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**Subject: Comments on Draft EIR for the Balboa Park Plaza de Panama Project
Project No. 233958/SCH No. 2011031074**

Dear City Staff and Decision Makers:

The North Park Historical Society (NPHS) is a local, all-volunteer 501c3 non-profit organization formed in 2008. Our mission is to preserve North Park's architectural and cultural history through research, education and outreach. Our projects, some of which began in 1988 when we were a committee of the community association, include conducting walking tours, publishing books about North Park's history, and achieving historical designation of districts and landmarks. This letter was approved by vote of the Board of Directors of NPHS on March 12, 2012.

We have conducted a detailed review of the Draft Environmental Impact Report for the Balboa Park Plaza de Panama Project (the "Project") dated January 23, 2012 (the "Draft EIR"). Based on our review, we find that the Draft EIR is not a sufficient informative document for decision makers and the public as required by California Environmental Quality Act (CEQA) Guidelines Section 15151, which states in part, "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences...The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure." In addition, the City has not conducted its duties as Lead Agency in accordance with the spirit and the letter of environmental law. Our detailed comments on the deficiencies of the Draft EIR and the environmental process follow a brief description of the source of NPHS's standing in this project.

Our standing in the Balboa Park Plaza de Panama Project is based partly on our activities in Morley Field, where significant offsite impacts from the Project would occur. This area is generally referred to as the "Arizona Landfill" in the Draft EIR. Morley Field and the surrounding area constitute the outdoor classroom NPHS uses to teach the importance of historical preservation and the unique story of North Park's historical resources.

Last year we achieved designation of the North Park Dryden Historic District, a six-block neighborhood along 28th Street and Pershing Avenue from Upas to Landis streets at the northeast corner of Balboa Park's East Mesa. We conduct popular walking tours in this residential area, and are planning other walking tours within Morley Field itself and in other residential neighborhoods adjacent to the East Mesa. Our Third Annual Historical Car Show will be held September 8, 2012 in the parking lot adjacent to the Balboa Tennis Club in Morley Field. This event is viewed by NPHS and the Balboa Tennis Club as the first of many cooperative efforts leading to and extending beyond the Balboa Park Centennial in 2015. These and other related activities provide the revenue and community exposure NPHS needs to thrive as an all-volunteer non-profit organization.

Our standing also arises from our desire to protect the historical resources of Morley Field, a recreational area constructed in 1932 as a City unemployment relief program. As discussed in our award-winning community history book, *North Park: A San Diego Urban Village, 1896-1946* by the late Donald Covington, the recreation center had been a plan of John G. Morley (Superintendent of all City parks from 1911 to 1938) since 1914, when he set aside the northeast corner of the park for major outdoor recreation grounds. The *San Diego Union* noted in an article dated October 9, 1932 that "The oft-berated depression has accomplished one new step in carrying to a conclusion the intricate Nolen plan of city development that a decade of prosperous years was unable to bring about—the building of a swimming pool and recreation center at the foot of Texas street in Balboa Park." The swimming pool, baseball diamonds, tennis courts and shuffleboard courts built more than 80 years ago are part of the center. Major municipal events, including picnics, dances, exhibition baseball games and beauty queen competitions occurred at Morley Field and form part of North Park's unique story.

The Central Mesa of Balboa Park is also closely intertwined with North Park's history. The park constrained the construction of transportation facilities, delaying residential development until the early 1900s. Because of the delay, the predominant architectural styles of most North Park neighborhoods are Arts and Crafts, Mission Revival/Spanish Revival and California Bungalow. Mediterranean stucco homes were strongly influenced by the buildings constructed for the 1915 Panama-California International Exposition. The park held views and was an attraction that became compelling selling points for tracts in North Park, including Park Villas and West End, the edges of which are straddled by the North Park Dryden Historic District. Also, one of the few roads that threaded through the early "City Park" was the roadway that became Pershing Drive, and it led directly to the northeast corner of the park at the future intersection of Upas and 28th streets. Therefore, the standing of NPHS in the Project extends to impacts on the Central Mesa.

Through our mission and activities, NPHS has a clear, present, and beneficial right to the City adequately carrying out its duties as Lead Agency and meeting the requirements of CEQA for the Project. We appreciate the opportunity to enter into the administrative record our comments on the Draft EIR for the Balboa Park Plaza de Panama Project.

COMMENTS ON SECTION 1: INTRODUCTION

General Compliance with CEQA

In Section 1.0, the Draft EIR states that the document "has been prepared by the City of San Diego (City) in compliance with the California Environmental Quality Act (CEQA) and Guidelines (Public Resources Code, Section 21000 et seq. and California Code of Regulations, Title 14, Section 15000, et seq.)" but this is not the case. The Draft EIR should disclose the City Council's approval of the Memorandum of Understanding (MOU) between the City and Plaza de Panama Committee (Committee) on July 19, 2011, and provide a detailed discussion of the effects of this agreement between the City and the project proponent on the environmental process for the Project. The Draft EIR should highlight Article 6.1 of the MOU, which reads as follows:

6.1 Term. This MOU shall become effective upon full execution by the parties and shall expire no later than five years from the date hereof, unless extended for a specific period of time by the City and the Committee. This MOU shall terminate upon any of the following: (1) execution by the parties of a subsequent agreement for development of the Proposed Project; (2) notice by either party to the other of termination of the MOU; (3) City denial of the Proposed Project; and (4) City approval of the Proposed Project in a form unacceptable to Committee (Committee to decide in its sole discretion if City's approval of Proposed Project is unacceptable) or (5) the bonds to be issued by the City will not yield funds adequate to support construction of the Parking Structure.

The Draft EIR should disclose the findings of the Superior Court of California on January 19, 2012 (Minute Order of Case No. 37-2011-00095579-CU-WM-CTL, *Save Our Heritage Organisation [SOHO] vs. City of San Diego*, initiated August 2, 2011). Excerpts from the Minute Order are presented below.

"The Court finds the subject MOU constitutes an approval of the proposed project without prior environmental review as required by CEQA. The MOU constitutes action that effectively forecloses due consideration of project alternatives or mitigation measures that are essential parts of CEQA review...Significantly, the MOU also states the MOU shall terminate upon the City's denial of the proposed project, and/or the City approval of the proposed project in a form unacceptable to the Committee (decided in the sole discretion of the Committee) and/or the bonds to be issued by the City will not yield funds adequate to support construction of the parking structure. (MOU, Article 6, Miscellaneous). Although the MOU expressly states that the agreement is not a binding contract and is not enforceable against either party (*Id.*, at 6.4 and 6.5) the fact that the Committee has the ability to unilaterally terminate the project if the proposed project does not go forward as it prefers, the agreement effectively constitutes an approval of the project as proposed by Real Party...[the City's] actions preclude meaningful analysis and consideration of project alternatives and mitigation measures, as well as, deny the public meaningful input and trust in the process."

In addition to the Court findings, the Draft EIR should address the specific requirements of the CEQA Guidelines that are violated by the City's approval of the MOU, including the following:

- 15002(a) Basic Purposes of CEQA. The basic purposes of CEQA are to:
(3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- 15002 (h) Methods for Protecting the Environment. CEQA requires more than merely preparing environmental documents...when an EIR shows that a project would cause substantial adverse changes in the environment, the governmental agency must respond to the information by one or more of the following methods... (1) changing a proposed project, (2) Imposing conditions on the approval of the project...(4) Choosing an alternative way of meeting the same need; (5) Disapproving the project...
- 15002 (j) Public Involvement. Under CEQA, an agency must solicit and respond to comments from the public and other agencies concerned with the project.
- 15003 (b) The EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected.
- 15021 (a) CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible...(2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.

Conduct of Lead Agency Duties

In Section 1.2.1, the Draft EIR states that "The City of San Diego is the Lead Agency for the project pursuant to Article 4 (Sections 15050 and 15051) of the CEQA Guidelines. The Lead Agency, as defined by CEQA Guidelines Section 15367, is the public agency that has the principal responsibility and authority for carrying out or approving the project." However, by approval of the MOU, the City delegated its responsibilities as Lead Agency to the Committee, a private entity and project proponent with a singular view of how the project should occur.

The Draft EIR should address the specific duties of a Lead Agency required by the CEQA Guidelines that have been violated by the City's approval of the MOU, including the following:

- 15041 (a) A lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment...
- 15042 Authority to Disapprove Projects: A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.

Scope of EIR

In Section 1.3.2, the Draft EIR lists the issues determined during the scoping process to have the potential to result in significant environmental impacts. Missing from the list is Recreation, item XV in CEQA Appendix G: Environmental Checklist Form. Checklist question XV(b) is "Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?" In the City's initial project review, the answer to this question should have been yes, potentially significant impacts to recreational facilities could occur. A specific section on impacts to recreation in the Central Mesa and East Mesa should have been included in the Draft EIR, particularly when one of the issues noted in the Summary as an area of controversy was "recreation (impacts to existing park uses)."

Section 8.2 of the Draft EIR, Effects Found Not to Be Significant-Special Events, is not an adequate analysis of potential impacts on important city recreational facilities during construction and after completion of the proposed project. Missing is an analysis of impacts to special events such as December Nights, Rock N' Roll Marathon, America's Finest City Half Marathon, and Earth Fair during the two years of project construction. Can these events, several of which have been held consecutively for 34 years, be held during construction? This potential impact is not addressed in the Draft EIR.

Also completely lacking is an analysis of the offsite impacts during construction and after project completion on Morley Field recreational facilities due to disposal of soil excavated for construction of the parking garage. Facilities potentially impacted include the Morley Field archery range, hiking trails, Florida Canyon trail connections, the Frisbee golf course, baseball fields, and play fields; activities potentially impacted include Little League, soccer, San Diego City College baseball games and practice, Velodrome races, and nationally prominent cross country races and tennis tournaments.

Potential impacts to recreational resources require analysis, disclosure, and mitigation. Correcting this deficiency in the Draft EIR will require the addition of "significant new information" under CEQA Guidelines Section 15088.5(a). Adequate analysis will reveal that (1) new significant environmental impacts would result from the Project at Morley Field and new mitigation measures would be needed, and (2) there will be a substantial increase in the severity of environmental impacts to special events requiring mitigation measures that could be declined to be adopted by the project proponent under the authority of the MOU.

If the City decides not to recirculate the Draft EIR, under CEQA Guidelines Section 15088.5(e) that decision "must be supported by substantial evidence in the administrative record."

COMMENTS ON SECTION 3: PROJECT DESCRIPTION

Project Objectives

In Section 3.1 of the Draft EIR, the fifth project objective is the following:

"Implement a funding plan including bonds that provides for construction of a self-sustaining paid parking structure intended to fund the structure's operation and maintenance, the planned tram operations, and the debt service on the structure only."

The Draft EIR lacks a separate and clear analysis of how this objective is being accomplished by the Project. As discussed in the comments in this letter under Parking, understanding the feasibility of accomplishing the objective related to parking structure funding is critical for decision makers and the public. The Draft EIR should add a section dedicated to analyzing the proposed funding plan and how the parking structure will be self-sustaining.

Arizona Street Landfill

In Section 3.4.6.4, the Draft EIR discusses disposal of 142,000 cubic yards of excess soil generated by excavation for the parking structure. The description of the disposal program is not adequate under CEQA Guidelines Section 15124(c), which requires "A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities." The discussion is also not sufficient to satisfy CEQA Guidelines Section 15147, which requires information "sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public."

The disposal is proposed to occur at the "Arizona Street Landfill," a portion of the East Mesa immediately adjacent to sensitive biological resources in Florida Canyon and important recreational facilities at Morley Field used extensively by children and adults. Yet the project description defers critical aspects of erosion control, construction activities, soil export and placement, and haul route monitoring to the construction contractor, making no attempt to develop or describe these aspects. In addition, there is no description of how the existing active landfill gas collection system, an important public service facility, would be modified for the Project, even though it is later revealed in the Draft EIR that an explosion occurred at the site due to methane gas buildup. The project description merely notes that "the contractor would obtain approvals of the necessary protection and reconfiguration of the existing active landfill gas collection system with the required Health and Safety Plan."

The Draft EIR should develop complete details on the disposal program so that potential impacts can be adequately addressed and disclosed to the decision makers and the public.

Parking

In Section 3.4.7.3c, the Draft EIR states, "Currently, staff and employees utilize over 550 of the most centrally located parking spaces." Table 3-1 in Section 3.4.7.3 presents a combined total of 557 parking spaces in the Plaza de Panama, Alcazar, and Organ Pavilion parking lots. Is the EIR stating that all but 7 of the 557 spaces available at the parking lots directly affected by the Project are utilized by staff and employees?

If the EIR actually is referring to other parking lots that also are "centrally located," the Draft EIR should be modified to explain this important point more clearly.

If it is true that most of the parking spaces in the Plaza de Panama lot (33 standard plus 21 ADA) and Alcazar lot (131 standard plus 5 ADA) are taken by staff and employees, it is not clear why these spaces, or at least the 164 standard spaces that would be eliminated by the Project, need to be replaced at all. Visitors are apparently parking farther away under current conditions and the viability of Balboa Park institutions is not noted to be threatened by this situation.

Section 3.4.7.3c of the Draft EIR notes that employees could use spaces in the Pan American lot, Federal Building lot, or the Inspiration Point lot. This statement appears to be reasonable. The Office of the Independent Budget Analyst Report dated July 15, 2011 (IBA Report number 11-44) provided in support of the City Council resolution regarding the MOU stated that even "during those times of peak visitation at the park, parking is still available at Inspiration Point and Federal/Aerospace Lots further away, which are underutilized at approximately 50% capacity. The Inspiration Point and Federal/Aerospace Lots offer 1,264, and 509 spaces, respectively." Therefore even at peak times, 632 spaces should be available at the Inspiration Point lot and 254 spaces at the Federal/Aerospace lot for employees displaced by the Project without affecting current parking availability for visitors.

The Draft EIR states repeatedly that the Project does not plan to implement an employee parking management plan. But based on the information presented in Section 3.4.7.3, employee parking management would be more effective than the proposed parking structure in enhancing proximate parking for visitors. All that would be needed is an active plan to assure that employees park in the more remote lots instead of the existing Organ Pavilion lot, which has 357 standard spaces and 10 ADA spaces. The "passive" form of employee parking management anticipated to occur by converting free parking to paid parking in a structure is an expensive, impactive, and ineffective way to achieve Project objectives. The objective of maintaining public and proximate vehicular access to the institutions on the Central Mesa while removing vehicles and improving access to the Central Mesa through the provision of additional parking [for visitors] can be achieved without a paid parking structure. The Draft EIR should disclose why an employee parking management plan is not part of the Project.

Section 3.4.7.3b of the Draft EIR states that "Paid parking would be implemented for the new parking structure to offset the costs associated with the construction of the underground parking facility. Parking revenue would also be used to support the expanded tram system and the management, operating, and maintenance expenses of the parking garage." The implication that there will be sufficient revenue to accomplish these goals is not supported by information in the Draft EIR. This is particularly important because one of the Project objectives is to "Implement a funding plan including bonds that provides for construction of a self-sustaining paid parking structure intended to fund the structure's operation and maintenance, the planned tram operations, and the debt service on the structure only."

Understanding the feasibility of accomplishing the goals and objectives related to the parking structure is critical for decision makers and the public. The Draft EIR should disclose relevant information from IBA Report Number 11-44, including the following points:

- The parking consultant estimated net annual parking revenue (after all operating, maintenance and tram costs are paid) ranging from \$1.2 million to \$1.4 million for the first ten years.
- Approximately \$14 million of net bond proceeds could be supported by projected revenue from the parking structure.
- If net parking revenue is less than projected, the General Fund would be obligated to cover the difference.
- The parking consultant assumed an average 88% annual occupancy for the proposed parking garage.
- A 10% reduction in the consultant's assumed parking occupancy results in an approximate reduction of \$240,000 in projected parking revenue, which would have to be covered by the General Fund.
- The availability of free parking in other areas of the park poses a challenge for occupancy assumptions for the paid parking garage on typical non-event days at the park. There is uncertainty regarding how the availability of free parking will impact the usage of the paid parking structure.
- Special event days at the park only comprise 3% of the projected revenue, given that they are averaged to occur only 3 times per month.
- Expenses for security patrol at the parking garage were not included in the parking consultant estimate of operational costs, and could total \$175,000 annually.
- The IBA recommends that projected parking revenues and all parking structure costs (including possible costs for a security service) be carefully reevaluated before bonds are sized in order to minimize fiscal exposure for the General Fund.

In addition, the Draft EIR should disclose a reasonable estimate of construction costs for the parking structure. Otherwise, the decision makers and the public cannot evaluate the feasibility of constructing a self-sustaining paid parking structure. Parking structures can be an extremely expensive way to provide parking spaces. A typically cited parking structure cost is \$20,000 per space, with the caveat that underground parking structures can be twice to three times typical values. At \$20,000 per space, the proposed structure would cost nearly \$16 million. A 2008 presentation on parking structure costs at UCSD listed the cost of the 800-space University Center Parking Structure at \$27.1 million, or \$33,875 per space. At that price per space, the parking structure for the Project would cost more than \$27 million. Estimating the cost of the parking structure would involve some forecasting, but CEQA Guidelines Section 15144 states that "While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can."

Furthermore, the Plaza de Panama Fact Sheet states that "The parking structure will be funded by a \$14 million dollar self-supporting revenue bond." If this is a valid statement, a cost estimate for the parking structure must exist, or how else can it be known that the revenue bond would be self-supporting? The Draft EIR should disclose this information to decision makers and the public.

If in fact the parking structure cannot be built for \$14 million, and/or an average 88% annual occupancy in the parking structure cannot be achieved, the parking structure will not be self-sustaining with the assumed rate structure. Since the Draft EIR includes the statement that paid parking would offset the costs of underground parking construction, the document should thoroughly discuss this aspect.

Although CEQA Guidelines Section 15131 allows economic or social information to be included in an EIR or presented in whatever form the agency desires, this economic information is extremely important given the substantial physical changes to the Central Mesa and East Mesa that will result from the parking structure. Now is the time to fully disclose how feasible it is for the parking structure to accomplish the goals and objectives stated in the Draft EIR.

COMMENTS ON SECTION 4: ENVIRONMENTAL ANALYSIS

In several sections of the Draft EIR, significant environmental effects of the Project have not been assessed in accordance with CEQA Guidelines Section 15126.2 (a), which states in part that "Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects." CEQA Guidelines Section 15151 is also not satisfied because the EIR has not been "prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." Sections of the Draft EIR that need additional, more complete, or more accurate analysis are discussed below.

Land Use

Section 4.1.3.1e of the Draft EIR notes that "The placement of fill and grading operations within the Arizona Street Landfill disposal site has the potential to result in significant indirect impacts to the MHPA associated with noise, lighting, drainage, and the introduction of invasive plants." Section 4.1.3.3 of the Draft EIR provides Mitigation Measure LU-1-A8 for noise impacts, as follows:

"Noise - Due to the site's location adjacent to or within the MHPA, construction noise that exceeds the maximum levels allowed shall be avoided, during the breeding seasons for protected avian species such as: California Gnatcatcher (3/1-8/15); Least Bell's vireo (3/15-9/15); and Southwestern Willow Flycatcher (5/1-8/30). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. When applicable, adequate noise reduction measures shall be incorporated."

The Draft EIR concludes that "Implementation of mitigation measure **LU-1** for MHPA Adjacency would reduce impacts to less than significant." However, this statement is not substantiated by the analysis in the Draft EIR. California gnatcatcher were noted as present in the Florida Canyon MHPA next to the proposed offsite disposal site. Mitigation Measure LU-1 is too vague. It is impossible to evaluate if construction noise levels could feasibly be reduced to protect breeding birds. The feasibility of temporary noise walls or other methods should have been evaluated. If construction noise cannot be reduced to regulatory levels allowed during the California gnatcatcher breeding season, the Draft EIR should specifically prohibit construction activities near the MHPA during the period from March 1 to August 15.

Traffic Circulation and Parking

Section 4.4.1.4 of the Draft EIR describes existing parking resources and patterns. The term "prime" parking space is used but not specifically defined. The Draft EIR should clarify which spaces or lots are being classified as "prime."

The Draft EIR states that "Considering the total amount of employees parking at the Central Mesa is about 500, employees displace up to 4,000 visitors per day from prime parking spaces." If this is the case, would any additional parking actually be needed if the employee parking issue were solved? Does any of the parking being eliminated in the Plaza de Panama and Alcazar lots actually need to be replaced?

Parking patterns are also relevant to evaluating the achievable parking occupancy at the proposed parking structure. Table 4.4-4 in the Draft EIR presents existing parking conditions in terms of spaces occupied and percentage utilization. Under existing weekday conditions, 50 spaces are occupied at the Plaza de Panama lot, 136 are occupied at the Alcazar lot, and 348 are occupied at the Organ Pavilion lot. Assuming all of these parkers would use the parking structure of 798 spaces, the occupancy of the structure would be 67%, far below the 88% assumed by the parking consultant to estimate net annual parking revenue. This simple calculation does not take into account employee parking patterns and the fact that some ADA spaces would still be available at the Alcazar lot. The Draft EIR should provide an analysis of reasonably achievable parking structure occupancy with the values presented in Table 4.4-4. Such analysis is critical to determining if the objective of having a self-sustaining paid parking structure that provides funds for maintenance, the planned tram operations, and the debt service on the structure can be met by this component of the Project.

Section 4.4.4.1 of the Draft EIR discusses parking impacts. This discussion references a paid parking structure in San Francisco to justify the contention that the proposed parking structure would have a high utilization and that parking fees would not be a deterrent to maintaining high occupancy levels. Why is the Draft EIR referencing a structure in another city when an example is at University Avenue and 29th Street in the San Diego community of North Park? The response of drivers to this local parking structure that only charges \$5 should be explored and cited in the Draft EIR. Word "on the street" is that the North Park structure is not highly utilized and drivers continue to prefer free parking available in the surrounding commercial and residential area.

Section 4.4.4.1 of the Draft EIR does not explore future parking scenarios that could occur with construction of the parking structure. One scenario is that there is too much free parking available in the surrounding area to generate adequate occupancy in the parking structure and create a self-sustaining facility. Is it likely that the City would then make other lots paid also? Since this is a City project, such analysis would not be speculative.

Section 4.4.4.1 of the Draft EIR does not explore the Zoological Society's likely response to creation of paid parking in the Central Mesa. According to Table 4.4-4, the zoo parking lot is 93% utilized during the week and 100% utilized on the weekend. Would the Zoological Society determine they must protect parking availability at the zoo lot? What changes would occur to parking patterns and affordability of Balboa Park for all citizens of San Diego if the nearly 3,000 spaces at the zoo became paid parking? These questions can be addressed without speculation and should be answered in the Draft EIR.

Biological Resources

Section 4.6.2.3 of the Draft EIR states that "Implementation of mitigation measure **LU-1** would reduce direct and indirect impacts to coastal California gnatcatcher to less than significant." As noted above under the discussion of Land Use, mitigation measure LU-1 is not sufficient. An analysis of the feasibility of temporary noise walls or other methods should be presented or construction activities near the MHPA during California gnatcatcher breeding season should be prohibited.

Geologic Conditions

Section 4.8.2.1e of the Draft EIR discusses the Arizona Street Landfill and states that "there would be no exposure of people or property to geologic hazards as a result of this off-site project component." However, the portrayal of this area of Morley Field in this section of the Draft EIR is not accurate. The area is not simply an inactive landfill. Every day, children and adults come to this area to run, walk, ride bikes, and enjoy the view. So there are people present that could be exposed to geotechnical risks. The Draft EIR should include an analysis of the potential impacts from additional weight of up to 11 feet of soil being added to the interim cap, and potential risks from disruption of the landfill gas collection system.

Noise

Section 4.12.6.1a of the Draft EIR analyzes construction equipment noise. This analysis is incomplete. Potential impacts from construction equipment noise due to offsite activities in the Morley Field area are not analyzed. Homes along Upas Street are less than 1,000 feet from the northernmost sites identified for receiving soil. The equipment, timing and duration of soil disposal and grading activities should be discussed, and potential sound levels should be quantified at the nearest residential property line. If construction activities in the Morley Field area are proposed outside of the 7:00 am to 7:00 pm time period, the intention of the City to obtain a permit to allow such activities should be disclosed.

Section 4.12.6.1b of the Draft EIR discusses truck hauling noise. This section is incomplete and contains inaccuracies, as discussed below.

The Draft EIR states that the haul route is shown on Figure 3-42. There is no Figure 3-42 in the Draft EIR. The proposed haul route is shown on Figure 3-31.

The Draft EIR states that "the nearest sensitive uses are located more than 1,000 feet from the haul route." This statement is incorrect. The haul route is immediately adjacent to the Naval Medical Center along Park Boulevard, as well as the Florida Canyon MHPA (which supports the federally listed California gnatcatcher) along Florida Drive and Pershing Drive. The Draft EIR should present an analysis of truck hauling noise on these sensitive uses.

In addition, the extended haul route is within 200 feet of homes along 28th Street at the intersection of Pershing Drive and Redwood Street, and closer than 1,000 feet to homes along 28th and Upas streets at Jacaranda Place. The Draft EIR should present an analysis of noise impacts along the extended haul route.

Public Services and Facilities

Section 4.14.2.1c of the Draft EIR evaluates impacts to public facilities/road maintenance. The Draft EIR states that "The cost of maintaining the parking structure would be recovered through revenues generated by paid parking within the facility." However, this statement has not been substantiated by analysis in the Draft EIR.

The Draft EIR also states that "Furthermore, public facilities and roadway maintenance are a financial matter that would not result in physical effects on the environment." This statement is inaccurate and should be deleted. When public facilities and roadways are not maintained, physical impacts on the environment do occur. For example, water quality can be impaired by poorly maintained roadways, flooding can occur from poorly maintained storm drains, and degraded air quality can result from traffic congestion.

In Section 4.14.2.1c of the Draft EIR there is no discussion of impacts from construction damage to local roadways, including truck hauling along the route between the Central Mesa and East Mesa. Most of the roadways depicted in Figure 3-31 (Proposed Haul Route to Arizona Landfill) have been repaved recently, including Zoo Place, Florida Drive, and Pershing Drive. The significant impact of ruining these roadway improvements should be acknowledged in the Draft EIR, and specific mitigation to repair all roads impacted by construction should be mandated as part of the Project.

COMMENTS ON SECTION 9: PROJECT ALTERNATIVES

No New Parking Structure Alternative

Section 9.3.3A of the Draft EIR inaccurately analyzes the No New Parking Structure Alternative.

A conclusion of Issue d-1: Traffic Capacity is inaccurate. The Draft EIR states that in 2030, the Park Boulevard/Space Theatre Way intersection would have significant, unmitigable impacts. This intersection is stop sign controlled, and the movement that operates poorly is the left turn from the Central Mesa to Park Boulevard. This situation occurs in the No Project condition as well as with the Project and alternatives. The poor operation could be corrected with a signal at this intersection. Therefore, the impact is not unmitigable.

The conclusions of Issue l-5: Temporary Construction Noise, are inaccurate. Temporary construction noise from this alternative would be less than from the Project, not similar. There would be no noise from construction of the parking structure. In addition, there would be no potential impacts from construction equipment noise and truck hauling noise due to offsite activities in the Morley Field area, because no soil would have to be excavated and hauled to the East Mesa. Therefore, the No New Parking Structure Alternative would have less temporary construction noise impacts than the Project. Table 9-1 should be corrected.

The conclusions of Issue n-1: Public Facilities/Road Maintenance, are incomplete. The No New Parking Structure Alternative would generate fewer new maintenance obligations for the City because a parking structure would not be built. In addition, recently repaved roadways along the proposed haul route would not be impacted by construction because no soil would have to be excavated and hauled to the East Mesa. Therefore, the No New Parking Structure Alternative would have less public services and facilities impacts than the Project. Table 9-1 should be corrected.

The conclusions regarding this alternative in Section 9.3.3A.3 state the following:

"While the No New Parking Structure Alternative would attain some of the project objectives (1 and 2) by removing vehicles from El Prado, the Plaza de California, the Plaza de Panama, and the Mall; repaving and replanting these areas in accordance with restored pedestrian use; and resolving some traffic hazards, it would not provide additional parking (Objective 3), improve tram service between the Prado and Palisades (Objective 4) or include a funding plan for improvements (Objective 5). This alternative also would provide fewer benefits than the project through resolving fewer pedestrian/vehicular conflicts; providing less restored free and open parkland; and providing no additional parking in proximity to the Park's institutions."

These conclusions should be revised to incorporate the following points:

- In the discussion of Issue d3: Parking, for this alternative, the Draft EIR states that the loss of 158 parking spaces from the Park total would not be a significant impact. Therefore, the failure of the No New Parking Structure Alternative to satisfy Objective 3 is not significant.
- Objective 4 is misstated in Section 9.3.3A.3. Objective 4 actually states, "Improve the pedestrian link between the Central Mesa's two cultural cores: El Prado and the Palisades." The No New Parking Structure Alternative would partially accomplish

Objective 4 by creating a vehicle-free corridor along El Prado West, across the Cabrillo Bridge, and through the Plaza de California, Plaza de Panama and the Mall to the Organ Pavilion. Furthermore, there is nothing about the alternative that would prevent more frequent tram service between the Alcazar parking lot and Palisades area along Pan American Road East, which is highlighted as having two-way vehicle access on Figure 9-3b. Table 9-2, which states "No" for Objective 4 for the No New Parking Structure Alternative, should be corrected to state "Partially."

- The funding plan for improvements (Objective 5) is specifically linked to bonds for construction, operation and maintenance of a self-sustaining paid parking structure. The fact that the No New Parking Structure Alternative would not satisfy Objective 5 is irrelevant because such funds would not be required. Table 9-2, which states "No" for Objective 5 for the No New Parking Structure Alternative, should be corrected to state "Not Applicable."

Environmentally Superior Alternative

Section 9.4 of the Draft EIR discusses the Environmentally Superior Alternative. The selection of the Half-Plaza Alternative as the environmentally superior alternative is not supported by the alternative impacts summary in Table 9-1 of the Draft EIR. The inaccurate discussion should be revised in accordance with the comments below.

Section 9.4 of the Draft EIR should state clearly if either of the No Project alternatives are considered environmentally superior. These would be the No Development/Existing Conditions Alternative and the Central Mesa Precise Plan Alternative.

If one of the No Project alternatives is environmentally superior, then the Draft EIR should identify the environmentally superior alternative among the "build" alternatives in accordance with CEQA Guidelines Section 15126.6(e)(2). The evaluation should focus on which alternative best reduces environmental impacts caused by the Project (particularly the impacts that are significant and unmitigable).

The Phased Alternative is the same as the Project, so should be excluded from being considered as the environmentally superior alternative.

The Draft EIR could apply a simple, quantified screening analysis using the comparison of impacts in Table 9-1 to develop a more objective evaluation than presented in Section 9.4. Comparing impacts of the ten "build" alternatives (excluding the Phased Alternative) in Table 9-1 results in the following conclusions:

- Four alternatives have less impacts than the Project for 13 to 14 environmental issues: No New Parking Structure, Inspiration Point Parking Structure, Stop Light (One-Way), and Modified Precise Plan without Parking Structure. These alternatives perform the best at reducing Project impacts.

- Three alternatives have less impacts than the Project for 4 to 7 environmental issues: Organ Pavilion Parking Structure, West Mesa Parking Structure, and Half-Plaza. These alternatives perform moderately at reducing Project impacts.
- Three alternatives have less impacts than the Project for 0 to 2 environmental issues: Gold Gulch Parking Structure, No Paid Parking, and Tunnel. These alternatives perform poorly at reducing Project impacts.
- Three alternatives have greater impacts than the Project for 6 to 7 environmental issues: West Mesa Parking Structure, Gold Gulch Parking Structure, and Tunnel. These alternatives also reduce Project impacts moderately or poorly (for 6, 2, and 1 issues, respectively). They can be eliminated from consideration as the environmentally superior alternative because other alternatives reduce more and increase fewer Project impacts.
- One alternative has greater impacts than the Project for only 1 environmental issue: No Paid Parking. However, this alternative does not reduce any Project impacts. Therefore it can be eliminated from consideration as the environmentally superior alternative.
- Six alternatives have greater impacts than the Project for 3 to 4 environmental issues: No New Parking Structure, Organ Pavilion Parking Structure, Inspiration Point Parking Structure, Stop Light (One Way), Modified Precise Plan without Parking Structure, and Half-Plaza. A comparison of how well these alternatives reduce Project impacts is presented in Table 1.
- The compilation in Table 1 indicates that the Half-Plaza Alternative cannot be fairly characterized as the environmentally superior alternative. The Half-Plaza Alternative only reduces 4 Project impacts, compared to 7 for the Organ Pavilion Alternative and 13 or 14 for the other alternatives. Also, the Half-Plaza Alternative only reduces one significant and unmitigable Project impact (neighborhood character). The other alternatives reduce three significant and unmitigable Project impacts, including impacts to historical resources of the Balboa Park National Historic Landmark District.
- The compilation in Table 1 indicates that the Organ Pavilion Parking Structure Alternative also does not qualify as environmentally superior because it only reduces seven Project impacts while the remaining alternatives being considered reduce roughly twice the number of Project impacts, including issues of landform alteration, onsite noise, and paleontological resources.
- The compilation in Table 1 verifies that the No New Parking Structure, Inspiration Point Parking Structure, Stop Light (One-Way), and Modified Precise Plan without Parking Structure alternatives perform the best at reducing Project impacts. These alternatives should be the candidates for the environmentally superior alternative and discussed in more detail in Section 9.4 of the Draft EIR.

**Table 1
Comparison of Potential Environmentally Superior Alternatives**

	No New Parking Structure	Organ Pavilion Parking Structure	Inspiration Point Parking Structure	Stop Light (One-Way)	Modified Precise Plan w/o Parking Structure	Half-Plaza
Project Impacts Reduced by Alternative	-Regulatory Conformance* -Historic Resources* -Archaeo Resources -Public Views -Neighborhood Character* -Landform alteration -Development Features -Particulates -Sensitive Species -MSCP -GHG Emissions -Onsite Noise -Paleontological Resources	-Regulatory Conformance* -Historic Resources* -Public Views -Neighborhood Character* -Particulates -Sensitive Species -GHG Emissions	-Regulatory Conformance* -Historic Resources* -Archaeo Resources -Neighborhood Character* -Landform alteration -Development Features -Particulates -Sensitive Species -MSCP -GHG Emissions -Runoff & Drainage -Noise/Land use Compatibility -Onsite Noise -Paleontological Resources	-Regulatory Conformance* -Plan Consistency -Historic Resources* -Archaeo Resources -Public Views -Neighborhood Character* -Landform Alteration -Development Features -Particulates -Sensitive Species -MSCP -GHG Emissions -Onsite Noise -Paleontological Resources	-Regulatory Conformance* -Historic Resources* -Archaeo Resources -Public Views -Neighborhood Character* -Landform alteration -Development Features -Particulates -Sensitive Species -MSCP -GHG Emissions -Onsite Noise -Paleontological Resources	-Neighborhood Character* -Sensitive Receptors (air quality) -Sensitive Species -GHG Emissions
Project Impacts Increased by Alternative	-Traffic Capacity -Circulation and Access -Parking -Traffic Hazards	-Traffic Capacity -Circulation and Access -Parking -Traffic Hazards	-ALUCP conflict -Public Views -Traffic Capacity -Traffic Hazards	-Traffic Capacity -Circulation and Access -Parking -Traffic Hazards	-Traffic Capacity -Circulation and Access -Parking -Traffic Hazards	-Traffic Capacity -Circulation and Access -Traffic Hazards

*Impact of Project is significant and unmitigable

The revised discussion in Section 9.4 of the Draft EIR should note that Project impacts that are increased by the four candidate alternatives mostly relate to transportation/circulation and parking. (The Inspiration Point Parking Structure Alternative also has potential airport plan and public view issues.) The discussion in Section 9.4 of the Draft EIR should be clarified to include the following points:

- Traffic capacity impacts are identified as significant and unmitigated for all four candidate alternatives, compared to significant and mitigated for the Project. These impacts relate to roadway segments and intersections, which should be discussed separately in the Draft EIR to more clearly distinguish the Project and alternatives. The following points should be included in the comparison of traffic capacity impacts:
 - Of the nine roadway segments that are projected to operate poorly (meaning at level of service (LOS) E or F) in 2030 without the Project, seven segments also would operate poorly with the Project, one segment would be eliminated by the Project (the Mall south of El Prado), and one would be improved by becoming a different segment of the Project (President's Way east of Pan American Road). A new road segment created by the Project, Centennial Bridge south of El Prado, is projected to operate at LOS F in 2030. The Modified Precise Plan without Parking Structure alternative is projected to worsen street segment operations at only one location in 2030, the Mall south of El Prado within the park. The other three candidate alternatives are projected to worsen street segment operation significantly at four locations outside of the park in 2030 due to traffic rerouting; two segments for each alternative also are projected to operate poorly with the Project and two are not.
 - The five intersections that would operate poorly in 2030 without the Project also would operate poorly with the Project. One intersection, Park Boulevard/Space Theatre Way, could have improved operations with installation of a traffic signal, which would mitigate impacts from the No New Parking Structure and Inspiration Point Parking Structure alternatives that affect this intersection. (This impact is incorrectly identified as unmitigable in the Draft EIR.) The No New Parking Structure Alternative would not have any other intersection impacts in 2030 identified as significant and unmitigable. The Inspiration Point Parking Structure Alternative would have one additional intersection impact identified as significant and unmitigable in 2030, the Stop Light (One Way) Alternative would have none, and the Modified Precise Plan without Parking Structure Alternative would have one.
- Circulation and access impacts are less than significant for three of the candidate alternatives and the Project, but significant and unmitigated for the Modified Precise Plan without Parking Structure Alternative, which would have queuing at the intersection of El Prado and Plaza de Panama from maintaining two-way traffic through the Central Mesa.
- Parking impacts are identified as potentially significant for the No New Parking Structure and Inspiration Point Parking Structure alternatives due to a possible need for additional

West Mesa parking offsite to compensate for closing vehicular access on Cabrillo Bridge. Onsite parking impacts within the Central Mesa are less than significant for these two alternatives. Onsite and offsite parking impacts are less than significant for the Stop Light (One-Way) and Modified Precise Plan without Parking Structure alternatives and the Project.

- Traffic hazards impacts are less than significant for all four candidate alternatives and the Project. Among the four candidate alternatives, the No New Parking Structure and Inspiration Point Parking Structure alternatives remove the most vehicle-pedestrian conflict locations (9 and 11, respectively), compared to only one conflict location removed for each of the other two candidate alternatives. The Project removes 14 vehicle-pedestrian conflict locations.

Selection of an Alternative

An accurate and objective comparison of the Project and alternatives is critical because the City has a duty to avoid or minimize environmental damage where feasible in accordance with CEQA Guidelines Section 15021, which notes in part: "(1) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage. (2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment."

The above analysis demonstrates that there are multiple alternatives that would prevent environmental damage caused by the Project. The four candidate environmentally superior alternatives would reduce the most Project impacts. These four alternatives are economically, legally, socially, and technologically feasible. Therefore, the City should focus their choices for implementing changes in the Central Mesa of Balboa Park on these alternatives, all of which reduce three significant and unmitigable Project impacts, including impacts to irreplaceable historical resources in Balboa Park. It is unimaginable that any perceived benefits of the proposed Centennial Bridge and Central Mesa underground parking structure components of the Project could outweigh their unavoidable environmental damage to the Balboa Park National Historic Landmark District, which is HRB Site #1 and the City's crown jewel of parks.

The North Park Historical Society is hopeful that these detailed comments on the Draft EIR will help improve the environmental document and assist City Council in making a "decision which intelligently takes account of environmental consequences," in accordance with the spirit and the letter of California environmental law.

Sincerely,

A handwritten signature in black ink that reads "Stephen Hon". The signature is written in a cursive, flowing style.

Stephen Hon, President
North Park Historical Society