

**Final Addendum  
to the  
FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT  
TO THE  
FINAL MASTER ENVIRONMENTAL IMPACT REPORT  
FOR THE  
Centre City Redevelopment Project and  
Addressing the Centre City Community Plan and Related Documents  
for the proposed  
Ballpark and Ancillary Development Projects,  
and Associated Plan Amendments**

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**August 8, 2005**

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## **I. INTRODUCTION**

This Addendum to the Final Subsequent Environmental Impact Report (SEIR) SCH No. 98121003 prepared for the Redevelopment Agency of the City of San Diego has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15164. It updates the SEIR which was certified on October 26, 1999. A previous Addendum to the SEIR was prepared for the East Village Square Development and was certified on December 2, 2003 (Final Addendum to the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments, October 30, 2003). The MEIR, SEIR, and East Village Square Development Addendum are available for review at the offices of the Centre City Development Corporation (CCDC), which are located at 225 Broadway, Suite 1100, San Diego, CA 92101.

This Final Addendum has been prepared following responses to comments received from agencies, organizations, and the general public. The Final Addendum conclusions are the same as those within the Draft Addendum and have not changed as a result of the comments received. Responses to these comments have been included as Attachment 5 to the Addendum. A limited number of changes to the Draft Addendum were made during finalization of the document. These changes include clarification of the project purpose and modification of the specific parcel square footages and floor area ratios (FAR) presented in Table 1. These modifications do not change the conclusions of the Final Addendum.

The changes to the sub-parcel areas and FARs were made as a result of program refinements and in order to accommodate pedestrian circulation, fire-fighting access, and constructability considerations. The changes were made specifically to: (1) accurately account for the dedication of portions of Twelfth Avenue to the City affecting the net size of Parcel C; (2) provide for minimum FAR consistent with the FAR which would be anticipated to be developed on Parcels C and D absent any transfer of FAR from the Ballpark, and consistent with the Planned District Ordinance; and (3) provide a more logical subdivision of Parcel C to more accurately account for construction phasing, pedestrian/vehicular circulation, parking garage configuration, and utility placements. The adjustments of accurately calculating the net size of Parcel C, providing minimum FARs for Parcels C and D consistent with the Planned District Ordinance, and the realignment of Sub-parcels on Parcel C do not affect the scope or character, tower placement or bulk controls or any development entitlements or constraints of the Ballpark Village Master Plan as analyzed in the Addendum. The overall plan of development remains consistent with the limitations of the maximum development area, transfer of floor area, and average daily trip limits; therefore, the modifications to the numbers do not alter the findings of the analyses presented in the Draft Addendum.

The primary purpose of the Addendum is to evaluate the potential environmental effects of proposed refinements to an Ancillary Development Project (now known as Ballpark Village) particularly with respect to the development intensity of the proposed buildings. In addition, upon certification of the Final Addendum, the Council and Agency will be asked to make discretionary actions that include approval of the Owner Participation Agreement (OPA) between the Redevelopment Agency of the

City of San Diego and Ballpark Village LLC, to which, the Ballpark Village Master Plan and an Affordable Housing Agreement are attachments. The SEIR included an evaluation of potential impacts of Phase II of the Ancillary Development Projects, of which Ballpark Village is a part. Subsequently, a Master Plan has been prepared to provide further detail of the nature of the proposed development. This Addendum is intended to evaluate the proposed Ballpark Village Master Plan to determine if the changes and additional detail beyond that analyzed in the 1999 SEIR meet any of the requirements for the preparation of a Subsequent or Supplemental EIR per Sections 15162-15163 of the State CEQA Guidelines. This section of the CEQA Guidelines would require a Subsequent or Supplemental EIR if any of the following conditions apply:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
  - The project will have one or more significant effects not discussed in the previous EIR;
  - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Based on the results of the Initial/Secondary Study prepared for the Ballpark Village development (Attachment 1), none of the situations described above applies. As discussed in this Addendum and its associated Initial/Secondary Study, neither the Ballpark Village development nor the circumstances under which it is being undertaken would result in any new significant impacts not discussed in the SEIR, or any substantial increase in the severity of impacts identified by the SEIR. In addition, no new information of substantial importance has become available since the SEIR was prepared regarding new significant impacts, or feasibility of mitigation measures or alternatives.



Section 15180 of the State CEQA Guidelines also defines special requirements for Redevelopment Projects as follows:

- All public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project, which shall be deemed approved at the time of adoption of the redevelopment plan by the legislative body. The EIR in connection with the redevelopment plan shall be submitted in accordance with Section 33352 of the Health and Safety Code.
- An EIR on a redevelopment plan shall be treated as a program EIR with no subsequent EIRs required for individual components of the redevelopment plan unless a subsequent EIR or a supplement to an EIR would be required by Section 15162 or 15163.

The Ballpark Village is part of a larger redevelopment plan already covered by certified environmental documents (MEIR/SEIR) that are considered the program EIR as defined by Section 15180.

Section 15164 of the State CEQA Guidelines states that an Addendum to an EIR may be prepared “if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” If none of the aforementioned conditions are met, a subsequent or supplemental EIR is not required. Rather, an agency can:

- Decide that no further environmental documentation is necessary; or
- Require that an addendum be prepared.

Under most conditions with so few changes as in this project, the CCDC would conduct a Initial/Secondary Study and would most likely conclude that no further environmental documentation is necessary outside of the mitigation measures defined in the MEIR/SEIR. For the Ballpark Village project the decision to prepare an addendum was primarily the result of the transfer of floor area, as discussed below.

## **II. BACKGROUND DISCUSSION**

In 1999, the SEIR analyzed the environmental impacts of the ballpark project and ancillary development, set forth mitigation measures, and was certified. In order to implement the intent and purposes of the City of San Diego Ordinance No. O-18613 approved as a part of the ballpark project, the transfer of floor area was permitted to provide for the transfer of unused development intensity on the ballpark site to ancillary development sites within the Sports/Entertainment District. The transfer of floor area from the Ballpark could increase development intensity on Ancillary Development Project areas provided that the district wide FAR of 6.5, established for the Sports/Entertainment District in the Planned District Ordinance (PDO), is not exceeded and that the Average Daily Trips (ADT) count does not exceed the cap of 55,128 ADT established for the Sports/Entertainment District in the PDO for all projects proposed after November 8, 1999. The details on the conditions of the transfer of floor area were defined in the Community Plan and Section 103.1915(d)(5) of the PDO.

The ballpark developed 1,120,000 square feet (sf) of Gross Floor Area (GFA) on its 14.88 acre site. Based on the district wide FAR of 6.5, this is equivalent to 3,093,123 sf of GFA that could be transferred from the ballpark to other ancillary development project sites within the Sports/Entertainment District under the confines of program conditions. To date, 290,000 sf of GFA has been effectively transferred to the Omni Hotel. The remaining allowable GFA is 2,803,123 sf.

At the time of SEIR certification, the specific location(s) for the transfer of development intensity were not known. The proposed Ballpark Village Master Plan would receive a portion of this additional development intensity as allowed by the transfer of floor area. Therefore, a new environmental analysis is being prepared to determine whether the increased intensity at this location would result in any new or substantially more severe environmental impacts than those impacts identified by the SEIR.

### **III. PROJECT DESCRIPTION**

The proposed activity for the purposes of this Addendum is the implementation of the Ballpark Village Master Plan, which would construct new mixed-use buildings. The Master Plan is a planning document which identifies allowed land uses, building sizes and envelopes with respect to heights, widths, setbacks, building mass, tower orientation and location, as well as a series of design standards to be applied to the final development plans. Overall, the Master Plan anticipates high-rise towers on each of the six total C and D Parcels (Parcels C1, C2, C3, C4, D1, and D2), two plazas that front Park Boulevard and one plaza that fronts Imperial Avenue, pedestrian walkways along the former Eleventh Avenue and L Street rights-of-way, and podium-level landscaped open space and recreation opportunities. The buildings would range in height from approximately 136 to 500 feet above Mean Sea Level (MSL) and would offer a mix of some or all of the following uses: multi-family residential, office, retail, restaurant, visitor accommodations (e.g., hotels), public and semi-public, and parking. The variation in building elevation will allow for sun access to the public library courtyard. Retail use includes any use permitted in the “Commercial Retail” and “Commercial Services” use categories of the Centre City PDO. Figures showing the Ballpark site are provided in the Initial/Secondary Study (Attachment 1).

A maximum of 3,212,020 square feet (sf) of GFA may be developed in the Master Plan area. This value includes 2,012,634 sf of GFA allowed by the designated 6.5 base Floor Area Ratio (FAR), plus up to 1,199,386 sf of transferred floor area as permitted in the Sports/Entertainment District (Section 103.1915(d)(5) of the PDO and provided by the Owner Participation Agreement (OPA) (See Table 1 and 2).

The maximum GFA can be distributed between several different land uses including residential, office, retail, and hotel within the proposed Ballpark Village Master Plan area. There is flexibility in defining the land use mix for potential development scenarios; however, they are capped by a maximum GFA of 3,212,020 sf and an ADT count of 16,500 trips. An example land use mix for the Ballpark Village was developed to evaluate potential environmental impacts from a development scenario that generates a maximum GFA of 3,212,020 sf and a maximum ADT count of 16,500 trips. This potential land use mix scenario includes 1,500 residential dwelling units; 500,000 sf of office space; 150,000 sf of retail; 304 hotel rooms; 50,000 sf for the City Club; 240,000 sf for above-grade

parking; and 50,000 sf for above-grade parking service areas and is summarized in Table 2 below. At least 60% of the first-story street wall frontage along Park Boulevard, Imperial Avenue, and the former L Street right-of-way would be devoted to Street Level Uses. These uses could include retail shops, restaurants, bars, theaters and the performing arts, commercial recreation and entertainment, personal and convenience services, hotels, banks, travel agencies, airline ticket agencies, child care services, libraries, museums, and galleries.

**TABLE 1**  
**Ballpark Village Minimum-Maximum Development <sup>(1)</sup>**

| PARCEL AREA SQUARE<br>FOOTAGE <sup>(4)</sup> |         | REQUIRED MINIMUM<br>DEVELOPMENT <sup>(2)</sup> |   | MAXIMUM PERMITTED<br>DEVELOPMENT <sup>(3)</sup>          |                |
|--|---------|--|---|--|----------------|
|  |         | MINIMUM<br>FAR                                 | MINIMUM AREA<br>(GROSS SQUARE<br>FOOTAGE ABOVE<br>GRADE) <sup>(2)</sup> | MAXIMUM AREA<br>(GROSS SQUARE<br>FOOTAGE ABOVE<br>GRADE) | MAXIMUM<br>FAR |
| C1 Sub-parcel                                | 29,620  | 5.5  | 162,910   | 238,126  |                |
| C2 Sub-parcel                                | 74,734  | 6.0  | 448,404   | 615,386  |                |
| C3/C4 Sub-parcel                             | 65,365  | 6.0  | 392,190   | 794,866  |                |
| Subtotal: Parcel C                           | 169,719 |  | 1,003,504   | 1,498,527 <sup>(5)</sup>                                 | 8.829          |
| D1 Sub-parcel                                | 80,361  | 6.0  | 482,166   |  |                |
| D2 Sub-parcel                                | 59,556  | 6.0  | 357,336   |  |                |
| Subtotal: Parcel D                           | 139,917 |  | 839,502   | 1,713,493  | 12.247         |
| Total: Master Plan                           | 309,636 |  | 1,843,006   | 3,212,020  | 10.372         |

NOTES:

Source: San Diego Ballpark Village Master Plan, 2005

- (1) All Sub-parcels shall be developed at no less intensity than the Required Minimum Development Area. Achieving the Maximum Development Permitted shall be dependent upon conformance with all requirements of the Master Plan and of the Owner Participation Agreement (OPA) with respect to each Sub-parcel, including, but not limited to, meeting the requirements of Section 701 of the OPA with respect to the time period within which density may be transferred from the Ballpark.
- (2) Required Minimum Development for any Sub-parcel shall be calculated by multiplying the final Sub-parcel size by the Required Minimum Development FAR. If Sub-parcels C3 and C4 are developed separately, each Sub-parcel shall be developed at no less intensity than a FAR of 6.0.
- (3) Regardless of the size of a Sub-parcel or a Parcel, the Maximum Development Permitted on each Sub-parcel and Parcel shall not exceed the Maximum Area specified for each Sub-parcel and Parcel, and the overall Maximum Permitted Development may not exceed 3,212,020 GSF or an FAR of 10.372.
- (4) Sub-parcel sizes as shown are preliminary and are subject to lot line adjustments for purposes of construction phasing, pedestrian/vehicular circulation, parking garage configuration, utility placements, and similar design/constructability considerations. In no event shall such adjustments supersede the tower placement or bulk control requirements described elsewhere in this Master Plan document.
- (5) Although the additive maximum areas for Sub-parcels C1, C2, and C3/C4 exceed this number, the maximum area (gross square footage above grade) for Parcel C shall not exceed 1,498,527.

**TABLE 2**  
**Example Ballpark Village Land Use Distribution**

| <b>LAND USE</b>                   | <b>UNITS*</b> |
|-----------------------------------|---------------|
| Residential                       | 1,500 DU      |
| Office                            | 500,000 sf    |
| Retail                            | 150,000 sf    |
| Hotel                             | 304 RM        |
| Parcel D City Club                | 50,000        |
| Above-grade Parking               | 240,000       |
| Above-grade Parking Service Areas | 50,000        |

**NOTES:**

- \* The project development program is capped at 3,212,020 sf of GFA and 16,500 ADT.
- DU Dwelling Units
- RM Rooms
- sf Square feet

The additional 1,199,386 sf of transferred floor area allowed by the Sports/Entertainment District could be placed on any parcel or combination of parcels within Ballpark Village up to the maximum FAR shown in Table 1. With the transferred floor area, as defined in the PDO, the maximum FAR for C parcels is 8.829 and the maximum FAR for D parcels is 12.247 for an overall maximum project FAR of 10.372. In order to maintain development flexibility, FAR would be transferable within the four C parcels and within the two D parcels.

### **A. Parking**

Because there is no set land use mix, there is no set number of parking spaces identified in the Ballpark Village Master Plan; however, the minimum parking spaces required would conform to the following ratios: 1.5 spaces per market rate residential dwelling unit, one space per affordable housing unit, 1.5 spaces per 1,000 sf of leasable office space, 0.5 spaces per hotel room, two spaces per 1,000 sf of leasable retail space, and one motorcycle space for every 20 registered vehicle spaces. Onsite parking will be provided in above and below grade structures.

### **B. Parcel C1 Building**

The Parcel C1 Building would be the northernmost development in the Ballpark Village Master Plan, bounded by Park Boulevard, Twelfth Avenue and the former L Street right-of-way. It would be located on a triangular lot containing 29,620 sf of Gross Parcel Area (GPA), and, at a maximum, could reach a height of approximately 270 feet above mean sea level (MSL). There is no set land use mix, but the building could contain residential, retail, office, or hotel uses, or a combination of these uses. The Master Plan envisions that retail and other allowed Street Level Uses would be located on the ground level and would make up at least 60% of the street wall facing Park Boulevard and the former L Street right-of-way. The approximately 41-foot-wide L Street Pedestrian Mews (a pedestrian walkway along the former L Street right-of-way) and an approximately 100-foot-wide

Plaza would be adjacent to the Parcel C1 Building to the south. Vehicular access to the building would be taken from Twelfth Avenue where parking would be provided below grade.

### **C. Parcel C2 Building**

The Parcel C2 Building would be located on the western edge of the Ballpark Village in between the Parcel C1 and Parcel D1 buildings. It would sit on a triangular lot containing 74,734 sf of GPA, and be bounded by Park Boulevard, Imperial Avenue, and the former Eleventh Avenue right-of-way. The former Eleventh Avenue right-of-way would become the Eleventh Avenue Pedestrian Mews, a pedestrian walkway connecting two plazas to the north and south. Vehicular access to the Parcel C2 Building would be taken from a roundabout within the plaza at the southern end of the Eleventh Avenue Pedestrian Mews, which fronts Imperial Avenue. Like the Parcel C1 Building, land uses in the Parcel C2 Building would be flexible and could contain residential, office, retail, hotel, or a combination of these uses. At least 60% of the street wall facing Park Boulevard and Imperial Avenue would be dedicated to retail and other Street Level Uses. The building could reach a maximum height of approximately 486 feet (MSL).

### **D. Parcel C3 Building**

The Parcel C3 Building would be located along the eastern boundary of the Ballpark Village, occupying the southeast corner of the C parcels. The rectangular lot is bounded by Twelfth Avenue, the C4 Parcel, Imperial Avenue, and the former Eleventh Avenue right-of-way. Parcels C3 and C4 together total approximately 65,365 sf. Building heights could reach a maximum of 498 feet (MSL). Land uses would be flexible and may contain residential, office, retail, hotel, or a combination of these uses; however, retail and other Street Level Uses would be required along at least 60% of the street wall facing Imperial Avenue. Vehicular access would be taken from Twelfth Avenue and Imperial Avenue.

### **E. Parcel C4 Building**

The Parcel C4 Building would also be located along the eastern boundary of the Ballpark Village, and would be in between Parcel C1 and Parcel C3. The rectangular lot of GPA and is bounded by Twelfth Avenue, the former L Street right-of-way, the former Eleventh Avenue right-of-way, and Parcel C3. Parcels C3 and C4 together total approximately 65,365 sf. Building heights could reach a maximum 368 feet (MSL). Land uses would be flexible, containing residential, office, retail, hotel, or a mix of these uses. Street Level Uses would be required along at least 60% of the street wall facing the former Eleventh Avenue right-of-way. Vehicular access would be provided from Twelfth Avenue and Park Boulevard.

It is possible that parcels C3 and C4 may be combined into one parcel in the future. The Master Plan allows this event and has developed design guidelines for one building on the combined lot. Land uses would continue to be flexible, allowing for a mix of residential, office, retail, or hotel uses. Street Level Uses would be required along at least 60% of the street walls facing the former L Street right-of-way and Imperial Avenue. The maximum building height would be 498 feet (MSL) and vehicular access would be provided from Twelfth Avenue, Imperial Avenue, and Park Boulevard.

## **F. Parcel D1 Building**

The Parcel D1 Building would be located in the southwest corner of the Ballpark Village. The irregularly-shaped lot contains 80,361 sf of GPA and is the largest of all the parcels. It is bounded by Park Boulevard, the Linear Park and railroad tracks, Parcel D2, and Imperial Avenue. The northern landing of the Harbor Drive Pedestrian Bridge and public plaza would be adjacent to and to the west of the Parcel D1 Building. Land uses would be flexible and may contain residential, office, retail, hotel, or a combination of these uses and at least 60% of the street walls facing Imperial Avenue and Park Boulevard would be devoted to Street Level Uses. The Parcel D1 Building could reach a maximum height of 500 feet (MSL). Vehicular access would be taken from Imperial Avenue and Eleventh Avenue with limited vehicular access from Park Boulevard.

## **G. Parcel D2 Building**

The Parcel D2 Building would be located adjacent to and east of the Parcel D1 Building. The irregularly-shaped lot is 59,556 sf of GPA, and is bounded by Imperial Avenue, Parcel D1, the Linear Park and railroad tracks, and Eleventh Avenue, which is open to vehicle traffic south of Imperial Avenue. The building could reach a maximum height of 500 feet (MSL). Land uses would be flexible and may contain residential, office, retail, hotel, or a combination of these uses and at least 60% of the street wall facing Imperial Avenue would be devoted to Street Level Uses. Vehicular access would be taken from Imperial and Eleventh avenues.

## **H. Design**

The urban design principles for the Ballpark Village development include four main components as outlined in the Ballpark Village Master Plan as summarized below:

- To contribute to the objective to link Balboa Park with the City's waterfront by forming a "green link" around Downtown. The Ballpark Village contributes by providing public and semi-public Urban Open Spaces that enhance the pedestrian realm and offering an open space amenity at the foot of Park Boulevard.
- To integrate the north-south orthogonal grid of Downtown and the roughly 40 degree shift in the grid of Southeast San Diego. The development encourages blending of the building faces with Park Boulevard at the podium level while visually unifying the Ballpark Village with the Downtown core by orienting the towers to the north and west above the podium level. The Ballpark Village also extends the 200 by 300 foot block grid of the Downtown area for pedestrian use.
- To create a neighborhood fully integrated within its context. The Ballpark Village extends the Downtown urban street grid and functionality as a pedestrian friendly environment while defining a mixed land use that respects and builds upon the vertical layering of public-to-private zones with public activities supported at the street level and private individual developments at the upper levels.

- To develop a layered landscape. The Ballpark Village creates an open space concept that will address the needs of the public at the ground plane and serve the needs of residents with podium level open space and recreational amenities. Enhancements would include (1) creating a formal urban open space along Park Boulevard; (2) designing upper podium levels with a series of open space amenities and recreational opportunities for residents with a San Diego climate friendly landscape palette; and (3) providing landscape pedestrian linkages to future development at Tailgate Park and East Village.

The design of each of the six potential buildings in Ballpark Village would follow a three-tiered form: Base Zone, Mid Zone, and Tower Zone. The Base Zone would be the lower portion of a building up to a height of 50 to 60 feet. The Mid Zone would be immediately above the Base Zone up to a height of 90 feet. The Tower Zone would be the narrowest portion and would occur above 90 feet. To maintain visual interest, no two towers would be identical in form, identical heights would be avoided, and the top of each tower would be articulated to avoid a monolithic appearance. In addition, the facades of the buildings would be articulated and include elements such as balconies, changes in material, expressed window systems, offsets, reveals, and other features to create visually-pleasing facades. Clear or lightly tinted glass would be encouraged; highly reflective or mirror glass would not be allowed.

## **I. Streetscape**

As part of the street design, landscaping would be incorporated on Park Boulevard, Imperial Avenue, Eleventh Avenue, and Twelfth Avenue. Streetscape design would be based on and consistent with the Centre City Streetscape Manual. On Park Boulevard, Tipu trees would be planted to be consistent with the western side of the boulevard. Sidewalks on Park Boulevard would be developed with permeable paving or other drainage system for storm water runoff control. On the former Eleventh Avenue right-of-way, enhanced paving would differentiate the crosswalks and may include pavers, stamped concrete, colored concrete, exposed aggregate concrete, scribed lines, colored asphalt, stamped asphalt, or line paint. On Imperial Avenue, Palo Alto Sweet Gum trees would be planted along the street corridor. On Twelfth Avenue, Jacaranda trees would be planted.

The two Event Plazas that front Park Boulevard and the Event Court at Eleventh Avenue and Imperial Avenue would contain distinct paving patterns to differentiate the sidewalks, crosswalks, and vehicular areas. Bollards would be placed at the edge of the vehicular area to protect pedestrian zones. Trees would conform to the Centre City Streetscape Manual.

The L Street Mews would include enhanced paving patterns and materials to designate pedestrian and outdoor seating areas, with the enhanced paving pattern extending across Twelfth Avenue to signify pedestrian access from the adjacent Tailgate Park. Lighted trees are planned for the edge of the outdoor seating areas, with street trees aligned with the future mews at Tailgate Park to provide visual connectivity.

The Eleventh Avenue Pedestrian Mews would include flowering trees and understory plantings to designate the pedestrian through-access. Seating would be incorporated in pedestrian and residential zones. For the live-work lofts that would potentially face the Mews, raised stoops and low plantings would be incorporated to create privacy from the pedestrian through-access.

For all landscaped areas, lighting would be developed at the time of the Centre City Permit Application for each parcel and would conform to the Centre City Streetscape Manual.

#### **IV. ENVIRONMENTAL ISSUES**

The following pages describe environmental issues for the proposed project. Each section contains an analysis of project modifications and potential impacts resulting from the changes, if any. This analysis has been undertaken, pursuant to the provisions of CEQA and its Guidelines, to provide decision makers with a factual basis for determining whether any modifications to the project, changes in circumstances, or receipt of new information not available during preparation of the MEIR/SEIR, require additional review or preparation of a subsequent or supplemental EIR. The findings for each environmental topic area are summarized in the analyses that follow. The impacts from the proposed Ballpark Village have been evaluated under a maximum development scenario with a GFA of 3,212,020 sf generating an ADT count of 16,500 trips.



## **A. AESTHETICS**

### **Existing Environmental Setting**

Please see Section 5.4 (aesthetics) and 5.6 (light/glare) of the certified MEIR/SEIR for a summary of the existing environmental setting for aesthetics.

### **MEIR/SEIR**

Please see Section 5.4 and 5.6 of the certified MEIR/SEIR for an analysis of the potential aesthetic and light/glare effects of the Ballpark and Ancillary Development Projects.

The MEIR/SEIR evaluated potential impacts to views, neighborhood character, aesthetics, and light/glare. The analyses provided therein do not identify significant impacts to neighborhood character. However, the MEIR/SEIR identifies two potentially significant effects from the Ancillary Development Project Area: visual character (views and aesthetics) and light/glare. In the aesthetics evaluation, the SEIR determined that views of the Coronado Bay Bridge may be impacted by the placement of pedestrian bridges over Seventh Avenue. Consequently, view blockage on Seventh Avenue could be significant and unmitigated. The MEIR/SEIR also concludes that final architectural and site plans for various ancillary developments could result in significant impacts to visual appearance; however, Mitigation Measures 1.3-1 and 3.3-1 would reduce this impact to below a level of significance.

In the light/glare evaluation, the MEIR/SEIR concludes that the type of uses expected to be associated with the Ancillary Development Projects Area would be characteristic of existing development downtown and would not have significant sources of lighting which would result in substantial levels of spill or glare light; however, ancillary developments could create a significant source of light glare by reflection of ballpark field lights off the facades of buildings. Incorporation of Mitigation Measures 8.1-1, 8.3-1 and 8.3-2 will reduce this impact to a level less than significant.

The MEIR/SEIR identified no other significant impacts to visual resources.

The Mitigation, Monitoring and Reporting Program (MMRP) Mitigation Measures adopted in the MEIR/SEIR and applicable to the Ballpark Village are included in Attachment 2 to this Addendum.

### **Proposed Project Modifications**

The Ballpark Village modifications evaluated in this Addendum include primarily the addition of development intensity resulting from the transfer of floor area from the ballpark within the Sports/Entertainment District. The resulting transferred floor area allows for increases in the maximum FAR for the project. In addition, the Ballpark Village Master Plan provides more detail regarding the land uses and proposed layout for the project. Although more detail is available, the proposed land uses and layout for the Ballpark Village are within the scope of the Ancillary Development Projects area as defined in the certified MEIR/SEIR.

The Ballpark Village is located at the ends of Tenth Avenue, Eleventh Avenue, Twelfth Avenue, K Street, L Street, and Imperial Avenue and adjacent to Park Boulevard next to the southeast side of

Petco Park. The Centre City Community Plan does not identify Tenth Avenue, Eleventh Avenue, K Street, L Street, or Imperial Avenue as View Corridor Streets and buildings are not required to have stepbacks. Park Boulevard and Twelfth Avenue are designated as View Corridor Streets in the vicinity of the Ballpark Village project; however, development located along these streets does not require building stepbacks. Nonetheless, the proposed Ballpark Village would not develop structures that would intrude into the street corridors and block potential views. View simulations of the proposed Ballpark Village were created to illustrate the preservation of view corridors. The view simulations are included as Attachment 3.

The Ballpark Village would be located in a developed area of downtown already exhibiting major facilities such as Petco Park and the San Diego Convention Center. The proposed buildings would introduce six high-rise towers not to exceed 500 feet MSL. This development is consistent with the development pattern occurring in the Sports/Entertainment District. In addition, all streets would receive special streetscape treatment and would conform to the streetscape and landscape standards contained in the Centre City Streetscape Manual. Implementation of Mitigation Measures 1.3-1 (conformity to guidelines and general design criteria) and 3.3-1 (design criteria) would ensure conformance to the Centre City PDO guidelines and would reduce the potential impact to visual character to below a level of significance.

The Ballpark Village modifications may involve light glare impacts in one of three ways: The Ballpark Village buildings could be light generators, light receivers, and/or light reflectors. The lighting within the Ballpark Village buildings and walkways may contribute incrementally to the urban light sources. Implementation of Mitigation Measure 8.1-1 (development of a lighting plan and proper orientation of lights) would reduce this impact to below a level of significance.

The Ballpark Village would be located in an area where lighting from Petco Park could impact proposed light sensitive uses such as residential and hotel uses. The buildings will be developed with light attenuation measures, defined by a detailed lighting study required by Mitigation Measure 8.3-2, to reduce this impact below a level of significance.

The proposed buildings would be located within the four-block radius identified by the SEIR for potential glare impacts resulting from reflection of the ballpark field lights. The Ballpark Village Master Plan includes tower design guidelines to minimize the potential for the buildings to become a source of glare. However, a detailed lighting study and implementation of identified mitigation measures, required by Mitigation Measure 8.3-1 would reduce potential impact to below a level of significance.

The proposed modifications related to the Ballpark Village project would not result in increased potential impacts to aesthetic resources above those anticipated in the MEIR/SEIR. Therefore the Ballpark Village modifications are consistent with the MEIR/SEIR.

## Findings

The Ballpark Village project is consistent with the certified MEIR/SEIR and will not result in any new significant environmental impacts. Therefore, the comparison of anticipated environmental effects of the proposed project with the impacts disclosed in the previous certified EIR support the required CEQA findings summarized below. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental EIR have been met.

**Major Revisions Not Required.** Based on the foregoing analysis and information, there is no substantial evidence that the changes to the project require a major change to the certified MEIR/SEIR. The Ballpark Village project will not result in any new significant environmental impact, nor is there substantial increase in the severity of impacts from that described in the certified MEIR/SEIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** There is no substantial evidence in the record or otherwise that indicates that there are substantial changes in circumstances that would require major changes to the certified MEIR/SEIR.

**No New Information Showing Greater Significant Effects Than Previous EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the MEIR/SEIR was certified indicating that a new significant effect not reported in the certified MEIR/SEIR may occur. Based on the information and analysis above, there is no substantial new information that there will be a new significant impact requiring major revisions of the certified MEIR/SEIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** There are no alternatives to the project or additional mitigation measures that would substantially reduce one or more of the potentially significant aesthetic effects identified in and considered by the certified MEIR/SEIR.

## **B. AGRICULTURAL RESOURCES**

### **Existing Environmental Setting**

Please see Section 9.3 of the certified MEIR/SEIR for a summary of the existing environmental setting for agricultural resources.

### **MEIR/SEIR**

Please see Section 9.3 of the certified MEIR/SEIR for an analysis of the potential agricultural effects of the Ballpark and Ancillary Development Projects.

The MEIR/SEIR identified no significant impacts to agricultural resources. The Ballpark and Ancillary Development Projects Area is an existing urban downtown environment with no agricultural resources.

### **Proposed Project Modifications**

The Ballpark Village modifications evaluated in this Addendum include primarily the addition of developable space resulting from the transfer of floor area from the ballpark within the Sports/Entertainment District. The resulting transferred floor area allows for increases in the maximum FAR for the project. In addition, the Ballpark Village Master Plan provides more detail regarding the land uses and proposed layout for the project. Although more detail is available, the proposed land uses and layout for the Ballpark Village are within the scope of the Ancillary Development Projects area as defined in the certified MEIR/SEIR.

The Ballpark Village project is located in an existing urbanized area. Modifications to the project would not result in increased potential impacts to agricultural resources above those anticipated in the MEIR/SEIR. Therefore the Ballpark Village modifications are consistent with the MEIR/SEIR.

### **Findings**

The Ballpark Village project is consistent with the certified MEIR/SEIR and will not result in any new significant environmental impacts. Therefore, the comparison of anticipated environmental effects of the proposed project with the impacts disclosed in the previous certified EIR support the required CEQA findings summarized below. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental EIR have been met.

**Major Revisions Not Required.** Based on the foregoing analysis and information, there is no substantial evidence that the changes to the project require a major change to the certified MEIR/SEIR. The Ballpark Village project will not result in any new significant environmental impact, nor is there substantial increase in the severity of impacts from that described in the certified MEIR/SEIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** There is no substantial evidence in the record or otherwise that indicates that there are substantial changes in circumstances that would require major changes to the certified MEIR/SEIR.

**No New Information Showing Greater Significant Effects Than Previous EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the MEIR/SEIR was certified indicating that a new significant effect not reported in the certified MEIR/SEIR may occur. Based on the information and analysis above, there is no substantial new information that there will be a new significant impact requiring major revisions of the certified MEIR/SEIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** No potentially significant agricultural effects were identified.

## **C. AIR QUALITY**

### **Existing Environmental Setting**

Please see Section 5.7 of the certified MEIR/SEIR for a summary of the existing environmental setting for air quality.

### **MEIR/SEIR**

Please see Section 5.7 of the certified MEIR/SEIR for an analysis of the potential air quality effects of the Ballpark and Ancillary Development Projects.

The MEIR/SEIR identified two potentially significant impacts to air quality: violation of short-term air quality standards and contribution to non-attainment under applicable federal or state ambient air quality standards. The MEIR/SEIR recognized that significant short term air quality impacts would occur during construction, including emissions of fumes, equipment exhaust, and primarily dust. The MEIR/SEIR identified Mitigation Measure 2.1-1 and 2.2-1 to reduce the potential short-term construction-related air quality impacts to below a level of significance. In addition, short-term impacts may occur during remediation activities that have the potential to release hazardous materials that may impact air quality. Implementation of Mitigation Measure 2.1-3 would reduce impacts from remediation activities to below a level of significance.

The certified MEIR/SEIR concluded that any vehicular emissions associated with Ancillary Development Projects would create significant long-term air quality impacts. Traffic emissions would be reduced by Mitigation Measures 13.1-1 and 13.1-4 but not below a level of significance. Emissions associated with the Centre City Redevelopment Project would contribute to the non-attainment status of the San Diego Air Basin (SDAB) thus resulting in a cumulative air quality impact. The MEIR/SEIR identified Mitigation Measure 2.1-2 to help reduce this impact, but noted that the impacts are not fully mitigable.

The MMRP Mitigation Measures adopted in the MEIR/SEIR and applicable to the Ballpark Village are included in Attachment 2 to this Addendum.

### **Proposed Project Modifications**

The Ballpark Village modifications evaluated in this Addendum include primarily the addition of developable space resulting from the transfer of floor area from the ballpark within the Sports/Entertainment District. The resulting transferred floor area allows for increases in the maximum FAR for the project. In addition, the Ballpark Village Master Plan provides more detail regarding the land uses and proposed layout for the project. Although more detail is available, the proposed land uses and layout for the Ballpark Village are within the scope of the Ancillary Development Projects area as defined in the certified MEIR/SEIR.

Consistent with the analysis in the MEIR/SEIR, the Ballpark Village project has the potential to impact air quality during construction activities and potential remediation activities; however, implementation of Mitigation Measures 2.1-1, 2.1-3, and 2.2-1 will reduce impacts to below a level of significance.

As acknowledged in the Findings for the certified MEIR/SEIR, the long-term cumulative impacts of the proposed Centre City Redevelopment Project would be significant and not fully mitigable with respect to air quality. Implementation of Mitigation Measure 2.1-2, 13.1-1 and 13.1-4, in addition to those identified above for short-term impacts, would reduce these impacts, but not to below a level of significance. Since the proposed activity is in substantial conformance with the Community Plan in land use and intensity, the Ballpark Village project would not result in increased potential impacts to air quality resources above those anticipated in the MEIR/SEIR. Therefore the Ballpark Village modifications are consistent with the MEIR/SEIR.

## **Findings**

The Ballpark Village project is consistent with the certified MEIR/SEIR and will not result in any new significant environmental impacts. Therefore, the comparison of anticipated environmental effects of the proposed project with the impacts disclosed in the previous certified EIR support the required CEQA findings summarized below. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental EIR have been met.

**Major Revisions Not Required.** Based on the foregoing analysis and information, there is no substantial evidence that the changes to the project require a major change to the certified MEIR/SEIR. The Ballpark Village project will not result in any new significant environmental impact, nor is there substantial increase in the severity of impacts from that described in the certified MEIR/SEIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** There is no substantial evidence in the record or otherwise that indicates that there are substantial changes in circumstances that would require major changes to the certified MEIR/SEIR.

**No New Information Showing Greater Significant Effects Than Previous EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the MEIR/SEIR was certified indicating that a new significant effect not reported in the certified MEIR/SEIR may occur. Based on the information and analysis above, there is no substantial new information that there will be a new significant impact requiring major revisions of the certified MEIR/SEIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** There are no alternatives to the project or additional mitigation measures that would substantially reduce one or more of the potentially significant air quality effects identified in and considered by the certified MEIR/SEIR.

## **D. BIOLOGICAL RESOURCES**

### **Existing Environmental Setting**

Please see Section 9.1 of the certified MEIR/SEIR for a summary of the existing environmental setting for biological resources.

### **MEIR/SEIR**

Please see Section 9.1 of the certified MEIR/SEIR for an analysis of the potential biological resources effects of the Ballpark and Ancillary Development Projects.

The MEIR/SEIR did not identify any significant impacts to biological resources. The Ballpark and Ancillary Development Projects are located in an existing urbanized area. There are no sensitive plant or animal species, habitats, or wildlife migration corridors within the area. The proposed projects are required to comply with all local ordinances, policies, and design guidelines which protect biological resources.

### **Proposed Project Modifications**

The Ballpark Village modifications evaluated in this Addendum include primarily the addition of developable space resulting from the transfer of floor area from the ballpark within the Sports/Entertainment District. The resulting transferred floor area allows for increases in the maximum FAR for the project. In addition, the Ballpark Village Master Plan provides more detail regarding the land uses and proposed layout for the project. Although more detail is available, the proposed land uses and layout for the Ballpark Village are within the scope of the Ancillary Development Projects area as defined in the certified MEIR/SEIR.

The Ballpark Village project is located in an existing urbanized area. Modifications to the project would not result in increased potential impacts to biological resources above those anticipated in the MEIR/SEIR. Therefore the Ballpark Village modifications are consistent with the MEIR/SEIR.

### **Findings**

The Ballpark Village project is consistent with the certified MEIR/SEIR and will not result in any new significant environmental impacts. Therefore, the comparison of anticipated environmental effects of the proposed project with the impacts disclosed in the previous certified EIR support the required CEQA findings summarized below. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental EIR have been met.

**Major Revisions Not Required.** Based on the foregoing analysis and information, there is no substantial evidence that the changes to the project require a major change to the certified MEIR/SEIR. The Ballpark Village project will not result in any new significant environmental impact, nor is there substantial increase in the severity of impacts from that described in the certified MEIR/SEIR.



**No Substantial Change in Circumstances Requiring Major EIR Revisions.** There is no substantial evidence in the record or otherwise that indicates that there are substantial changes in circumstances that would require major changes to the certified MEIR/SEIR.

**No New Information Showing Greater Significant Effects Than Previous EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the MEIR/SEIR was certified indicating that a new significant effect not reported in the certified MEIR/SEIR may occur. Based on the information and analysis above, there is no substantial new information that there will be a new significant impact requiring major revisions of the certified MEIR/SEIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** No potentially significant biological effects were identified.

## **E. CULTURAL AND PALEONTOLOGICAL RESOURCES**

### **Existing Environmental Setting**

Please see Section 5.3 and 5.9 of the certified MEIR/SEIR for a summary of the existing environmental setting for cultural and paleontological resources, respectively.

### **MEIR/SEIR**

Please see Section 5.3 and 5.9 of the certified MEIR/SEIR for an analysis of the potential cultural and paleontological resources effects of the Ballpark and Ancillary Development Projects.

The MEIR/SEIR identifies three potentially significant effects from the Ancillary Development Projects Area: historical resources, subsurface archaeological resources and paleontological resources. The MEIR/SEIR identifies potentially significant impacts to designated historical structures and defines Mitigation Measure 3.1-1 to minimize impacts. The SEIR acknowledges that potential impacts may not be fully mitigated by implementation of these measures. The MEIR/SEIR anticipated impacts to subsurface archaeological resources and identified Mitigation Measure 3.1-2 and 3.1-3 requiring onsite monitoring during grading activities and define procedures for the handling of recovered resources, which would reduce impacts to below a level of significance. The MEIR/SEIR also anticipated potential impacts to paleontological resources resulting from grading and excavation below depths of surficial fill and included Mitigation Measure 10.1-1 to monitor the site during excavation thereby reducing the impact to less than significant. The MEIR/SEIR identified no other significant impacts to cultural or paleontological resources.

The MMRP Mitigation Measures adopted in the MEIR/SEIR and applicable to the Ballpark Village are included in Attachment 2 to this Addendum.

### **Proposed Project Modifications**

The Ballpark Village modifications evaluated in this Addendum include primarily the addition of developable space resulting from the transfer of floor area from the ballpark within the Sports/Entertainment District. The resulting transferred floor area allows for increases in the maximum FAR for the project. In addition, the Ballpark Village Master Plan provides more detail regarding the land uses and proposed layout for the project. Although more detail is available, the proposed land uses and layout for the Ballpark Village are within the scope of the Ancillary Development Projects area as defined in the certified MEIR/SEIR.

The Ballpark Village site consists of parking lots and would not impact any historical resources. Parcel C1 of the proposed Ballpark Village is located in an area identified in the MEIR/SEIR as having a high potential for subsurface archaeological resources. In addition, the entire Ballpark Village site is underlain by the Bay Point Formation, which has moderate paleontological resource potential. As stated above, potential impacts to these resources were anticipated in the MEIR/SEIR and appropriate Mitigation Measures 3.1-2, 3.1-3, and 10.1-1 were formulated that would reduce these impacts to below levels of significance. Modifications to the project would not result in

increased potential impacts to these resources above those anticipated in the MEIR/SEIR. Therefore the Ballpark Village modifications are consistent with the MEIR/SEIR.

## **Findings**

The Ballpark Village project is consistent with the certified MEIR/SEIR and will not result in any new significant environmental impacts. Therefore, the comparison of anticipated environmental effects of the proposed project with the impacts disclosed in the previous certified EIR support the required CEQA findings summarized below. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental EIR have been met.

**Major Revisions Not Required.** Based on the foregoing analysis and information, there is no substantial evidence that the changes to the project require a major change to the certified MEIR/SEIR. The Ballpark Village project will not result in any new significant environmental impact, nor is there substantial increase in the severity of impacts from that described in the certified MEIR/SEIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** There is no substantial evidence in the record or otherwise that indicates that there are substantial changes in circumstances that would require major changes to the certified MEIR/SEIR.

**No New Information Showing Greater Significant Effects Than Previous EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the MEIR/SEIR was certified indicating that a new significant effect not reported in the certified MEIR/SEIR may occur. Based on the information and analysis above, there is no substantial new information that there will be a new significant impact requiring major revisions of the certified MEIR/SEIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** There are no alternatives to the project or additional mitigation measures that would substantially reduce one or more of the potentially significant cultural or paleontological effects identified in and considered by the certified MEIR/SEIR.

## **F. GEOLOGY/SOILS**

### **Existing Environmental Setting**

Please see Section 5.8 of the certified MEIR/SEIR for a summary of the existing environmental setting for geology and soils.

### **MEIR/SEIR**

Please see Section 5.8 of the certified MEIR/SEIR for an analysis of the potential geology and soils effects of the Ballpark and Ancillary Development Projects.

The MEIR/SEIR concludes that the impacts of the Ancillary Development Projects Area will be less than significant for exposure of structures to landslides, liquefaction, soil erosion and top soil loss. However, the SEIR identifies both fault rupture and groundshaking as being potentially significant as a result of known faults, one of which runs diagonally from K to L Streets between Twelfth Avenue and 13<sup>th</sup> Street and the other which underlies the area between J Street and Imperial Avenue, west of 13<sup>th</sup> Street. Construction of structures is required to meet all seismic safety standards of the Uniform Building Code (UBC). In addition, the incorporation of Mitigation Measure 4.1-1 through 4.1-3, which include geotechnical field investigations and groundwater investigations for dewatering operations, would result in the reduction of all of these impacts to below a level of significance.

The MMRP Mitigation Measures adopted in the MEIR/SEIR and applicable to the Ballpark Village are included in Attachment 2 to this Addendum.

### **Proposed Project Modifications**

The Ballpark Village modifications evaluated in this Addendum include primarily the addition of developable space resulting from the transfer of floor area from the ballpark within the Sports/Entertainment District. The resulting transferred floor area allows for increases in the maximum FAR for the project. In addition, the Ballpark Village Master Plan provides more detail regarding the land uses and proposed layout for the project. Although more detail is available, the proposed land uses and layout for the Ballpark Village are within the scope of the Ancillary Development Projects area as defined in the certified MEIR/SEIR.

The Ballpark Village is located near several fault zones although faults have not been identified on the site itself. These faults could cause significant groundshaking that could cause injury and damage to property. The incorporation of Mitigation Measures 4.1-1, 4.1-2, and 4.1-3 would reduce impacts associated with earthquakes to below a level of significance.

In accordance with the MEIR/SEIR Mitigation Measure 4.1-1, Geotechnical Reports were prepared for the proposed Ballpark Village Parcel C and Parcel D (Leighton and Associates 2004; Geocon Incorporated 2003). The Geotechnical Reports concluded that the proposed Ballpark Village development is feasible from a geotechnical standpoint, provided incorporation of the conclusions and recommendations from the report such as ensuring hazardous materials compliance, the potential need for recompaction of fill areas, incorporation of hydrostatic pressure design criteria for below grade structures, and mapping during the excavation process to further evaluate subsurface

conditions and potential unmapped faulting. The proposed Ballpark Village buildings will be constructed in accordance with the conclusions and recommendations of the geotechnical report and all safety standards of the UBC.

The Ballpark Village project would not result in increased potential impacts of geology and soils above those anticipated in the MEIR/SEIR. Therefore the Ballpark Village modifications are consistent with the MEIR/SEIR.

## **Findings**

The Ballpark Village project is consistent with the certified MEIR/SEIR and will not result in any new significant environmental impacts. Therefore, the comparison of anticipated environmental effects of the proposed project with the impacts disclosed in the previous certified EIR support the required CEQA findings summarized below. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental EIR have been met.

**Major Revisions Not Required.** Based on the foregoing analysis and information, there is no substantial evidence that the changes to the project require a major change to the certified MEIR/SEIR. The Ballpark Village project will not result in any new significant environmental impact, nor is there substantial increase in the severity of impacts from that described in the certified MEIR/SEIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** There is no substantial evidence in the record or otherwise that indicates that there are substantial changes in circumstances that would require major changes to the certified MEIR/SEIR.

**No New Information Showing Greater Significant Effects Than Previous EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the MEIR/SEIR was certified indicating that a new significant effect not reported in the certified MEIR/SEIR may occur. Based on the information and analysis above, there is no substantial new information that there will be a new significant impact requiring major revisions of the certified MEIR/SEIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** There are no alternatives to the project or additional mitigation measures that would substantially reduce one or more of the potentially significant geology and soils effects identified in and considered by the certified MEIR/SEIR.

## **G. HAZARDS AND HAZARDOUS MATERIALS**

### **Existing Environmental Setting**

Please see Section 5.13 of the certified MEIR/SEIR for a summary of the existing environmental setting for hazards and hazardous materials.

### **MEIR/SEIR**

Please see Section 5.13 of the certified MEIR/SEIR for an analysis of the potential hazards and hazardous materials effects of the Ballpark and Ancillary Development Projects Area.

The MEIR/SEIR evaluated the results of a Phase I Environmental Site Assessment conducted for a 34-block study area that covered the Ballpark and Ancillary Development Projects Area. The MEIR/SEIR identified multiple industrial land uses, potential hazardous materials sources, and hazardous materials sites that may have impacted the area. Hazardous materials and waste and human and environmental exposure and risks are strictly regulated by federal, state, and local agencies including the Occupational Safety and Health Administration (OSHA), California-OSHA, California Department of Toxic Substances Control (DTSC), and San Diego Department of Environmental Health (DEH).

According to the SEIR, impacts of the proposed Ballpark and Ancillary Development Projects will be significant if the Proposed Activities would:

- Expose persons to soil or groundwater contaminant levels which exceed State or Federal Standards, and/or
- Involve the use, production, or disposal of materials which could pose a substantial health hazard to persons.

The MEIR/SEIR concludes that mitigation of potential public safety impacts which may affect future development within the Ballpark and Ancillary Development Projects Area would be assured by implementation of the laws and regulations governing hazardous materials and proposed remedial measures. The implementation of Mitigation Measures 5.13-1 through 5.2-11 would reduce impacts to below a level of significance.

The MMRP Mitigation Measures adopted in the MEIR/SEIR and applicable to the Ballpark Village are included in Attachment 2 to this Addendum.

### **Proposed Project Modifications**

The Ballpark Village modifications evaluated in this Addendum include primarily the addition of developable space resulting from the transfer of floor area from the ballpark within the Sports/Entertainment District. The resulting transferred floor area allows for increases in the maximum FAR for the project. In addition, the Ballpark Village Master Plan provides more detail regarding the land uses and proposed layout for the project. Although more detail is available, the

proposed land uses and layout for the Ballpark Village are within the scope of the Ancillary Development Projects area as defined in the certified MEIR/SEIR.

The Ballpark Village will contain residential, retail, office, or a combination of these uses in an existing urban environment. Activities consistent with these uses will not involve routine transport, use, or disposal of hazardous materials or the release of hazardous materials. Therefore there is no anticipated impact related to hazardous materials from the proposed Ballpark Village. In addition, the Ballpark Village site is not considered to be impacted by hazards associated with airports as the site is not located within the boundaries of the Comprehensive Land Use Plan (CLUP) for Lindbergh Field or within the Airport Approach Overlay Zone of Lindbergh Field or Naval Air Station North Island. The site is also not located near a private airstrip. The urban nature of the Ballpark Village area also precludes impacts from wildland fires and no alteration of a response or emergency evacuation plan is required.

A potentially significant impact for the Ballpark Village is the potential presence of subsurface contamination resulting from historic land uses; however, this impact was anticipated in the MEIR/SEIR and appropriate mitigation measures (Mitigation Measure 5.1-1, 5.1-2, 5.1-3, 5.1-5, 5.1-6, and 5.2-3) were incorporated that require the project to research the presence of onsite hazardous materials contamination and implement a remediation plan if necessary. These mitigation measures will reduce the potential impacts associated with hazardous materials to below a level of significance.

As required by the defined mitigation measures, characterization and remedial activities will be conducted before the start of construction. Two Phase I Environmental Site Assessments (Phase I ESA) have already been conducted for the Ballpark Village by Leighton and Associates. One Phase I ESA was prepared for Parcel C (May 2004) and a separate Phase I ESA was prepared for Parcel D (December 2003). The Phase I ESA's have identified potential areas of concern, including former leaking underground storage tanks and historical industrial operations that may have impacted soil and groundwater. The reports provide recommended actions that need to be addressed prior to development of the site.

Continued compliance with the hazardous materials regulations, including coordination with regulatory agencies such as DEH, as required by the SEIR Mitigation Measures, will reduce hazardous materials impacts to below a level of significance. The Ballpark Village would not increase the severity of potential project and cumulative impacts previously identified in the MEIR/SEIR or result in a new adverse impact related to hazardous materials. Therefore the Ballpark Village modifications are consistent with the MEIR/SEIR.

## **Findings**

The Ballpark Village project is consistent with the certified MEIR/SEIR and will not result in any new significant environmental impacts. Therefore, the comparison of anticipated environmental effects of the proposed project with the impacts disclosed in the previous certified EIR support the required CEQA findings summarized below. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental EIR have been met.

**Major Revisions Not Required.** Based on the foregoing analysis and information, there is no substantial evidence that the changes to the project require a major change to the certified MEIR/SEIR. The Ballpark Village project will not result in any new significant environmental impact, nor is there substantial increase in the severity of impacts from that described in the certified MEIR/SEIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** There is no substantial evidence in the record or otherwise that indicates that there are substantial changes in circumstances that would require major changes to the certified MEIR/SEIR.

**No New Information Showing Greater Significant Effects Than Previous EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the MEIR/SEIR was certified indicating that a new significant effect not reported in the certified MEIR/SEIR may occur. Based on the information and analysis above, there is no substantial new information that there will be a new significant impact requiring major revisions of the certified MEIR/SEIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** There are no alternatives to the project or additional mitigation measures that would substantially reduce one or more of the potentially significant hazards and hazardous materials effects identified in and considered by the certified MEIR/SEIR.



## **H. HYDROLOGY/WATER QUALITY**

### **Existing Environmental Setting**

Please see Section 5.10 of the certified MEIR/SEIR for a summary of the existing environmental setting for hydrology and water quality.

### **MEIR/SEIR**

Please see Section 5.10 of the certified MEIR/SEIR for an analysis of the potential hydrological and water quality effects of the Ballpark and Ancillary Development Projects.

The MEIR/SEIR concluded that Ancillary Development Projects may cause short-term impacts to the quality of storm water and urban runoff during construction activities. Implementation of the Regional Water Quality Control Board and City of San Diego Standards, including a construction storm water management program and the implementation of Best Management Practices (BMPs) as defined in Mitigation Measure 6.2-1 would reduce potential impacts to runoff and water quality to less than significant.

The MEIR/SEIR concluded that impacts to hydrologic conditions would not be significant because the proposed land use changes would not result in substantial modification to the drainage basin or land uses. The proposed mixed uses within the Ancillary Development Projects Area are anticipated to maintain the existing general runoff characteristics.

The MMRP Mitigation Measures adopted in the MEIR/SEIR and applicable to the Ballpark Village are included in Attachment 2 to this Addendum.

### **Proposed Project Modifications**

The Ballpark Village modifications evaluated in this Addendum include primarily the addition of developable space resulting from the transfer of floor area from the ballpark within the Sports/Entertainment District. The resulting transferred floor area allows for increases in the maximum FAR for the project. In addition, the Ballpark Village Master Plan provides more detail regarding the land uses and proposed layout for the project. Although more detail is available, the proposed land uses and layout for the Ballpark Village are within the scope of the Ancillary Development Projects area as defined in the certified MEIR/SEIR.

The Ballpark Village may contribute to short term impacts on water quality during construction activities; however, implementation of storm water management requirements defined in Mitigation Measure 6.2-1 would reduce potential impacts to less than significant levels.

The Ballpark Village project is not anticipated to permanently alter the hydrology or water quality of the project site. The project site was, until the recent construction of the Ballpark Stadium, fully developed with impervious surfaces. The proposed Ballpark Village modifications would most likely reduce impervious areas by the incorporation of landscaped areas and permeable surfaces (i.e. porous concrete, pavers) thereby reducing the impacts of development on runoff and water quality. Therefore the Ballpark Village modifications are consistent with the MEIR/SEIR.

## Findings

The Ballpark Village project is consistent with the certified MEIR/SEIR and will not result in any new significant environmental impacts. Therefore, the comparison of anticipated environmental effects of the proposed project with the impacts disclosed in the previous certified EIR support the required CEQA findings summarized below. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental EIR have been met.

**Major Revisions Not Required.** Based on the foregoing analysis and information, there is no substantial evidence that the changes to the project require a major change to the certified MEIR/SEIR. The Ballpark Village project will not result in any new significant environmental impact, nor is there substantial increase in the severity of impacts from that described in the certified MEIR/SEIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** There is no substantial evidence in the record or otherwise that indicates that there are substantial changes in circumstances that would require major changes to the certified MEIR/SEIR.

**No New Information Showing Greater Significant Effects Than Previous EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the MEIR/SEIR was certified indicating that a new significant effect not reported in the certified MEIR/SEIR may occur. Based on the information and analysis above, there is no substantial new information that there will be a new significant impact requiring major revisions of the certified MEIR/SEIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** There are no alternatives to the project or additional mitigation measures that would substantially reduce one or more of the potentially significant hydrology or water quality effects identified in and considered by the certified MEIR/SEIR.

## **I. LAND USE AND PLANNING**

### **Existing Environmental Setting**

Please see Section 5.1 of the certified MEIR/SEIR for a summary of the existing environmental setting for land use.

### **MEIR/SEIR**

Please see Section 5.1 of the certified MEIR/SEIR for an analysis of the potential land use effects of the Ballpark and Ancillary Development Projects.

The MEIR/SEIR identifies a mixed use land use plan for the Ballpark and Ancillary Development Project Area. The original analysis in the MEIR did not include the ballpark. Consequently, the SEIR and subsequent amendments were prepared to evaluate potential impacts associated with the addition of the ballpark, ancillary development projects, and the Sports/Entertainment District to the proposed development plans. The Ballpark Project's potential inconsistencies with the Centre City Community Plan were addressed through the approval of Community Plan Amendments. The planned GFA for the ballpark site was made available to the Ancillary Development Projects through the transfer of floor area established in the Community Plan and PDO and summarized in Section II above.

Potential sources of incompatibilities with land uses include noise, lighting, traffic, homeless population displacement, and parking. However, the MEIR/SEIR concluded that significant impacts to land use from the Ancillary Development Projects would be limited to displacement of homeless populations. This impact is discussed in Section K. Population and Housing below.

Impacts to parking, cultural resources, noise, and lighting are discussed in Sections 5.2, 5.3, 5.5, and 5.6 of the SEIR respectively and were found to be mitigable to less than significant levels.

The SEIR also identified potential land use impacts from the Ballpark and Ancillary Development Projects Area resulting from a decrease of the residential and hotel emphasis placed on the Ancillary Development Projects Area by the Centre City Redevelopment Plan, Community Plan, and PDO; although residential development could still occur within the Ancillary Development Projects Area. This impact is discussed in Section K, Population and Housing below.

The MMRP Mitigation Measures adopted in the MEIR/SEIR and applicable to the Ballpark Village are included in Attachment 2 to this Addendum.

### **Proposed Project Modifications**

The Ballpark Village modifications evaluated in this Addendum include primarily the addition of developable space resulting from the transfer of floor area from the ballpark within the Sports/Entertainment District. The resulting transferred floor area allows for increases in the maximum FAR for the project. In addition, the Ballpark Village Master Plan provides more detail regarding the land uses and proposed layout for the project. Although more detail is available, the

proposed land uses and layout for the Ballpark Village are within the scope of the Ancillary Development Projects area as defined in the certified MEIR/SEIR.

The maximum GFA can be distributed between several different land uses including residential, office, retail, and hotel within the proposed Ballpark Village Master Plan area. There is flexibility in defining the land use mix for potential development scenarios; however, they are capped by a maximum GFA of 3,212,020 sf and an ADT count of 16,500 trips. An example land use mix for the Ballpark Village was developed to evaluate potential environmental impacts from a development scenario that generates a maximum GFA of 3,212,020 sf and a maximum ADT count of 16,500 trips. This potential land use mix scenario includes 1,500 residential dwelling units; 500,000 sf of office space; 150,000 sf of retail; 304 hotel rooms; 50,000 sf for the City Club; 240,000 sf for above-grade parking; and 50,000 sf for above-grade parking service areas for a maximum of 3,212,020 sf of GFA (see Table 2). This GFA includes 2,012,634 sf of GFA based on the 6.5 base FAR identified in the Community Plan and PDO and up to 1,199,386 sf of GFA remaining from the ballpark site and usable as a result of the transfer of floor area as defined in the Community Plan and PDO.

The proposed Ballpark Village is consistent in land use and intensity with the Centre City Redevelopment Plan, Community Plan, and PDO. As an Ancillary Development Project, the Ballpark Village is covered by the approved Community Plan Amendments that were prepared to address inconsistencies between the overall Ballpark Project and the Community Plan. The Ballpark Village project will also support the goal of increased housing opportunities in the Centre City Redevelopment Area.

In addition, in order to preserve adequate sun access to the adjacent Downtown Main Library courtyard, maximum building heights have been established in the Ballpark Village Master Plan. The maximum building heights increase to the south and therefore ensure that no adverse affect to sun access for the Library will occur.

The Ballpark Village would not result in increased potential impacts from land use and planning above those anticipated in the MEIR/SEIR. Therefore the Ballpark Village modifications are consistent with the MEIR/SEIR.

## **Findings**

The Ballpark Village project is consistent with the certified MEIR/SEIR and will not result in any new significant environmental impacts. Therefore, the comparison of anticipated environmental effects of the proposed project with the impacts disclosed in the previous certified EIR support the required CEQA findings summarized below. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental EIR have been met.

**Major Revisions Not Required.** Based on the foregoing analysis and information, there is no substantial evidence that the changes to the project require a major change to the certified MEIR/SEIR. The Ballpark Village project will not result in any new significant environmental impact, nor is there substantial increase in the severity of impacts from that described in the certified MEIR/SEIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** There is no substantial evidence in the record or otherwise that indicates that there are substantial changes in circumstances that would require major changes to the certified MEIR/SEIR.

**No New Information Showing Greater Significant Effects Than Previous EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the MEIR/SEIR was certified indicating that a new significant effect not reported in the certified MEIR/SEIR may occur. Based on the information and analysis above, there is no substantial new information that there will be a new significant impact requiring major revisions of the certified MEIR/SEIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** There are no alternatives to the project or additional mitigation measures that would substantially reduce one or more of the potentially significant land use effects identified in and considered by the certified MEIR/SEIR.

## **J. NOISE**

### **Existing Environmental Setting**

Please see Section 5.5 of the certified MEIR/SEIR for a summary of the existing environmental setting for noise.

### **MEIR/SEIR**

Please see Section 5.5 of the certified MEIR/SEIR for an analysis of the potential noise effects of the Ballpark and Ancillary Development Projects.

The MEIR/SEIR concludes that noise impacts resulting from/to future development within the Ballpark and Ancillary Development Projects Area would include potential construction, operation, and traffic noise impacts; however none of these impacts were determined to be significant. Construction and operational impacts would be less than significant because activities would be required to conform to the City of San Diego's Noise Ordinance. Traffic noise from the Ancillary Development Projects would not by itself cause noise CNEL levels along downtown streets to exceed allowable levels. In addition, development traffic would not generally occur after 10:00 p.m. therefore noise impacts to sensitive uses would not occur. Ancillary Development Projects would, however, contribute to significant cumulative noise level increases. Implementation of Mitigation Measures 9.1-1, 9.1-2, 9.2-1, 9.2-2, and 9.2-3 for Ancillary Development Projects would reduce impacts to below a level of significance, with the exception of ballpark fireworks displays after 10:00 pm.

The MMRP Mitigation Measures adopted in the MEIR/SEIR and applicable to the Ballpark Village are included in Attachment 2 to this Addendum.

### **Proposed Project Modifications**

The Ballpark Village modifications evaluated in this Addendum include primarily the addition of developable space resulting from the transfer of floor area from the ballpark within the Sports/Entertainment District. The resulting transferred floor area allows for increases in the maximum FAR for the project. In addition, the Ballpark Village Master Plan provides more detail regarding the land uses and proposed layout for the project. Although more detail is available, the proposed land uses and layout for the Ballpark Village are within the scope of the Ancillary Development Projects area as defined in the certified MEIR/SEIR.

The Ballpark Village will contain residential, retail, office, or a combination of these uses in an existing urban environment. Activities consistent with these uses will not result in a substantial, permanent increase in the ambient noise levels in the area. Noise impacts from the Ballpark Village will be less than significant for exposure of persons to groundborne vibrations or noise levels, temporary or permanent increases to ambient noise levels, and excessive noise levels from airport operations.

The Ballpark Village does have the potential to be significantly impacted as a noise receiver. The Ballpark Village would be within the noise sphere of influence of the ballpark. Sensitive uses, such

as residential and hotel uses facing the ballpark within Ballpark Village would potentially be exposed to significant noise levels. The Ballpark Village Master Plan has incorporated design standards that address ballpark noise attenuation as required by Mitigation Measure 9.1-2. However, fireworks displays and other events occurring after 10:00 pm at the ballpark may disturb residents and hotel guests within the Master Plan area. Although mitigation measures have been proposed to address this issue, impacts within the project are anticipated to remain significant and unmitigated.

The MEIR/SEIR identifies railroad and trolley activities as a potential source of noise impacts. According to the MEIR, at 100 feet from the centerline of the tracks, the Santa Fe Railroad generates 65 dBA CNEL. Up to a distance of 50 feet from the noise source, noise from crossing bells has the potential to significantly impact residential uses. The MEIR also states that sensitive land uses within 50 feet of at-grade crossing bells for the trolley may be significantly impacted by bell noise. There is a trolley transfer station at Twelve Avenue and Imperial Avenue that utilized at-grade crossing bells; however, the proposed Ballpark Village buildings are more than 200 feet away from the crossing and would therefore not be significantly impacted by trolley noise. Railroad activities (crossing bells, train horns) at the nearby Santa Fe Railroad could significantly impact indoor residential uses and outdoor recreational uses particularly on the south sides of Parcel D buildings. The Parcel D1 and D2 buildings would be located within the 100 foot threshold defined in the MEIR.

Implementation of noise attenuation measures as identified by detailed noise studies required by Mitigation Measure 9.1-1, 9.1-2, and 9.2-1 would reduce the potential noise impacts to Ballpark Village from the ballpark and railroad activity to below a level of significance.

## **Findings**

The Ballpark Village project is consistent with the certified MEIR/SEIR and will not result in any new significant environmental impacts. Therefore, the comparison of anticipated environmental effects of the proposed project with the impacts disclosed in the previous certified EIR support the required CEQA findings summarized below. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental EIR have been met.

**Major Revisions Not Required.** Based on the foregoing analysis and information, there is no substantial evidence that the changes to the project require a major change to the certified MEIR/SEIR. The Ballpark Village project will not result in any new significant environmental impact, nor is there substantial increase in the severity of impacts from that described in the certified MEIR/SEIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** There is no substantial evidence in the record or otherwise that indicates that there are substantial changes in circumstances that would require major changes to the certified MEIR/SEIR.

**No New Information Showing Greater Significant Effects Than Previous EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the MEIR/SEIR was certified indicating that a new significant effect

not reported in the certified MEIR/SEIR may occur. Based on the information and analysis above, there is no substantial new information that there will be a new significant impact requiring major revisions of the certified MEIR/SEIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** There are no alternatives to the project or additional mitigation measures that would substantially reduce one or more of the potentially significant noise effects identified in and considered by the certified MEIR/SEIR.



## **K POPULATION AND HOUSING**

### **Existing Environmental Setting**

Please see Section 5.12 of the certified MEIR/SEIR for a summary of the existing environmental setting for population and housing.

### **MEIR/SEIR**

Please see Section 5.12 of the certified MEIR/SEIR for an analysis of the potential population and housing effects of the Ballpark and Ancillary Development Projects.

The MEIR/SEIR identifies potentially significant impacts resulting from the proposed Ancillary Development Projects on housing availability, low-income housing, and urban homeless populations. Implementation of the Ancillary Development Projects could eliminate 14 existing residential units within the Primary Plan Amendment Area but outside the Ballpark Project Area. However, implementation of Mitigation Measures 11.1-1 and 11.1-2 would offset impacts on existing residents and result less than significant impacts.

In addition, the SEIR found that development of the Ballpark and Ancillary Development projects could reduce the potential for future units to be built within the Ancillary Development Projects Area by at least 1,340 units. The MEIR/SEIR allows for a residential component in the Ancillary Development Project Area; however, it recognized that the new housing may not represent a substantial number of units. Due to the shortage of housing in the region, the potential loss of a substantial number of units in this area was considered a significant and unmitigated impact. This loss of potential housing was also found to directly impact the availability of low-income housing, although implementation of Mitigation Measure 11.1-1 would mitigate for impacts to low-income housing.

Any redevelopment as proposed by the Redevelopment Plan and the amendments would displace homeless currently located in the Ancillary Development Projects Area. The resulting displacement of homeless activities into surrounding areas could have a significant impact on the physical conditions of affected areas. Potential impacts from displacement of urban homeless would be reduced by implementation of Mitigation Measures 11.2-1 and 11.2-2; however effectiveness of the advisory group and Homeless Outreach Team is unknown. Consequently, potential impacts of displaced homeless on surrounding areas are considered significant and unmitigated in the MEIR/SEIR.

The MMRP Mitigation Measures adopted in the MEIR/SEIR and applicable to the Ballpark Village are included in Attachment 2 to this Addendum.

### **Proposed Project Modifications**

The Ballpark Village modifications evaluated in this Addendum include primarily the addition of developable space resulting from the transfer of floor area from the ballpark within the Sports/Entertainment District. The resulting transferred floor area allows for increases in the maximum FAR for the project. In addition, the Ballpark Village Master Plan provides more detail

regarding the land uses and proposed layout for the project. Although more detail is available, the proposed land uses and layout for the Ballpark Village are within the scope of the Ancillary Development Projects area as defined in the certified MEIR/SEIR.

The Ballpark Village would provide housing for planned population growth within the Centre City and therefore, would not directly or indirectly induce substantial population growth. The Ballpark Village development would occur on previously developed land that currently consists of surface parking lots and would not displace existing housing.

The proposed Ballpark Village includes up to an estimated 1,500 residential units. The goals of the Centre City Redevelopment Plan and Community Plan of providing housing for the downtown area and additional opportunities for low-income housing will be served by the Project's compliance with the City's Inclusionary Housing Ordinance and Affordable Housing Requirements and Expedite Program. Compliance with the foregoing ordinance will be accomplished by the payment of the fees prescribed in the ordinance, development of affordable housing within the Master Plan area, development of affordable housing outside the Master Plan area or a combination of the foregoing. The provision of 1,500 housing units and compliance with the City's Inclusionary Housing Ordinance and Affordable Housing Requirements and Expedite Program helps address the significant unmitigated impact of the potential for the loss of housing units identified in the SEIR.

The Ballpark Village is not expected to displace any homeless people as the current sites are surface parking lots and do not provide shelter for homeless populations. Therefore, no mitigation is required.

There are no impacts associated with population and housing that were not anticipated in the MEIR/SEIR.

## **Findings**

The Ballpark Village project is consistent with the certified MEIR/SEIR and will not result in any new significant environmental impacts. Therefore, the comparison of anticipated environmental effects of the proposed project with the impacts disclosed in the previous certified EIR support the required CEQA findings summarized below. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental EIR have been met.

**Major Revisions Not Required.** Based on the foregoing analysis and information, there is no substantial evidence that the changes to the project require a major change to the certified MEIR/SEIR. The Ballpark Village project will not result in any new significant environmental impact, nor is there substantial increase in the severity of impacts from that described in the certified MEIR/SEIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** There is no substantial evidence in the record or otherwise that indicates that there are substantial changes in circumstances that would require major changes to the certified MEIR/SEIR.

**No New Information Showing Greater Significant Effects Than Previous EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the MEIR/SEIR was certified indicating that a new significant effect not reported in the certified MEIR/SEIR may occur. Based on the information and analysis above, there is no substantial new information that there will be a new significant impact requiring major revisions of the certified MEIR/SEIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** There are no alternatives to the project or additional mitigation measures that would substantially reduce one or more of the potentially significant population/housing effects identified in and considered by the certified MEIR/SEIR.

## **L. PUBLIC SERVICES, UTILITIES, AND FACILITIES**

### **Existing Environmental Setting**

Please see Section 5.11 of the certified MEIR/SEIR for a summary of the existing environmental setting for public services, utilities, and facilities.

### **MEIR/SEIR**

Please see Section 5.11 of the certified MEIR/SEIR for an analysis of the potential public services, utilities, and facilities effects of the Ballpark and Ancillary Development Projects.

The MEIR/SEIR does not identify significant public services, utilities, or facilities impacts for the Ancillary Development Projects Area with the exception of solid waste management. The Ancillary Development Projects have the potential for generation of a significant amount of solid waste that may have a significant impact on the Miramar Landfill capacity and would increase traffic at the landfill entrance facility. Implementation of Mitigation Measure 12.2-1 would reduce the impact, but not to a level below significance. In addition, there are no proposed measures to alleviate access problems at the landfill. Consequently, Ancillary Development Projects would have a significant and unmitigated impact on solid waste.

Other services including police and fire protection, sewer, and storm drains will have less than significant impacts. Implementation of Mitigation Measures 12.1-1 through 12.1-3 for Ancillary Development Projects would ensure impacts are below a level of significance.

The MMRP Mitigation Measures adopted in the MEIR/SEIR and applicable to the Ballpark Village are included in Attachment 2 to this Addendum.

### **Proposed Project Modifications**

The Ballpark Village modifications evaluated in this Addendum include primarily the addition of developable space resulting from the transfer of floor area from the ballpark within the Sports/Entertainment District. The resulting transferred floor area allows for increases in the maximum FAR for the project. In addition, the Ballpark Village Master Plan provides more detail regarding the land uses and proposed layout for the project. Although more detail is available, the proposed land uses and layout for the Ballpark Village are within the scope of the Ancillary Development Projects area as defined in the certified MEIR/SEIR.

The Ballpark Village would place increased demand on public services including fire and police protection, schools, parks and other public facilities. Additional revenues from the new development would provide revenue for expansion of these services. Implementation of Mitigation Measure 12.1-1 would reduce the associated impacts to less than significant levels. In addition, the project(s) will be subject to the Development Impact Fees for fire protection and parks which recently went into effect on April 1, 2005. They are as follows:

Residential - per unit:

- Parks - \$3,470

- Fire - \$500

Commercial - per sq. ft.:

- Parks - \$1.70
- Fire - \$0.32

Implementation of these existing programs will help to further mitigate potential impacts to public service from new growth.

Utilities and services may also experience increased demand including water supply, solid waste, and sewer. Implementation of Mitigation Measures 12.1-1, 12.1-2, 12.1-3, 12.2-1 and 12.2-2 would reduce impacts to utilities and service systems to less than significant levels with the exception of solid waste, which would remain significant and unavoidable.

Water supply has been accounted for by the San Diego County Water Authority (SDCWA) in their 2000 Urban Water Management Plan (UWMP). The UWMP uses a modeling program to assess future water demand and utilizes demographic data and regional growth forecasts from SANDAG to calculate projected water demand. Table 5-1 in the UWMP presents the projected water demand and supply for the County through the year 2020 and shows sufficient supply to meet demand from 2005 through 2020. Based on this information, there is expected to be sufficient supply to meet the demands of the Ballpark Village project since the development is accounted for in certified development plans.

The Ballpark Village would provide housing for planned population growth within the Centre City and therefore, would not directly or indirectly induce the need for additional public services or facilities above those anticipated in the MEIR/SEIR.

## Findings

The Ballpark Village project is consistent with the certified MEIR/SEIR and will not result in any new significant environmental impacts. Therefore, the comparison of anticipated environmental effects of the proposed project with the impacts disclosed in the previous certified EIR support the required CEQA findings summarized below. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental EIR have been met.

**Major Revisions Not Required.** Based on the foregoing analysis and information, there is no substantial evidence that the changes to the project require a major change to the certified MEIR/SEIR. The Ballpark Village project will not result in any new significant environmental impact, nor is there substantial increase in the severity of impacts from that described in the certified MEIR/SEIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** There is no substantial evidence in the record or otherwise that indicates that there are substantial changes in circumstances that would require major changes to the certified MEIR/SEIR.

**No New Information Showing Greater Significant Effects Than Previous EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the MEIR/SEIR was certified indicating that a new significant effect not reported in the certified MEIR/SEIR may occur. Based on the information and analysis above, there is no substantial new information that there will be a new significant impact requiring major revisions of the certified MEIR/SEIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** There are no alternatives to the project or additional mitigation measures that would substantially reduce one or more of the potentially significant public services, utilities, and facilities effects identified in and considered by the certified MEIR/SEIR.

## **M. TRANSPORTATION/TRAFFIC**

### **Existing Environmental Setting**

Please see Section 5.2 of the certified MEIR/SEIR for a summary of the existing environmental setting for transportation and traffic.

### **MEIR/SEIR**

Please see Section 5.2 of the certified MEIR/SEIR for an analysis of the potential transportation and traffic effects of the Ballpark and Ancillary Development Projects.

The MEIR/SEIR identified several potentially significant impacts to traffic, circulation, vehicular access, and parking associated with the Ballpark and Ancillary Development Projects. The potentially significant impacts included direct and cumulative impacts to the freeway system serving the Ballpark and Ancillary Development Projects Area. Implementation of Mitigation Measure 13.1-5 would reduce impacts to the freeway during nonevent periods to a less than significant level.

The MEIR/SEIR identifies potentially significant impacts to bus service; however implementation of Mitigation Measure 13.1-1 would assure additional equipment is available to meet demand and would reduce the impacts to less than significant.

The MEIR/SEIR identifies potentially significant impacts to parking during ballpark events. The SEIR reduces impacts on parking during events by defining a minimum number of parking spaces that must be available through the implementation of Mitigation Measure 13.2-10. In addition, Mitigation Measures 13.2-5 and 13.2-10 also discourage traffic through neighborhoods and institute parking controls in neighborhoods to reduce parking impacts on surrounding neighborhoods.

The MEIR/SEIR also identifies an ADT cap of 55,128 average daily trips (ADT) for new projects constructed after November 1999 in the Sports/Entertainment District that must be maintained to ensure impacts are fully assessed.

The MMRP Mitigation Measures adopted in the MEIR/SEIR and applicable to the Ballpark Village (13.1-1 through 13.1-6, 13.2-5 and 13.2-12) are included in Attachment 2 to this Addendum.

### **Proposed Project Modifications**

The Ballpark Village modifications evaluated in this Addendum include primarily the addition of developable space resulting from the transfer of floor area from the ballpark within the Sports/Entertainment District. The resulting transferred floor area allows for increases in the maximum FAR for the project. In addition, the Ballpark Village Master Plan provides more detail regarding the land uses and proposed layout for the project. Although more detail is available, the proposed land uses and layout for the Ballpark Village are within the scope of the Ancillary Development Projects area as defined in the certified MEIR/SEIR.

The ADT trip generation for all currently constructed and approved projects within the Sports/Entertainment District totals 28,903 leaving a remaining ADT cap balance of 26,255 daily

trips, which represents about 48% of the total. The Ballpark Village project will include a combination of retail, office, hotel, and residential uses and will generate a maximum of 16,500 cumulative ADT for all uses within the Ballpark Village Master Plan. The estimated trip generation associated with build-out of the Ballpark Village (maximum of 16,500 trips) will fall within the ADT cap established for the Ballpark District as a whole. The Ballpark Village project would therefore not result in a significant increase in traffic beyond that which was assumed in the MEIR/SEIR

Implementation of the Ballpark Village project, such that the maximum 16,500 cumulative ADT were used, would leave 9,755 ADT available for future projects not currently planned or identified. CCDC staff has run simulated development scenarios for the remaining underdeveloped sites within the Sports/Entertainment District and has determined that the remaining ADT capacity (9,755) under the District-wide ADT cap (55,128) is sufficient to allow full development of those parcels according to the zoning regulations.

Because the proposed project will fall within the SEIR established ADT cap for the Sports/Entertainment District, no new and/or different impacts to the freeway segments, ramps, and surface-street intersections would occur with implementation of the proposed Ballpark Village project.

The proposed Ballpark Village project will include a number of roadway and circulation improvements for vehicular access to the site, including the extension of Twelfth Avenue along the eastern project boundary. All project driveways will be designed consistent with City of San Diego standards, and further traffic engineering assessments will determine the required roadway and intersection lane geometry and signalization required along Imperial Avenue, 12th Avenue, and Park Boulevard to ensure acceptable levels of service.

The transit, pedestrian, and pedicab demands generated by the proposed project will be consistent with estimates developed for the Ballpark and Ancillary Developments SEIR. No additional transit, pedestrian, and/or pedicab demands resulting in additional capacity problems and/or conflicts between modes would occur with the proposed project. In addition, the proposed project will provide improved pedestrian facilities, including sidewalks along the Park Boulevard and Imperial Avenue project frontage, as well as pedestrian connections from Tailgate Park to the Ballpark. The existing (and only) mid-block pedestrian crossing of the Trolley, just west of Tailgate Park, will be maintained and enhanced with implementation of the project.

The SEIR requires that all the Ancillary Development projects provide adequate parking to meet their project generated demands. Provision of adequate parking by the proposed project will ensure no additional unmet parking demands will result with development of the proposed project. Development of the project will result in the loss of approximately 959 existing parking spaces in the surface lots currently located on Parcels C and D used for ballpark events. CCDC has indicated that the SEIR specified number of dedicated parking spaces (2,383) for ballpark events will need to be maintained. Currently, 2,116 dedicated spaces are provided at Tailgate Park (1,061 spaces), Padres Parkade (P1) (1,004 spaces), and the Ballpark (51 spaces). Elimination of the 959 spaces currently provided by surface parking lots at Parcels C and D leaves a shortfall of 267 dedicated parking spaces for ballpark events. The project proponent will be responsible for identifying the 267



additional parking spaces consistent with this requirement to maintain the 2,383 dedicated spaces at all times.

Details on the findings regarding traffic, circulation, vehicular access and parking are provided in the Traffic Memorandum prepared by Wilson and Company included as Attachment 4.

There are no impacts associated with transportation and traffic that were not anticipated in the MEIR/SEIR.

## **Findings**

The Ballpark Village project is consistent with the certified MEIR/SEIR and will not result in any new significant environmental impacts. Therefore, the comparison of anticipated environmental effects of the proposed project with the impacts disclosed in the previous certified EIR support the required CEQA findings summarized below. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental EIR have been met.

**Major Revisions Not Required.** Based on the foregoing analysis and information, there is no substantial evidence that the changes to the project require a major change to the certified MEIR/SEIR. The Ballpark Village project will not result in any new significant environmental impact, nor is there substantial increase in the severity of impacts from that described in the certified MEIR/SEIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** There is no substantial evidence in the record or otherwise that indicates that there are substantial changes in circumstances that would require major changes to the certified MEIR/SEIR.

**No New Information Showing Greater Significant Effects Than Previous EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the MEIR/SEIR was certified indicating that a new significant effect not reported in the certified MEIR/SEIR may occur. Based on the information and analysis above, there is no substantial new information that there will be a new significant impact requiring major revisions of the certified MEIR/SEIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** There are no alternatives to the project or additional mitigation measures that would substantially reduce one or more of the potentially significant transportation and traffic effects identified in and considered by the certified MEIR/SEIR.

## **V. DOCUMENT AVAILABILITY**

Documents referenced in this Addendum that are not provided as Attachments may be reviewed at the Centre City Development Corporation offices located at 225 Broadway, Suite 1100, San Diego, California, 92101.

## REFERENCES

### Centre City Development Corporation

- 1992 *Final Master Environmental Impact Report for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents* (SCH# 90010898). April.
- 1992 *Centre City Planned District Ordinance (PDO)*. May 11.
- 1999 *Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments*. October 26.
- 2002 *Revised Centre City Community Plan*. March.
- 2003 *Final Addendum to the Final Subsequent Environmental Impact Report (SEIR) to the Final Master Environmental Impact Report (MEIR) for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments*. October 30.

### Geocon Inc.

- 2003 *Geotechnical Investigation JMI Ballpark Parcel D Park Boulevard and Imperial Avenue San Diego, California*. December 9.

### Leighton and Associates, Inc.

- 2003 *Due Diligence Phase I Environmental Site Assessment Report JMI Ballpark, D Parcel (SD6) Southeast Corner of Imperial Avenue and Park Boulevard San Diego, San Diego County, California*. December 10.
- 2004 *Due Diligence Phase I Environmental Site Assessment Report JMI Ballpark, Parcel C Northeast Corner of Imperial Avenue and Park Boulevard San Diego, San Diego County, California, Volume I*. May 13.
- 2004 *Due Diligence Phase I Environmental Site Assessment Report JMI Ballpark, Parcel C Northeast Corner of Imperial Avenue and Park Boulevard San Diego, San Diego County, California, Volume II*. May 13.
- 2004 *Preliminary Geotechnical Investigation and Faulting Study, JMI Parcel C, Park Boulevard, Imperial Avenue and 12<sup>th</sup> Avenue, San Diego, California*. June 9.

## **CONSULTANTS INVOLVED IN THE PREPARATION OF THE ADDENDUM AND RESPONSES TO COMMENTS**

The following individuals were involved in the preparation of the Addendum and/or technical reports in support of the Addendum. The nature of their involvement and background and qualifications are summarized below.

### ***P&D Consultants***

(preparation of data and analysis for Addendum)

- John Bridges, FAICP – Master of Planning, San Diego State University; B.A., Political Science, University of Texas, Arlington. 26 years of urban and environmental planning experience. Responsible for reviewing and assisting in the preparation of the Addendum.
- Jennifer Guigliano, E.I.T., CPSWQ, REA – Master of Environmental Engineering, Pennsylvania State University; B.S., Combined Sciences, Santa Clara University. 9 years of experience in environmental sciences, management, and planning. Responsible for reviewing and assisting in the preparation of the Addendum.
- Yara Fisher, AICP – Master of Urban and Regional Planning, University of California Irvine; B.A., Political Sciences, University of California San Diego. 7 years of urban and environmental planning experience. Responsible for reviewing and assisting in the preparation of the Addendum.

### ***Wilson & Company***

(Traffic Memorandum)

- Mark Peterson, AICP – Master of Science in City and Regional Planning, University of Arizona; B.S., Resource Economics, University of Vermont. 28 years of experience in urban and traffic planning. Responsible for project transportation analysis.

### ***Dr. James L. Byard***

(Air Quality and Hazardous Materials Memorandum)

- Dr. James L. Byard, Ph.D., D.A.B.T. – Doctorate in Biochemistry, University of Wisconsin; B.S., Biochemistry, Cornell University. 25 years of risk assessment and analysis experience. Responsible for research and preparation of air quality analysis and hazardous materials analyses in support of the Addendum.

# **ATTACHMENT 1**

# ATTACHMENT 1

## ENVIRONMENTAL INITIAL/SECONDARY STUDY

**PROJECT TITLE:** Ballpark Village Master Plan

**APPLICANT:** JMI Realty

**PROJECT LOCATION:** The proposed Ballpark Village site is approximately 309,636 square-feet (sf) (7.1 acres) and encompasses six parcels that are identified as C1 through C4 and D1 and D2. The C parcels are bounded by the intersection of Twelfth Avenue and Park Boulevard to the north; Park Boulevard to the west, Imperial Avenue to the south, and Twelfth Avenue to the east; D parcels are bounded by Imperial Avenue to the north, Park Boulevard to the west, Eleventh Avenue to the east, and the Linear Park and railroad tracks to the south. The project site is within the Sports/Entertainment District of the Expansion Sub-Area of the Centre City Redevelopment Project Area, downtown San Diego (**Figure 1**).

**PROJECT DESCRIPTION:** See section I, Proposed Activity Description.

**PROJECT SETTING:** The Final Master Environmental Impact Report (MEIR) and the Subsequent Environmental Impact Report (SEIR) for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents (MEIR/SEIR) describe the existing setting of Centre City including the Sports/Entertainment District of the Expansion Sub Area. These descriptions are hereby incorporated by reference. Located in the highly urbanized Centre City environment, the project site is currently occupied by surface parking lots. Land uses in the vicinity of the site include: the existing Petco Ballpark to the west; three- to 14-story Park Terrace Condominium Project under construction to the northwest, the San Diego Convention Center to the southwest; railroad tracks, the future Harbor Drive Pedestrian Bridge, the future Convention Center Hotel and an existing six-story parking structure to the south; the 10<sup>th</sup> Avenue Marine Terminal to the southeast; a Transit Station, office building, parking structure, and Tailgate Park surface parking to the east; and the future 10-story Main Library to the north (**Figure 2**). Applicable plans and policies governing the site include the Centre City Redevelopment Plan, Centre City Community Plan, and the Centre City Planned District Ordinance (PDO).

**ENVIRONMENTAL ANALYSIS:** See attached Initial/Secondary Study Checklist.

**MITIGATION, MONITORING AND REPORTING PROGRAM:** Certain changes or alterations (mitigation measures) were required in, or incorporated into, the Centre City Redevelopment Project in connection with certification of the MEIR/SEIR. Mitigation measures included in the MEIR/SEIR require project-specific implementation. As part of the Redevelopment Agency's mitigation and monitoring and reporting obligation under State law, the following mitigation measures that were included in the MEIR/SEIR require project-specific implementation for the proposed project (see Table A included as Attachment 2 to the Addendum):

1.3-1; 2.1-1; 2.1-2; 2.1-3; 2.2-1; 3.1-2; 3.1-3; 3.3-1; 4.1-1; 4.1-2; 4.1-3; 5.1-1; 5.1-2; 5.1-3; 5.1-5; 5.1-6; 5.2-3; 5.2-4; 5.2-5; 5.2-6; 5.2-7; 5.2-8; 5.2-9; 5.2-10; 5.2-11; 6.2-1; 8.1-1; 8.3-1; 8.3-2; 9.1-1; 9.1-2; 9.2-1; 9.2-2; 9.2-3; 10.1-1; 11.2-1; 11.2-2; 12.1-1; 12.1-2; 12.1-3; 12.2-1; 12.2-2; 13.1-1; 13.1-2; 13.1-3; 13.1-4; 13.1-5; 13.1-6; 13.2-12

## **DETERMINATION:**

The primary purpose of the Initial/Secondary Study is to evaluate the potential environmental effects of proposed refinements to an Ancillary Development Project (now known as Ballpark Village) particularly with respect to the development intensity of the proposed buildings. The SEIR included an evaluation of potential impacts of Phase II of the Ancillary Development Projects, of which Ballpark Village is a part. Subsequently, a Master Plan has been prepared to provide further detail of the nature of the proposed development. This Initial/Secondary Study and Addendum is intended to evaluate the proposed Ballpark Village Master Plan to determine if the changes and additional detail beyond that analyzed in the 1999 SEIR meet any of the requirements for the preparation of a Subsequent or Supplemental EIR per Sections 15162-15163 of the State CEQA Guidelines. This section of the CEQA Guidelines would require a Subsequent or Supplemental EIR if any of the following conditions apply:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
  - The project will have one or more significant effects not discussed in the previous EIR;
  - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15180 of the State CEQA Guidelines also defines special requirements for Redevelopment Projects as follows:

- All public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project, which shall be deemed approved at the time of adoption of the redevelopment plan by the legislative body. The EIR in connection with the redevelopment plan shall be submitted in accordance with Section 33352 of the Health and Safety Code.
- An EIR on a redevelopment plan shall be treated as a program EIR with no subsequent EIRs required for individual components of the redevelopment plan unless a subsequent EIR or a supplement to an EIR would be required by Section 15162 or 15163.

Based on the environmental analysis contained in this Initial/Secondary Study and the accompanying Addendum to the SEIR, none of the situations described above (from Sections 15162-15163) applies. This project is part of a larger redevelopment plan already covered by certified environmental documents (MEIR/SEIR) that are considered the program EIR as defined by Section 15180. Neither the Ballpark Village development nor the circumstances under which it is being undertaken would result in any new significant impacts not discussed in the SEIR, or any substantial increase in the severity of impacts identified by the SEIR. In addition, no new information of substantial importance has become available since the SEIR was prepared regarding new significant impacts, or feasibility of mitigation measures or alternatives. Therefore, the proposed development is adequately addressed in the MEIR/SEIR and the Addendum to the SEIR.

The Centre City Development Corporation (CCDC), the implementing body for the Redevelopment Agency of the City of San Diego, administered the preparation of this Initial/Secondary Study.



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Signature of Lead Agency Representative

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August 8, 2005

Date



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Signature of Preparer – P&D Consultants.

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August 8, 2005

Date



## ENVIRONMENTAL INITIAL/SECONDARY STUDY

### I. PROPOSED ACTIVITY DESCRIPTION

#### Location

The proposed Master Plan and subsequent development will be located within the Sports/Entertainment District of the Expansion Sub Area of the Centre City Redevelopment Project, downtown San Diego. Centre City includes approximately 1,500 acres of the metropolitan core of San Diego, bounded by Interstate 5 to the north and east and San Diego Bay to the south and southwest. Centre City is located 15 miles north of the United States International Border with Mexico (**Figure 1**).

More specifically, the proposed Master Plan will encompass the eastern portion of the Ancillary Development Projects Area located within five former blocks divided into six C and D Parcels. As shown on Figure 1, the four C Parcels are bounded by the Park Boulevard and Twelfth Avenue intersection to the north, Park Boulevard to the west, Imperial Avenue to the south, and Twelfth Avenue to the east. The two D Parcels are adjacent to the C Parcels to the south and are bounded by Imperial Avenue to the north, Park Boulevard to the west, the Linear Park and railroad tracks to the south, and Eleventh Avenue to the east.

#### Description

The proposed project is the implementation of the Ballpark Village Master Plan, which would construct new mixed-use buildings in the Ancillary Development Projects Area. The Master Plan is a planning document which identifies allowed land uses, building sizes and envelopes with respect to heights, widths, step backs, building mass, tower orientation and location, as well as a series of design standards to be applied to the final development plans. Overall, the Master Plan anticipates high-rise towers on each of the six C and D Parcels (Parcels C1, C2, C3, C4, D1, and D2), two plazas that front Park Boulevard and one plaza that fronts Imperial Avenue, pedestrian walkways along the former Eleventh Avenue and L Street rights-of-way, and podium-level landscaped open space and recreation opportunities (**Figure 3**). The buildings would range in height from approximately 136 to 500 feet above Mean Sea Level (MSL) and would offer a mix of some or all of the following uses: multi-family residential, office, retail, restaurant, visitor accommodations (e.g., hotels), public and semi-public, and parking. Retail use includes any use permitted in the “Commercial Retail” and “Commercial Services” use categories of the Centre City Planned District Ordinance.

A maximum of approximately 3,212,020 gross floor area (GFA) may be developed. This value includes 2,012,634 square feet (sf) of GFA allowed by the designated 6.5 base Floor Area Ratio (FAR) as defined in the PDO, plus up to 1,199,386 sf of transferred floor area as prescribed in the Sports/Entertainment District (Section 103.1915(d)(5)) of the CCDC PDO. The maximum GFA can be distributed between several different land uses including residential, office, retail, and hotel within the proposed Ballpark Village Master Plan area. There is flexibility in defining the land use mix for potential development scenarios; however, they are capped by the maximum GFA of 3,212,020 sf and an ADT count of 16,500 trips. An example land use mix for the Ballpark Village was developed to evaluate potential environmental impacts from a development scenario that generates a maximum GFA of 3,212,020 sf and a maximum ADT count of 16,500 trips. This potential land use mix scenario includes 1,500 residential units, 500,000 sf of office, 150,000 sf of retail, 304 hotel rooms, 50,000 sf for the City Club, 240,000 sf of above-grade parking, and 50,000 sf of above-grade service areas. At least 60 percent of the first-story street wall frontage along Park Boulevard, Imperial Avenue, and the former L Street right-of-way would be devoted to Street Level Uses. These uses could include retail shops, restaurants, bars, theaters and the performing arts, commercial recreation and entertainment, personal and convenience services, hotels, banks, travel agencies, airline ticket agencies, child care services, libraries, museums, and galleries.

The additional 1,199,386 sf of transferred floor area allowed by the Sports/Entertainment District could be placed on any parcel or combination of parcels within Ballpark Village up to the maximum FAR shown in **Table 1**. With the transferred floor area, as allowed by the PDO, the maximum FAR for C parcels is 8.829 and the maximum FAR for D parcels is 12.247 for an overall maximum project FAR of 10.372. In order to maintain development flexibility, FAR would be transferable within the four C parcels and within the two D parcels.

**TABLE 1**  
**Ballpark Village Minimum-Maximum Development <sup>(1)</sup>**

| <b>PARCEL AREA SQUARE FOOTAGE <sup>(4)</sup></b> |         | <b>REQUIRED MINIMUM DEVELOPMENT <sup>(2)</sup></b> |   | <b>MAXIMUM PERMITTED DEVELOPMENT <sup>(3)</sup></b>    |                    |
|--|---------|--|---|--|--------------------|
|  |         | <b>MINIMUM FAR</b>                                 | <b>MINIMUM AREA (GROSS SQUARE FOOTAGE ABOVE GRADE) <sup>(2)</sup></b> | <b>MAXIMUM AREA (GROSS SQUARE FOOTAGE ABOVE GRADE)</b> | <b>MAXIMUM FAR</b> |
| C1 Sub-parcel                                    | 29,620  | 5.5  | 162,910   | 238,126  |                    |
| C2 Sub-parcel                                    | 74,734  | 6.0  | 448,404   | 615,386  |                    |
| C3/C4 Sub-parcel                                 | 65,365  | 6.0  | 392,190   | 794,866  |                    |
| Subtotal: Parcel C                               | 169,719 |  | 1,003,504   | 1,498,527 <sup>(5)</sup>                               | 8.829              |
| D1 Sub-parcel                                    | 80,361  | 6.0  | 482,166   |  |                    |
| D2 Sub-parcel                                    | 59,556  | 6.0  | 357,336   |  |                    |
| Subtotal: Parcel D                               | 139,917 |  | 839,502   | 1,713,493  | 12.247             |
| Total: Master Plan                               | 309,636 |  | 1,843,006   | 3,212,020  | 10.372             |

**NOTES:**

Source: San Diego Ballpark Village Master Plan, 2005

- (1) All Sub-parcels shall be developed at no less intensity than the Required Minimum Development Area. Achieving the Maximum Development Permitted shall be dependent upon conformance with all requirements of the Master Plan and of the Owner Participation Agreement (OPA) with respect to each Sub-parcel, including, but not limited to, meeting the requirements of Section 701 of the OPA with respect to the time period within which density may be transferred from the Ballpark.
- (2) Required Minimum Development for any Sub-parcel shall be calculated by multiplying the final Sub-parcel size by the Required Minimum Development FAR. If Sub-parcels C3 and C4 are developed separately, each Sub-parcel shall be developed at no less intensity than a FAR of 6.0.
- (3) Regardless of the size of a Sub-parcel or a Parcel, the Maximum Development Permitted on each Sub-parcel and Parcel shall not exceed the Maximum Area specified for each Sub-parcel and Parcel, and the overall Maximum Permitted Development may not exceed 3,212,020 GSF or an FAR of 10.372.
- (4) Sub-parcel sizes as shown are preliminary and are subject to lot line adjustments for purposes of construction phasing, pedestrian/vehicular circulation, parking garage configuration, utility placements, and similar design/constructability considerations. In no event shall such adjustments supersede the tower placement or bulk control requirements described elsewhere in this Master Plan document.
- (5) Although the additive maximum areas for Sub-parcels C1, C2, and C3/C4 exceed this number, the maximum area (gross square footage above grade) for Parcel C shall not exceed 1,498,527.

## Parking

Because there is no set land use mix, there is no set number of parking spaces identified in the Ballpark Village Master Plan; however, the minimum parking spaces required would conform to the following ratios: 1.5 spaces per market rate residential dwelling unit, one space per affordable housing unit, 1.5 spaces per 1,000 sf of leasable office space, 0.5 spaces per hotel room, two spaces per 1,000 sf of leasable

retail space, and one motorcycle space for every 20 registered vehicle spaces. Onsite parking will be provided in above and below grade structures.

### **Parcel C1 Building**

The Parcel C1 Building would be the northernmost development in the Ballpark Village Master Plan, bounded by Park Boulevard, Twelfth Avenue and the former L Street right-of-way (**Figure 4**). It would be located on a triangular lot containing 29,620 sf of gross parcel area (GPA), and, at a maximum, could reach a height of approximately 270 feet (MSL). There is no set land use mix, but the building could contain residential, retail, office, or hotel uses, or a combination of these uses. The Master Plan envisions that retail and other allowed Street Level Uses would be located on the ground level and would make up at least 60 percent of the street wall facing Park Boulevard and the former L Street right-of-way. The approximately 41-foot-wide L Street Pedestrian Mews (a pedestrian walkway along the former L Street right-of-way) and an approximately 100-foot-wide Plaza would be adjacent to the Parcel C1 Building to the south. Vehicular access to the building would be taken from Twelfth Avenue where parking would be provided below grade.

### **Parcel C2 Building**

The Parcel C2 Building would be located on the western edge of the Ballpark Village in between the Parcel C1 and Parcel D1 buildings (**Figure 5**). It would sit on a triangular lot containing 74,734 sf of GPA, and be bounded by Park Boulevard, Imperial Avenue, and the former Eleventh Avenue right-of-way. The former Eleventh Avenue right-of-way would become the Eleventh Avenue Pedestrian Mews, a pedestrian walkway connecting two plazas to the north and south. Vehicular access to the Parcel C2 Building would be from a roundabout within the plaza at the southern end of the Eleventh Avenue Pedestrian Mews, which fronts Imperial Avenue. Like the Parcel C1 Building, land uses in the Parcel C2 Building would be flexible and could contain residential, office, retail, hotel, or a combination of these uses. At least 60 percent of the street wall facing Park Boulevard and Imperial Avenue would be dedicated to retail and other Street Level Uses. The building could reach a maximum height of approximately 486 feet (MSL).

### **Parcel C3 Building**

The Parcel C3 Building would be located along the eastern boundary of the Ballpark Village, occupying the southeast corner of the C parcels (**Figure 6**). The rectangular lot is bounded by Twelfth Avenue, the C4 Parcel, Imperial Avenue, and the former Eleventh Avenue right-of-way. Parcels C3 and C4 together total approximately 65,365 sf. Building heights could reach a maximum of 498 feet (MSL). Land uses would be flexible and may contain residential, office, retail, hotel, or a combination of these uses; however, retail and other Street Level Uses would be required along at least 60 percent of the street wall facing Imperial Avenue. Vehicular access to the Parcel C3 Building would be taken from Twelfth Avenue and Imperial Avenue.

### **Parcel C4 Building**

The Parcel C4 Building would also be located along the eastern boundary of the Ballpark Village, and would be in between Parcel C1 and Parcel C3. The rectangular lot is bounded by Twelfth Avenue, the former L Street right-of-way, the former Eleventh Avenue right-of-way, and Parcel C3. Parcels C3 and C4 together total approximately 65,365 sf. Building heights could reach a maximum 368 feet (MSL). Land uses would be flexible, containing residential, office, retail, hotel, or a mix of these uses. Street Level Uses would be required along at least 60 percent of the street wall facing the former Eleventh Avenue right-of-way. Vehicular access would be provided from Twelfth Avenue and Park Boulevard.

It is possible that parcels C3 and C4 may be combined into one parcel in the future. The Master Plan allows this event and has developed design guidelines for one building on the combined lot (**Figure 7**).

Land uses in the combined parcel building would continue to be flexible, allowing for a mix of residential, office, retail, or hotel uses. Street Level Uses would be required along at least 60 percent of the street walls facing the former L Street right-of-way and Imperial Avenue. The maximum building height would be 498 feet (MSL) and vehicular access would be provided from Twelfth Avenue, Imperial Avenue, and Park Boulevard.

### **Parcel D1 Building**

The Parcel D1 Building would be located in the southwest corner of the Ballpark Village (**Figure 8**). The irregularly-shaped lot contains 80,361 sf of GPA and is the largest of all the parcels. It is bounded by Park Boulevard, the Linear Park and railroad tracks, Parcel D2, and Imperial Avenue. The northern landing of the Harbor Drive Pedestrian Bridge and public plaza would be adjacent to and to the west of the Parcel D1 Building. Land uses would be flexible, containing residential, office, retail, hotel, or a mix of these uses. At least 60 percent of the street walls facing Imperial Avenue and Park Boulevard would be devoted to Street Level Uses. The Parcel D1 Building could reach a maximum height of 500 feet (MSL). Vehicular access would be taken from Imperial Avenue and Eleventh Avenue with limited vehicular access from Park Boulevard.

### **Parcel D2 Building**

The Parcel D2 Building would be located adjacent to and to the east of the Parcel D1 Building (**Figure 8**). The irregularly-shaped lot is 59,556 sf of GPA, and is bounded by Imperial Avenue, Parcel D1, the Linear Park and railroad tracks, and Eleventh Avenue, which is open to vehicle traffic south of Imperial Avenue. The building could reach a maximum height of 500 feet (MSL). Land uses would be flexible, containing residential, office, retail, hotel, or a mix of these uses. At least 60 percent of the street wall facing Imperial Avenue would be devoted to Street Level Uses. Vehicular access would be taken from Imperial and Eleventh avenues. Parcel D1 and D2 building stepbacks and orientations are illustrated in **Figure 9**.

### **Design**

The design of each of the six potential buildings in Ballpark Village would follow a three-tiered form: Base Zone, Mid Zone, and Tower Zone. The Base Zone would be the lower portion of a building up to a height of 50 to 60 feet. The Mid Zone would be immediately above the Base Zone up to a height of 90 feet. The Tower Zone would be the narrowest portion and would occur above 90 feet. To maintain visual interest, no two towers would be identical in form; identical heights would be avoided, and the top of each tower would be articulated to avoid a monolithic appearance. In addition, the facades of the buildings would be articulated and include elements such as balconies, changes in material, expressed window systems, offsets, reveals, and other features to create visually-pleasing facades. Clear or lightly tinted glass would be encouraged; highly reflective or mirror glass would not be permitted.

### **Streetscape**

As part of the street design, landscaping would be incorporated on Park Boulevard, Imperial Avenue, Eleventh Avenue, and Twelfth Avenue (**Figure 10**). Streetscape design would be based on and consistent with the Centre City Streetscape Manual. On Park Boulevard, Tipu trees would be planted to be consistent with the western side of the boulevard. Sidewalks on Park Boulevard would be developed with permeable paving or other drainage system for storm water runoff control. On the former Eleventh Avenue right-of-way, enhanced paving would differentiate the crosswalks and may include pavers, stamped concrete, colored concrete, exposed aggregate concrete, scribed lines, colored asphalt, stamped asphalt, or line paint. On Imperial Avenue, Palo Alto Sweet Gum trees would be planted along the street corridor. On Twelfth Avenue, Jacaranda trees would be planted.

The two Event Plazas that front Park Boulevard and the Event Court at Eleventh Avenue and Imperial Avenue would contain distinct paving patterns to differentiate the sidewalks, crosswalks, and vehicular

areas. Bollards would be placed at the edge of the vehicular area to protect pedestrian zones. Trees would conform to the Centre City Streetscape Manual.

The L Street Mews would include enhanced paving patterns and materials to designate pedestrian and outdoor seating areas, with the enhanced paving pattern extending across Twelfth Avenue to signify pedestrian access from the adjacent Tailgate Park. Lighted trees are planned for the edge of the outdoor seating areas, with street trees aligned with the future mews at Tailgate Park to provide visual connectivity.

The Eleventh Avenue Pedestrian Mews would include flowering trees and understory plantings to designate the pedestrian through-access. Seating would be incorporated in pedestrian and residential zones. For the live-work lofts that would potentially face the Mews, raised stoops and low plantings would be incorporated to create privacy from the pedestrian through-access.

For all landscaped areas, lighting would be developed at the time of the Centre City Permit Application for each parcel and would conform to the Centre City Streetscape Manual.

### **CEQA Compliance**

The Centre City Redevelopment Project and related activities have been addressed by the following environmental documents which were prepared prior to this Initial/Secondary Study and are hereby incorporated by reference:

Final Master Environmental Impact Report (MEIR) for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents. Certified by the Redevelopment Agency and the City Council on April 28, 1992 by Resolutions #2081 and #279875, respectively; and

Final Subsequent Environmental Impact Report (SEIR) to the Final Master Environmental Impact Report (MEIR) Addressing the Centre City Community Plan and Related Documents for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments. Certified by the Redevelopment Agency (Resolution No. 03058) and the City Council (Resolution No. 292363) on October 26, 1999.

Final Addendum to the Final Subsequent Environmental Impact Report (SEIR) to the Final Master Environmental Impact Report (MEIR) for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments. Certified by the Redevelopment Agency (Resolution No. 03697) and the City Council (Resolution No. 298679) on December 2, 2003.

The SEIR was prepared to supplement and update the information in the MEIR. The Mitigation Monitoring and Reporting Program (MMRP) for the SEIR includes and updates all of the applicable plan-wide mitigation measures as well as creating new activity-specific measures for activities within the ballpark sphere-of-influence. These environmental documents are the most recent and comprehensive environmental documents pertaining to the proposed activity and are referred to as the MEIR/SEIR in this Initial/Secondary Study. These environmental documents are available for review at the office of Centre City Development Corporation, 225 Broadway, Suite 1100, San Diego, CA 92101.

This Initial/Secondary Study has been prepared in compliance with the requirements for an Initial Study according to the State Guidelines for the implementation of the California Environmental Quality Act (CEQA) (California Administrative Code, Section 15000 et. seq. as amended October 26, 1998) and the San Diego Redevelopment Agency's amended "Procedures for Implementation of CEQA and the State CEQA Guidelines" (adopted July 17, 1990).

**II. ENVIRONMENTAL ANALYSIS:** See Attached Environmental Checklist

**III. SUMMARY OF FINDINGS:** The following findings are derived from the environmental review documented by this Initial/Secondary Study and the previous MEIR/SEIR:

1. No substantial changes are proposed in the Centre City Redevelopment Project (Project), or with respect to the circumstances under which the Project is to be undertaken as a result of the proposed activity, which will require important or major revisions in the MEIR/SEIR for the Project;
2. No new information of substantial importance to the Centre City Redevelopment Project has become available which was not known or could not have been known at the time the MEIR/SEIR for the Project was certified as complete, and which shows that the Project will have any significant effects not discussed previously in the MEIR/SEIR, or that any significant effects previously examined will be substantially more severe than shown in the MEIR/SEIR, or that any mitigation measures or alternatives previously found not to be feasible or not previously considered would substantially reduce or lessen any significant effects of the project on the environment;
3. No Negative Declaration, Subsequent EIR, or Supplement to the MEIR/SEIR is necessary or required;
4. The proposed activity will have no significant effect on the environment, except as identified and considered in the MEIR/SEIR for the Centre City Redevelopment Project. No new or additional project-specific mitigation measures are required for this activity; and
5. Pursuant to CEQA Section 15164, because some of the changes and additions in the project are proposed but none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental EIR have been met, an Addendum shall be prepared.



Source: Wilson & Company, 2005

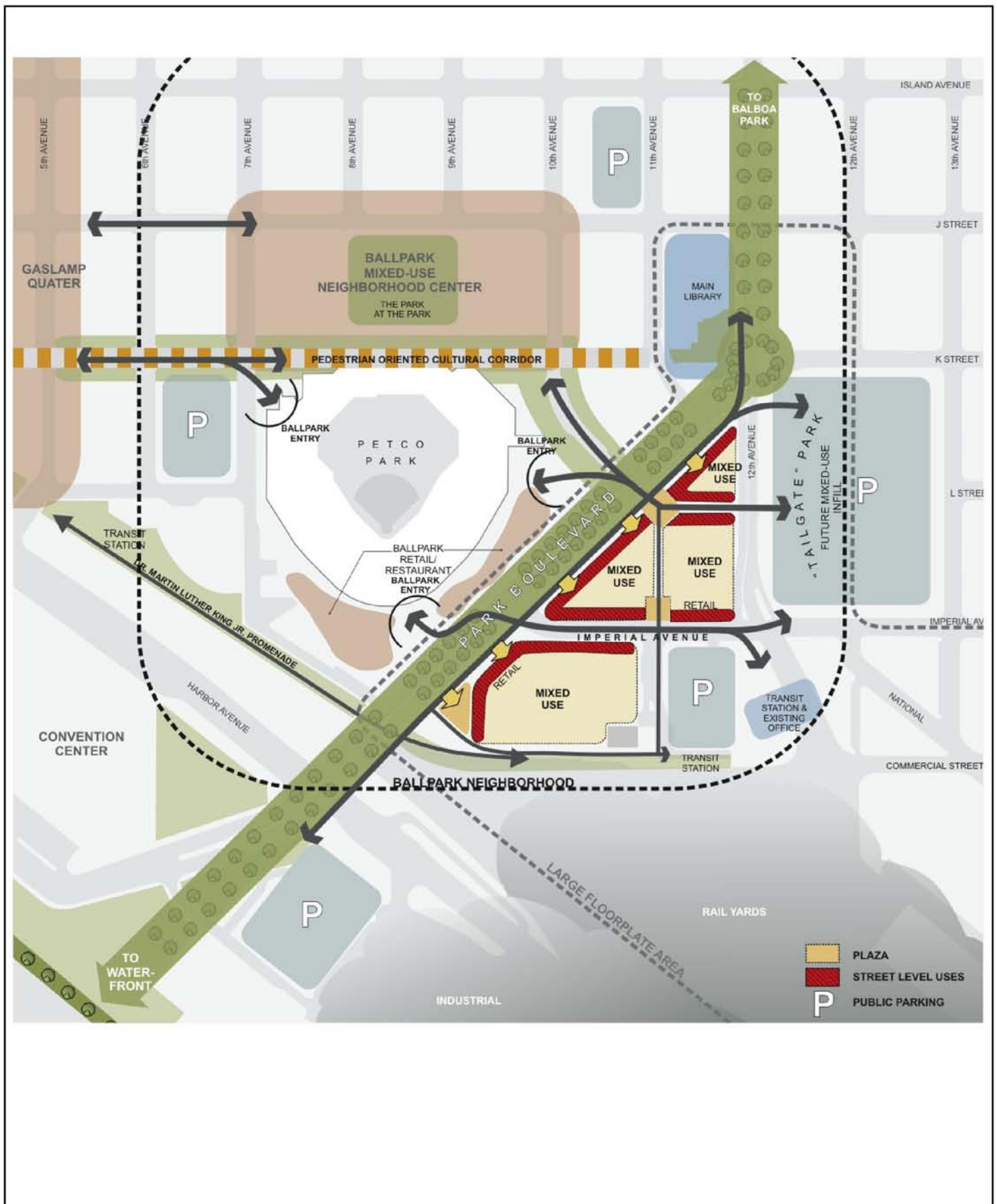


No Scale

Ballpark Village Master Plan  
CCDC Initial/Secondary Study

**Figure 1**  
**Regional Location and Vicinity Map**  
August 2005



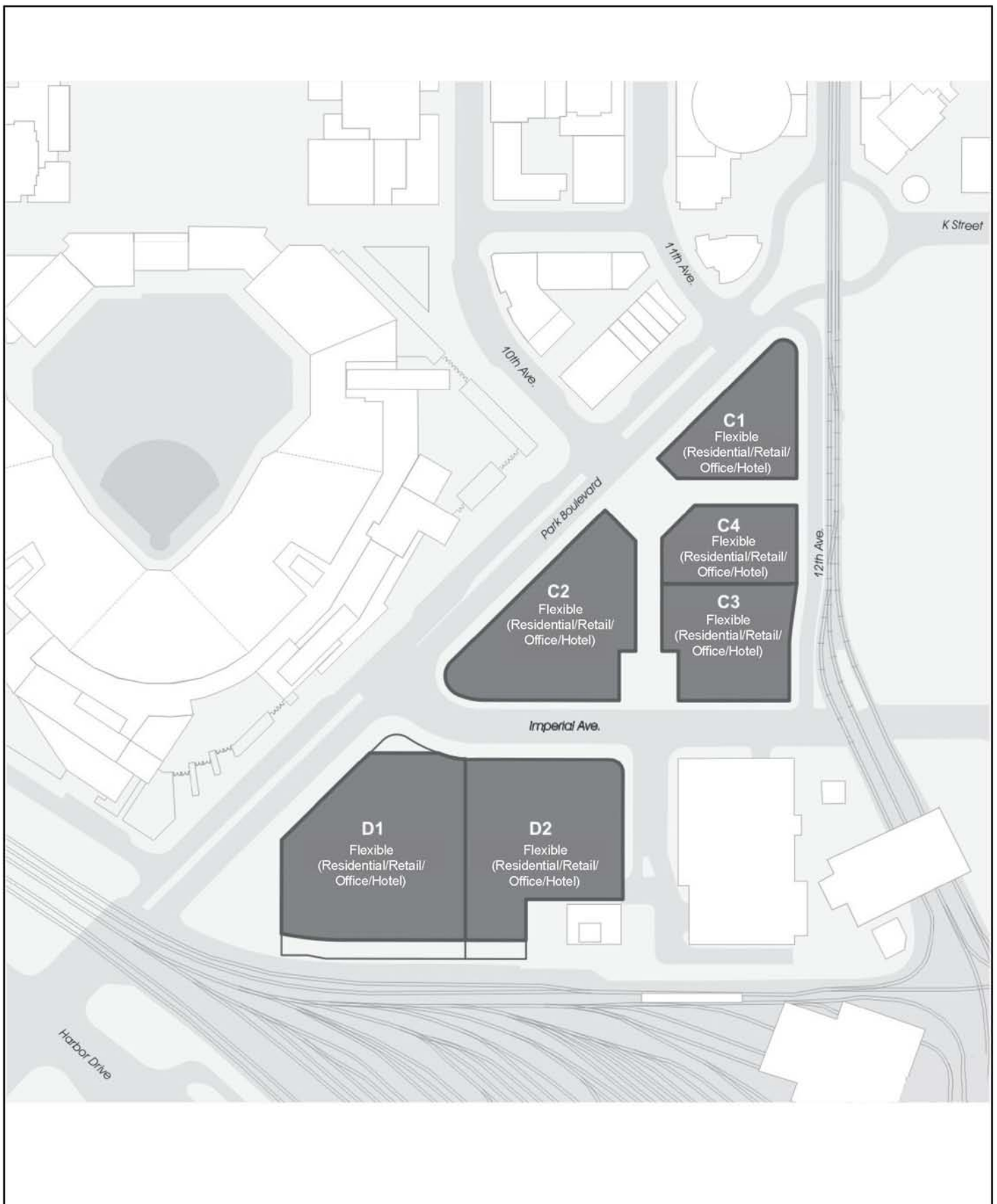


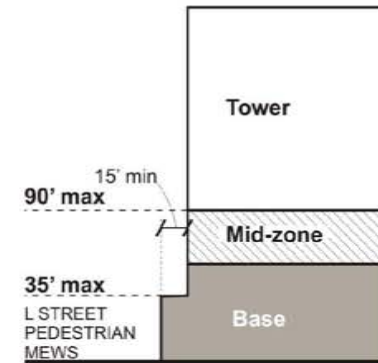
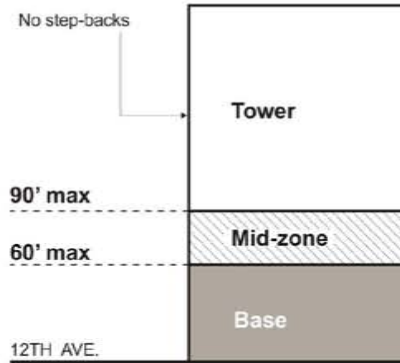
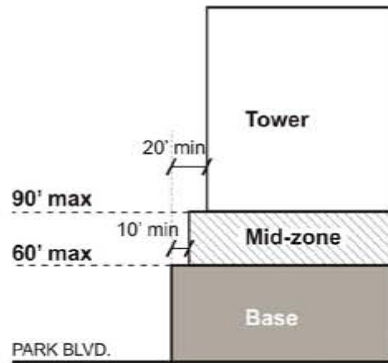
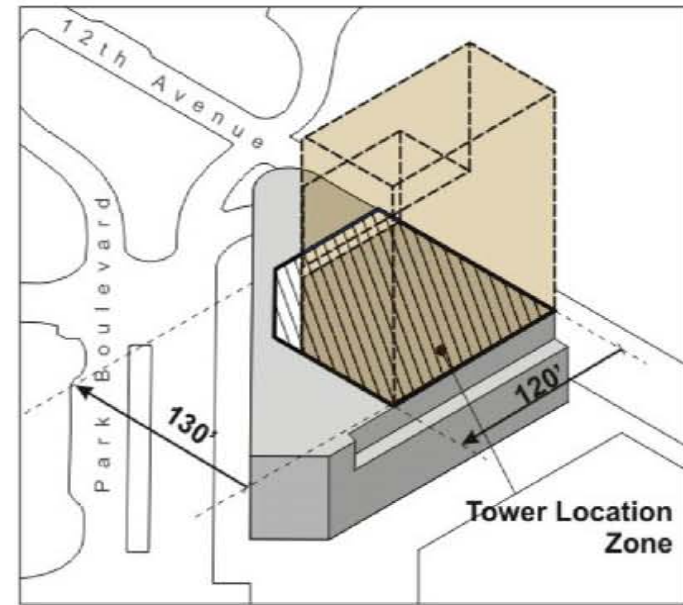
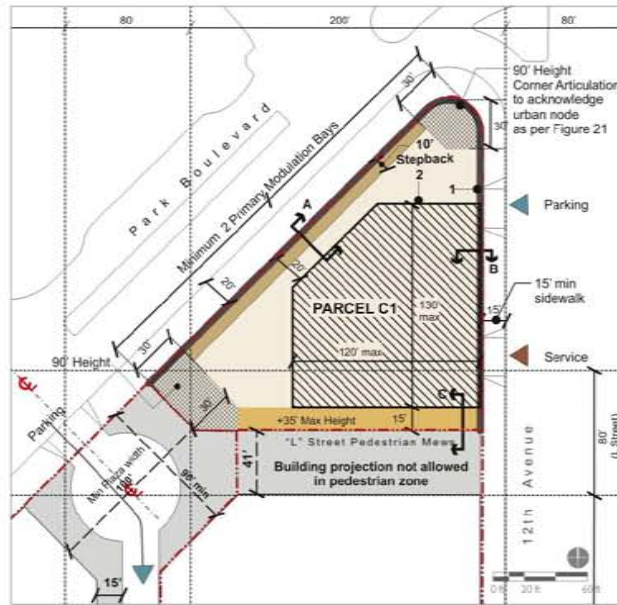

 No Scale

Ballpark Village Master Plan  
 CCDC Initial/Secondary Study

Figure 2  
 Existing Surrounding Land Uses  
 August 2005







Source: Johnson Fair, 2005

Figure 4  
Parcel C1  
August 2005

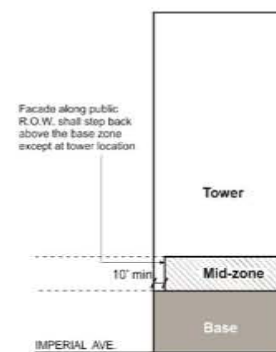
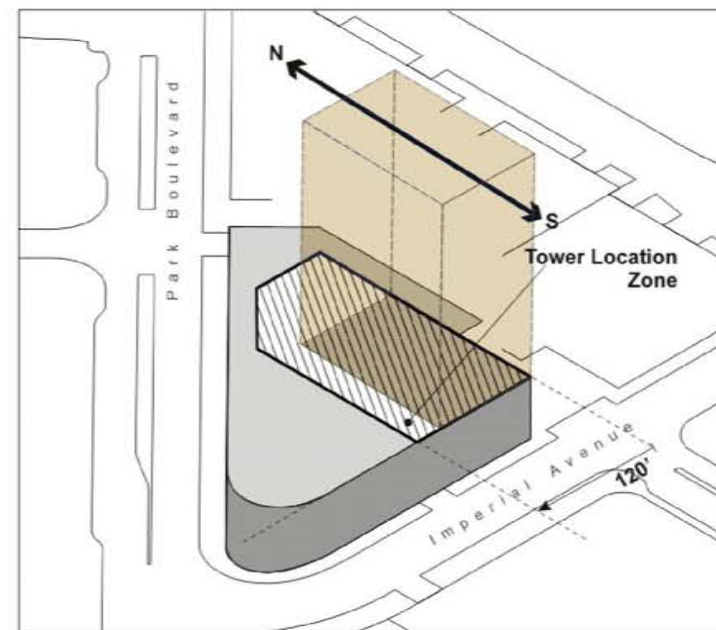
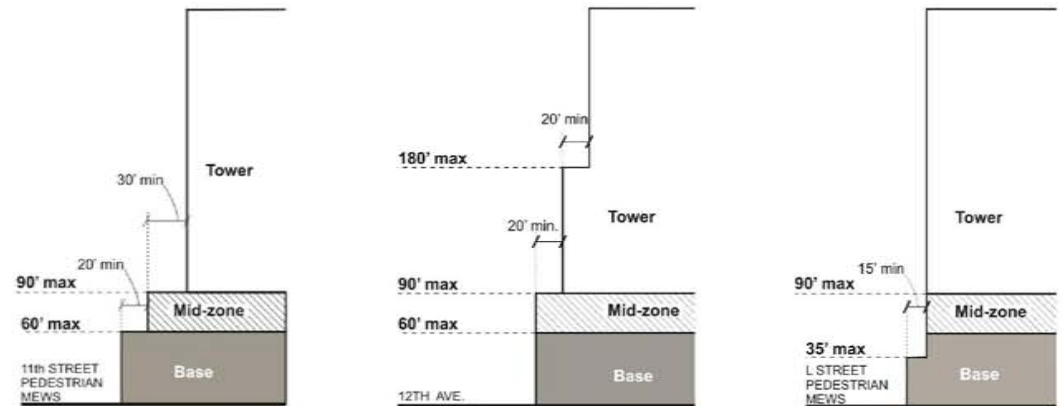
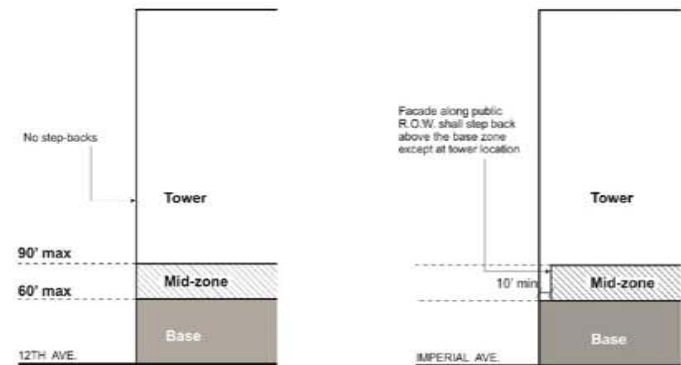
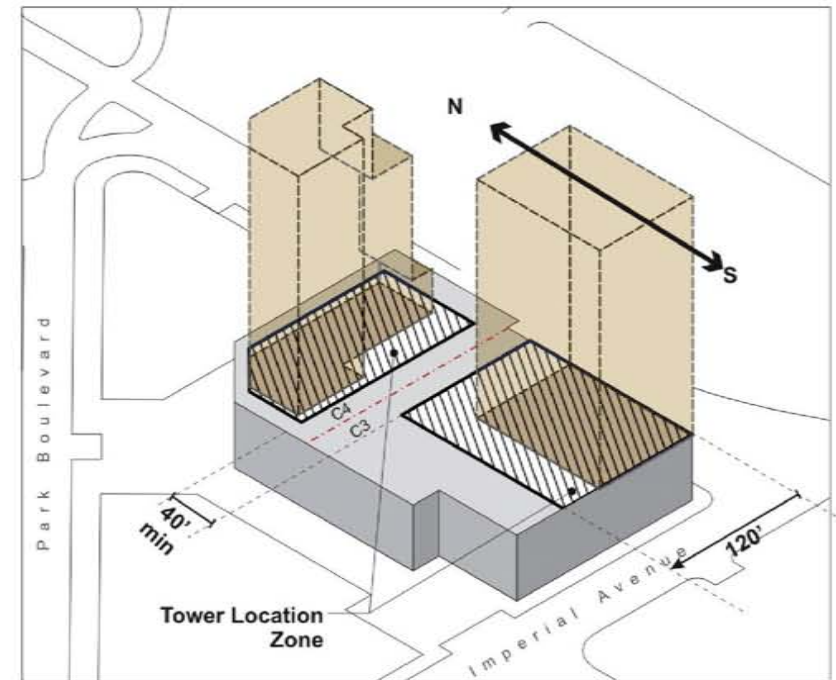
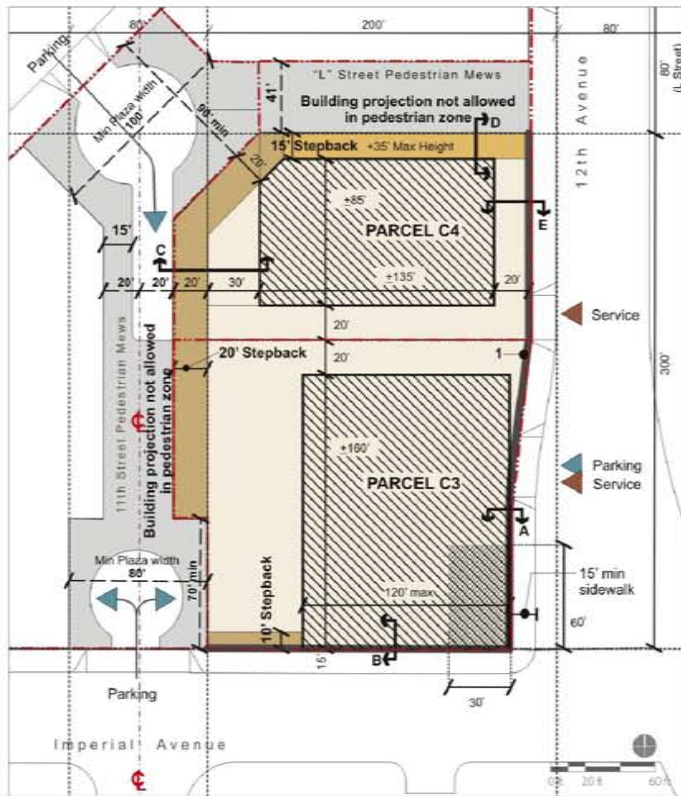


Figure 5  
Parcel C2  
August 2005



Source: Johnson Fain, 2005

Figure 6  
Parcels C3 and C4  
August 2005



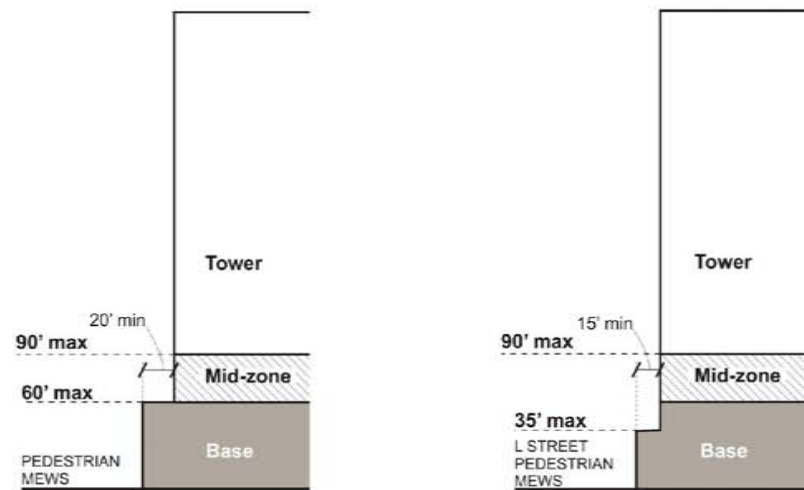
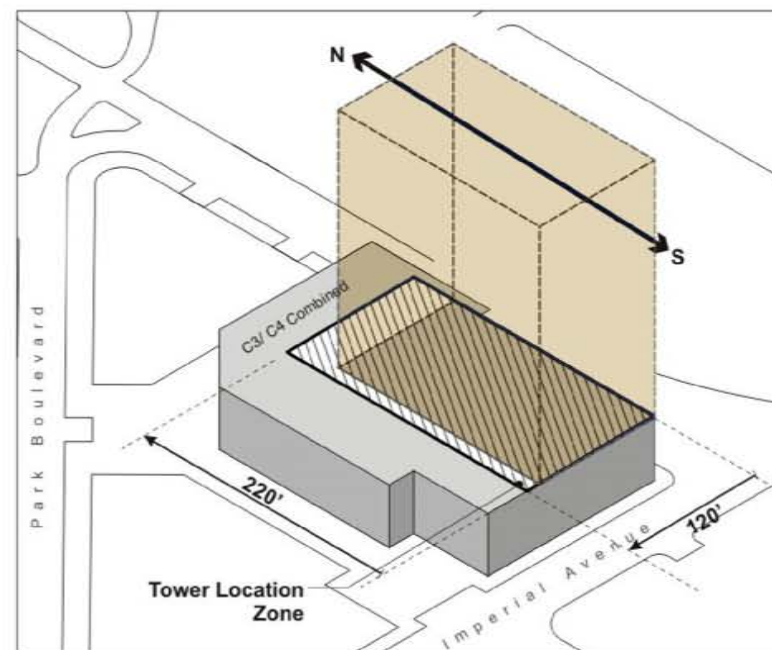
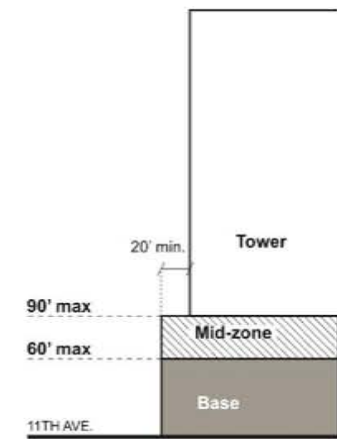
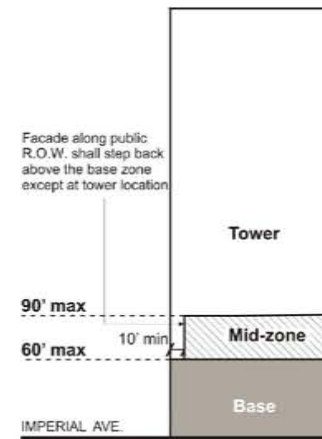
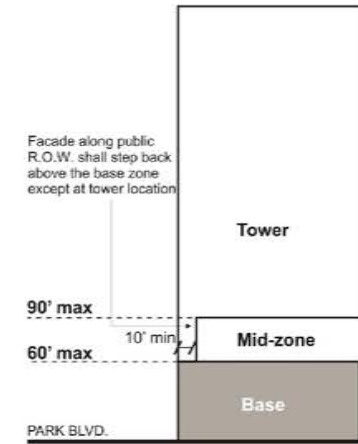
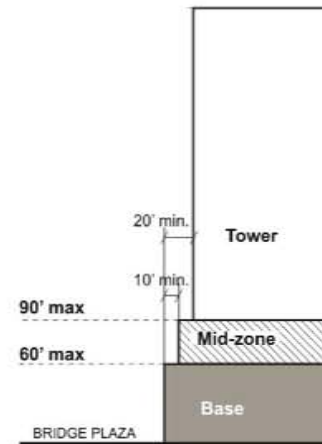
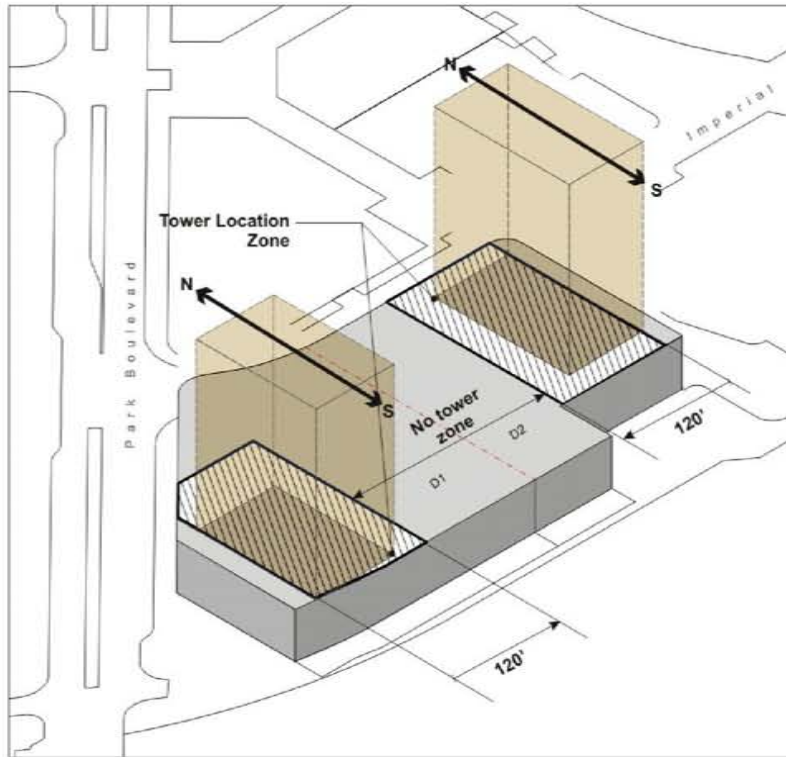


Figure 7  
Parcels C3 and C4 Combined  
August 2005





Source: Johnson Fain, 2005

**Figure 9**  
**Parcel D1 and D2 Building Stepbacks and Orientation**





Table: Streetscape Design Standards

| Street                           | Street Designation | Pedestrian Lights<br>Fixtures and Spacing          | Streetlight Type<br>Fixtures and Spacing   | Sidewalk Width<br>and Paving Type  | Street Tree Type   | Street Tree<br>Spacing                 |
|----------------------------------|--------------------|--|--|------------------------------------|--|--|
| Park Boulevard                   | Ceremonial         | Not App.   | Tear-Drop Fixture<br>75'-0" - 95'-0"       | <sup>3</sup> TBD<br>20'-0" Min.    | Tipu Tree<br>( <i>Tipuena tipu</i> )                                 | 20'-0" min.<br><sup>4</sup> 25'-0" max |
| Imperial Avenue                  | Ceremonial         | Not App.   | Gateway Light (Type A)<br>75'-0" - 95'-0"  | Ballpark Paving<br>15'-0" Min.     | Palo Alto Sweet Gum<br>( <i>Liquidambar styraciflua</i> 'Palo Alto') | 20'-0" min.<br><sup>4</sup> 25'-0" max |
| 11th Avenue<br>South of Imperial | Gateway            | Not App.   | Gateway Light (Type A)<br>75'-0" - 95'-0"  | Ballpark Paving<br>15'-0" Min.     | Jacaranda<br>( <i>Jacaranda mimosifolia</i> )                        | 20'-0" min.<br><sup>4</sup> 25'-0" max |
| 12th Avenue                      | Special            | Not App.   | Standard Light (Type C)<br>75'-0" - 95'-0" | Ballpark Paving<br>15'-0" Min.     | Jacaranda<br>( <i>Jacaranda mimosifolia</i> )                        | 20'-0" min.<br><sup>4</sup> 25'-0" max |
| Pedestrian Mews                  | Not App.           | <sup>1</sup> Standard Light (Type C)<br>or similar | Not App.                                   | <sup>3</sup> TBD<br>see footnote 6 | <sup>3</sup> TBD   | <sup>3</sup> TBD                       |
| Piazas                           | Not App.           | <sup>1</sup> Standard Light (Type C)<br>or similar | Not App.                                   | <sup>3</sup> TBD<br>Not App.       | <sup>3</sup> TBD   | <sup>3</sup> TBD                       |

1. The street designations are defined in the Centre City Streetscape Manual.
2. The pedestrian lights will be the Standard 12' Type C light or similar to be approved by CCDC at the time of Centre City Permit Application for each parcel.
3. To be determined at the time of Centre City Permit Application for each parcel.
4. Street tree spacing shall also be coordinated with streetlight spacing as defined in the Centre City Streetscape Manual.
5. Shall be developed to incorporate permeable surface and will relate aesthetically and in scale to Park to Bay Paving as defined in the Centre City Streetscape Manual.
6. Pedestrian Mews width shall be a minimum of 40' width.
7. All enhanced paving and crosswalk paving will be approved by CCDC.

Source: Johnson Fain, 2005



No Scale



#### IV. EVALUATION OF ENVIRONMENTAL IMPACTS

This section evaluates the potential environmental effects of the proposed activity using the environmental checklist from the CEQA Guidelines as amended in September 2004. The conclusions drawn regarding the degree of impact are based on a comparison of the effects of the proposed activity with the results and conclusions of the MEIR/SEIR.

A “No Impact” response indicates that the impact would not apply to the proposed activity. A “Less than Significant Impact” response indicates that, although impacts or changes in the environment would occur, the impact would be below a level of significance. A response of “Potentially Significant Unless Mitigation Incorporated” indicates that incorporation of mitigation measures identified in the Mitigation Monitoring and Reporting Plan for the MEIR/SEIR would reduce the impact of the proposed activity to below a level of significance. A response of “Potentially Significant Impact” indicates that the Findings for the MEIR/SEIR conclude that the impact of the Centre City Redevelopment Project, including the proposed activity, would remain significant even with implementation of the mitigation measures identified in the Mitigation Monitoring and Reporting Plan for the MEIR/SEIR. A response of “Potentially Significant Impact” does not indicate that the impact of the proposed activity would be greater than assumed in the MEIR/SEIR nor does it imply that the impact was not considered in the MEIR/SEIR.

The following table lists each potential environmental effect and provides information supporting the conclusion drawn as to the degree of impact associated with the proposed activity. As applicable, mitigation measures from the MEIR/SEIR are identified and are summarized in Exhibit A to this Initial/Secondary Study. Some of the mitigation measures are plan-wide and not within the control of the proposed activity. Other measures, however, would be implemented by the proposed activity.

| Issues and Supporting Information   | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| 1. AESTHETICS - Would the project:  |                                |  |                                     |                                     |
| a) Have a substantial adverse effect on a scenic vista? <i>The Centre City Community Plan identifies Twelfth Avenue and Park Boulevard as view corridor streets. However, the proposed project is not located where view corridor setbacks are required. In addition, the proposed Ballpark Village would not develop structures that would intrude into the street corridors, blocking potential views. As illustrated in the view simulations provided in Attachment 3, the Ballpark Village buildings have been designed and situated such that views of the Bay and Coronado Bridge are minimally impacted. Therefore, a less than significant impact will occur.</i> | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially damage scenic resources including, but not limited to, trees, rock   | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

| Issues and Supporting Information   | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact |
|---|--------------------------------------|--|------------------------------------|--------------|
| <p>outcroppings, and historic buildings within a state scenic highway? <i>The proposed project is not located within the viewshed of a state scenic highway; therefore no impact associated with scenic resources within a state scenic highway could occur.</i></p>  |                                      |  |                                    |              |
| <p>c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i>The Ballpark Village project would be located in a developed area of downtown already exhibiting major facilities (e.g., Petco Park and the San Diego Convention Center). Ballpark Village would introduce potentially six high-rise towers not to exceed 500 feet (MSL). The height of the proposed buildings would not be inconsistent with the development pattern occurring in the Sports/Entertainment District. Existing and future high-rise development in the Sports/Entertainment District surrounding the ballpark includes: the existing 32-story Omni Hotel, the existing 19-story Clarion Hotel, the future 14-story Diamond Terrace, the future 23-story The Legend, the future 15-story Diamond View Tower, the future 5 to 24-story ICON, the future 43-story One Library Circle, and the future 14-story Park Terrace. Therefore, the Ballpark Village project is consistent in scale with the planned structures surrounding the ballpark.</i></p> | □                                    | ■  | □                                  | □            |

*In addition, all streets would receive special streetscape treatment such as enhanced crosswalk paving, enhanced sidewalk paving, and street trees. The proposed project would conform to the streetscape and landscape standards contained in the Centre City Streetscape Manual.*

*Further, the Ballpark Village project will be subject to a design review process in conformance with the Sports/Entertainment Guidelines and the Ballpark Village Master Plan. The Redevelopment Agency will assure conformance with plans, policies, goals, and surrounding neighborhood character.*

| Issues and Supporting Information   | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact             |
|---|--------------------------------------|--|------------------------------------|--------------------------|
| <p><i>Conformance would assure that the Ballpark Village project would have a less than significant impact on the visual character of the area.</i></p> <p><i>Because the Ballpark Village project would be located within the Ancillary Development Projects area of the Ballpark Project, implementation of MEIR Mitigation Measures 1.3-1 and SEIR Mitigation Measure 3.3-1 (see Table A) would be required. These mitigation measures are to ensure project conformance with the Centre City PDO guidelines. Implementation of MEIR / SEIR Mitigation Measures 1.3-1 and 3.3-1 (see Table A) will reduce the potential impact to existing visual character to below a level of significance.</i></p>  |                                      |  |                                    |                          |
| <p>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? <i>In the case of the proposed Ballpark Village, light could be a potential issue in the following three ways. The Ballpark Village buildings could be light generators, light receivers, and/or light reflectors.</i></p> <p><i>Light Generator: Lighting within Ballpark Village buildings and pedestrian areas would contribute incrementally to urban light sources. However, the CCDC PDO and Ballpark Village Master Plan Performance Standards will ensure that all outdoor lighting will be shielded or positioned so that direct light or glare does not materially and adversely impact adjacent residential uses. In addition, implementation of MEIR Mitigation Measure 8.1-1 (see Table A) for night lighting would reduce this impact to a level of less than significant.</i></p> <p><i>Light Receiver: The Ballpark Village development would be located in an area where lighting from the ballpark could potentially impact proposed uses. Residential and hotel uses proposed as part of the Ballpark Village project are</i></p> | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                                | <input type="checkbox"/>           | <input type="checkbox"/> |

| Issues and Supporting Information  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact |
|--|--------------------------------------|--|------------------------------------|--------------|
| <p><i>considered light-sensitive uses. Mitigation measures required for Ancillary Development Projects as part of the Ballpark Project would ensure that light levels would not exceed 2.5 foot-candles for light-sensitive areas in direct line of sight of ballpark lights. Installation of black-out curtains and/or implementation of other light attenuation measures determined by a detailed lighting study as required by SEIR Mitigation Measure 8.3-2 (see Table A) will reduce this impact to a level of less than significant.</i></p>   |                                      |  |                                    |              |
| <p><i>Light Reflector: The proposed buildings would be located within the four-block radius identified by the SEIR for potential glare impacts resulting from the reflection of field lights. Ballpark Village could be a significant source of glare if its constituent buildings are of sufficient elevation and constructed of materials that could reflect ballpark lights. The Ballpark Village Master Plan includes tower design guidelines to minimize the potential for the buildings to become a source of glare. The reflectivity and tint of glass used would be the minimum required to comply with the State of California Energy Code, use of clear or lightly tinted glass would be preferentially used, and mirrored glass would be prohibited. However, to ensure that no substantial glare hazard would be created, a detailed lighting study and the subsequent implementation of identified mitigation measures, required by SEIR Mitigation Measure 8.3-1 (see Table A), will reduce the potential impact to below a level of significance.</i></p> |                                      |  |                                    |              |
| <p><i>Through implementation of MEIR/SEIR Mitigation Measures 8.1-1, 8.3-1, and 8.3-2 (see Table A), the proposed Ballpark Village project would not generate, receive, or reflect significant levels of light.</i></p>  |                                      |  |                                    |              |



| Issues and Supporting Information  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <p><i>parking lots as well as construction of the new development and potential remediation of contaminated areas. Therefore the project could potentially affect local air quality. However, the MEIR and SEIR address short-term construction-related air quality impacts. Implementation of MEIR / SEIR Mitigation Measures 2.1-1, 2.1-3, and 2.2-1 (see Table A) will reduce the impact to a level less than significant. Long-term air quality impacts are addressed in checklist item 3.c.</i></p>   |                                |  |                              |           |
| <p>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? <i>The MEIR and SEIR indicate that the San Diego Air Basin (SDAB) is classified as a federal and state “serious” non-attainment area for ozone (O<sub>3</sub>) and also a state non-attainment area for particulates of less than ten microns in size (PM<sub>10</sub>). The MEIR and SEIR conclude that any emissions associated with the Centre City Redevelopment Project, including the proposed Ballpark Village development, will contribute to the non-attainment status of the San Diego Air Basin (SDAB), thus resulting in a cumulative air quality impact. As anticipated in the MEIR and SEIR, the proposed development will contribute to this cumulative impact. Implementation of MEIR Mitigation Measures 2.1-1, 2.1-2, and 2.1-3 (see Table A) will reduce this impact to the extent feasible; however, the cumulative impact is not fully mitigable and will remain potentially significant. See also item 17.</i></p> | ■                              | □  | □                            | □         |

| Issues and Supporting Information  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| d) Expose sensitive receptors to substantial pollutant concentrations? <i>Street segments projected to operate at LOS D or worse will be potential CO hot spots which may lead to adverse air quality conditions. The MEIR identifies Imperial Avenue, which borders parcels C2 and C3 to the south and D1 and D2 to the north, as having year 2025 level of service (LOS) E in the AM peak hour. Vehicles traveling and idling on these street segments adjacent to the proposed project may expose the proposed development to substantial pollutant concentrations. Implementation of transportation control measures and traffic improvements (described in Section IV.B of the MEIR), including Mitigation Measures 13.1-1 through 13.1-6 and 13.2-12 (see Table A) are expected to reduce but not fully mitigate this impact. The MEIR indicates that not all localized hotspots will be eliminated in the Centre City Planning Area and this significance conclusion is consistent with the conclusions in the MEIR regarding vehicular air quality impacts. The impact associated with this issue will remain significant.</i> | ■                              | □  | □                            | □         |
| e) Create objectionable odors affecting a substantial number of people? <i>The proposed mixed-use development is not expected to create any significant objectionable odors. Additionally, the CCDC PDO and Ballpark Village Master Plan include a performance standard that would prohibit the proposed development and operation of uses that would result in the generation of noxious odors. Therefore, no significant impact will occur.</i>  | □                              | □  | □                            | ■         |
| 4. BIOLOGICAL RESOURCES - Would the project:   |                                |  |                              |           |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game  | □                              | □  | □                            | ■         |

| Issues and Supporting Information   | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| or U.S. Fish and Wildlife Service? <i>Due to the highly urbanized nature of the downtown area, there are no sensitive plant or animal species, habitats, or wildlife migration corridors within the area. Therefore, no impact associated with this issue could occur.</i>                            |                                |  |                              |                                     |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? <i>See 4.a.</i>                                      | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? <i>See 4.a.</i>                  | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? <i>See 4.a.</i>  | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? <i>No local policies or conservation plans apply to the project site; therefore, no impact associated with this issue could occur.</i>                            | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? <i>See 4.e.</i>  | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| 5. CULTURAL RESOURCES - Would the project:  |                                |  |                              |                                     |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? <i>The proposed project site does not contain any historical resources nor is it adjacent to designated historic resources. Therefore, no impact to historical resources would occur.</i> | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |



| Issues and Supporting Information  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? <i>Parcel C1 of the proposed Ballpark Village project is located in an area identified in the MEIR and SEIR as having a high potential for subsurface archaeological resources. Since the proposed project would involve excavating for the construction of subterranean parking, the potential exists for adverse impacts to buried archaeological resources. Impacts to subsurface archaeological resources were anticipated in the MEIR/SEIR. Implementation of MEIR/SEIR Mitigation Measures 3.1-2 and 3.1-3 (see Table A) will reduce the potential impacts to cultural resources associated with development of the Ballpark Village project to a level of less than significant.</i> | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                    | <input type="checkbox"/>     | <input type="checkbox"/>            |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? <i>The proposed project site is underlain by the Bay Point Formation, which has moderate paleontological resource potential. Since the proposed project would involve excavating for the construction of subterranean parking, the potential exists for adverse impacts to buried paleontological resources. The MEIR and SEIR anticipate this impact and include a mitigation measure to monitor the site during excavation. Implementation of MEIR/SEIR Mitigation Measure 10.1-1 (see Table A) will reduce the potential impact associated with unique paleontological / geological features to a level less than significant.</i>  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                    | <input type="checkbox"/>     | <input type="checkbox"/>            |
| d) Disturb any human remains, including those interred outside of formal cemeteries? <i>Historically, in a previously developed residential and business district, no human remains would be expected. No impact associated with this issue is anticipated to occur.</i>   | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

| Issues and Supporting Information | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact |
|-----------------------------------|--------------------------------------|--|------------------------------------|--------------|
|-----------------------------------|--------------------------------------|--|------------------------------------|--------------|

6. GEOLOGY AND SOILS - Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earth-quake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. *The MEIR and SEIR do not identify an earthquake fault on the site but do recognize the fact that two faults exist in close proximity (running diagonally from K to L Streets between 12<sup>th</sup> Avenue and 13<sup>th</sup> Street) to the proposed project site. In addition, portions of fault zones, particularly the Rose Canyon fault zone, exist within the Centre City Planning Area. The MEIR and SEIR conclude that an earthquake along any of these faults could result in significant groundshaking and cause injury and property damage within the project site. Further, the MEIR and SEIR list the proposed project site within geologic hazard category 52, which has risks (including ground failure and liquefaction) ranging from nominal to moderate. However, implementation of MEIR/SEIR Mitigation Measures 4.1-1, 4.1-2, and 4.1-3 will reduce the potential impacts associated with earthquakes to a level less than significant.*



*Further, in accordance with the MEIR/SEIR Mitigation Measure 4.1-1, Geotechnical Reports were prepared for the proposed Ballpark Village Parcel C and Parcel D (Leighton and Associates 2004; Geocon Incorporated 2003). The Geotechnical Reports concluded that the proposed Ballpark Village development is feasible from a geotechnical*

| Issues and Supporting Information  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact        | No Impact                |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| <i>standpoint, provided incorporation of the report's conclusions and recommendations such as ensuring hazardous materials compliance, the potential need for recompaction of fill areas, incorporation of hydrostatic pressure design criteria for below grade structures, and mapping during the excavation process to further evaluate subsurface conditions and potential unmapped faulting. The proposed Ballpark Village buildings will be constructed in accordance with the conclusions and recommendations of the geotechnical report and all safety standards of the UBC.</i>            |                                |  |                                     |                          |
| ii) Strong seismic ground shaking? <i>See 6.a.i.</i>   | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                    | <input type="checkbox"/>            | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? <i>See 6.a.i.</i>   | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                    | <input type="checkbox"/>            | <input type="checkbox"/> |
| iv) Landslides? <i>The Centre City area is located on flat to gently sloping topography which greatly reduces the potential for landslide activity. Additionally, there have been no landslide areas identified on or adjacent to the Centre City area. Therefore, the potential risk associated with landslides is less than significant.</i>   | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? <i>The project site is currently covered by impervious surfaces. The proposed project would similarly cover most of the site with impervious surfaces; therefore, no increase in erosion or loss of topsoil is anticipated. However, erosion could occur during site preparation, excavation, and construction activities. Compliance with grading permit requirements will reduce the potential impacts associated with erosion and loss of topsoil; therefore, the impact associated with this issue is less than significant.</i> | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable as a result of the project, and  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                    | <input type="checkbox"/>            | <input type="checkbox"/> |

| Issues and Supporting Information  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| <p>potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction or collapse? <i>The MEIR addresses the potential for unstable soils. Due to the difficulty of defining the native soil type of the downtown area and the lack of native soil, there are no readily apparent soil impacts. Possible site specific impacts could include problems related to compaction, corrosion, and expansion. Implementation of MEIR/SEIR Mitigation Measure 4.1-1 (see Table A) will reduce the potential impacts associated with soil instability to a level less than significant.</i></p>   |                                      |  |                                    |                                     |
| <p>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? <i>See 6.c.</i></p>  | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                                | <input type="checkbox"/>           | <input type="checkbox"/>            |
| <p>e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? <i>Centre City is serviced by a sewerage system. Therefore, no impact associated with this issue will occur.</i></p>   | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| <p>7. HAZARDS AND HAZARDOUS MATERIALS<br/>– Would the project:</p>   |                                      |  |                                    |                                     |
| <p>a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? <i>The proposed Ballpark Village project would not involve routine transport, use, or disposal of hazardous materials. Additionally, the California Environmental Protection Agency (Cal-EPA) Department of Toxic Substances Control (DTSC) regulates the generation, transportation, treatment, storage, and disposal of hazardous waste under the federal Resource Conservation and Recovery Act (RCRA) and the California Hazardous Waste Control Law. Both laws impose regulatory systems for handling hazardous waste including requiring that wastes be disposed of in licensed facilities. Permits are required by DTSC for all</i></p> | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                                | <input type="checkbox"/>           | <input type="checkbox"/>            |

| Issues and Supporting Information  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| <i>hazardous waste treatment or long-term storage (over 90 days) and disposal activities. Adherence to these regulations as well as MEIR/SEIR Mitigation Measure 5.1-5 (see Table A) will ensure that no impact associated with this issue will occur.</i>   |                                |  |                              |                                     |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? <i>See 7.a.</i>  | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? <i>The proposed project site is not located with one-quarter mile of a school. Additionally, see 7.a.</i>  | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <i>The MEIR and SEIR anticipate the potential presence of subsurface contamination in Centre City and include mitigation measures that require the applicant to research the presence of onsite hazardous materials contamination and implement a remediation plan, if necessary. The SEIR has identified several locations within the proposed project site which contain and/or use hazardous materials, including underground storage tanks; gas and electric operations; motor vehicle repair facilities; a bus yard; and a burn and ash fill. Additionally, the project site is adjacent to the major rail lines of BNSF. Implementation of MEIR/SEIR Mitigation Measures 5.1-1, 5.1-2, 5.1-3, 5.1-5, 5.1-6, and 5.2-3 through 5.2-11 (see Table A) will reduce impacts associated with this issue to a level less than significant.</i> | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                    | <input type="checkbox"/>     | <input type="checkbox"/>            |
| e) For a project located within an airport land use plan or, where such a plan has not been  | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

| Issues and Supporting Information  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
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| adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? <i>The proposed Ballpark Village project site is not located within the boundaries of the Comprehensive Land Use Plan (CLUP) for Lindbergh Field or within the Airport Approach Overlay Zone. Therefore, no impact associated with this issue will occur.</i>                                   |                                      |  |                                    |                                     |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? <i>No private airstrips are located near the site. Therefore, no impact associated with this issue could occur.</i>  | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? <i>The proposed Ballpark Village development will not require alteration of an emergency response or evacuation plan. Therefore, no impact associated with this issue will occur.</i>  | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? <i>The proposed project will be located in an urban area with no open fields containing substantial areas of brush and/or grass. There would be no risk from wildland fires and, therefore no impact associated with this issue will occur.</i> | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| 8. HYDROLOGY AND WATER QUALITY -<br>Would the project:   |                                      |  |                                    |                                     |
| a) Violate any water quality standards or waste discharge requirements? <i>The MEIR and SEIR conclude that the quality of stormwater and urban runoff would not significantly change as a result of implementation of the Community Plan because the proposed land use changes would not result in a substantial modification</i>  | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                                | <input type="checkbox"/>           | <input type="checkbox"/>            |

| Issues and Supporting Information  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
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| <p><i>to the character of the drainage basin. In addition, the Redevelopment Agency and project applicants are required to implement stormwater runoff control measures (both structural and nonstructural) in compliance with regulatory requirements.</i></p> <p><i>However, construction activities could potentially have significant short-term impacts on water quality. Implementation of MEIR/SEIR Mitigation Measure 6.2-1 (see Table A) will reduce short-term construction impacts to a level less than significant.</i></p>  |                                |  |                                     |                                     |
| <p>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). Domestic water is delivered to Centre City by several pipelines from outlying reservoirs located in the County. Therefore, the proposed project is not anticipated to deplete groundwater supplies.</p> <p><i>Further, the project site is currently covered with impervious surfaces. Implementation of the proposed project will result in impervious surfaces similar to those which exist on-site. As a result, the proposed project will not change the historical groundwater recharge levels on-site. Therefore, no impact associated with groundwater supply or recharge is anticipated to occur.</i></p> | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or offsite? As stated in 6b, the project site is currently covered by impervious surfaces and implementation of the proposed project will also cover most of the site with impervious</p>  | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

| Issues and Supporting Information  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact                        |
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| <i>surfaces. During site preparation, excavation, and construction, the potential for increased erosion and siltation will occur; however, grading permit requirements will reduce potential erosion impacts therefore any impact is considered less than significant.</i>   |                                      |  |                                     |                                     |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite? <i>The project site is currently developed and covered by impervious surfaces. The proposed project would also cover most of the site with impervious surfaces; therefore, the proposed development would not result in a substantial change to the drainage pattern or rate or amount of surface runoff. The impact associated with this issue is considered less than significant.</i>   | <input type="checkbox"/>             | <input type="checkbox"/>   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? <i>The project site is currently covered by impervious surfaces, including surface parking lots. The proposed project would cover most of the site with impervious surfaces; however, the existing surface parking lots, which are a potential source of polluted runoff, are to be removed as parking for the proposed project will be provided underground. Therefore, there would be no substantial change in the amount of impervious surfaces on-site that would consequently increase the runoff volume or pollutant concentration contributed by the site. Therefore, the storm drain system serving the site would not be impacted. Impacts associated with these issues are considered to be less than significant.</i> | <input type="checkbox"/>             | <input type="checkbox"/>   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Otherwise substantially degrade water quality? <i>See 8.a and 8.e.</i>  | <input type="checkbox"/>             | <input type="checkbox"/>   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Place housing within a 100-year flood hazard  | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |



| Issues and Supporting Information   | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact                        |
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| area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? <i>Centre City is not within a 100-year floodplain or near a dam or levee. Therefore, no impact associated with this issue will occur.</i>   |                                      |  |                                     |                                     |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? <i>See 8.f.</i>   | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <i>See 8.f.</i>  | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? <i>The MEIR and SEIR conclude that the potential risk associated with seiches or tsunamis is less than significant due to the low probability of occurrence of these events in Centre City. Additionally, the project site is not located near a source for major mudflow. Therefore, the impact associated with this issue is considered less than significant.</i>  | <input type="checkbox"/>             | <input type="checkbox"/>   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 9. LAND USE AND PLANNING - Would the project:   |                                      |  |                                     |                                     |
| a) Physically divide an established community? <i>The proposed Ballpark Village development is consistent with the planned uses for the site and the Sports/Entertainment District as prescribed in the Centre City Community Plan. Additionally, the proposed mixed-use project is similar to the existing development in the Sports/Entertainment District. The project would not disrupt or divide the community; therefore, no significant impact associated with this issue would occur.</i> | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation or an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? <i>The proposed project site is within the</i>  | <input type="checkbox"/>             | <input type="checkbox"/>   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

| Issues and Supporting Information  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact |
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| <p><i>Sports/Entertainment District under the Centre City Community Plan, which is intended to accommodate retail, commercial, residential, entertainment, office, hotel, and mixed-use development. The proposed Ballpark Village Master Plan permits only land uses that are compatible to those of the Community Plan and allowed by the PDO.</i></p> <p><i>In order to preserve adequate sun access to the adjacent Downtown Main Library courtyard, maximum building heights have been established in the Ballpark Village Master Plan. The maximum building heights increase to the south and therefore ensure that no adverse affect to sun access for the Library will occur.</i></p> <p><i>The maximum FAR for the Sports/Entertainment District is 6.5. However, since the Ballpark Project has an approximate FAR of only 2.6, there is an excess of approximately 3,093,123 GFA that can be transferred from the Ballpark site to other sites within the Sports/Entertainment District. The proposed project will use a maximum of 1,199,386 sf of transferred floor area. The maximum FAR for the two D parcels is 12.247 and 8.829 for the four C parcels for a project FAR of 10.372.</i></p> <p><i>Additionally, off-street parking spaces proposed by the Ballpark Village Master Plan exceed those required by the PDO. Although there is no set number of total parking spaces required by the Ballpark Village Master Plan, the minimum parking spaces required would conform to the following ratios: 1.5 spaces per market rate residential dwelling unit, one space per affordable housing unit, 1.5 spaces per 1,000 sf of leasable office space, 0.5 spaces per hotel room, two spaces per 1,000 sf of leasable retail space, and one motorcycle space for every 20 registered vehicle spaces. Onsite parking will be provided in above and below grade structures.</i></p> |                                      |  |                                    |              |

| Issues and Supporting Information  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
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| <i>The proposed project complies with the general goals and requirements of the Centre City Community Plan and the Centre City PDO; therefore, no significant impact associated with land use is anticipated.</i>  |                                      |  |                                    |                                     |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? <i>See 4.e.</i>  | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| 10. MINERAL RESOURCES - Would the project:   |                                      |  |                                    |                                     |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? <i>The MEIR and SEIR conclude that viable extraction of mineral resources is limited in Centre City due to its urbanized nature and the fact that the area is not designated as having high mineral resource potential. Therefore, no impact associated with this issue will occur.</i>   | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? <i>See 10.a.</i>   | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| 11. NOISE - Would the project result in:   |                                      |  |                                    |                                     |
| a) 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 or other agencies? <i>The proposed Ballpark Village residential, hotel, and office uses are considered sensitive receptors for noise. The MEIR and SEIR conclude that sensitive receptors in Centre City could potentially be affected by noise sources including traffic, rail, aircraft, and ballpark noise. In the case of the proposed Ballpark Village development, the project site is located outside of the noise contour lines for Lindbergh Field and therefore will not be significantly impacted by aircraft noise. However, the project site is adjacent to the ballpark, railroad tracks, and trolley tracks.</i> | <input checked="" type="checkbox"/>  | <input type="checkbox"/>   | <input type="checkbox"/>           | <input type="checkbox"/>            |

| Issues and Supporting Information   | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact |
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| <p><i>The MEIR found ambient noise levels (in the vicinity of the project site) from existing noise sources such as automobiles, trucks, buses, aircraft, freight and commuter trains, the trolley, and various industrial noise sources to be in excess of the City's 65 dBA CNEL standard.</i></p>  |                                      |  |                                    |              |
| <p><i>The SEIR indicates that portions of the proposed project site are within the ballpark's 60 dBA noise contour for ballgame noise. Additionally, the SEIR indicates that the proposed project will experience significant noise impacts during events at the ballpark and the Park at the Park resulting from public address announcements, cheering, amplified music, pedestrian activities, and post-game fireworks. All noise impacts associated with Ballpark events, with the exception of firework noise after 10:00 PM, will be mitigated to a level less than significant.</i></p>  |                                      |  |                                    |              |
| <p><i>The proposed Ballpark Village would also potentially be exposed to noise levels in excess of the City's 65 dBA CNEL standard due to the proximity to railroad activity to the south and east. According to the MEIR, at 100 feet from the centerline of the tracks, the Santa Fe Railroad (located to the south of the project) generates 65 dBA CNEL. Occasionally, the horn on train engines sounds during operation, generating 105 dBA (single event level) at 50 feet perpendicular to the track. Although noise from train horns would be considered a nuisance, it is not considered a significant noise hazard because it is intermittent. Therefore, no mitigation is required for train horn noise.</i></p> |                                      |  |                                    |              |
| <p><i>The MEIR and SEIR state that sensitive land uses within 50 feet of at-grade crossing bells for the trolley may be significantly impacted by bell noise. The trolley transfer station at Twelfth Avenue and Imperial Avenue utilizes at-grade crossing bells; however, the proposed project site which is located</i></p>  |                                      |  |                                    |              |

| Issues and Supporting Information  | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact |
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| <p><i>adjacent to trolley tracks, is more than 200 feet away from the crossing bells. Therefore, there will be no significant impact and no mitigation required for associated trolley noise.</i></p>  |                                      |  |                                    |              |
| <p><i>The CCDC PDO and Ballpark Village Master Plan have performance standards to ensure that, except for those specific uses approved by CCDC as part of the Development Permit Application for each individual parcel in Ballpark Village, no use, activity or process shall produce continual noise, vibrations, or noxious odors that are perceptible without instruments by the average person at the property lines of a parcel. Therefore, the Ballpark Village project would not generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards or other agencies.</i></p>   |                                      |  |                                    |              |
| <p><i>The construction phase of the project will require site preparation activities as well as construction of new structures. The proposed project is required to comply with the City of San Diego Municipal Code (Division 4, Section 59.5.0404, Subsection B), which prohibits construction activity that will cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 dBA during the 12-hour period from 7:00 a.m. to 7:00 p.m. Construction activities are not permitted outside of these hours. Because construction of the proposed project is required to comply with these regulations, the impact associated with construction noise is considered less than significant.</i></p> |                                      |  |                                    |              |
| <p><i>The proposed project could potentially be significantly impacted by noise from nearby train and trolley activities, ballpark noise, and a combination of existing noise sources such as automobiles, trucks, buses, aircraft, freight and commuter trains, the trolley, and various industrial noise sources. However implementation of Mitigation Measures 9.1-</i></p>   |                                      |  |                                    |              |

| Issues and Supporting Information  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact        | No Impact                |
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| <i>1, 9.1-2, 9.2-1, 9.2-2, and 9.2-3 (see Table A) will reduce these impacts, with the exception of firework noise after 10:00 PM, to a level less than significant. Therefore, this issue will remain significant and unmitigable due to noise from Ballpark fireworks occurring after 10:00 PM.</i>  |                                |  |                                     |                          |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? <i>The Ballpark Village Master Plan ensures that, except for those specific uses approved by CCDC as part of the Development Permit Application for each individual parcel in Ballpark Village, no use, activity or process shall produce continual noise, vibrations, or noxious odors that are perceptible without instruments by the average person at the property lines of a parcel. Therefore, a less than significant impact associated with this issue will occur.</i>         | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? <i>The proposed development of mixed-use buildings in an existing mixed-use, urban area will not result in a substantial, permanent increase in ambient noise levels. Additionally, increased traffic associated with the proposed development will result in an incremental, but not significant increase in noise. Therefore, a less than significant impact will occur.</i>  | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? <i>An increase in temporary noise levels will be experienced during the construction phase of the project. However, the proposed project is required to comply with the City of San Diego Municipal Code (Division 4, Section 59.5.0404, Subsection B), which prohibits construction activity that will cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 dBA during the 12-hour</i> | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| Issues and Supporting Information  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| <i>period from 7:00 a.m. to 7:00 p.m. Construction activities are not permitted outside of these hours. The impact associated with construction noise is considered less than significant.</i>   |                                |  |                                     |                                     |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? <i>The proposed project is located outside of noise contours for the airport; therefore, aircraft noise would not significantly impact the proposed project.</i>   | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? <i>The proposed project is not located within the vicinity of a private airstrip; therefore, no impact associated with this issue could occur.</i>  | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 12. POPULATION AND HOUSING- Would the project:   |                                |  |                                     |                                     |
| a) Induce substantial population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? <i>The proposed Ballpark Village mixed-use development is consistent in land use with the Community Plan. The proposed development will implement the transfer of a portion of available floor area from the Ballpark. However, the total Ballpark Village F.A.R will not exceed that assumed for the Sports/Entertainment District. As anticipated by the Community Plan, the proposed residential units will provide housing for planned population growth in Centre City. Population growth impacts would not exceed those anticipated in the MEIR. Therefore, no significant impact associated with this issue would occur.</i> | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of   | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

| Issues and Supporting Information   | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact             |
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| replacement housing elsewhere? <i>No existing housing is located on-site. The proposed project will offer a variety of new residential units. In addition, the Ballpark Village is not expected to displace any homeless people as the current sites are surface parking lots and do not provide shelter for homeless populations.</i>  |                                      |  |                                    |                          |
| <b>13. PUBLIC SERVICES:</b>   |                                      |  |                                    |                          |
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:   |                                      |  |                                    |                          |
| i) Fire protection? <i>The MEIR and SEIR conclude that the demand for fire and police protection services may increase as future development occurs in Centre City. Ballpark Village would not increase the level of demand for emergency services over that assumed by the MEIR/SEIR. Additional revenues from new development would provide revenue for service expansion. Implementation of the MEIR/SEIR Mitigation Measure 12.1-1 (see Table A) will reduce the impacts associated with the provision of new or physically altered governmental facilities to a level less than significant.</i> | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                                | <input type="checkbox"/>           | <input type="checkbox"/> |
| <i>In addition, the project(s) will be subject to the Development Impact Fees for fire protection which recently went into effect on April 1, 2005. They are as follows:</i>  |                                      |  |                                    |                          |
| <ul style="list-style-type: none"> <li><i>Residential - per unit: \$500</i></li> <li><i>Commercial - per sq. ft.: \$0.32</i></li> </ul>   |                                      |  |                                    |                          |
| <i>Implementation of these existing programs will help to mitigate potential impacts from new growth.</i>   |                                      |  |                                    |                          |



| Issues and Supporting Information  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact                |
|--|--------------------------------|--|------------------------------|--------------------------|
| ii) Police protection? <i>See 13.a.i.</i>  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                    | <input type="checkbox"/>     | <input type="checkbox"/> |
| iii) Schools? <i>The MEIR and SEIR discuss impacts to educational facilities. The proposed Ballpark Village project will incorporate up to approximately 1,500 new residential units. Since the proposed project is consistent in land use and density with the Community Plan, the impact on schools would not exceed the impact anticipated in the MEIR/SEIR. The applicant would be responsible for payment of development fees for schools. Payment of fees would reduce potential impacts to schools. Additional revenues for educational facilities would be available through implementation of the Redevelopment Project. Implementation of the MEIR Mitigation Measure 12.1-1 (see Table A) will reduce the potential impact to a level less than significant.</i>  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                    | <input type="checkbox"/>     | <input type="checkbox"/> |
| iv) Parks? <i>The MEIR and SEIR discuss impacts to open space and parks and conclude that additional revenues from new development would provide revenues for expansion of park facilities in accordance with the Community Plan. Implementation of the MEIR Mitigation Measure 12.1-1 (see Table A) will reduce the potential impacts associated with the provision of new or physically altered governmental facilities to a level less than significant.</i><br><i>In addition, the project(s) will be subject to the Development Impact Fees for parks which recently went into effect on April 1, 2005. They are as follows:</i> <ul style="list-style-type: none"> <li><i>Residential - per unit: \$3,470</i></li> <li><i>Commercial - per sq. ft.: \$1.70</i></li> </ul> <i>Implementation of this existing program will help to mitigate potential impacts to parks from new growth.</i> | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                    | <input type="checkbox"/>     | <input type="checkbox"/> |

| Issues and Supporting Information  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact                |
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| v) Other public facilities? <i>The MEIR and SEIR discuss impacts to other public facilities such as courts, jails, health services, social services, senior services, libraries, and maintenance of public facilities. The MEIR and SEIR also conclude that additional revenues from new development would provide revenues for expansion and/or improvement of any public facilities in accordance with the Community Plan. Implementation of the MEIR Mitigation Measure 12.1-1 (see Table A) will reduce the potential impacts associated with the provision of new or physically altered governmental facilities to a level less than significant.</i> | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                    | <input type="checkbox"/>     | <input type="checkbox"/> |

#### 14. RECREATION:

- |  |                          |                                     |                          |                          |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? <i>The proposed Ballpark Village project, residential portions in particular, will result in an increased usage of existing parks. However, the proposed project would not increase the level of demand for recreational facilities over that assumed by the MEIR. Additionally, the project does propose several sections of urban open space which would increase the amount of available areas to meet demands for recreational facilities. The MEIR also concludes that additional revenues from new development would provide revenues for expansion and/or improvement of public facilities in accordance with the Community Plan. Implementation of the MEIR Mitigation Measure 12.1-1 (see Table A) will reduce the potential impacts associated with the provision of new or physically altered recreational facilities to a level less than significant. In addition, further mitigation will occur from the implementation of Development Impact Fees for parks as</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

| Issues and Supporting Information   | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|---|--------------------------------------|--|------------------------------------|-------------------------------------|
| <i>discussed in Section 13(iv).</i>   |                                      |  |                                    |                                     |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? <i>The proposed Ballpark Village will provide new recreation areas on the podium-level of many of the new buildings. The inclusion of these areas is for use by residents and visitors of the project and would not create adverse environmental impacts beyond those analyzed for the project throughout this Initial/Secondary Study.</i>   | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| 15. TRANSPORTATION/TRAFFIC - Would the project:   |                                      |  |                                    |                                     |
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? <i>The Ballpark Village project will include a combination of retail, office, hotel, and residential uses and will generate a maximum of 16,500 total ADT (calculated cumulatively). The estimated trip generation associated with build-out of the Ballpark Village (maximum of 16,500 trips) will fall within the ADT cap established for the Ballpark District as a whole. The Ballpark Village project will therefore not result in a significant increase in traffic beyond that which was assumed in the MEIR or SEIR.</i> | <input checked="" type="checkbox"/>  | <input type="checkbox"/>   | <input type="checkbox"/>           | <input type="checkbox"/>            |
| <i>Because the proposed project will fall within the SEIR established ADT cap for the Ballpark District, no new and/or different impacts to the freeway segments, ramps, and surface-street intersections would occur with implementation of the proposed Ballpark Village project.</i>   |                                      |  |                                    |                                     |
| <i>Since the proposed project is consistent in land use and intensity with the Community Plan, vehicular trips associated with this project were anticipated by the MEIR and SEIR.</i>  |                                      |  |                                    |                                     |

| Issues and Supporting Information   | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <p><i>However, the MEIR/SEIR indicates that development in accordance with the Community Plan would result in significant cumulative impacts that could not be reduced to below a level of significance. Therefore, the proposed project would contribute incrementally to the cumulative degradation of the transportation / circulation conditions in Centre City including roadways carrying excess traffic volume and congestion at intersections. Implementation of the MEIR Mitigation Measures 13.1-1 and 13.1-4 (see Table A) as well as the transportation improvements/mitigation measures identified in Section IVB of the MEIR will reduce, but not fully mitigate, the project-level cumulative impacts within the Redevelopment Plan area. This impact will remain significant.</i></p>   |                                |  |                              |           |
| <p>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? <i>The MEIR/SEIR indicate that development in accordance with the Community Plan would result in significant cumulative impacts that can not be reduced to a level of less than significant. Therefore, the proposed project will contribute incrementally to the cumulative degradation of the transportation/circulation conditions in Centre City including roadways carrying excess traffic volume and congestion at intersections. Implementation of MEIR/SEIR mitigation measures 13.1-1 through 13.1-6 (see Table A) will reduce, but not fully mitigate, the cumulative impacts within the Redevelopment Plan area. Therefore impacts associated with this issue will remain significant.</i></p> | ■                              | □  | □                            | □         |
| <p>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? <i>The proposed Ballpark Village project will not affect air traffic patterns. Therefore no impact associated with this issue will occur.</i></p>  | □                              | □  | □                            | ■         |

| Issues and Supporting Information  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment?) <i>The proposed project will not change traffic circulation patterns or features, and would be a compatible use. No impact associated with this issue is expected to occur.</i>   | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? <i>The proposed project will not affect emergency access into the project site or adjacent properties. Therefore no impact associated with this issue will occur.</i>  | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity? <i>The MEIR/SEIR identifies potential significant impacts to parking during ballpark events. The SEIR reduces impacts on parking during events by defining a minimum number of parking spaces that must be available through the implementation of Mitigation Measure 13.2-12. Mitigation Measure 13.2-12 specifies that 2,283 dedicated parking spaces for ballpark events will need to be maintained. Currently, 2,116 dedicated spaces are provided at Tailgate Park (1,061 spaces), Padres Parkade (P1) (1,004 spaces), and the Ballpark (51 spaces). Elimination of the 959 spaces currently provided by surface parking lots at Parcels C and D leaves a shortfall of 267 dedicated parking spaces for ballpark events. The project proponent will be responsible for identifying the 267 additional parking spaces consistent with this requirement to maintain the 2,383 dedicated spaces at all times. In addition, Mitigation Measure 13.2-5 also discourages traffic through neighborhoods and institute parking controls in neighborhoods to reduce parking impacts on surrounding neighborhoods. The Ballpark Village Master Plan includes specific parking requirements which will assure that parking will be adequate.</i> | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle   | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

| Issues and Supporting Information   | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| racks)? <i>The proposed development is consistent with adopted land use plans and would not impact adopted plans or programs for alternative transportation. Therefore no significant impact will occur.</i>  |                                |  |                              |                                     |
| <b>16. UTILITIES AND SERVICES SYSTEMS -</b><br>Would the project:   |                                |  |                              |                                     |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? <i>In the City of San Diego, the City is responsible for meeting the wastewater treatment requirements of the Regional Water Quality Control Board. Therefore, issue 16.a is not applicable to the proposed Ballpark Village development.</i>   | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i>The MEIR and SEIR conclude that buildout of the Centre City Community Plan will create additional demand for wastewater collection and treatment systems, delivery, distribution and supply of potable water, stormwater collection and disposal, and solid waste disposal. Since the proposed project is consistent in land use and intensity with the Community Plan, the impact on utilities and service systems would not exceed the impact anticipated in the MEIR/SEIR. Impacts to utilities from buildout of the Community Plan will be mitigated to a level of less than significant by funding made available to the City of San Diego, such as Redevelopment Agency repayments, tax increment revenues, new sales tax revenues, transient occupancy tax revenues, user fees and installation charges. Implementation of MEIR/SEIR Mitigation Measure 12.1-2 (see Table A) will reduce this impact to a level less than significant.</i> | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                    | <input type="checkbox"/>     | <input type="checkbox"/>            |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental  | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

| Issues and Supporting Information   | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|---|--------------------------------------|--|------------------------------------|-------------------------------------|
| effects? <i>The MEIR and SEIR conclude that redevelopment of the Planning Area is not expected to substantially increase the volume of stormwater runoff. Therefore no significant impact associated with this issue is anticipated to occur and no mitigation is required.</i>   |                                      |  |                                    |                                     |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? <i>Water supply has been accounted for by the San Diego County Water Authority (SDCWA) in their 2000 Urban Water Management Plan (UWMP). The UWMP uses a modeling program to assess future water demand and utilizes demographic data and regional growth forecasts from SANDAG to calculate projected water demand. Table 5-1 in the UWMP presents the projected water demand and supply for the County through the year 2020 and shows sufficient supply to meet demand from 2005 through 2020. Based on this information, there is expected to be sufficient supply to meet the demands of the proposed Ballpark Village project since the development is accounted for in certified development plans. Therefore no impact will occur.</i> | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? <i>The SEIR concludes that wastewater infrastructure improvements for the Ballpark Project will also provide enough capacity to accommodate Ancillary Development Projects such as the Ballpark Village development. Further, additional revenues such as Redevelopment Agency repayments, tax increment revenues, new sales tax revenues, transient occupancy tax revenues, user fees and installation charges will be made available through implementation of the Redevelopment Project. Therefore, no impact associated</i>   | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

| Issues and Supporting Information  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <i>with this issue will occur.</i>   |                                |  |                              |           |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? <i>Ancillary Development Projects, including the Ballpark Village development, represent a major source of trash which will significantly impact the capacity and local access of the Miramar Landfill. Implementation of MEIR/SEIR Mitigation Measures 12.2-1, 12.2-2, and 12.1-3 (see Table A) will reduce this impact to the extent feasible; however, this impact is not fully mitigable. The proposed project will have a significant and unmitigated impact on solid waste.</i>   | ■                              | □  | □                            | □         |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? <i>See 16.f.</i>   | □                              | ■  | □                            | □         |
| 17. MANDATORY FINDINGS OF SIGNIFICANCE:  |                                |  |                              |           |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? <i>As indicated in the MEIR and SEIR, due to the highly urbanized nature of the downtown area, no sensitive plant or animal species, habitats, or wildlife migration corridors are located in the Centre City area. As discussed earlier, significant direct impacts associated with aesthetics, air quality, cultural and paleontological resources, light / glare, geology / soils, hazardous materials, noise, recreation, utilities and service systems, and public services, may occur. Direct impacts to these resources will be reduced to a level less than significant on a project-specific level through implementation of the applicable MEIR/SEIR mitigation</i> | □                              | ■  | □                            | □         |



| Issues and Supporting Information  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <i>measures identified in Table A.</i>   |                                |  |                              |           |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? As acknowledged in the Findings for the MEIR, the cumulative impacts of the proposed Centre City Redevelopment Project will be significant and not fully mitigable with respect to air quality, traffic, and solid waste disposal. Implementation of the mitigation measures identified in Table A will reduce these impacts to the level feasible; however, the impacts will remain significant. Since the proposed project is in substantial conformance with the Community Plan in land use and intensity, cumulative impacts would not be greater than those identified in the MEIR.                      | ■                              | □  | □                            | □         |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? As described earlier, the proposed project will result in significant impacts. However, these impacts will be no greater than those assumed in the MEIR. Implementation of the mitigation measures identified in the MEIR will mitigate many, but not all, of the significant impacts. As noted in 17.b, the proposed project will result in significant cumulative impacts related to air quality, traffic, and solid waste disposal. Significant direct impacts associated with implementation of the proposed project which include cultural and paleontological resources, geology/soils, air quality, hazardous materials, noise, light/glare, utilities and service systems, recreation, and public services will be mitigated to a level less than significant with incorporation of the project-specific | ■                              | □  | □                            | □         |

| Issues and Supporting Information                 | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact |
|---|--------------------------------------|--|------------------------------------|--------------|
| <i>mitigation measures identified in Table A.</i> |                                      |  |                                    |              |

## V. DISCUSSION OF ENVIRONMENTAL EVALUATION

No Potentially Significant Environmental Impacts were identified in the preceding environmental evaluation that were not considered in the MEIR/SEIR.

## **ATTACHMENT 2**

**ATTACHMENT 2**  
**Table A**  
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**for the**  
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| Mitigation Measure  | Implementation Time Frame   | Implementation Responsibility | Verification Responsibility |
|---|---|-------------------------------|-----------------------------|
| <p>1.3-1 Building elevations for each ancillary development shall be reviewed and approved by the CCDC Board of Directors to assure conformity with guidelines established in the Centre City PDO for the J Street Corridor and Sixth/Avenue Transition Zone as well as the following general design criteria:</p> <ul style="list-style-type: none"> <li>• Modulate facades with bays that recall traditional parcel and building dimensions;</li> <li>• Define bays by changes in the rhythmic pattern of openings, architectural features, materials, and colors;</li> <li>• Articulate major entrances, corners of buildings, and street corners;</li> <li>• Use transparent glass in eye-level entries and windows; and</li> <li>• Minimize the length of blank walls. Provide architectural detailing, ornamentation, or art work where blank walls cannot be avoided.</li> </ul> | <p>Prior to Development Permit (Design)<br/> Prior to Certificate of Occupancy (Implementation)</p>           | <p>Developer</p>              | <p>CCDC</p>                 |
| <p>2.1-1 Prepare and implement a Construction Management Plan which includes but is not necessarily limited to the following, as practical:</p> <ul style="list-style-type: none"> <li>• Minimize simultaneous operation of multiple construction equipment units;</li> <li>• Use low pollutant emitting equipment;</li> <li>• Use electrical construction equipment;</li> <li>• Use catalytic reduction for gasoline-powered equipment;</li> <li>• Use injection timing retard for diesel-powered equipment;</li> </ul>  | <p>Prior to Demolition or Grading Permit (Design)<br/> <br/> Ongoing during Construction (Implementation)</p> | <p>Developer</p>              | <p>CCDC</p>                 |

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|---|---|-------------------------------|-----------------------------|
| <ul style="list-style-type: none"> <li>Water the construction area to minimize fugitive dust; and</li> <li>Minimize idling time by construction vehicles.</li> </ul>  |   |                               |                             |
| 2.1-2 As part of the conditions of approval for certain activities (employers with 15 employees and developments of 25,000 sq. ft. or more), carpools, vanpools, staggered work hours, and the provision of bike storage facilities shall be encouraged through employer-sponsored participation and the implementation of the Centre City Parking Ordinance and the Centre City Transit Ordinance, as required by the City of San Diego.   | Ongoing during Operation                    | Developer                     | CCDC                        |
| 2.1-3 Any site remediation procedures shall comply with all applicable rules and regulations of appropriate regulatory agencies and any necessary permits shall be obtained by remediation contractors.   | Ongoing during Construction and Remediation | Developer                     | CCDC                        |
| 2.2-1 Air quality impacts from engine exhaust potentially occurring during construction would be mitigated through the use of the following techniques: <ol style="list-style-type: none"> <li>Alternative fueled construction equipment will be used where such equipment is readily available and appropriate for the collective tasks assigned to the particular equipment.</li> <li>The minimum practical engine size that is readily available and appropriate for the collective tasks assigned to the particular equipment shall be used.</li> </ol> | Ongoing during Construction                 | Developer                     | CCDC                        |

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| <p>3. Post-combustion controls shall be implemented for construction equipment as follows:</p> <ul style="list-style-type: none"> <li>a) Oxidation or three way catalysts shall be installed on all off-road construction equipment which will be onsite for longer than five working days.</li> <li>b) Diesel particulate filters (soot filters) shall be installed on all excavation and grading equipment and generators larger than 100 hp which will be on site for longer than five working days.</li> <li>c) When available, any off-road construction equipment purchased, or any equipment requiring an engine replacement, for use on the project site shall be equipped with a "Blue Sky" series engine.</li> <li>d) Notwithstanding the above requirements, the following equipment is excluded from the requirements for post-combustion controls: <ul style="list-style-type: none"> <li>• All cranes are excluded from the requirements for post-combustion controls. Practice has demonstrated that post-combustion controls are not effective since operating engine temperatures do not get hot enough for the post-combustion controls to work. In addition, there is a concern that</li> </ul> </li> </ul> |                           |                               |                             |

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| <p>such equipment could affect the engines operation thus creating a safety concern if the engine caused unstable operation while hoisting materials.</p> <ul style="list-style-type: none"> <li>• All on-road mobile sources including delivery and hauling equipment and equipment used to transport employees and visitors to and from the job-site.</li> <li>• All equipment which is deemed to be inappropriate for post combustion control retrofit by the post combustion control equipment vendor or the manufacturer of the equipment to be retrofitted due to 1) physical limitations caused by size, orientation or incompatibility of equipment parts, 2) reduction in the safe operation of the equipment to be retrofitted, or 3) little or no anticipated abatement of carbon monoxide, hydrocarbons or particulate in exhaust gas if retrofitted.</li> </ul> <p>4. Construction workers should be encouraged to carpool and eat lunch on site.</p> <p>5. Construction activities should use new technologies to control emissions, as they become readily available and feasible.</p> |                             |                               |                             |
| 3.1-2 A qualified archaeologist shall carefully monitor all excavation and grading activities while an activity is  | Ongoing during Construction | Developer                     | CCDC                        |

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|--|--|-------------------------------|-----------------------------|
| <p>underway. If resources are encountered in the course of ground disturbance, the archaeological monitor shall be empowered to halt grading and to initiate an archaeological testing program. Every effort shall be made to preserve in place any archaeological resource that is found after commencement of the activity. If preservation in place is infeasible, a data recovery testing program shall be prepared. This testing program shall include the recordation of artifacts, controlled removal of the materials, and assessment, (i.e., interpretation) of their importance under CEQA and local guidelines, and curation of a representative sample of recovered resources within a qualified curation facility. A testing report shall be deposited with the California Historical Resources Regional Information Center. All resources found to meet the definition of a unique archaeological resource as defined in Public Resources Code §21083.2 shall be treated in accordance with that Code section.</p> |  |                               |                             |
| <p>3.1-3 For areas identified in the 1992 MEIR as possessing a high potential for archaeological resources, the developer shall have a qualified archaeologist conduct an in-depth study of the particular block or portion thereof where the activity is located and carry out all mitigation measures identified in the study. This study shall include a detailed review of Sanborn fire insurance maps, a directory search, and, if warranted, limited testing of the zones within the area to be impacted. Mitigation of the activity also requires both obtaining cultural resources records searches and a review of aerial photographs.</p>  | <p>Prior to Demolition, Grading or Building Permit</p> | <p>Developer</p>              | <p>CCDC</p>                 |



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|--|--|-------------------------------|-----------------------------|
| Testing shall include removal of asphalt, backhoe excavation, limited controlled excavation, and a preliminary review of cultural materials recovered from the excavation. The testing data would be used to formulate a more specific mitigation plan. This plan, which would be activity-specific, may include data recovery excavation and monitoring if important resources are encountered. Data recovery may include relatively large-scale excavation, cataloging, analysis, and interpretation.  |  |                               |                             |
| 3.3-1 The City and Agency shall adopt advisory design criteria substantially in accordance with the design criteria set forth in Attachment 4 in Volume V of the Ballpark and Ancillary Development Projects SEIR to ensure the compatibility of new infill development within the Ancillary Development Projects Area with the character of the area including the Retained Buildings.  | Prior to Grading or Building Permit  | City/Developer                | CCDC                        |
| 4.1-1 As required by the City of San Diego, the proper geotechnical investigations for each individual development site shall be identified through consultation with the City Managing and Development Department. Following the proper geotechnical investigations, activity approvals shall be contingent on the suitability of the proposed land use to the risk zone of the proposed site. Effects of seismic shaking may be mitigated by adhering to the Uniform Building Code (UBC) or state-of-the-art seismic design parameters of the Engineering Association of California. | Prior to Grading or Building Permit (Design)<br><br>Prior to Certificate of Occupancy (Implementation) | Developer                     | City Manager                |
| 4.1-2 Site-specific groundwater investigations shall be  | Prior to Grading   | Developer                     | CCDC                        |

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|---|--|-------------------------------|-----------------------------|
| conducted in areas identified as problematic by the hazardous materials assessment in conformance with applicable regulations. Studies shall include groundwater level monitoring and aquifer characterization by aquifer testing. Dewatering near any plume of hydrocarbon contamination shall be kept to a minimum and of short duration to prevent potential movement of the plume.  | Permit (Investigation)<br>Ongoing during Construction<br>(Implementation)                  |                               |                             |
| 4.1-3 As required by applicable regulations, structures shall be designed to withstand hydrostatic pressures.   | Prior to Building Permit (Design)<br>Prior to Certificate of Occupancy<br>(Implementation) | Developer                     | CCDC                        |
| 5.1-1 Hazardous waste release sites within the Planning Area shall be delineated by the appropriate responsible party and remediated to the satisfaction of the designated lead agency. This may include preparation of a report such as a Phase I and Phase II Assessment.   | Prior to Demolition, Grading or Building Permit  | City/Developer                | City Manager                |
| 5.1-2 As required by appropriate governmental authorities, any contaminated or hazardous soil and/or water conditions of the site shall be removed and/or otherwise remedied by the developer if, and as, encountered during construction as provided by law and implementing rules and regulations. Such mitigation may include without limitation the following:<br><br>a) Remove (and dispose of) and/or treat any contaminated soil and/or water and/or building conditions on the site as necessary to comply with | Prior to Demolition, Grading or Building Permit  | City/Developer                | City Manager                |

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|--|---------------------------|-------------------------------|-----------------------------|
| <p>applicable governmental standards and requirements.</p> <p>b) Design and construct all improvements on the site in a manner which will assure protection of occupants and all improvements from any contamination, whether in vapor, particulate, or other form, and/or from the direct and indirect effects thereof.</p> <p>c) Prepare a site-safety plan, if required by any governmental entity, and submit it to such authorities for approval in connection with obtaining a building permit for the construction or improvements of the site. Such site safety plan shall assure workers and other visitors to the site of protection from any health and safety hazards during development and construction of the improvements. Such site safety plan shall include monitoring and appropriate protective action against vapors and particulates and/or the effect thereof.</p> <p>d) Obtain from the County of San Diego and/or California Regional Water Quality Control Board and/or any other authorities required by law any permits or other approvals required in connection with the removal and/or remedy of soil and/or water and/or building contamination, in connection with the development and construction on the site.</p> |                           |                               |                             |

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|--|---|-------------------------------|-----------------------------|
| <p>The developer agrees that the Agency, and its consultants and agents, shall have the right (but not the obligation) to enter upon the site at any time to monitor the excavation and construction on the site, to test the soils and/or water on the site, and to take such other actions as may be reasonably necessary.</p> <p>Some contaminated or hazardous soil and/or water conditions on the site may be addressed prior to construction, as in the manner described for mitigation measure 5.1-1. In addition, all significant identified releases of hazardous materials will be remedied to the satisfaction of the County DEH on a voluntary basis, pursuant to Health and Safety Code, Section 25264, whether or not such a remedy is legally required.</p> <p>Care will be taken to avoid the creation of nuisance conditions when contaminated soils are stockpiled. Precautions may include the use of coverings, water sprays or other coatings to minimize dusts, monitoring of site conditions on a frequent basis, and provisions for the community to promptly alert the CCDC to the need for action to correct any potential nuisance condition.</p> |   |                               |                             |
| <p>5.1-3 In conformance with applicable requirements, an assessment of the significance of underground storage tanks shall be conducted.</p> <p>First, on a site-specific basis, a review of underground tank information provided in the Hazardous Materials</p>  | <p>Prior to Demolition, Grading, or Building Permit</p> | <p>City/Developer</p>         | <p>City Manager</p>         |

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|---|---------------------------|-------------------------------|-----------------------------|
| <p>Contamination Technical Report shall be supplemented by a review of permits recorded at the City of San Diego Fire Department and other historic documents of the specific property to identify locations of underground hazardous materials storage structures. In addition, geophysical methods may be utilized to identify suspected locations of underground hazardous materials storage structures as oftentimes record searches will not indicate their presence.</p> <p>Second, permits to close (or operate if a tank is to remain in use) shall be obtained by the tank owner or operator. Closure permits for hazardous materials storage structures shall be filed if a tank will no longer be used. Requirements of the closure permit include the pumping and purging of the structure to eliminate all residual hazardous substances, the collection of confirmatory soil samples, and the proper disposal of the storage tank and any associated piping and dispensing equipment. Permits to operate underground hazardous materials storage tanks shall be obtained for those that will remain in operation in the Planning Area. If the tanks do not meet operation and construction requirements such as leak detection monitoring, and corrosion and overfill protection, the existing tanks shall be closed and replaced.</p> <p>Lastly, remediation of environmental contamination due to underground storage tanks shall be conducted as required by the local oversight agency.</p> |                           |                               |                             |

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|--|-----------------------------------|--------------------------------------|------------------------------------|
| 5.1-5 Specific measures for potential safety impacts shall be incorporated into the development design as part of the conditions of approval on an activity-specific basis. All activities shall comply with existing state and local health and safety regulations. | Prior to Certificate of Occupancy | Developer                            | CCDC                               |
| 5.1-6 Any buildings constructed above any areas of hydrocarbon shall, as necessary, include active or passive vapor barriers to prevent migration of toxic and explosive vapors into building foundations.   | Prior to Certificate of Occupancy | Developer                            | CCDC                               |
| 5.2-3 All remediation activities shall comply with the Master Workplan dated July 30, 1999.  | Ongoing during Remediation        | City/Developer                       | City Engineer                      |
| 5.2-4 Other than Retail at the Park, no petroleum hydrocarbon-bearing soil shall be reused in construction (as permitted in Section 5.2.3 of the Master Work Plan).  | Ongoing during Construction       | City/Developer                       | City Manager                       |
| 5.2-5 Remediation of hazardous substances performed or caused to be performed will not utilize on-site thermal desorption or any other form of on-site incineration.   | Ongoing during Remediation        | City/Developer                       | City Manager                       |
| 5.2-6 The Site Safety Manager will have the authority to stop work, if necessary, as a result of any serious nuisance impacts that may be related to remediation of known (or discovery of unknown) contamination.   | Ongoing during Remediation        | City/Developer                       | City Manager                       |
| 5.2-7 The Safety Manager will refer complaints to the appropriate oversight agency.  | Ongoing during Remediation        | City/Developer                       | City Manager                       |
| 5.2-8 No contaminated soils will be shipped to treatment facilities operated by licensees with adverse compliance histories.   | Ongoing during Remediation        | City/Developer                       | City Manager                       |
| 5.2-9 The City will prepare a flier (notice document) that will: <ul style="list-style-type: none"> <li>Describe the possible impacts that might result from the remediation effort;</li> </ul>  | Prior to Remediation              | City                                 | City Manager                       |

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| <ul style="list-style-type: none"> <li>Describe the safety plan for dealing with those impacts;</li> <li>Outline the schedule for proposed activities; and</li> <li>Provide a hotline number and a contact person for any member of the public with questions or complaints.</li> </ul> <p>The flier shall be distributed two weeks prior to the beginning of demolition by hand-delivery to all residences and businesses within the area bounded by Fourth Avenue, I-5, Commercial Street and Market Street. The flier shall also be distributed to the media and certain downtown resident groups and associations to be agreed upon by EHC and CCDC. The information will also be posted on the CCDC's web page. A community meeting shall be organized to describe and discuss the issues addressed in the flier prior to the onset of the remediation activities. The meeting time and place will be widely advertised.</p> |  |                               |                             |
| 5.2-10 A process for community complaints, including work cessation, additional monitoring and evaluation, and implementation of control equipment, as needed, shall be established. EHC will be given an opportunity to comment on the process for response to community complaints prior to the start of clean-ups. A log will be kept of all comments, questions or complaints received on the hotline or in the mail.   | Prior to Remediation (Design) Ongoing during Remediation | City/Developer                | City Manager                |
| 5.2-11 A monthly report will be prepared and distributed. The report will summarize comments or complaints which are  | Ongoing during Remediation                               | City/Developer                | City Manager                |

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| received in a generic form indicating the basis of the complaint, the date the complaint was received, and an identification of the source of the complaint (a resident individual, an organization, or a government entity). This report will be mailed to the EHC, as well as to any other appropriate organization. Copies of the comments, questions and complaints log will be provided to EHC upon request.   |   |                               |                             |
| 6.2-1 BMPs, included in the City of San Diego Stormwater and Urban Runoff Management program, shall be implemented as appropriate. These measures would include: public education programs along with the distribution of brochures, and storm drain stenciling or tiling. Covered solid waste recycling and disposal areas shall be maintained. The use of water to clean sidewalks and patio areas shall be minimized. Temporary erosion control measures (e.g., sand bags, detention basins, brow ditches and temporary landscaping) shall be implemented to control construction impacts on water quality. Polluted water encountered during construction dewatering would be discharged into the sanitary sewer. If onsite vehicle washing is conducted, wash water shall be collected and routed to the sanitary sewer. | Prior to Grading Permit (Design)<br>Ongoing during Construction (Implementation)            | City/Developer                | City Manager                |
| 8.1-1 Specific measures shall be incorporated into the development design as part of the conditions of approval. A lighting plan shall be required for all new activities that propose night lighting as part of their development. All lighting sources shall be directed downwards or otherwise shielded so as to keep all light  | Prior to Building Permit (Design)<br><br>Prior to Certificate of Occupancy (Implementation) | City/Developer                | City Manager                |



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| and glare confined within the development boundary unless the City (i.e., Agency) determines that additional lighting would have benefits to the general public in terms of added security.   |   |                               |                             |
| <p>8.3-1 A detailed lighting study shall be conducted for any building which could reflect ballpark field lights to assess the glare impacts from field light reflection off building facades onto surrounding roadways and intersections. Any mitigation measures identified in the lighting study shall be implemented before a certificate of occupancy for the ancillary development. Preparation of the lighting study and implementation of required attenuation of glare from ancillary development shall be the responsibility of the ancillary development proponent. The lighting study shall, at a minimum, include the following components:</p> <ul style="list-style-type: none"> <li>• Comprehensive field measurements of ambient light levels within the potentially impacted areas;</li> <li>• Calculate glare rating increase based on final lighting design and existing conditions which may limit the dispersal of light into the surrounding areas (e.g., topography and buildings);</li> <li>• Identify roadways and intersections where the glare rating would increase by more than 20%; and</li> <li>• Define appropriate light attenuation techniques at the reflective surface to reduce the glare increase to less than 20% over the pre-existing ambient condition.</li> </ul> | <p>Prior to Building Permit (Investigation)<br/> Prior to Certificate of Occupancy (Implementation)</p> | <p>City/Developer</p>         | <p>City Manager</p>         |
| <p>8.3-2 A detailed lighting study shall be conducted for any new</p>   | <p>Prior to Building</p>  | <p>Developer</p>              |                             |

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| development within the area depicted on Figure 5.6-1 of the SEIR to determine the anticipated light levels which may occur within light-sensitive areas exposed to light from ballpark activities. The study shall define light attenuation techniques (e.g., black-out curtains) which will reduce overall maximum spill light levels to 2.5 foot-candles. These measures shall be incorporated into the light-sensitive use areas.  | Permit (Design)<br>Prior to Certificate of Occupancy<br>(Implementation)                              |                               |                             |
| 9.1-1 As required by the City of San Diego Noise Ordinance and California Administrative Code Title 24, all proposed residential units, hotels, and motels exposed to an exterior noise level of 60 dBA CNEL or greater are required to have an interior noise acoustical analysis and implement appropriate mitigation measures to ensure the building design would limit interior noise to 45 dBA CNEL or below. Similar measures may be necessary to provide professional office and commercial business land uses with exterior and interior noise levels at or below 70 and 50 dBA CNEL, respectively. Site-specific acoustical analyses would be required to identify exact mitigation measures. Residential development within the 60 CNEL noise contour of Lindbergh Field will be required to do a site-specific noise study and implement appropriate mitigation measures to ensure that State and local exterior and interior noise standards are met. | Prior to Building Permit (Investigation)<br><br>Prior to Certificate of Occupancy<br>(Implementation) | City/Developer                | City Manager                |
| 9.1-2 Specific noise mitigation measures, as required by City Ordinances, shall be incorporated into the development design as part of the conditions of approval on an activity-specific basis. These measures   | Prior to Building Permit (Investigation)<br><br>Prior to Certificate of                               | Developer                     | City Manager                |

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| <p>may include the construction of attenuation walls and/or landscaped berms, the positioning of buildings so that outdoor open space areas are buffered from excessive noise sources, physical setbacks from noise sources, and building design measures to reduce interior noise levels. All activities shall comply with existing City noise ordinance.</p>  | <p>Occupancy (Implementation)</p>        |                               |                             |
| <p>9.2-1 A detailed acoustic study shall be conducted to confirm the predictions of the long-term noise levels at noise sensitive uses within a two-block radius of the ballpark, which have been made in this SEIR. The study shall be used to determine noise attenuation measures to achieve the following interior noise levels: hotels (35 dBA), residences (35 dBA) and theaters (40 dBA). Attenuation measures at the ballpark shall include, but not be limited to, distributed speakers for the public address system and limitations placed on sound levels associated with various activities. Measures taken, with property owner's consent, at receptor locations may include, but are not limited, to dual-pane windows, ventilation improvements, sound walls and improved ceiling and wall insulation. In determining noise attenuation measures, emphasis shall be placed on reducing noise impacts at the ballpark rather than the receiver.</p> <p>Necessary remedial measures shall be implemented, or otherwise assured to be implemented within one year to the satisfaction of the City Manager, before issuance of the certificate of occupancy for the ballpark.</p> | <p>Prior to Certificate of Occupancy</p> | <p>City/Padres</p>            | <p>City Manager</p>         |

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| Noise attenuation for designated historic resources shall be implemented consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.   |                             |                               |                             |
| 9.2-2 A maximum sound level of 95 dB $L_{eq}$ shall be maintained at the sound board for all concerts.   | Ongoing during Operation    | City/Padres                   | City Manager                |
| 9.2-3 Fireworks displays at baseball events shall be limited to the following: <ul style="list-style-type: none"> <li>• No more than three 30-minute and ten 10-minute pyrotechnic fireworks displays shall occur during a single baseball season;</li> <li>• Pyrotechnic fireworks displays may occur only on Opening Day, Closing Day, Friday and Saturday evenings, Memorial Day, Independence Day, Labor Day, One Mexican National Holiday, Playoff Games, World Series Games, and All-Star Games; and</li> <li>• Theatrical fireworks displays of no more than 30 seconds duration will be allowed following home-team victories and home runs at each baseball event.</li> </ul> | Ongoing during Operation    | City/Padres                   | City Manager                |
| 10.1-1 The developer shall retain a qualified paleontologist or paleontological monitor to monitor excavation activities when they would occur within an area rated moderate or high for paleontological resources. Monitoring is not required in moderate areas when the excavation would be less than 2,000 cubic yards and ten feet in depth. In areas with a high potential for paleontological resources, monitoring is not required when excavation would be less than 1,000 cubic yards and ten feet in   | Ongoing During Construction | Developer                     | CCDC                        |

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| <p>depth. Monitoring is not required in areas rated zero to low. If significant paleontological resources are observed, an appropriate mitigation program will be carried out. The developer shall certify that the required mitigation or monitoring personnel will be given adequate advance notice of the start of the subject activities and adequate coordination with the contractor will be guaranteed by the developer.</p> <p>When fossils are discovered, the paleontologist or paleontological monitor (an individual who has experience in the collection and salvage of fossil materials who works under the direction of a qualified paleontologist) shall recover them. In most cases, this fossil salvage can be completed in a short time. However, some fossil specimens may require extended salvage time. In these instances the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt excavation work to allow recovery of fossil remains in a timely manner.</p> <p>When monitoring is required a paleontologist or paleontological monitor shall be present onsite at all times during the original cutting of previously undisturbed sediments within the San Diego Formation which is known to have a high resource sensitivity, to inspect the excavation and spoils for the presence of fossil remains. A paleontologist or paleontological monitor shall be onsite at least half-time during the original cutting of previously undisturbed sediments in</p> |                           |                               |                             |

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| <p>the Bay Point Formation which is known to have a moderate resource sensitivity, except if a representative initial sample of the site reveals no significant fossil remains to the satisfaction of the paleontological monitor, then such monitoring may be terminated.</p> <p>Fossil remains collected during the monitoring and salvage portion of the mitigation program shall be cleaned, sorted, and catalogued, and then with the owner's permission, deposited in a scientific institution with paleontological collections.</p> <p>A final summary report shall be prepared outlining the methods followed and summarizing the result of the mitigation program. This report shall also include a list of the kinds of fossils recovered, and a summary of the stratigraphic context of all collecting localities. This report shall be submitted to the Redevelopment Agency, the San Diego Natural History Museum, and any scientific institution that received salvaged fossils from the activity.</p> |   |                               |                             |
| 11.2-1 An advisory group shall be formed to identify the specific physical impacts of homeless displacement caused by Proposed Activities on East Village and surrounding communities and work with identified representatives of local government agencies and social services representatives to develop and recommend remedies for those physical impacts. As outlined below, this group will have a continuous connection with the individuals and entities who can  | Within 30 days of Ballpark Grading Permit (Design)<br>Ongoing for Three Years after first Ballpark Event (Implementation) | City                          | City Manager                |

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| <p>implement remedies for the identified problems.</p> <p>The East Village Redevelopment Homeless Advisory Committee (the Committee) would be formed by the City Manager pursuant to San Diego City Charter section 43(b), as a "temporary" citizens' committee, consisting of representatives from the following groups:</p> <ul style="list-style-type: none"> <li>• Community groups representing Barrio Logan, Golden Hill, Hillcrest, North Park, and Sherman Heights;</li> <li>• East Village Association;</li> <li>• Gaslamp Quarter Association;</li> <li>• Downtown Partnership;</li> <li>• Social service agencies dealing with the homeless, as deemed appropriate by the City Manager;</li> <li>• CCDC;</li> <li>• City of San Diego;</li> <li>• San Diego Convention Center Corporation;</li> <li>• County of San Diego;</li> <li>• City of San Diego;</li> <li>• Regional Task Force on the Homeless;</li> <li>• San Diego Housing Commission; and</li> <li>• The San Diego Padres and their development partners.</li> </ul> <p>It will be formed within 30 days after the issuance of the first grading permit for the proposed ballpark, and will continue for a period of three years from the date of the first event at the ballpark. The Committee's activities will be coordinated by the City Manager's Office. The City's Homeless Coordinator and/or any other staff</p> |                           |                               |                             |

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| <p>designated by the City Manager will be the Program Manager for the Committee and liaison to the City Manager for conveying the recommendations from the Committee to the City. The Committee will set its own rules for operation, including the designation of officers or representatives of the Committee as a whole, a procedure for taking minutes and recording any votes or other business of the Committee, and any other rules — consistent with the law — that will help them function more efficiently and effectively. The Committee shall also decide how frequently it should meet.</p> <p>The Committee will be large enough to be inclusive, but small enough to be able to function effectively. Accordingly, any individual or entity that is already represented by one of these groups would not separately participate as a member of the Committee. This would not prevent an individual or entity from bringing an issue or problem to the Committee's attention, either through one of the member entities or through the City. If a group not identified on this list believes it should be included, it would be able to petition the City Manager for inclusion.</p> <p>The goals of each Committee meeting would include: a review and evaluation of the effectiveness of current methods for dealing with the physical impacts of homeless displacement in the surrounding neighborhood; identification of any additional problems and issues; and discussion and formation of solutions to recommend to the City Manager. It will be the City Manager's responsibility to present the Committee's</p> |                           |                               |                             |



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| <p>recommendations to the City Council. The City Council will be responsible for allocating funds to implement those recommendations that are adopted by the City Council</p> <p>At each meeting of the Committee, the Program Manager shall report on the status of specific complaints and issues, and shall receive any new complaints or issues raised by members of the Committee. On an annual or semi-annual basis, the Committee shall report to the City and CCDC on the operations of the Committee and its effectiveness in responding to the physical impacts of homeless displacement in the East Village and surrounding communities.</p> <p>Within 90 days of the start of grading under the ballpark grading permit, the Committee shall submit a report to the Public Safety and Neighborhood Services Committee of the City Council regarding the physical impacts of construction on homeless migration into surrounding neighborhoods and make recommendations for addressing those problems which may include but not be limited to expansion of the HOT Team or expansion of the area targeted by the HOT Team. A second report shall be submitted within 90 days after the first ballpark event to assess any continuing impacts of development and operations of the Ballpark and Ancillary Development Projects on the homeless and make recommendations for addressing any problems identified in the study. Additional reports would be prepared, as impacts are identified.</p> |                           |                               |                             |

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| <p>The Committee shall continue in existence for a term of three years after the first ballpark event. At the end of the Committee's term, the Committee may be dissolved or, at the option of the City and CCDC, be continued for a specified temporary time period in order to meet the Committee's objectives of identifying physical impacts of homeless displacement.</p> <p>Independent funding of this committee would not help implement measures because any such measures such as increased lighting, HOT Team expansion would still have to go through City processes (increased lighting, HOT Team expansion) and can not be unilaterally implemented by a citizens' group.</p>   |                           |                               |                             |
| <p>11.2-2 The operation of the HOT Team shall be expanded in the fields of social service or law enforcement, or otherwise modified, to meet identified needs in the surrounding communities. The East Village Redevelopment Homeless Advisory Committee will make suggestions to the HOT Team about how the HOT Team can use its resources to address the homeless displacement issues arising from the proposed ballpark and ancillary redevelopment activities. No changes, however, will actually be implemented until the City evaluates the needs and identifies any areas of operation that should be modified or expanded. The exact scope of the Homeless Outreach Team operations shall be determined by the City based on recommendations from the East Village Redevelopment Homeless Advisory Committee. Currently, the HOT Team does not respond to specific complaints of crimes or problems caused by</p> | As Needed                 | City                          | City Manager                |

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| homeless persons; regular San Diego Police Department patrols are dispatched when a citizen calls to report an incident. This practice will continue. The HOT Team is a proactive unit composed of professionals from various disciplines who meet, as needed, to evaluate larger problems and develop and implement long-term solutions. For example, if a particular location becomes increasingly attractive to large numbers of homeless persons, the HOT Team, in conjunction with patrol officers, will use its resources to identify the cause of the attraction and respond as appropriate.  |                           |                               |                             |
| 12.1-1 Potential impacts to police and fire protection services, gas and electric, parks, public restrooms, libraries, courts and jails, health and social services, senior services, and educational facilities/services would be mitigated by funding available to the City of San Diego through implementation of the proposed Redevelopment Plan, repayment of debt by the Agency to the City, and new sales tax and transient occupancy tax (TOT) revenues generated by new increased development within the Planning Area. The City of San Diego will also receive property tax revenues generated by the Centre City Redevelopment Project pursuant to Section 33676 of the Health and Safety Code. | Ongoing during Operation  | City                          | City Manager                |
| 12.1-2 Potential impacts to delivery of potable water, water distribution and supply, stormwater collection and disposal, solid waste disposal, wastewater collection systems and treatment systems would be mitigated by funding available to the City of San Diego through   | Ongoing during Operation  | City                          | City Manager                |

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| implementation of the proposed Redevelopment Plan, repayment of debt by the Agency to the City, and new sales tax and transient occupancy tax (TOT) revenues generated by new increased property development within the Planning Area. The City of San Diego will also receive property tax revenues generated by the Centre City Redevelopment Project pursuant to Section 33676 of the Health and Safety Code.                          |                                   |                               |                             |
| 12.1-3 As required by the City of San Diego, developers shall provide areas in which to store recyclable materials. The Agency shall also encourage the City of San Diego Waste Management Department to increase its promotion of effective recycling programs in the Planning Area.   | Prior to Certificate of Occupancy | Developer                     | City Manager                |
| 12.2-1 A waste management plan would be implemented to reduce waste transported to local landfills. Components shall include but not be limited to: <ul style="list-style-type: none"> <li>• Type of materials expected to enter the waste stream;</li> <li>• Quantity of materials;</li> <li>• Source reduction techniques to be used;</li> <li>• Recycling and/or composting programs; and</li> <li>• Buy-recycled programs.</li> </ul> | Prior to Certificate of Occupancy | Padres                        | City Manager                |
| 12.2-2 Improvements will be made to the Miramar Landfill entrance facility, if access to the facility becomes inadequate, consistent with the City's <i>Guide to Mitigating Impacts to Solid Waste Services</i> .   | Ongoing during Operation          | City                          | City Manager                |
| 13.1-1 A 60 percent transit split goal for work trips into the  | Prior to Year 2025                | City/MTDB                     | City Manager                |

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| downtown area shall be implemented by the year 2025.  |   |                               |                             |
| 13.1-2 Roadway improvements identified in Table 5.2-13 of the Ballpark and Ancillary Development Projects SEIR shall be implemented on an as-needed basis. An evaluation to determine the timing for these roadway improvements shall be conducted annually, with the first evaluation completed before the first ballpark event.   | Prior to December 31 of each year   | City                          | City Engineer               |
| 13.1-3 Plan-wide roadway improvements shall be completed when needed, based on the annual evaluation roadway evaluation.  | Within One Year of Identified Need  | City                          | City Engineer               |
| 13.1-4 Bicycle routes shall be evaluated annually and re-routed from key traffic arteries and onto minor streets, as necessary, to maintain adequate traffic flow.  | Prior to December 31 of Each Year   | City                          | City Engineer               |
| <p>13.1-5 Caltrans, SANDAG and the City of San Diego shall prepare a Freeway Deficiency Plan which identifies both near-term and long-term capacity improvements and programs improve the freeway system serving Centre City.</p> <p>Possible improvements may include:</p> <ul style="list-style-type: none"> <li>Enhanced alternate mode service and facilities (e.g., trolley, express bus, bicycle, and pedestrian);</li> <li>Enhanced Transportation Demand Management (TDM) measures to reduce peak hour congestion, such as carpooling, vanpooling, parking restrictions, staggered work hours, and telecommuting;</li> <li>Increased carrying capacity on 1-5, SR-94, and I-15;</li> <li>Improved/reconfigured freeway onramps and</li> </ul> | Prior to Certificate of Occupancy for Ballpark and/or First Ancillary Development | City/Caltrans/SANDAG          | City Manager                |

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| offramps; and <ul style="list-style-type: none"> <li>Modifying peak hour flow rates at freeway ramp meters, in conjunction with increased mainline capacity, to maximize egress from surface streets connecting to freeway onramps.</li> </ul>  |                                   |                               |                             |
| 13.1-6 Improvements and programs identified in the Freeway Deficiency Plan shall be carried out in accordance with the implementation program included as part of the Plan.   | As Needed                         | City/Caltrans/SANDAG          | City Manager                |
| 13.2-5 An Event Transportation Management Plan (ETMP) shall be developed and implemented by the City of San Diego working with the community, the San Diego Padres, and affected government agencies. The ETMP shall include the elements contained in Attachment 1 in Volume V of the Ballpark and Ancillary Development Projects SEIR, including: <ul style="list-style-type: none"> <li>Neighborhood Traffic Control;</li> <li>Permanent Traffic Control;</li> <li>Event Traffic Control;</li> <li>Ramp metering after a ballpark event;</li> <li>Parking Management;</li> <li>Police Control/Traffic Enforcement;</li> <li>Incident Management Plans/Procedures;</li> <li>Pedestrian/Bicycle Management;</li> <li>Pedicab/Taxi Management;</li> <li>Transit Management; and</li> <li>Public Information Program.</li> </ul> To avoid potential conflicts between ballpark and | Prior to Certificate of Occupancy | City/Padres                   | City Manager                |

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| Convention Center traffic, during concurrent events, the Event Transportation Management Plan will include provisions to use traffic control officers to restrict post-ballpark event access to Harbor Drive via Park Boulevard by closing southbound Park Boulevard at the ballpark access road; Convention Center traffic would continue to be able to access Park Boulevard and Imperial Avenue from Harbor Drive. |                                    |                               |                             |
| 13.2-12 In addition to the 2,383 dedicated parking spaces included with the ballpark*, 5,500 additional dedicated ballpark parking spaces shall be provided at Qualcomm Stadium for ballpark events, prior to the first ballpark event.   | Prior to the first ballpark event. | City/Developer                | City Manager                |

\*The additional 2,383 dedicated parking spaces included with the ballpark, as discussed in the SEIR, are defined as those within a 20-minute travel time of the ballpark measures in walking time or in combined walking/Trolley ride time. The project proponent will be responsible for identifying the 267 additional parking spaces consistent with this requirement to maintain the 2,383 dedicated spaces at all times.

## **ATTACHMENT 3**





Before



After

Source: Joe Cordale, 2005

View Looking South  
From 12th Avenue and Island Avenue  
August 2005



Before



After

Source: Joe Cordelle, 2005.

View Looking South  
From A Street and 10th Avenue  
August 2005





Before



After

Source: Joe Cordelle, 2005.

View Looking South  
From A Street and 9th Avenue  
August 2005



Before



After

Source: Joe Cordelle, 2005.

View Looking South  
From Broadway and 10th Avenue  
August 2005





Before



After

Source: Joe Cordelle, 2005.

View Looking South  
From Broadway and 9th Avenue  
August 2005



Before



After

Source: Joe Cordelle, 2005.

View Looking South  
From C Street and 10th Avenue  
August 2005





Before



After

Source: Joe Cordelle, 2005.

View Looking South  
From C Street and 9th Avenue  
August 2005



Before



After

Source: Joe Cordelle, 2005.

View Looking Southwest  
From Park Boulevard and 11th Avenue  
August 2005



## **ATTACHMENT 4**

# Memo

Albuquerque  
Arlington  
Colorado Springs  
Denver  
El Paso  
Fort Worth  
Houston  
Kansas City  
Las CrucesLenexa  
Los Angeles  
Omaha  
Panama City, Pma.  
Phoenix  
Rio Rancho  
Salina  
San Bernardino  
San Diego

**Date:** April 21, 2005

**To:** John Bridges, P&D Consultants,  
Jennifer Guigliano, P&D Consultants

**From:** Mark Peterson, Wilson & Company

**Subject:** Ballpark and Ancillary Developments SEIR Addendum; Ballpark Village  
Transportation, Access, and Circulation Assessment

This memorandum documents the Transportation, Access, and Circulation assessment of the proposed Ballpark Village project to be located within the downtown's Sports and Entertainment District. The proposed project was previously analyzed as an "ancillary development" in the Ballpark and Ancillary Developments Projects SEIR prepared in 1999. As an Addendum to the SEIR, the objective of this assessment is to conduct the necessary secondary analyses to focus on any changes in circumstances or any new information of substantial importance that would change or modify key conclusions and/or mitigation measures contained within the previous SEIR.

## 1.0 Project Trip Generation

The Ballpark Village project will be located directly east of Park Boulevard and the Ballpark on Parcels C and D. Parcel C is located north of Imperial Avenue and Parcel D is located south of Imperial Avenue. The Ballpark Village Master Plan indicates that the project will include a combination of retail, office, hotel, and residential uses.

**Table 1** provides a trip generation estimate for the proposed Ballpark Village project based upon an assumed level of development that would result in the maximum number of project trips (ADTs). As shown, the project will generate a maximum of 16,500 total daily trips.

Table 1  
Ballpark Village Trip Generation

| Land Use           | Units      | Trip Rate         | ADT           |
|--------------------|------------|-------------------|---------------|
| Retail             | 150,000 sf | 18 / 1000 sf      | 2,700         |
| Office             | 500,000 sf | (1)               | 4,617         |
| Housing            | 1,500 du   | 4 / dwelling unit | 6,00          |
| Health Club        | 50,000 sf  | 15 / 1000 sf      | 750           |
| Hotel              | 304 rm     | 8 / Room          | 2,433         |
| <b>Block Total</b> |            |                   | <b>16,500</b> |

(1) = Office Trip Generation Rate =  $.81\ln(T) = .756\ln(x) + 3.95$

## 2.0 Project Consistency with Ballpark District ADT Cap

The Ballpark and Ancillary Developments SEIR established a maximum trip generation of 55,128 ADT for all development projects within the Ballpark District. **Table 2** displays a current summary of trip generation for all completed projects, projects currently under and/or pending construction, as well as projects under review within the Ballpark District.

**Table 2**  
**Ballpark District Daily Trip Generation Summary**

|   | Project             | Land Use     | Units        | Trip Rate  | ADT           |
|---|---------------------|--------------|--------------|------------|---------------|
| <b>Projects Completed in 2004</b>                                   | Ballpark            | Ballpark     | N/A          | N/A        | N/A           |
|   | D1/D2 Parking Lot   | Parking Lot  | 443 SPACES   | N/A        | N/A           |
|   | Omni                | Hotel        | 512 RMS      | 8/Room     | 4,096         |
|   | Omni                | Condominiums | 32 DU        | 4/DU       | 128           |
|   | Padres Parkade      | Parking Lot  | 1,000 SPACES | N/A        | N/A           |
|   | Padres Parkade      | Retail       | 3,000 SF     | 18/1000 SF | 54            |
|   | Parcel C            | Parking Lot  | 500 SPACES   | N/A        | N/A           |
|   | Sixth and K Parkade | Parking Lot  | 1,000 SPACES | N/A        | N/A           |
|   | Sixth and K Parkade | Retail       | 15,000 SF    | 18/1000 SF | 270           |
|   | Tailgate Park       | Parking Lot  | 1,060 SPACES | N/A        | N/A           |
| <b>Subtotal</b>   |                     |              |              |            | <b>4,548</b>  |
| <b>Projects Under Construction</b>                                  | Diamond Terrace     | Condominiums | 113 DU       | 4/DU       | 452           |
|   | Diamond Terrace     | Retail       | 11,000 SF    | 18/1000 SF | 198           |
|   | Fahrenheit          | Condominiums | 77 DU        | 4/DU       | 308           |
|   | Hotel Solamar       | Hotel        | 235 RMS      | 8/ROOM     | 1,880         |
|   | Hotel Solamar       | Retail       | 7,000 SF     | 18/1000 SF | 126           |
|   | Icon                | Condominiums | 325 DU       | 4/DU       | 1,300         |
|   | Icon                | Retail       | 16,000 SF    | 18/1000 SF | 288           |
|   | Metrome             | Condominiums | 184 DU       | 4/DU       | 736           |
|   | Park Terrace        | Condominiums | 223 DU       | 4/DU       | 892           |
|   | Park Terrace        | Retail       | 25,000 SF    | 18/1000 SF | 450           |
| <b>Subtotal</b>   |                     |              |              |            | <b>6,630</b>  |
| <b>Projects Pending Construction (Development Permits Approved)</b> | The Legend          | Condominiums | 183 DU       | 4/DU       | 732           |
|   | The Legend          | Retail       | 31,000 DU    | 18/1000 SF | 558           |
|   | Main Library        | Library      | 400,000 SF   | 25/1000 SF | 10,000        |
|   | Palm Restaurant     | Retail       | 7,000 SF     | 18/1000 SF | 126           |
|   | Diamondview Tower   | Office       | 250,000 SF   | (1)        | 2,734         |
|   | Diamondview Tower   | Retail       | 75,000 SF    | 18/1000 SF | 1,350         |
|   | T.R. Produce        | Office       | 27,000 SF    | (1)        | 508           |
|   | T.R. Produce        | Retail       | 10,000 SF    | 18/1000 SF | 180           |
| <b>Subtotal</b>   |                     |              |              |            | <b>16,188</b> |
| <b>Projects Under Review (Development)</b>                          | Cosmopolitan Square | Condominiums | 239 DU       | 4/DU       | 956           |
|   | Cosmopolitan Square | Office       | 12,000 SF    | (1)        | 275           |
|   | Cosmopolitan Square | Retail       | 17,000 SF    | 18/1000 SF | 306           |
| <b>Subtotal</b>   |                     |              |              |            | <b>1,537</b>  |
| <b>TOTAL</b>  |                     |              |              |            | <b>28,903</b> |
| <b>District ADT CAP</b>   |                     |              |              |            | <b>55,128</b> |
| <b>Remaining ADT Balance</b>  |                     |              |              |            | <b>26,255</b> |

Source: Wilson & Co. March 29, 2005

(1) Office Trip Generation Rate =  $0.81[\ln(T)=0.756 \ln(x)+3.95]$

As shown, the ADT trip generation for all currently constructed and approved projects within the Ballpark District totals 28,903. This leaves a remaining ADT cap balance of 26,255 daily trips, which represents about 48% of the total.

Comparison of the estimated trip generation associated with build-out of the Ballpark Village (maximum of 16,500 trips) with the remaining available trips within the Ballpark District ADT cap, shows that the proposed project would fall within the District-wide ADT cap.

Implementation of the Ballpark Village project would leave 9,755 ADT available under the cap for future projects not currently planned or identified. CCDC has run simulated development scenarios for the remaining underdeveloped parcels within the Ballpark District and has determined that this remaining ADT capacity under the District-wide ADT cap (9,755) would be adequate for full development of the remaining parcels according to the zoning regulations.

**Table 3** provides an ADT summary of currently planned / constructed projects, the Ballpark Village project, and future parcels, relative to the ADT cap.

Table 3  
Ballpark District ADT Summary

| Project Type                    | ADT           |
|---------------------------------|---------------|
| Currently Planned / Constructed | 28,903        |
| Ballpark Village                | 16,500        |
| Future Projects                 | 9,755         |
| <b>Total District ADT Cap</b>   | <b>55,128</b> |

Source: Wilson & Co. March 29, 2005

In summary, the proposed Ballpark Village project will not cause development within the District to exceed the ADT cap established by the SEIR. A maximum ADT of 16,500 for the Ballpark Village project will therefore be consistent with the ADT cap for the Ballpark District, and would not result in any increase in traffic beyond that which was assumed in the Ballpark and Ancillary Developments SEIR.

### **3.0 Overview of Project Access and Circulation**

The Ballpark Village project will be a mixed-use development, incorporating a combination of residential, office, hotel, and retail land uses. As shown in the attached **Figure 1** from the Ballpark Village Master Plan, the project will include a number of new driveway entry/exit points along both Park Boulevard and Imperial Avenue. In addition, the project will take access from 12<sup>th</sup> Avenue along the eastern edge of Parcel C. This roadway is proposed as a “new” one-way southbound connection between K Street/Park Boulevard and Imperial Avenue. Subject to further review by the City of San Diego, the new southbound approach to the Imperial Avenue/12<sup>th</sup> Avenue intersection could either include both right- and left-turn movements to Imperial Avenue, or be restricted to right-turns only. The Imperial Avenue/11<sup>th</sup>

Avenue intersection will also be signalized and provide a key point of access to both Parcel C and Parcel D of the proposed project.

In addition, consistent with the Centre City Community Plan and the assumed roadway network in the Ballpark and Ancillary Developments SEIR, Imperial Avenue will be improved as a 4-lane Major arterial roadway, with a two-way left turn lane, between Park Boulevard and 19<sup>th</sup> Street.

Parcel D will include both retail and residential uses. The proposed Ballpark Village Master Plan includes the following project access features:

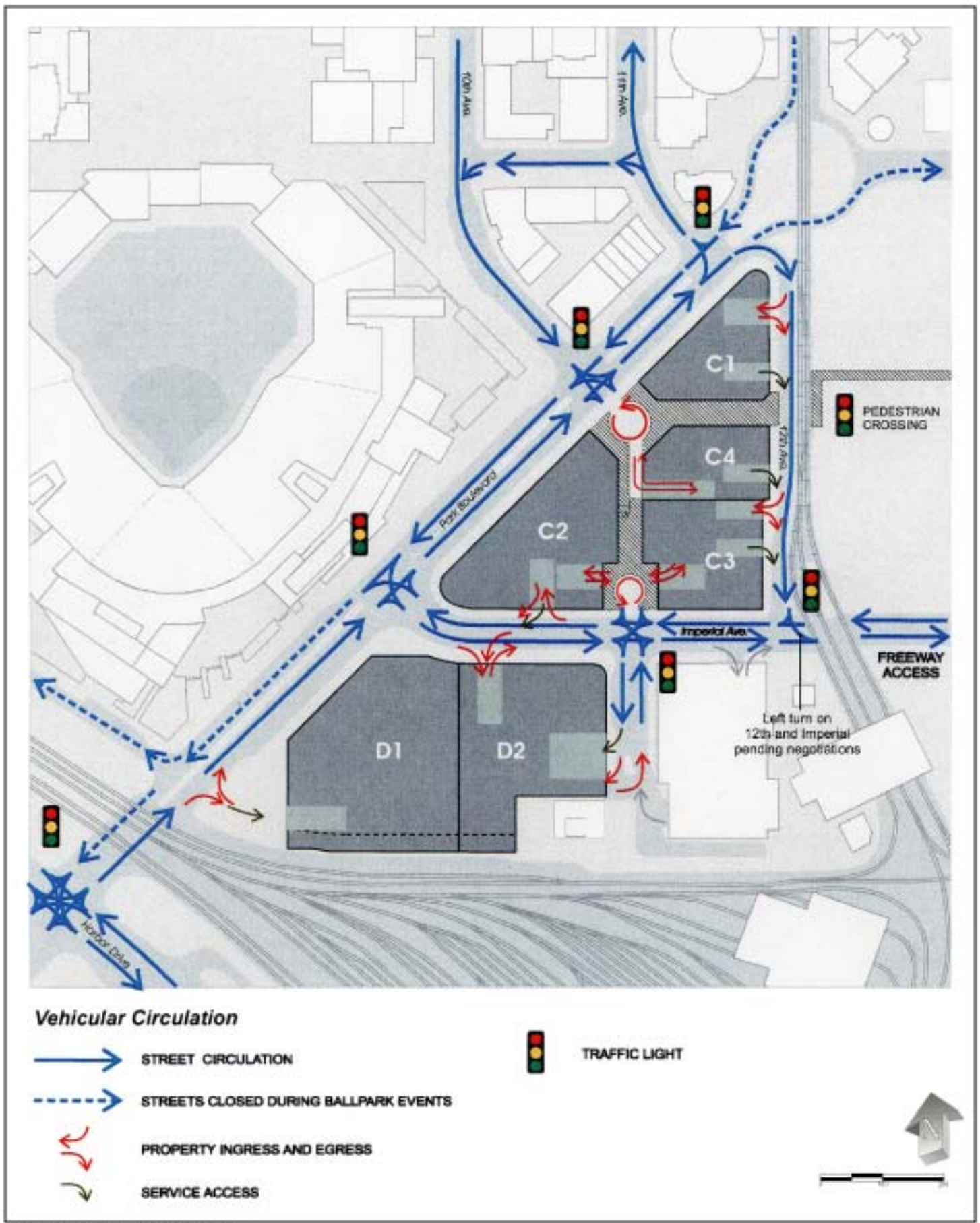
- Right-in/right-out driveway off of Park Boulevard, just north of Harbor Drive and the railroad tracks. This driveway will provide access to residential parking, as well as service access.
- Project driveway off of Imperial Avenue, east of Park Avenue. This driveway will provide access to parking for retail and residential land uses.
- Project driveway off of 11<sup>th</sup> Avenue, providing access to parking for retail and residential uses.

Parcel C will include residential, office, hotel, and retail land uses. The proposed Ballpark Village Master Plan includes the following project access features:

- Project driveway off of Park Boulevard (forms fourth leg of Park Boulevard/10<sup>th</sup> Avenue intersection). This driveway/intersection will provide principal access to the hotel.
- Right-in/right-out driveway off of Imperial Avenue, just east of Park Boulevard. This driveway will provide access to residential and retail land uses, as well as service access.

A total of five (5) project driveways off of 12<sup>th</sup> Avenue. These driveways will provide access to office and retail land uses, as well as service access.

It is assumed that all project driveways will be designed consistent with City of San Diego standards, and that further traffic engineering assessments will determine the required roadway and intersection lane geometry and signalization required to ensure acceptable levels of service.



#### **4.0 Project Consistency with SEIR Transportation, Circulation, Access and Parking Findings and Conclusions**

The following provides a further review of the proposed project relative to previous key findings of the Ballpark and Ancillary Developments SEIR relating to significant direct and cumulative impacts in the areas of transportation, circulation, access, and parking.

##### Significant Direct Impacts (Ballpark and Ancillary Development SEIR)

1. Traffic associated with the Ballpark and Ancillary Developments would result in significant impacts to freeway segments as well as freeway ramps.

The proposed project will fall within the SEIR established ADT cap for the Ballpark District. No new and/or different impacts to the freeway segments and ramps would occur with implementation of the proposed project.

2. Traffic associated with ballpark events would result in significant impacts to specific intersections in the downtown area. The proposed project will fall within the SEIR established ADT cap for the Ballpark District. No new and/or different impacts to intersections would occur with implementation of the proposed project. Within the project vicinity, the proposed project will identify the required lane geometry at the following intersections located immediately adjacent to the project to ensure acceptable traffic flow and resulting levels of service:

- Imperial Avenue/Park Boulevard
- Imperial Avenue/11<sup>th</sup> Ave
- Imperial Avenue/12<sup>th</sup> Ave
- Imperial Avenue/13<sup>th</sup> Ave

In addition, all driveways will be designed to ensure acceptable levels of service on the adjacent roadway segments.

3. Parking demand associated with ballpark events would exceed the available supply on weekday afternoons and weekend evenings.

The SEIR requires that all the Ancillary Development projects provide adequate parking to their project generated parking demands. Provision of adequate parking by the proposed project will ensure no additional unmet parking demands will result with development of the proposed project.

Consistent with the SEIR, CCDC has indicated that the project proponent/developer will need to continue to provide and account for 2,383 dedicated parking spaces for ballpark events. Development of the project will result in the loss of existing parking

spaces in the surface lots currently located on Parcels C and D a portion of which (estimated at 267 spaces) has counted toward the required 2,383 dedicated spaces. This will require that the project proponent be responsible for identifying 267 additional parking spaces within access to the Ballpark consistent with the SEIR provision to provide 2,383 dedicated parking spaces for Ballpark events.

4. Perceived shortage of available parking in the vicinity of the ballpark and its cost would result in event parking in surrounding residential neighborhoods resulting in competition for street parking and noise and litter associated with people walking through these neighborhoods.

The SEIR requires that all the Ancillary Development projects provide adequate parking to meet their project generated parking demands. Provision of adequate parking by the proposed project will ensure no additional unmet parking demands will result with development of the proposed project. No new or additional parking impacts would therefore occur in the surrounding residential neighborhoods with development of the proposed project.

5. Traffic on neighborhood streets would increase with the Ballpark.

The proposed project will fall within the SEIR established ADT cap for the Ballpark District. No new and/or different impacts to neighborhood streets would therefore occur with implementation of the proposed project.

6. Traffic on neighborhood streets would increase with Ancillary Development Projects.

The proposed project will fall within the SEIR established ADT cap for the Ballpark District. No new and/or different impacts to neighborhood streets would therefore occur with implementation of the proposed project.

7. Transit demand generated by ballpark events would exceed the capacity of the San Diego Trolley on specific lines.

The transit demands generated by the proposed project will be consistent with estimates developed for the Ballpark and Ancillary Developments SEIR. No additional transit demands resulting in additional Trolley lines capacity problems would occur with the proposed project.

8. Demand for parking along one of the trolley lines would exceed the overall supply in parking areas serving the trolley stations along the impacted line.



The proposed project will have no impact on the demand for parking along Trolley lines.

9. Pedestrian concentration around the ballpark during events would exceed the capacity of specific sidewalks and could conflict with trolley operations around the ballpark.

Development of the proposed project would not result in any further concentrations of pedestrian activity during ballpark events.

The proposed project will provide improved pedestrian facilities, including sidewalks along the Park Boulevard and Imperial Avenue project frontage, as well as pedestrian connections from Tailgate Park to the Ballpark. The existing (and only) mid-block signalized pedestrian crossing of the Trolley, just west of Tailgate Park, will be maintained and enhanced with implementation of the project. With the development of the proposed project, pedestrians accessing the Ballpark from Tailgate Park will also be required to cross 12<sup>th</sup> Avenue (a 2-lane southbound roadway). The project will include provisions, including proper signage, pedestrian refuge areas, and pedestrian signal phasing, to ensure that this mid-block Trolley/street crossing remains safe.

10. Potential conflicts with pedestrian, pedicabs and vehicular traffic.

The magnitude of pedestrian, pedicab, and vehicular traffic demands generated by the proposed project will be consistent with estimates developed for the Ballpark and Ancillary Developments SEIR. No additional conflicts would occur with development of the proposed project.

The proposed project will provide improved pedestrian facilities, including sidewalks along the Park Boulevard and Imperial Avenue project frontage, as well as pedestrian connections from Tailgate Park to the Ballpark. As such, development of the project would result in fewer pedestrian, pedicab, and vehicular conflicts than without the project.

In addition, the Event Transportation Management Plan (ETMP) prepared for the Ballpark provides a number of measures to ensure conflicts to not arise during Ballpark events. On-going refinements to the ETMP, based upon actual operating experiences, will further mitigate the potential conflicts.

#### Significant Cumulative Impacts (Ballpark and Ancillary Developments SEIR)

1. Traffic associated with the Ballpark and Ancillary Development Projects would result in significant cumulative impacts to freeway segments as well as freeway ramps.

The proposed project will fall within the SEIR established ADT cap for the Ballpark District. No new and/or different impacts to the freeway segments and ramps would occur with implementation of the proposed project.

2. Traffic associated with ballpark events would result in significant cumulative impacts to specific intersections in the downtown area.

The proposed project will fall within the SEIR established ADT cap for the Ballpark District. No new and/or different impacts to intersections would occur with implementation of the proposed project. Within the project vicinity, the proposed project will identify the required lane geometry at the following intersections located immediately adjacent to the project to ensure acceptable traffic flow and resulting levels of service:

- Imperial Avenue/Park Boulevard
- Imperial Avenue/11<sup>th</sup> Ave
- Imperial Avenue/12<sup>th</sup> Ave
- Imperial Avenue/13<sup>th</sup> Ave

In addition, all driveways will be designed to ensure acceptable levels of service on the adjacent roadway segments.

3. Traffic associated with ballpark events would have a significant cumulative impact on one neighborhood street.

The proposed project will have no impact on traffic associated with ballpark events.

4. Traffic associated with ancillary development would have a significant impact on neighborhood streets.

Traffic associated with the proposed project will fall within the SEIR established ADT cap for the Ballpark District. No new and/or different impacts to neighborhood streets would therefore occur with implementation of the proposed project.

5. Parking demand associated with ballpark events in combination with other parking demand would exceed the available supply on weekday afternoons and weekend evenings.

The SEIR requires that all the Ancillary Development projects provide adequate parking to meet their project generated demands. Provision of adequate parking by the proposed project will ensure no additional unmet parking demands will result with development of the proposed project.

Consistent with the SEIR, CCDC has indicated that the project proponent/developer will need to continue to provide and account for 2,383 dedicated parking spaces for ballpark events. Development of the project will result in the loss of existing parking spaces in the surface lots currently located on Parcels C and D a portion of which

(estimated at 267 spaces) has counted toward the required 2,383 dedicated spaces. This will require that the project proponent be responsible for identifying 267 additional parking spaces within access to the Ballpark consistent with the SEIR provision to provide 2,383 dedicated parking spaces for Ballpark events.

6. Transit demand generated by ballpark events would exceed the capacity of the local bus and trolley system on routes.

The transit demands generated by the proposed project will be consistent with estimates developed for the Ballpark and Ancillary Developments SEIR. No additional transit demands resulting in additional Trolley lines capacity problems would occur with the proposed project.

7. Potential conflicts with pedestrian, pedicab, and vehicular traffic would occur.

The magnitude of pedestrian, pedicab, and vehicular traffic demands generated by the proposed project will be consistent with estimates developed for the Ballpark and Ancillary Developments SEIR. No additional conflicts would occur with development of the proposed project.

The proposed project will provide improved pedestrian facilities, including sidewalks along the Park Boulevard and Imperial Avenue project frontage, as well as pedestrian connections from Tailgate Park to the Ballpark. As such, development of the project would result in fewer pedestrian, pedicab, and vehicular conflicts than without the project.

In addition, the Event Transportation Management Plan (ETMP) prepared for the Ballpark provides a number of measures to ensure conflicts to not arise during Ballpark events. On-going refinements to the ETMP, based upon actual operating experiences, will further mitigate the potential conflicts.

8. Pedestrian concentrations around the ballpark during events would exceed the capacity of specific sidewalks and could conflict with trolley operations around the ballpark.

Development of the proposed project will not result in any further concentrations of pedestrian activity during ballpark events.

The proposed project will provide improved pedestrian facilities, including sidewalks along the Park Boulevard and Imperial Avenue project frontage, as well as pedestrian connections from Tailgate Park to the Ballpark. The existing and only mid-block pedestrian crossing of the Trolley, just west of Tailgate Park will be maintained and enhanced with implementation of the project. With the development of the proposed project, pedestrians accessing the Ballpark from Tailgate Park will also be required to

cross 12<sup>th</sup> Avenue (a 2-lane southbound roadway). The project will include provisions, including proper signage, pedestrian refuge areas, and pedestrian signal phasing, to ensure that this mid-block Trolley/street crossing remains safe.

In addition, the Event Transportation Management Plan (ETMP) prepared for the Ballpark provides a number of measures to ensure conflicts to not arise during Ballpark events. On-going refinements to the ETMP, based upon actual operating experiences, will further mitigate the potential conflicts.

9. Demand for parking along one of the trolley lines would exceed the overall supply in parking areas serving the trolley stations along the impacted line.

The proposed project will have no impact on the demand for parking along Trolley lines.

## **5.0 Summary and Conclusions**

The following points summarize the analysis and key findings associated with transportation, circulation, and access elements of the Ballpark Village SEIR Addendum.

1. The Ballpark Village project will include a combination of retail, office, hotel, and residential uses and will generate a maximum of 16,500 total daily trips.
2. The ADT trip generation for all currently constructed and approved projects within the Ballpark District totals 28,903 leaving a remaining ADT cap balance of 26,255 daily trips, which represents about 48% of the total.
3. The estimated trip generation associated with build-out of the Ballpark Village (maximum of 16,500 trips) will fall within the ADT cap established for the Ballpark District as a whole. The Ballpark Village project would therefore not result in a significant increase in traffic beyond that which was assumed in the Ballpark and Ancillary Developments SEIR
4. Implementation of the Ballpark Village project would leave 9,755 ADT available for future projects not currently planned or identified. CCDC has run simulated development scenarios for the remaining underdeveloped parcels within the Ballpark District and has determined that this remaining ADT capacity would be adequate for full development of the remaining parcels according to the zoning regulations.
5. Because the proposed project will fall within the SEIR established ADT cap for the Ballpark District, no new and/or different impacts to the freeway segments, ramps, and surface-street intersections would occur with implementation of the proposed Ballpark Village project.

6. The proposed Ballpark Village project will include a number of roadway and circulation improvements for access to the site, including the extension of 12<sup>th</sup> Avenue along the eastern project boundary. All project driveways will be designed consistent with City of San Diego standards, and further traffic engineering assessments will determine the required roadway and intersection lane geometry and signalization required along Imperial Avenue, 12<sup>th</sup> Avenue, and Park Boulevard to ensure acceptable levels of service.
7. The transit, pedestrian, and pedicab demands generated by the proposed project will be consistent with estimates developed for the Ballpark and Ancillary Developments SEIR. No additional transit, pedestrian, and/or pedicab demands resulting in additional capacity problems and/or conflicts between modes would occur with the proposed project.
8. The proposed project will provide improved pedestrian facilities, including sidewalks along the Park Boulevard and Imperial Avenue project frontage, as well as pedestrian connections from Tailgate Park to the Ballpark. The existing (and only) mid-block pedestrian crossing of the Trolley, just west of Tailgate Park, will be maintained and enhanced with implementation of the project.
9. The SEIR requires that all the Ancillary Development projects provide adequate parking to meet their project generated demands. Provision of adequate parking by the proposed project will ensure no additional unmet parking demands will result with development of the proposed project.
10. CCDC has indicated that SEIR specified number of dedicated parking spaces (2,383) for ballpark events will need to be maintained, consistent with the SEIR. Development of the project will result in the loss of parking spaces in the surface lots currently located on Parcels C and D, a portion of which (estimated at 267 spaces) has counted toward the required 2,383 dedicated spaces. The project proponent will be responsible for identifying 267 additional parking spaces within access to the Ballpark, consistent with the SEIR provision to provide 2,383 dedicated parking spaces for Ballpark events.

## **ATTACHMENT 5**

## ATTACHMENT 5: RESPONSE TO COMMENTS

The attached responses have been prepared for comments received from various agencies, organizations, and public regarding the Draft Addendum for the proposed Ballpark Village ancillary development project. The responses to comments have not triggered any changes to the Final Addendum or the findings. The format of the responses is summarized below.

- The comment letters received were categorized according to commenter (SA, State Agency; LA, Local Agency; GP, General Public) and the comments were numbered sequentially within each letter. The letters with comment numbers are provided on the following pages. A summary of each commenter and designated category is provided below.
- A response was prepared for each comment received. The responses are provided following the comment letters and are organized by letter and comment number.
- Two memoranda were prepared in support of technical issues, including traffic, air quality, and hazardous materials. The Air Quality and Hazardous Materials Memorandum prepared by Dr. James L. Byard is included as Attachment 1 to the Responses to Comments. The Traffic Memorandum prepared by Wilson & Company is included as Attachment 2 to the Responses to Comments.
- Two figures were prepared to provide visual reference for applicable comments and are included as Attachment 3 to the Response to Comments.

### Comment Letters Received

| Organization                 |   | Response Page |
|------------------------------|---|---------------|
| State Agencies               |   |               |
| SA1                          | State Senator Denise Ducheny                                      | SA-1          |
| Regional Agencies            |   |               |
| None                         |   |               |
| Local Agencies and Utilities |   |               |
| LA1                          | Unified Port of San Diego, (May 6, 2005)                          | LA-1          |
| LA2                          | Joe Psuik, San Diego Convention Center Corporation, (May 6, 2005) | LA-9          |
| General Public               |   |               |
| GP1                          | Russell McCarthy, (May 5, 2005)                                   | GP-1          |
| GP2                          | Gaslamp Quarter Association, (May 6, 2005)                        | GP-2          |
| GP3                          | International Brotherhood of Electrical Workers, (May 5, 2005)    | GP-2          |
| GP4                          | Port of San Diego Ship Repair Association, (May 5, 2005)          | GP-5          |
| GP5                          | San Diego County Archaeological Society, Inc., (May 4, 2005)      | GP-5          |
| GP6                          | Coordinated Maritime Services of San Diego, (May 6, 2005)         | GP-6          |
| GP7                          | Amtrak, (May 6, 2005)   | GP-6          |
| GP8                          | Harborside, (May 4, 2005)   | GP-6          |
| GP9                          | Searles Valley Minerals, (May 6, 2005)                            | GP-7          |
| GP10                         | Industrial Environmental Association                              | GP-7          |
| GP11                         | Environmental Health Coalition                                    | GP-8          |

COMMITTEES  
CHAIR, BUDGET SUBCOMMITTEE ON  
HEALTH & HUMAN SERVICES  
VICE CHAIR, AGRICULTURE  
TRANSPORTATION AND HOUSING  
SUBCOMMITTEE ON CALIFORNIA  
PORTS AND GOODS MOVEMENT  
GOVERNMENT MODERNIZATION,  
EFFICIENCY AND ACCOUNTABILITY  
JOINT LEGISLATIVE BUDGET  
JOINT LEGISLATIVE AUDIT

# California State Senate

SENATOR  
DENISE MORENO DUCHENY  
FORTIETH SENATE DISTRICT



SELECT COMMITTEES  
CHAIR, CALIFORNIA-MEXICO  
COOPERATION  
CHAIR, COLORADO RIVER  
CHAIR, OVERSIGHT OF THE  
ENERGY LABS  
DEFENSE AND AEROSPACE  
INDUSTRY  
GLOBAL ENVIRONMENT  
CALIFORNIA'S HORSE  
RACING INDUSTRY  
PERCHLORATE  
CONTAMINATION  
MOBILE AND  
MANUFACTURED HOMES

May 16, 2005

Mr. Harold Sadler  
Chair  
Centre City Development Corporation  
225 Broadway, Suite 1100  
San Diego, CA 92101

Re: Draft Addendum to the Final Subsequent EIR for Final Master EIR for Centre  
City Redevelopment Project

Dear Mr. Sadler:

SA1-1 I am writing to express my concerns over the draft Environmental Impact Report (EIR)  
addendum for Centre City Redevelopment Project as it pertains to JMI Development's proposed  
residential and mixed-use projects to be located close to the 10<sup>th</sup> Avenue Terminal. Amending  
the initial designated use of this property to accommodate residential high-rise buildings is not  
compatible with current industrial activity located south of Petco Ballpark. I urge that a full EIR  
be conducted to specifically assess JMI's proposed projects.

SA1-2 As State Senator representing the working waterfront and surrounding communities, I have long  
supported the maritime and industrial presence in this area along with the high wage jobs that  
these industries have provided. Many of the waterfront businesses are vital to sustaining Navy  
operations, which would be severely impacted should incompatible development encroach on  
current port uses. We cannot afford to jeopardize industries such as ship-repair and ship-  
building companies that have contributed to our national defense, a vital economic engine to this  
region.

As proposed, JMI's development plans potentially undermine maritime activity on port lands.  
Locating residential high-rises in close proximity to the 10<sup>th</sup> Avenue Terminal conflicts with the  
Barrio Logan Vision map, a collaborative effort led by the Environmental Health Coalition in  
partnership with the Port of San Diego and the Barrio Logan community. This map creates  
buffers between industrial and residential land uses needed to minimize direct noise, traffic and  
environmental impacts on nearby residents, while preserving the ability of already existing

CAPITOL OFFICE  
STATE CAPITOL, ROOM 4081  
SACRAMENTO, CA 95814  
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FAX (916) 327-3522

CHULA VISTA OFFICE  
637 3RD AVENUE, SUITE C  
CHULA VISTA, CA 91910  
PH (619) 409-7690  
FAX (619) 409-7688

IMPERIAL VALLEY OFFICE  
1224 STATE STREET, SUITE D  
EL CENTRO, CA 92243  
PH (760) 335-3442  
FAX (760) 335-3444

COACHELLA VALLEY OFFICE  
53-990 ENTERPRISE WAY, SUITE 14  
COACHELLA, CA 92236  
PH (760) 398-6442  
FAX (760) 398-6470



Mr. Harold Sadler

May 16, 2005

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SA1-2  
cont.

businesses to operate. The draft EIR addendum does not address this issue, thereby leaving the potential for friction between residents and nearby industries. While it may not be the intention of residential developers such as JMI to undo existing port activity on the waterfront, this scenario could indeed occur if further planning and evaluation does not take place to assuage potential conflict.

SA1-3

I join the Port of San Diego and the port industries in calling for a full EIR to be conducted addressing cumulative impacts brought on by JMI Development's residential and mixed-use projects. Simply putting forth an addendum to the Centre City Redevelopment Project Master EIR is not sufficient enough to examine all the issues that must be addressed in light of existing maritime and industrial activity along the waterfront. I respectfully urge you and your colleagues on the CCDC Board to consider the strong need for this action.

Please feel free to contact me if I can be of assistance to you during this process.

Sincerely,



Denise Moreno Ducheny  
State Senator, 40<sup>th</sup> District

cc: San Diego City Council



LAI

3165 Pacific Highway, San Diego, CA 92101  
P.O. Box 120488, San Diego, CA 92112-0488  
619.686.6200 • www.portofsandiego.org

May 6, 2005

VIA COURIER

Brad Richter, Principal Planner  
Centre City Redevelopment Corporation  
225 Broadway, Suite 1100  
San Diego, CA 92101-5074

CENTRE CITY  
DEVELOPMENT  
CORPORATION

MAY 06 2005

Orig. To: \_\_\_\_\_

Copy To: \_\_\_\_\_

RE: Draft Addendum to the Final Subsequent EIR for Final Master EIR for Centre City Redevelopment Project

Dear Mr. Richter:

LAI-1  
Thank you for providing the Port of San Diego with this Draft Addendum. We have a number of comments regarding the appropriateness of the Addendum as well as a number of environmental issues associated with the proposed changes to the Ballpark Village Master Plan, specifically with respect to the relocation of high-density residential towers to Areas D1 and D2.

Notification. While the Draft Initial Study/Addendum is dated April 21, 2005, it was not received in this office until April 25. That gives us only nine working days to comment on very significant changes to the CCDC Master Plan. We respectfully request at least a 30-day review period to adequately assess this Draft Addendum.

Addendum to Subsequent EIR. CCDC determined that an Addendum to the 1999 SEIR was the proper CEQA document for this project and referenced CEQA Guidelines Sections 15162 and 15163 as reasons why neither a Subsequent nor a Supplemental EIR is required. We believe that none of the findings cited in these CEQA Guidelines sections are applicable as discussed below and are further elaborated upon under our discussion of Environmental Issues:

LAI-2  
Substantial Changes in Circumstances: The Initial Study/Addendum does not discuss the several substantial changes, which have occurred over the past five plus years since the SEIR was certified or with respect to the circumstances under which the current project will be undertaken. These changes include the significant financial problems facing the City of San Diego and their potential impact on public services and the implementation of promised mitigation measures as discussed later in this letter. There has been additional development in the Port tidelands that is not discussed or described. There are substantial new security requirements with respect to marine terminals and military facilities that have been instituted since 2001. None of these are mentioned or analyzed. Because these substantial changes in circumstances may cause new or more severe environmental

impacts than previously studied, a subsequent or supplemental EIR must be prepared for the project.

Substantial Changes in the Project: Chapter 4 of the SEIR discussed two phases of the "Ancillary Development." Phase I was to consist of 200 long-term hotel rooms, 900 hotel rooms, 1,050,000 square feet of office space, 195,000 square feet of retail space and 25 residential units, all of which were to be completed before the Ballpark opened. This discussion leads us to question whether or not all or part of Phase I was built as projected. This fact is not discussed.

LAI-3 The SEIR assumed for the purposes of its environmental analysis that Phase II would construct an additional 700,000 square feet of office space and 30,000 square feet of retail space. The project described in the Addendum contains substantial changes in the description of likely uses in Phase II, including 1,500 residential units, 500,000 square feet of office space, 150,000 square feet of retail space and 304 hotel rooms. There are substantial changes in the nature of the proposed uses (i.e., residential, retail, etc.) and the intensity of the proposed uses (i.e., substantially less office space and substantially more retail, residential and hotel space).

This project appears to result in a 57% increase in the FAR for parcels C and D. A density transfer of this magnitude will result in a transfer of many potential environmental impacts to those subareas. Although the Initial Study/Addendum refer to the transfer and increase in FAR, there is no analysis of these substantial changes in the nature of the proposed uses. What environmental impacts may result from the proposed change in use in the project area from primarily office space, discussed in the SEIR, to primarily residential and retail? Because these substantial changes in the proposed project may cause new or more severe environmental impacts than previously studied, a subsequent or supplemental EIR must be prepared for the project. The specific applicable environmental impacts will be discussed later in this letter.

LAI-4 New Information of Substantial Importance: The Initial Study/Addendum does not contain any discussion of what has occurred in and around the project area during the five plus years since the SEIR was certified in 1999. There is no discussion of what has occurred in the project area as a result of construction of the Ballpark, Phase I of the Ancillary Development or development in the Port tidelands. Have the potential impacts discussed in the 1992 Master EIR or the 1999 SEIR occurred? Have the mitigation measures recommended in either of those documents been implemented? Have they proven effective? As discussed below with respect to Mitigation Measures, it is inconceivable that no new information has become available or no substantial changes in circumstance have occurred in an area as dynamic and in transition as the project area. Therefore a subsequent or supplemental EIR must be prepared for this project.

LAI-5 Master EIR. While the Initial Study/Addendum spent considerable effort describing why an Addendum was the proper CEQA document for this project, it appears clear that CCDC is not referring to applicable CEQA procedure and therefore, the entire premise of

using an Addendum is incorrect. CEQA Guidelines Sections 15175 through 15179.5 describe the Master EIR process and how subsequent projects within the scope of the MEIR should be addressed. For example, this current project was not anticipated in the original MEIR; it is the result of transferring a significant amount of square footage and FARs designated in the 1999 Master Plan to areas D1 and D2. This does not meet the provisions for use of an MEIR for subsequent projects per CEQA Guidelines Section 15177.

LAI-5  
(cont)

Further, CEQA Guidelines Sections 15179 describes the limitations on the use of a Master EIR, a document on which the applicability of this Initial Study/Addendum depends. This section is applicable to the proposed project because; (1) more than five years have gone by since the certification of the MEIR; (2) the Initial Study/Addendum has not substantiated that there are no substantial changes with respect to the circumstances under which the Master EIR was certified; and (3) new information is now available which was not known and could not have been known at the time the MEIR was certified. We have discussed changed circumstances and new information previously in this letter. Even if the Initial Study/Addendum could make the case that there are no substantial new circumstances or new information now available, that Section 15179(b) would require preparation of either a Subsequent or Supplemental EIR that updates and revises the Master EIR. Therefore, regardless of how this project is regarded, it is clear that CEQA requires a Subsequent or a Supplemental EIR rather than an Initial Study/Addendum.

LAI-6

Background Discussion. This section should be amended to describe the chronology leading up to this project proposal. The original Master Plan and MEIR should be described, as well as the changes that have occurred since that time. Also a discussion of what environmental documents have been prepared should be included, as well as the status of projects and implementation of mitigation measures within the Master Plan area. It is important to have this information so that the proposed project can be evaluated in context to what has been built, what has not been built and what is the projected buildout for the Master Plan area.

LAI-7

Existing Conditions. The Initial Study/Addendum does not contain an adequate description of the "existing conditions" in the project area. The description of existing conditions contained in the SEIR is more than five years old. The Ballpark District, Downtown San Diego and the waterfront have undergone significant changes during the past five years, which have substantially altered the physical conditions of the project area. The absence of an accurate (i.e., up-to-date) description of the existing conditions in the project area renders any analysis of potential impacts defective because all discussions refer to the MEIR and the SEIR, which were prepared more than five years ago. In addition, the absence of information about existing conditions makes it impossible to determine whether a subsequent or supplemental EIR is required under CEQA Guidelines sections 15162, 15163 or 15177.

LAI-8 Project Description. The Addendum/Initial Study describes the general allowed land uses of the six parcels within the Ballpark Village Master Plan area with respect to building mass, height, width, setbacks, etc. However, there is no comparison of the proposed land use changes to those land uses already approved. It is very difficult to tell, for example, how the land uses, FARs and square footage amounts have been transferred and how they have changed in any of the areas. We believe that the environmental document should include a much more thorough description of the changes proposed by the Master Plan amendment.

#### Environmental Issues

- AI-9
1. Land Use. As we understand the current project, CCDC's 1999 SEIR plan capped the total square footage development in the Ballpark District to 3,212,020 square feet. This project takes the floor ratio areas of the 1999 plan, and redistributes them resulting in a "transfer" of building square footage of 1,172,533 square feet to the "Sports and Entertainment District" where Ballpark Village would be located

At the time the SEIR was certified in 1999, the specific locations for the transfer of development intensity were not known, but were simply designed to be relocated somewhere in the areas surrounding the ballpark area indicated as "ancillary development". With the introduction of the Ballpark Village Master Plan however, a large portion of this intensity will now be concentrated in the area of the Ballpark District that is in close proximity to the railroad tracks, the trolley station, the 10<sup>th</sup> Avenue Marine Terminal, shipbuilding sites and military facilities. The increased land use intensity at the D1 and D2 areas will result in new or substantially more severe environmental impacts than those identified in the SEIR because of the close proximity of these facilities.

LAI-10 Given the large amount of residential units planned in close proximity to these industrial land uses, it is important to determine what effect virtually all relevant environmental issues will have. A detailed comparison of the existing and proposed land use is needed to evaluate potential land use conflicts, especially those that may conflict with the marine terminal, industrial, military and other marine related-uses. This project could also be viewed as a precedent to other high-rise development along the working waterfront and southward into Barrio Logan. Since the Initial Study/Addendum states that only a "foot survey" of a two-block radius around the area, it is impossible that any compatibility with surrounding industrial/maritime uses was ever considered.

LAI-11 The Initial Study/Addendum states that the proposed Ballpark Village is consistent in land use and intensity with the Centre City Redevelopment Plan, Community Plan, and PDO, yet no evidence of this consistency is presented. Apparently neither the Port's Master Plan nor the Navy's military readiness plans were ever consulted in the analysis. State Senate Bill 926 requires that cities and

LAI-11  
cont. } counties address impacts to military facilities. This Initial Study/Addendum, the SEIR, the MEIR and the Community Plan do not address such impacts. This oversight means that potentially significant land use conflicts and impacts upon military readiness activities were overlooked.

- LAI-12
2. Aesthetics. This project would allow two 500-foot tall towers, which are characterized as "consistent with the development pattern in the "Sports/Entertainment District" even though no other development near 500 feet tall has been identified in the project area. This characterization needs to be qualified. The photo view simulations are taken from a significant distance from the project and do not adequately analyze the actual view impacts or the extent of shadowing from the towers. The height of the Ballpark Village towers will inevitably block portions of the view to the Ballpark, San Diego Bay and the San Diego-Coronado Bay Bridge. We contend that clustering the high-rise towers (all of which are substantially taller than any surrounding development) located so close to the waterfront is contrary to the planning concept of stepping down in height as one approaches the bayfront. This could be considered a significant impact on views and needs to be evaluated further.

The SEIR identifies mitigation measures to be taken for developments such as the pedestrian bridge on 7<sup>th</sup> Avenue, however the proposed towers are significantly taller than the bridge and therefore will require different measures to mitigate the impact on views. In addition, the addendum report states that these towers are placed so as to avoid casting shadows on the new library, but there is no reference as to why this is a given constraint. Further analysis of the potential shadowing caused by the Ballpark Village towers is needed to determine the level of impact.

- LAI-13
3. Air Quality. The report concentrates on air emissions from traffic caused by this project. There is no analysis of air quality impacts to the project site caused by surrounding railroad and marine and industrial uses. The air quality mitigation measures identified in the SEIR deal primarily with construction related activities, but are not sufficient to deal with impacts occurring close to the Ballpark Village site such as, railroad movement, trucking and other cargo-related activities. For instance, they do not take into account the amplified emissions created by an increased volume of cargo ships and trucks that the 10<sup>th</sup> Avenue Marine Terminal currently experiences. New high-density residential development would potentially expose residents to diesel and other air quality impacts from the railyards and marine terminal areas that could harm public health and the quality of life of residents.

- LAI-14
4. Noise. The impact analysis centers on noise created by the ballpark, concerts, potential construction, railroad activity, and additional traffic, however, there is no analysis of noise impacts from the marine terminal activities, waterfront industrial activities or late night trucking activities. Given the large number of residential units proposed in an area close to the terminal/cargo and industrial

LAI-14

sites, a full noise analysis should be conducted to ensure that noise decibel levels do not exceed the City's Community Noise Equivalent Levels (CNEL) for residential uses. Portions of the marine terminal fall within the two-block radius identified in the detailed acoustic study that was to be conducted as a mitigation measure for noise impacts, therefore it is unclear why a noise study of this area was not included in the analysis.

5. Public Services and Utilities. There is no discussion in the Addendum of the fact the City of San Diego is experiencing significant financial problems which have led or may lead to cutbacks in municipal services. This is a substantial change in the circumstances under which the proposed project is undertaken and may adversely affect police, fire, solid waste, park and other public services required by the project. There is no mention of this change in circumstances in the Initial Study or the Addendum, which render their analysis of public service impacts inadequate. Some examples of significantly affected public services follow:

Parks: Section 9.4.1.3 of the SEIR stated the need for parks relates to an increase in residents in an area and concluded there would be no impact to parks because the Ballpark/Ancillary Projects would reduce the potential number of residential units in the Centre City East area. However, the proposed project would add 1,500 residential units and would create a substantial demand for park and open space that the City is not fulfilling and will not be fulfilled through the payment of Park fees. This project contains no provision to provide any park space at all within its boundaries. This would result in transferring park impacts to existing park lands provided by others including those parks provided by the Port of San Diego on Port tidelands.

LAI-15

Although the Initial Study states the funding provided through Mitigation Measure 12.1-1 will reduce potential impacts to less than significant, but does not identify what specific park measures must be funded to reduce the potential impact. In addition, Mitigation Measure 12.1-1 does not commit the project or the City of San Diego actually to do anything to mitigate park or other public service impacts. Mitigation measures which consist of the payment of fees for unspecified mitigation activities are insufficient. (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61.) What mitigation activities has the City of San Diego funded over the past six years with amounts paid in compliance with Mitigation Measure 12.1-1 for Phase I? How much new park land must be provided to reduce the potential impacts of Phase II to a level below significance?

Schools: The comment above also applies to the Initial Study/Addendum's treatment of the potential impact on schools, which may result from the addition of 1,500 residential units in the project area and the increased demand for schools.

Fire protection: There is no discussion of the unique requirements for fire service for four new 500' high-rise residential structures. Does the City of San Diego Fire Department have adequate equipment and personnel to respond to fire emergencies at new 500-foot tall high-rise structures?

Solid Waste: the Addendum Report points out that if the Ballpark Village towers were built as proposed, a solid waste disposal problem would develop that would be significant and unavoidable. This inevitably would place a strain on the existing public services and utilities. Mitigating measures need to be developed and implemented to curtail this potential problem.

6. Transportation/Traffic/Parking. The Initial Study and Addendum disclose the proposed transfer of 1,172,533 square feet of floor area to the proposed project. The Initial Study/Addendum then conclude this transfer will not have any significant adverse impacts not already studied in the MEIR/SEIR because the GFA and the ADT count for traffic will remain under the maximum previously studied in 1999. However, the Initial Study/Addendum are inadequate because they appear to consider potential impacts only on an area-wide or aggregate basis and do not contain any analysis of how the proposed transfer will affect the specific area impacted. There is no discussion of how the significant increase in density of the six affected parcels will impact the area immediately around them. For example, the Wilson & Company "Memo" attached to the Initial Study/Addendum does not contain any information about how this increased density will affect the specific street segments and intersections in either the immediate project area or surrounding City streets. There is no analysis of the potential impact of moving 1,172,533 square feet of floor area from the Ballpark to the six project parcels. Instead, the Memo simply concludes that, overall, the project will fall within the maximum ADT cap for the Ball Park and Ancillary Developments. This same lack of analysis of the specific impacts of the proposed project renders the Initial Study/Addendum inadequate and requires preparation of a subsequent or supplemental EIR.

Also, the movement of goods flowing in and out of the marine terminal and working industrial waterfront area was neglected in the analysis. The close proximity of such a large development to these activities means that additional congestion could hinder the movement of goods in and out of the region. The traffic study should have evaluated how the increase in vehicular traffic would impact this circulation.

The Addendum states there presently are 959 parking spaces on the C and D parcels and the proposed development will result in a net loss of 267 spaces. It further says the developer will have to "identify" 267 spaces to make up for the loss. The Addendum does not disclose whether the 959 spaces that will be lost are now available for public parking and, if so, whether the replacement parking in the proposed projects will have an equivalent number of public spaces. The



Addendum also should require the developer to provide 267 public parking spaces in the immediate vicinity to make up for the shortage the project will cause.

LAI-16  
COM.

This project provides one parking space per residential unit plus one guest space per every 30 units, regardless of whether the residential units are studios or three-bedrooms. This could lead to a parking shortfall that would flood the surrounding streets with parking congestion. To further evaluate what impacts the parking policy will create, there needs to be additional parking analysis.

7. Hazards and Hazardous Materials. This addendum is woefully inadequate in this section. There is no recognition of the marine terminal and the various hazardous materials, including fuels, ammonia and other materials, that are used and stored there. I have attached an air photo of the Port's Marine Terminal with an indication of some of the substances used and stored there. The previous MEIR and SEIR never addressed this subject area and therefore this Initial Study/Addendum is insufficient.

LAI-17

As required by the defined mitigation measures in the SEIR, Leighton and Associates prepared environmental site assessments for the Ballpark Village, but these assessments concentrated solely on the project site and ignore the surrounding areas such as the marine terminal. The marine terminal is zoned for industrial uses and therefore houses a number of businesses that store and use hazardous materials. This means that this area has a higher risk of exposure should there be an accidental release of these materials. California laws such as Public Resources Code 21151.4 and Health & Safety Code 25534.2 have been enacted to ensure that developers carefully consider building residential uses near businesses that handle highly toxic chemicals. To protect the public health and safety of residents in the Ballpark Village, the analysis needs to include potential impacts inherent in business activities that utilize hazardous materials. These impacts should be evaluated in a subsequent or supplemental EIR.

8. Indirect Social/Economic Impacts: Mitigation Measure 11.2-1 of the SEIR mandates the establishment of an East Village Homeless Advisory Committee, which was to study and report back to CCDC and the Public Safety and Neighborhood Services Committee on at least an annual basis for the first three years after the SEIR was approved, regarding recommendations for dealing with the physical impacts of displacing homeless people, and the effectiveness of the City's implementation of those remedies. The proposed development will continue the displacement anticipated in the SEIR. Did the HAC make recommendations? Did the HAC submit the required reports? Were any recommendations implemented to address the issue? Have they been effective? The statement in the Initial Study that no homeless will be displaced by the proposed project because the C and D parcels do not shelter any homeless does not make sense. Homeless people, by definition, do not have shelter and tend to

LAI-18

congregate in open areas where the people who live and work in buildings will not drive them off.

- LA-19
9. Mitigation Measures: CEQA (Public Resources Code section 21086.1) requires a mitigation monitoring plan to ensure mitigation measures are actually implemented rather than just identified, studied or considered. The Initial Study/Addendum does not identify if the numerous mitigations required in the SEIR have been carried out or if they have been successful. For example, have the measures identified for public services (MM12.1-1, et seq.) and traffic (MM 13.1-1, et seq.) all been implemented? If so, have they been effective in reducing or avoiding the potential environmental impact they were to address? The current status of the existing mitigation monitoring plan needs to be described.

LA-20

Port staff has carefully reviewed the materials provided by CCDC in the short time allowed for review. Our major concern with this project is the proximity of the proposed high-rise residential development to the marine terminal, the industrial working waterfront and the nearby military facilities. We strongly believe that the Addendum is neither justified nor appropriate for the substantial land use changes and attendant environmental impacts inherent in the Ballpark Village Master Plan. We respectfully request that CCDC abandon the use of this Initial Study/Addendum and prepare a Subsequent or Supplemental EIR for this project. Thank you.

Sincerely,



John W. Helmer  
Manager, Planning Services

Cc: San Diego City Council  
Working Waterfront Group  
Port Tenants Association  
NASSCO  
Continental Maritime  
Southwest Marine  
Industrial Environmental Association  
Harborside Refrigerated Services  
Kelco



May 6, 2005

**Via E-Mail and U.S. Mail**

Brad Richter, Principal Planner  
Centre City Development Corporation  
225 Broadway, Suite 1100  
San Diego, California 92101-5074

Re: Comments to Draft Addendum to the Final SEIR to the Final MEIR  
for the Ballpark and Ancillary Development Projects

Dear Mr. Richter:

Thank you for providing the San Diego Convention Center Corporation with a copy of the above-referenced Addendum to the Ballpark SEIR. The San Diego Convention Center Corporation does not have any comments to submit on the Addendum at this time, but reserves its right to comment on the Addendum and the underlying Project as the approval process moves forward.

I would appreciate your providing notice of all additional actions related to the Addendum to the Final SEIR and the underlying Project to the following address:

Joe Psuik, Senior Vice-President and Chief Operating Officer  
San Diego Convention Center Corporation  
111 West Harbor Drive  
San Diego, California 92101

Very truly yours,

WORDEN WILLIAMS, APC

Terry Kilpatrick  
tjk@wordenwilliams.com

TK:lg

cc: Joe Psuik

AREAS OF PRACTICE

PUBLIC AGENCY

LAND USE AND  
ENVIRONMENTAL

REAL ESTATE

PERSONAL INJURY

ESTATE PLANNING  
AND ADMINISTRATION

CIVIL LITIGATION

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LA2-1

GPI

CENTRE CITY  
DEVELOPMENT  
CORPORATION

May 5, 2005

MAY 06 2005

Orig. To: \_\_\_\_\_

Copy To: \_\_\_\_\_

Mr. Peter Hall, President

Centre City Development Corporation  
225 Broadway  
San Diego, CA 92101

**Re: Environmental Impact Report Addendum  
JMI Project at 8th & Harbor Drive**

Dear Mr. Hall:

I am a resident of the Barrio Logan community, specifically on Logan Avenue between Sigsbee Street and Beardsley Street. My residence, as well as the entire Barrio community is currently severely impacted by traffic, Petco Park overflow parking, and a lack of infrastructure to support development in this area. I would like to formally register my comments opposing the addendum process to the original environmental impact report and instead request a full environmental impact review be conducted.

GPI-1 I have been a member of the Waterfront Working Group and Marine Terminal Community Committee as a concerned resident. I have considerable experience with the problems that have occurred from historic zoning practices that combine heavy industrial and residential land uses such as in Barrio Logan. I work closely with local, state and federal public environmental and regulatory agencies in an effort to prevent exactly the kind of incompatible and conflicting use that would occur if this residential project is approved.

GPI-2 A very weak point of this Addendum is the almost complete lack of recognition of the huge changes in conditions in the City, on Port Tidelands, the new development and changes in Homeland Security issues since 1999. These changes alone would warrant a new EIR be prepared.

GPI-3 CCDC's 1999 plan capped the total square footage development in all six planning areas to 3,212,020 square feet. This project takes the floor ratio areas of the 1999 plan, and redistributes them resulting in a "transfer" of building square footage of 1,172,533 square feet to areas D1 and D2. This plan also changes the permitted land uses from the 1999 plan from "Sports Entertainment" in area D1 and "Commercial Services" in area D2 to "Mixed Use". The mixed use in this case is retail and commercial on the ground floor and 1,500 residential units for the remainder of the upper tower floors. While this is a substantial change from the existing plan, it is very difficult to determine the nature of these land use and square footage transfers and what effect they will have on virtually all relevant environmental issues. A detailed comparison of the existing and proposed land use is needed.

GPI-4 [ Additional analysis is needed to evaluate potential land use conflicts, especially those that may conflict with the marine terminal and other marine related uses. This project could be viewed as a precedent to other high-rise development along the working waterfront and into Barrio Logan.

GPI-5 [ This project would allow two 500-foot tall towers, which is characterized as "consistent with the development pattern in the Sports/Entertainment District". The photo view simulations are taken from a significant distance from the project and do not adequately analyze the actual view impacts nor the extent of shadowing from the towers. The report states that these towers are so placed as to avoid casting shadows on the new library, but there is no reference as to why this is a given constraint.

GPI-6 [ The report concentrates on air emissions from traffic caused by this project and no analysis of air quality impacts to the project site. New high density residential development would potentially expose many to diesel and other air quality impacts from the railyards and marine terminal areas.

GPI-7 [ The impact analysis centers on noise caused by the ballpark and concerts. There is no analysis of noise impacts from the marine terminal activities or late night trucking activities.

GPI-8 [ The project states that because the City of San Diego has recently imposed parks and fire impact fees on new development, that there will be no impact. This project places very high density residential development in an area constrained by other dense development and the railroad tracks. The City is already very concerned about adequate fire protection under existing conditions. Additionally, this project would create a very big demand for park and open space that the City is not fulfilling and will not be fulfilled through the payment of Park fees. This project would significantly affect existing park and open space resources, which are mostly located in the Port.

GPI-9 [ This addendum assumes that since the reattributed square footage is the same as the 1999 project, that no new analysis is needed. There needs to be a reevaluation of existing traffic and trip distribution based on the new plan. Additionally, this project calls for one parking space per residential unit plus one guest space per every 30 units, regardless of whether the residential units are studios or three-bedrooms. There needs to be additional parking analysis.

GPI-10 [ There is no recognition of the marine terminal and the various hazardous materials, including fuels, ammonia and other materials, that are used and stored there. The previous EIR is silent on this issue as well.

GPI-11 [ There is no analysis of many new cumulative projects and cumulative impacts that have occurred since 1999.

GPI-12 [ The Addendum is inadequate and not the appropriate document for this greatly revised project. There are NEW environmental impacts associated with this project that have not been analyzed. Many conditions and events, including 9/11, have occurred since 1999 and these should be considered. A new EIR is needed to cover these (and other) issues in order for CCDC and the public to be adequately informed. The new EIR should reflect updated, current and existing environmental and land use conditions in order to evaluate the impacts of this project.

Very Respectfully,



Russell McCarthy  
1743 Logan Ave.  
San Diego, Ca 92113

Cc: San Diego City Council  
San Diego County Board of Supervisors  
San Diego Union Tribune Editorial

GP2



shop • dine • play

May 6, 2005

Brad Richter  
Principal Planner  
Centre City Development Corp  
225 Broadway, Suite 1100  
San Diego, CA 92101

RE: Comments on Draft Addendum to the Final SEIR to the EIR

Dear Mr. Richter:

This is a letter of comment by the Gaslamp Quarter Association (GQA) in response to the Draft Addendum to the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project and Addressing the Centre City Community plan and related Documents for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments.

The Gaslamp Quarter Association, representing nearly 400 businesses within the 16 1/2 block historic district to the west of the ballpark, supports the continued increase and immediate construction of available parking supply for the ballpark and surrounding neighborhoods.

GP2-1  
In reference to the Wilson and Company memo (Attachment #4), the GQA supports the statement that all Ancillary Development projects provide adequate parking, and the GQA would encourage the projects provide superior levels of parking to accommodate the anticipated growth around the area.

In conclusion, the Gaslamp Quarter Association encourages the immediate implementation to build parking structures such as Park It On Market South to help alleviate the increasing demand on parking surrounding the ballpark and surrounding neighborhoods.

Thank you for the opportunity to comment on this document.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jimmy Parker".

Jimmy Parker  
Executive Director

## ADAMS BROADWELL JOSEPH &amp; CARDOZO

A PROFESSIONAL CORPORATION

## ATTORNEYS AT LAW

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## SACRAMENTO OFFICE

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SUMA PEESAPATIFELLOW  
KEVIN S. GOLDENOF COUNSEL  
THOMAS R. ADAMS  
ANN BROADWELL

May 5, 2005

## VIA OVERNIGHT MAIL

Brad Richter  
Principle Planner  
Centre City Development Corporation  
225 Broadway, Suite 1100  
San Diego, CA 92101-5074CENTRE CITY  
DEVELOPMENT  
CORPORATION

MAY 06 2005

Orig. To: \_\_\_\_\_

Copy To: \_\_\_\_\_

Re: Comments on Draft Addendum for the Ballpark and Ancillary  
Development Projects

Dear Mr. Richter:

GP3-1

We are writing on behalf of the International Brotherhood of Electrical Workers Local 569 ("Local 569") to comment on Centre City Development Corporation's<sup>1</sup> ("CCDC") Draft Addendum to the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments, pursuant to the California Environmental Quality Act ("CEQA")<sup>2</sup> and its implementing Guidelines.<sup>3</sup>

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The Draft Addendum purports to analyze the impacts from JMI Realty's proposed revised Ballpark Village Master Plan ("Project"). The Project proposes changes to the Ballpark Village, particularly with respect to increasing the development intensity of proposed high-rise mixed-use buildings on each of six parcels, C1, C2, C3, C4, D1 and D2. In planning area C, the Project proposes to increase the floor/area ratio ("FAR") from a base FAR of 6.5 to a maximum FAR of 8.2. In planning area D, the Project proposes to increase the FAR from a base FAR

<sup>1</sup> CCDC is acting as the agent of the Redevelopment Agency of the City of San Diego.<sup>2</sup> Public Resources Code §§ 21000 *et seq.*<sup>3</sup> 14 Cal. Code Regs. § 15000 *et seq.*

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of 6.5 to a maximum FAR of 12.6. Maximum building heights in both planning areas is proposed to be 500 feet above mean sea level. The Project also appears to propose a change in the permitted land uses from "Sports/Entertainment" and "Commercial Services" to "Mixed Use" to allow retail, commercial and 1,500 residential units.

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The Project will increase impacts to air quality, traffic, parking, views and public services. The Project will also result in significant impacts to public health at the proposed residences from increased air pollution, increased noise and exposure to increased security threats. However, the CCDC proposes to conduct no subsequent environmental review of the proposed Project, pursuant to CEQA. Instead, the CCDC suggests that construction of the Project will not have a significant effect on the environment based on a Master EIR certified in **1992** for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments ("1992 MEIR") and based on a Subsequent EIR certified in **1999** for significant changes to the same project ("1999 SEIR"). Not surprisingly, the 1992 MEIR and 1999 SEIR are clearly outdated.

We have identified substantial new information regarding existing air quality in San Diego County, changes to state and federal air quality laws and regulations and development in San Diego County. We have also identified new information regarding significant parking, noise, and other public health and safety impacts from the proposed Project. This new information shows that the Project is likely to result in significant Project and cumulative impacts not discussed or more severe than shown in the 1992 MEIR and 1999 SEIR. In light of this new information, CEQA requires the City to conduct current environmental review of the proposed Project. We identify these changes below to enable the City to comply with CEQA and reduce significant impacts *before* the City considers approving the proposed Project. Approving the Project without conducting subsequent environmental review would violate CEQA and compromise public health and the environment.

The members of the Local 569 construct and maintain commercial, residential and industrial projects in the City and County of San Diego and around the Project area itself. Local 569's members live in and use areas that will suffer the impacts of the Project and other environmentally detrimental projects. Union members breathe the same polluted air that others breathe and suffer the same adverse health and safety impacts. Because they are often in close proximity to the

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Project area and other polluting sources, their exposure is often at significantly higher levels than that of the general population.

Union members are also concerned with environmentally sound decision-making in San Diego. Poorly planned and environmentally detrimental projects may jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making it less desirable for businesses to locate and people to live here. Continued degradation can cause construction moratoria and other restrictions on growth in the region that, in turn, reduce future employment opportunities. Finally, union members are concerned about projects that carry serious environmental risks without providing countervailing employment and economic benefits to local workers and communities. Therefore, the Union and its members have a strong interest in enforcing environmental laws such as CEQA.

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The City would violate CEQA if the CCDC, the City Council or the Redevelopment Agency relies on the Addendum for its approval of the Project. The CCDC must prepare and circulate a subsequent EIR to disclose and mitigate the impacts of the proposed Project and to provide for public review and comment.

#### **I. The City's Reliance On An Outdated EIR Violates CEQA**

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an EIR except in certain limited circumstances. (*See, e.g., Pub. Res. Code § 21100.*) The EIR is the very heart of CEQA. (*See Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.)

When an EIR has been prepared for a project, CEQA requires the lead agency to conduct subsequent or supplemental environmental review in several circumstances. (Pub. Res. Code. § 21166.) Specifically, CEQA requires an agency to conduct subsequent or supplemental environmental review when:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report [or].

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- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

(Pub. Res. Code. § 21166(a)-(c); CEQA Guidelines §§ 15162, 15163.) CEQA Guidelines Section 15162(a) specifies the nature of "substantial changes" and "new information" as follows:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(CEQA Guidelines 15162(a)(1)-(3).) Even if an EIR has been prepared for a redevelopment plan, CEQA requires the lead agency to conduct subsequent or supplemental environmental review if any of the circumstances in Sections 15162 or 15163 apply. (CEQA Guidelines 15180(b).)

Only if *none* of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred may the lead agency consider preparing an addendum to a previously certified EIR. (CEQA Guidelines 15164(a).) However, in that case, the decision to prepare an addendum must be supported by substantial evidence. (CEQA Guidelines 15164(e).)

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In a remarkably similar case addressing the issue of "new information," the court concluded that a redevelopment agency was required to prepare subsequent environmental review for a simple billboard that had not been considered in the original EIR for the redevelopment plan area, even though the plan contemplated the construction of billboards within its geographic boundaries. (*Eller Media Company v. Community Redevelopment Agency*, (2003) 108 Cal. App. 4th 25 ("Eller Media").) The *Eller Media* Court explained that the billboard "would consist of a single pole, approximately four feet in diameter, anchored in a surface parking lot at the rear of the property. The pole would support a billboard-style sign with an advertising panel area of approximately 672 square feet . . ." (*Id.* at 41.) In deciding that an EIR was required in that case, that court set forth certain factual similarities to this case. Specifically, in *Eller Media*,

the applicant's proposal to construct a billboard at the Sunset site, which was submitted 13 years after the final EIR was certified and the Plan was adopted, is an individual site-specific development project within the Project Area whose specific impacts could not possibly have been identified at the time the final EIR was certified. Accordingly, CRA correctly determined that this proposed construction was "new information" that was not known and could not have been known at the time the final EIR was certified as complete. (Pub. Resources Code, § 21166; See also Guidelines, § 15162.) In addition, the "new information" potentially would have one or more significant effects not discussed in the previous EIR. (Guidelines, § 15162(3)(A), § 15064.5(b) ["A project with

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an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment”].

(108 Cal. App. 4th 25, 43-44.) In that case, concerns related to aesthetics, glare, and proximity to a historic landmark were sufficient to trigger the need to prepare a new EIR for a mere billboard.

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In this case, substantial changes have occurred with respect to the circumstances under which the project is being undertaken and with respect to the Project itself. These changes will require major revisions of the 6 and 14-year old environmental review documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. (Pub. Res. Code. § 21166(a)-(b).) Substantial changes in the project include the substantial increase in the development intensity of proposed high-rise mixed-use buildings on each of six parcels and the addition of residential units. Substantial changes with respect to the circumstances under which the project is being undertaken include numerous new development projects in the City of San Diego and in security issues. These changes will require major revisions of the 6 and 14-year old environmental review documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

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In addition, new information raising the possibility of substantially increased air quality impacts and health risks also requires subsequent environmental review under CEQA. (See *Id.*; see also, Pub. Res. Code § 21166(c); CEQA Guidelines § 15162(a)(3).) As set forth below, new information, including, but not limited to the new national 8-hour ozone standard, San Diego County being in non-attainment of the new national 8-hour ozone standard, new state and federal standards for particulate matter, San Diego being in non-attainment of the particulate matter standards and diesel particulates being designated as a toxic air contaminant, could not have been known at the time the 1992 MEIR and 1999 SEIR were certified, but have since become available. (See CEQA Guidelines § 15162(a)(3).) This new information shows that the Project is likely to result in new significant impacts or substantially more severe impacts than shown in the 1992 MEIR and 1999 SEIR. (*Id.*) Therefore, CEQA requires, at a minimum, that the CCDC prepare an initial study regarding the scope of subsequent or supplemental environmental review for the Project.

## **II. New Information Regarding Air Quality and Public Health Impacts**

Since the City certified the 1992 MEIR and 1999 SEIR, new information regarding air quality in San Diego and new state and federal air quality laws and regulations has become available requiring subsequent review of air quality and public health impacts and mitigation measures.

### **A. New Information Regarding Air Quality and Public Health Impacts from Ozone**

Significant new information and substantial changes regarding ozone in San Diego have occurred. Also, the proposed Project will result in emissions of ozone precursors from construction equipment and from truck deliveries and other vehicles during operation of the Project. Thus, the conditions in CEQA Guidelines Section 15162 have occurred, and the City' preparation of a Draft Addendum is improper under CEQA. (CEQA Guidelines 15164(a).)

#### **1. U.S. Supreme Court Finds New 8-Hour Ozone Standard Valid and Enforceable in 2001 and U.S. EPA Lists San Diego Listed As In Non-Attainment of the New Standard in 2004**

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In 1997, the United States Environmental Protection Agency ("U.S. EPA") adopted a new 8-hour ozone national ambient air quality standard ("NAAQS") of 0.08 parts per million (ppm), averaged over eight hours, which replaces the 1-hour standard that has been in place since 1979. The national 8-hour standard was issued in 1997 after a significant body of research showed that longer-term exposure to lower levels of ozone can also affect human health. Implementation of the 8-hour standard was delayed by litigation, but was determined to be valid and enforceable by the U.S. Supreme Court in a decision issued in February 2001. (See *Whitman v. American Trucking Associations, Inc.*, 121 S.Ct. 903, 531 U.S. 457, 195 F.3d 4 (February 27, 2001).)

Although the new standard was issued in 1997, after the 1992 MEIR, but before the 1999 SEIR, it was not until 2001 when the standard was determined to be valid and enforceable. The 1999 SEIR specifically states that it "did not include the recently (1997) adopted federal standards for chronic (8-hour) ozone exposure...which have been put on hold as a result of a federal appeals court

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hearing.”<sup>4</sup> Thus, the 8-hour ozone standard constitutes “[s]ubstantial changes...with respect to the circumstances under which the project is being undertaken which will require major revisions of the previous EIR due to a substantial increase in the severity of previously identified significant effects,” under CEQA Guidelines Section 15162(a)(2). The new 8-hour ozone standard also constitutes “new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete,” showing that “[t]he project will have one or more significant effects not discussed in the previous EIR...” (CEQA Guidelines § 15162(a)(3).)

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In addition, on April 15, 2004, the U.S. EPA listed San Diego as being in non-attainment of the 8-hour standard for exposure to ozone. Pursuant to Section 107(d)(1)(A)(i) of the Clean Air Act, nonattainment means that an area is violating an ambient standard or is contributing to a nearby area that is violating the standard. Since the proposed Project will result in emissions of ozone precursors from various sources, including, but not limited to, construction equipment, vehicles during operation of the Project and trucks delivering products to the Project area during construction and operation of the project, the U.S. EPA's listing of San Diego as violating the 8-hour ozone standard constitutes “new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete,” showing that “[t]he project will have one or more significant effects not discussed in the previous EIR...” (CEQA Guidelines § 15162(a)(3).)

In a remarkably similar case addressing the issue of “new information,” a California Court of Appeal specifically concluded that “the possibility of substantially increased health risk from toxic emissions” constituted new information requiring subsequent environmental review under CEQA Guidelines Section 15162(a)(3)(A) and (B).<sup>5</sup> (See *Security Environmental Systems, Inc. v. South Coast Air Quality Management District* (“*Security Environmental Systems, Inc.*”) (1991) 229 Cal.App.3d 110, 125, 280 Cal.Rptr. 108, 115.) In that case, Security Environmental Systems challenged the air district's decision to require subsequent environmental review for a hazardous waste incineration facility. The court concluded that the air district properly found that new information required

<sup>4</sup> 1999 SEIR, p. 5.7-2.

<sup>5</sup> This subsection was previously numbered CEQA Guidelines Section 15162(a)(3)(B)(1) and (2).  
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subsequent environmental review, pursuant to CEQA. In discussing the nature of the new information, the court found:

[T]he air district did not rely on any single piece of "new information" to reach its conclusion that construction of a hazardous waste incineration facility would potentially emit significant amounts of toxic emissions. "As a result of an accumulation of information from various sources over a period of time the District became concerned with the possibility of a substantially higher risk to the health of the persons who would be subject to the emissions from the hazardous waste incinerator. The "new information" included CARB source test reports and an EPA cosponsored conference on hospital waste incinerators.

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(*Id.* at 124.) The court also noted that "[i]f the emissions were substantially higher there would be a much more significant cancer risk associated with the proposed incinerator than previously assumed. This information and the associated substantially increased risk would meet the criteria set forth in [the CEQA Guidelines]." (*Id.*)

The Court also found that "the availability of new emission control technology which may lessen that risk constitutes new information requiring an EIR to set forth the **present** significant environmental effects of the proposed project and any mitigating measures to minimize the significant environmental effects and alternatives to the proposed project." (*Id.*) The court concluded that under CEQA Guidelines Section 15162(a)(3)(C) and (D)<sup>6</sup>, "mitigation measures and alternatives not previously considered in the negative declaration would substantially lessen one or more significant effects upon the environment." (*Id.*) The court noted that previously infeasible mitigation was now feasible:

[N]ew information is available in the form of technology for controlling acid gases, particulates and their associated dioxins and furans. It has further been determined that a previously known [emission] control system is now cost effective due to new information, thus qualifying its use on hazardous waste incinerators as technologically feasible [best available control technology]. (*Id.* at 124-125.)

Thus, new information raising the possibility of substantially increased health risk

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<sup>6</sup> This subsection was previously numbered 15162(a)(3)(B)(3) and (4).  
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and the availability of new emission control technology which may lessen that risk require subsequent environmental review under CEQA.

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In this case, new information raising the possibility of substantially increased health risk also requires subsequent environmental review under CEQA. (See *Id.*; see also, Pub. Res. Code § 21166(b)-(c); CEQA Guidelines § 15162(a)(2)-(3).) As set herein, San Diego being in non-attainment of a new national 8-hour ozone standard could not have been known at the time the 1992 MEIR and 1999 SEIR were certified, but has since become available. (See, CEQA Guidelines § 15162(a)(3).) This new information shows that the Project is likely to result in new significant impacts or substantially more severe impacts than shown in the outdated EIRs. (*Id.*) Therefore, CEQA requires, at a minimum, that the City prepare an initial study regarding the scope of subsequent or supplemental environmental review for the Project.

## **2. New Information Showing Substantial Increase In Severity of Public Health and Societal Impacts From Ozone Pollution**

An understanding of the nature of ozone pollution will help to understand why a subsequent analysis is so vitally important to understand the impacts of the Project. Ozone, the principle element of smog, is a secondary pollutant produced when two precursor air pollutants — volatile VOCs and NOx — react in sunlight. (See *American Petroleum Institute v. Costle*, 665 F.2d 1176, 1181 (D.C. Cir. 1981).) VOCs and NOx are emitted by a variety of sources, including cars, trucks, industrial facilities, petroleum-based solvents and diesel engines.

The human health and associated societal costs from ozone pollution are extreme. EPA summarized the effects of ozone on public health:

A large body of evidence shows that ozone can cause harmful respiratory effects, including chest pain, coughing and shortness of breath, which affect people with compromised respiratory systems most severely. When inhaled, ozone can cause acute respiratory problems; aggravate asthma; cause significant temporary decreases in lung function of 15 to over 20 percent in some healthy adults; cause inflammation of lung tissue, produce changes in lung tissue and structure; may increase hospital admissions and emergency room visits; and impair the body's immune system defenses, making people

more susceptible to respiratory illnesses. (66 Fed. Reg. 5002, 5012 (Jan. 18, 2001).)

Moreover, ozone is not an equal opportunity pollutant, striking hardest the most vulnerable segments of our population: children, the elderly and people with respiratory ailments. (*Id.*) Children are at greater risk because their lung capacity is still developing, because they spend significantly more time outdoors than adults—especially in the summertime when ozone levels are the highest, and because they are generally engaged in relatively intense physical activity that causes them to breathe more ozone pollution. (*Id.*)

Ozone has severe impacts on millions of Americans with asthma. While it is as yet unclear whether smog actually causes asthma, there is no doubt that it exacerbates the condition. (See *Id.* (EPA points to “strong and convincing evidence that exposure to ozone is associated with exacerbation of asthma-related symptoms”).) Moreover, as EPA observes, the impacts of ozone on “asthmatics are of special concern particularly in light of the growing asthma problem in the United States and the increased rates of asthma-related mortality and hospitalizations, especially in children in general and black children in particular.” (62 Fed. Reg. at 38864.) In fact:

[A]sthma is one of the most common and costly diseases in the United States. . . . Today, more than 5 percent of the US population has asthma [and] [o]n average 15 people died every day from asthma in 1995. . . . In 1998, the cost of asthma to the U.S. economy was estimated to be \$11.3 billion, with hospitalizations accounting for the largest single portion of the costs. (66 Fed. Reg. at 5012.)

The health and societal costs of asthma are wreaking havoc here in California. There are currently 2.2 million Californians suffering from asthma.<sup>7</sup> In 1997 alone, nearly 56,413 residents, including 16,705 children, required hospitalization because their asthma attacks were so severe. Shockingly, asthma is now the leading cause of hospital admissions of young children in California. (*Id.* at 1.) Combined with very real human suffering is the huge financial drain of asthma hospitalizations on the state’s health care system. The most recent data indicate

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<sup>7</sup> California Department of Health Services, California County Asthma Hospitalization Chart Book, August 1, 2000.

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that the statewide financial cost of these hospitalizations was nearly \$350,000,000, with nearly a third of the bill paid by the State Medi-Cal program. (*Id.* at 4.)

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As noted above, on April 15, 2004, the U.S. EPA listed San Diego as being in non-attainment of the 8-hour standard for exposure to ozone. San Diego was designated as a "basic" non-attainment area for the eight-hour ozone standard, which means San Diego is expected to attain the standard within five to ten years. However, San Diego County had 6 violations of the eight-hour standard in the first year it was listed.

In short, in light of the new national 8-hour ozone standard, new information regarding San Diego's non-attainment of the 8-hour ozone standard, the regional nature of the ozone problem, the failure of the San Diego to meet ozone standards and substantial new research showing the public health threat presented by ozone pollution, ozone is precisely the type of pollutant that must be analyzed in a subsequent environmental review document. (See, *Security Environmental Systems, Inc.*, *supra* at 125.)

**B. New Information Regarding Air Quality and Public Health Impacts From Particulate Matter**

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Significant new information has been developed and substantial changes regarding particulate matter standards have occurred since the City prepared the 1992 MEIR and 1999 SEIR. In light of the proposed Project's impacts from emissions of particulate matter from construction vehicle exhaust and from fugitive dust and emissions from vehicles and trucks during operation of the Project, the conditions in CEQA Guidelines Section 15162 have occurred, and the City cannot rely on an Addendum. (CEQA Guidelines 15164(a).)

**1. New Information Regarding Public Health Impacts From Smaller Particulate Matter**

When the City certified the 1992 MEIR and 1999 SEIR, state and federal air quality standards were set for particulate matter with an aerodynamic diameter of less than or equal to 10 microns ("PM10"). While, historically, health impacts due to particulate matter were regulated through ambient air quality standards for PM10, a substantial amount of important new research has been published, documenting new health impacts at much lower concentrations and for different size fractions of particulate matter than was previously known and was reflected in

ambient air quality standards. (U.S. EPA 4/96;<sup>8</sup> U.S. EPA 3/01.<sup>9</sup>) This new information led the U.S. EPA and California to propose new ambient air quality standards for particulate matter with an aerodynamic diameter of less than or equal to 2.5 microns ("PM2.5").

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This new research documents that inhaling particulate matter, particularly the smallest particles, causes a variety of health effects, including premature mortality, aggravation of respiratory (e.g., cough, shortness of breath, wheezing, bronchitis, asthma attacks) and cardiovascular disease, declines in lung function, changes to lung tissues and structure, altered respiratory defense mechanisms, and cancer, among others. (U.S. EPA 4/96; 61 FR 65638.<sup>10</sup>) A recent article linked long-term exposure to combustion-related fine particulate air pollution to cardiopulmonary and lung cancer mortality.<sup>11</sup> Particulate matter is a non-threshold pollutant, which means that there is some possibility of an adverse health impact at any concentration. (See *American Trucking v. EPA: Unjustified Revival of the Nondelegation Doctrine*, 23-SPG *Environs Env'tl. L & Pol'y J.* 17, 26.)

The U.S. EPA, in its review and analysis of this new information, concluded that coarse and fine particles have fundamentally distinct physical and chemical properties and health effects, and thus should be separately regulated and measured so that effective control strategies could be developed. (U.S. EPA 4/96, pp. 13-93.)

## 2. New Information Regarding More Stringent PM10 and PM 2.5 Standards

To address the public health impacts from particulate matter, the U.S. EPA announced new standards under the NAAQS. On July 17, 1997, the U.S. EPA revised the primary (health-based) PM standards by adding a new annual PM 2.5 standard set at 15 micrograms per cubic meter (15  $\mu\text{g}/\text{m}^3$ ) and a new 24-hour PM2.5

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<sup>8</sup> U.S. Environmental Protection Agency, Air Quality Criteria for Particulate Matter, Report EPA/600/P-95-001aF through 001cF, April 1996.

<sup>9</sup> U.S. EPA, Air Quality Criteria for Particulate Matter, Second External Review Draft, March 2001.

<sup>10</sup> National Ambient Air Quality Standards for Particulate Matter: Proposed Decision, Federal Register, v. 61, no. 241, December 13, 1996, pp. 65638-65675.

<sup>11</sup> A.A. Pope and others, Lung Cancer, Cardiopulmonary Mortality, and Long-term Exposure to Fine Particulate Air Pollution, Journal of the American Medical Association, v. 287, no. 9, pp. 1132-1141.

standard set at 65  $\mu\text{g}/\text{m}^3$ . (62 FR 38652<sup>12</sup>.) These standards are not subsets of the old PM10 standards, but new standards for a separate pollutant with distinguishable impacts.

California has recently revised its ambient air quality standards ("CAAQS") for PM10 and adopted new standards for PM2.5. The new annual PM10 standard has been lowered from 30  $\mu\text{g}/\text{m}^3$  to 20  $\mu\text{g}/\text{m}^3$  and a new annual PM2.5 standard of 12  $\mu\text{g}/\text{m}^3$  was adopted on June 20, 2002.<sup>13</sup> CARB's 24-hour-average PM2.5 standard of 25  $\mu\text{g}/\text{m}^3$  has been deferred.<sup>14</sup> All three of these standards are substantially lower than the federal equivalents. Thus, the City must evaluate the Project's impacts in light of the new ambient air quality standards:

| Ambient Air<br>Quality<br>Standards | 24-Hour<br>( $\mu\text{g}/\text{m}^3$ ) | Annual<br>( $\mu\text{g}/\text{m}^3$ ) |
|-------------------------------------|---|--|
| Federal PM10                        | 150                                     | 50                                     |
| State PM10                          | 50                                      | 20                                     |
| Federal PM2.5                       | 65                                      | 15                                     |
| State PM2.5                         | 25 <sup>a</sup>                         | 12                                     |

a Proposed (CARB/OEHHA 3/12/02).

Finally, the City must evaluate the Project in light of San Diego's designation as non-attainment for both PM10 and PM2.5. California has designated San Diego as non-attainment for PM10, and the U.S. EPA has designated San Diego as unclassifiable. On December 17, 2004, the U.S. EPA designated San Diego as non-attainment for PM2.5.<sup>15</sup>

<sup>12</sup> National Ambient Air Quality Standards for Particulate Matter: Final Rule, Federal Register, v. 62, no. 138, July 18, 1997.

<sup>13</sup> California Air Resources Board (CARB) and Office of Environmental Health Hazard Assessment (OEHHA), Review of the California Ambient Air Quality Standards for Particulate Matter and Sulfates, Public Review Draft, November 30, 2001, adopted June 20, 2002, <http://www.arb.ca.gov/research/aaqs/std-rs/bdsum620/bdsum620.htm>.

<sup>14</sup> California Air Resources Board (CARB) and Office of Environmental Health Hazard Assessment (OEHHA), Draft Proposal to Establish a 24-hour Standard for PM2.5, Public Review Draft, March 12, 2002.

<sup>15</sup> 40 C.F.R. § 81.305 (December 17, 2004).  
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Clearly, City must conduct subsequent environmental review of air quality and public health impacts from particulate matter from this Project. The 1992 MEIR was written before the existence of the new PM2.5 and PM10 standards, so the 1992 MEIR included no analysis to determine exceedances of these standards. In addition, although the 1999 SEIR recognizes that the new federal PM2.5 standard had been adopted, the 1999 SEIR "did not include the recently (1997) adopted federal standards for...ultra small diameter particulate matter of 2.5 microns or less in diameter (called PM-2.5) which have been put on hold as a result of a federal appeals court hearing."<sup>16</sup> Thus, the 1999 SEIR failed to include an analysis of the federal PM2.5 standard. Finally, both the 1992 MEIR and the 1999 SEIR were written before the existence of California's PM standards. Any exceedance of these standards would result in a new significant public health impact or a more severe public health impact than previously identified.

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In light of the undisputed potential adverse health effects that can result from PM2.5 emissions, the City is required to evaluate the potential impacts of PM2.5 before approving the proposed Project. (See, *Security Environmental Systems, Inc.*, *supra* at 125; see also, *In the Matter of Uprose v. Power Authority of State of New York*, 2001 NY App. Div. (Sup. Ct. of NY, A.D., 2<sup>nd</sup> Dept. July 23, 2001) (holding that the state had to perform an EIR because of the undisputed potential of adverse health effects from PM2.5).) The PM standards constitutes "new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete," showing that "[t]he project will have one or more significant effects not discussed in the previous EIR..." (CEQA Guidelines § 15162(a)(3).) New information regarding San Diego's compliance with the PM standards constitutes "[s]ubstantial changes...with respect to the circumstances under which the project is being undertaken which will require major revisions of the previous EIR due to a substantial increase in the severity of previously identified significant effects," under CEQA Guidelines Section 15162(a)(2). Thus, the City must conduct subsequent or supplemental environmental review to analyze these new standards and to evaluate the impact of the Project on the San Diego Air Pollution Control District's (SDAPCD) ability to comply with them.

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<sup>16</sup> 1999 SEIR, p. 5.7-2.  
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**C. New Information Regarding Air Quality and Public Health Impacts From Diesel Exhaust**

313-1

On August 27, 1998, after extensive scientific review and public hearing, the California Air Resources Board formally identified particulate emissions from diesel-fueled engines as a toxic air contaminant ("TAC"). (17 Cal. Code Reg. § 93000 (August 27, 1998).) Given the new information about the harmful effects of diesel exhaust, the air quality analysis in the 1992 MEIR is out of date. Even the 1999 SEIR did not evaluate the impacts from diesel exhaust during construction or operation of the proposed Project. The City did not quantify emissions from all sources of diesel particulates associated with the project or analyze the extent of public health impacts from all sources of diesel emissions created by and generated around the proposed Project. These sources include, but are not limited to, diesel exhaust emissions during construction or during operation from vehicles, from vessels in the marine terminal areas and from the nearby railyards. Instead, the 1999 SEIR only summarily concludes that "[a]ny perceptible impacts from construction activity exhaust would...be confined to an occasional 'whiff' of characteristic diesel exhaust odor, but no in sufficient concentration to expose any nearby sensitive receptors to air pollution levels above acceptable standards."<sup>17</sup> This conclusory statement is now inadequate. The City must conduct an analysis of this issue in light of new information that diesel particulates, from any source, constitute a TAC.

In 1992 and 1999, the City did not know that a detailed analysis and health risk assessment of diesel particulate emissions was necessary. Diesel exhaust is a serious public health concern. It has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer, and premature death. Fine diesel particles are deposited deep in the lungs and can result in increased hospital admissions and emergency room visits; increased respiratory symptoms and disease; decreased lung function, particularly in children and individuals with asthma; alterations in lung tissue and respiratory tract defense mechanisms; and premature death.<sup>18</sup>

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<sup>17</sup> 1999 SEIR, p. 5.7-8.

<sup>18</sup> California Air Resources Board (CARB), Initial Statement of Reasons for Rulemaking, Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Staff Report, June 1998.

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Page 17

The BAAQMD CEQA Guidelines, revised in 1999<sup>19</sup>, state with respect to diesel exhaust that:

Because of the potential public health impacts, ... the District strongly encourages Lead Agencies to consider the issue and address potential impacts based on the best information available at the time the analysis is prepared. Particular attention should be paid to projects that might result in sensitive receptors being exposed to high levels of diesel exhaust. This applies to situations where a new or modified source of emissions is proposed near existing receptors and to new receptors locating near an existing source.<sup>20</sup>

GP3-7  
cont.

Sensitive receptors include, but are not limited to, residential areas.<sup>21</sup>

Significant new information has been developed regarding public health impacts from diesel exhaust since the City prepared the 1992 MEIR and 1999 SEIR. In light of the proposed Project's impacts from diesel exhaust emissions from construction vehicle exhaust and from vehicles and trucks during operation of the Project, the conditions in CEQA Guidelines Section 15162 have occurred, and the City's reliance on an Addendum is improper under CEQA. (CEQA Guidelines 15164(a).) Since the 1992 MEIR and 1999 SEIR did not evaluate the impacts from diesel exhaust, the City must conduct subsequent environmental review of the potential impacts to public health during construction of the project and during operation of the project. This assessment must also include an analysis of impacts on the proposed residential units from increased vehicles and other diesel sources in the area.

### III. New Information Regarding Significant Impacts On Parking

GP3-8

The City admits in the draft Addendum that the proposed Project will result in a significant impact on parking.<sup>22</sup> In particular, the Project will result in the loss of approximately 959 existing parking spaces in the surface lots currently located on

<sup>19</sup> Bay Area Air Quality Management District (BAAQMD), BAAQMD CEQA Guidelines, Assessing the Air Quality Impacts of Projects and Plans, April 1996, Revised December 1999 ("BAAQMD 12/99").

<sup>20</sup> BAAQMD 12/99, p. 47.

<sup>21</sup> BAAQMD 12/99, p. 10.

<sup>22</sup> Draft Addendum, p. 42.



Parcels C and D used for ballpark events. Although other projects in the area will allegedly provide 2,116 of the 2,383 previously identified as required for ballpark events, 267 parking spaces will still be lost by the proposed Project.<sup>23</sup>

In addition, the Draft Addendum completely fails to assess how many additional parking spaces are required to meet the needs of the increased development associated with the proposed Project. Clearly, 1,500 residential units will demand significant parking needs. Thus, not only does the Project result in a shortfall of previously identified parking needs, but the Project will also result in a clear shortfall of parking needs for the proposed increased development.

GP3-8  
CON.

The Draft Addendum recognizes the loss of at least 267 parking spaces as a result of the Project. However, the Draft Addendum merely suggests that the project proponent "will be responsible for identifying the 267 additional parking spaces."<sup>24</sup> Assigning responsibility for finding additional parking does not constitute adequate mitigation for this significant impact and does not at all address the additional parking needs from the proposal to increase development on the site.

Mitigation measures must be designed to minimize, reduce or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines § 15370.) In particular, CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid the Project's potentially significant environmental impacts (Pub. Res. Code §§ 21002, 21081(a)) and describe those mitigation measures in an EIR. (Pub. Res. Code § 21100(b)(3); CEQA Guidelines § 15126.4.) A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (CEQA Guidelines § 15364.) Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. (*Id.* at § 15126.4(a)(2).) A lead agency may not make the required CEQA findings unless the administrative record

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<sup>23</sup> Draft Addendum, p. 42-43.

<sup>24</sup> Draft Addendum, p. 43.

clearly shows that all uncertainties regarding the mitigation of significant environmental impacts have been resolved.

GPB-8  
Cont. In sum, these substantial changes in the development intensity of the proposed Project will require major revisions of the previous EIR due to the involvement of new significant impacts on parking. (CEQA Guidelines § 15162(a).) Since the project will have significant effects not discussed in the previous EIRs and since significant effects previously examined will be substantially more severe than shown in the previous EIRs, the conditions of CEQA Guidelines Section 15162 have occurred, and the City's reliance on an Addendum is improper. (CEQA Guidelines 15164(a).)

**IV. Substantial Changes Are Proposed In the Project Requiring Subsequent Environmental Review of New or More Severe Impacts**

GPB-9 At the time of the 1992 MEIR and 1999 SEIR, the Project did not propose 1,500 residences.<sup>25</sup> CEQA requires subsequent environmental review when substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. (CEQA Guidelines § 15162(a)(1).) In this case, the revised Project will result in significant impacts to public health and safety at the newly proposed 1,500 residences from increased air pollution, increased noise and increased exposure to security threats.

With an increase in residences in the area, the proposed Project will expose more people to air pollution than was considered in the 1992 MEIR and 1999 SEIR. In addition, the proposed Project will expose more people to noise from ballpark, concert and other activities, marine terminal activities and trucking activities in the Project area. Finally, with an increase in intensity and height of the proposed residential buildings, the proposed Project will expose more people to increased security threats. In sum, adding 1,500 residential units to the proposed Project constitutes a substantial change in the project which will require major revisions of the previous EIR due to the involvement of new or increased significant impacts from increased air pollution, increased noise and increased exposure to security threats. (CEQA Guidelines § 15162(a)(1).) Thus, the City's reliance on an Addendum is improper. (CEQA Guidelines 15164(a).)

<sup>25</sup> See 1999 SEIR, p. 4-18.  
1726-001b

**V. Circumstances Have Changed Substantially Since 1992 and 1999  
Requiring Subsequent Environmental Review of Project and  
Cumulative Impacts**

Since the City certified the 1992 MEIR and the 1999 SEIR, substantial changes have occurred with respect to the circumstances under which the previous environmental review documents were prepared. These changes will require major revisions of the environmental analysis due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. (CEQA Guidelines 15162(a)(1).) Also set forth below is new information that the Project will result in new or substantially more severe significant cumulative impacts. (*Id.*, § 21166(c).)

**A. Cumulative Impacts Under CEQA**

2173-10  
CEQA section 21083 requires a finding that a project may have a significant effect on the environment if "the possible effects of a project are individually limited but cumulatively considerable. . . . 'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (CEQA Guidelines § 15355(a).) "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." (CEQA Guidelines section 15355(a).)

The importance of an adequate cumulative impacts analysis was recently reaffirmed in *Communities for a Better Environment v. Calif. Resources Agency* (2002) ("*CBE v. CRA*") 103 Cal.App.4<sup>th</sup> at 114, where the court stated:

Cumulative impact analysis is necessary because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.

3173-10  
(cont.)

Finally, even if the Project had "de minimis" air quality impacts (which it does not), a cumulative impact analysis would still be required. In *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d at 718, the court concluded that an EIR inadequately considered an air pollution (ozone) cumulative impact. The court said: "The [EIR] concludes the project's contributions to ozone levels in the area would be immeasurable and, therefore, insignificant because the [cogeneration] plant would emit relatively minor amounts of [ozone] precursors compared to the total volume of [ozone] precursors emitted in Kings County. The EIR's analysis uses the magnitude of the current ozone problem in the air basin in order to trivialize the project's impact." The court concluded: "The relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin."<sup>26</sup>

The *Kings County* case was recently reaffirmed in *Communities for a Better Environment v. Calif. Resources Agency*, 103 Cal. App. 4th at 118, where the court struck down an attempt by the California Resources Agency to create a "de minimis" exception to CEQA's cumulative impacts analysis requirement. The court held that even if a Project had only de minimis impacts, it may still have a significant cumulative impact when viewed in conjunction with other past, present and reasonably foreseeable future projects.

#### **B. New Information and Changed Circumstances Regarding Cumulative Development**

GP3-11

In this case, the 1992 MEIR did not, and could not have, considered the massive changes that have occurred in San Diego over the past 13 years. Even the 1999 SEIR did not consider the significant changes that have occurred in San Diego over the past 6 years. Subsequent environmental review should be prepared to analyze the Project's impacts together with the ozone precursor emissions generated

<sup>26</sup> *Los Angeles Unified v. City of Los Angeles*, 58 Cal. App. 4th at 1024-1026 found an EIR inadequate for concluding that a project's additional increase in noise level of another 2.8 to 3.3 dBA was insignificant given that the existing noise level of 72 dBA already exceeded the regulatory recommended maximum of 70 dBA. The court concluded that this "ratio theory" trivialized the project's noise impact by focusing on individual inputs rather than their collective significance. The relevant issue was not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant given the nature of the existing traffic noise problem.

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by newly proposed and currently underway residential, commercial and industrial development projects in San Diego. The construction and operational emissions of these projects and their related traffic will all contribute to the same ozone problem. The cumulative impact of these projects will produce massive amounts of ozone precursor emissions that will exacerbate the already unacceptable ozone levels in the region.

GPB-11  
COT

An adequate cumulative impacts analysis is particularly important where, as in San Diego, new information shows that San Diego exceeds the new national 8-hour ozone standard. In the *American Lung Association State of the Air: 2004* report, San Diego County received a "F" grade for ozone pollution.<sup>27</sup> San Diego County also received an "F" grade for particulate matter pollution.<sup>28</sup> Even the outdated analyses in the 1992 MEIR and 1999 SEIR indicates that cumulative air quality impacts for the previously proposed smaller project.<sup>29</sup> As in *Kings County*, fugitive dust and diesel emissions are highly significant because the region now exceeds the federal health-based 8-hour standard for ozone. Under these circumstances, any addition of ozone precursors exacerbates an already unacceptable condition. Previously identified impacts will be more severe based on this new information.

In addition, the City has new information regarding development in the Project area that was not known or considered when the 1992 MEIR and 1999 SEIR was certified.

The first evidence of new information and changed circumstances is expressed by the City in the 1999 SEIR itself. As the City plainly admits in the 1999 SEIR, "*changes in circumstances under which the Redevelopment Project would be implemented have occurred since the MEIR prepared [sic]. These changes include new regulations and interpretations associated with [CEQA] as well as changed conditions within the Redevelopment Project area.*"<sup>30</sup>

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<sup>27</sup> [http://lungaction.org/reports/sota04\\_county.html](http://lungaction.org/reports/sota04_county.html)

<sup>28</sup> Id.

<sup>29</sup> See 1999 SEIR, p. 6-17.

<sup>30</sup> Final SEIR for Ballpark and Ancillary Development Projects, and Associated Plan Amendments, September 1999, p.1-5.

The second evidence of new information and changed circumstances is expressed by a City Councilmember in 2004. In addition, in a March 23, 2004 City Council meeting, City Councilmember Frye indicated that the 1992 MEIR provides outdated and deficient analyses of cumulative impacts and public safety impacts to be used for review of current projects. This Councilmember's opinion echoes a November 10, 2003 article in the San Diego Union-Tribune, providing additional evidence of changed circumstances:

Downtown has been booming since the mid-1980s, adding scores of buildings and thousands of businesses, workers and residents. In the same period, fire resources –trucks and staffing – have decreased... Police, too, see their downtown forces dwindling. Meanwhile, the crime rate and calls for served recorded double-digit increases over the last year... Downtown has less fire protection today than it did 20 years ago, Assistant Fire Chief August Ghio said. ...Calls for firefighters or paramedics downtown have increased 9 percent since fiscal 2000, from 9,935 calls that year to 10,837 for the fiscal year that ended June 30 [2003].<sup>31</sup>

6P3-12  
These significant decreases in the availability of fire and police services coupled with the significant increase in the residential population in downtown San Diego are having a significant impact on public safety that was not considered in the 1992 MEIR and 1999 SEIR.

The fourth evidence regarding new information and changed circumstances is set forth in a 2003 addendum for the "East Village Square Master Plan" as a replacement for the "Retail at the Park" project contemplated by the 1999 SEIR. The 2003 addendum also admits that circumstances have changed since the 1999 SEIR was prepared. Specifically, the 2003 addendum for the East Village Square Master Plan states:

"changes in the real estate market since 1999 have increased the demand for residential uses. . . . The construction, and proposed construction, of high-rise residential, hospitality, and mixed use buildings near the East Village Square site has also *increased greatly since the 1999 SEIR*. *This changing environment* has led to a change in design of the East Village Square project. . . These and other

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<sup>31</sup> See November 10, 2003 Union-Tribune news article entitled "A Thin Line of Defense."  
1726-001b

changes proposed by the East Village Square Master Plan *would result in a development substantially different than that envisioned by Retail at the Park.*"<sup>32</sup>

Finally, the City in the 2002 San Diego Downtown Community Plan Update provides the fifth evidence of new information and changed circumstances:

673-12 The Community Plan was last comprehensively updated in 1992. ***Many significant changes since then have altered the downtown landscape.*** High-rise residential towers have been built... raises new possibilities for Downtown, including greater population and housing densities than anticipated in the 1992 Community Plan.... In addition to changes to the Community Plan, the project includes making coordinated changes to Downtown's Redevelopment Plan, Planned District Ordinance, and Focus Plans for different neighborhoods.<sup>33</sup>

These significant decreases in the availability of fire and police services coupled with the significant increase in the residential population in downtown San Diego will have a significant impact on public safety that was not considered in the 1992 MEIR and 1999 SEIR.

Each piece of evidence alone constitutes substantial evidence of changes in the 1992 MEIR and 1999 SEIR warranting preparation of subsequent environmental review for the proposed Project. (Cal. Pub. Res. Code § 21166.) These projects also trigger subsequent environmental review in this case, because each project and its potential emissions constitute:

New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete...show[ing] the following:

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<sup>32</sup> See Final Addendum to the Final Subsequent EIR to the Final MEIR for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments, dated October 30, 2003, p. 2-3 (emphasis added).

<sup>33</sup> See San Diego Downtown Community Plan Update, Introduction to Working Paper #5, San Diego Downtown Comparison, CCDC, September 24, 2002, p. 3, [http://www.ccdc.com/planupdate/pdf/DT\\_scale\\_comparison.pdf](http://www.ccdc.com/planupdate/pdf/DT_scale_comparison.pdf) (emphasis added).

- GPB-12
- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration; or
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.

(CEQA Guidelines Section 15162(a)(3)(A)-(B).)

GPB-13

Clearly, the proposed Project coupled with the increased development since 1999 will result in new significant impacts and an increase in the severity of impacts on, not only air quality and public health, but traffic, parking, aesthetics and public safety in downtown San Diego. In fact, the City admits that the Project will result in significant cumulative traffic impacts. These new significant impacts or an increase in the severity of impacts must be addressed in subsequent or supplemental environmental review for the proposed Project. Without such analysis, the City's outdated EIR fails to perform its public information purpose.

## VI. Summary

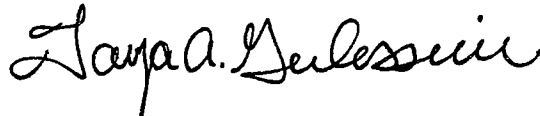
Local 569 is concerned that the City is relying on two outdated EIRs to review and approve the Project. We have identified substantial changes to the Project and substantial changes and new information regarding existing air quality, public health, parking, traffic and other Project impacts and cumulative impacts. These impacts will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects, requiring the City to conduct current environmental review of the proposed Project, pursuant to CEQA. CEQA is clear that if one of the conditions in CEQA Guidelines Section 15162 has occurred, then the City's reliance on an Addendum is improper. (CEQA Guidelines 15164(a).)



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Page 26

GP3-14 [ We urge the City to comply with CEQA and evaluate potentially significant environmental impacts in a subsequent or supplemental EIR before the City considers approving the proposed Project.

Sincerely,



Tanya A. Gulesserian

TAG:lb

cc: Al Shur, Local 569

GP4



P.O. Box 131068 - SAN DIEGO, CA 92170-1068  
[WWW.SANDIEGOSHIREPAIR.COM](http://WWW.SANDIEGOSHIREPAIR.COM)

May 5, 2005

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Pete Litrenta  
 (619) 913-8280  
[plitrenta@sandiegoshirepair.com](mailto:plitrenta@sandiegoshirepair.com)

**Mr. Brad Richter**  
**Centre City Development Corporation**  
**225 Broadway, Suite 1100**  
**San Diego, CA 92101**

**Re: Environmental Impact Report Addendum**  
**JMI Project at 8<sup>th</sup> and Harbor Drive**

**Dear Mr. Richter:**

The Port of San Diego Ship Repair Association is an organization of more than 60 San Diego area companies created to increase industry cooperation and cohesiveness and create greater public awareness and understanding of the ship repair industry's issues. We are requesting that a full environmental impact review be conducted prior to granting project approval to the JMI project at 8<sup>th</sup> and Harbor Drive. We believe that the scope and breadth of environmental impacts cannot be adequately addressed within the superficial requirements of an addendum process.

There are many EIR issues which need an in depth analysis, here are a few:

- **Land Use**—New project square footage allocation deviates significantly from "Sports Entertainment" and "Commercial Services" to "Mixed Use" which in reality is primarily residential with completely new and different environmental impacts than those studied in the 1999 plan.
- **Transportation/Traffic**—Again, commercial/sports entertainment square footage (1999 plan) does not equate to residential square footage (new project) in terms of traffic analysis and transportation impacts. The parking allocated to this new residential project is inadequate as only one parking space per unit regardless of size and number of bedrooms.
- **Parks/Open Space**— Rather than providing same for the new residents, project is "double-counting" proximity of waterfront parks and open space which already serve as mitigation for developments located on Port Tidelands.

GPA-1

GPA-2

GPA-3

GPA-4

GPA-5

- Noise/Air Quality—Residents will be exposed to noise caused by the ballpark and concerts, train switching and whistles, as well as trucking support of the convention center. High density residential development will also be subject to air quality degradation from diesel and other emissions endemic to the adjacent marine terminal and rail yards.

GPA-6

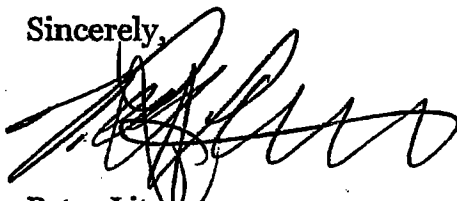
- Cumulative Impacts— Evidently this addendum assumes that there have been no new projects or traffic circulation changes to the affected area since 1999. Obviously that is a serious oversight and must be thoroughly analyzed.

The ship repair industry is a powerful economic engine for our region, employing tens of thousands of San Diegans and contributing hundreds of millions of millions of dollars to the San Diego economy each year. This project is considered a potential catalyst of growing residential encroachment of marine industrial properties. If this encroachment goes unchecked the ship repair industry may not be able to efficiently and effectively service their primary customer: The U.S. Navy. This could lead to a degradation of material readiness in the ships and a possible impact on the quality of our national defense posture.

GPA-7

A Draft Collocation Policy has recently been proposed by the San Diego Planning Commission. It provides a reasoned and pragmatic approach to protect valuable industrial land so necessary to a balanced economy and support the region's maritime reliance. As the land occupied for the most part by the ship repair industry is "marine industrial" and serves the trust purposes of the Port of San Diego and the State of California makes it all the more valuable as it cannot be re-created elsewhere. If it is lost, it is lost forever. It behooves the City of San Diego and the Center City Development Corporation to consider the proposed project within the context of this new policy and preserve this vital industry and national resource.

Sincerely,



Peter Litrenta

Executive Director

Port of San Diego Ship Repair Association

Phone: 619.913-8280/Fax: 619.429-7476

[plitrenta@sandiegoshiprepair.com](mailto:plitrenta@sandiegoshiprepair.com)

CC: Port of San Diego, Mayor and City Council, San Diego Congressional Delegation



# San Diego County Archaeological Society, Inc.

Environmental Review Committee

4 May 2005

**To:** Mr. Brad Richter, Principal Planner  
Centre City Development Corporation  
225 Broadway, Suite 1100  
San Diego, California 92101-5074

**Subject:** Draft Addendum to the Final Subsequent Environmental Impact Report  
To the Final Master Environmental Impact Report for the Centre City  
Redevelopment Project and Addressing the Centre City Community Plan  
and Related Documents for the Proposed Ballpark and Ancillary  
Development Projects, and Associated Plan Amendments

Dear Mr. Richter:

I have reviewed the cultural resources aspects of the subject Draft Addendum on behalf of this committee of the San Diego County Archaeological Society.

GP5-1 Based on the information contained in Draft Addendum, we agree that the plan-to-plan impacts of the proposed project would not alter the cultural resources mitigation measures required. However, we believe that enhancement to those mitigation measures is necessary, as discussed below.

GP5-2 It is appropriate to note that those same mitigation measures, applied to already-completed development in the Plan area, have not been executed in a timely manner. Specifically, I enquired of the San Diego Archaeological Center whether any of the archaeological collections from the completed redevelopment projects in the East Village have been submitted to the Center for permanent curation. As you are no doubt aware, curation is a requirement under the Final Subsequent EIR's Mitigation Measure 5.3-10, and presumably also included as part of the plan developed under Mitigation Measure 5.3-11 as well. I was informed by the Center that *no* collections have yet been curated. Archaeological work for the Ballpark was the subject of a press conference two years ago this month, and some of the recovered artifacts have been on exhibit at the Ballpark since it opened.


CCDC has a legal requirement to execute the mitigation measures it approved previously, and the public has a right to expect CCDC will see that it occurs in a timely manner. Please provide a status report on the archaeological collections that have resulted from previous fieldwork under CCDC's jurisdiction in the project vicinity. Also, for the subject project, please modify the existing cultural resources mitigation measure 3.1-2 to set a time limit on the preparation of the final report and curation of the collections and associated records. We would suggest that the

Certificate of Occupancy (or its equivalent) for any structure should not be issued without that final report and a letter of acceptance of the collection by the curation institution. This is the criterion currently being applied by the City's Development Services Department.

GP5-3 [ In addition, the current project's mitigation measure 3.1-3 must be modified to explicitly require curation. As currently written, it only requires treatment of recovered material through analysis and interpretation. Professional ethics (see the Register of Professional Archaeologists' Code of Conduct, Article 5, at <http://www.rpanet.org/conduct.htm> ) require curation, so 3.1-3 should recognize and reflect that requirement.

Thank you for including SDCAS in the public review of this project's environmental documents.

Sincerely,

  
James W. Royle, Jr., Chairperson  
Environmental Review Committee

cc: San Diego Archaeological Center  
SDCAS President  
File



**Coordinated Maritime Services of San Diego, Inc**  
501c3 nonprofit California organization serving San Diego since 1997 as a:

- Voice for the working waterfront
- Maritime information, career, training and education engine
- Tidelands and waterfront steward
- Community service provider

May 6, 2005

Mr. Peter Hall, President  
Centre City Development Corporation  
225 Broadway  
San Diego, CA 92101

Re: Environmental Impact Report (EIR) Addendum  
JMI Project at 8th and Harbor Drive

Dear Mr. Hall:

Coordinated Maritime Services of San Diego, Inc. assists in the coordination of many educational & training programs for working waterfront industries. Most San Diego shipyards have facilities and programs to train new and current employees. CMS's Career Center, in partnership with the shipyards, introduces job seekers to recruiters, matching individual interests with job market needs and available training programs. With CMS's Maritime Career Discovery Programs, CMS can provide an ongoing infusion of qualified future employees by forming alliances with high school, community college, and university students. CMS's school ships used for hands-on training act as recruiting platforms for the Army, Navy, Marine Corps, USCG, and Merchant Marine services. CMS works with MARAD, local schools and colleges, shipbuilding/ship repair, tug and tow industries, as well as the Port in highlighting the benefits of maritime activities.

In light of our mission, the protection and advancement of Maritime America, we are truly concerned about the addendum process for the EIR. We have experienced radical changes in some of our operating activities with respect to location of job training facilities, land availability, public safety and port security issues in the last few years since 9/11. These changes have also come into play after the last Master EIR was composed.

We need to protect America's Maritime and the members of the working waterfront industry. Excessive encroachment of residential dwellings on older, more industrial areas may harm the businesses that are so crucial to our national and economic security. We've heard reports that new high-rise residential dwellers have complained about the sounds of trains and whistles, etc.

GP6-2  
cont.

Impacts on industrial businesses by the encroachment of high-rise residential and/or hotel uses is not complementary and may hamper & restrict these businesses from normal operations due to environmental regulation. Urban revitalization is a positive thing and CCDC's leadership has been exemplary in providing a catalyst for Downtown San Diego redevelopment. However, when industrial uses are impacted negatively, environmental constraints composed and jobs lost in crucial maritime industries - then a serious review of priorities are in order.

We are confident that your review of the EIR and related concerns will be addressed logically and fairly in the best interests of the maritime, rail, and related industries and communities that surround the proposed project area.

Regards,

  
Captain Jeff Bentley  
Executive Director

  
Rosanne Rubenstein Bentley  
Director

  
Keith Coleman  
Senior Advisor

619-200-7417

Mailing Address: Coordinated Maritime Services 1551 Shelter Island Drive San Diego, CA 92106

May 6, 2005

Mr. Brad Richter  
Principal Planner  
Centre City Development Corporation  
225 Broadway, Suite 1100  
San Diego, CA 92101-5074

**Via Electronic & Regular Mail**

Dear Mr. Richter:

**Re: Comments on Draft Addendum to the Final MEIR**

The National Railroad Passenger Corporation (Amtrak) has received the draft Addendum to the Final Subsequent Environmental Impact Report (SEIR) to the Final Master Environmental Impact Report (MEIR) for the Centre City Redevelopment Project addressing the Centre City Community Plan and related documents for the proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments. Amtrak has the following comments regarding the proposed project:

GP7-1  
Amtrak currently operates a Train Station as well as a small mechanical maintenance facility located at 1050 Kettner Boulevard in San Diego, California. The Station is a manned ticketing location and serves as a location for arriving and departing passengers using Amtrak's Pacific Surfliner service. The maintenance facility services the trains that layover nightly at this location. A map illustrating the location of the Amtrak facility approximately 1.5 miles from the project location has been included for your reference.

The increased development intensity resulting from the Ballpark Village development project will increase pedestrian and motor vehicle traffic in areas adjacent to the project including Amtrak's San Diego Station. Movement of trains to and from the San Diego Station and the associated rail right of way can pose a risk if not properly protected from access by trespassing pedestrians. We encourage the planning and development process to include (aesthetic and effective) barriers along all active track and stations. Thank you for your cooperation and the opportunity to comment.

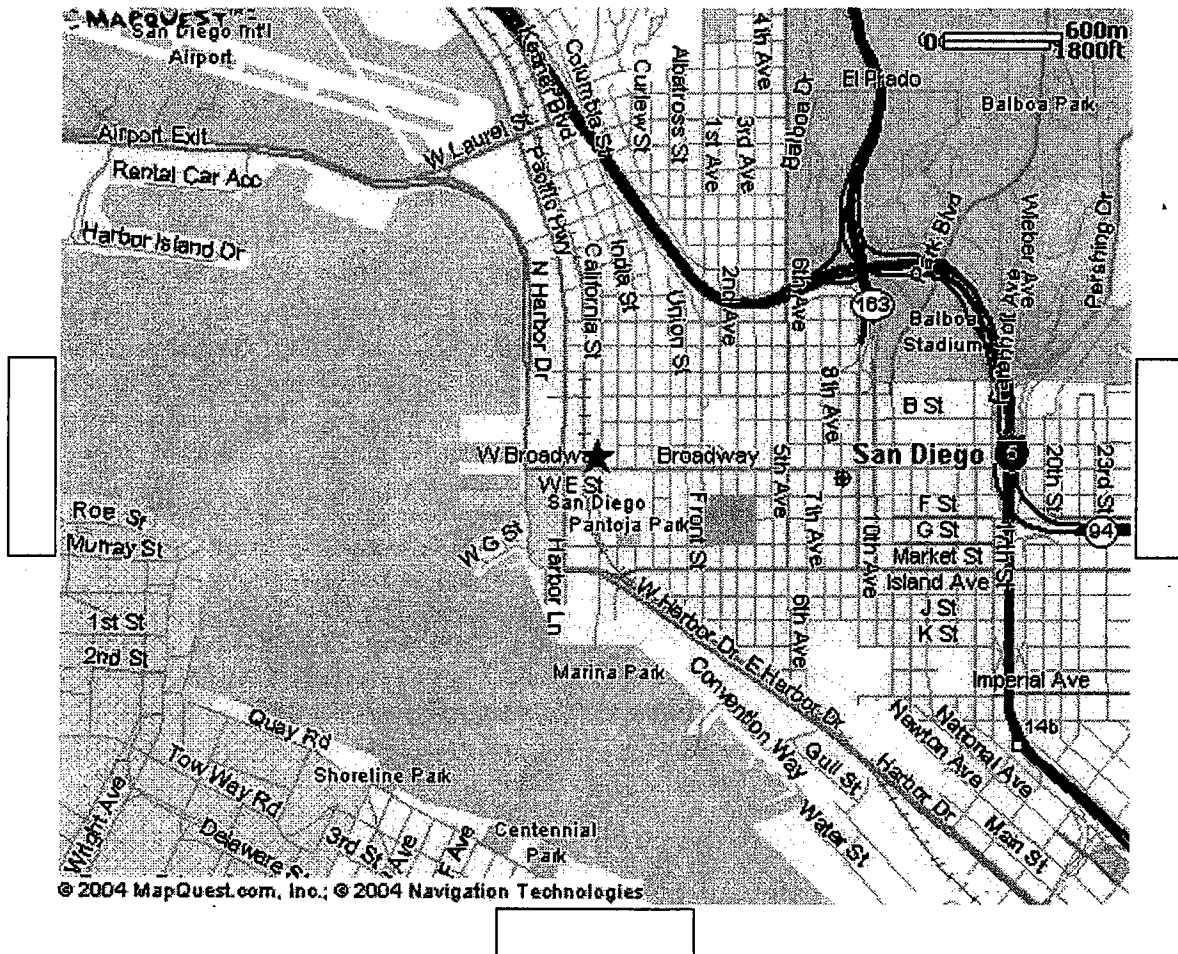
Sincerely yours,

Wade W. Smith  
Amtrak  
Senior Environmental Coordinator

cc: Richard Phelps  
Jad Roberts, Esq.



Attachment  
Mr. Brad Richter  
May 6, 2005



Amtrak 1050 Kettner Boulevard, San Diego, California, 92101

**HARBORSIDE**

San Diego Refrigerated Services, Inc.

802 Terminal Street  
San Diego, CA 92101Phone (619) 702-9334  
Fax (619) 702-9337

May 4, 2005

Peter Hall, Executive Director  
Centre City Development Corporation  
225 Broadway  
Suite 1100  
San Diego, CA 92101-5074

Re: Draft EIR Addendum for the JMI High-rise Residential Project

Dear Mr. Hall:

- GPB-1 [ We have reviewed the Draft Environmental Impact Report Addendum and are writing to express our concern about the JMI High-rise Residential Project, listed in the Master Plan within parcels C1, C2, C3, C4, D1, and D2,
- GPB-2 [ A change in existing conditions will occur as this area is not a residential area, but rather a commercial area. Noise is a big factor in that while the analysis reviews noise caused by the ballpark and other entertainment venues, it does not mention the impact from the Tenth Avenue Marine Terminal nor the trucking that occurs daily. The terminal is a working terminal conducting business 24 hours a day.
- GPB-3 [ Air quality is another area not fully addressed. As a tenant at the marine terminal, we have worked cohesively with other groups in trying to improve the air quality in the surrounding Barrio Logan neighborhood. While the Project sits just outside that footprint, it is still a concern that the report did not review potential air quality impacts that may be imposed on residents by the surrounding commercial area.
- GPB-4 [ Traffic is sidelined as no new analysis was done. Traffic congestion is building in this area and the report disregards the impact of the numbers of residents requiring parking and also the impact to and from the railroad. Another study should be completed to assess real numbers and not just the ones projected from 1999.
- GPB-5 [ Lastly, hazards and hazardous materials are inadequately reviewed. There are various hazardous materials used on and in the surrounding area of the marine terminal; it doesn't take into consideration the fact that jet fuel sits above ground along with the ammonia we use in our business, nor any form of emergency response.
- GPB-6 [ We are requesting that a full Environmental Impact Report be completed for the JMI High-rise Residential Project.

Sincerely,

  
Edward F Plant  
SDRS-Harborside

cc: San Diego City Counsel

GP9



**Searles Valley Minerals**

13200 Main St., Trona, CA 93562  
P.O. Box 367, Trona, Ca 93592-0367  
(760) 372-4311

May 6, 2005

Mr. Peter Hall  
Centre City Development Corporation  
225 Broadway  
San Diego, CA 92101

Re: JMI Condominium Project

Dear Mr. Hall:

North American Terminals, Inc. is a wholly owned subsidiary of Searles Valley Minerals. North American Terminals, Inc. has been operating at the 10th Avenue Marine Terminal since 1992 for the purpose of exporting minerals produced at Searles Valley Minerals operations in Trona CA and more recently has begun importing sand that is critical to the growth of San Diego.

We have reviewed the proposed addendum to the Final Subsequent EIR for the Centre City Redevelopment Project for the ballpark and ancillary development projects.

Searles Valley is in strong opposition to the addendum process and is requesting that a full Environmental Impact Report be conducted including an analysis of the impacts on existing and expanding industrial operations of the 10th Avenue Marine Terminal by a residential project at 8th & Harbor Drive of the size and scale being proposed by JMI Development.

Thank you for your consideration of our comments.

Respectfully,

A handwritten signature in cursive script that reads "David Goins".

David Goins  
Manager Port and Plant Logistics

CENTRE CITY  
DEVELOPMENT  
CORPORATION

MAY 06 2005 4:28pm

Orig. To: \_\_\_\_\_

Copy To: \_\_\_\_\_

GP9-1



May 5, 2005

CENTRE CITY  
DEVELOPMENT  
CORPORATION

Mr. Peter Hall, President  
Centre City Development Corporation  
225 Broadway  
San Diego, CA 92101

MAY 06 2005 4:28pm

Orig. To: \_\_\_\_\_

Copy To: \_\_\_\_\_

**Subject: Draft Addendum to the Final Master EIR for Centre City  
Redevelopment Project for the Ballpark and Ancillary  
Development Projects and Related Facilities**

Dear Mr. Hall:

GP10-1  
The Industrial Environmental Association is a manufacturers' public policy trade organization representing numerous businesses at the 10<sup>th</sup> Avenue Marine Terminal and in the Barrio Logan community area. We would like to formally submit our comments in opposition to the Addendum to the Final Master Plan for the proposed ballpark and ancillary development projects, including the Ballpark Village Plan, which includes the JMI high-rise residential project, and request instead that a full environmental impact review be conducted.

GP10-2  
Overall, we have many serious objections with the residential nature of this project. The development, as proposed, would place residential homeowners in close proximity to major industrial facilities. Our concern is that, the project as proposed, will ultimately lead residential interests to challenge preexisting industrial uses, impede vital industrial operations, increase the difficulty for industries to obtain or maintain their facility permitting requirements and jeopardize future industrial expansion and growth.

GP10-3  
An addendum to a project of this scale and magnitude is inappropriate due to a material change in circumstances since adoption of the original EIR. Our opposition to the EIR addendum process is also based not only on the impacts of the proposed project on the business interests at 10<sup>th</sup> Avenue and Barrio Logan but also on the proposed actions' inconsistency with planning and zoning law and with the California Environmental Quality Act in the following areas:

- **Approval of the EIR Addendum and Capricious:**

As proposed, the project change from the previous commercial ? designation to residential does not promote public health, safety or welfare. As such your adoption of an addendum to the EIR would be arbitrary and capricious. Arnel Dev. Co.



v. City of Costa Mesa, 126 Cal. App 3d 330,336 (1981) (land use regulations must further public welfare.)

GP10-3  
cont.

The addendum glosses over the inconsistent land use that would be posed locating residential in close proximity to industrial use, to the detriment of the public welfare. The addendum fails to acknowledge that residential development is not appropriate where it will be in close proximity to incompatible industrial uses. Allowing condominium units adjacent to existing industrial uses conflicts with, and does not further, community and City of San Diego land use policies calling for compatible land use to ensure the public health, safety and welfare.

- **Addendum to the EIR Fails to Comply with the California Environmental Quality Act**

Using the addendum process is inadequate as a matter of law because the project changes are substantial and require major technical review. The original EIR did not evaluate the new and significant environmental impacts of locating residential units in close proximity to the industrial facilities. The potential new short and long-term environmental impacts of the change from commercial to residential need to be evaluated. No analysis whatsoever was conducted to determine the impacts of locating high-intensity residential development in areas that originally were planned for commercial development under the CCDC plan.

IEA has considerable experience with the problems that have occurred from historic zoning practices that combine heavy industrial and residential land uses, such as in Barrio Logan. IEA works closely with local, state and federal public environmental and regulatory agencies in an effort to prevent exactly the kind of incompatible and conflicting use that would occur if this residential project is approved.

An intensive land use compatibility study has been conducted by the California Environmental Protection Agency's Air Resources Board. More than two years of work involving a diverse group of stakeholders has culminated in the adoption of a "Land Use Guidebook," formally adopted by the ARB on April 28, 2005, as a tool for local planning agencies to prevent residential and other sensitive land uses from being sited too close to industrial facilities. Port and rail activities are identified as prime examples of where nearby residential siting should be avoided, and more detailed studies are scheduled to begin in six months. (Attachment: "Air Quality and Land Use Handbook: A Community Health Perspective, March 2005, California Environmental Protection Agency, California Air Resources Board.)

In addition, both the San Diego Air Pollution Control District and the County of San Diego Department of Environmental Health have issued advisories to local planning agencies expressing caution wherever and whenever residential and industrial collocation are considered. (Attachments: APCD letter and DEH letter)

Finally, the California Office of Planning and Research has issued general plan land use guidance that states, "It is important to recognize that there are certain industrial uses that will always be incompatible with residential and school uses. Residential and school uses are harmed by incompatible land uses that have environmental effects, such as noise, air emissions (including dust) and exposure to hazardous materials. The compatibility problem can also operate in reverse and harm a business in the form of higher mitigation costs or the curtailment of economic activities. Residential and school uses in proximity to industrial facilities and other uses that, even with the best available technology, will contain or produce materials that, because of their quantity, concentration or physical or chemical characteristics, pose a significant hazard to human health and safety.

Areas of deficiency not addressed in the addendum include:

- **Environmental Impacts:**

Many of the facilities in the Barrio Logan and the 10<sup>th</sup> Avenue terminal area are highly regulated and permitted, with extensive regulatory oversight and frequent inspections. Numerous requirements are placed upon these companies, and regulatory agencies require, consideration of residential exposures, which in turn affects the ability of a company to perform specific processes, to use and store certain types and quantities of hazardous materials or conduct activities which have releases into the air. The addendum process for this project is inadequate because a full EIR process should include, at a minimum, a review of how industrial operations would be affected by residential encroachment and which are regulated under the following:

- Health & Safety Code Section 25534.1 (RMPP) requires consideration of proximity of industrial facilities to residential areas;
- Title 40 CFR Chapter 1, part 68.1, Subchapter C (RMP) requires an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process to prepare a Risk Management Plan which describes the planning and response appropriate to mitigate a possible release of a regulated substance;
- Health & Safety Code 44300 (Air Toxics "Hot Spots" Information Act) which requires manufacturers or users of listed substances (above a certain threshold quantity to prepare a site-specific inventory of toxic inventory of toxic substance air emissions.) When required by the agency, the report must also include information on the proximity of the substance source to potential receptors.
- Health & Safety Code Section 41700 (Public Nuisance) states that no person shall discharge from any source any air contaminant which causes nuisance or annoyance to any considerable number of persons of the public or endangers the comfort, health or safety of such persons or public.

GP10-4

- GPID-4  
cont.
- Port areas are a source of mobile toxic diesel air contaminants from a variety of transportation uses, including refrigeration units, fuel trucks, portable engines and stationary engines;
  - State Fire Marshall review regarding the underground pipeline and aboveground storage facilities at the jet bunker fuel depot; and
  - Residential uses are considered "sensitive receptors." Residential exposure to industrial activities must be considered on the basis of 24 hours a day, seven days a week, 365 days a year for 70 years.

• **Safety and Security Concerns:**

GPID-5

Hazardous materials use and storage can take place on the entirety of a site covered by a permit, including areas outside of buildings and extending to loading docks and walk paths between the buildings of a multi-building site. Companies need to assess their site vulnerabilities and take actions to prohibit access to any portion of its facilities for the safety and security of its employees and the general public, including fencing and high intensity nightlighting. Experience has shown that residential units near industrial facilities will generate unauthorized and unsafe use of parking lots and outdoor areas for a variety of purposes (i.e., everything from skateboarding to industrial terrorism.)

• **Goods Movement:**

GPID-6

The 10<sup>th</sup> Avenue, Barrio Logan industrial area is central to the global trade supply chain and commerce associated with national defense, and as such, a system of infrastructure for railways, truck routes and staging areas for port loading and unloading must be maintained. The goods movement industry has substantial opportunity for growth. Shipments into California ports are posed to double over the next 15 years and perhaps triple over the next 20 years, according to a recent report issued by the California Business & Transportation Agency (Goods Movement Action Plan.) Goods movement corridors, to accommodate large scale truck traffic, must be preserved. This kind of traffic flow cannot be accommodated if streets currently used for port activities have additional physical capacity restraints as would be generated by intense residential development or if the streets become subject to residential street standards or if access to certain streets is restricted or denied.

• **National Security/Military Readiness:**

GPID-7

The residential project as proposed would negatively affect the nearby military-industrial complex to maintain military readiness. SB 1462 and SB 926, both adopted in 2004, require consideration of impacts of residential encroachment on military readiness.

GP10-7  
cont.

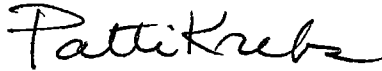
SB 1462 requires notice and consultation with the military to assess military preparedness issues. SB 926 requires that land use elements of city general plans consider, among other things, the impact of new growth on military readiness activities carried out on military bases, installations and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land or other territory adjacent to those military facilities or underlying designate military aviation routes and airspace. Existing law requires that cities address military impacts based on the information that the military provides. SB 926 further added a provision that cities address military impacts based on information from other sources. The 10<sup>th</sup> Avenue and Barrio Logan industrial areas are home to businesses that provide extensive support for military-related activities, and thus, evaluation of residential compatibility is required.

GP10-8

In conclusion, we once again would like to state our opposition to the use of the addendum to the master EIR and urge a full environmental impact review taking into account the issues as cited in this letter.

Thank you for the opportunity to participate in this process.

Sincerely,



Patti Krebs  
Executive Director

Attachments:

- California Air Resources Board Land Use Guidebook
- Letter from APCD
- Letter from DEH
- Office of Planning and Research General Plan Guidance



# Environmental Health Coalition

COALICION de SALUD AMBIENTAL

401 Mile of Cars Way, Suite 310 ♦ National City, CA 91950 ♦ (619) 474-0220 ♦ FAX: (619) 474-1210  
ehc@environmentalhealth.org ♦ www.environmentalhealth.org



May 6, 2005

Brad Richter  
Principal Planner  
Center City Development Corporation  
225 Broadway, Suite 1100  
San Diego, Ca 92101-5074

RE: Draft Addendum to the Final Subsequent Environmental Impact Report to The Final Master Environmental Impact Report for The Ballpark Village Master Plan

Dear Mr. Richter,

Environmental Health Coalition (EHC) is a community-based organization that has, for the past 25 years, dedicated our efforts to achieving environmental and social justice. We believe that all people have the right to live, play and work in a safe and healthy environment. We organize and advocate to protect public health and the environment.

EHC opposes the residential development described in the Addendum. We also object to the environmental review process and we believe that a new EIR should have been prepared and fully circulated for this project. The California Environmental Quality Act clearly states that a new E.I.R is required for projects not specifically included in the Master E.I.R. (MEIR) and those that will have significant effects on the environment therefore not "within the scope" of the earlier project. The proposed Ballpark Village would not be exempt.

**Land use and Planning.** The Ballpark Village modifications evaluated in this Addendum include primarily the addition of developable space resulting from the transfer of floor area from the ballpark within the Sports/Entertainment District. The resulting transferred floor area allows for increases in maximum FAR for the project.

The original analysis in the MEIR did not include the ballpark. The SEIR and subsequent amendments are not adequate in assessing potential impacts associated with the addition of the ballpark. The scope of the project, densities, and increases in uses were difficult to discern.

We are requesting a new EIR be conducted in order to address sources of incompatibility with land uses such as those affecting neighboring communities like Barrio Logan.

Barrio Logan residents are concerned that the proposed development project will further exacerbate the following problems that were created by the building of Petco Park:

- An increase in vehicular activity leading to an increase in ground level ozone,
- Permanent increase in ambient noise levels from increased traffic.
- Insufficient parking allocations that would cause an overflow into Barrio Logan.

GP11-2  
cont

- Displacement of the homeless population that would find refuge in Barrio Logan would have a significant impact on the physical condition of the neighborhood.

**Population and Housing.** The addendum, SEIR and DEIR fail to specify the population and housing effects of the Ballpark and Ancillary Development Project. The Addendum cites the provision of building 1,500 housing units and compliance with the City's Inclusionary Housing Ordinance and Affordable Housing Requirements by opting to pay the in-lieu fees and develop affordable housing within or outside of the Master Plan area.

Barrio Logan residents are concerned that a residential project of this magnitude without the provisions for affordable housing, will further gentrify their community. The building of Petco Park has had a devastating effect on Barrio Logan residents. Rents have tripled, property values have risen from \$19/sqft to \$300/sqft. Families are doubling and tripling up in housing units.

EHC and Barrio Logan residents have developed The Barrio Logan Vision Plan that addresses the need for affordable housing. The vision plan is supported by Barrio Logan residents, businesses and other stakeholders. The Ballpark Village project should be consistent with the Barrio Logan Vision Plan.

**Air Quality.** The proposed development project requires a new environmental analysis of air quality impacts. The existing MEIR/SEIR analyzed only impacts caused by the Ballpark project to the air quality of the San Diego air basin as a whole. The proposed project would place a large residential development in an industrial area where air quality impacts to residents themselves are likely to be significant. The existing environmental documents fail to even identify this issue. Moreover, new information has emerged since the original MEIR/SEIR was completed. The following California Air Resources Board documents have important implications for the proposed project, and must be considered in a new environmental analysis.

- GP11-4
- (1) In November of 2004, the ARB released a report of its air quality research in Barrio Logan, entitled *Barrio Logan Report: A Compilation of Air Quality Studies in Barrio Logan*. This report summarized the results of an extensive air quality monitoring and modeling study that was undertaken by the ARB over an approximately two-and-a half year period from 1999 to 2001. The report identifies diesel particulate matter as the single most significant contributor to cancer risk from toxic air contaminants in the Barrio area, responsible for almost 70% of the cancer risk. The report also identifies important sources of diesel emissions. Heavy duty trucks account for an estimated 8,000 pounds per year, while the railroad contribution is an estimated 5,600 pounds, and the contribution from shipping is 84,000 pounds.

([http://www.arb.ca.gov/ch/march\\_29\\_aq\\_handbook.pdf](http://www.arb.ca.gov/ch/march_29_aq_handbook.pdf)). These emissions are not all occurring in close proximity to the proposed Ballpark Village. However, the D-1 and D-2 parcels appear to be as close as 85 feet from the railroad. The stretch of railroad from the Embarcadero to Cesar Chavez Parkway accounts for approximately 3,047 lbs of diesel particulate matter. Total diesel emissions in the Barrio Logan area close to the project, including the terminal and small businesses (but not trucks), sum to 5,542 lbs.

- GP11-4  
cont.
- (2) The ARB has recently finalized its land use guidance, contained in the document, *Air Quality and Land Use Handbook: A Community Health Perspective*, March, 2005. This document calls on local land use planning processes to consider toxic impacts of siting decisions that place industrial and residential land uses in close proximity. The ARB calls for at least a 500-foot separation between freeways and sensitive receptors such as residents; it further lists railroads and ports as activities that require consideration and analysis before siting decisions are made. No such analysis currently exists for the proposed new development.

In sum, neither the Addendum nor the MEIR/SEIR provides an adequate analysis of impacts of toxic air contaminants to the proposed development. A new EIR is needed that will include analysis of diesel particulate matter and other toxic air contaminants to potential residents of the Ballpark Village.

GP11-5

**Hazardous Materials.** As with the air quality impacts, the existing environmental analyses have dealt only with potential impacts from the project on the surrounding area, and failed to analyze potential impacts to residents of the proposed new developments. The area surrounding the Ballpark Village is industrial in character and includes the 10<sup>th</sup> Street Terminal and related businesses, the railroad, and the San Diego Trolley maintenance yard. The trolley yard is immediately adjacent to the proposed development and includes activities and materials not normally present in residential settings: hundreds of gallons of solvents, oils, lubricants, batteries, welding gases, industrial strength cleaners, and so on. Anywhere there are industrial hazardous materials, there is the potential for spills, leaks, fires, explosions, vandalism, or other accidents that could expose residents to hazardous materials in toxic concentrations. A new EIR is needed to analyze these impacts.

GP11-6

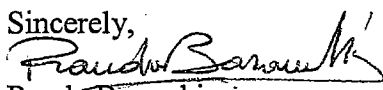
In addition, new analysis must include the potential impacts of truck traffic from clean up of contaminated soils that may be present at the site. Truck traffic headed for the northbound I-5 freeway from Harbor Drive is currently being routed to 28<sup>th</sup> Street and from there to the freeway; impacts of this traffic on residents of Barrio Logan have not been included in any previous analysis.

GP11-7

**In summary**, we are primarily concerned about the lack of protections for placing residential units in areas that could be impacted by toxic air emitters, lack of community participation, especially by those residing in adjacent communities and the need for more specification in the provision of affordable housing.

We hope that you will work with us to make this project the best it can be for residents living downtown and the surrounding communities. Please contact me at (619) 474-0220 x103 to discuss EHC's comments.

Sincerely,



Randa Baramki

Co-Director

Toxic Free Neighborhoods Campaign

## STATE AGENCY COMMENTS

### **Comment Letter SA1: State Senator Denise Ducheny (May 16, 2005)**

**SA1-1:** The Ballpark Village Addendum is consistent in land use and intensity with the Centre City Redevelopment Plan, Community Plan, and PDO. The transfer of floor area from the Ballpark and the mixture of uses is allowed by the Community Plan and PDO and is consistent with the analysis performed for the previously certified EIRs. The proposed land uses and intensity are within all allowable caps for both square footage and ADT and are consistent with the transfer of floor area regulations and Sports/Entertainment District allowable land uses and other conditions previously analyzed. As stated in Section 4.3.1.2 of the SEIR:

“The first phase of the Ancillary Development Projects would be comprised of a range of uses including office buildings, hotels, retail and, potentially, residential...To facilitate conversion of land uses in the future, the PDO and community Plan maximum trips would be used as a cap to development, therefore, conversions in land use would not result in an increase in ADT over the maximum assumed intensity.”

For the reasons described in these responses to comments and as analyzed in the Addendum, a subsequent or supplemental EIR is not required for this project, and the Addendum provides the appropriate level of environmental review.

**SA1-2:** The Ballpark Village Master Plan project is not anticipated to impact military readiness. The closest military facility, the Navy Pier/Broadway Complex, is located one mile northwest of the project site and serves mainly administrative type military activities. Naval Station San Diego and Naval Air Station North Island are the two largest military facilities in the vicinity of the project site and the nearest points of both facilities are located at least 1.5 miles away from the Ballpark Village location. The main access points to both facilities are located 2 or more miles from the proposed project site. The distance from the proposed project to the military facilities would preclude the project from imposing direct impacts on the installation. The proposed project would not impose any impacts on the military installation or the Port not previously considered. The Port Master Plan was reviewed, but does not present any information not previously analyzed that shows new or more severe impacts from or to the proposed project. In addition, neither the U.S. Navy nor any other military facility has issued comments regarding impacts to their operations or readiness.

The proposed Ballpark Village Master Plan area is not covered by the Barrio Logan Vision Map. For additional information on the collocation of industrial and residential land uses, please see Response to Comment LA1-10.

**SA1-3:** For the reasons described in these responses to comments and as analyzed in the Addendum, a subsequent or supplemental EIR is not required for this project, and the Addendum provided the appropriate level of environmental review.

## LOCAL AGENCY COMMENTS

### **Comment Letter LA1: Unified Port of San Diego (May 6, 2005)**

**LA1-1:** The Ballpark Village project does not propose the relocation of high-density residential towers to Area D1 and D2. The project proposes a physical location for residential development previously allowed in the ballpark area and analyzed in the MEIR/SEIR.

CEQA does not require a formal public review period for an addendum. However, pursuant to the City's Municipal Code, the Addendum was circulated for a 14-day review period. The review period given provides adequate time to review the Addendum and no extension has been granted.

**LA1-2:** No substantial changes in circumstances have occurred that would affect the environmental analysis of the proposed project. As described in detail in the Addendum, no subsequent or supplemental EIR is required for the Ballpark Village project.

As required by CEQA, CCDC and the City continue to implement the MEIR/SEIR mitigation pursuant to the requirements of the Mitigation Monitoring and Reporting Program (MMRP). No specific cuts in public services are proposed or have been identified by the commenter nor is CCDC aware of any at this time that might affect services and mitigation in the Ballpark Village Master Plan area. Please see response to comment LA1-15 for additional discussion of public services.

The previous MEIR/SEIR assumed development would continue to occur in and around the Centre City Community Plan area, including regional development such as that which has occurred in the Port tidelands. Section 6.0 of the SEIR summarizes the cumulative developments in Section 6.1. This section also includes a summary of cumulative projects with name, use type, size and completion date in Table 6.1-1. CCDC reviewed the Port Master Plan, and it does not present any information not previously analyzed that would result in new or more severe impacts from the proposed project.

The vitality and importance of military and marine activities is recognized and valued. New security requirements instituted since 2001 would not result in an environmental effect that was not previously analyzed. See Response to Comment SA1-2 regarding Military Readiness.

**LA1-3:** Residential is an allowed use for the Ancillary Development Projects area. The analysis using office was not intended to preclude residential. The SEIR analyzed the most intensive development that would be allowed in the Ballpark and Ancillary Development Projects area as a worst-case scenario for environmental analysis purposes. Phase I was developed within the cap assumed in the SEIR. Therefore, there are no changes that would be more significant than previously analyzed.

The proposed project analyzed under the Ballpark Village Addendum is consistent in land use and intensity with the Centre City Redevelopment Plan, Community Plan, PDO, and transfer of floor area allowances. The mixture of uses evaluated in the MEIR/SEIR assumed a worst-case scenario based on intensity of development and traffic generated. However, the SEIR assumed that the mixture and intensity of uses could change in the area as long as development remained within the FAR and Average Daily Trip (ADT) cap analyzed in the SEIR. The Ballpark Village project is within the FAR and ADT cap established by the PDO and consists of uses identified as potentially occurring in the Sports/Entertainment District and allowed by the transfer of floor area. In addition, the transfer of floor area from the Ballpark is allowed by the Community Plan and PDO, and is consistent with the analysis performed for the previously certified EIRs. The proposed land uses and intensity (including the transferred floor area) are within all allowable caps for both square footage and ADT, and are consistent with the conditions previously analyzed.

**LA1-4:** The MEIR/SEIR analyzed development and ultimate buildout of the Centre City Community Plan area as well as the Ballpark and Ancillary Development Projects area. Development in Centre City has progressed as anticipated and analyzed in the MEIR/SEIR documents. As required by CEQA, CCDC and the City have continued to implement the mitigation measures contained in the MMRP for the MEIR/SEIR. As was the intent of the MEIR/SEIR mitigation program, the scope and breadth of those measures have allowed CCDC and the City to apply the mitigation measures successfully to a variety of projects in Centre City. No new substantial information or mitigation has been identified by the commenter that would change the analysis or mitigation requirements identified by the previous MEIR/SEIR.

**LA1-5:** This comment is not applicable to the proposed Addendum because although the 1992 MEIR used "Master" in the title, the text of the MEIR/SEIR clearly establishes that they are being implemented as program EIRs. Although the commenter is correct in that their references to CEQA Guidelines Section 15175 through 15179.5 apply to master EIRs, commenter is incorrect in arguing the sections are applicable in this case because the MEIR and SEIR are both program EIRs. A "program" EIR follows a slightly different statutory scheme than a "master" EIR. Under a program EIR, a subsequent or supplemental EIR is only required if substantial changes in the project or the circumstances under which it was adopted are proposed or if new information not known at the time of adoption of the redevelopment plan is discovered that demonstrate that new or more severe impacts would occur. As noted in the MEIR, ". . . [n]o additional environmental documents will be required for individual components of a redevelopment plan, unless a subsequent or supplemental EIR, addendum to the EIR, or negative declaration would be required . . . Therefore, overall this EIR is intended to be adequately comprehensive in terms of analyzing environmental impacts and identifying mitigation measures." *Meaney v. Sacramento Housing and Redevelopment Agency* (1993) 13 Cal.App.4<sup>th</sup> 566,584 also confirms that specific components within a redevelopment plan should not require a new EIR expressly where density calculations are not exceeded.

The project analyzed in the Ballpark Village Addendum is consistent in land use and intensity with the Centre City Redevelopment Plan, Community Plan, PDO, and transfer of floor area allowances. The transfer of floor area from the Ballpark is allowed by the Community Plan and PDO and is consistent with the analysis performed for the previously certified EIRs. The commenter has not identified any substantial new information not already analyzed by the MEIR/SEIR and no new mitigation is proposed by the commenter. For the reasons described here and in the Addendum, no supplemental or subsequent EIR is required for the project and an addendum is the appropriate form of environmental analysis for the proposed project.

**LA1-6:** The Introduction and Background Discussion sections of the Addendum describe the MEIR, SEIR, and East Village Square Addendum as the previous environmental documents completed in the Centre City area and lists their availability for public review. The MEIR/SEIR analyzed development and ultimate buildout of the Centre City Community Plan area as well as the Ballpark and Ancillary Development Projects area based upon a maximum allowable intensity and a mixture of uses. Development in Centre City has progressed as anticipated and analyzed in the MEIR/SEIR documents. Additionally, as required by CEQA, CCDC and the City continue to implement the MEIR/SEIR mitigation pursuant to the requirements of the MMRP. Implementation of MMRP mitigation measures includes the management of hazardous materials, monitoring and management of cultural resources, noise analyses, and formation of the Advisory Group to advise the City on programs to address the homeless situation, in addition to continued actions by the Homeless Outreach Team (HOT) which has been placing homeless and providing case management for chronically homeless individuals.

**LA1-7:** The "significant changes" in existing conditions alluded to by the commenter are the very changes contemplated and analyzed by the MEIR/SEIR through ultimate buildout of the respective plans. Because development in the Centre City Community Plan area and Ballpark and Ancillary Development Projects area has progressed as anticipated in the MEIR/SEIR

documents, the existing conditions in the Ballpark Village Master Plan area are accounted for by the previous environmental documents.

**LA1-8:** The MEIR/SEIR did not propose a specific project in the Ballpark Village Master Plan area; rather the documents identified a mixture of uses that provided a worst-case scenario based on intensity of development and traffic generated. The SEIR assumed that the mixture of uses could change in the area as long as development remained within the established FAR and Average Daily Trip (ADT) cap established in the SEIR. The Community Plan and PDO as well as the SEIR also anticipated the transfer of floor area from the ballpark site to other ancillary development projects within Centre City. The Addendum provides a detailed description of the transfer of floor area with references to the appropriate Community Plan and PDO sections that establish the transfer of floor area allowances. The project description and Tables 1 and 2 specifically describe the maximum level of development and ADT that could be generated in the Ballpark Village Master Plan area. As described, the project uses a portion of the available transferable floor area that the SEIR anticipated for the Ancillary Development Projects area. Therefore, this is not a change to the development potential assumed in the EIR for the Ancillary Development Projects area; instead, more specifics are now available as to the location and type of development that will occur for this specific project.

**LA1-9:** The commenter has not correctly stated the transfer of floor area program. As stated in the Background Discussion portion of the Addendum, the SEIR assumed that 3,093,123 square feet of gross floor area (GFA) could be transferred from the ballpark site to other ancillary development project sites within the Sports/Entertainment District. Since 290,000 square feet of GFA was already used, 2,803,123 GFA remains available. The project uses 1,199,386 square feet of the transferable GFA, or about 38 percent of the total GFA expected to be transferred within the Sports/Entertainment District. Given the limited size of the Sports/Entertainment District, this is not an unanticipated or unreasonable concentration of development resulting from the transfer of floor area.

**LA1-10:** The Revised Draft Economic Prosperity Element Collocation and Conversion Policy (Draft Collocation Policy) recently proposed by the San Diego Planning Commission has been reviewed. Although this policy is not yet in effect, it is being supported by the City for adoption and is useful for analysis of the collocation of industrial and residential land uses. The vitality and importance of industrial activities and marine industrial activities is recognized and valued. The proposed project is within the scope of development previously proposed and evaluated by the MEIR/SEIR process therefore the possibility of locating residential uses within the site, and the proximity to the existing industrial uses was considered in the prior environmental process. A figure is included as Attachment 3 to assist in understanding the point summarized below.

The Draft Collocation Policy recognizes the need for housing opportunities and industrial land uses within San Diego. This policy defines issues associated with collocating residential and industrial land uses and sets forth factors to be considered and restrictions to be implemented to address potential land use incompatibility. The requirements are summarized below. Our responses related to the proposed project are provided in italics.

- (1) A review and emissions inventory of all sources of toxic air contaminants for which permits are on file with the regulating agency. *No listings were identified by the San Diego Air Pollution Control District (SDAPCD) for the 10<sup>th</sup> Avenue Marine Terminal or other industrial activities near the proposed project. According to the SDAPCD, "no emissions inventories have been done for this location in the last 5 (or more) years. These operations do not emit enough air pollutants to require emissions inventories under either the San Diego APCD Rule 19.3 or the state Health & Safety Code under AB2588." --Marcia Banks, Emissions Inventory Specialist EI/Toxics Section, Engineering Division San Diego APCD.*
- (2) A review and inventory of businesses containing toxic substances for which permits are on file with the regulating agency within ¼ mile of the property line. *A list of permitted*

*facilities at the 10<sup>th</sup> Avenue Marine Terminal was not available from the Port. However, industrial facilities are responsible for obtaining necessary permits for their activities and ensuring compliance with applicable environmental regulations.*

- (3) A distance separation of 500 to 1,000 feet should be required from sources which emit air pollutants or toxic substances. *The project site is located approximately 500 feet from the nearest 10<sup>th</sup> Avenue Marine Terminal facility.*
- (4) Based on the inventories, a disclosure of all emissions and toxic substances to potential renters and homeowners within a ¼ mile radius should be required. *The developer has agreed to provide a disclosure to potential renters or homebuyers as appropriate through the lease or sales agreement.*

Although this project would place residential units near industrial land uses, it would not collocate residential and industrial uses within the same project area or footprint as defined in this draft policy (i.e. "geographic integration of residential development into the industrial uses located on the same premises"). The project proposes residential units within the limits of the area analyzed in the previously certified MEIR and SEIR, and within the allowable land uses previously proposed and evaluated.

In addition, the project is in line with the recommendations defined in the *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook), published by the California Environmental Protection Agency, California Air Resources Board in March of 2005. The Handbook presents eight general Advisory Recommendations summarized below. Our responses related to the proposed project are provided in italics.

- (1) Freeways and High-Traffic Roads. Avoid siting new sensitive land uses [residences, schools, daycare centers, playgrounds, and medical facilities] within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day. *The proposed project does not place sensitive land uses near such roads.*
- (2) Avoid siting new sensitive land uses within 1,000 feet of a distribution center (accommodating more than 100 trucks per day, more than 40 trucks with operating TRU [diesel-powered transport refrigeration units] per day, or where TRU unit operations exceed 300 hours per week) and avoid locating residences near entry and exit points. *The Ballpark Village is not located near a distribution center.*
- (3) Avoid siting new sensitive land uses within 1,000 feet of a major service and maintenance rail yard and within one mile of a rail yard, consider possible siting limitations and mitigation approaches. *The Ballpark Village is not located near a major service and maintenance rail yard (such as defined in the Handbook with the example of the Roseville Rail Yard in northern California which covers 950 acres with over 30,000 locomotives annually). And the proposed residential units will be designed with mitigation measures for noise attenuation based upon a site specific acoustical study and will involve a disclosure regarding adjacent activities.*
- (4) Avoid the siting of new sensitive land uses immediately downwind of ports in the most heavily impacted zones. Consult local air districts or the ARB on the status of pending analyses of health risks. *The Ballpark Village site is located upwind of the Port operations. The site is located northwest of the Port areas and the prevailing wind is from the west-northwest at approximately 7 miles per hour (NOAA Technical Memorandum NWS WR-270, September 2004). In addition, the operations are not emitting enough pollutants to require emissions inventories (see above).*
- (5) Avoid siting new sensitive land uses immediately downwind of petroleum refineries. Consult with local air districts and other local agencies to determine an appropriate separation. *The Ballpark Village site is not located near a petroleum refinery.*
- (6) Avoid siting new sensitive land uses within 1,000 feet of a chrome plater. *The Ballpark Village site is not located near a chrome plating facility.*
- (7) Avoid siting new sensitive land uses within 300 feet of any dry cleaning operation. For operations with two or more machines, provide 500 feet. For operations with 3 or more machines, consult with the local air district. Do not site new sensitive land uses in the



same building with *perchloroethylene* (perc) dry cleaning operations. *The Ballpark Village site is not located near a dry cleaning operation.*

- (8) Avoid siting new sensitive land uses within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50 foot separation is recommended for typical gas dispensing facilities. *The Ballpark Village site is not located near a gas station. There is a bulk fuel storage facility located southeast of the property; however, it is located over 500 feet away.*

The Handbook also notes that these recommendations are only advisory and that land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues.

No substantial changes in circumstances have occurred that would affect the environmental analysis of the proposed project. As described in detail in the Addendum, no subsequent or supplemental EIR is required for the project.

**LA1-11:** See Response to Comment SA1-1 regarding consistency and applicability of analysis. See Response to Comment SA1-2 regarding Military Readiness.

**LA1-12:** Impacts on scenic vistas and views are based on a project's potential to block or disrupt views of significant features as seen from *public* viewpoints. CCDC also considers a project's potential to cause shadowing on public spaces and surrounding development. The Addendum, therefore, correctly analyzed potential impacts from identified public view corridors (Twelfth Avenue and Park Boulevard). As shown from the view simulations provided, views of the Bay and Bridge are minimally impacted. The project does not intrude into designated view corridors and is not located on streets requiring building setbacks under the PDO.

As stated in the SEIR, high-rise development within the Primary Plan Amendment Area could cast shadows on existing as well as future residential development around the Primary Plan Amendment Area. However, the number of existing residential structures is considered minimal and residents of future residential developments that may be affected by shadowing would be aware of such conditions at the time they decide to occupy an impacted structure. As part of the site selection process for the Main Library, consideration was given to the ability to restrict shadows onto the Library plaza and therefore the Master Plan has established height limits to avoid shadowing of this public plaza area. In addition, the proposed Ballpark Village Master Plan establishes specific building massing envelopes, including maximum tower dimensions and building setback requirements.

As for the surrounding development pattern, a variety of existing and pending buildings ranging from 5- to 43-stories in height were identified. The taller of these structures approach the 500 foot height limit currently established in the Centre City. The “stepping down to bay” planning concept is not an adopted planning policy for this area of Centre City. In addition, the Port District has permitted structures up to 500 feet directly adjacent to the Bay.

**LA1-13:** The SEIR assessed the impacts of toxic emissions for facilities and sites where information was available to evaluate. No substantial changes in circumstances or information have occurred that would affect the environmental analysis of the proposed project as analyzed in the previously certified MEIR/SEIR. See Response to Comment LA1-10. See also the Response to Comments on Air Quality and Hazardous Materials Memorandum prepared by Dr. James L. Byard, included as Attachment 1.

**LA1-14:** The impact analysis discussed in the MEIR/SEIR and referred to in the Addendum addresses noise from the ballpark and concerts in addition to the most immediate potential noise impact to the project from the nearby rail activities. The activities at the rail yard would be representative of noise from industrial operations and, due to the proximity to the site, would present the greatest potential impact to the project. The marine terminal activities or late night

trucking activities are located further from the proposed project site and would present a less significant impact. Therefore, the impact analysis conducted for the certified SEIR and MEIR is sufficient for the proposed Ballpark Village project and the required mitigation measures will be adequate. Mitigation measures (9.1-1 and 9.1-2) have been included in the MMRP that require acoustical analyses to be conducted for proposed projects in order to address noise levels and design site specific noise attenuation measures. No evidence has been provided that shows noise impacts to the proposed project would create conditions not previously evaluated in the previously certified MEIR/SEIR.

In addition, the City of San Diego is applying for a "Quiet Zone" designation for the downtown area. The Federal government, through the Federal Railroad Administration (FRA), is addressing the quality of life issue in the *Final Rule for the Use of Locomotive Horns at Highway-Rail Crossings*, published April 27, 2005. In this rule, the FRA set out the regulatory procedures and technical requirements necessary of the implementation of a Quiet Zone in which train horn noise is reduced. The City and CCDC are working together to complete the application and designate funding to support the required improvements to obtain Quiet Zone designation. This action will help reduce potential noise impacts to proposed projects near the railway.

**LA1-15:** No specific cuts in public services are known or have been identified by the commenter or are known to CCDC at this time that might affect services and mitigation in the Ballpark Village Master Plan area. The following addresses each service area specifically raised by the commenter.

**Parks:** A variety of public and private parks and recreational opportunities are available to the residents of downtown San Diego. As described in the Addendum, the existing fee programs to which this project must contribute will help fund the proposed downtown park and recreational facilities. These fee programs as well as the funds generated from the transient occupancy tax, sales tax, and property tax have generated substantial revenue for the City to eliminate blight and improve quality of life in the downtown. The Development Impact Fees (DIF) are based upon all project costs (in current dollars assumed to be \$253,000,000). All project costs were considered as the basis for the DIF's, which will be collected at the time building permits are issued. Since these costs are for projects which will benefit both the existing community and future development, costs will be shared and new development is only expected to provide their prorated share for DIF eligible projects. Those portions of project costs not funded by new development through impact fees will need to be funded through Centre City Tax Increment Funds and/or other funds identified in the future. The fee structure assumes that each year the Council will consider a Consumer Price Index ("CPI") increase in order to collect adequate funds for building the facilities within the proposed time frame and to keep a fair and equitable fee system in place.

In addition, the Centre City Community Plan, which is currently being prepared, places a major emphasis on enhancing and adding parks in the downtown, with an expectation that a total of up to 131 acres of parks and recreational facilities will be available in the downtown.<sup>1</sup>

**Schools:** Currently, the schools serving the downtown are operating within their design capacities. Based on information gathered for the current update of the Centre City Community Plan, buildout of the downtown area will not result in the need for the expansion or construction of new schools.<sup>2</sup> Additionally, by law payment of school fees, such as those described in the Addendum, is considered adequate mitigation for impacts to schools.

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<sup>1</sup> Communication between Yara Fisher, P&D Consultants and Bruce McIntyre, Project Design Consultants, June 16, 2005.

<sup>2</sup> Communication between Yara Fisher, P&D Consultants and Bruce McIntyre, Project Design Consultants, June 16, 2005.

Fire Protection: As described in the Addendum, the demand for fire services may increase in the downtown; however, the payment of fees, including the recently adopted fees for fire protection will mitigate the potential impacts of new growth on fire services. The fees collected, as well as other revenues generated from downtown development, will allow fire services to keep pace with new development..

Solid Waste: The significant and unavoidable solid waste impact the commenter identifies is an impact identified in the SEIR. Because the project would contribute to this cumulative impact, the Addendum also identified this as a significant and unavoidable impact. Because expansion plans of the Miramar Landfill or other landfills and successful mitigation for landfill access are not known at this time, the mitigation proposed as part of the SEIR and included in the Addendum was not considered sufficient to fully reduce this impact. No other mitigation is known or has been identified by the commenter that could reduce this impact to a level less than significant. A statement of overriding considerations regarding solid waste was adopted with certification of the SEIR.

**LA1-16:** See Responses to Comments on Parking and Traffic issues prepared by Wilson and Company, included as Attachment 2.

**LA1-17:** The previously certified MEIR/SEIR addressed potential impacts from hazardous materials and hazardous wastes on the Ballpark and Ancillary Development Project area. Mitigation measures were established to address site specific impacts and requirements, such as the requirement for conducting Phase I Environmental Site Assessments (ESA) and properly handling hazardous materials and wastes. The proposed Ballpark Village project conducted a Phase I ESA for the Ballpark Village project area that evaluated potential impacts from the project site and any facilities within a half mile radius that had evidence of hazardous materials present on site as documented by environmental databases. The 10<sup>th</sup> Avenue Marine Terminal did not show up in these extensive database searches. No significant changes in circumstances or information have occurred that would trigger the need for addition analyses above those presented in the certified MEIR/SEIR.

In general, facilities that use or store hazardous materials in their operations are subject to regulation under a variety of Federal, State and local programs. Such programs are generally managed by the U.S. Environmental Protection Agency on the federal level, by the California Environmental Protection Agency – Department of Toxic Substances Control (DTSC) on the state level, and by the local CUPA (Certified Unified Program Agency) on the local level. In the San Diego area, the CUPA is the San Diego County Department of Environmental Health (DEH).

Individual facilities may be subject to specific regulations depending upon the type and quantity of hazardous materials used on site. Regulations that may be applicable to facilities at the 10th Avenue Marine Terminal are summarized below.

- 40 Code of Federal Regulations (CFR) 112, Spill Prevention, Control and Countermeasure (SPCC). Bulk fuel storage facilities would be required to create and implement an SPCC plan that defines all applicable fuel storage areas and materials, fuel transfer systems, (including pipelines), potential risks, and management measures.
- Clean Water Act (CWA)/National Pollutant Discharge Elimination System (NPDES). Industrial activities are required to file a Notice of Intent (NOI) with the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP) to manage runoff/runon to their property to protect receiving waters from contamination.
- CWA/NPDES Waste Discharge Requirements. Discharges to municipal sewer or storm drain systems are subject to NPDES permits issued by the California Environmental Protection Agency – Regional Water Quality Control Board. The terms of an NPDES

permit specifies discharge quantities, allowable contaminant levels, sampling requirements and reporting requirements.

- CUPA Permitting. Facilities handling hazardous materials are typically required to file a Hazardous Materials Business Plan (HMBP), which sets forth materials handling and storage procedures and locations, employee training policies, the location and maintenance of emergency equipment, emergency contact information, and other items.
- Department of Transportation (DOT). The transportation of hazardous materials is regulated by the federal Hazardous Materials Transportation Act of 1974 (amended 1990) and portions of the California Hazardous Waste Control Law. These laws provide regulations for the shipping, labeling and handling of hazardous materials; manifesting; registration and permitting; emergency response and incident reporting; licensing; and related issues.
- Clean Air Act. Air pollution is regulated at the federal level by the Clean Air Act and amendments. In California, federal and state air pollution control programs are administered by the California Air Resources Board through local air districts, including the San Diego Air Quality Management District (SDAQMD). Regulated air discharges include particulate matter as well as individual chemicals.

Hazardous waste generation, storage and disposal are also regulated, principally under the federal Resource Conservation and Recovery Act (RCRA) and the California Hazardous Waste Control Law (HWCL). Most facilities generating hazardous waste are classified into small-quantity or large-quantity generators based on the amount of hazardous waste generated per year. Federal and state regulations regarding hazardous waste generation are generally implemented at the state or local level by DTSC or the CUPA.

See also the Response to Comments on Air Quality and Hazardous Materials Memorandum prepared by Dr. James L. Byard, included as Attachment 1.

**LA1-18:** The existence of homeless persons in the general vicinity of the Ballpark and Ancillary Development Projects area has been an ongoing issue and was a problem prior to activities associated with the Ballpark and ancillary development projects. The SEIR recognized that these homeless persons may be "displaced" and may migrate to nearby neighborhoods. The key mitigation measure was the formation of the Advisory Group to advise the City on programs to deal with the homelessness, which is an on-going effort and can not be solved in a year or two.

As evidenced historically, there continue to be homeless populations located in the general area surrounding the project site, in part due to the presence of social service providers in the East Village. Despite the fact that the Ballpark Village Master Plan area has historically been utilized by homeless persons, in several visits to the site, no homeless were seen congregating in the proposed Ballpark Village area. The homeless population does not currently occupy the project site itself because of the types of activities surrounding the property, easy and continuous surveillance, and policing by the property owners (and their private security).

This fact, however, does not change the analysis or conclusions of the Addendum. As required in the mitigation measures, the status of homeless persons is being monitored and addressed by the Advisory Group and HOT Team. The formation of the Advisory Group, the on-going HOT team operations, and the City's preparation of a 10-Year Plan to address chronic homelessness (currently underway) are some of the on-going City efforts to address the homeless population.

**LA1-19:** The mitigation measures in the MMRP are being tracked by CCDC and the City. The status of implementation and associated notes are maintained by CCDC to help assess their success and impact on projects. Many mitigation measures require project specific actions and are therefore implemented on a project-by-project basis such as Mitigation Measures 9.1-1 and

9.1-2. Other mitigation measures such as 12.1-1 and 13.1-1 are being implemented over time. The Advisory Group has been implemented and new HOT Team committee members added to meet specified goals, development impact fees recently adopted will help with public services such as parks and fire, a Waste Management Plan was completed and a letter was issued to encourage recycling programs per Mitigation Measure 12.1-3. Monitoring to assist with the implementation of Mitigation Measure 13.1-1 was initiated in February 2004. CCDC and the City are working to implement the mitigation measures established in the MEIR/SEIR. In addition, individual projects are required to meet project specific mitigation measures.

**LA1-20:** Comment noted. For the reasons described in these responses to comments and as analyzed in the Addendum, this Addendum is the appropriate environmental document for analyzing the impacts of the proposed project. No subsequent or supplemental EIR is required.

**Comment Letter LA2: San Diego Convention Center Corporation c/o Worden Williams (May 6, 2005)**

**LA2-1:** CCDC appreciates the time spent to review the Addendum by Worden Williams APC as a representative of the San Diego Convention Center Corporation. It has been noted that there are no comments at this time and that the agency requests to remain notified as the approval process progresses. As requested, the point of contact and mailing address has been updated in the distribution contact list for all future correspondence regarding the Addendum to the Final SEIR and the underlying Project.

## **GENERAL PUBLIC COMMENTS**

### **Comment Letter GP1: Mr. Russell McCarthy (May 5, 2005)**

**GP1-1:** Comment noted.

**GP1-2:** The commenter does not specify the "huge changes" in conditions in the City or describe how changes in Homeland Security may affect the proposed project so a specific response to these statements is not possible. However, it should be noted that the MEIR/SEIR assumed buildout of the Centre City Community Plan area as well as cumulative development in surrounding areas in its analysis of impacts. Therefore, new development that has occurred in the Centre City Community Plan area and surrounding areas has been anticipated in the MEIR/SEIR. Additionally, there is no evidence that the proposed project will have any adverse impact on military facilities in the general area.

**GP1-3:** The proposed project is not a substantial change from the existing plan. The commenter states that "CCDC's 1999 plan capped the total square footage development in all six planning areas to 3,212,020 square feet. This project takes the floor ratio areas of the 1999 plan, and redistributes them resulting in a "transfer" of building square footage..." This statement is incorrect. The total square footage for the six planning areas was never capped at 3,212,020. This cap on development has been imposed on the Ballpark Village Master Plan area based on allowable base FAR and transferred floor area as allowed in the Sports/Entertainment District. As stated in the Background Discussion portion of the Addendum, the SEIR assumed that 3,093,123 square feet of gross floor area (GFA) could be transferred from the ballpark site to other ancillary development project sites within the Sports/Entertainment District under the confines of the transfer of floor area conditions. Since 290,000 square feet of GFA was already used, 2,803,123 GFA remains available. The project uses 1,199,386 square feet of the transferable GFA, or about 38 percent of the total GFA expected to be transferred within the Sports/Entertainment District. Although more specifics about the location of a portion of the transferable floor area are now known, the specifics do not represent a change from what was presented or analyzed in the SEIR.

Additionally, the project does not propose a change in permitted land uses. The SEIR analyzed the establishment of the Sports/Entertainment District and transfer of floor area within the Ancillary Development Projects area that allowed for transfer of floor area. The Sports/Entertainment District and transfer of floor area regulations established by the PDO clearly identify a mixture of land uses, including residential land uses, as being permitted. The project is developing consistent with the Sports/Entertainment District and transfer of floor area regulations and is not proposing a land use designation change. For additional interpretation, see Response to Comment SA1-1 regarding consistency and applicability of analysis.

**GP1-4:** The vitality and importance of the marine terminal and marine industrial activities is recognized and valued. The proposed project is within the scope of development previously proposed and evaluated by the MEIR/SEIR process. See Response to Comment SA1-1 regarding consistency and applicability of analysis.

See Response to Comment LA1-10 regarding collocation of industrial and residential land uses.

The proposed project is consistent with surrounding development and existing height regulations. See Response to Comment LA1-12 regarding building heights.

**GP1-5:** See Response to Comment LA1-12 regarding impacts on scenic vistas and views.

See Response to Comment GP1-4 above for additional information regarding consistency and applicability of analysis.

The sun access criteria was removed from the Ballpark area in the SEIR; however, this project provides a benefit for the library as a public space by preserving sun access to the planned library courtyard as a part of the Ballpark Village Master Plan (see Response to Comment LA1-12).

**GP1-6:** See Response to Comment LA1-13 regarding toxic air emissions.

**GP1-7:** See Response to Comment LA1-14 regarding noise.

**GP1-8:** See Response to Comment LA1-15 regarding public services.

**GP1-9:** Because the proposed reallocation would not change the total residential square footage associated with the project as a whole and as previously identified, the proposed project as a whole would fall within the ADT cap established by the Ballpark and Ancillary Development Projects SEIR, no new or different traffic impacts to freeway segments, ramps, and surface street intersections would occur. In summary, the proposed reallocation of residential square footage within the project would not affect or necessitate any modification to the previous analysis and findings.

For more information, see Responses to Comments on Parking and Traffic issues prepared by Wilson and Company, included as Attachment 2.

**GP1-10:** See Response to Comment LA1-17 regarding hazardous materials.

**GP1-11:** The MEIR/SEIR assumed buildout of the Centre City Community Plan area as well as cumulative development in surrounding areas in its analysis of impacts. Because Centre City has developed as anticipated in the MEIR/SEIR, no substantial change in the cumulative setting has occurred that was not already analyzed by the MEIR/SEIR.

**GP1-12:** Comment noted. For the reasons described in these responses to comments and as analyzed in the Addendum, the Addendum is the appropriate environmental document for analyzing the impacts of the proposed project. No supplemental or subsequent EIR is required.

**Comment Letter GP2: Gaslamp Quarter Association (May 6, 2005)**

**GP2-1:** CCDC has recognized that the Gaslamp Quarter Association (GQA) supports the statement in the Traffic Memo issued by Wilson and Company that the Ancillary Development Projects provide adequate parking and that the GQA encourages that projects provide superior levels of parking to accommodate growth. It has been noted that the GQA encourages the immediate implementation to build parking structures to help alleviate the increasing demand on parking surrounding the ballpark and surrounding neighborhoods.

**Comment Letter GP3: International Brotherhood of Electrical Workers Local 569 c/o Adams Broadwell Joseph & Cardozo (May 5, 2005)**

**GP3-1:** Comment noted.

**GP3-2:** See Response to Comment GP1-3 and GP1-4.

**GP3-3:** Once an EIR has been prepared for a project, CEQA prohibits an agency from requiring preparation of a supplement or subsequent EIR unless there is substantial evidence in the record that specified conditions exist. Pub. Res. Code § 21166; CEQA Guidelines § 15612. When “some changes or additions are necessary but none of the conditions described in Section 15162 [of the State CEQA Guidelines] calling for preparation of a subsequent EIR [has] occurred” an addendum to a previously certified EIR shall be prepared. CEQA Guidelines § 15164(a). The *Eller Media* case, cited in the comment, did not depart from these rules but is not applicable to the facts and circumstances of the Ballpark Village Project. In *Eller Media*, the court upheld a

redevelopment agency's denial of a project application where the applicant refused to prepare a supplemental EIR where there was substantial evidence before the agency that the proposed project would have significant adverse impacts not discussed in the prior EIR. *Eller Media Company v. Community Redevelopment Agency* (2003) 108 Cal. App. 4<sup>th</sup> 25. Here, by contrast, substantial evidence before the agency, including analysis contained in the Addendum, shows that the proposed project which is the implementation of the previously approved Ballpark Village Master Plan would result in no new or more severe impacts not already analyzed in the prior EIRs.

The commenter suggests that substantial changes have occurred in the existing setting and/or the proposed project that will result in an increase in severity of impacts over that analyzed in the previous environmental documents resulting in the need for a subsequent or supplemental EIR. With regards to the comment regarding a substantial increase in development intensity and the addition of residential units, please see response to comment GP3-9. With regards to the comment regarding substantial changes in the existing setting including new development projects and security issues, please see response to comment GP3-10. As described in these responses, none of the issues raised by the commenter result in the need for a subsequent or supplemental EIR and an addendum is the appropriate level of environmental review for this project.

**GP3-4:** The new regulations regarding the 8-hour ozone standard, particulate matter and diesel exhaust do not represent significant new information that changes the findings of the certified MEIR/SEIR. The previously certified MEIR/SEIR concluded that there would be significant and unmitigable impacts for air quality. The new standards would not require a change in that finding. In addition, evidence is available that shows there would actually be a reduction in the emission of these pollutants as compared to the emission levels at the time of the SEIR analyses; thus, impacts would be less than previously evaluated during the certified MEIR/SEIR. See also the Response to Comments Memorandum on Air Quality and Hazardous Materials prepared by Dr. James L. Byard, included as Attachment 1.

**GP3-5:** The conditions surrounding this project and "new information" are quite unlike the situation addressed by the Court in *Security Environmental Systems, Inc. v. South Coast Air Quality Management District* (1991) 229 Cal. App. 3d 110. In that case, the prior environmental document was a negative declaration which was based on certain assumptions that identified potential impacts as less than significant. After expiration of the permits approved pursuant to the negative declaration, the agency learned of new information showing that impacts would be more severe than previously believed and that technological advances had made new mitigation measures possible. The agency denied an extension of the permits after the applicant refused to prepare an EIR to consider the new information and this action was upheld by the Court. Here, in contrast, the prior CEQA document is an EIR, and the evidence before the agency shows that the project's contribution to ozone emissions is less today than previously analyzed, that analysis of impacts under the new 8-hour ozone standard would not result in greater emissions than previously analyzed, and that the overall condition of ozone emissions in San Diego is actually better now than was assumed in the 1999 SEIR. Because ozone impacts previously analyzed will not only be no more severe, but may actually be less than previously disclosed (as significant and unmitigatable), another SEIR was not required.

See Response to Comment GP3-4 on air quality. See also the Response to Comments Memorandum on Air Quality and Hazardous Materials prepared by Dr. James L. Byard, included as Attachment 1.

**GP3-6:** See Response to Comment GP3-4 on air quality. See also the Response to Comments Memorandum on Air Quality and Hazardous Materials prepared by Dr. James L. Byard, included as Attachment 1.



**GP3-7:** See Response to Comment GP3-4 on air quality. See Response to Comment LA1-10 regarding wind. See also the Response to Comments Memorandum on Air Quality and Hazardous Materials prepared by Dr. James L. Byard, included as Attachment 1.

**GP3-8:** See Responses to Comments on Parking and Traffic issues prepared by Wilson and Company, included as Attachment 2.

**GP3-9:** For the reasons addressed in these responses to comments and as analyzed in the Addendum, the Addendum is the appropriate environmental review for the proposed project. The proposed project is not a substantial change from the existing plan, which also permitted residential uses in this area. See Response to Comment GP1-3 regarding land use consistency.

Urban uses such as those anticipated to develop in the downtown area, whether residential or non-residential, will generate a substantial number of people in concentrated areas. Non-residential uses such as offices and retail generate employees and patrons that generally occupy these urban spaces during a majority of the daylight hours Monday through Friday and often times on weekends, while other non-residential uses such as hotels also generate night-time and weekend occupation. Residential uses generally have less occupancy during the day, particularly Monday through Friday, than non-residential uses. However, residential spaces will generally have high occupancy during evenings and weekends. Based on recent events, there is no evidence that residential uses subject more people to security risks than non-residential development, such as office and hotel uses.

The proposed project is not a substantial change from the existing plan. The mixture of uses evaluated in the MEIR/SEIR assumed a worst-case scenario based on intensity of development and traffic generated. The SEIR also assumed that the mixture and intensity of uses could change in the area as long as development remained within the FAR and Average Daily Trip (ADT) cap analyzed in the SEIR. The Ballpark Village project is within the FAR and ADT cap established by the PDO and consists of uses identified as potentially occurring in the Sports/Entertainment District and allowed by the transfer of floor area. The Ballpark Village Master Plan does not propose new land use types or development intensity above that previously allowed and analyzed in the MEIR/SEIR and therefore will not generate air pollution, noise, or traffic impacts above that previously analyzed.

See Response to Comment LA1-14 regarding noise.

See Response to Comment LA1-12 regarding building heights.

**GP3-10:** The MEIR/SEIR assumed buildout of the Centre City Community Plan area as well as cumulative development in surrounding areas in its analysis of impacts. Because Centre City has developed as anticipated in the MEIR/SEIR, no substantial change in the cumulative setting has occurred that was not already analyzed by the MEIR/SEIR. The Court cases referenced by the commenter would not preclude use of an addendum for this project. The addendum, consistent with the MEIR/SEIR analysis, identified significant and unavoidable cumulative impacts for air quality, traffic, and solid waste. No other cumulative impacts have been identified as significant by the commenter.

**GP3-11:** See Response to Comment LA1-7 regarding "significant changes." See also Response to Comments GP3-4, -5, -6, and -7 regarding air quality.

**GP3-12:** See Response to Comment LA1-7 regarding "significant changes."

Regarding the comment addressing public services, no specific cuts in public services are proposed or have been identified by the commenter at this time that might affect services and mitigation in the Ballpark Village Master Plan area. As described in the Addendum, the demand for fire services may increase in the downtown; however, the payment of fees, including the

recently adopted fees for fire protection will mitigate the potential impacts of new growth on fire services. The fees collected, as well as other revenues generated from downtown development, will allow fire services to keep pace with new development.

In reference to the East Village Square Master Plan, CCDDC prepared an Addendum to evaluate the impacts of the project because the development was of a different type than that envisioned by previous plans not because of a general change in the real estate market. Additionally, the reference to increased construction surrounding East Village is the construction anticipated by and analyzed by the MEIR/SEIR. Therefore, the continued construction downtown is not a changed condition, but the condition anticipated by the MEIR/SEIR.

For the reasons described in these responses to comments and as analyzed in the Addendum, the Addendum is the appropriate environmental document for analyzing the impacts of the proposed project. No supplemental or subsequent EIR is required.

**GP3-13:** As described in these responses to comments and analyzed in the Addendum, no new significant impacts nor an increase in the severity of impacts will occur as a result of the proposed project.

**GP3-14:** As described in these responses, none of the issues raised by the commenter result in the need for a subsequent or supplemental EIR and an addendum is the appropriate level of environmental review for this project.

**Comment Letter GP4: Port of San Diego Ship Repair Association (May 5, 2005)**

**GP4-1:** For the reasons described in these responses to comments and as analyzed in the Addendum, the Addendum is the appropriate environmental document for analyzing the impacts of the proposed project.

**GP4-2:** See Response to Comment GP1-3 regarding land use consistency.

**GP4-3:** See Responses to Comments on Parking and Traffic issues prepared by Wilson and Company, included as Attachment 2.

**GP4-4:** A variety of public and private parks and recreational opportunities are available to the residents of downtown San Diego, including the waterfront parks, which are open to the public. The Centre City Community Plan places a major emphasis on enhancing and adding parks in the downtown, with an expectation that a total of up to 131 acres of parks and recreational facilities will be available in the downtown.<sup>3</sup> As described in the Addendum, the existing fee programs to which this project must contribute will help fund the proposed downtown park and recreational facilities.

**GP4-5:** See Response to Comment LA1-14 regarding noise. See Response to Comments GP3-4, -5, -6, and -7 and LA1-13 regarding air quality.

**GP4-6:** See Responses to Comments on Parking and Traffic issues prepared by Wilson and Company, included as Attachment 2.

**GP4-7:** See Response to Comment Number LA1-10.

Although this project would place residential units near industrial land uses, it would not collocate residential and industrial uses within the same project area or footprint as defined in this policy (i.e. "geographic integration of residential development into the industrial uses located on the

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<sup>3</sup> Communication between Yara Fisher, P&D Consultants and Bruce McIntyre, Project Design Consultants, June 16, 2005.

same premises"). The project proposes residential units within the limits of the previously certified MEIR and SEIR, and within the allowable land uses previously proposed and evaluated.

**Comment Letter GP5: San Diego County Archaeological Society, Inc. (May 4, 2005)**

**GP5-1:** The mitigation measures referred to in the Addendum were established as a part of the Certified MEIR/SEIR. The implementation of these measures is being monitored and CCDC has recognized some complications with the implementation of some measures regarding archaeological resources and acknowledges the San Diego County Archaeological Society's (Archaeological Society) request to enhance the mitigation measures as necessary. Please see the response to comment GP5-2 and GP5-3 below.

**GP5-2:** The Archaeological Society's concern on the implementation of Mitigation Measures 5.3-10 and 5.3-11, regarding curation of archaeological collections, is noted. CCDC is familiar with the legal requirement to implement mitigation measures in a timely manner and has been working with the contracted firms to execute the required tasks identified in the applicable measures. Due to the large number of artifacts and archaeological resources recovered during the ballpark development, it has been a challenge to coordinate findings from the three firms conducting assessments and collecting data. Processing of the collected information has been an ongoing process and has identified redundant data. The three consultant firms, led by CCDC and the City (Myra Herman) will be coordinating this effort more closely beginning in June to see how they can provide the necessary information to the San Diego Archaeological Center without overloading them with redundant data. The team of consultants, CCDC, and the City expect to have the issue/reporting resolved by the end of calendar year 2005. A Cultural Resources Management Plan has been developed by ASM to address the implementation of the mitigation measure requirements.

**GP5-3:** Curation is required per Mitigation Measure 3.1-2 which states: "This testing program shall include the recordation of artifacts, controlled removal of the materials, and assessment, (i.e., interpretation) of their importance under CEQA and local guidelines, and curation of a representative sample of recovered resources within a qualified curation facility." Mitigation Measure 3.1-3 is specifically directed at the implementation of a site specific archaeological study and the development of site specific mitigation measures. Mitigation Measure 3.1-3, in addition to the site specific mitigation measures must be implemented in addition to Mitigation Measure 3.1-2, which specifically identifies curation as a required action.

**Comment Letter GP6: Coordinated Maritime Services of San Diego, Inc. (May 6, 2005)**

**GP6-1:** Comment noted. Because the commenter does not provide any specific information regarding how changes in their operating activities may affect the proposed project, no specific response is possible.

See Response to Comment LA1-10 regarding collocation of industrial and residential land uses.

**GP6-2:** See Response to Comment LA1-10 regarding collocation of industrial and residential land uses.

**Comment Letter GP7: Amtrak (May 6, 2005)**

**GP7-1:** See Response to Comment on GP7-1 prepared by Wilson and Company, included as Attachment 2.

**Comment Letter GP8: Harborside San Diego Refrigerated Services, Inc. (May 4, 2005)**

**GP8-1:** Comment noted.

**GP8-2:** See Response to Comment LA1-14 regarding noise.

**GP8-3:** See Response to Comments GP3-4, -5, -6, and -7 and LA1-13 regarding air quality.

**GP8-4:** See Responses to Comments on Parking and Traffic issues prepared by Wilson and Company, included as Attachment 2.

**GP8-5:** See Response to Comment LA1-17 regarding hazardous materials.

**GP8-6:** For the reasons discussed in these responses to comments and in the Addendum, a subsequent or supplemental EIR is not required. The Addendum is the appropriate level of environmental review for this project.

**Comment Letter GP9: Searles Valley Minerals (May 6, 2005)**

**GP9:** For the reasons discussed in these responses to comments and in the Addendum, an EIR is not required. The Addendum is the appropriate level of environmental review for this project.

The vitality and importance of the marine terminal and marine industrial activities is recognized and valued. The proposed project is within the scope of development previously proposed and evaluated by the MEIR/SEIR process.

See Response to Comment LA1-10 regarding collocation of industrial and residential land uses.

See Response to Comment LA1-12 regarding building heights.

**Comment Letter GP10: Industrial Environmental Association (May 5, 2005)**

**GP10-1:** For the reasons discussed in these responses to comments and in the Addendum, an EIR is not required. The Addendum is the appropriate level of environmental review for this project.

**GP10-2:** The political issues identified by the commenter do not raise any issue related to the environmental analysis of the proposed project. Therefore, no response under CEQA is required. It is noted however, that the proposed Ballpark Village development is within the proposed land use plan evaluated as a part of the previously certified MEIR/SEIR

**GP10-3:** For the reasons discussed in these responses to comments and in the Addendum, an EIR is not required. See Response to Comment GP1-3 regarding land use consistency.

In addition, see Response to Comment LA1-10 regarding the collocation of industrial and residential land uses.

See Response to Comments GP3-4, -5, -6, and -7, LA1-13, and LA1-17 regarding air quality and hazardous materials.

**GP10-4:** The Ballpark Village project is within the intensity and type of development analyzed and approved under the previously certified MEIR/SEIR and no information or circumstances have been presented that would require additional analyses. Regulations currently exist that govern industrial facilities that handle hazardous materials and hazardous wastes. The proposed project would not change the requirement for these facilities to comply with applicable regulations. See Response to Comment LA1-10 regarding collocation and Response to Comments GP3-4, -5, -6, and -7, LA1-13, and LA1-17 regarding air quality and hazardous materials.

**GP10-5:** The Ballpark Village project is within the intensity and type of development analyzed and approved under the previously certified MEIR/SEIR and no information or circumstances have been presented that would require additional analyses. See also the Response to Comments on Air Quality and Hazardous Materials Memorandum prepared by Dr. James L. Byard, included as Attachment 1.

**GP10-6:** See Responses to Comments on Parking and Traffic issues prepared by Wilson and Company, included as Attachment 2.

**GP10-7:** See Response to Comment SA1-2 regarding Military Readiness.

**GP10-8:** For the reasons discussed in these responses to comments and in the Addendum, an EIR is not required. The Addendum is the appropriate level of environmental review for this project.

**Comment Letter GP11: Environmental Health Coalition (May 6, 2005)**

**GP11-1:** For the reasons discussed in these responses to comments and in the Addendum, an EIR is not required. The Addendum is the appropriate level of environmental review for this project. Additionally, please see response LA1-5 regarding the use of the term "Master EIR".

**GP11-2:** The commenter is correct in noting that the MEIR did not include the ballpark project. However, development of the Ballpark and Ancillary Development Projects were analyzed in the SEIR. The SEIR was appropriately prepared and judged adequate by the trial and appellate courts in assessing impacts associated with the Ballpark and Ancillary Development Projects area, and the comment and appeal period on that document is long past.

The Addendum and Initial/Secondary Study prepared for the proposed project included detailed information about the various project components, in textual, tabular, and graphical form. See Response to Comment GP1-3 regarding land use consistency.

The SEIR provided an analysis of impacts associated with air quality from increased vehicular traffic, increases in noise levels associated with increased traffic, parking impacts, and the displacement of homeless individuals. Because the project is consistent with the project analyzed in the SEIR, no new or more severe impacts will occur from those that were analyzed in the 1999 SEIR.

**GP11-3:** The Ballpark Village Master Plan has been revised to require that no less than 100,000 square feet of affordable housing will be developed within the Ballpark Village Master Plan area. The proposed project will be developed in accordance with this requirement and pursuant to an Affordable Housing Agreement entered into in compliance with the City's Inclusionary Housing Ordinance. Due to its location, the project is not subject to the Barrio Logan Vision Plan.

**GP11-4:** See Response to Comments GP3-4, -5, -6, and -7 and LA1-13 regarding air quality.

**GP11-5:** See Response to Comments LA1-17 regarding hazardous materials.

**GP11-6:** Given the project location, construction related traffic would most logically access northbound I-5 from the Imperial Avenue on-ramp. Irregardless, the designation of routes for construction related truck traffic will be done in a manner to avoid use of streets which could impact Barrio Logan. Any removal of contaminated soil or construction material would be conducted in accordance with a haul route that must be prepared for the project prior to implementation. Pursuant to Mitigation Measures 5-1-1 and 5.1-2 all activities associated with contaminated soil will be coordinated with the regulatory agencies (DTSC, DEH, and RWQCB) as appropriate.

**GP11-7:** See Response to Comment LA1-10 regarding collocation and Attachment 1 regarding air quality issues.

According to CEQA, an addendum does not require a public review period. However, the City's Municipal Code requires a 14-day review period. The Addendum for this project was circulated for public review for the City-required 14-day review period. Additionally, the proposed project does not propose substantial changes from the previous SEIR analysis. The public had numerous opportunities for public input and community participation during this and the previous SEIR process.

The Ballpark Village Master Plan has been revised to require that no less than 100,000 square feet of affordable housing will be developed within the Ballpark Village Master Plan area. The proposed project will be developed in accordance with this requirement and pursuant to an Affordable Housing Agreement entered into in compliance with the City's Inclusionary Housing Ordinance.

**ATTACHMENT 1:**

**Response to Comments on Air Quality and Hazardous Materials Memorandum  
Prepared by Dr. James L. Byard, Ph.D., D.A.B.T**

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August 1, 2005

Ms. Jennifer Guigliano  
Senior Water Resources Scientist  
P&D Consultants  
8954 Rio San Diego Drive, Suite 610  
San Diego, California 92108

Re: Response to comments on air quality and hazardous materials issues

Dear Ms. Guigliano:

This letter provides responses to the technical air quality and hazardous materials issues raised in the May 5, 2005 comment letter from counsel for the International Brotherhood of Electrical Workers Local 569 on the Addendum for the Ballpark Village Project, as well as various other comments related to air quality and hazardous materials issues raised in other comment letters.

The comment numbering corresponds to the numbering you placed on the letters, and is followed by my responses to the technical issues raised.

**Response to Adams Broadwell Joseph & Cardozo Comment GP3-4**

There are new regulations addressing a lower threshold for toxicity, a new national 8-hr ozone standard, new state and new national particulate standards. However, there is also new information concerning reduced emissions and reduced levels of these air pollutants generally. These reductions offset any concerns raised due to the imposition of new regulations promulgated since the supplemental EIR (SEIR) was done in 1999.

The 1999 SEIR for the Ballpark and Ancillary Development Projects stated in Section 6.2.5.1:

“Due to the public risks associated with air pollution, the incremental increase in air emissions resulting from the Ballpark and Ancillary Development Projects would be cumulatively considerable and, therefore, significant on both a short-and long-term basis.”

The SEIR also stated in Section 6.2.5.2:



“...short- and long-term cumulative air quality impacts are considered significant and unmitigated.”

That is, the SEIR acknowledged that there would be an unmitigated increase in air pollutants upon completion of the Project. However, with the continuing implementation of new control measures in the San Diego Air Basin, the levels of ozone, fine particulate matter (PM<sub>2.5</sub>) and diesel exhaust have substantially decreased from those discussed in the 1999 SEIR. Even with consideration of the new regulations, the current and projected impacts of air pollution from the Ballpark Village Project will be less than what was described in the 1999 SEIR.

Please see responses to Comments GP3-5, GP3-6, and GP3-7 below, for more specific responses.

### **Response to Adams Broadwell Joseph & Cardozo Comment GP3-5**

The new national 8-hour ozone standard of 0.08 ppm (parts per million or 8 pphm [parts per hundred million]) is actually not more stringent than the California 1-hour standard of 9 pphm. The San Diego Air Pollution Control District's (SDAPCD) 2004 annual report (SDAPCD, 2005a) states:

“The eight-hour standard is 8 pphm based on any running eight-hour average. Although it appears to be more stringent, it has a longer averaging period of eight hours; and multi-hour averages are always lower than their highest single hour. California's one-hour standard of 9 pphm is slightly more health protective than the federal eight-hour standard.”

Thus, analysis of impacts under the new 8-hour ozone standard would not result in a greater impact from smog forming (ozone forming) emissions than analysis under the California 1-hour standard discussed in the SEIR.

In addition, if one looks at ozone levels in the five calendar years from 2000 to 2004, one sees a downward trend (Table 1).

# Ozone

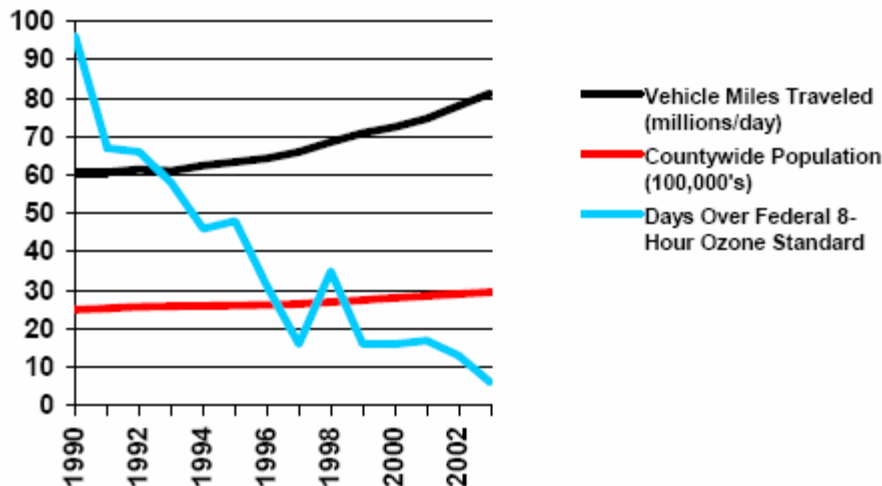
Number of Days Exceeding Federal and State Standards  
San Diego County 2000-2004

| Station            | Number of Days Exceeding<br>Federal 1-Hour Standard<br>Concentration > 12 pphm |    |    |    |    | Number of Days Exceeding<br>State 1-Hour Standard<br>Concentration > 9 pphm |    |    |    |    | Maximum 1-Hour<br>Concentration (pphm) |    |    |    |    | Date of Maximum<br>1-Hour Concentration |       |      |      |      |
|--------------------|--|----|----|----|----|---|----|----|----|----|--|----|----|----|----|---|-------|------|------|------|
|                    | 04   | 03 | 02 | 01 | 00 | 04  | 03 | 02 | 01 | 00 | 04                                     | 03 | 02 | 01 | 00 | 04                                      | 03    | 02   | 01   | 00   |
| Chula Vista        | 0  | 0  | 0  | 0  | 0  | 1   | 0  | 1  | 2  | 0  | 10                                     | 8  | 12 | 10 | 9  | 5/3                                     | 10/28 | 9/1  | 9/30 | 4/30 |
| El Cajon           | 0  | 0  | 0  | 0  | 0  | 1   | 1  | 2  | 3  | 5  | 10                                     | 10 | 10 | 12 | 11 | 10/9                                    | 9/21  | 8/9  | 5/8  | 4/25 |
| Kearny Mesa        | 0  | 0  | 0  | 1  | 0  | 6   | 2  | 3  | 9  | 5  | 11                                     | 11 | 11 | 14 | 12 | 5/2                                     | 10/19 | 9/21 | 9/30 | 9/12 |
| Del Mar            | 1  | 0  | 0  | 0  | 0  | 3   | 0  | 1  | 0  | 0  | 13                                     | 9  | 10 | 9  | 9  | 10/8                                    | 10/17 | 9/21 | 9/30 | 3/14 |
| Escondido          | 0  | 0  | 0  | 1  | 0  | 2   | 3  | 2  | 4  | 6  | 10                                     | 11 | 10 | 14 | 12 | 4/27                                    | 9/21  | 9/1  | 9/30 | 9/16 |
| Alpine             | 0  | 1  | 0  | 1  | 0  | 5   | 17 | 13 | 22 | 19 | 11                                     | 13 | 12 | 14 | 12 | 5/31                                    | 9/21  | 6/6  | 5/8  | 4/26 |
| Downtown San Diego | 0  | 0  | 0  | 0  | 0  | 0   | 0  | 0  | 1  | 1  | 9                                      | 8  | 9  | 10 | 12 | 9/5                                     | 4/9   | 9/21 | 9/30 | 9/12 |
| Camp Pendleton     | 0  | 0  | 0  | 0  | 0  | 4   | 4  | 0  | 2  | 0  | 11                                     | 10 | 9  | 11 | 11 | 5/3                                     | 10/16 | 5/12 | 9/29 | 4/26 |
| Otay Mesa          | 0  | 0  | 0  | 0  | 0  | 1   | 1  | 2  | 0  | 2  | 10                                     | 10 | 11 | 9  | 8  | 4/27                                    | 10/13 | 9/1  | 9/30 | 3/14 |
| Basinwide          | 1  | 1  | 0  | 2  | 0  | 12  | 23 | 15 | 29 | 24 | 13                                     | 13 | 12 | 14 | 12 | 10/8                                    | 9/21  | 6/6  | 9/30 | 9/16 |

**Table 1. Ozone levels and exceedances for 2000-2004 (SDAPCD, 2005b).**

The maximum 1-hour ozone concentration in downtown San Diego (12th avenue station, 4 blocks from the Ballpark Village site) has decreased from 12 to 9 pphm. The number of days exceeding the 1-hour standard (triggered at 9.5 pphm) was 1 each in 2000 and 2001, and none in 2002-2004. Basin-wide, the number of days exceeding the 1-hour standard decreased from 24 to 12 between 2000 and 2004. Downtown, there were no exceedances of the new 8-hour standard in 2004; basin-wide, the 8-hour standard was exceeded on 8 days in 2004 (SDAPCD, 2005a). Even though the 8-hour standard was not yet enforced in 2003, ozone levels would have exceeded the standard basin-wide on 6 days. On all 6 days, the exceedance was the result of regional transport of smog from the South Coast Air Basin.

These decreases in ozone were achieved during a period of increasing vehicle miles driven in the San Diego area (Figure 1).



**Figure 1. Trends in ozone levels and vehicle miles (SDAPCD, 2004a).**

A little more than half of the smog-forming emissions are from cars and trucks. Improvements in emission controls account for the reductions in smog during a period of increasing total vehicle miles (SDAPCD, 2004). These facts support the conclusion that the Ballpark Village Project will have less impact on exceedances of ozone standards than was estimated in 1999. Additional analysis is not needed.

#### **Response to Adams Broadwell Joseph & Cardozo Comment GP3-6**

Particulate matter (PM) is the general term used for a mixture of solid particles and liquid droplets found in the air. PM10 refers to all particles less than or equal to 10 micrometers in diameter, including PM2.5. The term PM2.5 describes "fine" particles that are less than or equal to 2.5 micrometers in diameter. PM can result from both primary emissions and secondary atmospheric formation. Primary particles, such as dust from roads or soot from combustion, are emitted directly into the atmosphere. Secondary particles are formed in the atmosphere from primary gaseous emissions. Since PM10 includes all particulate matter less than 10 microns in diameter, PM2.5 is a subset of PM10. By weight, PM2.5 makes up about half of PM10. Therefore, any discussion of the impact of PM10 on public health necessarily includes the impact of PM2.5.

The finer particles in PM2.5 have been shown to be more toxic because they penetrate further into the lungs and contain more of the toxic hydrocarbon particles from diesel exhaust and smog than the larger particulate matter. Particles between 2.5 and 10 microns are deposited primarily in the nose, throat, and bronchi. By breaking PM2.5 out of PM10, by both regulation and monitoring, society is able to focus on reducing the more toxic component of particulate matter.

The 1999 SEIR acknowledged an unmitigated increase in particulate matter as a result of increased vehicle traffic resulting from the Ballpark and Ancillary Developments Project. The SEIR also included a discussion of 2.5 and acknowledged that: the regulation of PM2.5 was imminent; PM2.5 consists primarily of fine particulates from diesel exhaust

and smog; and PM2.5 is more toxic than the larger particles in PM10.

The mitigation measures included in the 1999 SEIR that were designed to reduce the impacts of PM10 will also reduce the impacts of PM2.5. For example, the traffic associated with the project was expected to produce significant levels of PM10. Through the implementation transportation mitigation measures, such as roadway improvements and methods to reduce traffic volumes including mass transit, carpools and bike storage strategies, PM emissions from the project will be reduced, although not to a level that was less than significant.

Furthermore, extensive mitigation measures to reduce PM emitted from construction equipment was included. These measures included the application of water to control dust and measures to minimize emissions from construction equipment, such as limiting simultaneous use and run time, use of alternative fueled, low emissions and electrical equipment, and use of post-combustion controls on construction equipment. In addition, the mitigation measures adopted to reduce emissions of primary gaseous emissions, such as nitrogen oxides (NOx), will reduce PM2.5 from secondary formation as well. Therefore, by mitigating PM 10 and primary gaseous emissions from the project, the impacts of PM2.5 will also be mitigated.

PM2.5 monitoring in the San Diego Air Basin began in 1999. The trend in PM2.5 levels at the 12th Avenue monitoring station (downtown) has been downward for the 2000-2004 period (see Table 2).

## Particulate Matter (PM<sub>2.5</sub>)

San Diego County 2000-2004

| Station            | Annual Average<br>Federal Standard 15 micrograms/m³<br>State Standard 12 micrograms/m³ |      |      |      |      | Maximum 24-Hour Sample*<br>Federal Standard 65micrograms/m |     |                         |      |      |      | Date of Maximum<br>24-Hour Sample |       |                         |      |      |       |
|--------------------|--|------|------|------|------|--|-----|-------------------------|------|------|------|-----------------------------------|-------|-------------------------|------|------|-------|
|                    | 04   | 03   | 02   | 01   | 00   | 04   | 03★ | 03 without<br>fire data | 02   | 01   | 00   | 04                                | 03★   | 03 without<br>fire data | 02   | 01   | 00    |
| Chula Vista        | 12   | 14.3 | 13.9 | 15.5 | 13.1 | 33   | 239 | 41                      | 41.0 | 41.0 | 40.5 | 3/16                              | 10/27 | 12/5                    | 1/2  | 1/1  | 12/23 |
| El Cajon           | 13   | 12.3 | 15.3 | 17.7 | 15.7 | 44   | —   | 33                      | 39.3 | 46.7 | 65.5 | 1/1                               | 1/1   | 1/1                     | 1/1  | 11/6 | 12/24 |
| Kearny Mesa        | 11   | 12.0 | 12.9 | 13.5 | 12.4 | 29   | 170 | 30                      | 36.5 | 37.9 | 48.5 | 3/19                              | 10/27 | 1/12                    | 1/2  | 11/6 | 12/2  |
| Escondido          | 14   | 14.2 | 16.1 | 17.5 | 15.8 | 67   | 69  | 38                      | 53.6 | 60.0 | 65.9 | 1/1                               | 10/27 | 12/31                   | 1/1  | 1/1  | 12/24 |
| Downtown San Diego | 14   | 15.4 | 15.5 | 16.6 | 15.6 | 43   | 170 | 51                      | 46.6 | 54.1 | 66.3 | 1/9                               | 10/27 | 1/23                    | 11/3 | 1/1  | 12/2  |

★ In October 2003, wildfires caused unusually high levels of particulate matter.

– There was an equipment malfunction at the El Cajon monitoring station during the fires.

\* Concentrations are averaged over a 24-hour period.

**Table 2. PM2.5 data for the San Diego Air Basin (SDAPCD, 2005b).**

The reason for this decline is the continued implementation of better controls of vehicle emissions and other sources of fine particle emissions.

San Diego met the 24 hour and annual Federal PM10 standards in 1999, but did not meet the much lower California standards (Table 3).

**Table 3. Comparison of downtown San Diego (12<sup>th</sup> avenue) particulate matter (PM) levels with State and Federal standards (values are in micrograms per cubic meter [ug/m<sup>3</sup>]; CARB, 2001; CARB, 2005a; SDAPCD, 2005b).**

|   | 1999 | 2004 |
|---|------|------|
| 12 <sup>th</sup> avenue PM10 24 hour maximum  | 69   | 68   |
| PM10 Federal 24 hour standard                 | 150  | 150  |
| PM10 State 24 hour standard                   | 50   | 50   |
|   |      |      |
| 12 <sup>th</sup> avenue PM10 annual average   | 33   | 33   |
| PM10 Federal annual standard                  | 50   | 50   |
| PM10 State annual standard                    | 30   | 20   |
|   |      |      |
| 12 <sup>th</sup> avenue PM2.5 24 hour maximum | 47   | 43   |
| PM2.5 Federal 24 hour standard                | None | 65   |
| PM2.5 State 24 hour standard                  | None | None |
|   |      |      |
| 12 <sup>th</sup> avenue PM2.5 annual average  | 18   | 14   |
| PM2.5 Federal annual standard                 | None | 15   |
| PM2.5 State annual standard                   | None | 12   |

The same is true today (2004 data) for both PM10 and PM2.5. San Diego meets the Federal PM10 standards, but still does not meet the much more stringent State standards. The U.S. EPA has designated San Diego County as an attainment area for the PM2.5 standard based on 2002-2004 data (SDAPCD, 2005a). Attainment indicates that San Diego County has met or exceeded the annual Federal standard for PM2.5. The 24-hour Federal PM2.5 standard is also currently met, although the State annual standard is not met. In summary, the San Diego Air District's compliance with State and Federal PM10 standards in 1999 is approximately the same as its compliance with State and Federal PM10 and PM2.5 standards today. Therefore, the application of the new PM2.5 standards today would not result in a conclusion that impacts would be more severe than those assessed in 1999.

In addition, although it is true that we know more about the hazards of PM2.5 today than in the past, the current levels of PM2.5 in San Diego are actually less than the level in 1999 and are continuing to decline. The unmitigated impact of the Ballpark Project was estimated at roughly 0.1 % of the vehicular emissions in the San Diego Air Basin, a level that is unlikely to cause a measurable increase in regional air pollutant levels (an incremental increase of 0.1 % is so small it cannot be reliably measured). Due to the continuing decrease in these emissions since 2000, the impact of particulate matter cited in the SEIR will actually be less at the completion of the Ballpark Village Project than what was estimated for the Project in 1999.

### **Response to Adams Broadwell Joseph & Cardozo Comment GP3-7**

The SEIR discusses the fact that diesel exhaust particles are mostly fine particulate matter that make up PM<sub>2.5</sub>. Because PM<sub>2.5</sub> is part of PM<sub>10</sub>, discussions of the impact of PM<sub>10</sub> in the SEIR, which was stated therein to be significant and not fully mitigated, also included the effects of diesel exhaust particles. The SEIR included mitigation of diesel exhaust during Project construction (see SEIR, 5.7-5). Mitigation measures included requiring the use of alternative fueled construction equipment, minimum practical engine size, and post-combustion controls, among others. In addition, the mitigation measures that apply to reduce the impacts of PM<sub>10</sub> will also reduce the impacts of PM<sub>2.5</sub>. See Response to Comment GP3-6 above

Diesel particulate matter was identified by the California Air Resources Board (CARB) in 1998 as a toxic air contaminant (CARB, 2005c), preceding the SEIR. One of the major reasons for regulating PM<sub>2.5</sub> was to reduce exposure to diesel exhaust particles. One of the reasons PM<sub>2.5</sub> levels are declining is the improvement in diesel fuels, engines, and operating procedures (CARB, 2005c). CARB has estimated that the cancer risk from diesel exhaust particles has decreased from 870 to 420 per million population in the San Diego Air Basin from 1990 to 2003 (SDAPCD, 2004b).

A project specific risk assessment for diesel exhaust particulates is unnecessary for the following reasons. The railroads and Marine Terminal are not considered to be significant sources of diesel exhaust particulates. Neither is listed in the SDAPCD emission inventory or in the list of Toxic Hotspots requiring a health risk assessment (SDAPCD, 2005c). These data bases have been established under the California Air Toxics “Hot Spots” Information and Assessment Act (AB2588). The SDAPCD administers the program for San Diego County. Every four years the SDAPCD inventories toxic air contaminants in facilities of all kinds in the Air Basin. Based on the level and nature of the emissions, a facility may be listed in the emission inventory and may be required to do a health risk assessment. District Rule 1210 requires that facilities causing a cancer risk greater than one in one hundred thousand are required to make public notification. If the emissions from the two rail roads and the 10<sup>th</sup> Avenue Marine Terminal were a significant health concern, these facilities would be listed in the emissions and “toxic hotspots” inventories. They are not (see Response to Comment LA1-13).

The Ballpark Village Project will not cause a measurable increase in diesel exhaust particulates in the San Diego Air Basin, because the increase is well within the variability of the measurement. Because the level of diesel exhaust emissions from the Project is very small compared to Basin-wide emissions, the health risks to residents of San Diego will not measurably increase as a result of the Project.

### **Response to Adams Broadwell Joseph & Cardozo Comment GP3-11**

Please see Responses to Comments GP3-5, GP3-6, and GP3-7. Fugitive dust and diesel particulates are significant air pollutants, but are not significant precursors to ozone.

### **Response to Unified Port of San Diego Comment LA1-13**

The SEIR addressed toxic emissions from nearby offsite properties when there was information available concerning releases from these properties. For example, soil gas emissions from the San Diego Gas & Electric site were noted to be insignificant. Two nearby facilities, the Campbell Shipyard and the San Diego Convention Center Expansion, were also discussed in the SEIR. Both of these sites are located on the Bay, immediately north of the 10<sup>th</sup> Avenue Marine Terminal. The railroads and the 10<sup>th</sup> Avenue Marine Terminal were within the ½ mile zone evaluated for toxic releases, but these facilities did not turn up in the extensive data searches conducted for the Phase I site investigation. Thus, no potential significant impacts from hazardous materials were identified at these sites.

There is further evidence that the potential impacts of emissions from the railroads and the 10<sup>th</sup> Avenue Marine Terminal would be considered insignificant. None of the lessees at the 10<sup>th</sup> Avenue Marine Terminal are listed in the SDAPCD emissions inventory (SDAPCD, 2005c). An inquiry to the SDAPCD received a response stating: “These operations do not emit enough air pollutants to require emissions inventories under the San Diego APCD Rule 19.3 or the state Health & Safety Code under AB2588” (SDAPCD, 2005d).

The potential impact of emissions from the nearby railroads and the trucks and ships accessing the 10th Avenue Marine Terminal was assessed in the Barrio Logan study (CARB, 2004). Barrio Logan is a mixed industrial, commercial and residential area immediately southwest of the Ballpark Village site. Figure 5.13 in the Barrio Logan Report shows modeling results of local emissions on diesel exhaust particulate levels. Local sources include railroads, ships, diesel trucks, and shipyards. The Ballpark Village site can be seen in the figure. The contours for 0.5 to 1.0 ug/m<sup>3</sup> diesel PM pass through the site, indicating that local sources, of all kinds, contribute a small fraction to the downtown ambient levels of PM<sub>2.5</sub>, measured at 17.7 ug/m<sup>3</sup> in 1999, shortly after the study (CARB, 2001). The conclusion of the Barrio Logan Report was that: “...the annual average levels of toxic air pollutants observed at Memorial Academy Charter School are similar to those found in other parts of San Diego.” Because of its proximity to Barrio Logan, the same conclusion would apply to the Ballpark Village site.

The CARB Air Quality and Land use Handbook (2005d) suggests a setback for residential development of 1,000 feet from railroads. This guidance is based on diesel PM emissions from the Roseville railroad yard. Those emissions were 25 tons per year. In what was described as a first order estimate, emissions from railroads in the Barrio Logan

Report were estimated to be 2.81 tons per year (CARB, 2004). The two railroads proximate to the Ballpark Village site are estimated to have emissions of less than 0.32 tons per year (Hoegemeier, 2005; BNSF, 2005). Considering the nearly two orders of magnitude less emissions and the height of the residences in the Ballpark Village above ground level (several stories), it is my opinion that the health risks from railroad diesel emissions would be considered insignificant.

### **Response to Unified Port of San Diego Comment LA1-17**

The project's exposure to potential impacts from accidental release of hazardous materials from nearby industrial uses is the same now as it was in 1999. Then as now, such uses are subject to an extensive array of local, state and federal regulations designed to ensure proper handling and disposal of these materials, and to ensure that subject facilities have emergency response plans in place in case of an accidental release or catastrophic event.

Distance also provides a degree of protection from a possible accidental release of chemicals stored at the 10<sup>th</sup> Avenue Marine Terminal. The Project is at least 800 feet away from the closest above ground storage tanks. The attached aerial photograph provided by the San Diego Unified Port District (2005) shows storage tanks for petroleum distillates, jet fuel/bunker fuel/diesel, and use of ammonia and inorganics. A second aerial photograph is marked with distance contours from the Terminal (Anderson, 2005). Also, the residences are located several stories above street level, providing vertical as well as horizontal distance from any potential accidental releases.

The storage and use of ammonia appears to be at least 1,200 feet from the Ballpark Village site. Since one cannot see the ammonia storage tanks in the aerial view, these tanks are likely to be considerably smaller than the fuel tanks, further limiting the consequences of any accidental release. If the ammonia tanks are located indoors, the consequences of an accidental release would be somewhat contained. There are also sand, cement and soda ash facilities which are more than 2,000 feet from the Ballpark Village site. Particulate emissions from these facilities did not result in a measurable plume in Barrio Logan (CARB, 2002). The Barrio Logan sampling sites were about 2,000 feet from these facilities. Therefore, the conclusions reached in that report would be applicable as well to the Ballpark Village site.

There are no schools located within ¼ mile of the project site, nor is a school proposed on the project site. Therefore, California Public Resources Code 21151.4 is not applicable to this project. Health and Safety Code Section 25534.2 imposes no obligation on the development of residential buildings. Section 25534.2 requires those businesses who store chemicals to prepare risk management plans in compliance with Federal Law. This section is not applicable to the project.



**Response to Russell McCarthy Comment GP1-6**

Please see Responses to Comment LA1-13.

**Response to Russell McCarthy Comment GP1-10**

Please see Response to Comment LA1-17.

**Response to Port of San Diego Ship Repair Association Comment GP4-5**

Please see Responses to Comments GP3-5, GP3-6, GP3-7, and LA1-13.

**Response to Harborside San Diego Refrigerated Services, Inc. Comment GP8-3**

Please see Responses to Comments GP3-5, GP3-6, GP3-7, and LA1-13.

**Response to Harborside San Diego Refrigerated Services, Inc. Comment GP8-5**

Please see Response to Comment LA1-17.

**Response to Industrial Environmental Association Comment GP10-4**

Please see Responses to Comments GP3-5, GP3-6, GP3-7, LA1-13 and LA1-17. The various laws and regulations cited in the comment impose requirements on owners and operators who use, store or emit various substances to monitor or take specific action to ensure others are not adversely affected by their activities. Compliance with these laws and regulations, as well as the fact that the facilities in the 10<sup>th</sup> Avenue Marine Terminal are not considered by the SDAPCD to be significant emitters requiring listing on the SDAPCD emissions inventory, assure that residential exposure will not be significant.

**Response to Industrial Environmental Association Comment GP10-5**

Please see Responses to Comment LA1-17. The 10<sup>th</sup> Avenue Marine Terminal limits vehicle and pedestrian access at a single manned gate at the most distant point from the Ballpark Village site. The Terminal is encompassed on all land sides by a 6 foot chain-link fence with barbed wire. Unauthorized access is unlikely.

**Response to Environmental Health Coalition Comment GP11-4**

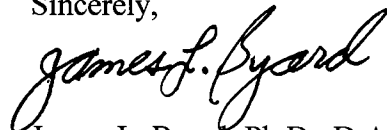
Please see Responses to Comments LA1-13, GP3-5, GP3-6 and GP3-7. The Ballpark Village site is more than 1,000 feet from any freeway. The SEIR concluded that local sources of air pollutants, including the Project, would not significantly change regional levels. The same conclusion was reached in the Barrio Logan Report.

## **Response to Environmental Health Coalition Comment GP11-5**

Please see Responses to Comment LA1-17. The project's location in the general vicinity of industrial uses is the same as was considered in the 1999 SEIR. Use of the identified materials at the Trolley maintenance building is unlikely to be a significant health hazard to Ballpark Village residents, even if accidentally released, because of the relatively small volumes, the nature of the materials, and the horizontal and vertical distance between potential release sites and residential receptors.

Please let me know if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, reading "James L. Byard". The signature is written in a cursive, flowing style.

James L. Byard, Ph.D., D.A.B.T.

Attachment I Curriculum Vitae

Attachment II References

# CURRICULUM VITAE

## ATTACHMENT I

### JAMES LEONARD BYARD

#### MAILING ADDRESS

3615 Maidu Place  
Davis, California 95616

#### E-MAIL ADDRESS

doctoxics@aol.com

#### TELEPHONE NUMBER

530-758-2965

#### FAX NUMBER

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#### EDUCATION

B.S., Biochemistry, Cornell University, 1960-1964

Ph.D., Biochemistry, University of Wisconsin, 1964-1968

Postdoctorate, Biological Chemistry, Harvard Medical School, 1968-1970

#### HONORS

Babcock Fellow, University of Wisconsin, 1967-1968

Arthritis Fellow, Harvard Medical School, 1968-1970

#### CERTIFICATIONS

Diplomate of the American Board of Toxicology, 1980-present

#### PROFESSIONAL SOCIETIES

Society of Environmental Toxicology and Chemistry

Society of Toxicology

Society for Risk Analysis

## CURRICULUM VITAE

### EMPLOYMENT

Sole Proprietor of James L. Byard, Toxicology Consultant, 1984 - present.  
Consulting in basic and applied research in toxicology, risk assessment, auditing toxicity studies, environmental fate of chemicals, and testimony as an expert witness.

Adjunct Associate Professor, Distinguished Visiting Scholar, and Lecturer,  
Department of Environmental Toxicology, University of California, Davis, California  
95616 (1984-1995). Teaching University courses in toxicology.

Assistant and Associate Professor of Environmental Toxicology, Department of  
Environmental Toxicology, University of California, Davis (1974-1984). Teaching,  
research, and public service in toxicology. Research in chemical carcinogenesis,  
metabolism, mechanism-of-action, and primary liver cell cultures.

Research Assistant Professor of Toxicology, Center of Experimental Pathology and  
Toxicology, Albany Medical College of Union University, Albany, New York 12208  
(1970-1974). Teaching in toxicology and biochemistry. Research in metabolism and  
mechanism-of-action of saccharin, carrageenan, dieldrin, mirex, PCBs,  
hexachlorobenzene, methyl mercury, and freons.

### CONSULTING EXPERIENCE

Reviewed NIOSH criteria document for benzylchloride.

Reviewed EPA drinking water criteria document for dibromochloropropane.

Participated in the laetrile hearings in the California Governor's Office.

Gave written and oral testimony to Proposition 65 Scientific Advisory Panels, State  
and Regional Water Boards, and District Air Pollution Boards.

Consulted with the California Department of Pesticide Regulation, Office of  
Environmental Health Hazard Assessment, U. S. Environmental Protection Agency, and  
the U. S. Food and Drug Administration

Toxicology consultant to the Health Effects Study of the Replenishment of Ground  
water with Treated Waste Water, County Sanitation Districts of Los Angeles County.

Member of the California Department of Health Service's Water Reuse Health  
Effects Panel.

Developed a surface and ground water monitoring program for Alpine County,  
California.

Chaired a two-day conference on chemical carcinogenesis and teratology for the

## CURRICULUM VITAE

California Air Resources Board.

Toxicology consultant to several engineering firms dealing with cleanup of hazardous wastes (e.g., Rocky Mountain Arsenal, Brio Refining, THAN- Fresno, BKK Landfill, Concord Naval Weapons Station; Operating Industries Landfill, Kopper's Oroville site, Silicon Valley groundwater contamination, Lincoln Village, etc.).

Consultant to several chemical companies (e. g., Monsanto, Syntex, IBM, U. S. Borax, Du Pont, TH Agriculture and Nutrition, etc.). Assignments include risk assessment, audits of toxicology studies, human exposure studies, and genetic toxicology studies.

Consultant to the California Rice Industry Association (risk assessment of rice pesticides and rice smoke).

Consultant to The Irvine Company (predevelopment hazard assessments, Proposition 65 compliance, pesticides and metals in aquatic environments).

Evaluation of the hazards of consumer products to meet regulations of the Consumer Product Safety Commission.

Consultant/expert witness for numerous legal cases involving human exposure to aldrin, ammonia, asbestos, benzene, brodifacoum, cadmium, carbon monoxide, chlordane, chlorine, chloroform, chlorpyrifos, chromium, creosote, 2,4-D, DBCP, DDT, diazinon, dieldrin, diesel fuel, dioxin, endrin, ethyl ether, formaldehyde, freon 113, gasoline, heptachlor, hexane, isopropyl alcohol, lead, marijuana, mercury, methyl bromide, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, mixed hydrocarbon solvents, paraquat, parathion, PAHs, PCBs, pentachlorophenol, perchlorate, perchloroethylene, phosdrin, selenium, silica, silvex, sulfur oxides, 2,4,5-T, toluene, trichloroethane, trichloroethylene, vinyl chloride, vinylidene chloride, xylene, etc.

### EXAMPLES OF TECHNICAL REPORTS

1. Selenium concentrations in waterfowl eggs from the San Joaquin Wildlife Refuge.
2. Risk assessment of the Denver Rail Yard, site of the Coors Baseball Field.
3. Risk assessment of vehicle emissions contaminating the Sweetwater Reservoir.
4. Comparison of hazardous materials in household wastes and industrial liquid wastes.
5. Annotated bibliography of industrial vitiligo.
6. Annotated bibliography of carbon monoxide poisoning.
7. Report on monitoring of rice pesticide residues in the United States and Japan.
8. Hazard assessment of amorphous silica in rice straw smoke.

## CURRICULUM VITAE

9. Annotated bibliography of 2,4-D, 2,4,5-T, and 2,3,7,8-tetrachloro-dibenzo-*p*-dioxin.
10. Annotated bibliography of the acute dose-response of ammonia in humans.
11. Annotated bibliography of the acute dose-response of sulfur dioxide in humans.
12. Toxicant dynamics in an urban watershed.

## PUBLICATIONS

1. Byard, J. L., The Impact of Rice Pesticides on the Aquatic Ecosystems of the Sacramento River and Delta (California). *Reviews of Environmental Contamination and Toxicology* 159: 95-110, 1999.
2. Byard, J. L., Hazard Assessment of 1,1,1-Trichloroethane in Ground Water. In The Risk Assessment of Environmental Hazards, D. Paustenbach, ed., pp 331-344, John Wiley & Sons, New York, 1989.
3. Byard, J. L., The Toxicological Significance of 2,3,7,8-Tetrachlorodibenzo-*p*-dioxin and Related Compounds in Human Adipose Tissue. Journal of Toxicology and Environmental Health 22: 381-403, 1987.
4. Byard, J. L. and Dougherty, K. K., Comparative Metabolism and Toxicity of Chemical Carcinogens in Primary Cultures of Hepatocytes. In Vitro 21: 489-494, 1985.
5. Milam, K. M. and Byard, J. L., Acetaminophen Metabolism, Cytotoxicity, and Genotoxicity in Rat Primary Hepatocyte Cultures. Toxicol. Appl. Pharmacol. 79: 342-347, 1985.
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8. Knadle, S. A., The Kinetics of Benzene Metabolism in Rhesus Monkey Hepatocytes Cultured in Glass T-flasks, Ph.D. Thesis, University of California, Davis, 1982 (Chairperson of thesis committee).
9. Salocks, C. B., Hsieh, D. P. H. and Byard, J. L., Effects of Butylated Hydroxy-toluene Pretreatment on the Metabolism and Genotoxicity of Aflatoxin B<sub>1</sub> in Primary Cultures of Adult Rat Hepatocytes: Selective Reduction of Nucleic Acid Binding. Toxicol. Appl. Pharmacol. 76: 498-509, 1984.
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November, 2004

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Copies of these references are available for review

at Centre City Development Corporation

**ATTACHMENT 2:**

**Response to Comments on Traffic and Parking Memorandum  
Prepared by Mark Peterson, AICP; Wilson & Company**

# Memo

*Albuquerque  
Arlington  
Colorado Springs  
Denver  
El Paso  
Fort Worth  
Houston  
Kansas City  
Las Cruces**Lenexa  
Los Angeles  
Omaha  
Panama City, Pma.  
Phoenix  
Rio Rancho  
Salina  
San Bernardino  
San Diego*

**Date:** July 26, 2005

**To:** John Bridges, AICP  
TCB – AECOM

**From:** Mark Peterson, AICP

**Subject:** Ballpark Village SEIR Addendum, Response to Comments

Per your request, the following responses are provided to the various traffic and parking related comments on the Ballpark Village SEIR Addendum.

## LA1-16

The traffic operation of street segments and intersections both within the immediate project area and the surrounding City street system were previously analyzed in the Ballpark and Ancillary Developments SEIR. As stated in the Addendum, because the proposed project, including the proposed transfer of floor area, will fall within the maximum ADT specified by the SEIR, no new or significantly different traffic volumes, flow patterns, or levels of service than previously identified are anticipated with the proposed project.

The SEIR, when compared with the currently proposed project, analyzed a worst-case scenario. In general, office uses tend to generate a higher proportion of trips in the peak hour, as commuters arrive and depart during the busier travel periods of the day. Residential uses tend to generate trips over a wider time frame, with less of a concentration of trips during peak hours. In this regard, compared to the findings of the SEIR, the proposed project will lessen peak hour traffic in the immediate vicinity of the project site.

The Ballpark and Ancillary Developments SEIR provided a comprehensive analysis of traffic operations on the surrounding surface arterial street network and freeways serving the downtown area. A variety of mitigation measures, including intersection and roadway improvements, were identified as necessary to address project impacts and ensure acceptable levels of service. One key mitigation measure called for the preparation of a Freeway Deficiency Plan to address cumulatively significant project traffic impacts on the surrounding freeway facilities, including the I-5 freeway mainline and on- and off-ramps serving the downtown area. The resulting Freeway Deficiency Plan was prepared and adopted by SANDAG in December 2003. A key component of the I-5 Freeway Deficiency Plan was the proposal for a set of new freeway ramps providing direct access between I-5 and the Tenth Avenue Marine Terminal area. These ramps were subsequently included in the SANDAG Regional Transportation Plan, known as Mobility 2030. Further studies will be undertaken to refine the concept and ensure compatibility with surrounding land uses and the marine terminal's operations. These ramps and suitable variations will greatly enhance access to the marine terminal facilities and greatly reduce the use of local surface streets for such access.

The Ballpark Village project will neither contribute to nor cause any new or different impacts to the roadway facilities serving the industrial waterfront area or the marine terminal facilities, and is consistent with identified plans to provide improved access to the stated facilities as described above.

Based upon the conduct of extensive parking studies, the Ballpark and Ancillary Developments SEIR stipulated that the project developers would be required to identify a total of 2,383 parking spaces to be dedicated and available for parking by ballgame attendees (SEIR Mitigation Measure 13.2-12). The current surface parking on Parcels C and D provided 267 spaces towards meeting this total requirement. As such, with the development of Parcels C and D, the Ballpark Village project proponent will be required to identify replacement parking for 267 spaces within convenient access (20 minute walk/trolley ride) to the Ballpark. The existing 959 spaces on Parcels C and D will be lost with the proposed development of Ballpark Village. The project, as part of the development, will provide parking suitable to meet the demands generated by the project. Other than the stipulation of the SEIR regarding the 2,383 spaces for ballgame parking, there is no requirement for the project to provide additional public parking beyond that required to serve the project.

The Master Plan will require 1.5 spaces/unit for the market rate units and 1.0 spaces for the affordable housing units. These minimum parking requirements exceed the current Centre City Planned District Ordinance (PDO) requirements of 0.5 spaces/unit, as well as those being proposed in the July, 2005 Draft PDO (1.0 spaces/unit plus 1.0 spaces/30 units for guest parking) resulting from the current Community Plan update process. The required project parking is similar to the amount being provided by most recent condominium developments in Centre City based on market demands.

**GP3-8**

Parking - See Response to Comment LA1-16

**GP4-3**

Traffic – See Response to Comment LA1-16

Parking – See Response to Comment LA1-16

**GP4-6**

The SEIR assumed build-out of the Centre City Community Plan area, cumulative developments in surrounding areas, and the associated trip generation and necessary improvements in the analysis of impacts. Because the downtown area has developed as anticipated in the SEIR, no substantial change in the cumulative setting has occurred that was not previously analyzed in the SEIR.

Also See Response to Comment LA1-16



**GP7-1**

The proposed Ballpark Village project will be located approximately 1.5 miles from the identified Amtrak facility. As such, there will be no direct project impacts associated with the project; rather the project, in addition to all future developments in the downtown, will cumulatively contribute to an increase in travel (both vehicular and pedestrian) which could potentially increase volumes at existing rail crossings. Projected volumes associated with the project are consistent with those identified in the Ballpark and Ancillary Developments SEIR and no new or different impacts are anticipated. The project proponent will be required to coordinate with the San Diego Trolley and Metropolitan Transit System (MTS) to ensure compliance with all federal, state, and local at-grade rail crossing design standards.

**GP8-4**

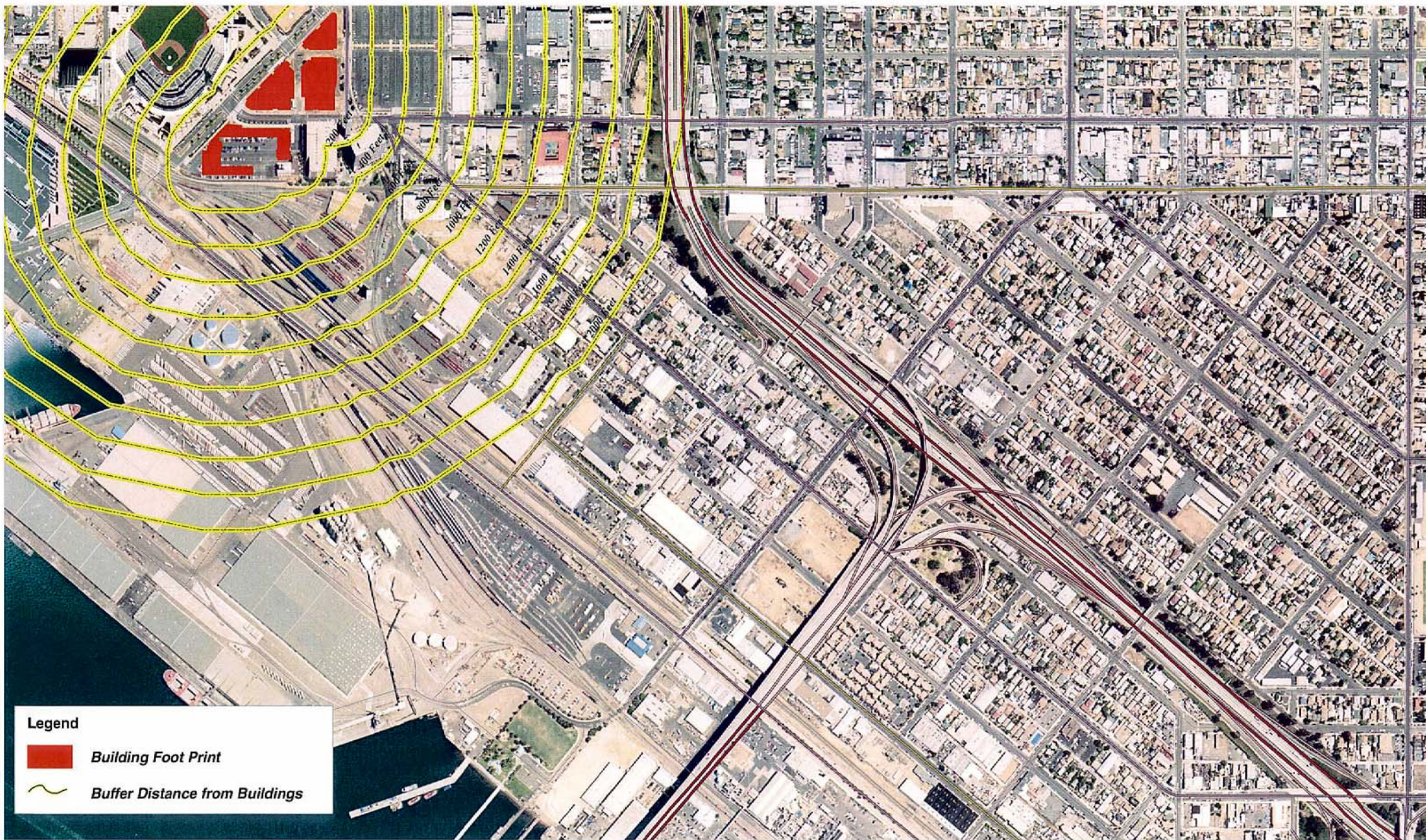
See Response to Comments LA1-16 and GP7-1

**GP10-6**

See Response to Comment LA1-16. In addition, as part of the proposed project, there are no plans to restrict or deny access to any streets.







**Ballpark Village**

**Ballpark Village and Surrounding Areas**

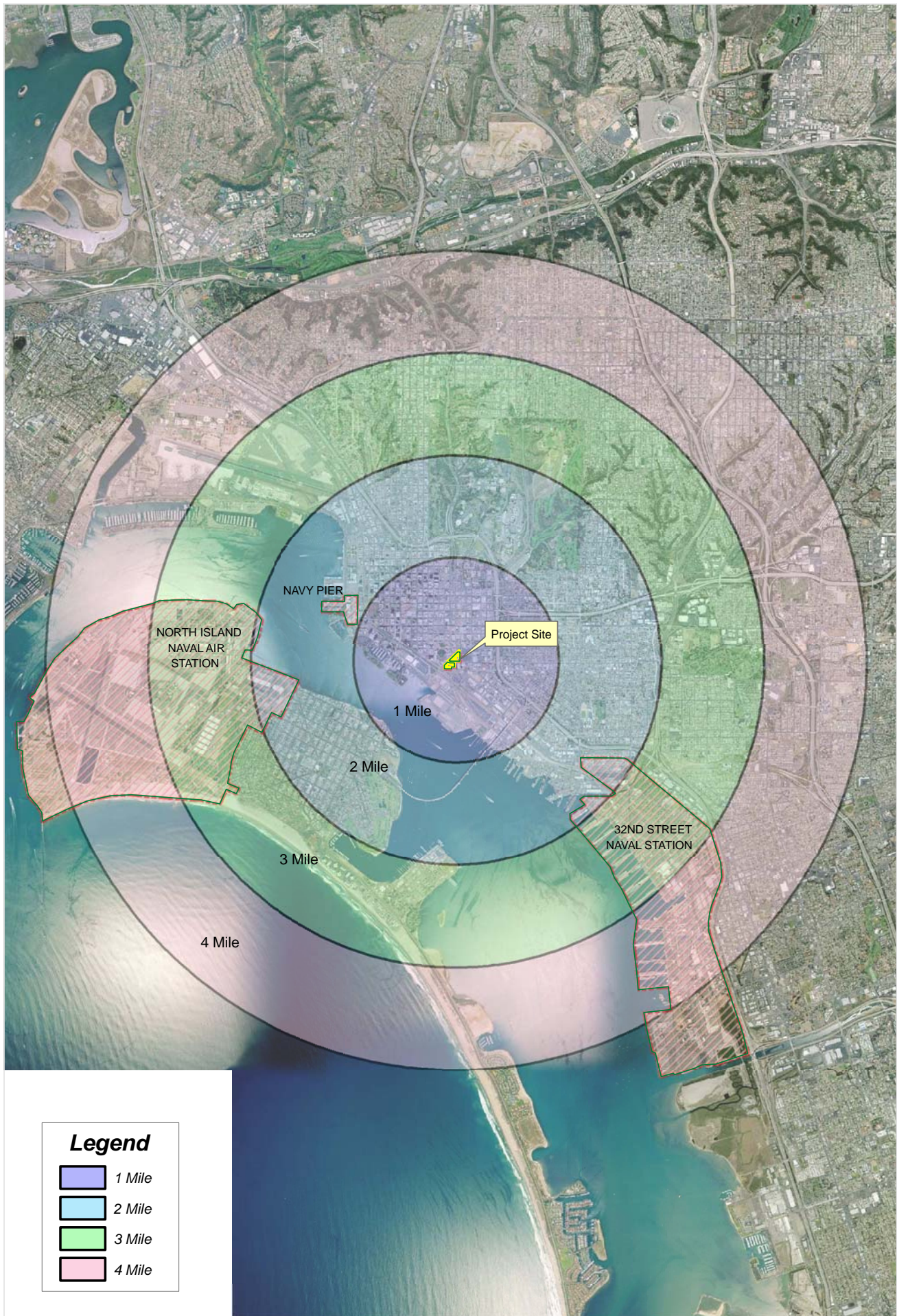
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 Date: 5/11/05  
 Source: Aerial - 2004-AirPhotoUSA - 2004, SanGIS  
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## Distances to Military Facilities

## Ballpark Village Vicinity Map

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 Date: 7/21/05  
 Source: Aerial - 2004-AirPhotoUSA - 2004, SanGIS

GIS entities may be compressed from various sources with different levels of accuracy. For details on accuracy of this exhibit please refer to Meta Data provided.

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