

RESOLUTION NUMBER R- 292364

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 ADOPTING WRITTEN FINDINGS IN RESPONSE TO EACH WRITTEN OBJECTION OF AN AFFECTED PROPERTY OWNER OR TAXING ENTITY TO THE PROPOSED THIRD AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CENTRE CITY REDEVELOPMENT PROJECT.

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 has prepared and submitted to the City Council the proposed Third Amendment to the Redevelopment Plan for the Centre City Redevelopment Project [the Third Amendment]; and

WHEREAS, after due notice as provided by the California Community Redevelopment Law (Health & Safety Code sections 33000, et seq.), a joint public hearing was held by the Council and the Agency to consider the proposed Third Amendment to the Redevelopment Plan; and

WHEREAS, any and all persons and organizations having any objections to the proposed Third Amendment to the Redevelopment Plan or the regularity of the prior proceedings, were given an opportunity to submit written comments prior to the joint public hearing, and to give written or oral testimony at the joint public hearing, and show cause why the proposed Third Amendment to the Redevelopment Plan should not be adopted; and

WHEREAS, the Council has considered and evaluated all evidence and testimony for and against the adoption of the proposed Third Amendment to the Redevelopment Plan, including among other things the Report of the Agency to the City Council on the proposed Third Amendment and the report and recommendations of the Planning Commission of The City of San Diego and the Centre City Project Area Committee; and

WHEREAS, the Council has prepared written findings in response to each written objection of an affected property owner or taxing entity as described in Section 33363 of the California Community Redevelopment Law; NOW, THEREFORE,

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

The Council hereby adopts the written findings contained in Attachment A (attached hereto and incorporated herein by this reference) as its responses to the written objections delivered or presented in connection with its hearing on the proposed Third Amendment to the Redevelopment Plan for the Centre City Redevelopment Project.

APPROVED: CASEY GWINN, City Attorney

By

  
\_\_\_\_\_  
Douglas K. Humphreys  
Deputy City Attorney

DKH:lc:pev  
9/24/99  
10/20/99 COR.COPY  
Or.Dept:CCDC  
R-2000-365  
Form=r&t.frm

R - 292364

Attachment A  
RESPONSE TO OBJECTIONS

[To be added after joint public hearing.]

R

292364

Written Responses to Written Objections to the Redevelopment Plan Amendments

COMMENTS

RESPONSES

1.1 HOA has not allowed by its design to allow not 1 person in a wheelchair and some ambulant seated person, to sit in the front row on any of the 3 levels of the ball park.

Wheelchair access Non Today  
L 619-582-0576

1.1 Current codes require all new ballparks to make specific provision for wheelchair access. However, there is no requirement that wheelchair seating be provided in the front rows. Nevertheless, the design of the proposed ballpark does provide front row wheelchair seating as well as conforming to the overall wheelchair access requirements. The current design provides 12 wheelchair spaces in the front row of the Field Level, 23 front row spaces in the Club Level, and 24 spaces in the second row of the Upper Level.

Attachment A

R-292364

# ParkBayDiagonal

c o l l a b o r a t i v e .

October 5, 1999

Mayor Susan Golding  
Members of the City Council,

This letter is submitted on behalf of the ParkBayDiagonal Collaborative as public comment on the ballpark EIR. Our plan is in the EIR as a viable alternative. We have searched for a reason to give public comment today; the only reason we identified is to build a record for future litigation challenging this EIR process.

While the concerns with the current EIR are many, our main concerns are with regard to the EIR process as a whole. Some of our concerns with this EIR and the process surrounding it are as follows:

- 2.1  1) *Problem:* Clause 9c of the MOU says that the city shall not go forward with land acquisitions until the convention center expansion hotel is secured. This project is not secured. *Solution:* Delay action on this EIR until this essential component of the MOU is satisfied.
- 2.2  2) *Problem:* The MOU, in clause 7 gives "final approval" of the ballpark design to the Padres. This undermines CEQA, which gives final approval authority to you. *Solution:* Modify the MOU to shift "final approval" back to the city.
- 2.3  3) *Problem:* The ParkBayDiagonal Collaborative was told by the City, CCDC and the Padres that it was "too late," to make changes to the ballpark site as early as March, 1998 - long before the MOU was written, the vote taken or the EIR initiated. *Solution:* Do not certify the EIR until all alternative plans have been reviewed and compared side by side to the primary plan. It's not "too late", this is what the EIR process is all about.
- 2.4  4) *Problem:* City Council members apparently believe the vote equates to 'marching orders' to implement a specific plan that was included in the MOU. This violates CEQA as it creates a binding agreement to implement a pre-determined plan. *Solution:* Modify the MOU to remove the binding agreement on a pre-determined site and plan.
- 2.5  5) *Problem:* Alternatives were not analyzed in a fair, legal or legitimate fashion. As an example, the Mission Valley site was apparently approved for other development last week even though this EIR states Mission Valley is the environmentally superior site for the ballpark. The Chula Vista site has been treated similarly. *Solution:* A solution is not available, as these alternative sites have already been approved for other developments.

Alan Levy Laura Wallace Colby Smith Tracy King-Taylor  
address 832 Fifth Avenue, Suite 06 San Diego, California 92101 tele 619.238.6009 fax 619.238.6002

R  
292364

R-2

- 2.1 The commentor misreads MOU Section IX.C. That section does not prohibit the City from proceeding with land acquisition until the convention center expansion hotel is secured; it states that the City is not *required* to incur land acquisition costs until the City has sufficient assurances that the hotel will proceed. Moreover, the certification of the FSEIR does not rely on the timing of the land acquisition; there is no logical reason to delay certification while other terms of the land acquisition are finalized.
- 2.2 CEQA does not require that the City have final "design" approval for the Ballpark. Rather, the City must have the authority to require certain mitigation measures, as deemed necessary to mitigate a significant impact, or else make specific findings that overriding considerations justify proceeding without mitigation. This authority under CEQA is not inconsistent with the Padres' having the final design authority as that term is used in the MOU.
- 2.3 This comment is at odds with the ParkBayDiagonal Collaborative's letter of June 15, 1998 to Walter Rask (FSEIR, Vol. V, page V-98) which acknowledges that the Collaborative was being given the opportunity to present its alternative plan for consideration. The Collaborative was given opportunities to present its plan before the Centre City Development Corporation Board and Project Area Committee, and to the Padres, as well as business and community groups and members of the City Council, but did not convince anyone to recommend its plan instead of the Proposed Activities. CEQA does not require that alternatives be given the same level of analysis as the Proposed Activities, and as such there has been no procedural deficiency in the CEQA process and no reason to delay consideration of certification of the FSEIR.

## COMMENTS

## RESPONSES

- 2.4 In July, 1999 the Fourth District Court of Appeal in *Mailhot v. Abdelnour* confirmed the trial court's ruling that the negotiation of the MOU and submittal of the MOU to the voters did not violate CEQA because it did not "commit the City to a definite course of action" with respect to the project. The court noted that the MOU was conditioned, among other things, upon the completion of the CEQA process. The City Council does not, therefore, commit itself to a definite course of action or violate CEQA merely by acknowledging the certified results of the election.
- 2.5 As indicated in Response to Comment 2.3, the level of analysis of alternatives is appropriate. Furthermore, CEQA does not require that alternative sites be held in status quo ante while the CEQA process is completed. Nor does it require that the legislative body select the environmentally-superior alternative.

R  
292364

ParkBayDiagonal Collaborative  
Public Comment  
Ballpark EIR  
October 5, 1999  
Page 2

2.6

6) *Problem:* Economics are used to discredit alternatives but do not appear at all with reference to the primary plan. *Solution:* Do not certify this EIR until a true "apples to apples" economic study and comparison of all the alternative plans and the primary plan has been completed and made available, in full, for public review.

Specific to the ParkBayDiagonal alternative plan there are a multitude of inconsistencies and fallacies in the final draft EIR. Some examples of this are:

2.7

- The EIR concludes that the PBD eliminates ancillary development however, 4 zones for ancillary development are identified within the same 26-block area as the Padres plan.

2.8

- The EIR criticized the PBD plan because it is market driven yet the Padres plan can change based on market demand.

2.9

- Underground parking costs are overstated on the PBD plan but these costs are not mentioned with regard to the Padres plan.

The process is flawed. The MOU may make this a unique situation but that is not an excuse for certifying this EIR which is the product of a flawed process. It isn't "too late", for you to step up to the plate and take a swing at meeting the citizens needs rather than the needs of a private corporation.

Sincerely,

The ParkBayDiagonal Collaborative

2.6

In accordance with Section 15131 of the CEQA Guidelines, consideration of economic impacts is only appropriate when economic effects would result in a significant physical impact on the environment. Furthermore, an economic comparison of the Proposed Activities with the alternatives is not mandated by CEQA. Economics are only used to "discredit" alternatives where, as in the case of the ParkBayDiagonal alternative, the plan itself makes the project economically impossible. As explained in the FSEIR, the ParkBayDiagonal does not provide an assured, timely ancillary development, without which the ballpark itself cannot be financed.

2.7

The ParkBayDiagonal "allows," but does not guarantee, ancillary development needed to fund the ballpark through timely generation of both tax increment and transient occupancy tax revenues.

2.8

The Padres may fine tune their mix of ancillary development, but are still required to provide sufficient ancillary development in a timely fashion to ensure the necessary revenue. This feature is absent from the ParkBayDiagonal alternative.

2.9

The ParkBayDiagonal Collaborative provided no cost information to support this comment. The firm of Keyser, Marston & Associates has priced the ParkBayDiagonal's parking proposal and found that it exceeds the cost of the existing proposal by \$89,500,000. (FSEIR, Vol. V, Attachment 5).

R-  
292364



*Copied to Desk 10/15/91  
3:45 R*

**GREATER GOLDEN HILL  
COMMUNITY PLANNING COMMITTEE**

Member of GHPC, chair of land use, have excerpts from letter sent to our council reps regarding impacts to our neighborhoods. Very hard to support a project that carries with it negative impacts which may destroy the neighborhood, which are not being mitigated or addressed.

Traffic Impacts

3.1 When freeways stop moving, cars exit at the first available ramp and make their way on surface streets. GH/SP has exits at 30<sup>th</sup> Street, 28<sup>th</sup> Street and 25<sup>th</sup> Street. There will be additional vehicles coming from exits off the 8, 163 and 805 in North Park/University Hts. It will also happen after games. The SEIR analyzes this cross-neighborhood traffic from the point of view of how convenient it is for the vehicles and the carrying capacity of streets, and not from the negatively impacted residents. These impacts have the potential to erase the gains made over the last ten years in quality of life, property values, and reduction in criminal activity.

3.2 The SEIR focuses on "level of service" calculations, and concludes that the levels of service, i.e., the delays experienced by drivers, are acceptable. This analysis made from the point of view of the driver does not address or analyze impacts to our neighborhood. Interestingly, an editorial in the Union Tribune written by an executive with Ace Parking, speaking in support of the current freeway capacity, made the point that people will find shortcuts and alternative routes to get to the ballpark, and cited this as a favorable and acceptable practice! The Level of Service analysis completely begs the question of impacts to our neighborhoods.

Proposed Mitigation for Traffic Impacts

3.3  The mitigation proposed in the SEIR is plans and studies. This is not mitigation.

Mitigation Measures Identified by Our Communities

A. Institution of Traffic Calming Measures

3.4  1. Alter the timing of traffic lights in our neighborhood so that they are *not synchronized* before and after games and events. They would be set to work normally at other times.

3.5  2. Install photo-enforcement of speeding and running traffic lights in our neighborhood.

3.6  3. Install gateway signs which will serve to announce to drivers that they are entering a neighborhood, and thus would need to reduce their speed

3.1 As indicated in the FSEIR, traffic from the Proposed Activities would not, with the exception of Pershing Drive, cause neighborhood streets to exceed acceptable levels of service. While increased traffic may be viewed by some local residents as undesirable, no evidence exists to suggest that this increase in traffic would lead to increased crime or reduced property values. Particularly, in light of the fact that the increase would not be sufficient to cause a significant drop in the level of service. Furthermore, with the implementation of the Event Transportation Management and recommendations of the Freeway Deficiency Plan, traffic from the Proposed Activities in neighborhoods east of I-5 would be minimal.

3.2 Level of service is an appropriate technique for analyzing traffic impacts related to the Proposed Activities in surrounding neighborhoods because it identifies congested conditions which are generally viewed as undesirable. Furthermore, as indicated in Response to Comment 3.1, no other significant neighborhood impacts are anticipated from traffic related to the Proposed Activities. The Event Transportation Management Plan will designate appropriate alternate routes to the ballpark which would serve to spread out ballpark traffic but would avoid surrounding neighborhoods.

3.3 As indicated in Response to Comment 10.5 (FSEIR, Vol IV, pp IV-122 through IV-125), the proposed traffic mitigation measures include sufficient performance standards and specifications to meet the requirements of CEQA.

3.4 This may be considered as part of the Event Transportation Management Plan, Mitigation Measure 5.2-9 (FSEIR, Vol. I, page 5.2-98).

3.5 See Response to Comment 3.4, above.

3.6 A gateway sign is not considered to have a nexus to any identified impact in the FSEIR. Moreover, the ETMP will prevent ballpark through traffic from adversely impacting neighborhood streets, making other measures such as the one suggested in this comment unnecessary.

*R*  
292364

COMMENTS

RESPONSES

86

10/04/99  
Page 2

- 3.7  4. Create and fund an Oversight Committee which includes a majority of members from the Golden Hill community and other communities which are experiencing the same impacts, whose task will be to address additional and continuing traffic calming after the stadium opens.
- 3.8  5. Install additional stop signs and traffic lights throughout Golden Hill at intersections to be identified.
- 3.9  6. Provide crossing guards or traffic enforcement officers in areas where school crossing occurs when games are scheduled to begin or end during times that school children would be expected to be present.
- 3.10  7. Assure that bus service in Golden Hill will not suffer from schedule disruptions.
- 3.11  8. Close through streets or add traffic diverters to limit the possibility of short cuts through Golden Hill being effective.
- 3.12  9. Add speed bumps to streets which are identified as most likely to receive ballpark traffic.

- 3.7 This suggested measure has no nexus to any identified impact in the FSEIR.
- 3.8 See Response to Comment 3.4.
- 3.9 See Response to Comment 3.4.
- 3.10 Bus service to ballpark events would be provided by special event buses. MTDB has indicated that special event service would not take away bus service from the surrounding neighborhoods.
- 3.11 One of the measures to be implemented as part of the Event Transportation Management Plan is to station police officers at major roadways leading into the surrounding neighborhoods to direct event traffic away from these streets.
- 3.12 See Response to Comment 3.4.

*R-*

292364

**Parking Impacts**

3.13 [ Parking analysis in the SEIR ignores the possibility of event attendees (baseball, concerts, etc.) choosing to park in Golden Hill and Sherman Heights to both avoid the traffic jam close to the ballpark and to avoid paying the high cost of parking in the area. Fans now park up to a mile away from Qualcomm to avoid paying for parking. Golden Hill is the equivalent distance from the new ballpark site and can expect to experience fans parking on its surface streets. Pedicabs, buses and taxis may offer attractive prices to fans who park free in surrounding neighborhoods.

**Proposed Mitigation for Parking Impacts**

3.14 [ The mitigation proposed in the SEIR consists of plans and studies. That is not mitigation. Mitigation measures for our community need prior planning, with dollars tied to the development in order to reduce the impacts to a level below significance.

**Mitigation Measures Identified by Our Communities**

3.15 [ 1. Provide ample free or inexpensive parking as part of the stadium construction.

3.16 [ 2. Hand sweep streets, including curb and sidewalks, in streets impacted by ballpark trash, within 8 hours of completion of each event or game. Such areas are to be identified by the oversight committee mentioned previously.

3.17 [ 3. Create a restricted parking district which operates only during games and event. Provide free resident stickers for all cars in each household, and "guest" passes for potential visitors. Institute a police towing policy which is triggered by a resident complaint and provide immediate free towing of illegally parked vehicles. Note that this very simple mitigation measure may make others unnecessary.

**Noise Impacts**

3.18 [ The SEIR has not addressed noise impacts to Golden Hill, assuming it will be minimal, and not requiring mitigation. Fireworks at the harbor and at Mission Valley are audible and disturbing in parts of Golden Hill now. Workers and children sleeping will be awakened by the fireworks after games.

3.19 [ Vehicle noise, honking horns, loud conversations, car doors slamming, etc. will be disruptive prior to a game, and rise to a level of serious disturbance after games when working people have gone to bed.

**Proposed Noise Mitigation**

None.

3.13 The FSEIR does acknowledge the possibility of ballpark patrons trying to park in these neighborhoods, FSEIR, Vol. I, page 5.2-84, and proposed a Mitigation Measure, 5.2-13 (FSEIR, Vol. I, page 5.2-99) to address this potential problem.

3.14 See FSEIR Response to Comment 10.5 (FSEIR, Vol IV, pp IV-122 through IV-125).

3.15 The FSEIR proposes, among other things, remote parking at Qualcomm Stadium, to reduce the parking impacts to below a level of significance. Thus, this suggested measure is unnecessary.

3.16 A new mitigation has been added to the Proposed Activities requires all public streets within the Sports/Entertainment District be swept after each event. These streets are expected to experience the greatest amount of litter from ballpark events. Due to the limitations on parking and vehicular access from ballpark events through surrounding neighborhoods, sweeping in these areas is not warranted.

3.17 The FSEIR has proposed restricted parking as a part of the Neighborhood Parking Management Plan, Mitigation Measure 5.2-13. The commentor is correct in noting that this program, along with the ETMP, will make other suggested measures unnecessary.

3.18 The FSEIR has addressed noise impacts and has concluded that, in light of the distance from the ballpark to Golden Hill and the intervening freeway noise, impacts to these neighborhoods would not be significant. See FSEIR, Vol. I, page 5.5-13

3.19 In light of the controls on event traffic and parking in surrounding neighborhoods, vehicle noise, honking horns and loud conversations will not be a significant problem.

R  
292364

Mitigation Measures Identified by Our Communities

- 3.20  1. Mitigation of crowd noise may not be possible.
- 3.21  2. Mitigation of freeway traffic noise may not be possible.
- 3.22  3. Mitigate neighborhood traffic noise from vehicles and fans through the same measures suggested for traffic and parking control, i.e., keeping parking and through traffic out of our neighborhood.
- 3.23  3. Mitigate fireworks impacts by eliminating them after 10:00 p.m.
- 3.24  4. Purchase and install speaker and P.A. systems which do not broadcast music and announcements to Golden Hill, Sherman Heights and Logan Heights.

Light Impacts

- 3.25  The SEIR assumes light contamination will be limited to an area directly around the ballpark (SEIR 5.6-4) and does not address any light which may reach Golden Hill. We believe there is at least a risk of the light from the stadium creating a glare in those portion of Golden Hill ("the slope") which overlook downtown.

Proposed Light Mitigation

None for our neighborhoods.

Mitigation Measures Identified by Our Communities

- 3.26  Unknown without analysis of actual situations in other communities and scientific analysis of the lighting being proposed.

Homeless Migration

- 3.27  We may expect to see an influx of homeless individuals when they are removed from the ballpark area by the proposed development. The addition of the East Village's homeless population to Golden Hill will result in increased petty crime, sanitation problems, Balboa Park safety and perceptions of personal security. Our neighborhood has seen an increase in families with children, who are frequently discouraged from wanting to live in an area with a significant homeless population.

Proposed Homeless Migration Mitigation

- 3.28  Funding an additional HOT team will not mitigate these problems.

Mitigation Measures Identified by Our Communities

- 3.20 See Response to Comment 3.18.
- 3.21 Freeway traffic noise is not caused by the Proposed Activities and thus no mitigation is required.
- 3.22 The Event Transportation Management Plan and the Neighborhood Parking Management Plans are aimed at reducing ballpark traffic and fan noise by preventing event traffic and parking in Golden Hill and other surrounding residential areas.
- 3.23 As discussed on page 5.5-18 of the FSEIR, it is infeasible to eliminate fireworks after 10 p.m. However, the occurrence of fireworks displays after 10:00 p.m. will be limited. See Mitigation Measure 5.5-5 (FSEIR, Vol. 1, pages 5.5-17 through 5.5-18).
- 3.24 The ballpark is being designed to include a public address system which uses a series of speakers distributed throughout the ballpark to lessen the sound levels outside the ballpark. Furthermore, sound levels from speakers used for concerts would not be allowed to exceed 95 dBA at the sound board to insure that significant noise levels would not extend beyond the area identified in Figure 5.5-4 of the FSEIR.
- 3.25 The FSEIR acknowledges that light from the ballpark would create a "glow" that would be visible from Golden Hill, but would not create a significant glare or spill light condition. Furthermore, Mitigation Measure 5.6-2 requires field lighting towers contain glare control optics and accessories to minimize glare.
- 3.26 Black-out curtains have been successfully used in hotel rooms where outdoor lighting would otherwise interfere with the sleep of guests. The proposed use of this technique within the affected area around the ballpark would be equally effective in reducing field lighting impacts on surrounding residences, hotels and theaters.
- 3.27 The FSEIR acknowledges that the homeless would be displaced and may move into surrounding neighborhoods. This impact is identified as significant.

292364

COMMENTS

RESPONSES

3.28 The FSEIR proposes the expansion of the HOT Team operations, as well as the formation and operation of an Advisory Committee, including representatives from the residential neighborhoods, who would work together to identify the physical impacts of homeless displacement and develop solutions to the actual impacts. 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 the Centre City Development Corporation Board of Directors (Attachment 1) and the City Council (Attachments 2 and 3). Reducing the numbers of homeless will reduce their impact on the area.

R-

292364

COMMENTS

RESPONSES

10/04/99  
Page 5

- 3.29 [ 1. The only appropriate mitigation is to aggressively intervene with homeless individuals and divert them to agencies and programs where they will either be rehabilitated or permanently housed. Money for these measures should be set aside as part of the cost of development.
- 3.30 [ 2. Additional bicycle and possibly equestrian patrols be established in Golden Hill and Balboa Park.
- 3.31 [ 3. The Padres organization and the City of San Diego take an active part in rehabilitation of homeless individuals diverted from the streets into the proposed programs, to include providing training and jobs at the ballpark for them.

CONCLUSION

Our council reps should be sitting at our side of the table and protecting their constituents from adverse impacts, and we are asking that they not certify the SEIR without adequate mitigation for the neighborhoods they represent.

- 3.29 Aggressive intervention is the function of the HOT Team.
- 3.30 Such a measure may be incorporated into the solutions recommended by the homeless Advisory Committee, if the actual impacts call for such measures.
- 3.31 The ballpark is not creating homelessness or displacing any authorized shelter or social service provider for the homeless, thus a mitigation measure aimed directly at rehabilitation of the homeless is not warranted for the Proposed Activities. However, intervention is the main function of the HOT Team, and as such, Mitigation Measure 5.12-4 would achieve this objective.

R.  
292364

LUCE, FORWARD, HAMILTON & SCRIPPS LLP  
ATTORNEYS AT LAW • FOUNDED 1873

CRAIG K. BEAM, PARTNER  
DIRECT DIAL NUMBER (619) 699-2482  
DIRECT FAX NUMBER (619) 645-5378  
E-MAIL ADDRESS: cbeam@luce.com

October 5, 1999

VIA MESSENGER

77601-00100

The Honorable Mayor Golding and City Councilmembers of the City of San Diego  
Sitting as the San Diego Redevelopment Agency  
City of San Diego  
202 "C" Street  
San Diego, CA 92101

Re: Written Comments and Objections to the City Council/Redevelopment Agency's Action  
Upon Redevelopment Agency Agenda Items 701, Sub-Items A (R-2000-368), B (R-2000-  
391 Cor. Copy), C (O-2000-36), and D (O-2000-47) & Agenda Items 703, the Second Hotel  
(Sixth and L Street Site) Amendments, Sub-Items A (R-2000-372), B (R-2000-399), and C  
(O-2000-38)

Dear Mayor Golding and Councilmembers:

Our client, the Clarion Hotel Bay View, which is located between Sixth and Seventh Avenues,  
fronting on K Street, has asked that we express their concern regarding the above Agenda matters  
docketed for your consideration on Tuesday, October 5, 1999.

The Clarion Hotel is a 300 room hotel, serving both visitors to the Convention Center and Gaslamp  
District in the City. It is owned by the San Diego Hotel Corporation.

The Draft Subsequent Environmental Impact Report to the Final Master Environmental Impact  
Report for the Centre City Redevelopment Project for the Ballpark and Ancillary Development  
Projects (hereinafter "SEIR") paints a bleak, rather than encouraging picture of the impacts which  
individuals and businesses must suffer if located within or adjacent to the Ballpark District.

Unfortunately, while the SEIR is candid in its assessment of anticipated impacts, it falls short of the  
requirements of the California Environmental Quality Act (CEQA) in its adoption of mitigation  
measures to address significant adverse impacts and consideration of project alternatives which  
would avoid or lessen the severity of the impacts.

The SEIR acknowledges the noise and light impacts from Ballpark events (see Executive Summary  
Section 1.6.4 and Sections 5.5 and 5.6), noting the following:

600 WEST BROADWAY, SUITE 2600 • SAN DIEGO, CALIFORNIA 92101 • TELEPHONE (619) 236-1414 • FACSIMILE (619) 232-8311  
SAN DIEGO • LA JOLLA • NEW YORK • LOS ANGELES • SAN FRANCISCO • CHICAGO

R-  
292364

4.1

4.1

R-11

4.1 The FSEIR does require mitigation of noise and light impacts upon noise-  
and light-sensitive uses located within the impacted area such as the Clarion  
Hotel Bay View ("Clarion") unless the property owners decline to have  
the measures implemented. The noise and light attenuation measures which  
would be implemented will reflect those identified by the commentator (e.g.,  
dual pane windows and opaque curtains). Rather than establishing exactly  
which attenuation device will best mitigate the noise and/or light impacts  
to each impacted structure, however, the FSEIR explains that a detailed  
study will be conducted to determine the appropriate attenuation device.  
The details of which device should be installed on which structures will be  
discussed with the individual property owners.

LUCE, FORWARD, HAMILTON & SCRIPPS LLP  
ATTORNEYS AT LAW • FOUNDED 1873

The Honorable Mayor Golding and City Councilmembers of the City of San Diego  
October 5, 1999  
Page 2

"Events at the Ballpark would generate significant noise levels which would disrupt activities and noise sensitive uses (e.g. residences, hotel rooms and theaters) within a two block radius of the Ballpark... Light intrusion would interfere with sleep activities and residences and hotel rooms facing the Ballpark as well as performances in a nearby theater."

4.1  
Cont.

Notwithstanding the SEIR's acknowledgment that the Ballpark will have significant noise and light impacts on adjacent hotels (such as the Clarion, which is located directly across the street from the Ballpark) the EIR does not require mitigation of these impacts upon adjacent hotels or residences. Mitigation measures such as double pane windows and light opaque curtains are feasible mitigation measures that should be included in the list of mitigation measures under consideration by the City/Redevelopment Agency and should be required. A retrofitting program should be a required Project element of the Mitigation Monitoring Agreement.

4.2

The SEIR also notes (see Executive Summary § 1.7.1/SEIR § 5.2) that the transportation system within the Ballpark District, and indeed a large portion of Downtown San Diego would be severely impacted by the Ballpark Project. Those impacts are cataloged as impacting virtually every arterial and every on and off ramp giving access to the Clarion Hotel. Nevertheless, no mitigation measure is committed to by the City or Redevelopment Agency, as required under Section 15126.4 of the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3) or required of the proposed Project. ~~Indeed~~, there is no requirement that a mitigation measure which is enforceable through permit conditions, agreements or other legally-binding instrument be imposed upon this Project.

4.3

Preparation of a "Freeway Deficiency Plan" in conjunction with SANDAG and CalTrans is neither a mitigation measure nor does it provide the public at large with any assurance the anticipated traffic congestion arising from the Ballpark's construction and ancillary developments will be addressed.

4.4

Similar unaddressed significant impacts occur with respect to the availability of parking in the Downtown area.

4.5

Notwithstanding the SEIR's acknowledgment that the number of vehicles seeking parking will outstrip available parking by 3,937 spaces, the SEIR merely calls for a "Downtown Parking Management Plan" in lieu of any specific enforceable mitigation measure.

4.2

There are 15 mitigation measures set out in the traffic section of the FSEIR, all of which will be made binding on the Proposed Activities through the development's conditions of approval and through the MMRP. In addition, there are other mitigation measures, including two in the air quality section of the FSEIR, that encourage mass transit or carpooling, both of which also would help mitigate traffic impacts.

4.3

Preparation of a Freeway Deficiency Plan pursuant to Mitigation Measure 5.2-2 is an appropriate traffic mitigation measure. As indicated in Response to Comment 10.5 (FSEIR, Vol IV, pp IV-122 through IV-125), the completion of all studies needed to identify appropriate mitigation measures is not required prior to certification of the FSEIR. Courts have recognized that in some situations, the formulation of precise mitigation measures is infeasible or impractical at the time of EIR certification. In those cases, it is enough for the agency to commit itself to working out feasible measures at a later date, so long as the impacts are treated as significant at the time of EIR certification. In a similar vein, where mitigation is known to be feasible, yet practical considerations prohibit devising measures early in the process, an agency may commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time the project is approved.

292364

R-12



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 such a plan it would be impossible to identify which freeway improvements or transportation strategies actually would reduce freeway traffic congestion. 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. Thus, committing to engage in that study, an effort that is long overdue, is the best mitigation for addressing the freeway impacts resulting from the Proposed Activities.

4.4 As no specific issue related to the availability of downtown parking is identified, it is impossible to provide a specific response. However, the FSEIR does address the availability of downtown parking and imposes mitigation measures which mitigate the impact to below a level of significance. Parking impacts are discussed on pages 5.2-78 through 5.2-84 of the FSEIR. Parking mitigation measures are set forth on pages 5.2-98 through 5.2-99 of the FSEIR.

4.5 The Downtown Parking Management Plan is not the only mitigation measure proposed to respond to the anticipated shortage of downtown parking spaces within a 20-minute travel time of the ballpark. Mitigation Measure 5.2-10 requires 5,500 parking spaces be available at Qualcomm Stadium for event parking. Using Qualcomm as a remote parking lot, in combination with the Downtown Parking Management Plan, would reduce ballpark event parking impacts to below a level of significance. The provision of spaces at Qualcomm will be an enforceable measure as would the provisions of the Downtown Parking Management Plan.

Qualcomm parking is expected to successfully reduce downtown parking impacts. It is ideally located to take advantage of mass transit opportunities as it is currently served by the San Diego Trolley, with a direct connection to the downtown ballpark, and can also be readily served by special event buses. Furthermore, remote parking facilities are a common feature of major sporting events including a number of the new downtown baseball parks in other parts of the country. Qualcomm parking would allow patrons to avoid downtown traffic congestion which would in turn decrease traffic congestion and parking demand in the downtown area. In addition, a new mitigation measure to be included in the Proposed Activities would provide incentives for the parking at Qualcomm. Incentives to be considered include a "kids ride free" program, transit discount programs, discounts at restaurants and businesses around the ballpark, event ticket/transit/parking packages, and events to encourage tailgating and baseball-related activities at the Qualcomm.

LUCE, FORWARD, HAMILTON & SCRIPPS LLP  
ATTORNEYS AT LAW • FOUNDED 1873

The Honorable Mayor Golding and City Councilmembers of the City of San Diego  
October 5, 1999  
Page 3

4.5  
Cont.

There is no demonstrated basis to support the SEIR's argument that reserving 5,500 spaces for parking at Qualcomm Stadium will reduce this parking demand, which will exacerbate congestion on local streets, freeway on ramps and off ramps, beyond that already assumed in the SEIR.

Nor, as in the case of transportation impacts, is a mitigation measure committed to address this issue in the manner required by CEQA Guidelines Section 15126.4.

4.6

The SEIR fails to adequately explain why project alternatives, namely the location of the Ballpark at Qualcomm Stadium, does not present a feasible alternative.

The requirements of CEQA Guidelines Section 15126.6 appear not to have been met in the discussion of alternatives.

This omission is striking given the SEIR's findings with respect to the significant transportation and parking impacts that otherwise would be ameliorated if not fully addressed by the Mission Valley Alternative.

4.7

The SEIR does not contain an adequate impact analysis of the proposed Second Hotel (Sixth and L Street Site) Amendments nor the proposed Centre City Development Permit No. 99-0491.

Specifically, there is inadequate analysis of the land use impacts of this proposal, taking into consideration the proposed height and massing of the structure are subject to authorization pursuant to the proposed amendments to Section 103.1915D with respect to "floor area ratios." These provisions authorize a much greater height and mass than otherwise provided by the basic FAR. The impacts of a structure authorized by these provisions are not addressed in the SEIR.

The EIR does not assess these impacts from a land use, traffic or parking standpoint, nor does it consider the FAR variance provisions consistency with other applicable City/Redevelopment Agency plans or policies.

In summary, it is ironic that the City and Redevelopment Agency would proceed with a Project with such ill-defined or applied mitigation measure where the viability of existing businesses in the Redevelopment Project area will be severely impacted.

4.6

The FSEIR is not required to set out the feasibility or infeasibility of project alternatives; rather, the FSEIR is to identify and discuss alternatives that could avoid or substantially lessen the project's significant environmental effects. Pub. Res. Code Section 21002, 21002.1(a), 21100(b)(4), 21150. The analysis of alternatives may include a discussion of the factors bearing on the feasibility of the alternatives and the extent to which they can achieve project objectives, especially where consideration of feasibility and the ability to achieve project objectives is a key component of the analysis. Cal. Code Regs. 15126.6(a), (d). The FSEIR does this, in Section 10 of the document. The final decision on the feasibility of the Mission Valley alternative is the responsibility of the Council/Agency, and will be discussed in the adopted Statement of Overriding Considerations. Factors which the FSEIR takes into consideration in evaluating the feasibility of the Mission Valley site as well as the other alternatives is the suitability of the site and the availability of infrastructure.

The Mission Valley site is considered infeasible for several reasons. First, building the ballpark in Mission Valley would deny the project of its most critical funding components — CCDC's ability to use tax increment revenues for land acquisition. Land would have to be acquired regardless of where the ballpark is built, and it is CCDC's responsibility to acquire the land for the ballpark under the terms of the MOU. Since Mission Valley is not a redevelopment area, developing the ballpark in that area would not generate any tax increment revenue to support the land acquisition. More importantly, CCDC can generally only use its tax increment revenues in the redevelopment area, thus CCDC could not pay for acquisition of land in Mission Valley, leaving the entire cost to be borne by the City and the Padres. Second, building the ballpark in Mission Valley would fail to achieve one of the project's most basic objectives — redevelopment of the East Village. Third, the Mission Valley site would not increase patronage of local retail establishments, nor provide the Convention Center with an adjacent facility for large conventions, nor provide another regional facilities for civic events, amateur athletics, concerts and such gatherings, since it is anticipated that such a ballpark would share parking with Qualcomm Stadium and thus prevent concurrent events at the two venues.

292364

COMMENTS

RESPONSES

4.7 The potential impacts from the proposed Second Hotel (Sixth and L Street Site) Amendments and Centre City Development Permit No. 99-0491 are adequately addressed by the FSEIR in conjunction with the MEIR. The land on which that hotel is to be built already is zoned for a hotel and was evaluated for hotel use in both the MEIR and the FSEIR. There are no impacts from development of such hotel that have not already been analyzed and, if required, mitigated through the MEIR and FSEIR.

The permit for the hotel allows the hotel either through the transfer of Floor Area Ratio (FAR) from the ballpark or by transferring FAR from a 60,000 square foot block bounded by Seventh Avenue, Eighth Avenue, L Street, and Harbor Drive, directly to the east of the hotel footprint. The permitted FAR for the proposed hotel therefore is equal to the amount of area which would be allowed between the two blocks or through the District-wide 6.5 FAR with transfers allowed by the Sports/Entertainment District.

R

292364

LUCE, FORWARD, HAMILTON & SCRIPPS LLP  
ATTORNEYS AT LAW • FOUNDED 1873

The Honorable Mayor Golding and City Councilmembers of the City of San Diego  
October 5, 1999  
Page 4

4.7  
Cont.

which the Redevelopment Plan fosters may in fact be impeded by the unmitigated impacts noted above.

It is upon these basis that the Clarion Bay View Hotel objects to the City's adoption of the following items:

1. Redevelopment Agency Agenda Item 701, sub-items A (R-2000-368), B (R-2000-391 Cor. Copy), C (O-2000-36), and D (O-2000-47); and
2. Redevelopment Agency Agenda Item 703, the Second Hotel (Sixth and L Street Site) Amendments, sub-items A (R-2000-372), B (R-2000-399), and C (O-2000-38).

I remain,

Very truly yours,



Craig K. Beam  
of  
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

CKB/clc

cc: Mr. Lawrence Lui



292364

The City Council  
and Redevelopment Agency of San Diego

September 8, 99.  
October 4

I can not attend the public hearing regarding the proposed Ball Park, but I'd like to let you know that I strongly object to the plan to build a ball park for the following reasons.

A line in one of the senior Highrise apartments downtown, and more and more as I take walks downtown I notice the pollution from the cars. Many times I have to cover my mouth. Also there are more and more parking lots downtown. Its also getting very dangerous crossing streets with so many cars. As a pedestrian I've noticed this. If a ball park is built the traffic will be horrendous and the pollution much worse. This will affect the health of the many seniors who live downtown.

Sincerely  
E. Bennett

5.1  
5.2  
5.3

292364

- 5.1 Air pollution impacts are generally the result of the combined effects of automobile emissions throughout the San Diego Air Basin. Although the FSEIR concludes that the emissions generated from Ballpark and Ancillary Development Projects would exceed regional criteria, localized air pollution impacts associated with traffic related to the proposed ballpark and ancillary development would not create a significant local health risk. Specifically, the FSEIR concludes that the major potential source of localized pollution (carbon monoxide) could occur at major congestion areas (e.g., freeway ramps during p.m. peak hour). However, the FSEIR also concludes that, with the cleaner engines which are being mandated, carbon monoxide hot spots are considered unlikely event with the Proposed Activities.
- 5.2 Parking commonly accompanies any new development and the Ballpark and Ancillary Development Projects would be no exception. The Ballpark Project would provide dedicated parking lots but has minimized the number of new parking lots by designating the exiting parking lot at Qualcomm Stadium as a remote parking lot. This would not only reduce the number of new parking lots downtown but also reduces the traffic volumes around the ballpark.
- 5.3 The FSEIR for the Ballpark and Ancillary Development Projects acknowledges that traffic volume would increase with implementation of these activities. However, the FSEIR concludes that the grid system on downtown streets will allow the streets to carry the additional traffic without exceeding their design capacity. Existing pedestrian crossing provisions (crosswalks and/or traffic signals) would continue to provide safe access. In addition, the Event Transportation Management Plan required by the FSEIR will include additional measures to protect pedestrians in high traffic areas associated with ballpark events.

COMMENTS

RESPONSES

HENDERSON & HENDERSON

1150 SILVERADO STREET, SUITE 204  
LA JOLLA, CALIFORNIA 92037

STEPHEN K. HENDERSON  
J. BRUCE HENDERSON, OF COUNSEL

PLEASE ADDRESS COMMUNICATIONS TO  
J. BRUCE HENDERSON AS FOLLOWS:

J. BRUCE HENDERSON  
1804 GARNET AVE., SUITE 503  
SAN DIEGO, CA 92109

PHONE: (619) 273-8000  
FAX: (619) 273-8115

RECEIVED  
CITY CLERK'S OFFICE  
99 OCT 15 AM 7:35  
SAN DIEGO, CALIF.  
PHONE (619) 255-1111  
FAX (619) 255-1115

Delivered by Fax and Email

October 4, 1999

City of San Diego  
Redevelopment Agency of the City of San Diego  
202 C Street  
San Diego, CA 92101

Re: Agenda Item-701 for October 5, 1999: Subitem-A: Certification of SEIR and  
Notice of Intention to Seek Judicial Review of A Decision to Certify

Honorable Mayor and Members of the City Council.

We have previously submitted an extensive review of the Draft SEIR (Letter No. 77). That review and the responses to it are contained in the documents before you, namely, the Final SEIR.

The responses to our letter are wholly inadequate, and we urge you to reject the draft SEIR as a consequence. We ask that you either abandon the proposed project or return the SEIR for augmentation as we suggest and then recirculate it for public review pursuant to procedures set forth in CEQA.

Our criticism of the responses would, in general, simply restate our letter reviewing the proposed SEIR. The fundamental problem is the failure of those preparing the responses to comprehend the circumstances in which economic and social factors must be examined in an EIR.

6.1 The responses assert that economic effects are not significant effects on the environment. Public Resources Code §21100 and CEQA Guidelines §15131(a) are cited to support this assertion.

Aside from the question of the legitimacy of Guideline §15131(a), the responses ignore and so fail to consider CEQA Guidelines §15131(b), which is the Guideline most relevant to our review.

6.1 As indicated in Section 15064(f) and 15131(a) of the CEQA Guidelines, economic and social factors are not required to be evaluated in an EIR. Consequently, they are to be treated as significant effects on the environment, but may have some relevance in determining the significance of a physical change. This position has been upheld by several court cases including *San Franciscans for Reasonable Growth v. City and County of San Francisco*, 209 Cal. App. 3d 1502, 1516 (1989) and *Marin Municipal Water District v. KG Land California Corporation*, 235 Cal. App. 3d 1652, 1661 (1991). Consideration of the economic and social factors thus may be helpful to evaluating related physical impacts, but the commentator is incorrect in stating that they "must" be examined in an EIR.

R-  
292364

COMMENTS

RESPONSES

City of San Diego  
Redevelopment Agency of the City of San Diego  
Re: SEIR  
October 4, 1999  
Page 2 of 2

6.1  
Cont.

Guideline §15131(b) states, in part, "Economic or social effects of a project may be used to determine the significance of physical changes caused by the project."

The Guideline reflects the unambiguous mandate of Public Resources Code §21001 (e) and (g) that economic and social factors flowing from significant physical changes in the environment must be reviewed.

6.2

Our review cites numerous examples. One is the issue of the economic and social factors flowing from the physical change of proposed project whereby the physical number of seats available for a baseball game will be reduced by almost one third, from approximately 62,000 down to 42,000 or so.


As you can see from this one example, we do not seek an examination in the abstract of the economic or social factors flowing from the proposed project.

Rather, we submit that the Draft SEIR was deficient, and the Final SEIR is also deficient, because both fail to evaluate important economic and social factors flowing from physical changes in the environment, physical changes caused by the proposed project. It follows that the failure to examine these economic and social factors means that you are unable to utilize the Final SEIR to properly determine and evaluate the significance of the proposed physical changes.

Should you decide to certify the Final SEIR without requiring the evaluations we seek and without requiring recirculation of an amended draft that complies with CEQA, we intend to seek judicial review of your certification based on the various comments in our review.

Sincerely,

J. Bruce Henderson  
cc: Jerry Maillhot



6.2 The reduction in the number of seats available for a baseball game is not a physical impact upon the environment.

292364



Writer's direct dial number / email:  
(619) 544-3379  
msibbe\_dr@pillsburylaw.com

Received in Chambers  
11:43 A.M. 10-5-99

ATTORNEYS AT LAW  
101 W. BROADWAY, SUITE 1800  
SAN DIEGO, CALIFORNIA 92101-8219  
TELEPHONE (619) 234-5000 FAX: (619) 234-1995  
Internet: pillsburylaw.com

C.G. Alshen  
Cherj

October 5, 1999

**HAND DELIVERED**

San Diego City Council  
The Redevelopment Agency of the City of San Diego  
202 "C" Street  
San Diego, California 92101

Re: AFJR Partnership LP's Objections and Comments on Final SEIR for the Ballpark and Ancillary Development Projects and Associated Plan Amendments and Objections to Joint Public Hearing Before the San Diego Redevelopment Agency and San Diego City Council, October 5, 1999 @ 10:00 a.m.

Dear Council and Agency Members:

The following objections and comments on the Final Subsequent Environmental Impact Report ("FSEIR") for the Proposed Ballpark and Ancillary Development Projects and Associated Plan Amendments are submitted on behalf of AFJR Partnership LP ("AFJR"). AFJR is the owner of approximately 100,000 square feet of property located directly across from the planned expansion of the San Diego Convention Center and partially under the planned Ballpark and directly under the hotel which is the subject of the "Second Hotel Amendments" which is before this Agency and Council for consideration today. AFJR objects to the Agency and Council's certification of the FSEIR and to the approval and adoption of any resolutions which would further implement the Ballpark and Ancillary Development Projects unless and until after an adequate SEIR has been completed and AFJR has been provided with its right to participate in this redevelopment project.

AFJR will not repeat here the factual basis for the objections to the SEIR which have previously been submitted by others. AFJR hereby adopts those comments on the inadequacies of the SEIR as contained in Volumes IV and V of the FSEIR. The FSEIR has failed to comply with CEQA's informational requirements and has failed to adequately analyze and address the significant effects resulting from the project, including the significant impacts from transportation, traffic circulation and parking; air quality; hazardous materials/waste; and the other impacts noted in prior submissions resulting from the construction of a ballpark in the Centre City area. AFJR further objects on the grounds that the analysis of mitigation measures is

7.1

R  
-  
292364

7.1 The FSEIR describes and analyzes the significant environmental effects of the Proposed Activities and discusses ways of mitigating or avoiding those effects, as required by CEQA. It provides sufficient analysis to allow decision-makers to intelligently consider the environmental consequences of acting on the Proposed Activities, providing a reasonable, good faith analysis of the environmental impacts, including all of the impact areas listed by the commentor (See FSEIR Section 5.2-2 (transportation, circulation and parking), 5.2-6 (air quality), 5.2-13 (hazardous materials/waste)). As the commentor does not explain how the analysis of mitigation measures is "incomplete and inadequate", no more specific response can be offered. The FSEIR proposes and describes mitigation measures to minimize each identified significant environmental effects, discusses the effectiveness of the feasible mitigation measures and provides an analysis of the ability of those mitigation measures to lessen the identified impacts.



# COMMENTS

# RESPONSES

San Diego City Council  
The Redevelopment Agency of the City of San Diego  
October 5, 1999  
Page 2

7.1  
Cont. incomplete and inadequate. Furthermore the responses to the comments are not sufficient to meet the CEQA guidelines.

In addition, AFJR objects to the FSEIR as inadequate in failing to analyze and consider a reasonable range of alternatives. In particular the FEIR is fatally flawed in failing to sufficiently consider the "Mission Valley Alternative". A basic policy of CEQA is that a public agency may not approve a proposed project which would have significant effects on the environment, if there are feasible alternatives or mitigation measures which could avoid or substantially lessen significant effects. CEQA §21102, 21081. To carry out this policy, CEQA provides that an EIR must include a discussion of alternatives to the project. CEQA §21061. Specifically, CEQA §15126(d) requires the review of alternative locations. In order to reject an alternative site, it must be found not to be "feasible". See *Citizens of Goleta Valley vs. Board of Supervisors*, 52 Cal.3d 553 (1990). Here, the FSEIR concludes, "the Mission Valley alternative is considered to be the environmentally superior alternative" for this project. The FSEIR establishes that the Mission Valley alternative would eliminate numerous significant impacts otherwise created under the current plan. As stated in the FSEIR, the environmental impacts eliminated and/or substantially addressed by this alternative site include:

- 7.2
- Avoidance of "... the potential land use conflicts associated with the Centre City East site. In addition, it would minimize the overall land use conflicts associated with siting a new ballpark by locating it near the existing Qualcomm Stadium where baseball games are currently being played";
  - "Eliminate the potential noise, lighting and parking impacts of the ballpark on the surrounding area in Centre City East. It would also avoid impacts on surrounding land uses from displacement of homeless populations as no substantial homeless population exists on the Mission Valley site";
  - "... the Mission Valley site would avoid the loss of residential development by allowing the Centre City East site to continue to be available for residential development with support commercial as envisioned by the Centre City Community Plan";
  - "The Mission Valley site would avoid the direct impacts to the historic buildings within the area of the Proposed Activities and the associated conflict with the City's Resource Protection Ordinance";
  - "The Mission Valley site would avoid traffic circulation, parking and transit impacts associated with building the ballpark in Centre City East";
  - "Development of the Mission Valley site would eliminate the significant impacts to the historic resources which would be impacted by the proposed Ballpark Project. In addition, development of a ballpark at the Mission Valley site would not result in

7.2 The FSEIR describes a reasonable range of potentially feasible alternatives to the project and/or its location. Furthermore, the FSEIR contains a detailed discussion of the Mission Valley alternative. The FSEIR does not "reject" the Mission Valley site — an EIR is responsible for describing alternatives, not for choosing or rejecting alternatives. The decision on the feasibility of the Mission Valley alternative will be made by the Council/Agency, and will be discussed in the Statement of Overriding Considerations to be adopted at that hearing. See Response to Comment 4.5 for further discussion of the feasibility of the Mission Valley alternative. There is ample factual support and analysis of the alternatives analysis in the FSEIR and otherwise in the administrative record of these proceedings, including, for example, in the Report of the City of San Diego Task Force on Ballpark Planning, January 29, 1998 ("1998 Planning Task Force Report") and the Report of the Mayor's Task Force on Padres Planning, September 19, 1997 ("1997 Mayor's Task Force Report").

San Diego City Council  
 The Redevelopment Agency of the City of San Diego  
 October 5, 1999  
 Page 3

significant cultural resource impacts as no significant cultural resources occur on the property”;

- “Locating the ballpark at the Mission Valley site would avoid the aesthetic/visual quality impacts associated with the Centre City East location”;
- “The Mission Valley site would avoid the noise impacts which would be experienced by the area surrounding the proposed location in Centre City East”;
- “As with noise, the Mission Valley site would avoid light impacts in Centre City East and locate the ballpark in an area where field lighting at Qualcomm Stadium is already affecting existing development around the potential ballpark site. The Mission Valley site would avoid cumulative impacts on regional observatories by eliminating the proposed ballpark as a second regional sports facility”;
- “The Mission Valley site would avoid potential significant impacts to paleontological resources”;
- “Constructing the ballpark at the Mission Valley site would reduce the potential water quality impacts associated with the Centre City East site”;
- “The Mission Valley site would relieve the additional demand for police and fire protection service as well as water and sewer facilities in Centre City East. In addition, the public services in the Mission Valley area are already providing for ballgames at Qualcomm Stadium. Therefore, there would be no new public facility impacts created by constructing the ballpark at the Mission Valley site”;
- “Locating the ballpark at the Mission Valley site would avoid the impact of the ballpark on housing in downtown San Diego as it would not interfere with the residential development envisioned for the Centre City East site by the Centre City Redevelopment Plan, Community Plan and PDO”.

In response to the substantial mitigation identified above, the FSEIR merely concludes, without any factual support or analysis, that the alternative would not be [feasible] because (1) the site would not achieve the goals of encouraging redevelopment in downtown San Diego; and (2) the absence of defined ancillary development and redevelopment financing tools “could be difficult” at the Mission Valley site. These conclusory statements are inadequate as a matter of law.

As this Council and Agency are fully aware, a substantial portion of the financing for this project will be obtained from the TOT revenue resulting from newly constructed hotel projects in the vicinity of the expanded Convention Center. These hotels will be built whether or not the ballpark is constructed. The hotels will be necessary to support the expanded Convention Center. Whether the ballpark is constructed downtown or at

7.2  
 Cont.



292364

R-22

COMMENTS

RESPONSES

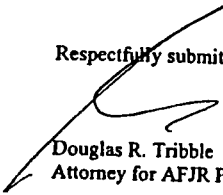
San Diego City Council  
The Redevelopment Agency of the City of San Diego  
October 5, 1999  
Page 4

7.2  
Cont.

the Mission Valley site, the City will receive the same TOT revenue. Furthermore, just as the existing Convention Center created substantial redevelopment downtown, the significant expansion to the Convention Center will also result in substantial redevelopment in downtown as evidenced by the current flurry of activity to construct hotels in and about the area. This development will occur whether or not the ballpark is constructed downtown. The Mission Valley site must be considered.

As the above comments and objections demonstrate, the FSEIR fails to comply with CEQA in a number of respects and therefore, as a matter of law, cannot be certified at this time.

Respectfully submitted,



Douglas R. Tribble  
Attorney for AFJR Partnership LP

R-  
292364

COMMENTS

RESPONSES

From: nsuserid@graham.sanmel.gov  
To: SD\_CITY.CLERK(MDM),SD\_CITY.SOMAYOR(IRH)  
Date: Sun, Oct 3, 1999 10:39 PM  
Subject: City Council Meeting Comments Form

# 701  
and # 704  
10-5-99

San Diego City Council Meeting Agenda Comment Form  
Submitted on Sunday, October 3, 1999 at 22:39:06

name: James P. Ficker

e-mail: jfdesert@pacbell.net

address: 4622 Campus Ave.

city: San Diego

state: ca

zip: 92116

area code: 619

telephone: 574-7516

source: San Diego City Council Meeting Agenda Comment Form at  
<http://www.ci.san-diego.ca.us/city-council/docket-comment.shtml>

8.1

Comments: Re: Oct. 5 mtg. Item 701, subitem A (R-2000-368) and Item 704, subitem A (R-2000-369)  
These proposed approvals of a 2500 page document, with one day of public comment and no resolution  
of the issues raised in the EIR, is yet more of the same ramrodding tactics used by this City government to  
foist this grand scheme upon an unwilling citizenry. The document itself is faulty, and the public review  
and feedback process is woefully inadequate.

8.1 The public comment opportunities have not been limited to the October 5 hearing. Extensive opportunities for public input and comment have been provided throughout the environmental review process. There was a 45-day public review period for the draft SEIR, from May 12, 1999 until June 25, 1999. There were 118 letters submitted on the draft SEIR during the public review period, all of which were responded to in full in the FSEIR, which was released to the public on September 13, 1999. In addition to the opportunity to comment during the public review period, there have been multiple public workshops and hearings on the Proposed Activities. Workshops on the FSEIR were held with (1) the Project Area Committee (PAC) on September 15, 1999; (2) the City of San Diego Planning Commission, on September 16, 1999; the Board of the Centre City Development Corporation (CCDC) on September 17; and the City Council of the City of San Diego/Redevelopment Agency of the City of San Diego (Council/Agency) on September 28, 1999. Additional presentations on the Proposed Activities and the FSEIR were provided to the PAC, Planning Commission, CCDC and Council/Agency on September 22, 1999 (PACT); September 30 and October 14, 1999 (Planning Commission) and October 1, 1999 (CCDC Board). The Council/Agency received an additional presentation on the FSEIR and the Proposed Activities on October 5, and additional public testimony will be taken on October 22. It is anticipated that final action on the Proposed Activities and on certification of the FSEIR would not occur before October 26, 1999. The Proposed Activities and the FSEIR also were discussed at a number of community meetings, including an August 12, 1999 meeting with the East Village Association, an August 18, 1999 meeting with the Gaslamp Quarter Association, an August 24, 1999 meeting with the Downtown Partnership and an August 24, 1999 public workshop held in the East Village.

R-  
292364

COMMENTS

RESPONSES

# 701  
10-5-99

From: nsuserid@graham.sannet.gov  
To: SD\_CITY.CLERK(MDM),SD\_CITY.8DMAYOR(1RH)  
Date: Fri, Oct 1, 1999 8:42 PM  
Subject: City Council Meeting Comments Form

San Diego City Council Meeting Agenda Comment Form  
Submitted on Friday, October 1, 1999 at 20:42:22

name: Carrie Schneider

e-mail: cschneid@n2.net

address: 2821 32ND ST

city: San Diego

state: CA

zip: 92104

areacode: 619

telephone: 282-3845

source: San Diego City Council Meeting Agenda Comment Form at  
<http://www.ci.san-diego.ca.us/city-council/docket-comment.shtml>

9.1  
9.2

comments: Oct 5, 1999 Item 701

I have two comments about the ballpark EIR:

- the time frame between release and the docket date for voting to approve or deny is "much" too short.
- from what I read in the Union Tribune, the plan is to around a dozen 10-30 min fireworks events per year, and also cannon-type noise after home runs and wins. It is unacceptable to have this kind of noise late at night on a regular basis (assuming that the team will actually win) in a area where people are trying to sleep. Cannon fire is not necessary to the operation of the game: the ballpark can find a different way to celebrate wins.

R-  
292364

- 9.1 CEQA does not require any opportunity for public review of the final EIR before project approval. Nonetheless, the public has had since September 13, 1999 to review the document and has had numerous opportunities to comment on the FSEIR at a variety of public hearings held since that time, as outlined in Response to Comment 8.1. As required, CCDC provided public agencies that commented on the EIR a copy of the FSEIR at least 10 days prior to date certification of the FSEIR is to be considered.
- 9.2 The FSEIR acknowledges that fireworks displays after 10 p.m. would constitute a significant impact on sleep activities around the ballpark. However, fireworks are considered an integral part of today's baseball experience in San Diego and, therefore, no guarantee can be offered to eliminate fireworks displays after 10 p.m.. However, Mitigation 5.4-5 would limit the magnitude of the impact of fireworks after 10 p.m. through several measures. First it would limit concussion-type fireworks displays to no more than three 30-minute and ten 10-minute shows per year and would substantially reduce the number of these displays which would occur on weekday evenings. Second, it would limit fireworks celebrating home runs or victories to theatrical fireworks which do not involve concussion fireworks.

# ATTACHMENT 1

Centre City  
Development  
Corporation

## MEMORANDUM

DATE: MAY 25, 1999  
TO: CENTRE CITY DEVELOPMENT CORPORATION  
FROM: JEFF P. ZINNER, ASSOCIATE PROJECT MANAGER  
COPY: PETER J. HALL, PRESIDENT  
SUBJECT: REPAYMENT IN THE AMOUNT OF \$75,000 TO THE CITY OF SAN DIEGO TO FUND A ONE YEAR EXTENSION OF THE HOMELESS OUTREACH TEAM (PSYCHIATRIC EMERGENCY RESPONSE TEAM CLINICIAN) - CENTRE CITY AND HORTON PLAZA REDEVELOPMENT PROJECTS

## RECOMMENDATION

That the Corporation recommend:

- 1) That the Redevelopment Agency make a repayment in the amount of \$75,000 to the City of San Diego; and
- 2) That the Redevelopment Agency amend the proposed FY 2000 Budget, increasing the Horton Plaza City Loan Repayment Fund by \$75,000, and decreasing the Horton Plaza Public Improvements Fund by \$75,000; and
- 3) That the City Council program the repayment to fund a Psychiatric Emergency Response Team (PERT) Clinician to serve as part of the Homeless Outreach Team for one additional year.

## FISCAL IMPACT

Funds are available through a reallocation of funds in the amount of \$75,000 from the Horton Plaza Public Improvements line item to the Horton Plaza City Loan Repayment Fund within the proposed FY 2000 Budget.

## BACKGROUND

At its meeting of August 28, 1998, the Corporation recommended that the Redevelopment Agency make a repayment to the City of San Diego in the amount of \$55,000 for the

Item Number 10, page 1  
Meeting of June 4, 1999  
Agenda Number 491

San Diego, California 92101-6074 619 235-2200 FAX 619/236-9148

purpose of funding a Psychiatric Emergency Response Team (PERT) Clinician to serve as part of the Homeless Outreach Team (HOT Team) pilot program. These funds were intended to provide a one time source of funds to support a nine month trial period, from October 1998 through June of 1999, for this new program. During this period, the City and the Downtown Partnership were to attempt to secure funding for the continuation of the program, should it prove successful.

The focus of the Homeless Outreach Team program is to address the causes of homelessness on a case-by-case basis, treat the homeless as individuals, direct them to appropriate service providers, coordinate available resources, and identify deficiencies in resources available to serve this population. The ultimate goal of the program is to break the cycle of homelessness.

The current Homeless Outreach Team is comprised of two San Diego Police Officers, a county social service representative, a PERT clinician, and a program manager. With the exception of the PERT clinician, the HOT Team utilizes existing resources which have been reallocated to this program.

On February 19, 1999, the Corporation received a ninety-day status report on the Homeless Outreach Team pilot program which indicated, based on the amount of information available, that the approach and methodology of the program is effective at addressing the issue of homelessness.

## DISCUSSION

As stated, funding for the PERT Clinician component of the HOT program will be exhausted approximately June 30, 1999. Continuation of this successful pilot program requires interim funding until a permanent funding source can be secured.

The Downtown Partnership's efforts at securing an on-going funding source for this component of the HOT program have been to include it in the proposed budget for the downtown Clean and Safe Program, a property based assessment district, which is being formed to provide a comprehensive management district for Downtown. Responses to the formation of the Clean and Safe Program, and the inclusion of a budget item for the HOT program have generally been favorable, however, this program must successfully complete a petition drive, ballot campaign, and ratification by the City Council prior to formation. It is anticipated that this process will be completed by November of 1999, with implementation scheduled for July 1, 2000.

The Homeless Outreach Team Project Manager had submitted an application for Community Development Block Grant (CDBG) funds to fund the PERT Clinician for the upcoming fiscal year. That request was not funded. Other efforts to secure funding for this position were also unsuccessful.

Item Number 10, page 2  
Meeting of June 4, 1999  
Agenda Number 491

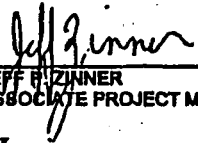
R-292364

# ATTACHMENT 1

The City and County remain committed to providing the personnel and resources that they have provided to the program, i.e. the police officers and social workers, but are unable to commit additional funding towards the PERT Clinician.

Approval of the staff recommendation will provide funding to the City to provide for a one year extension of the HOT pilot program.

Submitted by:

  
\_\_\_\_\_  
JEFF ZINNER  
ASSOCIATE PROJECT MANAGER

Vpz

Concurred by:

  
\_\_\_\_\_  
PETER J. HALL  
PRESIDENT

R-  
292364

Item Number 18, page 3  
Month of June 4, 1999  
Account Number 891

# ATTACHMENT 1

Centre City  
Development  
Corporation

Mayor & Members of the City Council  
June 16 1999  
Page -2-

## MEMORANDUM

DATE: JUNE 16, 1999  
TO: MAYOR AND MEMBERS OF THE CITY COUNCIL  
FROM: JEFF P. ZINNER, ASSOCIATE PROJECT MANAGER  
COPY: PETER J. HALL, PRESIDENT  
SUBJECT: REPAYMENT IN THE AMOUNT OF \$230,000 TO THE CITY OF SAN DIEGO TO FUND A ONE YEAR EXTENSION OF THE HOMELESS OUTREACH TEAM (PSYCHIATRIC EMERGENCY RESPONSE TEAM CLINICIAN) AND A ONE YEAR EXTENSION OF THE DOWNTOWN AMBASSADORS PROGRAM (ALPHA PROJECT) - CENTRE CITY AND HORTON PLAZA REDEVELOPMENT PROJECTS

## RECOMMENDATION

That the City Council:

- 1) Accept a repayment from the Redevelopment Agency in the amount of \$230,000;
- 2) Program \$75,000 of the repayment to fund a Psychiatric Emergency Response Team (PERT) clinician to serve as part of the Homeless Outreach Team (HOT) for one additional year;
- 3) Program \$155,000 of the repayment to fund a one year extension of the Downtown Ambassadors Program (Alpha Project); and
- 4) Direct that a workshop be held prior to December 31, 1999 to evaluate long term funding options for the services provided by these programs.

## FISCAL IMPACT

Loan repayments to the City of San Diego would increase by the amount of \$230,000. Funds are available through a reallocation of funds from the Horton Plaza Public Improvements line item to the Horton Plaza City Loan Repayment Fund within the proposed FY 2000 Budget.

## DISCUSSION

In an effort to create and maintain a downtown environment which is conducive to tourism, residential living, business, and one in which the public feels comfortable, two innovative programs have been implemented. These programs, the Homeless Outreach Team (HOT) Program and the Downtown Ambassadors Program (operated by the Alpha Project) address issues associated with the downtown street population through cooperative efforts between the Centre City Development Corporation (CCDC), the Redevelopment Agency, the City of San Diego, the Downtown Partnership, and various other individuals and organizations.

Both programs have proven to be successful and are included for on-going funding in the proposed budget for the Clean and Safe Program which is anticipated to be implemented by July 2000. The Clean and Safe Program is a property-based improvement district which, if approved by the property owners and ratified by the City Council, will provide funding and management for enhanced maintenance and public safety services downtown through a district wide assessment. The Clean and Safe Program is in the approval stage which requires a successful petition and ballot campaign prior to being presented to the City Council for ratification. This process is anticipated to be completed by November 1999.

Current funding for both the PERT clinician component of the HOT Program and the Downtown Ambassadors program will be exhausted on or about June 30, 1999. To provide interim funding for these services, pending implementation of the Clean and Safe Program, it is recommended that the Agency approve a repayment of funds borrowed from the City and recommend that the City program those funds for this purpose. Should the Clean and Safe Program not be approved by the end of the current calendar year, it is also recommended that a workshop be held to discuss potential alternate funding sources or the discontinuation of these services.

## Homeless Outreach Team (PERT Clinician)

On September 29, 1998, the Redevelopment Agency approved a repayment to the City of San Diego in the amount of \$55,000 for the purpose of funding a Psychiatric Emergency Response Team (PERT) clinician to serve as part of the Homeless Outreach Team (HOT) pilot program. These funds were intended to provide a one-time source of funds to support a nine month trial period, from October 1998 through June of 1999. During this trial period, the City and the Downtown Partnership were to attempt to secure funding for the continuation of the program, should it prove successful. As mentioned, the Partnership continues to pursue implementation of the Clean and Safe Program. The City's HOT Program project manager was unsuccessful in obtaining funding for the PERT component of the program in time to continue the program without interruption, but continues to pursue funds which could be directed towards expansion of the program.



# ATTACHMENT 1

Mayor & Members of the City Council  
June 18, 1999  
Page 3

The focus of the HOT Program is to address the causes of homelessness on a case-by-case basis, treat the homeless as individuals, direct them to appropriate service providers, coordinate available resources, and identify deficiencies in resources available to serve this population. The ultimate goal of the program is to break the cycle of homelessness.

HOT is comprised of two San Diego police officers, a county social service representative, a PERT clinician, and a program manager. With the exception of the PERT clinician, the HOT Program utilizes existing personnel and resources which have been allocated to this program from their respective organizations.

Approval of the recommendation to program \$75,000 towards the HOT Program will provide funds to support the PERT clinician position for one year.

To date, based on the available information, the approach and methodology of the program has proven to be effective at addressing the issue of homelessness. A status report containing data from the first six months of operations is attached as Exhibit A.

## Alpha Project (Downtown Ambassadors Program)

In January 1998, the Corporation approved an agreement with the Alpha Project to address specific security problems being experienced in the downtown parks. The initial period for this pilot program was 90 days. The services provided by the Alpha Project include patrols by Alpha Project members who interact with the public, provide assistance to the homeless population and to downtown visitors, also, work with the police and local security to create awareness and solutions to downtown criminal activity. Alpha Project members receive training in CPR, conflict resolution, anger management, and the history of downtown San Diego. Approximately 95% of the people working for Alpha Project are formerly homeless.

In March 1998, the agreement was extended for an additional 90 days as a result of the success of the program and the support of the community. In June 1998, the Corporation approved an amendment that further extended the contract through December of 1998.

In November 1998, the Corporation approved a third amendment to the contract which extended the program through June 1999. At the time that the third amendment was approved, the target date for approval of the Clean and Safe Program was June 1999. The third amendment was intended to sustain the Downtown Ambassadors program until the Clean and Safe Program would take effect.

The level of service currently provided includes 2 two-member teams patrolling 12 hours per day, seven days per week. Additional information about Alpha Project and the Ambassador Program is attached as Exhibit B.

Mayor & Members of the City Council  
June 18, 1999  
Page 4

Approval of the recommendation to program \$155,000 towards the Downtown Ambassadors Program will provide funds to support the program for one year at its current level of service.


## REVIEWS AND COMMITTEE ACTIONS

On June 4, 1999, the Corporation Board of Directors unanimously approved a repayment in the amount of \$75,000 to the City of San Diego, amending the proposed FY 2000 Budget to reflect the repayment, and that the City program the repayment to support a one-year extension of the contract for the PERT clinician component of the HOT Program.

On June 25, 1999, the Corporation Board of Directors will consider a repayment in the amount of \$155,000 to support a one year extension of the Downtown Ambassadors Project operated by the Alpha Project.

Submitted by:

Concurred by:

  
JEFF PANNER  
ASSOCIATE PROJECT MANAGER

  
PETER J. HALL  
PRESIDENT

Attachments: Exhibit A - Homeless Outreach Team Status Report  
Exhibit B - Alpha Project Ambassador Program Summary

vpr

292364



THE CITY OF SAN DIEGO  
MANAGER'S REPORT

DATE ISSUED: February 18, 1999 REPORT NO. 99-36  
ATTENTION: Honorable Mayor and City Council  
SUBJECT: Homeless Outreach Team - Status Report

**SUMMARY**

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE CITY COUNCIL.

**BACKGROUND**

The City of San Diego created a pilot Homeless Outreach Team (HOT Team) slated to operate for a nine-month period between October 1, 1998 and June 30, 1999. The HOT Team seeks to reduce the homeless population by developing individual solutions for people who have not availed themselves of social services they need to become productive members of the community again. The pilot program focuses on the downtown area. This is a three-month status report of the team's activities.

**DISCUSSION**

**Introduction**

In the summer of 1998, a multi-department committee met on a regular basis to identify appropriate ways to end an illegal homeless encampment in the Community Concourse while respecting their civil rights. The main solution identified included providing an assessment of individuals needs that led to homelessness and providing appropriate social services to the people who had gathered.

After hearing patrol stories by police officers who work with the homeless on a daily basis, the committee learned that police officers have limited options available to them to assist people towards self sufficiency. Placement in jail or the County Mental Health facility were often the only choices. These choices do not break the cycle of homelessness; the same people are back on the street, no better for the experience, in a matter of days, if not hours. Their homelessness continues even while the valuable City and County resources necessary to deal with them must be spent again and again.

The City committee proposed the development of a pilot program to give police more choices of action. The concept was simple. The HOT Team would match two City Police Officers with a County Social Service Representative, and a Psychiatric Clinician provided by Psychiatric Emergency Response Team Inc. (PERT, Inc.). Instead of using jail or County Mental Health as placements, the officers would have the available expertise to assess each individual homeless person. Each person could then be matched with the appropriate social, legal, mental, and physical health services that could break that individual's cycle of homelessness.

Each team member contributes what she or he does best. If the homeless person is involved in criminal activity, the Police Officers enforce the law. They also bring with them the resources of the City's community-oriented policing strategy. The Social Services Representative connects homeless individuals with programs that the County and other agencies can provide such as drug and alcohol treatment, job training, physical and mental health screening, etc. The Psychiatric Clinician can make referrals after assessing whether an individual may be a danger to themselves or others, emotionally unstable, need medications, or gravely disabled. A Program Manager handles negotiations when several agencies with different policies and practices are involved.

The HOT Team office is located in the City's Gaslamp Police Storefront at 205 G Street (across from Horton Plaza). The team works Monday through Friday during normal working hours, but makes its schedule flexible as needed.

**Costs**

The City's Police Department provided two Police Officers, the office space, utilities, and the two patrol vehicles used by the team. The County Health and Human Services Agency provided a Social Service Representative. The Centre City Development Corporation's board returned to the City \$55,000 as a repayment of previously loaned funds which the San Diego City Council re-appropriated to fund the Psychiatric Clinician, a lap top computer, a cellular phone, client identifications, food script, and other necessities. The City's Homeless Coordinator serves as the Program Manager.

**Approach**

The HOT Team's approach is to contact homeless individuals and assist that person to solve his/her issues that led to their homelessness. Each individual whose issues are resolved reduces by one the number of people on the streets. The 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 providing a path out of homelessness. People who are homeless can avail themselves of services to solve their issues. The goal of the HOT Team is to return the person to a productive life.

R-  
292364

## ATTACHMENT 2

Appropriate team actions may include the following placements: law enforcement custody, psychiatric hospitalization, drug/alcohol rehabilitation, shelter placements, and so forth.

### Status After Three Months of Operation

During the first three months of operation, the team's activities have focused on five areas:

1. **Developing an inventory of available resources and tools necessary to function efficiently. This included:**
  - Visiting social service agencies and community groups within the downtown region to document what they had to offer and educate them about the resources of the HOT Team;
  - Developing a social service agency inventory;
  - Creating a computerized client filing system;
  - Building a computerized filing system of property owner letters seeking enforcement of various trespass laws; and
  - Directing Retired Senior Volunteer Patrol (RSVP) in entering data into the computerized files.
2. **Working on the streets to identify individual homeless whose needs must be addressed. This included:**
  - Making contact with hundreds of homeless individuals; and
  - Conducting surveys of the downtown homeless to identify demographics and trends (see Attachment A).
3. **Working with individual homeless to resolve their issues. This included:**
  - Developing histories and case studies of individuals who are homeless (see sample, Attachment B);
  - Working on individual solutions for 79 people who were homeless (see Attachment C); and
  - Maintaining an active case load of approximately 30 individuals.
4. **Funding development and awareness for the HOT Team's pilot program. This included:**
  - Applying for a law enforcement grant to provide greater computer capability;
  - Documenting the need for specific resources;
  - Creating a workshop with members of organizations of other outreach programs to better coordinate efforts between those organizations;
  - Working with the County Health and Human Services Agency to create a half-hour video that will air on cable television.
5. **Making efforts to find a long term placement solution for public inebriates. This is an effort to decrease the financial liabilities involved with managing chronic inebriates who continually refuse services. This included:**
  - Documenting financial statistics; and
  - Reviewing current and developing proposed legislation.

Success with the chronic homeless population is measured in small increments. An example of a small success may be helping a homeless individual to make appointments to obtain Social Security benefits, thereby allowing them to afford a board and care facility instead of using overburdened homeless shelter facilities. While it is difficult to compare the financial costs of police activities with and without a HOT Team, it is known that homeless people have more contacts with police and emergency paramedics than do other segments of the population. For example, one homeless person has been transported to the hospital by fire paramedic units over 60 times in one year. Thousands of dollars were spent without breaking their cycle of homelessness on out-of-service police units, fire paramedic units, and hospital resources for this one homeless individual last year. If those resources were better allocated, it would have greatly benefitted him and the community. A case study (see Attachment B) gives a good example of how the team works. Some people who are homeless refuse assistance, but many ask for assistance and do benefit from this program.

### Future Funding and Program Expansion

No other jurisdiction in the San Diego region operates a program similar to the City's HOT Team. Many area jurisdictions are studying the City's HOT Team model as a means of addressing their homeless concerns.

Two key decisions will have to be made by the San Diego City Council before the end of the pilot program on June 30, 1999:

1. **Should the program be continued, and, if so, how should the PERT Clinician and associated costs be funded? The funding from the CCDC budget was a one-time bridging effort. The Downtown San Diego Partnership is considering funding the team's future costs in its proposed downtown maintenance district assessment. Staff recommends the program continue based upon this funding being available. Staff will report on the status of this issue in the next 90 days.**
2. **Should additional teams be developed for downtown and other areas, and, if so, how should they be funded? It was the City's intent to recommend that teams be created throughout the City if the downtown pilot team proved successful. The funding of these new teams would depend on finding financial resources and partnering with appropriate County offices. The County Social Services Representative is being loaned to the team by the Health and Human Service Agency's Central Region as an experiment to help individuals who may be eligible for benefits but are unwilling or unable to access them. There are a total of eleven regional centers within the County. Within these regional centers, individuals are assessed for eligibility for social service assistance. Staff will report in the next 90 days on this issue.**

# ATTACHMENT 2

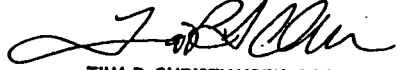
## Summary

In its first 90 days of existence, the Homeless Outreach Team pilot study has demonstrated that the development of individually tailored solutions is effective in assisting the chronic homeless. A team composed of Police Officers, a County Social Services Representative, a Psychiatric Clinician, and a Program Manager seems to be effective in addressing the complex issues facing homeless individuals. The composition of the team also has improved the accessibility of resources. Providing follow-up and case management appears to be a key component in achieving success.

The early findings presented in this report support a recommendation that the team concept developed in the pilot study could be expanded to other areas in the City where homelessness is an issue. The ability of the City to expand the program is dependent on County participation and the identification of resources for the Police positions and the Psychiatric Clinicians. One model is for business districts, such as the San Diego Downtown Partnership, to assess themselves to fund these positions. The dollar amount of funding a Psychiatric Clinician and associated costs is approximately \$75,000 per year. Initial discussions have been held with PERT Inc., regarding applying for private funding for the expansion of the team approach. These alternatives will be presented as part of the City budget process this spring. We will report on our progress within the next 90 days.

Should you have any questions, contact the Homeless Outreach Team Program Manager, Ross McCollum, at 238-6326.

Respectfully submitted,



TINA P. CHRISTIANSEN, A.I.A.  
Economic Development and Community  
Services Director

WASHINGTON/RM

Attachments

cc: Centre City Development Corporation  
Downtown San Diego Partnership  
County of San Diego  
PERT, Inc.

292364

-5-

## City of San Diego Homeless Outreach Team

Attachment A

### HOMELESS POPULATION SURVEYS:

One of the purposes of the Homeless Outreach Team is to document the need for resources. While most will agree there are not enough services for the homeless, it is not universally agreed what type of services are most needed and where they should be located. To help document the services most needed, the HOT Team conducted surveys of the homeless population sleeping on the streets on January 13. The HOT Team's survey findings are similar to those by other groups, including the Regional Task Force on the Homeless. In general, the team found the individuals surveyed have significant mental health issues and drug/alcohol related problems. The majority are 38-45 years old, with 76% being men and 25% being women. Most came to San Diego from some other location and have lived here for several years (not unlike most San Diegans who aren't homeless). Some homeless do not utilize shelters and prefer the freedom to do as they please and live on the streets because they dislike shelter rules, especially those that prohibit the use of alcohol and/or drugs. There may be a need to have legislation introduced at the State or local level to require mandatory rehabilitation for chronic alcoholics. It is likely, should legislation be pursued that the results will be a need for more beds for this chronic population as part of an alcohol treatment process. More survey research needs to be completed in this area and the results shared with appropriate agencies.

#### Survey results: January 13, 1999

- 101 persons contacted, 66 agreed to be surveyed (49 males and 17 females)
- Areas surveyed - Kettner to 6<sup>th</sup> and Broadway to Beach, and from Market to Imperial and from 6<sup>th</sup> to 17<sup>th</sup>
- 52% were between 36 and 45 yrs old and 28% were between 46 and 59 yrs old
- 74% have been in San Diego more than one year
- 44% have been homeless for more than one year
- 24% receive some sort of benefits and 66% had no means of support
- No homeless families were observed on the streets
- Stated reason for being homeless - 36% had lost their job, 24% due to alcohol/drug abuse, 20% was by choice

# ATTACHMENT 2

Attachment B

City of San Diego Homeless Outreach Team

**CASE HISTORY: DAVE**

*One of the significant factors in homelessness is the inability of certain individuals to break out of what is called the cycle of homelessness. The City's Homeless Outreach Team is creating case studies like this one to document and explain the cycle of homelessness in real terms with histories of the lives of real people.*

Dave (not his real name) is a single, 48-year-old, homeless male with whom the team has made numerous contacts. The County's Department of Social Services had prior knowledge of the client. He is a chronic alcoholic with severe medical complications. At one time, he was eligible for Social Security benefits, but he was unable to keep his scheduled appointments at the Social Security offices. The client's benefits were then terminated. The HOT Team first came in contact with Dave (an inebriate, lying on the corner of Thirteenth and Market). To successfully manage this case, all members of the team were needed to provide their unique skills.

1. After much prompting by the team, Dave agreed to go to Volunteers of America (VOA) for detoxification and rehabilitative treatment. The client left this treatment of his own volition after approximately three days. At this time, there is no law that mandated rehabilitation for alcoholism.
2. The team re-contacted Dave on the streets, and the Psychiatric Clinician performed a mental status assessment to ensure he had no psychiatric crisis. He had none.
3. The Social Services Representative helped secure benefits for the client.
4. During the next several weeks, Dave was transported via ambulance to UCSD and Mercy Hospital for medical treatments, some of which were related to his alcoholism.
5. The client was repeatedly brought back to the VOA by the City's Police Department and the HOT Team after his release from the hospital.
6. After failing to show-up for a scheduled Social Services appointment, the team attempted to locate Dave on the streets. The team contacted the morgue and local hospitals, finally locating him at Mercy Hospital.
7. The team's last contact with Dave was at Mercy Hospital where he was receiving medical treatment for alcoholism and related issues. The team is working with the hospital to secure long term housing placement for him and will be his representative in reapplying for the Social Security benefits Dave lost before the team first contacted him.

This case is not closed, nor will it, until Dave is in a stable environment. The HOT team will continue to follow Dave's recovery and insure service thus reducing homelessness one person at a time.

Attachment C

City of San Diego Homeless Outreach Team

Homeless Outreach Workload: Oct. 1, 1998 to Dec. 31, 1998

Number of contacts made: hundreds

Number of cases worked: 70

Action	#	Current Status
Detained for 72 hour observation due to being of danger to themselves and/or others	14	Continue to provide follow-up
Provided shelter in board and care, hotels, or other facilities	22	Continue to provide follow-up
Provided access to social service benefits	11	Continue to provide follow-up
Arrested	5	Continue to provide follow-up
Provided drug/alcohol rehabilitation services	6	Continue to provide follow-up
Refused services	22	Even though refused services follow-up will be performed

**Note:**

The above actions were the primary response to offered services. Most clients required multiple services over a sustained period of time.

R-  
292364



THE CITY OF SAN DIEGO  
MANAGER'S REPORT

DATE ISSUED: June 14, 1999 REPORT NO. 99-126  
ATTENTION: Honorable Mayor and City Council  
SUBJECT: Homeless Outreach Team - Six Month Status Report

SUMMARY

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE CITY COUNCIL.

BACKGROUND

Attached is the six month status report for the Homeless Outreach Team (HOT) reflecting the period October 1, 1998 through March 31, 1999. The report was prepared by Psychiatric Emergency Response Team Inc. (PERT, Inc.), our nonprofit partner in providing mental health support to the HOT Team. The HOT Team, composed of two Police Officers, a County of San Diego Social Service Representative, and a Psychiatric Clinician have been serving the Downtown chronic homeless street population since October 1, 1998. Manager's Report No. 99-38 issued February 18, 1999, summarized the first three months of operations. The report concluded that development of individually tailored solutions is effective in assisting the chronic homeless, was effective in addressing the complex issues facing homeless individuals, and the HOT Team composition improved accessibility of resources.

DISCUSSION

The HOT Team operates during business hours Monday through Friday. General hours are between 7:00a.m. and 5:00p.m., however, at times they have started as early as 4:00a.m. and worked as late as midnight. The team estimates making approximately 20 to 30 contacts per day and has indicated that often times they make repeated contact with the same individuals. This repeated contact is made to encourage individuals to take advantage of the services available that address the issues and obstacles that keep them homeless. The PERT, Inc. findings indicate that during the first six months of the pilot project 121 referrals were made. In most cases these 121 persons were seen multiple times during the course of services being offered.

Seventy-two individuals (60%) were provided voluntary services, eighteen individuals (15%) were involuntarily placed in psychiatric facilities as they were in danger to themselves or others, three individuals (2%) were arrested, and twenty-eight individuals (23%) refused services. Exhibits which are attached to the PERT, Inc. report provide additional information.

The Centre City Development Corporation (CCDC) on June 4, 1999 approved a recommendation to return \$75,000 in loaned funds back to the City in order that the current pilot effort can continue for an additional year. The Redevelopment Agency will hear the recommendation on June 29, 1999. A companion item will be on the June 29, 1999 City Council agenda accepting the receipt of the returned loaned funds. The Downtown San Diego Partnership is in the process of forming a Property Based Improvement District which includes future funding of the Homeless Outreach Team. If the district is formed, funding will become available on July 1, 2000.

Should you have any questions, contact the Homeless Outreach Team Program Manager, Ross McCollum, at 238-8328.

Respectfully submitted,

TINA P. CHRISTIANSEN, A.I.A.  
Economic Development and Community Services  
Director

FISCHLE-FAULK/m

Attachment

- cc: Michael T. Uberuaga - City Manager
- Penelope Culbreth-Graft, DPA - Assistant City Manager
- Peter J. Hall - President, Centre City Development Corporation
- Laurie Black - President, Downtown San Diego Partnership
- Walt Ekard - Chief Administrative Officer, County of San Diego
- Maria Kingkade - Chief Executive Officer, PERT Inc.
- Debra Fischle-Faulk, Community Services Deputy Director
- Ross McCollum, Homeless Outreach Team Program Manager

Note: Due to the volume of the attachment, only a limited distribution was made. A copy of the attachment is available for viewing in the City Clerk's Office.

R  
292364

# ATTACHMENT 3

ATTACHMENT

## Homeless Outreach Team (HOT) Report of Operations: October 1, 1998 through March 31, 1999<sup>1</sup>

This Report was prepared by PERT Administration  
in collaboration with the Staff of HOT

### Introduction

The HOT Team concept was developed by a multi-departmental Committee comprised of City of San Diego staff in response to the high incidence of homeless individuals and associated problems in the downtown San Diego area. After numerous reports by police officers who work with the homeless on a daily basis, the committee learned that police officers have limited options available to assist homeless people toward self sufficiency. Often, the only choices were placement in jail or the San Diego County Psychiatric Hospital. These choices are seldom helpful in breaking the cycle of homelessness. All too often the same people are back on the street, no better for the experience, in a matter of days, or even hours. Their homelessness continues despite the repeated expenditure of costly City and County resources necessary to deal with them. To address these issues, the Committee conceptualized an approach based on an in-depth assessment of each individual's needs and the provision of appropriate social services to help break the cycle of homelessness.

The City committee proposed the development of an outreach pilot program. This resulted in the formation of the Homeless Outreach Team or "HOT" Team, which was implemented October 1, 1998.

The HOT Team is comprised of two SDPD officers, a County Social Service representative, and a mental health clinician provided by Psychiatric Emergency Response Team, Inc. (PERT). The primary purpose is to give police an increased range of options in their efforts to help homeless people in distress. Instead of choosing between jail or the County Psychiatric Hospital, officers are now accompanied by staff with mental health and social services expertise which adds considerably to the range of available options. This partnership provides for a more detailed assessment of each homeless individual. This capability combined with extensive knowledge of all available resources in the community considerably increases the likelihood that each client will be matched with the appropriate social, legal, mental health, and physical health services.

Each HOT team member contributes his or her particular expertise. If the homeless person is involved in criminal activity, the police officers enforce the law. The officers also bring with them the resources of the City's community-oriented policing strategy. After assessing whether an individual is a danger to themselves or others, emotionally unstable, in need of medications, or gravely disabled, the PERT clinician can make appropriate referrals. The Social Services representative ascertains the eligibility status of each client for local, state, and/or federal resources. All HOT team staff provide case management services and work together to connect homeless

<sup>1</sup> Some material for this Report was excerpted from The City of San Diego Manager's Report Number 99-36, dated February 18, 1999, entitled Homeless Outreach Team - Status Report by Tim Christensen, AIA, Economic Development and Community Services Director.

### HOT Report of Operations Page 2

individuals with programs and services provided by the County and other agencies. These include drug and alcohol treatment, job training, physical and mental health screening, and available housing resources. The HOT Program Manager acts as a liaison when multiple agencies are involved to ensure continued effective cooperation.

The HOT Team office is located in the City's Gaslamp Police Station at 205 G Street (across from Horton Plaza). The team works Monday through Friday during normal working hours, but makes its schedule flexible as needed. The San Diego Police Department provides two Police Officers, office space, utilities, and the two patrol vehicles used by the team. The San Diego County Health and Human Services Agency (HHSA) provides a Social Service representative. The Centro City Development Corporation's board returned \$55,000 to the City as a repayment of previously loaned funds, which the San Diego City Council re-appropriated to fund the PERT Clinician, a laptop computer, two cellular phones, lodging vouchers, food vouchers, and other necessities such as client identification. PERT also provides administrative, data analysis and reporting, and program evaluation services. The City's Homeless Coordinator serves as the Program Manager.

The HOT Team's approach is to contact homeless individuals and assist them in addressing the issues that led to their homelessness, then to link the individuals with the resources to break the homeless cycle. The Team not only provides short-term solutions, but also continued case management for homeless individuals. By continuing to offer services to homeless individuals in this way, a relationship is established which can assist and support the client in his or her efforts to leave the streets. This collaborative team approach helps homeless people to avail themselves of services to address issues and obstacles that keep them homeless. The goal of the HOT Team is to assist and support the homeless person in leaving the streets and returning to a higher level of functioning in the community. For some this may be a place to live, even temporarily, a direction to go in, and the support to do so. For others it may be a return to a productive life.

To assist in the operation and documentation of the HOT Team activities, SDPD officers with expertise in database design created a sophisticated, prototype database. The database includes digital photographic capability and allows storage of, and access to, detailed records of contacts, assessments, intervention plans, and follow-up contacts as well as demographic and historic information. This database will help determine and document the effectiveness of efforts to help break the cycle of homelessness. A review of this database provides the basis for most of the following discussion of operations.

### Operations

This section of the report reviews HOT Team activities from October 1, 1998 through March 31, 1999. During the first three months, HOT Team staff:

- Developed an inventory of available resources.
- Visited all relevant social service and mental health agencies as well as community groups to determine the best use of their resources and to inform them of the HOT Team services.

292364

R-35

HOT Report of Operations  
Page 3

- Implemented the prototype HOT Team database for maintaining data on client contacts.
- Developed a database of letters from property owners requesting enforcement of various trespass laws.
- Trained Retired Senior Volunteer Patrol (RSVP) staff to enter data.
- Developed a grant application to expand computer capabilities.
- Developed a video in collaboration with County HHSA to air on cable television.
- Developed a workshop with members of other organizations to better coordinate efforts between organizations.

During the first six months, in addition to the items discussed above and the completion of other necessary start-up tasks, HOT staff provided services to 121 individuals in the downtown area. Forty-seven percent (57) of HOT clients were female and 53% (64) were male. The mean age was 42.8 years (SD=13.1 yrs) with a range from 20 to 87 years of age. The ethnicity of HOT clients is presented in Figure 1. Eighty-five percent (103) of clients were not married at the time. Twenty-six percent (31) reported having children. Ten (32%) of those 31 reported having three or more children and five (16%) reported having two. The reported source of income for the 121 HOT clients is presented in Figure 2. The mean income was \$204 (SD = \$323) per month with a range from 0 to \$1692.

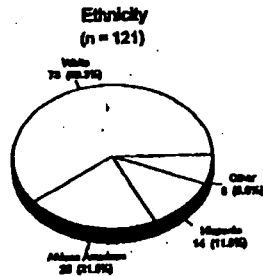


Figure 1

Forty-four percent (53) of HOT clients reported being from San Diego. Six percent (7) were from California but outside San Diego, and 15% percent (18) reported being from outside California. Residence information was not available for 35% (43) of HOT clients. Ten percent (12) reported being in San Diego less than one month. Thirteen percent (16) reported being in San Diego from one to twelve months and 5% (6) from one to four years. Sixteen percent (19) reported being in San Diego more than four years. Length of time in San Diego

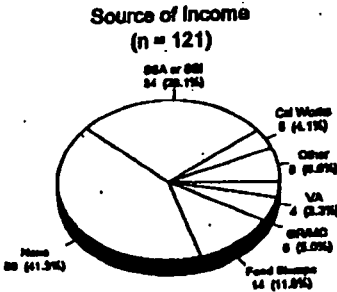


Figure 2

HOT Report of Operations  
Page 4

was unknown for 56% (68) of the clients. Thirty-three percent (40) reported having been homeless prior to their current homeless situation. Reported length of homelessness was also documented and is presented in Figure 3. Thirteen percent (16) of clients reported being homeless for less than one month, 19% (23) reported between one and twelve months, and 8% (10) reported being homeless from one to four years. Twelve percent (14) of clients reported being homeless for more than four years. Information on the length of homelessness was unknown for 48% (58) of the clients.

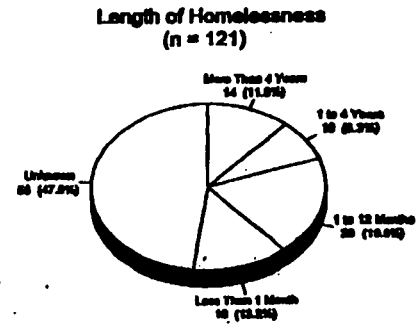


Figure 3

Thirty-nine percent (47) of the clients reported alcohol abuse and 24% (29) reported illegal drug abuse. Fourteen percent (17) were reported to abuse both alcohol and drugs. Fifty-two percent (63) of HOT clients reported or were observed to have a mental disorder. Of the 63 clients with a mental disorder, 29 (46%) also were reported to abuse alcohol, 18 (29%) were reported to abuse drugs, and 11 (17%) were reported to abuse both alcohol and drugs. Active PERT cases were opened on 40% (49) of HOT clients.

Outcomes

In a new pilot program like HOT, it is important to assess the degree to which the program is meeting stated goals. As the primary goals of the HOT team are related to results, an evaluation of the outcome of services was conducted. The outcome of services was assessed by a review of electronic records containing information about the assessment and history of each individual, the services provided, the intervention plan, and follow-up contact(s). The review focused on a number of specific questions. First, what was the outcome of the initial contact, such as referrals to social, mental health, and other services? Was transportation provided? Was a plan developed? If not, what were the circumstances? If so, what was the outcome of the plan? Was a follow-up contact made? Was the client's condition improved, worsened, or unchanged at follow-up? And the most important question, was the client no longer homeless at follow-up.

Each question was individually assessed for each client by content coding narrative entries in memo fields of the database. Due to wide variation in circumstances and individuals, improvement was defined broadly. The definition of improvement included: any improvement in housing, even temporary housing; admission to a hospital, crisis residential facility or long-term psychiatric

292364



HOT Report of Operations  
Page 5

placement; confirmation that a client was receiving services and participating in efforts to assist himself or herself; provision of return transportation to where the client called "home" provided by Traveler's Aid; and more. Improvement could include circumstances during which an individual was placed on a 72-hour hold (\$150) at the initial contact, if, at the follow-up contact, the client's condition had appreciably improved. Improvement, however, was assessed only at follow-up, not at the initial contact.

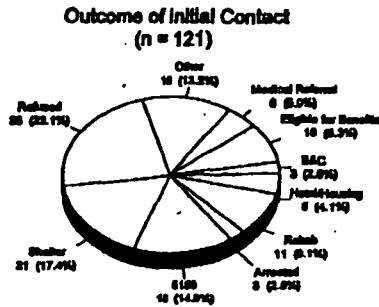


Figure 4

Outcomes and services provided at the initial contact were reviewed and are presented in Figure 4. Voluntary services were provided to 72 clients (59%). Eighteen individuals (15%) were involuntarily placed on 72-hour holds (\$150), and three (2%) were arrested. Twenty-eight individuals (23%) refused services.

Intervention plans were documented on 83% (101) of HOT clients. There were no intervention plans on 20 (17%) clients. A review of the records of these 20 clients yielded information that may help explain why intervention plans were not developed. Eight of these 20 were not homeless and therefore, did not require an intervention plan. Eight more refused services. The remaining four clients were not assessed as having a mental disorder and the files did not include intervention plans in the designated memo field. Documentation of transportation was found in the records of 64 (53%) clients.

Follow-up

As of March 31, follow-up contacts were completed on 88 (73%) of the clients. While many would consider 73% to be an impressive follow-up rate for such a difficult and transient population, in reviewing the dates of initial contacts it became apparent that the more recent initial contacts had the lowest rate of completed follow-up contact. This is likely due to the fact that many of the follow-up contacts for the more recent initial contacts simply haven't happened yet. Therefore, follow-up contacts with more of the remaining 33 clients are still likely to occur and the follow-up rate will improve further. Sixty-seven percent (59) of those 88 follow-up contacts documented improvement in at least one area. Often, food and lodging vouchers were an important factor associated with services provided by HOT team staff that resulted in improvement in the condition and circumstances of clients. Sixty-one percent (54) were not homeless at the time of follow-up, although three of these

HOT Report of Operations  
Page 6

were in jail. Twenty-three percent (20) showed no appreciable change, and 7% (6) appeared to be in worse condition at the time of follow-up. Unfortunately, three HOT clients died before follow-up contact was made.

Limitations

There are limitations that should be kept in mind when interpreting the findings of this Report. Much of the pertinent information related to outcome was abstracted by reviewers from narrative entries in the electronic record. The process of locating and abstracting data related to specific questions by hand is time consuming and sometimes requires an interpretation or judgment as to whether an event such as transportation actually occurred. This can add to the probability of errors in data collection for the purposes of summarizing and analyzing results. In addition, reviewers assigned scores (+, -, and 0) to designate improvement, worsening, or no change in the client's status at the time of follow-up. The major limitation of this approach is all levels of both improvement or worsening in the clients status are reduced to static events that either occurred or not, when these are instead highly variable factors. Some of the improvements noted were small, so sometimes only small changes can be successfully implemented at a time. On the other hand, some of the improvements found were remarkable and demonstrated the ability of HOT team staff to facilitate major change and improvement in a person's life. These included clients who broke the cycle of homelessness, left the streets, found employment, housing, and moved on with their lives. Both of the above examples would receive the same improvement score (+).

Similarly, whether a client was homeless or not at the time of follow-up was also abstracted from narrative entries. The classification used by reviewers was "homeless or not." Again, this classification does not distinguish between placement in temporary housing, a shelter, or permanent or long-term housing.

Another related limitation was the difficulty determining the actual number of follow-up contacts. This report is based on 121 initial contacts (unduplicated clients). The actual number of contacts with and services provided to these 121 people is unknown. While we were able to document follow-up contacts with 73% (88) of them, many received multiple follow-up contacts and additional services that we were not able to clearly quantify.

Plans for Next Quarter

The preparation of this report yielded information that suggests some minor additions and modifications to the HOT database. While the narrative entries in the electronic records offer the best utility for the operation of the HOT team, the addition of certain "yes/no" and "point and click" fields will provide clear and specific responses to key questions. The addition of these fields will quantify degrees of change and level of functioning, specify contacts and services provided, and facilitate summarizing and analyzing data.

292364

**HOT Report of Operations**

Page 7

The records suggest that as many as one third of clients either had or were eligible for Medi-Cal benefits. Some of the services provided, particularly to Medi-Cal beneficiaries with mental disorders, can be billed to Medi-Cal and the revenues received can be used to augment HOT team funding. While we do not have an accurate estimate of the actual number and type of billable services provided to Medi-Cal beneficiaries among HOT team clients, the potential for additional revenues may be considerable. During the next quarter, careful documentation of billable services will yield an estimate of the revenues available from this source. Also, arrangements will be made for a Medi-Cal provider number for the PERT staff component of the team. We will also pursue the possibility of inclusion of other team members as well. Some of the case management functions provided by all Team members at various times are likely billable to Medi-Cal and would therefore be appropriate, if allowable. The proposed modifications to the HOT database will be designed to document information necessary for Medi-Cal billing.

Plans are being developed to provide HOT clinicians with immediate access to the public mental health database operated by United Behavioral Health (UBH). The HOT laptop computer will be equipped with software and a cable to connect to the HOT cell-phones. Working with Jorge Pena and Bryan Berthot, of UBH, arrangements have been made for the PERT clinicians working in the field, to use this equipment to access service utilization data from the UBH database. The need for immediate access to service utilization data is important as HOT clinicians routinely encounter clients in the worst of situations with no background information at all. Efforts to assist homeless clients with serious mental disorders can be greatly facilitated by access to all available information. Therefore, access to recent mental health services used by clients will be a useful addition to HOT resources. With the assistance of UBH Information Systems staff, this important new resource will soon be available to HOT clinicians.

Similar arrangements are being made to use the same equipment to access the HFSA Social Services database to ascertain client eligibility and service utilization status. This addition will also facilitate HOT efforts to assist homeless individuals to access appropriate services.

292364

**Responses to Public Testimony and Other Correspondence Received at or after October 5, 1999 Public Hearing**

<b>Objections</b>	<b>Responses</b>
<u>Land Use/Planning (Arts)</u>	
The Ballpark Project and Ancillary Development Projects are contrary to the Centre City Community Plan and the Centre City East Focus Plan, which call for the designation of the entire Centre City East area (now known as East Village) as an arts district, focused on 12th Avenue, G Street, Market Street, E Street, Island Avenue and J Street. Such a district would entail the adaptive reuse of structures for art and design-oriented uses.	<p>The proposed Sport/Entertainment District would occupy approximately one quarter of East Village. The proposed plan amendments would remove the Sport/Entertainment District from the Centre City East Focus Plan.</p> <p>Much of the existing arts-related activities lie outside the Sport/Entertainment District. Increased activity from the proposed uses could benefit existing and future arts activities.</p>
<u>Transportation, Circulation, Access, and Parking (Traffic)</u>	
The traffic impacts on State Route 163 will be more severe than the FSEIR maintains.	The FSEIR (vol. I, p. 5.2-102) concludes that, even after mitigation, the traffic impacts on State Route 163 between Washington Street and I-5 would be significant and not mitigated. No evidence is presented to dispute the analysis of the FSEIR.
The travel times stated by the transportation consultant (Mark Peterson of BRW) at the October 5 public hearing were inaccurate.	The FSEIR did not calculate travel times. Mr. Peterson estimated travel times in response to questions from Council Member Vargas. In general, the estimates were based on the fact that congestion on downtown freeways would add up to 10 minutes to the total travel time to a downtown ballpark event.
Representatives of the East Village Association and property owners should be named to a committee overseeing the Event Transportation Management Plan.	The FSEIR does not specifically call for an oversight committee. The City is, however, organizing a task force to develop the ETMP, and the East Village Association and property owners will be included in this.

292364

Objections	Responses
<u>Transportation, Circulation, Access, and Parking (Parking)</u>	
There is no plan for convention center parking.	The Final Environmental Impact Report for the Convention Center Expansion (November 1995) incorporates a Parking Management and Monitoring Program. The FSEIR (Table 5.2-51) excludes all parking spaces planned for the Convention Center from the supply available to the ballpark.
How many parking spaces would be adequate for the ballpark?	The parking demands for sell-out events are: 13,850 spaces on weekday evenings, 12,210 on weekday afternoons, and 12,980 on weekend evenings. Refer to FSEIR Table 5.2-52.
Parking at Qualcomm Stadium will not work; no one will use it.	<p>Parking at Qualcomm Stadium will work the same as other park-and-ride facilities at trolley and bus stations. The costs of parking and the shuttle have not been determined. Drivers are expected to be attracted to parking at Qualcomm if the combined cost is competitive with parking downtown and walking to the ballpark because it would avoid downtown traffic.</p> <p>The Errata to the Final FSEIR contain a new Mitigation Measure E-32 which includes incentives for drivers to park at Qualcomm.</p>
Why would anyone pay for parking at Qualcomm and for a trolley or bus shuttle to the ballpark?	The costs of parking and the shuttle have not been determined. However, the cost of parking at Qualcomm and using a trolley or shuttle would be priced to be an attractive alternative.

R - 292364

R-  
292364

Objections	Responses
<p>The parking analysis does not consider the overlapping demands of the ballpark, Convention Center and Gaslamp Quarter.</p>	<p>The FSEIR specifically considers the impact of overlapping demand. It concludes that significant impacts could occur which is why specific mitigation measures have been included in the FSEIR.</p> <p>The FSEIR (Table 5.2-51) excludes all parking spaces planned for the Convention Center from the supply available to the ballpark. Mitigation Measure 5.2-12 calls for the preparation and implementation of a Downtown Parking Management Plan "to protect parking in the Gaslamp District, East Village, and the regulatory parking obligations of the Convention Center."</p>
<p>The construction of the three parking structures called for by the Comprehensive Downtown Parking Plan (approved by City Council on December 2, 1997) should be accelerated to mitigate the impact of parking being lost to residential development in the Marina district.</p>	<p>The parking structures are funded by parking meter revenue and net cash flow from parking operations. CCDC is exploring ways to augment funding in order to accelerate the structures. (Note that the first parking structure is underway.)</p>
<p>Reschedule Saturday evening ballgames to Saturday afternoon in order to reduce parking conflicts with the Gaslamp Quarter.</p>	<p>Major League Baseball schedules ballgames. The Padres may request changes to the schedule. Typically, Major League Baseball grants only about half of the requests.</p>
<p>There should be written agreements with the owners or operators of private parking garages and lots that guarantee the availability of parking to ballpark patrons.</p>	<p>The City and the Padres will negotiate such agreements.</p>
<p>The location of the proposed "P1" parking garage on the block bounded by 10<sup>th</sup>, 11<sup>th</sup> and Island Avenues and J Street will create dangerous conflict between vehicles and pedestrians. It should be moved north one block.</p>	<p>It is anticipated that most traffic will approach the garage from the north and will enter on 10<sup>th</sup> Avenue. All patrons of the ballpark will walk south from the garage to the ballpark. Therefore, there should be no significant conflicts between vehicles and pedestrians.</p>

R - 292364

Objections	Responses
<p>In presentations to the community, the Padres promised that the "P1" parking garage would be covered with residential and retail buildings on its 10<sup>th</sup> Avenue and J Street sides to buffer the garage from facing residences. The scope of work for the City's design and construction manager does not include this requirement.</p>	<p>The City and its design and construction manager are aware of the commitment. The design and construction manager is studying alternatives that address the community's concerns and fit within the allotted budget. These alternatives will be reviewed with the community.</p>
<p>Representatives of the Gaslamp Quarter Association, East Village Association and property owners should be named to a committee overseeing the Downtown Parking Management Plan.</p>	<p>Both organizations and property owners will be included in the committee that will develop the Downtown Parking Management Plan.</p>
<p>Representatives of the East Village Association and property owners should be named to a committee overseeing the Neighborhood Parking Management Plan.</p>	<p>The East Village Association and property owners will be included in the committee that will develop the Neighborhood Parking Management Plan.</p>
<p><u>Cultural Resources</u></p>	
<p>Mitigation Measure 5.3-5 reads: "All designated historical resources within the area of the Proposed Activities shall be exempt from the noise attenuation measures imposed as mitigation for noise impacts from the Proposed Activities unless such measures comply with the Secretary of the Interior's Standards for Rehabilitation." The Proposed Activities should not be relieved from the obligation to implement the noise attenuation measures in designated historical buildings when the Standards do not apply (as, for example, when tax credits are not at risk).</p>	<p>This mitigation measure has been revised to confirm that noise attenuation measures installed in designated historic structures must conform with the Secretary of the Interior's Standards for Rehabilitation. The suggestion of an exemption for designated historic structure has been eliminated. However, owners would continue to have the right to refuse retrofitting with noise attenuation measures.</p>

Objections	Responses
<u>Aesthetics/Visual Quality</u>	
The Ballpark Project and Ancillary Development Projects block view corridors facing the Coronado Bay Bridge.	The FSEIR analyzes impacts on designated view corridors and finds significant, unmitigated impacts.
<u>Noise (Crowd, Public Address System, Concerts)</u>	
The ballpark noise impacts will be more severe than the FSEIR maintains.	Noise from the crowd, public address system and concerts at the ballpark will be audible much farther from the ballpark than the area outlined on Figure 5.5-4 of the FSEIR. However, the impact is only considered <i>significant</i> when it violates the city's Noise Ordinance and disturbs sleep after 10:00 p.m. Based on the analysis contained in the FSEIR, significant noise impacts from ballpark operations would not extend beyond the limits illustrated on Figure 5.5-4
Actual noise levels should be checked after the ballpark is completed and the boundaries of the impacted zone (vol. I, fig. 5.5-4) should be adjusted accordingly.	The projected impacts have been confirmed by actual measurements at Qualcomm Stadium and ballparks in other cities. The FSEIR considers the impacted zone to be conservatively large. Mitigation Measure 5.5-3 (MMRP 9.2-1) requires a detailed acoustic study to determine the actual noise levels at noise sensitive uses within a two-block radius of the ballpark prior to the issuance of a certificate of occupancy (i.e., opening day) of the ballpark. These studies will assure that the appropriate degree of noise attenuation is installed for each impacted use.

R-  
292364

292364

Objections	Responses
Noise attenuation measures should be installed prior to commencement of construction.	The City's Noise Ordinance governs construction noise. The FSEIR assumes that construction will follow the ordinance. Consequently, construction noise is determined to not represent a significant impact. Therefore, noise attenuation is not required prior to construction.
The City's Noise Ordinance (and the FSEIR's significance criteria which are based on the ordinance) only govern <i>average</i> noise levels and do not account for impulsive or intermittent sources. The ordinance (and significance criteria) should be amended to limit impulsive or intermittent sources.	<p>Noise ordinance standards in various California jurisdictions are either based upon the energy averaged equivalent level (<math>L_{eq}</math>) or upon the instantaneous level exceeded over some fraction of a reporting period (<math>L_{nn}</math>), where "nn" is the percentile level. The City of San Diego Noise Ordinance standards are <math>L_{eq}</math>-based, and have been in use since 1973.</p> <p>Most jurisdictions in San Diego County adopted the County Noise Ordinance if/when they opted to add quantitative noise standards to their municipal codes. Because the County Ordinance was <math>L_{eq}</math>-based, almost every jurisdiction in the County has <math>L_{eq}</math>-based noise standards. In most other major Southern California jurisdictions (e.g., City of Los Angeles, Los Angeles County, Orange County, San Bernardino County), noise standards are also <math>L_{eq}</math>-based. Use of <math>L_{nn}</math>-based standards encompassing an allowable maximum that distinguishes single events from the average is more of an exception than the rule.</p>
<u>Noise (Fireworks)</u>	
The noise from fireworks is objectionable.	The FSEIR acknowledges that firework noise represented a significant noise impact. Although not fully mitigable, Mitigation Measure 5.5-5 restricts the frequency and duration of fireworks.



Objections	Responses
<u>Light/Glare</u>	
<p>The ballpark lighting impacts will be more severe than the FSEIR maintains.</p>	<p>The ballpark lighting will be visible much farther from the ballpark than the area outlined on Figure 5.6-1 of the FSEIR. However, the impact is only considered <i>significant</i> when it disturbs sleep after 10:00 p.m. The limits illustrated on Figure 5.6-1 are based on a combination of statistical calculations and first-hand experience at other ballparks.</p>
<u>Hydrology/Water Quality</u>	
<p>Runoff from streets surrounding the ballpark will carry copper from brake linings to the bay. Mitigations should include "best management practices" (BMPs) to cover runoff from streets.</p>	<p>See October 19, 1999, letter from Richard G. Opper of McKenna &amp; Cuneo (Attachment E). That letter concludes:</p> <p>"It is obvious that traffic impacts comprise some portion, but not all, of wet weather flow copper impacts and that the downtown area comprises some smaller but unknown portion of impacts from the entire region. While the data do not support an analysis that would quantify how much increased traffic volumes in one particular area would impact Bay copper loading, the data does suggest that the numbers are relatively small and possibly insignificant in comparison to overall copper impacts on the Bay."</p>

R-292364

Objections	Responses
<u>Population/Housing (Homeless)</u>	
<p>The objector questions the accuracy of the count of homeless living in the Ballpark District.</p>	<p>The FSEIR (vol. I, p. 5.12-5) estimates that “no more than 100 homeless persons utilize the area of the Ballpark and Ancillary Development Projects Area for unauthorized evening shelter.” The estimate is based on surveys conducted by the Homeless Outreach Team between December 1998 and March 1999. Note that this number does not include homeless who use downtown shelters, only those who sleep on the streets. Furthermore, the estimate does not relate to the number of homeless which may occupy the area during the day.</p>
<p>More shelter beds would mitigate impacts on homeless.</p>	<p>The Ballpark Project and Ancillary Development Projects would not increase the number of homeless or displace any authorized shelter for homeless. Therefore no mitigation is required. However, the proposed East Village Redevelopment Homeless Advisory Committee may recommend additional shelter beds to the City Manager.</p>
<p>The FSEIR claims that property values and rents would increase in East Village with or without the Proposed Activities, and therefore the pressures on existing social service providers (including low-income housing) to raise rents or move would be the same. However, the ballpark project has heightened real estate speculation and will accelerate the displacement of existing facilities over what would have occurred otherwise.</p>	<p>Real estate values have increased throughout downtown in the last two years, largely due to residential development activity. Residential development in East Village is consistent with the Centre City Community Plan and Planned District Ordinance, adopted in 1992. It is likely that residential development would place greater pressures on social service providers and low-income housing than the Proposed Activities, because residents (particularly resident owners) are less comfortable with those uses than are commercial and civic uses.</p>

292364

Objections	Responses
<p><u>Population/Housing (Loss of Potential Housing)</u></p> <p>The loss of potential housing will also result in fewer affordable units being built.</p>	<p>Two provisions of the State Redevelopment Law apply:</p> <ol style="list-style-type: none"> <li>1. Fifteen percent (15%) of all residential units developed in a Redevelopment Project area must be affordable to low- and moderate-income persons and households. Of those units, 40% must be affordable to very low income households [Health and Safety Code Sec. 33413(b)(1)]. The loss of potential housing would reduce this 15% "production" yield.</li> <li>2. Twenty percent (20%) of the tax increment collected in the Redevelopment Project must be set aside for low- and moderate-income housing. The Ballpark Project and Ancillary Development Projects would increase and accelerate the property tax increment, yielding a greater set-aside.</li> </ol>
<p><u>Hazardous Materials</u></p> <p>The FSEIR does not account for hazardous materials deeper than one foot below the surface.</p>	<p>All studies attempt to determine the existence of buried tanks and other potential subsurface hazardous materials. The Phase I analyses (which have been conducted for all sites in the Ballpark Project and Ancillary Development Projects Area) study historic records and survey visible conditions to determine the probability of subsurface problems. The Phase II analyses (which are nearing completion for all sites) involve on-site inspection of buildings and testing of subsurface conditions.</p>

R  
292364

Objections	Responses
<u>Construction Impacts</u>	
<p>The FSEIR does not require construction impacts to be mitigated until construction is complete.</p>	<p>As appropriate, the proposed Mitigation Monitoring and Reporting Program (vol. I, sec. 14.0) requires mitigation plans for construction impacts to be completed prior to the issuance of demolition or grading permits and to be implemented throughout construction. These provisions apply to impacts related to noise, air quality, hazardous materials, hydrology/water quality and paleontological resources.</p>
<u>Feasibility of Alternative Sites</u>	
<p>The East Village is already being redeveloped privately. There is no need for the Ballpark Project or Ancillary Development Projects to spur redevelopment.</p>	<p>The following is taken from the "Report to City Council for the Centre City Redevelopment Project (for the Proposed Third Amendment to the Redevelopment Plan)" (p. 4).</p>
<p>"</p> <p>"</p>	<p>"The portion of the Centre City East District that would accommodate the ballpark and related ancillary development, an area of approximately 26 blocks, is located in the southern portion of the district. This specific area was selected for an aggressive redevelopment effort due to the ongoing physical and economic blight in that portion of Centre City East, an established history of physical and economic blight that has not abated under redevelopment efforts to date."</p> <p>"Redevelopment efforts to date have not met the goals of the adopted downtown plan documents. Goals for Centre City East, particularly the southern portion of the Centre City East area, have been outlined in the Centre City Community Plan, the Centre City East Focus Plan, and the Implementation Plan for Centre City. The concept of a sports facility combined with entertainment and community facilities is a concept contained in a number of plans."</p>

R- 292364

Objections	Responses
<p>The FSEIR (vol. I, p. 10-51) dismisses the Mission Valley alternative site because it "would not achieve the goals of encouraging redevelopment in downtown San Diego and the Centre City East District, in particular. Also, in the absence of defined ancillary development and redevelopment financing tools, financing the construction of a ballpark could be difficult at the Mission Valley site." The 850 hotel rooms required by the Memorandum of Understanding will be generated by the convention center, not the ballpark. The transient occupancy tax from the convention center hotels can be spent anywhere in the city, including Mission Valley. Therefore, the Mission Valley site does not lack "ancillary development financing tools."</p>	<p>The Memorandum of Understanding <i>requires</i> the development of 850 hotel rooms and does not rely on the market to generate the transient occupancy tax. The Mission Valley Alternative has no such requirement. Furthermore, the Mission Valley site is not in a redevelopment project area nor can property tax increment be used outside the redevelopment project area, so there is no way to provide the property tax increment required to finance the ballpark through land acquisition.</p>
<p><u>Adequacy of Mitigation Measures</u></p>	
<p>The proposed mitigation measures are weak and token; they are not real or specific. Plans are not mitigations (see the proposed Freeway Deficiency Plan, Event Transportation Management Plan, Downtown Parking Management Plan, Neighborhood Parking Management Plan and East Village Redevelopment Homeless Advisory Committee).</p>	<p>In many instances, the FSEIR does not claim that the proposed mitigation measures (including some plans) fully mitigate the impacts. The FSEIR concludes that, even with the Freeway Deficiency Plan, traffic impacts on certain freeway and arterial segments and ramps would be significant and not mitigated. It concludes that the Event Transportation Management Plan would reduce traffic impacts on neighborhood streets to below a level of significance. It concludes that the Downtown Parking Management Plan and Neighborhood Parking Management Plan (in combination with other mitigation measures) would reduce parking impacts to below a level of significance. Finally, it concludes that, even with the East Village Redevelopment Homeless Advisory Committee and other mitigations, the impacts of displaced homeless on surrounding areas would be significant and unmitigated.</p>

R- 292364

Objections	Responses
<p>Nothing reveals the cost of the proposed mitigation measures. There are not adequate funds to complete the proposed mitigations.</p>	<p>The cost of the proposed mitigation measures is governed by the project budgets of the respective organizations (Padres, City and Agency). The City's share is capped at the voter-approved amounts set forth in the Memorandum of Understanding. The Padres are obligated to absorb the additional cost of mitigation.</p>
<p><u>Property Acquisition</u></p>	
<p>Businesses that are acquired in order to develop the Ballpark Project and Ancillary Development Projects should be compensated for the loss of business goodwill.</p>	<p>According to state law, the Redevelopment Agency is required to pay just compensation for property acquisition, to pay relocation benefits to those who are eligible, and to pay for loss of business goodwill (if any).</p>
<p><u>Financing</u></p>	
<p>The Transient Occupancy Tax should not be used to finance entertainment facilities, such as the ballpark. Instead, it should be used to finance urban infrastructure such as streets, schools, libraries, parks, sewers, etc. The issuance of bonds for the ballpark will lower the City's credit rating and will raise financing costs for essential infrastructure.</p>	<p>In order to approve the proposed development, the Project identified must be feasible. Table V-1 of the Report to Council, "Cash Flow Summary", provides an estimate for implementation of the amended redevelopment program. The cash flow presented indicates that the Redevelopment Plan, as amended, is feasible under the various assumptions used, including new development activities occurring in the time frames projected, costs escalating at rates indicated, and owner participation involvement as reflected in the owner participation rates assumed.</p> <p>[Continued on next page.]</p>

R  
292364

Objections	Responses
	<p>As shown on the pro formas (posted and available on the City's website at <a href="http://www.sannet.gov/ballpark/financial/index.shtml">www.sannet.gov/ballpark/financial/index.shtml</a>), the use of transient occupancy tax revenues has been given considerable thought. As with any such financing (for example, in the case of the Convention Center Expansion financing) the use of TOT revenues for these financings considers the amount that would be available to finance the ballpark without adversely affecting existing City services.</p> <p>With respect to the effect of issuance of bonds, the commentor should note that the MOU explicitly provides that the project will not proceed if the City cannot obtain financing "reasonably acceptable" to the City. The City of San Diego has an excellent bond rating, precisely because it does not engage in speculative or risky financing. The market for municipal bonds, which has no political interest in the outcome of any particular project, trusts the City's judgment in this regard, as evidenced by the fact that the Convention Center Expansion lease revenue bonds received high ratings and a low interest rate of just 5.00% last year. The City's bond rating will not be adversely affected by the financing used to accomplish this project.</p>

R-

292364