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10/20/99

RESOLUTION NUMBER R- 292363

ADOPTED ON OCT 26 1999

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO IMPLEMENTING GENERAL REDEVELOPMENT AND THE MEMORANDUM OF UNDERSTANDING REGARDING THE REDEVELOPMENT PROJECT AND PROPOSED BALLPARK BY CERTIFYING A FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED BALLPARK AND ANCILLARY DEVELOPMENT PROJECTS, AND ASSOCIATED REDEVELOPMENT PLAN AMENDMENT, AS IT PERTAINS TO THE PROPOSED BALLPARK AND ANCILLARY DEVELOPMENT PROJECTS, AND OTHER RELATED ACTIONS.

WHEREAS, on November 3, 1998, the electorate of the City of San Diego (the "City") approved Ordinance No. O-18613 (the "Ordinance") which authorized the City and the Redevelopment Agency of The City of San Diego (the "Agency") to enter into a Memorandum of Understanding Concerning a Ballpark District, Construction of a Baseball Park, and a Redevelopment Project (the "MOU"), within the Centre City East (East Village) Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project; and

WHEREAS, the Ordinance provided that it was the intent of the electorate that the Ordinance and the MOU constitute the legislative acts establishing policy for the City on those matters, and provided for the ways and means for the implementation of that policy by such administrative and non-legislative acts as may be necessary and appropriate to carry out the purpose and intent of the Ordinance; and

WHEREAS, the MOU has been executed by all parties thereto; and

WHEREAS, it is now fitting to consider such actions as may be necessary and appropriate to implement the purpose and intent of the Ordinance and MOU, consistent with both the City's and Agency's obligations under state law, and the discretion lawfully vested in the City Council acting on behalf of the City and Agency; and

WHEREAS, the Agency is engaged in activities necessary and appropriate to carry out and implement the Redevelopment Plan for the Centre City Redevelopment Project (the "Redevelopment Project"); and

WHEREAS, the Agency has previously prepared, and the Agency by Resolution No. 2081 and the City Council by Resolution No. R-279875 have certified the Final Master Environmental Impact Report for the Centre City Redevelopment Project (referred to herein as the "MEIR"); and

WHEREAS, pursuant to the MOU, and in order to carry out the Redevelopment Project and the municipal purposes of the City, the Agency and the City Council are considering approving a Ballpark and Ancillary Development Projects, and Associated Plan Amendments, (collectively the "Proposed Activities") within the Redevelopment Project Area; and

WHEREAS, in order to implement the Ballpark and Ancillary Development Projects and related activities, the City Council proposes to approve: (1) Centre City Community Plan Amendments Pertaining to the Sports/Entertainment District and Related Matters, (2) Amendments to the Centre City Planning District Ordinance Pertaining to the Sports/Entertainment District and Related Matters, and (3) the Third Amendment to the Redevelopment Plan for the Centre City Redevelopment Project Pertaining to the Sports/Entertainment District and Related Matters; and

WHEREAS, the Agency was designated as the lead agency to prepare a Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project (and Addressing the Centre City Community Plan and Related Documents) for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments (referred to herein as the "Subsequent EIR") to assess the environmental impacts which may result from the Proposed Activities within the Redevelopment Project, and including without limitation the proposed Community Plan Amendments, Planned District Ordinance Amendments and the Third Amendment to the Redevelopment Plan; and

WHEREAS, the Centre City Development Corporation, acting on behalf of the Agency, prepared and circulated a Draft Subsequent EIR for review, comment and consultation with citizens, professional disciplines and public agencies pursuant to the California Environmental Quality Act of 1970 ("CEQA") and state and local guidelines and regulations adopted pursuant thereto; and

WHEREAS, duly noticed public hearings were held by the Agency and the Centre City Development Corporation with respect to the Draft Subsequent EIR, at which all interested persons and organizations were given an opportunity to be heard; and

WHEREAS, the Final Subsequent EIR relating to the Proposed Activities, and responding to the concerns raised during the review period and at the public hearings, has been prepared pursuant to CEQA and said guidelines and regulations; and

WHEREAS, the City Council, in connection with its consideration of the approval of the Proposed Activities, has reviewed and considered the information contained in the MEIR and the Final Subsequent EIR; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The City Council hereby certifies that the Final Subsequent EIR for the Centre City Redevelopment Project has been prepared and completed in compliance with CEQA and state and local guidelines and regulations adopted pursuant thereto, and that the Agency has certified thereto.

2. The City Council hereby further certifies that the MEIR and Final Subsequent EIR were presented to the members of the City Council, and that the information contained in the MEIR and Final Subsequent EIR has been reviewed and considered by the members of the City Council.

3. The City Council hereby further certifies that the Final Subsequent EIR (as with the MEIR) represents the City Council's independent judgment and analysis.

4. The City Council hereby finds and determines that:

a. The Proposed Activities within the Redevelopment Project, will not result in significant environmental effects in certain respects identified in the Final Subsequent EIR, as described in Attachment A (attached hereto and incorporated herein by this reference).

b. Changes or alterations have been required in, or incorporated into, the Proposed Activities which avoid or substantially lessen certain significant environmental effects of the Proposed Activities identified in the Final Subsequent EIR, as described in Attachment A.

c. Changes or alterations which avoid or substantially lessen certain significant environmental effects of the Proposed Activities, as identified in the Final Subsequent EIR, are within the responsibility and jurisdiction of another public agency and not the Agency or the City Council, and such changes have been adopted by such other agency, or can and should be adopted by such other agency, as described in Attachment A.

d. With respect to significant environmental effects of the Proposed Activities which cannot be avoided or substantially lessened, specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the Final Subsequent EIR, as described in Attachment A.

e. The significant environmental effects of the Proposed Activities which cannot be avoided or substantially lessened are acceptable due to economic, legal, social, technological or other benefits of the Proposed Activities which outweigh the unavoidable adverse environmental effects, as described in Attachment B (attached hereto and incorporated herein by this reference).

5. The Mitigation, Monitoring and Reporting Program for the Proposed Activities within the Redevelopment Project, as contained in Section 14.0 of the Final Subsequent EIR, is hereby approved and adopted to monitor and ensure that the mitigation measures identified will be carried out.

6. The City Clerk (or his designee) is hereby authorized and directed to cause the filing of a Notice of Determination with respect to the Final Subsequent EIR upon adoption of the Amendments to the Community Plan and Centre City Planned District Ordinance Pertaining to the Sports/Entertainment District and Related Matters, and the Third Amendment to the Redevelopment Plan for the Centre City Redevelopment Project.

APPROVED: CASEY GWINN, City Attorney

By _____
Douglas K. Humphreys
Deputy City Attorney

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Attachment A

[Findings to be added.]

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Attachment B

[Statement of Overriding Considerations, to be added.]

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ATTACHMENT A TO

RESOLUTION NO. RA-2000-40

OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO

FINDINGS OF FACT

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ATTACHMENT A TO
RESOLUTION NO. RA-2000-40
OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO

FINDINGS OF FACT

I. INTRODUCTION

The following Findings of Fact ("Findings") are made relative to the conclusions of the final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the Proposed Ballpark and Ancillary Development Projects and Associated Plan Amendments ("FSEIR"). The FSEIR, which is incorporated by reference as if fully set forth herein, identifies significant or potentially significant environmental impacts which may occur as a result of the Ballpark and Ancillary Development Projects and associated Plan Amendments ("Proposed Activities"). Thus, in accordance with the provisions of the California Environmental Quality Act, CEQA Sections 21000-21177 ("CEQA"), the State CEQA Guidelines, 14 Cal. Code Regs Sections 15000-15387, and the Procedures for Implementation of the California Environmental Quality Act and the State CEQA Guidelines of the Redevelopment Agency of the City of San Diego (June 1990) ("Agency Local CEQA Guidelines"), the Redevelopment Agency of the City of San Diego ("Agency") and the City Council of the City of San Diego ("Council") (collectively referred to herein as "Council/Agency") hereby adopt these Findings.

The State CEQA Guidelines also require that the Council/Agency balance the benefits of the Proposed Activities against its unavoidable environmental risks in determining whether to approve the Proposed Activities. 14 Cal. Code Regs. Section 15093(a). The Council/Agency has carefully considered the benefits of the Proposed Activities. The FSEIR identifies significant environmental effects which will not be mitigated to below a level of significance and which will be allowed to occur as a result of approval of the Proposed Activities. Therefore, the Council/Agency hereby adopts the Statement of Overriding Considerations contained in Attachment B to this document, which states the specific reasons why the benefits of the Proposed Activities, each of which standing alone is sufficient to support approval of the Proposed Activities, outweigh the unavoidable adverse environmental effects of the Proposed Activities, and explains that the unavoidable environmental effects are considered acceptable.

A. DESCRIPTION OF PROPOSED ACTIVITIES

The Proposed Activities consist of three basic components: (1) Ballpark Project, (2) Ancillary Development Projects, and (3) Plan Amendments. The Proposed Activities would implement the terms of a Memorandum of Understanding ("MOU") between the City of San Diego, The Redevelopment Agency of the City of San Diego, Centre City Development Corporation and the San Diego Padres, which the City Manager was authorized to enter into by the voters on November 3, 1998 by passage of Proposition C. The MOU identifies a general area within the Centre City East (East Village) Redevelopment District of the Centre City Redevelopment Project, referred to as the "Ballpark District," for the Proposed Activities. The Ballpark Project

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would include an approximately 15-acre ballpark, 5-acre Retail at the Park and Park at the Park, and 10 acres of offsite parking. The Ancillary Development Projects would include a variety of development types around the Ballpark Project. The Plan Amendments would encompass a number of changes to the land use regulations which govern development within the area of the proposed Ballpark and Ancillary Development Projects, collectively referred to as the "Primary Plan Amendment Area," which covers approximately 75 acres.

1) **The Ballpark Project**

The Ballpark Project would be composed of five basic components: (1) ballpark, (2) Park at the Park, (3) Retail at the Park, (4) parking facilities and (5) infrastructure improvements. The ballpark would be an open-air facility designed specifically for baseball, providing fixed seating for approximately 42,500 fans with additional capacity of 3,500 in the Park at the Park for a maximum capacity of 46,000. The Park at the Park would be located just beyond the outfield fence of the ballpark and would be surrounded on the other three sides by retail, office and entertainment uses. In addition to providing opportunities for game viewing and passive recreation, the Park at the Park would be used for gatherings such as music concerts and movies. The Retail at the Park would be a mixed-use development area located around the perimeter of the Park at the Park. A series of parking facilities would provide 2,383 parking spaces for ballpark events. In addition, a number of infrastructure improvements would be made as part of the Ballpark Project.

2) **The Ancillary Development Projects**

A variety of commercial and residential developments known as the Ancillary Development Projects would occur in areas of the Primary Plan Amendment Area not occupied by the Ballpark Project. Ancillary Development Projects would occur in two phases: the first phase would include development of office buildings, hotels, retail and residential, and must be completed by the time of the first ballpark event. The maximum development potential for the first phase of the Ancillary Development Projects is: 1,050,000 square feet of office, 195,000 square feet of retail, 200 long-term hotel rooms, 900 short-term hotel rooms, and 25 residential/lofts. Additional development would occur in a second phase of the Ancillary Development Projects. The FSEIR assumes this second phase would include up to an additional 700,000 square feet of office and 30,000 square feet of retail uses over and above the phase one development. No deadline has been established for initiation or completion of the second phase of the Ancillary Development Projects. Both phases of the Ancillary Development Projects would provide the parking needed to meet the developments' own requirements. All major infrastructure needed for the Ancillary Development Projects would be implemented as part of the Ballpark Project.

3) **The Plan Amendments**

Some elements of the Ballpark and Ancillary Development Projects would not be allowed under existing land use regulations and accordingly certain existing land use regulations are being revised to accommodate these developments.

B. PUBLIC INPUT

There have been numerous opportunities for public review and comment, including but not limited to the public forums set forth below:

- Project Area Committee (PAC), August 18, 1999 at 5:15 p.m.
- CCDC Board, August 27, 1999 at 8:30 a.m.
- PAC, September 8, 1999 at 5:15 p.m.
- PAC, September 15, 1999 at 5:15 p.m.
- City Planning Commission, September 16, 1999 at 9:00 a.m.
- CCDC Board, September 17, 1999 at 8:30 a.m.
- PAC, September 22, 199 at 5:15 p.m.
- Agency/Council, September 28, 1999 at 10:00 a.m.
- City Planning Commission, September 30, 1999 at 9:00 a.m.
- CCDC Board, October 1, 1999 at 8:30 a.m.
- Agency/Council, October 5, 1999 at 10:00 a.m.
- City Planning Commission, October 14, 1999 at 9:00 a.m.
- Agency/Council, October 22, 1999 at 10:00 a.m.

C. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings and Statement of Overriding Considerations, the Record of Proceedings for the Proposed Activities consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation and all other public notices issued by the Council/Agency in conjunction with the Proposed Activities;

- The Final Master Environmental Impact Report for the Centre City Redevelopment Project ("MEIR");

- The Draft SEIR;

- The FSEIR;

- All written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR;

- All written and verbal public testimony presented during a noticed public hearing for the Proposed Activities at which such testimony was taken;

- The Mitigated Negative Declaration for the East Village Hazardous Materials Remediations;

- The Mitigation Monitoring and Reporting Program ("MMRP");

- The reports included in Volumes II -V of the FSEIR;

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- The Ordinances and Resolutions adopted by the Council/Agency in connection with the Proposed Activities, and all documents incorporated by reference therein;

- Matters of common knowledge to the Council/Agency, including but not limited to federal, state and local laws and regulations;

- Any documents expressly cited in these Findings and Statement of Overriding Considerations; and

- Any other materials required to be in the record of proceedings by Section 21167.6(e) of CEQA.

The documents and other materials that constitute the record of proceedings upon which the Council/Agency's decision are based are located at the City of San Diego ("City"), 202 C Street, San Diego, CA 92101, and at the Centre City Development Corporation ("CCDC"), 225 Broadway, Suite 1100, San Diego, CA 92101. The custodians for these documents are (1) CCDC, whose office is located at 225 Broadway, Suite 1100 (for copies of the Master Work Plan/Portion of the East Village Redevelopment Area Environmental Remediation, Final Version August 19, 1999 (Project Number 96E1456.8) ("Master Work Plan"); the Excavation Remedial Action Workplan (SDG&E); the Community Health and Safety Plan for Remedial Activities (SDG&E); the MEIR; the Mitigated Negative Declaration for the East Village Hazardous Materials Remediations; the Final Environmental Impact Report, San Francisco Giants Ballpark at China Basin (3 volumes); and the Final Environmental Impact Report for the San Diego Convention Center Expansion and Port Master Plan Amendment (South Embarcadero)); and (2) the City Clerk, whose office is located at 202 C Street, 2nd Floor (for all other documents). Copies of all these documents, which constitute the record of proceedings, are and at all relevant times have been available upon request at the offices of the Council/Agency at the above addresses. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and 14 Cal. Code Regs § 15091(e).

The Council/Agency has relied on all the documents listed above in reaching its decision on the Proposed Activities, even if every document was not formally presented to the Council/Agency or Council/Agency staff as part of the Council/Agency files generated in connection with the Proposed Activities. These documents are either in the Proposed Activities files, reflect prior planning or legislative decisions of which the City Council was aware in approving the Proposed Activities, or influenced the expert advice provided to the Council/Agency staff or consultants, who then provided advice to Council/Agency. For that reason, these documents form part of the underlying factual basis for the Council/Agency's decisions relating to the adoption of the Proposed Activities.

II. GENERAL FINDINGS

The Council/Agency hereby finds as follows:

- The foregoing statements are true and correct;

- The FSEIR was completed in compliance with CEQA;
- The FSEIR reflects the Council/Agency's independent judgment;
- An MMRP has been prepared for the changes to the Proposed Activities, which the Council/Agency has adopted or made a condition of approval of the Proposed Activities. That MMRP has been incorporated herein by reference and is considered part of the record of proceedings for the Proposed Activities;
- The MMRP designates responsibility and anticipated timing for the implementation of mitigation; the Council/Agency will serve as the MMRP Coordinator;
- In determining whether the Proposed Activities have a significant impact on the environment, and in adopting Findings pursuant to Section 21081 of CEQA, the Council/Agency has complied with CEQA Sections 21081.5 and 21082.2;
- The impacts of the Proposed Activities have been analyzed to the extent feasible at the time of certification of the FSEIR;
- The Council/Agency has made no decisions related to approval of the Proposed Activities prior to certification of the FSEIR, nor has the Council/Agency previously committed to a definite course of action with respect to the Proposed Activities;
- The Council/Agency
- Copies of all the documents incorporated by reference in the FSEIR are and have been available upon request at all times at the offices of the City Clerk or CCDC, custodians of record for such documents or other materials;
- Having received, reviewed and considered all information and documents in the record, the Council/Agency hereby conditions the Proposed Activities and finds as stated in these Findings:

III. SUMMARY REGARDING IMPACTS

The FSEIR concludes that there are direct impacts to biology; mineral resources; agricultural resources; public facilities/services (gas & electricity, libraries, parks, public restrooms, courts and jails, senior services, and educational facilities/services); and energy were found not to be potentially significant. Direct impacts to public services (police protection, fire protection, waste management services, City solid waste collection crews, sewer, water and storm drains) were analyzed in the FSEIR and were found not to be significant. Direct impacts to land use/planning (partially), transportation, circulation, access and parking (partially), cultural resources (partially), aesthetics/visual quality (partially), light/glare (partially), air quality (partially), geology/soils, paleontological resources, hydrology/water quality, public services/facilities (partially), population/housing (partially), and hazardous materials would be mitigated to below a level of significance by adoption of the identified mitigation measures.

Direct impacts to transportation, circulation, access and parking (partially) were found to be significant and not mitigated to below a level of significance unless the Freeway Deficiency Plan identifies feasible freeway improvements and/or measures to reduce the freeway impacts to below a level of significance, identifies funds available to accomplish such improvements and/or measures and those improvements and/or measures are timely implemented. Direct impacts to land use/planning (partially), noise (partially) and light/glare (partially) were found to be significant and not mitigated unless impacted individual property owners allow appropriate mitigation measures to be implemented.

Direct impacts to land use/planning (partially), cultural resources (partially), aesthetics/visual quality (partially), noise (partially), air quality (partially), public services/facilities (partially), and population/housing (partially) were found to be significant and not mitigated to below a level of significance.

Cumulative impacts to land use/planning (partially), aesthetics/visual quality, geology/soils, hydrology, public services/facilities (partially), population/housing, hazardous materials and paleontological resources were found not to be significant. Cumulative impacts to transportation, circulation, access and parking (partially) and to Congestion Management Plan ("CMP") freeways and arterials within the primary traffic study area were found to be significant and not mitigated to below a level of significance unless the Freeway Deficiency Plan identifies feasible freeway improvements and/or measures to reduce the freeway impacts to below a level of significance, identifies funds available to accomplish such improvements and/or measures and those improvements and/or measures are timely implemented. Cumulative impacts to transportation, circulation, access and parking (partially) and to CMP freeways and arterials outside the primary traffic study area; cultural resources; light/glare; air quality; water quality; population/housing; and public services/facilities (partially) would be significant and not mitigated to below a level of significance.

Implementation of the following recommended mitigation measures would occur via the imposition of the MMRP and other conditions of approval to be adopted for the Proposed Activities.

IV. FINDINGS REGARDING DIRECT IMPACTS

The Council/Agency, having independently reviewed and considered the information contained in the FSEIR for the Proposed Activities, the appendices and the record of proceedings, finds pursuant to CEQA, the State CEQA guidelines, and the Agency Local CEQA Guidelines that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which avoid or substantially reduce the significant environmental effects, to the extent feasible, identified in the FSEIR.

A. LAND USE/PLANNING

1) Ballpark Project

SIGNIFICANT DIRECT IMPACT: Intrusion from field lighting and events at the ballpark and Park at the Park would be of sufficient intensity to disturb the sleep of hotel guests and residents located within a four-block radius, and light spill from such events also could disrupt theater performances at the Sushi Performance Gallery by entering the building through skylights. (FSEIR page 5.1-14.)

Findings: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance provided individual property owners allow appropriate attenuation measures to be completed. If property owners refuse the mitigation, the impact would remain significant. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The FSEIR conservatively estimated that as much as four blocks around the ballpark could experience light/glare impacts, and it is likely that the ultimate design would generate a smaller impact area. *See* October 11, 1999 Letter from Marin Ed Ragain of M-E Engineers, Inc. to Bruce McIntyre of Lettiere-McIntyre and Associates (M-2 to the List of Technical Memorandums) ("M-E Memo"). Prior to the opening of the ballpark, lighting studies required by Mitigation Measure 5.6-3 would be conducted to confirm the predictions of spill light and glare impacts from field lighting contained in the FSEIR. For the light-sensitive uses within the four-block area of impact identified in the FSEIR, lighting study and analysis would then define and implement appropriate light attenuation techniques at the source and/or, with the property owner's consent, the receiver. These attenuation techniques would be required to reduce the maximum spill light levels to 2.5 foot candles or no more than 0.5 foot candles above the pre-existing ambient level if pre-existing light levels already are above 2.5 foot candles, thus reducing spill light impacts to below a level of significance. A black-out curtain is one method that has been successfully used in hotel rooms where outdoor lighting otherwise would interfere with hotel guests' sleep. The use of such curtains on residences, hotels and theaters within the four-block potentially impacted area surrounding the ballpark would be equally effective. *See* M-E Memo.

Similarly, glare ratings would be assured not to increase more than 20% over ambient levels once appropriate attenuation was in place, lowering impacts from glare ratings to below a level of

significance. (FSEIR pages 5.6-8 through 5.6-9.) Implementation of the identified light attenuation measures would avoid significant spill light and glare impacts if affected property owners allow the measures to be implemented by identifying areas which would experience maximum light levels and implementing attenuation measures such as shielding. In addition, Mitigation Measures 5.6-1, 5.6-2, 5.6-4 and 5.6-5 would minimize impacts by including light and glare controls in the design of the ballpark. (FSEIR pages 5.6-8 through 5.6-9.) Mitigation Measure 5.6-6 also would minimize sleep disturbance otherwise caused by spill lighting by shutting off light sources by 10:00 p.m. or 30 minutes after gametime, whichever is later. (FSEIR page 5.6-9.) Finally, Mitigation Measure E-32, which is discussed in the Errata to the Final SEIR for the Ballpark and Ancillary Development Projects, and Associated Plan Amendments (October 25, 1999) ("Errata"), would ensure that new buildings in the potentially impacted areas are designed with appropriate attenuation devices to ensure there would be no significant impact from light spill on any light-sensitive uses.

Mitigation Measures: Mitigation Measures 5.6-1 through 5.6-6 and E-32, which are set forth below and on pages 5.6-8 through 5.6-10 of the FSEIR or are in the Errata, are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.6-1: Specific measures shall be incorporated into the design as part of the conditions of approval. A lighting plan shall be required for all new activities that propose night lighting as part of their development. All lighting sources shall be directed downwards or otherwise shielded so as to keep all light and glare confined within the development boundary unless the City (i.e., Agency) determines that additional lighting would have benefits to the general public in terms of added security. (MMRP 8.1-1.)

Mitigation Measure 5.6-2: Luminaries used in field lighting towers shall contain glare control optics and accessories such as arc tube shields and visors to minimize the impact to the surrounding areas, both in close proximity to the ballpark and as viewed from a distance. (MMRP 8.2-1.)

Mitigation Measure 5.6-3: Prior to opening the ballpark, a detailed lighting study shall be conducted to confirm the predictions of the spill and glare impacts of the field lights on the surrounding four-block area which have been made in the SEIR. This study shall, at a minimum, include the following components:

- Comprehensive field measurements of ambient light levels within the potentially impacted areas identified on Figure 5.6-1 of the SEIR to serve as a baseline for impact assessment;
- Calculate or measure maximum vertical spill light levels and glare rating increases based on final lighting design, and existing conditions which may limit the dispersal of light into surrounding areas (e.g., topography and buildings);
- Identify sleeping quarters and other areas where light-sensitive activities would experience maximum vertical light levels from the development in excess of 2.5 foot-candles to determine the actual spill light levels at the window seals;
- Identify roadways and intersections where the glare rating would increase by more than 20%; and

- For impacted light-sensitive uses, define and implement appropriate light attenuation techniques at the source (e.g., shielding) or, with the owner's consent, at the receiver (e.g., black-out curtains) to reduce overall maximum spill light levels to 2.5 foot-candles, or reduce to a maximum of 0.5 foot candles above the pre-existing ambient level where existing levels exceed 2.5 foot-candles. Increases in the glare rating shall not increase more than 20% over the pre-existing ambient condition.

In determining light attenuation measures, emphasis shall be placed on reducing light impacts at the source rather than the receiver. Necessary remedial measures shall be implemented, or otherwise assured to be implemented within one year to the satisfaction of the City Manager, before issuance of the certificate of occupancy for the ballpark. (MMRP 8.2-2.)

Mitigation Measure 5.6-4: All building-mounted lighting shall only light the intended object and shall not introduce additional light directly toward neighboring properties. (MMRP 8.2-3.)

Mitigation Measure 5.6-5: Open-sided parking structures shall use cutoff luminaries or shall provide shields on the perimeter so that light from within the structure does not result in substantial levels of spill or glare on neighboring properties. Lighting in parking lots shall be circuited to reduce levels to a minimum-security level when not in use. (MMRP 8.2-4.)

Mitigation Measure 5.6-6: All exterior signage that is immediately adjacent to sleeping quarters shall be shut off within 30 minutes after conclusion of an event, or 10:00 p.m., whichever is later. (MMRP 8.2-5.)

Mitigation Measure E-32: Prior to certificate of occupancy for any new development involving light-sensitive uses within the area depicted on Figure 5.6-1 of the SEIR, a detailed lighting study shall be conducted to determine the anticipated light levels which may occur within light-sensitive areas exposed to light from ballpark activities. The study shall define light attenuation techniques (e.g., black-out curtains) which will reduce overall maximum spill light levels to 2.5 foot-candles. These measures shall be incorporated into the light-sensitive use areas. (MMRP 8.3-2.)

SIGNIFICANT DIRECT IMPACT: Noise from the ballpark and the Park at the Park activities would disrupt sleep patterns and theater performances associated with noise-sensitive uses within a two-block radius. Events at the ballpark, most notably baseball games and concerts, would generate peak sound levels which would disturb sleep in nearby hotels and residential units as well as disturb performances in a nearby theater. (FSEIR page 5.1-14.) Noise would be generated from a variety of activities, including announcements, cheering and amplified music. (FSEIR page 5.1-14.) In general, cheering would be sporadic and of short duration while concerts would involve continuous noise from amplified music. (FSEIR page 5.1-14.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance provided individual property owners allow appropriate attenuation measures to be

completed. If property owners refuse the mitigation, the impact would remain significant. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: Except for concussion-type fireworks displays occurring after 10 p.m., noise impacts would be reduced to below a level of significance through implementation of Mitigation Measures 5.5-1 through 5.5-4. Mitigation Measures 5.5-1 and 5.5-2 would ensure that new land uses that would be exposed to certain noise levels would have interior acoustical analysis to ensure that the building design limited interior noise levels to below a level of significance, with specific noise mitigation measures incorporated into the development design as part of the conditions of approval on an activity-specific basis. (FSEIR pages 5.5-16 through 5.5-17.)

Mitigation Measure 5.5-3 would require attenuation measures such as dual pane windows, ventilation improvements, sound walls and ceiling and wall insulation. *See* October 6, 1999 Memo from Hans D. Giroux, Giroux & Associates to Bruce McIntyre (M-3 to the List of Technical Memorandums) ("Giroux Ambient Noise Memo") (explaining that noise levels should not be significant outside the potentially impacted two-block area other than for concusionn-type fireworks displays, thus would not be significant in the nearby neighborhoods.) Mitigation Measure 5.5-3 also would require a detailed acoustical study addressing the issues of background noise, outside noise audibility and audience demeanor to insure that implementation of the appropriate measures would sufficiently reduce the impacts. These proposed attenuation devices would achieve the necessary noise attenuation, based on similar development projects, a detailed site visit, review of noise monitoring at other ballparks and the type of speaker system to be used in the ballpark. *See* October 12, 1999 Memo from Hans D. Giroux of Giroux & Associates to Bruce McIntyre of Lettieri-McIntyre and Associates (M-11 to the List of Technical Memorandums) ("Giroux Noise Attenuation Memo").

Attenuation devices to be installed at historic structures within the noise impact area would be installed consistent with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* ("Standards"). An expert on noise mitigation retrofitting of historic buildings has opined that the required noise attenuation may be achieved in historic buildings in the Ballpark Project Area through methods which are consistent with the Standards. *See* October 19, 1999 letter from Milford Wayne Donaldson, FAIA to Walter S. Rask of CCDC (M-12 to the List of Technical Memorandums) ("Donaldson Letter").

In addition, noise impacts would be reduced through implementation of Mitigation Measure 5.5-4, which would require a maximum sound level of 95 dB L_{eq} at the sound board at concerts. However, if the individual business or home owner refuses to allow the necessary noise

attenuation devices identified as necessary under the studies done pursuant to Mitigation Measure 5.5-3 to be installed, noise impacts would be significant and not mitigated. (FSEIR page 5.5-17.) Additional noise data confirms the noise measurements used in the FSEIR. This additional data is found as attachment 7 in Volume V of the FSEIR. As the various noise studies confirm, outside of the two-block area adjacent to the Ballpark Project noise might be audible but it would not be significant, other than for concussion-type fireworks displays occurring after 10:00 p.m. In addition to the noise attenuation measures discussed above, noise also would be reduced through features built into the development of the Ballpark Project, such as a distributed speaker array for the public address system designed to eliminate isolated, tower-mounted loudspeakers that were typical in older ballparks.

Because post-attenuation noise levels at existing noise sensitive uses would not exceed the City standard — the significance threshold — impacts would be less than significant. If existing property owners refuse to allow noise attenuation measures to be implemented, however, impacts would remain significant.

Mitigation Measures: The following mitigation measures, which are discussed on pages 5.5-16 through 5.5-17 of the FSEIR, are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.5-1: As required by the City of San Diego Noise Ordinance and California Administrative Code (CAC) Title 24, all proposed residential units, hotels, and motels exposed to an exterior noise level of 60 dBA CNEL or greater, are required to have an interior acoustical analysis and implement appropriate mitigation measures to ensure that the building design would limit interior noise to 45 dBA CNEL or below. Similar measures may be necessary to provide professional office and commercial business land uses with exterior and interior noise levels at or below 70 and 50 dBA CNEL, respectively. Site-specific acoustical analyses would be required to identify exact mitigation measures. Residential development within the 60 CNEL noise contour of Lindbergh Field will be required to do a site-specific noise study and implement appropriate mitigation measures to ensure that state and local exterior and interior noise standards are met. (MMRP 9.1-1.)

Mitigation Measure 5.5-2: Specific noise mitigation measures, as required by City Ordinances, shall be incorporated into the development design as part of the conditions of approval on an activity-specific basis. These measures may include the construction of attenuation walls and/or landscaped berms, the positioning of buildings so that outdoor open space areas are buffered from excessive noise sources, physical setbacks from noise sources, and building design measures to reduce interior noise levels. All activities shall comply with existing City noise ordinances. (MMRP 9.1-2.)

Mitigation Measure 5.5-3: Prior to the first ballpark event, a detailed acoustic study shall be conducted to confirm the predictions of the long-term noise levels at noise sensitive uses within a two-block radius of the ballpark, which have been made in this SEIR. The study shall be used to determine noise attenuation measures to achieve the following interior noise levels: hotels (35 dBA), residences (35 dBA) and theaters (40 dBA). Attenuation measures at the ballpark shall

include, but not be limited to, distributed speakers for the public address system and limitations placed on sound levels associated with various activities. Measures taken, with property owner's consent, at receptor locations may include, but are not limited, to dual-pane windows, ventilation improvements, sound walls and improved ceiling and wall insulation. In determining noise attenuation measures, emphasis shall be placed on reducing noise impacts at the ballpark rather than the receiver.

Necessary remedial measures shall be implemented, or otherwise assured to be implemented within one year to the satisfaction of the City Manager, before issuance of the certificate of occupancy for the ballpark.

Noise attenuation measures for designated historic resources shall be implemented consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. (MMRP 9.2-1.)

Mitigation Measure 5.5-4: A maximum sound level of 95 dB L_{eq} shall be maintained at the sound board for concerts. (MMRP 9.2-2.)

SIGNIFICANT DIRECT IMPACT: Post-game concussion-type fireworks after 10:00 p.m. would impact sleep in surrounding hotels and residences. (FSEIR page 5.1-14 and 5.5-15.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would substantially reduce the significant environmental effect identified in the FSEIR. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The noise from pyrotechnic, otherwise known as concussion, fireworks cannot be controlled except to agree not to use such fireworks after 10:00 p.m. However, pyrotechnic fireworks have become an integral part of today's baseball experience for baseball fans in San Diego, along with red flares set off during the National Anthem and theatrical or pyrotechnic fireworks displays after a home run or a home-team victory. Indeed, concussion-type fireworks displays are one of the primary reasons why some fans choose to attend a baseball game. Fireworks enhance the overall entertainment experience of attending a professional baseball game event and provide fans an opportunity to jointly celebrate team successes. It is impossible to guarantee that a baseball game will conclude in time to ensure that

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the fireworks display is completed by 10:00 p.m., since no one can guarantee when any particular evening baseball game will end. To schedule a fireworks show and then not be able to provide the fireworks show because the game lasts past 10:00 p.m. would be unfair to those attending the game for the purpose of seeing fireworks and therefore would be infeasible. To minimize noise impacts, Mitigation Measure 5.5-5 limits concussion-type fireworks displays to no more than three 30-minute displays and no more than ten 10-minute displays per season (FSEIR pages 5.5-17 through 5.5-18.) These 13 allowed pyrotechnic fireworks displays would only be an impact if they occur after a game which lasts past 10:00 p.m. In addition, imposition of Mitigation Measure 5.5-5 would minimize noise impacts by limiting the allowed number of pyrotechnic, concussion fireworks displays to Friday and Saturday nights except for specific enumerated special occasions, with all remaining fireworks displays to be non-concussion, theatrical displays. (FSEIR page 5.5-18.)

Mitigation Measure: The following mitigation measure, which is discussed on pages 5.5-17 through 5.5-18 of the FSEIR, is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.5-5: Fireworks displays at baseball events shall be limited to the following:

- No more than three 30-minute and ten 10-minute pyrotechnic fireworks displays shall occur during a single baseball season;
- Pyrotechnic fireworks displays may occur only on Opening Day, Closing Day, Friday and Saturday evenings, Memorial Day, Independence Day, Labor Day, One Mexican National Holiday, Playoff Games, World Series Games, and All-Star Games; and
- Theatrical fireworks displays of no more than 30 seconds duration will be allowed following home-team victories and home runs at each baseball event. (MMRP 9.2-3.)

SIGNIFICANT DIRECT IMPACT: The Ballpark Project could displace the homeless who currently inhabit the area, roughly 100 of which use the Ballpark and Ancillary Development Projects Area for unauthorized evening shelter. (FSEIR page 5.1-14.) Homeless displacement would potentially significantly degrade the physical environment within surrounding areas due to sanitation concerns created by the absence of public bathroom facilities and the potential increase in crime due to an increase in the homeless population in surrounding areas. (FSEIR page 5.1-14.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would substantially reduce the significant environmental effect identified in the FSEIR. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as

discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The development of the Ballpark and Ancillary Development Projects would generate tax increment revenue that could be used to assist in further development of low-income and moderate-income and other housing in the East Village – housing that would not be built for many years, if ever, without the Proposed Activities. A Deloitte & Touche study concluded that tax increment generated by the Proposed Activities would potentially contribute toward the investment by CCDC of millions in fiscal year 2002 dollars in low-income and moderate-income housing development in the downtown San Diego redevelopment area.

Mitigation Measure 5.12-3 also may reduce the potential impact that displacement of the homeless population into surrounding areas could create as a result of lack of public sanitation and the effects of potential increases in crime. (FSEIR pages 5.12-12 through 5.12-13.) That mitigation measure would establish an advisory committee to monitor the response of the homeless to the development of the Proposed Activities and would make recommendations to resolve potential physical impacts resulting from displacement of the homeless. (FSEIR page 5.12-17 through 5.12-18.) The purpose of this advisory committee would be to form an identified group of interested parties that would, on an on-going basis: (1) identify specific physical impacts of homeless displacement caused by the Proposed Activities in East Village on East Village and surrounding communities, and (2) work with identified representatives of local government agencies and social services representatives to develop and recommend remedies for those physical impacts. The advisory committee would have a continuous connection with the individuals and entities who could implement remedies for identified problems.

Finally, Mitigation Measure 5.12-4 would reduce the impact otherwise caused by displacement of the homeless by expanding the operation of the City's Homeless Outreach Team ("HOT Team") program in the area of the Proposed Activities. The HOT Team program addresses the causes of homelessness on a case-by-case basis, treating the homeless as individuals, directing them to appropriate service providers, coordinating available resources and identifying deficiencies in resources available to serve this population.

A City Manager's Report No. 99-36 issued on February 18, 1999 summarizing the HOT Team program's operations concluded that the program, which develops individually tailored solutions to assist chronic homeless, was effective in addressing the complex issues facing the homeless, and that the HOT Team improved the accessibility of resources to this population. This mitigation measure would commission the HOT Team to evaluate larger problems and develop and implement long-term solutions. (FSEIR page 5.12-19.) The HOT Team also would keep track of the identities, locations and numbers of homeless encountered, and in this way would monitor its success. The effectiveness of the HOT Team program or the advisory committee to be formed pursuant to Mitigation Measure 5.12-3 cannot be determined at this time, nor can the ultimate use of tax increment for low-income and moderate-income housing. Consequently, land

use impacts from homeless displacement are conservatively considered to remain significant and not mitigated.

Mitigation Measures: The following mitigation measures, which are discussed on pages 5.12-17 through 5.12-19 of the FSEIR, are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.12-3: An advisory group shall be formed to identify the specific physical impacts of homeless displacement caused by Proposed Activities on East Village and surrounding communities and work with identified representatives of local government agencies and social services representatives to develop and recommend remedies for those physical impacts. As outlined below, this group will have a continuous connection with the individuals and entities who could implement remedies for the identified problems.

The East Village Redevelopment Homeless Advisory Committee (the "Committee") would be formed by the City Manager pursuant to San Diego City Charter section 43(b), as a "temporary" citizens' committee, consisting of representatives from the following groups:

- Community groups representing Barrio Logan, Golden Hill, Hillcrest, North Park, and Sherman Heights;
- East Village Association;
- Gaslamp Quarter Association;
- Downtown Partnership;
- Social service agencies dealing with the homeless, as deemed appropriate by the City Manager;
- CCDC;
- City of San Diego;
- San Diego Convention Center Corporation;
- County of San Diego;
- Regional Task Force on the Homeless;
- San Diego Housing Commission; and
- The San Diego Padres and their development partners.

It will be formed within 30 days after the issuance of the first grading permit for the proposed ballpark, and will continue for a period of three years from the date of the first event at the ballpark. The Committee's activities will be coordinated by the City Manager's Office. The City's Homeless Coordinator and/or any other staff designated by the City Manager will be the Program Manager for the Committee and liaison to the City Manager for conveying the recommendations from the Committee to the City. The Committee will set its own rules for operation, including the designation of officers or representatives of the Committee as a whole, a procedure for taking minutes and recording any votes or other business of the Committee, and any other rules — consistent with the law — that will help them function more efficiently and effectively. The Committee shall also decide how frequently it should meet.

The Committee will be large enough to be inclusive, but small enough to be able to function effectively. Accordingly, any individual or entity that is already represented by one of these groups would not separately participate as a member of the Committee. This would not prevent an individual or entity from bringing an issue or problem to the Committee's attention, either through one of the member entities or through the City. If a group not identified on this list believes it should be included, it would be able to petition the City Manager for inclusion.

The goals of each Committee meeting would include: a review and evaluation of the effectiveness of current methods for dealing with the physical impacts of homeless displacement in the surrounding neighborhood; identification of any additional problems and issues; and discussion and formation of solutions to recommend to the City Manager. It will be the City Manager's responsibility to present the Committee's recommendations to the City Council. The City Council will be responsible for allocating funds to implement those recommendations that are adopted by the City Council.

At each meeting of the Committee, the Program Manager shall report on the status of specific complaints and issues, and shall receive any new complaints or issues raised by members of the Committee. On an annual or semi-annual basis, the Committee shall report to the City and CCDC on the operations of the Committee and its effectiveness in responding to the physical impacts of homeless displacement in the East Village and surrounding communities.

Within 90 days of the start of grading under the ballpark grading permit, the Committee shall submit a report to the Public Safety and Neighborhood Services Committee of the City Council regarding the physical impacts of construction on homeless migration into surrounding neighborhoods and make recommendations for addressing those problems which may include but not be limited to expansion of the HOT Team or expansion of the area targeted by the HOT Team. A second report shall be submitted within 90 days after the first ballpark event to assess any continuing impacts of development and operations of the Ballpark and Ancillary Development Projects on the homeless and make recommendations for addressing any problems identified in the study. Additional reports would be prepared, as impacts are identified.

The Committee shall continue in existence for a term of three years after the first ballpark event. At the end of the Committee's term, the Committee may be dissolved or, at the option of the City and CCDC, be continued for a specified temporary time period in order to meet the Committee's objectives of identifying physical impacts of homeless displacement.

Independent funding of the Committee would not help implement measures because any such measures such as increased lighting, HOT Team expansion would still have to go through City processes (increased lighting, HOT Team expansion) and cannot be unilaterally implemented by a citizens' group. (MMRP 11.2-1.)

Mitigation Measure 5.12-4: The operation of the HOT Team shall be expanded in the fields of social service or law enforcement, or otherwise modified, to meet identified needs in the surrounding communities. The East Village Redevelopment Homeless Advisory Committee will make suggestions to the HOT Team about how the HOT Team can use its resources to address

the homeless displacement issues arising from the proposed ballpark and ancillary redevelopment activities. No changes, however, will actually be implemented until the City evaluates the needs and identifies any areas of operation that should be modified or expanded. The exact scope of the Homeless Outreach Team operations shall be determined by the City based on recommendations from the East Village Redevelopment Homeless Advisory Committee. Currently, the HOT Team does not respond to specific complaints of crimes or problems caused by homeless persons; regular San Diego Police Department patrols are dispatched when a citizen calls to report an incident. This practice will continue. The HOT Team is a proactive unit composed of professionals from various disciplines who meet, as needed, to evaluate larger problems and develop and implement long-term solutions. For example, if a particular location becomes increasingly attractive to large numbers of homeless persons, the HOT Team, in conjunction with patrol officers, will use its resources to identify the cause of the attraction and respond as appropriate. (MMRP 11.2-2.)

SIGNIFICANT DIRECT IMPACT: The need for ballpark-area parking to accommodate ballpark event attendees has the potential to significantly impact nearby residential neighborhoods if ballpark patrons attempted to park in the nearby neighborhoods. (FSEIR page 5.1-14.) Parking shortages and/or high parking prices in the downtown area near the ballpark could encourage ballpark event attendees to park in outlying residential neighborhoods, which in turn would deprive local residents of needed street parking. (FSEIR page 5.1-14.) Event-goers walking to and from their cars also could impact nearby residential neighborhoods by talking to one another, dropping litter or urinating on private property on their way back to their cars. (FSEIR pages 5.1-14 through 5.1-15.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Most ballpark event patrons are expected to use the freeway system and/or mass transit to access the ballpark, not streets, and most patrons will park in the downtown area rather than in the neighborhoods, even without implementation of mitigation measures. An Event Transportation Management Plan ("ETMP") required as part of Mitigation Measure 5.2-9, along with the 5,500 parking spaces provided by Mitigation Measure 5.2-10, the incentives to use mass transit and thereby reduce the need for parking spaces, implemented by Mitigation Measures 5.2-11, 5.2-14, 5.7-2 and 5.7-6, and the parking management plans implemented by Mitigation Measures 5.2-12 and 5.2-13 would reduce impacts to neighborhoods from neighborhood parking to below a level of significance by providing adequate parking outside of the potentially impacted neighborhoods for ballpark patrons as well as through restricting ballpark traffic and parking in surrounding residential neighborhoods. (FSEIR pages 5.2-98 through 5.2-99.) Ballpark patrons would be encouraged to use Qualcomm Stadium's remote parking through incentives set forth in Mitigation Measure E-31.

The ETMP, developed as part of Mitigation Measure 5.2-9, would address parking management for events at both on- and off-site parking facilities, including the location of available employee and event-patron parking, the need for shuttle systems and/or trolley service from lots to the ballpark, and other operational issues regarding parking management, thereby reducing impacts to surrounding neighborhoods. It also would avoid potential conflicts between ballpark and Convention Center traffic during concurrent events by using traffic control officers to restrict post-ballpark event access to Harbor Drive via Park Boulevard. These officers would close southbound Park Boulevard at the ballpark access road so that Convention Center traffic would continue to be able to access Park Boulevard and Imperial Avenue from Harbor Drive. This restriction of access to Harbor Drive from southbound Park Boulevard would occur only during post-ballgame periods and when concurrent events at the ballpark and the ConventionCenter would have overlapping exiting patterns. This would facilitate identification and use of separate exiting routes, thereby minimizing potential conflicts between ballpark and Convention Center traffic. Restricting this post-game traffic access to Harbor Drive from Park Boulevard would not create any additional traffic impacts because all ballpark parking is located north of Harbor Drive, and less than 5% of ballpark trips would normally use Harbor Drive to access the ballpark. In addition, there are other access routes that serve as alternatives to Harbor. *See* October 18, 1999 Memo from Mark Peterson of BRW, Inc. to Bruce McIntyre of Lettieri-McIntyre and Associates (M-10 to the List of Technical Memorandums) ("Peterson Harbor Memo").

The Neighborhood Parking Plan described in Mitigation Measure 5.2-13 would reduce impacts by requiring, with the neighborhoods' consent, restricted event parking through signage, parking permits, restricted access and/or additional police enforcement. (FSEIR page 5.2-99.) A residential parking program for neighborhoods near the new Camden Yards ballpark in Baltimore has been extremely successful, as testimony before the City Council on October 5, 1999 and evidence submitted in conjunction with that testimony revealed. As the newspaper articles submitted attest, nearby homeowners who feared traffic and parking impacts would be significant in their neighborhoods as a result of the Camden Yards ballpark found just the opposite to be true. *See, e.g.*, "Major League Neighbors: Oriole Park Less Intrusive Than Expected," The Baltimore Sun, July 19, 1992 (quoting residents as stating that the neighborhood parking situation had actually improved since the ballpark opened nearby). In addition, the police have expressed confidence that they can adequately control event parking from traveling through the nearby neighborhoods through measures put in place as part of the ETMP. *See* October 14, 1999 Memo from Assistant Chief of Police Bill Majeu to Theresa C. McAteer, Deputy City Attorney (M-14 to the List of Technical Memorandums) ("Police Memo").

The use of remote parking in conjunction with transit service as is planned with use of 5,500 parking spaces at Qualcomm Stadium and use of the trolley and/or buses to access downtown from the Mission Valley remote parking site is a legitimate approach to parking that has worked successfully at numerous event venues across the country. *See* October 18, 1999 Memo from Mark Peterson of BRW, Inc. to Bruce McIntrye, Principal at Lettieri-McIntrye and Associates (M-15 to the List of Technical Memorandums) ("Peterson Parking Memo"). The remote parking/transit combination works well for fans currently attending ballgames at Qualcomm Stadium, and also works effectively in Baltimore, Cleveland, Toronto, Chicago and St. Louis. *See id.* This remote

parking/transit combination has the added advantage of allowing fans to avoid congestion and park in locations conveniently accessible from their home and/or office. *Id.*

Mitigation Measures: The following mitigation measures, which are discussed on pages 5.2-98 through 5.2-99 of the FSEIR or are in the Errata, and are set forth below, are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.2-9: Prior to the first ballpark event, an ETMP (ETMP) shall be developed and implemented by the City of San Diego working with the community, the San Diego Padres, and affected government agencies. The ETMP shall include the elements contained in Attachment 1 located in Volume V of the SEIR, including:

- Neighborhood Traffic Control;
- Permanent Traffic Control;
- Event Traffic Control;
- Ramp metering after a ballpark event;
- Parking Management;
- Police Control/Traffic Enforcement;
- Incident Management Plans/Procedures;
- Pedestrian/Bicycle Management;
- Pedicab/Taxi Management;
- Transit Management; and
- Public Information Program.

To avoid potential conflicts between ballpark and Convention Center traffic during concurrent events, the ETMP will include provisions to use traffic control officers to restrict post-ballpark event access to Harbor Drive via Park Boulevard by closing southbound Park Boulevard at the ballpark access road; Convention Center traffic would continue to be able to access Park Boulevard and Imperial Avenue from Harbor Drive. (MMRP 13.2-5.)

Mitigation Measure 5.2-10: In addition to the 2,383 dedicated parking spaces included with the ballpark, 5,500 additional dedicated ballpark parking spaces shall be provided at Qualcomm Stadium for ballpark events, prior to the first ballpark event. (MMRP 13.2-7.)

Mitigation Measure 5.2-11: Prior to the first ballpark event, one or more of the following measures shall be implemented to increase parking availability for weekend evening and weekday afternoon ballpark events:

- Provide incentives to encourage additional transit use by ballpark service employees, such as transit passes;
- Provide remote parking facilities outside Centre City with shuttle service to the ballpark; and/or
- Provide incentives to promote the use of the trolley for events. (MMRP 13.2-6.)

Mitigation Measure 5.2-12: Prior to the first ballpark event, a Downtown Parking Management Plan shall be adopted and implemented as identified in Appendix B located in Volume III of the

SEIR. The Plan shall include parking management provisions to protect parking in the Gaslamp District, East Village, and the regulatory parking obligations of the Convention Center, including signage indicating "no event parking," limited parking duration during events, security guards, and a parking fee structure to discourage long-term event parking. (MMRP 13.2-8.)

Mitigation Measure 5.2-13: Prior to the first ballpark event, a Neighborhood Parking Management Plan shall be adopted and implemented as identified in Appendix B of the SEIR. The Plan shall, subject to an agreement with the neighborhood, contain provisions to restrict event parking in surrounding neighborhoods through techniques which would include, but not be limited to, signage indicating "no event parking," requiring neighborhood parking permits (provided at no costs to residents), additional police enforcement, and restricting event traffic access to residential streets. (MMRP 13.2-9.)

Mitigation Measure E-31: The Padres and City, in conjunction with transit operators and local businesses, shall develop and implement an incentive program to encourage use of the 5,500 parking spaces at Qualcomm Stadium. Incentives to be considered shall include, but not be limited to, the following:

- "Kids ride free" program;
- Transit discount programs such as the "two-for-one" passes currently available to Compadres members;
- Discounts at restaurants and other businesses in and around the ballpark;
- Event ticket/transit/parking packages that will encourage parking at Qualcomm Stadium; and
- Tailgating and baseball-related activities (E.g., Pad Squad, player and celebrity appearances, give aways) at Qualcomm Stadium.

SIGNIFICANT DIRECT IMPACT: The demand for parking at the ballpark could create a significant impact to the Gaslamp Quarter's parking availability, primarily on Friday and Saturday evenings, when Gaslamp-area parking already is in short supply. (FSEIR page 5.1-15.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Findings: The parking analysis in the FSEIR, which shows a potentially significant parking impact, assumes a worst-case situation in which there are three concurrent events: (1) a Friday or Saturday evening baseball game, (2) a sellout baseball crowd, and (3) a major Convention Center event. There are only about 24 Friday or Saturday night home baseball games all year, and only a portion of those games sell out. A smaller percentage of such sold-out Friday or Saturday evening games would occur at the same time as a major evening Convention Center event. When, if ever, such an occasion would arise, however, the resulting potentially significant parking impacts to the Gaslamp Quarter would be reduced to below a level of

significance by Mitigation Measure 5.2-10. That mitigation measure would provide for 5,500 reserved ballpark parking spaces at Qualcomm Stadium in addition to the 2,383 dedicated ballpark parking spaces already being provided as part of the Ballpark Project, prior to the first ballpark event. (FSEIR pages 5.2-98 through 5.2-99.) These additional parking spaces would meet the shortfall caused by ballpark events that otherwise would result when the three conditions outlined simultaneously occur.

The use of remote parking in conjunction with transit service as is planned with use of 5,500 parking spaces at Qualcomm Stadium and use of the trolley and/or buses to access downtown from the Mission Valley remote parking site is a legitimate approach to parking that has worked successfully at numerous event venues across the country. *See* Peterson Parking Memo. The remote parking/transit combination works well for fans currently attending ballgames at Qualcomm Stadium, and also works effectively in Baltimore, Cleveland, Toronto, Chicago and St. Louis. *Id.* This remote parking/transit combination has the added advantage of allowing fans to avoid congestion and park in locations conveniently accessible from their home and/or office. *Id.*

Further, incentives to use mass transit pursuant to Mitigation Measure 5.2-11, 5.2-14, 5.7-2 and 5.7-6 would reduce demand for parking by encouraging potential drivers to use mass transit. Trolley ridership to Qualcomm Stadium rose steadily last baseball season and continues to increase this season. Trolley ridership averaged 9.7% in May and June of 1998 and has increased to approximately 10.5% during the 1999 baseball season. Also, as indicated in Section 5.2.1.3 of the FSEIR, the proposed ballpark is in an area that is served by numerous transit facilities, including: (1) four bus routes, (2) one Metropolitan Transit System contract bus route, (3) both the Blue Line and the Orange Line routes of the San Diego trolley, (4) the North County Transit District Coaster commuter rail, and (5) Amtrak from Los Angeles. An additional three MTDB bus routes provide secondary, less direct access to the ballpark area via Market Street. The 12th & Imperial/Transfer Station located within a five minute walk of the proposed ballpark site is a major transfer center providing connections between bus and trolley services.

In addition, the Downtown Parking Management Plan required by Mitigation Measure 5.2-12 would reduce impacts to the Gaslamp Quarter's parking supply by including provisions such as signage and police enforcement that protect Gaslamp Quarter parking availability. (FSEIR page 5.2-99.)

Mitigation Measures: Mitigation Measures 5.2-10 through 5.2-12 are discussed and set forth in full above and on pages 5.2-98 through 5.2-99 of the FSEIR, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT DIRECT IMPACT: Traffic congestion around the ballpark and potential street closures along Park Boulevard and/or Imperial Avenue could impact businesses which rely heavily on vehicular access through the Ballpark Project Area for their operations (e.g., food distributors and other manufacturing activities). (FSEIR page 5.1-15 and 5.1-26.) Temporary impacts to local businesses would occur during construction of the new road network within the vicinity of the Ballpark Project Area. (FSEIR page 5.1-15 and 5.1-26.) Street closures

may occur for several months. (FSEIR page 5.1-15 and 5.1-26.) Extended street closures could significantly impact surrounding businesses. (FSEIR page 5.1-15 and 5.1-26.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: The ETMP identified and implemented under Mitigation Measure 5.2-9 would reduce impacts otherwise caused by traffic congestion during ballpark events to below a level of significance by providing alternative access to the potentially impacted businesses and by reducing traffic congestion during events so that traffic can still access these businesses without undue delay. (FSEIR pages 5.2-98 and 5.1-27.) Appropriate traffic controls to be implemented through the ETMP will allow customers to access businesses and businesses to transport and receive necessary goods and/or supplies despite congestion and/or street closures, thereby reducing ballpark event-related impacts to less-than-significant levels. The ETMP is limited to ballpark events and hence does not address construction-related impacts.

The impacts to traffic operations during construction would be temporary and could be managed in duration and location. In addition, traffic control and detour plans would be developed consistent with existing City regulations and policies to minimize potential conflicts between construction-related traffic and normal daily traffic. Work in the public right-of-way requires a permit from the City, and through this permit the City regulates the construction to ensure adequate traffic flow. *See* San Diego Municipal Code § 62.0306; *see also id. at* § 54.0117(a). To regulate construction traffic, the City uses the Caltrans Traffic Manual standards set forth in the *Caltrans' Traffic Manual of Uniform Traffic Control Devices* to establish traffic control and maintenance in construction zones, as well as a manual compiled for use by the City concerning Traffic Control in Construction Zones. Under these regulations, policies and guidelines, detailed traffic control plans for roadway facilities affected by construction would be developed during the engineering and design phase of specific developments. These control plans would fully outline the requirements of the contractor to maintain traffic operations including staging, signing, marking, and advisory notices.

Mitigation Measure: Mitigation Measure 5.2-9 is discussed and set forth in full above and on page 5.2-98 of the FSEIR, and is incorporated by reference as if fully set forth herein. This mitigation measure is feasible and is made binding through the Proposed Activities' conditions of approval and the MMRP.

SIGNIFICANT DIRECT IMPACT: The proposed ballpark would have a potentially significant effect on land use and other goals relating to historical preservation contained in the Centre City Community Plan, the Historic Preservation Focus Plan and the Resource Protection Ordinance. (FSEIR page 5.1-27.) The siting and construction of the Ballpark Project would directly impact seven designated historical sites on the City's Local Register of Historic Sites: Rosario Hall, the Western Metals building complex (which includes

the Farmers Bazaar building), the Showley Brothers Candy Manufacturers building, the Levi Wholesale Grocery/Kvaas building, the Schiefer & Sons Warehouse, San Diego Gas & Electric Company Utility Pole and the SDG&E Company Office Building. (FSEIR page 5.3-11.) Present plans for the Retail at the Park would preserve the Bundy Lofts/Schiefer & Sons Warehouse and the facade of the Levi Wholesale Grocery/Kvaas Construction building. (FSEIR page 5.3-12.) The remainder of the Levi/Kvaas building would be reconstructed onsite using salvageable building materials, after an underground parking garage has been constructed. (FSEIR page 5.3-12.) Impacts to the Levi/Kvaas building would still be considered significant and unmitigable. (FSEIR page 5.3-12.) The five-story Western Metal Building would be preserved and incorporated into the ballpark under current plans. The single-story building adjacent to the Western Metal Building, currently housing the Farmers Bazaar, would be demolished except for its Seventh Avenue façade which would be retained in place. (FSEIR page 5.3-12.) The loss of all but the façade of the Farmers Bazaar would result in a significant and unmitigable impact. (FSEIR page 5.3-12.) The Showley Brothers Candy Factory building would be relocated, and its exterior rehabilitated in accordance with the Secretary of the Interior's Standards, so long as such relocation, core and shell costs associated with mitigating impacts to the Showley Brothers Candy Factory building do not exceed $3 million, as described in Mitigation Measure 5.3-6. The SDG&E Company Office Building would be demolished. (FSEIR page 5.3-12.) The impacts to the SDG&E Company Office Building are considered significant and unmitigable. (FSEIR page 5.3-12.) Rosario Hall and the SDG&E Utility Pole would be relocated and rehabilitated at other locations within the Centre City Redevelopment Project Area. (FSEIR page 5.3-12.) Impacts to these resources would, therefore, be considered less than significant. The siting and construction of the Ballpark Project also would directly impact a number of other sites evaluated by the consultant and found not to be eligible for local historical designation. (FSEIR page 5.3-13.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would substantially reduce the significant environmental effect identified in the FSEIR. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The area of the Proposed Activities would not qualify as an historic district under either the National Register of Historic Places or the California Register of Historic Resources, as is discussed in Responses to Comments 2.1A and 2.2 of Volume IV of the FSEIR. In any event, while one building would be demolished, two buildings would be retained and key facades on two additional buildings would be preserved. Two more buildings, Rosario Hall and

the Showley Brothers Candy Factory, as well as the SDG&E Utility Pole, would be relocated. (Mitigation Measures 5.3-3 and 5.3-6). The Reincarnation Building, Fire Station #4, Julian Produce Building and Simon Levi Building would not be impacted by the Proposed Activities. The Western Metal Building and Schiefer & Sons Warehouse would be retained, seismically retrofitted and incorporated into the Proposed Activities, thus reducing impacts to those buildings to below a level of significance by preserving these resources. (Mitigation Measure 5.3-2.) The Showley Brothers Candy Factory building also would be relocated, and its exterior rehabilitated in accordance with the Secretary of Interior's Standards, so long as the relocation, core and shell costs associated with mitigating impacts to the building would not exceed $3 million, further reducing impacts. (Mitigation Measure 5.3-6.) The Seventh Avenue façade of the Farmer's Bazaar building (part of the Western Metals building complex) would be retained, seismically retrofitted and incorporated into the Proposed Activities. (Mitigation Measure 5.3-2.) The Levi/Kvaas building would be substantially retained, seismically retrofitted with some reconstruction using materials to reflect its historic appearance. (Mitigation Measure 5.3-2.) The Wellman Peck/TR Produce building would be retained, seismically retrofitted and adaptively reused. (Mitigation Measure 5.3-2.)

The documentation called for in Mitigation Measure 5.3-1(2)(c) would be consistent with Historic American Building Survey (HABS) Level II and would be forwarded to the California Historical Resources Regional Information Center and an appropriate local repository. (Mitigation Measure 5.3-4.) Any noise attenuation required to be installed in order to ensure that noise levels at noise-sensitive uses within the two-block noise impact area do not exceed the City's Noise Ordinance shall be installed consistent with the Secretary of the Interior's Standards for Rehabilitation. (Mitigation Measure 5.3-5.) In addition, the Padres would establish two permanent interpretive displays within the Ballpark Project regarding the history of the surrounding area and the history of San Diego baseball. (Mitigation Measure 5.3-8.) Moreover, prior to demolition of certain of the buildings, an inventory of significant, character-defining features and materials of the buildings will be prepared and such materials and design elements salvaged and incorporated to the extent feasible into the final design for the replacement buildings or, if not so incorporated, made available for use in rehabilitation projects in the region. (Mitigation Measure 5.3-9.) The analysis required under Mitigation Measure 5.3-1 has not been completed, it is considered unlikely that written, photographic and HABS drawing documentation of the impacted structures would provide full mitigation for all of the impacted structures (FSEIR page 5.3-21.) Therefore, the impacts of the Ballpark Project on designated historic structures would be significant and not mitigated. (FSEIR page 5.3-21.)

Mitigation Measures: Mitigation Measures 5.3-1 through 5.3-6, 5.3-8 and 5.3-9, which are discussed on pages 5.3-16 through 5.3-19 of the FSEIR, are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.3-1: Impacts to any designated historical structure shall be reviewed by Agency and/or appropriate City staff and mitigation enforced according to the following criteria:

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1. National Register Structures

Structures listed on the National Register of Historic Places, and structures identified as contributing structures within a National Historic Register District, shall be retained onsite, and any improvements, renovation, rehabilitation and/or adaptive reuse of the historical property shall ensure its preservation according to applicable guidelines. Guidelines relevant to structures listed on the National Register of Historic Places are the Secretary of the Interior Standards for Rehabilitation of Historic Buildings and Guidelines for Rehabilitation of Historic Buildings.

2. City of San Diego Historical Sites

Structures listed on the City of San Diego Historical Sites Register by the San Diego Historical Site Board, that are not listed on the National Register of Historic Places, shall be retained onsite to the extent feasible. Any development that proposes to remove a locally designated historical structure shall:

a) prepare an analysis to the satisfaction of the Agency that retention of the historical structure or substantial portions of the historical structure, such as its facade, and incorporation into the proposed development is infeasible. Such analysis shall be reviewed and commented on by the Historical Site Board (HSB) staff. The HSB staff shall determine if the project shall be sent to the Historical Site Board for review;

b) provide for relocation and preservation of the historical structure at a site and in a manner acceptable to the Agency, unless such relocation and preservation are proven infeasible to the satisfaction of the Agency, upon consideration of the Historical Site Board staff's review and comments on the issue. The staff's review and comments may include further review and action by the Historical Site Board. Such relocation effort shall include making the structure available to any known interested, responsible party under procedures to be established by the Agency. Any adaptive reuse of a locally-designated historical structure shall ensure its preservation according to applicable guidelines; and,

c) in the event that the Agency finds that the historical structure cannot be feasibly retained onsite or relocated, the applicant/developer shall provide for documentation of the historical structure before it is removed from the development site, including but not limited to photographic documentation of the exterior and interior of the structure, and "as built" drawings of the structure according to the standards of the Historic American Building Survey (HABS). Such historical documentation shall be provided to the Agency and the Historical Site Board before a demolition permit is issued by the City for said structure.

3. Activities proposing the use of the Floor Area Ratio (FAR) incentive for rehabilitation of a designated historical structure.

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The Historical Site Board shall review new developments that propose to use FAR incentives for incorporation/preservation of a designated historical structure in the new development. This incentive represents a compromise between the rehabilitation of a designated historical building and potentially significant adverse impacts to its historical scale and setting. Review of those proposed activities by the Historical Site Board for compatibility of design and sympathetic treatment of the designated historical structure would not interfere with the incentive to rehabilitate and adaptively reuse designated historical structures. (MMRP 3.1-1.).

Mitigation Measure 5.3-2: The following buildings shall be retained in whole or in part and adaptively reused (Retained Buildings) as part of the proposed Ballpark Project: (1) Western Metal Supply Company Building and a portion of the Farmers Bazaar Building, (2) Levi Wholesale Grocery Company (Kvaas Construction) Building, (3) Schiefer & Sons Warehouse (Bundy Lofts) Building, and (4) Wellman Peck Warehouse (TR Produce) Building. The Retained Buildings shall be adaptively reused substantially in conformance with that certain Treatment Plan for the Retail in the Park (Attachment 3 in Volume V of the SEIR). (MMRP 3.2-1.)

Mitigation Measure 5.3-3: Rosario Hall and the SDG&E Utility Pole shall be relocated in accordance with all applicable local, state and federal historic policies and regulations to a suitable location within the Centre City Redevelopment Project Area. (MMRP 3.2-2.)

Mitigation Measure 5.3-4: The documentation called for in Mitigation Measure 5.3-1 subsection 2(c.) shall be consistent with Historic American Building Survey (HABS) Level II and shall be forwarded to the California Historical Resources Regional Information Center and an appropriate local repository. (MMRP 3.2-3.)

Mitigation Measure 5.3-5: Noise attenuation measures imposed as mitigation for noise impacts from the Proposed Activities for designated historical resources shall be implemented consistent with the Secretary of the Interior's Standards for Rehabilitation. (MMRP 3.2-4.)

Mitigation Measure 5.3-6: The Showley Brothers Candy Factory Building shall be relocated and adaptively reused as part of the Ballpark Project. The costs of relocation and core and shell adaptive reuse of the Showley Brothers Candy Factory shall not exceed ($3,000,000.00). Relocation and core and shell costs shall include, without limitation, relocation, new foundation, seismic retrofit, interior demolition, hazardous materials remediation, exterior and storefront rehabilitation, elevator, plumbing and sprinklers, HVAC and roofing, and reasonable contingencies for such costs (relocation/core and shell costs). Soft costs for relocation/core and shell costs, tenant improvements, and land acquisition (excluded costs) are excluded from relocation/core and shell costs. Potential sites for the relocation of the Showley Brothers Candy Factory Building are the northeast corner of Seventh Avenue and K Street and a site at or near the corner of Tenth Avenue and K Street (relocation sites). Developers may substantially alter, modify, or demolish the interior of the Showley Brothers Candy Factory Building, including without limitation, removal of the floors, interior walls and finishes, as may be necessary or useful, for adaptive use of the Showley Brothers Candy Factory Building. However, any new floors shall not be located within the original window openings on any floor to eliminate any visual impact from the exterior. Any exterior treatment shall conform to the Secretary of the

Interior's Standards for Rehabilitation and shall generally conform to the treatments set forth in the Treatment Plan for the Showley Brothers Candy Factory Building, included as Attachment 3 in Volume V of the SEIR. (MMRP 3.2-5.)

Mitigation Measure 5.3-8: The Padres shall establish a program of interpretation to create public awareness and understanding of the historic resources in the vicinity of the Ballpark Project. In particular, the Padres shall create two permanent interpretive displays within the Ballpark Project on (1) the history of the surrounding area, and (2) the history of baseball in San Diego. (MMRP 3.2-7.)

Mitigation Measure 5.3-9: Prior to any demolition or partial demolition of the SDG&E Company Office Building, Farmers Bazaar, and the Levi Wholesale Grocery Company (Kvaas Construction) Building, an inventory of significant, character-defining features and materials of the historic resources shall be made by a qualified historic architect, historic preservation consultant, or architectural historian meeting the Secretary of the Interior's Professional Qualifications Standards. These materials and design elements shall be salvaged and incorporated, to the extent feasible, into the final design for the replacement buildings within the Ancillary Development Projects Area. Any salvaged materials not incorporated into the development design shall be made available for use in rehabilitation projects in the San Diego region. The salvaged materials shall be advertised for a period of not less than thirty (30) days in newspapers of local and regional circulation. Some materials may also be incorporated into an interpretive display described in Mitigation Measure 5.3-8. (MMRP 3.2-8.)

SIGNIFICANT DIRECT IMPACT: Long walls associated with the ballpark facing Seventh Avenue and the Martin Luther King Jr. Promenade would conflict with the current street level design standard of the Centre City Community Plan and Planned District Ordinance. (FSEIR page 5.1-17.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: The length and lack of articulation on the Seventh Avenue and Martin Luther King Jr. Promenade exposures of the ballpark would create a potentially significant conflict with the current street level design goals of the Centre City Community Plan and Planned District Ordinance. Adoption of the proposed Plan Amendments would avoid this impact by amending the Centre City Community Plan and Planned District Ordinance to eliminate the conflict. (FSEIR page 5.1-27.)

SIGNIFICANT DIRECT IMPACT: The ballpark would result in the loss of residentially zoned property and thus would eliminate potential residential units that otherwise could have been built on such land. (FSEIR page 5.1-16.) This conflicts with the goals of the

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Centre City Redevelopment Plan, Community Plan and Planned Development Ordinance to promote housing within Centre City East. (FSEIR page 5.1-16.)

Finding: Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The loss of land zoned for housing which would result from committing the Primary Plan Amendment Area to primarily non-residential uses would have a significant impact on the goal of promoting housing in the Centre City Redevelopment Plan and Community Plan areas. (FSEIR page 5.1-27.) There are no feasible mitigation measures which would avoid this impact, therefore the impact of the Ballpark Project on housing opportunities resulting from loss of land zoned for residential use would be significant and unmitigated. (FSEIR page 5.1-27.) Nonetheless, the new ballpark likely would become the cornerstone of a large, successful urban revitalization project stimulating other kinds of development, including residential development, such as has occurred in other cities. Few other types of projects have the critical mass and popular appeal of the ballpark as a catalyst for the redevelopment of an entire neighborhood or section of a city. A ballpark can be the driving force for transforming a blighted or underutilized neighborhood into a fashionable address. The East Village has had slow development activity over the past 10 years despite a dramatic increase in development activity in other parts of downtown, and the vision of a steadily redeveloped Centre City East area – intended to be facilitated by the 1992 Redevelopment Plan – has never materialized.

Experiences in other venues have proven that a downtown ballpark creates a significant catalyst for redevelopment. In Baltimore, for example, a new ballpark at Camden Yards has attracted residential development and increased property values since its opening. In the East Village there is now an unprecedented level of interest in redevelopment – much of it residential – that is solely attributable to the proposed Ballpark and Ancillary Development Projects. *See* The Report of the City of San Diego Task Force on Ballpark Planning, January 29, 1998 ("1998 Planning Task Force Report"); The Report of the Mayor's Task Force on Padres Planning, September 19, 1997 ("1997 Mayor's Task Force Report"); "Downtown Ballpark Development Committee Recommendations" (Denver, Colorado June 1992) ("Denver Downtown Ballpark Study"); Report of the Governor's Milwaukee Stadium Commission (Feb. 1995) ("Milwaukee Governor's Report"); "Shaping Houston's Sports Future," Houston and Harris County Sports Facility Public Advisory Committee (May 20, 1996) ("Houston Sports Facility Report"); Forbes Field II Task Final Report, June 25, 1996 ("Forbes Field Report"); FSEIR page 5.3-13, FSEIR Response to Comment Nos. 2.15 and 77.23; Testimony of Robert Harqum, Joint City Council/Redevelopment Agency Hearing on 10/5/99; Testimony of Tom Carter and Pamela Hamilton, Joint City Council/Redevelopment Agency Hearing 10/5/99; Testimony of Greg Carpenter, Joint City Council/Redevelopment Agency Hearing 10/5/99. In addition, the police have expressed confidence that they can

adequately control event parking from traveling through the nearby neighborhoods through measures put in place as part of the ETMP. *See* Police Memo.

Moreover, the 1999 General Design and Public and Semi-Public uses amendments to the Centre City Community Plan and the Centre City Planned District Ordinance deletes the Sun Access criteria south of Market Street. This deletion would allow residential development in the East Village area to occur to its maximum potential density, thus mitigating some of the loss in residentially zoned property in that same area.

SIGNIFICANT DIRECT IMPACT: The potential exists for event traffic and parking to spill over into the neighborhoods surrounding the ballpark, which would have a potentially significant impact on those residential neighborhoods. (FSEIR page 5.1-17 and Section 5.2.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Most ballpark event patrons are expected to use the freeway system and/or mass transit to access the ballpark, not neighborhood streets, and most ballpark patrons are expected park in the downtown area rather than in the neighborhoods even without any mitigation measures. In any event, one of the primary goals of the ETMP required as part of Mitigation Measure 5.2-9 would be to prevent ballpark event traffic out of the neighborhoods along I-5. In addition, Mitigation Measures 5.2-10, which provides 5,500 parking spaces at Qualcomm Stadium and incentives for ballpark patrons to use those spaces, along with the incentives to use mass transit which are part of Mitigation Measure 5.2-11, and the parking management plans implemented by Mitigation Measures 5.2-12 and 5.2-13 would reduce impacts to neighborhoods from ballpark event traffic impacts and/or parking to below a level of significance. (FSEIR pages 5.2-98 through 5.2-99.)

The ETMP would address traffic and parking management for events at both on- and off-site parking facilities, including the location of available employee and event-patron parking, the need for shuttle systems and/or trolley service from lots to the ballpark, and other operational issues regarding event traffic and parking management. The San Diego Police have extensive experience in controlling event traffic at Qualcomm Stadium and other venues, including in downtown, and recognize the need to prevent event traffic from adversely impacting the quality of life in surrounding neighborhoods. Through the use of traffic control officers, cones, barricades, signs and similar devices, the police can direct event traffic in a manner that minimizes the event traffic impact on residential areas. *See* Police Memo. The Neighborhood Parking Plan described in Mitigation Measure 5.2-13 would reduce impacts by requiring, with the neighborhoods' consent, restricted event parking through signage, parking permits, restricted access and/or additional police enforcement. (FSEIR page 5.2-99.)

The use of remote parking in conjunction with transit service as is planned with use of 5,500 parking spaces at Qualcomm Stadium and use of the trolley and/or buses to access downtown from the Mission Valley remote parking site is a legitimate approach to parking that has worked successfully at numerous event venues across the country. *See* Peterson Parking Memo. The remote parking/transit combination works well for fans currently attending ballgames at Qualcomm Stadium, and also works effectively in Baltimore, Cleveland, Toronto, Chicago and St. Louis. *Id.* This remote parking/transit combination has the added advantage of allowing fans to avoid congestion and park in locations conveniently accessible from their home and/or office. *See id.*

Mitigation Measures: Mitigation Measures 5.2-9 through 5.2-13 are discussed and set forth in full above and on pages 5.2-98 through 5.2-99 of the FSEIR. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

2) <u>Ancillary Development Projects</u>

<u>SIGNIFICANT DIRECT IMPACT</u>: Reflection of ballpark lights off building façades of Ancillary Development Projects buildings could increase the glare rating on surrounding roadways by more than the 20% significance threshold. (FSEIR page 5.6-7.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Mitigation Measure 5.6-7, which requires a study of glare and resulting implementation of glare control measures, would mitigate potential impacts from glare to below a level of significance by, for example, requiring light attenuation at the reflective surface. (FSEIR page 5.6-11.)

Mitigation Measures: The following mitigation measure, which is discussed on page 5.6-10 of the FSEIR, is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.6-7: Prior to issuance of a building permit for any building which could reflect ballpark field lights, a detailed lighting study shall be conducted to assess the glare impacts from field light reflection off building facades onto surrounding roadways and intersections. Any mitigation measures identified in the lighting study shall be implemented before issuance of a certificate of occupancy for the ancillary development. Preparation of the lighting study and implementation of required attenuation of glare from ancillary development shall be the responsibility of the ancillary development proponent. The lighting study shall, at a minimum, include the following components:

- Comprehensive field measurements of ambient light levels within the potentially impacted areas;
- Calculate glare rating increase based on final lighting design, and existing conditions which may limit the dispersal of light into surrounding areas (e.g., topography and buildings);
- Identify roadways and intersections where the glare rating would increase by more than 20%; and
- Define appropriate light attenuation techniques at the reflective surface to reduce the glare increase to less than 20% over the pre-existing ambient condition. (MMRP 8.3-1.)

SIGNIFICANT DIRECT IMPACT: Ancillary Development Projects could displace the homeless population who currently stay in the Ancillary Development Projects Area. (FSEIR page 5.1-22.) The combination of the Ballpark and Ancillary Development Projects could displace up to 100 homeless who rely on the area for unauthorized evening shelter, and this displacement would be expected to result in a significant land use compatibility impact on surrounding areas. (FSEIR page 5.1-22.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would substantially reduce the significant environmental effect identified in the FSEIR. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: Mitigation Measure 5.12-3 may reduce the impact by establishing an advisory committee to monitor the response of the homeless to the Ancillary Development Projects and would make recommendations to resolve potential physical impacts resulting from displacement of the homeless. (FSEIR page 5.12-21.) In addition, Mitigation Measure 5.12-4 may reduce the impact by expanding the operations of the City's Homeless Outreach Team ("HOT Team") program in the area of the Ancillary Development Projects. (FSEIR page 5.12-21.) The effectiveness of this HOT Team program or the advisory committee cannot be determined at this time; therefore, land use impacts from homeless displacement are conservatively considered to remain significant even with this mitigation. (FSEIR page 5.12-21.) *See also* discussion on pages 14-17.

Mitigation Measures: Mitigation Measures 5.12-3 through 5.12-4 are discussed and set forth in full above and on pages 5.12-17 through 5.12-19 of the FSEIR, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT DIRECT IMPACT: The siting and construction of the Ancillary Development Projects has a potentially significant land use impact on fourteen of the sites identified on the Historic Resources Inventory of the Centre City Redevelopment Project Expansion Area. (FSEIR page 5.3-13.) Although the precise natures of the Ancillary Development Projects are unknown, the land area to be impacted and general character of development are known. (FSEIR page 5.3-14.) It was anticipated that some historical resources could be impacted through demolition or substantial exterior modifications. (FSEIR page 5.3-14.) Three buildings on the City's Local Historical Site Register occur within the Ancillary Development Projects Area. Although no plans exist to develop the land occupied by the Fire Station Number 4, Julian Produce Company building, and the Qualitee Dairy/Carnation building, no guarantee exists that they would not be impacted by the second phase of Ancillary Development Projects. Therefore, while the first phase of the Ancillary Development Projects would not have a significant direct impact on historic resources, the second phase of the Ancillary Development Projects potentially could have a significant direct impact on historic resources. (FSEIR page 5.3-14.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would substantially reduce the significant environmental effect identified in the FSEIR. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The second phase of the Ancillary Development Projects potentially could have potentially significant impacts on historic resources, which could cause a land use impact. (FSEIR page 5.3-14.) Implementation of Mitigation Measures 5.3-1, 5.3-2, 5.3-4 and 5.3-5, along with the salvage and reuse plan of Mitigation Measure 5.3-9 and the provisions requiring design criteria found in Mitigation Measure 5.3-12, would reduce the impact by incorporating salvaged materials into development design and ensuring development compatibility. (FSEIR page 5.3-22.) However, these measures may not be able to reduce the impacts to below a level of significance in all cases. (FSEIR page 5.3-22.) Consequently, the Ancillary Development Projects could have a significant, unmitigated impact on the historic preservation goals of Centre City Community Plan and Planned District Ordinance as well as the City's Resource Protection Ordinance.

Mitigation Measures: The text of Mitigation Measures 5.3-1, 5.3-2, 5.3-4, 5.3-5 and 5.3-9 are discussed and set forth in full above and on pages 5.3-16 through 5.3-19 of the FSEIR, and are incorporated by reference as if fully set forth herein. Those mitigation measures, along with the

following mitigation measure, which is discussed on pages 5.3-20 throng 5.3-21 of the FSEIR, are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.3-12: The City and Agency shall adopt advisory design criteria substantially in accordance with the design criteria set forth in Attachment 4 in Volume V of the SEIR to ensure the compatibility of new infill development within the Ancillary Development Projects Area with the character of the area including the Retained Buildings. (MMRP 3.3-1.)

SIGNIFICANT DIRECT IMPACT: The Ancillary Development Projects would depart from the residential and hotel emphasis placed on the Ancillary Development Projects Area by the Centre City Redevelopment Plan, Community Plan and Planned District Ordinance. (FSEIR pages 5.1-22 through 5.1-23.) Although residential development could occur within the Ancillary Development Projects Area, the Ancillary Development Projects would reduce housing opportunities in the downtown area. (FSEIR pages 5.1-22 through 5.1-23.)

Finding: Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency hereby finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The loss of land zoned for housing which would result from committing the Primary Plan Amendment Area to primarily non-residential uses would have a significant impact on the goal of promoting housing in the Centre City Redevelopment Plan and Community Plan areas. (FSEIR page 5.1-28.) There are no measures which would avoid this impact; therefore, the impact of the Ancillary Development Projects on housing resulting from loss of land zoned for housing opportunities would be significant and unmitigated. (FSEIR page 5.1-28.) *See also* discussion on pages 28-29 of these Findings.

3) Plan Amendments

Significant Project Impacts: By allowing the construction of the Ballpark and Ancillary Development Projects, the proposed Plan Amendments would result in the land use compatibility impacts associated with those developments. (FSEIR page 5.1-28.) These impacts would include the noise and lighting associated with ballpark activities, increased activity in surrounding residential areas, and competition for parking in the Gaslamp Quarter. (FSEIR page 5.1-28.) Other land use compatibility impacts (e.g. displacement of the homeless, and local traffic circulation impacts) would occur from any redevelopment activity. (FSEIR page 5.1-28.)

By allowing the Ballpark and Ancillary Development Projects, the proposed Plan Amendments also would result in significant land use policy impacts. (FSEIR page 5.1-28.) By eliminating the land use emphasis on residential development, the Plan Amendments would impact housing

goals, as discussed earlier. (FSEIR page 5.1-28.) Also, by eliminating design criteria related to street level development, future development in the Ballpark and Ancillary Development Projects Area may conflict with the urban design criteria of the Community Plan and Planned District Ordinance. Impacts to goals for historic preservation could occur with or without the proposed Plan Amendments. (FSEIR page 5.1-28.)

Findings: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would substantially reduce the significant environmental impacts identified in the FSEIR. These conditions, changes or alterations would not, however, reduce these impacts to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that these impacts are acceptable because of specific overriding considerations.

Facts in Support of Findings: Mitigation Measures 5.2-9 through 5.2-13, 5.3-1 through 5.3-4, 5.3-6, 5.3-9, 5.3-12, 5.5-1 through 5.5-5, and 5.6-1 through 5.6-7 and E-31, are discussed and set forth in full above and incorporated by reference as if fully set forth herein, will lessen impacts from the Plan Amendments, but not will not mitigate them to below a level of insignificance.

Mitigation Measures: Mitigation Measures 5.2-9 through 5.2-13, 5.3-1 through 5.3-4, 5.3-6, 5.3-9, 5.3-12, 5.5-1 through 5.5-5, and 5.6-1 through 5.6-7 and E-31 (*see* FSEIR pages 5.2-98 through 5.2-99; 5.3-18 through 5.3-21; 5.5-16 through 5.5-18; and 5.6-8 through 5.6-10 and Errata) are discussed and set forth in full above and incorporated by reference as if fully set forth herein.

B. TRANSPORTATION, CIRCULATION, ACCESS AND PARKING

1) Ballpark (Non-Event) and Ancillary Development Project

SIGNIFICANT DIRECT IMPACT: The addition of traffic resulting from the Ballpark and Ancillary Development Projects in 2002 (without event) would cause the volume to capacity (V/C) ratio to increase more than 0.02 on the following CMP freeway segments:

- SR-163 from Washington Street to I-5; and
- SR-94 (MLK Jr.) between 17th and I-15.

(FSEIR pages 5.2-36 and 5.2-74.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or

alterations have been required in, or incorporated into, the Proposed Activities which avoid or substantially reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or if those improvements and/or measures are not timely implemented, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency hereby finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, legal, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: Pursuant to Mitigation Measure 5.2-2, the City, working with the State Department of Transportation ("Caltrans"), SANDAG, CCDC, the San Diego Unified Port District, MTDB and a number of other agencies and corporations, including the city of National City, the city of Chula Vista, the U.S. Department of Defense, the San Diego Padres, the California Trucking Association, the Burlington Northern Santa Fe Railroad, San Diego and Imperial Valley Railroad, North County Transit District and Amtrak, would analyze the impacted freeways to determine the freeway and related improvements required to allow the freeway to operate at an acceptable Level of Service ("LOS"), devise a plan to implement those improvements and/or measures and discuss the feasibility of such improvements and/or measures as well as funding sources for the construction of the identified improvements and/or measures determined to be feasible. *See* October 18, 1999 letter from Gary L. Gallegos, District Director of Caltrans; to Walter Rask of CCDC (M-5 to List of Technical Memorandums) ("Caltrans Letter"); *see also* October 13, 1999 letter from Kenneth E. Sulzer, Executive Director of SANDAG, to Peter Hall, President of CCDC (M-8 to List of Technical Memorandums) ("SANDAG Letter"). The Freeway Deficiency Plan is a necessary prerequisite to identifying and implementing any meaningful freeway improvements in the geographic area analyzed in the FSEIR. In fact, absent the preparation of the Freeway Deficiency Plan, it is impossible to identify which freeway improvements or transportation strategies would actually reduce freeway traffic congestion. Meaningful analysis and improvement must include a comprehensive assessment of needs. *See* Caltrans Letter. Improvements could be abstractly identified, including widening freeway onramps, widening freeways, creating HOV lanes, and other multimillion dollar regional capital improvements. However, such measures must be evaluated as part of a multi-jurisdictional and comprehensive analysis; indeed, until there is such a comprehensive analysis, it would be an unproductive use of public funds to invest in such programs or capital improvements without knowing whether they would, on balance, make the

situations better or worse. There are significant pros and cons which are better evaluated in a comprehensive study before actual implementation of any such measures. Thus, committing to engage in that study, and to develop a Freeway Deficiency Plan, is the best and most logical mitigation for addressing the direct and cumulative freeway impacts resulting from the Proposed Activities.

Preparation of the Freeway Deficiency Plan will involve multiple agencies and jurisdictions, as is suggested by the applicable Congestion Management Program ("CMP") guidelines. The City, acting alone, cannot undertake freeway improvements to any freeway segments impacted by the Proposed Activities, as construction of new freeway lanes or other significant improvements to the freeways requires actions by a number of agencies. *See* Caltrans Letter. SANDAG has agreed to take the lead in preparing the Plan, with assistance from Caltrans, the City, and other jurisdictions described above in which the involved freeways are located. *See* SANDAG Letter. Preparation of the Freeway Deficiency Plan would not be required for most of the freeway segments in the Ballpark and Ancillary Development Project's primary traffic study area because they were exempted from such requirements under the terms of the CMP Guidelines given that they already were operating at an unacceptable LOS. By going above and beyond the CMP Guideline requirements to create a comprehensive freeway plan would be an important first step in developing a comprehensive strategy for addressing deficient levels of service with or without the Proposed Activities. This plan preparation would include data gathering, data analysis, and the identification of alternatives and recommendations.

Preparation of the Freeway Deficiency Plan would take approximately 18 months. Consequently, it is not feasible to complete its preparation concurrent with the preparation of the FSEIR, although the FSEIR does require that it be completed prior to the first ballpark event. Because the transportation demand management strategies and freeway improvements to be included in the Freeway Deficiency Plan address regional traffic problems and systems, one of the significant components of the Plan would be the identification of regional funding sources and mechanisms to fund any identified programs and improvements. The Freeway Deficiency Plan would include four elements: (1) the cause of the deficiency; (2) a list of improvements needed to meet the LOS standards; (3) an alternative list of improvements to measurably improve LOS and air quality; and (4) an action plan for implementing the improvements. *See* Caltrans Letter.

With timely implementation of the recommendations of the Freeway Deficiency Plan contained in Mitigation Measure 5.2-2, the impacts of non-event traffic on the freeway system would be reduced to below a level of significance. (FSEIR page 5.2-101.) However, if the necessary improvements and/or measures identified in the Freeway Deficiency Plan are infeasible, or are not funded when needed, impacts would remain significant. (FSEIR page 5.2-101.)

The impact to freeways also would be mitigated by implementation of Mitigation Measures 5.2-1, 5.2-5, 5.7-2 and 5.7-6. Mitigation Measure 5.2-1 implements downtown area road improvements on an as-needed basis, while Mitigation Measures 5.2-5, 5.7-2 and 5.7-6 all encourage the use of mass transit, with a corresponding reduction in the number of vehicles using the freeways. The mitigation provided for freeway impacts by the Proposed Activities constitutes appropriate and

proportionate level of mitigation based on the Proposed Activities' contribution of traffic to the regional freeway system that will, with or without the Proposed Activities, continue to operate at unacceptable levels of service absent preparation and implementation of the Freeway Deficiency Plan. *See* October 19, 1999 Memo from Mark Peterson of BRW, Inc. to Bruce McIntyre of Lettieri-McIntyre and Associates (M-7 to the List of Technical Memorandums) ("Peterson CMP Memo") at 5. This is particularly true in light of the fact that traffic volumes from the Proposed Activities on the regional freeway system as a percentage of overall daily volumes will tend to be relatively low under both near-term and cumulative buildout conditions, ranging from 1.5% on I-5 north of downtown, 1.2% on I-5 south of downtown, and 2.0% on SR-163, to 4.8% on SR-94. In all cases, compared to a without the Proposed Activities condition, the resulting volume increases on these segments of the freeway system will be less than a 1% increase due to the Proposed Activities. *Id.* at 3. Event conditions would include a higher percentage and magnitude of peak hour trips, but this would occur on a less than daily basis, with a majority occurring as reverse commute trips or during the non-commute peak hours. In addition to constituting appropriate and proportionate mitigation based on the Proposed Activities' contribution of traffic, the mitigation also is appropriate given the fact that the Proposed Activities are located within a redevelopment area. If a redevelopment activity, like the Proposed Activities, is overly burdened with having to mitigate for regional freeway congestion, which will occur with or without the redevelopment activity, the goal of redevelopment, which is to encourage investment in redevelopment areas, would be defeated.

Mitigation Measures: Mitigation Measures 5.2-1, 5.2-2, 5.7-2 and 5.7-6, set forth below and discussed on pages 5.2-95, 5.2-97, 5.7-11 and 5.7-14 of the FSEIR, are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-5 is feasible and should be implemented by MTDB.

Mitigation Measure 5.2-1: Roadway improvements identified in Table 5.2-13 of the SEIR shall be implemented on an as-needed basis. An evaluation to determine the timing for these roadway improvements shall be conducted annually, with the first evaluation completed before the first ballpark event. Based on this evaluation, any of the identified roadway improvements shall be implemented within one year of the determination that the improvements are necessary. (MMRP 13.1-2.)

Mitigation Measure 5.2-2: Prior to the first ballpark event or certificate of occupancy for the first of the Ancillary Development Projects, Caltrans, the City of San Diego and SANDAG shall prepare a Freeway Deficiency Plan which identifies both near-term and long-term capacity improvements and programs to improve the freeway system serving Centre City.

Possible improvements may include:

- Enhanced alternate mode service and facilities (e.g., trolley, express bus, bicycle, and pedestrian);

- Enhanced Transportation Demand Management ("TDM") measures to reduce peak hour congestion, such as carpooling, vanpooling, parking restrictions, staggered work hours, and telecommuting;

- Increased carrying capacity on I-5, SR-94 (MLK Jr.), and I-15;

- Improved/reconfigured freeway onramps and offramps; and

- Modifying peak hour flow rates at freeway ramp meters, in conjunction with increased mainline capacity, to maximize egress from surface streets connecting to freeway onramps.

The improvements and programs contained in the Freeway Deficiency Plan shall be carried out in accordance with an implementation program included as part of the Plan. (MMRP 13.1-5.)

Mitigation Measure 5.2-5: MTDB shall provide additional transit services as required to meet the increased demand for such services generated by the Ballpark and Ancillary Development Projects.

Mitigation Measure 5.7-2: As part of the conditions of approval for certain activities (employers with 15 employees and developments of 25,000 sq. ft. or more), carpools, vanpools, staggered work hours, and the provision of bike storage facilities shall be encouraged through employer-sponsored participation and the implementation of the Centre City Parking Ordinance and the Centre City Transit Ordinance, as required by the City of San Diego. (MMRP 2.1-2.)

Mitigation Measure 5.7-6: Air quality impacts from toxic and criteria pollutant emissions of vehicles using the Ballpark Project during the operational phase of the Proposed Activities would be partially mitigated through the use of the following techniques:

1. Participation in the car scrapping program established by the County of San Diego to remove older, higher emitting vehicles from the roads.

2. Providing free parking for electric vehicles at the Park at the Park.

3. Providing incentives for carpools, vanpools and low emitting and electric vehicles during events at the ballpark.

4. Using electric maintenance carts for operations at the ballpark where feasible.

5. Permit installation of two battery charging facilities by interested parties at the Ballpark Project parking structures to promote the use of electric vehicles.

6. Structuring toll collection at Ballpark Project parking lots to eliminate delay otherwise caused by toll collection when exiting the lots after a ballpark event.

7. Encouraging MTDB to use buses with clean burning engines or post combustion

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controls in the area surrounding the ballpark on the days on which there is a ballpark event.

8. Establishing incentives for parking at outlying areas and using mass transit to access the ballpark.

9. Encouraging use of for-fee bus and trolley service from outlying areas to the ballpark.

SIGNIFICANT DIRECT IMPACT: The addition of traffic resulting from the Ballpark and Ancillary Development Projects in 2002 (without event) would cause delay on the following freeway on-ramps, which already would be experiencing delays of more than five minutes even without the Proposed Activities, to increase by more than one minute:

- E Street to Southbound I-5 (p.m. peak hour);
- J Street to southbound I-5 (a.m./p.m. peak hours); and
- Imperial Avenue to northbound I-5 (a.m./p.m. peak hours). (FSEIR page 5.2-37.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or if those improvements and/or measures are not timely implemented, however, or if Caltrans fails to make necessary adjustments to the applicable ramp meter rates, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, legal, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: Mitigation Measure 5.2-1 ensures that certain road improvements in the downtown area are made as needed. Further, Mitigation Measures 5.2-5, 5.7-2 and 5.7-6 encourage the use of mass transit and thereby reduce the number of vehicles attempted to access

the impacted ramps. As discussed on pages 35-37 of these Findings, Mitigation Measures 5.2-2 may reduce the impact to the listed freeway on-ramps to below a level of significance, but only if the necessary improvements and/or measures identified in the Freeway Deficiency Plan are feasible, and are funded and implemented when needed. Mitigating impacts on these onramps requires not only implementation of the recommendations of the Freeway Deficiency Plan but also implementation of Mitigation Measure 5.2-4. That measure calls for Caltrans to evaluate the flow rates at metered ramps serving Centre City and, if feasible, adjust the rates to minimize congestion and queuing on connected surface streets. This adjustment in the ramp meter flow rates would be made consistent with need and freeway mainline capacity. Caltrans' current assumptions for meter flow rates in the Ballpark Project Area are based on existing demand at unmetered locations for an area of the City which is underdeveloped and has correspondingly low flow rates, making them unreliable for future development. The current meter flow rate assumptions also fail to account for adjustment to flow rates to equalize delays at adjacent interchanges throughout the downtown area. Periodically adjusting flow rates where feasible to reduce wait times based on available freeway capacity would minimize freeway access delays. Caltrans' adjustment of the flow rates will help mitigate impacts to delay at freeway on-ramps by allowing more vehicles to flow through the ramp and hence alleviate backup from the ramp onto the connected surface street and therefore avoid the otherwise significant traffic impacts. (FSEIR page 5.2-101.) Thus, fully mitigating this impact requires not only timely implementation of the recommendations of the Freeway Deficiency Plan but also Caltrans' adjustment of the meter flow rates.

It is impossible to determine the exact amount of freeway on-ramp delays where such delays are greater than 30 minutes because in practice such lengthy delays simply will not occur. Instead of waiting more than 30 minutes simply to enter the freeway, motorists will instead modify their behavior by leaving at a different time, adjusting their travel routes, or changing travel modes. *See* October 18, 1999 memo from Mark Peterson of BRW, Inc. to Bruce McIntyre of Lettieri-McIntyre and Associates (M-9 to List of Technical Memorandums) ("Peterson Ramp Wait Memo").

Mitigation Measures: Mitigation Measures 5.2-1, 5.2-2, 5.2-5, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-97 and 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measure 5.2-4, which is discussed on page 5.2-96 of the FSEIR, is set forth below. It is feasible and should be implemented by Caltrans. Mitigation Measure 5.2-5, which is discussed on page 5.2-97 of the FSEIR, is feasible and should be implemented by MTDB. Mitigation Measures 5.2-1, 5.2-2, 5.7-2 and 5.7-6 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

***Mitigation Measure 5.2-4*:** Caltrans shall evaluate the flow rates at all metered ramps serving Centre City on an annual basis, with the first evaluation completed before the first ballpark event. On the basis of these evaluations, Caltrans shall adjust meter flow rates if feasible in order to minimize congestion and queuing on surface streets connecting to freeway ramps.

SIGNIFICANT DIRECT IMPACT: There are no significant intersection impacts related to the Ballpark (without event) and Ancillary Development Projects under 2002

conditions assuming freeways and associated on-ramps have sufficient capacity to accommodate peak hour demand, and meter flow rates are balanced. (FSEIR page 5.2-45.) If these assumed improvements do not occur, however, the queue of vehicles waiting on the on-ramp would spill back through downstream intersections in the vicinity of freeway interchanges during p.m. peak hour (5 p.m. to 6 p.m.) conditions, as described below:

- E Street to southbound I-5. Traffic queues under the 2002 Ballpark (without event) and Ancillary Development Projects condition would extend west along E Street, possibly to 15th Street, and north and south along a number of the intersecting streets.
- J Street/I-5 southbound on-ramp. Traffic queues would extend west along J Street possibly to 15th Street and north and south along intersecting roadways.
- Imperial Avenue/I-5 northbound on-ramp. Traffic queues would extend along Imperial Avenue west toward 14th Street and east past 19th Street, and would build on the north/south intersecting roadways, including 16th and 17th Streets.

(FSEIR page 5.2-45.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or if the improvements and/or measures identified are not timely implemented, however, or if Caltrans fails to make necessary adjustments to the applicable ramp meter rates, the impact would remain significant. As a result, pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency hereby finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, legal, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2), and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: Mitigation Measure 5.2-1 would help reduce the impact to the downtown intersections by assuring that identified improvements to downtown roads are provided as needed. Encouraging the use of mass transit through implementation of Mitigation Measures 5.2-5, 5.7-2 and 5.7-6 also would mitigate this impact by shifting traffic off of the freeways and onto the trolley, bus, train or carpools. In addition, as discussed above on pages 35-37 and 40 of these Findings, Mitigation Measures 5.2-2 and 5.2-4 would mitigate this impact by improving

freeway capacity and making appropriate adjustments to meter flow rates on associated on-ramps, but only if the necessary improvements and/or measures identified in the Freeway Deficiency Plan are feasible, funded and implemented when needed, and that Caltrans adjusts the meter flow rates, as described above. (FSEIR page 5.2-101.) If freeways operate at an acceptable LOS, there should be no backup of traffic or traffic diversion that would impact local streets and/or intersections, especially with the necessary local improvements constructed on an as-needed basis pursuant to Mitigation Measure 5.2-1 and the incentives to use mass transit provided by Mitigation Measures 5.7-2 and 5.7-6.

Mitigation Measures: Mitigation Measures 5.2-1, 5.2-2, 5.2-4, 5.2-5, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-97, 5.7-11 and 5.7-14 of the FSEIR and are incorporated by reference as if fully set forth herein. These Mitigation Measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measure 5.2-5 is feasible and should be implemented by MTDB.

SIGNIFICANT DIRECT IMPACT: The FSEIR conducted a secondary analysis of CMP routes outside the primary traffic study area (I-5, SR-94 (MLK Jr.), SR-163 and portions of Harbor Drive) to ensure all potential impacts to CMP freeways and arterials were identified. SANDAG provided a supplemental listing of all freeway segments to which the Proposed Activities contribute more than 2400 vehicles per day without an event. The following CMP freeway segments outside of the primary traffic study area would exceed CMP significance thresholds in 2002:

- I-5 between I-8 and Sea World Drive;
- I-5 between 28th Street and SR-54;
- SR-163 between I-8 and Genesee Avenue;
- SR-94 (MLK Jr.) between I-15 and Massachusetts Avenue; and
- I-15 between I-805 and SR-94 (MLK Jr.).

(FSEIR pages 5.2-74 and 5.2-75)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: It is infeasible for the Freeway Deficiency Plan to mitigate impacts to the CMP roadways outside the primary traffic study area or for the Proposed Activities to mitigate for freeway impacts outside the primary traffic study area. (FSEIR page 5.2-101.) However, because of the decision to prepare a Freeway Deficiency Plan as mitigation for the Proposed Activities, Caltrans and SANDAG have undertaken an even broader analysis of freeway segments, in a Central I-5 Corridor Study, which would look at the area from SR-54 to Sea World Drive and would extend from the Pacific Ocean to I-15. *See* Caltrans Letter. Nonetheless, impacts on freeway CMP segments outside of the primary traffic study area would be significant and not mitigated. (FSEIR page 5.2-101.)

SIGNIFICANT DIRECT IMPACT: Roadway segment volumes would increase within the adjacent residential neighborhoods and, if sufficient capacity on freeways and associated on-ramps is not provided, motorists could seek routes around the freeways, including routes through neighborhood streets. (FSEIR pages 5.2-47 and 5.2-51.) The actual magnitude of such trip diversion through adjacent neighborhoods in response to freeway and on-ramp congestion is indeterminable using available analytical capacities.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or if the improvements and/or measures are not timely implemented, or if Caltrans fails to make necessary adjustments to the applicable ramp meter rates, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: It is infeasible to accurately measure the location and/or magnitude of traffic diversion in response to congested freeway conditions. To the extent general estimates are possible, and based on a review of SANDAG travel forecasts, the FSEIR concludes that there would not be a significant level of traffic diversion in response to congested freeway conditions, but acknowledges that the difficulties in attempting to accurately estimate whether or not such diversion would occur. Diverting from one route to another typically is

based on the motorist's perception of time savings allowed by an alternative route. SANDAG's state-of-the-art model assumes that motorists will act in a manner which minimizes travel time and cost; however, in reality all motorists do not have the same knowledge of alternative routes and associated travel time savings and often may perceive travel time savings differently. As a result, a motorist's responses to congested conditions vary and cannot be accurately estimated. The FSEIR addresses this issue by requiring the ETMP, which is designed to preclude ballpark event traffic from diverting into the surrounding neighborhoods. *See* October 18, 1999 memo from Mark Peterson of BRW, Inc. to Bruce McIntyre of Lettieri-McIntyre and Associates (M-4 to List of Technical Memorandums) ("Peterson Diversion Memo").

Mitigation Measures 5.2-1 and 5.2-3 provide for enumerated improvements to be made to downtown roadways, including restriping as well as construction of new lanes. In addition, Mitigation Measures 5.2-5, 5.7-2 and 5.7-6 encourage the use of mass transit and hence help lessen congestion on freeways as well as neighborhood streets. Those improvements and/or measures, in addition to the timely implementation of the improvements detailed in Mitigation Measure 5.2-2 and the ramp meter flow rate adjustments called for in Mitigation Measure 5.2-4, as discussed on pages 35-37 of these Findings, would provide capacity on freeways and associated ramps that should remove any incentive for motorists to divert along alternative routes such as neighborhood streets. (FSEIR page 5.2-101.) If the necessary improvements and/or measures identified in the Freeway Deficiency Plan are infeasible or are not funded, or timely implemented, or if Caltrans fails to adjust the meter flow rates, the non-event traffic impacts on the neighborhood streets would be significant and not mitigated. (FSEIR page 5.2-101.)

Mitigation Measures: The text of Mitigation Measures 5.2-1, 5.2-2, 5.2-4, 5.2-5, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-97, 5.7-11 and 5.7-14 of the FSEIR and are incorporated by reference as if fully set forth herein. Mitigation Measure 5.2-3, which is discussed on page 5.2-96 of the FSEIR, is set forth below. Mitigation Measures 5.2-1 through 5.2-3, 5.7-2 and 5.7-6 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measure 5.2-5 is feasible and should be implemented by MTDB.

Mitigation Measure 5.2-3: The following improvements shall also be completed on an as-needed basis, subject to an evaluation of need conducted annually, with the first evaluation completed before the first ballpark event. Based on this evaluation, any of the identified roadway improvements which are deemed necessary shall be implemented within one year of the determination that the improvements are necessary.

- Add a new eastbound lane on A Street from east of Tenth Avenue to Eleventh Avenue; and
- Provide dual left-turn lanes on all approaches to the Harbor Drive/Park Boulevard intersection.

2) **Ballpark (With Event) and Ancillary Development Projects**

a) **Traffic**

i) **Weekday Evening Game Impacts**

SIGNIFICANT DIRECT IMPACT: Assuming a worst-case estimate of ballgame impacts, with weekend evening ballpark event traffic assumed to occur in the peak direction of travel, the Ballpark (with event) and Ancillary Development Projects have a significant impact on the following freeway segments:

- I-5, between I-8 and 28th Street;
- SR-163, between I-8 and I-5; and
- SR-94 (MLK Jr.), between I-15 and 17th Street.

(FSEIR page 5.2-62.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or the improvements and/or measures are not timely implemented, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency hereby finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: The impact described above would occur only rarely. For such an impact to occur would require (1) a weekday evening home game, (2) a sell-out crowd, and (3) a major event occurring at the Convention Center at the same time. Moreover, even with all three events occurring, it is important to note that the ballpark traffic would be traveling in the direction opposite of the peak rush hour traffic, in which commuters are trying to exit – not enter – downtown.

In addition, Mitigation Measure 5.2-1 would implement enumerated improvements as needed on downtown roads. Other mitigation measures which would help reduce this impact are those which encourage people to use mass transit or carpool rather than drive or drive alone. These mass transit-related incentives and/or measures are set forth in Mitigation Measures 5.2-5, 5.2-10 (encourage people to park at Qualcomm Stadium and take mass transit into downtown), 5.2-11, 5.2-14, 5.7-2 (encouraging carpools) and 5.7-6 (incentives for transit use). In addition, the ETMP called for in Mitigation Measure 5.2-9 would help alleviate this impact through the various traffic controls which it is designed to implement. These measures only fully mitigate, however, if the necessary improvements and/or measures identified in the Freeway Deficiency Plan prepared pursuant to Mitigation Measure 5.2-2 are feasible, funded and implemented when needed, and if Caltrans adjusts the applicable ramp meter flow rates pursuant to Mitigation Measure 5.2-4, as discussed above on pages 35-37 and 40 of these Findings.

Mitigation Measures: The text of Mitigation Measures 5.2-1, 5.2-2, 5.2-4, 5.2-5, 5.2-9, 5.2-10, 5.2-11, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-99, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. The text of Mitigation Measure 5.2-14, which is discussed on page 5.2-100 of the FSEIR, is set forth below. Mitigation Measures 5.2-1, 5.2-2, 5.2-9 through 5.2-11, 5.7-2 and 5.7-6 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measures 5.2-5 and 5.2-14 are feasible and should be implemented by MTDB.

Mitigation Measure 5.2-14: MTDB shall provide additional transit services as required to meet the increased demand for transit services generated by a ballpark event.

SIGNIFICANT DIRECT IMPACT: Weekday evening game arrivals would produce additional traffic demand on the off-ramp from I-5 southbound to Imperial Avenue under near term 2002 p.m. peak hour (5 p.m. to 6 p.m.) conditions. (FSEIR page 5.2-62.) The queues on this ramp would extend back to the mainline freeway as a result of LOS F conditions at the intersection of 17th Street and Imperial Avenue, where traffic exiting I-5 southbound is currently stop-sign controlled. (FSEIR page 5.2-62.) This would be a significant direct impact. (FSEIR page 5.2-62.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which avoid or substantially reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Findings: Signalizing the intersection of 17th Street and Imperial Avenue and widening 17th Street south of the southbound I-5 off-ramp to provide left- and right-turn and through lanes, as required by Mitigation Measure 5.2-6, will mitigate the impact to the off-ramp from I-5 southbound to Imperial Avenue by helping to improve traffic flow at this off-ramp. Signalizing the intersection of J Street and 17th Street, which also is required by Mitigation

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Measure 5.2-16, is only required for weekday afternoon or cumulative traffic impacts. (FSEIR page 5.2-97.)

Mitigation Measures: Mitigation Measure 5.2-6, which is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP, as set forth below and discussed on page 5.2-96 of the FSEIR would mitigate impacts to the Imperial Avenue offramp from I-5:

Mitigation Measure 5.2-6: Prior to the first ballpark event, the following roadway improvements shall be completed:

- Signalize intersection of 17th Street and Imperial Avenue;
- Widen 17th Street, south of the southbound I-5 off-ramp, to provide one left-turn lane, one left/through lane and two right-turn lanes; and
- Signalize intersection of J Street and 17th Street. (MMRP 13.2-2.)

SIGNIFICANT DIRECT IMPACT: The intersection of Imperial Avenue at 17th Street would operate at an unacceptable LOS F during the near-term 2002 p.m. peak hour (5 p.m. to 6 p.m.) with weekday evening event traffic. (FSEIR page 5.2-63.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Finding: The road improvements identified in Mitigation Measures 5.2-1 and 5.2-6 would reduce traffic impacts to the intersection of Imperial Avenue at 17th Street by providing improvements to surface streets; traffic signals at the intersection of Imperial Avenue and 17th Street; and widening of 17th Street. The impact would be further mitigated by implementation of the traffic control plans and/or measures to facilitate the flow of traffic prepared pursuant to the ETMP called for by Mitigation Measure 5.2-9. Other mitigation measures which would help reduce this impact are those which encourage people to use mass transit or carpool rather than drive or drive alone. These mass transit-related incentives and/or measures are set forth in Mitigation Measures 5.2-5, 5.2-10 (encouraging people to park at Qualcomm Stadium and take mass transit into downtown), 5.2-11, 5.2-14, 5.7-2 (encouraging carpools) and 5.7-6 (incentives for transit use).

Mitigation Measures: Mitigation Measures 5.2-1, 5.2-5, 5.2-6, 5.2-9, 5.2-10, 5.2-11, 5.2-14, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-100, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-1, 5.2-6, 5.2-9 through 5.2-11, 5.7-2 and 5.7-6 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measures 5.2-5 and 5.2-14 are feasible and should be implemented by MTDB.

ii) Weekday Afternoon Game Impacts

SIGNIFICANT DIRECT IMPACT: The following freeways would experience a significant weekday afternoon event-related traffic impact under 2002 conditions:

- I-5, between I-8 and 28th Street;
- SR-163, between I-8 and I-5; and
- SR-94 (MLK Jr.), between I-15 and 17th Street.

(FSEIR page 5.2-63.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or if the improvements and/or measures are not timely implemented, or if Caltrans fails to make necessary adjustments to the applicable ramp meter rates, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: This impact is anticipated to occur less than five-to-ten times a year even without mitigation, given that to occur it requires peak commuter outbound traffic leaving downtown at the same time as the bulk of the traffic from a weekday afternoon ballpark

event that is a sell out and ends in the p.m. peak hour (5 p.m. to 6 p.m.) and at the same time as traffic is trying to exit a major Convention Center event. There are only five weekday afternoon ballgames scheduled for this year, and not all of them are sold out. In addition, there may be up to about 40 other, non-ballgame events that take place in the ballpark during the year, but only a portion of those would occur during the weekday and few if any of them are anticipated to fill the ballpark to capacity.

The impacts from afternoon ballgames would be mitigated by Mitigation Measure 5.2-8, which would prevent ballpark events from starting on weekdays between the hours of 1:05 p.m. and 3:30 p.m. This would regulate ballpark event start times to minimize the number of vehicles exiting a ballpark event during the p.m. peak hour. The average game lasts 2 hours and 48 minutes. Games beginning at 1:00 p.m. or before would, on average, end by 3:48 – before the start of the p.m. peak hour. Games beginning at or after 3:30 p.m. would, on average, end at 6:15 p.m. or later, after the conclusion of the p.m. peak hour. In addition to keeping weekday afternoon event traffic off of the area roadways during the p.m. peak hour through regulation of the start times, there also would be improvements to downtown roads completed as part of Mitigation Measure 5.2-1. Other mitigation measures which would help reduce this impact are those which encourage people to use mass transit or carpool rather than drive or drive alone. These mass transit-related incentives and/or measures are set forth in Mitigation Measures 5.2-5, 5.2-10 (encouraging people to park at Qualcomm Stadium and take mass transit into downtown), 5.2-11, 5.2-14, 5.7-2 (encouraging carpools) and 5.7-6 (incentives for transit use). In addition, the ETMP called for in Mitigation Measure 5.2-9 would help alleviate this impact through the various traffic controls which it is designed to implement. Finally, Mitigation Measures 5.2-2 and 5.2-4, discussed above on pages 35-37 and 40 of these Findings, would help mitigate impacts to freeways and ramps through preparation of the Freeway Deficiency Plan and adjustment of ramp meter flow rates. If the necessary improvements and/or measures identified in the Freeway Deficiency Plan are infeasible, or are not funded or implemented when needed, or if Caltrans fails to adjust the meter flow rates appropriately, the weekday afternoon event traffic impacts on the freeway system would be significant and not mitigated. (FSEIR page 5.2-101.)

Mitigation Measures: Mitigation Measures 5.2-1, 5.2-2, 5.2-4, 5.2-5, 5.2-9 through 5.2-11, 5.2-14, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-100, and 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-1, 5.2-2, 5.2-8 through 5.2-11, 5.7-2 and 5.7-6 are feasible and are binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measures 5.2-5 and 5.2-14 are feasible and should be implemented by MTDB. Mitigation Measure 5.2-8, which is discussed on page 5.2-98 of the FSEIR, is set forth below:

Mitigation Measure 5.2-8: No ballpark events shall start on weekdays between the hours of 1:05 p.m. and 3:30 p.m. (MMRP 13.2-4.)

SIGNIFICANT DIRECT IMPACT: Adding Ballpark (with event) and Ancillary Development Projects weekday afternoon trips would result in significant direct impacts on the following freeway on-ramps:

- First Avenue to northbound I-5;
- E Street to southbound I-5;
- G Street to eastbound SR-94 (MLK Jr.);
- 19th Street to eastbound SR-94 (MLK Jr.);
- J Street to southbound I-5; and
- Imperial Avenue to northbound I-5.

(FSEIR page 5.2-67.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or such improvements and/or measures are not timely implemented, or if Caltrans fails to make necessary adjustments to the applicable ramp meter rates, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: The analysis revealing this impact to freeway on-ramps from weekday afternoon traffic is a worst-case analysis which assumes a sold-out weekday afternoon ballgame which ends at the p.m. peak hour (5 p.m. to 6 p.m.) and occurs at the same time as a major event at the Convention Center. This would happen only a few times a year at most, especially given that there are only about five-to-ten weekday afternoon home games per year and not all of those are sellouts and not all occur at the same time as a major Convention Center event.

When, if ever, the impact did occur, it would be lessened by implementation of Mitigation Measure 5.2-8, which would prevent ballpark events from starting on weekdays between the hours of 1:05 p.m. and 3:30 p.m. This would regulate ballpark event start times to minimize the number of vehicles exiting a ballpark event during the p.m. peak hour. The average game lasts 2 hours and 48

minutes. Games beginning at 1:00 p.m. or before would, on average, end by 3:48 – before the start of the p.m. peak hour. Games beginning at or after 3:30 p.m. would, on average, end at 6:15 p.m. or later, after the conclusion of the p.m. peak hour. In addition to keeping weekday afternoon event traffic off of the area roadways during the p.m. peak hour through regulation of the start times, there also would be road improvements constructed as part of Mitigation Measure 5.2-1 which would help the overall traffic flow in the downtown area. Other mitigation measures which would help reduce this impact are those which encourage people to use mass transit or carpool rather than drive or drive alone. These mass transit-related incentives and/or measures are set forth in Mitigation Measures 5.2-5, 5.2-10 (encouraging people to park at Qualcomm Stadium and take mass transit into downtown), 5.2-11, 5.2-14, 5.7-2 (encouraging carpools) and 5.7-6 (incentives for transit use). In addition, the ETMP called for in Mitigation Measure 5.2-9 would help alleviate this impact through the various traffic controls and plans which it is designed to implement. Finally, Mitigation Measures 5.2-2 and 5.2-4, discussed above on pages 35-37 and 40 of these Findings, would help mitigate impacts to freeways and ramps through preparation of the Freeway Deficiency Plan and adjustment of ramp meter flow rates. However, if the necessary improvements and/or measures identified in the Freeway Deficiency Plan are infeasible, or are not funded or implemented when needed, or if Caltrans fails to adjust the meter flow rates, the impact would be significant and not mitigated. (FSEIR page 5.2-101.) In addition, Mitigation Measure 5.2-7, which requires restriping of eastbound Imperial at 19th Street and widening of the I-5 northbound on-ramp would help mitigate this impact.

Mitigation Measures: Mitigation Measures 5.2-1, 5.2-2, 5.2-4, 5.2-5, 5.2-8 through 5.2-11, 5.2-14, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-100, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-1, 5.2-2, 5.2-7, 5.2-8 through 5.2-11, 5.7-2 and 5.7-6 are feasible and are binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measures 5.2-5 and 5.2-14 are feasible and should be implemented by MTDB. Mitigation Measure 5.2-7, which is discussed on page 5.2-97 of the FSEIR, is set forth below:

Mitigation Measure 5.2-7: The following roadway improvement shall be completed on an as-needed basis, subject to an evaluation of need conducted annually, with the first evaluation completed during the initial season of ballgames:

- Restripe eastbound approach of Imperial Avenue at 19th Street to allow double left turns, and widen I-5 northbound on-ramp to accommodate the incoming lanes.

SIGNIFICANT DIRECT IMPACT: Under 2002 conditions, weekday afternoon ballpark event traffic departing a game during the weekday p.m. peak hour (5 p.m. to 6 p.m.) would result in the following intersections degrading to a LOS F:

- J Street at 17th Street;
- Imperial Avenue at 17th Street; and

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- Imperial Avenue at 19th Street.

(FSEIR page 5.2-68.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or those improvements and/or measures are not timely implemented, or if Caltrans fails to make necessary adjustments to the applicable ramp meter rates, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: This impact only occurs in a worst-case situation in which there is a weekday afternoon game – of which there are only about five-to-ten per year, and that game is sold-out, and it ends at the p.m. peak hour (5 p.m. to 6 p.m.), and which occurs at the same time as a major event at the Convention Center.

This impact to intersections would be mitigated by the improvements required by Mitigation Measures 5.2-6 and 5.2-7. In addition, this impact would be lessened by implementation of Mitigation Measure 5.2-8, which would prevent ballpark events from starting on weekdays between the hours of 1:05 p.m. and 3:30 p.m. This would minimize the number of vehicles exiting a ballpark event during the p.m. peak hour (5 p.m. to 6 p.m.). The average game lasts 2 hours and 48 minutes thus games beginning at 1:00 p.m. or before would, on average, end by 3:48. Games beginning at or after 3:30 p.m. would, on average, end at 6:15 p.m. or later, after the conclusion of the p.m. peak hour. In addition to keeping weekday afternoon event traffic off of the area roadways during the p.m. peak hour through regulation of the start times, there also will be road improvements constructed as part of Mitigation Measure 5.2-1. Other mitigation measures which would help reduce this impact are those which encourage people to use mass transit or carpool rather than drive or drive alone. These mass transit-related incentives and/or measures are set forth in Mitigation Measures 5.2-5, 5.2-10 (encouraging people to park at Qualcomm Stadium and take mass transit into downtown), 5.2-11, 5.2-14, 5.7-2 (encouraging carpools) and 5.7-6 (incentives for

transit use). In addition, the ETMP called for in Mitigation Measure 5.2-9 would help alleviate this impact through the various traffic controls which it is designed to implement. Finally, Mitigation Measures 5.2-2 and 5.2-4, discussed above on pages 35-37 and 40 of these Findings, would help mitigate impacts to freeways and ramps through preparation of the Freeway Deficiency Plan and adjustment of ramp meter flow rates. However, if the necessary improvements and/or measures identified in the Freeway Deficiency Plan are infeasible, or are not funded when needed, or if Caltrans fails to adjust the meter flow rates, the traffic impacts on the identified intersections would be significant and not mitigated. (FSEIR page 5.2-101.)

Mitigation Measures: Mitigation Measures 5.2-1, 5.2-2, 5.2-4, 5.2-5 through 5.2-11, 5.2-14, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-100, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-1, 5.2-2, 5.2-6 through 5.2-11, 5.7-2 and 5.7-6 are feasible and are binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measures 5.2-5 and 5.2-14 are feasible and should be implemented by MTDB.

SIGNIFICANT DIRECT IMPACT: If sufficient capacity on the freeway mainline and appropriate ramp flow rates are not in place, the ballpark event traffic under a worst-case analysis assuming both a sold-out weekday afternoon ballgame and peak period outbound commuter traffic would create a significant impact from spillback of traffic from the freeways and associated ramps onto the following adjacent roadways and intersections:

- G Street/SR-94 (MLK Jr.) Eastbound On-Ramp: traffic queues would extend west along G Street, possibly past Twelfth Avenue, with more traffic queues on Market, 13th and 14th Streets.
- Imperial Avenue/I-5 Northbound On-Ramp: traffic queues would extend west along Imperial Avenue, possibly past Twelfth Avenue, and along the intersecting north/south roadways.

(FSEIR pages 5.2-70 through 5.2-71.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or such improvements and/or measures are not timely implemented, or if Caltrans fails to make necessary adjustments to the applicable ramp meter rates, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined

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that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: This potential impact is anticipated to occur less than five-to-ten times per year even without mitigation, given that it requires peak commuter outbound traffic concurrent with the traffic from a weekday afternoon ballgame (of which only five are scheduled for this year) that is sold out and ends in the p.m. peak hour (5 p.m. to 6 p.m.) and is concurrent with a major Convention Center event. (FSEIR page 5.2-71.) The impact would be mitigated through a variety of measures. First, Mitigation Measure 5.2-8 would prevent ballpark events from starting on weekdays between the hours of 1:05 p.m. and 3:30 p.m., thus would regulate ballpark event start times to minimize the number of vehicles exiting a ballpark event during the p.m. peak hour. The average game lasts 2 hours and 48 minutes. Games beginning at 1:00 p.m. or before would, on average, end by 3:48 – before the start of the p.m. peak hour. Games beginning at or after 3:30 p.m. would, on average, end at 6:15 p.m. or later, after the conclusion of the p.m. peak hour. In addition to keeping weekday afternoon event traffic off of the area roadways during the p.m. peak hour through regulation of the start times, there also would be road improvements constructed as part of Mitigation Measure 5.2-1. Other mitigation measures which would help reduce this impact are those which encourage people to use mass transit or carpool rather than drive or drive alone. These mass transit-related incentives and/or measures are set forth in Mitigation Measures 5.2-5, 5.2-10 (encouraging people to park at Qualcomm Stadium and take mass transit into downtown), 5.2-11, 5.2-14, 5.7-2 (encouraging carpools) and 5.7-6 (incentives for transit use). In addition, the ETMP called for in Mitigation Measure 5.2-9 would help alleviate this impact through the various traffic controls which it is designed to implement. Finally, Mitigation Measures 5.2-2 and 5.2-4, discussed above on pages 35-37 and 40 of these Findings, would help mitigate impacts to freeways and ramps through preparation of the Freeway Deficiency Plan and adjustment of ramp meter flow rates. However, if the necessary improvements and/or measures identified in the Freeway Deficiency Plan are infeasible, or are not funded or implemented when needed, or if Caltrans fails to adjust the meter flow rates, the weekday afternoon event traffic impacts on the identified roadways and intersections would be significant and not mitigated. (FSEIR page 5.2-101.)

Mitigation Measures: Mitigation Measures 5.2-1, 5.2-2, 5.2-4, 5.2-5, 5.2-8 through 5.2-11, 5.2-14, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-100, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-1, 5.2-2, 5.2-8 through 5.2-11, 5.7-2 and 5.7-6 are feasible and are binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measures 5.2-5 and 5.2-14 are feasible and should be implemented by MTDB.

SIGNIFICANT DIRECT IMPACT: Roadway segment volumes would increase within the adjacent residential neighborhoods and, if sufficient capacity on freeways and associated on-ramps is not provided, motorists could seek routes around the freeways, including routes through neighborhood streets. (FSEIR page 5.2-47.) The actual magnitude of such trip diversion through adjacent neighborhoods in response to freeway and on-ramp congestion is indeterminable using available analytical capacities.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: It is infeasible to accurately measure the location and/or magnitude of traffic diversion in response to congested freeway conditions. To the extent general estimates are possible, and based on a review of SANDAG travel forecasts, the FSEIR concludes that there would not be a significant level of traffic diversion in response to congested freeway conditions, but acknowledges that the difficulties in attempting to accurately estimate whether or not such diversion would occur. Diverting from one route to another typically is based on the motorist's perception of time savings allowed by an alternative route. SANDAG's state-of-the-art model assumes that motorists will act in a manner which minimizes travel time and cost; however, in reality all motorists do not have the same knowledge of alternative routes and associated travel time savings and often may perceive travel time savings differently. As a result, a motorist's responses to congested conditions vary and cannot be accurately estimated. The FSEIR addresses this issue by requiring the ETMP, which is designed to preclude ballpark event traffic from diverting into the surrounding neighborhoods. *See* Peterson Diversion Memo.

Mitigation Measure 5.2-1 provides for enumerated improvements to be made to downtown roadways, including restriping as well as construction of new lanes. In addition, Mitigation Measures 5.2-14, 5.7-2 and 5.7-6 encourage the use of mass transit and hence help lessen congestion on freeways as well as neighborhood streets. Those improvements and/or measures, in addition to the timely implementation of the improvements detailed in Mitigation Measure 5.2-2 and the ramp meter flow rate adjustments called for in Mitigation Measure 5.2-4, as more fully discussed on pages 35-37 and 40 of these Findings, would provide capacity on freeways and associated ramps that should remove any incentive for motorists to divert along alternative routes such as neighborhood streets. assuming the necessary improvements and/or measures identified in the Freeway Deficiency Plan are feasible, funded, and timely implemented, and that Caltrans adjusts the meter flow rates. In any event, the ETMP provided as part of Mitigation Measure 5.2-9 fully mitigates this impact by controlling access to the neighborhoods and putting plans and actions in place to ensure that event traffic does not use neighborhood streets to access the ballpark. (FSEIR page 5.2-101.)

Mitigation Measures: The text of Mitigation Measures 5.2-1, 5.2-2, 5.2-4, 5.2-9, 5.2-14, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-100, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation

Measures 5.2-1, 5.2-2, 5.2-9, 5.7-2 and 5.7-6 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measure 5.2-14 is feasible and should be implemented by MTDB.

b) Parking

SIGNIFICANT DIRECT IMPACT: A shortage of ballpark parking during weekday afternoon and weekend evening ballgames could create impacts on the nearby residential neighborhoods. (FSEIR page 5.2-84.) With limited parking on nearby lots and structures, ballpark patrons would be more likely to park along streets in the adjacent residential areas, creating additional congestion and impacts on available parking for neighborhood residents and guests. (FSEIR page 5.2-84.) This would result in significant direct impacts related to the Ballpark and Ancillary Development Projects on neighborhood parking under near-term 2002 conditions. (FSEIR page 5.2-84.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: This impact only would occur if there were a sold-out baseball game during one of the approximately five-to-ten weekday afternoon or approximately 24 weekend evening home games occurring during the year, and this sold-out game occurred at the same time as a major Convention Center event. Only when all of those events take place at the same time would this impact occur. In that case, the impact would be mitigated by providing an adequate number of parking spaces to serve the Ballpark and Ancillary Projects. This is accomplished pursuant to Mitigation Measures 5.2-9, 5.2-12 and 5.2-13, which would require development and implementation of an event parking management plan. It also would be mitigated through the provision of an adequate number of parking spaces to serve the Ballpark and Ancillary Development Projects pursuant to Mitigation Measure 5.2-10, which would provide 5,500 reserved ballpark event parking spaces at Qualcomm Stadium in addition to the 2,383 dedicated ballpark parking spaces that would be provided as part of the Ballpark Project. Moreover, Mitigation Measures 5.2-11, 5.2-14, 5.7-2 and 5.7-6 would encourage the use of mass transit, thus decreasing the dependency on parking spaces. Trolley ridership to Qualcomm Stadium rose steadily last baseball season and continues to grow this season. Trolley ridership averaged 9.7% in May and June of 1998 and has increased to approximately 10.5% during the 1999 baseball season.

Also, as indicated in Section 5.2.1.3 in the FSEIR, the proposed ballpark is in an area that is served by numerous transit facilities, including: (1) four bus routes, (2) one Metropolitan Transit System contract bus route, (3) both the Blue Line and the Orange Line routes of the San Diego trolley, (4) the North County Transit District Coaster commuter rail, and (5) Amtrak from Los Angeles. An additional three MTDB bus routes provide secondary, less direct access to the

ballpark area via Market Street. The 12th & Imperial/Transfer Station located within a five minute walk of the proposed ballpark site is a major transfer center providing connections between bus and trolley services.

This high quality transit service is what makes the Qualcomm Stadium remote parking work so well, as evidenced by the success of such combinations in Baltimore, Cleveland, Toronto, Chicago and St. Louis as well as for fans attending Qualcomm Stadium itself. *See* Peterson Parking Memo. This remote parking/transit combination has the added advantage of allowing fans to avoid congestion and park in locations conveniently accessible from their home and/or office. *Id.*

Moreover, only parking that which is within a 20-minute walking/travel time of the Proposed Activities can really be considered viable for use by fans. Figure 5.2-13 of the FSEIR illustrates the boundary of the 20-minute walking distance from the ballpark, which ends on the west side of I-5 and does not extend into the neighborhoods on the other side of the freeway. Parking in the neighborhoods will further be discouraged by the fact that development within Sherman Heights and Grant Hill is subject to the Southeast San Diego Planned District Ordinance, which permits parking lots only in Commercial and Industrial Zones and then only by a Special Permit.

Mitigation Measures: Mitigation Measures 5.2-9 through 5.2-14 and 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-98 through 5.2-100, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-14 is feasible and should be implemented by MTDB.

SIGNIFICANT DIRECT IMPACT: Parking demand associated with ballpark events would exceed the available supply of parking on weekday afternoons and weekend evenings. (FSEIR page 5.2-83.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that changes or alternations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: This impact would only occur if there were a sold-out baseball game during one of the approximately five-to-ten weekday afternoon or 24 weekend evening home games and, at the same time, a major Convention Center event. Only when all three events take place at the same time would the parking impact occur. In these rare instances, the impact would be mitigated by several different measures. First, most ballpark event patrons are expected to use the freeway system and/or mass transit to access the ballpark, not neighborhood streets, and most patrons are expected to park in the downtown area rather than in the neighborhoods, even without implementation of mitigation measures. An ETMP required as part of Mitigation Measure 5.2-9, along with the 5,500 parking spaces provided by Mitigation Measure 5.2-10, the incentives to use mass transit and thereby reduce the need for parking spaces, implemented by Mitigation Measures 5.2-11, 5.2-14, 5.7-2 and 5.7-6, and the parking management plans implemented by Mitigation Measures 5.2-12 and 5.2-13 would reduce impacts to neighborhoods

from neighborhood parking to below a level of significance by providing adequate parking outside of the potentially impacted neighborhoods for ballpark patrons as well as through restricting ballpark traffic and parking in surrounding residential neighborhoods. (FSEIR pages 5.2-98 through 5.2-99.) The use of remote parking in conjunction with transit service as is planned with use of 5,500 parking spaces at Qualcomm Stadium and use of the trolley and/or buses to access downtown from the Mission Valley remote parking site is a legitimate approach to parking that has worked successfully at numerous event venues across the country. *See* Peterson Parking Memo. The remote parking/transit combination works well for fans currently attending ballgames at Qualcomm Stadium, and also works effectively in Baltimore, Cleveland, Toronto, Chicago and St. Louis. *Id.* This remote parking/transit combination has the added advantage of allowing fans to avoid congestion and park in locations conveniently accessible from their home and/or office. *Id.* In addition, people will be encouraged to use this remote parking facility through an incentive program set out in Mitigation Measure E-31 from the Errata.

The ETMP, developed as part of Mitigation Measure 5.2-9, would address parking management for events at both on- and off-site parking facilities, including the location of available employee and event-patron parking, the need for shuttle systems and/or trolley service from lots to the ballpark, and other operational issues regarding parking management, thereby reducing impacts to surrounding neighborhoods. It also would avoid potential conflicts between ballpark and Convention Center traffic during concurrent events by using traffic control officers to restrict post-ballpark event access to Harbor Drive via Park Boulevard. These officers would close southbound Park Boulevard at the ballpark access road so that Convention Center traffic would continue to be able to access Park Boulevard and Imperial Avenue from Harbor Drive. This restriction of access to Harbor Drive from southbound Park Boulevard would occur only during post-ballgame periods and when concurrent events at the ballpark and the ConventionCenter would have overlapping exiting patterns. This would facilitate identification and use of separate exiting routes, thereby minimizing potential conflicts between ballpark and Convention Center traffic. Restricting this post-game traffic access to Harbor Drive from Park Boulevard would not create any additional traffic impacts because all ballpark parking is located north of Harbor Drive, and less than 5% of ballpark trips would normally use Harbor Drive to access the ballpark. In addition, there are other access routes that serve as alternatives to Harbor. *See* Peterson Harbor Memo.

The Neighborhood Parking Plan described in Mitigation Measure 5.2-13 would reduce impacts by requiring, with the neighborhoods' consent, restricted event parking through signage, parking permits, restricted access and/or additional police enforcement. (FSEIR page 5.2-99.) A residential parking program for neighborhoods near the new Camden Yards ballpark in Baltimore has been extremely successful, as testimony before the City Council on October 5, 1999 and evidence submitted in conjunction with that testimony revealed. As the newspaper articles submitted attest, nearby homeowners who feared traffic and parking impacts would be significant in their neighborhoods as a result of the Camden Yards ballpark found just the opposite to be true. *See, e.g.*, "Major League Neighbors: Oriole Park Less Intrusive Than Expected," The Baltimore Sun, July 19, 1992 (quoting residents as stating that the neighborhood parking situation had actually improved since the ballpark opened nearby). In addition, the police have expressed

confidence that they can adequately control event parking from traveling through the nearby neighborhoods through measures put in place as part of the ETMP. *See* Police Memo.

Mitigation Measures: Mitigation Measures 5.2-9 through 5.2-14, 5.7-2 and 5.7-6 and E-31 are discussed and set forth in full above and on page 5.2-98 through 5.2-100, 5.7-11, 5.7-14 and 5.7-15 of the FSEIR, or are in the Errata, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-9 through 5.2-13 and 5.7-2 and 5.7-6 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-14 is feasible and should be implemented by MTDB.

c) Transit Impacts

SIGNIFICANT DIRECT IMPACT: For a weekday afternoon ballgame, outbound Trolley demands would exceed available standing capacity at the post-game peak on both the northbound Blue Line and the eastbound Orange Line. (FSEIR page 5.2-86.)

Finding: Pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Finding: As discussed above, this impact would only occur when there was a sold-out game on a weekday afternoon or weekday evening, and at the same time there was a major event at the Convention Center. There are only about five-to-ten weekday afternoon and about 24 weekend evening ballgames per year, and not all of those are sellouts and not all would occur at the same time as the Convention Center was hosting a major event. The occasions when the impact would occur also are partially lessened by implementation of Mitigation Measure 5.2-8, which precludes baseball games from starting between 1:05 p.m. and 3:30 p.m. on weekdays. Because an average baseball game lasts 2 hours and 48 minutes, this regulation of a game's start time should preclude most games from ending during the p.m. peak hour (5 p.m. to 6 p.m.) and thus would reduce the number of fans who would try to access the outbound trolley during that time.

When, if ever, it did occur, however, the impacts would be mitigated. MTDB will provide additional equipment pursuant to Mitigation Measures 5.2-14 to supply the transit capacity sufficient to meet the transit demand. *See* October 18, 1999 letter from Thomas F. Larwin, General Manger of MTDB to Water Rask of CCDC (M-19 to List of Technical Memorandums) ("MTDB Letter"). MTDB currently is providing this service to ballgame patrons at Qualcomm Stadium. Centre City East is an even better location from a mass transit perspective. MTDB in its October 18, 1999 letter to Walter Rark confirmed that it will provide increased levels of transit service for downtown ballpark events similar to that currently provided to Qualcomm Stadium. While in rare situations in which ballpark events end at the same time as other major Convention Center events and the p.m. peak hour ballpark patron waiting time at trolley stops would increase,

that waiting time increase is an expected part of ballgame attendance and is not considered a significant impact, especially given that it would occur if at all only a few times per year.

To accommodate this mass transit use, the ETMP required by Mitigation Measure 5.2-9 will consider use of bus priority measures including exclusive bus lanes, by-pass/pull-out facilities and signal priorities and interim measures to increase trolley capacity. Measures to manage and direct transit patron use of the Trolley platforms include: (i) using signs to direct patrons to and from the Trolley platforms with the intent of dispersing the boarding activity based upon trip destination; (ii) designating supplemental boarding areas adjacent to the existing platforms through coning, striping and temporary barricades; (iii) closing streets to facilitate boarding activity as necessary; and (iv) providing off-site fare machines. *See* October 18, 1999 memorandum from Mark Peterson of BRW, Inc. to Bruce McIntyre of Lettieri-McIntyre and Associates (M-18 to List of Technical Memorandums) ("Peterson Trolley Memo").

This impact, which is caused by weekday afternoon post-game departures, also would be mitigated by implementation of Mitigation Measure 5.2-8, which would prevent ballpark events from starting on weekdays between the hours of 1:05 p.m. and 3:30 p.m. This regulation of ballpark event start times would minimize the number of vehicles exiting a ballpark event during the p.m. peak hour. The average game lasts 2 hours and 48 minutes. Games beginning at 1:00 p.m. or before would, on average, end by 3:48 – before the start of the p.m. peak hour. Games beginning at or after 3:30 p.m. would, on average, end at 6:15 p.m. or later, after the conclusion of the p.m. peak hour.

Mitigation Measures: Mitigation Measures 5.2-8, 5.2-9 and 5.2-14 are discussed and set forth in full above and on pages 5.2-98 through 5.2-100 of the FSEIR. Mitigation Measures 5.2-8 and 5.2-9 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-14 is feasible and should be implemented by MTDB.

SIGNIFICANT DIRECT IMPACT: Ballgame events would result in an additional maximum park-and-ride demand of between 2,400 and 4,000 vehicles if all projected ballpark Trolley patrons were to park-and-ride at Trolley stations, which would exceed park-and-ride capacity along the Blue Line (north). (FSEIR pages 5.2-87 through 5.2-88.) It is also likely that specific station locations along the Trolley lines could experience demand that exceeds supply. (FSEIR pages 5.2-87 through 5.2-88.) For instance, the E Street Trolley Station in Chula Vista currently fills to capacity on an average day. (FSEIR pages 5.2-87 through 5.2-88.) The Old Town Transit Center has also exhibited capacity problems during events at Qualcomm Stadium. As a result of these anticipated parking shortages, the Ballpark and Ancillary Development Projects would result in significant direct impacts related to the Ballpark and Ancillary Development Projects to existing park-and-ride facilities. (FSEIR pages 5.2-87 through 5.2-88.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: This impact would occur only when the baseball game is a sell out and at the same time there is a major Convention Center event. Thus, it would only occur a few times a year, if at all. Moreover, it would be mitigated by Mitigation Measure 5.2-10, which would provide 5,500 reserved ballpark parking spaces at Qualcomm Stadium. These additional spaces at Qualcomm Stadium provide adequate parking capacity to meet park and ride parking demands along the Blue Line (north). *See also* Peterson Parking Memo for a discussion of the viability, use and effectiveness of remote parking for event venues.

Mitigation Measure: The text of Mitigation Measure 5.2-10 is discussed and set forth in full above and on page 5.2-98 of the FSEIR, and is incorporated by reference as if fully set forth herein. This mitigation measure is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

d) Pedestrian Circulation

SIGNIFICANT DIRECT IMPACT: There would be an estimated 46,000 pedestrian trips associated with a sold-out ballpark event, which would cause a pedestrian capacity problem at both Imperial Avenue between Park Boulevard and National Avenue, and J Street between Seventh and Tenth Avenues. (FSEIR pages 5.2-89 and 5.2-90.) Before and after ballgames, pedestrians converging from adjacent parking facilities likely would spill into the roadway at these locations. (FSEIR pages 5.2-91 and 5.2-92.) In addition, uncontrolled pedestrian crossings at the trolley line along Twelfth Avenue between Imperial and Market create potentially significant safety issues as well as potential interference with trolley operations. (FSEIR page 5.2-92.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Impacts to pedestrian circulation would be mitigated by implementing pedestrian access improvements described in Mitigation Measure 5.2-15, which would ensure sidewalks are wide enough to allow an adequate level of service for pedestrians. As that measure requires, the sidewalk width along Imperial Avenue between the existing MTDB structure and Park Boulevard would be increased to 24 feet, while the sidewalk width on the southside of J Street between Seventh and Tenth Avenues would be increased to 20 feet. This widening would allow room on the potentially impacted sidewalks for the pedestrians anticipated to be generated by a ballpark event. (FSEIR pages 5.2-103 through 5.2-104.) In addition, fencing along the east side of the trolley tracks between K Street and Imperial Avenue with designated pedestrian crossing points at K Street, L Street and Imperial Avenue which is required by Mitigation Measure 5.2-15 would prevent uncontrolled pedestrian crossing of the trolley tracks.

Mitigation Measure: The following mitigation measure, which is discussed on page 5.2-100 of the FSEIR, is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.2-15: Prior to the first ballpark event, the following pedestrian circulation improvements shall be completed:

- Provide adequate sidewalk widths in all pedestrian corridors to satisfy the projected needs at Level of Service E or better;
- Provide a 24-foot-wide sidewalk along the south side of Imperial Avenue, between the existing MTDB parking structure and Park Boulevard;
- Provide a minimum sidewalk width of 20 feet along the south side of J Street, between Seventh and Tenth Avenues; and
- Provide low fencing along the east side of the trolley tracks between K Street and Imperial Avenue with designated crossing points at K Street, L Street and Imperial Avenue. (MMRP 13.2-10.)

e) Bicycle, Taxi and Pedicab Circulation

SIGNIFICANT DIRECT IMPACT: Bicycle, taxi, and pedicab trip activity in a congested area would occur under event conditions at the ballpark. (FSEIR page 5.2-92.) Bicycle, taxi, and pedicabs, along with pedestrian trips, would account for between two and four percent of trips to a ballgame. (FSEIR page 5.2-92.) Potential conflicts with both vehicular and pedestrian traffic would occur without proper control and designation of pedicab loading and unloading facilities. (FSEIR page 5.2-92.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Implementation of Mitigation Measure 5.2-9 would address the potential traffic conflicts between bicycle, taxi and pedicab trip activity and other traffic in the area of the Ballpark Project under event conditions at the ballpark and would design and implement a Pedicab/Taxi Management System in connection with the ETMP. The resulting management system would minimize potential impacts from pedicabs, bicycles and taxis to below a level of significance by providing, for example, staging areas and restrictions on access to certain congested areas. (FSEIR page 5.2-104.)

Mitigation Measure: Mitigation Measure 5.2-9 is discussed and set forth in full above and on page 5.2-98 of the FSEIR, and is incorporated by reference as if fully set forth herein. This mitigation

measure is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

3) **Plan Amendments**

SIGNIFICANT DIRECT IMPACT: The impacts of the proposed land use changes within the Primary Plan Amendment Area to allow development of the Ballpark and Ancillary Development Projects on traffic circulation, parking, transit and pedicabs would be the same as those discussed above for the Ballpark and Ancillary Development Projects. (FSEIR pages 5.2-94 through 5.2-95.) The discussion of such impacts described above for the Ballpark and Ancillary Development Projects therefore are incorporated by reference as if fully set forth herein.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or if Caltrans fails to make necessary adjustments to the applicable ramp meter rates, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: The Facts in Support of Findings for the Plan Amendments, are those same Facts in Support of Findings as are discussed above for traffic, circulation, access and parking impacts for the with- and without-event Ballpark and Ancillary Development Projects. Accordingly, those mitigation measures and Facts in Support of Findings set forth for the Ballpark and Ancillary Development Projects are incorporated by reference as if fully set forth herein.

Mitigation Measures: The mitigation measures required to lessen the relevant impacts for the Plan Amendments are the same mitigation measures as are discussed above for traffic, circulation, access and parking impacts for the Ballpark and Ancillary Development Projects

and, accordingly, those mitigation measures are incorporated by reference as if fully set forth herein.

C. CULTURAL RESOURCES

1) Ballpark Project

SIGNIFICANT DIRECT IMPACT: The siting and construction of the Ballpark Project would directly impact seven designated historical sites on the City's Local Register of Historic Sites: Rosario Hall, the Western Metals building complex (which includes the Farmers Bazaar building), the Showley Brothers Candy Factory building, the Levi Wholesale Grocery/Kvaas building, the Schiefer & Sons Warehouse, San Diego Gas & Electric Company Utility Pole and the SDG&E Company Office Building. (FSEIR page 5.3-11.) Present plans for the Retail at the Park would preserve the Bundy Lofts/Schiefer & Sons Warehouse and the facade of the Levi Wholesale Grocery/Kvaas Construction building. (FSEIR page 5.3-12.) The remainder of the Levi/Kvaas building would be reconstructed onsite using salvageable building materials, after an underground parking garage has been constructed. Impacts to the Levi/Kvaas building would still be considered significant and unmitigable. (FSEIR page 5.3-12.) The five-story Western Metal Building would be preserved and incorporated into the ballpark under current plans. (FSEIR page 5.3-12.) The single-story building adjacent to the Western Metal Building, currently housing the Farmers Bazaar, would be demolished except for its Seventh Avenue façade which would be retained in place. (FSEIR page 5.3-12.) The loss of all but the façade of the Farmers Bazaar would result in a significant and unmitigable impact. (FSEIR page 5.3-12.) The Showley Brothers Candy Factory building would be relocated, and its exterior rehabilitated in accordance with the Secretary of the Interior's Standards, so long as such relocation, core and shell costs associated with mitigating impacts to the Showley Brothers Candy Factory building do not exceed $3 million, as described in Mitigation Measure 5.3-6. (FSEIR page 5.3-12.) The SDG&E Company Office Building would be demolished. The impacts to the SDG&E Company Office Building are considered significant and unmitigable. Rosario Hall and the SDG&E Utility Pole would be relocated and rehabilitated at other locations within the Centre City Redevelopment Project Area. (FSEIR page 5.3-12.) Impacts to the Rosario Hall and the SDG&E Utility Pole would, therefore, be considered less than significant. (FSEIR page 5.3-12.) The siting and construction of the Ballpark Project also would directly impact a number of other sites evaluated by the consultant and found not to be eligible for local historical designation. (FSEIR page 5.3-13.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would substantially reduce the significant environmental effect identified in the FSEIR. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is hereby made as well, and the Council/Agency also finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social,

technological or other considerations make infeasible the mitigation measures or alternatives identified in the FSEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The area of the Proposed Activities would not qualify as an historic district under either the National Register of Historic Places or the California Register of Historic Resources, as is discussed in Responses to Comments 2.1A and 2.2 of Volume IV of the FSEIR. In any event, while one building would be demolished, two buildings would be retained and key facades on two additional buildings would be preserved. Two more buildings, Rosario Hall and the Showley Brothers Candy Factory, as well as the SDG&E Utility Pole, would be relocated. (Mitigation Measures 5.3-3 and 5.3-6). The Reincarnation Building, Fire Station #4, Julian Produce Building and Simon Levi Building would not be impacted by the Proposed Activities. The Western Metal Building and Schiefer & Sons Warehouse would be retained, seismically retrofitted and incorporated into the Proposed Activities, thus reducing impacts to those buildings to below a level of significance by preserving these resources. (Mitigation Measure 5.3-2.) The Showley Brothers Candy Factory building also would be relocated, and its exterior rehabilitated in accordance with the Secretary of Interior's Standards, so long as the relocation, core and shell costs associated with mitigating impacts to the building would not exceed $3 million, further reducing impacts. (Mitigation Measure 5.3-6.) The Seventh Avenue façade of the Farmer's Bazaar building (part of the Western Metals building complex) would be retained, seismically retrofitted and incorporated into the Proposed Activities. (Mitigation Measure 5.3-2.) The Levi/Kvaas building would be substantially retained, seismically retrofitted with some reconstruction using materials to reflect its historic appearance. (Mitigation Measure 5.3-2.) The Wellman Peck/TR Produce building would be retained, seismically retrofitted and adaptively reused. (Mitigation Measure 5.3-2.) The documentation called for in Mitigation Measure 5.3-1(2)(c) would be consistent with Historic American Building Survey (HABS) Level II and would be forwarded to the California Historical Resources Regional Information Center and an appropriate local repository. (Mitigation Measure 5.3-4.) Any noise attenuation required to be installed in order to ensure that noise levels at noise-sensitive uses within the two-block noise impact area do not exceed the City's Noise Ordinance shall be installed consistent with the Secretary of the Interior's Standards for Rehabilitation. (Mitigation Measure 5.3-5.) In addition, the Padres would establish two permanent interpretive displays within the Ballpark Project regarding the history of the surrounding area and the history of San Diego baseball. (Mitigation Measure 5.3-8.) Moreover, prior to demolition of certain of the buildings, an inventory of significant, character-defining features and materials of the buildings will be prepared and such materials and design elements salvaged and incorporated to the extent feasible into the final design for the replacement buildings or, if not so incorporated, made available for use in rehabilitation projects in the region. (Mitigation Measure 5.3-9.) The analysis required under Mitigation Measure 5.3-1 has not been completed, it is considered unlikely that written, photographic and HABS drawing documentation of the impacted structures would provide full mitigation for all of the impacted structures (FSEIR page 5.3-21.) Therefore, the impacts of the Ballpark Project on designated historic structures would be significant and not mitigated. (FSEIR page 5.3-21.)

Mitigation Measures: The text of Mitigation Measures 5.3-1 through 5.3-6, 5.3-8 and 5.3-9 are discussed and set forth in full above and on pages 5.3-16 through 5.3-19 of the FSEIR and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT DIRECT IMPACT: The Ballpark Project would impact one known historic archaeology site (SDI 8723H). (FSEIR page 5.3-13.) This site contains historic remnants of structures associated with San Diego Gas and Electric operations. (FSEIR page 5.3-13.) Although no other significant archaeological resources are known to exist in the Ballpark Project Area, evidence provided by recorded sites found in proximity to the Ballpark and Ancillary Development Projects Area suggests a possibility for the presence of potentially significant prehistoric cultural resources which are potentially impacted by implementation of the Proposed Activities. (FSEIR page 5.3-13.) Thus, impacts of the Ballpark Project on archaeological resources are potentially significant. (FSEIR page 5.3-13.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Impacts to known and subsequently identified significant archaeological resources would be reduced to below a level of significance through implementation of Mitigation Measures 5.3-10 and 5.3-11 by requiring that a qualified archaeologist monitor all excavation and grading, conduct an in-depth study for areas with high potentials for archaeological resources and provide for other measures as appropriate such as data recovery. (FSEIR pages 5.3-19 through 5.3-21.)

Mitigation Measures: The following mitigation measures, which are discussed on pages 5.3-19 and 5.3-20 of the FSEIR, are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.3-10: A qualified archaeologist shall carefully monitor all excavation and grading activities while an activity is underway. If resources are encountered in the course of ground disturbance, the archaeological monitor shall be empowered to halt grading and to initiate an archaeological testing program. Every effort shall be made to preserve in place any archaeological resource that is found after commencement of the activity. If preservation in place is infeasible, a data recovery testing program shall be prepared. This testing program shall include the recordation of artifacts, controlled removal of the materials, an assessment, (i.e., interpretation) of their importance under CEQA and local guidelines, and curation of a representative sample of recovered resources within a qualified curation facility. A testing report shall be deposited with the California Historical Resources Regional Information Center. All resources found to meet the definition of a unique archaeological resource as defined in Public Resources Code §21083.2 shall be treated in accordance with that Code section. (MMRP 3.1-2.)

Mitigation Measure 5.3-11: For areas identified in the 1992 MEIR as possessing a high potential for archaeological resources, the developer shall have a qualified archaeologist conduct an in-depth study of the particular block or portion thereof where the activity is located and carry out all mitigation measures identified in the study. This study shall include a detailed review of Sanborn file insurance maps, a directory search, and, if warranted, limited testing of the zones within the area to be impacted. Mitigation of the activity also requires both obtaining cultural resources records searches and a review of aerial photographs. Testing shall include removal of asphalt, backhoe excavation, limited controlled excavation, and a preliminary review of cultural materials recovered from the excavation. The testing data would be used to formulate a more specific mitigation plan. This plan, which would be activity specific, may include data recovery excavation and monitoring if important resources are encountered. Data recovery may include relatively large-scale excavation, cataloging, analysis, and interpretation. (MMRP 3.1-3.)

2) <u>Ancillary Development Projects</u>

<u>SIGNIFICANT DIRECT IMPACT</u>: The siting and construction of the Second Phase of the Ancillary Development Projects could have a potentially significant impact on fourteen of the sites identified on the Historic Resources Inventory of the Centre City Redevelopment Project Expansion Area. (FSEIR page 5.3-13.) Although the precise natures of the Second Phase of the Ancillary Development Projects are unknown, the land area to be impacted and general character of development are known. (FSEIR page 5.3-14.) It is possible that some historical resources could be impacted through demolition or substantial exterior modifications. (FSEIR page 5.3-14.) Three buildings on the City's Local Historical Site Register occur within the Ancillary Development Projects Area. (FSEIR page 5.3-14.) Although no plans exist to develop the land occupied by the Fire Station Number 4, Julian Produce Company building, and the Qualitee Dairy/Carnation building, no guarantee exists that they would not be impacted by the second phase of Ancillary Development Projects. (FSEIR page 5.3-14.) Therefore, while the First Phase of the Ancillary Development Projects would not have a significant direct impact on historic resources, the Second Phase of the Ancillary Development Projects potentially could have a significant direct impact on historic resources. (FSEIR page 5.3-14.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would substantially reduce the significant environmental effect identified in the FSEIR. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is hereby made as well, and the Council/Agency also finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The Second Phase of the Ancillary Development Projects potentially could significantly impact historic resources. (FSEIR page 5.3-22.) Although implementation of Mitigation Measures 5.3-1, 5.3-4 and 5.3-5, along with the salvage and reuse plan of Mitigation Measure 5.3-9 and the provisions requiring design criteria found in 5.3-12 would mitigate impacts of the First Phase of the Ancillary Development Projects to below a level of significance and would lessen the impacts of the Second Phase of the Ancillary Development Projects, these measures may not be able to reduce the impacts of the second phase to below a level of significance. (FSEIR page 5.3-22.) Consequently, the Ancillary Development Projects could have a significant, unmitigated impact on the historic preservation goals of Centre City Community Plan and Planned District Ordinance as well as the City's Resource Protection Ordinance.

Mitigation Measures: The text of Mitigation Measures 5.3-1, 5.3-4, 5.3-5, 5.3-9 and 5.3-12 are discussed and set forth in full above and on pages 5.3-16 through 5.3-21 of the FSEIR, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT DIRECT IMPACT: The Ancillary Development Projects would not impact any known archaeological sites; however, the potential exists for significant archaeological resources to be encountered during construction. (FSEIR pages 5.3-14 and 5.3-15.) Thus, the Ancillary Development Projects could have a significant impact on any important archaeological resources encountered during development.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: As with the Ballpark Project, application of Mitigation Measures 5.3-10 and 5.3-11 would apply to all development within the Ancillary Development Projects. Implementation of these mitigation measures as development occurs in the Ancillary Development Projects Area would reduce archaeological impacts to below a level of significance by ensuring that any resources encountered in development grading are tested and assessed.

Mitigation Measures: Mitigation Measures 5.3-10 and 5.3-11 are discussed and set forth in full above and on pages 5.3-19 and 5.3-20 of the FSEIR, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

3) Plan Amendments

SIGNIFICANT DIRECT IMPACT: The Plan Amendments would result in significant direct impacts on historic and archeological resources by virtue of the fact that they allow a use – the Ballpark Project – which does not lend itself to preservation of existing

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buildings. (FSEIR page 5.3-15.) The development allowed in the Ancillary Development Projects also may be less conducive to preserving historic buildings than would residential development due to the nature of commercial uses and their design requirements. (FSEIR page 5.3-15.) Accordingly, the same impacts as are described above for the Ballpark and Ancillary Development Projects are incorporated by reference as if fully set forth herein.

Findings: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would substantially reduce the significant environmental effect identified in the FSEIR. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3), and Agency Local Guidelines Section 411 is hereby made as well, and the Council/Agency also finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Findings: The Facts in Support of Findings discussed above for the impacts to cultural resources from the Ballpark and Ancillary Development Projects are applicable here and therefore are incorporated by reference as if fully set forth herein. (FSEIR page 5.3-22.)

Mitigation Measures: The mitigation measures discussed above for the impacts to cultural resources from the Ballpark and Ancillary Development Projects are applicable here and therefore are incorporated by reference as if fully set forth herein. (FSEIR page 5.3-22.)

D. AESTHETICS/VISUAL QUALITY

1) Ballpark Project

a) Views

SIGNIFICANT DIRECT IMPACT: The Ballpark Project would have a significant view impact on key view 2, Eighth Avenue and J Street, from which hardscape associated with the Park at the Park with the ballpark seating area in the background would be visible (FSEIR page 5.4-47); and key view 3, Ninth Avenue and J Street, which would have a foreground view of the proposed Retail at the Park and a background view of the ballpark. (FSEIR page 5.4-47.) Views of the San Diego-Coronado Bay Bridge which are currently available within the Ballpark Project Area along Eighth and Ninth Avenues would be blocked by the Retail at the Park and the ballpark. (FSEIR page 5.4-48.) The San Diego-Coronado Bay Bridge represents a major landmark in the area, thus the loss of these views is considered significant.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The Ballpark Project would preclude views of the San Diego-Coronado Bay Bridge down Eighth and Ninth Avenues by closing these streets through the Ballpark Project Area and constructing the ballpark and Retail at the Park over the street right of ways. (FSEIR page 5.4-55.) While the Ballpark Project has been designed to minimize view impacts, full mitigation of this impact would require that these streets remain open, which is infeasible because it would preclude the construction of the Ballpark Project. (FSEIR page 5.4-55.) As a result, there are no feasible means of mitigating the impact on views to less than significant levels.

b) Aesthetics (Visual Appearance)

SIGNIFICANT DIRECT IMPACT: The J Street facade of the Retail at the Park could have a negative impact on visual appearance from key view 3, at Ninth Avenue and J Street. (FSEIR page 5.4-49.) No detailed design plans exist for the J Street façade; consequently, the potential exists for the ultimate design to include architectural and design elements which would conflict with the character of the surrounding area and create a significant negative visual appearance on key view 2. (FSEIR page 5.4-49.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Mitigation Measure 5.4-1 would reduce the potential impact on visual appearance of the J Street façade to below a level of significance by requiring design review of street facades. (FSEIR page 5.4-54.) Street façade elevations must be reviewed and approved by CCDC to assure conformance in design with the design criteria. The design criteria to be used as a basis for design review are set forth in attachment 4 of Volume V of the FSEIR, unless an historic structure is involved. In that case, the provisions of the Historic Structures Treatment Plan set forth in attachment 3 to Volume V of the FSEIR would govern.

Mitigation Measure: The following mitigation measure, which is discussed on page 5.4-54 of the FSEIR, is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.4-1: Prior to issuance of a development permit for the Retail at the Park, street facade elevations shall be reviewed and approved by the CCDC Board of Directors to assure conformity with the guidelines established in the Centre City PDO for the J Street Corridor and Sixth/Seventh Avenues Transition Zone as well as the following general design criteria:

- Modulate facades with bays that recall traditional parcel and building dimensions.
- Define bays by changes in the rhythmic pattern of openings, architectural features, materials and colors.
- Articulate major entrances, corners of buildings and street corners.
- Use transparent glass in eye-level entries and windows.
- Minimize the length of blank walls. Provide architectural detailing, ornamentation, or art work where blank walls cannot be avoided. (MMRP 1.2-1.)

SIGNIFICANT DIRECT IMPACT: A variety of signage would be associated with the proposed ballpark. (FSEIR page 5.4-51.) Large advertising panels proposed around the perimeter of the ballpark are of particular concern. Images on large advertising panels on the roofs of the ballpark and the Retail at the Park would detract from the visual appearance of the area. (FSEIR page 5.4-49.) Additionally, the superstructure of large advertising panels facing into the ballpark may also detract from the visual appearance of the area. Ballpark signage would represent a significant visual appearance impact. (FSEIR page 5.4-49.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency hereby finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: Implementation of Mitigation Measure 5.4-2 would help lessen the visual quality impact from signage by requiring conformance with the City Sign Ordinance and preparation of a comprehensive sign plan or creation of a special sign district and that is reviewed and approved by both the CCDC and the Council. (FSEIR page 5.4-55.) Eliminating or reducing the number of advertising panels around the perimeter of the ballpark and Retail at the Park, which would reduce impacts to the visual appearance from the surrounding area, is not feasible because the marketing success of signs relies on visibility and because commercial

sponsors are essential to the operational viability of the Ballpark Project. Eliminating advertising from such sponsors would have adverse consequences on advertising revenues for the ballpark and hence the operational viability of the Ballpark Project. (FSEIR page 5.4-56.) In addition, the types of advertising panels used here will reinforce the ballpark experience. The visual experience of the new ballpark in the historic core of San Diego depends heavily on the traditions of the past. In the old ballparks the advertising panels in and around them became defining features of the facility as well as the surrounding neighborhood. They created a sense of place and excitement. The signage program proposed for the new ballpark would rely heavily on those traditions while assuring compatibility with uses in surrounding neighborhoods. The City's sign ordinance clearly provides for comprehensive sign programs tailored to meet the objectives of individual projects of unique quality or setting. The Ballpark District has been created by the voters to stimulate redevelopment in a highly blighted area. In part, the success of the redevelopment effort will depend on creating a unique, active, highly energized urban environment that fosters the City's objectives to create a 24-hour downtown regional attraction. Active, creative and unique signage has been shown in a variety of urban settings as integral to the creation of a uniquely urban experience that attracts tenants and visitors/patrons from local, regional, national and even international markets.

Mitigation Measures: The following mitigation measure, which is discussed on page 5.4-55 of the FSEIR, is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.4-2: Prior to issuance of a development permit for the Ballpark Project, the signage shall comply with the City's Sign Ordinance (Division 11 of the San Diego Municipal Code) through: (1) conformance with the standards of the ordinance, (2) preparation of a comprehensive sign plan or (3) creation of a special sign district in accordance with the City's Sign Ordinance.

c) Aesthetics (Design Policy Conformance)

SIGNIFICANT DIRECT IMPACT: The Ballpark Project would conflict with design policies and criteria established in the existing Community Plan and Planned District Ordinance. (FSEIR page 5.4-49.) The Ballpark Project is not currently allowed under the land use regulations of the Centre City Community Plan and Planned District Ordinance, which constitutes an inherent land use conflict. (FSEIR page 5.4-50.) The street walls associated with the Seventh Avenue and Martin Luther King Jr. Promenade facades would conflict with the street level development standards of the Community Plan and Planned District Ordinance. (FSEIR page 5.1-17.) Meeting those existing standards would require a design that would not meet the basic design requirements of the ballpark. (FSEIR page 5.4-56.) In addition, the design aspects of the Ballpark Project would conflict with many of the design criteria established by the Community Plan and Planned District Ordinance. (FSEIR page 5.4-50.) The Ballpark Project would not follow height setbacks established in existing building bulk guidelines, resulting in a significant impact with respect to design policies and guidelines. It also would not meet north-south dimension limits established for the sun access zone, creating a conflict with the building orientation criteria currently established. (FSEIR page 5.4-50.) The first-story street wall

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windows and entries, maximum total blank wall length and pedestrian entry requirements of the ballpark elevations that face Seventh Avenue and the Martin Luther King Jr. Promenade would not meet the street level development standards established in the Planned District Ordinance (key views 5 and 15), thus would represent a significant conflict with existing design policies and guidelines. (FSEIR page 5.4-50.) The proposed Ballpark Project would be built across Eighth and Ninth Avenues, effectively eliminating any role for these streets as a view corridor in the Ballpark and Ancillary Development Projects Area and blocking views of the San Diego-Coronado Bay Bridge (key views 2 and 3). (FSEIR page 5.4-51.) While Park Boulevard would create a new view opportunity, the loss of views of the San Diego-Coronado Bay Bridge down Eighth and Ninth Avenues would represent a significant conflict with the street level view goals of the Community Plan. (FSEIR page 5.4-51.) The signage proposed on the ballpark and on the roofs of the Retail at the Park buildings would conflict with the sign standards of the Community Plan and Planned District Ordinance, which require signs to be located no higher than 65 feet above the sidewalk. (FSEIR page 5.4-51.) The advertising panels that face out to public areas would be up to 160 feet from the street level, which would represent a significant design policy impact. (FSEIR page 5.4-51.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Adoption of the Plan Amendments, including the proposed amendments to the Centre City Community Plan and Planned District Ordinance, would avoid this conflict by adopting a regulatory scheme which would allow development of the ballpark and related uses within the Ballpark Project Area. (FSEIR page 5.4-56.)

2) <u>Ancillary Development Projects</u>

a) Views

<u>SIGNIFICANT DIRECT IMPACT</u>: The Ancillary Development Projects could block minor portions of the views to the proposed ballpark, San Diego Bay, Pacific Ocean, Coronado, San Diego-Coronado Bay Bridge and Point Loma, and could block short-range views in the general Ballpark Project Area. (FSEIR page 5.4-42.) Most notably, pedestrian bridges connecting future Ancillary Development Projects with the ballpark over Seventh Avenue would interfere with views of the San Diego-Coronado Bay Bridge along Seventh Avenue (key view 1). (FSEIR page 5.4-42.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and

Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: Mitigation Measure 5.4-3 requires, prior to issuance of a development permit, that building elevations for Ancillary Development Projects be reviewed and approved by CCDC pursuant to adopted design guidelines, thereby reducing view impacts. In addition, the bridges have been designed to be as transparent as possible. Nonetheless, regardless of their design, the bridges would block some portion of a view of the San Diego-Coronado Bay Bridge. It would be infeasible to eliminate the view blockage by eliminating the bridges altogether, because the bridges serve as an integral part of the synergy planned between the ballpark and the connecting hotel. The hotel is designed to take advantage of its proximity to the ballpark by heavily relying on use of the common spaces, skyboxes and concourse areas of the ballpark as break-out rooms and meeting spaces for meeting attendees staying at the hotel. Similarly, the baseball park plans to take advantage of the location of the hotel by holding pre-baseball game events at the hotel. These pre-game special events, like the seminars and meetings that would use spaces at the ballpark as well as the hotel for their attendees, acquire the requisite atmosphere in part by the ability of attendees to make a seamless transition from the hotel to the ballpark. The atmosphere upon which such an event or meeting would rely would be impossible to achieve if attendees were required to exit the hotel, walk through downtown streets for two blocks to access the nearest ballpark entrance, then make their way through the crowds to the designated portion of the ballpark. A bridge connection is essential to the ambience, cross-marketing and synergy planned between the two uses.

Mitigation Measure: The following mitigation measure, which is discussed on page 5.4-55 of the FSEIR, is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.4-3: Prior to issuance of a development permit, building elevations for each ancillary development shall be reviewed and approved by the CCDC Board of Directors to assure conformity with the guidelines established in the Centre City PDO for the J Street Corridor and Sixth/Seventh Avenues Transition Zone as well as the following general design criteria:

- Modulate facades with bays that recall traditional parcel and building dimensions.
- Define bays by changes in the rhythmic pattern of openings, architectural features, materials and colors.
- Articulate major entrances, corners of buildings and street corners.
- Use transparent glass in eye-level entries and windows.
- Minimize the length of blank walls. Provide architectural detailing, ornamentation, or art work where blank walls cannot be avoided. (MMRP 1.3-1.)

b) Aesthetics

SIGNIFICANT DIRECT IMPACT: Architecture and site design associated with future Ancillary Development Projects could impact the visual appearance of the area in which the development would be located. (FSEIR page 5.4-52.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: The variety of architecture and building types found in the surrounding area, along with the design review process contained in the Community Plan and Planned District Ordinance reduce this impact, as does the design criteria set forth in attachment 4 of Volume V of the FSEIR. In addition, Mitigation Measure 5.4-3 lessens potential impacts by requiring design review pursuant to adopted guidelines prior to issuance of a development permit.

Mitigation Measure: Mitigation Measure 5.4-3 is discussed and set forth in full above and on page 5.4-55 of the FSEIR. This mitigation measure is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT DIRECT IMPACT: The intensity requirements of the Ancillary Development Projects likely would conflict with the building bulk criteria contained in the existing Community Plan and Planned District Ordinance. (FSEIR page 5.4-33.) Future Ancillary Development Projects may conflict with the principals established with street level design standards and, as a result, street levels of buildings may not be pedestrian-friendly. (FSEIR page 5.4-33.) Thus, significant impacts with respect to design standards could occur with the Ancillary Development Projects. Future development may not meet the stepback standards established by the existing Community Plan and Planned District Ordinance, and would therefore impact street level views. (FSEIR page 5.4-33.) Moreover, pedestrian bridges over Seventh Avenue (key view 1) likely would block existing views of the San Diego-Coronado Bay Bridge and thus have a significant impact on street level views. (FSEIR page 5.4-53.) Furthermore, pedestrian bridges are only allowed in the Community Plan and Planned District Ordinance when necessary to provide for the safe movement of pedestrians where no feasible alternative exists to protect those movements. (FSEIR page 5.4-53.) Thus, unless it can be proven that the pedestrian bridges are necessary for safety reasons, the pedestrian bridges would not be allowed under the current Community Plan and Planned District Ordinance. (FSEIR page 5.4-53.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would

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reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Design review required by Mitigation Measure 5.4-3 would reduce potential building bulk impacts by assuring conformity of design standards prior to issuance of a development permit. (FSEIR page 5.4-56.) In addition, amending the Community Plan and Planned District Ordinance to remove street level development standards within the Primary Plan Amendment Area would avoid the potential conflict between street levels of future Ancillary Development Projects buildings and the existing standards established by the Community Plan and Planned District Ordinance by specifically authorizing the uses proposed under the Ancillary Development Projects. (FSEIR page 5.4-57.)

Mitigation Measure: Mitigation Measure 5.4-3 is discussed and set forth in full above and on page 5.4-55 of the FSEIR, and is incorporated by reference as if fully set forth herein. This mitigation measure is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

3) <u>Plan Amendments</u>

<u>SIGNIFICANT DIRECT IMPACT</u>: The Plan Amendments would allow the Ballpark and Ancillary Development Projects to occur and would replace design and appearance requirements with guidelines that would take into account the nature of the ballpark and the buildings in the Ancillary Development Projects. (FSEIR page 5.4-54.) As a result, the Plan Amendments would have impacts identical to those discussed above, including significant impacts to views and aesthetics. (FSEIR page 5.4-54.) Accordingly, the same impacts described above for the Ballpark and Ancillary Development Projects are incorporated by reference as if fully set forth herein.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Findings: The same Facts in Support of Findings set forth in full above for impacts to Aesthetics/Visual Quality resulting from development of the Ballpark Project or the Ancillary Development Projects are equally applicable here and therefore are incorporated by reference as if fully set forth herein. (FSEIR page 5.4-57.)

Mitigation Measures: The same mitigation measures set forth in full above for impacts to Aesthetics/Visual Quality resulting from development of the Ballpark Project or the Ancillary Development Projects are equally applicable here and therefore are incorporated by reference as if fully set forth herein.

E. NOISE

1) Ballpark Project

SIGNIFICANT DIRECT IMPACT: Peak noise levels from the operational activities (excluding concussion-type fireworks displays after 10 p.m.) at the ballpark would significantly impact surrounding uses. In particular, the Clarion Hotel and land uses within the ReinCarnation Building (e.g., residential lofts and Sushi Performance Gallery) would be affected. (FSEIR page 5.5-12.) In the absence of noise blocking action from a ballpark enclosure or the buildings within the Retail-at-the Park complex in the propagation direction toward off-site receivers, peak noise level from crowd noise would be 77 dB at the nearest Ancillary Development Projects' site and slightly less at the Clarion Hotel and ReinCarnation Building, which are located further away. (FSEIR page 5.5-12.) Structural attenuation for hotel rooms with closed windows and drawn drapes or in office buildings with sealed windows is approximately 30 dB. Structural noise attenuation for the warehouse building housing the Sushi Performance Gallery is perhaps 30 dB. (FSEIR page 5.5-12.) If any live-work residential uses had a substantial line-of-sight to the ballpark and had to keep windows open for ventilation, their exterior-to-interior noise attenuation could be only 10 dB. (FSEIR page 5.5-12.)

Peak noise levels would have a significant impact on nearby residences and hotels. (FSEIR page 5.5-13.) The standard for interior noise levels is 45 dB CNEL. (FSEIR page 5.5-13.) This standard is the average of 45 dB by day, 40 dB in the evening, and 35 dB after 10:00 p.m. (FSEIR page 5.5-13.) Peak interior levels of 45 dB in the hotel rooms facing the ballpark after 10:00 p.m. would be 10 - 12 dB over the desirable limit. (FSEIR page 5.5-13.) Live-work residential uses could have single-event noise levels exceeding post-10:00 p.m. noise peak guidelines by as much as 26 dB. (FSEIR page 5.5-13.) Noise would be audible to all but the most noise-protected live-work situations within as much as 2,500 feet of the ballpark due to post-10:00 p.m., single-event peak noise, but such noise would not reach a level of significance. (FSEIR page 5.5-13.) Although maximum crowd noise might interfere with certain persons' attempts to fall asleep, especially those within upper story rooms of hotels or residences with the most direct view of the ballpark, such noise would not exceed the significance threshold established by the City Noise Ordinance outside the two-block radius of the ballpark. (FSEIR page 5.5-13.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR (with the exception of post 10 p.m. concussion-type fireworks displays) to below a level of significance, provided individual property owners allow appropriate noise attenuation measures to be completed. If property owners refuse the mitigation, the impact would remain significant. Therefore, a finding pursuant

to CEQA Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3) is being made as well, and the Council/Agency hereby also finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the mitigation measures or alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: Except for concussion-type fireworks displays occurring after 10 p.m., noise impacts would be reduced to below a level of significance through implementation of Mitigation Measures 5.5-1 through 5.5-4. Mitigation Measures 5.5-1 and 5.5-2 would ensure that new land uses that would be exposed to certain noise levels would have interior acoustical analysis to ensure that the building design limited interior noise levels to below a level of significance, with specific noise mitigation measures incorporated into the development design as part of the conditions of approval on an activity-specific basis. (FSEIR pages 5.5-16 through 5.5-17.)

Mitigation Measure 5.5-3 would require attenuation measures such as dual pane windows, ventilation improvements, sound walls and ceiling and wall insulation. *See* Giroux Ambient Noise Memo (explaining that noise levels should not be significant outside the potentially impacted two-block area other than for concusionn-type fireworks displays, thus would not be significant in the nearby neighborhoods.) Mitigation Measure 5.5-3 also would require a detailed acoustical study addressing the issues of background noise, outside noise audibility and audience demeanor to insure that implementation of the appropriate measures would sufficiently reduce the impacts. These proposed attenuation devices would achieve the necessary noise attenuation, based on similar development projects, a detailed site visit, review of noise monitoring at other ballparks and the type of speaker system to be used in the ballpark. *See* Giroux Noise Attenuation Memo.

Attenuation devices to be installed at historic structures within the noise impact area would be installed consistent with the Secretary of the Interior's *Standards*. An expert on noise mitigation retrofitting of historic buildings has opined that the required noise attenuation may be achieved in historic buildings in the Ballpark Project Area through methods which are consistent with the Standards. *See* Donaldson Letter.

In addition, noise impacts would be reduced through implementation of Mitigation Measure 5.5-4, which would require a maximum sound level of 95 dB L_{eq} at the sound board at concerts. However, if the individual business or home owner refuses to allow the necessary noise attenuation devices identified as necessary under the studies done pursuant to Mitigation Measure 5.5-3 to be installed, noise impacts would be significant and not mitigated. (FSEIR page 5.5-18.) Additional noise data confirms the noise measurements used in the FSEIR. This additional data is found as attachment 7 in Volume V of the FSEIR. As the various noise studies confirm, outside of the two-block area adjacent to the Ballpark Project noise might be audible but it would not be significant, other than for concussion-type fireworks displays occurring after 10:00 p.m. In addition to the noise attenuation measures discussed above, noise also would be

reduced through features built into the development of the Ballpark Project, such as a distributed speaker array for the public address system designed to eliminate isolated, tower-mounted loudspeakers that were typical in older ballparks.

While ballpark noise would cause significance thresholds for the ambient noise levels established by the City's Noise Ordinance to be exceeded, there would not be significant impact related to outdoor balconies associated with the Clarion Hotel. Significance thresholds for outdoor balconies are based on Community Noise Equivalent Level (CNEL) noise measurement units rather than the hourly average (Leq) standard applied by the City's Noise Ordinance. The CNEL standard for outdoor uses is contained in the Transportation Element of the City's Progress Guide and General Plan. The Transportation Element establishes an exterior noise level standard of 65 CNEL for noise-sensitive uses including hotels.

The CNEL levels experienced by the Clarion Hotel would not exceed the threshold established for outdoor areas. Based on the formula for converting Leq to CNEL, the CNEL would be four decibels less than the Leq level, based on an average evening ballgame length of three hours, which represents the worst case CNEL level. As illustrated in Figure 5.5-4 of the FSEIR, the maximum ballpark noise Leq level experienced by the Clarion Hotel would be 60 dBA Leq. Thus, the CNEL level experienced by the Clarion Hotel would be 56 CNEL which would be well below the 65 CNEL threshold. Therefore, no noise attenuation is required for balconies associated with the Clarion Hotel. Furthermore, hotel guests will have the option to not use balconies during ballgame events.

Mitigation Measures: Mitigation Measures 5.5-1 through 5.5-4 are discussed and set forth in full above and on pages 5.5-16 and 5.5-17 of the FSEIR, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT DIRECT IMPACT: Concerts within the ballpark or Park at the Park would significantly impact residences, hotels and theaters within a general two-block radius. (FSEIR page 5.5-13.) Concerts in the ballpark or within the Park at the Park may have a noise component from the portable speakers brought in by touring groups. (FSEIR page 5.5-13.) A typical noise level for a contemporary music artist at the sound mixing board located approximately 100 feet from the stage is 95 dB. (FSEIR page 5.5-14.) As a worst-case assumption, the 95 dB mixing board sound level has been used to evaluate off-site concert noise exposure. (FSEIR page 5.5-14.) Under line-of-sight conditions, noise from such concerts would be 77 dB at the Sushi Performance Gallery. (FSEIR page 5.5-14.) With noise reduction due to the intervening ballpark structure, this noise level would be reduced by 10 dB or more. (FSEIR page 5.5-14.) The concert activity noise level of 67 dB at the Sushi Performance Gallery with the attenuation due to the ballpark structure would be less than that from baseball stadium peak crowd noise, but the concert activity noise could be more steady-state as opposed to erratic crowd noise and, therefore, significant. (FSEIR page 5.5-14.) As with crowd noise, the probable inability to shut windows for noise reduction may create residential interior noise levels during concert events of 55 dB that exceed the ability to fall/stay asleep easily. Therefore, concert activity after 10:00 p.m. may have a significant noise impact at the nearest live-work residences. (FSEIR page 5.5-14.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR (with the exception of post-10:00 p.m. concussion-type fireworks noise) to below a level of significance, provided individual property owners allow appropriate attenuation measures to be completed. If property owners refuse the mitigation, the impact would remain significant. Therefore, a finding pursuant to CEQA Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3) is being made as well, and the Council/Agency hereby also finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the mitigation measures or alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: Rock concert noise will be reduced to below a level of significance by Mitigation Measures 5.5-1 through 5.5-4. Except for fireworks, noise impacts would be reduced to below a level of significance through implementation of Mitigation Measure 5.5-3 by requiring attenuation measures such as dual pane windows, ventilation improvements, sound walls and ceiling and wall insulation. However, if the individual business or home owner refuses to allow the necessary noise attenuation devices to be installed, noise impacts would be significant and not mitigated. (FSEIR page 5.5-18.) Mitigation Measure 5.5-4 limits the noise level at the mixing sound board in front of the stage during concerts to 95 dB L_{eq}, a level that allows for the potentially significant noise impacts to be limited to the two-block area of potential noise impacts described in the FSEIR. Nonetheless, although not significant, concert noise may be audible beyond the two-block area of potential noise impacts.

While ballpark noise would cause significance thresholds for the ambient noise levels established by the City's Noise Ordinance to be exceeded, there would not be significant impact related to outdoor balconies associated with the Clarion Hotel. Significance thresholds for outdoor balconies are based on Community Noise Equivalent Level (CNEL) noise measurement units rather than the hourly average (Leq) standard applied by the City's Noise Ordinance. The CNEL standard for outdoor uses is contained in the Transportation Element of the City's Progress Guide and General Plan. The Transportation Element establishes an exterior noise level standard of 65 CNEL for noise-sensitive uses including hotels.

The CNEL levels experienced by the Clarion Hotel would not exceed the threshold established for outdoor areas. Based on the formula for converting Leq to CNEL, the CNEL would be four decibels less than the Leq level, based on an average evening ballgame length of three hours, which represents the worst case CNEL level. As illustrated in Figure 5.5-4 of the FSEIR, the maximum ballpark noise Leq level experienced by the Clarion Hotel would be 60 dBA Leq. Thus, the CNEL level experienced by the Clarion Hotel would be 56 CNEL which would be well below the 65 CNEL threshold. Therefore, no noise attenuation is required for balconies associated with the Clarion Hotel. Furthermore, hotel guests will have the option to not use balconies during ballgame events.

Mitigation Measure: Mitigation Measures 5.5-1 through 5.5-4 are discussed and set forth in full above and on pages 5.5-16 and 5.5-17 of the FSEIR, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT DIRECT IMPACT: Ballparks are often associated with occasional unique noise sources such as fireworks. (FSEIR page 5.5-15.) Because concussion fireworks are rich in low frequency noise that travels unabsorbed by the atmosphere for great distances, the rumble of the concussion fireworks can be heard miles away. (FSEIR page 5.5-15.) Several types of fireworks displays are anticipated at the proposed ballpark. Brief fireworks displays would occur after each game. (FSEIR page 5.5-15.) Typically, these displays would last three minutes immediately after the game and would include no concussion-type fireworks. Ten, ten-minute and three, thirty-minute displays of concussion fireworks would be expected to occur throughout the season. (FSEIR page 5.5-15.) Some of these may take place after 10:00 p.m. if an evening game lasts until 10:00 p.m. or later. Concussion fireworks displays after 10 p.m. would have a significant noise impact by disrupting persons sleeping in nearby residences and/or hotels. (FSEIR page 5.5-15.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would substantially reduce the significant environmental effect identified in the FSEIR. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the mitigation measures or alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The noise from pyrotechnic, concussion fireworks cannot be controlled except to agree not to use such fireworks after 10:00 p.m. However, pyrotechnic, concussion fireworks have become an integral part of today's baseball experience for baseball fans in San Diego, with red flares set off during the National Anthem and fireworks after a home run or after a victory and. Indeed, concussion fireworks displays are one of the primary reasons why some San Diego fans choose to attend a game. Fireworks enhance the overall entertainment experience of attending a professional baseball game event and provide fans an opportunity to jointly celebrate team successes. It is impossible to guarantee that a baseball game will conclude in time to ensure that the fireworks display is completed by 10:00 p.m., since no one can guarantee when any particular evening baseball game will end. To schedule a fireworks show and then not be able to provide the fireworks show because the game lasts past 10:00 p.m. would be unfair to those attending the game for the purpose of seeing fireworks and therefore would be infeasible. To minimize noise impacts, Mitigation Measure 5.5-5 limits such fireworks displays

to no more than three 30-minute displays and no more than ten 10-minute displays per season. (FSEIR page 5.5-17 through 5.5-18.) In addition, imposition of Mitigation Measure 5.5-5 will minimize noise impacts by limiting the allowed number of pyrotechnic, concussion fireworks display to Friday and Saturday nights except for specific enumerated special occasions, with all remaining fireworks display to be non-concussion, theatrical displays. (FSEIR page 5.5-18.)

Mitigation Measure: Mitigation Measure 5.5-5 is discussed and set forth in full above and on pages 5.5-17 and 5.5-18 of the FSEIR, and is incorporated by reference as if fully set forth herein. This mitigation measure is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

2) Plan Amendments

SIGNIFICANT DIRECT IMPACT: The Plan Amendments would permit the Ballpark Project to occur and thus would have potentially significant noise impacts by virtue of that fact. (FSEIR page 5.5-16.) Accordingly, the same impacts described above for the ballpark are incorporated by reference as if fully set forth herein.

Findings: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Findings: The same Facts in Support of Findings applicable to the Ballpark Project's noise impacts are applicable here and therefore are incorporated by reference as if fully set forth herein. (FSEIR page 5.5-19.)

Mitigation Measures: The same mitigation measures applicable to the Ballpark Project's noise impacts are applicable here and therefore are incorporated by reference as if fully set forth herein.

F. LIGHT/GLARE

1) Ballpark Project

SIGNIFICANT DIRECT IMPACT: Using the maximum lighting levels expected to be necessary for the ballpark, spill light from field lighting would significantly impact a three-block area around the ballpark. (FSEIR page 5.6-5.) To be conservative, because specific lighting design for the Ballpark Project has not been completed, the FSEIR assumed that the spill light impacts would potentially impact a four-block area around the ballpark. (FSEIR page 5.6-5.) Sleep patterns in light-sensitive uses within the potentially affected four-block area would be significantly impacted, particularly when spill light occurs after 10 p.m., when most people sleep. (FSEIR page 5.6-5.) In addition, spill light would significantly impact the Sushi Performance Gallery, which operates a live theater and is located two blocks from the ballpark. Light entering the theatre from skylights located in the roof of the building would disrupt performances that rely on darkness as part of the program. (FSEIR page 5.6-5.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance, provided individual property owners allow appropriate measures to be completed. If property owners refuse the mitigation, the impact would remain significant. Therefore, a finding pursuant to CEQA Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3) is being made as well, and the Council/Agency hereby also finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Findings: Implementation of Mitigation Measures 5.6-1 through 5.6-6 and E-32 would reduce the impact of light on existing light-sensitive uses within a four-block radius to below a level of significance by identifying light sensitive uses and providing light attenuation devices such as blackout curtains and shielding, if property owners allow such attenuation measures to be installed on their property or the property is developed after the first ballpark event and complies with Mitigation Measure E-32. The FSEIR conservatively estimated that as much as four blocks around the ballpark could experience light/glare impacts, and it is likely that the ultimate design would generate a smaller impact area. *See* M-E Memo. Mitigation Measure 5.6-1 would require that the Retail at the Park incorporate night lighting into its project design, and either shield lights or direct lights down to confine light and glare to the boundary of the development. (FSEIR page 5.6-8.) Mitigation Measure 5.6-2 would require glare controls on field lighting tower luminaires. (FSEIR page 5.6-8.) A lighting study required by Mitigation Measure 5.6-3 would measure or calculate the maximum spill light levels and glare rating increase and identify potentially impacted sensitive uses and roadways with potential glare impacts. (FSEIR page 5.6-8.) It also would require the design and implementation of

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attenuation measures which would reduce overall maximum spill light levels on light-sensitive uses to 2.5 foot candles, or reduce a maximum of 0.5 foot candles above the existing ambient light levels if that level exceeds 2.5 foot candles, and would ensure that glare ratings would not increase more than 20% over ambient conditions. A black-out curtain is one attenuation measure that would be considered for use under Mitigation Measures 5.6-3. Black-out curtains have been successfully used in hotel rooms where outdoor lighting otherwise would interfere with hotel guests' sleep. The use of such curtains on residences, hotels and theaters within the four-block potentially impacted area surrounding the ballpark would be equally effective. *See* M-E Memo.

Mitigation Measure 5.6-4 would ensure that building-mounted lighting would not spill off the development's boundaries. (FSEIR page 5.6-9.) Mitigation Measure 5.6-5 would minimize light impacts from parking garages, while Mitigation Measure 5.6-6 would minimize light impacts from exterior signage by shutting such signage off adjacent to sleeping quarters at 10:00 p.m. or within 30 minutes after conclusion of a ballpark event. (FSEIR page 5.6-9.) Mitigation Measure E-32 would ensure that the Ancillary Development Projects incorporate the appropriate light attenuation measures into the development's design to ensure that light-sensitive uses are not exposed to more than 2.5 foot-candles of light spill. If the property owners of existing light-sensitive uses refuse to allow implementation of the light attenuation measures, the impact would remain significant.

Mitigation Measures: Mitigation Measures 5.6-1 through 5.6-6 and E-32 are discussed and set forth in full above and on pages 5.6-8 through 5.6-9 of the FSEIR or are in the Errata, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT DIRECT IMPACT: Significant increases in the ambient glare rating would be limited to a four-block radius from the ballpark. (FSEIR page 5.6-5.) Within this four-block area, glare from the ballpark's field lights could significantly impair the ability to operate a motor vehicle in a safe manner. (FSEIR page 5.6-5.) The potential for significant glare impacts is normally greatest when streets are elevated in relationship to a sports facility resulting in unobstructed views of field lights, however, and not when nearby streets are at ground level, as is the case for the proposed ballpark. (FSEIR page 5.6-7.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Analysis of other ballparks of similar size and scope to the proposed ballpark showed that glare impacts of other ballparks did not extend beyond a four-block area. *See* M-E Memo. Implementation of Mitigation Measure 5.6-3 would avoid impacts to motorists otherwise caused by a glare rating increase of more than 20% above ambient levels in that four-block radius by assuring that appropriate glare control techniques, such as shielding, are identified and implemented. Thus, glare impacts would be fully mitigated.

Mitigation Measure: Mitigation Measure 5.6-3 is discussed and set forth in full above and on pages 5.6-8 and 5.6-9 of the FSEIR, and is incorporated by reference as if fully set forth herein. This mitigation measure is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

2) **Ancillary Development Projects**

SIGNIFICANT DIRECT IMPACT: Reflection of ballpark field lights off the facade of Ancillary Development Projects (reflective glass, in particular) could increase the glare rating on surrounding roadways to a level which could result in a significant impact. (FSEIR page 5.6-7.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: The glare impacts on surrounding roadways resulting from the reflection of field lights off the facade of Ancillary Development Projects would be mitigated to below a level of significance by implementation of Mitigation Measure 5.6-7, which would require a detailed lighting study to assess glare impacts from field lighting reflection off building facades onto surrounding roadways. It also would require implementation of glare control measures to ensure that glare ratings did not increase more than 20% over existing ambient levels. (FSEIR page 5.6-11.)

Mitigation Measures: Mitigation Measure 5.6-7 is discussed and set forth in full above and on page 5.6-10 of the FSEIR, and is incorporated by reference as if fully set forth herein. This mitigation measure is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

3) **Plan Amendments**

SIGNIFICANT DIRECT IMPACT: The Plan Amendments would allow the Ballpark and Ancillary Development Projects to occur and thus would have impacts identical to those discussed above. (FSEIR page 5.6-8.) Accordingly the same impacts as are described above for the Ballpark and Ancillary Development Projects are incorporated by reference as if fully set forth herein.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would avoid or substantially reduce the significant environmental effect identified in the FSEIR to below a level of significance, provided individual property owners allow appropriate measures to be completed. If property owners refuse the mitigation, the impact would remain significant.

Therefore, a finding pursuant to CEQA Section 21081(a)(3) and CEQA Guideline Section 15091(a)(3) is being made as well, and the Council/Agency hereby finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined this impact is acceptable because of specific overriding considerations.

Facts in Support of Findings: The Facts in Support of Findings and mitigation measures applicable to the Plan Amendments are the same as those discussed above for the Ballpark and Ancillary Development Projects and therefore the above Facts in Support of Findings and mitigation measures for Light and Glare Impacts are thus incorporated by reference as if fully set forth herein.

G. AIR QUALITY

1) Ballpark Project

SIGNIFICANT DIRECT IMPACT: Air quality impacts during construction would be potentially significant. (FSEIR page 5.7-6.) The demolition of existing paving, the excavation of utilities, the preparation of foundations and footings, and building assembly would create significant short-term air quality impacts related to dusts, fumes, equipment exhaust, and other air contaminants during the Ballpark Project construction period. (FSEIR page 5.7-6.) In general, the most significant source of air pollution would typically be the dust generated during demolition, excavation, and site preparation. (FSEIR page 5.7-6.) In addition, equipment exhaust would be released during temporary construction activities, particularly from mobile sources during site preparation and from onsite equipment during actual construction. (FSEIR page 5.7-7.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Impacts to air quality from construction emissions such as dust, fumes, and equipment exhaust would be mitigated to below a level of significance through implementation of Mitigation Measures 5.7-1, 5.7-4 and 5.7-5 and E-1 through E-6. These measures would reduce the impacts through the use of techniques during construction to minimize emissions such as application of water to control dust, minimization of simultaneous use of equipment, limiting equipment running time and encouraging the use of low emissions equipment. (FSEIR page 5.7-16.) The pollution control achieved through implementation of the air quality mitigation measures is anticipated to be as high as 95% for dust control, a much higher percentage than is achieved using typical construction procedures in the San Diego area. Moreover, equipment exhaust emissions would be reduced by as much as 95% for some

pollutants of concern as a result of the post-combustion controls required by Mitigation Measure 5.7-5, including catalytic converters and soot filters. Based on studies of the effectiveness of such emission control technologies, a reduction of up to 95% of the diesel emissions would be achieved using the catalytic converters (Emissions Control for Material Handling, Englehard Corporation, Diesel Oxidation Catalyst Test Results, Cinco Group, 1999 and Demonstration of Advanced Emission Control Technologies Enabling Diesel-Powered, Heavy-Duty Engines Achieve Low Emission Levels. Chapter 3, Diesel Oxidation Catalysts, MECA, 1999). The mitigation measure requirements for the Proposed Activities are much more stringent than those typically required by the San Diego Air Pollution Control District.

The best estimate of a simultaneous disturbance area during construction of the Ballpark and Ancillary Development Projects is 13.85 acres. At a dust control efficiency of 95%, PM_{10} emissions would be estimated at only 32.6 pounds per day, well below the 100 pounds per day significance threshold. Specific mitigation measures reaching a 95% control efficiency are more thoroughly described in Response to Comment 18.A.11 in Volume IV of the FSEIR. The 95% efficiency estimate was derived by applying published dust control efficiency data from the South Coast Air Quality Management District ("SCAQMO") CEQA Air Quality Handbook (1993). Mitigation Measure E-2 would require monitoring of VOC levels and of dust and particulate matter. Mitigation Measure E-3 helps limit the area being disturbed and hence the quantity of pollutants being emitted on any given day. Mitigation Measures E-4 through E-6 minimize the potential of emissions from contaminated soil. In addition, impacts to air quality from construction also would be minimized by the fact that such impacts would be short-term in nature. (FSEIR page 5.7-16.)

Mitigation Measure: The following mitigation measures, which are discussed on pages 5.7-10 through 5.7-14 of the FSEIR or are in the Errata, are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.7-1: Air quality impacts during construction would be mitigated through the use of the following techniques, as practical:

- Minimize simultaneous operation of multiple construction equipment units;
- Use low pollutant-emitting construction equipment;
- Use electrical construction equipment;
- Use catalytic reduction for gasoline-powered equipment;
- Use injection timing retard for diesel-powered equipment;
- Water the construction area to minimize fugitive dust; and
- Minimize idling time by construction vehicles. (MMRP 2.1-1.)

Mitigation Measure 5.7-4: Air quality impacts from fugitive dust potentially occurring during construction would be mitigated through the use of the following techniques:

1. All disturbed areas, including storage piles, which are not being actively used for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/suppressant, polyethylene film or vegetative ground cover.

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2. All on-site, unpaved roads and off-site, unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions by applying water or by presoaking.

4. When materials are transported off-site, all material shall be covered or effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container of material shall be maintained.

5. All operations shall expeditiously remove the accumulation of mud or dirt from adjacent public streets 1) once a day during earth-moving activities which occur adjacent to a public street or 2) on an as needed basis when land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill or demolition activities operations are occurring in an area that is not adjacent to a public street. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions, and use of blower devices on public streets is expressly forbidden.

6. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions through the use of sufficient water or chemical stabilizer/suppressant.

7. Traffic speeds on unpaved roads shall be limited to 15 miles per hour.

8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope of greater than 1%.

9. Wheel washers shall be installed for all trucks, or all trucks and equipment leaving the site shall be washed off.

10. All active construction sites shall be watered on an as needed basis.

11. Inactive storage piles shall be covered.

12. During initial grading, earth moving, or site preparation, activities of 5 acres or greater shall be required to construct a paved (or dust palliative treated) apron at least 100 feet long onto the site from the adjacent site if applicable, unless such an apron already exists, in which case it shall be retained. A wheel washdown area may be provided in lieu of a paved or dust palliative treated apron.

13. A publicly visible sign shall be posted with the telephone number and person to

contact regarding dust complaints. This contact person shall respond and take corrective action within 24 hours after such call is received.

14. Prior to final occupancy, the developer shall demonstrate that all landscaped ground surfaces are covered or treated sufficiently to minimize fugitive dust emissions.

15. Gravel pads must be installed at all access points to prevent tracking of mud on to public roads.

16. Trucks transporting fill material to and from the site shall be tarped from the point of origin.

17. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite.

18. Prior to land use clearance, the developer shall include dust control requirements as a note on a separate informational sheet to be recorded with the final map, and all requirements also shall be shown on grading and building plans.

19. Appropriate safety equipment in accordance with OSHA requirements should be used by all employees involved in grading or excavation operations during dry periods to reduce the potential for inhalation of toxic dusts. (MMRP 2.2-2.)

Mitigation Measure 5.7-5: Air quality impacts from engine exhaust potentially occurring during construction would be mitigated through the use of the following techniques:

1. Alternative fueled construction equipment will be used where such equipment is readily available and appropriate for the collective tasks assigned to the particular equipment.

2. The minimum practical engine size that is readily available and appropriate for the collective tasks assigned to the particular equipment shall be used.

3. Post-combustion controls shall be implemented for construction equipment as follows:

   a) Oxidation or three way catalysts shall be installed on all off-road construction equipment that will be onsite for longer than five working days.

   b) Diesel particulate filters (soot filters) shall be installed on all excavation and grading equipment and generators larger than 100 hp which will be on site for longer than five working days.

c) When available, any off-road construction equipment purchased, or any equipment requiring an engine replacement, for use on the development site shall be equipped with a "Blue Sky" series engine.

d) Notwithstanding the above requirements, the following equipment is excluded from the requirements for post-combustion controls:

- All cranes are excluded from the requirements for post-combustion controls. Practice has demonstrated that post-combustion controls are not effective since operating engine temperatures do not get hot enough for the post-combustion controls to work. In addition, there is a concern that such equipment could affect the engines operation thus creating a safety concern if the engine caused unstable operation while hoisting materials.
- All on-road mobile sources including delivery and hauling equipment and equipment used to transport employees and visitors to and from the job-site.
- All equipment which is deemed to be inappropriate for post combustion control retrofit by the post combustion control equipment vendor or the manufacturer of the equipment to be retrofitted due to 1) physical limitations caused by size, orientation or incompatibility of equipment parts, 2) reduction in the safe operation of the equipment to be retrofitted, or 3) little or no anticipated abatement of carbon monoxide, hydrocarbons or particulate in exhaust gas if retrofitted.

4. Construction workers should be encouraged to carpool and eat lunch on site.

5. Construction activities should use new technologies to control emissions, as they become readily available and feasible. (MMRP 2.2-1.)

Mitigation Measure E-1: The Environmental Health Coalition ("EHC") will be given the opportunity to comment upon the monitoring plan developed for purposes of Mitigation Measure E-2.

Mitigation Measure E-2: VOC levels will be monitored with a PID throughout the course of the remediation, as specified in the Health and Safety Plan. Dust and particulate matter monitoring will be performed in various locations at the perimeter of the Ballpark footprint area during clean-ups, and may performed for specific contaminants if directed by the San Diego County Department of Health, as indicated in the Master Work Plan.

Mitigation Measure E-3: The timing and remediation to minimize fugitive dust and VOC levels will be coordinated, including:

- With the exception of the area beneath the Ballpark, site remediation will be done sequentially rather than simultaneously to the extent determined feasible, defined as capable of being done, effected or accomplished in a successful manner, as reasonably determined by

the Padres with respect to the Ballpark and Ancillary Development Projects, and CCDC, with respect to remediation of hazardous substances, in light of the project objectives, available technology, cost and other factors ("Feasible");

- Trucks transporting contaminated soil will be covered and, to the extent determined Feasible, staged to minimize idling and exhaust;
- If, upon receipt of complaints from any party, the Site Safety Manager determines that the contaminated soil from ongoing remediation is particularly odorous, the Site Safety Manager will have the discretion to direct that remediation will be performed at night; and
- Remediation will be slowed or stopped during unfavorable weather conditions.

Mitigation Measure E-4: EHC will have an opportunity to comment on the routes through the surrounding neighborhoods to be taken by trucks removing contaminated soil.

Mitigation Measure E-5: Stockpiling of contaminated soil will be minimized.

Mitigation Measure E-6: All stockpiles of contaminated soil must have a concrete or visquene base, and a visquene cover.

SIGNIFICANT DIRECT IMPACT: A ballpark event could add up to 26,280 vehicle trips to local streets, generating significant levels of NO_x and ROG. (FSEIR page 5.7-8.) Ballpark event vehicular emissions in 2002 for PM_{10} also would be slightly higher than the corresponding significance threshold of 100 pounds per day. In 2002, ballpark event CO emissions would be more than triple the significance threshold of 550 pounds per day. (FSEIR page 5.7-8.) In 2002, ballpark event NO_X and ROG would be higher than the respective significance thresholds. (FSEIR page 5.7-8.) Thus, the ballpark events would have significant air quality impacts related to CO, NO_x, ROG and PM_{10} in 2002. (FSEIR page 5.7-8.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency.

Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Finding: Traffic associated with the Ballpark Project would produce significant levels of air pollutants that would result in significant impacts by contributing to existing air quality problems. (FSEIR page 5.7-15.) Mitigation Measures 5.7-2 and 5.7-6 as well as Mitigation Measures 5.2-1 through 5.2-9 and 5.2-14 would reduce ballpark and vehicular emissions by implementation of roadway improvements and reduction of traffic volumes through strategies such as mass transit, carpools and bike storage. (FSEIR page 5.7-15.) Mitigation Measure 5.7-6 would require participation in an ongoing county-wide car scrapping program to remove higher-emitting vehicles from area roadways, provision of free parking for electric vehicles and battery charging facilities at the ballpark parking structures to encourage use of such vehicles, use of electric maintenance carts for ballpark operations where feasible, and provision of incentives for carpools, vanpools, low-emitting vehicles and mass-transit. *See* response to comment 18.A.103, Volume IV of the FSEIR. Moreover, most peak attendance outdoor events expected to occur at the ballpark would occur in evenings during the spring and summer, when air dispersion is at its best and background CO levels are very low. (Response to Comment 18.A.65, Volume IV of FSEIR.)

Mitigation Measures: Mitigation Measures 5.2-1 through 5.2-9 and 5.2-14, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-100, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-1 through 5.2-3, 5.2-6 through 5.2-9, and 5.7-2 and 5.7-6, are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4, 5.2-5, and 5.2-14 are feasible and should be implemented by Caltrans and MTDB, respectively.

SIGNIFICANT DIRECT IMPACT: As discussed in the Mitigated Negative Declaration for the East Village Hazardous Materials Remediation Project, referenced in Section 4.3.1.1, the remediation of existing hazardous materials within the area of the Proposed Activities could result in significant air quality impacts if not mitigated. (FSEIR page 5.7-8.) Significant emissions of organic toxic air contaminants are not expected because organic vapors driven from the soils during treatment would be captured and treated. (FSEIR page 5.7-8.) The processes used for controlling air emissions during remediation are discussed in Section 5.13.3 of the FSEIR. (FSEIR pages 5.7-8 and 5.13-12 through 5.13-17.) As with construction activities, remedial activities would create dust and engine emissions from equipment. (FSEIR page 5.7-8.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Mitigation Measures 5.7-3 and 5.13-9 would mitigate impacts to air quality that otherwise may result from remediation activities. Mitigation Measures 5.13-9 would reduce potential impacts to air quality by requiring compliance with the Master Work

Plan. That Master Work Plan details procedures for assessment and cleanup criteria as well as for a Community Health & Safety Plan. (FSEIR page 5.13-1.) Mitigation Measure 5.7-3 also would mitigate this impact by ensuring that any site remediation procedures complied with applicable rules and regulations and obtain the necessary permits. As a result, all necessary air emission permits would be in place when needed. Air quality impacts from remediation also were addressed in the Environmental Study for East Village Hazardous Materials Remediation Project ("Study") discussed in response to Comment 18.A.104, Volume IV of the FSEIR. A Mitigated Negative Declaration was circulated for public review on March 29, 1999, certified on May 10, 1999 and adopted on June 3, 1999. As the Study explained, risks from air emissions resulting from remediation activities would be avoided by adherence to local, state and federal rules and regulations governing activities associated with hazardous materials remediation. For example, stockpiled contaminated soils or hazardous wastes would be moistened to minimize dust emissions and securely covered by 8 millimeter polyethylene sheeting, as described in response to comment 18.A.120, Volume IV of the FSEIR. Moreover, as described in responses to comments 18.A.121 and 18.A.123, Volume IV of the FSEIR, off-site impacts from dust and vapors would be mitigated by appropriate air monitoring and, if necessary, appropriate controls as required by the Department of Environmental Health.

Mitigation Measure: Mitigation Measures 5.7-3 and 5.13-9, which are set forth below and discussed on pages 5.7-11 and 5.13-20 of the FSEIR, are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.7-3: Any site remediation procedures shall comply with all applicable rules and regulations of appropriate regulatory agencies and any necessary permits shall be obtained by remediation contractors. (MMRP 2.1-3.)

Mitigation Measure 5.13-9: All remediation activities shall comply with the Master Work Plan dated July 30, 1999. (MMRP 5.2-3.)

2) <u>Ancillary Development Projects</u>

<u>SIGNIFICANT DIRECT IMPACT</u>: Similar to the proposed Ballpark Project, short-term significant air quality impacts would occur during construction of the Ancillary Development Projects. (FSEIR page 5.7-9.) Air quality impacts associated with construction would be derived from dust, fumes, equipment exhaust, and other air contaminants during demolition of existing paving, the excavation of utilities, the preparation of foundations and footings, and building assembly and would be significant. (FSEIR page 5.7-10.) In general, the most significant source of air pollution would be dust generated during demolition, excavation, and site preparation. (FSEIR page 5.7-10.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Impacts to air quality from construction emissions such as dust, fumes, and equipment exhaust would be mitigated below a level of significance through implementation of Mitigation Measures 5.7-1 and 5.7-3 through 5.7-5. These measures would reduce the impacts through the use of construction techniques designed to minimize emissions such as application of water to control dust, minimization of simultaneous use of equipment, limiting equipment running time and encouraging the use of low emissions equipment. (FSEIR page 5.7-16.) The pollution control achieved through implementation of the air quality mitigation measures is anticipated to be as high as 95% for dust control, a much higher percentage than is achieved using typical construction procedures in the San Diego area. Moreover, equipment exhaust emissions would be reduced by as much as 95% for some pollutants of concern as a result of the post-combustion controls required by Mitigation Measure 5.7-5, including catalytic converters and soot filters. Based on studies of the effectiveness of such emission control technologies, a reduction of up to 95% of the diesel emissions would be achieved using the catalytic converters (Emissions Control for Material Handling, Englehard Corporation, Diesel Oxidation Catalyst Test Results, Cinco Group, 1999 and Demonstration of Advanced Emission Control Technologies Enabling Diesel-Powered, Heavy-Duty Engines Achieve Low Emission Levels. Chapter 3, Diesel Oxidation Catalysts, MECA, 1999). The mitigation measure requirements for the Proposed Activities are much more stringent than those typically required by the San Diego Air Pollution Control District.

Moreover, the best estimate of a simultaneous disturbance area during construction of the Ballpark and Ancillary Development Projects is 13.85 acres. At dust control efficiency of 95%, PM_{10} emissions would be estimated at only 32.6 pounds per day, well below the 100 pounds per day significance threshold. Specific mitigation measures reaching a 95% control efficiency are more thoroughly discussed and described in response to comment 18.A.11 in Volume IV of the FSEIR. The 95% efficiency estimate was derived by applying published dust control efficiency data from the South Coast Air Quality Management District ("SCAQMO") CEQA Air Quality Handbook (1993). In addition, impacts to air quality from construction also would be minimized by the fact that such impacts would be short-term in nature. (FSEIR page 5.7-16.)

In addition, Mitigation Measures E-1 through 6 would help mitigate impacts to air quality through a variety of means, including monitoring of VOC levels through any remediation, requiring site remediation to be done sequentially rather than simultaneously to the extent Feasible, except for the area beneath the ballpark itself, minimizing the stockpiling of soils and ensuring that stockpiles of contaminated soil have a concrete or visquene base and cover.

Mitigation Measures: Mitigation Measures 5.7-1, 5.7-3 through 5.7-5 and E-1 through E-6 are discussed and set forth in full above and on pages 5.7-10 through 5.7-14 of the FSEIR or are in the Errata, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT DIRECT IMPACT: Vehicular emissions associated with the Ancillary Development Projects would create significant long-term air quality impacts as they

would substantially exceed the significance thresholds for CO, ROG, NO_X, and PM_{10} for near-term 2002 conditions. (FSEIR page 5.7-10.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Finding: Traffic associated with the Ballpark Project would produce significant levels of air pollutants that would result in significant impacts by contributing to existing air quality problems. (FSEIR page 5.7-15.) Mitigation Measures 5.7-2 and 5.7-6 as well as Mitigation Measures 5.2-1 through 5.2-9 and 5.2-14 would reduce ballpark and vehicular emissions by implementation of roadway improvements and reduction of traffic volumes through strategies such as mass transit, carpools and bike storage. (FSEIR page 5.7-15.) Mitigation Measure 5.7-6 would require participation in an ongoing county-wide car scrapping program to remove higher-emitting vehicles from area roadways, providing free parking for electric vehicles and battery charging facilities at the ballpark parking structures to encourage use of such vehicles and providing incentives for carpools, vanpools, low-emitting vehicles and mass-transit. *See* responses to comments 18.A.65 and 18.A.103, Volume IV of the FSEIR.

Mitigation Measures: Mitigation Measures 5.2-1 through 5.2-9, 5.7-11, 5.2-14, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-100, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-1 through 5.2-3, 5.2-6 through 5.2-9, 5.7-2 and 5.7-6 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4, 5.2-5, and 5.2-14 are feasible and should be implemented by Caltrans and MTDB, respectively.

3) **Plan Amendments**

SIGNIFICANT DIRECT IMPACT: The Plan Amendments would allow the Ballpark and Ancillary Development Projects to occur thus would have impacts identical to those discussed above by allowing the increase in traffic volumes. (FSEIR page 5.7-10.) Accordingly

the same impacts as are described above for the Ballpark and Ancillary Development Projects are incorporated by reference as if fully set forth herein.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, the Council/Agency also finds, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: The same mitigation measures and Facts in Support of Findings that apply to air quality impacts discussion for the Ballpark and the Ancillary Development Projects also apply here; thus, those Facts in Support of Findings and mitigation measures are incorporated by reference as if fully set forth herein. (FSEIR page 5.7-16.)

H. GEOLOGY/SOILS

1) Ballpark Project

SIGNIFICANT DIRECT IMPACT: Major seismic events in the region could significantly impact the Ballpark Project, which is likely to experience moderate to severe groundshaking in response to nearby or distant large magnitude earthquakes from a number of active fault zones, including the Rose Canyon Fault, fault zones in northern Baja California, active fault zones off shore and in the Imperial Valley. (FSEIR page 5.8-6.) The ballpark is located within a mile of the Rose Canyon Fault, which is considered a significant seismic hazard to the San Diego metropolitan area. (FSEIR page 5.8-6.) The estimated magnitude of a credible earthquake along the Rose Canyon Fault Zone ranges from M6.4 to M7.2. (FSEIR page 5.8-6.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Findings: Impacts to the Ballpark Project from seismic activity such as shaking and rupture from faults would be mitigated to below a level of significance through implementation of Mitigation Measures 5.8-1 through 5.8-5. (FSEIR page 5.8-9.) These mitigation measures will reduce the impact by requiring that specific geotechnical studies and investigations be performed to identify possible seismic safety hazards and to incorporate specific mitigation to alleviate any significant risks, such as adherence to the Uniform Building Code or state-of-the-art design parameters and removal of artificial fill, recompaction of artificial fill, or support structures sunk below artificial fill. (FSEIR page 5.8-8.)

Mitigation Measures: Mitigation Measures 5.8-1 through 5.8-5, which are discussed on pages 5.8-8 and 5.8-9 of the FSEIR, are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.8-1: As required by the City of San Diego, a detailed geotechnical field study shall be required per the Seismic Safety Plan for San Diego prior to the issuance of a grading permit. Specific mitigation measures shall be selected after this study has been completed. Mitigation measures shall be incorporated into the grading plans and may include: removal of artificial fills, recompaction of artificial fill, or support structures sunk below the artificial fills. (MMRP 4.1-1.)

Mitigation Measure 5.8-2: As required by the City of San Diego, a geotechnical investigation for each individual development site shall be identified through consultation with the City Engineering and Development Department and be conducted prior to construction. Following the proper geotechnical investigations, activity approvals shall be contingent on the suitability of the proposed land use to the risk zone or modified risk zone of the proposed activity. Effects of seismic shaking may be mitigated by adhering to the Uniform Building Code (UBC) or state-of-the-art seismic design parameters of the Engineering Association of California. (MMRP 4.4-1.)

Mitigation Measure 5.8-3: Site-specific geotechnical studies shall be prepared, as required by the City Building Department, to support structural design and obtain a building permit, to identify and require any necessary mitigation for any identified specific soil problems. (MMRP 4.1-1.)

Mitigation Measure 5.8-4: Dewatering of the main water table and perched zones during construction would mitigate impacts of high groundwater levels in construction. However, the dewatering necessary to complete construction may cause a temporary localized lowering of the groundwater table and could result in land subsidence and/or the movement of contaminants in the groundwater. Therefore, the developer shall conduct site-specific groundwater investigations in areas identified as problematic by the hazardous materials assessment in conformance with applicable regulations. Any necessary site-specific studies shall include groundwater level monitoring and aquifer characterization by aquifer testing. Dewatering near any plume of hydrocarbon contamination shall be kept to a minimum and of short duration to prevent potential movement of the plume. (MMRP 4.1-2.)

Mitigation Measure 5.8-5: As required by applicable regulations, structures shall be designed to withstand hydrostatic pressures. (MMRP 4.1-3.)

2) <u>Ancillary Development Projects</u>

<u>SIGNIFICANT DIRECT IMPACT</u>: A known fault is located running diagonally from K to L Streets between Twelfth Avenue and 13th Street. (FSEIR page 5.8-7.) Should some of these areas be developed with Ancillary Development Projects uses or converted to ancillary uses in the future, the fault ruptures would pose a significant public safety risk. (FSEIR page 5.8-7.) Rupture could cause substantial damage or collapse of buildings constructed immediately over the ruptures. (FSEIR page 5.8-7.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Findings: Mitigation Measures 5.8-1 through 5.8-5 would be implemented as specific development is proposed, and would reduce potential impacts caused by fault rupture below a level of significance by requiring that specific geotechnical studies and investigations be performed to identify possible seismic safety hazards and to incorporate mitigation, such as adherence to the Uniform Building Code or state-of-the-art design parameters, to alleviate any significant risks. (FSEIR page 5.8-9.)

Mitigation Measures: Mitigation Measures 5.8-1 through 5.8-5 are discussed and set forth in full above and on pages 5.8-8 and 5.8-9 of the FSEIR, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

<u>SIGNIFICANT DIRECT IMPACT</u>: Impacts associated with the groundshaking would be significant since known faults underlie the area between J Street and Imperial Avenue, west of 13th Street. (FSEIR page 5.8-7.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Findings: Mitigation Measures 5.8-1 through 5.8-5 would be implemented as specific development is proposed, and would reduce impacts associated with groundshaking potential geology and soils impacts below a level of significance by requiring that specific geotechnical studies and investigations be performed to identify possible seismic safety hazards

and to incorporate mitigation, such as adherence to the Uniform Building Code or state-of-the-art design parameters, to alleviate any significant risks. (FSEIR page 5.8-9.)

Mitigation Measures: Mitigation Measures 5.8-1 through 5.8-5 are discussed and set forth in full above and on pages 5.8-8 and 5.8-9 of the FSEIR, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

3) Plan Amendments

SIGNIFICANT DIRECT IMPACT: The Plan Amendments would allow for the construction of the Ballpark and Ancillary Development Projects, therefore would have the same geological resources impacts as are discussed above.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Findings: The same Facts in Support of Findings that apply to geology impacts discussion for the Ballpark and the Ancillary Development Projects also apply here; thus, those Facts in Support of Findings are incorporated by reference as if fully set forth herein.

Mitigation Measures: The same mitigation measures that apply to geology impacts discussion for the Ballpark and the Ancillary Development Projects also apply here; thus, those Facts in Support of Findings are incorporated by reference as if fully set forth herein.

I. PALEONTOLOGICAL RESOURCES

1) Ballpark Project

SIGNIFICANT DIRECT IMPACT: All portions of the development that involve grading or excavation beyond the one to three foot depth of surficial fills for foundations, subterranean parking, or below grade features including utility trenches would have the potential to expose fossil-containing geologic formations. (FSEIR page 5.9-1.) Whenever geologic formations containing fossils are excavated, there is the potential for adverse impacts to the region's paleontological resources. (FSEIR page 5.9-1.) The geologic formations underlying the Ballpark Project Area are considered to have a low to moderate potential for fossils. (FSEIR page 5.9-1.) All portions of the Ballpark Project that involve excavation have the potential for significant impacts to paleontological resources. (FSEIR page 5.9-1.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would

reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Grading or excavation below depths of surficial fill has the potential to disturb geologic formations containing fossils resulting in a significant paleontological impact. (FSEIR page 5.9-3.) This impact would be mitigated to below a level of significance through implementation of Mitigation Measure 5.9-1, which would require the monitoring of grading, recovery and curation of any discovered fossils, and a report summarizing the mitigation monitoring.

Mitigation Measure: The following mitigation measure, which is discussed on pages 5.9-2 and 5.9-3 of the FSEIR, is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.9-1: The developer shall retain a qualified paleontologist or paleontological monitor to monitor excavation activities when they would occur within an area rated moderate or high for paleontological resources. Monitoring is not required in moderate areas when the excavation would be less than 2,000 cubic yards and ten feet in depth. In areas with a high potential for paleontological resources, monitoring is not required when excavation would be less than 1,000 cubic yards and ten feet in depth. Monitoring is not required in areas rated zero to low. If significant paleontological resources are observed, an appropriate mitigation program will be carried out. The developer shall certify that the required mitigation or monitoring personnel will be given adequate advance notice of the start of the subject activities and adequate coordination with the contractor will be guaranteed by the developer.

When fossils are discovered, the paleontologist or paleontological monitor (an individual who has experience in the collection and salvage of fossil materials who works under the direction of a qualified paleontologist) shall recover them. In most cases this fossil salvage can be completed in a short time. However, some fossil specimens may require extended salvage time. In these instances the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, or divert, or halt excavation work to allow recovery of fossil remains in a timely manner.

When monitoring is required, a paleontologist or paleontological monitor shall be present onsite at all times during the original cutting of previously undisturbed sediments within the San Diego Formation which is known to have a high resource sensitivity, to inspect the excavation and spoils for the presence of fossil remains. A paleontologist or paleontological monitor shall be onsite at least half-time during the original cutting or previously undisturbed sediments in the Bay Point Formation which is known to have a moderate resource sensitivity, except if a representative initial sample of the site reveals no significant fossil remains to the satisfaction of the paleontological monitor, then such monitoring may be terminated.

Fossil remains collected during the monitoring and salvage portion of the mitigation program shall be cleaned, sorted, and cataloged and then with the owner's permission, deposited in a scientific institution with paleontological collections.

A final summary report shall be prepared outlining the methods followed and summarizing the results of the mitigation program. This report shall also include a list of the kinds of fossils recovered, and a summary of the stratigraphic context of all collecting localities. This report shall be submitted to the Redevelopment Agency, the San Diego Natural History Museum and any scientific institution that received salvaged fossils from the activity. (MMRP 10.1-1.)

2) **Ancillary Development Projects**

SIGNIFICANT DIRECT IMPACT: Impacts to paleontological resources associated with the Ancillary Development Projects would be similar to those identified for the Ballpark Project. (FSEIR page 5.9-2.) Any activity that includes grading and excavation beyond the one to three foot depth of the surficial fills has the potential to disturb geological formations containing fossils, thus causing potentially significant impacts to paleontological resources. (FSEIR page 5.9-2.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which avoid or substantially reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Grading or excavation below the depths of the surficial fill which has the potential to disturb geologic formations that contain fossils could result in a significant paleontological impact. Such impacts would be mitigated to below a level of significance through implementation of Mitigation Measure 5.9-1. (FSEIR page 5.9-4.) That mitigation measure would require the monitoring of grading, recovery and curation of any discovered fossils, and a report summarizing the mitigation monitoring. (FSEIR page 5.9-4.)

Mitigation Measure: Mitigation Measure 5.9-1 is discussed and set forth in full above and on pages 5.9-2 and 5.9-3 of the FSEIR, and is incorporated by reference as if fully set forth herein. This mitigation measure is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

3) **Plan Amendments**

SIGNIFICANT DIRECT IMPACT: The proposed Plan Amendments would have the same impacts to paleontological resources as are associated with the Ballpark and Ancillary Development Projects, since the Plan Amendments allow those developments to take place.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: The Facts in Support of Findings for the paleontological impacts of the Plan Amendments are the same as those for the Ballpark and Ancillary Development Projects, thus those same Facts in Support of Findings are incorporated by reference as if fully set forth herein.

Mitigation Measures: The same mitigation measures that reduce paleontological impacts resulting from the Ballpark and Ancillary Development Projects also reduce those same impacts from the Plan Amendments. These mitigation measures therefore are incorporated by reference as if fully set forth herein.

J. HYDROLOGY/WATER QUALITY

1) Ballpark Project

SIGNIFICANT DIRECT IMPACT: Significant short-term impacts to water quality would occur during construction of the Ballpark Project. (FSEIR page 5.10-6.) High periods of rainfall during the grading and/or clearing to accommodate the proposed ballpark development could result in the transport of large amounts of sediment into San Diego Bay. (FSEIR page 5.10-6.) Excessive erosion and sedimentation would affect marine organisms in the Bay by increasing levels of turbidity and total dissolved solids. (FSEIR page 5.10-6.) Rainfall coming in contact with construction materials being used to construct the Ballpark Project also could adversely impact San Diego Bay as a result of hydrocarbon products related to operation and servicing of construction equipment as well as hazardous materials associated with building construction and demolition including paint, asbestos, concrete wash, and asphalt. (FSEIR page 5.10-6.) Hydrocarbon products (e.g., fuel, oil, and grease) would reduce oxygen levels in San Diego Bay and increase eutrophication. (FSEIR page 5.10-6.) Construction materials could be toxic to marine organisms. (FSEIR page 5.10-6.) Temporary dewatering during construction poses another risk to water quality. Groundwater beneath the Ballpark Project Area may contain petroleum hydrocarbons and other contaminants, and may be high in sediment concentrations. (FSEIR page 5.10-6.) Hydrocarbons and contaminants could adversely affect marine organisms and overall water quality in San Diego Bay if untreated groundwater is discharged directly to the Bay. (FSEIR page 5.10-6.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Mitigation Measure 5.8-4 would reduce the impact by requiring investigation and management of dewatering activities. (FSEIR page 5.8-8.) In addition, implementation of the Best Management Practices ("BMPs") as required by Mitigation Measure 5.10-7, would reduce potential short-term water quality construction impacts from construction caused by excessive erosion and sedimentation or equipment oil, grease and fuel leaks to below a level of significance by reducing the ability for construction-related contamination to be

discharged into the Bay, as discussed in responses to comments 6.20 and 6.25, Volume IV of the FSEIR. As Mitigation Measure 5.10-7 provides, the City would take steps to minimize the amount of foreign substance contamination of storm-water runoff from the ballpark parking lots. The steps undertaken would be chosen according to the specific needs and functions of each parking lot, but may include the regular use of oil-absorbent materials, regular sweeping and periodic vacuuming.

Impacts from petroleum products or anti-freeze from vehicular traffic being washed from public roadways into the San Diego Bay are not significant, in part because this simply is not the source of the vast majority of the contaminants in the Bay. Studies evaluating the sources of copper – a constituent found in automobile brake linings – have been undertaken. These reports have indicated that non-point source wet weather flows contributed 7.8% of the total annual load of copper which enters San Diego Bay. The study did not attempt to determine the percentage of this figure which is attributable to traffic. Nonetheless, the data suggests that the amount of copper from automobile brake linings which reaches the Bay is relatively insignificant in comparison with overall copper impacts on the Bay. Another report, from 1998, indicates that stormwater runoff has an even lower impact on the annual load of copper to the San Diego Bay. *See* October 19, 1999 letter from Richard G. Opper to M. Bruce McIntyre (M-21 to List of Technical Memorandums) ("Opper Letter").

Mitigation Measure: Mitigation Measure 5.8-4 is discussed and set forth in full above and on page 5.8-8 of the FSEIR, and is incorporated by reference as if fully set forth herein. That mitigation measure and Mitigation Measures 5.10-7 and 5.10-11, which are set forth below and on pages 5.10-11 and 5.10-12 of the FSEIR, are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.10-7: BMPs, included in the City of San Diego Stormwater and Urban Runoff Management program, shall be implemented as appropriate. These measures would include: public education programs along with the distribution of brochures, and storm drain stenciling or tiling. Covered solid waste recycling and disposal areas shall be maintained. The use of water to clean sidewalks and patio areas shall be minimized. Temporary erosion control measures (e.g., sand bags, detention basins, brow ditches and temporary landscaping) shall be implemented to control construction impacts on water quality. Polluted water encountered during construction dewatering would be discharged into the sanitary sewer. If onsite vehicle washing is conducted, wash water shall be collected and routed to the sanitary sewer. (MMRP 6.2-1.)

***Mitigation Measure 5.10-11*:** Prior to issuance of a building permit, an Integrated Pest Management (IPM) Plan will be adopted consistent with the outline contained in Attachment 6 in Volume V of the SEIR to minimize the use of pesticides, fertilizers, and other chemicals which have been shown to have a toxic impact on humans, plants, and animals. (MMRP 6.2-11.)

SIGNIFICANT DIRECT IMPACT: Uncontrolled application of pesticides, herbicides and fertilizers on the ballpark field, Park at the Park, and surrounding landscaping could cause these substances to enter surface runoff and significantly impact the Bay. (FSEIR

page 5.10-7.) Small amounts of herbicides and pesticides could be toxic to marine organisms. (FSEIR page 5.10-7.) In addition, nitrogen and phosphorous compounds found in fertilizers would stimulate algae growth which would deplete oxygen levels in the Bay water and contribute to eutrophication. (FSEIR page 5.10-6.) Wash water associated with hosing down the ballpark stands and grounds after events would contain litter and food substances that could enter the surface water and significantly impact the Bay if not properly contained onsite. (FSEIR page 5.10-6.) Litter would serve as a substrate for algae growth as well as insects. (FSEIR page 5.10-7.) Food materials would undergo bacterial decomposition in the Bay that would contribute to eutrophication and promote growth of coliforms, pathogens and viruses. (FSEIR page 5.10-7.) Any detergents used in the cleaning process could have high levels of nitrogen and phosphorous which would impact water quality, as described earlier. (FSEIR page 5.10-7.) These pollutants could also be conveyed during storm events if rain occurs prior to completion of cleanup after events. (FSEIR page 5.10-7.) The biggest risk would occur immediately after large rainfalls following long periods without any rainfall. (FSEIR page 5.10-7.) This phenomenon, referred to as "first flush," typically concentrates hydrocarbons and litter in runoff and increases the impact experienced by receiving waters. (FSEIR page 5.10-7.)

Runoff from surface parking facilities associated with the Ballpark Project could also impact water quality. (FSEIR page 5.10-7.) Hydrocarbons and heavy metals accumulating from parked cars (e.g., fuel, grease and motor oil) as well as litter could be transported in surface runoff and contribute to water quality problems in the Bay. (FSEIR page 5.10-7.) The biggest risk would occur during the "first flush" of storm events. (FSEIR page 5.10-7.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Activities within the ballpark associated with playing field maintenance such as use of pesticides and fertilizers equipment storage and servicing, and hazardous materials storage could significantly impact water quality. Controls imposed by Mitigation Measures 5.10-3 through 5.10-5 and 5.10-9 through 5.10-11 would reduce these impacts to below a level of significance through proper storage of pesticides and other hazardous materials, storage of greenwaste and adoption of the Pollution Prevention Plan which is set forth as Exhibit 2 to the Errata and which contains within it an IPM.

In addition, the ballpark design exceeds the requirements of Mitigation Measure 5.10-5 regarding storage of hazardous materials in secondarily contained areas by providing indoor storage for such products. This storage will be in accordance with all applicable hazardous materials/waste storage requirements, including diverting all surface drainage or berming to prevent storm event sheet flows from passing through the storage structure. Wash water from cleanup activities after every event at the ballpark, as well as litter, and engine grease, oil or fuel picked up in surface runoff over ballpark parking lots, could significantly impact water quality of the San Diego Bay. (FSEIR page 5.10-13.)

Mitigation Measure 5.10-2 would reduce the impacts of cleanup operations, or rainfall occurring between events, to below a level of significance by, requiring that the ballpark be washed down immediately after each event, and that the ballpark be equipped to divert this wash water to the sewer system. Sweeping each dedicated ballpark parking lot after an event, along with implementation of a leak and spill control program at each parking lot, as required by Mitigation Measure 5.10-1, would reduce water quality impacts from dedicated ballpark parking lots to below a level of significance. (FSEIR page 5.10-13.) Litter around the ballpark carried in surface runoff to the San Diego Bay could significantly impact water quality. (FSEIR page 5.10-13.) Implementation of litter collection requirements imposed by Mitigation Measures 5.10-1, 5.10-6, 5.10-8 and 5.10-10 would reduce litter impacts on water quality to below a level of significance. (FSEIR page 5.10-13.) *See also* response to comment 8.101, Volume IV of the FSEIR, regarding groundwater.

In addition, Mitigation Measures E-7 through E-22, as well as A Ballpark for San Diego Pollution Prevention Plan ("Pollution Prevention Plan") attached as Exhibit 2 to the Errata and the Integrated Pest Management Plan ("IPM") which is discussed in Mitigation Measure 5.10-11 and contained as an Attachment to that Exhibit 2, also serve to mitigate impacts to water quality. These mitigation measures would require the Padres to use commercially reasonable efforts to maximize pervious surfaces in the ballpark, implement passive infiltration or retention systems, and divert washwater from the ballpark washdown to the sanitary sewer system. They also would preclude any permanent dewatering, and require adoption of a Pollution Prevention Plan including an IPM. These measures also would require regular sweeping of ballpark plazas, public streets and city-owned parking lots, and would require a spill and leak control program to remove major grease, oil and fuel spills before such sweeping. The combined use of regular sweeping, a spill and leak control program, passive infiltration or retention systems and a Pollution Prevention Plan fully mitigate for water quality impacts.

Mitigation Measures: The following mitigation measures, which are discussed on pages 5.10-10 through 5.10-12 of the FSEIR or are in the Errata, are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.10-1: All litter in the stands and plazas would be collected within 24 hours after ballpark events are completed. Street sweeping shall be conducted on dedicated ballpark parking lots within 24 hours of an event. A spill and leak control program shall be implemented to remove major grease, oil and fuel spills prior to street sweeping. (MMRP 6.2-2.)

Mitigation Measure 5.10-2: Wash water used during cleanup activities after each event at the ballpark shall be discharged to the City of San Diego sanitary sewer system in accordance with Metropolitan Wastewater Department requirements. (MMRP 6.2-3.)

Mitigation Measure 5.10-3: Fertilizers, herbicides, and pesticides shall be stored in dedicated, covered storage containers in accordance with City Fire Code requirements. (MMRP 6.2-4.)

Mitigation Measure 5.10-4: Landscape waste shall be collected and placed in dedicated greenwaste storage containers and transported to a local landfill for greenwaste composting. (MMRP 6.2-5.)

Mitigation Measure 5.10-5: Vehicle fuels, lubricants, and waste oils shall be stored, used and disposed in accordance with city and county requirements. (MMRP 6.2-6.)

Mitigation Measure 5.10-6: A regular maintenance schedule shall be instituted for the Park at the Park including routine collection of trash. Pet waste collection stations shall be installed at appropriate areas in the park and monitored to enforce the clean-up of animal waste by pet owners. (MMRP 6.2-7.)

Mitigation Measure 5.10-8: Regular street sweeping shall be implemented in the Ballpark Project Area in accordance with the City's street sweeping maintenance program. Catch basin cleaning shall be conducted, periodically, to remove accumulated sediment and debris and to maintain hydraulic flow. (MMRP 6.2-8.)

Mitigation Measure 5.10-9: Landscaped areas shall be maintained to minimize dry weather runoff from irrigation systems. Systems shall be regularly monitored and maintained. Irrigation rates shall be adjusted to meet soil infiltration capacity and sprinkler heads locations designed and adjusted to minimize irrigation of impervious surfaces.

Landscape design will incorporate several fundamentals of xeriscape landscaping, as defined by the San Diego Xeriscape Council, including:

- Design and planning to minimize water use;
- Limiting turf areas to active play and landscaped areas subject to pedestrian traffic;
- Use of efficient irrigation practice including computerized control systems to monitor rain and flow sensors, and root zone moisture content;
- Making soil improvements and using mulch to maximize water retention;
- Use of low water use plants, particularly lowest water use plants (succulents and natives) in areas with south and west exposures with the exception of small areas of annual flowering plants; and
- Maintenance by professionals with a working knowledge of xeriscape landscaping. (MMRP 6.2-9.)

Mitigation Measure 5.10-10: Litter receptacles shall be placed and regularly maintained along all major pedestrian routes and transit stops used by persons attending ballpark events. (MMRP 6.2-10.)

Mitigation Measure E-7: As a condition to the Ballpark Project other than Retail at the Park, all commercially reasonable efforts shall be undertaken to maximize pervious surfaces.

Mitigation Measure E-8: As a condition to the Ballpark Project other than Retail at the Park, Passive Infiltration or Retention Systems shall be incorporated into (i) the seating bowl and appurtenant structures of the proposed baseball facility ("Ballpark Structure"), (ii) the area between the Ballpark Structure and the curb line of the adjacent public street ("Ballpark Plaza") and (iii) the Park at the Park. Passive Infiltration or Retention System means any one or more drainage or diversion systems which are designed to divert or capture runoff and cause it to flow through or over, and/or be retained in sand, soil, gravel, vegetation, catchment, french drains, or other materials for the purpose of removing or retaining pollutants. Passive Infiltration or Retention Systems for use with respect to surface parking lots will have capacity to accept a minimum of one-quarter inch of runoff. The Passive Infiltration or Retention Systems shall be incorporated as follows:

- All surface parking lots and all uncovered surfaces of structured parking lots will incorporate the Passive Infiltration or Retention Systems described in Exhibit 1 to the Errata to the Final SEIR dated October 26, 1999.

- A turf strip designed to facilitate infiltration of runoff will be placed adjacent to the curb along the Ballpark Plazas on Park Boulevard and Tenth Avenue (with appropriate breaks for pedestrian traffic). Surface drainage from the adjacent Ballpark Plaza area shall be directed to, and flow through, such turf strip prior to reaching the curb and gutter along Park Boulevard and Tenth Avenue.

- All planters in the Ballpark Plazas will be designed to act as Passive Infiltration or Retention Systems without modification of current design grades in the Ballpark Plazas. The size and capacity of such planters shall be in the sole discretion of the Padres; and

- The EHC shall have the opportunity to comment on the Passive Infiltration or Retention Systems which are incorporated as described above.

Mitigation Measure E-9: As a condition to the Ballpark Project other than Retail at the Park, Ballpark Plazas will be swept and cleaned after every event. Any cleaners used in such cleaning shall comply with the Pollution Prevention Plan contained in Exhibit 2 of the Errata.

Mitigation Measure E-10: As a condition to the Ballpark Project other than Retail at the Park, all public streets within the Primary Plan Amendment Area (as described in Figure 4.3-3 of the FSEIR) will be swept after every event.

Mitigation Measure E-11: As a condition to the Ballpark Project other than Retail at the Park, water flow from the washdown of the Ballpark seating bowl and concourses will be directed to the sanitary sewer system through a diversion valve.

Mitigation Measure E-12: As a condition to the Ballpark Project other than Retail at the Park, a Pollution Prevention Plan consistent with Exhibit 2 of the Errata shall be adopted and implemented and no revisions to that Pollution Prevention Plan will be made without prior consultation with EHC.

Mitigation Measure E-13: As a condition to the Ballpark Project other than Retail at the Park, the EHC shall complete review of the proposed implementation of the Pollution Prevention Plan within 60 days prior to the first ballpark event and once per year thereafter.

Mitigation Measure E-14: No permanent dewatering shall be conducted.

Mitigation Measure E-15: Runoff protection will be provided for clean-up sites through the uses of berms and sumps to hold runoff water through use of grading.

Mitigation Measure E-16: As a condition to the Retail at the Park and the Ancillary Development Projects, and to the maximum extent Feasible, the Padres, or its designated master developer, will cause all ancillary development to incorporate Passive Infiltration or Retention Systems and incorporate these systems into design standards. The foregoing obligations shall be subject to the following:

- Incorporation of Passive Infiltration or Retention Systems will not be required for development which has insufficient landscaped areas within which to locate such systems.

- Streetscape design standards will require turf strips of varying width between sidewalks and curbs to facilitate infiltration of runoff with appropriate breaks for a pedestrian traffic.

Mitigation Measure E-17: As a condition to the Retail at the Park and the Ancillary Development Projects, during the planning stages of the Ancillary Development Projects and the Retail at the Park, and from time to time during the development of the Ancillary Development Projects and the Retail at the Park, the Padres, or its designated master developer, will meet and confer with EHC to discuss additional opportunities for incorporation of Passive Infiltration or Retention Systems into the Ancillary Development and Retail at the Park.

Mitigation Measure E-18: As a condition to the Retail at the Park and the Ancillary Development Projects, all parking areas in the Retail at the Park and the Ancillary Development Projects will incorporate the Passive Infiltration or Retention Systems illustrated in Exhibit 1 of the Errata.

Mitigation Measure E-19: As a condition to the Retail at the Park and the Ancillary Development Projects, with respect to City-owned parking lots the City will incorporate maintenance requirements for Passive Infiltration or Retention Systems into its contracts with parking lot operators. EHC will have the right to monitor compliance with such maintenance obligations.

Mitigation Measure E-20: As a condition to the Retail at the Park and the Ancillary Development Projects, all parking lots will be regularly swept. A spill and leak control program will be implemented to remove major grease, oil and fuel spills from the parking lots prior to sweeping.

Mitigation Measure E-21: As a condition to the Retail at the Park and the Ancillary Development Projects, no related, pollution-producing activities (such as car washing, use of cleaners not meeting specifications of Pollution Prevention Plan, etc.) shall be conducted on parking lots.

Mitigation Measure E-22: As a condition of the Retail at the Park and the Ancillary Development Projects, a Pollution Prevention Plan analogous to Exhibit 2 to the Errata shall be implemented.

SIGNIFICANT DIRECT IMPACT: Improper storage of hazardous materials within the ballpark and improper disposal of waste materials generated by equipment servicing could significantly impact San Diego Bay by introducing additional toxic substances. (FSEIR page 5.10-7.) Improper storage associated with the Retail at the Park and Park at the Park would represent a potential water quality concern as well. (FSEIR page 5.10-7.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Controls imposed by Mitigation Measures 5.10-3 and 5.10-5 would reduce this impact to below a level of significance through proper storage of pesticides and other hazardous materials. The ballpark design exceeds the requirements of Mitigation Measure 5.10-5 regarding storage of hazardous materials in secondarily contained areas by providing indoor storage for such products. This storage will be in accordance with all applicable hazardous materials/waste storage requirements, including diverting all surface drainage or berming to prevent storm event sheet flows from passing through the storage structure.

Mitigation Measures: Mitigation Measures 5.10-3 and 5.10-5 are discussed and set forth in full above and on page 5.10-11 of the FSEIR. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

2) Ancillary Development Projects

SIGNIFICANT DIRECT IMPACT: Significant short-term impacts to water quality would occur during construction of the Ancillary Development Projects. (FSEIR page 5.10-9.) High periods of rainfall during the grading and/or clearing of the acreage to accommodate the proposed Ancillary Development Projects could result in the transport of large amounts of sediment into San Diego Bay. Excessive erosion and sedimentation would affect marine

organisms in the Bay by increasing levels of turbidity and total dissolved solids. (FSEIR page 5.10-6.) Rainfall coming in contact with construction materials being used to construct the Ancillary Development Projects also could adversely impact San Diego Bay as a result of hydrocarbon products related to operation and servicing of construction equipment as well as hazardous materials associated with building construction and demolition including paint, asbestos, concrete wash, and asphalt. Hydrocarbon products (e.g., fuel, oil, and grease) would reduce oxygen levels in San Diego Bay and increase eutrophication. Construction materials could be toxic to marine organisms. (FSEIR page 5.10-6.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Mitigation Measure 5.10-7 would reduce the impact to below a level of significance by implementing Best Management Practices ("BMPs") which will limit or reduce discharge of contamination into the Bay. (FSEIR page 5.10-11 and 5.10-14.) As Mitigation Measure 5.10-7 provides, the City would take steps to minimize the amount of foreign substance contamination of storm-water runoff from ballpark parking lots. The steps undertaken would be chosen according to the specific needs and functions of each parking lot, but could include the regular use of oil-absorbent materials, regular sweeping and periodic vacuuming. The City also would analyze and implement, as appropriate and effective to address contaminated runoff problems, measures such as the use of vegetative swales or other buffer mechanisms with appropriate grading around the parking lots, and/or installation of filters in surrounding storm drains to intercept and filter water before it reaches the main storm drains. The combined use of regular street and parking are a sweeping, cleanup measures which absorb pollutants, and the buffers chosen by the City would be implemented to reduce potential water quality impacts to a less than significant level. *See* responses to comments 6.20 and 6.25, Volume IV of the FSEIR.

Impacts from petroleum products or anti-freeze from vehicular traffic being washed from public roadways into the San Diego Bay are not significant, in part because this simply is not the source of the vast majority of the contaminants in the Bay. Studies evaluating the sources of copper – a constituent found in automobile brake linings – have been undertaken. These reports have indicated that non-point source wet weather flows contributed 7.8% of the total annual load of copper which enters San Diego Bay. The study did not attempt to determine the percentage of this figure which is attributable to traffic. Nonetheless, the data suggests that the amount of copper from automobile brake linings which reaches the Bay is relatively insignificant in comparison with overall copper impacts on the Bay. Another report, from 1998, indicates that stormwater runoff has an even lower impact on the annual load of copper to the San Diego Bay. *See* Opper Letter.

Mitigation Measure: Mitigation Measure 5.10-7 is discussed and set forth in full above and on page 5.10-11 of the FSEIR, and is incorporated by reference as if fully set forth herein. These

mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT DIRECT IMPACT: Post-construction impacts would likely be less than the Ballpark Project because the Ancillary Development Projects would generate less litter, fertilizers, and pesticides. (FSEIR page 5.10-9.) However, landscape maintenance and improper storage of hazardous materials associated with the Ancillary Development Projects could significantly affect water quality. (FSEIR page 5.10-9.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Controls imposed by Mitigation Measures 5.10-3 through 5.10-5, 5.10-7, 5.10-9 and the IPM required by Mitigation Measure 5.10-11 and set forth as Exhibit 1 to the Pollution Prevention Plan attached to the Errata, would reduce impacts from improper storage of fertilizers, herbicides, pesticides, landscape waste, hydrocarbons and hazardous materials to below a level of significance by requiring proper storage of hazardous materials, proper storage of greenwaste, and proper maintenance of landscaped areas. (FSEIR page 5.10-14.) In addition, the Pollution Prevention Plan and its IPM would minimize application of potentially harmful chemicals thus lessening the impacts from runoff. Mitigation Measures 5.10-3 through 5.10-5 and 5.10-9 through 5.10-11 would reduce these impacts to below a level of significance through proper storage of pesticides and other hazardous materials, storage of greenwaste and adoption of the Pollution Prevention Plan and its IPM.

Mitigation Measures: Mitigation Measures 5.10-3 through 5.10-5, 5.10-7, 5.10-9 and 5.10-11 and E-14 through E-22 are discussed and set forth in full above and on pages 5.10-10 through 5.10-12 of the FSEIR or are in the Errata, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

3) **Plan Amendments**

SIGNIFICANT DIRECT IMPACT: The proposed Plan Amendments would result in potentially significant water quality impacts as they would permit the construction of the Ballpark and Ancillary Development Projects. (FSEIR page 5.10-10.) As discussed earlier, the ballpark would generate new sources of water pollution that would not occur under the existing land use designations for the Ballpark Project Area. (FSEIR page 5.10-10.) Litter, washing down of the seating area, and increased use of pesticides and herbicides pose a greater risk to San Diego Bay than the residential emphasis currently applied to the Ballpark Project Area. (FSEIR page 5.10-10.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: The Facts in Support of Findings discussed above for the impacts of the Ballpark and Ancillary Development Projects on Hydrology and Water Quality are the same as those which would mitigate these same impacts from the Plan Amendments; therefore, those Facts in Support of Findings are incorporated by reference as if fully set forth herein. (FSEIR page 5.10-14.)

Mitigation Measures: The mitigation measures discussed above for the impacts of the Ballpark and Ancillary Development Projects on Hydrology and Water Quality are the same as those which would mitigate these same impacts from the Plan Amendments; therefore, those mitigation measures are incorporated by reference as if fully set forth herein

K. PUBLIC SERVICES AND FACILITIES

1) Ballpark Project

SIGNIFICANT DIRECT IMPACT: Implementation of the proposed Ballpark Project would result in a significant increase in the amount of waste to be placed in the Miramar landfill because it would generate more than the 52 tons per year significance threshold, thus constituting a significant impact on solid waste. (FSEIR page 5.11-5.) This increase in the amount of waste generated would also result in a larger number of trucks accessing the Miramar landfill entrance facility. (FSEIR page 5.11-6.) The additional traffic at this facility would be considered a significant impact as well, since the City's *Guide to Mitigating Impacts to Solid Waste Services* states that the current entrance facility is adequate only for the amount of traffic it currently is experiencing and additional trips would be considered a significant impact. (FSEIR page 5.11-6.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These changes and alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The amount of trash generated by the Ballpark Project would represent a significant impact on the capacity and local access of the Miramar Landfill. (FSEIR page 5.11-11.) Implementation of the Mitigation Measures 5.11-1 through 5.11-4 would lessen the impact to capacity and access to the Miramar Landfill by use of funding available to the City such as taxes, TOTs, and fees; promotion of recycling programs; and implementation of a waste management plan; but not to below a level of significance. (FSEIR page 5.11-9 through 5.11-10 and 5.11-11.) To mitigate the potential impact to access to the Miramar landfill that may exist if the access becomes too congested, Mitigation Measure E-33 has been added to the Errata. To be conservative, however, the impact of the Ballpark Project on solid waste still is considered significant and not mitigated despite this measure. (FSEIR page 5.11-11.)

Mitigation Measures: The following mitigation measures, which are discussed on pages 5.11-9 and 5.11-10 of the FSEIR or are in the Errata, are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.11-1: Potential impacts to police and fire protection services, gas and electric, parks, and public restrooms, libraries, courts and jails, health and social services, senior services and educational facilities/services would be mitigated by funding available to the City of San Diego through implementation of the proposed Redevelopment Plan, repayment of debt by the Agency to the City, and new sales tax and transient occupancy tax (TOT) revenues generated by new increased development within the Redevelopment Project Area. The City of San Diego will also receive property tax revenues generated by the Centre City Redevelopment Project pursuant to Section 33676 of the Health and Safety Code.

Mitigation Measure 5.11-2: Potential impacts of the Site development to systems for the delivery of potable water distribution and supply, stormwater collection and disposal, solid waste disposal, wastewater collection systems and treatment systems would be mitigated by funding available to the City of San Diego through fees collected for connection with and use of public service systems, implementation of the Redevelopment Plan, repayment of debt by the Agency to the City, and new sales tax and transient occupancy tax (TOT) revenues generated by new increased development within the Site. The City of San Diego will also receive property tax revenues generated by the Centre City Redevelopment Project pursuant to Section 33676 of the Health and Safety Code.

Mitigation Measure 5.11-3: As required by the City of San Diego, the developer shall provide areas in which to store recyclable materials. The Agency shall also encourage the City of San Diego Waste Management Department to increase its promotion of effective recycling programs in the Planning Area. (MMRP 12.1-3.)

Mitigation Measure 5.11-4: A waste management plan would be implemented to reduce waste transported to local landfills. Components shall include but not be limited to:

- Type of materials expected to enter the waste stream;
- Quantity of materials;
- Source reduction techniques to be used;
- Recycling and/or composting programs; and

- Buy-recycled programs. (MMRP 12.2-1.)

Mitigation Measure E-33: City will ensure that improvements will be made to the Miramar Landfill entrance facility, if access to the facility becomes inadequate, consistent with the City's *Guide to Mitigating Impacts to Solid Waste Services.*

2) <u>Ancillary Development Projects</u>

<u>SIGNIFICANT DIRECT IMPACT</u>: The Ancillary Development Projects would generate more than the 52 tons per year significance threshold of waste, thus constituting a significant impact on solid waste. (FSEIR page 5.11-8.) This increase in waste generation also would result in an increase in the number of trucks accessing the Miramar landfill entrance facility. (FSEIR page 5.11-8.) The additional traffic at this facility also would be considered a significant impact, since the current entrance facility is adequate only for the amount of traffic it currently is experiencing. (FSEIR page 5.11-8.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The amount of trash generated by the Ancillary Development Projects would represent a significant impact on the capacity and local access of the Miramar Landfill. The impact would be reduced by implementation of Mitigation Measures 5.11-3 and 5.11-4 which would provide funding for public services, and would implement programs to reduce the amount of waste generated by the Ancillary Development Projects, but not to below a level of significance. (FSEIR page 5.11-11.) In addition, Mitigation Measure E-33 will help mitigate the impact of the Ancillary Development Projects on the access to Miramar Landfill.

Mitigation Measures: Mitigation Measures 5.11-3 and 5.11-4 and E-33 are discussed and set forth in full above and on page 5.11-10 of the FSEIR or are in the Errata, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

3) <u>Plan Amendments</u>

<u>SIGNIFICANT DIRECT IMPACT</u>: Because the Ballpark and Ancillary Development Projects would increase the amount of solid waste over that which would likely

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occur under the current land use designations, and the Plan Amendments allow for the development of the ballpark, the Plan Amendments would have a significant impact on solid waste. (FSEIR page 5.11-9.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The impacts of the Plan Amendments on Public Services and Facilities are the same as impacts as would result from implementation of the Ballpark and Ancillary Development Projects. (FSEIR page 5.11-11.) As a result, the Facts in Support of Findings set forth above for Public Services/Facilities Impacts of the Ballpark and Ancillary Development Projects are incorporated by reference as if fully set forth herein.

Mitigation Measures: The mitigation measures set forth above for Public Services/Facilities Impacts of the Ballpark and Ancillary Development Projects are incorporated by reference as if fully set forth herein.

L. POPULATION/HOUSING

1) Ballpark Project

SIGNIFICANT DIRECT IMPACT: Developing the Ballpark Project Area with non-residential uses, i.e., the ballpark, Park at the Park and Retail at the Park, would eliminate the potential for future residential units to be built within the Ballpark Project Area. (FSEIR page 5.12-10.) Based on land use forecasts prepared in 1992 for the MEIR, the land within the Ballpark Project Area could support up to 2,431 dwelling units. (FSEIR page 5.12-10.) Based on a persons per household ratio of 2.71, this would equate to a residential population of 6,588 persons. (FSEIR page 5.12-10.) The loss of residentially zoned land that could support up to 2,431 housing units within the Ballpark Project Area would be considered significant. (FSEIR page 5.12-10.) The 2,431 potential units eliminated by the ballpark would represent 12% of the total number of potential residential units yet to be developed in the Redevelopment Project Area, for an overall reduction of potential residential units within Centre City East of 17%. (FSEIR page 5.12-10.) This would have a significant impact on the housing goals for the Redevelopment Project Area. (FSEIR page 5.12-10.) It is unlikely that the resulting loss in housing opportunities could be reversed by increasing residential development in other parts of the Redevelopment Project Area because one of the goals of the 1992 Redevelopment Plan was

to maximize residential development by maximizing the densities on land designated for residential use. (FSEIR page 5.12-10.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: Although no mitigation measures associated with increasing residential density in other parts of the Redevelopment Project Area are available to replace the housing opportunities which would be lost with implementation of the Proposed Activities, the 1999 General Design and Public and Semi-Public uses amendments to the Centre City Community Plan and the Centre City Planned District Ordinance do delete the Sun Access criteria south of Market Street. This deletion would allow residential development in the East Village area to occur to its maximum potential density, thus mitigating some of the loss in residentially zoned property in that same area. So, while no additional residential intensity can be accommodated to make up for the loss of housing opportunities resulting from implementation of the Proposed Activities, the sun access criteria deletion will help alleviate the impacts. (FSEIR page 5.12-20.) While some housing will occur within the Ancillary Development Projects, achieving the full amount of housing displaced by the Ballpark Project would conflict with the MOU goals for Ancillary Development Projects to provide sufficient transient occupancy tax and tax-increment revenues through other development to help fund the Ballpark Project. (FSEIR page 5.12-20.) Therefore, the housing impact of the Ballpark Project is considered significant and unmitigated. (FSEIR page 5.12-20.)

Nonetheless, the development of the Ballpark and Ancillary Development Projects would generate tax increment revenue that could be used to assist in further development of low-income and moderate-income and other housing in the East Village – housing that would not be built for many years, if ever, without the Proposed Activities. A Deloitte & Touche study concluded that tax increment generated by the Proposed Activities would potentially contribute toward the investment by CCDC of millions in fiscal year 2002 dollars in low-income and moderate-income housing development in the downtown San Diego redevelopment area. Moreover, the new ballpark likely would become the cornerstone of a large, successful urban revitalization project stimulating other kinds of development, including residential development, such as has occurred in other cities. Few other types of projects have the critical mass and popular appeal of the ballpark as a catalyst for the redevelopment of an entire neighborhood or section of a city. A ballpark can be the driving force for transforming a blighted or underutilized neighborhood into a fashionable address. The East Village has had slow development activity over the past 10 years despite a

dramatic increase in development activity in other parts of downtown, and the vision of a steadily redeveloped Centre City East area – intended to be facilitated by the 1992 Redevelopment Plan – has never materialized.

Experiences in other venues have proven that a downtown ballpark creates a significant catalyst for redevelopment. In Baltimore, for example, a new ballpark at Camden Yards has attracted residential development and increased property values since its opening. In the East Village there is now an unprecedented level of interest in redevelopment – much of it residential – that is solely attributable to the proposed Ballpark and Ancillary Development Projects. *See* 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; Denver Downtown Ballpark Study; Milwaukee Governor's Report; Houston Sports Facility Report; Forbes Field Report; FSEIR page 5.3-13, FSEIR Response to Comment Nos. 2.15 and 77.23; Testimony of Robert Harqum, Joint City Council/Redevelopment Agency Hearing on 10/5/99; Testimony of Tom Carter and Pamela Hamilton, Joint City Council/Redevelopment Agency Hearing 10/5/99; Testimony of Greg Carpenter, Joint City Council/Redevelopment Agency Hearing 10/5/99.

SIGNIFICANT DIRECT IMPACT: Implementation of the Ballpark Project would eliminate 27 residential units that currently exist within the Ballpark Project Area. (FSEIR page 5.12-10.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Relocation assistance provided in accordance with Mitigation Measure 5.12-2 would offset impacts on existing residents from loss of the 27 existing residential units by relocating those residents in accordance with State-mandated guidelines. (FSEIR page 5.12-20.) Therefore, the impact would be reduced to below a level of significance. (FSEIR page 5.12-20.) Relocation benefits would be provided in accordance with the State of California Relocation Law, Government Code Sections 7260 et seq., and Title 25 Chapter 6, Relocation Assistance and Real Property Acquisition Guidelines, including the Agency's own Amended Rules and Regulations for Implementation of the California Relocation Assistance Law. The Agency also would assist displaced tenants in order to alleviate hardships for tenants who must pay move-in costs (such as first month's rent and security deposit). Other benefits include assistance with the cost of moving, and, for tenants who have lived in a unit for more than 90 days prior to the initiation of negotiations, potential additional rental assistance. Replacement housing assistance for residential owner-occupants is based on purchase price differential, mortgage interest differential and incidental costs.

Mitigation Measure: The following mitigation measure, which is discussed on page 5.12-16 of the FSEIR, is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.12-2: Displacement impacts are mitigated through the Agency's implementation of its relocation program, as required by the California Relocation Assistance Law. (MMRP 11.1-2.)

SIGNIFICANT DIRECT IMPACT: The homeless population within the Ballpark Project Area and Ancillary Development Projects Area, which is estimated to be about 100 people, likely would stay within the industrial and commercial areas to the south and east of the ballpark footprint, although some could move into the other areas of Centre City, Balboa Park or surrounding residential communities. (FSEIR page 5.12-4 and 5.12-13.) As a result, these areas would be significantly impacted by the resultant change in physical conditions that would be associated with increased homeless activities. (FSEIR page 5.12-4 and 5.12-13.) The homeless, however, may continue to seek shelter in the Ballpark Project Area during construction and may continue to frequent the areas within the Ballpark Project after construction is completed. Implementation of the Ballpark Project would make the Ballpark Project Area less conducive to homeless activities. The development would eliminate several areas within the footprint of the ballpark which experience concentrated homeless activities. Private security activities around the Ballpark and Ancillary Development Projects would discourage homeless activities, but these efforts may have limited success. The Ballpark Project and Ancillary Development Projects Area may cause up to 100 homeless to seek unauthorized evening shelter in the surrounding area. In addition, it could cause an unknown number of homeless using the area during daylight hours to continue these activities in the surrounding area. Although the number of displaced homeless may be relatively low in surrounding neighborhoods, the sensitivity of residential neighborhoods and parks to the physical changes associated with homeless activities would result in even a small number of additional homeless having a significant impact on the physical conditions in residential neighborhoods and parks. (FSEIR page 5.12-4 and 5.12-13.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The proposed Ballpark Project could displace approximately 100 homeless persons whom are currently using the area for unauthorized shelter at night as well as a place to spend daylight hours. (FSEIR page 5.12-20.) The loss of the Ballpark Project Area for these activities would cause these people to seek unauthorized shelter in surrounding areas. (FSEIR page 5.12-20.) Intrusion of the homeless would have a significant impact on these areas. (FSEIR page 5.12-20.) Mitigation Measure 5.12-3 would reduce the impact by establishing an advisory committee to monitor and provide recommendations on how to respond to homeless

impacts on the surrounding community. In addition, the impact would be reduced by the services provided by the HOT Team, which would be expanded in areas affected by homeless which are displaced by the Ballpark Project (Mitigation Measure 5.12-4). The HOT Team's operations to date have been successful in reducing the number of chronically homeless in the downtown area, as reported to both CCDC's Board of Directors and the City Council. The HOT Team's approach is to contact homeless individuals and assist them in solving their issues that led to their homelessness. Each individual whose issues are resolved reduces by one the number of people living on the streets. The HOT Team provides short-term solutions and continued case management for homeless individuals. By continuing to offer services to homeless individuals in this way, a rapport is built, which provides a path out of homelessness. People who are homeless can avail themselves of services to solve their issues. There is no means to determine if implementation of the advisory committee's recommendations or HOT Team's actions would be effective, thus physical impacts of displaced homeless on surrounding areas are considered significant and unmitigated. (FSEIR page 5.12-20.)

Mitigation Measures: Mitigation Measures 5.12-3 and 5.12-4 are discussed and set forth in full above and on pages 5.12-15 and 5.12-17 of the FSEIR, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

2) <u>Ancillary Development Projects</u>

<u>SIGNIFICANT DIRECT IMPACT</u>: Implementation of the Ancillary Development Projects would reduce the potential for future residential units to be built within the Ancillary Development Projects Area. (FSEIR page 5.12-14.) The maximum reduction in potential residential units from the Ancillary Development Projects would equate to a residential population of 3,632 persons. (FSEIR page 5.12-14.) The loss of residentially zoned land which could support up to 1,340 housing units within the Ancillary Development Projects Area would represent a 7% reduction in the potential residential units yet to be developed within the Redevelopment Project Area and a 9% reduction in units yet to be developed within Centre City East. (FSEIR page 5.12-14.) This would be a significant impact. (FSEIR page 5.12-14.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: Although no mitigation measures associated with increasing residential density in other parts of the Redevelopment Project Area are available to replace the housing opportunities which would be lost with implementation of the Proposed Activities, the 1999 General Design and Public and Semi-Public uses amendments to the Centre City Community Plan and the Centre City Planned District Ordinance do delete the Sun Access criteria south of Market Street. This deletion would allow residential development in the East Village area to occur to its maximum potential density, thus mitigating some of the loss in residentially zoned property in that same area. So, while no additional residential intensity can be accommodated to make up for the loss of housing opportunities resulting from implementation of the Proposed Activities, the sun access criteria deletion will help alleviate the impacts. (FSEIR page 5.12-20.) While some housing will occur within the Ancillary Development Projects, achieving the full amount of housing opportunities currently existing conflicts with the MOU goals for Ancillary Development Projects to provide sufficient transient occupancy tax and tax-increment revenues to help fund the Ballpark Project. (FSEIR page 5.12-21.) Nonetheless, the development of the Ballpark and Ancillary Development Projects would generate tax increment revenue that could be used to assist in further development of low-income and moderate-income and other housing in the East Village – housing that would not be built for many years, if ever, without the Proposed Activities.

A Deloitte & Touche study concluded that tax increment generated by the Proposed Activities would potentially contribute toward the investment by CCDC of million in fiscal year 2002 dollars in low-income and moderate-income housing development in the downtown San Diego redevelopment area. Moreover, the new ballpark likely would become the cornerstone of a large, successful urban revitalization project stimulating other kinds of development, including residential development, such as has occurred in other cities. Few other types of projects have the critical mass and popular appeal of the ballpark as a catalyst for the redevelopment of an entire neighborhood or section of a city. A ballpark can be the driving force for transforming a blighted or underutilized neighborhood into a fashionable address. The East Village has had slow development activity over the past 10 years despite a dramatic increase in development activity in other parts of downtown, and the vision of a steadily redeveloped Centre City East area – intended to be facilitated by the 1992 Redevelopment Plan – has never materialized. Experiences in other venues have proven that a downtown ballpark creates a significant catalyst for redevelopment. In Baltimore, for example, a new ballpark at Camden Yards has attracted residential development and increased property values since its opening. In the East Village there is now an unprecedented level of interest in redevelopment – much of it residential – that is solely attributable to the proposed Ballpark and Ancillary Development Projects. *See* 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; Denver Downtown Ballpark Study; Milwaukee Governor's Report; Houston Sports Facility Report; Forbes Field Report; FSEIR page 5.3-13, FSEIR Response to Comment Nos. 2.15 and 77.23; Testimony of Robert Harqum, Joint City Council/Redevelopment Agency Hearing on 10/5/99; Testimony of Tom Carter and Pamela Hamilton, Joint City Council/Redevelopment Agency Hearing 10/5/99; Testimony of Greg Carpenter, Joint City Council/Redevelopment Agency Hearing 10/5/99.

SIGNIFICANT DIRECT IMPACT: Implementation of the Ancillary Development Projects could eliminate 14 existing residential units which lie within the Primary Plan Amendment Area but outside the Ballpark Project Area. (FSEIR page 5.12-14.) Significant impacts to existing residents caused by relocation may result from the development of the Ancillary Development Projects. (FSEIR page 5.12-14.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which avoid or substantially reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Relocation assistance provided in accordance with Mitigation Measure 5.12-2 reduces the impact to a level below significance to existing residents from loss of the 14 existing residential units. That relocation assistance would be provided in accordance with the State of California Relocation Law, Government Code Section 7260 et seq., and Title 25 Chapter 6, Relocation Assistance and Real Property Acquisition Guidelines, including the Agency's own Amended Rules and Regulations for Implementation of the California Relocation Assistance Law. (FSEIR page 5.12-16.) In order to alleviate hardships for tenants who must pay move-in costs (such as first month's rent and security deposit), the Agency assists those who are displaced. Other benefits include assistance with the cost of moving, and, for tenants who have lived in a unit for more than 90 days prior to the initiation of negotiations, additional rental assistance may be available. Replacement housing assistance for residential owner-occupants is based on purchase price differential, mortgage interest differential and incidental costs.

Mitigation Measure: Mitigation Measure 5.12-2 is discussed and set forth in full above and on page 5.12-16 of the FSEIR, and is incorporated by reference as if fully set forth herein. This mitigation measure is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT DIRECT IMPACT: The impacts of urban homeless on surrounding areas caused by the Ancillary Development Projects would be the essentially the same as those associated with the Ballpark Project. (FSEIR page 5.12-15.) The Ancillary Development Projects could displace a number of homeless activities, although the resulting office and commercial uses would continue to offer potential unauthorized shelter opportunities. (FSEIR page 5.12-15.) As with the Ballpark Project, the displacement of homeless activities into surrounding areas would have a significant impact on the physical conditions of affected areas. (FSEIR page 5.12-15.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that

specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The Ballpark and Ancillary Development Projects could displace approximately 100 homeless persons whom are currently using the area for unauthorized shelter at night as well as a place to spend daylight hours. (FSEIR page 5.12-4 and 5.12-15.) The loss of the Ancillary Development Projects Area for such unauthorized activities could cause these people to seek unauthorized shelter in surrounding areas. (FSEIR page 5.12-15.) Intrusion of the homeless would have a significant impact on these areas. Mitigation Measure 5.12-3 would reduce the impact by establishment of an advisory committee to monitor and provide recommendations on how to respond to homeless impacts on the surrounding community. (FSEIR page 5.12-17 through 5.12-19.) In addition, Mitigation Measure 5.12-4 would reduce the impact because the services provided by the HOT Team, which would be expanded in areas affected by homeless which are displaced by the Ancillary Development Projects. The HOT Team's operations to date have been successful in reducing the number of chronically homeless in the downtown area, as reported to both CCDC's Board of Directors and the City Council. The HOT Team's approach is to contact homeless individuals and assist them in solving their issues that led to their homelessness. Each individual whose issues are resolved reduces by one the number of people living on the streets. The HOT Team provides short-term solutions and continued case management for homeless individuals. By continuing to offer services to homeless individuals in this way, a rapport is built, which provides a path out of homelessness. People who are homeless can avail themselves of services to solve their issues. There is no means to determine if implementation of the advisory committee's recommendations or HOT Team's actions would be effective. (FSEIR page 5.12-21.)

Mitigation Measures: Mitigation Measures 5.12-3 and 5.12-4 are discussed and set forth in full above and on pages 5.12-17 through 5.12-19 of the FSEIR, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT DIRECT IMPACT: Although not presently proposed for development in Phase One, Phase Two of the Ancillary Development Projects could directly impact one social services facility, the San Diego Rescue Mission. (FSEIR page 5.12-15.) The San Diego Rescue Mission serves breakfast to the homeless on a daily basis and provides showers, haircuts, storage, and a change of clothes for adult males three days per week. (FSEIR page 5.12-15.) It also offers a long-term rehabilitation and education program (12 to 18 months) to prepare homeless adult males for employment and independent living. (FSEIR page 5.12-15.) This long-term program facility has a capacity of approximately 200 persons. (FSEIR page 5.12-15.) Due to the scarcity of homeless shelters, the loss of the San Diego Rescue Mission would have a significant impact on the homeless. (FSEIR page 5.12-15.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or

alterations have been required in or incorporated into the Proposed Activities which avoid or substantially reduce the significant environmental impact identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Relocation assistance provided through Mitigation Measure 5.12-2 would provide the assistance and funds necessary to relocate the San Diego Rescue Mission and reduce the resultant impact on the homeless to below a level of significance. (FSEIR page 5.12-21.)

Mitigation Measure: Mitigation Measure 5.12-2 is discussed and set forth in full above and on page 5.12-16 of the FSEIR and is incorporated by reference as if fully set forth herein. This mitigation measure is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

3) **Plan Amendments**

SIGNIFICANT DIRECT IMPACT: The Plan Amendments would reduce the housing emphasis in the Ballpark and Ancillary Development Projects Area by allowing the Ballpark and Ancillary Development Projects. This would represent a significant and unmitigable impact on the housing goals for the Redevelopment Project Area, and would reduce the number of low income residential units which otherwise could be developed in that area. (FSEIR page 5.12-15.) The proposal to allow stand-alone, public and semi-public facilities would result in some loss of potential residential units; however, public and semi-public facilities already are allowed in the area and are unlikely to be of sufficient number to eliminate a substantial number of potential residential units. (FSEIR page 5.12-15.) Similarly, the potential reduction in low income housing would not have a significant impact on downtown low-income housing. (FSEIR page 5.12-16.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The Facts in Support of Finding discussed above for the Ballpark and Ancillary Development Projects are identical to those required for impacts to Population/Housing due to the Plan Amendments and therefore are incorporated by reference as if fully set forth herein. (FSEIR page 5.12-21.)

Mitigation Measures: The mitigation measures discussed above for the Ballpark and Ancillary Development Projects are identical to those required for impacts to Population/Housing due to the Plan Amendments and therefore are incorporated by reference as if fully set forth herein.

M. HAZARDOUS MATERIALS

1) Ballpark Project

SIGNIFICANT DIRECT IMPACT: Hazardous materials which occur within the Ballpark Project Area pose significant public health and safety risks during construction or long-term use of the proposed development if they occur in concentrations which exceed state and/or federal standards. (FSEIR page 5.13-12.) During construction, workers may come in contact with hazardous or potentially hazardous materials during demolition of buildings or excavation activities. (FSEIR page 5.13-12.) Such activities may expose workers to asbestos and lead paint or chemicals stored in or leaking from underground storage tanks ("USTs"). (FSEIR page 5.13-12.) Excavation would disturb soils and could cause contaminants to become airborne. Excavation below the groundwater table or dewatering also could bring construction workers in contact with contaminants. (FSEIR page 5.13-12.) Construction workers could encounter hazardous materials which were not identified during the Phase I Environmental Assessment, especially from contents of buried drums and USTs. (FSEIR page 5.13-12.) Remedial measures which disturb contaminated buildings, soils or groundwater can expose construction workers to hazardous material as can trucks transporting materials offsite which could potentially impact residents, employees, and motor vehicle operators on the route traveled. (FSEIR page 5.13-12.) While unlikely, after construction residual soil or groundwater contaminants could pose a health and safety risk to baseball fans, visitors and employees associated with the Park at the Park and Retail at the Park, and residents within the Retail at the Park. (FSEIR page 5.13-12.)

Herbicides, fertilizers and maintenance equipment servicing as well as other materials associated with the proposed ballpark operation have the potential to pose a health risk if not properly managed. (FSEIR page 5.13-12.) Similarly, proposed retail, office and hotel uses may also involve the use or storage of materials that may be considered hazardous if not properly managed. (FSEIR page 5.13-12.) Indications of approximately 64 current and/or historic underground storage tanks are known to occur in the area and additional tanks would be likely. (FSEIR page 5.13-16.) Sumps and clarifiers are known to be present on some of the parcels. (FSEIR page 5.13-16.) At least nine of the blocks currently or historically were occupied by motor vehicle repair facilities or junk yards and at least one block had a dry cleaning facility. (FSEIR page 5.13-16.) At least three sites have current or historic metal working or foundry type uses, approximately four blocks have current or historic manufacturing/machining facilities, another four blocks were reported to have had woodworking facilities, at least three blocks have a moderate-to-high likelihood of containing burn ash/landfill waste material, several buildings are expected to have friable asbestos and/or lead paint, and all twelve blocks contain at least one fuel pipeline. (FSEIR page 5.13-16.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or

alterations have been required in or incorporated into the Proposed Activities which avoid or substantially reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Impacts from hazardous materials in unsafe concentrations would be mitigated to below a level of significance through implementation of Mitigation Measures 5.13-1 through 5.13-9. (FSEIR page 5.13-21.) These mitigation measures would reduce the impacts by requiring that existing hazardous materials be delineated and removed, precautions for safe removal of hazardous materials, surveys and remediation for underground storage tanks, asbestos, and other hazards, and the incorporation of specific measures into project design. (FSEIR page 5.13-21.) The general approach to remediation is described in the Master Work Plan, as described in response to comment 10.54, Volume IV of the FSEIR. *See also* responses to comments 11.5, 11.10 and 18.A.104 through 18.A.139, Volume IV of the FSEIR.

Mitigation Measure E-23 would preclude reuse of petroleum hydrocarbon-bearing soil in construction, while Mitigation Measure E-24 would preclude on-site incineration for remediation of hazardous substances and Mitigation Measures E-25 and E-26 would require that the Site Safety Manager have the authority to stop work if necessary as a result of any serious nuisance impacts related to remediation and to refer complaints to the appropriate oversight agency. Mitigation Measure E-27 would preclude shipping of contaminated soils to treatment facilities operated by licensees with adverse compliance histories. Mitigation Measures E-28 through E-30 would provide means of notifying the public about the remediation process, including possible impacts that might result from remediation, the safety plan for dealing with those impacts, the schedule for remediation activities and a hotline number and contact person for the public as well as a process for community complaints and a monthly report.

Additionally, E-1 through E-6 and E-15 would provide for monitoring of VOCs, dust and particulate matter during remediation, and would preclude on-site incineration during such remediation. These measures also would place controls on stockpiling of contaminated soil, thereby mitigating potential impacts from hazardous materials.

Mitigation Measures: Mitigation Measures 5.13-1 through 5.13-9 and E-23 through E-30, which are set forth below, are discussed on pages 5.13-18 through 5.13-20 of the FSEIR or are in the Errata. In addition, Mitigation Measures E-1 through E-6 and E-15 are set forth above and in the Errata and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

Mitigation Measure 5.13-1: Hazardous waste release sites within the Planning Area shall be delineated by the appropriate responsible party and remediated to the satisfaction of the designated lead agency. This may include the preparation of a report such as a Phase I assessment. (MMRP 5.1-1.)

In addition to Phase I site assessments, Phase II assessments will be performed to confirm and/or assess potentially significant releases and suspected environmental conditions. Further assessment

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will be performed where it is determined, in consultation with the County DEH, that it is necessary or appropriate.

Mitigation Measure 5.13-2: As required by appropriate governmental authorities, any contaminated or hazardous soil and/or water conditions on the site shall be removed and/or otherwise remedied by the developer if, and as, encountered during construction as provided by law and implementing rules and regulations. Such mitigation may include without limitation the following:

a. Remove (and dispose of) and/or treat any contaminated soil and/or water and/or building conditions on the Site as necessary to comply with applicable governmental standards and requirements.

b. Design and construct all improvements on the Site in a manner which will assure protection of occupants and all improvements from any contamination, whether in vapor, particulate, or other form, and/or from the direct and indirect effects thereof.

c. Prepare a site-safety plan, if required by any governmental entity, and submit it to such authorities for approval in connection with obtaining a building permit for the construction or improvements on the Site. Such site safety plan shall assure workers and other visitors to the Site of protection from any health and safety hazards during development and construction of the improvements. Such site safety plan shall include monitoring and appropriate protective action against vapors and particulates and/or the effect thereof.

d. Obtain from the County of San Diego and/or California Regional Water Quality Control Board and/or any other authorities required by law any permits or other approvals required in connection with the removal and/or remedy of soil and/or water and/or building contamination, in connection with the development and construction on the Site.

The developer agrees that the Agency, and its consultants and agents, shall have the right (but not the obligation) to enter upon the site at any time to monitor the excavation and construction on the Site, to test the soils and/or water on the Site, and to take such other actions as may be reasonably necessary.

Some contaminated or hazardous soil and/or water conditions on the site may be addressed prior to construction, as in the manner described for Mitigation Measure 5.13-1. In addition, all significant identified releases of hazardous materials will be remedied to the satisfaction of the County DEH on a voluntary basis, pursuant to Health and Safety Code, Section 25264, whether or not such a remedy is legally required.

Special precautions will be taken during remediation of the SDG&E gas manufacturing site to minimize the escape of offensive odors, and the release of potentially hazardous vapors. Those

precautions may include the use of temporary structures and ventilation systems to capture and treat vapors, and/or use of vapor-suppressing sprays or coatings during excavation.

Care will be taken to avoid the creation of nuisance conditions when contaminated soils are stockpiled. Precautions may include the use of coverings, water sprays, or other coatings to minimize dusts, monitoring of site conditions on a frequent basis, and provisions for the community to promptly alert the CCDC to the need for action to correct any potential nuisance condition. (MMRP 5.1-2.)

Mitigation Measure 5.13-3: In conformance with applicable requirements, an assessment of the significance of underground storage tanks shall be conducted. (MMRP 5.1-3.)

First, on a site-specific basis, a review of underground tank information provided in the Hazardous Materials Contamination Technical Report shall be supplemented by a review of permits recorded at the City of San Diego Fire Department and other historic documents of the specific property to identify locations of underground hazardous materials storage structures. In addition, geophysical methods may be utilized to identify suspected locations of underground hazardous materials storage structures as oftentimes record searches will not indicate their presence.

Second, permits to close (or operate if a tank is to remain in use) shall be obtained by the tank owner or operator. Closure permits for hazardous materials storage structures shall be filed if a tank will no longer be used. Requirements of the closure permit include the pumping and purging of the structure to eliminate all residual hazardous substances, the collection of confirmatory soil samples, and the proper disposal of the storage tank and any associated piping and dispensing equipment. Permits to operate underground hazardous materials storage tanks shall be obtained for those that will remain in operation in the Planning Area. If the tanks do not meet operation and construction requirements such as leak detection monitoring, and corrosion and overfill protection, the existing tanks shall be closed and replaced.

Lastly, remediation of environmental contamination due to underground storage tanks shall be conducted as required by the local oversight agency.

Mitigation Measure 5.13-4: In conformance with applicable requirements, a thorough asbestos survey of buildings to be demolished or renovated shall be undertaken on a case-by-case basis as specific development plans are submitted to the Agency. (MMRP 5.1-4.)

Existing buildings that are to be demolished or renovated shall be thoroughly inspected for the presence of asbestos-containing building materials (ACBM). The inspector must be qualified to identify building materials that may contain asbestos. Samples of suspect building materials must be collected, and submitted to an analytical laboratory that is certified by the State Department of Health Services for asbestos analysis. Results of the inspection shall reveal locations, types, and amounts of friable and non-friable ACBM.

Should the inspection reveal friable and/or non-friable ACBM, proper notification shall be made prior to demolition or renovation activities. Public health may be protected by performing proper

abatement of the ACBM prior to building demolition or renovation, altering demolition or renovation techniques to prevent non-friable ACBM from becoming friable, and/or by complying with National Emission Standards for Hazardous Air Pollutants (NESHAPS) procedures for asbestos emission control, and standards for waste disposal.

Only a California Licensed Contractor, certified in asbestos abatement, shall be used for any ACBM removal activities. The abatement program shall be monitored by an independent third party to insure that the work is performed properly and in compliance with all regulatory standards, to insure a safe and healthful environment prior to reoccupancy, and to document all of the abatement activities. Abatement activities shall comply with all federal and state occupational safety and health requirements. (MMRP 5.1-4.)

Mitigation Measure 5.13-5: Specific measures for potential safety impacts shall be incorporated into the development design as part of the conditions of approval on an activity-specific basis. All activities shall comply with existing state and local health and safety regulations. (MMRP 5.1-5.)

Mitigation Measure 5.13-6: Buildings constructed above any areas of hydrocarbon contamination may require active or passive vapor barriers to prevent migration of toxic and explosive vapors into building foundations. (MMRP 5.1-6.)

Mitigation Measure 5.13-7: Special precautions, such as draining, collection, and/or capping, will be taken during the removal of underground petroleum product pipelines to prevent releases of hazardous substances from pipeline sections that are removed or left in place. Precautions, such as the use of safe cutting techniques, will be taken to prevent fires or explosions during pipeline removal. (MMRP 5.2-1.)

Mitigation Measure 5.13-8: To minimize worker exposure to lead paint residues, loose residues and painted debris will be removed and properly disposed before structures are demolished. (MMRP 5.2-2.)

Mitigation Measure 5.13-9: All remediation activities shall comply with the Master Workplan dated July 30, 1999. (MMRP 5.2-3.)

Mitigation Measure E-23: As a condition to the Ballpark Project other than Retail at the Park, no petroleum hydrocarbon-bearing soil shall be reused in construction (as permitted in Section 5.2.3 of the Master Work Plan).

Mitigation Measure E-24: Remediation of hazardous substances performed or caused to be performed will not utilize on-site thermal desorption or any other form of on-site incineration.

Mitigation Measure E-25: The Site Safety Manager will have the authority to stop work, if necessary, as a result of any serious nuisance impacts that may be related to remediation of known (or discovery of unknown) contamination.

Mitigation Measure E-26: The Safety Manager will refer complaints to the appropriate oversight agency.

Mitigation Measure E-27: No contaminated soils will be shipped to treatment facilities operated by licensees with adverse compliance histories.

Mitigation Measure E-28: The City will prepare a flier (notice document) that will:

- Describe the possible impacts that might result from the remediation effort;
- Describe the safety plan for dealing with those impacts;
- Outline the schedule for proposed activities; and
- Provide a hotline number and a contact person for any member of the public with questions or complaints.

The flier shall be distributed two weeks prior to the beginning of demolition by hand-delivery to all residences and businesses within the area bounded by Fourth Avenue, I-5, Commercial Street and Market Street. The flier shall also be distributed to the media and certain downtown resident groups and associations to be agreed upon by EHC and CCDC. The information will also be posted on the CCDC's web page. A community meeting shall be organized to describe and discuss the issues addressed in the flier prior to the onset of the remediation activities. The meeting time and place will be widely advertised.

Mitigation Measure E-29: A process for community complaints, including work cessation, additional monitoring and evaluation, and implementation of control equipment, as needed, shall be established. EHC will be given an opportunity to comment on the process for response to community complaints prior to the start of clean-ups. A log will be kept of all comments, questions or complaints received on the hotline or in the mail.

Mitigation Measure E-30: A monthly report will be prepared and distributed. The report will summarize comments or complaints which are received in a generic form indicating the basis of the complaint, the date the complaint was received, and an identification of the source of the complaint (a resident individual, an organization, or a government entity). This report will be mailed to the EHC, as well as to any other appropriate organization. Copies of the comments, questions and complaints log will be provided to EHC upon request.

2) <u>Ancillary Development Projects</u>

<u>SIGNIFICANT DIRECT IMPACT</u>: Public health and safety risks associated with exposure to hazardous materials occurring within the Ancillary Development Projects Area would be essentially the same as those associated with the Ballpark Project Area, as the same contaminants would be expected to occur. (FSEIR page 5.13-17.) Within the Ancillary Development Projects Area, five blocks are known to have USTs, and approximately eight USTs are known to occur. One block has hydraulic lifts and a wastewater clarifier, and at least nine

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blocks currently or historically were occupied by motor vehicle repair facilities or junk yards. (FSEIR page 5.13-17.) At least one block has had a dry cleaning facility, and at least two sites have current or historic metal working or foundry type uses, while approximately two blocks have current or historic manufacturing/machining facilities. (FSEIR page 5.13-17.) Woodworking facilities were reported to have been present on at least two blocks, and approximately seven blocks have at least one fuel pipeline within the right-of-way while at least one block has a moderate-to-high likelihood of containing burn ash/landfill waste material. (FSEIR page 5.13-17.)

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which avoid or substantially reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: The Ancillary Development Projects could result in the same hazardous materials impacts as the Ballpark Project during construction and long-term use. (FSEIR page 5.13-21.) Implementation of Mitigation Measures 5.13-1 through 5.13-9 and E-24 through E-30 would reduce those impacts to below a level of significance. These mitigation measures reduce the impact by requiring that existing hazardous materials be delineated and removed, precautions for safe removal of hazardous materials, surveys and remediation for underground storage tanks, asbestos, and other hazards, and the incorporation of specific measures into project design. (FSEIR page 5.13-21.) The general approach to remediation is described in the Master Work Plan, as described in response to comment 10.54, Volume IV of the FSEIR. *See also* responses to comments 11.5, 11.10 and 18.A.104 through 18.A.139, Volume IV of the FSEIR, and as supplemented by Mitigation Measure E-24 through E-30.

Mitigation Measure E-23 would preclude reuse of petroleum hydrocarbon-bearing soil in construction, while Mitigation Measure E-24 would preclude on-site incineration for remediation of hazardous substances and Mitigation Measures E-25 and E-26 would require that the Site Safety Manager have the authority to stop work if necessary as a result of any serious nuisance impacts related to remediation and to refer complaints to the appropriate oversight agency. Mitigation Measure E-27 would preclude shipping of contaminated soils to treatment facilities operated by licensees with adverse compliance histories. Mitigation Measures E-28 through E-30 would provide means of notifying the public about the remediation process, including possible impacts that might result from remediation, the safety plan for dealing with those impacts, the schedule for remediation activities and a hotline number and contact person for the public as well as a process for community complaints and a monthly report. Additionally, E-1 through E-6 and E-15 would provide for monitoring of VOCs, dust and particulate matter during remediation, and would preclude on-site incineration during such remediation. These measures also would place controls on stockpiling of contaminated soil, thereby mitigating potential impacts from hazardous materials.

Mitigation Measures: Mitigation Measures 5.13-1 through 5.13-9 and E-1 through E-6, E-15 and E-24 through E-30 are discussed and set forth in full above and on pages 5.13-18 through 5.13-20

of the FSEIR or are in the Errata, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

3) Plan Amendments

SIGNIFICANT DIRECT IMPACT: Redevelopment under either the existing plans or the proposed Plan Amendments would have a similar level of impact associated with hazardous waste release sites, hazardous materials, underground storage tanks, pipelines, asbestos, lead paint, and remediation activities. (FSEIR page 5.13-17.) Impacts associated with the Plan Amendments would be similar to those under the existing Redevelopment Plan.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which avoid or substantially reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: The Mitigation Measures and Facts in Support of Findings discussed above for the Ballpark and Ancillary Development Projects in regards to Hazardous Materials are the same for the Plan Amendments and therefore they are incorporated by reference as if fully set forth herein.

V. FINDINGS REGARDING CUMULATIVE IMPACTS

A. TRANSPORTATION, CIRCULATION, TRANSIT AND PARKING

1) Ballpark (Non-Event) and Ancillary Development Projects

a) Traffic

SIGNIFICANT CUMULATIVE IMPACT: At buildout, the trips generated by the Ballpark and Ancillary Development Projects would increase the V/C ratio to 0.04 and therefore create a significant cumulative impact to the section of SR-94 (MLK Jr.) between 17th Street and 28th Street, which already would be operating at LOS F even without the Proposed Activities.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which avoid or substantially reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or if those improvements and/or measures are not timely implemented, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency hereby finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of

significance and that specific economic, legal, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: Mitigation Measure 5.2-1 ensures that certain road improvements in the downtown area are made as needed. Further, Mitigation Measures 5.2-5, 5.7-2 and 5.7-6 encourage the use of mass transit and thereby reduce the number of vehicles attempted to access the impacted ramps. As more fully discussed on pages 35-37 and 40 of these Findings, Mitigation Measures 5.2-2 and 5.2-4 may reduce the impact to the listed freeway on-ramps to below a level of significance, but only if the necessary improvements and/or measures identified in the Freeway Deficiency Plan are feasible, and are funded and implemented when needed, and only if Caltrans adjusts the applicable meter flow rates. (FSEIR page 5.2-101.)

Mitigation Measures: Mitigation Measures 5.2-1, 5.2-2, 5.2-4, 5.2-5, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-97, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measure 5.2-5 is feasible and should be implemented by MTDB. Mitigation Measures 5.2-1, 5.2-2, 5.7-2 and 5.7-6 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT CUMULATIVE IMPACT: The traffic generated by the Ballpark (without event) and Ancillary Development Projects would cause an additional one minute or more of delay on the following freeway on-ramps, which already would be experiencing delays of more than five minutes:

- E Street to southbound I-5 (weekday PM Peak Hour)
- G Street to eastbound SR-94 (MLK Jr.) (weekday PM Peak Hour)
- J Street to southbound I-5 (weekday AM/PM Peak Hours)
- Imperial Avenue to northbound I-5 (weekday AM/PM Peak Hours).

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or if the improvements and/or measures identified are not timely implemented, however, or if Caltrans

fails to make necessary adjustments to the applicable ramp meter rates, the impact would remain significant. As a result, pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency hereby finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, legal, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2), and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: There should be no backup of traffic or traffic diversion that would impact local streets and/or intersections unless the freeways and associated ramps are significantly congested. Traffic congestion would be mitigated through providing the necessary local improvements constructed on an as-needed basis pursuant to Mitigation Measure 5.2-1, as well as through the incentives to use mass transit provided by Mitigation Measures 5.2-5, 5.7-2 and 5.7-6. In addition, as more fully discussed above on pages 35-37 and 40 of these Findings, Mitigation Measures 5.2-2 and 5.2-4 would mitigate this impact from occurring by improving freeway capacity and adjusting meter flow rates on associated on-ramps, assuming the necessary improvements and/or measures identified in the Freeway Deficiency Plan are feasible, funded and implemented when needed, and that Caltrans adjusts the meter flow rates. (FSEIR page 5.2-101.)

Mitigation Measures: Mitigation Measures 5.2-1, 5.2-2, 5.2-4, 5.2-5, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-97, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-1, 5.2-2, 5.7-2 and 5.7-6 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measure 5.2-5 is feasible and should be implemented by MTDB.

SIGNIFICANT CUMULATIVE IMPACT: Non-event traffic from the Ballpark and Ancillary Development Projects added to cumulative traffic in the area would result in p.m. peak hour (5 p.m. to 6 p.m.) traffic queues that exceed the available storage capacity of the I-5 southbound off-ramp to Imperial Avenue due to increased traffic on Imperial Avenue. The increased traffic on Imperial Avenue would decrease the number of available gaps available to allow southbound 17th Street traffic to enter the intersection. This would cause traffic exiting the I-5 southbound ramp to experience long delays while waiting for gaps in traffic on Imperial Avenue to appear, and these long delays would result in queuing that extends back to the I-5 mainline lanes.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Implementation of Mitigation Measure 5.2-6 would reduce significant cumulative impacts on the I-5 southbound freeway off-ramp to Imperial Avenue to below a level of significance. Mitigation Measure 5.2-6 would assure that specific roadway improvements to Imperial Avenue needed to handle traffic generated by the Ballpark and Ancillary Development Projects are made, which would eliminate the delays to traffic exiting the I-5 southbound off-ramp at that location.

Mitigation Measure: Mitigation Measure 5.2-6 is discussed and set forth in full above and on page 5.2-97 of the FSEIR and is incorporated by reference as if fully set forth herein. This mitigation measure is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT CUMULATIVE IMPACT: Under cumulative buildout conditions, the addition of non-event Ballpark and Ancillary Development Projects would cause the segment of Harbor Drive from First Avenue to Fifth Avenue to degrade from LOS E to LOS F, and would cause an increase in V/C ratio of more than 0.02 on Harbor Drive between Fifth Avenue to Eighth Avenue (Park Boulevard), which already is operating at LOS F.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Intersection improvements included as part of the proposed Park Boulevard and Harbor Drive intersection, along with the improvements completed as part of Mitigation Measure 5.2-3, would reduce cumulative traffic impacts on Harbor Drive between First and Eighth Avenue (Park Boulevard) to below a level of significance.

Mitigation Measures: Mitigation Measure 5.2-3 is discussed and set forth in full above and on page 5.2-96 of the FSEIR, and is incorporated by reference as if fully set forth herein. Mitigation Measure 5.2-3 is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT CUMULATIVE IMPACT: The addition of traffic from the Ballpark (non-event) and Ancillary Development Projects to cumulative traffic in the buildout condition would cause the intersection of 17th Street at Imperial Avenue to degrade to an unacceptable LOS F in the PM Peak Hour. Also, it would cause additional delay at two

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intersections already operating at LOS F; namely, the intersections of A Street and 10th Avenue and Harbor Boulevard and 8th Avenue (Park Boulevard).

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or if the improvements and/or measures identified are not timely implemented, however, or if Caltrans fails to make necessary adjustments to the applicable ramp meter rates, the impact would remain significant. As a result, pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency hereby finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, legal, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2), and Local Agency Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: Mitigation Measures 5.2-1 and 5.2-3 would help reduce the impact to the downtown intersections by assuring that identified improvements to downtown roads are provided as needed. Encouraging the use of mass transit through implementation of Mitigation Measures 5.2-5, 5.7-2 and 5.7-6 also would mitigate this impact by shifting traffic off of the freeways and onto the trolley, bus, train or a carpool. In addition, as more fully discussed above on pages 35-37 and 40 of these Findings, Mitigation Measures 5.2-2 and 5.2-4 would help mitigate this impact by improving freeway capacity and adjusting meter flow rates on associated on-ramps, assuming the necessary improvements and/or measures identified in the Freeway Deficiency Plan are feasible, funded and implemented when needed, and that Caltrans adjusts the meter flow rates, as described above. (FSEIR page 5.2-101.)

Mitigation Measures: Mitigation Measures 5.2-1 through 5.2-5, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-97, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. There should be no backup of traffic or traffic diversion that would impact local streets and/or intersections unless the freeways and associated ramps are significantly congested. Traffic congestion would be mitigated through providing the necessary local improvements constructed on an as-needed basis pursuant to Mitigation Measure 5.2-1, as well as through the incentives to use mass transit provided by Mitigation Measures 5.7-2 and 5.7-6. Mitigation Measures 5.2-1, 5.2-2, 5.2-3, 5.7-2 and 5.7-6 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

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Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measure 5.2-5 is feasible and should be implemented by MTDB.

SIGNIFICANT CUMULATIVE IMPACT: There could be a cumulative traffic impact on local streets from the non-event Ballpark and Ancillary Development Projects traffic when combined with cumulative traffic in the area if freeway and on-ramp congestion result in drivers diverting from the freeways onto adjacent neighborhood streets. The actual magnitude of such trip diversion through neighborhoods in response to freeway and ramp congestion is indeterminable using available analytical capabilities, and is speculative given the numerous uncertainties involved.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or if the improvements and/or measures are not timely implemented, or if Caltrans fails to make necessary adjustments to the applicable ramp meter rates, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: It is infeasible to accurately measure the location and/or magnitude of traffic diversion in response to congested freeway conditions. To the extent general estimates are possible, and based on a review of SANDAG travel forecasts, the FSEIR concludes that there would not be a significant level of traffic diversion in response to congested freeway conditions, but acknowledges that the difficulties in attempting to accurately estimate whether or not such diversion would occur. Diverting from one route to another typically is based on the motorist's perception of time savings allowed by an alternative route. SANDAG's state-of-the-art model assumes that motorists will act in a manner which minimizes travel time and cost; however, in reality all motorists do not have the same knowledge of alternative routes and associated travel time savings and often may perceive travel time savings differently. As a result, a motorist's responses to congested conditions vary and cannot be accurately estimated.

Mitigation Measures 5.2-1 and 5.2-3 provide for enumerated improvements to be made to downtown roadways, including restriping as well as construction of new lanes. In addition, Mitigation Measures 5.2-14, 5.7-2 and 5.7-6 encourage the use of mass transit and hence help lessen congestion on freeways as well as neighborhood streets. Those improvements and/or measures, in addition to the timely implementation of the improvements detailed in Mitigation Measure 5.2-2 and the ramp meter flow rate adjustments called for in Mitigation Measure 5.2-4, as more fully discussed on pages 35-37 and 40 of these Findings, would provide capacity on freeways and associated ramps that should remove any incentive for motorists to divert along alternative routes such as neighborhood streets. assuming the necessary improvements and/or measures identified in the Freeway Deficiency Plan are feasible, funded, and timely implemented, and that Caltrans adjusts the meter flow rates.

Mitigation Measures: The text of Mitigation Measures 5.2-1, 5.2-2, 5.2-3, 5.2-4, 5.2-14, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-100 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-1 through 5.2-3, 5.7-2 and 5.7-6 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measure 5.2-14 is feasible and should be implemented by MTDB.

SIGNIFICANT CUMULATIVE IMPACT: The FSEIR conducted a secondary analysis of CMP impacts on Harbor Drive and determined that non-event traffic generated by the Ballpark (non-event) and Ancillary Development Projects would result in a cumulatively significant impact on Harbor Drive between Crosby Street and Sampson Street.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: It is infeasible for the Freeway Deficiency Plan to mitigate impacts to the CMP roadways outside the primary traffic study area or for the Proposed Activities to mitigate for freeway impacts outside the primary traffic study area. (FSEIR page 5.2-101.) However, because of the decision to prepare a Freeway Deficiency Plan as mitigation for the Proposed Activities, Caltrans and SANDAG have undertaken an even broader analysis of freeway segments, in a Central I-5 Corridor Study, which would look at the area from SR-54 to Sea World Drive and would extend from the Pacific Ocean to I-15. *See* Caltrans Letter. Nonetheless, impacts on CMP segments outside of the primary traffic study area would be

significant and not mitigated. (FSEIR page 5.2-101.) In addition, impacts to Harbor Drive between Crosby Street and Sampson Street would be unmitigated because there is not sufficient right-of-way available to accomplish the widening that would be required. To acquire the right-of-way would have severe and substantial adverse consequences given the existing development that would be affected by the widening. Spot widening would not be consistent with the roadway character.

SIGNIFICANT CUMULATIVE IMPACT: The FSEIR conducted a secondary analysis of CMP impacts on freeway segments outside of the primary traffic study area and determined that non-event Ballpark and Ancillary Development Projects, when added to cumulative traffic in the area, would have a significant impact on the following CMP freeway segments:

- SR-94 (MLK Jr.) between I-15 and College Avenue, and
- I-15 between I-805 and SR-94 (MLK Jr.).

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which avoid or substantially reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or if those improvements and/or measures are not timely implemented, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency hereby finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, legal, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: Mitigation Measures 5.2-1 and 5.2-3 ensure that certain road improvements in the downtown area are made as needed. Further, Mitigation Measures 5.2-5, 5.7-2 and 5.7-6 encourage the use of mass transit and thereby reduce the number of vehicles attempted to access the impacted ramps. As more fully discussed on pages 35-37 and 40 of these Findings, Mitigation Measures 5.2-2 and 5.2-4 may reduce the impact to the listed freeway on-ramps to below a level of significance, but only if the necessary improvements and/or measures

identified in the Freeway Deficiency Plan are feasible, and are funded and implemented when needed, and only if Caltrans adjusts the applicable meter flow rates. (FSEIR page 5.2-101.)

Mitigation Measures: Mitigation Measures 5.2-1, 5.2-2 through 5.2-5, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-97, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans Mitigation Measure 5.2-5 is feasible and should be implemented by MTDB. Mitigation Measures 5.2-1, 5.2-2, 5.2-3, 5.7-2 and 5.7-6 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT CUMULATIVE IMPACT: There could be a cumulative traffic impact on local streets from the event Ballpark and Ancillary Development Projects traffic when combined with cumulative traffic in the area if freeway and on-ramp congestion result in drivers diverting from the freeways onto adjacent neighborhood streets. The actual magnitude of such trip diversion through neighborhoods in response to freeway and ramp congestion is indeterminable using available analytical capabilities, and is speculative given the numerous uncertainties involved.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: It is infeasible to accurately measure the location and/or magnitude of traffic diversion in response to congested freeway conditions. To the extent general estimates are possible, and based on a review of SANDAG travel forecasts, the FSEIR concludes that there would not be a significant level of traffic diversion in response to congested freeway conditions, but acknowledges that the difficulties in attempting to accurately estimate whether or not such diversion would occur. Diverting from one route to another typically is based on the motorist's perception of time savings allowed by an alternative route. SANDAG's state-of-the-art model assumes that motorists will act in a manner which minimizes travel time and cost; however, in reality all motorists do not have the same knowledge of alternative routes and associated travel time savings and often may perceive travel time savings differently. As a result, a motorist's responses to congested conditions vary and cannot be accurately estimated. The FSEIR addresses this issue by requiring the ETMP, which is designed to preclude ballpark event traffic from diverting into the surrounding neighborhoods. *See* Peterson Diversion Memo.

Mitigation Measures 5.2-1 and 5.2-3 provide for enumerated improvements to be made to downtown roadways, including restriping as well as construction of new lanes. In addition, Mitigation Measures 5.2-14, 5.7-2 and 5.7-6 encourage the use of mass transit and hence help lessen congestion on freeways as well as neighborhood streets. Those improvements and/or measures, in addition to the timely implementation of the improvements detailed in Mitigation Measure 5.2-2 and the ramp meter flow rate adjustments called for in Mitigation Measure 5.2-4,

as more fully discussed on pages 35-37 and 40 of these Findings, would provide capacity on freeways and associated ramps that should remove any incentive for motorists to divert along alternative routes such as neighborhood streets. assuming the necessary improvements and/or measures identified in the Freeway Deficiency Plan are feasible, funded, and timely implemented, and that Caltrans adjusts the meter flow rates. In any event, the ETMP provided as part of Mitigation Measure 5.2-9 fully mitigates this impact by controlling access to the neighborhoods and putting plans and actions in place to ensure that event traffic does not use neighborhood streets to access the ballpark. (FSEIR page 5.2-101.)

Mitigation Measures: The text of Mitigation Measures 5.2-1 through 5.2-4, 5.2-9, 5.2-14, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-98 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-1 through 5.2-3, 5.2-9, 5.7-2 and 5.7-6 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measure 5.2-14 is feasible and should be implemented by MTDB.

b) Transit

SIGNIFICANT CUMULATIVE IMPACT: Demand from other development combined with demand from the Ballpark (without event) and Ancillary Development Projects would exceed the available throughput capacity at the 12th and Imperial Transfer Station on the following routes:

- Route 4—PM Peak Hour Outbound;
- Route 29—PM Peak Hour Outbound; and
- Route 901—AM Peak Hour Inbound and PM Peak Hour Outbound.

Finding: Conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Finding: The non-event demand for bus service in the buildout condition would be met by implementation of additional transit services along the impacted routes pursuant to Mitigation Measure 5.2-5. This service capacity is available and will be provided by MTDB. *See* MTDB Letter.

Mitigation Measure: Mitigation Measure 5.2-5 is discussed and set forth in full above and on page 5.2-97 of the FSEIR, and is incorporated by reference as if fully set forth herein. It is feasible and should be implemented by MTDB.

2) **Ballpark (Event) and Ancillary Development Projects**

a) **Traffic**

SIGNIFICANT CUMULATIVE IMPACT: Weekday evening game arrivals would produce additional traffic demand on the off-ramp from I-5 northbound to J Street (PM Peak Hour) under long-term buildout conditions as a result of LOS F conditions at the intersection of J Street and 17th Avenue, where traffic traveling east and west on J Street is currently stop-sign controlled.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Implementation of Mitigation Measure 5.2-6 would reduce significant cumulative impacts on the roadway system serving Centre City to below a level of significance. 5.2-6 would assure that specific roadway improvements needed to handle traffic generated by the Ballpark and Ancillary Development Projects are made, improving the traffic flow at this off-ramp.

Mitigation Measure: Mitigation Measure 5.2-6 is discussed and set forth in full above and on page 5.2-97 of the FSEIR, and is incorporated by reference as if fully set forth herein. It is feasible and made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT CUMULATIVE IMPACT: Under cumulative buildout conditions, the addition of event Ballpark and Ancillary Development Projects would cause the segment of Harbor Drive from First Avenue to Fifth Avenue to degrade from LOS E to LOS F, and would cause an increase in V/C ratio of more than 0.02 on a segment of Harbor Drive already operating at LOS F, the segment of Harbor Drive between Fifth Avenue to Eighth Avenue (Park Boulevard).

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: The cumulative impact on Harbor Drive between First Avenue and Park Boulevard would be reduced to below a level of significance with the intersection improvements proposed at the new intersection of Park Boulevard and Harbor Drive by Mitigation Measure 5.2-3. These improvements would assure an acceptable flow of traffic despite the fact that the volume to capacity ratio for the street would technically be exceeded.

Mitigation Measure: Mitigation Measure 5.2-3 is discussed and set forth in full above and on page 5.2-96 of the FSEIR, and is incorporated by reference as if fully set forth herein. It is feasible and made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT CUMULATIVE IMPACT: Traffic generated by weekday evening ballgames would result in a significant cumulative impact to the intersection of J Street at 17th Street at p.m. peak hour (5 p.m. to 6 p.m.), while weekday afternoon ballgames would have a cumulatively significant impact at the intersection of J Street and 17th Street and at the intersection of Imperial Avenue and 19th Street at p.m. peak hour.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or the improvements and/or measures are not timely implemented, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency hereby finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: The impact described above would occur only rarely. For such an impact to occur would require (1) a weekday afternoon home game, of which there are only 5-to-10 per year; (2) a sell-out crowd, and (3) a major event occurring at the Convention Center at the same time. Moreover, even with all three events occurring, it is important to note that the ballpark traffic would be traveling in the direction opposite of the peak rush hour traffic, in which commuters are trying to exit – not enter – downtown.

In addition, the impacts from afternoon ballgames would be mitigated by Mitigation Measure 5.2-8, which would prevent ballpark events from starting on weekdays between the hours of 1:05 p.m. and 3:30 p.m. This would regulate ballpark event start times to minimize the number of vehicles exiting a ballpark event during the p.m. peak hour. The average game lasts 2 hours and 48 minutes. Games beginning at 1:00 p.m. p.m. or before would, on average, end by 3:48 p.m. – before the start of the p.m. peak hour. Games beginning at or after 3:30 p.m. would, on average, end at 6:15 p.m. or later, after the conclusion of the p.m. peak hour. In addition to

keeping weekday afternoon event traffic off of the area roadways during the p.m. peak hour through regulation of the start times, there also would be improvements to downtown roads completed

Mitigation Measures 5.2-1 and 5.2-6 would implement enumerated improvements as needed on downtown roads. Other mitigation measures which would help reduce this impact are those which encourage people to use mass transit or carpool rather than drive or drive alone. These mass transit-related incentives and/or measures are set forth in Mitigation Measures 5.2-5, 5.2-10 (encourage people to park at Qualcomm Stadium and take mass transit into downtown), 5.2-11, 5.2-14, 5.7-2 (encouraging carpools) and 5.7-6 (incentives for transit use). In addition, the ETMP called for in Mitigation Measure 5.2-9 would help alleviate this impact through the various traffic controls which it is designed to implement. These measures only fully mitigate, however, if the necessary improvements and/or measures identified in the Freeway Deficiency Plan prepared pursuant to Mitigation Measure 5.2-2 are feasible, funded and implemented when needed, and if Caltrans adjusts the applicable ramp meter flow rates as provided by Mitigation Measure 5.2-4, as more fully discussed above on pages 35-37 and 40 of these Findings.

Mitigation Measures: The text of Mitigation Measures 5.2-1, 5.2-2, 5.2-4, 5.2-5, 5.2-6, 5.2-9, 5.2-10, 5.2-11, 5.2-14, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-100, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-1, 5.2-2, 5.2-6, 5.2-9, 5.2-10, 5.2-11, 5.7-2 and 5.7-6 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measures 5.2-5 and 5.2-14 are feasible and should be implemented by MTDB.

SIGNIFICANT CUMULATIVE IMPACT: The Ballpark (with event) and Ancillary Development Projects for either a weekday evening or a weekday afternoon game would cause an increase in V/C ratio of more than 0.02 and therefore a significant cumulative impact on the following freeway segments:

- I-5, between I-8 and 28th Street;
- SR-163, between I-8 and I-5; and
- SR-94 (MLK Jr.), between I-5 and 17th Street.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or if the improvements and/or measures are not timely implemented, or if Caltrans fails to make necessary adjustments to the applicable ramp meter rates, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section

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15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: Mitigation Measure 5.2-8 would prevent ballpark events from starting on weekdays between the hours of 1:05 p.m. and 3:30 p.m. This would regulate ballpark event start times to minimize the number of vehicles exiting a ballpark event during the p.m. peak hour (5 p.m. to 6 p.m.). The average game lasts 2 hours and 48 minutes. Games beginning at 1:00 p.m. or before would, on average, end by 3:48 – before the start of the p.m. peak hour. Games beginning at or after 3:30 p.m. would, on average, end at 6:15 p.m. or later, after the conclusion of the p.m. peak hour. In addition to keeping weekday afternoon event traffic off of the area roadways during the p.m. peak hour through regulation of the start times, there also will be improvements to downtown roads constructed as part of Mitigation Measure 5.2-1. Other mitigation measures which would help reduce this impact are those which encourage people to use mass transit or carpool rather than drive or drive alone. These mass transit-related incentives and/or measures are set forth in Mitigation Measures 5.2-5, 5.2-10 (encouraging people to park at Qualcomm Stadium and take mass transit into downtown), 5.2-11, 5.2-14, 5.7-2 (encouraging carpools) and 5.7-6 (incentives for transit use). In addition, the ETMP called for in Mitigation Measure 5.2-9 would help alleviate this impact through the various traffic controls which it is designed to implement. Finally, Mitigation Measures 5.2-2 and 5.2-4, more fully discussed above on pages 35-37 and 40 of these Findings, would help mitigate impacts to freeways and ramps through preparation of the Freeway Deficiency Plan and adjustment of ramp meter flow rates. If the necessary improvements and/or measures identified in the Freeway Deficiency Plan are infeasible, or are not funded or implemented when needed, or if Caltrans fails to adjust the meter flow rates, the weekday afternoon event traffic impacts on the freeway system would be significant and not mitigated. (FSEIR page 5.2-101.)

Mitigation Measures: Mitigation Measures 5.2-1, 5.2-2, 5.2-4, 5.2-5, 5.2-8 through 5.2-11, 5.2-14, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-100, and 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-1, 5.2-2, 5.2-8 through 5.2-11, 5.7-2 and 5.7-6 are feasible and are binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measures 5.2-5 and 5.2-14 are feasible and should be implemented by MTDB

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SIGNIFICANT CUMULATIVE IMPACT: The FSEIR conducted a secondary analysis of CMP impacts on Harbor Drive and determined that event traffic generated by the Ballpark and Ancillary Development Projects would create a cumulatively significant impact on Harbor Drive between Crosby Street and Sampson Street.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: It is infeasible for the Freeway Deficiency Plan to mitigate impacts to the CMP roadways outside the primary traffic study area or for the Proposed Activities to mitigate for freeway impacts outside the primary traffic study area. (FSEIR page 5.2-101.) However, because of the decision to prepare a Freeway Deficiency Plan as mitigation for the Proposed Activities, Caltrans and SANDAG have undertaken an even broader analysis of freeway segments, in a Central I-5 Corridor Study, which would look at the area from SR-54 to Sea World Drive and would extend from the Pacific Ocean to I-15. *See* Caltrans Letter. Nonetheless, impacts on CMP segments outside of the primary traffic study area would be significant and not mitigated. (FSEIR page 5.2-101.) In addition, impacts to Harbor Drive between Crosby Street and Sampson Street would be unmitigated because there is not sufficient right-of-way available to accomplish the widening that would be required. To acquire the right-of-way would have severe and substantial adverse consequences given the existing development that would be affected by the widening. Spot widening would not be consistent with the roadway character.

SIGNIFICANT CUMULATIVE IMPACT: Traffic from a weekday afternoon ballgame would result in more than one additional minute of delay to the following freeway on-ramps, which already would experience delays of five or more minutes:

- First Avenue to northbound I-5 (PM Peak Hour);
- E Street to southbound I-5 (PM Peak Hour)
- G Street to eastbound SR-94 (MLK Jr.) (PM Peak Hour);
- 19th Street to eastbound SR-94 (MLK Jr.) (PM Peak Hour);
- J Street to southbound I-5 (PM Peak Hour); and
- Imperial Avenue to northbound I-5 (PM Peak Hour);.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or such improvements and/or measures are not timely implemented, or if Caltrans fails to make necessary adjustments to the applicable ramp meter rates, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: It is important to note that the analysis revealing this impact to freeway on-ramps from weekday afternoon traffic is a worst-case analysis which assumes a sold-out ballgame which ends during the p.m. peak hour (5 p.m. to 6 p.m.) and occurs at the same time as a major event at the Convention Center. This would happen only a few times a year at most, especially given that there are only about five weekday afternoon home games per year and not all of those are sellouts and not all occur at the same time as a major Convention Center event.

The impact would be lessened by implementation of Mitigation Measure 5.2-8, which would prevent ballpark events from starting on weekdays between the hours of 1:05 p.m. and 3:30 p.m. This would regulate ballpark event start times to minimize the number of vehicles exiting a ballpark event during the p.m. peak hour. The average game lasts 2 hours and 48 minutes. Games beginning at 1:00 p.m. or before would, on average, end by 3:48 p.m. – before the start of the p.m. peak hour. Games beginning at or after 3:30 p.m. would, on average, end at 6:15 p.m. or later, after the conclusion of the p.m. peak hour. In addition to keeping weekday afternoon event traffic off of the area roadways during the p.m. peak hour through regulation of the start times, there also will be improvements to downtown roads constructed as part of Mitigation Measure 5.2-1. Other mitigation measures which would help reduce this impact are those which encourage people to use mass transit or carpool rather than drive or drive alone. These mass transit-related incentives and/or measures are set forth in Mitigation Measures 5.2-5, 5.2-10 (encouraging people to park at Qualcomm Stadium and take mass transit into downtown), 5.2-11, 5.2-14, 5.7-2 (encouraging carpools) and 5.7-6 (incentives for transit use). In addition, the ETMP called for in Mitigation

Measure 5.2-9 would help alleviate this impact through the various traffic controls which it is designed to implement. Finally, Mitigation Measures 5.2-2 and 5.2-4, more fully discussed above on pages 35-37 and 40 of these Findings, would help mitigate impacts to freeways and ramps through preparation of the Freeway Deficiency Plan and adjustment of ramp meter flow rates. However, if the necessary improvements and/or measures identified in the Freeway Deficiency Plan are infeasible, or are not funded or implemented when needed, or if Caltrans fails to adjust the meter flow rates, the impact would be significant and not mitigated. (FSEIR page 5.2-101.)

Mitigation Measures: Mitigation Measures 5.2-1, 5.2-2, 5.2-4, 5.2-5, 5.2-8 through 5.2-11, 5.2-14, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-100, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-1, 5.2-2, 5.2-8 through 5.2-11, 5.7-2 and 5.7-6 are feasible and are binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measures 5.2-5 and 5.2-14 are feasible and should be implemented by MTDB.

SIGNIFICANT CUMULATIVE IMPACT: The addition of ballpark event traffic from weekday evening and weekday afternoon games combined with cumulative traffic on neighborhood streets in the neighborhoods east of I-5 near the proposed ballpark would cause Pershing Drive north of Florida Street to operate at an unacceptable LOS E under buildout conditions.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Potential impacts of event traffic added to cumulative traffic on the neighborhood surface streets would be mitigated by traffic control measures implemented as part of the ETMP required by Mitigation Measure 5.2-9.

Mitigation Measure: Mitigation Measure 5.2-9 is discussed and set forth in full above and on page 5.2-98 of the FSEIR, and is incorporated by reference as if fully set forth herein. The mitigation measure is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT CUMULATIVE IMPACT: The Ballpark and Ancillary Development Projects' event-generated traffic would contribute additional impacts to the county's regional freeway system, drawing fans from around the county and contributing to traffic on all major freeway segments in the county. It can be assumed that all major freeway segments in San Diego County would carry at least 3-4% of the ballpark event trips. SANDAG indicates that 60% of the County's 300 miles of freeway system within the Urban Area will be congested in 2020 thus, with the addition of event traffic to the already congested San Diego County regional freeways,

the Ballpark and Ancillary Development Projects would contribute to a significant cumulative impact on all congested freeway segments in San Diego County.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: It is infeasible for the Freeway Deficiency Plan to mitigate impacts to the CMP roadways outside the primary traffic study area or for the Proposed Activities to mitigate for freeway impacts outside the primary traffic study area. (FSEIR page 5.2-101.) However, because of the decision to prepare a Freeway Deficiency Plan as mitigation for the Proposed Activities, Caltrans and SANDAG have undertaken an even broader analysis of freeway segments, in a Central I-5 Corridor Study, which would look at the area from SR-54 to Sea World Drive and would extend from the Pacific Ocean to I-15. *See* Caltrans Letter. Nonetheless, cumulative impacts on freeway CMP segments outside of the primary traffic study area would be significant and not mitigated. (FSEIR page 5.2-101.)

SIGNIFICANT CUMULATIVE IMPACT: The conclusions for cumulative traffic impacts discussed above assume that future improvements will be made to the freeway system serving downtown. If these freeway improvements do not occur, event traffic at major freeway on-ramps serving the Ballpark and Ancillary Development Projects would back up further, significantly impacting the following intersections along the surface street system in the p.m. peak hour (5 p.m. to 6 p.m.):

- E Street from the on-ramp to 14th Street and on north/south intersecting streets;
- G Street from the on-ramp to 12th Avenue and on north/south intersecting streets;
- J Street from the on-ramp to 15th Street; and
- Imperial Avenue from the on-ramp west to 14th Street and east to 19th Street, and on north/south intersecting streets.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or such

improvements and/or measures are not timely implemented, or if Caltrans fails to make necessary adjustments to the applicable ramp meter rates, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Findings: It is important to note that this potential impact to roads and intersections is anticipated to occur less than five times per year even without mitigation given that it requires peak commuter outbound traffic concurrent with the traffic from a weekday afternoon ballgame (of which only five are scheduled for this year) that is sold out and ends in the p.m. peak hour (5 p.m. to 6 p.m.) and is concurrent with a major Convention Center event. (FSEIR page 5.2-71.) The impact is mitigation through a variety of measures. First, Mitigation Measure 5.2-8 would prevent ballpark events from starting on weekdays between the hours of 1:05 p.m. and 3:30 p.m. This would regulate ballpark event start times to minimize the traffic caused by vehicles exiting a ballpark event during the p.m. peak hour. The average game lasts 2 hours and 48 minutes. Games beginning at 1:00 p.m. or before would, on average, end by 3:48 – before the start of the p.m. peak hour. Games beginning at or after 3:30 p.m. would, on average, end at 6:15 p.m. or later, after the conclusion of the p.m. peak hour. In addition to keeping weekday afternoon event traffic off of the area roadways during the p.m. peak hour through regulation of the start times, there also would be road improvements constructed as part of Mitigation Measure 5.2-1.

Other mitigation measures which would help reduce this impact are those which encourage people to use mass transit or carpool rather than drive or drive alone. These mass transit-related incentives and/or measures are set forth in Mitigation Measures 5.2-5, 5.2-10 (encouraging people to park at Qualcomm Stadium and take mass transit into downtown), 5.2-11, 5.2-14, 5.7-2 (encouraging carpools) and 5.7-6 (incentives for transit use). In addition, the ETMP called for in Mitigation Measure 5.2-9 would help alleviate this impact through the various traffic controls which it is designed to implement. Finally, Mitigation Measures 5.2-2 and 5.2-4, more fully discussed above on pages 35-37 and 40 of these Findings, would help mitigate impacts to freeways and ramps through preparation of the Freeway Deficiency Plan and adjustment of ramp meter flow rates. However, if the necessary improvements and/or measures identified in the Freeway Deficiency Plan are infeasible, or are not funded or implemented when needed, or if Caltrans fails to adjust the meter flow rates, the cumulative traffic impacts on the identified roadways and intersections would be significant and not mitigated. (FSEIR page 5.2-101.)

Mitigation Measures: Mitigation Measures 5.2-1, 5.2-2, 5.2-4, 5.2-5, 5.2-8 through 5.2-11, 5.2-14, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.2-95 through 5.2-100, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-1, 5.2-2, 5.2-8 through 5.2-11, 5.7-2 and 5.7-6 are feasible and are binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans. Mitigation Measures 5.2-5 and 5.2-14 are feasible and should be implemented by MTDB.

b) Parking

SIGNIFICANT CUMULATIVE IMPACT: The demand for parking spaces caused by of weekday afternoon and weekend evening ballgames could create significant cumulative impacts when combined with other parking demand in the surrounding area. There would be a projected shortfall of 3,937 parking spaces for a sold-out weekday afternoon game when the cumulative parking supply demand is included. On weekend evenings the available parking supply for a ballpark event and other cumulative parking demands would result in a shortage of 1,199 parking spaces.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: The parking analysis which revealed this potential impact used a worst-case situation in which there was a sold-out baseball game during one of the approximately five-to-ten weekday afternoon or approximately 24 weekend evening home games occurring during the year, and that this sold-out game occurred at the same time as a major Convention Center event. When all of those events occur, this potential impact of event parking on surrounding neighborhoods would be mitigated by providing an adequate number of parking spaces to serve the Ballpark and Ancillary Projects. This is accomplished pursuant to Mitigation Measures 5.2-9, 5.2-12 and 5.2-13, which would require development and implementation of parking management plans. It also would be mitigated through the provision of an adequate number of parking spaces to serve the Ballpark and Ancillary Development Projects pursuant to Mitigation Measure 5.2-10, which would provide 5,500 reserved ballpark event parking spaces at Qualcomm Stadium in addition to the 2,383 dedicated ballpark parking spaces that would be provided as part of the Ballpark Project. Ballpark attendees would be encouraged to use the Qualcomm Stadium remote parking due to incentive programs outlined in Mitigation Measure E-31, including discount transit programs, ticket/transit/parking packages, discount coupons for businesses and restaurants and baseball-related activities to be held at Qualcomm Stadium before certain ballgames. Moreover, Mitigation Measures 5.2-11, 5.2-14, 5.7-2 and 5.7-6 would encourage the use of mass transit thus decreasing the dependency on parking spaces. Trolley ridership to Qualcomm Stadium rose steadily last baseball season and continues to grow this season. Trolley ridership averaged 9.7% in May and June of 1998 and has increased to approximately 10.5% during the 1999 baseball season.

Also, as indicated in Section 5.2.1.3 in the FSEIR, the proposed ballpark is in an area that is served by numerous transit facilities, including: (1) four bus routes, (2) one Metropolitan Transit System contract bus route, (3) both the Blue Line and Orange Line routes of the San Diego trolley, (4) the North County Transit District Coaster commuter rail, and (5) Amtrak from Los Angeles. An additional three MTDB bus routes provide secondary, less direct access to the ballpark area via Market Street. The 12th & Imperial/Transfer Station located within a five minute walk of the proposed ballpark site is a major transfer center providing connections between bus and trolley services.

This high quality transit service is what makes the Qualcomm Stadium remote parking work so well, as evidenced by the success of such combinations in Baltimore, Cleveland, Toronto, Chicago and St. Louis as well as for fans attending Qualcomm Stadium itself. *See* Peterson Parking Memo. This remote parking/transit combination has the added advantage of allowing fans to avoid congestion and park in locations conveniently accessible from their home and/or office. *Id.*

Moreover, only parking that which is within a 20-minute walking/travel time of the Proposed Activities can really be considered viable for use by fans. Figure 5.2-13 of the FSEIR illustrates the boundary of the 20-minute walking distance from the ballpark, which ends on the west side of I-5 and does not extend into the neighborhoods on the other side of the freeway.

Parking in the neighborhoods will further be discouraged by the fact that development within Sherman Heights and Grant Hill is subject to the Southeast San Diego Planned District Ordinance, which permits parking lots only in Commercial and Industrial Zones and then only by a Special Permit.

Mitigation Measures: Mitigation Measures 5.2-9 through 5.2-14, 5.7-2, 5.7-6 and E-31 are discussed and set forth in full above and on pages 5.2-98 through 5.2-100, 5.7-11 and 5.7-14 of the FSEIR or are in the Errata, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-9 through 5.2-13, 5.7-2, 5.7-6 and E-31 are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-14 is feasible and should be implemented by MTDB.

SIGNIFICANT CUMULATIVE IMPACT: The demand for parking spaces caused by weekday afternoon ballgames could create impacts on the surrounding residential neighborhoods. With limited parking spaces available near the ballpark, patrons may park along adjacent residential area streets, creating additional congestion and impacts on available parking for neighborhood residents and their guests.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Impacts of event parking on surrounding neighborhoods would be mitigated by providing an adequate number of parking spaces to serve the Ballpark and Ancillary Projects pursuant to Mitigation Measure 5.2-10, which would require reserved ballpark event parking spaces at Qualcomm Stadium, Mitigation Measure 5.2-9, which would require development and implementation of an ETMP; Mitigation Measure 5.2-12, which would implement a downtown parking plan and Mitigation Measure 5.2-13, which would restrict ballpark event traffic from traveling through neighborhoods and which would institute parking controls in neighborhoods (e.g. permit parking) to reduce parking impacts. Ballpark attendees would be encouraged to use the Qualcomm Stadium remote parking due to incentive programs outlined in Mitigation Measure E-31, including discount transit programs, ticket/transit/parking packages, discount coupons for businesses and restaurants and baseball-related activities to be held at Qualcomm Stadium before certain ballgames.

Mitigation Measures 5.2-11, 5.2-14, 5.7-2 and 5.7-6 would encourage the use of mass transit thus decreasing the dependency on parking spaces. Trolley ridership to Qualcomm Stadium rose steadily last season and continues to grow this season. Trolley ridership averaged 9.7% in May and June 1998 and has increased to approximately 10.5% during the 1999 season. Also, as indicated in Section 5.2.1.3 in the FSEIR, the proposed ballpark is in an area that is served by numerous transit facilities including four bus routes, one Metropolitan Transit System contract bus route, blue and orange routes of the San Diego trolley, the North County Transit District Coaster commuter rail, and Amtrak from Los Angeles. An additional three MTDB bus routes provide secondary, less direct access to the ballpark area via Market Street. The 12th & Imperial/Transfer Station located within a five minute walk of the proposed ballpark site is a major transfer center providing connections between bus and trolley services.

This high quality transit service is what makes the Qualcomm Stadium remote parking work so well, as evidenced by the success of such combinations in Baltimore, Cleveland, Toronto, Chicago and St. Louis as well as for fans attending Qualcomm Stadium itself. *See* Peterson Parking Memo. This remote parking/transit combination has the added advantage of allowing fans to avoid congestion and park in locations conveniently accessible from their home and/or office. *Id.*

Moreover, the parking downtown, only that which is within a 20-minute walking travel time of the Proposed Activities can really be considered viable for use by fans. Figure 5.2-13 of the FSEIR illustrates the boundary of the 20-minute walking distance from the ballpark, which ends on the west side of I-5 and does not extend into Sherman Heights or other neighborhoods on the other side of the freeway. Parking in the neighborhoods will further be discouraged by the fact that development within Sherman Heights and Grant Hill is subject to the Southeast San Diego Planned District Ordinance which permits parking lots only in Commercial and Industrial Zones and then only by a Special Permit.

Mitigation Measures: Mitigation Measures 5.2-9 through 5.2-14, 5.7-2, 5.7-6 and E-31 are discussed and set forth in full above and on pages 5.2-98 through 5.2-100, 5.7-11 and 5.7-14 of the FSEIR or are in the Errata, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-9 through 5.2-13, 5.7-2, 5.7-6 and E-31 are feasible and are made binding through the

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Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-14 is feasible and should be implemented by MTDB.

SIGNIFICANT CUMULATIVE IMPACT: Increased demand for the limited parking supply could significantly impact the Gaslamp Quarter's parking availability, primarily on Friday and Saturday evenings, when Gaslamp-area parking already is in short supply. Parking use in the Gaslamp Quarter can approach 90% on Friday and Saturday evenings, and many of the approximately 27,363 parking spaces within a 20-minute walk from the ballpark also are used by Gaslamp Quarter patrons. When weekday events occur at the ballpark, there would be a shortage of 3,937 parking spaces to meet the combined parking demand. On weekend evenings, the combination of ballpark event demand with other parking demands would result in a shortage of 1,199 parking spaces. Competition for limited spaces could lead to higher prices and more difficulty for both ballpark and Gaslamp Quarter patrons to find parking.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. As discussed above on page 21 of these Findings, the evidence shows trolley ridership to Qualcomm Stadium is increasing, and transit access is even better to downtown.

Facts in Support of Findings: The parking deficit identified in the FSEIR assumes a worst-case scenario in which there are coincident, well-attended major events at the ballpark and the Convention Center, which is anticipated to be limited. Ballgames generally occur only six months a year; thus, only 10%-15% of Convention Center events would be expected to occur coincident to a ballpark event. Parking shortages would be reduced to less than significant levels by Mitigation Measure 5.2-10, which requires reserved ballpark event parking spaces at Qualcomm Stadium to meet the anticipated shortfall caused by ballpark events. Ballpark attendees would be encouraged to use the Qualcomm Stadium remote parking due to incentive programs outlined in Mitigation Measure E-31, including discount transit programs, ticket/transit/parking packages, discount coupons for businesses and restaurants and baseball-related activities to be held at Qualcomm Stadium before certain ballgames. Further, incentives to use mass transit pursuant to Mitigation Measures 5.2-11, 5.2-14, 5.7-2 and 5.7-6 would reduce demand for parking. As discussed above on page 21 of these Findings, the evidence shows trolley ridership to Qualcomm Stadium is increasing, and transit access is even better to downtown. In addition, the parking management plans required by Mitigation Measures 5.2-12 and 5.2-13 would include provisions that protect downtown parking, including parking for the Gaslamp Quarter. Moreover, plans implemented pursuant to the ETMP in Mitigation Measure 5.2-9 also would help mitigate these impacts.

Mitigation Measures: Mitigation Measures 5.2-9 through 5.2-14, 5.7-2, 5.7-6 and E-31 are discussed and set forth in full above and on pages 5.2-98 and 5.2-100, 5.7-11, 5.7-14 of the FSEIR or are in the Errata, and are incorporated by reference as if fully set forth herein. Mitigation Measures 5.2-9 through 5.2-13, 5.7-2, 5.7-6 and E-31 are feasible and are made binding through the

Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-14 is feasible and should be implemented by MTDB.

c) Transit

SIGNIFICANT CUMULATIVE IMPACT: Weekday afternoon post-game peak hour demands on the Trolley would exceed available capacity on the southbound Blue Line.

Finding: The Council/Agency finds that conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Finding: The demand for trolley service during the p.m. peak hour (5 p.m. to 6 p.m.) in the buildout condition would exceed the capacity of the Blue Line (south). Cumulative impacts on bus and trolley service to Centre City would be reduced to below a level of significance through implementation of Mitigation Measure 5.2-8, which, as discussed above on page 49 of these Findings, helps keep ballgame transit passengers out of the p.m. peak period by regulating ballgame start times, and Mitigation Measure 5.2-14, which would assure that additional transit equipment and service are available to meet the anticipated demand. MTDB would provide additional equipment pursuant to Mitigation Measures 5.2-14 to supply the capacity sufficient to meet the demand. *See* MTDB Letter. MTDB currently is providing this service to ballgame patrons at Qualcomm Stadium. Centre City East is an even better location from a mass transit perspective. In the MTDB Letter, the agency confirmed that it will provide increased levels of transit service for downtown ballpark events similar to that currently provided to Qualcomm Stadium.

Mitigation Measure: Mitigation Measures 5.2-8 and 5.2-14 are discussed and set forth in full above and on pages 5.2-98 and 5.2-100 of the FSEIR, and are incorporated by reference as if fully set forth herein. Mitigation Measure 5.2-14 is feasible and should be implemented by MTDB. Mitigation Measure 5.2-8 is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT CUMULATIVE IMPACT: Ballgames would increase park-and-ride demand by between 2,400 and 4,000 vehicles if all projected ballpark Trolley patrons park-and-ride at Trolley stations. Demand would exceed park-and-ride capacity along the Blue Line (north). Specific station locations along the Trolley lines also could experience excess demand, including the E Street Trolley Station in Chula Vista, which now fills to capacity on an average day, and the Old Town Transit Center, which exhibits capacity problems during events at Qualcomm Stadium.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would

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reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Impacts to parking lots located along the Blue Line (north) trolley route would require expanded parking facilities. The addition of 5,500 reserved ballpark event parking spaces at Qualcomm Stadium pursuant to Mitigation Measure 5.2-10 would reduce the total demand for parking at trolley stations along the Blue Line (North). Ballpark attendees would be encouraged to use the Qualcomm Stadium remote parking due to incentive programs outlined in Mitigation Measure E-31, including discount transit programs, ticket/transit/parking packages, discount coupons for businesses and restaurants and baseball-related activities to be held at Qualcomm Stadium before certain ballgames. Thus, impacts to parking lots along the Blue Line (North) would be reduced to below a level of significance.

Mitigation Measure: Mitigation Measures 5.2-10 and E-31 are discussed and set forth in full above and on page 5.2-98 of the FSEIR or are in the Errata, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

d) Pedestrian Circulation

SIGNIFICANT CUMULATIVE IMPACT: There would be an estimated 46,000 pedestrian trips associated with a sold-out ballpark event, which would cause a pedestrian capacity problem at both Imperial Avenue between Park Boulevard and National Avenue, and J Street between Seventh and Tenth Avenues. Before and after ballgames, pedestrians converging from adjacent parking facilities likely would spill into the roadway at these locations. In addition, uncontrolled pedestrian crossings at the Trolley line along Twelfth Avenue between Imperial and Market creates significant safety issues as well as potential interference with Trolley operations.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Impacts to pedestrian circulation would be mitigated by implementing pedestrian access improvements described in Mitigation Measure 5.2-15, which would ensure sidewalks are wide enough to allow an adequate level of service for pedestrians. As that measure requires, the sidewalk width along Imperial Avenue between the existing MTDB structure and Park Boulevard would be increased to 24 feet, while the sidewalk width on the southside of J Street between Seventh and Tenth Avenues would be increased to 20 feet. This widening would allow room on the potentially impacted sidewalks for the pedestrians anticipated to be generated by a ballpark event. (FSEIR pages 5.2-103 through 5.2-104.) In addition, fencing along the east side of the trolley tracks between K Street and Imperial Avenue with designated pedestrian crossing points at K Street, L Street and Imperial Avenue which is required

by Mitigation Measure 5.2-15 would prevent uncontrolled pedestrian crossing of the trolley tracks.

Mitigation Measure: Mitigation Measure 5.2-15 is discussed and set forth in full above and on page 5.2-100 of the FSEIR, and is incorporated by reference as if fully set forth herein. This mitigation measure is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

e) Bicycle, Taxi and Pedicab Circulation

SIGNIFICANT CUMULATIVE IMPACT: Additional bicycle, taxi, and pedicab trip activity would occur under event conditions at the ballpark in the Ballpark and Ancillary Development Projects Area, a congested area. Bicycle, taxi, and pedicabs, along with pedestrian trips, would account for between two and four percent of trips to a ballgame. Potential conflicts with both vehicular and pedestrian traffic would occur without proper control and designation of pedicab loading and unloading facilities.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance.

Facts in Support of Finding: Implementation of Mitigation Measure 5.2-9 would address the potential traffic conflicts between bicycle, taxi and pedicab trip activity and other traffic in the area of the Ballpark Project under event conditions at the ballpark and would design and implement a Pedicab/Taxi Management System in connection with the ETMP. The resulting management system would minimize potential impacts from pedicabs, bicycles and taxis to below a level of significance by providing, for example, staging areas and restrictions on access to certain congested areas. (FSEIR page 5.2-104.)

Mitigation Measure: Mitigation Measure 5.2-9 is discussed and set forth in full above and on page 5.2-98 of the FSEIR, and is incorporated by reference as if fully set forth herein. This mitigation measure is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP.

B. CULTURAL RESOURCES

SIGNIFICANT CUMULATIVE IMPACT: A number of the developments that contribute to the cumulative impacts could impact historic resources. Although many of these developments intend to restore and reuse the historic buildings, some may not be able to retain historic structures or may alter them to the point where their historic value has been significantly compromised. In light of the possibility that mitigation measures may not be able to reduce the impacts to below a level of significance, the loss of historic structures from implementation of the Ballpark and Ancillary Development Projects may combine with these other developments to

create a significant, unmitigable cumulative impact on historic resources in the Centre City Redevelopment Project Area.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: Application of Mitigation Measure 5.3-1, 5.3-4 and 5.3-9 would reduce but not fully mitigate long-term cumulatively significant impacts to cultural resources. The only measures that could potentially reduce cumulatively significant impacts to below a level of significance are preservation and/or relocation of impacted resources. Preservation and/or relocation of all historic structures may not be possible for future developments in the Centre City Redevelopment Project Area. The significant, unmitigable impacts to cultural resources associated with the Proposed Activities, when combined with those of potential future developments, could result in a cumulatively significant and unmitigated impacts to historic resources.

Mitigation Measures: Mitigation Measures 5.3-1, 5.3-4 and 5.3-9 are discussed and set forth in full above and on pages 5.3-16 through 5.3-19 of the FSEIR, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

C. NOISE

SIGNIFICANT CUMULATIVE IMPACT: Traffic generated by the Ballpark and Ancillary Development Projects would combine with cumulative growth to increase long-term traffic noise levels on major surface streets to the point where traffic noise would exceed the 3 dB significance threshold with the nocturnal penalty assigned to noise after 10:00 p.m.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives

identified in the FSEIR, as discussed in Section VI of these Findings. As described the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: Application of Mitigation Measures 5.5-1 and 5.5-2 and 5.7-2 and 5.7-6 would reduce cumulative traffic noise impacts, but not to below a level of significance. Encouraging the use of mass transit would decrease the number of vehicles on the roadways and hence reduce noise impacts from vehicular traffic. In addition, future noise-sensitive development would be required to include adequate traffic noise attenuation in accordance with existing City plans and ordinances. However, retrofitting existing noise-sensitive receptors along impacted roadways may not be required by City plans or ordinances. Thus, long-term cumulative traffic noise impacts on existing noise-sensitive development likely would be significant and not mitigated.

Mitigation Measures: Mitigation Measures 5.5-1, 5.5-2, 5.7-2 and 5.7-6 are discussed and set forth in full above and on pages 5.5-16, 5.5-17, 5.7-11 and 5.7-14 of the FSEIR, and are incorporated by reference as if fully set forth herein. The mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

D. LIGHT/GLARE

SIGNIFICANT CUMULATIVE IMPACT: The lighting from the Ballpark and Ancillary Development Projects could combine with other lighting sources within the region. The combined effect of lighting from development in the region would have significant short- and long-term cumulative impacts on astronomical activities at the Palomar and Mt. Laguna observatories

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: Application of Mitigation Measures 5.6-1 through 5.6-6 would reduce but not fully mitigate light and glare impacts on astronomical activities as control of lighting associated with lighting from cumulative development is beyond the control of the Ballpark and Ancillary Development Projects.

Mitigation Measures: Mitigation Measures 5.6-1 through 5.6-6 are discussed and set forth in full above and on pages 5.6-8 and 5.6-9 of the FSEIR, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

E. AIR QUALITY

SIGNIFICANT CUMULATIVE IMPACT: Air emissions generated by new activities, including the proposed Ballpark and Ancillary Development Projects, would contribute to poor air quality conditions which currently exist in the San Diego Air Basin. Due to the public risks associated with air pollution, the incremental increase in air emissions resulting from the Ballpark and Ancillary Development Projects would be cumulatively considerable and, therefore, significant on both a short- and long-term basis. In addition to representing a major air emissions source, the Ballpark and Ancillary Development Projects would have a significant cumulative air quality impact by hampering the ability of the Regional Air Quality Strategies ("RAQS") to achieve air quality goals. The intensity of development within the area of the Proposed Activities would be greater than the existing plans for the area upon which the RAQS were based.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: Mitigation Measures 5.7-1 through 5.7-6 and E-1 through E-6 would reduce cumulative impacts; however, air emission impacts associated with the Proposed Activities would remain significant and unmitigated. Although the proximity of the Ballpark and Ancillary Development Projects to mass transit would serve to reduce air emissions related to the proposed development, full mitigation of cumulative air quality impacts would require implementation of a variety of controls set forth in the RAQS. Implementation of these measures is beyond the control of the Proposed Activities.

Mitigation Measures: Mitigation Measures 5.7-1 through 5.7-6 and E-1 through E-6 are discussed and set forth in full above and on pages 5.7-10 through 5.7-14 of the FSEIR or are in the Errata, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

SIGNIFICANT CUMULATIVE IMPACT: Increased traffic associated with the Ballpark and Ancillary Development Projects would contribute to existing afternoon congestion at freeway on-ramps. Longer delays caused by the Ballpark and Ancillary Development Projects in combination with the cumulative developments could result in potentially significant carbon monoxide (CO) hotspots in the areas surrounding the freeway off-ramps.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Activities which would reduce the significant environmental effect identified in the FSEIR to below a level of significance. If the Freeway Deficiency Plan fails to identify feasible improvements and/or measures or the funding to implement the necessary improvements and/or measures, or if the improvements and/or measures are not timely implemented, or if Caltrans fails to make necessary adjustments to the applicable ramp meter rates, however, the impact would remain significant. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2) and Local Agency Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FSEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Finding: As more fully discussed above on pages 35-37 and 40 of these Findings, the Freeway Deficiency Plan being prepared pursuant to Mitigation Measure 5.2-2 would identify freeway improvements and/or measures which, if feasible, funded and implemented, along with adjustment of ramp meter flow rates as described in Mitigation Measure 5.2-4, could reduce congestion at local freeway on-ramps, thus reducing or eliminating potential CO hotspots. Because there is no guarantee that all freeway improvements and/or measures or ramp meter flow rate adjustments could be timely implemented, however, potential local CO hotspot impacts are considered significant and not mitigated.

Mitigation Measures: Mitigation Measures 5.2-2 and 5.2-4 are discussed and set forth in full above and on pages 5.2-95 and 5.2-96 of the FSEIR, and are incorporated by referenced as if fully set forth herein. Mitigation Measure 5.2-2 is feasible and is made binding through the Proposed Activities' conditions of approval and through the MMRP. Mitigation Measure 5.2-4 is feasible and should be implemented by Caltrans.

F. WATER QUALITY

SIGNIFICANT CUMULATIVE IMPACT: San Diego Bay already experiences significant water quality problems caused by urban development within its watershed. Although the Ballpark and Ancillary Development Projects would include measures to reduce the urban runoff generated from these activities, the two activities would still represent a major source of urban pollutants which in combination with future short- and long-term development within the watershed of the Bay would create significant, unmitigated short- and long-term cumulative water quality impacts.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations may not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: As discussed above, implementation of Mitigation Measures 5.10-1 through 5.10-11 and E-7 through E-22 would reduce direct water quality impacts associated with the proposed Ballpark and Ancillary Development Projects to below a level of significance. These mitigation measures, including incorporation of Passive Infiltration or Retention Systems, regular sweeping and cleaning with approved cleaners detailed in the IPM, diversion of water flow from washdown of the ballpark seating bowl and implementation of the Pollution Prevention Plan also would help mitigate cumulative water quality impacts, but would not mitigate them to below a level of significance. Since the existing urban runoff has had such a negative impact on the water quality in San Diego Bay, the addition of any runoff into the Bay would result in an incremental impact to the water quality. It is out of the scope of the proposed Ballpark and Ancillary Development Projects to control runoff from the surrounding neighborhoods and businesses. Therefore, short- and long-term cumulative water quality impacts would be significant and unmitigated. *See also* responses to comments 18.A140 through 18.A.165.

Mitigation Measures: Mitigation Measures 5.10-1 through 5.10-11 and E-7 through E-22 are discussed and set forth in full above and on pages 5.10-10 through 5.10-12 of the FSEIR and in the Errata, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

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G. PUBLIC SERVICES/FACILITIES

SIGNIFICANT CUMULATIVE IMPACT: The amount of trash generated by the Ballpark and Ancillary Development Projects represents a significant amount. In light of the overall shortage of landfill space in the region, the addition of significant sources of solid waste would have significant long-term cumulative impacts. The capacity of the Miramar Landfill is expected to be reached in the year 2015 and no specific replacement facility has been identified as yet.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: The recycling requirements required by Mitigation Measure 5.11-3, along with the waste management plan required by Mitigation Measure 5.11-4, would reduce impacts of the Ballpark and Ancillary Development Projects on landfill capacity. Under the City's 52 tons-per-year significance threshold, however, the impacts would not be reduced to a level below significance. While a reduction in the amount of solid waste may extend the life of a landfill, the only way to reduce the cumulative solid waste impacts to below a level of significance would be to expand existing landfills or create a new landfill. As the provision of new landfills, or expansion of existing landfills, is beyond the control of the Ballpark and Ancillary Development Projects, the long-term cumulative impact on solid waste is considered significant and not mitigated.

Mitigation Measures: Mitigation Measures 5.11-3 and 5.11-4 are discussed and set forth in full above and on page 5.11-10 of the FSEIR, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

H. POPULATION/HOUSING

SIGNIFICANT CUMULATIVE IMPACT: The Ballpark and Ancillary Development Projects could combine with redevelopment of the rest of Centre City Redevelopment Project Area to displace the homeless population by taking away unauthorized shelter and loitering opportunities. Displaced homeless could significantly impact the physical environment in the areas surrounding the Ballpark and Ancillary Development Projects. In addition, redevelopment

activities within the overall Centre City East area could cause social service facilities to relocate or modify their operations.

Finding: Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in or incorporated into the Proposed Activities. These conditions, changes or alterations would not, however, reduce this impact to below a level of significance. Pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411, the Council/Agency finds that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance, and that specific economic, social, technological or other considerations make infeasible the alternatives identified in the FSEIR, as discussed in Section VI of these Findings. As described the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: Mitigation Measures 5.12-2 would assure that displaced social services facilities would receive assistance in relocating their facilities. However, relocation of social services facilities is anticipated to be problematic due to the expected opposition from residents and businesses in areas where displaced social services facilities may seek to relocate. Additionally, as indicated in Section 5.12, new social services facilities are not permitted in Centre City East, except in the Commercial Services District. As more fully discussed on pages 14-17 of these Findings, impacts of displaced homeless on surrounding areas would be reduced but not to below a level of significance by the advisory group established by Mitigation Measure 5.12-3 and by expansion of the HOT Team Program through Mitigation Measure 5.12-4.

Mitigation Measures: Mitigation Measures 5.12-2 through 5.12-4 are discussed and set forth in full above and on pages 5.12-16 through 5.12-19 of the FSEIR, and are incorporated by reference as if fully set forth herein. These mitigation measures are feasible and are made binding through the Proposed Activities' conditions of approval and through the MMRP.

VI. FINDINGS REGARDING ALTERNATIVES

Because the Proposed Activities will cause unavoidable significant environmental effects, the Council/Agency must consider the feasibility of any environmentally superior alternative to the Proposed Activities, evaluating whether these alternatives could avoid or substantially lessen the unavoidable significant environmental effects while achieving most of the objectives of the Proposed Activities.

The Proposed Activities would have potentially significant impacts in the following areas:

- Land Use/Planning (Direct)
- Transportation/Circulation/Access/Parking (Direct and Cumulative)
- Cultural Resources (Direct and Cumulative)

- Aesthetics/Visual Quality (Direct)
- Noise (Direct and Cumulative)
- Light/Glare (Direct and Cumulative)
- Air Quality (Direct and Cumulative)
- Geology/Soils (Direct)
- Paleontological Resources (Direct and Cumulative)
- Hydrology/Water Quality (Direct and Cumulative)
- Public Services/Facilities (Direct and Cumulative)
- Population/Housing (Direct and Cumulative)
- Hazardous Materials (Direct)

In rejecting the alternatives, the Council/Agency have examined the objectives of the Proposed Activities and weighed the ability of the various alternatives to meet those objectives. The decisionmakers believe that the Proposed Activities best meet these objectives with the least environmental impact.

The specific objectives associated with each of the major elements of the Proposed Activities are as follows:

Ballpark Project

- To provide a new, state-of-the-art baseball facility to assure the continued presence of the Padres in San Diego;
- To provide a family-oriented environment associated with the ballpark by including recreational, educational and retail activities;
- To reduce reliance on the automobile as the primary means of transportation to baseball games by taking advantage of a well-developed mass transit system;
- To provide a catalyst for redevelopment in the area around the ballpark;
- To increase patronage of local retail businesses such as restaurants, hotels and retail shops;
- To complement the San Diego Convention Center by providing an adjacent facility to host large outdoor meetings;
- To provide open space for existing and future downtown residents;

- To provide additional parking for downtown businesses during non-event periods;
- To provide another regional facility for civic events, amateur athletics, concerts, multiple day trade shows, private parties and other gatherings;
- To help implement a bay to park linkage by creating a new promenade street connecting Eighth Avenue with Twelfth Avenue; and
- To take advantage of the synergies and proximity to the Gaslamp Quarter.

Ancillary Development Projects

- To encourage high tech corporations to establish offices in the downtown area;
- To provide property tax-increment and transient occupancy tax funding for the ballpark and related infrastructure improvements through the addition of new hotel rooms, office space, and commercial retail facilities;
- To develop a neighborhood with year-round activities; and
- To provide shared parking to be used during baseball events.

Plan Amendments

- To revise existing land use plans and policies to allow construction of the Ballpark and Ancillary Development Projects; and
- To accommodate planned development projects adjacent to the area of the Proposed Activities.

Description of No Project: No Development Alternative: This alternative maintains the status quo, with no further development in the area of the Proposed Activities and the area's current land uses of warehouses, produce operations, residential lofts, art galleries, offices, and commercial buildings and current street grid pattern.

Finding: The Council/Agency finds that specific economic, legal, social, technological, or other considerations make infeasible the No Project: No Development alternative identified in the FSEIR.

Facts in Support of Finding: Because this alternative would leave the area in its present state, it would avoid all of the significant and unavoidable direct impacts associated with the Proposed Activities. Most of the significant congestion on the freeway system still would occur at buildout due to growth in other parts of downtown, and the J Street southbound on-ramp and Imperial Avenue northbound on-ramp to I-5 still would operate at an unacceptable LOS at buildout. Competition for the limited parking supply would remain in the Gaslamp Quarter. Storm drain inadequacies would continue until the City makes general infrastructure improvements, and hazardous wastes would continue to pose a public health and safety concern in the area. Because

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this alternative proposes "no development," it would not result in any other potentially significant environmental impacts distinct from those identified for the Proposed Activities. Persons living and working in the older buildings in the area of the Proposed Activities would remain vulnerable to earthquake activities, because the majority of area buildings likely would not meet current seismic standards. Because all other impacts of the Proposed Activities would be avoided or lessened, however, this is an environmentally superior alternative.

This alternative would not achieve any of the objectives of the Proposed Activities. It would not build a new ballpark or stimulate redevelopment in Centre City East.

As a result, this alternative is infeasible because it fails to achieve any of the objectives of the Proposed Activities. It would not provide a new, state-of-the-art baseball facility to assure the continued presence of the Padres in San Diego, thus the baseball team may leave the area; it would not provide a family-oriented environment of recreational, educational and retail activities in a central location; it would not take advantage of a well-developed mass transit system, or provide a catalyst for redevelopment in the area around the ballpark; it would not increase patronage of local retail businesses or create synergy with the San Diego Convention Center by providing an adjacent facility to host large outdoor meetings; it would not provide open space for existing and future downtown residents or provide additional parking for downtown businesses during non-event periods; it would not provide another regional facility for civic events, amateur athletics, concerts, multiple day trade shows, private parties and other gatherings; help implement a bay to park linkage by creating a new promenade street connecting Eighth Avenue with Twelfth Avenue; or take advantage of the synergies and proximity to the Gaslamp Quarter.

Description of No Project: Development According to Current Centre City Redevelopment Plan, Community Plan and Planned District Ordinance Alternative: This alternative evaluates the potential impacts of redevelopment in accordance with the current Centre City Planned District Ordinance, Community Plan, Redevelopment Plan and related planning policy documents, without a ballpark. It would retain the original land use plans for the area and the current street grid pattern. The Centre City plans require new development to consist of at least 75%-80% residential uses, thus by 2020 the future uses within the Primary Plan Amendment Area would be predominantly residential, with some retail, office and hotel uses.

Finding: The Council/Agency finds that specific economic, legal, social, technological, or other considerations make infeasible the No Project: Development According to Current Centre City Redevelopment Plan, Community Plan and Planned District Ordinance alternative identified in the FSEIR.

Facts in Support of Finding: This alternative could reduce or avoid many of the environmental impacts associated with the Proposed Activities, including those related to land use/planning, cultural resources, aesthetics/visual quality, noise and lighting. The traffic impacts from this alternative would be similar to those generated by the Ballpark (without event) and Ancillary Development Projects, as it would result in significant impacts to downtown surface streets and intersections as well as significant congestion at the freeway segments and ramps. Competition for parking around the Gaslamp Quarter would remain a problem, and future development under

this alternative could impact historic buildings. Buildout under the Centre City Community Plan would result in significant cumulative impacts to air quality. This alternative would have the same geologic and paleontological impacts as the Proposed Activities. It would reduce potential water quality impacts but could result in greater surface water runoff because the large grass areas associated with the Ballpark Project would not occur. Existing storm drain deficiencies would remain a constraint to development. This alternative would avoid the increased water quality risks associated with the Ballpark Project, but would not substantially reduce impacts to public utilities, and impacts to a number of water and sewer lines as well as storm drains would remain. Also, residential development generally is considered to require more police as well as fire protection services than commercial development. In the long-term, displacement of the homeless population also would occur with this alternative. Until older deteriorated and dilapidated structures are brought up to existing building code standards or demolished, the potential for the public's exposure to asbestos and lead paint would continue, and construction workers still could be exposed to hazardous materials.

This alternative would not achieve the basic goals to construct a new ballpark, to provide a revenue source for ballpark construction, or stimulate redevelopment of Centre City East, to the same degree as the Proposed Activities.

As a result, this alternative is infeasible because it fails to achieve most of the objectives of the Proposed Activities. It would not provide a new, state-of-the-art baseball facility to assure the continued presence of the Padres in San Diego, thus the baseball team may leave the area; it would not provide a family-oriented environment of recreational, educational and retail activities in a central location; it would not provide a catalyst for redevelopment in the area around the ballpark; it would not increase patronage of local retail businesses or create synergy with the San Diego Convention Center by providing an adjacent facility to host large outdoor meetings; it would not provide additional parking for downtown businesses during non-event periods; it would not provide another regional facility for civic events, amateur athletics, concerts, multiple day trade shows, private parties or other gatherings; and it would not help implement a bay to park linkage by creating a new promenade street connecting Eighth Avenue with Twelfth Avenue.

Description of the ParkBay Diagonal Alternative: This alternative's stated goal is to allow development around the ballpark to occur independent of the ballpark and not to meet tax revenue-generation guarantees, thus it does not mandate a specific Ancillary Development Projects program timeline or tax revenue generation. It proposes a 42,000-seat ballpark and open plaza/park area beyond the outfield fence, and a new diagonal street to connect Twelfth Avenue to Harbor Drive, northwest of Harbor Drive's existing intersection with Eighth Avenue. The ballpark would be located in the southeast corner of the Primary Plan Amendment Area in a triangular area formed by the new diagonal, Imperial Avenue and Twelfth Avenue. Twelfth Avenue would be open to traffic, while K Street between the diagonal and Twelfth Avenue would be closed to allow for the open space plaza area. The new diagonal street would extend from the corner of Eleventh Avenue and Island Avenue rather than the corner of Twelfth Avenue and K Street, and would include a protected, 60-foot wide, pedestrian median. The median would include kiosks and small retail shops as well as street trees, as well as open promenades for walkers, bikers, skaters, and runners. Up to 2,400 subterranean parking spaces would be

constructed beneath the diagonal. The buildings facing the diagonal would have commercial and retail uses on the first floor and residential, office and/or hotel rooms on upper floors.

Finding: The Council/Agency finds that specific economic, legal, social, technological, or other considerations make infeasible the ParkBay Diagonal alternative identified in the FSEIR

Facts in Support of Finding: Because this alternative would include a ballpark, most of its impacts would be similar to those of the Proposed Activities. This alternative would have significant impacts with respect to land use/planning, transportation, circulation, access, and parking, cultural resources, aesthetics/visual quality, noise, light/glare, air quality, geology/soils, paleontologic resources, water quality, public services, population/housing and hazardous materials, although the impacts on several of these issues would be less than the Proposed Activities due to the elimination of the Ancillary Development Projects. In particular, impacts related to cultural resources, housing, and land use/planning would be reduced. If market forces led residential development to become a dominant land use around the ballpark the impacts to land use caused by loss of residentially zoned land would be decreased but the number of housing units would increase the land uses which are considered sensitive to noise and light generated by ballpark activities. Impacts to some historic structures could be avoided.

While this alternative would meet the basic objective of constructing a new ballpark, it would not meet the objective of providing an essential funding source to offset the cost of constructing the ballpark. Without a mandatory Ancillary Development Projects component, sufficient tax increment and transient occupancy tax funding sources would not be provided in a timely fashion. The bonds necessary to fund the ballpark cannot be issued on the basis of speculative cash flows.

In addition, placement of the ballpark farther away from the Gaslamp Quarter would not promote the synergy between the two uses that would occur with the proposed location for the ballpark. The proposed location for the ballpark was specifically selected because it would encourage an exchange of pedestrian activity and patronage between these two entertainment-based uses. The alternative site would require a longer walking distance but also would separate the two entertainment areas with non-entertainment uses associated with the Ancillary Development Projects. The intervening development would represent an obstacle to the flow between the ballpark and the Gaslamp Quarter and would also separate the ballpark from the Convention Center. Moreover, this alternative would locate the ballpark at least two blocks closer to the community of Golden Hill, which could lead to greater impacts on that community.

The ParkBayDiagonal Alternative provides only 1,928 sparking spaces, and provides them in a subterranean parking garage. This is not nearly enough parking spaces to meet the parking demand, and in any event it is unlikely that the planned subterranean parking garage would ever be built. That parking structure is estimated to cost $107 million, or about $89.5 million more than the budget for the proposed permanent dedicated ballpark parking spaces being provided in the East Village by the Proposed Activities. This cost estimate is based on materials provided for the August 23, 1999 Keyser Marston Associates, Inc. study ("KMA Alternatives Study") included as Attachment 5 in Volume V of the FSEIR and referenced in response to comment

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2.32 of Volume IV of the FSEIR. It is unlikely that such a parking garage ever would be built, not only due to the financial consideration but also as a result of the potential to encounter high groundwater. A more detailed analysis of the subterranean parking proposed as part of this alternative was completed by PDC and was used for the KMA Alternatives Study. That PDC study indicated that the proposed subterranean garage would require permanent as well as temporary dewatering. Based on a conceptual design which would achieve the proposed five levels of parking, the lowest level of the subterranean parking would be below mean sea level. In addition, at least some of the other levels would also be below the groundwater table. Available information on the groundwater table for the westerly third of the subterranean parking indicates that the groundwater is 10 feet below the surface of the ground. Conversely, the parking under the proposed Retail at the Park would not be below mean sea level or the expected groundwater table. *See* response to comment 20.95 in Volume V of the FSEIR. Moreover, it is difficult to obtain a dewatering permit in the downtown area. Without such a dewatering permit, the walls of the parking structure must be exceedingly thick and highly reinforced to withstand hydrostatic pressure. Subterranean parking also requires costly mechanical ventilation systems to filter out vehicle emissions. The parking also would be difficult to build because of conflicts that would result with underground utilities, as well as the concern that people would be reluctant to use underground parking in the area for safety reasons.

Infrastructure costs for this alternative would be substantially higher than those for the Proposed Activities, according to the KMA Alternatives Study. The cost of the infrastructure surface improvements, including median construction and landscaping, on Park Boulevard from Island Avenue to Harbor Drive are estimated at $4.8 million. In addition to the costs entailed, the activity on the median also could interfere with drivers' sight lines and thus could make it dangerous for pedestrians crossing the street.

Description of Relocated Ballpark Alternative: This alternative would relocate the ballpark to the general location suggested by the ParkBay Diagonal Collaborative but would include concurrent Ancillary Development Projects to conform to the Memorandum of Understanding and the financing needs of the ballpark. It would retain the basic three elements of the Proposed Activities, but would modify the design of the diagonal roadway to reduce the impact to historic structures over that associated with the orientation proposed in the ParkBay Diagonal Alternative. The basic elements of the Ballpark Project would be retained. The ballpark would seat approximately 42,500 people and include two Garden Buildings to house support functions. A Park at the Park would be located beyond the outfield fence. The Retail at the Park development would be constructed around the perimeter of the Park at the Park. The parking facilities would be similar to the Proposed Activities. A similar series of infrastructure improvements would be made as part of this alternative; however, the roadway system would be different. The new diagonal roadway would run along the west side of the ballpark between the intersection of Twelfth Avenue and Island Avenue and a new intersection located west of the existing intersection of Eighth Avenue and Harbor Drive. Tenth and Eleventh Avenues would terminate at their intersection with the new Park Boulevard. Eighth Avenue would end in a cul de sac, just north of Harbor Drive. K Street would be closed between the ballpark and the Park at the Park. Imperial Avenue would extend along the south side of the ballpark and connect to Park

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Boulevard. Open space plazas, enhanced streetscape and utility rerouting/undergrounding also would be included in the infrastructure improvements.

This alternative eliminates the enhanced 60-foot median envisioned by the ParkBay Diagonal Alternative for the diagonal street and replaces it with a configuration similar to the Proposed Activities in order to avoid impacting the historic ReinCarnation building. No parking beneath the new diagonal would be constructed due to the financial consideration associated with potential high groundwater and conflicts with underground utilities as well as concern that people may be reluctant to use underground parking in the area for safety reasons. A variety of new developments would occur with the ballpark to provide a revenue source to repay bonds for the Ballpark Project, similar to those proposed with the Proposed Activities. Similarly, the same land use regulations governing development within the Primary Plan Amendment Area would be amended to accommodate the proposed Ballpark and Ancillary Development Projects.

Finding: The Council/Agency finds that specific economic, legal, social, technological, or other considerations make infeasible the Relocated Ballpark alternative identified in the FSEIR.

Facts in Support of Finding: This alternative would have essentially the same impacts as the Proposed Activities with respect to land use and planning (other than a potential reduction in some direct impacts to historic resources); transportation, circulation, access and parking; aesthetics and visual quality (although the view corridors on Seventh, Eighth, and Ninth Avenues would be retained thus avoiding view impacts in those areas); noise; light and glare; geology and soils; paleontological resources; hydrology and water quality; public services and facilities; population and housing; and hazardous materials.

Although including the Ancillary Development Projects would overcome the financial drawbacks associated with the ParkBay Diagonal Alternative, the Ancillary Development Projects negate potential impact reductions associated with the ParkBay Diagonal Alternative with respect to cultural resources, land/use planning and housing. While direct impacts to some historic buildings could be avoided, the large scale of development necessary to achieve the goals for revenue generation would likely make it more difficult to preserve these and other historic structures in the area.

This alternative is infeasible because, like the ParkBay Diagonal Alternative, placement of the ballpark farther away from the Gaslamp Quarter would not promote the synergy between the two uses which would occur with the proposed location for the ballpark. Likewise, there would be limited synergy with the Convention Center. The proposed location for the ballpark was specifically selected because it would encourage an exchange of pedestrian activity and patronage between these entertainment-based uses. The alternative site would require a longer walking distance but also would separate the entertainment areas with non-entertainment uses associated with the Ancillary Development Projects. The intervening Ancillary Development Projects would represent an undesirable obstacle to the flow between the ballpark and the Gaslamp Quarter.

Description of North Embarcadero Alternative: Under this alternative, a ballpark would be developed on a site extending from Broadway on the north to Harbor Drive on the south, and from the promenade along the bulkhead on the west to Pacific Highway on the east. The entire parcel is owned by the U.S. Navy, and currently forms part of the Naval Supply Center Complex. The City and the Navy have negotiated a Memorandum of Understanding allowing a development of the Broadway Complex property consisting of about 3.25 million square feet of mixed uses including Navy and commercial offices, a museum, hotel and retail space, and public open space. Most recently, the City and four other governmental agencies adopted the North Embarcadero Alliance Visionary Plan. The Alliance Visionary Plan identifies six broad land use categories, with the Navy Broadway Complex site designated as Combined Commercial-Residential, allowing uses such as office, hotel, retail, restaurants, entertainment, other compatible commercial uses, public parks, cultural facilities, multi-family residential (including live/work), and parking facilities. In addition, the Alliance Visionary Plan promotes a street pattern on the North Embarcadero alternative site that would create a grid pattern similar to the rest of downtown by extending E, F and G Streets through the site to Harbor Drive.

The ballpark would have a similar size and seating capacity as the proposed Ballpark Project, but to achieve the park and associated sports retail components likely would need to include the proposed Navy Complex Hotel to the south and eliminate the proposed extension of G Street to the west. Development of the ballpark on this site also would require that Harbor Drive between Broadway and Pacific Highway be closed, and would preclude the desired extension of F Street. Two parking structures would provide about 4,600 new parking spaces, with trolley service provided from the Santa Fe Depot, America One Plaza and Seaport Village stations and Coaster service available from the Santa Fe Depot.

Finding: The Council/Agency finds that specific economic, legal, social, technological, or other considerations make infeasible the North Embarcadero alternative identified in the FSEIR.

Facts in Support of Finding: As with the Proposed Activities, the North Embarcadero Alternative would have significant impacts to land use/planning; transportation, circulation, access and parking; cultural resources; aesthetics/visual quality; noise; light/glare; air quality; geology/soils; water quality; hazardous materials; and public services and facilities. Specific impacts related to these issues would vary. For example, while the North Embarcadero site would avoid impacts to land use policies and goals for Centre City East posed by the Proposed Activities, a ballpark at the North Embarcadero site would significantly conflict with the land use goals of the recently adopted North Embarcadero Alliance Visionary Plan. While impacts to the historic buildings in Centre City East would be avoided, other historically significant structures associated with the Navy's Broadway Complex would be impacted. With a ballpark closer to the ocean, potential water quality impacts would increase, and significant view impacts would result from blocking existing views of San Diego Bay. Although it would impact different access points to downtown, the North Embarcadero site would result in significant traffic congestion.

While impacts of this site would be similar to the Proposed Activities, the alternative would reduce several impacts. For example, placing a ballpark at the North Embarcadero site would allow the residential development planned in Centre City East to occur as planned. In addition, a

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substantially lower number of homeless would be displaced at the North Embarcadero site, and residential neighborhoods would be well-removed from intrusion from displaced homeless. The location of the North Embarcadero site on engineered fill also would preclude impacts to significant paleontological resources.

This alternative is rejected as infeasible because of the conflicts it poses with the North Embarcadero Alliance Visionary Plan, and the impacts posed to water quality and views of the San Diego Bay. This alternative also is infeasible because it does not meet the objective of providing an essential funding source to offset the cost of constructing the ballpark. Without a mandatory Ancillary Development Projects component, sufficient tax increment and transient occupancy tax funding sources would not be provided in a timely fashion. In addition, placement of the ballpark farther away from the Gaslamp Quarter would not promote the synergy between the two uses that would occur with the proposed location for the ballpark. The proposed location for the ballpark was specifically selected because it would encourage an exchange of pedestrian activity and patronage between these two entertainment-based uses. In addition, it would close off a portion of the San Diego Bay from the public, blocking not only views to the Bay but access to it as well. Moreover, this alternative would do nothing to stimulate redevelopment in the Centre City East, which is one of the primary objections of the Proposed Activities.

Description of Chula Vista Bayfront Alternatives: The City of Chula Vista identified three individual sites for a ballpark within its Bayfront Redevelopment Area: the Midbayfront, Tidelands and B.F. Goodrich sites, which combined cover approximately 790 acres of land between I-5 and the San Diego Bay between the northern limits of the City of Chula Vista and Palomar Avenue.

The ballpark under any of these three sites would accommodate approximately 42,500 persons, and would require an extensive parking program as well as roadway improvements. To meet the Padres' goal of providing a wide variety of family entertainment opportunities associated with the ballpark, the area around the ballpark would be developed with retail and dining opportunities, similar to the Park at the Park and Retail at the Park.

The vacant, mostly privately owned, 115-acre Midbayfront site lies west of I-5 and is generally bounded by Lagoon Drive on the south, and San Diego Bay on the west. Surrounding land uses include the Chula Vista Wetland Nature Center and wetlands; B.F. Goodrich Aerospace Aerostructures Group facilities; and I-5, San Diego Trolley, commercial and residential development. The area is planned for a multi-use resort development including hotels, office, commercial, high-density residential, multi-purpose sports facility, cultural arts facility and open space.

The mostly vacant 76-acre Tidelands site lies on the west of Marina Parkway between G Street and Sandpiper Way within the San Diego Unified Port District's jurisdiction. Several warehouse buildings are on the east portion of the site, with a RV park on the southwestern corner. Surrounding land uses include open water and wetlands, marina facilities, and the B.F. Goodrich

Aerospace Aerostructures Group facilities. The site is planned for a variety of uses including industrial business park, commercial recreation, and marine-related uses.

The 94-acre B.F. Goodrich Aerospace Aerostructures Group site lies west of I-5, bounded by H Street on the north, Marina Parkway on the south and west, and Bay Boulevard on the east, within the San Diego Unified Port District's and the City of Chula Vista Bayfront Redevelopment Area's jurisdiction. Most of the property is occupied by B.F. Goodrich facilities. Surrounding land uses include other B.F. Goodrich facilities; marina facilities; the South Bay power plant, and I-5, San Diego Trolley, commercial and residential development. Regional access to all three sites is provided by I-5 and SR 54.

Finding: The Council/Agency finds that specific economic, legal, social, technological, or other considerations make infeasible the Chula Vista Bayfront alternatives identified in the FSEIR.

Facts in Support of Finding: Development of a ballpark at any of the Chula Vista bayfront sites would have significant impacts related to transportation, circulation, access and parking, aesthetics/visual resources, noise, light/glare, air quality, geology/soils, paleontological resources, public facilities, water quality, and hazardous materials. The primary environmental benefits associated with the Chula Vista sites are related to the fact that the ballpark would not be built in Centre City East, thus the Proposed Activities' impacts to Centre City East would not occur. Nonetheless, the Chula Vista sites could experience similar impacts. Noise and light from ballpark activities could impact existing and proposed residences and hotels in the vicinity, and competition for parking could impact surrounding residential neighborhoods and businesses.

In other respects, the Chula Vista sites would result in greater impacts than the proposed Centre City East site. For example, construction of a ballpark at two of the three Chula Vista sites could result in significant wildlife impacts due to the proximity to wetland habitat. Access to a ballpark at the Chula Vista sites may create greater traffic congestion due to the more limited freeway and transit access to the Chula Vista sites. Construction of a ballpark at the Midbayfront site could block desirable views of the San Diego Bay and adjacent wetlands from a major transportation route (I-5). Traffic accessing the site would be focused on I-5 and a limited number of interchanges, and this segment can be quite congested during the peak travel times. In addition, the site would be served by just a single trolley line, whereas Centre City is served by three trolley lines. In addition, because I-5 is elevated above much of the Chula Vista sites, glare from field lights could impact motorists using this freeway.

While the Chula Vista sites would achieve the objective of building a new ballpark, they would not achieve the goals of encouraging redevelopment in downtown San Diego and the Centre City East District. Also, in the absence of assured Ancillary Development Projects, financing the construction of a ballpark would be difficult at the Chula Vista sites. Moreover, the Chula Vista sites would not provide the opportunity to link Balboa Park with the San Diego Bay that is allowed by the East Village location.

Description of Mission Valley Alternative: Although no specific plan exists for this alternative, the assumption is that a ballpark of comparable configuration and seating capacity would be

constructed on this site. In addition, a park along with sports-related retail would be developed beyond the outfield fence in the same manner as the proposed Ballpark Project. Due to the proximity to Qualcomm Stadium, parking would be expected to be provided by the parking lot surrounding the stadium. A second trolley stop also would likely be constructed to provide more direct access to the new ballpark. The balance of the site could be developed with the type of development already permitted by the Mission City Specific Plan.

Finding: The Council/Agency finds that specific economic, legal, social, technological, or other considerations make infeasible the Mission Valley alternative identified in the FSEIR.

Facts in Support of Finding: Development of a ballpark at the Mission Valley site would have significant impacts to land use/planning, transportation, circulation, access and parking, noise, light/glare, air quality, geology/soils, population/housing, and hazardous materials. The primary environmental benefits associated with this alternative are related to the fact that the ballpark would not be built in Centre City East and also that it would be built in an area where ballpark events already are occurring. Centre City East would retain its residential emphasis, but constructing a ballpark at the Mission Valley site would impact residential development goals in that area. Design policy conflicts in Centre City East would be avoided and historic structures would not be directly impacted. Traffic and parking impacts associated with a ballpark event would be eliminated but would continue to occur in the vicinity of Qualcomm Stadium. This alternative would take advantage of the roadway, parking and transit facilities already in place at Qualcomm Stadium. The displacement of the homeless in the area of the Proposed Activities would be postponed. Potential water quality impacts would be less at the Mission Valley site because it is further removed from San Diego Bay; however, it could cause significant impacts to offsite as well as onsite wetlands.

The Mission Valley site would have a significant impact on noise-sensitive uses in the area of Qualcomm Stadium and there is no guarantee that affected uses would agree to noise attenuation measures. Moreover, although traffic already exists in the area of the Mission Valley site, ballpark traffic would create a significant traffic congestion on Friars Road and major freeways serving the ballpark.

While the Mission Valley site would achieve the objective of building a new ballpark as well as maximizing the use of existing roadway, transit and parking improvements already in place at Qualcomm Stadium, it would not achieve the goals of encouraging redevelopment in downtown San Diego and the Centre City East District. Moreover, building the ballpark in Mission Valley would deny one of the ballpark's most critical funding components – CCDC's ability to use tax increment revenues for land acquisition. It is the CCDC's responsibility to acquire the land for the ballpark. CCDC uses tax increment revenue to meet this responsibility, and except in limited, inapplicable circumstances can only use its tax increment revenues in the redevelopment area, of which Mission Valley is not a part. Thus, if the ballpark were in Mission Valley the land acquisition costs would have to be borne by the City and the Padres, and would no doubt cost far more than the City is allowed to contribute under Proposition C or than the MOU contemplated the Padres having to pay. Thus, removing CCDC's purchasing power from the Ballpark Project makes the development fundamentally economically infeasible. *See* October 20, 1999

Memorandum from Theresa C. McAteer, Deputy City Attorney to Honorable Mayor and Members of the City Council (M-1 to List of Technical Memorandums) ("City Attorney Memo").

Building the ballpark in Mission Valley also would fail to achieve the project objective of redeveloping East Village. As proposed, the ballpark would serve as a catalyst for redevelopment of a large and currently blighted portion of downtown in which overall progress has been slow. The proposed Ballpark and Ancillary Development Projects already have led to a significant increase in interest in redeveloping the area, and such redevelopment will generate additional tax increment to aid redevelopment throughout the East Village. *See* City Attorney Memo.

The Mission Valley Alternative also fails to achieve the project objective of increasing patronage of local retail establishments and providing the Convention Center with an adjacent facility for large conventions. It would not meet the objective of providing another regional facility for civic events, amateur athletics, concerts, meetings and other gatherings because it no doubt would share parking with Qualcomm Stadium, which would largely prevent concurrent events from taking place.

It also would not present the opportunity to provide a link between Balboa Park and the San Diego Bay. For Balboa Park to become a more integral part of the experience of downtown San Diego and the water requires a destination downtown near the San Diego Bay – that destination can be a downtown ballpark with a direct and tangible connection to the waterfront. That is missing from the Mission Valley site. In addition, a suburban location such as Mission Valley offers a different type of ballpark opportunity, fan experience and appeal than does a downtown, urban ballpark location. *See* The Report of the City of San Diego Task Force on Ballpark Planning (Jan. 29, 1998) ("Task Force Report") at 20. The Task Force Report carefully studied the differences between locating a ballpark in a suburban versus an urban setting and found that ballparks located in downtown urban settings have played significant roles in the enhancement and creation of a vibrant downtown, particularly in Baltimore, Cleveland and Denver. Task Force Report at 21. In contrast, the ballparks in Arlington, Texas and suburban Chicago, which are not adjacent to and easily accessible from the heart of downtown, have not enjoyed the dramatic success realized by downtown ballparks and have not been either catalyst for redevelopment nor a generator of significant public benefits other than the retention of a major league baseball team for their respective cities. *See* Task Force Report at 21.

A downtown ballpark could be the linchpin of a proposed downtown entertainment district, which would continue to define and give a greater positive identity to downtown San Diego. The "First Great City of the 21st Century" demands a great, vibrant downtown. Task Force Report at 40. Locating the ballpark in Mission Valley would also preclude the synergy with the Convention Center which would be an advantage of the East Village location. Mission Valley also would not draw additional customers for the restaurants, sports bars, hotels, shops and other businesses in the downtown area. Moreover, while in suburban stadiums the game usually is a planned destination – people go to the ballgame, watch the game and return home – in downtown ballparks there are more impulse buys and spur of the moment decisions to attend a game. The

walk through downtown to the ballpark in the East Village would pass by restaurants, entertainment and retail shops; a walk from the Qualcomm Stadium parking lot to the Mission Valley site would pass asphalt parking spaces. Task Force Report at 23.

Attendance patterns are different in downtown ballparks than they would be in Mission Valley or other suburban locations. In downtown ballparks fans often leave their cars at work and walk or take public transportation to the game, enjoying the street life and activity surrounding the ballpark before and after the game. Downtown ballparks are also more conductive to corporate entertaining, making it easier to take a client to a game. Thus, urban ballparks have a greater potential audience of people already in closer proximity than their suburban counterparts in areas such as Mission Valley. Task Force Report at 44.

The Centre City/East Village location of the Proposed Activities offers superior regional, local and transit access than does Mission Valley, in part because of downtown's urban street grid, extensive public transportation, freeway access and walking alternatives. For example, the downtown street grid provides many automobile access routes and is easily accessible from throughout the region, including access from SR 94 (MLK Jr.), SR-163 and I-5, with multiple exits and entrances, in addition to access from Harbor Drive and other street systems into downtown, allowing fans a much quicker route into and out of the ballpark parking areas. This contrasts with the Mission Valley location, that depends heavily – indeed almost exclusively – on access from a single artery, Friars Road. *See* Task Force Report at 21-22. Having the street grid of downtown San Diego surrounding the ballpark is a significant advantage over the limited access available in Mission Valley, which is further enhanced with parking distributed around the ballpark rather than concentrated in one huge parking lot adjacent to the ballpark, such as would be done in the Mission Valley location. Task Force Report at 22. Similarly, all trolley access to Mission Valley now comes only from the west, requiring any fan coming from the south or east to go through downtown first. This circuitous route to Mission Valley is less likely to be used than the three lines serving the downtown ballpark location. For example, fans heading back toward Mission Valley from downtown could catch a trolley on the Bayside Line, while those heading south and east could walk over to the MTDB station and board a trolley heading toward La Mesa or San Ysidro. While the current Qualcomm Stadium can move from 5,000 to 9,000 people per hour, with the proper station enhancements the downtown ballpark location could instead serve twice that number in the same time frame.

Also, in the absence of assured Ancillary Development Projects and redevelopment financing tools, financing the construction of a ballpark would be difficult at the Mission Valley site.

VII. FINDINGS REGARDING IMPACTS FOUND NOT TO BE SIGNIFICANT

Although significant impacts have not been identified for certain potential environmental effects, mitigation measures nonetheless have been incorporated into one or more portions of the Proposed Activities and are set forth in the MMRP and discussed below.

A. CULTURAL RESOURCES

A building known as Station A was apparently taken apart and put into storage in an earlier action completely unrelated to the Proposed Activities. While the Proposed Activities have no potential impact to Station A, the City and the Padres have agreed in conjunction with a Settlement Agreement with the Save Our Heritage Organization ("SOHO") to reconstruct Station A as described in Mitigation Measure 5.3-7, set forth below:

Mitigation Measure 5.3-7: Developers, the City, and the Agency shall undertake reconstruction and incorporation analyses to ascertain the technical, structural, and architectural feasibility of a partial reconstruction of Station A. In the event that the Showley Brothers Candy Factory Building is not relocated to the Seventh Avenue and K Street Relocation Site, Station A shall be reconstructed at Seventh Avenue and K Street by Developers. In the event the Showley Brothers Candy Factory Building is relocated to Seventh Avenue and K Street, City and Agency shall investigate other potential reconstruction sites within the area bounded by Sixth Avenue on the west, K Street on the south, Twelfth Avenue on the east, and the blocks fronting Island Avenue (Station A Reconstruction Site), including but not limited to, sites of parking structures to be developed by Public Entities on the block bounded by Sixth and Seventh Avenues and K and L Streets or the block bounded by Tenth and Eleventh Avenues and Island Avenue and J Street (Parking Structure Sites). The City and Agency shall assess the suitability of reconstruction of two facades with a roof and without a roof top addition or structure built over Station A at either of the Parking Structure Sites or as part of other buildings in the Station A Reconstruction Area. If the partial reconstruction of Station A does not substantially affect the usability of the selected Parking Structure Site, in the reasonable discretion of the City and Agency, the two facades of Station A shall be partially reconstructed and incorporated into the selected Parking Structure Site. If Station A is not reconstructed at one of the Parking Structure Sites, but reconstructed elsewhere, the reconstruction shall be in conformance with the Secretary of the Interior's Standards for Treatment of Historic Properties. In the event that it is not feasible to reconstruct Station A at any of the reconstruction sites, Developers, City, and Agency shall not be obliged to reconstruct Station A. (MMRP 3.2-6.)

B. TRANSPORTATION, CIRCULATION, ACCESS AND PARKING

MTDB in its October 18, 1999 letter to Walter Rask of CCDC ("MTDB Letter") has stated that interim measures are needed in the ETMP to direct patrons to and from available trolley boarding locations and provide suitable bus and trolley platform capacity pending completion of capacity enhancements to three of MTDB's trolley stations (Gaslamp Quarter, 12th & Imperial Bayside and 12th & Market). There are a number of measures available to effectively manage and direct transit patron use of the Trolley platforms both before and after ballpark events, including:

- Using signs to direct patrons to and from the Trolley platforms with the intent of dispersing the boarding activity based upon trip destination.
- Designating supplemental boarding areas adjacent to the existing platforms through coning, striping and temporary barricades.

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- Closing streets to facilitate boarding activity as necessary.
- Providing off-site fare machines.

These measures would be addressed further as part of the ETMP. The ETMP is set forth in Mitigation Measure 5.2-9, which is discussed and set forth in full above and on page 5.2-98 of the FSEIR and which is made binding through the Proposed Activities' conditions of approval and through the MMRP.

VIII. FINDINGS REGARDING GROWTH INDUCING IMPACTS

CEQA Guidelines Section 15126.2(d) requires that an EIR:

"Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment."

As discussed in the FSEIR, the proposed Ballpark and Ancillary Development Projects are considered growth-inducing. One of the primary goals of the Proposed Activities is to induce growth in Centre City East, consistent with the objectives of the Centre City Redevelopment Plan, which is intended to bring about redevelopment and revitalization of the downtown area. Growth in the Centre City Redevelopment Project Area is a positive impact because it generates tax-increment and property tax revenues that can be used to further enhance the Redevelopment Project Area by allowing upgrades in infrastructure, development of affordable housing and other benefits. Growth in the downtown area would potentially benefit the region by promoting infill development and maximizing the use of existing infrastructure, including the opportunities for mass transit. The influence of the Proposed Activities on growth outside of the downtown area would not be significant. There will not be enough employment opportunities to result in a significant influx of new residents into the region to fill the jobs. The Proposed Activities would not bring about any regional improvements to infrastructure that would remove an impediment to growth. While localized improvements to the water and sewer system would accompany the Proposed Activities, the regional capacity of the sewer, water, or other utilities necessary to meet the needs of new development would not be increased. One of the Ballpark Project's objectives is to provide a regional facility for civic events, amateur athletics, concerts, multiple day trade shows, private parties, and other gatherings, thus it would remove impediments that may have hindered the expansion of other sports or other events in Qualcomm Stadium during the Major League baseball season. Therefore, the proposed ballpark would provide a growth opportunity for another sports franchise or activities to make use of Qualcomm Stadium during the spring and summer.

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IX. FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA Guidelines Section 15126.2(c) indicates that "uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely." The State CEQA Guidelines also indicate that that "irretrievable commitments of resources should be evaluated to assure that such current consumption is justified." As referenced in the Final SEIR, the Proposed Activities would not have any significant irreversible impacts on biological, agricultural or mineral resources. The property is developed and has no agricultural soils, nor is its downtown location conducive to agriculture. Further, no significant mineral deposits underlie the Ballpark and Ancillary Development Projects Area. No water bodies occur on the property, although cumulative impacts from runoff pollutants would represent a significant irreversible impact to San Diego Bay. Energy resources would be used while the Ballpark and Ancillary Development Projects were being constructed; however, the amount of energy consumed would not be any higher than would normally occur from new construction. Similarly, energy consumed to provide lighting, heating and cooling to the proposed development would not be substantial. The availability of mass transit to the proposed site may serve to reduce consumption of gasoline associated with both Ancillary Development Projects commute trips and ballgame trips. Construction would require commitment of other nonrenewable resources associated with construction and long-term operation. Use of such resources would represent an incremental effect on the regional consumption of these commodities. Additionally, the MEIR identified irreversible significant impacts to cultural and paleontological resources. While demolition of the historic structures would be reduced through documentation prior to demolition, the loss of the buildings themselves would represent an irreversible impact. Similarly, impacts to important paleontological resources would be irreversible even though a salvage operation would mitigate the impact to below a level of significance.

X. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

- The Council/Agency are the "Lead Agency" for the Proposed Activities evaluated in the FSEIR. The Council/Agency finds that the Draft SEIR and the FSEIR were prepared in compliance with CEQA and the CEQA Guidelines. The Council/Agency finds that it has independently reviewed and analyzed the Draft SEIR and FSEIR for the Proposed Activities, that the Draft SEIR which was circulated for public review reflected its independent judgment, and that the FSEIR reflects the independent judgment of the Council/Agency.

- The Notice of Preparation of the Draft SEIR was issued on December 1, 1998. It requested that responsible agencies respond as to the scope and content of the environmental information germane to that agency's specific responsibilities.

- The public review period for the Draft SEIR began on May 12, 1999 and the Draft SEIR and appendices were available for public review on that date. A Notice of Availability of Draft

SEIR was filed with the County Recorder/County Clerk on May 12, 1999. The 45-day public review and comment period ended on June 25, 1999.

- The Draft SEIR and appendices were available for public review at that time. On September 13, 1999 CCDC distributed the FSEIR and provided proposed written responses to the responsible agencies. A variety of workshops and public and community hearings were held during September and October and, on October 5, October 22 and October 26, 1999, public hearings were held before the Council/Agency to consider approval of the Proposed Activities and certification of the FSEIR.

- The Council/Agency finds that the FSEIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Proposed Activities. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft SEIR. The FSEIR was prepared after the review period and responds to comments made during the public review period.

- The Council/Agency evaluated comments on environmental issues received from persons who reviewed the Draft SEIR. In accordance with CEQA, the Council/Agency prepared written responses describing the disposition of significant environmental issues raised. The FSEIR provides adequate, good faith and reasoned responses to the comments. The Council/Agency reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft SEIR. The lead agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the FSEIR.

- The FSEIR evaluated the following direct and cumulative impacts: Land Use; Transportation, Circulation, Access and Parking; Cultural Resources; Aesthetics/Visual Quality; Noise, Light/Glare; Air Quality; Geology/Soils; Paleontological Resources; Hydrology/Water Quality; Public Services/Facilities; Population/Housing; and Hazardous Materials. Additionally, the FSEIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts of the Project. All of the significant environmental impacts of the Proposed Activities were identified in the FSEIR.

- The mitigation measures other than those measures which can and should be the responsibility of another agency other than the Council/Agency are described in the MMRP and the Errata (which will be incorporated into the FSEIR). Each of these mitigation measures identified in the MMRP and Errata is incorporated into the Proposed Activities. The Council/Agency finds that the impacts of the Proposed Activities have been mitigated to the extent feasible by the Mitigation Measures identified in the MMRP and Errata.

- Textual refinements and errata were compiled and presented to the decision-makers for review and consideration in the Errata. The Council/Agency staff has made every effort to

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notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with the review of the Proposed Activities. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents will contain errors and will require clarifications and corrections. Second, textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process.

- Additionally, the responses to the comments on the Draft SEIR, which are contained in the FSEIR, clarify and amplify the analysis in the Draft SEIR.

- Having reviewed the information contained in the Draft SEIR and FSEIR and in the administrative record as well as the requirements of CEQA, the State CEQA Guidelines and the Local Agency Guidelines regarding recirculation of Draft EIRs, and having analyzed the changes in the Draft SEIR which have occurred since the close of the public review period, the Council/Agency finds that there is no new significant information in the FSEIR and finds that recirculation of the Draft SEIR is not required.

- The Council/Agency finds that the FSEIR was presented to the City Planning Commission, and that the City Planning Commission reviewed and considered the information contained in the FSEIR prior to taking action to recommend approval of the Proposed Activities and certification of the FSEIR.

- CEQA requires the lead agency approving a project to adopt a MMRP for the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with project implementation. The MMRP included in the FSEIR as certified by the Council/Agency serves that function. The mitigation monitoring and reporting program includes all of the mitigation measures identified in the FSEIR and has been designed to ensure compliance during implementation of the Proposed Activities. In accordance with CEQA, the mitigation monitoring and reporting program provides the measures to ensure that the mitigation measures are fully enforceable.

- The Council/Agency is certifying a FSEIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings. There may be a variety of actions undertaken by other State and local agencies (who might be referred to as "responsible agencies" under CEQA). Because the Council/Agency is the lead agency for the Proposed Activities, the FSEIR is intended to be the basis for compliance with CEQA for each of the possible discretionary actions by other State and local agencies to carry out the Ballpark and Ancillary Development Projects.

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ATTACHMENT B

Statement of Overriding Considerations for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments

CEQA Guidelines Section 15093

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines provide:

> "(a) CEQA 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 risks when determining whether to approve the project. 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."
>
> "(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record."
>
> "(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091."

The Council/Agency, pursuant to State CEQA Guideline Section 15093, has balanced the benefits of the Ballpark and Ancillary Development Projects, and associated Plan Amendments against the following unavoidable impacts:

- Direct impacts to transportation, circulation, access and parking (partially) were found to be significant and not mitigated to below a level of significance unless the Freeway Deficiency Plan identifies feasible freeway improvements and measures to reduce the freeway impacts to below a level of significance and identifies funds available to accomplish such mitigation and those improvements are timely implemented. Direct impacts to land use/planning (partially), noise (partially) and light/glare (partially) were found to be significant and not mitigated unless impacted individual property owners allow appropriate mitigation measures to be implemented.

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- Direct impacts to land use/planning (partially), cultural resources (partially), aesthetics/visual quality (partially), noise (partially), air quality (partially), public services/facilities (partially), and population/housing (partially) were found to be significant and not mitigated to below a level of significance.
- Cumulative impacts to transportation, circulation, access and parking (partially) to Congestion Management Plan (CMP) freeways and arterials within the primary traffic study area were found to be significant and not mitigated to below a level of significance unless the Freeway Deficiency Plan identifies feasible freeway improvements and measures to reduce the freeway impacts to below a level of significance and identifies funds available to accomplish such mitigation, and those improvements are timely implemented. Cumulative impacts to transportation, circulation, access and parking (partially) to CMP freeways and arterials out side the primary traffic study area; cultural resources; light/glare; air quality; water quality; population/housing; and public services/facilities (partially) would be significant and not mitigated to below a level of significance.

The Council/Agency has adopted all feasible mitigation measures with respect to these impacts. The City Council also has examined a range of alternatives, none of which both meets the project objectives and is environmentally preferable to the Proposed Activities.

The Council/Agency, after balancing the specific economic, legal, social, technological, and other benefits of the Proposed Activities, determines that the unavoidable adverse environmental effects may be considered "acceptable" due to the following specific considerations, each of which individually will be sufficient to outweigh the unavoidable adverse environmental impacts of the Proposed Activities:

1. Public Sector Benefits:

a. **An Urban Planning and Design Asset**

Properly sited and designed as part of a larger project that includes: parkland, open space, hotels, eateries, commercial and residential development and easy access by car, rail, light rail and other means of transportation, the Proposed Activities will make it possible for the City to achieve several long-desired urban planning goals. The ballpark will increase public access to the utilization of the bayfront. The Proposed Activities will be one of the signature structures of the downtown skyline and part of an attractive, welcoming "front door" to a beautiful city with a world-class waterfront. The location is ideally situated to both complement and add to existing uses in the area, and bring new productive uses to the area that might not otherwise have located in this area. The proposed Plan Amendments include design criteria which will ensure that new development within the J Street Corridor and the

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Transition Zone will reflect the character of the late 19th and early 20th century commercial buildings, so that the downtown area has an integrated design and redevelopment plan.

This project will also complete the Bay-Park link that has been a part of the City's planning for years.

Experiences in other venues have proven that a ballpark can serve as an urban planning and design asset.

Sources: The Report of the City of San Diego Task Force on Ballpark Planning, January 29, 1998 ("1998 Planning Task Force Report"); The Report of the Mayor's Task Force on Padres Planning, September 19, 1997 ("1997 Mayor's Task Force Report"); "Downtown Ballpark Development Committee Recommendations" (Denver, Colorado, June 1992) ("Denver Downtown Ballpark Study'); "Forbes Field II Task Force," Final Report, June 25, 1996 ("Forbes Field Report"), Testimony of Boris Dramov, Joint City Council/Redevelopment Agency Hearing on 10/5/99; FSEIR Response to Comment Nos. 2.29, 7.3.

b. A Stimulus for Redevelopment

New ballparks have been the cornerstone of large, successful urban revitalization projects in many cities, stimulating other kinds of development – retail, residential, entertainment, restaurants and bars, etc. Few other types of projects have the critical mass and popular appeal of the ballpark as a catalyst for the redevelopment of an entire neighborhood or section of a city. A ballpark can be the driving force for transforming a blighted or underutilized neighborhood into a fashionable address, or for creating a new wave of development on an area being revitalized. The East Village has experienced slow development activity over the last ten years despite the dramatic increase in development activity in other areas of downtown. The vision of a redeveloped Centre City East area, intended to be facilitated by the Redevelopment Plan adopted in 1992, has not materialized.

Experiences in other venues have proven that a downtown ballpark creates a significant catalyst for redevelopment. In Baltimore, for example, the new ballpark at Camden Yards has attracted residential development and increased property values since its opening. In the East Village, there is now an unprecedented level of interest in redevelopment — much of it residential — that is directly and solely attributed to this proposed ballpark and ancillary development project. The Regional Economic Development Corporation has reported that there is a high level of interest in the proposed office space as well, and they are confident this project will attract higher-wage industries to the area, and be a catalyst for redevelopment of the East Village.

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Sources: 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; Denver Downtown Ballpark Study; Report of the Governor's Milwaukee Stadium Commission (February 1995) ("Milwaukee Governor's Report"); "Shaping Houston's Sports Future," Houston and Harris County Sports Facility Public Advisory Committee (May 20, 1996) ("Houston Sports Facility Report"); Forbes Field Report; FSEIR page 5.3-13, FSEIR Response to Comment Nos. 2.15, 77.23; Testimony of Robert Harqum, Joint City Council/Redevelopment Agency Hearing on 10/5/99; Testimony of Tom Carter and Pamela Hamilton, Joint City Council/Redevelopment Agency Hearing on 10/5/99; Testimony of Greg Carpenter, Joint Council/Agency Hearing on 10/5/99.

c. Enhancement of a Vibrant Downtown

The Proposed Activities, which would be the linchpin of a proposed downtown "entertainment district," would continue to define and give a greater positive identity to downtown San Diego as a vital, cosmopolitan center of activity. The Proposed Activities would help create a place where people live, work, shop, visit and congregate for great events and spectacles. The "First Great City of the 21st Century" demands a great, vibrant downtown.

The 1998 Planning Task Force Report conclusions are supported by Arizona's experience with revitalization of downtown Phoenix generated by Bank One Ballpark, Denver's experience with Coors Field and Baltimore's experience with Oriole Park at Camden Yards. Experience in other venues also concludes that a downtown ballpark generates positive activity. In Baltimore, Camden Yards has made the downtown area around the ballpark an entertainment destination for residents and visitors.

Similarly, a May 1998 baseball fan survey concluded that approximately 35% of fans indicated they would be very likely, while a similar percent indicated they would be somewhat likely, to visit other attractions in the downtown area before and after a ballgame.

Sources: 1998 Planning Task Force Report; 1997, Mayor's Task Force Report; Economic and Fiscal Impact of Bank One Ballpark and Arizona Diamondbacks, prepared by Elliott D. Pollack and Company, September 10, 1998, updating the report entitled "The Economic Impact of a Major League Baseball Franchise and a Retractable Dome Stadium on the City of Phoenix, Maricopa County and the State of Arizona, prepared by Elliott D. Pollack and Company, December 20, 1993 (the "Phoenix Studies"); Denver Downtown Ballpark Study; "The Economic Impact of Oriole Park At Camden Yards – Results of a Fan Spending Survey for the 1992 Season" (Baltimore City Department of Planning; December 1992) ("Baltimore Study"); "Report of the King County Executive Task Force on Stadium Alternatives"

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(January 1995) ("Seattle Report"); "Houston Sports Facility Report; Forbes Field Report; FSEIR Response to Comment No. 98.3; Testimony of Robert Harqum, Joint Council/Agency Hearing on 10/5/99.

d. Economic Stimulation and Impact

"The Economic and Fiscal Impacts of the San Diego Padres" study by Arthur Andersen ("Arthur Andersen Study") (see Appendix C of 1997 Task Force Report), commissioned by the Mayor's Task Force on Padres Planning, determined that on a recurring annual basis, the Padres generate total direct spending of $65.1 million in San Diego County, and total direct and indirect spending of $175.9 million in the County. Experience in other venues indicates that a new ballpark dramatically increases a club's attendance and revenues, which in turn multiplies the club's economic stimulation of the community.

"The San Diego Padres Baseball Club: A Regional Economic Impact Analysis" and "Proposed San Diego Arena Mixed-Use Development – Analysis of Economic Impact" prepared by the Economic Research Group, University of San Diego (October 1991) ("USD Economic Report") also concludes that the Padres are responsible for a significant amount of spending into the San Diego economy through payment to and expenditures by players, payments to other local employees, local spending for goods and services, payment to the City for stadium operations, spending by visiting teams and their fans and other "induced spending throughout the local economy.

In 1998, the City commissioned Deloitte & Touche LLP to analyze the economic and fiscal impact of the proposed project. Their report, entitled "Economic and Fiscal Impact Analysis, Proposed Ballpark and Real Estate Development," dated September 17, 1998 (the Deloitte & Touche Study) concluded that construction of the Proposed Activities alone would generate $1.1 billion in direct and indirect economic expenditures and $3.3 million in gross tax revenue to the City. Annually, the operation of the Proposed Activities is anticipated to generate $588.5 million (FY 2002 dollars) in direct and indirect economic expenditures annually, and $12.9 million in gross tax revenue to the City and Centre City Development Corporation.

Sources: 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; USD Economic Report; Deloitte & Touche Study; Phoenix Studies; Baltimore Study; Denver Downtown Ballpark Study; Milwaukee Governor's Report; Forbes Field Report; "Commonwealth of Pennsylvania Governor's Sports and Exposition Facilities Task Force Report" (August 1996) ("Pennsylvania Governor's Report").

e. Tax Revenue Generation

The Proposed Activities would generate significant tax benefits at a City, County and State level. The 1997 Arthur Andersen study determined that the Padres currently generate $7.38 million annually in direct tax revenues for the City, County and State, and $20.28 million of total public-sector revenues when lease payments and taxes on indirect economic activity are included. A new ballpark would stimulate associated development that would generate more tax and other public-sector revenues, in addition to substantial property tax increment in the area where the ballpark is built. The development of the Ballpark and Ancillary Development Projects will also generate tax increment revenue that can be used to assist in further development of low- and moderate-income and other housing in the East Village — housing that will not be built for many years without this proposed ballpark project. The Deloitte & Touche Study concluded that tax increment generated by the proposed project would potentially contribute towards the investment by CCDC of approximately $47.4 million (FY 2002 dollars) in low- and moderate-income housing development in the downtown San Diego redevelopment area.

The USD Economic Report also concludes that the Padres generate a positive fiscal impact through leases, sales tax, income tax, real estate tax, business tax, and transient occupancy taxes.

Experience in other jurisdictions confirms that development of a new ballpark generates significant sales, property and other taxes on a state and local level.

Sources: 1998 Planning Task Force Report; USD Economic Report; 1997 Mayor's Task Force Report; Deloitte & Touche Study; "Cause for Confidence," considered by the San Diego City Council on 3/31/99; Phoenix Studies; Milwaukee Governor's Report; Pennsylvania Governor's Report; testimony of Pamela Hamilton and Tom Carter, Joint Council/Agency Hearing on 10/5/99; FSEIR Response to Comment No. 18.20.

f. Job Creation

By stimulating redevelopment and economic development opportunities south of Interstate 8, the Proposed Activities would be a powerful economic engine for jobs and prosperity in areas of the city that currently need such stimulus. The Arthur Andersen study determined that the Padres provide full-time or part-time employment for 3,300 people in San Diego, and that number would increase with a new ballpark. (A significant number of additional jobs also would be created during the construction phase.) The Proposed Activities are forecast to provide 4,600 temporary construction jobs and 7,000 full-time, part-time or seasonal jobs.

The USD Study also concludes that construction and operation of a ballpark would create significant construction and non-construction employment.

Experience in other jurisdictions confirms that development of a ballpark creates direct employment as a result of the construction and operation of the ballpark and indirect employment from the development and operation of projects and businesses in the area.

Sources: 1998 Planning Task Force Report; USD Economic Report; Phoenix Studies; Milwaukee Governor's Report; Forbes Field Report; Pennsylvania Governor's Report; Proposed Ballpark Project On-Site Jobs, Occupations, & Compensation, prepared by SANDAG, dated 7/6/99.

g. Business Attraction and Retention

The Proposed Activities would attract and retain businesses in San Diego and the region. The San Diego Regional Economic Development Corporation has cited the availability of major league sports and world-class entertainment and cultural events in San Diego as a critical resource in recruiting and retaining businesses in unrelated industries and the skilled, highly-educated work force that high-tech industries require. The Padres generate national and international media attention that showcases San Diego throughout the United States and the world.

The USD Economic Report also concludes that a mixed use development such as the Ballpark and Ancillary Development Projects would contribute to the area's image and reputation and "encourage future business development and, thus, provide new opportunities for the community." Experience in other venues also confirms that a ballpark attracts and retains business.

Sources: USD Economic Report; 1997 Mayor's Task Force Report; Milwaukee Governor's Report, Houston Sports Facility Report; Forbes Field Report, Pennsylvania Governor's Report Testimony of Robert Harqum, Joint City Council/Redevelopment Agency Hearing on 10/5/99; Testimony of Greg Carpenter, Joint Council/Agency Hearing on 10/5/99.

h. Keeping Major League Baseball in San Diego

The new ballpark will provide economic security that will keep Major League Baseball in San Diego. In addition to the economic and fiscal impacts enumerated above, Major League Baseball provides a number of social, psychological and emotional benefits to San Diego that are difficult to quantify, but are undeniably important. Having a Major League Baseball club

is a powerful unifying force, as witnessed by the civic spirit created when the Padres won the National League pennant in 1984 and 1998, and the Western Division title in 1996. It contributes to a community's "major league" image and self-image and gives the city incalculable exposure, nationally and internationally.

Evidence shows that the Padres cannot remain economically viable in a multi-sport stadium. The National trend in the past decade is to separate baseball oriented facilities to keep the team competitive and economically viable. A new ballpark that increases attendance and revenues for the Padres enables them to remain competitive with the other clubs in Major League Baseball. Experience and analysis in other venues confirms that the design and location of a ballpark play a role in allowing Major League Baseball to succeed.

Sources: 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; Seattle Report; Milwaukee Governor's Report; Report of the King County Executive's Task Force on Stadium Alternatives (January 1995) ("King County Report").

i. Maintaining Affordable Family Entertainment in San Diego

Families – from young children to senior citizens – have access to a diminishing number of healthy, affordable entertainment activities. In an era when ticket prices in most major professional sports have skyrocketed, Major League Baseball remains affordable for families. The Padres have pledged to keep it that way in San Diego by having ticket options and amenities that appeal to families on a budget.

Baseball has historically been the sport that families enjoy together, and making sure that youngsters have the opportunity to attend and interact with their heroes on the field is the best way to nurture future generations of fans. A new ballpark designed to be clean, comfortable, safe and "family-friendly," with picnic and party areas and special features for young fans that are both fun and educational, would help preserve and expand the cherished family tradition of baseball. Experience and analysis in other venues shows that a new baseball stadium design can ensure that a stadium retains a good selection of affordable seats for families and children. The Park at the Park will provide an attractive venue for residents and visitors alike to enjoy the City even when a ballgame is not being played.

Sources: 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; King County Report; Testimony of Kevin deFreitas, Council/Agency Hearing on 10/5/99.

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j. Maximizing the Use of Qualcomm Stadium

When the Padres move to the new Ballpark, Qualcomm Stadium will be available for a number of activities that will generate revenue for the City, including concerts and large-crowd spectator sports, possibly including a Major League Soccer [MLS] team as a new summer tenant. San Diego has been identified by MLS, the new First Division outdoor professional league in the United States, as a prime candidate for a team, provided there is a suitable venue in which to play. MLS plays a March-through-October season, and therefore its teams do not share stadiums with Major League Baseball tenants. Soccer is a fast growing sport in America that attracts a diverse ethnic audience, and it has great appeal in Mexico. A soccer field is better suited to football stadiums than baseball parks. If the Padres move into a new ballpark, Qualcomm Stadium would be available for a Major League Soccer team as a new summer tenant.

Experience in other venues shows that being one of only a few cities with three or four professional sports teams increases that city's exposure and enhances tourism and economic development.

Sources: 1998 Planning Task Force Report; Phoenix Studies; Houston Sports Facility Report.

k. Synergy With the Convention Center

Located in close proximity to the San Diego Convention Center, the new ballpark would help the city to schedule and accommodate certain large conventions that require "general assembly" seating otherwise unavailable even in the expanded Convention Center. The ballpark has also been designed with other features and amenities, including plazas and separately-articulated areas of the ballpark and surrounding area, that will complement the Convention Center and make San Diego a more desirable convention destination.

Sources: 1998 Planning Task Force Report; Houston Sports Facility Report; FSEIR page 4-9; Testimony of Anton Predock, Joint Council/Agency Hearing on 10/5/99; Testimony of Carol Wallace, Joint Council/Agency Hearing on 10/5/99.

l. Year Round Uses

It is estimated that during the baseball season, 2-1/2 to 3 million people will go to the new ballpark primarily to attend games, but they also will patronize restaurants and bars, shops and stores, other attractions and businesses in the area before and after games. Thanks to its

climate, San Diego has a unique opportunity to build a ballpark that can be a year-round attraction, utilized during the major-league off-season for other baseball events (international tournaments, winter league, youth, high school and college games, workouts, clinics and camps, Olympic team training, etc.). Selected non-baseball events (appropriate concerts, civic events, festivals, conventions, etc.) may also occur at the ballpark. This year-round activity also will help support other businesses in the area.

Source: 1998 Planning Task Force Report; Denver Downtown Ballpark Study; Milwaukee Governor's Report; FSEIR pages 4-9 through 4-15.

m. A New Tourist Destination

The Proposed Activities will create a new tourist destination. Tourism is an important part of San Diego's economy and identity, and a new ballpark could help make the Padres a regional franchise with international appeal attracting an increasing number of visitors. Although the majority of people attending Padres games come from San Diego County, new ballparks that provide a superior experience for spectators in other cities have proven to be a powerful tool for expanding a club's market area and increasing attendance.

As the globalization of baseball continues and more games are televised around the world, a new ballpark that showcases the city also could become an international attraction instantly identified with San Diego. This global exposure will make San Diego Ballpark a "must see" destination for foreign visitors and a community icon, much like the San Diego Zoo.

Experience in other venues confirms that a new ballpark generates tourism; for example, "Oriole Park at Camden Yards attracted so many out of town fans to Baltimore that it should be considered a major tourist attraction." Baltimore Study, page 5.

Sources: 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; Baltimore Study.

n. A Public Gathering Place

The ballpark will provide a public gathering place. Throughout recorded history, civilizations and cities have built monumental gathering places for public events – particularly athletic contests. Anthropologists and social historians have concluded that people have a fundamental need and desire to gather and share in public celebrations, and in contemporary America, sports teams have played an important role in binding diverse populations and neighborhoods into a community with a common identity. Great cities have

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built other stadiums that are "regional signatures."

The ballpark in which the Padres play should reflect the community and region in its design and architectural features. It can be an important civic monument, a landmark that looks and feels like San Diego. The ballpark and the Padres can serve as sources and symbols of community pride and loyalty. In some cities, the ballpark, when properly designed and conveniently sited, also became the meeting place of choice of civil, charitable and non-profit organizations. In many cases, these facilities have been provided free of charge for them.

Sources: 1998 Planning Task Force Report; 1997 Mayor's Task Force Report.

o. Freeway Enhancement

The freeways in the downtown area have been determined to be operating at Level of Service F ("LOS F") since 1990. Under the terms of the Congestion Management Plan for the region, the categorization of these segments at LOS F in 1990 could exempt the City from having to prepare a Freeway Deficiency Plan. As discussed in the FSEIR, traffic on these segments will only worsen in ensuing years, with or without the Proposed Activities. However, the potential impact of ballpark traffic revealed by the FSEIR for this project has motivated the City, Caltrans, and SANDAG to prepare a Freeway Deficiency Plan at this time, to address the condition of these freeway segments now rather than in the future. The availability of $200,000 from Caltrans to assist in preparing this Plan -- a funding source that is not assured in future years -- also makes it possible at this time. The Ballpark Project has provided the impetus for these agencies to cooperatively study and identify alternatives for a freeway system that otherwise would steadily have declined for many more years before the conditions were addressed.

Source: FSEIR page 5.2-95 through 5.2-96, Mitigation Measure 5.2-2; FSEIR Response to Comment Nos. 10.5, 20.19 through 20.21, 43.1, 59.73, 105.4; 1991 Congestion Management Program, SANDAG; letter dated October 18, 1999, from Caltrans, submitted to Council/Agency at the meeting of October 22, 1999.

2. Potential Benefits Accruing to the Private Sector Include:

a. Increased Property Values

The ballpark will greatly enhance property values in a section of the city that has been underutilized for years. Land that has been long neglected and undervalued will be in

demand. An area that for decades had prompted disinvestment will now attract investment for a wide variety of uses. This includes not only the blocks immediately adjacent to the ballpark, but also the larger "Ballpark District," which should become desirable for restaurants, retail and residential development, brew pubs, other entertainment and small businesses.

Sources: 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; Forbes Field Report.

b. Adaptive Re-Use of Existing Buildings

The new generation of old-fashioned, urban ballparks, like their historical ancestors, were designed to fit into and blend with the neighborhoods in which they are located. This attention to appropriate architecture and aesthetics affords numerous opportunities for the adaptive re-use of existing structures in the area, many of which have long been abandoned and fallen into disrepair. The adaptive re-use of old warehouses and other commercial buildings into fashionable lofts, offices, etc., has created its own mini-boom of real estate development in the areas where ballparks have been located in a number of cities. This simultaneously creates numerous private investment opportunities and helps preserve and restore the heritage of the City.

The Proposed Activities will guarantee the preservation and adaptive re-use of at least part of six buildings locally identified as historically significant: (1) Western Metal Supply Company Building, (2) a portion of the Farmers Bazaar Building, (3) Levi Wholesale Grocery Company (Kvaas Construction) Building, (4) Scheifer & Sons Warehouse (Bundy Lofts) Building, (5) Wellman Peck Warehouse (TR Produce) Building, (6) the Showley Brothers Candy Factory Building, and if feasible (7) Station A. These structures will be adaptively re-used in substantial conformance with the Treatment Plan for the Retail in the Park (Attachment 3 in Volume V of the FSEIR). The public-private partnership of the Proposed Activities will set a new standard for adaptive re-use and historic preservation by major developments.

Experience in other venues confirms that a new ballpark can provide the opportunity and the motivation to adaptively reuse existing surrounding buildings.

Sources: 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; Denver Downtown Ballpark Study; Forbes Field Report; FSEIR pages 5.3-15 through 5.3-21; FSEIR Response to Comment No. 34.5 and 34.11; Attachment 3 in Volume V of FSEIR.

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c. Additional Customer Base for Other Businesses

New, downtown ballparks typically have increased attendance at ball games, drawing more than three million customers annually. In several cases, they have become civic landmarks and year-round tourist attractions, expanding the geographical market base of fans. The new ballparks have also changed the attendance patterns of local fans, who tend to come earlier and stay longer to enjoy the atmosphere at the ballpark and in the surrounding "Ballpark District." The increased attendance and longer stays of those who attend ball games creates substantial additional business for restaurants, sports bars, hotels, shops, parking lots and structures and other entertainment attractions and businesses in the "Ballpark District."

Experience in other venues – such as Coors Field in Lower Downtown Denver, Oriole Park at Camden Yards, and Bank One Ballpark in Phoenix – confirm that a ballpark generates an increase in customer base and spending at other businesses in the area.

Sources: 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; The Phoenix Studies, Denver Downtown Ballpark Study; Baltimore Study; Forbes Field Report; Pennsylvania Governor's Report.

d. Expansion of Market for Baseball

In addition to expanding the regional fan base, new downtown ballparks also increase a club's core market. In suburban stadiums, the game is usually a planned destination – people go to the ballpark, watch the game, and go home. In downtown ballparks, there are more impulse buys and spur-of-the-moment decisions to attend a game. Attendance patterns are different in downtown ballparks, where fans often leave their cars at work and either walk or take public transportation to the game, and enjoy the street life and activity surrounding the ballpark before and after the game. Downtown ballparks are also more conducive to corporate entertaining; it is easy to take a client to a game. Market analyses referred to in the 1997 Mayor's Task Force Report suggests that the Padres' chronic revenue problems at Qualcomm Stadium are not the result of a lack of demand for baseball as compared with other markets of similar size, but rather a lack of supply of the type of seats and amenities that consumers want.

Experience in other venues confirms that a new downtown ballpark expands the market and ticket sales in a variety of ways.

Sources: 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; Phoenix Studies; Baltimore Study; Milwaukee Governor's Report.

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e. Creation of Financial Stability for Tenant Team

New, baseball-oriented ballparks increase revenues for the tenant team in numerous ways. There are many more good seats to sell, with the locations and amenities that fans want. There is the opportunity to give corporate clients, individual fans and families the entertainment experience they seek at the price point that fits their budgets. Advertising, concession opportunities, and revenues are increased. Per capita spending increases because there is a greater supply of the seat locations, food and beverage options and other amenities that fans want, including party areas. The ballpark experience itself becomes an attraction, a second product to sell in addition to the game. New ballparks can stimulate and sustain growth in attendance, which multiples revenues and gives the tenant club the opportunity for financial stability, which is the key to being competitive on the field for the long term.

Experience in other venues shows that a baseball oriented ballpark serves as an attraction and thereby increases revenue, growth and stability.

Sources: 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; Baltimore Study; Milwaukee Governor's Report; Seattle Report; Pennsylvania Governor's Report.

f. Expanded Concession, Merchandising, and Advertising Opportunities

A new ballpark that is a civic landmark and point of pride, a tourist attraction and a place where corporate clients, individual fans and families all want to come, affords numerous concession, merchandising, marketing and advertising opportunities associated with the ballpark. Clubs playing in new ballparks have typically experienced great gains not only in attendance but also in corporate support. This includes not only demand for premium seating and corporate entertaining, but also signage and other advertising and a wide variety of promotional programs that combine ticket purchases, client and employee entertaining, advertising in the ballpark, broadcast sponsorship, creative marketing tie-ins, etc. A competitive ball club and an attractive ballpark have proven to be a very desirable marketing and merchandising package for private businesses that want to associate and identify themselves with baseball's traditional values and timeless appeal.

Experience in other venues proves a new ballpark expands concession, merchandising and advertising opportunities.

Sources: 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; Phoenix Studies; Baltimore Study; Pennsylvania Governor's Report.

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g. Increased Development Opportunities

Improvements in infrastructure, parking inventory and transportation throughout the Proposed Activities and surrounding areas enhance the prospects for additional private investment and development both within the district and on its periphery. Private developers are more likely to invest in areas that are perceived as safe, accessible and convenient. The public improvements and parking associated with the "Ballpark District" are in and of themselves magnets for new development.

Experience in other venues proves that there are increased development opportunities associated with development of a new ballpark.

Sources: 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; Downtown Denver Ballpark Study; Phoenix Studies; Seattle Report; Forbes Field Report; Pennsylvania Governor's Report; Testimony of Tom Carter and Pam Hamilton, Joint Council/Agency hearing of October 5, 1999; Testimony of Fred Baranowski, Joint Council/Agency hearing of October 22, 1999.

h. New Residential Development

One of the biggest and most pleasant surprises to the developers of new ballparks in several cities has been the compatibility of the project with residential development. The fact that new ballparks have been designed to be extensions and reflections of the neighborhoods in which they are located has made the "Ballpark District" a fashionable address in several cities. The types of housing have ranged from affordable apartments and lofts to expensive luxury condos. In some cases, the revitalization of the "Ballpark District" has fueled another boom in residential development in neighborhoods adjacent to the "Ballpark District." Creation of additional jobs in the "Ballpark District" also has fostered demand for housing and other positive economic benefits in the private sector in surrounding neighborhoods.

Sources: 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; Downtown Denver Ballpark Study; Phoenix Studies; Forbes Field Report; testimony of Tom Carter, Joint Council/Agency Hearing on 10/5/99.

i. Relocation of Businesses to Downtown

Development of a ballpark and surrounding district can supply the impetus for a number of small and mid-size businesses in unrelated industries to relocate downtown. The enlargement and enhancement of a safe downtown that has year-round activity and vitality,

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and a critical mass of services and amenities, is the greatest incentive for businesses to relocate downtown.

Experience in other venues shows that a downtown ballpark will attract business to relocate downtown.

Sources: 1998 Planning Task Force Report; 1997 Mayor's Task Force Report; Phoenix Studies; Forbes Field Report.

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