11/a/20 #602A
(R-2027-146)

RESOLUTION NUMBER R- 317009

DATE OF FINAL PASSAGE NOV 13 2026

A RESOLUTION OF COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING SUBSEQUENT ENVIRONMENTAL IMPACT REPORT NO. 1106734/SCH NO. 2023120451, ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR MIDWAY RISING- PROJECT NO. PRJ-1106734.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. On September 25, 2018, the Council adopted Resolution R- 311972 certifying the Final Program Environmental Impact Report for the Midway-Pacific Highway Community Plan Update (Project No._561546/State Clearinghouse (SCH) No. 2015111013, a copy of which is on file in the Office of the City Clerk in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, *et seq.*), and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, section 15000, *et seq.*).

B. On November 9, 2023, Midway Rising LLC (Midway Rising) submitted an application to the Development Services Department for a General Plan Amendment, Community Plan Amendment, Rezone, Specific Plan, San Diego Municipal Code amendments to exclude the Specific Plan area from Community Plan Implementation Overlay Zone – Type B and to implement a Midway Rising Entertainment Center District, Public Right-Of-Way Vacation, Public Utility Easement Vacations, Vesting Tentative Map, Site Development Permit, Variance to Affordable Housing Regulations, and Development Agreement Midway Rising, Project No. PRJ-1106734 (collectively, Application). Concurrently, Midway Rising negotiated a Disposition and Development Agreement to establish a process for Midway Rising to acquire

real property rights for the City-owned property on which the project will be developed. Collectively, the Application and the DDA are referred to as the (Project).

C. A Subsequent Environmental Impact Report No. 1106734/SCH No. 2023120451 (Subsequent EIR) was prepared for the Project in accordance with CEQA Guidelines sections 15162 and 15168 which authorize use of a Program EIR with later activities in the program and later analysis in a subsequent EIR that tiers from the Program EIR.

D. Following the finalization of the Subsequent EIR, City staff prepared a Memorandum dated October 30, 2026 (CEQA Memorandum) that includes text edits to document technical corrections and clarifications made during the Subsequent EIR's finalization as provided for in CEQA Guidelines section 15088.5(b). The CEQA Memorandum, which is included in the staff materials accompanying this Resolution, includes revisions that are part of the final Subsequent EIR that is being submitted to the Council for certification.

E. On September 25, 2025, the Planning Commission of the City of San Diego considered the Application and the Subsequent EIR and voted to recommend certification of the Subsequent EIR, adoption of the Mitigation Monitoring and Reporting Program, Findings of Fact and Statement of Overriding Considerations, and approval of the Application.

F. On October 16, 2026, the Land Use and Housing Committee of the City Council considered the DDA and the Subsequent EIR, and voted to recommend certification of the Subsequent EIR, adoption of the Mitigation Monitoring and Reporting Program, Findings of Fact and Statement of Overriding Considerations, and approval of the DDA.

G. The matter was set for a public hearing and heard by the Council on November 9, 2026. At the hearing, the Council considered the issues discussed in the Subsequent EIR prepared for the Project.

H. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. It is certified the Subsequent EIR has been completed in compliance with CEQA and the CEQA Guidelines, that the Subsequent EIR reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the Subsequent EIR, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the Project.

2. Under CEQA section 21081 and CEQA Guidelines section 15091, the Council adopts the Findings of Fact made with respect to the Project, which are attached to this Resolution as Exhibit A.

3. Under CEQA Guidelines section 15093, the Council adopts the Statement of Overriding Considerations with respect to the Project, which is attached to this Resolution as Exhibit A.

4. Under CEQA section 21081.6, the Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by the Council to mitigate or avoid significant effects on the environment, which is attached to this Resolution as Exhibit B.

5. The Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street, San Diego, CA 92101.

6. The City Clerk or Designee is directed to file a Notice of Determination in accordance with CEQA with the San Diego County Clerk's Office and the State Clearinghouse in the Office of Land Use and Climate Innovation regarding the Project.

APPROVED: HEATHER FERBERT, City Attorney

By _____
Delmar G. Williams
Senior Deputy City Attorney

DGW:nsf
Oct. 29, 2026
Or. Dept: EDD
Doc. No. 4587336_4

Attachments:
Exhibit A: CEQA Findings of Fact and Statement of Overriding Considerations
Exhibit B: Mitigation Monitoring and Reporting Program

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on NOV 09 2026.

DIANA J.S. FUENTES
City Clerk

By _____
Deputy City Clerk

Approved: 11/12/26 _____
(date)

_____
TODD GLORIA, Mayor

Vetoed: _____
(date)

_____
TODD GLORIA, Mayor

# EXHIBIT A

# CEQA FINDINGS OF FACT

# AND

# STATEMENT OF OVERRIDING CONSIDERATIONS

**Project No. 1106734**
**SCH No. 2023120451**

**October 30, 2026**

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# 1. Introduction

## 1.1 Findings of Facts

The following California Environmental Quality Act (CEQA) Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) are made for the Midway Rising Project (Project). The environmental effects of the Project are addressed in the Final Subsequent Environmental Impact Report (SEIR) dated August 15, 2025, which is incorporated by reference herein.

California Public Resources Code Section 21081(a) and Section 15091(a) of the CEQA Guidelines require that no public agency shall approve or carry out a project for which an EIR has been certified, identifying one or more significant effects on the environment, unless such public agency makes one or more of the following findings:

1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effects on the environment;
2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, can, or should be adopted by that other agency; or
3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

CEQA also requires that the Findings made pursuant to Section 15091 of the CEQA Guidelines be supported by substantial evidence in the record (CEQA Guidelines Section 15091[b]). Under CEQA, substantial evidence means enough relevant information has been provided (and reasonable inferences may be derived from this information) that a fair argument can be made to support a conclusion even though other conclusions might also be reached. Substantial evidence must include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15384).

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining project approval. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the **adverse environmental effects may be considered "acceptable" (Section 15093(a) of the CEQA** Guidelines). When the lead agency approves a project that will result in the occurrence of significant effects that are identified in the Final SEIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the Final SEIR and/or other information in the record. The SOC shall be supported by substantial evidence in the record.

On September 25, 2018, the City of San Diego (City) certified the Final Program EIR for the Midway-Pacific Highway Community Plan Update (Midway-Pacific Highway CPU PEIR). Findings and a Statement of Overriding Considerations were also adopted for the Midway-Pacific Highway CPU PEIR on September 25, 2018, as Resolution R-311972. In the 2018 Findings, the City of San Diego (City) Council identified significant effects of the 2018 Midway-Pacific Highway Community Plan (2018 Community Plan), including those effects that would not be mitigated to below a level of significance. As further required by the CEQA Guidelines, the City Council balanced the benefits of the 2018 Community Plan against the identified unavoidable environmental risks (CEQA Guidelines Section 15093) and adopted the 2018 Statement of Overriding Considerations (2018 SOC), which states the specific reasons why the benefits of the proposed 2018 Community Plan outweighed the identified unavoidable adverse environmental effects and determined that the unavoidable environmental effects were considered acceptable.

The Findings presented herein are based on the specific conclusions of the Final SEIR for the Project. As explained in Chapter 1.0, Introduction, of the Final SEIR, the Midway-Pacific Highway CPU PEIR analyzed the redevelopment of the Project site with commercial retail, office, and residential uses with and without the San Diego International Sports Arena. Pursuant to California Public Resources Code section 21093 and CEQA Guidelines Section 15152, the Final SEIR tiers from the Midway-Pacific Highway CPU PEIR. Tiering refers to using the analysis of general matters contained in a broader EIR with later EIRs on narrower projects, incorporating by reference the general discussions from the broader EIR, and concentrating the later EIR solely on the issues specific to the later project. The Final SEIR analyzes the potential environmental effects of the project in relation to the program-level analysis contained in the Midway-Pacific Highway CPU PEIR. The following documents are incorporated by reference: Midway-Pacific Highway CPU PEIR, 2018 Findings and 2018 SOC, and Final SEIR for the Project.

The Findings have been submitted to the City for consideration by the decision-making body. They are provided to allow the public an opportunity to review the Project on this matter and to review potential reasons for approving the Project despite the significant and unavoidable effects identified in the Final SEIR. It is the role of staff to independently evaluate the proposed Findings and make a recommendation to the decision-maker regarding their legal adequacy. It is the exclusive discretion of the decision maker certifying the SEIR to determine the adequacy of the proposed Findings.

## 1.2 Records of the Proceedings

For purposes of CEQA, the Record of Proceedings for the Project consists of the following documents and other evidence, at a minimum:

- The Midway-Pacific Highway CPU PEIR dated May 14, 2018, and associated 2018 Findings and 2018 SOC prepared for the 2018 Community Plan;

- The Notice of Preparation dated December 18, 2023 and all other public notices issued by the City in conjunction with the Project;
- All responses to the Notice of Preparation received by the City;
- The Draft SEIR dated March 24, 2025;
- The Final SEIR dated September 10, 2025;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR;
- All responses to the written comments included in the Final SEIR;
- All written and oral public testimony presented during a noticed public hearing for the Project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program dated September 10, 2025
- The reports and technical memoranda included or referenced in the Draft SEIR and Final SEIR and/or any responses to comments in the Final SEIR, and the Memorandum dated October 30, 2026;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft SEIR and the Final SEIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings and SOC; and
- Any other relevant materials required to be in the Record of Proceedings by Public Resources Code Section 21167.6(e).

## 1.3 Custodian and Location of Records

The documents and other materials that constitute the Record of Proceedings for the City's actions on the Project are located at the City's Development Services Department (DSD), 7650 Mission Valley Road, MS DSD-1A, San Diego, CA 92108 and the City Clerk's Office, 202 C Street, San Diego, CA 92101. DSD is the custodian of the Project's administrative record. Copies of the document that constitute the Record of Proceedings are and at all relevant times have been available upon request at the offices of DSD.

The Draft SEIR was placed on the City's CEQA website at https://www.sandiego.gov/ceqa/draft, and the Final SEIR was placed on the City's CEQA website at https://www.sandiego.gov/ceqa/final. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

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# 2. Project Summary

## 2.1 Project Objectives

The specific objectives for the Project are as follows:

1. Create a focused long-range plan for an underutilized infill site that is intended to promote increased residential density and employment opportunities consistent with the General Plan, Midway-Pacific Highway Community Plan, and the Climate Action Plan.
2. Increase the City's housing supply by providing a mix of housing opportunities, including both market rate and deed-restricted affordable units, proximate to transit, jobs, amenities, and services.
3. Implement and support the General Plan and Midway-Pacific Highway Community Plan smart growth principles and goals for the Sports Arena Community Village by developing a centralized, mixed-use neighborhood that would include entertainment, housing, commercial, public parks, and recreation opportunities near transit nodes.
4. Promote multimodal travel by establishing a pedestrian and transit-oriented village with a network of promenades, pedestrian paths, and bicycle facilities to provide access to internal and adjacent transit services, commercial /retail uses, and other amenities.
5. Encourage redevelopment of an underutilized infill site by increasing the urban tree canopy, instituting sustainable landscaping, and introducing shade to the area to support the City's Climate Action Plan goals.
6. Develop a modern entertainment center that would recognize and value the historic San Diego International Sports Arena.
7. Establish a phasing and implementation program that takes into account the existing long-term City property leases to provide public facilities, including on-site parks, that will serve new and existing community residents.

## 2.2 Project Description

To ensure that the Sports Arena Community Village would be planned comprehensively, the 2018 Community Plan identified the need to prepare either a Specific Plan or a Master Planned Development Permit, and therefore, a Specific Plan has been proposed as part of this Project. The Midway Rising Specific Plan (Specific Plan) provides supplemental development regulations that work with the underlying base zones and development regulations in the San Diego Municipal Code (SDMC) to ensure the implementation of the 2018 Community Plan vision. The Specific Plan's purpose is to provide guidance and direction on land use, site planning, building, public space, and landscape design to ensure that future development of the Project site results in a pedestrian- and transit-oriented mixed-use entertainment destination. The Specific Plan allows for the redevelopment of the 49.23-acre site with a mix of uses, including entertainment, commercial/retail, residential, recreational, and park uses.

The Specific Plan would provide up to 4,254 housing units, including at least 2,000 affordable units restricted to households with incomes less than 80 percent area median income, to provide a range of housing opportunities in a variety of sizes and number of bedrooms. The Specific Plan allows for the development of an approximately 16,000-seat multi-purpose entertainment center, which would reach a maximum height of 165 feet and replace the existing San Diego International Sports Arena. The entertainment center would host a variety of entertainment events including but not limited to concerts, family shows, sporting events, motor sports, comedy, and musical and artistic entertainment productions. The Project would also include approximately 130,000 square feet of commercial/retail uses, excluding the entertainment center and outdoor retail markets, such as farmers markets. Commercial uses may include restaurants, shops, and supporting neighborhood commercial/retail.

A central organizing element of the Specific Plan would be a network of public spaces consisting of approximately 8.12 acres of parks and 6.42 acres of public space in a network of plazas, promenades, paseo greens, and streetscapes. The parks would consist of The Green, The Square, The Plaza, paseo greens, and paseo greenways. The public space areas would consist of the promenades, streetscapes, and residential buffers.

The Specific Plan identifies a multimodal transportation network that would include new public streets, modified public streets, sidewalks, multi-use paths, bicycle facilities, promenades, and pedestrian paseo greens and paseo greenways. Internal circulation would be facilitated by two new on-site public roadway segments, Kemper Street and Frontier Drive, which would run north–south through the Project site and provide a connection between Sports Arena Boulevard and Kurtz Street. The Project also includes frontage and off-site transportation improvements.

Automobile and parking access to the Project site would include 12 ingress and egress points through internal private drives. The Project would provide on-site parking per California Building Standards Code, Title 24, and the SDMC parking requirements. Parking would be provided in structures integrated with housing and mixed-use development. Parking associated with entertainment, commercial/retail, parks, and public space uses would be integrated with the parking structures of residential uses.

Construction of the Project is anticipated to take approximately 20 years.

## 2.3 Discretionary Actions

The Project requires the following discretionary actions from the City:

- General Plan Amendment to redesignate the site from Community Commercial – Residential Permitted to Community Village in the 2018 Community Plan

- Community Plan Amendment to redesignate the site from Community Commercial – Residential Permitted (zero to 44 dwelling units per acre [du/ac]) to Community Village (zero to 72 du/ac) and address additional modifications to the 2018 Community Plan
- Specific Plan to allow for the development of the Project site
- SDMC Amendment to Chapter 5, Article 9, Division 1 and adding Chapter 5, Article 9, Division 6 to establish the Midway Rising Entertainment Center District
- Rezone to change the Project site's base zone from Community Commercial (CC-3-6) to a Residential Mixed-Use (RMX-2)
- SDMC Amendment to remove the Specific Plan area from the Community Plan Implementation Overlay Zone – Type B
- Vesting Tentative Map to allow for grading, infrastructure, and development of the Specific Plan
- Site Development Permit in accordance with SDMC Section 126.0502(d)(1) and (d)(7) due to a substantial alteration to a designated historical resource
- Easement vacations
- Variance from the City's Inclusionary Affordable Housing Regulations for an alternative phasing plan (Inclusionary Regulations)
- Development Agreement, which defines the rights and duties of the City and the Project applicant regarding buildout of the Project site and identifies extraordinary benefits resulting from the Project
- Disposition and Development Agreement (DDA), an agreement between the City and the applicant that contains financing and other conditions that need to be satisfied before the City, as landlord, and the applicant or its permitted assignees, as tenants, enter into long-term ground leases of portions of the overall project site in phases to undertake construction and operation of the various project improvements.

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# 3. Environmental Review Process and Public Participation

The lead agency approving the Project and conducting environmental review under CEQA (California Public Resources Code Section 21000 et seq.), and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), is the City. As lead agency, the City is primarily responsible for carrying out the Project.

In compliance with Section 15082 of the CEQA Guidelines, the City published a Notice of Preparation on December 18, 2023, which began a 30-day period for comments on the appropriate scope of the Draft SEIR. Consistent with Public Resources Code Section 21083.9 and Section 15082 of the CEQA Guidelines, a pre-recorded online public scoping meeting was held to solicit comments regarding the scope and analysis of the SEIR. The NOP circulated for analysis of the Project, related letters received, and comments made during the scoping meeting are included as Appendix A of the Final SEIR.

The City published the Draft SEIR on March 24, 2025, in compliance with CEQA. Pursuant to CEQA Guidelines Section 15085, upon publication of the Draft SEIR, the City filed a Notice of Completion with the **Governor's Office of Land Use and Climate Innovation**, State Clearinghouse, indicating that the Draft SEIR had been completed and was available for review and comment by the public until May 8, 2025. The City also posted a Notice of Availability of the Draft SEIR pursuant to CEQA Guidelines Section 15087 on March 24, 2025. The Final SEIR for the Project was published on September 10, 2025.

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# 4. Summary of Impacts

The SEIR evaluates only those issue areas where changes were necessary to make the Midway-Pacific Highway CPU PEIR adequate. Impacts associated with specific issue areas (e.g., land use, transportation, and air quality) resulting from approval of the Project and future implementation are discussed below. All other issue areas remain as previously analyzed in the Midway-Pacific Highway CPU PEIR.

The Final SEIR concludes that the Project will have no impact with respect to the following issue areas:

- Land Use
  - Conversion of Open Space or Farmland
- Biological Resources
  - Sensitive Habitats
  - Wetlands
- Paleontological Resources
- Agriculture and Forestry Resources
- Mineral Resources

The Final SEIR concludes that the Project will have less than significant impact and thus will not require mitigation measures with respect to the following issues:

- Land Use
  - Conflict with the Multiple Species Conservation Program Subarea Plan
  - Conflict with an Adopted Airport Land Use Compatibility Plan
- Transportation and Circulation
  - Conflict with Program, Plan, Ordinance, or Policy
  - Vehicle Miles Traveled (residential land use)
  - Design Hazards
  - Inadequate Emergency Access
- Historical and Tribal Cultural Resources
  - Prehistoric and Historic Archaeological Resources, Sacred Sites, and Human Remains
  - Tribal Cultural Resources
- Geological Conditions

- Noise
  - Ambient Noise
  - Vehicular Noise
  - Airport Compatibility
- Health and Safety
  - Wildland Fire Risk
  - Emergency Plan Consistency
  - Aircraft Hazards
- Hydrology/Water Quality
- Visual Effect/Neighborhood Character
- Air Quality
  - Conflict with Air Quality Plan
  - Odors
- Greenhouse Gas Emissions
- Public Services and Facilities
- Public Utilities
- Biological Resources
  - Sensitive Species
  - Wildlife Corridors and Nursery Sites
  - Multiple Species Conservation Program
- Energy
- Population and Housing
- Wildfire

Potentially significant impacts of the Project will be mitigated to below a level of significance with respect to the following issues:

- Transportation and Circulation
  - Vehicle Miles Traveled (entertainment land use)
- Noise
  - Temporary Construction Noise
  - Vibration
- Health and Safety
  - Hazardous Emissions and Materials
  - Hazardous Materials Site

- Air Quality
  - Air Quality Standards
  - Substantial Pollutant Concentrations

The following issues were determined to be significant and unmitigated:

- Land Use
  - Conflict with Applicable Plans (historical resources and noise)
- Transportation and Circulation
  - Vehicle Miles Traveled (regionally serving commercial land use)
- Historical and Tribal Cultural Resources
  - Historical Resources (built environment)
- Noise
  - Noise Ordinance Compliance (operational)

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# 5. Findings Regarding Significant Impacts

CEQA and the CEQA Guidelines require that the environmental impacts of a project be examined before a project is approved. Specifically, regarding Findings, CEQA Guidelines Section 15091 provides:

(a) No public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The findings in subdivision (a)(2) shall not be made if the agency making the findings has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The findings in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for monitoring and/or reporting on the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The agency shall specify the location and custodian of the documents or other materials that constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The "changes or alterations" referred to in CEQA Guidelines Section 15091(a)(1), which are required in, or incorporated into, the project that mitigate or avoid the significant environmental effects of a project, may include a variety of measures or actions as set forth in CEQA Guidelines Section 15370, including the following:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

Having received, reviewed, and considered the Final SEIR for the Project, as well as other information in the Record of Proceedings on this matter, the following Findings are hereby adopted by the City Council in its capacity as the lead agency decision maker. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the Project.

For the unmitigated impacts set forth below, there are no other feasible mitigation measures or alternatives that would mitigate the impacts to below a level of significance; however, specific economic, social, technological, or other considerations make infeasible any mitigation measures or alternatives considered in the Final SEIR. As described in the SOC, the City Council has determined that unmitigated impacts are acceptable because of specific overriding considerations.

## 5.1 Findings Regarding Significant Impacts Mitigated to below a Level of Significance (CEQA Guidelines Section 15091[a][1])

Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City Council finds that changes or alterations have been required in, or incorporated into, the Project that avoid, mitigate, or substantially lessen the significant effects on the environment as identified in the Final SEIR.

The City, having independently reviewed and considered the information contained in the Final SEIR, the Record of Proceedings pursuant to Public Resource Code Section 21081(a)(1), and CEQA Guidelines Section 15091(a)(1), adopts the following Findings regarding the significant effects of the Project.

### 5.1.1 Transportation

#### 5.1.1.1 Issue 2: Vehicle Miles Traveled

**Significant Impact**: Implementation of the Project would result in vehicles miles traveled (VMT) exceeding significance determination thresholds for the entertainment land use (**Impact 5.2-2**).

**Facts in Support of Findings**: A quantitative VMT analysis was completed that calculated the change in annual VMT between existing and future entertainment land use operations to estimate the net increase in annual VMT as a result of the Project's proposed entertainment use. The net increase in annual VMT was then divided by the total number of annual events expected in the future to yield a daily increase in VMT due to the proposed entertainment land use. Implementation of the Project's entertainment land use would result in a net increase in VMT compared to the existing entertainment land use due to the anticipated increase in the number of events per year and attendees per event.

Mitigation Measure **TRANS 5.2-2** requires the implementation of an employee transit subsidy for the entertainment center employees to offset the net increase in VMT for the Project. The employee transit subsidy would be offered to all employees at 50 percent off the San Diego Metropolitan Transit System's current monthly pass rate for the life of the entertainment center.

**Finding: Impact 5.2-2** would be reduced to less than significant with the implementation of Mitigation Measure **TRANS 5.2-2**. This would require the establishment of an employee transit subsidy for the entertainment center employees, which would reduce the VMT from the Project's entertainment use to below a level of significance.

**Reference**: These Findings incorporate by reference the information and analysis included in Final SEIR Section 5.2, Transportation and Circulation, and Appendices D3 and D6.

### 5.1.2 Noise

#### 5.1.2.1 Issue 5: Temporary Construction Noise

**Significant Impact**: Construction of the Project could result in the exposure of people to significant temporary construction noise (**Impact 5.5-2**).

**Facts in Support of Findings:** The area surrounding the Project site to the north, west, and east is planned to include future residential development. If residential development allowed under the 2018 Community Plan would be constructed and occupied prior to the end of Project construction, residences may be temporarily exposed to Project construction noise that would exceed the SDMC construction noise limit of 75 decibel, A-weighted (dBA). Additionally, following Phase 1 of construction, newly constructed on-site Project residences would have the potential to be exposed to noise from Phase 2 of construction. Therefore, operation of heavy construction equipment would

have the potential to expose receptors to 12-hour Equivalent Continuous Sound Level (Leq) levels of 75 dBA or higher.

Mitigation Measure **NOISE 5.5-2**, as summarized below, would reduce construction impacts by requiring construction noise best management practices to be applied to all construction activities within 170 feet of existing or future residential development occupied at the time of construction to achieve a 12-hour average sound level of less than 75 A-weighted decibels. Best management practices shall be detailed on all Project construction plans and shall include, but are not limited to, the following:

- Limit construction activities to the hours between 7:00 a.m. and 7:00 p.m.
- Equip all internal combustion engine-driven equipment with appropriately sized intake and/or exhaust mufflers that are properly operating and maintained consistent with the manufacturer's standards.
- Stationary noise-generating equipment (e.g., compressors or generators) shall be located as far as possible from adjacent residential receivers and oriented so that emitted noise is directed away from sensitive receptors.
- If noise levels are expected to potentially exceed San Diego Municipal Code thresholds, locate temporary noise barriers with a minimum height of 8 feet around pertinent active construction equipment or entire work areas to shield nearby sensitive receivers.
- Use "quiet" air compressors, generators, and other stationary noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities.
- Designate a "disturbance coordinator" responsible for receiving and responding to any complaints about construction noise or vibration. Contact information shall be posted in a conspicuous location near the construction site entrance. The disturbance coordinator shall determine the cause of the noise complaint and, if identified as a sound generated by construction area activities, shall institute modifications to the construction operations, equipment, or work plan to ensure compliance with San Diego Municipal Code standards.
- Recurring disturbances shall be evaluated by a qualified acoustical consultant retained by the Project proponent to ensure compliance with applicable standards.

**Finding: Impact 5.5-2** related to temporary construction noise would be reduced to less than significant with the incorporation of the standard noise controls outlined in Mitigation Measure **NOISE 5.5-2**. Implementation would be required to the extent necessary to reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance in compliance with the SDMC.

**Reference**: These Findings incorporate by reference the information and analysis included in Final SEIR Section 5.5, Noise, and Appendices G1 and G2.

### 5.1.2.2 Issue 6: Vibration

**Significant Impact**: Construction of the Project could result in the exposure of vibration-sensitive uses along Sports Arena Boulevard to vibration during construction (**Impact 5.5-3**).

**Facts in Support of Findings:** Project construction equipment would have the potential to exceed 65 vibration decibels (VdB) up to 230 feet from operation of vibrating equipment (roller and plate compactor) and 140 feet from operation of other construction equipment and potentially expose vibration-sensitive uses including the veterinary clinics on Sports Arena Boulevard to vibration during Project construction.

Mitigation Measure **NOISE 5.5-3**, as summarized below, would reduce impacts by identifying vibration-sensitive uses on the construction plans prior to construction activities near vibration-sensitive land uses (within 230 feet from operating vibrating equipment [roller and plate compactor] or 140 feet from other operating construction equipment). In addition, Mitigation Measure **NOISE 5.5-3** requires that the Owner/Permittee shall submit the site-specific vibration studies to demonstrate that Project construction shall not adversely affect adjacent vibration-sensitive properties, satisfactory to the City Engineer. Such efforts shall be conducted by a qualified vibration expert and shall include the following:

- Develop a Vibration Monitoring and Construction Contingency Plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels exceed the limits.
- Monitor vibration during initial construction activities and during activities that require the use of vibratory equipment. Monitoring results may indicate the need for modifications to the Vibration Monitoring and Construction Contingency Plan to include more or less intensive measurements.
- Designate a "disturbance coordinator" who would be responsible for receiving and responding to any complaints about construction vibration.
- When vibration levels exceed limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
- Conduct post-activity survey on structures where either monitoring has indicated high levels or complaints of damage have been made.

**Finding**: **Impact 5.5-3** related to construction vibration would be reduced to less than significant with the implementation of vibration management strategies outlined in Mitigation Measure **NOISE 5.5-3.**

**Reference**: These Findings incorporate by reference the information and analysis included in Final SEIR Section 5.5 and Appendices G1 and G2.

### 5.1.3 Health and Safety

#### 5.1.3.1 Issue 2: Hazardous Emissions and Materials

**Significant Impact**: Construction of the Project could encounter asbestos containing materials (ACM) and lead based paints (LBP) during demolition of on-site structures, which could result in the handling of hazardous materials within one-quarter mile of a school (**Impact 5.6-1**).

**Facts in Support of Findings:** The Project would involve the demolition of all on-site structures, including the San Diego International Sports Arena. Demolition of structures containing ACM and LBP could result in the release of hazardous materials into the environment. Improper removal of ACM and LBP-containing materials would have the potential to expose construction workers to a hazardous release of asbestos and lead. As the Captivate Academy is within 0.2 mile of the Project site, demolition of the existing buildings containing ACM and LBP could result in hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within a quarter mile of an existing school.

Mitigation Measures **HS 5.6-1** (asbestos-containing material) and **HS 5.6-2** (lead-based paint) would reduce the risk for accidental release of hazardous materials associated with demolition activities. Specifically, Mitigation Measure **HS 5.6-1** requires the Owner/Permittee to confirm that all regulatory requirements related to the proper abatement of ACM have been met by providing a verification letter to DSD's Mitigation Monitoring Coordination staff.

Mitigation Measure **HS 5.6-2** requires the Owner/Permittee to confirm that all regulatory requirements related to proper abatement of LBP have been met by providing a verification letter to DSD's Mitigation Monitoring Coordination staff.

**Finding**: **Impact 5.6-1** would be reduced to below a level of significance with the implementation of Mitigation Measures **HS 5.6-1** and **HS 5.6-2**, which would reduce the risk for accidental release of hazardous materials related to ACM and LBP associated with demolition activities.

**Reference**: These Findings incorporate by reference the information and analysis included in Final SEIR Section 5.6, Health and Safety, and Appendices H1, H2, H3, H4, H5, and H6.

#### 5.1.3.2 Issue 4: Hazardous Materials Site (Construction)

**Significant Impact**: Construction of the Project could encounter known or unknown underground storage tanks (USTs) during grading and excavation, which could result in adverse hazards and hazardous materials impacts to on-site construction personnel (**Impact 5.6-2**).

**Facts in Support of Findings:** A Geophysical Survey and Trenching Assessment (Appendix H3) was prepared to evaluate potential subsurface features of concern and the possible presence of chemicals of concern in the subsurface at the Project site from current and past activities. A total of

32 exploratory trenches were excavated to visually evaluate subsurface conditions and observe for potential features of environmental concern. In general, observations during the trench excavations were divided into four categories. A UST candidate was discovered during the geophysical survey and was confirmed through the excavation of trench (T)-13. Project construction has the potential to encounter known or previously unknown USTs, which could result in impacts on-site construction personnel, which could create a significant hazard to the public or environment.

Mitigation Measure **HS 5.6-3** would reduce the risk for accidental release of hazardous materials associated with known or unknown USTs during construction activities by requiring the Owner/Permittee to provide a verification letter to DSD Mitigation Monitoring Coordination staff confirming that all regulatory requirements related to the removal of the UST have been met.

**Finding**: **Impact 5.6-2** would be reduced to below a level of significance with the implementation of Mitigation Measure **HS 5.6-3**, which would reduce the hazard to the public or environment from encountering known or unknown USTs during construction activities by requiring proper removal and disposal in accordance with applicable regulations.

**Reference**: These Findings incorporate by reference the information and analysis included in Final SEIR Section 5.6 and Appendices H1, H2, H3, H4, H5, and H6.

### 5.1.3.3 Issue 4: Hazardous Materials Site (Operation)

**Significant Impact**: During Project operation, commercial and residential screening levels for benzene in indoor air and commercial and residential screening levels for m,p-xylene, ethylbenzene, and tetrachloroethylene (PCE) in indoor air may be exceeded, which could create a significant hazard to future residential occupants of the Project (**Impact 5.6-3**).

**Facts in Support of Findings:** The Additional Phase II Environmental Site Assessment Report conducted a vapor intrusion risk assessment and screening at the Project site to assess the potential for significant human health risk posed to occupants of the existing and proposed commercial land use and the future residential use due to the possible presence and concentrations of volatile organic compounds (VOCs) in footprints of the Project structures. The vapor intrusion risk screening and application of the 2011 Department of Toxic Substance Control attenuation factor indicate that there is a risk of exceedances of commercial and residential screening levels for benzene in indoor air, and the California Environmental Protection Agency Supplemental Draft Guidance recommended attenuation factor indicate that there is also a risk of exceedances of commercial and residential screening levels for m,p-xylene, ethylbenzene and PCE in indoor air, posing a potential health risk for future residential occupants of the Project. Therefore, the Project would potentially exceed commercial and residential screening levels for VOCs in indoor air.

Mitigation Measure **HS 5.6-4** would reduce the risk of exceedances of commercial and residential screening levels for VOCs (benzene, m,p-xylene, ethylbenzene, and PCE) in indoor air to future Project occupants by requiring additional soil vapor samples within the footprints of the Project buildings to re-assess soil vapor concentrations. The additional round of soil vapor sampling may indicate that vapor intrusion remediation is not necessary beneath certain buildings proposed above the sampling site, and no further work would be required in connection with indoor air, provided applicable regulatory agency approval is received. However, for buildings proposed to be located on soil where previously sample results indicate a vapor risk is present for future occupants, Mitigation Measure **HS 5.6-4** requires a vapor intrusion mitigation system be installed for the enclosed occupied ground floor spaces of the residential or commercial buildings due to the high concentrations of VOCs. The vapor intrusion mitigation system shall be designed by a licensed professional engineer and consist of a passive-vented system with the option to convert to an active system with a gas-tight horizontal membrane barrier above. Prior to the issuance of the first certificate of occupancy for any building affected by and/or within the footprint of the vapor intrusion mitigation system, the Owner/Permittee shall be required to provide a verification letter from the County of San Diego's Department of Environmental Health and Quality, the San Diego Regional Water Quality Control Board, or other applicable agency with environmental authority to DSD Mitigation Monitoring Coordination staff confirming that all regulatory requirements related to the design and construction of the vapor intrusion mitigation system have been met.

**Finding**: **Impact 5.6-3** would be reduced to a level below significance with the implementation of Mitigation Measure **HS 5.6-4**, which requires additional soil vapor samples and, as needed, preparation and implementation of a vapor intrusion mitigation system for buildings in accordance with applicable agency oversight.

**Reference**: These Findings incorporate by reference the information and analysis included in Final SEIR Section 5.6 and Appendices H1, H2, H3, H4, H5, and H6.

## 5.1.4 Air Quality

### 5.1.4.1 Issue 2: Air Quality Standards

**Significant Impact**: Implementation of the Project would result in operational emissions exceeding San Diego County Air Pollution Control District thresholds for maximum daily emissions of VOCs (**Impact 5.9-1**).

**Facts in Support of Findings:** Area and energy sources of air pollutant emissions associated with the Project include natural gas use in commercial kitchens, fuel combustion emissions from landscape maintenance equipment and emergency generator testing, and VOC emissions from periodic repainting of interior and exterior surfaces. The site is currently a source of these emissions from existing commercial and entertainment uses. However, the Project would increase density on the site. Increased vehicle volumes also contribute to regional emissions of criteria air

pollutants. An increase in operational emissions from the Project would exceed the significance thresholds for maximum daily emissions for VOC emissions.

Mitigation Measure **AIR 5.9-1** would reduce operational daily maximum air pollutant emissions by reducing VOC emissions from landscape equipment. In addition, Mitigation Measure **AIR 5.9-1** would require the Owner/Permittee to submit verification that the landscaping equipment operated at the Project site shall be zero emissions. The use of zero-emissions landscape equipment would reduce Project VOC emissions to a net increase of approximately 107 pounds per day, which is below the San Diego County Air Pollution Control District threshold of 137 pounds per day. This mitigation measure shall be incorporated into all contracts to provide landscape services on the Project site.

**Finding**: **Impact 5.9-1** would be reduced to a level below significance with the implementation of Mitigation Measure **AIR 5.9.1**, which would reduce emissions from landscape equipment.

**Reference**: These Findings incorporate by reference the information and analysis included in Final SEIR Section 5.9, Air Quality, and Appendices K1 and K2.

### 5.1.4.2 Issue 3: Substantial Pollutant Concentrations (Construction)

**Significant Impact**: Project construction would have the potential to result in an excess cancer risk (greater than 10 in 1 million) at one sensitive receptor within proximity to the construction area (**Impact 5.9-2**).

**Facts in Support of Findings:** Diesel particulate matter emissions from the operation of diesel equipment and vehicles are the toxic air contaminants of concern resulting from the construction of the Project. Cancer and chronic non-cancer risk from diesel particulate matter exposure to sensitive receptors at the Villa Marbella apartments would exceed the County of San Diego threshold of 10 in 1 million.

Mitigation Measure **AIR 5.9-2** would reduce impacts by requiring that the on-site diesel construction fleet include at least 50 percent equipment with engines that meet, at a minimum, the Tier 4 Final California Emissions Standards. Alternatively, additional electric-powered equipment may be used, such that at least 50 percent of the construction fleet meets or exceeds Tier 4 Final California Emissions Standards for particulate matter emissions. In addition, Mitigation Measure **AIR 5.9-2** would require the construction contractor to submit verification satisfactory to DSD Mitigation Monitoring Coordination staff that at least 50 percent of the on-site diesel construction fleet includes equipment with engines that meet, at a minimum, the Tier 4 Final California Emissions Standards.

**Finding**: **Impact 5.9-2** would be reduced to a level below significance with the implementation of Mitigation Measure **AIR 5.9-2**, which requires the on-site use of specified construction equipment to reduce diesel particulate matter emissions from construction equipment.

**Reference:** These Findings incorporate by reference the information and analysis included in Final SEIR Section 5.9 and Appendices K1 and K2.

### 5.1.4.3 Issue 3: Substantial Pollutant Concentrations (Operation)

**Significant Impact**: Commercial and residential screening levels for VOCs (including benzene, m,p-xylene, ethylbenzene, and tetrachloroethylene) in indoor air may be exceeded, posing a potential health risk for future occupants of the Project (**Impact 5.9-3**).

**Facts in Support of Findings:** Following construction, future site occupants may be exposed to the upward migration of VOCs in soil vapor. Soil vapor sampling conducted on the site as part of the Phase II ESA indicated a potential significant human health risk for portions of the current commercial and future commercial and residential buildings at the Project site as a result of vapor intrusion of VOCs (including benzene, m,p-xylene, ethylbenzene, and tetrachloroethylene). VOC concentrations would exceed commercial and residential screening levels in indoor air for future Project occupants.

Mitigation Measure **HS 5.6-4** would reduce the risk of exceedance of screening levels for VOCs by requiring soil vapor samples within the footprint of Project buildings to re-assess soil vapor concentrations. The additional round of soil vapor sampling may indicate that vapor intrusion remediation is not necessary beneath certain buildings proposed above the sampling site, and no further work would be required in connection with indoor air, provided applicable regulatory agency approval is received. However, for buildings proposed to be located on soil where sample results indicate a vapor risk is present for future occupants, Mitigation Measure **HS 5.6-4** would require that a vapor intrusion mitigation system be installed for the enclosed occupied ground floor spaces of the residential or commercial buildings due to the high concentrations of VOCs. The vapor intrusion mitigation system shall be designed by a licensed professional engineer and consist of a passive-vented system with the option to convert to an active system with a gas-tight horizontal membrane barrier above. Prior to the issuance of the first certificate of occupancy for any building affected by and/or within the footprint of the vapor intrusion mitigation system, the Owner/Permittee shall be required to provide a verification letter from the County of San Diego's Department of Environmental Health and Quality, the San Diego Regional Water Quality Control Board, or other applicable agency with environmental authority to DSD Mitigation Monitoring Coordination staff confirming that all regulatory requirements related to the design and construction of the vapor intrusion mitigation system have been met.

**Finding**: **Impact 5.9-3** would be reduced to a level below significance with the implementation of Mitigation Measure **HS 5.6-4**, which requires additional soil vapor samples and, as needed, preparation and implementation of a vapor intrusion mitigation system for buildings where necessary in accordance with applicable agency oversight.

**Reference**: These Findings incorporate by reference the information and analysis included in Final SEIR Sections 5.6 and 5.9 and Appendices H1, H2, H3, H4, H5, H6, K1, and K2.

## 5.2 Findings Regarding Significant and Unavoidable Impacts (CEQA Guidelines Section 15091[a][3])

Pursuant to Public Resources Code Section 21081(a)(3) of CEQA and Section 15091(a)(3) of the CEQA Guidelines, the City Council finds that there are no feasible mitigation measures, including a less environmentally damaging alternative, that would mitigate the following impacts to below a level of significance and that specific economic, social, technological, or other considerations make infeasible the mitigation measures and alternatives identified in the SEIR. The impacts are therefore considered significant and unavoidable.

"Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." Public Resources Code Section 21081 and CEQA Guidelines Section 15091(a)(3) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. These findings are appropriate because there are no feasible mitigation measures available that would reduce the identified project impacts to below a level of significance.

The City, having independently reviewed and considered the information contained in the Final SEIR, and the Record of Proceedings pursuant to Public Resource Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), adopts the following Findings regarding the significant and unavoidable effects of the Project.

### 5.2.1 Land Use

#### 5.2.1.1 Issue 1: Conflict with Applicable Plans

**Significant Impact**: Implementation of the Project would conflict with Historic Preservation Element Goal A and Policy HP-A.5 in the 2008 City of San Diego General Plan (2008 General Plan) and Policy HP-2.1 in the 2018 Community Plan due to the demolition of the San Diego International Sports Arena, a designated historical resource. In addition, the Project would conflict with Noise Element Goal I, Policy NE-G.2, Goal I, and Policy NE-I.1 of the 2008 General Plan due to outdoor event noise at the Project site (**Impact 5.1-1**).

**Facts in Support of Findings:** The Project proposes the demolition of the San Diego International Sports Arena, a designated historical resource. Therefore, implementation of the Project would be inconsistent with Historic Preservation Goal A of the 2008 General Plan, as it would not preserve one of the City's important historic resources. In addition, the Project would be inconsistent with Policy HP-A.5 of the 2008 General Plan because it would not preserve a significant historical resource for current and future generations. Finally, the Project would be inconsistent with Policy

HP-2.1 of the Historic Preservation Element of the 2018 Community Plan because it would not preserve a designated historical resource and promote its continued use.

Mitigation Measure **HIST 5.3-1** requires the preparation of a salvage plan for the San Diego International Sports Arena. The salvage plan would catalog and identify elements proposed for removal from the existing San Diego International Sports Arena and shall include historic period architectural elements, as well as memorabilia, including photographs, posters, and plaques of past athletic and entertainment events, teams, and entertainers, for display in publicly accessible areas throughout the new entertainment center. Mitigation Measure **HIST 5.3-2** would require the installation of an interpretive display at The Green which would explain the history of the site from the Pre-European era through present day, describe the San Diego International Sports Arena building's New Formalist architecture and the role of the San Diego International Sports Arena in the Midway neighborhood development, and discuss the Frontier Housing Project as the first modern development on the site. Mitigation Measure **HIST 5.3-3** would require the installation of an interpretive display in the new entertainment center that would include photographs of Robert Breitbard, the San Diego International Sports Arena, the San Diego Gulls, and the San Diego Rockets and a text description of Breitbard's sports career. Finally, Mitigation Measure **HIST 5.3-4** would be implemented to document the San Diego International Sports Arena's distinctive characteristics of a type, period, region, or method of construction, or representing the work of a master or possessing high artistic values to reduce impacts associated with National Register of Historic Properties (NRHP) Criterion C, California Register of Historical Resources (CRHR) Criterion 3, and San Diego Register Criteria C through the preparation of Historic American Buildings Survey Level 2 documentation. However, the proposed salvage plan, interpretive displays, and historic building documentation would not adequately address the demolition of a historical structure and would not reasonably mitigate the impacts to a less than significant level.

Noise levels generated by large special events accommodated in Project outdoor public space areas would have the potential to exceed SDMC hourly noise standards. Implementation of Mitigation Measure **NOISE-5.5-1,** requires the implementation of best practices to minimize event noise and would reduce noise from special events in Project outdoor public space areas. However, since the specifics of future events and required equipment cannot be determined at this time, it cannot be demonstrated that Mitigation Measure **NOISE-5.5-1** would fully reduce event noise to below a significant level. Therefore, the Project would conflict with the Noise Element Goal I, Policy NE-G.2, and Policy NE-I.1 of the 2008 General Plan.

**Finding**: Mitigation Measures **HIST 5.3-1**, **HIST 5.3-2**, **HIST 5.3-3**, and **HIST 5.3-4** would not adequately replace the demolished structure and would not reasonably mitigate **Impact 5.1-1** to less than significant. Therefore, impacts would remain **Significant and Unavoidable.**

Additionally, **Impact 5.5-1** would be reduced through the implementation of Mitigation Measure **NOISE-5.5-1**. However, because the specifics of future events and required equipment cannot be

determined at this time, it cannot be demonstrated that Mitigation Measure **NOISE-5.5-1** would fully reduce event noise to below a less than significant level. Therefore, impacts would remain **Significant and Unavoidable.**

**Reference**: These Findings incorporate by reference the information and analysis included in Final SEIR Section 5.1, Land Use; Final SEIR Section 5.3, Historical and Tribal Cultural Resources; Final SEIR Section 5.5, Noise; and Appendix E2.

### 5.2.2 Transportation and Circulation

#### 5.2.2.1 Issue 2: Vehicle Miles Traveled

**Significant Impact**: Implementation of the Project would result in VMT exceeding significance determination thresholds identified in the City's Transportation Study Manual for regionally serving commercial uses (**Impact 5.2-1**).

**Facts in Support of Findings**: Implementation of the proposed commercial land uses, specifically the 40,000 square feet of regionally serving restaurant, would cause a net increase in VMT compared to the existing commercial land use on the Project site. The net change in VMT was determined by comparing the Project's VMT to the San Diego region and the City. Implementation of Mitigation Measure **TRANS 5.2-1** would require the implementation of a daily shuttle between Frontier Drive and the Old Town Transit Center for the life of the commercial land uses. The shuttle would operate between 12:00 p.m. and 10:00 p.m. using one vehicle at 20- or 30-minute headways. The shuttle would be implemented prior to the issuance of a certificate of occupancy for the first eating or drinking commercial land use.

**Finding: Impact 5.2-**1 would be reduced by Mitigation Measure **TRANS 5.2-1**, which would incentivize visitors to use transit to access the Project site. However, the commercial shuttle would only mitigate the VMT impact for the commercial land use to the extent feasible, and a definitive reduction in VMT cannot be demonstrated at this time. Therefore, the impact would remain **Significant and Unavoidable.**

**Reference**: These Findings incorporate by reference the information and analysis included in Final SEIR Section 5.2, Transportation, and Appendices D3 and D6.

### 5.2.3 Historical and Tribal Cultural Resources

#### 5.2.3.1 Issue 1: Historic Structures, Objects, or Sites

**Significant Impact**: Demolition of the San Diego International Sports Arena would potentially result in a significant adverse impact to a designated historical resource pursuant to Public Resources Code Section 21084.1 (**Impact 5.3-1**).

**Facts in Support of Findings**: The Project would result in the demolition of the San Diego International Sports Arena. The San Diego International Sports Arena a designated historical resource. Specifically, the City's Historical Resources Board designated the San Diego International Sports Arena as a historical resource (Resolution No. R-20242501) on April 25, 2024. Therefore, the San Diego International Sports Arena is considered a historical resource for the purposes of CEQA. Implementation of the Project would result in a substantial adverse change to a historical resource pursuant to Public Resources Code Section 21084.1.

Mitigation Measures **HIST 5.3-1** and **HIST 5.3-2** would be implemented to document the San Diego International Sports Arena as a representation of a time of growth throughout the City and the movement to expand the City's economic ventures into new industries after World War II to reduce impacts related to NRHP Criterion A, CRHR Criterion 1, and San Diego Register Criterion A. Specifically, Mitigation Measure **HIST 5.3-1** requires the preparation of a salvage plan for the San Diego International Sports Arena. The salvage plan would catalog and identify elements proposed for removal from the existing San Diego International Sports Arena and shall include historic period architectural elements, as well as memorabilia, including photographs, posters, and plaques of past athletic and entertainment events, teams, and entertainers, for display in publicly accessible areas throughout the new entertainment center. Mitigation Measure **HIST 5.3-2** requires the installation of an interpretive display at The Green which would explain the history of the site from the Pre-European era through present day, describe the San Diego International Sports Arena building's New Formalist architecture and the role of the San Diego International Sports Arena in the Midway neighborhood development, and discuss the Frontier Housing Project as the first modern development on the site.

Mitigation Measure **HIST 5.3-3** would document the San Diego International Sports Arena's association with a historically significant individual within the sports field (Robert Breitbard) to reduce impacts associated with NRHP Criterion B, CRHR Criterion 2, and San Diego Register Criteria B. Specifically, Mitigation Measure **HIST 5.3-3** would require the installation of a interpretive display in the new entertainment center that would include photographs of Breitbard, the San Diego International Sports Arena, the San Diego Gulls, and the San Diego Rockets and a text description of Breitbard's sports career.

Finally, Mitigation Measure **HIST 5.3-4** would document the San Diego International Sports Arena's distinctive characteristics of a type, period, region, or method of construction, or representing the work of a master or possessing high artistic values to reduce impacts associated with NRHP Criterion C, CRHR Criterion 3, and San Diego Register Criteria C through the preparation of Historic American Buildings Survey Level 2 documentation.

The proposed salvage plan, interpretive displays, and historic building documentation would not adequately address the demolition of a historical structure and would not reasonably mitigate the impacts to a less than significant level.

**Finding:** The proposed salvage plan, interpretive displays, and historic building documentation (Mitigation Measures **HIST 5.3-1, HIST 5.3-2, HIST 5.3-3, and HIST 5.3-4**) would not adequately address the demolition of a historic structure and would not reasonably mitigate **Impact 5.3-1** to a level below significance. Therefore, impacts would remain **Significant and Unavoidable.**

**Reference**: These Findings incorporate by reference the information and analysis included in Final SEIR Section 5.3, Historical and Tribal Cultural Resources, and Appendix E2.

## 5.2.4 Noise

### 5.2.4.1 Issue 4: Noise Compliance

**Significant Impact**: Outdoor special events could result in the exposure of people to noise levels which exceed property line limits established in the Noise Abatement and Control Ordinance of the SDMC (**Impact 5.5-1**).

**Facts in Support of Findings:** Implementation of large special events accommodated in Project outdoor public space areas would have the potential to exceed SDMC hourly noise for residential and commercial uses, including on- and off-site receptors. Compliance with existing regulations cannot demonstrate adequate reduction in noise levels to an acceptable level at this time. Mitigation Measure **NOISE 5.5-1** requires the submittal of a Noise Control Plan that demonstrates that event acoustics have been planned to minimize impact to the nearest noise-sensitive receptors, indicates where the stationary noise sources will be located, demonstrates how speaker arrays would be designed to reduce noise spillage to the surrounding environment, and includes a contact phone number that is monitored during outdoor events. Implementation of this mitigation measure would reduce noise levels. However, the details of future events are unknown, and it cannot be demonstrated that noise levels would be reduced to below SDMC Noise Abatement and Control Ordinance Standards.

**Finding: Impact 5.5-1** would be reduced with implementation of Mitigation Measure **NOISE 5.5-1** which would require a Noise Control Plan for special events in Project outdoor public space areas. However, because the specifics of future events and required equipment cannot be determined at this time, it cannot be demonstrated that Mitigation Measure **NOISE 5.5-1** would fully reduce event noise to below a significant level. Therefore, impacts would remain **Significant and Unavoidable.**

**Reference:** These Findings incorporate by reference the information and analysis included in Final SEIR Section 5.5, Noise, and Appendices G1 and G2.

## 5.3 Findings Regarding Mitigation that is within the Responsibility and Jurisdiction of Another Public Agency (CEQA Guidelines Section 15091[a][2])

The City, having reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, finds pursuant to CEQA Section 21081(a)(2) and CEQA Guidelines Section 15091(a)(2) that there are no changes or alterations that could reduce significant impacts that are within the responsibility and jurisdiction of another public agency and not the agency making the Findings.

## 5.4 Findings Regarding Alternatives (Public Resources Code Section 21081[a][3] and CEQA Guidelines Section 15091[a][3])

In accordance with Section 15126.6(a) of the CEQA Guidelines, an EIR must contain a discussion of "a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Section 15126.6(f) further states that "the range of alternatives in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them compared to the Project, even if the alternative would impede the attainment of some Project objectives, or would be more costly. In accordance with Section 15126.6(f)(1), the factors that may be taken into account when addressing the feasibility of alternatives include: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

"Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The California Public Resources Code (Section 21081 and CEQA Guidelines Section 15019[a][3]) also provides that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

In developing the alternatives to be addressed in the Final SEIR, consideration was given to an alternative's ability to meet most of the basic objectives of the Project. Because the Project is expected to have significant and unavoidable impacts, even with mitigation, the City must consider the feasibility of any environmentally superior alternatives to the Project, evaluating if these

alternatives could avoid or substantially lessen the potentially significant environmental effects while achieving most of the objectives of the Project.

The City, having independently reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, and pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), finds that specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the Final SEIR (SCH No. 2023120451) as explained in more detail below:

### 5.4.1 No Project/No Build Alternative

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a "No Project" alternative, along with its impacts. The purpose of describing and analyzing a No Project Alternative is to allow a lead agency to compare the impacts of approving a project to the impacts of not approving it. Specifically, Section 15126.6(e)(3)(B) requires that an EIR for a development project on an identifiable property address the No Project Alternative as circumstances under which a project does not proceed. In other words, the No Project Alternative assumes that a project site would not be developed with a project.

In accordance with CEQA Guidelines Section 15126.6(e), the No Project is the No Project/No Build Alternative. Under the No Project/No Build Alternative, the existing 49.23-acre site would not be redeveloped. The existing commercial and entertainment uses, including the San Diego International Sports Arena, would remain on the site. In addition, the Midway Rising Entertainment Center District regulations would not be proposed. Under this Alternative, the environmental setting would stay the same as described in Chapter 2.0, Environmental Setting, of the SEIR. A General Plan Amendment, Community Plan Amendment, and Specific Plan or any other discretionary action would not be required for this alternative.

**Potentially Significant Impact**: Compared to the Project, this alternative would eliminate all significant and unavoidable impacts identified for the Project.

**Finding**: The City rejects the No Project/No Build Alternative as it fails to satisfy the Project's underlying purpose and fails to meet any of the Project objectives. Moreover, specific economic, legal, social, technological, or other considerations including matters of public policy make the alternative infeasible. The City finds that any of these grounds are independently sufficient to support rejection of this alternative.

**Rationale**: Under the No Project/No Build Alternative, no development would occur, and the site would remain in its current condition. This alternative would avoid all significant and unavoidable impacts of the Project. However, the No Project/No Build Alternative would not meet any of the Project objectives as set forth in Section 3.2, Project Objectives, of the Final SEIR. The No Project/No Build Alternative would not provide a focused long-range plan for an underutilized infill site (Project

objective 1). The existing commercial and entertainment uses would remain on site; therefore, the No Project/No Build Alternative would not meet Project objectives 2 and 3 because it would not provide a mix of housing opportunities and would not develop a centralized, mixed-use neighborhood that would include entertainment, housing, commercial, public parks, and recreation opportunities near transit nodes. The No Project/No Build Alternative would not meet Project objective 4 because it would not include any transportation improvements to promote multimodal travel by establishing a network of promenades, pedestrian paths, and bicycle facilities. The No Project/No Build Alternative would not meet Project objective 5 as it would not make any improvements to the site and would not increase the urban tree canopy, introduce a sustainable landscape, or introduce shade to the area. The No Project/No Build Alternative would not meet Project objective 6 because it would not develop a modern entertainment center since the existing San Diego International Sports Arena would remain on site. Finally, the No Project/No Build Alternative would not meet Project objective 7 because it would not address the implementation of public facilities, including on-site parks, to serve new and existing residents in the community.

Furthermore, the No Project/No Build Alternative would fail to meet the Project objectives and the California Surplus Lands Act (SLA) (California Government Code Sections 54220–54234) because it would not increase affordable housing as compared to the Project. The Project site is surplus land under the SLA. The SLA and the SLA Guidelines promulgated by the California Department of Housing and Community Development require the City to give priority consideration to the response to the SLA Notice of Availability that would produce the most qualifying low-income housing units (California Government Code Section 54227[a]; SLA Guidelines Section 202[b][3] [2021]). The No Project/No Build Alternative would provide no housing and, therefore, would not result in a project that maximizes the construction of low-income housing units. Therefore, the No Project/No Build Alternative would fail to meet Project objective 2, which seeks to increase the City's housing supply, including deed-restricted affordable units.

The City elected to dispose of the Project site via lease to increase property taxes and sales tax revenue. Leaving the land in its current state would prevent fulfillment of the City's clearly stated goals. Important social factors, namely the City's need for significant amounts of housing, including deed-restricted affordable housing, to combat the housing crisis by increasing housing affordability also render this alternative infeasible. Moreover, public policy considerations motivate the City to reject the No Project/No Build Alternative in favor of a Project that provides housing, fosters a dynamic and compelling public life through the revitalization of an entertainment center that serves the entire City, and acts as a catalyst for redevelopment of the Midway-Pacific Highway Community planning area as a whole. Finally, the antiquated nature and physical condition of the San Diego International Sports Arena motivate the City to reject the No Project/No Build Alternative in favor of a Project that includes the development of a modern multi-purpose entertainment center.

**Reference:** These Findings incorporate by reference the information and analysis included in Final SEIR Section 8.2.1, No Project/No Build Alternative.

### 5.4.2 No Project/Community Plan Buildout Alternative

The No Project/Community Plan Buildout Alternative would not construct the Project as described in Chapter 3.0, Project Description. The No Project/Community Plan Buildout Alternative would allow for development of the Project site consistent with the land uses and zoning provided in the 2008 General Plan and the 2018 Community Plan. The Midway-Pacific Highway CPU PEIR, which identified the Project site as likely to redevelop with commercial/retail, office, and residential uses, determined that a "without San Diego International Sports Arena" future land use scenario would be expected to generate more future vehicle trips and result in greater impacts associated with transportation, noise, and air quality than a "with San Diego International Sports Arena" future land use scenario. Therefore, the Midway-Pacific Highway CPU PEIR analyzed a "without San Diego International Sports Arena" future land use scenario as the Project. Under the No Project/Community Plan Buildout Alterative, the San Diego International Sports Arena would be demolished, and no entertainment center would be constructed on site. The maximum residential development capacity of the site would be 2,166 dwelling units. Although the development intensity of the site would be reduced, the overall site development footprint would be the same as the Project. The planned streets identified in the 2018 Community Plan would be built, including the construction of Frontier Drive, extension of Kemper Street, and extension of Greenwood Street from Kurtz Street to Sports Arena Boulevard. The No Project/Community Plan Buildout Alternative would not propose a Midway Rising Entertainment Center District.

This alternative was fully analyzed programmatically in the Midway-Pacific Highway CPU PEIR. A General Plan Amendment and Community Plan Amendment would not be required for this alternative. A Specific Plan would be required.

**Potentially Significant Impact:** The No Project/Community Plan Buildout Alternative would not include an entertainment land use and would therefore avoid the potentially significant VMT impact associated with the entertainment land use; no mitigation would be required. Potentially significant and unavoidable impacts to land use (consistency with noise and historical resources policies), historical and Tribal Cultural Resource (historical resources), transportation (VMT regionally serving commercial land use), and noise (exceedance of noise standards) would continue under the No Project/Community Plan Buildout Alternative, similar to the Project. In addition, impacts to health and safety, air quality, and noise would continue to have potentially significant impacts similar to the Project and mitigation would be required. Geological conditions, hydrology and water quality, visual effects and neighborhood character, greenhouse gas emissions, public services and facilities, public utilities, and biological resources would have less than significant impacts under the No Project/Community Plan Buildout Alternative, similar to the Project. Finally, like the Project, no impacts to paleontological resources would occur under this alternative.

**Finding**: The No Project/Community Plan Buildout Alternative would meet or partially meet all but one objective. The No Project/Community Plan Buildout Alternative would not develop a modern entertainment center that would recognize and value the historic San Diego International Sports Arena's importance to the City. Specific economic, legal, social, technological, or other considerations, including matters of public policy, render this alternative infeasible. Therefore, the City rejects this alternative and finds that any of these grounds are independently sufficient to support rejection of this alternative.

**Rationale**: The No Project/Community Plan Buildout Alternative would meet Project objective 1 as it would create a focused long-range plan for an underutilized infill site that is intended to promote increased residential density and employment opportunities consistent with the 2008 General Plan, Midway-Pacific Highway Community Plan, and the Climate Action Plan. The No Project/Community Plan Buildout Alternative would partially meet Project objective 2, but would not contribute to an increase in the City's housing supply and mix of housing opportunities to the same extent.

The No Project/Community Plan Buildout Alternative would meet Project objective 3 as it would implement and support the 2008 General Plan and Midway-Pacific Highway Community Plan smart growth principles and goals for the Sports Arena Community Village by developing a centralized, mixed-use neighborhood, but not to the same extent as the Project since no entertainment center would be constructed. The No Project/Community Plan Buildout Alternative would achieve Project objective 3 to a lesser extent than the Project because fewer residents would live on the Project site, thus resulting in a less dense and dynamic centralized, mixed-use neighborhood.

This alternative would also meet Project objective 4, as it would construct the planned streets identified in the 2018 Community Plan to promote multimodal travel by establishing a pedestrian and transit-oriented village with a network of promenades, pedestrian paths, and bicycle facilities to provide access to internal and adjacent transit services, commercial/retail uses, and other amenities. However, the No Project/Community Plan Buildout Alternative would achieve Project objective 4 to a lesser extent than the Project because fewer residents would live on the Project site, thus resulting in less use of internal and adjacent transit services, commercial/retail uses, and other amenities.

The No Project/Community Plan Alternative would provide an increased urban tree canopy and introduce a sustainable landscape, which would meet Project objective 5.

The No Project/Community Plan Buildout Alternative would not meet Project objective 6 as it would not develop a modern entertainment center that would recognize and value the historic San Diego International Sports Arena's importance to the City, thereby missing the opportunity to develop a regional entertainment center in a central location to improve the City's entertainment offerings. Finally, the No Project/Community Plan Buildout Alternative would meet Project objective 7, as it

would address the implementation of public facilities, including on-site parks, to serve new and existing residents in the community, although not to the extent of the Project.

The goals of the 2008 General Plan Land Use Element include increasing the City's supply of land designated for various residential densities and ensuring diverse and balanced neighborhood communities with housing available for households of all income levels. The 2021–2029 Housing Element has policies that aim to provide a variety of housing types and sizes with varying levels of affordability in residential and village developments (HE-I.1 and HE-I.2). The unit mix also accommodates the needs of a variety of potential residents, as they can select a unit that meets their size and budgetary needs (LU-H.1, LU-H.2).

The foundation for the Housing Element is the Regional Housing Needs Assessment (RHNA), in which the state estimates each region's housing needs across all income groups for the upcoming 8 years. The City's portion of the RHNA target for the 2021–2029 Housing Element period is 108,036 homes. The Project site has been identified as an adequate site with residential development capacity as a part of the 2021–2029 Housing Element. This alternative would provide new housing to help the City meet its RHNA capacity/production target, but at a substantially reduced level compared with the Project, as it would provide 2,088 fewer units.

The No Project/Community Plan Buildout Alternative would result in a significant decrease in the amount of deed-restricted affordable housing on site, both because the total number of proposed residential dwelling units would be reduced, and because development pursuant to the 2018 Community Plan would not be required to provide the same percentage of deed-restricted affordable units as the Project. The City's Inclusionary Affordable Housing Ordinance only requires that multi-family developments deed restrict 10 percent of units for low-income households, but the Project would restrict 47 percent of units at various affordability levels.

Furthermore, the No Project/Community Plan Buildout Alternative would fail to fully meet the Project objectives and the purpose of the SLA because it would not increase affordable housing to the same extent as the Project. The Project site is surplus land under the SLA. The SLA and the SLA Guidelines promulgated by the California Department of Housing and Community Development require the City to give priority consideration to the response to the SLA Notice of Availability that would produce the most qualifying low-income housing units (California Government Code Section 54227[a]; SLA Guidelines Section 202[b][3] [2021]). The No Project/Community Plan Buildout Alternative would not result in a project that maximizes the construction of low-income units because a reduction in the total number of units on site would reduce the total number of affordable housing units, as the market-rate units are essential to the financial feasibility of the affordable housing units. Therefore, the No Project/Community Plan Buildout Alternative would fail to fully meet Project objective 2, which seeks to increase the City's housing supply, including deed-restricted affordable units.

The City elected to dispose of the Project site and sought redevelopment to increase property taxes and sales tax revenue, allowing the land to be developed only to the extent of the 2018 Community Plan's analysis would prevent fulfillment of the City's clearly stated goals. Important social factors, namely the City's need for significant amounts of housing, including deed-restricted affordable housing, to combat the housing crisis by increasing housing affordability, also render this alternative infeasible. Moreover, public policy considerations motivate the City to reject this alternative in favor of a Project that provides more housing, fosters a dynamic and compelling public life through the revitalization of an entertainment center that serves the entire City, and acts as a catalyst for redevelopment of the Midway-Pacific Highway Community planning area as a whole.

**Reference:** These Findings incorporate by reference the information and analysis included in Final SEIR Section 8.2.2, No Project/Community Plan Buildout Alternative.

### 5.4.3 Retain San Diego International Sports Arena Alternative

The Retain San Diego International Sports Arena Alternative would redevelop the site with a mix of residential and commercial uses, including retail and restaurant uses around the existing San Diego International Sports Arena, which would not be demolished. This alternative would provide up to 3,631 housing units, including up to 1,772 affordable units, and approximately 72,000 square feet of commercial uses. The proposed commercial uses may be a combination of locally serving commercial uses, such as community retail and high-turnover sit-down restaurants, and regionally serving commercial land use, such as quality restaurants.

The development intensity and overall site development footprint would be reduced compared to the Project, because the San Diego International Sports Arena would not be part of the development footprint.

The existing San Diego International Sports Arena would remain in its current location with no significant upgrades and would continue to host a variety of entertainment events. The surface parking lots around the San Diego International Sports Arena would be demolished and redeveloped with residential and commercial uses and public spaces, similar to the Project. Parking associated with entertainment and commercial/retail uses would be integrated with the parking structures of residential uses, similar to the Project.

This alternative would also include a network of public spaces similar to The Green, The Square, The Plaza, paseo greens, and paseo greenways. The public space areas would consist of the promenades, streetscapes, and residential buffers. Similar to the Project, the Retain San Diego International Sports Arena Alternative would construct The Square that would be a public plaza or outdoor entertainment center for cultural and community events directly adjacent to the entertainment center. Under this alternative, The Square would be scaled down compared to the Project to provide fewer and smaller entertainment events.

This alternative would provide the same multimodal network as the Project including new streets, improved streets, sidewalks, multi-use paths, and bicycle facilities. Internal circulation for this alternative would be facilitated by two new on-site roadway segments, the extension of Kemper Street and Frontier Drive, which would run north–south through the Project site and connect Sports Arena Boulevard and Kurtz Street. Similar to the Project, the Greenwood Street extension would not be constructed in this alternative.

A General Plan Amendment and Community Plan Amendment would be required for this alternative to redesignate the site and address modifications to the 2018 Community Plan, respectively. This alternative would also require the preparation of a Specific Plan or a Master Planned Development.

**Potentially Significant Impact**: The Retain San Diego International Sports Arena Alternative would eliminate the significant and unavoidable impacts identified for the Project related to land use (conflict with historical resources policies), and historical and Tribal Cultural Resources (historical resources) since the existing San Diego International Sports Arena would remain in its current location. In addition, under this alternative, the existing San Diego International Sports Arena would remain in place so there would be no net change in VMT for the entertainment use, and no mitigation would be required. Potentially significant and unavoidable impacts to land use (conflict with noise policies), transportation (VMT regionally serving commercial land use), and noise (exceedance of noise standards) would continue under the Retain San Diego International Sports Arena Alternative. In addition, potentially significant impacts to noise, health and safety, and air quality would continue and would require mitigation. Geological conditions, hydrology and water quality, visual effects and neighborhood character, greenhouse gas emissions, public services and facilities, public utilities, and biological resources, would have less than significant impacts under the Retain San Diego International Arena Alternative, similar to the Project. Finally, no impacts on paleontological resources would occur under this alternative.

**Finding**: The Retain San Diego International Sports Arena Alternative would eliminate significant and unavoidable impacts related to land use (consistency with historical resources policies) and historical and Tribal Cultural Resources (historical resources) and would meet or partially meet most of the Project objectives. However, the Retain San Diego International Sports Arena Alternative would not meet Project objective 6 as it would not develop a modern entertainment center. The Retain San Diego International Sports Arena Alternative also would meet other objectives to a lesser extent. Specific economic, legal, social, technological, or other considerations, including matters of public policy, render this alternative infeasible. Therefore, the City rejects this alternative and finds that any of these grounds are independently sufficient to support rejection of this alternative.

**Rationale**: The Retain San Diego International Sports Arena Alternative would partially meet Project objective 1 as it would create a focused long-range plan for an underutilized infill site that is intended to promote increased residential density and employment opportunities consistent with the 2008

General Plan, 2018 Community Plan, and the Climate Action Plan, but not to the same extent as the Project due to the reduction in residential density and other associated development. This alternative would partially meet Project objective 2, but would not contribute to an increase the City's housing supply to the same extent that the Project would because it would provide 623 fewer dwelling units than the Project, including 228 fewer deed-restricted affordable units. The Retain San Diego International Sports Arena Alternative would meet Project objective 3 as it would implement and support the 2008 General Plan and 2018 Community Plan smart growth principles and goals for the Sports Arena Community Village by developing a centralized, mixed-use neighborhood.

The Retain San Diego International Sports Arena Alternative would partially meet Project objective 4 because it would promote multimodal travel by establishing a pedestrian and transit-oriented village with a network of promenades, pedestrian paths, and bicycle facilities to provide access to internal and adjacent transit services, commercial/retail uses, and other amenities although to a lesser extent than the Project because fewer multi-use paths would be provided throughout the site with retention of the San Diego International Sports Arena and the reduction in Project residents would result in less use of adjacent transit services, commercial/retail uses, and other amenities. This Alternative would provide increased urban tree canopy and introduce a sustainable landscape, which would meet Project objective 5.

The Retain San Diego International Sports Arena Alternative would not meet Project objective 6 as it would not develop a modern entertainment center. Finally, the Retain San Diego International Sports Arena Alternative would partially meet Project objective 7 because it would address the implementation of public facilities, but at a smaller scale by providing less on-site park space, to serve new and existing residents in the community compared to the Project.

As explained above, the foundation for the Housing Element is the RHNA, in which the state estimates each region's housing needs for all income groups for the upcoming 8 years. The City's portion of the RHNA target for the 2021–2029 Housing Element period is 108,036 homes, and the Project site has been identified as an adequate site with residential development capacity as a part of the 2021–2029 Housing Element. This alternative would provide new housing at a substantially reduced level compared with the Project, considering it would provide 623 fewer units, including 228 fewer deed-restricted affordable units.

Furthermore, the Retain San Diego International Sports Arena Alternative would fail to meet the Project objectives and the SLA because it would not increase affordable housing to the same extent as the Project. The Project site is surplus land under the SLA. The SLA and the SLA Guidelines promulgated by the California Department of Housing and Community Development require the City to give priority consideration to the response to the SLA Notice of Availability that would produce the most qualifying low-income housing units (California Government Code Section 54227[a]; SLA Guidelines Section 202[b][3] [2021]). The Project's SLA Notice of Availability response provided the most qualifying low-income housing units, at 2,000, a number that is substantially above the 1,772

affordable housing units provided by the Retain San Diego International Sports Arena Alternative. Therefore, the Retain San Diego International Sports Arena Alternative would not result in a project that maximizes the construction of low-income units. Therefore, the Retain San Diego International Sports Arena Alternative would also fail to fully meet Project objective 2, which seeks to increase the City's housing supply, including deed-restricted affordable units.

The City elected to dispose of the Project site via lease to increase property taxes and sales tax revenue and leaving the San Diego International Sports Arena in its current state would prevent fulfillment of the City's clearly stated goals. Important social factors, namely the City's need for significant amounts of housing, including deed-restricted affordable housing, to combat the housing crisis by increasing housing affordability also render this alternative infeasible. Moreover, public policy considerations motivate the City to reject this alternative in favor of a Project that provides more housing, fosters a dynamic and compelling public life through the revitalization of an entertainment center that serves the entire City, and acts as a catalyst for redevelopment of the Midway-Pacific Highway Community planning area as a whole. Finally, the antiquated nature and physical condition of the San Diego International Sports Arena motivate the City to reject this alternative in favor of a Project that includes the development of a modern multi-purpose entertainment center.

**Reference**: These Findings incorporate by reference the information and analysis included in Final SEIR Section 8.2.3, Retain San Diego International Sports Arena Alternative.

### 5.4.4 No Commercial Development Alternative

The No Commercial Development Alternative would demolish on-site development and redevelop the site with a mix of uses, including entertainment, residential, and park uses. Similar to the Project, this alternative would provide up to 4,254 dwelling units, including at least 2,000 affordable housing units, and construct a modern multi-purpose entertainment center. However, under the No Commercial Development Alternative, no commercial land uses would be provided on site. This alternative would apply the Midway Rising Entertainment Center District regulations on the Project site.

The No Commercial Development Alternative would provide a variety of public space areas for recreational and gathering opportunities, including The Green and The Square, which would allow for large special events. Under this alternative, events in public spaces would be limited to the hours of 7:00 a.m. to 7:00 p.m.

The No Commercial Development Alternative would provide the same multimodal network as the Project; including new streets, improved streets, sidewalks, multi-use paths, and bicycle facilities. Internal circulation for this alternative would be facilitated by two new on-site roadway segments, the extension of Kemper Street and Frontier Drive, which would run north–south through the Project site and connect Sports Arena Boulevard and Kurtz Street. Similar to the Project, the Greenwood Street extension would not be constructed under this alternative.

A General Plan Amendment and Community Plan Amendment would be required for this alternative to redesignate the site and address modifications to the 2018 Community Plan, respectively. This alternative would also require the preparation of a Specific Plan or a Master Planned Development.

**Potentially Significant Impact:** The No Commercial Development Alternative would eliminate the significant and unavoidable impacts identified for the Project related to VMT transportation (regionally serving commercial land use) since no commercial development would occur. Potentially significant and unavoidable impacts to land use (consistency with noise and historical resource policies), historical and Tribal Cultural Resources (historical resources), and noise (exceedance of noise standards) would continue under the No Commercial Development Alternative, similar to the Project. In addition, transportation (entertainment land use), noise, health and safety, and air quality would continue to have potentially significant impacts requiring mitigation. Geological conditions, hydrology and water quality, visual effects and neighborhood character, greenhouse gas emissions, public services and facilities, public utilities, and biological resources would have less than significant impacts under the No Commercial Development Alternative, similar to the Project. Finally, no impacts on paleontological resources would occur under this alternative.

**Finding**: The No Commercial Development Alternative would eliminate the significant and unavoidable impact identified for the Project related to VMT transportation (regionally serving commercial land use) and would meet or partially meet all of the Project objectives. Specific economic, legal, social, technological, or other considerations, including matters of public policy, render this alternative infeasible. Therefore, the City rejects this alternative and finds that any of these grounds are independently sufficient to support rejection of this alternative.

**Rationale**: The No Commercial Development Alternative would partially meet Project objective 1 as it would create a focused long-range plan for an underutilized infill site that is intended to promote increased residential density and employment opportunities consistent with the 2008 General Plan, 2018 Community Plan, and the Climate Action Plan, but with reduced employment opportunities compared to the Project due to the elimination of commercial uses on the site. The No Commercial Development Alternative would meet Project objective 2 because it would increase the City's housing supply proximate to transit, jobs, amenities, and services, similar to the Project, although fewer amenities and jobs would be provided near the new housing. The No Commercial Development Alternative would partially meet Project objective 3 as it would implement and support the 2008 General Plan and 2018 Community Plan smart growth principles and goals for the Sports Arena Community Village by developing a centralized, mixed-use neighborhood, but it would not include commercial opportunities.

The No Commercial Development Alternative would meet Project objective 4, as it would construct the planned streets identified in the 2018 Community Plan to promote multimodal travel by

establishing a pedestrian and transit-oriented village with a network of promenades, pedestrian paths, and bicycle facilities to provide access to internal and adjacent transit services, commercial/retail uses, and other amenities. The No Commercial Development Alternative would provide increased urban tree canopy and introduce a sustainable landscape, thereby meeting Project objective 5. The No Commercial Development Alternative would meet Project objective 6 developing a modern entertainment center, although the entertainment center would be a less desirable and effective destination without a variety of convenient commercial options for visiting guests. Finally, the No Commercial Development Alternative would meet Project objective 7, as it would provide the implementation of public facilities, including on-site parks, to serve new and existing residents in the community.

The No Commercial Development Alternative would result in a less desirable and less effective entertainment center due to the diminished commercial offerings. By eliminating restaurants and eating and drinking establishments, this alternative would no longer serve as a regional draw associated with the development of a first-class entertainment center destination.

Furthermore, the No Commercial Development Alternative would be infeasible for several reasons. The City elected to dispose of the Project site via lease to increase property taxes and sales tax revenue, and deleting all commercial uses from the Project site would prevent fulfillment of the City's clearly stated goals. In addition, public policy considerations motivate the City to reject this alternative in favor of a Project that fosters a dynamic and compelling public life by revitalizing of an entertainment center that serves the entire City, and acts as a catalyst for redevelopment of the Midway-Pacific Highway Community planning area as a whole.

**Reference**: These Findings incorporate by reference the information and analysis included in Final SEIR Section 8.2.4, No Commercial Development Alternative.

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# 6. Findings Regarding Other CEQA Considerations

## 6.1 Growth Inducement

Section 15126.2(e) of the CEQA Guidelines mandates that the growth-inducing impact of a project be discussed. This discussion is presented in Chapter 7.0, Other Mandatory Discussion Areas, of the Final SEIR. Per the CEQA Guidelines Section 15126.2(d), growth-inducing effects are not necessarily beneficial, detrimental, or of little significance to the environment. For the reasons outlined below, the City finds that the Project would not result in short-or long-term growth-inducing impacts.

### 6.1.1 Short-Term Growth Inducement

During construction activities associated with the Project, demand for various construction trade skills and labor would increase. However, it is anticipated that this demand would be met by the local labor force and would not require the importation of a substantial number of workers, which could cause an increased demand for temporary or permanent housing in this area. Further, construction of the Project would be short-term and temporary. It would not lead to an increase in employment on site that would stimulate the need for additional housing or services. Therefore, no associated substantial short-term growth-inducing effects would result.

### 6.1.2 Long-Term Growth Inducement

Based on the proposed land use designation and zoning, the Project would allow development of up to 3,545 residential units. With the potential for a density bonus, the Project could include an additional 709 residential units, which would result in a total of 4,254 residential units, including up to 2,000 affordable units. Based on the population rate coefficient of 2.56 persons per household, the Project would introduce an estimated 10,890 people to the area (SANDAG 2013).[1] Under the 2018 Community Plan, the site would develop 2,166 residential units and introduce 5,544 people. Therefore, the Project would introduce 5,346 more people than what the 2018 Community Plan anticipated for the Project site. The Project would require General Plan and Community Plan Amendments, as well as a rezone to allow for the proposed residential development on site.

The Project would result in the construction of additional housing on a site that has been identified as an adequate site with residential development capacity as a part of the 2021–2029 Housing Element. The Project would provide housing for low- and moderate-income households in the region to assist the City in meeting its RHNA allocation, including critical affordable housing. It would also provide housing within proximity to transit opportunities, including the Old Town Transit Center, which is located approximately 0.7 to 1 mile from the Project site and other San

[1] There are multiple sources for estimations of a "person per household" rate depending on the different type of analysis. The SANDAG Series 13 Regional Growth Forecasts represent a combination of economic and demographic projections and existing land use plans and policies and is intended to represent a likely prediction of future growth but is not intended to be a prescription for growth.

Diego Metropolitan Transit System bus stops within 0.5 mile. The development of the Project would not remove any physical barriers to growth.

Future residents living on the Project site may stimulate economic growth in the area by patronizing the new and existing commercial businesses within the vicinity. The area surrounding the site currently has an extensive number of supporting commercial/retail and services to accommodate the population growth expected on the Project site. The Project provides planned, sustainable development easily accessible to transit and surrounding services. Therefore, the Project would be growth-inducing, but growth was always anticipated in the Midway-Pacific Highway Community planning area.

The Project would not induce extensions of roads or other infrastructure. The Project site is surrounded by urban development that is served by existing public services and utility infrastructure. The Project would connect to existing utilities and include improvements that only service the Project. No new major infrastructure facilities are required to accommodate the Project. The Project would not remove an obstacle to growth or expand public services and facilities to accommodate additional economic or population growth beyond that proposed for the site. The Project site is in an area of the City with aging infrastructure that will eventually need to be replaced but not as a result of the Project.

## 6.2 Significant Irreversible Environmental Changes that will be Caused by the Project

CEQA Guidelines Section 15126.2(d) requires the evaluation of the following significant irreversible environmental changes that would occur should a project be implemented:

1) Primary impacts, such as the use of nonrenewable resources during the initial and continued phases of the project [that] may be irreversible since a large commitment of such resources makes removal or non-use thereafter unlikely;
2) Secondary impacts, such as road improvements, which provide access to previously inaccessible areas; and
3) Environmental accidents potentially associated with the project.

Furthermore, Section 15126.2(d) of the CEQA Guidelines states that irretrievable commitments of resources should be evaluated to ensure that current consumption of such resources is justified.

Construction of the Project would require the irreversible consumption of natural resources and energy. Natural resources consumption would include lumber and other forest products, sand and gravel, asphalt, steel, copper, other metals, and water. Building materials, while perhaps recyclable in part at some long-term, future date, for practical purposes, would be permanently consumed. Energy derived from nonrenewable sources, such as fossil fuels, would be consumed during Project construction and operation as a result of lighting, heating, and cooling equipment and

transportation uses. This commitment of natural resources and energy would be irreversible. The commitment of natural resources required for the construction and operation of the Project would limit the availability of such resources for future generations or for other uses during the life of the Project. Therefore, the Project would result in significant irreversible environmental changes.

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# 7. Findings Regarding Responses to Comments and Final SEIR Revisions

The Final SEIR includes the comments received on the Draft SEIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by CEQA Guidelines Section 15088(c).

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. CEQA Guidelines provide the following examples of significant new information under this standard (CEQA Guidelines, Section 15088.5[a]).

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*Mountain Lion Coalition v. Fish and Game Com.* [1989] 214 Cal.App.3d 1043).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (CEQA Guidelines, Section 15088.5[b]).

**Finding/Rationale**: Responses to comments made on the Draft SEIR and revisions in the Final SEIR as outlined in the Preface clarify and amplify the analysis presented in the Draft SEIR, and none of the factors triggering recirculation under CEQA Guidelines Section 15088.5(b) are present.
**Reference:** These Findings incorporate by reference the information and analysis included in the Preface and the Final SEIR.

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# 8. Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081(b) and Sections 15093 and 15043(b) of the CEQA Guidelines, the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide benefits, of a proposed project against its unavoidable significant environmental impacts when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to California Public Resources Code Section 21081.

CEQA further requires that when the lead agency approves a project that will result in the occurrence of significant effects identified in the EIR and not avoided or substantially lessened, the agency shall state in writing the specific reasons to support the action based on the EIR and/or other substantial evidence in the record.

Pursuant to California Public Resources Code Section 21081(b) and the CEQA Guidelines Section 15093, the City has balanced the benefits of the Project against potential unavoidable significant impacts identified in the Final SEIR, has examined alternatives to the Project that could avoid significant impacts, and rejected them as infeasible, finding that none of them would fully meet the basic Project objectives.

Each of the benefits of the Project described below is determined to be a separate basis for overriding all potential unavoidable significant environmental impacts, independent of the other Project benefits. Any one of the reasons set forth below is sufficient to justify approval of the Project. Substantial evidence supports the various benefits, and such evidence can be found whether in the preceding section, which are incorporated by reference in this section, the Final SEIR, or in documents that comprise the Records of Proceedings in this matter.

Having considered the entire administrative record on the Project and (i) made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the Project, adopting all feasible mitigation measures; (ii) examined a reasonable range of alternatives to the Project and, based on this examination, determined that all those alternatives are either environmentally inferior, fail to meet the basic Project objectives, or are not feasible, and therefore should be rejected; (iii) recognized all significant, unavoidable impacts; and (iv) balanced the benefits of the Project against the Project's significant and unavoidable effects, the City hereby finds that the following economic, legal, social, technological, or other benefits, including region-wide benefits, of the Project outweigh the potential unavoidable adverse environmental impacts and render those potential adverse environmental impacts acceptable based on the following considerations, set forth below.

The following statement identifies why, in the Council's judgment, the benefits of the Project outweigh the unavoidable significant impacts. Each of these public benefits serves as an independent basis for overriding all significant and unavoidable impacts. Any one of the reasons set forth below is sufficient to justify approval of the Project. Substantial evidence supports the various benefits and such evidence can be found either in the Findings of Fact which are provided above and incorporated by reference into this section, the Final SEIR, and/or in documents that comprise the Record of Proceedings in this matter.

## 8.1 The Project Creates a New Urban Village to Fulfill the City's Land Use Plans and Revitalize the Midway-Pacific Highway Community Planning Area

The Project repurposes an underutilized site to fulfill the City's land use planning goals and revitalize the Midway community. The 2008 General Plan is based on a City of Villages strategy to focus future growth into mixed-use villages connected by high-frequency transit. A "village" is defined as the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated. Community plans implement the 2008 General Plan's vision with community-specific policies. The 2008 General Plan's Village Propensity Map helps guide the planning of distinctive village areas within the community plans.

The Midway-Pacific Highway Community Plan, adopted in 2018, calls for the development of the San Diego International Sports Arena site into a Sports Arena Community Village. The 2018 Community Plan envisions this village as a mix of residential, entertainment, office, retail, and public and park uses (Policy LU-4.1). The Project site is identified as having a high propensity for a village location in the Village Propensity Map (2008 General Plan, Figure LU-1).

The Project directly implements the 2008 General Plan and the 2018 Community Plan by developing a community village in alignment with the vision for the site (2018 Community Plan, Section 2.4.1). The Project will transform the existing site from a single-purpose arena, ancillary auto-oriented retail, and parking into a mixed-use community village with up to 4,254 residences (with at least 2,000 affordable units) approximately 8.12 acres of parks, 6.42 acres of public space, an approximately 16,000-seat multi-purpose entertainment center, and pedestrian-oriented commercial/retail and supporting uses. Together, this will result in a walkable and inclusive urban village consistent with the vision and policies established in the 2008 General Plan and 2018 Community Plan.

In addition to activating the site, the Project will reinvigorate the Midway-Pacific Highway Community planning area. Adjacent sites are underutilized compared to what is envisioned in the 2018 Community Plan. The 2018 Community Plan designates multiple sites east, north, and west to the Project as Community Commercial – Residential Permitted. The Community Commercial – Residential Permitted designation supports residential uses as a part of mixed-use development

that features ground floor commercial/retail uses. The planned investment at Midway Rising, a mix of uses and infrastructure enhancements, could have a revitalizing effect on the surrounding area and further support the transformation of the broader community into a mixed-use destination.

## 8.2 The Project Adds Thousands of Much-Needed Homes to Help the City Achieve Its Housing Affordability and Homelessness Goals

The Project represents a major investment in new housing that will help the City meet its 2021–2029 Housing Element objectives and homelessness goals. For the City to meet its Housing Element goals and RHNA housing unit allocation, a substantial increase in the rate of new housing approvals is necessary. Per the 6th Cycle Housing Element RHNA for the 2021–2029 planning period, the City's housing allocation is as follows:

- 108,036 total dwelling units
- 27,449 in the Very Low income category
- 17,311 in the Low income category
- 19,319 in the Moderate income category
- 43,837 in the Above Moderate income category

After completing 5 years (62.5 percent) of the 8-year RHNA cycle, by the end of 2025, the City had permitted the following:

- 36,688 total homes (34.0 percent of the RHNA allocation)
- 2,519 Very Low income homes (9.2 percent of the RHNA allocation)
- 2,962 Low income homes (17.1 percent of the RHNA allocation)
- 1,367 Moderate income homes (7.1 percent of the RHNA allocation)
- 29,840 Above Moderate income homes (68.1 percent of the RHNA allocation)

A critical need for more homes remains across all income levels. The City would need to permit 71,348 more homes by 2029 to meet its RHNA allocation. The Project will accelerate production of both affordable housing and market-rate housing to assist the City in meeting its RHNA targets. The Project will add up to 4,254 new residences to the City's housing stock, including at least 2,000 restricted to 80 percent of area median income or lower. The 2,000 affordable units will be composed of a mix of studios, one-bedroom, two-bedroom and three-bedroom units. The mix of unit types will provide a diverse housing mix to accommodate a diverse population, including families, seniors, and veterans, in furtherance of the City's Housing Element goals to affirmatively further fair housing.

At least 200 of the affordable housing units will be permanent supportive housing linked to health, mental health, employment, or other supportive services with no limit on length of stay. The 200 permanent supportive housing units will assist residents in retaining housing, improving health status, and strengthening their ability to live and work in the community. These units will not only

improve the lives of the target populations by providing stable housing and services but will also benefit the surrounding community and City as a whole.

## 8.3 The Project Implements the City's Sustainability and Climate Action Goals

The Project incorporates sustainable design consistent with the Climate Action Plan, 2008 General Plan, and 2018 Community Plan. The City's Climate Action Plan (CAP) is a proactive step toward addressing the City's greenhouse gas emissions. The Project's consistency with the CAP includes such factors as land use consistency; energy and water efficiency of buildings; clean and renewable energy; and bicycling, walking, transit, and land use.

The Project is consistent with the CAP and facilitates the City's goals of addressing climate change by providing for an interconnected (internally and regionally) mix of uses that enables residents, employees, and visitors to limit their impact on the environment. As such, the Project would accomplish the City's climate and sustainability objectives by:

- Locating intensified mixed-use development on an underutilized infill site within walking and bicycling distance of the Old Town Transit Center, which offers trolley and bus connectivity to the City and the region.
- Increasing the City's urban tree canopy, instituting sustainable landscaping, and introducing shade to the area. Trees would be placed at a minimum of two per 5,000 square feet of lot area, with a minimum of one tree per lot, and would be placed so that a minimum of 50 percent of pedestrian areas in the public right-of-way would be shaded by street trees at 10 years' maturity.
- Including rooftop photovoltaic cells on all buildings, except for the 16,000-seat multi-purpose entertainment center.
- Requiring buildings and encouraging tenants to use clean energy from San Diego Community Power.
- Requiring buildings to be all-electric with the exception of emergency generators and commercial kitchen equipment at eating and drinking establishments.
- Incorporating green building features that comply with the adopted building code requirements (California Code of Regulations, Title 24, and California Green Building Standards Code [CALGreen] Title 24, Part 11) related to building energy efficiency.
- Providing a new on-site storm drain system that would collect and treat stormwater before it discharges off site through a combination of modular wetland units and private biofiltration planters.
- Preparing a comprehensive waste diversion plan for the entertainment center showing how the building would reduce single-use plastic and increase recycling and compost collection.
- Providing housing and employment uses within the same development, facilitating direct linkage between housing and jobs to reduce VMT.

- Linking residents living within the residential component of the project to employment sites via the established pedestrian and bicycle network.
- Promoting active transportation (such as bicycling and pedestrian transportation) as a core design element of the Specific Plan, making walking, bicycling, and other human-powered forms of transportation a first option for getting around the Project site and connecting to surrounding uses and amenities.

## 8.4 The Project Provides a Modern Entertainment Center to Expand Access to Cultural, Sporting, and Civic Events

The Project proposes indoor and outdoor entertainment facilities, including a new approximately 16,000-seat multi-purpose entertainment center. The new venues will allow a broader range of sporting, cultural, and civic events. The entertainment center is anticipated to accommodate the San Diego Gulls (American Hockey League team), San Diego Seals (National Lacrosse League team), and San Diego Strike Force (Indoor Football League team) as primary tenants. The Project will also increase opportunities for San Diegans to attend other sporting events, concerts, performances, family shows, festivals, job fairs and tradeshows, graduations, and conferences. The new entertainment venues will be designed to modern standards to enhance the patron experience for San Diegans.

The Project would implement the City's Creative City Cultural Plan by adding a new cultural facility available for both indoor and outdoor events. The Project would help achieve the following strategies and goals of the Creative City Cultural Plan:

- Expands access to arts and cultural programming (Strategy 2.1)
- Repurposes City-owned property for cultural purposes (Action 1.1.13)
- Adds creative space in the Midway community, a community with fewer cultural resources (Action 1.1.17)
- Adds The Square, a large outdoor performance venue for music and entertainment (Action 1.1.33)
- Activates public spaces for arts and cultural events, music, and placemaking (Action 2.1.3)
- Includes and implements an arts and cultural component in the Midway-Pacific Highway Community Plan area and Midway Rising Specific Plan area (Actions 2.1.4 and 2.1.5)
- Develops affordable housing in a less-resourced community, which will expand housing access to the cultural and creative sectors (Action 2.5.5)

## 8.5 The Project Promotes Multimodal Travel by Creating a Transit-Oriented Village with Mobility Infrastructure Investments

The Project's transit-supportive urban design and infrastructure will help the City achieve its mobility goals. Midway Rising is a new village within a Transit Priority Area and Sustainable

Development Area. This location is near existing and planned high-quality transit, infrastructure, civic, and employment opportunities in the Midway-Pacific Highway Community Plan area.

The Project will directly enhance the mobility network through significant multimodal improvements, such as multi-use urban paths, paseos and greenways, bicycle facilities, and wide sidewalks. The Project will build out a new internal network of streets, including the construction of Frontier Drive and Kemper Street, to improve connectivity within and across the Project for all modes of transportation. Total mobility investments are estimated to exceed $120 million (per Kimley-Horn [January 31, 2024, and February 24, 2025] and AECOM [September 2024]).

The Project's transit-oriented approach reduces vehicle trips that generate air pollutants and greenhouse gas emissions. Other benefits include reducing sprawl, increasing pedestrian activity, and building sustainable communities in alignment with the 2008 General Plan.

The Project also enhances accessibility for residents and visitors of the greater Midway-Pacific Highway Community Plan area. The Project's proximity to the Old Town Transit Center and bus stop improvements would provide future residents and employees connections to other trolley, bus, and train services, allowing convenient access to various destinations across San Diego. Mitigation Measure **TRANS 5.2-1** would require the implementation of a daily shuttle to the Old Town Transit Center.

## 8.6 The Project Provides Employment and Economic Benefits

The Project supports a broad range of employment opportunities by providing commercial and retail uses that will serve residents and visitors. Specifically, the Project supports employment and the City's economy as follows:

- Provides approximately 130,000 square feet of commercial/retail land use, including restaurants, shops, and supporting neighborhood retail.
- Provides land use types and development patterns for a broad range of employment opportunities, including service sector and retail jobs.
- During construction, the Project is estimated to create approximately 19,320 jobs for the City.
- The Project is estimated to provide $4.5 billion in direct construction activity, generating an additional $2.6 billion in induced and indirect economic output, of which a total of $5.8 billion is estimated to occur within the City.
- The Project is expected to deliver 1,200 net new permanent full-time equivalent jobs created over the 30-year operating period, including 980 within the City, through direct, indirect, and induced employment.
- The Project is estimated to provide a net fiscal impact to the City's General Fund of $8.6 million within the first 5 years, $24.9 million during the first 10 years, and $36.1 million during the first 15 years, and $2.6 million after 30 years

- The Project is expected to deliver a total long-term economic impact of $18.4 billion regionally, with $14.7 billion generated within the City.

## 8.7 Conclusion

For the foregoing reasons, the City Council finds, in accordance with California Public Resources Code Sections 21081(b) and 21085.5 and CEQA Guidelines 15093 and 15043, that the Project's adverse, unavoidable environmental impacts are outweighed by the noted benefits, any of which individually would be sufficient to reach the conclusion that overriding Findings justify the significant, unmitigated effects of the Project. Therefore, the City Council has adopted this Statement of Overriding Considerations.

**EXHIBIT B**

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

**SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**
**NO. 1106734/SCH No. 2023120451**

GENERAL PLAN AMENDMENT, COMMUNITY PLAN AMENDMENT, REZONE, SPECIFIC PLAN, SAN DIEGO MUNICIPAL CODE AMENDMENTS TO EXCLUDE THE SPECIFIC PLAN AREA FROM COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE – TYPE B AND TO IMPLEMENT A MIDWAY RISING ENTERTAINMENT CENTER DISTRICT, VARIOUS PUBLIC UTILITY EASEMENT VACATIONS, VESTING TENTATIVE MAP, SITE DEVELOPMENT PERMIT, VARIANCE TO AFFORDABLE HOUSING REGULATIONS, DISPOSITION AND DEVELOPMENT AGREEMENT, AND DEVELOPMENT AGREEMENT

This Mitigation, Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during the implementation of mitigation measures. This program identifies, at a minimum, the following: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation, Monitoring and Reporting Program will be maintained at the offices of the Development Services Department, 7650 Mission Valley Road, MS DSD-1A, San Diego, CA 92108. All mitigation measures contained in the Subsequent Environmental Impact Report No. 1106734/SCH No. 2023120451 shall be made conditions of the General Plan Amendment, Community Plan Amendment, Rezone, Specific Plan, San Diego Municipal Code amendments to exclude the Specific Plan area from Community Plan Implementation Overlay Zone – Type B and to implement a Midway Rising Entertainment Center, various Public Utility Easement Vacations, Vesting Tentative Map, Site Development Permit, Variance to the Inclusionary Housing Regulations, Disposition and Development Agreement, and Development Agreement as may be further described below.

**A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of any construction permits, such as demolition, grading or building, or beginning any construction-related activity on-site, the Development Services Department (DSD) Environmental Designee (ED) shall review and approve construction documents (CD) (plans, specifications, details, etc.) to ensure the applicable MMRP requirements are incorporated into the design and/or construction documents.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City of San Diego (City) website: https://www.sandiego.gov/development-services/forms-publications/design-guidelines-templates

4. The **TITLE INDEX SHEET** must also show on which pages the **"Environmental/Mitigation Requirements" notes are provided.**

5. **SURETY AND COST RECOVERY:** The DSD Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

**B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)**

1. **PRE-CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMITTEE is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent, and the following consultants:

    - **Qualified Historic Preservation Professional**
    - **Qualified Acoustician**
    - **Qualified Vibration Expert**

    **Note: If all responsible Permit Holders' representatives and consultants fail to attend, an additional meeting with all parties present will be required.**

    CONTACT INFORMATION:

    a) **The PRIMARY POINT OF CONTACT is the RE at the Field Engineering Division and can be reached at (858) 627-3200**
    b) **For Clarification of ENVIRONMENTAL REQUIREMENTS, contact RE and MMC at (858) 627-3360**

2. **MMRP COMPLIANCE:** This Project, PRJ-1106734 and /or Environmental Document 1106734/SCH No. 2023120451shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and the location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, monitoring times, methodology, etc.)

Note: **The Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans, notes, or changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.**

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution, or other documentation issued by the responsible agency.

   - **County of San Diego Environmental Department of Health and Quality;**
   - **State Water Resources Board/Regional Water Quality Control Board;**

4. **MONITORING EXHIBITS:** All consultants are required to submit to RE and MMC, a monitoring exhibit on an 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

   Note: **Surety and Cost Recovery: When deemed necessary by the DSD Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.**

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permittee representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

| **Document Submittal/Inspection Checklist** | | |
|---|---|---|
| **Issue Area** | **Document Submittal** | **Associated Inspection/Approvals/Notes** |
| General | Consultant Qualification Letters | Prior to the Preconstruction Meeting |
| General | Consultant Construction Monitoring Exhibits | Prior to or at the Preconstruction Meeting |
| Air Quality | Zero-emissions landscaping equipment verification letter | Prior to first certificate of occupancy |
| Air Quality | Tier 4 (or better) construction equipment verification letter | Prior to issuance of grading permit for each Phase |

| Document Submittal/Inspection Checklist | | |
|---|---|---|
| **Issue Area** | **Document Submittal** | **Associated Inspection/Approvals/Notes** |
| Health and Safety | Asbestos-containing material removal verification letter | Prior to first certificate of occupancy |
| Health and Safety | lead-based paint removal verification letter | Prior to first certificate of occupancy |
| Health and Safety | Underground Storage Tank (UST) verification letter | Prior to issuance of grading permit |
| Health and Safety | Soil Vapor Sampling and verification letter | Prior to issuance of grading permit |
| Health and Safety | Vapor Intrusion Mitigation System Installation verification letter | Prior to issuance of occupancy for any affected building(s) |
| Historical Resources (Built Environment) | Salvage Plan | Prior to demolition of San Diego International Sports Arena |
| Historical Resources (Built Environment) | The Green Interpretive Display Plans | Prior to demolition of San Diego International Sports Arena |
| Historical Resources (Built Environment) | Site inspection for The Green Interpretive Display installation | Prior to last certificate of occupancy for any building associated with Lots 10, 11, 12, 13, and 14 or Lot I as shown on the approved Tentative Map |
| Historical Resources (Built Environment) | Robert Breitbard Interpretive Display Plans | Prior to demolition of San Diego International Sports Arena |
| Historical Resources (Built Environment) | Historic American Buildings Survey documentation package | Prior to demolition of San Diego International Sports Arena |
| Noise (Operational) | Noise Control Plan | Prior to approval of a sitewide or individual Special Event Venue Permit |
| Noise (Construction) | Noise attenuation measures on grading plans | Prior to issuance of grading permit |
| Noise/Vibration (Construction) | Vibration study and notes on plans | Prior to construction activities near vibration-sensitive land uses (within 230 feet from operating vibrating equipment [roller and plate compactor] or 140 feet from other operating construction equipment) |
| Transportation and Circulation | Shuttle Service verification | Prior to issuance of certificate of occupancy for the first eating or drinking land use |
| Transportation and Circulation | Employee Transit Subsidy verification | Prior to first certificate of occupancy for the entertainment center (Phase 1) |
| Bond Release | Request for Bond Release Letter | Final MMRP Inspections Prior to Bond Release Letter |

## C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

**Transportation and Circulation**

**MM TRANS 5.2-1: Commercial Shuttle**

Prior to issuance of a certificate of occupancy for the first eating or drinking land use, the Permittee shall implement a daily shuttle between Frontier Drive and the Old Town Transit Center for the life of the commercial land uses, satisfactory to the City Engineer. The shuttle shall operate between 12:00 p.m. and 10:00 p.m. using one vehicle at 20- or 30-minute headways.

**MM TRANS 5.2-2: Employee Transit Subsidy**

Prior to issuance of the first certificate of occupancy for the entertainment center, the Permittee shall implement an employee transit subsidy for the entertainment center employees to offset the net increase in vehicle miles traveled for the Project, satisfactory to the City Engineer. The employee transit subsidy shall be offered to all employees at 50 percent off the San Diego Metropolitan Transit System's current monthly pass rate for the life of the entertainment center.

**Historical Resources (Built Environment)**

**MM HIST 5.3-1: San Diego International Sports Arena Salvage Plan**

a. Prior to issuance of a demolition permit for the San Diego International Sports Arena, the Permittee shall submit a salvage plan for review and acceptance by the City of San Diego City Planning Department's Heritage Preservation staff, prepared by a qualified historic preservation professional. The salvage plan, to be implemented during the demolition of the San Diego International Sports Arena, shall catalog and identify elements proposed for removal from the existing San Diego International Sports Arena and shall include historic period architectural elements, as well as memorabilia, including photographs, posters, and plaques of past athletic and entertainment events, teams, and entertainers, for display in publicly accessible areas throughout the new entertainment center.

b. As a condition of closure of the demolition permit for the San Diego International Sports Arena, the Permittee shall document that the various displays presenting the salvaged items from the San Diego International Sports Arena have been installed at the entertainment center to the satisfaction of the City of San Diego Heritage Preservation staff.

**MM HIST 5.3-2: The Green Interpretive Display**

a. Prior to issuance of a demolition permit for the San Diego International Sports Arena, the Permittee shall submit interpretive display plans for review and acceptance by the City of San Diego City Planning Department's Heritage Preservation staff for their review and acceptance. These plans shall be for an interpretive display to be installed in The Green area (Lot I, as shown on the approved Tentative Map) of the site near the old footprint of the San Diego International Sports Arena to be prepared by a qualified team, including a historian and a graphic designer.

b. Prior to issuance of the last certificate of occupancy for any building associated with Lots 10, 11, 12, 13, and 14 or Lot I as shown on the approved Tentative Map, whichever occurs latest, the Permittee shall document that the interpretive display has been installed in The Green area, satisfactory to the City of San Diego City Planning Department's Heritage Preservation staff. The display shall do the following:
    1. Explain the history of the site from the Pre-European era through present day, including demolition of the San Diego International Sports Arena.
    2. Describe the San Diego International Sports Arena building's New Formalist architecture and the role of the San Diego International Sports Arena in the Midway neighborhood development.
    3. Discuss the Frontier Housing Project as the first modern development on the site and the current Project returning the site to affordable housing with a new entertainment center.

**MM HIST 5.3-3: Robert Breitbard Interpretive Display**

a. Prior to issuance of a demolition permit for the San Diego International Sports Arena, the Permittee shall submit plans for review and acceptance by the City of San Diego's City Planning Department's Heritage Preservation staff ~~shall review and accept plans~~ for an interpretive display that shall be designed by a qualified team, including a historian and a graphic designer, that focuses on the life of Robert Breitbard as it relates to his work in the sports field.
b. Prior to issuance of a demolition permit for the San Diego International Sports Arena, the Permittee shall document that the interpretative display has been installed in a location accessible to the public at the new entertainment center. The display shall include photographs of Breitbard, the San Diego International Sports Arena, the San Diego Gulls, and the San Diego Rockets and a text description of Breitbard's sports career.

**MM HIST 5.3-4: Historic American Buildings Survey Level 2 Documentation**

a. Prior to issuance of a demolition permit for the San Diego International Sports Arena, the Permittee shall submit a Historic American Buildings Survey documentation package for the San Diego International Sports Arena for review and acceptance by City of San Diego City Planning Department's Heritage Preservation staff. The Historic American Buildings Survey documentation shall achieve Level 2 standards in accordance with the Historic American Buildings Survey Guidelines for Preparing Written Historical Descriptive Data. The Historic American Buildings Survey documentation package shall be prepared by a qualified team, including an architectural historian with prior experience preparing Historic American Buildings Survey photographs. The Historic American Buildings Survey documentation package shall include the following:
    1. Measured drawings shall be produced according to Historic American Buildings Survey guidelines depicting existing conditions or other relevant features of historic buildings, sites, structures, objects, or landscapes.

2. Photographic documentation shall follow the Photographic Specification–Historic American Buildings Survey, including 15–20 archival quality, large-format photographs of the exterior and interior of the building and its architectural elements. Construction techniques and architectural details shall be documented, noting the measurements, hardware, and other features that tie architectural elements to a specific date. The historic photographs and original architectural plans shall be included as figures in the historical report, following current Historic American Buildings Survey guidelines.
3. A written historical narrative and report shall be completed according to the Historic American Buildings Survey Historical Report Guidelines.

b. Prior to issuance of a demolition permit for the San Diego International Sports Arena, the Permittee shall provide verification, satisfactory to the City of San Diego City Planning Department's Historic Preservation staff, that two copies of the Historic American Buildings Survey documentation package were produced and submitted as follows:
   1. One copy submitted to the National Parks Service/Library of Congress; and
   2. The second copy provided to an archive or history collection accessible to the general public, such as the San Diego History Center.

**Noise (Operational)**

**MM NOISE 5.5-1: Special Events Noise Best Management Practices**

Prior to approval of a sitewide or individual Special Event Venue Permit for all private events, public events, or commercial operations in outdoor spaces on the Project site that require the use of amplified noise, the Permittee, event organizer, or individual responsible party shall submit a Noise Control Plan, satisfactory to the City of San Diego Special Events & Filming Department. The Noise Control Plan shall:

1. Demonstrate that event acoustics have been planned to minimize their impact on the nearest noise-sensitive receptors.
2. Indicate where stationary noise sources such as generators and speakers will be located. No speakers or other stationary noise sources shall be allowed in areas not indicated in the Noise Control Plan.
3. Demonstrate how speaker arrays would be designed to reduce noise spillage to the surrounding environment. This may include the following:
   a. Directing speakers away from sensitive receptors to the extent feasible.
   b. Using temporary sound barriers for stages and event areas where they would not present a safety hazard or inhibit movement on the site.
   c. Incline elevated speakers downward or otherwise design them to reduce noise spillage.
   d. Install optimized sub-arrays and optimized speaker arrays for temporary stages, if required. If suitable, employ delay tower speaker systems or circuit speakers rather than banks of speakers on either side of the stage.
4. Establish a contact phone number that is monitored during outdoor events. If complaints are received, or there is reason to suspect that conditions of the Noise Control Plan have not been met, the City of San Diego shall require the Permittee to

conduct noise monitoring of events to confirm noise levels and enforce agreement compliance.

**Noise (Construction)**

**MM NOISE 5.5-2: Construction Noise Best Management Practices**

Prior to issuance of a grading permit, the Permittee shall submit grading plans that demonstrate that Project construction shall achieve a 12-hour average sound level of less than 75 A-weighted decibel, satisfactory to the Chief Building Official.

At a minimum, construction noise best management practices shall be applied to all construction activities within 170 feet of existing or future residential development occupied at the time of construction. Best management practices shall be detailed on all Project construction plans and shall include but are not limited to the following:

- Limit construction activities to the hours between 7:00 a.m. and 7:00 p.m. Construction is not allowed on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with the exception of Columbus Day and Washington's Birthday, or on Sundays (consistent with Section 59.5.0404 of the San Diego Municipal Code).
- Equip all internal combustion engine-driven equipment with appropriately sized intake and/or exhaust mufflers that are properly operating and maintained consistent with manufacturer's standards.
- Stationary noise-generating equipment (e.g., compressors or generators) shall be located as far as possible from adjacent residential receivers and oriented so that emitted noise is directed away from sensitive receptors, whenever feasible.
- If noise levels are expected to potentially exceed San Diego Municipal Code thresholds, locate temporary noise barriers with a minimum height of 8 feet around pertinent active construction equipment or entire work areas to shield nearby sensitive receivers.
- Use "quiet" air compressors, generators, and other stationary noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" responsible for receiving and responding to any complaints about construction noise or vibration. Contact information shall be posted in a conspicuous location near the construction site entrance. The disturbance coordinator shall determine the cause of the noise complaint and, if identified as a sound generated by construction area activities, shall institute modifications to the construction operations, equipment, or work plan to ensure compliance with San Diego Municipal Code standards. These modifications shall implement one or more of the following: administrative controls (e.g., reduce equipment operating time and/or prohibit the use of equipment types within certain distances of sensitive receptors); engineering controls (upgraded existing noise controls, such as installing better engine exhaust mufflers or improving existing

noise abatement); and installation of temporary barriers, barrier back sound curtains, and/or acoustical panels around working construction equipment and, if necessary, around the construction boundary.

- Recurring disturbances shall be evaluated by a qualified acoustical consultant retained by the Project proponent to ensure compliance with applicable standards.

**MM NOISE 5.5-3: Vibration Management Strategies**

Prior to construction activities near vibration-sensitive land uses (within 230 feet from operating vibrating equipment [roller and plate compactor] or 140 feet from other operating construction equipment), vibration sensitive uses shall be identified on construction plans, and the Permittee shall submit the site-specific vibration studies that documents that Project construction would not adversely affect adjacent vibration-sensitive properties, satisfactory to the City Engineer. Surrounding vibration-sensitive uses include veterinary clinics on Sports Arena Boulevard where the operation of construction equipment could exceed 65 vibration decibels and interfere with interior operations that use vibration-sensitive equipment, such as medical equipment. Such efforts shall be conducted by a qualified vibration expert and shall include the following:

- Develop a Vibration Monitoring and Construction Contingency Plan to identify structures where monitoring would be conducted; set up a vibration monitoring schedule; define structure-specific vibration limits; and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels exceed the limits.
- Monitor vibration during initial construction activities and during activities that require use of vibratory equipment. Monitoring results may indicate the need for modifications to the Vibration Monitoring and Construction Contingency Plan to include more or less intensive measurements.
- Designate a "disturbance coordinator" who would be responsible for receiving and responding to any complaints about construction vibration. The disturbance coordinator shall determine the cause of the noise complaint and shall require that reasonable measures be implemented to correct the problem.
- When vibration levels exceed limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
- Conduct post-activity survey on structures where either monitoring has indicated high levels or complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

**Health and Safety**

**MM HS 5.6-1: Asbestos-Containing Material Removal**

Prior to issuance of a demolition permit, the Permittee shall provide a verification letter to the City of San Diego Development Services Department's Mitigation Monitoring Coordination staff confirming that all regulatory requirements pertaining to asbestos-containing material removal have been met.

**MM HS 5.6-2: Lead-Based Paint Removal**

Prior to issuance of a demolition permit, the Permittee shall provide a verification letter to the City of San Diego Development Services Department's Mitigation Monitoring Coordination staff confirming that all regulatory requirements pertaining to lead-based paint removal have been met.

**MM HS 5.6-3: Removal of Underground Storage Tank**

Prior to issuance of a grading permit for the area where an underground storage tank was encountered on the Project site, the Permittee shall provide a verification letter to the City of San Diego Development Services Department's Mitigation Monitoring Coordination staff confirming that all regulatory requirements related to the removal of the underground storage tank have been met.

**MM HS 5.6-4: Soil Vapor Sampling and Vapor Intrusion Mitigation System Where Indicated**

Prior to issuance of a grading permit, the Permittee shall collect soil vapor samples within the footprints of the proposed Project buildings to re-assess soil vapor concentrations. Where soil vapor concentrations comply with the State Water Resources Control Board Low-Threat Underground Storage Tank Case Closure Policy, which provides specific health risk-based screening criteria for the petroleum hydrocarbon-related volatile organic compounds that include benzene, ethylbenzene, and naphthalene established by the State Water Resources Control Board, as well as the applicable vapor intrusion screening levels for human health risks, the additional round of soil vapor sampling may indicate that vapor intrusion remediation is not necessary beneath certain buildings proposed above the sampling site, and no further work is required in connection with indoor air, provided applicable regulatory agency approval is received.

Prior to the issuance of the first certificate of occupancy for any building affected by and/or within the footprint of the vapor intrusion mitigation system, the Permittee shall provide a verification letter from the County of San Diego's Department of Environmental Health and Quality, the San Diego Regional Water Quality Control Board, or other applicable agency with environmental authority to the City of San Diego Development Services Department's Mitigation Monitoring Coordination staff confirming that all regulatory requirements related to the design and construction of the vapor intrusion mitigation system have been met. For buildings proposed to be located on soil where previously collected and future soil vapor sample results indicate a vapor risk is present for future occupants, a vapor intrusion mitigation system shall be installed. The vapor intrusion mitigation system shall be installed for the enclosed occupied ground floor spaces of the residential or commercial buildings where necessary due to the high concentrations of volatile organic compounds identified in soil vapor sampling. The vapor intrusion mitigation system shall be designed by a licensed professional engineer and consist of a passive-vented system with the option to convert to an active system with a gas-tight horizontal membrane barrier above.

**Air Quality**

**MM AIR 5.9-1: Zero-Emissions Landscape Equipment.**

Prior to issuance of the first certificate of occupancy, the Permittee shall submit verification that landscaping equipment operated on the Project site shall be zero-emissions, satisfactory to the City of San Diego Development Services Department's Mitigation Monitoring Coordination staff. This measure shall be incorporated into all contracts to provide landscape services on the Project site.

**MM AIR 5.9-2: Construction Equipment Emissions Standards**

Prior to issuance of a grading permit for each phase of construction, the construction contractor shall submit verification that the on-site diesel construction fleet shall include at least 50 percent equipment with engines that meet, at a minimum, the Tier 4 Final California Emissions Standards, satisfactory to the City of San Diego Development Services Department's Mitigation Monitoring Coordination staff. Alternatively, additional electric-powered equipment may be used, such that at least 50 percent of the construction fleet meets or exceeds Tier 4 Final California Emissions Standards for particulate matter emissions.

# 1002A

Passed by the Council of The City of San Diego on November 9, 2026, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|---|---|---|---|---|
| Joe LaCava | ☒ | ☐ | ☐ | ☐ |
| Jennifer Campbell | ☒ | ☐ | ☐ | ☐ |
| Stephen Whitburn | ☒ | ☐ | ☐ | ☐ |
| Henry L. Foster III | ☒ | ☐ | ☐ | ☐ |
| Marni von Wilpert | ☐ | ☐ | ☒ | ☐ |
| Kent Lee | ☒ | ☐ | ☐ | ☐ |
| Raul A. Campillo | ☒ | ☐ | ☐ | ☐ |
| Vivian Moreno | ☒ | ☐ | ☐ | ☐ |
| Sean Elo-Rivera | ☒ | ☐ | ☐ | ☐ |

Date of final passage NOV 13 2026.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By _____, Deputy

Office of the City Clerk, San Diego, California

Resolution Number **R-317009**