>
<td>234,970</td>
<td>689,375</td>
</tr>
<tr>
<td>Retail</td>
<td>0</td>
<td>45,000</td>
<td>45,000</td>
</tr>
<tr>
<td>Functional Space &amp; Rooms</td>
<td>944,045 + hotel</td>
<td>781,030</td>
<td>1,725,075 + current hotel</td>
</tr>
<tr>
<td>Overall</td>
<td>1,924,150 + hotel functional space**</td>
<td>1,281,150***</td>
<td>3,205,300 + current hotel</td>
</tr>
</tbody>
</table>

* includes 165,000 square feet in meeting and event space at the San Diego Hilton Bayfront, including two ballrooms at 24,000 and 34,000 square feet, as indicated at http://www.hiltonsandiegobayfront.com/index.php?page=san-diego-meetings.

** Page 2-5 states that the Convention Center now has a gross building area of 2,613,465 square feet, including functional exterior space.

***This number is not indicated anywhere in the Draft EIR, but it is confirmed by repeated statements that the project exceeds 1 million square feet; for example, see pages ES-63, 4.13-12, 7-70, 7-71, 4.13-16, 4.13-17, and 4.13-23.
The Report Confuses the Public about Which Entities Have Oversight of Environmental Mitigation and the Roles and Responsibilities of Public and Private Parties Involved with the Project

The entangled, complicated, and elaborate schemes over several years to get the Convention Center expansion built have exceeded the ability of the ordinary citizen to understand what is happening, and the Draft EIR does not shed any new light to the public on the matter.

The Convention Center is operated through a nebulous collaboration among the San Diego Convention Center Corporation and public agencies, including the City of San Diego and the United Port of San Diego. The Expansion Hotel is reportedly owned by a limited liability corporation somehow affiliated with Hilton Hotels & Resorts and presumably operated in an arrangement with Hilton Worldwide, reportedly owned by a private equity firm. While these facilities obviously benefit each other and share some similar market niches in the hospitality and tourism industry marketplace, one is a hotel operated for private investors and the other is a Convention Center presumably operated for public benefit.

Although the San Diego Hilton Bayfront is adjacent to the San Diego Convention Center, combining the two projects into one EIR suggests some sort of government favoritism for this particular hotel from the San Diego Convention Center Corporation, the City of San Diego, and the United Port of San Diego. While the San Diego Hilton Bayfront has meeting rooms, ballrooms, and hotel rooms that could be used in practice by groups in conjunction with events at the Convention Center, the hotel is a private enterprise. It should not be formally incorporated into a government project through a common EIR.

The Report Does Not Explain to the Public How and Why the United Port of San Diego Became the CEQA Lead Agency for the EIR and Which Public and Private Entities are Responsible for Complying with the Conditions for Environmental Mitigation Listed in the Report

The United Port of San Diego is designated as the Lead Agency. Title 14, Section 15051 of the California Code of Regulations lists “Criteria for Identifying the Lead Agency” as follows:

“Where two or more public agencies will be involved with a project, the determination of which agency will be the lead agency shall be governed by the following criteria:

(a) If the project will be carried out by a public agency, that agency shall be the lead agency even if the project would be located within the jurisdiction of another public agency.

(b) If the project is to be carried out by a nongovernmental person or entity, the lead agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.
(1) The lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which will provide a public service or public utility to the project.

(c) Where more than one public agency equally meet the criteria in subdivision (b), the agency which will act first on the project in question shall be the lead agency.

(d) Where the provisions of subdivisions (a), (b), and (c) leave two or more public agencies with a substantial claim to be the lead agency, the public agencies may by agreement designate an agency as the lead agency. An agreement may also provide for cooperative efforts by two or more agencies by contract, joint exercise of powers, or similar devices.

On page 1-1, the Draft EIR states that “The Port District is the Lead Agency as defined under CEQA Guidelines Section 15050 because it has the principal responsibility for carrying out and approving the Proposed Project.” This is not explained and it is disputable.

1. Will the San Diego Unified Port District be responsible for monitoring and fulfilling all specific tasks for environmental mitigation?
2. Will the San Diego Unified Port District take bids and sign the contracts for construction of the facilities? (For example, which entity would vote to negotiate and/or sign a Project Labor Agreement with affiliates of the San Diego County Building and Construction Trades Council? Does the Port District have authority from the state legislature to use design-build contracting, or will the city take bids, choose the contractor, and sign that contract?)
3. Will the San Diego Unified Port District determine how much retail space will be developed and available for lease?
4. Will the San Diego Unified Port District lease the exhibition space, meeting rooms, ballrooms, and guest rooms?

An ordinary citizen has a difficult task untangling all of the public and private entities involved with the San Diego Convention Center Phase III Expansion and Expansion Hotel Project. Here are some questions relevant to the designation of the Lead Agency for this project:

To allow members of the public to ensure accountability for compliance with the environmental mitigation indicated on the EIR, the report needs to be clear about the roles and responsibilities of the following public and private entities:

1. **San Diego Convention Center Corporation (SDCCC).**
2. **City of San Diego.** SDCCC acts in accordance with the City of San Diego’s Charter and the City’s Municipal Code. The City appoints seven voting members out of the nine-member Board of Directors of SDCCC. Since the City exercises oversight responsibility
over SDCCC, SDCCC is considered a component unit of the reporting entity of the City. SDCCC receives contributions from the City as specified in a management agreement between SDCCC and the City. The agreement provides that the City will allocate to SDCCC approved budgetary amounts for marketing, promotion and capital projects for the Convention Center.

3. **San Diego Unified Port District.** The Convention Center was constructed by the San Diego Unified Port District on land owned by the District. An expansion of the Convention Center that roughly doubled the size of the facility was constructed by the City and completed in September 2001. The City has an agreement with the District to manage the Convention Center.

4. **The owners of the San Diego Hilton Bayfront Hotel.**

5. **San Diego County Hotel-Motel Association.** This organization gets one appointee on the nine-member San Diego Convention Center Corporation.

6. **San Diego Convention and Visitors Bureau.** This organization gets one appointee on the nine-member San Diego Convention Center Corporation. The SDCCC is anticipating a multi-million dollar long-term contract with the San Diego Convention and Visitors Bureau for sales, marketing, and promotion services.

7. Electors of the **Convention Center Facilities District No. 2012-1**, a special district authorized by the San Diego Municipal Code to collect funding from hotels in the City of San Diego to fund the bulk of the Convention Center Expansion Phase III. This district would levy taxes on landowners who own property in the City of San Diego upon which hotels with 30 or more rooms are located. This funding mechanism is modeled on a similar financing provision authorized under the Mello-Roos Community Facilities Act of 1982 (the “Mello-Roos Act”).

### The Report Does Not Clarify to the Public the Role of the Convention Center Facilities District No. 2012-1 in Environmental Mitigation

In particular, it is strange that the government entity that is collecting taxes for the project (Convention Center Facilities District No. 2012-1) does not have governing authorities selected by the designated electors of the district. Not only is this local government a strange example of taxation without representation, but it is a strange example of a local government funding a public project without having any sort of authority, responsibility, or accountability for the project construction and maintenance. Are hotels regarded as citizens of this district? If the project results in a significant negative environmental impact, either through lack of compliance with the EIR or a failure to recognize environmental impacts in the EIR, will the Convention Center Facilities District No. 2012-1 be legally responsible for paying for restitution, punitive damages, and legal fees?
The Report Does Not Address for the Public How the Project Owners Will Address the Increased Disposal of Food and Drink Waste Material by Convention and Hotel Attendees into the Harbor

One of the most obvious desecrations of the San Diego Harbor and the Bay is the garbage floating in the water and washing up on shore. Some of it allegedly comes from storm drains (see the January 9, 2011 letter from the San Diego Audubon Society concerning this problem), and some of it comes from individuals throwing it in for convenience or sport.

With four new ballrooms included in the Convention Center and Hotel Project, more attendees will be attending events (such as weddings and receptions) and throwing their plastic stadium cups, bottles, cans, and other trash into the Bay. Other than indicating “pick up litter daily” and “sweep plaza, sidewalks and parking lots regularly,” the Draft EIR states nothing about dealing with litter in the harbor.

The Draft EIR needs to explain how this increased littering activity by individuals will be minimized or prosecuted by law enforcement. How many littering citations have police issued in the last four years on the Convention Center and San Diego Hilton Bayfront Hotel grounds?

The Report Provides Sparse Information to the Public about the Hotel Fitness Center and Pool

Pages ES-2, 3-17, and 4-11-16 refer to a 10,000 square foot fitness center with a pool. Is this fitness center limited to hotel guests, or will it be open to hotel employees and residents of the neighborhood, thus potentially increasing car trips?

What will be the size of this pool? Would this pool have a significant impact on the environment? Where will pool chemicals be stored, and how will the operator of the pool discard waste chemicals and waste water from the pool?

The Report Does Not Allow the Public to Consider the Potential Additional Work Burden on Police and Ambulance Services Resulting from Petty Crimes and Disorder at Larger Events

Section 4.11 (Public Services and Recreation) bases its conclusions on unscientific questionnaires. The Draft EIR needs to compile a report listing the number of incidents at the Convention Center and at the San Diego Hilton Bayfront Hotel in the last four years that required police or medical responses. What is the crime rate at the Convention Center and the current hotel? The Draft EIR needs to estimate the increase in the number of incidents when the proposed projects described in the EIR are operational. Incidents shall include DUI arrests in close proximity to the Convention Center and hotel.
Keep in mind that this project is intended to attract larger convention events that have been inclined to take place in Las Vegas, and the behavior of guests may reflect the rowdy convention culture often prevalent in Las Vegas.

**The Report Does Not Provide the Public with Information on the Environmental Impact of Public Art Associated with the Project**

The public is increasingly forced to endure the intrusive sight of public art commissioned and installed by local governments throughout California. The San Diego United Port District has a Public Art Committee, a Public Art Office, a vision for public art, and policies and procedures for public art. Pages 4.9-16 and 4.9-17 of the Draft EIR indicates a possible plan for public art: “the Expansion Hotel site would not block views in the designated Park Boulevard view corridor nor would it prevent the potential of including public art” and “the implementation of the Phase III Expansion would not exclude the future placement of public art within the Project site.” The Draft EIR needs to provide more detail on the plans for public art so that the public has an opportunity to submit objections based on grounds of Aesthetics and Visual Quality.

**The Report Provides Sparse Information to the Public about the Retail Services**

Almost as an afterthought, the Draft EIR in a few places mentions a plan for up to 45,000 square feet of retail space: 2,500 in the hotel and the rest in the Convention Center. (The retail space in the Convention Center is not even mentioned in the Executive Summary’s Project Description.) The EIR should inform the public about what kind of retail space is planned and who selects tenants. Will the retail space include a grocery store that requires frequent truck deliveries? Will the stores attract business from employees and neighborhood residents that may increase car travel?

Page 5-33 indicates that the retail space would be part of “waterfront attractions” that generally enhance the recreational facilities on site and would result in a cumulative benefit on recreation. Does this suggest a video arcade? What is the recreation that will be offered in these retail establishments?

Page 4.12-23 indicates that “Parking demand associated with Phase III Expansion was developed based on the trip generation estimates for the Proposed Project. One parking space was assumed for every two daily trips generated by the Phase III Expansion for the following trip types: local attendees utilizing their own vehicles, non-local attendees utilizing rental cars, employees, and ancillary uses, including the proposed park/plaza and retail uses associated with the 42,500 square feet of retail uses associated with the SDCC and 2,500 square feet of indoor retail space within the proposed Expansion Hotel and a 5-acre rooftop park/plaza. How many vehicle trips and delivery services were anticipated for the retail space?
The Report Does Not Provide an Adequate Visual Figure to the Public Depicting How the Convention Center and Hotel Expansions Will Affect Various Views in and of the City

While Figure 3-2d shows the relative height of the Convention Center expansion and the Hotel Expansion from a harbor-based view, the ordinary citizen has great difficulty in picturing how the new structures will detract from views at various points around the area. The San Diego Unified Port District shows an obtuse unawareness of its irony when it declares (on page ES-4) that a Project Objective is to “enhance public access and views to San Diego Bay” after it received multiple letters from the public concerned about how the Project would obstruct views from existing structures and locations. This EIR needs to include depictions of how the new structures would compromise views from various locations, including the properties of building owners who submitted letters of concern about how the Project would block views that have a measurable market value in terms of hotel room desirability and rates. The report needs to prove to the public that “Implementation of the Proposed Project would not have a substantial adverse effect on a scenic vista, including but not limited to the vista areas designated by the Port District in the PMP,” as stated in Table ES-1.

The Report Needs to Warn the Public about the Massive Wall that Might Be Needed to Hold Back the Flood Waters from Inundating the Project as Global Warming Raises Sea Levels

California government agencies such as the California Energy Commission, the California Ocean Protection Council, and the California Environmental Protection Agency commissioned a report released in 2009 by the Pacific Institute that shows California coastal areas at risk of inundation or frequent flooding because of the rising sea level caused by global climate change.

It’s surprising that the Draft EIR doesn’t address this looming problem, as the San Diego Unified Port District collaborated in the development of the Sea Level Rise Adaptation Strategy for San Diego Bay, published by the San Diego Foundation in February 2012.

This Draft EIR needs to include a Sea Level Action Plan developed using information from the following sources: (1) the 2009 California Climate Adaptation Strategy prepared by the Natural Resources Agency, (2) the Report on Sea Level Rise Preparedness prepared by the State Lands Commission, (3) the Sea Level Rise Assessment Report prepared by the National Academy of Sciences, (4) the resolution of the California Ocean Protection Council on Sea-Level Rise, (5) the State of California Sea-Level Rise Interim Guidance Document, and of course (6) the Sea Level Rise Adaptation Strategy for San Diego Bay.

The Report Needs to Define Its Subjective Terms for the Public
The public is culturally conditioned to respond to terms and phrases loaded with a rhetorical or subjective meaning. The Draft EIR is a one-sided argument for construction and operation of this Project and uses such terms. The San Diego Unified Port District needs to define or eliminate the following deceptive words and phrases from the Draft EIR:

- **economic engine** (pages ES-3, 3-6, 7-2, 7-101) – engines power machines, not economies.
- **first class** (pages ES-4, 3-6, 7-2) – is this report suggesting that the current San Diego Convention Center is second class without the expansion, even as it refers to a different set of cities as “second tier?” In what class is the PAL Banquet & Event Center in El Centro?
- **economic viability** (pages ES-4, 3-7, 7-2, 7-75) – what is non-viability? Are the Convention Center and hotel in danger of Chapter 7 bankruptcy if the Project is not built?
- **maximizing** hotel room revenue, restaurant, and retail sales (page ES-4, 3-6, 3-7) – what is the maximum: is there a level where it can’t go any higher? And how can this Project maximize hotel room revenue when one of the purposes of the Project is to lower hotel room rates that “a total of 42% of the booked interviewees” stated are too high because not enough rooms are available to meet market demand (page 3-3)?
- **maximizing** the long-term benefits of energy and resource conservation (page 4.13-8) – wouldn’t maximizing conservation mean not building the Project at all?
- **maximizing** waste diversion (page 4.13-9) – wouldn’t maximum waste diversion mean not building the Project at all?
- **maximizing** the use of existing public transit and transportation services (page 7-2) – does this mean all employees and visitors will be required to use public transit and transportation services? If not, the use is not maximized and the term is misused.
- **many future users will stop using** … (page 3-1) – how can a future user stop using something if the use is in the future?
- **high-valued visitors** (page 3-2) – who is a low-valued visitor?

The Project Objective for the Proposed Phase III Expansion Is Disputable, but the Report Presents a Biased View to the Public

The Draft EIR provides extensive claims for the need and benefits of the Project, based heavily on the Mayor’s Citizen Task Force Report (September 2009) and AECOM’s Economic Impact Analysis (November 2010). The Draft EIR fails to provide sufficient information to the public about the reasonable alternative not to build the project at all as the environmentally superior alternative. A decision not to build the Project may even reduce negative environmental impact elsewhere in California, as other cities (such as Los Angeles and San Francisco) would have less motivation to expand their convention centers in response to the San Diego expansion.

There are credible and legitimate arguments that the Project Objectives are outdated and faulty and that the “no project” alternative is the wisest alternative for environmental impact AND economic impact. But the Draft EIR lacks sufficient detail to help the public insure the integrity
of the process because it completely ignores criticism of the Project Objectives and the assumptions underlying those objectives.

The Report Deceives the Public by Presenting the Project Objective in a Vacuum, Ignoring How Other Cities Are Responding to the Same Alleged Market Pressure

The Draft EIR does not acknowledge that the City of San Diego is not the only city in its list of competitors that is planning an expansion of its convention center. Without context, how can an ordinary citizen make a judgment on whether or not the Project Objective is legitimate and therefore justifies the harm to the environment that an expansion would entail?

For example, if San Diego hopes to divert convention business from Los Angeles with its expansion, it needs to account for the efforts of the City of Los Angeles to remain as a superior destination. Can the City of San Diego realistically and effectively compete for large conventions against the City of Los Angeles and its own planned convention center expansion (causing its own environmental damage)?

**PROJECT DESCRIPTION:** The Applicants, L.A. Convention Hall, LLC and L.A. Event Center, LLC, propose the Convention and Event Center Project which seeks to modernize the existing Los Angeles Convention Center and create an event center, a multi-purpose entertainment and sports venue (Event Center) on 68 acres of land owned by the City of Los Angeles. Under the Proposed Project, the Floor Area would increase by about 1.8 million square feet to a total of approximately 4.1 million square feet. Approximately 1.1 million square feet of existing buildings would be demolished as part of the Proposed Project.

The Proposed Project includes the construction and operation of a new convention and exhibition structure (New Hall) over Pico Boulevard to replace the existing West Hall, which would be removed. The New Hall would be of a similar size to the existing West Hall (i.e., approximately 462,200 square feet of Floor Area for the existing West Hall versus approximately 500,000 square feet of Floor Area for the New Hall) and would increase the amount of contiguous floor area available at the Convention Center. The Event Center would be constructed on the site of the demolished West Hall. The Event Center would primarily function as the home venue for one or possibly two National Football League teams, as well as a venue to host a variety of other events. It would also provide exhibition and meeting space when not used for sports and entertainment events. Two parking garages also would be constructed immediately west of L.A. Live Way to replace the existing Bond Street Parking Lot, the existing Cherry Street Garage, and the parking area currently located beneath the existing West Hall, and to provide additional parking to support the new on-site development. Under the Proposed Project, a total of 6,670 parking spaces would be available within the Project Site, an increase of 1,112 parking spaces compared to existing conditions.
The Draft EIR should provide a chart of the top 100 cities in the United States ranked in terms of convention space, with the amount of current available exhibit hall and meeting room space listed in a column, the amount of exhibit hall and meeting room space now under construction listed in a second column, and the amount of exhibit hall and meeting room space proposed for construction listed in a third column.

**The Report Uses Questionable Criteria to Show the Public that Project is Necessary and Therefore Justified Despite Its Environmental Impact**

Considering the frenzy of cities trying to outdo each other in expanding their convention facilities, the 2009 Mayor’s Citizen Task Force report citation comparing gross square footage of the current San Diego Convention Center is surely outdated. In addition, it isn’t clear that gross square footage has much significance as a measuring tool for facility comparisons among cities, because there are too many variables involved. For example, since the Draft EIR anticipates 45,000 square feet of retail space, surely there are other convention centers with retail space included in the gross square footage, and this space would not be directly relevant to concerns about exhibit space, meeting rooms, and support service space.

The best measuring tool to compare the performance and potential of the San Diego Convention Center to its alleged competition (presumably Los Angeles, Anaheim, Phoenix, Atlanta, San Francisco, Orlando, New Orleans, Las Vegas, and Chicago – the cities listed on page 3-1) would be actual attendance at events. The Draft EIR should include a chart of the convention events at these nine facilities and the San Diego Convention Center in the last four years and the actual attendance at each of these events. The chart would be organized in chronological order so that the ordinary citizen could see when conventions were held simultaneously in San Diego and other cities. The chart would also reveal which specific conventions have attendance that exceeds the capabilities of the current San Diego Convention Center (125,000 maximum capacity, according to page 2-5 and page 4.9-3).

Regarding the separate issue of the availability of functional space for exhibits, meeting rooms, and storage, this same chart should list the actual amount of space leased by the shows during that four year period in those ten cities. Page 3-3 of the Draft EIR claims there are “over 100 major shows that need between 600,000 and 800,000+ gross square feet of exhibit space.” What are these shows, where are they being held now, and are these shows requiring less space in 2012 than in 2009?

This brings up the question of what specific shows the San Diego Convention Center intends to target if the Project is completed. The Draft EIR refers vaguely to “major medical shows that rotate through the country’s other leading venues.” What are these shows? Have any shows that

*Source: Notice of Completion and Availability of Draft Environmental Impact Report, City of Los Angeles, April 5, 2012*
have recently used the San Diego Convention Center threatened to go elsewhere because of the insufficient exhibit space, meeting rooms, and hotel rooms at reasonable prices?

**The Report Fails to Fully Explain to the Public How and Why San Diego Loses Convention Business to Other Cities (such as Las Vegas, San Francisco, Los Angeles, and Chicago)**

The Draft EIR fails to provide the public with reasons or measurable criteria for classifying San Diego in a “competitive set” of convention destinations that includes Los Angeles, Anaheim, Phoenix, Atlanta, San Francisco, Orlando, New Orleans, Las Vegas, and Chicago (the cities listed on page 3-1). The Draft EIR fails to demonstrate that the Project will lead convention planners to choose San Diego over internationally famous destinations known for their excessiveness (such as Las Vegas, New Orleans, or San Francisco) or exceptional topological beauty (such as San Francisco) or culture and history (such as Atlanta, San Francisco, New Orleans, or Chicago) or presence to and coordination with Disney amusement parks (Anaheim and Orlando). Regarding competition with Los Angeles, that city is to San Diego as apples are to oranges.

Page 3-3 of the Draft EIR cites from the 2009 Mayor’s Citizens Task Force report that “Approximately 40% of prospective customers who do not book the SDCC attribute that decision to unavailability or a lack of space.” What reasons are given by the other 60% of prospective customers who choose not to book the San Diego Convention Center?

**The Report Shows Unabashed Bias and Perpetuates an Impression to the Public that All Reasonable People Recognize This Project as Worthy and Necessary Despite the Resulting Environmental Impact**

The Draft EIR defends the Project Objectives using studies commissioned for the purpose of advancing the need for expansion of the San Diego Convention Center, while it fails to serve the interests of the public when it neglects to acknowledge any academic and journalistic skepticism about the public benefit of expanding this and other convention centers.

A simple web search reveals a wealth of articles and studies indicating excessive supply of convention center space and hotel rooms, as well as flaws in studies commissioned by supporters of convention center construction. Below is a list some studies and articles that insinuate that convention centers are not always a wise public investment. These studies and articles need to be cited in the Draft EIR.

- Professor Heywood Sanders of the University of Texas is preparing the manuscript for an upcoming book publication entitled *Stuck with the Big Box: The Promises, Products, and Politics of Convention Center Development*. He has also written the following articles:


- “Thinking About a New Convention Center? Think Very Carefully,” (with William F. Fox and Daniel Murphy), State Tax Notes, Vol. 43, No. 7 (February 19, 2007): 469-475.


The Report Needs to Provide the Public with Statistics on the Number and Percentage of Rooms at the San Diego Bayfront Hilton and Other Nearby Hotels that Are Sold Via Discount Web Sites for Each of the Last Four Years

Rather than measuring market demand and justifying the Project Objectives (and the resulting environmental damage) by citing rosy predictions of the future from private consulting firms hired by supporters of the San Diego Convention Center expansion, the Draft EIR should assess the true conditions of the hotel market in Downtown San Diego and throughout San Diego. One way is to survey hotels to determine the amount and/or percentage of rooms sold at various degrees of discount through web sites such as Hotwire, Priceline, Expedia, Travelocity, etc. during the past four years. This would supplement information about hotel vacancy rates.

The Report Ignores the Environmental Impact of Commuting Vehicles of Out-of-Area Construction Workers, Especially Those Dispatched from Labor Union Hiring Halls with Large Geographical Jurisdictions

The news media has reported that the governing boards of one of the multiple public agencies entangled in the Project (the City of San Diego, the San Diego Unified Port District, or the San Diego Convention Center Corporation) may require the construction manager/construction-manager-at-risk/design-build contractor to require construction companies to sign a Project
Labor Agreement with affiliates of the San Diego County Building and Construction Trades Council in order to work on the Project.

Under a Project Labor Agreement, all construction companies are required to obtain their workers from a worker dispatching program of applicable trade union hiring halls. (This is in contrast to the employment practices of non-union contractors, which use employment applications to develop a permanent in-house workforce.)

As a result, construction trade workers in unions with a large geographical jurisdiction that includes San Diego may travel hundreds of miles to work on the Project. This is confirmed in the opening brief submitted to the California Supreme Court by the State Building and Construction Trades Council of California in State Building and Construction Trades Council v. City of Vista. This brief acknowledges that “construction workers today routinely commute to projects outside the cities in which they happen to live” and “it is not uncommon for today’s construction workers to commute more than 100 miles to work at a job site.” This happens because construction trade unions have geographical jurisdictions that often encompass large regions and because they use a “traveler” classification so out-of-area union workers have access to jobs.

In addition, Project Labor Agreements cannot guarantee the employment of “local” residents on a Project – they can only set local hiring as a goal. And the definition of “local” can vary widely – in many cases, unions and union agreements consider “local” to be anyone dispatched from the union hiring hall that applies to the large geographic region that includes the project in question.

In order to account for the effects on greenhouse gas emissions of possible long-distance commuting of unionized construction workers from Los Angeles, Riverside, and San Bernardino to downtown San Diego, the Draft EIR needs to assess the geographical regions of each trade union with jurisdiction over elements of Project construction work and define the hiring and dispatching procedures of each of those unions.

Also, the Draft EIR needs to identify the likely non-union general contractors and subcontractors based in the San Diego region that have the capability to perform work on this Project and have plans to bid on the Project (if they are not required to sign a Project Labor Agreement), in order to determine the comparative effects on greenhouse gas emissions of the commuting vehicles of the employees of these local employees.

Finally, the Draft EIR needs to determine what percentage of construction trade workers in the San Diego region are union members. The Current Population Survey statistics on the California construction labor market (published by a joint collaboration of the U.S. Census Bureau and the U.S. Department of Labor’s Bureau of Labor Statistics) indicates that in California in 2011, 16.9% of construction workers were union members (This figure includes the San Francisco Bay Area, which has a relatively high percentage of union workers.) Consider this statistic with observations from various construction trade associations in the region, and clearly non-union workers overwhelmingly dominate the San Diego construction labor market. Under a Project Labor Agreement, unions would need to obtain workers from outside of the San Diego region.
The Report Does Not Address the Implications of Fewer Truck Loading Docks Combined with Increased Truck Deliveries

Strangely considering the alleged reasons for expansion of the Convention Center, the Draft EIR indicates that five truck docks (D & E, F, G, H) will be removed as part of the Project (page 3-20). But the Draft EIR also indicates in numerous places that there will be an increase in the number of delivery trucks as a result of the Project. If there are more delivery trucks but fewer truck docks as a result of the Project, will this result in increasing idling time and additional greenhouse gas emissions as trucks wait for loading and unloading opportunities? The Draft EIR needs to explain to the ordinary citizen reading the report how more trucks and fewer truck docks do not adversely affect the environment. In addition, it needs to explain how many delivery trucks will serve the proposed retail establishments, especially if a grocery store is planned.

The Report Discusses Greenhouse Gas Emissions without Applying the Discussion to the Details of Important City and Regional Strategic Documents Regarding Energy Plans and Climate Change

1. How does this project conform to and/or undermine the City of San Diego’s Energy Plan for a Sustainable Future?

2. How does this project conform to and/or undermine the City of San Diego’s Climate Protection Action Plan?

3. How does this project conform to and/or undermine the Conservation Element of the City of San Diego’s General Plan?

4. How does this project conform to and/or undermine the City of San Diego’s Sustainable Building Policy No. 900-14?

5. How does this project conform to and/or undermine the U.S. Conference of Mayors’ Climate Protection Agreement?

6. How does this project conform to and/or undermine the County of San Diego’s Climate Action Plan?

7. How does this project conform to and/or undermine the San Diego Association of Governments (SANDAG) Regional Climate Action Plan?

8. How does this project conform to and/or undermine the San Diego Association of Governments (SANDAG) Regional Transportation Plan?

9. How does this project conform to and/or undermine the San Diego Association of Governments (SANDAG) Regional Comprehensive Plan?
10. How does this project conform to and/or undermine the San Diego Association of Governments (SANDAG) Sustainable Communities Strategy for the 2050 Regional Transportation Plan?

11. How does this project conform to and/or undermine the San Diego Association of Governments (SANDAG) Sustainable Region Program Action Plan?

The Report Seems to Suggest a Disturbing Lack of Cooperation Between the Lead Agency and Scholarly Experts and Community Groups Dedicated to Environmental Protection

Does the San Diego Unified Port District consider the December 16, 2010 public scoping session to be adequate cooperation with the community? Consistent with the theme of this Project being considered in a vacuum, why is there no indication of collaboration with individuals affiliated with institutions such as the Scripps Institute of Oceanography, UC San Diego, San Diego State University, and the San Diego Foundation, which produced a Regional Focus 2050 Study about Climate Change Related Impacts in the San Diego Region by 2050?

We look forward to the response of the San Diego Unified Port District to these comments concerning a controversial and high-profile proposed project.

Sincerely,

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