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(R-2006-217)

RESOLUTION NUMBER R- 300954

ADOPTED ON OCT 18 2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING THE FINAL ADDENDUM TO THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT TO THE FINAL MASTER ENVIRONMENTAL IMPACT REPORT FOR THE CENTRE CITY REDEVELOPMENT PROJECT AND ADDRESSING THE CENTRE CITY COMMUNITY PLAN AND RELATED DOCUMENTS FOR THE PROPOSED BALLPARK AND ANCILLARY DEVELOPMENT PROJECTS, AND ASSOCIATED PLAN AMENDMENTS; MAKING CERTAIN FINDINGS OF FACT AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS [BALLPARK VILLAGE].

WHEREAS, Ballpark Village LLC [Participant] has proposed entering into an Owner Participation Agreement [OPA] with the Redevelopment Agency of the City of San Diego [Agency] for certain property within the Centre City Redevelopment Project known as Parcel C and Parcel D [Site]. Parcel C is bounded by 12th Avenue on the east, Imperial Avenue to the south and Park Boulevard on the northwest. Parcel D is bounded by Imperial Avenue to the north, 11th Avenue to the east, Park Boulevard to the west and the trolley tracks and rail yard to the south; and

WHEREAS such OPA provides for development of the Site [Project] in accordance with a Ballpark Village Master Plan specifying the development standards and controls governing the Site and an Affordable Housing Agreement by and between the Agency, Participant and the San Diego Housing Commission specifying the terms and conditions for the development of affordable housing on the Site; and

WHEREAS, on October 26, 1999, the City Council certified the Final Subsequent Environmental Impact Report [SEIR] to the Final Master Environmental Impact Report [MEIR] for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments; and

WHEREAS, the SEIR included an evaluation of potential impacts of Phase II of the Ancillary Development Projects, of which Ballpark Village is a part; and

WHEREAS, the OPA, Ballpark Village Master Plan and the Affordable Housing Agreement have been proposed to provide further detail of the nature of the Phase II Ancillary Development Projects; and

WHEREAS, State CEQA Guidelines section 15164(a) allows a lead agency to prepare an Addendum to a Final SEIR if such Addendum meets the requirements of CEQA; and

WHEREAS, an Addendum to the SEIR has been prepared to evaluate the Ballpark Village Master Plan and associated activities to determine if the changes and additional detail beyond that analyzed in the 1999 SEIR meet any of the requirements for the preparation of a Subsequent or Supplemental EIR pursuant to sections 15162-15163 of the State CEQA Guidelines; and

WHEREAS, the Addendum to the SEIR was circulated for public review from April 21, 2005 to May 6, 2005; and

WHEREAS, the City Council has held a duly noticed public hearing and considered the Addendum to the SEIR, including a staff report and recommendation and public testimony;

NOW, THEREFORE,

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

1. That no substantial changes are proposed in the Centre City Redevelopment Project [Redevelopment Project] or with respect to the circumstances under which the Redevelopment Project is to be undertaken as a result of the proposed activity, which will require important or major revisions in the SEIR for the Project.
2. That no new information of substantial importance to the Centre City Redevelopment Project has become available which was not known or could not have been known at the time the SEIR for the Project was certified as complete, and which shows that the Project will have any significant effects not discussed previously in the SEIR, or that any significant effects previously examined will be substantially more severe than shown in the SEIR, or that any mitigation measures or alternatives previously found not to be feasible or not previously considered would substantially reduce or lessen any significant effects of the project on the environment.
3. That no Negative Declaration, Subsequent EIR, or Supplement to the SEIR is necessary or required.
4. That the proposed activity will have no significant effect on the environment, except as identified and considered in the SEIR for the Centre City Redevelopment Project. No new or additional project-specific mitigation measures are required for this activity.
5. That the City Council hereby certifies that the Addendum to SEIR has been completed in compliance with CEQA and State and local guidelines adopted pursuant thereto.

6. That the City Council hereby certifies that the information contained in the Addendum to SEIR for the Project has been reviewed and considered by the City Council.

7. That the City Council hereby certifies that the Addendum to SEIR reflects the City Council's independent judgment and analysis.

8. That each and all of the findings and determinations contained in this Resolution are based on competent and substantial evidence, both oral and written, contained in the entire record relating to the Project, the MEIR, the SEIR and the Addendum to SEIR. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence. All of the language included in this document constitutes findings by the City Council, whether or not any particular sentence or clause includes a statement to that effect.

9. That the City Council hereby incorporates by reference Attachment "A" entitled "Findings of Fact and Statement of Overriding Considerations" in support of this Resolution.

10. That the City Council hereby finds and determines that all significant environmental effects identified in the Addendum to the SEIR for the Project have been eliminated or substantially lessened where feasible, or are acceptable due to overriding considerations, in that:

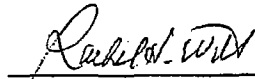
- a. All significant environmental effects that can be feasibly avoided have been eliminated or substantially lessened as discussed in the Addendum to SEIR and Attachment "A"; and

- b. Based on the Addendum to SEIR, Attachment "A" and other documents and information contained in the record with respect to the Project, all remaining unavoidable significant effects of the proposed Project are overridden by benefits of the Project as described in Attachment "A."

11. That the City Council hereby certifies the Final Addendum to the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments [Ballpark Village].

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Rachel H. Witt
Chief Deputy City Attorney

RHW:als
09/09/05
Or.Dept:CCDC
R-2006-217
MMS#2441

ATTACHMENT "A"

[DRAFT CANDIDATE FINDINGS FOR CITY COUNCIL]

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING ADDENDUM TO THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT TO THE FINAL MASTER ENVIRONMENTAL IMPACT REPORT FOR THE CENTRE CITY REDEVELOPMENT PROJECT AND ADDRESSING THE CENTRE CITY COMMUNITY PLAN AND RELATED DOCUMENTS FOR THE PROPOSED BALLPARK AND ANCILLARY DEVELOPMENT PROJECTS AND ASSOCIATED PLAN AMENDMENTS

I. INTRODUCTION

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

The primary purpose of the Addendum is to evaluate the potential environmental effects of proposed refinements to an Ancillary Development Project (now known as Ballpark Village) particularly with respect to the development intensity of the proposed buildings. The SEIR included an evaluation of potential impacts of Phase II of the Ancillary Development Projects, of which Ballpark Village is a part. Subsequently, a Master Plan has been prepared to provide further detail of the nature of the proposed development. The Addendum is intended to evaluate the proposed Ballpark Village Master Plan to determine if the changes and additional detail beyond that analyzed in the 1999 SEIR meet any of the requirements for the preparation of a Subsequent or Supplemental EIR per Sections 15162-15163 of the State CEQA Guidelines. As discussed in the Addendum and its associated Initial/Secondary Study, neither the Ballpark Village development nor the circumstances under which it is being undertaken would result in any new significant impacts not discussed in the SEIR, or any substantial increase in the severity of impacts identified by the SEIR. In addition, no new information of substantial importance has become available since the SEIR was prepared regarding new significant impacts, or feasibility of mitigation measures or alternatives.

II. APPLICABLE CEQA PROVISIONS

CEQA Section 21166 provides:

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required . . . unless one or more of the following events occurs:

(a) Substantial changes are proposed to the project which will require major revisions of the environmental impact report.

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major changes in the environmental impact report.

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

CEQA Guidelines Section 15162(a) provides:

When an EIR has been certified . . . for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

(1) Substantial changes are proposed to the project which will require major revisions of the previous EIR . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes will occur with respect to circumstances under which the project is undertaken which will require major revision of the previous EIR . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known at the time the environmental impact report was certified as complete . . . shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR . . .;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or

more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Where the conditions of CEQA Guidelines Section 15162 are met but “[o]nly minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation,” the agency may prepare a supplement to an EIR rather than a subsequent EIR. CEQA Guidelines Section 15163(a).

CEQA Guidelines Section 15164(a) provides: “The lead agency . . . shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”

III. DESCRIPTION OF CHANGES TO THE APPROVED PROJECT

The proposed activity analyzed in the Addendum is the implementation of the Ballpark Village Master Plan, which would construct new mixed-use buildings. The Master Plan is a planning document which identifies allowed land uses, building sizes and envelopes with respect to heights, widths, setbacks, building mass, tower orientation and location, as well as a series of design standards to be applied to the final development plans. Overall, the Master Plan anticipates high-rise towers on each of the six total C and D Parcels (Parcels C1, C2, C3, C4, D1, and D2), two plazas that front Park Boulevard and one plaza that fronts Imperial Avenue, pedestrian walkways along the former Eleventh Avenue and L Street rights-of-way, and podium-level landscaped open space and recreation opportunities. The buildings would range in height from approximately 136 to 500 feet above Mean Sea Level (MSL) and would offer a mix of some or all of the following uses: multi-family residential, office, retail, restaurant, visitor accommodations (e.g., hotels), public and semi-public, and parking. A maximum of 3,212,020 square feet (sf) of Gross Floor Area (GFA) may be developed in the Master Plan area. This value includes 2,012,634 sf of GFA allowed by the designated 6.5 base Floor Area Ratio (FAR), plus up to 1,199,386 sf of transferred floor area as permitted in the Sports/Entertainment District (Section 103.1915(d)(5) of the PDO and provided by the Owner Participation Agreement (OPA) (See Table 1 and 2).

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

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

The additional 1,199,386 sf of transferred floor area allowed by the Sports/Entertainment District could be placed on any parcel or combination of parcels within Ballpark Village up to the maximum FAR shown in Table 1 of the Final Addendum (August 8, 2005). With the transferred floor area, as defined in the PDO, the maximum FAR for C parcels is 8.829 and the maximum FAR for D parcels is 12.247 for an overall maximum project FAR of 10.372. In order to maintain development flexibility, FAR would be transferable within the four C parcels and within the two D parcels.

IV. FINDINGS REGARDING WHY A SUBSEQUENT OR SUPPLEMENTAL EIR IS NOT NECESSARY

The primary purpose of the Addendum is to evaluate the potential environmental effects of proposed refinements to an Ancillary Development Project (now known as Ballpark Village) particularly with respect to the development intensity of the proposed buildings. The SEIR included an evaluation of potential impacts of Phase II of the Ancillary Development Projects, of which Ballpark Village is a part. Subsequently, a Master Plan has been prepared to provide further detail of the nature of the proposed development. The Ballpark Village modifications include primarily the addition of development intensity resulting from the transfer of floor area from the ballpark within the Sports/Entertainment District. The resulting transferred floor area allows for increases in the maximum FAR for the project. In addition, the Ballpark Village Master Plan provides more detail regarding the land uses and proposed layout for the project. Although more detail is available, the proposed land uses and layout for the Ballpark Village are within the scope of the Ancillary Development Projects area as defined in the certified Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report. The proposed project modifications, as explained in these Findings, do not meet the requirements of CEQA Section 21166 and CEQA Guidelines Sections 15162 and 15163, and no major revisions to the previously certified SEIR are necessary. Therefore, an addendum under CEQA Guidelines Section 15164 is the appropriate CEQA document to describe the changes to the previously approved Project and the previously certified SEIR.

The Addendum concludes that The Ballpark Village project is consistent with the certified SEIR and will not result in any new significant environmental impacts. Therefore, the comparison of anticipated environmental effects of the proposed project with the impacts disclosed in the previously certified SEIR support the required CEQA findings summarized below. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental EIR have been met. For the reasons set forth below and in the Addendum, which is incorporated herein by reference, the City Council of the City of San Diego (City Council) makes the following findings with respect to each of the issues analyzed in the final Addendum:

No Substantial Changes Requiring Major Revisions. Based on the analysis and information contained in the Addendum and the record, there is no substantial evidence that the changes to the project require a major change to the certified SEIR. The Ballpark Village project will not result in any new significant environmental impact, nor will there be a substantial increase in the severity of significant impacts previously described in the certified SEIR.

No Substantial Change in Circumstances Requiring Major Revisions. Based on the analysis and information contained in the Addendum and the record, there is no substantial evidence that substantial changes have occurred with respect to the circumstances surrounding the project that would require major revisions to the certified SEIR due to the involvement of new significant environmental effects or substantial increases in severity of previously identified significant effects.

No New Information Of Substantial Importance. Based on the analysis and information contained in the Addendum and the record, there is no substantial evidence of new information of substantial importance which was not known and could not have been known at the time the SEIR was certified showing: (A) that the project will have one or more significant effects not previously discussed, (B) that previously identified significant effects will be substantially more severe, (C) that mitigation measures or alternatives previously found to be infeasible would in fact be feasible and would substantially reduce one or more of the significant effects but the project proponent declines to adopt them, or (D) that mitigation measures or alternatives which are considerably different from those analyzed previously would substantially reduce one or more of the significant effects but the project proponent declines to adopt them.

A. Aesthetics:

The SEIR identifies two potentially significant effects from the Ancillary Development Project Area: visual character (views and aesthetics) and light/glare. Park Boulevard and Twelfth Avenue are designated as View Corridor Streets in the vicinity of the Ballpark Village project; however, development located along these streets does not require building setbacks. Nonetheless, the proposed Ballpark Village would not develop structures that would intrude into the street corridors and block potential views. View simulations of the proposed Ballpark Village were created to illustrate the preservation of view corridors. The Ballpark Village would be located in a developed area of downtown already exhibiting major facilities such as Petco Park and the San Diego Convention Center. The proposed buildings would introduce six high-rise towers not to exceed 500 feet MSL. This development is consistent with the development pattern occurring in the Sports/Entertainment District and those evaluated in the SEIR. All streets would receive special streetscape treatment and would conform to the streetscape and landscape standards contained in the Centre City Streetscape Manual.

In the light/glare evaluation, the SEIR concludes that the type of uses expected to be associated with the Ancillary Development Projects would be characteristic of existing development downtown and would not have significant sources of lighting which would result in substantial levels of spill or glare light; however, Petco Park lighting could impact proposed light

sensitive ancillary residential and hotel uses, and ancillary developments could create a significant source of light glare by reflection of ballpark field lights off the facades of buildings. The lighting within the Ballpark Village buildings and walkways may contribute incrementally to the urban light sources. The buildings will be developed with light attenuation measures, defined by a detailed lighting study required by Mitigation Measure 8.3-2, to reduce impacts to below a level of significance. The Ballpark Village Master Plan includes tower design guidelines to minimize the potential for the buildings to become a source of glare. There are no impacts associated with aesthetics that were not anticipated in the SEIR.

Mitigation: The following mitigation measures were adopted as part of the SEIR for the Ballpark and Ancillary Development Projects and would be applicable to the project:

1.3-1 Building elevations for each ancillary development shall be reviewed and approved by the CCDC Board of Directors to assure conformity with guidelines established in the Centre City PDO for the J Street Corridor and Sixth/Avenue Transition Zone as well as the following general design criteria:

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

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

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

8.3-1 A detailed lighting study shall be conducted for any building which could reflect ballpark field lights to assess the glare impacts from field light reflection off building facades onto surrounding roadways and intersections. Any mitigation measures identified in the lighting study shall be implemented before a certificate of occupancy for the ancillary development. Preparation of the lighting study and implementation of required attenuation of glare from ancillary development shall be the responsibility of the ancillary development proponent. The lighting study shall, at a minimum, include the following components:

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

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

B. Agricultural Resources:

The Ballpark Village project is located in an existing urbanized area. No significant impacts to agricultural resources were identified in the SEIR. The modifications to the project would not result in any new or increased impacts to agricultural resources above those anticipated in the SEIR.

C. Air Quality:

The proposed land uses and layout for the Ballpark Village project are within the scope of the Ancillary Development Projects as defined in the certified SEIR. Consistent with the analysis in the SEIR, the Ballpark Village project has the potential to impact air quality during construction. However, mitigation measures have been incorporated that will reduce these impacts to below a level of significance.

As acknowledged in the SEIR, the proposed project would have long-term cumulative impacts as a result of project traffic that, despite the adoption of all feasible mitigation measures, cannot be mitigated to below a level of significance. There is evidence before the City Council that shows that impacts of the Ballpark Village project related to ozone, particulate matter and diesel exhaust emissions would actually be less than the impacts associated with these pollutants at the time of the SEIR analyses, and thus, impacts would be less than previously evaluated in the certified SEIR. However, impacts would still be considered significant. Since the proposed activity is in substantial conformance with the Community Plan in land use and intensity, the Ballpark Village project would not result in new or increased potential impacts to air quality resources above those anticipated in the SEIR.

Mitigation: The following mitigation measures were adopted as part of the SEIR for the Ballpark and Ancillary Development Projects and would be applicable to the project:

2.1-1 *Prepare and implement a Construction Management Plan which includes but is not necessarily limited to the following, as practical:*

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

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

2.1-3 *Any site remediation procedures shall comply with all applicable rules and regulations of appropriate regulatory agencies and any necessary permits shall be obtained by remediation contractors.*

2.2-1 *Air quality impacts from engine exhaust potentially occurring during construction would be mitigated through the use of the following techniques:*

1. *Alternative fueled construction equipment will be used where such equipment is readily available and appropriate for the collective tasks assigned to the particular equipment.*
2. *The minimum practical engine size that is readily available and appropriate for the collective tasks assigned to the particular equipment shall be used.*
3. *Post-combustion controls shall be implemented for construction equipment as follows:*
 - a) *Oxidation or three way catalysts shall be installed on all off-road construction equipment which will be onsite for longer than five working days.*
 - b) *Diesel particulate filters (soot filters) shall be installed on all excavation and grading equipment and generators larger than 100 hp which will be on site for longer than five working days.*
 - c) *When available, any off-road construction equipment purchased, or any equipment requiring an engine replacement, for use on the project site shall be equipped with a "Blue Sky" series engine.*
 - d) *Notwithstanding the above requirements, the following equipment is excluded from the requirements for post-combustion controls:*

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

4. *Construction workers should be encouraged to carpool and eat lunch on site.*
5. *Construction activities should use new technologies to control emissions, as they become readily available and feasible.*

13.1-1 A 60 percent transit split goal for work trips into the downtown area shall be implemented by the year 2025.

13.1-4 Bicycle routes shall be evaluated annually and re-routed from key traffic arteries and onto minor streets, as necessary, to maintain adequate traffic flow.

D. Biological Resources:

The Ballpark Village project is located in an existing urbanized area. There are no sensitive plant or animal species, habitats, or wildlife migration corridors within the area. No significant impacts to biological resources were identified in the SEIR. The modifications to the project would not result in any new or increased impacts to biological resources above those anticipated in the SEIR.

E. Cultural and Paleontological Resources:

Parcel C1 of the proposed Ballpark Village is located in an area identified in the SEIR as having a high potential for subsurface archaeological resources. In addition, the entire Ballpark Village site is underlain by the Bay Point Formation, which has moderate paleontological resource potential. Potential impacts to these resources were anticipated in the SEIR and appropriate mitigation measures (3.1-2, 3.1-3, and 10.1-1) were adopted to reduce these impacts to below levels of significance. The Ballpark Village project modifications are consistent with and would not result in increased potential impacts to these resources above those anticipated by the SEIR.

Mitigation: The following mitigation measures were adopted as part of the SEIR for the Ballpark and Ancillary Development Projects and would be applicable to the project:

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

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

10.1-1 *The developer shall retain a qualified paleontologist or paleontological monitor to monitor excavation activities when they would occur within an area rated moderate or high for paleontological resources. Monitoring is not required in moderate areas when the excavation would be less than 2,000 cubic yards and ten feet in depth. In areas with a high potential for paleontological resources, monitoring is not required when excavation would be less than 1,000 cubic yards and ten feet in depth. Monitoring is not required in areas rated zero to low. If significant paleontological resources are observed, an appropriate mitigation program will be carried out. The developer shall certify that the required mitigation or monitoring personnel will be given adequate advance notice of the start of the subject activities and adequate coordination with the contractor will be guaranteed by the developer.*

When fossils are discovered, the paleontologist or paleontological monitor (an individual who has experience in the collection and salvage of fossil materials who works under the direction of a qualified paleontologist) shall recover them. In most cases, this fossil salvage can be completed in a short time. However, some fossil specimens may require

extended salvage time. In these instances the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt excavation work to allow recovery of fossil remains in a timely manner.

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

Fossil remains collected during the monitoring and salvage portion of the mitigation program shall be cleaned, sorted, and catalogued, and then with the owner's permission, deposited in a scientific institution with paleontological collections. A final summary report shall be prepared outlining the methods followed and summarizing the result of the mitigation program. This report shall also include a list of the kinds of fossils recovered, and a summary of the stratigraphic context of all collecting localities. This report shall be submitted to the Redevelopment Agency, the San Diego Natural History Museum, and any scientific institution that received salvaged fossils from the activity.

F. Geology / Soils:

In accordance with the SEIR Mitigation Measure 4.1-1, Geotechnical Reports were prepared for the proposed Ballpark Village Parcel C and Parcel D (Leighton and Associates 2004; Geocon Incorporated 2003). The Geotechnical Reports concluded that the proposed Ballpark Village development is feasible from a geotechnical standpoint, provided the conclusions and recommendations from the report, such as ensuring hazardous materials compliance, the potential need for recompaction of fill areas, incorporation of hydrostatic pressure design criteria for below grade structures, and mapping during the excavation process to further evaluate subsurface conditions and potential unmapped faulting, are incorporated. The proposed Ballpark Village buildings will be constructed in accordance with the conclusions and recommendations of the geotechnical report and all safety standards of the UBC. There are no impacts associated with geology and soils that were not anticipated in the SEIR.

Mitigation: The following mitigation measures were adopted as part of the SEIR for the Ballpark and Ancillary Development Projects and would be applicable to the project:

4.1-1 As required by the City of San Diego, the proper geotechnical investigations for each individual development site shall be identified through consultation with the City Managing and Development Department. Following the proper geotechnical investigations, activity approvals shall be contingent on the suitability of the proposed land use to the risk zone of the proposed site. Effects of seismic shaking may be mitigated by adhering to the Uniform Building Code (UBC) or state-of-the-art seismic design parameters of the Engineering Association of California.

4.1-2 *Site-specific groundwater investigations shall be conducted in areas identified as problematic by the hazardous materials assessment in conformance with applicable regulations. Studies shall include groundwater level monitoring and aquifer characterization by aquifer testing. Dewatering near any plume of hydrocarbon contamination shall be kept to a minimum and of short duration to prevent potential movement of the plume.*

4.1-3 *As required by applicable regulations, structures shall be designed to withstand hydrostatic pressures.*

G. Hazards and Hazardous Materials:

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

A potentially significant impact for the Ballpark Village is the potential presence of subsurface contamination resulting from historic land uses. However, this impact was anticipated in the SEIR and appropriate mitigation measures were incorporated that require the project to research the presence of onsite hazardous materials contamination and implement a remediation plan if necessary. There are no impacts associated with hazards and hazardous materials that were not anticipated in the SEIR.

Mitigation: The following mitigation measures were adopted as part of the SEIR for the Ballpark and Ancillary Development Projects and would be applicable to the project:

5.1-1 *Hazardous waste release sites within the Planning Area shall be delineated by the appropriate responsible party and remediated to the satisfaction of the designated lead agency. This may include preparation of a report such as a Phase I and Phase II Assessment.*

5.1-2 *As required by appropriate governmental authorities, any contaminated or hazardous soil and/or water conditions of the site shall be removed and/or otherwise remedied by the developer if, and as, encountered during construction as provided by law and implementing rules and regulations. Such mitigation may include without limitation the following:*

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

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

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

Some contaminated or hazardous soil and/or water conditions on the site may be addressed prior to construction, as in the manner described for mitigation measure 5.1-1. In addition, all significant identified releases of hazardous materials will be remedied to the satisfaction of the County DEH on a voluntary basis, pursuant to Health and Safety Code, Section 25264, whether or not such a remedy is legally required.

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

- 5.1-3 *In conformance with applicable requirements, an assessment of the significance of underground storage tanks shall be conducted.*

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

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

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

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

5.1-6 Any buildings constructed above any areas of hydrocarbon shall, as necessary, include active or passive vapor barriers to prevent migration of toxic and explosive vapors into building foundations.

5.2-3 All remediation activities shall comply with the Master Workplan dated July 30, 1999.

H. Hydrology / Water Quality:

The proposed mixed uses of the Ballpark Village project are anticipated to maintain the existing general runoff characteristics of the area. The project site was, until the recent construction of the Petco Park Ballpark Stadium, fully developed with impervious surfaces. The proposed Ballpark Village modifications would most likely reduce impervious areas by the incorporation of landscaped areas and permeable surfaces (i.e. porous concrete, pavers) thereby reducing the impacts of development on runoff and water quality. Short term impacts during construction will be mitigated to below a level of significance by implementation of required best management practices (Mitigation Measure 6.2-1). The Ballpark Village modifications are consistent with the SEIR. There are no new or more severe impacts associated with hydrology or water quality that were not anticipated in the SEIR.

Mitigation: The following mitigation measures were adopted as part of the SEIR for the Ballpark and Ancillary Development Projects and would be applicable to the project:

6.2-1 BMPs, included in the City of San Diego Stormwater and Urban Runoff Management program, shall be implemented as appropriate. These measures would include: public education programs along with the distribution of brochures, and storm drain stenciling or tiling. Covered solid waste recycling and disposal areas shall be maintained. The use of water to clean sidewalks and patio areas shall be minimized. Temporary erosion control measures (e.g., sand bags, detention basins, brow ditches and temporary

landscaping) shall be implemented to control construction impacts on water quality. Polluted water encountered during construction dewatering would be discharged into the sanitary sewer. If onsite vehicle washing is conducted, wash water shall be collected and routed to the sanitary sewer.

I. Land Use and Planning:

The maximum GFA can be distributed between several different land uses including residential, office, retail, and hotel within the proposed Ballpark Village Master Plan area. There is flexibility in defining the land use mix for potential development scenarios; however, they are capped by a maximum GFA of 3,212,020 sf and an ADT count of 16,500 trips. The proposed Ballpark Village is consistent in land use and intensity with the Centre City Redevelopment Plan, Community Plan, and PDO. As an Ancillary Development Project, the Ballpark Village is covered by the approved Community Plan Amendments that were prepared to address inconsistencies between the overall Ballpark Project and the Community Plan. The Ballpark Village project will also support the goal of increased housing opportunities in the Centre City Redevelopment Area. The Ballpark Village modifications are consistent with the SEIR. The Ballpark Village will not result in new or increased potential impacts from land use and planning above those anticipated in the SEIR. Since no impacts would occur, no mitigation is necessary.

J. Noise:

The Ballpark Village will contain residential, retail, office, or a combination of these uses in an existing urban environment. Although more detail is available, the proposed land uses and layout for the Ballpark Village are within the scope of the Ancillary Development Projects area as defined in the certified SEIR. Activities consistent with these uses will not result in a substantial, permanent increase in the ambient noise levels in the area. The Ballpark Village Master Plan has incorporated design standards that address ballpark noise attenuation as required by Mitigation Measure 9.1-2. However, the Ballpark Village does have the potential to be significantly impacted as a noise receiver. Fireworks displays and other events occurring after 10:00 pm at the ballpark may disturb residents and hotel guests within the Master Plan area. Although mitigation measures have been proposed to address this issue, impacts within the project are anticipated to remain significant and unmitigated, as previously identified in the SEIR.

The SEIR also identifies railroad and trolley activities as a potential source of noise impacts. According to the MEIR, at 100 feet from the centerline of the tracks, the Santa Fe Railroad generates 65 dBA CNEL. Railroad activities (crossing bells, train horns) at the nearby Santa Fe Railroad could significantly impact indoor residential uses and outdoor recreational uses particularly on the south sides of Parcel D buildings. The Parcel D1 and D2 buildings would be located within the 100 foot threshold defined in the MEIR. These impacts are consistent with the impacts analysis contained in the SEIR, and mitigation measures previously developed will be required and will mitigate impacts to below a level of significance. No new or more severe impacts would occur.

Mitigation: The following mitigation measures were adopted as part of the SEIR for the Ballpark and Ancillary Development Projects and would be applicable to the project:

- 9.1-1 *As required by the City of San Diego Noise Ordinance and California Administrative Code Title 24, all proposed residential units, hotels, and motels exposed to an exterior noise level of 60 dBA CNEL or greater are required to have an interior noise acoustical analysis and implement appropriate mitigation measures to ensure the building design would limit interior noise to 45 dBA CNEL or below. Similar measures may be necessary to provide professional office and commercial business land uses with exterior and interior noise levels at or below 70 and 50 dBA CNEL, respectively. Site-specific acoustical analyses would be required to identify exact mitigation measures. Residential development within the 60 CNEL noise contour of Lindbergh Field will be required to do a site-specific noise study and implement appropriate mitigation measures to ensure that State and local exterior and interior noise standards are met.*
- 9.1-2 *Specific noise mitigation measures, as required by City Ordinances, shall be incorporated into the development design as part of the conditions of approval on an activity-specific basis. These measures may include the construction of attenuation walls and/or landscaped berms, the positioning of buildings so that outdoor open space areas are buffered from excessive noise sources, physical setbacks from noise sources, and building design measures to reduce interior noise levels. All activities shall comply with existing City noise ordinance.*
- 9.2-1 *A detailed acoustic study shall be conducted to confirm the predictions of the long-term noise levels at noise sensitive uses within a two-block radius of the ballpark, which have been made in this SEIR. The study shall be used to determine noise attenuation measures to achieve the following interior noise levels: hotels (35 dBA), residences (35 dBA) and theaters (40 dBA). Attenuation measures at the ballpark shall include, but not be limited to, distributed speakers for the public address system and limitations placed on sound levels associated with various activities. Measures taken, with property owner's consent, at receptor locations may include, but are not limited, to dual-pane windows, ventilation improvements, sound walls and improved ceiling and wall insulation. In determining noise attenuation measures, emphasis shall be placed on reducing noise impacts at the ballpark rather than the receiver.*

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

Noise attenuation for designated historic resources shall be implemented consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

K. Population and Housing:

The SEIR found that development of the Ballpark and Ancillary Development projects could reduce the potential for future units to be built within the Ancillary Development Projects Area. The proposed Ballpark Village includes up to an estimated 1,500 residential units and will comply with the City's Inclusionary Housing Ordinance and Affordable Housing Requirements and Expedite Program by payment of fees, development of affordable housing, or

a combination of the two, thus helping to address the significant unmitigated impact identified in the SEIR resulting from the loss of housing units. The Ballpark Village would provide housing for planned population growth and therefore would not directly or indirectly induce substantial population growth. The Ballpark Village is not expected to displace any homeless people as the current sites are surface parking lots that do not provide shelter for homeless populations, and the homeless population does not currently occupy the project site itself because of the types of activities surrounding the property, easy and continuous surveillance, and policing by the property owners (and their private security). Thus, there are no new or more severe impacts associated with population and housing that were not anticipated in the SEIR.

L. Public Services, Utilities and Facilities:

The proposed land uses and lay out of the Ballpark Village are within the scope of the Ancillary Development Projects as defined by the certified SEIR. The Ballpark Village would place increased demand on public services including fire and police protection, schools, parks and other public facilities. However, additional revenues from the new development, required payment of Development Impact Fees for fire protection and parks, and compliance with Mitigation Measure 12.1-1 would reduce impacts to below a level of significance.

Utilities and services may also experience increased demand including water supply, solid waste, and sewer. There is expected to be sufficient water supply to meet the demands of the Ballpark Village project and mitigation measures will reduce other impacts to below a level of significance, with the exception of solid waste impacts, which would remain significant and unavoidable. There are no new or more severe impacts associated with public services, utilities and facilities that were not anticipated in the SEIR.

Mitigation: The following mitigation measures were adopted as part of the SEIR for the Ballpark and Ancillary Development Projects and would be applicable to the project:

12.1-1 Potential impacts to police and fire protection services, gas and electric, parks, public restrooms, libraries, courts and jails, health and social services, senior services, and educational facilities/services would be mitigated by funding available to the City of San Diego through implementation of the proposed Redevelopment Plan, repayment of debt by the Agency to the City, and new sales tax and transient occupancy tax (TOT) revenues generated by new increased development within the Planning Area. The City of San Diego will also receive property tax revenues generated by the Centre City Redevelopment Project pursuant to Section 33676 of the Health and Safety Code.

12.1-2 Potential impacts to delivery of potable water, water distribution and supply, stormwater collection and disposal, solid waste disposal, wastewater collection systems and treatment systems would be mitigated by funding available to the City of San Diego through implementation of the proposed Redevelopment Plan, repayment of debt by the Agency to the City, and new sales tax and transient occupancy tax (TOT) revenues generated by new increased property development within the Planning Area. The City of San Diego will also receive property tax revenues generated by the Centre City Redevelopment Project pursuant to Section 33676 of the Health and Safety Code.

12.1-3 *As required by the City of San Diego, developers shall provide areas in which to store recyclable materials. The Agency shall also encourage the City of San Diego Waste Management Department to increase its promotion of effective recycling programs in the Planning Area.*

12.2-1 *A waste management plan would be implemented to reduce waste transported to local landfills. Components shall include but not be limited to:*

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

12.2-2 *Improvements will be made to the Miramar Landfill entrance facility, if access to the facility becomes inadequate, consistent with the City's Guide to Mitigating Impacts to Solid Waste Services.*

M. Transportation / Traffic:

The SEIR identifies an ADT cap of 55,128 average daily trips (ADT) for new projects constructed after November 1999 in the Sports/Entertainment District that must be maintained to ensure impacts are fully assessed. The ADT trip generation for all currently constructed and approved projects within the Sports/Entertainment District totals 28,903, leaving a remaining ADT cap balance of 26,255 daily trips, which represents about 48% of the total. The Ballpark Village project will include a combination of retail, office, hotel, and residential uses and will generate a maximum of 16,500 cumulative ADT for all uses within the Ballpark Village Master Plan. The estimated trip generation associated with build-out of the Ballpark Village (maximum of 16,500 trips) will fall within the ADT cap established for the Ballpark District as a whole. Therefore, no new or more severe impacts to freeway segments, ramps and surface street intersections would occur with implementation of the Ballpark Village project beyond that which was assumed in the SEIR. In addition, transit, pedestrian, and pedicab demands will be consistent with estimates developed for the Ballpark and Ancillary Development Projects SEIR.

Development of the project will result in the loss of approximately 959 existing parking spaces in the surface lots currently located on Parcels C and D used for ballpark events. The SEIR specified number of dedicated parking spaces (2,383) for ballpark events will need to be maintained. Currently, 2,116 dedicated spaces are provided at Tailgate Park (1,061 spaces), Padres Parkade (P1) (1,004 spaces), and the Ballpark (51 spaces). Elimination of the 959 spaces currently provided by surface parking lots at Parcels C and D leaves a shortfall of 267 dedicated parking spaces for ballpark events. The project proponent will be responsible for identifying 267 additional parking spaces in order to maintain the required 2,383 dedicated spaces at all times. There are no new or more severe impacts associated with transportation and traffic that were not anticipated in the SEIR.

Mitigation: The following mitigation measures were adopted as part of the SEIR for the Ballpark and Ancillary Development Projects and would be applicable to the project:

13.1-1 *A 60 percent transit split goal for work trips into the downtown area shall be implemented by the year 2025.*

13.1-2 *Roadway improvements identified in Table 5.2-13 of the Ballpark and Ancillary Development Projects SEIR shall be implemented on an as-needed basis. An evaluation to determine the timing for these roadway improvements shall be conducted annually, with the first evaluation completed before the first ballpark event.*

13.1-3 *Plan-wide roadway improvements shall be completed when needed, based on the annual evaluation roadway evaluation.*

13.1-4 *Bicycle routes shall be evaluated annually and re-routed from key traffic arteries and onto minor streets, as necessary, to maintain adequate traffic flow.*

13.1-5 *Caltrans, SANDAG and the City of San Diego shall prepare a Freeway Deficiency Plan which identifies both near-term and long-term capacity improvements and programs improve the freeway system serving Centre City.*

Possible improvements may include:

- *Enhanced alternate mode service and facilities (e.g., trolley, express bus, bicycle, and pedestrian);*
- *Enhanced Transportation Demand Management (TDM) measures to reduce peak hour congestion, such as carpooling, vanpooling, parking restrictions, staggered work hours, and telecommuting;*
- *Increased carrying capacity on I-5, SR-94, and I-15;*
- *Improved/reconfigured freeway onramps and offramps; and*
- *Modifying peak hour flow rates at freeway ramp meters, in conjunction with increased mainline capacity, to maximize egress from surface streets connecting to freeway onramps.*

13.1-6 *Improvements and programs identified in the Freeway Deficiency Plan shall be carried out in accordance with the implementation program included as part of the Plan.*

13.2-5 *An Event Transportation Management Plan (ETMP) shall be developed and implemented by the City of San Diego working with the community, the San Diego Padres, and affected government agencies. The ETMP shall include the elements contained in Attachment 1 in Volume V of the Ballpark and Ancillary Development Projects SEIR, including:*

- *Neighborhood Traffic Control;*
- *Permanent Traffic Control;*
- *Event Traffic Control;*
- *Ramp metering after a ballpark event;*
- *Parking Management;*
- *Police Control/Traffic Enforcement;*

- *Incident Management Plans/Procedures;*
- *Pedestrian/Bicycle Management;*
- *Pedicab/Taxi Management;*
- *Transit Management; and*
- *Public Information Program.*

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

13.2-12 In addition to the 2,383 dedicated parking spaces included with the ballpark, 5,500 additional dedicated ballpark parking spaces shall be provided at Qualcomm Stadium for ballpark events, prior to the first ballpark event.*

V. STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act and the State CEQA Guidelines provide the following:

- (a) CEQA requires the decision making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

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

In connection with the certification of the SEIR and approval of the Ancillary Development Projects, the City Council and Agency adopted a statement of overriding considerations due to the existence of significant impacts that could not be fully mitigated. The Ballpark Village Master Plan project has not resulted in a change in the conclusions reached in the SEIR with respect to these impacts. Therefore, the City Council of the City of San Diego, pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15093, has balanced the benefits of the proposed Ballpark Village Master Plan against the following unavoidable impacts for which no feasible mitigation measures exist to reduce the impact to below a level of significance:

- Air Quality (long-term cumulative impacts of the proposed Centre City Redevelopment Project)
- Land Use / Planning (displacement of homeless populations in Ballpark and Ancillary Development areas)
- Noise (fireworks displays and other events occurring after 10:00 pm at the ballpark may disturb residents and hotel guests within the Master Plan area)
- Population and Housing (while the Ballpark Village Master Plan project would provide housing units, overall the Ancillary Development projects could reduce the potential for future units to be built within the Ancillary Development Projects Area; potential impacts of displaced homeless on surrounding areas)

The City Council has adopted all feasible mitigation measures with respect to these impacts, and has examined a range of alternatives, none of which meet both the development objectives and is environmentally preferable to the proposed development.

The City Council, after balancing the specific economic, legal, social, technological, and other benefits of the Proposed Development, determines that the unavoidable adverse environmental effects may be considered "acceptable" due to the following specific considerations, each of which individually is sufficient to outweigh the unavoidable, adverse environmental impacts of the Ballpark Village Master Plan project.

A. ADDITIONAL HOTEL ROOMS

Increasing the number and type of hotel rooms available to serve the San Diego Convention Center as well as the tourism industry, in general, is vital to the continued success of these activities. New hotel rooms will also bring an increase in Transient Occupancy Tax revenue which will help pay for vital city services such as police, fire and lifeguard protection, park maintenance, and arts and culture programs.

B. INCREASED EMPLOYMENT OPPORTUNITIES

Additional hotel rooms, retail, restaurants and public and semi-public uses will provide job growth in the construction sector and additional retail, hotel, public and semi-public jobs which

will locate in the space provided.

C. INCREASED PROPERTY VALUES AND TAX REVENUE

The conversion of surface parking lots into high rise residential, retail, commercial and hotel establishments will increase property values of the existing property and enhance values of adjacent properties in the area, providing an increase in property tax revenue and property tax increment for the redevelopment agency that may be used to further the goal of removing blight in the redevelopment area and for infrastructure upgrades.

D. INCREASE IN HOUSING SUPPLY

The creation of 1,500 dwelling units will provide much needed housing to support the 35% growth in population in San Diego County projected by the San Diego Association of Governments (SANDAG).

E. MORE EFFICIENT USE OF LAND

High intensity use of property in already urbanized areas allows for increased housing production and commercial and retail space without the consumption of additional open space area to accommodate job and population growth. High intensity mixed-use development provided by the project provides for pedestrian friendly areas that reduce the need for cars, promotes the use of public transportation and allows people to live close to where they work and recreate.

F. ECONOMIC BENEFITS TO THE GASLAMP QUARTER

Due to its proximity, those that live, work, and stay in the Ballpark Village project area will frequent the restaurants and retail establishments in the Gaslamp Quarter, which will translate into increased revenues for area businesses.

G. LOW AND MODERATE-INCOME HOUSING

California Community Redevelopment Law requires 20% of tax increment revenues be set aside for the development of low and moderate income housing. The development contemplated in the Ballpark Village Master Plan will greatly increase tax increment revenues, of which 20% of those new revenues must be used to create low and moderate income housing. In addition, the goals of the Centre City Redevelopment Plan and Community Plan of providing housing for the downtown area and additional opportunities for low-income housing will be served by the Project's compliance with the City's Inclusionary Housing Ordinance and Affordable Housing Requirements and Expedite Program.

I. IMPROVED STORM WATER CONTROLS

The project site, until the recent construction of the Petco Park Ballpark, was fully developed with impervious surfaces (surface parking lots). The proposed Ballpark Village will reduce impervious surfaces with the incorporation of landscaping and permeable surfaces, and thereby

reduce the impacts of development on runoff and water quality.